

The Legal Insider
& IEC University
presents

National Virtual Moot Court
Competition, 2020
31st October to 2nd November

Proposition

1. The Republic of Indigo is a developing nation that is currently under lockdown due to the pandemic COVID-19. Indigo is the 2nd most populous country in the world and the 7th largest country by area. It is also the most populous democracy in the world. Holding a population of 1.3 billion, Indigo is having a huge fight over the crisis of widespread healthcare and hence resulting in a jump of more than 10,000 infected cases per day. This nation has a mixed population and divulges of various religions making it the land of numerous languages as well. Some people practice and follow Hinduism, Islamism, Sikhism, Jainism, Buddhism, and a few more. The varied religions also result in various political parties that look out for their people and support their interests when needed.
2. The country also has the concept of '*Make in Indigo*' and thus the country's diplomats encourage the production of various kinds of machinery and parts of automobiles for foreign companies. Indigo wants to create and invite such opportunities for the country's employment rate to grow. '*Make in Indigo*' is a significant public program of the Government of Indigo intended to encourage venture, cultivate advancement, improve aptitude improvement, securely protected innovation, and assemble top tier fabricating framework in the nation. The essential goal of this activity is to pull in contributors from over the globe and fortify Indigo as a Manufacturing sector. It is being driven by the Department for Promotion of Industry and Internal Trade (DPIIT), Ministry of Commerce and Industry, Government of Indigo. The '*Make in Indigo*' program is significant for the monetary development of Indigo as it targets using the current Indigoan ability base, making extra work openings, and engaging optional and tertiary parts. The program likewise targets improving Indigo's position on the Ease of Doing Business record by killing the pointless laws and guidelines, making bureaucratic cycles simpler, making the administration more straightforward, responsive, and responsible.
3. Wincrop Earth Movers Ltd. (WEML) is a heavy machinery manufacturing industry. The company indulges in new and intelligent projects in the field of artificial intelligence trying to innovate and incorporate new technology into the machinery, making them the most set-apart industry in the State of Mandas, Indigo. The company recently collaborated with Mr. Wuhan Smith, to make self-driven trucks and cranes for industrial use. This made WEML the most innovative company in Indigo which attracted a lot of

clients who signed multi-million dollar deals with them. These collaborations were with big Industries like Deliance, Wambuja, and Beta Steel as per media coverage. WEML has a very strict policy when it comes to their clients' information, deals and transactions and thus made it a mandate for its employees to inform one/all board of directors when any action, complaint, leak, or breach took place in reference to it whether directly or indirectly.

4. The innovative intelligence team which led the whole concept and design for these advanced engines and machines was led by Mr. Pink Panther. Mr. Panther was known for the awards he won for making an artificial intelligence and machine learning-based project of Pink Intelligence machine so well that it beat IBM's Deep Blue. Mr. Panther came to WEML to work in this project as it was his dream project to work making a self-driven car since he was a child. The only trouble he had was with his speech, he stuttered at times when he spoke. This was taken advantage of by his colleagues and superiors, he was constantly harassed and made a joke of even during formal presentations in meetings. This made Mr. Panther discouraged in his workplace and wanted to leave the company as it was a negative environment to work in. The team that was assigned to work with him also indulged in mocking him behind his back and he was well aware of all their actions.
5. One evening after a meeting with the board of directors, the team asked Mr. Panther to join for a drink but Mr. Sameer Ghosla, a member of the board and his immediate superior said "You should speak faster. I've seen worn-out music cassettes work faster". Mr. Panther was going through speech therapy to fix his problem of stuttering so that his colleagues would not pick on him anymore but a person can only suffer so much. He started to feel bitter and he would often say "You will regret all the words you have said to me someday, this company was my dream but you have ruined it for me".
6. Due to the surge in infected cases of COVID-19, the whole nation was put under lockdown. The Prime Minister of India announced on the 25th of January 2020 that the country will be on the entire lockdown from the 1st of February 2020 until further notice indefinitely. During the lockdown, the citizens' movement on the roads and places to gather were restricted. All restaurants, parks, and clubs were shut down. Only essential services were allowed to run which included medical, fire, water supply, electricity, and food to sustain the bare necessities.

7. The lockdown slowed down all the other businesses as they were forced to shut down and in the aftermath, various companies started laying off their employees stating that they were unable to generate revenue to pay their employees.
8. WEML also faced losses and subsequently started laying off its employees. One such employee in Mr. Panther's team named John Kumble was an IT professional living in Sonar City who could not work due to suffering from Covid-19, was soon served with a notice of one month to resign from WEML on 15th of February 2020. Even after all his accomplishments, he failed to understand why he has been laid off from his company. He tried to contact his superior to make them understand his inability to work while being infected with Covid-19 from home was not his fault but they ignored his phone calls for three consecutive days. Anil was an intelligent man and had been the gold medalist of his batch. He graduated from IIT Madras with a complete scholarship. He had won numerous awards for his performance and knowledge in the field of Computer Science. Being such a decorated technical and learned man, only a few people knew that he had been summoned to court for hacking into the private database of his sibling's college to know the results because he was impatient as it was the final year of his degree. Although he was left with just a warning, he was barred to use any computers or electronic devices that had higher technical use and outreach, for six months.
9. John later found himself trying to access the private database, he got past the security systems first as he could easily break it down, where he found the malware that was accessing all the data and redirecting it to another server. He then tried to contact his superior to inform them that confidential and sensitive data may be getting redirected which includes the client list but they constantly ignored his calls and dismissed his emails as a prank. On 19th of March 2020, John finally got in contact with his superior Mr. Panther and informed him about the malware that he noticed on their private server. Mr. Panther thanked him for his credible information.
10. Mr. Panther informed the IT Security Team of the issue that was informed to him and asked that they fix the same. Due to this act of righteousness, on Mr. Panther's recommendation, John was offered his job back on 25th of March 2020.
11. The market had many companies competing with WEML, but WEML only actually considered Barry's Engines as its rival in the real sense because they had managed to bring mechatronic technologies before them into the market.

12. In a month, Barry's Engines became the best heavy machinery company in Indigo and took the position WEML had a month ago. Mr. Sameer Ghosh could not understand why his company was going into heavy loss in the past month, the share prices fell due to the consecutive loss and the company had hardly recovered from the losses suffered since the lockdown in February 2020. He had to figure out the hole in his boat due to which he also lost his biggest clients. Meanwhile, his rival company made profits to the sky. Mr. Ghosh told his office to investigate the matter.
13. Meanwhile, Mr. Panther joined Mechons Inc. company on the 1st May 2020, as soon as he found an opening there. He was happy to switch from the toxic environment that he was at before. They offered him a pay rise and made him the executive officer in the Technologies department.
14. On the 10th of May, 2020 when Mr. Sameer Ghosla received the report from the message action apartment he found out that the client list had been leaked from their private and secure database due to malware that allowed an outsider to steal their data easily. Mr. Ghosla questioned the security department who told them about the breach in the system and came to know that Mr. Panther was the last person who knew about this and he had recently joined Mechons Inc. which was a supporter to WEML's rival Barry's Engines. Mr. Ghosla on behalf of the company filed a case in District Court against Mr. Panther on grounds of sharing sensitive and confidential information and insider trading against him and said that he would drag him to court for this.
15. Mr. Panther in the agitation of the case filed against him made a remark in the public media after the hearing, saying "I am not responsible for all this nonsense and they were framing me wrongly just because they wanted to get back at me since I resigned from that toxic workplace, I didn't even know about the breach until I was told by an employee who was initially fired and wanted to check for himself whether it was true or not, that employee was named John! He informed me about the malware I did not know about, he told me that it needs to be fixed. I am not responsible for this".
16. On 30st June 2020, the Hon'ble Court concluded that only the knowledge of the situation of the breach on the company's system does not amount to Mr. Panther's intent of leaking confidential information that would harm the company and dismissed the case stating that in the matter of fact, no conclusive evidence exists and the petition did not hold any reasonable ground to make Mr. Panther liable.

17. Mr. Ghosla lost the case against Mr. Panther in the District Court and was devastated because he knew that it was Mr. Panther who was responsible for the loss that his company faced.
18. In the aftermath of the media report, on the 5th of July 2020, the company let go of John because he was allegedly responsible for accessing the company's private system. Subsequently, two weeks later the company filed a case against John for breaching their private database system.
19. Unable to get another job for months due to the COVID-19 situation, John remained unemployed. The companies were not giving position openings at all but after the media report, his reputation was also dragged into the mud, and later even his applications were not entertained. It was due to the negative remark by Mr. Panther that he could not land a job anywhere he tried. On 20th of August, John filed a case against Mr. Panther for publicly defaming him and depriving him of his livelihood.
20. On 10th of September 2020, WEML appealed to hon'ble Mandas High Court against the decision of the Court of Sessions. They contended that the order of the Court of Sessions regarding the non-conviction of Mr. Panther for the unethical and leaking confidential information that harmed the company amounts to grave injustice. The pending petition of the infiltration of security systems dispute between John and WEML came up. This also led to the disclosure of the pendency of a petition for defamation filed by John in the District Court.
21. Considering the issue of a dispute being around the breach in WEML, the High Court of Mandas issued a notice under Article 227 of the Constitution of Indigo to the Court of Sessions and took up the matters for adjudication. The High Court of Mandas has clubbed the Appeal and the petition of defamation and infiltration of data and fixed 31st of October 2020 as the date of hearing.

The High Court of Mandas wishes to hear arguments on the following issues:

ISSUE 1: Whether Mr. Panther is liable for leaking confidential information that harmed the company?

ISSUE 2: Is John liable for accessing the company's database or not?

ISSUE 3: Whether the actions of Mr. Panther are conclusive to state that it was a defamatory act or not?

ISSUE 4: Whether the High Court has the power to take up any case from a subordinate court under Article 227 of the Constitution of Indigo or not?

Note:

A). *The laws and Constitution of the Republic of Indigo are similar to the laws and the Constitution of India.*

B). *Participants may frame any other issue(s) or sub-issues in addition to the ones listed above.*

C). *The Supreme Court of the Republic of Indigo considers the precedents of the Supreme Court of India.*

The moot proposition has been drafted by the team of The Legal Insider.

