

PENDEKANTI LAW COLLEGE

Sponsored by Vasavi Academy of Education, Hyderabad

Affiliated to Osmania University, Hyderabad

Approved by Bar Council of India, New Delhi

From:

Prof. Y.F. Jayakumar

Principal

PENDEKANTI VENKATASUBBAIAH MEMORIAL NATIONAL MOOT COURT COMPETITION 2018

ORGANISED BY
PENDEKANTI LAW COLLEGE
Hyderabad

INVITATION

To,

The Director/ Dean/ Principal/ Head of the Dept.

SUB : Invitation to participate in **Pendekanti Venkatasubbaiah Memorial National Moot Court Competition**, to be held on **06th & 07th October 2018**.

Dear Sir/ Madam,

Greetings from Hyderabad,

We are pleased to announce that Pendekanti Law College, affiliated to Osmania University, Hyderabad is organizing "**Pendekanti Venkatasubbaiah Memorial National Moot Court Competition 2018**" in the premises of Pendekanti Law College, Hyderabad.

We cordially invite a team from your esteemed institution to participate in the moot competition. The detailed rules of the aforesaid event and moot problem are enclosed herein. Please feel free to clarify any queries to the contact numbers of the organizers given below:

Date: 27.07.18

With warm regards,

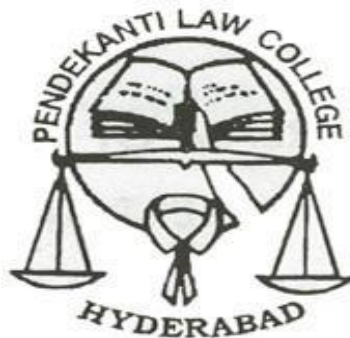
PRINCIPAL

Mobile: 9440577129

Ph: 040-27654146

**PENDEKANTI VENKATASUBBAIAH
MEMORIAL
NATIONAL MOOT COURT COMPETITION
2018**

6th & 7th October, 2018.



VENUE

PENDEKANTI LAW COLLEGE

(Sponsored by Vasavi Academy of Education)

(Recognized by Bar Council of India and Affiliated to Osmania University)

#:1-1-338, New MCH # 465, Vivek Nagar, Chikkadapally,

Hyderabad – 500020.Telangana State.

Tel: 040 - 27654146, Fax: 040-27661990

Website: <http://www.plchyd.ac.in/>

Email address: plcmootcourt2018@gmail.com

ABOUT VASAVI ACADEMY OF EDUCATION:

Vasavi Academy of Education was established in 1981 by a few prominent members of the society with Sri Pendekanti Venkatasubbaiah, an eminent social worker, an able administrator and former Governor of the states of Bihar and Karnataka as Hon. Patron – in – Chief, with the laudable objective of providing quality education on non-commercial basis to all, particularly in the field of professional education. Sri Pendekanti Venkatasubbaiah guided the destiny of Vasavi Academy and was indeed a friend, philosopher and guide throughout his life and established schools, engineering, polytechnic, management and law colleges in Andhra Pradesh and Telangana States.

ABOUT THE PENDEKANTI LAW COLLEGE:

Pendekanti Law College was established by Vasavi Academy of Education and formally inaugurated on 13th April, 1991 by the then Chief Justice of India, Hon'ble Sri Ranganath Misra, with the then Governor of Andhra Pradesh, Sri Krishna Kanth, as the Chief Guest. The mission of the Academy is to arm young brains with competitive skills and technology and nurture holistic development of the individuals for a better tomorrow.

The College also encourages extra-curricular activities. To bring out hidden talents of the students, and to train them in court craft, the College has been conducting regular Moot Courts at the College level as well as at the regional level under the auspicious of Pendekanti Venkatasubbaiah Memorial National Moot Court Competition and Twin Cities Moot Court Competition.

The College is equipped with excellent teaching faculty and also infrastructure. Owing to its dedicated efforts for over three decades, Pendekanti Law College has emerged as the centre for excellence in qualitative legal education and strives to maintain its preeminent position.

The College was started with the 3 year LL.B. Evening Course in the first year 1990-1991. During the second year onwards the college introduced a 3 year LL.B. Day Course, and a 5 year LL.B. Course for the benefit of Post Intermediate students. The College offers LL.M. Course in Corporate Law.

OBJECTIVE OF THE MOOT COURT COMPETITION:

Pendekanti Venkatasubbaiah Memorial National Moot Court Competition to be organised by Pendekanti Law College, a product of Vasavi Academy of Education, aims at developing and honing the overall skills necessary for the advancement of law students, their career and growth. It also aims to strengthen the fabric of legal fraternity. It trains them to face the new challenges of the fast changing global scenario. We cordially invite all the law colleges in the country to Participate in the event and make our lofty goal, a success which is an endeavour to enhance the performance of the future lawyers.

PENDEKANTI VENKATASUBBAIAH MEMORIAL **NATIONAL MOOT COURT COMPETITION -2018**

THE COMPETITION IS OPEN TO COLLEGES OF THE UNIVERSITY LAW DEPARTMENTS, DEEMED UNIVERSITIES AND COLLEGES AFFILIATED THERE UNDER.

PROGRAMME

DATES OF COMPETITION : 06th & 07th October 2018
DRAW OF LOTS ON : 05th October, 2018 at 5pm

(All the participating teams shall be present at the time of draw of lots.)

DAY ONE : Inaugural function, Preliminary rounds and Quarter finals.
DAY TWO : Semi finals, Finals and Closing ceremony.

RULES & REGULATIONS FOR THE EVENT

LANGUAGE

The language for the event - English.

REGISTRATION -INFORMATION

- Registration fee is Rs. 2000/- (Rupees Two Thousand Only) (non-refundable).
- Formal registration of the candidates i.e., details of the participants viz. Name of the Candidate, name of the college, name of the affiliated university and whether accommodation required or not should be intimated to the college by email. The Last date for registration is **05th of September 2018** latest by **4.00 p.m.** by e-mail.
- Registration fees should be sent through Demand Draft in favour of “The Principal Pendekanti Law College”. The Demand Draft, the registration form and written memorials should reach us by **15th September 2018** to the address mentioned above.
- Once the registration is confirmed, it cannot be cancelled under any circumstances.

- The candidates are required to intimate their travel plan to us latest by **1st October, 2018**.

LODGING AND BOARDING

- Only out stations candidates are eligible for lodging facility.
- Only participants will be provided with lodging and boarding facilities from 05th October 2018 afternoon up to 08th October 2018 afternoon.
- No T.A, D.A. will be paid to the participants.

RULES FOR THE COMPETITION

- (A) Each team will consist three members i.e., two Mooters and one Researcher. The participants shall be currently pursuing their Bachelors Degree in Law i.e. 3 Year or 5 Year Law Course.
- (B) The Dress Code shall as follows: **For Men:** white shirt, black trousers and black blazer; **For Ladies:** White Saree / Punjabi Dress or White Shirt, black trousers with black blazer.
- (C) All the members of the team will be given a unique code number which shall be the identity of the team members during the competition.
- (D) Teams should not disclose the identity of their institutions. Such disclosure shall invite penalties including disqualification.

ROUNDS

The Competition consists of the following rounds.

- A) Preliminary Round
- B) Quarter Final Round
- C) Semi-final Round
- D) Final Round

A) Preliminary Round

For the Preliminary round, the teams would be divided into two leagues by a draw of lots. The teams will be arguing on both the sides i.e. Petitioner as well as Respondent. The sides for the Quarter Final Round, Semi-final Round and the Final Round shall be decided

immediately by draw of lots after the declaration of results of respective rounds. Each team will be given 20 minutes of time and 2 minutes for rebuttals in this round. The top 8 teams on the basis of their scores in the preliminary rounds will reach to the quarter finals. In case there is any tie between the teams, the marks secured for written memorial will be considered. An opportunity is given to the host team to participate in the competition only in the preliminary rounds.

B) Quarter Final Round

The top eight teams on the basis of their scores in the preliminary rounds shall be selected for the Quarter final round. Teams in this round would be divided into two leagues by draw of lots. The teams will be arguing on both sides. Each team will be given 20 minutes for arguments and 2 minutes for rebuttals.

C) Semi-final Round

The top four teams on the basis of their scores shall be selected for the Semi final round. Team securing the first place will argue with team in the 4th place and team secured in the 2nd place will argue with the team in the 3rd place on knockout basis. Teams in this round will argue on one side and the sides will be decided by draw of lots. Each team will be given 25 minutes for arguments and 3 minutes for rebuttals.

D) Final Round

The top two teams on the basis of their scores in the semi final round shall be selected for the Final round. These two teams will be arguing on one side i.e. either petitioner or respondent side by drawing of lots. In this round the team shall get a maximum time of 30 minutes for oral arguments and 5 minutes for rebuttals. However, granting more time will be in the discretion of the judges.

E) Best Mooter

Any individual mooter scoring highest marks in Preliminary, Quarter Final Round, and Semi-final Round taken together shall be adjudged as best mooter.

WRITTEN MEMORIALS - GUIDELINES

All Memorials submitted must confirm to the following general requirements and a team may attract negative marking for failure to keep within the limitation as indicated below.

1. The cover page of the memorials for the Petitioner and the Respondents shall be blue and red in color respectively.
2. Memorials must be printed on White A-4 size paper on one side only.
3. The font of the body of the Memorials must be Times New Roman, Size 12, and Spacing 1.5.
4. The Indian Law Institute Style of footnoting must be followed as far as possible. In any case, footnoting should be uniform throughout the Memorial.
5. The fonts of footnotes must be Times New Roman with font size 10, Single line spacing.
6. Each page of the Memorial must have a margin of at least 1" inch on all sides excluding its page number.
7. Statement of facts, Summary of Arguments and Written Submission must not exceed 25 pages.
8. One mark will be deducted each day from the total marks of the Memorials of the team for the late submissions of the Memorials.
9. The written memorials shall be submitted within the stipulated time along with the covering letter of the concerned college / institution. However identity of the participants / concerned college shall be not be mentioned anywhere in the written memorial violation of this rule will automatically lead to disqualification of the participants.

The written memorials shall necessarily consist of the following:

- a. Cover Page
- b. Table of Contents
- c. List of Abbreviations
- d. Index of Authorities
- e. Statement of Jurisdiction
- f. Statement of Facts
- g. Issues Presented
- h. Body of Pleadings
- i. Summary of Arguments
- j. Prayer

DEADLINE:

All the teams shall submit 6 copies of the Memorials. The soft copy must be mailed to **plcmootcourt2018@gmail.com** on or before **15th September 2018** and the hard copies along with a covering letter should reach on or before **30th September 2018**. Amendments, revisions, supplements or additions to the memorials shall not be allowed once submission is over. Late submission will be penalized by one point for each day of delay after the due date. No Excuses in respect of delayed courier services will be entertained.

MARKING CRITERIA

ORAL ARGUMENTS	MARKS
○ Knowledge of Facts	10
○ Knowledge and Application of Law	20
○ Ability to Answer Questions	20
○ Advocacy Skills / Presentation	20
○ Court Etiquettes	10
TOTAL	80
WRITTEN SUBMISSIONS	
○ Memorials	20
TOTAL MARKS	100

- The Memorials submitted to the competition shall be the property of the college
- The written Memorials submitted by participating teams shall be evaluated by an expert committee appointed by the organizers and marks will be awarded for them. These marks will be taken into consideration only in the preliminary rounds. In the other rounds the mooters will be judged only for the criteria given for 80 marks. In case of any tie, the marks awarded for written memorials shall be considered.
- The decision of the Judges shall be final and binding.

SCOUTING

- Scouting by the Student Counsels or anyone affiliated by the team will lead to the disqualification of the team.

RESULTS

- Results will be announced within 30 minutes after the completion of preliminary/ Quarter/ Semi-final rounds.
- In case of tie in the final round decision of the Judges will be final.
- The Final Result and the Winners of the various categories will be announced only during the valedictory /Prize distribution ceremony. The participation certificates will also be distributed in the same function.

PRIZES

Prizes and Trophies will be awarded as follows:

- ✓ The winning team for the Moot Court Competition shall be awarded the National Moot Court Competition trophy along with a cash prize of Rs 20,000/- and a Certificate.
- ✓ The Runners-up team for the Moot Court Competition shall be awarded the National Moot Court Competition Runner's Up trophy along with a cash prize Rs.10,000/- and a Certificate.
- ✓ The Best Mooter will get a cash prize of Rs. 5,000/- and certificate.
- ✓ There will be Best Memorial Certificate.
- ✓ Each participant will be given a participation certificate.

Important Dates

Event	Date
Last date for intimation of nomination of names by institution through email	05 th September, 2018
Submission of Demand Draft and Written Memorials	15 th September, 2018
Last Date for submission of hard copies of written memorials	30 th September, 2018
Intimation of travel plans by email	01 st October, 2018
Drawing of Lots for the competition	05 th October, 2018
Dates of Competition	06 th & 7 th October, 2018

ALL THE CORRESPONDENCE SHALL BE ADDRESSED TO:

#:1-1-338, New MCH # 465, Vivek Nagar, Chikkadpally,
Hyderabad – 500020. Telangana State.
Tel: 040 - 27654146, Fax: 040-27661990
Email address: **plcmootcourt2018@gmail.com**

CHIEF PATRON:

Sri P. Ramamohan Rao, President, Vasavi Academy of Education, Hyderabad.

PATRONS:

Prof. T.V. Subba Rao, Vice President, VAE
Sri. M. Krishna Murthy, Secretary, VAE
Sri. P.V. Ratnam, Jt. Secretary, VAE
Sri. V.M.Parthasarathi, Treasurer, VAE
Prof. G.B. Reddy, Dean, Faculty of Law, Osmania University and University Governing Body.

ORGANISING COMMITTEE

1. Prof. Y.F. Jaya Kumar, Principal - Chairperson, Ph: 9440577129

Members:

2. Smt. P. Aravinda, Sr. Asst. Professor
3. Dr. Aarti Tyagi, Associate Professor
4. Smt. V. Shobha Rani, Sr. Asst. Professor
5. Smt. M.D. Sreevani, Asst. Professor
6. Smt. A. Vani, Asst. Professor
7. Smt. M.V. Subhashiny, Asst. Professor

Coordinators:

1. Sri. A.V. Syam Prasad, Asst. Professor, Ph: 9491777295
2. Smt. G. Rama Devi, Asst. Professor, Ph: 8897346660

Reception Committee:

1. Sri. G. Vaishnav Kumar, Asst. Professor
2. Dr. L. Padmavathi, Asst. Professor
3. Ms. R. Mounika, Asst. Professor

For Further Enquiries and Clarifications:

Contact us:

1. For Moot Court Query:
 - A. Dr. D.T. Mohan Krishna Ph: 9866177385
2. For Transport & Accommodation Queries:
 - A. Sri. A.V. Syam Prasad Ph: 9491777295
 - B. Sri. Ch. Avadhani Ph: 9490190726

PENDEKANTI LAW COLLEGE
Chikkadpally, Hyderabad

PENDEKANTI VENKATASUBBAIAH MEMORIAL NATIONAL MOOT COURT
COMPETITION – 2018.

Citizens' Union for Human Rights, Deccan Land v. Union of Sindiya

1. Union of Sindiya is seventh largest populated country and most populous democracy in the globe. The government of Union of Sindiya has based and run in the lines of Federal Parliamentary Constitutional Democratic Republic model. In recent past the government of Union of Sindiya has made several attempts to become one of the developed economies in the world. The total GDP is estimated that 2.848 trillion Dollars which occupies the sixth largest in the world. The government of Union of Sindiya governed under the Constitution which adopted in 1950, which serves as the basic and supreme law of the land. The constitution of Union of Sindiya follows the traditions of the liberal democratic model and provides the equal powers between union and federal wings based on its constitutional mandate.

2. The judiciary of Union of Sindiya is most vibrant and it administers and follows a common law legal system which was inherited from the British colonial regime. The Court's system in Union of Sindiya follows strict system of hierarchy. Supreme Court of Union of Sindiya is the highest court in the country and followed by High Courts in each states. The Constitution of Union of Sindiya provides a comprehensive list of Civil, Political, Economic, Social and Cultural rights, that aspired to provide to protect the basic fundamental rights of its citizens. In order to fulfill these aspirations, Part III and Part IV of the Constitution enlists certain the Fundamental Rights and

Directive Principles of State Policy. These rights have been enforced and implemented by the judiciary to the full extent and continued to progress in the positive direction.

3. On several occasions the judiciary has showed its concern by rendering decisions through landmark judgments to facilitate and strengthen the fundamental rights with a view of affording the citizens a better standard of living. The Supreme Court of Union of Sindiya has become the champion and custodian of the rights of the people which are provided under the Constitution. Even though the highest Court has showed its activism and played an important role in realizing the goals of the Constitution, in some occasions it has restrained to deliver the judgments up to expectations of the common individual citizens.

4. Nevertheless, on various occasions the Supreme Court has expanded and developed the jurisprudence of Article 21 of the Constitution of Union of Sindiya to include most of the rights which have not been provided under Part III. In recent past the Supreme Court of Union of Sindiya has delivered its judgment on the issue relating to the Right to life with human dignity which includes the smoothening of the process of dying in case of terminally ill patient or a person in persistent vegetative state with no hope for recovery. The Court observed "A failure to legally recognize advance medical directives may amount to non-facilitation of the right to smoothen the dying process and the right to live with dignity. Further, a study of the position in other jurisdictions shows that Advance Directives have gained lawful recognition in several jurisdictions by way of legislation and in certain countries through judicial pronouncements". In the light of this ruling and direction by the Supreme Court of Union of Sindiya, several petitions were

filed by the people in various High Courts of the State and seeking the judicial intervention to permit them to end their lives.

5. Some of the petitions and their back grounds are as follows:

- a. In an incident, Mrs. Swagatha from the province of Coastal Pradesh had filed an application seeking for permission from the High Court to end the life of her child who is suffering with inherited blood disorder called Thalassemia. Mrs. Swagatha is working as a teaching professional in one of the reputed central government institutions in Union of Sindiya. She got married and blessed with a baby girl and the baby was born with good health. After three months of birth the baby has developed some abnormal health conditions, when they consulted the doctors they have advised her to consult the specialist to take expert advice. Mrs. Swagatha consulted the famous doctors and they declared that the baby was born with abnormal form of hemoglobin disorder which results in excessive destruction of red blood cells which leads to anemia. Anemia is a condition in which the body does not have sufficient normal red blood cells. Further the doctors have informed Mrs. Swagatha that her baby is suffering with Thalassemia major which is caused either by a genetic mutation or a deletion of certain key gene fragments, which is inherited from either of the parents, and the news shattered Mrs. Swagatha and her spouse. They spent all their savings to save the child, but the disease is such that there is no cure except the regular blood transfusion under the guidance of the expert doctors or bone marrow transplantation. Mrs. Swagatha and her spouse could not afford to go for bone marrow transplantation, which is very expensive and needs a donor who should be either sibling or close relative which they could not procure.

Mrs. Swagatha and her spouse decided that they cannot afford the treatment and went for regular blood transfusion.

The multiple blood transfusions for every four weeks left the patient (one year old baby) in traumatic conditions. The blood transfusions resulted in overload of iron in the body which has to be treated by Chelation therapy by medication through deferoxamine via daily injections which makes long term use more difficult. Few months later the baby's health deteriorated, she developed the health complications due the over load of iron deposits which was caused by the frequent blood transfusion. The treatment has affected the health of baby adversely and she was admitted in intensive care unit of the hospital and doctors have advised Mrs. Swagatha that the condition of the baby will remain critical and they cannot intervene further except to prolong the treatment. The prolonged treatment caused severe trauma on the health of Mrs. Swagatha and her spouse and also their finances. Further, the doctors have advised that the chances of survival of the child are minimal. In such scenario, Mrs. Swagatha and her spouse decided to smoothen the process to end the life of their child instead of giving traumatic treatment. Mrs. Swagatha and her spouse decided to file an application for the permission to end the life of their child. They were shattered by looking at the inhuman condition of the child and decided to pave the way for her to leave this world in peace with human dignity rather than prolonged suffering with inhuman conditions.

- b. In the High Court of Deccan Land, this is one of the High Courts in the Union of Sindiya, an application was filed by Mr. Guna Sankalpa seeking the judicial intervention to end his life along with his spouse.

Mr. Guna Sankalpa is a retired government employee of Union of Sindiya and he has two daughters and a son who were married a decade ago. Mr. Guna Sankalpa during his life time has earned properties and money which was sufficient for their life. All these properties and money were given to their children. Mr. Guna Sankalpa and his spouse are living solely by their retirement pension benefits and they were neglected by their children. Unfortunately, both were suffering with chronic kidney disease and their meager pension is not supporting for their medical treatment and their living. Having suffered with deterioration of health, they have approached the children to support their medical treatment, but they have received ill-treatment from their children and became destitute. The old couple did not find an alternative means and approached the local police to do some justice to them. The Police official have given patient hearing and lodged a criminal complaint against their children and summoned to the local police station. In the police station, the station house officer gave counseling to the children but it proved to be a futile exercise. Moreover, the children responded to the police that their parents have seen brighter side of their life and they have reached the stage where there is no requirement for them to spare rather waste money for their medical treatment. Having heard the response from their children the couple attempted to commit suicide, but were saved by police and admitted to the local hospital with deteriorating health conditions and humiliation. Further, they decided that to seek help of the state to end their life with the judicial intervention and filed an application to the High Court.

Along with the above applications several other petitions were filed in various High Courts in Union of Sindiya for seeking the judicial intervention to facilitate to

end their life. These incidents were reported in local newspapers. Responding to the news the Deccan Land based NGO by the name "Citizens' Union for Human Rights" filed a PIL in the Supreme Court of Union of Sindiya. The court after recording the preliminary observations, referred the matter to the Constitutional Bench and posted the matter for hearing. The basic issues which have drawn the concern of the Supreme Court in the said writ petitions are:

1. Whether there is a need for consideration of settled law and guidelines with respect to Right to end life with human dignity.
2. Whether the parents have right to seek the state's assistance to end the life of their child if in case all the efforts made by them have failed to save the life of their child, particularly, the failure of the state in recognizing advanced medical directives.
3. Whether the right of the child to live includes the right to die with human dignity.
4. Whether the state is under the obligation to take care of the aged in case of the failure of their and all other alternatives.

Note:

The parties are requested to prepare their briefs accordingly in support of their arguments and submit to the court by confining their arguments to the above main issues only. The Constitution and Laws of Union of Sindiya are parimateria to the laws of India. Further, Union of Sindiya is party to all the international law treaty mechanisms which are relevant to the facts provided here. These facts are prepared based on fictitious instances with the help of the incidents which have been reported in the daily newspapers. Any resemblance to names, properties, incidents, medical terminology and their association is purely co-incidental.