



The ICFAI University Jharkhand

Shri N J Yasaswy Memorial

National Moot Court Competition 2021

In Virtual Mode

18th-20th December, 2021

A close-up photograph of a wooden gavel resting on a wooden sound block. The gavel has a dark wood handle and a light-colored wood head with a metal band. The sound block is also made of wood and has a circular top surface. The background is a dark, blurred surface.

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ABOUT THE ICFAI UNIVERSITY, JHARKHAND

The Institute of Chartered Financial Analysts of India University, Jharkhand popularly known as The ICFAI University Jharkhand. The University under sub-Section (2) of Section 4 of the Institute of Chartered Financial Analysts of India University Act, 2006 (Jharkhand Act 08, 2007). The University, is included in the list of universities maintained by the University Grants Commission (UGC) under Section 2(f) of the UGC Act, 1956, vide Notification No.F.8-17/2009 (CPP-I) dated December 16, 2009.



ABOUT THE FACULTY OF LAW



The Faculty of Law – FOL, a constituent of the ICFAI University, Jharkhand with an objective of developing a new generation of legal professionals through comprehensive and contemporary body of knowledge in integrating law with management. FOL offers BBA-LL.B (Hons.) and LL.B programs. The Faculty of law, ICFAI University Jharkhand is dedicated to serve and committed towards the overall development of students by emphasizing on various extra-curricular activities and assigns a significant role to moot courts. By following the standards of absolute impartiality, transparency and efficiency, it strives to not only organize but also motivate the students to participate in the moot court competitions and we intend that these kinds of extra circular activities would also help the students in practical court of law.





SCHEDULE

S. NO	PARTICULARS	DATE
1.	Commencement of registration	25. 11. 21
	Last date of Registration	10. 12. 21
2.	Last date to seek Clarification	12. 12. 21
3.	Release of Clarification	14. 12. 21
4.	Submission of Memorandum and Compendium	15. 12. 21
5.	Inaugural Ceremony, Draw of lots & Oral Rounds- Prelims	18. 12. 21
6.	Quarter Finals & Semi Final Rounds	19. 12. 21
7.	Final Round & Valedictory Ceremony	20. 12. 21

MOOT PROPOSITION

Torkut and Anr. v. Union of Shire

Shire, is a Democratic Republic which is home to a vast number of religious and ethnic groups and is rich in its culture throughout the country. It has a rich history and is well known for its governance and the rule of law followed within the country. Shire has its own written Constitution, which is considered the law of the land, and since its inception, the Constitutional Law in the country is exceptionally well interpreted by the Courts in the Country.

Since the advent of the internet, the general population of the country has been quite active online. This led to the Government first passing the Shire Information Technology Act, 2000 (hereinafter referred to as “**SIT Act**”), in order to regulate the use of the internet and keep a check on cyber crimes. With time, the Government focussed on getting the country digital and hence they came up with the “Digitalizing Shire” plan, wherein the government, through policies, and changes in it’s own governance, made the internet available to the masses at relatively cheaper rates, and moved most of the administrative functions such as RTO, Complaint Registration etc. online, so as to promote more and more usage of the internet. Due to these policies of the Government, more than 40% of the general population had access to the internet, making Shire the 2nd ranking country in the world in terms of Internet Usage.

Since the year 2017, Shire, and all the other countries started facing a very serious issue of ‘Fake News’, ‘Internet Bullying’, and spread of communal hatred over the internet on social media. This became a growing concern for the Government, because due to these said issues, a number of crimes, violent protests, and other lawless activities started erupting throughout the country.

The government was heavily criticized for the same because it was not taking any steps towards curbing the said issues. The people behind spreading such fake news were doing so because there was no present legal method before the government to try and track the people behind these issues. The Social Media websites were also unable to identify the same since they claimed that all the data which was being transferred through their websites was encrypted and hence they cannot use it. They also claimed that they do not store user personal data as it amounts to a breach in their existing privacy policy.

The Government, in order to tackle these issues once and for all came up with the SIT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. Under the said rules the Government laid down mechanisms for appointment of a Grievance Redressal Officer by the Social Media websites, Procedure for removal of contents which were objectionable within 24 hours, Identification of the person from whom the information/post originated, and other such regulations to help the Government tackle the said issues.

‘Torkut’, was one of the many social media websites which were operating in Shire. Around 22 million people from Shire were active users of Torkut, making it the second largest social media platform on the internet in Shire. RashmiKaur was one of the users on Torkut, and one day, she posted about an incident of rape which happened in her city, and in that post, she heavily criticized the Prime Minister of Shire, and the Chief Minister of her State along with the State Police. This post soon went viral and started garnering support from both sides of the political compass. The supporters of the Prime Minister started criticizing her post, and using slurs against her online. One of such supporters who went by the ID, “Mingu_Sher” were able to identify her, and posted her Contact Number and Address on Torkut, which led to her getting rape and death threats on her cellphone, as well as a huge violent protest outside her house, wherein the mob vandalised her walls, and threw rocks until the police were able to disperse the crowd.

After completing his investigation, Mr. Singh informed that he would not be able to disclose such information since they did not track any personal data except the email ID and details provided by the user. This was because it went against their privacy policy, and would hamper the right to privacy of the said individual.

Krew Chat was one another social media platform operating in Shire. This app enabled users to chat with one another and send photographs to each other without keeping any record of any chat or photos. Wajid Khan, was one such user who used the app. He was a local journalist who worked covering issues of local importance in the Capital of Shire. One day he got a random message from an unknown user named “JCharles41”, who sent him photos and information regarding some communal violence happening over at the east side of the Capital. Upon getting the information, Wajid went to that place to check what’s going on. Rishabh Lal, another user got similar information from JCharles41 about communal riots in the same area. So Rishabh went to the same place as well. Upon reaching, they found that around 200 people from two different religious communities received similar information from JCharles41. This led to mass confusion in the area, and both groups engaged in violent riots throughout the east side. Around 150 people, including 35 civilians and 2 children were injured, and 3 people died including one from the Police Force.

In the aftermath, when the investigation began, the police came to know about the information which was spread by JCharles41, and henceforth they approached the Grievance Redressal Officer of Krew Chat, Mr. Rajib Ansari. They asked him to provide the information of the IP Address, known locations, and the messages and photographs which were sent by him. Mr. Ansari, after looking into the matter, informed the police that the chats between the users of Krew Chat are end-to-end encrypted, and hence Krew Chat admins cannot access the conversations which happen between the users. He further told the police that they cannot provide the current location of the user as the user has disabled that option and they cannot override it as it violates their privacy policy for users. The police, upon getting this information, started to look for other alternatives to track down JCharles41, but were unable to do so.

In the end, with no other alternative left, issued an order for arrest of Mr. Sanjit Singh, GRO of Torkut, and Mr. Rajib Ansari, GRO of Krew Chat. The police stated that according to Rule 7 of the SIT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, since the GRO's failed to comply with the said Rules, the immunity which was granted to them under Section 79 of the SIT Act, won't apply.

Both Torkut and Krew Chat moved separate Civil Writ Petitions before the Supreme Court of Shire, praying that the arrest of their Grievance Redressal Officers is unconstitutional, and that the removal of their immunity as granted under Section 79 of the SIT Act was unconstitutional. They also prayed that the SIT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 were in clear violation of the Constitution of Shire, since they violated the privacy of the citizens.

The Supreme Court of Shire clubbed both the petitions, and is now listed for arguments.

NOTE: The following points have to be referred to the participants:-

- The laws of Shire are para-materia to the laws of India.
- The Constitution of Shire is para-materia to the Constitution of India.
- The SIT Act, 2000 is para-materia to the Information Technology Act, 2000.
- The SIT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 are para-materia to IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021

RULES AND REGULATIONS

GENERAL INFORMATION

- ✓ These rules are made for the virtual national moot court competition organized by The ICFAI University, Jharkhand.
- ✓ The moot court competition will be held from 18th December, 2021 to 20th December, 2021.
- ✓ The Organising Committee (OC) shall function as the point of contact, and any changes in the Rules of the Competition shall be notified by mail to all participating teams.
- ✓ The Competition shall be conducted in accordance with the rules mentioned hereunder. Participants are required to comply with the rules and procedures prescribed herein.
- ✓ The official e-mail for all correspondence concerning the Competition is mootclub@iujharkhand.edu.in.

LANGUAGE

- ✓ The official language for the Moot Court Competition shall be English only.

ELIGIBILITY

- ✓ Students of three-year or five-year integrated law degree or of post graduate law courses from any University/ Law School/ College/ Department are eligible to participate in the Competition. Two teams can participate from the same University/ Law School/ College/ Department.

ATTIRE

- ✓ Male Participants: Black Trousers, White Shirt, Black Blazer, Black neck tie and Black formal shoes.
- ✓ Female Participants: Black Trousers/Skirt, White Shirt, Black Blazer, Black neck tie and Black formal shoes (or) White Salwar Kameez, Black Blazer and Black Formal shoes.

TEAM COMPOSITION

- ✓ Each Team may consist either two members, comprising two speakers or three members, comprising two speakers and one researcher.
- ✓ Any alteration in the status of the team members, whether as a speaker or researcher, must be informed through mail to mootclub@iujharkhand.edu.in.
- ✓ If any team is willing to alter the team composition, can do so by intimating the organizing committee via e-mail ten days before the competition. Any such requests after the given time shall not be entertained except in case of unprecedented circumstances. The inability of any team member to participate in accordance with the rules of this Competition shall lead to immediate disqualification of the Team from the Competition.

PARTICIPATION AND REGISTRATION PROCEDURE

- ✓ The teams interested in participating are required to confirm their participation by filling up the Google form. To register: <https://forms.gle/5io1UAAMncrLESsF8>
- ✓ The last date of registration is December 10th 2021 (11:59 P.M.).
- ✓ A confirmatory e-mail, together with the team code, shall be sent to such a Team on December 6th 2021. Thereafter, all the registered teams shall identify and refer themselves using the allotted team code only for all further correspondence with the organizing committee.

REGISTRATION FEE

- ✓ Each Participating Team is required to pay INR 1000/- (One Thousand Rupees) towards Registration via online account transfer.

PAYMENT PROCEDURE

The Registration Fee is required to be transferred to the below mentioned

Bank Account: Account No. –50200000250955

Type of account- Current Account

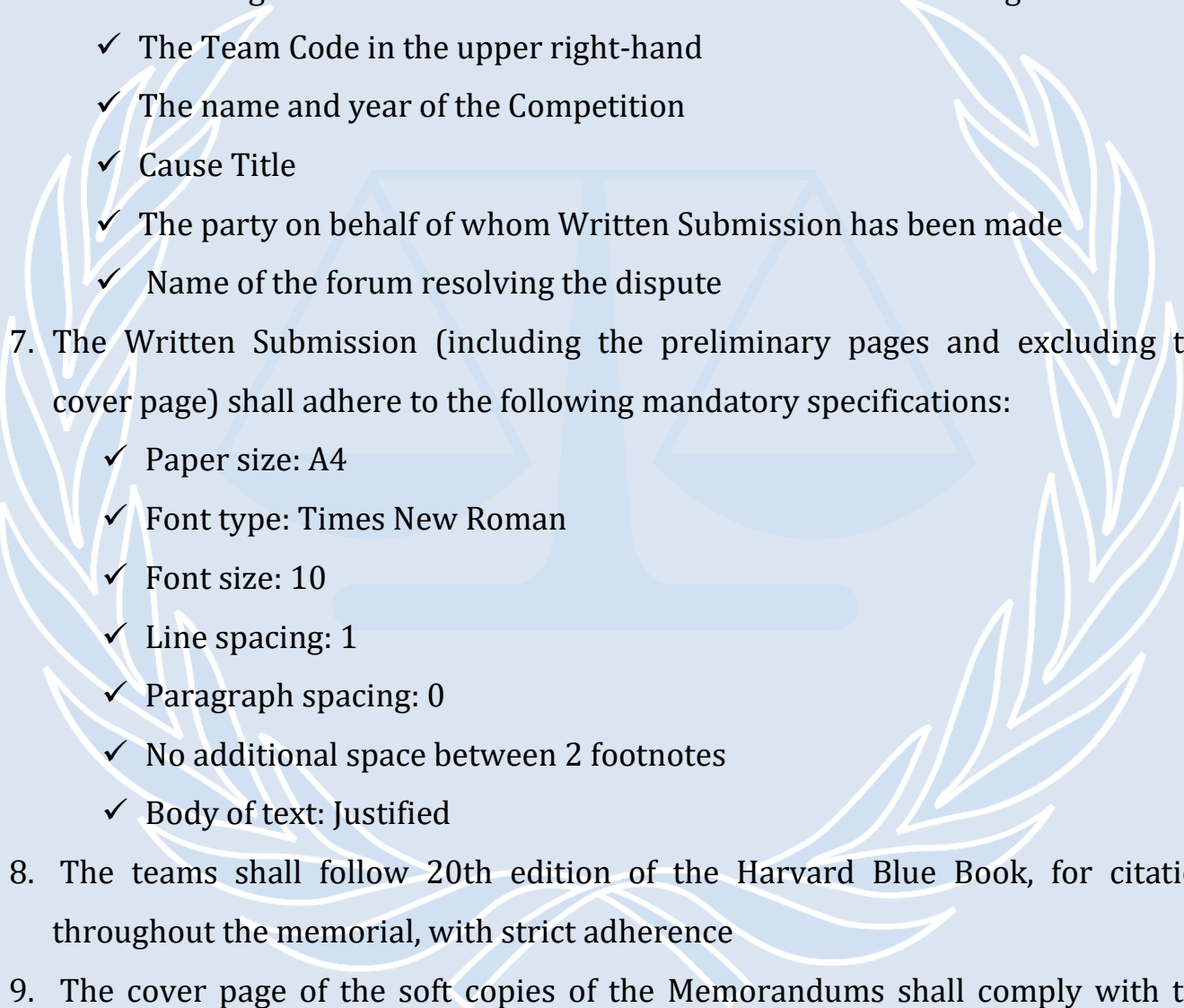
Name of account-THE ICFAI UNIVERSITY JHARKHAND Fee Collection A/C

Name of bank- HDFC Bank

IFSC Code- HDFC0000150

MEMORIALS

1. All memorials submitted for the purposes of the Competition shall strictly adhere to the rules as stated below
2. Each Team is required to prepare Written Submissions for both sides, i.e., the Applicant(s)/Appellant(s)/Petitioner(s) and the Respondent(s) of the case.
3. A Written Submission shall be identified solely by the Team Code assigned to the Team. The Written Submissions shall not, in any way, disclose any fact pertaining to the Identity of the Team its members (not limited to the name of the participants), or the Institution/College/University represented by the Team.
4. The memorials must contain the following sections in the order as stated below-
 - ✓ Cover Page
 - ✓ Table of Contents
 - ✓ Index of Authorities
 - ✓ List of Abbreviations
 - ✓ Statement of Jurisdiction
 - ✓ Statement of Facts
 - ✓ Statement of Issues

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- ✓ Summary of Arguments
 - ✓ Arguments Advanced (25 pages)
 - ✓ Prayer (1 page)
5. The memorials should not exceed 40 pages, including the cover page. Non-compliance with the above criteria shall result in a penalty of two marks per missing section.
6. The Cover Page of a Written Submission must contain the following information:
- ✓ The Team Code in the upper right-hand
 - ✓ The name and year of the Competition
 - ✓ Cause Title
 - ✓ The party on behalf of whom Written Submission has been made
 - ✓ Name of the forum resolving the dispute
7. The Written Submission (including the preliminary pages and excluding the cover page) shall adhere to the following mandatory specifications:
- ✓ Paper size: A4
 - ✓ Font type: Times New Roman
 - ✓ Font size: 10
 - ✓ Line spacing: 1
 - ✓ Paragraph spacing: 0
 - ✓ No additional space between 2 footnotes
 - ✓ Body of text: Justified
8. The teams shall follow 20th edition of the Harvard Blue Book, for citation throughout the memorial, with strict adherence
9. The cover page of the soft copies of the Memorandums shall comply with the following colour scheme: Applicant(s)/Appellant(s)/Petitioner(s) **-Blue**(in any shade) Respondent(s) – **Red** (in any shade)

10. Each Team shall send a soft copy of the Written Submissions, via electronic mail, on or before December 15, 2021, by 11:59 P.M. to mootclub@iujharkhand.edu.in . The Written Submissions must be made in soft copies only.
11. Each Team has to send two (2) separate file attachments: One as Memorandum on behalf of the Applicant(s)/ Appellant(s)/ Petitioner(s) and one as Memorandum on behalf of the Respondent(s) in PDF.
12. The PDF files should be named according to the Team Code and the side for which the Written Submission is prepared. [For instance, Team 01 will name its Written Submission for the Applicant(s)/ Appellant(s)/Petitioner(s) as 01A and Written Submission for the Respondent(s) as 01R.] Use of any other format (example, "Team 01A" or "Team 01R") will be negatively marked.
13. Two separate mails have to be sent with subject as prescribed:-
- **For Memorandum Submission: Memorandum** Submission - Team Code
 - **For Compendium Submission: Compendium** Submission - Team Code
14. The maximum score for the memorials shall be 100 marks and its weightage will be 50% of total. The memorials shall be evaluated on the following criteria.

CRITERIA POINTS

CRITERIA	POINTS
Knowledge of Law and Facts	25 Marks
Proper and Articulate Analysis	25 Marks
Extent and Use of Research	25 Marks
Clarity and Organization	15 Marks
Grammar and Style	10 Marks

COMPENDIUM

1. It is compulsory for every participating team to submit a compendium consisting of all the case laws along with the memorandum.
2. The last date for submission of compendium is December 16th 2021.
3. Compendium shall be presented by the way of screen sharing only with permission of the judge(s)

STRUCTURE OF THE COMPETITION

- The Competition shall be conducted for three days from 18th December, 2021 to 20th December, 2021.
- The timeline of the event is attached herein above.
- The Competition shall consist of the following Oral Pleading Sessions:
 - a. The Preliminary Rounds
 - b. The Quarter Final Rounds
 - c. The Semi-Final Rounds
 - d. The Final Round
- 4. The Teams participating in a Round will be provided with a soft copy of the opposing Team's Written Submission prior to the Oral Pleading Session.

PRELIMINARY ROUND

- To determine the Order of participation in the event's preliminary rounds, all the registered teams shall participate in a draw of lots to be conducted for that purpose. Such a draw of lots shall take place on December 18th 2021, immediately after the inaugural function. The exchange of memorials and orientation of the teams shall be conducted immediately after the draw of lots.
- For the preliminary rounds, each Team shall argue twice: once on behalf of Petitioner and once on behalf of Respondent (Prelims-I and Prelims-II round).
- No two teams shall face each other more than once in the preliminary rounds.

- In determining the scores in the preliminary rounds, memorial scores will be added to the oral scores.

QUARTER-FINALS, SEMI-FINALS AND FINALS

1. The top eight teams of the preliminary rounds shall qualify for the Quarter-final rounds.
2. From the Quarter-final rounds, winning teams from each round shall proceed to the subsequent stages of the Competition on a knock-out basis, as per the formula stated below.
3. Quarter-finals = Preliminary Round Oral Scores + Memorial Scores II.
4. Semi- finals = Quarter-finals round oral scores III.
5. Final Round= Semi-Finals round oral scores.

TECHNICAL RULES

1. The Competition will be conducted using online live video conferencing platform. The details of the platform shall be shared with the teams via mail.
2. To ensure the smooth functioning of the competition, in adherence to the rules of Social Distancing and Government Guidelines, all participants will participate from their respective places.
3. Invitation link of the meetings including the link to join the courtroom shall be sent to participants on their respective Email IDs submitted by them in Registration Form and through WhatsApp prior to each round.
4. The Participants are expected to be seated in a quiet space free from any echo and isolated from any form of disturbances.
5. The Participants must make sure that the Background is plain and sober which does not disturb the judges. Preference will be given to a White background.

6. The participants should make necessary preparations before entering the meeting room i.e., downloading the required Application and ensuring that their device is compliant to the terms mentioned.
7. The participants should only use their **team code** as their **username** while joining the meeting room.
8. All participants shall join at least five (5) minutes prior to the commencement of their round. In case any team fails to join the Court Room within five (5) minutes of its commencement, the opposite team shall proceed ex -parte.
9. During the ongoing proceedings the participants must keep their video on throughout its duration.
10. When a speaker is making his/her submissions, other participants shall keep their microphones on mute. In case a participant is found disturbing the other participant in any way, he/she may be disqualified.
11. No additional documentation or screen sharing will be allowed and any information which has to be provided to the court should be submitted beforehand along with the Compendium and the Memorial.
12. In case internet connection of Speaker 1 is lost or if that Speaker faces any other difficulty in connecting, a time limit of ten (10) minutes shall be given to that speaker to reconnect. After ten (10) minutes, Speaker 2 will take over to put forth his arguments. If Speaker 1 fails to reconnect, the team shall be marked on the basis of arguments put forth by Speaker 2 and Speaker 1 only if he has put forth any arguments before disconnection.
13. The Organizers shall not be responsible for any loss due to slow or non - functional Internet Connection during the Competition.
14. In any case whatsoever, the decision of the Organizing Committee shall be final and binding.

RESULT

1. The results shall be announced shortly after each round. The decision of the judges in the rounds shall be final. For all purposes and in any dispute, the decision of the Organizing Committee of the Competition shall be final and binding.
2. The result of final round shall be announced at the valedictory ceremony, to be held on December 20th2021.

AWARDS

1. Winning Team Award – The winning Team will receive a cash prize and each member will receive a Certificate of Achievement.
2. Runner-Up Team Award –The runner-up Team will receive a cash prize and each member will receive a Certificate of Achievement.
3. Award for the Best Speaker – The Best Speaker will receive a cash prize and a Certificate of Achievement.
4. Award for the Best Memorial – The Team will receive a cash prize and each member will receive a Certificate of Achievement.

FAQs FOR THE COMPETITION

1. What if a team member, precisely any Speaker, gets disconnected while the Court is in session?

Answer: In any such case, the teams are requested to inform the respective court room officer, and with the further consent of the organizing committee, the aggrieved team member shall be given 10 minutes to re-join the meeting.

2. Once the submissions are made by both the teams, are participants allowed to ask for valuable feedback from the bench?

Answer: It depends upon the sole discretion of the bench.

3. Can any other person apart from the team join the session as a spectator?

Answer: No, any outside person who is not a participant except the OC member will be allowed to join the session. Every participant will be permitted to enter the courtroom only with their respective team codes.

4. While in the court room, can a team interact with the opposing team?

Answer: No, teams are not allowed to interact with each other during the competition.

✓ **NOTE:** Any query pertaining to the competition shall be sent to mootclub@iujharkhand.edu.in by December 6th2021. Questions submitted / clarification sought through any other means other than by e-mail shall not be entertained. A consolidated response for all questions and clarifications shall be mailed to all the participating teams on December 9th2021

Patron



Prof. ORS Rao
Vice Chancellor,
The ICFAI University, Jharkhand

Organizing Secretary

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Joint-Organizing Secretary

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