



Sinhgad Institutes

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

FIRST SMT. KASHIBAI NVALE MOOT COURT COMPETITION, 2015

On Saturday, 24th January, 2015

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 117 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 students' amenities like well-equipped Central Library, Internet Facilities, Auditoriums, Seminar Halls, Open-air Theatre, ATM Centers, 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 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 Moot Court Competition on Saturday, 24th January, 2015, 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 ‘**Smt. Kashibai Navale Moot Court Competition, 2015**’.
2. **Date:** The Competition will be held on Saturday, 24th January, 2015 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 **Thursday, 15th January, 2015**.
 - i) The hard copies of the registration form and Cash / Demand Draft must be submitted to Sinhgad law college, Pune on or before 15th Jan 2015 before 5.00 pm.
 - ii) The formal registration of the teams will be done on the date of the competition between 9.15 am to 10.15 am. Spot registration will not be allowed.
5. **Registration Fees:** The registration fees will be **Rs. 500 per team** which comprises of two members (speakers only).
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 favour of ‘**Sinhgad Law College**’, payable at **Pune**. Fee includes registration, breakfast, and lunch. Cash payment of registration fees can also be made in the administrative office of Sinhgad Law College, Pune. Fees should be paid on or before **15th January, 2015**.
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. program or THREE YEAR LL.B. program from any law college recognized by their respective universities and by Bar Council of India and situated within the State of Maharashtra. The students must have a valid identity card of the concerned college of academic year 2014-2015.
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:** As the competition is of one day, no accommodation will be provided by the college to the participants. But if any assistance is needed, it will be provided by the college, the participants will have to bear the expenses for the same.
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 day of the competition i.e. 24th January, 2015 between 9.15 am to 10.15 am.
 - ii) **Drawing of lots:** Drawing of lots will be done on 24th January, 2015 from 10.15 am to 10.45 am 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 January, 2015 at 10.45 am
 - iv) **Rounds:** The Competition will be held in two rounds as under:
 - a. Preliminary Round
 - b. Final Round
 - v) **Memorials:**
 - a) Memorials must be submitted in four copies for each side (appellant & respondent).
 - b) Color Code: **Red** Cover for **Appellant**, **Blue** Cover for **Respondent**.
 - c) 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.

- d) 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
- e) Last date for submission of memorials is **15th January, 2015** before 5.00 pm.
- f) 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:**
 - a. The Preliminary Round will start sharp at 11.45 am.
 - b. The Preliminary Round will be held simultaneously in different Court Rooms and in each Court room there will be two judges.
 - c. Two teams scoring highest marks in preliminary round will be selected and will go for the Final Round. So there will be two teams in the Final Round.
- viii) **Final Round:**
 - a. Final round will start at 2.45 pm.
 - b. Two teams who had scored highest in preliminary round, will participate in the Final Round.
 - c. Final round will be conducted in the moot court hall and there will be three judges.
 - d. Moot court problem will be same for final round.

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 the round.

| Sr. No. | Marking Criteria | Marks Allocated |
|---------|-----------------------------------|-----------------|
| 1 | Knowledge of Facts | 20 |
| 2 | Application of Legal Principles | 20 |
| 3 | Use of Authorities and Precedents | 20 |
| 4 | Response to Judge's Questions | 20 |
| 5 | Presentation Skills | 20 |
| | Total | 100 |

14. Awards:

- a. **First:** 5000 Cash + Trophy + Certificate
- b. **Second:** 3000 Cash + Trophy + Certificate
- c. **Third:** Trophy + Certificate
- d. All participants will be given a Participation Certificate.

15. Contact Details:

- a. **Postal Address:** Sinhgad Law College, S. No. 10/1, S.T.E.S. Ambegaon Campus, Ambegaon (Bk.), Pune – 411041.
- b. **Email Id:** principal_slc@sinhgad.edu **Website:** www.sinhgad.edu
- c. **Phone:** 020-24350595 **Fax:** 020-24350595
- d. **Contact Persons:** Mr. Shivshankar Kalshetti (Co-ordinator) Mob no. 7769921210
Mrs. Manjusha Mudgalkar (Asst. Co-ordinator) Mob no. 9420177275

16. Annexure:

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

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

ANNEXURE I

MOOT COURT PROBLEM

Surashtra is a state in India and its State Legislature has passed legislation ‘**Surashtra Panchayat Raj Act, 2008**’ which came into effect from 1st February, 2008. This Act was enacted to bring the legislation in conformity with Part IX of the Constitution of India relating to 'The Panchayats' added by the Seventy-third Amendment. One of the objectives set out in the Statement of Objects and Reasons of this Act is to disqualify persons for election of Panchayats at each level, having more than 2 children after one year of the date of commencement of this Act, to popularize Family Welfare/Family Planning Programme. The relevant provisions from this enactment are reproduced here:

Sec. 132: No person shall be a Sarpanch or a Panch of a Gram Panchayat or a member of a Panchayat Samiti or Zila Parishad or continue as such who –

.....

(d) has more than two living children :

Provided that a person having more than two children on or upto the expiry of one year of the commencement of this Act, shall not be deemed to be disqualified;

Sec.137(1) If any member of a Gram Panchayat, Panchayat Samiti or Zila Parishad -

(a) Who is elected, as such, was subject to any of the disqualifications mentioned in section 132 at time of his election;

(b) during the term for which he has been elected, incurs any of the disqualifications mentioned in section 132, shall be disqualified from continuing to be a member and his office shall become vacant.

(2) In every case, the question whether a vacancy has arisen shall be decided by the Director. The Director may give its decision either on an application made to it by any person, or on its own motion. Until the Director decides that the vacancy has arisen, the members shall not be disqualified under sub-section (1) from continuing to be a member. Any person aggrieved by the decision of the Director may, within a period of fifteen days from the date of such decision, appeal to the State Government and the orders passed by the State Government in such appeal shall be final:

Provided that no order shall be passed under this sub-section by the Director against any member without giving him a reasonable opportunity of being heard.

Sec.141: State Government shall appoint a Director for carrying out the purposes of this Act.

One Mr. Ismail Ahmed is being elected as the Panch of Village Sonapur, Situated in Surashtra since 2002. He got elected as a panch member in the year 2002 first and was again elected as a member of gram panchayat in the year 2007. He is a very popular social worker of that region, has been actively involved in ameliorating the condition of the village by carrying out various developmental activities like water harvesting, establishment of school in the village, starting household business for women through *bachat gat*, establishing toilets in each home and so on and so forth. Villagers look upon him as their guide. It is worthy to note that he has been successful in doing all this at very young age.

In 2007 elections, again he was elected as a member of the gram panchayat and by majority was also elected as the Sarpanch of Village Sonapur. As permitted by Muslim Personal Law Ismail had two wives, one named Afsana, and the other named Sarah. Both the wives were living in the village Sonapur, but at

different locations. Ismail had one son named 'Ayan' from his wife Afsana. On 2nd May, 2010, twin children, one son 'Aman' and one daughter 'Zora' were born to Ismail from his 2nd wife Sarah.

One Mr. Raj Shekhar was another political leader and a leading cloth merchant in that area. He stood for elections in opposite to Ismail Ahmed for the seat of Sarpanch but could not win. When he got to know that Ismail's wife Sarah has given birth to twins, he on 14th May 2010 applied to the Director appointed by the State Government under Surashtra Panchayat Raj Act, 2008 that Mr. Ismail Ahmed has become subject to the disqualification mentioned under Section 132 (d) and Section 137(1) (b) of the Surashtra Panchayat Raj Act, 2008 and therefore he should be disqualified from holding the seat of Sarpanch of the village Sonapur.

Thereafter a show cause notice was served to Mr. Ismail Ahmed by the Director on 20th May, 2010 calling upon to present his case and to state the reasons as to why he should not be disqualified from the post of 'Sarpanch'. The notice was received by Mr. Ismail Ahmed on 25th May, 2010. After receiving notice, Mr. Ismail Ahmed replied in writing to the Director specifying that although he has three children and apparently seems to be affected by the disqualification specified in section 132(d), but twins were born to his second wife over which he had no control. Later on Mr. Ismail Ahmed and Mr. Raj Shekhar also attended the oral hearing before the Director held on 15th June, 2010. On the same day, Director passed an order stating that as Mr. Ismail Ahmed has three children, he is directly affected by the disqualification mentioned in Section 132(d) & 137(1)(b) of the Surashtra Panchayat Raj Act, 2008 and therefore his seat as Sarpanch as well as membership of Gram Panchayat of Sonapur declared to have become vacant from 16th June, 2010.

Aggrieved by the said order of the Director, Mr. Ismail Ahmed on 22nd June, 2010, appealed to the State Government u/s 137(2). The State Government vide its order dated 15th July, 2010, confirmed the order of the Director.

Being aggrieved by this order of the State Government, Mr. Ismail Ahmed has approached the Supreme Court. Apart from challenging the order of the State Government, he also challenged the validity of Section 132 (d) and Section 137(1) (b) read with Section 132 (d) of the Surashtra Panchayat Raj Act, 2008 on the following grounds:

- (i) That the provision U/Sec 132 (d) and Sec.137 (1) (b) is arbitrary and discriminatory and hence violative to Article 14 of the Constitution;
- (ii) That the classification made by the Surashtra Panchayat Raj Act, 2008 is unreasonable and therefore violative of Article 14 of the Constitution;
- (iii) That the provision is violative of Article 21 of the Constitution; and
- (iv) That the provision interferes with freedom of religion and hence violates Article 25 of the Constitution.

ANNEXURE II

FIRST SMT. KASHIBAI NVALE MOOT COURT COMPETITION 2015

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:

i. Speaker No. 1

1. Name:
2. Contact No:
3. Email Id:
4. Class:

PHOTO

ii. Speaker No. 2

1. Name:
2. Contact No:
3. Email Id:
4. Class:

PHOTO

Seal and Signature of the Head of the Institution

IMPORTANT DATES

| Sr.No. | Date | Time | Events |
|--------|-------------|---------------|--|
| 1 | 15-Jan-2015 | Up to 5.00 pm | Last date for Registration of Teams |
| 2 | 15-Jan-2015 | Up to 5.00 pm | Last date for seeking clarifications in the Moot Problem or Rules, if any. |
| 3 | 15-Jan-2015 | Up to 5.00 pm | Last date for submission of hard copy of Memorial and Compendium. |

SCHEDULE OF PROGRAMME OF MOOT COURT COMPETITION, 2014-2015

| | | | |
|---|-------------|------------------|--|
| 1 | 24-Jan-2015 | 9.15 to 10.15 am | Formal Registration of Teams & Breakfast at Sinhgad Law College, Pune. |
| 2 | 24-Jan-2015 | 10.15to 10.45am | Drawing of Lots |
| 3 | 24-Jan-2015 | 10.45 to 11.30am | Inauguration of Smt. Kashibai Navale Moot Court Competition, 2015. |
| 4 | 24-Jan-2015 | 11.30to 11.45 am | Tea Break |
| 5 | 24-Jan-2015 | 11.45 to 1.45 pm | Preliminary Rounds at Sinhgad Law College, Pune. |
| 6 | 24-Jan-2015 | 1.45 to 2.45 pm | Lunch Break |
| 7 | 24-Jan-2015 | 2.45 to 3.45 pm | Final Rounds at Moot Court Hall, Sinhgad Law College, Pune. |
| 8 | 24-Jan-2015 | 3.45 to 4.00 pm | Tea Break |
| 9 | 24-Jan-2015 | 4.00 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

Ms. Rachana M. Navale
Vice-President (Admin.), STES, Pune

CONVENER

Dr. H.G. Kulkarni
Principal, Sinhgad Law College, Pune
Mob: 9822072275

CO-ORDINATOR

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

ASST. CO-ORDINATOR

Mrs. Manjusha A. Mudgalkar, Asst. Professor
Mob: 9420177275

VENUE

Sinhgad Technical Education Society's
Sinhgad Law College,
S.No.10/1, Ambegaon (Bk.), Pune-411 041
Phone No: 020-24350595
Fax No: 020-24350595
Date: 24th January, 2015
Time: 9.15 a.m. to 5.00 p.m.