



AJEENKYA
D Y PATIL UNIVERSITY
THE INNOVATION UNIVERSITY

School of
Law

Ajeenkya DY Patil University

School of Law

National Level Moot Court Competition 2018

9th Feb 2018



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About the University

A Grand Tradition of Excellence

Ajeenkya DY Patil University offers the best undergraduate and postgraduate programs in unique areas, linked to exemplary 'ADYPU Student Experience', which is supported by excellent facilities and highly motivated teaching staff.

As future economic, financial & social paradigms evolve, the Ajeenkya DY Patil University is gearing up to new challenges & exploiting vibrant possibilities for growth through single-minded focus on innovation.

We apply innovative thinking across our activities, now and for the future. We continue to develop effective capabilities to respond flexibly and quickly to the changes by employing innovative solutions in our internal processes as well as external offerings.

Ajeenkya DY Patil University, Pune has been established under Maharashtra Govt. Act of 2015 of Government of Maharashtra.

Our mission is to graduate well-educated students who are prepared to meet the challenges of a rapidly changing, increasingly complex world, and to contribute to the betterment of the world.



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About the School of Law

The Ajeenkya DY Patil University School of Law is a special place. We are committed to impart exceptional legal education, which is an impeccable combination of academic rigor and hands-on practical experience.

The School of Law welcomes passionate and highly motivated students to join us and explore a pathway towards a rewarding and satisfying career.

A highly innovative curriculum ensures substantive preparation in law and lawyering skills in the context of evolving society and polity. The curriculum covers every aspect of modern law practice and strives to develop legal reasoning & argumentation, critical analysis, and ability to make sound and ethical judgments. You will gain a broad and general understanding of how legal institutions function and how to build relationships through service. As our student you will have numerous opportunities to learn from leading legal scholars.

This innovative approach will prepare students to pursue careers at the intersection of law and business. At the end of the course, our students will be in a position to advise, create and lead ventures that drive the innovation economy.

Date, Time & Venue –The Competition is on Friday, the 9th Feb 2018. Participant should report at the Auditorium, Ajeenkya DY Patil University School of Law 412105, at 8:30 a.m., before the commencement of the competition. (If any change in the date of the Competition, it will be informed later on well in advance).



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Rules of ADYPU School of Law National Level Moot court competition- 2018

- 1. Registration Fees** - A nominal Registration Fee for per team (Two Speakers and one Researcher) is INR 1,000/- The Registration Fee must be submitted by Cash or Demand Draft drawn in favour of "The Registrar, Ajeenkya DY Patil University Pune"
- 2. Eligibility** - Competition is restricted to bonafide regular students of Law school/ College/ University. All participants must be students of law course either 3 years or 5 years in the academic year 2017-18
- 3. Team members**-Each college is required to send a team (Consisting of three Students) one for the Petitioner / Appellant, one for the Respondent and one Researcher. The names of the team members (bonafide students) should be communicated in writing (i.e. in Registration Form given in Annexure I) by the Principal, on or before 20th Jan 2018. Registration Form (Scan Copy) mailed to mootcourt@adypu.edu.in
- 4. Presentation order**-The order of presentation will be on the basis of lots drawn before the time of commencement of the competition.
- 5. Code**-a) The arguing team is not to reveal the name of their College either while arguing or on the written submission.
b) The Student must carry with them the photo Identity Card duly signed by authorized Signatory / Principal.
c) All the participating teams are expected to carry with themselves case laws and authorities, books which they intend to refer along with their own copies of memorials.
d) 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.
- 6. Language** - Argument shall be in English only.



7. **Seating**-At a time only the team which is arguing will be present in the Court. All the other participant will be seated at a place marked by the Coordinator of the competition.
8. **Decision** -The decision of the Judges will be final in regard to the result of the competition and no complaints in this regard will be entertained.
9. **Rounds** - There will be only Preliminary, semi-final & final round of competition with one moot problem.

Sr. No	PRELIMINARY ROUND	Semi Final Round	Final Round
1. Time limit	Each team will have a maximum of 15 (12+3) minutes to present his oral submissions.	In the Semi-final round each team will get 30 minutes to present the side allotted to them.	In the final round each team will get 30 minutes to present the side allotted to them.
2. Criteria Of marking	Application of law relevant to the case- 20 Marks; Advocacy and presentation- 15 Marks; Court etiquettes- 10 Marks; Answers to court questions- 15 Marks; Interpretation of and use of facts- 10 Marks ; Research relevant to the case- 10 Marks; Time adherence- 10 Marks; Overall performance- 10 Marks		
3. Format of Memorial	The Memorials shall be typed on A4 size on one side paper with margin 1.5 inches from left side and (1) one inch from the other sides. i) Arguments must not exceed 20(twenty) pages		



Submission	<p>ii) Font: - Times new roman. Font size:-12 and for footnotes 10. Line spacing:-1.5</p> <p>iii) The memorials shall be submitted neatly and spiral bound in 4 (four) copies i.e. 2 (two) copies from petitioner's side and 2 (two) copies from respondents side</p> <p>iv) The memorial submitted will not be returned</p> <p>v) Page numbering should be at bottom middle of each page.</p> <p>vi) Covers must be placed on briefs as follows: Petitioner: - Red colour. Respondent: - Yellow color.</p>
4. Contents of memorial	<p>MEMORIALS The Memorial shall consist of following:-</p> <p>I) Cover page</p> <p>II) Table of contents</p> <p>III) Index of authorities</p> <p>IV) Statements of jurisdiction</p> <p>V) Statement of facts</p> <p>VI) Statement of issues</p> <p>VII) Summary of pleadings</p> <p>VIII) Arguments advanced</p> <p>IX) The prayer.</p>

10. There shall be Following Prizes:-

- I. The Best team getting highest of marks will be declared as the Winner Team and will be awarded the Trophy and Cash Prize Rs. 10,000/- (Ten Thousand Rupees).
- II. The next team getting highest of marks will be declared as the Runner Up team and will be awarded the Trophy and Cash Prize. Rs.6, 000/- (Six Thousand Rupees).



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- III. The Best Student Advocate on behalf of Appellant side securing highest individual marks will be given Memento and Cash Prize. Rs.4, 000/- (Four Thousand Rupees).
- IV. The Best Student Advocate on behalf of Respondent side securing highest individual marks will be given Memento and Cash Prize. Rs. 4,000/- (Four Thousand Rupees).
- V. The Best student Researcher will be given Memento and Cash Prize. Rs. 2,000/- (Two Thousand Rupees).
- VI. All the participants will be given Certificate of Participation.
- VII. The result of the competition and prize distribution will be on the same day.

SCHEDULE FOR NATIONAL LEVEL MOOT COURT COMPETITION

Sr. No.	Event	Time
1	Registration of the Participant Teams (Unique Code Number will be given to the teams)	8.30 am to 9.29 am
2	Breakfast	9.30 am to 9.59 am
3	Inauguration Function	10 am to 10.59 am
4	Preliminary Round	11 am to 1.59 am
5	Lunch Break	2 pm to 2.59 pm
6	Semi-Final Round	3 pm to 3.59 pm
7	Final Round	4 pm to 5.59 pm
8	Valedictory Function	6 pm to 7 pm



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DATES TO REMEMBER

- 1) Date of competition – 9th Feb 2018
- 2) Last date for registration- 20th Jan 2018
- 3) Last date for Submission of memorials – 1st Feb 2018

FOR ANY QUERIES PARTICIPANTS ARE WELCOME TO CALL:

Faculty Coordinators

1. Prof. Dhanya K.A (Assistant Professor) dhanya.k@adypu.edu.in , 9000011903, 7038798221
2. Prof. Arundhati Bhale (Assistant Professor) arundhati.bhale@adypu.edu.in, 7507772121

Student coordinators

1. Apurv Srivastava, apurv.srivastava@adypu.edu.in, +91 8512084020
2. Nimisha, nimisha@adypu.edu.in, +91 9521206465
3. Beethalpreet Kaur, beethalpreet.kaur@adypu.edu.in, +91 9730929921



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REGISTRATION FORM (Please fill in capital letters)

Name and Address of the Institution:

Contact No. & Email id of the Institution:

Details of the Participants:

Participants	Name	Contact Number	Mail ID	Class	Sign
Speaker 1					
Speaker 2					
Researcher					

Name of Faculty In-charge with Designation: _____

Contact No. & Email id of the faculty In-charge: _____

Registration Fees:

DD No. _____ dated: _____ Amount of Rs. 1000/- drawn in favour of
“Registrar Ajeenkya DY Patil University” payable at Pune.

Undertaking: We hereby state that our participation complies with the rules and regulations of
the competition.

Date: _____ (Signature & seal of the Head of the Institution)



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THE MOOT COURT PROBLEM

Mr. Mitesh Gattani, Mr. Hitesh Jatt and Mr. Jitesh Bhatt are citizens of Lydia. Mitesh Gattani has studied 3 year law course from Pinnacle Law School, SB Road, Timbey, Hitesh Jatt has studied 3 year law course from ZIP Law College, Dunwell, Timbey and Jitesh Bhatt has also studied 3 year law course from WC Law College, Dembur, Timbey.

Mitesh Gattani, Hitesh Jatt and Jitesh Bhatt have appeared in the final year of LL.B examination held in May 2017 by the University of Galaatti. The examination of LL.B Semester-VI (three year course) started on 17/05/2017 and ended on 26/05/2017.

The State Legislature passed the State Public University Act, 2016 to provide for academic autonomy and excellence, adequate representation through democratic process, transformation, strengthening and regulating higher education standard etc. Section 17 of the Act provided that the Director, Board of Examination and Evaluation shall strive to declare every result within 30 days and shall in any case declare the results within 45 days from the last date of examination. It also provided that in case of delay, the Director shall send a detailed report outlining the reasons thereof. Section 88 of the Act provided that before the end of each academic year, the University shall prepare and publish a schedule of examinations of next academic year. The affiliated Colleges and recognized institutions shall strictly adhere to the schedule. In case of failure, the concerned authority shall have to make a reasoned report to the Chancellor's office within thirty days. Section 89 of the Act provided that the University shall strive to declare the results of every examination within thirty days. It also stipulated that in any case, the University shall declare results within 45 days.

The University of Galaatti failed to declare the results despite lapse of 45 days. On the basis of an RTI application filed by Mitesh Gattani, it was further revealed that the University has caused inordinate delay in publishing the results of examinations. Out of 388 examinations conducted by University in 2016, nearly 210 results were declared after 45 days. On the complaints being made by various students including Mitesh, Hitesh and Jitesh, the University responded that a deadly virus called 'SNAPSTER' has infected the University computers and the online system thereby destroying the stored confidential data and hence the delay. The students time and again has requested the university to manually declare the results, however, the University declined to do so stating that it is the matter of policy and standard procedures from which the University can not deviate.

All the three students had applied to several foreign universities and the last date for submission of all necessary documents was 31/07/2017. But due to the declaration of results, the three students had to forgo several opportunities for higher education which have not only adversely affected their career and also left them in mental agony. These students were also prevented from preferring an application for an LL.M course from the National Law Universities as well because



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in order to take the Entrance test, the students were asked to have their degree, migration certificate and other documents.

These students also suffered on various other fronts. They could not appear for the various competitive examinations such as AFCAT, Judge Advocate General (JAG), as the last dates to apply were already over. They also lost the chance to apply for the judicial examination. They were not even allowed to enroll themselves in the Advocates roll and this has caused unnecessary delay depriving them to exercise their right to practice.

Aggrieved by the inaction on the part of the University, all three students made a complaint to the District Consumer Forum requesting the forum to direct the University and all others responsible to make a compensation of Rs. 10 lakhs to each complainant. The District Forum heard the complaints and awarded compensation of Rs. 2 lakhs to each complainants. The University made an appeal to the State Consumer Forum where the order of District Forum was confirmed. In an appeal made to the National Consumer Forum, the forum not only confirmed the order made by District and the State Forum and but also raised compensation from 2 lakhs to 5 lakhs to each complainant. Against this order of the National Consumer Forum, the University preferred an appeal to the Supreme Court for the final hearing of the matter.

The success of students in the National Consumer Forum made the national headlines which soon led thousands of other students to file similar complaints in District as well as the State Consumer Forum. Various writ petitions have also been filed in the High Court against which the appeals have been preferred to the Supreme Court. There was yet another category of students who filed writ petitions in the High Court who were not students of the University but were waiting for the admission process to begin and ultimately could not secure admission anywhere because they waited so long for commencement of the admission process in the University which could not be commenced due to delay in results. However, they did not get any relief in the High Court and thus, preferred an appeal to the Supreme Court.

The Supreme Court of Lydia has decided to combine all these appeals together as the issues involved are the same and decided hear the matter on- - December, 2017.

* **DISCLAIMER:** All characters, names and events mentioned in 'this Moot Court Problem' are entirely fictitious and used for purely academic purposes only. Any similarity to actual events or persons, living or dead, is purely con-incidental.