



SHIVAJI UNIVERSITY,

KOLHAPUR- 416 004, MAHARASHTRA, PHONE: EPABX-2609000

शिवाजी विद्यापीठ,

कोल्हापूर-४१६००४ महाराष्ट्र, दूरध्वनी : (ईपीएबीएक्स) २६०९०००

DEPARTMENT OF LAW

Department of Law: 0231-2609211, Email: law@unishivaji.ac.in

Ref. No.: SUK/PG/LAW/

Date: 13-02-2024

To:

The Registrar / Dean / Director / Head / Principal,

Sub: Invitation to Participate in National Moot Court and ADR Competition

Respected Sir / Madam,

We have the honour to invite your well-esteemed Law University / Law College / Law School / Department of Law to participate in the 9th All India Shivaji University Moot Court and ADR Competitions and Vidhi Mela – 2024 for LL.B. and LL.M. students to be held on 9th & 10th March, 2024 at Department of Law, Shivaji University, Kolhapur, Maharashtra State.

We would like to request your goodself to confirm the participation of your Law University / Law College / Law School / Department of Law by registering at the earliest before the scheduled date.

We would request you to kindly inform the participants to be acquainted with the rules and regulations of the Competitions.

Thanks and Regards!

(Dr. V. Y. Dhupdale)
Head

Encl.:

1. Rules of the Moot Court and Mediation Competition
2. Problem No.1 LL.B. Moot Court Students for Preliminary & Semi-Finals.
3. Problem No. 2 for the LL.B. Final Round.
4. Problem No. 1 LL.M. Moot Court for Preliminary & Semi-Finals.
5. Problem No. 2 for the LL.M. Final Round.
6. 4 Problems out of which any one to be selected by any Law students for the ADR Mediation Role Play Competition.



9th ALL INDIA SHIVAJI UNIVERSITY MOOT COURT, ADR COMPETITIONS AND VIDHI MELA – 2024

On
MARCH 9th & 10th, 2024

(For Law Students of 3 years, 5 Years
and Master of Laws Courses)



... ORGANISED BY ...

DEPARTMENT OF LAW,

Shivaji University, Kolhapur

Vidyanagar, Kolhapur – 416004, Maharashtra

Tel.: (0231-2609211); Email: law@unishivaji.ac.in

Website: www.unishivaji.ac.in





OUR PATRONS



Prof. (Dr.) D. T. Shirke
Hon'ble Vice-Chancellor
Shivaji University, Kolhapur

Prof. (Dr.) P. S. Patil
Hon'ble Pro-Vice-Chancellor

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Prof. (Dr.) S. Rasam
Chairman, BoS (Law)

Programme Director
Dr. V. Y. Dhupdale
Head, Department of Law

Teacher Coordinators:

Dr. Rayadurgam Narayana
Prof. R. S. Malushte
Smt. Priyanka Jadhavar

Student Coordinators:

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Smt. Ashwini Patil (C.R.)	(M) 7447481122
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Shri. Ajit Kapale	(M) 9423859318
Shri. Sunil Kulkarni	(M) 9145503049

"Youth is not an achievement, it is an opportunity. Don't let it pass by".

Dr. Zakir Husain,
Former President of India.

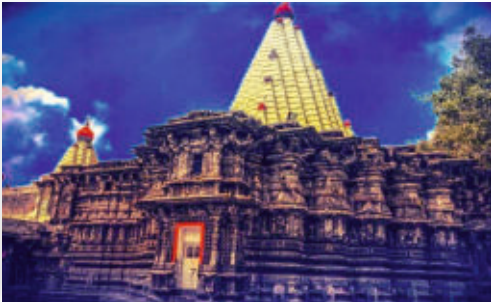


Introduction:



Moot Court Competitions play crucial role in legal education. Moot Courts have been around since the late 1700s. They're a law school activity and competition during which students participate in preparing and arguing cases in front of judges. The case and sides are selected beforehand, and students are given a set amount of time to prepare for the eventual trial. The Bar Council of India has propounded and prepared a scheme for legal research, for which Moot Courts prove to be very helpful and purposive.

The Shivaji University apart from imparting and promoting Post Graduate Legal Education, also organizes All India Shivaji University Moot Court Competitions every year. This year too it has been decided to organize 9th All India Shivaji University Moot Court Competition for LL.B. and LL.M. Law students to improve the advocacy skills and create an excitement to be part of the law profession. Separate awards and certificates shall be given separately for each competition.



About Kolhapur:

Kolhapur is famous for Art, Education, Industry and Sports, particularly wrestling. Here the wrestling is called as "*Kusti*" and wrestlers are known as "*Malla*". This wrestling match is played in the square clay ground which is known as "*Akhada*". In Kolhapur, the "*Warna Project*" is famous for huge amount of generation of milk and milk products, which are transported to all over India. Kolhapur comes under sugarcane belt most of the farmers prefer to do sugarcane farming. Kolhapur chappals (now known as "*Namma-Kolhapuri Chappals*") - hand-crafted leather slippers that are well-known for the durability and beauty of make. "*Kolhapuri Saaj*" is a special type of neckless which is very popular with Maharastrian Women. The '*saaj*' is designed in all over Maharashtra but the *Kolhapuri Saaj* is very famous. Kolhapur is also an important centre of Marathi film industry. It is known as *Dakshin Kashi* on account of its deity *Mahalakshmi* or *Ambabai*. The Mahalakshmi temple was built by the *Chalukya King Karnadeve* in 634 A.D. The Irwin Agricultural Museum of Kolhapur has some old Andhra coins. Bahubali, Jain Pilgrim centre, lies at a distance of 38 km from Kolhapur.



About Shivaji University, Kolhapur:

Shivaji University, established in 1962, under auspicious hands of Hon'ble Dr. Radhakrishnan, the then President of India. The University has a campus spread over 853 acres (3.45 sq km), and is named after Chatrapati Shivaji Maharaj, founder of the Maratha Empire. One of the major objectives behind foundation of this University was to cater to the regional needs of South Maharashtra. The jurisdiction of the University is spread over three districts viz. Kolhapur, Sangli and Satara with a strength of about 3,00,000+ students studying in 280+ affiliated colleges and recognized institutes. Shivaji University has been re-accredited by National Assessment and Accreditation Council (NAAC) Bangalore, with "A++" Grade (CGPA-3.52) (2021). University which was founded primarily to cater to the regional aspirations has now geared up to transcend this regional image and emerging as one of the premier institutes of higher education and research in India.



About The Department of Law:

The Department of Law, Shivaji University, Kolhapur has been established in the year 2000. The Department imparts LL.M. (2 years), Ph.d., PGDHR and PGCADR courses on a regular basis. Dr. Vivek Yeshwant Dhupdale is working as Head of the Department. Besides the regular faculty, the distinguished members of teaching faculty in affiliated Law colleges and some distinguished Lawyers and Judicial Officers are associated with the Department as visiting faculties. Besides curricular activities, the Department also conducts extra-curricular and extension activities. So far, the Department of Law has successfully conducted 8 All India Shivaji University Moot Court, ADR & Vidhi Mela Competitions and now it has been decided to organize the 9TH ALL INDIA SHIVAJI UNIVERSITY MOOT COURT, ADR COMPETITIONS AND VIDHI MELA – 2024 on 9th and 10th March, 2024.





Registration Details

Students are requested to send application form along with payment details on
9thaisumacvm2024@gmail.com.

Registration fee

Moot Court Competition for LLB	Rs. 3,000/-
Moot Court Competition for LLM	Rs. 3,000/-
Mediation Role Play Competition	Rs. 3,000/-

- ♦ The Registration Fees are to be paid by way of online payment mode. The necessary steps for payment are given below.
- ♦ There will not be any accommodation provided by the Organisers. The participants have to find their own accommodation well in advance by way of online booking, etc. However, our representatives can help find accommodation if requested with the payment undertaken by the Participating Team / Institution.
- ♦ Registration fees shall be sent on or before 1st March, 2024.
- ♦ The participants must register their names with the organizer of the Moot Court Competition on or before Friday, 1st March, 2024 along with the scanned copy of travel plan, registration form and the online payment receipts.
- ♦ One Researcher or one Teacher as a coach is permitted alongwith two mooters of the respective college team.
- ♦ Additional member will be charged Rs. 1000/- per head.



Aims and Objective of the Competitions

To provide a real-life experience-cum-training by engaging in the world class research process by presenting ground breaking arguments before the Court and contributing to the development of jurisprudence in concerned areas of Law.

☛ **Date and Venue:**

- i) Moot Courts will be held on March 9th and 10th, 2024 at various Court Rooms at the Humanities Departments and the Multi-Purpose Auditorium and as it is decided by the organisers.
- ii) Participants should reach early morning before (9.A.M) on March 9th and 10th, 2023.

☛ **Eligibility:**

- i) Each Law College/ University / Law School shall be eligible to send one team each for the LL.B. (3 or 5 year courses) as well as LL.M. Moot Court competition. Teams shall not disclose the identities of their institutions during the course of proceedings in the courtrooms; such disclosure shall invite penalties including disqualification.
- ii) Each team shall be provided with the Team code by draw of lots.
- iii) The competition is open for bonafide students pursuing five-year, three years LL.B. course and P. G. LL.M course.

☛ **Team Composition:**

- i) Each college shall send only one team from LL.B. or LL.M. courses or both. The team shall comprise of two Mooters and one researcher.
- ii) The details of the participants shall be intimated to the organizers and no subsequent change in the team can be made without obtaining the prior approval of the organizers.
 - 1) **Language:**
The language of the court shall be in English.
 - 2) **Dress Code:**
Inside the courtroom the participants shall follow the below mentioned Dress Code.
 - a) **Females** - White Salwar Kurta and Dupatta or White Saree or White Shirt and Black Trousers along with Black Coat and a Tie.
 - b) **Males** - White Shirt, Black Trousers, Black Tie along with Black Coat and Black Shoes.

☛ **Food and Refreshments:**

- a) Food refreshments will be provided to the participants on the days of the competition.

☛ **Time Limit:**

- i) Each team shall be given 25 minutes to present their arguments (10 minutes for each Mooter and 5 minutes for Judges). There will be a warning bell at the end of 20 minutes and there will be a final bell at the completion of the allotted time of 25 minutes for all rounds. The Judges in their discretion can allow rebuttals not exceeding 5 minutes.
- ii) The final round would be for 45 minutes. The judges in their discretion can allow rebuttals not exceeding 5 minutes.



☛ **Scheme of the Competition:**

a) The Moot Court competition shall consist of three rounds.

- i) Preliminary Round
- ii) Semi Final Round
- iii) Final Round

b) There are two problems of the competition:

For LL.M. Team:

Moot Problem No. I for the Preliminary and Semi-Final Rounds and Problem No. II for the Final Round

For LL.B. Team:

Moot Problem No. I the Preliminary and Semi-Final Rounds and Problem No. II for the Final Round

1. Preliminary Round:

- a) There will be preliminary rounds to ensure that each team is given the opportunity to argue from one side.
- b) The advancement to the oral rounds shall be as follows

☛ **The Semi-Final Round:**

The four teams securing highest marks in the preliminary round shall be meeting each other in the semi- final round shall argue the case only from one side and shall be assigned sides by drawing of lots.

Two teams will be qualifying for the finals on the knock out basis.

☛ **The finals:**

The two teams shall be assigned sides by draw of lots. The team which scores higher marks in the final round shall be declared as the **WINNER**.

☛ **MEMORIAL**

- ♦ All teams must submit Memorials written submissions for both sides before a week of the competition by mail. (9thaisumacvm2024@gmail.com)
- ♦ On the day of Competition, teams need to submit physical copy of memorial.
- ♦ The Memorials must fulfill all the following specifications.
 - o Cover Page / Cause title
 - o Index
 - o Index of Authorities
 - o Statement of Jurisdiction
 - o Synopsis of Facts
 - o Summary of Arguments
 - o Arguments/ Pleadings
 - o Conclusion/ Prayer
- ♦ The Memorial shall not be of more than thirty (30) Pages and the arguments shall not exceed more than Twenty-Five (22) Pages.
- ♦ The Memorial shall be typed on A4 Size Page in

**Main Content:**

- o Font Type: Times New Roman
- o Font Size : 12

Foot Note:

- o Font Type: Times New Roman
- o Font Size: 10

Cover Page:

- o The cover page of the Memorial must follow the following colour scheme:
- o Blue- for the Applicant/ Petitioner
- o Red- for the respondent
- ♦ The Memorial shall be preferably bounded with the help of card sheet instead of spiral bound to avoid use of plastic.
- ♦ The Memorial must not contain any Annexure / Photographs/ sketches/ Exhibits/ Affidavits etc.
- ♦ The Memorial that does not comply with the above-mentioned specifications will be penalized or rejected.
- ♦ The soft copies of the memorial must be submitted in MS Word document format.
- ♦ Identification of any type shall attract severe penalty.
- ♦ The Department of Law, Shivaji University Kolhapur reserves the right to modify the rules if found necessary and they shall be binding on all teams.

☛ Marking Criteria for Memorials:

- 1) Memorial from each side shall carry total of hundred (100) marks
- 2) The following shall be the criteria for marking the Memorials:

Sr.No	Marking Criteria for Memorials	Marks Allocated
1	Knowledge of Facts	10
2	Knowledge of law	10
3	Proper and articulate Analysis	10
4	Evidence of original thought	10
5	Grammar and style	10
6	Correct Format and citation	20
7	Extent and use of research	20
8	Clarity and Organization	10
	Total	100



👉 ORAL SUBMISSION

- ♦ Each team will have a maximum of Thirty (30) minutes to present their oral submissions in preliminary rounds. No speaker will be permitted to address the court for more than fifteen (15) minutes.
- ♦ The maximum time allotted in, semifinals and final shall be forty-five (45) minutes for each team. No speaker shall be allowed to address the court for more than twenty-five (25) minutes.
- ♦ At the commencement of each session of oral submissions each team shall notify the court officer of the amount of the time that the team reserves for their Rejoinder/ Sub-Rejoinder. A maximum of 5 minutes can be reserved for the Rejoinder / Sub-Rejoinder.
- ♦ At the commencement of each session of oral submission each team shall notify the court officer as to division of the time between the 2 speakers.
- ♦ If any speaker continues to speak after the completion of his/ her time, he/ she shall be liable for a penalty, which shall be upon the discretion of the judges.
- ♦ The Final Decision as to the time structure and the right to Rejoinder/ sub Rejoinder will be that of the bench judges.
- ♦ No pictorial or any diagram material is permitted during the course of oral submissions by the participants. The participants will not be permitted to make any audio/ visual representation nor will they be allowed to use personal computer, laptops and any other technical or mechanical devices during their oral submission.
- ♦ If at any instance, a submission is made with any material in violation to the above clause and if any picture, sketches, photos, cartoons, caricatures, audio film, video film, projector- slide or a computer-generated image is submitted or presented to court, the terms shall be disqualified from the competition forthwith.
- ♦ No speaker at any point of time during the course of oral submissions shall reveal his / her or his / her university / college identity by any means whatsoever in nature.

👉 Marking criteria for the oral arguments:

- i) Each speaker will be marked on a total of 100 marks by each bench judge.
- ii) The following will be the marking criteria and the marks allocated to each speaker by each judge in the rounds:

Sr. No	Marking Criteria	Marks allocated
1	Appreciation and application of facts	10
2	Identification and articulation of issues	10
3	Application of legal principles	10
4	Use of authorities and precedents	10
5	Response to questions	10
6	Presentation skills	10
7	Clarity of thoughts and logical structure of arguments	10
8	Self-confidence and Appearance	10
9	Strategy of the team	10
10	Originality and Creativity	10
	Total	100



- ♦ The decision of the judges as to the marks allocated to any team shall be final.

- ♦ **Scouting:**

Teams will not be allowed to watch the oral presentation of arguments of any other team. Scouting is strictly prohibited.

- ☛ **Rules for Mediation Role Play:**

Mediation Role Play will be based on the fictitious problems given below. The participants can choose any one problem of their choice and organize the Role Play and perform Mediation between the litigating parties. There can be 3 to 5 participants in a Competition. The ADR Mediation Role Play is open for any Law students. The Registration Fee will be Rs. 3000/- per team (excluding boarding charges). It may consist of following marking system. The participants have to submit their written script of the Mediation Role Play based on their selected problem.

- ☛ **Marking criteria for ADR Mediation Role Play:**

Mediation Role Play shall have Total 50 Marks and for maximum period of 30 Minutes duration. 20 Marks will be allotted to the script, which has to be submitted in advance on or before 5th March, 2024 in order to get them assessed by the judges. The remaining 30 Marks will be allotted to the oral submissions or performance of the Mediation Role Play teams. Mediation Role Play will be consisting of only one round which is called as knockout Round and the team scoring the highest will be a winner and the team with the second highest score will be the Runner Up. In case of tie, the score of their script will be added to their final score and the result will be declared accordingly.

Following will be the marking criteria:

Sr. No	Marking Criteria	Marks allocated
1	The Initial Introduction by the Mediator to the parties	5
2	Application of Mediation principles	5
3	Way of handling of the Mediation by the Mediator	5
4	Final proceedings of Mediation as per the procedure	10
5	Originality and Creativity	5
	Total	30pp



Prizes

MOOT COURT - LL.B. LEVEL

- ☛ **The winners:** The winners would be awarded with a Winner's Trophy.
- ☛ **Runners-up:** The Runners Up would be awarded with a Runners Up Trophy.
- ☛ **Best Mooter-** shall be awarded with a Best Mooter Trophy.
- ☛ **Best Memorial-** shall be awarded with a Best Memorial Trophy..

MOOT COURT - LL.M. LEVEL

- ☛ **The winners:** The winners would be awarded with a Winner's Trophy.
- ☛ **Runners-up:** The Runners Up would be awarded with a Runners Up Trophy.
- ☛ **Best Mooter-** shall be awarded with a Best Mooter Trophy.
- ☛ **Best Memorial-** shall be awarded with a Best Memorial Trophy.

ADR MEDIATION ROLE PLAY

- ☛ **The winners:** The winners would be awarded with a Winner's Trophy.
- ☛ **Runners-up:** The Runners Up would be awarded with a Runners Up Trophy.
- ☛ **Best Mediator-** shall be awarded with a Best Mediator Trophy.

NOTE: All participants will be awarded certificates of participation. Certificates which shall be issued during the valedictory function; no certificates will be given prior to it.

♦ **Miscellaneous:**

1. If any one of the members of a team is notified/ informed of any detail or information, it shall be deemed as if the said team as a whole has duly been notified/ informed.
2. In case of any doubts in either understanding any of the details or interpreting the same, the decision taken by the organizers shall be final and binding.
3. Rules should be strictly adhered to. Any deviation thereof can attract penalties and may be even disqualification.
4. Organizers shall resolve unanticipated or unexpected contingencies, if any and the decision in this regard shall be final and the acceptance of any such decisions is a precondition to participation in the competition.
5. The necessary travel and other contingent expenses will have to be borne/ sponsored/ paid to the participants by the respective participating students or their institution / University.
6. All participants should bring their identity, certificates with their signature duly attested by the Principal Dean/ University authority.
7. The Merit List of selected teams for final i.e third round will be declared on evening 9th March, 2024.



Important Dates (Schedule):

1. **1st March, 2024 -**

Last date for the confirmation of Registration and payment of fees by Teams for the competitions.

2. **5th March, 2024** (on or before 5.00 pm):

Last date for receiving four hard copies of each side of the Memorial by post.

3. **5th March, 2024** (on or before 5.00 pm):

Last date for e-mailing soft copy of the Memorial to the email:
9thaisumacvm2024@gmail.com.

How to Register and Pay Registration Fees

Online Payment must be done by using the following steps:

1. Please preferably use **Mozilla Firefox** browser to ease the process.
2. Go to Shivaji University, Kolhapur website by typing <https://www.unishivaji.ac.in> on the address line of the browser.
3. Then Select **Quick Links Menu** from the Home Page.
4. Then Select **Online Receipt** option.
5. Then Select **Online Receipt Portal**.
6. Then Registration Menu Appears. Please Click on "**Click Here to Register**" for new Registration and give your details and Register.
7. Login again after Registration with your new registration credentials.
8. Then go to **New Payment** Option.
9. Then Select "**Conference / Seminar / Moot Court / Workshop (Law Department)**" option from the **Purpose** option.
10. Type the amount Rs. 3000/- under the Amount option.
11. Please type "**Registration Fees**" under the **Particulars** Box.
12. Then Select the Shivaji University's **Bank of Maharashtra** as the Bank to make the payment.
13. Then Select the option as "**Save & Proceed to Pay**" option.
14. Then you will get different payment options. Select your mode of payment and Print the Receipt and please share it on the Moot Court email address along with your soft copy of the registration forms: 9thaisumacvm2024@gmail.com.



PROBLEM No. 1

FOR LL.M. MOOT COURT COMPETITION FOR PRELIMINARY AND SEMI-FINAL ROUNDS

Alka Rudresh v. Vijay Sanang

Facts:

Two parties moved the Supreme Court of Sindhia to grant them divorce using its powers under Article 142. Article 142 of the Constitution of Sindhia exclusively enables the Supreme Court to issue or pass any order that it feels it necessary to provide complete justice in a case before it. The Petitioners were mutually consenting parties who said that their marriage was irretrievably damaged (not a ground for divorce under the Hindu Marriage Act, 1955 (HMA)).

Normally, mutually consenting petitioners must approach a Family Court under Section 13B of the HMA. They had arrived at a settlement before they approached the Supreme Court. Meanwhile, the Family Court was yet to hear their case.

The Supreme Court has the following issues before it:

- a) Can Article 142 be used to decide divorce cases at all by the Supreme Court?
- b) Whether Supreme Court can grant Divorce in exercise of the power under Article 142(1) of the Constitution of Sindhia, when there is complete and irretrievable breakdown of marriage in spite of the other spouse is opposing the prayer?
- c) If yes, what rule should the Hon'ble Supreme Court follow to dissolve a marriage between the consenting parties without referring them to Family Court?

Even if one party later on oppose to the divorce, Supreme Court if satisfied that the facts established show that the marriage has completely failed and there is no possibility that the parties will co-habit together, and continuation of the formal legal relationship is justified. This is based on a principle called as 'complete justice'.



PROBLEM No. 2

FOR LL.M. MOOT COURT COMPETITION FOR THE FINAL ROUND

Sharp and Marc Corporation v. Glucometa Pharmaceuticals Ltd.

Facts:

- a) Sharpe and Marc Corporation (Plaintiff) an USA Company obtained a patent for antidiabetic drugs and called them "Tanuvita" (sitagliptin) and "Tanumeta" (combination of sitagliptin and metformin) in 2010. The Plaintiff launched "Tanuvita" in Sindhia only for Rs. 50 (1/5th of its price in the USA) in public interest. In addition to that, they also launched a patient access program for the same.
- b) The Plaintiff had a basic patent for Sitagliptin and its acceptable salts and additionally had a patent application pending for Sitagliptin Phosphate Monohydrate (the compound used in the defendants' products), which was abandoned.
- c) Glucometa Pharmaceuticals Ltd. (Defendant), started making and marketing generic versions of these two drugs under the brand "META" and "SITA – NET", respectively, leading the Plaintiff to file an infringement suit against the Defendant.
- d) Initially, the Plaintiff was refused an interim injunction against but this was subsequently reversed by the Delhi HC granting the injunction. This order was then challenged in the SC by the Defendant.

Glucometa Pharmaceuticals Ltd. filed a statement plus counterclaim seeking revocation for Plaintiff's patent on the basis that:

- a) The patent lacked an invention/ inventive step and the invention in the suit patent was obvious to a person skilled in the art.
- b) The invention lacked industrial applicability.
- c) Patent was obtained on a false suggestion or representation.
- d) There was insufficient disclosure pertaining to the preparation of Sitagliptin.
- e) Plaintiff had not disclosed the fact that they had abandoned their subsequent patent application in India.

They claimed that it did not amount to infringement because Defendant's product contained a different chemical entity- Sitagliptin Phosphate Monohydrate having different physical and chemical properties than Plaintiffs patent and that the generic drugs "META" and "SITA – NET" are beneficial to the public at large in Sindhia because of their low cost.



PROBLEM No. 1

FOR LL.B. MOOT COURT COMPETITION FOR PRELIMINARY AND SEMI-FINAL ROUNDS

X. v. The Principal Secretary, Health and Family Welfare Department, Government of Anand State & Another

Introduction:

Women's right have been in debate for many years in India and abroad. Her reproductive rights is one such important area of discussion. Women should have their capacity to make rational choices regarding their reproductive health, including whether or not to have children, when to have them, and how many. Her right to abortion also has been a contentious issue in this area in particular for many years.

The Medical Termination of Pregnancy Act, was introduced in 1971, to safeguard women's autonomy over their bodies.

Facts:

The petitioner (X name is not disclosed due to her privacy restrictions as she is unmarried) is a consenting adult female who is unmarried and of 27 years of age. She was in a consensual relationship with her partner. The petitioner was deserted by her partner but later discovered that she was a 22 weeks pregnant and filed a Writ Petition in the State of Anand High Court to permit her to terminate her pregnancy, as she is an unmarried woman. The Petitioner due to her financial situation and social stigma approached the court for the termination of her pregnancy. The Petitioner prayed for three points before the Court:

- a) Permit the Petitioner to terminate her ongoing pregnancy through registered medical practitioners at any approved private or government centre hospitals.
- b) Restrain the Respondent from taking any coercive action or criminal proceedings against the Petitioner or any Registered Medical Practitioner terminating the pregnancy of the petitioner.
- c) Direct the Respondent to include unmarried women also within the ambit of the Medical Termination of Pregnancy Rules, 2003.

The High Court of Anand State did not provide any reliefs to the Petitioner by mentioning that only married women are permitted to obtain an abortion after 20 weeks under the MTP Rules and her case does not come under any of the clauses under MTP Rules, 2003.

The Petitioner then subsequently filed a Special Leave Petition in the Supreme Court of Sindhia and urged that due to the absence of a source of livelihood and the social stigma associated with a single women's parent, continuing the unwanted pregnancy will result in immense and grave injury to her mental health.

Legal Issues before the Court:

- a) Validity of the exclusion of unmarried and single women under Rule 3B of the MTP Rules, 2003.
- b) Whether the rule is violative of Article 14 of the Constitution of Sindhia.

The case deals with the importance of the right to privacy and dignity guaranteed under Article 21 of the Constitution, along with the physical and reproductive autonomy of women.



PROBLEM No. 2

FOR LL.B. MOOT COURT COMPETITION FOR THE FINAL ROUND

TCI Ltd. v. M/s Super Power Estates Private Ltd.

Introduction:

A trademark is a distinctive word, phrase, symbol, or design that is used to identify and distinguish a particular product or service from those of others. Trademarks are used to protect the reputation and goodwill of a business, and to help consumers identify and differentiate products and services in the marketplace.

Trademarks can be registered with the government to provide additional legal protection. A registered trademark gives the owner the exclusive right to use the mark in connection with the goods or services for which it is registered. It also allows the owner to take legal action against anyone who uses the mark without permission, or who uses a mark that is confusingly similar to the registered mark.

Trademarks can be valuable assets for businesses, as they help to establish brand identity and build customer loyalty. It is important to choose a strong, distinctive trademark that is not already in use, and to properly use and protect the trademark to maintain its value.

A well-known trademark is a trademark that has acquired a high level of recognition and reputation among the relevant public. This recognition can be the result of extensive use and promotion of the trademark over a long period of time, and can be considered a valuable asset to the owner of the trademark.

In many countries, including Sindhia, the concept of a well-known trademark is recognized by trademark law and is entitled to a higher level of protection. This means that the owner of a well-known trademark may be able to prevent others from using similar or identical trademarks, even if the other marks are used in relation to different goods or services.

Facts:

TCI Limited is the Plaintiff. The Defendants are **M/s Super Power Estates Private Ltd.**, and Ruben D'Costa Hospitality Management Services Pvt. Ltd., and the disputed mark is 'LOHARA,' which is used in the context of restaurants and other hospitality services.

The 'LOHARA' restaurant is also recognized for its décor, design, layout, restaurant arrangement, silverware used to serve meals, wooden menu cards, and the rustic aspect that it has retained throughout many years. The plaintiff is the registered proprietor of the mark LOHARA in Sindhia since 1985 for both its device and word marks.



A permanent injunction is pleaded by the plaintiff against the Defendants in addition to damages and other reliefs. The plaintiff also claims that a number of images demonstrating resemblance between their and the Defendants' restaurants and marks is seen. Plaintiff has also requested that its mark 'LOHARA' be declared a well-known mark under Section 2(zg) of the Act.

The parties reached an amicable compromise while the case was being heard by the Court. The Defendants promised not to use the mark "ALFA LOHARA" or any other mark that was similar or deceptively similar to the Plaintiff's mark "LOHARA" in connection with their restaurant, hotel, or other hospitality-related services. The defendants also consented to replace their menu cards, waiter uniform jackets, and copper glasses. They also agreed to remove the name and phrase "LOHARA" wherever else the mark appears within a month.

This case was a landmark in ascertaining the importance of well-known marks as per Indian law, with a parallel discussion on the principle of territoriality and famous marks doctrine under US law. The Plaintiff's registered trademark, "LOHARA" was used in respect of a famous restaurant, which had acquired goodwill and had been in the hospitality business since 1975. Consequently, the Defendants adopted the mark "ALFA LOHARA" for their restaurants. The Plaintiff's primary contention was that "LOHARA" was a well know mark under Section 2(zg) of the Act, and hence, should be awarded protection under Section 11(2) of the Act.

While deciding the issue of well-known trademark the Court also looked at the decision of the US Court of Appeals, in a suit filed by TCI for infringement of their trademark in US Court. The US Court, as per the principle of territoriality in American trademark law, had held that ownership of a mark in one country would not confer exclusive rights to the said mark in another country. More so, the famous marks doctrine was uncertain considering only one decision had recognised it. Therefore, TCI was unsuccessful in protecting their mark in the US.

Contrary to this, in Sindhia, that the Plaintiff's trademark enjoyed substantial goodwill and reputation among Sindhians as well as foreigners who travelled to Sindhia and carried back the said reputation. Sindhia also recognizes trans-border reputation and the 'well-known mark' doctrines, both in its judicial decisions and in statutes.

Issues involved:

- a) Can a High Court of State of Damiya in Sindia Country decide a particular trademark originated from a foreign land and having a well-established status in Sindhia as a well-known mark by way of recognition of its Transboundary reputation?
- b) Whether the US Court's decision of refusing protection to the TCI's well-known mark "LOHARA" binding on the High Court of Damiya while deciding the case of declaration of "LOHARA" as a well-known trademark?



Problems for ADR Mediation Role Play Competition

(Note: Participants are required to choose any one of the below listed 4 problems)

1. Matter Relating to Divorce Petition:

Facts:

The marriage prohibited under sapinda relationship undertook and the husband gave his daughter in marriage to Mr. X. was deliberately kept in dark about the sapinda relationship of the parents-in-law and that one child is completely mentally retarded and wife of Mr. X. has been using psychotropic/antipsychotic/hypnotic drugs since birth. Whether the Act of father-in-law attracts the provision of Section 420 of the IPC and can the marriage of Mr. X. be annulled by divorce? Can Mrs. X. be legally subjected to medical check for Schizophrenia?

In so far as the offence of cheating is concerned, a case of cheating would lie against Mr. X's father-in-law in as much as he has induced you and deceived you to do something which you would have omitted to do if you were not so deceived and the said action has also caused damage to your mind, as per the requirements of Section 415 IPC which defines cheating. In so far as the annulment of marriage of Mr. X. by divorce is concerned, it has to be proved that the spouse / wife is incurably of unsound mind or has been suffering continuously or intermittently from mental disorder of such a kind and to such an extent that Mr. X. cannot reasonably be expected to live with her. A mere case of drug abuse may not attract the said provisions. However, if there are various instances, which can be specifically defined and pleaded, then Mr. X. can seek divorce on the grounds of mental cruelty having been caused to him because of the said drug abuse and the behavior of the wife.

Consequently, the husband Mr. X. filed a case for divorce in the Family Court. The Family Court initially referred the case to the Counselling Officer. However, things did not work there. Therefore, the case has been now referred to the Mediation Centre for exploring amicable settlement if any. Participants are at liberty to decide the fate of the case.

2. Matter relating to the Constitutional rights:

A Multi-media giant 'Z' is a giant social media platform who has a 3rd largest users in Sindhia country. Recently, in the year 2021, the Government of Sindhia introduced a new amendments to its Information Technology Act by way of introducing a new provision under Section 69A empowering the Government to block information from public access under specific conditions of: (i) interest of sovereignty and integrity of Sindhia, (ii) defence of Sindhia, (iii) security of the State, (iv) friendly relations with foreign States or (v) public order or (vi) for preventing law and order situation and violation on the grounds of hatred.

Accordingly, the Government of Sindhia issued a notice to the 'Z' office in the capital of Sindhia to block and remove some of the objectionable postings on 'Z' platform with immediate effect. 'Z' refused to comply with the notice and argued that blocking the contents would amount to the violation of the fundamental right to freedom of free speech and expression of the citizens of Sindhia guaranteed under Article 19(1)(a) of its Constitution. Some of the posts were posted through the official handle by the political parties. Upon refusal to comply with the new provisions of the Information Technology Act, the Ministry for Information and Broadcasting of the Government of Sindhia issued a final



notice of dire consequences of criminal prosecution and possible ban on the social media if the social it fails to comply with the notice.

Further that the 'Z' moved the High Court of Sagar State of Sindhia, challenging the government's orders to remove content from the social media platform under the new IT rules, saying it is an abuse of power by officials. It also argued that if the posts were blocked or removed would amount to the violation of fundamental right to speech and expression of the Sindhian citizen guaranteed under the Constitution of Sindhia.

Recently, the High Court of Sagar State referred the case to the Mediation Centre of Sagar State to explore the amicable settlement if any. Please decide the case as per your point of view.

3. Matter relating to Compensation for wrongful cancellation of Air Ticket:

Facts:

The Complainant, Dr. Seema Devi, is a student at a Medical College, Rampur, Pancham State, pursuing her M. D. degree. She booked Air Sindhia flight no. AI53 for 08.01.2023 with PNR YVW1 for undertaking journey from Lakhanpuri Airport, Ajmer to New Jilha. The flight was scheduled to depart at 2.20 pm on 08.01.2023 from Lakhanpuri Airport for Karkatta, from where the passenger was to take flight to New Jilha. It has been stated that the said flight was rescheduled for departure at 4.15 pm on that very day, and the passengers including the Complainant were duly informed through messages. The Complainant arrived at Lakhanpuri airport at 3.15 pm, i.e. one hour before the rescheduled time of departure, but she was told that the counter had already been closed, as the flight was overbooked. As a result, the Complainant was prevented from boarding the train from New Jilha to Rampur of the same date. The Complainant was asked by the Air India to arrange her own flight on future date, but following protest made at the spot, she was rescheduled to fly from Silvama on 13.01.2023, saying that no flights were available from Lakhanpuri airport before 20.01.2023. The Complainant had to incur extra expenditure for stay at Ajmer and in commuting to Silvama. It has, further, been alleged in the complaint that she was issued an open ticket for travel from Silvama to Karkatta and then to New Jilha on 13.01.2023, as a result of which, no seat was allotted to her. She was subjected to harassment by the staff at Silvama and then at Karkatta, as they objected to her check-in, saying that no seat had been allotted to her. The Complainant alleged that she was put to a lot of hardship, stress, tension and inconvenience, because of the failure of Air India to ensure that she could travel as per the booking made with them.

The Complainant sent a legal notice also on 13.02.2023, which was ignored by the Air Sindhia. The Complainant filed the consumer complaint in question, claiming an amount of Rs. 2 lakhs as damages and compensation.

Issue: Whether there was deficiency in service by the Air Sindhia Airlines? **Decision:**

The District Consumer Forum has referred the case for mediation to its attached Mediation Centre for suitable amicable settlement. Participants are free to decide about the fate of the case.



4. Matter relating to buying a faulty used car:

Mr. Sunil Bawdekar and Mr. Rajan Narvekar were two close friends. Mr. Sunil had a Breeza car of Maruti Suzuki make and was recently not so good in his financial conditions. Mr. Rajan works at an office but he does not have sufficient earnings to buy a new car or any car for that matter. He goes to work by a bus for around 20 km from his house and always desired to own a car.

One day his friend Sunil decided finally to sell his Breeza car. Therefore, he published an advertisement in a local newspaper offering to sell his Breeza car. He mentioned in the advertisement that the car is in an excellent condition and has no lien over his car from any financial institution. Mr. Rajan read the advertisement and went to contact his friend Mr. Sunil. His friend Sunil agreed to sell his car to Rajan thinking that instead of selling it to someone else why not sell it to his close friend. Mr. Sunil at the time of buying the car did not disclose the deformity of his car to his close friend Mr. Rajan and Rajan having a great amount of trust straightaway bought his car for Rs. 3,00,000/- (Market value was 8,00,000/- 3 years back). Now Mr. Rajan paid the entire amount at the purchase of the car and the Mr. Sunil gave the proper acknowledgments or receipts against the payment. Now Mr. Sunil was a very happy man to have his Breeza. Now he did not required to travel by bus and he could take out his family along with him whenever he wanted to go on a trip.

The car performed good for a month and suddenly there was a problem in the functioning of the exhaust fan in the car's engine and the car started malfunctioning. Mr. Rajan went to the mechanic and showed him the car. The mechanic told him that the car had that issue about a year back. He asked whether previous owner had informed you about it. Mr. Rajan said that his friend Mr. Sunil will never lie to him but he never told about this issue to him. The mechanic advised him to either deliver the car back to the previous owner or you will have to pay the service and material charges of Rs, 50,000/-

Mr. Rajan didn't know what to do because he could not afford to spend Rs. 50,000/- for the repairs. Then after two days he went and met his friend and the earlier owner of the car and started requesting him to pay the charges or else take back his car and pay him Rs. 3,00,000/- which he paid while buying the car. Mr. Sunil said now the car is yours and I don't have responsibilities towards it I cannot take back the car. Mr. Rajan while showing the copy of his advertisement to sell the car and said that the advertisement mentioned that the car is in good condition. This means his friend Mr. Sunil lied to him about the condition of his car. There was an intense argument and things started getting worse.

Finally, Mr. Rajan filed a case in the civil Court against his friend Mr. Sunil for cheating and misleading him about the conditions of the car and for not cooperating with him in getting the problems solved with the car. The Civil Court referred the case to the mediation centre and now the participants have to decide how they are going to mediate between the two friends.



With Best Compliments from

- ♦ The University Grants Commission, New Delhi.
- ♦ The Bar Council of India, New Delhi.
- ♦ The Bar Council of Maharashtra and Goa.
- ♦ The District Bar Association, Kolhapur, Sangli & Satara.
- ♦ The Affiliated Law Colleges of Shivaji University, Kolhapur.
 - o Shahaji Law College, Kolhapur.
 - o B.V.'s New Law College, Kolhapur.
 - o B.V.'s New Law College, Sangli.
 - o N. S. Soti Law College, Sangli.
 - o B.V.'s Y. C. Law College, Karad.
 - o Ismail Saheb Mulla Law College, Satara.
 - o Phaltan Law College, Phaltan, Satara.

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9th ALL INDIA SHIVAJI UNIVERSITY MOOT COURT, ADR COMPETITIONS AND VIDHI MELA – 2024

MARCH 9th & 10th, 2024

Registration Form for Moot Court Competition

Name & Address of the Participating Institution:

Phone Number :

Email ID :

Name of Mooter No.1 :

Class :

Address :

Mobile No. :

E-Mail ID :

Passport
Size
Photograph

Name of Mooter No.2 :

Class :

Address :

Mobile No. :

E-Mail ID :

Passport
Size
Photograph

Name of Researcher :

Class :

Address :

Mobile No. :

E-Mail ID :

Passport
Size
Photograph

Signature and Seal of Head of the Institution



9th ALL INDIA SHIVAJI UNIVERSITY MOOT COURT, ADR COMPETITIONS AND VIDHI MELA – 2024

MARCH 9th & 10th, 2024

Registration Form for ADR Mediation Role Play Competition

Name & Address of the Participating Institution:

Phone Number :

Email ID :

Name of Participant 1 :

Class :

Address :

Mobile No. :

E-Mail ID :

Passport
Size
Photograph

Name of Participant 2 :

Class :

Address :

Mobile No. :

E-Mail ID :

Passport
Size
Photograph

Name of Participant 3 :

Class :

Address :

Mobile No. :

E-Mail ID :

Passport
Size
Photograph

Name of Participant 4 :

Class :

Address :

Mobile No. :

E-Mail ID :

Passport
Size
Photograph

Signature and Seal of Head of the Institution



**Some Glimpses of 7th All India Shivaji University Moot Court, ADR
and Client Interview Competition and Vidhi Mela Organised on 22nd and 23rd February, 2020**





Some Glimpses of 8th All India Shivaji University Moot Court, ADR Competitions and Vidhi Mela Organised on 25th and 26th March, 2023



**Inauguration by Hon'ble Shri.
Justice Sunil K. Kotwal**



Trophies for the Winners



LLM Team in Action



LLB Team in Action



Mediation Team in Action



Learned Audience witnessing the event



Final Round



Organising Team and Hon'ble Judges



Winner takes it All (LLM)



Winner takes it All (LLB)