

Queries & Clarifications:

We have recently received queries from teams, who have sought a clarification on the Moot Problem as under:

- Q1. Can we place reliance on acts/statutes not in *pari materia* with Ozala's statutes? Including International statutes.
- A1. Reliance on statutes which are not in *pari materia* with Statutes of Ozala can be placed by the Participants.
- Q2. What is the meaning of "regular legislative business" as mentioned under the notes for counsel? Does it include the assent of the president?
- A2. The amendment was passed and promulgated as per law by the Union of Ozala. The manner of passing cannot be challenged in the present proceeding.
- Q3. Are Ozala and Yada bound by WHO's International Health Regulations (a treaty which binds all 196 countries in the world)?
- A3. No Clarification is required.
- Q4. Whether Quantisa was in police custody or judicial custody from the date of arrest till the chargesheet/ final report was filed?
- A4. The period spent in Police Custody was within the maximum period permissible under law. Chargesheet was filed within the stipulated time.
- Q5. Code of Criminal Procedure, 1973 was amended and section 438A was inserted by Union of Ozala or State of Aspar?
- A5. No Clarification is required.
- Q6. Epidemic Diseases Act, 1897 and the Epidemic Diseases Act, 1897 in India are in *pari materia*?
- A6. Yes.
- Q7. Whether the issues given in para 16 of the Moot Problem are exhaustive? Or, Issues other than given para 16 of the Moot Problem can be raised?
- A7. Participants may raise all issues, besides those mentioned in the Moot Problem.
- Q8. Can issue of maintainability of writ petition and maintainability of challenge of rejection of bail application by the High Court before the Supreme Court be raised?
- A8. Participants may raise all issues, besides those mentioned in the Moot Problem.

Q9. On page 4 of the moot problem it's written Ozolon penal code 1870I have a confusion here is it 1870 or 1860?

A9. It is Ozalan Penal Code 1860.

Q10. On page 8, the 2nd subsection of article 439A seems contradictory...or is there a typing mistake?

A10. Section 439A (ii) stands corrected and reads as follows:

“where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.”

Q11. In the given moot problem it's been written that the Part III and Seventh schedule of Indian constitution and Ozalan Constitution are in para materia. So, does that mean we can't apply any other articles of Indian constitution? Because in matter of jurisdiction if we see, the appeal against the bail of High court can be challenged in Supreme court under article 136.

A11. Article 136 of the Constitution of Ozala is *pari materia* with Article 136 of the Constitution of India.

Q12. Whether the 'Aspar Epidemic Disease COVID 19 Regulations, 2020' was issued under the Epidemic Diseases Act, 1897?

A12. No Clarification is required.

Q13. Whether the Epidemic Diseases Act, 1897 in Ozala, and The Epidemic Diseases Act, 1897 in India are in *pari materia*?

A13. Yes.

Q14. Which charges have been mentioned in the Chargesheet/Final Report?

A14. The same offences for which FIR has been registered, have been mentioned in the Chargesheet/ Final Report.

Q15. Whether maintainability of SLP can be taken as an additional issue as it has been mentioned in the moot proposition that it has been admitted for final hearing?

A15. Participants may raise all issues, besides those mentioned in the Moot Problem.

Q16. Can we raise additional issues with regards to the merits of the case as in the offences under IPC are made out or not?

- A16. Participants may raise all issues, besides those mentioned in the Moot Problem.
- Q17. The twin conditions as given in the "notes for counsels" in the moot proposition (on page no. 7 and 8) seems to be the clause (i) and (ii) of section 439A, whereas in the issue no. 1 it seems to be "reasonable grounds for believing that a person is not guilty of an offence" and that the person "is not likely to commit any offence while on bail". Request you to kindly clarify as to what exactly is the twin condition.
- A17. Section 439A (ii) stands corrected and reads as follows:
- "where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail."*
- Q18. Whether the Aspar Epidemic Diseases COVID 19 regulations, 2020 is in pari materia with the Delhi Epidemic Diseases COVID 19 regulations, 2020?
- A18. No Clarification is necessary.
- Q19. Whether the "Aspar Epidemic Diseases COVID-19 Regulations,2020" were the only regulations enacted under Section 3 of Epidemic Diseases Act, 1897 and apart from these regulations, there was no order and no regulations? It is very important for counsels so that we can understand which is the only disputed provision?
- A19. These Regulations are the only relevant Regulations issued under the Epidemic Diseases Act, 1897.
- Q20. With respect to the investigation of Ms. Quantisa, was a complaint made by the public servant whose order was contravened with u/s 188 IPC? Who was the complainant in the FIR?
- A20. No clarification is required.
- Q21. Has Miss.Quantisa violated any regulation (issued by the state of Aspar under section 3 of Epidemic Diseases Act) other than the one mentioned under para 4 of the moot proposition. If yes, what is the nomenclature of such regulation?
- A21. No clarification is required.
- Q22. Whether the 'theory of basic structure' is accepted in Ozala?
- A22. No clarification is required.
- Q23. Is there any regulation issued under section 3 of Epidemic Diseases Act which deals with deliberately spreading Covid-19?

- A23. No clarification is required.
- Q24. Whether a public servant had given a written complaint w.r.t. violation of regulation under section 3 of Epidemic Diseases Act, 1897?
- A24. No clarification is required.
- Q25. Whether the matter has been listed for final hearing on 16.01.2021?
- A25. No clarification is required.
- Q26. Are the **citizens of Yada aware of the severity** of COVID-19? Is the **information** pertaining to the number of **domestic and international cases being concealed** from the citizens of Yada as well?
- A26. No clarification is required.
- Q27. For how long were the Covid positive patients of the ceremony **hospitalised**?
- A27. No clarification is necessary.
- Q28. Is **Article 139** of the Indian Constitution in pari materia with the Ozalan Constitution?
- A28. No clarification is necessary.
- Q29. Who is the **complainant of the FIR** against Ms Quantisa?
- A29. No clarification is necessary.
- Q30. Were the citizens of Yada and Ozala aware of the **WHO guidelines** released till 13th March regarding COVID-19?
- A30. No clarification is necessary.
- Q31. Can reliance be placed upon the **Foreign Nationals Act, 1946**?
- A31. No.
- Q32. When is the **hearing**?
- A32. No clarification is required.
- Q33. When did **Ms Quantisa recover**? A week before or after her arrest?
- A33. No clarification is required.
- Q34. Was the Chargesheet filed by the police (given in para 13 of the problem) supplemented with a written complaint from the relevant public servant?

- A34. No clarification is required.
- Q35. Is the legal system of OZALAN *pari materia* with the legal system of INDIA, as in the applicability of case laws, the persuasive values of cases from high courts and supreme courts, the powers of the courts?
- A35. The previous decisions of the Supreme Court of India or High Courts of India would carry the same value in the present case as they would on a nine-judge bench of the Supreme Court of India.
- Q36. What evidence did the FIR present to indicate that the accused had knowledge of the Regulations issued by the state of Aspar, the '*Aspar Epidemic Diseases COVID 19 Regulations, 2020*'?
- A36. No clarification is required.
- Q37. What steps did the State of Aspar take to promulgate the information about the '*Aspar Epidemic Diseases COVID 19 Regulations, 2020*'?
- A37. No clarification is required.
- Q38. What was the objective behind introducing the section 439A? We consider '*providing certain additional regulations for the people violating guidelines issued under epidemic disease act*' as the objective but the query stems out from the objective which the legislature had behind introducing identical grounds in various other statutes i.e. '*to speed up the trial*'. This concern makes quintessential for us to know the exact objective.
- A38. No clarification is required.
- Q39. Are the twin conditions of bail applicable on all the four charges? or is it applicable only on section 188 IPC? Because section 3 of the epidemic disease act explicitly lays down that whoever violates any order or regulation made under this act shall be deemed to have committed an offence under section 188 of IPC.
- A39. No clarification necessary.
- Q40. Are all the four sections mentioned in para 12 of the fact are to be read with section 3 of epidemic disease act or only section 188 of the IPC is to be read with section 3 of epidemic disease act?
- A40. No clarification is required.
- Q41. Whether Article 132 and 134 of Constitution of Ozala is *pari materia* to Constitution of India?

- A41. No clarification is necessary.
- Q42. Whether Ms. Quantisa was arrested with a warrant?
- A42. No clarification is necessary.
- Q43. Can you please specify on which visa Ms. Quantisa came to Ozala- missionary vīsa or e-visa?
- A43. No clarification is necessary.
- Q44. Can it be said, according to para 3 that Yada was not the epicentre per se but just one among the first countries to get Covid?
- A44. No clarification is necessary.
- Q45. Can we go ahead and assume 'holy water' mentioned in the proposition to contain some chemicals that makes the immunity strong scientifically considering Ms. Quantisa had her education in Science?
- A45. No clarification is necessary.
- Q46. Can Foreign cases be reliance?
- A46. Foreign case laws would carry the same value in the present case as they would on a nine-judge bench of the Supreme Court of India.
- Q47. Are Evidence act of ozala and Evidence act 1872 of india in pari materia?
- A47. No clarification is necessary.
- Q48. For how many days were the critically ill patients in need of ventilator support?
- A48. No clarification is necessary.
- Q49. Is Aspar Epidemic Diseases COVID 19 regulations, 2020 available?
- A49. No clarification is necessary.
- Q50. Was the Aspar Epidemic Diseases COVID 19 regulations, 2020 issued under Section 2 of Epidemic Diseases Act?
- A50. No clarification is necessary.
- Q51. Whether cognizance of offence under Section 188 of IPC was taken by a magistrate and was such cognizance taken upon a police report?

- A51. Cognizance has been taken for all offences mentioned in the FIR by the Magistrate and the matter is pending compliance with Section 207, Criminal Procedure Code.
- Q52. Did Ms. Quantisa get herself tested before leaving Yada?
- A52. Yes.
- Q53. Whether under section 2A of Epidemic Disease Act, 1897 where government has the powers to issue/make necessary regulations, then are such regulations passed by the central government of India are pari materia with state of Ozala?
- A53. No clarification is necessary.
- Q54. Does the amendment of section 439A exclude the grant of anticipatory bail or is it permitted?
- A54. No clarification is necessary.
- Q55. The proceedings before the Supreme Court takes place in which month, should we consider it in May as the High Court rejected the bail application on 10th May, 2020 or will the time be considered to be the month we argue it in front of the court i.e. January?
- A55. No clarification is necessary.
- Q56. Date of bail rejection order of the High Court.
- A56. No clarification is necessary.
- Q57. Date of filing of SLP in the Supreme Court.
- A57. No clarification is necessary.
- Q58. Furnish statement of Objects & Reasons for the criminal law amendment, if any.
- A58. No clarification is necessary.
- Q59. Whether the bill was drawn based on recommendations from some committee/commission? If yes, please make available the report/ recommendations/findings.
- A59. No clarification is necessary.
- Q60. Whether the bill was referred to any select/parliamentary/standing committee? If yes please furnish the report/recommendation/findings.
- A60. No clarification is necessary.

- Q61. Are the 'Aspar Epidemic Diseases COVID 19 Regulations, 2020 para materia with The Delhi Epidemic Diseases, COVID-19 Regulations, 2020 or The Arunachal Pradesh Epidemic Disease (Prevention of COVID-19) Regulations, 2020?
- A61. No clarification is necessary.
- Q62. Whether the number of Covid-19 cases and deaths mentioned in the 'Statement of facts' same as India?
- A62. No clarification is necessary.
- Q63. Whether Section 144 of CrPC invoked in Aspar? If so, what was the status on 14 March 2020?
- A63. No clarification is necessary.
- Q64. Whether the permission given by the state government of Aspar for event in January 2020 revoked expressly or by necessary implication?
- A64. No clarification is necessary.
- Q65. Whether the World Health Organisation (WHO) guidelines on Covid-19 and orders, notifications etc. issued by the Ministry of Home Affairs, Government of India pari materia?
- A65. No.
- Q66. Whether the 21 day lockdown imposed by the Government of India on 24 March 2020 and subsequent lockdowns are pari materia?
- A66. No clarification is necessary.
- Q67. Whether the Epidemic Diseases (Amendment) Act, 2020 (Act no. 34 of 2020) promulgated on April 22, 2020 pari materia?
- A67. No clarification is necessary.
- Q68. Who was the complainant in the present case? Can it be said that the 'first informant' to be a Gamus Politician?
- A68. No clarification is necessary.
- Q69. When have the trial courts in Ozala started functioning?
- A69. No clarification is necessary.
- Q70. What is the meaning and import of "till date" in para 13? Does it mean till January 2021?

- A70. No clarification is necessary.
- Q71. Under which provision did Ms. Quantisa approach the High Court, Section 439 or 439A of CrPC?
- A71. No clarification is necessary.
- Q72. Why was the matter listed before 'nine-judge' bench of the Supreme Court contrary to established practice of matters initially going before a Division Bench?
- A72. No clarification is necessary.
- Q73. What is the significance of 'three-fourth majority' when only there is a 'two-thirds' bench mark for certain categories of legislations in Indian Legislatures?
- A73. No clarification is necessary.
- Q74. When is "immediately after the ceremony" in time & place in para.12?
- A74. No clarification is necessary.
- Q75. Whether the Magistrate has taken cognizance under Section 190(1) (b) of CrPC upon the police report dated 26 April 2020?
- A75. Cognizance has been taken for all offences mentioned in the FIR by the Magistrate and the matter is pending compliance with Section 207, Criminal Procedure Code.
- Q76. If yes to Question no. 75, Whether the Prosecution has prepared a list of witnesses for trial?
- A76. No clarification is necessary.
- Q77. If yes to Question no. 75, whether process has been issued under Section 204 of CrPC by the Magistrate taking cognizance?
- A77. No clarification is necessary.
- Q78. If yes to Question no. 75, Whether the procedure to Supply to the accused of copy of police report and other documents under Section 207 CrPC?
- A78. No clarification is necessary.
- Q79. If yes to Question no. 75, Whether the committal proceedings under Section 209 CrPC has commenced or has completed and committed to the Court of Session?
- A79. No clarification is necessary.

- Q80. How many times Ms. Quantisa undertook Covid-19 test? Whether the test result of 16 March 2020 is the result of test referred in para 6? Where was the test result referred in para 12 taken, Yada or Ozala?
- A80. Test result mentioned in Para 12 pertains to the test referred to in Para 6.
- Q81. Whether there is any express prohibition on taking anti-pyretic drugs in Airplane/Airport or such other in Ozala?
- A81. No clarifications is necessary.
- Q82. Has Ms. Quantisa been released from custody? Or is she in custody while applying for bail?
- A82. No clarification necessary.
- Q83. Is the Indian Evidence Act pari materia to the State of Ozala?
- A83. No clarification necessary.
- Q84. Could we please know the strength of the High Court bench that rejected the bail. (para 14).
- A84. No clarification necessary.
- Q85. Whether the rules and regulations issued by the States in India are pari materia with the rules and regulations of different states in Ozala, and if so, which state regulations are to be considered for Aspar? (pertaining to the COVID-19 regulations)
- A85. No clarification necessary.
