

Moot Proposition

IN THE SUPREME COURT OF BHARTHIYANA

Writ Petition (Criminal) No. ____ of 2026

Abdul Rahman (Father of Late Abdul Fazeel)

...Petitioner

versus

Union of Bharthiyana & Ors.

...Respondents

Factual Background

1. Bharthiyana is a quasi-federal democratic country with over 5000 years of history, rich cultural heritage, and a written Constitution regarded as one of the lengthiest in the world. It attained independence from Great Utain in 1947 and adopted a parliamentary form of government. Bharthiyana is committed to the ideals of justice, liberty, and equality, and its governance is based on the principles enshrined in its Constitution.
2. On 14 July 2024, a complaint was filed at Karnapura police station against Abdul Fazeel (Hereinafter referred to as “**Accused**”), a 27-year-old resident of Karnapura District. He was arrested on the allegations of committing aggravated penetrative sexual assault against a minor girl in his neighbourhood. According to the complaint, the incident occurred on 13 July 2024, a day before the complaint was filed, when the victim’s parents had gone to the market, and the victim was alone at home. There were no eyewitnesses, but the victim was able to identify the accused. The case, registered under Section 65(2) of the BHARATIYA NYAYA SANHITA, 2023 (BNS), read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO), attracted immense media attention and led to widespread outrage.
3. Following the arrest of the accused, the local police invoked the Criminal Procedure (Identification) Act, 2022 (“the Act”) to collect his “measurements,” to help and aid the investigation. The Act, under Section 2(b), defines “measurements” to include finger-impressions, palm-print impressions, foot-print impressions, photographs, iris and retina scans, physical and biological samples, and their analysis. However, it does not prescribe any detailed clarity on the scope or limits of “biological samples.” In Abdul Fazeel’s case, the police insisted on taking multiple categories of measurements. While finger and palm impressions were taken without any incident, the accused was allegedly

beaten when he hesitated to provide biological samples, including buccal swabs and blood. The police collected “whatever samples that could be useful,” extending to hair follicles and nail clippings, as there were no procedural safeguards prescribed in the Act regarding the quantity or type of samples that could reasonably be demanded. And Abdul Fazeel suffered visible injuries such as bruises on his face, swelling under his eye, and a cut near his lips.

4. The police justified their actions by arguing that since the accused is charged with a heinous crime against a child, the Act permitted non-consensual collection of biological material to aid scientific investigation of the case. The accused maintained that he was being treated as guilty even before trial, and that the coercive nature of the process itself violated his fundamental rights.
5. During the trial, the prosecution relied heavily on the DNA analysis due to the lack of any other evidence, which linked the accused’s samples to the biological traces recovered from the victim. However, the defence argued that the DNA was inadmissible, as it was obtained under duress, in violation of Article 20(3) (protection against self-incrimination) and Article 21 (right to dignity and privacy). The Sessions Court, nevertheless, convicted Abdul Fazeel in April 2024 and sentenced him to life imprisonment. His appeal remained pending.
6. After conviction, Abdul Fazeel was lodged in Karnapura Central Jail. The Criminal Procedure (Identification) Rules, 2022 (“the Rules”) merely required that all photographic and biometric recordings be done in accordance with the SOP as established under the Rules. In practice, the prison authorities interpreted this rule to mean that full-body digital images including naked photographs can be taken from every prisoner, and the convict was compelled to strip naked in the presence of multiple wardens, while his body was being photographed. The convict described this process as “the most degrading moment of his life,” however, his objections were ignored.
7. By this time, the National Crime Records Bureau (NCRB) was operating the national database of DNA and prisoner records as per the Act. Instead of retaining complete control, the NCRB entered into a Memorandum of Understanding with GeneSecure Analytics Pvt. Ltd. (“GeneSecure”), a private company that is trusted by millions of business users for data management. GeneSecure was tasked with storing samples, operating servers, and providing analytical assistance to state agencies. Critics had warned that outsourcing such sensitive functions without explicit legislative safeguards

amounted to excessive delegation of state responsibility. However, the State maintained that the company was bound by a Non-Disclosure Agreement (NDA) with the government and, therefore, this instrument restricted any third-party involvement. Additionally, the government ensured that GeneSecure was responsible for creating a separate database where all the shared data is stored, and access to this database was monitored and restricted to officials authorised by the government.

8. On 24 August 2025, media outlets reported a large-scale foreign cyber intrusion attempt targeting GeneSecure's servers. Although initially described as an "attempt," subsequent disclosures revealed that there was indeed a breach, resulting in the leakage of considerable volumes of sensitive genetic data, including DNA profiles, prisoner photographs, and biometric identifiers. Among the leaked materials were highly revealing images of numerous undertrial and convicted prisoners. Naked pictures of the accused were widely circulated across social media platforms, meme forums, and news portals, drawing widespread ridicule, leading to harassment of convicts, including Abdul Fazeel, within the prison.
9. Inside prison, the circulation of Abdul Fazeel's naked photographs on the internet had already caused irreversible damage to his dignity. During the hearing of his appeal, the High Court carefully examined the evidence and ultimately acquitted him due to lack of legal and reliable proof. The Court noted that the prosecution's case rested almost entirely on DNA evidence. The collection of biological samples had been carried out under circumstances that raised serious doubts regarding voluntariness and procedural fairness. The Court observed that there were no eyewitnesses, no recovery linking the accused to the scene, and that the victim's identification, though sincere, lacked corroboration. The High Court held that the prosecution had "failed to establish an unbroken chain of custody" with respect to the biological samples and that the "coercive circumstances surrounding their extraction created grave doubt about their evidentiary value." Further, the Court found that the absence of any other independent evidence made it unsafe to uphold the conviction.
10. After returning home, Abdul Fazeel's parents began noticing a visible change in his behaviour. He appeared constantly distressed, withdrawn, and unable to engage in conversations. Due to the widespread circulation of his photographs, his employer terminated his services, citing potential "reputational complications." He stopped meeting friends, avoided leaving the house, and remained shut in his room for long

hours. His parents observed that he had become increasingly elusive, barely eating, rarely speaking, and showing signs of deep emotional turmoil caused by the unending public humiliation.

11. On 11 December 2025, Abdul Fazeel was found dead by hanging in his room. A handwritten suicide note recovered from the scene stated that life had become unbearable for him because the leaked photographs had completely destroyed his dignity and the very purpose of living. Even after being acquitted, he saw no possibility of reclaiming a normal life. Although the death was officially recorded as “suicide by asphyxiation,” the circumstances surrounding it reflected the devastating impact of the privacy breach and the systemic failures that allowed such sensitive material to enter the public domain.
12. Abdul Rahman, father of the deceased, has approached the Hon’ble Supreme Court under Article 32 of the Constitution of Bharthiyana, challenging the constitutionality of the provisions under the Criminal Procedure (Identification) Act, 2022 and seeking accountability from the State for such a huge lapse in securing such sensitive data that ultimately drove his son to suicide.
13. Taking cognizance of the overlapping constitutional questions raised, the Hon’ble Supreme Court of Bharthiyana is set to adjudicate the matters collectively and has framed the following issues for consideration.

ISSUES FOR CONSIDERATION

ISSUE I

Whether the absence of a clear definition of “measurements” under Section 2(b) of the Criminal Procedure (Identification) Act, 2022, enabled the police to use excessive force on Abdul Fazeel for extracting biological samples, thereby resulting in arbitrary enforcement, eventually leading to violation of Article 14 of the Constitution of Bharthiyana?

ISSUE II

Whether the outsourcing of Abdul Fazeel’s biological samples to a private laboratory without safeguards amounts to excessive delegation under the Act and infringes his right to privacy guaranteed under Article 21?

ISSUE III

Whether the provision authorising compulsory collection of Abdul Fazeel’s biological samples without his consent violates the constitutional protection against self-incrimination under Article 20(3)?

ISSUE IV

Whether the classification under the Act that mandates non-consensual collection in cases involving women, children, and heinous offences is reasonable, or whether it violates the guarantees of equality and non-discrimination under Article 14?

NOTE:

- 1. The Laws of Bharthiyana are Pari Materia to the Laws of India.**
- 2. Bharthiyana is a signatory to all the International Conventions and Treaties as India.**
- 3. The issue of Jurisdiction and Maintainability shall not be raised.**

ANNEXURE I

Suicide Note of Abdul Fazeel (Translated to English)

The note was found on Abdul's study table, written in his handwriting on a single sheet of paper.

"My name is Abdul Fazeel. I am writing this knowing that by the time anyone reads this letter, I will no longer be here.

The Court has acquitted me. The law has declared that I am innocent. But the system that was supposed to protect me has failed me at every step. The photographs taken of me inside the jail were ones I never consented to, and I never understood their purpose. Those images were allowed to be released into the world, stripping me of every shred of dignity I was left with.

Because of this, I lost my job, I lost my peace, and I lost the simple ability to walk outside without feeling like my body was being kept for public display. People stared at me, whispered, laughed, and pulled out their phones as if I were a spectacle.

What destroyed me was not the trial, but what happened outside of it, the permanent humiliation that came from a system that could not keep my most private images safe. The State took my measurements, my photographs, my identity, but could not protect them. My rights were violated long before any Court could protect them.

Even after being proven innocent, I was treated as if I had no right to dignity, no right to privacy, and no right to live a normal life. I tried to endure it for the sake of my parents, but every passing day, my spirit broke a little more. The weight of the shame was heavier than anything I had ever known.

I am not dying because I am guilty; I am dying because the system failed to protect me. Because society punished me for something I never committed. My life has become a sentence with no end, a punishment that did not come from law but from exposure and ridicule.

I hope, one day, this country will understand that dignity is a right, not a privilege, and that no innocent person should be destroyed because the system could not safeguard their identity.

I beg of you, whoever reads this, not to let anyone face what I had to face. My life is already over. At least save others."

Please forgive me.

Abdul Fazeel."