

MOOT PROBLEM

The State of Amaragram

1. The State of Amaragram is one of the States of Union of India, carved through the State Re-organisation Act of 1956. *Joker Party of India* (“*Joker*” or “*JPI*”) is a National Party and historically the largest party in the state of Amaragram. JPI with an absolute majority was serving its third successive term with a very small opposition in the legislature from a few small parties and individuals. The Government of Amaragram was fraught with troubles, scandals allegations and growing unpopularity. Corruption, particularly in the Regional Games organised in the state of Amaragram, increasing cost of electricity, allegations of favouring private power manufacturing facilities, growing law and order problems particularly safety of women and children, discrimination towards women and underprivileged, water scarcity, poverty, homelessness, unemployment, etc. were among their growing concerns.

Civil Liberties Movement and Agitation in the State of Amaragram

2. Thiru. Annen Bava Chelladurai (ABC) is a social activist who has led movements to promote rural development, increase government transparency, and investigate and punish corruption in public life. ABC part of his anti-corruption, transparency and Lok Pal movement protested for days together in front of Pappireddi Bhavan. The protests gathered momentum and found support amongst people from all walks of life and regions of the country and not just Amaragram. The movement was the biggest India had evidenced since the agitation against emergency. Thiru. Mannar Mannan, a civil Service Officer resigned from his office and joined as an active member of the movement. Thiru.Mannar Mannan was instrumental in bringing together likeminded people like Thiru. Poonooyal and fellow officers to the same stage.

3. Thiru.Mannar Mannan, Thiru.Poonooyal and their likeminded friends were unhappy about status quo prevailing in the State of Amaragram and inaction on the part of the Government headed by JPI and decided to contest the state assembly elections in 2015 under the banner *Peoples Party of Amaragram* (“PPP”). PPP in its Election Manifesto promised a corruption free, clean, moral, ethical and responsible government, investigation into the corruption scandals of the JPI, drop in electricity rates, regular water supply, better law and order situation in the state, safety for women and children, setting up of a commission to protect and improve the standard of life of Women and Children. *Peoples Party of Amaragram* swept the elections with a resounding majority and Mannar Mannan became the Chief Minister with portfolios of Home Affairs, Information and Broadcasting, and Law and Justice.

Troubles of the PPP Government and the Sex Scandal

4. Though the Peoples Party of Amaragram had more than 2/3rd's majority they struggled to fulfil their pool promises. Peoples Party of Amaragram's popularity among the common people who voted them was on a constant but steep decline. At this time one of Peoples Party of Amaragram's Minister's was found to have forged and lied in the Election affidavit about his educational qualifications. The Minister after much media scrutiny resigned from the Ministry. Soon after his resignation another Minister, Thiru.Bala Murugan belonging to the PPP government was in troubled waters with a sex scandal. A video of the Minister and two other women in a compromising position was first posted on a social networking site "*mugam-puthagam*" and in less than a day went viral on various social media avenues. Some news channels including the state owned TV channel functioning under the ministry of Information and Broadcasting aired parts of the video on TV, Screen Shots of the Minister and the women were printed on a few News Papers as well. But the media houses refrained from printing the names of the women on the videograph.

5. Following this at a press conference, Thiru. Mannar Mannan, admitted to have seen the video and suspended the Minister from his office as Minister of Women and Child Development and from all party functions. But no inquiry is in place against the action of the Minister. The Minister subsequently challenges his suspension before the High Court *via* a Writ Petition.

6. *Vone Anonymous*, one of the women concerned in the scandal, questioned the credibility of the Video. In this regard, she preferred a Complaint to Police. Since no action was taken, she filed a Writ Petition before the High Court of Amaragram, for the following reliefs:

- i. *Asking the courts to protect her right to privacy and take against the social media outlets, the TV channels that aired the video and the News Paper publishing houses which are companies incorporated under the Companies Act 1956.*
- ii. *She also asks for action to be taken against the state for not protecting the interests of citizens, particularly women who they promised to protect in their Election Manifesto.*

6. The Writ Petition preferred by *Vone Anonymous* was dismissed by Single Judge. As against the said order, she preferred an Intra-Court Appeal. The Hon'ble Division Bench dismissed the Intra-Court Appeal on the grounds of maintainability and as well as on merits.

7. Highly aggrieved by the outcome in the Intra-Court Appeal, *Vone Anonymous* preferred a Special Leave Petition before the Supreme Court of India. At this stage, a NGO Women's Cause run by the former Chief Minister Tmt.Isai, considering the Public Importance, files a Public Interest Litigation (PIL) before Supreme Court to take action against the State, the Chief Minister and the suspended Minister for outraging the modesty of women and failing to protect the interests of Women in the State. Without admitting the Writ Petition preferred by Tmt.Isai, the matter was ordered to be tagged along with the Special Leave Petition and posted before the Constitution Bench after framing the following questions but limiting to the same for either side to make submissions on:

- (i) Maintainability of a writ, claiming relief against Companies incorporated under the Companies Act 1956.
- (ii) Maintainability of PIL filed by Women's Cause
- (iii) Scope of Right to Privacy as a part of Fundamental Right
- (iv) Right to freedom of speech and Expression or Right to Privacy, which one would prevail?
- (v) Whether Criminal Proceedings should be initiated against the Media Outlets and the individuals concerned?

Note:

1. The above moot problem is intended to be fictitious. References to recent happenings are to make the issues relatable and realistic.
2. Though the issues of reference before a Constitutional Bench are generally specific in nature, in view of encouraging participants to identify new issues and take new line of arguments, the issues are only indicated and the participants are encouraged to elaborate and argue new issues also, if relevant to the case. It is also left open to the participants to raise and argue any issues *of locus standi or maintainability*, if applicable.
3. The challenge of suspension by the suspended Minister is not combined with the case at hand.

4. The Petitioner argues for the ***Vone Anonymous and Women's Cause*** and the Respondent side argues for ***The Media Houses, The State of Amaragram and the Union of India.***

5. The moot problem has been designed by Ramaswamy Meyyappan and R.D Ashok Kumar. The participants are refrained from contacting the authors regarding the moot preposition.
