

30 APR 2024

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination – Jan – May, 2024

Semester: UG VIII Semester

Subject: Media Law (Constitutional Law Hons.)

Time: Three hours

Marks: 100

Instructions:

1. All questions carry equal marks
2. This question paper contains six questions, attempt any five

Q.1) Ms. Stark is the Prime Minister of Kingsland. Kingsland is a secular and democratic country with linguistic diversity. During an electoral rally in her constituency which is dominated by the speakers of Common Tongue, she stated that if the current opposition parties were elected to power, they would distribute people's property to the Valyrian speaking people. Ms. Dany who is a Valyrian speaking citizen of Kingsland wishes to approach the Supreme Court of Kingsland seeking directions to make strict laws regarding such inflammatory and offensive speeches, particularly by those in public office. She has sought your legal advice. Kindly advise her accordingly. The Constitution and laws of Kingsland are *pari materia* to that of India.

(Marks 20)

Q.2) Ms. Sharada is a women's rights activist. On January 14, 2024, she posted a video of herself and her children on her Instagram account. The access to her account is public and the privacy settings on the video allowed public access. In this video her twelve year old son and 10 year old daughter could be seen finger painting on her exposed torso. The video went viral and she was severely trolled for posting obscene content involving her children. She was charged for posting vulgar and obscene content under the provisions of the IT Act, the content was also taken down in compliance with the Intermediary Guidelines by Instagram. She wishes to challenge the same as an unreasonable restriction on her freedom of speech and expression as through the video she wished to highlight the inequality between men and women regarding their bodily autonomy. She wished to show that the naked upper body of men is hardly subjected to scrutiny, but women's bodies, even amongst their children are sexualized. She has approached you for legal advice. Kindly advise her accordingly.

(Marks 20)

Q.3) Critically analyse the judgment of the U.S. Supreme Court in *New York Times v. Sullivan* (1964). Is the same standard of review applicable in defamation cases in India?

(Marks 20)

Q.4) In 2019, Kamamma was arrested for six mysterious deaths within her own family. A Netflix documentary regarding the same titled "Killer Curry" was released recently depicting the details of the brutal murders committed by her. The documentary shows the facts as



investigated by the investigating officers, the interviews with the investigating officers and her remaining in laws and neighbours. She does not show her comments or show her interviews or that of her parents or siblings. The interviews of her children, who are currently living with their paternal aunt was also a part of the documentary. People of India is a nongovernmental organisation that has previously worked towards fair trial and access to justice. They have approached you for legal advice regarding a ban on the documentary. Kindly advise them accordingly.

(Marks 20)

Q.5) Write short notes on any two of the following –

- a. Bollinger's Tolerance Justification for Freedom of Speech
- b. Feminist justifications for treating pornography as non – speech
- c. Free Speech as a Triangle

(Marks 20)

Q.6) Mr. P is a famous film actor and a citizen of the Republic of Cello. On April 4, 2024, the Parliament of Cello passed the Citizenship Bill, 2018, classified as a money bill, it requires all citizens of Cello to submit their biometric information for targeted delivery of all government services and subsidies. In response to the news, Mr. P posted on X –

“Citizenship Bill 2024, We the People have been defrauded”

The post went viral on social media and was also reported by several news channels and newspapers.

Consequently, a privilege motion was initiated against him. The speaker of the House of the People reprimanded him and demanded an apology for his disrespectful post. However, he refused to apologize and was subjected to the penalty of 100 Cello Dollars.

He wishes to challenge this motion as a violation of his right to free speech and liberty guaranteed under the Constitution of Cello and has approached you for legal advice. The Constitution of Cello is pari materia to the Constitution of India, 1950. Kindly advise him with the help of relevant provisions and case laws

(Marks 20)