



SAROJ LALJI MEHROTRA CENTRE OF LEGAL STUDIES

S. S. KHANNA GIRLS' DEGREE COLLEGE, PRAYAGRAJ

(A Constituent College of University of Allahabad)
Accredited at Grade 'A' by NAAC

3rd JUSTICE GOPALJI MEHROTRA NATIONAL MOOT COURT COMPETITION 8-9TH NOVEMBER, 2025



In Collaboration with
CHANDHIK & MAHAJAN



MOOT PROPOSITION

Knowledge Partner



Media Partner



MOOT PROPOSITION

A. BACKGROUND

1. Techasia is a democratic republic nation situated in South-East Asia with a population of about 143 crores. It has three organs of governance- the legislature, executive and the judiciary, also known as the ‘three pillars of democracy’. The Parliament of Techasia (**Parliament**) is situated in its national capital and is responsible for framing and passing laws governing the nation. This law-making power is conferred on the Parliament by the Constitution of Techasia (**Constitution**)¹.

2. The Constitution is the supreme law of the land and prescribes six fundamental rights available to citizens of the country, who can approach High Courts located in various states and the apex court, i.e., the Supreme Court of India to enforce such rights in case they are violated. The extent and scope of these fundamental rights have been further defined and expanded through key judicial precedents.

3. Techasia is undergoing rapid technological and economic development with increased internet penetration and enhanced use of emerging technologies like Artificial Intelligence not only by businesses but also by citizens in their day-to-day lives. This has been bolstered by rapid and dynamic technological environment that encourages tech-based growth and innovation and enables technology platforms to flourish in Techasia. As of 2024, Techasia had over 880 million active internet users.

4. With the rapid technological advancement, there have also been increased instances of misuse of technology which have severely impacted Techasia’s citizens and society at large. These include data privacy violations, leaking of citizen’s data, cyber frauds, deepfakes, impersonation through technological tools, and spread of fake news, among others. Various citizens have fallen prey to cyber frauds and impersonation, causing tremendous financial loss. Various public figures, including celebrities, politicians and eminent government officials, to name a few, have been the target of deepfakes circulated across social media platforms to spread false information. Various authorities including ministries, judicial authorities, regulators and key political leaders have spoken out against the menace caused to society by misuse of technology, specifically on the issue of spread of deepfakes and cyber frauds.

5. The Parliament and key ministries have introduced various laws, regulations and subordinate legislations have been introduced to regulate the use of technology and keep a check on its misuse. These include the Information Technology Act, 2000 (**IT Act**), the Information Technology (The Indian Computer Emergency Response Team and Manner of

¹ Techasia’s laws are in *pari materia* with that of India, except where stated otherwise.

Performing Functions and Duties) Rules, 2013, Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011 and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, to name a few.

B. FACTS

6. Innovate is a metropolitan city located in west Techasia, along the coastline of Salty Sea. It is known as the financial capital of Techasia, with advanced infrastructure conducive to the growth and development of business activities, including international trade. Innovate is divided into three customs zones, with a major port situated in each of these zones. Each zone has zonal customs authorities with key officers operating them.

7. Mr. A is a decorated customs officer, known for his diligence and honesty, and is the Assistant Commissioner in Zone I of Innovate, operating in Digi Port. On 19 July 2025, a social media group titled 'Techies' circulated deepfake videos and photos of Mr. A collecting cash from someone at Digi Port. These videos and photos were further forwarded and reposted publicly by some users and were very soon widely circulated across social media.

8. Later that day, Mr. A received a WhatsApp message from an unknown number with Techasia's Enforcement Directorate (**ED**) as a display picture. The said message contained a forwarded PDF of a seemingly official 'order', bearing the signature of ED's Additional Director working in Zone I of Innovate. The 'order' contained instructions for attachment of a vehicle belonging to Mr. A under Section 5 of the Prevention of Money Laundering Act, 2002 (**PMLA**). Subsequently, Mr. A received a video call from the same number. On the video call, there were two individuals dressed as police officers at a police station claiming to be ED officials. They informed Mr. A that the ED has decided to initiate an investigation against him for money laundering, as he has used the amount received as bribe to purchase an SUV. They instructed him to keep his video on and to submit a refundable 'security deposit' of INR 1 lakh as part of the investigation proceedings. Mr. A was pressurised by the officers to click on a website link shared by them, on which he had to enter his credit card details. While Mr. A was reluctant at first, he gave in and entered his credit card details and the OTP, as he did not want to face any consequences for not co-operating with the officers. Once Mr. A entered the OTP on the website, his entire bank account balance amounting to INR 75 lakhs was cleared out, and the officers on the phone disconnected the call and could not be reached thereafter.

C. CIVIL AND CRIMINAL PROCEEDINGS

9. Mr. A approaches the Digi police station to file an FIR against (i) the admin of the Techies group and their members, (ii) the social media users who forwarded and reposted the videos and photos and (iii) the two individuals posing as police officers (collectively, **accused persons**). An FIR was registered under the following provisions-

- i.** Section 66C of the Information Technology Act, 200 (**IT Act**) for identity theft;
- ii.** Section 66D of the IT Act for cheating by impersonation using a computer resource;
- iii.** Section 61 of the Bhartiya Nyaya Sanhita 2023 (**BNS**) for criminal conspiracy;
- iv.** Section 127 of the BNS for wrongful confinement;
- v.** Section 318 of the BNS for cheating; and
- vi.** Section 336(3) of the BNS for committing forgery for the purpose of cheating.

10. Parallely, Mr. A also approached the High Court of Innovate (**High Court**) by way of a civil suit, seeking protection of his name and image against misuse. He has also sought damages for the alleged unlawful, deliberate and malicious acts of posting, hosting, publishing, circulating, uploading and/or disseminating false and defamatory content on websites and platforms. Various parties were impleaded in the civil suit, including-

- i.** Mr. B, an individual freelance video editor;
- ii.** CD Enterprises, a social media marketing partnership firm, whose page was the sole admin of the Techies group. CD Enterprises hired Mr. B on a freelance basis from June 2025 for a few projects and he was still working with them when Mr. A's videos and photos were circulated;
- iii.** Various individual social media users, including those who (i) were members of the Techies group and (ii) further shared and reposted the relevant videos and images;
- iv.** 4 social media platforms; and
- v.** 2 search engine platforms.

11. Mr. A also filed an interlocutory application (**IA**) seeking an *ex-parte* injunction claiming that his personality rights and his right to privacy have been infringed by the defendant and if an injunction is not granted, it would cause irreparable harm to Mr. A, his family, his career and his reputation.

12. Seeing merit in Mr. A's case, the High Court decides to grant an *ex-parte* injunction, issuing the following directions to the defendants-

- i. All defendants were restrained from using Mr. A's name, image, personality or any other aspects of his persona using technological tools such as Artificial Intelligence (**AI**), deepfakes, machine learning either for monetary gains or commercial purposes, leading to a violation of Mr. A's rights;
- ii. The admins of social media groups and individual social media users were restrained from uploading, sharing or disseminating the concerned videos and images;
- iii. All 4 social media platforms and 2 search engines were directed to take down the URLs containing the relevant videos and images within 15 days from the date of the High Court's order.

13. The defendants have an appeal against the interim directions.

14. During the criminal investigation initiated based on Mr. A's FIR, the police arrested all three partners of CD Enterprises (Mr. E, Ms. F and Ms. G) for alleged identity theft, impersonation, criminal conspiracy, cheating and forgery for the purpose of cheating. Mr. B was also arrested on the same grounds and all four accused individuals were interrogated. The police also decided to investigate all four individuals, i.e., Mr. E, Ms. F, Ms. G and Mr. B for committing cyber fraud through digital arrest.

15. During the investigation process, the police also confiscated phones, personal computers and tablets of Mr. E, Ms. F, Ms. G, Mr. B and of all the individuals who were members of the Techie group in which the relevant videos and images were shared.

16. The concerned individuals have decided to challenge the investigation by the police, objecting to the confiscation and checking of the electronic devices by the police. They have therefore approached the High Court under Article 226 of the Constitution, seeking quashing of criminal proceedings under Section 530 of the Bharatiya Nagarik Suraksha Sanhita 2023 (**BNSS**). While there are common grounds based on the claim of invasion of privacy, Mr. E, Ms. F, Ms. G and Mr. B have also decided to challenge the alleged linkage by the police between the circulation of deepfakes, the High Court's order in the civil suit and the cyber fraud through digital arrest.

D. GROUNDS BEFORE THE HIGH COURT

17. The individuals (**Petitioners**) raised the following grounds before the High Court-

- i. Coercing the petitioners to disclose passwords to their mobile phones for the purpose of investigation violates their fundamental right under Article 20(3) of the Constitution as it leads to self-incrimination;

- ii. Police officers accessing their phones is invasive and violates their Right to Privacy under Article 21 of the Constitution;
- iii. Some individuals who were members of the Techies group claimed that they were merely recipients of the videos and images and did not circulate the same further, and therefore, the liability cannot be extended to them.
- iv. Mr. E, Ms. F, Ms. G and Mr. B had nothing to do with the cyber fraud via digital arrest. There is no link between the circulation of the relevant videos and images and the cyber fraud;
- v. The High Court's decision in the civil suit is sub-judice before a division bench and therefore the criminal investigation proceedings should be halted for the time being.

18. The High Court has dismissed the petition and directed that the investigation can continue. The petitioners have appealed this before the Division Bench of the High Court.

E. HEARING BEFORE THE DIVISION BENCH

19. Considering the interconnected nature of the issues, the Division Bench of the High Court will hear both the appeals together.

The Moot Proposition for 3rd Justice Gopalji Mehrotra National Moot Court Competition, 2025 has been drafted by Ms. Deeksha Manchanda, Partner, Chandhiok & Mahajan, leading law firm of India. The institution acknowledges her contribution in helping to organise the JGMNMCC. (Any kind of association or communication with the drafter with regard to the Moot Problem shall entail instant disqualification from the Competition.)