

MOOT PROBLEM

1. The country of Whiteland is one of the most prominent Democratic Republic in South Asia. Whiteland bears rich history and heritage. The country is also noted for its rich ethnic and religious diversity. The history of the country dates back to thousands of years and it boasts of the some of the biggest achievements in the field of mathematics, astronomy and philosophy. Several foreign powers attacked the country numerous times and hence it has traditionally been under various foreign regimes.
2. Whiteland is surrounded by Pakland on the West; Afland on North West; Bangiland and Mynlandon on the East; and Nepiland and Chinland on the North. Whiteland, Pakland and Bangiland were collectively under the Britland's colonial rule for more than 200 years and gained their independence on November 01, 1949. Soon after independence, due to a dispute among the top politicians, these lands were divided which form the current borders of Whiteland, Pakland and Bangiland.
3. After gaining independence, while Pakland and Bangiland declared Lingo as the religion of the state, the constituent assembly of Whiteland drafted and adopted a new secular constitution on 26th January, 1950, which was the supreme law of the country. To make the constitution a flexible and effective one, many provisions of the Whiteland constitution were borrowed from other counties. The constitution of Whiteland is known to be one of the lengthiest written constitutions of the world. The constitution provided for various fundamental rights and duties inter alia like Right to Equality, Right to freedom, Right to freedom of religion, Cultural and education rights etc. The fundamental rights are written in Part III of the Constitution of Whiteland and are enforceable by all High Courts and Supreme Court of the country. Right to equality is supremely

valued in Whiteland which is not just available to its citizens but to all persons residing/present inside the territory of Whiteland. However, the State has the authority to impose some reasonable restrictions on the constitutional rights.

4. All major religions of the world have found home in Whiteland and the nation had gathered world-wide praise for its tolerant and liberal attitude towards all religions. Whiteland has 79.8% of Kira population and about 14.2% of Lingo population and remaining 6% constitute other religions. Kira faith has originated from Whiteland just like a few other religions. However, majority of Lingo population had migrated to Whiteland from neighbouring countries in a span of few centuries.
5. Whiteland follows a Parliamentary system of Democratic Government. The government of Whiteland was experiencing a growth of inflow of refugees in Whiteland from neighboring States since independence. The Government of Whiteland was not happy with the situation and started deporting illegal immigrants amidst the restlessness in the year 2008. Eventually, in 2012, the Parliament of Whiteland introduced a Citizenship Amendment Bill (Annexure I) in the Parliament which gave certain citizenship rights to the people belonging to Kira, Seekh, Budhham, Jainam, Parashi or Christian faith coming from Bangiland, Pakland and Afland. The stand of the State for passing the Citizenship Amendment Act, 2012 was that people belonging to Kira, Seekh, Budhham, Jainam, Parashi or Christian faith were being religiously persecuted, being minorities in these three countries. Not only this, Lingo was declared to be the religion of these countries and hence they were governed by Lingo faith. The bill also focused to control the illegal immigrants in Whiteland. Even though the bill never affected the citizens of Whiteland, the bill flared debates and protests across Whiteland as people from Lingo faith were missing from the language of the bill. The government of Whiteland started to receive a lot of criticism and scrutiny their way from both

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domestic and global citizens. A PIL was filed in the Supreme Court of Whiteland by one Mr. Kiba who is a social activist, challenging the constitutional validity of the bill. The matter is listed for final hearing on 28th of March 2020 before the Supreme Court of Whiteland for final hearing.



ANNEXURE I

THE CITIZENSHIP (AMENDMENT) ACT, 2012 NO. 47 OF 2012

An Act further to amend the Citizenship Act, 1955.

BE it enacted by Parliament in the Seventy Second Year of the Republic of Whiteland as follows:—

1. (1) This Act may be called the Citizenship (Amendment) Act, 2012.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In the Citizenship Act, 1955 (hereinafter referred to as the principal Act), in section 2, in sub-section (1), in clause (b), the following proviso shall be inserted, namely:—

"Provided that any person belonging to Kira, Seekh, Buddham, Jainam, Parashi or Cheristian community from Afland, Bangiland or Pakland, who entered into Whiteland on or before the 31st day of December, 2009 and who has been exempted by the Central Government by or under clause (c) of sub-section (2) of section 3 of the Passport (Entry into Whiteland) Act, 1920 or from the application of the provisions of the Foreigners Act, 1946 or any rule or order made thereunder, shall not be treated as illegal migrant for the purposes of this Act;"

3. After Section 6A of the Principle Act, the following Section shall be inserted namely: -

'6B. (1) The Central Government or an authority specified by it in this behalf may, subject to such conditions, restrictions and manner as may be prescribed, on an application made in this behalf, grant a certificate of registration or certificate of naturalisation to a person

referred to in the proviso to clause (b) of sub-section (1) of section 2.

(2) Subject to fulfilment of the conditions specified in section 5 or the qualifications for naturalisation under the provisions of the Third Schedule, a person granted the certificate of registration or certificate of naturalisation under sub-section (1) shall be deemed to be a citizen of Whiteland from the date of his entry into Whiteland.

(3) On and from the date of commencement of the Citizenship (Amendment) Act, 2012, any proceeding pending against a person under this section in respect of illegal migration or citizenship shall stand abated on conferment of citizenship to him:

Provided that such person shall not be disqualified for making application for citizenship under this section on the ground that the proceeding is pending against him and the Central Government or authority specified by it in this behalf shall not reject his application on that ground if he is otherwise found qualified for grant of citizenship under this section:

Provided further that the person who makes the application for citizenship under this section shall not be deprived of his rights and privileges to which he was entitled on the date of receipt of his application on the ground of making such application.

- 4.** In section 18 of the Principal Act,
In sub-section(2), after clause (ee), the following clause shall be inserted, namely:—
"(eei) the conditions, restrictions and manner for granting certificate of registration or certificate of naturalisation under sub-section (1) of section 6B;".

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5. In the Third Schedule to the principal Act, in clause (d), the following proviso shall be inserted, namely:—

'Provided that for the person belonging to Kira, Seekh, Buddham, Jainam, Parashi or Cheristian community in Afland, Bangiland or Pakland, the aggregate period of residence or service of Government in Whiteland as required under this clause shall be read as "not less than five years" in place of "not less than eleven years".



Please note:

- i) The laws and constitution of Whiteland are in Pari Materia with India.
- ii) Participants may frame issues as they deem fit.
- iii) This problem is purely for academic purposes.
- iv) Use of precedents and authorities from other jurisdictions is also encouraged.

Declaration:

This is a mock legal problem drafted purely for academic purposes. It does not aim to hurt the sentiments of any community nor it questions powers conferred to any person holding public office in the territory of India. It has no connection with any person, living or dead. Any similarities are merely coincidental.

