

Clarification of 22 AIMCC

1. Does the annual ritual mentioned in Para 6 take place inside the monument?

A. The annual ritual takes place within the bounds of the Temple.

2. Which Edition of the Bluebook Citation Method is to be followed?

A. 19th Edition.

- The memorials have to be consistent with the rules mentioned in the First Schedule of the Supreme Court Rules, 2013 Footnotes must not be explanatory in nature.
- Illustrative example of an acceptable footnote:
X v. Y, AIR 1973 SC22, 23-24 [hereinafter X].
- Illustrative example of an unacceptable footnote:
X v. Y, AIR 1973SC 22, 23-24 [hereinafter X] (holding that the Right to Information Act was in fact against the express provisions of Art. 14 of the Constitution of India).
- The **19th Edition Blue Book Style** of footnoting must be followed as far as practicable. In any case, footnoting must be uniform throughout the Memorial.

3. Is the Ancient Monument of National Importance?

A. All necessary information has been provided in the moot proposition and the participants are advised to refer what has been provided.

4. Were the reports of the SPCB and the CPCB taken into consideration by the Central Government before the passing of the Notification dated 09/11/2017?

A. All necessary information has been provided in the moot proposition and the participants are advised to refer what has been provided.

5. The hearing is posted for final hearing. Do we have to raise the issue of maintainability at the Oral Rounds?

A. It is up to the participants to raise any issues which they may deem fit and appropriate.

6. Where was the said MNC incorporated?

A. All necessary information has been provided in the moot proposition and the participants are advised to refer what has been provided.

7. ¶ 5, Line 5 on Page 2.

- i. "...also contributed to the economy of the **state** and the place also stationed various hotels and small scale shopping centres ..."

What does the word **state** here refer to, the State of Hodu or to the Union of Aryavarta?

A. The word state refers to The State of Hodu.

8. Is there any Protected Area (National Park, Wildlife Sanctuary, Tiger Reserve, Community or Conservative Reserve) in or around the mining area?

A. All necessary information has been provided in the moot proposition and the participants are advised to refer what has been provided.

9. For lack of a relevant conjunction, is it correct to infer that the contents of ¶ 10 are the effect of ¶ 9?

A. All necessary information has been provided in the moot proposition and the participants are advised to refer what has been provided.

10. ¶ 16, Line 4 on Page 3.

i. "... taking into consideration the **heritage of the place**, health of the people ..."

What does the phrase **heritage of the place** refer to?

A. Kindly refer ¶ 6 of the Moot Proposition to interpret the phrase **heritage of the place**.

11. A Draft Notification before the actual Notification (dated 09/11/2017) required under Rule 5(3) of the Environment Protection Rules 1986, passed?

A. The necessary information has been provided in the moot proposition and the participants are advised to refer what has been provided.

12. "... The laws of Union of Aryavarta are in Pari-Materia with laws of Union of India and the laws of Hodu are in Pari-Materia with the laws of State of Karnataka."

Does this imply that **all notifications** passed by the Centre and the concerned State would also be pari material?

A. Only the Notifications passed by the Centre and the laws of State of Karnataka are to be considered.

13. Did the contract awarded conform to the requirements of government contract under Article 299 of the Indian Constitution?

A. The contract awarded conform to the requirements of government contract under Article 299 and as stated under Article 298.

14. Was environmental clearance for mining given by the MoEF in the first place?

A. A clearance was provide.

15. On what basis was the declaration of Eco-Sensitive zone done by the Union of Aryavatta, given that environmental clearance must have been obtained from the same MoEF before commencement of mining operations?
- A. The necessary information has been provided in the moot proposition and the participants are advised to refer what has been provided.
16. What was the nature of the second inquiry done by the Union of Aryavatta after taking cognizance of the NGO report? Was it similar to the Environmental Impact Survey which is done while awarding mining bids?
- A. Yes and also followed the procedure prescribed by the environment protection act and rules.
17. Is it necessary to argue clubbing of matters?
- A. It is up to the participants to raise any issues which they may deem fit and appropriate.
18. Name of the union formed? Whether it is registered?
- A. **“Workers Union”**, yes it is registered.
19. The workers working on the mining project, are they daily wage workers or contract based?
- A. The majority of the workers are on a daily wage basis.
20. Whether the notification dated 9/11/2017 published in the official Gazette or elsewhere?
- A. It was published in the Official Gazette.
21. Was there a procedural flaw in declaring eco sensitive zone, were all the procedures as per the guidelines followed?
- A. There were no procedural flaw in declaring the eco sensitive zone .The necessary information has been provided in the moot proposition and the participants are advised to refer what has been provided.
22. Did the mining company file an objection against the central government post its action and if yes the central government considered the objections filed within the stipulated time period?
- A. Kindly refer what has been provided in the facts of the moot proposition.
23. Any clarification the distance between mining area and monument?
- A. Kindly refer what has been provided in the facts of the moot proposition.

24. Under which Act is the notification banning mining being released?

A. THE ENVIRONMENT (PROTECTION) ACT, 1986 and THE MINES AND MINERALS (DEVELOPMENT AND REGULATION) ACT, 1957

25. There are types of JV Structures - Incorporated (Which includes Company OR LLP formation by the new entity) and the Unincorporated (Which includes the Partnerships and Joint Agreement etc. the Moot Proposition, it merely mentions the formation of a JV and a detail to be noticed is that the Mining Company itself participated in the bidding process and it was only given the tender and final contract, and not the Joint Venture as a entity. So does the JV belong to the unincorporated type?

A. The Joint Venture was of Unincorporated (Which includes the Partnerships and Joint Agreement) JV in nature.