

ARMY LAW COLLEGE, PUNE

QUEST INDICIA

3RD NATIONAL MOOT COURT COMPETITION, 2024

9TH MARCH - 10TH MARCH

Col. (Retd.) A.K. Pandey
Registrar & HOA

Mr. Ganeshappa Deshmane
Principal-in-Charge

Asst. Prof. Shreya Srivastava
Faculty-in-Charge, MCS

Asst. Prof. Prasad Kamble
Faculty-in-Charge, MCS

Ms. Deepsea Chakraborty
Convener, MCS

Mr. Avinash Sharma
Co-Convener, MCS

Ms. Sayali Bhor
Co-Convener, MCS

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PUNE, INDIA



QUEST INDICIA

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QUEST INDICIA

'QUEST INDICIA' 3RD NATIONAL MOOT COURT COMPETITION, 2024

The Army Law College, Pune is resolved to offer an enriched platform through the '**Quest Indicia National Moot Court Competition**' for budding lawyers to hone their inner quest for truth and justice.

The 'Quest Indicia' with its ever-evolving meaning stands for the 'search for a distinguishing evidential mark to substantiate proposition and lead towards justice'.

India is the cradle of civilisation with its philosophy of seeking and sustaining truth and it is the underlying light of our 'Quest Indicia'. We shall strive to shape rational minds through such academic contests and nurture the scientific temper in all aspects of legal education. We are 'On the march to glory' to transform the world with truth, justice, and co-existence.

'Mooting' is what every law student must take pride in as it connects them to a real court experience. Army Law College, Pune strives to instill this emotion in students and to provide a platform further to hone their advocacy skills, we are proudly organizing '**QUEST INDICIA**' **3RD NATIONAL MOOT COURT COMPETITION, 2024** from 09th - 10th March 2024.

Through this Competition, we wish to provide students with a thriving and rewarding experience to develop the ability to identify the legal issue from a factual scenario, conduct thorough research to advance arguments, draft written submissions, and finally, the grueling orals before eminent judges.

QUEST INDICIA

We will endeavor to create this atmosphere of invigorating intellectual challenges and the opportunity to learn court craft through simulated experiences in this Competition. Our main goal is to create a strong tradition of successful mooting for years to come. Hence, we are looking forward to hosting your team in our Competition!

We cordially invite students from across the country to our campus and be a part of our third edition of the National Moot Court Competition, 2024.



ARMY LAW COLLEGE, PUNE



ON MARCH TO GLORY



Established in July 2018, Army Law College, Pune, stands as a beacon of quality legal education with a noble mission—to impart knowledge to the children of our brave, patriotic, and selfless Army Personnel. Governed by the Army Welfare Education Society (AWES), the college is strategically located in a serene environment, providing an ideal setting for academic pursuits.

Affiliated to Savitribai Phule Pune University (SPPU), a distinguished institution ranked 10th in the 2019 National Institutional Ranking Framework (NIRF), Army Law College, Pune, upholds academic excellence. The college holds approvals from the Bar Council of India and the Government of Maharashtra, ensuring adherence to stringent standards.

Offering a five-year integrated B.B.A, LL. B program with an exclusive student intake of 60 seats reserved for the children of Army Personnel, the college is committed to shaping future legal professionals. The vision of Army Law College, Pune, resonates with the aspiration to create employable, practice-ready, and ethical lawyers. These legal practitioners are envisioned to be equipped with a comprehensive blend of knowledge, skills, values, and global competence, reflecting the college's dedication to producing outstanding professionals who contribute to the legal landscape.

OUR CAMPUS



OUR CAMPUS



MOOT COURT SOCIETY



ARMY LAW COLLEGE, PUNE

At Army Law College, Pune, the Moot Court Society (MCS) stands as a pillar of responsibility, overseeing and facilitating all mooting-related endeavors within the institution. Tasked with maintaining the high standards of excellence set by the College in the field of Mooting, the society bears the name '**Dharamishta**', symbolizing the commitment to walking the path of righteousness, truth, karma, and dharma.

'Dharamishta' actively encourages student participation in Moot Court Competitions, serving as a platform for honing legal skills and fostering a deeper understanding of advocacy. The society plays a pivotal role in hosting enlightening sessions covering various aspects of mooting, ranging from introductory overviews to research methodologies, tenets of legal reading and research, interpretation of statutes, moot demonstrations, drafting moot problems, composing memoranda, formatting documents, and mastering the mechanics of oral advocacy.

Under the guidance of faculty-in-charges Asst. Prof. Shreya Srivastava and Asst. Prof. Prasad Kamble, the society is led by Convener Ms. Deepsea Chakraborty (5th Year), along with Co-Conveners Mr. Avinash Kumar (5th Year) and Ms. Sayali Bhor (4th Year). Together, they work diligently to spread awareness about mooting and conduct related activities. Notably, the society has successfully conducted in-house trials, providing students with valuable opportunities to showcase their skills and select representatives for participation in moot court competitions, further enriching the academic and practical dimensions of legal education at Army Law College, Pune.

MOOT COURT SOCIETY



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OUR CONVENERS



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MR. GANESHAPPA DESHMANE
PRINCIPAL-IN-CHARGE, ALC PUNE



ASST. PROF. SHREYA SRIVASTAVA
FACULTY COORDINATOR, MCS



ASST. PROF. PRASAD KAMBLE
FACULTY COORDINATOR, MCS

MOOT COURT SOCIETY



ARMY LAW COLLEGE, PUNE



MS. DEEPSEA CHAKRABORTY
STUDENT CONVENER, MCS



MR. AVINASH KUMAR
STUDENT CO-CONVENER, MCS



MS. SAYALI BHOR
STUDENT CO-CONVENER, MCS



GLIMPSES

JOURNEY OF 'QUEST INDICIA'

Army Law College, Pune organized the **1st Virtual National Moot Court Competition** from **8th January to 9th January, 2022**.

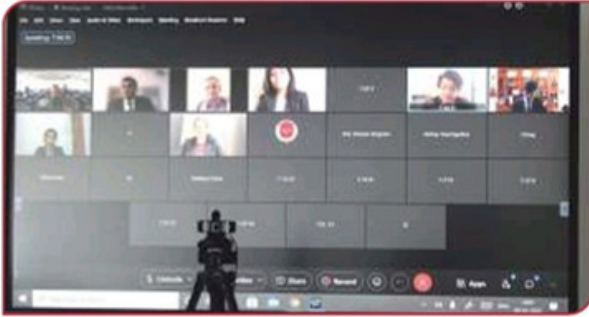
The Chief Guest for the Inaugural Ceremony was Senior Advocate Dushyant Dave, Supreme Court and former President of the Supreme Court Bar Association for three years. During his Inaugural address, he emphasized developing reading habits, referring to and relying more on physical books and newspapers than virtual resources. He announced a jaw-dropping sponsorship of Rs. 6 Lakhs for the Competition; Rs. 3 Lakhs for the Winning team, Rs. 2 Lakhs for the Runner-up team, and Rs. 1 Lakh for 2nd Runners Up. In furtherance, Sir also donated Rs. 10 Lakhs to our College after being impressed with the smooth execution of the Competition.

After fierce competition, **Central University of South Bihar, Gaya** comprising Aditi Tomar, Aashish Ranjan, and Kishan Kumar backed the 1st Position and received a Cash Prize of Rs. 3,40,000.

In the subsequent year, we organized the '**Quest Indicia**' **2nd National Moot Court Competition, 2023** from 25th March to 26th March, 2023. After a gruelling Final round presided over by Hon'ble Justice Dr. Sanjeeb Kumar Panigrahi, Advocate Shovan Mishra, and Advocate (Dr.) Swapnil Bangali as our esteemed judges, **Bharati Vidyapeeth, Pune** emerged as the winner. The team comprised Mansi Shrivastava, Chahak Sharma, and Aayushi Tyagi.

Building on this success, Army Law College is now gearing up for the third edition of its National Moot Court Competition.

GLIMPSES



QUEST INDICIA, 2024

AWARDS

**WINNING TEAM:**

Quest Indicia Trophy
and ₹40,000/-

RUNNERS UP TEAM:

Quest Indicia ALC Memento
and ₹25,000/-

**2ND RUNNERS UP TEAM:**

Quest Indicia ALC Memento
and ₹10,000/-

BEST MEMORIAL AWARD:

Quest Indicia ALC Memento
and ₹5,000/-

**BEST SPEAKER:**

Quest Indicia ALC Memento
and ₹5,000/-

BEST RESEARCHER:

Quest Indicia ALC Memento
and ₹5,000/-



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RULES AND REGULATIONS

INTRODUCTION

“A Moot is a faux theatre of war that trains you for the real-life cut and thrust of court.” To moot means to bring something to a discussion. The aim of Moot Court activity is to groom the budding lawyers. It trains the students of law to create links between theory and practice. Moot court competition provides a platform for law students to showcase their moot talent.

Short Title: These Rules shall bear the title “Quest Indicia’ 3rd National Moot Court Competition Rules 2024 - Rules and Regulations”.

Definitions: Unless otherwise stated following shall be construed as under–

- **“Administrator”** shall mean the Faculty of Law, Army Law College and Moot Court Committee of Army Law College, Pune.
- **“Clarifications”** shall mean any questions, inquiries or doubts sent by a registered team (after final registration) to the organizers seeking any factual clarification(s) in the Moot Problem. The clarifications, if any, provided by the college shall be considered as if it were a part of the Moot Proposition and shall have no individual significance.
- **“Competition”** means **“Quest Indicia’ 3rd National Moot Court Competition, 2024”**.
- **“Institution”** means any recognized law School/College or University.
- **“Participating Team”** means the team which has registered itself for the competition as per the rules for registration of Army Law College, Pune.
- **“Participating Institution”** shall be presumed to be the parent institution of the participating teams. From each institute, only one team can represent the institute.
- **“Organizer”** means the Faculty of Law, Army Law College, Pune.

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- **“Rebuttals”** refer to those arguments/questions that the complainant may raise at the end of the main pleadings of all the Orators. This shall be replied to appropriately by the Respondent.
- **“Written Submission”** means the memorandum of written submissions submitted by any Team Organizer.
- **“Organizing Committee”** means the Moot Court Committee hereinafter referred to as MOC or MCC.
- **“MEC”** means Memorial Evaluation Committee.

I. ELIGIBILITY AND TEAM COMPOSITIONS

- Each team shall comprise of three members (one member shall be designated as a researcher).
- Only one team from each participating college shall be registered for the competition. Each team shall comprise of three members (two Speakers and one Researcher).

NOTE: No faculty member, coach, observer, or designated observer or fourth member is allowed to accompany the team, and neither will be allowed to join the teams during their visit for the physical rounds.

Participation is restricted to bona fide law students either enrolled in the 3-year LL. B. Course or the 5-year Integrated Law Course.

II. CHANGE IN THE TEAM COMPOSITION

- Any change in team composition will not be entertained after the registration.
- In case of any unforeseen contingency where it becomes imperative to change the team composition, the participating team shall send an email regarding the same to the Administrator and MCC containing the compelling reason for the change. However, the change in the composition shall be done at the discretion of the MCC.

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CLARIFICATIONS

- The participating teams may seek clarifications on the official moot proposition by sending an email to (alcmcs2018@gmail.com) by **15th February, 2024 (05:00 hrs. IST)**.

NOTE: Any clarification via any other medium will not be entertained and shall not be taken into consideration.

III.LANGUAGE

The official working language of the 'Quest Indicia' 3rd National Moot Court Competition, 2024 shall be only English.

IV.DRESS CODE

Inside the courtroom, the participant shall follow the below-mentioned dress code:

- The dress code for the oral rounds shall be the advocate's attire, i.e., Black, and White combination, including a Blazer/ Tie.

NOTE: Disclosure of identity through uniform or in any other is strictly prohibited.

V. ANONYMITY

Student Counsel may introduce himself/herself to the court in the usual manner and may also state their names. However, the team's college affiliation shall not be indicated to the judges at any time.

Further, all team members shall refrain from identifying a team's college at any time and in any manner, including, but not limited to, wearing any identifying items (such as college clothing, ties, badges, patches, or pins) or carrying/showing material (such as books with a college logo or college seal, among others).

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VI. REGISTRATION

- The participating institutions must register by filling out the form annexed herein on or before **17th February 2024** by **11:59 p.m.** and sending a scanned copy to alcmcs2018@gmail.com along with filling out the Google Form.
- The first 22 teams shall be allowed to participate on a first-come first serve basis and 2 teams will be kept as reserved teams in case any team from the first 22 teams withdraw from participation then the reserve team will be offered the vacant team position. To confirm participation, teams of every Institution should register themselves with registration forms duly signed by the Head of their respective Institution.
- Registration Fees
 - a) **Rs. 4500/- per team without Accommodation**
 - b) **Rs. 7000/- per team with Accommodation.**
- Payment Details are mentioned on Page 28 of the Brochure.
- Any registration form received without the receipt of the payment shall not be considered for the final registration.
- Any form received after the last day of registration will not be allowed.
- The teams shall be solely responsible for any delay caused due to delay in receipt of Registration Form.
- **Registration fee once paid shall not be refunded.**

VII. STRUCTURE OF COMPETITION

Stage I: This shall be the submission of memorials i.e. on **29th February, 2024** (for Soft Copy) & and **4th March, 2024** (for Hard Copy). The results of this round shall be based on the evaluation of memorials and the team scoring highest shall get the Best Memorial Award.

Stage II: This shall be the Researcher's test and the researcher scoring

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highest shall get the Best Researcher Award. The Researcher's test will be held on **9th March, 2024**.

The Moot Court Competition shall comprise of the following four rounds:

1. Preliminary Round I and II on 09th March, 2024.
2. Quarter-final round on 09th March, 2024.
3. Semi-Final Round on 10th March, 2024.
4. Final Round on 10th March, 2024.

General instructions during the proceedings

- The time split between the speakers must be communicated to the Court Room Master prior to the commencement of each Round. Once so informed, these timings shall not be changed.
- Use of any electronic gadgets is not permitted during oral proceedings.
- Teams shall not disclose, in any manner whatsoever, for the entire duration of the Rounds, either their own individual identities or the identity of the institution that they represent, even if asked by the judges.
- Teams can pass on a compendium of the sources they cite in their Memorials if so, permitted by the judges. In case of absence of any team or failure of any team to reach in any of the oral submission rounds will render disqualification of the team for that round.
- In such a case, their opponent shall make their oral submissions ex parte and the calculations shall be made accordingly.
- The oral arguments should be confined to the issues presented in the memorial. Discrepancies shall not be permitted.
- The researcher may sit with the speakers during the oral submissions. However, No researcher of any Team shall be permitted to address the Panel.

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Evaluation* shall be done based on the following criteria:

SR. NO.	CRITERIA	MARKS
1.	Articulation of issues	20
2.	Presentation skills and citation of authorities	20
3.	Court mannerisms	20
4.	Application of legal principles	20
5.	Response to the queries of court	20

*Any Team that violates any of the Rules concerning the Oral Pleading Sessions shall be penalized. The decision of the Bench shall be final in this regard.

Stage III: ROUNDS

1. PRELIMINARY ROUND

- There shall be two Preliminary rounds (Prelims I and II) on 09th March, 2024 and every team shall be allowed to argue from each side.
- The Draw of Lots for the Preliminary rounds shall be drawn by the MCC on **08th March, 2024** and the memorials shall be exchanged on the same day.
- Each team shall get a total of **20 minutes** to present their case and shall include the time for 'Rebuttal' and 'Surrebuttal'. Any extension of time beyond the specified period shall be subject to the discretion of the judges.
- The division of time between the speakers is at the discretion of the team members, subject to a maximum of 12 minutes for one speaker. At the end of the two Preliminary rounds, the top 8 teams will qualify for the Quarter

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Finals. The top 8 teams will be selected based on the cumulative scores of the two Preliminary rounds.

2. QUARTER-FINAL ROUND

- The Quarter Final round shall be held after the completion of the preliminary rounds on **09th March, 2024**. The Quarter Finals shall be a knock-out round. A team will be credited with a win in the Quarter Finals if its total marks are higher than its opponent's team.
- The side to be presented by the team shall be determined by way of the draw of lots with the teams picking the lots after the completion of the preliminary rounds. Each team shall get a total time of **30 minutes** to present their case and shall include the time for 'Rebuttal' and 'Surrebuttal'.
- The division of time between the speakers is at the discretion of the team members, subject to a maximum of 15 minutes for one speaker.

3. SEMIFINAL ROUND

- The Semi-Finals will be held on **10th March, 2024**.
- The Semi-Finals shall be a knock-out round. A team will be credited with a win in the Semi-Finals if their total marks are higher than their opponent's team.
- The side to be presented by the team shall be determined by way of the draw of lots with the teams picking the lots after the completion of quarter-final Rounds.
- Each team shall get a total of 40 minutes to present their case. This time will include the time for 'Rebuttal' and 'Surrebuttal'.
- The division of time between the speakers is the discretion of the team members, subject to a maximum of 20 minutes for one speaker.
- The winner of each courtroom fixture i.e., 2 Teams from the semi-final round shall proceed to the final round.

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4. FINAL ROUND

- The Semi-Finals will be held on **10th March, 2024**.
- The top two Teams from the Semi-Final Round shall qualify for the final round. It shall be a knockout round, where the side for pleading shall be determined based on draw of lots. **The maximum time for arguments shall be the same as in the Semi-finals.**
- The Winner of the Final Round shall be declared the winner of the Competition.

VIII. DISCIPLINARY ACTION

- Intake/use/even mere possession of any prohibited substances (e.g. cigarettes/alcoholic/narcotic substances) is strictly banned during their stay throughout the competition.
- All the Participants shall be responsible for orderly conduct during the competition. They shall mandatorily observe all rules and regulations that they are subjected to from time to time as per the orders of the Organizers of Army Law College, Pune.
- Violation of any such directives/rules/guidelines shall result in severe penal action to the extent of barring the respective institution from participating in any events organized by Army Law College and additional state prosecution may also follow.

IX. MEMORIAL AND EVALUATION

Each team must prepare Memorials for both sides to the dispute i.e., the Petitioner(s) and the Respondent(s) as the case may be.

The rules regarding the Memorial are stated as under:

- The Memorial shall not contain any form of identification of the participating institution apart from the Team Code.
- If any such identification or mark, symbol, etc. which has the effect of identifying the team is found on the Memorial, the same shall result in

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instant disqualification of the participating team.

X. SPECIFIC GUIDELINES FOR MEMORIAL SUBMISSION

- The Memorials shall be submitted both in soft and hard copy formats. Each Team shall submit the soft copies of the Memorials, in “pdf” format on or before **29th February, 2024** not later than **11:59 pm [IST]** by emailing the same to (alcmcs2018@gmail.com) with the subject of the mail being "Memorial Submission - "Team code".
- Submission of **four (4) hard copies** each of Petitioner and Respondent Memorials shall physically reach at Moot Court Committee on or before **4th March, 2024**.
- The file name of the electronic copies of the memorial must contain only the team code and the side being represented in the following format. Example - For Team Code O1 shall be "TCO1-P" and "TCO1-R", wherein 'P' stands for Petitioner Memorial and 'R' for Respondent Memorial.
- A penalty of one (1) mark shall be levied in case the Memorials are submitted in any other format or as multiple files by the Team at the time of submission of the soft copies of the memorials.
- The team submitting their ‘Memorials’ after the last date of the submission shall stand “disqualified” from the competition.

XI. Guidelines for formatting:

Memorial Structure: The Memorial must contain the following contents in the order as stated below:

A. Cover Page: The Cover Page must be BLUE for the Petitioner and RED for the Respondent. A penalty of 1 (One) mark per side shall be levied in case the team uses the wrong cover page in their Memorial. The Cover Page of the Memorial must contain the following information:

- The ‘team code’ in the upper right-hand corner.

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- The 'name' and 'year' of the Competition.
- The name of the case (Case Title).
- The 'side' for which the Memorial has been prepared.
- Name of the 'forum' adjudicating the dispute.
- Table of Contents.

B. List of Abbreviations.

C. Index of Authorities: The Index of Authorities must list all the authorities cited in the Memorial.

D. Statement of Jurisdiction.

E. Statement of Facts: The Statement of Facts must contain a concise statement of the relevant facts to the dispute. As far as may be, the Statement of Facts should be limited to the stipulated facts and legitimate inferences which can be drawn from those facts. Statement of Facts shall not exceed 2 pages.

F. Issues Raised

G. Summary of Arguments: The summary of arguments should contain a summary of the substance of the arguments, and should not merely be the production of the various headings and sub-headings of arguments. The Summary of Arguments shall not exceed 2 pages.

H. Pleadings/Arguments Advanced: All legal arguments must be limited to the Pleadings/Arguments Advanced section of the Memorial. The Pleadings/Arguments Advanced must not exceed 25 pages. [Note: Non-compliance will result in a penalty of 2 marks for each exceeded page.]

I. The Prayer shall not exceed 1 page.

- **Team Code:** The team code must be ascribed to the top right corner of the cover page. The code must be succeeded by the side for which the Memorial is prepared. The teams must use "P" for Petitioner and "R" for Respondent. For instance, in the case of Team Code being TC 01, the team must write "TC01-P" in case of Memorial for 'Petitioner' and "TC01-R" in the case of Memorial for 'Respondent'.

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- **Margin:** The Memorial must maintain an equal margin of 1 inch on all sides.
- **Basic compliance for Memorial:** The Memorial (including the preliminary pages and excluding the cover page) shall adhere to the following mandatory specifications: Paper size: A4, Font type: Times New Roman, Font size: 12, Line spacing: 1.5, Body of text: Justified. [Note: Non-compliance will result in a penalty of 02 marks for each side of the written submission.]
- **Footnotes:** The footnotes must be in font type: Times New Roman, Font size: 10, Line spacing: 1.0, Paragraph spacing: 0, no additional space between 2 footnotes and the body of text, and Justified with a Uniform Style of Citation (Bluebook, 21st Edition) to be strictly followed throughout the Memorial. [Note: Non-compliance will result in a penalty of 1 (One) mark per page.]
- **Header and Footer:** The font used for the header/footer, if any, shall be Times New Roman, size 10 with single spacing.
- **Marking criteria for the Memorial(s) submitted by the Teams:** Memorial from each side shall carry a total of 100 marks. The written submissions shall be marked on the parameters which are laid down as under:

SR. NO.	CRITERIA	MARKS
1.	Originality	20
2.	Knowledge of Law and Facts	20
3.	Analysis	20
4.	Structure, Language, Grammar and Format	20
5.	Extent and Use of Research	20

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XII. Exchange of Memorial

- The exchange of Memorial for the Preliminary Round shall take place on 08th March, 2024. The memorial exchange for the advanced round of competition(s) shall take place at least 1 (One) hour prior to the conduct of the advanced rounds (Quarter- Finals, Semi-Finals, and Finals).
- Teams are prohibited from making any remarks on the opponent's Memorial and, thus, exchanged. Teams are also prohibited from making any copies of the opponent's memorial, electronically or otherwise.

XIII. Tie Breaker

In the event of tie between the marks of two teams, following criteria shall be considered in order of their mentioning:

- **Preliminary Round**

Memorial Marks

Application of legal principles

(**Note:** There shall be two preliminary rounds, in which each team shall be given a chance to present both the sides.)

- **Quarter Finals**

Memorial marks.

Response to the queries of the Court.

- **Semi Finals**

Memorial marks.

Response to the queries of the Court.

XIV. Compendium

- All relevant case laws statutory material and other evidence based on which the participants are going to present and substantiate their arguments may be submitted before the Bench during the Oral Rounds of arguments in the form of a 'Compendium'.

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- Participants shall ensure that anonymity is not violated while passing on any material to the Bench. If any mark, name, seal, symbol, or logo of their institution/college/university is present, participants must ensure that the same is rendered unrecognizable.

XV. RESEARCHER'S TEST

- The Researchers' Test shall be conducted on **09th March, 2024**.
- The test shall be for the duration of sixty (60) minutes only.
- The test shall consist of objective questions based on the General Principles of the Statement of Facts, matter(s) of Law involved in the Moot Problem, and General Principles of National and International Law.
- The Researchers' Test shall test the knowledge of the laws involved as well as the factual details of the Moot Problem and the application of the relevant laws to the circumstances in the Moot Problem. No notes, bare acts, books, or any other material or electronic aid shall be permitted during the Researchers' Test. ONLY the Researcher as mentioned in the Registration Form shall be eligible to appear for the test.

XVI. DISCIPLINARY ACTION

- Intake/use/even mere possession of any prohibited substances (e.g. cigarettes/alcoholic/narcotic substances) is strictly banned during their stay throughout the competition.
- All the Participants shall be responsible for orderly conduct during the competition. They shall mandatorily observe all rules and regulations that they are subjected to from time to time as per the orders of the Organizers of MCC.
- Violation of any such directives/rules/guidelines shall result in severe penal action to the extent of barring the respective institution from participating in any events organized by MCC and additional state prosecution may also follow.

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XVII. GENERAL ETIQUETTE

- The participants are expected to behave in a dignified manner and not cause any unnecessary inconvenience to the organizers.
- Deference to the Judges of the Moot Court Competition is expected to be maintained in the Courtroom.
- The Organizers reserve the right to take appropriate action for any unethical, unprofessional, or immoral conduct.

XVIII. SCOUTING

- Scouting is strictly prohibited. Scouting by the speakers, Researchers or any other person affiliated with a team will lead to an instant disqualification of such team.
- Scouting is found to have committed if any person affiliated with the team witness, hear, observe etc. of the oral submission of any team other than it is participating or reading the memorial of a team except its own or the memorial obtained on account of exchange of memorials.

XIX. INTERPRETATION OF RULES

- The Organizer's decision as regards the interpretation of rules or any other matter related to the competition will be final.
- If there is any situation, that is not contemplated in the rules, the Organizer's decision on the same shall be final.
- The Organizers reserve the right to vary, alter, modify, or repeal any of the above rules if so required and as they may deem appropriate at any time before and/or during the competition. Any dispute arising in the moot courtrooms during the rounds would be at the discretion of the presiding officer of the respective courtroom. In any conflict, the decision of the Judges would be final.

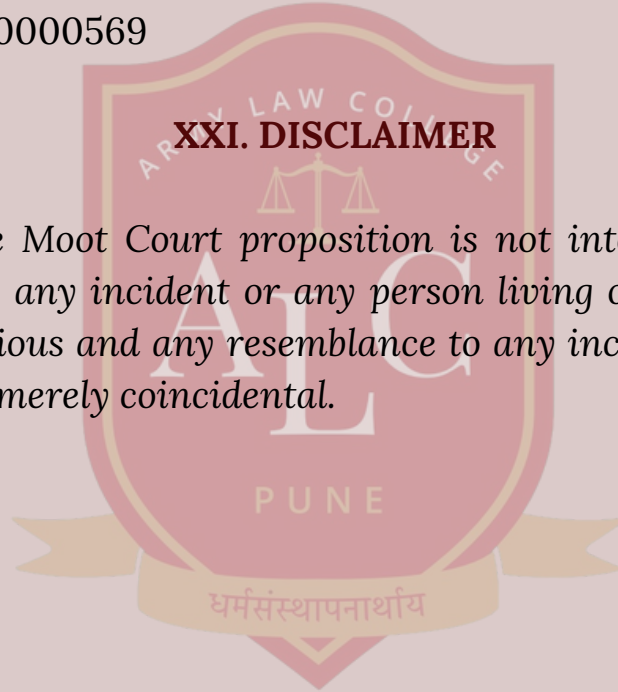
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XX. PAYMENT DETAILS

- Name of the Account Holder : Army Law College Institutional Fund
- Account No. : 37764808404
- Bank Name : State Bank Of India
- Branch : Dehu Road, Pune, Maharashtra
- IFS Code : SBIN0000569

XXI. DISCLAIMER

The material in the Moot Court proposition is not intended to and does not attempt to resemble any incident or any person living or dead. All material in the problem is fictitious and any resemblance to any incident or person, if any, is not intended, but merely coincidental.



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IMPORTANT DATES

S.NO.	EVENT	DATES
1	Publication of Moot Proposal	19th January, 2024
2	Last Date for Registration	17th February, 2024
3	Last Date for seeking Clarifications	15th February, 2024
4	Submission of Memorial [Soft Copy]	29th February, 2024
5	Submission of Memorial [Hard Copy]	4th March, 2024
6	Researcher's Test, Prelims & Quarters	9th March, 2024
7	Semi-Finals & Finals	10th March, 2024

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MOOT PROPOSITION

1. The State of Indiana gained independence from British Empire in August 1947. State of Indiana from its independence embraced secular values in its governance and public dealings. It is a country of multicultural and multi-faith peacefully cohabiting with each other. In the State of Indiana, there is a state (composite unit) of Mahan Rashtra. Mahan Rashtra state has a long tradition of a fine blend of the legacy of great warriors and spirituality. After independence, the state of Indiana nurtured a democratic culture of a multi-party system including the regional parties.
2. In Mahan Rashtra State there is a regional party, Swarajya Sena has a stronghold in the state. The foundation of the party was laid in 1967 in Mahan Rashtra State. The ideas like welfare of the son of the soil, pride of history, pride of epic characters, and pride of eternal values in Sindhu religion are propagated as focal points by the Swarajya Sena party in the state and national level elections. The Election Commission of India has recognized Swarajya Sena as a state political party. The organizational election of the party for the term January 2019 to January 2024 was conducted in January 2019 and Mr. Buddhadev Sarkar was elected as the Party President.
3. In 1985, the Swarajya Sena Party formulated a pre-poll alliance with a national party Bharat Janaseva Party. Bharat Janaseva Party is a political party having a stronghold in the northern part of the State of Indiana. It propagates ideas like pride in the rich legacy of Indiana, epic characters and moral principles laid down by the epic scriptures, pride in eternal values in the Sundhu religion, love for the motherland, and patriotism.
4. Swarajya Sena Party and Bharat Janaseva Party were partners in many common agenda points for which stirring of public opinion was done by both political parties jointly. From 1985 till 2020 both political parties came into

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power four times.

5. In October 2020, the state assembly elections were conducted. Both the political parties formulated the pre-poll alliance and got the requisite number i.e. 170 seats out of 290 seats to formulate the Government in the State Assembly of Mahan Rashtra State. Swarajya Sena got 60 seats, Bharat Janaseva Party got 110 seats, National Conglobate Party got 45 seats, Nationalist Conglobate Party got 70 seats and 5 independent members were elected to the state assembly.

6. After the state assembly results were out there were news leaked suggesting the tug of war for the Chief Ministership and claim over important portfolios by both the political parties. This clash reached its zenith in November 2020 and the Party Supremo of Swarajya Sena Party Mr. Buddadev Sarkar announced that his political party was given the promise of Chief Ministership and certain portfolios by the top leadership of Bharat Janaseva Party before the election. Now they are backtracking, hence we are breaking the long-standing alliance with the Bharat Janaseva Party.

7. This changed the political equations in the formulation of government in the state of Manan Rashtra State. The National Conglobate Party, a national party, and Nationalist Conglobate Party, a regional party offered support to Swarajya Sena and three political parties which were rival political parties to each other in long-standing political journey took an unprecedented decision to come together as Rajya Navanirman Alliance (R.N.V.) to formulate a government. It was a sudden and unexpected jerk to the Bharat Janaseva Party to lose its longstanding partner in the political alliance and to lose the chance of formulating a government despite getting the requisite majority to the pre-poll alliance.

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8. Buddhdev Sarkar took oath as Chief Minister of Mahan Rashtra State in December 2020. All 60 Members of the Legislative Assembly of Swarajya Sena sent a communication to the Speaker of Mahan Rahstra Legislative Assembly intimating to him that Mr. Vishwanath Jadhav was appointed as the Group Leader of Swarajya Sena Party and that Sahil Shinde as the Chief Whip of Swarajya Sena Legislative Party. After the formulation of the coalition government with two earlier political rivals, a group of Members of the Legislative Assembly from Swarajya Sena was unhappy. This group was emphatic about reuniting with the earlier political partner Bharat Janaseva Party as it was in power in the Central Government. The group argues that there is a good chance that the optimal cooperation will be extended by the Central Government if this reunification takes place. But another fration in the Swarajaya Sena was vehemently against the proposal of reunification. Other faction was of opinion that Bharat Janaseva Party has used our influence in the state to expand their national political party in Mahan Rashtra State and now they are trying to expand their political party by shrinking our political party. Party Supremo and Chief Minister Mr. Buddhadev Sarkar was continuously receiving requests by a faction of Member of Legislative Assembly to break the alliance with two political parties and reunite with Bharat Janaseva Party which was not responded by him after repeated attempts. The Rajya Navanirman Alliance (R.N.A.) was ruling the Mahan Rashtra State till May 2021. Meanwhile there were reports revealing that there is a faction of Members of Legislative Assembly of State of Mahan Rahstra led by Vishvanath Jadhav are secretly meeting Bharat Janaseva Party leaders to discuss the possibilities of reuniting the faction and Bharat Janaseva Party to formulate a Government. Appa Shitole who was speaker of State Assembly of Mahan Rashtra resigned from his post laying the post vacant. Shreehari Dhande who was Deputy Speaker of the State Assembly was bestowed with the responsibility of Speaker because of vacancy of Speaker. Shreehari Dhande was belonging to Nationalist Congobate Party.

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9. On 11 May 2021 a faction of Member of Legislative Assembly consisting of 52 members out of total 60 elected Member of Legislative Assembly rebelled against the party supremo lead by Vishvanath Jadhav with support of 3 independent Member of Legislative Assembly formulated a coalition Government with support of Bharat Janaseva Party. The faction claimed that the core ideology of the Swarajya Sena Party to nurture the pride of Sindhu religion is compromised by the party supremo for formulation of coalition government. There were two factions in the Swarajya Sena Party, one led by Chief Minister and Party President Mr. Buddhadev Sarkar and other lead by Group Leader of Swarajya Sena Legislative Party Mr. Vishvanath Jadhav, both claimed that they represent real Swarajya Sena party and other group is defected from the original political party, hence liable to be declared as disqualified by the Speaker of the State Assembly. Mr. Sahil Shinde was elected as the Chief Whip of Swarajya Sena Legislative Party on 20 May 2021 issued a whip directing all Members of Legislative Assembly of Swarajya Sena Party to attend the meeting called by Party President Mr. Buddhadev Sarkar within two days i.e. on 22nd May 2021. 52 Members of Legislative Assembly of Swarajya Sena Party including Vishvanath Jadhav remained absent for the meeting. In this meeting the members of legislative Assembly of Swarajya Sena Party passed the resolution removing Mr. Vishvanath Jadhav from the position of the Group Leader of Swarajya Sena legislative Party and appointed Vijay Chavan as new Group leader in place of Vishvanath Jadhav. This decision was communicated to the Deputy Speaker Shreehari Dhande, who was discharging the function of Speaker of State Assembly. Deputy Speaker received the communication sent by the Swarajya Sena Legislative Party and communicated the same to the Party on the same day. When these developments were ongoing, 52 rebel Members of Legislative Assembly of Swarajya Sena lead by Vishvanath Jadhav conducted a meeting in the Hotel and passed a resolution reaffirming that Mr. Vishvanath Jadhav continues to be the Group Leader of Swarajya Sena Legislative Party. It also resolved that appointment of Mr. Sahil Shinde as Chief Whip is cancelled and Mr. Sharad Kokate is appointed as Chief Whip. This resolution was passed in the hotel in

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the Nuvahati, in the state of Assamia. The resolutions passed by the faction lead by Mr. Vishvanath Jadhav were communicated to the Deputy Speaker on 22nd May 2023 is the claim of faction lead by Vishvanath Jadhav. However a faction lead by Party President Buddhadev Sarkar is that it was sent to the Deputy Speaker on 23rd May 2021. Mr. Vishvanath Jadhav wrote to the Deputy Speaker stating the details of the resolutions passed in the Nuvahati in state of Assamia and requested him to recognize Mr. Vijay Chavan as Group Leader in view of reaffirming his appointment.

10. 52 rebel Members of Legislative Assembly lead by Mr. Vishwanath Jadhav issued a notice to Mr. Shreehari Dhande stating that he no longer enjoyed their support and calling upon him to move a motion for his removal from the office of Deputy Speaker. The Notice was issued under Article 179(C) of the Constitution of India read with the Mahan Rashttra Legislative Assembly Rules 2019. It is a claim of the petitioner that the notice was received by Deputy Speaker on 23rd May 2021 while faction led by Mr. Vishwanath Jadhav claim that it was received by him on 22nd May 2021. On 22nd May 2021 Mr. Sahil Shinde issued individual communication to all the MLAs of Swarajya Sena Party asking them to attend the meeting of Swarajya Sena Legislative Party scheduled to take place at 7.00 pm on 22nd May 2021 at the residence of Party President Mr. Buddhadev Sarkar. The communication stated as ;
“...failure to participate in the meeting without providing valid and adequate reasons in writing, communicated in advance to the undersigned, will result in consequential action against you under the relevant provisions of the Constitution of India.”

11. The meeting on 22nd May 2021 was not attended by the MLAs of Swarajya Sena Party faction led by Mr. Vishwanath Jadhav. Mr. Vishvanath Jadhav addressed a letter to Mr. Sahil Shinde accusing him of misusing the letterhead of Swarajya Sena Legislative Party. He also claimed that Mr. Sahil Shinde does not have the authority to sign the communication dated 22nd May 2021 issued to him and other MLAs of Swarajya Sena Party faction led by him which he claimed as real Swarajya Sena Party.

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12. On 23rd May 2021, Mr. Sahil Shinde filed petitions under paragraph 2(1) (a) of the Tenth Schedule to the Constitution of India for the disqualification of Mr. Vishwanath Jadhav and other rebel MLAs led by him for doing the activities against the Party attracting the disqualification. Deputy Speaker on 25th May 2021 issued the disqualification notices containing the following portion ;

“You are instructed to submit written submission as per the procedure laid down in the Members of Mahana Rashtra Legislative Assembly (Disqualification on Ground of Defection) Rules 1986 by 27th May 2020 by 4.30 pm to the Deputy Speaker.”

13. On 27th June 2021, the jurisdiction of the Supreme Court under Article 32 by the respondents challenging the notice issued in the disqualification petitions. The two-judge bench of the Supreme Court of India passed interim order on 27th May 2020 itself extending the time to respond to the disqualification petitions from 27th May to 12th June 2021. The relevant portion of the order is as follows;

“Meanwhile as an interim measure, the time granted by the Deputy Speaker of the Assembly to the petitioners or other similarly placed members of the Legislative Assembly to submit their written submissions up to today by 4.30 pm, is extended till 12/06/2021.”

14. On 28 May 2021, the then leader of opposition Dharmendra Chitnis addressed the letter to the Governor inter alia conveying that he believed that the then Chief Minister, Mr. Buddhadev Sarkar, did not enjoy a majority on the floor of the House. He called upon the Governor to direct Mr. Buddhdev Sarkar to prove his majority on the floor of the House. Three independent MLAs also wrote letter to the Governor to direct the then Chief Minister to prove the majority on the floor of the House.

15. The Governor of Mahan Rashtra State on 28th May 2021, issued a letter to the then Chief Minister Buddhadev Sarkar to prove the majority on the floor of the House on 30th May 2021. Notice mentioned that a Special session of

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Mahan Rahstra State Assembly be summoned on 30 May 2021 at 11.30 am with only agenda of a trust vote against the Government. The Governor also issued a communication to the Secretary, Mahan Rashtra State to make necessary arrangements for the session of the Mahan Rashtra Legislative Assembly for conducting the floor test.

16. On 29th May 2021, Mr. Suhas Naik instituted a Writ Petition before the three judge bench of the Supreme Court for setting aside the communication dated 28th May 2021 issued by the Governor of the State to the Chief Minister Buddhadev Sarkar and the Secretary Mahan Rashtra, stating the reason that disqualification petitions against 52 MLAs of Swarajya Sena Party and 3 independent MLAs were pending before the Deputy Speaker. The Supreme Court denied to stay the process of trust vote stating the following reason ;

- We do not find any ground to stay convening of the Special Session of the Maharashtra Vidhan Sabha on 30-5-2021, i.e, tomorrow at 11.00 a.m. with the only agenda of a trust vote;
- The proceedings of the trust vote to be convened on 30-5-2021 shall be subject to the final outcome of the instant Writ Petition as well the Writ Petitions referred to above;
- The Special Session of the Maharashtra Vidhan Sabha shall be conducted in accordance with the directions as contained in the communication dated 28-5-2021 of the Governor of Maharashtra.”

17. On 30/05/2021 at 11.30 am the trust vote proceeding was conducted. As the stay order dated 27/05/2021 of the Supreme Court was in operation extending the time to reply the disqualification notice to the Deputy Speaker, those MLAs facing the disqualification charges were also permitted to take part in the trust vote proceedings. The motion for the trust vote was defeated in the House. There were two whips issued by Swarajya Sena Party. One was issued by Mr. Sahil Shinde, Chief Whip of Mr. Buddhadev Sarkar faction and other was issued by Mr. Sharad Kokate, Chief Whip of Vishvanath Jadhav faction. Both the Chief Whip claimed that the those members who will not

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abide the whip of Swarajya Sena Legislative party, will be disqualified as MLA. There were 99 votes in favour of trust vote of Chief Minister Buddhadev Sarkar and 191 votes against the trust vote. There are allegations made by the then opposition party that they have got support of MLAs from all three parties which formulated earlier alliance i.e. Rajya Navanirman Vikas Alliance have also casted their vote against the Government of Buddhadev Sarkar. C.M. Buddhadev Sarkar resigned from the post of Chief Minister after his defeat in the trust vote proceeding.

18. On 1st June 2021 Vishwanath Jadhav wrote a letter to the Governor of Mahan Rahtra State claiming that he has support of 191 MLAs. On 2nd June 2021 he submitted the letter containing the signatures of the 191 MLAs showcasing their support to Mr. Vishwanath Jadhav to form a government. On 3rd June 2021 Governor issued letter to Mr. Vishwanath Jadhav to form a Government and on 8th June 2021 to face trust vote on the floor of the House. On 5th June 2021 Vishwanath Jadhav took oath as Chief Minister. Dharmendra Chitnis became the Deputy Chief Minister. On 7th June 2021 Mr. Vipul Manjarekar was elected as Speaker of the House. The proceeding of the trust vote was presided over by the Speaker of the House. The Speaker of the House permitted the members of both the factions of the Swarajya Sena Party to take part in the trust vote proceedings. Mr. Vishwanath Jadhav won the trust vote by 191 votes. 99 votes were against the trust vote.

19. On 8th June 2021 Mr. Vishwanath Jadhav, Chief Minister of Mahan Rashtra State made filed a petition in the State Election Commission to claim that the symbol of Sword shall be given to the faction led by him as it is the real Swarajya Sena Party and has majority of MLAs of the legislative party with him. Faction led by Former Chief Minister Mr. Buddhadev Sarkar also represented his case in the election State Election Commission that in the party's organizational structure he has full authority to expel anyone in the party by observing the requisite process, which is followed in expelling Mr. Vishwanath Jadhav and other MLAs supporting him. Hence the claim made by

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the faction consisting of defectors shall not be accepted.

20. On 15th June 2021 during pendency of petition before the State Election Commission, Mr. Suhas Naik, MLA of Swarajya Sena Party filed a writ petition [Writ Petition (C) no. 934 of 2021] in the Supreme Court praying following reliefs ;

1. To quash the decision of the Governor of Mahana Rashtra State taken on 3rd June 2021 to invite Mr. Vishwanath Jadhav to form the Government and take oath as Chief Minister of Mahan Rashtra State.
2. To quash the proceedings of the Mahan Rashtra Legislative Assembly held on 7th June 2021 to elect Mr. Vipul Manjrekar as the Speaker of the House.
3. To quash the proceedings of Mahan Rashtra Legislative Assembly held on 8th June 2021 for vote of confidence in favour of Vishwanath Jadhav.
4. To call for records of all disqualification petitions filed against Vishwanath Jadhav and other 51 MLAs supporting him pending before the Speaker and then Deputy Speaker under Paragraph 2(1)(a) and Paragraph 2(1)(b) of the Tenth Schedule and transfer these petitions to the Supreme Court under Article 142 of the Constitution of Indiana.
5. To declare the order of two judge Bench of Supreme Court dated 27/05/2021 restraining the Deputy Speaker from hearing the disqualification petition as void and reinstate the State Government and Deputy Speaker by reversing the constitutional position prevailing on 27/05/2021 prior to the Supreme Court order.
6. To stay the proceedings before the State Election Commission for claiming the symbol of sword instituted by the faction of Swarajya Sena Party led by Vishwanath Jadhav.

The Chief Justice of Indiana has constituted the five-judge bench after preliminary hearing from both the sides. The matter is listed for the hearing. The Constitution along with Central and State Laws are same like State of India. All the judicial pronouncements in India are applicable to State of

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Indiana.

The writ petition in the Supreme Court bears the following details for ready reference ;

In the Supreme Court of India
Civil Original Jurisdiction
Writ Petition (C) no. 934 of 2021

Suhas Naik

.....Petitioner

Principal Secretary, Governor of
Mahan Rashtra State and Others

.....Respondents

Versus

With

Writ Petition (C) no 694 of 2021

With

Writ Petition (C) No. 864 of 2021

With

Writ Petition (C) No. 974 of 2021

With

Writ Petition (C) No. 835 of 2021

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CONTACT INFORMATION

Asst. Prof. Shreya Srivastava
FACULTY-IN-CHARGE, MCS
+919975449654

Ms. Deepsea Chakraborty
CONVENER, MCS
+91 9096729518

Ms. Sayali Bhor
CO-CONVENER, MCS
+918485082769

Email Address: alcmcs2018@gmail.com

Saibaba Seva Dham,
Old Pune-Mumbai National Highway,
Kanhe, Taluka-Maval, Pune
Maharashtra, India
Pin Code: 412106



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'QUEST INDICIA' 3RD NATIONAL MOOT COURT COMPETITION, 2024

9th March - 10th March, 2024

REGISTRATION FORM (TO BE FILLED IN BLOCK LETTERS)

UNIVERSITY DETAILS:

Name of the University/ Institution :
Address of the University/ Institution :
Name of the Dean/HOD/Coordinator :
Email Address of the University's MCS :
Contact No. :

SPEAKER 1:

Name of the Student :
Year of Study :
Contact No. :
Email Address :
Signature :

Photograph

SPEAKER 2:

Name of the Student :
Year of Study :
Contact No. :
Email Address :
Signature :

Photograph

RESEARCHER:

Name of the Student : Photograph
Year of Study :
Contact No. :
Email Address :
Signature :

Whether Accommodation is required? _____

Note:

In addition to sending this duly filled Registration Form to alcmcs2018@gmail.com, kindly fill out the below-mentioned Google Form:

<https://forms.gle/ZMqSKwrY22WCFb67A>

DECLARATION:

1. We certify that our information is true and complete in all material respects.
2. We hereby declare that our participation shall comply with all the rules and regulations of the 'Quest Indicia' 3rd National Moot Court Competition, 2024.
3. We certify that all the materials to be submitted will be prepared by us. If found plagiarized, we shall be responsible for the same, and the Organizers may take any action against the same.

SIGNATURE AND SEAL OF THE HEAD OF THE INSTITUTION:

DATE:

PLACE: