

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Media and Telecommunications Law
Semester-I (Batch: 2018-19)

LL.M. End Semester Examination: Oct-Nov. 2018

Date: 5th November, 2018

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

Answer any four questions from the following:

- Q.1 X company is engaged in manufacture and sale of consumer products and one of the products of X is liquid shoe polish being manufactured and marketed by them under the name and style of "Mango" Blossom Premium Liquid Wax Polish. Shoe polish in the liquid form is stated to have been introduced by X about 10 years back and it comprises the natural wax available namely, Carnauba wax allegedly being imported from Brazil for the purposes of making this polish. Y is also engaged in the manufacture of polish and one of the brands being manufactured and marketed by Y is "KIWI" brand of liquid polish. It is alleged that the liquid polish being marketed by Y and some other manufacturers have much less wax contents and more acrylic contents as compared to the liquid polish of X. The acrylic base allegedly tends to form a film on the footwear which over a period of time is liable to crack and thus damage the footwear. It is, therefore, stated that the liquid polish of X having wax rich formula is better than the other polishes. The liquid polish of X is sold and marketed in angle neck bottles which is alleged to have easy application of the polish to the footwear. An imported applicator is allegedly fitted on to the bottle which is strengthened by Chemical flocking on the surface as also by riveting the sponge on to the plastic applicator base. X has claimed its product to be superior than the similar product of the other competitors in every respect and it is stated that X has 68% market share of the liquid shoe polish whereas Y has only 20% of such share. (10)

Y with a view to promote its product is displaying an advertisement through the electronic media. The advertisement of Y shows a bottle of "KIWI" from which the word "KIWI" is written on white surface which does not drip as against another bottle described as "OTHERS" which drips. The product shown to have been flowing from the bottle of "OTHERS" is from a bottle marked "Brand M" and allegedly looks like the bottle of the liquid shoe polish of X for which X allegedly has a designed registration granted in 1993 under design No. 165756. The bottle of "OTHERS" marked "Brand M" also has a red blob on its surface which allegedly represents "Mango" which appears on the bottle of the X product. Besides the advertisement in the electronic media, Y had also been circulating a "point of sale" poster material at shops and marketing outlets selling similar products. It is alleged that in the said poster material circulated by Y, the bottle shown as "OTHERS" with a faulty applicator allegedly resembles the applicator

of X.

Being aggrieved by the aforesaid advertisement of Y in the electronic media as well as "Point of Sale" poster material at the marketing outlets, X has filed the suit for an injunction restraining Y from advertising the products in the manner they had been doing. The case of X is that in case the advertisement is allowed to be circulated in the electronic media or by circulation of "Point of Sale" posters, the same shall not only damage Xs' market share but would also cause irreparable loss to its reputation, goodwill, brand, equity, etc. The advertisement is also stated to be defamatory and malicious and is bound to create an adverse impact upon the consumers. Decide the case.

- Q.2 Discuss the provisions relating to the regulation of cable television network under the Cable Television Network (Regulation) Act, 1995. (10)
- Q.3 (a) What are the salient features of the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955? (5+5=10)
- (b) *Freedom refers to the state of liberty, or right and the privilege to speak and act according to one's own will. In order to do that, press and media (print, electronic and online) are the most important medium of expressing the opinion of the people in a democratic country that justifies one's individual right to speech and expression, a coveted right enshrined in the Indian constitution and in the constitution of other countries on the globe. Is there any mechanism available to safeguard the rights of the press and to ensure its independence? Answer taking into consideration the afore-stated observation.*
- Q.4 Write notes on the following: (5+5=10)
- (a) Paid News
- (b) Self-Regulation and Media Ethics
- Q.5 (a) What are the prohibitions laid down under the Indecent Representation of Women (Prohibition) Act, 1986? Do you think that the latest technological developments in the society demands certain specific amendments in the Act? (5+5=10)
- (b) Discuss the functions and objectives of the Prasar Bharti in India. What are the major challenges before this largest public broadcasting agency?

Part-B

- Q.6 "Free and independent media is quintessential for a rational and critical public sphere." (7.5)
Analyse the statement by throwing light on the various types of ownership control on media.
- Q.7 Critically examine the role of media in reporting conflict zones. (7.5)

Part-C

- Q.8 The law of privacy is a recognition of the individual's right to be let alone and to have his personal space inviolate. The need for privacy and its recognition as a right is a modern phenomenon. It is the product of an increasingly individualistic society in which the focus has shifted from society to the individual. Earlier, the law afforded protection only against physical interference with a person or his property. As civilization (10)

progressed, the personal, intellectual and spiritual facets of the human personality gained recognition and the scope of law expanded to give protection to these needs. Discuss this paradigm shift in the approach of the judiciary with special reference to articles 19 and 21 of the Indian Constitution.

OR

Write short notes on the following:

- (a) Net is destroying the democracy: Journey from informed to influenced citizenry
- (b) Privacy in the age of information technology.

(5+5=
10)

- Q.9 Discuss how the violation of the right to privacy by media is regulated/protected in India. (05)
