

# DEPARTMENT OF LAWS, HIMACHAL PRADESH UNIVERSITY, SHIMLA NATIONAL MOOT COURT COMPETITION 2022 [June 9 - June 11, 2022]

**Media Partner :** Lawctopus

**Knowledge Partner :** Lawctopus Law School



## About the University

Himachal Pradesh University was established by an Act of the Legislative Assembly of Himachal Pradesh on 22 July 1970 as a response to the needs and aspirations of the Union Territory, poised for full statehood in the Union of India on 25 January 1971. It is the multi-faculty residential and affiliating university in the State that provides higher education to urban, rural and tribal areas through formal and distant modes.

The headquarters of the University is located at Summer Hill, the picturesque suburb of Shimla. The University has a total area of 241.11 bighas with stately buildings set among rhododendron, silver oak, pine and deodar trees. It affords a salubrious climate and congenial atmosphere for reflection, study and research. The prime objective of the University is to disseminate knowledge, advance learning and understanding through research, training and extension programmes. It instills in its students and teachers a conscious awareness regarding the social and economic needs, cultural ethos, and future requirements of the state and the country.

Himachal Pradesh University is a multi-faculty and affiliating university. It stands for knowledge, learning, progress, humanity, tolerance, intellect, morality, determination, thought, and discernment. It is a grade 'A' accredited university by the National Assessment and Accreditation Council.

The teachers of the University are rich in intellect, skills and professional expertise. HPU organises conferences, and workshops in collaboration with national and international organisations. Its Human Resource Development Centre is acknowledged as one of the best academic staff colleges in the country. HPU is the first University to offer post-graduation through the distant mode.

Students of the University perform commendably at the national level in sports and cultural activities. Every year ample number of students qualify the NET, SET, JRF, and other competitive examinations. The University has garnered achievements in NSS and Youth Welfare Programmes at the national level. Tuition fee is waived for girl students and disabled students are given free education. Two supernumerary seats are reserved for the single girl child in all courses. Students come to study here not only from the state but also from other parts of the country and abroad. The University is thus playing a seminal role in all spheres for the bright future of the students.

### **About the Department of Laws**

The Department of Laws came into existence in 1970 when the University was established. Initially it was housed in D.A.V. School, Middle Bazar. Later it was shifted to Ava Lodge, Chaura Maidan where it remained functional for some years. The Department was relocated in the University campus in 1984 and finally shifted to its own building in 1993. Since its inception the department has been actively engaged in imparting legal education, training and legal research benefiting students desirous of pursuing their career in law. The Department has a distinction of producing best professionals, statesmen and officers rendering useful service to the nation. Its Alumni include Judges of High Courts, Union Cabinet Ministers, State Cabinet Ministers, Senior Bureaucrats, Police Officers, officers of subordinate judiciary, law officers, civil servants and members of the legal profession. Law graduates from this department are serving all over the country in the lower courts, High Courts and Supreme Court.

## **RULES REGULATING THE COMPETITION**

## 1. ELIGIBILITY

Students enrolled in a full-time or part-time Bachelors' law programme at the time of the competition are eligible to compete in the Competition. Each College/Law School or University may enter one team ONLY.

## 2. TEAM COMPOSITION

A team consisting of three members that satisfies the eligibility Criteria can participate. Each team shall comprise of two speakers and one Researcher. A team of two speakers may also be allowed.

## 3. ROUNDS

The competition shall be FOUR rounds, namely- Preliminary, Quarter Finals, Semi-Finals and Final round. There shall be no researcher's test. Following shall be the rules for Oral Presentation in each round.

### 3.1. PRELIMINARY ROUND-

There shall be only one Preliminary round and each team shall argue for ONE SIDE ONLY. Matching of each team shall be done by the Draw of Lots. Each team will be allotted **20 minutes** for the arguments. Each speaker shall speak for at least 5 minutes and in total 15 minutes for both the speakers and 5 minutes are to be reserved for Rebuttal and Sur-rebuttal. The division of time is at the discretion of the team members. The division of time must be communicated to the court clerks before commencing arguments.

If any speaker continues to speak after the completion of the allocated time, the additional time which he or she speak for will be deducted from the time allocated to his or her co-speaker, as the case may be. Time may be exceeding at the discretion of judges.

Each speaker must introduce himself or herself to the court using only his team code given to him/her at the time of memorial submission. Non-adherence to the rule shall cause an immediate inquiry that might lead to disqualification.

Top eight teams from the preliminary round will qualify for the quarter final round based on the score of the Preliminary Round.

### 3.2 QUARTER FINAL ROUND-

Total of eight teams from the preliminary round will qualify for the quarter final round based on the score of the Preliminary Round. Matching of each team shall be done by the Draw of Lots. Each team will be allotted **25 minutes** for the arguments. Each speaker shall speak for at least 7 minutes and in total 20 minutes for both the speakers and 5 minutes are to be reserved for Rebuttal and Sur-rebuttal. The division of time is at the discretion of the team members. The division of time must be communicated to the court clerks before commencing arguments.

If any speaker continues to speak after the completion of the allocated time, the additional time which he or she speak for will be deducted from the time allocated to his or her co-speaker, as the case may be. Time may be exceeded at the discretion of judges.

The quarter final round will be a Knock-out round where the winner of each quarter-Final Round pairings will advance to the Semi-Final Round. In case of tie, total scores allotted in Understanding of Law and Procedure will be considered to decide the winner.

Other rules governing preliminary round shall apply here.

### 3.3. SEMI-FINAL

Total of four teams from the quarter final round will qualify for the Semi-Final round. Matching of each team shall be done by the Draw of Lots. Each team will be allotted **30 minutes** for the arguments (each speaker to speak for not less than 10 minutes) and in total 25 minutes and 5 minutes for Rebuttal and Sur-rebuttal. The Semi-Final Round will be a “Knock-out” Round where the winner of each Semi-Final Round pairings will advance to the Final Round.

In case of tie, total scores allotted in Understanding of Law and Procedure will be considered to decide the winner.

Other rules governing preliminary round shall apply here.

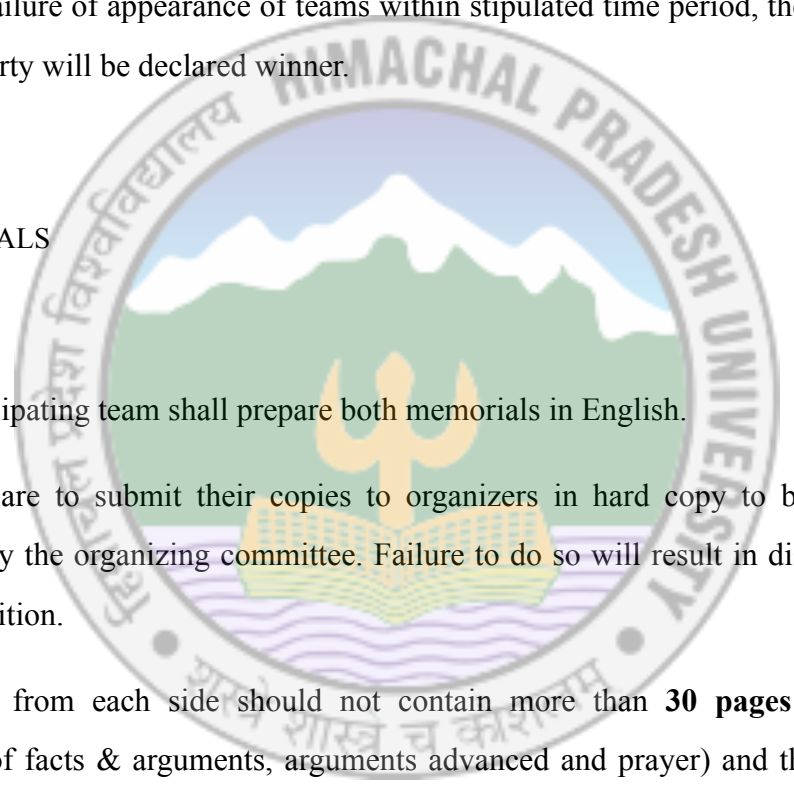
### 3.4. FINAL

Winners of each Semi-Final round will qualify for the final round. Each team will be allotted 45 **minutes** for the arguments (each speaker to speak for not less than 15 minutes) and in total 35 minutes and 10 minutes for Rebuttal and Sur-rebuttal. The time may be exceeded at the discretion of judges.

### 3.5. EX-PARTE PROCEEDING

At the outset, if a team fails to appear within 15 minutes of the scheduled time (in any of the four rounds) or in case of odd number of teams, then the oral round of the attending party may proceed Ex parte. In case failure of appearance of teams within stipulated time period, the attending party is Respondent, the party will be declared winner.

### 4 MEMORIALS

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- (i) Each participating team shall prepare both memorials in English.
  - (ii) All teams are to submit their copies to organizers in hard copy to before the deadline specified by the organizing committee. Failure to do so will result in disqualification from the competition.
  - (iii) Memorials from each side should not contain more than **30 pages** (which constitute summary of facts & arguments, arguments advanced and prayer) and there is no limit for minimum pages.
  - (iv) The memorial shall consist of following:
    - i. Cover Page
    - ii. Table of Contents
    - iii. Index of Authorities
    - iv. Statement of Jurisdiction
    - v. Summary of Issues raised/questions presented
    - vi. Summary of Arguments/Pleadings
    - vii. Arguments Advanced/Pleadings
    - viii. Prayer for Relief
    - ix. Annexure (optional)
  - (v) All citations must adhere to Blue Book 20th Edition and fulfil the following requirements: -  
Font type Times New Roman Font size 12 Footnotes Font type Times New Roman

Footnotes Font 10 Font Spacing 1.5 Footnote spacing 0. Memorials that do not follow the above mentioned specifications will be subject to marks deduction.

(vi) Memorial cover page shall follow the following Colour Scheme:

Petitioner- Red and Respondent– Blue

(vii) All participants must submit FOUR (4) copies of the Memorial for both sides.

(viii) The soft copy of the memorial shall also be sent through e-mail given below latest by 30 May 2022 before 5:00 pm. The memorial should be sent as an email attachment in Word format and PDF-file.

(ix) Subject of the email shall “Memorial for “team code”. Please name the memorial using your team’s Code and “P” for Petitioner or “R” for Respondent. For example, if you are assigned team number 555 the file name should be 555P.doc or 555R.doc.

(x) The submission of hard copies should be done latest by 30 May 2022 to the Organisers.

#### 4.1 ANONYMITY

Each team will be awarded a code number after registration and that number alone shall be marked on the memorials. Identity of the team or the names of the participants must not be revealed in the Memorial in any manner whatsoever. Name of the school/University shall not be mentioned on any compendium or material to be presented the bench. Failure to compliance will lead to disqualification of such compendium or material from presentation.

#### 5. SCORING

Following schematics will be followed in the competition for the scoring of the teams.

##### 5.1. SCORING OF ORAL ARGUMENTS

Each speaker shall be marked on total of 100 marks by each Bench Judge. The following will be the Marking Criteria and the Marks Allocated to each category:

1. Understanding of Law and Procedure – 30 marks
2. Application of Facts – 20 marks



3. Ingenuity and Ability to Answer Questions – 20 marks
4. Reference to Memorials - 20 marks
5. Advocacy Skills, Court Craft and Demeanour – 10 marks

Total 100 Marks and marks allotted by the judges shall be final.

## 5.2 SCORING OF MEMORIAL

1. Knowledge of Law and Extent of Research – 30 marks
2. Proper and Articulate Analysis, Clarity and Organization – 20 marks
3. Knowledge of Facts – 20 marks
4. Evidence of Original Thought and grammar – 20 marks
5. Correct Format and Citation -10 marks

Total 100 Marks and marks allotted by the judges shall be final.

6. DRESS CODE shall be strict formal wear.

Ladies - Black and white salwar/sari or pant/suit with black tie and black coat.

Gentlemen - White shirt with black tie, black trousers, black coat and black shoes.

## 7. MISCELLANEOUS

All participants are expected to maintain the decorum in the court during the competition and are expected to conduct themselves in a manner befitting the legal profession. The Competition committee reserves the right, at its sole discretion, to take appropriate action for any unethical, unprofessional and wrongful conduct during the entire period of the Moot Court competition. Upon completion of the competition, the competition committee reserves the exclusive right to use the memorials submitted to them, as they deem appropriate. Participating teams should carry with

them required study or reference materials for their own use during the oral rounds of competition. Team found attempting to approach and influencing Judges/Administrators/Organizers shall be disqualified. No member of any team will be permitted to hear the arguments in any court rooms in which that team is one of the contesting teams whilst that team is still in the competition.

Rules are subject to change by the organisers.

## 8 IMPORTANT DATES

Last date for registration (soft copy) – 28 May 2022

Last date for registration (hard copy) - 28 May 2022

Last date for seeking of clarification – 23 May 2022

Last date for submission of memorials (soft copy) – 3 June 2022

Last date for submission of memorials (hard copy) – 5 June 2022

Request for clarification regarding the proposition shall be made on or before 23 May 2022 via email to [hpumoot2022@gmail.com](mailto:hpumoot2022@gmail.com). Clarifications can be requested only for ambiguous or possible errors, but not to inquire about further information, as the proposition is self-contained.

## 9. AWARDS

There shall be a prize trophy, cash prize and certificate for the Winner, runners up, best memorial, and best mooter. Other awards and prizes may be declared during the prize distribution of the Competition. Certificate of Participation shall be given to all the participants.

Cash Prizes:

Winner : Rs. 15,000/-

Runner Up : Rs. 10,000/-



Best Speaker : Rs. 5,000/-

Best Memorial : Rs. 5,000/-

Awards from Lawctopus Law School:

**100% fee waiver** in one of Lawctopus Law School courses for the members of the Winning team (3 coupons). The team has to avail of the offer within 3 months.

**50% fee waiver** in one of Lawctopus Law School courses for runner up teams. The same should be availed within 3 months.

#### 10. REGISTRATION AND FEES

The registration fees is Rs. 4500/-

It must be paid on/before 28 May 2022.

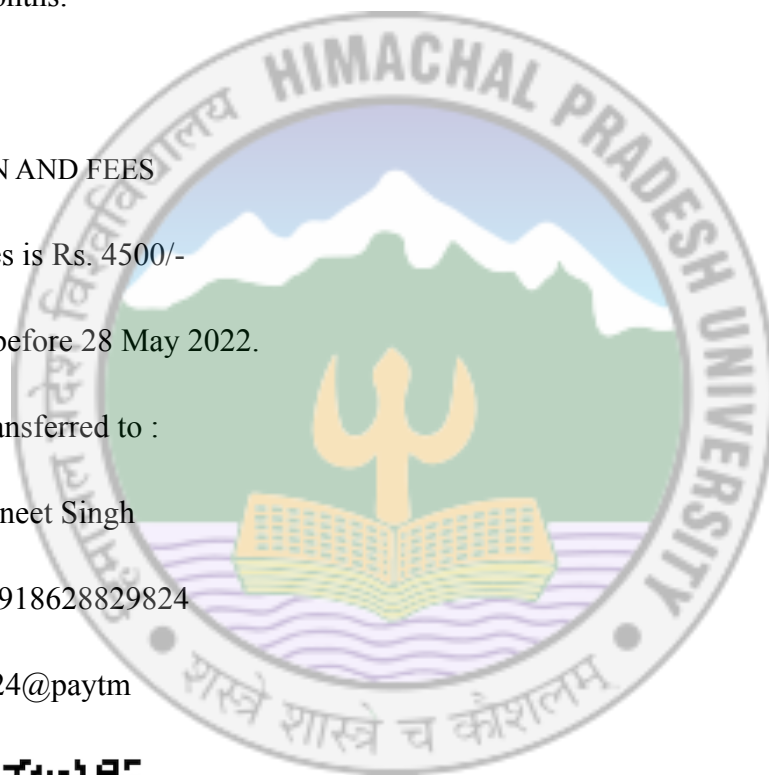
Amount shall be transferred to :

Account Name : Bineet Singh

Account Number : 918628829824

UPI ID :8628829824@paytm

QR code :



Share the screenshot/scanned receipt of the successful payment page shall be shared as an email attachment with the registration form for the purpose of registration. Similarly, printout of the successful payment shall be shared with the hard copy submission of the registration form.

Any Query regarding payment can be made at +91 8628829824

## 11. ACCOMODATION

1. The accommodation for all the participating teams shall be provided from 12 noon of 9th June 2022 till 12 noon of the 11th June 2022.
2. Travel of the teams from outstation and to/from venue of the Competition must be at team's own expense.
3. The maximum of three members are allowed to participate in the Competition. No team coaches shall be allowed to accompany the teams or to witness their rounds.
4. No internet facility shall be provided to the teams at their respective accommodation.
5. Himachal Pradesh University is a no smoking campus. No participating team shall indulge in smoking, drinking or any other objectionable activities. Indulgence in such activities shall invite disciplinary action and instant disqualification.
6. The participants will be responsible for the care of their own baggage and luggage.

## 12. CONTACT –

Registration form (soft copy) and Soft copy of memorials must be sent to-

**[hpumoot2022@gmail.com](mailto:hpumoot2022@gmail.com)**

Registration form (hard copy) and memorials (hard copy) must be sent to -

**The Chairman**

**Department of Laws,**

**Himachal Pradesh University**

**Summer Hill, Shimla - 171005.**

Please specify “Moot Court Committee” at the side of envelope.

### **Chief Patron-**

Prof. (Dr.) S.P. Bansal

Hon'ble Vice Chancellor

Himachal Pradesh University

**Patron -**

Prof. (Dr.) Raghuvinder Singh,

Dean and Chairman

Department of Laws

Himachal Pradesh University

**Organising Committee :**

Prof. (Dr.) Shiv Kumar Dogra (Convener) 9417608103

Prof. (Dr.) Umesh Kumar (Co-Convener) 9418150013

Dr. Shalini Kashmiria (Co-Convener) 7986441152

Department of Laws, Himachal Pradesh University

**Student Convener**

Bineet Singh 8628829824

Sidhi Tiwari 9990348468

Sarvshresth Dohroo 9115600314

**Media Partner :** Lawctopus

**Knowledge Partner :** Lawctopus Law School



**HIMACHAL**

**PRADESH UNIVERSITY NATIONAL MOOT COURT COMPETITION 2022**

**MOOT PROPOSITION**

1. Industan is a Socialist, Secular, Democratic Republic, a Nation that won its independence from British colonial rule in 1947, adopted a Constitution that was more or less in pari

materia with the Constitution of India, in the year 1950. Not only the Constitution, but most of the legal framework of Industan is also pari materia with the laws of India. It has 28 states and 9 Union Territories. Constitution of Industan provides for federal form of government wherein legislative and financial domain of Union and State governments are spelt out in the Constitution. Industan is a multi-lingual, multi religious and multi-cultural polity.

2. Article 19 of the Constitution of Industan guarantees fundamental right to freedom of speech and expression subject to the restrictions of public order, morality, national security, defamation and incitement to an offence. In a series of decisions from 1950 onwards the Supreme Court of Industan has ruled that the freedom of press is implicit in the guarantee of freedom of speech and expression. Consequently freedom of press is one of the fundamental rights guaranteed by the Constitution of Industan.
3. The Citizen Forum of Industan (herein referred to as CFI ) filed a PIL in the Supreme Court of Industan seeking appropriate remedy against media citing different incidents wherein media is alleged to have invaded upon the rights of the people in specific and caused threat to the societal interest at large. The CFI alleges that in Industan the media playing such a reactionary role. Instead of promoting scientific thinking, which alone can solve massive problems facing the country such as poverty, unemployment, lack of healthcare etc; the Industani media often promotes fake, misleading, superstitions and other backward ideas, and often diverts attention of Industani people from the real issues which are socio-economic, to non-issues like private lives of celebrities, etc. The media is often looked upon by its owners as a means of making money (hence the importance of TRP rating). In order to support their argument CFI mentioned the following incidents in PIL:

- a) MDTV, a reputed channel of Industan owned by an MNC has maintained consistent TRP over the last ten years . In the year 2016 a heavily armed group of Militants attacked Pathan Nagar Air Force Station, part of the Western Air Command of the Industan Air Force. In its coverage, MDTV revealed sensitive details, such as the location of the ammunition depot, school and residential areas of the Pathan Nagar attack. It also appeared to have disclosed the location of the attackers. This crucial information could

have been readily picked up by the terrorists' handlers and jeopardised national security as well as the lives of civilians and defence personnel.

- b) On 26 November 2008, city of Mumbai witnessed a horrific, unprecedented terror attack that saw terrorists at multiple locations – luxury hotels, a train station, hospital, popular café and a Jewish centre – ruthlessly and indiscriminately kill and destroy in a well-orchestrated and prolonged attack on the city's civilians. The attacks left 150 people dead and hundreds more injured. All the channels except one or two ran the live coverage of the operation. The coverage gave the terrorist a tactical advantage in planning their moves to counter the plans of the military forces. The media coverage of National Security Guard commandos gave the terrorists a window into their combat strategies. Media had shown helicopters trying to land on the roofs of hotel to rescue hostages held by the terrorists. Indian media's exuberance and stupidity was of immense help to the terrorists and their handlers. The television coverage helped the terrorists by showing everything in their live coverage from the vantage point of the rescuers to the possible strategies and measures to be adopted by the National Security Guards in the "Operation Black Tornado" without bothering about the impact it would have on the security concerns and delaying the rescue process.
- c) In the year 1993 India witnessed a bloodiest terror attack whereby more than 350 people were killed and around 900 were injured. The prime accused of the said attack Mr. Yaku had surrendered to the police of India taking full responsibility of the terror attack. Mr. Yaku was tried by the Sessions Court along with 89 other accused. In the said trial after examining more than 600 witnesses and giving reasonable opportunities to all the accused the Sessions Court convicted Yaku on the charge of mass murders and waging war against the nation. The Sessions Court punished him with a death sentence. The punishment was confirmed by the Supreme Court. Mr. Yaku then filed a Curative Petition against the said order which was dismissed and the death penalty was confirmed. Mr. Yaku then appealed to the President of India for mercy and the said petition came to be rejected and the death penalty to Mr. Yaku telecasted by news channels in a manner to create sympathy towards Mr. Yaku and criticizing the government and the Supreme Court in its decision to hang Mr. Yaku to death. The news channels and some intellects criticised the decision of death penalty on the ground that he has himself surrendered to the Police and the death penalty was not justified. Such

kind of media reporting put aspersions on the integrity of the President and the judiciary, inciting violence and anti-national sentiments.

- d) On 14 June 2020, popular actor Rushant Singh Rajput was found dead, hanging from the ceiling fan at his home in , Rumbai. The cause of death was ruled to have been suicide and the official postmortem reports concluded Rajput died of asphyxia due to hanging . The case was first being probed by the Rumbai Police and was later transferred to the CBI. Sensational, exploitative and melodramatic reporting of this case affected the investigation process. Many channels kept on its coverage regarding this case on a daily basis for 24/7. Apart from news channels there are some youtubers who earned lakhs in just 4 months by publishing fake news. Prominent news channels in their attempt to sensationalize the issues have gone as far as displaying the CDR records which is a vital piece of evidence, thereby resulting in the several threat calls and messages sent to the alleged accused. To scandalize and sensationalize the death of the actor, irresponsible reporting implicated one of the prominent ministers of the Industan and made derogatory, false and distasteful remarks.
- e) A case was filed by supermodel of Industan against news channel Dhamaka for sharing photograph and her drug addiction problem. The news in question, reported that model had a drug addiction problem, that she was seeking treatment at a de-addiction centre, provided details of her treatment and published a photograph of her outside the de-addiction center. The tabloid was found to have violated her privacy, not because it disclosed her drug problem but because it disclosed the details of her treatment and published a photograph of her outside the rehabilitation center. In another case a cricket player of Industan filed case against another channel for making sensational story about his affair outside his marriage.
- f) According to several media reports, on 12 March 2013 a family in Yamunapur that was heavily influenced by a mythological TV serial consumed poison so that they could actually be with God in heaven. Among the eight members, five died and the rest were rescued by neighbours. While this may be a rare incident or an extreme example, there is no doubt that many present-day TV programmes in Industan contribute in a big way to spreading superstitions in a society where superstitions are already widespread, even among a significant educated section, providing an easy and cheap way of increasing



TRP ratings. Some TV serials focus on frequent references to ghosts, dains or churails (witches) and nagins or nags (snakes) seeking revenge or reappearing as humans. Disturbed by the incident, a social activist fighting against blind beliefs wrote about it to the concerned authority to stop such mega serials showcasing blind beliefs and misleading the people. However, no action was taken by the authority except issuing an advisory to media not to telecast any programmes involving blind beliefs. In spite of the issuance of advisory by competent authority such programmes are being telecasted on all the TV channels. Some channels show advertisement of certain cures or the advertisement of certain babas and tantriks who are propagated to have a sure remedy for anything from broken bones to a broken heart which is completely irrational.

- g) In an unprecedented move on January 12, 2018 four senior judges of Supreme Court of Indistan addressed the media to place before the nation their concerns. They expressed their anguish over the administrative functioning of the Chief Justice. This became TRP enhancing stuff for most of the news channels for many days and the media houses sat in judgment over the matters like credibility of the Chief Justice and the complaining judges. Many media houses made it a political issue by proposing hypotheses of political affiliation of the two dissenting judges to the opposition party and Chief Justice to the ruling party. Aggrieved by the transgressing media which created false image about the judiciary and the questioning of the integrity of the judiciary, the Supreme Court Bar Association submitted memorandum to the Chief Justice to initiate contempt proceedings against the media houses.
- h) In April 2018, reports of a brutal gang rape and murder of an eight-year-old girl in G and K State of Indistan sent shockwaves throughout Indistan. However, in the ensuing media outrage, the media failed to follow certain important due process norms with respect to the reporting of sexual assault. These violations were blatant—the name and photographs of the child were plastered all over print, television and online media.
- i) A news item reported in the daily edition of Indistan Times dated 7th September, 2007 in respect of a sting operation relating to Ms. Rama, a school teacher in Government school. Prior to the said date, a National Television News Channel aired a programme on 30<sup>th</sup> August, 2007 regarding the above-said sting operation conducted by them showing Ms. Rama, a teacher at Government school, purportedly forcing a girl student into

prostitution. After the telecast, a crowd gathered at the school gate and started raising slogans demanding handing over of Ms. Rama to them. She was physically attacked and even her clothes were torn by the crowd. Shocked by the aforesaid incident and consequent to public outcry the Directorate of Education, Government first suspended Ms. Rama and later dismissed her from service, in exercise of special powers vested in the Government. Police also sprung into action and started investigation. Later the aforementioned news item was published in the Indus Times which indicated that there was something more to the whole string operation than what met the eyes. In the aforesaid news item it was stated that the girl who had been shown as a student (who was allegedly being forced into prostitution by Ms. Rama) was neither a school girl nor a prostitute but a budding journalist eager to make a name in the media world.

4. The Supreme Court of India admitted the PIL filed by CFI and issued a notice to Union of India to clear their stand on petitioner's claims by filing a reply. Union of India (UOI) appeared and after the preliminary hearing filed affidavit to take necessary measures to address the unruly behaviour of media houses and to protect the interest of national security, interest of general public and to safeguard the image and integrity of the judiciary. Based on the undertaking of the UOI, the PIL was disposed off.
5. In order to comply with its undertaking filed by way of affidavit before the Supreme Court of India, the UOI through its Ministry of Broadcast and Information Technology, amended existing rules to regulate the content of media houses, published the same and issued a public notice inviting objections to the proposed amended rules. The Ministry received a huge response in favour of the proposed amended rules and also objections from media houses. After considering the responses and objections, the Ministry exercising its power under the Cable Television Networks (Regulation) Act, 1995 issued the following amendments in the already existing Code. The Code provides that:

**Rule 1:** No programme should be carried which: - (a) Offends against good taste or decency; (b) Contains criticism of friendly countries; (c) Contains attack on religions or communities or visuals or words contemptuous of religious groups or which promote communal attitudes; (d) Contains anything obscene, defamatory, deliberate, false and suggestive innuendos and half truths;

**Rule 2:** Indecent, vulgar, suggestive, repulsive or offensive themes or treatment shall be avoided in all advertisements. Women must not be portrayed in a manner that emphasises passive, submissive qualities and encourages them to play a subordinate, secondary role in the family and society. The cable operator shall ensure that the portrayal of the female form, in the programmes carried in his cable service, is tasteful and aesthetic, and is within the well established norms of good taste and decency;

**Rule 3:** No media shall telecast or broadcast anything pertaining to the matrimonial disputes pending before any court in Industan;

**Rule 4:** No media shall telecast or broadcast anything pertaining to the offender of sexual offences until the accused is convicted and all the appeal remedies are exhausted and nothing shall be telecasted, broadcasted about the victim, victim's parents, family, place of study or place of work and anything that has potential to reveal the identity of the victim and affect the privacy at any point of time;

**Rule 5:** No media shall conduct any interview of the victims of sexual offences and telecast or broadcast the same when the subject is sub judice without prior approval of the National Women's Commission and the court concerned;

**Rule 6:** No media shall telecast or broadcast anything pertaining to the functioning of the judiciary and about the judges' conduct in the court premises;

**Rule 7:** There may be one or more self-regulatory body of broadcasters, being an independent body constituted by the broadcasters or its association: Provided that every such self-regulating body shall be constituted by a minimum of forty broadcasters;

**Rule 8:** Permission for telecasting a Sting Operation has to be obtained from a Committee appointed by the Ministry of Broadcast and Information Technology headed by retired judge of Supreme Court and two other members. In case of whistle blower, blur the face and change the voice;

**Rule 9:** Media shall not telecast the contents which encroaches upon right to privacy of an individual;

**Rule 10:** No media shall telecast or broadcast anything pertaining an active military or para-military operation conducted either in a war zone, disturbed area or civilian area without

prior permission from the Secretary, Ministry of Home Affairs and Secretary, Ministry of Defense;

**Rule 11:** No media shall telecast or broadcast anything which encourages superstition or blind belief, like depicting the world coming to an end or displaying any blind belief unless the programme is approved by the Industan Institute of Science;

**Rule 12:** The Government of Industan shall constitute an Inter-Departmental Committee, chaired by the Additional Secretary in the Ministry of Broadcast and Information Technology, and consisting of representatives from the Ministry of Women and Child Development, Ministry of Home Affairs, Ministry of Electronics and Information Technology, Ministry of External Affairs, Ministry of Defence, and representatives of such other Ministries and Organisations, including experts, as the Central Government may decide (2) The Inter-Departmental Committee shall devise its own procedure for hearing grievances or complaints. The Inter-Departmental Committee shall examine complaints or grievances received by it and make recommendations to the Government of Industan;

**Rule 13:** Any media failing to comply with any of the rules from 1 to 12 shall be liable to be taken off the air for a minimum of 72 hours by the order of the Secretary, the Ministry of Broadcast and Information Technology if he has reason to believe that there is violation of any of the guidelines. On repeated non-compliance the license of the cable operator shall be withdrawn.

The amended Code issued by the UOI came into force with immediate effect.

6. Presently there are over 1000 television channels which have been granted permission by the Ministry of Broadcast and Information Technology of Industan . Most of them objected to the impugned provisions and gathered the massive support of many journalists, editors, jurists and libertarians and under the auspices of Industan Media Council(IMC) filed a writ petition before the Supreme Court of Industan challenging the constitutional validity of the impugned provisions. IMC challenged the vires of the Code issued by the Union of Industan inter alia, on the following grounds:
  - a. Rules are arbitrary and unreasonable since there is no basis for restricting the reporting of certain kinds of disputes only.
  - b. The stipulation of forty broadcasters is arbitrary, irrational and perverse.

- c. The Oversight Mechanism through Inter-Departmental Committee (IDC) consisting of government servants amounts to infringement of the free speech ,trade and business rights of the media.
  - d. Rules suffers from the vires of excessive delegation.
  - e. Rules are in conflict with the provisions of other legislations, such as Constitution, IPC and certain judicial decisions.
  - f. Rules contain use of extremely vague and subjective terminologies which are unreasonable, disproportionate, and manifestly arbitrary.
  - g. Rules grant unguided discretion on authorities.
7. The CFI filed an intervening application before the Court seeking to represent the interest of the victims of the media excesses. The court added CFI as an intervenor to the case and admitted the writ petition of IMC and posted the matter for final hearing.

**Disclaimer:** All persons, names and events etc. referred in this moot problem are fictitious and any resemblance to real life persons, names and events etc. are unintentional. The moot problem has been drafted purely for the purpose of academic discussion.

**HIMACHAL PRADESH UNIVERSITY NATIONAL MOOT COURT COMPETITION  
2022**

**REGISTRATION FORM**

1. Name of the Institution:

2. Address of the Institution:

3. Name and designation of the faculty-in-charge:

4. Phone no. of Faculty-in-charge:

5. Institution E-mail:

6. Team details- (Affix a photo of each participant alongside name)

(i) Name of Speaker 1:

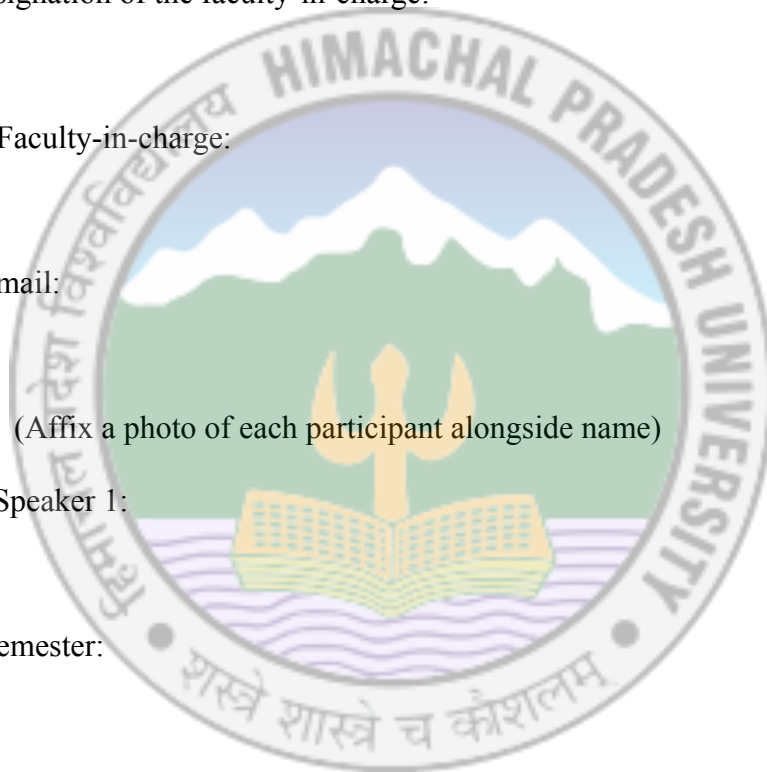
Course and Semester:

Contact and E-mail:

(ii) Name of Speaker 2:

Course and Semester:

Contact and E-mail:





(iii). Researcher:

Course and Semester:

Contact and E-mail:

7. Sign and seal of the Head of the Institution

