



Dr. B.R Ambedkar National Moot Court Competition, 2024

Organised by University School of Law and Research UNIVERSITY OF SCIENCE & TECHNOLOGY MEGHALAYA

17

USTM

GATE-1

Accredited "A" Grade by NAAC

USTM

In Collaboration with Meghalaya State Legal Service Authority

Date : 4th to 6th April, 2024

UNIVERSITY OF SCIENCE & TECHNOLOGY MEGHALAYA

Techno City, Khanapara, Kling Road Baridua, 9th Mile, Ri-Bhoi,Meghalaya-793101 Web : www.ustm.ac.in

About USTM

The University of Science & Technology, Meghalaya (USTM) is the first State Private University on Accredited 'A' Grade in the entire North East India, sponsored by ERD Foundation, Guwahati. The University has been established in a picturesque landscape surrounded by tranquilled greenery in Assam-Meghalaya at Baridua, 9th mile, opposite to CRPF Camp, Ri-Bhoi District of Meghalaya. It is about 85 kms from Shillong, the Capital of Meghalaya & 6 kms from Dispur, the Capital of Assam. The campus is well connected by Rail & Air which is only 15



connected by Rail & Air which is only 15 kms from Guwahati Railway Station & 48 kms from Guwahati International Airport.

The University has been established under the provisions of the University of Science and Technology, Meghalaya Act (No.6 of 2008) enacted by Legislative Assembly of Meghalaya and notified vide Gazette Notification No LL(B)87/2008/21, dated 02.12.2008 of Government of Meghalaya. The University is empowered by the University Grants Commission, to award degrees as specified by the UGC under section 22 of the UGC Act, 1956. USTM has also received necessary approval from BCI, AICTE, New Delhi; NCTE, ERC, Bhubaneswar, Pharmacy Council of India to run B.A.LL.B(H), LL.B(H), LLM, MBA, B.Ed. & B. Pharm courses respectively.

The university has been involved for more than 9 years in fulfilling the aspirations of young mind by imparting quality education. Further, the university is involved in high value research emphasizing required needs as well as in pursuing frontier areas of research, innovation, invention and entrepreneurship have remained the primary focus. The University is directing all its efforts to create the much needed S & T manpower to foster relentlessly the economic and social development of the region in an inclusive manner.

About USLR



The University School of Law and Research is a constituent department of USTM to impart quality education in legal discipline in the region. The basic aim of the school is to impart quality education in law as a developing discipline, thus satisfying the requirement of legal aspirant of the region. The comprehensive program aims at clarifying the basic legal concepts of the students. The internship program aims at providing practical education to the students while research spirit aims at innovation and contribution to the field.

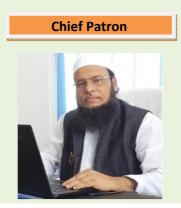
Academic Focus: Rule of law is the basic norm of a democratic society. Law as a discipline of

study is emerging in both quality and quantity in India. Law is a multidisciplinary subject. Law is inalienable from arts as well as science and technology. Hence law governs the society, the druggist or the digital- world. Various specializations can be obtained in Law like specialization in the Constitution, in Criminal Law, Business Law etc. The University of Science and Technology has undertaken this humble initiative to impart specialized education in various legal disciplines from the session 2015-2016.

The School offers various courses of legal discipline namely **BA. LLB (H), BBA. LLB (H), LLB (H), LLM & Ph.D.**

About Meghalaya State Legal Service Authority

The Legal Services Authorities Act, 1987 was enacted by the Parliament to give effect to Article 39 A of the Constitution of India which guarantees free and competent legal services to the weaker sections of the society to ensure that they are not denied access to justice by reason of economic or other disability. As provided under Section 6 of the Legal Services Authorities Act, 1987, the Government of Meghalaya has set up the Meghalaya State Legal Services Authority(MSLSA) in July 1998. In line with this, the Meghalaya State Legal Services Authority Rules, 1998 and the Meghalaya State Legal Services Authority Regulations, 2000 were framed. The office of the MSLSA is presently housed in the building of the Additional Secretariat, Shillong below the MATI building. The Member Secretary and other officers and staff functions under the direct supervision and guidance of the Hon'ble Executive Chairman, to fulfill an onerous duty to ensure that the legal aid programmes and schemes are implemented in its letter and spirit through the State. In order to ensure that the objectives of the Act are translated into reality, and that the constitutional guarantees are fulfilled to the people of the State, the MSLSA have devised a comprehensive legal services programme in the form of the State Action Plan. Efforts have been made when framing the programmes/activities to ensure that they adapt to local situations so that they can effectively address the problems faced by the people in the State and at the same time to be in consonance with the National Plan of Action. It is expected that these activities will be carried out in letter and spirit and that the benefits actually reach the targeted sections of society leading us towards the goal of "Access to Justice for All".



Mahbubul Hoque Hon'ble Chancellor, USTM

Patrons



Prof G.D Sharma Hon'ble Vice Chancellor, USTM



Hon'ble Mr. Justice H.S. Thangkhiew Judge, High Court of Meghalaya & Executive Chaiman, MSLSA.

Advisory Committee

- Dr. R. K. Sharma, Advisor, USTM
- Shri. E. Kharumnuid, MHJS, Registrar General High Court of Meghalaya and Member Secy, MSLSA
- Dr. A. H. Barbhuiya, Academic Registrar, USTM
- Prof. Subhram Rajkhowa, USLR-USTM
- Dr. B. K. Das, Pro VC, USTM
- Ms. Anju Hazarika, Registrar, USTM
- Dr. Nurujjaman Laskar, CoE, USTM
- Ms. Polly Borgohain, Director, University Classes

RULES AND REGULATIONS

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1. Definitions

- i. "Moot Court Competition" or "Competition "shall mean "Dr. B.R. Ambedkar National Moot Court Competition ,2024" to be held on **4**th -**6**th **April, 2024**.
- ii. "Organisers" or "Organising Committee" shall mean both the members and non- members of the Moot Court Committee of USLR, USTM who have been selected to conduct this Moot Court Competition .
- iii. "Rules" means the official competition rules and any other applicable supplements to the rules published by the organising committee.
- iv. "Team" shall mean all the three members including the counsel, co-counsel and researcher.
- v. "Speakers" shall mean counsel and co-counsel of each team.
- vi. "Researcher" shall mean the non-speaking participant of each team.

2. Participation and Eligibility

- i. The Moot Court Competition is open to all students enrolled in a full-time undergraduate law course provided by a recognised institution in India.
- ii. Each Institution shall be represented by only one team at the competition .
- iii. Each team shall comprise of a maximum of 3 members: Counsel, Co-Counsel and a Researcher. A team comprising of two members would also be eligible, in such case both the participating members will fulfil the role of Counsel and Co-Counsel and *one of the members can take the researcher's test.*

3. Anonymity

Participating teams must strictly maintain anonymity of their institution during the competition. Each team will be provided with a team code, which shall be used throughout the competition, until the declaration of results. Every team must at all rounds of the competition represent themselves by only stating their team codes. Revealing the identity of the institution or of the members themselves in any way whatsoever may result in immediate disqualification of the team.

4. Registration

Institutions should register themselves by filling up the Google form on or before 15th
 March, 2024 (5 PM, IST) with "Participation" as the subject. Upon receiving the google form, the organising committee will send a confirmation mail. The teams may further complete

the registration process by making a payment of **Rs 5,000/-** by making an account pay in favour of-

- Name of the Account: University of Science & Technology Meghalaya
- Account No: 911010060610980
- Bank: Axis Bank (Khanapara Branch, Guwahati)
- IFSC Code: UTIB0001297
- Registration shall be successful upon submission of Google form Registration along with a scanned copy of the payment receipt mailed to uslrustm@gmail.com latest by 15th March, 2024
- iii. The hard copy of the Registration form and the demand draft shall be *submitted in person by the teams* when they come to Guwahati for the competition.
- iv. After the completion of the registration process the teams shall be sent a team code. All correspondence with the organising committee shall specify on the team code.
- v. No alteration in the team composition shall be permitted after the receipt of the Registration Form, except at the sole discretion of the organising committee.

5. Clarifications

- i. Clarifications and doubts will only be entertained through emails sent to <u>uslrustm@gmail.com</u>, with "Clarification" as the subject, till **10th of March, 2024 (5 PM).**
- Clarifications sought by individual teams will be replied to till 13rd of March, 2024 (5 PM).
 The list of clarifications will be released on 15th of March, 2024 at 8 PM, wherein it will be emailed to every team. The list will consist of the combined clarifications sought by all the teams.

6. Awards

| • | Winning Team | : Rs. 25,000 |
|---|-----------------------|--------------|
| • | Runner's Up Team | : Rs. 15,000 |
| • | Memorial Award | : Rs. 7000 |
| • | Best Speaker Award | : Rs. 7000 |
| • | Best Researcher Award | : Rs. 7000 |

7. Scouting

- i. Scouting is strictly prohibited.
- ii. Teams found scouting shall be disqualified immediately. Any team can submit a written complaint regarding a case of scouting to the organising committee. In case of any default, the organising committee's decision will be final.

8. Researcher's Test

- a. There shall be a researcher's test for the best researcher title.
- b. The researcher's test shall comprise of 40 Objective Type Questions (Each of two marks) and 2 subjective questions (10 marks each). In case of the objective type questions 0.5 marks will be deducted for a wrong answer.
- c. The researcher with highest score shall be awarded with the best researcher award.
- d. In case of a tie the researcher with higher marks in subjective questions will be awarded the Best Researcher award.
- e. In case of a two member team , one of the members can take the researcher's test.

9. General Etiquettes

i. Participants are expected to behave in a dignified manner and not to cause any inconvenience to the organising committee, the judges of the competition or any other participant.

ii. The Organising committee reserves the right to take appropriate action for any unethical, unprofessional or immoral conduct.

10. Accommodation

i. Accommodation will only be provided to 3 members of a team on a shared basis. Accommodation will be provided from **10 AM**, **4**th **April**, **2024 to 12 PM**, **7**th **April**, **2024**.

Transportation will only be provided from the place of accommodation to the venue of the competition and vice-versa.

11. Memorial Submission

i. Submission of Memorial

- a. Each team is expected to make Memorials for both sides: Petitioners and Respondents.
- b. The last date for submission of soft copy of the Memorial is 27th March 2024 (11:59 PM).
- **c.** Teams are expected to submit 6 hard copies of each side of the memorials at the venue of the competition on **4**th **April, 2024.**
- d. Only team code should be specified in the Memorial and identity of the teams shouldn't be disclosed in any way.
- e. Memorial marks would be marked as per the soft copy submissions. Any variation in the hard copy will be penalized. 0.5 marks will be deducted for each variation.
- f. The soft copy should be compatible with at least Microsoft Word 2007.
- g. The organizing committee reserves the right to use the Memorials, submitted by the participating teams to, appropriate use.

ii. Evaluation of Memorial

| Knowledge of Law and Depth of Research | 20 Marks |
|--|----------|
| Use of Authority/Precedents | 20 Marks |
| Incorporation of Facts into the Arguments | 10 Marks |
| Interpretation of Applicable Law | 10 Marks |
| Clarity of Thought and Organization of Arguments | 15 Marks |
| Originality | 10 Marks |
| Style of Presentation | 10 Marks |
| Prayer | 5 Marks |

iii. Penalties shall be attracted in the following manner

| Late Submission Soft Copy | 2 Point per Day Per Memo |
|-----------------------------------|--------------------------|
| Late Submission hard Copy | 1 Point per Day Per Memo |
| Any Violation Under Rule 11(i)(d) | 1 Point |

iv. Contents of the Memorial

a. Each Memorial should contain at least the following sections :-

- Cover Page (Shall Include Year Of The Competition, Cause Title, Forum/ Court, Designation As Petitioner Or Respondent Memo, Team Code On The Top Right Corner -E.G. 20P Or 20R)
- Table Of Contents
- Index Of Authorities
- Statement Of Jurisdiction (Strictly Restrict To 1 Page)
- Summary/Statement Of Facts (Strictly Restrict To 1 Page; Argumentative Statement Of Facts Shall Be Penalised)

- Issues Raised/Questions Presented
- Summary Of Arguments/Pleadings
- Arguments Advanced/Written Pleadings (Strictly Restrict To 15 Pages Or Less)
- Prayer
- b. The following specifications shall be strictly adhered to:-
- Language: English
- Body Font & Size: Times New Roman, 12;
- Line Spacing: 1.5
- [The Spacing Need Not Be Followed For The Cover Page, Any Tabular Column, Header Or Footer]
- Footnotes Font & Size: Times New Roman, 12;
- Line Spacing: 1.5; Paragraph Spacing: None;
- No Additional Space Between Footnotes
- Alignment (Body & Footnotes): Justified
- Margin: 1 Inch On All 4 Sides
- Citation Method: ILI
- Citation. Substantive Footnoting Is Strictly Prohibited.

c. The following specifications should be adhered to while printing:-

- The cover page shall be: blue for petitioner memorial and Red for Respondent Memorial
- Only white A4 sized paper shall be used for all other pages. Use of recycled papers is encouraged.
- The memorials shall be printed on both sides. Each side shall be counted as one page.
- The memorials shall be staple bound with two/three staples on the left margin. No other form of binding shall be accepted. The use of plastic/cellophane sheets or films shall attract penalties.
- The memorials shall not contain any annexures/appendices, photographs, sketches, exhibits, affidavits, etc.

12. Oral Rounds

i. General Rules

- a. The competition shall consist of the following rounds:-
 - Preliminary Rounds
 - ▶ Quarter-Finals

- Round of 16
- Semi-Finals

- ▶ Finals
- b. During each of the above mentioned rounds the order in which each team shall presenttheir arguments is as follows:-
 - I. Petitioner Speaker 1
 - II. Petitioner Speaker 2
 - III. Respondent Speaker 1
 - IV. Respondent Speaker 2
 - V. Rebuttal: Petitioner any one of the two speakers
 - VI. Sur-Rebuttal: Respondent any one of the two speakers
- VII. Sur-Rebuttal may be permitted only at the discretion of the judges.
- c. The best speaker award shall be determined on the basis of the individual aggregate score of the speaker taken only from the preliminary rounds.
- d. The researcher shall not be permitted to address the court during the oral rounds. The researcher may, however, be permitted to pass notes to the speakers a t the discretion of the judges.
- e. Teams are not permitted to raise issues in the oral rounds that have not been submitted in the memorial.
- f. The use of mobile phones, laptops, or any other electronic gadgets is strictly prohibited during the

oral rounds.

- g. Participants may use their own bare acts, print outs and commentaries provided that anonymity is not violated during the rounds.
- h. The decision of the judges as to the marks allotted to each team shall be final.
- i. Teams shall notify the bench clerks of the division of time between the 2 student counsels (including time reserved for rebuttal & sur-rebuttal) 10 minutes prior to the commencement of the rounds.
- j. If the counsel 1 exceeds his /her reserved time, the additional time taken shall be deducted from the time reserved by counsel 2. Similarly, if counsel 2 exceeds his/ her reserved time, the additional time taken shall be deducted from the time reserved for rebuttals/sur- rebuttals as the case may be.
- k. The finality of the decision as to the time structure and the right to rebut or surrebut shall vest with the judges.

ii. Evaluation of Oral Rounds

a. Teams will qualify for the successive rounds only on the **basis of the marks obtained in the oral rounds**. **Memorial marks wont carry any weightage during the rounds**. The following would be the factors of evaluation during the oral rounds.

| Art of Persuasion | 20 Marks |
|-------------------------------------|----------|
| Knowledge of Law | 20 Marks |
| Use of Authority | 20 Marks |
| Incorporation of Facts in arguments | 20 Marks |
| Answering queries | 20 Marks |

13. Miscellaneous

- i. The organizers reserve the right to amend, modify or repeal any of the rules of the moot competition. Changes in the rules, if any, shall be communicated to the participants in a timely manner.
- ii. The organizers reserve the right to take decisions on any subject not mentioned in the rules, including disqualification for non-abiding of the rules thereof.
- iii. In case of any discrepancies or doubts regarding the rules, the decision of the Organizers shall be final and binding.



NEAREST ATTRACTONS

1. Kamakhya Temple.

Located 15km from the university premises, The Kamakhya Temple at Nilachal hills in Guwahati, Assam is one of the oldest and most revered centres of Tantric practices, dedicated to the goddess Kamakhya. The temple is the center of the Kulachara Tantra Marga and the site of the Ambubachi Mela, an annual festival that celebrates the menstruation of the goddess



2. Umananda.



Umananda Island is the smallest inhabited river islet in the middle of river Brahmaputra, flowing through the city of Guwahati in Assam, a state in northeast India. Located 16 Km away from USTM, Umananda derives from Assamese Uma, another name for the Hindu goddess Parvati, the wife of Shiva; and ananda, which translates to "joy".

3. Shillong.

Shillong is the capital of Meghalaya which is known for its scenic beauty and is located about 87 Km away from USTM. Shillong is a hill station and the capital of Meghalaya, a state in northeastern India. It is the headquarters of the East Khasi Hills district. Shillong is the 330th most populous city in India with a population of 143,229 according to the 2011 census. It is said that the rolling hills around the town reminded the British of Scotland. Hence, they would also refer to it as the "Scotland of the East".





4. Umiam.

Umiam Lake (locally known as Dam sait) is a reservoir in the hills located 71 km away from UTSM. It was created by damming the Umiam River in the early 1960s. The principal catchment area of the lake and dam is spread over 225 square kilometres (87 sq mi).

HOW TO REACH / LOCATE USTM

USTM is located very strategically in the border of Assam in the state of Meghalaya in close proximity to the city of Guwahati (Gateway of North-East).

By ROAD

Guwahati :

From ISBT to USTM -12 Kms.

From Khanapara to USTM – 3 Kms.

From Dispur to USTM- 6 Kms.

Regular city bus and auto services are also available from different parts of Guwahati to the CRPF Group Centre, 9th mile, from there, share auto services are available to the university.

By AIR

The nearest airport LGBI Airport, Guwahati is only 40 Kms from the University Campus. Taxi services are available from airport to the University.

By RAIL

Guwahati railway station is the nearest railway station which is about 15kms from the University. Regular Auto and Bus services are available from the Railway Station.

Moot Problem

Mayang, one of the important states of Aryabrata in the North-Eastern region has been afflicted by insurgency since the independence of Aryabrata. Mayang acceded to the Aryabrata Union on 15 October, 1949. The Kingdom of Mayang was conquered by the British following the brief Anglo-Mayang War of 1891, becoming a British protectorate. The Kingdom of Mayang was merged with the Aryabrata Union on 15 October 1949. After a protracted agitation it was declared a separate state in 1972. The alleged 'forced' merger of Mayang and the delay in the conferring of full-fledged statehood to it was greatly resented by the people of Mayang.

This has led to the birth of insurgency in the state of Mayang demanding self-determination. At present, there are more than 30 militant groups in Mayang (12 are active), including 10 Meithali factions and 19 Tuki outfits operating in the state. A report of the State Home department in May 2018 indicated that 'as many as 22,650 cadres of different insurgent outfits with 18,830 weapons were actively operating in the State. There are incidents in which militants of the State have targeted VIPs. One such attack was planned on the then Chief Minister T.R. Koijam on November 23, 2018. Incidents of firing and grenade explosions targeting the residences of Ministers and Members of the State Legislative Assembly are still continuing. Due to the problem of militancy, the investments meant for infrastructural development have been divested in countering the growing unemployment in the State. There has been increase in educated unemployed youths in the State and they are now becoming ready recruits for the militant outfits. The cases of extortion are also increasing. Militants have resorted to extorting from almost all places including places of worship, educational institutes, health centres and commercial establishments. This has led to closure of quite a few establishments in the State.

Another serious problem created by the militants is the kidnapping of children to train them to become members of insurgent outfits. There are also incidents of killing of non-Mayangi by the militants. The media in the State has also suffered and there had been quite a few incidents in which media persons have been killed by unidentified miscreants.

There have been repeated reports of insurgent groups in Mayang kidnapping children to bolster their ranks with child soldiers. These children are then taken and recruited as child soldiers. One recent report was on 18 April 2017, when three teenage boys were kidnapped as they watched a local football match.

Mayang had been declared a 'disturbed area' in its entirety in 1980 and the Armed Forces Special Power Act (AFSPA) 1958 was imposed in the State on 8 September, 1980, which continues to be in place till now. Between 1992 and 2020, at least 6151 people have been killed in insurgency related incidents in Mayang. However, there has been reports of excessive use of force by the armed forced deployed in the area to counter insurgency.

On 19 May 2023 a convoy of 8th Eastern Hills Regiment was moving from the army headquarters in the state to an interior place known as Balom effected by insurgency. At around 3.45 p.m about 10 kms away from the destination at Khiddim Road National Highway 150, when three-vehicle convoy of the 8th Hills Regiment was passing by a powerful IED blast rocked the convoy. The first vehicle, a 3-ton, bore the brunt of the attack. Its front suffered damage, exposing parts of the machinery. The two men sitting in front were injured. Before the jawans sitting in the trucks behind could get down the insurgents had escaped. They had been waiting for the convoy.Villagers, just on the other side of the Khiddim road in Balom, had heard the sound and felt the reverberation of the explosion. But before anyone could do anything, staccato gunfire filled the air. The government troops panicked and struck back hard, firing randomly at passersby who were running for cover after the explosion. A few minutes later all was quiet. And then the firing began again. In the ensuing shootout 10 people got killed out of which there was a teenager who had won the nation bravery award the previous year from the government.

Some of the by-standers who happened to witness the incident could run to a nearby forest and save their lives. This incident however led to a combing operation of the entire area for the next few days and the security forces arrested around 70 people from adjoining village for investigation either suspecting them to be members of sleeper cells of the insurgent groups or witness to the incident.

In the ensuing episode of investigation on 21st May 2023 the security forces also arrested a noncombatant female member of the insurgent group namely Thangjam Maanbi Devi from her residence who was healthy at the time when she was arrested by the personnel of 17th Assam Rifles by issuing Arrest Memo. But the next day the security forces informed the family members of Th. Maanbi Devi that she was killed in an encounter after an attempt by her to escape the night she was arrested. However, when the body was sent for post-mortem evidence of torture inflicted on her was foundespecially in the genital area. This incident shook the collective conscience of the people Mayang and a demand for withdrawal of AFSPA came from the civil society of Mayang.

One Mr. BirenYumkham of around 21 years of age who also happened to be a state football player was among the person arrested. In the course of investigation, Mr. Biren was tortured which led to permanent damage to the left leg. Mr. Biren had been actively pursuing football since a teenager and had left studies after completing his class X and he was earning his livelihood from football. However, the permanent damage has rendered his left leg almost useless and he has been forced to give up football entirely. Moreover, the lack of proper education means that he is neither assured of a decent job in his home state anymore.

Mr. Biren has approached the Hon'ble High Court of Mayang under Article 226 of the Constitution seeking compensation to the tune of Rs. 5 Crore as compensation for loss of his ability to play which has in fact his ability to earn a decent livelihood. Further, he has also challenged the constitutional validity of the AFSPA on the face of the inhuman torture inflicted by the armed forces on the garb of the provisions of the Act and he has alleged that it is a mere instrument at the hands of the armed forces to violate human rights and liberties and thus against the very soul of the Aryabrata Constitution.

A civil rights organisation by the name of Mayang People's Rights Council (MPRC) sent a letter to the Chief Justice of the Hon'ble High Court of Mayang asking to initiate an inquiry and criminal proceeding against the members of the 8th Eastern Hills Regiment into the alleged custodial rape and subsequent killing of Thangjam Maanbi Devi.

Another person by the name of Dailin Muivah had lost his younger brother on 19 May 2023 in the shoot out that ensued between the militants and security forces. When Mr. Dailin Muivah read about the news of the case being filed by Mr. Biren, he approached the Hon'ble High Court of Mayang and filed an impleadment application praying for his impleadment in the said matter and the Hon'ble High Court was pleased to allow the impleadment application and impleaded Mr. Muivah Mayang People's Rights Council (MPRC) and as a Petitioner without hearing any of the Respondents.

N.B: For the purposes of this problem statement, the laws of Aryabrata are in parimateria with the Laws applicable in India

Moot Problem Authored by – Mr Yasser Iftikar Rahman Asstt. Prof. USLR-USTM

ORGANISING COMMITTEE

Prof. (Dr) Baharul Islam Shri. T.T.M. Sangma, MJS, Dr. Anurekha Goswami Mr. Yasser Iftikar Rahman Dean, USLR,USTM OSD, MSLSA Associate Professor, USLR Assistant Professor, USLR Chairperson Member Member Convenor

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