



1st Justice Dipak Misra National Moot Court Competition 2020

Virtual Round

27th to 29th November, 2020



Organized by:

The Advocates League



in collaboration with

Advani & Co.



MOOT PROPOSITION

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Moot Proposition

The Union of Islandia is a country in the continent of Asia and got its independence in the year 1947 from the United Princedom. The Union of Islandia is the world's largest democracy and has the lengthiest written Constitution in the world. The Union of Islandia follows the concept of “अतिथि देवो भवः” which means "Guests are equivalent to God". Due to this, the Constitution of Union of Islandia, not only guarantees the Fundamental Rights to its citizens under Part III rather some of the Fundamental Rights are available also to the foreigners.

In the year 2014-15, Mr. Joshua Messi, a citizen of United Princedom, did his graduation of the first cycle degree studies in Oriental Studies, with a major in Islandian Studies, from the University of Princedom and was awarded as the Best Student for the academic year 2014-15. He then came to Islandia in the year 2016 and completed a diploma course in Hindi Language from the Inkson University, Relhi, Islandia. In the year 2017-18, he had also completed a diploma course in Sanskrit Language and has a detailed and organized knowledge on the subject of literature. In the year 2019, he came to Islandia on a student visa to pursue the Post Graduate Programme (M.A.) in Comparative Literature conducted by Inkson University which was to be completed on 8th December, 2020. The student visa was valid till 31st December, 2020.

In July, 2020, the Government of Union of Islandia passed an amendment to the Citizenship Law of Islandia through which the Government sought to grant citizenry rights to religious minorities of neighbouring countries on the basis of religion. The protests started all over the country against this contagious law passed by the Government. Mr. Messi also participated in various protests with banners written "Remove the religion biased Government! Wake up Islandians, Wake up! This is the right time". The said law was challenged and is pending before the Supreme Court of Islandia.

Amidst the continuing fall-out of these protest, a new fall-out has arisen in the nature of a worldwide pandemic that broke out due to the contagious SARS-CoV-2 (Severe Acute Respiratory Syndrome Coronavirus-2) and the disease caused by contracting this virus is called as COVID-19 (Corona Virus Disease). The Government of Union of Islandia declared a lockdown of 6 months starting from 10th July, 2020. However, during the lockdown period as well, the protest against the citizenship law continued to happen and Mr. Messi continued to participate in those protests.

There were several newspaper reports which accused Mr. Messi of leading the peaceful protest towards the violent protest. The reports also suggested that Mr. Messi is intentionally spreading the COVID-19 as there were proved instances wherein Mr. Messi is provoking the protesters to defy the lockdown.

On 9th August, 2020, Foreigners' Regional Registration Office, Relhi (FRROR) called the petitioner for hearing before expelling him from the Country, however, such

a hearing was postponed on petitioner's request.

Subsequently, on 15th September, 2020, a Leave Islandia Notice (LIN) was issued to the petitioner in exercise of powers conferred by the Foreigners Act, 1946 to the FRROR.

The said Notice was challenged by Mr. Joshua Messi before the Supreme Court of Islandia on the ground that the hearing was not given to the petitioner prior to the issuance of LIN and the FRRO has only relied upon the newspaper reports to issue LIN and no other reason has been provided, thus is a violation of Principle of Natural Justice and is arbitrary in nature and also violates various Fundamental Rights of the petitioner, especially the Right to Protest and the Right to stay in Islandia till the time the visa is valid.

However, the Respondent had submitted a two page confidential field report stating that there was a continuous surveillance on the petitioner's activities from July, 2020 which has formed the basis for the issuance of LIN and have also stated that the student visa does not allow a foreign national to speak publicly in anti-government demonstrations as the Freedom of Speech is not available to everyone.

The Supreme Court of Islandia decided to hear the petition filed by Mr. Joshua Messi on _____ day of _____, 2020 before a 3 Judges Bench.

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- The participants are required to make their own issues and the issue of maintainability of the petition is mandatory.
- The Laws of Union of Islandia is pari materia to the Laws of Union of India.
- This problem is purely intended for the Moot Court Competition and educational purposes for law students and it does not attempt to influence or predict the outcome of any matter whatsoever.
- The Proposition is neither intended to nor does it attempt to resemble any incident or any person, living or dead. Any such resemblance is purely coincidental.
- 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.
- The participants are required to prepare their submissions from each side of the case.

