

SVKMs NMIMS

Kirit P. Mehta School of Law

Programme: B.A., LL.B.(Hons.)/B.B.A., LL.B.(Hons.)

Year: IV/Semester VIII (Exam Year: 2024-2025)

Subject: Media and Entertainment Law

Date: 13 May 2025

Time: 02:00 pm - 04:00 pm (02:00 Hrs.)

Max Marks: 50

FINAL EXAMINATION(2024-2025)

Instructions:

1. This question paper contains 3 pages
2. Answer to each new question to be started on a fresh page.
3. Figure in right hand side indicates full marks

1. Attempt any five out of seven questions(Attempt Any 5 Questions) **50**
 1. Ritansh, a freelance journalist in Lucknow is facing government scrutiny due to his critical reporting on political issues. One night the Police authorities arrested him citing reasons of national security. He has been facing this kind of harassment for quite some time now. Assuming you are his legal advisor, explain to him the constitutional provisions related to freedom of speech and expression under Article 19(1)(a) of the Indian Constitution to defend his right to freedom of speech and expression. Outline your answer with relevant legal provisions and judicial precedents. **10**
 2. Discuss the significance of the Supreme Court's judgment in Raj Kapoor v. Laxman (1979). How did it impact film certification and freedom of expression in India? (5 Marks) In addition, explain the significance of the Telecom Regulatory Authority of India (TRAI) Act, 1997. How does TRAI regulate the telecom and broadcasting sectors? (5 Marks) **10**
 3. Ariya, an enthusiast in movie industry, graduate in film direction, directed a web series in 2024 on the trajectory of Indian cinema. To boost the narration in the web series, she used short clips from classical movies, podcasts of legend artists, and remixed version of classical film songs. Ariya used these under the impression that it is "fair dealing" since her web series is on the trajectory of Indian cinema, and it is educational in nature and aimed to appreciate the film industry. When the series reached maximum audience, a leading production company **10**

having the rights to the classical film clips, claimed a copyright infringement against Ariya. Similarly, a famous music house objected the use of remixed version of film songs without authorized licensing. Basing the given situation, analyze whether Ariya's use of short clips, podcasts, and remixed songs constitute copyright infringement under the Copyright Act, 1957. Also, determine if any defense is available to Ariya for such use.

4. Advertising plays a crucial role in influencing consumer behavior and driving economic growth. However, the intersection of advertising, ethics, and consumer rights raises concerns about misleading advertisements, subliminal messaging, and the exploitation of vulnerable audiences. While regulations exist to curb unethical advertising practices, challenges persist in ensuring a balance between creative freedom and responsible marketing. Critically analyze the ethical concerns in advertising, focusing on issues such as false advertising. Also touch upon the effectiveness of regulatory mechanisms in addressing these concerns and suggest measures to promote ethical advertising practices. 10

5. A prominent media house in India conducts a sting operation to expose corruption in a local government office. The operation reveals that several officials are accepting bribes in exchange for issuing licenses. However, the sting operation was conducted without the officials' knowledge or consent, raising questions about privacy violations. Additionally, it is discovered that the media house received payment from a rival political party to conduct the sting operation, which could be classified as "paid news." 10

In the light of abovementioned facts analyse the following:

- a) Legal validity of the sting operation in this scenario. (5 marks)
- b) How does the menace of "paid news" affect the credibility of news and media. (5 Marks)

6. During a heated election campaign, multiple news outlets and social media platforms circulate reports claiming that a prominent woman politician was involved in a financial scam. The allegations gain massive traction, leading to public outrage and violent protests. However, weeks later, it is revealed that the reports were based on manipulated documents and misinformation. Despite retractions, the damage to her reputation and political career is irreversible. 10

In this context, critically analyze the ethical obligations of the media in ensuring fair reporting and preventing the spread of fake news. Evaluate the legal and regulatory mechanisms exist in India to tackle such misinformation. Should there be stricter accountability measures for media houses and digital platforms? Support your answer with relevant case laws and relevant provisions.

7. Lelo Media Pvt. Ltd. launched an app called "trade network", which allows traders to advertise their products and services. The app contains a directory of product manufacturers 10

and the service providers. Meanwhile, Sarkari Communication Company (SCC), a central government owned organization holds an exclusive license under the trade network Act to maintain a trader's directory of products and services, filed a suit against Lelo Media Pvt. Ltd. The government organization SCC argues that it only has the privilege and legal right to compile and publish such traders' directory. Lelo contends that its app is not only a directory but a subscriber resource offering advertisements that facilitate informed decision-making. It further contends that its advertisements fall under the ambit of "commercial speech", which is protected under Article 19(1)(a) of the Indian Constitution. In light of the above facts, analyze the extent of freedom of speech and expression provided in the fundamental rights under Article 19(1)(a) of the Constitution of India to the restrictions provided under Article 19(2) and determine whether "commercial speech" in the form of digital advertisements and directories is protected under Article 19(1)(a). Support your answer with relevant legal reasoning and a case law.