

SRMIST SCHOOL OF LAW PRESENTS



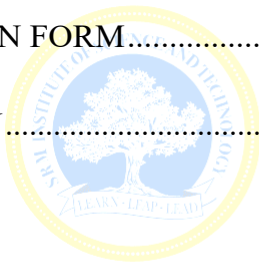
SRM
INSTITUTE OF SCIENCE & TECHNOLOGY
(Deemed to be University u/s 3 of UGC Act, 1956)

SRMIST NATIONAL MOOT COURT COMPETITION, 2021

9-10 APRIL 2021

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9th – 10th April

OFFICIAL INVITE

We, SRM School of Law, take immense pleasure in inviting you to the VI SRMIST National Moot Court Competition, 2021 scheduled from 9th to 10th April, 2021 at our institution. This edition of the competition will be conducted in the virtual mode and the moot proposition is based on Constitutional Law. The rounds will be judged by sitting and retired High Court Judges, Legal Luminaries and 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 email on or before 24th March 2021 and send their soft copies of registration form along with demand draft/ receipt of payment on or before 5th April 2021.



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Dr. S. SIVAKUMAR
HOD (i/c)
SRM SCHOOL OF LAW

Prof. (Dr) C.A. GURUDATH
DEAN
SRM SCHOOL OF LAW

Kaitanya & Others (Petitioners) v. Union of India & Others (Respondents)

MOOT PROPOSITION

1. The Republic of Bharatham is a democratic nation with a population of over 1 billion. The nation has always been a hub for education and trade and has a literacy rate of over 75%. The number of people using the internet in Bharatham on a daily basis is close to 45% of the entire population. With over 600 million active internet users, Bharatham is the second largest online market in the world.
2. A majority of the population accesses the internet via their mobile phones. One aspect wherein Bharatham shares the characteristics of other global internet users is its passion for social media.
3. TalksApp is a messaging app which revolutionised the idea of modern-day messengers by connecting people worldwide. TalksApp was incorporated in the year 2011 and has been incredibly successful as a company in less than a decade since inception. From meagre 10k users globally in its first year, it stands at 2 billion users worldwide of which 1.6 billion use it on a weekly basis. The company had an estimated turnover of \$1 billion in 2014.
4. ZuckerPunch, a corporate giant, acquired TalksApp in 2014. The parent company is a social networking giant and arguably the most successful company in this sector. Social networkers create content in the form of updates, photos, links, likes and comments and ZuckerPunch sells ads targeted to either the person or the content. Advertising brings in the bulk of social network's revenue.
5. ZuckerPunch also owns another app which is an online photo sharing and social networking platform. The trio of these apps makes ZuckerPunch undisputedly the big fish in the social networking market.
6. There are other similar apps in the market but the number of users as compared to the users on platforms provided by ZuckerPunch remains considerably low.
7. ZuckerPunch has always been very clear about their data protection and privacy policies. One of the notable features of the TalksApp is its advanced cryptography and due to this speciality they are getting more users.
8. This feature can be activated by users in a single step process and as recent as 2016 there was an update which gave all personal chats an end-to-end encryption, one of the tools of cryptography. Following the update, the official twitter handle of the company tweeted thus "From now on when you and your contacts use the latest version of this app, every call you make, and every message, photo, video, file and voice message you send is, end-to-end encrypted by default, including group chats". Another blogpost which followed the tweet said: "End- to-end encryption basically ensures that only the sender and the receiver can read what has sent, and no one in between, not even TalksApp."

9. End-to-end encryption basically means your messages are secured with the key, and only the recipient and you have the special key pair needed to unlock and read them. For added protection, every message you send has its own unique lock and key. All of this happens automatically: no need to turn on settings or set up special secret chats to secure your messages.
10. Like the rest of the world, TalksApp is the most used messenger app in Bharatham.
11. In a fine morning, on 01.01.2021, TalksApp rolled out its modified version of privacy policy which states “third party services or other ZuckerPunch company products that are integrated with our Services, may receive information about what you or others share with them”. The new user policy basically states how data is impacted when there is interaction with a business on the platform, and provides more details on integration with ZuckerPunch.
12. The policy has reached its worldwide users as a clickwrap agreement with a specific notice that ‘the services shall be terminated unless the agreement is accepted by the user on or before 15.02.2021’.
13. The backlash faced was much graver than what TalksApp ever anticipated. Human rights activists, tech experts, lawyers, economists and civilians from all walks of life expressed their dismay at the new privacy policy.
14. Things took a different turn when the citizens of Bharatham figured out that the privacy policy for the EU region was completely different from what it was for the subcontinent. The backlash was so harsh that #boycottTalksApp was trending on twitter in less than an hour after this policy was rolled out.
15. To worsen things, a very famous business magnate, engineer and industrial designer endorsed a rival app to his 45 million followers on Twitter. This resulted in a very drastic migration of users from TalksApp.
16. Following the unanticipated turn of events, TalksApp sent out a disclaimer which stated that “Your data is absolutely safe. Not even TalksApp can read your private chats.” This was further clarified by stating that only business chats are used for the purpose of data sharing.
17. Meanwhile, in the Republic of Bharatham, courts saw a rather busy day with petitions being filed in almost every High Court stating the various reasons as to how TalksApp’s new privacy policy is the epitome of privacy violation.
18. While some petitioners assert the absence of any governmental oversight unlike in the EU, some others came with an argument that the new policy would give a 360-degree view to a person’s online activity. Further, it was stated that the new policy infringes the user’s right to choose as far as his data privacy with respect to ZuckerPunch and other third-party apps are related.
19. On the similar lines, a PIL was filed by Advocate Kaitanya in the Telhi High Court stating that the new policy is direct violation of Fundamental Rights and ultra vires the Constitution. Observing that

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TalksApp is a 'private app' and that the users voluntarily use the app even though they have the option to not use it, the Telhi High Court said that it will only issue notice in the petition once it understands the concern of the petitioner against the application and its contentious updated privacy policy.

20. As a continuation of the aforesaid incidents there has been huge outcry for laying down guidelines for data protection and privacy. The brow beating tactics of TalksApp was heavily criticised asserting that there is a positive obligation on the State to ensure that the fundamental rights of the citizens are not infringed. The inadequacy of Information Technology law pertaining to breach of confidentiality and privacy was highlighted. Emphasis was laid on the necessity to frame appropriate guidelines to ensure that TalksApp does not share any data of its users with any third-party applications or ZuckerPunch and its companies for any purpose whatsoever.

Owing to the huge number of petitions, the Supreme Court clubbed it and has taken it up for hearing before a division bench.

Note:

- **The Constitution of Republic of Bharatham is *pari materia* to the Constitution of India**
- **All the legislations of Republic of Bharatham are *pari materia* to the legislations of Republic of India**
- **The participants are free to frame their own issues and contentions keeping in mind the legal issues highlighted in the moot problem.**

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RULE BOOK

VI SRMIST NATIONAL MOOT COURT COMPETITION, 2021

RULES

1. OFFICIAL LANGUAGE

The official language of the competition shall be English. All competition rounds, memoranda and compendiums must be in English.

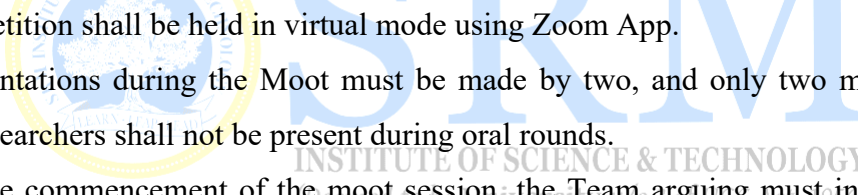
2. ELIGIBILITY

All students enrolled in 3-year LLB programme or 5-year integrated LLB programme shall be eligible to participate in the *VI SRMIST National Moot Court Competition, 2021*.

3. TEAM COMPOSITION

The team composition shall be as follows: 2 Speakers & 1 Researcher. The teams may choose to participate without a Researcher.

4. GENERAL PROCEDURES

- 
- (a) The competition shall be held in virtual mode using Zoom App.
 - (b) Oral presentations during the Moot must be made by two, and only two members, from each Team. Researchers shall not be present during oral rounds.
 - (c) Prior to the commencement of the moot session, the Team arguing must indicate which Team Members will act as its first oralist and second oralist and how they wish to allocate the time among (a) its first oralist, (b) its second oralist, and (c) for rebuttal. Time allocated to but not used by one oralist cannot be used by the other oralist or saved for rebuttal or surrebuttal. Any Team Member may act as an oralist during any Moot of the Competition and need not always argue the same side.
 - (d) Each oralist may communicate with the judges, and the judges may communicate with that oralist only during his or her allotted time. Only the oral communications with the judges described shall be permitted. In particular, the oralist is not permitted to share his or her screen or present any other text or written materials when the session is progressing. An oralist's name displayed at the bottom of their screen is permitted.
 - (e) Two or more Team Members are permitted to stay together in the same court hall. No members of two different Teams are permitted to stay in the same court hall during the session.

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- (f) The oralist while delivering the submission shall arrange his or her camera to permit the judges to observe his or her face. All participants and observers of a Moot shall have their microphone muted unless they are making their oral presentation, or specifically asked to speak. Oralists may sit or stand when making their submissions.
- (g) Where a Team or a Team Member is experiencing any technical problems in joining an Online Moot or when the session is progressing, they must inform the administrator immediately of the problem and the reasons if any which is within their knowledge. Where a technical problem occurs during a Moot the Administrator shall exercise his or her discretion as to how to proceed.
- (h) Onus to maintain a courtroom like environment and ensure minimum disturbance during oral rounds lies upon every participating member.
- (i) Neither audio nor video recording of the whole or any part of an Online Moot is permitted by any Team or Observer. Teams are also barred from disclosing the identity of their institution during the course of proceedings in the Court Rooms. Any disclosure of team identities shall invite penalties including disqualification.

5. ORAL ROUNDS

- (a) **Preliminary:** Each team will argue two Preliminary Rounds, once on behalf of each Party. The sixteen highest-ranking teams from the Preliminary Rounds will qualify for the Octa final Rounds. The advancement to Octa / quarter final will be decided as follows:
 - i. Win points
 - ii. Win points + Aggregate
 - iii. Win points + aggregate (in case of tie minus memorial marks)
- (b) **Octa / Quarter / Semi Finals:** The teams will be power protected. The highest-ranking team will argue against the lowest-ranking team. The highest-ranking teams will pick lots for choosing the side of argument.
- (c) The time limit is 30 minutes per team for Preliminary, Octa final, Quarter final and 45 minutes for Semi Finals and Final rounds respectively. The time covers oral arguments and rebuttal. The Octa, quarter and semifinal rounds are knockout rounds.
- (d) The Judges will not announce the results after each oral round. They may be requested to provide a short oral critique at the end of each round

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- (e) The administrator(s) will announce the result shortly after the completion of all preliminary rounds. Results of the Octa Final / Quarter Final / Semi Final rounds will be announced shortly after the rounds. The final results and the winners of different categories of prizes will be announced only during the Valediction ceremony.

(f) Assessment Criteria for Oral Rounds

The Oral Rounds will be marked on a scale of 100 marks as per the following criteria:

S. No:	Criterion	Maximum Marks
1	Recognition of issues	10
2	Identification of legal principles	15
3	Use of authorities	15
4	Appreciation and application of facts	15
5	Clarity, logic and structure of presentation	10
6	Response to questions	15
7	Authoritativeness and persuasiveness	10
8	Overall presentation, poise and demeanour	10
	Total	100

- (g) For Best Student Advocate award points scored from preliminary rounds alone will be counted.

6. MEMORIALS

- (a) Each registered team will submit one memorial on behalf of the petitioners and one memorial on behalf of the respondents
- (b) Soft copies of the memorials must be submitted to srm.nmcc@srmist.edu.in in no later than 23:59 Hours on 5th April 2021 with the subject of the email as “Memorial Submission”. All documents connected with the cases and other relevant materials to be used for the oral submission shall be attached with the memorials as “Appendix”. The memorial files should be in pdf format.

(c) Memorial Format

- i. The memorial shall not exceed 40 pages excluding the cover page and appendix.
- ii. The color of the binding sheet/ front page must be transparent and blue colour in case of petitioners and red in case of respondents.
- iii. Formatting of the contents of the memorial:
 - A. Main Text
 - a) Font Type: Times New Roman
 - b) Font Size: 12
 - c) 1.5 line Spacing
 - d) Margins: 1 inch on each side.
 - B. For Footnotes
 - a) Font Type: Times New Roman
 - b) Font Size: 10
 - c) Single (1) line spacing
- iv. Teams shall cite authorities in the memorial with footnotes following a uniform system of citation.
- v. Pages should be numbered at the bottom and spaced in middle of each page of the memorial.

(d) Memorial Content

- i. Cover Page
- ii. Table of Contents
- iii. List of Abbreviations
- iv. Index of Authorities/List of References
- v. Statement of Jurisdiction
- vi. Statement of Facts (not exceeding 2 pages)
- vii. Statement of Issues
- viii. Summary of Arguments (not exceeding 3 pages)
- ix. Arguments Advanced (not exceeding 25 pages)
- x. Prayer (Not exceeding 1 page)
- xi. Appendix

(e) Additional details regarding the memorials

- i. Teams are strictly prohibited from mentioning their personal details anywhere in the memorial.
- ii. After submission of memorials, no revision, supplements or additions shall be allowed.
- iii. Teams must strictly adhere to the mentioned structural format.
- iv. The Title/Cover page shall include:

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- a. The name and place of the forum;
- b. The relevant constitutional provision under which it is filed;
- c. Name of the parties and their status;
- d. Memorial Filed on Behalf of Petitioners/Respondents.
- e. The criteria for evaluation of memorials are as follows:

S. No	Criteria	Marks
1	Knowledge of facts and law	20
2	Extent of legal research	30
3	Proper and articulate analysis	30
4	Grammar and style	10
5	Format and citation techniques	10
	Total	100

- (f) Late submissions will attract penalty of 1 point per memorial for each day of delay.
- (g) All researchers are required to attend the Researcher's Test.
- (h) The Researcher's test shall be out of 50 marks.

7. REGISTRATION

- (a) Online registrations will be open from 24 February 2021. Teams must register online latest by 24 March 2021 at <https://forms.gle/HLB5bjYaZhqVbQ2b6>. Participants will receive an approval as confirmation of their online registration & participation from time to time as and when they register.
- (b) A scanned copy of the approval letter duly signed by any of the following: Faculty-in-charge of MCS/MCA, Registrar, Principal, Dean, Director, Chancellor or Vice-Chancellor on the letter head of the participating college/ institution / University is required to be uploaded during the online registration process. The letter must contain names, year/semester of study of the participants. Alternatively, teams may get the signature of any of the aforementioned persons under their official seal on the registration form itself appended below. Registrations without the registration form / approval letter from the college / institution / University as mentioned above is not valid.
- (c) After completing the online registration, teams must ensure that duly filled in scanned form/letter is electronically mailed to srm.nmcc@srmist.edu.in latest by 30 March 2021 with

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subject: 'Registration for *VI Annual SRMIST National Moot Court Competition, 2021*'.

- (d) The registration fee for the competition is Rs. 2,500/- per team.
- (e) The registration fee must be paid through NEFT payment mode and the scanned copy of the transaction receipt of the same be enclosed with the registration email mentioned in clause (c) above.
- (f) The following are the details of the bank account for payment of the registration fee

Name of the Bank and Branch:	INDIAN BANK, POTHERI
Account Name:	SRM SCHOOL OF LAW
Account Number:	6314094173
IFSC:	IDIB000S181

8. GENERAL CODE OF CONDUCT

The teams shall strictly comply with the following rules of conduct:

- a) Teams are expected to behave in a dignified manner with other teams and the Judges/ Organizers/ Volunteers.
- b) Teams shall not attempt to approach or influence Judges/ Administrators/ Organisers in any manner whatsoever.
- c) All participants are expected to maintain the decorum of the court during the competition and are expected to behave themselves in a manner befitting the legal profession.
- d) The teams shall not engage in any form of unethical, unprofessional and wrongful conduct during the entire period of the competition.
- e) Participants shall not consume any drugs/ alcohol during the course of the Competition
- f) Any form of immoral activities or other activities prohibited by law time being in force as cybercrimes and the violation of the same shall be treated as highly serious and also invite sanctions including blacklisting of the team.

9. EXEMPLARY POWER CLAUSE

In case of any dispute arising out of the interpretation of the Rules, or otherwise, the decision of the organisers shall be final and binding.

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IMPORTANT DATES

Events	Dates
Last Date for Soft Copy Registration	24 March 2021
Last Date for Submission of Receipt of Registration Fees & Scanned Form	30 March 2021
Last Date for seeking Clarification	2 April 2021
Release of Clarification	3 April 2021
Last Date for Submission of Softcopy of Memorandum	5 April 2021
Inauguration, Draw of Lots, Researcher's Test	9 April 2021
Prelims and Quarter Finals	10 April 2021
Semi-Finals, Finals and Valedictory	11 April 2021

REGISTRATION LINK: <https://forms.gle/HLB5bjYaZhqVbQ2b6>

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AWARDS

- **WINNERS: RS.30,000/-**
- **RUNNERS UP: RS.21,000/-**
- **BEST SPEAKER: RS.7,000/-**
- **BEST RESEARCHER: RS.7,000/-**
- **BEST MEMORANDUM: RS.7,000/-**



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CONTACT INFORMATION

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CLARIFICATIONS

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REGISTRATION FORM

DATE: _____

INSTITUTION DETAILS

Name:

Address:

Contact No.:

E-mail ID:

School in Charge:

Designation:

PARTICIPANT'S DETAILS:

Name of Speaker 1:

Year and Course:

Contact No.:

Email ID:

Affix Photos

Name of Speaker 2:

Year and Course:

Contact No.:

Email ID:

Affix Photo

Name of Researcher:

Year and Course:

Contact No.:

Email ID:

Affix Photo

DEMAND DRAFT DETAILS

Name of the Bank:

Branch:

Demand Draft No.:

Date:

VI SRMIST National Moot Court Competition, 2021***9th – 11th April*****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)



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SRM Institute of Science and Technology

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Dr. R.Shivakumar

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