



Affiliated to GGSIPU, New Delhi &  
Approved by Bar Council of India



# Delhi Metropolitan Education NATIONAL MOOT COURT COMPETITION 2017

24 - 26 March

In Association with

**The Network for International Law Students**



Organised By :  
School of Law  
Delhi Metropolitan Education  
Competition Brochure

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## About DME

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Delhi Metropolitan Education is an 'A' grade premier educational institute affiliated to Guru Gobind Singh Indraprastha University, New Delhi and approved by Bar Council of India. The institute offers state of the art infrastructure with strong academic facilities to provide a dynamic and clinical ground for success.

Following full time courses are offered:

- ✓ B.A. LL.B & BBA. LL.B
- ✓ BBA
- ✓ BJMC

The institute is strategically located with a few minutes distance from prime localities of Noida, Vaishali, Indirapuram, Mayur Vihar, Laxmi Nagar, Kaushambi, Ghaziabad etc. Adjacent to Nh24, it is within 5-7 minutes driving distance from Delhi Border. The institute has a regal British styled building with many modern facilities including the impressive Nelson Mandela Auditorium, Rabindranath Tagore Library, exquisite audio and video studios for journalism, a moot court for law, a legal aid centre, computer labs, conference rooms, cafeteria etc.

It is promoted by the founders of Mayo School, NOIDA (in collaboration with GC MAYO College, Ajmer) and DPS World School, G. Noida (West). Delhi Technical Campus is the technical education programs viz., B.Tech., B.Arch., and MBA.



# DME National Moot Court Competition, 2017

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## **Objective of the Competition**

Moot Courts have long been recognised as a part of the curriculum at the under graduate level, for the past couple of decades, Moot court has emerged as a crucial part of the curriculum. The past decade has developed a culture of organizing competitive moots whereby a student is exposed to peers from far and across.

As one of the upcoming law schools in India, we have constantly undertaken measures to provide holistic and meaningful legal education to bright young talent from across the country. In the course of such endeavors, we have observed that strong advocacy skills, ability to think logically and rationally, combined with acumen for drafting, are some key characteristics that are necessary for a lawyer in the present scenario. Keeping in mind these requirements, we have tried to nurture these attributes in our budding talent pool of students. We have always encouraged students to participate actively in National and International co-scholastic activities like moot court competitions, wherein we believe they can correctly assess, evaluate and nurture their potential to best serve the interests of the society in the times to come.

Encouraged by the overwhelming response of the past competitions, we are proud to announce that we are organising Delhi Metropolitan Education National Moot Court Competition in association with Network for International Law Students, from the 24th to 26th March, 2017 to be hosted and organised at DME Campus. This would be a great learning opportunity for the upcoming legal talent of the Nation.

# Official Rules of the Competition

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## 1. ORGANISATION AND ADMINISTRATION OF THE COMPETITION

The Delhi Metropolitan Education National Moot Court Competition (hereinafter “Competition”) is held and administered by Delhi Metropolitan Education, Noida, under the supervision of, Delhi Metropolitan Education's Moot Court Society (hereinafter “Society”). The Competition is to be held from March 24-26, 2017, at Delhi Metropolitan Education's Campus, Noida, U.P.

### 1.1. Language

- The official language of the Competition shall be English language only.

### 1.2. Structure of the Competition

- The Competition consists of Preliminary Rounds and Advanced Rounds viz. Quarter Finals, Semi Finals and Finals.

### 1.3. Interpretation of the Rules

- The Society has the authority to interpret the Competition rules, to resolve any complaints or disputes connected herewith and to develop, update or amend these rules.
- The Faculty Convener shall serve as final arbiter of implementation and interpretation of these rules.

## 2. PARTICIPATION AND ELIGIBILITY

### 2.1. Eligibility

- Students pursuing 3 years/ 5 years undergraduate LL.B. degree course are eligible to participate in this competition. No more than one team can participate from each Institute.

### 2.2. Team Composition

- Each team shall consist of a minimum two (2) members and a maximum of three (3) members. The substitution of any team member is not allowed after the registration deadline except in extenuating circumstances and only with the written permission from the Faculty Convenor.
- Each team shall consist of two speakers. Teams may have only one researcher.
- A researcher shall be allowed to argue instead of a speaker only with the permission of the Faculty Convenor.
- A team cannot have members from more than one institution.

## 3. REGISTRATION

- Teams must register by February 16, 2017 by sending an email to [mootcourt@dme.ac.in](mailto:mootcourt@dme.ac.in) with the subject “Registration for DME National Moot 2017”. On receiving the registrations, maximum 40 teams will be allowed to participate in the Competition on *First come-First serve basis*. The acceptance of provisional registration will be notified immediately to the respective teams through electronic mail..

# Official Rules of the Competition

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- The Team shall then send:
  - A) A printed copy of the Registration form
  - B) A non-refundable participation fee of Rs.3,500/- (Rupees Three Thousand Five Hundred only) in the form of a Demand Draft drawn in favour of Delhi Metropolitan Education, and payable at NOIDA (clearly stating the name of the institution at the reverse side of the demand draft), addressed to: **Delhi Metropolitan Education, Noida, Uttar Pradesh, PIN - 201301.**
- Teams shall receive a confirmation of their participation by February 22, 2017, via email. Each Team shall be allotted a Team Code upon confirmation of participation through the same email.

## 4. MEMORIALS

- Memorials submitted for all purposes of the competition shall strictly adhere to the rules as stated below:
  - Teams have to prepare memorials for both the sides, i.e. Petitioner(s) and Respondent(s).
  - The registered teams shall submit the .pdf copy of their memorial for both sides by email to mootcourt@dme.ac.in by 23:59 hours of 16th of March, 2017 and shall carry 6 printed copies (for each side) of such memorials on the day of the competition.
  - When sending the memorials by email in .pdf format, please name the file pertaining to the memorial for the Petitioner as P accompanied with the team code and the file pertaining to the memorial for the Respondent as R accompanied by the team code. For example, for a team assigned a code of 10, the .pdf file for the Petitioner should be named as "TC - P10" and the .pdf file for the Respondent should be named as "TC - R10".
  - The cover page of the memorials sent for both the soft and printed copies shall clearly mention the word "P" for memorials on behalf of the Petitioner, and the word "R" for memorials on behalf of the Respondent, followed by the team code for both the instances, such being clearly inscribed on the top right hand corner of the cover page of the memorial for the Petitioner and Respondent. For example, if a team had been assigned a code of 10, the memorials sent by such team shall have "P10" and "R10" clearly marked on the top right hand corner of the cover page of the respective memorials.
  - The teams should not disclose their own identity or identity of their institution anywhere on the memorial. Violation of this rule will result in immediate disqualification.
  - The cover page of the petitioner's memorial shall be printed on Blue colour A4 size paper, and the cover page of the respondent's memorial shall be printed on Red colour A4 size paper.
  - The memorials have to be submitted on A4 size paper and must contain the following sections in the order as stated below-

# Official Rules of the Competition

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- ✓ Cover Page
- ✓ Table of Contents
- ✓ Index of Authorities
- ✓ Statement of Jurisdiction
- ✓ Statement of Facts
- ✓ Statement of Issues
- ✓ Summary of Arguments
- ✓ Arguments Advanced
- ✓ Prayer

Non-compliance with above criteria shall result in a penalty of two marks per missing section.

- The memorials must be printed in Times New Roman font with 12 font size and with 1.5 line spacing. The footnotes must be in Times New Roman font with 10 font size and with 1.0 line spacing. The memorials should have a one inch margin on all sides of each page.
- The 'Arguments Advanced' section should not exceed 20 pages, while the memorial as a whole should not exceed 35 pages including the cover page.
- The numbering should be on the bottom centre of each page.
- The teams have to use the citation method as stated in the 19th edition of the Harvard Blue Book for citation throughout the memorial, with strict adherence.
- There shall be no speaking footnotes in the memorial
- The maximum scores for the memorials shall be 100 marks. The memorials shall be evaluated on the following criteria:
  - ✓ Knowledge of Law and Facts: 30 Marks
  - ✓ Proper and Articulate Analysis: 30 Marks
  - ✓ Extent and Use of Research: 20 Marks
  - ✓ Clarity and Organisation: 10 Marks
  - ✓ Grammar Style: 10 Marks

## 5. RESEARCHER'S TEST

- There shall be a researcher's test, which will be conducted on 24<sup>th</sup> March, 2017.

## 6. GENERAL PROCEDURES

- There shall be two Preliminary Rounds, a Quarter-Final, a Semi-Final and a Grand Finale.
- The Applicants/ Petitioners/ Appellants shall submit their arguments first followed by the Respondents. Thereafter, the Applicants/ Petitioners/ Appellants shall have the option of submitting rebuttals. Sur-rebuttals are not permitted, though the Judge's discretion is final.
- To determine the order of participation in the preliminary rounds of the event, all the registered and present teams shall participate in a draw of lots to be conducted for that purpose. Such draw of lots shall take place on 24<sup>th</sup> of March, 2017, immediately after the inaugural ceremony. The exchange of memorials and orientation of the teams shall be conducted immediately after the draw of lots.

# Official Rules of the Competition

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## 7. ORAL ROUND PROCEDURES

### 7.1 Procedures for Oral Submissions

- The oral arguments should be confined to the issues presented in the memorial.
- The researcher shall be present with the speakers during the oral rounds.
- Maximum scores for the oral rounds shall be 100 points per speaker per judge.
- The speakers can provide the copies of the compendium, only if the same is permitted by the panel of judges in their respective court rooms.
- The oral rounds shall be judged on the following criteria:
  - ✓ Knowledge of Law : 20 Points
  - ✓ Application of Law to Facts : 20 Points
  - ✓ Ingenuity and Ability to Answer to Questions : 20 Points
  - ✓ Style, Poise, Courtesy & Demeanor : 20 Points
  - ✓ Time Management : 10 Points
  - ✓ Organization : 10 Points

### 7.2 Preliminary Round

- All the Teams with confirmed registration will be participating in the Preliminary Rounds.
- Each team will get a total of 15 minutes to present their case. This time will include rebuttal and sur-rebuttal time (if permitted by the judge(s)).
- The division of time per speaker is left to the discretion of the team subject with a minimum of 5 minutes per speaker and not more than 10 minutes per speaker. Rebuttals can be assigned a time period of not more than 2 minutes.
- For the preliminary rounds, every team shall argue twice: once for petitioner and once for respondent (Prelims -I and Prelims - II rounds).
- No two teams shall face each other more than once in the preliminary rounds.
- In determining the scores in the preliminary rounds, memorial scores will be added to the oral scores.

## 8. QUARTER-FINALS, SEMIFINALS AND GRAND FINALE

- The top twelve teams of the preliminary rounds shall qualify for the Quarter-Final rounds.
- Top four teams from Quarter-Finals shall qualify to the Semi-Finals, with the memorial scores of the teams taken into consideration at all stages as per the formula stated below:-
  - A. Quarter-Finals = Preliminary Round Oral Scores + Memorial Scores
  - B. Semi-Finals = Quarter-Final Round Oral Scores + Memorial Scores
  - C. Grand Finale = Semi-Final Round Oral Scores + Memorial Scores.
- In case of a tie between two teams in any of the rounds, memorial scores will be taken into consideration to break the tie. In case the tie still subsists, the oral score of the best speaker of each team will be considered to break the tie. If the tie continues, the oral score of the other speaker of the teams will be considered to break the tie



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## 9. RESULTS

- The results shall be announced shortly after each round.
- The results of the final round shall be announced at the Valedictory and Award Ceremony, to be held on 26th March, 2016.

## 10. SCOUTING

- Teams shall not be allowed to observe the oral rounds of another team, unless they have been officially eliminated from the competition. Scouting is strictly prohibited.
- Scouting by any team shall entail instant disqualification.

## 11. AWARDS

- Winning Team Award – The winning team will receive a trophy and a prize worth Rs.10,000/- (Rupees Ten Thousand Only).
- Runners-Up Team Award – The runners up team will receive a trophy and a prize worth Rs. 8,000/- (Rupees Eight Thousand Only).
- Best Student Advocate/Counsel – The Best Student Advocate/Counsel will receive a trophy and a prize worth Rs. 2,500/- (Rupees Two Thousand Five Hundred Only).
- Best Memorial - The team submitting the best Memorial will receive a trophy and a prize worth Rs. 2,500/- (Rupees Two Thousand Five Hundred Only).
- Best Researcher - The Best Researcher will receive a trophy and prize worth Rs. 2,500/- (Rupees Two Thousand Five Hundred Only)
- Our exclusive Knowledge Partner for the competition, Lexis Nexis have announced the following prizes:-
  - ✓ 2 weeks Lexis India access for all the participants.
  - ✓ 3 months Lexis India access for all winners (Winning Team/Runners up / Best Memorial / Best Researcher/Best Speaker).
  - ✓ Books worth INR 10,000/- for all the winners (Winning Team/Runners up/ Best Memorial / Best Researcher/Best Speaker).

## 12. ANONYMITY

- The student counsels shall not state their names during the oral rounds and must use the assigned team code for all correspondence. All team members must refrain from disclosing the identity of their institutions at any time and in any manner during the entire Competition. Non-compliance with this Rule will result in immediate disqualification of the team

## 13. FINALITY OF DECISIONS

- The decision of the judges with regard to the outcome of the rounds shall be final. For all purposes and in any dispute, the decision of the Faculty Convener of the Organizing Committee of the Competition shall be final and binding.

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## 13. ACCOMMODATION, FOOD AND TRANSPORT

- The College shall provide all teams participating in the Competition, Accommodation and food from the evening of 24th of March, 2017 till the morning of 27th of March, 2017. However, the college shall not provide pickup and drop facilities from the airport/railway station/bus stand for participants.

## 14. CONTACT US

- Delhi Metropolitan Education Moot Court Society:-

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## Timeline for the Competition

S.NO.	PARTICULARS/EVENT	DATE
1.	Last Date of Registration (Soft Copy) along with Scanned Copy of the demand draft (Rs. 3,500).	16 <sup>th</sup> February, 2017
2.	Confirmation of Registration/Participation, together with allotment of team-codes.	18 <sup>th</sup> February, 2017
3.	Accommodation Confirmation	25 <sup>th</sup> February, 2017
4.	Memorial Submission (Soft Copy)	16 <sup>th</sup> March, 2017
5.	Memorial Submission (Hard Copy)	24 <sup>th</sup> March, 2017
6.	Inaugural ceremony/draw of lots/exchange of Memorials and Researcher's Test.	24 <sup>th</sup> March, 2017
7.	Preliminary Rounds (I & II) Quarter-Final Rounds	25 <sup>th</sup> March, 2017
8.	Semi – Finals Grand - Finale	26 <sup>th</sup> March, 2017
9.	Prize Distribution/ Valedictory Ceremony	26 <sup>th</sup> March, 2017

# The Moot Problem

## **Mukti Media Private Limited & Anr. versus The Union of Indiana, through the Secretary, Ministry of Information & Broadcasting & Anr.**

Mukti Media Private Limited (“MMPL”) was incorporated in the year 2003 under Companies Act, 1956. MMPL is involved in the business of media and entertainment. It broadcasts a television channel called “Moksha”. MMPL is also involved in the business of production and syndication of entertainment and allied information content of a spiritual nature. As per Ministry of Information & Broadcasting (“MIB”), it is a non-news and current affairs channel.

Before MMPL commenced the relevant business, it wrote letters to MIB in December 2003 and in early 2004, seeking permission to uplink “Moksha”. Upon receipt of the said letters by MIB, after considering all aspects, MIB granted formal permission to MMPL to uplink “Moksha” vide its letter dated 14.05.2004. The permission was for a period of 10 years. Relevant part of the permission letter is **Annexure A**.

Over the years, MMPL has seen changes in its directors on account of cessation/resignation of some directors and induction of new directors. In relation to appointment of the present directors, MMPL sought MIB's permission vide a letter sent by it sometime in February 2011. Upon receipt of the said letter by MIB, after considering all aspects, MIB granted the said permission to MMPL vide a letter sent to MMPL sometime in November 2011. Upon receipt of the said letter, MMPL appointed the present directors in November 2011. The present directors of MMPL are:

1. Mr. Bhairav Nath
2. Mr. Idrees Suleiman
3. Mr. Xavier Rodrigues
4. Mr. Tashi Gyaltzen
5. Mr. Bensiyon Sassoon

Neither the present directors nor the former directors of MMPL have ever been held liable in any civil or criminal proceedings in any judicial forum in Indiana.

In April 2014, MMPL initiated the process of renewal of the permission dated 14.05.2004. During the pendency of MMPL's request for renewal, MIB addressed a letter to MMPL in December 2014, regarding fresh security clearance before renewal of the permission dated 14.05.2004, for next 10 years to uplink/downlink “Moksha”. Vide the said letter, MMPL was asked to furnish the following details for the purposes of security clearance, before renewal of the permission for the next 10 years:

1. MMPL's registered office address and date of incorporation.
2. Name, parentage, date of birth, present position and complete address of the present directors of MMPL.

Vide a letter sent sometime in December 2014, MMPL furnished the same details which it had furnished in February 2011. Upon receipt of MMPL's letter of December 2014 and the details sent therewith, MIB neither responded to the said letter nor did it raise any objections to the details furnished by MMPL along with the said letter.

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Baba Bhatuk is a spiritual guru. In the year 2008, he started setting up gaushalas. Ever since, he has silently and relentlessly been working for the welfare of cows. His spiritual discourses are laced with humor, practicality and wisdom. They are regularly aired on “Moksha”, live or otherwise. As a matter of principle, he never discussed about his work in the field of cow welfare during his spiritual discourses. He would gracefully avoid questions asked to him as to his work in the field of cow welfare.

On 01.01.2015, a cow protection camp was held at Burari grounds, Dahelia. It was aired live on “Moksha”. As per various media reports, more than one lakh persons are said to have participated in the said camp. Within less than a week, Baba Bhatuk submitted an application to the Municipal Corporation of Dahelia, proposing to take Ramlila Maidan on rent, subject to the general terms and conditions, for holding a cow protection camp called “Gau Raksha Shakha” for 10,000 people between 01.02.2015 to 10.02.2015. He also submitted an application to the Deputy Commissioner of Police (Central District) seeking permission for holding “Gau Raksha Shakha”, for which permission was granted by the Deputy Commissioner of Police (Central District) vide his letter of January 2015. This permission was subject to terms and conditions to facilitate smooth conduct of the camp, for example, deployment of sufficient number of volunteers by Baba Bhatuk at Ramlila Maidan.

From 01.02.2015 to 10.02.2015, “Gau Raksha Shakha” was aired live on “Moksha”. On 09.02.2015, it was resolved by Baba Bhatuk, all volunteers at the camp styled as “Gau Yodhdha Jhund” and several persons attending “Gau Raksha Shakha” that a petition shall be presented to Central Government to pass a law imposing a complete ban on cow slaughter. Baba Bhatuk, “Gau Raksha Shakha”, “Gau Yodhdha Jhund” and the resolution became trending topics on social media.

Several news channels extensively covered Baba Bhatuk's consistent role in the establishment and maintenance of gaushalas. They described “Gau Raksha Shakha” and “Gau Yodhdha Jhund” as milestones in Baba Bhatuk's cow welfarism. Mr. Skandagupta Chaturvedi is an outspoken journalist. He is with Indiana's leading news channel called “Democratic TV”. He projected Baba Bhatuk as “The True Son of Mother Cow”. Some news channels criticised Baba Bhatuk for shifting from “cow welfare” to “cow protection”. The news channel which used to be Indiana's leading news channel i.e., “Fraternity TV”, described Baba Bhatuk's shift from “cow welfare” to “cow protection” as “From Wisdom To Vigilantism”.

On 10.02.2015, Mr. Idrees Suleiman attended the closing ceremony of “Gau Raksha Shakha”. The said ceremony was also aired live on “Moksha”. When it was his turn to speak, he only said the following:

“Gau Raksha Shakha” is no small step to protect cows, it is a great leap in the direction of cow welfarism, which is a part of Indiana's spiritual culture. Moksha guarantees cow protection. Cow protection guarantees Moksha. The time has come for cow slaughter to guarantee Mrityu. Gau Maata Ki Jai, Jai Hind, Jai Bharat. Shukhriya.”

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Mr. Idrees Suleiman and “Kill Cow Killers” became trending topics on social media. Mr. Idrees Suleiman's speech gave unprecedented media attention to “Moksha” and to Mr. Idrees Suleiman. All news channels attacked Mr. Idrees Suleiman's speech. However, Mr. Skandagupta Chaturvedi came in defence of Mr. Idrees Suleiman's freedom of speech and expression. On “Democratic TV”, he condemned all news channels for condemning Mr. Idrees Suleiman's freedom of speech and expression. In his inimitable style, Mr. Skandagupta Chaturvedi declared on “Democratic TV” that the coverage of all other news channels has been blown out of proportion and their hypocrisy is a matter of common knowledge.

For the next few days, “Moksha” repeatedly aired Mr. Idrees Suleiman's speech as well as Mr. Chaturvedi's declaration on “Democratic TV”. For the next few months, highlights of “Gau Raksha Shakha”, especially the events of 09.02.2015 and 10.02.2015 and additionally, Mr. Chaturvedi's declaration on “Democratic TV” were aired on “Moksha” on a daily basis. On 15.08.2015, Mr. Skandagupta Chaturvedi was interviewed by Mr. Xavier Rodrigues. The said interview was aired live on “Moksha”. During the course of the interview, Mr. Xavier Rodrigues applauded Mr. Skandagupta Chaturvedi for defending Mr. Idrees Suleiman's freedom of speech and expression. The said interview became a trending topic on social media. “Fraternity TV” severely criticised the said interview and it was described as “The Death of Moksha.”

In the last week of August 2015, MMPL received a written warning from MIB. It was with reference to “Moksha” repeatedly airing Mr. Chaturvedi's declaration on “Democratic TV” as well “Moksha” airing live the interview of Mr. Chaturvedi. MIB's warning was on the ground that “Moksha” is a non-news and current affairs channel, and hence, it could not have aired the said declaration on “Democratic TV” and Mr. Chaturvedi's live interview. Upon receipt, MMPL tendered a written apology in the first week of September 2015. However, MMPL specifically denied the charge that it was not entitled to air Mr. Chaturvedi's declaration on “Democratic TV” and the live interview of Mr. Chaturvedi. Mr. Bhairav Nath, Mr. Tashi Gyaltzen and Mr. Bensiyon Sassoon ensured that MMPL is very cautious as to the kind of content which is aired on “Moksha”. In fact, “Moksha” went to the extent of distancing itself from Baba Bhatuk. Advertisement revenue suffered a major setback. The popularity of channels seen as competitors of “Moksha” like “Dhyaana”, “Kalma”, “Lamb of God” and “Shakya” skyrocketed. These are channels of a powerful MNC called Woodstock Corp. Mr. Idrees Suleiman and Mr. Xavier Rodrigues successfully convinced Mr. Bhairav Nath, Mr. Tashi Gyaltzen and Mr. Bensiyon Sassoon that MMPL needs to take aggressive steps to reinvent “Moksha”. Accordingly, the directors of MMPL replaced key officials of MMPL and put in place various strategies to enable “Moksha” to stay relevant. Surprisingly, several disgruntled journalists of “Democratic TV” and “Fraternity TV” joined MMPL. MMPL saw a surge in investments.

Chirag Pradesh is a state with a sizeable tribal population. It is a high degree Left Wing Extremism (“LWE”) affected state. Mosokoso is a thickly populated village in Chirag Pradesh. It is an isolated village with insular people for a few decades now, especially because it is not well connected. Mosokoso is also a LWE affected area. Some Left Wing Extremist outfits have been operating in Mosokoso.

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These outfits have allegedly killed government officials and representatives of Mosokoso Panchayat. LWE Division of Ministry of Home Affairs (“MHA”) has deployed Central Armed Police Forces and assisted Chirag Pradesh to upgrade its Special Forces under the Scheme for Special Infrastructure in Mosokoso. Mosokoso happens to be the place of birth of Mr. Kapala, who is known as “The Pride of Chirag Pradesh”. He is a former student of Batukeshwar Dutt College (“BDC”), which is in Mosokoso. He was convicted of offences arising out of brutal acid baths administered by him or under his supervision on members of the forces and on civilians who were considered to be spies/informers by Left Wing Extremist outfits operating in Chirag Pradesh. He was convicted by the trial court and life imprisonment was awarded to him. Hon'ble High Court of Chirag Pradesh had acquitted him. However, on appeal, Hon'ble Supreme Court of Indiana reversed the acquittal and sentenced him to death. His review petition and curative petition were dismissed. His pardon pleas were rejected. His writ petition after the rejection of request for pardon was heard all night by Hon'ble Supreme Court of Indiana and his death sentence was executed the next morning, in April 2006.

In April 2016, some students of BDC organised a debate on death penalty in the college campus. It was called, “A Noose Without A Spirit : An Insight Into A Hangman's Spirit”. The debate was to be moderated by Baba Bhatuk. The debate was aired live on “Moksha”. During the hour long debate, several students raised slogans against Baba Bhatuk. He made it a point to ensure that the debate does not swerve in the direction of glorifying Mr. Kapala. He emphasised that the people of Chirag Pradesh need to turn to spirituality and do serious introspection. One of the students, Mr. Kranti, is looked up to by most students of BDC and almost by all villagers. As much as he is a candid and frank boy, he kept silent throughout the debate. On public demand that he gives his views, he reluctantly said the following from his seat:

“With cow vigilantes like Baba Bhatuk around, a small and polluted tribal like me cannot say much. Comrade Kapala, we are ashamed that your killers are alive. We want Moksha from injustice. We want Moksha from oppression. We want Moksha from cow vigilantism. We want Moksha from “Democratic TV” and we want Moksha from Dwivedis, Trivedis and that Chaturvedi. We shall take Moksha, by blood, by acid and by whatever it takes.”

Mr. Kranti's short speech was not really vibrant. However, it was met with roaring cheers from the public. The dominant slogan was, “Kapala Kranti, Zindabad”. Mr. Kranti ran to the stage, seized the microphone and vivaciously said the following:

“Baba Bhatuk Murdabad. Long Live Comrade Kapala.”

Baba Bhatuk snatched the microphone from Mr. Kranti and said the following, in an offensive tone:

“This whole village will hang like that naxalite Kapala, and you, Kranti, you will be lynched. You are safe till the time you are in your uncivilised and polluted Mosokoso. Get out of Mosokoso and you will be beaten to death by my Gau Yodhdhas. Cow milk is alkaline enough to neutralise your acid.”

Several gunshots were fired in the air in the college campus and the dominant slogan was, “April Revolution!” There was a commotion. Baba Bhatuk as well as Mr. Kranti were nowhere to be seen.

Immediately thereafter, at about 9:30 in the morning, riots erupted in the college campus and it spread like fire. Mosokoso village was engulfed in riots. “Moksha” aired the riots live, in bits and pieces. The riots presented an excellent opportunity to the extremists in Mosokoso to add to the political and governance vacuum, by indulging in unprecedented and mindless violence. Central Armed Police Forces deployed in Chirag Pradesh and Chirag Pradesh's Special Forces tried to take charge of the situation. “Moksha” aired

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Live the progress made by the said forces as well as the progress made by the extremists. At about 11:00 in the morning, “Moksha” reported that Mr. Kranti has fallen prey to Chirag Pradesh's Special Forces. At about 11:30 in the morning, there were 3 high intensity bomb blasts in Diyasarai, which is the capital of Chirag Pradesh at a distance of about 500 kilometres from Mosokoso. Central Government provided Commando Battalions for Resolute Action and Indiana Reserve battalions and provided helicopters for anti-naxal operations. The movement of these battalions as well as the progress made by the extremists was aired live on “Moksha”. By about 3:30 in the afternoon, the situation was by and large under control. It was learnt from reliable sources that rather miraculously, Mr. Kranti did not succumb to his injuries. Baba Bhatuk's disfigured corpse indicated that an acid bath was administered on him.

MMPL received a show cause notice in April 2016 issued by MIB, in relation to live airing of Mosokoso attack. Thereby, it was asked to show cause within 15 days from its receipt as to why action as per the provisions of Uplinking and Downlinking Guidelines, the terms and conditions of the permission dated 14.05.2004 and the provisions of Section 20 of The Cable Television Networks (Regulation) Act, 1995 should not be taken against it. While responding to the aforesaid show cause notice, MMPL submitted that “Moksha's” coverage of Mosokoso attack was completely balanced and responsible. MIB was not convinced with MMPL's response. It went on to pass an order prohibiting the transmission or re-transmission of “Moksha” for one day on any platform throughout Indiana with effect from 00:01 hours on 30.05.2016 till 00:01 hours on 31.05.2016. The said order was widely criticised as an onslaught on media. MMPL challenged the said order by way of a Writ petition filed under Article 32 of The Constitution of Indiana, alleging violation of rights under Article 19 of The Constitution of Indiana. Hon'ble Supreme Court of Indiana refused to entertain the said Writ petition, as MMPL is not a citizen. “Moksha” went off air for one day, as per MIB's order. Hon'ble Supreme Court of Indiana was also widely criticised for deviating from its duty of keeping a check on Central Government's attacks on media. “Democratic TV” branded “Moksha” as “anti-national” as it is not a citizen. In his inimitable style, Mr. Skandagupta Chaturvedi declared on “Democratic TV” that anti-nationals are not citizens and no wonder, even as per Hon'ble Supreme Court of Indiana, anti-nationals are not entitled to Fundamental Rights.

From 00:02 hours on 31.05.2016, “Moksha” has been airing purely spiritual content. On account of the anti-national banter, it often plays spiritual music in the tune of famous patriotic songs like “Mere Desh Ki Dharti” and “Ae Watan Ae Watan”. MMPL received a show cause notice dated 16.01.2017 (“SCN dated 16.01.2017”) on 19.01.2017, issued by MIB. Copy of SCN is **Annexure B**.

MMPL has filed a writ petition before Hon'ble High Court of Dahelia, challenging the constitutional validity of Uplinking and Downlinking Guidelines. Mr. Sukhbir Bhatti is a shareholder in MMPL. He is the second petitioner in the said Writ petition. Vide the said writ petition, MMPL has also prayed for setting aside of SCN dated 16.01.2017 and stay of its operation during the pendency of the Writ petition.



# The Moot Problem

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## Annexure A

The permission conveyed vide letter dated 14.05.2004 is subject to the following conditions:

1. Ministry of Information & Broadcasting (“MIB”) shall be empowered to impose such restrictions as may be necessary, as and when required.
2. MIB shall have the power to revoke this permission on the grounds of national security and public order.
3. MIB shall have the power to prohibit transmission of programmes considered to be prejudicial to friendly relations with foreign governments, public order, security of state, communal harmony et cetera.
4. MIB shall be empowered to modify the aforesaid conditions or incorporate any conditions, as and when necessary in the interest of national security.

## Annexure B

No. \_\_\_\_\_

Government of Indiana

MINISTRY OF INFORMATION & BROADCASTING

'A' wing, Shastri Bhawan, Dahelia – 110 001

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Dated: 16.01.2017

### SHOW CAUSE NOTICE

Whereas, Ministry of Information and Broadcasting (MIB) has granted the permission to Mukti Media Private Limited (“MMPL”) to uplink and downlink one non-news and current affairs TV channels, i.e., “Moksha” on 14.05.2004 into Indiana.

2. Whereas, the permission so granted by MIB is governed by the Uplinking & Downlinking Guidelines dated 05.12.2011, as amended till 16.12.2016.

3. Whereas, Clause 9.2 of the Uplinking Guidelines and Clause 8.3 of the Downlinking Guidelines stipulate that security clearance to a company and its directors is a mandatory prerequisite condition for grant of permission for TV channel.

4. Whereas, Clause 5.8 of the Guidelines for Uplinking from Indiana mandates that the company shall ensure its continued eligibility as applicable throughout the period of the permission and adhere to all the terms and conditions of the permission, failing which the company shall be liable for penalty as per Clause 8 of the Uplinking Guidelines.

## The Moot Problem

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5. Whereas, security related condition number 2 in Annexure A prescribes that the permission can be revoked on the grounds of national security among other things.

6. Whereas, Ministry of Home Affairs (“MHA”) has recently conveyed denial of the security clearance to your proposal for renewal of the permission for next 10 years.

7. Whereas, by reason of withdrawal of security clearance by MHA, MMPL would cease to fulfil the rudimentary pre-requisite for grant of the permission of uplinking as well as downlinking “Moksha”.

8. Whereas on account of the aforesaid non-compliances, the permission is liable to be withdrawn/cancelled.

9. Now, thus, MMPL is called upon to show cause within 15 days of receipt of this notice, why its permission should not be cancelled/revoked due to denial of security clearance by MHA.

Sd/-

Secretary to the Government of Indiana

To,  
Mr. Tashi Gyaltzen  
The Managing Director,  
Mukti Media Private Limited  
Diyasarai, Chirag Pradesh

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\* The laws of Indiana are *in Pari Materia* to the laws of India

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