B.S. Abdur Rahman

s crescent Institute of Science & Technology



2nd **B.S. ABDUR RAHMAN** IATIONAL MOOT COURT COMPETITION, 2023

17TH - 19TH MARCH, 2023 **VENUE: CRESCENT SCHOOL OF LAW B.S. ABDUR RAHMAN CRESCENT INSTITUTE OF SCIENCE & TECHNOLOGY, CHENNAI.**

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ABOUT B. S. ABDUR RAHMAN CRESCENT INSTITUTE OF SCIENCE & TECHNOLOGY

(Deemed to be University)



B. S. Abdur Rahman Crescent Institute of Science & Technology is a renowned Institution

located at Chennai, Tamil Nadu was founded by Late. Dr. B. S. Abdur Rahman. The Institution with 38 years of excellence, has been offering access to a wide range of academic opportunities with 56 programmes, grouped under 12 different Schools, 31 Undergraduate programmes, 25 Postgraduate programmes, and Ph.D. This Institution is a rising stalwart in higher education with promising Quality, Security and Placement. The Institution welcomes students from all countries and our educational programmes are designed to equip the learners with virtual knowledge that helps them to achieve what they want to be and go where they want to go in the ladder of success.

This Institution is an intellectual destination that challenges conventional thinking and stimulates passion to redefine learning. The distinctive teaching at our Institution makes the students and scholars compete with themselves and each other. A lush green campus and well-planned student life are solely dedicated to making students utilize the ambiance to the fullest. Through a wide array of educational programmes and unique clubs to foster student development activities, the Institution provides opportunities and experiences that build community, help you grow personally and professionally, and create a place that you can call home.

ABOUT CRESCENT SCHOOL OF LAW



The Crescent School of Law (CSL) has been established with the objective to produce law graduates with in-depth understanding of the laws and professional ability to adapt and grow with the changes in the legal environment, and to excel in their chosen fields to cater for the ever-growing need of such professionals both in the main stream legal as well as corporate fields. With this aim the CSL is running two courses separately 5-year integrated B.B.A. L.L.B (Hons.) and B.A. L.L.B (Hons.), it also offers 2-year L.L.M in Criminal Law.

Equipped with the latest technology, campus Wi-Fi, state-of-the-art library, access to online resources, and smart classrooms, the building serves as a vibrant academic hub. CSL also encourages students' active participation in various extra-curricular activities such as Moot Court, Client Counselling, Community Outreach programmes, Mock Trial, Seminars, among other related activities. Besides teaching, the School imparts special skills to the students relevant to their professional pursuit and makes them as a holistic personality.

ABOUT THE MOOT COURT SOCIETY





The Moot Court Society (MCS) is a student society entrusted with the authority of administration and facilitating all mooting related activities at CSL and upholding the highest standards of excellence. The Society conducts training programs and various workshops regularly on drafting, argumentative skills, client counselling, etc. It organizes, through its faculty and students' body, various internal & external Moot Court competitions, thereby enabling students to participate in external Moot Court competitions organised nationally and internationally.

INVITATION

The Crescent School of Law takes immense pleasure and pride in announcing its 2nd B. S. Abdur Rahman National Moot Court Competition, 2023, which is scheduled to be held on 17th - 19th March, 2023. The Moot Court Society of Crescent School of Law cordially invites your esteemed Institution to participate in the Moot Court Competition. We firmly believe in the comprehensive development of students through moot and other co-curricular activities. We strive to provide a platform to the students to imbibe the pragmatic skills of law and this Moot Court is one such attempt to create a simulated atmosphere for future lawyers.

We look forward to welcome the participants of your Institution and ensuring them an intellectually rewarding experience.



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2 B. S. Abdur Rahman National Moot Court Competition, 2023

This March 17 -19, 2023 At Crescent School of Law

B. S. Abdur Rahman Crescent Institute of Science and Technology, G. S. T. Road, Vandalur, Chennai, Tamil Nadu - 600 048

bsa.nationalmoot@crescent.education

MOOT PROPOSITION

PART A

PRIMADOR is a democratic nation retaining rich heritage and diversity, 38 per cent of the PRIMADOR's geography is surrounded by forest land, home to rare species, majestic trees and indigenous people. The soil of the PRIMADOR is rich with minerals having high commercial value. The PRIMADOR nation has been called the 'green abode' of the world. PRIMADOR'S major source of income was agriculture. During the year 2018, the Democratic Political Alliance (DPA) won the elections throughout the nation with a thumping majority and formed governments in almost every state except the state of TREELAND.

The state of TREELAND is world famous for its dense forest land which is mystic and sacred to the people of the state. TREELAND is 45 per cent forest land and the people who reside there belong to an indigenous community called ALOHA. The outer world is very much enthusiastic about the ways of ALOHA's lifestyle especially their expertise in ancient ways of natural treatment called 'ALO VEDA'. ALO VEDA is associated with a mode of treatment which involves herbs and certain rare plants which are produced naturally in the forest. ALO VEDA has unique methods in terms of treatment. The ALOHA community leads a secluded life very much depended on the forest. They believe in the principle that their life begins in the forest and ends in the forest. The young population of TREELAND is not only in harmony with their culture but also ardently believes that proper education can revolutionise them and can help their community to achieve a better life. Certain young people with the help of some NGO[s] had gained college level education in different disciplines and worked in the grass root level to help their community.

'TREE PEOPLE' is a non-profit organisation formed by the educated youth of TREELAND to serve their community and uplift their brothers and sisters to a better future. The TREE PEOPLE received welcoming recognization and they managed to drive funds from various sources that including international organisations.

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PART B

During the year 2018, after the major win in the election, the DPA party formed governments in all the states of PRIMADOR except TREE LAND. The people of TREE LAND are deeply

affiliated with another political party under the name TREELAND TRIBAL PARTY (TTP) and for decades the TTP is the only party that gain the majority in the state and forms government. All the policies and measures of the TTP Government align with the culture and conscience of the TREELAND and ALOHA community. The DPA is the opposition party of the TREE LAND state.

In 2020, the DPA Government promulgated legislation under the name PRIMADOR Forest (Conservation) and Developmental Activities Act of 2020 (PFCDA). The Preamble of the PFCDA is as follows:

"An Act to provide for the conservation of forests and matters of developmental activities connected therewith or ancillary or incidental thereto"

Section 6 of the PFCDA states as follows:

6. Dereservation of forest or usage of forest land for developmental purposes.

Notwithstanding anything contained in any other law for the time being in force in a state, the Central Government or other authorities shall make, any order directing -

1. that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that state) or any portion thereof, shall cease to be reserved,

2. that any forest land or any portion thereof may be used for any non-forest purpose.

Section 16 of the PFCDA states as follows:

16. Licence of Practice and Registration of Additional Qualifications.

Notwithstanding anything contained in any other law for the time being in force in a state, all traditional practitioners, who conduct treatment shall acquire a licence of practice.

Rule 4(2) and 4(3) of the PFCDA Rules states as follows:

4(2). Licence of Practice is for a period of 15 years and must be renewed after expiry.

4(3). All traditional practitioners applying for the licence of practice must mandatorily attend two years of in-house training on allopathic medicine in a government medical college.

The DPA Government claimed the promulgation of the PFCDA as a revolutionary measure to improve industrial ventures and thereby cultivate new developments and give more job opportunities to the people of PRIMADOR. This measure has received a welcoming response in every state of PRIMADOR except the state of TREELAND. The people of TREELAND feared that this will destroy their cultural ethos and devastate their forest land.

The youth of TREELAND under the aegis of TREE PEOPLE started organizing protests against the new law and the same started receiving attention even on a global scale. The traditional ALO-VEDA practitioners also joined in the protest with the claim that the new law would destroy the forest and thereby end their life-means since the practice of ALO-VEDA is deeply associated with the forest.

PART C

In 2021, PRIMO CORP a multinational company entered into a contract with the TTP Government and invested 100 million Primador Rupees in TREELAND for establishing various business concerns. As per the terms of the Contract, the TTP government shall provide land and other aids to the Company and the Company shall give job opportunities to the people of TREELAND. After the promulgation of the PFCDA, the PRIMO CORP tabled a business proposal before the TTP government to improve the tourism sector of the TREE LAND. As per the proposal, PRIMO CORP will take 250 Hectares of forest land for lease and convert it into tourist village without destroying the ecological balance, where the tourists can visit and experience real forest life. PRIMO CORP aims at more revenue, and profit for the Company and

the Government and more job opportunities for the people of TREELAND.

TTP Government permitted the proposal of PRIMO CORP based on that the company had made some initial investments in the TREELAND by spending some potential amount of money. The marketing wing of PRIMO CORP worked round the clock to get the attention of the world for this grand project and eventually they succeeded in the same. Many global entities and companies had communicated their enthusiasm for partnering with this venture.

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The involvement of PRIMO CORP and the silent permission of the TTP Government had provoked the people of TREELAND. They feared that this project will destroy their peaceful lives which are deeply rooted in the forest. In the aftermath of this, the state of TREELAND witnessed a massive protest from the people. The united strength of the people had managed to make the TREELAND state stand still. They managed to make their voice reach the representatives of the government and the activities of the government were affected. The TTP Government had no other choice than to withdraw the permission given to the PRIMO CORP.

PART E

During the progress of all these incidents, the TREE PEOPLE approached the Supreme Court of PRIMADOR challenging the PFCDA alleging that the said Act violates the basic fundamental rights of people of TREELAND.

Also, traditional practitioners of ALO-VEDA also filed a petition before the Supreme Court of PRIMADOR challenging the constitutional validity of Section 16 and Rule 4 of PFCDA.

Also, PRIMO CORP had approached the Supreme Court and filed a petition against the TTP Government alleging grave and unruly violation of PFCDA.

Numerous petitions were filed before the High Court of TREELAND against the PFCDA. The Supreme Court of PRIMADOR had clubbed all the petitions, both filed in the Supreme Court as well as the High Court of TREELAND together and posted them for a joint hearing.

Note:

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- The laws in PRIMADOR are in *pari materia* with the laws of India.
- The Moot Proposition is strictly hypothetical.
- The Supreme Court of PRIMADOR is urging for a joint hearing and the question of maintainability is also an issue.

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IMPORTANT DATES

Last Date for Registration	15/02/2023
Last Date for Seeking Clarifications	23/02/2023
Release of Clarifications	26/02/2023
Submission of Soft-Copy Memorials	06/03/2023
Submission of Hard-Copy Memorials	10/03/2023
Inaugural Ceremony and Draw of Lots	17/03/2023

Preliminary Rounds and Quarter Finals	18/03/2023
Semi Finals, Researcher Test, Finals and Valedictory Ceremony	19/03/2023
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RULES AND REGULATIONS

1. General Guidelines

- The 2nd B. S. Abdur Rahman National Moot Court Competition 2023, shall be held on 17th 19th March, 2023.
- The Organizing Committee (O.C.) shall function as the point of contact, and any changes in the Rules of the Competition shall be notified by email to all the participating teams.
- The Competition shall be conducted in accordance with the rules mentioned herein.
- Email for all official correspondence for the purpose of this Competition is: <u>bsa.nationalmoot@crescent.education</u>

2. Eligibility

The Competition shall be open to all bona fide law students who are, enrolled in an Undergraduate integrated 5-year L.L.B. programme; or a 3-year L.L.B. programme, recognized by the Bar Council of India. Each College/University/Institution shall be entitled to register only one team to

the Competition.

3. Team Composition

Each Team shall constitute a minimum of two members and a maximum of three members. Under no condition shall a team consisting of more than 3 members or less than 2 members be allowed to participate. No change in team composition shall be entertained after the formal registration.

• Three-Member Team –

Such Team shall designate two of its members as speakers; and shall designate one member, who has not been designated as a speaker, as a researcher. The team must, amongst its members, identify the speakers and the researcher at the time of registration itself.

• Two-Member Team –

In the event, a team consists of two members then such a team shall designate both the members as speakers. Kindly identify one member as the researcher for the purpose of Researcher Test.

4. Registration

- One Participant from the team is required to duly complete the Registration process by filling the google form, <u>https://forms.gle/aAmhxXmR9GVAR9o59</u>
- The Registration fees per team is Rs. 3000. This shall not be refunded in case of withdrawal or disqualification from the competition for any reason.
- All the required transactions are to the made to the account mentioned below,

Account Name: Dean Crescent School of Law Account Number: 165701000025314 IFSC Code: IOBA0001657 Name of the Bank: Indian Overseas Bank Branch: Vandalur Branch (1657) Address: Crescent Engineering College Campus, Seethakathi Estate, G. S. T. Road, Vandalur, Chennai - 600 048

- Last date for Registration is 15/02/2023 (11:59 pm). No further acknowledgment shall be given. Once registered, it is considered to be acknowledged
- given. Once registered, it is considered to be acknowledged.
- Every Team shall be allotted a code (Team Code) after the closure of the Registration.
- The details given in the Registration forms will be utilised for all purposes including the certificates. Thus, it is incumbent upon the participants to ensure their names are given correctly.

5. Official Language

The official language of the Competition shall be English. Therefore, all Oral Rounds, including Memorials, shall be in English.

6. Dress Code

- Male Participants: Black Blazer, White Shirt, Black Pants, with Black Tie and Black Formal Shoe.
- Female Participants: Black Blazer, White Shirt/Kurta, Black Pants with Black Formal Shoe.

7. Clarifications

- Teams may seek Clarifications on the any matter including the Moot Problem via e-mail to <u>bsa.nationalmoot@crescent.education</u> latest by 23/02/2023 (11:59 pm) with the subject "Clarifications | 2nd BSAMCC, 2023".
- All Clarifications (if any) shall be emailed to all Teams via their Team Representative/Point of Contact by 26/02/2023.
- Any team can submit a maximum of 7 questions.
- As and when issued, the Clarifications become part of the Moot Proposition.
- The O.C. reserves the right to reply or reject the Clarifications.

8. Memorial Submission

8.1. Guidelines

- Each Team must prepare memorials for both sides (Appellant/Petitioner and Respondent).
- The memorial shall consist of the following mandatory heads:

Cover Page (Team Code; in the top right corner, name of the Competition, name of forum,

filed under provisions, cause title and side of memorial)

- Table of ContentsList of Abbreviations (Alphabetical Order)Index of Authorities (Alphabetical Order)Statement of JurisdictionStatement of FactsStatement of IssuesSummary of Arguments (not exceeding 3 pages)Pleadings/Arguments AdvancedPrayer/Relief Sought
- Font and Font Size (Headings): Times New Roman; Size 14
- Font and Font Size (Content): Times New Roman; Size 12
- Font and Font Size (Footnotes): Times New Roman; Size 10
- Line Spacing and Alignment: 1.5 and Justified
- Line Spacing and Alignment (Footnotes): 1.0 and Justified
- Margins: 1 inch on all sides of each page
- Citation: 20th Edition Bluebook

- Page Limit and Size: Maximum of 35 pages and A4 size only
- Page Numbers should be mentioned in the bottom right corner of the page.
- The file name of the memorials shall be "Team Code Appellant/Petitioner" and "Team Code Respondents".
- Appellant/Petitioner memorials are required to have a blue cover page and Respondent memorials are required to have a red cover page.
- The memorials shall not contain any form of identification apart from the team code on the upper right corner of the cover page. If any such identification, mark, symbol, etc. which has the effect of identifying the team is found on the memorial, then it shall result in instant disqualification.
- A penalty of 1 mark per violation per side shall be levied in case of non-adherence with the aforementioned guidelines for formatting.

8.2. Soft Copy Submission

- The soft copies of the memorial from each side should positively reach the O.C. at <u>bsa.nationalmoot@crescent.education</u> latest by 06/03/2023 (11:59 pm).
- The subject of the mail shall be "Team Code Memorial Submission".
- Memorials shall be sent as an attachment with the mail in the form of a single file for each side of memorial in PDF file.
- The name of the file for the memorial shall be allocated team number followed by the first letter of the side represented, an 'R' for the Respondent, an 'A' for the Appellant and an 'P' for the Petitioners. For instance, the Memorial for Team 01 shall be named as follows: 'T01R' for the Respondents Memorial, 'T01A' for the Appellant Memorial and 'T01P' for the Petitioners Memorial.
- If any soft copy is sent that cannot be opened by reason of some virus or other reason, the submission will not be valid.
- A penalty of 1 mark per hour per side shall be deducted in case of delay in submission of soft copy of memorial.

8.3. Hard Copy Submission

• Five copies of memorial for each side (Appellant/Petitioner and Respondent) i.e., a total 10 memorial hard copy with soft binding (Spiral Binding is strictly not accepted) should reach

the following address by post, latest by 10/03/2023 -

The Moot Court Society, Crescent School of Law, **B. S. Abdur Rahman Crescent Institute of Science & Technology,** G.S.T Road, Vandalur, Chennai, Tamil Nadu – 600 048

- Contents of the Post: 10 Memorials (5 Appellants/Petitioners and 5 Respondents) and a Cover Letter (stating the details of the team along with name of the college/university they represent)
- It is the responsibility of the team to ensure the hard copies each within the given date. The contents of the hard copies of memorial must be the same as that of the soft copies of memorials sent by the team.
- The hard copy of the memorial shall be printed on both sides.
- A penalty of 1 mark per day per side shall be deducted in case of delay in submission of hard copy of memorial.

8.4. Assessment of Memorials

S. No	Particulars	Marks Allotted
1.	Knowledge of law and research	20 Marks
2.	Incorporation of facts with law	20 Marks
3.	Lucidity and organization of arguments	20 Marks
4.	Proper use of citations and resources	15 Marks
5.	Concise and viable alternative arguments	15 Marks
6.	Style of presentation of memorial	10 Marks
	TOTAL	100 Marks

9. Oral Rounds

9.1. Preliminary Rounds

- The match-up of teams in Preliminary Rounds shall be determined on the basis of the draw of lots. The draw of lots shall take place on 17/03/2023.
- Each Team shall argue both sides (Appellant/Petitioner and Respondent).
- The Team is allotted 30 minutes. The timing can be divided between speakers as per their wish. However, they must leave 5 minutes out of the total 30 minutes for rebuttal/sur-rebuttal as the case may be.
- Before the beginning of the Oral Rounds, the Team must inform their respective court officers regarding the time allocation between themselves and the time reserved for rebuttal/sur rebuttal in accordance with the rules presented above.
- The allotment of extra time shall be at the discretion of the judges.
- As per the highest aggregate score of the Team, to be computed from Score of Speaker 1 and Score of Speaker 2. The top 8 highest ranking Teams shall advance for the Quarter Finals.
- The results of the Preliminary Rounds shall be declared soon after the conclusion of both the

Preliminary Rounds.

- No Team shall face each other more than once in the Preliminary Rounds. Likewise, no Team will face the same bench twice.
- The decision of the judges shall be final.

9.2. Quarter Finals

- Top 8 Teams from the Preliminary Rounds shall qualify for the Quarter Finals.
- The Team shall argue only one side that shall be decided by way of the draw of lots.
- The Quarter Finals shall be a knock-out round.
- The win-loss shall be decided on the basis of the aggregate speaker score. The top 4 Team with the higher aggregate score shall proceed to the Semi-Final round.
- Each Team shall get a total of 30 minutes to present their case. This time will include rebuttal/sur-rebuttal time as the case may be.

9.3. Semi Finals

- Top 4 Teams from the Quarter Finals Rounds shall qualify for the Semi Finals.
- The Semi Final shall be a knock-out round.
- The Team shall argue only one side in the semi-finals. The side of the team shall be decided by way of the draw of lots.
- Each team shall get a total of 30 minutes to present their case. This time will include rebuttal/sur-rebuttal as the case may be.
- The win-loss shall be decided on the basis of the aggregate speaker score. The 2 Teams with the higher aggregate score shall proceed to the Final round.

9.4. Finals

- In the final rounds, the win-loss shall be decided on the basis of the aggregate speaker score.
- Each team shall get a total of 40 minutes to present their case. This time will include rebuttal and sur-rebuttal time. Non-adherence to time may result in the deduction of marks.

9.5. Assessment of Oral Rounds

In all the above-mentioned rounds, the same assessment scheme shall be implemented.

S. No	Particulars	Marks Allotted
1.	Your paragraph text Correct articulation of facts and factual analysis	20 Marks
2.	Knowledge of law and use of authorities	20 Marks
3.	Ability to understand/explain the correlation	20 Marks
4.	Logical and reasoning analysis	15 Marks
5.	Skills of advocacy and its language	15 Marks
6.	Clarity and court manners	10 Marks
	TOTAL	100 Marks

6.7. Compendium

The Teams shall carry a compendium with them, which shall include all the materials referred to in the memorial. This can be submitted to the court officers before that particular round begins.

6.8. Scouting and Electronic Gadgets

Teams will not be allowed to observe any other oral rounds of teams except for the Semi Finals and Finals. Scouting in any form including the use of electronic gadgets during the oral pleadings shall lead to direct disqualification of both the teams.

7. Researcher Test

- The identified researcher during the formal Registration shall take the researcher's test, to be conducted on 19/03/2023.
- Participating in Researcher's Test is mandatory for all the Teams and failure to participate may lead to disqualification of the team.
- The duration of the Test shall be 1 hour.
- The objective of the Test is to test the knowledge of the moot problem and the application of relevant laws.
- The Test format is written, and may include very short answer type question and descriptive type of questions, for 100 marks.
- Scouting of any other Team member for Researcher Test shall lead to direct disqualification of both the teams.

8. Valedictory Ceremony

The valedictory ceremony will mark the closure of the Competition which is to be conducted on 19/03/2023.

8.1. Rewards

- Certificate of Merit shall be given to Semi Finalists.
- Certificate of Recognition shall be given to Quarter Finalists.
- Certificate of Participation shall be given to all the participants except for the Finalists of any rounds.

8.2. Awards

Winners	Trophy + 50,000/-
Runner Up	Trophy + 30,000/-
Best Speaker Male	Trophy + 10,000/-
Best Speaker Female	Trophy + 10,000/-
Best Memorial	Trophy + 10,000/-
Best Researcher	Trophy + 10,000/-

- Best Speaker shall be determined as per the highest score of the speaker allotted in the Preliminary Round.
- Best Memorial shall be determined as per the highest score of the memorials during the

Memorial Assessment.

- Best Researcher shall be determined as per the highest score of the researcher during the Researcher Test.
- Certificate of Achievement shall be given to all the above-mentioned awardees.

9. Miscellaneous

• The O.C. reserves the sole right to publish and disseminate memorials submitted to and for the Competition. The memorial shall be attributed to the relevant institution and participants during such publication and dissemination. Submission of the memorial in this Moot shall constitute consent to such publication and dissemination.

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• Amendments: The Rules mentioned herein are not exhaustive. The O.C. reserve the right to alter, amend or add to the Rules mentioned herein at any point in time. All decisions made by O.C. in case of any disputes, doubts or related issues shall be final and binding. Imposition of all penalties including disqualification rests solely with the O.C. in case of failure to comply with the rules mentioned herein.

- Any audio or video recording of oral pleadings by any team is prohibited.
- If a Team believes that the Rules of the Competition have been violated at any stage of the Competition, the Team shall, within half an hour after the completion of the round in which the alleged violation has occurred, register a complaint with the Student Convenors of the Competition.
- Dispute Resolution: It shall be the decision of the O.C. with regards to any grievance raised by the participants. This decision shall be final and binding.



ACCOMMODATION FACILITY

- For Teams opting for accommodation, kindly fill this google form, <u>https://forms.gle/oNEJikg7CvFspXDWA</u> the O.C. will reach out to the Team with the plan and other details regarding the accommodation.
- The Teams requiring accommodation shall share their travel itinerary. Transportation is provided from the Place of Accommodation to Crescent University, if any. Accommodation will be provided for the team from 17/03/2023 to 19/03/2023.
- Extra fees of 2000/- is to be paid for Teams seeking accommodation to the below mentioned details:

Account Name: Dean Crescent School of Law Account Number: 165701000025314 IFSC Code: IOBA0001657 Name of the Bank: Indian Overseas Bank Branch: Vandalur Branch (1657) Address: Crescent Engineering College Campus, Seethakathi Estate, G. S. T. Road, Vandalur, Chennai - 600 048



For any queries kindly contact: <u>bsa.nationalmoot@crescent.education</u>

PATRONS

Chancellor

Mr. BSA Arif Buhary Rahman

Pro Chancellor

Mr. Abdul Qadir Abdul Rahman Buhari

Pro Vice Chancellor

Prof. (Dr.) T. Murugasen

Registrar

Dr. N. Raja Hussain

ORGANISING COMMITTEE

Dean

Prof. (Dr.) C. Chockalingam

Chairperson, Moot Court Society

Mr. Shahnawaz Ahmad

Faculty-in-Charge, Moot Court Society

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