



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

Re-Accredited by NAAC with '**B+**' Grade (2019)

20th Rank of **OUTLOOK** India's Best Professional Colleges (Law)2019

33rd Rank of **INDIA TODAY** India's Best Professional Colleges (Law)2019

15th Rank of **Careers 360 Magazine** best traditional law Colleges in India 2019

Samarth nagar, Aurangabad – 431001 (MS)

☎(O) 0240-2336621, (R) 2357175

Fax: (0240) 2341146

Web Page: www.mplaw.org

Email Id: mplawcollege@gmail.com

Dr. Ch. N. V. Manikyala Rao,

B. Com, M. L. Ph.D.

Principal

Ref. No. MPLCA/2020-'21/

Date: 22/12/2020

To,

The Registrar/Director/HOD/Principal,

Respected Sir/Madam,

It gives us immense pleasure to invite your institution to participate in the **XXI National Moot Court Competition - 2021** to be held virtually (Online) on **27th & 28th February 2021** at **M. P. Law College, Aurangabad, Maharashtra.**

We kindly request you to confirm the participation of your institution by registering online 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,

Mr. A. D. Jadhav

Coordinator

Dr. A. N. Kottapalle

IQAC Coordinator

Mr. S. N. Morey

Vice Principal

Dr. C. M. Rao

Principal

Encl.:- 1. Rules of the Moot Court Competition

2. Problem No. 1 & 2 for the preliminary and final round respectively



GLIMPSES OF XX NATIONAL MOOT COURT COMPETITION - 2020



Marathwada Legal & General Education Society's

Manikchand Pahade Law College, Aurangabad

Re-Accredited by NAAC with '**B+**' Grade (2019)

XXI National Moot Court Competition-2021

27th & 28th February 2021

✍️ RULES OF THE COMPETITION:

✍️ GENERAL RULES

1. Considering **COVID-19** pandemic situations, this year the Competition shall be held online through video-conferencing on **Zoom** Platform.
2. Each team shall comprise of **2** (Two) participants **only** (Mooter 1 & Mooter 2) and should not be less or more than 2 participants. (This year no provision for Researcher)
3. Competition is restricted to bonafide undergraduate regular students of Law School / College/ University and must be students of either from LL.B. 3 years or 5 years degree course.
4. Only one team can register from a particular Law School / College/ University.
5. The dress code shall be as prescribed for Advocates.
6. The home team will be eligible for competing in this competition as the moot problems have been framed by others.
7. The language of the competition shall be English only.
8. There shall be 2 different problems for Preliminary & Final Round of the Competition.
9. All the Participating teams shall have to submit soft copies & hard copies of their memorials of both round in due time & non-compliance of it shall disqualify team.

✍️ REGISTRATION & SELECTION PROCEDURE

10. All Participating teams shall have to complete their registration process through

The Google form link:

<https://docs.google.com/forms/d/e/1FAIpQLSeg6QxDmaNZ90uS6wq6fedSlA2g0J-2wa88HRMovyK4x0qFoQ/viewform>

On or before **15th January 2021** along with duly signed **authority letter** certifying your eligibility & participation from your Institution.

11. The Competition being organized virtually, for better management & convenience we have strictly restricted only **25** valid registered teams on **first come first serve** basis for the Competition & will officially communicate their selection in due course on registered email of participants.
12. This year Each Team shall have to pay registration fee of **Rs. 1000.00** (One Thousand Rupees only) online on following details.

- A/c NAME : **MANIKCHAND PAHADE LAW COLLEGE**
- Bank Name : **CENTRAL BANK OF INDIA, AURANGABAD**
- A/c No : **1289605997**
- IFSC Code : **CBIN0280678**

13. All selected teams shall be allotted a unique team code & every member of team shall be allotted a unique code which will be individually communicated on registered email of participants.
14. Once the code is allotted, every team must use only team code for any further communication with the organizers.

☞ PHASES OF THE COMPETITION

15. The competition shall have **TWO** Rounds (i.e. Preliminary and Final), the preliminary round shall be held on **27th February from 9.00am** onwards and Final round shall be held on **28th February 2021 from 9.00 am** onwards.
16. Both the rounds shall be conducted virtually through video conferencing on **ZOOM** platform & The meeting ID , Password & Link will be communicated before 1 day of each round on the registered email of participants.
17. Participant shall not share the link with anyone & no one other than individual Speaker is allowed to join the meeting of virtual Court rooms. All the performances will be recorded & uploaded on College You Tube Channel after the Competition.
18. The Preliminary round shall be conducted online on **Saturday 27th February 2021 from 09:00** onwards in **5** different Virtual Court rooms i.e 5 different links by allotting individual performances by way of drawing lots.
19. **In Preliminary round there shall be direct performance of petitioner of a team against respondent of another team in allotted virtual Court rooms according to lots drawn. The 2 Speakers i.e petitioner & respondent of a team shall be arguing in different virtual Court rooms.**
20. The first **FIVE** teams scoring highest marks in the preliminary round shall be qualified for the **FINAL** round.
21. In case of a tie between 2 teams at any level while calculating marks of qualified teams for final round, both the teams shall be considered as qualified.
22. The Final round shall be conducted online on **Sunday 28th February 2021 from 09:00** onwards in a virtual Court room i.e only 1 link by allotting individual performances by way of drawing lots.
23. **There shall be exchange of memorials (online) of each round on previous day of the respective rounds.**
24. **Every speaker shall be ready well in advance for his/her performance to maintain time & discipline of the Court.**

☞ MEMORIALS

25. All Participating teams shall have to submit soft copies as well as hard copies of their written memorials / submissions of both rounds for both sides on or before due date mentioned hereinafter.
26. All teams shall submit typed / computerized memorials fulfilling the following specifications.
27. The memorials shall be typed on **A-4** size paper with **1 inch** margin on all the sides in the **"Times New Roman"** font size **12** with **1.5** line spacing & the font size of footnotes/endnotes shall be **10**.
28. The memorials should not exceed **25** pages (not including cover page) & the cover page must contain Team Code in bold with upper case at the upper right side corner.
29. The memorials shall neither contain name of the student, name of the college/university nor any form of identification in the form of symbol, mark etc. apart from Team Code.

30. 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 cotton thread stitches instead of spiral binding.**
31. Memorials not following the above specifications shall be disqualified.
32. Every team shall send 3 (**three**) hard copies of memorials for each side of both rounds along with Compendium, if any, 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.)**

33. Participants shall send the soft copies of Memorials on the following e-mail id as per the schedule prescribed at the end:

mplcmootproblem@gmail.com

ORAL SUBMISSIONS (ARGUMENTS)

34. Every Speaker shall have to present his/her oral submissions through video conferencing on **ZOOM** platform.
35. Oral Submissions of Preliminary round shall be conducted in 5 different virtual Court rooms in accordance with lots drawn & oral submissions of Final round shall be conducted in a virtual court room in accordance with lots drawn.
36. The Speakers shall take note that in virtual court rooms only performing speakers shall be allowed & they will be removed from meeting once their performance is over & next speakers will be called to join.
37. In Preliminary round the 2 speakers of the same team shall be allotted different virtual court rooms & hence shall have to join the meeting on time on the links send to respective speakers so as to maintain time & discipline of the Court.
38. Every speaker shall enter the Court room with his/her **unique code** as profile name & before beginning of oral submissions inform the Court his/her unique code. (**Don't use your name**)
39. Every Speaker shall have **15** minutes time to present his/her oral submissions and additionally **05** minutes for rebuttal. **Rebuttal is mandatory for each Speaker.**
40. No Speaker shall be allowed to address the court for more than the prescribed time without due permission of the Court.
41. No additional documentation or screen-sharing shall be allowed & any information which has to be provided to the Court should be submitted beforehand to the organizers as Compendium.
42. The participants shall ensure functioning of their quality audio-video gadgets with good internet connection. In case of any network or technical issue, the Court will take appropriate decision, which shall be binding on participating teams, Speaker & organizing Institution.

ASSESSMENT CRITERIA

The Assessment criteria of Participants & team shall be as under...

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
TOTAL MARKS:	100

MISCELLANEOUS

43. All the participants are expected to maintain the decorum of the court during the competition and are expected to observe themselves in a manner befitting the legal profession.
44. The organizers reserve the right to take appropriate action for any unethical, unprofessional and immoral conduct.
45. **The organizer's decision as regards the interpretation of rules or any other matter relating to the competition shall be final.**
46. **If there is any situation, which is not contemplated in the rules, the organizers decision shall be final.**
47. For any query or clarification feel free to contact persons given hereinafter



The teams & participants shall be awarded cash prizes along with trophies as follows...

- 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. Sirsankar- 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**

- **NOTE:** Cash prizes shall be paid through RTGS/NEFT and Trophies shall be distributed in Prize Distribution ceremony to be held shortly as COVID 19 conditions permits. The winner Teams / Mooters will be invited for the same

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

- | | |
|--|--------------------------------|
| 1. Submission of online registration form | 15 th January 2021 |
| 2. Submission of soft copies of memorials | 10 th February 2021 |
| 3. Submission of hard copies of memorials along with Compendium, if any. | 15 th February 2021 |
| 4. Date of Preliminary Round. | 27 th February 2021 |
| 5. Date of Final Round. | 28 th February 2021 |

Contact details:

Student Conveners:

Miss. Akanksha Tiwari - 8770140909
Miss. Prashasti Shrivastava - 7905223613

Teacher Coordinators:

Prof. A. D. Jadhav - 9970449376
Prof. S. N. Morey - 9325228041
Dr. A.N. Kottapalle - 9923412234
Prof. D. B. Kolte - 9423160612



C.M. Rao

Dr. C. M. Rao

Principal
M. P. Law College
Aurangabad.
Principal
M.P. LAW COLLEGE
Aurangabad



Marathwada Legal & General Education Society's
Manikchand Pahade Law College, Aurangabad.

XXI National Moot Court Competition-2021

27th February 2021

Moot Problem for Preliminary Round

India is a developing country with 29 states and 9 union territories; Pune is metropolitan city in India .It has a constitution of its own which is the "Supreme Law of the Land". The Constitution of India gives freedom and liberty to all its citizens. Pune is a very populated area and is known as the Oxford of the East.

Veda Institute of Pharmacy allows co-education system, where both boys and girls can study together. Randeep Thakur is a pursuing his 3rd year of his B.Pharm course from this college when he started having feelings for one of his classmate name Simran Singh. Being an introvert guy Randeep was unable to disclose his love for her. On 14th February 2019, Randeep gathered some courage and proposed Simran during a college event. Simran on the other hand was a perfect picture of "beauty with brain". Randeep was very much happy to have Simran as his girlfriend. For 2 months the relationship between Simran and Randeep went well. But gradually Simran noticed that Randeep himself being an introvert started dominating her in every possible ways. Randeep did not allow her to talk with any other boy except him, and often disallowed her wearing short dresses. This gave a ground for both of them to fight on daily basics. Simran objected to all this as she being a social person was forced to cut all connection with her close friends. Randeep always used to check Simran's mobile phone and used to doubt her frequently. In the month of July 2019, Simran wanted to end this relationship as she was unable to continue with this relationship. But surprisingly Randeep was not ready to leave her and when he heard that Simran was going to leave him he started assaulting her and made it clear that it was impossible for her to leave him. This went in such a way that whenever Simran used to tell Randeep that she would like to end the relationship, Randeep used to tell her that he would kill himself if Simran leaves him.

On 29th July 2019, Simran took Randeep to a psychiatrist. Upon examination, the doctor said that Randeep could be suffering from a psychological problem which is commonly known as paranoid schizophrenia .On 25th August 2019, on the advice of Simran's friends, Simran decided to end her relationship with Randeep. Randeep was frustrated and equally angry on hearing this when he came to know that Simran blocked him from all social media platforms and contacts.

On 21st September 2019, Simran received a call from an unknown number 9011****. On receiving the call it was the voice of Randeep. Simran showed least interest in having any conversation with him and on request from Randeep she did listen to Randeep's words. Randeep said that he wanted to apologize for what he did with her and for that he requested Simran to come to a hotel name "Hotel TS" at 7 pm on 23rd September 2019. Initially Simran was not ready to accept his invitation as there was nothing left between them but after a lot of pressing and considering Randeep's mental condition she agreed to come. On 23rd September 2019 at 7 PM

Randeep met Simran in Hotel TS in Room number 201. Next day on 24th September 2019, at around 11:30 AM Simran's naked dead body was found lying in Room Number 201.

Subsequently, the investigation was commenced and as Randeep was the last person to enter into the Room, he was arrested and an FIR was registered against him. After the filling of the charge sheet, it was prima facie seen that there had been sexual assault on Simran after her death, which was corroborated with the medical report. Randeep was charged with Section 302 and 377 of the Indian Penal Code, 1860. When the trial commenced, Randeep pleaded the defence of insanity and pleaded that he had a genetic affliction towards Schizophrenia. As per the Provisions of Chapter 25 of Code of Criminal Procedure, 1973, the procedure was followed but the Magistrate found him competent to face trial at that relevant time and committed the case to the court of sessions for the trial. At the time of the trial, Randeep pleaded that at the time of commission of offence, he was unaware of what he was doing and that he be granted the benefits of the general exceptions under IPC for the charge of Murder.

The Trial court did not consider this submission for the charge of Murder under IPC. As to the charge of Section 377 of IPC, the court stated that sexual assault upon a corpse could not be brought under the ambit of section 377. The Sessions court in its order convicted the accused under Section 302 of IPC and sentenced him to Life imprisonment with a fine of Rs. 25,000/- and acquitted him for the charge under section 377 of the IPC

The accused filed an appeal against his conviction u/s 302 and the prosecution filed an appeal against acquittal u/s 377 of the IPC before the Hon'ble High Court of Bombay. After both the appeals of conviction and acquittal were admitted, the court clubbed the appeals as arising out of the same circumstances and went on to frame the following issues:

1. Whether the accused can be granted the benefit under section 84 of IPC?
2. Whether the sexual assault or rape on the corpse is covered under the ambit of section 377 of IPC?

NOTE BENE:

1. *The parties have to accordingly challenge the conviction and acquittal depending upon the side allotted to them.*
2. *The validity of the medical evidence with regards to the mental state of the accused and the biological evidence obtained from the victim cannot be disputed.*
3. *Annexure I is a certificate by the medical examiner as to the victim.*

ANNEXURE I**CERTIFICATE BY MEDICAL EXAMINER**

After the examination of the victim and the chemical analysis, the following observations were found:

1. Cause of death: Severe Head Injury
2. Time of death: Approx. between 3:30 AM to 4:30 AM on 24th September, 2019.
3. Freshly torn hymen and fresh semen, suggestive of sexual assault after the death of the victim.
4. The DNA of semen was inconclusive.

The above mentioned observations were made in reference to the body received from the Viman Nagar Police Station for Crime Number 218/2019.

SD/-
Assistant Medical Examiner
GMC, Pune.



Marathwada Legal & General Education Society's
Manikchand Pahade Law College, Aurangabad.
XXI National Moot Court Competition-2021

28th February 2021

Moot Problem for Final Round

1. The country of Nanbi is a quasi-federal, social, secular, democratic republic governed by constitutional supremacy following the rule of law. As per the constitution, power is divided between the legislative, executive and judiciary of the country. Each of these bodies perform their essential functions independent of each other, and within the pre-determined constitutional framework.
2. Nanbi promotes freedom of speech and expression and thereby the right to access, obtain and impart information as a fundamental freedom recognized and guaranteed by its constitution. The country boasts one of the world's largest media force with more than 900 television channels, 60 radio stations, 1,18,239 newspapers and more than 60 magazines.
3. The influence of media on Nanbians as a catalyst of change, an influencer and most importantly as the source of fast and reliable information became increasingly dominant and this gradually led to media being dubbed as the fourth pillar of democracy, as it ensures a check on the other constitutional organs. Timely and impartial dissemination of news and information that critically analysed the State policies and governance on various topics had enabled the Nanbian media to acquire popularity both within the country and outside.
4. However, recent trends in improper media sensitization of issues, media trial, dissemination of partial information, favoritism towards a particular political or religious group or ideology, unauthorized sting operations, and other unethical media practices that simply aim at increasing the viewership or readership and thereby their profits, does not contribute to the development of the society and thereby in the creation of free and fair opinion. The same is a looming threat on the proper working of the constitutional machinery and thereby, the democratic governance of the country.
5. Freedom of speech and expression like all fundamental freedoms are not absolute in Nanbia. It is subject to reasonable restrictions imposed upon it by the constitution. Further, in order to ensure morality, integrity and ethics in media, the State by way of legislative and executive attempts also exercises a reasonable amount of control over it.

6. However, the growing media attacks particularly against the Nanbian government and the constitutional machinery, led to the enactment of the Media (Pre-Censorship and Regulation) Act, 2020 (hereinafter the MPRA) on 26.01.2020. The Act provided for a prior restraint or pre censorship on the freedom of press and aims to restrict certain subject matters if the same is found contrary to the sovereignty, integrity and/ or national security, or if it endangers the friendly relation between countries, or if it is against the public interest, or if it threatens to disrupt public order in the State or affect the proper functioning of its constitutional machinery. Such matters would be censored or restricted from being published or broadcasted on media platforms including, print, visual, audio and cyber. This prior restraint is in addition to the already existing reasonable restrictions under the Nanbian Constitution and other measures by the State.
7. MRPA also provides for the establishment of a Media Pre - censorship and Regulatory Authority (hereinafter the Authority) that would act as a nodal body for the purposes of the Act. The body composed of a retired judge of the Supreme Court of India as Chairperson and two members having professional knowledge and experience in the field of law, journalism and/or technology.
8. Section 11 of the Act gave the Authority sole power to exercise prior restraint on the content(s) which could be published by the media. The said content(s) was to be reviewed by the Authority and if found contrary to the sovereignty, integrity and/ or national security, or if it endangers the friendly relation between countries, or if it is against the public interest, or if it threatens to disrupt public order in the State or affect the proper functioning of its constitutional machinery, then the said content(s) would be censored. Any media house or independent publisher or broadcaster intending to challenge the said order could give their objections in writing within ten days from date of receiving a copy of the order. The said objections would be considered by the Authority and appropriate order shall be passed within seven days. The said order of the Authority would be final and binding. Any person found contravening the provisions of MRPA or not complying with the orders of the Authority would have to pay a fine of upto Rs. 3,00,000/- (Rupees Three Lakh Only) or imprisonment of three years or both.
9. Mr. Raj Kamal was an independent publisher owning the Hindi vernacular daily "Desh Kamal". The said newspaper was started in 2010 and had received widespread popularity and readership through its unique and secular voice. Desh Kamal was widely circulated throughout India, and had tie ups with other regional, national and international

newspapers so that the major news articles appearing in Desh Kamal could be translated and published in other newspapers for the benefit of non - Hindi readers.

10. After the enactment of the MPRA, Desh Kamal like all other media platforms in Nanbia had to submit their contents for scrutiny before the Authority. On 04.04.2020, the Authority restrained the publishing of certain articles in Desh Kamal stating that the same was against the sovereignty, integrity and national security of the country and that the same being against public interest also threatened to disrupt public order. The said articles were an investigative series focusing on the effects of the abrogation of Art. 370 of the Nanbian Constitution on the State of Elm and Willow (hereinafter E and W). The said decision of the Authority was challenged by Mr. Raj Kamal, only to have it upheld and binding by the Authority.
11. Mr. Raj Kamal has now filed a writ petition under Art. 32 of the Nanbian Constitution before the Supreme Court of Nanbia at Navi Denna alleging infringement of his right to life and personal liberty, fundamental rights and against the arbitrary decision-making power of the Authority. Mr. Raj Kamal has further prayed that the Act be held unconstitutional and violative of the Constitution.

Note to participants: The laws of Nanbia including its constitution and other authorities are all *pari materia* to India.