



MOOT PROPOSITION

1. Indica being the largest democracy in the world has the lengthiest written Constitution. The Preamble to the Constitution of Indica declares Indica as a Sovereign Socialist Secular Democratic Republic. In a democracy, the right and duties of the citizen are broadly specified. The State owes certain responsibilities towards all its citizens. Indica boasts of having the second largest population of the world.
2. The term Secular was added to the Preamble of the Constitution as part of the basic structure vide the 42nd amendment to the Indican Constitution in 1973. As per one of the most landmark case of Indica, decided by the Largest bench of 13 judges, it was made a principle that the '*Basic Structure to the Constitution of Indica*', cannot be amended to remove any word whatsoever. However, additions can be made to them if the situation demands. The preamble was held to be a part of the basic structure vide this case and owing to the fact that Indica is home to multiple religious denominations, the idea of Secularism found its place in the Constitution.
3. Indica has a neighbouring nation, Zakistan, which is not a secular nation, but an Shislamik Republic.
4. The term secular means that Indica does not favour any specific religion, but rather gives equal status and respect to all religions. Sindhuism being the religion that is followed by majority of Indicans, i.e. 79.8%, followed by Shislam (14.23%) and other religions including Chrismanity and Siddhism being 2.3 and 1.72 percent, respectively.

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5. The concept of Citizenship, at the same time is very essential in Indica, as it being the second most populous country, can provide certain exclusive rights only to her citizens. However, the idea of citizenship was alleged to be largely disturbed by the influx of a number of illegal immigrants in the country via the undefined and poorly demarcated North eastern border of the country. The country surrounded by multiple nations from the Northern Frontier, has been periodically reporting the instances of the arrival and settlement of many illegal immigrants since independence.

6. The worst affected state of Indica, i.e. Nassam was alleged to have, as many as 50% of its population, being such immigrants. Owing to this reason, the Central and State government in collaboration, launched the National Register of Citizens for Nassam, which contained entries of the people being original inhabitants of the state and as the government claims, excluded all the illegal immigrants. The Register was informed to be released with the aim to identify the real citizens and provide them with certain exclusive citizenship rights, and reach to a nodal decision w.r.t. the illegal immigrants. However to the astonishment of many, even a big number of Citizens who claimed themselves to be the original residents of the state did not find their names in the register.

7. This led to a state of disruption in Nassam, and the government proposed multiple editions of the amended NRCs. Meanwhile, to tackle the issue of illegal immigrants at National Level, the Central Government came up with a bill called Citizenship Amendment Bill, which was alleged to have some provisions being grossly against secularism, and being discriminatory against Shislamians.

8. The controversial provision that spiked this disruption was a Proviso being added to Section 2 of the **Citizenship Amendment Act 1955 by the Citizenship Amendment Bill 2019.**



"Provided that any person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan, who entered into India on or before the 31st day of December, 2014 and who has been exempted by the Central Government by or under clause (c) of sub-section (2) of section 3 of the Passport (Entry into India) Act, 1920 or from the application of the provisions of the Foreigners Act, 1946 or any rule or order made thereunder, shall not be treated as illegal migrant for the purposes of this Act;"

9. Despite of the objections, the bill was passed in both the houses of the Indian Parliament, which led to widespread protests around the Nation. Amidst the protests, the bill even received the President's assent and converted into a full fledged Act on 12th October, 2019.

10. The constitutional validity of the Citizenship Amendment Act was challenged into various High Courts and Supreme Court, by the Shislamians, claiming that the bill arbitrarily discriminates against Shislamians and the government having a long term agenda of combining it with PAN NRC, and declaring Shislamians as illegal immigrants, putting them either in Detention Camps or sending them to Major Shislamik Countries. On the other hand, the Central Government denied any such claim and argued that the Act is constitutionally valid and in no way challenges the Fundamental Rights of any Religious Community and also the citizenship status of the community. Nor does the bill has any agenda to sweep off the Shislamians as India being a secular country gives equal respect to all religions. Even the Home Minister of India claimed that Shislamians are in no way the religiously persecuted minorities and nor does the bill has any agenda to sweep them off.

11. The protests soon turned violent and led to mass bloodshed between the two religious groups. It majorly involved students from certain universities and political groups like PMI and KNU, leading to large scale loss of lives.

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12. In response to the legislation, several sit off protests were organised by the member of Shislamik community. This was morally supported by the opposition members through their statements and visit.

13. One such site of protest being Rahim Baugh witnessed a sit in protest. However, soon after a few days a complaint of road blockage and Public Nuisance to started finding their place in media reports. The ruling party started widespread discouragement towards the protest, highlighting major public inconvenience and affixing their stand of not standing the Act back.

14. Various state governments took cognizance of the situation asking the protestors to halt their actions. However, continuous denial and an explicit incident of making a call through loudspeaker from a local mosque, which called the members of the Shislamik community to continue their fight for justice, invited prompt action by the government.

15. Some of the state governments in turn ordered an Internet ban in various cities.. Local people including organisers of protest moved to High Court on the ground of violation of their Fundamental Rights.

The Supreme Court realising the gravity, clubbed all the Petitions filed in various High Courts and transferred it to itself as a single Petition. The first hearing is scheduled on November 12, 2019.

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ISSUES INVOLVED

1. Whether or not The Citizenship Amendment Act is Constitutionally Valid ?
2. Whether or not the Protests leading to riots could be included as valid peaceful protests?
3. Whether or not the Fundamental Rights of any section is being violated by the Act and whether or not the government failed to fulfil any constitutional directives?
4. Whether or not the Internet ban has violated any Fundamental Right to the Indian Constitution ?

NOTE

Participants are requested to note the following points :-

- Teams are instructed to argue on the provided Issues only. No new issue may be formed. However, teams are free to make sub issues.
- The Constitution and the Laws of India are pari materia to the Constitution and Laws of India. There is no difference whatsoever.
- The date of Hearing is November 12, 2019.
- The Moot Problem is fictional and does not hold any resemblance to any actual situation. There is no attempt whatsoever to hurt the sentiments of any community.