



JECRC[™]
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School of
LAW

4th JECRC Uttam Devi Mohanlal Khatuwala Memorial

NATIONAL MOOT COURT COMPETITION, 2023

27th - 29th October, 2023





स्व० श्री मोहनलाल जी खाटूवाला



स्व० श्रीमती उत्तम देवी जी

प्रेरणा - स्रोत

जेईसीआरसी की स्थापना स्वर्गीय श्रीमती उत्तम देवी जी और श्री मोहनलाल जी खाटूवाला के सिद्धांतों और नैतिक मूल्यों का प्रतिबिंब है। श्री मोहन लाल जी एक प्रतिभाशाली व्यक्तित्व थे जिनके पास एक असाधारण प्रतिभा थी। वे एक रचनात्मक व्यक्ति थे जिन्होंने व्यवसाय की दुनिया में महारत हासिल की और गुलाबी शहर – जयपुर के एक सफल उद्यमी बने।

“शिक्षा और नैतिक मूल्य, दोनों के संयोजन से ही अच्छे इंसान का निर्माण होता है। श्रीमती उत्तम देवी जी ने एक गृहिणी होने के नाते अपने बच्चों को मजबूत नींव के रूप में नैतिक मूल्य प्रदान किए।

यह उनके परिश्रम, समर्पण और ईमानदारी का ही परिणाम है कि जेईसीआरसी उत्तर भारत में शिक्षा के क्षेत्र में न सिर्फ एक अग्रणी संस्थान बना है बल्कि वैश्विक स्तर की शिक्षा का प्रमुख केंद्र भी बन गया है, जिसका उद्देश्य लाभ अर्जित करना नहीं बल्कि सशक्त समाज और विकसित राष्ट्र का निर्माण करना है।

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ABOUT THE UNIVERSITY

The JECRC University located in the Pink City (Jaipur), Rajasthan, is a brainchild of JECRC Foundation which has a legacy of more than 20 years and has earned laurels for its students, faculty and the institute as a whole. The idea of rich tradition of excellence in education has been instilled in the establishment of JECRC University in 2012 wherein multi disciplinary courses are being offered and consequently it has emerged as a highly respected brand, attracting students from all corners of the country. What truly distinguishes JECRC from other universities in North-India is its unwavering commitment to delivering high-quality education and its undisputed leadership in the field.

VISION : To become a renowned center of higher learning, and work towards academic, professional, cultural and social enrichment of the lives of individuals and communities.

MISSION:

- To focus on research and spirit of innovation that will drive academic orientation and pursuit at JECRC University.
- To identify perception of Indian, regional and global needs, areas of focus and specialization on which the University can concentrate.
- To undertake collaborative projects that offer opportunities for long-term interaction between academia and industry.
- To develop human potential to its fullest extent so that intellectually capable and imaginatively gifted leaders can emerge in a range of professions.

CORE VALUES:

JECRC University is deeply committed to fostering innovation-driven research, which is evident not only in its physical infrastructure but also in its operational methods. This versatile research institution engages in in-depth exploration of various subjects, along with considering the real-world business scenarios in which our students will be active. JECRC is renowned for its robust research ethos, strong ties to industries, and connections with corporate entities. JECRC's primary goal is to generate valuable assets for both industry and society through its contributions to research and innovation, academic and professional growth, and the enrichment of cultural aspects.



SCHOOL OF LAW

The **School of Law, JECRC University** was established in 2017 and has received approval from the Bar Council of India. This opened doors for students aspiring to pursue career in legal field. The School of Law provides integrated five-year degree programme in B.A. LL.B. (Hons.), B.SC. LL.B. (Hons.) and B.B.A. LL.B. (Hons.). Students are also offered specialization in fields such as Criminal Law, Intellectual Property Rights (IPR), and Corporate Law. In addition to undergraduate programme, the School of Law offers a two-year LL.M. programme and Ph.D. programme.

With the strength of more than 850 students, the School of Law, JECRC University has continuously strived to achieve excellence in legal education through many interactive teaching-learning processes with clinical opportunities and also conducting Expert Lectures, National Seminars, Workshops and National Professional Training Development Program (NPTDP) at specific time intervals, National Competitions like Moot Courts, Research Presentation, Memorial Writing, and Quiz, National Boot Camp on Arbitration, Mediation and Negotiation in collaboration with Multinational Corporations.

VISION:

The School of Law believes in the power of legal awareness to bring about social, political, and economic justice. By equipping students with the professional knowledge and skills in order to navigate through the complexities of the legal field, the school aims to produce competent legal professionals who can positively impact society.

MISSION:

- To offer high-quality legal education that prepares students with the knowledge, skills, and ethical values necessary for success in the legal profession.
- To engage students in community service and outreach programs to instill a sense of equity and responsibility.
- To equip students with the necessary abilities and understanding to excel as leaders in the legal field.

In essence, the School of Law's mission is to educate, inspire, and prepare students to outshine in the legal profession while emphasizing ethics, research, community engagement, and the broader impact of legal knowledge on society.

MOOT COURT SOCIETY

JECRC School of Law's Moot Court Society is entrusted with the crucial task of overseeing and facilitating all Mooting-related activities within our esteemed institution. Committed to upholding the highest standards of excellence in the Legal field. Moot Court Society plays a pivotal role in promoting and nurturing this essential aspect of legal education.

The Moot Court Society has been entrusted with several primary roles, including meticulously planning, organizing, and executing National, Intra, and Novice Court Competitions. These competitions serve as platforms for students to showcase their legal acumen and advocacy skills. Additionally, Moot Court Society is responsible for constituting the University Moot team, which represents JECRC at prestigious National and International moots. The society also provides comprehensive legal strategies and guidance to support and mentor the teams participating in various competitions.

The JECRC University's Moot Court Society offers invaluable opportunities for students to engage in mock trials, appellate arguments, and other simulated legal proceedings. These activities allow aspiring lawyers to refine their legal skills, build confidence, and gain practical experience within a supportive educational environment. Mooting serves as an essential extracurricular activity enabling students to bridge the gap between theoretical knowledge and real-world application.



PRESIDENT'S DESK

The road to success and greatness is always paved with persistent hard work. Beat your competitors, be authentic, and above all, chase your greatness”

~ Dwight Johnson

JECRC School of Law is committed towards grooming its students to become finest lawyers, judges, civil servants, social workers/ activists, corporate legal professionals and thrive as exemplary leaders. School of Law has been providing an exclusive platform that provides students a surfeit of unparalleled opportunities to experience the bliss of learning and marvels of knowledge.

Moving forward we are delighted to announce our **4th JECRC Uttam Devi Mohanlal Khatuwala Memorial National Moot Court Competition** with the ambition to provide an ambience where law aspirants can enhance their legal aptitude and mooting skills. It endeavors towards giving an opportunity to the young minds so as to sharpen their skills of research, mooting, and advocacy. I congratulate the school of law for organizing such an event and extend a warm welcome to all the participants of this competition and wish them all the best for the same.



Prof. Victor Gambhir
President, JECRC University

DEAN AND DIRECTOR'S DESK

JECRC, School of law attempts to nurture young professionals who will be the face of legal world.

A budding lawyer must not only be equipped with a profound knowledge of law and its developments but also be ready to face those questions and complexities that the legal fraternity has never faced before.

The institute has been making consistent and meticulous efforts in chiseling the young minds to be well skilled and thereby becoming better professionals in the years to come.

I take this opportunity to invite your esteemed institution to be a part of our **4th JECRC Uttam Devi Mohanlal Khatuwala Memorial National Moot Court Competition** and take away the same values and skills that transform lawyers into agents of social change.

May this moot court competition be a testament to your outstanding capabilities and exemplify the excellence that JECRC University represents. I wish you all the very best, and may you seize this opportunity to shine brilliantly, leaving an indelible mark on the legal landscape.



Prof. (Dr.) Mahesh Koolwal

Dean, School of Law
JECRC University
Ph.D, LL.M, MA (Economics),
Diploma in Russian, German
and French Language.

HEAD OF THE DEPARTMENT



Dr Namita Jain

Head of the Department,
School of Law
JECRC University
Ph.D., NET, LL.M, PGDTL

As the Head of the Department, School of Law, JECRC University, I take pride in overseeing and managing the academic affairs of our esteemed institution. At JECRC University, we believe that the Law is not just a collection of rules but a powerful force that shapes society. It is a means to establish harmony and righteousness in our community. It is my pleasure to welcome you to the **4th JECRC Uttam Devi Mohanlal Khatuwala Memorial National Moot Court Competition**. I am honored to oversee this event and witness your efforts and dedication for this competition.

As you embark on this journey, I encourage you to embrace the values of professionalism and dedication to the pursuit of justice. Empathy and compassion are crucial in the legal profession. I implore you to consider the human impact and approach each case with sensitivity and understanding, keeping the welfare of all stakeholders in mind. I hope that you will take the advantage of this opportunity to network with your peers and learn from experienced adjudicators.

I wish you all the luck and hope you will find this experience both challenging and rewarding.

FACULTY CONVENOR'S DESK



Convener

Dr. Namita Jain Pandey

Assistant Professor,
School of Law, JECRC University



Co-Convener

Ms. Apoorva Kaur

Assistant Professor
School of Law, JECRC University

The Moot Court Competition provides an exceptional platform for law students to delve into the intricacies of legal knowledge. The platform offers an opportunity for deep research, articulation and representation of legal domain which means students more aware about the practical aspects of the subject.

4th JECRC Uttam Devi Mohanlal Khatuwala Memorial National Moot Court Competition is an attempt wherein participants shall not only gain knowledge but also be well-versed with the attributes and practicality of real legal world.

We whole heartedly applaud and thank entire school of Law and Moot Court Society in preparing the ground for competition.

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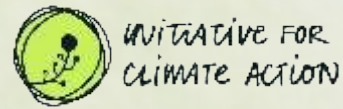


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Executive Director
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Dean, School of Law, JECRC University

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Head of the Department
JECRC University

CONVENER

Dr. Namita Jain Pandey

Assistant Professor
JECRC University

Co-CONVENER

Ms. Apoorva Kaur

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Assistant Professor
School of Law,
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Legal Administrative Assistant
Office of Advocate General
Advocate, Rajasthan High Court, Jaipur Bench

STUDENTS ORGANISING COMMITTEE



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Himanshi Garg



Student Co-Convenor

Ishita Jain



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Administrative Head

Wazid Khan



PR Head

Khyati Jain



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Anvisha Sharma

ABOUT THE COMPETITION

The **4th JECRC Uttam Devi Mohanlal Khatuwala Memorial National Moot Court Competition** has been envisaged with the aim to foster the interest of students hailing from various law schools across the country in environmental law. The event has been devised with an objective of creating an opportunity for learning the evolution of jurisprudence on emerging courses in environmental law, besides armoring the coming generations of the legal society with research and oratory skills.

The competition is organized in collaboration with the Initiative for Climate Action and is powered by SCC Online and EBC as Knowledge partners. Moot court competition was started with the primary goal of providing law students and aspiring lawyers with a practical and educational experience that simulates the court process. Mooting requires collaboration, compromise, and effective communication between teammates. It is a reflection of the essential qualities for success in the legal career. It is initiated to bridge the gap between legal theory and practical lawyering skills, providing law students with a valuable platform to gain hands-on experience and prepare for their future careers in the legal profession.

The moot proposition is carefully drafted by legal experts and presents the students with complex legal issues that put their analytical abilities and legal knowledge to test. The participants need to conduct a thorough research, analyze case laws, and present well-reasoned arguments before a distinguished panel of judges. By participating in this competition, the students will gain the opportunity to strengthen their legal acumen and contribute to the growth of this specialized field.



OUR AIM

The resonance of our competition with this year's G20 Summit is striking, underscoring how our competition aligns with the current global agenda.

The theme of environmental law is something that has been at the forefront of discussions at global forums. The G20 Summit, representing major economies of the world, recognized the urgent imperative of tackling global environmental issues, aligning closely with the central theme of our moot court competition.

Environmental law, at the heart of this competition, mirrors the G20's dedication to a sustainable world and emphasizes the crucial role that the legal community holds in paving the way towards environmental equilibrium.



OFFICIAL INVITATION

Moot Court Society, School of Law, JECRC University is thrilled to extend an invitation to the **4th JECRC Uttam Devi Mohanlal Khatuwala Memorial National Moot Court Competition**. This annual Moot Court Competition is a showcasing of legal acumen, advocacy skills, and the pursuit of justice.

It provides a platform for aspiring lawyers to showcase their talents, engage in spirited legal debates, and network with esteemed legal professionals and scholars. Over the past three years, our Moot Court competition has evolved and grown into a prestigious event on our academic calendar.

Each edition has been marked by a commitment to excellence, a dedication to learning, and a celebration of legal acumen with the significant presence of many legal luminaries as well as participation from top legal institutions.

And now, focusing on this year's edition, the anticipation is palpable. This year, the moot problem is based on '**Environmental Law**' which reflects the pressing requirements of the present time.

Distinguished legal practitioners and scholars have agreed to join us as judges and mentors, further elevating the stature of our competition.

This year, we aim not only to provide a platform for legal education but also to encourage dialogue on issues that shape our society.

With this, the Moot Court Society of the School of Law is looking forward to conducting the event in offline mode and expects increasing participation in the present edition as well.

The 4th JECRC Uttam Devi Mohanlal Khatuwala Memorial National Moot Court Competition is scheduled from 27th to 29th October, 2023.

Warm Regards

Moot Court Society

School of Law

JECRC University, Jaipur

MOOT PROPOSITION

BACKGROUND

The country, Democratic Socialist Republic of Denudia (DSRD) is one belonging to the global south, and whereas, since its independence from foreign rule a few decades ago, has seen progress in leaps and bounds, it is still in the throes of poverty, malnutrition, unequal distribution of wealth, class divides and sectarian strife.

As a developing country, with a majority agrarian economy, the practice of growing crops and rearing animals for various products involves over 50% of the population. As a cluster of small states of varied history and culture, farming in Denudia is a product of various techniques.

Similar to any other country in contemporary times, Denudia faces great harm from accelerating climate change, illustrated by the severe weather events and disruptions in expected weather patterns that have troubled the country increasingly over the last decade.

THE DISPUTE

Dehaya, a state constituent of DSRD has in the exercise of its law-making powers under Entry 6, List II of the Denudian Constitution, declared a certain method of readying farmlands for the next crop sowing, illegal, i.e., the stubble burning method. If any person is found violating this law, and undertaking stubble

burning, they shall be liable to pay a Fine of Rs. 50,000 (Fifty Thousand Rupees), in default whereof, the person found guilty shall be sentenced to imprisonment, simple in nature, for upto 6 months (See Annexure).

The neighboring State of Pundideep, which shares its borders with Dehaya for over 220 kms, is a state where farming is overwhelmingly the occupation of the people, where stubble burning is a common method employed in farming. Invoking the Original Jurisdiction of the Supreme Court of Denudia under Article 131 of its Constitution, the State of Dehaya has filed an original suit against the State of Pundideep for the impact of its farming practices on the health and well-being of the people of Dehaya - State of Dehaya v. State of Pundideep (O.S. No. 35/2023).

On another front, a large number of young persons within the State of Dehaya have been diagnosed with various lung ailments due to continued breathing in of heavy smoke-filled air. A study commissioned by Dehaya shows the major causes of pollution as follows- a. Industrial Pollution 35%, Vehicular Pollution- 13%, Agricultural Pollution- 18%, Improper Waste Disposal- 19%, Miscellaneous Causes-15%. Emissions arising from Agriculture have been found to have grown 6 times over the last two months and this is, with some variation, a yearly occurrence. A recent study by a

world-renowned university suggested that the residents of Dehaya and certain parts of Pundideep were expected to lose almost 12 years of life expectancy due to consistent exposure to high levels of pollution. Pursuant to this, an association claiming to work for the youth of the country, termed as Dehaya Youth for Climate Justice (DYCJ) have filed a writ petition against the State of Pundideep in the Supreme Court under Article 32, for their compromised health, stating that the yearly increase in the smoke content of the air is directly related to their health conditions' deterioration - Dehaya Youth for Climate Justice v. State of Pundideep (W.P. No. 2345/2023).

The states of Dehaya and Pundideep, while formerly a part of the State of Ninjaya, were made into two separate States by a central law to that effect from January 1, 1998. As a large agrarian State, but with slow development, traditional farming methods prevailed in the State. As a result, numerous farmers now have lands in both states. In 2016, the State of Dehaya under the Air (Prevention and Control of Pollution) Act issued a gazette notification (2016 Notification) under Section 19, prohibiting stubble burning by traditional method, and the penalty therefor, was 6 months imprisonment. Certain such farmers, having lands across state borders were arrested by the State Police of Dehaya, and are now subject to Trial as per the 2016 Notification. Opposing such trials, Pundideep

Agriculture Cooperative (PAC) has filed a writ petition under Article 32, claiming violation of the right to livelihood - Pundideep Agriculture Cooperative v. State of Dehaya (W.P. No. 3154/2023).

While continuously broadcasting programs aimed at spreading awareness against stubble burning and highlighting its 'prohibited' nurture under law, news channels within the State of Dehaya also suggested that the State of Pundideep, despite being responsible for the deteriorating conditions of the people of Dehaya, had chosen a stand reflecting ignorance and were “backwards in science” and “unaware of the massive issue of climate change”, for they chose not to enact such a law, in spite of efforts of Dehaya's governmental representative trying to convince them otherwise. News Broadcasting Standards Authority (NBSA), an independent body of countrywide journalists and media personalities have filed a writ petition against Article 32 of the Constitution against 4 news channels held and controlled by the State of Dehaya for showing a “biased, incorrect and vindictive” media campaign maligning the State of Pundideep staging the same to be violative of and offensive to “the standards of journalistic ethics or public taste” - News Broadcasting Standards Authority v. State of Dehaya, represented through its chief secretary, ministry of information and broadcasting and Others (W.P. No. 3728/2023).

State of Dehaya v. State of Pundideep (O.S. No. 35/2023), Dehaya Youth for Climate Justice v. State of Pundideep (W.P. No. 2345/2023), Pundideep Agriculture Cooperative v. State of Dehaya (W.P. No. 3154/2023), News Broadcasting Standards Authority v. State of Dehaya, represented through its Chief Secretary, Ministry of Information and Broadcasting and Others (W.P. No. 3728/2023), have been listed before the division bench of the Supreme Court for admission on.

ISSUES

The Issues that arise for the consideration of the Court are:

1. Whether O.S. No. 35/2023, W.P. No. 2345/2023, W.P. No. 3154/2023, W.P. No. 3728/2023 are maintainable and can be heard together?
2. W.P. No. 3154/2023: Whether the action taken by the State of Dehaya in arresting certain persons for engaging in stubble burning is sustainable in law?
3. W.P. No. 2345/2023: Whether, as per the established principles of environmental law, the State of Pundideep can be held liable for exacerbating the health issues of the residents of Dehaya?
4. W.P. No. 3728/2023: Whether the conduct of the Dehayan News Channels violates the principles enunciated by statutory and regulatory authorities for the regulation of news and media content?

ASSUMPTIONS

1. The laws and system of governance of the Democratic Socialist Republic of Denudia are pari materia to that of India.
2. No law, in respect to redistribution of large areas of land stands passed. The owners of such land prior to bifurcation and presently, are the same.
3. The general penal provision under the Air Act 1981 shall be deemed to be carrying a punishment of 6 months, and the cases, if any, involving the said provision shall be deemed applicable to the instant dispute.
4. There is no law, duly enacted by the Parliament of Denudia prohibiting stubble burning

ANNEXURE

The Stubble Burning (Prevention and Prohibition) Act, 2023

An Act to prevent and prohibit the pollution of air caused through stubble burning.

OBJECTS AND REASONS

This law has been enacted keeping in view that climate change and increase in the global population has put a strain on production by farming and in order to maximise such production, methods, environmentally unsustainable have become of rampant usage.

1. Short title and commencement:

- (a) This Act may be called the Stubble

Burning (Prevention and Prohibition) Act, 2023.

(b) It shall come into force from the date specified by the Government of Dehaya in its Official Gazette and shall govern the whole territory of Dehaya.

2. Definition

(a) "Air Pollution" shall mean, release into the atmosphere of various gases, finely divided solids, or finely dispersed liquid aerosols at rates that exceed the natural capacity of the environment to dissipate and dilute or absorb them. These substances may reach concentrations in the air that cause undesirable health, economic, or aesthetic effects.

(b) "Stubble" shall mean the base of the plant and the straw residue remaining on the surface of the soil following the harvest of particular crops. It shall include material discharged from the harvester and/or the material that is usually burned after the harvest to clear the land for next agricultural season.

(c) "Stubble burning" shall mean one of several types of 'prescribed biomass burning' or traditional methods of burning the stubble which includes burning them by fire, which will or is likely to result in Air Pollution.

3. Prevention of Stubble Burning: The authorities of the state shall be responsible for carrying out programs, comprehensive in nature, in order to educate and spread awareness among

the general public, including the farmers, and any other persons who may be engaged in the practise of stubble burning, against the environmentally negative consequences of such an act.

4. Prohibition of Stubble Burning: Any person, found to be wilfully, knowing, and intentionally engaging in the prohibited practise of Stubble burning shall be liable to pay fine of Rs. 50,000 for each infraction, and for each subsequent violation of this provision, the offender shall be liable to pay Rs. 1,00,000 per instance of Stubble burning. If a person fails to pay such fine, such person shall be liable to undergo an imprisonment of upto 6 months.

5. Application of other laws not barred: The provisions of this Act shall be in addition to, and not in derogation of any other law for the time being in force, unless such law is inconsistent with any of the provisions contained herein.

REGISTRATION DETAILS

- The last date of final registration and payment is **6th October 2023**.
- The registration fee is **Rs. 1500/-** (Rupees One Thousand Five Hundred Only).
- The teams who will be availing accommodation will have to pay Rs. 1000/- per team per day.
- Upon receipt of the registration form, the Team shall be formally registered as

a participant in the event, and a team code shall be generated.

- A confirmation e-mail, together with the team code, shall be sent. Thereafter, all the registered teams shall identify and refer themselves using the allotted team code only for all further correspondence with the organizing committee.
- The final registration form requires teams to specify the roles of each individual member. The roles which have been pre-assigned by the team will be carried forward throughout the competition. Change of roles after the registration will only be permitted on the Organizing Committee's approval.
- Details for making payment of the registration fee can be found at this link.

UPI ID: **9509410444@paytm**

Bank Details:

Account Holder Name: **NAMITA JAIN**

Account number: **921010026235126**

IFSC Code: **UTIB0002982**

Bank Name: **Axis Bank**

Branch Name: **Sitapura**

AWARDS (in Cash)

Winner	INR. 35,000
Runner-Up	INR. 15,000
Best Memorial:	INR. 11,000
Best Speaker Female	INR. 11,000
Best Speaker Male	INR. 11,000
Best Environmental Activist	INR. 5,000

AWARDS (in Kind)

Winner :

Veteran plan of Legal Bites Law Library
Subscription to EBC Learning
Internship opportunity with Legal Vidhiya
Certificate of Merit

Runner-Up:

Aspirant plan of Legal Bites law library
Certificate of Merit

Best Memorial :

Aspirant plan of Legal Bites law library
Certificate of Merit

Best Speaker Female

Aspirant plan of Legal Bites law library
Certificate of Merit

Best Speaker Male

Aspirant plan of Legal Bites law library
Certificate of Merit

Best Environmental activist

Certificate of Appreciation

OTHER BENEFITS

- Members of top 8 teams excluding the winners and runners up will be offered an exclusive flat 20% discount coupon applicable on veteran plan purchase.
- All the participants will be provided with one month access to SCC Online web edition, 20% off on lawaspirant.com (a platform especially designed for the needs of aspirants of law, judiciary and other competitive examinations).
- Certificates shall be provided to all the participating teams.

TIME LINE

Release of Moot Proposition and Rulebook	11th September, 2023
Last Date of Provisional Registration	30th September, 2023
Last Date of Final Registration	6th October, 2023
Last Date for Clarifications regarding Moot Problem	10th October, 2023
Last Date for Submission of Soft Copy of Memorials	13th October, 2023
Last Date for Submission of Hard Copies of the Memorials	20th October, 2023
Draw of Lots for Preliminary Round 1	26th October, 2023
Inaugural Ceremony & Preliminary Round 1	27th October, 2023
Draw of Lots for Preliminary Round 2	27th October, 2023
Preliminary Round 2	28th October, 2023
Draw of Lots for Quarter Final Rounds	28th October, 2023
Quarter Final Rounds & Draw of Lots for Semi-Final Rounds	28th October, 2023
Semi-Final Rounds & Draw of Lots for Final Rounds	29th October, 2023
Finals & Valedictory Ceremony	29th October, 2023

For further queries kindly contact :

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Registration Link

<https://bitly.ws/WpLR>

PAST EDITIONS



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