



# Dr. Rohini Kanta Barua Memorial National Moot Court Competition (1<sup>st</sup> Edition) 2024

**Date: March 19, 2024**

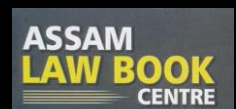
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**The Moot Court Society  
Dr. R.K.B. Law College  
Dibrugarh, Assam - 786001**

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# **Awards**

**Best Team**

**INR: 50,000**

**6 Months Subscription of EBC Reader,**

**Trophy and Certificates**

**1<sup>st</sup> Runners-up**

**INR: 30,000**

**6 Months Subscription of EBC Online**

**Trophy and Certificates**

**2<sup>nd</sup> Runners-up INR: 10,000**

**and Certificates**

**Consolation Prize**

**may be awarded to 3<sup>rd</sup> Runners-up**

**Best Mooter INR: 5,000**

**Best Memorial INR: 5,000**

**Best Researcher INR: 5,000**



# Dr. Rohini Kanta Barua Memorial National Moot Court Competition, 2024

To  
Vice-Chancellor/Registrar/Principal/Head of the Department

Respected Sir/Ma'am

**Subject:** Invitation to Participate in the Dr. Rohini Kanta Barua Memorial National Moot Court Competition 2024

Greetings!

We hope this letter finds you in good health and high spirits. With great pleasure, we extend this invitation to your esteemed institution to participate in the upcoming Dr. Rohini Kanta Barua Memorial National Moot Court Competition 2024, organized by the Moot Court Society of Dr. R.K.B. Law College, Dibrugarh, Assam.

The Competition intends to serve a platform for law students from across the country to showcase their legal acumen, advocacy skills, and knowledge of substantive and procedural law. It aims to foster a spirit of healthy competition, encourage the exchange of ideas, and provide a unique opportunity for students to enhance their practical understanding of the law. Participation in such competitions not only contributes to the academic and professional development of students but also facilitates networking and interaction with peers, faculty, and legal professionals.

We kindly request your institution to nominate a team of enthusiastic and capable students to represent your esteemed institution at this prestigious event. The competition promises to be intellectually stimulating, and we believe that the participation of your institution will add significant value to the overall experience.

To confirm your institution's participation, kindly recommend your students to fill out the Google form for registration on or before February 15, 2024. For any queries or additional information, please feel free to contact us at [eventdrrakb@gmail.com](mailto:eventdrrakb@gmail.com) or call Dr Jayanta Boruah, Phone: 8876991662 / 6033301344. We sincerely hope that your institution will consider this invitation favorably, and we look forward to welcoming your students to the Dr. Rohini Kanta Barua Memorial National Moot Court Competition 2024.

Thank you for your time and consideration.

With Best Regards  
Dr Gautomi Dutta Borah,  
Principal,  
Dr. R.K.B. Law College,  
Dibrugarh, Assam – 786001.

## About Dr. R.K.B. Law College

The Rohini Kanta Barua Law College was established in the year 1976 as an outcome of a public meeting of the citizens of Dibrugarh held on 20/06/1976 with Shri Pramode Kumar Das, B.L. in the chair as 'Dibrugarh Law College' with the objective 'to create a new avenue at Dibrugarh for imparting legal education'. The College is situated in the heart of Dibrugarh town and is permanently affiliated to Dibrugarh University and approved by the Bar Council of India, New Delhi. On 04/02/1994, the Dibrugarh Law College was renamed as 'Dr. Rohini Kanta Barua Law College' as the late Muktalata Barua wife of Dr. Rohini Kanta Barua, a well-known name in scientific research of high order and academic excellence donated the land and building (present administrative wing) to the College to commemorate the illustrious name of her husband. Since then, Dr. Rohini Kanta Barua Law College has not looked back and has developed the facilities for students one after another as per the requirement of the Bar Council of India. Dr. Rohini Kanta Barua Law College offers a rich environment for studying law and prepares students to enter into the legal profession through Three year LL.B programme and Five year integrated BBALL.B. programme.

### About the Competition

Named in honour of the distinguished luminary, Dr. Rohini Kanta Barua, this moot court competition serves as a tribute to his contributions to the field of academics and education.

Dr. Barua's legacy of intellectual rigor, commitment to social development, and unwavering dedication to education inspire the essence of this event.

### Objective

The primary objective of this competition is to provide a platform for law students from across the nation to showcase their legal prowess, analytical skills, and understanding of contemporary legal issues. The moot court competition seeks to foster a competitive spirit, encourage the pursuit of excellence in advocacy, and promote camaraderie among aspiring legal professionals.

### Expected Outcomes

The competition offers a unique opportunity for participants to enhance their research, drafting, and oral advocacy skills under the guidance of experienced legal practitioners and scholars. It will also provide a wide networking in the legal field across the country for the law students.

# Rules and Regulations (Guidelines)

## 1. Preliminary

1.1. The Rules shall be known as Dr. Rohini Kanta Barua Memorial National Moot Court Competition Rules and Regulations, 2024; or in Short Dr. R.K.B. Memorial Moot Court Competition Guidelines, 2024.

1.2. These rules shall be applicable for every aspects through out the competition and on everyone associated with the competition in any capacity whatsoever.

1.3. All disciplinary actions and declaration of results of the competition shall be determined based on these rules and for any matters not provided within the ambit of these rules shall be decided as per the applicable law of India.

## 2. Definitions

2.1. "Advanced Rounds" means the semi finals and the final rounds.

2.2. "Bench Memorial" means the Memorial of Law, issues, and authorities concerning the moot problem prepared by the Authors/Administrator.

2.3. "Clarification" means any clarification issued by the organizing committee in pursuant to any matter incidental to the competition.

2.4. "Competition" means the Dr. Rohini Kanta Barua Memorial National Moot Court Competition, (1<sup>st</sup> Edition) 2024.

2.5. "Memorial" means the written arguments submitted by each participating team in accordance with these rules for participating in the competition.

2.6. "Oral Round" means a team's pleadings, comprising two speakers, submitted orally in front of the judges, on behalf of one of the parties against another team representing the opposite team.

2.7. "Organizing Committee" means the Moot Court Society of Dr. R.K.B. Law College, Dibrugarh, Assam, or any person(s) appointed by the Society for the conduct or administration of the Competition.

2.8. "Participant" means any member from the participating team in the Competition who has successfully participated in the Competition in compliance to these rules.

2.9. "Preliminary Rounds" means the rounds preceding the Advanced Rounds for determining the qualifying teams for the Advanced Rounds.

2.10. "Moot Problem" means the official Moot Proposition and also any clarification against the Moot Proposition issued by the Organizing Committee as defined under rule 2.3.

2.11. "Rebuttals" mean the arguments placed by the Petitioner against the Respondent's submission at the end of the main pleadings.

2.12. "Scouting" means a person observing the Oral Rounds of teams other than the team such person is associated with.

2.13. "Speaker" means a person from the participants who presents oral arguments in a given round.

2.14. "Sur-rebuttal" means the defence presented by the Respondent to the Rebuttals.

2.15. "Team Code" means the code allotted by the administrator to a team after the completion of the Registration process.

### **3. Structure of the Competition**

3.1. The Competition will take place in two phases comprising the Preliminary Rounds and the Advanced Rounds.

3.2. The Preliminary Rounds include two rounds for each team representing both the parties to the dispute; followed by the quarter final rounds.

3.3. All the Preliminary Rounds shall be organized through online mode.

3.3. The Preliminary Rounds shall be followed by Advanced Rounds including Semi Finals and Final Rounds which shall be organized through offline mode.

### **4. Language**

4.1. The language to be used for drafting the memorial shall be British English.

4.2. The medium for communication inside the Courtroom shall be English.

4.3. Notwithstanding anything contained in rule 4.1. and 4.2. for any reason, if any other languages appear necessary to be used for better explanation of the situation, such languages may be allowed to be used subject to the discretion of the sitting Judge(s).

### **5. Interpretation**

5.1. The Committee shall have exclusive authority to interpret the rules in the interest of fairness and equality.

5.2. The interpretation upon these rules placed by the Organizing Committee shall be exclusive.

5.3. All decisions reached by the Organizing Committee on the interpretation of these rules shall be final and no dispute shall be entertained against such decisions on any ground.

### **6. Eligibility**

6.1. The Competition is open to all students enrolled, bonafide on a regular basis on an undergraduate/Postgraduate law course or its equivalent conducted by any institution affiliated by Bar Council of India.

6.2. Each recognized institution shall be entitled to send minimum one team and a maximum of two teams.

6.3. Each participating member shall have an identity card or a bonafide certificate issued from a competent authority of the respective institution and shall upload the same in the Registration form for verification.

### **7. Team Composition**

7.1. Each team for the Competition shall comprise of three members including two Speakers and one Researcher.

7.2. The teams are not allowed to change the composition after registration.

Provided the researcher can become a Speaker in case of any unforeseen situation subject to showcase of due reasons and approval of the same from the Organizing Committee.

7.3. For any changes in the contact details of the teams, the teams shall themselves be responsible for communicating such changes to the Organizing Committee through email with immediate effect.

### **8. Contact Details**

8.1. For any clarification under rule 2.3. or for any other queries kindly email [eventdrrkb@gmail.com](mailto:eventdrrkb@gmail.com) or contact Dr Jayanta Boruah; Phone: 8876991662.

## **9. Structure of the Memorial**

- 9.1. The Team Code shall be ascribed on the top right corner of the cover page.
- 9.2. The Cover Page of each memorial shall consists of the following:
  - 9.2.1. Team Code as mentioned in rule 9.1. For e.g. TC – 01; TC-02, etc.;
  - 9.2.2. The name and year of the Competition;
  - 9.2.3. The name of the forum before which the proceeding is to be conducted;
  - 9.2.4. The name of the case;
  - 9.2.5. The title of the Memorial (e.g. either “Memorial for Petitioner” or “Memorial for Respondent”);
  - 9.2.6. The Cover Page shall be coloured Blue for Petitioner and Red for Respondent.
- 9.3. Table of Abbreviations consisting of all abbreviations including common abbreviations like %, &, UK, etc. and shall be alphabetically arranged.
- 9.4. Index of authorities shall contain the list of all the authorities cited in the Memorial along with the page number of the Memorial where such authorities have been cited and shall be alphabetically arranged.
- 9.5. Statement of Facts shall consist summary of the facts of the case and shall be limited to only 2 pages.
- 9.6. Statement of Jurisdiction shall be mentioned clearly by each party in their written submission.
- 9.7. Issues Raised shall consists of the important questions to be decided by the Judges in a neutral stage without any representation of opinions.
- 9.8. Summary of Arguments shall contain a brief summary of each argument advanced.
- 9.9. Arguments Advanced shall contain the arguments in detail against each issue.
- 9.10. Prayer shall be included at the end of the Memorial highlighting the relief sought from the Court.

## **10. Rules for Formatting the Memorial**

- 10.1. The Heading of each section of the Memorial like “Statement of Jurisdiction”; “Arguments Advanced”; etc. shall be Central Aligned; Bold; Sentence Case; Font Size – 16; Font – Times New Roman; and Line Spacing – 1.5.
- 10.2. The sub-headings shall be justified aligned; bold; Font Size – 12; Line Spacing – 1.5; and shall be in Times New Roman.
- 10.3. The Sub-sub headings shall be in bold; italics; justified aligned; Font Size – 12; Line Spacing – 1.5; and in Times New Roman.
- 10.4. The body of the Memorial shall be in justified aligned; Times New Roman; Line Spacing – 1.5; and Font Size – 12.
- 10.5. References are to made through footnoting and all footnotes shall adhere to OSCOLA 4<sup>th</sup> Edition, and to download OSCOLA 4<sup>th</sup> Edition, [Click Here](#).
- 10.6. All footnotes shall be in Times New Roman; Font Size – 10 Line Spacing-Single; and Justified Aligned.
- 10.6. All case laws inside the main body shall be written in italics and v. shall be used to mean versus.

## 11. Submission of Memorial

11.1. All memorials shall be submitted through Google forms, the links of which shall be provided through mail after confirmation of Registration process.

11.2. The memorials shall not consist of any personal details or identity of the participating teams.

11.3. All memorials shall be submitted on or before February 27, 2024.

## 12. Researcher Test

12.1. The researcher of each team shall undergo an online test.

12.2. The online test will be conducted where questions on leading cases and matters incidental to the moot problem of the Competition will be asked.

12.3. The Researcher Test shall be conducted on February 29, 2024.

## 13. Submission of Compendium

13.1. Each team is allowed to submit two Compendiums one for Petitioner and the other for Respondent.

13.2. The Compendium shall be in English.

13.3. The Compendium shall be submitted on or before February 27, 2024 together with the Memorials.

13.3.4. The presentation of the Compendium during the Oral Rounds is subject to the discretion of the Bench.

## 14. Judging of Memorials

14.1. Every Memorial shall be marked on a maximum of 100 (One Hundred) marks on the basis of criteria mentioned in rule 14.2.

14.2. Criteria for assigning marks to Memorials:

Criteria	Marks
Interpretation & Application of Law	30 (Thirty)
Extent & Use of Research	30 (Thirty)
Clarity and Organization	30 (Thirty)
Style, Grammer and Citation of Sources	20 (Twenty)
<b>Total</b>	<b>100 (One Hundred)</b>



## **15. Dress Code**

15.1. Each participants shall be in formal attire throughout the competition irrespective of whether online or offline.

15.2. The female participants shall wear white or black salwar and white kurta along with black blazer or white shirt and black trousers along with black blazer and black shoes.

15.3. Male participants shall wear white shirt and black trousers along with black blazer and black shoes.

15.4. Non-compliance to any of the sub-rules of this rule shall be regarded as Contempt of Court.

## **16. Code of Conduct**

16.1. Each member from each team shall behave in a cordial and civilized manner with their contesting teams.

16.2. No member shall raise any allegation against the Bench whatsoever during the course of the oral rounds.

16.3. Each team shall be present in the Courtroom only when their proceeding is going on otherwise no team shall be present inside the Courtroom.

16.4. Each team shall maintain their professional ethics as per the prescribed norms of Bar Council of India for Advocates practicing before any Court of the land.

15.5. Each team shall maintain decorum inside the Courtroom.

15.6. Each team shall refrain themselves from indulging into any activities that is likely to influence the independent and impartial decision of the Organizing Committee or the Judges during the course of the Competition.

15.7 Each team shall refrain themselves from carrying any items of intoxication, or weapons of any nature inside the Courtroom and shall not indulge in any immoral or illegal activities according to the laws of India.

15.8. Notwithstanding anything provided in the above sub-rules, for all matters regarding disciplinary actions on code of conduct shall be as per the discretion of the Judges or the laws of India.

## **17. Powers of the Organizing Committee**

**17.1. The Organizing Committee reserves the right to amend, or modify, or change, or repeal any of the rules of the Competition and if done so, the decisions on such amendment, or modification, or changes, or repeal made by the Organizing Committee shall be final.**

**17.2. For any such amendment, or modification, or, changes, or repeal, the Organizing Committee shall be responsible to inform all the registered participants within 24 hours of time and after such information, such decision shall immediately come to effect.**

## **18. Procedures for Preliminary Rounds**

18.1. Each team shall submit two memorials, one on behalf of the Petitioner and the other on behalf of the Respondent during the time of submission of memorials.

18.2. Each team shall undergo two rounds one representing the Petitioner side and the other representing the Respondent side in the Preliminary rounds.

18.3. All the teams registered for the Competition shall remain present during the Orientation hour prior to the beginning of the Preliminary rounds of the Competition.

18.4. A random selection of contesting teams shall be done through Excel sheet that shall be made visible to all the participants through screen sharing at the online platform.

18.5. After the Orientation hour all the teams shall vacate the online platform and each team shall re-enter the platform when called upon by the volunteers in their respective WhatsApp group within 5 minutes from making such call.

**18.6. While rejoining each team shall enter with their respective team codes allotted to them in the Confirmation of Registration mail, failing to do so shall result in immediate disqualification of such team with no right of appeal or hearing.**

18.7. If any team fails to join the platform within the allotted time of 5 minutes then such team(s) shall be considered to have withdrawn from the competition and shall not be allowed to re-join, provided with the permission of the Bench.

18.8. After the completion of both the rounds, the average score shall be calculated and the 8 teams scoring the highest score shall be declared qualified for the Quarter Finals.

18.9. The time allotted for each team shall be 15 minutes including rebuttal and sur-rebuttal.

18.10. Each Mooter from each team shall speak for not less than 5 minutes and not more than 10 minutes during the oral rounds in the Preliminary rounds.

## **19. Dummy Teams**

19.1. For situations where odd number of teams register for the competition, dummy teams might be appointed by the Organizing Committee for facilitating the smooth conduct of the Preliminary Rounds.

19.2. If any such dummy team is appointed then the performance of such team shall not be judged and their scores shall not be counted for the purpose of deciding the qualifying teams of the Competition.

19.3. Provided, each dummy team if appointed shall be bound by the rules regarding the Code of Conduct and shall be responsible for maintaining the decorum of the Court.

19.3. Dummy teams shall be appointed only from amongst the students of the Organizing institution and in no case students of the Organizing institution shall participate as a contestant in the Competition.

## **20. Procedures for Quarter Finals**

20.1. The top 8 teams with respect to marks scored in average from their two rounds in the Preliminary Round shall qualify for the Quarter Final Rounds.

20.2. The Quarter Finals shall be conducted online.

20.3. Prior to the beginning of the Quarter Finals, an Orientation hour will be organized where all the qualifying teams shall remain present.

20.4. In the Orientation hour, random selection of contesting teams shall take place through Excel sheet that shall be made visible to the participants through screen sharing at the online platform.

20.5. After the Orientation hour, all teams shall vacate the platform and rejoin when called upon by the volunteers in their respective WhatsApp groups within 5 minutes from such call.

20.6. If any team fails to rejoin within the allotted time of 5 minutes, then such team shall be considered to have withdrawn from the Competition provided with the permission of the Bench.

20.7 Each team shall undergo two rounds each representing the Petitioner side and the Respondent side in the Quarter Finals.

20.8. Each team shall be provided with 20 minutes of time for presenting their oral arguments including rebuttal and sur-rebuttal.

20.9. Each mooter from each team shall speak for not less than 7 minutes and not more than 12 minutes.

20.10. 4 teams scoring the highest marks in average out of the two rounds shall qualify for the Semi Finals.

## **21. Procedure for Semi Finals (Advanced Rounds)**

21.1. The Advanced Rounds including the Semi Finals and the Finals shall take place offline at the Moot Court Hall of Dr. Rohini Kanta Barua Law College, Dibrugarh, Assam.

21.2. The qualifying teams from the Quarter Finals shall be eligible to contest in the Semi Finals.

21.3. The Semi Finals shall take place after a draw of lots for randomly selecting the contesting teams in the presence of all the teams.

21.4. Each team shall maintain all the decorum necessary to appear before the Supreme Court of India with respect to conduct, provided the dress code shall be as per rule 15.

21.5. Each team shall be provided with 25 minutes of time including rebuttal and sur-rebuttal where each mooter shall speak for not less than 10 minutes and not more than 15 minutes of time.

21.5. Each team shall undergo only one round in the Semi Finals and the two teams scoring highest marks shall qualify for the Final Round.

## **22. Procedure for the Final Round**

22.1. The qualifying teams shall appear for the Final Round and the side each team will represent shall be decided with a toss.

22.2. Each team shall be provided with 30 minutes of time to place their oral arguments including rebuttal and sur-rebuttal.

### 23. Criteria for Marking Oral Rounds

23.1. Each team in the Oral Rounds shall be judged on a scale of 100 (One Hundred) marks as per the marking criteria provided in Rule 23.2.

23.2. Detailed Criteria for Marking Performance in the Oral Rounds:

Sl No.	Criteria	Maximum Marks
1	Knowledge of Law and Facts and Their Application	10
2	Use of Authorities as per Hierarchy with Respect to Precedential Value	10
3	Interpretation and Application of Law with Respect to the given Situation	10
4	Organization of Arguments and Counter Arguments	10
5	Clarity of Thought and Expression	10
6	Style of Arguments, Voice Modulation, and Use of Legal Terminologies	10
7	Creativity, and Innovative Arguementation	10
8	Conduct and Manner including Maintaining of Professional Ethics	10
9	Response to Questions	10
10	Arguments in Rebuttal and Sur-rebuttal	10
	<b>Total</b>	<b>100 (One Hundred)</b>

### 24. Disclosure of Marks Scored

24.1. The marks scored by each team in the Preliminary Rounds shall be disclosed only after the end of the Preliminary Rounds.

24.2. For Quarter Finals, Semi Finals and Final Rounds, Rule 24.1. shall be applicable in each case.

24.3. Notwithstanding anything contained in the above sub-rules of this rule, the Organizing Committee may not disclose the marks scored by any or all of the teams, if situation so arises and may disclose only the Team Codes of the Qualifying Teams to the next rounds.

24.4. The marks shall be announced at the platform commonly accessible to all the participants and the Organizing Committee shall not be responsible for individually communicating the marks scored by any team or the results to any team.

## 25. Payment of Registration Fees

25.1. Each team shall pay an amount of INR **2,100 (Two Thousand one Hundred Rupees)** as registration fees for the Competition.

25.2. The fee paid shall be non-refundable once paid.

25.3. The payment shall be made only to the account, details of which is provided under the rule 22.4.

## 22.4. Payment Details:



**Bank Name:** Central Bank of India

**Account No:** 3750961729

**Name:** Dr Rohini Kanta Barua Law College

**IFSC:** CBIN0283205

## 26. Procedure for Registration

26.1. Each team shall register through the Google Form by clicking the button of "Register now" on or before February 15, 2024.

26.2. Each team shall upload the payment receipt of the registration fees.

26.3. Each member from each team shall upload their respective institutional identity cards or bonafide certificates issued by the competent authority of their institution.

Click the button to register

**REGISTER NOW**

## 27. Important Dates

27.1. Last Date for Registration: February 15, 2024

27.2. Last Date for Submission of Memorials & Compendium: February 27, 2024

27.3. Researcher Test: February 29, 2024

27.4. Preliminary Rounds (Online): March 1 – 3, 2024

27.5. Quarter Final Rounds (Online): March 4, 2024

27.6. Semi Finals & Final Rounds & Award Ceremony (Offline): March 19, 2024

## 28. Awards

28.1. The team winning the Competition shall be awarded with a cheque of **INR: 50,000 (Fifty Thousand Rupees)**, 6 Months Subscription of EBC Reader for all the three members, along with a Trophy and Certificates.

28.2. The 1<sup>st</sup> Runners-up team shall be awarded with a cheque of **INR: 30,000 (Thirty Thousand Rupees)**, 6 Months Subscription of EBC Online for all the three members along with a Trophy and Certificates.

28.3. The Second Runners-up Team shall be awarded with a cheque of **INR: 10,000 (Ten Thousand Rupees)** and certificates.

28.4. Consolation award may be provided to the Third Runners-up Team depending on number of teams participating in the Competition.

28.3. The Best Mooter, Best Memorial, and the Best Researcher each shall be awarded with a cheque of **INR: 5,000 (Five Thousand Rupees)** along with Certificates.

28.4. All the participants shall be provided with a E-Certificate of Participation.

## **29. Penalty for Violation of the Rules**

29.1. For any violation of the rules of the Competition; the Organizing Committee may take any disciplinary action including informing such misconduct to the Bar Council of India or the respective institution of the participating team depending upon the gravity of the misconduct committed.

29.2. On the accomplishment of the Competition, if any team winning any title from the Competition is found guilty of making any misleading representation before the Organizing Committee or the Judge(s) at any time during the Competition for any undue advantage or illegal benefits in the Competition, the title so received by such team may be forfeited and the next best team shall be awarded with such title.

29.3. In cases of forfeiture of any title, the team found guilty shall return all the benefits or awards received by virtue of such title within the duration of 15 days from the declaration of such forfeiture.

## **30. Miscellenous**

30.1. Each team after registering for the Competition shall be deemed to have agreed to all the rules and regulations of the Competition and no ignorance shall be plead at any time.

30.2. After registration all the individual participants of all the teams are responsible to join the WhatsApp group through the link to be provided in the Confirmation of Registration Mail.

30.3. The Corresponding Member who submits the registration form shall receive a confirmation mail about the registration within 7 days from the submission of the registration form and if not received then such participant shall communicate with the Organizing Committee through the Contact Details provided under Rule 8.

30.4. No TA or DA or accommodation facilities shall be provided by the Organizing Committee for the teams qualifying for the Semi Finals and the Final Rounds, however all reasonable non-financial assistance in making arrangements for fooding and logging shall be provided if required.

30.5. Breakfast and Lunch shall be provided to the Qualifiers of the Semi Finals and the Final Rounds on arrival to the College.

30.6. The Faculty-in-charge if any, comes along with the participating team shall provide his/her contact details on arrival to the college to the Organizing Committee.

30.7. For any assistance at any time during the course of the Competition, the participants are suggested to WhatsApp at 8876991662 or 6033301344 or can call on these two numbers, however for clarifications regarding the proposition communications only through mail as per Rule 8 shall be entertained.



# **Dr. Rohini Kanta Barua Memorial National Moot Court Competition, 2024**

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## **Moot Problem**

### **Society for People's of Traditional Values**

**v.**

### **State of Thumba**

**This Public Interest Litigation under Article 32 of the Constitution of Zakata would be heard by the Supreme Court of Zakata on March 19, 2024**

#### **Facts of the Case:**

Zakata is a country of diversity. This country depicts a remarkable diversity from North to South and East to West. There are many languages, ethnicities, religious groups and food habits prevalent among the citizens of Zakata. It is one of the most diverse countries, on all counts, of the world. But its diversity has never been a problem for its integrity and unity. Diversity is the strength of Zakata, and it is not its weakness. Its diverse practices in their external manifestations are easily recognizable by senses, but if one goes a little deeper and understands the core values of many of its various groups in their internal and silent functioning, one can easily trace the linkages of unity spread all over the peoples of Zakata. Diversity is manifested in the external practices of people, and unity is maintained in the cultural and civilizational ethos that provides an overarching framework through which the populace finds the meaning and worth of their lives.

The Constitution of Zakata successfully streamlines this diversity and uses it for national and regional developments. It provides for governments both at the national and state levels. Zakata consists of many states and some territories governed by the Union Government. Thumba is one such state of Zakata that is situated in the North-East region of Zakata. Thumba is one of the most beautiful and scenic states in Zakata. Its territory consists of mountains, valleys, plains and fertile lands.

Tourists from other regions of Zakata, as well as from other countries, used to come to Thumba in good numbers. Tourism and related sectors have been Thumba's most revenue-generating industries. As per the 2010 census, the population of Thumba consists of three religious groups: Zohan (30%), Thaman (45%), and Sukman (20%). The remaining 5% of the population consists of people of diverse religious groups and ethnicities who decided to reside in Thumba for its natural beauty and calm, serene hills. Despite this religious division, they all speak one language called Thumbia. All these three religions, namely, Zohan, Thaman and Sukman, are predominantly found only in Thumba and the nearby states sharing borders with Thumba.



## **Dr. Rohini Kanta Barua Memorial National Moot Court Competition, 2024**

There is not any clear and water-tight division related to their geographical location among these groups, but the followers of Thaman predominantly reside in the hills, and the followers of Zohan and Sukman predominantly reside in valleys and cities comprising most of the plain lands of Thumba, suitable for agriculture. The followers of the Sukman religion are mostly found on the outskirts of these plain lands and in the areas adjoining the mountains, and the followers of the Zohan religion occupy the central spaces of valleys and plain lands. These are only the broad divisions; however, followers of each group may be found in every kind of terrain in Thumba. This is due to the internal migration of the people of Thumba, but still, the above description of the predominant geographical location of different religious groups holds good.

Thamans worship the mountains and a particular species of tree called Thuadra. Thuadra trees are found mostly at the high altitudes of the mountain ranges of Zosuk. Though all mountains are respected and worshipped by Thamans, they give special importance to the mountain Zosuk, where Thuadra trees are abundant. As per their religious scriptures, it is essential for Thamans to go to Zosuk once a year, bring some parts of the roots and leaves of the Thuadra tree, and keep them in every corner of their homes so that bad omens can be avoided. They are prohibited from planting Thuadra by themselves because they believe that only the Almighty can plant this tree. So, Thamans do not plant Thuadra or even hate planting it because this can only be done by the Almighty and not by anyone else. They worship Thuadra, which grows by natural processes without any human intervention at the high altitudes of the mountain ranges of Zosuk. Thuadra trees have a life span of only 15 to 20 years.

In contrast to this, the followers of Zohan worship rivers. For them, all rivers are sacred, and as per their religious scriptures, they should gather at least once a year on the banks of the river nearest to them, take a bath, and perform a special Pooja (worship). The followers of Sukman worship the clay of a riverbed of a particular river, Thuzosu. As per their religious scriptures, they are supposed to go to the Thuzosu River once every year to bathe in it and bring clay from the river. They are supposed to paint all their doors and windows with the clay of the Thuzosu River so that their prosperity and well-being are maintained.

These are the broader divisions of these religious groups. All these religious groups are required to perform some religious activities at least once a year at particular places, but surprisingly, all of them perform their annual rituals repetitively from Fifteen January to Fifteen February every year. No one exactly knows precisely when these practices started and how it comes that all these groups perform their annual rituals almost during the same time of the year. Zakata gained independence in 1950, and Thumba became one of its fully recognized states in 1954. With the creation of statehood, Modern education was introduced in Thumba.





## **Dr. Rohini Kanta Barua Memorial National Moot Court Competition, 2024**

Subsequently, industrialization was done, and industries were established in some pockets of Thumba, covering almost all its regions, including mountains, valleys, and plain lands, though on a limited scale. With the industrialization and spread of modern education, there are substantial numbers of people who claim themselves to be modern and do not believe in the above-mentioned religious practices of their own groups. Though they have not renounced their religions, they advocate for their reforms, and they claim that the above-mentioned practices of their respective religions are unscientific. They advocate extensive industrialization of Thumba so that its economy can be enhanced. They also want to experiment with many new technologies, even in the tourism sector, so that it could compete with the world. These people are called Modernia in the Thumbia language.

Modernia are found in each religious group, namely Zohan, Sukman and Thaman. They always advocate religious reforms and hate their respective annual religious practices and gatherings. In 1980, Modernia founded a local, regional political party called Modernia Democratic Forum (MDF) and started fighting State Assembly elections in Thumba. However, they successfully formed their Government in 2005 in the state of Thumba. Since 2005, they have won all the State Assembly elections in succession; the last happened in March 2020, and they have been in power since 2005 till date in Thumba.

After coming to power, they started extensive industrialization in many parts of Thumba. They inaugurated many hydroelectric power plants and other industries and mining activities in the mountains and even in the mountain ranges of Zosuk that have the potential to affect the Thuadra trees and their natural growth substantially. They have inaugurated many tanneries and other chemical factories on the banks of many rivers of Thumba, including Thuzosu. Rapid industrialization has resulted in extensive wealth generation in Thumba, and Thumba became the most affluent state of Zakata, but this title came with heavy environmental destruction in Thumba.

There were many scientific studies on Thuadra and the river Thuzosu. A study of 2010 conducted by the world-renowned scientific body called World Scientists (WS) highlights the increasing levels of pollution in the Thuzosu River and a slight change in the colour of its water. The study also highlighted the continuous decline in the naturally grown Thuadra trees.

The study concluded that the climate change and the rampant industrialization are some reasons for this. The study was headed by Mr. Zohanthang, an environmental scientist, social environmentalist and scrupulous Zohan. The Government of Thumba, in 2015, announced a scheme to scientifically cultivate the Thuadra trees in many parts of the mountains and advised the Thamans not to travel to mountain Zosuk each year because it is a sheer waste of their time and energy.



## **Dr. Rohini Kanta Barua Memorial National Moot Court Competition, 2024**

The Government said that by this plantation drive, Thamans would get Thuadra just in their neighbourhood, and they need not go anywhere else. They undertook an extensive plantation drive of Thuadra trees, which has invited criticism from some sections of scrupulous Thamans. Attempts have also been made to control pollution in the rivers, including Thuzosu, but the levels of pollution are increasing year by year even after all the precautionary measures taken by the Government and the private entities involved in the operation of the particular industries. In mid-2020, a strange kind of pandemic called Tovid-20, hit the world. While researching Tovid-20, scientists found that the roots of naturally grown Thuadra situated in the Zosuk mountains can be used to develop an effective vaccine against Tovid-20. They also found that the clay of the Thuzosu River at its origin can also be used to develop an effective remedy against Tovid-20. This study was published in mid-2021 with the title "Back to Tradition Means Real Science" by a renounced body of scientists called Scientists For Traditional Healing. This study also found that the clay of lower streams of the Thuzosu River does not have this quality because of many pollutants that have been mixed in it.

The publication of this study incited many scrupulous followers of the Sukman religion. Their religious leaders called on all the real Sukmans to go to the origin of the Thuzosu River to protect its pristine healing and cultural values. Their leaders declared in October 2021 that the next religious congregation of the Sukman's followers would be held at the origin of the Thuzosu River, and all should take the clay to their homes for their protection. These leaders have also criticized the MDF Government for its so-called modern approaches.

The State Government has also responded to this research of 2021 and looked at it as an opportunity to increase its revenue base by developing the medicinal values of naturally grown Thuadra trees and the clay at the origin of the Thuzosu River. The State Assembly of Thumba passed a law called "Regulation (Prohibition) of Movement (On certain grounds) Act, 2021". This Act authorizes the State Government to regulate or prohibit the right to movement, through notifications, in certain areas of the state on the grounds of public health, environment, and maintenance of law and order.

The State Government, while using the power under this Act, banned the movement of Thamans or anyone else not authorized by the Government agencies to the Zosuk mountains for the year 2022 and onwards on the grounds of public health. The ban was imposed on 22 December 2021 till further order. Government agencies, in collaboration with many private bodies, have extensively undertaken scientific research on the medicinal values of the roots and leaves of naturally grown Thuadra trees. Similar kinds of bans were also imposed on the movement of anyone not authorized by the government agencies to the origin of the Thuzosu River on 23 December 2021 on the grounds of public health and environment. Both these orders of 22 January and 23 January 2021 are still in force.



# Dr. Rohini Kanta Barua Memorial National Moot Court Competition, 2024

The State Government of Thumba has also granted a contract to Sanshi International Inc., a company associated with a very influential political leader of MDF, to build a Five Star hotel of 200 rooms at the origin of the Thuzosu river so that proper research and other activities could be undertaken.

These decisions of the State Government invited many scrupulous religious persons to make a joint forum called the Society for People's of Traditional Values (SPTV). Considering the seriousness of the matter, SPTV decided to file a Public Interest Litigation directly to the Supreme Court of Zakata under Article 32 of its Constitution, requesting the Supreme Court to issue appropriate writs to protect the fundamental rights of the citizens of Zakata.

SPTV has questioned the Government orders to ban the movement on the following grounds:

1. That both the orders of the State Government banning the movements of individuals are unreasonable and arbitrary and thus compromise the related fundamental rights and freedoms available to the citizens of Zakata under her Constitution.
2. That the one-sided and unscrupulous path of industrial development followed by the State Government is resulting in the violation of the basic right to environment and right to religion of many persons in Thumba.

The Supreme Court of Zakata has fixed the date ..... for hearing the matter on the above two points.

**Note:** Except for the facts that are reiterated in the above fact sheet, the legal and constitutional structures of Zakata are similar to those of the Republic of India.

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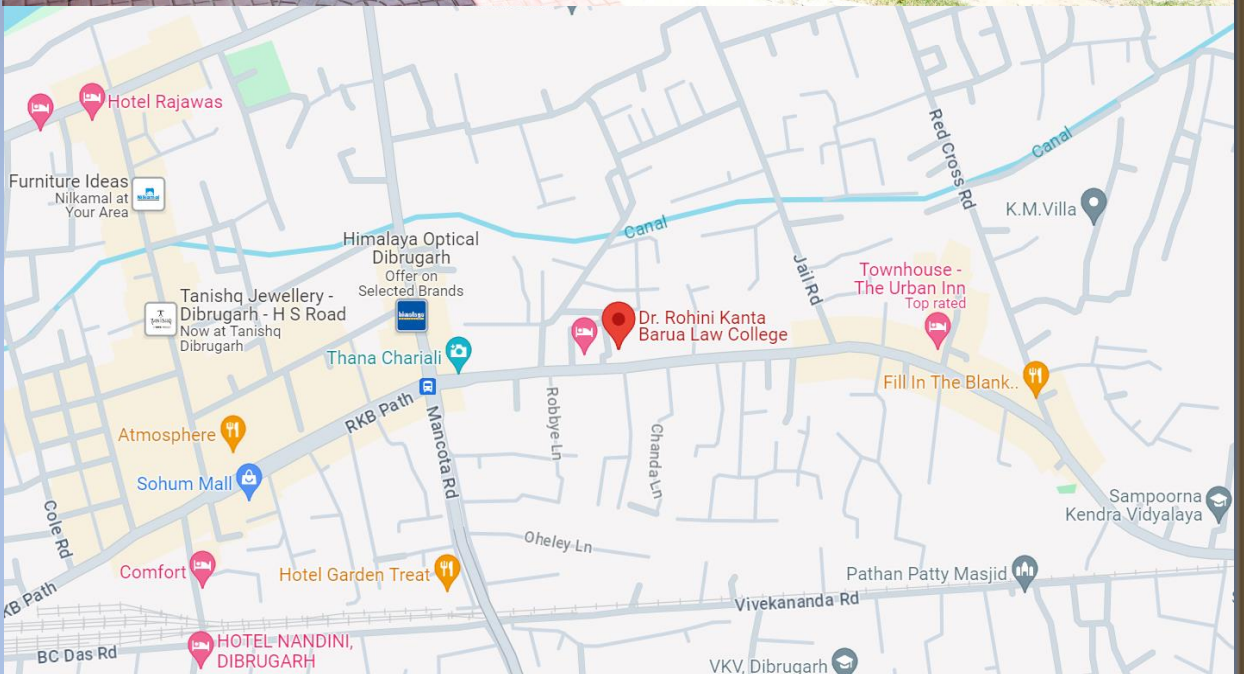
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