

## MOOT PROBLEM

### Part 1- Rohan

1. Rohan was the founder CEO of Make Money Corporation. What began as a small start up with a couple of college friends, barely five years ago, is now one of the top brands in the financial market that provides financial advisory services to its customers. The exponential growth of Make Money Corporation to a large extent was attributable to the hard work, perseverance and brilliance of Rohan.
2. Brolly Corporation, a giant conglomerate of financial companies having its head office in the United States has been negotiating the takeover of Make Money Corporation for several weeks now. If the acquisition were to go through, it would be the turning point of Rohan's life. At the age of 31 years, he would be the country's youngest billionaire.
3. The due diligence of Make Money Corp. having been completed, the directors of Brolly Corporation were meeting Rohan and his team on 24.03.2022 for finalising the deal. It was undoubtedly the most important meeting of Rohan's life.
4. On 23.03.2022, Samachar TV aired an interview of Ishika where she levelled various allegations against Rohan. She said "the metoo movement would be a farce unless men like Rohan who have stalked and harassed women continue to enjoy impunity and are not made to feel remorse about their actions."
5. On the basis of these statements, the news anchor of Samachar TV- Sartaj Singh carried out a 2 hour story on prime time. In the first segment, Samachar TV called for viewers to vote on "Whether Rohan should be allowed to get away with harassing women?" The TV channel also started a twitter campaign with the #Rohanthepervert. In the next segment, a debate was telecast on how companies need to strengthen their policies and refuse to collaborate with people who were accused of harassment in the 'me too' movement unless they prove their innocence.
6. In light of the developments, Brolly Corporation informed Rohan that they did not want to be seen as a company that does business with anyone who is in the middle of a media trial as the public relations would be a nightmare. The deal was called off.
7. Antagonized Rohan filed a civil suit for defamation, character assassination and damages before the Calcutta High Court arraying Ishika as the First Defendant, Sartaj as the Second Defendant and Samachar TV as the Third Defendant. He contended that the accusations of

Ishika and the television program by Sartaj Singh have caused irreparable damage to his reputation. Further Samachar TV is vicariously liable for the actions of Sartaj. Rohan sought for a public apology by all the Defendants to be aired on Samachar TV along with monetary damages to the tune of Rs. 100 crores.

8. Upon the receipt of the suit summons, Ishika and the other Defendants have filed their Written Statement. While Ishika claimed that truth is her sole defence, the Second Defendant claimed for immunity under the freedom of press, speech and expression. It was further asserted that there was no factual error in the news program that was telecast on 23.03.2022. If Rohan is innocent as he claims, he ought to prove his innocence for the requirement is to believe the victim unless proven otherwise. The Third Defendant too has denied any liability on their part as Sartaj was hired on a contractual basis.

### **Part 2- Ishika**

9. It was the summer of 2014, Ishika had just graduated from college and just like all her friends, and getting placed in a company was on the top of her priority. Though she had applied at several places, she desperately wanted to join Wave Enterprises. It was well known that a stint in one of the most prestigious companies such as Wave Enterprises worked wonders for the career graph of a fresher.
10. Wave Enterprises was one of the leading wealth management companies in the country. The securities and investments division was headed by Rohan who had made a remarkable name for himself in the organization. While Ishika's academic record was not as impressive as many other applicants, she fared quite well in the interview taken by Rohan and joined the organization on 01.09.2014.
11. As Rohan worked extensively with his team for long hours, he grew quite fond of Ishika who was indeed very good looking. Rohan never expressed his feelings to Ishika fearing rejection and losing her as a friend. However, some of his colleagues had figured that Rohan was infatuated with her. Rohan knew that any relationship with any of his subordinates would unnecessarily complicate the matters. However, you do not choose whom you love. Like rain, he fell for her.
12. At the New Year's Eve, during an office party Ishika had a little too much to drink. As she was too drunk to drive, Rohan stayed up till late night and dropped her back. When they

reached Ishika's home, she invited him over. As Ishika was intoxicated, Rohan declined and thought best if he left. Ishika gave him a hug and kissed him goodbye.

13. Rohan couldn't believe what just happened. His excitement knew no bounds. He immediately called up his entire friends in the office and told them what happened. The next morning, when Ishika walked into the office, she was flabbergasted to find her workplace filled with red heart shaped balloons and decorations. In the centre was Rohan who was down on one knee with a ring proposing to her.
14. Ishika was petrified. She did not know how to respond. While assimilating all what was happening around her, she spoke to Rohan and told him that she did not feel that way about him. She clarified that he was reading too much into last night and she did not have any romantic thoughts or feelings for him.
15. Rohan was dejected. He tried to persuade Ishika who was just avoiding Rohan under one pretext or the other. Rohan was getting restless as he thought that he had messed up his friendship and relationship with Ishika. He called her up several times and tried messaging her but she had blocked his number. Finally, he tried to meet her at her residence, but the security at the apartment would not let him in. Dejected, Rohan waited outside Ishika's house so that he could meet her.
16. When Ishika stepped out to meet her friends over for dinner, Rohan followed her to the restaurant to talk to her. Ishika was furious to see him at the restaurant. She refused to talk to him and asked him to leave.
17. Considering the awkward situation, Rohan thought it would be best if he and Ishika did not work in the same department. The next day Ishika received a mail from the HR of Wave Enterprises informing her that she is no longer with the securities and investment team and that she will be reporting to the marketing team henceforth.
18. Ishika was furious, she felt that she is being punished for refusing to date Rohan and argued that if anybody has to be transferred, it is Rohan. The management did not budge considering the fact Wave Enterprises needed Rohan in the securities and investment division more than Ishika who had been with them for barely a few months. Ishika escalated the issue by filing a complaint against Rohan alleging stalking, unwelcomed physical advances and detrimental treatment at her workplace to her disadvantage for having refused

the advances of Rohan under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

19. In terms of the Act, an Internal Committee was set up. Rohan was shocked at the accusations and allegations levelled against him. He was at a loss of words at this move by Ishika. With a view not to precipitate the matter and to have a closure on the issue, Rohan tendered his resignation to the company.
20. After working for a couple of months at the marketing division of Wave Enterprises, seeking no growth in the near future, Ishika left the organization. She then applied at several places seeking for employment in her desired field of securities and investment. However, in light of what transpired at Wave Enterprises not many companies were keen on having her on board. They feared that any negative feedback about her work during her employment or any criticism of work would invite allegations of sexual harassment.
21. Ishika could not understand where she had erred. She could not find a suitable job elsewhere and could not stop blaming Rohan for ruining her career. Several years later, when the Me Too movement started, Ishika found it fit to raise her voice and speak up.

The trial is complete and the case is posted for final arguments.

Participants are at liberty to draft and frame the Issues.