



Sinhgad Technical Education Society's
Sinhgad Law College,
Ambegaon (Bk.), Pune.

(Approved by Bar Council of India, Recognized by Govt. of Maharashtra & Affiliated to Savitribai Phule
Pune University, Pune)

(Accredited by NAAC with 'B' Grade)

Organizes

4th NATIONAL LEVEL SMT. KASHIBAI NAVALE MOOT COURT COMPETITION, 2018

Inauguration by

Hon'ble Justice Shri. S. D. Gundewar, Former Justice of Bombay High Court.

On Friday & Saturday, 23rd & 24th February, 2018

ABOUT SINHGAD TECHNICAL EDUCATION SOCIETY:

Sinhgad Technical Education Society was established with an objective to provide quality education from school to post-graduation programme in all disciplines. At present, Sinhgad Technical Education Society and its associates are running 85 institutions, housed in fully developed campus, imparting education to approximately 70,000 students. The locations of these campuses are in pollution-free, lush green and picturesque environment conducive to learning. All campuses have excellent hostel facilities and other student's amenities like well-equipped Central Library, Internet Facilities, Auditoriums, Seminar Halls, Open-air Theatre, ATM Centre, Clinics, and Market for essential commodities, Banks etc.

ABOUT SINHGAD LAW COLLEGE, PUNE:

Sinhgad Law College is situated in the spacious location at Ambegaon (Bk.), STES Ambegaon Campus, Pune a pollution free and lovable place, providing congenial environment, conducive to all round development of the students.

Sinhgad Law College was established in the year 2003 under the dynamic leadership of Prof. M.N. Navale. The college offers career in legal studies through LL.B. (Three Years) and B.A. LL.B. / B.S.L., LL.B. (Five Years) courses. The College also runs the other specialized courses like Diploma in Labour Laws and Labour Welfare, Diploma in Taxation Laws and Certificate Course in Forensic and Medical Jurisprudence. There is well qualified Teaching Staff, well-equipped Library, separate Computer Laboratory and other infra-structural facilities conducive for learning and development.

Our commitment is to impart quality legal education through highly qualified and experienced lecturers along with clinical educational inputs through Moot Courts, Debates, Legal Literacy Camps and Research activities.

With a view to provide practical experience and to inculcate lawyering skills among the students, Sinhgad Law College is organizing the National Level Moot Court Competition on Friday & Saturday, **23rd & 24th February, 2018** in the memory of Smt. Kashibai Navale, the source of inspiration behind entire Sinhgad Institutes.

RULES FOR MOOT COURT COMPETITION:

1. **Title:** The Moot Court Competition will be called as '**4th National Level Smt. Kashibai Navale Moot Court Competition, 2018**'.
2. **Date:** The Competition will be held on Friday & Saturday, 23rd & 24th February, 2018 as per schedule.
3. **Venue:** The Competition will be held within the premises of Sinhgad Law College, Ambegaon (Bk), Pune.
4. **Registration:** Teams must register on or before Friday, **19th January, 2018**.
 - i) The hard copies of the registration form and Cash / Demand Draft must be submitted to administrative office of Sinhgad law college, Pune on or before 19th Jan 2018 before 5.00 PM.
 - ii) The formal registration of the teams will be done on 23th February 2018 between 2.00 pm to 3.30 pm. Spot registration will not be allowed.
5. **Registration Fees:** The registration fees will be **Rs. 1500 per team** which comprises of two members i.e. two speakers.
6. **Mode of Payment:** Registration fees can be paid in cash or through Demand Draft drawn on any Nationalized Bank. DD must be drawn in favor of '**Sinhgad Law College**', payable at Pune. Fee includes registration, breakfast and lunch on the date of competition i.e. 24th February. Fees should be paid on or before **19th January, 2018**.
7. **Language:** The official language of the Competition is English. The memorials as well as oral submissions have to be made in English language only.
8. **Eligibility:** The Competition is open for the students pursuing FIVE YEAR LL.B. programme or THREE YEAR LL.B. programme from any law college recognized by their respective universities and approved by Bar Council of India. The students must have a valid identity card of the concerned college of academic year 2017-2018.
9. **Team Composition:**
 - i) Each team must consist of two members.
 - ii) Any additional member will not be entitled to any local hospitality or award or prize or certificate in the competition.
 - iii) If any member of the team is found to resorting to unfair means, the team shall stand disqualified from the competition at any stage.
10. **Accommodation:** The teams are requested to communicate to us yours travel and accommodation plans along with the registration form. The teams from outside Pune district will be provided with overnight accommodation at their request subject to availability of room in Sinhgad Hostels in Vadgaon Campus. Participants should bear nominal guest hostel fee for one day i.e. approximately Rs. 100 per candidate without food. Participants to whom accommodation is provided, they should report to co-coordinator on 23rd February 2018.
11. **Dress Code:** The participating members are required to be formally dressed in black and white.
12. **Structure of the Competition:**
 - i) **Formal Registration:** It will be done on the first day of the competition i.e. 23rd February, 2018 between 2.00 pm to 3.30 pm.
 - ii) **Drawing of lots:** Drawing of lots will be done on 23rd February, 2018 from 3.30 pm to 5.30 pm wherein the teams will get their opponent teams, their court room in which preliminary round will be held and also will get the memorials of the opponent team. Both the speakers of the team will present from one side only and the side will be allotted to them at the time of drawing of lots through chits.

- iii) **Inauguration:** The formal commencement of the competition shall commence with the inauguration on 24th February, 2018 at 11.00 am.
- iv) **Rounds:** The Competition will be held in three rounds as under:
- Preliminary Round
 - Semi Final Round
 - Final Round
- v) **Memorials:**
- Memorials must be submitted in five copies for each side (appellant & respondent).
 - Color Code: **Blue** Cover for **Appellant**, **Red** Cover for **Respondent**.
 - Typed on A4 size paper with one side printing, Font: Times New Roman, Font Size: 12, Spacing 1.5, Footnote Font: Times New Roman, & Font Size: 10.
 - Memorials must contain: I Title page, II Table of Contents, III Statement of Fact, IV Statement of Jurisdiction, V Statement of Issues, VI Arguments Advanced VII Prayer, VIII Bibliography/ Webliography.
 - Last date for submission of memorials is **06th February, 2018** before 5.00 pm.
 - Once you submit your memorials it will not be returned to you by Organizer.
- vi) **Time:** Each team at all the rounds will get 20 minutes to speak (10 minutes each speaker), 5 minutes for rebuttal and 5 minutes for Judge's questions. Thus, in all, each team will get 30 minutes. If the team is not interested in doing rebuttals then five minutes reserved for rebuttals can be used up at the time of initial submission itself.
- vii) **Preliminary Round:**
- The Preliminary Round will start sharp at 9.00 am.
 - The Preliminary Round will be held simultaneously in different Court rooms and in each Court room there will be two judges.
 - One team from one court room who scoring highest marks in preliminary round will be selected and will go for the semi Final Round. So there will be eight teams in the semi Final Round but two teams should not from same court room.
- viii) **Semi Final Round:**
- Semi Final Round will start at 12.00 noon.
 - Moot court problem will be same for semi final round.
 - The Semi final Round will be held simultaneously in different Court Rooms and in each Court Room there will be two judges.
 - One team from one court room who scoring highest marks in Semi Final round will be selected and will go for the Final Round. So there will be two teams in the Final Round but two teams should not from same court room.
- ix) **Final Round:**
- Final round will start at 3.00 pm.
 - There will be two teams but not from same court, who had scored highest in Semi final round, will participate in the Final Round.
 - Final round will be conducted in the moot court hall and there will be three judges.
 - Moot court problem will be same for final round.
 - Whoever team secure third position as per marks in semifinal round will be considered for third prize.

13. Assessment Criteria: The decision of the judges will be final and no disputes will be entertained with respect to it. The following will be the Marking Criteria and the marks will be given to each speaker by the judges in each round.

Sr. No.	Marking Criteria	Marks Allocated for Pre Round	Marks Allocated for Semi Final & Final Round
1	Knowledge of Facts	16	20
2	Application of Legal Principles	16	20

3	Use of Authorities and Precedents	16	20
4	Response to Judge's Questions	16	20
5	Presentation skills	16	20
6	Memorial of Both Side (appellant/respondent)	20	---
	Total	100	100

14. Awards:

- First:** Rs 15000 Cash + Trophy + Certificate
- Second:** Rs 10000 Cash + Trophy + Certificate
- Third:** Rs 7000 Cash + Trophy + Certificate
- Best Memorial:** Trophy + Certificate
- All participants will be given a Participation Certificate.**

15. Contact Details:

- Postal Address:** Sinhgad Law College, S. No. 10/1, S.T.E.S. Ambegaon Campus, Ambegaon (Bk.), Pune – 411041.
- Email Id:** principal_slc@sinhgad.edu **Website:** www.sinhgad.edu
- Phone:** 020-24350595 **Fax:** 020-24350595
- Contact Person:** Mr. Shivshankar Kalshetti (Co-ordinator) Mob no: 7769921210

16. Annexure:

- Registration Form**
- And**
- ii) Moot Court Problem**

Note: The decision of the organizers of this moot court competition, regarding any dispute will be final.

IMPORTANT DATES

Sr. No.	Date	Time	Events
1	19-Jan-2018	Up to 5.00 pm	Last date for Registration of Teams.
2	31-Jan-2018	Up to 5.00 pm	Last date for seeking clarifications in the Moot Problem or Rules, if any.
3	06-Feb-2018	Up to 5.00 pm	Last date for submission of hard copy of Memorial and Compendium.

SCHEDULE OF PROGRAMME OF MOOT COURT COMPETITION, 2018

1	23-Feb-2018	2.00 to 3.30 pm	Formal Registration of Teams
2	23-Feb-2018	3.30 to 5.30 pm	Drawing of Lots & Exchange of Memorial
3	24-Feb-2018	8.00 to 9.00 am	Breakfast & Tea at Sinhgad Law College, Pune
4	24-Feb-2018	9.00 to 11.00 am	Preliminary Round of Competition
5	24-Feb-2018	11.00 to 11.30 am	Inauguration by Hon'ble Former Justice Shri. S. D. Gundewar , Bombay High Court, Mumbai
6	24-Feb-2018	11.30 to 12.00 pm	Tea Break
7	24-Feb-2018	12.00 to 2.00 pm	Semi Final Round of Competition
8	24-Feb-2018	2.00 to 3.00 pm	Lunch Break
9	24-Feb-2018	3.00 to 4.00 pm	Final Rounds at Moot Court Hall, Sinhgad Law College, Pune
10	24-Feb-2018	4.00 to 4.15 pm	Tea Break
11	24-Feb-2018	4.15 to 5.00 pm	Prize Distribution & Valedictory Session

CHIEF PATRONS

Prof. M. N. Navale
Founder President, STES, Pune

Dr. (Mrs.) Sunanda M. Navale
Founder Secretary, STES, Pune

Mr. Rohit M. Navale
Vice-President (HR), STES, Pune

Mrs. Rachana Navale - Ashtekar
Vice-President (Admin.), STES, Pune

CONVENER

Dr. Chettiar Arunachalam
Principal, Sinhgad Law College, Pune
Mob: 9869624555

CO-ORDINATOR

Mr. Shivshankar G. Kalshetti, Asst. Professor
Mob: 7769921210

ASST. CO-ORDINATOR

Mr. Damodar Hake, Asst. Professor
Mob: 9975971856
Mrs. Manjusha A. Mudgalkar, Asst. Professor
Mob: 7722073143

MOOT COURT SOCIETY

Mr. Ajinkya Shedge 8888358025
Mr. George Thomas 9594315664
Mr. Sarosh Krishnan 8698488181
Mr. Indrajeet Deshmukh 9049495163
Ms. Aishwarya Kadam 9881883002
Ms. Prachi Mehto 7066941845

VENUE

Sinhgad Technical Education Society's
Sinhgad Law College,
S.No.10/1, Ambegaon (Bk.), Pune-411 041

ANNEXURE I

4th NATIONAL LEVEL SMT. KASHIBAI NAVALE MOOT COURT COMPETITION, 2018 REGISTRATION FORM

1. Name of the Institution: _____

2. Address of the Institution: _____

3. Email Id & Contact details of the Institution: _____

4. Details of Payment

DD

Cash

DD Number	Amount	Date	Name of Drawer Bank

5. Details of Team Members:

	Name	Contact No	Email Id	Class	Photo
Speaker No. 1					
Speaker No. 2					

Seal and Signature of the Head of the Institution

ANNEXURE II**Moot Problem****Rubina Tamboli V. State of Saurashtra**

The economy of the State is still predominantly agricultural. In the agricultural sector, use of cattle for milch, draught, breeding or agricultural purposes always has great importance. It has, therefore, become necessary to emphasis preservation and protection of agricultural animals like bulls and bullocks. With the growing adoption of non-conventional energy sources like bio-gas plants, even waste material have come to assume considerable value. After the cattle cease to be useful for the purpose of breeding or are too old to do work, they still continue to give dung for fuel, manure and bio-gas and, therefore, they cannot, any time, be said to be useless. It is well accepted that the backbone of Indian agriculture is, in a manner of speaking, the cow and her progeny and they have, on their back, the whole structure of the Indian agriculture and its economic system. So govt impose total prohibition on slaughter of the progeny of cow.

Certain other provisions which it is felt by the Government would help in effecting the implementation of such total ban are also being incorporated such as provision for prohibition on the transport, export, sale or purchase of the above category of cattle for slaughter, in regard to entry, search and seizure of the place and vehicles where there is a suspicion of such offences being committed, provision placing the burden of proof on the accused, provision regarding custody of the seized cattle, pending trial with the Goshala or Panjarapole or such other Animal Welfare Organisations which are willing to accept such custody and the provision relating to liability for the payment of maintenance of such seized cattle for the period they remained in the custody of any of such charitable organisations by the accused.

It can be said that by the Amendment Act, a complete ban on slaughter of bulls and bullocks in the State has been imposed by amending Section 5 of the Animal Preservation Act in addition to complete ban on the slaughter of Cow which was already provided in unamended Section 5. Under the unamended Animal Preservation Act, bulls and bullocks were scheduled animals which could be slaughtered only after obtaining a certificate of the Competent Authority in accordance with Sub-Section (1) of Section 6.

Sub-Section (2) of Section 6 provided that no certificate as contemplated by Sub-Section (1) would be granted unless the conditions specified in Sub-Section (2) were satisfied. Section 6 of the Act empowers competent authority to issue certificate for slaughter of the scheduled animals, but such certificate is not to be granted if in the opinion of that competent authority the animal is or is likely to become useful for draught, agricultural operations, breeding, giving milk or bearing offspring.

Now after the coming into force of the Amendment Act, only female buffalos and buffalo calves continue to be scheduled animals as bulls and bullocks have been removed from the Schedule.

By introducing Section 5A, a complete ban on transport of cow, bull or bullock from any place in the State to any place outside the State for the purpose of its slaughter has been

imposed. By the same Section, a complete ban on export outside the State of Maharashtra of cow, bull and bullock for the purpose of slaughter has been imposed.

Section 5B provides for a ban on purchase, sale or otherwise disposal of any cow, bull or bullock for its slaughter.

Section 5C imposes a prohibition on any person possessing flesh of any cow, bull or bullock slaughtered in contravention of the provisions of the Animal Preservation Act.

Section 5D provides that no person shall have in his possession flesh of any cow, bull or bullock slaughtered outside the State of Saurashtra.

Section 9A, it is provided that violation of Sections 5C, 5D or 6 shall be an offence. By amending Section 9, even violation of Sections 5A and 5B has been made an offence. A very drastic provision putting a negative burden on the accused at the time of trial of the offences punishable under Sections 9 and 9A has been introduced by way of Section 9B which provides that at the time of the trial, the burden of proving that the slaughter, transport, export, sale, purchase or possession of flesh of cow, bull or bullock was not in contravention of the provisions of the Animal Preservation Act shall be on the accused. It is also being provided for enhancement of penalty of imprisonment for certain kind of offences under Section 9 of the Act from six months to five years and of fine of one thousand rupees to ten thousand rupees and with a view to curb the tendency towards such offences also making such offences non-bailable so as to serve as deterrent.

The Petitioner, who is a citizen of India, practising Advocate & owners of the cattle, cattle dealers and butchers and beef sellers and the owners of leather industry has filed this Petition before high court for a declaration that the provisions of Sections 5, 5A, 5C, 5D, 6 as well as Sections 9, 9A & 9B of the Animal Preservation Act are unconstitutional, illegal and null and void.

In this Petition, High Court has hold and declare that Section 5, Section 5A, Section 5B, Section 5C, Sub sections (3) and (4) of Section 8, Section 9 and Section 9A of the Saurashtra Animal Preservation Act, 1986 as amended/inserted by the Saurashtra Act of 2005 are constitutional, valid and legal; And Section 5D and 9B of the Saurashtra Animal Preservation Act, 2005 is struck down on the ground that the same infringes the fundamental right guaranteed under the Constitution of India;

Petitioner being aggrieved from above judgment filed appeal before the Supreme Court. This matter is posted for final hearing.

Note: All Indian Laws are applicable to above Moot Problem. Participants can frame any three suitable and relevant issues for final hearing/arguments before Supreme Court.