

**GUJARAT NATIONAL LAW UNIVERSITY  
GANDHINAGAR**

Course: **Media and Telecommunications Law**  
Semester-I (Batch: 2017-18)

LL.M. End Semester Examination: November-2017

Date: 10<sup>th</sup> November, 2017

Duration: 3 hours

Max. Marks: 70

**Instructions:**

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write any thing on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.

**Part-A**

**Marks**

- Q.1 Sunil Chandra, who claimed himself to be a full time employee of *The Hindu Newspaper Establishment*, Bombay addressed a letter on February 15, 2016 to the Managing Editor of *The Hindu*, a daily newspaper intimating that he was proceeding for a tour to Europe on March 1, 2016. On February 16, 2016 the Assistant Editor of *The Hindu* informed Sunil Chandra that even though he was a full time employee of *The Hindu*, they could not allow frequent breaks in the performance of his duties and that they would have to relieve him of his duties as correspondent from March 1, 2016 if he proceeded to Europe tour as arranged by him. Sunil Chandra persisted in carrying out his project. However, by a letter dated February 29, 2016 he was informed by the management that he ceased to be a correspondent of *The Hindu* from March 1, 2016. After returning from his tour of Europe on July 5, 2016 he demanded reinstatement and called upon the management of *The Hindu* to treat the period of his absence out of India as leave. The management of *The Hindu* declined to accede to that demand. Therefore, Sunil Chandra had filed an application under section 17 of The Working Journalists And Other Newspaper Employees (Conditions of Service) And Miscellaneous Provisions Act, 1955 claiming Rs 1,57,172 under diverse heads alleging that termination of his employment was wrongful and that it amounted to retrenchment. (10)
- On the basis of the facts stated above, decide:
- (a) Whether the termination amounted to retrenchment?
  - (b) Whether the demand made by the employee under Section 17 for the recovery of money due from employer was valid?
- Q.2 Rameshwar Prasad applied for registration under the provisions of the Cable Television Network (Regulation) Act, 1995 for running cable television network within the area of Jabalpur Notified Area and the Registering Authority granted registration to him as a Cable Operator. A certificate of registration bearing No. 239/9F under Rule 5 was issued in favour of Rameshwar Prasad authorizing him to run cable television network within the area of Jabalpur Notified Area. It is stated by him that the Cable Television Network was running smoothly and effectively to the satisfaction of all the subscribers but the Sub-Divisional Officer, Jabalpur, without any authority of law, issued the order purported to divide the areas between the different cable operators whereby coverage area of the services provided by Rameshwar Prasad has been drastically reduced. He has (10)

challenged the order of the Sub- Divisional Officer as being illegal and wholly without jurisdiction.

On the basis of the facts stated above and referring to the provisions under the Cable Television Network (Regulation) Act, 1995 decide the following issues:

- (a) Whether the Sub- Divisional Officer has the jurisdiction to reduce the coverage area for the cable operators?
- (b) On what grounds, can the operation of the cable operators be prohibited?

Q.3 Discuss the powers and functions of the Press Council of India. (05)

**OR**

Discuss the impact of media on the mind of the people.

### Part-B

Q.4 "We are not final because we are infallible, but we are infallible only because we are final." – Justice Jackson in *Brown v Allen* 344 U.S. 443 (1953). (10)

In view of the afore-stated statement, discuss the unique position of judiciary in the administration of justice in India and essential features of the Contempt of Courts Act, 1971.

Q.5 Critically comment on the draft Geospatial Information Regulation Bill of 2016. (10)

Q.6 What is Censorship? Comment on the status of film censorship in India. (05)

**OR**

Is Right to Information a fundamental right of a citizen of India? If so, what is the scope of the right and its limitations, if any? Has the State any power to impose restrictions on the Right to Information and, if so, on what grounds and to what extent?

### Part-C

Q.7 Write short notes on **any two** of the following: (2x5=10)

- (a) Cross-ownership pattern in media.
- (b) Sting operation a necessary evil.
- (c) Paid news and private treaties.

Q.8 Discuss the relevant constitutional provisions highlighting the landmark judgements of the Supreme Court relating to the taxation of newspapers, the broadcasting media and entertainment. (10)

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