



Sir Syed & Surana & Surana
National Criminal Law
Moot Court Competition, 2018



Moot Proposition¹

Shaam Savera Angel v. The State

{Under Section 101(5) of The Juvenile Justice (Care and Protection of Children) Act, 2015}

Ajeevan Medical Research Trust v. Union of Winterfell

{Under Article 226 of The Constitution of Winterfell}

1. Winterfell is a country situated in the Northern kingdom of Westeros; a mystical land of dreams in which about a seventh of our world's population resides. It has one of the richest history and heritage. The most serious problem which Winterfell faces is that of rapid increase in violence due to drug addiction. Stark-Pradesh which is one of the 29 states of Winterfell has the most serious situation of increasing addiction of drugs among the youth and the new generation. Three out of every ten youngsters in Stark-Pradesh are tried under drugs laws. It was alleged that Republic of Meereen sponsored terrorism and drug-trade in Winterfell, especially in Stark-Pradesh, as it borders Republic of Meereen.
2. Shaam Savera Angel (fondly called SSA), a well-known God woman and leader of Manav Cult, is a philanthropist believing in the idea of advancing humanitarianism and multiculturalism. She obtained the Manav Cult from her father as a legacy after his death. She is a young woman with good public image having Ten Million followers around the world out of which 8 million reside within the state of Stark-Pradesh. She tutored her followers to fight the menace of drug addiction and in turn fight the alleged involvement of Republic of Meereen. In the financial year 2015, Manav Cult received a total of 100 million Winterfellian Dollars as monetary donations, out of which SSA, allocated 80 million Winterfellian Dollars for Drug Rehabilitation Centers (*Nasha Mukti Kendra*).
3. A shrine belonging to Manav Cult was situated in the state of Stark-Pradesh which was no less than a five-star hotel and had all the facilities which made it almost self-sufficient. Entry to the shrine was highly restricted for outsiders. SSA once publicly said that she holds no possession and has no means of income except what is selflessly donated to her and anyone can check wealth of Manav Cult which is an open affair.

¹ This moot problem is drafted by Mr. Piyush Chawla (Faculty of Law, AMU alumnus). Any attempt to contact him on matter relating to this problem or the SS&SSNCLMCC, 2018 shall result in immediate disqualification.

4. All the properties were owned by Manav Cult which were largely in control of their leader SSA. The cult was also funding a research programme to cure cancer and other incurable diseases. Recently it was heard that their pharmaceutical department was developing a medicine NZT-CANCER, as an alternative to chemotherapy.
5. The ideas and campaigns of Manav Cult were vehemently opposed by a group named Adi-Manav Cult. Adi-Manav Cult believed that the ideas of SSA and her cult were propagating a pseudo-science and she was befooling people by her antics. It is to be noted that Adi-Manav Cult once supported the separatist movements in the state of Winterfell. Adi-Manav Cult has 7.8 million followers around the world out of which 7.5 million followers reside in Stark-Pradesh.
6. Mr. Jendri Singh, driver of SSA came out in front of media and revealed that SSA had been doing illegal activities in the veil of a spiritual activities but he was not certain about the nature of such activities. Due to media uproar, an FIR was lodged against SSA for *illicit activities* with Republic of Meereen on 2nd January 2016.
7. Investigating officer, Mr. Jamie Sharma raided Manav Cult properties on 28th January 2016. However, the search teams could not find anything incriminating but charitable food and clothes were found in the premises.
8. SSA made a public statement on 29th January 2016 where she said it was an attempt by her political enemies and drug mafias to implicate her for the crimes which she herself stood against. She also said that Mr. Jamie Sharma was sponsored by Republic of Meereen and they were after her as she was a hindrance to their drug trade.
9. Mr. Jamie Sharma raided without warrants on the night of 9th February 2016 around 11.25 p.m. on the pharmaceutical research unit of NZT-CANCER. The team seized 90 kilograms of Cannabis in the factory's entrance courtyard in a truck. It was alleged that drugs were trafficked from Republic of Meereen by a Terrorist group, Winterfell Liberators, a declared terrorist organisation in Winterfell seeking liberation of a territorial part of Stark-Pradesh. The panchnama was made around 5:15 a.m. in the morning, the two witnesses were Mr. Peter Bailesh and Mr. Ashok Solemon, (considered staunch supporters of Adi-Manav Cult), as they were in charge of the adjacent Adi-Manav Cult headquarters in the vicinity of NZT unit. The other Pancha Mr. Addharth Singh was a local resident, who once went to prison for a minor theft crime. Mr. Khal Singh was the fourth witness to the panchnama, who was a local resident and a government employee.
10. Within two kilometres the other two facilities of NZT-Cancer Units were also raided on the same night and 50 kilograms of cannabis were seized at each facility.
11. One of the staff members of Pharmaceutical unit, Mr. Raamsay Naryan, was arrested from the site and during the investigation he said that he did not know much about the alleged drugs but all the products were used for medicinal purpose and research to cure cancer.

- 12.** On the same night search raids were done to arrest SSA, however, she absconded and could not be arrested that night. In a public statement, Manav Cult clarified that SSA is not guilty and didn't commit any crime, and cult has full faith in the institution of judiciary.
- 13.** During this period, videos showing SSA surfaced over media channels and were primarily shown by Winterfell Samachar. Videos featured SSA talking to members of Winterfell Liberators who had boxes of Illegal drugs along with them. The video was alleged to be released by a group of hackers known as 'Anonymous'. Various media channels ran forensic test on the video claiming that it wasn't doctored.
- 14.** On February 26, 2016, Mr. Birpaal Singh, Adi-Manav Cult's chief, lodged another FIR against SSA for carrying out racket of illegal drugs and aiding terrorists and threatening the security and integrity of Winterfell. On the same day Mr. Birpaal Singh was interviewed by Winterfell Samachar, he declared that SSA was a terrorist and a threat to Winterfellian national security and put out a bounty of 10 million Winterfellian Dollars on her head.
- 15.** On 3rd March 2016, SSA was arrested by National Investigation Agency near the border of Meereen and Winterfell with 20 million Winterfellian dollar, it was believed she was about to cross the border.
- 16.** After she was arrested, it was found by the authorities that she was a juvenile and the same was verified by various cogent sources that she was born on 20th June 1999. The Juvenile Justice Board made an assessment by virtue of 2015 Amendment and decided to try her as an adult given the heinous nature of crimes involved.
- 17.** Winterfell Liberators made an official statement on the arrest of SSA that if any harm is done to SSA, Winterfell will face their wrath.
- 18.** She was brought to trial under the charges for various crimes under sections 20, 21, 23 and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985, section 121 of Winterfellian Penal Code, 1860 and sections 20, 39 and 40 of Unlawful Activities (Prevention) Act, 1967 before the Special Court. She was found in "conflict with law" by the Special Court on all the above mentioned counts. Though during the examination of witnesses, the fourth witness (Khal Singh) to the panchnamas went hostile and said that he was not shown any seized drug and was coerced to an extent by the officers.
- 19.** SSA has now approached the Hon'ble High Court of Stark-Pradesh by way of Appeal against the decision of the Special Court. Further, the arbitrary procedure of assessment by board and the draconian approach of 2015 Amendment has been challenged in Appeal as they are against the spirit of a welfare legislation and constitutional values.
- 20.** An NGO, Ajeevan Medical Research Trust, which was researching the medicinal benefits of the cannabis and happened to be a supporter of Manav Cult's ideology, filed a Public Interest Litigation (PIL) before the Hon'ble High Court of Stark-Pradesh challenging the

constitutional validity of the Narcotic Drugs and Psychotropic Substances Act, 1985. The PIL contends the law to be draconian and arbitrary. Further, the Act is stringent and against the spirit of presumption of innocence of accused. Secondly, it was contended that, the trial of Juveniles for heinous crimes as Adults (such as under NDPS Act) was in violation of International obligations of Winterfell in United Nations Convention on the rights of the child, Beijing rules and other International instruments; as Winterfell was deviating from the notions of modern criminal jurisprudence of rehabilitation of juveniles.

- 21.** The PIL filed does not form part of the appeal before the Hon'ble High Court of Stark Pradesh, but for the convenience of argumentation, the issues raised by the appeal and the PIL shall be dealt in the same court and in the same submission. The matter is listed for final hearing on 24th February 2018 before the Hon'ble High Court of Stark-Pradesh.
- 22.** The laws of state of Winterfell are *Pari-materia* to the laws of Republic of India. The currency used in Winterfell is Winterfellian Dollar and the value of a Winterfellian Dollar is same as that of an Indian Rupee.
- 23.** All names, characters, persons, entities, etc., referred above are fictional in nature and any resemblance with any person living or dead is purely coincidental.

(Note - Teams are advised to make a single memorial for both Appeal and PIL from each side; dealing the issues of Appeal and PIL consecutively)