

SHRI SHARDA BHAVAN EDUCATION SOCIETY'S

NARAYANRAO CHAVAN LAW COLLEGE, NANDED



Late Kusumtai Chavan
Memorial



4TH NATIONAL MOOT COURT COMPETITION
(38TH YEAR OF MOOT COURT COMPETITION)

25th February 2017

Establishment Year: 1970
Post Box No. 201

Phone No. Office (02462) 253771
Principal (02462) 254869
Library (02462) 256041



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

(Affiliated to Swami Ramanand Teerth Marathwada University, Nanded)

(NAAC Re-accredited B++)

E.Mail nclcnanded@yahoo.com Website- www.nclcnanded.com

President Hon'ble Shri Ashokrao Chavan B.Sc., M.B.A.	Secretary Shri D.P. Savant B.Sc. (Hons)	I/C Principal Dr. Mrs. Vina V. Patil LL.M., Ph.D.
Ref.No.:-		Date:-

To,
The Principal,

Sub.: Late Kusumtai Chavan Memorial 4th National Moot Court Competition, to be held on 25th February 2017.

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 from last 37 years. This is the 38th year of Moot Court Competition and 4th National Level Moot Court Competition.

It gives us immense pleasure to invite your esteemed institution to participate in Late Kusumtai Chavan Memorial 4th National Moot Court Competition to be held on 25th February, 2017 in our college.

We request you to send a team of 03 students for participation in above captioned competition. The registration form along with the moot problem and rules is enclosed herewith. Kindly ensure that duly filled registration form along with Demand Draft in the name of "The Principal, Narayanrao Chavan Law College, Nanded" reaches us on or before 10th February 2017 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. Mrs. Vina V. Patil)

Encl.:

1. Moot Problem
2. Rules of Competition.
3. Registration Form.
4. Travel plan

Shri Sharda Bhavan Education Society's
NARAYANRAO CHAVAN LAW COLLEGE, NANDED
Late Kusumtai Chavan Memorial
4th National Moot Court Competition
25th February 2017

Moot Problem

All India Fast Food Association V. State of Mahanrashtra

Life is ever changing. Industrial revolution and cultural exchange has brought many changes in human life. Particularly last two decades were largely influenced by digital revolution which totally changed our life style. Thus there is change in life pattern also. Such changes can also be seen in our food habits.

In the present era of busy and fast life, people do not have much time to spend with family members. Now a days, it is quite common to go to restaurants or fast food centres to satisfy hunger. Many times meetings/get-togethers are planned and parties/celebrations are organised at such places.

In this context; as a result of such response or demand from people, number of National and International Brands of fast food chains have been emerged/entered in the country and established with large number of fast food outlets. In cities, these outlets are providing fast food like pizza, burgers, cakes and other processed products and are getting good response. This has also affected food and dietary habit of people, particularly youngsters.

Technology made it easy to place online orders from home. Due to long distance of working places from home people often prone to eat outside.

Junk food have high calories and sugar contents but very less or no nutritious value. Many NGOs working for health and welfare have shown in their study result about junk food that is not healthy. Regular consumption of junk food can cause obesity, high blood pressure, less mobility and other health problems. According to these study reports, obesity in India is gradually increasing; particularly in teens. A study shows that, 18 % of persons in India are overweight. Obesity has become a global issue. World Health Organization (WHO) has expressed its concerns on obesity and also presented its report on 'child obesity'.

Considering all the aspects, State of Mahanrashtra expressed its concern on 'obesity in young generation' and decided to take measures to control it. Amongst its measures, State has decided to impose 'surcharge tax' on fast food like pizza, burger, fried chicken, sugar sweetened beverages. Such surcharge tax is called as 'fat tax'.

The existing rate of tax under 'State Value Added Tax Act' is @ 5% for registered dealers and 8% for unregistered

dealers. By an amendment Act, State has inserted provision of surcharge of @ 5% on fast food as under...

"Dealers in restaurants, hotels and caterers shall pay surcharge @ 5% on sale of 'fast food' served for human consumption.

Explanation: 'Fast food' means easily prepared food as a quick meal, including burgers, pizza, fried chicken, sweetened beverages.

Provided that, this surcharge shall not be applicable to sale of fast food by road side small vendors and hawkers.

Provided that, the surcharge shall not be applicable to sale of conventional Indian food."

'All India Fast Food Association' (hereinafter referred as "The Association") is a registered association in which majority of National and International fast food brand companies, traders, retailers and suppliers are members.

The Board members of the association called an urgent meeting to discuss and decide on the said notification of State of Mahanrashtra. The outcome of meeting was that the said notification is an arbitrary decision of State which is going to adversely affect their business. It is also discriminatory as conventional food, hawkers and roadside vendors are excluded from this notification. In furtherance of the discussion that took place in the meeting, the Board made a representation in writing before the State Government to withdraw such surcharge but their grievance went in vain.

Subsequently The Association decided to challenge the decision of State and filed Writ Petition before Supreme Court of India. In the writ petition, association challenged the validity of the notification on the ground of violation of Fundamental Rights.

Supreme Court issued notice to State of Mahanrashtra. State of Mahanrashtra appeared in the proceeding and challenged the validity of petition by stating that the writ petition is not maintainable and the notification is valid.

The writ petition is posted for final hearing before Supreme Court on the following issues:

I. Whether the writ petition is maintainable. And

II. Whether the said notification is constitutionally valid.

Note:

- i. The facts and names depicted in this moot problem are imaginary and meant for research and educational purpose only.
- ii. Argument on surcharge on fast food shall be based on challenging the **concept of charging surcharge on fast food** and not about Value Added Tax Act and its provisions.

Rules for the Competition

A. Eligibility & Registration:

1. Team from Law Universities/Departments/Colleges all over India, recognized by Bar Council of India will be eligible to participate in the competition.
2. The members of each team should comprise of three members consisting of two mooters (one for petitioner & other for respondent) and one researcher. One college is allowed to send only one entry.
3. The members of each team should be under graduate law students either pursuing 3 Years or 5 Years law degree course.
4. Each team shall pay Registration Fees of Rs. 1000/- by Demand Draft drawn in favor of **The Principal, Narayanrao Chavan Law College, Nanded**, payable at Nanded.
5. The teams must register on or before 10th February 2016, by sending a scanned copy of Registration Form along with Demand Draft and a covering letter at nclcnmootcourt@gmail.com and the hard copy of the registration form along with demand draft shall be sent with the memorials.
6. No change in the names of participants (as mooter 1, 2 or researcher) is allowed, once they are registered by duly filled registration form.

B. Date & Venue:-

1. Date of Competition : 25th February, 2017, Saturday.
2. Venue : Narayanrao Chavan Law College,
VIP Road, Nanded-431602(Maharashtra)

C. Rules for the Competition:-

1. 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.
2. The competition shall be in English only.
3. Laws and legal provisions in the moot problem are similar to laws and legal provisions in India.
4. The participants shall have to prepare & argue the case as if they are appearing before the Hon'ble Supreme Court.
5. The competition shall run in 2 rounds, i.e. Preliminary Round and Final Round.
6. For preliminary round each team shall be given 20 minutes time. Each speaker shall be given a maximum of 10 min. (8+2) for oral submission in the preliminary rounds. There will be a warning bell after 08 minutes and a final bell after completion of 10 minutes from commencement of arguments by the speaker. If the speaker exceeds the given time; except with the permission of the judges, the team would be liable for negative marking. In final round 10 minutes shall be given to each team. The final round will be the query round, wherein the panel judges will ask the questions, to

which the participants needs to address. All the participating teams should carry with them any case law & authorities which they intend to refer.

7. The decision of the judges as to assessment of oral submissions & written memorials shall be final & no dispute shall be entertained in this regard.
8. The marks will be the aggregate of the marks given by both the judges to each participant.
9. The numbers of Courts shall depend upon numbers of participating teams.
10. The best researcher award will be given to the written memorial scoring highest marks.
11. The marking criterion for assessment for preliminary round of team shall be for oral submission, application of law, and answer to court questions = 200 marks.(100 marks for petitioner and 100 marks for respondent.)
12. The top two scorer teams from each court shall qualify for the final rounds. However individual prizes may be given to speaker depending upon his individual performance & score; may be from preliminary or final round.
13. Final round shall be assessed on the basis of team performance & oral address to the court out of 100 marks.

D. Memorials:-

1. Three copies of the memorials from each side (Total 6), in prescribed format shall be submitted on or before 15th February, 2017. 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 (1-2 Page)
 - d. Statement of Jurisdiction (1 Page)
 - e. Statements of Facts (1-2 Page)
 - f. Statement of Issues. (1 Page)
 - g. The Arguments Advanced (upto 10 Page)
 - h. Prayer Clause (1 Page)
3. Memorials should be typed & stapled with cover, in Red colour for Petitioner and Blue colour for Respondent. Participating teams shall not disclose their college or institution identity anywhere on their memorials.
4. Typing of memorial should be as per specifications given below-
 - a. Paper Size - A4
 - b. Font Size - 12
 - c. Font Type - Times New Roman
 - d. Line Spacing - 1.5
 - e. Margins - 1 Inch on each side.

Specifications for foot notes are given below:

- a. Font Size - 10

- b. Font Type - Times New Roman
 - c. Line 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 for the reference during competition. Organizers are not bound to help teams in such case by providing the copies of memorials submitted.
 7. The format of the memorials should be strictly followed.
 8. The team codes shall be given to the participating teams the day before competition or on the day of competition at the time of reporting.

E. Prizes:

- | | | |
|-----------------------------|---|------------------------|
| 1. Best Team | - | Trophy and Certificate |
| 2. Runner up Team | - | Trophy and Certificate |
| 3. Best Mooter | - | Trophy and Certificate |
| 4. Runner up Mooter | - | Trophy and Certificate |
| 5. First Consolation Prize | - | Trophy and Certificate |
| 6. Second Consolation Prize | - | Trophy and Certificate |
| 7. Best Memorials | - | Trophy and Certificate |

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

F. Other Rules:

1. The competition shall start at 08:00 a.m. sharp.
2. 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.
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.

G. Miscellaneous:

1. Travelling allowance of the participants shall be borne by the respective institutions.
2. Accommodation will be provided for outstation participants as per registration form (maximum for three persons only) from evening 24th February, 2017 to 25th February, 2017 till 8.00 pm. Additional members accompanying the team shall have to make their own arrangements for accommodation.
3. Fooding shall be provided to the participants on the evening of 24th February i.e. day before competition and on the day of 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 uploaded on the college website www.nclcnanded.com
6. The result of the competition & prize distribution shall be on the same day.

H. Important Dates

1. Date of Registration - On or before 10th February, 2017
2. Submission of Memorials - On or before 15th February, 2017
3. Date of Competition - 25th February, 2017
4. Prize Distribution - 25th February, 2017

I. In case of any query or registration and submission of memorial; please contact:

(Strictly between 12.00 Noon to 5.00pm)

- | | | | |
|----------------|---|--|-------------|
| Co-ordinator | - | Dr. Khakare V.S. (Asso. Prof.) | 09422185717 |
| Co-coordinator | - | Dr. P.E. Bhosale (Asst. Prof) | 09422185276 |
| Co-coordinator | - | Shri Mangalsingh S. Bisen (Asst. Prof.) | 08888092111 |

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

**Late Kusumtai Chavan Memorial
4th National Moot Court Competition
25th February 2017
REGISTRATION FORM**

Name of the University/College :- _____

Address of the College :- _____

College Email/Website : _____

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

Accommodation : Required / Not required

1.	Name of the Mooter (Petitioner)		Photo
	Class		
	Address		
	Contact No.		

2.	Name of the Mooter (Respondent)		Photo
	Class		
	Address		
	Contact No.		

3.	Name of the Researcher		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 and researcher are bonafide students of the Institution.

Signature and Seal of the Principal /
Head of the Institution

Shri Sharda Bhavan Education Society's
NARAYANRAO CHAVAN LAW COLLEGE, NANDED
 In collaboration with
BAR COUNCIL OF MAHARASHTRA & GOA, MUMBAI
Late Kusumtai Chavan Memorial
4th National Moot Court Competition
25th February 2017
TRAVEL PLAN

PART A: PARTICULARS

1. Name of University/Institution :	
2. Name and contact of the Team Members	A) B) C)

PART B: ARRIVAL DETAILS

1. Mode of Arrival	Train/ Travels/ State Bus
2. Train/Travels No. & Name	
3. Scheduled Arrival	Date: Time: Am/Pm
4. Dropping Point (Bus/Travels) or Coach No. (in case of Train)	

PART C: DEPARTURE DETAILS

1. Mode of Departure	Train/ Travels/ State Bus
2. Train/Travels No. & Name	
3. Scheduled Departure	Date: Time: Am/Pm
4. Pick up Point (Bus/Travels) or Coach No. (in case of Train)	

PART D: ANY OTHER DETAILS

- Please note that, separate accommodation will be provided for boys and girls.
- 3 participants will be accommodated in one room. In case of a team consisting of both boys and girls, (For Ex. A team with 2 Boys and 1 Girl or vice a versa) the quorum of the room will be filled with the participant from other institute.
- Smoking of cigarette, chewing Tobacco and drinking alcohol is strictly prohibited at the place of accommodation, contravention of which may liable to penalty as per Rule.
- Pick Up facility will be provided to the participants at the level best, however in emergency participants may need to manage on their own.
- If travelling by Bus/ Travels please ask them to drop you at ***"Hingoli Gate, Nanded."***
- Though, the place of accommodation is safe and secure still the participants has to carry their belongings at their own risk.

We hereby undertake to abide by the Rules and Regulations of the Moot Court competition.

Signature of Team Member 1	Signature of Team Member 2	Signature of Team Member 3