Marathwada Legal & General Education Society's

MANIKCHAND PAHADE LAW COLLEGE

AURANGABAD

Re-Accredited by NAAC with 'B+' Grade (2019)

20th Rank of OUTLOOK India's Best Professional Colleges (Law)2019

33rd Rank of INDIA TODAY India's Best Professional Colleges (Law)2019

15th Rank of Careers 360 Magazine best traditional law Colleges in India 2019

Dr. Ch. N. V. Manikyala Rao,
B. Com, M. L. Ph.D.
Principal

Samarth nagar, Aurangabad – 431001 (MS)
(O) 0240-2336621, (R) 2357175
Fax: (0240) 2341146
Web Page: www.mplaw.org
Email Id: mplawcollege@gmail.com

Ref. No. MPLCA/2021-'22/ Date: 08/02/2022

To,

The Registrar /Director / HOD / Principal,

Respected Sir / Madam,

It gives us immense pleasure to invite your institution to participate in the **XXII National Moot Court Competition - 2022** to be held virtually (Online) on **26th & 27th March** *2022 at M. P. Law College, Aurangabad, Maharashtra.*

We kindly request you to confirm the participation of your institution by registering online at the earliest before the scheduled date.

We kindly request you to advise your College team to read rules of the competition carefully.

With warm regards,

Ms. P. R. Girbane	Dr. A. N. Kottapalle	Mr. S. N. Morey	Dr. C. M. Rao
Coordinator	**IQAC Coordinator**	**Vice Principal**	**Principal**

Encl.:- 1. Rules of the Moot Court Competition

2. Problem No. 1 for the Preliminary and Semi Final round and Problem No.2 for final round respectively

Marathwada Legal & General Education Society's

Manikchand Pahade Law College, Aurangabad

Re-Accredited by NAAC with 'B+' Grade (2019)

XXII National Moot Court Competition-2022

26th & 27th March *2022*

✍ RULES OF THE COMPETITION:

✍ GENERAL RULES

1. Considering **COVID-19** pandemic situations, this year also the Competition shall be held online through video-conferencing on **Cisco Webex** Platform.
2. Each team shall comprise of **2** (Two) participants **only** (Mooter 1 & Mooter 2) and should not be less or more than 2 participants. (This year no provision for Researcher)
3. Competition is restricted to bonafide undergraduate regular students of Law School / College/ University and must be students of either from LL.B. 3 years or 5 years degree course.
4. Only one team can register from a particular Law School / College/ University.
5. The dress code shall be as prescribed for Advocates.
6. The home team will be eligible for competing in this competition as the moot problems have been framed by others.
7. The language of the competition shall be English only.
8. All the Participating teams shall have to submit soft copies & hard copies of their memorials of both round in due time & non-compliance of it shall disqualify team.

✍ REGISTRATION & SELECTION PROCEDURE

9. All Participating teams shall have to complete their registration process through **The Google form link**: **https://docs.google.com/forms/d/e/1FAIpQLSepP-wt3GvPu9jPp_n_4099r3jQGtPfw_f7CmG9Tt7Czb5f8Q/viewform?usp=pp_url**

   On or before **10th March 2022** along with duly signed **authority letter** certifying your eligibility & participation from your Institution.
10. The Competition being organized virtually, for better management & convenience we have strictly restricted only **25** valid registered teams on **first come first serve** basis for the Competition & will officially communicate their selection in due course on registered email of participants.
11. Each Team shall have to pay registration fee of **Rs. 1000.00** (One Thousand Rupees only) online on following details.

    - A/c NAME : **MANIKCHAND PAHADE LAW COLLEGE**
    - Bank Name : **CENTRAL BANK OF INDIA, AURANGABAD**
    - A/c No : **1289605997**
    - IFSC Code : **CBIN0280678**

12. All selected teams shall be allotted a unique team code & every member of team shall be allotted a unique code which will be individually communicated on registered email of participants.

13. Once the code is allotted, every team must use only team code for any further communication with the organizers.

✍ PHASES OF THE COMPETITION

14. The competition shall have **Three** Rounds (i.e. Preliminary, Semi Final and Final), the Preliminary and Semi Final rounds shall be held on **26th March 2022 at 9.00am and 4.00pm** onwards respectively and Final round shall be held on 27th **March 2022 from 10.00 am** onwards.
15. **There shall be same problem for Preliminary and Semi Final round .However for Final round participants shall have different problem.**
16. All the rounds shall be conducted virtually through video conferencing on **Cisco Webex** platform & The meeting ID , Password & Link will be communicated before 1 day of each round on the registered email of participants.
17. Participant shall not share the link with anyone & no one other than individual Speaker is allowed to join the meeting of virtual Court rooms. All the performances will be recorded & uploaded on College You Tube Channel after the Competition.
18. **In all the rounds there shall be direct performance of petitioner of a team against respondent of another team in allotted virtual Court rooms according to lots drawn.**
19. **There shall be exchange of memorials (online) of each round on previous day of the respective rounds.**
20. **Every speaker shall be ready well in advance for his/her performance to maintain time & discipline of the Court.**

PRELIMINARY ROUND:

21. The Preliminary round shall be conducted online on **Saturday 26th March 2022** from **09:00** onwards in **05** different Virtual Court rooms i.e 05 different links by allotting individual performances by way of drawing lots.
22. **Two Speakers i.e petitioner & respondent of a team shall be arguing in different virtual Court rooms.**
23. The **FIVE** teams scoring highest marks in the preliminary round shall be qualified for the SEMI **FINAL** round.
24. **In case of a tie between 2 teams in score of marks both the teams shall be qualified for semi final round**.

SEMI FINAL ROUND:

25. The Semi Final round shall be conducted on 26th March 2022 from 4.00 pm onwards in one virtual court only i.e. only ONE link allotting individual performances by way of drawing of lots.
26. The TWO teams scoring highest marks in Semi Final Round shall be qualified for the Final Round.
27. **In case of a tie between 2 teams in score of marks, Preliminary and Semi Final rounds Marks shall be added and team scoring highest mark shall be qualified for final round.**

FINAL ROUND

28. The Final round shall be conducted online on **Sunday** 27th **March 2022** from **10:00am** onwards in a single virtual Court room i.e only 1 link by allotting individual performances by way of drawing lots.

✍ MEMORIALS

29. All Participating teams shall have to submit soft copies as well as hard copies of their written memorials / submissions of both rounds for both sides on or before due date mentioned hereinafter.
30. All teams shall submit typed / computerized memorials fulfilling the following specifications.
31. The memorials shall be typed on **A–4** size paper with **1 inc**h margin on all the sides in the "**Times New Roman**" font size **12** with **1.5** line spacing & the font size of footnotes/endnotes shall be **10.**
32. The memorials should not exceed **25** pages (not including cover page) & the cover page must contain Team Code in bold with upper case at the upper right side corner.
33. The memorials shall neither contain name of the student, name of the college/university nor any form of identification in the form of symbol, mark etc. apart from Team Code.
34. The cover page shall be coloured differently i.e. ***Gray for Petitioner*** and ***Blue for the Respondent.*** **Use of chart paper instead of plastic sheets or transparencies, would be highly appreciated. For binding use cotton thread stitches instead of spiral binding.**
35. Memorials not following the above specifications shall be disqualified.
36. Every team shall send **3** (**three)** hard copies of memorials for each side of both rounds along with Compendium, if any, so as to reach the organizing college on the following address as per the scheduled prescribed at the end.

The Principal, M.P. Law College,
Samarth Nagar, Aurangabad – 431 001 (M.S.)

37. Participants shall send the soft copies of Memorials on the following e-mail id as per the schedule prescribed at the end:

mplcmootproblem@gmail.com

✍ ORAL SUBMISSIONS (ARGUMENTS)

38. Every Speaker shall have to present his/her oral submissions through video conferencing on **Cisco Webex** platform.

39. Oral Submissions of Preliminary round shall be conducted in **05** different virtual Court rooms in accordance with lots drawn & oral submissions of Semi Final & Final round shall be conducted in a single virtual court room in accordance with lots drawn.

40. The Speakers shall take note that in virtual court rooms only performing speakers shall be allowed & they will be removed from meeting once their performance is over & next speakers will be called to join.

41. In Preliminary round the 2 speakers of the same team shall be allotted different virtual court rooms & hence shall have to join the meeting on time on the links send to respective speakers so as to maintain time & discipline of the Court.

42. Every speaker shall enter the Court room with his/her **unique code** as profile name & before beginning of oral submissions inform the Court his/her unique code. **(Don't use your name)**

43. Every Speaker shall have **15** minutes time to present his/her oral submissions and additionally **05** minutes for rebuttal. **Rebuttal is mandatory for each Speaker.**

44. No Speaker shall be allowed to address the court for more than the prescribed time without due permission of the Court.

45. No additional documentation or screen-sharing shall be allowed & any information which has to be provided to the Court should be submitted beforehand to the organizers as Compendium.

46. The participants shall ensure functioning of their quality audio-video gadgets with good internet connection. In case of any network or technical issue, the Court will take appropriate decision, which shall be binding on participating teams, Speaker & organizing institution.

✍ ASSESSMENT CRITERIA

The Assessment criteria of Participants & team shall be as under…

Knowledge and application of law	25
Presentation and perusal of facts	10
Answer to court queries	15
Advocacy / Court Etiquettes	25
Written Memorials / Drafting	15
Rebuttal	10
TOTAL MARKS:	**100**

✍ MISCELLANEOUS

47. All the participants are expected to maintain the decorum of the court during the competition and are expected to observe themselves in a manner befitting the legal profession.
48. The organizers reserve the right to take appropriate action for any unethical, unprofessional and immoral conduct.
49. **The organizer's decision as regards the interpretation of rules or any other matter relating to the competition shall be final.**
50. **If there is any situation, which is not contemplated in the rules, the organizers decision shall be final.**
51. For any query or clarification feel free to contact persons given hereinafter

🏆 PRIZES

The teams & participants shall be awarded cash prizes along with trophies as follows…

I) **Winner Team cash prize of Rs. 7000/- from college and Late Adv. Shri. Sudhakarrao Deshmukh Trophy.**

II) **Runner up Team cash prize of Rs. 5000/- from college and Late Adv. Shri. Sudhakarrao Deshmukh Trophy.**

III) **Individual Prizes & Trophies.**

- **Late Adv. Shri L. N. Sirsamkar- Best Petitioner from final round cash prize of Rs. 2000/- and Trophy.**
- **Best Respondent from final round cash prize of Rs. 2000/- and Trophy from college.**
- **Late Adv. Shri. Sudhakarrao Deshmukh Trophy for Best Mooter in both rounds.**
- **Ghate Foundation, Aurangabad – Best Mooter Trophy for Preliminary Round.**
- **Best Memorial Prize for Final Round**

 NOTE: Cash prizes shall be paid through RTGS/NEFT and Trophies shall be distributed in Prize Distribution ceremony to be held shortly as COVID 19 conditions permits. The winner Teams / Mooters will be invited for the same

☺ **DATES TO REMEMBER – SCHEDULE OF COMPETITION**

1. Submission of online registration form — 05th March 2022
2. Submission of soft copies of memorials — 10th March 2022
3. Submission of hard copies of memorials with Compendium, if any. — 15th March 2022 along
4. Date of Preliminary and Semi Final Round. — 26th March 2022
5. Date of Final Round. — 27th March 2022

Contact details:

Student Conveners:

1.Ms.Netal Agrawal: 7755976720
2.Ms.Tejaswini Mone: 9579785775

Teacher Coordinators:

Ms.Pratibha Girbane - 9923484741
Mr. Abhay Jadhav - 9970449376
Mr. Srikishan Morey - 9325228041
Dr. Aparna Kottapalle - 9923412234
Dr. Dinesh Kolte - 9423160612

Dr. C. M. Rao
Principal
M. P. Law College
Aurangabad.

26th March 2022

Moot Problem for Preliminary and Semi Final Round

Naseem Shaihk is a political cartoonist in a leading newspaper. He published on web, cartoon in which a caricature of Parliament and Constitution was made. For which a F.I.R under section 124-A of Vaishali Penal Code was lodged against him at Khadki police station for commission of an offence of sedition. In the F.I.R it is alleged that by the caricature Naseeem not only defamed the Parliament, the Constitution of India but also attempted to spread hatred and disrespect against the Government. It is further alleged that the act of Naseem Shaikh amount to disrespect to the national emblems. It also amount of creating disharmony amongst the society at large.

On 09 sept.2021, he was arrested and produced before the magistrate. Naseem refused to make an application for bail till the charges of sedition were dropped. Therefore he was languishing in jail on the charge of sedition.

As per the belief of Naseem he was not fit for to be charged for sedition. As he published the cartoon on the web-site, by no stretch of imagination it could be alleged that he was attempted to spread hatred.

According to Naseem his act is part of his right to freedom of speech and expression.

A public spirited lawyer moved a criminal PIL for release of Naseem, in the High Court of Saket. The State of Saket is a part of federation Vaishali.

The laws and Constitution of Saket and Vaishali are similar to the laws of Maharashtra and Constitution of India. The petitioner and respondent are at the liberty to frame the issues and develop argument accordingly, keeping in mind the rules framed by the college for the same.

27th March 2022

Moot Problem for Final Round

Hind was a country situated in Asian continent and was ruled by the Britishers till 1947. The British Crown was empowered to make laws for Hind. Britishers had a feeling that People of Hind will revolt someday against the foreign rule. Drama and theatre being very powerful medium of creating awareness among the people in regard to the National Movement for Independence, Britisher Government in order to check these revolutionary impulses, proceeded to impose *the Dramatic Performances Act, 1876.* This Act gave powers to the Government to ban a particular drama, to search and seize any person, costumes or articles which are intended to be used in the prohibited drama. On 14th August 1947, the country received independence and two new countries were established, Indiana and Pakistana. Both the newly formed countries constituted their own Constitution.

Partition of Hind into two new countries was a black spot in the history of Hind. There were thousands of deaths, lakhs of casualties and crores of refuges during the partition. All Hind Party was a political party lead by Caesar, which was working for the Independence of Hind. Caesar rose to be very popular activist because of his moderate ideologies. Most of the people in Indiana thought that independence was an outcome of Caesar's ideas and contribution. He soon was declared as father of the nation. Despite this, few organizations and political parties in Indiana were against this and thought that Caesar is the reason behind partition of the motherland. They held him liable for the bloodshed occurred during partition. One year later, when Caesar was indulged in his daily meditation, a young boy named Cassius killed Caesar. Cassius was tried, convicted and sentenced for murder.

Years later, a drama company named 'The Theatre' produced a drama, in which Cassius was projected as a hero and his story behind the killing of Caesar was depicted. The Government of Indiana banned the drama citing *the Dramatic Performances Act, 1876*. Soon, the producer, director, actors of the drama addressed a press conference in which they expressed dissatisfaction towards the Government's act to ban the drama. They also justified Cassius and his ideologies. The actor who was playing the character of Cassius said that, Indiana needs characters like Cassius today to bring the Government on right track. First Information Report was lodged against the director, producer and the actors of the play under Section 124A of the Indiana Penal Code. They approached the Hon'ble High Court for quashing of the said FIR, but High Court did not intervene. Aggrieved by this, they have approached Hon'ble Supreme Court of Indiana. They have challenged the

constitutionality of Section 124A of the Indiana Penal Code. Similarly, the drama company named 'The Theatre' has approached the Supreme Court under writ jurisdiction to challenge the vires of *the Dramatic Performances Act, 1876* claiming that it violates Fundamental Rights enshrined under the Part III of the Constitution of Indiana.

Both the Petitions are clubbed together and listed for final hearing.

Issues involved –

1. Whether the Writ Petition is maintainable?
2. Whether *the Dramatic Performances Act, 1876* ultra vires to the Constitution of Indiana?
3. Whether Section 124A of the IPC is violative of Fundamental Right enshrined under Part III of the Constitution of Indiana?

Participant are at liberty to raise any other issue which they deem fit and necessary.

**Laws of Indiana are para-materia with that of India.*