

Sinhgad Technical Education Society’s

**Sinhgad Law College**,

Ambegaon (Bk.), Pune.

(Approved by Bar Council of India, Recognized by Govt. of Maharashtra & Affiliated to Savitribai Phule Pune University, Pune)

(Accredited by NAAC with ‘B’ Grade)

**FIFTH SMT. KASHIBAI NAVALE NATIONAL MOOT COURT COMPETITION, 2019**

Moot Problem

Union of Indiva is a Democratic country. Democratic Reformers Association is a group of certain Professionals working in this country which has large network throughout the country. In this Association many Doctors, Lawyers, Cine Artists, Engineers, Writers are working together for social cause and social problems. They have framed WhatsApp groups and Facebook Communities and other social media groups through which they share thoughts and different initiatives taken by their group. People from different places have joined their group. There are different kinds of discussions on the group. The office bearers of the Association always request other members to add people of different communities in the said Association. Members meet with each other and post discussions on WhatsApp and other Social media group about the decisions taken by the government which includes giving reservations and curtailing the reservations for certain communities. The discussion started aggressive arguments about the government and many members expressed their critical views about the government. Few people who were the members of the existing Ruling party protested against this on WhatsApp group and other Social media group. Furious arguments were shared on WhatsApp group and other social media group. Some people brought these arguments to the notice of Ruling party members and thus it reached up to some of the ministers. An urgent cabinet meeting was called and a resolution was passed for banning these kinds of activities in the country. Certain Police complaints were made against the members of the Democratic Reformers Association. Some members of this group were arrested by the police stating that they are disseminating false information about the government and its policies with the aim of instigating people against the government. There were also violent protests against the resolution by the opposition party. Members found to have propagated such information were charged under section 124-A of Indiva Penal Code. Their Anticipatory Bail Applications were rejected by Trial Court and High Court. The Home Ministry of the country passed order in exercise of the powers conferred by the Information Technology Act, which talks about Monitoring and Decryption of Information. The Government also authorized its Security and Intelligence Agencies for the purposes of interception; monitoring and decryption of any information generated, transmitted, received or stored in any computer resource. The Democratic Reformers Association argued that it is the ultimate assault on fundamental rights and the right to privacy. This kind of order is violation of right to privacy which is a fundamental right.

In this background, Democratic Reformers Association has filed a petition by challenging the constitutional validity of the order passed by the Home Ministry of Indiva, Section 124-A of Indiva Penal Code, and against the order of rejection of bail applications before the Hon’ble Supreme Court of Indiva.

Note-1)The participants to the competition have to frame the issues and make submissions by presuming that the laws of Indiva are *pari materia* to the Laws of India.

2) All the Participants have to prepare the arguments from both the sides.