

MOOT PROPOSITION

1. The Appellant, Bharat Singh aged 26, is a distinguished freelance investigative journalist and a Senior Research Fellow at the Aryavarta National University. His academic work titled "The Borderline Economy" explores the socio-political impact of large-scale infrastructure projects in the sensitive "Indus-Belt" region of Aryavarta. Singh is known for his critical stance on the "Secure-Border Initiative" a flagship project of the current Union Government.
2. Between June and December 2025, Singh published a series of ten investigative reports on an encrypted and independent news portal called "*The Sentinel*". These reports alleged that the "Vajra-9" telecommunication towers being erected in the border districts were being used for unauthorized surveillance of local civilian populations rather than for national defence. The reports also hinted at a multi-million-dollar land acquisition scam involving high-ranking official of the State of Aryavarta.
3. On December 28, 2025 the Ministry of Home Affairs (MHA) issued a confidential "Look-Out Circular" and directed the Cyber-Intelligence Wing to monitor Singh's digital footprints. The State claimed that *The Sentinel* was receiving "untraceable crypto-funding" from offshore entities linked to the 'Front for Border Liberation' (FBL) an organization banned under the First Schedule of the Unlawful Activities (Prevention) Act (UAPA), 1967.
4. On the night of January 4, 2026, the Special Task Force (STF) of the Aryavarta Police claimed to have intercepted a satellite phone call between an unidentified FBL commander and a person located in the University Hostel area. The STF alleged the conversation discussed a "delivery of white snow" (interpreted as drugs) and "the blueprints for the grid."
5. Acting on this "urgent intelligence," a team of twelve STF officers led by Inspector R. Sharma, arrived at Singh's hostel room at 01:15 AM on January 5, 2026. The police did not possess a judicial search warrant, later justifying the entry under Section 25 of the UAPA and Section 42 of the NDPS Act, citing that "immediate action was necessary to prevent the destruction of digital evidence."
6. During the search, which lasted three hours, Singh was allegedly pinned to the floor while his electronic devices were seized. According to the police seizure memo, a silver-wrapped packet containing 60 grams of a white crystalline substance was found hidden inside the battery compartment of an old emergency lamp. A field testing kit identified the substance as high-purity Methamphetamine (MDMA), a "commercial quantity" under the NDPS Act.
7. Furthermore, the police seized an external 2TB hard drive. On-site forensic imaging by a portable "Data-Slayer" tool allegedly revealed a hidden partition containing high-resolution, non-public architectural blueprints of the "Vajra-9" towers, along with coordinates of military fuel depots. The police classified these as "restricted documents" under the Official Secrets Act, used here to substantiate UAPA charges.

8. Singh was taken into custody at 04:15 AM. Throughout the transit to the Special Cell headquarters, Singh repeatedly requested to speak with his lawyer and demanded to know the specific charges against him. The officers on duty purportedly responded that he was being detained for "acting against the sovereignty of Aryavarta" and that details would be provided "in due course."
9. The Case Diary indicates that Singh was kept in an interrogation room for 20 hours without a formal FIR being shown to him. It was only at 11:30 AM on January 6, 2026, that FIR No. 04/2026 was formally uploaded to the police portal, invoking section 13 (unlawful activities), section 18 (conspiracy) and section 20 (punishment for being member of terrorist gang) of the UAPA, and Section 22(c) of the NDPS Act.
10. Singh was produced before the Special UAPA Judge on the afternoon of January 6, 2026. During the proceedings, the defense counsel argued that the arrest was illegal as no "Written Grounds of Arrest" were served at the time of the arrest, violating the Supreme Court's 2023–2025 mandates. The prosecution handed over a sealed envelope containing the "reasons for arrest" only on January 8, 2026, during the remand hearing.
11. Singh applied for regular bail before the Special Court, and subsequently the High Court. Both courts rejected the plea. The High Court, in its order dated February 15, 2026, stated that under Section 43-D(5) of the UAPA, the court is barred from granting bail if the *Case Diary* and the *Charge-sheet* (even if preliminary) show that the accusations are "prima facie true."
12. The High Court further observed that because Singh was also charged under the NDPS Act for a "commercial quantity," the "Twin Conditions" of Section 37 of the NDPS Act also applied, requiring the court to be satisfied that the accused is "not guilty" before granting bail, a stage the court felt had not been reached.
13. Singh filed a Special Leave Petition (SLP) before the Supreme Court, which was converted into a Criminal Appeal. Simultaneously, a public interest litigation (PIL) was filed by the "Journalists' Guild of Aryavarta" challenging the constitutionality of the UAPA's stringent bail provisions, arguing they are being used to bypass the "due process" of the NDPS Act and regular criminal law.
14. The Appellants argue that the MDMA was "planted" evidence, pointing to the fact that the two independent witnesses (Pancha) listed in the seizure memo are actually "police-friendly" informers who have appeared as witnesses in six other STF cases in 2025. They further contend that the "blueprints" found were actually part of a public tender document available on the Ministry's website until late 2024.
15. The State of Aryavarta maintains that the "interplay of narcotics and terror" (Narco-Terrorism) poses an existential threat to the nation. They argue that the judiciary should not interfere with the legislative wisdom behind Section 43-D(5) of the UAPA and Section 37 of the NDPS Act, especially when the integrity of the border is at stake. The matter is now listed for final arguments on April 25, 2026.

Issue-1

Whether the arrest of the Appellant is constitutionally infirm due to the failure of the Investigating Agency to communicate the "grounds of arrest" in writing at the time of arrest, as mandated under Article 22(1) of the Constitution and recent judicial directives.

Issue-2

Whether the "Prima Facie True" test under Section 43-D(5) of the UAPA and the "Twin Conditions" under Section 37 of the NDPS Act are unconstitutional for creating an "insurmountable barrier" to bail, thereby violating the Right to Fair Trial and Liberty under Articles 14 and 21.

Issue-3

Whether the search and seizure conducted without a warrant in a non-emergency residential setting (University Hostel) violates the "Right to Privacy" and whether such "tainted evidence" can be the sole basis for a *prima facie* finding under Special Statutes.

Issue-4

Whether the criminalization of an investigative journalist for the possession of "sensitive" academic/professional documents constitutes an "unreasonable restriction" on the Freedom of Press under Article 19(1)(a), especially when the documents are alleged to be in the public domain.

Note

- The laws of Aryavarta are pari-materia to the Laws of India including the judgment delivered by the Supreme Court of India and the various High Courts of India.
- The Participants are expected to bring the Courts attention to the relevant Jurisprudence.
- Any and all queries regarding the competition like Registration, Moot Proposition, Rules or any other shall be sought via trclawmcc@gmail.com or through other mode of communication.

