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MOOT COURT SOCIETY

FRESHER'S MOOT PROPOSITION- 2024

1. Bindia is a sovereign, socialist, secular, and democratic republic located in South Asia. Bindia, a former British colony, gained independence in 1947 using a variety of techniques, including rallies, negotiations, art, journalism, and violence.
2. Given that the British Administration was very oppressive to the media and the Bindian Freedom Fighters used media to further their cause of independence, independent Bindia celebrated the role of media in its democracy, and journalists, authors, and media people were revered as the fourth pillar of democracy. The media was allowed a lot of autonomy, and freedom of press was regarded as an implicit aspect of freedom of speech and expression.
3. Journalist and Editor Mr. Mohit Sardana works for the English national daily, Daily Bulletin, which is widely distributed in the state of Ratna. A speech given by Shri Shiv Prasad, a member of the State of Ratna's Legislative Assembly, was published by Mr. Mohit Sardana in July 2024. The chief minister of Ratna was accused as being a forerunner of the current corrupt regime in the speech. Additionally, he accused him of using vote-bank politics to sway Kiya voters by moving a District Engineer.
4. The choice of the former chief minister as the chairman of the Khadi Board, however, was largely attacked in the speech, and this actually caused the Legislative Assembly to widely oppose it.
5. In the exercise of his authority under the Parliamentary norms, the Speaker of the State Legislative Assembly erased portions of the political leader's speech; however, Mr. Mohit Sardana published those expunged passages in the aforementioned National Daily. After the publishing, the former chief minister left the Khadi Board. The Speaker took notice of the editorial after this episode and sent the journalist a contempt notice, claiming that the journalist had violated the legislative branch's privilege against releasing erased papers and had reported the Assembly proceedings dishonestly.

6. Mr. Mohit Sardana filed a plea before the Hon'ble Supreme Court, arguing that the contempt notice infringed his fundamental rights under Article 19, which ensures the freedom of speech and expression, including the freedom of the press and the ability to legitimately practice one's trade or profession.
7. Mr. Mohit maintained that publishing Assembly proceedings, including erased remarks, is in the public interest and serves as a tool for holding public authorities responsible. The Speaker's order expunging remarks cannot limit the press's basic rights, and Assembly Privilege must be interpreted in accordance with Article 19(1)(a), which prioritizes fundamental rights in instances of dispute.
8. On the other hand, the respondent/s stated that the act of the Speaker was very much within the rights accorded to him as per the Constitution of India, and the publication of expunged remarks directly undermines the authority of the Speaker and disrupts the decorum and dignity of the Legislative Assembly.
9. The Supreme Court has appointed a 9-judge Constitutional Bench to hear the case, notified all parties, and scheduled a final hearing for November 2024. The final hearing will consider all concerns, including the petition's maintainability.
10. The following issues have been framed by the Supreme Court of Bindia:
 - I. Whether the Writ Petition is maintainable before the Hon'ble Supreme Court of Bindia?
 - II. Whether the immunities enjoyed by law makers under Article 194 of the Constitution overrides the fundamental right to freedom of speech under Article 19 of the Constitution?

Notes:

- A. Laws of Bindia are pari materia to the Laws of India. And Laws of State of Ratna is pari materia to the laws of State of Bihar.
- B. Kiya is a religion that is in the minority in the Union of Bindia.
- C. The present Moot proposition is purely a work of fiction and is drafted solely for the purpose of the **Fresher's Moot 2024**. Any resemblance to real persons, places, or events is purely coincidental.