



**SHRI RAMSWAROOP
MEMORIAL UNIVERSITY**



**INSTITUTE OF
LEGAL STUDIES**



MOOT COURT COMMITTEE
ILS

2nd VIRTUAL



SHRI RAMSWAROOP MEMORIAL
NATIONAL MOOT COURT
COMPETITION 2024

25-27 April, 2024

LEGAL TECH PARTNER



KNOWLEDGE PARTNERS



BANKING PARTNER



MEDIA PARTNERS



PRIZE WORTH MORE THAN 51,000/-

INSTITUTE OF LEGAL STUDIES

ABOUT THE EVENT

The Moot Court Committee of the Institute of Legal Studies at Shri Ramswaroop Memorial University is proud to host the 2nd Virtual Shri Ramswaroop Memorial National Moot Court Competition. This esteemed event will be held from April 25th to 27th, 2024.

We invite law students from across the nation to participate in this enriching competition. This is a remarkable opportunity to hone your legal expertise and develop critical professional skills. The competition will provide a realistic platform for budding legal minds to sharpen their analytical capabilities and navigate complex legal scenarios.

We are delighted to offer this platform for students to gain invaluable firsthand experience in the intricacies of the legal profession. We extend a warm invitation to your esteemed University/Institute to actively participate in this prestigious virtual event. Your competitive presence will significantly contribute to the intellectual discourse.

We eagerly anticipate your participation in this stimulating competition.

Sincerely,

Mr. Abhinav Mishra
Faculty Convener
Moot Court Committee

MESSAGE FROM CHANCELLOR & PRO-CHANCELLOR



Er. Pankaj Agarwal
Chancellor

Law schools recognize the transformative power of moot court, as it mirrors the dynamism of real courtrooms. Embracing this philosophy, Shri Ramswaroop Memorial University is dedicated to fostering an environment that nurtures the intellectual and professional growth of its students. Furthermore, we extend this commitment by creating a national platform for legal minds across the country to test their mettle. I have unwavering confidence that the organizing team will meticulously curate a 2nd Virtual National Moot Court Competition that will be a thrilling and indelible learning experience. I extend my sincerest wishes to all participants.

I am thrilled to announce that the Moot Court Committee at the Institute of Legal Studies, Shri Ramswaroop Memorial University is spearheading the 2nd Virtual National Moot Court Competition. This innovative platform presents a unique opportunity for students to sharpen their legal acumen and cultivate a dynamic skillset encompassing legal research, persuasive communication, and courtroom presentation. A hearty round of applause to the organizing committee for their dedication in making this event a reality. I extend my warmest wishes for their continued success in hosting a truly enriching competition.



Er. Pooja Agarwal
Pro-Chancellor

MESSAGE FROM VICE- CHANCELLOR & DIRECTOR



Prof. (Dr.) D.K. Sharma
Vice-Chancellor

Moot court competitions serve as a cornerstone of legal education, meticulously simulating real courtroom proceedings. Through this dynamic platform, students can refine their critical thinking, research, and advocacy skills, all while fostering a deeper understanding of complex legal principles. I extend a warm invitation to all law schools to participate in this prestigious event. Your presence will enrich the competition and contribute significantly to the intellectual exchange amongst future legal minds.

I commend the Moot Court Committee for their tireless efforts in organizing this exceptional event. I have full confidence that the competition will be a resounding success, leaving a lasting impact on all participants.

Competitive environment serves as a powerful training ground, refining legal writing, research, and advocacy skills. Students emerge not only more confident as legal practitioners, but also as well-rounded individuals. As a wise proverb states, "Every competition is a test, but every experience is a lesson." The Moot Court journey unquestionably enriches both professional and personal development. I extend my heartfelt congratulations to the entire team for their dedication in making this event a reality. I have no doubt that this competition will be a resounding success.



Prof. (Dr.) Rohit P Shabran
Director, ILS



Invitation

The Vice-Chancellor/Director/Dean/Head/Principal

Respected Sir/Madam,
Greetings!

The Institute of Legal Studies at Shri Ramswaroop Memorial University is excited to host the 2nd Virtual Shri Ramswaroop Memorial National Moot Court Competition, scheduled for April 25th-27th, 2024. We warmly invite your esteemed institution to participate in this prestigious event.


This competition provides a dynamic platform for aspiring legal minds across India to showcase their knowledge and ignite their passion for the legal profession. Here, students will engage in a stimulating intellectual exchange, honing their critical thinking and advocacy skills through realistic courtroom simulations. The experience will refine their legal research, public speaking, and argument formulation abilities - all essential tools for a successful legal career.

Join us and be part of this enriching opportunity! We look forward to welcoming your talented team and fostering a spirit of camaraderie and intellectual discourse among future legal professionals.

Best Regards,

Prof.(Dr.) Rohit P Shabran

Director, Institute of Legal Studies



MOOT PROPOSITION

DISCLAIMER

The facts stated in the present case are fictitious and have been drafted solely for the purposes of this competition. The Facts, names, locations, and dates bear no resemblance to any person, event, or happening whether dead or alive. Any resemblance found, if any, is purely coincidental and for the purpose of learning. Similar data used in the problem are specifically for the purposes of this moot. No real incidents can be attached to them. This problem is not intended to hurt the feelings of any section of society or to offend any person.

1. Freedonia, a federal democracy located in the Asia-Pacific region, has operated with a bicameral legislature since its inception. In 1947, the Union of Freedonia gained independence after enduring two centuries of colonial domination. Boasting a significant population of approximately 1.3 billion individuals, Freedonia ranks as the world's second most populous country. The nation showcases a diverse and vibrant economy. Upon attaining sovereignty, Freedonia crafted its own Constitution and adopted a secular framework of governance to serve its populace.
2. Freedonia in its inception was born out of two majority populations- the Fire worshippers commonly known as Aryans, relying on dominance over the Minority population of Book Worshippers known as Mughals. However, the tussle between religions was quite evident in Freedonia ever since it gained independence.
3. The founding fathers of Freedonia laid that this country would idolize the principles of secularism. Thereby allowing no political dominance of any one population based on religion for the nation. Implicating that there shall be no state religion but it would be the duty of the state to safeguard the Right to Religion as a fundamental right and would overtake to protect and preserve all religions. A vast populace from various regions outside Freedonia sought sanctuary during partition and have ever since been living here as residents of Freedonia.
4. For Freedonia in the years 1946-1949, public order problems and security concerns loomed large. Just after achieving independence, Freedonia was in a state of flux due to large-scale migrations and communal violence stemming from the Partition. In this context, the founding fathers generally agreed that preventive detention (hereinafter referred to as "PD") provisions were necessary as a tool to fight and prevent crime, and only a minority challenged the principle of preventive detention in the debates.
5. Following the enactment of the Constitution in 1950, the Union of Freedonia experienced uprisings and secessionist movements in various regions. In response, the Freedonia National Congress (FNC) leadership was resolute in preserving the nation's political unity, announcing strict legal repercussions for those involved in separatist activities and inciting violence. Striking an acceptable balance between security concerns and rights protection - due process rights specifically - was an area of immense debate for the Constituent Assembly. In a nutshell, the debate pitted due process against preventive detention, in the light of public security.

MOOT PROPOSITION

6. As the State Governments rigorously implemented the PD Act, detaining individuals deemed suspicious, the matter eventually reached the judicial arena. Before the Hon'ble Supreme Court, the State argued the necessity of resorting to the PD Act due to an extraordinary situation related to national security and integrity. The Supreme Court endorsed the State's position, allowing the proceedings to continue. However, it issued a specific caution, deeming legislation like the PD Act as regressive and symbolic of tyranny. The court advised the Union of Freedonia to focus on abolishing such laws, emphasizing the need for a more progressive legal framework.
7. Up till the 2000s things moved smoothly, A National political party titled- Pro Aryans Political Party (PAPP) came into power and began their advent in restoring state supremacy over its subjects. In 2020, political dominance was established in the state of Zupi, and PAPP started to organize movements against Secular thoughts and radicals throughout the state. This led to huge agitations by the Mughal community concerned about free speech and liberal ideas.
8. The Zupi government in order to curb the menace of agitation enacted a new law- Zupi Public Safety Act, 2024, allowing for preventive detention of individuals deemed to pose a significant risk to public safety, even if they have not yet committed a crime. Under this law, individuals can be detained for up to three months and can be increased up to an additional 3 years without trial if a judge finds probable cause that they pose a threat.
9. This PD Act has two most controversial sections which read as:

“Section 6: Power to make orders detaining certain persons-

The State Government may--(a) if satisfied with respect to any person or having a suspicion against any person and with a view to preventing him from acting in any manner prejudicial to—

- (i) the defense of Freedonia, the relations of Freedonia with foreign power, or the security of Freedonia, or
- (ii) the security of the State or the maintenance of public order, or
- (iii) the maintenance of supplies and services to the community, or

(b) if satisfied with respect to any person who is a foreigner within the meaning of the Foreigners Act, 1946 (XXXI of 1946), that with a view to regulating his continued presence in Freedonia or with a view to making arrangements for his expulsion from Freedonia, it is necessary so to do, make an order directing that such person be detained

MOOT PROPOSITION

Section 7: Grounds of the order of detention to be disclosed to persons affected by the order-

When a person is detained in pursuance of a detention order, the authority making the order shall make an endeavor to, communicate to him the grounds on which the order has been made, and shall afford him the earliest opportunity of making a representation against the order, in a case where such order has been made by the Central Government, to that Government, and in a case where it has been made by a State Government or an officer subordinate thereto, to the State Government.”

The said provisions were often criticized but the Government continued to invoke these sections whenever required.

10. Jack Miranda, a civil rights activist, has been outspoken against this law since its proposal. In a public rally, Miranda stated, "This law is a blatant violation of our constitutional rights! It gives the government unchecked power to detain people without due process." Shortly after making this statement, Miranda was arrested and detained under the preventive detention law, he persistently sought information about his detention, but his inquiries were met with silence. Despite repeated requests, he received no clarification. After an elapsed period of three months, instead of being released, his detention was prolonged for an additional three years. This decision generated widespread disapproval and condemnation.
11. The issue gained national prominence, prompting the Government of Zupi to issue a public statement. According to the government, Miranda was suspected of attempting to incite hatred among the residents of Zupi through a communal address. The allegation suggested that he aimed to exploit this hatred for political gains. Authorities argued that such an address by Miranda posed a significant threat to public order, potentially leading to severe law and order problems and violence that could disrupt societal harmony. Citing these concerns, along with Miranda's history of engaging in similar activities, the government justified his detention and its subsequent extension as a preemptive measure to safeguard society, and internal stability, and prevent potential disruptions to public order based on his past actions.
12. Miranda's lawyers filed a petition challenging the constitutionality of the preventive detention law, arguing that it violates various provisions of the Freedonia Constitution, including the right to due process, freedom of speech, and freedom from unreasonable searches and seizures. The Matter was filed in the Apex Court but due to the gravity of the matter in hand, the issue was referred to a constitutional bench to decide the constitutionality of the matter.

MOOT PROPOSITION

The moot court problem presents the following issues:

1. Whether the preventive detention law violates Miranda's right to due process under the Freedonia Constitution.
2. Whether the preventive detention law infringes upon Miranda's freedom of speech and expression.
3. Whether the preventive detention law constitutes an unreasonable search and seizure under the Freedonia Constitution.
4. Whether any legitimate government interests justify the enactment of the preventive detention law.

The issues provided are not exclusive, they may be altered at the discretion of the participating teams. Teams have the flexibility to modify issues and include or exclude contentions according to their discretion.

Participants in the moot court competition are tasked with representing the parties and presenting arguments before a panel of judges. The judges will evaluate the legal reasoning, persuasive skills, and knowledge of constitutional law demonstrated by the participants in resolving the issues raised in the case.

Note:

This moot problem is designed for educational and practice purposes only. This moot problem addresses a pertinent contemporary issue in Freedonia, providing a platform for participants to engage in a comprehensive legal debate on the balance between human rights and national security concerns in the digital age.

RULES & REGULATIONS

GENERAL RULES

- “Organizers” means the Moot Court Committee, Institute of Legal Studies, Shri Ramswaroop Memorial University.
- “Competition” means the 2nd Virtual Shri Ramswaroop Memorial National Moot Court Competition, 2024.
- “Participating Team” means the team which has registered itself for the competition as per the rules given below.
- “Participating College/Institution/University” shall be presumed to be the parent institution of the participating team.
- “Participants” means the speakers and the researcher of the Participating Team.
- The rules of the Moot Court shall be strictly adhered to. Any deviation there from them would attract disqualification or other penalties as decided by the Organizers.
- Decision taken by the Organizers in case of any doubt, dispute, disqualification, etc shall be final.

DATE

- The 2nd Virtual Shri Ramswaroop Memorial National Moot Court Competition shall be held from 25 to 27 April, 2024.

ELIGIBILITY

- Students pursuing Three (3) Year or Five (5) Year integrated Courses of LL.B. Degree in the Academic Year 2023-2024 from any recognized Law School/College/University in India are eligible to participate.
- Team members must be bonafide students of the University they are representing. Once registered (after Final Registrations), a Team will not be permitted to vary their composition in any manner.

TEAM COMPOSITION

- The participating team shall comprise of three (3) members.
- In a team of three (3) members, two members shall be designated as ‘Speakers’ and the third member of the team shall be designated as a ‘Researcher’.
- The Organizing Committee reserves the Right to bar any team from participating in the Competition.

RULES & REGULATIONS

RULES REGARDING MOOT MEMORIAL

A) SUBMISSION GUIDELINES:

- Teams are required to submit a memorial from each side i.e. from the side of Petitioner/Appellant or Defendant/Respondent.
- Maximum plagiarism allowed is 10 percent.
- Teams are required to send the memorial via email to Moot Court Committee at mootcourtcommittee@srmu.ac.in latest by 17 April, 2024 by 23:59 PM. Only soft copy needs to be submitted.
- Late submission penalty will be there in case of late submission of memorial.

B) FORMAT OF MEMORIAL:

- Each memorial shall have the following details:
 - i. Cover Page
 - ii. Table of Contents
 - iii. List of Abbreviations
 - iv. Index of Authorities
 - v. Statement of Jurisdiction
 - vi. Statement of Facts
 - vii. Issues Raised
 - viii. Summary of Arguments
 - ix. Written Submissions
 - x. Prayer

C) COVER PAGE:

- The following details should be there on the cover page and nothing else:
 - i. Team code on the top right hand corner of the cover page
 - ii. Name and place of the competition & forum
 - iii. Name of the parties and their status
 - iv. Memorial submitted to ...
 - v. Memorial filed and appearing on behalf of ...

D) CONTENT SPECIFICATION:

- The following content specification must be adhered to:
 - i. Language - English
 - ii. Font and Size (Body) - Times New Roman, 12 pts
 - iii. Line Spacing (Body) - 1.5 lines
 - iv. Font and Size (Footnotes) - Times New Roman, 10 pts
 - v. Line Spacing (Footnotes) - Single line
 - vi. Page Margins - 1 inch on all sides
 - vii. Page Limit
 - (a) Entire Memorial - 30 pages maximum
 - (b) Body of Arguments - 10 pages maximum
 - viii. Paper Specification - White A4 Sized Paper
 - ix. Body of the Memorial - Justified

RULES & REGULATIONS

E) EVALUATION OF MEMORIALS:

- Memorials will be judged by a special panel of judges on the basis of the following criteria:

Presentation of facts	10 Marks
Ingenuity and Logical Reasoning	20 Marks
Interpretation of Law	20 Marks
Extent and use of Authority	20 Marks
Relief Sought	10 Marks
Format and Citation	10 Marks
Quality of Language	05 Marks
Adherence to the Guidelines	05 Marks

F) DEDUCTION OF MARKS FOR LATE SUBMISSION OF SOFT COPY OF THE MEMORIAL:

- Late submission, if any, of soft copy of the memorials may be permitted by the Organizing Committee in exceptional circumstances on case to case basis upon prior request of the participants subject to deduction of 2 marks per day for late submission of the soft copies and subject to a maximum limit of 2 days after which it won't be accepted.
- Note: - Participants are requested to strictly adhere to the rules concerning time limit for submission of the memorials.

G) EXCHANGE OF MEMORIALS:

- Exchange of the memorial will be done according to the team codes allocated by the Moot Court Committee.

LANGUAGE

- The official working language of the 2nd Virtual Shri Ramswaroop Memorial National Moot Court Competition, 2024 shall be English.

DRESS CODE

- Inside the Virtual Court Room, participants shall be in formal wear only. However robes or collar bands are not allowed.
- Female participants are required to wear either a full suit comprising of a black formal blazer and trousers, full sleeved white shirts or white kurta, black bottom wear, black blazer/over coat with formal foot wear.
- Male participants are required to wear a full suit comprising of a black formal blazer and trousers, full sleeved white shirts, black tie and formal foot wear.

RULES & REGULATIONS

IDENTIFICATION OF PARTICIPATING TEAM

- Each team will have a team code and each participant shall be given an individual code. Disclosure of identity of the parent college/institution/university shall be made only in the registration form.
- Disclosure at any other point of time during the competition shall be liable for penalty which includes disqualification.

ANONYMITY

- Participants shall not disclose their names and the identity of their respective college/institution/organization at any time before the award ceremony. The individual code and the team code shall be the sole source of identity of the respective teams throughout the competition. Any disclosure against this rule shall invite penalty including disqualification.

STRUCTURE OF THE COMPETITION

- Researcher's Test
- Preliminary Round
- Semi-Finals Round
- Final Round

RESEARCHER'S TEST:

- The Researcher's Test shall be conducted on 23 April 2023.
- Every Team member designated as Researcher has to be present at the time of the Researcher's Test.
- The test shall contain questions related to the Moot Proposition and the relevant laws applicable.

PRELIMINARY ROUND:

- In the Preliminary Round, the teams shall be given the opportunity to argue from both the sides. In this round the teams shall be chosen on the basis of their score. Each team shall be given only 20 minutes to present their case. On the basis of score, four teams shall be selected for Semi Finals Round.

SEMI FINALS:

- In the Semis the decision shall be on the basis on 'knockout'. Accordingly, two teams shall reach to the Final. Each team shall be given 30 minutes to argue their part including rebuttals.

FINAL:

- Each team shall be allotted 30 minutes to present their case including the rebuttals.

RULES & REGULATIONS

NOTE:

- All three stages of the competition shall be held via Video-conferencing (URL shall be shared at the appropriate time).
- The division of time is left to the discretion of the team members subject to the maximum of 12 minutes for one speaker in the Preliminary round, 18 minutes in Semi-Finals and 20 Minutes in the Final.
- In case any speaker continues to speak after the allotted maximum time, the additional time that has been used will be deducted from the time allotted to the other speaker and there will be some penalty marks also as per the discretion of the Judges.

EVALUATION OF ORAL ROUND SHALL BE ADJUDGED ON THE FOLLOWING CRITERIA

Organizing and presentation of facts	10 Marks
Application of legal principles	20 Marks
Depth of Research	10 Marks
Originality in Presentation	10 Marks
Articulation of Issues	10 Marks
Response to questions posed	20 Marks
Use of authorities and precedents	10 Marks
Court etiquettes	10 Marks

CONTACT INFORMATION

All communication will take place through Email: mootcourtcommittee@srmu.ac.in

IMPORTANT DATES

Release of Moot Problem	March 06, 2024
Last Date of Registration	April 01, 2024
Last Date for Seeking Clarification	April 02, 2024
Release of Clarification	April 04, 2024
Submission of Written Memorial (Soft Copy)	April 17, 2024
Oral Rounds (Virtual Mode)	April 25-27, 2024

REGISTRATION

Teams are required to complete their Registration by 01 April, 2024 by 23:59 IST.

The Registration Fee is INR 2500 which shall be payable through Online Transaction Mode and shall be made in favour of Shri Ramswaroop Memorial University.

Payment Details:

Link : <https://rzp.io/l/DN9acXxhI>



The Registration shall be done by filling up the Application Form available on Google Form:
<https://forms.gle/8qjs63u5MTfkXUEV6>



After registering on the Google Form, the teams are required to send one Email containing names of the participants and screenshot of their transaction to mootcourtcommittee@srmu.ac.in. Once the registration is complete, teams shall be confirmed via Email.

PRIZES

WINNER

Rs. 21,000 + Certificate + Trophy

RUNNER UP

Rs. 11,000 + Certificate + Trophy

BEST SPEAKER

Rs. 5,100 + Certificate + Trophy

BEST RESEARCHER

Rs. 5,100 + Certificate + Trophy

BEST MEMORIAL

Rs. 5,100 + Certificate + Trophy

BEST UPCOMING MOOTERS

Rs. 2,100 + Certificate + Trophy

Online Legal Research Training Session for all participants by
MANUPATRA.

Publication opportunity in the reputed journals. (Free & Discounted)

Hard copy Certificates to top 5 teams.

Internship Opportunity to all the participants.

E-Certificates to all the participants.



ORGANISING COMMITTEE



Er. Pankaj Agarwal

CHIEF PATRON
Chancellor, SRMU



Er. Pooja Agarwal

CHIEF PATRON
Pro-Chancellor, SRMU



Prof. (Dr.) D.K. Sharma

CHIEF PATRON
Vice-Chancellor, SRMU



Prof. (Dr.) Rohit P Shabran

PATRON
Director, ILS



Mr. Abhinav Mishra

CONVENER
Moot Court Committee, ILS

MEMBERS

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Dr. U.N. Tiwari

Dr. Shruti Sharma

Mr. Ambuj Mishra

Ms. Annapurna Trivedi

Mr. Manish P. Singh

Mr. Dravyesh N. Pathak

Mr. Kaushlendra



Mr. Rajat Saxena



Ms. Samiksha Pandey



Ms. Priya Mishra



Ms. Ayushi Tiwari



ORGANISING COMMITTEE



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Abhishesk Kr. Singh

TREASURER



Aadya Sharma

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Maharishi Shukla

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Pragati Soni

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Aditya Singh

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Aditi Vaish

MEMBER



Neetigya Krishna

MEMBER

