

7th National Moot Court Competition, 2019

September 19th - 21st, 2019

MOOT PROPOSITION

I- Mindia is a Sovereign Democratic Republic Country situated in the south-east of Masia, which got its Independence in the year 1947 after a prolonged struggle for independence with Mingland. Immediately after attaining its independence, Mindia drafted its own Constitution and recognized it as the supreme law of the land. While formulating the Constitution certain extra powers and rights were provided in the areas pertaining to Judiciary, Executive, Legislature, Press and privacy of the citizens.

II- Mr. Vijay Lalit Sodhi is one of the leading business tycoons of Mindia, who is well known for his political ties and widely expanded businesses. However, there were certain speculations in the current year elections that he had funded the election campaign of the ruling party of Mindia and it is also alleged that he possessed clout over the government. Mr. Vijay Lalit Sodhi had two daughters, Chinky Lalit Sodhi, the elder daughter and Pinky Lalit Sodhi, the younger one

III- Ms. Pinky Lalit Sodhi recently won the prestigious Fhoding Scholarship by virtue of which she got admission into the Forward University for pursuing master's in law and diplomacy whereas his elder daughter Ms. Chinky Lalit Sodhi is an established and well reputed Lawyer and she had completed her masters in Law from Sondon. Moreover, due to her exemplary performance in academia, she was also awarded a full funded scholarship from Government of Mindia, for pursuing her master's degree. After completing her masters, she started practicing in the Hon'ble Supreme Court of Mindia. Apart from the above, she was also an empaneled lawyer for various government departments and PSUs.

IV- Days after the results of the elections were announced, Fling Times a daily newspaper, which was controlled by the Xing TV, in its front page on 26/04/2019 published a news regarding a Billion Dollar contract for manufacturing Time Machine, which was secretly given to one company in the name and style of My Rules Pvt. Ltd., on 11/04/2019 and the company was owned by the Mr. Vijay Lalit Sodhi. However, the headline of the newspaper stated: *"Isn't it too early to pay election debts"*.

V- Furthermore, Vijay Lalit Sodhi was the chairman of a Women Helpline NGO, which provided pro-bono services for the welfare of women in society. In the past, various State Governments and the Central Government had recognized the services and contributions of Mr. Vijay Lalit Sodhi and awarded him with various awards.

VI- On 30/04/2019, the very famous news channel Xing TV telecasted a breaking news with the headline, *"Mr. Vijay Lalit Sodhi and his various affairs"* in that news show, Xing TV revealed many private and obscene pictures of Mr. Vijay Lalit Sodhi with different women.

VII- Aggrieved by which, on very next day, dated: 1/05/2019, Mr. Vijay Lalit Sodhi lodged an FIR against Xing TV as the news item violated his right to privacy and caused irreparable harm to his business and reputation and after taking advice from his daughter, on 05/05/2019 he also filed a formal complaint before the Ministry of Information and Broadcasting. Meanwhile, Xing TV had already telecasted that show thrice on their news channel. Moreover, the aforementioned show received the highest TRP of all times in that week.

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VIII- Few months back Ms. Chinky Lalit Sodhi had also filed a complaint against Xing TV before the IB Ministry, as one of the journalists associated with Xing TV clicked a picture of her with a famous Bollywood actor Patlu Sikka and broadcasted it with a headline “*New love birds of B-Town?*”, resultantly, after reading the news, fiancé of Ms. Chinky Lalit Sodhi, Mr. Kabir Singh, who was a famous Russian Actor, broke up his ties with her.

IX- Later on, it was found that it was just an assumption made out by the news channel. Resultantly Xing TV was ordered to scroll an apology stating name of Ms. Chinky Lalit Sodhi for 24 hours for the next 7 days.

X- After the telecast of news related to Mr. Vijay Lalit Sodhi. He was immediately removed from the position of the chairman from his Women Helpline NGO. Not only this but also his company's share prices also suffered a major downfall and reduction in their price.

XI- Six women ex-employees filed a complaint against Mr. Vijay Lalit Sodhi in the police station alleging that Mr. Vijay Lalit Sodhi was a person with a questionable character. It was also alleged that he had often asked for personal favours from them on many occasions, and subsequently all of them got sacked from their jobs when they tried to oppose or expose Mr. Vijay Lalit Sodhi.

XII- Xing TV received a show-cause notice dated: 10/05/2019 from the Ministry of IB and was directed to appear in person before the committee. On the day of appearance, Xing TV in their reply to notice stated that, they had received a parcel from an undisclosed third party containing a video clip of Mr. Vijay Lalit Sodhi and therefore keeping general interest of public in mind, they ran that news in their news channel as it is their right to broadcast correct and authentic news.

XIII- However, the committee was not satisfied with the justifications presented by the news channel. Subsequently after giving due consideration to the present case, the Committee imposed a blanket ban on the Xing TV for 10 days with immediate effect stating that the rationale produced by Xing TV was not sufficient. Against which, the news channel pleaded that they have investigated regarding the authenticity of the images and videos broadcasted on TV and it emerged as a true story. Hence, it was important news in the interest of the public.

XIV- On very next day, the blanket ban attracted many criticisms from across the globe. Some newspapers even printed that, Mr. Vijay Lalit Sodhi used his clout to ban Xing TV. There was also a rumor in the air that, one person among the committee members was a relative of Mr. Vijay Lalit Sodhi. Moreover, one scholar also wrote “*The Mindian government used the right to press, for its old friend.*”

XV-

1. Mr. Vijay Lalit Sodhi along with his PR team held a press conference dated 01/05/2019 to clear the air on the issue. However, in the press conference, only his PR team answered the questions asked by the media personnel. In the press conference his PR Team also told the media persons that the complaint filed by the ex-employees of Mr. Vijay Lalit Sodhi were false, fabricated and hence baseless. They all were sacked from their jobs because it was found from the internal investigation that they had leaked the confidential data pertaining to the Time Machine Contract to the media. His PR team also alleged that Xing TV and Fling Times are deliberately trying to frame Mr. Vijay Lalit Sodhi and his family members for the reasons best known to them.

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XVI- On 03/05/2019 after the press conference, Fling times published the news revealing termination of his six employees from the office of Mr. Vijay Lalit Sodhi. Newspaper reported that out of his six ex-employees four were removed from their job in the month of January and February, 2019.

XVII- Aggrieved by the decision of the Committee, Xing TV filed a petition in the Hon'ble High Court of the State of Mindia. The present case was listed before the Court of Justice Filan J Mark and Justice Manuradha.

XVIII- Justice Mark had once written a letter of Recommendation for the daughter of Mr. Vijay Lalit Sodhi when she was a judicial clerk of Hon'ble Justice, which also helped her in bagging the scholarship. Moreover, Justice Mark had also Co-authored an article "Media cannot enter into private affairs" in his college days, which was recently referred by the Hon'ble Apex Court while pronouncing landmark judgment pertaining to linking of Rashion Cards.

XIX- The counsel of Xing TV moved an application for recusal of Justice Mark from the present case stating that there was a possibility of bias and existed conflict of interest in the present matter as the Hon'ble Justice had written a letter of recommendation for the daughter of Mr. Vijay Lalit Sodhi.

XX- However, Justice Mark didn't recuse himself from the present case in hand, but the news regarding his alleged conflict attracted high publicity and attention from the general public and was almost covered in every newspaper.

XXI- While deciding the case, Justice Mark upheld the decision of the committee and observed "*Media should think before broadcasting*" and he also ordered Xing TV to pay additional cost as damages to Mr. Vijay Lalit Sodhi and explicitly mentioned that, for further monetary claims, Mr. Vijay Lalit Sodhi is free to approach the Civil Court.

XXII- The decision of Justice Mark was not appreciated by the press community, as per the media personnel the decision of the Hon'ble High Court was a bad precedent which was a direct threat to freedom of the press. One of the Newspaper even cited that the monetary fine upon the news channel is just the result of resentment of Justice Mark because of allegation put forth for his recusals.

XXIII- Aggrieved by the decision of Hon'ble High Court, Xing TV filed an appeal against the order of Hon'ble High Court in the apex institution of the country. The matter is up for final hearing on the following issues-

- a. Whether the non-recusal of Justice Mark from the case has resulted in grave prejudice to the appellant and caused strict violation of the principle of natural justice or not?
- b. Whether the Committee set up by the IB ministry violated due process of law and the decision of blanket ban was arbitrary and untenable in law or not?
- c. Whether Xing TV violated the right to privacy of Mr. Vijay Lalit Sodhi, or whether it was a mere exercise of freedom of press or not?

Note-

I. Laws of Mindia are parimateria to the Laws of India.

II. Courts of Mindia have same powers as of Courts in India.

III. Teams shall only argue upon the aforementioned issues only.