

MOOT PROPOSITION

1. Rastan is a large and diverse country with a population of over 1.2 billion people. It has a federal system of government with a parliamentary form of democracy. The Constitution of Rastan is the supreme law of the land and guarantees various fundamental rights to the citizens, such as freedom of speech and expression, freedom of assembly and association, and freedom of conscience and religion. However, these rights are not absolute and are subject to reasonable restrictions.
2. In October 2020, a group of students from Lal Bahadur Shastri University ('**LBSU**') in Zila city celebrated the victory of the cricket team of Pakora over the cricket team of Rastan in the World Cup final. The students burst crackers, waved Pakora flags, and chanted slogans such as "Pakora Zindabad", "Rastan Murdabad", and "We Want Freedom". They also posted videos and photos of their celebration on various social mediaplatforms. The celebration was peaceful and did not cause any violence or damage to property.
3. However, the police of Zila filed a case against the students under Section 124A of the Rastan Penal Code ('**RPC**') along with Sections 15, 16, 17, 18, 38, 39 and 40 of the Unlawful Activities (Prevention) Act ('**UAPA**'). The police claimed that the students were part of a larger conspiracy group intending to support the secessionist movement in "Kasheer", a disputed territory between Rastan and Pakora. The police also alleged that the students had links with banned organizations such as Hizbul Mujahideen (HM)

and Jaish-e-Mohammed (JeM). The police further alleged that the students had received funds from foreign sources to incite violence and unrest in the country.

4. The students were arrested and remanded to judicial custody for 90 days without bail. They filed a writ petition in the High Court of Zila challenging their arrest and seeking quashing of the FIR. They argued that their celebration was a legitimate exercise of their fundamental right to freedom of speech and expression and that they did not intend to incite any violence or hatred against the government. They also contended that the charges of sedition and UAPA were vague, arbitrary, and disproportionate and violated their right to life and liberty under Article 21 of the Constitution.
5. The High Court dismissed their petition and upheld their arrest. It held that the celebration and slogans used by the students were seditious and amounted to creating disaffection towards the government. It also held that the UAPA was a valid law enacted to deal with terrorism and unlawful activities and that the police had prima facie evidence to show that the students were involved in such activities. It observed that the right to freedom of speech and expression was not absolute and could be curtailed in the interest of national security and public order.
6. In February 2021, a student from Zelhi University ('ZU'), Sharjeel Imam, was arrested by the police in Zelhi, for delivering inflammatory speeches against the Government of Rastan, at various places, including Agarh Muslim University ('AMU'), which is a prestigious University in Zubai, a Muslim majority state of Rastan, where he allegedly called for cutting off eastern states of Rastan from Rastan

by blocking roads and railways. He was booked under Section 124A, 153A, 153B, 505, 120B of RPC along with Section 13 for unlawful activities under UAPA.

7. Sharjeel Imam filed a writ petition in the High Court of Delhi challenging his arrest and seeking quashing of the FIR. He argued that his speeches were academic and political in nature and did not incite any violence or hatred. He also argued that the charges of sedition and UAPA were misused by the state to suppress dissent and criminalize the protesters. He claimed that he was exercising his fundamental right to freedom of speech and expression under Article 19(1)(a) of the Constitution.
8. The High Court dismissed his petition and upheld his arrest. It held that his speeches were seditious and amounted to advocating secession of a part of India. It also held that the UAPA was applicable to his case as he was involved in unlawful activities that threatened the sovereignty and integrity of India. It observed that the right to freedom of speech and expression was subject to reasonable restrictions under Article 19(2) of the Constitution.
9. All the students appealed to the Supreme Court of India against the High Court's order. Meanwhile, a group of civil society activists and NGOs led by Rastan for Human Rights ('RHR') filed a public interest litigation ('PIL') in the Supreme Court challenging the constitutional validity of Section 124A of RPC and various sections of UAPA. They argued that these laws were colonial relics that violated the basic structure of the Constitution and were incompatible with democratic values. They also argued that these laws had been misused by successive governments to

suppress dissent and dissenting voices in Rastan. They sought a declaration that these laws were unconstitutional and void.

10. The Supreme Court has admitted and will hear both the appeals and the PIL collectively. It has issued notice to the Central government, the State governments, and the police authorities seeking their response. The Supreme Court has fixed the date for final hearing on __, July/August 2023.

11. The following issues arise for consideration by the Supreme Court:

- Whether Section 124A of RPC is violative of Article 19(1)(a) of the Constitution?
- Whether Sections 15, 16, 17, 18, 38, 39 and 40 of UAPA are violative of Articles 14, 19, 20, 21, and 22 of the Constitution?
- Whether the arrest and detention of the students under Section 124A of RPC and various section of UAPA valid?
- Whether RHR has locus standi to file a PIL challenging Section 124A of RPC and UAPA?

General Instructions:

- The laws of Rastan are *pari materia* to the laws of India.
- The facts of this Moot Proposition are purely a work of fiction and intended for academic purpose.
- The participants are not required to frame any additional issue, whereas they are free to reframe the issues given and frame sub-issues on the same.
- In addition to other relevant legal sources, the participants are encouraged to apply criminal jurisprudence and constitutional principles to advance their arguments.
- The Moot Proposition is drafted by Advocate Simarjeet Singh Satia, Delhi High Court, and any attempt by any person to contact him regarding this moot shall result in disqualification with immediate effect.