

# SURENDRANATH LAW COLLEGE

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## PRACTICAL ASSIGNMENTS OF 10<sup>TH</sup> SEMESTER

### Paper-IV

### PRACTICAL TRAINING-IV

It is hereby informed to the students of the 10th Semester to deal upon the following assignments which is appended below, in consonance with the practical training which consists of 90 marks in respect of :

- 1. Moot Court**
- 2. Observation of Trial in two cases, one Civil and one Criminal**
- 3. Interviewing Techniques and Pre-trial Preparation and Internship Diary**

The submission of the paper will be notified shortly.

### **MOOT COURT**

Every student is required to do to write one moot court memorial for both the sides i.e., for Plaintiff : Defendant / Appellant : Respondent or Petitioner : Respondent given out given two moot problems.

10 marks each for both the memorial and 10 marks for oral submission.

**(10+10+10=30) marks**

### **MOOT COURT PROBLEM ON CIVIL MATTER**

#### **PROBLEM 1**

#### **Modern School of Environmental Studies Vs Union of India**

The present environmental problems in Delhi, India, are a threat to the well-being of the city's and area's inhabitants as well as the flora and fauna. Delhi, the sixth-most populated metropolis in the world, is one of the most heavily polluted cities in India, having for instance one of the country's highest volumes of particulate matter pollution. This was corroborated by an announcement by the World Health Organization, in May 2014, that New Delhi was the most polluted city in the world.

Overpopulation and the ensuing overuse of scarce resources such as water have put pressure on the environment. The city suffers from air pollution caused by road dust and industry, with comparatively smaller contributions from unclean engines in transportation, especially diesel powered city buses and trucks, and two-wheelers and three-wheelers with two-stroke engines. Besides human and environmental damage, pollution has caused economic damage as well.

On April 8, 2015, picking up several points brought out in the 'Death by Breath' series, an ongoing investigation on the quality of air in Delhi, the Delhi Green Tribunal (DGT) issued a fresh ban on all diesel buses and trucks more than 5 years old from plying in the National Capital Region. A day after that, the Delhi government came up with a unique order of the era whereby the vehicles with odd and even registration numbers will be allowed on alternate days from January 01, 2016. It also passed an order to requisition school buses to ply as commercial, public buses after school had ended in order to encourage the commuters of Delhi to take public transport rather than rely solely on their private vehicles.

The Modern School of Environmental Studies, Delhi was plying school buses running on diesel purchased in 2005 for school purposes, and coincidentally, all the buses were of the odd number series. This order of the Delhi government proved to be the last nail in the coffin for the school.

The Modern School of Environmental Studies was not the sole victim of the ban and thus got the support of all the private schools of Delhi. And so, aggrieved by the orders of DGT and the Delhi government, the Action Committee for Unaided Recognized Private Schools, Delhi has

filed a Writ petition in the Supreme Court against the DGT ban and the Odd-Even formula order of Delhi government on the following grounds:

- That taking the schools' own buses is in violation of Education Act which stipulates that school's assets cannot be put to commercial use. The school buses are the assets of the schools and allowing them for use as commercial vehicles shall amount to violation of basic principles and provisions of DSEAR (Delhi School Education Act and Rules) 1973.
- That the insurance of school buses stipulates use of buses for students only. The school buses are not permitted to be used for general public nor should the school buses be used for hire.
- That the road tax exemption also stipulates the buses shall not be used for any commercial purposes.

- That the Motor Vehicles Act prescribed a fitness test, and not the vehicle's age, to ascertain whether it should be allowed to ply or not. They also contended that the DGT could not substitute by its order what has been written in the Motor Vehicles Act, which did not put a ban on vehicles older than 5 years.
- That it is further contended that such a ban is completely arbitrary, and raised the argument that it is not the College who is responsible for making Delhi a gas chamber.

A group of public-spirited individuals also filed a Public Interest Litigation before the Supreme Court of India, Delhi. While the ban on diesel buses and trucks older than five years did not directly affect private individuals, the Odd-Even formula did, especially those who have to commute to work and also persons with disabilities and other vulnerable groups who rely on their personal means of transport to get by. The writ petition was based on allegations of the violation of the fundamental rights of the citizens – including Articles 14, 19 and 21 of the Constitution of India. They also averred that the decision was made without any informed public discussion or debate, and without paying attention to the particular circumstances of India which are different from those of other countries where this rule has previously been implemented. The individuals approached the court to issue a writ that would restrain the Delhi government from implementing the Odd-Even rule on private vehicles and cars in Delhi. The two petitions have been clubbed together to be heard by the Apex Court. Argue from the both side.

## **PROBLEM 2**

### **Moot Proposition**

1. Kashyapuram is a state in the country of Jambudweepam, which has a long history of caste-based discrimination, communal tensions, and alleged atrocities against the Scheduled Caste (SC) and Scheduled Tribe (ST) communities. The state is governed by a coalition of political parties, some of which have been accused of having close ties with dominant caste groups and overlooking the concerns of the marginalized communities.
2. Arif, a 28-year-old student from a general caste background, has been the president of the 'Kashyapuram Liberation Front' (KLF) for the past 5 years. The KLF is a political organization that has been at the forefront of the movement demanding greater autonomy and self-governance for the state of Kashyapuram, which they believe has been systematically marginalized and exploited by the Jambudweepam government.
3. Arif's family belongs to the Syed community, one of the dominant caste groups in Kashyapuram. However, Arif has been vocal in his criticism of the caste-based power

structures and has positioned himself as a champion of the rights of the marginalized communities.

4. The Jambudweepam government has been accused of using various tactics, such as surveillance, intimidation, and arbitrary arrests, to suppress the KLF's activities and the broader autonomy movement in Kashyapuram.
5. On 15th March 2023, the KLF organized a massive protest rally in the capital city of Kashyapuram to mark the 10th anniversary of a series of violent clashes between the police and the protesters that had led to the death of several demonstrators. The rally was attended by over 50,000 people, including members of various social and political organizations supporting the autonomy cause.
6. In his speech to the crowd, Arif accused the Jambudweepam government of oppressing the people of Kashyapuram and treating them as "second-class citizens" due to their distinct cultural and linguistic identity. He called for immediate action to address the grievances of the Kashyapuram people and threatened to escalate the protest if their demands were not met.
7. During the protest, tensions escalated when a group of protesters began hurling stones and other objects at the police forces deployed to maintain law and order. In the ensuing chaos, Arif got into a heated altercation with Ramesh, a police constable from the SC community, who alleged that Arif used derogatory, casteist slurs against him.
8. The police, citing the need to control the unruly mob, resorted to a lathi-charge (baton charge) to disperse the protesters. This led to injuries on both sides, with several protesters and police personnel sustaining minor injuries.
9. Following the incident, the police filed an FIR (First Information Report) against Arif under Section 124A (sedition) of the Indian Penal Code (IPC) for his inflammatory speeches and under Section 3(1)(r) of the SC/ST (Prevention of Atrocities) Act based on Ramesh's complaint.
10. Arif's bail application was rejected by the Sessions Court, which cited the gravity of the charges and the risk of Arif fleeing or engaging in further unlawful activities. His subsequent writ petition before the High Court of Kashyapuram, challenging the constitutional validity of the charged provisions, was also dismissed, with the court noting the need to maintain public order and the rule of law in the volatile political environment of the state.
11. Arif's counsel has argued that the government is using the sedition and the SC/ST (Prevention of Atrocities) Act as tools to suppress legitimate dissent and criticism of the ruling establishment. They contend that the charges against Arif are politically motivated, aimed at silencing a prominent voice of the autonomy movement.

12. The Jambudweepam government, on the other hand, maintains that the strict enforcement of these laws is necessary to prevent the escalation of communal tensions and to protect the rights and dignity of the marginalized communities in Kashyapuram.
13. Arif's supporters have organized several peaceful protests and candlelight vigils in various parts of Kashyapuram, demanding his release and the withdrawal of the charges against him. These demonstrations have been met with a heavy-handed police response, further fueling the tensions in the state.
14. The media coverage of the Arif case has been polarized, with some outlets portraying him as a champion of the people's rights and others painting him as a threat to public order and national security. This has added to the already charged political atmosphere in Kashyapuram.
15. Undeterred, Arif filed a Special Leave Petition (SLP) before the Supreme Court of Jambudweepam, asserting that the provisions under which he has been charged violate his fundamental rights to freedom of speech and expression, and life and personal liberty. Arif's counsel has also raised concerns about the alleged misuse of the SC/ST (Prevention of Atrocities) Act, arguing that it is often invoked arbitrarily and without proper scrutiny, leading to numerous instances of false accusations and harassment of innocent individuals.

Issues:

1. Whether Arif's Special Leave Petition is maintainable before the Supreme Court of Jambudweepam?
2. Whether Section 124A of the Indian Penal Code is constitutionally valid and consistent with the fundamental right to freedom of speech and expression under the Jambudweepam Constitution?
3. Whether the provisions of the SC/ST (Prevention of Atrocities) Act, particularly Section 3(1)(r), are being misused, leading to violations of fundamental rights and harassment of individuals?

Notes:

- a. The Constitution and all other laws of Jambudweepam should be interpreted in *pari materia* with the Constitution and other laws of India.
- b. Both sides are required to present arguments before the constitutional bench of the Supreme Court of Jambudweepam.