



**JECRC™**  
UNIVERSITY

BUILD YOUR WORLD



IN ASSOCIATION WITH

Presents

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**THE FIRST  
VIRTUAL MOOT  
COURT COMPETITION**

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**BROCHURE AND  
RULEBOOK**  


## **Aim of the Moot:**

The event is a whole new opportunity to turn things around and make this time productive. We understand the plight of the law students, due to cancellation and postponements of various Moot Court Competitions at the current moment. Consequently, we are here to provide an opportunity for enriching growth and knowledge.

This event not only enhances the Research skills and confidence of our participants but also promotes awareness about a social cause that we overlooked during these times.

we welcome you all to participate in this Virtual Moot Court Competition. We assure you that it would be an interesting journey, and each of you will gain from it.

## **About JECRC University**

We take this opportunity to introduce JECRC University Jaipur, one of the premier University in North India, established under The JECRC University Act, 2012 of Government of Rajasthan. The JECRC Group of Institutions commenced its journey 17 years ago with Jaipur Engineering College & Research Centre approved by AICTE and Government of Rajasthan and is now recognized as one of the leading and most preferred higher education groups of North India. It is our immense pleasure to inform that we have placed 1735 student this year in top leading 90 companies in India and worldwide.

## **Path Lexis**

Path Lexis is a youth organization specializing in organizing moot courts, debates, seminars and other legal competitions for a much better learning experience than what is offered to the law students. Driven by a sense of excellence and talent in the young minds, a variety of mediums are provided to help students achieve perfectionism in every domain of the legal field.

The vision at Path Lexis is based around equality of opportunity in the field of law. By creating a community of law students, all students are delivered an equal shot at growing and learning. Every person is a manifestation of their past experiences, upbringing and the socioeconomic backgrounds and Path Lexis transcends such barriers.

## **RULEBOOK**

**RULES AND REGULATIONS FOR THE VIRTUAL MOOT COURT COMPETITION:**

➤ **GENERAL INFORMATION**

1. These are the rules for the 1st Virtual Moot Court Competition.
2. The Competition shall be conducted over a period of 2 days from 26–27 September, 2020.
3. The registration fee for the Competition is INR 500 per participant.
4. The Moot Court Competition is a mono advocacy event i.e. one team shall consist of only one participant.
5. The Competition shall be conducted in accordance with the rules mentioned hereunder. Participants are required to comply with the rules and procedures prescribed herein.
6. All correspondence with respect to the Competition, kindly mail- [ju.mootcourt@jecrc.edu.in](mailto:ju.mootcourt@jecrc.edu.in) and CC to [pathlexis@gmail.com](mailto:pathlexis@gmail.com) .
7. The Inaugural Function and Orientation of Participants will be held on 26<sup>th</sup> September, 2020 at 9:00 am and is too attended by all participants.
8. The Competition shall consist of the following Oral Pleading Sessions: (a) The Preliminary Rounds (26<sup>th</sup> September, 2020); (b) The Semi-Final Rounds (27<sup>th</sup> September , 2020); and (c) The Final Round (27<sup>th</sup> , September, 2020).
9. Draw of lots and Exchange of Memorials will be held on 4:00 p.m. 24<sup>th</sup> September , 2020.

**NOTE: No approval from the respective institute of the participants is required for participation.**

#### **> ELIGIBILITY**

Students of three year and five-year law degree courses from any University/Law School/ College/ Department are eligible to apply for registration of their team.

#### **> TEAM COMPOSITION**

Each team shall consist of only one person as the 1st Virtual Moot Court Competition is a mono advocacy event ( More than one team can participate from same institute).

### **REGISTRATION**

1. The registration fee shall be Rs. 500/- (five hundred only) for each participant. The registration fee shall be non-refundable and non-transferable.
2. The last date for registration is 11:59 p.m., 20<sup>th</sup> September , 2020.
3. **Pay Registration via Paytm/ Google Pay/ Phone Pay – 7300795536 (Upload Screenshot of Payment in Registration Forum.)**

3. ONLINE GOOGLE FORM to register – <https://forms.gle/tgiuzJ9EHL79VRwQ7>

### ➤ MEMORIAL SUBMISSION

1. The Memorial must strictly adhere to the below mentioned Guidelines and should be submitted in PDF as well as Word document (.doc/.docx) on [ju.mootcourt@jecrc.edu.in](mailto:ju.mootcourt@jecrc.edu.in) and CC to [pathlexis@gmail.com](mailto:pathlexis@gmail.com) .
2. Each participant shall prepare the Memorial for both side
3. The Softcopies of the Memorial have to be mandatorily submitted by 11: 59 p.m. 23<sup>rd</sup> September , 2020 at [ju.mootcourt@jecrc.edu.in](mailto:ju.mootcourt@jecrc.edu.in) and CC to [pathlexis@gmail.com](mailto:pathlexis@gmail.com) with the Subject – ‘Submission of Memorial by ‘team code’.
4. The Compendium is optional.
5. The submission of the Compendium will be alongside the memorials as per the previously stipulated time period in both PDF and Word (.doc/.docx) format.
6. No further extension shall be provided, for any reason whatsoever.
7. The Written Submission shall nowhere mention any particulars of the team, except the Team Code allotted by the Organizers. There must be no mention of Name, Contact number, Email id, University name etc.

### **FORMAT OF THE MEMORIAL**

- The Memorials shall consist of only the following sections:
- a) Cover Page [mentioning the Team Code on the top right corner]
  - b) Table of Contents
  - c) List of Abbreviations
  - d) Index of Authorities
  - e) Statement of Jurisdiction
  - f) Statement of Facts
  - g) Statement of Issues

- h) Summary of Arguments
- i) Pleadings ( upto 15 pages)
- j) Prayer

Non-compliance with the above criteria shall result in a penalty of two marks per missing section.

➤ The Cover Page of a Written Submission must contain the following information: -

- a) The Team Code in the upper right-hand corner
- b) The name and year of the Competition
- c) The name of the case
- d) The side for which the Written Submission has been prepared
- e) Name of the forum resolving the dispute.

➤ the front page of the memorial for the Petitioner must be BLUE, while the front page for the Respondent's memorial must be RED.

➤ the numbering should be on the bottom-centre of each page.

➤ the teams have to use the citation method as stated in the 20th edition of the Blue Book, for citation throughout the memorial, with strict adherence.

➤ there shall be no speaking footnotes in the memorial.

➤ the formatting particulars of the memorial is as follows:

- a) Font Type – Times New Roman
- b) Font Size – 12
- c) Font Colour – Black
- d) Line Spacing – 1.5
- e) Margins – 1 inch
- f) Footnotes – Times New Roman, 10 and Single Line Spacing ( *Bluebook 19<sup>th</sup> Edition* )

## > ORAL ROUNDS

1. There shall be 3 rounds where the participants present their cases in front of the Court via live video presentations on Google Meet. The Judges may pose questions to the participants.
2. The 3 rounds will be the Preliminary Rounds, Semi Final Rounds and the Final round.
3. The time given during the Preliminary Rounds is 10 minutes for arguments, during the Semi Finals Round 12 minutes will be given for arguments and in the Final Round 15 minutes for arguments. For all the rounds, 2 minutes for rebuttal and 1 minute for sur rebuttal will be allotted.
4. In certain cases, the judges may grant extra time to the participants by virtue of their discretion. However, the participants are requested to adhere to the given time.
5. The time slot for Presentation will be allotted beforehand via email and the Participants are expected to be alert and join the Video Conference on time.
6. In case of a tie breaker, the marks scored on the Memorial will be considered.
7. The team with the higher score shall be declared as the Winner of the Competition.
8. Proper courtroom attire is mandatory.
9. The language of communication will be English throughout the competition and proper courtroom etiquette is expected.
10. Participate must be formally dress up for the Oral Rounds.

## **MOOT PROPOSITION**

1. Union of Parkview is a democratic country located in Northwing continent. From past 1000 years, many invaders tried their luck to colonise Parkview but eventually it were the Unitedworld Kingdom (UK) that eventually established its supremacy over Parkview in 1750 and converted her into their colony for next 200 years. During their rule, UK unified Parkview economically and politically, scrapped off its traditional legal system and made various laws for governing Parkview and its people. After independence from foreign rule in 1947, Parkview continued to govern itself with various colonial laws that were made by Unitedworld Kingdom.

2. After independence, Union of Parkview began to draft a Constitution of their own through their Constituent Assembly. The Constitution framers incorporated a chapter on Fundamental Rights under Part III of their Constitution. The intent of the Constitution makers was very clear that they wish to create a progressive nation with strong

foundational values in favour of individual's life and liberty. The debates that took place in the Constituent Assembly always led to a unanimous conclusion that Union of Parkview must be a nation where State's powers are limited and there must be a perpetual and inalienable obligation on State to ensure that rule of law prevails and every action of State is for public welfare. Abolition of draconian and anarchic laws along with ensuring transparency and accountability were set to be the key objectives of Union of Parkview.

3. The Preventive Detention Act (hereinafter referred to as PD Act), was passed by legislature of Unitedworld Kingdom in 1935 to curb the revolts that were taking root in Parkview. The legislation was then considered to be one of the most barbaric and regressive law that muzzles the civic liberties of people and rampantly violates their rights. The legislation served as a tool to silence all voices that were raised against the colonial government and was always labelled as anti-democratic. The people of colonial Parkview revolted against the law and the legal proceedings that were taken under it. After independence, Union of Parkview allowed the Preventive detention Act to continue into existence. It was cited by the interim Government of Parkview that current situation of Parkview is politically instable and therefore any attempt to disassociate the country can be curbed by the said Act. It was agreed in the constituent Assembly that once the purpose of the aforesaid Act is fulfilled then it would be repealed.

4. Immediately after the commencement of the Constitution in 1950, Union of Parkview witnessed revolts and movements in various parts relating to secession from the country. The leadership of Parkview National Congress (PNC) was determined to maintain political unity of the country and therefore announced that all those involved in seperationist movements and inciting violence would be strictly made liable under various laws. After this representation, from Union Government of Parkview various State Governments invoked PD Act citing law and order problems. Consequently, various revolutionary leaders and head of unions were kept under Preventive Detention. State Government enforced the PD Act with heavy hands and began to detain almost everyone on whom there was a suspicion. When the matter was taken for judicial interference, State contended before Hon'ble Supreme Court the extraordinary situation related to national security and integrity and argued that resorting to PD Act is inevitable. Supreme Court endorsed the view of the State and allowed the proceedings. However, it made a specific caution that legislations like PD Act are regressive and symbolic of tyranny and therefore advised the Union of Parkview to work in the direction of scrapping away this law.

5. PD Act has two most controversial sections which read as:

***Section 6: Power to make orders detaining certain persons.--(1) The Central Government or 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 defence of India, the relations of India with foreign power, or the security of India, 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 India or with a view to making arrangements for his expulsion from India it is necessary so to do, make an order directing that such person be detained*

***Section 7: Grounds of order of detention to be disclosed to persons affected by the order.--(1) When a person is detained in pursuance of a detention order, the authority making the order shall, make an endeavour 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 criticised but Government continued to invoke these sections whenever required.

6. On 10<sup>th</sup> April, 2010 Election Commission of Parkview announced elections in the State of Whiteland to be held in three phases starting from 10<sup>th</sup> December to 17<sup>th</sup> December, 2010. All the political parties began to prepare for campaigning and promotion. The State was currently ruled by PNC and Sociminist Party offered a strong challenge to PNC during this election. Sociminist leader Grey Harris has been in limelight as he has been very critical of PNC leadership in State and has often highlighted issues of corruption, maladministration and other illegal undertakings in administration. Though Grey Harris was a vibrant leader but he was facing investigations on various charges that included hate speech, inciting public, community hatred etc. His name has been associated with various violent outbreaks and communal outrages and investigations were pending in all such matters. There was a wave that Sociminist party under leadership of Grey Harris would sweep the elections. On 15<sup>th</sup> April, 2020 Grey Harris along with his party members and around 2000 protestors was protesting against PNC in Virakulam district on some issue of corruption. Although the protest was peaceful but it became a heavy time for PNC control the protest. The event was labelled as a law and order situation and unprecedented media attention to this further tarnished image of PNC.

7. On 18<sup>th</sup> April, 2020 Grey Harris was travelling to one of the adjoining district named Rochhinpuram. On his way, he was interrupted by Police Officers asking him to show



Id's and other documents. Later, police officers presented before him orders issued by Home Department of Whiteland to take Grey Harris into detention under the PD Act. When Grey Harris protested he was asked to cooperate and was later taken to preventive detention prison where the orders were executed. When Sociminist party workers got to know about this detention, they immediately approached the detention centre and demanded release of their leader. However, police administration declined their request and asked them to wait till Home department decides about the same.

**8.** Meanwhile, Grey Harris inquired reasons about his detention but nothing was told to him despite his repeated requests in this regard. After, expiry of three months he was not released and his detention was extended even further. This decision was taken with wrath from everyone. The matter attained a national attention and Government of Whiteland gave a public statement that Grey Harris was going to incite hatred among residents of Rochhinpuram by giving a communal address and was intending to reap political benefits out of such hatred. Such an address of Grey Harris would have resulted in severe law and order problems and might result in violence that could disrupt public order. Therefore, anticipating this threat to society at large, internal stability within the state and past antecedent of Grey Harris in such activities, he was detained and consequently his detention has been extended.

**9.** The Sociminist party made a public declaration that the order of preventive detention is nothing but a mechanism to settle political vendetta by PNC against Grey Harris. They stated that Grey Harris has been intentionally detained so that Sociminist party is unable to set up its election agenda and offer a staunch political opposition to PNC. They said that there is no concrete basis that enables a ground to detain Grey Harris. Consequently, they decided to approach Supreme Court of Parkview for immediate release of Grey Harris by filing the writ of Habeus Corpus U/A 32 of the Constitution of Parkview. Grey Harris also challenged the validity of the PD Act, 1935 stating it to be violative of Article 19(1)(d), Article 22 and Article 21.

**10.** Supreme Court admitted the writ petition and asked the parties to argue case on merits. Petitioner took a view that as per the provisions of Article 13(1) the provisions Preventive Detention Act are unconstitutional as they violate Article 21 of the Constitution and it is not in tune with the provisions of Article 22. He reiterated that during debates in Constituent Assembly, framers of Constitution promised that a draconian law like PD Act would soon be repealed. Moreover, Supreme Court has often observed the need to replace this law and Government is using this law to silence voices of citizens against Government. Grey Harris also argued that through the detention his right u/a 19(1)(d) has also been violated. Therefore, his detention order must be quashed and the corresponding provisions of PD Act must be set aside.

**11.** Union of India joined the petition to defend the validity of Act. Government defended validity of legislation stating that on ground that List I of VII Schedule contains entries specifying items in respect of which the Parliament has exclusive legislative powers. Entry 9 is in these terms provides: "Preventive Detention for reasons connected with Defence, Foreign Affairs or the Security of India; persons subjected to such detention." List III of that Schedule VII enumerates topics on which both the Union and the States have concurrent legislative powers. Entry 3 of that List is in these terms: "Preventive detention for reasons connected with the security of a State, the maintenance of public order or the maintenance of supplies and services essential to the community; persons subjected to such detention." Therefore, in terms of these entries, Parliament and State Legislative Assembly have the power to make such a law and if this law is argued to be a pre-constitutional law, even then it could be justified under above entries. It also argued that section 6 provides power to Central and State Governments for initiating detention of persons and Section 7 does not provide any timeline on stating of reasons and opportunity of hearing, therefore; such matters have to be decided by Government based upon facts and circumstances of the case before it. Moreover, said Act is not violative of 19(1)(d) as the Act is a reasonable restriction under 19(4). After preliminary hearing on the matter Hon'ble Court framed the following issues:

- I.** Whether the impugned provisions of Preventive Detention Act, 1935 are violative of Article 22 and 21 as per provisions of Article 13(1)?
- II.** Whether the order passed against Grey Harris for preventive detention is valid in terms of Article 19(1)(d) and whether Article 19(1)(4) can save the detention order despite an express provision under Article 22 related to detention?

**NOTE:**

- Laws of Parkview are pari-materia with laws of India
- The provisions mentioned in the moot proposition may not be exactly similar to the actual law related to Preventive Detention. Therefore, participants must stick to the relevant provisions as mentioned in the proposition.
- One additional issue may be framed subject to page limit. Sub-issues may be framed as required.

## CLARIFICATIONS

1. The organizing committee will entertain clarifications till 11:59pm, 21<sup>st</sup> September , 2020.
2. The participants shall email their queries to [ju.mootcourt@jecrc.edu.in](mailto:ju.mootcourt@jecrc.edu.in) and CC them to [pathlexis@gmail.com](mailto:pathlexis@gmail.com) and.
3. If required, the organizing committee will release an addendum to the moot preposition addressing any and all relevant queries by 21<sup>st</sup> September , 2020, 11:59pm.

### ➤ **EVALUATION CRITERIA- Written Submissions (100 MARKS)**

|    | <b>CRITERIA</b>  | <b>MARKS</b> |
|----|--|--------------|
| 1  | Knowledge of Law and Facts                                 | 10           |
| 2  | Interpretation of Law and Application of Facts             | 10           |
| 3  | Identification and Articulation of Issues and Jurisdiction | 10           |
| 4  | Use of Authorities   | 10           |
| 5  | Authoritativeness and Persuasiveness                       | 10           |
| 6  | Organization of Arguments                                  | 10           |
| 7  | Clarity of Thoughts  | 10           |
| 8  | Originality and Innovation                                 | 10           |
| 9  | Presentation Style   | 10           |
| 10 | General Impression   | 10           |
|    | Total  | 100          |

### ➤ **EVALUATION CRITERIA – Oral Submissions [100]**

|    | <b>CRITERIA</b>   | <b>MARKS</b> |
|----|---|--------------|
| 1. | Application and Knowledge of Law and Facts                    | 20           |
| 2. | Use of Authorities and Interpretation of Law                  | 20           |
| 3. | Clarity of thoughts, Expression and Argumentative Skills      | 20           |
| 4. | Organization of Arguments and reference to Written Submission | 20           |
| 5. | Response to Questions and Court Room Manner                   | 20           |
|    | TOTAL   | 100          |

### ➤ **MARKING SCHEME**

50 % Marks are allocated to Memorials and 50 % to the Oral Presentations during the Preliminary Round.

> PENALTY

| <b>PENALTY</b>                  | <b>MARKS DEDUCTION</b>   |
|---------------------------------|--------------------------|
| Late Submission                 | 2 marks (up to 12 hours) |
| Non-Uniformity in Citation      | 0.25 marks per citation  |
| Exceeding Prescribed Word Limit | 1.5 mark per page        |
|                                 |                          |

> MISCELLENEOUS

1. The Organizers shall not be responsible for any loss due to slow or non-functional Internet Connection during the Competition. We request all the participants to arrange a sound Internet Connection.
2. The decision of the Judges shall be final with regard to the outcome of the Rounds.
3. No additional documentation or screen sharings will be allowed and any information which has to be provided to the court should be submitted beforehand along with the Compendium and the Memorial.
4. The Organizers reserve the right to take any action against unethical, wrongful or unprofessional conduct.
5. Scouting is not allowed under any circumstances and may lead to disqualification. You are requested to exit the call after your session is over.
6. If there is any situation, not covered by the Rules, the decision of the Organizers shall be final and binding.
7. Organiser owns all rights to the memorials submitted.
8. The Organizers reserve the right to amend the rules. However, due notice shall be provided to all participating teams.
9. Selection will be on first come first basis as there will be limited seats.

> PRIZES:

1. BEST ADVOCATE: CASH PRIZE OF INR 3000/- + an E-Certificate of Appreciation.
2. BEST MEMORIAL: CASH PRIZE OF RUPEES 1500 + an E- Certificate of Appreciation.
3. RUNNERS UP TO THE BEST ADVOCATE: CASH PRIZE OF INR 1500/- an E-Certificate of Appreciation.

The announcement of the results will be provided on the emails. All participants will be given an e-certificate to acknowledge their efforts and hard work throughout the course of this event.

For More Query Contact:-

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