



XII ALL DELHI (NCR) MOOT COURT COMPETITION

15 NOVEMBER, 2014

PROPOSITION

The facts of the present case are in context of the Country Pinda, a Union of 28 States.

The State of Neo Pradesh of country Pinda, was going to elections within a week, when a video clip was posted on Facebook which went viral, but the person responsible for uploading the clip is untraceable.

The video clip was allegedly a sting done on the politician Surya Kumar contesting from one of the constituencies of the State, Neo Pradesh. The 20 seconds long video clip did not show anyone's face, but only the voices of the persons could be heard. The video clip depicted that the alleged politician Surya Kumar was giving Rs 1 crore to a person in front of him and saying, "you know what you have to do if these miniscule rats come in your way...we shall forever rule them".

Neol, convinced by the above video, shared the video clip on his Facebook page and added a comment to it "Kill this corrupt and sectarian politician Surya Kumar, by not voting for him, before he kills us".

Surya Kumar came across this video clip while surfing the internet at his party office and he immediately lodged a police complaint in Neo Pradesh, against this alleged clip, saying it was morphed, false, politically motivated and intended to harm his image. In his complaint he stated that the post had inflammatory and defamatory statements, hurting religious sentiments and promoting communal disharmony. FIR was lodged invoking various provisions of the Information Technology Act, 2000, the Indian Penal Code, 1860 and other legal provisions. Police made investigations and found out that Neol was a student of Neo Pradesh University, hailing from Jaipur. While Neol was approaching Shimla with his friends earlier on that day, he had shared the video clip and added his inflammatory comments by accessing Facebook through his smartphone. The police further found out that he was a trickster and arrested him from Jaipur on November 5, 2014 and produced him before the Magistrate.

The Prosecution sought remand for custodial interrogation of the accused to find out any motive of larger game plan to promote communal disruption in the State. The Designated Authority of Government of Pinda also issued a notice to facebook to completely remove this post and linked comments from the walls of all users who had shared it.

On November 7, 2014 Neol files a petition before the High Court under Section 482, Code of Criminal Procedure, 1973 to quash the FIR against him. On November 10, 2014 he filed a petition under Article 226 of the Constitution of Pinda, alleging violation of his fundamental rights, challenging the constitutionality of certain provisions of the Information Technology Act, 2000 and alleging that the order of the designated authority was unconstitutional.

The High Court heard both the petitions together and dismissed the two petitions filed by Neol through the order dated November 13, 2014. Neol approaches the Supreme Court challenging the decision of the High Court. The case is listed for arguments before the Supreme Court of Pinda on November 15, 2014.

Note: The Country Pinda has the same laws as that of India.