



8th RMLNLU – SCC ONLINE[®]
INTERNATIONAL MEDIA LAW MOOT
COURT COMPETITION, 2020
February 28 – March 1, 2020

MOOT CLARIFICATIONS

1. Are all the laws *pari materia* to the Indian laws or only Right to Information Act?

The following legislations in the moot proposition are *pari materia* to the legislations of India:

- Right to Information Act, 2005
- Indian Penal Code, 1860 (except as indicated in the proposition)
- Indian Evidence Act, 1872
- Sections 13-15 of the Press Council Act, 1978
- Newspapers (Incitement to Offences) Act, 1908
- The Code of Criminal Procedure, 1973 except Section 199 (2) and Sections 500, 501 (a) and Section 502 (a) in the First Schedule.

2. Whether the Democratic Republic of Flavia is a Common Law country or a Civil Law country?

Democratic Republic of Flavia is a Common Law country.

3. Whether all the petitions are being clubbed as a single petition and are being heard by a 9 Judge bench?

No clarification is required. Please read the problem carefully.

4. Was the complaint of defamation filed against Mr. Soriyal, the anonymous writer or Flavian express?

No clarification is required.

5. What is the status of the 'Flavian Express'? Is it a corporation, firm or partnership?

Flavian Express is a corporation.

6. How has the matter ultimately reached the Supreme Court?

No clarification is required. Please read the problem carefully.

7. Is the historical background of Jammu and Kashmir similar to that of Kazalia?

No.

8. Are Flavia and Rastow states at war?

No.

9. Clarification on the presidential election of Mr. Sorial; is it similar to USA?

No clarification is required.

10. Can the team make a new issue?

No. Teams are requested to address the issues as framed in the Moot Proposition. However, they are at liberty to make suitable sub-issues in answering the issues framed.

11. Can there be a combination of two issues?

No.

12. Whether an application for information has been made by Mr. Sorial under the Right to Information Act for obtaining the documents referred to in paragraph 13 of the Moot Proposition?

No such application has been made by Mr. Sorial under the Right to Information Act. Paragraph 14 of the Moot Proposition may be read as: "...Document no. (b) was refused on the grounds that they relate to third parties in the proceeding and that the Government is not under any obligation to disclose such deliberations even under the Right to Information Act of Flavia, which is *pari materia* to the Right to Information Act of India."

13. Are there any defences/exceptions available to the offence laid down under Section 500-A of the Flavian Penal Code?

No clarification is required.

14. (a) The Proposition doesn't explicitly acknowledge the Democratic Republic of Flavia to have presidential form of government, yet the facts seem to suggest the aforementioned. Is Democratic Republic of Flavia works on the presidential form of government?

(b) If yes, can we get some clarity regarding the structure and form of government?

(c) Does Flavia have a presidential form of government or Parliamentary form of government?

(a) Flavia has a Presidential form of Government.

(b) The Flavian Supreme Court has held that the powers of the President are similar to that of the U.S. President.

(c) Participants are advised to concentrate their arguments in the challenge to certain provisions from the angle of freedom of speech and expression than examining it in the light of the system of government that is in place at Flavia.

15. (a) The Proposition in line 5 Para 9 details about many protestors being detained under the preventive detention law. Can we get some more insight into the said law?

(b) Is this law in *pari materia* with any Indian legislation or any foreign legislation for that matter?

No clarification is required.

16. (a) Can the drafter of the problem provide any more insight in the appeal preferred to SC against the order of HC of Kilmonack discussed under Para 10?

(b) Was the appeal to the Supreme Court of Flavia, regarding the restriction order passed by the High Court of Kilmonack dated 1st January 2020, dismissed by the Supreme Court because it was found devoid of merits?

It was a dismissal on merits by the Supreme Court adopting the same reasoning as that of the High Court of Kilmonack.

17. (a) The word ‘Special Category Status’ as mentioned in Para 5 is nowhere defined in more concrete terms. Can we get more clarity regarding this term?

(b) Is there any resemblance with the term and the Article 370 of the Constitution of India?

No clarification is required.

18. The function mentioned in Para 8, is it some official government function or some private function?

It was a Government function.

19. If the Constitution of Flavia is *para materia* with the Constitution of India except Article 19, how presidential elections took place in Flavia and how did Mr. Mosante announced his candidature for presidency provided that Indian constitution supports Prime Minister led cabinet?

Participants are advised to read the earlier clarification properly. The Constitution of Flavia is not entirely *pari materia* to the Constitution of India. Only Part III is *pari materia*, subject to changes in Article 19 as indicated in the moot proposition. None of the other provisions in the Constitution of Flavia is *pari materia* to Indian Constitution.