



3rd NATIONAL MOOT COURT COMPETITION, 2024



MOOT
PROPOSITION



MOOT PROPOSITION

IN THE SUPREME COURT OF JAMBURIYAT

In the matter between

MS. AKRITI BARUAH

V.

SUPREME COURT OF JAMBURIYAT

ORGANIZED BY:

MOOT COURT CLUB

School of Law

Graphic Era Hill University

1) Jamburiyat, a democratic country inherited the common law tradition from its former rulers, Britain, including the Westminster style of Parliamentary Democracy and has a bicameral legislature. Jamburiyat is governed by a document called the Constitution of Jamburiyat which was framed after getting independence from British rule after 200 years of freedom struggle in 1947 and today controls law and order of the largest democracy by population. Its citizens are called jamboorees.

2) The British rule was harsh on the Jamburiyat economy and it is said that it came to Jamburiyat when it was the richest country in the 18th Century with its contribution to the world economy being 23% and reduced it to one of the poorest in 1947 with just 4% share in the world economy. Since then, Jamburiyat has seen many economic ups and downs to become the third-largest economy in the world and with its rapid economic growth, it is assumed that it will become the largest economy in the world by 2075. Jamburiyat underwent a technological revolution in the 1990's and the era of digitalization began. By 2022, almost every adult citizen of Jamburiyat had a smartphone and access to the internet. This has only been possible because of its former governments who have taken giant strides towards economic prosperity and technological revolution of Jamburiyat.

3) In 2018, in the backdrop of political promises to support small businesses, to promote starting up companies and ease of business, the Jamboorees Hukoomat Party (the JHP) won a 3/4th majority in the lower house of the Parliament to form the Government in Jamburiyat. This has been the first time since 1976 that one party has had a single majority in the lower house of the Jamburiyat Parliament. This is believed by many to have happened because of its promises to further promote economic prosperity in the nation and make it a superpower.

4) With the advent of social media and policies of JHP being implemented, the internet became very cheap and now people could browse all day and even started doing business online. Food delivery Apps started, a Taxi could be booked in minutes through an App, also Apps were made that could help people make money through videos and content creation. Seeing this many foreign players entered the Jamburiyat market of social media. As is the state of affairs today 57% of the market share in convenience Apps mentioned above is of foreign-developed Apps.

5) This capture of the Market by foreign players started affecting the economy of Jamburiyat severely and the JHP for the Parliamentary elections of 2023 floated an election agenda that it would make laws and frame policies which would effectively reduce the market share of these Apps and promote tech-jamboorees in Jamburiyat to develop local Apps. This was a major political tussle between the other political party named Democratic Party of Jamburiyat (the DPJ) who was of the view that the JHP was turning the state into an autocratic state and controlling the freedom of speech of people. They were of the view that there are other ways to control the economy than only focusing on technology as 50% of the Jamburiyat population still lives in rural areas and around 55% of its land is fertile for agriculture, which they claimed, the ruling party has forgotten.

6) Jam-talk is an App that allows people to make short videos and podcasts. This App is also of a foreign nation but has a head office in Jamburiyat capital city named New Jamli. What first started as a short funny videos and comments App has now turned into a political discussion forum and political debates have started happening between Jamboorees on that App. Not just daily happenings but also policy actions of the government are being discussed and severely criticized on it.

In months it has grown to such an extent that it has become the livelihood of many people to make videos about happenings in Jamburiyat and discuss it on the App.

7) In due course of time, more and more people have joined this App and news channels have almost lost all its viewership. The account holders on the Jam-talk are also paid money if they have beyond 10 Lakh followers. This has led to commercials/advertisements being made on the App from accounts of famous personalities.

8) With elections approaching in the year 2023, many states of Jamburiyat saw violent clashes and disturbances between Jamboorees who are followers of JHP and that of DPJ. It is alleged that these disturbances are because of a policy clash between the ideologies of JHP and DPJ where the ruling government is in talks of banning the Jam-talk. Initially, no other media coverage was given to these clashes and disturbances but only on Jam-talk. The executive authorities of the states took no effort to maintain peace and security.

9) On 30th January, 2023 these disturbances soon took a religious turn in one of the states of Jamburiyat named Jamrajya. One of Jam-talk's famous accounts shared a video of a mob burning down a library belonging to one religious minority. The protesters belong to the religious majority and were heard in the video to shout slogans which can be considered as provoking crime against humanity. Houses were set on fire, women were mistreated and harassed, and some people died in protests from both sides. Various videos of police brutality emerged on the media as well as social media platforms which depicted the failure of police to secure law and order.

10) To control widespread criticism and ensure that the state and its people are safe the JHP, which was also the ruling party in Jamrajya, declared a state-wide ban on Jam-Talk and shut down the internet. The executive order of the Government of Jamrajya dated 30th January 2023 read,

“Whereas a large number of Jamboorees have been involved in creating/sharing content in connection to the ongoing outbreak of violence and disturbances in Jamrajya, several instances have been reported of this information being false and baseless creating controlling law and order situation in the state extremely difficult.

In the interest of public safety and to avoid public emergency, it is imperative to order a temporary suspension of internet services in the state of Jamrajya for a period of 2 weeks, extendable by further periods of 2 weeks, if the executive authority deems fit in the interest of the state.”

11) Over the next 24 hours, Jam-talk was also banned in three other states of Jamburiyat where the ruling party was JHP with reasons to control the law and order situation. In a public interview on 2nd February, 2023 the Union Home Minister said,

“As Winston Churchill once said, better prevent and prepare than repent and repair, we are exploring the possibilities of banning Jam-talk nationwide. The government has received reports from its intelligence bureau that these violent clashes are funded and politically motivated by the opposition party which is against the economic prosperity of Jamburiyat. These issues strike at the very heart of law and order of Jamburiyat and a matter of immediate concern which requires emergency measures.”

12) On 28th March 2023, days before the budget session was to take place in the Parliament, the Government placed a nationwide ban on the App, while the internet shutdown still continues in the 4 states.

This has hampered economic activities in the 4 states with an immense impact on the livelihood of the residents of those states.

13) A constitutional scholar and professor, who was also very vocal on the Jam-talk, Ms. Akriti Baruah has filed a petition under Article 32 of the Constitution of Jamburiyat before the Supreme Court of Jamburiyat on 2nd April, 2023 challenging the executive order of the State of Jamrajya and the 3 other states for keeping internet shutdown operative for months. It has also challenged the nationwide ban on Jam-talk under Articles 14, 19 and 21 of the Constitution of Jamburiyat. The matter is listed for final arguments.

(Disclaimer: All facts mentioned in the above proposition are purely fictitious and any resemblance to any person, place, event/situation or case is purely coincidental and unintentional).

ISSUES:

A) Whether the petition filed under Article 32 of the Constitution of Jamburiyat before the Supreme Court of Jamburiyat is maintainable?

B) Whether the internet shutdown in Jamrajya and 3 other states maintainable under the laws of Jamburiyat?

C) Does a nationwide ban on Jam-talk violate fundamental rights under the Constitution of Jamburiyat?

RULES:

- 1)The Constitution of Jamburiyat is a word-to-word copy of the Constitution of India.**

- 2)All laws of Jamburiyat and its states are pari materia to the laws of India, including judgments delivered by the Supreme Court of India and various High Courts of India. The participants are expected to bring to the Court's attention the relevant jurisprudence, which may include judgments and opinions delivered by courts of common law nations.**

- 3)Students are requested not to argue any facts outside the moot proposition.**

- 4)The parties are not allowed to frame/add any further issues.**

- 5)The parties are allowed to frame sub-issues as per their own discretion**