

NATIONAL LAW UNIVERSITY, JODHPUR
End Term Examination August-December, 2025
Semester: UG VII Semester
Subject: Media Law (Constitutional Honours)

Time: Three Hours

Marks: 100

Instructions:

1. *Attempt any five out of six questions.*
2. *Due credit will be given to brevity, coherence and style of presentation.*
3. *Support your answer with relevant statutory provisions, judicial decisions and reasons wherever necessary.*

Q.1 Elena, a resident of Lyon, France, regularly visits a popular lifestyle blog hosted by a European company. Unknown to her, the blog integrates third-party analytics and advertising services provided by DataSphere Inc., a Canadian tech firm specializing in behavioral profiling. DataSphere collects granular data on Elena's browsing habits, including her clicks, time spent on pages, and inferred interests, using tracking cookies and device fingerprinting technologies. Although DataSphere has no physical office, employees, or servers in the European Union (EU), it maintains commercial contracts with several EU-based publishers and advertisers. Its services are tailored to EU audiences, including French-language ad campaigns and localized content recommendations. Elena learns of this data collection through a browser privacy audit and files a complaint with the CNIL (France's data protection authority), alleging that DataSphere's activities amount to 'monitoring behavior' the General Data Protection Regulation (GDPR), 2018.

DataSphere argues that it is not "established" in the EU and its data processing is passive and initiated by EU websites, not by direct targeting of EU users. It also contends that applying the GDPR would violate Canadian sovereignty and create a chilling effect on cross-border digital innovation. The CNIL initiates enforcement proceedings, and the matter is referred to the European Court of Justice for a preliminary ruling. At the time of proceedings, DataSphere's claims that its privacy policy is hosted on its Canadian website and does not mention GDPR compliance. It also contends that it operates entirely under Canadian law and that applying the GDPR would violate principles of international comity and digital sovereignty.

Analyze whether the GDPR can be validly applied to DataSphere Inc. in this scenario. In your answer, discuss the extraterritorial scope of the GDPR, the concept of 'monitoring behavior,' and the potential legal and diplomatic tensions between data protection imperialism and digital sovereigntism. Support your answer with relevant legal provisions and case laws.

(Marks 20)

Q.2 In a widely publicized corruption investigation in the state of Vindhya Pradesh, *The Civic Mirror*, a leading regional newspaper, publishes a series of sensational reports accusing Mr. Arvind Rao, Director of the State Infrastructure Board, of embezzling public funds. These reports are based solely on an FIR (First Information Report) filed by an anonymous

complainant and feature headlines such as 'Rao's Ruinous Scam Exposed.' However, the newspaper fails to clarify that the allegations stem only from the FIR and does not publish Mr. Rao's version of events, despite his public denials and a formal statement sent to the editorial office. Four months later, the Anti-Corruption Bureau files a closure report, citing lack of evidence and procedural flaws in the original complaint. Mr. Rao is officially exonerated. Yet, *The Civic Mirror* publishes a short, inconspicuous note on page 14, without matching the prominence or visibility of its earlier accusatory coverage. Mr. Rao files a complaint with the Press Council of India, alleging that the newspaper violated journalistic norms by failing to present his side during the initial reporting and by not giving equal prominence to his exoneration. In light of these facts, critically examine the obligations of the press under the Press Council of India's guidelines on Accuracy and Fairness. What are the ethical and legal consequences of failing to publish the version of the affected party when reporting based on an FIR? What corrective steps should the newspaper have taken upon Mr. Rao's exoneration to uphold journalistic fairness and restore public trust? Support your answer with relevant case laws.

(Marks 20)

Q.3 In the fictional Republic of Veritasia, a national referendum on constitutional reform is approaching. In the lead-up to the vote, a coordinated disinformation campaign emerges on social media, falsely claiming that the proposed reforms would abolish the right to free speech. Investigations reveal that the campaign originated from a foreign digital consultancy but was widely amplified by domestic influencers. In response, the Election Commission proposes emergency regulations that would mandate real-time takedown of false political content and impose criminal penalties for knowingly sharing such information. As legal counsel to the Parliamentary Committee on Constitutional Affairs, advise on the constitutional validity and proportionality of these proposed regulations. Your answer should address the distinction between misinformation and disinformation, the permissible limits of freedom of expression in democratic societies, and relevant international human rights standards governing political speech and electoral integrity. Support your answer with relevant legal provisions and case laws.

(Marks 20)

Q.4 In the Union Territory of Sahyadri, a digital content creator named Aarav Kapoor released a satirical web series titled '*The Tea Chronicles*' on a popular over the top television (OTT-TV) platform. The series depicted fictional judges engaging in humorous but exaggerated courtroom antics, including scenes that portrayed judges as incompetent and corrupt. Following public backlash and a petition filed by the Sahyadri Bar Association, Aarav was booked under Sections 67 and 67A of the Information Technology Act, 2000, and other relevant Sections of Bhartiya Nyaya Sanhita, 2023 for promoting enmity and undermining public trust in the judiciary. Aarav challenged the charges, citing his right to artistic freedom under Article 19(1)(a) and relied on the Supreme Court's decision in *Apoorva Arora v. State (NCT of Delhi)* and *Nipun Malhotra v. Sony Pictures Films India*. Pursuant to this, examine whether the prosecution violates Aarav's constitutional rights and whether the content amounts to criminal contempt or defamation. Evaluate the legal standards for satire, artistic expression, and judicial dignity under Indian law with relevant legal provisions and case laws.

(Marks 20)

Q.5In the Union of Aryavarta, a tech startup named NeuroVerse Labs has developed an advanced generative AI system called 'KaviBot' that autonomously creates poetry and short stories without human input. One of its outputs, a poem titled '*Whispers of the Monsoon*' is later published by the company in a literary magazine and gains widespread acclaim. A rival publisher challenges the copyright claim, arguing that under the Indian Copyright Act, 1957, only works created by a human author can be protected. NeuroVerse Labs contends that the programmer and the company should be recognized as the rightful authors or owners. Pursuant to this, examine whether the poem qualifies for copyright protection under Indian law. In your answer, discuss the concept of authorship, originality, and ownership in the context of AI-generated works, and evaluate whether a sui generis framework or legislative amendment is necessary to address such cases. Support your answer with relevant legal provisions and case laws.

(Marks 20)

Q.6The right to freedom of speech and expression under Article 19(1)(a) of the Indian Constitution, 1950 has long been regarded as a cornerstone of democratic governance and individual liberty. Historically rooted in liberal democratic thought and influenced by philosophical underpinnings such as John Stuart Mill's 'Marketplace of Ideas' and the Lockean theory of natural rights, this freedom has evolved through judicial interpretation and constitutional practice. In India, the Supreme Court has played a pivotal role in shaping the contours of this right from early decisions like *Romesh Thappar v. State of Madras* and *Bennett Coleman v. Union of India*, to more recent rulings such as *Shreya Singhal v. Union of India* and *Vinod Dua v. Union of India*. However, the digital age has introduced new complexities, including challenges posed by social media regulation, misinformation, hate speech, and the tension between free expression and privacy rights, as seen in *Justice K.S. Puttaswamy v. Union of India* and the enactment of the Digital Personal Data Protection Act, 2023.

Critically examine the jurisprudential development of the right to freedom of speech and expression in India, tracing its philosophical foundations, constitutional evolution, and judicial interpretation. Discuss the recent legal developments and emerging challenges in the digital era, particularly in relation to social media, over the top television (OTT-TV) platforms, and AI-generated content. In your answer, refer to relevant constitutional provisions, statutory frameworks (such as the IT Act, 2000 and Contempt of Courts Act, 1971), and landmark case laws. Suggest reforms or legal innovations that may be necessary to ensure that this fundamental right remains robust, inclusive, and responsive to contemporary realities.

(Marks 20)