

**CENTRAL UNIVERSITY OF KERALA**  
**(Established By Parliament under Act 25 of**  
**2009)**

**DEPARTMENT OF LAW**

**THIRUVALLA CAMPUS**

**THE MOOT COURT SOCIETY**  
**CONSTITUTION, RULES AND**  
**REGULATIONS**

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## PREAMBLE

The Constitution aims to regulate mootings and its associated activities in the University, in a fair and proper manner while enabling such activities in the best possible way.

## EXTENT

This Constitution shall extend to all students and staff of Department of Law Central University of Kerala, Thiruvalla. The provisions contained in this document shall be in addition to and not in derogation of the rules and regulations of the University for the time being in force, and updated/modified thereafter.

## DEFINITIONS

In this Constitution, the following words and expressions are used in the following senses unless a contrary intention appears from the context:-

1. 'Annexure' means a document attached to this document which shall be considered as a part of these Rules and Regulations pursuant to the section under which it is provided for.
2. 'Member' means a student member of the Committee including the Office Bearers.
3. 'Notification' means a notice issued by the Moot Court Committee in addition to this Constitution pursuant to the power under section 13.4.
4. 'Member' means a student member of the Committee including the Office Bearers
5. 'Office Bearer' means members of the committee from the LL.M and Research Scholars
6. 'Student' means any student presently enrolled under the LL.M and doctoral performance of the University.
7. 'University' means Department of Law Central University of Kerala, Thiruvalla.

## **S.1 COMPOSITION OF THE COMMITTEE**

The Committee shall consist of the Head of the Department as the Chairperson, Faculty co-ordinator, Faculty Advisors and Members.

## **S.2 TENURE OF THE COMMITTEE**

The tenure of the Committee shall be for one academic year; on the expiry of the existing committee, a fresh committee shall be constituted.

## **S.3 NUMBER OF MEMBERS**

**3.1** The Committee shall consist of 21 members as per the following composition:

3.1.1. Eight members from the 1st year LL.M

3.1.2. Six members from the 2<sup>nd</sup> year LL.M

3.1.3. One Treasurer, two Secretaries and two Co-Conveners from the 2<sup>nd</sup> year LL.M

3.1.4. Two Joint Conveners from the Research Scholars.

**3.2** The effective membership of the committee shall not fall below 13 members.

**3.3** At the discretion of the Chairperson of the committee additional members may be inducted.

**3.4** The Committee shall induct new members as expeditiously as possible after the termination of members.

3.5 The chairperson may nominate an additional two members from students of other post graduate departments in the University.

#### **S.4 ELIGIBILITY CRITERIA FOR MEMBERS**

4.1 All students of LL.M and Research Scholars of the University are eligible to become members of the Committee.

4.2 All students from the 2<sup>nd</sup> year LL.M will be eligible for the post of Treasurer, Secretary and Co-Conveners.

4.3 All students from the Research Scholars will be eligible for the post of Joint Conveners.

#### **S.5 SELECTION OF MEMBERS**

5.1. The Joint Conveners from the Research Scholars will be inducted by a panel constituted by the Chairperson.

5.2. The Office Bearers from the 1<sup>st</sup> and 2nd year LL.M will be inducted by a panel constituted by the Chairperson.

5.3 The decision of the panel as provided for in this section shall be final and binding.

#### **S.6 FACULTY ADVISORS AND CHAIRPERSON**

The University shall appoint a minimum of two faculty advisors and a Chairperson to the Committee. Their tenure and powers shall be at the discretion of the Vice - Chancellor.

#### **S.7 SUSPENSION AND TERMINATION OF MEMBERSHIP**

7.1 No member can be suspended by the office bearers save by a two- third majority vote and a show case notice to the member.

7.2 The Membership may be suspended for a period not exceeding one month. On the expiration of one month, the member must appear before the Faculty in charge and Office Bearers to plead his/her case. If he establishes sufficient cause, his suspension may be revoked and may be reinstated.

Termination of the member may be effected only by passing of a resolution by two – third majority vote. In case requisite majority is not achieved, the member shall be deemed to be reinstated.

7.3 Termination without any suspension is possible under exceptional circumstances at the discretion of the Chairperson, upon the advice of the Office Bearers- after due hearing before the Chairperson in the presence of the Office Bearers.

## **S.8 GROUNDS FOR SUSPENSION AND TERMINATION OF MEMBERSHIP**

**8.1** Membership may be suspended and/or terminated if:

8.1.1. Any member is found engaging in activities violating the provisions of this Constitution.

8.1.2. Any member does not appear for two consecutive meetings without prior notice to the Office Bearers or valid reasons, in case of an emergency.

8.1.3. A member is found to be negligent towards his duties as envisaged under this Constitution.

**8.2** Suspension and/or termination proceedings may be initiated on the basis of an official complaint by any student.

## **S.9 RESIGNATION FROM MEMBERSHIP**

A member wishing to resign must submit a letter in writing declaring that intention to resign to the Chairperson and the acceptance of such resignation would be subject to approval by the Chairperson.

## **S.10 EFFECT OF SUSPENSION, TERMINATION AND RESIGNATION OF MEMBERSHIP**

10.1 A suspended member for the duration of the suspension shall not participate in any of the activities of the Committee and shall not represent the Committee as a member or Office Bearer in any way. Such suspension shall be kept on record.

10.2 A terminated member will no longer be a part of the Committee and must stop exercising all official powers and functions thereof.

## **S.11 PRIMARY FUNCTIONS OF THE COMMITTEE**

**11.1** Organisation of internal selections for moot court competitions

11.1.1. The Committee shall organize all internal selection moot court competitions held within the University exclusively for students of the University. The Committee will prepare a separate set of rules and regulations applicable to the teams selected through these internal moot court competitions.

11.1.2. The Committee shall take initiatives for the development of moot court activities in the University.

**11.2** Organisation of national moot court competitions:

The Committee shall organize all moot court competitions inviting participation from other universities.

11.3 Maintenance of annual report: the Joint Conveners shall submit an annual report to the Vice Chancellor stating the performance of the University in various moot court competitions and the performance of the Committee in general.

Note : the provision regarding internal moot court competition will be applicable only when Undergraduate of integrated law courses starts in the university

#### **S.12 FISCAL FUNCTIONS OF THE COMMITTEE**

The Committee will prepare an annual budget of all financial expenses to be incurred during the academic year. The records of such expenses shall be maintained.

#### **S.13 POWERS OF THE COMMITTEE**

13.1 The Committee shall have the sole authority to regulate all moot court activities of the University.

13.2 It shall be the sole discretion of the Committee to select the moot court competitions in which the University may participate.

13.3 The Committee shall have the power to impose a reasonable penalty on any team or individual participating in an internal or external moot court competition, in accordance with the regulations framed by the Committee

13.4 The Committee shall have the power to issue notifications in order to regulate moot court activities in the University.

#### **S.14 RESTRICTIONS ON THE COMMITTEE MEMBERS**

14.1 The member shall not be a part of any other permanent student Committee in the University; provided that honorary and advisory membership of such Committees will not fall under the purview of the above clause.

#### **S.15 DUTIES OF THE COMMITTEE**

It shall be the duty of the Committee to ensure transparent, fair and non-arbitrary execution of all its functions enshrined under this constitution.

#### **S.16 RULES FOR INTRA UNIVERSITY MOOT COURT COMPETITIONS**

The Committee shall organize intra University moot court competitions throughout the year for allocation of national moot court competitions. The Committee shall have exclusive jurisdiction in framing rules for all the intra University moot court competitions.

#### **S.17 ALLOCATION OF MOOT IN EXCEPTIONAL CIRCUMSTANCES**

17.1 The Committee shall have the sole discretion in allocating a moot court competition to a team whose participation in the previously allocated moot has been rendered unfeasible due to no fault on their part.

17.2 It shall be the sole discretion of the Committee to conduct an open challenge for any moot court competition, which was not included in the list of competitions made available to teams at the time of allocation of moots through intra University moot court competitions; provided that such measures may only be taken temporarily for that one year and the moot in question may find place in the list of moots to be allocated through the next year's list.

17.3 In case a member of the team who has been allotted a moot decides to leave the team, he/she shall be required to submit to the Committee a 'No Objection Certificate' (NOC). Thereafter the other members shall be allowed to induct a new member, subject to the screening process as provided under Annexure 2 of this Constitution; provided that such NOC should not have been obtained by coercion or undue influence, in which case, the NOC shall be deemed to be invalid.

### **S.18 RIGHTS OF PARTICIPATING TEAMS**

18.1 Every team, which participates in any Internal Selection Round, shall have the right to ask the Committee for their Score Sheets, Penalty details, Memorial Scores and other such relevant information.

18.2 Every team, which has been selected to represent the University in a moot court competition, shall have the right to approach the Committee for any help or assistance that they may require for participation in such a Competition.

18.3 Every team, which has been selected to represent the University, shall be appointed with a team liaison, who shall be a member of the Committee.

### **S.19 RESTRICTIONS ON PARTICIPATING TEAMS**

Teams must abide by any restrictions put forth on them by this Constitution or by the Committee from time to time through a notification. Violation of such restrictions may attract a penalty to be decided by the Committee. Provided that such restrictions should not violate the provisions of the constitution.

### **S.20 COMMITTEE MEETINGS**

20.1 The Committee shall ordinarily conduct a meeting for all members.

20.2 Attendance in such meetings shall be compulsory for all members.

### **S.21 QUORUM OF THE MEETING**

The quorum of such aforementioned meetings shall be no less than 2/3 of the total strength required to be present for that meeting.

### **S.22 PROCEDURE FOR MEETING**

22.1 All meetings shall be convened with prior notice to all the members.

22.2 It shall be the responsibility of the Office Bearers to ensure that every member has been notified about such meeting.



22.3 The Secretaries must maintain the minutes of the meeting which are to be signed and verified by the Joint Conveners, and kept on record.

### **S.23 PROCEDURE FOR RESOLUTIONS**

23.1 Resolutions must be passed by a simple majority of all members present and voting.

23.2 Each member shall have one vote which once cast shall be considered final.

23.3 Voting shall take place by show of hands, or, if required, by secret ballot.

23.4 Abstention from voting will require the prior permission of the Joint Conveners and Co-conveners and valid reasons for such abstention must be given.

23.5 The Joint Conveners shall act as the speaker and moderator at such meetings and shall also count the votes and declare a resolution to have passed or failed. In their absence the Co-conveners shall take charge and in their absence the role shall be delegated to one of the secretaries.

23.6 In all resolutions the Joint Conveners shall only have a casting vote. If there is no consensus between the two Joint Conveners, then the Chairperson shall have the casting vote.

23.7 Once the votes have been cast, the speaker shall immediately count them at the same meeting and he/she shall declare the resolution to have passed or failed.

### **S.24 PROCEDURE FOR AMENDMENT OF THE CONSTITUTION**

24.1 Two days prior notice must be given regarding the meeting for the proposed amendment.

24.2 Every member shall ensure his/her presence in such meetings.

24.3 All such amendments have to be passed by a 2/3rd majority of the members of the Committee.

24.4 Every member shall have to cast his vote.

24.5 In case a member is not in the University, he/she shall be allowed to cast his/her vote by sending a proper, written communication to the Committee and such communication shall be confirmed by him/her over telephone.

### **S.25 COMPLAINT AGAINST A COMMITTEE MEMBER**

25.1 In case a non – member wishes to make a complaint against a Committee member for not having discharged his/her duties in accordance with the provisions of the constitution, he/she may put forth a written complaint or may communicate the same via email to Office Bearer(s) of the Committee.

25.2 Once such complaint has been made, the Office Bearer to whom it has been made shall bring it to the notice of all the Office Bearers, who shall decide a suitable course of action for the same.

25.3 In case a Committee member wishes to bring a complaint against a fellow member of the Committee for not having complied with the provisions of this constitution he/she may make a written complaint to the Office Bearer(s), who shall decide a suitable course of action for the same.

25.4 In case a Committee member wishes to bring a complaint against an Office Bearer for not having complied with the provisions of this Constitution, he/she may make a written complaint to the faculty advisor or Chairman of the Committee, who shall decide a suitable course of action for the same.

S. 26 The Committee shall have the authority to frame temporary rules and guidelines to deal with a special circumstance not provided for in this constitution.

S. 27 Such rules must be put into the process of conversions into amendments to the constitution.

## **ANNEXURE 1**

### **RULES AND REGULATIONS CONCERNING PARTICIPATION IN MOOT COURT COMPETITIONS**

1. Teams shall register for all moot court competitions through the Committee, as representatives of the University. Registration without the consent of the Committee in the capacity of the University or in an individual capacity shall attract a ban of one academic year on all members of the team from all moot court activities. The decision of the Committee in this regard shall be final and binding.

2. Teams must ordinarily participate in a moot court competition that has been allotted to them unless they are prevented from doing so due to unavoidable circumstances.

3. Notwithstanding anything contained in Rule 2 the teams which do not participate in a moot court competition which has been allotted to them must show cause to the Committee for such action and if such answer is found to be unsatisfactory by the Committee all team members shall face a complete ban from all moot court activities for a maximum period of one academic year. The decision of the Committee in this regard shall be final and binding.

4. The teams are required to give 2 mocks (mandatorily) to the person(s) appointed by the Moot Court Committee.

5. The Memorials to be submitted for the concerned national moot court competitions shall be submitted to the Moot Court Committee 48 hours prior to the memorial submission deadline of the moot court competition.

6. Student(s), participating in more than one moot court competition, shall be allowed to do so ONLY if there is a time period of no less than 30 days between the Memorial Submission deadlines of the two Competitions. The Moot Court Committee shall notify the cancellation of the participation of such student(s) at any time after any information regarding the violation of this rule is ascertained.

7. Violation of any of the above rules and regulations shall be strictly dealt with by the Committee and may attract disqualification from the moot court competition. In case of allowance of participation, it shall lead to cancellation of any reimbursement whatsoever. A maximum ban of one year may also be imposed on the team members concerned from participating in any moot court competition in/outside the University.

8. Under exceptional circumstances, the Moot Court Committee, at its sole discretion, may waive these rules and regulations for the concerned team.

## **ANNEXURE 2**

### **RULES FOR SCREENING PROCESS**

1. After a moot court competition has been allotted through a selection process, every team has the right to induct an additional member(s) under special circumstances.
2. Such additional member(s) have to go through a screening process conducted at a time and place to be notified by the Committee.
3. Additional member(s) must clear the screening process and be declared fit for participation in the moot allocated to them failing which he/she/they shall not be allowed to represent the University in the same.
4. Judges for such screening process shall be appointed at the sole discretion of the Committee.
5. The decision of the judges in the screening process shall be final and binding. The judges may give feedback to the teams.