



**9<sup>th</sup> RMLNLU – SCC ONLINE<sup>®</sup>**  
**INTERNATIONAL MEDIA LAW MOOT**  
**COURT COMPETITION, 2021**  
**February 26 – 28, 2021**

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**MOOT CLARIFICATIONS**

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1. **In the given facts point 17 lists the treaties to which State of Histanbul and State of Alsara are signatories. But it does not include Universal Declaration of Human Rights, which forms an essential part of the issues mentioned. Please clarify whether the participants can refer to UDHR or not?**

The participants may refer to any source of international law.

2. **Please enlighten us whether the countries mentioned in the moot problem are Common Law Countries or Civil Law Countries?**

This question is not relevant to the moot proposition. The participants may refer to different sources of international law including general principles of law recognised by civilized nations.

3. **The election date in Alsara (as given in paragraph 10) is February 14,2021 to March 14 2021 but in paragraph 11 the election dates are given in February 2020. So, whether it is going to be held in 2020 or 2021?**

The date in paragraph 11 should be read as February 12, 2021.

4. **On page no.12 under Appendix the law for defamation under Section 190 of Alsara Criminal Law Code,1910 is given but the footnote number 1 for the same provides exception for law of defamation in Histanbul. So, please clarify regarding the same footnote that whether the exception is for the law of defamation in Alsara or Histanbul.**

As clearly mentioned in the footnote, the law on defamation in Histanbul allows for truth as an exception. The participants may note that apart from this additional exception, the law of defamation in Histanbul is the same as that in Alsara.

- 5. Whether Ms. Panth has been arrested on the basis of Rayan's statements on social media?**

Ms. Panth was arrested by the Alsarian government under Section 190 of Alsara Criminal Law Code, 1910 (ACLC) which made defamation, a criminal offence on account of the statement published by Rayan on his account on 'Jumbo'.

- 6. Whether Ms. Panth is being charged only with defamation and/or any other offences, which may be based on the Investigation Committee's Report?**

No clarification is required. The participants are expected to infer the relevant information from the facts already provided in the Compromis.

- 7. Is Jumbo a company registered under the Companies Act?**

No clarification is required. The participants are expected to infer the relevant information from the facts already provided in the Moot Proposition.

- 8. Is 'Pride', an Alsarian Telecom Company, a government company?**

No clarification is required. The participants are expected to infer the relevant information from the facts already provided in the Moot Proposition.

- 9. Could concepts and provisions from the Indian Constitution be used?**

The participants may refer to different sources of international law including general principles of law recognised by civilized nations.

- 10. In Para 2, what kind of human rights violations has Alsara committed on minority**

**communities such as Simans?**

No clarification is required. The participants are expected to infer the relevant information from the facts already provided in the Moot Proposition.

- 11. In Para 3, how have the pressure groups created by Histanbulian Simans operated? Have they operated extraterritorially through their media outlets? Do their measures involve coercion or violence? Further, the factsheet states that “It is believed that Simans in Histanbul...”. Whose beliefs are these?**

No clarification is required. The participants are expected to infer the relevant information from the facts already provided in the Compromis.

- 12. In Para 4, which companies/individuals own the rest of the 55% shareholding in Jumbo? What is Ms. Panth’s role in Jumbo, apart from being its founder? Please give a breakdown of the entire shareholding coupled with if it includes private and/or public companies.**

Ms. Panth is the founder and the Chief Executive Officer of Jumbo.

- 13. In Para 4, who owns the remaining 55% of Jumbo’s shares?**

No clarification is required. The participants are expected to infer the relevant information from the facts already provided in the Compromis.

- 14. Is Ms. Panth a shareholder? If yes, what percentage of shares are held by her?**

No clarification is required.

**15. Does Alsara hold any shares in Jumbo?**

No clarification is required.

**16. How involved is the Government of Histanbul in the functioning of the government companies that hold 45% of Jumbo's shares?**

No clarification is required. The participants are expected to infer the relevant information from the facts already provided in the Moot Proposition.

**17. In Para 5, what kind of personal information does Jumbo seek while persons fill up a survey to join the referral scheme? Does it include addresses, date of birth, political inclinations, etc.? Was user's data being collected by Jumbo even when they didn't use the referral scheme to join?**

The participants are expected to infer the relevant information from the facts already provided in the Moot Proposition.

**18. Did Jumbo seek users' permission to use and share the collected data with 3rd party?**

Yes, it seeks users' permission to use and share the collected data with a third party through a clickwrap agreement.

**19. In Para 7, what are the other initiatives/ programmes that Jumbo promoted to achieve digital equality in Alsara? Please elaborate.**

No clarification is required.

20. In Para 8, what are the ‘terms and conditions’ based on which accounts were suspended by Jumbo?

No clarification is required.

21. Is Pride a government company?

No clarification is required.

22. In Para 9, is Sasha the leader of AIC, from the Siman Community? Further, what were the “democratic institutions” that Sasha alleged that the APC had destroyed?

No clarification is required.

23. In Para 11, were Rayan and Ms. Panth arrested for the defamation of the Prime Minister or the APC or both?

Rayan and Ms. Panth were arrested for the defamation of the Prime Minister of Alsara.

24. In Para 12, what kind of privacy laws does Alsara have? Do Alsara’s privacy laws meet the standards established by any existing conventions on data protection?

Right to privacy is a constitutionally guaranteed right in Alsara as well as Histanbul.

25. In Para 13, can the findings from the investigation report be used as facts, as these can be easily manipulated and are unverified claims and hence should hold no merit in the Problem. Further, what kind of information did Jumbo use to create psychographic profiles of user?

No clarification is required.

26. **Is Section 190 of Alsara Criminal Law Code, 1910 *pari materia* to Section 499 of Indian Penal Code? Further, in the exceptions to Section 190 of the Alsara Criminal Law Code can ‘public servant’ and ‘public question’ be defined? These are vague terms and not much clarity is given on the domestic law meaning/interpretation of the terms.**

Although Section 190 of the Alsara Criminal Law Code, 1910 is not *pari materia* to Section 499 of Indian Penal Code, 1860, the participants may refer to judicial interpretation of terms ‘public servant’ and ‘public question’ under Section 499 of the Indian Penal Code, 1860.

27. **The second issue talks about only the freedom of speech and expression of only Ms. Panth. Ms. Panth nowhere makes a statement in the proposition. Please provide us clarity with this anomaly. If the freedom of speech and expression of Jumbo or Rayan or any other party is concerned, please stipulate the same in the clarifications.**

No clarification is required. The participants are expected to infer the relevant information from the facts already provided in the Compromis.

28. **While Ms. Panth and Rayan both are arrested, the issues nowhere provide us an opportunity to tackle the illegality/unreasonableness of the arrest and whether or not the same would be deemed as defamation under the Alsarian Criminal Code.**

No clarification is required.

29. **While Jumbo’s initiatives are criticised in the Investigation Report, there seems to be no issue allowing us to deal with if the right to privacy of Alsarian citizens are being violated? Were Jumbo’s activities in compliance with Alsara’s privacy laws?**

No clarification is required.

30. Are any of the questions dealing with Rayan's issues?

No clarification is required.

31. In para 13 it has been stated that "Alsarians were also shown information about 'Protest against NR' events," what kind of information was this, did it include any misinformation or fake news?

No clarification is required.

#### **ADDITIONAL FACT**

It may be noted that some civil society organisations in Vangal had raised concerns in January 2020 that Jumbo might be involved in data privacy violation of its users. However, no investigative or legal action was initiated against Jumbo in Vangal