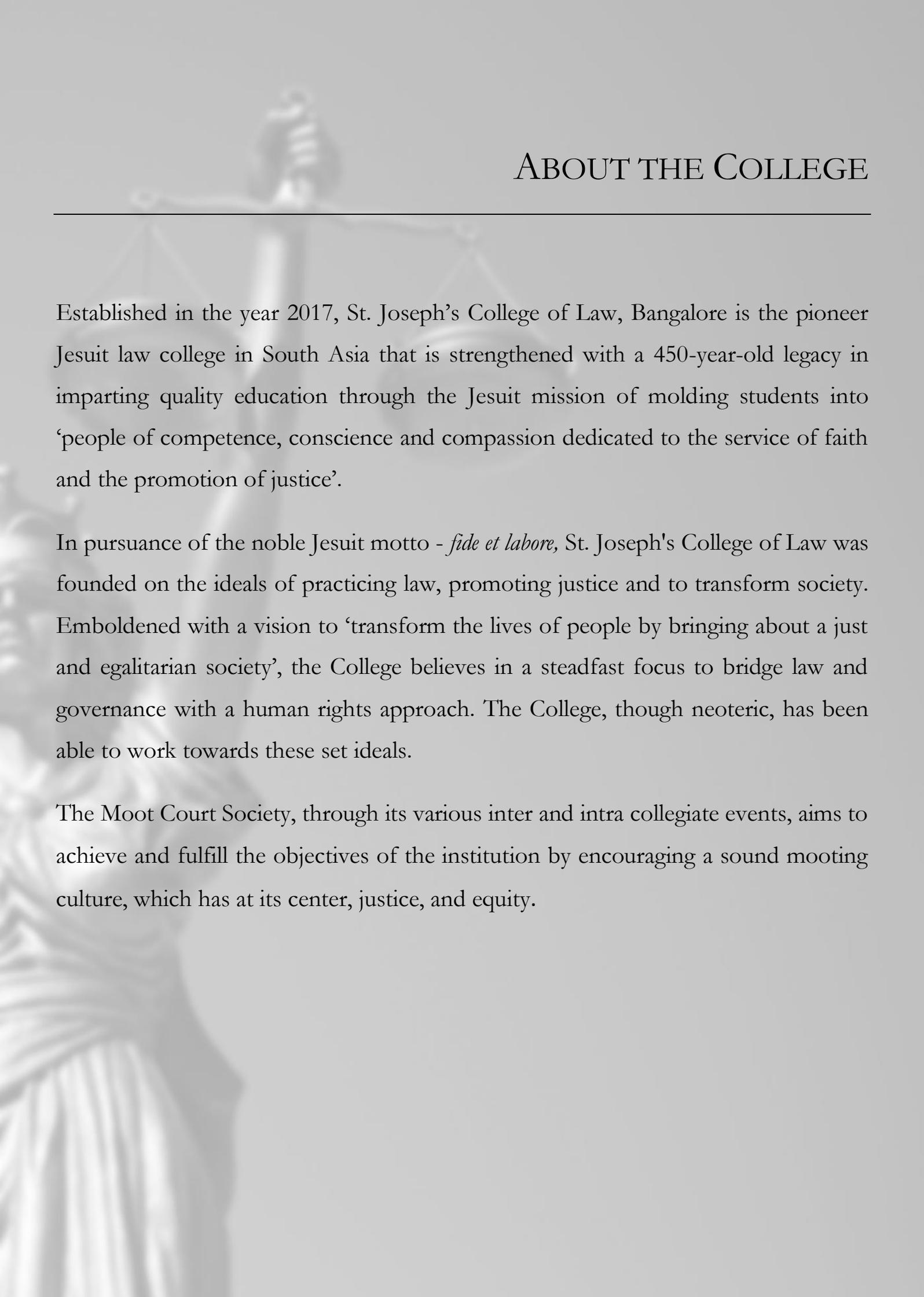


St. Joseph's College of Law

Affiliated to KSLU and recognized by Bar Council of India

2nd SJCL NATIONAL MOOT COURT COMPETITION





ABOUT THE COLLEGE

Established in the year 2017, St. Joseph's College of Law, Bangalore is the pioneer Jesuit law college in South Asia that is strengthened with a 450-year-old legacy in imparting quality education through the Jesuit mission of molding students into 'people of competence, conscience and compassion dedicated to the service of faith and the promotion of justice'.

In pursuance of the noble Jesuit motto - *fide et labore*, St. Joseph's College of Law was founded on the ideals of practicing law, promoting justice and to transform society. Emboldened with a vision to 'transform the lives of people by bringing about a just and egalitarian society', the College believes in a steadfast focus to bridge law and governance with a human rights approach. The College, though neoteric, has been able to work towards these set ideals.

The Moot Court Society, through its various inter and intra collegiate events, aims to achieve and fulfill the objectives of the institution by encouraging a sound mooting culture, which has at its center, justice, and equity.

ABOUT THE COMPETITION

Objective

The significance of protection of Human rights has been recognised as fundamental rights by the Geneva Convention on Human Rights. The protection of human rights is crucial for the growth of the nation's population, which ultimately leads to the growth of the country as a whole. Every Indian citizen is entitled to fundamental human rights under the Constitution of India.

The 2nd St. Joseph's College of Law National Moot Court Competition, 2022 is designed for aspiring lawyers to utilize their research and analytical skills and to employ their legal acumen. The proposition of the competition has been designed to focus on interplay of Human Rights and Constitutional Law in the contemporary world. In a nutshell, the competition seeks to bring forth the 'legisperitus' in each student.

Aim and Purpose

The 2nd St. Joseph's College of Law National Moot Court Competition, 2022 has been conceived with the aim of creating opportunities to learn the development of jurisprudence on emerging trends in the domain of Human Rights. It has been designed with a vision to enrich the knowledge of aspiring lawyers in keeping with the mission to actively bridge law and governance through legal education while developing cutting edge skills in research, writing and advocacy.

NOTE BY THE DIRECTOR



At St. Joseph's College of Law (SJCL), administered by the Bangalore Jesuit Education Society (BJES), our aim is to enable socially conscious lawyers who have a fine balance of knowledge, ethics and competence who can contribute to strengthening the judiciary system and practice in India as well as internationally.

The core value of our institution is to work for the most vulnerable and marginalized with Constitutional principles of justice, equality and fraternity as the central tenet. The College of Law hopes to fill a gap in the legal needs of the country by providing quality education to students and equipping them in both Indian and International laws and jurisprudence.

We believe that theory of law is vital to the law students, but that it should also be located in a deep and rigorous understanding of the existing social and political context of the country, so that the students practice law with both, their hearts as well as their minds, with a particular focus on the vulnerable and marginalized communities of the country. Practical knowledge is key for the students and they will be exposed throughout their training to the realities in the country through field visits and interaction with community-based law practitioners. We also strongly believe in the overall development of students and encourage them to participate in various extra- curricular activities such as sports, drama, debate, theatre and cultural events.

This also fosters a sense of community and of learning and sharing with their fellow students. We actively encourage students to respect each other irrespective of gender, class, caste, religion, language, physical ability and geographical differences.

We aim to facilitate the process of creating young lawyers who will have critical reasoning as well as social consciousness and who will become leaders in their own right having reached their full potential within our institutions. This is the need of the hour. We hope that these efforts will strengthen the legal mechanisms for the country and offer strong legal support to those who most need them. We desire that our students will be the catalysts in building our nation of justice and equity.

In pursuance of our aims, it is with immense pleasure that St. Joseph's College of Law, presents the 2nd SJCL National Moot Court Competition 2022. We invite your esteemed institution to participate in our moot court competition. It is our endeavour to create an atmosphere of intellectual exchange and the opportunity to learn court craft through simulated experiences in the competition. We hope to provide a great learning experience to law students across the nation.

Warm regards,
Rev. Fr. Jerald D'Souza SJ
Director

NOTE BY THE PRINCIPAL



Mooting is an attempt to engage the students with the real process of Court functioning, this is made possible through the 2nd SJCL National Moot Court Competition, 2022. At St. Joseph's College of law, we believe in equipping our students with the key skills of lawyering. We are keen to produce young lawyers who not only cater to the requirements of the corporate

world but are committed to the cause of producing lawyers who may be engineers of social change. The mooting process helps the student to engage with and think deeply about interesting and topical legal issues. It also enhances their advocacy, legal research and writing skills. Mooting provides students a platform to demonstrate their interest in advocacy.

The vision statement of St. Joseph's College of Law aptly titled "Practice law, promote justice, transform society" captures our efforts in this direction. I'm sure that with all our efforts together we can dream of a better world, an equal society that embraces all. I extend a warm welcome to students to participate in the 2nd SJCL National Moot Court Competition, 2022.

Warm Regards,
Ms. Pauline Priya
Principal

MOOT PROPOSITION

1. Republic of Ithica, is a sovereign, socialist and democratic country located towards the south of the Asian continent. Ithica comprises several socio-economic and ethnic groups, which have lived in harmony for more than a few centuries. The country has also been subject to ghoulish and brutal colonial rule for over two decades which has contributed to changing the socio-legal realities of Ithica.
2. Ithica has a rich history of class and caste struggle prevalent since its genesis. The stringent implementation and the institutional ostracization of the *Gojangnan* community have led to deprivation of access to basic human rights, including but not limited to restriction of access to public spaces and societal shunning. In line with this, the drafters of the Ithican constitution incorporated basic fundamental rights as an inalienable chapter to the constitution. The history of Ithica's freedom struggle from imperialism consists of minor and major victories to free the said marginalized group from the oppressing hands of the apparent twice-born.
3. One such event which demarcates the individuality of the lower castes is the Battle of Paramountcy, 1820, wherein, the tribe of *Nigrum Panthera* ("*Pantherican*") of the *Gojangnan* community alongside the erstwhile forces of Earwig Imperial Council ("EIC") defeated the then tyrannical army of the upper caste community led by Veturians. The Veturians insisted to continue the prevalent status quo and maintain their supremacy over *Panthericans*. The historical Battle of Paramountcy is envisaged as a monumental event in the freedom struggle of the *Pantherican* tribe from societal

subjugation. So much so that the sympathizers of the *Gojangnans* and members of EIC erected the *Rebha Stambh*, to hold an annual procession and gathering on January 1 to commemorate this triumph. The *Stambh* includes the names of the *Pantherican* soldiers who unknowingly brought an end to the Veturians rule in 1820. This event sticks as a sore thumb in the patriotic heart since the EIC was responsible for enslaving Ithica for over two centuries.

4. On January 1st 2020, to mark the 200th Anniversary of victory of their ancestors, a documentary *De Proelium Files*, was released displaying the events of January 1, 1820 - the legendary Battle of Paramountcy. The documentary received an overwhelmingly negative response from most sections of the society alleging distortions of history and over-glorification of the *Pantherican* role in the said battle. At the small village of Bahim Angkora, in the state of Azalea, also the battle-site, a gathering of intellectuals and students was organized by the *Gojangnan* leaders to further deliberate on the issue of *De Proelium Files* and to socially boycott the movie in light of the said response. The gathering was being conducted in a peaceful manner, in presence of lakhs of *Gojangnans*.
5. During said discussion, a group of rioters forcefully entered the venue, to represent the cause of nationalism and this sparked a row of arguments on both ends. The fight escalated and eventually led to wide scale violence causing destruction to public property, ransacking public order, unfortunately leading to several injuries and to the death of two sixteen-year-old students. Prompting an intervention, the police entered the venue and carried out mass arrests. In the aftermath of which, many intellectuals and student activists, supporting the cause of human rights were imprisoned and the rioters fled the scene.

6. The arrests sparked a huge concern for the protection of human rights within Ithica, members of *Gojangnan* community across the nation staged protests and called for nationwide strikes against police action. A case to investigate the crimes was filed on 8th January, 2020 with the state of Azalea.
7. Fearing for National security and to ensure that there be an element of independence to the investigations of the events of 1st January, 2020, the Central government transferred the case to the Neapolis Intervention Authority (“NIA”) which falls under the union jurisdiction as prescribed by the NIA Act, 2008. The NIA investigations led to the arrest and imprisonment of individuals for the violation of the provisions of the Illicitus Activities Prohibition Act, 1970 (“IAPA”).
8. On 17th April 2020, Police conducted a raid on Robin Wright’s Dilli residence, and detained him for his association with an alleged gathering. A few months into the investigation, Police claimed that they had discovered a message on his hard drive containing a ‘naxal’ conspiracy to assassinate the Prime Minister of Ithica. Moreover, the seized computers had illegally accessed banned websites within the country. The authorities stated that these websites were banned under Section 69A of the Intel Transmission Act, 2000 (“IT Act”) because “they are engaged in activities which are prejudicial to sovereignty and integrity, defense of the nation, security of State and public order.” The accused were hence charged with such violations and were detained by the investigating authorities. However, the accused had subsequently denied all the aforementioned allegations and claimed to have been “betrayed by the State and were robbed of their liberty to express freely and openly.”

9. During this time, the Izidora technology company OSN Groups' Phoenix malware has been the focus of discussion of privacy violations and illegal surveillance. It was found by forensic analysis of the device by Amicus Transnational that three months prior to his arrest in June 2020, Robin Wright's phone was compromised with the Phoenix malware. The research led to the conclusion that malware was installed on his device along with additional documents that were used to implicate the accused.
10. According to investigations conducted by the state machinery, the activists of the *Gojangnan* freedom movement were alleged to have been linked with certain organizations banned within the IAPA matrix. Alleged to have been a part of which, a priest, Father Charles Coelho, aged 82, was arrested on October 8th, 2020. While arresting Father Coelho, the police is said to have transgressed rights of basic human dignity and allegedly "manhandled" him.
11. Anticipating his arrest, Father Coelho, on 6th October, 2020 released a video alleging the supposed human right violation being faced by various leaders at the hands of the State. The arrest of Father Coelho, caused hue and cry amongst the citizens of Ithica, repudiating the move of the state. Father Coelho was interrogated for over 20 hours, despite his ailments on his alleged links to Maoist and Naxalite groups within the country. It was purported that, owing to his age the interrogation be conducted in-camera, but the police denied the request, instead seeking custody of him.
12. After conducting preliminary medical procedures, he was imprisoned at the Isengard jail in an isolated ward, he was produced before the Special Investigation Court/Magistrate within the next 24 hours and owing to the allegations surrounding his arrest and associations, remanded into judicial custody. He was charged under Section 13, 16, 18, 20, 38 and 39 of the IAPA in the supplementary

chargesheet spanning over 5,000 pages. Due to his plea for bail being rejected multiple times, Father Coelho decided to challenge the validity of the draconian laws of IAPA in a subsequent petition. However, owing to multiple ailments and ill-health he succumbed to a cardiac arrest at the Isengard prison a few months into his arrest in November, 2021.

13. Public's United Centre for Civil Liberties ("PUCCL") is a Non-governmental Organization situated within the state of Azalea and operating for over 2 decades across the world, it pioneers in protecting Human Rights, Labor Rights and works towards the benefit of underprivileged sections of the society. In the year 2019, PUCCL was declared as one of the "Champions of Human Rights" by the Union of Nations for its achievements. PUCCL decided to take up the common cause of the under-trial prisoners of the Bahim Angkora case and seek intervention to discharge Father Coelho of his charges which haven't been conclusively proven and thus violate his right to reputation. Additionally, it also contended that during the course of his arrest and due to the 6-month delay in filing of chargesheet, Fr. Coelho's rights under the Constitution were also violated.

14. Moreover, the matter involves allegations of violating multiple critical Sections of the Funds Collection and Restriction Act, 2010 ("FCRA"). Reports released by the authorities suggest that the seized computers and devices supposedly contain illegal contributions made by PUCCL which furthered the causes and efforts of the accused. The law explains that any investment or funding that is found to be helping a group of people engage in activities that are against the public safety, security and morality, shall be considered illegal. Such allegations were imposed after the investigating authorities raided the residence of the said accused in the case. The

residence also reportedly contained numerous propaganda material promoted by previously banned organizations in the country.

15. In a statement released preceding the filing of the current petition, PUCCL stated that *“the true reason for the NLA arresting Father Coelho and Robin Wright is in connection to their involvement in exposing the large-scale abuse of anti-terror and sedition laws within Ithica. Thousands of Adivasis were falsely implicated and arrested for exercising their fundamental right of protest and kept in prison without hearing. Father Coelho’s meticulous documentation of the untold suffering experienced by Adivasi youth. The data analysis of thousands of Adivasis arbitrarily arrested by the police was also put in an affidavit in a PIL filed before the Dharband High Court by Robin Wright.”*
16. The statement has also raised the conscience of the international community, which have pointed toward several Human Right Violations in the treatment of Indian undertrial prisoners and the manner in which the arrestees of the Bahim Angkora case have been treated by the government. This has led to Ithica falling in multiple indices with allegations of treaty obligations in respect to Human Rights and its dismal condition.
17. The accused are jointly connected under the allegations for multiple reasons. The allegations charged against them are of similar nature and are also supposedly funded by PUCCL leading to the events of the case. The authorities have thus decided to charge the accused on such aforementioned grounds, sought the intervention and filed a petition before the Hon’ble Court of Law to reinstate the rights of Robin Wright and to protect the general freedoms entrenched in the Constitution of Ithica.

18. The present petition is filed before the Hon'ble Apex Court of Ithica, to look into the issues concerning Human Rights in light of the following issues:

- I. Whether the IAPA Act, 1970 is *ultra vires* of the Constitution of Ithica?
- II. Whether in the aftermath of the arrest of Robin Wright's, there has been a breach of the right to privacy and dignity? Whether the statutory provisions under IT Act, 2000 flouted?
- III. Whether the arrest and ill-treatment of Father Coelho breach the right to dignity and respect to the prisoners?
- IV. Does the NIA Act, 2008 violate the constitutional federal scheme and hence the handing over of the case to the NIA is violative of the constitution?

Disclaimer: All aspects of the moot problem are fictitious in nature and bear no validity to facts.

The laws of Ithica are pari materia with those of India.

SCHEDULE

SL. NO.	PARTICULARS	DATE
1	Release of Proposition	07 th August 2022
2	Last day to Register	29 th August 2022
3	Last day to seek Clarification	1 st September 2022
4	Submission of Itinerary	4 th September 2022
5	Release of Clarification	6 th September 2022
6	Submission of Soft Copy of Memorandum	15 th September 2022
7	Opening Ceremony and Researcher's Test	23 rd September 2022
8	Prelims Rounds, Octa Round and Quarter Round	24 th September 2022
9	Semi-Final, Final Round and Valedictory	25 th September 2022



ORGANIZING PANEL

Rev. Fr. Jerald D'Souza SJ

Director, St. Joseph's College of Law

Ms. Pauline Priya

Principal, St. Joseph's College of Law

Faculty Panel

Mr. Sudeep Sudhakaran

Mr. Thomas Andrews Chakramakal

Student Convenors

Diksha Garg

Simi Zackariah

Student Coordinators

Joe Ann John

+91 96569 31273

Rishabh Jain

+91 98355 25257

D Tharun Gautam Rao

+91 96637 01227

Vijaysri

+91 94448 16679