



**BENNETT**  
UNIVERSITY  
THE TIMES GROUP

# SCHOOL OF LAW

— Presents —



## **Bennett National Moot Court Competition 2023**

**Feb 10th, 11th & 12th, 2023**



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# About Bennett University

The Times Group established Bennett University in 2016 with a vision to provide quality education and establish itself as one of the best private universities in India to impart interdisciplinary education. It was established by the Act of the State Legislature of Uttar Pradesh as a private university.

The six schools with 30+ programs and 70+ leading specialisations in Engineering, Management, Media, Law and Liberal Arts have positioned it as one of the top universities in India. This has made it a sought-after destination for fortune companies and leading corporates in a short period, picking talents with prominent placement records.

The serene 68-acre campus is extremely popular among the students as the university encourages 'fun learning' and 'life outside the classroom' with a vision of innovation.



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# About the School of Law

Bennett University established the School of Law with a vision to strive for excellence in teaching, research and advocacy towards Justice for all by shaping thought leaders in public policy of National and International dimensions. The school at present is offering B.A.LL.B. (Hons.), B.B.A.LL.B. (Hons.), LL.B. (Hons.) and Ph.D. programs and imbibes the best practices in terms of curriculum, pedagogy, innovation in teaching methods. Invested and promoted by the largest media enterprise, the School of Law is committed to educate the pioneers of future through leaders in the field of law, the ones who can think out loud and clear on the matters of justice and progress.





# V BENNETT NATIONAL MOOT COURT COMPETITION 2023

Data is the new gold, as they say; and it is now an accepted proposition that data breaches constitute one of the most serious attacks on peoples' privacy. Subjects of data breach stand exposed to several manipulations. It is well known that in all fields where technology has a say, education has stood out in the recent past to become one of the most vibrant sectors in the virtual world. While millions have immensely benefitted from online education, a considerable number of stakeholders has faced the brunt through data and privacy breaches. This year's moot problem is based on one such hypothetical scenarios. With the New Education Policy in place, the issues with online education are set to be more complex and legally engaging.



## V BENNETT NATIONAL MOOT COURT COMPETITION 2023

### MOOT PROPOSITION

1. Wasan is a country with the federal system of governance and the second largest population in the world. 472 million citizens of Wasan are under the age of 18 and around 55 per cent of minors are between the age of 6 and 14. The right to education is a constitutionally guaranteed right in Wasan for all children between 6 to 14 years of age. But education sector has suffered a significant loss because of the looming COVID pandemic over the last two years. As a result, many virtual education platforms (Ed-Tech Companies) emerged because parents were desperate to continue their children's learning without any obstacles.
2. 'E-Learner' (or 'the company') was one such Ed-Tech company incorporated in 2014 with the stated objective of 'bringing all children of Wasan closer to the world of technology and learning'. Its website boasted of at least five thousand success stories of young children making it to top engineering and medical institutions of Wasan after completing the online courses on E-Learner platform. The company also ran several courses targeting the age group of 6 to 14. They included subjects like coding, artificial intelligence, digital media presence, classroom studies, painting, music, number crunching and even online sports coaching. Till 2020, E-Learner had become a unicorn company reaching a total valuation of \$1.2 billion. But after the onset of COVID, the demand of E-Learner courses grew exponentially as most of Wasan's regular education system struggled to operate in the virtual space.
3. In the following year, by March 2021, E-Learner's valuation spiked to \$18 billion, which was even more than the government's annual budget for education. Soon, the company was listed on the stock markets and its shares were traded nationally and internationally. With 40 million enrolments in online courses through the website and mobile app, the company had now become the biggest Ed-Tech company in the world. The growth in company's profits coincided with the release of Wasan's National Education Policy (NEP) which encouraged the schools to adopt digital pedagogy by providing assessments, quizzes, enrichment materials etc. in online mode. Following this, several government and private schools tied up with E-Learner to supply software specially developed for the smooth digital operation of the educational institutions. The process of buying and procuring the software was fast adopted because the academic loss of children due to the pandemic had to be minimised.
4. It led to a further rise in the profits of E-Learner. Nandan, the CEO of the company was awarded the Biggest Contributor to Education award by the Ministry of Education in Wasan. The Union Minister of Education proclaimed in the inaugural address of the award event that E-Learner has performed a very important public function by ensuring that maximum children in India are not deprived of education in the distressing pandemic times.
5. After getting introduced to the virtual world because of the pandemic restrictions, many residents of Wasan also resorted to increasing their knowledge through the famous video uploading platform- YouTube. Jagdeep, based in Gurupur city of Wasan, is a YouTuber, a noted security researcher and a freelance journalist. With around one lakh subscribers, most of his digital content is targeted toward making common people aware of social issues like dowry, corruption, scams etc.
6. On 1 January 2022, Jagdeep uploaded a 15-minute-long video on YouTube claiming that E-Learner is not an ethical organisation and there are serious issues with the way it functions and the way it handles the data of its customers. His major accusation was that Botguard, the consumer relationship management (CRM) agency of E-Learner has caused the leak of data of 20 lakh people including students, parents and teachers by hosting it on an unprotected server. Data included information like name, phone number, email, age, address, log chats between parents and staff, and, teacher's comments on their students. Copies of emails with codes to reset user accounts were also found on the server.
7. It was further revealed in the video that E-Learner collects data from users' phones that have its mobile app downloaded. This allows the inbuilt artificial intelligence system to guess the owner's socioeconomic status and helps the company in tailoring the marketing strategies accordingly.



8. The video received a resounding response from people, and it immediately became a topic for discussion on the editorials of leading newspapers or prime time shows in electronic media. Most of the coverage was directed against the company and was discussed in the tone of fraud in the name of education. Based on the facts stated in the video, the Government of Wasan also suspended its contract with E-Learner regarding the development and support of digital pedagogy in government schools. The Ministry of Education released a public notice within ten days of uploading the video stating that ‘citizens should exercise extreme caution while signing up for courses on Ed-Tech platforms’. A day after the release of the video and this notice, the shares of the company plummeted by more than fifty percent causing a huge loss to the management and shareholders.
9. E-Learner management was rattled by this sudden turn of events, and it had to face not just the financial loss but also the loss in public confidence and brand approval ratings. After having an Extraordinary General Meeting on the issue, on 20 January 2022, E-Learner released the following public statement: *As Wasan’s leading Ed-Tech company, we are committed to offer best services and experience to our valued customers. The data collected is only for quality enhancement purposes and not for any other reason as alleged in the video by Mr. Jagdeep. We are closely monitoring the situation and we assure everyone that the sanctity of sensitive personal data of all stakeholders will be maintained. The technical glitch that caused the leak of data was fixed within twenty-four hours and all information now stands shifted to a protected server. Our reports submitted to the Securities and Exchange Board of Wasan and declared privacy policy show that we are very vigilant about the protection of customers’ data. We see this entire episode as a serious case of criminal defamation and an attack on our freedom to do lawful business. Our management has thus decided to proceed with appropriate legal steps.*
10. Immediately after releasing this statement, the company filed a criminal suit against Jagdeep and filed a writ petition against the termination of the contract by the Government of Wasan in the High Court of Sanaal (the capital city of Wasan).
11. Despite the legal action by E-Learner against Jagdeep, the testimonials of discontent against the company kept on coming from across the regions in the country. Many consumers of the courses started uploading distressing stories of their experiences with E-Learner on popular social media platforms like Facebook,

Twitter and Instagram. The company was tagged approximately 4500 times within a matter of twenty-four hours in the social media posts or stories of the consumers. Their primary complaint was regarding the way E-Learner dealt with lending money to the clients. With its courses (costing in lakhs), parents were encouraged to take up loans facilitated by companies that offered these sums without calling them loans. They were instead referred to as ‘outstanding payments’ to make sure potential clients are not driven away by the idea of falling into debt. A survey conducted by AltWatch, a fact checker and data analytics organisation found that most people signing the contract with the lending companies listed with E-Learner had no clue that it is a loan agreement. The survey also revealed that after parents or students came to know about the actual nature of the contract, they often suffered from anxiety and mental health issues and were compelled to take more loans from relatives and friends to pay off their amount pending with E-Learner. Otherwise, the legal team of the company would call daily and give threats of initiating a legal suit against the defaulters.

12. The terms of the contract were not discussed one to one. It was a lengthy document that many found hard to read and understand. Many parents from modest geographical / financial / educational backgrounds could not understand the nuances of the agreement and this often led to problems in seeking a refund in instances where students were unsatisfied with the quality of the course.
13. In its response, E-Learner said that it was not their problem that parents did not read the terms of the document carefully before signing. There was no coercion on the part of the company and thus it would be baseless to say that anyone has fallen into the ‘trap’ of the company. It continues to remain a responsible quality education provider to the customers and all of them cannot be satisfied. Some can even be frivolous and of a blackmailing nature.
14. On 5th February 2022, Karuna Roy, the leader of Shiksha Bachao Andolan in Sanaal organised a mass rally of aggrieved parents, students and other stakeholders against E-Learner. After concluding the rally, an Action Committee was formed, which filed a petition against E-Learner in the Supreme Court of Wasan. The petition was based on the premise that E-Learner discharges a public function and thus can be held accountable for violating the fundamental rights of the millions of Wasan citizens. The main grounds of the petition were

concerning privacy, right to education and issues related to health because of stress caused to clients and overexposure to online content. The petitioners also contested that E-Learner has violated consumer law of the land and is liable for committing fraud/misrepresentation upon its clients.

15. Along with the petition by Shiksha Bachao Andolan, the Supreme Court of Wasan has clubbed the matters pending before the Sanaal High Court and has decided to hear them together along with the petition of Ms. Roy. The following issues have been decided for hearing:
  - a. Whether E-Learner can be responsible for the violation of fundamental rights under the Constitution of Wasan because of the mass data leak?

- b. Whether E-Learner’s rights under the Constitution of Wasan have been violated because of the steps taken by the Government of Wasan?
- c. Whether Mr. Jagdeep is liable for criminal defamation for releasing the video on social media?
- d. Whether officials of E-Learner are liable for acting deficiently and committing acts that lead to vitiating true consent of its clients?

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**Note to the participants:** The Constitution, laws, rules and regulations of Wasan are in pari-materia with India. Wherever term ‘India’ features in any law, it should be replaced by ‘Wasan’ while addressing the court.



# COMPETITION RULEBOOK

## 1. Administration and Conduct of the Competition

- The Bennett University, V National Moot Court Competition 2023 is administered by the Bennett University National Moot Court Competition Organizing Committee (hereinafter 'Organizing Committee').
- The Competition will be held from the 10 to 12 February 2023.
- Oral and written submissions shall be in the English language only.
- The competition will include; two preliminary oral rounds; and, advanced rounds, i.e. Quarter-Finals, Semi-Finals and Finals.
- There is a limit of 30 teams for the Competition. Teams will be registered on first come first serve basis.
- Dress Code:** Participants shall strictly adhere to the following Dress Code:-
  - Men - Black Formal Coat, White Shirt, Black Tie, Black Formal Pants, White Socks, Black Formal Shoes
  - Women - (A) Black Formal Coat, White Shirt, Black Tie, Black Formal Pants, Black Formal Shoes**OR**
  - Black Formal Coat, White Shirt, Black Tie, Black Executive Skirt, Black Formal Shoes,
  - OR**
  - Black Formal Coat, White Long Kurta, White Salwar, White Dupatta, Black Formal Shoes

## 2. ELIGIBILITY

- Only regular students enrolled in a five-year integrated undergraduate law programme or three-year graduate law programme are eligible to register for the competition.
- Each team shall consist of two speakers and one researcher. Teams are to notify which members are the respective speakers and researcher. No change of speaker to researcher or vice-versa shall be permitted except upon application to the Organizing Committee.
- The request for change should have concrete reasons and the decision of the Organizing Committee shall be final. If need be, the Organizing Committee holds the right to disqualify a team upon finding the reason for change to be unjustifiable or unreasonable.

## 3. REGISTRATION AND FEE

- Teams shall register for the competition on or before **23:59 Hours 10 December 2022**, by sending an email with the subject 'Registration for V Bennett National Moot Court Competition 2023 to **bnmcc@bennett.edu.in** after completing the online registration form.
- The registration fee for the competition is Rs. 5,000/- (Rupees Five Thousand Only) per team (Including accommodation on sharing basis and food).
- Registration Link** <https://forms.gle/1MZj5jA65T3jfaZu5>

- The registration fee must be paid through NEFT payment mode and the scanned copy of the transaction receipt of the same must be sent in the registration email mentioned in clause (a) above. The following are the details of the bank account for payment of the registration fee-

Name of the Bank and Branch	HDFC Bank, Sector Omega I/P2
Account Name	Bennett University
Account Number	50200022532364
IFSC Code	HDFC0002845



- A scanned copy of the Bona-fide Certificate of the Head of the Institution/Principal/Head of the Department/Dean certifying the team consisting of the three members are bona fide students of the respective institution is to be uploaded through the online registration form.
- Teams will be assigned a team code after registration. All communication thereafter will be through the team codes and teams are not to mention any other details to the Organizing Committee till the completion of the competition.

## 4. MEMORIALS

- Each registered team will submit one memorial on behalf of the petitioners and one memorial on behalf of the respondents.
- Soft copies of the memorials must be submitted to [bnmcc@bennett.edu.in](mailto:bnmcc@bennett.edu.in) no later than 23:59 Hours on 10 January 2023 with the subject of the email as "Memorial Submission-(Team Code). The memorial files should be either in .doc, .docx or .pdf formats with the file names as Team code- Party. For e.g.:- BU001-PET or BU001-RES.
- Memorial Format-**
  - The memorial shall not exceed forty pages excluding the cover page.
  - The color of the cover page must be Blue in case of petitioners and Red in case of respondents.
  - The pages of the memorial must be typed on separate A4 size pages (i.e. printed on one side only) and spiralbound.
  - Formatting of the contents of the memorial:

Main Text	For Footnotes
a. Font Type: Times New Roman	a. Font Type: Times New Roman
b. Font Size:12	b. Font Size:10
c. 1.5 line spacing	c. Single (1) line spacing
d. Margins: 1 inch on each side.	

- Teams shall cite authorities in the memorial with footnotes following a uniform system of citation.
- Pages should be numbered at the bottom and spaced in middle of each page of the memorial.

- **Memorial Content-**

- |   |   |
|---|---|
| i. Cover Page                               | vi. Statement of Facts (not exceeding 2pages)     |
| ii. Table of Contents                       | vii. Statement of Issues                          |
| iii. List of Abbreviations                  | viii. Summary of Arguments (not exceeding 3pages) |
| iv. Index of Authorities/List of References | ix. Arguments Advanced (not exceeding 25pages)    |
| v. Statement of Jurisdiction                | x. Prayer (Not exceeding 1page)                   |

- **Additional details regarding the memorials-**

- Teams are strictly prohibited from mentioning their personal details anywhere in the memorial.
- After submission of memorials, no revision, supplements or additions shall be allowed.
- Teams must strictly adhere to the mentioned structural format.
- The Title/Cover page shall include:
  - The Team Code on the upper right-hand corner of the cover page
  - The name and place of the forum
  - The relevant legal provision under which it is filed
  - Name of the parties and their status
  - Memorial Filed on Behalf of Petitioners/Respondents
  - Counsel Appearing on Behalf of Petitioners/Respondents
- The criteria for evaluation of Best Memorial is as follows-

WRITTEN MEMORIALS		
S. No	Criteria	Marks
1	Knowledge of facts and law	20
2	Extent of legal research	30
3	Articulation	30
4	Grammar and style	10
5	Format and citation techniques	10
	<b>Total</b>	100

## 5. RESEARCHER'S TEST

Researcher's Test will be held on 10 February 2023. The test will consist of multiple-choice questions based on the moot proposition and relevant legal provisions. Only the researcher in each team is permitted to participate in the Researcher's Test.

## 6. ORAL ROUNDS

- The oral rounds will consist of preliminary rounds followed by the quarter- final, semi-final and final rounds on a knockout basis.
- The petitioners will first submit their arguments, followed by the respondents. Both rebuttals and sur-rebuttals are allowed upon the permission given by the Judges.

- The draw of lots for the preliminary rounds and exchange of memorials will be held following the Inauguration Ceremony on 10 February 2023.
- Each team will get a total of 30 minutes to present their case during the rounds followed by three minutes per team for a rebuttal or sur-rebuttal.
- Rebuttals and sur-rebuttals are limited to issues raised in the arguments raised during the oral rounds by the opponent teams.
- Teams can choose the division of time per speaker at their discretion. However, each speaker must speak for a minimum of twelve minutes.
- Oral arguments are limited to issues disclosed in the moot proposition.
- Teams may submit a compendium of cases, scholarly articles and papers and statutory provisions to support their arguments during the oral rounds.
- Use of any electronic gadget is not permitted during oral rounds.
- There will be two preliminary rounds on 11 February 2023 wherein each team shall argue for the petitioners and respondents.
- The top eight teams from the preliminary rounds on the basis of the combined scores in the said rounds will qualify for the quarter finals to be held on 11th February 2023. There will be a draw of lots for the quarterfinals after announcing the qualifying teams.
- The winner of each round in the quarterfinals will qualify for the semi- finals to be held on 11th February 2023. The draw of lots for the semi-finals will take place following the declaration of results of the quarter-final rounds.
- The winner of each round of the semi-finals will qualify for the finals. The winner of the finals will be declared the winner of the competition.
- The criteria for the oral arguments are as follow

ORAL ROUNDS		
S. No	Criteria	Marks
1	Knowledge of facts and law	30
2	Use of authorities	25
3	Ability to answer Questions	15
4	Court mannerism	10
5	Time management	10
6	Rebuttals and sur-rebuttals	10
	<b>Total</b>	100

## 7. PLAGIARISM AND SCOUTING

Plagiarism and scouting of any manner are strictly prohibited and teams or any member thereof found indulging in the same shall be disqualified from further participating in the competition. The Organizing committee will take the final decision regarding any matter pertaining to scouting.

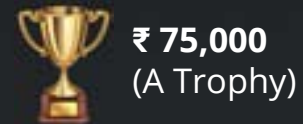
The decision of the Organizing Committee concerning deduction of marks based upon the percentage of plagiarism in the memorials will be final. Any memorial with more 70% plagiarism, will result in disqualification of team from the competition. The medium to check the plagiarism will be Turnitin.



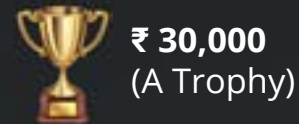
# PRIZES AND AWARDS CRITERIA

Prizes will be awarded in the following categories

## Winning Team



## Runner-Up



## Best Researcher



## Best Speaker



## Best Memorial



## ANONYMITY

During the oral rounds of the competition teams shall refrain from disclosing their personal names or the name of their home institution.

## DISPUTES AND CLARIFICATIONS

1. Regarding the results of the competition, the decision of the judges and the Organizing Committee is final.
2. Any clarifications regarding the problem may be mailed to [bnmcc@bennett.edu.in](mailto:bnmcc@bennett.edu.in) on or before **30th December 2022** with the email subject 'Request for Clarifications'. These clarifications will be answered by 2 January 2023 in the form of a clarification note to all the registered teams.
3. **Grievance Redressal Committee:** This committee will preside over any other grievances of the teams participating in the competition.



# BENNETT UNIVERSITY LEADERSHIP



**Mr. Vineet Jain**  
Chancellor, Bennett University,  
Managing Director, BCCL

Awarded Entrepreneur of the Year Award in 2013 for transforming BCCL into India's Most Respected and Largest Media Group

**Dr. Prabhu Kumar Aggarwal**  
Vice Chancellor  
Dean, School of Engineering & Applied Sciences

Ex - Founding VC, OP Jindal University B.Tech-IIT Kanpur, MBA and Ph.D. University of Washington, USA



**Mr. Sudhanshu Varma**  
COO

31 yrs of rich experience with HUL, BPL & Manipal University  
B.E. (Hons), M.Sc. (Hons) - BITS, Pilani



# CORE ORGANIZING TEAM



**Prof. (Dr.) Prof Pradeep Kulshrestha**  
Dean, School of Law, Bennett University



**Prof. (Dr.) Versha Vahini**  
Professor and Faculty Co-Convener,  
Moot Court Committee  
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**Dr. Sanya Yadav**  
Assistant Professor and Faculty Convener,  
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**Dr. Mohammad Umar**  
Assistant Professor and Faculty Co-Convener,  
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**Dr. Preeti Singh**  
Assistant Professor and Faculty Co-Convener,  
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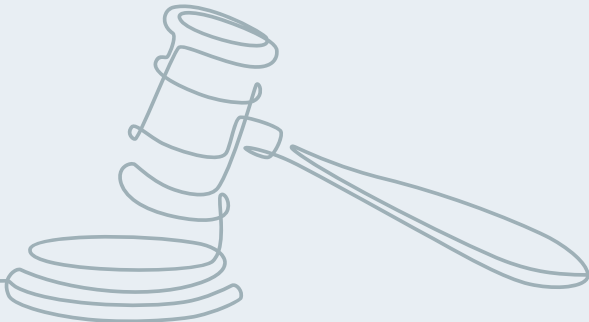
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**Dr. Avnish Singh**  
Assistant Professor and Faculty Co-Convener,  
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# STUDENT ORGANIZING COMMITTEE



**Ms. Tanvi Chopra,**  
Convener,  
Moot Court Committee



**Ms. Upasana Chopra,**  
Co-Convener,  
Moot Court Committee



**Ms. Adrija Ghose,**  
Co-Convener,  
Moot Court Committee



**Ms. Mehuli Mahapatra,**  
Core Member,  
Moot Court Committee



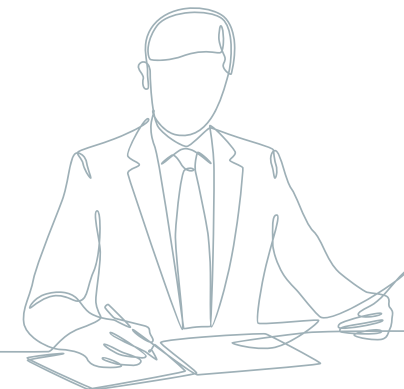
**Ms. Varleen Kaur,**  
Core Member,  
Moot Court Committee



**Ms. Maitreyi Upadhyay,**  
Core Member,  
Moot Court Committee



**Mr. Vishal Chouhan,**  
Core Member,  
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# GLIMPSE FROM PREVIOUS MOOT COURT



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