

**RAKESH AGGARWAL MEMORIAL
NATIONAL
MOOT COURT
COMPETITION, 2016**

**2ND & 3RD APRIL, 2016
(SATURDAY & SUNDAY)**



IDEAL INSTITUTE OF MANAGEMENT AND TECHNOLOGY

&

SCHOOL OF LAW

(An ISO 9001:2008 Certified Institution)

(GGs Indraprastha University)

('A' Grade NAAC Accredited University)

16-X, Karkardooma Institutional Area, Delhi-110092

www.idealinstitute.org.in Email- idealmootcourt1@gmail.com

Ideal Institute of Management and Technology
&
School of Law
(G.G.S. Indraprastha University, Delhi)

INVITATION LETTER

Date: 15th Feb, 2016

The Vice-Chancellor/Director/Principal /H.O.D.

SUBJECT: Invitation to Participate in the Rakesh Aggarwal Memorial National Moot Court Competition – 2016

Dear Sir/Madam,

It gives us immense pleasure to invite your esteemed institution to participate in the ***Rakesh Aggarwal Memorial National Moot Court Competition – 2016***. The Moot Court Competition is being organized by Ideal Institute of Management and Technology & School of Law.

In continuation of the legacy set up by Late Sri Rakesh Aggarwal this moot court is being organized with a purpose to spread the maximum awareness among the law students and the exposure to the current legal issues in the country. This competition will surely add to the research, writing and oral skills of the students on legal issues.

The Moot Court Competition shall be held on March 2nd & 3rd, 2016 (Saturday & Sunday) at Ideal Institute of Management and Technology & School of Law, Karkardooma, New- Delhi.

We look forward to the participation of your team in the aforesaid Moot Court Competition and making it a successful event.

Please see the moot problem, rules and regulations annexed with the invitation.

With Warm Regards,

Yours sincerely,
Prof. T.P.S. Rathore
Principal
School of Law, IIMT

16X, Karkardooma Institutional Area, Delhi –
110092 Ph: 22372639, 65288868 Fax: 22375961

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Promoted by: New Millennium Education Society (Regd.)

**RAKESH AGGARWAL MEMORIAL
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**2ND & 3RD APRIL, 2016
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BEFORE THE SUPREME COURT OF VALSTON

WRIT PETITION (CIVIL)

IN THE MATTER OF:

Association of Advocates-on-Record ... PETITIONER

VERSUS

Union of Valston ... RESPONDENT

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Disclaimer: This hypothetical problem has been created only for the use in this competition and it has no connection with any place and any person living or dead.

MOOT PROBLEM

BEFORE THE SUPREME COURT OF VALSTON WRIT PETITION (CIVIL)

IN THE MATTER OF:

ASSOCIATION OF ADVOCATES-ON-RECORD

... PETITIONER

VERSUS

UNION OF VALSTON

... RESPONDENT

1. Valston is a common law country having cultural, social, geographical and political and legal system similar to that of INDIA. The country of Valston got its independence from the colonial rule of The Great Linborough.
2. Valston is a democratic country having federal structure of States similar to that of INDIA and adopted its own Constitution after its independence from the colonial rule. The enacted Constitution of Valston is exactly similar to that of India including the provisions for the amendments therein and pledges and practices the separation of power among the legislative, executive and judiciary with the absolute independence of judiciary from legislature and the executive. Even the legislative laws are open for the judicial review as far as they are inconsistent with the basic structure of the Constitution and are held *ultra vires* for infringing or violating the same. Valston, time to time, also follow and adopt the amendments made by the Republic of India in their Constitution.
3. The Constitution of Valston originally provided for the procedure for the transfer and appointment of Judges and functioning of Supreme Court (Apex Court of Valston) and State High Courts of various States of Valston. The Constitution of Valston states that the judges of the Supreme Court and High Courts shall be appointed by the President of Valston by warrant under his hand and seal after consultation with such of the judges of the Supreme Court and of the High Court in the States.
4. In the past the various rifts between the judiciary and legislature regarding the appointment and transfer of judges of High Courts and the Supreme Court of Valston has been recorded on account of allegations of Nepotism. This conflict between the legislature and the judiciary had, many a times, been brought before the Supreme Court of Valston by way of writs in respect of transfers and appointment judges of the Supreme Court and State High Courts. In one of the leading case, the Supreme Court stated that “the ‘primacy’ of the Chief Justice of Valston ‘recommendation’ to the President can be refused for the ‘cogent reason’.” This brought a paradigm shift in the favour of executive and legislature having primacy over the judiciary in judicial appointment for the period of over a decade. The situation changed after another case before the Supreme Court wherein it was held that “The role of the Chief Justice of Valston is primal in nature because this being a topic within the judicial family, the executive cannot have an equal say in the matter. Here the word ‘consultation’ would shrink in a mini form. Should the executive have an equal role and be in divergence of many a proposal, germs of indiscipline would grow in the judiciary.”

After this a new Collegium system was formed for the appointment and transfer of judges of High Courts and the Supreme Court.

5. The collegium system for the transfer and appointment of Judges in High Courts and Supreme Court is functioning for last more than two decades. The collegium consists of Chief Justice of Valston, four senior most judges of Supreme Court of Valston and three members of concerned High Court including the Chief Justice of such High Court.

6. In the year 2014, a newly elected government of NTA party came into power in the Centre through general elections of the Valston. The new government of Valston brought a Constitutional Amendment Bill in August, 2014 proposing the amendment in the procedure for the transfer and appointment of judges in High Courts and Supreme Court of Valston, which was passed in both the houses of the Parliament and also got assent of the President of the Valston. The amendment in the relevant Article of the Constitution provide for the procedure for the transfer and appointment of judges of the High Courts and the Supreme Court of Valston as:

“...the judges of the Supreme Court and High Court shall be appointed by the President by warrant under his hand and seal on the recommendation of National Judicial Appointment Commission (NJAC).”

7. In order to put this amendment in function, the Central Government of Valston brought a Bill before the Parliament as ‘National Judicial Appointment Commission Bill, 2014’ which was also passed in both the houses of Valston’s Parliament as well as got the assent of the President. The said Bill was notified and enacted in the month of December 2014.
8. The NJAC Act, 2014 replaced the previous collegium system for the transfer and the appointment of Judges. The NJAC Act defines the Constitution of Commission known as National Judicial Appointments Commission that consist of Chief Justice of Valston (Chairperson *ex-officio*), two other senior judges of Supreme Court (next to the CJI of Valston), Union Minister in-charge of the law and justice (*ex-officio*), two eminent persons (nominated by the committee consisting of Chief Justice, Prime Minister and Leader of Opposition of lower house of Valston).
9. By the enforcement of NJAC, the country of Valston witnessed a huge chaos and a disruption between the two limbs of the State i.e. the judiciary and legislature and the conflict aroused in the State between the two. The change in the manner of appointment of judges got displeasure form some people among legal fraternity and judiciary on account of interference of the political parties as well as of the legislature in the independency of the judiciary and was fearsome as judiciary would lie under the impression of the legislative body. On the other hand the action got welcoming response from political parties and legislative bodies claiming that it would bring about a revolution in the two decade old collegium system.
10. The legislative body gave the arguments in favor of NJAC that it will bring transparency in the appointment of judges as the collegium system is a close door affair with no transparency. It will bring down the administrative burden of appointing and transferring judges without a separate secretariat or intelligence gathering mechanism dedicated to collection of and checking personal and professional backgrounds of prospective appointees.
11. The judicial body argued in favor of the old collegium system and against the NJAC and the amendment brought for its implementation in the Constitution that the new amendment is against the basic structure of Constitution and it will bring down the independency of judiciary and a indirect interference of the legislature in the functioning of judiciary as a whole.
12. Now the Association of Advocates-on-Record has brought this matter before the Supreme Court through a writ petition under the original jurisdiction of Supreme Court of Valston, questioning the legality of the said amendment and its Constitutional validity along with that of NJAC Act, 2014.

**RAKESH AGGARWAL MEMORIAL
NATIONAL MOOT COURT COMPETITION, 2016
RULES AND REGULATIONS**

1. AIM AND PURPOSE

The Ideal Institute of Management and Technology & School of Law is organising Rakesh Aggarwal Memorial National Moot Court Competition, 2016 in the memory of its founder and visionary, Shri Rakesh Aggarwal.

The objective of the Competition is to expose law students to important issues arising in contemporary socio-eco & legal settings. Law students who participate in the Competition will have the opportunity to develop their research, legal writing and oral advocacy skills in a mock courtroom setting.

2. DATE AND VENUE

The Competition shall be held on **2ND & 3RD April, 2016 (Saturday & Sunday)** at Ideal Institute of Management and Technology & School of Law.

The participants have to report at Ideal Institute of Management and Technology & School of Law, (G.G.S. Indraprastha University) 16-X, Karkardooma Institutional Area, Delhi – 110092.

3. COMPETITION FORMAT

The competition is structured as per the following format:

- (1) Preliminary Round
- (2) Quarter Final Round
- (3) Semi Final Round
- (4) Final Round

4. ELIGIBILITY

Students of **3 year or 5 year** law degree courses from any University are eligible to apply for registration of their team. However, only **one** team shall be allowed to participate from one College/Institution/Department. Provided if any college is running both the courses, (3 year and 5 Year) they may send **two** teams exclusively **one** from each course.

5. TEAM COMPOSITION

- 5.1** Each team shall consist only of **three** members, comprising of **two** Mooters and **one** Researcher.
- 5.2** Any alteration/change in the names of the team members shall be intimated in writing by the Dean / Director/ Head of the Department of the School/ Department /College of Law, of the team requesting such alteration/change positively to the Organizing Committee. However, any such alteration is permitted only once.
- 5.3** Once the Competition commences, the team composition cannot be altered under any circumstances whatsoever. Inability of any team member to participate shall lead to disqualification of the team from the Competition. However, the team is free to rotate amongst the 3 members the roles of mooter / researcher as they deem fit.

6. REGISTRATION

6.1 Participating teams should register themselves by sending duly filled registration form along with **registration fee of Rs.1000/-** per team and memorials through email at idealmootcourt1@gmail.com

Hard copy of the registration form along with the demand draft shall be received by post or by hand at Ideal Institute of Management and Technology & School of Law, 16-X, Karkardooma Institutional Area, Delhi-110092 till **18th March 2016**. Acknowledgment of the same shall be sent by the Moot Court Committee by **21st March, 2016**.

6.2 Teams will be formally registered upon arrival at IIMT & School of Law campus on **2nd April, 2015** in the morning at 08:30 AM. Formal Registration requires the submission of a duly filled-in Registration Form, the scanned copy of which is required to be sent as per Rule.

6.3 The details provided for formal registration will be final for the purposes of certification of participation and awards.

6.4 Once registered, the registration fee will neither be refunded nor waived.

7. GUIDELINES FOR MEMORIALS

7.1 Teams have to prepare memorials for both the sides.

7.2 The teams shall submit **8** hard copies of the memorial for each side by **18th March 2016**.

7.3 The contents of the hard copies must be the same as the soft copy on idealmootcourt1@gmail.com. Non-compliance with this rule will lead to disqualification of that team.

7.4 The memorials have to be submitted on A4 size paper, printed on only one side, and must be in the following order:

- Cover Page;
- Table of Contents;
- Index of Authorities;
- Statement of Jurisdiction;
- Statement of Facts;
- Statement of Issues;
- Summary of Arguments;
- Arguments Advanced; and
- Prayer.

7.5 The memorials must be printed in Times New Roman 12 font size with 1.5 line spacing. The headings must be in 14 font size and the footnotes must be in Time New Roman 10 font size.

7.6 The Arguments Advanced should not exceed 20 pages per team.

7.7 The memorial as a team should not exceed 40 pages including the cover page.

7.8 The memorials should have a margin measuring one inch on all sides of each page.

7.9 The numbering should be on the bottom-center of each page.

7.10 The petitioner's memorial cover page shall be printed on **Blue Colour** A4 size paper, and the respondent's memorial cover page on **Red Colour** A4 size paper.

- 7.10.1. The memorials Front Page should inscribe specifically **P** and **R** representing the petitioner or respondent.
- 7.10.2. The front cover of each memorial must have the following contents:
- 7.10.3. The name of the Court (i.e. Supreme Court of Valston)
- 7.10.4. The year of competition (i.e. Rakesh Aggarwal Memorial National Moot Court Competition – 2016)
- 7.10.5. The name of the case (**i.e Association of Advocates-on-Record v Union of Valston**)
- 7.10.6. The title of the memorial (i.e. “Memorial for Petitioner” or “Memorial for Respondent”)
- 7.11 A Uniform Style of Citation should be followed throughout the memorial
- 7.12 Footnotes shall contain only the citation. There shall be no speaking footnotes in the memorial.
- 7.13 The maximum scores for the memorials shall be 100 marks. The memorials shall be evaluated on the following criteria:
- | | |
|--------------------------------|------------|
| Knowledge of Law and Fact | : 30 Marks |
| Proper and articulate analysis | : 20 Marks |
| Extent and Use of Research | : 20 Marks |
| Clarity and Organization | : 20 Marks |
| Grammar and Style | : 10 Marks |
- 7.14 The Memorial shall be only spiral bound.

8. ORAL ROUNDS

8.1 PRELIMINARY ROUND

- 8.1.1 Pairing of teams shall be done by draw of lots in all the rounds of the competition.
- 8.1.2 There shall be exchange of memorials for all the rounds.
- 8.1.3 Each team shall argue for both sides in the preliminary round, once for petitioner side and once for respondent side.
- 8.1.4 Each team will get a total of **15 minutes** in the Preliminary Round. This time will include rebuttal and sub-rebuttal time. In all the rounds, any team exceeding the allotted time shall be penalized. The penalty of **1 mark** will be deducted for every two minutes exceeded.
- 8.1.5 The total marks scored by a team in the preliminary round will be a total of the two rounds, i.e. marks scored as petitioner and marks scored as respondent.
- 8.1.6 The oral arguments should be confined to the issues presented in the memorial.
- 8.1.7 The researcher shall be present with the mooter during the oral rounds.
- 8.1.8 Passing of notes to the mooter by the researcher is strictly prohibited.
- 8.1.9 Maximum scores for the oral rounds shall be 100 points per speaker. The oral rounds shall be judged on the following criteria:
- | | |
|------------------------------|-----------|
| Knowledge of Law: | 20 Points |
| Application of Law to Facts: | 20 Points |

Ingenuity and Ability to Answer to Questions:	20 Points
Style, Confidence, Courtesy and Demeanor:	20 Points
Time Management:	10 Points
Organization:	10 Points

8.1.10 Eight (8) teams with the highest score in the preliminary round shall qualify to the quarter final round.

8.2 QUARTER FINAL ROUND

8.2.1 The quarter final round is a knock out round. The participants shall argue from one side only.

8.2.2 The quarter final round shall consist of 15 minutes per team.

8.2.3 The other rules shall remain the same as they are in the preliminary round.

8.3 SEMI FINAL ROUND

8.3.1 Four (4) teams with the highest score in the quarter final round shall qualify to the semi final round. The semifinal round is a knock out round. The participants shall argue from only one side.

8.3.2 The semifinal round shall consist of 25 minutes per team.

8.3.3 The other rules shall remain the same as they are in the preliminary round.

8.4 FINAL ROUND

8.4.1 The two winning teams from the semifinal round will advance to the Final Round.

8.4.2 The final round is also a knock out round.

8.4.3 The final round shall consist of 35 minutes per team.

8.3.4 The oral arguments as well as the marking criteria shall be the same as mentioned above in the preliminary round.

9. RESULTS

9.1 The results will be announced within thirty minutes of each round.

9.2 The results of the final round shall be announced at the valedictory ceremony.

10. AWARDS

10.1 Winning Team Award : Trophy and a cash prize of Rs. 5100/- .

10.2 Runners-Up Team Award : Trophy and cash prize of Rs. 3100/-.

10.3 The Best Mooter : Cash price of Rs. 1100/-.

10.4 The Best Memorial : Cash price of Rs. 1100/-.

10.5 The Best Researcher : Cash prize of Rs. 1100/-.

10.6 Certificates will be provided to the team with the **Second Best Memorial, Second Best Mooter and Second Best Researcher**. In addition to the above, **Certificate of Participation**

and Mementos will be awarded to all the participants.

11. SCOUTING

No member of any team will be permitted to hear the arguments in any court room in which that team is not one of the contesting teams whilst that team is still in the competition. Scouting by any team in any manner shall result in instant disqualification.

12. RESEARCHER TEST

12.1 A Researcher Test shall also be conducted for adjudicating the “Best Researcher” on **3rd April 2016** at 9 a.m. sharp. Mooters shall not be eligible to appear for the test.

12.2 There will be 50 objective question of one hour duration of 2 marks each.

13. MISCELLANEOUS

13.1 The competition shall be held in English language only.

13.2 Dress Code: Ladies: Dark coloured salwar or trouser, white coloured kurta or shirt/suit (black) **Gentlemen:** White shirt with tie and dark coloured trouser / suit (black)

13.3 The mooter shall not state their names during the oral rounds and they must use the team Code. Team code will be allotted at the time of formal registration. All team members must refrain from disclosing the identity of their institution at any time and in any manner during the entire competition. Non-compliance with this Rule will result in immediate disqualification of the team. The decision of the Organizing Committee in this regard shall be final and binding.

13.4 The decision of the judges with regard to the outcome of all the rounds shall be final and binding.

13.5 The clarifications, if any, regarding the Moot Problem may be sought through mail sent to idealmootcourt1@gmail.com.

13.6 The organizing Committee shall have sole discretion to assess penalties or to disqualify teams for any failure in abiding by any of the foregoing Rules.

13.7 The organizing Committee shall have sole discretion to make all necessary interpretations of these Rules. All decisions of the Committee regarding Rules interpretations are final.

13.8 The organizing Committee shall have sole power to resolve any dispute, which may arise during the Competition.

14. *No TA or accommodation shall be provided by the Institute. However the Institute will assist in getting the accommodation to the interested participants.*

**RAKESH AGGARWAL MEMORIAL
NATIONAL MOOT COURT COMPETITION, 2016**

ON
2nd & 3rd April, 2016
(Saturday & Sunday)

Organized by
IDEAL INSTITUTE OF MANAGEMENT AND TECHNOLOGY & SCHOOL OF LAW
(G.G.S.I.P. University, Delhi)
16-X, KARKARDOOMA INSTITUTIONAL AREA, DELHI-110092
www.idealinstitute.org.in Email- idealmootcourt1@gmail.com
Contact No. - 011-22372639, 22375961, 65288868. Fax No. – 011-22372639

REGISTRATION FORM

Note: Please fill all the details in capital letters.

NAME OF THE INSTITUTION :

ADDRESS:

TELEPHONE: **E-MAIL:**

1ST MOOTER

NAME:

GENDER: **NATIONALITY:**

YEAR/SEMESTER:

EMAIL ID:

CONTACT NUMBER:

Stick a Recent
Passport Size
Photograph
Attested By Dean/HOD/
Principal

2ND MOOTER

NAME:

GENDER: **NATIONALITY:**

YEAR/SEMESTER:

EMAIL ID:

CONTACT NUMBER:

Stick a Recent
Passport Size
Photograph
Attested By Dean/HOD/
Principal

RESEARCHER

NAME:

GENDER: **NATIONALITY:**

YEAR/SEMESTER:

EMAIL ID:

CONTACT NUMBER:

Stick a Recent
Passport Size
Photograph
Attested By Dean/HOD/
Principal

REGISTRATION FEES:

Amount in Cash :.....or D.D :.....

D.D. No.:Date :.....

Name of the Bank :.....

(D.D. payable in favour of Ideal Institute of Management &Technology (School of Law) payable at Delhi.)

Bank Details for NEFT/Online Transfer:

Beneficiary Name: Ideal Institute of Management &Technology (School of Law)

Bank Name : Central Bank of India

Bank Address : S. D. Sr. Sec. School, Shahdara, Delhi-110032

Account No.: 3183291816 Account Type: Saving Account IFSC Code: CBI N0283323

Date:

Head of the Institution

Signature and Seal

