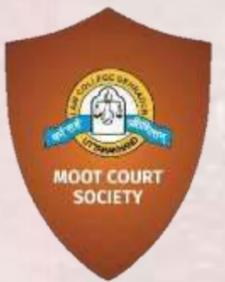




UTTARANCHAL
UNIVERSITY
NAAC GRADE **A+**



LAW COLLEGE DEHRADUN
FACULTY OF UTTARANCHAL UNIVERSITY
presents

**7th NATIONAL
MOOT COURT
COMPETITION**

Under the aegis of
Moot Court Society,
Law College Dehradun

ON CONSTITUTIONAL LAW

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24th to 26th of February,
2023

Competition Brochure and Rule Book

UTTARANCHAL UNIVERSITY

Uttaranchal University has at its core a commitment towards the diffusion of legal, scientific, technical, and professional knowledge on the one hand and on the other the building up of the character of youth by integrating ethics with education and practice with theory. Uttaranchal University can boast of being a benign institution par excellence in offering a prodigious student life with access to comprehensive academic courses, recreational facilities, cultural activities, a wide range of research endeavors, and an industry interface. The University is complemented by the pioneering efforts of more than a decade in legal education, engineering, and management which has won us a place among the premier institutes of learning in the nation. Our never-ending dedication to offering the best infrastructure and faculty has been amply rewarded by the excellent academic results achieved by our students. We are passionate about ensuring the manifestation of a collaborative environment conducive to learning, exposure to the best international practices, and the promotion of innovation and creativity. To add to its splendor, and suiting best to the title of “temple of education”, the University is situated in the lap of Devbhoomi, Uttarakhand surrounded by a fascinating geological setting and is flanked by NH-72 on one side and a beautiful broad slithering river on the other side. The pine trees surrounding the area lend a pristine and wholesome ambiance to the campus.



LAW COLLEGE DEHRADUN

Law College Dehradun has splendidly contributed to legal education in the country since its inception and inauguration by His Excellency Shri Surjeet Singh Barnala, the then Governor of Uttarakhand in 2002. It has set a paradigm for legal education in the nation by offering innovative, research discourses aimed at striking a balance between-legal theory and practice. With academic and experience-rich faculty, the college commands an enviable position of being in the league of topmost Law Schools of the country. The college has earned many laurels to its credit; it has pioneered the 5-years BA.LL.B. and BBA.LL.B. integrated undergraduate course in the northern region of India, it is the first independent Law College and also the first to introduce one year LL.M. degree course in the state of Uttarakhand. Law College Dehradun as a traditional legal institution has an illustrious history replete with a plethora of examples of its alumni achieving the pinnacle of success in the legal frontiers as judges, professors, and advocates. The excellent academic record of our students speaks volumes about the value and quality of education that is imparted here with great labor and care. The college continues perpetually to contribute to its glorious history with state-of-the-art infrastructure and innovative and creative teaching methodologies to ensure that the products of this college stand out as the beacons of knowledge in the society and paragon of Justice.

Message from the

Chancellor

Uttaranchal University has aimed at providing a congenial environment for the better growth and development of students by giving them a chance to gain self-confidence to cope with the upcoming challenges. Law College Dehradun's National Moot Court Competition is one such event that gives the impetus for the learning of students. I invite law students across the country to participate in this competition for an enriching competition.



Shri Jitendra Joshi,
Chancellor,
Uttaranchal University

Message from the

Vice President



Dr. Satbir S. Sehgal,
Vice President,
Uttaranchal University

Each event organized by Law College Dehradun (LCD) is always a package full of excitement, joy and filled with incredible learning. After the astounding completion and success of the 6th National Moot Court Competition which envisaged the broad spectrum of Ethics, Justice, Integrity, Academic Excellence, Diversity, and Professionalism, LCD under the umbrella of Uttaranchal University is proud to announce the 7th National Moot Court Competition. Moot Court Competitions are a sine qua non for every Law student, as it exposes them to the art of mooting and furnishes them with wide cognizance of the Judicial System of India. This initiative will help young aspiring minds to inculcate imperative innovative skills which include logical thinking, argumentative skills, critical thinking etc. in them. On this note, I wish all the Participants, Faculty members and Organizing committee of LCD the very best! I am sure this event will be worth the experience for all participants and enhance their knowledge and skill.

Message from the

Vice Chancellor

At the outset, I take this opportunity to welcome you all. We at Uttaranchal University is committed to providing quality education to the creative minds of youngsters to develop their skill in their respective fields with our vision to be a world-class university through continuous innovations in education, research, creativity, and entrepreneurship to have a transformative impact on society. I am sure that the 6th LCDNMCC will prove the best platform for you to hone your advocacy skill and prepare challenges for your competitive professional life. I believe that LCDMCS will not leave any stone unturned to make this moot the best learning experience for you.



Prof. Dharam Buddhi,
Vice Chancellor,
Uttaranchal University

Message from the

Pro-Vice Chancellor

Law College Dehradun Faculty of Uttaranchal University has vowed to provide world-class holistic education and create ethical lawyers with excellence and integrity to serve as leaders at the Global communities in a compassionate demeanor and build a moral and just society. We focus to provide a robust environment for budding lawyers to prepare and participate in experiential learning and enable their adaptability to the ever-changing legal world. Organizing a regular National Moot Court Competition is a step towards achieving our vision. I feel delighted to invite the various Law Schools of the nation to participate in the 7th LCDNMCC.



Prof. (Dr.) Rajesh Bahuguna,
Pro Vice- Chancellor, UU,
Dean, LCD
Patron, Moot Court Society

Message from the

Chairperson, MCS



Prof. (Dr.) Poonam Rawat,
Head (Law) & Chairperson,
Moot Court Society

Law College Dehradun's Moot Court Society has been passionate about mooting which reflects the growth of our level of participation. It has left no stone unturned in ensuring that the competition is organized academically strong. The National Moot Court Competition under the aegis of Society will be a journey of providing a meaningful learning and living experience.

Message from the

President, Moot Court Society

We, at the Moot Court Society of Law College Dehradun have always aimed to stimulate discussions on various aspects of Constitutional Law in light of contemporary issues in the country. We endeavour to provide a grand stage to all the participants where they shall be tested on their drafting, researching and advocacy skills against some to the best students across the country from a variety law schools. We hope this competition brings you the thrill of an actual court room and marks a beautiful chapter in your law school ventures. Looking forward to hosting you, may the best team win!



Mr. Krishna Rastogi,
President,
Moot Court Society

MOOT COURT SOCIETY

Moot Court Society, or the MCS, is the heart of Law College Dehradun, as is every Moot Court committee of a law college. Student-run, faculty-advised, and monitored, the MCS is constituted of three parts: The Patron (Dean of the college), the Faculty Advisory Board (composed of a group of law faculty from the college), and the most crucial and active part The Executive Board (The student members). The Society is governed by its Constitution specially drafted with the intent to ensure the environment and attitude of legal professionalism. The intent of the society, as envisaged in the Preamble of its Constitution, is to foster the interest of law students by encouraging and assisting them in developing, inter alia, legal acumen, research, and advocacy skills. The Society organizes various Intramural Competitions each semester and at least one National Competition each year, in addition to other competitions. The society has a President and Vice-President, along with other officers to manage its administration and Convener along with Co-Convener to look after Competitions and Events. Special departments have been attributed to Training and Research within the society.





ABOUT THE COMPETITION

The Constitution of our country is the *Suprema Lex*, it is the law to which all laws surrender and must adhere. Law College Dehradun, Faculty of Uttarakhand University National Moot Court Competition is an annually hosted national-level moot court competition based on Constitutional Law. This Competition is considered to be of great repute by the mooting circuits of the country. It is administered by the Moot Court Society of the college. Other than contributing to the field of Constitutional Law, this Competition serves as a channel through which young law students can showcase and hone Their advocacy skills.

The first edition of the Competition was won by NUJS, Kolkata; the second by NLU, Jodhpur; the third edition was won by Hidayatullah National Law University; the fourth edition by Chanakya National Law University, Patna; the fifth edition by the Christ Deemed to be University, Bangalore and the sixth edition by the Lloyd School of Law, Greater Noida. This year, once again, we welcome participation from the best law schools/colleges/universities of the country, with the expectation to chisel out the proficient lawyers and judges of the future.



QUALIFIED PARTICIPANTS

from 6th LCD NMCC, 2022

1. Symbiosis Law School, Nagpur
2. Marathwadamitra Mandal's Shankarrao Chanav Law College, Pune
3. S.S. Khanna Girl's Degree College, The University of Allahabad
4. Maharashtra National Law University, Nagpur
5. Sastra Deemed to be University
6. Lloyd School of Law
7. Oriental University
8. University of Lucknow
9. School of Law, Christ (Deemed to be University), Bengaluru
10. Marwadi University, Rajkot, Gujrat
11. Law Centre- 2 Faculty of Law, Delhi University
12. Babu Banarasi Das University
13. Tamil Nadu Dr. Ambedkar Law University
14. Himachal Pradesh National Law University
15. Symbiosis Law School, Pune

MOOT PROBLEM

[I]

1. In the 16th century, Feloshia was among such first-world countries, backed by a robust economy and a brawny army and navy. The main reason behind it was that in the early 16th century, this country was among the few other countries hit by what is famously known as the *'Industrial Revolution'*. Because of this, the man-based production was substituted by machine-based production, which not only made the country self-sufficient but also led to the production of surplus goods.
2. To establish its supremacy around the world and in search of new markets for the surplus goods produced, Feloshia started to look for new colonies. Because of its strategies and powerful navy, it gained many different colonies. Without any enforceable conventions or documents that provided for human rights worldwide, Feloshia acted arbitrarily in every possible way with the captured colonies. Feloshia originally practiced absolute monarchy; however, due to the arbitrary action of the monarch, the people of Feloshia unanimously protested, and the monarch was made to sign a charter known as the *Magna Carta* which is famously known as the *First Charter on Civil and Political Rights*.
3. After the signing of this document, Feloshia became a constitutional monarchy, and the monarch only remained as a titular head. Feloshia continued to grow in all aspects as now the real power vested in the Parliament; however, this did not bring any changes to the Government's action over the colonies. The people of the colonies which Feloshia captured did not have the rights which the citizens of Feloshia possessed, not even basic human rights. They were exploited, and their resources were used only for the upliftment and advancement of Feloshia.

4. Meanwhile, even though the monarch remained only as a titular head, he was respected a lot as the people of Feloshia were very conventional. In the later 17th century, one of the monarchs tried to bring back the concept of absolute monarchy in Feloshia. To fulfill this purpose, he got the policy of '*divide and rule*' and started to divide the people of Feloshia based on castes in the religion *Teruslam*. This religion had two most essential castes – the *Ethicals* and the *Genials*. Since the king belonged to the former along with the majority of the population of Feloshia, he started the persecution of the latter one.
5. To save themselves, the people belonging to the *Genials* started to leave the country of Feloshia through the sea route, which led to one of the recently discovered continents known as the *Northern Czar*. Since Feloshia had a considerable number of colonies and a very staunch international political dominance, the persecution of *Genials* started in other parts of the world. Because of this, every *Genial* had to leave their country, and coincidentally, they all went to *Northern Czar* in search of shelter.
6. The *Genials* who had fled from their countries formed a community and started to live together in the *Northern Czar*. There were 13 different communities formed. However, the *Genials* were in the majority of all the tribes. The only difference amongst people residing there was that they belonged to different countries or colonies which Feloshia captured. Because of this supremacy and dominance of *Feloshia* in international politics, the *Northern Czar* was assumed to be a colony of *Feloshia*.
7. After a few months, *Feloshia* started to go into what is known as *economic depression*. To prevent the same, the monarch of *Feloshia* levied a heavy tax on all its colonies, including *Northern Czar*. Since most people originally were *Feloshians*, the tax was also imposed upon the people of *Northern Czar*. However, since the people living there were aware of the *Magna Carta* signed between the monarch and his subjects, they contended against the levitation of taxes.

8. They contended that section 12 of the charter signed it clearly stated that *No scutage or aid may be levied in our kingdom without its general consent unless it is for the ransom of our person, to make our eldest son a knight, and (once) to marry our eldest daughter. For these purposes, only a reasonable 'aid' may be levied. 'Aids' from the city of London are to be treated similarly.* This meant that without representation, the monarch could not impose taxes.
9. This led to a war between the people of *Northern Czar* and the Government of *Feloshia*. Since the problem faced by all 13 communities was the same, they entered into an agreement to face the forces of *Feloshia* together. The agreement is famously known as the '*Articles of Confederation.*' This agreement led to forming two political institutions for the first time in *Northern Czar* – Legislature and the Executive. After the war, *Northern Czar* was declared victorious after the war, and they declared themselves independent.
10. Since the communities of *Northern Czar* had formed a confederation, every community had the right to leave the Union whenever it wanted to. The major drawback of the agreement was that there was no independent Judiciary or such a strong tribunal to solve the dispute between two different communities.
11. After a few months of the war, a dispute started between two communities over rights on a river named Severena that was passing through territories of both communities. Because of this, there began to develop differences between all the communities. They mutually agreed to form a Strong Union with the Federation to solve the dispute once and for all. To achieve this goal, they decided to enact a Constitution which shall lay down the powers and functions of the Union along with the limitations. This led to the enactment of the first written and federal constitution in the world in 1787, which came into force in 1789. The constitution was approved by 9 out of 13 communities. Since then, the *Northern Czar* became known as the *United States of Czar* (hereinafter referred to as '*USC*').

12.The Constitution of USC provided for a Democratic and Presidential Form of Government. Even though the constitution of USC was unique in itself, one of its most significant drawbacks was that it did not provide any rights to its citizens. The main reason behind this was that out of the 13 communities, some dominant communities didn't want to give rights to the minority community *Zebestia* since the people who belonged to this category were bonded enslaved people.

13.However, after passing almost 20 years, the Legislature of USC decided to introduce fundamental rights under the constitution. It was agreed that the rights would not be available to people who belonged to the *Zebestia* community because of the objections raised by certain powerful federal states which played an essential role in the formation of the Union. One such state was – The State of Vexas, USC's most important federal state.

14.In the 18th century, one person was elected as the President of USC who belonged to the *Zebestia* community. He strongly condemned that the rights provided by the constitution were not available to the *Zebestians*, which was not appreciated by the federal states such as *Vexas*. When the rights were extended to *Zebestians*, the state of Vexas revolted violently and staunchly against the Union Government. In response, the President was forced to march troops in *Vexas* to stop the revolt. After this, the *State of Vexas* contended that it wanted to quit the Union and declare itself an independent nation. The case regarding the same was filed before the Supreme Court of Czar.

15.While deciding the case, the Supreme Court of Czar observed that *the Union of States never was a purely artificial and arbitrary relation. It began among the colonies and grew out of common origin, mutual sympathies, kindred principles, similar interests, and geographical relations. It was confirmed and strengthened by the necessities of war and received definite form, character, and sanction from the Articles of Confederation.* The court finally held that the State of Vexas will continue to be a federal state of USC and can secede from it.

16. Since USC was the first country to introduce the concept of federalism, this judgement by its Supreme Court had set an example for all other countries that had introduced this concept. The effect of the judgment is such that even in the present era, it has a very high persuasive value worldwide.

[II]

17. Till the 19th century, many other countries were also hit by the industrial revolution, and colonization was at its peak. Many other countries, along with *Feloshia* were decisively determining the course of international politics. Each country was looking for a new colony to establish its new market for its surplus goods and use its unused resources. This led to two massive World Wars, the repercussions of which shook the whole world.

18. It was not until the end of Second World War that the interference and decisive role of *Feloshia* in international politics ended. After the end of the Second World War, an international organization known as the United Nations Organization was formed, which almost all the countries became a part of. This organization was created to prevent any future wars and world wars. Another important aspect was to prevent the exploitation of people's basic human rights worldwide, which had been witnessed during both world wars.

19. The *Universal Declaration of Human Rights* (hereinafter referred to as *UDHR*) and the *International Covenant on Civil and Political Rights* (hereinafter referred to as *ICCPR*) are the two most important documents which provide for basic human rights to all human beings throughout the world and these rights are inalienable, indestructible and cannot be taken away or infringed by the states who are part of the convention without any proper justification.

20. Out of many different human rights provided under the above conventions, Article 1 of the *ICCPR* states that '*All peoples have the right of self-determination. Under that right, they freely determine their political status and pursue economic, social, and cultural development.*' Instead of this, many

countries, such as United Soviet Socialist Republic (hereinafter referred to as USSR), had provided for the right to secede from the Union without any condition. However, many countries do not offer the right for the same in light of the Czar Court's judgment in the *State of Vexas*.

[III]

21. The South Asian subcontinent's Indiana is a country with six distinct geographic regions. It features a plethora of linguistic diversity and cultural diversity. Additionally, Indiana is where many of the world's religions started. Despite their ideological disagreements, the nation's residents share pride in their rich heritage and a feeling of resolve. After a protracted war for independence and economic exploitation, Indiana attained independence in 1947 from *Filoshia*.

22. Indiana was divided into many different provinces before independence. The Parliament of Filoshia had introduced an act known for Indiana as the Government of Indiana Act, 1935. Section 6 of this Act stated that if a state wants to be part of Indiana, it can be so by expressing its consent through an Instrument of Accession. And through this Instrument of Accession, it can keep such terms and conditions based on which it will accede to the territory of Indiana.

23. After Indiana attained independence, the country was divided into two countries, Indiana and Belani, by the Indiana Independence Act of 1947. After the partition, both countries were allowed to form their constitution. It was the decision of the Parliament of Feloshia through the Indiana Independence Act, 1947, that the Government of Indiana Act, 1935 shall remain in force, and because of this, if any independent state wants to be part of either of the country, and it can do so through Instrument of Accession on such terms and conditions. To get complete control over the administrative functions and for the establishment of political institutions within the two countries, an assembly was

set up in both, known as *The Constituent Assembly of Indiana* and *The Constituent Assembly of Belani*.

24. Meanwhile, the Constitution of Indiana was being drafted; the newly independent countries were persuading different states, which were neither part of Indiana nor Belani, to be part of their territory. It was either through persuading the ruler of the independent state or by creating pressure. One such state is the State of Kaloshia. This state did not intend to be part of the territory of either of the countries; however, because of its geographic extent, it was forced to be a part of the territory of Indiana as the army of Indiana was sent to the state to threaten the ruler. The king had to sign the Instrument of Accession out of sheer pressure.

25. During all this, the Constitution of Indiana was drafted at a very rapid rate. The Constituent Assembly of Indiana went through all the prevailing constitutions in the world at that time. It considered the best possible provisions to be kept as a part of the Indiana Constitution. The members were aware of the civil war that USC faced. Thus, it was suggested that Indiana should be a Union of States, somewhat a United States, to prevent the secession of any states and any civil wars USC faced.

26. The Constitution of Indiana is unique in itself. Neither it has the strict concept of federalism as practiced in the USC nor a unitary form of Government as practiced in *Feloshia*. It also guarantees many different fundamental rights to both its citizens as well as non-citizens. Since Indiana is a very diverse country in all aspects, it provides freedom of religion not only to its citizens but also to the non-citizens, and the state's policy is non-interference in the religious matters of the people. The Constitution of Indiana grants the right to preserve such communities with a distinct culture, language, or script.

27. After the independence, Indiana started its development in all aspects, economy, and military, at a very rapid rate. The State of Kaloshia proved to be one of the most critical states that helped in Indiana's development. It has the

highest literacy rate within Indiana and contributes around 10% of the country's total GDP (Gross Domestic Product). It has the highest per capita income within Indiana and is a complete state. It is situated in the southern part of Indiana. Also, due to the abundance of natural resources in the state, it is known as the *Rhine Valley of Indiana*.

28. Since the Union of Indiana had ratified the Charter of the United Nations and the International Covenant on Civil and Political Rights, the Parliament of Indiana introduced *The 106th Constitutional Amendment Bill, 2020* (Annexure – 1) to add Article 3A to the Indiana Constitution, which gave the right to the states that in case they want to secede the Union, they can propose the same. After a referendum, the state can secede from the Union. Since the IJP was in the majority of both houses of Parliament, this amendment was passed quickly and received the permission of the President on *03rd March 2022*.

29. The majority population of Indiana practices the *Induism* religion, whereas Kaloshia is an exception state. The majority population practices *the Drakism* religion here. Due to this, sometimes, there is a conflict of interest between the state and the center. However, it gets resolved very quickly. Apart from this, only the regional party ISP (Indiana Samaj Party) has been able to form Government in Kaloshia, independently and with a full majority, whereas, at the central level, either ICP (Indiana Congress Party) or IJP (Indiana Janta Party) generally forms the Government. Since 2014, the IJP has been in power at the central Government and being a right-wing political government, the tussle between the State of Kaloshia and the Union Government has increased.

30. Astonishingly in 2022, the ISP did not attain a full majority in the State Legislature to form the Government. In regards to this, ISP formed a coalition Government with the IJP, as IJP was the second largest party after ISP and had attained the most seats in the State Legislative election. Because of the coalition government, for the first time in the history of Kaloshia as well as Indiana, the majority of the Council of Ministers of the state, including the Chief Minister, were not members of ISP.

31. One fine day, a private school in Kaloshia denied entry to girls belonging to the *Drakism* religion, specifically, on the ground that they were wearing a *Hijab*, which is considered to be a part of their custom. The students protested against it, but the school authorities did not allow their entry stating that it was not part of their prescribed uniform. A few days after, the State Government of Kaloshia issued a notification under Section 133 (2) of the Karnataka Education Act, 1983, stating that no student who is wearing a Hijab or is not in proper uniform shall be allowed to attend the classes either in schools or in colleges, irrespective whether it is a government institution or a private institution.

32. This led to a lot of agitation among the people of Kaloshia, stating that wearing of Hijab is their customary practice and comes under the freedom of speech and expression granted under Article 19 (1) (a), and it is a part of their right to practice any religion freely granted by Article 25 of the Constitution of India. In respect of this, one of the students named Aliza Firdos filed a Writ Petition before the Hon'ble High Court of Kaloshia challenging the notification of the Government. Meanwhile, other writ petitions were filed before the High Court for the same matter, in response to which the High Court clubbed all the petitions for hearing.

33. The petitioners contended that wearing Hijab is an essential religious practice of their religion *Drakism*. *What one wears and how one dress* is a matter of individual choice protected under '*privacy jurisprudence*.' They also contended that the action of the State Government suffers from the violation of the '*Doctrine of Proportionality*' in as much as in taking the extreme step of banning the Hijab within the campus, the possible alternatives that pass the '*least restrictive test*' have not been explored.

34. However, after hearing the contention of both the petitioners and the respondents, the High Court of Kaloshia declared that the notification of the State Government is constitutionally valid and falls under reasonable restrictions

of respective fundamental rights. The court further remarked that wearing Hijab is not a religious right but a cultural right and is not an essential religious practice of Drakism. Moreover, even though what one wears is a facet of one's autonomy and expression, in qualified public spaces such as school, freedom may be curtailed to maintain discipline and decorum.

35. Instead of the court's judgment, the people of Kaloshia started to protest violently on the road and in public places. However, there was no such damage caused to the public property. After this, there was also political tension prevailing as the members of ISP were unwilling to be in a coalition government after the notification regarding the hijab ban was released. As per their party stand, they were not consulted before releasing the same.

36. Despite many requests from the IJP, the coalition government broke. However, the protests were still persisting and intensifying, but no such significant damage was being caused to the public or private properties. Assuming that the demonstrations and the break - down of the coalition government, the Government of Indiana imposed President's rule in the State of Kaloshia on the ground of failure of constitutional machinery.

35. Meanwhile, a group of young advocates, who represented themselves as an organization named *Indiana Young Lawyers Association*, approached the President of Indiana on the issue that the *106th Constitutional Amendment Act, 2022*, is against the constitutional framework and what was intended by our Constituent Assembly Members. Eventually, it is against Article 1 of the Constitution. In response to this, the President of Indiana transferred the dispute to the Supreme Court for adjudication under Article 143 of the Constitution of Indiana.

38. After the President's rule imposition in the State of Kaloshia, the protests intensified further, and this time there was also disturbance caused in public order. The people of Kaloshia were unanimously protesting that they didn't want to be part of the Union and secede from it. In light of this, the State of Kaloshia invoked the provisions under Article 3A, which was inserted by the *106th*

Constitutional Amendment Act, 2022, on the ground that the right to the self-determination is a universally recognized civil and political right under ICCPR, which India ratifies.

39. Instead of the President's rule imposed in the State of Jharkhand, the former Deputy Chief Minister of Jharkhand named, Akhandanand Tripathi, filed a writ petition before the Supreme Court of India stating that the Act of the Central Government was arbitrary as the Governor should have been given the opportunity for the formation of possible governments as flexibility in the Government formation is one of the advantages under Parliamentary Form of Government. After the formation of the new Government, the State Government should have been given the first opportunity to control the ongoing protests, as stated in the case of *S.R Bommai v. Union of India*.

40. Apart from this, in response to the judgment of the High Court regarding the Hijab – ban issue, Aliza Firdos and other students have filed a Special Leave Petition before the Supreme Court of India. All three petitions have been accepted and clubbed by the Supreme Court and are pending further hearings.

Disclaimer

- The facts and circumstances mentioned in the **Moot Proposition** are illustrated purely for academic discussion and dialogue on legal issues. The arguments mentioned do not represent the view of the Institution/University. The Proposition also does not seek to make any direct or indirect reference to any tribe or community of people, all nomenclature of people and communities employed herein are imaginary, and any resemblance to any people and tribes is purely coincidental.
- The **Laws of India highly influence the Laws of India** because of which The Constitution of India resembles a great extent and shares the same provisions as The Constitution of India, 1950.
- The Participants have to plead on the issues given hereafter. **No new issues are allowed.** However, the participants may form other sub-issues as they deem fit.

ISSUES INVOLVED –

1. WHETHER THE WEARING OF A HIJAB IS A FUNDAMENTAL RIGHT UNDER ARTICLE 19 (1) (A) AND ARTICLE 25 OF THE CONSTITUTION OF INDIA?

2. WHETHER THE 106TH CONSTITUTIONAL AMENDMENT ACT, 2022 IS, CONSTITUTIONALLY VALID?

3. WHETHER THE IMPOSITION OF THE PRESIDENT'S RULE IN THE STATE OF KALOSHIA WAS CONSTITUTIONALLY VALID?

4. WHETHER THE STATE OF KALOSHIA CAN BE GIVEN THE RIGHT TO SECEDE FROM THE UNION OF INDIA?

Annexure – I

THE 106TH CONSTITUTIONAL AMENDMENT ACT, 2022

The Parliament of India had brought this amendment into the constitution to provide a right of self-determination to the states of India, as per the International Covenant on Civil and Political Rights, which the Government of India ratified on 10th April 1979.

Chapter - II

1. Short title and commencement – (a) This Act may be called the 106th Constitutional Amendment Act, 2022.

(b) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

Chapter - II

2. Insertion of a new Article 3A after Article 3– After Article 3 of the Constitution, the following Article shall be inserted, which shall read as follows–

(a) Every state in India shall have the right to secede from the Union.

(b) To exercise the right mentioned under sub-clause (a), a proposed amendment under Article 368 (2) shall be enacted and approved following sub-clause (c) by a referendum.

(c) A proposed amendment shall be approved by a referendum under sub-clause

(b) if –

(i) At least twenty percent of the registered voters in the state that wants to secede vote in the referendum; and,

(ii) The amendment is supported by a simple majority of the citizens of the state voting in the referendum.

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I. ADMINISTRATION AND GRIEVANCE REDRESSAL

1. The Moot Court Society of the Law College Dehradun, faculty of Uttarakhand University shall function as the administrative body for all purposes of this Competition.
2. An Appellate Tribunal comprising of the Dean (Law), Head (Law), the President of the Moot Court Society of Uttarakhand University and two other independent persons to be appointed by the Dean (Law) shall settle appeals from the decisions of the administrators. The decision of the Appellate Tribunal shall be final and binding.
3. The Competition shall be conducted in accordance with the rules mentioned hereinunder and the Participants are required to adhere to the same. It is clarified that any non adherence to the rules hereinunder by the participants shall be construed as an effective breach of the guidelines of the competition which shall lead to an immediate disqualification of such a team from the competition.
4. The competition shall be held from 24th to 26th February, 2023, physically i.e. in the offline mode.

II. DEFINITIONS

- 01** “Organizers” and “Administrator” means the Moot Court Society, Law College Dehradun, faculty of Uttarakhand University.
- 02** “Institution” means any recognized Law School/ College or University.
- 03** “Participants” means the speakers and the researcher of the Participating Team.
- 04** “Participating Team” means the team which has registered itself for the competition as per the rules given below.
- 05** “Participating Institutions” shall be presumed to be the parent institution of the participating teams.
- 06** “Bench” means the Judges of the Oral Rounds of arguments collectively.
- 07** “Memorial” means the written pleadings of each team, submitted pursuant to these rules.
- 08** “Moot Proposition” means the official Moot Problem of the Competition, prepared by the Administrator and reviewed by externals and, supplemented, corrected, or clarified thereof.
- 09** “Penalty” means the consequence of a rule violation as in line with these rules.
- 10** “Oral Rounds” means a Team’s pleadings, comprising of both speakers, submitted orally before the Bench on behalf of either the Petitioner or the Respondent
- 11** “Petitioner” shall mean the one presenting the Petition to the Hon’ble Court.
- 12** “Pleadings” means and include both written submissions in the Memorial and submissions made in the Oral Rounds
- 13** “Rebuttals” means the challenges presented by the Petitioner in response to the Respondent’s submissions.
- 14** “Respondent” shall mean the party responding to the petition filed by the Petitioner before the Hon’ble Court.
- 15** “Researcher’s Test” shall mean the test explained in the Rules for the Competition.”
- 16** “Scouting” means to obtain information or evaluate other team’s performance in any manner which is illegal and against the spirit of the Competition.
- 17** “Sur-rebuttal” means the defence presented by the Respondent to the rebuttals as defined above.
- 18** “Submissions” means and includes Pleadings both oral and written, both on facts and on law.

III. GENERAL RULES AND INFORMATION



DATE AND VENUE OF THE COMPETITION

The competition will be held from 24th to 26th February, 2023 at the campus of the Law College Dehradun, Uttarakhand University, Dehradun, Uttarakhand- 248007, India.



LANGUAGE AND DRESS CODE

The official language of the competition shall be English.



DRESS CODE

The participants must adhere to standards of conduct and dress as high as those required of a lawyer engaged in the practice of law in India, however, the use of robes and/or collars is not permitted.



ELIGIBILITY

Students pursuing the three or five-year LL.B. course from any law school/college/university in India recognized by the Bar Council of India (hereinafter BCI) are eligible to participate. Students pursuing their LL.M. may also participate if they are not enrolled as advocates with the BCI. Institutions are entitled to nominate only one team.



TEAM COMPOSITION

Teams shall comprise a maximum of 3 (two designated as oralists and one as researcher) and a minimum of 2 (both designated as oralists) members. No additional person is allowed to accompany the team.

III. GENERAL RULES AND INFORMATION

REGISTRATION

The registration fee per team is INR 6,000. Teams must make the payment of the aforesaid amount only upon selection of their memorials after the Memorial Elimination round at <https://lcdmcs.com/transaction/> By 6th February 2023 in the mode prescribed there.

Teams may register themselves online provisionally at <https://lcdmcs.com/registration/> latest by 31st December 2022, and must complete their final registration by filling out the form at <https://lcdmcs.com/finalreg/>, latest by 31st December 2022.

CLARIFICATION REGARDING MOOT PROPOSITION & RULES

Clarifications regarding the Moot Proposition or the Rules may be requested online at lcdmcs@uttaranchaluniversity.ac.in latest by 7th January 2023.

ANONYMITY

Each team shall be allotted a team code upon final registration. Teams are forbidden from disclosing their identities to the judges or other participating teams or anywhere in their written submission; and must only use their respective team codes for all correspondence for the purpose of this Competition except with the administrators.

Disclosure of identity shall ensure immediate disqualification.

IV. MEMORIAL SUBMISSION AND DRAFTING GUIDELINES

SUBMISSION

- Each team must prepare memorials for both parties, i.e., the petitioner/applicant and the respondent.
- A soft copy of the memorials must be e-mailed to the administrators (one each in MS Word .doc/.docx format and one each in PDF) at lcdmcs@uttaranchaluniversity.ac.in latest by 28th January 2023 and the subject of the email should be “Submission of Memorials for TC”.
- The file names of the electronic copies of the Memorials must contain only the team code and the side being represented (P for Petitioner & R for Respondent). e.g., Petitioner Memorial of TC-1 should be named 1P.
- 8 Hard Copies of the Memorial (4 from each side, i.e. Petitioner and Respondent) must be submitted to the administrators at the time of reporting on Friday, 24th February 2023.
- The hard copies must be identical to the soft copy, else, disqualification would ensue.

COMPENDIUM

- Compendium means a compilation of cases and other materials referred to in or supporting the written submission that are or may be submitted by a Team at lcdmcs@uttaranchaluniversity.ac.in by 18th February 2023.
- The Compendium shall only contain the first page of the cited authority along and the relevant pages.

FORMAT OF THE MEMORIALS

- Memorials must be drafted in the SAMPLE MEMORIAL FORMAT that can be downloaded from <https://lcdmcs.com/downloads>.
- The Sample format contains a cover page and all sections that are to be included in the Memorial. Teams are strictly advised to adhere to the same format and any deviation from the sample format shall ensure disqualification.
- The Memorial shall be printed on only one side of A4 size paper, with the following mandatory formatting specifications:
 - 1 inch margin on all sides;
 - Time New Roman typeface with 12 font size; and
 - 1.5 line spacing.
- The maximum page limit for argument advanced shall be 35 pages.
- Teams shall cite authorities in the Memorial using footnotes by following the SILC MANUAL downloadable from <https://lcdmcs.com/downloads/> Explanatory or illustrative footnotes are not allowed. For footnotes, the formatting specifications are:
 - Time New Roman typeface with 10 font size; and
 - Single (1) line spacing.
- The Memorials shall be spiral bound.
- The following color scheme shall be followed for the Cover Page of the Memorials: PETITIONER: BLUE & RESPONDENT: RED (The cover pages are already color coded in the sample memorial).

IV. MEMORIAL SUBMISSION AND DRAFTING GUIDELINES

EVALUATION OF MEMORIALS

The Memorials shall be adjudged out of total of 100 marks.
The following are the grounds of adjudication:

S.NO	GROUND	MARKS
1	Knowledge of Law and Facts	20 Marks
2	Proper and Articulate Analysis	15 Marks
3	Depth and use of research	15 Marks
4	Organization and Presentation	15 Marks
5	Grammar and Language	10 Marks
6	Novelty of Arguments	15 Marks
7	Clarity of thought and Originality	10 Marks
8	<i>Total Marks</i>	<i>100 Marks</i>

PENALTIES

S.NO	GROUND	MARKS
1	Late Submission	2 Marks for every 12 hours delay; disqualification after 48 hours.
2	Incorrect file name	1 Marks per file
3	Deviation from Sample Memorial Format	2 Marks for each instance
4	Improper Formatting	2 Marks for each instance
5	Improper Citations	5 Marks
6	Exceeding page limit in argument section	2 Marks per page

IV. MEMORIAL SUBMISSION AND DRAFTING GUIDELINES

QUALIFICATION OF MEMORIALS AND SEEDING

- There shall be a Memorial Elimination Round after the submission and evaluation of the Memorials.
- The top 32 teams shall be selected based on their Memorial scores. Only these 32 teams shall be eligible to participate in the Oral Rounds of the Competition upon payment of the registration fee.
- The Result of the Memorial Elimination Round shall be notified latest by 3rd February 2023.
- The top 32 teams from the Memorial Elimination Round shall be seeded or ranked based on their memorial scores and thus a Preliminary Seeding Chart shall be prepared for Oral Rounds.

- The Seeding chart shall not be disclosed until the Valedictory Ceremony to maintain the spirit of the Competition. Please note that the result of the memorial elimination round is not in particular order of merit.

EXCHANGE OF MEMORIALS

- Allocation of sides (Petitioner/Respondent) shall be based on a draw conducted in the presence of any member of the organizing committee concerned with Memorial Exchange. Teams failing to be present during the draw shall be disqualified and no appeal in this regard, to any office, shall be entertained.
- There shall be an exchange of Memorials between the respective opposing teams, by the fixtures as determined by Seeding, before all the rounds of the competition.

V. RESEARCHERS' TEST

- The Researchers' Test shall be conducted on Saturday, 24th February 2023. Participation in the Researchers' Test is mandatory for all Teams and failure to participate may result in disqualification subject to the discretion of the administrators.
- In case of Teams with three Members, only the designated Researcher shall write the test and such Researcher shall not be allowed to address the forum during the Oral Rounds. A Team violating this rule may be disqualified from the Competition.
- In the case of Teams with only two Members, either of those Members may write the test.
- The duration of the Researchers' Test shall be 1 hour. The questions may be subjective or in Multiple Choice Questions or mixed.
- Researchers' Test shall test the knowledge of the laws involved as well as the factual details of the Case and the application of the relevant laws to the circumstances in the moot problem.

VI. ORAL ROUNDS- RULES AND GUIDELINES

ORAL SUBMISSION

- The order in which teams shall submit their oral submission throughout the Competition shall be: Counsels for Appellant/Petitioner followed by Counsels for the Respondent.
- The time split between the speakers must be communicated to the Court Masters prior to the commencement of each Round. Once so informed, these timings will not be changed.
- Delay in appearance for a round exceeding five (5) minutes will render disqualification of the team for that round. In such a case, their opponent shall make their oral submissions ex-parte.
- The Compendium (if any) of cited authorities shall be submitted to the Court Masters prior to the oral pleading session. Any further document may be submitted during the proceeding, only on the discretion of the Bench.
- Use of any electronic devices is strictly prohibited during oral rounds.
- For chit passing, the team members may pass written material to the Orator who may be speaking, in a discreet manner without disrupting court proceedings.

EVALUATION OF ORAL ROUNDS

Each Counsel (orator) shall be marked on a scale of 100.

The following are the grounds on which the adjudication is based on, but not limited to:

S NO.	GROUND	MARKS
1	Knowledge of Law	20 Marks
2	Application of law to facts	20 Marks
3	Ingenuity and ability to answer questions	20 Marks
4	Use of Authority	15 Marks
5	Style, Poise, Courtesy, Demeanor	10 Marks
6	Time Management and Organization	10 Marks
7	Effective Rebuttals	5 Marks
9	<i>Total Marks</i>	<i>100 Marks</i>

VI. ORAL ROUNDS- RULES AND GUIDELINES

ORAL ROUNDS AND TIME DIVISION

The Competition is divided into four rounds:

S.NO	Rounds	Time Division (for each team)	One speaker shall reserve not more than
1	Preliminary Rounds	25 mins	15 mins
2	Quarter- Final Rounds	35 mins	20 mins
3	Semi- Final Rounds	45 mins	25 mins
4	Final Round	45 mins	25 mins

1. PRELIMINARY ROUNDS

- There shall be two preliminary rounds, each team shall have to argue from both the sides.
- Time limit for the oral submissions in each round shall be twenty-five (25) minutes for each team. This shall include the submissions of both the speakers from the team and the time reserved for rebuttal/sur-rebuttal. No speaker may reserve more than fifteen (15) minutes for his/her individual oral submissions.

3. SEMI FINAL ROUNDS

- Time limit for the oral submissions shall be forty-five (45) minutes for each team. This shall include the submissions of both the speakers from the team and the time reserved for rebuttal/sur-rebuttal. No speaker may reserve more than twenty-five (25) minutes for his/her oral submissions.

2. QUARTER FINAL ROUNDS

- Time limit for the oral submissions shall be thirty-five (35) minutes for each team. This shall include the submissions of both the speakers from the team and the time reserved for rebuttal/sur-rebuttal. No speaker may reserve more than twenty (20) minutes for his/her oral submissions.

4. FINAL ROUND

- Time limit for the oral submissions shall be forty-five (45) minutes for each team. This shall include the submissions of both the speakers from the team and the time reserved for rebuttal/sur-rebuttal. No speaker may reserve more than twenty-five (25) minutes for his/her oral submissions.

APPLICABLE TO ALL THE ROUNDS-

Only one speaker from each team shall be permitted to rebut/sur-rebut and team shall not reserve more than five (5) minutes for rebuttal or sur-rebuttal; and the sur-rebuttal shall be limited to the rebuttals made by the opponent team.

VII. STRUCTURE OF ORAL ROUNDS

PRELIMINARY ROUNDS

- No two teams will argue against each other more than once in the Preliminary Rounds.
- The top 8 teams based on their win/loss ratio (Win-Loss Ratio is the ratio of number of Wins versus the number of Loss in the Preliminary Rounds.) and Total Preliminary Score (Total Preliminary Score is the total score obtained by both the speakers in both the Preliminary Rounds.
- Total Preliminary score does not include the memorial scores.) in the Preliminary Rounds, shall qualify for the Quarter Final Rounds. Further, the following shall be the system for determining the teams that advance to the Quarter Final Rounds.
- If there are more than 8 teams that have a Win-Loss ratio of 2:0, then out of such teams, the top 8 teams based on their Total Preliminary Score, shall qualify for the Quarter Finals.

- If less than 8 teams are having a Win-Loss Ratio of 2:0, then firstly, all such teams having a Win-Loss Ratio of 2:0 shall advance for the Quarter Finals Rounds. Secondly, Among the teams that have a Win-Loss Ratio of 1:0, the remaining spots in the Quarter Final Rounds shall be filled, based on the Total Preliminary Score of such teams.
- If there continues to be a tie, then the team with the higher Memorial scores shall qualify to the Quarter Final Rounds.

ADVANCED ROUNDS

- All the advanced rounds will be knock-out rounds.
- The side on which a Team will be arguing will be decided by a draw of lots with the Teams picking the sides. The matchups will be based on the ranking in the preceding round.
- In case of a tie, the marks obtained in the Memorials will be considered. The Team with the higher score will win.

VIII. SCOUTING

- “Scouting” is not permitted and it shall be deemed to have happened if the Speakers, Researcher, or any other person affiliated with a team is found:
- Witnessing, hearing, observing, etc. the oral submissions in an oral round, except where the oral round is the final round or one in which the team to which he/she is affiliated is participating in;
- Reading a Memorial of a team except where: it is of the team to which he/she is affiliated, or the Memorials have been obtained on account of an exchange of Memorials before a Round of the team to which he/she is affiliated.

IX. AWARDS

WINNING TEAM	INR 25,000/- (Trophy and Certificate of Appreciation)
RUNNERS UP TEAM	INR 15,000/- (Trophy and Certificate of Appreciation)
BEST COUNSEL (MALE)	INR 5,000/- (Trophy and Certificate of Appreciation)
BEST COUNSEL (FEMALE)	INR 5,000/- (Trophy and Certificate of Appreciation)
BEST MEMORIAL	INR 5,000/- (Trophy and Certificate of Appreciation)
BEST RESEARCHER	INR 5,000/- (Trophy and Certificate of Appreciation)

Certificate shall be awarded to all participating teams.

X. ACCOMODATION, FOOD AND CONVEYANCE

- Accommodation and Food shall be provided to all teams by the administrators.
- Conveyance to and fro from the place of accommodation to the college shall be provided to all the teams. The teams must mandatorily submit their travel plan online at lcdmcs@uttaranchaluniversity.ac.in by 6th February, 2023 upon confirmation of their selection after the Memorial Elimination round.

XI. IMPORTANT DATES

1	Provisional Registration	7 th December- 31 st December, 2022
2	Last Date for Final Registration	31 st December, 2022
3	Last Date for Clarification Submission	7 th January, 2023
4	Release of Clarification	9 th January, 2023
5	Memorial Submission	28 th January, 2023
6	Memorial Knock- Out Result	3 rd February, 2023
7	Travel Plan & Fees Submission	6 th February, 2023
8	Compendium Submission (if any)	18 th February, 2023

XI. MISCELLANEOUS

1. Information given to any participant of a team shall be deemed to be communicated to the whole team.
2. The Proposition is neither intended to nor does it attempt to resemble any incident or any person, living or dead. Any such resemblance is purely coincidental. The Proposition is a fictitious factual account prepared for the present Competition only and it does not attempt to influence or predict the outcome of any matter whatsoever.
3. The copyright in the Memorials submitted by the teams shall vest with the administrators. The acceptance of such vesting is a precondition to participation in the Competition.
4. The Administrators reserve the right to amend, alter, vary or change, in any manner whatsoever, the Rules governing the Competition, which would be communicated to the teams within a reasonable period.

CONTACT US

Any queries (other than the Moot Proposition) may be directed to the following persons:

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