

### **Moot Problem**

#### **Part 1- Wilson**

1. Wilson was the founder CEO of Essex Corporation. What began as a small start up with a couple of college friends, barely five years ago was now one of the top brands in the financial market that provides financial advisory services to its customers. The exponential growth of Essex Corporation to a large extent was attributable to the hard work, perseverance and brilliance of Wilson.
2. Umbrella Corporation, a giant conglomerate of financial companies having its head office in the United States has been negotiating the takeover of Essex Corporation for several weeks now. If the acquisition were to go through, it would be the turning point of Wilson's life. At the age of 31 years, he would be the country's youngest billionaire.
3. The due diligence of Essex Corp having been completed, the directors of Umbrella Corporation were meeting Wilson and his team on 24.11.2018 for finalising the deal. It was undoubtedly the most important meeting of Wilson's life.
4. On 23.11.2018, Quibbler TV aired an interview of Rachel where she levelled various allegations against Wilson. She said "*the me too movement would be a farce unless men like Wilson 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 Quibbler TV- Sartaj Singh carried out a 2 hour story on prime time. In the first segment, Quibbler TV called for viewers to vote on "Whether Wilson should be allowed to get away with harassing women?" The TV channel also started a twitter campaign with the hash tag Wilsonthepervert. In the next segment, a debate was telecasted on how companies need to strengthen their policies and refuse to collaborate with people who are accused of harassment in the 'me too' movement unless they prove their innocence.
6. In light of the developments, Umbrella Corporation informed Wilson 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. Antagonised Wilson filed a civil suit for defamation, character assassination and damages before the Delhi High Court arraying Rachel as the First Defendant, Sartaj as the Second Defendant and Quibbler TV as the Third Defendant. He contended that the accusations of Rachel and the television program by Sartaj Singh has caused irreparable damage to his reputation. Further Quibbler TV is vicariously liable for the actions of Sartaj. Wilson sought for a public apology by all the Defendants to be aired on Quibbler TV along with monetary damages to the tune of Rs. 100 crores.
8. Upon the receipt of the suit summons, Rachel and the other Defendants have filed their Written Statement. While Rachel 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 telecasted on 23.08.2018. If Wilson 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- Rachel**

9. It was the summer of 2012, Rachel 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 Wade Enterprises. It was well known that a stint in one of the most prestigious companies such as Wade Enterprises worked wonders for the career graph of a fresher.
10. Wade Enterprises was one of the leading wealth management companies in the country. The securities and investments division was headed by Wilson who had made a remarkable name for himself in the organization. While Rachel's academic record was not as impressive as many other applicants, she fared quite well in the interview taken by Wilson and joined the organization on 01.09.2012
11. As Wilson worked extensively with his team for long hours, he grew quite fond of Rachel who was indeed very good looking. Wilson never expressed his feelings to Rachel fearing rejection and losing her as a friend. However, some of his colleagues had figured that Wilson was infatuated with her. Wilson 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 Rachel had a little too much to drink. As she was too drunk to drive, Wilson stayed up till late night and dropped her back. When they reached Rachel's home, she invited him over. As Rachel was intoxicated, Wilson declined and thought best if he left. Rachel gave him a hug and kissed him goodbye.

13. Wilson 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 Rachel walked into the office, she was flabbergasted to find her workplace filled with red heart shaped balloons and decorations. In the centre was Wilson who was down on one knee with a ring proposing to her.
14. Rachel was petrified. She did not know how to respond. While assimilating all what was happening around her, she spoke to Wilson 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. Wilson was dejected. He tried to persuade Rachel who was just avoiding Wilson under one pretext or the other. Wilson was getting restless as he thought that he had messed up his friendship and relationship with Rachel. 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, Wilson waited outside Rachel's house so that he could meet her.
16. When Rachel stepped out to meet her friends over for dinner, Wilson followed her to the restaurant to talk to her. Rachel was furious to see him at the restaurant. She refused to talk to him and asked him to leave.
17. Considering the awkward situation, Wilson thought it would be best if he and Rachel did not work in the same department. The next day Rachel received a mail from the HR of Wade Enterprises informing her that she is no longer with the securities and investment team of Stark Industries and that she will be reporting to the marketing team henceforth.
18. Rachel was furious, she felt that she is being punished for refusing to date Wilson and argued that if anybody has to be transferred, it is Wilson. The management did not budge considering the fact Wade Enterprises needed Wilson in the securities and investment division more than Rachel who had been with them for barely a few months. Rachel escalated the issue by filing a complaint against Wilson alleging stalking, unwelcomed physical advances and detrimental treatment at her workplace to her disadvantage for having refused the advances of Wilson under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
19. In terms of the Act, an Internal Complaints Committee was set up. Wilson was shocked at the accusations and allegations levelled against him. He was at a loss of words at this move by Rachel. With a view not to precipitate the matter and to have a closure on the issue, Wilson tendered his resignation to the company.

20. After working for a couple of months at the marketing division of Wade Enterprises, seeking no growth in the near future, Rachel 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 Wade 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. Rachel could not understand where she had erred. She could not find a suitable job elsewhere and could not stop blaming Wilson for ruining her career. Several years later, when the Me Too movement started, Rachel 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.