



FACULTY OF JURIDICAL SCIENCES

**MOOT COURT EXERCISE AND
INTERNSHIP
(CLINICAL)**

Course : BALLB , 3rd Semester

Subject code : BAL903

Faculty Name : Ms Taruna Reni Singh

Moot Court Exercise and Internship

Objective: The objective of having moot courts is to give the students practical training on how the proceedings of the court take place.

The Paper will have following components

- Moot Court: Every student may be required to do at least one moot court in a year. The moot court work will be on assigned problem.
- Observance of Trial in one case, either Civil or Criminal.
 - Students may be required to attend one trial in the course of the last year of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment.
- Interviewing techniques and Pre-trial preparations and Internship diary.
 - Each student will observe one interviewing session of clients at the Lawyer's Office/Legal Aid Office and record the proceedings in a diary. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition.
- The fourth component of this paper will be Viva Voce examination on all the above three aspects.
- Student will be required to undertake legal awareness programme in association with N.S.S. and other authorities as directed by the Faculty.

LECTURE 20

MOOT PROBLEM 8

All the names used and events described in this proposition are fictitious. Resemblance of any kind and magnitude to any name, person, organization or event whatsoever is purely coincidental. This is a fictitious problem/case with the under-given fact matrix. The counsels are expected to operate within the four walls of the facts and issues raised herein.

Facts of the case are as follows:

1. After a long and sustained struggle against colonialism an independent nation was born. This nation was Apelonia, which got its independence in 1947 from the western European powers. Union of Apelonia framed its own democratic, secular and socialist Constitution, which was enforced in 1950. At present Apelonia consists of 28 states and 8 union territories. New Ankara is the capital of Apelonia.
2. The Constitution of Apelonia recognizes the federal structure which is tilted towards center to a large extent that's why Professor Wheare has defined it as 'Quasi Federal'. It can even define, reorganize or restructure the territory of state. The Constitution of Apelonia provides for the appointment of Governor who is the Head of the executive in the state. He occupies the position of the representative of the Union in the state and through him the Union keeps a check upon the working of the State.
3. The Constitution also provides for the President's rule in any state on the failure of constitutional machinery in that State on the report of Governor. This was added to ensure that the functioning of the state is in accordance with the provisions of the Constitution. But this provision has been variously misused. Over the last 50 years and with the development of the party politics, the Central Government has *malafidely* interfered in working of states and overthrown the governments of the states where they were not in majority. The instances of 1977 and 1980, where governments of 9 states were suspended revealed the truth of the provision. All political parties during majority have misused the provision to their interest. This all has put a question upon the position of the Governor in the state.
4. In 2014 general election, the Civil Democratic Alliance(CDA) won a sweeping victory. Aplelonian People's Party(APP) itself won 31% of all votes. It was the first time since 1984's election that a party has won enough seats to govern without the support of the other

parties. The United Advance Alliance (UAA), led by Apleonian Nationalist Party (ANP) won only 19.3% of the votes. It was ANP's worst defeat in general election.

5. As of now APP is ruling over 35% of the total population of Apelonia. And after adding over 7% of people ruled by it under the umbrella of CDA then 43% of Apelonia come under its ambit. Just in contrast to the APP, only around 7% of the population is ruled by Apelonia's oldest party, ANP. And after clubbing this tally with other states like Leviosa, where ANP is only a minor partner then it goes up to 15%. Topic of debate in mainstream media is on the slogan of APP that is 'ANP free Apelonia'. However many spokespersons, leaders of APP have claimed that they are progressing towards their goal of 'ANP free Apelonia'.
6. In 2019 CDA comes to power and removes Article 370 from one of its disputed State Malbasia the neighbouring country which is opposed by Muslim countries and Malbasia. Suddenly the Apeloanian Apex Court decides an old Deity Temple Disputes site of which was claimed by Muslims as well.
7. In the event of such crises the opposition and ANP propagates that it is the peak time of rise of right wing philosophy in worldwide wherein Apelonia is suffering with rise of communal politics and secularism in the nation is at stake.
8. In December 2019 a viral outbreak COVID 19 is reported in Tinasia which by April 2020 claims more than One million infections and claims 50000 lives. In March 2015 the Prime Minister of Country imposes 21 days lockdown as the virus is declared pandemic and is highly contagious. Muslim say that it is a political gimmick to gain monopoly and make Apelonia a totalitarian state.
9. The economy crashes due to this lockdown. Meanwhile it is reported by Media that maximum infections has been done due to a religious congregation of Tabligee Jamat. Muslims are infuriated with this accusation and see it as saffornization of Nation. This country has Hindu as its majority population. They argue that this is planned strategy of Government for further persecution of minorities who are facing heavy crunch due to amendment in Citizenship Act and provision of National Population Register. These all attempts are conjointly an attempt to make Apelonia a Hindu State.
10. The Prime Minister in May 2020 finding it difficult to contain the spread of virus recommends the imposition of National Emergency which is accepted by the Head of Executive subsequently financial emergency is also imposed.

11. Abdul Durrani and ANP file a petition in apex court of Apelonia for declaration of emergency as unconstitutional. Argue the case.
12. All the laws and Constitution of Apelonia is analogous to the laws and Constitution of India.