



Marathwada Legal & General Education Society's

# MANIKCHAND PAHADE LAW COLLEGE AURANGABAD

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

11<sup>th</sup> Rank of IIRF Top 50 Law Colleges (Private) in India

ISO 9001 : 2015

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**Dr. Ch. N. V. Manikyala Rao,**

B. Com, M. L. Ph.D.

*Principal*

Ref. No. MPLCA/2022-'23/

Date: 26/12/2022

To,

The Registrar /Director / HOD / Principal,

*Respected Sir / Madam,*

It gives us immense pleasure to invite your institution to participate in the **XXIII National Moot Court Competition - 2023** is rescheduled on **25<sup>th</sup> & 26<sup>th</sup> March 2023** at **M. P. Law College, Aurangabad, Maharashtra.**

We kindly request you to confirm the participation of your institution by registering 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

**Coordinator**

Dr. A. N. Kottapalle

**IQAC Coordinator**

Mr. S. N. Morey

**Vice Principal**

Dr. C. M. Rao

**Principal  
Principal  
M.P. LAW COLLEGE  
Aurangabad**

**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



Glimpses of XXII National Moot Court Competition 2022  
Preliminary Round





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## XXIII National Moot Court Competition-2023

25<sup>th</sup> & 26<sup>th</sup> March 2023

### **RULES OF THE COMPETITION**

#### **GENERAL RULES**

1. Each team shall comprise of 3 (Three) participants **only** (Mooter 1, Mooter 2 and Researcher) and it must not be less or more than 03 participants.
2. Competition is restricted to bonafide regular students of Law School / College/ University. All participants must be students of either from LL.B. 3 years or 5 years degree course & one team from one college.
3. The participants will have to bear the travelling and all other incidental expenses.
4. Free lodging will be provided to the team of three participants only on the days of the competition i.e. **24<sup>th</sup> March from 5.00 pm to 26<sup>th</sup> March 2023 up to 5.00 pm** and breakfast & lunch will be provided on the days of Competition i.e. **25<sup>th</sup> and 26<sup>th</sup> March 2023**. The Participants should follow disciplinary rules at the accommodation where they will be boarded.
5. Only one team can register from a particular Law School / College/ University.
6. The dress code shall be as prescribed for Advocates.
7. The home team will be eligible for competing in this competition as the moot problems have been framed by others.
8. The language of the competition shall be English only.
9. All the Participating teams shall have to submit soft copies & hard copies of their memorials of all rounds in due time & non-compliance of it shall disqualify team.

### **REGISTRATION & SELECTION PROCEDURE**

10. Provisional Registration shall be done on or before **04<sup>th</sup> March 2023**.
11. Final registration shall be completed on or before **05<sup>th</sup> March 2023** along with duly signed **authority letter** certifying your eligibility & participation from your Institution.
12. All Participating teams shall have to complete their registration process within prescribed time and participants shall send the soft copies of Registration form, Travel plans and Memorials on the following e-mail id :  
[mplcmootproblem@gmail.com](mailto:mplcmootproblem@gmail.com)
13. Participants will be officially communicated about their selection in due course on registered email of participants.
14. Each Team shall have to pay registration fee of **Rs. 3000.00** (Three 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**
15. 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.



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

### **PHASES OF THE COMPETITION**

17. The competition shall have **Three** Rounds (i.e. Preliminary, Semi Final and Final), the Preliminary and Semi Final rounds shall be held on **25<sup>th</sup> March 2023 at 9.00am and 3.00pm** onwards respectively and Final round shall be held on **26<sup>th</sup> March 2023 from 10.00 am** onwards.
18. **There shall be same problem for Preliminary and Semi Final round, however for Final round participants shall have different problem.**
19. **In all the rounds there shall be direct performance of petitioner of a team against respondent of another team in allotted Court rooms according to lots drawn.**
20. **There shall be exchange of memorials of each round on previous day of the Preliminary and final round and few hours before for semi final round.**
21. **Every speaker shall be ready well in advance for his/her performance to maintain time & discipline of the Court.**

#### **PRELIMINARY ROUND**

22. The Preliminary round shall be conducted on **Saturday 25<sup>th</sup> March 2023** from **09:00** onwards in different Court rooms by allotting individual performances by way of drawing lots.
23. **Two Speakers i.e petitioner & respondent of a team shall be arguing in different Court rooms.**
24. The **SIX** teams scoring highest marks in the preliminary round shall be qualified for the **SEMI FINAL** round.
25. **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**

26. The Semi Final round shall be conducted on **25<sup>th</sup> March 2023** from **3.00 pm** onwards in **TWO** Court Halls allotting individual performances by way of drawing of lots.
27. The **THREE** teams scoring highest marks in Semi Final Round shall be qualified for the Final Round.
28. **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**

29. The Final round shall be conducted on **Sunday 26<sup>th</sup> March 2023** from **10:00am** onwards in single Court room by allotting individual performances by way of drawing lots.

**Note:** **In case of a tie between 2 teams in score of marks, Preliminary, Semi Final and Final rounds Marks shall be added and team scoring highest mark shall be qualified for final round**

#### **MEMORIALS**

30. 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.

31. All teams shall submit typed / computerized memorials fulfilling the following specifications.
32. The memorials shall be typed on A-4 size paper with 1 inch 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.
33. 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.
34. 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.
35. 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.**
36. Memorials not following the above specifications shall be disqualified.
37. 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.)**

38. 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](mailto:mplcmootproblem@gmail.com)

### **ORAL SUBMISSIONS (ARGUMENTS)**

- 39.** Oral Submissions of Preliminary round shall be conducted in 05 different Court rooms in accordance with lots drawn & oral submissions of Semi Final round shall be conducted in two court rooms & Final round shall be conducted in a single court room in accordance with lots drawn.
- 40.** The Speakers shall take note that in their respective court rooms only performing speakers shall be allowed to enter and once performance is over they can remain in the court room. However they are not supposed to remain in their court room before their performances.
- 41.** In Preliminary round the 2 speakers of the same team shall be allotted different court room.
- 42.** 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.**
- 43.** No Speaker shall be allowed to address the court for more than the prescribed time without due permission of the Court.
- 44.** No additional documentation shall be allowed & any information which has to be provided to the Court should be submitted beforehand to the organizers as Compendium.

### **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
<b>TOTAL MARKS:</b>	<b>100</b>

#### MISCELLANEOUS

45. 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.
46. The organizers reserve the right to take appropriate action for any unethical, unprofessional and immoral conduct.
47. **The organizer's decision as regards the interpretation of rules or any other matter relating to the competition shall be final.**
48. **If there is any situation, which is not contemplated in the rules, the organizers decision shall be final.**
49. 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. Sudhakar Rao Deshmukh Trophy.**
- II) **Runner up Team cash prize of Rs. 5000/- from college and Late Adv. Shri. Sudhakar Rao 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. Sudhakar Rao Deshmukh Trophy for Best Mooter in all rounds.**
  - ❖ **Ghate Foundation, Aurangabad - Best Mooter Trophy for Preliminary Round.**
  - ❖ **Best Memorial Prize for Final Round from the College**

#### DATES TO REMEMBER - SCHEDULE OF COMPETITION

Sr. No.	Event	Date
1.	Registration opening	26 <sup>th</sup> December 2022

2.	Last date for provisional registration	04 <sup>th</sup> March 2023
3.	Last date for final registration & Submission of soft copies of registration form	05 <sup>th</sup> March 2023
4.	Submission of soft copies of memorials	10 <sup>th</sup> March 2023
5.	Submission of hard copies of memorials along with Compendium, if any	15 <sup>th</sup> March 2023
6.	Orientation of the event	24 <sup>th</sup> March 2023
7.	Date of Preliminary and Semi Final Round	25 <sup>th</sup> March 2023
8.	Date of Final Round	26 <sup>th</sup> March 2023
9.	Valedictory function and prize distribution	26 <sup>th</sup> March 2023

### Contact details

#### Teacher Coordinators

Ms. Pratibha Girbane - 9923484741  
Mr. Abhay Jadhav - 9970449376

#### Student Coordinators

1. Ms. Chaitrali Dabholkar - 9404769201 (Student Convener of Moot Court Association)  
2. Mr. Kaushal Singh: - 8800563532 (Student Co-Convener of Moot Court Association)



*C. M. Rao*  
**Dr. C. M. Rao**

Principal  
M. P. Law College  
Aurangabad.  
Principal  
M.P. LAW COLLEGE  
Aurangabad



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**XXIII National Moot Court Competition-2023**

25<sup>th</sup> March 2023

*Moot Problem for Preliminary and Semi Final Round*

## Anti-Defection Law

### WHAT IS ANTI-DEFECTION LAW:

Initially, the Constitution of Brahmarshtra did not have any mention about the political parties. But gradually when the multi-party system evolved, there had have been defections in the Brahmarshtran Parliamentary System where there have been shift of people from one political party to another which resulted in breaking down of public confidence in a democratic form of Government. Defection is “desertion by one member of the party of his loyalty towards his political party” or basically it means “When an elected representative joins another party without resigning his present party for benefits”.

### FACTS OF THE CASE:

There was a country called Brahmarshtra. It is a democratic country. There were 25 states and 5 union territories. Swarajya was one of the state in the Brahmarshtra. Total strength of assembly seats of Swarajya state is 250. There were need to be at least 126 seats required to come into power in that state. In the state there were 3 main political parties as mentioned below:

- 1) Swarajyasena
- 2) Peoples Liberal Party (PLP)
- 3) National Party (NP)

In 2013 General Assembly Elections result was declared. In that election Swarajyasena was won 90 seats and Peoples Liberal Party(PLP) got 110 seats and National Party got 50 seats . None of the party got a public mandate and they fails to attain majority numbers, which is essential for to form a Government.

Therefore the party Swarajyasena and National Party came together and form Coalition Government named as “Swarajya Vikas Aaghadi(SVA)”.

Dwarkadhish Patil is a president of Swarajyasena took oath as the Chief Minister of Swarajya.

The Government was ruled for 3 years but after on the 14 April 2016, member of legislative assembly whose name is Netaji Wagh from Shyamnagar Constituency.

Due to internal dispute in Swarajyasena party Netaji Wagh was rebelled from his party and join the other party with 74 MLA’s of Swarajyasena without resigning the membership of that party. They formed coalition Government with Peoples Liberal Party which was opposition party and without merged in that party or not declaring other new party. For that reason the president of Swarajyasena Party Dwarkadhish Patil issued WHIP to all party members of Swarajyasena to attain a party meeting. The member of WAGH GROUP (Rebel Group). Not follow WHIP, which was ordered by president of Swarajyasena.

Therefore they were removed from party by President. The leader of rebellion group Mr. Netaji Wagh and their group members claimed that they are member of original Swarajyasena party and ‘Netaji Wagh’ is the president of that party and they claimed the Presidentship and original symbol “Sword and Shield” of Swarajyasena .

On the grounds Provisions provided under Anti-Defection Law, 1985,Dwarkadhish Patil



approach to the Supreme Court of Bramharashtra and file petition for presidentship and original symbol of Swarajyasena and they also requested to court that rebellion member of party should be disqualified from party and terminate their membership of legislative assembly.

#### ISSUES RAISED:

- 1) Does rebellion group have a legal right on party symbol?
- 2) Whether the member of rebel group will disqualified according to Anti-defection Law?
- 3) Is it act of MLA's affect the concept of democracy?
- 4) Is there any need to make strict provisions in Anti-defection Law?



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*Moot Problem for Final Round*

## BNS Quota

In 2019 in the country of Cintra with a population of approximately 130 crores, the Prime Minister Alex Hudson and Government of Pink Flower party has decided to provide 10% reservation to the people of general category in the Educational Institutions and Jobs as well.

### WHAT IS BNS QUOTA?

The BNS quota in the country, which was implemented in 2019, provides reservation to the general category other than TBC, TC and TT, who's having an annual family income is under 8 lakhs

#### FACT: -

PM- HUDSON led government Pink Flower Party brought the BNS quota in 7<sup>th</sup> November 2019, by bringing 103<sup>rd</sup> amendment in the Cintrian Constitution. The provision of BNS quota was added in clause 9 Article 15 and 16 of the constitution. This clause provides reservation to the economically weaker common category given in educational institutions and jobs.

According to the amendment, this reservation can also be implemented by any educational institution, including private ones.

Unlike reservations based on caste and class, the BNS quota provides reservations to the common category of financially weak people. The fact that a person belonging to a common category comes under the BNS depends upon his or his family's annual income should be less than Rs 8 lakh. Here, the source of income also includes agriculture business, and other professions.

#### PETITION AGAINST THE BNS QUOTA: -

In the year 2020 more than 20 petition were filed challenging the constitutional validity of the 103<sup>rd</sup> amendment.

They raised the question that the Amendment violates the basic features of the Constitution and violates the Fundamental Right to Equality under Article 14

#### ISSUE RAISED:-

1. Does it really exert influence on the basic fundamental rights of the constitution?
2. Does Indian society require more reservations like EWS?



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**XXIII National Moot Court Competition-2023**

25<sup>th</sup> & 26<sup>th</sup> March 2023

**Registration Form**

**MPLC-XXIII NATIONAL MOOT COURT COMPETITION- 2023**

**Name & Address of Participating Institution:-**


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Phone No.

E-mail ID

**Name of the Mooter - 1 :-**

Class

Address

Mobile No.

E-mail ID

Passport

Size

Photograph

**Name of the Mooter - 2 :-**

Class

Address

Mobile No.

E-mail ID

Passport

Size

Photograph

**Name of the Researcher :-**

Class

Address

Mobile No.

E-mail ID

Passport

Size

Photograph

**Particulars of Demand Draft**

D.D. No. \_\_\_\_\_ Date \_\_\_\_\_

Bank Name \_\_\_\_\_ Branch \_\_\_\_\_

Mooter	Preliminary Round	Final Round
Mooter 1	Petitioner / Respondent	Petitioner / Respondent
Mooter 2	Petitioner / Respondent	Petitioner / Respondent

(Strike out unnecessary fields.)

**Signature and Seal of Head of the  
Institution.**

**TRAVEL PLANS**

Name of the participating Institution :- \_\_\_\_\_

☺ **Arriving on date :-**

Mode of travel : railways/airways/roadways \_\_\_\_\_

Train name : \_\_\_\_\_

Flight name : \_\_\_\_\_

Bus/travels name : \_\_\_\_\_

Reaching at time : \_\_\_\_\_

☺ **Departure on date :-**

Mode of travel : railways/airways/roadways \_\_\_\_\_

Train name : \_\_\_\_\_

Flight name : \_\_\_\_\_

Bus/travels name : \_\_\_\_\_

Reaching at time : \_\_\_\_\_

**Signature and Seal of Head of the  
Institution**