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4th GURJEET SINGH MEMORIAL NATIONAL MOOT COURT COMPETITION

MOOT PROPOSITION



Moot Court Committee
Valar Mootghulis



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4TH GURJEET SINGH MEMORIAL NATIONAL MOOT COURT COMPETITION

IN THE SUPREME COURT OF HELIOPOLIS

ORIGINAL JURISDICTION

W.P (Civil) No: 47 of 2023 and SLP (Civil) No: 3478 of 2023

In the matter of:

Athena Inc. ... Petitioner

v.

Television Watchdog ... Respondent

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1. Heliopolis is a sovereign republic and one of the largest democracies in the world. In 1990, it adopted a new Constitution, which guaranteed fundamental rights to persons and citizens. Heliopolis is a Union of States with the federal government having power to legislate on broadcast and airways. The Constitution provides for High Courts in every State and a Supreme Court at the national capital of Luxor, both having power to enforce fundamental rights.
 2. In 2001, the then government introduced a series of economic reforms, which led to the rapid growth of television industry and private broadcasting companies. It is germane to note that for these broadcasting companies, advertisements remain to be one of the major sources of revenue given the nature of cable tv subscriptions, especially in cases such as news broadcasting channels, which provide a very nominal subscription fee or even free subscription to millions of viewers.
 3. In light of the rapid expansion of private broadcasters, the federal government enacted the Television Broadcasting Regulations Act, 2006 (“Act”). Under section 19(1) of the Act, Television Watchdog, the Regulator under the Act, is empowered to make regulations to carry out the provisions of the Act. This resulted in the publication of

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Television Broadcasting Regulations, 2008 (**'Regulations'**) setting out several conditions to regulate TV broadcast in the country.

4. Reference is made to Regulation 9, which seeks to place restrictions on the duration of advertisements. It reads as follows:

No programme shall carry advertisements exceeding 10 minutes per hour, which may include up to 8 minutes per hour of commercial advertisements, and up to 2 minutes per hour of a channel's self-promotional programmes.

5. In 2022, Television Watchdog issued directions to broadcasters to strictly comply with Regulation 9. Athena Inc is a news broadcasting company, which started its broadcasting operation in the year 2003 and has its registered office in New Memphis, the capital of State of Memphis. With time, Athena Inc has earned the reputation of being one of the most independent and reliable news broadcasters in the country. The news channel offers cheap subscription (free in villages) to its viewers and earns revenue solely from the advertisements broadcasted during the news breaks.
6. Aggrieved by the implementation of Regulation 9, Athena Inc approached the High Court of Memphis seeking a writ of declaration to declare Regulation 9 as unconstitutional. The High Court, in a detailed judgment, ruled in favour of Athena Inc and declared Regulation 9 as unconstitutional. Parallely, there was a similar petition filed by news broadcaster TV Hox, which was filed in the High Court of State of Thinis. This was pending adjudication when the High Court of Memphis pronounced its judgment.

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7. Subsequent to the judgment of the High Court of Memphis, Athena Inc and other news broadcasters increased the duration of advertisements. In this background, Television Watchdog issued directions (Directive No: 1 of 2023) to Athena Inc and other broadcasters to strictly adhere to Regulation 9 in other jurisdictions except State of Memphis wherein the High Court had declared Regulation 9 as unconstitutional. Such a view was adopted by Television Watchdog purportedly on the ground that the judgment rendered by the High Court of Memphis applied only to the State of Memphis. It also highlighted the fact that a similar writ petition was still pending in the High Court of State of Thinis.
8. In view of such a position taken by the Television Watchdog, Athena Inc has preferred a writ petition (W.P. No: 47 of 2023) under Article 32 before the Supreme Court of Heliopolis challenging the validity of Directive No: 1 of 2023 issued by the Television Watchdog. On the other hand, Television Watchdog has preferred a Special Leave Petition against the judgment of High Court of Memphis before the Supreme Court of Heliopolis (SLP No: 3478 of 2023). The Supreme Court issued notices in the respective cases and clubbed them for final hearing. The Television Watchdog has filed a counter affidavit stating that they received multiple representations from the public regarding increase in advertisements in TV channels. As such, it was in public interest that they decided to implement Regulation 9.

Rahul Unnikrishnan and Gayatri T, Advocates- Madras High Court

Authors of the Moot Proposition

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The oral hearings shall take place on **27th May, 2023**.

In the written submissions and at the hearing in May 2023, the parties shall address the following issues:

1. Whether Regulation 9 of the Television Broadcasting Regulations, 2008 is violative of the provisions of the Constitution and is thus, unconstitutional?
2. Whether the judgment of High Court of Memphis holding Regulation 9 as unconstitutional is confined to the territorial limits of State of Memphis? Or, since Regulation 9 is a federal subject, can the judgment be applied throughout the country of Heliopolis?
3. Whether Telecom Watchdog has the power to regulate duration of advertisements *in public interest*?

NOTE:

- The Constitution of Heliopolis is *pari materia* with the Constitution of India.
- All statutes and laws are *pari materia* with laws of India.
- Any requests for clarifications arising from the Moot Proposition shall be made no later than 11:59 P.M I.S.T, on 30th April, 2023 by e-mail to gsmnmcc@nluassam.ac.in.
- Written submissions on behalf of the Petitioner and the Respondent shall be filed by 11:59 P.M I.S.T on 13th May, 2023 by e-mail to gsmnmcc@nluassam.ac.in.


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