

**SAROJ LALJI MEHROTRA  
CENTRE OF LEGAL STUDIES**

of

**S. S. KHANNA GIRLS' DEGREE COLLEGE  
PRAYAGRAJ**

(A Constituent College of University of Allahabad)  
Accredited at Grade 'A' by NAAC

IN COLLABORATION WITH

**AZB & PARTNERS**

**1<sup>st</sup> Justice Gopalji Mehrotra National  
MOOT COURT COMPETITION**

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## MOOT PROPOSITION

1. The Republic of Indonia (“**Indonia**”) is one of the largest democracies in the world. More than half of the area of Indonia is surrounded by ocean and the rest shares boundary with mountain ranges. The country hosts people from various religious beliefs and cultural backgrounds maintaining a secular belief for all its citizen. The Constitution of Indonia imbibes socialistic and democratic republic values in its Preamble. Moreover, the Preamble enshrines the development of scientific temper amongst its citizens. The Constitution of Indonia, under Part III, has enshrined the fundamental rights that provides right to life and personal liberty to every individual of the country. The Constitution also bestows upon its citizens; among other rights, the fundamental right to practice a profession with reasonable restrictions so as to not challenge the sovereignty, integrity, and public order of the nation.
  
2. Dr. Vatsal Tripathi is a law-abiding citizen of Indonia. He is working as a senior psychiatrist at the Youngsters Medicare Hospital in the city of Jaipuria. Recently, during the annual meeting of the Indonia Psychiatrist Association, he was elected as the President of the association and was bestowed with the Lifetime Achievement Award for his dedicated practice and service towards the citizens of the country.
  
3. Apart from working at the hospital, he also looks after patients during the weekends at the clinic built in the basement of his house. Vatsal is married to Ms. Gunjan Tripathi who is a homemaker and looks after the children. During the weekends, Gunjan helps Vatsal in managing the clients at the Clinic. She takes care of the bills, accounts and registers of the medicines at the clinic.
  
4. Having a full-fledged knowledge of the composition of medicines to be prescribed by a psychiatrist, Vatsal established a drug manufacturing

company under the name of his son Mr. Ish Tripathi. The company has all the sanctions and certificates that are required to operate a drug manufacturing unit and supply medicines to the entire city of Jaipuria. All the drugs that were prescribed by Vatsal in the hospital or in clinic were manufactured by his own company only.

5. The government of Indonia started a drug addiction rehabilitation scheme in which doctors were allowed to prescribe in smaller doses to patients who are drug addicts and voluntarily want rehabilitation. One such drug is Xenophyl. The drug was directed to be used for medicinal purposes only but was also allowed to be prescribed to the patients in small doses. In August 2022, Vatsal recommended a small quantity of Xenophyl to Mr. Anirudh Singhanian as part of the rehabilitation process. With time, Anirudh became a permanent patient to visit Vatsal in his clinic and used to get Xenophyl to combat his drug addiction habit.
6. On 12th December, 2023 Mr. Umang Chatterjee of the investigation wing of National Drug Control Agency (NDCA) of Indonia reached Vatsal's clinic claiming the fact that he is indulged in manufacturing, packaging, distribution and sale of prohibited drugs in Indonia. Upon further investigation, it was revealed that Anirudh used to sell the drugs given by Vatsal to the school children in city of Panchal. Accordingly, Vatsal was arrested and taken to the Panchal office of the NDCA for investigating purposes.
7. Vatsal was interrogated by Umang in order to obtain information about the drug rackets prevalent in the city of Panchal and his involvement in promoting the same. Under the National Drugs Prevention Act, 2000 (NDPA), it is mandatory for doctors to maintain a register of the drugs prescribed to the patients in the course of diagnosis. When the same was asked from Vatsal, there were several entries that were missing with respect to the drugs prescribed to Anirudh.

8. Due to a lack of records, Vatsal was constantly threatened by the officers of NDCA about severe repercussions that may happen to him. Whenever he approached the authorities to consult a lawyer, he was told that the authority did not want an honest citizen and a well renowned doctor to be put in jail and hence, no chargesheet was filed by the authorities since the arrest. Further, it was stated that if he continues to demand the services of a lawyer, the authority would be in compulsion to formulate a chargesheet accusing him of the offences under the NDPA.
9. Being helpless in the situation, Vatsal tried to bribe the authorities in order to settle the dispute through illegal means but he could not match the amount that was quoted by the officers of the authority. In pursuant to the questioning, Vatsal was held in custody for more than 7 days without a chargesheet being filed.
10. When the authorities were approached by the family members about illegal detention of Vatsal, the authority stated that NDPA empowered the NDCA and its officers to detain any person suspected of indulging in illicit practices of manufacturing, production, supply, packaging and distribution of prohibited drugs in the country for a period of 90 days.
11. Aggrieved by this, a writ was filed before the High Court of Jaipuria seeking relief. The following issues were formulated by the Hon'ble Court:
  - A. Whether the Writ Petition is maintainable and the High Court of Jaipuria has the jurisdiction to entertain the Writ Petition since all the abovementioned events happened within the territory of Panchal?
  - B. Whether the High Court of Jaipuria has the power to adjudicate upon the act of prescription of drugs for medicinal purposes by Vatsal?

*P.S. The laws of Indonia are pari materia to the laws of India. The Participants are allowed to form further contentions or sub-contentions in addition to the abovementioned grounds given that they are in consonance with the facts of the proposition.*

*The Moot proposition is drafted by Mr. Pranav Tomar of AZB & Partners. Any connection to the organisation with reference to the moot proposition or the competition shall be considered a valid ground for disqualification*