



KLE Law College
Bengaluru

**2nd SURANA & SURANA & KLE LAW COLLEGE
NATIONAL CONSTITUTIONAL LAW
MOOT COURT COMPETITION – 2018**

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International Attorneys

MOOT PROPOSITION

All India Media Federation v. Union of India & Anr.

- I. The All India Law Students' Association (herein referred to as AILSA) filed a PIL in the Supreme Court of India 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 following incidents are mentioned in PIL:
1. Today's Times, a reputed TV channel owned by NDTC, Ltd., an MNC has maintained consistent TRP over the last two years. However recently it is riddled with a controversy that its Editor is charged with sexually abusing a female colleague. The other TV Channels telecasted it as breaking news along with some video footages without honouring the identity of the victim. Being humiliated the victim committed suicide after leaving a note that the TV Channels who telecasted the news have been responsible for her plight. Many organisations including the main opposition political party pressed for action against the media houses.
 2. Aab Thak is a TV Channel having sizeable TRP in the country. Joining hands with mainstream media to compete with the social media, it published a news that a religious group in an Arab country has issued a dictum that "men can eat their wives if hungry". The news turned out to be fake and it has shaken the religious sentiments of a particular community as they are ridiculed by other dominant religious group in the country.
 3. Ms. Angana, a film actor by profession has informed the police that her husband Mr. Karthik is subjecting her to cruelty. All media houses showed it as breaking news and almost all media houses portrait him as guilty and made a scathing attack the character of Mr. Karthik. Later on with the intervention of Mr. Rakesh, a film producer and mediation by an expert mediator, Ms. Angana and Mr. Karthik reunited and leading a happy life. Being affected by the persistent negative reporting by the media, the couple moved the High Court claiming that this is a breach of their right to privacy.

4. Most of the TV channels are telecasting mega serials based on the Snake Goddess. A ten-year-old girl saw a snake goddess rescuing a child caught in fire in a mega serial telecasted on Moon TV channel and believing that the same Snake Goddess will come to rescue her, she set herself on fire and succumbed to death. 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.
5. In an unprecedented move, two of the senior most judges of High Court addressed print and digital media expressing their anguish over the administrative functioning of the Chief Justice of High Court. The dissenting judges have reportedly stressed about deteriorating standards in the High Court administration mainly the way “cases with far reaching consequences” are assigned. This became TRP enhancing stuff for most of the news channels for the next ten 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 High Court Bar Association submitted memorandum to the Chief Justice to initiate contempt proceedings against the media houses, but same was not taken up by the Chief Justice.
6. The irresponsible live coverage of the terrorist attack on the Hotel Asoka on 26th December 2015 and the terrorist attack on the military base near the border by the all the TV channels had invited criticism from the military and the civil society. The coverage gave the terrorist a tactical advantage in planning their moves to counter the plans of the military forces.

II. The Supreme Court of India admitted the PIL filed by AILSA and issued a notice to UOI to submit its reply to the petitioner’s claims. UOI appeared and after the preliminary hearing submitted 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.

III. To comply with its undertaking to the Court, the UOI initiated process through its Ministry of Broadcast and Information Technology, drafted rules to regulate the content of media houses, published the same and issued a public notice inviting objections to the proposed rules. The Ministry received a huge response in favour of the proposed 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 programme code in place of the existing programme code. The Code provides that:

Rule 1.1: No media shall telecast or broadcast anything pertaining to the matrimonial disputes pending before any court in India.

Rule 1.2: No media shall telecast or broadcast anything depicting the world coming to an end or displaying any blind belief unless the programme is approved by the Indian Institute of Science, Bengaluru.

Rule 1.3: 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 1.4: 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 1.5: No media shall telecast or broadcast anything pertaining to the functioning of the judiciary and about the judges' conduct in the court premises.

Rule 1.6: 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 1.7: Any media failing to comply with any of the rules from 1.1 to 1.6 shall be liable to be taken off the air for a minimum of 48 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.

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

- V. The media houses debated the Programme Code and gathered the support of many editors, jurists and libertarians and under the auspices of All India Media Federation (AIMF) filed a writ petition in Supreme Court challenging the constitutional validity of the impugned Code. AIMF challenged the *vires* of the Programme Code issued by the Union of India *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. Rules suffers from the *vires* of excessive delegation.
 - c. Rules are in conflict with the provisions of other legislation, such as IPC and certain judicial decision.
 - d. Rules are imposing unreasonable restriction upon the freedom of Press
 - e. Rules grant unguided discretion on authorities
- VI. The AILSA filed an intervening application before the Court seeking to represent the interest of the victims of the media excesses. The court added AILSA as an intervenor to the case and admitted the writ petition of AIMF and posted the matter for final hearing on 14th and 15th of April 2018.

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.