

ARMY INSTITUTE OF LAW

in collaboration with

**NATIONAL HUMAN
RIGHTS COMMISSION**



**AIL-NHRC
NATIONAL MOOT COURT
COMPETITION, 2025**



BROCHURE

23- 25 JANUARY 2025

RULES AND REGULATIONS

1. GENERAL DATES

AIL-NHRC National Moot Court Competition (Oral rounds) will be held from 23rd- 25th January 2025.

2. TEAM PRE-REQUISITES

- a. Only one team from each participating college shall be registered for the competition.

Each team shall comprise of either three members (two Speakers and one Researcher) or two members (two Speakers) only.

Note- No faculty member, coach, observer, designated observer, or fourth member is allowed to accompany the team, and neither will be allowed to join the teams during oral rounds.

- b. The language for the Competition shall be English only.
- c. Participation is restricted to bonafide law students either enrolled in the 3-year law course or the 5-year integrated law course.
- d. The rounds shall comprise of:
 - i. Memorial Rounds (Memorial based selection)
 - ii. Octa-Finals, Quarter-Finals, Semi and Final Rounds (All Offline Rounds).
- e. Scouting is strictly prohibited. Scouting by any of the team members shall result in disqualification.

3. REGISTRATION

- a. The teams should provisionally register by sending an E-mail to: ailnhrc2024@gmail.com (with the subject “Moot Court Registration”).

The deadline for the same is 3rd December 2024.

- b. Only 32 teams will be registered to participate in the competition, and the memorial rounds will be held on a first-come-first-served basis.

- c. Registration Fee for Memorial-based selection: Rs 1,000/- (Non-refundable) for each participating team. The deadline for the payment of fee for the Memorial round is 6th December 2024 through online transaction by clicking on the link:

<https://www.onlinesbi.sbi/sbicollect/icollecthome.htm?corpID=593474>

- d. The scanned copy of the receipt of payment along with the duly filled registration form (attached with the brochure) should be sent on or before 6th December 2024 via e-mail to “ailnhrc2024@gmail.com”:
The following details should be attached:

Details of Payment of Registration Fee:

- i. College Name
 - ii. Transaction ID
 - iii. Bank
 - iv. Date of Payment
- e. The result of the Memorial Round shall be declared on 26th December 2024. Based on the Memorial Round, the top 16 teams shall qualify for Octa-Final rounds.
- f. The fee for Oral rounds to be held at AIL Mohali is Rs 7,500 (Non-Refundable Amount), to be paid by 3rd January 2025 (1600 hrs.).

g. Payment Link for the Oral Rounds:

<https://www.onlinesbi.sbi/sbicollect/icollecthome.htm?corpID=59347>

h. Stay and Transportation shall be provided by the organizers for the teams qualifying for the oral rounds to be held from 23rd to 25th January 2025.

i. No change in the names of the participants shall be permitted unless the same has been communicated to the organizers a week before the event in exceptional circumstances (at the organizer's discretion). It will be only allowed if the participating College attaches due proof.

4. DRESS CODE

The dress code for the oral rounds shall be the advocate's attire, i.e., Black and White combination, including Blazer/ Tie and black shoes (Name of the team/college should not be displayed).

5. CLARIFICATIONS

- a. The last date for seeking clarifications is 9th December 2024.
- b. Clarifications on the moot proposition shall be released on 11th December 2024.

6. MEMORIALS

- a. The following requirements for memorials must be strictly followed. Non-conformities of the same will attract penalty points. Each team must prepare memorials for both parties to the dispute. Once the memorials have been submitted, no revision, supplements, or additions will be allowed (If done, the team may be disqualified).

- b. Each team must send its Memorial via e-mail to aihnrc2024@gmail.com by 20th December 2024, 2350 hrs.
- c. Please note that Four Sets of Hard Copies are required to be submitted for oral rounds.
- d. The Hard copies are to be submitted by the selected 16 teams, when they report physically to the campus for oral rounds on 23rd January 2025.
- e. Covers must be placed on briefs as follows: Petitioner: Blue Color; Respondent: Red Color.
- f. Late submissions will result in a 1-point penalty per team per day per side.
- g. The written memorials shall conform to the standards mentioned below:
 - i. Written submissions shall be on white A4 size.
 - ii. The font and size of the text used in all parts of the written submissions (except the covers) shall be in Times New Roman, 12-point and footnotes shall be in Times New Roman, size 10.
 - iii. The text in all parts of each written submission shall have 1.5-line spacing except the text of foot notes and headings, which shall be single-spaced.
 - iv. The arguments with appropriate citations shall be contained in the pleadings.
 - v. The teams shall follow the 21st Edition of the Bluebook mode of citation.
 - vi. The Written Submission/memorial should not exceed the maximum limit of 25 Pages (excluding Cover Page and Table of Contents).

- vii. Memorials must have a one-inch margin on all sides of each page.

The memorials must contain:

- A. Cover Page
- B. Table of Contents
- C. Index of Authorities
- D. Statement of Jurisdiction
- E. Statement of Facts
- F. Questions of Law
- G. Summary of Arguments
- H. Arguments Advanced
- I. Prayer
- J. Appendix (Optional)
- K. Exhibits (Optional)

The cover page of the memorials must state the following:

- A. The case title
- B. Identity of brief as petitioner or respondents

Marking Criteria for Memorials

- A. Knowledge of facts and law (20)
- B. Proper and articulate analysis of the proposition (20)
- C. Extent and use of research (20)
- D. Clarity and Organization (10)
- E. Citation of sources (20)
- F. Grammar and Style (10)

NOTE: The identity of the Institution or the members shall not be revealed anywhere in the memorial. Violation of this provision shall result in disqualification of the team. The decision of the organizers shall be final.

7. ROUNDS

Memorial Rounds

- Participants will be judged based on the memorials submitted for both sides.
- Memorial is to be forwarded to the provided e-mail: ailnhrc2024@gmail.com by 20th December, 2024 (2350 hrs.).
- The result of the memorial round will be declared on 26th December 2024.
- Selection for the Octa-Final rounds will be based on the score of the memorial. **Top 16** teams will qualify for further rounds.

Octa-Final Rounds

- The Octa-Final Rounds shall take place on 24th January 2025.
- Octa-Final round and subsequent oral rounds will be conducted through physical mode.
- The Octa-Final round of competition will consist of 30 minutes for oral pleadings.
- Each team shall strictly get a total time of 30 minutes to argue, subject to a minimum of 12 minutes per speaker. The said 30 minutes should include a maximum of 3 minutes for the Rebuttals.
- At the beginning of the round, the teams shall specify the time distribution for each speaker and rebuttal to the Court Clerk.

- The rebuttal round shall be initiated once the Court Clerk informs the team about the commencement of the time limit.
- Based on the marks scored in the Octa-Final rounds, the top 8 teams will qualify for Quarter-Final rounds.

Quarter-Final Round

- The Quarter-Final Rounds shall take place on 24th January 2025.
- The Quarter-Final round of competition will consist of 30 minutes for oral pleadings.
- Each team shall strictly get a total time of 30 minutes to argue, subject to a minimum of 12 minutes per speaker. The said 30 minutes should include a maximum of 3 minutes for the Rebuttals.
- At the beginning of the round, the teams shall specify the time distribution for each speaker and rebuttal to the Court Clerk.
- The rebuttal round shall be initiated once the Court Clerk informs the team about the commencement of the time limit.
- Based on the marks scored in the Quarter-Final rounds, the top 8 teams will qualify for Semi-Final rounds.

Semi-Final Round

- The Semi-Final Round will be conducted on 24th January 2025.
- The Semi Final round will be a knockout round.
- For Semi-Final Round, each team will get a total time of 40 minutes to argue, subject to a minimum of 15 minutes per speaker. The said 40 minutes should include a maximum of 4 minutes for Rebuttals.

Final Round

- The Final Round will be conducted on 25th January 2025.
- Each team will get a total time of 45 minutes to argue subject to a minimum of 18 minutes per speaker. The said 45 minutes should include a maximum of 4 minutes for Rebuttals.

8. AWARDS

WORTH RS. 1,51,000/-

- Best Team: - Rs. 45,000/- along with a certificate
- Runners Up: - Rs. 36,000/- along with a certificate
- Best Memorial (Petitioner): - Rs. 18,000/- along with a certificate
- Best Memorial (Respondent): - Rs. 18,000/- along with a certificate
- Best Orator (Male): - Rs. 12,000/- along with a certificate
- Best Orator (Female): - Rs. 12,000/- along with a certificate
- Best Orator (Final Round): - Rs. 10,000/- along with a certificate

NOTE All the Participants (Memorial and Oral Rounds) will get participation certificates after the competition.

9. ANONYMITY

Student Advocates may introduce himself/herself to the court in the usual manner and may also state their names. However, the team's college affiliation shall not be indicated to the judges at any time during the competition.

Further, all team members shall refrain from wearing any identifying items (such as college clothing, ties, badges, patches, or pins) or carrying/showing material (such as books with a college logo or college seal, among others), as it shall lead to disqualification.

10. GENERAL ETIQUETTE

The participants are expected to behave in a dignified manner & not cause any unnecessary inconvenience to the organizers. Deference to the Judges of the Moot Court Competition is expected to be maintained in the Court room. The Organizers reserve the right to take appropriate action for any unethical, unprofessional, or immoral conduct.

11. MARKING CRITERIA FOR ORAL ROUNDS

- a. Knowledge of the law and its application to facts (45 points).
- b. The research content of arguments and ability to answer questions (35 points).
- c. Mannerism, reverence to the court, and time management (20 points).

12. DISCLAIMER

The facts/names in the Moot Court proposition is not intended to and does not attempt to resemble any incident or any person, living or dead. All material in the problem is fictitious and any resemblance to any incident or person, if any, is not intended, but merely coincidental.

13. INTERPRETATION OF THE RULES

- a. The Organizer's decision as regards the interpretation of rules, or any other matter related to the competition shall be final.
- b. If there is any situation, which is not contemplated in the rules, the organizer's decision on the same shall be final.
- c. The Organizers reserve the right to vary, alter, modify, or repeal any of the above rules if so required and as they may deem appropriate at any time before and/ or during the competition.

d. Any dispute arising in the moot courtrooms during the rounds would be at the discretion of the presiding officer of the respective court room.

e. In any conflict, the decision of the Principal, Army Institute of Law, shall be final.

MOOT PROPOSITION

1. The Country of Indistaan is situated in the Asian region and comprises of 20 states. It is a developing nation with a strong inclination to become a tech smart state in comparison to the western world. It has a national population of about 1.1 billion, consisting of several types of races, castes and different levels of people with a varied economic status. The majority of the population belong to the Indi community, and it being a modern democracy, believes in the concept of equality for everyone
2. Indistaan is situated in the south east Asian region and has a large coastal area. With an intent for progress and technology, it is a developing country with an equal balance between state and private enterprise. In order to generate revenue and to provide better services to its citizens, the Government allowed a private company to start an airline called ‘Targa-Air’ with a tag line- “Fly amidst the Stars”. This started operations in 2012, and soon had a fleet of about 25 aircrafts, flying to nearly 50 destinations within Indistaan, as well as abroad.
3. The Airline was a well-run organization and involved a comprehensive policy to address the operational challenges of the modern world. It had a ground staff of about 200 people and an on-board staff, consisting of pilots and air hostesses of about 117 in number. The airline managed its staff and operations according to National/International aviation standards. Targa-Air always had a stringent policy concerning the fitness and health of its staff, emphasising the need to maintain a high standard of physical as well as mental health due to the demanding nature of their jobs. A mandatory monthly Health/Medical checkup for every employee was a must, failing this examination a counselling or show cause letter could be issued.

4. Then in early 2020 a pandemic hit which slowed down the entire world, also severely affecting the airline industry. There were no operations for nearly 5 months and huge losses were suffered by one and all.
5. By early 2021 when the industry was recovering, Targa-Air in order to generate more profit, adopted certain measures and changes to bring back the aviation industry back to its original position. This included increasing flights to existing destinations and introducing new flights to national as well as international cities. These were designed to optimise costs and increase profits, while not compromising on the quality and maintaining a competitive advantage.
6. With the objective of better profits, Targa-Air brought certain changes in their policy for employees starting 1st July 2021. These were for strict compliance by one and all.
 - a) Over time to be implemented on all employees to avoid additional costs.
 - b) To implement efficient scheduling system to optimise work hours.
 - c) Increase the shift timing for all employees.
 - d) Set specific performance targets.
 - e) Attendance, punctuality and increase in number of working days in the year.
 - f) Mandatory unpaid leave during lower seasons of travel to save money.
 - g) Pilots need to inform 12-16 hours before any cancellation of assigned duty.

h) Female pilots to inform the organization if they were planning to get married. This had to be done with an advance notice of 72 hours prior, without which no leave would be granted.

i) Maternity leave was reduced to a maximum of 16 weeks after delivery.

7. Kavita Singh, a resident of Poorva Pradesh, was a 32-year-old pilot for Targa-Air who joined as a first officer in 2015. She was known for her impeccable flying record and dedication. Having won many awards, she was also recently promoted to the position of a captain. In December 2023, her father was diagnosed with cancer and was informed that the disease was in its advanced stage and was given less time by the doctors. She had to take many leaves for his treatment, and received a warning letter for the same¹. This was a very stressful time for Kavita. To add to this, Targa-Air assigned more international routes to her increasing her work load. Her father expressed his last wish that he would like to see her married before he dies. Everything happened so fast that she got married on the 24th of May, 2024 to her family friend's son in a quiet and simple ceremony without any information to Targa-Air. This was not in conformity with the new policy of the Targa-Air.

8. In June 2024 her father's condition became critical. She was attending to him off and on but in spite of her best efforts, he passed away on the 25th of June 2024. This period was very stressful for Kavita and she missed her monthly check up and was not able to concentrate on her work. At the same time, Targa-Air added her name to the new roaster for the month of July. Being a senior pilot, she was assigned a new route that the airline started to Japan. She did not see the roaster on her email. When she checked her mail on the 30th of June, she immediately informed her office that she would not be able to fly the new assigned route, as she was not

feeling well at all. Targa-Air found it difficult to get a replacement for her on such a short notice. Due to her refusal, the said flight was delayed by several hours. Targa-Air was trolled on social media for this.

9. On 3rd of July 2024, after joining the office Kavita went for a monthly health check up with Targa-Air, and she was informed that she had missed her two previous health check ups' too and that she is the family way. Kavita was again issued a show cause notice, for non-disclosure of this information and she had to appear before a board for the violation of rules of Targa Air. On the basis of the report of the Board. The airline authorities terminated her services. Due to shock, Kavita suffered a miscarriage. She approached the offices of Targa-Air with a representation to reconsider her termination. This was rejected by them.
10. She was really upset about the action taken by the airline, and also got to know from her friend about the case of Arya Mallik, an air hostess, which was reported in the news-papers, that she had applied for a maternity leave for 16 weeks, but was granted 12 weeks of leave. The article also mentioned other similar cases highlighting the discrimination that women pilots and other staff faced at the hands of Corporates, and as a consequence a lot of women staff had quit their jobs.
11. Left with no choice, Kavita Singh, aggrieved by the action of Targa-Air approached the Hon'ble High Court of Poorva Pradesh under Article 226 of the Constitution claiming her reinstatement with full benefits. She stated that the policies of Targa-Air were discriminatory and violative of the right to equality and livelihood under Articles 14 and 21 of the Constitution respectively. She also claims that the policy of Targa-Air is violative of the Maternity Benefit Act. Notice was issued by the High Court to Targa-Air.

12. Targa-Air submitted before the Court that since it was a private entity, they were free to make rules and frame policies and these were not violative of the Constitution or any other Law in force. These were necessary and were aimed at maintaining operational standards in the aviation Industry. These policies were gender neutral to ensure consistency. They claimed that there was no discrimination by them.

13. The case is at its final stage of arguments by the parties.

14. Petitioner:

- The policies of the airline constitute gender discrimination under employment Laws
- Air lines action based on health and safety concerns cannot override individual rights
- Forced unpaid leaves are violative of personal rights and a balance should be struck between operational efficiency and individual rights
- Policies disproportionately affect female employees' rights and treat them unfavourably compared to their male counterparts

Respondent:

- Policies are not discriminatory and are gender neutral
- Policies are essential to maintain high standard of health and safety of pilots, staff and passengers
- All policies are gender neutral
- Kavita's actions violated all clear terms of her employment contract warranting company's response
- Similar policies exist across all high-stake industries

15. Relief sought:

[a] Kavita seeks for reinstatement to her position, compensation for her emotional distress and an order declaring the policy unconstitutional

[b] Targa-Air seeks dismissal of the petition and affirmation of the validity of their policy.

WARNING LETTER

To Miss Kavita

Captain

Targa Air

1. It has come to the notice of the Management of Targa Air that you were absent from work without information.
2. That an International Flight scheduled from Poorva Pradesh International Airport to Tokyo International Airport on 30 June 2355 hours was delayed for several hours because of your non-reporting for duty.
3. The Management of Targa Air hereby warns you to abide by the policies in future, failing which strict action will be taken.

Miss XYZ

Human Resources

Targa Air

The Laws of Indistiaan are Pari Materia with the Laws of India

Disclaimer: This Moot proposition is purely fictional and created for academic purposes only. Any resemblance to any person living or dead, or any event or case is purely coincidental and unintentional.



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