CLARIFICATIONS

The date of Conviction by the Sessions Court referred to as April 2024 in Paragraph No. 5 shall be read as April 2025

1. Whether GeneSecure Analytics Pvt Ltd. must be represented by the respondents and which all parties must be represented by the respondents, as the cause title reads "Union of Bharatiyana & Ors"

No, GeneSecure Analytics Pvt Ltd. is not one of the Respondents in the present case.

2. Whether issue no. 2 is based on excessive delegation, sub-delegation, or ultra vires the power of NCRB?

The issue is framed specifically. No clarification required.

3. Whether the violation of Art.21 in issue no.2 is with respect to the impugned sections of the Act or with respect to outsourcing by NCRB?

No clarification required.

4. For Issue 2, may it be clarified whether "excessive delegation" is being used descriptively, or as a term of the constitution?

No clarification required.

5. Whether the Summary of Arguments may extend to two pages, considering that the issues occupy a substantial portion of the allotted page limit?

No

6. Para 6 of the propositions that all recordings were made according to the 'SOP'. However, no such SOP has been in force by the NCRB. Kindly clarify the interpretation of this, and which SOP is to be followed?

The disclosure of SOPs in their entirety is not required. The minimum safeguards prescribed therein shall be inferred based on the Rules of 2022.

7. Biological samples were never sent to the Private Lab, but it was the photograph of Abdul Fazeel that was sent to them. So, how does the outsourcing of photographs through a lab include a biological sample?

No clarification required.

8. How can the petitioner argue in favour of issue 3, as biological samples are not protected under the purview of Article 20, clause 3? So it will be difficult for the petitioner's side to frame the argument.

Article 20(3) may be argued with respect to whether the definition of biological samples fits the contours of Testimonial Evidence.

9. The petitioner filed the case to challenge the validity of the Criminal Procedure Act 2022, but the issues are completely different from those in the petition.

No clarification required.

10. Whether the collection of biological samples and other measurements from Abdul Fazeel was carried out pursuant to a specific order of a Magistrate, or solely under the authority of police/jail officials?

In accordance with the Criminal Procedure (Identification) Act, 2022.

11. Whether a registered medical practitioner was present at the time of the extraction of biological samples and during the taking of other measurements from Abdul Fazeel? If a medical practitioner was present, whether such presence was continuous throughout the process of collection of biological samples, or limited to certification before/after the procedure?

No clarification required.

12. Whether the taking of such photographs, if any, was carried out pursuant to any written guideline, rule, or Standard Operating Procedure applicable at the relevant time?

Read the Criminal Procedure (Identification) Act, 2022 and the relevant Rules.

13. Whether any Standard Operating Procedures (SOPs) issued by the National Crime Records Bureau under the Criminal Procedure (Identification) Rules, 2022, were in force and applicable to the jail/police authorities at the time when Abdul Fazeel's measurements were taken?

Refer to Clarification 6.

14. In order to enable effective adjudication of the issues relating to arbitrariness, proportionality, and procedural safeguards, whether the relevant SOPs issued by the NCRB under the Criminal Procedure (Identification) Rules, 2022, may be made available to the participating teams?

Refer to Clarification 6.

15. If the SOPs themselves cannot be disclosed, whether the Organising Committee may clarify the minimum safeguards prescribed therein with respect to: (a) presence of medical practitioners, (b) nature of photographs permitted, and (c) handling and retention of biological data.

Refer to Clarification 6.

16. Whether the indication of *prima facie* maintainability in the proposition should be construed as an acknowledgement of a *prima facie* violation of fundamental rights, or merely as permitting the petition to be heard without expressing any opinion on merits?

The latter shall be construed.

17. Whether the *locus standi* of Abdul Rehman, father of Abdul Fazeel, to maintain the present writ petition can be independently examined, particularly in respect of claims arising after the acquittal and death of Abdul Fazeel?

The petition shall be heard without expressing any opinion on maintainability.

18. Did Abdul Fazeel make any attempts to request the authority to erase his measurements after his acquittal?

No clarification required.

19. Did the DNA evidence, aside from the coercion finding, conclusively match Abdul Fazeel to the crime scene traces? I.e., was it forensically reliable but legally tainted?

Refer to Paragraph 9 of the Moot Proposition. No further clarification required.

20. Whether the police officer who invoked the relevant Act was of a rank above that of a Head Constable? Kindly specify the exact designation and rank of the officer concerned.

The arrests and samples collected were done by the relevant officers as empowered under the Act.

21. Examination of Biological Samples

a. Where were the biological samples examined?

No clarification required.

b. Was the examination conducted in a government forensic laboratory or any other facility?

No clarification required.

c. If examined externally, please specify the name and status of the laboratory.

No clarification required.

22. Location Jurisdiction

a. In which State is the concerned District situated?

No clarification required.

b. Status of "Gene Secure" Laboratory

Gene Secure is not a Laboratory.

c. Is "Gene Secure" a private laboratory, a government laboratory, or an accredited independent forensic facility?

No clarification required. Refer to Paragraph 7 of the Moot Proposition.

23. Has the National Crime Records Bureau (NCRB) issued any Standard Operating Procedures (SOPs) under the relevant Rules applicable in the present case? If so, are the same deemed to be in force within the facts of this proposition?

Refer to Clarification 6.

24. Was the biological/medical examination conducted by a police officer or by a registered medical practitioner/medical examiner?

No clarification required.

25. Are participants permitted to frame additional sub-issues or ancillary legal questions arising from the facts for argument?

Participants may frame sub-issues within already established issues. However, new issues that are framed shall not be accepted for the Oral Rounds.

26. Please clarify issue 2, where it is discussed about the term private laboratory, which is a mismatch with the facts, as the statement of facts is silent about the same.

No clarification required.

27. Issue 3 is as follows: 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)? What is the provision in question here?

Read the Act in question and locate the provision concerned with the non-consensual collection of samples.

28. Did the prison's act of taking full-body naked photographs of Abdul Fazeel flow from a written SOP under the Rules, or was it a unilateral interpretation by the prison staff?

Yes, it was an interpretation by the prison staff.

29. Were the injuries (bruises, swelling, cuts) on Abdul Fazeel documented in any medical or police record at the time of sample collection? Was any FIR or disciplinary action initiated against the concerned officers?

No clarification required.

30. Was GeneSecure Analytics Pvt. Ltd. formally notified as an 'appropriate agency' under Section 4(3) by any State Government/UT before the data breach in August 2025?

GeneSecure Analytics Pvt. Ltd. was not an "appropriate agency" under Section 4(3).

31. Under the Act or the Memorandum of Understanding (MoU) with GeneSecure, what is the prescribed timeline for the deletion of data for individuals who have been acquitted by a court of law?

No clarification required.

32. Were the "nail clippings" and "hair follicles" mentioned in the facts actually utilised in the DNA analysis that led to the initial conviction, or were they merely collected and stored?

Yes, the samples collected were used for DNA Analysis.

33. Was the "large-scale foreign cyber intrusion" a result of State-sponsored espionage or a failure in the security protocols maintained by GeneSecure?

No Clarification required.

34. Did the MoU between the National Crime Records Bureau (NCRB) and GeneSecure provide the State with the power to conduct independent security audits of GeneSecure's servers?

No Clarification required.

35. The facts state GeneSecure created a "separate database" for shared data. Was the leaked data (naked pictures and DNA profiles) part of this shared database or the primary server managed by the private company?

Yes, the data in the separate database was leaked by the intrusion.

36. After the breach was discovered on 24 August 2025, did the State or the NCRB take any active steps (such as a 'takedown' notice to social media platforms) to mitigate the circulation of Abdul Fazeel's (or the other persons') photographs?

No clarification required.

37. What were the specific penal consequences or security standards mandated in the NDA between the State and GeneSecure?

No clarification required.

38. Regarding the termination of his services, did the employer cite the leaked photographs specifically, or the fact of his prior incarceration for a heinous crime?

No clarification required.

39. Whether Abdul Fazeel was an undertrial or a convicted person at the time when the measurements were taken?

No clarification required.