



Latthe Education Society's

NARAYANDAS SARWOTTAMDAS SOTI LAW COLLEGE, SANGLI

Reaccreditation at "B" Grade (with score 2.22)

Rajnemi Campus, Wood House Road, SANGLI – 416416 Tel. Fax:0233 – 2372182 P.B.No.152

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Our Ref. No. : NSSLC/

Date

To,
The Principal,

Subject: - XXIst Late Adv. K.B.Kayastha – State level Moot Court
Competition,2024...

Dear Sir/ Madam,

We have immense pleasure to invite you for the XXIst Late Adv. K.B.Kayastha, State level Moot Court Competition, 2024, to be held on 23/03/2024 in our college premises. Kindly send a team of three participants (including researcher) of your esteemed college.

Participating colleges are requested to send their registration form duly completed in all respect along with the demand Draft/NEFT/RTGS for Rs.500/- in favor of the Principal, N. S. Soti Law College, Sangli.

Lodging & Boarding Arrangement shall be made free of cost for the participants (for three members only) from 22nd March 2024 evening, to 23rd March 2024 evening by us. You are supposed to confirm your entry along with your need for accommodation before 15th March 2024. However, the participating college is expected to bear the traveling and other incidental expenses of their representatives.

We are enclosing herewith the Moot Court Case as well as the rules of the competition.

We, once again request your good self to give due consideration and personal attention to this academic program and extend your co-operation to make the competition a grand success !

Thanking you,

Yours faithfully,

Principal
N.S. Soti Law College, Sangli



Note: - Your participation can be confirmed through E-mail.

kbkayasthamootcourtcompetition@gmail.com

Payment Details -

- **Bank Name - Punjab & Sind Bank,**
- **Branch - 59A, North Shivaji Nagar, Sangli**
- **Account No. - 06591000005898**
- **IFSC Code - PSIB0000659**

Rules for Moot Court Competition

1. The XXIst – Late Adv. K. B. Kayastha State Level Moot Court Competition, 2024, will be held on 23/03/2024 at N. S. Soti Law College, Sangli, between 9.00 a.m. and 7.00 p.m.
2. The competition is open to all Law Colleges in the State of Maharashtra and Goa.
3. Each participating college can send only one team of not more than three participants including One Researcher.
4. The Moot Court Competition will be carried in One Round as follows.

First Round case – PDF Of Problem Attached.

For First Round:-

- For the First Round, every team member will contest against his own team member as Petitioner and Respondent with the assistance of their Researcher. They can determine amongst themselves their position as Petitioner or Respondent. There shall not be any draw of lots for this purpose in the First Round.
 - The sequence of the teams for the purpose of their appearance for arguments however shall be decided by draw of lots.
 - Maximum time allotted for a team is 20 minutes including time required for rebuttal and to answer the questions posed by Judges.
 - Out of the teams participating in the first round, 2 Best Teams will be shortlisted On the basis of consolidated assessment of performance of each counsel as per Marking Criteria laid down at Rule No. 11(1). They shall be ranked on the basis of the Marks they secure in the First Round.
 - In case of tie, the team securing higher marks for Memorial shall be considered.
5. All the teams will be given a unique team code number at the time of registration for the purpose of draw of lots. They shall carry the code number till the end of the competition.
 6. Teams shall not disclose the identity of their institution on written submission and also at the time of oral Presentation. Such disclosure shall invite penalties including disqualification.
 7. **Memorials**
 - Memorials dealing with jurisdiction, issues involved in the problem, summary of arguments and arguments supported by authorities, conclusions and prayer shall be prepared by each team both for the Petitioner's side and Respondents' side.
 - Memorials must be in English.
 - **Rules for Page setup:**
Font: Time New Roman; **Font size:** 12; **Spacing:** 1.5;
Margins – Top: 1", **Bottom:** 1", **Left:** 1.5", **Right:** 1"
Paper size: A4

- The body of memorials shall not exceed more than 25 typed pages. The cover page, table of contents, index of authorities, jurisdiction, and statement of facts, question presented, and summary of pleadings, title page and back cover are not included in these 25 pages. But these 25 pages will include the pleadings, conclusions, annexure, appendices and footnotes.
 - Any issue or pleading, not discussed within the body of the memorial will not be allowed to argue except for the purpose of Rebuttal.
 - Memorial shall be evaluated on the basis of marking criteria laid down in Rule no.11 (2).
8. Three copies of memorials for the petitioner and three copies of the memorials for the respondents shall be submitted to the college office on or before **16th March, 2024**. The memorials will be handed over to the committee of judges for the award of marks.
9. The teams shall enclose with the memorials, a covering letter with the name of the team specified clearly in its full form and the place where the law college is located.
10. The name of the college should be mentioned in the covering letter only. Identity, in any form, must not be disclosed on any page of written submissions/memorials.

11. Marking Criteria

- 1) Following shall be the marking criteria for evaluating the performance of each Counsel.

<i>Sr.No.</i>	<i>Marking Criteria</i>	<i>Marks Allotted</i>
01	Perusal of Facts	10
02	Knowledge & Application of Law	30
03	Response to Court Questions	10
04	Advocacy & Presentation skills	30
05	Reference to Memorial in the course of oral Submissions	10
06	Court etiquette	10

		Total-100

- 2) Following shall be the marking criteria for evaluating the Memorial.

<i>Sr.No.</i>	<i>Marking Criteria</i>	<i>Marks Allotted</i>
01	Presentation	10
02	Drafting skills	20
03	Depth and Quality of Research	40
04	Synopsis of Facts	10
05	References	20

		Total-100

- 3) The Best Researcher's position shall be decided on the basis of his/her interview which will be conducted conveniently at the time when his/her team is not performing.

Note: Whereas the marking is concerned, the decision of the judges shall be final and binding. So as to ensure the uniformity in the marking system all the judges will be provided with the marking guidelines.

12. Dress Code: -

The Dress Code for the rounds of the competition shall be as prescribed by the Rules of the court of jurisdiction. The dress code for all the functions at the competition shall be Western formals for Gentlemen and Western or Indian formals for ladies.

13. Confirmation of Registration

The participating team will have to confirm their registration on their arrival.

14. Miscellaneous

- The language of the court will be English.
- At the time of competition, the participants should announce their team number and the side on the behalf of whom, they are arguing.
- In all the matters of complaints or disputes the decision of the Appeal Committee shall be final.
- All the participants will be awarded with a Certificate of Participation.

Coordinator

a) Dr.A.D.Kurane 7385693507

Queries Regarding Moot Problem

a) Prof. M. M. Deshpande 7588365259

Queries Regarding Accommodation

a) Shri.A.B.Salunkhe 9881977659

- 15.** All the colleges should inform about the Arrival time, Train Name, S.T.Bus/Travels etc. of the participating Teams to the college before hand so that receiving and accommodation arrangements can be made for the teams.

16. Prizes

Winner Team : Rs. 9,000/- + Trophy (Late. Adv. Limaye Trophy)

Runner up Team : Rs. 4000/- + Trophy

Best Memorial : Rs. 500/- + Trophy

Best Advocate:

Male : Rs. 500/- + Trophy

Female : Rs. 500/- + Trophy

Best Researcher : Rs. 500/- + Trophy

Important –

- 1) All the participating teams should gather for a GROUP PHOTO with the Chief Guest and Judges immediately after the inaugural function.
- 2) All the participating colleges will receive a memento for participation at the valedictory function.

Latthe Education Society's
N. S. Soti Law College, Sangli

XXIst Late. Adv. K. B. Kayastha State Level Moot Court
Competition, 2024.
(23rd March, 2024)

Registration Form

Name of the Participant College: _____

Name of the Mooter : _____
(Petitioner Side)
Class : _____
Address & Phone No. : _____

Name of the Mooter : _____
(Respondent Side)
Class : _____
Address & Phone No. : _____

Name of the : _____
Researcher/Guide
Class : _____
Address & Phone No.: _____

The Mooters and the Researcher are the Bonafide students of the college.

Signature and Seal of the Principal

- Photographs of the participants should be attested by the Principal of the concerned college.

MOOT PROBLEM

Maharajya is a state in the federal republic of Indusland. Higher education is a subject in the concurrent list in the federal republic of Indusland. Legal education is recognized as a professional course leading to award of LL.B. degree and Advocates Council of Indusland (A.C.I.) is the apex regulatory body of legal education in the Republic of Indusland. In the state of Maharajya, for imparting legal education, in addition to compliance with the A.C.I. Legal Education Rules 2008, the centers of legal education are also subjected to compliance of rules prescribed by other regulators namely University and Directorate of Higher Education of Maharajya state.

Since 1950, except for few universities and one Government College, legal education was mainly imparted by private colleges and they were not financially aided by the government of Maharajya, though other colleges imparting education in other disciplines i.e. Arts, Science Commerce were financially aided by Government of Maharajya. This discriminatory treatment was challenged by way of public interest litigation (PIL) filed in the Apex Court of Indusland and resultantly around 60 law colleges in the State of Maharajya , who had 2 law courses of 3 & 5 years , became government aided (financially aided by government of Maharajya) w.e.f. academic year 1996. Strict compliance of judgment of Apex Court of India required that separate teaching posts should be sanctioned to all law colleges who had both 3 and 5 year courses, on the date of apex court judgment . However, different regions of Directorate of Higher Education in the state of Maharajya did not follow uniform practice in sanctioning of teaching posts. In western region of Directorate of Maharajya state, in case of law colleges, who had both 3 & 5 year courses (on the date of judgment of apex court in the year 1996) , teaching posts were sanctioned only for 3 years law course on the basis of workload approved by the University. It is important to take note that, the provisions of Maharajya Universities Act amended from time to time and applicable rules framed by different regulators from time to time required that-

1. Affiliating Universities first calculate the workload on the basis of total subjects to be taught and number of lectures required as per syllabus approved by Board of studies of the University,
2. If the course is financially aided by the government, the Directorate of Higher Education sanctions the teaching and non teaching posts, and state gives financial aid in the form of salary grants for the sanctioned teaching and non teaching posts.

Before 1996, as the affiliated law colleges were not financially aided, the Western University of Maharajya state, on the basis of common syllabus of 3 and 5 years courses , had approved common workload of 3 & 5 years courses. It is important to take note that the following classes of 3 & 5 years courses had common syllabus in the Western University of Maharajya State –

5 Years Course after 12th	3 Years Course after graduation	Subjects
Pre Law 1 st year	-----	Non-Law
Pre Law 2 nd Year	-----	Non-Law
III rd Year of 5 Year Law Course	F.Y.LL.B.	Law
IV th Year of 5 Year Law Course	S.Y.LL.B.	Law
V th Year of 5 Year Law Course	T.Y.LL.B.	Law

The practice of approving workload on the basis of common syllabus was adopted by Universities as the syllabus of above mentioned classes and courses was common. This practice was suitable for the affiliated law colleges, as both these courses were unaided , they could do combined teaching of 3 and 5 years courses and manage with less number of teachers.

In compliance with apex court judgment in the year 1996, government of Maharajya extended the benefit of financial grants to all law colleges (who had

both the 3 and 5 year courses on the date of judgment) . However, while extending this benefit , the Directorate of Higher Education (Western Maharashtra Region) sanctioned separate teaching positions only for non-law subjects of 1st and 2nd year of 5 year law course, (on the basis of common workload of law subjects of both courses approved by the University) but, did not sanction separate teaching positions for law subjects of 3 and 5 years courses. Thus non- sanctioning of separate teaching positions for law subjects of 3 and 5 years courses resulted in recruitment of less number of teachers of law subjects than required for both the courses.

This state of affairs continued for many years as the syllabus of above mentioned courses and classes could be clubbed. However, since the year 2016, the admissions to 3 and 5 years courses in the state of Maharashtra were subjected to CET admission process which resulted in mismatch of academic calendar of 3 & 5 year courses and therefore the clubbing of lectures of these courses and classes was no longer possible. The teachers were required to teach twice to both the courses and it also impacted on their right to vacations and increased their workload, which also violated their service conditions. Law colleges were also compelled to recruit teachers and pay their salaries out of their own funds although both the courses are “ financially aided ” as per grants in aid orders of the government of Maharashtra.

All law colleges affiliated to Western University and coming within the western region of Directorate of Higher Education of Maharashtra state, through regular correspondence, made repeated demands for sanction of separate teaching posts (of law subjects) of 3 & 5 years course but the government did not sanction any separate posts. ACI-Legal Education Rules 2008, inter alia requires the recruitment of adequate number of separate teachers for both courses , and that the Teacher – Student ratio in every centre of legal education shall be 1:40. Educationists observed that non-sanctioning of adequate number of teaching posts and not giving permission for recruitment of already sanctioned vacant teaching posts affected the quality of legal education in the state of Maharashtra.

In a conference of Principals (of all Law Colleges in the state of Maharashtra) , organized by one of the affected (by unequal practice of sanctioning of teaching posts) aided law Colleges of Western Maharashtra , the sharing of information by all participants revealed that in case of many aided law colleges equally situated in terms of workload, different regions of Directorate of Higher Education had sanctioned unequal number of teaching posts. Concerns were expressed by all participants , particularly the Principals of aided law colleges over-

1. Sanctioning limited teaching posts by different regions of directorate of Higher Education on unequal basis in case of all equally situated colleges,
2. Not giving approval for recruitment of already sanctioned vacant teaching posts.

All participants highlighted in the deliberations that though both the law courses in their college are “ financially aided ” as per grants-in-aid orders passed by the state government, the college managements are required to recruit teachers out of their own funds. Resultantly unanimous resolution was passed that for –

1. Seeking sanction of separate teaching posts for both 3 & 5 year courses as per ACI-Legal Education Rules 2008 and
2. Seeking approval for recruitment of already sanctioned vacant teaching posts , a PIL be filed in Apex Court of Indusland in the name of association formed by all law colleges of state of Maharashtra i.e. **Foundation for Reforms in Legal Education**. Now, the Foundation for Reforms in Legal Education has, on the basis of laws and provisions of Constitution of Republic of Indusland as prevailing in the year 2024 , filed a PIL in the Apex Court of Republic of Indusland.

On the basis of facts narrated above -

1. Draft a memorial on behalf of Foundation for Legal Reforms as petitioners, impleading all necessary parties,
2. Draft a memorial on behalf of all respondents in response to petition filed by Foundation for Legal Reforms as petitioners.

- * Note that the Provisions of the Constitution , all laws and judicial precedents in the **Republic of Indusland and it's state of Maharajya** are identical with those of **Republic of India and it's state of Maharashtra**, so also the apex regulatory body of legal education and rules framed by all regulators from time to time.