



Marathwada Legal & General Education Society's

# MANIKCHAND PAHADE LAW COLLEGE, AURANGABAD.

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

20<sup>th</sup> Rank of **OUTLOOK** India's Best Professional Colleges (Law) 2015

**Dr. Ch. N.V. Manikyala Rao,**

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

**Principal**

Samarthnagar, Aurangabad – 431001 (MS)

☎ (O) 0240-2336621, (R)2357175

Fax: (0240) 2341146

Website : [www.mplaw.org](http://www.mplaw.org)

E-mail ID : [mplawcollege@gmail.com](mailto:mplawcollege@gmail.com)

Ref. No. MPLCA/2015-'16/417

Date: 09/12/2015

To,

The Registrar /Director / HOD / Principal,

Respected Sir / Madam,

It gives us immense pleasure to invite your institution to participate in the **XVI National Moot Court Competition -2016** to be held on **13<sup>th</sup> & 14<sup>th</sup> Feb. 2016 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,

Dr. B. V. Paranjpe  
IQAC Coordinator



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 XV National Moot Court Competition - 2015





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

## XVI National Moot Court Competition-2016

13<sup>th</sup> & 14<sup>th</sup> Feb. 2016

### ✍️ RULES FOR THE COMPETITION:

1. Each team shall comprise of 3 (Three) participants only (Mooter 1, Mooter 2 and Researcher)
2. Competition is restricted to bonafide regular students of Law School / College/ University. All participants must be students of LL.B. /B.L. and may be either from 3 years or 5 years course.
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. **12<sup>th</sup> Feb. from 9.00 pm to 14<sup>th</sup> Feb. 2016 up to 9.00 pm** and boarding will be provided on the days of Competition i.e. 13<sup>th</sup> & 14<sup>th</sup> Feb. 2016. The Participants should follow disciplinary rules at the Accommodation where they will be boarded.
5. Each participant Law School / College / University shall pay a notional 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.
8. The moot problem for preliminary round is prepared by Ms. Annamma Samuel, IPR Consultant, New Delhi & Final round Ms. Anagha Pedgaonkar, NLC IV yr. Student of M P Law College, Aurangabad.

### ✍️ PHASES OF THE COMPETITION

9. The competition will have **TWO** Rounds (i.e. Preliminary and Final), the preliminary round will be held on **13<sup>th</sup> Feb. 2016 from 9.00am** onwards and Final round will be held on **14<sup>th</sup> Feb. 2016 from 9.00 am** onwards.
10. The best **FIVE** teams from the preliminary round will be qualified for the FINAL round.
11. In both the rounds, one participant from each team shall argue on behalf of the petitioner, and the other on behalf of the respondent.
12. **There will be direct performance of petitioner of a team against respondent of another team according to lots drawn in different Court Halls.**
13. Problem No. 1 and 2 are for the preliminary and final rounds respectively.
14. In case of a tie, both the teams will be considered qualified.

### ✍️ MEMORIALS

15. All teams shall submit their written memorials / submission for both sides along with synopsis in English.
16. All teams shall submit typed / computerized memorials fulfilling the following specifications.
17. 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.
18. Memorials not following the above specifications will be penalized.
19. Each team shall send three copies of memorials for each side mentioning name of the participant and College/ University on the **covering letter within due time. Neither**

**the name of student nor the name of the Institution shall reflect on the memorials.** 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 within specified time will lose 05 marks from the total score.

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.

#### **MARKING CRITERIA**

26. The following will be the marking 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>               | <hr style="width: 100%; border: 0.5px solid black; margin-bottom: 2px;"/> 100 <hr style="width: 100%; border: 0.5px solid black; margin-top: 2px;"/> |

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.



**PRIZES**

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

- I) **Winner Team cash prize of Rs. 7000/- from college alongwith Late Adv. Shri. Sudhakar Rao Deshmukh Trophy.**
- II) **Runner Up Team cash prize of Rs. 5000/- from college alongwith 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/- alongwith Trophy.**
  - ❖ **Best Respondent from final round cash prize of Rs. 2000/- alongwith 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.**

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

|  |                            |
|--|----------------------------|
| 32. Submission of registration form<br>along with travel plans and demand draft. | 25 <sup>th</sup> Jan. 2016 |
| 33. Submission of memorials  | 01 <sup>st</sup> Feb. 2016 |
| 34. Date of Preliminary Round.   | 13 <sup>th</sup> Feb. 2016 |
| 35. Date of Final Round.   | 14 <sup>th</sup> Feb. 2016 |

 **For any queries participants is Welcome to Call**

|                              |                    |
|------------------------------|--------------------|
| <b>Prof. Dinesh B. Kolte</b> | <b>09423160612</b> |
| <b>Prof. Abhay Jadhav</b>    | <b>09404202278</b> |
| <b>Prof. Amol D. Chavhan</b> | <b>09420706040</b> |

**Dr. B. V. Paranjpe**  
IQAC Coordinator & Vice Principal  
M P Law College, Aurangabad

**Dr. C. M. Rao**  
Principal  
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Aurangabad.



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**Manikchand Pahade Law College, Aurangabad.**

**XVI National Moot Court Competition-2016**

*13<sup>th</sup> Feb. 2016*

*Moot Problem for Preliminary Round*

***Barona Tech Solution Vs State of Sindhia***

Barona Tech Solution hereinafter referred as BTS is a leading Software and Technology giant in the world having its registered corporate office in USA. Barona Tech Solution (BTS) also expanded their business by having operations in various countries. Barona Technology Solution (BTS) also started operations in Sindhia which is a state located in Europe and that has adopted the same legal structure as that of Republic of India.

BTS developed a new technology where one could print symbols or make impressions and images in flowers or any part of plant leaves. This was the first of its kind and this technology was well appreciated by many researchers who had developed technical skills in this field. Many youngsters were also eagerly awaiting the entry of this product in the market as it would be possible for them to gift their friends and family with this new technology which is first of its kind.

The most important aspect of this invention is that it will also enable people to print messages like "Happy Birthday to you" etc. BTS applied patent for this technology in many countries where they had business operations and many of their patent applications were successful as the patent office's granted patents. BTS also made an application before the Dango Patent office in the state of Sindhia requesting a patent for the technology which they have invented. BTS claimed in their patent application both product and process patent. The claim for process mainly includes the method of providing the image on the Organic Product, being flowers and leaves . BTS have also described the step-by-step method of providing the image on the flowers and leaves as well as the illustrated flowers with the images made by the method. The product patent claims includes the claim for the leaves and flowers on which images are impressed or printed.

The Dango patent office in Sindhia followed the usual procedures and examined the application. The patent office rejected various claims of the patent application which is related to product patent .The rejection was based on the fact that

it falls within the mischief of Section 3(j) of the Patents Act, 1970 as amended by the Patents (Amendment) Act, 2002 and that it is not an inventive step taken by the Petitioners. The patent application was also rejected on the ground that the applicant's claim includes life form patenting which is not permitted in the state of Sindhia. The Patent legislations of Sindhia is similar to that of Republic of India and the state of Sindhia has also signed all the international treaties where the Republic of India has been a signatory.

Hence BTS files a Writ Petition under Art.32 before Hon'ble Supreme Court of Sindhia for the following issues:

1. Denial of patent for the above mentioned claims is an Violation of Art.14 of the Constitution.
2. Life forms can be patentable when some technology is used to improve its existence and hence it should come within the purview of the definition of "Technology", "Invention" and "Inventive step" under the said Act.
3. Sec.3 (j) of the Patents Act, 1970 is constitutionally invalid based on the above grounds.

The court had asked the Petitioner to prove Locus Standi in the current case. Prepare the arguments on behalf of both the parties and restrict the arguments to the above given issues.



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**XVI National Moot Court Competition-2016**

*14<sup>th</sup> Feb. 2016*

*Moot Problem for Final Round*

*State of Linia vs. Alexis Foundation*

1. The Republic of INDIANA, a developing country, flourished in the era of industrialisation, is largely an agriculturist economy with about 80% of the population involved in and carrying out agricultural Activities.
2. Indiana's National Liberation Alliance (NLA), which came to power in the 2013 general election under the leadership of PM Mr. Kannade initiated, a National Program to facilitate infrastructure in October 2013, so that economy prospers, minimizing dependence on other Nations.
3. ZION, a village in State of "LINIA", forms part of eastern INDIANA. ZION's geography is such that, almost half region, is covered by "Himsara Mountains", consisting forests. It possessed some rarely found Tarsiers and hairy tossed wombat. It was declared as an ecologically sensitive zone by Govt. of LINIA under LINIA TOWN AND COUNTRY PLANNING ACT, 1999. The rest is plains. River "LEAS", originates from Himsara Mountains, finding its source from Trabian Sea which is in the east of INDIANA, flows through the eastern region and again merging in the Trabian Sea.
4. The village is more of a tourist destination considering its topography and diverse wildlife. The banks of Leas consist of the indigenous population who are untouched by civilization. They lived in the lap of nature and used agriculture as means to survive.
5. Due to the increase in number of tourists at ZION, the government of LINIA decided to develop the area as a tourist place. In order to suffice, an Expert Committee was appointed in November 2013 to check the sectors where construction would function without being interdependent.
6. Government of LINIA, in the light of the report submitted by the committee [Refer Annexure 1] on 6<sup>th</sup> February, 2014 leased an area next to ecologically sensitive zone to HERITAGE MOTELS PTV LTD (hereafter HMPL) for a period of 30 years on 11<sup>th</sup> April, 2014. HMPL was to construct a resort on the slope of the mountain range. For

this purpose it was to give employment to the landless farmers in the village of ZEON. HMPL applied for environmental clearance on 11<sup>th</sup> August, 2014.

7. The notification was provided for public hearing on 5<sup>th</sup> September, 2015. But the same was cancelled on the ground that there will be no disturbance caused to the agriculturist. On 3<sup>rd</sup> January, 2015 HMPL was granted clearance on the condition of no change in the natural watercourse should take place, and cutting of hill shall be avoided as far as possible.
8. The commencement of the construction of site began in April 2015. Around the end of 2015 of the site being set up, there were constant complaints by the people living in and around residential areas regarding outbreak of respiratory problems due to the dust emitting from the site. The high level of noise caused by the construction work was also a nuisance to the neighborhood especially during night times. Moreover, there was an adverse effect on the crops which decreased their yield. This resulted into high debt burdens which led to suicide of farmers. The people living in that area were not in favour of the project, they agitated in vain on the grounds that the construction affected the yield of the crop.
9. According to the report of ECA (Environment Concerned Agency), an NGO working in LINIA itself in June 2015 highlighted two areas of concern that the site had caused:
  - a. The construction resulted in deforestation. It also caused the wildlife to suffer, in a way that migratory birds were found less during the monsoon of 2015, Leopards venturing into residential areas etc.
  - b. The gases released in the area due to the vehicles used resulted in drastic climatic change. Also river Leas was being contaminated and polluted because of all these actions. This largely affected the people as Leas was their prime source of agriculture and water.
10. The Report also claimed that this will have an in-direct effect on the tourism of ZEON. However due to the project being the priority of the Government, the construction site continued to function.
11. Thus, ALEXIS FOUNDATION (hereafter referred as AF), an NGO, approached the HIGH COURT OF LINIA, and sought to quash the Permission accorded to the HMPL by the appropriate govt that has affected their Right to livelihood and environment guaranteed under the Constitution of INDIANA. It also disturbed the wildlife. AF protested that while constructing PM10 penetrates deeply into the lungs and cause a wide range of health problems including respiratory illness, asthma,



bronchitis and even cancer and alleged that the Environmental Clearance that was granted was not in consonance with the objects of the Environment (Protection) Act, 1986

12. Thus, the Court passed an order [*Refer Annexure 2*] that directed the GOVERNMENT OF LINIA to initiate action so as to maintain ecological equilibrium.
13. The appellant GOVERNMENT OF LINIA preferred a special leave petition before this Court on the ground that the government is empowered to divert the use of land under sec 14 of Linia Town Planning Act, 1999, (*Refer Annexure 3*)
14. The following assumptions are to be made by the Parties and the same shall not be rebutted to be otherwise:
  - The Constitution and Legislations referred to in the Fact-Sheet shall be deemed to be a reference to the relevant law of India, and all other laws of India shall be in pari materia to the laws applicable to the Moot-Problem.
  - An ecologically sensitive area (ESA) is a type of designation for an agricultural area which needs special protection because of its landscape, wildlife or historical value.
15. The Participants may raise any other Issue on the given facts, but shall argue on the following:
  - **Whether the petition is maintainable?**
  - **Whether the Rights of agriculturists are infringed by the Project?**
  - **Whether the clearance granted by government is valid?**

### ANNEXURE 1

#### **Relevant extract of report submitted by Expert Committee**

“A Report on the construction of resorts, on the request of the Government of LINIA, as submitted on 6<sup>th</sup> February 2014;

“.....In the given scenario, the development of ZION through construction of resort is needed...”

“.....The lands may be leased to HMPL as it is not going to pose any harm to the nature as there is no emission of any harmful gas....”

**ANNEXURE 2**

**Relevant Extracts of the Decision of the High Court of Linia in  
Alexis Foundation V. State of Linia (writ petition no. 36638 of 2015 )**

1. The Division Bench in the impugned judgment held that for maintaining ecological equilibrium and pollution free atmosphere of the villages, the LIADB be directed to leave a land of five kilo metre (for short five k.m.) as a buffer zone from the outer periphery of the village in order to maintain a `green area' towards agricultural operation and for development of social forestry
2. This measure would preserve the ecology without hindering the much needed industrial growth, thus striking a balance between the industrial development and ecological preservation.
3. The Court further directed that whenever there was an acquisition of land for industrial, commercial or non-agricultural purposes, except for the residential purposes, the authorities must leave one k.m. area from the village limits as a free zone or green area to maintain ecological equilibrium.

**ANNEXURE 3**

**Relevant extracts from "The Linia Town Planning Act, 1999"**

**14A. Change of land use from the outline development plan. –**

- (1) At any time after the date on which the outline development plan for an area comes into operation, the Planning Authority may, with the previous approval of the State Government, allow such changes in the land use or development from the outline development plan as may be necessitated by topographical cartographical or other errors and omissions, or due to failure to fully indicate the details in the plan or changes arising out of the implementation of the proposals in outline development plan or the circumstances prevailing at any particular time, by the enforcement of the Provided that, –
  - (a) all changes are in public interest;
  - (b) the changes proposed do not contravene any of the provisions of this Act or any other law governing planning, development or use of land within the local planning area; and
  - (c) the proposal for all such changes are published in one or more daily newspapers, having circulation in the area, inviting objections from the public within a period of not less than fifteen days from the date of publication as may be specified by the Planning Authority.



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**13<sup>th</sup> & 14<sup>th</sup> Feb. 2016**

**Registration Form**

**Name & Address of Participating Institution:-**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**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.**



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**13<sup>th</sup> & 14<sup>th</sup> Feb. 2016**



**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**