

ipem

Law Academy
(under the Aegis of IQAC)



(Affiliated to C.C.S., University, Meerut U.P.)



Organizes

4th Dr. B.S. Goel Memorial National Virtual Moot Court Competition 2023

In Collaboration with

Consumer Rights Organization, New Delhi.
&
People for Better treatment, Kolkata



25th and 26th August 2023

Friday & Saturday

OUR KNOWLEDGE PARTNER



OUR MEDIA PARTNERS



For More Info

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Dear Sir/Madam, Greetings!

Institute of Professional Excellence and Management (IPEM), is a group of Institutions conducting various courses including B.A.LL.B., B Com LLB & LL.B., BBA, B.COM & MBA, BCA& MCA, B.Ed, D.EL.ED. It was established in 1996 by Late Prof. (Dr.) B.S. Goel, who has been an Executive Director, a Great Educationist & Philanthropist.

Over the years IPEM has been conferred with many coveted awards and ranks. It is NAAC accredited and was declared Institute of Excellence in NCR by Competition Master. The Institute also received Shiksha Bharati Award on the occasion of 35th National Seminar organized by Indian Achiever Forum, 2013. IPEM is known for its philosophy, processes, academic resources and infrastructural facilities. We are providing good education to our students and the result is that students are emerged as toppers in the University Examination and are well placed in their profession.

IPEM Law Academy is running Law Courses B.A.LL.B., B. ComLL.B. and LL.B. which are approved by Bar Council of India and affiliated with Chaudhary Charan Singh University, Meerut. The LL.B. Course was started in the year 2005, B.A.LL.B. in the year 2012 and B. Com LL.B. in 2022. IPEM Law Academy has evolved into the most sought-after educational institution.

Following the successful completion of three National Moot Court Competitions, IPEM Law Academy is now gearing up to organize the 4th Dr. B.S. Goel Memorial National Virtual Moot Court Competition, 2023.

At the outset, let us express our heart-felt gratitude for the overwhelming response from the student community of the different law schools of India at the last three moot court competitions.

It gives us immense pleasure to most cordially invite your esteemed institution to participate in the 4th Dr. B.S. Goel Memorial National Virtual Moot Court Competition, 2023 being organized by IPEM Law Academy, Ghaziabad from 25th to 26th August, 2023.

The moot problem so prepared for is with regard to concepts enshrined under Medical Negligence, with special emphasis on informed consent, where the concepts occupy under the Consumer Law Regime.

The competition will indeed be an ideal forum to bring together some of the most creative and intellectual young minds from leading Law Schools around the globe to participate and witness their mastery on advocacy and research skills to be adjudged by expert teams.

We look forward to welcoming you for participating in the 4th Dr. B.S. Goel Memorial National Virtual Moot Court Competition 2023.

Kind regards,

Moot Court Committee
IPEM LAW ACADEMY





MOOT PROPOSITION

1. The Republic of Indica is a peaceful country with similar law and customs as applicable in the India. In the mentioned country, there is a City of Jawa where the cause of action took place.
2. On 13.06.2020, the appellant, an unmarried 37-year-old lady complained of extended menstrual bleeding for nine days when she went to the first respondent's clinic. She was assessed by the respondent, who then suggested to get an ultrasound the same day.
3. After reviewing the report, the respondent spoke with the appellant and suggested that she should attend the following day (14.06.2020) for a laparoscopic test under general anaesthesia in order to make a conclusive diagnosis.
4. Accordingly, on 14.06.2020, the appellant went to the respondent's clinic with her mother. On admission, the appellant's signatures were taken on
 - (i) admission and discharge card;
 - (ii) consent form for hospital admission and medical treatment; and
 - (iii) consent form for surgery.
5. The admission card indicated that the patient was being admitted for a diagnostic and surgical laparoscopy on 14.06.2020.
6. The operation to be undergone by the appellant was defined in the consent form for surgery filled out by Dr. Riya Palkhiwala (respondent's assistant) as "*operative and diagnostic laparoscopy.*" "*Laparotomy might be required*".
7. After that, the patient underwent a laparoscopic examination while under general anaesthesia. While the appellant was still unconscious, Dr. Riya Palkhiwala, who was helping the respondent, emerged from the operating room and obtained the appellant's mother's permission to conduct a hysterectomy while she waited outside.
8. On 27.06.2020, the respondent lodged a complaint with the Police alleging that on 20.06.2020, the Appellant's friend (Commander Mycroft) had abused and threatened her (respondent) and that against medical advice, he got the appellant discharged without clearing the bill.
9. The appellant also lodged a complaint against the respondent on 04.07.2020, alleging negligence and unauthorized removal of her reproductive organs.
10. The respondent issued a legal notice dated 11.07.2020 demanding Rs.12,36,704/- for professional services. The appellant sent a reply dated 18.08.2020.
11. On 20.01.2021 the appellant filed a complaint before the National Consumer Dispute Redressal Commission claiming a compensation of Rs.10.1 Crore (Rupees Ten Crore One Lacs Only) from the respondent.
12. The appellant claimed that the respondent had rendered negligent medical care; that the radical surgery in which her uterus, ovaries, and fallopian tubes were removed without her consent while she was receiving general anaesthesia for a Laparoscopic test was illegal, unwarranted, and unjustified; and that as a result of the removal of her reproductive organs, she had experienced premature menopause, necessitating a lengthy course of medical care and a Hormone Replacement Therapy (HRT).
13. The respondent claimed that since there was a clear consent for the surgical procedure from the side of appellant's mother and they were informed about the risks underlying this procedure in length, so they cannot be allowed to proceed against them. They also maintained that it was necessary for the appellant's survival to undergo the surgical procedure and get adequate medical care and attention.
14. Compensation was sought for the loss of reproductive organs and ensuing loss of the chance to become a mother, for lowered matrimonial prospects, for physical injury leading to irreparable permanent damage and the loss of vital body organs, for pain, for enduring emotional stress and trauma, and for deteriorating health and growing susceptibility to health risks.



1. During the pendency of the complaint, at the instance of the respondent, her insurer Aeon Security Co. Ltd, was impleaded as the second respondent. Parties led evidence - both oral and documentary, Appellant examined an expert witness (Dr.Chhabilan Kumar, Obstetrician & Gynaecologist), her mother (Diksha Unniyyal) and herself.
2. The respondent examined herself, an expert witness (Dr. Deepika Bansal, Professor of Obstetrics & Gynaecology and President of Association of Obstetricians and Gynaecologists of Delhi), Dr. Riya Palkhiwala (Doctor who assisted the respondent) and Dr.Payal Sadhukhan (Anaesthetist for the surgery).
3. The medical records and notices exchanged were produced as evidence.
4. After hearing arguments, the Commission dismissed the complaint by order dated 14.12.2022. The Commission held:
 - (i) the appellant voluntarily visited the respondent's clinic for treatment and consented for diagnostic procedures and operative surgery;
 - (ii) the hysterectomy and other surgical procedures were done with adequate care and caution; and
 - (iii) the surgical removal of uterus, ovaries etc. was necessitated as the appellant was found to be suffering from endometriosis (Grade IV), and if they had not been removed, there was likelihood of the lesion extending to the intestines and bladder and damaging them.
5. Feeling aggrieved, the appellant has filed this appeal.

ISSUES RAISED

- Whether informed consent of a patient is necessary for surgical procedure involving removal of reproductive organs?
- When a patient consults a medical practitioner, whether consent given for diagnostic surgery, can be construed as consent for performing additional or further surgical procedure?
- Whether the consent taken from a near relative of the patient in an emergency situation, amounts to violation of the right to bodily autonomy?
- Whether the respondent is guilty of the tortious act of negligence/battery amounting to deficiency in service, and consequently liable to pay damages to the appellant?

Note: The above-mentioned issues are not exhaustive. The Participants can add relevant issues, if it seems to be fit.

The Laws of Republic of Indica are to be presumed pari-materia to the laws of India.

Disclaimer

The proposition is fictitious and have been drafted solely for the purpose of the competition. Any resemblance to any person, living or dead, or incident, past or present, is coincidental and not intended by the authors of the proposition. This problem does not intend to hurt the feelings of any section of society or to offend any person or organisation.



RULES OF THE COMPETITION

1. DEFINITIONS

The following terms shall have the corresponding meanings unless otherwise specified:

'Competition' shall refer to 4th Dr. B.S. Goel Memorial National Virtual Moot Court Competition, 2023.

'Competition Problem' shall refer to the facts and issues released by the organizers of the competition with its clarifications and corrections.

'Competition Rules' shall refer to the official rules of the competition as amended from time to time.

'IST' shall refer to Indian Standard Time.

'INR' shall refer to Indian National Rupee.

'Knock Out Round' shall refer to Semi-finals and Final rounds of the competition.

'Memorial' shall refer to the memorandum of written submissions submitted by any participating team as per the Competition Rules.

'Organizing Committee' shall refer to the committee appointed for the administration and conduct of the competition including any other authorized persons, and of all events leading up to the competition.

'Official Email' shall refer to the official email id of the 4th Dr. B.S. Goel Memorial National Virtual Moot Court Competition, 2023, i.e., ipemmoot@ipemgzb.ac.in

2: Eligibility for Participation

2.1 The Competition is open to all students, enrolled bonafide on a regular basis in an undergraduate Law course (5 years integrated Law course / 3 Year L.L.B Course) or its equivalent conducted by any recognized Institution/College/University of any country.

2.2 A maximum of 3 teams from each recognized Institution/College/University is permitted to register.

2.3 Each Team shall comprise of three members; the third member of the team shall be designated as Researcher.

2.4 Any additional member, faculty member, team coach, or a designated observer of any team shall not formally be recognized and will be allowed to join the video-conferencing or chat room during the session.

2.5 Change in Team Composition: Any change in team composition must be intimated to the Organizers at the earliest. Any change must be accompanied with a registration form and an authority letter duly signed by the head of the college/institution. No change in team composition is allowed after registration is confirmed via email to the participating team.

3: Language

3.1 The language of the Competition shall be English.

4. Registration and Team Participation Fee

4.1 The Registration fee shall be Rs. 2500/- (Rupees Two Thousand and Five hundred only) for each participating team of 3 members (Two Speakers & one Researcher). No additional member shall be permitted.

4.2 Each team shall complete the registration within the stipulated time.

4.3 Fee once paid is non-refundable

4.4 The registration is a two-step process comprising of filling up of the registration form and payment of the registration fee.

4.5 Registration will be open till July 25, 2023, till 11.59P.M.IST.

Registration Link: <https://forms.gle/aTdVJHtXn5Uk7uP87>

Payment Link: <https://bit.ly/3lmstUw>





5: Clarifications to the Moot proposition

5.1 Registration will be open till July 25, 2023

5.2 Teams may request for clarifications via e-mail to ipemmoot@ipemgzb.ac.in, latest by July 29, 2023(11:59 P.M. IST).

6: Anonymity of Teams

6.1 Teams shall not reveal their identity in any form, except by means of the Team Code allotted to them during the Competition.

6.2 The Written Submissions shall not reveal the identity of the team in any form and should not bear the logo, name etc. of the University/College represented.

6.3 Any material presented to the Panel should be devoid of any identification marks / seal of the Team. If any such mark / seal exists, it shall be rendered unfair.

6.4 Any violation of Rule 6.2 and 6.3 shall attract severe penalty or disqualification as determined by the Moot Court Committee. The decision of the Moot Court Committee in this regard shall be final and not subject to challenge.

7: Dress Code

7.1 All Participants (Both Male and Female) shall wear Black Blazer, Black Trouser, White Shirt, Black Shoes with Black Socks and Black Tie.

7.2 Non-Compliance of Clause 7.1 will lead to penalty.

8: Written Submission

8.1 Each Team is required to submit Memorial on behalf of both the Applicant and the Respondent.

8.2 Each Team shall send one (1) soft copy of the written Submission for each side in MS Word Document(.docx) format only, via E-mail, on or before August 05, 2023 to ipemmootcourt@ipemgzb.ac.in Format for the same is mentioned in Rule 8.7.

8.3 Please note that NO HARD COPIES ARE TO BE SUBMITTED.

8.4 The copies used during the argument must be the exact copy of submission made to the organizers; else the team will entail disqualification from the competition.

8.5 The Written Submission from appellant and respondent shall consist of the following mandatory heads:

- a) Title Page;
- b) Table of Contents;
- c) List of Abbreviations;
- d) Table of Authorities;
- e) Questions Presented;
- f) Fact Highlights, which may creatively and persuasively state the facts of the problem in support of the positions argued in the Written Submission. The Statement of Facts should remain faithful to the official facts and present them in a reasonable way, but not a true copy of it.
- g) Summary of Arguments;
- h) Argument including footnotes; and
- i) Final Submissions (prayer for relief).



NOTE: The table of contents must be hyperlinked for the ready reference of the judges.

The Written Submission (including the preliminary pages) and soft copy submission shall be typed on A4- sized paper, with the following formatting specifications:

8.5.1 For Main Text:

- a) Font type: Times New Roman
- b) Font size: 12
- c) Line spacing: 1.5
- d) Body of text: Justified

8.5.2 For Heading:

- a) Font Type: Times New Roman
- b) Font Size: 14

8.5.3 For Footnotes:

- a) Font Type: Times New Roman
- b) Font Size: 10
- c) Single Spacing
- d) Paragraph Spacing: 0
- e) Body of Text: Justified

8.5.4 For Cover Page:

- a) Font Type: Times New Roman
- b) Font Size: 16

8.6. Table of Contents, List of Abbreviations, Table

of Authorities, Section Headings and foot notes shall be typed Single-

Spaced. Teams shall cite authorities in the Memorials using foot notes following ILI citation. Footnotes should be limited only to citations and must not contain extra information or arguments.

8.7. Team Code: The Team Code must be ascribed on the top right corner of the cover page. The written submission shall nowhere mention any particulars of the team, except the team code. There must be no mention of Name, Contact Number, Email id, University name etc.

8.7.1 The Written Submission shall not contain any annexure, photographs, graphs, diagrams or any other representation of like nature.

8.7.2 Memorials shall not in any way identify the Team, its members, the law school, faculty, university or other participating institution except with the Team Code as assigned by the organizers.

8.7.3 Following colour scheme shall be followed for the cover page of the Written Submission:

Appellant: BLUE Respondent: RED

Note: The total length of the pleadings, including the section headings, conclusion/prayer for relief, and any associated footnotes, must be no longer than 35 pages.

8.7.4 COMPENDIUM has to be submitted to the organizing committee through email at the time of memorial submission. The Compendium should only be one PDF file, for easy accessibility of the judges.

9. Draw of lots

Each team will be provided with a Team Code. The draw of lots shall take place after the formal registration and each team shall be assigned a side (either Appellant or Respondent) for the preliminary rounds.



10. Oral Pleading

10.1 The oral pleading shall be conducted on virtual platform:

10.2 Any form of scouting during the completion is strictly prohibited and shall entail instant disqualification of the Team.

10.3 The order in which Teams shall submit their

Oral Pleadings through out the Competition shall be: Speaker 1 for Appellant, Speaker 2 for Appellant; Speaker 1 for Respondent, Speaker 2 for Respondent.

10.4 Before the start of the oral rounds, each Team shall inform the Court Officer regarding the order of speaking as well as allocation of time between themselves and the time reserved for Rebuttals.

10.5 If a Speaker speaks for more than the time reserved for him/her, the extra time used by such Speaker shall be deducted from the time allotted to the second Speaker of that team. If the second Speaker exceeds the time allotted to him/her, such time exceeded shall be deducted from the time reserved for Rebuttals.

10.6 Compendium can be submitted to the Court Officer prior to the oral rounds which will be submitted to the judges at their discretion. Any further material may be passed at the discretion of the Panel. Team members can pass research materials to the speaker in a discreet manner.

10.7 Any team which violates any of the Rules with respect to the oral rounds may be penalized. The decision of the panel shall be final in this regard.

10.8 All memorials received within time schedule will be evaluated by the Memorial Evaluation Committee (MEC) to be constituted by the IPeM Law Academy, Ghaziabad.

11: Structure of the competition

The Competition is divided into

Preliminary Rounds;

Quarter-Final rounds;

Semi-Finals round; and

Final round

Note: The researcher's test shall take place on 26th August, 2023. The test shall be conducted on the Quizizz Platform. Member of the team registered as the researcher shall only be eligible for the test. In case of team of 2 member, the second speaker shall be eligible to appear in the test.

11.1 Preliminary Round

11.1.1 Each oral round will be for a period of 30 minutes, (including Rebuttals), wherein each Team will be allowed 15 minutes. Any extension of time beyond this specified period is subject to the discretion of the Panel.

11.1.2 In case of any Team fails to appear in an oral round, the round shall be conducted ex-parte and the scoring shall be done as if the defaulter team had been present and arguing.

11.1.3 No Team shall reserve more than 5 minutes for Rebuttals. The winner of each court-room will be decided on the basis of the scores awarded by the judges in this round and the marks awarded by MEC.

11.1.4 At the end of preliminary rounds, the top eight teams will qualify for the quarter finals on the basis of their wins. In case of a tie, the marks of the memorials will be considered in addition to the scores of preliminary rounds. The team with the higher score will advance to the Quarter Finals.

11.2. Quarter-Final Round

On the basis of combined score of memorials as well as oral pleadings, top eight teams will qualify for quarter- final. Quarter-final round would be conducted on 25th August 2023 on virtual platform. Quarter-final round of competition will consist of 40 minutes for oral pleadings. Appellant and Respondent are each allotted 20 minutes. Each mooter shall speak for a minimum of 5 minutes. This round will be knock-out round and four teams will qualify for semi-final round.



11.3 Semi-Final Round

Semi-final round would be conducted on 26th August 2023 via virtual platform. The semi-final round of competition will consist of 60 minutes for oral pleadings. Appellant and Respondent are each allotted 30 minutes. Each mooter shall speak for a minimum of 10 minutes.

11.4 Final Round

Final round would be conducted on 26th August, 2023 via virtual platform. The final round of competition shall consist of 60 minutes of oral pleadings. Appellant and Respondent are each allotted 30 minutes. Each mooter shall speak for a minimum of 10 minutes.

11.5 Additional rules:

11.5.1 Any extension of time for presenting arguments beyond the specified period is subject to the discretion of the Adjudicating Panel.

11.5.2 No Team shall reserve more than 5 minutes for Rebuttals.

11.5.3 The winner of each court-room will be decided on the basis of the scores awarded by the judges in this round and the marks awarded by Memorial Evaluation Committee.

11.5.4 At the end of preliminary rounds, the top eight teams will qualify for the quarter finals on the basis of their wins.

11.5.5. In case of a tie, the marks of the memorials will be considered in addition to the scores of preliminary rounds. The team with the higher score will advance to the Quarter Finals.

11.5.6 The quarter final, Semifinal and the final rounds shall be knock-out rounds. A Team will be credited with a win in the quarter final, Semifinal and the final rounds, if their total marks, are higher than their opponent team.

11.5.7. In case of a tie, the total oral marks of the Teams in the previous round(s) will be considered. The Team with the higher score will win.

Note: The results of the Preliminary Rounds shall be declared soon after the conclusion of the Preliminary Rounds. The qualified teams after this round will proceed to the Quarter-finals/Semi-Finals.

12: Evaluation Criteria for Oral Pleading

12.1. The Oral Pleading Session would be marked on a scale of 100 per Panelist and would be evaluated on the following grounds-



S.No.	Marking Criteria	Maximum Marks Allocated
1.	Knowledge of Law & Facts (K.L.F)	10
2.	Use of Facts in Arguments (U.F.A.)	10
3.	Interpretation of Law and its Application to Facts (I.L.A.F)	20
4.	Use of Authorities (U.O.A)	10
5.	Response to Questions (R.Q.)	10
6.	Organization of Arguments and clarity of Thought(O.A.C.T)	20
7.	Argumentative Skills and Creativity (A.S.C)	10
8.	Court Mannerisms (C.M.)	10
	TOTAL	100



12.2 The decision of the MEC regarding the allocation of marks shall be final.

13 : Evaluation Criteria for Written Submission

The Memorial marks of each Team in the preliminary rounds shall be awarded by MEC other than the Oral Pleading Sessions Panel.

Every Written Submission will be marked on Scale of 100 and will be evaluated according to the following criteria:

S.No.	Marking Criteria	Maximum Marks Allocated
1.	Knowledge of fact & Law	20
2.	Application of Law & Facts	20
3.	Use of Authority/Precedents	20
4.	Organization of Arguments and Clarity of Thoughts	20
5.	Mode of Citation of source	10
6.	Presentation Style	10
	TOTAL	100

14:Reporting of Results

Cumulative Memorial Score of each team, Score-sheet of the Preliminary, Quarterfinal, Semi-final and Final Rounds will be notified to the teams after the competition.

15:Interpretation of Rules

The **MOOT COURT COMMITTEE** shall serve

As final arbiter of implementation and interpretation of these Rules.

16:Awards

- 16.1 The Winning Team shall be awarded a cash prize of **15000/-INR** along with E-Certificates.
- 16.2 The Runner-ups Team shall be awarded a cash prize of **10000/-INR** along with E-Certificates.
- 16.3 The Best Speaker shall be awarded a cash prize of **2500/-INR** along with E-Certificate.
- 16.4 The Best Written Submission (Memorial) shall be awarded a cash prize of **5000/-INR** along with E-Certificates.
- 16.5 The Best Researcher shall be awarded a cash prize of **2500/-INR** along with E-Certificate.
- 16.6 All the participants shall be awarded E-certificates



17: Complaint Procedure

17.1 If a Team believes that violation of the Competition Rules has taken place at any stage of the Competition, the Team(s) within half an hour after the completion of their round in which violation has allegedly occurred should register a complaint in writing to the organising committee. Team(s) under no circumstances shall approach the Panel with any complaints.

17.2 Teams may approach to Moot Court Committee for redressal of their complaint which shall be in writing. Complaint shall clearly describe the violation and the parties involved in the violation. The Team shall not directly approach the judges regarding a violation of these Rules.

17.3 Moot Court Committee will have a final say on the Complaints made by a Team.

18: Penalties

18.1 Penalty points may be deducted by the Appointed Officer. In no instance shall judges themselves deduct from the scores of the Speakers any Penalty points. Judges shall score the Oral Rounds as if no violation occurred.

18.2 Any Memorials violating any of the specified rules mentioned under Article 10 will be penalized according to the following scheme:

S.No.	Scheme of Deduction	Marks Deducted
1.	Non-Compliance with Rule 7.1 (Dress Code)	2 Marks
2.	Non-Compliance with Rule 8.2 (Written submission of soft copy)	2 Marks
3.	Non-Compliance with Rule 8.4 (Presentation of Written Submission)	3 Marks
4.	Non-Compliance with Rule 8.5 (Formatting of Written Submission)	3 Marks
5.	Non-Compliance with Rule 8.6 (Table of Contents, List of Abbreviations, Table of Authorities etc.)	1 Marks
6.	Non-Compliance with Rule of Citation	2 Marks
7.	Non-Compliance with Rule 6.2 and 6.3 (Failure to maintain the anonymity of teams)	10 Marks



19: Miscellaneous

The Organizing Committee reserves the right to modify, amend, change or repeal any of the Competition Rules at any point of time. The Organizing Committee shall communicate any changes made in the Competition Rules to the Teams. The Organizing Committee reserves the right to take decisions on any matter not mentioned in the Competition Rules. The Organizing Committee reserves the right to interpret The Faculty Convenor's decision shall be final and binding in all matters concerning the competition.

Communication at the counsel table between Team Members should be aimed to prevent disruption. Teams and team-affiliated spectators shall avoid all unnecessary noise, outbursts, or other in appropriate behavior which distracts from the argument in progress.

The organizers shall not be responsible for any loss or slow internet connection during the competition. All the participants are requested to arrange a sound internet connection at their end.

Contact details for Moot Court Competition:

In case of any questions related to problems or clarifications. Contact Co-Conveners or student conveners (Contact numbers are provided below) or mail at: Emailid: ipemmoot@ipemgzb.ac.in

:: Organizing Committee ::

Conveners

Dr. Minaxi Tomar
(Principal, IPEM Law Academy)

Ms. Manjusha K.V.
(Asst. Professor, IPEM Law Academy)

Patron

Mr. Anupam Goel
(Secretary, IPEM)

Advisors

Prof. (Dr.) Sugandha Goel
(Executive Director, IPEM)

Col. (Dr.) A S Malhotra
(Director General, IPEM)

Mr. Shashank Chaudhary
(Dean Academics, IPEM)

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Student Conveners

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