

# **LJ SCHOOL OF LAW**



## **LATE SHRI GIRISH PATEL MEMORIAL NATIONAL MOOT COURT COMPETITION (THIRD NMCC)**

WHERE EXCELLENCE TENDS BEYOND BOUNDARIES

**TO BE HELD  
ON**

**25 | 26 | 27<sup>th</sup> JANUARY 2019**

**LJ SCHOOL OF LAW**

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# ABOUT LOK JAGRUTI KENDRA

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Lok Jagruti Kendra (LJK) is a charitable trust and registered society founded in 1980 by eminent academicians, professionals and distinguished personalities drawn from across the society.

LJ stands for 'Lok' (i.e. people) and 'Jagruti' (i.e. awareness) and the vision of the Trust has been to become a key player in the field of education and social development by promoting and nurturing creativity, scholarship, innovations and excellence through a chain of quality institutes.

## ABOUT LJ SCHOOL OF LAW

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### MISSION

To develop dynamic legal professionals equipped with conceptual clarity, professional skills, self-confidence, ethical concern and globalized perspective of legal education through innovative systems and processes.

### VISSION

LJ School of Law will be a key player in legal education and professional development promoting creativity, innovation and professional excellence.

The Lok Jagruti Kendra's idea behind starting the school of Law is not just to produce degree holders in law but to produce Lawyers who would practice in courts of law. In view of globalized scenario, the institute's thrust areas would be cybercrime, forensic law, legal communications, skill acquisitions in interpreting and applying laws, Public law including public interest litigations besides full-time faculty, the institute has plans for large scale involvement of eminent lawyers practicing in local courts, High Courts and Supreme Court. The institute also proposes to introduce a pedagogical innovation - "Lawyer on wheels" - under which the students will go to interior villages for creating legal awareness as well for providing legal help to the socially and economically backward classes. The institute will provide a unique learning experience to the students.

# ADVISORY BOARD

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**Dr. P.K. Mehta**

Director L.J Institute of management  
Studies, Ex-Pro Vice Chancellor, IGNOU

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Advocate, Gujarat High Court

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Sr. Advocate, Gujarat High Court

**Adv. Anand Yagnik**

Advocate, Gujrat High Court

**Adv. K.K. Shetigar**

Advocate, Gujarat High Court

**Mr.Bhavesb Updhayay**

HR Head -INAS

**Mr. Hiranmay Mahanta**

MD- Tech Media

# MESSAGE BY LT.SHRI GIRISH PATEL

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Our approach to National Moot Court Programme is to select topics of current social relevance. The idea behind this is to create an atmosphere to show that difficult, controversial and emotional social problems and legal problems can be discussed reasonably rationally and dispassionately in a Court room and even outside. As Court is a dialogue-engaging institution where two parties through their lawyers can argue the legal and social problems calmly, rationally and without passion. Last year we accordingly organized National Moot Court in January 2018. The Moot Problem was on 'Fair Election at Panchayat Level'. 44 law Colleges/

Institution from 13 States participated in the Competition. It was a Grand Success for all batch. Then students showed their deep understanding of law and art of advocacy and impressed our judges- Senior Advocates and Retired Judges of the Supreme Court and High Courts. The students were completely satisfied with its entire arrangements and hospitality.

We emphasize upon 3 things- Philosophy of Law, Legal Techniques and Legal Reasoning and awareness of the Socio-economic problems of the country and the world. To this end, we have developed a program of regular problem oriented lectures by our academic staff and by other experts, regular weekly group discussion on socially relevant subjects, seminars and workshops and Moot courts for our students. As a part of this program, we decided to host and organize the National Moot Court competition. Moot court is an integral part of the legal education through which the students learn the art of lawyering from the very beginning so that the students learn from day 1 to understand the problem, to find out the relevant law, to draft the pleadings, to argue before the court persuasively and assist the court in doing justice. We need lawyers "Not only with great minds but with great hearts". Our humble effort is to teach our students how to use law as an instrument of social engineering in order to protect and promote the basic values, ideals and principles of our Constitution. We are organizing the Third National Moot Court on 25th – 27th of January, 2019.

We cordially invite you to participate in our Third National Moot Court Competition.

BEST WISHES!

**Senior Adv. Girish Patel,**  
*LLM (Harvard Uni.) LLB*  
Former Hon' Director, LJSL

# LJ SCHOOL OF LAW NATIONAL MOOT COURT COMPETITIONS (2017 & 2018)

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The 1st LJ SCHOOL OF LAW National Moot Court Competition, 2017 was our first initiative at organizing a National level Moot Court Competition where 49 teams from 18 states took part. The 2<sup>nd</sup> LJ SCHOOL OF LAW National Moot Court Competition, 2018 was in continuance of success story of our first initiative of organizing a National level Moot Court Competition. Both the years the competition turned out to be very Successful and encouraging, for which we thank all the participating teams for their enthusiasm and participation.

The Competition's objective was to nurture academic excellence amongst the students, and it was to our pleasure and honor to have a five- panel bench for judging the final round of the competition, and more than 40 renowned Sr. Advocates and Advocates from the Gujarat High Court to judge the other three rounds.

## **Judges panel for 1<sup>st</sup> NMCC :**

**Hon'ble Mr. Justice C.K Thakkar** Former Justice of Supreme Court of India,

**Hon'ble Mr. Justice M.S. Shah** Former Chief Justice of Calcutta High court,

**Hon'ble Mr. Justice D.H. Vaghela** Former Chief Justice of Bombay High Court

**Hon'ble Mr. Justice C.K. Buch** Former Justice of Gujarat High Court

**Hon'ble Mr. Justice R.A Mehta** Former Justice of Gujarat High Court

## 1<sup>ST</sup> NATIONAL MOOT COURT COMPETITION





**Judges panel for 2<sup>st</sup> NMCC :**

**Hon'ble Mr.Justice B.C Patel** Former Chief Justice of Delhi High Court,

**Hon'ble Mr.Justice Jayant Patel** Former Justice of Gujarat High Court,

**Hon'ble Mr.Justice D.H. Vaghela** Former Chief Justice of Bombay High Court,

**Hon'ble Mr.Justice Majmudar** Former Justice of Gujarat High Court

**2<sup>ND</sup> NATIONAL MOOT COURT COMPETITION**



# OFFICIAL RULES FOR THE COMPETITION

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## 1) COMPETITION FORMAT:

The structure of this competition shall be as follows:

- Preliminary Round
- Quarter Finals
- Semi Finals
- Grand Finale

## 2) ELIGIBILITY:

Students of three-years and five- years integrated law degree courses from any University/ Law School/ College/ Department are eligible to participate. However, maximum one team is allowed to participate from any one course from any University/ Law Schools/ College/ Department.

## 3) REGISTRATION:

Registration Charges: Rs. 2500/- per team without accommodation. Rs. 5750/- per team with accommodation (NON-AC) and Rs. 9750/- per team for accommodations (A.C.).

## 4) PARTICIPATION AND REGISTRATION PROCESS:

- The LJ School of Law, Ahmedabad organizes LATE SHREE GIRISH PATEL MEMORIAL THIRD NATIONAL MOOT COURT COMPETITION which will be held on 25<sup>th</sup>, 26<sup>th</sup> & 27<sup>th</sup> January, 2019. The last date of registration is **20<sup>th</sup> December, 2018**
- The teams are requested to send their scanned copy of the registration form along with Demand Draft till **20<sup>th</sup> December, 2018**
- **The Demand Draft shall be in favor of 'L J School of Law'.**
- **For online payment:**  
**Name : LJ School of Law**  
**Bank Name : AXIS BANK, Sarkhej, Gandhinagar Highway.**  
**Bank IFSC Code : "UTIB0000297".**  
**Bank Account Number : "915010040638414".**
- The last date of registration of hard copy of registration forms along with original Demand Draft **25<sup>th</sup> December, 2018**

## 5) TEAM COMPOSITION:

- Each team shall constitute only three members, comprising of two speakers and one researcher.
- Any alteration of the names of the team members to be informed in writing to that effect, addressed to the Director (I/C), LJ School of Law, Ahmedabad by the Vice Chancellor/ Dean/ Director/ Head of the Department of the University/ School/ Department/ College of Law, of the team requesting such alteration. However any such alteration shall be permitted only once.
- Once the competition commences, the team Composition cannot be altered under any circumstances whatsoever. Inability of any team member to participate in accordance with the rules of this Competition shall lead to immediate disqualification of the team from the Competition.



## 6) MEMORIALS:

- All the memorials submitted for all the purposes of the Competition shall strictly adhere to the rules as stated below:
- Teams have to prepare memorials for both the sides, i.e., "PETITIONER" and "RESPONDENT".
- Teams are requested to send TEN (10) printed copies of each (Petitioner and Respondent) of memorials by 5<sup>th</sup> January 2019, addressed to:

Asst. Prof. Foram Patel/  
Asst. Prof. Yashwant Bohra  
Moot Court Society  
LJ School of Law, LJ Campus  
Opp. To Kataria Motors,  
Near Andaz Party plot Sanand Sarkhej Circle  
S.G. Highway, Ahmedabad – 382210  
Contact No.: +91 9824030993,  
+91 8600216513

The cover page of the memorial sent, for both the soft and printed copies, shall clearly mention the word "P" for memorial on behalf of Petitioner, and the word "R" for memorials on behalf of Respondent side, followed by the team code for both the instances, such being clearly inscribed on the top right hand corner of the cover page of the memorial for the Petitioner and Respondent. For example if the team has been assigned a code of 27, the memorials sent by such team shall have "P27" and "R27" clearly marked on the top right hand corner of the cover page of the respective memorials. The teams should not disclose the identity of their institution anywhere on their memorial. Violation of this rule will result in immediate disqualification.

**The memorials have to be submitted on A4 size paper and must contain the following sections in order stated below:**

- COVER PAGE
- TABLE OF CONTENTS
- INDEX OF AUTHORITIES
- STATEMENT OF JURISDICTION
- STATEMENT OF FACTS
- STATEMENT OF ISSUES
- SUMMARY OF ARGUMENTS
- ARGUMENTS ADVANCED
- PRAYER.

The memorials must be printed in Times New Roman font with 12 font size and with 1.5 line spacing. The footnoting must be in Times New Roman font with 10 font size and with 1.0 line spacing. The memorial should have margin measuring one inch on all sides of each page. To conserve paper, teams may print their memorials on both sides of the A4 sheet and submit accordingly.

- The Arguments, Advanced section should not exceed 20 pages.
- The memorials as a whole should not exceed 35 pages including the cover page
- The numbering should be on the bottom-centre of each page.
- The cover page of the Petitioner's memorial shall be printed on A4 size paper of Blue colour, and the cover page of Respondent's memorial shall be printed on A4 size paper of Red colour.
- The teams have to be strictly adhere to the citation method of the 19th edition of the Harvard Blue Book for citation throughout the memorial.

**The maximum scores for the memorials shall be 100 marks. The memorials shall be evaluated on the following criteria:**

KNOWLEDGE OF LAW AND FACTS	30 MARKS
PROPER & ARTICULATE ANALYSIS	30 MARKS
EXTENT & USE OF RESEARCH	20 MARKS
CLARITY & ORGANISATION	10 MARKS
GRAMMAR STYLE	10 MARKS

- Teams should send Soft copy of their memorials in .pdf form only, by e-mail at [ljslmcc@ljinstitutes.edu.in](mailto:ljslmcc@ljinstitutes.edu.in).
- Teams are requested to send the hard copies of their memorials by 5<sup>th</sup> Jan. 2019
- Confirmation of registration for participation with allotment of team codes will be given by 30<sup>th</sup> December, 2018

## 7) PRELIMINARY ROUND

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- To determine the order of participation in the preliminary round of the event, all the registered and present teams shall participate in draw of lots to be conducted for that purpose. Such draw of lots shall take place on the 25<sup>th</sup> January, 2019 immediately after the inaugural function. The exchange of memorials and orientation of the teams shall be conducted with draw of lots.
- For the preliminary rounds, every team shall argue twice: once for Petitioner and once for Respondent (Prelims-1 and Prelims-2).
- No two teams shall face each other more than once in Preliminary Rounds.
- In determining the scores of the Preliminary Rounds, memorial scores will be added to the oral scores.

## 8) QUARTER-FINALS, SEMI-FINALS AND FINALS

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- The top eight teams of the preliminary round shall qualify for the Quarter- final Rounds.
- From the Semi- final Rounds, winning teams from each round shall proceed to the subsequent stages of the Competition on a Knock- out basis, with the memorial scores of the teams taken into consideration at all stages, as per the formula stated below:
- **Quarter-Finals= Preliminary Round Oral scores + Memorial scores.**
- **Semi-Finals = Preliminary Round Oral scores + Quarter Finals Round Oral scores + Memorial scores.**
- **Grand-Finals= Preliminary Round Oral scores + Quarter Finals Round Oral scores + Semi-Finals Oral scores + Memorial scores.**
- **In all the rounds oral score will have 65% weightage and memorials will have 35% weightage.**
- In case of tie between two teams in any rounds, memorial scores will be taken into consideration to break the tie. In case the tie still subsists, the oral score of the best speaker of each team will be considered to break the tie. If the tie continues, the oral score of the other speaker of the team will be considered to break the tie. In case the tie further subsists , the result will be declared by draw of lots.

## 9) RESULT

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- The results shall be announced immediately after each round.
- The results of the Final Round shall be announced at the Valedictory Session and the Award Ceremony on 27<sup>th</sup> January, 2019.

## 10) ORAL ROUNDS

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- Each team will get a total 60 minutes during the Preliminary rounds (30 minutes for Prelims 1 and 30 minutes for Prelims 2) to present their case. For the Quarter final rounds, each team will be permitted a total time of 45 minutes, while in the Semi-final and Grand final rounds, each team will be permitted a total 60 minutes. The time stated above includes the time required for rebuttal and sur- rebuttal.
- Any team exceeding the time limit stated above shall be penalized with a deduction of one mark for every two minutes or part thereof exceeded by intimating only ONCE on time completion.
- The oral arguments should be confined to the issues presented in the memorial.
- The researcher shall be present with the speakers during the oral rounds.
- Passing of notes to the speaker by teammates is allowed.

**Maximum scores for the oral rounds shall be 100 points per speaker, & which shall be judged on the following criteria:-**

KNOWLEDGE OF LAW	20 MARKS
APPLICATION OF LAW FACTS	20 MARKS
INGENUITY & ABILITY TO ANSWER	20 MARKS
STYLE, POISE, COURTESY & DEMEANOR	20 MARKS
TIME MANAGEMENT	10 MARKS
ORGANIZATION	10 MARKS

## 11) SCOUTING

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For the Preliminary rounds, apart from the participant teams for such round, the members of the other teams are not allowed to observe such round. Scouting is strictly prohibited and scouting by any team shall entail instant disqualification.

## 12) AWARDS

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- **First Prize:** The winning team will receive a trophy and a prize worth Rs. 1,00,000/- (Rupees One lac.). Individual trophies will be given to the members of the winning team.
- **Second Prize:** The first runner-up team will receive a trophy and a prize worth Rs. 50,000/- (Rupees Fifty Thousand). Individual trophies will be given to the members of the first Runner Up- team.
- **Second Runners up Team Award:** The Second runners up team will receive a prize worth Rs. 25,000/- (Rupees Twenty Five Thousand).
- **Best Student Advocate / Counsel-** The Best Student Advocate/Counsel will receive a trophy and a prize of worth Rs10,000/- (Rupees Ten Thousand).
- **Best Memorial:** The team submitting the best Memorial will receive a trophy and a prize worth Rs. 10,000/- (Rupees Ten Thousand).

## 13) ANONYMITY

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The student counsels shall not state their names during the oral rounds and must use the assigned team code for all correspondence. All the team members must refrain from disclosing the identity of their institutions at any time and in any manner during the entire competition. Non- Compliance with this rule will result in immediate disqualification of the team.

## 14) FINAL DECISIONS

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The decisions of the judges with the regard to the outcome of the rounds shall be final and for other issues decision of the management will be final.

## 15) ACCOMMODATION, FOOD AND TRANSPORT

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Accommodation, Food and Transport for the participating teams from the Hotel to the Venue will be provided by the Organizer. Any change in the travel plan should be immediately intimated to the organizers. Accommodation shall be provided from 24<sup>th</sup> January, 2019, 12.00 P.M. to 27<sup>th</sup> January 2019, 12.00 P.M. Teams will have to make their own arrangements if they arrive before the mentioned period or stay beyond it. No arrangement shall be provided to any additional team member of the team apart from the registered members.

# Time Line of the Competition

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Sr No	Particulars/Event	Dates
1	Last date of registration (along with scanned copy of DD)	20 <sup>th</sup> Dec 2018
2	Last Date of registration (hard copy along with original DD)	25 <sup>th</sup> Dec 2018
3	Confirmation of registration/ participation	30 <sup>th</sup> Dec 2018
4	Memorial Submission (Soft Copy)	3 <sup>rd</sup> Jan 2019
5	Memorial Submission (Hard Copy-for competition) & Trav Plan (Hard Copy of Annexure B)	5 <sup>th</sup> Jan 2019
6	Registration (8:00 am to 8:45 am)	25 <sup>th</sup> Jan 2019
7	Inaugural Ceremony (9:00 am to 10:30 am)	25 <sup>th</sup> Jan2019
8	Photo session/draw of lots/exchange of Memorials (10:30 a to 11:30 am)	25 <sup>th</sup> Jan2019
9	Preliminary round 1 (1:00 pm to 3:00 pm)	25 <sup>th</sup> Jan 2019
10	Preliminary round 2 (4:00 pm to 6:00 pm)	25 <sup>th</sup> Jan 2019
11	Quarter Final Rounds (10:30 am to 12:00 pm)	26 <sup>th</sup> Jan 2019
12	Semifinal Rounds (2:00 pm to 4:00 pm)	26 <sup>th</sup> Jan 2019
13	Final Round (09:00 am to 11:30 am)	27 <sup>th</sup> Jan2019
14	Prize Distribution/ Valedictory Function (1:00 pm to 2:00 pm)	27 <sup>th</sup> Jan 2019



# MOOT PROBLEM

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## IN THE SUPREME COURT OF ANDOPIA

### Special Leave Petition 1 of 2018

Ratansingh Rathod & Ors.

....Petitioner

Versus

State of Sohampura

....Respondents

In the matter relating to comprehensive changes in the Sohampura Prohibition Act, 1949 relating to purchase, possession, transport and consumption of intoxicating liquor privately in the state of Sohampura and addressing the drawbacks/failures of the existing liquor policy constructively.

Ratansingh Rathod is Citizen of ANDOPIA, a federal republic consisting of 29 States and 7 Union Territories. Ratansingh Rathod resides in State of Sohampura where the Sohampura Prohibition Act is enforceable prohibiting and punishing purchase, possession, transportation and private consumption of alcohol and entry into the state in intoxicated condition. Ratansingh Rathod and other citizens filed a Public Interest Litigation under Article – 226 of the Constitution of ANDOPIA at the High Court of Sohampura and the petitioners have no personal interest. The PIL was filed in the interest of all those people of Sohampura who wish to have the liquor policy of the state reformulated which is based on learnings from failure of Act, changed social and economic

situations and respectful to the fundamental rights of the citizens of ANDOPIA and residents of state of Sohampura. It is stated that the provisions of Sohampura Prohibition Act, 1949 are archaic and requires complete overhaul and reconsideration in context of the drawbacks/failure of law and the change in the state of society in last seventy years. It was submitted that while the world including various states of ANDOPIA embrace change and modernity in thoughts and lifestyle, the People of Sohampura still suffer from protective and authoritarian approach of the state controlling their dietary preferences. It was submitted that in a number of academic studies and on actual experience it is found that complete prohibition never works and it on the contrary leads to far greater social and economic evils. A number of countries and ANDOPIAN States have experimented with complete prohibition and after recognizing its failures, either completely gave it up or began to regularize it. It was submitted that the experiment of prohibition has completely failed in the state of Sohampura too and the same may be recognized and instead of making the enforcement harsher that violate fundamental rights, it may be regulated in public interest. It was submitted that the current Prohibition Policy is a legacy of the world and thoughts that were prevalent almost more than 100 years ago and there is a dire need for framing a comprehensive liquor policy taking into stock the experience of other parts of ANDOPIA and world and the failures of the Prohibition within Sohampura. It has led to severe social evils such as deaths of people by consuming adulterated and poisonous alcohol, loss of state revenue and economic opportunities, Rampant Corruption at various levels within and outside government machinery, Women of the state taking up illegal trade of bootlegging, Hypocrisy and degradation of moral standards amongst society in general and absolute stigma against the word of “alcohol”. It was also submitted that even after all the prohibition in law, the ground reality has repeatedly shown that the liquor is easily available in the State; to the people serving in armed forces, to the tourists who visit the state, to the residents of the state who’s health requires them to consume alcohol and those who can afford to find and pay a bootlegger. It was further submitted that the current legal provisions also violate fundamental rights of the citizens of Sohampura under Article 14, 19 and 21 of the Constitution in as much as it prohibits, criminalizes and punishes purchase, transport, possession and consumption of liquor in private. It was therefore submitted that it is imperative that the failures of the current machinery and its inconsistency with the constitution be recognized and to reconcile the same, a comprehensive liquor policy may be put in place that regulates the liquor in the State in public interest and doesn’t encroach on the fundamental rights of the residents of the state. It was further submitted that Sections 12, 13, 24-1B, 34, 35, 65, 65AA and 66 of the Gujarat Prohibition Act 1949, in as much as prohibit and punish purchase, possession, transportation and private consumption of alcohol and entry into the state in intoxicated condition, they are manifestly arbitrary and violate Article 14, 19 and 21 of the Constitution. It is also

submitted that purchase, transport and possession for private consumption of alcohol cannot be crimes for there is no victim.

The State of Sohampura, defended the vires of the said Act, inter alia, on the following grounds namely:

- a. Every Fundamental Right is subject to reasonable restrictions.
- b. Fundamental Rights cannot be read in isolation but along with the Directive Principles and Fundamental Duties. The Petitioners cannot seek violation of Fundamental rights when a Legislation seeks to achieve a “Compelling Public Interest” as envisaged in Article 47 of the Constitution of ANDOPIA.
- c. Reasonable restrictions in implementation of Directive Principles of State Policy should be upheld as being in Public Interest and individual interest must yield to the same.

The Hon’ble High Court has upheld the validity of the Sohampura Prohibition Act, 1949 on the ground that it is not violating Fundamental Rights and under Directive Principles of State Policy, the state has the power to make the regulation with regard to the prohibition of consumption of intoxicating drinks which are injurious to health. Being aggrieved by the said decision, a Special Leave Petition under Article 136 is filed before the Hon’ble Supreme Court of ANDOPIA.

**Note:** The Constitution and other laws of ANDOPIA are pari materia with the Constitution and Laws of India. The Sohampura Prohibition Act is pari materia with The Gujarat Prohibition Act, 1949 as amended by the Gujarat Prohibition (Amendment Bill), 2017.

# ORGANIZING COMMITTEE

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Prof. B.M. Peerzada

Hon'ble Founder & President, LJK

CHIEF PATRON

Dr. Manish Shah

Vice-President, LJK

PATRON

Dr. Viral Shah

Director, Student Welfare, LJK

DIRECTOR (I/C)

Ms Chaitali Jani

L J School of Law.

+ 91 9825555613

## 3RD NMCC COORDINATOR

Ms. Foram Patel

Asst. Prof.

L J School of Law.

+91 9824030993

Mr. Yashwant Bohra

Asst. Prof.

L J School of Law

+ 91 8600216513

## FACULTY COORDINATORS

Asst Prof. Vidhi Shah Vora + 91 9016201805

Asst. Prof. Ripal Gupta + 91 9924117449

Asst. Prof. Kritika Dev + 91 9772561209

## STUDENT COORDINATORS

Kevil Patel +91 7600154507

Maaz khan +91 7096669036

Aayush Mulchandani +91 8866600040

Mustafa Bharmal +91 9033377852

Neha Dixit +91 9726812282

Shikha Maniar +91 8639311583



