



CHRIST
(DEEMED TO BE UNIVERSITY)
BANGALORE - INDIA



Date: 18th to 21st November, 2021

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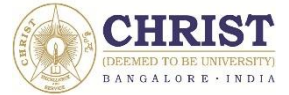
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An Initiative by the Moot Court Society, School of Law,
CHRIST (Deemed to be University), Bangalore



**12TH NATIONAL MOOT COURT COMPETITION,
SCHOOL OF LAW, CHRIST (DEEMED TO BE UNIVERSITY)**



MOOT PROPOSITION

1. In 2018 the Republic of Nanda was slated to go to polls to elect its Prime Minister. The election of the Prime Minister was among the most followed and commented events on the internet. After all, Nanda is amongst the heaviest internet bandwidth per capita users in the world.
2. Samar Pratap of the Tandav Party was elected as the Prime Minister. His election strategy heavily relied on social media and other forms of communication on the internet. He created a massive following for his nationalist right-wing ideology, and his extensive public relations team also created viral videos to help spread his ideology.
3. An app and online website called Seiji, created and wholly-owned in Nanda, was the preferred social media in the country. It allowed users to share posts, comment, and also disseminate information anonymously. Similar to Twitter, Seiji also required users to post in not more than 150 words. However, Seiji did not create or manufacture any content of its own, but rather facilitated posting various types of content.
4. While Samar Pratap's popularity continued to grow even after taking the oath of office, the community that opposed him also grew more assertive. Many groups, particularly those recognizing themselves as left and radical left, increased significantly. Such groups mostly took to social media to share their views and build support.
5. With time the internet grew more divisive and polar. It emerged to become a space for hate rather than a forum for healthy conversations. There were multiple deaths and injuries reported as a consequence of the virtual hate and fights. The government took note of the growing dangers of the internet but adopted a wait-and-watch approach to regulating it effectively. To combat the menace of hate on the internet Seiji allowed users to block any other user themselves if they felt it was necessary.
6. On the other hand, the internet also emerged as an important medium to circulate information and get updates about Government policy and decisions. All the Ministers of the Government took to Seiji to inform citizens about the activities of their respective ministries and share their official/personal views on various topics trending on Seiji. The Prime Minister was a regular and active user of Seiji. He posted updates, re-shared popular posts, and interacted with celebrities who were on Seiji. The Prime Minister had an official account under the handle @PMofNanda and a personal account @SamarP. Both these accounts were actively used, and any posts on either of the account became instant news.

7. In 2019, the government decided to introduce a legislation to reorganize the States of Nanda based on population to ensure that each State had an equal number of residents. This was done with the aim of making governance easier. This was a sharp contrast from the accepted rule of drawing State boundaries based on language. The revised limits resulted in each State not having any distinct language, and they were all multilingual. This decision met with widespread opposition, and various factions attacked each other on Seiji. Most of the fight against the decision of the government was led by Indu, a resident of the state of Kalbari within Nanda. She was a student activist, who spared no words in her attack of the policy. On Seiji, she used the handle @Induandu and tagged the Prime Minister and other ministers in each post.
8. Some of her posts include, "*The Prime Minister is the (demon emoji), he is (knife emoji) a united Nanda, it is time to rid the parliament of the fascists.*" "*We must get rid of the Prime Minister before he gets rid of Nanda's diversity*". These posts gained wide traction and began hurting the image of the government. #ResignSamarPratap became the most trending hashtag for the rest of the week. The opposition utilized the Anti-Government sentiments on Seiji and furthered its agenda.
9. The Prime Minister addressed Indu directly on Seiji and responded from his official and personal account. He replied, "*Little girls like Indu should stick to learning in college rather than teaching us how to govern.*" This caused public outrage and Indu's popularity grew and her posts tagging the Prime Minister received the highest shares. The consequences of Indu's posts were apparent as the government lost four seats in the bye-elections. Indu also endorsed groups that took to the streets and protested against the proposed legislation.
10. The Government under Section 69A of its Information Technology Act, 2009 issued a notice to Seiji to remove Indu as a user of Seiji. However, Seiji responded that removing a user's account would have a chilling effect on the freedom of expression and refused to comply with the order. The Prime Minister, each day was dragged into new controversies due to Indu's Posts. Indu's popularity on social media grew, and her posts were widely shared in the country. Any hashtag she used would become the most trending hashtag. Some factions also criticized her for her sway on Seiji and for only highlighting the failures of the government in power.
11. Indu and other members of her group noticed that they were blocked from the Prime Minister's official account and personal account after one of her posts criticizing him went viral. They took screenshots of the same and shared them. Within days, they were blocked from the personal and official accounts of all other members of the Prime Minister's cabinet. This prevented Indu from tagging the Prime Minister or accessing his past and future posts on Seiji. The algorithm of Seiji was designed to facilitate increased traction of posts if heads of the government or members of the governments were tagged in any post. With Indu being blocked by the Prime Minister, her popularity dimmed.

12. While this continued, Indu began to attack the United Nanda Party, the only opposition party in the country. She blamed their internal corruption, weak mobilization, and their President- the 80-year-old Richi Roger's outdated policies for the rise of the Tandav Party. She tagged their official account- @UNP in a post and said- "*Richi Roger is a (clown Emoji), he is a spineless old-man who should make way for younger leaders in the UNP. Otherwise, Nanda will be left in (fire and blood emojis).*" Indu was blocked by the UNP's Official account immediately. Due to this, she could no longer view UNPs policies, their criticism of Tandav's governance, internal elections, or official stance in the Nanda Parliament on Seiji.
13. Indu approached the Hon'ble High Court of Kalbarri seeking directions to the government and the Prime Minister to allow access to all official and personal accounts of the government members and the Opposition Party.
14. Various government ministers had now put their official duties aside to prepare for the upcoming elections in the newly reorganized States. While doing so, the Minister for Technology and Communication, Dhriti Tiwari shared a video on Seiji, about the failure of the leftist ideology since 1900 and the inability to effectively govern with such an ideology. While sharing the video, she also posted her opinion on the video '*The left is dying a slow death, it must adopt the path of 'right'eousness to correct itself*' The video went viral, and the claims made in the video was widely debated and discussed. The opposition was attacked with numerous questions on the claims made in the video. Balbir Sen, the author of a research paper based on which the video was created, sent a copyright infringement notice to Dhriti and Seiji. The notice stated that since his research was used to benefit a particular party in the election, it constituted a violation of the fair use policy. Seiji immediately took down the video and imposed a 2-day ban on Dhriti Tiwari. The Minister refused to reply to the notice and approached the District Court, which held the sharing contents of Balbir's research through a video without prior authorization constituted a violation of fair use policy.
15. Recognizing the role played by intermediaries such as Seiji in Nanda, the government decided to introduce the IT (Intermediaries and Digital Media Ethics Code) Rules, 2021, which placed duties on intermediaries to follow due diligence measures, failing which they would lose safe harbor protections granted to them under previous legislations. Under the new Rules, Seiji was listed as a news aggregator. Seiji, challenged the Constitutionality of Rule 3 to 7 of the Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021.
16. Seiji, apart from playing a prominent role in Nanda's polity, had a great business model which allowed for significant revenue from advertisement and strategic use of user data. This allowed multiple foreign investors to show interest in investing in Seiji. In August 2021, Seiji closed a huge round of investment by Axel Inc., an investment firm based in the United States. However, within a week of receiving the investment, Seiji was issued a notice for violation of the Foreign Contributions Regulations Act, 2010. The

government noted that Seiji was a news aggregator and that it played a prominent role in shaping the political affairs of Nanda. Therefore, it could not accept foreign funding. Seiji challenged the notice before the Hon'ble High Court of Kalbari.

17. The Hon'ble High Court was now faced with four distinct issues involving Seji, the Government, the Opposition Party, and Balbir Sen. Each issue was listed before a division bench and the Chief Justice noticing the common parties and facts decided to restructure the issues, as follows, and form a three-judge bench to hear them together.

A. Whether Blocking Indu's access to the personal and official accounts of Prime Minister, Cabinet Ministers, and the UNP on Seji is unlawful?

B. Whether the order of District Court of Kalbari should be upheld or dismissed by the Hon'ble High Court of Kalbari

C. Whether Rule 3 to 7 of the Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021 are Constitutional?

D. Whether the notice issued by the Government to Seiji for the alleged violation of valid in law?

Note:

A. *The laws of Nanda are pari materia with laws of India. However, the Courts of Nanda follows a unique principle of relying on all judicial precedents of commonwealth countries with equal weightage.*

B. *Seiji's internal policy and regulations have been influenced by the standards adopted by other similar intermediaries.*