



Marathwada Mitra Mandal's
SHANKARRAO CHAVAN LAW COLLEGE, PUNE

Permanently Affiliated to Savitribai Phule Pune University, Pune
Recognised by
Bar Council of India and Reaccredited with 'A' grade by NAAC, Bengaluru

Late Justice P. B. Sawant
11th National Moot Court
Competition, 2025

22nd and 23rd March, 2025

Offline mode



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 sclcnationalmoot@gmail.com



Late Justice P. B. Sawant

(30th June 1930 to 15th February, 2021)

Former Judge, Supreme Court of India, New Delhi

Born on 30th June, 1930, Late Justice P. B. Sawant had an illustrious career in legal field where he made a significant contribution to the development of Indian law and jurisprudence. During his tenure as a judge of the Supreme Court of India and High Court of Bombay, Justice Sawant had delivered numerous landmark judgements addressing crucial issues related to human rights, personal liberty, constitutional rights and social justice. As a strong believer of progressive interpretation of constitution, he emphasized the importance of adapting constitutional principles to changing social and economic conditions to ensure justice for all. Through his progressive judgements like *Indira Sawhney, V Union of India*, *S.R Bommai, V Union of India*, Justice Sawant, exercised long long-lasting impact on Indian legal system by protecting fundamental rights, promoting social justice and setting important precedents for future cases. His judgements have focused on human rights, social justice and protection of vulnerable sections of society. Justice Sawant was also a prolific author and lecturer. His extensive writing on legal and socio political topics reflects his deep understanding of legal principles and their interplay with social issues. After his retirement, he was associated with various social organizations and worked relentlessly to protect civil liberties and human rights until, his last breath. His legacy as a respected jurist and advocate of social justice will continue to inspire the future generations of India.

Shankarrao Chavan Law College

With an object to edify value-based quality legal education the Marathwada Mitra Mandal, an educational trust, established the law college in the name of its founder president late Shri Shankarraoji Chavan. The college conducts wide range of courses including B.A.LL.B., B.B.A. LL.B , LL.B. and LL.M. It has a Ph.D. research centre recognized by Savitribai Phule Pune University. It also provides various diploma courses, certificate courses and value added courses recognized by the University.

With its splendid academic records and outstanding achievements, the Shankarrao Chavan Law College has carved a niche in the academia. It has established itself as an institute of repute and has become the preferred choice of students all over India. The college strives hard to secure the highest student satisfaction. As a result of consistent efforts to upgrade the quality, the college is awarded with 'A' grade by NAAC Bengaluru, in its first and second cycle.



About National Moot Court Competition

In its pursuit of achieving excellence in the field of legal education, the college intend to cross the barriers of traditional learning methodologies by giving maximum exposure to law students and encouraging transformation in the thinking process from ordinary to superlative. As a step towards this, the college has commenced the national Moot Court Competition in the name of legal stalwart Late Justice P. B. Sawant from the academic year 2013-2014. This competition attempts to provide the common platform for law students all over India to contribute to their overall development as advocates. This competition intends to work like a laboratory where theoretical knowledge will be assessed and evaluated in depth in imaginary problem. This is the 11th year of the National Moot Court Competition. Association of the name of a legal stalwart, the late Justice P. B. Sawant with this competition itself is an indicator of high stature of this competition and a matter of pride for an institution.

Glimpses of National Moot Court Competition



Important Dates

1. Dates of Competition 22nd and 23rd March, 2025
2. Last Date of Registration 01st March, 2025
3. Last Date of Memorial Submission 12th March, 2025
4. Last Date to submit Travel Plan 13th March, 2025
5. Draw of Lots 21st March, 2025



Prizes



1. Winning Team Rs 25,000/- Trophy and Certificate
2. 1st Runner Up Rs 22,000/- Trophy and Certificate
3. 2nd Runner Up Rs 18,000/- Trophy and Certificate
4. Best Advocate Rs 15,000/- Trophy and Certificate
5. Best Memorial Rs 15,000/- Trophy and Certificate
6. Consolation Prize Trophy and Certificate

Organising Committee

1. Dr. Revati Naik
2. Dr. Sudhir Tarote
3. Dr. Pradipkumar Tambe
4. Dr. Bhagwan Gawali
5. Ms. Krushna Badade

Registration fees per team Rs.3,500/-

Name: MMMS Shankarrao Chavan Law College
Account Number: 50100106697534
Bank Name: HDFC Bank
Branch: Mayur Colony, Pune
IFSC Code: HDFC0000149

Contact

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Shri S. D. Ganage
President

Prin. B. G. Jadhav
Exe. President

Shri Kishor Mungale
Secretary

Marathwada Mitra Mandal, Pune

Dr. Kranti Deshmukh
Principal

Dr. Revati Naik
Faculty Coordinator

Dr. Sudhir Tarote
Faculty Coordinator

Shankarrao Chavan Law College, Pune

Marathwada Mitra Mandal's
Shankarrao Chavan Law College, Pune
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**'Late Justice P.B. Sawant Eleventh National
Moot Court Competition' (2024-25)**

Rules and Regulations

(Dates- 22nd & 23rd March, 2025)

1. Venue and Date-

The 'Late Justice P.B. Sawant Eleventh National Moot Court Competition' (2024-25) shall be held on 22nd & 23rd March, 2025 at **Marathwada Mitra Mandal's Shankarrao Chavan Law College**, 202/A, Deccan Gymkhana, Pune, Maharashtra.

2. Language-

The competition shall be held in **English** only.

3. Eligibility-

Competition is restricted to undergraduate bona fide regular students of Law School/College/University. All participants must be students of Law Course either 3 or 5 years in the academic year 2024-25.

4. Mode of Competition- The competition shall be held in the college campus only (Offline Mode).

5. Team Composition-

- a. Each college shall send only one team which shall comprise of minimum **two** and maximum **three** members. This number can't be modified under any circumstances.
- b. There shall be **Two Speakers** and **One researcher** in each team. Teams shall identify such speakers and researcher during registration. The researcher won't be allowed to speak except under special cases and only with the express permission of the panel judges.
- c. Each team will be given a unique team code number which will thereafter be the identity of the team and its members.
- d. During the course of the competition, the identity of the team must not be disclosed to the Judges or to any other person. Any such disclosure shall lead to

the disqualification of the team. The decision for the same shall be at the discretion of the organizers.

6. Food and Accommodation-

- a. Free accommodation will be provided on the request of the participants coming from the colleges outside Pune on 21st to 23rd March, 2025 only. Except these days, no free accommodation will be provided on any of the grounds to the participants. Separate accommodation will be provided to girls and boys participants regardless of them being a team. The Participants should follow disciplinary rules of the Hostel/Hotel where they would be accommodated. While making accommodation arrangements due consideration will be given to the safety of participants.
- b. All the participants will be provided breakfast, lunch and dinner on the 22nd and breakfast and lunch on 23rd March, 2025. The team members should report strictly at the prescribed time to avail this meal facility. No separate arrangement will be made for early reporters or late comers.

7. Travel Plan:

- a. Participants shall upload scanned copy of Travel plans through this link <https://forms.gle/eECtjZLw4WCoiVWL6> on or before 13th March, 2025.
- b. Accommodation will be provided only to participants who submit their travel plan within the specified deadline. **Requests for accommodation through any other mode will not be entertained.**

8. Registration-

- a. Teams must register themselves latest by 1st **March, 2025**. The registration fee details (Screenshot/Receipt etc) and Registration Form duly signed by participants and the Principal of the concerned college with seal should be uploaded to <https://forms.gle/H24TcbQ32qew2tFa9>
- b. Registration Link will be closed at 11:59 p.m. on 1st March, 2025.
- c. Each participant team shall pay entry fee of Rs. 3500 (Three Thousand and Five Hundred Only) by way of an Online Transfer in the below mentioned account.

The account details are as follows:

Name	MMMS ShankarraoChavan Law College
Account Number	50100106697534
Bank Name	HDFC Bank
Branch	Mayur Colony, Pune
IFSC Code	HDFC0000149

The registration fee details (Screenshot/Receipt etc) and hard copy of Original Sealed and Signed Registration Form should be sent with Memorials without fail.

The registration fee shall be non-refundable.

- d. Any change in the team composition in terms of the members participating can be made only by prior intimation to the organizers.

9. Rounds-

- a. The moot court competition will consist of the following three rounds:

- I. Preliminary Round (On Problem - A)
- II. Semi-Final Round (On Problem - B)
- III. Final Round (On Problem - B)

- b. The top four scoring teams from the Preliminary Round will advance to the Semi-Final Round.

- c. Each team will argue from the side assigned to them through a draw of lots.

- d. The sides for the Semi-Final and Final Rounds will be determined by a draw of lots conducted immediately after the announcement of the results of the preceding round

10. THE TOP FOUR HIGHEST-SCORING TEAMS FROM THE PRELIMINARY ROUND shall qualify for the Semi-Final Round, where they will argue on **Problem - B**.

11. THE TOP TWO HIGHEST-SCORING TEAMS FROM THE SEMI-FINAL ROUND shall qualify for the Final Round, where they will also argue **Problem - B**.

12. Memorials- (Rules applicable for memorials on Problem A and Problem B)

- a. The memorial shall consist of the following-

- I. Cover page
- II. Table of contents
- III. Index of authorities
- IV. Statement of jurisdiction
- V. Statement of facts
- VI. Statement of Issues
- VII. Summary of Pleadings
- VIII. Argument Advanced
- IX. The prayer

- b. **Submission of Memorials** in Hard and Soft Copy is mandatory. Participants shall submit Hard Copy of Memorials to the host college by hand or post latest

by **12th March, 2025 till 05:00pm.** Participants are requested to send memorials (considering postal delay in service) within such time, so as to reach us till **12th March, 2025. Postal delay would not be a ground for late submission of memorials.** The soft copy of both Sides of Memorials separately shall be uploaded (in PDF Format only), to <https://forms.gle/xyFE8txwP3NWgUUq8> latest by **12th March, 2025 till 05:00pm.**

- c. **Delayed submission of Hard Copy of Memorials** to the host college will result in loss of one mark per day and maximum deduction of marks on account of late submissions will not be more than five marks. Marks of memorial will be taken into consideration for preliminary round only.
- d. **Copies:** The memorial shall be submitted neatly and spiral bound.
- e. **Number of memorials in hard copy to be send –**

Problem	Side	Number of hard copies
Problem – A	Petitioner	4
Problem – A	Respondent	4
Problem - B	Petitioner	8
Problem - B	Respondent	8

- f. The memorials shall be typed on A4 Size on both sides of the paper with margin 1.5 inches from left side and 1 inch from the other side.
- i. Arguments Advanced must not exceed back to back 10 (ten) pages.
 - ii. Font: Times New Roman. Font Size: 12 and for footnotes 10. Line Spacing: 1.5, Main text alignment: Justify.
 - iii. Page numbering should be at bottom middle of each page.
 - iv. Covers must be placed on briefs as follows:
Petitioner/Appellant: **Blue** color & Respondent/Defendant: **Red** color.
 - v. The cover page of the memorial must state the following
 - a) The cause title
 - b) Identity in brief as Petitioner/Appellant or Respondent/Defendant.
 - c) Code Number: **Top Right Corner**
- g. The participating teams should include Header in their memorials to the effect that the Header should mention the side on whose behalf memorial is submitted.

- h. Identity of the institution or the participants shall not be revealed anywhere in the memorial. Only code numbers allotted to the participants should be mentioned in the memorial. Violation of this provision shall result in penalties including team disqualification. The decision of organizer shall be final in this regard.
- i. The written memorial shall be in accordance with The Supreme Court Rules.
- j. Memorial Marks for preliminary round shall be assessed out of 30 marks.
- k. **Best Memorial Award** shall be selected from **Preliminary Round only**. The team with highest scorer memorial in preliminary round shall be declared recipient of **Best Memorial Award**. Best Memorial Award shall be distributed among the teams if in case teams Score Equal Highest Marks.
- l. **Parameters for Judging the Best Memorials:**
 - i. Knowledge of Law and Extent of Research
 - ii. Application of Facts into Legal Argument
 - iii. Proper Analysis, Clarity and Organization of facts and law
 - iv. Understanding of strengths and weakness of case
 - v. Discussion of viable alternative arguments
 - vi. Adherence to the rules of memorial prescribed, Grammar and Style

13. Dress Code:

The dress code for participants shall be as prescribed by The Bar Council of India.

14. Orientation, Draw of Lots and exchange of memorials:

Orientation & Draw of Lots for preliminary round shall be conducted on 21st **March, 2025 at 03:00pm** in the Institute & as per the draw of lots memorials will be exchanged in the same programme.

15. Preliminary Round:

- a. For the preliminary round, the appropriate number of Courts shall be established by considering the number of participating teams.
- b. The Petitioner/Appellant and Defendant/Respondent matched as per draw of lots will have to submit the oral submission as contesting team.
- c. Each **team** will have a maximum of **15** minutes to present their oral submissions (**15** minutes to be distributed among team mates within themselves) and **3** minutes for rebuttal. (15+3=18 minutes total).

- d. All the participating teams are expected to carry with themselves required case laws and authorities which they intend to refer along with their own copies of memorials.
- e. If there is a tie in the preliminary round, then the team having higher marks for oral arguments will be selected for the semi-final round.
- f. The participants, during the course of oral submissions, will not be permitted to make any audio/visual representation nor will they be allowed to use personal computers, laptops, mobiles and any other technical or mechanical device.
- g. Passing of notes by researcher to the speaker is allowed.
- h. **Best Advocate** shall be selected from **Preliminary Round only**.
- i. **Parameters to Judge Best Advocate:**
 - i. Understanding Facts, Law and Procedure
 - ii. Logical flow of Arguments
 - iii. Ingenuity and Ability to Answer Questions
 - iv. Court Manners, Etiquettes, etc
 - v. Reference to the Memorial

16. Scoring Criteria for Preliminary Round:

- a. The marks shall be given as per following criteria for preliminary round

I. Written Memorials-	30
II. Oral Arguments-	50
III. Time Adherence-	10
IV. Overall performance-	10

Total-	100
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- b. The decision of the judges shall be **final**.

17. Semi-Final Round: (On Problem - B)

Each **team** will have a maximum of **20** minutes to present their oral submissions (**20** minutes to be distributed among team mates within themselves) and **5** minutes for rebuttal. (20+5=25 minutes total).

18. Final round: (On Problem - B)

In the final round each team will get **30 minutes** to present the side allotted to them by draw of lots and **5 minutes** for rebuttal. (30+5=35 minutes total.)

19. Scoring Criteria For Semi-Final and Final Round:

a. For Semi-Final and Final Round the marks shall be given as per following criteria:

Interpretation of facts and Application of Law relevant to the case-	15
Memorial	15
Advocacy and Presentation-	15
Court etiquettes-	10
Answers to court questions-	15
Research relevant to the case-	10
Time Adherence-	10
Overall performance-	10

Total	100

b. On considering the total marks of each team if there is a tie between two or more teams in semi-final round then a team having greater marks in oral arguments in Semi-Final round shall be given preference.

20. Results-

The results will be announced after the Preliminary and Semi-Final Round.

The final results and the winners will be announced during the valedictory ceremony. The decision of the judges on the performance of the participants shall be final and binding on all the participants. The organizers reserve with them the discretionary power to declare the consolation prize, the criteria of which will be declared in the Valedictory Ceremony.

21. Prizes-

- Winning Team: Rs. 25,000/-, Trophy & Certificate
- 1st Runner Up: Rs. 22,000/-, Trophy & Certificate
- 2nd Runner Up: Rs. 18,000/-, Trophy & Certificate
- Best Advocate: Rs. 15,000/-, Trophy & Certificate
- Best Memorial Award: Rs. 15,000/- & Certificate
- Consolation Prize: Trophy and Certificate

22. Miscellaneous:

a) The scouting of any type will amount to disqualification of the team from the competition.

- b) **The Organizers reserve all the rights to change any of the above rules if so required and as they deem appropriate.**
- c) All communications regarding the competition is to be addressed to sclcnationalmoot@gmail.com.
- d) Moot Problem, Rules and Regulations, Registration Form and Travel Plan are available on the college website: www.sclc.edu.in.

23. Dates to Remember –

Sr. No.	Event	Date
1	Dates of Competition-	22 nd and 23 rd March, 2025
2	Last date for Registration Link: https://forms.gle/H24TcbQ32qew2tFa9	1 st March, 2025
3	Last date for Memorial (Soft and hard copy) Submission Link: https://forms.gle/xyFE8txwP3NWgUUq8	12 th March, 2025
4	Last date to submit travel plan Link: https://forms.gle/eECtjZLw4WCoiVWL6	13 th March, 2025
5	Draw of Lots	21 st March, 2025

Organizing Committee:

Dr. Revati Naik	9881712873
Dr. Sudhir Tarote	9822127888
Dr. Pradip Tambe	9028505566
Dr. Bhagwan Gawali	8554960931
Dr. Krushna Badade	8007951212

Marathwada Mitra Mandal's
Shankarrao Chavan Law College, Pune
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'Late Justice P.B. Sawant Eleventh National Moot Court Competition' (2024-25)
REGISTRATION FORM

Name & Address of Institution:-----

City:-----State:-----Pin:-----

Email of the Institution: -----

Name of the Speaker No. 1 :-----

Class:-----

Mobile No.-----

E-Mail ID:-----

PHOTO

Name of the Speaker No. 2 :-----

Class:-----

Mobile No.-----

E-Mail ID:-----

PHOTO

Name of the Researcher:-----

Class:-----

Mobile No.-----

E-Mail ID:-----

PHOTO

Name of the Faculty Coordinator: -----

Mobile No. -----E-Mail ID:-----

Signature & Seal of the Principal

**Late Justice P.B. Sawant Eleventh National Moot Court
Competition
22nd and 23rd March, 2025**

**Moot Problem for the Preliminary Round
Problem - A**

**Electronic Cigarettes Manufacturers Association (ECMA) and Others
v.
Union of Hogwarts**

The Republic of Hogwarts is a federal democratic republic with a written constitution. It is a vast country comprising multiple states, each with its own government and administrative setup. Hogwarts is a populous nation with strong environmental statutes, prioritizing environmental protection, public health, and sanitation. Nearly 65% of its population is below the age of 30, providing a strong workforce for building a globally competitive economy. The Government of Hogwarts believes that for the nation to become a world superpower, its people must maintain good health and adopt healthy lifestyle choices.

However, the youth in the Union of Hogwarts (UOH)—including high school students, college students, and the working population—are increasingly exposed to various forms of addiction. This is not only detrimental to their health but also poses significant public health concerns and in extension, the nation's progress.

The Rise of Electronic Cigarettes

The Republic of Hogwarts has a large manufacturing industry, particularly in the production of electronic devices. Manufacturers use both local and foreign technologies in their production processes. One such electronic device is the electronic cigarette, also known as the Electronic Nicotine Delivery System (ENDS).

There is a huge market for electronic cigarettes, with various models available at different price points and brands. These devices are manufactured domestically, while many are also imported from abroad, where production costs are lower. Furthermore, they are easily available, there are many flavors available in these devices, which make them more attractive and addictive to the youth.

Among the various forms of addiction, the youth are primarily addicted to electronic cigarettes. These devices contain electronic batteries that produce nicotine-infused water vapor, a

carcinogenic substance. Additionally, there have been reported incidents of these devices malfunctioning and exploding, causing fatal injuries and even deaths in certain instances.

Scientific research suggests that not only smoking is injurious to health, but passive smoking is believed to be even more dangerous. For that very reason, in the Union of Hogwarts, there is already a ban on smoking in public places.

The government, upon gathering data from the Ministry of Health, analyzed hospital reports and reached the conclusion that, in the best interest of public health, particularly the youth, it is imperative to ban the distribution, sale, use, and consumption of electronic cigarettes.

Legislative Action

After detailed deliberations with all stakeholders, the Government of Hogwarts concluded that a law must be enacted to ban the sale, distribution, storage, and use of electronic cigarettes across the country.

Accordingly, at the start of the year 2024, the Ministry of Health and Public Sanitation introduced a bill in the lower house of the central legislature. Over several weeks, heated discussions and debates took place regarding the proposed legislation. The Speaker of the House then referred the bill to the Parliamentary Committee on Public Health and Sanitation to consider objections and suggestions from both the general public and legislative members.

After six months of detailed deliberations, the Parliamentary Standing Committee presented the final draft of the bill before the legislature. The bill was subsequently passed by both houses and sent to the President of Hogwarts for assent.

As per the established procedure in Hogwarts, the Ministry of Justice must decide a date for official notification of the law in the government gazette. Only after this notification, will the law take effect and be implemented.

Legal Challenges and Disputes

However, on December 10, 2024, a large shipment of electronic cigarettes and a significant quantity of raw materials used for their manufacturing arrived at one of the major ports of the country. Customs officials immediately notified the Ministry of Health and Public Sanitation and sought guidance for further action.

On December 13, 2024, the Joint Secretary of the Ministry of Health and Public Sanitation issued an Office Memorandum, stating that according to the law that had received the President's assent, there is a complete ban on the sale, manufacture, processing, possession, distribution, and use of

electronic cigarettes. Accordingly, based on this Office Memorandum, the customs officials were directed to detain the shipment at the port and under no circumstances release it to any claimant.

A consortium of distributors and manufacturers of electronic cigarettes, namely the Electronic Cigarettes Manufacturers Association (ECMA), approached the Supreme Court of Hogwarts against the customs officials, who, on the directions of the Union Ministry of Health and Public Sanitation, had detained their shipment.

The ECMA contended that when they placed the international order for the shipment, no law banning the manufacturing, processing, distribution, sale, or possession of electronic cigarettes was in place.

Additionally, the Students' Federation in the national capital of Hogsmeade learnt that the central government had imposed a complete ban on the possession and use of electronic cigarettes. They argued that the ban was arbitrary and violated their personal freedom and choice. According to them, although the government had not imposed a ban on tobacco products such as chewing tobacco, *beedi*, cigarettes, etc., banning electronic cigarettes alone was unjust. Consequently, they approached the Supreme Court of Hogwarts, challenging the ban.

At the same time, the Supreme Court was already hearing a petition filed by an environmental NGO, Friends of Forest, seeking a total ban on all cigarette consumption in the country. The Supreme Court tagged the two new petitions along with the existing petition filed by Friends of Forest and scheduled a combined hearing on March 21, 2025.

ISSUES:

1. Does the state have the power to enact a law that curtails the freedoms of its own citizens?
2. Can the state make a distinction between other tobacco products and ENDS devices when the former are legalized?
3. Can legal action be initiated under a law that has received the President's assent but is yet to be notified by the Ministry of Public Health and Sanitation of UOH?
4. Does an Office Memorandum qualify as a law under Article 13 of the Constitution of Hogwarts?

Note: 1. This is a 'Moot Court Problem' and is entirely fictitious. Any similarity to actual events or persons, living or dead, is purely coincidental. **2.** The statutes, legal, and judicial system of the Republic of Hogwarts are similar to that of India. Any statute regarding the banning of ENDS, which has already been notified by India, is yet to be notified in the Official Gazette by the Republic of Hogwarts.

Late Justice P.B. Sawant Eleventh National Moot Court Competition

22nd and 23rd March, 2025

Moot Problem for Semi-Final and Final Round

Problem – B

'Union of *Bhaktibhoomi*' is a Federal, Democratic, Socialist, Secular, Republic with Rule of Law, Independent Judiciary, Free Media and Vibrant Civil Society. The Constitutional and Legal system of '*Bhaktibhoomi*' is identical to that of "Union of India". '*Indraprastha Nagar*' is the Capital of 'Union of *Bhaktibhoomi*' where the Supreme Court is located. 'State of *Bhupatisthan*' is the western State of 'Union of *Bhaktibhoomi*' with its capital at '*Gulabi Nagar*' where the State High Court is located. The Union Government of '*Bhaktibhoomi*' and the State Government of '*Bhupatisthan*' are led by the same party – '*Sanskriti*' Party.

The Department of School Education of '*Bhupatisthan*' on 5th July, 2024, issued 2 Circulars for all the Government Schools and Government-aided Schools. By way of the 1st Circular, reciting of "*Saraswati Vandana* (Prayer of Goddess *Saraswati*)" was made mandatory for all the students during the morning assembly in the schools. By way of the 2nd Circular, the students were prohibited from bringing/eating non-vegetarian food in the school premises. The School Management was authorized to take appropriate action against the violators of these Circulars including suspension or expulsion from the school.

On 8th July 2024, one student, '*Gazani*', who belonged to '*Islam*' religion and studying in X Standard in a 'Government-aided Jain Minority School' in '*Gulabi Nagar*', refused to recite "*Saraswati Vandana* (Devotional Prayer dedicated to Goddess *Saraswati*)" and he walked out from the morning assembly of students. On the same day, another student '*Babur*', who also belonged to '*Islam*' religion & studying in VII standard was caught by the class-teacher '*Ms. Gita*' while he was eating Chicken Biryani from his tiffin. The Principal of the School, '*Mr. Harshavardhan*' after conducting preliminary enquiry suspended '*Gazani*' & '*Babur*' from the school for 2 weeks.

Next day on 9th July 2024, the father of '*Gazani*'- '*Mr. Tughlaq*' & father of '*Babur*'- '*Mr. Ghor*' came to the school & started protesting outside the school. They shouted slogans like – "*Julm se Azadi leke rahenge*", "*Azadi, Azadi ...chhin ke lenge Azadi*", "*Zulmi Sarkar, hatake rahenge*" & "*Kafirs murdabad*". A group of 6 employees of the school belonging to the '*Jain & Hindu*' communities suddenly gathered and they started shouting the slogans like "*Jihadio, Bhaktibhoomi Chhodo*", "*Osama ki Aulad, Go to 'Papistan*". Later, more Jain & Hindu employees gathered at the protest site. The Police was called by the Principal who apprehended public disorder. After the oral warning to the protesting parents & the protesting employees to disperse failed, Police lathi-charged them and brought the situation under control.

On 9th July, 2024, the police filed FIR against '*Mr. Tughlaq*' & '*Mr. Ghor*' under Section 196, 197, 299, 302 and 152 of the "*Bhaktibhoomi Nyaya Sanhita, 2023*" (hereinafter mentioned as '*BNS*') and they were arrested. The 6 employees belonging to the '*Jain & Hindu*' religion were

booked by the police under Section 196, 197, 302 & 299 of the 'BNS' and they were issued notices to appear before the Police.

On 12th July, 2024, a writ petition was filed, on behalf of *Mr. Ghori & Mr. Tughlaq* in the Supreme Court of "*Bhaktibhoomi*" at *Indraprastha Nagar* and the court was requested, to quash the FIRs against the petitioners, by exercising its inherent powers, powers under the Constitution & powers under the relevant Statutes.

The 2 Muslim petitioners argue that the filing of the FIR against them under section 196, 197, 299, 302 and 152 of the BNS violated their fundamental rights under Article 14, 19(1)(a), 21, 25 & 26 of the Constitution of *Bhaktibhoomi*. The compulsion to recite '*Saraswati Vandana*' & ban on eating non-vegetarian food in the premises of the Government Schools & Government aided schools in the State of '*Bhupatisthan*' and suspension of '*Gazani*' & '*Babur*' from the concerned school are also challenged as violative of their rights under Article 14, 15, 21, 25, 26 & 28 of the Constitution of *Bhaktibhoomi* and also violative of the principle of "Secularism".

On 15th July 2024, the 6 accused employees of the school belonging to Jain & Hindu religion also filed a writ petition in the Supreme Court and argue that FIR filed against them under Section 196, 197, 299 & 302 of the BNS are violative of their Fundamental Rights under Article 14, 19 (1) (a), 19 (1) (b), 21, 25, 26 & 30. They also argued that 'Secularism' was not part of the original Constitution.

Both the petitions, involving legality of FIRs against accused persons of *Islam* and *Jain & Hindu* communities, constitutionality of compulsion of reciting *Saraswati Vandana*, ban on eating non-vegetarian food in schools & legality of suspension of the above-stated 2 students from the school, are clubbed together by the Supreme Court.

The Chief Justice of Supreme Court of *Bhaktibhoomi* has referred the above-stated petitions to the Constitution bench as these petitions involve substantial questions of law as to the interpretation of Constitution. The petitions are now taken up for the final hearing.

Note :- '*Union of Bhaktibhoomi*' is a country like *India* and its laws/rules/regulations/judgements are *pari passu* to that of *India*

Disclaimer: All characters, names, slogans, phrases and events mentioned in this 'Moot Court Problem' are entirely fictitious. Any similarity to actual events or persons, living or dead, is purely coincidental.

The Moot Problem is meant for purely academic purposes only and there is no intention to endanger sovereignty, unity & integrity of *India*. There is no intention to hurt the sentiments or feelings of any country, individual, community, sect or religion.

Marathwada Mitra Mandal's
Shankarrao Chavan Law College, Pune
(Reaccredited with 'A' Grade by NAAC)

**'Late Justice P.B. Sawant Eleventh National Moot
Court Competition' (2024-25)**

Travel Plan

Name of the College:-----

Code No. _____ No. of Male Participants: _____ No. of Female Participants: _____

1. **Date of Arrival:**-----

2. **Mode** (Train/Airways/Bus)-----

3. (Train/Airways/Bus Number)-----

4. **Time of Arrival** (Train/Airways/Bus)-----

5. **Place of Arrival**-----

6. **Other Details** (Name of Airlines, Bus Service etc.)-----

7. **Date of Departure**-----

8. **Mode** (Train/Airways/Bus)-----

9. (Train/Airways/Bus Number)-----

10. **Time of Departure** (Train/Airways/Bus)-----

11. **Other Details** (Name of Airlines, Bus Service etc.)-----

➤ Travel Plan to be uploaded at: <https://forms.gle/eECtjZLw4WCoiVWL6> on or before 13th March, 2025.

➤ For query regarding accommodation please contact: **Mr. Prathmesh Kanade - 7768907745**