



MADHUSUDAN LAW UNIVERSITY, KATAKA
(A State University Established under The Odisha Universities Act, 1989)

VISHWANATH PASAYAT MEMORIAL STATE LEVEL MOOT COURT- 2026

(for all the law Colleges/Universities of the State of Odisha)

PROPOSITION

**7TH OCTOBER 2026-
8TH OCTOBER 2026**

Organized by
**Moot Court Committee
Madhusudan Law University**

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Venue- Main Campus, Madhusudan Law University, Kataka

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LIST OF ABBREVIATIONS

AePDS - Aadhaar-enabled Public Distribution System

BNSS - Bharatiya Nagarik Suraksha Sanhita, 2023

DPDP Act - Digital Personal Data Protection Act, 2023

DPDP Rules - Digital Personal Data Protection Rules, 2025

DPIA - Data Protection Impact Assessment

FRT - Facial Recognition Technology

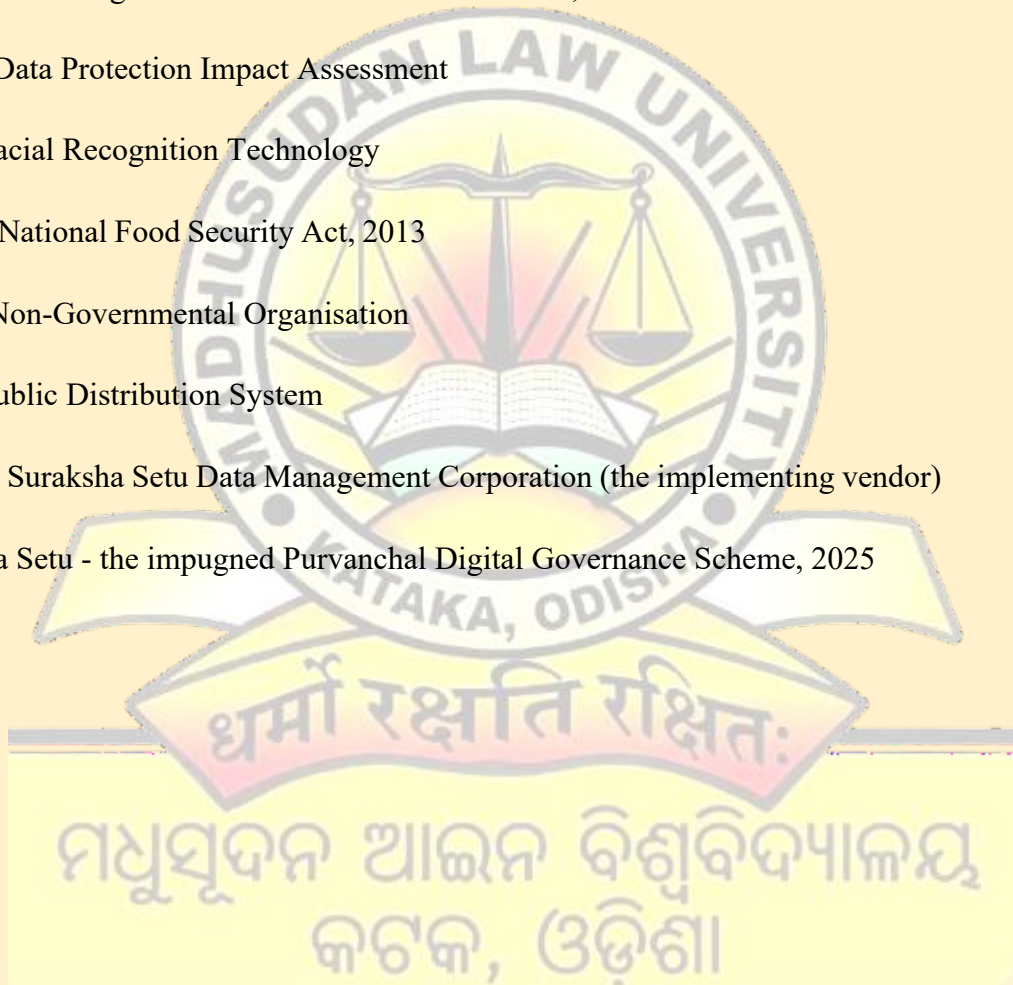
NFSA - National Food Security Act, 2013

NGO - Non-Governmental Organisation

PDS - Public Distribution System

SDMC - Suraksha Setu Data Management Corporation (the implementing vendor)

Suraksha Setu - the impugned Purvanchal Digital Governance Scheme, 2025



STATEMENT OF FACTS

1. The State of Purvanchal is a State within the Union of India. In January 2025, the Government of Purvanchal launched the "Suraksha Setu" scheme - an integrated facial-recognition and biometric-authentication platform linked to Aadhaar - with the stated objectives of (i) eliminating duplicate and ghost ration cards under the Public Distribution System, (ii) streamlining issuance of municipal welfare benefits and transit passes, and (iii) enhancing public safety through real-time facial recognition at transport hubs, government offices, and ration shops.
2. The scheme was rolled out under executive instructions issued by the Department of Food, Civil Supplies and Consumer Affairs read with the Department of Home Affairs, without an accompanying State legislation. Enrolment in Suraksha Setu, comprising biometric fingerprint capture, iris scan, and a live facial photograph was made mandatory for any resident seeking to access subsidised foodgrain under the NFSA, to apply for a municipal welfare scheme, or obtain a public transit pass within Purvanchal.
3. The technical backbone of Suraksha Setu that are data storage, facial-matching algorithms, and the watchlist-alert system, was outsourced to Suraksha Setu Data Management Corporation ("SDMC"), a private technology vendor, under a ten-year Build-Operate-Transfer agreement. The terms of the agreement, including SDMC's data-security obligations, have not been made public.
4. Prior to the State-wide rollout, the Union Ministry of Electronics and Information Technology had issued non-binding advisory guidelines to all States recommending that facial-recognition deployments linked to welfare delivery be preceded by a Data Protection Impact Assessment in accordance with the Digital Personal Data Protection Rules, 2025, and inter-operability protocols to prevent conflict with the central data-protection framework. It is an admitted fact that no DPIA was conducted by the State of Purvanchal, or by SDMC, prior to the launch of Suraksha Setu.
5. Sanjay Majhi, a 47-year-old migrant construction labourer and a beneficiary under the NFSA, was denied his monthly foodgrain entitlement on three consecutive occasions between March and May 2026 after the biometric authentication device at his local Fair Price

Shop repeatedly failed to match his fingerprints. Mr. Majhi's fingerprints have been significantly worn down by decades of manual labour, a condition documented in an earlier (2019) RTI response from the Department of Food, Civil Supplies and Consumer Affairs acknowledging that manual labourers and elderly beneficiaries face disproportionately high biometric-authentication failure rates under AePDS-linked systems.

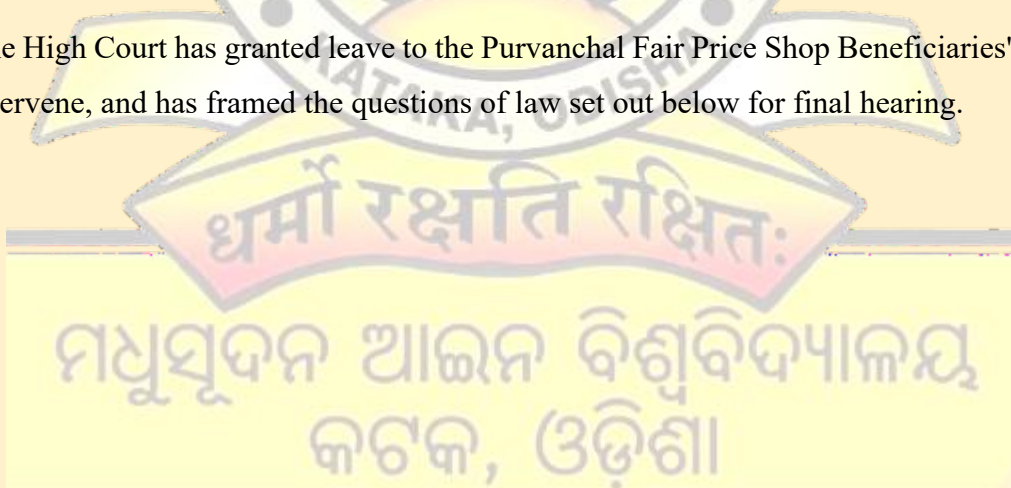
6. No offline fallback, human-verification override, or grievance-redressal mechanism was available at the Fair Price Shop. Mr. Majhi's applications for manual override were not processed within any defined timeline, and he and his family of five were left without subsidised foodgrain for the relevant months.
7. Manisha Rout is a journalist with a Navnagar-based digital news portal. In February 2026, she had published a two-part investigative report alleging irregularities in the award of the Suraksha Setu contract to SDMC, including an allegation that SDMC's promoter entity had made undisclosed contributions to the ruling political party in Purvanchal. The State and SDMC have denied the allegations in the report.
8. On 14 April 2026, while attempting to board an interstate bus at the Navnagar Interstate Bus Terminus, a facility equipped with Suraksha Setu facial-recognition cameras, Ms. Rout was stopped by security personnel after the facial-recognition system flagged her as a positive match against a police watchlist maintained for a person wanted in an unrelated case of alleged financial fraud. She was detained for questioning for approximately six hours before being released without charge, after manual verification established that she was not the person named in the watchlist alert.
9. The Navnagar Interstate Bus Terminus is used daily by residents of the neighbouring State of Madhyabharat, whose facial data is also captured by Suraksha Setu cameras despite those residents having no connection to any Purvanchal welfare scheme.
10. On 30 May 2026, it came to light that the biometric and location data of over two lakh residents enrolled under Suraksha Setu had been accessed without authorisation and subsequently offered for sale on a private online marketplace. SDMC stated that the data had been encrypted "at rest" and attributed the breach to a vulnerability in a third-party sub-contractor engaged by SDMC for data-centre maintenance, over whom SDMC claimed it

exercised only contractual, not operational, control. The State disclaimed direct responsibility, asserting that data processing had been fully delegated to SDMC under the Build-Operate-Transfer agreement.

11. No breach notification was issued to affected data principals within the timeline prescribed under the Digital Personal Data Protection Rules, 2025. The State has not disclosed whether any Data Protection Impact Assessment, audit, or vendor-security review was carried out either before or after the breach.
 12. On 2 June 2026, an explosive device was detonated at the Bandhargarh Railway Junction, injuring eleven persons. Within a week, and citing the incident, the State Cabinet approved an expansion of Suraksha Setu's real-time facial-recognition watchlist-alert functionality to all railway stations, bus terminals, and "large public gatherings" across the State, without amending or replacing the original scheme guidelines and without conducting any fresh impact assessment.
 13. On 10 June 2026, while the Purvanchal Legislative Assembly was not in session, the Governor of Purvanchal promulgated the Purvanchal Digital Governance (Facilitation) Ordinance, 2026 ("the Ordinance") under Article 213 of the Constitution. Section 4 of the Ordinance provides that "no suit, prosecution, or other legal proceeding shall lie against the implementing agency of a State digital governance scheme notified prior to the commencement of this Ordinance, in respect of any act done or data processed in good faith in furtherance of such scheme," and further provides that this immunity shall operate notwithstanding anything contained in the Digital Personal Data Protection Act, 2023. Section 6 of the Ordinance provides that it shall lapse after six weeks unless ratified by the Legislative Assembly.
1. It is undisputed that SDMC is, as of the date of promulgation, the only "implementing agency" of any notified State digital governance scheme in Purvanchal, and that the Ordinance was promulgated nine days after the data breach referred to above and after SDMC had received a show-cause notice from the State Data Protection Authority.
 2. The Purvanchal Fair Price Shop Beneficiaries' Forum, an association of ration-card holders, has filed an application to intervene in support of the Suraksha Setu scheme, contending that

biometric authentication has eliminated an estimated 40,000 duplicate and ghost ration cards in the eighteen months preceding these proceedings, resulting in measurably improved foodgrain availability for genuine beneficiaries in several districts.

3. Manisha Rout, Sanjay Majhi, and the Purvanchal Digital Rights Collective (a registered NGO working on civil liberties, appearing in the public interest) have jointly filed the present writ petition under Article 226 of the Constitution before the High Court of Purvanchal, challenging: (i) the mandatory biometric/facial-recognition enrolment requirement under Suraksha Setu as violative of Article 21; (ii) the exclusion of Mr. Majhi from NFSA entitlements without a fallback mechanism; (iii) the constitutional validity of Section 4 of the Ordinance; and (iv) the absence of any audit, appeal, or human-review mechanism for persons adversely affected by algorithmic determinations under the scheme.
4. The State of Purvanchal and SDMC have contested the petition on all counts, additionally raising a preliminary objection to the maintainability of the Digital Rights Collective's plea on grounds of locus standi, and defending the scheme as a proportionate, welfare-enhancing measure that is within the legislative and executive competence of the State.
5. The High Court has granted leave to the Purvanchal Fair Price Shop Beneficiaries' Forum to intervene, and has framed the questions of law set out below for final hearing.



ISSUES FOR DETERMINATION

- I. Whether mandatory enrolment in biometric and facial-recognition authentication as a precondition for accessing foodgrain, welfare, and transit entitlements violates the right to privacy and informational self-determination guaranteed under Article 21 of the Constitution, and if so, whether the Suraksha Setu scheme satisfies the four-fold proportionality standard laid down in *K.S. Puttaswamy v. Union of India*.
- II. Whether the denial of NFSA foodgrain entitlements to Sanjay Majhi, in the absence of any fallback or manual-override mechanism for biometric-authentication failure, constitutes a violation of the right to food under Article 21 and the procedural-due-process standard laid down in *Maneka Gandhi v. Union of India*.
- III. Whether Section 4 of the Purvanchal Digital Governance (Facilitation) Ordinance, 2026 - retrospectively immunising the implementing agency of a State digital scheme from liability, notwithstanding the Digital Personal Data Protection Act, 2023 - is manifestly arbitrary and violative of Article 14, and/or constitutes colourable legislation and an impermissible exercise of the ordinance-making power under Article 213.
- IV. Whether the absence of an audit trail, reasoned explanation, or human-review mechanism for adverse facial-recognition determinations (including the detention of Manisha Rout) violates the principles of natural justice, and whether the State's admitted failure to conduct a Data Protection Impact Assessment prior to rollout renders the scheme unlawful independent of any constitutional violation.
- V. Whether the Purvanchal Digital Rights Collective has locus standi to maintain a public-interest challenge to the scheme, and whether the capture of facial and biometric data of residents of the State of Madhyabharat at the Navnagar Interstate Bus Terminus is within the legislative and executive competence of the State of Purvanchal.

****Note for Participants***

The Constitution of Purvanchal and the laws in force in Purvanchal are pari materia with the Constitution of India and the corresponding Central/State legislations of the Republic of India, and are to be treated as identical thereto in substance and effect for all purposes of this Competition. Provisions of law are, as far as possible, referred to in this proposition by their popular description rather than by specific numerical citation, and it shall be for participants to identify and rely upon the precise constitutional and statutory provisions, and the judicial precedent, that they consider applicable to the issues framed. The above issues are inclusive, and no additional issues are to be framed by either party.

Both parties are on record as contesting every issue framed above. Nothing in this proposition or in the accompanying clarifications shall be construed as an admission by either party beyond the facts expressly stated.

