
11TH NALSAR JUSTICE B.R. SAWHNY MEMORIAL MOOT COURT COMPETITION, 2017



MOOT CLARIFICATIONS



(KNOWLEDGE PARTNER)

NALSAR UNIVERSITY OF LAW, HYDERABAD



13-15 OCTOBER 2017

	<u>CLARIFICATION SOUGHT</u>	<u>CLARIFICATION RECEIVED</u>
1.	In moot proposition Para 12 and 14, we have query regarding the gender of NIJI and GULLA. Kindly clarify the same.	It is too obvious to clarify.
2.	What is Nemo?	Google
3.	Was the en banc judgement in Para 3 delivered before or after the signing of the Instrument of Accession in Para 11?	After.
4.	In Para 8: Is Citizens' Council equivalent to State Legislature ? Or are they just a part of civil society?	It is a constitutional body.
5.	In which year did the accession of Mullu in Union of Natruland take place?	1983
6.	Who is the Ors in the case of Mr Gulla v union of Natruland and Ors.?	Ors. is Others. No further clarification required.
7.	In the 3 rd issue, regarding the suo moto petition by SC, who are the parties? On which side should we put the pleadings of each of the respondents, that is, Mulluworks, State of Mullu and Union of Natruland. How can we represent Gulla from the petitioners side and Mulluworks from the respondents side? It poses a problem. For convenience, instead of representing the petitioners and respondents, can we represent Mr.Gulla and Mulluworks on one side and the State on the other? If not, please clarify as to whose submissions should be presented by the petitioners (Nemo) counsel.	Refer Para 18 of the <u>admitted</u> <u>statement of facts</u> aka Moot Problem.
8.	What is the remedy sought in the suo moto petition? What kind of petition is this? What are the questions of law entertained in this petition? Can the misjoinder of tele-caller companies in the 3 rd petition be raised as a ground for challenging the jurisdiction?	Refer to the Supreme Court Rules. Also refer to note (b)
9.	Is the marriage contracted between Mr. Niji and Mr. Gulla a same-sex marriage or is it a technical error?	This same sex marriage was not a technical error.

10.	Do the humans of Melanesian origin reside in Natruland?	Facts give sufficient information for necessary inference.
11.	Can the information on the MINI database be sought through RTI?	Depending on the query made, it may fall under Sec. 8 d, 8e, and 8j, inter alia, of the applicable RTI Act
12.	Does complete and unbridled parliamentary supremacy exist in the State of Natruland? Considering this type of regime, what is the extent of judicial review? Should the presumption be to follow the usual mechanisms prevalent in countries having an unwritten Constitution or should the Indian model be relied on?	See note (a)
13.	Whether the arguments pertaining to the first case (Mr. Gulla v. Union of Natruland and Ors.) involve arguments on the transfer and subsequently merits of the case?	Yes.
14.	Is the Citizens' Council of Mullu (para 8) a government body or an autonomous body?	Refer to clarification provided above.
15.	<p><u>Regarding Parties:</u></p> <p>a. In the transfer petition filed by Mr. Gulla, can you please clarify who are the parties representing the two sides?</p> <p>b. In the transfer petition filed by Mr. Gulla, the petitioner is Mr. Gulla. Who is the respondent – Union of Natruland, or State of Mullu, or both?</p> <p>c. In ¶18 of the factsheet, it is given that Mulluworks, Union of Natruland and State of Mullu are party respondents to the Suo Moto Petition. Who is the petitioner, and who is representing the said petitioner?</p> <p>d. Is the transfer of data through the MINI database within the scope of the Suo Moto petition?</p> <p>e. In ¶18 of the factsheet, it is given that Mulluworks, Union of Natruland and State of Mullu are party respondents to the Suo Moto Petition. Can we assume that the Union of Natruland and the State of Mullu will take a stand that is similar to the stand taken by Mulluworks?</p>	<p>No clarification required for a to d.</p> <p>e- See note (b)</p>

16.	<p><u>Special Status of Mullu:</u></p> <p>a. Can you clarify whether Article 370 of the Constitution of India applies to the Union of Natruland?</p> <p>b. Did the Instrument of Accession impose any further restrictions on outsiders? For instance, were there any restrictions with respect to employment opportunities for outsiders, or with respect to scholarships that can be received by outsiders?</p> <p>c. Can you clarify whether there is any specific legislation in Mullu that prevents outsiders from purchasing property in Mullu, and taking permanent residency in the State?</p> <p>d. Can you please provide additional information on the historic events that preceded Mullu’s joining of the Union of Natruland?</p> <p>e. ¶11 of the Factsheet mentions that the President of Natruland issued Presidential orders incorporating the clauses of the Instrument of Accession. In which year were these Presidential orders issued?</p> <p>f. Apart from the Instrument of Accession, did the King of Mullu enter into any other Agreement with the Union of Natruland?</p> <p>g. Is the “Citizen’s Council” mentioned in ¶8 of the Factsheet, the State Legislature of Mullu, or is it an independent civil society organization?</p>	<p>No clarification required for a to f.</p> <p>g- See clarification above.</p>
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Notes from the Author: Given the large number of questions sought as clarifications, I must offer my perspective on the issues at hand.

1. There are a lot of queries directed towards what is purposely left blank in the moot proposition
2. As mooters, as great future lawyers, you must realize that each moot problem is ideally supposed to have the following overlapping components:
 - a. Arguable points for side A or B
 - b. Points for which either side will have no answer.
 - c. False negatives or points which have no *real* consequence.
 - d. Points which require deep research- legal/scientific
 - e. Points which need to be mulled over, discussed, brain-stormed as a team, before you unlock them. Arguing a case is somewhere akin to playing chess- your present move (argument) may have an impact *say* at the 7th future move (argument).
 - f. Points which require a lot of imagination, and creativity- creating new rights by drawing synergies; thinking about rights and duties in their breadth and reach; adding a new cause-effect relation between a consequence and a hitherto well-accepted State policy.

The team which wins, would be a team which has given just one full week to this problem, no more; and of course where all team-members are working, not just one or two. All issues that you are expected to answer, can be researched from the internet; without necessarily requiring access to a library or a paid online resource- so there is level playing field.

3. A moot problem does not have a single correct answer; “covered” moot cases are not fun to prepare/ argue.
4. Bringing conflicts in the side you represent adds a paradigm of personal ethics for the counsel arguing for a side. Heavily briefed counsels or the big firms often find that their take on a given aspect of a transaction or brief, may have an impact on another brief or project. It is expected that as great future lawyers, all of you will decide what is the correct course of action in such a situation, and there is no single correct answer.
5. Take the notes to the moot problem seriously. Read and re-read them. On any given point, legal or scientific, research and rely on direct authorities instead of indirect references from text books.