

AMITY NATIONAL MOOT COURT COMPETITION, 2026

MOOT PROPOSITION

In re: The Chintapur Public Safety and Interrogation Act, 2026

The State of Chintapur, a mineral-rich central state of the Democratic Republic of Indiana, has for several years faced a sustained rise in insurgent violence, ambushes on security personnel, and abduction of officials in its forested tribal belt. To address this, the Chintapur Legislative Assembly passed the Chintapur Public Safety and Interrogation Act, 2026 ("the Act") on 3rd February 2026, within nine days of its introduction - a truncated timeline the Opposition contends bypassed the customary 15-day consultation period, though the Treasury Benches maintain it was justified by the urgency of the situation. The Act's material provisions are reproduced at Annexure A.

In brief, the Act permits a police officer not below the rank of Deputy Superintendent of Police to seek sanction from a Divisional Commissioner rather than a Magistrate - for a person in custody to undergo narco-analysis, brain electrical oscillation signature (BEOS) profiling, or polygraph examination, without the person's consent, upon a reasoned order recording the material relied upon. Results of such tests are made admissible as substantive evidence at trial, notwithstanding Sections 22 and 23 of the Indiana Sakshya Adhinyam, 2023 ("ISA"). Refusal to undergo the test permits an adverse inference, and bail applications are statutorily barred for 90 days from arrest, notwithstanding the ordinary bail provision of Section 483 of the Indiana Nagarik Suraksha Sanhita, 2023 ("INSS") - the anticipatory bail provision under Section 482 INSS has no bearing once a person already stands arrested and is not implicated on these facts.

Arvind Netam, a 29-year-old schoolteacher, was arrested on 12th March 2026 on suspicion of acting as a courier for an insurgent outfit, based on an intercepted phone call whose authenticity he disputes. He was produced before the Divisional Commissioner on 13th March 2026, within 24 hours of arrest as contemplated under the Act. The Commissioner's sanction order, passed the same day, recorded that the intercepted call, read with a corroborating intelligence dossier, disclosed reasonable grounds to believe Netam possessed information relevant to a threat against a mining convoy. Netam was directed to undergo narco-analysis despite his and his counsel's recorded

objection; no medical fitness certificate was obtained beforehand, though the procedure itself was conducted at a designated forensic facility on 15th March 2026 and video-recorded.

During the test, Netam is alleged to have named three others - Deepshikha Rathore, Imran Qureshi, and Bastar Madavi, hereinafter referred to as P-1, P-2, and P-3 respectively - as co-conspirators in a plot to plant explosives, and to have disclosed the location of a concealed cache. Acting on this, the police recovered explosive material from a culvert roughly 400 metres from the spot named, at approximately 9:00 p.m. on 15th March 2026, some six hours after the statement was recorded and in the presence of two independent panch witnesses; the defence disputes the recovery memo's contemporaneity on account of this gap. Netam retracted his statement on regaining consciousness later the same day, stating he had no memory of making it. An independent psychiatric opinion placed on record described statements made under such tests as "of uncertain evidentiary value and prone to confabulation"; the Trial Court did not call for further expert opinion on the point.

The chargesheet against P-1, P-2, and P-3 was filed on 26th May 2026 - the 75th day after Netam's arrest - under Sections 147, 148, and 61 of the Indian Nyaya Sanhita, 2023, read with the Indian Unlawful Activities Prevention Act, relying on Netam's statement, the explosives recovery (relied upon solely as corroboration of Netam's own statement, not as evidence against P-1 to P-3), the intercepted call, and a phone recovered from P-1. The certificate accompanying the intercepted call, required under Section 63(4) ISA for electronic evidence, was signed by only one of the two persons the provision now requires. Netam himself was neither charged nor released; his bail applications remained barred under Section 8 of the Act until 10th June 2026, the ninetieth day from arrest, and no application has since been allowed despite the investigation qua him standing closed since the date of the chargesheet.

The Trial Court convicted P-1, P-2, and P-3 by judgment dated 20th June 2026, holding that the Act's non-obstante clause displaced the ordinary bar on involuntary testimony, and treating the certificate defect as a curable irregularity. The High Court of Chintapur, by judgment dated 25th July 2026, upheld both the Act's validity and the conviction, holding that the Act, having received the assent of the President under Article 254(2), would prevail over the INS, INSS, and ISA to the extent of any repugnancy. The assent order on record recites that the President assented to the Act

generally, without enumerating the specific provisions with which repugnancy was anticipated - a point the parties dispute the legal effect of.

Aggrieved, P-1, P-2, and P-3, Netam (who remains in custody without charge, over four months after his arrest), and Manav Adhikar Manch, a human rights organisation, filed Special Leave Petitions and a connected Writ Petition under Article 32 before the Supreme Court of India on 10th August 2026, clubbed for final hearing. The National Human Rights Commission of India, which in 2025 had issued advisory guidelines discouraging non-consensual narco-analysis, has been granted leave to intervene as *amicus curiae*.

The Petitioners contend that compelling a person to undergo narco-analysis, BEOS profiling, or polygraph examination violates the protection against testimonial compulsion under Article 20(3) and the right to mental privacy and dignity under Article 21; that executive rather than judicial sanction removes meaningful oversight, offending Article 14; that treating test results as substantive evidence, rather than investigative leads, undermines trial fairness; that Section 9 of the Act cannot immunise the administering practitioner where neither the consent required under Section 26 INS nor the narrow without-consent exception under Section 30 INS is satisfied; that the 90-day bail bar under Section 483 INSS is disproportionate once investigation is complete, particularly since Netam remains in custody more than four months after arrest without being charged; that the single-signature certificate renders the intercepted call inadmissible; and that general Presidential assent cannot cure repugnancy with specific, unenumerated provisions of the INS, INSS, and ISA.

The State defends the Act as a proportionate response to an extraordinary security situation, pointing to the safeguards of a reasoned sanctioning order, medical supervision, video recording, and the right to record objection, and to the intelligible differentia between insurgency-related offences and ordinary crime. It relies on the explosives recovery as independent, verifiable corroboration of the reliability of Netam's statement, submits that the conviction of Rathore, Qureshi, and Madavi is sustainable on the cumulative evidence even discounting any single strand, and contends that the certificate defect is a curable irregularity and that general Presidential assent suffices in law to cure repugnancy.

Given the substantial questions of law raised concerning Articles 14, 20(3), 21, and 254, and the vulnerability of the affected communities to implication on the strength of statements made outside conscious control, the matter has been referred to a Constitution Bench of the Supreme Court of India for authoritative pronouncement.

ISSUES FOR CONSIDERATION

- 1.** Whether the Writ Petition under Article 32 and the connected Special Leave Petitions under Article 136, filed on 10th August 2026, are maintainable - having regard to the locus standi of Manav Adhikar Manch, the standing of Netam (who has neither been charged nor released), and the availability, if any, of an alternate remedy?
- 2.** Whether the Chintapur Public Safety and Interrogation Act, 2026, insofar as it (i) permits compulsory narco-analysis, BEOS profiling, and polygraph examination without consent, and (ii) treats the results of such tests, and statements made thereunder, as substantive evidence under Section 7 notwithstanding Sections 22 and 23 of the Indian Sakshya Adhiniyam, 2023, violates Articles 14, 20(3), and 21 of the Constitution of India; and whether Section 9 of the Act can immunise the administering practitioner and deem the procedure "lawful" notwithstanding the consent requirement under Section 26, and the narrow without-consent exception under Section 30, of the Indian Nyaya Sanhita, 2023?
- 3.** Whether Section 8 of the Act, barring any bail application under Section 483 of the Indian Nagarik Suraksha Sanhita, 2023 for 90 days from arrest (i.e., from 12th March 2026 to 10th June 2026), and requiring executive rather than judicial sanction under Section 4 of the Act, are constitutionally valid, or amount to arbitrary and disproportionate restrictions on personal liberty under Article 21 - particularly where, as here, the chargesheet stood filed by 26th May 2026, well within the bar period, and the person continues in custody without charge more than four months after arrest?
- 4.** Whether the Act is repugnant to the Indian Nyaya Sanhita, Indian Nagarik Suraksha Sanhita, and Indian Sakshya Adhiniyam, 2023, under Article 254 of the Constitution of India, notwithstanding the general Presidential assent recorded to it on the Act as a whole; and whether, independent of the Act's validity, the evidence on record - including the intercepted call, the

explosives recovery, and Netam's statement - suffices to sustain the conviction of P-1 (Rathore), P-2 (Qureshi), and P-3 (Madavi) beyond reasonable doubt?

Note - The Constitution of Indiana is in pari materia with the Constitution of India, and the Indiana Nyaya Sanhita, Indiana Nagarik Suraksha Sanhita, and Indiana Sakshya Adhinyam, 2023, are in pari materia with India's Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita, and Bharatiya Sakshya Adhinyam, 2023, respectively.

ANNEXURE A

Material Extracts - The Chintapur Public Safety and Interrogation Act, 2026 (Act No. 4 of 2026)

Section 2 - Definitions (relevant extracts)

"insurgency-related offence" means an offence under Chapter VII of the Indiana Nyaya Sanhita, 2023, an offence under the Indiana Unlawful Activities Prevention Act, or any offence so notified by the State Government; "scientific interrogation technique" means narco-analysis, BEOS profiling, or polygraph examination, or any combination thereof.

Section 4 - Power to direct scientific interrogation techniques

An investigating officer may apply to the Divisional Commissioner for sanction to direct a person to undergo a scientific interrogation technique. The Divisional Commissioner may, by reasoned order recording the material relied upon, sanction such a technique notwithstanding the refusal or absence of consent of the person concerned. The order shall be communicated to the person and their counsel prior to administration and placed on the case diary.

Section 5 - Procedure for administration

A scientific interrogation technique shall be administered only at a designated forensic facility, by or under the supervision of a qualified medical practitioner, and shall be video-recorded in its entirety. Failure to obtain a prior medical fitness examination shall not, by itself, invalidate the order or affect admissibility of the resulting statement.

Section 6 - Effect of refusal

Where a person refuses to undergo a technique so directed, the Court may draw an adverse inference against such person, having regard to all the circumstances of the case.

Section 7 - Admissibility of results

Notwithstanding Sections 22 and 23 of the Indiana Sakshya Adhiniyam, 2023, results of a technique administered under this Act, and any statement made by the subject, shall be admissible as substantive evidence at trial and not merely as material for further investigation.

Section 8 - Bar on bail

Notwithstanding Section 187 (default bail on completion of the investigation period) and Section 483 (regular bail) of the Indiana Nagarik Suraksha Sanhita, 2023, no bail application of a person against whom a direction has been made under Section 4 shall be entertained for ninety days from arrest. This does not bar completion of investigation or filing of a chargesheet within that period.

[Researchers' note: Section 187 INSS (the equivalent of the erstwhile default-bail proviso) is not, in any event, triggered on these facts, since the chargesheet against P-1, P-2, and P-3 was filed on the 75th day - within the ordinarily permissible investigation period. The only provision actually displaced by Section 8 of the Act on these facts is the regular-bail provision, Section 483 INSS; the anticipatory-bail provision, Section 482 INSS, has no application once a person already stands arrested.]

Section 9 - Protection to medical practitioners

A registered medical practitioner administering a technique under this Act shall be deemed to be acting in the course of a lawful procedure, notwithstanding the requirement of the subject's consent under Section 26, or the limited without-consent exception under Section 30, of the Indiana Nyaya Sanhita, 2023, and no proceeding shall lie against such practitioner for anything done in good faith under this Act.

[Researchers' note: Section 26 INS excuses an act not intended to cause death, done in good faith for a person's benefit, only where the person has given consent, express or implied. Section 30 INS excuses such an act done without consent only where consent could not be obtained in time and the act was necessary to save life or prevent grievous harm. Section 9 of the Act dispenses with both requirements.]

Section 12 - Statements as information leading to discovery of fact

A statement made during a technique administered under this Act, insofar as it leads to the discovery of a fact, may be treated as information within the meaning of the proviso to Section 23 of the Indian Sakshya Adhiniyam, 2023, regardless of whether voluntarily furnished.

Section 13 - Act to override

The provisions of this Act shall have effect notwithstanding anything inconsistent contained in the Indian Nyaya Sanhita, 2023, the Indian Nagarik Suraksha Sanhita, 2023, or the Indian Sakshya Adhiniyam, 2023.

[This Annexure reproduces only the provisions material to the issues raised in the Moot Proposition. The complete text of the Act may be assumed to contain standard ancillary provisions (definitions, right to record objection, confidentiality of records, rule-making power, repeal and savings) not reproduced here.]

ANNEXURE B

Chronology of Events

3 Feb 2026 - Chintapur Public Safety and Interrogation Act, 2026 passed by the Assembly

12 Mar 2026 - Arvind Netam arrested

13 Mar 2026 - Netam produced before Divisional Commissioner; sanction order passed under Section 4 of the Act

15 Mar 2026 - Narco-analysis administered; Netam names P-1, P-2, P-3 and discloses cache location; explosives recovered ~6 hours later; Netam retracts statement same day

26 May 2026 - Chargesheet filed against P-1, P-2, and P-3 (75th day from arrest)

10 Jun 2026 - 90-day statutory bail bar under Section 8 of the Act expires

20 Jun 2026 - Trial Court convicts P-1, P-2, and P-3

25 Jul 2026 - High Court of Chintapur upholds the Act's validity and the conviction

10 Aug 2026 - Special Leave Petitions and Writ Petition under Article 32 filed before the Supreme Court of India