

Queries & Clarifications:

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

- Q1. Which country's laws are to be applied in the present case?
- A1. As stated in the first paragraph of the Moot Problem, Common Law shall be applicable.
- Q2. 1) With which country the laws of Erewhon are *pari materia* with?
- 2) Can we make use of other laws other than the penal provisions since the moot proposition is silent in this regard?
- 3) How should we go about regarding the statement of jurisdiction? Can we refer Constitution of India in this regard?
- 4) Who are Mr. Fun Toosh and Mr. Rebello Gonsalves mentioned on Page no 5 since there is no specific mention of them anywhere before?
- 5) What is Dragon Warrior Party?
- 6) Paragraph 5 of moot proposition says "April 2016". Shouldn't it be April 2015?
- 7) Page No 3, footnote no 1 mentions "territory of India" in sub clause 3. Shouldn't it be "territory of Camelot"?
- A2. 1,2&3) As stated in the first paragraph of the Moot Problem, Common Law shall be applicable.
- 4) Mr. Fun Toosh and Mr. Rebello Gonsalves can be considered to be members of the Hogwarts Party.
- 5) The words "Dragon Warrior Party" shall be replaced with, and read as the "Crouching Tiger Party".
- 6) In the fifth paragraph of the Moot Problem, the words "April 2016" shall be replaced with, and read as "April 2015".
- 7) In footnote number 1 on Page 3 of the Moot Problem, the word "India" shall be replaced with, and read as "Camelot".
- Q3. 1) There is no provision regarding the definition of "Criminal Conspiracy" but the punishment for same has been given.

- 2) What is the relevance of the line "It is pertinent to note that Jagermaster, which is the capital of Republic of Tallisker, enjoys special status under the Constitution Act of Tallisker, a situation similar to that of Erehwon vis-a-vis Camelot", since there is no mention of the same anywhere else in the moot proposition and also there is no nexus of the same?
- A3. Participants are expected to rely upon the moot problem and no clarification is required.
- Q4. We have only been provided with the penal section of criminal conspiracy, what is the substantive part of criminal conspiracy in *Camelot*?
- A4. Participants are expected to rely upon the moot problem and no clarification is required.
- Q5. Since the Constitution Act of Camelot is the supreme source of law and governance –
- What is the provision for freedom of speech and expression and what are its limits?
 - Is there any due process clause or equal protection clause in the constitution?
 - Is there a right to life clause in the Constitution?
 - What is the Constitutional position of the Lt. Governor, are we to assume it to be similar to that of India?
- A5. Participants are expected to rely upon the moot problem and no clarification is required.
- Q6. Are the participants allowed to choose precedents from India as well as the common law?
- A6. Yes, the participants are allowed to choose precedents from India as well as the common law.
- Q7. Regarding the clarification made by you informing that Common law is applicable in the moot problem.
- Can you please specify further whether it is under international law or can we use the laws of any country following Common law for this Moot.
- A7. Participants are expected to rely upon the moot problem and the clarification issued, and no further clarification is required.
- Q8. Page No. 6, 2nd Para, 1st line Reads as:
"The Case of Government of Erehwon vs. Elizabeth Bennet is now listed before the Supreme Court of Camelot for final hearing".
Shouldn't it be "State of Erechwon" instead of "Government of Erehwon"

- A8. Participants are expected to rely upon the moot problem and no clarification is required.
- Q9. Since for the charge of conspiracy, only the punishment section is mentioned in the problem, how should the essentials of the offence of conspiracy as under the camelot penal code, be inferred?
- A9. Participants are expected to rely upon the moot problem and no clarification is required.
- Q10. In the problem, Section -210 B talks only about the punishment of criminal conspiracy However, no definition of criminal conspiracy has been provided.
- A10. Participants are expected to rely upon the moot problem and no clarification is required.
- Q11. Whether the Penal Code of Camelot, especially the provision for the offence of 'Sedition', is a pre-independence or a post independence law?
- A11. Participants are expected to rely upon the moot problem and the clarification issued, and no further clarification is required.
- Q12. We would require a clarification with regard to the jurisdiction, that is do we assume that Art.136 of The Constitution of India to be applicable? and do we put it in the Memo?
- Can we Raise an issue regarding Human rights ???
- A12. Participants are expected to rely upon the moot problem and the clarification issued, and no further clarification is required.
- Q13. Is there any typographical error in any of the sections [421-A, 351-A, 210-B or 196]?
- A13. Participants are expected to rely upon the moot problem and the clarification issued, and no further clarification is required.
- Q14. Does Camelot have a written constitution? If yes which constitution is it similar to?
- A14. Participants are expected to rely upon the moot problem and no clarification is required.
- Q15. We would like to seek clarification with regards to division of issues as provided along with the problem. We would like to enquire if we could divide the 2nd issue into 3 independent issues?
- A15. Participants are required to rely upon the moot problem and no clarification is required.

- Q16. 1) Is the procedure deemed to be followed or can issue be raised regarding procedure?
2) can a fresh issue be raised from the respondent?

A16. Participants can raise all and any issues arising in the moot problem.

- Q17. would the indian constitution be applicable or not?

Though the problem clearly mentions that the common law would be applicable, but in response to the query number 6, you have provided that the "INDIAN PRECEDENTS WOULD BE APPLICABLE" along with common law precedents. And the indian precedents rely upon the constitution itself.

So in the present case we cannot use the indian precedents as authority, unless we are provided with the constitution.

- A17. Participants are expected to rely upon the Moot problem and no further clarification is required.

- Q18. Can we cite foreign authorities/ precedent in our memorial. And if yes, Will it be of same footing like any Indian authority or shall we focus more on the latter one?

- A18. Participants can rely upon all common law precedents. All common law precedents (including Indian) have only persuasive value and no binding value

- Q19. Clarify the scope of a provision in the Rules of the K.K. Luthra Moot 2017. The provision is Clause 13 (VI). It provides that .25 marks will deducted for each objective error. My query is whether .25 marks will be deducted for each error in the footnotes. For example if there are 16 errors in the footnotes will you be deducting 4 marks?

- A19. Yes, that is the import of the negative marking in objectives rules. Although we treat 'errors' in footnotes as being relative to the style that has been adopted, i.e., we are not following any particular style of footnoting. We want that the teams follow *any* consistent style of footnoting and will penalize either obvious errors (spelling, typos etc.) or inconsistencies in style (AIR 1972 SC 123 & A.I.R. 1972 SC pg 123).

- Q20. Whether the order of the issues mentioned in the memorial can be changed and reversed instead as they suit much more while interchanged.

- A20. The Participants are at liberty to address the issues, as they deem fit and convenient.

- Q21. Can we question the validity of the punishment awarded for sedition as well as the law itself in the face of abolition of the same in other Common Law countries?

- A21. All relevant legal issues pertaining to the problem can be raised.

Q22. On page 2 of the problem, it says that 'Ms Bennet subsequently called a public rally on 01 June 2015 in the famous grounds of Erehwon and gave the following speech'

On page 3 it states that, in the aftermath of the rally, there was a mass uprising by the public and 'Almost 2,00,000 people gathered near the Parliament of Camelot and near the iconic Camelot gate and continued to be stationed there from 02 June 2015 to 03 June 2015'.

Question is, where exactly are the grounds of Erehwon located? Are they located with the Parliament of Camelot? What was the location of Elizabeth Bennett's speech?

A22. The location of the grounds are not relevant to the moot problem.

Q23. The problem states that the constitution act of Camelot is the last word on the subjects of Law and governance. However, we have been not provided with any constitution. Can we assume that Constitution of Camelot is in *Pari Materia* same as Indian Constitution.

A23. Participants are expected to rely upon the moot problem and no clarification is required.

Q24. While going through the facts of the case, there has been no mention of procedural aspects. As different countries have different procedural aspects, which do we follow? If one follows a particular country, lets say India, do we apply *pari materia* the laws of India only through out the case we build or we can use different countries too at different instances?

A24. Common law principles will apply to the moot problem.

Q25. 1. Whether in the first footnote on Page 3 of the Problem providing definition of "Sedition", the "or" in clause (b) of the provision is meant to be placed at the end of clause (a) and similarly whether there is an "or/ and" to be placed at the end of clause (b).

2. Whether in the first footnote on Page 3 of the Problem providing definition of "Sedition, as regards clause (c), is it to be read as "Excites any person to attempt to procure..." instead of "Excite s any person attempt to procure".

3. Whether the sanction to prosecute the accused u/s 210B has been granted u/s 196.

A25. Participants are expected to rely upon the moot problem and no clarification is required.

Q26. As regards procedural law: can we raise an issue that the correct procedure has not been followed as per Section 196 of the camelot criminal procedure statute?

A26. Participants are entitled to raise any and all issues arising in the moot problem.

- Q27. Question and Answer 20 indicate participants may change the order of the issues in the memorials. To clarify, if we do switch the order of issues, e.g., argue issue (b) before issue (a), will we be penalized for doing so in our score?
- A27. No penalisation for switching order of issues.
- Q28. What was the punishment given to Mr. Fun Toosh and Mr. Rebello Gonsalves by the trial court?
- A28. Participants are expected to rely upon the moot problem and no clarification is required.
- Q29. What was the reason for the wars between Genghistan and Camelot? Did it involve any element of religious or ethnic conflict?
- A29. Participants are expected to rely upon the moot problem and no clarification is required.
- Q30. For what offence has Ms. Bennet been charged with conspiracy for? 351-A or 421-A?
- A30. Participants are expected to rely upon the moot problem and no clarification is required.
