



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY, SHIMLA

PRESENTS

5TH HPNLU NATIONAL MOOT COURT COMPETITION, 2024

6TH-7TH NOVEMBER, 2024 (ONLINE ROUNDS)
&
16TH NOVEMBER, 2024 (OFFLINE ROUNDS)

MOOT PROPOSITION

KNOWLEDGE PARTNERS



MOOT COURT COMMITTEE, HPNLU, SHIMLA

MOOT PROPOSITION

- a. The Republic of Aurora is a vibrant, diverse nation known for its rich cultural history and burgeoning democracy. With a population of approximately 10 million the Republic of Aurora is an epitome of various ethnicities, languages, and traditions, all under one roof. The country is divided into five States each possessing unique identities and political dynamics. At the heart of the Republic of Aurora's political structure lies “The Aurora National Optimistic Party” (**ANOP**), a powerful political force that has dominated the Central Government for the past two decades. With its strong and moralistic thinking rhetoric and promises of religious prosperity, the ANOP has garnered a significant following, positioning itself as the custodian of Aurorian interests.

- b. In Aurora, elections are the heart of its democratic process, shaping governance and the future of the country. Central elections, determining the composition of the national parliament, occur every six years, while State elections happen every five years, allowing citizens to choose their local legislative representatives.

- c. Each year, one of Aurora's states enters the electoral spotlight. Currently, that focus is on the State of Nirvana, where elections are scheduled in just thirty days. The political climate in Nirvana is electrified, as ANOP faces fierce competition from the incumbent “Nirvana Youth Party” (**NYP**), led by the charismatic Chief

Minister Dr. Jeremy Comte, who had previously won his seat in Nirvana State election by an overwhelming margin of 500,000 votes.

- d. Nirvana is a politically significant state, often seen as a barometer for national sentiment ahead of central elections. With ANOP performing poorly in recent state elections, the stakes for Nirvana are exceptionally high. Political experts assert that the outcome here will shape the political trajectory of the entire Republic of Aurora, making this election crucial for both parties. Campaigning has reached a fever pitch, with chants of star campaigners echoing through the streets of Nirvana, as each party fights tooth and nail for victory.
- e. Pre-election surveys, conducted by independent agencies, suggest that Nirvana's citizens favour re-electing NYP largely due to the vision of Dr. Jeremy Comte, a leader renowned for his youth-focused policies. Over the past three years, the NYP's agenda has centered on three pillars: **Digital Nirvana, Employed Nirvana, and Happy Nirvana**. The party's policies have targeted unemployment, social security, healthy food rights, and digital empowerment, all while keeping the youth at the core of their initiatives. As a result, Dr. Comte has become a symbol of hope, with Nirvana being hailed as the "Happiest State" in Aurora, and has been trending on social media a lot because of his youth-centric policies.
- f. However, the state elections in Nirvana are not clearly one-sided. The ANOP, led by its seasoned leaders and known for its revenge politics, is

not willing to relinquish power without a fight and is committed to forming a government within the State of Nirvana. The party has mobilized its resources to launch a campaign against the NYP, employing both traditional campaign tactics and modern strategies to sway public opinion. The State of Nirvana is witnessing palpable tension as rival party supporters clash at rallies, and accusations of corruption and horse-trading are rampant. As the election date draws near, both political parties are now using all their resources and efforts to win the elections in the State of Nirvana. With just days until the election, the stakes are at an all-time high.

- g. In this politically volatile situation, the upcoming elections have now been complicated by sudden allegations against the Star Campaigners of the NYP leadership, including the present Chief Minister, Dr. Jeremy Comte, and his other four loyalists.
- h. The Chief Minister, Dr. Comte, is at the centre of a burgeoning controversy surrounding the “**Nirvana IT Employment Scheme**”, which was launched last year by the NYP-backed State government, purportedly aimed to create thousands of call-centre jobs for the youth of Nirvana in collaboration with foreign companies under the aegis of “The Digital and Employed Nirvana”.
- i. The scheme aimed to create jobs by opening over 400 call centres across Nirvana, claiming to have generated employment for 10,000 youth in coordination with foreign companies. Memorandums of Understanding

(MoUs) were signed between the state government of Nirvana and a consortium of international financial service providers from the Republic of Westeria. These foreign companies, primarily financing and loan providing firms, offered remote work opportunities through the call centres opened in the State of Nirvana, and these call centres were then used to give back-end and technical services to these foreign companies. In Nirvana, the Chief Minister Dr. Comte himself had launched this scheme and this scheme was also known as the brainchild of Dr. Comte. Further, four loyalists of Dr. Comte also took care of 100 call centres each, who then used to directly report to Dr. Comte in bi-monthly meetings. This Scheme of Dr. Comte's government became one of the successful policies that won the hearts of the people of Nirvana as the youth of Nirvana were employed with good wages, and the pre-election statistics show that this policy was the frontline policy for NYP to ensure their re-election.

- j.** However, this Scheme and its originators have now come under legal scrutiny when a foreign national from the Republic of Westeria, namely Mr. Robinhood Spencer lodged a complaint with Aurora's National Bureau of Investigation (NBI), alleging that the call centres in Nirvana are facilitating a massive international fraud in connivance with some of the Westeria's companies, who altogether have conspired and have cheated thousands of citizens of Republic of Westeria under the guise of providing cheaper loans. Mr. Spencer in his complaint has specifically implicated the involvement of Dr. Comte and his other party loyalists of

being involved in the whole syndicate and accusing them of facilitating the fraud in exchange for political donations amounting to five billion rupees, funnelled through a Hawala network. The Complaint as lodged by Mr. Spencer is provided as **Annexure-1**.

- k. The scandal broke just as the election campaign was reaching its climax, with national media outlets running 24-hour coverage of the allegations, and the digital platforms gossiping about the credibility and ethics of Dr. Comte. As soon as the above incident created a buzz in the national media, the spokesperson of NYP released a statement where all such allegations were refuted and the spokesperson accused ANOP and the Prime Minister of Aurora of orchestrating a political conspiracy to undermine Dr. Comte's credibility ahead of the elections.

The spokesperson stated that:

This false narrative has been created by the Prime Minister of Aurora and his political party ANOP. Dr. Jeremy Comte is an honest person and has always valued ethics over anything. He has not committed any crime and all such allegations against him are totally baseless. The Prime Minister and ANOP have conspired to defame Dr. Comte and his policies which have ensured welfare in the State of Nirvana. This policy has been criticized and has now been defamed merely for political benefits and to disturb the free and fair elections happening in the State of Nirvana. The Prime Minister has touched a new low by registering a false case against Dr. Comte and by levelling totally false allegations against him. However, Dr. Comte is fully ready to cooperate with the investigation and to show that he has committed no crime.

1. Nevertheless, just after the news went viral and the nation started questioning the integrity of Dr. Comte, a preliminary inquiry was conducted by NBI on the complaint lodged by Mr. Spencer, and the NBI

in its inquiry has alleged the role of Dr. Comte and his four aides of being directly involved in the commission of international fraud. The investigation led to the filing of a formal complaint against Chief Minister Dr. Comte and his other loyalists who were alleged to be responsible for managing the call centres. The NBI charged Dr. Comte with being involved in the commission of the offenses of cheating and criminal conspiracy which are as punished under Section 318 and Section 61 of the Aurora Nyaya Sanhira (**'ANS'**), respectively. The very same day, all five individuals including Dr. Comte were arrested, and the NBI sought five days of police custody of Dr. Comte and other accused by the Remand Court. Only after five days, the lawyers of Dr. Comte and the other accused were able to secure bail from the jurisdictional Special Court of Nirvana.

- m.** The legal troubles did not end here for Dr. Comte. As soon as Dr. Comte secured bail and was released from Central Jail, Nirvana, he was immediately re-arrested by the Aurora's Directorate of Financial Integrity(**'DFI'**), a special investigation wing formed under the *Prevention of Money Laundering Act, 2002* (**'PMLA'**) on the allegation of committing the offence of money laundering. The DFI alleged that Dr. Comte had laundered the proceeds of crime through Hawala transactions to finance his election campaign. The DFI further gave the arrest memo to Dr. Comte and immediately took him into their custody for the purposes of further investigation. The Arrest Memo is provided as **Annexure-2**.

- n. No Copy of Enforcement Case Information Report ('**ECIR**') or any other document was handed over to Dr. Comte. A call was made to the wife of Dr. Comte by DFI wherein she was informed that her husband had been arrested by DFI for the offences of money laundering. Other than that, the DFI did not provide detailed information regarding the nature of the money laundering. The DFI then produced Dr. Comte before the Remand Court and secured Dr. Comte's judicial custody for 30 days. Later that day, DFI issued a "Press Note" wherein it was briefly alleged that:

PRESS NOTE

The Directorate of Financial Integrity has today arrested Dr. Comte in the case relating to opening of call centers in the State of Nirvana with the intent to defraud foreign nationals (Westeria's citizens) in the guise of loans at cheaper rate of interest, and in acting with conspiracy with international companies functioning in Republic of Westeria. The DFI initiated the investigation on the basis of FIR registered by NBI under Section 318 and Section 61 od ANS. The offence of cheating and criminal conspiracy are scheduled offences under PMLA, 2002, therefore DFI has lodged an ECIR, and has conducted an investigation. In the investigation, it has been prima facie found that Dr. Comte was involved in a well-planned conspiracy to defraud foreign nationals by opening virtual call centres in the State of Nirvana. Investigation further revealed that Dr. Comte is involved in generating proceeds of crime and had routed the same through Hawala system to Aurora. Such proceeds of Crime has been used by. Dr. Comte to contest the present elections in the State of Nirvana. Further investigation is in process.

- o. The timing of these arrests has sparked outrage among opposition parties, who have accused the Prime Minister of Republic of Aurora and

his political party ANOP of using national investigating agencies to interfere in the political process and suppress regional competitors. The NYP, along with other opposition parties across the Republic of Aurora, have raised allegations of heavy-handedness by the ANOP, accusing it of deliberately weaponizing federal agencies like the NBI and the DFI to sabotage the electoral prospects of the NYP in the upcoming elections in Nirvana. The NYP has claimed that the arrests of its senior leaders, just weeks before the election, are part of a broader strategy by ANOP to weaken its political rivals and ensure that the NYP cannot mount a serious challenge in Nirvana.

- p. In the wake of Dr. Comte's arrest, Dr. Comte's lawyers have filed a bail application before the Special Court, Nirvana under section 45 of PMLA, 2002 alleging that Dr. Comte satisfies the conditions provided under Section 45 of PMLA, 2002 as there are reasonable grounds for believing that Dr. Comte is not guilty of the offence of money laundering. The lawyers argued that his earlier release on bail in the predicate offense demonstrated his cooperation with legal proceedings, and there was no necessity for continued detention.
- q. However, the bail application of Dr. Comte was rejected wherein the Ld. Special Court in its order observed that Dr. Comte in spite of being on bail in predicate offence has failed to satisfy the twin test laid down under Section 45 of PMLA, 2002, which requires the court to be convinced that there are reasonable grounds for believing that the

accused is not guilty and is unlikely to commit an offense while on bail, and therefore, the bail application of Dr. Comte came to be rejected.

- r. In response, Dr. Comte's legal team appealed the matter before the High Court of Nirvana and prayed the relief of bail for Dr. Comte while raising several constitutional arguments. They contended that Dr. Comte's arrest and subsequent detention violated the fundamental rights of Dr. Comte which are enshrined under the Constitution of Aurora. The lawyers of Dr. Comte argued that firstly, no written grounds of arrest were provided at the time of the arrest to Dr. Comte which therefore violated Article 22 of the Constitution of Aurora, and secondly, they argued that there was no subjective satisfaction shown by the officers of DFI as to what was the grave necessity to arrest Dr. Comte just a few days before elections, and the arrest was made only to affect the free and fair elections taking place in Nirvana.

- s. The lawyers argued that failure to provide the need and necessity to arrest has violated Article 21 of the Constitution of Aurora, and has ultimately failed the test of proportionality. Based on these arguments, the lawyers of Dr. Comte prayed that the arrest of Dr. Comte was unconstitutional, and the same should be declared illegal by the Court. However, the Special Counsel for DFI has submitted that reasons to arrest was duly provided to Dr. Comte and there was no need to provide grounds of arrest separately. Moreover, DFI asserted that the arrest were carried out only after subjective satisfaction of the officers of DFI,

and the arrest was lawful; moreover, the arrest cannot be declared unconstitutional merely on technical grounds.

t. Meanwhile, a prominent civil liberties organization, Liberty Matters, also filed a Writ Petition before the High Court of Nirvana, challenging the constitutionality of the twin conditions under Section 45 of PMLA, 2002 stating it to be draconian and unconstitutional. The organization argued that these conditions effectively made the grant of bail impossible, thereby infringing on the fundamental right to personal liberty under Article 21 and further violating Article 14 of the Constitution of Nirvana. They claimed that the conditions served no rational purpose other than acting as a tool for the government to detain individuals without sufficient grounds and the conditions are manifestly arbitrary. However, the Ld. Additional Solicitor General of the Union refuted all the arguments and contended that the presumption of constitutionality will prevail and the legislative wisdom shall supersede all such enigmatic yet baseless arguments of the organization. This legal challenge added a new layer of complexity to the case, with wider implications for the enforcement of PMLA across the country.

u. The High Court of Nirvana agreed to hear both Dr. Comte's bail appeal and Liberty Matters' Writ Petition. However, due to the troublesome political climate surrounding the upcoming state elections, the court feared an issue of public threat and national security, and thus decided to delay the hearing of both matter until after the voting process in the State of Nirvana was completed.

- v. When the lawyers of Dr. Comte communicated that the High Court of Nirvana has issued notice to hear the bail plea of Dr. Comte along with the Writ Petition filed by organization Liberty Matters, however, the hearing will take place only after the last vote is cast in the State of Nirvana, Dr. Comte then sought advice from his lawyers as to whether he would be allowed to cast his vote in the upcoming elections considering the bail application would be heard after the voting process. To this, the lawyers of Dr. Comte apprised him of Section 62(5) of the Representation of the People Act, 1951.
- w. The lawyers of Dr. Comte stated that he would not be allowed to vote because he is currently confined in a prison. Dr. Comte got agitated to hear this and asked his lawyers to request the High Court of Nirvana for some interim measures so that he could cast a vote. When the lawyers of Dr. Comte mentioned the grievance of Dr. Comte before the High Court of Nirvana, the High Court refused to grant any interim relief, however, agreed to Suo Motu deal with the issue of the Right to Vote of undertrials during the hearing of the bail application along with writ petition as to whether it is violative of Constitutional Scheme or not.
- x. As the elections loom, the political, legal, and constitutional questions raised in this case continue to dominate public discourse, with significant implications for the Republic of Aurora's electoral and legal systems.
- y. The High Court of Nirvana will hear this matter deciding the following legal questions:

5TH HPNLU NATIONAL MOOT COURT COMPETITION, 2025

1. Whether Section 45 of PMLA, which imposes stringent conditions for granting bail, violate fundamental rights guaranteed under Constitution of Aurora?
2. Whether the arrest of Dr. Jeremy Comte was unconstitutional due to failure of providing written grounds of arrest?
3. Does the timing, need, and manner of arrest of Dr. Comte, violates the principle of proportionality as interpreted under Article 21 of the Constitution of Aurora and is seen as a violation of the right to free and fair elections under the constitutional framework?
4. Whether Section 62(5) of the Representation of the People Act, 1951 is unconstitutional to the extent that it bars undertrial from the right to vote?

ANNEXURE-1

COMPLAINT LODGED BY MR. SPENCER

To,

The Director,
National Bureau of Investigation,
Republic of Aurora.

Subject: Complaint Regarding International Fraud Involving Call Centers in Nirvana and Alleged Political Corruption

Respected Sir/Madam,

I, Mr. Robinhood Spencer, a citizen of the Republic of Westeria, hereby lodge a formal complaint with the National Bureau of Investigation (NBI) regarding a massive international fraud involving call centers based in the State of Nirvana, Republic of Aurora. This fraudulent operation has victimized thousands of citizens in Westeria, including myself, and is believed to be carried out with the full knowledge and involvement of senior political figures, including Dr. Jeremy Comte, Chief Minister of Nirvana and leader of the Nirvana Youth Party.

The modus operandi of this fraud was carefully designed to exploit vulnerable individuals seeking financial assistance. The call centers in Nirvana, which were initially set up under the Nirvana IT Employment Scheme, targeted citizens of Westeria by offering cheaper loans at favorable interest rates.

The scam worked as follows:

1. **Initial Contact:** Employees at these call centers would cold-call Westerian citizens, inquiring whether they were interested in low-interest loans.
2. **Referral to Westerian Companies:** Once the targeted individuals expressed interest, their details were passed on to finance companies in

Westeria with which MoUs were signed, who would follow up with the victims in their local language.

3. **Request for Facilitation Charges:** The finance companies, operating in collusion with the Nirvana-based call centers, would then request a small facilitation charge to process the loan, under the pretext of a mandatory administrative fee.
4. **Disappearance:** Once the facilitation fee was paid, all communication with the victims would cease. The scammers would disconnect their phone numbers, and no loan would ever be provided.

Thousands of Westerian citizens were defrauded using this scheme, losing substantial amounts of money. Many victims have been left devastated, financially and emotionally. This entire operation, based in Nirvana, is believed to have been facilitated and supported by Dr. Jeremy Comte and senior members of his political party, NYP. I believe that these call centers were not merely a policy matter of Nirvana State government but were functioning with the active involvement of political figures with an ulterior motive. The profits generated from this fraud were allegedly funneled back into Dr. Comte's political campaign as donations, estimated to amount to five billion rupees, through a Hawala network designed to obscure the illegal financial transfers. Given the scale of the operation and the involvement of senior political figures, I urge the National Bureau of Investigation to launch an immediate and thorough inquiry into this matter. The fraudulent activities orchestrated from Nirvana and the political corruption linked to Dr. Comte and his associates must be investigated to prevent further harm and hold those responsible accountable for their actions.

Yours sincerely,

Mr. Robinhood Spencer

ANNEXURE-2

ARREST MEMO

1	Name	Dr. Jeremy Comte
2	Father's name	Mr. Walmart Comte
3	Date of arrest	
4	Reasons of arrest	Dr. Jeremy Comte has been named as an accused in the FIR registered by NBI wherein allegations have been made that Dr. Comte is the kingpin behind the international fraud committed with Westeria's citizens. Investigation has shown that Dr. Jeremy has laundered the proceeds of crime to Aurora and has used for purposes of upcoming election.
5	Information given to family/relatives	Wife of Dr. Jeremy Comte
6	Any body Mark	Cut on left hand

Signature: Jeremy Comte

Were you explained the Grounds of Arrest?: Yes, I have been explained grounds of arrest.

NOTES:

- 1) The Constitution and laws of the Republic of Aurora must be interpreted *in pari materia* with those of India. However, no fact is to be construed as directly comparable to any real country.
- 2) Participants are free to create sub-issues within the broad issues provided.
- 3) Participants must rely on the legal principles and case laws of India as applicable, with the understanding that the Republic of Aurora has a similar but fictional legal framework.
- 4) The events and characters in the moot problem are entirely fictional and hypothetical. Any resemblance to real persons, living or dead, is purely coincidental. This moot problem is intended solely for educational purposes and the moot court competition among law students.

LIST OF ABBREVIATIONS

ANOP	Aurora National Optimistic Party
ANS	Aurora Nyaya Sanhita
ECIR	Enforcement Case Information Report
DFI	Directorate of Financial Integrity
MoU	Memorandums of Understanding
NBI	National Bureau of Investigation
NYP	Nirvana Youth Party
PMLA	Prevention of Money Laundering Act, 2002
IT	Information Technology