



MOOT PROPOSITION

1. Bharat is a democratic republic, which gives all its citizens fundamental rights under chapter 3 of its constitution. The country ensures to all citizens, basic human rights and other statutory rights. Principles of equity, equality, social justice, peace and harmony have been enshrined in the constitution. This aligns with various international documents such as the Universal Declaration of Human Rights.
2. Ms. Khanna was a well known writer and social activist known for using her following to often critique economic, political and social issues, etc. She had a massive online following and people ardently followed her posts, tweets, and stories. But things took an unexpected turn when a global giant, the Social Media Giant (SMG) based in Silicon Valley, decided to remove one of her posts. SMG has not opened any offices in the country till date and is hosted in the United States of America. The platform can be accessed from Bharat.
3. On July 24, 2023, Ms. Khanna had critiqued a major government policy, the "Gender Equity and Inclusion Act." Her post became wildly popular, reaching the fifth spot on SMG's trending list. But two days later on July 26, 2023 SMG took it down on grounds of violation of their community guidelines, sparking a massive online debate about free speech and privacy.
4. As This wasn't the first time SMG had found itself in hot water. The company had been embroiled in previous controversies regarding its data privacy practices in countries like America and the European Union, casting a shadow over its reputation and igniting concerns about the immense power wielded by social media platforms.
5. The "Gender Equity and Inclusion Act" aimed to address systemic gender disparities across various sectors, including education, employment, and social services. It proposed measures to empower women, promote gender-balanced representation, and eliminate discriminatory practices. However, the policy's specifics and potential consequences were subjects of intense discussion, which Ms. Khanna sought to contribute to with her candid critique on the SMG platform.
6. On 29 July, 2023 Ms. Khanna voiced her disapproval of her online post being taken down in an interview on ADP News, claiming that her post was an exercise of her constitutionally protected freedom of expression. She argued that her critique of the policy was well within the bounds of constructive criticism and public discourse. She maintained that her intention was to spark meaningful conversations about social issues.
7. In addition to the freedom of expression issue, Ms. Khanna raised concerns about her data privacy rights. She accused SMG of collecting and utilizing her personal data, including her browsing history and online activities, to create a user profile for targeted content delivery. She argued that this practice violated her right to privacy and autonomy over her personal information.

8. On 31 July, 2023 SMG posted a statement on their platform , denying all such claims . They asserted that they were working under their company policy. Regarding data privacy, SMG maintained that their practices were transparent and governed by their privacy policy, which users agreed to upon signing up. They stated that data collection was intended to enhance user experience by delivering content tailored to individual interests, thereby making the platform more engaging and relevant for each user.
9. On 5 August, 2023 Ms. Priya Khanna approached the Supreme Court, seeking a declaration that SMG's removal of her post violated her constitutionally guaranteed freedom of expression. Additionally, she requests the court to issue an order mandating SMG to cease data collection and content delivery practices that infringe upon her data privacy rights.

The Hon'ble Supreme Court admitted the petition and framed the following issues :

1. Whether the removal of Ms. Priya Khanna's post by Social Media Giant constitutes an infringement upon her freedom of expression.
2. Whether the data collection and content delivery practices of Social Media Giant violate Ms. Khanna's right to privacy.
3. Whether the actions of Social Media Giant (SMG) in taking down Ms. Priya Khanna's post and enforcing its community guidelines infringe upon the principles of net neutrality and fair access to digital platforms.
4. Whether the application of automated content moderation algorithms by Social Media Giant (SMG) to determine the removal of user-generated content violates principles of accountability, transparency, and due process.

Note:

1. **The Laws of India are pari materia to that of Bharat**
2. **Teams cannot frame new issues however they can frame sub-issues**