

**MALAD KANDIVALI EDUCATION
SOCIETY'S COLLEGE OF LAW
PRESENTS**



रावैहांज्ञान
Law Rules... Rules Law **2016**

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ABOUT US

‘Education- an enlightenment of mind’ dwells in an atmosphere of good environment and prosperous thinking. M.K.E.S College of Law has been striving for excellence in the field of legal education.

M.K.E.S College of Law has been established with the purpose of providing to local people desirous of pursuing Law as an avenue and easy access to legal language. It is a law college aiming at advancing Human Dignity, Social Welfare, Mutual Respect, Honesty, Professionalism, Ethics And Justice Through Knowledge Of Law; Committed To Teach, Mentor, Provide Skill Training And Transformative Educational Experience to the students.

Our vision is to be a Premier Law College of Integral And Transformational Learning for future leaders and as a centre for higher education; the college is focused on providing

- **To students;** an environment for self-development; an institution that nurtures their potential based on their aptitudes and interests.
- **To faculty;** a platform to be mentors and guides who shape the country's future leaders by imparting knowledge and skills; opportunities for research on emerging trends and industry practices.
- **To Industry & Community;** students with intellectual competence, reality-based knowledge and personal integrity; students who strive for excellence and aspire to become socially responsible leaders.

Our philosophy on education is driven by our mission of providing integral and transformational education to our students. We firmly believe that education must not be limited purely to academic learning. At M.K.E.S, our focus is to develop all faculties of an individual to ensure holistic development. Mental Education to develop high levels of concentration, Vital Education for the development of one's character, Physical Education for team building and collaboration, and Spiritual Education for the growth of consciousness and the development of values.

ABOUT VIDHIGYAAN

‘VIDHIGYAAN’ is an inter-collegiate Law & cultural youth festival organized by the students of M.K.E.S College of Law. **‘VIDHIGYAAN’** provides an ideal platform for the students of various colleges to showcase their talents.

It provides an opportunity for students to come together, interact, to get motivated with the experience gained through Participation & Competition. It endeavors to bring together the creativity, intellect and wackiness of youth.

It provides an opportunity to each and every student of different college to display their talent and nurture it further. The events organized are unique, fun enduring & treasure able.

We strongly believe that there is a bit of Art in every heart & **‘VIDHIGYAAN’** helps to unleash it. We are extremely optimistic that this year’s **‘VIDHIGYAAN’** will be a big success & attract great participation. **‘VIDHIGYAAN’** shall create history with great success and blossom not only qualitatively but also quantitatively.

VIDHIGYAAN, will not only have legal events such as the moot court competition but also cultural events so as to enhance the participant’s competitive spirit in a multifarious aspect. This year we at **VIDHIGYAAN** will be covering a vast number of events. As we believe to break the boundaries of a cliché law fest, we have introduced a large number of events.

INTRODUCTION

Mooting is an important part of a student's life in law school, and to hone the talent and skills of young mooters who have only started with their journey in law, M.K.E.S has endeavored to provide them a suitable platform with this moot court competition.

We at M.K.E.S, believe in the strength of the non-conventional methods for imparting legal knowledge and mooting being an integral part of this method, offers to the law students the art of persuasion and application of the laws to real facts, without having to gain such experience at the risk of inadvertently damaging a real client's interest.

Tracing back the importance of mooting as expressed by Bacon during the reign of Henry- VII, it is found that the significance of mooting grew in the scheme of legal education of institutions of varying antiquity and versatility. MSRCL also aspires to contribute to the mooting culture and incorporate it in the present scheme of legal education with great zeal.

The 1st Inter-Collegiate Moot Court Competition, organized by the Students of M.K.E.S, is an attempt to afford students with fair opportunities of learning and it serves as a concurrence of their academic appraisal with the pragmatic sensibility.

MOOT PROBLEM

Hamari Bhartiya Naari Samaj V/S Union Of Indus

Indus is a federal union of states comprising twenty-nine states and seven union territories. The states and union territories are further subdivided into districts and further into smaller administrative divisions.

The Constitution of Indus distributes the sovereign powers exercisable with respect to the territory of any State between the Union and that State. *"Article 73 broadly stated, provides that the executive power of the Union shall extend to the matters with respect to which Parliament has power to make laws. Article 162 similarly provides that the executive power of a State shall extend to the matters with respect to which the Legislature of a State has power to make laws. The Supreme Court has reiterated this position when it ruled in the Ramanaiah case that the executive power of the Union or of the State broadly speaking, is coextensive and coterminous with its respective legislative power"*.

On 5th October 2015, A bill was passed in Harmana state assembly, regarding qualifications of candidates contesting elections. Some of the amended qualification requirements are as follows:

- According to the New Law, the General Male Candidates are required to have passed atleast class 10 examination. The General Female & Schedule Caste Male Candidates are required to have passed atleast class 8, the Schedule Caste Female are required to have passed atleast class 5 in order to contest the Panchayat Polls. The law also prohibits candidates of criminal conviction, pending electricity bills or loan defaulters.
- Every contestant also needs to file a self-certified statement that there is a functional toilet at his/her residence.

As a result, the Panchayat elections in the State of Harmana, were postponed due to a Public Interest Litigation filed by the *Hamari Bhartiya Naari Samaj*. The reason of this whole cause was the desired educational qualification.

Points for consideration before Hon'ble Supreme Court of Indus;

1) Whether the said petition is maintainable?

2) Whether the impugned rule is violative of the Constitution?

3) The Harmana law mandates that matriculation is required for a general male candidate, middle pass for a general woman candidate and for Scheduled Caste (SC) male candidate and only Class 5 pass for a SC woman candidate. Man or woman, SC or general, the functions of a panchayat member is the same. So if a Class 5 pass is enough to discharge a member's function, why has a higher qualification of middle pass and matriculation pass been imposed?

4) Whether it is proper to insert the mandatory rule of having a functional toilet?

The Hon'ble Supreme Court has posted the case for hearing of both the parties.

The Constitution of Indus is similar to that of the Constitution of India.

Note: Participants are permitted to raise additional issues.

RULES AND REGULATIONS

DATE OF COMPETITION

MKES College of Law Inter-Collegiate Moot-court Competition shall be held on **18th January 2016** at MKES College of Law, Bhadran Nagar, Malad (w), Mumbai-400 064.

VENUE OF COMPETITION

Auditorium Hall, NagindasKhandwala College of Arts, Science and Commerce, Bhadran Nagar, Malad

LANGUAGE

The Competition shall be held in English only.

ELIGIBILITY

Competition is restricted to bonafide regular students of Law school/College/University. All participants must be students of 3 years /5 years law course in the academic year 2015-16.

TEAM COMPOSITION

- 1) Each college shall send only one team which shall comprise of Minimum **Two** and Maximum **Three** members. This number cannot be modified under any circumstances.
- 2) Each team shall comprise of **Two Mooters** and **One Researcher**. Each team should identify such speakers and researcher during registration. The researcher won't be allowed to speak except under special cases and only with express permission of the organizers/Judges.
- 3) Each team will be given a **unique team code number** which will thereafter be the identity of the team and its members.
- 4) During the course of the competition, the identity of the team must not be disclosed to the judges or to any other person. Any such disclosure shall lead to disqualification. The decision for the same shall be at the discretion of the organizers.
- 5) The teams of respective institutions shall have to bear travelling expenses.

REGISTRATION

Teams must register themselves latest by **10TH January, 2016**. Registration form duly signed by participants and the principal of the concerned college should be sent to **Principal, MKES College of Law, Bhavishya Bharat Campus , Gate No. 4, S.V.Road , Malad (west), Mumbai – 400064**.

REGISTRATION FEES

Rs.1000/- per team payable by Demand Draft or Cheque in the name of “MKES COLLEGE OF LAW”, or cash at the time of registration.

ROUNDS

1) The Moot court Competition shall comprise of following two rounds.

I) Preliminary Round.

II) Final round.

2) After inaugural ceremony, the Preliminary Round will commence at allotted classrooms. There will be draw of lots and

the team of each college as per draw may have to argue either for Petitioner or for Respondent.

3) Preliminary round is knock-out round.

4) Top **two** teams of preliminary round shall qualify for the final round and will then argue the same case in the final round on the same date.

5) Participants shall submit Memorials to the host college by hand or post latest by 10th January, 2015. Late submission of memorials will result in loss of marks for memorials i.e. 30 marks.

6) The Memorials shall be typed on A4 size on one side paper with margin **1.5 inches** from left side and **(1) one** inch from the other sides.

i) Arguments must not exceed **20(twenty)** pages.

ii) **Font:** - Times new roman.

Font size:-14 and for footnotes 10.

Line spacing:-1.5

7) The memorials shall be submitted neatly and spiral bound in **4(four)** copies i.e. **2(two)** copies from petitioner's side and **2(two)** copies from respondents side.

8) The memorial submitted will not be returned.

9) Page numbering should be at bottom middle of each page.

10) Covers must be placed on briefs as follows:

Petitioner: - **Red colour.**

Respondent: - **Bluecolour.**

11) Identity of the institution shall not be revealed anywhere in the memorial. Instead code numbers allotted to the students should be mentioned. Violation of these provisions shall result in penalties including disqualification. The decision of organizer shall be final in this regard.

12) The written memorial shall be in accordance with the Supreme Court rules.

MEMORIALS

The Memorial shall consist of following:-

I) Cover page

II) Table of contents

III) Index of authorities

IV) Statements of jurisdiction

V) Statement of facts

VI) Statement of issues

VII) Summary of pleadings

VIII) Argument advanced

IX) The prayer.

DRESS CODE

The dress code for participants shall be as prescribed by the **Bar Council of India**. (Gowns and bands prohibited)

PRELIMINARY ROUND

- 1) Each team will have a maximum of 15 (12+3) minutes to present its oral submissions.
- 2) All the participating teams are expected to carry with themselves case laws and authorities which they intend to refer along with their own copies of memorials.
- 3) The participants during the course of oral submissions will not be permitted to make any audio/visual representation nor will they be allowed to use personal computers, laptops and any other technical or mechanical device.

SCORING CRITERIA FOR PRELIMINARY ROUND

The Marks shall be given as per following criteria for preliminary round

Written memorials- 30 Marks

Oral arguments - 50 Marks

Time adherence- 10 Marks

Overall performance- 10 Marks

Total - 100 Marks

The decision of the judges as to assessment of oral submission shall be **final**.

FINAL ROUND

In the final round each team will get 30 minutes to present the side allotted to them.

SCORING CRITERIA FOR FINAL ROUND

For final round the marks shall be given as per following criteria:-

Application of law relevant to the case- 20 Marks

Advocacy and presentation- 15 Marks

Court etiquettes- 10 Marks

Answers to court questions- 15 Marks

Interpretation of and use of facts- 10 Marks

Research relevant to the case- 10 Marks

Time adherence- 10 Marks

Overall performance- 10 Marks

Total 100 Marks

RESULT

The results will be announced within thirty minutes after the preliminary round. The final results and the winners will be announced during valedictory ceremony. The decision of the judges on the performance of the participants shall be final and binding on all the participants.

AWARDS

- 1) Winner's trophy & cash prize of 15,000/-
- 2) Runner up's trophy & cash prize of 10,000/-
- 3) Best speaker trophy.

Certificate of Participation will be given to all participants.

DATES TO REMEMBER

- 1) Date of competition – **18th January 2016**
- 2) Last date for registration and submission of memorials – **10th January 2016**

**FOR ANY QUERIES PARTICIPANTS ARE WELCOME
TO CALL**

1) Mr. Sajan Patil (Principal) 9833170138

mkeslawcollege@nkc.ac.in

2) Pratik Bavishi (President Moot court committee)

9022496013 pratikbavishi@live.in

3) Charmie Gandhi (Vice President Moot court Committee)

98202079468

4) Krishna Popat (Member Moot court Committee)

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