



SOUTH ASIAN ASSOCIATION FOR REGIONAL
COOPERATION IN LAW



**FOURTH
PROF. N. R. MADHAVA MENON SAARCLAW MOOTING
COMPETITION - INDIA ROUND, 2018-19**

26th to 28th October, 2018

**Clarifications
#1**

THIS MOOT PROPOSITION HAS BEEN AUTHORED BY MR. RAVI PRAKASH, ADVOCATE, SUPREME COURT OF INDIA FOR THE INDIA ROUND OF 4TH PROF. N. R. MADHAVA MENON SAARCLAW MOOTING COMPETITION, 2018-19. THIS MOOT PROPOSITION HAS BEEN FORMULATED SOLELY FOR THE PURPOSE OF THIS COMPETITION FURTHERING THE ACADEMIC EXERCISE.

1. Whether the constitution of A&P or that of Indica is applicable to Mr. X?

Ans. Certainly, the Constitution of Indica is applicable to Mr. X. To what extent and how the Constitution of A&P would help Mr. X, is left open for the teams to frame the argument and research thereto.

2. Whether the arrest of Mr. X was carried out only on the basis of the NDPS act?

Ans. In the para 15 of the case, the arrest of Mr. X was carried out in the background of factual circumstances, wherein the DNA sample of Mr. 'X' matched with one of the DNA samples collected during the undercover operation in the State of A&P. And as the undercover operation related to 'drug abuse', the provisions of IPC, NDPS are deemed to be invoked against Mr. X. For the sake of brevity and clarity, use Indian Penal Code, 1860 instead of RANBIR CODE as applicable to A&P due to special status..

3. CBI found that the DNA sample of Mr. X matches with one of the DNA samples collected during the undercover operation and they arrested him. Does arrest includes rape of a girl child?

Ans. Query is vague. Requires no clarification.

4. The time of the incidents has not been mentioned properly.

Ans. Query is vague. Requires no clarification.

5. The chain of events are also too vague.

Ans. An accurate query with regard to the vagueness in chain of events could be answered subsequently.

6. The confessional statements given by agents (mules) haven't been segregated properly so as to infer its relevance in the arrest of Mr. X.

Ans. Mr. X has been arrested based on the match of DNA and not specifically based on the confessional statements given by the agents (mules).

7. Please establish a relation between Para 19 and 22

Ans. Para 22 of the Moot Proposition highlights about the petition through which 'Master Z' has reached the Supreme Court of Indica.