



**INTRA MOOT COURT COMPETITION, 2023**

*Organized by:*

**MOOT COURT SOCIETY, INDIAN INSTITUTE OF LEGAL STUDIES  
SILIGURI**

**(March-June Session, 2023)**

**Conducted From: - 1<sup>st</sup> April, 2023 - 27<sup>th</sup> May, 2023**

**INDIAN INSTITUTE OF LEGAL STUDIES, MOOT COURT SOCIETY,**

**BROCHURE**

**DETAILED SCHEDULE AND MOOT PROBLEMS: -**

**SCHEDULE-I**

<b>SR. NO</b>	<b>EVENT</b>	<b>DATE</b>
1.	Release of Moot Problem	17 <sup>th</sup> March, 2023
2.	Last date of team Registration	21 <sup>st</sup> March, 2023
3.	Last date of memorial Submission	30 <sup>th</sup> March, 2023
4.	Draw of Lots	31 <sup>st</sup> March, 2023
5.	Oral rounds-I	1 <sup>st</sup> April, 2023

**MOOT PROPOSITION- 1**

**MOOT PROBLEM FOR 1<sup>ST</sup> INTRA MOOT COURT COMPETITION, 2023**

[(5years BA/BBA/B.COM LL. B 8<sup>TH</sup> Semester)]

**Date of Competition: 1<sup>st</sup> April, 2023**

*Case Concerning Over-Exploitation of An Important Natural Resource- “Water” to the detriment of the Moshi Tribe, the Ensuing Human Rights Obligations of State and Non-State Actors for Violations of Tribal Rights and the Legal Remedies of Marginalized Tribal Groups for Business Related Human Rights Abuses.*

*The National Human Rights Commission of Tribago*

Vs.

*The State of Odessey & Kasablanca International Inc.*

1. The Union of Tribago is demographically the 7th largest country in the world and is home to 1/3 of the world’s population. 29 constituent federal states together form the Union of Tribago. Largely an agrarian economy, Tribago started moving towards an industrial economy in the late1990’s. Rich in natural resources, the Republic of Tribago has a huge population of workers in the unorganized sector. Tribago also has a substantial population of foreign migrant workers who migrated into Tribago from its neighboring countries.
2. Agriculture has been the backbone of Tribago for decades. Therefore, it was imminent on the part of Tribago to roll out water conservation projects, including construction of dams,

reservoirs, etc. for purposes of human consumption, hydroelectricity, irrigation facilities, industrial uses, etc. Wheat cultivation in the winters and cotton in the scorching-hot summers were the two prominent crops of Tribago.

3. The Union of Tribago has a sizeable tribal population. According to the census taken in 2016, the tribal population accounted for 8% of Tribago's 64 million population.
4. Like other developing countries, Tribago was also a key-player in the era of liberalization, privatization and globalization. So many multinational companies (MNC's) started business operations in Tribago after Tribago opened its markets for foreign direct investments (FDI's).
5. Kasablanca International Inc., a multi-national company based in the Republic of Prudentia and having business operations in more than 60 States of the world was a leading brewer under the label, "LIGHTSTORM", was one of the first foreign companies to invest in the Union of Tribago way back in 1990's. By 2010, the company had already grown into one of Tribago's leading business houses and has invested an amount to the tune of \$100million in its subsidiary based in India, Kasablanca Tribago Inc., (hereinafter referred to as the KSI) a company registered in the State of Odessey. Odessey is one amongst the five tribal States in the Union of Tribago and relatively developed when compared to the other tribal States. Kasablanca Silica Inc. had brewing plants across the Union of Tribago and it was constantly increasing its production and expanding the production facilities in various parts of the country as well as within the State of Odessey.
6. According to the "World Information System on Alcohol and Health", Tribago was becoming the top brewing country in the world with an annual production of 35 million hectoliters for the year 2009-10 with a 11.5% growth predicted annually. At the same time, Tribagon individuals were also the highest alcohol consumers with an average per capita alcohol consumption amounting to 14.35 litres of pure alcohol per year, obviously because of sub-zero temperatures in the winters and the scorching summers.

7. Since 2010, many Tribagon cities have been starring at a looming water crisis. The Tribagon Water Commission has warned that the government should take proactive steps in conserving the ground water table as the 'aquifers' across several Tribagon regions have either gone dry or has become salty and unfit for human consumption.
8. Despite the ongoing water crisis in the Tribago, on 23.01.2011, KSI announced its intention of establishing a new plant for production of its most valued beer brand "VOLT", in the district of Sartur, State of Odessey. Sartur was predominantly a tribal belt with rich flora and fauna. Sartur was also one of the last few districts in Silica with the availability of clean drinking water with excellent aquifers.
9. For the purposes of establishing the Sartur Plant, though KSI had acquired 56 acres of private lands adjacent to the Agada forests in the northern part of Sartur, it was in need of an additional 49 acres of land for which it had requested the Government of Odessey to acquire lands for the above stated purpose. Agada was one of the biggest forest in the Union of Tribago, rich in flora and fauna.
10. The Agada forests have been inhabited by the Moshi Tribe for several centuries. The Moshi Tribe was culturally unique, their indigenous agricultural and livestock management techniques were well renowned. Moshian - the dialect of the Moshi Tribe was the ancient one in Tribago and was considered as the source of several languages spoken in the Odessey region.
11. Over the years, Govt. of Odessey has acquired lands (including certain forest lands) for various public purposes strictly in accordance with the laws in force of the Union of Tribago. Compensation and alternative lands were usually provided whenever there were lands acquired strictly in adherence to elaborate Rehabilitation and Resettlement schemes thereby addressing the issues that ensued the process of land acquisition.
12. In 2015, the Govt. of Odessey in accordance with the above schemes and other laws in force in the Union of Tribago had identified certain lands to be acquired for setting up a

KSI plant in the Sartur District. These lands were primarily non-forest tribal lands that were enjoyed by the Moshi Tribe (40%), certain private lands (40%) and also some C-Class-forest lands (20%) in and around the Agada forests.

13. The Sartur Resistance Movement, was an apolitical group of people from the Moshi Tribe and other social activists fighting over the past 50 years against the developmental projects in the Sartur district. Their resistance to developmental projects initiated by the Odessey government stems from the fact that the Odessey Government was rapidly transforming a tribal belt into an industrial zone, exploiting the Moshi Tribe by snatching their ancient lands and d depriving their life and livelihoods. It was also alleged that the Odessey government by acquiring lands for KSI was attempting to deprive the Moshi Tribe of their most valuable natural resource 'water'.
14. Despite several protests by tribal groups, environmental activists and local non-tribal villagers, lands were successfully allotted and possession handed over to KSI. The Plant was successfully set-up and became fully operation from 2019. Though compensation and alternative lands were provided by the Govt. of Odessey, the compensation was meagre and the lands were largely un-fit for cultivation. Several members of the Moshi Tribe, mostly men aged above 35 were employed by industries were unable to survive there as the working conditions were inhumane and the workers were left to toil for several hours a day. Women workers were employed in sanitation and other hazardous activities by KSI. Workers were paid low wages with insufficient social security protection and almost no labour welfare schemes.
15. The acquisition by the State, unchecked illegal occupation of tribal lands by non-tribal had slowly deprived the Moshi Tribe of their means of livelihood and had threatened their indigeneity. As of 2020, the Moshi Tribe possessed and cultivated only  $\frac{1}{4}$  of the land their ancestors originally possessed. Post the acquisition of fertile lands, though alternate lands were provided the several members of the Moshi Tribe were yet to accept allotted lands as they were located far from the tribal belt and most of these lands were rocky and unfit for cultivation. This resulted in several members of the Moshi Tribe being rendered landless

thereby pushing them into extreme conditions of poverty.

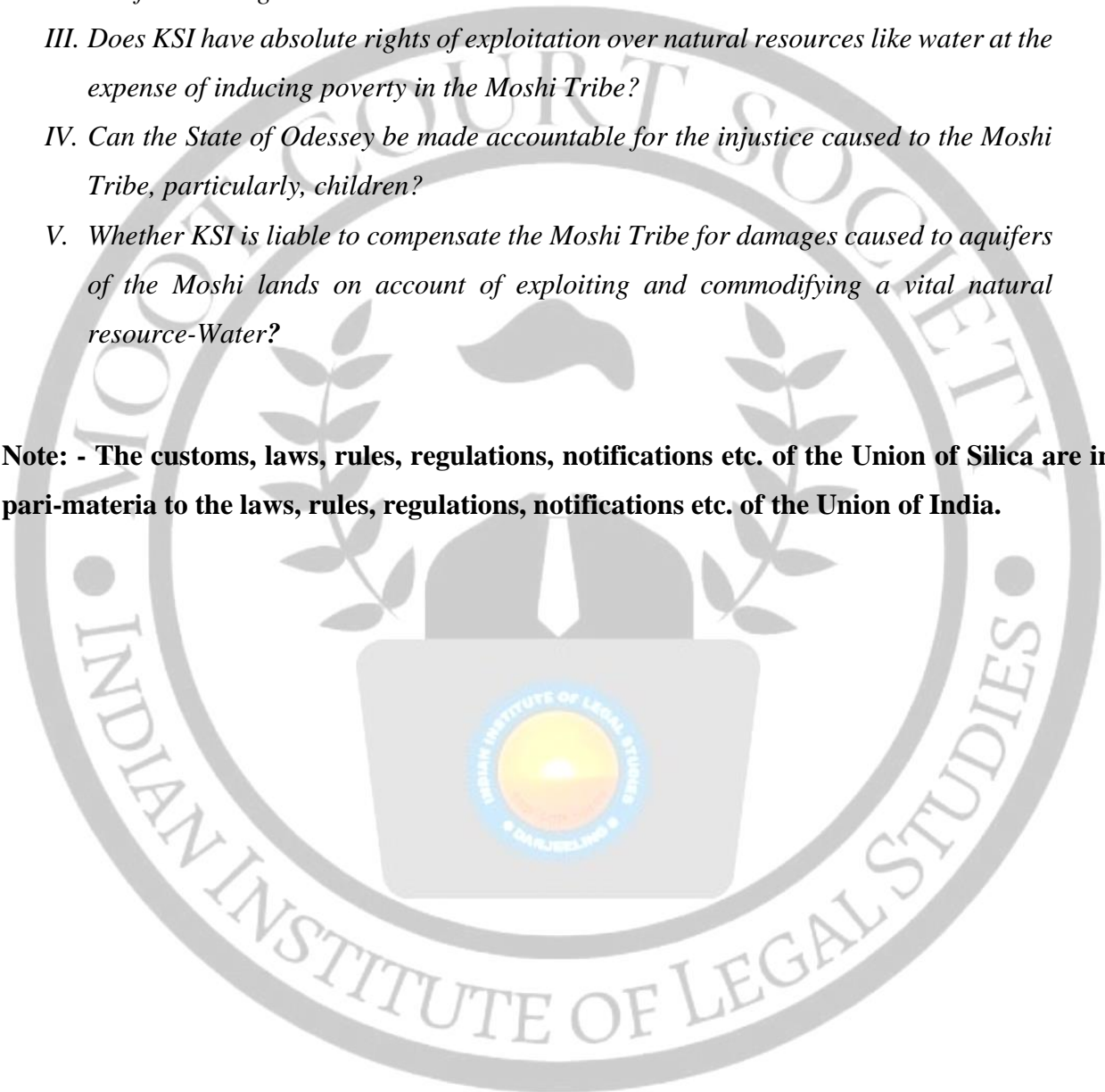
16. In 2020, the Tribagon Water Commission tabled a report that the water quality in the Sartur district were becoming alarmingly poor and increasingly saline. The report attributed widespread industrial projects as the factors that would result in a severe water crisis. The commission also opined that the industries like KSI have ‘exploited and commodified’ the most important natural resource-water with active and passive support/inaction by the local public authorities. The water exploitation having remained unchecked over the years, the Commission called for immediate sustainable activities to restore the water quality in the region.
17. From the end of 2020, Tribago Today, a leading newspaper in the Union of Tribago has been reporting a high number of malnutrition deaths among the Moshi Children. Over the past 10 years, it was shockingly found that around 14,609 children have died of malnutrition on account of acute poverty prevailing in the Moshi Tribe. The report also highlighted that the Moshi Tribe which was once culturally rich and dependent upon the forests for their nutritious and sustainable sources of food are now being deprived of their food and livelihoods.
18. On 19.01.2020, the Tribagon NHRC taking suo motto cognizance based upon a news article titled “Growing apathy of the Moshi Tribe: How has the nation failed the Moshi Tribe” (Published in Tribago Today) issued a notice to the Govt. of Odessey seeking explanation on the news article about gross human rights violations of the Moshi Tribe over the years and the inaction on the part of the Odessey Govt. to ameliorate the miserable conditions prevailing in the State of Odessey.
19. The NHRC also issued a show-cause notice against the Odessey Govt. asking as to why a sum of \$1 million not be immediately disbursed as interim-compensation to the Moshi People to address the pressing issue of malnutrition amongst the children of the Moshi Tribe apart from devising certain other rehabilitation measures aimed at improvising their living conditions and helping them regain their livelihood.

20. In the meanwhile, the NHRC constituted a Special Investigation Team, to investigate and conduct a preliminary study on the factors that has led to the unfortunate living conditions of the Moshi Tribe. The NHRC also nominated Maddad a NGO (in active relationship with the Moshi Tribe for more than 25 years) for assisting the SIT in its investigation.
21. Subsequently, the SIT, tabled a report on 21.08.2021 before the NHRC. According to the said report, it was found that the ‘hunger and malnutrition’ among the tribal community was primarily due to the unsustainable acquisition of their lands over the years and unregulated exploitation of water resources by industries like the KSI that had left even the diminutive land still possessed by the Moshi Tribe unsuitable for cultivation.
22. Reacting sharply against the unscientific findings by the SIT, KSI contested that its use of groundwater was fully ‘sustainable’ and totally in accordance with the norms stipulated by the government now and then and thus negated any role in aggravating the water crisis. KSI also claimed that its Sartur plant has generated jobs for the tribal men and women and has increased their standard of living. KSI also published its Annual CSR Report (2019) in its website, giving details on how KSI has strived towards poverty eradication, providing health care facilities, and imparting education in the Moshi Tribe.
23. The Odessey Government apart from rubbishing the findings of the NHRC remained uncooperative with the measures taken by the NHRC on the issues pertaining to the Moshi Tribe and was yet to provide the interim-relief ordered by the NHRC. Appalled by the indifference exhibited by the Odessey Govt. and further in exercise of the powers conferred to it by the Human Rights Protection Act, 1998, the Tribagon NHRC decided to seek the intervention of the Hon’ble Supreme Court of Tribago under provisions of Tribago Constitution for the protection of the Moshi Tribe from further misery.

The Hon’ble Supreme Court of Tribago after conducting preliminary hearings have called the concerned parties for arguments upon the following issues:

- I. *Whether the petition filed by the Tribagon National Human Rights Commission against the State of Odessey and KSI-a non-state entity maintainable before law?*
- II. *Did the State of Odessey by not fulfilling its obligations under the Land Rehabilitation and Resettlement Schemes and by the failed rehabilitation measures violate Article 21 of the Tribagon Constitution?*
- III. *Does KSI have absolute rights of exploitation over natural resources like water at the expense of inducing poverty in the Moshi Tribe?*
- IV. *Can the State of Odessey be made accountable for the injustice caused to the Moshi Tribe, particularly, children?*
- V. *Whether KSI is liable to compensate the Moshi Tribe for damages caused to aquifers of the Moshi lands on account of exploiting and commodifying a vital natural resource-Water?*

**Note: - The customs, laws, rules, regulations, notifications etc. of the Union of Silica are in pari-materia to the laws, rules, regulations, notifications etc. of the Union of India.**





## SCHEDULE-II

SR. NO	EVENT	DATE
1.	Release of Moot Problem	17 <sup>th</sup> March, 2023
2.	Last date of team Registration	21 <sup>st</sup> March, 2023
3.	Last date of memorial Submission	6 <sup>th</sup> April, 2023
4.	Draw of Lots	7 <sup>th</sup> April, 2023
5.	Oral rounds-II	8 <sup>th</sup> April, 2023

### MOOT PROPOSITION- 2

#### MOOT PROBLEM FOR 2<sup>ND</sup> INTRA MOOT COURT COMPETITION, 2023

[(3years LL. B 6<sup>TH</sup> & 4<sup>TH</sup> Semester)]

Date of Competition: 8<sup>th</sup> April, 2023

1. 'ABC Pvt. Ltd.' was incorporated in the year 2011 consisting of two brothers 'A & B' as the shareholders and directors of the company each holding 50% of the share capital of the company. The Authorized & paid-up share capital of the company at the time of incorporation was Rs. 20 lakhs. The Co. was formed for carrying on the business of manufacturing dairy products.
2. The Co. initially commenced its business with the available working capital and was making profit but later dependent on infusion of funds for developing its business hence approached 'X & Y' to invest in their company to the tune of Rs. 50 lakhs so that the Co. would allot both equity and preference shares to them and agreed to share profit equally in the form of dividend and with an assurance that equal percentage of shareholding will be maintained between four of them.
3. As agreed, all the four entered into a Securities subscription agreement in the year Jan. 2014 which contained an arbitration clause and accordingly, upon investment, 'X & Y' were allotted equal no. of equity shares after increasing the share capital to Rs. 40 lakhs and 'X & Y' were also allotted equal no. of Redeemable preference shares in the company to the tune of Rs. 15 lakhs each. Therefore, post allotment the Co. had 4 shareholders namely, 'A, B, X & Y' each holding 25% of the equity share capital of the Co. All the four

were also directors of the company.

4. At the Board meeting held on 20.05.2014 attended by all the directors, the Board passed a resolution authorizing 'Y' as the signatory to the cheques issued on behalf of the Co. In the year 2015 the Co. purchased a land of about 5 grounds at a price of Rs. 20 lakhs for construction of a factory in order to expand its business.
5. During the year 2016, 'X & Y' agreed to further pump in funds upto Rs. 50 lakhs in the form of a loan to the Co. carrying an interest @ 10% p.a. which was agreed by all the directors at the Board Meeting despite AOA does not permit loan from the directors.
6. Later at a Board meeting and EGM held on 10.09.2016 which was attended by 'A, X & Y', the Board decided to increase the share capital and also to allot shares to 'X & Y' and accordingly shares were allotted to them thereby altering the proportion of shareholding from 25% each to 5% each by 'A & B' and 45% each by 'X & Y'. In 2017, the dividend @ 10% was declared by majority of the shareholders at the AGM.
7. At the Board meeting held in August 2017 the Board appointed 'C & D' as the additional directors of the company which was opposed by 'A & B' and each of the additional directors were transferred 100 shares by 'X'. During January 2018, 'B' was removed from the Board by the majority shareholders at the EGM despite objection both from 'A & B'.
8. Thereafter 'B' sought for inspection of the statutory records of the company which was refused by the Board. Later it came to the knowledge of 'B' that the seller of the land to the Co. in the year 2015 is a friend of 'X' which was not disclosed to the Co. and Y has once issued the Company's cheque to buy a personal property but later reimbursed the same to the Co. after two years. During the year 2019, 'B' proceeded to file a petition before NCLT, U/s. 241 of the Companies Act, 2013 alleging acts of oppression & mismanagement committed by the Company and its directors.

**Note: - The Participating Team needs to frame their own issues after reading the Facts of the case and prepare accordingly.**



### SCHEDULE-III

SR. NO	EVENT	DATE
1.	Release of Moot Problem	17 <sup>th</sup> March, 2023
2.	Last date of team Registration	21 <sup>st</sup> March, 2023
3.	Last date of memorial Submission	27 <sup>th</sup> April, 2023
4.	Draw of Lots	28 <sup>th</sup> April, 2023
5.	Oral rounds-III	29 <sup>th</sup> April, 2023

### MOOT PROPOSITION- 3

#### MOOT PROBLEM FOR 3<sup>RD</sup> INTRA MOOT COURT COMPETITION, 2023

[(5years BA/BBA/B.COM LL. B 10<sup>TH</sup> Semester)]

Date of Competition: 29<sup>th</sup> April, 2023

1. Misha Rajput, the appellant herein, married the respondent Alope on July 1, 1955 according to Hindu rites. Both were Indian citizens and were domiciled in India at the time of their marriage. The marriage was performed at Chakundar in the State of Punjab. Two children were born of the marriage. A boy named Ranbir was born in 1956 and a girl named Alia in 1958.
2. On January 23, 1959 the respondent, who was working as a Forest Range Officer at Ardaspur, left for Ignited States of Merica (hereinafter referred as I.S.M) for higher studies in Forestry. He spent a year in a Fewton University and then joined the Itah State University where he studied for about 4 years for a Doctorate in Forestry. On the conclusion of his studies, he secured a job in Itah on a salary of the equivalent of about Rs 2700 per month. During these 5 years the appellant continued to live in Sindia with her minor children. She did not ever join the respondent in Merica as, so it seems, he promised to return to Sindia on completing his studies.
3. On January 21, 1965 the appellant moved an application under section 488, criminal Procedure Code, 1908 alleging that the respondent had neglected to maintain her and the two minor children. She prayed that he should be directed to pay a sum of Rs. 1000/- per month for their maintenance.

4. The respondent appeared through a counsel and demurred that his marriage with the appellant was dissolved on December 30, 1964 by a decree of divorce granted by the Second Judicial District Court of the State of Veda and for the County of Bashoe, I.S.M.
5. He contended that the appellant had ceased to be his wife by virtue of that decree and therefore, he was not liable to maintain her any longer. He expressed his willingness to take charge of the children and maintain them.
6. The Judicial Magistrate, First Class, Chakunder held by its judgment dated December 17, 1966 that the decree of divorce was not binding on the appellant as the respondent had not "permanently settled" in the State of Veda and that the marriage between the appellant and the respondent could be dissolved only under the Hindu Marriage Act, 1955.
7. The learned Magistrate directed the respondent to pay a sum of Rs. 300/- per month for the maintenance of the appellant and Rs. 100/- per month for each child. This order was confirmed in revision by the Additional Session Judge, Chakunder, on the ground that the marriage could be dissolved only under the Hindu Marriage Act, 1955.
8. In a Revision Application, filed by him in the High Court of Funjab and Maryana, a learned single Judge of that Court viewed that as at the crucial time of the commencement of the proceedings for divorce before the Court in Veda, the petitioner was domiciled within that State in the Ignited States of Merica.
9. Applying the early English decision that during the marriage the domicile of the spouse, regardless, follows the domicile of the husband, the learned Judge held that since the respondent was domiciled in Veda so was the appealing party in the eye of law. The Veda Court according to the High Court had the jurisdiction to pass the decree of divorce.

**Note: - The Participating Team needs to frame their own issues after reading the Facts of the case and prepare accordingly.**

### SCHEDULE-IV

<b>SR. NO</b>	<b>EVENT</b>	<b>DATE</b>
<b>1.</b>	Release of Moot Problem	17 <sup>th</sup> March, 2023
<b>2.</b>	Last date of team Registration	21 <sup>st</sup> March, 2023
<b>3.</b>	Last date of memorial Submission	4 <sup>th</sup> May, 2023
<b>4.</b>	Draw of Lots	5 <sup>th</sup> May, 2023
<b>5.</b>	Oral rounds-IV	6 <sup>th</sup> May, 2023

### **MOOT PROPOSITION- 4**

### **MOOT PROBLEM FOR 4<sup>TH</sup> INTRA MOOT COURT COMPETITION, 2023**

**[(5years BA/BBA/B.COM LL. B 6<sup>TH</sup> Semester)]**

**Date of Competition: 6<sup>th</sup> May, 2023**

1. Avadh is a country in Asian continent. It is a Democratic, Republic and Secular Nation with a population over 100 billion. The country has the largest written Constitution in the world. The country follows a federal structure of governance with a Union Government at the Centre and State Governments at state level for each 29 states with capital at Selhi. The VII Th Schedule of the Constitution of Avadh contains Three Lists which catalogues the legislative competency between Union and State legislatures.
2. On 15<sup>th</sup> July, 2021 the Union Parliament passed the Citizenship (Amendment) Act, 2021 governing citizenship. The Act was heavily criticized by the opposition as it contains certain provisions which could tamper with the Secular nature of Awadh. The Government anticipating nationwide protest and agitation resorted to pre-emptory measures to handle the adverse situations which could arise in the context.
3. The Country witnessed massive protest and dharnas and movements against this law following its notification. Many prominent leaders from the opposition, various political organizations, and social activists took part in the protest. On 25<sup>th</sup> July, 2021 the Controller of Certifying Authorities issued an order to intercept information through any computer resource of some high level politicians, activists and journalists in consonance with Sec. 69 of the IT Act, 2000. Similar orders were issued by the

telegraph authority to intercept information through telegraph devices also.

4. The order of the Controller of the Certifying Authorities dated 25<sup>th</sup> July, 2021 directed J K Technologies to intercept the information with aid of spyware named spygaur which is used to spy on users of Facebook's messaging platform, WhatsApp etc. Accordingly, the company proceeded with the process of interception of communication of people as per the list forwarded by the Controller.
5. On 27<sup>th</sup> July, 2021 Mr. Jameer Ali, the editor in chief of People Today, a national daily and publishers of various magazines scheduled an interview with a notable Constitutional Law expert and social activist Dr. Sameer Chowdhary, discussing the constitutional aspects of the sensational enactment. Since, it was to be published the very next day Mr. Ali sent the questions to Dr. Chowdhary via WhatsApp, to which he responded in the form of voice messages. Both Mr. Ali and Dr. Chowdhary were supporters of the protest and found the Act, as an instrument for subscribing to the ideology of ruling party throughout the Nation. On the very next day at about 2:00 AM the local police arrested Dr. Chowdhary from his house and Mr. Ali from his office at South Selhi, which is in the National Capital Territory of New Delhi.
6. Both of them were detained in judicial custody without giving any information as to why they were arrested. After a long time, it was informed that, in the interview Dr. Chowdhary has allegedly criticized the Prime Minister and the Home Minister, citing instances of maladministration and the way in which the chaos in the country is been handled. Further, the statements given by Mr. Ali that "the master brains are trying to achieve their agenda of transforming the nation in accordance with their political agenda, and if the people remain silent today, they will achieve what our forefathers never wanted for this country" and that "They will erase the history" were found fault with as allegedly having a content of incitement. Both of them were charged under Sec. 124 A of Avadh Penal Code, 1860 and were produced before the Magistrate.

7. The Judicial First-Class Magistrate of South Selhi, under Sec. 311A of Avadh Criminal Procedure Code, 1973, issued an order to collect voice samples of both the accused for digital analysis and accordingly their voice samples were collected. They were released on conditional bail. Both Mr. Ali and Dr. Chowdhary approached the High Court of New Selhi under Art. 226 of the Constitution of Avadh challenging the constitutionality of the order of interception issued by the Controller under Sec. 124A of the Avadh Penal Code and also the order of the Magistrate under Sec. 311A of Criminal Procedure Code. At the same time, they filed a complaint before the Data Protection Authority of Avadh alleging that the interception of their data by the State was in violation of rights protected under The Protection of Personal Data Act, 2019. The Authority dismissed the complaint stating that the WhatsApp chat that was alleged to have been intercepted does not come within the meaning of Personal Data as defined under Sec. 2(29) of the Act. Further the Authority observed that even if considered otherwise the said interception is exempted under Sec. 42 and 43 of the Act. The Appellate Tribunal confirmed the order of the Authority.

8. The High Court of New Selhi upheld the constitutionality of the proceedings initiated by the Controller against the petitioner/Appellants and also the Order of the Magistrate under Section 311 A. In the same proceedings the High Court by invoking Sec. 482 of the Avadh Criminal Procedure Code formed a Special Investigation Team to probe into the data interception using spyglass by J K technologies and the involvement of the Union Government in this regard. Aggrieved by the order of the High Court and the Appellate Tribunal, Mr. Ali and Dr. Chowdhary filed appeal before the Hon'ble Supreme Court of Avadh. The State also filed an appeal against the Order of the High Court forming SIT. All the three appeals came to be admitted by the Supreme Court, which decided to hear all the matters together on 06-11-2021 and framed the following questions for its consideration:

I. *Whether the Appellate Tribunal erred in not interfering with the decision of the Data Protection Authority justifying the interception of data and hence whether the same is sustainable in law?*



- II. *Whether the High Court erred in its decision approving the constitutionality of the proceedings initiated by the Controller of the Certifying Authorities under Sec. 69 of the IT Act, 2000?*
- III. *Whether the Order of the High Court endorsing the constitutionality of the decision of the Magistrate directing collection of voice samples of Dr. Chowdhary is legally sustainable in the backdrop of the right against self- incrimination guaranteed under Article 20(3) of the Constitution?*
- IV. *Whether the decision of the High Court to suo motu invoke the inherent jurisdiction under Sec. 482 of the Avadh Code of Criminal Procedure, 1973 to form a special investigation team to probe into a matter under investigation is sustainable in law and facts?*

**Note: -**

- The Constitution of Republic of Avadh is pari-materia to the Constitution of India
- All the legislations of Republic of Avadh is pari-materia to the legislations of Republic of India
- The Protection of Personal Data Act, 2019 of Avadh is pari-materia to The Protection of Personal Data Bill, 2019.
- The Counsels will be having liberty to identify and raise additional issues apart from the issues suggested above.

## SCHEDULE-V

<b>SR. NO</b>	<b>EVENT</b>	<b>DATE</b>
1.	Release of Moot Problem	17 <sup>th</sup> March, 2023
2.	Last date of team Registration	21 <sup>st</sup> March, 2023
3.	Last date of memorial Submission	11 <sup>th</sup> May, 2023
4.	Draw of Lots	12 <sup>th</sup> May, 2023
5.	Oral rounds-V	13 <sup>th</sup> May, 2023

### **MOOT PROPOSITION- 5**

#### **MOOT PROBLEM FOR 5<sup>TH</sup> INTRA MOOT COURT COMPETITION, 2023**

[(5years BA/BBA/B.COM LL. B 4<sup>TH</sup> Semester & 3years LL. B 2<sup>ND</sup> Semester)]

**Date of Competition: 13<sup>th</sup> May, 2023**

1. The Republic of Antosomia, is one of the developing countries in the Centre South Asian region and is the second populous country in the region. The country is widely known for its diversity as various people with variety of languages and cultures are striving in harmony. The Republic of Antosomia got its independence in 1961 after a long freedom struggle of almost 100 years from the Colonial Rule of Englanda. Soon after its independence, Antosomia engaged in the process of drafting of Constitution. Thus, on 27<sup>th</sup> January, 1992, the Constitution of Antosomia was adopted by the Constituent Assembly of Antosomia. As a result of its long freedom struggle and hardship, the forefathers of the Republic of Antosomia constituted it as Democratic, Socialist, Sovereign and Republican State. Furthermore, a wide variety of fundamental rights were also exclusively adopted by the said Assembly. With its Constitution, the Country has quickly started developing both politically as well as economically. However, still there was a huge economic inequality within Antosomia, which became more evident with the advent of internet.
2. The Antosomia Republican Party (ARP), came to power in the 2014 elections, riding on a wave of nationalistic and pro-majority sentiments. One of the objectives of the party is to digitalise the Republic of Antosomia. However, there was no specific law to regulate the activities of the people in the internet. Thus, ARP repeatedly endeavored to bring in laws and regulations to monitor internet and other mediums to track those who were against the

policies adopted by them, particularly members of civil society. In the year 2015, the Di - Card (Development, transferring of benefit and regulation of Digital and Other Services) Act, 2015, was enacted which called for a single identity card to be created which contained the biometric data of all its citizens for easy tracking and identification of individuals. The ARP Government wanted the Di-Card to be enforced and linked to all aspects of its citizen's lives allowing for a database of the citizens financial, medical, and personal information, for the purposes of granting or transferring different digital and other ancillary benefits, whenever required. Multiple civil society organizations, however, opposed this move and challenged its validity on the basis that it infringes the right to privacy of the citizens of Antosomia. While the Supreme Court of Antosomia (SCA) ultimately upheld the Di-Card Act of 2015 as constitutionally valid, it also upheld the Right to Privacy of the citizens and directed that the Di-Card could not be forcefully linked to any private information or used for any case apart from delivery of Government subsidies.

3. In 2015 HI Networks, a conglomerate in Antosomia, launched a sim card with free high speed internet service. This development allowed more and more people to access the internet and online communication and networking services including HiFi, PGRAM, TwitSee and WeUp. However, as access to internet became more common, the police in different states of the Republic of Antosomia started coming across numerous cases of people being lynched or assaulted due to misinformation being spread via social media or communication platforms. Platforms like WeUp, HiFi, and TwitSee etc. allowed pictures and videos to become viral and reach thousands of people in a matter of minutes. After multiple cases of innocent people being lynched because of fake news on WeUp, HiFi etc. by anti-social individuals to target members of the particular community in Antosomia, the civil society group called Justice for All filed a case before the High Court of Samria, the largest state of Antosomia, demanding that all social media and instant communication platforms, including but not limited to HiFi, TwitSee, and WeUp be tracked and monitored.
4. Before this matter could be heard properly two more cases were led on similar lines before the High Court of Jhaki (HCJ), and the High Court of West Course (HCWC). An NGO, Save Our Future, who has been actively working for children in the State of Jhaki and who

had led the case before the HCJ contended that both HiFi and WeUp are heavily used for child pornography and sex trafficking, and urged that a direction may be given to the State to trace and monitor all internet platforms and a stringent action be taken against the violators. An individual Mr. Verma had led the case before the HCWC requesting for a writ of Mandamus to be issued to direct the State Government to order all citizens to link their social media accounts to Di-Cards. In all three cases, preliminary directions were issued to the State and Central Governments by these High Courts to regulate and monitor the social media channels and also to HiFi, WeUp, and TwitSee to immediately delete the accounts of the individuals involved in such acts.

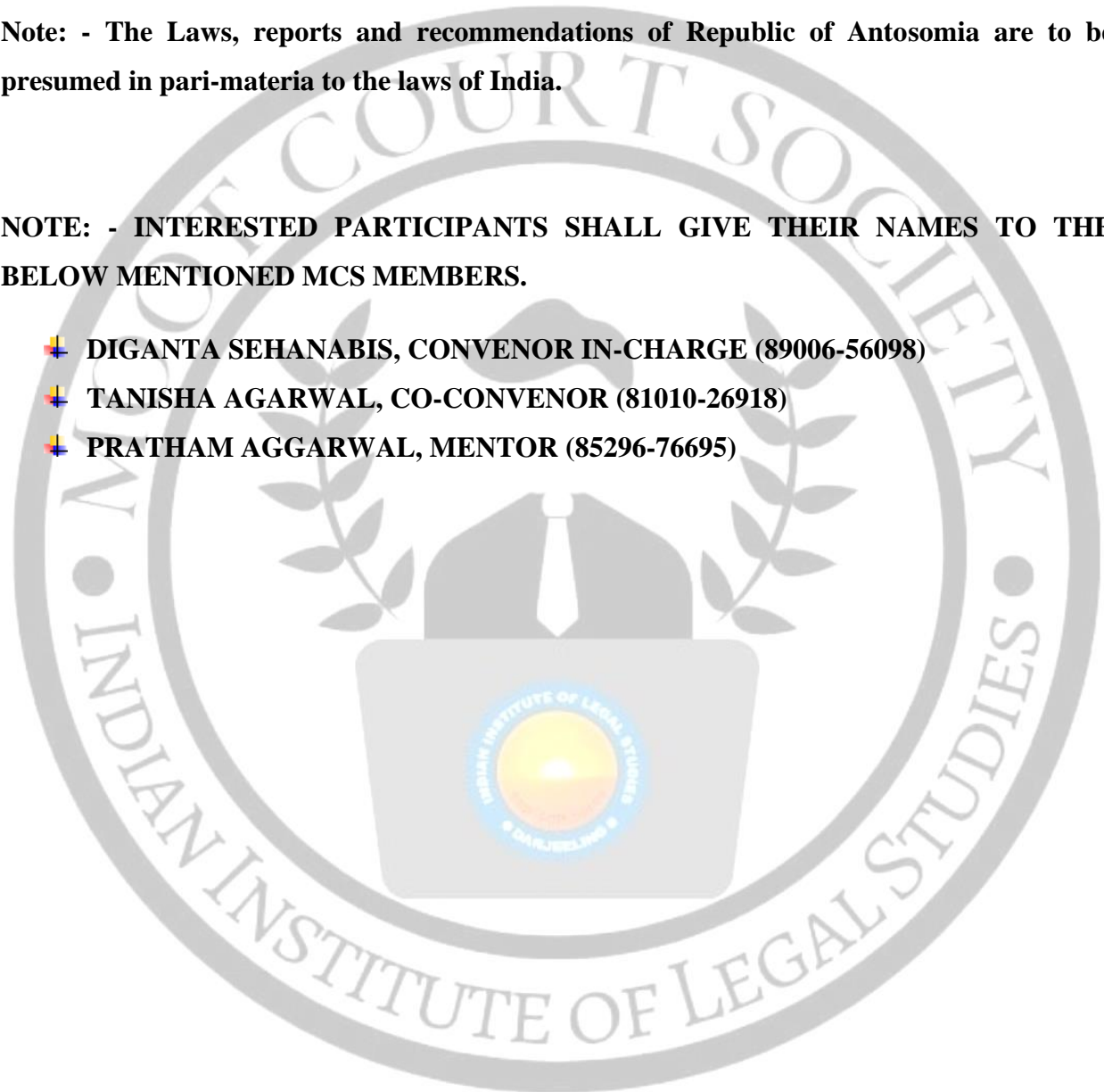
5. Against this order, the HiFi, WeUp, and TwitSee along with some other social media companies approached the Supreme Court to question the legality of the order on the premises of guarantee of freedom of expression and accordingly contended that writ of certiorari may be issued by the Supreme Court against the order of the High Courts.
6. Fearing that the High Courts may direct the State and Central Government to take necessary steps to link Di-Cards with social media accounts, during the hearing before the Supreme Court, an NGO who had earlier opposed the forceful imposition of Di-Cards on the citizens, intervened and opposed what they claimed was a veiled attack on the privacy of individuals on social media on the grounds that there were already rules in place for allowing Investigation Agencies to request for information from the social media companies, and any further access of private information would allow the Government to misuse the data and target dissidents and organizations which may have been critical of it.
7. After a preliminary hearing, the Supreme Court drew up the following issues for the final arguments:
  - i. *Whether the judicial order passed by the High Courts is amenable to be corrected by a writ of certiorari.*
  - ii. *Whether there is any right to privacy under the Constitution?*

- iii. *Whether State has the power to enforce linking Di-Cards with social media accounts?*
- iv. *Any other ancillary issue, if any.*

**Note: - The Laws, reports and recommendations of Republic of Antosomia are to be presumed in pari-materia to the laws of India.**

**NOTE: - INTERESTED PARTICIPANTS SHALL GIVE THEIR NAMES TO THE BELOW MENTIONED MCS MEMBERS.**

- + DIGANTA SEHANABIS, CONVENOR IN-CHARGE (89006-56098)**
- + TANISHA AGARWAL, CO-CONVENOR (81010-26918)**
- + PRATHAM AGGARWAL, MENTOR (85296-76695)**



## **IILS MOOT COURT SOCIETY RULES & PROCEDURE: -**

### **TEAM COMPOSITION: -**

1. Each team shall consist of three members, comprising of two speakers and one researcher.
2. Students willing to participate can form team within their year (MCS shall bear no responsibility for team formation).
3. Any alteration in the names of the team members shall be informed to the respective team Coordinator before last date of registration.  
However, any such alteration shall be permitted only once.

### **PARTICIPATION AND REGISTRATION PROCEDURE: -**

1. Interested teams shall contact MCS members for team registration
2. Memorial submission is mandatory in order to appear for the oral rounds.
3. No person-to-person query will be entertained; every query will be entertained through respective team Coordinator only.
4. For further information of dates please refer to the Timeline/Schedule attached.

### **MEMORIAL SUBMISSION GUIDELINES & RULES: -**

The following guidelines for the memorials must be strictly followed. Non-compliance will entail penalties as provided below: -

1. Teams have to prepare memorials for both sides.
2. Teams shall submit hard Copies of the Memorandums for both the sides on or before the deadline. For example, if the assigned team code is 1, the team shall title the Petitioner and Respondent Memorandums as “P1” and “R1” respectively.
3. The memorials have to be submitted on A4 size paper, and must contain the following sections.
  - a. **COVER PAGE;**
  - b. **TABLE OF CONTENTS;**
  - c. **INDEX OF AUTHORITIES;**
  - d. **STATEMENT OF JURISDICTION;**
  - e. **STATEMENT OF FACTS;**

- f. **STATEMENT OF ISSUES;**
  - g. **SUMMARY OF ARGUMENTS;**
  - h. **ARGUMENTS ADVANCED;**
  - i. **PRAYER**
4. The memorials must be printed in **Times New Roman 12 font size with 1.5 line spacing**. The **footnotes** must be in **Times New Roman 10 font size with 1.0 spacing**. And should contain the „**Team Code**’ on cover page. (**Top-Right Corner**)
  5. The memorials should have a margin measuring one inch on all sides of each page.
  6. The page numbering should be on the bottom of each page.
  7. **The Petitioner/Complainant/ Appellant’s memorial cover page shall be Blue Color A4 size, and Opponent/Respondent’s memorial cover page on Red Color A4 size.**
  8. The teams have to use the latest edition of Blue Book for citation format throughout the memorial.
  9. **The maximum scores for the memorial shall be 100 marks. The memorials shall be evaluated on the following criteria** and any non-compliance with above criteria shall result in penalty of 2 marks per missing section.

<b>PARTICULARS OF MARKS</b>	<b>MARKS</b>
Knowledge of Facts & Law	25
Extent & Use of Research	25
Analysis	20
Clarity & Organization	10
Format & Citation	10
Grammar & Style	10
Total	100

## **ORAL ROUNDS: -**

### **1. Preliminary round: -**

- a. Each team will get a total of 15 minutes to present their case. This time will include rebuttal and sur-rebuttal. Any time exceeding the allotted time shall be penalized. The penalty shall be of 1 mark for every two minutes exceeded. However, extension of time is permissible at the discretion of the judges.
- b. There shall be two oral rounds per team, presenting both appellant/petitioner and respondent. The division of time per speaker is left for the discretion of the team subject to a minimum of 6 minutes per speaker.
- c. The oral argument should be confined to the issues presented in memorial.
- d. The researcher shall present the compendium in Google meet screen with the speaker during the oral rounds.
- e. The participants shall be mandatorily abided by the dress code as per prescribed by the Bar Council of India. Strict Adherence to Court Manners shall be observed by all the participants.

### **2. Semi Final & Final Round: -**

- a. Each team will get a total of 30 minutes to present their case. This time will include rebuttal and sur-rebuttal. Any time exceeding the allotted time shall be penalized. The penalty shall be of 1 mark for every two minutes exceeded. However, extension of time is permissible at the discretion of the judges.
- b. There shall be two oral rounds per team, presenting both appellant/petitioner and respondent.
- c. The division of time per speaker is left for the discretion of the team subject to a minimum of 12 minutes per speaker.
- d. The oral argument should be confined to the issues presented in memorial.
- e. The researcher shall present the compendium in Google meet screen with the speaker during the oral rounds.
- f. The participants shall be mandatorily abiding by the dress code as per prescribed by the Bar Council of India. Strict Adherence to Court Manners shall be observed by all the participants.

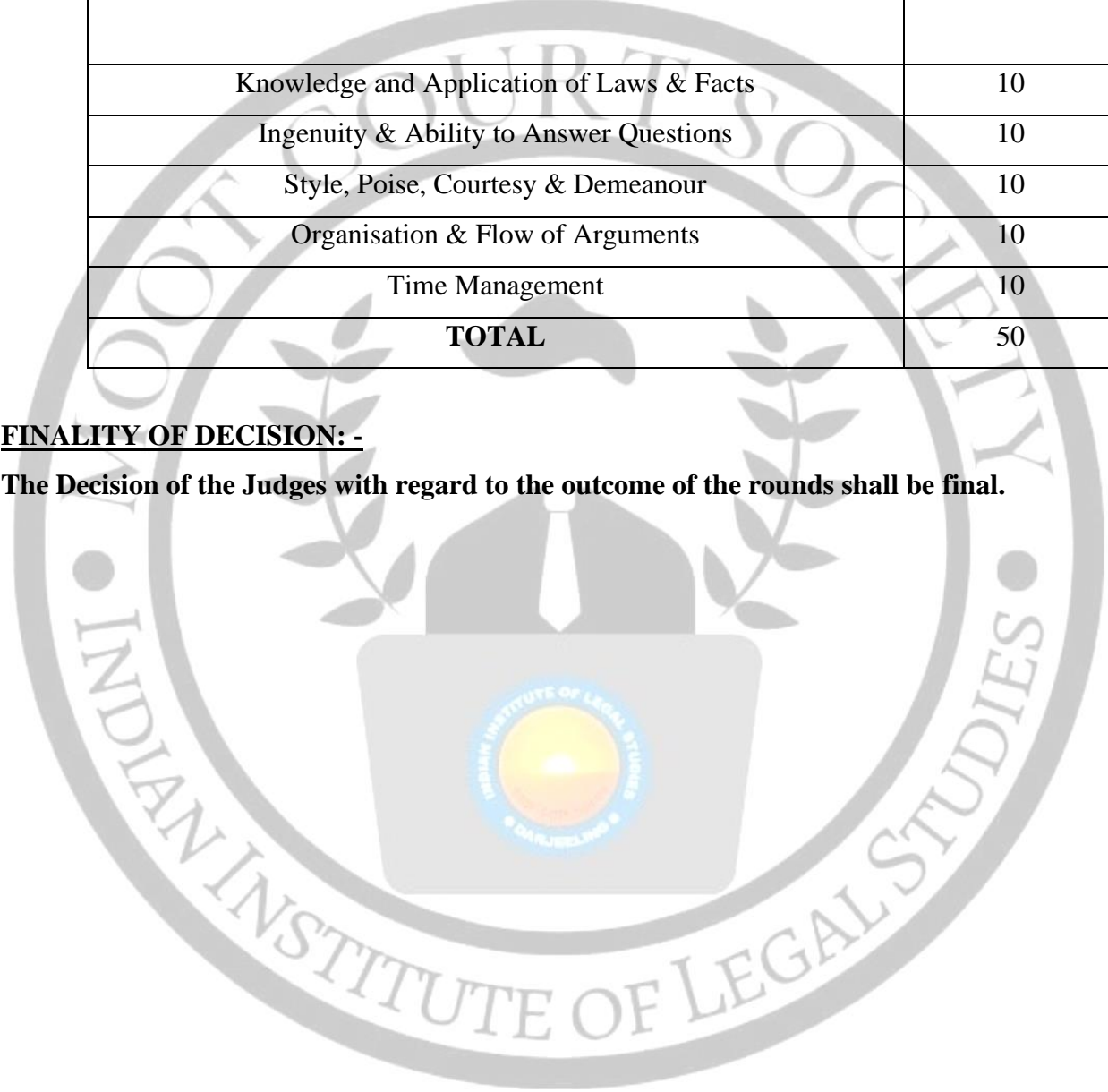


3. Maximum scores for the oral rounds shall be 50 points per speaker. *The oral rounds shall be judged on the following criteria:*

<b><u>PARTICULARS OF MARKS</u></b>	<b><u>MARKS</u></b>
Knowledge and Application of Laws & Facts	10
Ingenuity & Ability to Answer Questions	10
Style, Poise, Courtesy & Demeanour	10
Organisation & Flow of Arguments	10
Time Management	10
<b>TOTAL</b>	<b>50</b>

**FINALITY OF DECISION: -**

**The Decision of the Judges with regard to the outcome of the rounds shall be final.**



## **STEP BY STEP GUIDE FOR YOU TO EXCEL AT YOUR ORAL ROUNDS.**

### **STEP 1: TAKE PERMISSION BEFORE BEGINNING**

- ✓ Speaker: The counsel seeks permission to approach the Dias.
- ✓ Once the Judge nods / says in affirmation granting you the permission to approach the Dias then say “Much Obligated “
- ✓ Nowadays, many competitions are held online and therefore you can leave the above step if the moot court competition you are participating is held virtually.

### **STEP 2: GREET THE JUDGES**

- ✓ Speaker: Good Morning to the Hon’ble bench.
- ✓ Now, if only male judges or only lady judges are present then you can use the following phrase:
- ✓ Speaker: If it may please, the counsel seeks permission to address the bench as your Lordship / Ladyship.
- ✓ Then say: “Much Obligated your Lordship.”
- ✓ When the bench consists of both male and female judges:
- ✓ Speaker: The counsel recognizes the gracious presence of your Ladyship, however, for the convenience of the proceedings, the counsel seeks permission to address the bench as your Lordship/ Ladyship.
- ✓ Then say: “Much obliged your Lordship/ Ladyship”

### **STEP 3: BEGIN WITH THE NAME OF THE CASE AND JURISDICTION**

- ✓ Speaker: The counsel is appearing before the Hon’ble Court in the matter of ABC v. XYZ, on behalf of the Appellants/Petitioner under ..... (whatever your jurisdiction is).
- ✓ If you are the Respondent or Defendant, then you may say: The counsel is appearing before the Hon’ble Court in the matter of ABC v. XYZ, on behalf of the Respondents in response to the petition/ appeal filed under (whatever your jurisdiction is).

#### **STEP 4: LET THE JUDGE KNOW THE ISSUES INVOLVED**

- ✓ Speaker: Your Lordships, there are three (change it according to the number of issues present in your case) main issues involved in the present case.
- ✓ The counsel will be dealing with the first and the second issue and would be speaking for \_\_ mins, and the co-counsel would be dealing with the third issue and would speak for \_\_ mins, respectfully reserving \_\_ mins for the rebuttals. [The time limit for each speaker would be told to the team before the rounds. So, you need to make the changes accordingly.]

#### **STEP 5: LET THE JUDGE KNOW THE FACTS OF THE CASE**

- ✓ Speaker: The counsel seeks permission to begin with the Statements of Facts.
- ✓ Much Obligated your Lordship [You can state the statement of facts during the prelims. However, for the quarters/ Semi-finals/ Finals, the speaker can directly ask if your lordship is well versed with the facts, the counsel seeks permission to proceed with the pleadings.]
- ✓ Note: Make your you state only relevant facts. Also, do not extend your facts for more than 30 seconds.

#### **STEP 6: PROCEED WITH THE PLEADINGS**

- ✓ Speaker: The counsel seeks permission to proceed with the pleadings.
- ✓ Your lordship, the first issue is....., which the counsel would be establishing on three grounds (grounds are your sub-issues). You first list down your grounds and then you say that, proceeding with the first Issue....
- ✓ For Example:
- ✓ If your argument is that the new Law violates Article 14 of the Constitution of India, then the pleadings would be:
- ✓ Your lordship, the first issue is that the new Law violates Article 14 of the Constitution of India, which the counsel would be establishing on three grounds,
  - ❖ First, the new law is arbitrary
  - ❖ Secondly, there is no rational nexus with the object of the new law
  - ❖ Thirdly, the new law is not based on intelligible differentia.

- ✓ Make sure to refer the judges to your memorial and the moot problem to keep him/her engaged in between your speech.
- ✓ After the first speaker is done, he/she will have to say your lordships, now the co-counsel would be dealing with the third issue.

### **STEP 7: LET THE SECOND SPEAKER BEGIN AND CONCLUDE WITH THE PRAYER**

- ✓ Second Speaker: if your lordships are satisfied with the pleading submitted in the 1st and the 2nd issue, the counsel seeks permission to begin with the pleadings for the 3rd issue.
- ✓ [However, this can also act against you. If you feel the judges are not getting convinced with the first speaker, don't even ask this, directly start with the 3rd issue]
- ✓ And then take permission for prayer which should be absolutely memorized.
- ✓ After you are done with your prayer, you may say, it was pleasure arguing before the court.

### **STEP 8: SOME TIPS TO KEEP IN MIND**

- ✓ Make sure the speech sounds natural.
- ✓ Be clear with the basics on which the Judges may grill you.
- ✓ Say indeed your lordship and certainly not your lordship.
- ✓ If there comes a situation where the judges are grilling you and you didn't have much time left to complete your arguments or issue, then ask the Judges for a minute or two to just sum up your arguments. Even if you have two minutes left you will have to speed up with only the most relevant points.

## ORGANIZING COMMITTEE

SL. NO.	CONTACT PERSON	CONTACT NO.
1.	<p style="text-align: center;"><b>Mr. Manish Kumar</b> <b>Teacher Convenor, MCS</b> (Assistant Professor of Law), Indian Institute of legal Studies</p>	<b>72589-21543</b>
2.	<p style="text-align: center;"><b>Ms. Tridipa Sehanobis</b> <b>Moderator, MCS</b> (Assistant Professor of Law), Indian Institute of legal Studies</p> <p style="text-align: center;"><b>Ms. Nivedita Barailly</b> <b>Moderator, MCS</b> (Assistant Professor of Law), Indian Institute of legal Studies</p> <p style="text-align: center;"><b>Mr. Rupendra Tamang</b> <b>Moderator, MCS</b> (Assistant Professor of Law), Indian Institute of legal Studies</p> <p style="text-align: center;"><b>Mr. Rishav Das</b> <b>Moderator, MCS</b> (Assistant Professor of Law), Indian Institute of legal Studies</p>	<b>62969-03472</b>  <b>62969-03462</b>  <b>62969-03467</b>  <b>62969-03446</b>

	<p><b>Mr. Promit Acharya</b>  <b>Moderator, MCS</b>  (Assistant Professor of Law),  Indian Institute of legal Studies</p>	<p><b>93320-92532</b></p>
	<p><b>Mr. Romil Aryan</b>  <b>Moderator, MCS</b>  (Assistant Professor of Law),  Indian Institute of legal Studies</p>	<p><b>93320-92535</b></p>
<b>3.</b>	<p><b>Priyanka Thakur</b>  <b>Student Convenor, MCS</b>  Indian Institute of legal Studies</p> <p><b>Shruti Yadav</b>  <b>Joint convenor, MCS</b>  Indian Institute of legal Studies</p> <p><b>Tanisha Agarwal</b>  <b>Co-convenor, MCS</b>  Indian Institute of legal Studies</p>	<p><b>75479-65494</b></p> <p><b>86176-79038</b></p> <p><b>81010-26918</b></p>
<b>4.</b>	<p><b>Diganta Sehanabis</b>  <b>Student Mentor, MCS</b>  Indian Institute of legal Studies</p> <p><b>Pratham Aggarwal</b>  <b>Student Mentor, MCS</b>  Indian Institute of legal Studies</p>	<p><b>89006-56098</b></p> <p><b>85296-76695</b></p>

**“ALL ILS MOOT COURT SOCIETY FACULTY AND STUDENT MEMBERS”**

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**ALL THE BEST!**

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