

SHRI SHARDA BHAVAN EDUCATION SOCIETY'S
NARAYANRAO CHAVAN LAW COLLEGE
NANDED
(MAHARASHTRA)



Late Kusumtai Chavan
Memorial



8th NATIONAL MOOT COURT COMPETITION

(42nd YEAR OF MOOT COURT COMPETITION)

Saturday, 11th June 2022

Establishment Year: 1970

Post Box No. 201

Phone No. Office: (02462) 253771

Principal: (02462) 254869 Library- 250127



Shri Sharda Bhavan Education Society's

NARAYANRAO CHAVAN LAW COLLEGE, NANDED

NAAC Re-accredited B++ Grade

(Affiliated to Swami Ramanand Teerth Marathwada University, Nanded)

E-Mail: nclcnanded@yahoo.com Website: www.nclawcollegenanded.org

President
Hon'ble Shri Ashokrao Chavan
B.Sc., M.B.A.

Secretary
Shri D.P. Savant
B.Sc. (Hons.)

Principal
Dr. V. S. Khakare
LL.M., SET, Ph.D.

Ref. No.:

To,
The Principal,

**Sub.: Late Kusumtai Chavan Memorial 8th National Moot Court Competition,
to be held on Saturday, 11th June 2022.**

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. This is the 42nd year of Moot Court Competition & Since 2014 the college has decided to make it a much bigger event & since then this will be the 8th National Level Moot Court Competition, which is ever known for adopting new practices.

It gives us immense pleasure to invite your esteemed institution to participate in Late Kusumtai Chavan Memorial 8th National Moot Court Competition to be held on 11th June 2022 in our college.

We request you to send a team of 02 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 reaches us on or before 30th May 2022 along with Registration Fee 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. V.S. Khakare
Principal**

Encl.:

1. Moot Problem.
2. Rules of Competition.
3. Registration Form.

INDUSTRIAL ASSOCIATION VS. UNION OF INDIA

Pollution has been in existence since time immemorial. It was in form of natural phenomena till the advancement of human civilization. With the growth of human population, the demand for goods and services amplified thereby contributing towards increased levels of almost all, old and new forms of pollutants. In 1972, the United Nations Conference on the Human Environment held at Stockholm took a serious note of changing environmental patterns and human establishments. Since then nations throughout the world have been trying to curb the increased levels of pollution. However, the pollutants continue to adversely affect individual health and environment.

Air pollution, water pollution, noise pollution, medical waste, bio-hazards etc. are some of the buzz words in the field of environmental science. Environmental Laws, Rules and regulations and various environment protection agencies continue to operate at different levels to control and mitigate pollution. Nonetheless, pollution stands to be emergent and ever growing.

Recent scientific investigations demonstrate that few pollutants can hurt public health and property at micro levels. For instance, research shows that regular exposure to particulate matter (PM_{2.5}) can cause untimely death or serious effect on cardiovascular system resulting into heart attack and stroke. Competent environment protection agencies made the standards more protective and prohibitory as new, peer-reviewed scientific studies show that existing standards were not adequate to protect public health and the environment.

India is viewed as one of the possible superpowers of the world. This potential is ascribed to some pointers, the essential ones being its demographic patterns and rapid economic growth. In 2015, it turned into the world's fastest developing economy with 5% assessed GDP rate. GDP growth of the country is estimated at 21.4% for the first quarter of FY22 exceedingly contributed by industrialisation.

India, on the other hand, is also known for high levels of pollutions. Home to 22 of the world's 30 most polluted cities; India's toxic air kills more than one million people each year. The smoggy air cloaking Indian cities often contains dangerously high levels of fine particulate matter. Its capital city Delhi stood to be world's most polluted capital city with an AQI of 349. A research shows that 2.2 million children had irreversible lung damage due to the poor quality of the air and around 54000 premature deaths due to pollution took place in Delhi in 2020. Other effects of pollution include- premature deaths, heart disease, chronic obstructive pulmonary disease, lung cancer and acute respiratory infections.

An assortment of measures are taken by the local administration, nation government and welfare organisations for prevention and control air pollution which includes- Tree plantation policy, 'Red Light On, Gaadi Off' campaign, Anti-dust campaign, Bio-decomposer, Smog tower, Electric Vehicle Policy, Solar usage, financial support etc. Despite all the efforts the levels of pollution seems to be steadily increasing.

Considering the threat of novel coronavirus (COVID), the government of India on 24/03/2020, declared nationwide lockdown thereby by restricting the movement of 1.38 billion populace and pausing the movement of all automobile and industrial establishments except the one falling in the category of essential services. During the lockdown, the world saw a dramatic decrease in various types of pollution and improvement in quality of air, water, bio-diversity. The health (both physical and mental) of the general population improved. The natural resources like air and water showed higher levels of purity and wholesomeness. The wild life repopulated including increased number of endangered species. Considering all the positive outcomes, some notable scientific researchers suggested that such interventions may be used as a possible emergency measure to combat severe pollution episodes like those witnessed in Delhi region during the summer and winter season.

Bearing in mind self-experience, suggestions and recommendations of various experts in the field of environmental science and to curb pollution, the Delhi Government, considering the current state of pollution as state of emergency, passed an order under section 6(2)(i) of the Disaster Management Act, 2005. The said order intended to impose **Planned Lockdown** of fifteen days, twice a year. It shall be in effect from 1st to 15th May and from 1st to 15th November every year. Where the lockdown was restricted to polluting industries only, regular and day-to-day activities were kept out of the ambit of this order. Where this decision was warmly welcomed by the residents as upliftment of 'Right to Life' [Art. 21] enshrined under the Constitution of India, the same was profoundly criticized by industries as violation of 'Right to Trade and Business' [Art. 19(1)(g)].

Aggrieved by the decision, the Industrial Association has filed a writ petition before the Supreme Court of India.

Note:

- The petitioner and respondent are at the liberty to frame the issues (maximum 3) and develop arguments accordingly
- The Laws of India are Mutatis Mutandis to the Laws of India.
- All the characters, events, names, places used in the moot problem are fictitious and having no resemblance with any living or non-living person or property, and have framed only for the purpose of this moot court competition. If it seems to be resembling, that shall be construed as a mere coincidence.

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

**Late Kusumtai Chavan Memorial
8th National Moot Court Competition
Saturday, 11th June 2022**

Rules for the Competition

A. Eligibility & Registration:

1. Team from Law Colleges and Universities all over India, recognized by Bar Council of India shall be eligible to participate in the competition.
2. The members of each team should comprise of two members i.e. two mooters. One institution is allowed to send only one entry.
3. Members of the team should be under graduate law students either pursuing 3 Years or 5 Years law course.
4. Each team shall pay Registration Fees of Rs.2000/- by-
 - a) Demand Draft drawn in the name of *The Principal, Narayanrao Chavan Law College, Nanded, payable at Nanded;*
or
 - b) NEFT/UPI/Online- Bank: **Corporation Bank**; Current A/c No.:
520101048956860; IFSC Code: **CORP0001028**
5. The teams must register on or before 30th May 2022, by sending a scanned copy of Registration Form alongwith Scanned copy of Demand Draft or Screenshot of Online payment and a covering letter at nclcnanded@yahoo.com. The original hard copy of the registration form alongwith demand draft or print of online payment and covering letter shall be sent along with the memorials.

B. Date & Venue:

1. Date of Competition : 11th June 2022, Saturday.
2. Venue : Narayanrao Chavan Law College,
VIP Road, Nanded-431602 (Maharashtra)

C. Rules for the Competition:

1. The competition will be in English only.
2. The Competition will be conducted before division bench. The number of courts shall depend upon the number of entries received for the competition.
3. The decision of the judges as to assessment of oral submissions & written memorials shall be final & no disagreement shall be entertained in this regard.
4. The dress code for the participants shall be white shirt, black pant, black coat and black tie.
5. The participants shall have to prepare & argue the case as if they are appearing before the Hon'ble Supreme Court.
6. All the participating teams are expected to carry with them any case law & authorities which they intend to refer.
7. The competition will be conducted in 2 rounds, i.e. Preliminary Round and Final Round.

Rules for Preliminary Round:

1. In the preliminary round, each team will be allotted a team code and court room number. The team members are required to appear before the bench as per their code and present their case against their own companion speaker i.e. the Petitioner of a team will argue with the Respondent of the same team.
2. Each speaker will be given time of maximum of 08 min. (7+1) for oral submission in the preliminary rounds. There will be a warning bell after 07 minutes & a final bell after completion of 08 minutes of commencement of arguments by the participant. If the speaker exceeds time more than time given, except with the permission of the judges, the team would be liable for negative marking. Since both the Speakers of a team are arguing against each other belonging to the same institution, no rebuttal or sur-rebuttal is permitted.
3. The marks for first round, of each individual speaker shall be computed by addition of memorial marks & oral submission marks. The total marks will be the aggregate of the marks given by both the judges to each participant.
4. Each team shall be assessed out of 400 marks during oral submissions (i.e. marks will be calculated as 100 marks to each Mooter by each judge of the bench.). 50 marks for each memorial will be separately added in order to count the merit. The marks

collectively scored by both the speakers along with the marks scored for memorial shall be computed for the purpose of qualifying for the final round.

5. Two highest scorer teams from each court shall qualify for the final rounds.

Rules for Final Round

1. Final round shall be presided over by a full bench.
2. Final round shall be assessed out of 600 marks (i.e.100 marks to each speaker by three judges' bench).
3. Two winning teams from each court in preliminary round shall be advanced to the final round and team scoring highest mark in the final round will be adjudged as winner team.
4. The allotment of sides of arguments and the opponent team in the final round shall be decided by draw of lots, to be taken place at the end of preliminary round. (Please note that, considering the time constraint no exchange of memorial is advanced during the competition).
5. The final round shall commence immediately after draw of lots.
6. In the final round each team will argue as a team and compete against another team.
7. The teams shall argue on one common issue i.e. Is there a real and apparent conflict between Art. 19 and Art. 21 of the Indian Constitution in the present case?
8. The two mooters representing a University/College will argue from the same side. The speakers may divide the argument among themselves and present accordingly. Each team will be allotted with 8 minutes time to complete the argument and 5 minutes for rebuttal, if any (total 13 minutes). The Petitioner team shall present their argument for 8 minutes. Then, the Respondent shall present their case for 8 minutes and rebuttal, if any, for 5 minutes. Later, the Petitioner team shall get 5 minutes for rebuttal against Respondent.

D. Memorials:

1. Five copies of the memorials from each side i.e. Petitioner & Respondent, in prescribed format are required to be submitted on or before 05th June 2022. 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 or 2 Pages)
 - d. Statement of Jurisdiction (1 Page)
 - e. Statements of Facts (1 or 2 Pages)
 - f. Statement of Issues (1 Page)
 - g. Summary of Arguments (1 or 2 Pages)
 - h. The Arguments Advanced (15 Pages)
 - i. Prayer Clause (1 Page)
3. Memorials should be typed & stapled with paper cover, in Blue colour for Petitioner and Red colour for Respondent.
 4. Typing of memorial should be as per specifications given below-
 - a. Paper Size - A4 not more than 70 GSM
 - b. Font Size - 12
 - c. Font Type - Times New Roman
 - d. Line Spacing - 1.5
 - e. Margins - 1 Inch on each side.
 5. Specifications for foot notes are given below:
 - a. Font Size - 10
 - b. Font Type - Times New Roman
 - c. 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, books, case laws etc. for the reference during competition.

E. Marking criteria for memorials

1. Memorial from each side shall carry total of 50 marks in preliminary rounds.
2. The following shall be the criteria for marking memorials.

Sr. No.	Marking criteria	Marks allocated
1	Articulate use of facts & Law	10
2	Originality of thought & Proper analysis	10
3	Grammar and Format	10
4	Extent of citation in research	10
5	Clarity and organisation	10
	Total:	50

F. Marking criteria for arguments

1. Each speaker will be marked out of 100 marks by each bench judge.
2. The following will be the marking criteria and the marks allocated to each speaker by each judge in the round:

Sr. No.	Marking criteria	Marks allocated
1	Appreciation and application of facts	15
2	Substance in arguments	25
3	Skills of advocacy	25
4	General Impression, Court Manners, answer to court	35

	questions and behaviour.	
	Total:	100

G. Prizes:

- | | | |
|-----------------------------------|---|------------------------|
| 1. Best Team | - | Trophy and Certificate |
| 2. Runner up Team | - | Trophy and Certificate |
| 3. Best Advocate/Mooter | - | Trophy and Certificate |
| 4. Runner up Mooter | - | Trophy and Certificate |
| 5. Consolation Prize (Individual) | - | Trophy and Certificate |
| 6. Best Memorials | - | Trophy to Institution |

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

H. Other Rules:

1. 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.
2. The participants shall not be allowed to enter the court room except for their own case presentation during the preliminary round. During the final round, only the teams disqualified in the preliminary round shall be allowed to hear the presentations of qualifying team's.
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.

I. Miscellaneous:

1. Travelling allowance of the participants shall be borne by their respective institution.
2. Accommodation will be provided on advance request for outstation participants subject to payment of Rs. 1000/- per day to be paid along with registration fees (maximum for two persons only). Additional members accompanying the team shall have to make their own arrangements for accommodation.
3. Food shall be provided to the participants only during the 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 communicated to the participating teams.
6. The result of the competition & prize distribution shall be on the same day i.e. on 11th June 2022.

J. How to Reach Nanded:

By Railway - Hazur Sahib Nanded Railway Station (NED)
By Air - Shri Guru Gobind Singh Ji Airport Nanded (NDC)
By Road - Nanded

K. Important Dates:

1. Date of Registration - On or before 30th May 2022
2. Submission of Memorials - On or before 05th June 2022
3. Date of Competition - 11th June 2022
4. Prize Distribution - 11th June 2022

Coordinator: Dr. Mangalsingh S. Bisen (8888092111)
Co-coordinator: Dr. Mahesh J. Patil (9860816313)
Student Coordinator: Shaikh Junaid (9503973482)

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Note: In case of any query please contact preferably between 11.00 AM to 2.00 PM or mail us at [nclcnanded@yahoo.com](mailto:nclcnanded@yahoo.com).

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

**Late Kusumtai Chavan Memorial  
8<sup>th</sup> National Moot Court Competition  
11<sup>th</sup> June 2022**

**REGISTRATION FORM**

Name of the Institute : \_\_\_\_\_

Address of the Institute: \_\_\_\_\_

Institute Email/Website: \_\_\_\_\_

Description of D.D.: No. \_\_\_\_\_ Bank \_\_\_\_\_ Date \_\_\_\_\_ *Or*

NEFT/UPI/Online: Transaction ID \_\_\_\_\_ Date \_\_\_\_\_

Accommodation: Required  Not required

|    |                                       |  |       |
|----|---------------------------------------|--|-------|
| 1. | Name of the Speaker 1<br>(Petitioner) |  | Photo |
|    | Class                                 |  |       |
|    | Address                               |  |       |
|    | Contact No.                           |  |       |

|    |                                       |  |       |
|----|---------------------------------------|--|-------|
| 2. | Name of the Speaker 2<br>(Respondent) |  | 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 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**

Late Kusumtai Chavan Memorial  
8<sup>th</sup> National Moot Court Competition 11<sup>th</sup> June 2022

| <b>SCHEDULE</b> |                                               |                             |
|-----------------|-----------------------------------------------|-----------------------------|
| 1.              | Formal Registration & Breakfast               | 7:15 AM                     |
| 2.              | Commencement of Competition                   | 8:00 AM                     |
| 3.              | Formal Inaugural Ceremony                     | 10:00 AM                    |
| 4.              | Resuming the Preliminary Round (If required)  | After<br>Inaugural Ceremony |
| 5.              | Lunch Break                                   | 1:00 PM to 2:00 PM          |
| 6.              | Results Of Preliminary Round And Draw Of Lots | After Lunch                 |
| 7.              | Final Round                                   | 2:30 PM to 5:30 PM          |
| 8.              | High Tea                                      | 5:30 PM                     |
| 9.              | Valedictory & Prize Distribution Ceremony     | 6:00 PM                     |

**NOTE:**

- The above schedule is subject to change according to circumstances.
- The announcement of team code and formal orientation shall be conducted at 8:00 PM on 10<sup>th</sup> June 2022.
- The competition is likely to conclude by 08:00 PM.
- Participants are advised to book their ticket or make their travel accommodation accordingly.
- Please ensure that you pay/have paid sufficient amount towards accommodation charges.
- Please note that, food shall be provided only on the day of competition.
- The accommodation shall be made available as on 10-11 June 2022 only. Additional stay shall cost extra charges which shall be endured by the team.