



CHRIST
(DEEMED TO BE UNIVERSITY)
DELHI-NCR, INDIA

SCHOOL OF LAW
CHRIST (DEEMED TO BE UNIVERISTY), DELHI NCR CAMPUS

4th NATIONAL MOOT COURT COMPETITION 2024



IN COLLABORATION WITH

Poovayya & Co.
ADVOCATES SOLICITORS

8-10 FEBRUARY, 2024



KNOWLEDGE
PARTNERS

MEDIA
PARTNERS



4th

NATIONAL MOOT COURT COMPETITION 2024

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ABOUT CHRIST (DEEMED TO BE UNIVERSITY), DELHI-NCR CAMPUS



CHRIST (Deemed to be University) was born out of the educational vision of St. Kuriakose Elias Chavara, an educationalist and social reformer of the nineteenth century in South India. He founded the first Catholic indigenous congregation, Carmelites of Mary Immaculate (CMI), in 1831, which administers CHRIST (Deemed to be University).

Established in 1969 as CHRIST College, it undertook path-breaking initiatives in Indian higher education with the introduction of innovative and modern curriculum, insistence on academic discipline, imparting of Holistic Education and adoption of global higher education practices with the support of creative and dedicated staff. One of the first institutions in India to be accredited in 1998 by the NAAC, and subsequently in 2004, 2016 and 2022, CHRIST (Deemed to be University) has the top grade 'A+'. CHRIST (Deemed to be University) Delhi NCR campus was started in the year 2019 as an Off-Campus. It focuses on teaching, research and service.

The campus is a living example for the harmonious multiculturalism with students across various states of India. The University is ranked among top 100 universities in India at 67 in the NIRF India Ranking 2023 of Ministry of Education, Government of India.

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ABOUT SCHOOL OF LAW, DELHI NCR CAMPUS



The School of Law offers B.A. LL.B., BBA. LL.B., LL.M. and Ph.D. in Law. It has a flexible curriculum offering several options in different areas of specialization. It is devised keeping in mind the requirements of legal profession and academia.

The programmes offered at the School of Law incorporate a number of special opportunities such as internships, clinical courses, supervisory research and writing. In order to promote interaction between students and legal professionals, seminars, guest lectures and workshops are conducted on various subjects of law at regular intervals. In addition to the mandatory courses spanning across a ten- semester programme, the School of Law has also introduced numerous value-added courses and workshops for the benefit of students.

The School of Law at CHRIST (Deemed to be University), Delhi NCR campus has made a name for itself in a very short span, because of its vision and focus on:

- Continuous industry-academia interactions
- Innovative teaching-learning methodologies
- Opportunity for students to attend internships with renowned advocates, judges and law firms
- Opportunity to interact with faculties from foreign universities
- Inculcating social responsibility in students through village visits and working with NGOs

ABOUT MOOT COURT SOCIETY



The Moot Court Society (MCS) at School of Law, CHRIST (Deemed to be University), Delhi NCR campus was established in 2019. It is constituted to take the responsibility of administering and regulating the mooting activities at School of Law. The Moot Court Society endeavours to provide a nurturing environment to students interested in the art of mooting and advocacy. Students thrive in a diverse and resource rich atmosphere that is intellectually invigorating, professionally supportive and forward thinking. The aim of National Moot Court Competitions is to inspire educational excellence and legal intellect of the law students and to give students an opportunity to interact with budding lawyers from all across the nation.

At MCS, we promote experiential learning & strongly believe that the students learn and improve their advocacy skills by participating in Moot Court Competitions.

CHRIST (Deemed to be University) Delhi-NCR campus hosted its first two editions of National Moot Court Competitions virtually in 2021 and 2022. The 3rd National Moot Court Competition was hosted from February 9 to February 11, 2023. We are proud to share that we saw a handsome participation by thirty teams, all of which were students belonging to premier institutions across India.

This year, taking the tradition forward, we will be hosting the 4th National Moot Court Competition from 8 February to 10 February, 2024, and are hoping for an even higher participation.

The Moot Court Society wholeheartedly welcomes law students from across the country for the upcoming 4th National Moot Court Competition, 2024 organised by CHRIST (Deemed to be University) Delhi NCR campus.

4th NATIONAL MOOT COURT COMPETITION 2024



4th NATIONAL MOOT COURT COMPETITION 2024

SCHEDULE

Release of Moot Proposition and Commencement of Online Registration (Memorial Rounds)	8th December, 2023
Last Date for Clarifications	26th December, 2023
Release of Clarifications	31st December, 2023
Last Date of Online Registration (Memorial Rounds)	11th January, 2024
Last Date for Submission of Memorials (Soft Copy)	15th January, 2024
Announcements of Results of Memorial Rounds	22nd January, 2024
TOP 35 TEAMS QUALIFY	
Commencement of Online Registration (Oral Rounds)	22nd January, 2024
Last Date of Online Registration (Oral Rounds)	29th January, 2024
Last Date for Submission of Memorials (Hard Copy)	8th February, 2024

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NATIONAL MOOT COURT COMPETITION 2024

SCHEDULE

Inauguration and SCC Online Training Session	8th February, 2024
Preliminary Rounds and Researchers Test	8th February, 2024
Quarter finals & Semi-Finals	9th February, 2024
Finals & Valedictory	10th February, 2024

4th NATIONAL MOOT COURT COMPETITION 2024

RULES AND REGULATIONS

VENUE AND DATE

4th National Moot Court Competition shall be held in an offline mode at CHRIST (Deemed to Be University), Delhi NCR campus from 8 – 10 February, 2024.

LANGUAGE

The language of the competition shall be English.

ELIGIBILITY

The competition is open for students who are pursuing LLB three/five- year courses during the current academic year.

- Each team should consist of three members. However, a two member team may be allowed to participate with the discretion of the organizers.
- There shall be two speakers and one researcher designated for each team. The researcher shall be allowed to argue with prior permission of the court and the organizers in case of illness of the designated speakers.
- Teams should not disclose the identity of their institution; such disclosure shall invite penalties including disqualification. The decision for the same shall be at the discretion of the organizers.
- No additional team member other than the above three shall be entertained.
- Each team shall be assigned with the team code. Teams shall use only their Team code for identification purposes. Names of participants may not appear on or within the written submissions.

RULES AND REGULATIONS

REGISTRATION

The Registration process will take place in two parts:

1. Memorial Qualification Round:

- The registration form should only be filled after making the payment of Rs. 1,000. Please find the payment link here – <https://ncr.christuniversity.in/e-services-online-payment-portalncr>

1. Step 1: Click on the link.

2. Step 2: Scroll down to find the payment portal.

3. Step 3: Select CHRIST (Deemed to be University); next select FEST/CONFERENCE/WORKSHOP/EVENT; next select National Moot Court Competition (Memorial Round).

- Each team must register by filling up the registration form through the link – [Registration Form](#) (Kindly note that this registration fee is only for the Memorial Qualification Rounds)

- Each team shall complete such registration on or before 11th January 2024 (23:59 pm IST). Registration fee will be non-refundable, in case of non-participation or of any such reasons.

- In this form, the participants must upload the screenshot of the payment made (clearly depicting the transaction reference number); only then the registration shall be accepted.

2. Oral Rounds:

- Only those teams who have cleared the Memorial Qualification Round shall register for the Oral Rounds. Registration for the Oral Rounds shall commence on 22nd January 2024.

4th NATIONAL MOOT COURT COMPETITION 2024

RULES AND REGULATIONS

- The registration form should only be filled out after making the payment of Rs. 5,100 (with accommodation) and Rs. 4,200 (without accommodation). The link for the same will be provided to the qualifying teams via mail.
- Each team must register by filling up the registration form through the link which will be provided via mail.
- Each team shall complete such registration on or before 29th January 2024 (11:59 pm IST).
- Registration fee will be non-refundable, in case of non-participation or of any such reasons.
- In this form, the participants have to upload the screenshot of the payment made (clearly depicting the transaction reference number); only then the registration shall be accepted.

DRESS CODE

The teams should adhere to the Dress Code of the competition:

- Female Participant(s): Western Formals (in Black and White)- shirt, trousers, blazer
- Male Participant(s): Western Formals (in Black and White)- shirt, trousers, blazer, tie.
- Use of ID cards and other Disciplinary Requirements: Each participant will be issued an ID card at the time of entry into the University campus. It shall be mandatory for all participants to wear the ID card at all times inside the campus. Furthermore, it shall be mandatory for each participant to adhere to all the general rules and regulations of CHRIST (Deemed to be University), Delhi NCR campus at all times.

4th NATIONAL MOOT COURT COMPETITION 2024

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ACCOMMODATION, FOOD AND TRAVEL

- Participants will be provided accommodation around the vicinity of the University.
- Travel facility will be provided from the accommodation to the university in the morning, and back to the hotel in the evening. Participants who don't avail the travel services at the allotted time must make the arrangements for themselves. Participants will be provided bus pass at the time of registration and entry into the campus, which must be presented to get entry into the bus for travel purposes.
- Participants will be provided breakfast, lunch, high tea and dinner on all the three days of the competition. For getting the packed meals, food coupons will be issued at the time of registration and entry into the campus. To get your packed meals, lunch, and high tea, presenting the food coupon will be mandatory.

STRUCTURE

The competition will be held over a period of three days i.e., 8 February – 10 February, 2024. The competition shall consist of four (4) rounds; Preliminary Rounds, Quarter-Final Rounds, Semi-Final Rounds and the Final Round.

- **Draw of Lots:** The Draw of Lots will determine the side from which the participating team will first present their argument i.e., Petitioner/Plaintiff or Respondent/Defendant. The Draw of Lots will also decide which team you will be competing against (There will be no pre-decided fixtures). This shall be conducted on 8 February 2024. The team codes will be provided to teams before the draw of lots but their sequence of participation will be decided there on.

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RULES AND REGULATIONS

- **Preliminary Rounds:** Each team shall present their arguments from one side in this round, i.e., Petitioner's side or the Respondent's side, as determined under the Draw of Lots. The top eight teams based on their Total Preliminary Score in the Preliminary Round shall qualify for the Quarter-Final Rounds. Total Preliminary score does not include the memorial score.
- **Quarter-Finals:** The top eight teams from the Preliminary Round shall proceed to the quarter finals. This will be a knockout round; hence winners will be decided on the basis of courtroom win. The sides of the teams will be determined by draw of lots, which will be done on the morning of the 9 February, 2024. The Draw of Lots will also decide which team you will be competing against (There will be no pre-decided fixtures).
- **Semi-Finals:** The top four teams from the Quarter Finals shall proceed to the semi-finals. This round again will follow the knock-out round. The sides of the teams will be determined by Draw of Lots held on 9 February 2024. The Draw of Lots will also decide which team you will be competing against (There will be no pre-decided fixtures).
- **Final Round:** The winner of each courtroom fixture i.e., two teams from the semi-final round shall proceed to this round. The sides of the teams will be determined by Draw of Lots held on 10 February 2024.

RULES AND REGULATIONS

MEMORIAL SUBMISSION

- Each Team is required to prepare Written Submissions for both sides, i.e., the Petitioner and the Respondent of the case.
- A Written Submission shall be identified solely by the Team Code assigned to the Team. The Written Submissions shall not, in any way, disclose any fact pertaining to the identity of the Team members.
- One soft copy (only in MS Word doc/.docx format) must be emailed to mcs.ncr@christuniversity.in latest by 15th January 2024 (23:59 Hours IST) with the subject "Memorials for TC __". 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 15) 15P or 15R, "P" being for "Petitioner" Memorial and "R" for "Respondent" Memorial and so forth.
- At the time of inauguration ceremony on 8 February 2024, each team will be required to also submit three hard copies of their memorials prepared from both the sides, i.e., three copies from the petitioner's side and three copies from the respondent's side. The hard copies must be spiral bound, and must adhere to all the guidelines mentioned below.

Memorial Submission shall consist of the following mandatory heads:

- a. Cover Page
- b. Table of Contents
- c. List of Abbreviations
- d. Index of Authorities (with page number of authorities cited)

RULES AND REGULATIONS

- e. Statement of Jurisdiction
- f. Statement of Facts (not exceeding 2 pages)
- g. Statement of Issues
- h. Summary of Arguments (not exceeding 2 pages)
- i. Arguments Advanced (not exceeding 25 pages)
- j. Prayer (not exceeding 1 page)

The cover page of a written submission must contain the following:

- a. The Team Code in the upper right-hand corner.
- b. The name and place of the jurisdiction.
- c. The provision under which case is filed.
- d. Name of the Parties and Status.
- e. The side for which the Written Submission has been prepared - Memorial filed on Behalf of Petitioner/Respondent.

Furthermore, participants must follow a uniform formatting style in their memorials:

- a. Font Type: Times New Roman
- b. Font Size: 12
- c. 1.5 Line Spacing
- d. Margin: One inch on one side
- e. Footnotes:
 - Font type: Times New Roman
 - Font Size: 10
 - Single Line Spacing

It is further clarified that the Organization committee reserves the right to refuse acceptance of any memorial which is in violation of any of the above-mentioned norms.

Team shall cite authorities in the Memorial using footnotes following the Harvard Bluebook 21st Edition. Colour of the cover page must be: Blue in case of Petitioner/Appellant & Red in case of Defendant/Respondent.

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COMPENDIUM

All participating teams at their option can prepare a compendium as a supplement to their memorial submission. The compendium may contain all relevant provisions of law and important judgments cited if any. There can be no arguments/argumentative interpretation of facts/judgments in the compendium. Any such arguments will be disregarded and shall result in penalization. The compendium may be presented to the judges for further reference and clarity of argument presented by the speaker.

PLAGIARISM

- Participants must refrain from plagiarism of any kind. Any use of publicly available information must be accompanied by proper citations.
- Failure to comply with this rule may result in being debarred from the 4th National Moot Court Competition, 2024.

CHANGES IN SOFT COPY

An attempt at sending a different or shortened or corrected version of your pleadings as soft copy will result in disqualification from the selection process for the competition.

CONDONATION OF DELAY

Delay in submission of memorials will not be condoned on grounds like connection failure, network issues, etc. However, the Moot Court Committee shall have final discretion in case of application for condonation of delay. Decisions could range from full condonation to reduction of marks as the organizers may deem fit.

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CRITERIA OF EVALUATION

Speakers would be adjudged under the following categories during their Oral Presentation:

S. NO.	CRITERION	MARKS
1	KNOWLEDGE OF FACTS	25
2	ADVOCACY SKILLS	25
3	ANALYSIS & AUTHORITIES CITED	25
4	RESPONSE TO JUDGE'S QUESTIONS	15
5	COURT MANNERISMS	10
GRAND TOTAL		100

Scoring of Rounds shall be based on the oral presentation done by the teams. teams. However, in case of a tie between two teams, the team with the higher memorial score will be allotted a higher rank.

CLARIFICATIONS

- Participating teams may request for clarifications to the official moot problem by sending an email to mcs.ncr@christuniversity.in by 26th December 2023 (23:59 Hrs IST). Full list of clarifications will be released on 31st December 2023.
- Note: Clarifications through any medium other than emails will not be entertained and taken into account.

4th NATIONAL MOOT COURT COMPETITION 2024

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PENALTIES

LATE SUBMISSION	1 MARK PER MEMORIAL EVERY 2 HOURS AFTER DEADLINE. DISQUALIFICATION BEYOND 48 HOURS.
WRONG FILE NAME	1 MARK PER MEMORIAL
FAILURE TO SUBMIT MEMORIAL AS ONE FILE	1 MARK PER MEMORIAL
EXCEEDING PAGE LIMITS	1 MARK PER MEMORIAL
FAILURE TO INCLUDE THE SECTIONS IN THE MEMORIAL	3 MARKS PER MEMORIAL
FAILURE TO INCLUDE THE REQUIRED INFORMATION ON THE COVER PAGE	1 MARK PER MEMORIAL
FAILURE TO USE THE CORRECT COLOUR CODING	2 MARKS PER MEMORIAL

RULES AND REGULATIONS

RESEARCHERS TEST

- The Researchers Test shall be conducted on Day 1 of the Competition.
- The test shall be for a duration of 45 minutes only. The test will be based on 50 MCQs (Multiple Choice Questions). Each question shall carry one mark, and there shall be a negative marking of 0.25 marks. The score of the researcher's test will not be added in the overall score of the team. However, a separate award will be given to the Best Researcher, ie, the researcher who scores the highest marks. In case of a tie, the Award will be given to the one who had less incorrect answers.
- If a team comprises two members, then one of the two members shall be eligible to take the test. However, the team must notify the organizers in advance as to which of the team members shall take the test.

SCOUTING

- Scouting shall be deemed to have happened if the speakers, researcher or any other person affiliated with a team is found:
- Witnessing, hearing, observing, etc. the oral submissions in a Round, except where the round is one in which the team to which he/she is affiliated is participating in reading a memorial of a team except where: it is of the team to which he/she is affiliated; or the memorials have been obtained on account of an exchange of memorials prior to a round of the team to which he/she is affiliated.

RULES AND REGULATIONS

DISCLAIMER

The Proposition does not attempt to resemble any incident or any person, living or dead. Any such resemblance is purely coincidental. The Proposition is fictitious and is prepared for the purposes of the present Competition only and it does not attempt to influence or predict the outcome of any matter whatsoever.

AWARDS/ TROPHY

- The team with the maximum score in the final round will be declared as the "Winning Team" and the team with the second highest score in the final round will be declared as the "Runners up Team".
- The speaker with the maximum score in the Preliminary Rounds will be declared as the "Best Speaker".
- The team with the maximum Memorial scores will be awarded as "The Best Memorial".
- The researcher scoring the highest marks in the Researcher Test will be awarded as "The Best Researcher".

RULES AND REGULATIONS

GENERAL RULES FOR THE ORAL ROUNDS

GENERAL PROCEDURE

Teams are requested to mail the soft copies of memorials (Petitioner and Respondent) by 15th January 2024 (23:59 hrs).

1. The language to be used during the Rounds is English.
2. The Competition shall consist of the following Rounds:
 - a. Preliminary Rounds
 - b. Quarter-Finals
 - c. Semi-Finals
 - d. Final

During each of the above-mentioned rounds, the order in which the teams shall present their arguments is as follows:

- a. Petitioner Speaker 1
 - b. Petitioner Speaker 2
 - c. Respondent Speaker 1
 - d. Respondent Speaker 2
 - e. Rebuttal
- The Best Speaker Award shall be determined on the basis of the individual aggregate score of the Speaker taken only from the Preliminary Rounds.
 - 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 at the discretion of the Judges.
 - The use of mobile phones or any other electronic gadgets during the oral rounds would be strictly prohibited, unless specifically allowed by the judge in the respective courtroom. The decision of the Judges as to the marks allotted to each team shall be final.

RULES AND REGULATIONS

EXCHANGE OF MEMORIAL

- Memorials shall be exchanged based on the Draw of Lots that will take place before the commencement of each round.
- The side to be represented and the team clash, as determined by the draw of lots, shall be final; and no request for changing the same shall be entertained.

PRELIMINARY ROUND

- Each side shall get a maximum of 20 minutes which will be divided by both the speakers of the team to present their arguments. The time limit is exclusive of the time for Rebuttal. The maximum time for Rebuttal is five minutes. Time allocation for Rebuttals depends upon the discretion of the bench.
- The top eight teams shall qualify to the Quarter Final Rounds on the basis of the aggregate score of the team in their Preliminary Rounds. In the event of a tie, the Memorial marks shall be taken in consideration.

QUARTER FINAL ROUND

- The maximum time for the arguments per side shall be 30 minutes which will be divided by both the speaker of the team. The time limit is exclusive of the time for Rebuttal. The maximum time for Rebuttal is five minutes. Time allocation for Rebuttals depends upon the discretion of the bench.
- The top four teams of the Quarter-final Round shall advance to the Semi-final Round.

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SEMI-FINAL ROUND

- Each side shall get a maximum time of 40 minutes which will be divided by both the speakers of the team to present their arguments. The time limit is exclusive of the time for Rebuttal. The maximum time for Rebuttal is 5 minutes. Time allocation for Rebuttals depends upon the discretion of the bench.
- The top two teams of the Semi-final Round shall advance to the Final Round.

FINAL ROUND

- Each side shall get a maximum time of 45 minutes which will be divided by both the speakers of the team to present their arguments. The time limit is exclusive of the time for Rebuttal or Sur-rebuttal respectively. The maximum time for Rebuttal is 10 minutes. Time allocation for Rebuttals depends upon the discretion of the bench.

MISCELLANEOUS

- The Rules governing the conduct of the Competition should be strictly adhered to. Any deviation thereof can attract penalties or disqualifications at the sole discretion of the Organising Committee.
- The Organising Committee reserves the right to amend, alter, vary or change, in any manner whatsoever, the Rules governing the Competition, which would be communicated to the teams within a reasonable period of time.

4th NATIONAL MOOT COURT COMPETITION 2024

AWARDS

1. Winner: Rs. 80,000 + trophies + EBC Resources
2. Runner up: Rs. 40,000 + trophies
3. Best Researcher: Rs. 15,000 + trophy
4. Best Speaker: Rs. 15,000/- + trophy
5. Best Memorial: Rs. 15,000/- + trophy

AWARDS BY OUR SPONSORS AND KNOWLEDGE PARTNERS:

Winners - EBC sponsored resources.



Best Speaker and Best Memorial - Sponsored by Poovayya & Co.



Note: Certificates and SCC Subscription shall be issued to all the participants.

MOOT PROPOSITION

Republic of Redondo and its Constitution

1. The Republic of Redondo (Redondo) is a democratic and socialist country governed by a written constitution. Redondo, whose people have always spoken a diverse set of languages and held multifarious religious beliefs, was earlier under the occupation of and ruled by the British Empire for more than 200 years. Its legal system was largely devised and enforced by officers of the Empire with the native population having very little autonomy and independence to govern themselves. In many ways, Redondo has a similar, if not identical, legal and constitutional history to that of the Republic of India. Even to this day, several legal developments in India are tracked, followed and adopted by Redondo. Courts in Redondo also give great weight to the judicial precedent of courts from India.

2. Redondo gained independence from the British in 1961 and has been a stable sovereign country with its own democratically elected governments since then, barring a few internal disturbances fostered by war and skirmishes. The Redondan Constitution (RC) was written and adopted in 1962 after an elaborate constitution-making process involving constituents from across the region. The RC contains a few enumerated fundamental rights identical to those of the Constitution of India, 1950. For instance, Articles 14, 19(1)(a), 19(2), and 21 of the Constitution of India are verbatim reproduced as Articles 7, 8(1)(a), 8(2), and 13 of the RC.

MOOT PROPOSITION

Right to Privacy in Redondo

3. In the last sixty years, Redondo has become one of the world's most advanced constitutional polities with its Supreme Court, the highest court of the land, recognizing that its citizens have the unenumerated fundamental right to privacy which includes informational privacy. According to the Supreme Court of Redondo in X v. State:

“Informational privacy is an essential aspect of the fundamental right to privacy. It protects an individual's free, personal conception of the self ... Informational privacy “deals with a person's mind, and therefore recognises that an individual may have control over the dissemination of material that is personal to him”. Any unauthorised use of such information may therefore lead to infringement of the right to privacy ... Informational privacy provides the right to an individual ‘to disseminate certain personal information for limited purposes alone’.”

4. The Supreme Court of Redondo also observed in X v. State that “[e]very individual should have a right to be able to exercise control over his/her own life and image as portrayed to the world and to control commercial use of his/her identity. This also means that an individual may be permitted to prevent others from using his image, name and other aspects of his/her personal life and identity for commercial purposes without his/her consent.” Further, it held that any invasion into a person's privacy would result in strict constitutional scrutiny and must meet a three-fold requirement - legality, need or legitimate state aim, and proportionality.

MOOT PROPOSITION

5. Although the Supreme Court of Redondo read the right to privacy into Articles 8(1)(a) and 13 of the Redondan Constitution, it also held that such a right cannot exist in a vacuum and a viable legal regime to recognize, protect, and enforce informational privacy must be brought in by the government. Such a legal regime must not only be vertical but also horizontal, i.e., it must apply to non-State and private actors as well. This judgement of the Supreme Court of Redondo has stood the test of time and has not been reversed or modified subsequently.

Redondon Digital Personal Data Protection Act, 2013

6. Taking the lead from the above judgement, the Government of Redondo enacted the Redondan Digital Personal Data Protection Act, 2023, (RDPDP Act) in the Parliament of Redondo in August 2023. The long title of the RDPDP Act reads as: “An Act to provide for the processing of digital personal data in a manner that recognises both the right of individuals to protect their personal data and the need to process such personal data for lawful purposes and for matters connected therewith or incidental thereto.”

7. The RDPDP Act contained a specific provision, Section 9, relating to processing of personal data of children. It reads as under:

“Processing of personal data of children.

MOOT PROPOSITION

9. (1) *The Data Fiduciary shall, before or at the time of processing any personal data of a child or a person with disability who has a lawful guardian, obtain verifiable consent of the parent of such child or the lawful guardian, as the case may be.*

Explanation.—For the purpose of this subsection, the expression “consent of the parent” includes the consent of lawful guardian, wherever applicable.

(2) *A Data Fiduciary shall not undertake such processing of personal data that is likely to cause any detrimental effect on the well-being of a child.*

(3) *A Data Fiduciary shall not undertake tracking or behavioural monitoring of children or targeted advertising directed at children.*

(4) *The Government of Redondo can exempt the applicability for verifiable consent for children above the age of eleven (11) for educational purposes.*

(5) *Any Data Fiduciary who fails to comply with the requirements of this section shall be punishable with a penalty equivalent to 10% of their annual revenue in the financial year preceding the non-compliance, or imprisonment for a term not exceeding two years, or both.”*

MOOT PROPOSITION

8. The relevant definitions of the terms used in this provision are:

- a. “Data Fiduciary” means any person who alone or in conjunction with other persons determines the purpose and means of processing of personal data.
- b. “Processing” in relation to personal data, means a wholly or partly automated operation or set of operations performed on digital personal data, and includes operations such as collection, recording, organisation, structuring, storage, adaptation, retrieval, use, alignment or combination, indexing, sharing, disclosure by transmission, dissemination or otherwise making available, restriction, erasure or destruction.

9. The RDPDP Act, 2023, also verbatim reproduced several provisions of the contemporaneously enacted Digital Personal Data Protection Act, 2023, in the Republic of India. These identical provisions are Sections 4 to 8 and 11 to 15 of the Indian legislation.

10. The RDPDP Act, 2023, was welcomed by Redondo’s citizenry, industry bodies, associations of schools and colleges, as a progressive and much-needed legislation that balances both the needs for data protection and collection, as well as for being a forward-looking move to establish a safe and controlled environment for children. More particularly, the RDPDP Act was commended for establishing a regime where parents of children would have a greater say in their children’s use and consumption of material on the internet, especially when a lot of learning today happens through the internet.

MOOT PROPOSITION

Rava, Rhea and “Math Academy”

11. Rava and Rhea are identical twins aged eleven (11). Rava is considered a child prodigy by her school and has won several math olympiads in Redondo. Rhea, on the other hand, started developing a learning disability (ADHD) at the age of seven (7), and did not perform well academically, although she was artistically blessed. Rhea’s particular weakness was in mathematics.

12. Their parents, Renu and Kilian, are busy and successful professionals and, being assured of their children’s giftedness, permitted their use of mobile phones and tablets for extra-curricular and curricular educational needs. Renu, a Redondan citizen, is the founder and CEO of a fashion company which sells upcycled designer clothing. Kilian, an Indian national, is a renowned wildlife photographer and splits his time between India and Redondo. Both Renu and Kilian completed undergraduate and graduate degrees from the same university in India.

13. In late 2022, noticing that Rhea needed to develop her mathematical aptitude in order to perform well as a student, Renu subscribed to an application called “Math Academy” on the Apple App Store. Math Academy was advertised as being the best educational app for children with learning disorders and disabilities. Math Academy featured an easy-to-use custom keypad and digital graph paper that lets children create their equations, be it simple addition and subtraction or algebra. Children can also share their work with their teachers using the app. Once the

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app was installed on a device, the app was so simple and adaptable that parents did not find the need to monitor or regulate their children's use. Math Academy promoted the app as fully compliant with the principles contained in Section 16 of The Redondan Rights Of Persons With Disabilities Act, 2016 (identical to the Indian legislation on this subject).

14. In order to use the app, Math Academy required children's photographs for verification. They also assured parents that the children would only be photographed once, at the time of signing up, and that the photograph would only be shared with the teacher. Math Academy, not only provided services for children with learning disabilities, but also helped children without any learning disabilities to revise and recapitulate the same math concepts in a "classroom" format. Math Academy promoted the use of online classrooms where students, irrespective of their academic ability, had access to the progress, academic scores, and photographs of their fellow classmates. Math Academy believed that such access would engender healthy competition and harmless peer pressure to encourage better performance by all students, irrespective of their learning disability. Their internal motto for this feature was that "competition is healthy".

15. After using the app for more than 6-7 months since December 2022, Rhea did not achieve the intended progress. Her classmates, including her sister, would feel ashamed of Rhea's poor mathematical prowess. Soon, Rhea started facing bullying by her classmates and they

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ignored her in school. Her friends started deriding her abilities which led to Rhea being sad and depressed. She started falling ill and displaying bad behaviour towards her parents and Rava at home. Renu and Kilian began wondering why Rhea was unable to learn mathematics through Math Academy and encouraged her to continue using it beyond August 2023, the following academic year. They hoped that Rhea would turn a corner soon, as Math Academy had guaranteed results between 6-12 months, based on data from past usage by children with learning disabilities. However, even until September 2023, Rhea did not show any promising progress and her disability and depression continued to worsen.

16. After the RDPDP Act came into force, Renu and Kilian became aware of their rights as parents of children whose data and images are used on websites/applications and sought legal advice on how they can safeguard Rhea's rights. Renu and Kilian received legal advice suggesting filing a writ petition against Math Academy and the Government of Redondo before the High Court of Dagestan, the territorial high court which exercised writ akin to Article 226 of the Indian Constitution. Renu and Kilian, as Rhea's parents, decided to file a petition before the High Court of Dagestan, on the following grounds:

a. Section 9 must be declared as unconstitutional as it fails to meet the three-fold requirement under X v. State.

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b. Even if Section 9 is constitutionally sound, Math Academy failed to comply with Section 9 of the RDPDP Act and that the Government of Redondo was under a duty to ensure compliance with the requirement for obtaining verifiable consent.

c. Although verifiable consent was mandatory, Math Academy failed to obtain it from Renu and Kilian. For consent to be ‘verifiable’, it must be for a lawful purpose and legitimate use. Kilian and Renu’s consent was not obtained as per Section 6(1) of the RDPDP Act. Further, no emails or other communications were sent by Math Academy to ensure ‘verifiability’ of their consent.

d. Math Academy and State of Redondo must pay exemplary and compensatory damages of Redondan Rupees 1,00,00,000/- to Renu and Kilian for subjecting Rhea to mental harassment and breaching Rhea’s fundamental right of informational privacy.

17. Both Math Academy and Government of Redondo filed their response to the writ petition on various grounds challenging its maintainability, liability to pay damages, denying the applicability of Sections 6 and 9 of the RDPDP Act, as also denying the applicability of a broad and ambiguous ‘verifiability’ requirement.

18. The writ petition is set down for final arguments before the High Court of Dagestan in February 2024. In its procedural directions for hearing the case, due to the nascency of the law on children’s privacy in Redondo, the

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High Court has agreed to examine rules and case law applicable in the United States of America and European Union in arriving at its decision.

**The Moot Proposition has been drafted by Mr. Dharmendra Chatur, Partner, Poovayya & Co. Any contact with him regarding the proposition shall constitute an offence of scouting and attract disqualification or any other punishment deemed fit by the Organisers.*

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