



# VIDHI PARIVARTAN

<http://vidhiparivartan.co.in/>



## PRESENTS

# 1<sup>ST</sup> NATIONAL VIRTUAL MOOT COURT COMPETITION, 2021 (AUG 27 - SEPT 01, 2021)

**LAST DATE OF  
REGISTRATION**

**AUGUST 10, 2021**

**MEMORIAL  
SUBMISSION  
DATE**

**AUGUST 25, 2021**

**REGISTRATION  
FEE**

**Rs. 500 PER TEAM**

**PRIZES & PERKS  
UPTO RS. 5K**

**FOR ANY QUERIES, FEEL FREE TO CONTACT:**

**Ms. Muskaan Aggarwal on 9958057507  
or mail at [contact.vidhiparivartan@gmail.com](mailto:contact.vidhiparivartan@gmail.com)**

## **MEDIA PARTNERS**



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***1st National Virtual Moot Court Competition, 2021***  
***(27th Aug - 1st Sept, 2021)***

**WE ARE THANKFUL FOR YOUR CONTRIBUTION!**



**Adv. Jayant Bhatt**

Internship Opportunity  
to Winning team



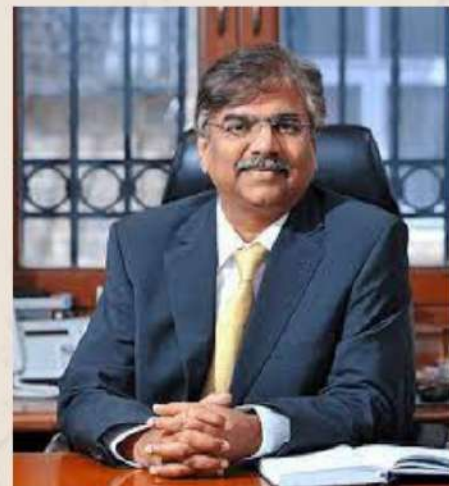
**Adv. Sameer Kaushik**

Internship Opportunity  
to Runner Up team



**Adv. Anuj Aggarwal**

Internship opportunity  
to 1st Semi Finalist team



**Mr. Nitin Potdar**

Gift of book "GPS Paradigm"  
to winning team

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**MEDIA PARTNERS**

**1<sup>st</sup> NATIONAL VIRTUAL MOOT COURT COMPETITION, 2021**



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## **ABOUT THE ORGANIZATION**

Vidhi Parivartan is a legal platform that seeks to hone the skill sets of all the budding lawyers, aid the law students in all possible manner by optimum utilization of resources available at their disposal and thereby empower the legal fraternity eventually. The platform aspires to undertake a host of short, medium and long-term activities and programmes for the legal community to enhance their professional, academic and extra-academic progression.

It is committed for the cause of empowering especially the first-generation lawyers who face innumerable hardships in the profession. Moreover, it aims to live up to its motto of 'Nyaydaanam Shreshtam Daanam' through every activity that it undertakes.

## **ABOUT THE COMPETITION**

Mooting is an attempt to take part and witness the court proceedings, and to exercise the diligence and efforts in the craft of the court proceedings. Further, mooting helps the students to learn the courtroom etiquettes which provide them an insight into the real litigation world.

Vidhi Parivartan is organizing its 1<sup>st</sup> Virtual National Moot Court Competition to provide the students with an opportunity to develop their research and analytical skills, along with their oral advocacy skills, behind a virtual moot court setting, which shall help them in developing legal skills and hone them for their future endeavours.

## **ELIGIBILITY**

Students duly enrolled and pursuing full time 5 years or 3 years undergraduate law course from India with law as major may apply to participate in **Vidhi Parivartan's 1<sup>st</sup> National Virtual Moot Court Competition, 2021.**

## **TEAM COMPOSITION**

1. A team shall consist of maximum three members that must include two Speakers and one researcher. For a two member team, both participants shall be speakers and one of them shall be the researcher to the competition.



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- Any team, intending to change the team composition shall intimate the Organising Committee by sending an e-mail at [events.vidhiparivartan@gmail.com](mailto:events.vidhiparivartan@gmail.com); the change will be allowed at the discretion of the Organising Committee.
- Any person, other than the three registered team members, is not eligible to join the videoconferencing or the audio-video recording of the oral rounds, and non-compliance is a ground for disqualification.
- The Researcher may be permitted to argue as Speaker in case of any unforeseen event.
- Prior permission of the organizers of competition in such a case shall be mandatory. In case the team fails to inform the organizers, their decision will be final and binding.

## **REGISTRATION**

### **General:**

- Each team shall register for Vidhi Parivartan's 1<sup>st</sup> National Virtual Moot Court Competition, 2021 by filling up the registration form in the prescribed manner by **10<sup>th</sup> August, 2021**.
- Link of Registration form: [Click here](#)
- On receipt of the duly filled registration form, the organizers shall respond to the participating team, acknowledging the receipt.
- After the deadline for the registration expires, the Organising Committee shall respond to each registered team, with a unique team code, which shall be used to identify the teams during the competition.

### **Registration Fee:**

- The registration fee for the competition is Rs. 500/- for each Team.
- The registration fee for the Vidhi Parivartan's 1<sup>st</sup> National Virtual Moot Court Competition, 2021 is to be paid through Google Pay/ PhonePe/ Paytm/ UPI.

Payment shall be made to Nancy Garg via Paytm or UPI on 8168515340 or to Anubhav Yadav via Google Pay or PhonePe on 9355118912.

- Any additional charges incurred by the team while making the wire transfer are to be borne by the team.

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## **CLARIFICATIONS**

1. Clarifications can be sought on any part of the moot proposition by **7th August, 2021**. These clarifications are to be sent via e-mail at [events.vidhiparivartan@gmail.com](mailto:events.vidhiparivartan@gmail.com) and clarifications shall be released by **11th August, 2021**.
2. It is at the discretion of the Organising Committee to decide whether a clarification sought for is valid and to be clarified.

## **ANONYMITY OF TEAMS**

1. Teams shall not reveal their identity in any form during the Competition, except by means of their Team Code allotted by the Organising Committee.
2. Teams must not reveal the name of their institution or names of the participants, anywhere in the memorials or in the course of the virtual oral argument rounds, by any visual or audio means. Teams must also not make use of or display in any manner whatsoever any logo, pins, badges etc. that indicates the university represented by them.
3. Any material presented to the Panel, including but not limited to compendium, should be devoid of any identification mark(s)/seal(s) of the Team. If any such mark(s)/seal(s) exist, it must be rendered unrecognizable before being presented to the judges.
4. Any violation of rules shall attract severe penalty or disqualification as determined by the Organising Committee. The decision of the Organising Committee in this regard shall be final and binding, not subject to challenge.

## **MEMORIALS**

### **General:**

Each team shall research into the domain of moot problem and prepare memorial from both sides, namely, Petitioner and Respondent as the case maybe.

### **Format of Memorial:**

The memorials are to be submitted in the format prescribed. If a team fails to comply with the given format, it may be penalized in the form of deductions from the memorial marks.

The memorials shall contain all of, and only, the following heads, namely-

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- Cover Page (It shall include the team code of the team on upper right-hand corner, name of the case, parties on behalf of whom written submissions are made, name of the forum approached for dispute resolution and year. The Cover page of the memorial on behalf of Petitioner shall be in BLUE and Respondent shall be in RED.
- Table of Contents
- List of Abbreviations
- Index of Authorities
- Statement of Jurisdiction
- Statement of Facts
- Issues Raised
- Summary of Arguments
- Arguments Advanced
- Prayer

## Font and Spacing:

All written submissions shall be typed on A4 size paper in the following format in Times New Roman (font type), in 12 points (font size), line spacing 1.5, both sides Justified, and headings to be bold in the same font and size. Each page shall have 1- inch margin from each side.

The memorial shall not contain more than 20 pages excluding cover page, table of content, list of abbreviations and index.

## Citations:

All teams shall give footnotes by adhering to Blue Book: A Uniform System of Citation (21st Edition).

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## Plagiarism:

The Organising Committee reserves the right to disqualify a team, at any stage of the competition, if the memorial or any other part thereof, is found to be plagiarized.

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## **SUBMISSION OF SOFTCOPIES**

- Each registered team shall submit a soft copy in PDF format (.pdf) of the memorials from both sides.
- Soft copies of the Memorials shall be submitted on **mail** at [events.vidhiparivartan@gmail.com](mailto:events.vidhiparivartan@gmail.com) by 25<sup>th</sup> Aug, 2021.
- The name of the file containing the memorial should be **Team Code - Petitioner** or **Team Code - Respondent** (as the case maybe).
- Submissions made after the specified deadline may lead to penalties in the form of deductions from the memorial marks. Every twenty-four (24) hours delay would attract a penalty of ten (10) marks.

## **ASSESSMENT OF MEMORIALS**

Each side of the memorials shall be assessed out of 100 marks, by our panel of judges on the predetermined criterion, as specified hereunder:

- a. Identification of Issues and Nature of relief sought (10 marks)
- b. Knowledge of fact and Law (15 marks)
- c. Use of Authorities/Precedents (20 marks)
- d. Argumentation and Clarity of Thoughts (20 marks)
- e. Proper Citation and Correct Format (15 marks)
- f. Grammar and Style Presentation (10 marks)
- g. Originality (10 marks)

## **RIGHTS OVER MEMORIALS**

The administrating authority of the competition reserves the rights to disseminate and produce the memorials as and when deemed necessary for the purpose of the competition.

Submission of the memorials will constitute the team's consent to do the same. The Organising Committee will not take any responsibility for the mistakes found in the final submission of the memorials.

## **COMPENDIUMS**

The teams are required to send their compendium, along with their memorials on **mail ID** [events.vidhiparivartan@gmail.com](mailto:events.vidhiparivartan@gmail.com) by 25<sup>th</sup> August, 2021.



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- a) The compendium shall not exceed 10 pages, wherein, if the teams are referring to any books then the material of the book shall be quoted in following format "Name of the book/Author/Page number/Paragraph", and if the teams are referring to any website, only link of the website shall be quoted.
- b) The compendium will be shared to the judges only via organizing committee and the participants shall refrain from using screen share.

## **DRESS CODE**

The participants shall adhere to the following dress code while in the virtual courtrooms:

- a. Ladies: White shirt and black trousers or skirt along with a black blazer.
- b. Gentlemen: White shirt, black trousers, a black tie, a black blazer and black shoes.

## **STRUCTURE OF THE COMPETITION**

### **GENERAL:**

1. The formal commencement of the competition shall be on 28<sup>th</sup> August, 2021.
2. The competition shall have the Researcher's Test round, Preliminary Rounds, one Semi Final Round and the Final Round.

### **RESEARCHER'S TEST:**

- The Researcher's Test shall be conducted on 27<sup>th</sup> August, 2021 via online medium.
- The Researcher's Test shall be in the format of both Multiple & Subjective questions and the questions based on the applicable law, precedents, and facts pertaining to the Moot Proposition.
- The Participation in the Researcher's Test is mandatory for all the Teams and any failure to be present during the test may result in the disqualification of the team, subject to the discretion of the Organisers.
- The duration of the Researcher's Test will be 30 minutes.
- The participant shall ensure complete integrity and shall not resort to unfair means while attempting the test. Any such attempt shall result in direct disqualification.

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## ORAL ROUND:

### I. PRELIMINARY ROUNDS

- a) The rounds will be conducted virtually on video conferencing platform.
- b) The Petitioners shall be allotted a total of 15 minutes to speak. The Respondent shall be allotted 15 minutes arguments. Any extension of time beyond the specified period shall not be allowed. Another 2 minutes will be given to each team for rebuttal & sub-rebuttal.
- c) The division of time between the speakers is the discretion of the team members, subject to a maximum of 8 minutes for one speaker. Before the commencement of the round, each team shall indicate to the 'Court Master' as to how they wish to allocate their time.
- d) At the end of the preliminary rounds, the top 4 teams will qualify for the Semi-Finals.
- e) A team shall be credited with a win, if its total marks in the respective session are higher than those of its opponent teams.
- f) In the case of a tie, the total marks of memorial and the preliminary rounds will be considered. The team with the higher score will advance to the Semi Finals.

### II. SEMI-FINALS

- a) The Semi-Finals will be a knock-out round. The top 2 teams with the highest total scores in these rounds shall qualify for the Final round.
- b) After the completion of preliminary rounds, the draw of lots will be conducted this will determine whether the participant will appear as Petitioner or Respondent.
- c) Each team shall get a total of 25 minutes to present their case. Another 2 minutes will be given to each team for rebuttal & sub-rebuttal. Any extension of time beyond the specified period shall be subject to the discretion of the judges. The division of time between the speakers is the discretion of the team members, subject to a maximum of 15 minutes for one speaker.
- d) Before the commencement of the round, each team shall indicate to the 'Court Master' as to how they wish to allocate their time.

### III. FINALS

- a) A team will be credited with a win in the Final round if the total marks are higher than those of its opponent team.

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- b) Each team shall get a total of 25 minutes to present their case. Another 2 minutes will be given to each team for rebuttal & sub-rebuttal. Any extension of time beyond the specified period shall be subject to the discretion of the judges.
- c) The division of time between the speakers is at the discretion of the team members, subject to a maximum of 15 minutes for one speaker.
- d) Before the commencement of the round, each team shall indicate to the 'Court Master' as to how they wish to allocate their time.

## **ASSESSMENT CRITERION FOR ORAL PLEADINGS**

Team performance of the Speakers shall be judged in all rounds out of 25 Marks on the basis of following criterion:

- Knowledge of the Facts and Laws
- Application of Laws to the Fact and Interpretation
- Argumentative Skills and Response to Questions
- Clarity of Thoughts and Expression
- Skills of advocacy and Court Mannerisms

## **IMPORTANT DATES**

Release of Moot problem	1 <sup>st</sup> August 2021
Last date to register	10 <sup>th</sup> August 2021
Last date to seek clarifications on moot problem	7 <sup>th</sup> August 2021
Release of clarifications to the registered teams	11 <sup>th</sup> August 2021
Submission of memorials	25 <sup>th</sup> August 2021
Commencement of the competition	27 <sup>th</sup> August 2021
Researcher's Test	27 <sup>th</sup> August 2021
Preliminary rounds	28 <sup>th</sup> August 2021
Semi-final round	30 <sup>th</sup> August 2021
Final round	1 <sup>st</sup> September 2021
Declaration of results	8 <sup>th</sup> September 2021
Distribution of cash prize & issuing of certificates	10 <sup>th</sup> September 2021

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## **PENALTIES**

### **Scouting:**

No member of any team or any other person will be permitted to witness the arguments or enter the live video conferencing in which that team is not one of the participating teams whilst that team is a part of the competition, or the person is not part of any of the participating team. If this rule is violated, the Organising Committee shall take strict actions, which may include but may not be limited to, the expulsion of the said team from the competition.

### **Non – Disclosure of Identity:**

Teams shall not disclose their identity, i.e., the name of their institution, city, etc. or any other information which has the effect of disclosing their identity and affiliation with a particular university or institution. Such disclosure shall result in disqualification subject to the discretion of the Organizers.

### **Copyright:**

The copyright with regard to the memorials submitted for the participation in the Competition is assigned by participants and shall also vest completely and fully with the Organizers. The participants shall certify the originality of the memorials and the materials used and shall be responsible for any claim or dispute arising out of further use and exhibition of these materials. The Organizers shall have the right to publicly display, distribute either electronically or otherwise and they shall not be responsible for any liability to any person for any loss caused by errors or omissions in this collection of information, or for accuracy, completeness or adequacy of the information contained in these materials. The copyright with regard to the audio-visual files, conferencing, submitted for the participation in the Competition is assigned by participants and shall also vest completely and fully with the Organizers, which will be further posted on the social media platforms for clarity and purposes.



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## **CERTIFICATION, PRIZES AND AWARDS**

- Winning team - Cash prize of Rs 1000 + Certificate of Excellence + Internship Opportunity under Adv. Jayant Bhatt + free Publication Opportunity in Vidhi Insight Journal + “GPS Paradigm” Book gift by Mr. Nitin Potdar, M&A Partner at J. Sagar Associates
- Best Speaker - Cash prize of Rs 500 + Certificate of Excellence + Free Publication Opportunity in Vidhi Insight Journal
- Best researcher - Cash prize of Rs 500 + Certificate of Excellence + Free Publication Opportunity in Vidhi Insight Journal
- Runner up Team: Certificate of Excellence + Internship Opportunity under Adv. Sameer Kaushik + Free Publication Opportunity in Vidhi Insight Journal
- 1<sup>st</sup> Semi Finalists - Certificate of Appreciation + Internship Opportunity under Adv. Anuj Aggarwal + 50% discount on publication opportunity in Vidhi Insight Journal
- 2<sup>nd</sup> Semi Finalists - Certificate of Appreciation + Internship Opportunity at Vidhi Parivartan+ 30% discount on publication opportunity in Vidhi Insight Journal
- Certificate of Participation will be issued to all the Participants. Participants will receive their Participation Certificates on given mail after they fill up the feedback form. Certificates for Semi-Finalists, Runners-up, Winners and Best Speakers will also be provided.
- Cash prize will be sent to the winning team after getting details of winners such as Institution ID card & Bank Accounts details for which they will be contacted via email by the Moot Court Committee.
- It is the responsibility of the teams to distribute cash prize among them.

## **CONTACT DETAILS**

For any queries or clarifications feel free to contact Ms. Muskaan Aggarwal, Head, Organizing Committee via mail at [muskaan.vidhiparivartan@gmail.com](mailto:muskaan.vidhiparivartan@gmail.com) or call on 9958057507.

Or you can mail your queries on [events.vidhiparivartan@gmail.com](mailto:events.vidhiparivartan@gmail.com) or on [contact.vidhiparivartan@gmail.com](mailto:contact.vidhiparivartan@gmail.com).

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## MOOT PROPOSITION

1. Plasma is an island country that is 250 km south of Sylvia in the Sylvian Ocean. The closest Sylvian city to Plasma is Kanyakumari. The citizens of Plasma are linguistically similar to Sylvians as 3 official languages of Plasma are also spoken in Sylvia.
2. In March 2019, due to rising inflation levels in the city of Plasma, the crime rate of the country went on an exponential rise, which further resulted in extreme violence all over the country. Eventually, a situation of civil war arose wherein Plasma citizens started fleeing the country to save their lives. Many Plasma citizens relocated to different countries, including Sylvia, wherein their entry-route to Sylvia was through Kanyakumari.
3. After entering Sylvia, a majority of the Plasma citizens moved towards North Sylvia as they were able to speak Hindi. The official government records state that around 20,000 Plasma citizens had reached Sylvia and the migration was continuing. However, in reality, a lot more Plasma citizens had entered Sylvia through other illegal means.
4. Many makeshift camps had been set up in different parts of Sylvia to accommodate the Plasma citizens by the state governments, in collaboration with different NGOs. The Plasma citizens who had been recorded in the official government record books were mandatorily registered with UNHCR, and hence, officially recognized as refugees under the UNHCR's mandate. However, many Plasma citizens were not recorded by the government and hence, were identified as being a threat to the national security of the country.
5. Due to the increasing threat to national security, the Government of Sylvia decided to increase the security of the borders. Moreover, the Ministry of Home Affairs, in August 2019, in a press conference, stated that strict measures were to be taken against those who entered the Sylvian territories illegally from Plasma, after July 2019, regardless of whether they were in possession of their identity documents from Plasma. Thus, the government began planning the deportation strategy for such immigrants.

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6. In February 2020, the COVID-19 pandemic broke out in the country which was a rare human-to-human transmission virus with questionable origins. Due to the pandemic, the government was forced to shut access to all borders and therefore, no person was allowed to enter or leave the Sylvian territories. Right before the breakout of the virus, around 100 refugees entered Sylvia and their names were duly registered in the Government books. However, no COVID test was conducted on them and 20 children among the 100 refugees (aged between 12-16 years) eventually moved towards the Northern part of Sylvia. These children only contain their identity documents from Plasma and have no legal authority to stay in Sylvia. The children travelled through the train route that connects Vennai to New Mahal, and eventually reached New Mahal on 01.03.2020. It was eventually disclosed by authorities that all children were positively COVID-positive, and they spread the infectious disease to an unimaginable extent during their travel from Vennai to New Mahal.
7. Eventually, all 20 children were found and sent to a makeshift camp of New Mahal on 02.04.2020. Their days in the camp were extremely difficult as they were unable to gain access to the basic necessities like food and water, which resulted in an increased risk of malnourishment among the children. To add to the trouble, the children were not able to adjust to the extreme weather changes in the state, which further worsened their health situation, even after their recovery from COVID-19.
8. On the other hand, due to the ban on entry into the country due to COVID, many refugees from Plasma were unable to enter Sylvia. This eventually resulted in many deaths along the Kanyakumari beach, which sparked international outrage. However, the Government of Sylvia decided to remain silent on the issue and provided no clarity on the same.
9. On 01.07.2020, the 20 children in the makeshift camps were informed that their names have been selected for deportation by the government, and they shall be relocated back to Plasma at the earliest. Listening to this, the children became extremely afraid as the situation of Plasma was still not in control and the COVID pandemic had further worsened the situation for the country. The children knew about these changes due to the news telecasted by a local radio, which was very near to their camps. As a result, all 20 children ran away from their camps, however, they decided to stay in New Mahal only.

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10. On 03.07.2020, the government released a list of names of the 20 children, along with some other refugees, wherein the children had been recognized as Foreigners under the Foreigners Act, 1946. After the release of the list, all children were arrested on 05.07.2020 on the New Mahal borders and were charged under Sections 14 and 14A of the Foreigners Act, 1946. It was decided that the children shall be detained till the end of the pandemic and shall be subject to legal proceedings thereafter. The children were additionally charged under Section 188 of the Sylvian Penal Code, 1860, under the charges of having spread COVID-19 during their travel from Vennai to New Mahal.
11. The journey of these children and the challenges that they faced during this entire period was recorded by a local journalist, which eventually caught the attention of many NGOs, who started protesting for the release of these children. A bunch of public interest litigations were filed in the Supreme Court in relation to this, along with challenging the border restrictions of the country.

## ISSUES:

1. Whether the petition is maintainable before the Supreme Court of Sylvia?
2. Whether the refusal to allow entry to asylum-seekers from Plasma, especially during a pandemic situation, permissible under the law?
3. Whether the charges against the children legal and valid?

## Note:

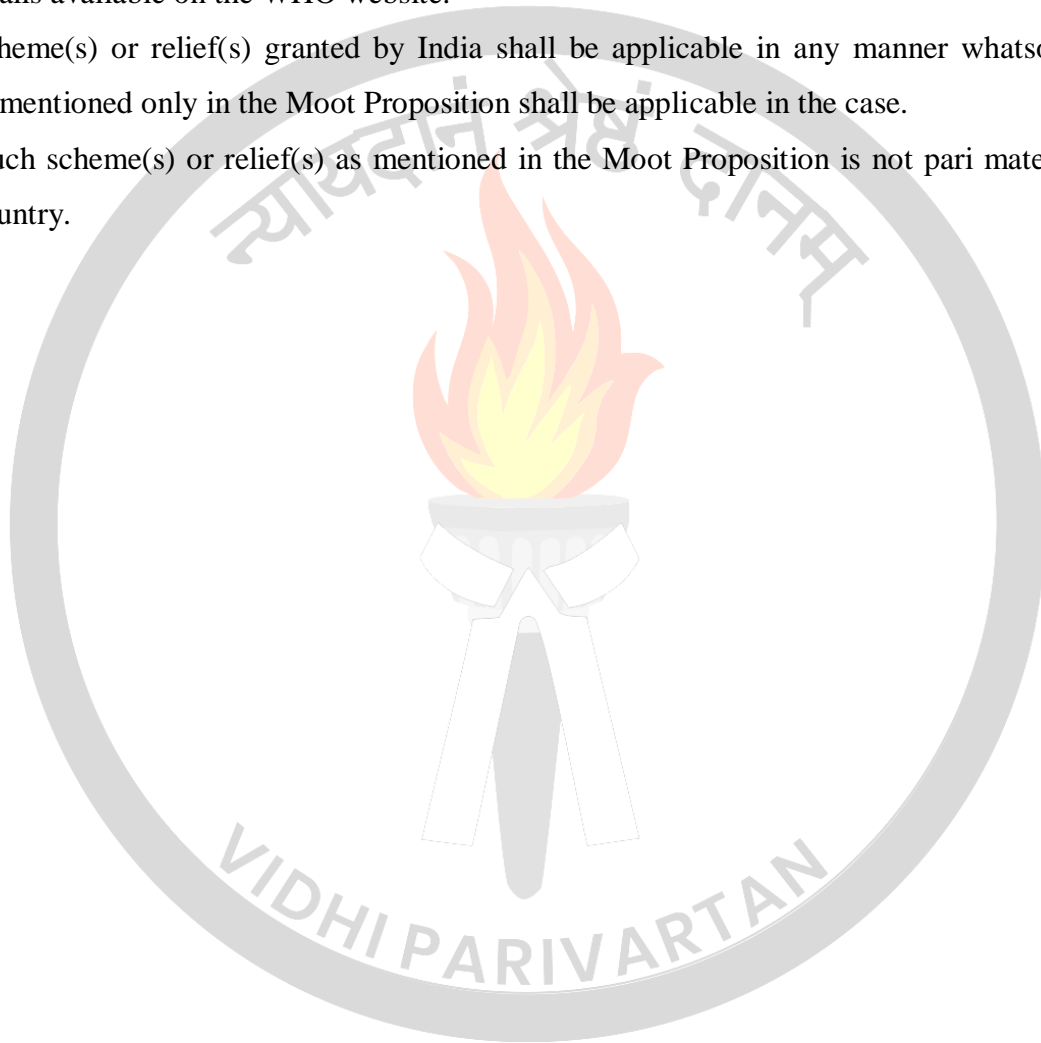
- a) Only the laws of Sylvia are *pari materia* to the laws of India and no such fact is *pari materia* to any country. This Moot Proposition is purely a work of fiction and resemblance to any such incidence shall be purely coincidental.
- b) Sylvia is also a member of the United Nations and has also signed and ratified a few International Treaties such as International Covenant on Civil and Political Rights, and International Covenant on Economic, Social and Cultural Rights. Sylvia has also ratified six out of eight Fundamental Conventions on labour rights and their standards. The conventions ratified by Sylvia include Forced Labour Convention, 1930; Abolition of Forced Labour Convention, 1957; Equal Remuneration Convention, 1951; Discrimination (Employment and



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Occupation) Convention, 1958; Minimum Age Convention, 1973; Worst Forms of Child Labour Convention, 1999.

- c) This Moot Problem is purely intended for the Moot Court Competition and educational purposes amongst law students.
- d) All biological and other medical details on COVID-19 shall be applicable in this case as per the details available on the WHO website.
- e) No Scheme(s) or relief(s) granted by India shall be applicable in any manner whatsoever. Those mentioned only in the Moot Proposition shall be applicable in the case.
- f) Any such scheme(s) or relief(s) as mentioned in the Moot Proposition is not pari materia to any country.



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