

Shri Sharda Bhavan Education Society's
NARAYANRAO CHAVAN LAW COLLEGE, NANDED

**Late Kusumtai Chavan Memorial
5thNational Moot Court Competition
24thFebruary 2018**

Moot Problem

**ABC
VS.
STATE OF PRIDE**

ABC, a company engaged in designing online games have created a game entitled 'Red Ox' which is to be played on mobile phones.

The game being challenging in nature, caught immediate attention of the users especially children and youngsters. It became a big hit and popular among the people throughout the world including 'Indica'.

The mode of playing the game is- the user has to download the game from app store. He is required to agree to the terms and conditions of the game. One of such terms and conditions of the game is that the user has to be above the age of 18 years to register and play the game. Once agreed to the terms and conditions, he is required to register for the game by providing his personal details. Once registered, he is provided with one administrator whose shall then observe the given tasks performed by the player. The game consists of 50 levels. On each level, the difficulty level increases. In the beginning, some simple tasks are assigned to be performed by the player which shall be verified by the administrator. In order to verify such performance, the player has to leave some mark and upload the video of the same. As the game become more and more challenging, the player gets addicted to it and as a result the last level of the administrator demands the player to commit suicide after drawing an image of *Red Ox* on his hand.

The game became so popular among the youth that even it penetrated into the schools wherein few school going children around the age 10-12 were found committing suicide by embossing a logo of Red Ox on their hand. The 'State of Pride' identifying it as a threat to the life of children and abusive of life have issued notice to the company ABC for withdrawing its game from online portal to which the company responded that they will not withdraw the game as such it do fall within the six golden freedoms as guaranteed by the constitution. The company replied to the notice that the object of the game is to make the user more firm and competent at their decision. The reply consists of a statement that 'there is no abatement to suicide as such as the task given was supposed to be individual competence and observance and one must understand whether to commit suicide on once provocation or not'. Moreover the reply consisted on allegations on the state that so many persons have committed suicide for various reasons either by hanging to a tree or fan or poisoning even many of the times brides are burnt by gas explosion. The reply further alleges that the government did nothing to prevent these activities by adopting a mechanism and thus this notice is violative of their fundamental right guaranteed by the Constitution of Indica under Art. 14, 19(1)(a) and 19 (1)(g) read with Art. 21.

The State of Pride after due deliberation have registered a crime under Sec. 306 and Sec. 120B of IPC against the company for abatement of suicide by conspirating with the administrators, imposed a ban on the game throughout the country U/S 69-A of Information Technology Act- 2000

Aggrieved by this decision, the company have moved a petition under Art. 32 of the constitution claiming violation of their rights under Art. 14, 19(1)(a) and 19 (1)(g) read with Art. 21. and for quashing the FIR contending that before this event there were few more games like- ‘CokemanGo’, of the similar nature which were banned by the government. But no criminal case was registered against them. Petitioner also contended that, the state has not given them an opportunity of hearing while imposing ban on their application. Thus, it violated fundamental rights of the petitioner.

The matter is admitted by the Supreme Court and is now kept for final hearing upon the following issues:

- 1) Whether the petitioner has committed any offence under sec. 306 and 120B of IPC?
- 2) Whether the State of Pride has violated the rights of petitioner enshrined under Art. 14, 19(1)(a) and 19 (1)(g) read with Art. 21?
- 3) Whether imposing ban on the application “RedOx” u/s 69A of information Technology Act is constitutionally valid?

Note:

- Arguments should be strictly limited up to the issues framed.
- The Laws of Indica are Mutatis Mutandis to the Law of India.