



**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



REGISTRATION FORM



PAYMENT LINK



BROCHURE LINK

**Extended
last date of
registration
April 10,
2024**

LEGAL TECH PARTNER



KNOWLEDGE PARTNERS



BANKING PARTNER



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MEDIA PARTNERS



PRIZE WORTH MORE THAN 51,000/-

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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.

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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

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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.

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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.



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.

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