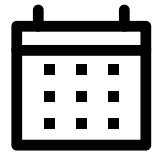
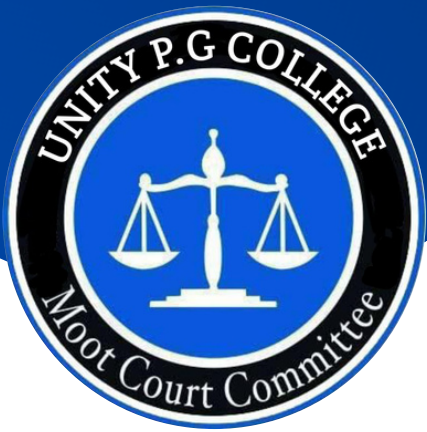


8th JUSTICE MURTAZA HUSAIN MEMORIAL NATIONAL MOOT COURT COMPETITION, 2023



3rd - 5th
November, 2023

ORGANISED BY :
UNITY POST GRADUATE COLLEGE, LUCKNOW



"Read in the name of Thy Lord."



25

YEAR
OF EXCELLENCE

UNITY POST GRADUATE COLLEGE

The Registrar/Director/Principal/Dean/HOD/Convener,

Dear Sir/Ma'am,

Greetings for the day!

Unity Post Graduate College, Lucknow takes immense pleasure and pride in announcing its 8th Justice Murtaza Husain Memorial National Moot Court Competition, 2023 to be held from 03 to 05 November, 2023

We at Unity Post Graduate College, Lucknow strive to provide a platform to the students to imbibe the pragmatic skills of law and this Moot Court Competition is one such attempt to create a simulating atmosphere for future lawyers. The objective is to allow the students to delve into the intricacies of law.

We would like to take this opportunity to invite your esteemed University/Institute/ College to participate in the competition. We would be glad to receive a positive response about your participation to the Email ID: unitymootcourtcommittee@gmail.com so that together we can give our students a platform to hone their mooting skills.

A copy of detailed rules and regulations is attached herewith.

Thanking you,

Moot Court Committee

Unity Post Graduate College



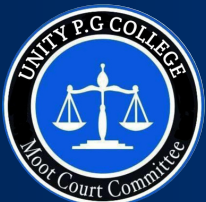
ABOUT THE COLLEGE

Unity Post Graduate College, Lucknow was the first college in Lucknow to institute the five year integrated program of law under the aegis of Lucknow University. Since its inception, the faculty has been developing through the guiding light of its founder, Justice Murtaza Hussain. Our sincere endeavour has been to make legal education as an instrument of social, political and economic change, and to craft future lawyers who will be competent in the art of advocacy at both the trial and appellate levels, and skilled in judicial administration.

The college has been successfully running both the Integrated 5 years course and the Three years law course. The law curriculum provides for the semester system, where the students have two semesters each year. Many of our alumni are well established law practitioners and judges.

Apart from the academics, the college conducts seminars, debates and moot court competitions at the national level to inculcate advocacy skills in the students. At the heart of our work remains our collective commitment to students and their success. Apart from the classroom lectures, the faculty works constantly to provide academic guidance to its students in the form of notes and recorded lectures. The students are also engaged in various co curricular activities conducted by the college.

Our students shall work as a catalyst in the country's mandate to achieve its developmental goals. Last but not the least, the primary mission of the college remains to create socially relevant lawyers, who will not only enter the Bar and the Bench but also be equipped to address the imperatives of the new millennium and uphold the Constitution of India.



ABOUT THE MOOT COURT COMPETITION

The purpose of Moot Court Competition is to give exposure to students pursuing LL.B Degree Course to hone their advocacy skills and to provide a real litigation experience in doing cutting edge research, presenting persuasive and cohesive argument and contributing to the development of jurisprudence in concerned areas of law.

The Unity Moot Court Committee is the institution's student committee entrusted with fostering, administering and facilitating mooting activities and upholding the benchmark of excellence that Unity P.G. College has set for itself. The Committee have been successfully organising moot court competitions year after year.

We are proud to announce the eight edition of JUSTICE MURTAZA HUSAIN MEMORIAL NATIONAL MOOT COURT COMPETITION organized by Unity Moot Court Committee from 3th - 5th November, 2023.

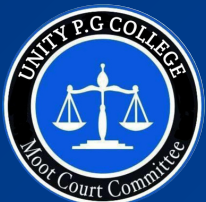
The 7th edition of the event saw participation from various law schools from all over the country including top law schools such as Aligarh Muslim University, Aligarh; Jamia Milia Islamia University, New Delhi; Amity University Lucknow; Lloyd Law College, New Delhi; KLE Society's Law School, Bengaluru etc with the winner being Symbiosis Law School, Hyderabad and Chanakya National Law University, Patna was the runners up.

This edition of our flagship event aspires to take the event a step ahead of our previous edition. The event will be marked by the presence of many luminaries in the field of law including High Court judges and other renowned people from the field of law.



IMPORTANT DATES

29th, September	○	Commencement of Provisional Registration
04th, October	○	Commencement of Registration
25th, October	○	Last Date for Registration & Submission of Travel Form
25th, October	○	Last Date to Seek Clarification
30th, October	○	Last Date for Memorial Submission (Soft Copy)
03rd, November	○	Date For Memorial Submission (Hard Copy)
03rd, November	○	Researcher 's Test
04th, November	○	Preliminary & Quarter Final Round
05th, November	○	Semi Finals & Final Round



Team Awards

**Winners: Cash Prize of Rs. 20,000 +
Certificate of Excellence**

**Runner Up: Cash Prize of Rs. 15,000 +
Certificate of Excellence**

**Best Memorial : Cash Prize of Rs. 6000 +
Certificate of Excellence**

**Best Mooter : Cash Prize of Rs. 5000 +
Certificate of Excellence**

**Best Researcher : Cash Prize of Rs.
5000 + Certificate of Excellence**

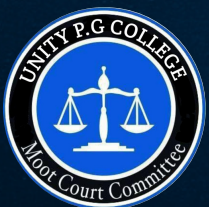
**Certificate for Participation will be given to
all participants**

**All certificate and Awards will be presented
to the participants at the valedictory
Ceremony on 5 November, 2023**

REGISTRATION FEES

**without
Accommodation
Rs. 3000**

**With
Accommodation
Rs.6000**



MOOT PROPOSITION

Disclaimer: All the names used and events described in this proposition are fictitious. Resemblance of any kind and magnitude to any names, persons, organizations or event whatsoever is purely co-incidental. The counsels are expected to operate within the four walls of the facts and issues raised herein.

Facts of the case are as follows:

1. The Republic of Austania is a landlocked nation situated between the under developing nations of Lomino and Earland. As per the latest survey of RelSol, Austania is the most populated nation in the world. The nation is infamous for the high rate of crime against women and an alarming rise in its hate crimes. The State of Moonland is the most prosperous province of Austania by virtue of the fact that economy flourished in Moonland even before Austania achieved independence.

2. The Republic of Austania is governed by the Constitution of Austania which is considered to be the governing law of the land. The Constitution of Austania guarantees basic freedoms and rights to all its citizens. The Apex Court of Austania is the final interpreter of the Constitution and is admired by Human Rights activists across the globe for its 'right-based' approach so much so that the Apex Court has often been termed, in the recent years, as 'Apex Court for the Nation' in contrast to 'Apex Court of the Nation'.

3. The state of Austania has ample laws with respect to the welfare and protection of women the recent election campaign was also based upon women security and empowerment which helped the party to form the government whose prima facie motive was to uplift the status of women in the state. But surprisingly horrifying rape cases and crime against women were committed regularly but the police authorities failed to take coercive action which ultimately affected the public at large, peace and prosperity of the state was at stake also the image of the government in the state was tarnished.

4. Thereafter on 15th of August 2023, the media houses published reports of a horrific rape incident in the State of Moonland. The newspaper reports gave details of the events that unfolded on the previous night as follows: "At around 09:30 pm, two men (Zambie & Maddy) abducted the victim 'N' at gunpoint and took her to an abandoned storehouse by the sides of the Highway where they raped her. After hearing some noises from the storehouse, two locals who were mechanics working near the highway (Ross and Max) turned up to see as to what was going on and upon finding an unconscious girl, aged around 25, the Ross and max raped her (again) and set the body on fire."

5. The same day, Karen, the friend of the victim approached the Police to lodge FIR against one Zambie, who, according to the Karen, raped the victim. It was found that the victim had called her friend while she was being abducted. She told the police that on call, she heard the victim screaming and shouting 'Zambie, no...please...Zambie' amid the abuses of male voices and then, the phone of "N" got switched off. Based on the same, the police arrested Zambie, who was then convicted by the Learned Trial Court along with three others. They were awarded the death penalty considering the gravity of the case as the crime was committed with extreme brutality and shook the collective conscience of the society. The Court also observed, while convicting them, that it sounds like a story from a different world where humanity is treated with irreverence. The case was widely reported in the media as the 'Highway Rape Case'.

6. The three accused, i.e., Maddy, Ross and Max, filed an appeal before the High Court of Moonland stating that the trial court erred in its judgment as the evidences upon which the conviction was based, were unsustainable. It was found that the trial court based the conviction on the following evidences:

a. media reports that were published on 16th November' 2023 narrating the incidents through interviewing by-passers and local people who were around the area on the night of the incident;

b. the scanned copy of some excerpts of the diary of Zambie dated 16.08.2023, 18.08.2023 and 22.08.2023 which was published by the media houses on 17th November 2023, along with the updates of the case;

c. call record of the victim produced by Karen, particularly the call made at 09:40 p.m. on the date of the incident based on which FIR was lodged.

7. The trial Court had also held that no autopsy report or other such pieces of evidences were available as the body of the victim was completely burnt. Furthermore, it was observed by the trial Court that none of the witnesses examined by the Prosecution were present on the crime scene or are even reliable.

8. Upon further inquiry, it was found that one of the Police Officers investigating the case, clicked pictures of Zambie's diary on his phone and e-mailed the same to some media houses on the eve of 16th November.

9. On the next day, i.e. 17th November 2023, Zambie was reported dead in a Police encounter. It was reported that Zambie was transferred from Zindan Jail to the Sambhav Jail. While being taken from the Zindan Jail to the Sambhav Jail, Zambie managed to snatch the gun from the Constable accompanying him, while getting down in front of the Sambhav Jail and open-fired and in retaliation, the Police fired shots which resulted in his death. His diary has been missing ever since, however, Zambie's family has admitted that he was in a habit of maintaining a diary. It was also found that the three subsequent arrests that were made by the Police were a result of the information contained in this diary only. 3 of 4

10. The High Court, however, noted that in light of the procedural requirement of raising objection concerning admissibility or reliability of any evidence at the earliest, it was not open to the accused to raise such grounds at the time of appeal since no such objection was raised at the time of trial. The Court also observed that considering the gravity of the case and in light of the alarming rise in such incidents of crime against women in the state of Moonland, the accused(s) should be given the highest possible punishment and thus upheld the trial court's decision.

11. Meanwhile, in light of the Highway Rape case, the Austania Government passed the Offenders of Heinous Crimes (Abolishment of Appeal) Act, 2023 [hereinafter referred to as 'OAC Act, 2023'] relevant part of which is as follows:

"1. Title and extent of operation of this act: This Act shall be called the "Offenders of Abhorrent Crimes (Abolishment of Appeal) Act, 2023' and shall extend to the Republic of Austania.

2. Definitions:

(d) 'Abhorrent Crimes' means and includes all sexual offences.

(h) 'Special Court' means the fast-track courts constituted under this Act.

3. Constitution of Special Court and it's functions:

(1) The Central Government shall appoint a sitting judge of any High Court or retired judge of any High Court or Supreme Court for the Special Court.

(2) The decision taken by the Special Court shall be the final authority in deciding any appeal arising out of the award of the death penalty in case of heinous crimes.

4. Appeal: No Court shall entertain any appeal preferred from the decision of the special court in cases where the death penalty has been awarded to the convicts provided that the same has been upheld by the Judge of the Special Court."

12. EMPOWER THE NARI an NGO actively fighting on the Human rights & Protection of Women front for the past two decades, along with the three convicts, moved to the Apex Court under Art.32 of the Constitution of Austania challenging the OAC Act, 2023, asserting the fundamental rights guaranteed under Art. 21 of the people including prisoners of rape and other heinous offences. The petition also prayed for guidelines to be formulated for Police encounters and demanded an independent inquiry by Central Bureau of Investigation of Austania (CBIA) into the alleged fake-encounter of one of the convicts, Zambia.

13. The friend of the victim, Karen, along with a group of Women activists, filed a Public Interest Litigation demanding 'Instant Justice' policy formulation by ensuring time-bound speedy investigation followed by stringent punishments in cases of rape. The petitioners claimed that the right to appeal of offenders of sexual crimes should be taken away and no procedure for mercy plea should exist in cases of heinous crime wherein, the death penalty has been awarded.

14. The Apex Court has taken Suo-moto cognizance and also took notice of the Hon'ble High Court of Moonland's judgment in the Highway Rape case and decided to settle the law with respect to the admissibility of secondary evidence in cases where objection to its admissibility is not raised at the first instance.

15. The Apex Court tagged the matters together and the same is due to be heard on the following substantial issues:

- 1. The Constitutionality of the OAC Act, 2023;**
- 2. Admissibility and degree of reliability of secondary evidence in cases where objection at first instance is not raised (particularly, in circumstances like the Highway Rape case);**
- 3. Formulation of Guidelines for fake encounters;**
- 4. Right to Reform as a fundamental right.**

The participants are free to raise any other issue based on the facts mentioned.

It may, however, be noted that the Apex Court would hear only the substantial questions of law and any procedural issue (except the issue of jurisdiction), would not be entertained in light of the established rules and jurisprudence.

16. The laws of Austania are pari materia to the laws of India, but the judgment of the Supreme Court of India in PUCI v. State of Maharashtra (2014) is not binding upon the Courts of Austania.

REMINISCING THE PAST



