

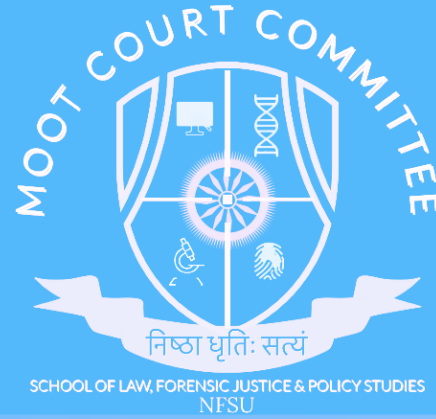


गृह मंत्रालय
MINISTRY OF
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National Forensic
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1st NFSU National Technological Moot Court Competition

Prizes worth
₹1 lakh

SCAN TO REGISTER



REGISTER BY : MARCH 13, 2023

Dates

24/03/2023 - 26/03/2023



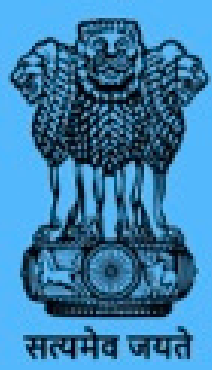
NFSU, Gandhinagar
Campus



mootcourtcommittee@nfsu.ac.in



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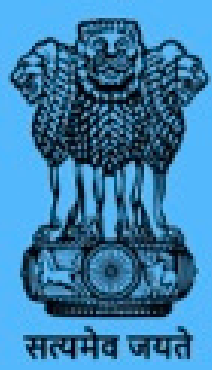
MOOT PROPOSITION

I. The Republic of Vulcan is a sovereign country, having its own sovereign government. The Republic of Vulcan is a country which is akin to the Republic of India, whereby a larger population is involved in providing information technology and information technology enabled services and is also considered a major destination for outsourcing of ITeS/ BPO services.

II. Owing to its similarity with the Indian demography and good relationship with the country, their laws are not very different from that of the Republic of India. It is governed by its Constitution adopted in the year 1954 and its laws prevailing for the time being in force. The Constitution and laws prevailing for the time being in force of Vulcan are based exactly on the Constitution of India and laws prevailing for the time being in force, in the Republic of India respectively. The Vulcan Legal system which originates from within the Constitution of Vulcan boasts of codified procedural laws for civil laws, criminal laws and penal laws. Various legislations adopt the procedures and penalties prescribed in the codified laws to regulate various aspects of the Vulcan Society. The Vulcan Civil Procedure Code, The Vulcan Criminal Code, and the Vulcan Penal Code, are based exactly on the substantive and procedural structure which is prescribed within the Indian Code of Civil Procedure, 1908, the Code of Criminal Procedure, 1973 and the Indian Penal Code, 1860, respectively.

III. The Vulcan society being a largely technology oriented civilization was quick to adopt digitization and the use of internet services for commonplace activities like banking, shopping and social interaction. A legislation, the Cyber Act was enforced in the year 2001 to govern the various activities over the internet. The said cyber legal framework has been developed exactly on the lines of the UNCITRAL Model Law on Electronic Commerce of the United Nations which was adopted by the General Assembly of the United Nations in January 1997. The said law has been in place for the purposes of promoting electronic commerce transactions, amongst others, since the year 2000. The said law has provided the basis for the growth of electronic commerce and the digital ecosystem in the country, and subsequent amendments to it have also enabled that there be protection of personal data of the citizenry throughout the country, with extraterritorial applicability of the legislation. The said law has stipulated that its provisions shall be applicable to offences committed both within and outside the Republic of Vulcan.

IV. With the proliferation of the metaverse, blockchain technology and NFTs around the globe, the digital revolution which struck Vulcan, has also led to active and ubiquitous participation of Vulcan citizenry in this new age world. The Republic of Vulcan has become the First Nation in the world, to regularize the business environment around virtual digital assets and within its Finance Act, certain amendments were introduced in the year 2022, to ensure that any transactions which involve virtual digital assets are regulated.



MOOT PROPOSITION

While the Republic of Vulcan does not have any express legislation to regulate the manner of creation, control over VDAs, it has made necessary amendments to the Finance Act, to tax any transactions which may take place, concerning VDAs.

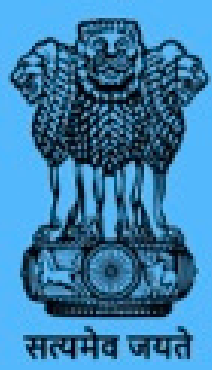
V. Further, certain directions have been introduced under sub-section (6) of section 70B of the Cyber Act of 2001, titled the Vulcan Cyber Directions, 2022, relating to information security practices, procedure, prevention, response, and reporting of cyber incidents for Safe & Trusted Internet. The Vulcan Cyber Directions, 2022 draws parallels with the CERT-In Directions, 2022 in the Republic of India, and requires all service providers, intermediaries, data centers, body corporate and Government organizations shall mandatorily enable logs of all their ICT systems and maintain them securely for a rolling period of 180 days and the same shall be maintained within the Vulcan jurisdiction.

VI. An extremely popular movie maker, Mr. Yaseen Ahmed, also jumped onto bandwagon and created an NFT on the basis of the original poster of the very first feature film he ever made, which had been a major blockbuster in the 1980s, titled, Tughlaqnama. This movie was based on the writings of Amir Khusrau. As the work was in public domain, the copyright in the feature-film was vested in Mr. Ahmed, who also happened to be the producer of the film as well as the screenwriter.

VII. Mr. Ahmed engaged Spock Industries (Spock) to help him turn this poster work into an NFT - in the form of an image file. Mr. Ahmed had intended for only this one NFT to be minted, and intended for that to be sold in an auction bid. As he has sentimental value associated with his work, he never intended for any other commercial exploitation to be derived out of the NFT that was created. As a first generation movie maker in the family, his intention was that the earnings from the auctioning of this NFT be expended to assist struggling film-makers, through the StarTrek Federation, of which he is a member.

VIII. As Mr. Ahmed was using a crypto wallet facilitated by Kirk Private Limited (Kirk, a company which creates, hosts and manages crypto wallets), to host his NFT, he was the only one having access to the credentials for the wallet. Mr. Ahmed intended to put this asset up for auction on February 15, 2023, on a portal to be created by Spock.

IX. Spock Industries completed the task of creating this website and making it available to the public on December 01, 2022, and provided Mr. Ahmed with the necessary credentials. However, on December 26, 2022, Mr. Ahmed realized that he was not able to access the wallet and thereby lost any control or access to his NFT.



MOOT PROPOSITION

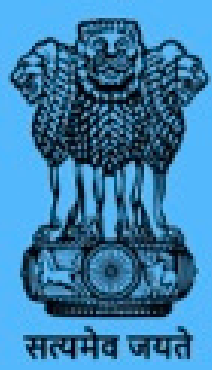
X. On January 10, 2023, the NFT was featured in an Instagram post made by the Instagram account - @AdmiralPike and the caption stated that “Proud Owner of the Blockbuster NFT Tughlaqnama - hold rights to it - load, stock and barrel. May sell it later to anyone who can pay what I seek, will post more details here soon. Stay tuned.” Owing to the popularity of the feature film, and the craze around NFT, this was discussed across all forms of social media platforms in the Vulcan, and on January 11, 2023, when Mr. Ahmed became aware of this, he sent an e-mail to the representatives of Spock and also reached out to Kirk asking them to help him understand how he can regain access and control of his NFT, and also required them to seek details of this Instagram account.

XI. Under the agreement with Spock, users are required to link their digital wallet with Spock, before any commercial sale of NFTs may commence. Once the user submits an item for sale, the order is passed on to the applicable extension, which completes the transaction on the user's behalf. Typical to such IT service agreements, per the agreement, Spock disclaims all liability, in the event of any loss or destruction of property, and holds the user accountable for any use of Spock's services, or any content so published on the Platform. Also, the agreement specifically states that the manner of interaction and services between the crypto wallet and the user shall be determined by its own terms of use, even if there are related entities involved in the transaction.

XII. Also, under the agreement with Kirk, the client, as the sole owner of the digital assets, has been deemed responsible for any losses, related to the sale, purchase or exchange of any NFTs. Kirk disclaims all responsibility for any unauthorized use of its services, and further disclaims liability for any unauthorized use, disclosure of the private key, used to access the contents of the Kirk digital wallet.

XIII. The companies Spock and Kirk are based out of Vulcan, and they are governed by the laws of the Republic of Vulcan. The terms of contract which existed between Mr. Ahmed and these two companies were governed by the laws of Vulcan however, the dispute resolution process relied upon arbitration by way of a 3 member tribunal, with the seat of arbitration being Mumbai, and rules of Mumbai Center for International Arbitration to be applicable. The law governing arbitration was to be the law of the Republic of Vulcan.

XIV. Both Kirk and Spock responded to the letter dt. January 11, 2023, written by Mr. Ahmed stating that they are not liable for any appropriation of his NFT, and also claimed that since the credentials which were used to log in and transfer the NFT to the beneficiary account were valid, they have no reason to believe that this involved any nefarious activity conducted by an unauthorized person. This infuriated Mr. Ahmed, and he decided to pursue legal actions against both the companies, seeking information about the

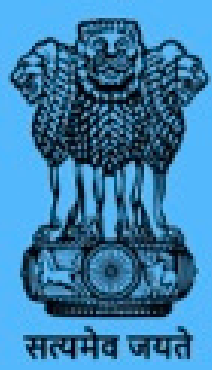


MOOT PROPOSITION

unauthorized beneficiary and holder of the NFT, and also to seek damages from the irreparable loss that was caused to him on the part of an act or an omission on the part of Kirk and Spock, on whose expertise he had relied upon and entrusted his virtual digital asset for safe keeping. As Spock is a wholly owned subsidiary, and as Kirk was a confirming party to the agreement between Spock and Mr. Ahmed, Kirk is responding on behalf of both the entities in this arbitration. It is to be clarified that for the territory of the Republic of Vulcan, Spock has the exclusive right to provision the services that were offered to Mr. Ahmed, of minting the NFT and creating a marketplace for the sale of such NFT.

XV. Mr. Ahmed approached the police station of Risa where he resides in the State of Andoria in Vulcan. Mr. Ahmed sought to register an offence against Spock, Kirk and the owner of the Instagram handle @AdmiralPike. In his statement before the Sub-Inspector, Mr. Khan Noonien Singh, Mr. Ahmed narrated how he had commissioned Spock Industries to create the NFT of his blockbuster 'Tughlaqnama'. Mr. Ahmed further stated that he had engaged the facilities of a digital wallet hosted by Kirk. To support his case, Mr. Ahmed placed reliance upon the agreements with Spock Industries and Kirk which provided service in lieu of a monetary consideration. Mr. Ahmed narrated that all of a sudden on January 10, 2023, Mr. Ahmed was unable to access his digital wallet and NFT that was entrusted into their safe custody by virtue of the respective agreements entered into with Spock and Kirk.

XVI. Upon trying to get access to the digital wallet and his NFT, he was informed by a notification issued by Spock Industries' NFT Tracking App on his phone that the NFT was sold to an entity that went by the digital signature of AdmiralPike. Furthermore, to Mr. Ahmed's utter shock, despite this message of a successful, albeit unconsented sale, the digital wallet managed by Kirk did not display any amount having credit in it. Mr. Ahmed immediately realized that his virtual digital asset was stolen from his possession. It became evident to Mr. Ahmed that he had been a victim of theft and misappropriation. In as much, Mr. Ahmed stated that Spock and Kirk induced him into parting with his virtual digital asset and paying for such a service of safe custody and hosting but had ensued wrongful loss, misappropriated property and siphoned of monies and cheated him. Furthermore, Mr. Ahmed stated that Spock, Kirk and AdmiralPike having acted in concert and colluded to concoct a criminal conspiracy to conduct digital theft of Mr. Ahmed's virtual digital asset by misleading, misrepresentation and inducement of entrusting his digital asset with Spock using the wallet provided by Kirk. As a result, under the stamp and signature of the sub-inspector of Police, Risa, an FIR came to be registered u/s 378, 406, 409, 411, 416, 420, 424 r/w 34 and 120B of the Vulcan Penal Code, 1860 r/w 66C, 66D of the Cyber Act, 2000 arraying the two companies, Spock industries and Kirk along with its 3 common directors as accused.

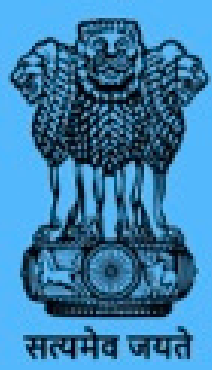


MOOT PROPOSITION

XVII. The charges levied against Kirk (and Spock) were that they were negligent in their conduct and were deficient in providing their services to Mr. Ahmed. Mr. Ahmed further contends that as Kirk (and Spock) had access to his wallet and credentials, and the portal on which the NFT was hosted upon, they colluded with the owner of the Instagram Account - @AdmiralPike for appropriating the NFT which rightfully belonged to him. Furthermore, he also states that the act of Kirk and Spock was an act in furtherance of them acting as his agents to mint the NFT, host it, and also enable the sale to the highest bidder on the said date of auction - which also amounts to breach of principles of agency of contract, and trust.

Kirk and Spock along with its 3 common directors have approached the Andoria High Court to quash the FIR on merits they propose.

XVIII. You are requested to prepare detailed written submissions/ memorials on behalf both arguing parties with respect to the nature and extent of applicable laws of Republic of Vulcan.



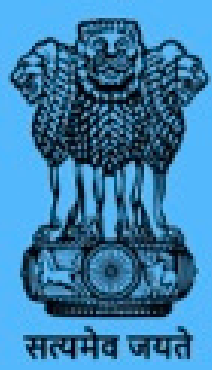
RULES & REGULATIONS

GENERAL RULES:

1. The team will comprise of three students, of which TWO members shall be 'Speakers' and ONE member shall be the 'Researcher'.
2. The order of presentation will be on the basis of lots drawn ONE day before the time of commencement of the competition.
3. At a time only the teams which are arguing will be present in the court. All the other participants will be seated at a place marked by the Organizing Committee.
4. Each team shall follow a strict timeline while making their submissions before the bench as per following terms i.e.
 - Preliminary Rounds – 1.00 Hour (30 min. per team at max.)
 - Quarter Finals Rounds- 1.30 Hour (45 min. per team at max.)
 - Semi Final Rounds- 1.30 Hour (45 min. per team at max.)
 - Final Round- 2.00 Hour (1 hour per team at max.)
5. There will be no extension of the time. However, the extension of time is at the sole discretion of the Hon'ble Judges.
6. Necessary books and reports for reference can be brought by the Participants.
7. The oral submissions before the Hon'ble Court shall be in English only.
8. The competition will take place at the National Forensic Sciences University, Gandhinagar through physical mode only.
9. The decision of the judges shall be final in regard to the result of the competition and no complaints in this regard will be entertained by the organizing committee.

RULES FOR ORAL ROUNDS:

1. Only those members designated as 'Speaker' shall be permitted to put forth Oral submissions in the Competition.
2. In case of any contingency the Researcher may substitute the 'Speaker' only with the prior permission of the Organizer and with due approval of the bench.
3. There will be ONE preliminary round to ensure that every team is given the opportunity to argue on the proposition.
4. Top Eight teams in the preliminary rounds shall proceed to the Quarter-Finals.



RULES & REGULATIONS

Quarter-Final Round:

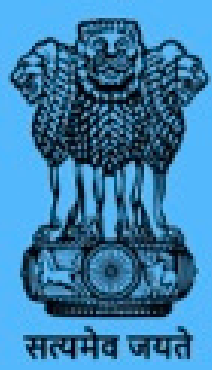
1. The eight qualifying teams shall have to argue the case only from one side against the other team.
2. The side from which the team shall argue and the opposition team shall be decided through draw of lots conducted prior to the Quarter-Final Rounds followed by the exchange of memorials by the organizing committee.
3. Four teams will be qualifying for Semi-Final Rounds on a knock-out basis.

Semi-Final Round:

1. The teams qualifying for the Semi-Final Round shall have to argue the case from one side against the other team. The side from which the team shall argue and the opposition team shall be decided through draw of lots conducted prior to the Semi- Final Rounds.

The Finals:

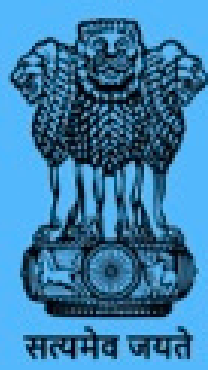
1. The teams shall be assigned sides by draw of lots. The team, which scores higher marks in the final round, shall be declared as the Winner. The other team shall be declared as the 1st Runner –Up.
2. The decision of the judges presiding over final round shall be conclusive. The same shall be binding on all the participating teams & organizers.



RULES & REGULATIONS

RULES FOR WRITTEN SUBMISSION/MEMORIALS:

1. The teams are required to prepare Written Submission/Memorial from both the sides. I.e. From the side of the Petitioner and the Respondent. The assignments shall happen as per General Rules; rule 2 on page no. 1 (above).
2. All Written Submission/ Memorials must be in English. And the teams must submit 3 hard copies of the memorials from each side to the MCC for evaluation and judging.
3. A copy of each written submission/memorial shall be mailed to the google drive link which MCC shall be sharing with all the participants in due course. The soft copy of the Written Submission/ Memorials must be submitted in MS Word (.doc or .docx). The late submission will attract a penalty of deduction of 5 marks for each day.
4. No amendments can be made to the Written Submission/Memorial after submission of the soft copy.
5. During oral presentations, the participating teams should retain separate copies of their Written Submission/ Memorial for their personal use. The copies submitted to the organizing committee will not be returned to the participants under any circumstances.
6. There shall be exchange of Written Submission/ Memorials between the respective opponent participating teams only and the organizing team shall notify the memorial exchange details at the draw of lots.
7. All memorials shall be prepared with the following specifications:
 - 7.1 Length: The total length of each Written Submission/ Memorial should not be more than 2500 Words of written arguments inclusive of prayer.
 - 7.2 Written submission/ Memorial must be typed and submitted on standard A4 size paper sheets, with equal margins of 1 inch on all sides, and must be printed double side of the A4 sheet paper.
 - 7.3 The text font for the Written Submission/Memorial should be Bookman Old Style, Size 12 for the main body, and Bookman Old Style size 10 for the footnotes.
 - 7.4 Blue book citation method 21st edition should be uniformly followed while citing the footnotes.
 - 7.5 The main body of the Written Submission/Memorial should be in 1.5 line spacing. The footnotes and headings must be in single line spacing.
 - 7.6 There should be double spacing in the beginning of submission of each issue raised.
 - 7.7 The page numbers should be mentioned on the right side on the bottom of each page.



RULES & REGULATIONS

7.8 The written submission/ memorial must consist of the following parts:

- Cover Page (with Team code which shall be provided in due course);
- Table of Contents;
- Table of Abbreviations;
- List of Authorities;
- Statement of Jurisdiction;
- Statement of Facts;
- Questions/ Issues presented;
- Summary of Pleadings/Arguments;
- Pleadings/Arguments advanced;
- Prayer.

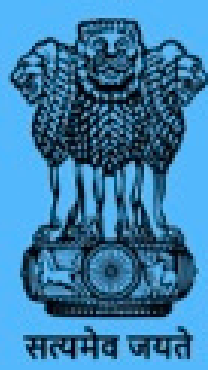
7.9 The cover page of each written submission/ memorial must have the following information:

- The name of the forum where the proceedings are being conducted;
- The title of the competition;
- The name of the case;
- The title of the memorial (either ‘memorial for appellant/ petitioner/ applicant’ or ‘memorial for respondent/defendant’).
- Team code so assigned to each teams at the top right hand corner.
- The cover pages must be BLUE for Applicant/Petitioner/ Appellant and Red for Respondent.

7.10 Penalties [Memorial]

Late Submission	Attract a penalty of deduction of 5 marks for each day
Wrong File Name	1 mark per memorial
Failure to submit Memorial as one file	1 mark per memorial
Exceeding word limit	1 mark on exceeding word limit by 50
Failure to include the sections in the memorial	3 marks per section
Failure to include the required information on the cover page	1 mark per violation
Failure to use the correct colour coding	2 marks per memorial

7.11 If two or more written submission /memorial are found to be same after the plagiarism check then it would result in cancellation of the written submission/memorial.



RULES & REGULATIONS

ASSESSMENT CRITERIA

THE ASSESSMENT OF TEAMS DURING THE MOOT COURT COMPETITION SHALL BE OUT OF A MAXIMUM OF 100 MARKS SET AS FOLLOWS:

8.1 Written Memorials: 50 marks

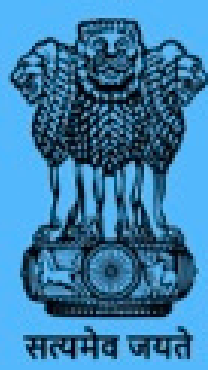
DESCRIPTION	MARKS
Knowledge of facts and law	10
Articulate analysis	10
Extent and use of research	10
Format and citation	10
Clarity and organization	05
Grammar and style	05
Grand total	50

8.2 The marks awarded for the written submission/ memorial will be taken will be taken into consideration along with the marks awarded by the judges for the teams during the oral presentation made by them and the researcher test so conducted.

ORAL SUBMISSION: 50 MARKS

9.1 Each student council will be evaluated out of 50 marks for oral presentations.

9.2 Description of the marks for oral submission per student council is as follows:



RULES & REGULATIONS

DESCRIPTION	MARKS
Marshalling of facts	05
Articulation of issues	05
Presentation skills and communication ability	10
Response to questions of the Court	10
Application of legal principles	15
Use of authorities and precedents	10
Court Room Etiquettes	05
Grand Total	50

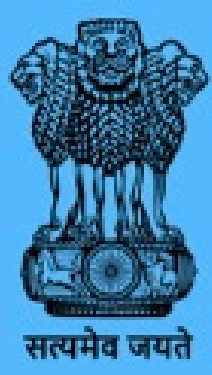
9.3 The oral rounds of the competition will take place on 24-26th March 2023.

DRESS CODE

10.1 The council has to appear before the Court in strict Court formals only and should be decently dressed.

10.2 Female (s): White salwar kurta or white shirt and black trouser along with black blazer and black shoes.

10.3 Male(s): White Shirt and black trousers, black tie along with black blazer and black shoes.



RULES & REGULATIONS

RESTRICTION FOR ASSISTANCE TO THE PARTICIPANTS

The research, pleadings and format of written submission/ memorial for the competition must be the exclusive product of the participating team members. Faculty members, coaches and team advisors of the participating team may only render general assistance to the team.

SCOUTING

11.1 Scouting by the Agents, researcher of a team or any other person affiliated with the team will lead to the disqualification of the team.

11.2 Teams will not be allowed to observe the orals of any other teams. Scouting in all form is strictly prohibited.

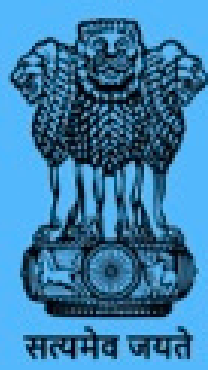
11.3 The researcher shall sit with the speakers at the time of the orals and shall not attend the court sessions of any other team participating in the competition.

INTERPRETATION OF RULES

12.1 The interpretation placed upon these rules by the faculty concerned shall be conclusive. The decision of the faculty concerned regarding the application of these rules shall be final.

12.2 All the rules are only inclusive and not exhaustive for the competition.

12.3. Rules should be strictly adhered to. Any deviation from the rules would attract disqualification.



RULES & REGULATIONS

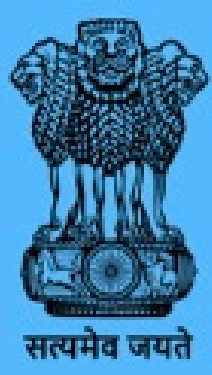
MOOT TIMELINE:

Release of Moot Problem & Registration Form	18.01.2023
The last date for seeking clarification	28.02.2023
Release of Clarifications (if any*)	3.03.2023
Last Date of Memorial Soft Copy Submission	18.03.2023
Submission of Hard Copy (3 Sets from each side)	24.03.2023
Competition Date	24-26.03.2023

QUERIES AND CLARIFICATIONS

13. In case of any questions related to problem or clarification regarding the competition, feel free to contact the following.

Email: mootcourtcommittee@nfsu.ac.in

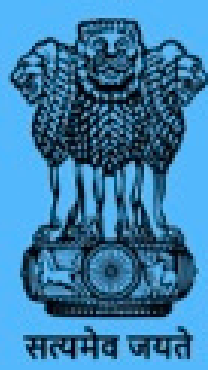


PRIZES

- *Winning team: Rs. 40,000/-, Trophy and Certificate*
- *Runner-up team: Rs. 25,000/-, Trophy and Certificate*
- *Best Memorial: Rs. 15,000/-, Trophy and Certificate*
- *Best Researcher: Rs. 10,000/-, Trophy and Certificate*
- *Best Counsel/Mooter: Rs. 10,000/-, Trophy and Certificate*
- *Certification of Participation shall be presented to all the participating teams*

HAPPY MOOTING !

PS: The rules are subject to change as per the needs and discretion of the MCC. But, the same shall be notified and communicated to all participating teams well in advance.



REGISTRATION DETAILS

- **Procedure for Registration:** The procedure for registration for the competition, is as follows:
- **Registration-** Interested teams are required to register themselves to participate in the Competition by filling a registration form on this link - <https://forms.gle/epkA8qsFr5PJGZp17>
- **Deadline for the online Registration** - March 13th, 2023 (Till 11:59 P.M. IST).
- **Registration Fee** - INR 4, 000/- [Indian Rupees Four Thousand Only (Per Team)]
- The confirmation of Registration will be notified to the teams by the Organizers, after the completion and verification of the Registration formalities.
- The teams will be provided with a Team Code and in any stage of the Competition, a team must be identified only by the allotted team code.
- All team members must refrain from disclosing the identity of their Institution at any time and in any manner during their participation in the Competition. Non – compliance with this rule shall lead to severe penalty or disqualification as determined by the Administrators.

PAYMENT DETAILS

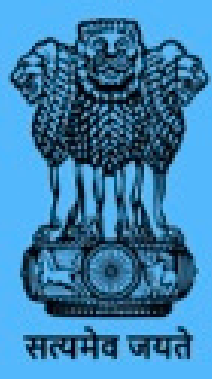
NAME OF ACCOUNT : NATIONAL FORENSIC SCIENCES UNIVERSITY

BANK NAME : PUNJAB NATIONAL BANK

IFSC CODE : PUNB0460100 (FIFTH CHARACTER IS 'ZERO')

BANK ACCOUNT NO. : 4601000100070443

BRANCH ADDRESS : JALSEVA BHAVAN BRANCH, SECTOR-10 GANDHINAGAR (GUJARAT)



गृह मंत्रालय
MINISTRY OF
HOME AFFAIRS



**National Forensic
Sciences University**
Knowledge | Wisdom | Fulfilment
An Institution of National Importance
(Ministry of Home Affairs, Government of India)

**School of Law,
Forensic Justice
and Policy Studies**

Patron-in-Chief

Dr. J.M. Vyas

Vice Chancellor- NFSU

Patron

Prof. (Dr.) Purvi Pokhariyal

Dean-SLFJPS/ Campus Director- NFSU(Gandhinagar)

Facilitator

Dr. Tarkesh Molia

Associate Professor- SLFJPS, NFSU

Convenor

Dr. Bishwa Kallyan Dash

Assistant Professor, SLFJPS, NFSU

 8895182267

Organizing Committee (Faculty)

Dr. Navtika Singh Nautiyal

Mr. Akhilendra Singh

Ms. Parul Singh

Ms. Lahama Majumdar

Organizing Committee (Student)

Bhavanisinh Deshmukh

 7719992345

Aayush Tamboli

Preet

 8709150907

Chinmay Madaan

Divyangana Rajawat

Jyoti Shukla

 Mansi Tripathi

73554 41541

1st NFSU National Technological Moot Court Competition