



# MAHARAJA AGRASEN INSTITUTE OF MANAGEMENT STUDIES

(DEPARTMENT OF LAW)

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# MAIMS 2<sup>nd</sup> NATIONAL MOOT COURT COMPETITION 2021



## MOOT PROBLEM

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**MOOT PROPOSITION**

1. The Democratic Republic of IDEE (herein referred to as IDEE) is a country with a 1.4 billion population. It has an area of diverse flora and wildlife, and its civilization is a harmonious mix of people from diverse cultural backgrounds. IDEE is a modern and secular nation that values peaceful coexistence with its neighbours.

2. IDEE opened its economy to overseas companies in various sectors, resulting in a digital revolution during the last ten years. With this digital revolution embracing IDEE, a need for stricter laws was also felt, and steps were taken to promulgate the same.

3. Mr. Moore is a well-known businessman. His operations included Mining operations, Entertainment Industry and Portfolio management are spread worldwide. He was a well-reputed businessman and was credited for several leading companies which were listed on the Stock Exchange and was doing well for its stakeholders. In 2019 he introduced an app called “Playa.” It was a platform to share videos of self and was a huge hit amongst youngsters.

4. Mr Moore subsequently introduced an app called “Rose” which was an 18+ app in all leading app stores. It had explicit content which was being displayed by a premium subscription and would connect the user to one of the service providers who would be indecently clad and would do things on customer request. This app started to become a rage due to the ongoing COVID restrictions. The app boasted that it even had several high-profile clients, which included politicians, actors, etc.

5. Mr Reader was a well-known journalist working for a leading National Newspaper and was conferred several awards, trophies, civilian awards in other countries. He was considered an elite journalist and was respected by all political parties as well. He was credited for several leading works on women’s rights and had devoted his entire career to the emancipation and upliftment of women.

6. Mr Reader, in one of his meetings with an NGO namely “Protection against Immoral Trafficking” (PAIT) was briefed about the “Rose” app which had started to create troubles due to exploitation, human rights abuse and several illegal detentions being conducted across IDEE. Mr Reader was perturbed and he was highly affected by the same. He, therefore, constituted an investigative unit to look into these allegations and protect such women who were being arrested without any reasonable cause.

7. On 7<sup>th</sup> July 2020, upon investigation, it was found that several actresses, as well as struggling models, were part of the app. They were working on this due to the high rate of return for a little screen time. This was followed by several sex workers who were also part of the app since there was a variety of users from all income strata. These sex workers were primarily arrested due to draconian legislation known as the Immoral Traffic (Prevention) Act, 1956. They considered sex workers as primary accused of being trafficked by national and international rackets of such traffickers. Further investigation showed that there were certain minor girls who were also involved and were being exploited.

8. On 28<sup>th</sup> September 2020, Mr Reader took out a full-page article in his national daily titled “Rose App certainly has a lot of thorns in it”. He exposed the entire dealing under the Rose app to the shady deals, trafficking, exploitation of sex workers and minor girls as well as child pornography. This created a huge furore. All media houses went all guns out for the arrest of Mr Moore and to be punished with the maximum sentence possible. Media Channels started to investigate the matter and created a trial of its own to ascertain responsibility. They conducted interviews with several workers/ employees of the app and exposed the dark side of the app.

9. On 19<sup>th</sup> November 2020, a special investigation team was constituted under the Federal Unit of Investigation (FUI), the leading Central agency for investigating grave sex crimes. Upon preliminary investigation, it was found that the app was funded by several dubious people residing in the State of Fount. In the investigation, it was found that this app was being used not only for illegal trafficking but also for money laundering under this garb.

10. On 9th December 2020, Mr Moore was arrested by FUI in the FIR No. 96/2020, lodged U/s 293, 294, 317, 339, 340, 341, 342, 354, 361, 362, 363, 365, 366, 366B, 367, 368, 370, 371, 372, 373, 375, 376, 506, 509 and 511 of IDEE Penal Code, Section 67 of The Information Technology Act, 2000 and Section 7,8,10,10A,18,20 of the Immoral Traffic (Prevention) Act, 1956 and for a case under S.4 of Prevention of Money Laundering Act, 2002. Mr Moore's lawyer applied for bail on 11<sup>th</sup> December 2020 to the Sessions Court in Thor.

11. Mr Moore being an important businessman and having sufficient means, was denied bail as he was an economic offender. It was also stated that he was a former Member of Parliament. It was believed that he would run from the country at the first instance to a state abroad. He repetitively applied for Bail in the Sessions Court as well as the High Court of Thor. He was denied bail in all attempts. Considering this, he moved to the Supreme Court of IDEE, wherein he stated that due to his ill health and age, the Court should grant him relaxations from arrest. The Barrister General filed a reply affidavit stating that the Court previously had not keenly taken up the "triple test" for grant/refusal of bail in Economic offences. Hence, the number of such cases increased. He suggested, the Centre wants strong guidelines to not allow bail to such powerful economic offenders who can go abroad and should reconsider its previous decision in light of such repeated incidents.

12. Meanwhile, Mr Reader and PAIT filed a petition before Supreme Court to recognize the right of Sex workers as it is not an immoral act as well as they would be better protected if they were recognized under the law for several benefits and aids which are currently not provided under any legal framework.

13. Another NGO petitioned before the Supreme Court, namely Susan, who stated that there are no laws governing such content and its regulation over digital media and apps. Furthermore, they stated that the Supreme Court's directions on Child porn are still not being observed which breaks the fabric of the society and will rather have lasting effects. They stated that the lack of such enforcement has encouraged such digital media apps and such outlets to push such apps under covert or disguised form

and no intermediary or service provider is taking any responsibility for such takedown.

14. Further, two actresses, namely Ms Lacid and Ms Bond who were alleged to be part of the app were considered as All-stars. They alleged they were being targeted by various groups for such immoral acts. They were being attacked and scrutinized to the extent that their privacy and image were not being protected due to the media trial being conducted by the news channel. The Actress sought protection from the police which was denied. Furthermore, they requested the Ministry of Technology to direct these websites to take down this false and propagandist news as all endorsements and brands were pulling out their contracts with them. They moved to the Court seeking protection as it impeached their privacy and caused havoc in their personal and professional life.

15. Supreme Court considering such common cause of action and legal questions regarding and relating to the “Rose App” clubbed the matters for final hearing. The questions of law for determination are: -

- a) Whether Mr Moore is entitled to bail in criminal case registered vide FIR No. 96/2020?
- b) Whether Sex workers have an inherent right of trade and occupation?
- c) Whether there exists any enforcement/implementation mechanism against child porn content?
- d) Whether Ms Laid and Ms Bond have an inherent right of privacy against media trials?

**Note:** IDEE has adopted the Constitution of India verbatim, and all the laws and regulations, including the prevailing circumstances as in India, shall be squarely applicable to IDEE verbatim. All the statutes cited for IDEE may be read and applied verbatim as per the Indian statutes. All the sections of every law in India are open inter alia ambit of the question of law. **Participants can further come up with additional issues.**

**Disclaimer:** The Moot Proposition is entirely fictitious and was drafted only for the Moot Court Competition. The individuals, institutions, organizations, and events portrayed in this Moot Proposal are all made up. Any resemblance to actual people or events is entirely accidental and unintended. The contents of the Moot Proposition are not intended to defame/denigrate/hurt the feelings of any individual(s), institution, community, organization, or class of individuals.