

MOOT PROBLEM

1. The country of Indiana is a country which is known for its rich history and has a population of over a billion people and is also the largest democracy of the world. Indiana has a written constitution and is known for its great integrity worldwide with regards to guaranteeing its citizens, multiple fundamental rights to protect their freedom and liberty. The country of Indiana follows a federal structure and there is a division of power within the country with regards to government at various levels.

2. Since, Indiana is a federal country, it has several ministries and departments to look after its affairs and the Department of Music is one such department which functions under the Ministry of Performing Arts. It takes initiatives to popularise a special kind of singing style which is the traditional 'Raag' style of music. The raag style of music is so popular that even the neighbouring countries of Indiana namely Lakistan and Bindh Pradesh also show great enthusiasm towards learning this specific music form.

3. Indiana has also been witnessing a lot of cyber law and data protection related issues within the country and therefore to curb the same, the government of Indiana has passed the Cyber Affairs and Data Protection Act 2022, which has also been implemented nationwide and has resulted in significant decline in the issues related to cyber and data privacy related domain.

4. Aditya Sharma is a 31-year-old professional raag musician and singer from the state of Vindyanchal, Aditya Sharma is a well-known face worldwide when it comes to raag music and has been in the same since a very early age of 9 years. Aditya's hard work and determination towards his passion earned him the name, fame and respect both nationally and internationally.

5. Considering his popularity, it is also very evident that Aditya has a notable presence over social media through only one single account on Chatbook which he created way back at the age of 18. However, he was only able to share the performances of initial 2 years and after that he was unable to operate that account due to his busy schedule and professional commitments.

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6. Another social media platform 'Quickgram' gains wide acceptance among the masses so Mr. Aditya Sharma, while being 25 years of age, decides to create an account over Quickgram to increase his ever-increasing fan base even more.

7. Resultantly, his fanbase has grown manifolds as he was always appreciated for his talent in the domain of raag music. Aditya always has been the torch bearer in the country and abroad and therefore, by the way of his hard work and commitment he wanted to be recognized as 'The Global Raag Icon.'

8. Fortunately, to honour the exceptional talents in the field of music, the government, under the Department of Music, Ministry of Performing Arts, honours the artists with the 'Global Raag Icon Award' which is given by the department through its organization 'Kala Samman Samiti.'

9. The perks that the recipient of this award would be getting is a monetary award of Rs. 3 Crores and travel benefits to cover 1 national and 1 international trip for the promotion to the genre of the talent of the artist for a period of 2 years.

10. The essential conditions for being eligible for the 'Global Raag Icon Award' were kept to be as follows:

- The concerned applicant must be a well-known face in the field of raag music and must be fully devoted to raag music only and he/she should not be performing any be involved in any other music form or its glorification.
- The applicant must be less than the age of 35 years on the 1st of January of the year in which they're applying.
- The applicant is also under an obligation to submit a detailed information of his/ her professional shows and concerts along with one sample video of his/her raag music performance for the purpose of thorough assessment.
- Another important condition is that if a candidate gets rejected then he/she will not be eligible to apply for the award forum minimum period of 3 years.
- The entire process is kept to be fair, just and reasonable by the way that an external committee of experts would be deciding the fate of the application submitted based on a detailed background check along with all the above specified conditions.

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11. It was in the year 2023, that the Kala Samman Samiti invited applications on October 10, 2023 for the award with the last date of submission being October 31, 2023. Mr. Aditya Sharma filed nomination for the award on dated October 15, 2023. In compliance of the stated conditions, Aditya also uploaded a 10-minute video of his raag music performance alongside fulfilling other specified conditions.

12. Subsequently, the final result of the status of the award was declared on November 15, 2023. To a great surprise, Aditya, was not selected for the award as per the final results which were declared by the organization on the basis of the final decision of the expert committee.

13. Not only this, the candidature of Aditya was declared to be 'rejected' and thus the long-standing dream of Aditya to become the front face of raag music was broken. Despite of being more experienced from Prince (The receiver of the award) Aditya was unable to get through.

14. The main reason that was given for the rejection of the candidature of Aditya from the award was 'Aditya was also involved in the performance of pop music apart from the raag music which made him ineligible to receive the award' .

15. On enquiry from his team and friends, Aditya was informed by Raman (his school friend) that there is a video on Chatbook which is making rounds where Aditya could be seen singing pop music along with the fusion of raag music in it. This video was similar to the one which Aditya had submitted for evaluation as the part of the Award function but the same was an edited and morphed video. Aditya found that his voice was edited to change the genre of the performance.

16. Seeing the chain of events, Aditya categorically alleged that he had only submitted an authentic raag music video for consideration for the purpose of the awards and nothing else. Raman, Aditya's friend, who is also a certified technological expert, is of the opinion that the video, which was being circulated online, was a deepfake video created to defame Aditya. This was also the same video which Aditya uploaded for evaluation.

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17. Mr Aditya submitted a written application to the Kala Samman Samiti's chairman explaining the entire situation to him in writing and also requesting him to consider his request for the revaluation of his application as the video which was considered to be a part of the application which was submitted by Aditya for the purpose of award was a deepfake video.

18. Aditya also alleged that his video leaked from the very database of Kala Samman Samiti itself. But, eventually his request for reconsideration of the application was rejected.

19. Being aggrieved by the same and being sure of the fact that the video was a deepfake video, Aditya opted to register a complaint with Chatbook to take the concerned video down as it could harm Aditya's reputation while featuring him in the wrong light.

20. Taking swift action, the video and question were removed within the stipulated timeline by Chatbook. But it was still too late and Aditya suffered a great loss to his reputation.

21. Resultantly, Aditya went on to file a police complaint against the Kala Samman Samiti alleging misappropriation and mishandling of data, stating that, his video leaked from the server of Kala Samman Samiti. The police complaint was registered under section 66D of the Information Technology Act of 2000.

22. Upon investigation by the police, it was found that there was a data leak from the website and database of Kala Samman Samiti. But the police also found the absence of malice or misinformation from the side of the Kala Samman Samiti regarding Aditya.

23. Upon the conclusion of the investigation by the police, subsequently, Aditya filed a Writ Petition before the High Court of Vindhyanchal and prayed to issue directions for the reconsideration of his application concerning the award. He further prayed to direct appropriate central government agency to investigate such a technical and advanced deepfake crime.

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24. Also, Aditya strongly questioned that whether any candidate be disqualified on the basis of online social media content or posts?

25. While deciding the Writ Petition, a single bench of High Court of Vindyanchal dismissed the writ petition while relying on the closure report filed by the police which stated that it can't be ascertained with surety that the deepfake video was also uploaded by Aditya on the server of Kala Samman Samiti.

26. Mr Aditya also filed a suit against Kala Samman Samiti before the High Court of Vindyanchal asking for compensation of Rs 3 Crores as there was a great harm which was caused to his reputation due to the rejection of his candidature emerging video leakage from the database of Kala Samman Samiti.

27. The High Court preferred relying upon the final decision of the concurrent bench of the high court in the writ petition and therefore dismissed the suit initiated by Mr. Aditya.

28. Being aggrieved by the same, Aditya went on to appeal against the decision to the high court in the suit as well as writ petitions before a division bench of the High Court of Vindyanchal. The same was also dismissed by the division bench of the high court and it found the judgement to be fair and well-reasoned.

29. Still being aggrieved by the decision of the High Court, Aditya has now preferred Special Leave Petition before the Supreme Court of Indiana. Upon consideration, The Apex Court has framed the following issues:

- A) Whether the Special Leave Petition (SLP) filled by Aditya Sharma is Maintainable?
- B) Whether Mr. Aditya's rejection based on the social media post by the Kala Samman Samiti was correct or not?
- C) Can the Kala Samman Samiti be held liable to pay adequate compensation to Aditya in lieu of legal injury caused to him due to the data leak from Kala Samman Samiti's server?

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NOTE:

- The laws of Indiana are *pari materia* to that of the Republic of India.
- Chatbook and Quickgram are *pari materia* with Facebook and Instagram respectively.
- Cyber Affairs and Data Protection Act 2022 is *pari materia* with the Digital Personal Data Protection Act, 2023.
- All the teams are free to form 1 additional issue as per the moot proposition if the teams so desire.
- This Moot Proposition has solely been designed for the purpose of this moot court competition as a part of academic exercise specifically. Any resemblance with the actual world is merely co-incidental.