

## Fact Sheet

1. Malcoda is the most acclaimed actress in Aligot. She is talented and unconditionally loved by her countryfolks. Her aura is mesmerizing and she is often described as a figure of myth. In her autobiography she puts her relationships at the center of her narrative and considered her description of her own life to be merely incidental, she produced a powerful personal account, stretching from her youth to adulthood. The autobiography covers her four marriages and many other loves, the incestuous relationship with a brother who committed suicide, the death of her only child, and a lifestyle that she fulfilled by sticking with all the requirements of humanism.
2. Stardom was no obstacle to tragedies to which she survived with the same haughtiness that enshrined her on screen. Instead of either staying devastated by losses, or being removed from the public light, or giving the world a suffering or weak image she was open to delving into her joy in front of an audience eager to penetrate her intimacy.
3. Aligot is the third-largest country in the world. It is characterized by its extremes of wealth and poverty. Despite its dynamic industrial growth since the last decade, it remains economically fragile. It is ethnically and regionally varied, with significant socio-economic disparities among its citizens. Its cultural distinctions are accentuated by the huge variety of indigenous languages and customs. This contributes to preserving its cultural uniqueness.
4. It is observed that within the society of Aligot, discourse about issues concerning sex is extensively considered taboo. Though it acts as a hindrance in disseminating information and knowledge about sex education in people especially young ones, yet it remains an untouched topic. The major reason for objections to dispensing information about the same is a general apprehension among people that it might corrupt the collective thought process of the society. The rulers of the country despise the incorporation of sex education at any level of the educational system because such information has no place in a cultured society. Its incorporation will lead to corrupt young minds, which might lead to sexual experimentation, irresponsible sexual behavior, and promiscuity.
5. Outdream Multimedia Pvt. Ltd., publishes *A Brave Face* every fortnight. It is a popular magazine that brings updated news and views across Aligot. In October 2020, it published a survey conducted on the topic of premarital sex. It also published views of various renowned persons. One Dr. Cabret, Director, National Institute of Healing, Aligot expressed that the traditional Aligot psyche reflects a conservative attitude towards premarital sex, which needs to be approached gradually with patience. Many other persons from different segments expressed their views. It also published Malcoda's opinion of the subject.

6. Malcoda stated that premarital sex is a reality in Aligot. Many people indulge in sex before committing to marriage. A healthy relationship is based on physical intimacy and therefore, nothing is wrong with indulging in sex before marriage. She pointed out that sex education is lacking in the country, due to which girls do not know how to avoid unwanted pregnancy. She strongly opined that it is high time that awareness about sex should not be seen as a taboo.

7. The survey is as follows:

S. no.	Question	Yes	No	Don't Know
1	Is it okay to have pre-marital sex if you are in a relationship?	71%	25%	4%
2	Will you avoid pre-marital sex to remain a virgin till marriage?	17%	68%	15%
3	Does sex help in building a relationship stronger?	83%	11%	6%
4	Will you marry a person who was previously in a relationship?	73%	17%	10%
5	Is it important that your prospective partner is a virgin at the time of marriage?	31%	44%	25%
6	Does society have an impact on an individual's choice to indulge in pre-marital sex?	61%	34%	5%
7	Is pre-marital sex acceptable in our society?	66%	24%	10%
8	Is romance is crucial to succeed in other aspects of life?	82%	6%	12%
9	Is pre-marital sex freedom and not a shame?	65%	15%	20%
10	Is sex education in school\college\university important to increasing young people's knowledge and improving their attitudes related to sexual and reproductive health and behaviors.	69%	23%	8%

8. After this publication people from different sections started to protest against Malcoda's interview. Interestingly, soon after that, another magazine titled *Flick Talks* carried a news item that Malcoda's comment has created a sensation among citizens and it published her defending comments concerning the previous interview.

9. She said, " What culture are people talking about? Is anyone unaware of sex in Aligot? Do people not know about AIDS? Nobody romances? One should accept the reality, and we should teach our young generation about the diseases that can be sexually transferred. Let's not act as eyes wide shut."

10. Malcoda on 10.10.2020 had sent a legal notice to *Flick Talks* for publishing her comments, which she denies stating to any of their correspondents. She said that the news article uses her previously shared personal opinion to distort the facts and sensationalized the entire matter.

11. These statements published in *A Brave Face* and *Flick Talks* drew criticism from the public, and as many as 37 criminal complaints were filed against Malcoda. The charges were made out under sections 292, 499, 500, and 505 of the Aligot Penal Code. Many of the other grievances rested on the allegations made under sections 4 and 6 of the Indecent Representation of Women(Prohibition) Act.
12. One of the complainants stated that she is a married woman who is the Deputy Division Chief of Royalist Party of Aligot, a political party, and is also involved in social service. The impugned statement disgraced her. Malcoda may find it as a mere utterance, but its implications are serious. It reflects women in a bad light, who indulge in premarital sex. This resulted in her and a larger section of women suffering mental harassment. They shall be looked down upon and in contempt. Especially women of her stature will find it extremely difficult to discharge their professional responsibilities without being ill-judged.
13. Another complainant is also a woman, Principal, Avoir International Senior Secondary School. The school has an annual subscription to *A Brave Face* due to which the students were able to access the statements of Malcoda. She is in a great position to influence its readers of tender age. It is revealed that she suffered mental agony and shame. The statement insinuates that women lose virginity before marriage, leaving a bad influence on many young readers. She thinks that when a public figure who is popular among youngsters endorse such opinions, it affects them and corrupts their tender minds. They are left with bizarre ideas and lose their grip on morality. They often indulge in what might harm youngsters and lead them to sexually irresponsible behavior. After all, morality is influenced by public notions.
14. On 19.11.2020, Malcoda approaches the High Court, Aligot to quash all the criminal proceedings initiated against her. She made a prayer before it to exercise its inherent power under section 482 of the Code of Criminal Procedure. But to her dismay, the plea was rejected by an order dated 30.11.2020. It reasoned that the issue posed before it was questions of fact and a trial judge is the only competent authority. It also ordered that all the cases with the same subject matter must be collectively heard by the Chief Metropolitan Magistrate. Nonetheless, it also recorded its views and condemned premarital sex as well as live-in relationships. Aggrieved by the same she approached the Supreme Court by way of *Special Leave Petition*.

**Issues:**

- Whether the impugned order is justified?
- Whether a criminal case is made out against Malcoda?
- Whether she is entitled to enjoy the right to express herself freely?
- Whether the complainants have a *locus standi*?

**Note: The Laws of Aligot are to be presumed *pari-materia* to the laws of India.**