

SHRI SHARDA BHAVAN EDUCATION SOCIETY'S
NARAYANRAO CHAVAN LAW COLLEGE
NANDED
(MAHARASHTRA)



Late Kusumtai Chavan
Memorial



7TH NATIONAL MOOT COURT COMPETITION

(41ST YEAR OF MOOT COURT COMPETITION)

Saturday, 14th MARCH 2020

Establishment Year: 1970

Post Box No. 201

Phone No. Office: (02462) 253771

Principal: (02462) 254869 Library- 250127



Shri Sharda Bhavan Education Society's

NARAYANRAO CHAVAN LAW COLLEGE, NANDED

NAAC Re-accredited B++ Grade

(Affiliated to Swami Ramanand Teerth Marathwada University, Nanded)

E-Mail: nclcnanded@yahoo.com Website: www.nclawcollegenanded.org

President	Secretary	Principal
Hon'ble Shri Ashokrao Chavan B.Sc.,M.B.A.	Shri D.P.Savant B.Sc. (Hons)	Dr. V. S. Khakare LL.M., SET, Ph.D.

Ref.No.:

To,
The Principal,

Sub.: Late Kusumtai Chavan Memorial 7th National Moot Court Competition, to be held on Saturday, 14th March 2020.

Sir,

Shri Sharda Bhavan Education Society's Narayanrao Chavan Law College, Nanded in its endeavour to enhance legal skills & augment knowledge of law, yearly organizes Moot Court Competition. This is the 41st year of Moot Court Competition & Since 2014 the college has decided to make it a much bigger event & since then this will be the 7th National Level Moot Court Competition, which is ever known for adopting new practices.

It gives us immense pleasure to invite your esteemed institution to participate in Late Kusumtai Chavan Memorial 7th National Moot Court Competition to be held on 14th March 2020 in our college. We request you to send a team of 02 students for participation in above captioned competition. The Registration Form along with the moot problem and rules is enclosed herewith.

The date of registration was 15th Feb 2020. However, the said date has been extended further till **25th Feb. 2020** and the date of submission of memorial is further extended till **5th March 2020**. Kindly ensure that you comply with the due dates so as to facilitate us to make necessary arrangements.

Your participation would be our privilege. For any information or clarification please write us or call us.

Thank you.

Yours faithfully,

**Dr. V.S. Khakare
Principal**

Encl.:

1. Moot Problem
2. Rules of Competition.
3. Registration Form.

M. BANERJEE AND OTHERS VS. UNION OF INDICA

The internet plays a vital role in ensuring that people stay in contact regardless of the physical barriers. Most friendships and business connections would die without the internet. It may not be equivalent to face-to-face communication, but it allows people to maintain important relationships. In an initiative to encourage digitalisation, the Hon'ble Prime minister of Union of Indica started 'Digital Indica' drive. It focused upon- creation of digital infrastructure, delivery of services digitally, improvement in mode of communication and business administration and many more. Internet plays a significant role in achieving all the aforesaid activities.

The right to Internet access, also known as the right to broadband or freedom to connect, is the view that all people must be able to access the Internet in order to exercise and enjoy their rights to freedom of expression and opinion and other fundamental human rights. International organisations are considering use of internet as basic human right. This recent development suggests that States may have a responsibility to ensure that Internet access is broadly available, and that States may not unreasonably restrict an individual's access to the Internet. Today, right to internet service is closely associated with other fundamental rights such as right to speech and expression, right to development and right to assembly.

The Union of Indica comprises of 29 states and 9 Union territories. Each territory enjoys certain degree of autonomy and control over the affairs within its jurisdiction. The areas of territorial autonomy are decided as per the scheduled provisions of Constitution of Indica.

The Union Territory of Gudigudi in a dominion falling under the control of Union of Indica. The social structure of the territory is such that- communal violence and anti-national activities are quite frequent. On one occasion, a WhatsOn (a messenger app) message disparaged a particular religion causing sever unrest among the locals. More sharing of the said message through different social media sites and applications eventually caused protests and some incidences of violence in the territory.

To maintain law and order, the Union of Indica, imposed certain restrictions in Gudigudi. Along with suspension of freedom of movement and other rights, the authorities also suspended the Internet facility throughout the territory. The suspension was not only limited to use of social media sites but internet service in total. The decision adversely affected communication, net banking, voice calls, SMS, tourism, day-to-day business activities etc. The banking services were disrupted. The online traders suffered loss of business profit. The Universities had to postpone their exams due to non-availability of internet facility. The students were unable to submit various exam forms within scheduled time limit. The needy were unable to withdraw money from ATM in time. This caused serious unrest among the people as many people suffered irreparable loss.

Being aggrieved by the said decision and hardship, various petitions were filed before the Hon'ble Supreme Court of Indica under Art. 32 of the Constitution of Indica seeking issuance of appropriate writs, to compensate for losses suffered, for setting aside or quashing the order of suspension of internet service in the UT and to restore all modes of communication. Considering the similarity of matters, the Hon'ble Supreme Court clubbed all the petitions as the present one.

In furtherance of the said writ, the Hon'ble Supreme Court issued a show cause notice to the Union of Indica. In reply to the said notice, the Union of Indica opposed the writ petition and justified their actions.

Considering the petition and say on it, the Supreme Court of Indica has posted this case final hearing with the following issues:

ISSUES:

- 1) Whether suspension of Internet facility is in violation of Art. 14?
- 2) Whether suspension of Internet facility is in violation of Art. 19?
- 3) Whether suspension of Internet facility is in violation of Art. 21?
- 4) Whether petitioners are entitled for compensation?

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**Note:**

- Arguments should be strictly limited up to the issues framed.
- The Laws of Indica are Mutatis Mutandis to the Laws of India.
- All the characters, events, names, places used in the moot problem are fictitious and having no resemblance with any living or non-living person or property, and have framed only for the purpose of this moot court competition. If it seems to be resembling, that shall be construed as a mere coincidence.

Shri Sharda Bhavan Education Society's  
**NARAYANRAO CHAVAN LAW COLLEGE, NANDED**

**Late Kusumtai Chavan Memorial  
7<sup>th</sup> National Moot Court Competition  
Saturday, 14<sup>th</sup> March 2020**

**Rules for the Competition**

**A. Eligibility & Registration:**

1. Team from Law Colleges and Universities all over India, recognized by Bar Council of India shall be eligible to participate in the competition.
2. The members of each team should comprise of two members i.e. two Mooters. One institution is allowed to send only one entry.
3. Members of the team should be under graduate law students either pursuing 3 Years or 5 Years law course.
4. Each team shall pay Registration Fees of Rs.2000/- by-
  - a) Demand Draft drawn in the name of *The Principal, Narayanrao Chavan Law College, Nanded, payable at Nanded;*
  - or**
  - b) NEFT/UPI/Online: Bank: **Corporation Bank**; Current A/c No.: **520101048956860**; IFSC Code: **CORP0001028**
5. The teams must register on or before ~~15<sup>th</sup> February 2020~~ **25<sup>th</sup> February 2020**, by sending a scanned copy of Registration Form along with Scanned copy of Demand Draft or Screenshot of Online payment and a covering letter at [nclcnmoot@gmail.com](mailto:nclcnmoot@gmail.com). The original hard copy of the registration form along with demand draft or print of online payment and covering letter shall be sent along with the memorials.

**B. Date & Venue:**

1. Date of Competition : 14<sup>th</sup> March 2020, Saturday.
2. Venue : Narayanrao Chavan Law College,  
VIP Road, Nanded-431602(Maharashtra)

**C. Rules for the Competition:**

1. The competition will be in English only.

2. The Competition will be conducted before division bench. The number of courts shall depend upon the number of entries received for the competition.
3. The decision of the judges as to assessment of oral submissions & written memorials shall be final & no disagreement shall be entertained in this regard.
4. The dress code for the participants shall be white dress with black coat and a black tie.
5. The participants shall have to prepare & argue the case as if they are appearing before the Hon'ble Supreme Court.
6. All the participating teams are expected to carry with them any case law & authorities which they intend to refer.
7. The competition will be conducted in 2 rounds, i.e. Preliminary Round and Final Round.

**Rules for Preliminary Round:**

1. In the preliminary round, each team will be allotted a team code and court room number. The team members are required to appear before the bench as per their code and present their case against their own companion speaker i.e. the Petitioner of a team will argue with the Respondent of the same team.
2. Each speaker will be given time of maximum of 08 min. (7+1) for oral submission in the preliminary rounds. There will be a warning bell after 07 minutes & a final bell after completion of 08 minutes of commencement of arguments by the participant. If the speaker exceeds time more than time given, except with the permission of the judges, the team would be liable for negative marking. Since both the Speakers of a team are arguing against each other belonging to the same institution, no rebuttal or Sur-rebuttal is permitted.
3. The marks for first round, of each individual speaker shall be computed by addition of memorial marks & oral submission marks. The total marks will be the aggregate of the marks given by both the judges to each participant.
4. Each team shall be assessed out of 400 marks during oral submissions (i.e. marks will be calculated as 100 marks to each Mooter by each judge of the bench.). 50 marks for each memorial will be separately added in order to count the merit. The marks collectively scored by both the speakers along with the marks scored for memorial shall be computed for the purpose of qualifying for the final round.
5. Two highest scorer teams from each court shall qualify for the final rounds.

**Rules for Final Round**

1. Final round shall be presided over by a full bench.

2. Final round shall be assessed out of 600 marks (i.e.100 marks to each speaker by three judges' bench).
3. Two winning teams from each court in preliminary round shall be advanced to the final round and team scoring highest mark in the final round will be adjudged as winner team.
4. The allotment of sides of arguments and the opponent team in the final round shall be decided by draw of lots, to be taken place at the end of preliminary round. (Please note that, considering the time constraint no exchange of memorial is advanced during the competition).
5. The final round shall commence immediately after draw of lots.
6. In the final round each team will argue as a team and compete against another team.
7. The two mooters representing a University/College will argue from the same side. The speakers need to divide the issues among themselves and present accordingly. Each team will be allotted with 10 minutes time to complete the argument and 5 minutes for rebuttal, if any (total 15 minutes). No Speaker can exceed 6 minutes time, of the 10 minutes. The Petitioner team shall present their argument for 10 minutes. Then, the Respondent shall present their case for 10 minutes and rebuttal, if any, for 5 minutes. Later, the Petitioner team shall get 5 minutes for rebuttal against Respondent.

**D. Memorials:**

1. Five copies of the memorials from each side i.e. Petitioner & Respondent (Total 10), in prescribed format are required to be submitted on or before ~~1<sup>st</sup> March 2020~~ **5<sup>th</sup> March 2020**. Memorials shall not be accepted thereafter and team shall be disqualified from the competition.
2. Memorials shall be strictly in the format given below-
  - a. Title Page (1 Page)
  - b. Table of Contents (1 Page)
  - c. Index of Authorities along with Bibliography (1 or 2 Pages)
  - d. Statement of Jurisdiction (1 Page)
  - e. Statements of Facts (1 or 2 Pages)
  - f. Statement of Issues (1 Page)
  - g. Summary of Arguments (1 or 2 Pages)
  - h. The Arguments Advanced (15 Pages)
  - i. Prayer Clause (1 Page)
3. Memorials should be typed & stapled with paper cover, in Blue colour for Petitioner and Red colour for Respondent.
4. Typing of memorial should be as per specifications given below-

- a. Paper Size - A4 not more than 70 GSM
- b. Font Size - 12
- c. Font Type - Times New Roman
- d. Line Spacing - 1.5
- e. Margins - 1 Inch on each side.

5. Specifications for foot notes are given below:

- a. Font Size - 10
- b. Font Type - Times New Roman
- c. Spacing - 1

5. Memorials once submitted shall not be returned back to the participants in any case nor shall any amendment be allowed after submission of the memorials.
6. Teams are required to carry their own copies of memorials, books, case laws etc. for the reference during competition.

#### **E. Marking criteria for memorials**

1. Memorial from each side shall carry total of 50 marks in preliminary rounds.
2. The following shall be the criteria for marking memorials.

| <b>Sr. No.</b> | <b>Marking criteria</b>                  | <b>Marks allocated</b> |
|----------------|------------------------------------------|------------------------|
| 1              | Articulate use of facts & Law            | 10                     |
| 2              | Originality of thought & Proper analysis | 10                     |
| 3              | Grammar and Format                       | 10                     |
| 4              | Extent of citation in research           | 10                     |
| 5              | Clarity and organisation                 | 10                     |
|                | <b>Total:</b>                            | <b>50</b>              |

#### **F. Marking criteria for arguments**

1. Each speaker will be marked out of 100 marks by each bench judge.
2. The following will be the marking criteria and the marks allocated to each speaker by each judge in the round:

| <b>Sr. No.</b> | <b>Marking criteria</b>                                                     | <b>Marks allocated</b> |
|----------------|-----------------------------------------------------------------------------|------------------------|
| 1              | Appreciation and application of facts                                       | 15                     |
| 2              | Substance in arguments                                                      | 25                     |
| 3              | Skills of advocacy                                                          | 25                     |
| 4              | General Impression, Court Manners, answer to court questions and behaviour. | 35                     |
|                | <b>Total:</b>                                                               | <b>100</b>             |

#### **G. Prizes:**

1. Best Team - Trophy and Certificate
2. Runner up Team - Trophy and Certificate
3. Best Advocate/Mooter - Trophy and Certificate
4. Runner up Mooter - Trophy and Certificate
5. Consolation Prize (Individual) - Trophy and Certificate
6. Best Memorials - Trophy to Institution



Certificates of participation shall be given to all the participants after the competition is over.

**H. Other Rules:**

1. All participants are expected to maintain the decorum in the court during the competition & are expected to conduct themselves in a manner befitting the legal profession.
2. The participants shall not be allowed to enter the court room except for their own case presentation during the preliminary round. During the final round, only the teams disqualified in the preliminary round shall be allowed to hear the presentations of qualifying teams.
3. The organizer's decision regarding the interpretation of rules or any other matter related to the competition will be final.
4. If there is any situation which is not contemplated in the rules, the organizer's decision on the same shall be final.

**I. Miscellaneous:**

1. Travelling allowance of the participants shall be borne by their respective institution.
2. Accommodation will be provided on advance request for outstation participants subject to payment of Rs. 1000/- per day to be paid along with registration fees (maximum for two persons only). Additional members accompanying the team shall have to make their own arrangements for accommodation.
3. Food shall be provided to the participants only during the competition.
4. Participants should inform the organizing committee, well in advance, as to their travelling schedule as well as date & time of arrival.
5. The details along with the rules of competition, Moot Problem, Registration Form and any future information, including the amendments if any, in the competition shall be communicated to the participating teams.
6. The result of the competition & prize distribution shall be on the same day i.e. on 14<sup>th</sup> March 2020.

**J. How to Reach Nanded**

|            |   |                                                |
|------------|---|------------------------------------------------|
| By Railway | - | Hazur Sahib Nanded Railway Station (NED)       |
| By Air     | - | Shri Guru Gobind Singh ji Airport Nanded (NDC) |
| By Road    | - | Nanded                                         |

### **K. Important Dates**

1. Date of Registration - On or before ~~15<sup>th</sup> February, 2020~~ **25<sup>th</sup> Feb 2020**
2. Submission of Memorials - On or before ~~1<sup>st</sup> March, 2020~~ **05<sup>th</sup> March 2020**
3. Date of Competition - **14<sup>th</sup> March 2020**
4. Prize Distribution - **14<sup>th</sup> March 2020**

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**Coordinator: Dr. Mangalsingh S. Bisen (8888092111)**

**Co-coordinator: Shaikh Junaid (9503973482)**

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Note: In case of any query please contact preferably between 11.00 AM to 2.00 PM or mail us at nclcnmoot@gmail.com.

Shri Sharda Bhavan Education Society's
NARAYANRAO CHAVAN LAW COLLEGE, NANDED

**Late Kusumtai Chavan Memorial
7th National Moot Court Competition
14th March 2020**

REGISTRATION FORM

Name of the Institute : _____

Address of the Institute: _____

Institute Email/Website: _____

Description of D.D.: No. _____ Bank _____ Date _____ *Or*

NEFT/UPI/Online: Transaction ID _____ Date _____

Accommodation: Required Not required

| | | | |
|----|---------------------------------------|--|-------|
| 1. | Name of the Speaker 1
(Petitioner) | | Photo |
| | Class | | |
| | Address | | |
| | Contact No. | | |

| | | | |
|----|---------------------------------------|--|-------|
| 2. | Name of the Speaker 2
(Respondent) | | Photo |
| | Class | | |
| | Address | | |
| | Contact No. | | |

* Photographs should be signed by the Mooter and attested by the Principal/ Head of the concerned Institution. Further, the Principal/ Head shall certify that the two mooters are bonafide students of the Institution.

**Signature and Seal of the Principal /
Head of the Institution**