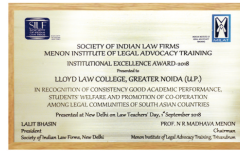


COVID-19 Pandemic National Law Moot Court Competition, 2020

MOOT PROPOSITION

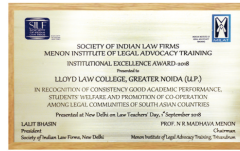
Disclaimer: The following problem is fictional and for educational purpose only. The organizing committee does not claim any facts mentioned in the moot proposition to be true.

1. Chang is the world's most populous country, known for its powerful government, pervasive surveillance and stringent policies. On 31st December 2019, the World Health Organization (WHO) detected a series of Pneumonia cases of unknown etiology in Wuzan City of Chang. On 7th January 2020, Changian authorities identified a new Coronavirus as the causative agent for the disease. The virus had been renamed by WHO as SARS-CoV-2 and the disease caused by it as COVID-19.
2. By mid-January 2020, nations across the globe had started reporting similar cases. The Changian failed to share any details of the virus with the outside world and asserted that there was no evidence of its Human to Human transmission. As a precautionary measure, the other countries started screening passengers travelling from Chang. International media reported that on 1st February 2020, Changian had started 'Hug a Changian' initiative in the capital of Tetley, a world leader in health facilities. The initiative was supported by the government of Tetley as trade relations with Chang have a major impact on its economy. It was claimed in newspaper reports that Chang wanted to dispel the growing animosity that was developing against Changian in other nations. Soon thereafter, Tetley and its neighboring countries started reporting cases of COVID-19 after which they were forced to go under a lockdown.
3. On 11th March 2020, WHO declared it to be a pandemic. About 1.5 million people were infected and 85,000 lost their lives to the pandemic, by the 1st week of April 2020. With no vaccine in place, the world economy had crippled due to the lockdown that had to be imposed across countries.
4. Scindia is one of the most densely populated countries in the world with a significantly advanced medical system but huge income disparities. Chang and Scindia are neighboring countries with a history of border tensions. However, considering the size of their markets, both engage in regular trade. The first case of COVID-19 in Scindia was reported on 30 January, 2020 and by the first week of April 2020, there were about 5500 infections and over 150 deaths. Following the social distancing guidelines issued by WHO, a lockdown of 21 days from 25 March, 2020 was declared. This immediately affected all sectors of the economy and all strata of the society were adversely impacted.



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5. The Society of Preachers (SOP), an independent minority religious institution conducted an event of almost 2000 people within their own premises on 13th of March, 2020 at a time when the government of Scindia had started cancelling all activities in mass gathering. It was later discovered that more than half of those who were present at the event had been tested and put into quarantine. The Ministry of Health in Scindia, commented in its official statement that those who attended the SOP event had become one of the biggest causes for the spread of Covid-19 in the country as most of them who are found positive had travelled to different parts of the country even before the lockdown was declared. Media reports claimed that the gathering included citizens from countries that had already had in the outbreak of the virus in February 2020. It was reported across national media that it appeared that SOP members were spreading the virus in the country as there were instances of them defying the lockdown and also non-declaration of travel history. An FIR is filed against Maulana Tabdili, the head of SOP, and 7 others leaders under The Epidemic Diseases Act, 1897, Section 3 and Scindian Penal Code, 1860, Ss. 269, 270, 271 and 120B. Also, relevant provisions of the National Security Act, 1980 were invoked against the SOP members as it was alleged that they were non co-operative with the state departments and health officials. Resultantly, they created terror by contributing to the spread of disease to remote areas of the State and thus infecting more people.
6. Times of Scindia, one of the most circulated newspaper of the country claimed in its report that it had traced links of the SOP with terror activities in the past and flouting the visa guidelines. Members of the SOP filed a writ petition before the Supreme Court and submitted that even though similar violations were reported from other parts of the country by members of other social, political and religious groups, NSA was not invoked in those cases and that this is discrimination.
7. Meanwhile, after the declaration of lockdown lakhs of migrant workers started heading back to their native places due to lack of income and availability of food. Since transport facilities were also stopped, the workers were reported walking on foot, across the country. This led to heavy criticism of the state governments. The government of Scindia issued notices to all the news agencies instructing that nothing will be published without government approval citing dissemination of fake news. Many state governments started issuing notifications ordering pay cuts and deferments of salaries of all government employees including those of All Scindia Services ranging between 10%-50%. Central government employees expressed their resentment and some even challenged the government's authority to do so. Student bodies in various universities



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started demanding semester promotions without examinations especially the final year graduating batches due to lack of time, application deadlines for higher education and other competitive examinations and shrinking job opportunities in the market. A Letter to the Supreme Court was written by Scindian Law Students Association (SLSA) challenging all the above actions of the Government as violation of the Constitution of Scindia. The letter has been converted into a PIL by the Supreme Court of Scindia.

8. Chang on the other hand generated huge business / profits from the pandemic. At a time when the whole world was suffering, it had already recovered and started to quickly take over the market by supplying the goods whose supplies were affected due to lockdowns in most of the countries. A few reports by independent agencies, accused Chang of intentionally spreading the virus across the globe. It was claimed that the virus was created in a Changian lab with the intention to spread it the whole world to make Chang an economic power and global leader like Britain and USA, post WW-I & WW-II. Because of the pandemic, Changian companies and banks made the most of buying due to the crashing world securities market. Also the reports raised questions on the reason why there haven't been outbreaks in other provinces of Chang when the outbreak has affected the entire globe.
9. Chang in reply to all the accusations claimed that the outbreak was caused by Tetley Military which participated in the Military World Games 2019 held in Wuzan, Chang. They claimed that this was being done to cripple the Changian economy. Further, they rejected all the claims of the virus being a biological weapon. Also, it rejected and blocked the proposal of discussion over the pandemic in UN General Assembly.
10. Three petitions filed in various countries asking the governments to take action against Chang for the spread of the virus at an International Court. A similar petition was filed in the Supreme Court of Scindia asking it to issue directions to the government to impose sanctions on Chang for the violations of International treaties and Conventions.
11. The Supreme Court has accepted and clubbed all the petitions and the same is listed for hearing on 01-03 May 2020.

Note1: All the laws of Scindia are *pari materia* to India.

Note 2: The jurisdiction is to be considered settled and accepted.

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