



2ND TAL NATIONAL [ONLINE] JUDGEMENT & MEMORIAL WRITING COMPETITION, 2021

PROPOSITION

Organized by:
The Advocates League

Knowledge Partner:

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UNDISPUTED FACTS

1. Hind is a small developing country where the freedom of speech and expression is guaranteed as a fundamental right under the Constitution of Hind. Zangistan is the neighbouring country of Hind. However, in last few months there have been various instances where freedom of speech and expression has come under the scanner in Hind.

2. Mr. Umar Gulab filed a criminal case on 8-Feb-2020 under section 124A of HPC (Hind Penal Code) against Sarojni Mehta, an actor-politician who is a member of the Hind National Party, the largest opposition party for her comment on social media “Home Minister Uday Shah said that ‘going to Zangistan is like going to hell’, but in reality it is nothing like that. People there are just like us and there is no difference. They treated us very well.” On the receipt of the complaint, summons was issued against Sarojni Mehta. Sarojni filed anticipatory bail before the court but the same was refused. Sarojni Mehta being aggrieved by these challenged the constitutionality of Sections 124A of the IPC stating it to be violative of Article 19(1) (a) of the Constitution of Hind before the Supreme Court of Hind.

3. Intamnesty International, an NGO, conducted a campaign named “Broken Families of Kujrat” (Kujrat being a state of Hind) where they talked about the human rights violations by Hind Army on the people of Kujrat and invited the victims of these violations to speak. During the debate the Hind Peoples Party (HPP, which is the ruling party) was heavily criticized for its inaction. Moreover at the end of

the program the debate got heated and there were heard some anti-Hind slogans.

4. Independent Students Union (ISU) held protests on 10-April-2020 on the hanging of Shoaib Khan convicted of terror attack on the parliament of Hind in the campus of Shivaji University for which the permission was refused by the University. Anti-Hind Slogans and slogans to overthrow the government were raised in the event. A complaint was filed against Anurag Yadav the President of ISU for the charges of Sedition. The disciplinary committee of the university investigated the matter to find that were the slogans was raised by a group of outsiders wearing masks.

5. During investigation video came out in which certain students of ISU were there in the protest and raising slogans. But, ISU president Anurag Yadav cannot be seen in the video as per the report of the disciplinary committee. The university served show cause notices to 14 students but they refused to accept the committee report. Some of the students had been arrested for sedition for allegedly shouting anti-Hind slogans during the protest. The Swatantra University then rusticated them and withdrew their hostel facilities, among other punishments. Students of Independent Students Union urge that there was nothing ant-national about it; we raised slogans about our freedom. These are the kind of slogans that we have always used in all our protests. The freedom that we were talking about is freedom of expression”.

6. All Hind Student Organization (AHSO) a student body associated with Hind Peoples Party (HPP), was responsible for filing the complaint on 12-October-2020 against Intamnesty International and Anurag Yadav under section 124A of the IPC. After this, investigation was done by crime branch who found out that fund was given to members of ISU by a terror group of Zangistan. But, the identities of the members are still not found. Pointing to the FIR

being filed after seven months of the incident, ISU said that the All Hind Student Organization (AHSO) a student body associated with Hind Peoples Party (HPP), just as all its other promises, was "not serious" and using the issue now as a political tool. "If the government was really serious about the case and maintained that we did indulge in anti-national activities, then why did it take seven months to file the FIR, that too just before the polls".

7. National Crime Records Bureau in its report stated that in 2019 as many as 87 cases of sedition were filed leading to the arrest of 61 people and there has been an alarming increase in the cases in 2019. In 2020 as many as 57 cases have been filed.

Sarojni Mehta, Intamnesty Interntaional and Anurag Yadav filed a PIL challenging the validity of Section 124A as being violative of Article 19(1)(a) and Article 21.

As all the above issues concerns interpretation of Article 19(1) (a), 19(2) and 21 of Hind Constitution it was placed before a Special Bench of the Supreme Court of Hind to decide.

- Participants are free to decide the issues. The number of issues shall not exceed 5.
- Laws of Hind are in *pari-materia* to the laws of India.

[*Note: The Problem for both the Competitions i.e., Judgement Writing Competition and Memorial Writing Competition would be same.]**