MANAV RACHNA
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Title Sponsor

MANAV RACHNA LAW AND TECHNOLOGY

NATIONAL MOOT COURT COMPETITION

AUGUST 2021

Technology powered by

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MANAV RACHNA EDUCATIONAL INSTITUTIONS

NAAC ACCREDITED 'A' GRADE UNIVERSITY & PROFESSIONAL INSTITUTIONS

Manav Rachna Educational Institutions

Manav Rachna Educational Institutions (MREI) are the brainchild of Dr. O P Bhalla, an educationist, and a philanthropist. Founded in 1997, MREI is a visible symbol of knowledge & experience providing high-quality education in various fields including Engineering, Management, Psychology, Economics, Computer Applications, Humanities, Education, Law, Visual Arts, Interior Design, Architecture, Commerce, Business Studies, Geology and many more. There are four Institutions at MREI - Manav Rachna University (MRU), Manav Rachna Dental College (MRDC), Manav Rachna International Institute of Research & Studies (MRIIRS), and Manav Rachna International Schools and Kunskapsskolan Schools.

Manav Rachna University

Manav Rachna University (MRU) is a State Private University [established by Haryana State Legislature Act No 26 of 2014 & under section 2(f) of UGC Act 1956].

Vision:

To educate students in frontier areas of knowledge enabling them to take up challenges as ethical and responsible global citizens

Mission:

- To impart outcome based holistic education
- To disseminate education in frontier areas
- To produce globally competitive, ethical and socially responsible human resources
- To produce human resources sensitive to issues of Environment and Sustainable Development
- To develop Environment and Sustainable development as a thrust area of research and development.





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MANAV RACHNA
Vidyanatariksha
FACULTY OF LAW

FACULTY OF LAW

The Faculty of Law at Manav Rachna University (MRU) is committed to educate and train students to become global leaders with a foundation of staunch ethics and deep understanding of legal concepts and issues. The Faculty offers five-year Integrated Honour Law Programs in three streams – BA LL.B. (Hons.), BBA LL.B. (Hons.) & B. Com LL.B. (Hons.) – specialised LL.M. programs and a PhD program. Our vision is to solemnly cherish and uphold justice and the rule of law.



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MANAV RACHNA LAW AND TECHNOLOGY
NATIONAL MOOT COURT COMPETITION
AUGUST 2021

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Prof. (Dr.) I. K. Bhat
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Manav Rachna University



Ms. Geetu Singh
Partner
Forensic Services and Leader-
Dispute Advisory Services
Pricewaterhouse Coopers Private Limited, India

Moot Court competitions have come to be recognized as an important part of the curriculum in law schools. They give students the opportunity to interpret legal provisions and apply the law to practicalities of daily life. To promote this wholesome training, the Faculty of Law, Manav Rachna University offers a compulsory course on Moot Court to the students.

Faculty of Law, Manav Rachna University present the Manav Rachna PwC Law and Technology Moot Court Competition, 2021. The 1st edition is sponsored by PricewaterhouseCoopers. The Moot Court competition will be held in online mode, the technology for the Competition is powered by Suveeksha Eduskills.

The Faculty of Law at Manav Rachna University is organizing an Online Moot Court Competition for the first time with an objective to raise the standards of Legal Education in the country. The aim is to provide all future lawyers a platform wherein they could put forth their legal knowledge into action, polish their research and drafting skills, and get a chance to network with several renowned practitioners, academicians and judges of the judiciary who shall judge the moot rounds. The moot is an opportunity to build confidence and teamwork.

The first edition of this Online Moot intends to stimulates the study of Law and Technology. The participants will be expected to interpret the statutory provisions in light of the legal concerns arising from the ongoing WhatsApp and Facebook privacy policies. The issues of the Moot focus on data protection, abuse of dominant position, and disparity in privacy policy. The Moot will provide future lawyers a platform to explore and understand the relationship of the internet with the current political, cultural, and social environment.

The dates of the competition are 26th, 27th, and 28th August 2021.



Invitation

To,
The Vice Chancellor/ Registrar/Dean/ Director
Subject- Invitation for the Manav Rachna PwC Law and Technology Moot Court Competition

Ma'am/Sir

The Faculty of Law, Manav Rachna University, Faridabad is delighted to announce its First Edition of Law and Technology National Moot Court Competition to be held from 26th to 28th August 2021.

We would like to take this opportunity to invite your esteemed University/Institute to participate in the competition. We would be glad to receive a positive response about your participation to so that together we can give our students a platform wherein they could put forth their legal knowledge into action, polish their research and drafting skills. A copy of detailed rules and regulations is attached herewith for your kind reference.

We look forward to your positive response.

Thanking you
Warm Regards

Dr Versha Vahini
(Associate Dean)
Faculty of Law
Manav Rachna University
Sector 43, Aravalli Hills, Manav Rachna Campus Rd, Faridabad, Haryana 121004

Notification and Release of Problem	**5th July, 2021**	**Monday**
Last date for Registration and submission of clarifications (regarding the moot problem, if any)	**30th July, 2021**	**Friday**
Last date for submission of registration fee	**10th August, 2021**	**Tuesday**
Release of clarifications (regarding the moot problem, if any)	**10th August, 2021**	**Tuesday**
Last date for submission of soft copies of memorials in PDF Format	**14th August, 2021**	**Monday**
Dates for the competition	**26th - 28th, August, 2021**	**Thu, Fri, Sat**

MANAV RACHNA LAW AND TECHNOLOGY MOOT COURT COMPETITION

MOOT PROBLEM

1. The sub-continent Winden is the second-largest democratic country in the world. It got its freedom from the Gregorians in 1947 and has since then been a democracy with its own Constitution and laws in pari materia to the laws and regulations in India.

2. In 2005, a social media app, Friends-Meet, was launched in Silicon Valley, located in the largest democracy in the world – Springfield. It provided a platform for people worldwide to get in touch with one another by posting text and audio messages, pictures, videos, stickers, documents, links, emojis and other content. In 2009, Friends-Meet set up its first office in Winden. Currently, Friends-Meet has seven offices and over 350 million users in Winden.

3. HeyApp is an instant messaging application launched globally in 2010, allowing users to communicate with one another, individually and in groups, using Wi-Fi or data services. It is a cross-platform, centralised messaging, and voice over IP (VOIP) service. An effective alternative to SMS services, it has grown its roots deep into society. The Headquarter of HeyApp is in Silicon Valley, with an office in Winden. The app has features to exchange texts, videos, images and introduced a video calling feature in 2017. HeyApp's client applications run on mobile devices and accessible on the computer through its app subject to certain requirements.

4. Friends-Meet acquired HeyApp in 2015 and became its parent company. To access Friends-Meet and its acquired platforms, users must necessarily share their transaction data, mobile device information, IP Address and keep their location on at all times. As of 2019, with over 400 million users, Winden accounted for over 65% of the global HeyApp users across the globe.

5. HeyApp released in 2016 a stand-alone business app targeted at small business owners, called "HeyApp Business", to allow companies to communicate with customers who use the standard HeyApp application. Due to this, a large number of business organisations started using and added to the growth of HeyApp in Winden. It is also used in large measure by the political parties to run election campaigns. It became the major medium of communication during the 2019 parliamentary elections.

6. The use and popularity of the HeyApp were such that even government authorities in Winden started using it as an instant and effective medium of communication for sharing information. The HeyApp, too, teamed with the Winden Government to bust myths and share authentic information in the light of the COVID-19 pandemic. The chatbot ensured that only verified information related to the pandemic reached its users. In March 2020, the Supreme Court of Winden allowed the service of summons via electronic mode, including HeyApp. After that, courts started sending summons regularly through HeyApp on registered mobile numbers. The Supreme Court also held in one of the cases that messages sent on HeyApp can be considered virtual communication and, therefore, capable of being considered evidence.

7. Just before the election, HeyApp gathered controversy for its role in several incidents in mob lynching, mainly due to the spread of fake news and misinformation through HeyApp. Soon the Central Government intervened and suggested HeyApp set up a local team to ensure accountability. In July 2019, HeyApp announced the appointment of Ms Neela Gautam to head the local team in Winden.

8. Samar Pratap Singh is an activist who started the NGO "Samaj Sewa aur Suraksha (SSS)" in April 2015. Co-founded with his wife, the NGO has been dedicated to assisting cyber-bullying and cyber-crime victims. It regularly arranges seminars and workshops for college students, teenagers, and the youth to spread awareness on cyber fraud, cybersecurity and data protection. The NGO is funded primarily by Samar Pratap's wife, a political scientist and professor, and receives generous donations from all over the world.

9. In September 2020, HeyApp rolled out an updated privacy policy (Policy), allowing Friends-Meet to automatically collect its users' usage and log information, including group information, phone number, contact details, and profile photo. The purpose of the new update is to "allow third-party service providers to manage communications for the best online experience". The clauses in the Policy include the following –

a. HeyApp will collect device and connection-specific information (including phone number, mobile operator or ISP), browser information, IP Address device operations information, and identifiers.

b. Even if the user is not using the location-related features, HeyApp can use the IP address and other information like phone number area codes to estimate the general location (city and country).

c. Business accounts may collect user's information, and the content may be visible to several people in that business.

d. HeyApp receives and shares information from, and shares information with, other products owned by Friends-Meet. Such apps will govern the users according to their own terms and privacy policies.

The purpose behind allowing the exchange of information is to improve the customers' services and experiences by using various tools to personalise the features, customise the content, help complete transactions and purchases, and show relevant offers. HeyApp asked users to agree to the Policy by 31st December 2020 to continue using the app, failing which, they would lose their accounts.

10. After the release of the Policy, there was a widespread commotion on social and print media. Netizens actively used hashtags and posts to share their concerns about the updated privacy policy of HeyApp. Users also claimed that Friends-Meet started showing advertisements based on their conversations on HeyApp. One Mr Bala Venkateshwar, a consultant at the Home Ministry, posted on his Friends-Meet account that there is nothing to worry about privacy as HeyApp's secure end-to-end encryption is very effective.

11. Following protests by users and privacy activists, HeyApp issued a statement in defence of the Policy –

"HeyApp's latest updates do not expand the ability to share the information with third-party apps or with our parent company. We aim to provide transparency and new options available to engage with businesses so they can serve their customers and grow. We have, and will continue to, protect personal messages with end-to-end encryption so that no one except the two individuals can see them."

12. Studies showed that during the backlash faced by HeyApp, thousands of users in Winden downloaded other messaging apps like Ghanti and WeMessage. These apps claimed to offer more secure policies that protected the users' data and regularly updated their encryption settings to provide the most security.

13. On 3rd November 2020, Samar Pratap Singh wrote to the Ministry of Information and Technology (MIT), asking it to prevent the implementation of the Policy by HeyApp. He also requested the Ministry to promptly enforce strict data protection laws, which will prevent HeyApp from treating its users with an 'all or nothing' approach. The MIT claimed to receive many such requests from NGOs and citizen organisations.

14. As a response to the requests received from Samar Pratap Singh and others, MIT released a statement on 13th November 2020. The Ministry acknowledged that the Policy "raises 'grave concerns' over the implications for choice and autonomy of Winden citizens." In the statement, the Ministry also called HeyApp's accept-the-terms-or-leave-the-platform stance "discriminatory… and a betrayal of trust." On 1st December 2020, HeyApp announced that it was delaying the Policy's implementation to mid-May 2021 to "give users more time to review the policy at their own pace.

15. In mid-January 2021, MIT released a set of guidelines in The Information Technology Ethics Rules 2021 mandating the social media platforms such as HeyApp and Friends-Meet to observe due diligence in compliance with Section 79(2)(c) read with Section 87(2)(zg) of the IT Act. They are required to inform users a priori not to post any fake, deceptive, or misleading information. In case such information is posted, the platform will have the right to limit access to that information and terminate the access of those users' usage rights. However, the rules require the platforms to give prior information to the users before their content is removed or access is terminated. The platform is also obligated to preserve records for six months, to be later used as evidence. One of the purposes of the IT Ethics Rules is to identify the originator of the information for purposes of identity verifications for investigations or prevent any offences under the law. In this regard, social media platforms are required to help identify and trace the source and the originator of the content by breaking the end-to-end encryption promised.

16. Aggrieved by MIT's steps and the half-baked IT Ethics Rules, Samar Pratap Singh filed a Public Interest Litigation on 14th February 2021 through his NGO in the Supreme Court against the Government of Winden and HeyApp as parties. Samar Pratap Singh has alleged that by not holding HeyApp accountable for collecting users' data, the Government of Winden has failed to protect its citizens' fundamental right to privacy, thus amounting to a violation of its constitutional responsibilities. He further contends that the IT Ethics Rules instead promote the collection of users' data, breaking the end-to-end encryption and sharing of information, which amounts to breach of

privacy and restrict freedom of speech and expression.

17. Regarding HeyApp's Policy, the petition contends –

a. "HeyApp serves as a medium for people to communicate and carry out business, thus performing a public function, and is therefore amenable to the jurisdiction of the Court under Article 32.

b. The privacy policy of HeyApp hurts the interest of users and jeopardises the national security of the country, as the laws of some foreign country will govern the users' personal data. That undermines Winden's sovereignty.

c. The Policy has made a travesty of the fundamental right to privacy, as it has no elements of privacy at all.

d. The Policy also violates the IT Act provisions and the Rules made thereunder the IT Law. By not maintaining reasonable security of the users' information, they are liable to a penalty under Sections 43A and 72A of the IT Act, and also under the IT (Sensitive Data Protection) Rules."

18. SSS has also pointed out the disparity in the Policy's application, which will not apply to the European Region. HeyApp is not authorised to share data with its parent company because of the Uniform Data Protection Guidelines (UDPG).

19. The petitioner requests the Court to direct the Government to frame data protection regulations across the Winden sub-continent urgently, to shield persons from arbitrary modifications to service terms, protect constitutional rights, uphold public interests, and address the market imbalance between users and the media platforms. The petitioner further urged the Supreme Court to issue appropriate interim guidelines on data protection.

20. The Government of Winden, represented by the Attorney-General, pleaded to exclude them as a party, as the matter is of private nature between Friends-Meet and SSS. They claimed that the IT Ethics Rules were passed to prevent fake news and misinformation and protect the nation's sovereignty and integrity. They contend that social media platforms have independent responsibility to identify "objectionable content", which is not directed by the Government of Winden.

21. Friends-Meet, represented by their lawyer Harshad Mehra, has challenged the locus standi of SSS to approach the Hon'ble Supreme Court and stated that this so-called PIL is funded by private interest. It also contends that it is a private body and does not fall within the definition of "State", so it is not amenable to the Supreme Court's jurisdiction under Article 32. HeyApp also pleads that it collects, and stores users' data as mandated by the Government of Winden and is thus not liable for any act of its own.

22. The following issues are before the Supreme Court of Winden –

a. Whether the petition under Article 32 is maintainable against the parties?

b. Whether there is a violation of the fundamental freedoms as provided in the Constitution?

c. Whether HeyApp's Policy and the Government of Winden violate Right to Privacy?

Rules

Teams

Each team shall consist of at most three participants - two speakers and one researcher - enrolled as full-time LL.B. [both 3-year and 5-year programme] students in the law school they represent at the time of the Competition. No person enrolled in a postgraduate law programme may act as a team member.

A team must consist of at least two participants in which case both the members shall be designated as 'Speakers'.

Attire

Participants should be appropriately attired for the rounds of the competition. The dress code will be black and white Western formals for Gentlemen and Western or Indian formals for Ladies. Robes are not permitted. The teams should make their own provisions to comply with the dress code of the competition.

Registration

All teams that desire to participate in the competition are required to fill the Registration Form available at https://forms.gle/aWjvHDcSkZ4Whjrd6. The students must attach a self-attested photo of each participant, and the seal/ stamp of the college. The deadline for registration of competition and payment of registration fee is 10th August 2021.

Marking criteria

Each speaker can be awarded a maximum of one hundred (100) points per oral pleading based on, but not limited to, the following criteria:

- Correct legal analysis and its application to facts.
- Clarity, logic, and originality of argument
- Overall presentation
- Ability to communicate with judges: persuasiveness and fluency.
- Rebuttal or sur-rebuttal: ability to respond to opposing side's arguments.

The memorial shall be evaluated on the following criteria (each having 20 marks):

- Application and Appreciation of Facts
- Identification, Structuring and Presentation of Issues
- Application of Legal Principles, Authorities and Precedents
- Ingenuity and Logical Reasoning Grammar, Style and Clarity

Written Submissions

Each team must submit the Memorial for the Petitioner and the Respondent in Word format & PDF Format no later than 11:59 p.m. [IST] on 14th August 2021. The file name should be the Team Code followed by letters P or R.

(E.g. 0000P for petitioner, 0000R for respondent)?

1. The Memorials should be typed on '.doc' documents compatible with Microsoft Word 2003 (or higher) only.
2. All memorials submitted must conform to the following requirements and a team will attract negative marking for failure to keep within the limitations as described below:

i) The font of the body of the Memorial must be Times New Roman, size 12, with 1.5 line spacing. Footnotes shall be in 'Times New Roman' with Font Size 10 and 1.0 spacing.

ii) Each page must have a margin of at least an inch on all sides.

iii) The memorial shall at least consist of the following parts:

a. Cover Page - [coloured blue for Petitioner, and red for Respondent]

b. Table of abbreviations

c. Index of authorities - The index of authorities must contain references to all page numbers where authorities are used or cited in the 'Arguments' section of the Memorial. Only authorities used or cited in support of arguments made in the 'Arguments' section of the Memorial may be included in the list of sources.

d. Statement of jurisdiction

e. Statement of facts

f. Issues presented - They must be presented as neutral questions, i.e. teams should not state their position on the questions raised in this section. The issues must be precise, relevant to the facts and each issue should ideally not be more than a sentence.

g. Summary of arguments

h. Arguments advanced/ Pleadings

I. Prayer

iv) The Cover Page MUST contain:

a. Team Code in the upper right-hand corner

b. The name of the Case

c. The party for which the Written Submission has been prepared.

d. Name of the forum resolving the dispute

e. The year of the Competition

f. Page number should not be mentioned on cover page

3. The Memorials shall use The Bluebook: A Uniform System of Citation (20th Edition), for formatting of all cited authorities. Endnotes are not permitted.

4. Memorial anonymity: The names of the team members, coach, institution or country shall not be on any portion of the Memorial.

5. Each team must adhere to the following limits:

i) The Substantive section should not exceed 12,000 words

ii) The Statement of Facts shall not be more than 1200 words including headings

iii) The Summary of Arguments shall not be more than 1200 words including headings

BANK DETAILS FOR MANAV RACHNA UNIVERSITY OPERATIONS

ACCOUNT NAME	MANAV RACHNA UNIVERSITY OPERATIONS
ACCOUNT NUMBER	50200050331373
BANK NAME	HDFC BANK LIMITED
IFSC CODE	HDFC0002549
A/C BRANCH	PALAM VIHAR GURGAON
ADDRESS	H BLOCK, OPPOSITE CELEBRITY HOMES, PALAM VIHAR, GURGAON
CITY	GURGAON 122017
MICR	110240247

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MANAV RACHNA LAW AND TECHNOLOGY

NATIONAL MOOT COURT COMPETITION

AUGUST 2021

ONLINE

https://manavrachna.edu.in/university/law/faculty/

https://suveeksha.com/



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