



**CHRIST**  
UNIVERSITY

B E N G A L U R U , I N D I A

Declared as Deemed to be University under Section 3 of UGC Act 1956

School of Law, Christ University

**7<sup>TH</sup> NATIONAL MOOT COURT  
COMPETITION**

10 -13 November 2016

# School of Law Christ University National Moot Court Competition 2016

## *CHIEF PATRON*

**Dr (Fr) Thomas C. Mathew**

Vice Chancellor,  
Christ University

## *PATRON*

**Fr Benny Thomas**

Director,  
School of Law, Christ University

## *EXECUTIVE PATRON*

**Prof (Dr) Somu C S**

Associate Dean and Head of the Department  
School of Law, Christ University

## *ORGANISING SECRETARIES*

**Mr Harsh Pratap Singh**

Faculty Co-ordinator, Moot Court Society

**Mr Pukhraj Agarwal**

Faculty Co-ordinator, Moot Court Society

**Ms. Ashwini R**

Faculty Co-ordinator, Moot Court Society

**Mr Ranjeet Mathew Jacob**

Faculty Co-ordinator, Moot Court Society

**Ms Manjula R S**

Faculty Co-ordinator, Moot Court Society

## *CONVENORS MOOT COURT SOCIETY*

**Yasha Banthia**

Convenor, Moot Court Society

**Anish Bhojani**

Convenor, Moot Court Society

Dear Students

Greetings from Christ University!

It gives me immense pleasure to welcome you to the School of Law Christ University National Moot Court Competition 2016. Over the years, Christ University has emerged to be one of the most sought after destinations for higher education. From a humble beginning in 1969, Christ University has grown to reach out to the diverse needs of students and society through our vision, Excellence and Service. This University believes in the holistic development of those entrusted to our care.



Accordingly, while we cater to their intellectual development, we also focus on their social, aesthetic, and spiritual growth. The dedicated faculty members at School of Law and the state-of-the-art infrastructure nurture an environment conducive for creative growth.

The co-curricular and extracurricular activities scheduled throughout the year, promote both self-learning and peer-learning. In keeping with our objective of developing socially conscious students, this year's moot problem has been designed to foster a greater understanding of Constitutional Law among law students with an added importance to Education Laws. I am certain that the Moot Court Competition 2016 organized by the School of Law will bring together some of the brightest minds for sharpening the legal acumen. It is with great pleasure that I invite you to participate in the School of Law, Christ University National Moot Court Competition, 2016.

I wish you the best of learning with excitement.

CoL Fr (Dr) Thomas C Mathew  
Vice Chancellor Christ University

Dear Students,

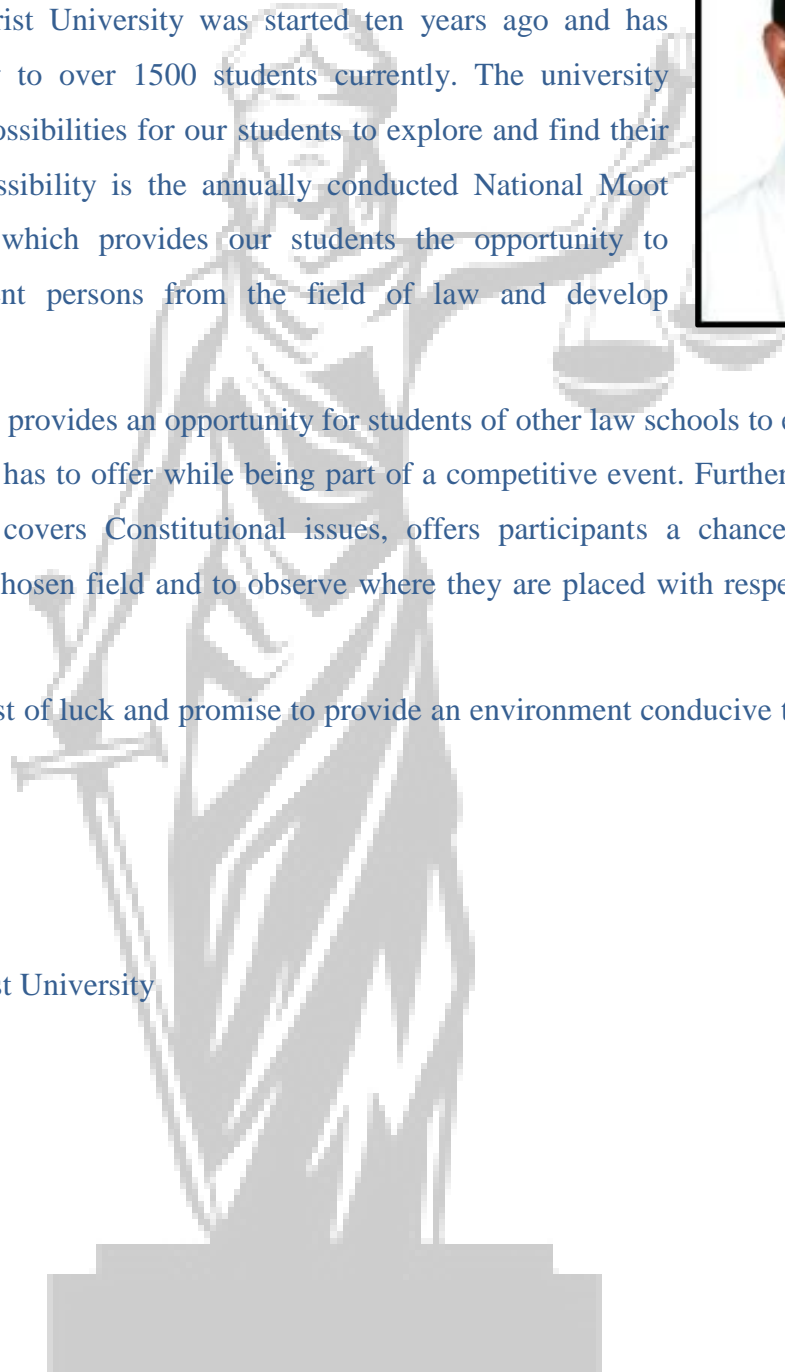
Welcome to School of Law, Christ University.

School of Law, Christ University was started ten years ago and has grown exponentially to over 1500 students currently. The university offers a myriad of possibilities for our students to explore and find their niche. One such possibility is the annually conducted National Moot Court Competition which provides our students the opportunity to interact with eminent persons from the field of law and develop organizational skills.

The competition also provides an opportunity for students of other law schools to experience all that our diversity has to offer while being part of a competitive event. Furthermore, this competition, which covers Constitutional issues, offers participants a chance to better themselves in their chosen field and to observe where they are placed with respect to their peers.

I wish you all the best of luck and promise to provide an environment conducive to learning and to compete.

Fr Benny Thomas  
Director,  
School of Law, Christ University



Dear Students

It gives me great pleasure to welcome you to School of Law Christ University National Moot Court Competition 2016. Apart from academic quality, Christ University ensures the holistic development of every student in its study. School of Law has proved academic and cultural finesse, along with calibre and potential in matters of Law. We have seen significant and promising developments in mooting culture at school of law and it has potential to grow further. Over the years, our Competition has grown to include many different law schools across India, and has provided participants with copious opportunities and a great learning experience.



With state of the art infrastructure, excellent organization skills, a diverse panel of learned judges and assorted teams from various corners of India, School of Law promises every participant a challenging competition, with opportunities to learn from the best in the field of law.

Best wishes to each and every one of you.

Prof (Dr) Somu C S

Associate Dean and Head of the Department  
School of Law, Christ University

## A LOOK BACK AT THE PREVIOUS YEAR'S COMPETITION

Dear Mooters,

Starting from 2010, there have been six editions of the Annual School of Law Christ University National Moot Court Competition. This competition was privy to various teams across India who came here to battle it out and earn the coveted winners place. The aforementioned days witnessed impeccable displays of research skills, speaking skills, and



an overall prowess of court room etiquette. these moot rounds were judged by many eminent personalities. The judges with their vast knowledge and expertise in the areas of law ensured an enriching mooting experience for all the participants. The Competition saw 43 teams across India participating, with Symbiosis Law School, Pune and CMR Law School, Bangalore, battling it out in the final with the latter emerging as the winners

We hope to witness the same amount of competition and enthusiastic spirit of participation as witnessed in the previous years, at this year's competition as well.

Wishing you good luck,

Yasha Banthia & Anish Bhojani

Convenors,

Moot Court Society 2016-17

## **Moot Problem**

**The Secretary, Forum for Ethics in Legal Profession (FELP)**

**v.**

**Union of India and the Registrar General of the High Court of Dakshin Pradesh**

The rationale of major basic principles of administration of justice, both substantive and procedural, at the stage of regulation and denial of freedom, are well founded in India in its ancient values and its present Constitution. The celebrated concept of dharma has provided a fertile ground for myriad legal principles to create an environment wherein every individual can live a quality life with noble institutions and professions having pledged themselves to this end.

In India, knowledge was always imparted to successive generations as a matter of pious obligation with a mandate to live an upright life and serve the society. The tittariyopanishat's anushashasana administered in the convocations of universities speaks volumes about it.

A professional, in good olden days, never charged for his professional services. Professionals bestowed the fruits of their knowledge on the needy persons as a matter of pious obligation. A professional was always revered for this great gesture of serving the society with pro bono publico commitment. It was never a career, let alone a business. Professions were not regulated by any body, whether statutory or otherwise, because of the trust society reposed in them. Instead the society relied upon 'regulation by self' of professions and felt that the regulation by professional peers was the best way to regulate professions and the interest of the society was safe in their hands.

Traditionally the professional ethics were zealously adhered to, especially in the state of Dakshin Pradesh, a State in the Union of India, which has the legacy of contributing great legal luminaries, who spearheaded not only the freedom struggle but also played a pivotal role as members of the Constituent Assembly.

The Indian society created an exclusive right in favour of the Advocates to appear on behalf of others in courts and created a monopoly in favour of them by enacting The Advocates Act, 1961(herein referred to as 'the Act'). By contrast, Section 34(1) of the Act empowers the

High Court to make rules laying down the conditions subject to which an advocate shall be permitted to practice in the High Court and the courts subordinate thereto. Further, Article 145 of the Constitution of India empowers the Supreme Court to make rules for regulating the practice and procedure of the court including rules as to the persons practicing before the court.

Of late, certain members of the Bar, in the State of Dakshin Pradesh, failed to adhere to the professional standards and the frequency of court boycotts, lawyers' strikes, bundhs and disruptions of court proceedings increased. The younger generations of advocates did not heed the advise of the elderly in the profession. Feeling that the 'regulation by self' on the part of the profession as visualized under the Advocates Act has failed, the High Court of Dakshin Pradesh framed rules under Section 34 of the Act called the High Court of Dakshin Pradesh Rules of Practice, 2016, which inter alia reads as follows: -

Rule 21: Power to Debar: (i) An Advocate who is found to have accepted money in the name of a Judge or on the pretext of influencing him; or (ii) An Advocate who is found to have tampered with the Court record or Court order; or (iii) An Advocate who browbeats and/or abuses a Judge or Judicial Officer; or (iv) An Advocate who is found to have sent or spread unfounded and unsubstantiated allegations/petitions against a Judicial Officer or a Judge to the Superior Court; or (v) An Advocate who actively participates in a procession inside the Court campus and/or involves in gherao inside the Court Hall or holds placard inside the Court Hall; or (vi) An Advocate who appears in the Court under the influence of liquor; (vii) An Advocate who uses unbecoming language in the court; shall be debarred from appearing before the High Court or Subordinate Courts permanently or for such period as the Court may think fit and the Registrar General shall thereupon report the said fact to the Bar Council of Dakshin Pradesh.

Rule 22: Power to Take Action: (i) Where any such misconduct referred to under Rule 21 is committed by an Advocate before the High Court, the High Court shall have the power to initiate action against the Advocate concerned and debar the Advocate from appearing before the High Court and all Subordinate Courts. (ii) Where any such misconduct referred to under Rule 21 is committed by an Advocate before the Court



of Principal District Judge, the Principal District Judge shall have the power to initiate action against the Advocate concerned and debar the Advocate from appearing before any Court within such District. (iii) Where any such misconduct referred to under Rule 21 is committed by an Advocate before any subordinate court, the Court concerned shall submit a report to the Principal District Court within whose jurisdiction it is situate and on receipt of such report, the Principal District Judge shall have the power to initiate action against the Advocate concerned and debar the Advocate from appearing before any Court within such District.

Rule 23: Procedure to be followed: The High Court or the Court of Principal District Judge, as the case may be, shall, before making an order under Rule 21, issue to such Advocate a summon returnable before it, requiring the Advocate to appear and show cause against the matters alleged in the summons and the summons shall if practicable, be served personally upon the Advocate.

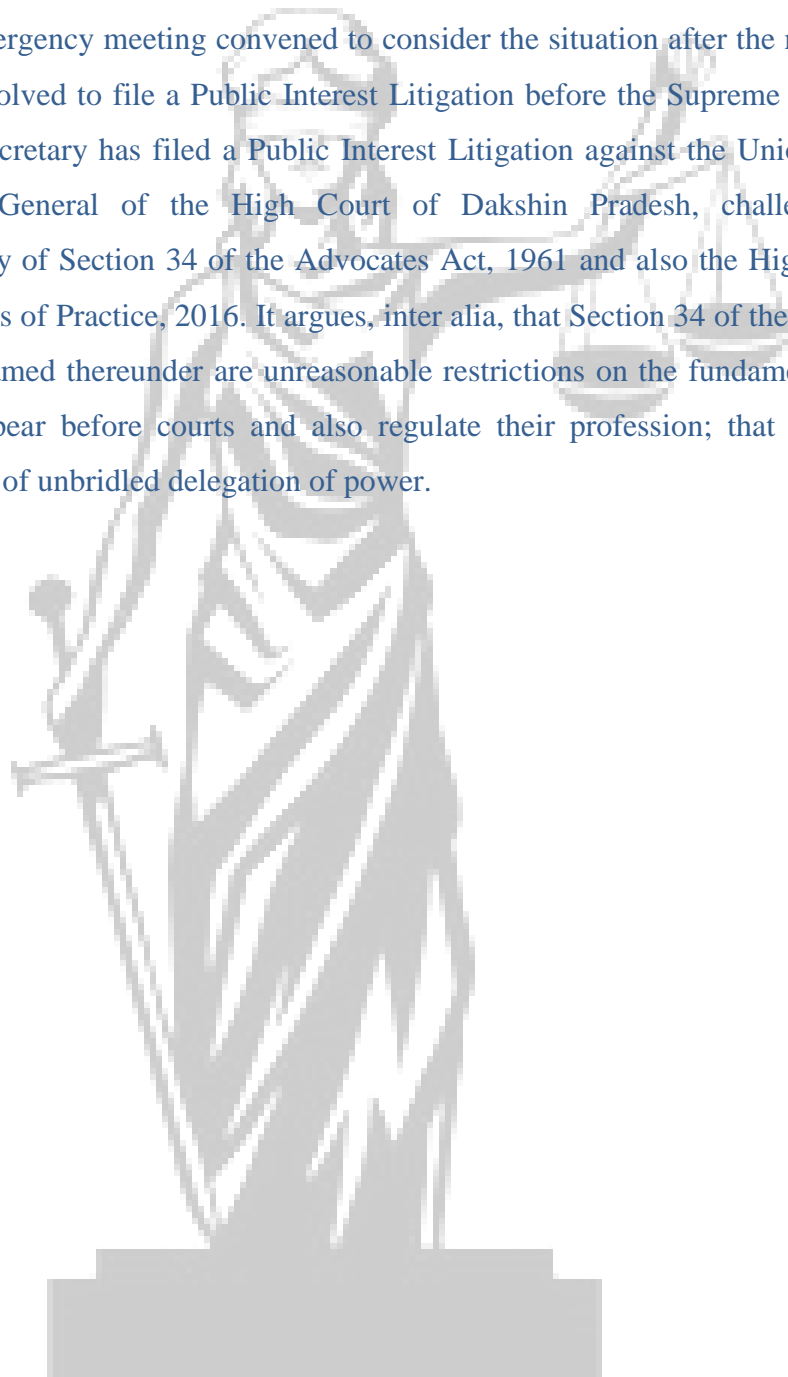
Rule 24: Power to pass Interim Order:- The High Court or the Court of Principal District Judge may, before making the Final Order under Rule 21, pass an interim order prohibiting the Advocate concerned from appearing before the High Court or Subordinate Courts, as the case may be, in appropriate cases, as it may deem fit, pending enquiry.

These rules were framed by the High Court of Dakshin Pradesh after due consultation with the representatives of the Dakshin Pradesh Bar Council office bearers. The senior members of the Bar, who have formed a Forum for Ethics in Legal Profession (FELP), submitted a memorandum to the Chief Justice of Dakshin Pradesh and insisted that the rules should not be framed for the reason that they will demean the nobility of profession which is not good for that institution.

Their stand was that such rules will shake the trust which society has reposed in professionals and that the rules were not in keeping with the evolution of the profession from chaos to order and from order to 'regulation by self'. They perceived the activities of the advocates which impelled the High Court to frame rules, as a passing phase of the profession which can be addressed under the existing legal framework without discrediting the institution of

Advocacy. They felt that the causes for the unacceptable behavior of advocates can be addressed properly without framing rules under the existing legal framework of disciplinary powers of the Bar Councils, power of the courts under the Contempt of Courts Act, 1971 and through appropriate education and training. The Registrar General of the High Court of Dakshin Pradesh notified the rules on 1st August 2016 and came into effect from that day.

The FELP, in an emergency meeting convened to consider the situation after the notification of the said rules, resolved to file a Public Interest Litigation before the Supreme Court. The FELP through its Secretary has filed a Public Interest Litigation against the Union of India and the Registrar General of the High Court of Dakshin Pradesh, challenging the constitutional validity of Section 34 of the Advocates Act, 1961 and also the High Court of Dakshin Pradesh Rules of Practice, 2016. It argues, inter alia, that Section 34 of the Advocates Act and the rules framed thereunder are unreasonable restrictions on the fundamental rights of Advocates to appear before courts and also regulate their profession; that Section 34 suffers from the vice of unbridled delegation of power.



## PROFILE OF THE MOOT PROBLEM'S FRAMER

Dr.Chidananda Reddy S. Patil, graduated from University of Mysore in 1983. He moved over to Dharwad to pursue his studies in Law at the University College of Law. He completed his LL.B. in 1986. He obtained Master's Degree in Law from University of Mysore, in 1988, specialising in Constitutional Law. He holds a Doctorate in Law from the Karnataka University, Dharwad. Dr C S Patil, has taught law at J.S.S. Law College, Mysore, H.A.Law College, Dharwad, K.L.E.Society's Law College, Bangalore and University College of Law, Dharwad. He joined Karnataka State Law University, Hubli as a Professor of Law and is currently officiate Vice Chancellor, Karnataka State Law University, Hubli.



Dr C S Patil has published one book, edited two books and more than fifty articles in various law journals and magazines. He is one of the experts to submit a research paper to the Committee on Reforms of Criminal Justice System of which Hon'ble Dr Justice V S Malimath was the chairman. He has drafted many legislations for the Government of Karnataka including the Karnataka State Human Rights Courts Rules, 2006. Mr.C.S.Patil evinces a lot of interest in curricular, co-curricular and extra-curricular activities and actively involves in legal aid and legal literacy programmes.

## SCHEDULE



PARTICULARS	DATE
Release of the moot problem	11 <sup>th</sup> August, 2016
Last day for provisional registration of teams	21 <sup>st</sup> August, 2016
Last day for registration	27 <sup>th</sup> August, 2016
Payment of registration fee	27 <sup>th</sup> August, 2016
Last day for clarifications	28 <sup>th</sup> August, 2016
Last date for Memorial Submission (Soft Copy)	5 <sup>th</sup> September, 2016
Last date for Memorial Submission (Hard Copy)	8 <sup>th</sup> September, 2016
Inauguration	10 <sup>th</sup> November, 2016
Prelim Rounds	11 <sup>th</sup> November, 2016
Quarter Finals and Semi Finals	12 <sup>th</sup> November, 2016
Finals and Valedictory	13 <sup>th</sup> November, 2016

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