



SHETH A G CHARITY TRUST
UNIVERSITY SCHOOL OF LAW
GUJARAT UNIVERSITY

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USLGU/139/2018

Date: 04.09.2018

Invitation

Team Selection for All India BCI Moot Court Competition

To,

The Principal,

Law Colleges affiliated to Gujarat University,

This is to inform you that every year Gujarat University is represented by a team for Participation in the All India Moot Court Competition organized by Bar Council of India, from amongst students from all law colleges. This year also a team will be selected for the competition.

In anticipation of receiving circular from BCI, the Law School is going to organize selection for above said competition to save last minute hassles. Hence the law colleges affiliated to Gujarat University both 3 and 5 years are requested to send a team from their colleges.

The selection competition will be held on 15/09/2018 at School of Law, Gujarat University at 8 AM. Kindly send your team by 7.45 am.

Further, All colleges are requested to submit their Moot Memorial and Registration form on or before 14/09/2018 in soft and hard copy (2 sets for each Side).

Thanking you,

Prof.Dr.K.C.Raval

Director

Forward to Principals, Law Colleges affiliated to Gujarat University

GUJARAT UNIVERSITY

Team Selection Competition for BCI Moot Court

15 September, 2018

REGISTRATION FORM

(PLEASE FILL IN CAPITAL LETTERS)

Name of the College: _____

College address: _____

Contact Number: _____ Email ID: _____

(1) SPEAKER 1

Name: _____

Year and Course: _____

Contact Number: _____

Email ID: _____

Student Signature: _____



(2) SPEAKER 2

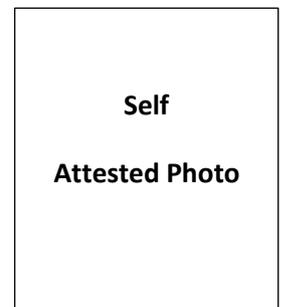
Name: _____

Year and Course: _____

Contact Number: _____

Email ID: _____

Student Signature: _____



(3) RESEARCHER

Name: _____

Year and Course: _____

Contact Number: _____

Email ID: _____

Student Signature: _____



(4) Name of the Faculty mentor if any:

Date: _____

Signature and Seal of the Head of the Institution

MOOT PROBLEM

India being the largest democracy in the world has the lengthiest written Constitution. The Constitution of India declares India as a sovereign socialist secular democratic republic. In a democracy, the State owes certain responsibilities towards all its citizens. All these responsibilities are enshrined in Part IV of the Indian Constitution under the title Directive Principles of State Policy.

'India on its March', is a popular newspaper which is in maximum circulation in India. The newspaper conducted a survey to find out the death rate in India due to oral cancer by the consumption of tobacco, Gutka. Moreover, 99 per cent of people agreed that gutka ban is good for the health of Indian youth, important as the study also found that gutka consumption starts very early, especially among children who don't go to school.

In the present case the petitioner society (Rajasthan Society for Cancer Prevention) claims that it is a registered society established in the year 1992 consisting of eminent doctors and dental surgeons in the state of Rajasthan. Since the inception of the society, it is working hard for the eradication of oral cancer both by curing the patients and by various preventive measures. It has conducted number of camps, associated with the State Government in the Janbachavo Programme to bring awareness among the public about the deleterious effects of the use of tobacco products.

The Petitioner Society has filed PIL in the High court of Rajasthan in the year 2005 for banning the sale, manufacture and consumption of Tabacco, gutka. According to the petitioner, a broad based survey revealed that the primary reason of incidents of oral cancer is consumption of tabacco, Pan Masala and Gutka. Pan masala is a commercial preparation containing nut, slaked lime, catechu and condiments, many brands of this product contain tobacco. Tobacco use influences the natural history of oral lichen planus. Annually 6,30,000 deaths are taking place because of the use of tobacco products like Gutka.

It is more dangerous than consumption of alcohol and smoking. Various types of diseases that are established as owing to Gutka consumption are lung cancer, oral cancer, intestinal cancer, voice box cancer, stomach cancer, etc.

The petitioner Society contended that the Government, which is duty bound to protect the health of the citizens and despite of being aware of the deleterious effects of tobacco, is not banning the manufacture, sale, advertisement and consumption of Gutka which contains tobacco and the same is violative of Articles 21 of the Constitution of India.

The National Institute of Nutrition, Jaipur prepared a scientific report about the evil consequences of use of pan masala, Gutka and zarda in 2002. The institute found several other deleterious components in the said products including narcotics and has recently sent its report to the Central Government. Despite such an explosive report, the State Government has taken no action to prevent the evil effects of the use of pan masala, Gutka.

On the basis of the above averments, the petitioner has sought for the relief mentioned supra.

The respondent state took the contention that the respondent has been taking appropriate steps from time to time to discourage the consumption and restrict the sale of pan masala containing tobacco/gutka/ chewing tobacco as well as other tobacco products. A Bill, namely, the Cigarettes and other tobacco products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution Bill, 2001 has already been introduced in the Rajya Sabha on 7-3-2001 and the same is pending consideration of the Parliament. Under the Prevention of Food Adulteration Act, 1954, the States have the independent power to prohibit the sale of any article of food in the interest of public health and the Government is not opposed to such initiatives of the State Governments.

The respondent stated that the writ petition is not based on any scientific study or scientific data and that they have the right to carry on the business under the provisions of Constitution and the said right cannot be negated for fanciful and whimsical notions of what the petitioner believes to be good. It is submitted that the Respondent Companies are engaged in lawful business of manufacture of pan masala and Gutka and that they have all the requisite licences from all the authorities and there is no illegal activity, which has been carried on by the respondents. It is also submitted that pan chewing is an ancient Indian habit and that in different parts of the country different forms of tobacco is chewed along with pan and what the respondents do is to mix the ingredients in proportion in hygienic and sterile conditions and put in foil pouches. Tobacco is an additional ingredient in Gutka and in addition there are flavours, which are added to pan masala/ Gutka.

The State Government contended that the Government of India is adopting a strategy of discouraging the consumption of different kinds of tobacco products and is engaged in addressing the issue in a phased manner taking into consideration various related factors. It was also submitted that prohibition of manufacture of Gutka/ pan masala is a matter of policy and it involves various interests, which have to be taken into consideration before any decision is taken.

It was stated by the state that a multi-pronged action plan is required to be adopted to - (1) educate and bring awareness among the people about the evil effects of the habit, (2) discourage cultivation of tobacco in a phased manner, (3) prohibit the advertisements luring the younger generation to become addicted to the habit of chewing etc.

Under Constitution of India in Part IV, the State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health. The

Central Committee for Food Standards, constituted under the Prevention of Food Adulteration Act, 1954 to advise the Central and State Governments on matters arising out of a administration of the Act, recommended the imposition of a total ban on use of chewing tobacco in pan masala/ gutka or as an ingredient in food items.

The High Court of Rajasthan, in exercise of its power under Article 226 of the Constitution of India, did not entertain this petition

The petitioner filed the PIL in Supreme Court under the writ jurisdiction, and the matter is pending for final hearing.

Disclaimer: This problem is the hypothetical moot problem. It is only for the academic purpose having no concern with any of the pending/decided cases before any court and all details and name of parties are fictitious and nothing to do with reality, even if fond similar it is only coincident.

RULES FOR THE CONDUCT OF THE COMPETITIONS

1. Participants should reach the venue at 7.45 am on 15/09/2018.
2. Marks will assign to each individual participant or the team in the manner shown below:
For written submissions20 Marks
For substance in arguments40 Marks
For skills of advocacy20 Marks
For general impression, court manners and Behaviour ...20 Marks
Total100 Mark
3. Each team has to represent for the both side (one participant for the side of appellant and second participant from the side of respondent)
4. Each team will be given 20 Minutes for representation. (10 minutes per participant)
5. All participants should bring their identity certificates with their signatures duly attested by the Principal/Dean for verification, if necessary.
6. Arguments shall be in English.
7. The written submission on Problem on both sides (Two sets) including soft copy shall be sent in advance so as to reach the organizers on or before 14th September, 2018 (till 10 A.M.)
8. Moot Memorial Cover should be

BLUE FOR APPELLANT

RED FOR RESPONDENT

9. No amendment to the memorial will be permitted after submission.
10. Names of participants or of the Participating college/institution/university being represented ought not to be mentioned anywhere in the Memorial. Any other mark, character or text that reveals the identity of the Participants or of the Participating college/institution/university would be

considered as violation of this rule which will attract penalty including disqualification.

11. Each memorial shall consist of and only the following details

- Cover Page
- Table of Contents
- List of Abbreviations
- Index of Authorities
- Statement of Jurisdiction
- Statement of Facts
- Issues Raised
- Summary of Arguments
- Summary of Arguments/Pleadings →
- Conclusion/Prayer

12. Each memorial shall consist of and only the following details on the cover page

- Team code on the top right hand corner of the cover page
- Name and place of the forum
- Name of the parties and their status
- Memorial submitted to
- Memorial filed and appearing on behalf of ...

13. The following content specification must be adhered to:

- Language – English
- Font and Size (General) - Times New Roman, 12 pts
- Line Spacing (General) - 1.5 lines
- Font and Size (Footnotes) - Times New Roman, 10 pts
- Line Spacing (Footnotes) - Single line
- Page Margins - 1 inch on all sides
- Page Limit (i) Body of Arguments - 5 pages maximum
- Paper Specification - White A4 Sized Paper
- Body of the Memorial – Justified

For any query contact:

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Email: prachivinod3012@gmail.com