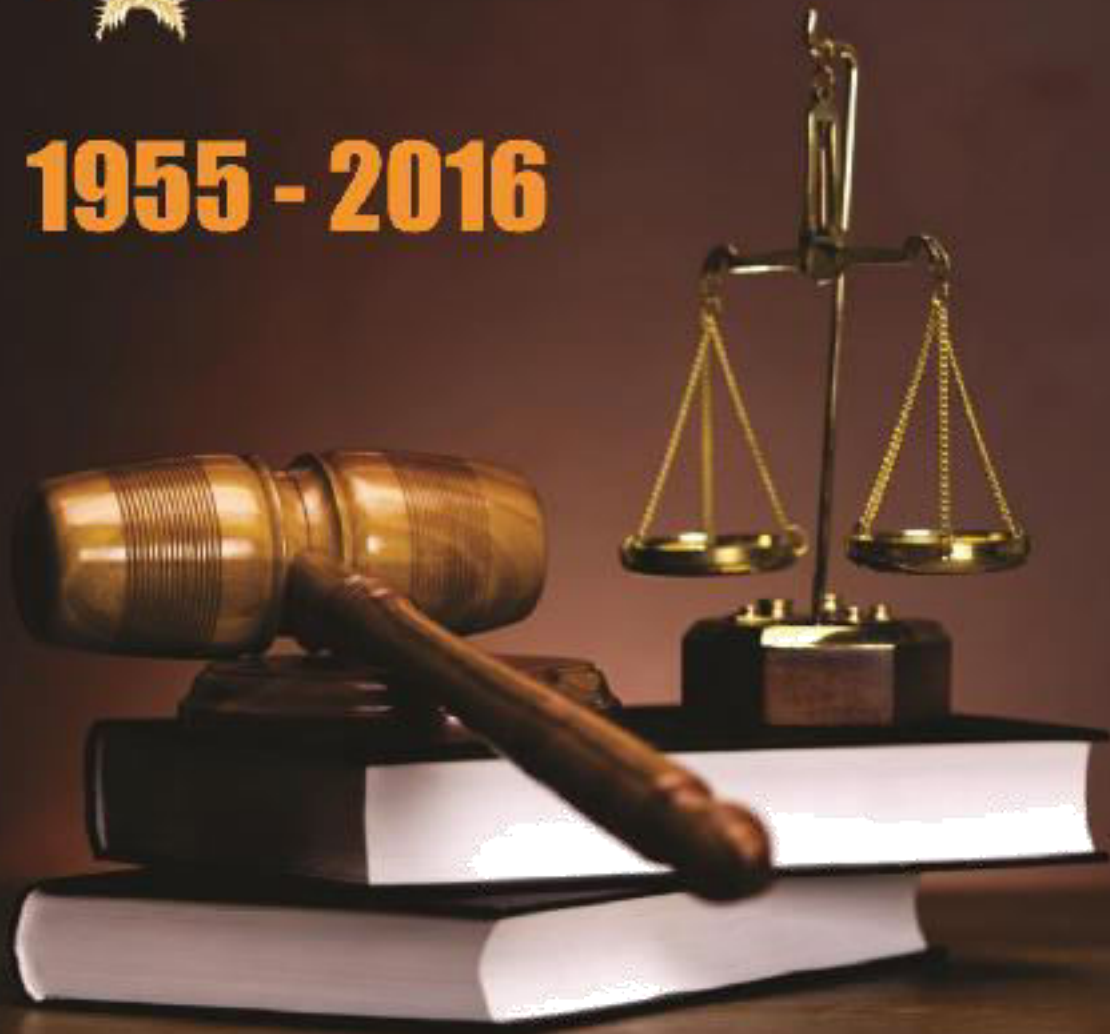




# K. C. LAW COLLEGE



**1955 - 2016**



**10TH NATIONAL MOOT  
COURT COMPETITION**

## KISHINCHAND CHELLARAM LAW COLLEGE

Vidyasagar Principal K.M.Kundnani Chowk, 123, Dinshaw Wachha Road, Mumbai 400 020, Maharashtra Tel:  
022-22822376 Email: [info@kclawhsnc.edu.in](mailto:info@kclawhsnc.edu.in) Website: [www.kclawhsnc.edu.in](http://www.kclawhsnc.edu.in)

5<sup>th</sup> February 2016

To,

The Principal

### **Subject: Invitation to the 10<sup>th</sup> National Moot Court Competition 2016**

Dear Sir/Madam,

Greetings from Kishinchand Chellaram Law College, Mumbai.

It gives us immense pleasure to invite your esteemed Institution to participate in the 10<sup>th</sup> National Moot Court Competition being organised by our College. The Competition will be held at the K.C. Law College Campus, on Saturday, 19<sup>th</sup> March 2016.

We would be glad if you would kindly nominate a team of three students of the undergraduate law programme of your Institution to participate in the Competition and intimate confirmation of your team's participation.

The Competition Rules, Moot Problem and Registration Form are enclosed herewith. Registration must be done on or before 3<sup>rd</sup> March 2016, along with non-refundable registration fee of Rs. 2,000 (Rupees

Two Thousand only) per team by way of demand draft/cheque in the name of "K. C. Law College" or in cash. Memorials must be submitted by Thursday, 8<sup>th</sup> March, 2016.

Any queries in this regard may be addressed to [kclawasso@gmail.com](mailto:kclawasso@gmail.com).

We look forward to your participation in our Competition and making it a success.

Thanking you.

Yours faithfully,

Dr. Sunita Khariwal  
I/C Principal  
Kishinchand Chellaram Law College

Co-ordinators:

K.C. Law College Moot Court Association

Dr. Bindu Variath, Vice-Principal

Adv. Pooja Khandeparkar

## K.C. LAW COLLEGE NATIONAL MOOT COURT COMPETITION 2016

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1.

## J. GENERAL RULES & REGULATIONS

1. Date and venue: K. C. Law College will be organising a National Level Moot Court Competition **on Saturday, 19th March 2016 at K. C. Law College, Vidyasagar Principal K.M. Kundnani Chowk, 123 Dinshaw Wachha Road, Churchgate, Mumbai 400 020.**
2. Eligibility: Bona fide students pursuing the three or five year LL.B. degree course from any recognised Law School/College/University in India in the academic year 2015-2016 are eligible to participate.
3. Restriction on number of teams: There shall be only one team per Law School/College/University provided that where two or more independent Law Schools/Colleges are affiliated to the same University, each such Law School/College may send a separate team.
4. Team composition: Each team shall comprise only three members, that is, two Speakers and one Researcher, all of whom shall be identified at the time of registration. No change in the names of participants shall be permitted after the last date of registration, except at the sole discretion of the Organisers.
5. Dress code: Dress code shall be:
  - a. Western formals (white shirt, black trousers, black tie, black blazer and black shoes for gentlemen; and
  - b. Western (white shirt, black trousers, black blazer, and black shoes) or Indian (Punjabi dress – white kurta and white/black churidar/salwar with or without dupatta (white or black) and black shoes) formals for ladies.

Wearing of gowns and bands is not permitted.
7. Language: The Competition shall be held in the English language.

## II. PRE-COMPETITION FORMALITIES

1. Registration: Teams must register themselves on or before 1700 hours of 3rd March 2016, along with non-refundable registration fee of Rs. 2,000 (Rupees Two Thousand) per team by way of demand draft/cheque in the name of “K. C. Law College” or in cash.
2. Time of reporting: Teams are required to assemble in the college premises at 0800 hours on Saturday, 19th March 2016.
3. Allotment of team codes: Participating teams shall be assigned team codes for the purpose of competing in oral rounds based on evaluation of Memorials submitted. Lots shall be drawn at 0830 hours to determine the sides for which a team argues in the preliminary round.

4. Exchange of Memorials: Teams shall be required to exchange Memorials with their respective opponent teams prior to the preliminary rounds.
5. College tour: All team representatives shall be given a tour of the College to enable them to get acquainted with the Competition venue.
6. Travel and accommodation: Teams are requested to make their own arrangements for travel (including on the day of the Competition) and accommodation while attending the Competition. Kindly be informed that the College shall not be providing accommodation. For any assistance relating to accommodation, please contact the Moot Court Association on or before 25<sup>th</sup> February, 2016. Organisers shall not be held liable or responsible for any damage, injury, loss or adverse situation arising out of or incidental to occupation of premises recommended, for purpose of accommodation, by the Moot Court Association.

### III. COMPETITION ROUNDS

1. The Competition is a one-day event.
2. The Competition shall comprise three rounds as under:
  - a. Preliminary round:
    - i. The preliminary round shall be conducted in one part. Each team shall be required to argue for either the Petitioner or the Respondent in the preliminary round.
    - ii. The four teams scoring the maximum aggregate marks from each Court Room in the Preliminary rounds shall qualify for the semi-final round.
  - b. Semi-final round:
    - i. Of the four teams qualifying for the semi-finals, the side which each team represents shall be decided by drawing of lots.
    - ii. The winning team from each Court Room shall proceed to the final round.
  - c. Final round:
    - i. The sides for which the teams qualifying for the finals will be required to argue shall be decided by drawing of lots.
    - ii. The team scoring highest marks in the final round shall be declared the winner.
3. The decision of the Judges shall be final and binding.
4. Score sheets shall be displayed on the K.C. Law College Notice Board after each round.

### IV. MEMORIALS (General)

1. All teams shall submit Memorials/written submissions in respect of both Petitioner and Respondent.
2. The Memorials shall be in English.
3. The Memorials shall comprise:

- a. Cover page;
  - b. Table of Contents;
  - c. List of abbreviations;
  - d. Index of authorities;
  - e. Statement of relevant facts;
  - f. Issues;
  - g. Arguments;
  - h. Summary of arguments;
  - i. Statement of jurisdiction;
  - j. Written Submissions; and
  - k. Conclusion/Prayer.
4. The Memorial, including the abovementioned contents, shall not exceed 30 pages.
  5. The Memorial shall be:
    - a. typed;
    - b. on A4 paper;
    - c. on one side;
    - d. with interline 2 (double spacing) except as mentioned below;
    - e. with margin of 2.5 centimeters on both sides;
    - f. with margin of 2.5 centimeters at the top and at the bottom;
    - g. with page numbers shown at bottom centre of each page;
    - h. with typestyle Times New Roman, font size 12; and
    - i. footnotes with typestyle Verdana, font size 8 and single spacing.
  6. The Memorial shall be spiral/comb bound.
  7. The Memorial cover page shall adhere to the following colour scheme:
    - a. Blue for Petitioner; and
    - b. Red for Respondent.
  8. The Memorial shall NOT contain any annexure, photographs, sketches, exhibits, affidavits, etc.
  9. Memorials not meeting the above specifications shall be negatively marked.
  10. Under no circumstances shall the Memorial disclose the identity of the college and/or of the participants. The participating colleges shall be allotted the college code at the time of registration and same is to be mentioned on the Memorials. Breach of this condition shall render the team liable to disqualification.

11. Teams shall send 3 (three) hard copies of their Memorials (in respect of both the Petitioner and the Respondent) and a soft copy in Portable Document Format (.PDF extension) in a compact disk to the following address on or before Thursday, 8<sup>th</sup> March 2016:

The General Secretary,  
Moot Court Association,  
K.C. Law College,  
Vidyasagar Prinsipal K.M. Kundnani Chowk,  
123, Dinshaw Wachha Road,  
Mumbai 400020, Maharashtra

In addition, Microsoft Word files (.doc or .docx extension) of the Memorials shall be e-mailed to [kclawasso@gmail.com](mailto:kclawasso@gmail.com) on or before 2359 hours of 8<sup>th</sup> March 2016 with subject line stating "Memorials for team [mention College name]".

12. If two Memorials are found to be substantially similar and, upon consultation with the Judge(s), it is concluded that unethical practices may have been followed, penalties may be imposed and/or the concerned team(s) may be liable to be disqualified.
13. Memorials once submitted shall be deemed to be final.
14. Memorials submitted shall not be returned.
15. Participants are advised to carry at least two copies of their Memorials to the Competition.

#### V. MEMORIALS (Evaluation)

1. Every Memorial shall be marked from a total of 100. Marks scored by a team for a Memorial shall be the average of the total marks scored on Memorials in respect of both the petitioner and respondent.
2. Scoring criteria is given below:

Knowledge and application of facts	20 marks
Knowledge and application of pertinent laws	20 marks
Research and application of relevant case laws and proper and articulate analysis	20 marks
Adherence to abovementioned standards, grammar and citations	20 marks
Clarity/presentation/organisation	20 marks
<b>Total</b>	<b>100 marks</b>

#### VI. ORAL SUBMISSION (General)

1. Only **English** shall be permitted as the Court language.
2. The two Speakers in each team shall divide the oral submissions between themselves.
3. No team shall reveal its identity or that of its School/College/University by any means whatsoever.

4. The maximum time allotted to each team to present oral submissions, inclusive of the time that each team may want to reserve for its rejoinder/surrejoinder is as under:

Preliminary round	20 minutes
Semi-final round	30 minutes
Final round	45 minutes

5. The maximum time that a Speaker shall reserve for arguments is as under:

Preliminary round	12 minutes
Semi-final round	18 minutes
Final round	30 minutes

6. At the commencement of oral submissions in every session, each team shall intimate the designated Court Officer of the time that it wishes to reserve for its Speakers and rejoinder/surrejoinder.
7. A maximum of five minutes may be reserved for the rejoinder/surrejoinder. Only one member of the team may speak during this period. The Researcher shall not be allowed to argue at any time during the Competition.
8. One minute before the completion of the allocated time for each Speaker, a warning sign shall be displayed to signal the Speaker to conclude arguments. On completion of the allocated time for each Speaker, a 'Time Over' sign shall be displayed and the Speaker shall be required to stop. The Judges may, however, at their sole discretion, allow the Speaker to continue beyond the allocated time provided that in the preliminary round, the time extension granted by the Judges may not exceed more than two minutes for each Speaker.
9. The final decision as to the time structure and the right to rejoinder/surrejoinder shall be that of the Judges.
10. All teams shall be expected to carry any case laws and authorities that they intend to refer to during the course of oral submissions. All such documents pertaining to case law and authorities shall be circulated to the Judges only through the designated Court Officer. Participants are prohibited from directly approaching the Judges during the competition rounds.
11. All the extra material pertaining to case law and authorities shall also be provided to the opponent teams at the time of circulating the same to the Judges. Teams are directed to arrange for requisite number of copies of all such extra material.
12. During the course of oral submissions, the participants cannot submit any material containing pictorial representation to the Court. Furthermore, the participants shall neither be permitted to use any audio/visual representation nor will they be allowed to use personal computers, laptops and any other technical or mechanical devices.

13. A team submitting any material in violation of the foregoing, and/or submitting or presenting to the Court any picture, sketch, photo, cartoon, caricature, audio film, video film, projector slide or computer generated image, shall be disqualified from the competition forthwith.
14. Compilation of judgments or any other research material in addition to that mentioned in the Memorial may be submitted at the time of oral arguments by the participants.

#### VII. ORAL SUBMISSION (Evaluation)

1. Each Speaker shall be marked on a total of 100 marks. The total scores of the team shall be evaluated on the basis of aggregate marks obtained by both the Speakers of the team.

2. Scoring criteria is given below:

Knowledge and application of facts	10 marks
Knowledge and application of pertinent laws	20 marks
Application of relevant case laws	20 marks
Style, poise, courtesy and demeanour	15 marks
Flow of arguments and organisation	15 marks
Proficiency and adeptness in answering questions	20 marks
<b>Total</b>	<b>100 marks</b>

3. To ensure uniformity in the marking system, all Judges shall be provided with a marking guideline.

#### VIII. AWARDS

Awards are as under:

1. **Winner's Trophy** to the team winning the competition and **Winner's Certificates** to all members of the winning team.
2. **Runner-up Trophy** to the team placing second in the competition and **Runner-up Certificates** to all members of this team.
3. **Best Speaker Trophy and Certificate** to the Speaker scoring top cumulative marks averaged across the number of rounds participated in.
4. **Best Memorial Trophy** to the team scoring the highest marks on Memorials and the Best Researcher certificate to the Researcher of this team.
5. **Semi-finalist Certificates** to all members of the teams making the semi-finals but not going through to the final round.
6. **Participation Certificates** to all participants.

## IX. SCHEDULE

Last day for the submission of Registration Form	1700 hours	3 <sup>rd</sup> March 2016
Last day for the submission of Memorials	2359 hours	8 <sup>th</sup> March 2016
Reporting time	0800 hours	
Orientation, breakfast and drawing of lots	0830 hours to 0930 hours	
Preliminary round	0930 hours to 1100 hours	
Results of preliminary round and drawing of lots for semi-final round	1100 hours to 1200 hours	19 <sup>th</sup> March 2016
Semi-final round	1200 hours to 1400 hours	
Lunch	1400 hours to 1600 hours	
Final round	1600 hours to 1800 hours	

## X. CLARIFICATIONS

1. Clarifications may be sought by emailing [kclawasso@gmail.com](mailto:kclawasso@gmail.com).
2. In case of urgency, the following members of the K.C. Law College Moot Court Association may be contacted:

Ms. Harsha Uppal, General Secretary	+91 9870412187
Mr. Akshay Arora, Member	+91 9920052398
Mr. Asim Tirmizi, Member	+91 9920400424
Ms. Ilrina Pereira, Member	+91 9224524296

## XI. MISCELLANEOUS

1. Teams shall not be permitted to observe, directly or indirectly, oral rounds of any other team. Scouting is strictly prohibited and shall result in disqualification of the concerned team.
2. All the participants are expected to maintain decorum in the Court during the Competition and to conduct themselves in a manner befitting the legal profession throughout the Competition, both within and outside of the Court rooms.
3. Decisions of the Organisers shall be final and binding:
  - a. on the interpretation of rules or on any other matter relating to Competition; and
  - b. if any situation not foreseen or not considered by the rules and regulations of the Competition arises.
4. No team shall have the right to protest being photographed, or their performance being taped, etc. The Organisers reserve the exclusive copyright over any such photographs or tapes, etc.

5. The Organisers reserve the right to cancel/postpone/reschedule the Competition in the event of any unforeseen circumstances.
6. The Organisers reserve the right to vary, alter, modify or repeal any of the abovementioned rules, if so required, and as they may deem appropriate.
7. Acceptance of the abovementioned rules is a precondition to participation in the Competition.



XII. MOOT PROBLEM

IN THE HON'BLE SUPREME COURT OF INDIA

SPECIAL LEAVE PETITION 1 OF 2016

PQR & Ors

Petitioners

Vs.

State of Mahadpur and Ors

Respondents

The State of Mahadpur, by an amendment dated 4th March 2015, brought about an amendment to the Mahadpur Preservation of Animals Act, 1976 [hereinafter referred to as the MPA, 1976]. It was published in the Mahadpur Gazette on 4th March, 2015. The said amendment has received President's assent on March 4, 2015.

The newly added Sections, namely, Sections 5A to 5D, in effect, imposed a total ban, inter alia, on the transportation, slaughter, import and possession of any flesh of cows, bulls and bullocks slaughtered outside the State of Mahadpur.

Also, by Sections 9A and 9B, the burden of proving that the slaughter, transport, export outside the State, sale, purchase or possession of Flesh of cow, bull or bullock, was not in contravention of the MPA, 1976 is upon the accused.

There was a major furore amongst certain class of the Public as well as the slaughter House Owners, that the said total Ban, being first of its kind, is highly arbitrary and Unconstitutional.

Being aggrieved by the said ban, a Public Interest Litigation came to be filed by a public spirited citizen, PQR, in the Hon'ble High Court, challenging the vires of the MPA Act, 1971. The Slaughter Houses Association also filed a Writ Petition

challenging the vires of the MPA Act, 1971. The said Petitions raised several challenges, inter alia,

- a. Sections 5A to 5D violates Article 21 of the Constitution of India. Right of Privacy includes right of choice. The provisions as amended have taken away the fundamental right of Citizens right of choice and right to be left alone.
- b. Section 9-B is also violative of Article 21 of the Constitution of India since, the reverse burden of proof is cast upon the accused to show that he is innocent, violating the general presumption of the accused being innocent until proven guilty.
- c. The amended provisions have also been challenged on the ground of being violate of Article 19(1)(g), inter alia, freedom of trade.
- d. There is also a challenge on the amendments being violate of the Fundamental Right to Practice and Propagate Religion under Article 25 as well as violation of Cultural Right under Article 29.

The State of Mahadpur, defended the vires of the said Amendment, inter alia, on the following grounds namely;

- a. Right of privacy is not an absolute fundamental Right. 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".

- 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.
- d. The Apex Court has brought within its ambit the Right of Life for Animals as well.

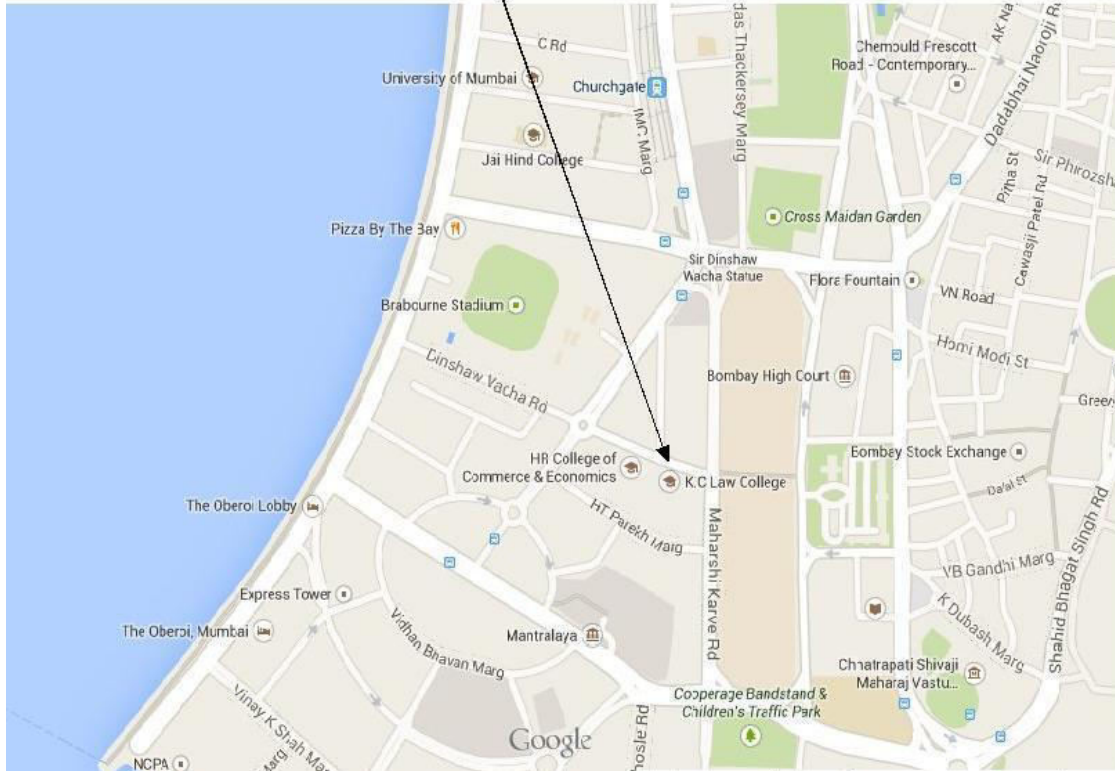
The Hon'ble High Court has upheld the validity of the amendments and the Petitioners are before the Hon'ble Supreme Court in a Special Leave Petition under Article 136.

The Mahadpur Preservation of Animals Act, 1976 and the amendments are Pari materia to the Maharashtra Animal Preservation Act, 1976.

Participants can incorporate and urge additional ancillary points.

### XIII. MAP

Kishinchand Chellaram Law College,  
Vidyasagar Principal K.M. Kundnani Chowk,  
123 Dinshaw Wachha Road,  
Churchgate,  
Mumbai 400 020



## KISHINCHAND CHELLARAM LAW COLLEGE

Vidyasagar Prinspal K.M.Kundnani Chowk, 123, Dinshaw Wachha Road, Mumbai 400 020, Maharashtra  
Tel: 022-22822376 Email: [info@kclawhsnc.edu.in](mailto:info@kclawhsnc.edu.in) Website: [www.kclawhsnc.edu.in](http://www.kclawhsnc.edu.in)

**NATIONAL MOOT COURT COMPETITION 2016 – 19<sup>th</sup> March 2016**

### REGISTRATION FORM

A. Name of Participating Law School/College/University:

Address for Communication:

Telephone No.:

E-mail Address:

B. Details of Participants

1. Name of Mooter: \_\_\_\_\_

Class: \_\_\_\_\_

Mobile No.: \_\_\_\_\_

Email address: \_\_\_\_\_

Photograph

2. Name of Mooter: \_\_\_\_\_

Class: \_\_\_\_\_

Mobile No.: \_\_\_\_\_

Email address: \_\_\_\_\_

Photograph

3. Name of Researcher: \_\_\_\_\_

Class: \_\_\_\_\_

Mobile No.: \_\_\_\_\_

Email address: \_\_\_\_\_

Photograph

4. Name of Moot Court Co-ordinator: \_\_\_\_\_

Mobile No.: \_\_\_\_\_

Email address: \_\_\_\_\_

C. Cash  Demand Draft (D.D.)  Cheque

D.D./cheque no. \_\_\_\_\_ dated \_\_\_\_\_ on \_\_\_\_\_ Bank

It is certified that the Mooters and Researcher above named are the bonafide students of the Law School/College/University.

Date:

Place:

Seal of the Institution

Signature of Principal