

# 2<sup>nd</sup> MNLU NAGPUR NATIONAL MOOT COURT COMPETITION

February 10-12, 2023



## MOOT PROPOSITION



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# MOOT PROPOSITION

1. Alberta is a republic in eastern Europe with a population of 1.5 million. Till the turn of the 21st century, Alberta was largely an economically underdeveloped State. However, recently there has been a boom in information technology, especially in the context of mobile penetration and social media. In the last 10 years, Alberta has witnessed more than 1.1 million users (i.e. ~75%) becoming dependent on foreign social media apps for their communication needs.
2. Notably, Zingapp is a private messaging app which is easily downloadable onto smartphones and PCs. In order to foster 'privacy', Zingapp uses an 'end-to-end encryption' system, whereby the identities of the sender and the receiver, and the contents of the message, are encrypted at the source and decrypted at the destination. Thus, there is complete anonymity regarding the identities and the content.
3. Deeming privacy to be of the greatest value, the Parliament of Alberta passed the SMART Act, 2021 (i.e. Social Media Application Regulation and Technology Act, 2021). The objective of the SMART Act was *inter alia* to “*regulate the data and framework of social media intermediary technology to ensure the privacy needs of its users*”.
4. In March 2022, Alberta's capital city of Rosily was bombed by radical north-African insurgents, as a result of which hundreds of lives were lost. Upon investigation, it was found that the insurgents had mobilized their attack by using social media apps. Despite multiple requests by the National Security Corps, the service providers refused to cooperate in the investigations, claiming paramountcy of their users' privacy, as was also recognised and protected under the SMART Act.

5. In response to the Rosily Bombings, the Rosily Administration promulgated the WISE Regulations, 2022 (i.e. Web and Information Service-related Enquiry Regulations, 2022). Regulation 4(2) mandated 'service provider' as defined therein, to make the information shared on their apps traceable and to identify the '*first originator*'. The same would have to be mandatorily shared with law enforcement agencies, as and when subpoenaed for national security concerns.
6. In August 2022, the Parliament of Alberta was dissolved and a General Election was conducted. The political party led by Mr Fusily Marco won 201 seats out of 401. Despite being perched on a narrow margin, Prime Minister Marco pushed for an aggressive investigation into the Rosily Bombings. His "*heads must roll*" approach resulted in thousands of subpoenas to service providers.
7. Ms Anna Vasily was a disgruntled second deputy to Prime Minister Marco, who had been eyeing the premiership for over a decade now. Unhinged by the onslaught of investigational prying, the promoters of Heydo! decided to 'lobby' with Ms Vasily to move a no-confidence motion against Prime Minister Marco. A generous contribution of \$50,000,000 was made to Ms Vasily's PAC Fund on 25.10.2022. On 01.11.2022, a no-confidence motion was brought against Prime Minister Marco, wherein the motion was carried with 201 votes. It became obvious that the sway of the single vote had been by Ms Vasily. It took them less than an hour for the National Security Corps to determine that Ms Vasily's vote had been bought for the 'bribe' of \$50,000,000, which had been paid to her a week ago.
8. To politically discredit Ms Vasily, a video was circulated on social media on 02.11.2022, wherein Ms Vasily was shown dealing with the promoters of Heydo!. The video went viral with over 250,000 shares on Zingapp in a single day. There was a huge public uproar against Ms Vasily, which broke out into rioting on the streets of Rosily. On 03.11.2022, the Rosily Administration initiated an investigation with the National Security Corps and subpoenaed the information regarding the video from Zingapp.

9. Zingapp refused to share the information with the National Security Corps and challenged the vires of Regulation 4(2) before the Rosily High Court. Ms Vasily also rushed to the Rosily High Court seeking an injunction against the circulation of the offending video, deeming it to be morphed. Parallely, Mr Marco approached the High Court against the no-confidence vote, arguing that Ms Vasily's vote had been bought off and, therefore, should have been discarded. He further argued that she should be prosecuted for her corrupt conduct.
10. Without prejudice to her contention that no 'bribe' was either demanded or received, Ms Vasily argued that she was immune from prosecution due to her Parliamentary Privileges, arguing that her vote was an exercise of her freedom of speech.
11. Faced with these complex issues, the Rosily High Court distilled three points for determination:
  - (i) Whether information regarding the video could be subpoenaed under Regulation 4(2) of the WISE Regulations, 2022?
  - (ii) Whether Regulation 4(2) of the WISE Regulations, 2022 was *ultra vires* the Constitution of Alberta?
  - (iii) Whether Ms Vasily was immune from prosecution due to her Parliamentary Privileges under the Constitution of Alberta?
12. It is clarified that facts and laws as applicable to the Republic of India are applicable *mutatis mutandis* to the State of Alberta, unless hereinbefore specified otherwise. Notably, the WISE Regulations, 2022 are in *pari materia* with the Information Technology (Intermediaries Guidelines and Digital Media Ethics Code) Rules, 2021 published by the Ministry of Information and Technology, Government of India.

13. It is clarified that the Petitioners (Zingapp and Ms Vasily) shall *inter alia* argue that:

- (i) The information regarding the video could not be subpoenaed under Regulation 4(2) of the WISE Regulations, 2022.
- (ii) Regulation 4(2) of the WISE Regulations, 2022 was *ultra vires* the Constitution of Alberta.
- (iii) Ms Vasily was immune from prosecution due to her Parliamentary Privileges.

14. As a corollary, the Respondents (National Security Corps and Mr Marco) shall *inter alia* argue that:

- (i) The information regarding the video could be subpoenaed under Regulation 4(2) of the WISE Regulations, 2022.
- (ii) Regulation 4(2) of the WISE Regulations, 2022 was *intra vires* the Constitution of Alberta.
- (iii) Ms Vasily was not immune from prosecution due to her Parliamentary Privileges.

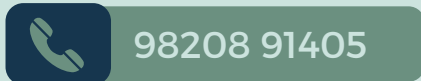




# CONTACT INFORMATION

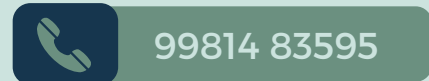
## REGISTRATION DESK

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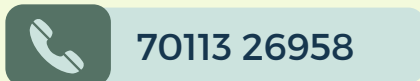
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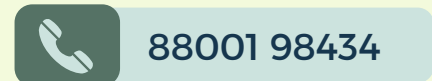
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