

CLEA MOOTING

(SOUTH ASIA ROUNDS)

COMPETITION -2022



Commonwealth Legal Education Association - Asia



MAR GREGORIOS COLLEGE OF LAW

MAR IVANIOS VIDYANAGAR, THIRUVANANTHAPURAM

Affiliated to the University of Kerala & Approved by the Bar Council of India

10-12 November 2022

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CLARIFICATIONS ON THE MOOT PROBLEM – SET I

1. Can you clarify whether the consent of users were taken for Covitrack application?
[Consent of users was not taken for the Covitrack Application](#)
2. Did Covitrack had all the features of that similar to Aarogyasetu app of India?
[Refer to facts.](#)
3. Can you clarify whether the lockdown is for entire 2 years or there is an error in the years as there is a contradiction between paras 3 , 10 , 8 and 7 ?
[Lockdown had been ordered till 14.04.2020.](#)
4. The lockdown is dated from 25.03.2020 to 14.04.2022. Is this a clerical error or are the dates correct?
[Clerical error, lockdown till 14.04.2020.](#)
5. The ordinance dated 25.04.2020 is being challenged in 2022, by which point it should no longer be in force. Is there a presumption as to the date of challenging?
[No clarification required.](#)
6. In para 1, Whether the state of Rosehill is a Sovereign Democratic Republic or is it a Sovereign Socialist Secular Democratic Republic?
[Sovereign Socialist Secular Democratic Republic](#)
7. In para.2, whether the lockdown continued till 14/04/2022 OR 14/04/2020?
[14/04/2020](#)
8. In para 4, is "health security" a combined word or two different words?
[Two different words](#)
9. In para 5, in the abbreviation of PMMKBY, what does B stand for?
[It has to be read as PMMKY](#)
10. Can the participants frame more issues?
[The issues are exhaustive. But sub-issues may be framed.](#)

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CLARIFICATIONS 2

1. Whether there is any shortage for vaccines?
No, there was as such no shortage for vaccines.
2. Is the Epidemic Act 1897 mentioned in para 13 of the moot proposition para materia to the Indian legislation of Epidemic Diseases Act, 1897? Also whether the Factories Act 1945 mentioned in para 6 is para materia to the India legislation of Factories Act ,1948?
Yes.
3. From where did the Health and Family Welfare Department of Braavos receive the personal details mentioned in para 9?
Clarification not required.
4. Whether the ordinance which temporarily suspended the labour laws received the assent of the President?
Yes.
5. Whether there was any specific provision which empowered the Government of Braavos to suspend the labour laws through ordinance?
Clarification not required
6. Whether the labour codes are applicable?
Clarification not required
7. Has the ordinance passed by the State of Braavos recieved the President's assent?
Yes
8. Were the participants of the vaccine trials informed that preclinical animal trials were not conducted?
Yes
9. What is the degree of autonomy of the mysterious drones used by the State of Braavos?
Clarification not required
10. Are the media reports regarding the ineffective implementation of the relief scheme to be treated as fact?
Yes
11. Does CoviTrack anonymize the data that is collects? Are the developers clear on this matter?
Clarification not required

12. The laws of Rosehill are in pari materia with those of India. Rosehill is also a signatory to all international human rights instruments. How does this pertain to India's reservations regarding the Migrant Workers Convention? Is Rosehill to be treated as a signatory to all instruments India is not?

No

13. Is CoviTrack's social movement graph a surveillance of individual locations or a heatmap of healthy and infected individuals?

Clarification not required

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CLARIFICATIONS 3

1. Under para 11, it is mentioned that there have been reports of direct human trials by the private laboratories; could you clarify as to the veracity of the reports? Or whether they have been confirmed?

These are verified reports.

2. Under para 8, which stipulated that downloading CoviTrack was compulsory - under which law/statute/ordinance/executive act was the order to mandatorily download the app given?

Clarification not required

3. Under para 6, which stipulated that the Labour Laws were suspended in the State of Braavos, was the ordinance passed through Article 213 of the Rosehill (Indian) Constitution?

Clarification not required

4. Under para 3, through which legislation did the MHA executive order derive its authority from?

Clarification not required

5. When the ordinance suspending labour laws was promulgated by the State of Braavos, was the State Assembly in session?

Clarification not required

6. The laws of Braavos is para materia to which state of India?

Not pari materia to any state

7. If there is any typological error in paragraph 6 , 5th line regarding 3years, if its 3years or 3 months of suspending of labour laws

Three years

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Clarifications on the moot problem - part 4

1. The second issue deals with the ordinance passed by the State of Braavos --- our doubt is whether the ordinance received the president's assent or not?
Yes, received.
2. On which date or year the ADR filed the writ before SC?
Clarification not required.
3. In the fourth issue, it's about post-covid regime. So should we only talk about events that happened after 14.04.2020 and not the ones during the surge of covid?
Clarification not required.
4. Whether the Ordinance passed by the State of Bravoos which suspended several labour laws received the President's assent?
Received Governor's assent
5. When did the Legislature (State Legislature - Legislature of Bravoos) sit for a session after 25.04.2020, i.e, after passing the above-mentioned Ordinance?
Clarification not required.
6. Whether the state of bravos had sought the assent of the president of Rosehill or whether only the governor had assented.
Received Governor's assent
7. Under which legislation was the executive order dated 25.03.2020 passed?
Clarification not required
8. Should we consider Disaster Management Act 2005 or Epidemic Act 1897?
Clarification not required
9. As the period involves 2020, can we consider Acts passed in 2021 and 2022?
Laws only to be applied prospectively.
10. Under para 13, was it the Government of Rosehill or the Government of Braavos which issued regulations under the Epidemic Act, 1897 whereby Vaccination Certificate was made mandatory?
Government of Rosehill.