



Principal Partner



**2ND AIU NATIONAL MOOT COURT COMPETITION, 2023
(17TH MARCH 2023 -19TH MARCH 2023)**

UNDER THE AEGIS OF THE ASSOCIATION OF INDIAN UNIVERSITIES

**SISTER NIVEDITA UNIVERSITY
AND**

THE W.B. NATIONAL UNIVERSITY OF JURIDICAL SCIENCES

Knowledge Partner



ABOUT THE INSTITUTIONS



ASSOCIATION OF INDIAN UNIVERSITIES

The Association of Indian Universities is an Apex Advisory Body on Higher Education mandated by the Ministry of Education, to determine the equivalence of foreign degrees and conduct Youth Affairs & Sports Activities in Higher Education Sector in India. At present, AIU has about 914 member universities (central, Institute of National Importance, state and private universities), including 14 overseas universities, and is serving the Higher Education Sector for the last 97 years. Many national luminaries have served this organization in different capacities, and the most prominent examples are Dr. S. Radhakrishnan, Dr. Zakir Hussain, and Dr. Syama Prasad Mukherjee who have served as Presidents of AIU. The organization has worked as an intellectual resource of the country and has contributed to the policy processes of the government and its agencies. AIU has been annually organizing the Inter-University Youth Festivals (UNIFESTS) since 1985 at the Zonal and National level where a large number of youth artists from member universities and it's about 45000 affiliated colleges participate. These festivals play a significant role in promoting in our youth, a pride of Indian culture and an awareness of youth identity. AIU is the only nodal agency in the entire country for organizing the inter-university youth programs for about 39 million youth students of the Higher Education Sector in India. Also, this is the only establishment where the above-cited youth programs can be conceptualized and implemented for the students the zonal, national, as well as international level. In continuation of our endeavors and addition to the above-mentioned youth festivals, the AIU has launched the organization of Asian University Youth Festival (AUFEST), International Youth Festival, National Women Student Parliament, National Moot Court Competition, National Adventure/Tracking Camp and National Qawwali Competition etc. From the current session, AIU has earmarked the entire country in eight zones for the smooth conduct of Youth Affairs Programs.



SISTER NIVEDITA UNIVERSITY

Established in 2017, Sister Nivedita University aspires to inculcate in young minds the learning from the lives of great leaders such as Swami Vivekananda and Sister Nivedita. At Sister Nivedita University we constantly dedicate ourselves to the motto of excellence and service to the student community so that they can transfer their acquired knowledge to the larger benefits of the society, in accordance with professional ethics and values. As a member of the Association of Indian Universities, the University endeavors to undertake various activities that would help to upgrade the teaching-learning process and thereby provide opportunities to shape their learning process into fruitful professional careers.



THE W. B. NATIONAL UNIVERSITY OF JURIDICAL SCIENCES

The W. B. National University of Juridical Sciences, Kolkata is an academic community committed to the pursuit of knowledge, wisdom, discovery, and creativity. Its mission is to provide student-centric education and foster personal and intellectual growth to prepare students for productive careers, meaningful lives, and responsible citizenship in a global society. The curriculum content and design encourage students and faculty to transcend disciplinary boundaries by tackling complex and vexing problems facing the legal community in their social and political, local, national, and global, context and view law as a social institution. The university also focuses on community-based programmes like legal aid, awareness programmes and workshops in order to instill in the scholars a sense of responsibility to serve society in the field of law and contribute to use of law as tool for social transformation and empowerment.



MESSAGE FROM KEY PERSONS



PROF. SURANJANA DAS
President, Association of Indian Universities
& Vice-Chancellor, Jadavpur University

A sound legal system based on equity and access is essential for a functioning democracy. It is, therefore, in the fitness of things that the Association of Indian Universities (AIU) has been organizing an annual Inter-University National Moot Court Competition to contribute to the enhancement of professional skills of the young aspirants in the legal profession. Moot Court teaches one to "think like a lawyer", and the Moot Court Competition has been designed in a manner so that it can enable each participant to bring out her/his best in oral and written advocacy skills. It seeks to provide a platform to the law students to express in practical terms what they have learnt in class rooms. Dr. Ambedkar pertinently remarked:

Law and order are the medicine of the body politic and when the body politic gets sick, medicine must be administered.

Certainly, a socially committed lawyer community can be a force to administer this medicine when required. Events like Moot Court competition can prepare the budding lawyers to fulfil this commitment, becoming an agency for the protection of individual rights as well as of social change.

I sincerely thank Sister Nivedita University for shouldering the responsibility of organizing this year's AIU's Moot Court Competition in collaboration with the West Bengal National University of Juridical Sciences. Both these Kolkata-based institutions have been in the forefront in imparting holistic knowledge to the students of law, and I am sure under their joint stewardship the Competition will be organized in a most fruitful manner.

Since time immemorial, youth have been the harbingers of change. AIU supports and promotes the development of student youth of the nation as one of its foremost priorities. The AIU Youth Affairs programs are helping in advancing the international understanding and respect through cultural exchange activities and help in creating a harmonious and peaceful world. As we enter the third decade of the 21st century, the earlier multilateral cultural relationships are assuming a new dimension with entry of new disciplines.

Legal education, being a professional education attains completeness when theoretical legal knowledge is integrated with practical exposure through participation in activities that stimulate the legal minds into deeper thinking and motivates students to refine their legal, research and communication skills.

It gives me a great pleasure to share that Association of Indian Universities (AIU) has expanded its wings and added to its domain of activities - AIU National Moot Court Competition for higher education sector. This will provide an opportunity to various institutions imparting legal education to compete for honing the skills of the students in litigation through the Moot Court. These competitions will give exposure to students pursuing the legal education to the court procedures and improve their advocacy skills in real-life experience.

I am confident that there will be a good response to the second AIU National Moot Court Competition. I congratulate the Sister Nivedita University, New Town, Kolkata for organizing the AIU Moot Court Competition in association with the West Bengal National University of Juridical Sciences. We look forward to this grand event.

Wishing the second AIU Moot Court Competition, a grand success.



DR. (MRS.) PANKAJ MITTAL
Secretary General,
Association of Indian Universities

MESSAGE FROM KEY PERSONS



DR. BALJIT SINGH SEKHON
Joint Secretary,
Association of Indian Universities

The Association of Indian Universities is an apex Inter-University body of higher education that bring together all the universities in India on a common platform and closely work with them to protect the interest of the students community as well as the universities. This year, the onus to organize the 2 nd AIU National Moot Court Competition has been bestowed upon Sister Nivedita University and West Bengal National University of Juridical Sciences, who are Universities of repute in the eastern part of India and have both contributed towards holistic development of students in the field of legal education.

I trust the event would offer an occasion to upgrade the credential/skills for Law students studying in various Higher Education Institutions and a healthy interaction and enhance their faculty for social, cultural and aesthetic pursuits. Further, the event would help to inculcate a spirit of unity, fraternity, peace and leadership qualities amongst the youth. Numerous university youth from law departments participate in the event, which play a vital role in promoting in our youth and provide a platform for simulating the court proceedings. The purpose of this national competition is to develop positive camaraderie among themselves and build constructive associations that foster good professional relations among the law students.

We also hope that, this national program of AIU will help to bring together, law students from different Universities and colleges around the country to one common platform wherein through such simulation exercises, they will be able to learn the nuances of diverse interpretations in the domain of law. On this occasion, I send herewith my heartiest best wishes to Sister Nivedita University and West Bengal National University of Juridical Sciences, and participants from various Universities.

The School of Law at Sister Nivedita University strives to become a globally recognized center for excellence in legal education in a manner that caters to the individual needs and provides holistic development to the students. In order to nurture the skill and talent of the students towards building success stories, regular interaction with great minds of the legal fraternity are arranged by the School along with other initiatives to sharpen their drafting and mootng skills. As part of the ongoing process of development of the young minds, students are encouraged to participate in moot court competitions, debate competitions and many other activities that boost their public confidence to excel in the field.

The University feels deeply obliged to have been given the privilege along with the West Bengal University of Juridical Sciences to host the AIU 2nd National Moot Court Competition, 2023. The Competition will certainly provide the required platform for the best of legal minds to express their legal acumen before the doyens of the legal fraternity and thereby promote excellence in the field of law.

I wish each of the participants of the competition the very best and truly hope that this competition will bring together aspiring minds who will be the torchbearers for forging constructive alliances between Universities to foster holistic education.



PROF. (DR.) DHRUBAJYOTI CHATTOPADHYAY
Vice Chancellor, Sister Nivedita University



MESSAGE FROM KEY PERSONS



PROF. (DR.) NIRMAL KANTI CHAKRABARTI
Vice Chancellor,
The W. B. National University of Juridical Sciences

It is a long established truism that, practice makes perfect. And perhaps nowhere is it more abundantly in evidence than in the Practice of Moot Court. Participation in Moot court is arguably unique in that it is one where the academic, intellectual, emotive and performative aspects are called upon with equal rigour – something which not only tests the mettle of its practitioners, but also the very skills that ensure the true actualisation of an adversarial system of justice dispensation.

It is in keeping with these values and in the glorious legacy of generations of legal luminaries that the West Bengal National University of Juridical Sciences, Kolkata is pleased to collaborate with the Department of Law, Sister Nivedita University in order to present the AIU National Moot Court Competition 2023. The universities, cognizant of the pivotal role played by AIU in bringing this laudable initiative to life, would like to place on record, their sincere appreciation for the same.

This year's competition, scheduled for the 17th, 18th & 19th of March, 2023 is open to all law undergraduates enrolled in India, and promises to throw a veritable intellectual gauntlet before India's budding lawyers by posing a topical, thought-provoking, multi-faceted and layered problem. The participants with faithful simulation of cutting-edge real-life litigation experience, with the hope and expectation that, this will bring to the fore bright young talent from across the nation, and we look forward with the greatest of anticipation to a truly remarkable standard of legal sparring and a battle of ideas, interpretation and construction from among the ranks of our future legal luminaries.



ABOUT THE COMPETITION



The Association of Indian Universities (AIU) has expanded its wings and added to its activities another feature of holding a National Moot Court Competition. The aim of this competition is to provide undergraduate law students with an opportunity to harness their skills in research and advocacy. The moot proposition is based on a fictional dispute set in areas of law that are unsettled or that have been subject to recent developments. This competition aims to set the highest standards by providing an opportunity to make arguments before eminent academicians, advocates and judges. It encourages healthy competition between the institutes imparting legal education and promotes social bonding among the students.

1ST AIU NATIONAL MOOT COURT COMPETITION, 2020

The 1st AIU National Moot Court Competition, 2020 was the first attempt in organizing a national level moot court competition which was hosted by The Rajiv Gandhi National University of Law (RGNUL), Patiala, Punjab. It turned out to be very successful and encouraging. Twenty teams participated with immense enthusiasm.

The Final was fiercely contested between Lovely Professional University, Punjab and Dr. Panjabrao Deshmukh College, Amravati, with the former being declared the winner of the competition. The final round was judged by Hon'ble Mr. Justice Rajive Bhalla, Judge, Punjab and Haryana High Court (Retd.), Prof. Dr. Nistha Jaswal, Vice Chancellor, HPNLU, Shimla and Prof. Dr. Anand Pawar, Professor, RGNUL, Punjab.



2ND AIU NATIONAL MOOT COURT COMPETITION, 2023

GENERAL INFORMATION

REGISTRATION DETAILS

1. All the participating institutions have to confirm participation by sending a duly filled Registration Form by email to aiunationalmootcourt@gmail.com on or before 10th February 2023.
2. The duly filled-in hard copy of the Registration Form (Annexure-I) must reach the Organizers by 06th March 2023.

FEES AND PAYMENT

1. The participating Teams are required to pay Rs. 5,000/- as registration fees. The registration fees must be paid by NEFT or IMPS. Details of payment shall be emailed to the Organizers along with the registration form. The last date for payment is on 10th February 2023.
2. Non-payment of Registration Fees shall result in the cancellation of Registration of the Participating Team.
3. This fee is exclusive of the travel to and from the campus to the airport/ railway station/ bus station. It is the sole responsibility of the teams to arrange for the travel when they are arriving and leaving from the campus.

ACCOUNT DETAILS –

Account Name – SISTER NIVEDITA UNIVERSITY

Bank Name – State Bank of India

Branch Address – HA-1, Sector – III, Bidhannagar, Kolkata – 700097

Account Number – 37649815742

IFSC Code – SBIN0070682



AWARDS

1. The Team winning the final round of the Competition shall be given a trophy, certificates, medals and a cash prize of Rs. 30,000/- (Indian Rupees Thirty Thousand Only).
2. The first runners-up team in the final round of the Competition shall be given a trophy, certificates, medals and a cash prize of Rs. 20,000/- (Indian Rupees Twenty Thousand Only).
3. The second runner-up team standing third in the semi-final rounds shall be given a trophy, certificates, medals and a cash prize of Rs. 10,000/- (Indian Rupees Ten Thousand Only).
4. The team having the highest average written submission score for both sides shall be given a trophy, certificates, and a cash prize of Rs. 10,000/- (Indian Rupees Ten Thousand Only).
5. The best speaker having the highest score in the preliminary rounds shall be given a trophy, certificate, and a cash prize of Rs. 5,000/- (Indian Rupees Five Thousand Only).
6. The researcher having the highest score in the researcher's test shall be given a trophy, certificate, and a cash prize of INR 5,000/- (Indian Rupees Five Thousand Only).



LIST OF IMPORTANT DATES

Notification of the Competition and Release of the Moot Problem	19 th January 2023
Last date of Seeking Clarification	06 th February 2023
Release of Clarification	09 th February 2023
Last date for registration (submission of registration form online)	10 th February 2023
Last Date for Online Payment	10 th February 2023
Allotment of Team Codes	15 th February 2023
Last date for submission of soft copy of written submission	20 th February 2023
Last Date for submission of Travel Forms (E-mail)	20 th February 2023
Last Date of Submission of Hard Copies of Registration Forms and Three Copies of Written Submission for Both Sides	06 th March 2023
Arrival of Teams	17 th March 2023 (12:00 PM Onwards)
Opening Ceremony, Researchers Test, Draw of Lots and Exchange of Memorial	17 th March 2023
Preliminary Round and Quarter Final Round	18 th March 2023
Semi Final Round, Final Round, Award Ceremony and Valedictory Session	19 th March 2023
Departure of Teams	20 th March 2023 (Within 12:00 PM)

ORGANIZING COMMITTEE

Patron-in-Chief &
Chairperson



PROF. (DR.) SURANJAN DAS
President, Association of Indian Universities
&
Vice-Chancellor, Jadavpur University

Co-Patron &
Co-Chairperson



DR. (MRS.) PANKAJ MITTAL
Secretary General,
Association of Indian Universities

Co-Patron &
Co-Chairperson



DR. BALJIT SINGH SEKHON
Joint Secretary,
Association of Indian Universities



ORGANIZING COMMITTEE

Advisor &
Co – Chairperson



PROF. (DR.) DHRUBAJYOTI CHATTOPADHYAY
Vice Chancellor,
Sister Nivedita University

Advisor &
Co – Chairperson



PROF. (DR.) NIRMAL KANTI CHAKRABARTI
Vice Chancellor,
The W. B. National University of Juridical Sciences

Convenor &
Working Chairperson



PROF. (DR.) DEBASHREE MUKHERJEE
H.O.D, Department of Law,
Sister Nivedita University



ORGANIZING COMMITTEE

Co – Convenor &
Organising Secretary



DR. PARAMITA DASGUPTA
Assistant Professor (Law & Technology),
The W. B. National University of Juridical Sciences

Co – Convenor



MRS. ANANYA CHATTERJEE
Assistant Professor, Department of Law,
Sister Nivedita University

Student Convenor

MR. ARGHYADEEP CHAKRABORTY
Student, Sister Nivedita University

Student Co – Convenor

MS. VADITA AGARWAL
Student, The W. B. National University of Juridical Sciences



INVITATION

Sister Nivedita University and The W. B. National University of Juridical Sciences are proud hosts of the 2nd AIU National Moot Court Competition, 2023 to be held from 17th - 19th March 2023. It promises to be a spectacular event with the spectrum of experience and knowledge brought in by The W. B. National University of Juridical Sciences, coupled with the enthusiasm and exuberance brought forward by Sister Nivedita University.

The competition proposes to present an interesting challenge to participants all across the legal spectrum, as the moot proposition has been drafted to test their approach towards the contemporary issues in areas of law that are unsettled or that have been subject to recent developments.

We cordially invite your institution to participate and be a part of the 2nd AIU National Moot Court Competition, 2023 and assure you of our impeccable record as regards to hospitality and professionalism.

CONTACT US

For any assistance or clarification, please feel free to e-mail us at:
aiunationalmootcourt@gmail.com.

We are also reachable at -

Prof. (Dr.) Debashree Mukherjee	Convenor	+91 98363-78797
Dr. Paramita Dasgupta	Co-Convenor	+91 83348-11400
Mrs. Ananya Chatterjee	Co-Convenor	+91 75508-68390
Mr. Arghyadeep Chakraborty	Student Convenor	+91 96749-03709





2ND AIU NATIONAL MOOT COURT COMPETITION 2023

17th – 19th March 2023

Organized by

SISTER NIVEDITA UNIVERSITY

&

THE W. B. NATIONAL UNIVERSITY OF JURIDICAL SCIENCES



RULES AND REGULATIONS
MOOT PROPOSITION



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RULES AND REGULATIONS

GENERAL INFORMATION

REGISTRATION DETAILS

1. All the participating institutions have to confirm participation by sending a duly filled Registration Form (Annexure-I) by email to aiunationalmootcourt@gmail.com on or before 10th February 2023.
2. The duly filled-in hard copy of the Registration Form (Annexure-I) must reach the Organizers by 06th March 2023.

FEES AND PAYMENT

- i. The participating Teams are required to pay Rs. 5,000/- as registration fees. The registration fees must be paid by NEFT or IMPS. Details of payment shall be emailed to the Organizers along with the registration form. The last date for payment is on 10th February 2023.

Account Details –

Account Name – SISTER NIVEDITA UNIVERSITY
Bank Name – State Bank of India
Branch Address – HA-1, Sector – III, Bidhannagar, Kolkata – 700097
Account Number – 37649815742
IFSC Code – SBIN0070682

- ii. Non-payment of Registration Fees shall result in the cancellation of Registration of the Participating Team.
- iii. This fee is exclusive of the travel to and from the campus to the airport/ railway station/ bus station. It is the sole responsibility of the teams to arrange for the travel when they are arriving and leaving from the campus.



AWARDS

1. The Team winning the final round of the Competition shall be given a trophy, certificates, medals and a cash prize of Rs. 30,000/- (Indian Rupees Thirty Thousand Only).
2. The first runners-up team in the final round of the Competition shall be given a trophy, certificates, medals and a cash prize of Rs. 20,000/- (Indian Rupees Twenty Thousand Only).
3. The second runner-up team standing third in the semi-final rounds shall be given a trophy, certificates, medals and a cash prize of Rs. 10,000/- (Indian Rupees Ten Thousand Only).
4. The team having the highest average written submission score for both sides shall be given a trophy, certificates, and a cash prize of Rs. 10,000/- (Indian Rupees Ten Thousand Only).
5. The best speaker having the highest score in the preliminary rounds shall be given a trophy, certificate, and a cash prize of Rs. 5,000/- (Indian Rupees Five Thousand Only).
6. The researcher having the highest score in the researcher's test shall be given a trophy, certificate, and a cash prize of INR 5,000/- (Indian Rupees Five Thousand Only).



I. DEFINITION

These Rules shall be called the ‘2nd AIU National Moot Court Competition Rules, 2023’.

Unless otherwise stated following shall be construed herein under as –

- i. **“Administrator”** shall mean Sister Nivedita University, Kolkata and The W.B. National University of Juridical Sciences, Kolkata.
- ii. **“Appellant”** shall include Appellant, Plaintiff, Petitioner, Complainant, Prosecution, Informant, etc.
- iii. **“Bench”** refers to the members duly invited to adjudge the oral rounds, collectively.
- iv. **“Clarifications”** means an explanation published by the Host University on the moot problem, at any point of time of the competition to a query posed by any participating team within the given deadline.
- v. **“Compendium”** means a compilation or collection of legal or other authorities that a participating team seeks to rely upon during the round of oral pleadings.
- vi. **“Competition”** means 2nd AIU National Moot Court Competition, 2023.
- vii. **“Host University”** shall have the same meaning as “Administrator” for this edition of the Competition.
- viii. **“Moot Proposition”** means the Proposition released by the Organizers and shall include any subsequent clarification(s) as and when issued by the Organizers.



- ix. **“Oral Score”** means the scores given by the judge to a particular orator of the participating team pleading before it during the round of oral assessment.
- x. **“Orator”** means one of the two designated speakers in a participating team.
- xi. **“Organizers”** means the SNU Moot Court Society and NUJS Moot Court Society.
- xii. **“Participating Team”** means the team which is eligible to participate in the competition after completion of the registration procedure.
- xiii. **“Participating Institution”** shall be presumed to be the parent institution of the participating teams.
- xiv. **“Researcher”** means a team member who will sit with the teams at the Oral Rounds but shall not be permitted to address the Court during the Oral Rounds. The Researcher may however, be permitted to pass notes to the Speakers at the discretion of the Judges. The researcher shall be the only person allowed to take the Researchers Test.
- xv. **“Respondent”** shall include Defendant, Respondent, Defence, etc.
- xvi. **“Rules”** means the AIU National Moot Court Competition Rules.
- xvii. **“Team Code”** means a unique code assigned by the Host University to the registered participating team.
- xviii. **“Written Score”** means the scores given by the organizers to a particular participating team on the written submissions submitted by them according to the rules of the Competition.



- xix. **“Written Submissions”** means the memorandum of written submissions (memorials) submitted by any participating team according to the rules of the Competition.



II. GENERAL RULES

1. Date and Venue of the Competition

The 2nd AIU National Moot Court Competition, 2023 will be held from 17th March 2023 to 19th March 2023 at the campus building of Sister Nivedita University, DG Block(Newtown), Action Area I, 1/2, Newtown, New Town, Kolkata 700156, West Bengal AND The W.B. National University of Juridical Sciences, 12, LB Block, Sector III, Bidhannagar, Kolkata 700098, West Bengal.

2. Date of Release of Moot Proposition:

The Moot Proposition shall be released on 19th January 2023.

3. Team Eligibility and Composition:

- i. Participation is restricted strictly to bona fide law students pursuing the three years or five years LL.B. degree course in any institution in India. Students doing their LL.M. and Diploma courses are not eligible for participation.
- ii. Only one team is permitted to participate from each participating institution.
- iii. The team must consist of three members, two members shall be designated as ‘Speakers’ and the third member shall be designated as ‘Researcher’.

4. Registration Procedure:

- i. **Registration:** All the participating institutions have to confirm participation by sending a duly filled Registration Form (Annexure-I) by email to aiunationalmootcourt@gmail.com on or



before 10th February 2023.

ii. **Hard Copy of the Registration Form:** The duly filled-in hard copy of the Registration Form must reach the Organizers by 6th March 2023, at the following address only through Indian Post Office's Speed Post –

Mrs. Ananya Chatterjee,
Assistant Professor,
Sister Nivedita University, Department of Law, DG Block(Newtown), Action Area I,
1/2, Newtown, New Town, Kolkata 700156.
(+91 7550868390)

The participating teams must send their hard copy of the Registration Form only through Indian Post Office's Speed Post. The teams shall solely be responsible for any delay caused due to delay in receipt of Registration Form.

iii. **Allotment of Team Code:** Every team which has successfully completed the Registration requisites under the Rules shall be allotted a unique code after the closure of the Registration for the Competition. Once the Code is allotted, every team must use only the team code for any further communication with the Organizers during the course of the Competition.

iv. **Change in Team Composition:** Any change in team composition must be intimated to the Organizer at the earliest. Any change must be accompanied with a freshly filled registration form and an authority letter duly signed by the head of the institution.

v. The duly filled Travel Form (Annexure-II) is to be e-mailed by the teams to aiunationalmootcourt@gmail.com on or before 20th February 2023.

vi. **Registration Fees:** The participating Teams are required to pay INR 5,000/- as registration fees. The registration fees must be paid by NEFT or IMPS. Details of payment shall be



emailed to the Organizers along with the registration form. The last date for payment is on 10th February 2023. Non-payment of Registration Fees shall result in cancellation of Registration of the Participating Team.

Account Details –

Account Name – SISTER NIVEDITA UNIVERSITY
Bank Name – State Bank of India
Branch Address – HA-1, Sector – III, Bidhannagar, Kolkata – 700097
Account Number – 37649815742
IFSC Code – SBIN0070682

5. Dress Code

- i. Participants must be appropriately attired for the rounds of the competition. Robes and collar bands are not permitted.
- ii. The Dress Code for the Inauguration, Researcher’s Test, Oral Rounds and Valedictory & Prize Distribution shall strictly be:
 - a) **For Gentlemen** - Western Formals (White formal shirt with black formal pants and a black blazer); and
 - b) **For Ladies** - Western Formals (White formal shirt with black formal pants/black formal skirt and a black blazer) or Indian Formals.
- iii. On other occasions while on campus, participants may wear casuals or formals at their convenience.



III. CLARIFICATION

Clarifications to the Moot Proposition shall be sought by sending an e-mail to aiunationalmootcourt@gmail.com on or before 06th February 2023. **Clarifications requests sent after this date shall not be entertained.** The organizers shall release the clarification / clarifications on or before 09th February 2023.

N.B. – No clarification and/or query shall be sought from any individual who is a member of the Organizing Committee in a personal capacity. Any attempt of doing so shall result in direct disqualification from the competition.



IV. WRITTEN SUBMISSION

1. Strict Adherence to Rules Regarding Written Submissions:

All requirements have to be strictly followed. Non-adherence to the same will attract penalties as provided under the Rules.

2. Written Submission to be prepared from Both Sides:

Each team must prepare Written Submission for both sides to the dispute.

3. Submission of Soft Copy of Written Submission:

- i. The soft copies of the written submission from each side should reach the Organizers at aiunationalmootcourt@gmail.com in “.pdf” format latest by 20th February 2023 before 6 PM.
- ii. Written Submissions from both sides shall be sent in a single e-mail.
- iii. A penalty of 1 mark shall be imposed in case the written submission is submitted in any other format or by multiple emails by the team.
- iv. The team submitting the soft copy 2 days after the last date of the submission of the soft copy of the written submission will be disqualified from the competition.

4. Submission of Hard Copy of Written Submission:

- i. Three copies of the written submission from both sides should reach the Organizers at the below-mentioned address by 6th March 2023 (Only through Indian Post’s Speed Post) –



Mrs. Ananya Chatterjee,
Assistant Professor,
Sister Nivedita University, Department of Law, DG Block(Newtown), Action Area I, 1/2,
Newtown, New Town, Kolkata 700156.
(+91 7550868390)

- ii. The teams must carry copies of the written submission from both sides for their own reference.

5. No Difference between Soft Copy and Hard Copy of Written Submission:

The hard copy of written submission must be exact replica of the soft copy submitted with the Organizers. Any difference in the same will result in disqualification from the Competition.

6. Penalty for Late Submission:

- i. A penalty of 1 mark per hour per side shall be deducted in case of delay in the submission of soft copy of written submission.
- ii. A further penalty of 2 mark per day per side shall be levied in case of delay in submission of hard copy of written submission.

7. General Conditions for Written Submissions:

- i. The Written Submissions must not contain any form of identification apart from the team code. If any such identification or mark, symbol, etc. which has the effect of identifying the team is found on the written submission, then it shall result in instant



disqualification of the participating team.

- ii. Appellants Written Submissions are required to have a Blue cover and the Respondents Written Submissions are required to have a Red cover.
- iii. A penalty of 1 mark per side shall be levied in case the team uses the wrong cover for written submission.

8. Guidelines for Formatting:

- i. Written Submission Structure: The Written Submission must contain following contents:
 - a. Cover Page – The cover page shall contain the case title, side of the written submission, year of competition, name of the forum and team Code on top right corner;
 - b. Table of Contents;
 - c. List of Abbreviations;
 - d. Index of Authorities: The Index of Authorities must list all the authorities cited in the Written submission. The Index must indicate the page number(s) and/or the paragraph number(s) of the Written submission in which the authority is cited;
 - e. Statement of Jurisdiction;
 - f. Statement of Material Facts: The Statement of Material Facts must contain a concise statement of the relevant facts of the dispute. As far as may be, the Statement of Facts should be limited to the stipulated facts and legitimate inferences which can be drawn from those facts. Argumentative facts are prohibited. Statement of Facts shall not exceed 2 pages. Non-compliance will result in a penalty of 1 mark for each exceeded page;
 - g. Issues Raised;



- h. Summary of Arguments: The Summary of Arguments should contain a summary of the substance of the arguments, and should not merely be a reproduction of the various headings and sub-headings of arguments. The Summary of Arguments shall not exceed 2 pages. Non-compliance will result in a penalty of 1 mark for each exceeded page;
- i. Pleadings / Arguments Advanced:
 - a) All legal arguments must be limited to the Pleadings/Arguments Advanced section of the written submission. Non-compliance will result in a penalty of 2 marks.
 - b) The Pleadings/Arguments Advanced and Prayer must not exceed 20 pages. Non-compliance will result in a penalty of 1 mark per exceeded page;
- j. Prayer.

Non-compliance with respect to sections (a) to (h) and (j) will result in a penalty of 1 mark for each missing section. Non-compliance with respect to section (i) will result in the Written Submission not being considered for evaluation at all.

- ii. **Team Code:** The team code must be ascribed on the top right corner of the cover page. The code must be succeeded by the side for which the written submission is prepared. The teams must use “A” for Appellant, P for “Appellant” and R for “Respondent.” For example: in case the Team Code is TC-100 the team must write “TC-100A” in case of written submission for Appellant and “TC-100R” in case of written submission for Respondent.
- iii. **Margin:** The Written submission must maintain an equal margin of 1 inch on all sides. Non-compliance will result in a penalty of 1 mark per each side of Written Submissions.



- iv. **Font, size and line spacing:** The text font should be Times New Roman or Garamond, size 12 and must be in 1.5 line spacing. Non-compliance will result in a penalty of 0.5 mark per incorrect format of font, size and line spacing with a maximum of 2 marks per page of the Written Submissions.
- v. **Footnotes:** The footnotes must be in font Times New Roman or Garamond, size 10 and singly spaced. There should be double line spacing between two footnotes. The Bluebook: A Uniform System of Citation (20th Edition) should be followed in the written submission throughout. Non-compliance will result in a penalty of 1 mark per page. Substantive/Speaking footnotes are strictly prohibited. Non-compliance will result in a penalty of 1 mark per substantive citation.
- vi. **Header and Footer:** The font used for the header/footer, if any, shall be Times New Roman or Garamond, size 10, 1 spacing. Non-compliance will result in a penalty of 1 mark per page of the Written Submissions.
- vii. **Page Limit:** There is no maximum page limit on the Written Submissions and the pleadings/Arguments Advanced shall be of a maximum of 20 pages. No annexures, photographs, exhibits, etc. should be added to the written submission.
- viii. **Binding of Written Submission:** The teams shall bind their written submission with spiral binding only.



- ix. The written submissions shall be marked on a scale of 100 marks and the parameters which are laid down as under:

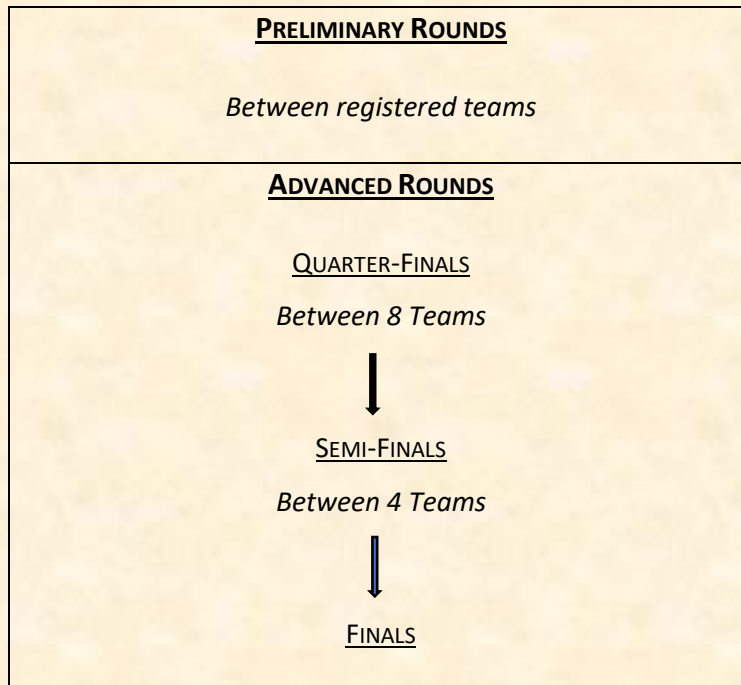
Sr. No.	MARKING CRITERIA	MARKS ALLOTTED
1	Evidence of Original Thought	20
2	Knowledge of Law and Facts	20
3	Proper and Articulate Analysis	20
4	Structure, Language and Grammar	15
5	Extent and Use of Research	15
6	Correct Format and Citation	10
	Total	100



V. ORAL PLEADING ROUNDS

1. General Procedure:

- i. Teams are requested to submit three (3) hard copies of the Written Submissions for both sides to be submitted on or before 06th March 2023 and carry extra hard copies for their own reference during oral rounds.
- ii. The language to be used during the Oral Pleading Rounds shall be exclusively English.
- iii. The Competition shall consist of the following rounds:



- iv. During each of the abovementioned rounds, the order in which the teams shall present their arguments, is as follows:



- a. Appellant Speaker 1
- b. Appellant Speaker 2
- c. Respondent Speaker 1
- d. Respondent Speaker 2
- e. Rebuttal: Appellant - Any one of the two Speakers
- f. Sur-rebuttal: Respondent - Any one of the two Speakers.

Sur-rebuttal may be permitted only at the discretion of the Judges.

- v. The Best Speaker Award shall be determined on the basis of the individual aggregate score of the speaker taken only from the Preliminary Rounds. Individual Aggregate Score shall be determined as the sum of the following:
 - a) Score of Speaker in Preliminary Round I;
 - b) Score of Speaker in Preliminary Round II; and
 - c) Half of Memorial Score
- vi. The Researcher shall be allowed to sit with the teams at the Oral Rounds but shall not be permitted to address the Court during the Oral Rounds. The Researcher may however, be permitted to pass notes to the Speakers at the discretion of the Judges. Such notes shall be passed through the court clerks present in the court room. The researcher shall be the only person allowed to take the Researchers Test.
- vii. Teams are not permitted to raise issues in the Oral Rounds that have not been submitted in the Written Submissions.
- viii. The use of mobile phones, laptops, or any other electronic gadgets is strictly prohibited during the Oral Rounds, subject to the discretion of the judges.



- ix. Participants may use their own bare acts, printouts and commentaries provided that anonymity is not violated during the Rounds.
- x. Participants shall ensure that anonymity is not violated while passing on any material to the Judges. No mark, name, seal, symbol or logo of the institution/college/university must be present. Participants must ensure that the same is rendered unrecognizable.
- xi. The decision of the Judges as to the marks allotted to each team shall be final and binding.

2. Splitting of Time in between Speakers:

- i. Each side shall get a maximum time of 30 minutes (45 minutes for Final Round) to present their arguments of which no Speaker shall be permitted to address the Court for more than 20 minutes (30 minutes for Final Round). The time limit is inclusive of the time for Rebuttal or Sur-rebuttal respectively. The maximum time for Rebuttal is 2 minutes and the maximum time for Sur-rebuttal is 1 minute. Each speaker is required to speak for a minimum of 10 minutes (15 minutes for Final Round) inclusive of time taken for Rebuttals and Sur-rebuttals.
- ii. Teams shall notify the Court Clerks of the division of time between the 2 Speakers (including time reserved for Rebuttal & Sur-rebuttal) 10 minutes prior to the commencement of the Rounds.
- iii. If Speaker 1 exceeds his/her reserved time, the additional time taken shall be deducted from the time reserved by Speaker 2. Similarly, if Speaker 2 exceeds his/her reserved time, the additional time taken shall be deducted from the time reserved for Rebuttals/Sur-Rebuttals as the case may be. This rule may not be followed if the



additional time is awarded at the discretion of the Judges to not be deducted from the time of the subsequent Speaker.

- iv. While granting additional time, if the additional number of minutes granted is not specified by the Judges, it shall be presumed that the additional time granted is 2 minutes.
- v. The finality of the decision as to the time structure and the right to Rebut or Sur-rebut shall vest with Judges.

3. Compendium:

- i. All relevant case laws and statutory material to be passed on to the Judges during the Oral Rounds may be submitted in the form of a Compendium 10 minutes prior to the commencement of the Rounds to the Court clerks.
- ii. Participants are also permitted to pass on relevant material to the Judges, at their discretion, any time after the commencement of the Rounds and before its completion.
- iii. Participants shall ensure that anonymity is not violated while passing on any material to the Judges. No mark, name, seal, symbol or logo of the institution/college/university shall be present. Participants must ensure that the same is rendered unrecognizable.



4. Exchange of Written Submission

- i. The exchange of Written Submissions shall take place prior to the Oral Pleading Rounds.
- ii. Teams are prohibited from making any marks on the opponent's Written Submissions thus exchanged. Teams are also prohibited from making any copies of the opponent's Written Submission, electronically or otherwise.
- iii. The opponent's Written Submissions shall be returned to the Court clerks after the completion of each Round.

5. Preliminary Rounds:

- i. Every team shall argue twice in the Preliminary Rounds, once for the Appellant and once for the Respondent.
- ii. No two teams shall face each other more than once in the Preliminary Rounds.
- iii. Draw of Lots: The match up of teams in Preliminary Rounds shall be determined on the basis of draw of lots. Draw of lots shall take place on 17th March 2023.

6. Scoring in the Oral Rounds:

1. The Preliminary Rounds

- 1.1. There will be two (2) Preliminary Rounds to ensure that each team is given the opportunity to argue from both sides of the Proposition.



- 1.2. The fixtures for the Preliminary Rounds shall be determined by draw of lots.
- 1.3. For the Preliminary Rounds, the winner of each such round shall be determined on the basis of the criteria of evaluation of the memorials scores and the speaker scores, as mentioned in the Rules below.
- 1.4. Each Round shall be decided by awarding points on six (6) different criteria.
- 1.5. If the difference in Memorial Scores of the teams facing each other is equal to or exceeds seven percent (7%) of the maximum obtainable score, then three (3) points are to be awarded to the team with the superior Memorial Scores. If the difference in memorial scores is less than seven percent (7%) of the maximum obtainable score, then two (2) points are to be awarded to the team with the superior Memorial Scores and one (1) point is to be awarded to the other team. If there is no difference in Memorial Scores of the two teams then the teams will be awarded 1.5 points each.
- 1.6. If the difference in Speaker Scores of the teams facing each other as awarded by each judge in the Preliminary Round is equal to or exceeds seven percent (7%) of the maximum obtainable score, then three (3) points are to be awarded to the team with the superior Speaker Scores. If the difference in Speaker Scores is less than seven percent (7%) of the maximum obtainable score, then two (2) points are to be awarded to the team with the superior Speaker Scores and one (1) point is to be awarded to the other team. If there is no difference in Speaker Scores between the teams, then the teams will be awarded 1.5 points each for that judge.
- 1.7. If two or more teams have the same cumulative points, then the team with higher aggregate score shall be ranked higher. If two or more teams have the same cumulative points and same aggregate score, the team with the higher cumulative speaker scores shall be ranked



higher. If two or more teams have the same cumulative points, same aggregate score and same cumulative speaker scores, then the team with the higher gross memorials score, i.e., the score of the memorials without deducting penalties, shall be ranked higher.

2. The Quarter Final Rounds

2.1. The eight (8) teams that proceed to the Quarter Final Rounds, as determined by the Rules above, shall each argue only ONCE for the side allotted by a draw of lots. The fixtures for the Quarter Final Rounds shall be as follows:

Rank 1 v. Rank 8 (Quarter Final Round I)

Rank 2 v. Rank 7 (Quarter Final Round II)

Rank 3 v. Rank 6 (Quarter Final Round III)

Rank 4 v. Rank 5 (Quarter Final Round IV)

2.2. For the Quarter Final Rounds, each team shall argue ONCE for the side allotted by a draw of lots.

2.3. Four (4) teams shall qualify for the Semi Final Rounds on a knock out basis, i.e., the winner of each Quarter Final Round shall qualify to the Semi Final Rounds. The knockouts will be decided on the basis of the rules mentioned above (1.6), i.e. based on the score of the oral rounds only.

2.4. In case of a tie, the team with higher aggregate speaker scores will be declared the winner for that round. If the aggregate speaker scores of the teams are the same, then the team with higher gross memorial score i.e., the score of the memorial without deducting penalties shall be ranked higher.



3. The Semi Final Rounds

3.1. The four (4) teams that proceed to the Semi Final Rounds, as determined by the Rules above, shall each argue only ONCE for the side allotted by a draw of lots. The fixtures for the Semi Final Rounds shall be as follows:

Winner of Quarter Final Round I v. Winner of Quarter Final Round IV

Winner of Quarter Final Round II v. Winner of Quarter Final Round III

3.2. Two (2) teams shall qualify for the Final Round on a knock out basis, i.e., the winner of each Semi Final Rounds shall qualify to the Final Round. The knockouts will be decided on the basis of the rules mentioned above (1.6), i.e. based on the score of the oral rounds only. The bench-strength for this round shall be an odd number but not one (1).

3.3. In case of a tie, the team with higher aggregate speaker scores will be declared the winner for that round. If the aggregate speaker scores of the teams are the same, then the team with higher gross memorial score i.e., the score of the memorial without deducting penalties shall be ranked higher.

3.4. Two (2) teams which shall not qualify for the final round shall be declared 2nd Runner Up and 4th Place respectively. Among those two teams, the team with higher aggregate speaker score will be declared as 2nd Runner Up and the other team shall be declared as 4th Place. In case of a tie, clause 3.3 shall be made applicable.



4. The Final Round

- 4.1. The two (2) teams that proceed to the Final Round, as determined by the Rules above, shall each argue only ONCE for the side allotted by a draw of lots.
- 4.2. The team which wins the Final Round shall be declared as the 'Winning Team'. The other team shall be declared as the 'Runners-Up Team'.
- 4.3. The winner of the Final Round shall be determined on the basis of the rules mentioned above (1.6), i.e. based on the score of the oral rounds only. The bench-strength for the Final Round shall be an odd number but not one (1).
- 4.4. In case of a tie, the team with higher aggregate speaker scores will be declared the winner for that round. If the aggregate speaker scores of the teams are the same, then the team with higher gross memorial score i.e., the score of the memorial without deducting penalties shall be ranked higher.

7. **Scouting:**

- i. Scouting is strictly prohibited.
- ii. Any person may submit a complaint regarding Scouting to the Organizers.
- iii. Teams found scouting shall be disqualified immediately.

8. **Delay in Appearance/Presentation:**

If a team scheduled to take part in any Round does not appear within 10 minutes of the scheduled time, the other team present shall be allowed to submit ex-parte.



9. Scoring Break-Up:

S. NO.	MARKING BREAK-UP	Max Marks
1.	Knowledge of Law & Facts	20
2.	Appreciation and Application of Facts	15
3.	Interpretation and Application of Law	10
4.	Use of Authorities	10
5.	Response to Questions	10
6.	Organization of Arguments & Clarity of Thought	10
7.	Argumentative Skills and Creativity	10
8.	Reference to Written Submissions in the course of Oral Pleadings	10
9.	Dressing Attire & Court Mannerisms	05
	Total	100



VI. RESEARCHERS TEST

1. The Researcher's Test shall be conducted on 17th March 2023.
2. In each team consisting of three members, only the member designated as Researcher shall take part in the test.
3. Participants are requested to write only the Team Code on the question paper.
4. The Researcher's Test shall be objective with questions based on the applicable law, precedents and facts pertaining to the Moot Proposition.
5. The duration of the Researcher's Test shall be 60 minutes.
6. The Researcher's test shall consist of 50 (fifty) objective type questions carrying 2 (two) marks each. Each wrong answer would lead to a deduction of .50 marks.
7. No additional material such as the bare text of Acts, Written Submissions, etc. apart from stationery may be brought by the participant to the test and no such material shall be provided by the Organizers.
8. Score of the Researcher's Test shall be computed as the total of Score in Researcher's Test.
[**Note:** In case two or more students score the same aggregate marks in the Researcher's test, higher rank will be awarded to the student scoring more marks in the written submission of the memorials.]
9. The Winner of the Test shall be determined by the highest score attained.



VII. AWARDS

The following awards shall be awarded in the Competition:

- i. **Best Team:** the team winning the final round of the Competition shall be given a trophy, medals, certificate and cash prize of INR 30,000/- (Indian Rupees Thirty Thousand Only).
- ii. **Runners Up:** the runners up team in the final round of the Competition shall be given a trophy, medals, certificate and a cash prize of INR 20,000/- (Indian Rupees Twenty Thousand Only).
- iii. **Second Runner Up:** the team standing third in the semi final rounds shall be given a trophy, medals, certificate and a cash prize of INR 10,000/- (Indian Rupees Ten Thousand Only).
- iv. **Best Memorial:** The team having the highest average written submission score from both sides shall be given a trophy, certificate and a cash prize of INR 10,000/- (Indian Rupees Five Thousand Only).
- v. **Best Speaker:** The speaker having the highest score in the preliminary rounds shall be given a trophy, certificate and a cash prize of INR 5,000/- (Indian Rupees Five Thousand Only).
- vi. **Best Researcher:** The participant having the highest score in the researcher's test shall be given a trophy, certificate and a cash prize of INR 5,000/- (Indian Rupees Five Thousand Only).
- vii. **Certificates of merit** shall be given to all the teams qualifying for Quarter-finals and beyond.



- viii. Certificate of participation shall be given to all the participating teams.

- ix. The awards, certificates of merit and certificates of participation shall be given during the valedictory ceremony to be conducted on 16th February, 2020. No certificate will be given to the team before or after the valedictory function.



VIII. JURY OF APPEALS

- i. The Jury of Appeal is constituted to ensure transparency in the competition and accountability of the organizers, with respect to any dispute in the '2nd AIU National Moot Court Competition' on the spot.
- ii. If a Team believes that the Rules of the Competition have been violated at any stage of the Competition, the Team shall, within half an hour after the completion of the round in which the alleged violation has occurred, register a complaint with the Jury of Appeal of the Competition at aiunationalmootcourt@gmail.com.
- iii. All the decisions and direction approved by the aforesaid committee shall be binding for all the team participating in the competition.



IX. ACCOMMODATION AND FOOD

- i. Accommodation and food shall be provided to the participating teams for the duration of the competition, i.e., from 17th March 2023, 12:00 PM till 20th March 2023 12:00 PM.

- ii. All facilities shall be provided only to the registered members of a team and no additional members, parents, observers, coaches or faculty advisors shall be accommodated.



X. MISCELLANEOUS

1. General Etiquettes:

- i. Participants are expected to behave in a dignified manner and not to cause any inconvenience to the Organizers, the Judges of the Competition or any of the other participants.
- ii. The Organizers reserves the right to take appropriate action for any unethical, unprofessional or immoral conduct, which may include direct elimination from the competition.
- iii. Facilities such as photocopying, library usage, internet connectivity, etc. may be provided subject to the convenience of the Organizers and will be informed to the teams closer to the commencement of the Competition. Irrespective, participants are requested to make their own arrangements for the same.
- iv. Administrator shall not be responsible for any loss of belongings of the team during the competition.

2. Interpretation of Rules & Regulations:

- i. The Organizers reserves the right to take decisions on any matter not mentioned in the Rules of the Competition through Jury of Appeals. Any such decision taken by the Organizers / Jury of Appeals shall be final and binding.
- ii. The Organizers / Jury of Appeals reserves the right to interpret any of the Rules of the Competition. Such interpretation shall be final and binding.



3. Other Clauses

- i. If any one member of a team is notified or informed of any detail or information concerning the Competition, it shall be deemed as if the said team as a whole has been duly notified or informed.
- ii. The copyright in the Written Submissions of Teams shall vest with AIU. We shall not be responsible for any liability accrued to any person or for any loss caused to any person because of the content of the Written Submissions.
- iii. No audio recording or videotaping of oral pleadings is permitted without the permission of the Organizers, the Bench before which the team is scheduled to present, and the opposing Team. The Organizers reserves all rights to audio recording and videotaping, or any other form of audio or visual reproduction of any oral round or part thereof.
- iv. Team(s) shall not approach the Bench with any complaints, under any circumstances whatsoever.
- v. **FORCE MAJEURE** – In case of any event, which includes but is not limited to, a declaration of war, a disease epidemic, imposition of lockdowns and curfews, any riots, a cyclonic storm, an earthquake, or any other natural disaster due to “Act of God”, the date of the competition may be revised and/or the competition may be conducted in an online mode.



XI. CORRESPONDENCE / CONTACT DETAILS

1. The address for correspondence for all Registration Formalities and Written Submissions is:

Mrs. Ananya Chatterjee,
Assistant Professor,
Sister Nivedita University, Department of Law, DG Block(Newtown), Action Area I, 1/2,
Newtown, New Town, Kolkata 700156.
(+91 7550868390)

2. Any and all clarifications and queries regarding the Moot Proposition and Rules & Regulations shall be sought only via e-mail to aiunationalmootcourt@gmail.com.
3. Any other queries (**other than the Moot Proposition**) may be directed at the following persons:

Prof. (Dr.) Debashree Mukherjee	Faculty Convenor	+91 98363-78797
Dr. Paramita Dasgupta	Faculty Co-Convenor	+91 83348-11400
Mrs. Ananya Chatterjee	Faculty Co-Convenor	+91 75508-68390
Mr. Arghyadeep Chakraborty	Student Convenor	+91 96749-03709



LIST OF IMPORTANT DATES

Notification of the Competition and Release of the Moot Problem	19 th January 2023
Last date of Seeking Clarification	06 th February 2023
Release of Clarification	09 th February 2023
Last date for registration (submission of registration form online)	10 th February 2023
Last Date for Online Payment	10 th February 2023
Allotment of Team Codes	15 th February 2023
Last date for submission of soft copy of written submission	20 th February 2023
Last Date for submission of Travel Forms (E-mail)	20 th February 2023
Last Date of Submission of Hard Copies of Registration Forms and Three Copies of Written Submission for Both Sides	06 th March 2023
Arrival of Teams*	17 th March 2023 (12:00 PM Onwards)
Opening Ceremony, Researchers Test, Draw of Lots and Exchange of Memorial	17 th March 2023
Preliminary Round and Quarter Final Round	18 th March 2023
Semi Final Round, Final Round, Award Ceremony and Valedictory Session	19 th March 2023
Departure of Teams*	20 th March 2023 (Within 12:00 PM)

* No arrangements shall be made for pick-up and drop-off from the Airport / Railway Station / Bus Stand. Teams have to make their own arrangements.



2nd AIU NATIONAL MOOT COURT COMPETITION, 2023

(17th March, 2023 – 19th March, 2023)

Annexure I – REGISTRATION FORM

NAME OF THE INSTITUTION: _____

PRIMARY CONTACT No.: _____ EMAIL ID: _____

SPEAKER 1: _____

GENDER: _____ CONTACT No: _____

EMAIL ID: _____

Photograph of the
Participant

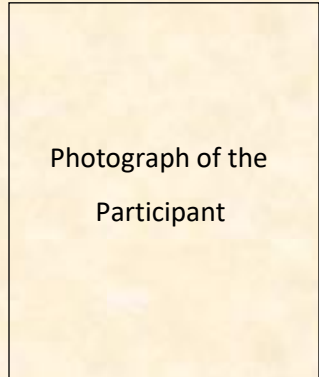
SIGNATURE



SPEAKER 2: _____

GENDER: _____ **CONTACT No:** _____

EMAILID: _____



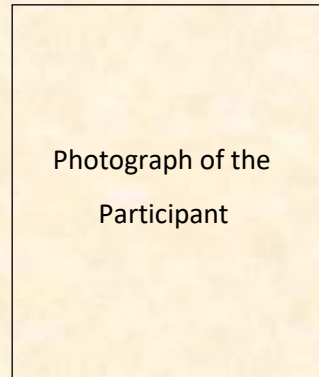
Photograph of the
Participant

SIGNATURE

RESEARCHER: _____

GENDER: _____ **CONTACT No:** _____

EMAILID: _____



Photograph of the
Participant

SIGNATURE



PAYMENT DETAILS

REFERENCE NUMBER: _____

I HEREBY CONFIRM THE BONAFIDE OF THE AFOREMENTIONED CANDIDATES.

NAME, SIGNATURE & SEAL OF THE HEAD OF THE INSTITUTION

NOTE: All Communications shall be done by the Organizers on the primary Contact and Email Id.



MOOT PROPOSITION

IN THE SUPREME COURT OF INDIA

[Order XVI Rule 4(1) (a)]

CIVIL APPELLATE JURISDICTION

Special Leave Petition

[Under Article 136 of the Constitution of India]

S.L.P. (Civil) No: 007 of 2023

[Against the Impugned Judgment & Final Order dated: 25th September, 2022 and passed by the Hon'ble High Court of Indraprasth (UT) in DPCC No: 1234/2022]

IN THIS COURT

FROM WHOSE ORDER THE PETITION ARISES

BETWEEN

Position of Parties

Mrs. Deepa Narayan

W/o Mr. Ashoke Narayan (deceased)

...Petitioner/ Respondent

... Petitioner

Versus

Dr. Rakesh Malik, Chief Surgeon,

Navjeevan Superspeciality Hospital Ltd.,

Indrapuram (Indraprasth)

...Respondent No: 01/Appellant No: 01 ...Respondent No: 01

Ms. Renu Jhawar,

Director-in-Chief, Governing Board,

Navjeevan Superspeciality Hospital Ltd.,

India

...Respondent No: 02/Appellant No: 02 ...Respondent No: 02



M/s Navjeevan Superspeciality Hospital Ltd.,

Indraprasth, India

...Respondent No: 03/Appellant No: 03 ...Respondent No: 03

Mr. K. V. N. Devi Prasad,

Municipal Commissioner

Indrapuram

...Respondent No: 04/Appellant No: 04 ...Respondent No: 04

1. In January 2021, during the peak of the SarsCov2 global pandemic, M/s. Hartmann-Klein, a well-known pharmaceutical multinational, launched its much-anticipated Maxbio Rapid Covid Antigen Test Kit worldwide. It was deliberately designed in a universally “user-friendly” manner, priced reasonably, and made available in what was deemed to be in bulk retail scale across both developed and developing countries, including India, with localised rollouts being expected by February/March 2021.
2. By March-April 2021 however, India was in the throes of a virulent second wave of the aforementioned coronavirus attack. With the situation deteriorating day by day the Government of Indraprasth (UT) took countermeasures by issuing a restraintment order dated 17.04.2021 (The copy of the order is marked as Exhibit – I). Despite such measures, the magnitude of the pandemic increased with basic essentials such as beds, oxygen and essential palliative medicaments falling short of requirements. On account of this abrupt development, the resultant chaos, market panic and the subsequent closure of inter-state/intra-state borders on several occasions, delivery and smooth dissemination of said kits were disrupted, delayed, and suspended in multiple instances, with evidently, the hardest hit being those potential patients for whom this would have served as an invaluable aid to providing basic primary-level diagnosis and further care wherever necessary.



3. The (now) late Mr. Ashoke Narayan, had, at the time, recently retired from active service, and with his wife, Mrs. Deepa Narayan, had moved back to his family residence in Indrapuram (Indraprasth South). Their only child, Jaya, is based out of Chicago, and indefinitely stranded there on account of the pandemic, – Mr. & Mrs. Narayan have been managing on their own with the assistance of their resident house help.
4. A generally fit person for his age, Mr. Narayan had been a chronic diabetic requiring once-in-a-year periodic check-up. However, the condition has always been in full control and had never interfered with his daily activities and overall productivity. But it was an established fact that this pre-existing co-morbidity, however mild, did indeed render him particularly susceptible to contracting the Covid-19 virus, and accordingly, the Narayans observed all manner of prescribed precautions.
5. However, around mid-April, Mr. Narayan suspected that he might perhaps have taken ill, – he was hard-pressed to procure any reliable medical diagnostic service, the virulence and scale of the pandemic having left the vast majority of healthcare providers across the spectrum, manifestly overwhelmed in the face of massive casualties and fatalities. This was compounded by inadequate/unavailable basic essentials for care, rendering patients and potential patients like Mr. Narayan utterly helpless.
6. Vaccines having yet to achieve mass national-level dissemination, Mr. Narayan was left with no recourse but for paracetamols, and bed rest for the most part.
7. It was in early July when, the Narayans were awaiting their turn to be vaccinated against the virus, that, Mr. Narayan suffered a major cerebral attack, which rendered him completely prone. His condition began to showcase rapid deterioration with partial paralysis beginning to set in, but the nation still being deep in the throes of the existing coronavirus crisis, - all other cases were formally/informally relegated to secondary priority status.



8. Under the circumstances, and desperate to stall any further regression, Jaya made a personal request to her erstwhile school friend, Aryaa Chatterjee, now a Senior Resident at Indrapuram's Navjeevan Superspeciality Hospital Ltd., to try and mobilise whatever internal resources she could, so that her father might be able to avail of some "special" attention on an urgent basis.
9. Dr. Chatterjee, having successfully convinced her immediate senior, and Chief Surgeon, Dr. Rakesh Malik, – the facility was amenable to expediting Mr. Narayan's wait, should his family be open to considering a course of treatment & procedure, which, while widely acclaimed in leading medical schools the world over, was still in the initial days of implementation here in India.
10. Said procedure, deemed path-breaking in advanced neurosurgery, involved the use of Theia, a cutting-edge AI precision product [Theia, whilst being fully portable, easily assemblable, and relatively sturdy, carries within itself the strength of a top-grade electron microscope, and until date, has been tried out at various leading medical research institutes mainly for keen pre-operative detection, with universally excellent feedback] and Dr. Anna Malik, a widely revered senior neurosurgeon who also happened to be one of the several leading lights in the profession vouched for the fact that having been working with Theia for the past many months, had thus far not experienced even one occasion of error / sub-par performance.
11. With Mr. Narayan having already lost valuable days, and consequently in a gravely delicate condition, the surgical team unanimously concurs that time is indeed of the essence, and that a tremendously high degree of precision being called for here, utilising Theia for micro-detection during surgery, would certainly not be uncalled for.



12. The procedure commences, Theia meets all expectations, and no effort or skill is spared, – yet the patient, Mr. Narayan expires before the surgery could be formally declared as successfully concluded, and whilst technically still on the table.
13. Once the details of this emergency procedure is brought to the knowledge of Mr. Narayan’s survivors, his widow, Mrs. Deepa Narayan decides to bring charges against Dr. Malik, as well as the Navjeevan Group’s Governing Body, as well as the Indrapuram Municipal Corporation for grossly inadequate handling of the concerns of citizens during a pandemic situation.
14. A Civil Writ Petition is duly filed, and in August 2021, comes up for hearing before the Indraprasth High Court the very next month.
15. The three individual Respondents enter appearance. Following a lengthy hearing, the Single Judge found in favour of the Petitioner. In summary:
 - (i) Mr. Narayan’s plight, when read with the government-vetted statistics of live cases, recoveries and fatalities, – brings home the enormity of the disaster that the country has had to weather, as a consequence of a myopic collusion between the national & state executive, the implementers, and Big Pharma, where despite handy cutting-edge technology having already come into being, precious little could ultimately be done to actualise the same at a time of crisis – and this, in spite of there having been a number of apparently bespoke legislations and policy documents in place, – something that if regarded as an instance of negation of fundamental rights of the ill, the deceased, and their survivors, – would certainly not be an overstatement.



- (ii) Dr. Malik, as well as the Navjeevan Group’s Governing Body are found liable for having “irresponsibly overstepped the brief”, and thus have fallen guilty of gross negligence and consequential medical malpractice.
- (iii) The Indrapuram Municipal Corporation for abysmally poor handling and provision of basic medical infrastructure during an emergency situation, namely a global pandemic.

16. Aggrieved, the Respondents appeal to a Division Bench of the Indraprasth High Court. The Division Bench partially reverses the ruling of the Single Judge, citing:

- (i) While the decision to rely so very utterly on artificially intelligent aids for surgical procedures of this nature may have indeed been premature, the procedure proper can be seen to be both, Bolam and Bolitho compliant.
- (ii) Given the unprecedented scale, sweep and sheer force of the second wave of the Covid-19 pandemic that India witnessed in the spring/summer of 2021, - any municipal corporation may quite understandably be excused on the grounds that they were all struggling to simply cope with the reality on the ground, and as such, were trying their best to do what could be done with the government allocated resources during a situation no less than a calamitous disaster.

17. In light of the above, Mrs. Deepa Narayan has proceeded to file a Special Leave Petition before the Supreme Court of India seeking to challenge the Division Bench’s order. The Hon’ble Supreme Court grants leave u/Article 136, and is pleased to hear the matter in exhaustive detail.



EXHIBIT – I

GOVERNMENT OF INDRAPRASTH (UT) INDRAPRASTH DISASTER MANAGEMENT AUTHORITY

No. F.5/04/2021/pt file-II/28/

Dated: 15.04.2021

ORDER

Whereas, the Indraprasth Disaster Management Authority (IDMA) is satisfied that the Indraprasth (UT) is threatened with the spread of COVID-19 epidemic, which has already been declared as a pandemic by the World Health Organisation, and is considered it necessary to take effective measures to prevent its spread in Indraprasth (UT).

1. And whereas, the situation of COVID-19 in Indraprasth (UT) has been reviewed and it has been observed that there has been a very sharp increase in COVID-19 cases along with very high positivity rate over the last few days and therefore, it is felt that in order to contain the further spread of virus, curfew needs to be imposed in the territory of Indraprasth (UT), except for essential activities/services, as an emergency measure, in order to break the transmission chain of COVID-19 virus and for overall well-being and safety of people of Indraprasth (UT).
2. Now, therefore, in exercise of powers conferred under section 22 of the Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, State Executive Committee, IDMA, hereby directs that there shall be **curfew on the movement of individuals (except for exemptions given below in this order) in the territory of Indraprasth (UT) with effect from 10 PM on 18.04.2021 (Sunday) till further order.** Following categories of individuals are however exempted from the above restriction of movement during curfew:



- a) Officers/officials of Government of India, its autonomous/subordinate offices and PSUs, on production of valid I card and as per the restrictions imposed by Government of India.
- b) Offices of Government of Indraprasth (UT)/Autonomous Bodies/Corporations shall remain closed except those involved in essential and emergency services such as Health and Family Welfare and all related medical establishments, police, prisons, home guards, civil defence, fire and emergency services, district administration, pay an account of his, electricity services, water and sanitation, public transport, disaster management and municipal services.
- c) All Judicial officers/officials/staff members of all thoughts of Indraprasth (Hon'ble Supreme Court of India/ Hon'ble High Court of Indraprasth/ District Courts/ Tribunals) on production of valid I card/permission letters issued by the Court Administration.
- d) All private medical personnel such as doctors, nursing staff, paramedical, etc. and other hospital services (such as hospitals, diagnostic centres, testing laboratories, clinics, pharmacies, pharmaceutical companies, medical oxygen suppliers and other medical and health services including incidental services such as supply of medical instruments and consumables, sanitation, security, etc.), on production of valid I card.
- e) Pregnant women and patients for getting medical / health services along with attendant, on production of valid I card / doctor's prescription / medical papers.
- f) Persons who are going for COVID-19 testing or vaccination, on production of valid I card.
- g) Person coming from/going to airports/railway stations/bus terminal allowed to travel on production of valid ticket.



- h) Officers/officials function in the offices of diplomats of various countries as well as persons holding any constitutional post on production of valid I could.
- i) Electronic and print media on production of valid I could.
- j) Persons/ students shall be allowed to appear in examination on production of valid admit card. The examination staff deployed for exam duties shall be allowed to travel on production of valid I card.
- k) There shall be no restriction on inter-state and intra-state movement / transportation of essential goods. No separate permission / e-pass will be required for such movements.
- l) Movement of persons related to commercial and private establishments / offices providing following services / commodities shall only be allowed:
- i. Shops dealing with food, groceries, fruits and vegetables, dairy and milk booths, meat and fish, animal fodder, pharmaceuticals, opticians, medicine and medical equipments, newspaper distribution.
 - ii. Banks, insurance offices and ATMs, SEBI/ stock related offices.
 - iii. Telecommunications, Internet services, broadcasting and cable services, IT and IT enabled services.
 - iv. Delivery of all essential goods including food, pharmaceuticals, medical equipments for e-commerce.
 - v. Petrol pumps, LPG, CNG, petrol and gas related storage outlets.
 - vi. Water supply, power generation, transmission and distribution units and services.
 - vii. Coal storage and warehousing services.
 - viii. Private security services.



- ix. Manufacturing units of essential commodities.
- x. Manufacturing units of non-essential commodities having on-site workers.
- xi. Production units or services, which require continuous process.
- xii. Delivery of food by way of home delivery / take away by restaurants / eateries.

m) Religious places shall be permitted to open, but no visitors shall be allowed.

3. The movement of the individuals specified above in para- 2(1) and 2(m) shall be allowed only with the possession of e-pass, which can be obtained by applying on the website www.indraprasth.gov.in. However, movement on foot would be allowed to avail these essential services without e-pass. The concerned Municipal Commissioner shall be responsible for issuing of e-passes for above activities and for overall implementation of these measures in their respective jurisdiction. All other line department officials in the specified area will work under the directions of concern Municipal Commissioner. Further, e-pass obtained and possessed by a person for movement connected to essential goods and services during night curfew / weekend curfew shall also be valid for aforesaid curfew period.
4. Public transportation such as Metro (up to 50% seating capacity) / Public Buses (up to 50% seating capacity) / Autos & e-rickshaws, (up to 2 passengers) / Taxis, Cabs (up to 2 passengers) shall be allowed to function within a stipulated time for the transportation of only above-mentioned categories of people during curfew, as per prescribed Protocols/ issued by the government in this regard. No standing passengers shall be allowed.
5. Further, during curfew, movement persons for marriage related gatherings up to 50 persons (on production of soft or hard copy of marriage card) and funeral/ last rites related gatherings up to 20 persons is continue to be allowed.
6. Except aforementioned exempted / allow movements and activities, all other private offices/establishments, shops, shopping centres, malls, weekly markets, manufacturing units,



educational and coaching institutes, cinema and theatres, restaurants and bars, auditoriums/assembly halls, entertainment/amusement/water parks, public parks and gardens, sports complexes, gyms, spas, barber shops, saloons, beauty parlours, swimming pools (except being used for training of sports persons for participation in national and international events), construction activities (except where labourers are residing on site) etc. shall remain closed during curfew.

7. All social/ political/ sports/ entertainment/ academic/ cultural/ religious/ festival related another gathering and congregations shall be prohibited.
8. Stadia shall be permitted to open for organizing National / International sports event without spectators.
9. All Municipal Commissioners and all authorities concerned shall ensure strict compliance of this order and shall adequately inform the sensitize and field functionaries about these instructions for strict compliance, in letter and spirit. All enforcement authorities to note that these restrictions fundamentally relate to movement of people, but not to that of essential goods / services.
10. In case any person is found violating the aforesaid instructions, the defaulting person(s) shall be proceeded against as per the provisions of section 51 to 60 of Disaster Management Act, 2005, section 188 of IPC and other applicable laws.

Sd/-
Chief Secretary, Indraprasth (UT)



CORRIGENDUM

CLARIFICATION IN RULES AND REGULATION

Please note the following clarification with respect to “Rules and Regulation, Moot Proposition of the 2nd AIU National Moot Court Competition, 2023” as released on 19th January 2023:

“ONCE REGISTRATION IS COMPLETE NO TEAMS SHALL BE ENTITLED TO RECEIVE ANY REFUND OF THE REGISTRATION FEES PAID.”

Please note that THERE IS NO FURTHER CHANGE IN ANY OF THE TERMS AND CONDITIONS provided in the “Rules and Regulation, Moot Proposition of the 2nd AIU National Moot Court Competition, 2023” as released on 19th January 2023.

Date: 28th January 2023

Place: Kolkata

Prof. (Dr.) Debashree Mukherjee
Convenor & Working Chairperson