

**SHRI N J YASASWY MEMORIAL 9<sup>TH</sup> NATIONAL MOOT COURT COMPETITION, 2024**

**ICFAI LAW SCHOOL, IFHE, HYDERABAD**

**MOOT PROPOSITION – 1**

1. Mr. Harshal, a prominent politician turned businessman in Zindiana, an Asian nation, purchased a 5-year-old cargo ship, "RRR Voyager" from a private shipping company in Southend, Erland, a European nation to expand his business domain. The intended purpose was to transport goods from one port to another.
2. Mr. Harshal contacted Seamiles, a Dwip Lankan private shipping company, having a registered office in Erland, to deliver the ship from Erland to Zindiana. Dwip Lanka is a separate Asian nation and a neighbouring country to Zindiana. Seamiles known for its competitive rates, assigned the voyage to Mr. Jayantha, an experienced Dwip Lankan captain who was deputed under a contract with Mr. Harshal for this voyage only. The crew members were the employees of Seamiles and Dwip Lankan citizens.
3. Facing mounting debts, Mr. Harshal for making profits from this voyage contacted his close friend and business associate, Mr. Zakar, a Rangadeshi influential business man; Rangadesh is a neighbouring country of Zindiana in the eastern part. Mr. Zakar promised Mr. Harshal that he will plan out for the business to be successful. Accordingly, contracts with shippers and freight forwarders were secured to transport goods through RRR Voyager. Subsequently, Mr. Zakar devised a plan with Mr. Jayantha to use RRR Voyager to import high-quality counterfeit currency. A big quantity of counterfeit Zindiana currency was put aboard the ship at Southend, with the aid of Mr. Zakar. The counterfeit currency was hidden within legal shipping modified containers that were intended for Zindiana.
4. Meanwhile, Mr. Jayantha, seeking additional income, approached a local contact in Southend known for connecting desperate individuals with opportunities for unauthorized passage on cargo ships. Mr. Jayantha arranged to board 10 people of Dwip Lanka, who were promised clandestine transport to Dwip Lanka for a hefty price. These individuals lacked the necessary documentation for legal entry into their nation.
5. RRR Voyager departed from Erland with Zindiana Flag carrying the cargo. During the long voyage through high seas, RRR Voyager made an unscheduled stop at a remote island named Bhaswar in the Zindiana territorial waters which falls within 20.5 nautical miles to offload 10 people of Dwip Lanka to cross the international border of Zindiana. However, this act did not go unnoticed by local fishermen who alerted authorities.

6. Meanwhile, International agencies, including Interpol, the Erland's National Crime Agency, and Zindiana's intelligence services were already tracking their activities. A multi-agency task force had been formed, leveraging information from informants, intercepted communications, and surveillance operations in Erland, Dwip Lanka, and Rangadesh. This coordinated effort built a detailed profile of the criminal network and the planned smuggling operations, shared with Zindiana authorities ahead of RRR Voyager's arrival. As the ship approached Zindiana waters, it entered an area of heightened surveillance. Zindiana Coast Guard vessels, acting on the intelligence received, intercepted the RRR Voyager. A tense standoff ensued as the Coast Guard demanded permission for a full inspection of the vessel.
7. Zindiana Coast Guard, with a team of local law enforcement officers and customs officials, boarded the ship. A thorough search was conducted utilizing specialized equipment and sniffer dogs. They found the counterfeit currency which was skillfully hidden within the modified containers. The Coast Guard also received reports of the abandoned people from the local fishermen.
8. Mr. Harshal, upon receiving news of the interception, frantically attempted to liquidate his assets and flee the country. However, Zindiana authorities, tracking his movements, apprehended him at the international airport before he could board a private jet bound for a Middle East nation. Mr. Jayantha and several crew members suspected of complicity were immediately detained onboard the ship by Zindiana authorities. Mr. Zakar was also arrested in Zindiana as he was in this country due to business purpose. Comprehensive interrogations revealed additional details about them, of the smuggling operations and potential links to organized crime in the region.
9. The counterfeit currency, worth an estimated 20 crore Zindiana currency, was seized by authorities. The 10 Dwip Lankan people, including women and children, were recovered from Bhaswar. A few of them were in post-traumatic disorder condition for which they were taken for medical assistance. As blood samples contained traces of illicit drugs, they were immediately taken into custody.
10. Based on prima facie investigations and international criticisms, Seamiles, facing a public relations crisis, terminated Mr. Jayantha from employment. Seamiles publicly condemned his actions and pledged to cooperate fully with Zindiana and international investigations.
11. The case garnered significant media attention both in Zindiana and internationally, fueling public outrage and sparking a national debate on cross-border organized crime. Hence, a Special Court was constituted to conduct the trial and dispose the matter at the earliest.

12. During the trial, the prosecution relied on the evidences gathered by the investigation process to prove the charges of counterfeiting, smuggling, human trafficking, drug trafficking and abuse, and conspiracy to commit transnational organized crime. The prosecution emphasized the severe impact of the crimes on Zindiana's economy, national security, and international reputation.
13. The defence counsel for Mr. Harshal, Mr. Zakar, and Mr. Jayantha mounted a robust defence, challenging the legality of the arrests, the jurisdiction of the Special Court, and the admissibility of certain evidence. The defence counsel argued that his clients were victims of circumstance and had been unfairly targeted due to their high profiles. The defence sought to discredit the prosecution's witnesses and cast doubt on the motives behind the investigation.
14. After a lengthy and closely watched trial by national and international media, the Special Court found Mr. Harshal, Mr. Zakar, and Mr. Jayantha guilty on all charges. The court imposed rigorous imprisonment and heavy fine. The court also ordered the confiscation of assets linked to the criminal activities.
15. Aggrieved by the decision of the Special Court, the defence counsel filed an appeal in the Apex Court of Zindiana, the highest judicial authority in the country. They raised several legal arguments, challenging the Special Court's findings, the severity of the sentences, and the overall fairness of the trial.
16. Concurrently, legal representatives for the detained 10 Dwip Lankan people who were in custody subsequently filed a petition in the Apex Court. They argued that their clients were victims of human trafficking and deserved protection and assistance, not detention and criminal charges. They challenged the legality of their detention and sought immediate release. A similar petition was filed on behalf of the detained crew members.
17. Given the interconnected nature of the cases and the legal questions, the Apex Court decided to consolidate the petitions for a joint hearing.

**NOTE:** For the purpose of this moot proposition –

1. The Constitution of Zindiana adopts the Constitution of India verbatim, and all the provisions of the Constitution of India are incorporated as the provisions of Zindiana Constitution.
2. The powers and jurisdiction of the Supreme Court of Zindiana are the same as the powers and jurisdiction of the Supreme Court of India.
3. The rest of the laws of Zindiana are *in pari materia* with the legislation of the Republic of India, and Zindiana adopts International Laws and Treaties as ratified by the Republic of India.

**DISCLAIMER:**

**The facts stated in the present proposition are fictitious and have been drafted solely for the purpose of the Competition. The facts, names, locations, and dates do not bear any resemblance to any event, person or happening whether dead or alive. Any resemblance, if any, is purely coincidental.**

**This problem does not intend to hurt the feelings of any section of the society or to offend any person.**

The Teams are required to draft their pleadings on behalf of both – the petitioners and the respondents by framing the issues.

The Teams can also submit their compendium along with their pleadings.

For the rules and the format, please refer to the rulebook.

