



NOIDA LEGAL SERVICE TRUST

(REGD.)

PRESENTS

NATIONAL MOOT COURT COMPETITION

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MOOT PROPOSITION

NATIONAL ORGANIZATION OF INDIA DIGNITY & ADVOCACY

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1. The Republic of Indusland is a constitutional democracy governed by a parliamentary system with a federal structure. The Constitution of Indusland guarantees a broad range of fundamental rights while envisioning a balance between individual liberties and collective societal interests, entrusting the judiciary with the role of constitutional guardian while vesting policy formulation and implementation primarily in the legislature and executive.

2. In recent years, The Republic of Indusland has witnessed rapid technological growth and digital penetration, with increasing reliance on data-driven platforms, artificial intelligence, and smart devices. While such technological advancements have contributed significantly to economic development and freedom of expression, they have also posed complex challenges to privacy, data protection, and human dignity, necessitating continuous constitutional scrutiny to ensure that innovation does not eclipse fundamental rights.

3. Despite this elaborate constitutional vision and statutory regime, including the IT Act, 2000, and the Digital Personal Data Protection Act, 2023, the management of subjects such as cloud-based data storage, AI inputs, and live streaming has remained a deeply contested social and legal question in Indusland. The tension between the right to life and safety of citizens, the duties of the state to uphold one's privacy, and the obligation to provide another his right to record/upload has created a series of dilemmas that continue to test the limits of both law and governance.

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4. As a result of the technological advancement, Giza Platforms Inc., a multinational technology corporation incorporated in the United States of Eldoria, launched its product titled “Visionaire-Giza Smart Glasses” in Indusland in early 2024. The product was a success in various countries across the globe. It was also approved for sale by the Union Government of Indusland in January 2025 without any device-specific regulatory framework.

5. The Smart Glasses are equipped with advanced features including: Audio and visual recording, Real-time live streaming, Automatic cloud-based storage of recorded data on Giza-controlled servers, Integration with artificial intelligence systems for data analysis and training. The recording functionality of the Smart Glasses can also be activated discreetly and does not provide any clear or mandatory visual or auditory indication to persons being recorded.

6. Zaka, a northern state of Indusland, has long been grappling with rapid urbanisation. Expanding cities, shrinking open spaces, high rise buildings, and increased population. Giza Platforms Inc. in an act to promote its newly launched “Visionaire-Giza Smart Glass” chose the State of Zaka for its first showroom. The people of Zaka welcomed the new generation technology with open arms and a record sale of 1,000 glasses were sold on the first day of its launch.

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7. Rajesh Varma, a private individual and social media influencer with a substantial online following, has purchased and used the Smart Glasses in public places including cafés, metro stations, record

marketplaces and educational institutions, to record conversations and interactions of unsuspecting individuals. The recordings were subsequently uploaded on social media platforms, monetized through advertisements and brand collaborations, and also was allegedly used by Giza Platforms Inc. for artificial intelligence training and analytics.

8. On one such day, while Rajesh Varma was driving wearing his Visionarie- Giza Smart Glasses, he was stopped by a traffic police for a regular check. When stopped, the police accused him of over speeding while he argued that he was driving only within the speed limit and his entire ride was captured and recorded on his glasses. This heated argument attracted a crowd that recorded the scene and uploaded it on WeBook, a social media platform. The video became viral leading to an increased attention towards Rajesh's social media page as well.

9. Rathi, aged 52 years, residing in Momo Colony, Rampak, Zaka, found herself featured in one of Rajesh's videos and was deeply aggrieved by the same. Not just her, but several other residents of the locality also raised complaints, alleging an unwarranted intrusion into their private lives. They contended that the videos were recorded without their knowledge or consent and were subsequently circulated on digital platforms, thereby exposing their daily activities to the public at large.

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10. The aggrieved individuals asserted that such acts amounted to a serious invasion of their right to privacy and dignity. Consequently, various petitions were filed before the High Court of Zaka with questions against unrestricted recording through smart glasses violating their right to Article 21 and a prayer to remove all content that has been used without proper consent to be taken down.

11. Chow, an AIDS B.Tech graduate working in Plaza, was a user of the Visionarie-Giza Smart Glasses. After using the glasses and some primary research, he arrived at a finding that the Giza stores user and public information that is streamed and recorded through the smart glasses and is used for data analytics and AI training.

12. Shocked by the shortcomings of the technology, Chow filed a PIL before the Supreme Court of Indusland as to whether the right to privacy applies against private corporations, whether the state has failed in its positive constitutional obligation, and if technological innovation can override fundamental rights.

13. Considering the gravity of the issue, the Supreme Court decided to club the cases and hear them together for comprehensive adjudication and has framed 4 issues.

1. Whether continuous and unrestricted recording negates privacy claims and violates Article 21?

2. Whether imposing such restrictions on devices violates Art. 19(1)(a)?

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3. Whether by providing scope for technological innovations to override fundamental rights, are states failing to establish positive constitutional obligations?
4. Whether Giza Platforms Inc. can be held liable under horizontal application of fundamental rights.

NOTE TO THE MOOTERS

- The Constitution and all other laws of the Republic of Indusland should be interpreted in pari materia with the Constitution and other laws of India, and no such fact is pari materia to any country.
- The events and the characters depicted in the moot court problem are purely a work of fiction and hypothetical. Any similarity to actual persons living or dead is purely coincidental.
- Participants are not allowed to contact the problem drafter directly/indirectly for any clarifications/queries.

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