

**THE 6<sup>TH</sup> ANNUAL  
ADV. B. P. APTE MEMORIAL  
NATIONAL MOCK TRIAL,  
MOOT COURT & JUDGEMENT  
WRITING COMPETITION,  
2018**

**28 – 30<sup>th</sup> September, 2018**

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**RULES & REGULATIONS**

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People's Education Society's '**Adv. Balasaheb Apte College of Law**' is to host its sixth edition of the National level Inter-collegiate Mock Trial, Moot Court and Judgement Writing Competition, on **28<sup>th</sup> to 30<sup>th</sup> September, 2018** at Adv. Balasaheb Apte College of Law, Dadar (West), Mumbai.

This Annual Event of Adv. Balasaheb Apte College of Law, Mumbai is hosted in the fond memory of Late Shri. Balwant Parshuram Apte (widely known as Adv. Balasaheb Apte), a distinguished legal luminary and also a noted parliamentarian. This competition mainly envisages to further the aim of Late. Shri. Balasaheb Apte, which was to attract students of law and young advocates towards the actual practice of advocacy and also to commemorate his contribution towards the legal fraternity.

**Drawing inspiration from our founding father, Late Shri B. P. Apte who was also a distinguished teacher of law and always strived to present before his students newer intricacies and make sure that the future lawyers were necessarily societally aware, this year the premise of the competition is based squarely on the issues of misuse of medical technology giving rise to societal evils like pre-natal sex determination and possibility of subsequent female foeticide giving rise to the problem of bias against the girl child.** The uniqueness about this competition is that the competition shall not be confined to any proceedings of any single forum/court. The participants shall get an opportunity to experience the proceedings of a Trial court and the Supreme Court as well. The preliminary rounds shall be in the nature of a mock trial in the Court of Sessions, the subsequent rounds will be a Moot Court arising out of a Writ Petition filed in the Hon'ble Supreme Court challenging the constitutional validity of the impugned provisions of the Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994.

1. **LANGUAGE:**

- The language of the competition shall be English.

2. **DRESS CODE:**

- The dress code shall be Advocate's attire (black and white formals for gentlemen & black and white western or Indian formals for ladies).
- Advocate's gown and white band are **prohibited**. Participants shall make their own provisions to comply with the dress code.

3. **ELIGIBILITY:**

- Bona-fide LL.B. students pursuing 3 or 5 years degree courses during the academic year 2018-2019 are eligible to participate. The students must be deputed by their respective colleges.
- Students above the age of 25 years are not permitted to participate in the competition.

4. **TEAM COMPOSITION:**

- Each participating college/ university shall send **only one team**.
- Each team shall consist of **maximum two members**. This number cannot be modified under any circumstances.
- Each team will be provided with a unique team code by draw of lots during the Orientation ceremony to be held on Friday, 28<sup>th</sup> September 2018 at 5:00 p.m.

5. **REGISTRATION:**

- Participants must note that **only 24 teams** will be registered to participate in the competition on a *first-come-first-serve* basis.
- The Registration Form is attached herewith. The participants shall register their entries by emailing the duly filled and scanned Registration Form (**soft**

copy) on or before, **10<sup>th</sup> August 2018**, from their college official email-id to [mootabacl@gmail.com](mailto:mootabacl@gmail.com). Thereafter, the participants shall receive an acknowledgement on successful submission of their registration.

- The first 24 teams shall be receiving a confirmation mail on their selection for participation.
- Participants receiving the confirmation of acceptance shall be expected to send the Registration Form (hard copy) along with the registration fees (latest by **21<sup>st</sup> August, 2018**).
- The registration fees shall be **Rs. 3000/-** payable by Demand Draft in favour of **“Adv. Balasaheb Apte College of Law”**.
- A hard copy of the Registration Form duly signed by the Principal/ Prof. In-Charge, along with the demand draft should reach;

**People’s Education Society’s**

**Adv. Balasaheb Apte College of Law,**

**Principal N. M. Kale Marg,**

**Gokhale Road (South), Dadar (West),**

**Mumbai - 400 028.**

**Tel – 022-24370421.**

By post or courier on or before **21<sup>st</sup> August 2018**.

- No change in the names of participants shall be permitted after the receipt of the Registration Form, except at the sole discretion of the organizers.
- Teams should clearly mention the participants’ names, contact number, year of study, name of the institution along with other requirements
- The college shall not provide travelling expenses to the participants. However, breakfast, lunch and tea shall be provided to the participants.

#### **5) ACCOMMODATION:**

- Organizers shall provide lodging and boarding facilities to participants only from **28<sup>th</sup> September 2018** (check in at 6:00 p.m.) to **30<sup>th</sup> September 2018** (check out at 8:00 a.m.).

- If participants wish to stay on the night of 30<sup>th</sup> September, then they should do so at their own costs.
- Participants requiring accommodation should fill the 'Accommodation section' provided with the Registration Form attached herewith.
- An additional fee of **Rs. 3000/-** shall be payable by Demand Draft in the name of "**Adv. Balasaheb Apte College of Law**" by the participants requiring accommodation. This amount is inclusive of the stay, all meals and transport to and from the place of accommodation and venue of competition.
- Separate accommodation shall be provided for male and female participants.
- Any misconduct or misbehavior of any participant during the course of accommodation shall be strictly dealt with and may lead to disqualification.
- On receipt of the Registration form and Demand Draft, each team will be assigned a representative of the college. In case of any queries with respect to the accommodation, the team members may contact the representative assigned to their team.

## **6. COMPETITION ROUNDS:**

There shall broadly be three rounds of the competition, viz. **two sets of Preliminary rounds, a Semi-final round and a Final round.**

Candidates will be judged on the basis of their knowledge of criminal law and evidence, persuasiveness, logic and reasoning, ingenuity, clarity, articulation and examination skills. There shall be no memorial submissions for the preliminary round.

- **Preliminary Round**
  - i. The preliminary rounds will be held on Saturday, 29<sup>th</sup> September 2018. All the teams shall report to the college at 07:30 a.m.
  - ii. **Each team shall be leading the evidence from both the sides** i.e. for the prosecution as well as for the defense. The opposing teams shall be

decided by draw of lots on the day of Orientation ceremony, i.e. Friday, 28<sup>th</sup> September 2018 at 5:00 p.m.

- iii. No team shall face each other more than once in the two sets of preliminary rounds.
- iv. The prosecution side and the defense side shall be provided with thirty minutes to brief their respective witnesses, before beginning of the trial.
- v. The time provided to **each team** shall be **maximum 35 minutes** which shall include the Opening Statement, Examination-in-chief, cross examination and closing statement. However, the timings may be extended at the sole discretion of the judges and organizers. The teams may reserve a maximum of five minutes out of the allotted time for their respective closing statements.
- vi. Marks of each **Preliminary round** shall be the cumulative total of the marks awarded to both the participants of a team.

• **Semi-Final Round:**

- i. **Two teams from every courtroom**, securing the highest cumulative total of both the preliminary rounds (which shall further include the Memorial Marks) shall qualify for the semi-final round. The team codes of the teams qualifying for the semi-finals shall be declared on Saturday, 29<sup>th</sup> September 2018 after the preliminary round. The Semi-Final Round will be held on 30<sup>th</sup> September at 9.00 am.
- ii. The Semi Final round shall be a Moot Court Competition. The teams qualifying for the Semi Final round will be required to argue upon the constitutional validity of the impugned provisions of Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994 before the Hon'ble Supreme Court.

*(The semi-finalists shall be at liberty to include supplementary issues or sub-issues in the same)*

- iii. The sides (Appellant/ Respondent) for the Semi-Finals will be decided by a draw of lots which will be conducted after the results of the preliminary round are declared.
- iv. The total time available for **each team** will be a **maximum of 30 minutes**. No speaker will be allowed to address the Court for a period more than 18 minutes. Teams may reserve a maximum of five minutes from the allotted time for the purpose of rebuttal.

• **Final Round:**

- i. One team from every courtroom, securing highest marks in the semi-final round shall qualify for the Final round. The team codes of the teams qualifying for the Final round shall be declared immediately after the results of the semi-final rounds
- ii. The Final round will be held on Sunday, 30<sup>th</sup> September 2018.
- iii. The Final Round shall again be a Moot Court be a *Writ Petition in the Hon'ble Supreme Court challenging the Constitutionality of the impugned provisions of the Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994.*
- iv. The teams appearing for the Petitioner and the Intervener (i.e. Doctors' Welfare Association and Dr. M. R. Patel) and the Respondent (Union of Aryavart) shall be decided by a draw of lots which will be conducted immediately after the results of the Semi Final Round are declared.
- v. The timings provided for the Final Round will be **40 minutes for each team**. No speaker shall be permitted to address the Court for a period more than 25 minutes. Each team may reserve a maximum of five minutes from the allotted time for the purpose of rebuttal.

vi. The finalist teams shall be at liberty to frame suitable issues in respect of the challenge to the constitutional validity of impugned provisions of the Act and the Rules made thereunder

However, the following questions may be relied upon;

1. Whether S. 23(2) of the PCPNDT Act, 1994, which empowers the Medical Council to take action such as suspension of sanad upon framing of charges is ultravires the Constitution of Aryavart?
2. Whether the presumptions provided under S. 24 of the said Act are contrary to the mandate of the Constitution of Aryavart?
3. Whether S. 22 of the said Act which prohibits the advocating of ways and means to conceive a male child other than by use of technology is ultravires the Constitution of Aryavart?

Additionally, the teams are at liberty to challenge any other provisions of the Act, subject to an express mention in the written submissions. The participants qualifying for the semi-final and final rounds shall be at discretion to use the abovementioned questions as guidelines in framing the issues.

#### **7. WRITTEN SUBMISSIONS/MEMORIALS:**

- All selected teams are required to submit Written Submissions pertaining to the subject matter of the Semi-Final and Final Round
- Teams must note that the Written Submissions shall carry **50 marks**.
- The Memorial Marks shall be added into the cumulative total marks of both the preliminary rounds.



- The concept of written submissions shall be slightly different from the traditional practice of drafting memorials. The Written submissions shall contain mainly the '*Arguments Advanced*', pertaining to the issues which have been provided above or any other relevant issues which the teams may themselves frame, followed by the prayers.
- The Written Submissions shall be on behalf of the Petitioner as also the Respondent.
- The format for the written submissions is as follows;
  - ✚ **Cover page** - Blue for the Petitioner and Red for the Respondent.
  - ✚ The Cover page shall contain the title of the case as also the side, (Petitioner/ Respondent) in bold.
  - ✚ **Font** - Times New Roman, 12. (10 for footnotes)
  - ✚ **Line spacing** - 1.5. for body and 1.0 for footnotes.
  - ✚ **Page Size** – A4 Size.
  - ✚ **Margin** – 2.54 cm from all sides.
  - ✚ **Page Borders** – Double lined page border for all pages.
  - ✚ **Page Number** – Page Numbers shall be mentioned at the bottom of the page.
  - ✚ **Header** – Header of all the pages shall mention “**THE 6<sup>TH</sup> ANNUAL ADV. B.P. APTE MEMORIAL MOCK TRIAL, MOOT COURT AND JUDGEMENT WRITING COMPETITION, 2018**”
  - ✚ **Word Limit** – No Word Limit. However, the arguments advanced shall not exceed 25 pages.
- Content of the Written Submissions/Memorials shall be as follows;
  - ✚ **Cover Page**
  - ✚ **Index**
  - ✚ **Index of Authorities**
  - ✚ **Issues**

### ✚ Arguments Advanced

### ✚ Prayers

- Participants are expected to submit *only* the soft copies of the written submissions/memorials (pdf format only) latest by **Saturday, 24<sup>th</sup> September, 2018**.
- The soft copies shall be emailed to **mootabacl@gmail.com**
- The subject of the mail shall be titled as follows;  
**“Written Submissions - Name of College/Institution”**
- Please note that it is not necessary to submit hard copies of the written submissions prior to the competition. However, teams are required to carry along with them, 6 copies of the written submissions on the date of the competition.

### **General Rules regarding the rounds:**

All the participating teams are expected to carry with themselves all case laws, bare acts and authorities which they intend to refer along with their own copies of memorials.

The participants, during the course of oral submissions, will **not** be permitted to make any audio/visual representation nor will they be allowed to use personal computers, laptops and any other technical or mechanical device.

The decision of the judges shall be final.

### **8. JUDGEMENT WRITING COMPETITION:**

- i. The Judgement Writing Competition shall be a part of the Adv. B. P. Apte Memorial Mock Trial, Moot Court & Judgement Writing Competition, 2018 (Sixth edition).
- ii. The Judgement Writing Competition shall be conducted on Saturday, 29<sup>th</sup> September 2018 after the preliminary rounds.

- iii. Any one of the two participants from each team shall participate in the Judgement Writing Competition.
- iv. Judgement shall be based on the Mock Trial conducted in the Preliminary Round. It shall reflect the forum/ court in which the trial is set and argued.
- v. Participants shall be provided one hour to write the judgment.

9. **WITNESSES:**

- Seven (5 + 2) witnesses will be provided by the organizers.
- The prosecution as well as the defense shall be provided with **thirty minutes** to brief their witnesses prior to the beginning of the trial.
- **Each witness is bound by the facts contained in his/her own witness statement**, the Statement of Facts and/or any necessary documentation relevant to his/her testimony. Fair extrapolations may be allowed, provided reasonable inference may be made from the witness's statement. If, during examination, a participant asks a question which calls for extrapolated information pivotal to the facts at issue, the information is subject to objection under "unfair extrapolation." A witness is not bound by facts contained in other witness statements.
- Participants must note that only the following witnesses shall be provided for the purpose of examination in the trial;

**Prosecution side:**

1. Mrs. Kavita Sachin Mohite (Complainant& PW 1)
2. Mrs. Veena Madhav Deodhar (Decoy & PW 2)
3. Mr. Madhav Dattatray Deodhar (Husband of Decoy&PW3)
4. S. N. Patil (Pancha Witness & PW 4)
5. Appropriate Authority, Dr. A. S. Gadgil (PW 5)

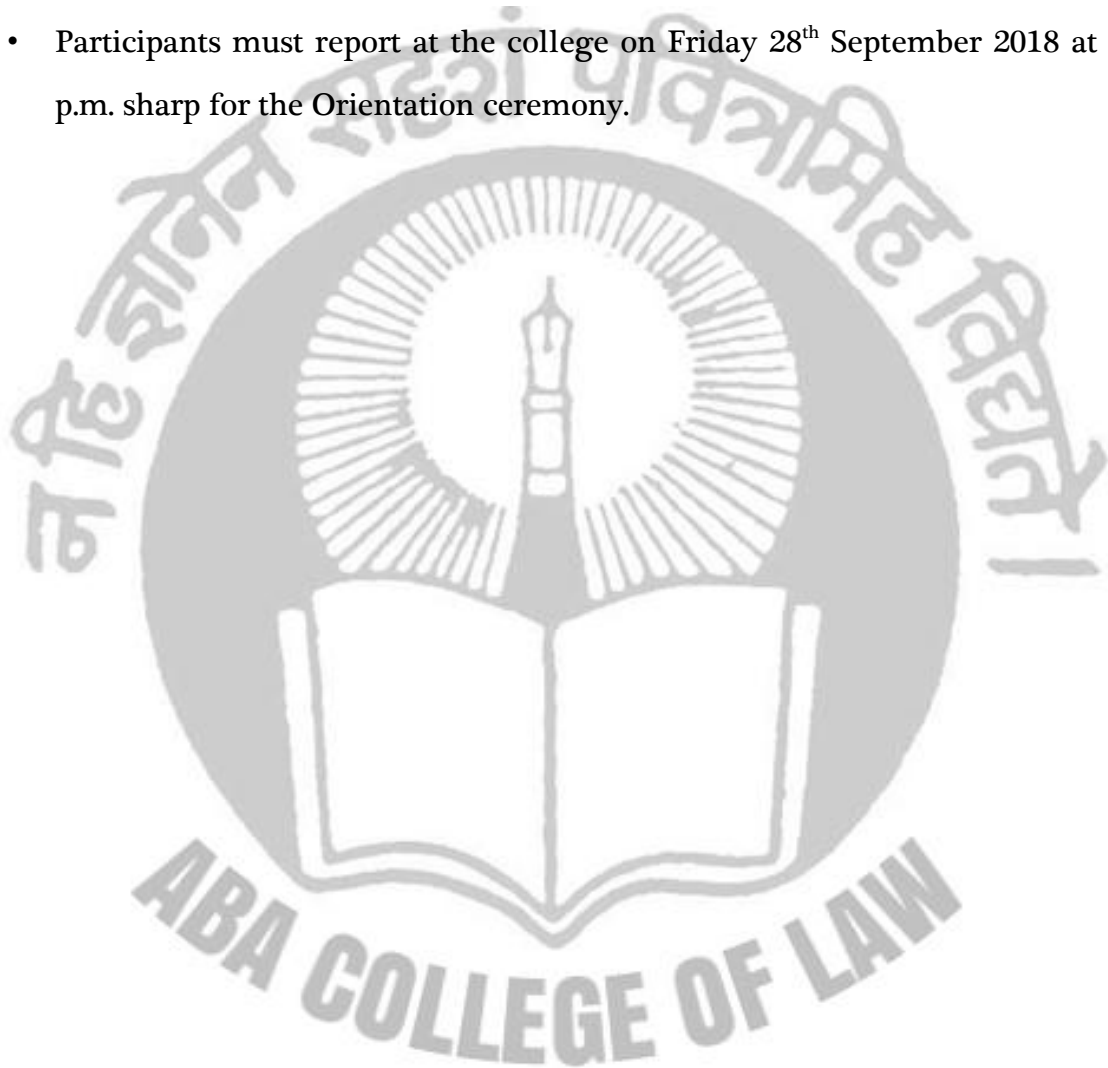
**Defence Side:**

1. Dr. M. R. Patel (Accused & DW 1)
2. Mr. Sachin Sharad Mohite (Co- Accused DW 2)

**10. MISCELLANEOUS:**

- Decisions of the judges shall be final and binding.
- Decisions regarding interpretation of any of the rules shall be taken by the organizers. This decision shall be final and binding on the participants.
- Please note that there are no memorial submissions for this competition.
- **In case of any queries or clarifications in respect of the competition, the teams may send an email to [mootabacl@gmail.com](mailto:mootabacl@gmail.com). However, no emails asking for clarifications would be entertained after 20<sup>th</sup> August, 2018.**
- Rules should be strictly adhered to. Any deviation thereof can attract disqualification.
- Teams shall not be allowed to observe the examinations of any other teams. Scouting is strictly prohibited and shall result in disqualification.
- The organizers reserve the right to take appropriate action for any unethical, unprofessional or immoral conduct.
- All the participants are expected to maintain the decorum of the court throughout the competition and are expected to maintain their conduct in a manner befitting the legal profession.
- The organizers will resolve any contingencies that may arise and will be final arbiters regarding any doubts/grievances.
- Any kind of reference to the identity of the participants or of their respective institutes can attract disqualification of that participant/team.
- Participants must carry their current College ID-cards along with them to the competition.
- Video recording or taking photographs during trial is strictly prohibited.

- If there arises any situation which is not contemplated by any of the abovementioned rules, the organizers' decision on the same shall be final and binding
- The college reserves the right to vary, alter, modify or repeal any of the above rules, which may be without prior notification, if so required and as they may deem appropriate.
- Participants must report at the college on Friday 28<sup>th</sup> September 2018 at 4.30 p.m. sharp for the Orientation ceremony.



**11. IMPORTANT DATES:**

10 <sup>th</sup> August, 2018 (last date)	Acceptance of Registration forms (soft copies).
21 <sup>st</sup> August, 2018 (last date)	Acceptance of Registration forms (hard copies) along with Demand Draft upon receipt of confirmation of registration following the dispatch of scanned copy of the Registration Form by the Participating Team.
24 <sup>th</sup> September, 2018	Deadline for soft copy submission of Written Submissions/Memorials.
28 <sup>th</sup> September, 2018	Orientation ceremony (at 5.00 pm)
29 <sup>th</sup> September, 2018	Preliminary Round (Reporting time to the college at 07:30 am sharp)
29 <sup>th</sup> September, 2018	The Judgment Writing Competition after the Preliminary Round(s).
30 <sup>th</sup> September, 2018	Semi-final round (at 9.00 a.m.) and thereafter the Final Round.
30 <sup>th</sup> September, 2018	Valedictory function followed by the Prize Distribution Ceremony.

- Student Coordinators:

- Devashri G. Karandikar- +91 9004214152
- Gargi U. Warunjikar- +91 9820887345

**PEOPLE'S EDUCATION SOCIETY'S  
ADV. BALASAHEB APTE COLLEGE OF LAW**

***Presents***

**Adv. B.P. Apte Memorial Mock Trial, Moot Court and Judgement  
Writing Competition, 2018 (Sixth Edition)**

**REGISTRATION FORM**

**Instructions:**

1. Kindly fill the registration form in CAPITAL letters.
2. Participants shall write their names in that manner as expected on the certificates.

Name and Address of the participating college/institution:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contact no. of the college/institution: \_\_\_\_\_

Name of Speaker 1: \_\_\_\_\_

Year of study: \_\_\_\_\_ Age: \_\_\_\_\_

Contact number: \_\_\_\_\_, Gender: \_\_\_\_\_

Email-Id: \_\_\_\_\_

Attached  
Photo

Name of Speaker 2: \_\_\_\_\_

Year of study: \_\_\_\_\_ Age: \_\_\_\_\_

Contact number: \_\_\_\_\_, Gender: \_\_\_\_\_

Email-Id: \_\_\_\_\_

Attached  
Photo

(The photographs of the bona- fide participants shall be attested by their college principal)

**Registration fees – Rs 3000/-**

Demand Draft number: \_\_\_\_\_

Name & Address of the Bank:

\_\_\_\_\_  
\_\_\_\_\_

Name of Faculty In-charge: \_\_\_\_\_

Designation: \_\_\_\_\_

Contact no: \_\_\_\_\_

**ACCOMMODATION:**

**Accommodation charges –Rs. 3000/-**

Demand Draft no: \_\_\_\_\_

Name & Address of the Bank:

\_\_\_\_\_  
\_\_\_\_\_

We the abovementioned declare that the institution and its members shall completely abide by the rules and regulations set up for the competition. We also hereby declare that the information provided is true and accurate.

Sign and Seal of the Principal/Head of the Institute



**PEOPLE'S EDUCATION SOCIETY'S**  
**ADV. BALASAHEB APTE COLLEGE OF LAW**

*Presents*

*Adv. B.P. Apte Memorial Mock Trial, Moot Court and Judgement*  
*Writing Competition, 2018 (Sixth Edition)*

**TRAVEL DETAILS**

NAME & ADDRESS OF PARTICIPATING COLLEGE/INSTITUTE

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**ARRIVAL:**

DATE AND TIME OF ARRIVAL:

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MODE OF TRANSPORT:

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**DEPARTURE:**

DATE AND TIME OF DEPARTURE:

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MODE OF TRANSPORT:

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NAMES & CONTACT NUMBERS OF BOTH PARTICIPANTS

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