



Release of Moot Proposition

Grand Intra Moot Court Competition-2nd September, 2017

In continuation with the notice dated 02/08/2017 regarding Grand Intra Moot Court Competition, the students of USLLS are hereby informed that last date of registration of team for the purpose of participating in the competition would be 14th August, 2017 till 2359 hrs. The copy of the moot proposition is attached herewith.

Important dates and instructions:

Instructions-

1. No registration of teams will be entertained post 14th August 2017, 23:59 hrs.
2. Students will not be allowed to participate in any moot competition whether national or international, if they have not participated in the intra moot court competition.
3. Students can only register as team consisting of 3 members and no other format shall be entertained.
4. All registrations need to be sent on mcs.uslls@gmail.com with name enrolment number, email-id and phone number. (mcs.uslls@gmail.com)
5. Draw of lots will be conducted in 16th of August, 2017 and the teams will be intimated about the same through their registered email id as well as college notice board.
6. *Memo submission date shall be 28th August 2017. Four hard copies of memorial as well as soft copy of the memorial in PDF format needs to be sent on mcs.uslls@gmail.com. Negative marking will be done for late submissions till 31st August, 2017 post which no memorial shall be accepted under any circumstance.

Important Dates

Registration	14 th August, 2017
Draw of Lots	16 th August 2017
Memorial Submission	28 th August 2017
Memorial Submission (with negative marks)	31 st August 2017

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MOOT PROPOSITION

Industan is an island nation situated in the Indian Subcontinent. It has a booming economy and the government is interested in attracting foreign investment. However, due to high incidence of corruption and money laundering in the upper echelons of the government, it has so far been unable to do so. In these circumstances, the Government of Industan has decided crackdown on money laundering. The Republic of Industan passed the Black Money (Undisclosed Foreign Income and Assets), Imposition of Tax Act 2015 and amended the Prevention of Money Laundering Act, 2002 (hereinafter PMLA) to make its provisions more stringent.

From 1994 to 2009 Petyr Baelish was a senior member of the Curryleaf party and had held the post of the Chief minister 3 times before his retirement. On 30.11.2010 the income tax authorities while conducting raids on a company Farmancy Ltd. found documents showing transactions between Mr. Baelish and Katerina Narnia the owner of Farmancy Ltd. In 2010, Mr. Baelish filed the revised Income Tax returns for the assessment years 2006 to 2007, 2007 to 2008 and 2008 to 2009. It is on the basis of these revised returns proceedings were been initiated by the CBI on 12.06.2015.

On 12.06.2015 CBI registered an FIR No. 10AC/2015 under Section 420 and 120B of Industan Penal Code against the petitioner and his family members to enquire into their unexplained income allegedly acquired during his tenure as the CM from Farmancy Ltd. A provisional attachment order No.1/AD99 dated 19.03.2017 was issued under the second proviso of Sec 5(1) attaching movable as well as immovable

assets including the residential property of Mr. Baelish and his family members valued collectively at Rs. 200 Crore. The adjudicating authority, PMLA has confirmed the said attachment on 29.06.2017.

Thereafter on 27.03.2017 ED registered an ECIR No. 01AD/2017 against Mr. Baelish alleging commission of offence u/s 3 of Prevention of Money Laundering Act, 2002. He was arrested u/s 19 of the Act on 01.04.2017 and was granted bail by the Special Court, PMLA on 01.08.2017.

On 02.07.2017 Mr. Baelish filed a Writ Petition challenging the Provisional Attachment Order No.1/AD99 dated 19.03.2017 and the order of confirmation passed by the adjudicating authority dated 29.06.2017 before the High Court of Winterfell, the capital city of Industan. Various grounds were raised in the appeal including the illegality of the retrospective application of PMLA to the petitioner since the offences under Section 420/120B of IPC were not scheduled offences under PMLA at the time of their commission. The writ petition was dismissed on the ground that an appeal under Section 26 of PMLA is available to the petitioners and the court need not exercise writ jurisdiction in such circumstances. Aggrieved by the said order, Mr. Baelish on 29.07.2017 filed an SLP before the Supreme Court of Industan.

In similar circumstances various other opposition leaders of the country were also investigated by the Directorate of Enforcement and virtually all properties belonging to the person being investigated and his family members were attached and sought to

confiscated under the PMLA. Opposition leaders claimed that these cases were a result of political vendetta and multiple cases were filed before various High Courts challenging the constitutional validity of the provisions under the PMLA relating to the attachment of properties. The High Courts rendered various conflicting opinions. Various Special Leave Petitions were filed and the Supreme Court of Industan decided to club the appeals together.

The following issues arose for determination by the Supreme Court:-

1. Whether retrospective application of PMLA is unconstitutional being violative of Article 20(1) of the Constitution of Industan?
2. Whether Section 5 of PMLA is unconstitutional being violative of Articles 14, 20 and 300-A of the Constitution of Industan?
3. Whether Section 8(4) of the Act, deprivation of possession and enjoyment of an attached immovable property even/before conclusion of the trial of the scheduled offence is harsh and so disproportionate as to violate Articles 14, 21 and 300-A of the Constitution.

Note: All laws of Industan are *pari materia* to the Laws of India.