



SYMBIOSIS LAW SCHOOL NAGPUR

IN COLLABORATION WITH

NATIONAL HUMAN RIGHTS COMMISSION, INDIA

राष्ट्रीय मानवाधिकार आयोग, भारत

PRESENTS

NHRC - SLS NAGPUR NATIONAL MOOT COURT COMPETITION - 2024

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PROPOSITION



Knowledge Partner



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For Queries: mca@slnagpur.edu.in

MOOT PROPOSITION

1. Zendia is a quasi-federal democracy in South Asia. It is home to almost 15% of the world's population with people belonging to diverse religions, cultures, and languages residing together. It is one of the fastest-growing economies and in fact one of the growth engines in the world economy at this point. The country holds a reputable position in the global arena and has intervened in bringing the conflicting States to the talking table.

2. The Zendian Constitution is the supreme law of the land and lays down the detailed framework defining fundamental political principles, establishes the structure, procedures, powers, and duties of government institutions, and sets out fundamental rights, directive principles of state policy, and the duties of citizens.

3. Zendia's Constitution establishes a single, unified legal system. Zendian courts are arranged in a pyramidal fashion, with the Supreme Court at the top, the High Courts in the middle, and district and subordinate courts at the base. The higher courts directly oversee the operations of the lower courts. The rate of disposal of cases is getting better but still, 50 million cases are pending in all the courts in Zendia.

4. The crime rate in Zendia is very high. The state witnessed an overall 20% rise in criminal cases in the year 2022. The cases against the women and children rose alarmingly with the rate of 35%. With the increasing crime rate, the conviction rate is decreasing year by year. The conviction rate in the year 2022 came down to 51% in comparison to 57% in the year 2021.

5. Prisons, as penal and correctional institutions, have existed in Zendia and abroad since time immemorial. Prisons incarcerate criminals, convicts, and under-trials. The primary purpose of prisons is to isolate or alienate such people from society. The prison population of Zendia is nearly one million with 75% of them being under-trials. Prisoners are also guaranteed certain rights and it is provided that every prisoner should be treated as a person. Therefore, the prisoners are provided with all the basic needs and are well taken care of. However, with the increased crime rate the prisons also got a bit overcrowded.

6. Zendia will be electing its new government with the next general election scheduled early in 2024. Mr. X is a respected person from Samrudh Pradesh, the largest state of Zendia. He is believed to be a staunch reformist and has always advocated the need and importance of human rights.

He is a probable candidate to contest the upcoming general elections with his boards and posters erected all over his constituency.

7. In a meeting with his supporters in the month of October, 2023, Mr. X mentioned that he has always stood for the rights of the people and will continue striving for them. He stated that the dignity and freedom of individuals had always been his priority as he has also been subjected to confinement during his initial struggle while raising voice for the people's rights.

8. After a month Mr. X approached the Supreme Court of Zendia through a petition challenging a provision in the election law that imposes a blanket ban on under-trials, persons confined in civil prisons, and convicts serving their sentence in jails from casting their vote. He petitioned that the under-trials must be allowed to cast their vote.

9. In another state of Zendia, Zikaland, Mr. Y was a notorious man. He eloped with a girl staying in his locality and solemnized the marriage as per the customary rites of both parties. His family members were not very happy about it. After a month when he came back to his home with his wife, his uncle raised objection to his marriage. The next day his uncle was found dead and Mr. Y was arrested for his murder.

10. The trial court found him guilty and he was sentenced to death. The punishment was confirmed by the High Court of Zikaland. In appeal, the Supreme Court of Zendia upheld his conviction.

11. Mr. Y's wife, Ms. Aby filed a petition in the Supreme Court of Zendia for the conjugal visitation rights to her incarcerated husband. She petitioned for the command to the Jail authorities to allow them to stay together and resume their conjugal life for the sake of progeny.

12. Zendia People's Forum (ZPF) is an organization which is renowned for its work in the field of social welfare and health particularly towards the prevention and control of AIDS. An estimated 2 million people are tested HIV+ in Zendia. ZPF not only arranges the medication for people who have been tested HIV+ but also carries awareness drives in various parts of the country for educating people about the disease.

13. The leading daily newspaper of Zendia published an article concerning the rising cases of HIV+ prisoners in Zendia. The report mentioned that in three different prisons, 120 prisoners were tested HIV+.

The report also alarmed that the numbers can be much higher if the tests are conducted across prisons in Zendia.

14. Startled by the news, ZPF filed a petition in the Supreme Court of Zendia seeking an HIV test for all the prisoners in Zendia. They petitioned that the test would help the government identify all the prison inmates infected by it and treat them accordingly. They also petitioned that separate arrangements must be made for the prisoners who are tested HIV+.

15. The Supreme Court of Zendia merged all the three petitions related to prisoners' rights and posted them for hearing on the same day.

NOTE:

- The laws of Zendia are *pari-materia* to the Laws of India, including the judgments delivered by the Supreme Court of India and the various High Courts of India.
- Zendia is also a signatory to all the conventions and treaties which India is signatory to.
- The participants are expected to bring to the court's attention to the relevant jurisprudence. It may include judgments and International instruments.

