

THE 12th NATIONAL MOOT COURT
COMPETITION 2017-18



8th – 10th March 2018

INDIAN LAW SOCIETY

ILS LAW COLLEGE CAMPUS

LAW COLLEGE ROAD, PUNE – 411004

MAHARASHTRA, INDIA.

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INDIAN LAW SOCIETY, PUNE

The Indian Law Society was established in 1923 as a Public Charitable Trust registered under the Societies Registration Act. It is a non-profit organization established with the sole purpose of imparting legal education. The Society is a voluntary association of persons, who came together with a pledge to launch courses on law, formal and informal, where law and legal doctrines are taught with social utility, purpose, impact and social relevance. The founder members of the Indian Law Society were the legal luminaries like Sir Narayanrao Chandavarkar, Shri J. R. Nanasaheb Gharpure, Diwan Bahadur and P. B. Shingane. Indian Law Society established ILS Law College in 1924, with a view of facilitating infrastructure essential for the study of law. Establishment of the Law College by the Indian Law Society was indeed a pivotal moment in Indian Legal Education as the College exemplified academic excellence, social relevance, and professional competence. Imaginative realignment of written law or the hard law with a view to reorient them with the Indian social milieu has always been the strength of the Indian Law Society.

ILS LAW COLLEGE, PUNE

Established in 1924, ILS Law College is one of the oldest law schools in India and has been playing a pioneering role in legal education and scholarship in the country. Ninety-four years since its establishment, the Law College has acquired the reputation of being a premier institution imparting quality legal education.

Since its inception, ILS Law College has produced some of the most highly regarded contributors in the field of law. Three Chief Justices of the Supreme Court, Justice P. B. Gajendragadkar, Justice Y. V. Chandrachud, Justice E. S. Venkataramaiah, Former Governor of Maharashtra K. M. Reddy, Former Defence & Finance Minister and First Chief Minister of Maharashtra Y. B. Chavan, Former Minister of Commerce Mohan Dharia, Former Chief Ministers of Maharashtra, Sushil Kumar Shinde and Vilasrao Deshmukh, all received legal education from ILS Law College.

With its illustrious history and heritage, the institution has contributed immensely to the growth of legal profession and has upheld its tradition of producing meritorious legal scholars who dedicate themselves to public service and reform. The generations of distinguished legal luminaries who have been nurtured by this unique institution have made a seminal contribution globally to the evolution of the esteemed field of Law.

REMEMBERING DR. S. P. SATHE

Dr. Satyaranjan Purushottam Sathe was a distinguished legal luminary and a renowned academic in the judicial universe of India. He held various positions in Universities and Law Institutes of repute. Professor S.P. Sathe had a long association with the Indian Law Society. He was the Principal of ILS Law College from 1976 to 1991. He was also the Secretary of the Indian Law Society until 2002. He was the Founder Director of the Institute of Advanced Legal Studies. He was also the President of the Maharashtra People's Union for Civil Liberties, and a Vice-President of the National PUCL. Professor S. P. Sathe has been an authority on Constitutional Law, within the country and abroad. He contributed extensively to the field of legal education. His recent work on 'Judicial Activism is appreciated worldwide. More than 100 articles written by him were published in national and international legal periodicals, magazines and journals. Books to his credit are, 'Administrative Law', 'Judicial Activism in India: Transgressing Borders and Enforcing Limits', and 'Right to Know'. He also wrote in Marathi. He contributed to the Marathi Vishwa Kosh published by the Government of Maharashtra. He was invited to deliver lectures, and to participate in seminars as a resource person to different law universities, institutions within and outside India. Known for his humility, Professor Sathe endeared himself to his colleagues and students alike. His commitment to Rights and Liberties of the people was deep and abiding.

Every year, Professor S. P. Sathe Foundation, set up by the Indian Law Society, organizes three events at ILS Law College, Pune on a specific theme with a view to commemorate his contribution to Indian Jurisprudence and Social Action and to encourage academic pursuit of law students. The three events are: a Memorial Lecture, a Conference, and a Moot Court Competition. The Theme for Remembering S.P.Sathe 2017-18 is *"Introspect and Prospects of Legal Education in India"*

REMEMBERING S. P. SATHE: THE 12th NATIONAL MOOT COURT COMPETITION 2017-18 - THEME

This Year's theme for S.P.Sathe memorial events is -

"Introspect and Prospects of Legal Education in India"

The demand for legal fraternity and for personnel equipped with law degrees and skills is increasing in present times. Ideally and traditionally, the Legal Education aims at creating lawyers equipped to serve as litigating lawyers, members of judiciary and academics. However, law is omnipresent in almost all walks of administration and governance of the society. It is time to introspect the existing legal education system and to verify if it is catering to teach and train the legal professionals from all the sectors.

The memorial event aims at bringing to the fore discussions on the challenges and prospects of legal education in light of contemporary developments. In addition, the event will deliberate on a need to change the Legal Education Policy in India and changes needed in the Legal Education structure and curriculum that can impart specific skills requisite for a focal legal fields like judiciary, administrative services etc.

This Moot aims at equipping the students with the skill of dealing with legal conflicts that arise before the courts owing to gaps and ambiguities in policies and rules pertaining to legal education through an intersection of constitutional law provisions. It also aims at encouraging academic creativity for challenging the existing gaps in the laws and rules

Remembering S. P. Sathe

THE 12th NATIONAL MOOT

COURT COMPETITION 2017-18

COMPETITION CASE

Vidyarthi Pandit

Versus

Director of Higher Education, State of Madhyarashtra,

Bar Council of India

Lex Law College & Others

- I. Vidyarthi Pandit aspired to become a lawyer after passing his XII examination. He is a bright student with brilliant score of 95% in his X examination and 93% in his XII examination. He is a hardworking student, and had struggled a lot to complete his education despite many economic and medical problems in his family.
- II. He had failed in his IX standard final examination due to medical problems, however, in order to avoid gap in education he completed all his studies by working and studying simultaneously, hence he appeared for his X examination externally (In state of Madhyarashtra the candidates may appear for X examination by filling Form 17). Similarly, he appeared for XII examination also externally without appearing for his XI examination.
- III. During his work, he realized that he possesses good reasoning ability and argumentative skills, so he consulted one of the educational consultants, who guided him free of charge looking at his hardworking nature and dedication. The aptitude test conducted by this consultant indicated that one of the best fields suitable for him is Law.
- IV. Accordingly, he conducted a survey of legal education institutions and the admission process for the same. He found that for seeking admission in any of the law colleges within state of his domicile i.e. State of Madhyarashtra; he has to appear through the Common Selection Test (CST).
- V. The Government of Madhyarashtra; has established "Admissions Regulating Authority and Common Selection Test Cell" as per the provisions of the Madhyarashtra Professional Educational Institutions (Regulation of Admissions & Fees) Act. 2015. Accordingly, he searched for the eligibility requirements, he found himself eligible to apply for the CST.
- VI. He successfully filled the online application form after reading thoroughly the instructions and rules pertaining to the application process and rules of eligibility for admission to one of the law colleges in State of Madhyarashtra

- VII. He appeared for the entrance exam and ranked amongst the top 10 scorers in the Entrance Exam. Based on his score in CST, he was allotted Lex Law College, Ramnagar in Madhyarashtra, which was his first preference.
- VIII. Only on verification of the documents (the photocopies of all the marklists and certificates of X and XII standard alongwith with few other documents stated in the rules) and on satisfaction of the requisite conditions, the Principal of the respective college is authorized to admit the student as per the provisions of the CST rules.
- IX. Vidhyarthi Pandit's application for admission was found ineligible and hence rejected on the grounds of violation of the provisions of CST rules of entrance stated in the Information Brochure Point 7.2- Eligibility Criteria for LL.B 5 years course; which is in compliance with section 5 of Bar Council of India's Legal Education Rules 2008
- X. Having inquired with the College authorities, he was explained that as per the rules of CST, it is mandatory to pursue the X and XII exams in regular mode. As he had pursued his X exams by appearing as an external candidate and XII without appearing for XI he was disqualified from seeking admission to any Law Program. This rule of CST in context of Law admissions complied with the Bar Council of India's rules pertaining to Standards of Legal Education in India.
- XI. He found that this rejection is in violation of Right to Equality *vis-à-vis* the applicants applying for Engineering and Medical Program in State of Madhyarashtra. Moreover the rule requiring completion of X and XII in regular mode is without any rationale. That the eligibility norms laid down by BCI under the exercise of functions conferred by section 7(1)(h) and 7(1)(i) of Advocates Act are misinterpreted by the BCI. Also Section 49(1)(af) is violative of Article 14 of the Constitution being arbitrary and beyond the functions of the BCI as provided u/s 7 of the Advocate's Act, 1961. That the Rules of the Legal Education which curtails right to pursue the study is arbitrary and also violative of Article 19(1)(g), 14 and 21 of the Constitution.
- XII. Thus, Aggrieved by this rejection, Vidhyarthi filed a writ petition seeking writ of Mandamus in the Supreme Court; challenging the Law College's action and the rules of CST and Bar Council of India. The matter is admitted and listed for hearing before the Supreme Court of India on 9th of March 2018. Counsels have to argue on behalf of the Petitioner/ Respondents.

XIII. The laws of State of Madhyarashtra are analogous to the laws of State of Maharashtra and India. The counsels may raise any other issues relevant in contexts of petitioner's claim in light of these laws.

Remembering S. P. Sathe

**THE 12th NATIONAL MOOT
COURT COMPETITION 2017-18
RULES**

PART I
GENERAL

1. INTRODUCTION

- 1.1. *Remembering Professor S. P. Sathe: The 12th* National Moot Court Competition is convened through 08-10 March 2018 by the Indian Law Society, Pune at the ILS Law College, Pune.

2. PARTICIPATION AND ELIGIBILITY

2.1. TEAM MEMBER ELIGIBILITY

- 2.1.1. Students enrolled in a full-time bachelors (three year or five year) law programme at the time of the competition are eligible to compete in the Competition. Each College/Law School or University may enter one team only.

2.2. TEAM COMPOSITION

- 2.2.1. A team shall be composed of either:

- Two Members: both speakers,

OR

- Three Members: two speakers and one researcher.

2.3. NUMBER OF PARTICIPATING TEAMS

- 2.3.1. Maximum Twenty-four (24) teams shall participate in the Competition, on first come first served basis, including the team of ILS Law College, Pune.
- 2.3.2. In case there is an odd number of participating teams, ILS Law College, Pune will nominate a non-competing dummy team that will not proceed beyond preliminary rounds.
- 2.3.3. Team members must carry current identity-cards issued to them by their institution. Team members shall not reveal their identity or their institution's identity in any manner whatsoever during the competition, or in the memorials, and not even at the request of judges, failing which the team will be disqualified.

3. OFFICIAL LANGUAGE

- 3.1.** The official language of the Competition is English. All Competition Rounds including the written submissions (Memorials) will be in English.

4. DRESS CODE

- 4.1.** The teams are expected to follow a strict dress code of **western (only shirt and trousers) or Indian formals.**

5. CLARIFICATIONS TO THE COMPETITION MODULE

- 5.1.** Teams may submit written requests for clarifications regarding the Module, comprising the Competition Case and the Rules. Teams may submit requests for clarifications by email to spsathemoot@ilslaw.in.
- 5.2.** Last date to receive request for clarifications is 10th February 2018

PART II REGISTRATION

6. REGISTRATION PROCESS

- 6.1.** The teams shall register between 22 January 2018 to 9 February 2018.

- 6.2.** The teams shall register in the following **TWO** steps –

Step 1 – Online registration and payment of registration fees

- a. Log on to the online registration portal of ILS Law College.
- b. Fill the requisite online details
- c. Pay the registration fees online and print the receipt.

Step 2 – Filling up the registration form attached to the brochure and emailing the scanned copy along with the receipt

- a. Print and duly fill the registration form **attached to the brochure.**
- b. Scan the duly filled form and upload it on ILS Law College portal.

- 6.3.** No change in the names of the participants shall be permitted after the receipt of the Registration Form, except at the sole discretion of the Organisers.
- 6.4.** All teams shall be assigned a “Team Code” by the Organisers on validation of their Registration Form and receipt of online payment of registration fees.

- 6.5. Thereafter the teams shall use their designated “Team Code” for all correspondence with the Organizers.
- 6.6. The same team code must be used by the teams during the submission of Memorials and during all the Rounds of the Competition.

7. REGISTRATION CHARGES

- 7.1. Registration fee for a team: **INR 3500/- (Rupees Three Thousand five hundred Only)**. NOT Inclusive of Accommodation.
- 7.2. Registration fee shall be paid online on the registration portal of ILS Law College available at www.ilslaw.edu
- 7.3. The scanned copy of the receipt of online payment of registration fees shall be submitted by email to: spsathemoot@ilslaw.in by **9th February 2018**.

8. ACCOMMODATION

- 8.1. Participants can avail accommodation for the days of the competition only, i.e. 8th, 9th and 10th of March 2018. (two days and two nights)
- 8.2. Teams which require accommodation must mention the same in the Registration Form and make additional payment accordingly.
- 8.3. Accommodation charges for the days of the Competition is Rs.4,122 per team for double occupancy with extra mattress for two days and two nights.
- 8.4. The accommodation charges shall be paid directly to the hotel on arrival.
- 8.5. Availing accommodation is not compulsory. Teams are free to arrange for their own accommodation.

PART III FORMAT OF THE COMPETITION

9. ROUNDS

- 9.1. The competition will be conducted in three rounds.
- 9.2. In the preliminary rounds, each team will present arguments for both sides in different courts. Four teams will proceed to the semi-final rounds in two courts on the basis of: firstly by total

wins, secondly by total marks in the preliminary rounds, and lastly (in case of tie) by total marks of memorials of such teams.

9.3. The winner from each of the two courts in the semi-final will proceed to the finals.

9.4. **Organizers reserve the right to conduct Quarter Finals.**

10. PROCEEDINGS

10.1. In the preliminary and semi-final rounds, each team will have **30 minutes** for argument. Each team member shall argue for at least **12 minutes**.

10.2. In the final round, each team will have **45 minutes** for arguments, and each team member shall argue for at least **20 minutes**. This time includes the time for rebuttals or sur-rebuttals. Only one speaker can speak in rebuttal or sur-rebuttal.

10.3. Each team and its members shall be seated in the court room through the proceedings of that court.

10.4. Any team member **shall not** visit any court room other than his own until that round is over.

10.5. Teams may use laptops during proceedings without interfering or disturbing the court proceedings.

10.6. Judges' decision on conduct of proceedings will be final in their respective court.

PART IV MEMORIALS

11. SUBMISSION OF MEMORIALS

11.1. All memorial submissions must conform to the following general criteria. Teams will be penalized for failure to abide by these requirements.

11.2. Soft copies of the memorials must be e-mailed to spsathemoot@ilslaw.in on or before **11:59 PM 19th February 2018**.

11.3. Four (4) hard copies of the memorials from each side (i.e., 4 copies from Plaintiff side + 4 copies from Respondent side = total 8 memorials) shall be sent to the following address, postmarked on or before **11:59 PM 24th February 2018**

The Coordinator

Remembering S. P. Sathe National Moot Court Competition 2017-18

C/o The Principal, ILS Law College,

Law College Road, Pune 411004

(Tel No. 020-25656775)

12. CONTENTS OF MEMORIALS

Memorials must contain the following:

- i. Cover page stating Title of the Competition, Name of the Court, Name of the Case, Title of the document (viz. “Memorial for the ___”), and Team Code
- ii. Table of Contents
- iii. Index of Authorities
- iv. Statement of Jurisdiction
- v. Statement of Facts
- vi. Issues
- vii. Summary of Arguments
- viii. Arguments
- ix. Prayer.

13. FORMAT OF MEMORIALS

Memorials shall be drafted and submitted as follows:

- i. **Microsoft Word document** (compatible with Windows)
- ii. **Cover:** Do not use plastic, leather bound or hard bound material. Use ordinary card paper.
- iii. **Cover Page:** Blue cover for Petitioner; Red cover for Respondent.
- iv. **Paper:** White paper inside; A4 size.
- v. **Printing:** Both sides of sheets
- vi. **Page Count (Total):** Maximum 35; (Page = one side of sheet)
- vii. **Page Count (Arguments):** Maximum: 20; (Page = one side of sheet)
- viii. **Numbered:** Bottom-Centre.
- ix. **Font:** Times New Roman, 12 points for text, 10 points for footnotes
- x. **Line Spacing:** 1.5 for text, 1 for block quotes of more than 50 words in the text; 1 for Footnotes.
- xi. **Para Spacing:** 2 for text, 1.5 for footnotes.

- xii. **Mode of Citation:** Oxford University Standard for Citation of Legal Authorities (OSCOLA), 4th Edition. Link to Free PDF of OSCOLA: http://www.law.ox.ac.uk/published/OSCOLA_4th_edn_Hart_2012.pdf.
Additional reference for citations under OSCOLA:
<http://www.law.ox.ac.uk/publications/oscola.php>.
- xiii. **Soft copies:**
- a. Memorial for each side shall be a single document.
 - b. The document file shall be named: “(TEAM CODE)_Memorial for Petitioners” and “(TEAM CODE)_Memorial for Respondents”.
 - c. The subject of the mail submitting memorials shall be: “Memorial – Name of your institution”; e.g.: “Memorial – ABC College”.
- xiv. Do not write the name of your institution on the memorials.

14. ADHERENCE OF MEMORIALS TO PRESCRIBED FORM AND CONTENT

- 14.1.** Memorials that do not comply with above specifications will suffer penalty points.
- 14.2.** Marks of memorials will not be counted in the preliminary or semi-final rounds, unless there is a tie.
- 14.3.** Memorials of other team received during a round shall be returned to the Court-clerks immediately after the round is over. Teams shall not put any mark or matter on such memorial received.

PART V ADJUDICATION

15. MARKING CRITERIA

15.1. ORAL ROUNDS

- 15.1.1. Each judge in each round will mark each team member according to criteria given below.

Sr. No.	Criteria	Maximum Marks	
		Speaker 1	Speaker 2
1.	Knowledge of facts and identifying issues	10	10
2.	Knowledge, statement and understanding of legal provisions and principles	15	15
3.	Arrangement, presentation and content of argument	10	10
4.	Logical reasoning, clarity, brevity and ingenuity of arguments	10	10
5.	General Presentation, Court Etiquettes, Advocacy Skills, Time Management	5	5
Sub-Total	50	50	
TOTAL		100	

15.2. MEMORIALS

15.2.1. Each memorial will be marked as given below:

Sr. No.	Criteria	Max Marks
1.	Proper and articulate analysis of issues arising out of facts	10
2.	Understanding and ability to explain the legal principles clearly	10
3.	Presentation and content of argument	10
4.	Use of legal sources	10
5.	Variation in approach	10
Maximum marks		50
Less penalty points		
Total marks for the memorial (50 minus penalty points)		

16. AWARDS

16.1. Prizes for the competition are as follows:

- a. Winning Team: Rolling Trophy, and a trophy to carry to the Institution.
- b. Runners-up team: A trophy
- c. Best and Second-Best Memorials
- d. Best and Second-Best Student Advocates of the Competition
- e. Best Speaker of the Finals
- f. Justice V. A. Naik Prize for the Best team from Maharashtra.

16.2. Member of each team will receive certificate of participation.

PART VI MISCELLANEOUS

17. CONFIRMATION OF TRAVEL ITINERARY

17.1. Participating Teams must confirm their travel itinerary by 17th February 2018 and communicate the same to the Conveners by an email to spsathemoot@ilslaw.in .

18. ORGANISERS' EXTRA-ORDINARY POWER

18.1. All Participants are expected to maintain decorum in the Court during the competition and are expected to conduct themselves in a manner befitting the legal profession. The Organisers reserve the right to take appropriate action for any unethical, unprofessional and immoral conduct.

18.2. The Organiser's decision as regards the interpretation of rules or any other matter related to the competition shall be final and binding.

18.3. If there is any situation, which is not contemplated in the rules, the Organisers decision on the same shall be final and binding.

18.4. The Organisers reserve the right to vary, alter, modify, or repeal any of the above rules without any prior notification, if so required and as they may deem appropriate.

18.5. Any issue or matter concerning the Competition will be decided by the Conveners. Any grievance may be addressed to the Principal, ILS Law College, whose decision will be final.

19. DISCLAIMER

19.1. The material in the Competition Case is not intended to and does not attempt to resemble any incident or any person living or dead. Material in the Competition Case is fictitious and any resemblance to any incident or person, if any, is not intended, but merely co-incidental.

TIMELINE FOR THE COMPETITION

Release of Competition Module	15 th January 2018
Online Registration Opens	22 nd January 2018
Online Registration Closes	09 th February 2018
Last Date for seeking clarifications to Competition Module	10 th February 2018
Confirmation of Travel Itinerary of Teams by Email	17 th February 2018
Last Date for sending soft copy of Memorials by Email	19 th February 2018
Hard copy of Memorials must reach Organizers on or before	24 th February 2018
Inauguration, Draw of Lots, and Exchange of Memorials	8th March 2018
Preliminary Rounds	9th March 2018
Semi-Final Rounds , Final Round and Valedictory Session	10th March 2018

CONTACT

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spsathemoot@ilslaw.in

Remembering S. P. Sathe

THE 12TH NATIONAL MOOT

COURT COMPETITION 2017-18

REGISTRATION FORM

REGISTRATION FORM



ILS LAW COLLEGE, PUNE

Remembering S. P. Sathe

THE 12th NATIONAL MOOT COURT COMPETITION 2017-18

PARTICIPATING INSTITUTION

Name : _____

Address & contact details: _____

PARTICIPANTS

Speaker 1 Name (Ms./Mr.): _____

Phone: _____

Speaker 2 Name (Ms./Mr.): _____

Phone: _____

Researcher Name (Ms./Mr.): _____

Phone: _____

PASTE PARTICIPANT'S PHOTOGRAPHS OVER HERE

FACULTY IN-CHARGE

Name: _____ Designation: _____

Contact Details: _____

ACCOMODATION REQUIRED YES: _____ NO: _____

Participant's Signature

Signature Principal/HOD/Faculty In-charge

SEAL

Date:

Place: