

LEX OMNIA MOOT COURT COMPETITION 2024 MOOT PROPOSITION

1. The Union of Vedanta was famous for its rich traditions and heritage. After years of colonial rule and a long freedom struggle, it gained independence in 1947. Vedanta's legal history is rich and diverse, evolving through ancient texts that propounded modes of societal governance. The Mauryavan and Lakshayana empires of Vedanta had well-defined legal systems. After a prolonged colonial experience, Vedanta's independence in 1947 led to significant legal reforms, including the adoption of the Constitution in 1950. Today, Vedanta boasts a complex legal landscape blending ancient traditions with modern statutes, fostering a dynamic and evolving legal system. Contemporary Vedanta is a vibrant democratic nation marked by cultural diversity, technological advancements, and economic growth. With a population exceeding a billion, it navigates the challenges of development, urbanization, and social equality.
2. Vedanta's Constitution establishes a federal parliamentary democratic republic. The political structure comprises the President as the ceremonial head, the Prime Minister as the head of government, and a bicameral legislature: Jan Sabha (House of the People) and Pradesh Sabha (Council of States). The judiciary includes the Supreme Court at the apex, High Courts at the state level, and subordinate courts. Like numerous other nations, Vedanta is grappling with a growing incidence of online crimes and violations of fundamental rights perpetrated by private entities. In just the first two months of 2022, reported incidents surged to 212,485, surpassing the total for the entire year of 2018.
3. Enacted in 2000, the Vedanta Information Technology Act (“VITA”) was a response to the evolving landscape of technology, digitization, and the burgeoning use of electronic transactions. Its primary aim was to provide legal recognition to electronic documents and facilitate e-commerce while addressing the challenges posed by cybercrimes. VITA establishes a framework for the governance of cyberspace, outlining regulations and penalties for offenses related to unauthorized access, hacking, data breaches, and cyberterrorism.
4. In exercise of the powers conferred by sub-section (1) and clauses (z) and (zg) of sub-section (2) of section 87 of the VITA, the Government of Vedanta enacted the VITA (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (“VITA Rules”). The need for the VITA Rules, as stated in the governmental memorandum of reasons, arose due to the surge in digital communication, increased social media usage, and concerns regarding the spread of misinformation, fake news, and online abuse. These rules aim to create a regulatory framework for digital platforms, making them more accountable for the content hosted on their platforms.
5. The Union Government, on April 6, 2023, issued amendments to the VITA Rules, 2021, known as the ‘VITA Amendment Rules, 2023’. These amendments primarily govern online gaming, and the verification of information deemed “false,” “fake,” or “misleading” concerning the Union Government, among many other things. The current VITA Rules are divided into three parts: Part I outlines preliminary definitions and groundwork; Part II details the due diligence to be undertaken by intermediaries and provisions for a grievance



redressal mechanism; and Part III outlines the code of ethics and procedures and safeguards concerning digital media.

6. Launched in 2008, 'WeTube' is a new and popular phenomenon in Vedanta, where users can create channels and upload videos for the public to view. Many individuals from various personal and professional backgrounds have started uploading videos on WeTube, including journalists, filmmakers, music series channels, comedians, and vloggers. WeTube boasts a user base of 17.5 million users within Vedanta itself.
7. Mehul, a Vedantan stand-up comedian, is renowned for his observational humor that highlights the absurdities of life. His comedic routines encompass subjects like politics, taxi rides, bachelorhood, and television commercials, which he routinely posted on his WeTube account. Very soon, his followers and views surged, and it became a widely followed channel. He gained notoriety when a video clip from one of his shows, posted on WeTube in 2015, resulted in death threats due to his satirical commentary on Vedantan hyper-nationalism. Consequently, he has become a contentious figure in public media and discussions. Over time, he began shifting the focus of his videos on WeTube from issues of routine living to political commentary and humorous satires.
8. Since 2018, Mehul has been a passionate critic of the ruling Vedanta Praja Party ("VPP"). Vedanta has been ruled by the VPP since 2005. The government, led by Prime Minister Narsingh, won 303 seats out of the 545 contested in the last elections. The opposition, in the minority, is led by the Vedanta Democratic Party ("VDP"), which has remained vocal and watchful of the government since it came to power. The government is often criticized by the opposition for issues related to economic policies, socio-religious diversity, and alleged erosion of democratic institutions. Sharing a similar sentiment and disapproval of the Supreme Court of Vedanta, Mehul posted a monologue on his WeTube channel, which has 2.5 million followers, on November 22, 2023, where he made the following remarks:

"Once a roadblock to national development, this Supreme Court has been full of bigotry! It is completely flooded with majoritarian bias, political influence, and controversial decisions. No wonder they came up with Temple and Citizenship approvals. It is good for nothing but eroding institutional autonomy, curtailing dissent, and showing zero responsiveness to government initiatives. The Supreme Court is the biggest joke of the nation. Let's call it the Supreme Joke of Vedanta."
9. On October 7, 2023, an armed conflict erupted between two nations, Fixreal and Galentine, both situated on the western fringe of the same continent that Vedanta is part of. On that day, a group referred to as 'Tumbles,' designated a terrorist organization by Fixreal, initiated a multi-pronged invasion of southern Fixreal from the neighboring region known as the 'Trapezia Strip.' The attack reportedly involved a barrage of rockets, with approximately 3,000 militants breaching the Trapezia-Fixreal barrier and targeting Fixreali military bases, civilian population centers, and even a nearby music festival. However, some nations attributed responsibility to Fixreal, criticizing it for historically occupying Galentinian lands, thereby justifying the attack. In response, Fixreal declared a state of war, marking the commencement of military escalation in the region, the first since 1973. By the end of November 2023, thousands of Galentinians had lost their lives, and the widespread civilian casualties led to accusations of war crimes against both Fixreal and Galentine/Tumbles.
10. In the Combined Nations General Assembly ("CNGA"), Vedanta abstained from voting for a ceasefire in the Fixreal-Galentine conflict, protesting the omission of any "explicit



condemnation” of the heinous October 7 terror attack by Tumbles militants on Fixreal. However, through indirect channels, Vedanta has also sent supplies to the affected people of Galentine. Vedanta’s stance on the international issue has been complex and is said to stem from a strategic necessity of preserving relations with multiple global powers, an aversion to terrorism due to its domestic experiences, and long-term diplomatic interests. Others have interpreted this as apathy toward humanitarian concerns.

11. On 25th November, investigative journalist Yumna Haider, whose account has around 4.3 million followers, also posted a video on WeTube condemning the supporters of Fixreal. She stated that the failure to differentiate between Tumbles and Galentinians is akin to forgetting the miseries of innocent civilians. Sharing her perspective on the situation, she posted a video on WeTube, stating:
12. “Vedanta’s abstention from voting on Fixreal comes in the face of the suffering of innocent people. This omission has officially made us murderers by endorsing violence and war crimes. Vedanta should hang its head in shame today. This Prime Minister also has blood on his hands, and we should not forget that, even when foreign policy says otherwise, we stand united against Fixreal's war crimes. We dismiss any claims of terrorists invading Fixreal as mere propaganda to justify an intended war on Galentine.”
13. In a curious turn of events, on the morning of 26th November 2023, Mehul found his WeTube account partially restricted. He was unable to post any videos. His account showed that these actions were taken in accordance with WeTube’s community guidelines, terms of use, and its legal obligations under the laws of Vedanta. However, he was still allowed to comment on videos, react with emoticons, and post 24-hour short stories on his account. These restrictions were lifted one month later. By the end of December 2023, seven individuals accused Mehul of contempt of court and sued him over his video. The Attorney General of Vedanta granted mandatory approval to initiate contempt proceedings, following which the video was removed by WeTube, and his account was suspended indefinitely.
14. Yumna’s video was also flagged with a ‘sensitive content warning’ on the morning of 27th November 2023. By the end of November, large groups on social media criticized Yumna for her remarks on the Fixreal-Galentine issue, accusing her of being dogmatic and insensitive to the experiences of terrorism felt worldwide. Numerous channels published videos claiming that her statements could undermine Vedanta's long-standing neutral stance, which was crucial for preserving its friendly relations with other nations. As a result, she was also restricted from posting videos of the maximum allowed length. Her video time limit was reduced to 10 minutes per video, and she was no longer allowed to post short stories due to the nature of her page, which had a large following based on her journalistic reputation. She could only like content posted by others but was prohibited from commenting on it.
15. The Supreme Court of Vedanta initiated contempt proceedings against Mehul on 1st December 2023. In response, both Mehul and Yumna filed writ petitions in the High Courts of Vedanta within their respective territorial jurisdictions, challenging the constitutionality of the VITA Rules, 2021. Their petitions argued that the VITA Rules failed to adequately regulate platforms like WeTube and left citizens’ freedoms at the discretion of private entities. They viewed the restrictions placed on their accounts as violations of their fundamental rights guaranteed under Part III of the Constitution. They opposed the VITA Rules on the grounds that the regulations promoted self-censorship by imposing



unnecessary burdens on private companies and lacked sufficient safeguards to foster a culture where dissent is protected, not suppressed.

16. While these petitions were pending in the High Courts, the Supreme Court exercised its power to transfer the case from the High Courts to itself at the request of the Attorney General. The Supreme Court was convinced that the legal questions raised in these petitions were substantially similar to those in a case already pending before the Supreme Court. Given the broad reach of the social media platform involved and its public function, the Supreme Court admitted the writ and issued notices to the Union of Vedanta and WeTube to appear for the matter. It restricted its adjudication to the following two issues, scheduling the case to be heard in 2024:

- I. **Whether the VITA Rules, 2021, and VITA Amendment Rules, 2023, violate fundamental rights under Part III of the Constitution of Vedanta?**
- II. **Whether the restrictions enforced by WeTube under the VITA Rules, 2021, violate the fundamental rights of the petitioners?**

Note:

- The laws of Vedanta are *pari materia* with the laws of India.
- All references are fictional. The legal system, history, and political circumstances of India apply *mutatis mutandis* to Vedanta. For the sake of argument, please assume WeTube is equivalent to YouTube, CNGA to the United Nations General Assembly (UNGA), VITA Rules to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, and VITA to the Information Technology Act, 2000 of India.
- Counsel may articulate and present submissions on any number of sub-issues under the aforesaid two issues, but cannot add, or amend the given issues.

