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NAAC ACCREDITED WITH GRADE A⁺⁺

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MOOT PROPOSITION

MAIMS 7th NATIONAL MOOT COURT COMPETITION, 2026
30th - 31st October & 20th - 21st NOVEMBER, 2026

CURATED BY:

Dr. Anant Vijay Maria

Advocate-on-Record, Supreme Court of India

ODYSSEUS
v.
STATE OF ARYA

1. Echo Interactive Technologies Pvt. Ltd. ("Echo") is an incorporated company in the State of Arya which operates CampusVerse, an online collaboration platform used by school and university students for academic competitions, networking and messaging. Echo maintained a publicly available Child Safety Policy prohibiting child exploitation, online harassment and dissemination of sexually explicit material. At the relevant time, however, registration on CampusVerse depended upon self-declaration of age, without mandatory age verification or parental consent mechanisms.
2. In January 2025, Echo organised the National Young Innovators Challenge, a nationwide competition on sustainable urban development. Participants were grouped through CampusVerse. Penelope, a Class XII student aged 17 years and 5 months, and Odysseus, a first-year architecture student aged 18 years and 1 months, were assigned to the same team. Their age difference was less than one year, and both were aware of each other's ages throughout their association.
3. Over the following months, their professional interaction developed into a personal relationship. They frequently communicated through text messages, voice calls and video conferences, met on several occasions in public places, and discussed pursuing higher education and marriage after Penelope attained majority. The prosecution later alleged that Odysseus gradually persuaded Penelope to distance herself from parental supervision and induced her into a sexual relationship by assuring her of marriage. Odysseus maintained that their relationship was voluntary, mutually affectionate and never exploitative.
4. As Penelope's parents increasingly objected to the relationship, the two began communicating through disappearing-message features and encrypted applications. During this period, Echo's automated safety tools generated alerts concerning repeated interactions between Odysseus and self-declared minor users, and two anonymous complaints alleging inappropriate online behaviour were received. After an internal review, Echo concluded that no violation of its Community Standards had been established and permitted the account to remain active.
5. In August 2025, Penelope voluntarily met Odysseus in a neighbouring city. According to the prosecution, they stayed together overnight and engaged in sexual intercourse after Odysseus assured her that they would marry upon completion of their education. Odysseus denied making any false or dishonest promise and maintained that both intended to marry in the future.

6. A few days later, emotionally distressed by the relationship and apprehensive about her parents' reaction, Penelope approached Dr. Athena, the school counsellor, for psychological counselling. During confidential counselling sessions, she disclosed the relationship, the alleged sexual encounter and the exchange of intimate photographs. She requested that the information remain confidential until she felt emotionally prepared to inform her family.
7. Dr. Athena found herself uncertain whether immediate disclosure was mandatory under Sections 19 and 21 of the Protection of Children from Sexual Offences Act, 2012, or whether the child's therapeutic interests justified temporary confidentiality. She consulted another mental health professional, who advised immediate reporting, while a second professional opined that disclosure without adequate psychological preparation could adversely affect the child's mental health and willingness to cooperate with any investigation. Before Dr. Athena reached a final decision, Penelope's parents independently became aware of the relationship and approached the police.
8. On the complaint lodged by Penelope's parents, the Police Station registered a First Information Report alleging kidnapping, penetrative sexual assault, inducement by promise of marriage, offences relating to sexually explicit material and other allied offences under the Protection of Children from Sexual Offences Act, 2012, the Bharatiya Nyaya Sanhita, 2023 and the Information Technology Act, 2000. Shortly thereafter, explicit images purportedly depicting Penelope began circulating on encrypted messaging platforms and social media.
9. During investigation, electronic devices belonging to Odysseus were seized and subjected to forensic examination. Investigators recovered deleted conversations, metadata and partially encrypted files. The prosecution relied upon these materials, medical evidence and behavioural analysis to contend that Odysseus had progressively isolated Penelope from parental supervision, encouraged the exchange of intimate material and engaged in online grooming. Odysseus disputed these conclusions, contending that the recovered communications represented an ordinary consensual relationship and that behavioural profiling could not substitute proof of the statutory ingredients of the alleged offences.
10. Investigation into the circulation of the intimate images revealed that the earliest recoverable transmissions originated from anonymous accounts operating through encrypted communication services and virtual private networks. While the prosecution alleged that certain images were genuine and others had been generated or manipulated using artificial intelligence, it was unable to conclusively identify the original creator or first uploader. Odysseus denied creating, possessing or circulating any such images and questioned their authenticity.
11. Notices were thereafter issued to Echo directing preservation of electronic records relating to

the relevant accounts. Echo disclosed the earlier automated alerts and anonymous complaints but maintained that the available material had not established any violation warranting suspension of the account. The State contended that Echo had failed to implement reasonable child-safety measures despite prior warning indicators, while Echo asserted that the law imposed no obligation upon intermediaries to proactively monitor private communications or predict criminal conduct.

12. The investigating agency also initiated proceedings against Dr. Athena for the alleged failure to discharge the mandatory reporting obligations under Sections 19 and 21 of the Protection of Children from Sexual Offences Act, 2012. Dr. Athena maintained that the disclosures had occurred within a confidential therapeutic relationship, that she had been actively considering her statutory obligations, and that the matter had already reached the authorities through independent reporting before any deliberate decision to withhold information had been taken.
13. Upon completion of the investigation, a chargesheet was filed before the Special Court constituted under the Protection of Children from Sexual Offences Act, 2012. The prosecution alleged that Odysseus had induced Penelope into a sexual relationship through false assurances of marriage, persuaded her to leave parental supervision, engaged in online grooming and was responsible for the creation or circulation of intimate images. Odysseus denied every allegation and asserted that the prosecution had failed to establish the essential ingredients of the offences beyond reasonable doubt.
14. During the proceedings, Odysseus further contended that the admitted age difference of less than one year, the voluntary nature of the relationship and the absence of coercion required the Protection of Children from Sexual Offences Act, 2012 to be interpreted consistently with Articles 14 and 21 of the Constitution. He sought recognition of a close-in-age exception applicable to voluntary adolescent relationships. The State opposed the contention, arguing that the statutory age threshold admitted of no judicial exception.
15. Echo challenged the proceedings initiated against it, contending that it had complied with its obligations under the Information Technology Act, 2000, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 and the Digital Personal Data Protection Act, 2023. Dr. Athena separately challenged the proceedings against her, contending that mandatory reporting under the Protection of Children from Sexual Offences Act, 2012 must be harmoniously construed with therapeutic confidentiality, professional ethics and the child's right to mental healthcare. The State resisted both challenges.
16. As the criminal prosecution, the proceedings against Echo and the proceedings against Dr. Athena arose from the same factual matrix and involved interconnected questions concerning

child protection, intermediary liability, digital evidence, privacy and constitutional interpretation, the High Court heard the matters together and dismissed the challenges. Aggrieved thereby, Odysseus, Echo Interactive Technologies Pvt. Ltd. and Dr. Athena have preferred the present Special Leave Petitions before this Hon'ble Supreme Court.

ISSUES

I. Whether the prosecution has established beyond reasonable doubt the offences alleged against Odysseus under the Protection of Children from Sexual Offences Act, 2012, the Bharatiya Nyaya Sanhita, 2023 and the Information Technology Act, 2000, having regard to the evidence relating to the alleged sexual relationship, inducement by promise of marriage, kidnapping, online grooming, circulation of intimate images, and electronic evidence?

II. Whether the Protection of Children from Sexual Offences Act, 2012, insofar as it criminalises voluntary romantic and sexual relationships between adolescents separated in age by less than one year, violates Articles 14 and 21 of the Constitution or requires recognition of a constitutional close-in-age exception?

III. Whether Echo Interactive Technologies Pvt. Ltd., as the operator of CampusVerse, incurred statutory or common law liability for failing to act upon algorithmic safety alerts and anonymous complaints concerning interactions between an adult user and minor users, having regard to the Information Technology Act, 2000, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 and the Digital Personal Data Protection Act, 2023?.

IV. Whether the mandatory reporting obligations under Sections 19 and 21 of the Protection of Children from Sexual Offences Act, 2012 admit any exception or harmonious construction in cases where disclosures are made during confidential psychological counselling, having regard to professional ethics, the Mental Healthcare Act, 2017, and Articles 14 and 21 of the Constitution?

DISCLAIMER

1. The Participants should strictly adhere to the above-mentioned issues enumerated in the present moot proposition. However, participants can add sub-issues in the above-mentioned issues, as the case may be.
2. The events and the characters depicted in the present moot proposition are purely a work of fiction and hypothetical. Any resemblance to actual persons, living or dead, is purely coincidental.
3. This moot proposition is purely intended for Moot Court Competition and educational purposes amongst law students.
4. This Moot Proposition contains references to child sexual abuse, exploitation, and the non-consensual circulation of intimate imagery. These references are included strictly for the purpose of academic legal debate on statutory interpretation and evidentiary standards, and are not intended to be graphic or gratuitous.
5. The contents of this Moot Proposition are not intended to defame, denigrate, or hurt the sentiments of any individual(s), class of individuals, institution(s), or community, nor to trivialize, normalize, or diminish the seriousness of offences against children under law.

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