



UNIVERSITY

GWALIOR • MP • INDIA

"CELEBRATING DREAMS"



ARUN JAITLEY MEMORIAL NATIONAL MOOT COURT COMPETITION-2023

NOVEMBER 25-26, 2023



Organised by: **School of Law, ITM University Gwalior**
NH-44, Turari, Gwalior, (M.P.) - 474 001 INDIA



ABOUT THE UNIVERSITY

“ITM University-Gwalior” is established by the Act of State Legislature, M.P. and is notified in the Official Gazette (extraordinary) of the State Government after having received the assent of His Excellency Governor of M.P. who will be the Visitor of ITM University. “ITM University-Gwalior” is sponsored by Samta Lok Sansthan, a registered charitable Trust. The Trust is successfully running various Institutions in discipline of Engineering, Technology, Life Science, Computer Applications, Management, Nursing & Education etc for last 15 years enjoying the top ranking in the State & the Region. The flagship Institutions under ITM Group of Institution (known as ‘ITM Universe’ – brand name) like Institute of Technology & Management (ITM) & Institute of Allied Science and Computer Applications (IASCA) at Gwalior are NBA & NAAC accredited respectively.

ABOUT THE SCHOOL

School of Law, ITM University is an institution recognized by the UGC and Bar Council of India. It is established with the objective of providing high quality education in the legal domain. School of Law, ITM University aspires to be recognized as a principle centre of excellence in law. The School seeks to emphasize on the integration of enterprising initiatives and creative programs in the curricular activity, transcending conventional academic orientation so as to inculcate within each of its student a vibrant and more real outlook towards their life and career.

ABOUT THE MOOT COURT COMPETITION

School of Law, ITM University Gwalior is organizing its flagship Arun Jaitley National Moot Court Competition from November 25-26, 2023. The competition is being conducted to provide mooting experience to law students all over India and thereby broadening the legal knowledge. It will furnish a platform to the law students across the nation to enhance their skills and application of law with indomitable spirit. It aims to strengthen oratory skills and continuous evolution of mannerism of court in a law student.



INVITATION

Greetings from ITMU School of Law!

It gives us immense pleasure to announce that ITMU School of Law (ITMUSOL), Gwalior is gearing up to organize its flagship Arun Jaitley National Moot Court Competition from November 25-26, 2023. The institution aims to nurture and train young minds in honing the skills of legal research and persuasive arguments in the guise of an advocate in courtroom ambience and experience. The competition shall be an ideal forum to bring together some of the most creative and intellectual young minds from various law schools in the country to participate and witness their mastery of advocacy and research skills to be adjudged by a team of expert judges, advocates and learned luminaries in the field of law.

The Moot Court problem has been prepared by continuous synthesis and to check the students' depth of understanding of legal principles and legal reasoning along with courtroom behavior.

On behalf of the entire fraternity of ITMU, we cordially invite participants from various esteemed institutions of our country to take part in the competition and cherish the memories and experience in all their endeavors. We look forward to your presence and participation in the Musical City of India and the Green and Smart Campus – ITMU SOL, Gwalior.

Let us relish the feast of learning together.

For any queries, you shall reach us at:

Moot Court Society
ITMU School of Law

REGISTRATION

I. ELIGIBILITY

- Students enrolled in a full-time 3-year LLB or 5-year LLB programme at a University, college and institutions that have been approved by the Bar Council of India are eligible to register in this competition.
- In accordance with the rules, the organizing committee will accept registrations on a First-Come, First-Serve basis.

II. GENERAL RULES REGARDING REGISTRATION

- The teams are required to show their interest by filling out the form through registration link by 28 October, 2023.
- There is no Bar if multiple teams are registering from same college.
- A registering team shall consist 2 mooters and 1 researcher. After registration, any modifications to the team detail form must be properly communicated to the organizing committee by email. Additionally, changes made during the competition will not be accepted.
- Participating team must submit a participation fee of 3000/- rupees without accommodation.
- The University shall provide accommodation at Rs. 400 /- per student per day.
- Participants must follow all the rules outlined above and failure to do so may result in the cancellation of their registration and any subsequent claims relating to this will not be entertained.
- Payment options will also be available on registration link.

IMPORTANT DATES

| List of Events | Date |
|---|--------------------|
| Last date for final registration and payment of fee | 28 October |
| Deadline for queries related to moot problem | 30 October |
| Release of clarification | 2 November |
| Last date for memorial submission (Soft Copy) | 16 November |
| Last date for memorial submission (Hard copy) | 20 November |
| Draw of Lots | 25 November |
| Preliminary Rounds | 25 November |
| Researcher's Test | 25 November |
| Quarter-Final Round | 25 November |
| Semi-Finals | 26 November |
| Final Round | 26 November |
| Valedictory Ceremony | 26 November |

AWARDS

The winners will be awarded a Trophy along with Cash Prize and Certificate of Merit. Every participant will be awarded with a Certificate of Participation.

| | |
|-----------------|---|
| WINNERS | ₹51,000 + Trophy + Certificate of Merit |
| RUNNERS-UP | ₹21,000 + Trophy + Certificate of Merit |
| BEST MEMORIAL | ₹7000 + Trophy + Certificate of Merit |
| BEST ORATOR | ₹7,000 + Trophy + Certificate of Merit |
| BEST RESEARCHER | ₹5,000 + Trophy + Certificate of Merit |

VENUE:

School of Law, Ramanujan Block, Sithouli Campus, ITM University, Gwalior

STRUCTURE OF THE COMPETITION

1. Competition shall consist of :-

- Inaugural ceremony (Day-1)
- Researcher test (Day-1)
- Preliminary Round (Day-1)
- Quarter final Round (Day-1)
- Semi-Final Round (Day-2)
- Final Round (Day-2)
- Valedictory Ceremony (Day-2)

I. DATE

The competition shall be held as a Two-Day Event from 25th November, 2023 to 26th November, 2023 via offline mode.

II. COMPOSITION OF TEAM

- Each participating team shall comprise 3 participants viz, 2 speakers and 1 researcher.
- The Participants may change their roles within their Team only with

the prior intimation and approval of the Organizing Committee but in no case later than the final submission of memorial.

III. RESEARCHER'S TEST

- Researcher's test will be conducted on 25th November 2023.
- The participant, who is registered as the researcher, shall only be allowed to participate in the Researcher's test.
- The score of the researcher's test shall not be considered for the overall total score of the participants. It shall be considered only for selecting the Best Researcher.

IV. PRELIMINARY ROUNDS

- Pairing of teams shall be done via draw of lots.
- There shall be exchange of memorials for all the rounds.
- Each team shall argue for both the sides in the Preliminary Rounds where each team will represent either the Petitioner/Appellant or the Respondent side.
- Each team will face a separate team and a separate bench in both the Preliminary Rounds.
- The time allotted for the Preliminary Round will be as follows
- Each team will get 15 minutes.
- Additional 5 minutes for rebuttal.
- The division of time between the speakers is at the discretion of the teams subject to the maximum of 10 mins for each speaker. The same shall be communicated to the court clerk in prior.
- Extra time allocation will be solely at the discretion of the judges.
- Teams with the highest score in the preliminary rounds 1&2 shall qualify for the quarter-final round. In case of a tie, the team with the highest marks in the memorial shall qualify for the Quarter-final round.
- Any Compendium that the Team seeks to rely on shall be submitted to the courtroom manager/timekeeper prior to such Oral Pleading Session. Such Compendium must be spiral bound, and must contain a cover page specifying the Team Code. The courtroom manager/ timekeeper shall provide such Compendium to the Bench at its discretion.

V. QUARTER FINAL ROUND

- Eight teams with the highest score in the Preliminary rounds shall qualify for the quarterfinal round.
- The participants shall argue for any one side, which shall be decided on the basis of draw of lots.
- The quarterfinal round shall be Knock-out Rounds.
- The time allotted for the quarterfinal round shall be as follows-
- Each team will get 15 minutes
- Additional 5 minutes for rebuttal to the petitioners.
- The division of time between the speakers is at the discretion of the teams subject to the maximum of 10mins for each speaker. The same shall be communicated to the court clerk in prior.
- Extra time allocation will be solely at the discretion of the judges.
- Only oral round scores shall be considered for evaluation; in case of tie, the team with the highest score in the memorial shall proceed to the Semi-Final Round.

VI. SEMI-FINAL ROUND

- A draw of lots shall be conducted to determine the pleading side for the Semi-final round.
- The time allotted for the Semi- final round shall be as follows-
- Each team will get 20 minutes
- Additional 5 minutes for rebuttal to the petitioners.
- The division of time between the speakers is at the discretion of the teams.
- Extra time allocation will be solely at the discretion of the judges.
- The other rules shall remain the same as in the Quarter final rounds.

VII. FINAL ROUND

- The two highest scoring teams from the Semi-final round will advance to the Final round. The teams shall argue only from one side which will be decided on the basis of "Draw of Lots".
- The time allotted for the Final round shall be as follows-
- Each team will get 20 minutes
- Additional 5 minutes for rebuttal to the petitioners.
- The division of time between the speakers is at the discretion of the teams subject to a limit of 12 minutes max.
- Extra time allocation will be solely at the discretion of the judges.
- The other rules shall remain the same as in the Quarter final rounds.

ASSESSMENT CRITERIA FOR ORAL PLEADINGS

Maximum scores for the oral rounds shall be 100 points per speaker. The oral rounds shall be judged on the basis of following criteria:

| | |
|--|-----------|
| Knowledge of Law | 20 marks |
| Application of Legal Principles & Interpretation | 20 marks |
| Ingenuity and Ability to Answer The Questions of The Court | 15 marks |
| Presentation and Argumentative Skills | 15 marks |
| Use of Authorities and Precedents | 10 marks |
| Effective Rebuttals | 10 marks |
| Style Confidence Courtesy Demeanor | 5 marks |
| Time Management and Organization | 5 marks |
| Total Marks | 100 marks |

GUIDELINES FOR THE MEMORIAL

- Each team shall prepare a memorial for both sides (Petitioner/Appellant/Respondent) in English Only.
- The teams must mail a soft copy of their memorials of both sides (Petitioner/Appellant and Respondent) in PDF Format for evaluation through submission within prescribed time without fail.
- The file names of the electronic copies of the Memorials must contain only the team code and the side being represented in the following format: e.g. (for Team Code AJNMC 12) 514P/514A and 514R, "P/A" being for "Petitioner/Appellant" Memorial and "R" for "Respondent" Memorial.
- The teams should send four (4) hard copies of both sides of their memorials by 20th November, 2023 by post to the postal address provided in the brochure.
- The participants are required to bring a copy of the Memorial for their own reference.
- The participants are also required to bring two (2) copies of the Compendium for the judges and their own reference.
- The team should adhere to the Plagiarism rule of maximum 20%.
- The memorial must be submitted with the list of contents given below:
 - Cover page
 - List of Abbreviations
 - Table of contents
 - Index of Authorities
 - Statement of Jurisdiction
 - Statement of Facts
 - Statement of Issues
 - Summary of Arguments
 - Arguments Advanced
 - Prayer

- In the memorial or during the oral arguments, teams are not permitted to mention their names, the name of the institution or the name of any participant(s).

I. COVER PAGE

- The cover page of the Petitioner/Appellant Memorial should be Blue colour in A4 size sheet only.
- the cover page of the Respondent's Memorial should be Red colour in A4 size sheet only.
- The cover page of the Memorial should clearly specify the representing side.
- The cover page of the memorial must have the following contents:
 - Name of the Court
 - Case Title
 - The Side of the Memorial
 - Team Code (To be written on the top right corner)

II. FORMATTING AND CITATIONS

- FONT SIZE 14 (Headings), 12 (Main text, Header, Footer), 10 (Footnotes)
- LINE SPACING 1.5 (Main text, Header and Footer)
- FOOTNOTES Single spacing between lines, Double spacing between two footnotes MARGIN 1 inch on all the sides of each page
- BODY OF TEXT Justified
- NO. OF PAGES 30 pages (maximum) inclusive of cover page
- PAGE NUMBER Bottom center
- CITATION Blue Book 21st Edition

III. ASSESSMENT CRITERIA FOR MEMORIAL

The maximum scores for the memorials shall be 100 marks. The memorials shall be evaluated on the following criteria:

| | |
|------------------------------------|-----------|
| Knowledge of Law and Fact | 30 marks |
| Proper and articulate analysis | 20 marks |
| Extent of Research | 20 marks |
| Organization and Presentation | 10 marks |
| Clarity of Thought and Originality | 10 marks |
| Grammar and Style | 10 marks |
| Total Marks | 100 marks |

For inquiries, please contact: Mootcourt@itmuniversity.ac.in

Convenor: **Mr. Hradayesh Chaturvedi** (Asst. Professor, School of Law)
Email: hradyeshchaturvedi.law@itmuniversity.ac.in | M.: 7415813095

Co-Convenor: **Mr. Devvrat Singh Chauhan** (Asst. Professor, School of Law), M: 7869387169

Co-Convenor: **Mr. Yash Mittal** (Asst. Professor, School of Law), M.: 7987703648

Student Coordinator: **Mr. Shailendra Singh**, M.: 7724946876
Student Co-Coordinator: **Miss. Saloni Samadhiya**, M.: 7898206453

For Registration and Accommodation

<https://onlineapply.itmuniversity.ac.in/events/ArunJaitleyNationalMootCourtCompetition.php>



MOOT PROPOSITION

INTRODUCTION:

In the coastal metropolitan city of Mombeshwar, the life was as fast and as tranquil as the tidal waves. The Hogwants High School stood as a symbol of knowledge and community, the school with a illustrious assembly of alumni and their achievements had been seeing constant growth in its reputation across the Country of Indona. Though, on 15th of February, the school was going to be get known for a criminal misdeed by one of its students against their fellow schoolmate. As their paths converge in the hallowed halls of justice, the Supreme Court of Indona grapples with a case that will test the boundaries of personal privacy and reshape the contours of juvenile justice in an era where digital footprints and emotional scars are indelibly etched into the fabric of modern life.

PARTIES TO THE CASE:

State of Maha Pradesh: The state of Maha Pradesh is one of the largest state by geographical area and revenue in Indona. The State is known for the development model it has brought forth, and the law and order situation has been uptight leading to a tranquil state of being for the residents.

Victim/Prosecutrix: A 19-year old girl studying at Hogwants High School, Ms. X is the victim of the case. Known for her intelligence, generosity, and compassionate behaviour, Ms. X has been selected as the School Prefect for the second time in the row. Ms. X, since the incident, has suffered distress owing to receiving some explicit and malicious images of herself, leading her to pursue justice and inform about the incident to her parents, the police, and the school authorities.

Mr. Ravi: A 17-year-old student at Hogwants High School, possessed a mischievous charm that once drew X towards him, creating a bond that seemed unbreakable. Their friendship had deteriorated after a heated argument six months ago. Mr. Ravi has been vehemently refuting any charges being levelled against him and has claimed that his system was hacked. One of his friends, Mr. K. Kartik has provided in his witness that "Mr. Ravi is short-tempered; though Ravi would not harm anyone, his temper-issues just left him disgruntled with people often breaking ties with them".

X's parents: X's parents are deeply concerned about the explicit messages their daughter received, and have taken action to seek justice on her behalf. They also are very influential government servants. They filed a formal complaint with the local police, setting the legal proceedings in motion.

These parties form the core of the moot proposition, with Ms. X as the victim and Mr. Ravi as the accused. The case revolves around allegations of cyberbullying, privacy violations, and the legal implications for all involved parties.

THE INCIDENT:

On 15th of February, Ms. X's world came crashing down. On her social media account on 'Pecker', she received direct messages containing certain vile and explicit images of herself. The images were apparently received from a fake account. The content was not only derogatory but also a malevolent assault on her dignity, leaving her emotionally scarred. On which she got distressed and informed her parents about the occurrence. Her parents decided to approach the justice delivery system of the state and filed a criminal complaint with the Mombeshwar Police Station.

In their initial probe, the police determined that the pictures are created through AI technology. The Cyber Cell, on tracking the IP address of the computer system through which they found out that the device belonged to one Mr. Ravi who was also a student in the same high school. After which the incident was reported to the High School authorities as Mr. Ravi was made an accused for the crime.

SURROUNDING CIRCUMSTANCES & INVESTIGATION:

Investigating Officer: Inspector Deepak Sharma

Witness 1: Saaraa Patel, A mutual friend

Witness 2: Dr. Rajesh Mehta, Mental Health Councillor, Hogwants High School

Witness 3: Anni, Tech Expert

Witness 4: K. Kartik, A mutual friend

X's and Ravi's Relation: Good friends till last October, Ms. X and Mr. Ravi were considered as good friends by their schoolmates and teachers alike. Having each other's back, they both were thriving in their education. In last September, Ms. X had received an offer of undergraduate studies from Standvard University, situated abroad.

According to their mutual friend, K. Kartik, X's and Ravi's friendship started worsening after the said offer. In the evening after the said offer was received, X and Ravi got into a disagreement leading to altercation. This may have happened because Ravi had also apply to same institution but did not get the offer. Though, ever since the altercation, they stopped talking and X stopped meeting the group, which led to Ravi being

dismayed and thereby blocking X on all social media platforms and phone.

Though, Ravi has been saying that they were still well-wishers for each other and exchanged pleasantries last month. Ravi, in his witness also stated that he would never do something of this sort to any person whatsoever.

The Investigation: As the investigation deepened, suspicion gravitated towards Ravi. The digital trail seemed to lead to his door, and the police promptly interrogated him. Ravi asserted that his social media accounts was maliciously hacked, and that he was blameless in the matter of the cyberbullying. He also asserted that some of his friends received unsolicited texts, on which Mr. Kartik seconded in his witness.

The case, replete with complexity, proceeded through the lower courts. The prosecutrix and the State presented their arguments, witnesses, and evidence. The courts looked into all of that and held Ravi to be the convict. The prosecution painted Ravi as the chief suspect, pointing to the digital breadcrumbs that appeared to lead to his devices. Conversely, Ravi's defense emphasized the hacking attempts on his accounts and the presence of malware, casting doubt on his culpability. The case took a bewildering turn when the technology expert testified that the perpetrator had garnered X's personal details from her social media interactions to concoct the explicit content. Though, no evidence conclusively provided that Ravi was the real perpetrator.

INVESTIGATION TIMELINE:

1. February 15: X receives explicit and malicious images via her social media accounts. She informs about the incident to her parents, prompting them to get an FIR filed. Police recorded X's statement as FIR and initiated their investigation. Inspector Deepak Sharma is the Investigating officer.
2. February 16: Inspector Sharma interviews X to gather details about the explicit messages, their impact on her, and any potential leads regarding the sender's identity. X emotionally recounts, "I felt violated and humiliated. Those messages shattered my self-esteem."
3. February 18: Witness 1, Saaraa Patel, a friend of X, provides a statement to Inspector Sharma. Saaraa mentions a heated argument between X and Ravi six months ago, suggesting a possible motive. She states, "I remember X and Ravi argued fiercely. It was intense, but I never thought it would lead to something like this.". On being asked whether she knows the cause of the quarrel, she denied any such knowledge. Whereas she also informed that Ms. X may have staged the quarrel as she did such activities as other instances.
4. February 19: Inspector Sharma questions Ravi, the former friend of X. Ravi vehemently denies any involvement and claims his social media accounts were hacked. He asserts, "I would never do something like that to X. My accounts were compromised, and I've been trying to figure it out." On being questioned about the argument, he asserted that a month after the arguments happened, he had a talk with X where they resolved their disagreements but decided to not talk to each other. They also did not tell their friends about such resolution of disagreement.
5. February 21: X's father states, "We cannot let this go. Our daughter's well-being is at stake." On being questioned about the events that took place before the happening, he said that X had been receiving unsolicited texts from someone and she was concerned about it. Though she never imagined that such an event might unfold.
6. February 24: Inspector Sharma visits Hogwants High School to interview staff and students, trying to gather additional information about X and Ravi's relationship and any potential witnesses to their arguments. He met Dr. Mehta, who told him that X and Ravi had booked counselling sessions after their quarrel, Ravi was calm and decided to apply to other places for studies abroad. Mr. Ravi, according to Dr. Mehta, was very mature for his age. He also added that Ms. X was very bitter about the quarrel, though she agreed to resolve the disagreement when Dr. Mehta advised her to.
7. February 25: Dr. Mehta was again summoned by Inspector Sharma, where Dr. Mehta brought his clinical records and informed that Ravi had been short of temper but also a thoughtful person. Though, Ms. X on the same day told to the police that the images she received had some info that only Mr. Ravi was privy about. Though she could not give a detailed account of what those details were.
8. February 25: Ravi's internet details were sought by Inspector Sharma without his knowledge, and after gaining online access to his computer system Inspector Sharma extracted details of Ravi's Pebble account, that was locally stored in Ravi's system. Mr. Ravi has accused Ms. X's parents to have utilised their position and stature to get the investigators to indulge with him. On getting all the information, Inspector Sharma seeks the expertise of Witness 3, Tech Expert Anni. Anni analysed the digital trail and identified hacking attempts on Ravi's social media accounts. She explains, "It appears that Ravi's accounts were compromised through a phishing attack. The hacker gained access to his personal information, allowing them to send those messages."
9. February 27: Anni elaborates on the breach, stating, " AI-generated content was used to create those malicious images, and they had access to X's personal data through her social media interactions. It's a case of both hacking and privacy invasion."
10. February 29: Inspector Sharma compiles evidence and statements gathered during the investigation

and submits the case file to the local prosecutor's office, recommending further legal action against the possible perpetrator(s). He emphasizes the need for a thorough examination of the privacy breach and the hacking aspect of the case.

Among other defences, Mr. Ravi also claimed before the court that his privacy was breached when his system was broken into for getting evidences. The Investigating officer should have asked Ravi for his personal details and hence the investigation is foul and should be set aside.

As the matter grew ever more intricate, the question of Ravi's age, just 17, loomed large. Should he be treated as a juvenile or as an adult in the legal proceedings? This question further complicated an already multifaceted case, engendering extensive debates within the legal community and among the public. The local courts and the High Court of Maha Pradesh denied treating Mr. Ravi as a juvenile and asserted that Mr. Ravi very well knew the consequences of his act and should not be treated as a juvenile.

The city of Mombeshwar buzzed with discussion, and the nation watched as the case traversed the lower courts. Finally, the matter was brought before the Supreme Court of Indona, a momentous juncture that would not only shape the lives of X and Ravi but also have far-reaching implications for the evolving terrain of cyberbullying, juvenile justice, and digital privacy.

The Subordinate and High Court decided in favour of Ms. X and convicted the accused under sections 354A, 354C, 354D, 509 of IPC and sections 66C and 66E of the IT Act, thereby imposing a 10-year sentence on Mr. Ravi. Aggrieved by which, the defence has approached the Supreme Court of Indona, after receiving necessary sanction from the High Court of Maha Pradesh.

Now, as the case stands before the highest echelon of justice in the land, the Supreme Court of Indona, several pivotal questions of law emerge, including:

1. Whether Mr. Ravi can be held liable for the cyberbullying and harassment endured by X?
2. Whether the age of Mr. Ravi warrants special consideration for him, and should he be regarded as a juvenile or an adult in these legal proceedings?
3. Whether the penalty imposed on Mr. Ravi is justified and legitimate?
4. Whether Ravi's fundamental right of privacy has been breached in the investigation as his system was looked into without his permission and knowledge? whether the investigation should be set aside on the aforesaid ground?

Note: The laws in Indona are in parimateria with India. Whereas law in relation to Digital Data Protection was enforced in Indona in August 2022.