

## VIVEKANANDA SCHOOL OF LAW AND LEGAL STUDIES

### **8th Intra Bail Argument Competition, 3<sup>rd</sup> - 5<sup>th</sup> September 2020**

Advocates' Legion proudly announces the 8th edition of the Intra-Bail Argument Competition from 3<sup>rd</sup> September- 5<sup>th</sup> September, 2020. The competition shall take place through a series of rounds. The interested participants are requested to fill this Google form for **registration** through the link provided below: -

[https://docs.google.com/forms/d/e/1FAIpQLSeHxe3bWUwp65i2r\\_zMk19qpLGryYIgPHc1qE2NvV7JfqJF3g/viewform?usp=sf\\_link](https://docs.google.com/forms/d/e/1FAIpQLSeHxe3bWUwp65i2r_zMk19qpLGryYIgPHc1qE2NvV7JfqJF3g/viewform?usp=sf_link)

*Please Note: Last date of registration is 10th August 2020.*

#### **Rules of the Competition**

1. There shall be individual participation, no team participation will be allowed.
2. The registration fee is **Rs 100/-**. The payment shall be made to the following:  
**Beneficiary Name:** Vivekananda Institute of Professional Studies  
**Bank:** Axis Bank Ltd.  
**Branch:** Lok Vihar  
**Account No:** 912010050002859  
**IFSC Code:** UTIB0000588  
**Account Type:** Savings
3. Screenshot of the successful payment/transfer shall be attached to the google form. No registration will be accepted without it.
4. The participants shall be given their respective sides for argument at the time of registration.
5. Memorial submission is to be done for **one side** only.
6. Memorial submission is to be done by **20<sup>th</sup> August, 2020 11:59 p.m.** Any submissions made after the stipulated time will be subject to a penalty for every 6 hours delay.
7. The memorial shall be strictly in the form of application, consisting of **2-3 pages**. The memorial may be supported by a separate compendium of judgments (the first page of judgment and the relevant extract). The memorial is to be submitted in **both** PDF and Word format.

8. Memorial is to be submitted on [moot@vips.edu](mailto:moot@vips.edu) .
9. Clarifications regarding the bail problem will be entertained via another **Google form** which will be released shortly.
10. There will be 2 training sessions. First training session on written would be conducted on **13<sup>th</sup> August, 2020** and Second training Session for oral submissions would be conducted on **23<sup>rd</sup> August, 2020** respectively. The speakers of the training sessions should not be approached outside the training sessions.
11. The scoring criteria of the oral rounds shall include the following:

S.no.	Criteria	Scores
1.	Knowledge of the Facts	20
2.	Application of Laws to the Fact and Interpretation	40
3.	Clarity of Thoughts and Expression	10
4.	Court etiquettes	10
5.	Rebuttal and response to questions	20
	Total	100

9. The participants shall be given **9 minutes** for oral arguments and **1 minute** for rebuttal/sur-rebuttal.
10. The Competition will be conducted through the online platform **Zoom/Cisco WebEx/Google Meet/ Microsoft Team**. Further, relevant details will be provided to the participating post their registration
11. All the participants should appear in a formal dress.
12. The decision of the judge is final and no challenge to the decision will be tolerated.
13. All decisions made by the Moot Court Committee are binding. Any usurpation of the above-given norms will lead to direct disqualification from the competition.
14. In case of any dispute arising out in the interpretation of the rules, or otherwise, the decision of the Faculty Coordinator in consultation with the Organizing Committee (OC) would be final

and binding. The Faculty Coordinator in consultation with the OC will have the exclusive authority to interpret these Rules.

**EVENT CONVENERNS**

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**FACULTY COORDINATORS**

***Ms. Lovleen Sharma***

***Ms. Sakshi Gupta***

***Ms. Gunjan Malhotra***

***Ms. Rajni Kheria***

**(REFRAIN FROM CALLING THE CONVENERNS WITHOUT PRIOR INTIMATION via WHATSAPP MESSAGE  
OR EMAIL – [researchandlegal@gmail.com](mailto:researchandlegal@gmail.com) )**

**— ADVOCATES LEGION —**

## Moot Proposition

Indiano is a democratic republic in the continent of Prusia. The country has a parliamentary form of government along with a multiparty system, with two parties constituting the overwhelming majority membership in the country. The two parties are Indiano People's Front (IPF) & New Democratic League (NDL). In December 2019 a series of land reforms were passed by the majority IPF leaders in the parliament. The reforms allowed private entities to build on indigenous lands. The reforms garnered a lot of criticism on national and international platforms. This action of the parliament sparked demonstrations by the citizenry as well as members of the opposition.

Amidst national protests, Mr. Winston, an affluent political figure and leader of the New Democratic League, became one of the faces leading the dissent in Viola, the national capital of Indiano. Nationwide protests were witnessed which shook the core of Indiano. On 18th January 2020 Mr. Winston organised a protest in front of the residence of the Prime Minister of Indiano. The protestors lead by Mr. Winston occupied the streets around the residence of the Prime Minister. Mr. Winston urged the protestors to then burn copies of the reformed law on the streets while singing the national anthem of the country. He addressed the crowd and urged them to hold their ground until the reforms were revoked by the Prime Minister. The fires were ignited and piled in the middle of the road to restrain movement. The demonstration continued for over 24 hours undeterred by the police and government push back. The congregation was then disbanded by police in riot gear. The videos and reports of this protest gained a lot of traction online.

Many members of the governing party expressed anger towards Mr. Winston for his stunt. Ms. Julia, outspoken member of the governing party, organised a demonstration on 25<sup>th</sup> January 2020 against the acts of the protesters. She also gave speeches addressing the protests of 18th January 2020. In her speech she said, "the traitors who try to set the nation on fire deserve prison or death".

On 2nd February 2020 riots broke out in North and West of Viola which resulted in a significant loss of life and property. The riots brought the entire country to a standstill and armed officers were posted all over Indiano, fearing nation wide violence. Subsequently the Viola Special Cell Police started investigating the riots. Mr. Winston was arrested on 25th March 2020 and the charge sheet was filed on 1<sup>st</sup> April 2020 which stated charges under Sections 13, 16, and 18 of the Unlawful Activities (Prevention) Act, 1967 and Sections 147, 148, 153A of the Indian Penal Code, 1860. It was alleged that Mr. Winston was orchestrating the riots and that the demonstration on the 18<sup>th</sup> January 2020 was an attempt to dismantle the Government and break the democracy starting from the capital itself. The State police also stated that personal communications had been seized from Mr. Winston's person which revealed questionable conversations. There were emails and messages to and

from other influential persons involved in the protests stating that Mr. Winston planned to keep the fire in front of the residence ignited till the reforms rolled back. The state police claimed that the riots were purposefully instigated in the capital by Mr. Winston to systematically break the government.

Mr. Winston's party took it to online and offline media alleging that the charges against Mr. Winston are fabricated and a ploy to gag his free speech. In the trial, evidence was admitted which consisted of statements (ANNEXURE-I) made on Mr. Winston's verified social media account on 30<sup>th</sup> January 2020. The charge sheet was filed before the Judge, First Class, Ms. Ruby, who later committed the case to the Court of Sessions. It was alleged that Mr. Winston was orchestrating the riots and that the demonstration on the 18<sup>th</sup> January was an attempt to dismantle the Government. Mr. Winston's advocate moved to the Court of Session to obtain bail. In an order dated 5th April 2020 bail was denied due to the bail restriction of S. 43-D, Unlawful Activities (Prevention) Act, 1967. The presence of a '*prima facie* case' was inferred due to the inflammatory speech (ANNEXURE-II) made on 18th January which could have caused 'disaffection against the nation'. Meanwhile, some of the participants who vociferously demonstrated on 18<sup>th</sup> January 2020 were identified as rioters in the North Viola riot case. Three out of four accused have obtained bail in the riot case. Further, two people closely associated with Ms. Julia's rally was also arrested for the 2<sup>nd</sup> February 2020 riots and granted bail. The bail application was then moved to the High Court of Viola. The petitioners alleged that the restriction under section 43-D Unlawful Activities (Prevention) Act, 1967 is not applicable in the present case. On the contrary, the State (respondent) argued that the charges are too grave to allow bail. While Mr. Winston was incarcerated a new disease, COVID-19, started spreading to the point of a global pandemic. Due to the COVID-19 pandemic the appeal was adjourned many times due to logistical issues. The matter is up for a virtual hearing on 1<sup>st</sup> September 2020 now.

You are required to argue the matter on behalf of the side allotted to you.

**Note:** -The laws of 'Indiano' are *parimateria* to laws of India.

ADVOCATES LEGION

ANNEXURE- I

TEXT RETRIEVED FROM SOCIAL MEDIA

I see the fire has caught on and commend the people for refusing to strengthen the authorities by silence. Our strength is in our voices unlike the government which uses force and violence. I commend the power of the peaceful protesters.

Time stamped – 11:09:34 – Dated – 30<sup>th</sup> January 2020

**ANNEXURE- II**  
**SPEECH**

“We slaved for 200 hundred years under colonists and gave to ourselves the law and the land. This government is trying to use those very laws to take away from us our lands. The constitution is our gospel and the streets of our nation our temples. The people will rise above this injustice. The people reject this divisive law. The prime minister will have to repeal the law or face the wrath of the people. The Home Minister and the Agricultural Minister have to resign for his attempts to tarnish the law of the land. We the people will defend till death our democracy, our rights, our country.”

\*The evidence has been admitted in the case.

**ANNEXURE-III**  
**ARREST MEMO OF MR. WINSTON**

Sr. No.	Particulars	Details
1)	Name of Arrested Person	Winston
2)	Father's Name	Arthur
3)	Sex	Male
4)	Age (Approx.)	63 Years
5)	Residential Address	G8, Kings Landing
6)	Date and Time of Arrest	25 <sup>th</sup> March, 2020
7)	Place of Arrest	G8, Kings Landing road
8)	Case reference with Section of Law	S. 147, 148, 153A Indian Penal Code 1860, S. 13, 16, 18 Unlawful Activities (Prevention) Act, 1967
9)	Name of Police Station	Kings landing road police station
10)	Name and Designation of the Officer apprehending	Mr. Rob, Special cell Viola Police, IPS

11)

Counter Signature of Arrestee

Sd/- (Winston)



—ADVOCATES LEGION—