

# **SRM INSTITUTE OF SCIENCE AND TECHNOLOGY**

## **SRM SCHOOL OF LAW**



Presents

***3rd Annual Rationibus Jure Moot Court Competition, 2018***

***16th – 18th February, 2018***

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**OFFICIAL INVITE**

*We, SRM School of Law, take immense pleasure in inviting you to the 3<sup>rd</sup> Annual Rationibus Jure Moot Court Competition, 2018 scheduled to be held from 16<sup>th</sup> to 18<sup>th</sup> February, 2018 at our institution. This year the moot proposition is based on Constitutional Law. The Rounds will be judged by Sitting and retired High Court Judges, Legal Luminaries, Legal Experts to maintain the vigour and to get the best out of the teams. Interested Institutions are requested to provisionally register their participation through e-mail on or before 10<sup>th</sup> January 2018 and send their soft copies along with demand draft on or before 19<sup>th</sup> January 2018 after which they can send us the duly filled registration forms when the team composition has been finalized.*

**DEAN**

**SRM SCHOOL OF LAW**

## **Natasha Vs Government of Polycherry**

1. The Republic of Indio is one of the ancient civilizations of the world in the sub-continent of Asia with rich heritage. Its uniqueness lies in its plurality having different religions, languages and cultures without any parallel. Earlier, Indio was part of British colony and later got independence and became a new independent state. It is a Union of States consisting of States and Union Territories. The Republic of Indio is a fast developing country in every sphere including education and communication technology. One of the main objects of the ninth five year plan adopted by Indio was to correct historical inequalities and increase the economic growth in the country and further to ensure education to all in particular to all children in the country.

2. Republic of Radeo is a neighbouring independent state on the western side of Indio, which got independence a day before Indio. In an attempt to expand its territorial sovereignty, Radeo started encroaching into the western districts of Kashmora, an independent Princely State which is in the upper north part of Indio. Consequently, the Maharaja of Kashmora, sought the support of Indio which was readily accepted by the latter. As part of this arrangement, the Maharaja of Kashmora signed an instrument of accession with Indio. Presently the State of Kashmora is part of Union of Indio.

3. Adil, a Muslim by birth, along with thirty eight others, impoverished male and female, who belong to Champakam group entered in the year 2000 into the State of Kashmora as refugees due to persecution and social economic insecurities in the State of Radeo and registered as such with the authorities of the District of Karunga in the State of Kashmora. He along with others stayed in the State of Kashmora for five years continuously. During the last five years he was working in the neighboring district with the permission of the authorities.

4. Natasha, a research scholar, was pursuing her research in refugee protection in the reputed Central University of Union Territory of Polycherry. Natasha, belongs to an orthodox hindu religion and she is a resident of Union Territory of Polycherry. UT of Polycherry consists of four regions namely, Vedacherry, Karicherry, Macherry and Yancherry. ABC Company with its registered office at Vedacherry is an agency which is authorized to provide on payment of

prescribed fee information relating to various departmental activities of the Government of Polycherry.

5. In 2005, as part of her research work, Natasha approached the refugee groups in the State of Kashmora and collected information regarding them. During her research work, she met Adil, who provided information of his country and stated what made him to come to Indio as a refugee. Adil assisted Natasha in the collection of information relating to her research. Soon after completion of her research, Natasha married Adil in the year 2007. Immediately after marriage, Adil left Kashmora and came to UT of Polycherry and both Adil and Natasha established their matrimonial home in the district of Karicherry. Adil secured a clerical job in one of the industries at the district of Karicherry.

6. In 2011, International State of Brigades (ISB), in the State of Radeo, was declared as a terrorist group in India. A few weeks before delivery of child, Adil sent his wife, Natasha, to Radeo, on tourist visa to meet his relatives. On return to Indio by a ship flying Indian flag at High Sea she gave birth to a male child. In compliance with civil registration law, Adil submitted an application for registration of birth of his son under Section 13 of Registration of Births and Deaths Act 1969. The said request was turned down on the ground that the child was not born in Indio and further Adil was an alien.

7. In 2016, consequent to an internal conflict between armed forces and rebellion groups in the Republic of Radeo the marginalized Champakam group started migrating to Indio obviously with the intention of taking shelter but Government of Indio reacted differently in the sense that those who were in the process of getting into the country were either stopped or those who were already settled were being deported. In this backdrop, Adil filed a petition in the Supreme Court of Indio against the action of the Government towards the Champakam group. After hearing the Petitioner, the Supreme Court observed that, “the State must not be oblivious to humanitarian consideration and also must take into consideration of women, children and sick. The role of the state has to be multi-pronged and must be humanitarian”. Further, the court proceeded to say that “the court would take a holistic view, go strictly by legal principles and not be swayed by emotion or other considerations. The court would have to balance the interest of national security, economic interest, labour interest and demographic consideration”. Earlier,

Antonio Guterres, UN High Commissioner for Refugees said Indio, which had opened its doors for refugees and asylum seekers, had set an example for other countries to emulate.

8. In the mean time, Adil approached a Hindu aided school, seeks admission to his son, Rohan, and joins him to the school. Later after one and half year the school dismissed the Rohan on the ground of misconduct, without giving any reason. Disappointed by the decision and refusal to provide reason for the dismissal of his son Rohan, Adil shared his emotions and feelings with one of his friends in the republic of Radeo, who is a computer engineer. Adil's friend collected all information including documents, photos and videos relating to staffs and children and other related matters including the children's family background which were produced at the time of their admission including religion, race, caste, sex and place of birth. Further, he also collected some other information like reservation policy, fee structure etc. and sent to Adil by email. Adil's friend also suggested to Adil that the action of the school administration obviously was in transgression of the law relating to education and provisions relating to Part III of the Constitution of Indio.

9. Subsequently, Adil took initiative to start an industry in Vedacherry region and submitted an application seeking licence from the administration. The said application was rejected on the ground of policy decision besides he was an alien. Earlier during 2010, the Government of Polycherry passed an order based on policy decision not to issue fresh licence any more for starting any new industry in the region of Vedacherry, except where they are started by the graduated unemployed residents of Vedacherry and intended to employ less than 100 residents of the said region. The said decision was taken by the administration in pursuant to the promise made in the election manifesto but not on the basis of any expert opinion. Adil made a representation to the Administrator of the Union Territory of Polycherry seeking his intervention in the issue of licence. In response, the Administrator of the Union Territory of Polycherry overturned the decision and directed the administration to grant licence to Adil. Following the issuance of licence, Adil started an industry. However, he chose to bypass the conditions relating to fulfillment of RBI Regulations and clearance by the Pollution Control Board of Polycherry. The Government of Polycherry in an apparent embarrassment to the Administrator cancelled the licence granted without inviting the attention of the licence holder.

10. Immediately Natasha who was a co – owner of the industry sought information from the Industries Department of Government of Polycherry regarding existing industries in Vedacherry region. The concerned Public information officer (PIO) rejected the application of Natasha on the basis of the provisions of Sections 8(1)(d), 8(1)(e) and 8(1)(j) of the Right to Information Act, 2005. The PIO further informed that her application was also rejected on the ground that she was the wife of Adil, an alien and necessity to maintain privacy of owners/promoters of the existing industries. Her appeal was also rejected upholding of the decision of the PIO. Adil made an application for information under Information and Technology Act, 2000 from ABC company with regard to the policy matters and other details regarding industries/companies.

11. Based on the information received from the ABC company, Natasha filed a case in the High Court of Chemas seeking quashing of the order of the Government of Polycherry cancelling the licence granted to Adil to start an industry in the region of Vedacherry as arbitrary under Article 14. She also challenged denial of information as violative of Article 19 (1) (a) of the Constitution. The Government in reply contented that Adil had breached the policy decision and fundamental duty under Article 51A (f) and 51A (g) [environment and cultural heritage]. The High Court of Chemas dismissed the petition holding that right to privacy was supreme.

12. Simultaneously, another petition was filed before the High Court of Chemas by Natasha based on the information furnished by Adil's friend, against the school and Union Territory of Polycherry, challenging the dismissal of her son, Rohan. The petition also sought direction against the Government of Polycherry in relation to implementation of reservation and other requirements in the educational institutions as per the provisions of the law. The petition further challenged denial of information pertaining to admission of children. The Respondent Union Territory of Polycherry contented that Adil who was supposed to secure the required details only in accordance with the provisions of law violated the right to privacy besides pleaded for rejection of other issues as they were in order. Based on the above contention the court dismissed Natasha's plea. Following the dismissal of the petition of Natasha, a criminal case was filed against Adil in connection with the violation of Information Technology Act and Foreigners Act.

Natasha has filed two separate petitions under Article 136 in the Supreme Court seeking leave to file appeal against the decisions of the High Court of Chemas and the Supreme Court has clubbed both the petitions for disposal with the following issues.

1. Whether the action of the Government of Polycherry in cancelling the licence of the industry is violative of Article 14 of the Constitution?
2. Whether the High Court of Chemas ought to have upheld the plea of the Appellant for furnishing of information sought from the Respondents on the ground that privacy was not justified?
3. Whether information sought under section 69A of Information Technology Act, would prevail over right to privacy?
4. Whether the law relating to administration of Union Territories empowers the Administrator to bypass the policy of the government of the day vis – a- vis scheme of the Constitution envisaging responsible government?

**Note: The laws of Republic of Indio is Parimateria to that of the Union of India.**

**IMPORTANT DATES**

1. Provisional Registration : 10<sup>th</sup> January 2018
2. Soft Copies of the Registration Form : 19<sup>th</sup> January 2018  
with DD (Soft Copy)
3. Hard Copies of the Registration Form : 25<sup>th</sup> January 2018  
with DD (Hard Copy)
4. Last date for seeking clarifications : 3<sup>rd</sup> February 2018
5. Release of clarifications : 5<sup>th</sup> February 2018
6. Submission of Memorials : 10<sup>th</sup> February 2018  
(Soft Copy)
7. Submission of Memorials : 16<sup>th</sup> February 2018  
(Hard Copy)
8. Dates of Competition : 16<sup>th</sup> – 18<sup>th</sup> February 2018

## **RULES & REGULATIONS**

### **1. DATE & VENUE OF THE COMPETITION:**

3<sup>rd</sup> Annual Rationibus Jure Moot Court Competition, 2018 scheduled to be held from 16<sup>th</sup> to 18<sup>th</sup> February, 2018 at the SRM School of Law, SRM Institute of Science and Technology, Kattankulathur – 603 203

### **2. TEAM ELIGIBILITY & TEAM COMPOSITION:**

- a. Participation is strictly restricted to bona fide law students enrolled in the three year or five year LL.B. or B.L. degree course in any institution in India.
- b. Only one team is permitted to participate from each provisionally registered institution.
- c. Each team shall comprise of three members, i.e., 2 Speakers and a Researcher.

### **3. REGISTRATION PROCEDURE:**

- a. Provisional Registration of the participating institutions shall be sent by e-mail to nmcc.2018@srmuniv.ac.in on or before 10<sup>th</sup> January, 2018, 11:59 PM.
- b. Upon receipt of an e-mail confirming provisional registration from the Organising Committee, participants shall further complete the Registration Formalities by sending the duly filled and signed Soft Copy (scanned copy) of the Registration Form as well as the scanned copy of the Demand Draft for Rs. 3,000/- to nmcc.2018@srmuniv.ac.in on or before 19<sup>th</sup> January, 2018, 11:59 PM. The Demand Draft shall be drawn in favour of “**DEAN, SRM SCHOOL OF LAW**”, payable at Chennai.
- c. The Hard Copy of the Registration Form, Travel Form and the Original DD shall reach the Organising Committee on or before **25<sup>th</sup> January, 2018**. The address for correspondence is

**Ms. M.Biruntha Karthikeyan,**  
Assistant Professor and Moot Coordinator,  
3<sup>rd</sup> Annual Rationibus Jure Moot Court Competition, 2018  
SRM School of Law,  
SRM Institute of Science and Technology,  
Kattankulathur – 603 203  
Kancheepuram District, Tamilnadu

**4. DRESS CODE:**

- a) Gentlemen - Western Formals (White formal shirt with black formal pants and a black blazer)
- b) Ladies - Western Formals (White formal shirt with black formal pants/black formal skirt and a black blazer) or Indian Formals (white kurta with black pants and either a black waistcoat or black blazer).

**5. ACCOMMODATION, FOOD AND TRANSPORT**

Accommodation, food and transport to the participating teams will be provided by the Organizer. The teams must bring along a maximum of three (3) members. Any additional member (restricted to one additional member only) shall pay an additional amount for their accommodation. The participants must abide by the rules and regulation observed in the campus, noncompliance with which may lead to disqualification.

Note: Intake/use/mere possession of any prohibited substance (e.g. cigarette/alcohol/narcotic substance) is strictly prohibited during the stay throughout the competition, non-compliance with which may lead to immediate disqualification.

Accommodation will be provided for the participants from 16<sup>th</sup> February to 19<sup>th</sup> February, till 10:00 A.M.

**6. CLARIFICATIONS**

Clarifications to the Moot Proposition and the Rules regarding submission of the Memorandum shall be sought by sending an e-mail to nmcc.2018@srmuniv.ac.in on or before 3<sup>rd</sup> February, 2018, 11:59 PM. Clarifications sent after this date shall not be entertained at any cost. The List of Clarifications shall be released on 5<sup>th</sup> February, 2018.

**7. MEMORANDUM/WRITTEN SUBMISSIONS**

- a. Participants are required to submit Memorandum or Written Submissions for both the Petitioner and the Respondent.
- b. Teams shall e-mail two Soft Copies each of the Memorandums, in PDF and Microsoft Word formats, i.e. four (4) separate file attachments for the Petitioner and Respondent, on or before 10<sup>th</sup> February 2017, 11:59 PM to nmcc.2018@srmuniv.ac.in. Late submission will attract a penalty.
- c. Only the Team Code shall be specified on the Memorandum. Any reference regarding the participating institution shall result in immediate disqualification. Team Code will be assigned and sent to the teams on or before 5<sup>th</sup> February, 2018

d. Amendment to the memorandum shall not be permitted after submission of the soft copies. Variation found in the Hard Copy shall lead to penalty.

e. Six (6) Hard Copies of each of the Petitioner and Respondent Memorandums shall be submitted during the Team Registration on 16<sup>th</sup> February 2018 in person. Participants are advised to carry additional copies of their Memorandum for their own use. Copies submitted to the Organising Committee shall be used for the evaluation of the Memorandum, for the Exchange of Memorandum and for the Judges Bench for each of the Oral Rounds.

f. The Organising Committee reserves the right to use the memorandum submitted by the participating teams, as it deems appropriate. The memorandum submitted shall not be returned to the participants.

g. Written Test will be conducted for Researchers on 16<sup>th</sup> February, 2018 after inauguration.

#### **8. CONTENTS OF THE MEMORANDUM:**

a) Each Memorandum shall contain the following:

Cover Page (shall include Year of the Competition, Cause Title, Forum/Court, designation as Petitioner or Respondent Memo, Team Code on the top right corner - e.g. 21P or 21R, Petitioner Memorandum –Blue Cover and Respondent Memorandum – Red Cover)

- i. Table of Contents
- ii. Index of Authorities
- iii. Statement of Jurisdiction
- iv. Statement of Facts
- v. Issues Raised
- vi. Summary of Arguments
- vii. Arguments Advanced
- viii. Prayer

b) The following content specifications shall be strictly adhered to:

i) Language: English

ii) Body Font & Size: Times New Roman, 12; Line Spacing: 1.5 [The spacing need not be followed for the Cover Page, any Tabular Column, Header or Footer] .No of Pages should not exceed 35 pages overall.

iii) Footnotes Font & Size: Times New Roman, 10; Line Spacing: 1.0; Paragraph Spacing: None; No additional space between footnotes

## **9. AWARDS**

Winners	:	20,000/-
Runners	:	10,000/-
2nd Runners up	:	5,000/-
Best Memorial	:	5,000/-
2nd Best Memorial	:	3,000/-
Best Speaker	:	5,000/-
2nd Best Speaker	:	3,000/-
Best Researcher	:	5,000/-
2nd Best Researcher	:	3,000/-

Participants will be given participation certificate along with their score cards.

## **10. CONTACT**

### **Institution Address:**

SRM Institute of Science and Technology  
SRM University, SRM Nagar,  
Kattankulathur – 603 203  
Kancheepuram District  
Tamilnadu  
Phone :044- 27455819  
Email :nmcc.2018@srmuniv.ac.in

### **Convenor :**

Ms.M.Biruntha Karthikeyan  
Assistant Professor  
9790707384

### **Co-Convenors :**

Mr.Kamban Socrates  
Assistant Professor  
9443069267

Ms.G.Bhavani  
Assistant Professor  
9940617319

Ms.S.Mano  
Assistant Professor  
9894791716

**SRM INSTITUTE OF SCIENCE AND TECHNOLOGY**

**SRM SCHOOL OF LAW**

*3<sup>rd</sup> Annual Rationibus Jure Moot Court Competition, 2018*

**16<sup>th</sup> -18<sup>th</sup> February, 2018**

**REGISTRATION FORM**

Date: \_\_\_\_\_

**INSTITUTION DETAILS**

Name :

Address :

Contact No :

E-Mail Id :

Faculty in Charge :

Designation :

**PARTICIPANTS' DETAILS :**

Name of the Speaker 1:

Year and Course :

Contact No :

Email Id :

Affix Photo

*3<sup>rd</sup> Annual Rationibus Jure Moot Court Competition, 2018*

Name of the Speaker 2:

Year and Course :

Contact No :

Email Id :

Affix Photo

Name of the Researcher :

Year and Course :

Contact No :

Email Id :

Affix Photo

**DEMAND DRAFT DETAILS**

Name of the Bank :

Branch :

Demand Draft No :

Date :

**DECLARATION:**

We, affirm that all the information provided in the registration form is true. Further, we declare that the institution and its team members will abide by all the rules and regulations as notified throughout the period of competition.

\_\_\_\_\_  
(Signature – Speaker 1)

\_\_\_\_\_  
(Signature – Speaker 2)

\_\_\_\_\_  
(Signature – Researcher)

\_\_\_\_\_  
(Faculty – In – Charge)

\_\_\_\_\_  
(Head of the Institution with Seal)

**SRM INSTITUTE OF SCIENCE AND TECHNOLOGY**

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*3<sup>rd</sup> Annual Rationibus Jure Moot Court Competition, 2018*

**16<sup>th</sup> -18<sup>th</sup> February, 2018**

**TRAVEL FORM**

Name of the Institution:

Travel Mode : Bus / Train / Flight

Travel Details : No: \_\_\_\_\_

Arrival Time : \_\_\_\_\_

Departure Time : \_\_\_\_\_

Accommodation Needed: Yes / No

Any other Details :

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(Sign and Seal of the Head of the Institution)