



Rashtreeya Sikshana Samithi Trust®

**RV Institute of
Legal Studies®**

Affiliated to Karnataka
State Law University,
Hubballi.

Approved by
Bar Council of India,
New Delhi.

1st All India Moot Court Competition, 2023

24th - 26th February, 2023



About Rashtreeya Sikshana Samithi Trust

Rashtreeya Sikshana Samithi Trust (RSST) was started Eight decades ago with only six students by its first and only teacher: the founder Sri Sivananda Sharmaji. The sapling he planted in the year 1940 is today a MIGHTY TREE which is reflected in the establishment of 21 institutions offering courses ranging from Nursery to Post Graduate Level with over 2,000 staff members and around 21,000 students. Today the alumni of RV Institutions are placed in senior positions at various National, International and Multinational Organizations. Its reach spans all sections of society - the privileged and the under privileged, the able and the differently

abled, cutting across gender and age barriers. It has also set itself apart by imparting education in the areas of speciality such as Women's Education, Gandhian Thought and Sanskrit Language. What also sets it apart is its emphasis on promoting Indian Culture and values through its initiatives to collect, preserve, document and exhibit antique articles, implements and other artefacts.

After yeomen service to the nation today, the brand 'RV' is being recognized as a household name, a synonym for quality education. RV has become a part of Bengaluru Road map with a road named after it.



About RV Institute of Legal Studies

Bengaluru the Silicon Valley is known for a large number of educational institutions that offer a wide range of professional courses. There are a number of institutes that offer courses in law as well. However, there is need to offer totally professionally legal education to cater to globalised world. Keeping this in mind, the Rashtreeya Sikshana Samithi Trust (RSST) established the RV Institute of Legal Studies (RVILS) in the year 2018. RVILS is affiliated to Karnataka State Law University, Hubballi and is approved by the Bar Council of India, New Delhi. RVILS offers B.A., LL. B., & B.B.A., LL. B., 5 Year Integrated Degree Courses. We, as an institution endeavour to produce many legal luminaries in our forthcoming batches thereby contributing to the profession in itself and the society at large. As an institution it strives to provide quality legal education to students of all sections of the society without any discrimination. Being a nascent institution, RVILS has surged progressively by motivating students to participate in various activities like International, National, State Level Moot Court Competitions, Trial Advocacy, ADR Competitions, Model UN and Mock Parliament competitions. RVILS has provided a platform for expressing and exploring

original ideas and interpretations on contemporary legal issues by publishing RV LAW JOURNAL with ISSN and organising Nyaya Darpana Lecture Series.

Having stood up to the challenges of the new millennium with courage, dedication and aim towards achieving the vision of the Institution, it is recognized as one among the -

- Top 20 Promising Education Institutes in Bengaluru - 2019 by Higher Education Review.
- 37th in All India Rank in 2021 awarded by the New Education Post in its IIRF Ranking, amongst Top 50 Private Law Colleges of India.
- Ranked No.1 for Effective Student Motivation for Exemplary Contribution in the field of Education and is awarded with Top Higher Education & University Jury Award by Education Today in 2021.
- 34th in All India Rank and 6th State Rank in IIRF Ranking 2022 amongst Top 50 Private Law Colleges of India awarded by the New Education Post in 2022.
- 18th Rank amongst Top 30 Private Law Colleges of India in Outlook- ICARE Rankings 2022 under India's Best Colleges by Outlook.

Vision

Imparting legal education to create globally competent and socially relevant professionals.

Mission

To imbue students with professional ethics along with honing skills.

To enable students to become the exponents of justice for common man.

To provide appropriate academic ambience backed with intellectual and technical logistics to groom students for the profession.

Goal

To ensure that students get the best legal education and optimum knowledge of legal skills.

To inculcate values and pro bono commitment in students by involving them in legal aid programmes.



Rashtreeya Sikshana Samithi Trust®

R V Institute of Legal Studies®

(Affiliated to KSLU, Hubballi & Approved by Bar Council of India, New Delhi)

INVITATION

1st All India Moot Court Competition, 2023

Respected Sir / Madam,

RV Institute of Legal Studies, Bengaluru is gearing up to organize its flagship **1st All India Moot Court Competition, 2023, from 24th to 26th February, 2023**. It gives me immense pleasure to invite your esteemed institution to participate in our Moot Court Competition, which is being organized by RVILS Moot Court Academy, in its campus at Bengaluru.

The Competition aims to increase interest in the area of constitutional law, in order to rekindle the student enthusiasm to come out with innovative interpretations. The competition will in fact provide a dynamic and ideal platform for bringing together some of the brightest and most astute young minds, and it will showcase how well they can advocate for their cases and conduct research, which will be judged by legal professionals. We, therefore, expect the teams from leading Law Schools from all across India to participate.

Your esteemed Law School / Institution / College is cordially invited for this competition. Please confirm your participation by 31st December, 2022 by filling the Google form through the link shared in the brochure followed by the final registration.

We are looking forward to host you at the 1st All India Moot Court Competition, 2023 at RV Institute of Legal Studies, Bengaluru.

Warm regards,

Prof. (Dr.) Anjina Reddy K.R.

Principal

RV Institute of Legal Studies

Mob: 94804 90479

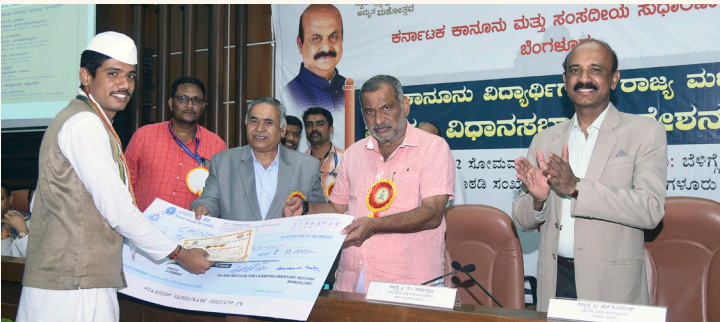
E-mail: principal.rvils@rvei.edu.in

Date: **9th December, 2022**

About RVILS Moot Court Academy

The Moot Court Academy was established on 18th June, 2021 with a vision to help the students to develop practical skills and self-confidence. It enhances communication, drafting, presentation and research skills in them. The Moot Court Academy is to inculcate and develop skills of advocacy and also to encourage and prepare the students to participate in different Moot Court Competitions. The Moot Court Academy conducts Intra-class Moot Court Competitions to prepare well trained teams which can represent the College in State, National and International Level Moot Court Competitions. Students have brought laurels to the institution by winning various National Moot Court Competitions, Law Fest, Mock Parliament, Model United Nations and so on.

With the vision to facilitate the foray of enterprising, smart, and intelligent young individuals across India into the legal profession, RV Institute of Legal Studies, Bengaluru is proud to announce its **1st ALL INDIA MOOT COURT COMPETITION, 2023** under the aegis of RVILS Moot Court Academy. For our first edition, we chose Constitutional law as the subject for the Moot proposition with the hope to imbue values of Constitutionalism and its paradigm.



Moot Court Proposition*

Organization for Protection of Commercial Speech v. Union of Indes

Indes is a nation with a population of 1.3 billion and a booming consumer market. In the aftermath of COVID-19, there is lot of vengeance tourism, buying and consumption. Assessing the boom in market, the industry started to push its products through advertisements endorsed by movie stars, sports persons and others who have become iconic in their respective fields, who have strong followership by fans. Sheer hair and beard style of a sports person was imitated to such an extent by youngsters that elders wondered what was happening. Tobacco and liquor industry also wanted to have their share of business and started using surrogate advertisements of their brands of tobacco and liquor products as direct advertisements of those were prohibited under the *Indes Cable Television Networks (Regulation) Act, 1995* (Act No. 7 Of 1995). Sec.6. of the Act dealing with the Advertisement Code provided that "No person shall transmit or re-transmit through a cable service any advertisement unless such advertisement is in conformity with the prescribed advertisement code. For violation of Sec.6 penal consequences were provided in the Act. Exercising the power delegated under Sec.22 of the Act, the Central Government made the *Cable Television Networks Rules, 1994* of which Rule 7 provided as under:

7. Advertising Code. -

- (1) Advertising carried in the cable service shall be so designed as to conform to the laws of the country and should not offend morality, decency and religious susceptibilities of the subscribers.
- (2) No advertisement shall be permitted which-
 - (i) derides any race, caste, colour, creed and nationality;
 - (ii) is against any provision of the Constitution of India.
 - (iii) tends to incite people to crime, cause disorder or violence, or breach of law or glorifies violence or obscenity in any way;
 - (iv) presents criminality as desirable;
 - (v) exploits the national emblem, or any part of the Constitution or the person or personality of a national leader or a State dignitary;
 - (vi) in its depiction of women violates the constitutional guarantees to all citizens. In particular, no advertisement shall be permitted which projects a derogatory image of women. Women must not be portrayed in a manner that emphasizes passive, submissive qualities and encourages them to play a subordinate, secondary role in the family and society. The cable operator shall ensure that the portrayal of the female form, in the programmes carried in his cable service, is tasteful and aesthetic, and is within the well-established norms of good taste and decency;
 - (vii) exploits social evils like dowry, child marriage.
 - (viii) promotes directly or indirectly production, sale or consumption of-
 - (A) cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants;

Provided that a product that uses a brand name or logo, which is also used for cigarettes, tobacco products, wine, alcohol, liquor, or other intoxicants, may be advertised on cable services subject to the following conditions that-

 - (i) the story board or visual of the advertisement must depict only the product being advertised and not the prohibited products in any form or manner;
 - (ii) the advertisement must not make any direct or indirect reference to prohibited products;
 - (iii) the advertisement must not contain any nuances or phrases promoting prohibited products;
 - (iv) the advertisement must not use particular colours and layout or presentations associated with prohibited products;
 - (v) the advertisement must not use situations typical for promotion of prohibited products when advertising the other products;

Provided further that –

- (i) the advertiser shall submit an application with a copy of the proposed advertisement along with a certificate by a registered Chartered Accountant that the product carrying the same name as cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants is distributed in reasonable quantity and is available in a substantial number of outlets where other products of the same category are available and the proposed expenditure on such advertising thereon shall not be disproportionate to the actual sales turnover of the product:
- (ii) all such advertisements found to be genuine brand extensions by the Ministry of Information and Broadcasting shall be previewed and certified by the Central Board of Film Certification as suitable for unrestricted public exhibition and are in accordance with the provisions contained in sub-clause (i) to (v) of the first proviso, prior to their telecast or transmission or retransmission.

Further, Rule 9 provided that “No advertisement which violates the Code for self-regulation in advertising, as adopted by the Advertising Standards Council of India (ASCI), Trumbai for public exhibition in India, from time to time shall be carried in the cable service.”

In the year 2020 the number of deaths due to tobacco consumption both with smoke and smokeless shot up beyond 130 lakhs as a consequence of various diseases caused by tobacco. There was an alarming rise in deaths due to consumption of alcohol and other intoxicants. There was acute pressure on health infrastructure and health cost. An expert committee with the noted psychologist Dr. Vatsalya as Chairperson and other experts from the field of marketing, economics, medicine and an NGO which has done significant work fighting against tobacco products was appointed to study the situation and submit a report as to measures to be adopted to tackle the alarming situation and submit its report within three months. The committee undertook wide consultation with stakeholders, held seminars, conferences and focused group discussions and submitted its report to the Government. The highlights of Dr. Vatsalya Committee Report the Central Government notified

- The surrogate advertisements are very effective and they make the audience understand clearly what is the product for which the surrogate advertisement stands for.
- The adolescents follow their role models in the entertainment and sports world and adopt the brands they endorse.
- The Code for Self-Regulation for Advertisements issued by ASCI is not effective in attaining its purpose.
- The committee strongly recommends that the two provisos to Sec.7 of the India Cable Television Networks (Regulation) Act, 1995 are to be dropped forthwith in the interest of the general public.

On the basis of the Dr. Vatsalya Committee Report, the Central Government notified the *Ishan Cable Television Networks (Amendment) Rules, 2021* deleting the two provisos to Sec.7. The amended rules have come into force with effect from 1st May 2021. As a consequence, all surrogate advertisements had to be withdrawn from being broadcast. Even though the consequences were not drastic, a study conducted by an NGO “Addiction Free India” authoritatively showed a significant decrease in the number of new addicts during a period of less than one year after the surrogate advertisements being withdrawn. It predicted that in a period of around 30 years the tobacco and liquor industries will have to shut down. Being alarmed by this the models and manufacturers of tobacco and alcohol products formed a consortium under the banner “Organization for Protection of Commercial Speech” and challenged the validity of the *Ishan Cable Television Networks (Amendment) Rules, 2021* before the Supreme Court. The petitioners *inter alia* contend that the *Ishan Cable Television Networks (Amendment) Rules, 2021* are ultra vires the *India Cable Television Networks (Regulation) Act, 1995* and the Constitution for violation of various fundamental rights.

Note: The Constitution and laws of India are same as the Constitution and laws of Union of India.

* This moot court problem is prepared by Dr. Chidananda Reddy S. Patil, Professor of Law, Karnataka State Law University, Hubballi for the 1st All India Moot Court Competition, 2023 organized by the RV Institute of Legal Studies, Bengaluru.

Eligibility

1. Students duly enrolled and pursuing full time 5 years or 3 years Degree Course may apply to participate in the Competition.
2. Students from any University / Department / Institute recognized by the Bar Council of India, to impart legal education are eligible to participate.

Team Composition

1. A team may consist of three (3) members.
2. A team of three members shall include two speakers and one researcher.
3. All members of a team should belong to the same institution.
4. Any team, intending to change the team composition of the team shall intimate the Organizing Committee by sending an e-mail at mootcourt.rvils@rvei.edu.in by 21st February, 2023.
5. Any person, other than the registered team members, is not eligible to avail facilities reserved for the student participants.

Language

All oral and written submissions are required to be made in English only, which shall be the official language of the competition.

Dress Code

The participants shall adhere to the following dress code while in the courtrooms:

Ladies - White salwar and kurta or white shirt and black trousers along with a black blazer and black shoes.

Gentlemen - White shirt, black trousers, a black tie, a black blazer and black shoes.

Structure of the Competition

1. The competition will be held for three days, 24th February, 2023 – 26th February, 2023.
2. The competition shall consist of Preliminary Rounds and Advanced Rounds i.e., Quarter Final Round, Semi- Final Round and the Final Round.
3. There will be a test for Researchers on 24th February, 2023.

Oral Rounds

Preliminary Round

1. All Teams shall participate in the preliminary rounds.
2. The rounds shall be conducted physically in various courtrooms in two phases, Preliminary Round I and Preliminary Round II.
3. Each Team shall argue once from each side allotted to them through Draw of Lots which shall be notified to the teams shortly after the Opening Ceremony. The Memorials of opposing teams will be made available to both the teams and judges before the rounds accordingly.
4. In both the rounds, each team will be given 25 minutes to present their oral pleadings and an additional 5 minutes shall be given for Rebuttal and Surrebuttal.
5. Teams which has scored the highest from both the Preliminary Rounds shall be qualified for the Quarter Final Round.
6. In case of a tie between two teams, Memorial Scores shall be considered.

Quarter-Final Rounds

1. Eight teams from the Preliminary Rounds shall qualify for the Quarter Final Rounds.
2. A Draw of Lots shall be conducted to determine the pleading side for the Quarter -Final Rounds.
3. The Quarter Final Rounds shall be Knock-Out Rounds.
4. Only Oral Rounds Scores shall be considered for evaluation.
5. In case of a Tie, the team with the higher score in the Memorials shall proceed to the Semi Final Rounds.
6. Each team will get 35 minutes to argue from the allotted side, and additional 5 minutes for Rebuttal and Surrebuttal.

Semi-Final Rounds

1. Four teams from the Quarter Final Rounds shall qualify for the Semi Final Rounds.
2. A Draw of Lots shall be conducted to determine the pleading side for the Semi -Final Rounds.
3. The Semi - Final Rounds shall be Knock-Out Rounds.
4. Only Oral Rounds Scores shall be considered for evaluation.
5. In case of a Tie, the team with the higher score in the Memorials shall proceed to the Final Rounds.
6. Each team will get 40 minutes to argue from the allotted side, and additional 5 minutes for Rebuttal and Surrebuttal.

Final Rounds

1. Two teams from the Semi Final Round shall qualify for the Final round.
2. A Draw of Lots shall be conducted to determine the pleading side for the Final Round.
3. Each team will get a minimum of 45 minutes to argue, with an additional 5 minutes for Rebuttal and Surrebuttal each.
4. In case of a tie, memorials marks will be considered.

Assessment Criterion for Oral Pleadings

Team performance of the orators shall be judged in all rounds on the basis of following criteria:

Knowledge of Facts	20 Marks
Application of Laws to Facts and Interpretation	20 Marks
Argumentative Skills	20 Marks
Clarity of Thought and Expression	20 Marks
Court Manners	10 Marks
Response to Questions	10 Marks

Researcher Test Guidelines

- Researchers Test shall be conducted on 24th February, 2023.
- The Researchers Test shall be conducted in offline mode.
- Only the Researcher is supposed to give the test.
- The Test shall consist of 50 objective type questions.
- The test shall contain questions related to the Moot problem, the law applicable in the present case and from allied areas including case laws.

Memorial

1. Each team shall research into the domain of moot problem and prepare memorial for both sides, namely, petitioner and respondent.
2. Soft copies of the memorials must be submitted to **mootcourt.rvils@rvei.edu.in** by 28th January, 2023, with the subject of the email as **"Memorial Submission- (Team Code)"**. The memorial files should be in pdf format with the file names as Team code-Party. For e.g.: RVILS P01, RVILS R01.
3. The memorial scores will contribute to decide the selection of the teams for the Oral Rounds in case of time.

Format of Memorial

- The memorials are to be submitted in the format prescribed. If a team fails to comply with the given format, they will be penalized in the form of deductions from the memorial marks.
- The memorials shall contain all of, and only, the following heads, namely.
 - Cover Page
 - Table of Contents
 - List of Abbreviations
 - Index of Authorities
 - Statement of Jurisdiction
 - Statement of Facts
 - Issues Raised
 - Summary of Arguments
 - Arguments Advanced
 - Prayer
- Cover Page shall include the team code on upper right hand corner, name of the case, parties for whom written submissions are made, name of the forum approached for dispute resolution and year. Cover page of the memorial on behalf of petitioner / appellant shall be in Blue, and respondent shall be in Red.
- The memorial shall not contain more than 25 pages (excluding cover page, table of content and index).
- FORMATTING AND CITATIONS: All teams shall give footnotes by adhering to Blue Book: A Uniform System of Citations (20th Edition).
- Six hard copies of memorials to be sent by 4th February, 2023 by courier / speed post.
- Submissions made after the specified deadline shall lead to penalties in the form of deductions from the memorial marks.

Assessment of Memorials

The memorials shall be assessed for 100 marks, by a team of experts on the predetermined criterion, as specified here under:

- Clarity of Facts. (10 Marks)
- Use of Law. (25 Marks)
- Use of Authority/Precedents. (20 Marks)
- Arguments and Clarity of Thought. (25 Marks)
- Presentation. (10 Marks)
- Originality. (10 Marks)

Penalties

Late Submission	1 mark per memorial every 12 hours after deadline. Disqualification beyond 48 hours
Wrong File Name	1 Mark per Memorial
Submitting memorials in multiple mails	1 Mark
Exceeding Page Limits	1 Mark per exceeding page
Failure to include the required information on the cover page	1 Mark per violation
Failure to use the correct color Coding	2 Marks per Memorial

Registration

- The Organizing Committee shall admit 24 teams only for the Competition based on Early Bird Registration.
- The registration fee for the competition is **INR 3,540/-** (including 18% GST) per team.

Provisional Registration

- Provisional Registration shall be made by filling the Google form given below.
- The last date for Provisional Registration is 31st December, 2022.
- The official acknowledgement of the selected colleges shall be sent via mail by 3rd January, 2023.
- The link for Provisional Registration: <https://forms.gle/y3HwKUblMBD2B17j6>

Final Registration

- On confirmation of the teams, the Registration form along with Payment receipt need to be scanned and sent to mootcourt.rvils@rvei.edu.in with the subject 'Registration for 1st All India Moot Court Competition, 2023'.
- Last date for Final Registration is 9th January, 2023. The following are the details of the bank account for payment of the registration fee-

- Name of the Bank & Branch : **Central Bank of India - Jayanagar Extn., Bangalore**
- Account holder Name : **The Principal RV Institute of Legal Studies**
- Account Number : **3690815039**
- IFSC Code : **CBIN0281658**
- Teams will be assigned a team code after registration. All communication there after will be by citing the team codes.
- Accommodation form shall be sent via mail once the team codes are allotted.

Anonymity of Teams

1. Teams shall not reveal their identity in any form during the Competition, except by the means of their Team Code allotted by the Organizing Committee.
2. Teams must not reveal the name of their institution or names of the participants, anywhere in the memorials or in the course of the oral arguments.
3. Teams must also not make use of or display in any manner whatsoever any logo, pins, badges etc. Any material presented to the Panel should be devoid of any identification mark(s)/seal(s) of the Team.
4. Any violation of Rules as mentioned above shall attract severe penalty or disqualification as determined by the Organizing Committee.
5. The decision of the Organizing Committee in this regard shall be final and binding; not subject to challenge.

Miscellaneous Provisions

1. No team shall indulge in any act of misconduct in or outside of the court room, undermining the credibility of judges or that of the competition. If done, it may lead to immediate disqualification.
2. Teams shall not be allowed to observe the oral rounds of another team. Unless they have been officially knocked out of the competition. Scouting is strictly prohibited. Scouting shall entail disqualification.
3. Any behaviour of indiscipline with the Organizing Committee or any other staff member or student volunteer shall be dealt with strictly.
4. No team shall ask for feedback immediately on completion of any round.
5. Any attempt to approach the framer of the moot problem or judges of the competition, prior to the competition shall be met with strict consequences.
6. The organizers reserve the right to amend and interpret any rules of procedure during the competition.

Awards

- | | | |
|--------------------|---|-----------------------------------|
| 1. Winner | – | Rs.20,000/-, Trophy, Certificates |
| 2. Runner Up | – | Rs.10,000/-, Trophy, Certificates |
| 3. Best Mooter | – | Rs.5,000/-, Trophy, Certificate |
| 4. Best Researcher | – | Rs.5,000/-, Trophy, Certificate |
| 5. Best Memorial | – | Rs.5,000/-, Trophy, Certificate |

Important Dates

Sl. No.	Steps	Date
1.	Release of Moot Proposition	9 th December, 2022
2.	Last date for Provisional Registration	31 st December, 2022
3.	Last date for Final Registration	9 th January, 2023
4.	Last date to submit the Accommodation Form	25 th January, 2023
5.	Last date for Memorial Submission (soft copy)	28 th January, 2023
6.	Last date for Memorial Submission (Hard copies)	4 th February, 2023
7.	Desk Registration	24 th February, 2023
8.	Event Dates	24 th – 26 th February, 2023

* Changes of the deadline dates mentioned above is subject to the discretion of the Organizing Committee.

1st All India Moot Court Competition, 2023

Organizing Committee

Patron in Chief

Dr. M.P. Shyam
President, RSST

Patrons

Dr. (h.c.) A.V.S. Murthy
Hon. Secretary, RSST

CA Dr. A S Vishnu Bharath
Chairman, Governing Council
RVILS & Trustee RSST

Chairperson

Prof. (Dr.) Anjina Reddy K.R.
Principal, RVILS

Convener

Ms. Bhavana C.
Assistant Professor of Law, RVILS

Co-Conveners

Mr. Arun S.
Assistant Professor of Law
RVILS

Ms. Safalya S. Wagle
Assistant Professor of Law
RVILS

Ms. Maitra M. Badagi
Assistant Professor of Law
RVILS

Ms. Suman C. Patil
Assistant Professor of Law
RVILS

Student Conveners

Name	Contact No.
Chinmayee M. , 9 th Sem. B.A., LL. B	63617 94575
Vaishnavi Joshi , 9 th Sem. B.A., LL. B	99005 45337
Mankala Surya Teja , 9 th Sem. B.B.A., LL. B	63631 76132
Darshana Suresh , 9 th Sem. B.B.A., LL. B	95152 50653
Damodar Nayak , 7 th Sem. B.B.A., LL. B	81059 49776
Dhruva K. , 7 th Sem. B.B.A., LL. B	90359 90828

For any official correspondence Kindly contact:

Ms. Bhavana C., Faculty Convener – 77601 38800

Mr. Arun S., Faculty Co-convener – 70260 79374

E-mail: mootcourt.rvils@rvei.edu.in

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Institutions of RSS Trust	
1940	RV School
1954	RV Teachers' College - IASE
1954	RV Teachers' Training Institute
1962	RV Girls' High School
1963	RV College of Engineering
1971	NMKRV P.U. College
1973	NMKRV College for Women & P.G. Centre
1982	SSMRV College - UG & PG Programs
1982	SSMRV P.U. College
1982	D A P M RV Dental College & Hospital
1999	RV Public School - ICSE
1999	RV Institute of Management
2003	RV College of Nursing
2003	RV College of Physiotherapy
2008	RV PU College
2014	RV College of Architecture
2018	RV Institute of Legal Studies
2019	RV Institute of Technology & Management
2019	RV Skills
2020	RV Training Academy
2021	RV University



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Approved by
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New Delhi.

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