



8<sup>TH</sup> SCC ONLINE INTERNATIONAL MEDIA  
LAW MOOT COURT COMPETITION, 2020:  
CLARIFICATIONS



1. The moot problem makes no mention of the laws applicable in Flavia or whether the Flavian Penal Code is *pari materia* to the Indian Penal Code excepting the reference to the Right to Information Act. Is it legitimate for teams to read in the provisions of the Indian Penal Code and the Indian Constitution for the purposes of this moot?

**Ans. The Indian Penal Code and Flavian Penal Code are *pari materia* except for the addition of Section 500A in the Flavian Penal Code. The Constitution of Flavia is not entirely *pari materia* to the Constitution of India. Except for Article 19 (2), Part III of both the Constitutions are *pari materia*. There is no bar in referring to the provisions of the Indian Constitution for the purposes of the moot.**

2. If not, do Indian judicial decisions have a binding value as precedents for this moot or are they at par with the foreign judgements (having only persuasive value)?

**Ans. The Flavian Supreme Court is not bound by rule of precedent in this particular case as the Court is sitting *en banc*. Judgments-for and against the propositions to be canvassed- from any jurisdiction will have only persuasive value.**

3. Is Article 19 of the Flavian Constitution *pari materia* to Article 19 of the Constitution of India?

**Ans. In terms of Article 19 (1) (a), the provision is *pari materia*, however Article 19 (2) is not *pari materia*.**

4. Is the 1953 judgement of Flavian Supreme Court which declared Freedom of Press as Fundamental Right based on some judgement of Supreme Court of India ?  
Are the judgements of Flavian Supreme Court *pari materia* with those of Supreme Court of India?

**Ans. No, it is not based on any judgment of the Supreme Court of India. Flavian Supreme Court Judgments are not *pari materia* to the judgments of the Supreme Court of India.**

**\*CLARIFICATION FROM THE PROBLEM DRAFTER**

There is a re-arrangement of the issues raised in paragraph 18 of the Moot Proposition. Issue No. (v) is to be addressed as the first issue. Consequently, the order in which the issues are to be addressed are as under:

- i. Whether the order of restraint sought by the Government on publication of news from Kazalia is valid and enforceable?**
- ii. Whether the Court order directing Mr. Dolfopa Sorial to reveal the identity of the author(s) who posted the anonymous article and punishment for refusal to communicate the requested information is illegal and violative of the Freedom of Press?**
- iii. Whether the refusal by the Government to grant access to the requested official documents is valid?**
- iv. Whether Sections 124-A and 500-A of the Flavian Penal Code are violative of the Fundamental Right to Freedom of Speech and Expression?**
- v. Whether the prosecution against 'The Flavian Express' and Mr. Dolfopa Sorial is liable to be quashed?**