

**Atal Bihari Vajpayee School  
Of Legal Studies  
(ABVSLS)**



**1st District Moot Court  
Competition**

**Date : 24-25 March, 2023**

**Venue : ABVSLS Moot Court, CSJMU**

**Medium : English/Hindi**

**ORGANISED BY-**





# ABOUT ABVSLS



**Atal Bihari Vajpayee School of Legal Studies, Kanpur stands for excellence in legal education and was established in 2017 under the illustrious banner of Chhatrapati Shahu Ji Maharaj University, Kanpur. The premier law school is set up with a mission to pioneer legal education reforms, and to anchor the transformation of the Indian legal system through research and policy interventions.**

**It offers 5-year integrated Undergraduate Programmes like BA. LL. B. (Hon.), BBA.LL.B. (Hon.) and Two-year LL.M. programme with specializations in Business Law, Criminal Law and Constitutional Law. Atal Bihari Vajpayee School of Legal Studies also successfully administers a Certificate Programme in Intellectual Property Laws.**

**The curriculum and pedagogy are designed around the latest quality initiatives in legal education in India. These are imparted through multitalented, qualified, competent and enthusiastic faculty. Those efforts are reciprocated by the participation of all the stakeholders including the members of the Bar and Bench, corporate sector and national experts.**

**Atal Bihari Vajpayee School of Legal Studies, Kanpur aims at creating world class professionals, committed academicians and law reformers, training justice dispensers, invigorating community crusaders and creating a strong watershed of new and upcoming expertise in law.**



# WORDS FROM OUR VICE CHANCELLOR



**Dear Members of the Legal Community, I am writing to extend a warm invitation to students and faculty members of other colleges and universities of kanpur district to participate in the upcoming Moot Court competition at the Atal Bihari Vajpayee School of Legal Studies, part of Chhatrapati Shahu Ji Maharaj University (CSJM University). As one of the leading universities in India, CSJM University is dedicated to providing students with a comprehensive education and fostering their intellectual and professional growth.**

**I am especially proud to introduce the Atal Bihari Vajpayee School of Legal Studies, a premier institution within the University that offers a comprehensive legal education to its students. The School is renowned for its commitment to providing students with a sound foundation in the law, as well as the skills and knowledge necessary to succeed in their careers.**

**In keeping with this tradition, I am pleased to announce the upcoming Moot Court Proposal, which will be organized by the Atal Bihari Vajpayee School of Legal Studies. The Moot Court is a simulated court hearing that provides students with the opportunity to showcase their legal knowledge and advocacy skills. Participants will engage in a meaningful and intellectually stimulating debate on various legal issues, which will help them improve their research, critical thinking, and public speaking skills.**

**We are eager to provide an opportunity for students from different colleges and universities to participate in this prestigious event and to engage with one another. The Moot Court competition will provide a valuable learning experience and a chance to expand your professional network.**

**We look forward to your participation and to an exciting and educational event.**



# WORDS FROM OUR DIRECTOR



**Dear Members of the Legal Community, Atal Bihari Vajpayee School of Legal Studies is a dream and vision of the Chhatrapati Shahu Ji Maharaj University to provide an integrated pathway to quality legal education. In order to achieve this, one needs an infrastructure that meets global standards, an experienced team of professors and faculty, and an environment that provides resources for its students, enabling them and challenging them to grow as individuals and identify their passions. We, at ABVSLS, are determined to provide you with such an environment.**

**Dear students, please remember these are your years of learning and this is your time, therefore do not be hesitant, we are here to help you with an experience, that you desire, at this stage of your life. All of us at ABVSLS strive to review and improve every day wherever required. I would like to welcome you to the 1st District Moot Court Competition 2023.**

**I hope that all your expectations are met and that we can help you achieve your goals.**





# INVITATION



**The Director/Dean/Head/Principal**

**Subject: Invite for the 1st District Moot Court Competition, 2023**

**Respected Sir/Madam,**

**Greetings!**

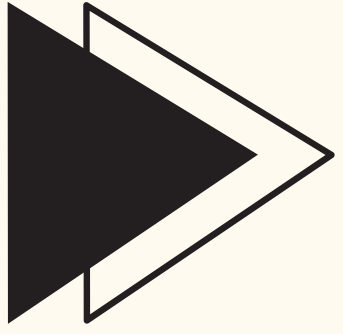
**It is with immense pleasure that Atal Bihari Vajpayee School of Legal Studies (ABVSLS), CSJM University, Kanpur presents the 1st District Moot Court Competition to be held from 24-25 March, 2023 at ABVSLS Moot Court, CSJMU . We take this opportunity to invite your esteemed institution to participate in the competition.**

**This competition will create an atmosphere of invigorating intellectual challenges. It will give the students an opportunity to showcase their legal knowledge, research abilities and hone their advocacy skills and court craft.**

**We look forward to a positive response.**

**Best Regards,  
Dr. Shashikant Tripathi  
Director, ABVSLS  
CSJM University, Kanpur.**





# MOOT PROPOSITION

1. 'Aryavarta' is a country of continental dimensions whose politico-legal and socio-economic system resembles India's politico-legal environment, including the constitutional structure and prevalence of various personal laws that provide a very interesting backdrop for a multi-cultural, multi-ethnic and multi-lingual system in a federal form of governance. It is microcosm of the world. A thousand and quarter million plus population, spread over 3.28 million sq. kms of landmass with every imaginable kind of a weather pattern from minus 40 degree Celsius in its vast hilly region to 50 degree Celsius temperature in the deserts lying to the west of this colossal country, and temperate weather of coastal regions. 20 official languages written in 15 different scripts, around 2000 dialects, 16 well-demarcated agro-climatic zones and almost all religions of the world well and adequately represented. The variety of 'Aryavarta' is mind boggling and all this has a bearing on its liberal and "secular", republican politico-legal system. The country has a hoary past and a very vibrant continuous culture of more than 5000 years of recorded history.
2. Country's social structuring consists of Aryans, Hodos and Hotos, which are the three dominant communities in the country. Aryans consists of roughly 80 percent of the population, Hodos around 14 percent and Hotos three percent. Remaining three percent are some smaller groups essentially indigenous communities. Mostly the communities are all indigenous communities, and even Hodos and Hotos are basically the converts from the local communities, nevertheless Aryavarta Rastra Sangh(ARS), a socio-cultural formation has been accusing the minorities, specially Hodos that their loyalty lies somewhere else, not to the motherland to which they belong. There are several symbolical ceremonies of the State system that Aryavarta has borrowed from the traditions and conventions of local communities, majorly of Aryans some of which are opposed by the minorities, specially Hodos that these borrowings are essentially a project that seeks to impose the majority culture on the minorities, much against the scheme of things under the Constitution of Aryavarta.
3. Like any other democratic system of governance, Aryavarta too has its own right and left wing of political ideologies but due to a very sound and special protection available to the minorities of this country within the constitutional framework, the liberal democracy has found its roots and its example as a very successful experiment in liberal democracy is quoted all over the developing world. The country got independence during 1947 and right since then the left leaning parties had their sway in the political realm.

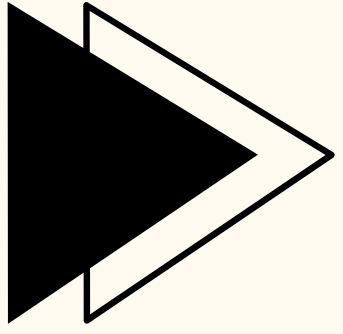




# MOOT PROPOSITION

4. Two of the founding fathers of Aryavarta Constitution, Mr. Haru, who later became the First Prime Minister of the Country and Mr. Natsu who was credited as the main architect of Aryavarta Constitution intensely believed in the system of economic democracy and favoured socialistic pattern of society. Responding to a question on objective resolution Mr. Haru had said, “the greatest and most important question in the country today is the problem of the poor and starving people.” He said that he stood for socialism and hoped that the country too would stand for socialism.
5. ‘It is only during 2014 that a right wing party, the Aryavarta Awam Party (AAP) has achieved absolute majority in the central legislature and formed the government on its own for the first time in the History of independent Aryavarta. This has created a heartburn amongst a whole range of left leaning parties and they have been trying to corner the new government on variety of issues. Artyavarta Rastra Sangh (ARS) is the socio-cultural organization created during early 20th Century, which is said to be the ideological parent of AAP. ARS has always been claiming that the erstwhile left leaning parties, including the dominant force Rastriya Congress Party (RCP) have been copying the west in all their politico-legal endeavours, including the economic and social organization/rejuvenation of the country. Bolstered by the success of its progeny ARS has become vocal in criticizing the old ways of doing politics and seeks better indulgence of the newly formed government of AAP in moulding the socio-cultural system in the pattern they feel better represents the face of the country as a single unified force across the globe.
6. Mr. Totoro, one of a very senior leader of ARS has demanded that the Preamble to the Aryavarta Constitution be restored to its original form which did not have the expression “secular” and ‘socialist’ to begin with and that these expressions which were added later into the Preamble of the Constitution unduly put the majority Aryans in a bad light. His contention is that Aryavarta is a democratic and ‘secular’ nation not merely because of its constitution but due to the fact we have inherited the ‘secular’ ethos of this ageless civilization. Aryavarta is essentially a country of tolerant people and its ancient ethos support its ‘secular’ character. The mention of the same in the Preamble of the constitution is a slur on the face of the majority community, as it smacks of lack of faith in the majority community and creates an environment of suspicion, inherently inimical to “secular” politics.





# MOOT PROPOSITION

7. Mr. Totoro avers that the word “secular” was purposely avoided in the original constitution and its preamble, but undoubtedly, the politics of ‘secularism’, in the sense of what role to allow for religion in a democracy, was one of the dominant motifs of the deliberations of the Constituent assembly. Religious riots were taking place and partition was imminent when the meetings of the assembly began in December 1946. It is ironic that when the word “secular” was not used specifically in the constitution that was passed immediately after independence by them, the members of the Constituent Assembly demonstrated a strong commitment to ‘secularism’ as an essential prerequisite for the democracy of Aryavarta. In fact, after the inclusion of the word “secular” the commitment to ‘secularism’ has apparently weakened the “secular” system as it creates a sense of lack of faith amongst variety of communities specially in the majority community. Therefore, Mr. Totoro demands that the Preamble of the Constitution of Aryavarta be restored in its original form which means removal of the expression ‘secular’ from the existing Preamble in the Constitution of Aryavarta.
8. One of the contentions of Mr. Totoro is that in the garb of “secular” practices both Hodos and Hotos being proselytizing religions have been converting Aryans to their faith and as such the percentage of Aryans has been going down consistently almost proportionate to the increase in the population of Hodos and Hotos. He alleges that the freedom of speech and expression and freedom of practicing and propagating religion has been used by Hodos and Hotos to openly persuade Aryans to join their faith.
9. Mr. Sonaka, a member of the Central Legislature of Artyavarta and admittedly one of an admirer of Mr. Totoro. On the floor of the Central Legislature he has made a long presentation to the effect that the expression “secular” and ‘socialist’ are an anachronism in the Constitution of the Aryavarta and need to be removed from the Preamble of the Constitution of Aryavarta. He claimed that the words ‘socialist’ and “secular” have associations which are inconsistent with the enacting provisions of our constitution. The words ‘equality’, ‘fraternity’ and ‘liberty’, ‘justice’ etc have historically been associated with the struggle for freedom, which is not the case with words like “secular” and ‘socialist’.
10. This has created consternation amongst the minorities who believe that this entire political movement has been purposely planned and executed at the instance of AAP. Several leaders of Hodos community have made statements in and out of central legislature that this entire scenario created by AAP in connivance with ARS, is inherently inimical to the interest of the minorities and they oppose it tooth and nail.

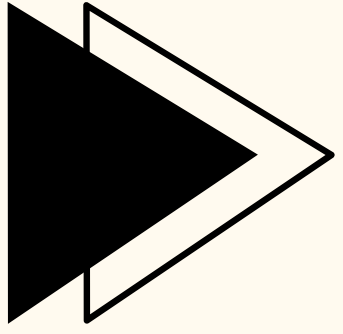




# MOOT PROPOSITION

- 11. Apart from some ideological, essentially opportunistic support that Hodos receive from several political formations, some extremist organisations have been emerging from within the Hodos communities which claim to represent Hodos in a better way. They demand in the Central Legislature of Aryavarta through some of their representatives that the government of the day must make its stand clear on the statements made by Mr. Totoro and his admirers, they threaten to block the proceedings of the Central Legislature. Several smaller political parties too support the demand of Hodos in asking the government of the day to make its stand clear.**
- 12. In the meanwhile several places of worship of Hotos have been vandalized and though there are no evidences to the effect that it has happened at the instance off AAP or ARS, Hotos too demand through their leaders that the current spate of hatemongering against minorities be stopped.**
- 13. The Prime Minister of the Country has gone on record in saying that the government runs on its own dynamic, that the government has nothing to do with the statements made by Mr. Totoro and his colleagues. The prime minister has promised that all citizens, irrespective of their faith, would be treated as equals in the country. He went philosophical while defending the ancient ethos and ethos of current governance mechanism, claiming that there are no contradictions between the two. He made a fervent plea on the floor of the central legislature that instead of fighting amongst ourselves let us unitedly fight the common enemy, the poverty and destitution of a large section of our population. But this apparently has not convinced the Hodos.**
- 14. Murakami, a supporter of ARS and elected to the central legislature of Aryavarta recently, too makes a statement in the house that the expressions “secular” and ‘socialist’ are vague expressions lacking clear definition and also present a situation of contradictions within the constitutional system of Aryavarta. He observed that the word ‘socialist’ cannot be defined categorically. It is a word of many meanings and its appropriation by the Soviet Union would seem to suggest that a socialist form of government can be a dictatorship which is foreign to our constitution. In fact an amendment to the preamble moved by one of a nationalist member of Hodos Community namely “we the people of Aryavarta having solemnly resolved to constitute Aryavarta into a union of Aryavarta socialist republics to be called UASR” was rejected in the Constituent Assembly. The word ‘secular’ is also not precise and cannot be defined precisely. ‘secular’ may be opposed to religious in the sense that a ‘secular’ state can be anti-religious state. In this sense the constitution of Aryavarta is not ‘secular’, because the right to the freedom of religion is a guaranteed fundamental right. Common sense would require that a document like constitution should not contain words which are ambiguous and lack precise meaning.**





# MOOT PROPOSITION

15. Yet another influential member of ARS, who is nominated to the upper house of the Central Legislature, Mr. Matsukama, made another statement, claiming that an amendment made in the Preamble by way of 42nd Constitutional Amendment is unconstitutional. According to him the Preamble sets out the objectives of the Constitution and, therefore, any tampering with these objectives would destroy the identity of the Constitution. Since an amendment of the Constitution, howsoever made, must preserve the identity of the Constitution the objectives of the Preamble should be treated as permanent and unamendable.
16. On that basis he further contends that since the fundamental rights are mostly an elaboration of the objectives of the Preamble, it was implied that the fundamental rights or, at least, the essence of them was not liable to be damaged or destroyed by an amendment. As such the contention of Mr. Matsukama is that the amendment that inserted the expressions “secular” and ‘socialist’ in the preamble is unconstitutional and should be challenged as such in the Central High Court of the Union of Aryavarta.
17. If one takes care of looking at the history of shaping of the Preamble, Mr. Matsukama says, it would show that the Preamble was in conformity with the Constitution as it was finally accepted. Not only was the Constitution framed in the light of the Preamble but the Preamble was ultimately settled in the light of the Constitution. And, therefore, the change in the language of the Preamble by way of inserting the expression, socialist and ‘secular’, is against the very spirit of the whole constitutional process. Therefore he makes a fervent plea that the Preamble be restored to its original position.
18. Aryavarta Awam Party (AAP) through their dominance in both houses of Parliament, amended the Preamble of Constitution of Aryavarta by introducing and passing 106th Amendment Act. Rastriya Congress Party are now planning to take on the AAP government, accusing it of conspiring to change the basic structure of the Constitution and the politico-legal system established under it, destroy the age-old tradition of tolerance and respect for all religions and ushering into a totalitarian system of governance. They took the matter to the Central High Court of Aryavarta, the Highest Court of the Land, which has the power of judicial review of legislative and executive action. Hodos and Hotos too express their willingness to contribute their efforts in saving the democratic and republican form of governance and the age-old traditions of this ancient land, the tradition of ‘Sarva Dharma Sambhav & Vasundhaiva Kutumbakam.”





# **RULES AND REGULATION**

## **1. VENUE AND DATE :**

- **1st District Moot Court Competition 2023 shall be held from 24-25 March, 2023 at Atal Bihari Vajpayee School of Legal Studies, CSJMU Kanpur**

## **2. TEAM COMPOSITION :**

- **Each team should consist of a minimum of 3 members. This number cannot be modified under any circumstances.**
- **There shall be 2 speakers and 1 researcher designated for each team. the researcher shall be allowed to argue with prior permission of the court and MCS in case of illness of the designated speakers.**
- **Each team will be provided a team code after registration process through email. Teams should not disclose the identity of their institution; such disclosure shall invite penalties including disqualification. the decision for the same shall be at the discretion of the MCS.**

## **3. DRESS CODE :**

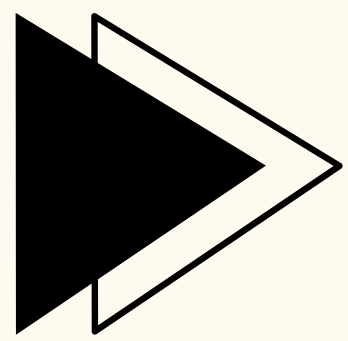
**The participants shall adhere to following dress code when present in any court room during the Competition.**

- **Girls: Black salwar and white kurta or white shirt and black trousers, black tie along with black coat and black shoes.**
- **Boys: White shirt, black trousers and black tie along with black coat and black shoes.**

## **4. BONAFAIDE :**

- **Every team must submit Bonafide certificate from their respective institute authorizing students to participate in the District Moot Court Competition organized by Atal Bihari Vajpayee School Of Legal Studies , CSJMU.**





# RULES AND REGULATION

## 5. SCORING CRITERIA :

- Memorial - 50 Marks.
- Knowledge of Facts and Law - 30 Marks.
- Use of Authorities and Precedents - 25 Marks.
- Response to questions & Articulation - 15 Marks.
- Advocacy Skills, Court Craft and Demeanor - 10 Marks
- Time management - 10 Marks
- Rebuttals - 10 Marks

## 6. MEMORIAL :

The following requirements for memorials must be strictly followed. Nonconformities will be penalised:

- Each team must prepare memorials for both parties to the dispute (Petitioners and Respondent).
- The soft copy of the Memorials for the Petitioner and the respondent must be submitted to [mcs.abvsls@gmail.com](mailto:mcs.abvsls@gmail.com) before 20 March, 2023 with the subject as "Team Code- Memorial Submission".
- Late submission will be penalized by two points for each hour subject to a maximum penalty not exceeding 20 points.
- Memorials received after 24 hours of the deadline will not be considered and the team will be disqualified from the moot court competition.
- Once the soft copy of the memorials has been submitted, no revisions, supplements, or additions will be allowed.
- The memorials shall be submitted in Word format and PDF format. The file shall be named as "Team Code- Memorial for Petitioner" and "Team Code- Memorial for Respondent" respectively. The memorials for the two sides shall be attached as two separate attachments in the same email communication.

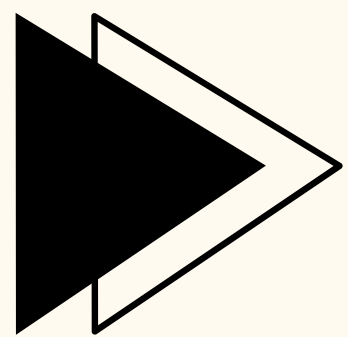




# **RULES AND REGULATION**

- **The memorials have to be submitted on typed A4 size paper printed on one side and must contain:**
  - **The table of contents**
  - **The index of authorities**
  - **The statement of jurisdiction**
  - **The statement of facts (1 page only & argumentative statement of fact attract penalties)**
    - **The statement of issues**
    - **The summary of arguments (not more than 1 page)**
    - **The arguments advanced**
    - **The prayer**
- **Uniform font size should be used throughout the memorial. The font size should be 12 (doubles space) and for footnotes it should be 10 (single space) & double space is to be adhered to between two-foot notes. Footnoting must conform to the Bluebook: A uniform system of citation (20th Edition). Non-Compliance will result in a penalty of 1 mark per page. Substantive/speaking footnotes are strictly prohibited.**
- **The memorial must have a margin measuring one inch on all sides of each page.**
- **The page numbering should be on the top right side of each page.**
- **Covers must be placed on briefs as follows: Petitioner: Light Blue Color; Defendant: Light Red Color.**
- **The cover page of the memorial must state the following**
  - **Team Code (On the top right corner)**
  - **The Cause Titles**
  - **Identify brief as Petitioners / Applicant / Respondents as is applicable**





# RULES AND REGULATION

- Identity of the institution shall not be revealed anywhere in the memorial. Violation of this provision shall result in penalties including disqualification. The decision of Moot Court Society shall be final.
- The teams may share a separate paper book (compendium) of not more than 50 pages, which will carry all the annexure and case laws that have been referred to in the memorial. The paper book will have a white cover.

## 7. Oral Rounds:

- The Moot Court Competition shall comprise of the following four rounds:
  - a. Preliminary Round 1 - Day 1.
  - b. Preliminary Round 2 - Day 1.
  - c. Semi-Final Round - Day 1.
  - d. Final Round - Day 2.
- Each team will have to argue from either of the sides in the Preliminary Round
- This order shall be decided by the draw of lots at the time of orientation on 24th March 2023.
- The teams which score the highest aggregate marks in the Preliminary Round will be eligible for qualification in the Semi-final Rounds.
- In case of a tie in the above procedure, the marks scored for the memorials shall be the deciding factor.
- In case of any doubt, the decision of the organizers shall be final.





# RULES AND REGULATION

- The Sides for the Semi-Final round shall be decided by the draw of lots.
- Semi-finals shall be a knockout round on 24th March 2023.
- The Qualifying teams shall then argue the case in the Final Rounds on 25th March 2023.

## 8. TIME FOR ORAL ROUNDS:

### A. PRELIMINARY ROUNDS AND SEMI-FINAL ROUNDS

- Each team will get a total of 25 minutes to present their case. This time will include rebuttal and sur-rebuttal time.
- The division of time is at the discretion of the team members, subject to a minimum of 10 minutes per speaker.

### B. FINAL ROUND

- Each team will get a total of 45 minutes to present their case. This time will include rebuttal and sur-rebuttal time.
- The division of time is at the discretion of the team, with a maximum of 25 minutes per speaker and a minimum of 20 minutes per speaker.

## 9. SCOUTING:

- Teams will not be allowed to observe the orals of any other teams. Scouting is strictly prohibited. Scouting by any of the team members shall result in disqualification.



# IMPORTANT DATES

<b>Start of Online Registration</b>	<b>20/02/2023</b>
<b>Last Date of Online Registration</b>	<b>15/03/2023</b>
<b>Last date for payment of Registration Fee</b>	<b>15/03/2023</b>
<b>Last date for requesting clarification for problem</b>	<b>20/03/2023</b>
<b>Last Date for Submission of Soft Copy of Memorials (both applicant and respondent) by email</b>	<b>20/03/2023</b>
<b>Orientation</b>	<b>24/03/2023</b>
<b>Preliminary round and Semi Final</b>	<b>24/03/2023</b>
<b>Final, Valediction &amp; Prize distribution</b>	<b>25/03/2023</b>





# ABVSLS



## ORGANIZING COMMITTEE

**MR. DIVYANSH SHUKLA**  
FACULTY COORDINATOR



**MR. SAMRENDRA CHAUHAN**  
CO - FACULTY COORDINATOR



**DR. SMITA SRIVASTAVA**



**MR. SAMIUDDIN**



**MRS. MAYURI SINGH**



**MRS. PRIYA AWASTHI**







# ABVSLS



## SCAN FOR REGISTRATION

<https://forms.gle/goyAE1RPKQpNUuwPA>

FOR QUERIES

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<http://csjmu.ac.in/departments/atal-bihari-vajpayee-school-of-legal-studies/>



# PREVIOUS MOOT COURT SESSIONS

