

MOOT ONE (Problem)

In 2017, John Smith, an Azurian citizen residing in Spain, filed a public interest petition under Article 32 of the Azurian Constitution, challenging the constitutional validity of Section 497 of the Azurian Criminal Code of 1860 (ACC) and Section 198(2) of the Code of Criminal Proceedings 1973 (CCP). The contentious Section 312 of the ACC dealt with the criminal offense of infidelity, while Section 144(2) of the CCP stated that no person other than the husband of an accused individual would be deemed aggrieved by the commission of an offense under Sections 497 or 498 of the ACC.

Smith's petition argued that these provisions were discriminatory and violated the principles of gender equality enshrined in the Azurian Constitution. He contended that the law treated women as commodities and perpetuated the notion of women being the property of their husbands. Additionally, the petitioner highlighted that by allowing only the husband to initiate legal proceedings in cases of infidelity, the law ignored the agency and autonomy of women.

The petition gained significant attention and sparked a nationwide debate on the outdated and archaic nature of these laws. Women's rights organizations and legal experts rallied behind Smith, asserting that such laws had no place in a modern, egalitarian society. They emphasized that the provisions not only discriminated against women but also perpetuate harmful stereotypes and contributed to the perpetuation of patriarchal norms.

On the other hand, some traditionalists and conservative groups argued that the laws were rooted in cultural and religious traditions and should be preserved. They claimed that these provisions were necessary to uphold the sanctity of marriage and family values.

The case is now before the Supreme Court of Azuria.

N.B. All the laws mentioned in the said moot problem are in *pari materia* to that of Indian law.