



The ICF AI University, Dehradun



INVITATION LETTER

Dear Sir/Madam,

It is a matter of great pleasure that we are organising 2nd N.J. YASASWY MEMORIAL CONSTITUTIONAL LAW NATIONAL MOOT COURT COMPETITION (14th-15th April 2017). For the same, we cordially invite the team from your esteemed institution. The Moot Problem, Authorization letter from the head of the institution and the detailed Rules and Regulations for the Moot Court Competition are enclosed herewith. The Teams must Registered by 25th March 2017. Please feel free to write or contact us for any further clarifications.

Anticipating your kind reply.

With regards,

Prof. (Dr.) Hari Mohan Mittal,

Dean, ICF AI LAW SCHOOL, The ICF AI University, Dehradun.

SCHEDULE

DATES

EVENTS

- | | | |
|------------------------------|----------|--|
| 3rd MARCH, 2017 | : | RELEASE OF MOOT PROBLEM |
| 25th MARCH, 2017 | : | LAST DATE OF REGISTRATION |
| 31st MARCH, 2017 | : | LAST DATE FOR REACHING AUTHORIZATION LETTER,
DEMAND DRAFT/TRANSACTION DETAILS TO UNIVERSITY |
| 1st APRIL, 2017 | : | DEADLINE-MEMORIALS (SOFT COPY) |
| 3rd APRIL, 2017 | : | DEADLINE-MEMORIALS(HARD COPY) |
| 14th -15th APRIL 2017 | : | MOOT COURT EVENT |





2nd N.J.YASASWY MEMORIAL CONSTITUTIONAL LAW NATIONAL MOOT COURT COMPETITION

(14th-15th April 2017)

In a Federal Democratic country Terrafia, QBC, a statutory body set up by the Terrafian Union government in accordance to the QBC Act 1966, under Ministry of Human Resource and Development, is charged with coordination, determination and maintenance of standards of higher education. It provides recognition to universities in India and disburses funds to such recognised universities and colleges. By a notification RF/2006, QBC made MET (Mandatory Eligibility Test) compulsory for the post of Assistant Professor in Universities, except for those five subjects where MET is not required.

Dr. S.Satyarth, an academician published an article in Terrafian Times and raised following concerns-

- a) Whether MET can ensure qualitative Assistant Professors for teaching ?
- b) Whether necessary steps are taken by QBC to ensure quality teaching ?
- c) What is the impact of hiring Part Time Law Teachers/ Advocates/Non MET on quality education ?
- d) Whether MET can only be sole criteria to ensure quality teachers ?
- e) Whether there is any rationale behind salary discrepancies based on MET/Non MET eligibility ?
- f) Whether the reservation at entry level and at promotion level has adversely affected the quality education ?
- g) Whether it is right time to introduce creamy layer criteria for ST/SC candidates in MET examination ?
- h) Whether the criteria prescribed for MET is in consonance with the concept of equality as provided in the Article 14 of Constitution of Terrafia ?



THE ELIGIBILITY CRITERIA AS UNDER

CATEGORY	Minimum Marks (%) to be obtained		
	PAPER – I	PAPER – II	PAPER – III
GENERAL	40 (40%)	40 (40%)	75 (50 %)
OBC (Non-creamy layer)/ PWD/ SC/ ST	35 (35%)	35 (35%)	60 (40 %)

Data regarding shortage of university faculties in Terrafia-

Terrafia's universities and other higher education institutions continue to be plagued by high faculty shortages. It was that among the older Top Engineering Govt. Institutes TEINSTs, Tonbey had a vacancy of 39%; Hezagpur of 42%; Trookee of 42%; Telhi(Capital of Terrafia of 33%; Tauhati of 26;% and TEINST-THU of 53%.The numbers were not very different at the new TEINSTs, either: 56 % at Jolhpur; 21% at Pafna; 14% at Ildoer; 21% at Hydrad; and 10% at Gandhipur. With six more new TEINSTs coming up at Tammu, Zirupatee, Salakad, Gao, Dahwad and Bhili, faculty shortfalls can be expected to continue. Central universities have the same problem. Total vacancies across these elite institutions in 2016 stood at around 2,500 for Assistant Professor (26%). It is expected that in the upcoming time, no significant improvement is foreseeable to fill the teaching posts. It is about shortfalls in the overall supply or availability of suitably qualified faculty in the academic institutions that they are unable to fill up all vacant positions. It was recently reported that a college in state of Bizar with 2,000 students has two regular faculties because the government had banned recruitment a decade back. Similar situation exists in other states too. Even Telhi University (TU), a well-known and reputed institution has not sufficient faculties. Due to lack of interest of the Government, 60% of faculty positions at the university are believed to be vacant. While TU has a larger proportion of regular faculty as compared to other universities, it is still having large numbers of part-time faculties. There are many such cases where universities are not in a position to hire regular faculty because of financial difficulties or some other reasons. The shortage is usually for two reasons. First, many institutions do not hire faculty because they face the problem of non-availability of sufficiently-qualified candidates for vacant positions. The second reason for faculty shortfalls at many institutions is unwillingness. It is pertinent to quote a Supreme court judgment - "Word of caution against excess reservation was first pointed out in G.M., S.Rly. v. Rangachari. Gajendragadkar, J. giving the majority judgment said that reservation under Article 16 (4) is intended merely to give adequate representation to backward communities. It cannot be used for creating monopolies or for unduly or illegitimately disturbing the legitimate interests of other employees. A reasonable balance must be struck between the claims of Backward Classes and claims of other employees as well as the requirement of efficiency of administration."



On a RTI based on his observations and questions ,filed by Dr. S.Satyarth-

General Stand of/for MET-

- 1) A counter affidavit has been filed by the QBC in WP.(C) No.XYZ of 2016, supporting the criteria laid down for qualification in the MET as per Ext.P1 notification. The stand taken by the QBC in the counter affidavit is that there is no illegality in prescribing lower minimum marks for pass in the MET. It further states that there is no illegality in qualifying the top 15% among them for JRF.
- 2) It is beyond dispute that certain number of posts of Assistant Professor in the Universities and Colleges are reserved for candidates belonging to Backward Communities, Scheduled Castes, Scheduled Tribes and for persons with disability. The same is done by the appropriate Governments obviously in discharge of their obligation under Article 16(4) of the [Constitution](#) to protect the fundamental right of equality in public employment guaranteed to the candidates belonging to the said categories under Article 16(1) of the [Constitution](#). As such, there cannot be any dispute to the fact that if the candidates belonging to the reserved categories do not qualify the MET, the State will not be in a position to protect the fundamental right of equality in public employment guaranteed to them under Article 16(1) of the Constitution. It is, therefore, evident that the very purpose of prescribing lower minimum marks for pass in the MET for the candidates belonging to the reserved categories is to make available sufficient number of candidates from those categories for selection for appointment in the vacancies earmarked for them. So long as certain number of vacancies of Assistant Professor in Universities and Colleges are reserved for backward and other classes who are not adequately represented in the services, it cannot be said that the prescription of lower minimum marks for candidates belonging to the said classes, as provided for under Step I of Ext.P2 notification, is illegal in any manner.
- 3) All Terrafia Federation of University and College Teachers' Organisation (ATFUCTO) strongly opposed attempts to scrap the test in previous cases. The organization advocated that the test is designed to improve the standard of teaching in University/Colleges in the country. Therefore, Government of Terrafia should review the Constitutional provisions relating to reservation for ensuring quality education.

Hence, Dr. S. Satyarth wishes to go for PIL in Supreme Court of Terrafia

NOTE- 1) The law to be used is parimateria (laws/rules/bye-laws/orders) with respect to India & any such reference is accepted.

2) It is encouraged that, participants should draft their issues too.



RULES OF THE COMPETITION

ELIGIBILITY

The Competition is open for students pursuing three/ five year LL.B. Degree Course from any recognized Law College/University subject to fulfillment of the registration formalities.

II. LANGUAGE

The Competition shall be conducted in the English language only.

III. TEAM COMPOSITION:

Each team shall consist of a three members, (Two speakers and one researcher).

IV. REGISTRATION:

In order to confirm participation, teams of every Institution should register themselves.

Registration Procedure :

Each Team is required to fill in the Registration form and send the Demand Draft details/NEFT/RTGS Payment details to mcciudehradun@gmail.com . Subject of the mail should bear

“Registration Form for 2nd N.J. YASASWY MEMORIAL CONSTITUTIONAL LAW NATIONAL MOOT COURT COMPETITION 2017” .To confirm the registration, the scanned copy of the Demand Draft / Transaction Number must be emailed to mcciudehradun@gmail.com .The participants should send their Travel Details provided with the registration form.

Original Demand Draft/ Transaction details and the authorization letter should be sent on or before 31st of March ,2017 to the address of the Host University and “Registration Form 2nd N.J. YASASWY MEMORIAL CONSTITUTIONAL LAW NATIONAL MOOT COURT COMPETITION - 2017” should be super scribed on the envelope. The details are as under-

REGISTRATION LAST DATE

25th March 2017

**FEE – Rs. 2100 Per Team
Accommodation (Optional)-
Extra Charges-Rs.1000 Per Team**

The Demand Draft shall be drawn in the favour of
“The ICFAI University Imprest Account” payable at Dehradun and must be sent to Mr. Gaurav Mittal (Faculty) National Moot Court Co- Convener ICFAI LAW SCHOOL, The ICFAI University, Dehradun. Central Hope Town, Rajawala Road, Selaqui, 248197.

OR

**For NEFT/RTGS-
Bank-HDFC, Branch-56 Rajpur Road- Dehradun,
Current A/C No. -02252000003034
IFSC Code- HDFC0000225**



V. CRITERIA FOR MEMORIAL EVALUATION

Each Team has to prepare Memorials for both the sides. The team must send a Soft Copy on or before 1st of April, 2017 to mcciudehradun@gmail.com. In addition 6 (SIX) Hard Copies of the memorials from each side should reach at the University address by 3rd of April, 2017.

Format of Memorials

- The memorial shall not exceed 30 typed A4 size pages. Colour of the cover page must be Blue in case of Appellant and Red in case of Respondent.
- Body of Memorial shall include:
 - The Cover Page of the memorial must state the Cause Title
 - Table of Contents
 - List of Abbreviations
 - Index of Authorities / Table of cases
 - Statement of Jurisdiction
 - Statement of Facts
 - Statement of Issues
 - Summary of Arguments
 - Arguments advanced/detailed arguments.
 - Prayer
 - Bibliography

Note: Identity of the Institution should not be revealed anywhere in the memorial as well as in any Annexure. Violation of this provision will result in penalties including disqualification. The Organizer's decision shall be final in this regard. The font of the body of the memorial should be Times New Roman, size 12, line spacing 1.5 & headings should be 14. The font of the footnotes should be Times New Roman, size 10. Memorials should be spiral bound. Memorials should have one inch margin on all sides of each page. Pages should be numbered at the bottom middle. The memorial should not contain any photographs/sketches/exhibits/affidavits etc. All memorials received within time schedule will be evaluated by the Memorial Evaluation Committee (MEC) to be constituted by the National Coordinators, ILS, The ICFAI University, Dehradun.

The evaluation will be done on the following parameters:

- 25-*A* Knowledge of Facts & Law
- 25-*B* Extent & use of research
- 20-*C* Proper & Articulate Analysis
- 10-*D* Clarity & Organization
- 10-*E* Correct format & Citation
- 10-*F* Grammar & style
- 6. Evaluation done by the MEC shall be final and binding.



VI. ROUNDS

- Scouting is strictly prohibited
- For any dispute, the decision of Moot Court Committee shall be final & binding.

Draw of lots

- Each team will be provided with a Team Code on reporting to the venue. After the draw of lots, each team will be assigned a side (appellant/respondent). Fixtures of the teams will be pre-determined based on the team codes.

Elimination Round

- This will be a knock-out round. Each team is allowed 20 minutes to represent their case. Each team shall represent only one side as decided during the draw of lots. The winner of each court-room will be decided on the basis of the scores awarded by the judges in this round and the marks awarded by MEC.
- **Note:** The top eight teams selected after this round will proceed to the quarter-finals.

Quarter Finals

- The top four teams selected after this round will proceed to the semi-final.

Semi Finals

- The top two teams selected after this round will proceed to the finals. 30 minutes shall be provided to each team.

Final Round

- The final round shall take place between the winners of the semi-final round. 30 minutes shall be provided to each team.

VII. PROCEDURE AND MARKING OF COURT ROUNDS

Each team will get a total of 30 minutes to present its case. This includes the time for rebuttal but not sur-rebuttal. The division of time per speaker is left to the discretion of the team. The arguments should be confined to the issues presented in the memorial. The researcher needs to be present with the speakers during all the rounds. Maximum scores for the court rounds will be 100 marks per speaker. The court rounds will be judged on the following parameters:

- 20- **A** Knowledge of Law
- 20- **B** Application of law to Facts
- 20- **C** Ingenuity & ability to answer questions
- 20- **D** Style, Poise, Courtesy & Demeanor
- 10- **E** Time Management
- 10- **F** Organization

VIII. DRESS CODE

- Inside the Court Room the participants shall be in Formals.
- Female(s): White Shirt, Black Trouser and Black Tie along with Black Blazer and Black Shoes.
- Male(s): White Shirt and Black Trouser along with Black Tie, Black Blazer and Black Shoes.

CATEGORIES OF AWARDS:

Winner Team-Trophy

Runners up- Trophy

“Best Speaker” – Trophy & Rs. 3,100 (Cheque)

“Runners up Speaker- Trophy & Rs. 2,100(Cheque)

“Best Researcher”-Trophy & Rs. 3,100(Cheque)

“Runners up Researcher”-Trophy & Rs. 2,100 (Cheque)



- In addition to the above, participation certificates will be issued to all the participants. There shall be no modification in names (spellings), hence teams are advised to fill registration form carefully. The certificates have to be received in person, since MCC would not be sending them by post.

ACCOMMODATION AND FOOD

- Accommodation is optional. Each team booking for accommodation has to pay Rs.1000 in addition to Registration Fee. Those participants who do not wish to stay in hostels may opt for hotels & they will bear the transportation and accommodation costs. Lunch will be provided on **14th and 15th of April, 2017**.
- **Note :** Since the campus is at outskirts of Dehradun, The pickup time from Railway Station shall be notified to participants. There is no pick up/Drop facility from/to Airport.

IX. QUERIES AND CLARIFICATIONS

- In case of any questions related to problems or
- Clarifications regarding the competition, feel free to contact the following:
- **E-mail:** mcciudehradun@gmail.com

Contact- National Moot Court Conveners

Regarding Competition Queries-
Mr. Saurabh Siddhartha (Co-Convenor)
saurabh.sid@iudehradun.edu.in

Regarding Accommodation & Food-
Mr. Suneel Kumar (Co-Convenor)
sk17yadav@gmail.com

Registration & Fee Related Queries-

Mr. Gaurav Mittal (Co-Convenor)
gauravgangamittal@gmail.com

MCC

Aditya Anand (President) – (+91)-7060324487
mcciudehradun@gmail.com

Sanket Jha (Vice-President) (+91)-9769660706, +91-7248112120
General Enquiry (Registration, Accommodation & Travel)
Ankesh Kumar Sinha (+91-9760215915)

X. GENERAL INFORMATION

Date and Venue:

2nd N.J. YASASWY MEMORIAL

CONSTITUTIONAL LAW NATIONAL MOOT COURT COMPETITION – 2017
to be held at ILS on 14th & 15th of April 2017 at The ICFAI University, Dehradun.

POSTAL ADDRESS:

ICFAI LAW SCHOOL, The ICFAI University, Central Hope Town,
Rajawala Road, Selaqui, Dehradun . Postal code: 248197.

E-mail: mcciudehradun@gmail.com

2nd N.J.YASASWY MEMORIAL CONSTITUTIONAL LAW NATIONAL MOOT COURT COMPETITION, 2017

AUTHORIZATION LETTER

Person to whom communication relating to the

ACCOMODATION REQUIRED _____

Competition should be sent :

Details of the Team :

Name:

Name of the First Speaker :

Name of the Institution :

Gender :

Address :

Email Address :

Mob.No :

Mobile Number :

Email Address :

Name of the Second Speaker :

Gender :

Email Address :

Mobile Number :

Name of the Researcher :

Gender :

Email Address :

Mobile Number :

Signature of The Team Members :

Signature & Seal of Head of the Institution :

TRAVEL FORM

DETAILS OF MODE OF TRAVEL/ TRAIN NO.
TIME OF DEPARTURE ETC. –

EXPECTED ARRIVAL DATE & TIME –

PERSON TO WHOM COMMUNICATION IS TO BE MADE
WITH RESPECT TO TRAVEL DETAILS –
(MOB. NO.- ATLEAST PROVIDE TWO NUMBERS) :