

**39th All India Moot Court Competition in commemoration of Golden Jubilee of
Dr. Ambedkar Government Law College, Puducherry, 2022.**

21-23 January, 2022

MOOT COURT PROPOSITION

Case concerning the Protection and Conservation of Arayannas and Sedition

1. The Union of Vengadam, a South Asian country is a union of 27 states. It is having a written Constitution and a federal democratic pattern of government. Vengadam is a country of different religions and cultures. The Constitution of Vengadam guarantees right to every individual to practice, profess and propagate religion. Vengadam is a blend of both traditional and modern views. Union of Vengadam is in the forefront of environmental protection movements in the world and has taken part in international negotiations for creating international environmental laws. It is one of the first countries who incorporated specific provisions in their Constitution for the protection of environment and natural resources.

2. The Union of Vengadam is a land of myriad and exquisite cultures and is one of the most religiously diverse nations in the world. These cultures has been developed through thousands of years and may vary depend on the region. Though Vengadam is a secular nation and is home for all the popular religions existing in the world, it is a Hindu majority nation. The Hinduism is one of the oldest and a polytheistic religion and it recognizes up to 333 million gods. One of the exquisite beliefs associated with these Gods and Goddesses is that, many of them have their own vehicle (vahana) which is either an animal or a bird to travel from one world to another world and to visit their devotees. These *vahanas* are also considered divine as they are in constant contact with the God they serve and hence are worshipped by devotees in different ways.

3. Arayanna (Divine Iridescent Swan) is one of the largest flying birds with a length of 20-30 inches and weight of 6-8 kg, and 5-8 inches long feathers. These birds belong to the bird family of Anatidae within the genus *Cygnus*. Arayannas are known for their lustrous beauty as it is blessed with impeccable green iridescent feathers. This species of swan is widely distributed in the wild across South Asia and is found in almost all the states of Union of Vengadam. Due to the peculiar character and an unusual habitat, Arayannas cannot be domesticated and hence are not being considered as a pet bird.

4. Hindus consider Arayanna as a sacred bird because it is the vehicle of Goddess Gadadevi, the Goddess of prosperity. Its feathers are used in many religious rituals and keeping Arayanna's feathers in home is considered as auspicious as it brings prosperity and positive vibes in the home. There are large a number of temples especially in Southern states of Vengadam, where Arayannas are worshipped along with Goddess Gadadevi. Considering its presence all over the country and its rich and deep rooted involvement in the cultural and religious traditions, the Union of Vengadam declared Arayanna as the national bird of Vengadam in 1986.

5. 'Arayattam' is one of the most popular offerings given by devotees in Goddess Gadadevi Temples. Though the exact origin of this practice is unknown, there are several references about the importance of this offering in different ancient Hindu religious texts. One of the most important parts of 'Arayattam' inter *alia* is a form of dance wearing headdress and other ornaments made up of Arayanna's feathers. During Arayattam, the spectators would usually carry a bunch of Arayanna's feathers in hand. The feathered headdress used in Arayattam is natively known as 'Vallum'.

6. Traditionally, the Vallum's are made by a few families belonging to a small village named as Vallakam in Satva, a state in Vengadam. In 2007, Geographical Indication Tag was given to Vallum based on an application given by Vallum Craft Associations, Vallakam. The feathers of Arayannas were also widely used as an ingredient of traditional medicine in most part of the country. Thus there is a large market for Arayanna's feathers, Vallum's, cloths and ornaments made up of such feathers.

7. The Union for Protection and Conservation of Swan (UPCS) is a national organisation committed to protection of swans in Union of Vengadam. In a nationwide research conducted in the years 2017-2018, the UPCS identified a drastic decline in the population of Arayanna during the last decade. The study estimated that, if the current trends continue, by 2030-35, the Arayannas may go extinct. The study identified several reasons such as habitat loss, increased pollution, changing weather pattern, hunting and poaching for feathers, etc. However, the Government of Vengadam did not take any steps to make legal provisions for the protection of Arayannas.

8. In 2019, the UPCS approached the Hon'ble Supreme Court of Vengadam seeking to issue directions to Central Government for taking appropriate steps for the protection and conservation of Arayannas. In August 2020, the Hon'ble Supreme Court, while disposing the petition directed the Central Government to make necessary changes in the existing legal framework including the Wildlife (Protection) Act, 1972. The Court observed "the Arayannas are one of the precious natural resources of the country and are living entities having the status of an artificial legal entity with corresponding rights and duties of a natural living human being".

9. In December, 2020, three persons were arrested from State of Satva for transporting 51 live Arayannas. However, finding dearth of specific law regulating the possession and transportation of Wild Arayannas in Vengadam, the Satva police registered a case for theft as per the provisions of Penal Code of Vengadam, 1860. The accused persons approached the High Court of Satva, with a petition to quash the said FIR. The petitioners argued that, in the absence of a law, the possession and transport of Arayannas would not amount to theft. However, the said petition was dismissed by the High Court. Aggrieved by this, the petitioners have preferred an appeal to the Hon'ble Supreme Court.

10. In January 2021, the Government of Vengadam introduced certain amendments to Wildlife (Protection) Act, 1972, thereby bringing Arayannas under the purview of Sections 43 & 44 and the Schedule I. The effect of this amendment was a total prohibition of possession, transportation and use of Arayannas and their feathers as well as other body parts in any form. Even a mere possession of Arayanna feather in a house would amount to an offence under the Act.

11. Vallum Kavvu, is one of the most popular Hindu Temples dedicated to Goddess Gadadevi situated in the State of Satva. Arayattam Festival in Vallum Kavvu is considered as one of the most important festivals of this temple and the offering of Arayattam is considered as very auspicious. A good quantity of Arayanna feathers is required for the ceremonies of this temple and during the festival season, i.e. April –May, there is a requirement of large quantity of feathers. As a result of the amendments in Wildlife (Protection) Act, 1972, the temple administrators, the Vallum Kavvu Devasom found it difficult to get the required quantity of Arayanna feathers. There were several protests staged by devotees and the temple administrators against the said changes introduced in the Act. Finally, in June 2021, the

Vallum Kavu Devasom approached the Hon'ble Supreme Court challenging the Constitutional validity of the said amendments in the Wildlife (Protection) Act.

12. The non-availability of Arayanna's feathers adversely affected the making of 'Vallums' and related products. Several persons who were actively involved in making the Vallums and these products had to quit the field and several persons even committed suicide. Finding it very difficult to continue with the activities related to Vallum's, in July 2021, the Vallum Craft Associations, Vallakam filed a petition challenging the Constitutional validity of these recent amendments in the Wildlife (Protection) Act, 1972. During the months of June and July there were nationwide protests against the said amendments in the Wildlife (Protection) Act, 1972.

13. Adv. Mathur Nath, is an advocate and public spirited citizen of Vengadam, who has successfully obtained several judgments for the protection of basic rights of individuals through filing public interest litigations. One Mrs. Aneesha, a reporter from a national news channel sought his opinion about the recent amendments during a live news night discussion. Adv. Mathur Nath opined: ".....The people who enact the laws should have some sense.....it is high-time people should react against such senseless governments....." This statement invited severe criticisms from the ruling party and subsequently, the police of State of Ahali registered case under Section 124A of the Penal Code of Vengadam.

14. Adv. Mathur Nath approached the Hon'ble High Court of Ahali with a petition to quash the F.I.R. in the said case. He made it clear that, Section 124A is against his fundamental freedom of speech. However, the Hon'ble High Court of Ahali rejected the petition. Being aggrieved by this judgment, Adv. Mathur Nath approached the Hon'ble Supreme Court with a petition challenging the Constitutional validity of Section 124A of the Penal Code.

15. The Hon'ble Supreme Court of Vengadam for the sake of convenience decided to hear all the cases on the same day with the following issues:

A. Whether the amendments made in Sections 43 (3) (a) & 44 of the Wildlife (Protection) Act, 1972 thereby extending the operation of the Act to Arayanna is violative of freedom of religion or not?

B. Whether the said amendments would amount to violation of right to livelihood of Vallum Craft makers or not?

C. Whether registering a case of theft on account of possession and transportation of Arayanna is maintainable or not?

D. Whether registering a case under Section 124A of the Penal Code of Vengadam on account of a statements made in news discussion would violate the fundamental freedom of speech guaranteed in the Constitution of Vengadam or not?

NOTE:

1. The laws in Union of Vengadam and Republic of India are in *pari materia*. However, the Section 43 (3) (a) & Section 44 (1) Second Proviso; Schedule I, Part III, Entry 10 C of Indian Wildlife (Protection) Act, 1972 should be read in the way as it is provided in the annexure.

2. The Sections which are applicable for this case are provided along with this problem as annexure. All other provisions of Indian laws will be applicable except as provided in the annexure.

3. The Counsels representing both sides are required to address the issues that are specifically mentioned in the moot problem.

4. The Counsels have to represent the Appellants (3 Accused persons; Vallum Kavu Devasom; Vallum Craft Associations & Adv. Mathur Nath); or for the Respondents (Union of Vengadam; State of Satva & State of Ahali).

ANNEXURE

Original Sections prior to amendment in 2021

Section 43 (3) Nothing in this section shall apply— (a) to tail feather of Arayannas and the animal article or trophies made therefrom;

Section 44 (1): Provided further that nothing in this sub-section shall apply to the dealers in tail feathers of Arayannas and articles made therefrom and the manufactures of such articles.

Schedule I, Part III, Entry 10 C: Arayanna Pheasant

Sections after the amendments in 2021

Section 43 (3) Nothing in this section shall apply— (a) ***deleted***

Section 44 (1): Provided further ***deleted***

Schedule I, Part III, Entry 10 C: Arayanna Pheasant and all its native varieties

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Rules and Regulations governing the competition:

1. Date and Venue:

21-23 January, 2022

Dr. Ambedkar Government Law College,
Mathur Road,
Kalapet,
Puducherry- 605014

2. Eligibility:

Participation is restricted to bona fide undergraduate students of 5 years/ 3 years LL.B. programme of any University/College/Institution (recognised by the Bar Council of India).

3. Language:

The official language for the Moot Court Competition is English.

4. Dress Code:

4.1 For Boys-Black Pants, White Shirt with Black Blazer.

4.2 For Girls- Black Pants, White Shirt with Black Blazer or White Churidar Suits with Black Blazer or White Sari with White Blouse and Black Blazer.

5. Team Composition:

5.1 Each Institution participating in the competition shall send only one team consisting of two Speakers and one Researcher. In any case, the team shall not consist of more than 3 participants. Their travelling expenses shall be borne by the respective participating Institution.

5.2 Each team will have a team code. Teams shall not disclose their identity or that of their institution or city etc. Such disclosures will invite penalties including disqualification. The decision in this regard shall be at the discretion of the Organizing Committee.

6. Registration:

6.1 Institutions those are interested in sending a team to participate in this Moot Court Competition are required to send an e-mail to **draglc.pdy.mcs@gmail.com** to provisionally register for the same. The last date for provisional registration is **27th December, 2021**. A confirmation e-mail will be sent to the colleges who send in the provisional registration mails.

6.2 The participating team must submit the hard copy of Registration Form along with DD and travel form on or before **6th January, 2022**. The Registration Form along with the demand draft should be sent by post to **The Principal, Dr. Ambedkar Government Law College, Mathur Road, Kalapet, Puducherry - 605014**. Upon the receipt of the hard copy of the registration form, team codes of the participating teams will be sent via E-mail.

6.3 After Registration, any request for change of name/ participants will not be entertained except at the sole discretion of the Moot Committee. Registration fee is Rs. 2500/- for each participating team, payable only by way of DD drawn in favor of **The Principal, Dr. Ambedkar Government Law College, Puducherry**, payable at **Puducherry**.

7. Competition Rounds:

7.1 The Competition shall consist of Preliminary Rounds, Quarter-final Rounds, Semi-Final Rounds and Final Round. The top 8 teams from the preliminary rounds shall qualify to participate in the Quarter Finals. Winners of the Quarter-Finals will proceed to Semi- Finals. Winners in the Semi-finals will qualify for the Final Round.

7.2 Teams shall argue cases against each other. For the said purpose, fixture of teams will be decided by draw of lots prior to each round of the competition commencing on **21st January, 2022** at **Dr. Ambedkar Government Law College, Puducherry**.

8. Preliminary Rounds:

8.1 In the Preliminary Round, each team shall argue for both the sides (the petitioner and respondent) in **Two Separate Rounds**.

8.2 During the preliminary round, **each team** will be allowed **20 minutes** to argue. The division of time between the two speakers is left to the discretion of the team. In addition to the 20 minutes time allotted for arguments, 2 minutes will be provided for Rebuttals and 2 minutes will also be given to the opposite team for Sur-Rebuttal.

8.3 Top 8 teams will be decided on the basis of the prelims scores and will be selected for the quarter final round.

9. Quarter – Final Rounds:

9.1 During the Quarter - Final rounds, the teams will be required to argue either on behalf of the Petitioner or the Respondents. The teams to argue on a particular side will be decided by a draw of lots prior to the commencement of the Quarter final rounds.

9.2 In the Quarter- Final Rounds, **each team** will be allowed **25 minutes** to argue. The division of time between the two speakers is left to the discretion of the team. In addition to the 25 minutes time allotted for arguments, 2 minutes will be provided for Rebuttals and 2 minutes will also be given to the opposite team for Sur- Rebuttal.

9.3 The Quarter-final round will be a knockout round with a win based exclusively on oral scores only enabling a team to get into the Semi-finals. **Memorial scores will not be added to the oral scores for this round** where in the oral scores will be 100 marks.

10. Semi-Final Rounds:

10.1 During the Semi- Final rounds, the teams will be required to argue either on behalf of the Petitioner or the Respondents. The teams to argue on a particular side will be decided by a draw of lots prior to the commencement of the Semi -Final rounds.

10.2 In the Semi-Final Rounds, **each team** will be allowed **30 minutes** to argue. The division of time between the two speakers is left to the discretion of the team. In addition to the 30 minutes time allotted for arguments, 2 minutes will be provided for Rebuttals and 2 minutes will also be given to the opposite team for Sur-Rebuttal.

10.3 The Semi-Final round will be a knockout round with a win based exclusively on oral scores only enabling a team to get into the Finals. **Memorial scores will not be added to the oral scores for this round.**

11. Final Round:

11.1 During the Final round, the teams will be required to argue either on behalf of the Petitioner or the Respondents. The teams to argue on a particular side will be decided by a draw of lots prior to the commencement of the Final Round.

11.2 In the Final Round, **each team** will be allowed **45 minutes** to argue. The division of time between the two speakers is left to the discretion of the team. In addition to the 45 minutes time allotted for arguments, 2 minutes will be provided for Rebuttals and 2 minutes will also be given to the opposite team for Sur-Rebuttal.

11.3 The winner of the Final Round will be declared as the winner of this Moot Court Competition. **Memorial scores will not be added to the oral scores for this round.**

11.4 Participating team will be required to strictly follow the time limits for all the rounds.

12. Memorials/ Written submissions:

12.1 All the teams are required to submit Memorials/Written submissions for both the petitioner and the respondent.

12.2 Each team shall submit 8 (eight) sets of hard copies of memorials, each for the Appellant and Respondent side. Names of the participants or their institutions or any kind of identification mark should not appear on any part of the Memorials.

12.3 One set of memorials must reach the Organising Institution by 17th January, 2022 by post to augment the process of evaluations. Remaining seven sets of the memorials

shall be submitted during the desk registration at 2.30 pm on 21st January 2022 at Dr. Ambedkar Government Law College, Puducherry. A covering letter must be enclosed with the memorial (hard copy) specifying the name of the college/university of the participating team. The covering letter should not be a part of the memorials.

12.4 Participants are advised to carry extra copies of their Memorials for their own use. The copies submitted to the organizing institution would be for the use of evaluation of memorial and for the use of judges of the competitions and will not be returned to the participants.

12.5 After the completion of the competition, the organizing institution shall reserve the right to use the memorials submitted by the participating teams, as they may deem appropriate.

12.6 i) The memorials should not exceed 35 typed pages (excluding front and back cover page)

ii) The font and size of the text of all part of the memorial must be in Times New Roman and 12 points. Footnotes must be in font size of 10.

iii) The memorials must contain the following:

- **The top right corner of the cover page of the memorials must contain the respective team code that has been assigned to the team**
- **Cover Page for Petitioner - Blue Colour**
- **Cover Page for Respondent - Red Colour**
- **Binding specification - Spiral binding only**
- **Contents of memorial**
 - a. Table of Contents
 - b. Table of Authorities
 - c. Statement of Jurisdiction
 - d. Statement of Facts
 - e. Statement of Issues
 - f. Summary of Arguments
 - g. Written Pleadings
 - h. Prayer

13. Evaluation:

13.1 Preliminary Rounds

13.1.1 Memorials

- a) Each Memorial will be evaluated for 10 marks (so in total 20 marks) and the Team memorial marks will be the aggregate of both the sides.
- b) Memorials will be adjudged by a special panel of Judges.

Total: 20 marks

13.1.2 Oral Rounds

The following will be the Evaluating Criteria and the marks will be allocated to each category as under.

1. Knowledge of Facts and their analysis	-	20 Marks
2. Knowledge of Law along with use of Authorities and Citations	-	20 Marks
3. Skill of Advocacy including Clarity, Brevity and Ingenuity	-	20 Marks
4. Language & Style	-	10 Marks
5. Court Manners	-	10 Marks
TOTAL	-	80 Marks
GRAND TOTAL	-	100 Marks

13.2 Quarter- Final/ Semi-Final/ Final Round:

13.2.1 Oral Rounds

The following will be the Evaluating Criteria and the marks will be allocated to each category as under:

1. Knowledge of Facts and their analysis	-	20 Marks
2. Knowledge of Law along with use of Authorities and Citations	-	20 Marks
3. Skill of Advocacy including Clarity, Brevity and Ingenuity	-	20 Marks
4. Language & Style	-	20 Marks
5. Court Manners	-	20 Marks
TOTAL	-	100 Marks

There will be no weightage for Memorial marks in these rounds.

14. Scouting:

14.1 Teams will not be allowed to observe the oral argument of other teams. Scouting is strictly prohibited. Scouting by the team will result in disqualification.

14.2 The Researcher may sit with speakers of his/her team at the time of oral arguments, but shall not attend the court session of any other team.

14.3 Further, the participants are strictly prohibited from contacting the framer of the moot proposition. Any attempt to do so will result in an immediate disqualification of the entire team.

15. Awards and Prize- Certificates of participation along with attractive cash prizes will be given for the following:

Winners

The Runners-up

The Best Female Counsel

The Best Male Counsel

The Best Memorial

Note- All the above prizes would be followed by a certificate of merit.

Each participant in the Moot Court Competition will be awarded a Certificate of Participation.

16. Hospitality and Accommodation:

16.1 Accommodation will be provided only to the members of the teams, restricted up to three only, from 12:00 P.M. of 21st January 2022 to 08:00 A.M. of 24th January, 2022

16.2. Food and other facilities will be provided to the members of the team, restricted up to three only, *i.e.* the dinner of 21st January, 2022 up to the lunch of 23rd January, 2022 .

17. Conveyance:

Local Conveyance (transport between the accommodation and the Competition venue) to the participating teams will be provided by the organizing institution.

18. Reporting at the Venue:

The Teams are required to report on 21st January, 2022 at 2:00 pm at the Dr. Ambedkar Government Law College, Mathur Road, Kalapet, Puducherry - 605014.

19. Desk Registration:

It will begin at Dr. Ambedkar Government Law College, Mathur Road, Kalapet, Puducherry - 605014 at 02:30 pm and will be followed by the Inaugural Function after which fixtures will be made (by draw of lots).

Note: Participants must submit 7 sets of their memorials at the time of registration positively. No arrangement for obtaining print outs will be available at the venue.

**39th All India Moot Court Competition in commemoration of Golden Jubilee of
Dr. Ambedkar Government Law College, Puducherry, 2022.**

REGISTRATION FORM

(Should be filled in CAPITAL Letters only)

Name of the Institution:

Address:

E-mail ID:

1. Name of the Speaker – I* :

Course of study & class :

Contact No. :

E-mail ID :

Recent Passport
Size Photo
attested by the
Head of
Institution
Recent Passport

2. Name of the Speaker – II* :

Course of study & class :

Contact No. :

E-mail ID :

Recent Passport
Size Photo
attested by the
Head of
Institution

3. Name of the Researcher* :

Course of Study & Class :

Contact No. :

E-mail ID :

Recent Passport
Size Photo
attested by the
Head of
Institution

Details of Registration Amount :

Name of the Bank :

D.D. No. & Date :

This is to certify that the above mentioned participants are bona fide students of this institution who would participate in the Moot Court Competition organised by your institution and would comply with the rules of the competition as well as COVID-19 safety protocols applicable from time to time.

Signature of the Moot Court Co-ordinator

Signature of the Head of the Institution

Contact no. of Moot Court Co-ordinator

Official Seal

TRAVEL PLAN

1.	Name of the Institution	
2.	Mode of Transportation	Car/ Bus/ Train/ Air
3.	Date and Time of Arrival in Puducherry	
4.	Date and Time of Departure from Puducherry	

Scheme of Moot Court Competition

S. No	Event	Date
1.	Last date for Provisional Registration via e-mail	27 th December, 2021
2.	Last date for sending the Hard Copy of Registration Form along with Registration Fee	6 th January, 2022
3.	Submission of Memorial by post (One Hard Copy)	17 th January, 2022
4.	Desk Registration	21 st January, 2022
5.	Submission of Memorials by hand (Seven Hard Copies)	21 st January, 2022
6.	Preliminary Rounds	22 nd January, 2022
7.	Quarter- Final Round*	22 nd January, 2022
8.	Semi – Final Round	23 rd January, 2022
9.	Final Round	23 rd January, 2022

*The Quarter-Final Rounds might be conducted on 23rd January 2022. Final decision shall be taken during the Competition.

Moot Court Organizing Committee

Contact Details:

Participation:

Ms. Sri Lalitha Tripoura Sundari. R
Dr. Rupam Lal Howlader
Ms. Nainy Singh
Mr. S. Vijayan
Mrs. P. Jeyarani
Ms. V.R. Uma
Dr. U. Varadharajan
Dr. Hemant Kumar Varun
Dr. Gurminder Kaur

For Registration of

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**Dr. S. Srinivasan,
Principal**