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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 Ravi, a retired civil servant, requests the removal of archived news articles from Transparency Broadcasting Corporation's website that detail a decades old corruption investigation in which he was later exonerated. He argues that the continued availability of these articles violates his right to be forgotten under Indian constitutional law and European Union inspired privacy norms. The broadcaster refuses, citing freedom of expression and public interest in historical transparency. Evaluate the legal merits of Ravi's claim in light of the evolving jurisprudence on the right to be forgotten. How should courts balance the right to privacy and reputation against freedom of expression and the public's right to know? Discuss with reference to comparative constitutional standards, including the Indian judicial and legislative approach and the General Data Protection Regulation (GDPR), 2018. Support your answer with relevant legal provisions and case laws. (Marks 20)

Q.2 During the final phase of the national parliamentary elections, *The Republic Gazette*, a widely read daily newspaper, publishes an exit-poll survey predicting a decisive victory for the incumbent party. This publication appears two days before polling concludes in several key constituencies. Alongside the survey, the newspaper runs an editorial praising the ruling party's leadership and dismissing opposition candidates as fragmented and ineffective. Notably, the editorial does not offer any space for counterviews or a right of reply from the opposition. Dr. Meera Sharma, a media law scholar, files a complaint with the Press Council of India, alleging that *The Republic Gazette* has violated journalistic norms and ethical standards. She argues that the pre-publication of exit-poll data could unduly influence undecided voters and distort the democratic process. She also points out that the newspaper's coverage appears excessively biased in favor of one party, raising concerns about paid news, especially since the tone of the reporting lacks factual balance and coincides with the final voting phase. Although the newspaper denies any financial inducement and claims editorial independence and press freedom, the timing and content of the coverage raise serious questions.

Pursuant to the above situation and in light of and ethical implications of election reporting, analyse whether the newspaper's conduct violates the Press Council of India's code of conduct, particularly the prohibition on publishing exit-poll surveys before the last phase of voting ends and the requirement for balanced political coverage. Also, explore how such reporting might influence voter behaviour and election outcomes, and discuss the evidentiary

standards for inferring paid news in the absence of direct proof. Critically examine the legal and ethical dimensions of election reporting with the support of relevant provisions and case laws. (Marks 20)

Q.3 In the State of Vindhya Pradesh, a popular news channel 'Janmat Express' aired a series of primetime debates and social media posts alleging that Justice Raghav Mehta of the Vindhya Pradesh High Court was biased in granting bail to a high-profile industrialist accused of environmental violations. The channel published edited excerpts of the bail order and ran hashtags implying corruption and judicial compromise. Following this, Justice Mehta faced online harassment and threats. The High Court initiated suo moto contempt proceedings against the channel under Section 2(c) of the Contempt of Courts Act, 1971, citing scandalisation and obstruction of justice. The channel argued that its actions were protected under Article 19(1)(a) of the Constitution and relied on precedents like *Romesh Thappar v. State of Madras* and *Vinod Dua v. Union of India*. Considering the above facts, critically analyse the constitutional validity of the contempt proceedings and the limits of media freedom in light of judicial independence in India. Discuss the balance between freedom of speech and the administration of justice, referring to relevant case law and statutory provisions. (Marks 20)

Q.4 In the Republic of Dakshinapur, a social media platform named 'CharchaSphere' uses an AI-powered content moderation system to automatically flag and remove posts deemed 'harmful to public order.' A prominent human rights activist, Riya Sen, posts a critique of a proposed surveillance law, which is taken down by the platform's algorithm for allegedly inciting unrest. Riya challenges the removal before the High Court, arguing that her post was a legitimate exercise of her right to freedom of speech and expression under Article 19(1)(a) of the Constitution of India, 1950. The government defends the platform's actions, citing national security concerns and the platform's obligations under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. In light of this, critically examine the constitutional and human rights implications of algorithmic content moderation. In your answer, discuss the jurisprudence on freedom of expression, the role of Article 19(2), the relevance of *Shreya Singhal v. Union of India*, and the need for transparency, accountability, and safeguards in AI-based moderation systems. Suggest legal reforms or regulatory mechanisms that could better balance digital governance with fundamental rights. (Marks 20)

Q.5 The Ministry of Information and Broadcasting in the Republic of Bharatavarsha has introduced a draft 'Anti-Fake News and Disinformation Bill, 2025.' The Bill defines 'fake news' as "any information that is false or misleading, regardless of intent, and likely to cause public alarm or disrupt public order." It empowers designated officers to order immediate takedown of such content from digital platforms and authorizes criminal prosecution of individuals who create, share, or fail to remove such content upon notice. The Bill also allows pre-emptive censorship of online content during elections and public health emergencies. Civil society organizations, including the Bharatavarsha Digital Rights Forum (BDRF), have challenged the Bill, arguing that its vague and overbroad definition of 'fake news' could

criminalize satire, dissent, and investigative journalism, and that its enforcement mechanisms violate due process and freedom of expression. Considering the above facts, critically evaluate whether the proposed definition and enforcement provisions of the Bill are constitutionally valid under the Constitution of India, 1950. In your response, critically examine the importance of conceptual clarity in legal drafting, the risks of over criminalization and chilling effects on media freedom, and relevant Indian jurisprudence on Article 19(1)(a) and the permissible restrictions under Article 19(2). Support your answer with relevant legal provisions and case laws. **(Marks 20)**

Q.6 In Sunvalley district of the state of Aryavrat, a generative AI platform named *UniqueAI* is trained on millions of online images and texts, many of which are copyrighted. The platform produces digital artworks that are sold commercially, but several original creators allege unauthorized use of their data and file complaints before the District Court. The company argues that the training data was publicly accessible and anonymized. In light of this, critically examine the legal challenges surrounding data provenance and copyright eligibility in AI-generated outputs. Discuss how Indian copyright law addresses derivative works, fair use, and originality in the context of machine learning. Also, analyse international approaches to training data regulation and propose legal reforms to ensure ethical and lawful use of creative datasets in India's AI ecosystem. **(Marks 20)**