



Marathwada Legal & General Education Society's  
**MANIKCHAND PAHADE LAW COLLEGE, AURANGABAD.**

NAAC Re-Accredited with '**A**' Grade (2013)

21<sup>st</sup> Rank of **OUTLOOK** India's Best Professional Colleges (Law) 2018

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**Principal**

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Ref. No. MPLCA/2018-'19/306

Date: 27/09/2018

To,

The Registrar/Director/HOD/Principal,

Respected Sir/Madam,

It gives us immense pleasure to invite your institution to participate in the **XIX National Moot Court Competition -2018** to be held on 22<sup>nd</sup> & 23<sup>rd</sup> December **2018** at **M. P. Law College, Aurangabad, Maharashtra.**

We kindly request you to confirm the participation of your institution by sending registration form duly filled at the earliest before the scheduled date.

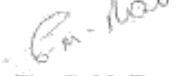
We kindly request you to advise your College team to read rules of the competition carefully.

With warm regards,

  
Prof. P. R. Girbane  
Coordinator

  
Dr. A. N. Kottapalle  
IQAC Coordinator

  
Dr. B. V. Paranjpe  
Vice Principal

  
Dr. C. M. Rao  
Principal  
M.P. Law College,  
AURANGABAD



- Encl.:-**
1. Rules of the Moot Court Competition
  2. Problem No. 1 & 2 for the preliminary and final round respectively
  3. Registration Form & Travel Plan

**Glimpses of XIX National Moot Court Competition - 2018**



**MPLC-XIX NATIONAL MOOT COURT COMPETITION- 2018**



## Manikchand Pahade Law College, Aurangabad.

### XIX National Moot Court Competition-2018

22<sup>nd</sup> & 23<sup>rd</sup> December 2018

#### RULES FOR THE COMPETITION:

1. Each team shall comprise of 3 (Three) participants **only** (Mooter 1, Mooter 2 and Researcher) and it must not be less or more than 03 participants.
2. Competition is restricted to bonafide regular students of Law School / College/ University. All participants must be students of either from LL.B. 3 years or 5 years degree course & one team from one college.
3. The participants will have to bear the travelling and all other incidental expenses.
4. Free lodging will be provided to the team of three participants only on the days of the competition i.e. **21<sup>st</sup> December from 9.00 pm to 23<sup>rd</sup> December 2018 up to 9.00 pm** and boarding will be provided on the days of Competition i.e. 22<sup>nd</sup> & 23<sup>rd</sup> December 2018. The Participants should follow disciplinary rules at the accommodation where they will be boarded.
5. Each Team shall pay an entry fee of **Rs. 1000.00** (One Thousand Rupees only) by way of a Demand Draft drawn in favour of **The Principal, M.P. Law College, payable at Aurangabad, Maharashtra State.**
6. The dress code shall be as prescribed for Advocates.
7. The home team will be competing in this competition.

#### PHASES OF THE COMPETITION

8. The competition will have **TWO** Rounds (i.e. Preliminary and Final), the preliminary round will be held on **22<sup>nd</sup> December 2018 from 9.00am** onwards and Final round will be held on **23<sup>rd</sup> December 2018 from 9.00 am** onwards.
9. The best **FIVE** teams from the overall preliminary round will be qualified for the **FINAL** round.
10. In both the rounds, one participant from each team shall argue on behalf of the petitioner, and the other on behalf of the respondent.
11. **There will be direct performance of petitioner of a team against respondent of another team according to lots drawn in different Court Halls. There will be exchange of memorials of each round on previous day of the respective rounds.**
12. Problem No. 1 and 2 are for the preliminary and final rounds respectively.
13. In case of a tie, both the teams will be considered qualified.

#### MEMORIALS

14. All teams shall submit their written memorials / submission for both sides along with synopsis in English.
15. All teams shall submit typed / computerized memorials fulfilling the following specifications.
16. The memorials shall be typed on A - 4 size paper with prescribed margin on both sides in the "Times New Roman" font size 12 with double line spacing.
17. Memorials not following the above specifications will be penalized.
18. Each team shall send three copies of memorials for each side for both rounds. **Neither the name of the student nor the name of the Institution shall reflect on the memorials.** However, the said details shall be mentioned in the covering letter.
19. The cover page shall be coloured differently i.e. **Gray for Petitioner and Blue for the Respondent. Use of chart paper instead of plastic sheets or transparencies, would**

**be highly appreciated. For binding use staples or cotton thread stitches instead of spiral binding. Teams which have not sent memorials for both the rounds within specified time shall be disqualified.**

20. Participants shall send the Registration form, Travel plans, Demand Draft of Rs. 1000.00 and Memorials so as to reach the organizing college on the following address as per the scheduled prescribed at the end.

**The Principal, M.P. Law College,  
Samarth Nagar, Aurangabad - 431 001 (M.S.)**

21. Participants shall send the soft copies Registration form, Travel plans and Memorials on the following e-mail id :

[mplcmootproblem@gmail.com](mailto:mplcmootproblem@gmail.com)

22. Participants should carry their personal copies of memorials for their own use. The Copies of the memorials submitted to the organizing college, will not be returned.
23. Each participant shall have time of 15 minutes to present their oral submission and 05 minutes for **rebuttal. Rebuttal is mandatory for each Mooter.** No Mooter will be allowed to address the court for more than the prescribed time without permission of the Court. The oral submission and Rebuttal shall be in English.
24. Five minutes before the completion of the allotted time, for each participant, a warning bell will be given and at the completion of the allotted time there will be a final bell.
25. All teams are expected to carry with them the case laws and authorities which they intend to refer.

#### **ASSESSMENT CRITERIA**

26. The following will be the assessment criteria

Knowledge and application of law	25
Presentation and perusal of facts	10
Answer to court queries	15
Advocacy / Court Etiquettes	25
Written Memorials / Drafting	15
Rebuttal	10
<b>TOTAL MARKS:</b>	<b>100</b>

27. All the participants are expected to maintain the decorum of the court during the competition and are expected to conduct themselves in a manner befitting the legal profession.
28. The organizers reserve the right to take appropriate action for any unethical, unprofessional and immoral conduct.
29. **The organizer's decision as regards the interpretation of rules or any other matter relating to the competition shall be final.**
30. If there is any situation, which is not contemplated in the rules, the organizers decision shall be final.
31. For any query or clarification regarding moot problems please contact
- **Prof. Pratibha Girbane- 9923484741**


**PRIZES**

32. There shall be cash prizes as follows along with trophies

I) **Winner Team cash prize of Rs. 7000/- from college and Late Adv. Shri. Sudhakar Rao Deshmukh Trophy.**

II) **Runner Up Team cash prize of Rs. 5000/- from college and Late Adv. Shri. Sudhakar Rao Deshmukh Trophy.**

III) **Individual Prizes & Trophies.**

- ❖ **Late Adv. Shri L. N. Sirsamkar- Best Petitioner from final round cash prize of Rs. 2000/- and Trophy.**
- ❖ **Best Respondent from final round cash prize of Rs. 2000/- and Trophy from college.**
- ❖ **Late Adv. Shri. Sudhakar Rao Deshmukh Trophy for Best Mooter in both rounds.**
- ❖ **Ghate Foundation, Aurangabad - Best Mooter Trophy for Preliminary Round.**
- ❖ **Best Memorial Prize for Final Round**

☺ **DATES TO REMEMBER - SCHEDULE OF COMPETITION**

33. Submission of registration form along with travel plans and demand draft.	31 <sup>st</sup> Oct. 2018
34. Submission of memorials	26 <sup>th</sup> November 2018
35. Date of Preliminary Round.	22 <sup>nd</sup> December 2018
36. Date of Final Round.	23 <sup>rd</sup> December 2018

## Contact details:

### Teacher Coordinators:

Prof. P. R. Girbane	9923484741
Dr. B. V. Paranjpe	9890798823
Prof. S. N. Morey	9325228041
Dr. A.N. Kottapalle	9923412234
Prof. A. D. Jadhav	9970449376

### Student Convenors:

Mayur Subhedar	8390301222(Convenor, Moot Court Association)
Ranjit Jadhav	7841827775(Co-convenor, Moot Court Association)

**Dr. C. M. Rao**  
Principal  
M. P. Law College  
Aurangabad.



MARATHWADA LEGAL & GENERAL EDUCATION SOCIETY'S  
**Manikchand Pahade Law College, Aurangabad.**

**XIX National Moot Court Competition-2018**

*22<sup>nd</sup> Dec. 2018*

*Moot Problem for Preliminary Round*

**Statement of Facts**

Mrs. Virupakshi, aged 28 years was a housewife living in Aurangabad, Maharashtra. She was very health conscious. She used to go for morning walk every day with her friend Siripakshi. Both of them lived in the same locality. They had studied together at school & college and were childhood friends. They shared all their happiness and sorrows with each other. Sripakshi was married to a businessman, Viresh Patel but currently the condition of their business was not going well. Due to which Sripakshi got into depression and asked Mrs. Virupakshi, who was married to a wealthy businessman, Naresh Patel to help her out of her financial crisis. Virupakshi expressed her helplessness in the matter by stating that she hardly handled any financial matters in the family and had no financial power, say or control in her house. But to lift the spirits of her friend, Virupakshi suggested that they shall go for an outing to a nearby resort.

Both of them went to the “Ajanta PARADISE AMUSEMENT PARK & RESORT” which was situated about 32kms. from their house. They had a great time at the resort and Virupakshi paid all the bills and on her way back, dropped Sripakshi at home in her car at 5:00 p.m. Once back at her own house, Virupakshi checked her purse and found that her Diamond Ring and her Gold Bangles which she had kept in the purse during they were at the Resort were missing. She immediately suspected Sripakshi and telephoned her and asked her about the jewellery and also asked her to come at her place. She firmly believed that Sripakshi had stolen her jewellery. Sripakshi was heartbroken on hearing that her childhood friend suspected her. She came to Virupakshi house at 7:00 p.m. At the entrance she met Naresh Patel and greeted him. He told her to go to the balcony of Virupakshis Room to meet her. When Sripakshi arrived, Virupakshi questioned her about the jewellery and asked her to return the jewellery at once or she would call the police.

On hearing this Sripakshi took out a sharp knife from the out pocket of her purse and lurched at Virupakshi and gave her a single knife blow on her neck. Virupakshi was startled by Sripaksi act and in fight to avoid another knife attack she stepped backwards due to which

she lost her balance and fell down from the balcony. On hearing the commotion, Naresh Patel came running up the stairs and saw Sripakshi running away towards the door. On finding Virupakshi missing in the room he followed Sripakshi to ask her where Virupakshi was and Sripakshi, weeping inconsolably, said “I was just threatening her, I didn’t mean to kill her”. After saying so she bolted the main door and ran away. All this happened within a span of two minutes. As the door was bolted from outside, the precious time which could have been utilized to give Virupakshi prompt first aid was wasted.

Virupakshi was taken to the hospital by Naresh Patel. She remained in the hospital for one day but the doctor’s could not save her life. She died of excessive bleeding from the cut at the neck and the head because of the fall. The Post Mortem report revealed that Virupakshi had received serious head injury because of the fall. However the injury on the neck was not serious. She died because of excessive bleeding from her injuries. The Session’s Court tried and convicted Sripakshi for the offence of murdering Virupakshi under section 302 of Indian Penal Code, 1860 and sentenced her to life imprisonment. Sripakshi appealed before the High Court and the appellate court set aside the conviction for murder. Instead of it, the appellate court convicted her under section 304-II (Para) Indian Penal Code, 1860 and sentenced her to ten years rigorous imprisonment.

The State has filed an appeal in the Supreme Court against the conviction and sentence of Sripakshi under section 304-II(Para) Indian Penal Code, 1860 and is pressing for her conviction and sentence under section 302 Indian Penal Code, 1860. Sripakshi has also filed appeal against her conviction under section 304-II (Para) Indian Penal Code, 1860 and has appealed for exemption. Both appeals are listed together for hearing.

**NOTE:**

- 1. The teams are requested to raise the issues and prepare the memorials, but they shall have a relation with the above problem.**
- 2. Even though both the parties are filing appeals before the Hon’ble Supreme Court, but for the sake of representation in the format of the competition, Sripakshi will be addressed as Appellant and State will be addressed as Respondent, and the memorials be drafted accordingly.**



MARATHWADA LEGAL & GENERAL EDUCATION SOCIETY'S  
**Manikchand Pahade Law College, Aurangabad.**

**XIX National Moot Court Competition-2018**

*23<sup>rd</sup> Dec. 2018*

*Moot Problem for Final Round*

**BEFORE THE HON'BLE SUPREME COURT OF WESTROS**

**1. Special Leave Petition No. 1110/2018**

**Arya Lannister,**

President , Industrial and Agricultural Association of King's Landing

*Versus*

**1. The State of Kings Landing and**

**2. Organisers of Starks Revolutionary Community**

***TO BE HEARD ALONGWITH***

**2. Special Leave Petition No. 1111/2018**

**Starks Revolutionary Community through its Head Organiser**

*Versus*

**The State of Kings Landing**

1. Westros is the biggest democracy in the world, where everyone has the right to articulate their views and vocalize their grievances as long as it is not in contravention with the law of the land. Westros's tradition and culture have been imbued with humanism and respect for the dignity of man.

2. Westros is the world's most heterogeneous society with a rich heritage. The Constitution of Westros is committed to high ideas of socialism, secularism and the integrity of the nation. The country is well known to have immersed in itself various religions, cultures, customs, caste and creed and maintained its "unity in diversity".

3. The Constitution of Westros aims at welfare of the people and promote the well-being and larger interest of the society as a whole and not of any individual or particular groups carrying any brand names.

4. The Constitution of Westros has bestowed upon its citizens certain inalienable fundamental rights, wherein they have right to oppose the decision of the State and place their demands before the Government authorities. This right is being exercised by adopting non-violent measures such as dharna, strike and hartals since ages. The Constitution of Westros provides that all citizens have the right to assemble peacefully without arms to hold meetings

and take out processions. However this right may be exercised subject to certain reasonable restrictions, whereby the assembly/protests are non-violent and the protestors do not cause any breach of public peace. If it appears that the assembly is disorderly or riotous, then it is not protected and reasonable restrictions may be imposed in the interest of sovereignty and integrity of Westros or public order.

5. These protests have been gaining some traction based on strong political motives. A new mode of protest is being rampantly used in the form of “BANDHS” i.e. ‘complete closure’, wherein these political parties in Westros abuse the democratic rights of the citizens by calling these ‘Bandhs’ which often cause a roadblock to the economic development of the nation.

6. The Supreme Court of Westros has unequivocally observed that such ‘Bandhs’ or complete closures interfere with the exercise of the fundamental freedoms of other citizens and cause grave effects on the fabric of the society, and thus are unconstitutional.

7. In spite of such observations from the Supreme Court of Westros, such bandhs are called to bring attention of the State to the issues raised by political parties, organisations or various communities. In the recent past, several bandhs have been declared by Stark Community, in the State of King’s Landing in Westros before its Government for consideration of their charter of demands. The Stark Community has strong political ideologies and religious element in their nationalist thoughts and propagandas.

8. The Starks community originally organised silent rallies across the state that turned violent in July 2018 with each district witnessing a huge number of participants. In the beginning, the rallies were without any political leaders, objectionable slogans or mischievous protestors. Millions of people came together to protest from all parts of King’s Landing, but no harm was done to any public or private property.

9. The Starks Revolutionary March broke record of human crowd in silent protest and continued to break records. The social media platforms played a key role in the protest; various Facebook groups and pages were created to make this protest successful. Many college students, graduates and IT professionals were actively managing the protest and providing information using social media. During one such silent protest, the leaders from the Stark community instructed the protestors to resort to violent and forceful measures after two weeks from the initiation of the protest in case the state authorities turn a deaf ear to the demands of the protestors. Eventually, the situation worsened and the protestors started causing road blockages and damaging public and private property.

10. Road blockage agitations were held on 31<sup>st</sup> January 2018 to gather momentum and mount pressure on the state government. The idea of holding road blockage agitations across



the state was criticized. Similar such bandhs were held on 2<sup>nd</sup> March 2018, 5<sup>th</sup> May 2018, 24<sup>th</sup> July 2018 wherein the protests turned violent, the protesters attacked the law enforcing agency and caused damage to public and private property by torching buses, police vehicles and private cars and vandalising open shops and markets.

**Cause of Action for filing Public Interest Litigation No.100/2018**

11. The Starks Community announced complete Bandh/shutdown of King's Landing on 20<sup>th</sup> August 2018 for the Government to consider their demands. On the said date, the protestors ransacked the offices of several companies in the Industrial Zone of King's Landing, vandalised their assets and disrupted the functioning of processing units of several multinational companies. It was also revealed that foreign delegates of some multinational companies were also present in the Industrial Zone when the violence broke out. These events projected King's Landing as an unsafe and volatile state and tainted the image of the State and its industrial policy due to which some foreign investors have refused to invest in the said area.

12. The protestors even stopped the produce of the farmers from reaching the market yard, closed onion markets, emptied milk trucks on roads and caused the entire administration of the State to collapse. This resulted in huge losses to the companies and the farmers along with the common man.

13. These protests had wide ramifications on various stakeholders in the state. Company operations, educational institutions, governmental functionaries came to a standstill. Inter-state transportation was stalled by the protestors which had an impact on the revenue and emergency healthcare services. There is huge loss to the agricultural and industrial sector affecting its business and holding in the national as well as foreign markets and the backbone of the economy is irreparably injured.

14. The Industrial and Agricultural Organisation of the State of King's Landing, through its President – Arya Lannister, filed a Public Interest Litigation bearing No. 100/2018, before the Hon'ble High Court of King's Landing challenging the Bandhs held by Starks Community for one or the other reason, primarily the violent activities of 20<sup>th</sup> August, 2018 and claimed compensation from the Stark Community to make good the losses incurred by the farmers, company and factory owners to an approximate amount of Rs. 10 Crores and requested the Court to issue guidelines to curb such practices.

15. The Hon'ble High Court of King's Landing rejected the claim of the petitioner for compensation on the ground that the organiser of band cannot be vicariously liable for damages/compensation and disposed of the PIL with directions to the State to come up with a mechanism to deal with such situation.

16. Arya Lannister challenged the said order passed in PIL No. 100/2018 before the Hon'ble Supreme Court of Westros by filing Special Leave Petition No. 1110/2018.

***Cause of Action for filing Writ Petition No. 1001/2018***

17. On 1<sup>st</sup> of September 2018, the Stark Community issued a notice for the citizens, that they would again be calling Bandh from 4<sup>th</sup> September, 2018 to 5<sup>th</sup> September, 2018 in the State of King's Landing for the State Government to consider their demands.

18. The Government of King's Landing issued a circular on 3<sup>rd</sup> September 2018 and directed that no Bandh/Strike/Hartal/ Agitation in any form by any Political Party, Community or organisation will be henceforth observed in the State. All schools, colleges, Educational Institutions, Public and Private Offices, Hospitals, Petrol Pumps, markets, public and private transports, etc. will be working and all such protestors who would create any disturbances would be restrained and strictly penalised with criminal offences.

19. The representatives of the Stark community challenged the circular dated 3<sup>rd</sup> September, 2018 before the Hon'ble High Court of King's Landing, on the ground that it is infringing their freedom of speech and expression and their right to protest as is enshrined under the Constitution.

20. The Stark Community submitted that citizens' right to organise a meeting, an assembly or a protest demonstration is increasingly being infringed upon. Either a meeting is not permitted or a request for permission to organise a meeting goes unanswered. A protest demonstration is sought to be prevented either by the imposition of prohibitory orders in the area concerned or the relevant routes are not permitted, hence they have to resort to the mode of Bandhs.

21. The Hon'ble High Court of King's Landing dismissed the petition filed by the Stark Community on the ground that it has no right to call for any kind of protest, rather it violates the fundamental rights under Article 19 and 21 of the Constitution of Westros.

22. The Stark Community has challenged the said order passed in Writ Petition No. 1001/2018 before the Hon'ble Supreme Court of Westros by filing Special Leave Petition No. 1111/2018.

23. The Hon'ble Supreme Court of Westros has directed that both the petitions will be heard together on the following ground:

- I. Whether the Public Interest Litigation is maintainable in the present circumstances?
- II. Whether parties, associations and persons, who are calling for the bandh need to be made vicariously liable for the damage/destruction caused during the bandh?

- III. In the present case whether the organisers of the Stark Community are bound to pay compensation for the losses incurred due to Bandh to the Industrial and Agricultural Association of King's Landing? If yes, to what extent?
- IV. Whether the Circular issued on 3rd September 2018 by the State of King's Landing prohibiting any political party, community or organisation from declaring Bandh /Strike/Hartal/ Agitation in any form is unconstitutional?
- V. When 'Right to bandh' has been declared unconstitutional by the Supreme Court of Westros, can Stark Community declare bandhs in violation of its ruling?
- VI. Whether granting fundamental right under Article 19 to community or organisation leads to violation of Article 21 of Constitution of the public at large?

\*\*\*\* Westros is a republic in South Asia. The fundamental and constitutional rights of the citizens of Westros are pari materia with the fundamental and constitutional rights under the Constitution of India.

**NOTE:**

**Participating counsels are at liberty to frame additional issues.**

**Participating counsels are to use their research and creativity to assist the Hon'ble Supreme Court by placing Draft Guidelines and its implementation mechanism to manage the Bandhs, strikes and hartals.**

**Even though both the parties are petitioners before the Hon'ble Supreme Court, with their individual claims, but for the sake of representation in the format of the competition, Arya Lannister- President of the Industrial and Agricultural Organisation of the State of King's Landing will be addressed as Petitioner and Stark Community will be addressed as Respondent, and the memorials be drafted accordingly.**



MARATHWADA LEGAL &amp; GENERAL EDUCATION SOCIETY'S

**Manikchand Pahade Law College, Aurangabad.****XIX National Moot Court Competition-2018****22<sup>nd</sup> & 23<sup>rd</sup> Dec. 2018****Registration Form****Name & Address of Participating Institution:-**


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**Phone No.****E-mail ID****Name of the Mooter - 1 :-****Class****Address****Mobile No.****E-mail ID**

Passport

Size

Photograph

**Name of the Mooter - 2 :-****Class****Address****Mobile No.****E-mail ID**

Passport

Size

Photograph

**Name of the Researcher :-****Class****Address****Mobile No.****E-mail ID**

Passport

Size

Photograph

**Particulars of Demand Draft****D.D. No.** \_\_\_\_\_ **Date** \_\_\_\_\_**Bank Name** \_\_\_\_\_ **Branch** \_\_\_\_\_

Mooter	Preliminary Round	Final Round
Mooter 1	Petitioner / Respondent	Petitioner / Respondent
Mooter 2	Petitioner / Respondent	Petitioner / Respondent

(Strike out unnecessary fields.)

**Signature and Seal of Head of  
the Institution.**



MARATHWADA LEGAL & GENERAL EDUCATION SOCIETY'S  
**Manikchand Pahade Law College, Aurangabad.**

**XIX National Moot Court Competition-2018**

**22<sup>nd</sup> & 23<sup>rd</sup> Dec. 2018**



**TRAVEL PLANS**

Name of the participating Institution :- \_\_\_\_\_

**☺ Arriving on date :-**

Mode of travel : railways/airways/roadways \_\_\_\_\_

Train name : \_\_\_\_\_

Flight name : \_\_\_\_\_

Bus/travels name : \_\_\_\_\_

Reaching at time : \_\_\_\_\_

**⊗ Departure on date :-**

Mode of travel : railways/airways/roadways \_\_\_\_\_

Train name : \_\_\_\_\_

Flight name : \_\_\_\_\_

Bus/travels name : \_\_\_\_\_

Reaching at time : \_\_\_\_\_

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