



GUJARAT NATIONAL LAW UNIVERSITY, SILVASSA

presents

1st edition
of

**NATIONAL
PUBLIC INTEREST
LITIGATION DRAFTING
COMPETITION**

organised by

Centre for Constitutional and Administrative Law

*The following proposition has been drafted by the student body of Centre
for Constitutional & Administrative Law*

PROPOSAL

Mr. Vetriyan Varma v. Union of Varnasha

Background

1. The Democratic Republic of Varnasha (hereinafter 'the state') is a vast and diversified Southeast Asian country. Varnasha embarked on a remarkable nation-building path upon independence from British colonial rule in 1947. The country's constitution was drafted following protracted Constituent Assembly debates and was eventually enacted on January 26, 1950. The Varnasha constitution (hereinafter 'constitution') enshrines fundamental rights, directive principles of state policy, procedure for appointing judges to the supreme and high courts, parliamentary powers and privileges, and an array of other provisions about parliament and state assembly members. The constitution provided a complete framework for government by preserving fundamental rights, defending the ideals of equality, liberty, and justice, and articulating the separation of powers between the executive, legislative, and judicial departments.

New Legal Landscape

2. The jurisprudence of Varnasha related to “right to privacy” has long been under debate and discussion. This discussion, though, couldn't explicitly give the separate provision regarding the right to privacy, but the landmark judgment of “J.S. Puttaswamy v. Union of Varnasha” held the right to privacy as a fundamental right, which is to be protected under Article 21 of the Varnasha constitution, and hence, marked a significant inception. With the changing needs of society and advancements in technology, the need to ensure digital privacy has increased exponentially. Thus,

the government of Varnasha introduced the Digital Personal Data Protection Bill, 2019 (hereinafter 'DPDP'), which was formally adopted on August 9, 2023.

3. Additionally, in the year 2023, the Varnasha Parliament, having repealed its erstwhile colonial-era laws, enacted three new criminal laws: The Varnasha Nyaya Sanhita (hereinafter 'VNS'), the Varnasha Nagarik Suraksha Sanhita (hereinafter 'VNSS'), and the Varnasha Sakshya Adhinyam (hereinafter 'VSA'). Even after the enactment of these laws, the number of criminal cases increased. Along with this, the legislators of Varnasha recognised the growing impact of technological advancements, which have opened new avenues for criminal activities such as cybercrime and online fraud. Additionally, technology has enabled offenders to remain anonymous and untraceable. Therefore, to overcome these issues, the Varnasha government introduced the Varnasha Criminal (Identification) Act, 2022 (hereafter referred to as the 'Identification Act'), which replaced the Identification of Prisoners Act, 1920.

4. This act enables the Public Crime Records Bureau (PCRB) to collect the legally admissible evidence for identification, investigation, and crime prevention. This act further employs the law enforcement agencies to utilise contemporary technologies to identify and investigate criminal cases. In addition, the identification act also authorises the state to take appropriate measures against accused individuals and prisoners, and it stipulates that the Public Crime Records Bureau (PCRB) must retain the collected data sample for 75 years from the date of accusation. Moreover, this act incorporates provisions for preserving, storing, sharing, disseminating and deleting such records.

Rape Case

5. Following the enactment of new criminal laws and the Identification Act, a rape case was reported in the southern state of Manikaranya. The accused, Mr. Vetriyan Varma, is a daily wage labourer employed by Kapileshwar Constructions, a well-regarded construction firm based in Tapovanpur, Manikaranya, which employs approximately 100 workers. Mr. Vetriyan comes from a modest background, lacks formal education, and has been working on the construction site for several years.

6. Recently, Ms. Amudha, a fellow daily wage worker from a nearby village, joined the workforce at the same site. Like Mr. Vetriyan, she hails from an underprivileged background, is uneducated, and took the job to support her family. Due to the shared shifts and labor groupings at the site, they frequently worked in close proximity to one another.

7. On the evening of 3rd January 2025, both Mr. Vetriyan and Ms. Amudha stayed back at the site for overtime work to earn extra wages, as often was required by their supervisor. Following days, Ms. Amudha did not return to work and was not seen at the site. On 8th January 2025, she approached the local police station in Tapovanpur with the help of a social worker. She lodged an FIR alleging that Mr. Vetriyan had raped her on the night of 3rd January 2025 (hereinafter 'rape case'). Following the filing of the FIR, Mr. Vetriyan was arrested by the police and presented before a judicial magistrate within 24 hours of arrest. As part of the investigation process under section 52 of the VNSS, the investigation officer directed a registered medical practitioner to collect Mr. Vetriyan's bodily and biometric samples, including DNA, semen, fingerprints and retinal scans.

8. After a detailed investigation, the police filed a charge sheet under section 193 of the VNSS. The case was tried before the Sessions Court of Tapovanpur on 15th January 2025. During the trial, it was revealed that the prosecution lacked sufficient and probative evidence to substantiate the charges beyond a reasonable doubt. Therefore, the Sessions court acquitted Mr. Vetriyan.

9. On 13th February 2025, Mr. Vetriyan was acquitted of all the charges and was released by the Session Court. On 17th February 2025, Mr. Vetriyan submitted an application under section 5(5) of the Varnasha Criminal (Identification) Rules, 2022, to the designated Nodal officer, formally requesting the destruction of his 'record of measurements' taken during the investigation of the Rape Case. The Nodal Officer responded, verbally to Mr. Vetriyan that the destruction of his measurements would be carried out in due course. Despite this assurance, Mr Vetriyan grappled with legitimate concerns regarding his data privacy and the continued retention of his biometric and biological samples. He demonstrated persistent diligence and subsequently made three separate inquiries to the Nodal Agency seeking an official order or confirmation regarding the destruction of his records.

10. Mr Vetriyan, aggrieved by the procedural lethargy of the designated Nodal Agency concerning the destruction of his 'record of measurements,' despite his acquittal, approached the acquitting Session Court, requesting the specific reasons for such non deletion of his records, as he is entitled under the Identification Act, 2022.

Offence Against the State

11. Within two months of his acquittal by the Sessions Court in

Tapovanpur, an offence of "waging war against the state" under Section 147 of the VNS was reported against several individuals in the National Capital Territory region of Dujipur. Upon receiving credible information, the central law enforcement agency thoroughly investigated the crime scene and collected biological samples and other evidence. When the PCRFB reviewed these samples against existing profiles in its database, it found a match with Mr. Vetriyan's profile. Acting on this information, the local police authorities of the state arrested Mr. Vetriyan on a requisition made by the central enforcement agency under section 35(1)(j) of the VNSS.

12. However, following a detailed investigation, he was released within 24 hours, as the police, after exercising due diligence, discovered that the forensic match had resulted from a technical glitch and the samples had been mismatched.

13. Although Mr. Vetriyan was released within 24 hours of his arrest, the incident caused him significant psychological distress and emotional pain during that brief but deeply traumatic period. Despite being acquitted of both the rape allegation and the NCT terror case, the stigma associated with these serious charges continued to affect him. He strongly and consistently denied any involvement in either case and found it difficult to understand how forensic evidence could have wrongly implicated him. The 'digital profile' that had been used to arrest him, a record he had long sought to have erased due to privacy concerns, had now become the very basis for his arrest.

14. Following the incident, Mr. Vetriyan lost his daily wage job, which he had secured after his acquittal in a rape case. Despite being cleared of all charges, no employer was willing to hire him. The false allegations left a lasting stain on his social identity. As a member of a

marginalised community, he became the target of entrenched social prejudice and exclusion. He was subjected to a complete social boycott by neighbours and relatives and was gradually abandoned by even his immediate family, resulting in his complete social isolation. Mr Vetriyan, deprived of employment and abandoned by society, found himself in a state of utter despair, which tragically led him to take his own life.

15. Before dying by suicide, he uploaded a short video to his social media account. In the video, Mr. Vetriyan is seen expressing his hopelessness in the legal justice system and narrating the injustices that led to his social disintegration, including the prolonged legal process in the rape case, the procedural lapses in handling and destruction of his biological samples, the erroneous matching of samples in the NCT case, the loss of his job, and his expulsion from the community. He stated clearly that he no longer saw any purpose in continuing his life.

16. The video went viral on social media after being reposted by a digital news platform, Drut Varansha, sparking widespread public outrage and debate concerning privacy violations, data protection and digital profiling under the Criminal Identification Act.

NGO's Contentions

17. As the case became a centre point of public concern, Friends of Justice (hereinafter FoJustice), a human rights non-governmental organisation committed to safeguarding civil liberties, viewed Mr. Vetriyan's case not as an isolated incident, but as evidence of deeper structural and legislative shortcomings.

18. In response, FoJustice undertook a systematic study of the Identification Act and the corresponding provisions. Their

research extended to relevant legal and policy documents and international privacy standards. Simultaneously, FoJustice's empirical research team filed applications under the Right to Information Act, 2005, seeking data from various government departments, as well as central and state prison authorities. The team also conducted field interviews with individuals who had been acquitted in criminal cases, many of whom, especially marginalised and vulnerable sections, were unaware of their privacy rights or the continued retention of their biometric data.

19. Based on the empirical findings and comprehensive legal analysis, FoJustice concluded that a constitutional challenge, or at the very least an urgent legislative reform, of the Varnasha Criminal Procedure (Identification) Act 2022 and its Rules were essential. Consequently, FoJustice is initiating a Public Interest Litigation to address these critical concerns and safeguard fundamental rights.

Competition Theme and Grounds for Challenge:

The theme for this Public Interest Litigation drafting competition is "Safeguarding Fundamental Rights in the Digital Age: Challenging the Identification Act, 2022." Participants are invited to step into the role of FoJustice Advocate, filing a PIL that addresses critical issues within the Act. These challenge areas include the disproportionate retention of biometric and biological data, the burdensome procedural requirements placed on acquitted individuals, the alarming lack of purpose limitation and oversight in data sharing, and the absence of clear data destruction protocols. Furthermore, participants should focus on the Act's non-compliance with the principles established in the Puttaswamy judgment, the inadequate anti-discrimination safeguards, and the insufficient protection offered by the Digital Personal Data Protection Act, particularly concerning sensitive personal data.

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