

## **2nd Nyaya Shastra Virtual Moot Court Competition 2026**

### **MOOT PROPOSITION**

#### **In the Supreme Court of India Ayaan Qureshi v. State of Dakshin Pradesh**

The present appeal before the Supreme Court raises significant constitutional questions concerning the scope of the right to privacy, legality of mass digital surveillance, admissibility of evidence obtained through unconstitutional means, division of legislative competence in matters of digital surveillance, and the guarantee of a fair trial under Articles 14, 19 and 21 of the Constitution of India. The case arises from the conviction of Ayaan Qureshi, a 29-year-old cyber law researcher and digital rights activist, for the alleged murder of Rajiv Malhotra, the Police Commissioner of Navapur City. The prosecution case rests substantially upon artificial-intelligence-based surveillance data generated under a State surveillance programme known as Project Nigraani.

In 2022, the State of Dakshin Pradesh, in collaboration with the Union Ministry of Home Affairs, launched Project Nigraani as part of a Smart City and national security initiative. The project created an extensive digital surveillance architecture consisting of facial recognition cameras installed across Navapur City, automated number-plate recognition systems, real-time access to telecom metadata, and a centralized Predictive Threat Analysis Unit using machine-learning algorithms to identify individuals considered likely to commit serious offences.

The programme was introduced solely through an executive notification and was not backed by any parliamentary law, state legislation, or statutory framework. Further, no rules were framed under the Information Technology Act, 2000 or the Indian Telegraph Act, 1885 governing interception, data retention, oversight, transparency, or grievance redress mechanisms. Civil liberties organisations

criticised the programme as a form of mass surveillance lacking statutory safeguards, democratic accountability, and judicial oversight.

Since Project Nigraani involved real-time telecom data interception and national-security surveillance, concerns were raised regarding the division of legislative competence between the Union and the State, particularly with reference to Entries 1, 2, 31 and 97 of the Union and State Lists. Questions were also raised regarding the competence of the State Government to implement telecom-level data access in the absence of express parliamentary authorization.

Ayaan Qureshi had been an outspoken critic of Project Nigraani. He authored research papers, participated in public debates, and filed a Public Interest Litigation before the High Court of Dakshin Pradesh challenging the constitutional validity of the programme. The PIL remained pending when the incident in question occurred.

On the night of 14 April 2023, Police Commissioner Rajiv Malhotra was found dead in his office chamber at Navapur Police Headquarters. The post-mortem confirmed death by a single gunshot wound at approximately 9:15 PM. There were no eyewitnesses, the weapon was not recovered, and the chamber showed no signs of forced entry. The incident triggered widespread public outrage and immense pressure on law-enforcement authorities.

Within forty-eight hours, the police arrested Ayaan Qureshi, claiming the case had been solved through data generated by Project Nigraani. The prosecution relied heavily on digital surveillance evidence: facial recognition cameras allegedly captured the petitioner near the Police Headquarters shortly before the estimated time of death, telecom metadata placed his mobile device in the vicinity, and the predictive policing algorithm classified him as a high-risk suspect based on behavioural and online activity analysis. During the investigation, it emerged that the surveillance data had been collected without judicial warrant or prior authorization.

The petitioner denied all allegations and contended that the prosecution's case was built entirely upon unconstitutional mass surveillance and undisclosed algorithmic processes that he had no meaningful opportunity to challenge.

The Sessions Court held that technological evidence was reliable and that considerations of public safety justified the surveillance measures. The Court convicted the petitioner under Section 302 of the Indian Penal Code and sentenced him to life imprisonment. The High Court dismissed the appeal and upheld the conviction, observing that modern policing must adapt to technological advancements and that the surveillance evidence was admissible.

Aggrieved by the concurrent findings of the courts below, the petitioner has approached the Supreme Court by way of Special Leave Petition under Article 136 of the Constitution. Considering the substantial constitutional questions involved, the Supreme Court has granted leave and referred the matter to a Constitution Bench for final adjudication.

The petitioner seeks setting aside of conviction, exclusion of the impugned evidence, and issuance of constitutional guidelines governing digital surveillance and predictive policing.

## **Issues**

1. Whether the warrantless mass surveillance conducted under Project Nigraani, implemented without any parliamentary or state legislation and without statutory rules under the IT Act or Telegraph Act, violates the fundamental right to privacy and personal liberty under Article 21 of the Constitution of India.
2. Whether evidence obtained through unconstitutional mass surveillance is liable to be excluded under the Constitution of India and the principles of a fair criminal trial.
3. Whether the use of algorithmic profiling and predictive policing violates the guarantees of equality, due process, and non-arbitrariness under Articles 14 and 21 of the Constitution.
4. Whether reliance on secret technological surveillance and algorithmic evidence has violated the petitioner's right to a fair trial and warrants interference by the Supreme Court with the concurrent findings of conviction.