



FACULTY OF LAW

Organizes



SHRI I. M. NANAVATI MEMORIAL NATIONAL MOOT COURT COMPETITION 2023-24

January 19-21, 2024



Host

Faculty of Law

GLS University, GLS Campus, Opp. Law Garden, Ellis Bridge,
Ahmedabad - 380006. Gujarat.

MOOT COURT COMMITTEE

- ❖ **Patron**
Dr. Sudhirbhai Nanavati
President, GLS University

- ❖ **Convener**
Dr. Mayuri Pandya
Dean, Faculty of Law, GLS University

- ❖ **Faculty Coordinator**
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- ❖ **Faculty Co-Coordinator**
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- ❖ **Student Coordinator:**
Mr. Mehul Sharma (90336 55392)

- ❖ **Student Co-Coordinator:**
Ms. Nishtha Trivedi (84699 14167)

ABOUT THE STALWART



Shri I. M. Nanavati

This stalwart of law was born in the city of Jambusur near Bharuch in 1920 and bore the name Shri I.M. Nanavati. He came to Ahmedabad for law studies and at a very young age joined the bar in the footsteps of his father. In the initial years of his practice, he joined Maneklal Harilal Mills to look into Labour and Company Matters. With his foresight and hard work he became famous and in a short time span he became one of the renowned advocates of India. He always took a keen interest in overall development of the people and in the development of Educational Institutions. He was deeply interested in the promotion of education and did tremendous work in that field. His busy practice however was no bar to his love for social and educational activities, in which he took leading and prominent part. The inspiring zeal and managerial ability of Late Shri I. M. Nanavati had gone a very long way in establishing Gujarat Law Society. He contributed greatly to the stability and steady growth of the society during the period of his association with the

Gujarat Law society. He was a teacher at the Law Faculty and is even today remembered for his outstanding quality and contribution as a teacher of Law, a very able administrator, and a noble human being who made his mark not only in the courts in Gujarat but also in the Supreme Court of India. He was an aware educationalist, a leading lawyer and the then Hon'ble Secretary of Gujarat Law Society. He left for the heaven on January 15, 1981 in the city of Nairobiat South Africa.

In the Will of Shri I. M. Nanavati he express his wish that "In the end, I desire that when I pass away, my mortal remains be drawn through the Ellisbridge Campus of the Gujarat Law Society of which I was a student and which I have served for more than 20 years as Hon. Secretary and the institutions where of which I developed, I have loved like my children"

To commemorate late Shri I. M. Nanavati who made his mark as an advocate and as an educationalist, **Shri I.M. Nanavati Memorial National Moot Court Competition** is organized.

After his death Shri Nani Palkhiwala had said "India has lost an exceptionally able lawyer and the cause of public education has lost one of its great benefactors and ended with the beautiful lines:

"Lives of great men all remind us, We can make our lives sublime, And departing leave behind us, Foot prints on the sands of time...!"

ABOUT GUJARAT LAW SOCIETY

Gujarat Law Society (GLS) is a premier educational group, offering courses in multiple disciplines. It stands as a synonym for contemporary education in the region with its state-of-the-art infrastructure which houses nearly 29 institutes in various spheres. The society has a particularly expansive alumni group too which echoes the values that GLS has imparted, right since its inception. Being a part of some of the most distinguished corporations, across the globe, these members of the society's alumni have carved out a niche identity for themselves, that of being responsible, pragmatic and proactive.

GLS trust with superlative education began in 1927; almost 96 years back when a few visionaries stepped forward to transform the standards of education in the region. The institute derived its inspiration from and was founded by such luminaries as Sardar Vallabhbhai Patel, Shri Ganesh Mavlankar, and the first Speaker of the country and Shri I.M. Nanavati with the vision of Excellence in Education. It was their foresight in the year 1927 that laid the foundation for an organization which has illuminated lacs of lives ever since.

It is the dynamism, sagacity and pragmatic approach of the management of GLS that guided the society on its path to glory. Constant support by the governing council currently spearheaded by Shri Sudhir Indravadan Nanavati that has led GLS to grow from a single law college to nearly 29 institutions ranging from preparatory schools to graduate and post-graduate colleges in diverse areas such as arts, commerce, law, management, computer applications and professional courses.



ABOUT GLS UNIVERSITY

GLS University has been established with the objective of providing an ideal and creative learning environment and continuing the tradition of excellence in education of the sponsoring body of the University, viz., Gujarat Law Society (GLS).

Gujarat Law Society, established in the year 1927, is one of the largest and oldest educational institutions in the State of Gujarat. GLS currently has more than 25,000 students pursuing their graduate, post graduate and doctoral level studies at various levels within the university and its constituent colleges/institutions.

GLS has currently more than one million alumni, all established in several spheres of work including business, commerce, law, science, arts and culture. Several of these alumni are noted entrepreneurs.

The university is currently hosted in a state of art campus within the heart of the city fully equipped with advanced technological tools to facilitate education.



ABOUT FACULTY OF LAW

Faculty of Law (FOL), constituent department of GLS University, is a premier destination for students interested in establishing a virtuous career in Law and aiming to become torch bearers of Justice. Faculty of Law has emerged as the most preferred destination for legal education.

The college has an advantage of senior and well experienced faculty members in the field of Law. The senior practicing advocates also contribute in teaching and providing experiential learning to law aspirants. The teaching pedagogy includes: classroom discussions, case studies, interactive presentations, guest lectures, expert sessions, seminars, conferences, and case law methods coupled with intensive practical training through moot courts. It is worthy to note that Faculty of Law has ventured in all possible educational arenas by organizing International Conferences, National Moot Court Competitions, National Sports Fest, various seminars at National and International level. It has now become the epicenter where knowledge liberates; ideas are conceptualized and shaped into existence.

The untiring contribution made by Faculty of Law has enabled the college to secure a position in Forbes Legal Power list 2020 as one of the most promising and top law schools.



SCHEDULE

Key Dates	Key Events
October 22, 2023	Release of Moot Problem for Shri I.M. Nanavati Memorial National Moot Court Competition, 2023-24.
November 21, 2023	Last date for Provisional Registration Via email mootcourt@glsuniversity.ac.in
November 28, 2023	Last date for Registration of the Institution via e-mail and Google form Link: https://forms.gle/xJF2qrMJ8w1XnUoe9
November 25, 2022	Last date for sending Clarifications
January 6, 2024	Last Date for Submission of Memorials (soft copy Word and PDF format) (By uploading memorials on Google Form) Note: Link shall be shared with the registered participants)
January 16, 2024	Last Date for Submission of hard copy of the Memorials
January 19, 2024	Orientation of the Event Researcher's Test
January 20, 2024	Inauguration Preliminary Round Quarter final Round Semi- final Round
January 21, 2024	Final Round Valedictory Ceremony

RULES AND REGULATIONS FOR THE COMPETITION

I. INTRODUCTION

- **Short Title:** These Rules shall bear the title Shri I. M. Nanavati Memorial National Moot Court Competition Rules 2023-24
- **Definitions:** Unless otherwise stated following shall be construed as under-
 - **“Administrator”** shall mean the Faculty of Law, GLS Law College and GLS University Moot Court Committee.
 - **“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 Shri I. M. Nanavati Memorial National Moot Court Competition, 2023-24
 - **“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.
 - **“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, GLS University, and Ahmedabad.
 - **“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 in the appropriate manner by the Respondent.
 - **“Written Submission”** means the memorandum of written submissions submitted by any Team.
 - **Organizing Committee”** means the Moot Court Committee hereinafter referred to as MOC or MCC
 - **“MEC”** means Memorial Evaluation Committee.

II. GENERAL RULES

- **Dress Code:** The participants shall adhere to the following dress code when present in any courtroom during the Competition.
- **Female(s):** White salwar and kurta or white shirt and black trousers along with black coat and black shoes;
- **Male(s):** White shirt, black trousers and black tie along with black coat and black shoes.
- **Language:** The language of the Competition shall be English

III. ELIGIBILITY AND TEAM COMPOSITION

- **Eligibility:** The Competition shall be open to students who are– Pursuing an integrated 5-year LL.B. program in India or pursuing a 3-year LL.B. program in India. Only 32 teams on a first come first basis shall be allowed to register.
- Provided in furtherance to the above clause, the first 32 teams shall be reckoned on the basis of the final registration.
- **Team Composition:** Each team shall constitute 3 members, two 'Oralists'/'Mooter' and one 'Researcher'.
 - Only the team member(s) designated as Oralist/Mooter shall be allowed to put forth oral submissions.
 - Under no condition shall a team consisting of more than 3 members be allowed to participate.

IV. ANONYMITY OF TEAMS

- Teams shall not reveal their identity in any form, except by means of the Team Code allotted to them during the Competition.
- The Written Submissions shall not reveal the identity of the team in any form and should not bear the logo, name etc. of the University represented.
- **Any material presented to the Panel should be devoid of any identification marks/seal of the Team. If any such mark/seal exists, it must be rendered unrecognizable.**
- Any violation of the above rules shall attract severe penalties or disqualification as determined by the MCC. The decision of the MCC in this regard shall be final, binding to the participating team and shall not be subject to challenge by any team.

V. REGISTRATION

- The participating institutions must register by filling out the Google form by November 28, 2023, by 11.59 pm
- In order to confirm participation, teams of every Institution should register themselves with the Registration forms duly signed by the heads of the institution along with the fees of Rs.2500/-per team. Any team requiring accommodation will have to pay registration fees of Rs. 5000/-. Any form received after the last day of registration will not be allowed.
- The payment of registration fees will be through NEFT and the details are:

GLS Law College

HDFC BANK, NR. MITHAKHALI SIX ROAD, NAVRANGPURA, AHMEDABAD

A/C NO. 57500000018593 • IFSC CODE: HDFC0000006 • MICE: 380240002

- 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.
- The amount once paid shall not be refunded.

VI. Change in 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 competition, 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.

VII. RESEARCHERS' TEST

- The Researchers' Test shall be conducted on January 20, 2024
 - The test shall be for duration of sixty (60) minutes only.
 - The test shall consist of objective questions based on 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.
- **FORMAT OF THE COMPETITION AND ORAL ARGUMENTS**

The Competition is divided into 4 rounds:

 - a. Preliminary Round
 - b. Quarter Final Round
 - c. Semi Final Round
 - d. Final Round
 - The time split between the speakers must be communicated to the Court Bailiff/clerk 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 the course of 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 compendium of the sources they cite in their Memorials if so permitted by the judges.
- Team scores shall not be disclosed after every round. Teams must not make any attempt to gather any such information, until notified by the Organizing Committee.
- In case of absence of any team or failure of any team to reach in any of the oral submissions round 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. Discrepancy 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.

➤ **Evaluation shall be done on the basis of following criteria:**

Particulars	Marks
Articulation of Issues	20
Presentation Abilities and Citation of Authorities	20
Court Mannerism	20
Application of Legal Principles	20
Response to the queries of Court	20

- Any Team which violates any of the Rules with respect to the Oral Pleading Sessions would be penalized. The decision of the Bench shall be final in this regard.

VIII. CONDUCT OF THE ORAL ROUNDS

➤ **Preliminary Round**

•**Draw of Lots:** The matchup of teams in Preliminary Round shall be Determined on the basis of draw of lots.

- Each team will get 20 minutes to present their case. Total of 5 minutes can be reserved for Rebuttal, subject to the discretion of Judges. These 5 Minutes are exclusive of the 20 minutes given to each team.
- The timing can be divided between both the speakers according to the wish of the team subject to a maximum of 12 minutes and minimum of 08 minutes per speaker.
- Each team shall argue from both the sides in the Preliminary Rounds.
- Only one (1) speaker from each team shall be permitted to rebut/sur-rebut.

- In the preliminary round, the team with the higher aggregate speaker scores in the courtroom (including the rebuttal scores) shall win that round.
- If there is a tie in the aggregate speaker scores in case of a division bench, then the team with the higher memorial scores shall win that round.
- The top 8 teams based on their Win/Loss ratio and Total Preliminary Score in the Preliminary Round, shall qualify for the Quarter Final Round. Following shall be the system for determining the teams that advance to the Quarter Final Rounds:

➤ **Quarter final Rounds**

- Eight teams based on the result of the Preliminary Round will qualify for the quarter- finals. The team shall argue only once in the quarter-finals. The side on behalf of which the team shall argue for the quarter-finals shall be decided by way of draw of lots prior to the Quarter Final Round.
- The quarter-finals shall be a knock-out round.
- Each team is allotted a total of 20 minutes to present their oral arguments.
- The timing can be divided between both the speakers according to the wish of the team subject to a maximum of 12 minutes and minimum of 08 minutes per speaker.
- The time division has to be informed to the Court Manager/Clerk before the beginning of the oral arguments.
- A maximum of 5 minutes may be reserved per team for rebuttal and sur- rebuttal which shall be at the discretion of the judges which shall be exclusive of the above time limits.
- The allotment of extra time shall be at the discretion of the judges.

➤ **Semi-Final Rounds**

- Four teams from the Quarter-Final Round shall qualify for the Semi-Final Rounds.
- Semi-Final Rounds shall also be knock out rounds.
- Each Team shall argue only one side in the semi-finals, the side of which shall be decided by the way of the draw of lots.
- Each team shall be allotted a total of 30 minutes to present their oral arguments.
- The time division can be divided between both the speakers as per the discretion of the teams subject to a maximum of 17 minutes and minimum of 13 minutes per speaker.
- A maximum of 5 minutes may be reserved per team for rebuttal and sur- rebuttal which shall be at the discretion of the judges. The said 5 minutes shall be exclusive of the above time limits.
- The allotment of extra time shall be at the discretion of the judges. Any time extension without due permission of the judges shall invite negative marking.

➤ **Final Round**

- In the final round, the win-loss shall be decided on the basis of the aggregate score. No memorial score shall be added in the finals.
- Each team shall be allotted a total of 45 minutes to present their oral arguments.
- The time division can be divided between both the speakers as per the discretion of the teams subject to a maximum of 25 minutes and minimum of 20 minutes per speaker.
- This time division has to be informed to the Court Masters/ Clerks before the start of Oral Arguments.
- A maximum of 5 minutes may be reserved per team for rebuttal and sur-rebuttal which shall be at the discretion of the judges. The said 5 minutes shall be exclusive of the above time limits.
- The allotment of extra time shall be at the discretion of the judges.
Any time extension without due permission of the judges shall invite negative marking.

X. RULES FOR WRITTEN SUBMISSION/MEMORIAL EVALUATION

Teams shall prepare and submit memorials from both the sides. Late submissions beyond the stipulated time shall be penalized according to the format mentioned herein in this section.

- **Format of memorial**

Body of the memorial shall include:

The cover page with the cause title
Table of contents
List of Abbreviations
Index of Authorities
Statement of Jurisdiction
Statement of facts
Statement of issues
Summary of Arguments
Arguments Advanced
Prayer

- **The font of the body of the memorial should be in the following format:**

Font of the body of the memorial: Times New Roman, size 12,

Line spacing: 1.5

Heading: Font size 14

The font to the foot notes: Times New Roman, size 10. Alignment: Justified

Teams shall cite all authorities in the Written Submission using footnotes following the Bluebook Method of Citation (20th edition).

NOTE: Footnotes should be limited only to citations and in no case shall footnotes contain additional information or arguments. Any such attempt shall invite Negative Marking.

XI. Additional Rules for Memorial Submission:

- a) Pages should be numbered at the bottom middle.
- b) All the Memorials Received within the time schedule will be evaluated by the MEC.
- c) The Evaluation done by the MEC will be final and binding.
- d) Each team shall send two hardcopy of each side to the organizers within the time limits prescribed in the rules. Any difference in the hardcopy and the softcopy submitted will attract disciplinary action as per the discretion of MCC.
- e) The teams will have to send 2 hard copy of the memorial from each side in adherence to the dates provided in the rulebook.
- f) The memorials shall not contain any form of identification apart from the team code.
- g) If any such identification or mark, symbol, etc. which has the effect of identifying the team is found on the memorial, then it shall result in instant disqualification.
- h) The memorial shall be of a maximum of 35 pages including the cover page and Pleadings. No annexure, photographs, exhibits, etc. should be added to the memorial.
- i) Each Memorial shall have the following and only the following on its cover page:
 - j) The team code on the upper right-hand corner of the cover page
 - k) The name and place of the forum
 - l) The relevant legal provision under which it is filed
 - m) Name of parties and their status
 - n) On whose behalf the memorial is filed.

XII. SUBMISSION OF THEMEMORIALS:

- Participants have to send the soft copy of the Memorials, one from the appellant and other from the respondent (both in Word and PDF format) side. They must be uploaded on the Google form, the link for the same shall send in due course latest by January 6, 2024 (23:59 hours IST) with the subject **“Memorials for Team Code”**. The file names of the electronic copies of the Memorials must contain only the team code and the side being represented in the following format: e.g. (for Team Code TM01) TM01 (A) or TM01(R)).
- The deadline for submission of two hard copy of the memorial for all participants will be January 16, 2024 by (23:59 hours IST). The teams must send Two(2) hard copy of their Memorials from each side to the following address:

Address: Faculty of Law, GLS University, GLS Campus,

Opp.Law Garden, Ellisbridge, Ahmedabad-380006, Gujarat.

- **The content of these additional memorials should not differ from the content of the soft copies submitted to the Organizers.**
- **Petitioner memorials are required to have a Blue cover and Respondent memorials are required to have a Red cover.**

The Memorial shall be evaluated on following parameters:

Description	Marks
a) Knowledge and Presentation of Facts	20
b) Knowledge of Law	20
c) Extent and Use of Research	20
d) Authorities Cited	15
e) Format	15
f) Overall Draft	10

XIII. PENALTIES [MEMORIALS]:

Late Submission	3 marks per memorial every 12 hours after the deadline of submission. Disqualification beyond 48 Hours.
Wrong File Name	1 mark per Memorial
Failure to submit Memorial as one File	1 mark per Memorial
Exceeding page limits	1 mark per exceeding page
Failure to include the sections in the Memorial	3 marks per section
Failure to include the required information on the cover page	1 mark per violation
Failure to use the correct color coding	2marks per Memorial

XIV. TIE BREAKER:

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

1. Preliminary Round

- a. Memorial Marks
- b. Application of legal principles

2. Quarter-finals

- a. Memorial marks.
- b. Response to the queries of the Court.

3. Semi-finals

- a. Memorial marks.
- b. Response to the queries of the Court.

XV. CATEGORIES OF THE AWARDS**(TOTAL CASH PRIZE OF RS. 5 LACS 46 THOUSAND)**

Sr. No.	Description	Marks
1	Trophy and Certificate to the Winning Team	2,25,000
2	Trophy and Certificate to the First Runners Up Team	1,50,000
3	Trophy and Certificate to Best Advocate: Petitioner: Respondent:	50,000 50,000
4	Trophy and Certificate to Best Memorial: Petitioner: Respondent:	50,000 50,000
5	Trophy and Certificate to Best Researcher	21,000

In case of any Queries and Clarifications feel free to contact us at mootcourt@glsuniversity.ac.in

XVI. INTERPRETATION OF THE RULEBOOK

- The interpretation of these rules by the organizer shall be conclusive. The decision of the organizers for the above stated rules shall be final and binding to the participating teams.
- Rules should be strictly adhered to. Any deviation from the above stated rules would attract penalties at the discretion of the MCC.
- All Participants are expected to maintain decorum in the Court during the competition and are expected to conduct themselves in a manner befitting the legal profession. The Organizers reserve the right to take appropriate action for any unethical, unprofessional and immoral conduct.
- The Organizers' decision as regards the interpretation of rules or any other matter related to the competition will be final and binding.
- If there is any situation which is not contemplated in the rules, the Organizers' decision on the same shall be final and binding.
- The Organizers reserve the right to vary, alter, modify, or repeal any of the above rules without any prior notification if so required and as they may deem appropriate. In case of any grievance, the team shall register a complaint with the Student Coordinator and shall not approach the Bench of judges or any other faculty/office holder for the same.
- All the above stated rules are inclusive for the competition.

MOOT PROPOSITION

1. The Earth is home to a diverse array of life, with 8.7 million species coexisting alongside a human population of over 7 billion. The rapid progression of technology has made electronic and electrical products indispensable in our daily lives, yet their relatively short lifespans contribute to a substantial annual e-waste generation of 2.5 million tonnes. This alarming trend is projected to scale up to a staggering 74.7 million tonnes by 2030, posing a grave threat to our planet and exposing the environment and the creatures within to toxic wastes.
2. Indiva is currently one of the world's fastest-developing countries and is also the world's largest democracy, boasting the highest population globally. The government of Indiva follows a quasi-federal system and is renowned for having the world's lengthiest constitution, which safeguards its citizens' fundamental rights as outlined in Part III of the Constitution. Over the past two decades, Indiva's economy has experienced rapid growth, with numerous multinational companies successfully operating within the country. This rapid economic growth has also brought about changes in the business landscape, with the increased utilization of electronic devices across various sectors, including information technology, professional vocations like medicine, science and technology, legal profession etc.
3. The rise of digitalization has resulted in a significant increase in the widespread use of various electronic devices. This surge in technology-driven advancements has led to a heightened demand for electronic gadgets. Desktop computers, laptops, televisions, washing machines, and refrigerators have become essential household items, even in rural areas of Indiva. Consequently, Indiva has emerged as one of the largest markets for electronic devices globally.

In the picturesque hinterlands of Kambhul, a serene rural district nestled in the northern region of the State of Rudrapur, a pressing environmental crisis is unfolding. The issue at hand revolves around electronic waste (e-waste) stemming from various origins, including households, businesses, and industries, being unlawfully disposed of and incinerated near the tranquil Kambhul river. The resulting pollution has wrought havoc upon the local ecosystem and has taken a toll on the health of the community residing there. This dire situation has catalyzed the need for a safe and efficient method of electronic waste disposal, thereby giving rise to an entirely new industry. The proper disposal of e-waste is an issue that extends far beyond the boundaries of the local environment. In today's world, where the usage of digital devices such as computers, cell phones, monitors, and various other electronic equipment is on the rise, the presence of toxic elements like chromium, radium, and beryllium within these gadgets poses a significant threat to both human life and the environment. Notably, Indiva has gained the infamous distinction of being the "Third largest electronic waste producer in the world." With changing consumer behaviors and the rapid growth of the economy, the management of e-waste has become an increasingly critical concern.
5. With the need of the time the Government of Indiva in October 2016, came up with the E-waste Management Rules, 2016, under which various agencies were set up for E-Waste dismantling /recycling units in the country for the E-waste management. There are more than 500 authorized E-Waste dismantling /recycling units in the country which are located in more than 20 states and few UTs. Out of these agencies, most of them work in a very formal manner and few of them work in a very informal manner.

6. In a rapidly advancing digital age, where information is power, the "Digital Divide" has emerged as a critical issue facing societies worldwide. Indiva, has recently experienced a significant technological revolution, making internet access and digital devices ubiquitous. The government of Indiva, recognizing the importance of digital literacy and access, initiated the "Digital Inclusion Bill" in 2017 aimed at ensuring that every citizen has affordable access to the internet and essential digital tools. Even the United Nation has also stated that Internet is the basic right of every Individual.
7. Indiva's Digital Inclusion bill, 2017, proposes to mandates internet service providers (ISPs) and device manufacturers to contribute to a government-operated fund, the "Digital Inclusion Fund," designed to subsidize internet access and provide affordable digital devices to low-income citizens. The bill also requires educational institutes to adopt digital learning materials, further emphasizing the importance of igital inclusion.
8. Shardnagar is an industrial area in Kambhul district, with various industrial plants. It is a totally unauthorized and non-conforming area in which about 50 to 60 highly polluting units are illegally operating. These units are engaged in the illegal activity of burning of E-waste in and out of their units on an everyday basis. These units burn approximately 40-50 tons of E-Waste daily which has made the environment of the region toxic. The formally functioned 'GreenTech Recycling Agency' is a private limited Company, established in Shardnagar industrial area of Kambhul. It is set up for the disposal of e-waste and is functioning as per the provisions of the Indiva E-Waste (Management) Rules, 2016. These rules govern the proper disposal, collection, recycling, and management of electronic waste within the jurisdiction of Indiva and outlines the responsibilities and obligations of entities involved in e-waste management in Indiva. Specifically, the units are dealing with the disposal of e-wastes from the electronic items like computers, laptops, printers and mobiles phones which are causing severe health hazards for people engaged in the segregation of the e-waste. Kambhul is facing significant challenges in managing the growing volume of e-waste as the existing recycling infrastructure is insufficient, resulting in improper disposal and environmental hazards.
9. GreenTech Recycling Agency Pvt. Ltd., an authorized E-waste collection and dismantling entity endorsed by the Radrapur Pollution Control Board (RPCB), is dedicated to addressing the pressing issue of electronic waste (E-waste) with a comprehensive, environmentally responsible approach. As per their website, their mission is to combat the environmental hazards posed by E-waste by efficiently collecting and processing electronic devices such as computers, mobile phones, and televisions, eliminating toxic substances, and making E-waste reusable. With a commitment to sustainability, their team of experienced professionals utilizes cutting-edge technology, ensuring responsible and eco-friendly E-waste management, thus contributing to a cleaner and healthier environment.
10. Green Tech Recycling Agency Pvt. Ltd. Claims to have positioned itself as environmentally responsible, emphasizing recycling, proper disposal, and adherence to environmental regulations. This reputation helped those secure partnerships with various electronic manufacturers for responsible disposal of their end-of-life products. It expanded its operations to multiple locations in Indiva, including the district of Kambhul, where it established a recycling plant. This facility was seen as a potential boon for the local economy due to the promise of training regarding e-waste management, job creation and environmental benefits.

11. However, in 2020, GreenTech Recycling Agency Pvt. Ltd. faced allegations of engaging in illegal e-waste disposal practices, including improper storage, unauthorized dumping, and environmental pollution in the vicinity of their Kambhul facility. It was observed that the unit had stored the e-waste for more than 200 days and had not maintained a proper record of disposal. There were allegations of burning E-waste in and out of their units on everyday basis. These allegations have cast a shadow over the company's once-positive image and now faces public scrutiny and a potential loss of trust in its environmental commitment. Number of news media and social media personnel also tried to highlight the sudden illegal activities engaged by GreenTech Recycling Agency Pvt. Ltd..
12. The establishment of GreenTech Recycling Agency was with noble intentions. They promised to dispose of electronic waste safely, adhering to the strict regulations set by the Ministry of Environment and Forests and Climate Change (MoEFCC). As the agency gained the trust of local manufacturers, it became the primary destination for e-waste disposal in the area. Over a period of time, rumors began to circulate And the whispers of toxic emissions, contaminated groundwater, and improper disposal practices plagued the agency's reputation. Residents and various NGOs raised serious issue and questions regarding their E-waste management. Taking the initiative to curb it, an environmentalist and activists Mr. Aakash Kapoor, grew increasingly suspicious about the disposal management issue. Mr. Aakash Kapoor decided to investigate the agency's operations, and what he found was deeply troubling. Akash Kapoor and Green Earth Foundation, a non-governmental environmental organization, filled an application in the National Green Tribunal (NGT) against GreenTech Recycling Agency Pvt. Ltd.
13. The Tribunal appointed a committee to look after the whole issue and sent the suo motto notice to the State and Central Pollution Control Board. The Central Pollution Control Board and the State Pollution Control Board were told to give a report of the steps taken by the board to curb the pollution. The research conducted by the Indiva Environmental Research Institute presents an assessment of the environmental conditions in the Kambhul region prior to the emergence of e-waste mismanagement issues. It includes data on soil quality, water quality, and air quality, as well as an analysis of the local ecosystem. The agency was secretly dumping e-waste in unregulated landfills and releasing untreated toxic effluents into nearby rivers. Soil tests confirmed hazardous levels of heavy metals and chemicals, painting a grim picture of environmental degradation.
14. In September 2019 a correspondent for a popular international travel website posted:

As I ventured deeper into the heart of the picturesque town of Kambhul known for its serene landscapes and vibrant culture, there was an underlying sense of unease that I couldn't ignore. The pristine river that once flowed through the town now bore the scars of a silent, yet devastating, environmental crisis.

As I approached the riverbank, the gentle breeze carried with it an unusual metallic tang, a discordant note in the otherwise tranquil surroundings. It was as if the river itself whispered secrets of contamination and distress. The water, which should have reflected the clear blue skies above, instead bore a murky, disquieting hue.

he locals, with concern etched on their faces, shared tales of the river's transformation. Fishermen, once abundant, had dwindled in number, and those few that remained were no longer the vibrant catch of the day. The soil in the nearby farms, once fertile, now harbored a toxic shadow, rendering agriculture a perilous endeavor.

It was here, on the banks of this once-thriving river, that the harsh reality of electronic waste mismanagement revealed itself. The river's woes were a testament to the devastating consequences of negligence in the disposal of electronic waste, a global challenge that has now struck at the heart of this idyllic town.

This encounter with the polluted river left me pondering the responsibilities we bear as stewards of the Earth, reminding me that every action, every piece of discarded technology, has an impact that extends far beyond our immediate surroundings. It is a stark reminder of the urgent need for responsible e-waste management and a call to action to protect the natural wonders that make our world so enchanting.

15. The CPCB along with State PCB carried out monitoring of water quality of the rivers in question. At few stretches water quality was found deteriorated as compared to other stretches. The SPCB also stated that the five members teams are formed for inspection of all the units , and more than 25 units are closed due to illegal activity. The area in which these activities were being carried out ranges from 30 to 100 Square meters and are of a very tiny scale. In most of the premises, it was observed that the owner(s) themselves are carrying out the labour work. They also stated that the said drive is continuing till the entire area is covered. The Board also stated that regular survey and actions are taken against those unit which do not comply with the E-waste management rules.
16. In the NGT's judgment passed in August 2021, GreenTech Recycling Agency Pvt Ltd. was fined with 150 crores for the restoration of the environment and its negligence and improper disposal practices. The MoEF was directed to strengthen E-waste Management regulations and improve oversight. While this was a significant step towards accountability and environmental protection, Aakash Kapoor and the environmental coalition believed the penalties imposed on GreenTech were insufficient given the extent of environmental damage.
17. Aakash Kapoor, driven by his unwavering commitment to environmental justice, decided to challenge the NGT verdict in the Supreme Court of India. He believed that GreenTech's actions warranted more severe consequences and that the MoEF should be held to even stricter standards for oversight. GreenTech Recycling Agency Pvt. Ltd, too, was unhappy with the NGT's decision. and believed they that were being unfairly penalized and sought to have the fines reduced.
18. In the Hon'ble Supreme court there was a cross appeal And they are jointly heard
19. The appeal filed with the Supreme Court, Aakash Kapoor and the coalition of environmental NGOs argued that:
 - GreenTech's penalties should be increased to reflect the true extent of their negligence and the harm caused to the environment.
 - The MoEF should be held accountable for its lapses in oversight, and more robust regulatory measures should be implemented to prevent future incidents.

20. The appeal filed by the GreenTech Agency Pvt. Ltd. Argued that:
- The fines imposed were excessive and could jeopardize their ability to rectify their operations and remain operational.
 - They presented a revised plan for improving their recycling practices and committed to comprehensive environmental remediation.

Both the Appeals are heard together by the Hon'ble Supreme Court and are kept for final hearing.

The court has referred to the parties as original applicant and original defendant for the convenience in the cross appeal.

Note: The Laws of Indiva are in Pari Materia to that of Indiva.

Disclaimer: The Problem is a hypothetical Moot Problem. It is only for the academic purpose having no concern with any pending/decided cases before any court and all details and names of the parties are fictitious and have nothing to do with reality even if found similar it is only coincident.

Annexure: A

E-WASTE (MANAGEMENT) RULES OF INDIVA, 2016

In exercise of the powers conferred by sections 6, 8, and 25 of the Environment (Protection) Act of Indiva, 1986, the Central Government of Indiva hereby makes the following rules, namely:

1. Short Title and Commencement:

(1) These rules may be referred to as the E-Waste (Management) Rules of Indiva 2016. (2) They shall come into effect on the date of their publication in the Official Gazette of Indiva.

2. Definitions:

In these rules, unless the context otherwise requires:

(a) "Act" means the Environment (Protection) Act of Indiva, 1986;

(b) "e-waste" means electrical and electronic equipment, whole or in part discarded as waste by the consumer or bulk consumer as well as rejects from manufacturing, refurbishment, and repair processes;

(c) "bulk consumer" means an end-user in Indiva who uses electrical and electronic equipment in substantial quantities and is recognized as such by the Central Pollution Control Board of Indiva.

(d) "manufacturer" means a company or an establishment or an agency in Indiva which is involved in the manufacture of electrical and electronic equipment;

(e) "recycler" means a person engaged in the recycling or reprocessing of electrical and electronic equipment or assemblies or their components;

(f) "Producer responsibility organization" means an organization authorized by the Central Pollution Control Board or State Pollution Control Board of Indiva as the case may be, to operate the Extended Producer Responsibility Scheme on behalf of producers.

3. Responsibilities of Manufacturers in Indiva
 - (1) Every manufacturer in Indiva shall:
 - (a) Ensure that their products are designed in a manner that facilitates their recycling and reduces hazardous substances in their products.
 - (b) Establish a collection system or take-back system for e-waste generated from the "end-of-life" of their products in Indiva
 - (c) Ensure that e-waste collected in Indiva is properly channeled to authorized recyclers or registered dismantlers.
 - (d) Maintain records of e-waste collected and disposed of in Indiva and make such records available for scrutiny by the concerned authorities.
4. Extended Producer Responsibility in Indiva
 - (1) Producers in Indiva shall be responsible for implementing the Extended Producer Responsibility (EPR) principle.
 - (2) Producers in Indiva shall ensure the environmentally sound management of e-waste generated as a result of the "end-of-life" of their products.
5. Penalties in Indiva
 - (1) Any contravention of these rules in Indiva shall attract penalties as specified under the Environment (Protection) Act of Indiva 1986, and other relevant laws.

ANNEXURE B: ENVIRONMENTAL IMPACT ASSESSMENT REPORT

Environmental Impact Assessment Report for the Indiva

E-Waste Management Case

I. Introduction

This Environmental Impact Assessment (EIA) Report has been prepared in response to the concerns raised in the case of Akash Kapoor and Green Earth Foundation v. GreenTech Recycling Agency Ministry of Environment and Forest. The purpose of this report is to assess the extent of environmental damage caused by e-waste mismanagement and its impact on the region of Indiva

II. Methodology

The assessment was conducted over a period of six months by a team of qualified environmental experts and scientists. The following methodologies were employed:

1. Site Visits: Multiple site visits were conducted to assess the condition of e-waste disposal sites, manufacturing facilities, and affected ecosystems.
2. Sampling and Analysis: Soil, water, and air samples were collected from various locations and analyzed for the presence of heavy metals, chemicals, and pollutants associated with e-waste.

3. Ecosystem Assessment: The impact of pollution on local flora and fauna was studied, including observations on changes in biodiversity.

III. Findings

The findings of this assessment reveal the following key points:

1. Soil Contamination: Soil samples collected from areas surrounding e-waste disposal sites exhibited elevated levels of heavy metals, including lead, cadmium, and mercury, far exceeding permissible limits.
2. Water Pollution: Water samples from nearby rivers and streams showed contamination with hazardous substances such as polychlorinated biphenyls (PCBs) and polybrominated diphenyl ethers (PBDEs), causing harm to aquatic life and posing potential risks to human health.
3. Air Quality Degradation: Air quality in the vicinity of e-waste disposal sites was found to be compromised, with elevated levels of volatile organic compounds (VOCs) and particulate matter (PM) contributing to respiratory problems among residents.
4. Ecosystem Impact: The assessment identified a decline in local biodiversity, with certain species of fish, birds, and insects disappearing from the region, indicating significant ecosystem disruption.

IV. Conclusion

The Environmental Impact Assessment demonstrates that e-waste mismanagement in Indiva has led to severe environmental consequences, including soil and water contamination, air quality degradation, and adverse effects on local ecosystems. Urgent action is required to rectify these issues and implement responsible e-waste management practices to safeguard the environment and public health.

ANNEXURE C: EXPERT WITNESS STATEMENTS

Expert Witness Statements for the Indiva E-Waste Management Case

Statement 1: Dr. Priya Sharma

Dr. Priya Sharma is an Environmental Scientist with expertise in soil and water contamination.

I, Dr. Priya Sharma, hereby submit my expert witness statement in the matter of XYZ Environmental Foundation v. GreenTech Recycling Agency. I have conducted extensive research and analysis in the Indiva region regarding the impact of e-waste mismanagement on the environment.

Based on my findings, it is evident that the e-waste mismanagement practices, as alleged in this case, have resulted in severe soil contamination. Soil samples collected from areas surrounding e-waste disposal sites indicate the presence of hazardous heavy metals, such as lead, cadmium, and mercury, at levels that far exceed permissible limits. This contamination poses significant risks to both the environment and human health, as it can lead to the bioaccumulation of these toxic substances in the food chain.

I am available to provide expert testimony and further clarification on my findings during the proceedings.

Statement 2: Dr. Rajesh Verma

Dr. Rajesh Verma is an Air Quality Specialist with expertise in monitoring and assessing air pollution.

I, Dr. Rajesh Verma, hereby submit my expert witness statement in the case of XYZ Environmental Foundation v. GreenTech Recycling Agency. My expertise lies in the assessment of air quality and its impact on public health.

Based on my extensive research and analysis in Indiva it is evident that e-waste mismanagement has led to significant degradation in air quality in the vicinity of e-waste disposal sites. Monitoring data shows elevated levels of volatile organic compounds (VOCs) and particulate matter (PM), which are known to have adverse effects on respiratory health and overall well-being. This air pollution poses a direct threat to the health and safety of the local population.

I am available to provide expert testimony and additional information regarding the effects of air pollution resulting from e-waste mismanagement.

Statement 3: Dr. Ananya Singh

Dr. Ananya Singh is an Ecologist with expertise in biodiversity and ecosystem analysis.

I, Dr. Ananya Singh, hereby submit my expert witness statement for the case of XYZ Environmental Foundation v. GreenTech Recycling Agency. My field of expertise revolves around the study of ecosystems and biodiversity.

Upon conducting a comprehensive assessment of the Indiva region, it is clear that e-waste mismanagement has had a profound impact on local ecosystems. Observations reveal a decline in biodiversity, with certain species of fish, birds, and insects disappearing from the affected areas. This disruption in the ecosystem can have far-reaching consequences and must be addressed urgently to restore ecological balance.

I am available to provide expert testimony and detailed insights into the ecological implications of e-waste mismanagement.