

YASHWANTRAO CHAVAN MEMORIAL
NATIONAL LEVEL MOOT COURT COMPETITION
Academic Year 2015 – 2016
MOOT COURT PROBLEM

People's Association for Right to Privacy v. Union of Panchal and Others

The Union of Panchal is located in the South Asian Region of Asia. It is one of the ancient nations in the world. It is a democratic country with a written Constitution and having 29 States and 7 Union Territories. The Government of Union of Panchal established the Unique Identification Authority of Union of Panchal (UIAUP) on 28 January 2009 as an attached office of the erstwhile [Planning Commission of](#) Union of Panchal, now National Institution for Transforming Union of Panchal Aayog, vide its [gazette](#) notification dated 28 January 2009. Its objective is to collect the [biometric](#) and demographic data of residents, store them in a centralised database, and issue a 12-digit unique identity (UID) number called Aadhaar to each resident of Union of Panchal.

The notification has given the responsibility to UIAUP to lay down plan and policies to implement UID scheme, to own and operate the UID database and be responsible for its updation and maintenance on an ongoing basis. The implementation of UID scheme entails generation and assignment of UID to residents; defining mechanisms and processes for interlinking UID with partner databases; operation and management of all stages of UID life cycle; framing policies and procedures for updation mechanism and defining usage and applicability of UID for delivery of various services among others. The number is linked to the resident's basic demographic and biometric information such as photograph, ten [fingerprints](#) and two [iris scans](#), which are stored in a centralised database.

The UIAUP, starting with issuing of UID in September 2010, has been targeting to issue UID - a unique 12 digit Aadhaar number to all the residents. The UIAUP appointed various agencies to complete the task. The Government of Union of Panchal in a notification dated 16 December 2010 recognizes the letter issued by UIAUP containing details of name, address and Aadhaar number, as an officially valid document. The said notification neither aims to replace any existing identity cards nor it is a cognizance of citizenship. The UID does not guarantees any rights, benefits or entitlements. The unique ID would also qualify for as a valid ID while availing various government services, like a [LPG](#) connection, subsidised ration,

[kerosene](#) from [PDS](#), benefits under [NSAP](#), pension schemes, [e-sign](#), [digital locker](#), Universal Account Number (UAN) under [EPFO](#); and for some other services, like a SIM card or opening a bank account. The Government of Union of Panchal as well as few State Governments made it mandatory to possess Aadhaar to avail few services of Government.

The People's Association for Right to Privacy, a society registered for charitable purpose, filed a [Public Interest Litigation](#) against the Government and others in the [Supreme Court of Union of Panchal](#). The Association contended that Government was implementing the project without any legislative backing. The UIAUP was running on only an executive order issued on 28 January 2009. The Association also contended that the decision of Government to make it mandatory to possess Aadhaar to avail few services of Government is arbitrary. The Association further contended that UIAUP cannot collect biometric data of citizens as it would be a [violation of right to privacy](#) of citizens of Union of Panchal. The [Public Interest Litigation](#) is posted for final arguments and for disposal.

Note: The participants to the Competition have to frame the issues and make submissions by presuming that the Constitution of India and all other laws applicable in India are applicable in Union of Panchal.

**YASHWANTRAO CHAVAN MEMORIAL
NATIONAL LEVEL MOOT COURT COMPETITION
Academic Year 2015 – 2016
RULES**

Venue and Date:

The Yashwantrao Chavan Memorial National Level Moot Court Competition (2015-2016) shall be held on **22nd and 23rd January 2016** at A.B.M.S. Parishad's Yashwantrao Chavan Law College, Parvati Ramana, Pune 411 009.

1. Eligibility:

- 1.1. All the Colleges / Institutions / Schools in India imparting legal education are welcomed to send only one team of three members to participate in a competition.
- 1.2. All regular students of three years or five years law courses during the academic year 2015-2016 are eligible for the competition.
- 1.3. The organising College may be a participating team in the competition.

2. Team Composition:

- 2.1. Each team shall comprise of three members consisting of two mooters and one researcher.
- 2.2. The researcher cannot be allowed to speak except under special cases and at the discretion of the judges.
- 2.3. A code number shall be given to each participating team (e.g. T1, T2, T3 ... etc.) as well as to the mooters (e.g. P1, R1, P2, R2 ... etc.) and to researchers (e.g. RS1, RS2, RS3... etc.).
- 2.4. The badges containing the code number of participants shall be provided to all participants. The participants shall wear those badges during the whole competition.
- 2.5. The identity of the participant, participating team, or College / Institution / School should not be disclosed to the judges or to anyone either directly or indirectly during the conduct of Competition.

3. Registration of Team :

- 3.1. The registration for competition can be made by submitting the registration form along with registration fee of **Rs. 1,000/-** by Demand Draft of a nationalised bank drawn in favour of The Principal, A.B.M.S. Parishad's Yashwantrao Chavan Law College, Parvati Ramana, Pune 411009 payable at Pune to the following postal address by **09th January, 2016**.

The Principal
A.B.M.S. Parishad's, Yashwantrao Chavan Law College,
Parvati Ramana, Pune 411009.

4. Memorials :

- 4.1. All teams must submit five copies of the Memorials on or before the **16th January, 2016**. Memorials shall strictly contain following particulars:
 - The table of contents,
 - The index of authorities,
 - The statement of jurisdiction,
 - The statement of facts,
 - The statement of issues,

- The summary of pleadings,
 - The arguments advanced,
 - The prayer.
- 4.2. All spirally bound copies of memorials of the Petitioner must be with blue colour cover and for the Respondents must be with red colour soft covers.
- 4.3. The Memorial shall not be more than 20 pages. The first page i.e. page after the cover page should provide the information as to name of the competition, name and address of the participating College / Institution / School and name and class of individual member of team. The first page should also provide the information as to on whose behalf the said mover is going to appear. The information as to name and address of the participating College / Institution / School and name of member of team should not be disclosed in any manner whatsoever on any other page, including cover page, of the Memorial.
- 4.4. The Memorial shall strictly be in the following prescribed form:
Principal part:
Paper size - A4,
Font type - Times New Roman,
Font size - 12,
Spacing - 1.5, and
Margin on all sides - 1 inch.
Footnotes:
Font type - Times New Roman,
Font size - 10, and
Spacing - 1.5.
- 4.5. The Memorial must not contain any Annexure, or Photographs, or Sketches, or Exhibits, or Affidavit, etc.
- 4.6. The participants are advised to carry extra copies of Memorials for their own use. The copies submitted to the organizers would be for the use of the organizers.

5. Marking Criteria for Memorials :

- 5.1. The memorials will be assessed by a special panel of two memorial judges. The decision of the memorial judges as to assessment of memorials shall be final.
- 5.2. The memorials for both sides will be marked on a total of 15 marks each by two memorial judges separately. Accordingly the Team Memorial Marks will be the aggregate of the marks given by both the memorial judges to the memorials of both the sides.
- 5.3. The allocation of 15 marks for each memorial shall be made on the basis of the following criterion:

Sr. No.	Marking criteria	Marks allocated
1.	Presentation	03
2.	Drafting skills	03
3.	Depth and quality of research	07
4.	Synopsis of facts	01
5.	Referencing	01
	Total	15

6. Drawing of Lots and Orientation of Participants :

- 6.1. There shall be the reporting and orientation programme of the participants on **22nd January 2016** at **3.00 P.M.**
- 6.2. At the time of reporting the participants must carry with them the photo identity card duly signed by the Principal / Director of the College / Institution / School.
- 6.3. The purpose of orientation programme is to draw the lots as to mismatch the participants in the assigned courts. The memorials shall be exchanged in orientation programme.
- 6.4. The competition shall consist of preliminary and final rounds. The preliminary round shall be conducted by mismatching the participants.
- 6.5. In a preliminary round the Petitioner from one team shall argue against the respondent from other team as per the lots drawn.

7. Preliminary Round :

- 7.1. For the preliminary round, the appropriate number of Courts shall be established by considering the number of participating teams.
- 7.2. Participating team members must maintain the decorum of court and they shall follow the dress code as prescribed by the Bar Council of India under the Advocate's Act, 1961.
- 7.3. The Petitioner and Respondent matched as specified above will have to submit the oral submissions as a team.
- 7.4. Each mooter will have a maximum of 15 (12+3) minutes to present his oral submission. A maximum of 5 minutes can be reserved for the rejoinder/ sur-rejoinder.
- 7.5. Three minutes before the completion of the allocated time for each mooter there will be a warning bell, and at the completion of the allotted time for each mooter there will be a final bell.
- 7.6. The decision of the Court officer as to the time structure and the right to rejoinder / sur-rejoinder will be final.
- 7.7. All the participating teams will have to carry with themselves any case law and authorities which they intend to refer.
- 7.8. The oral submissions for both sides shall be marked on a total of 35 marks each by two judges separately. Accordingly the oral submission marks of the team will be the aggregate of the marks given by both the judges to the oral submissions of both the sides.
- 7.9. The allocation of 35 marks for each oral submissions shall be made on the basis of the following criteria:

Sr. No	Marking Criteria	Marks Allocated
1.	Application of Law relevant to the Case	07
2.	Advocacy and Presentation (decorum of the court)	07
3.	Answers to Court Questions	07
4.	Reference to Memorials in the course of Oral Submissions	07
5.	Interpretation of and use of Facts	07
	Total	35

- 7.10. The decision of the judges as to assessment of oral submissions shall be final.
- 7.11. The total marks of each individual mooter shall be computed by adding his memorials marks in oral submissions marks at the preliminary round and the best mooter prize shall be given to the mooter with the highest total marks.

8. Final Round :

- 8.1. On completion of the preliminary round the total marks of each team shall be computed by adding the team memorial marks in the team oral submissions marks. The top three teams with the highest total marks shall qualify for the final round.
- 8.2. On considering the total marks of each team if there is a tie between two or more teams for qualifying for the final round then a team having greater oral submissions marks shall be qualified for the final round.
- 8.3. If the tie again persists, all those teams shall be qualified for the final round.
- 8.4. In a final round there shall not be mismatch of the Petitioner and Respondent.
- 8.5. If a mooter at a preliminary round has submitted his or her oral submissions on behalf of one party then at the final round he or she has to submit his or her oral submissions on behalf of opposite party.
- 8.6. The other rules applicable to the preliminary round as to allocation of 35 marks, time schedule, general conduct, etc. shall be applicable *mutatis mutandis* to the final round.
- 8.7. On completion of the final round the total marks of each team shall be computed and the top two teams with the highest total marks shall qualify for the prizes. The memorial marks or the oral submissions marks of the preliminary round shall not be considered at the final round.

PRIZES :

There will be three prizes :

First prize : Rs. 12,000/-, Certificate and a trophy.

Second prize : Rs. 7,000/-, Certificate and a trophy.

Best Mooter : Rs. 4,000/-, Certificate and a trophy.

The certificate of participation will be given to all other participants.

9. Accommodation and food :

Accommodation shall be provided only to the participants from outside Pune city as per requirement specified in the registration form. Accommodation to the students from State of Maharashtra shall be provided only on days of competition i.e. on 22nd and 23rd January 2016. Accommodation to the students from outside State of Maharashtra shall be provided on days of competition i.e. on 22nd and 23rd January 2016 as well as on day preceding and the day subsequent to the competition. Food for the participants is arranged by the college. The team members should report strictly at the prescribed time to avail the facility. No separate arrangement will be made for early reporters or late comers.

10. Miscellaneous :

- 10.1. The scouting of any type will amount to disqualification of the team from the competition.
- 10.2. Necessary books and reports for reference must be brought by the participants.
- 10.3. No travelling and dearness allowance will be paid to the participants.
- 10.4. The decision of the judge is final in regard to the result of the competition and no complaints in this regard will be entertained.
- 10.5. The Organizers' reserve all the rights to change any of the above rules if so required and as they deem appropriate.

All communications regarding the competition is to be addressed to:

E-mail - mootcourt.yclawpune@gmail.com

Fax – (020)24224607

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