

**MALAD KANDIVALI EDUCATION
SOCIETY'S COLLEGE OF LAW
PRESENTS**



चांदीहांग
Law Rules... Rule Laws... **2017**

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ABOUT OUR COLLEGE

Our philosophy on education is driven by our mission of providing integral and transformational education to our students. We firmly believe that education must not be limited purely to academic learning. At M.K.E.S, our focus is to develop all faculties of an individual to ensure holistic development. Mental Education to develop high levels of concentration, Vital Education for the development of one's character, Physical Education for team building and collaboration, and Spiritual Education for the growth of consciousness and the development of values.

ABOUT VIDHIGYAAN

‘**VIDHIGYAAN**’ is an inter-collegiate Law & cultural youth festival organized by the students of M.K.E.S College of Law. ‘**VIDHIGYAAN**’ provides an ideal platform for the students of various colleges to showcase their talents.

It provides an opportunity for students to come together, interact, to get motivated with the experience gained through Participation & Competition. It endeavours to bring together the creativity, intellect and wackiness of youth.

It provides an opportunity to each and every student of different college to display their talent and nurture it further. The events organized are unique, fun enduring & treasure able.

We strongly believe that there is a bit of Art in every heart & ‘**VIDHIGYAAN**’ helps to unleash it. We are extremely optimistic that this year’s ‘**VIDHIGYAAN**’ will be a big success & attract great participation. ‘**VIDHIGYAAN**’ shall create history with great success and blossom not only qualitatively but also quantitatively.

VIDHIGYAAN, will have legal events such as the moot court competition, drafting, client counselling etc. This year we at **VIDHIGYAAN** will be covering a vast number of events. As we believe to break the boundaries of a cliché law fest, we have introduced a large number of events.

EVENT LIST

1. MOOT COURT COMPETITION
2. BOLLYWOOD MOOT COURT
3. AD O MANIA
4. DRAFTING
5. CLIENT COUNSELLING

INTRODUCTION

Mooting is an important part of a student's life in law school, and to hone the talent and skills of young mooters who have only started with their journey in law, M.K.E.S has endeavoured to provide them a suitable platform with this moot court competition.

We at M.K.E.S, believe in the strength of the non-conventional methods for imparting legal knowledge and mooting being an integral part of this method, offers to the law students the art of persuasion and application of the laws to real facts, without having to gain such experience at the risk of inadvertently damaging a real client's interest.

After the commencement of our 1st National Moot Court Competition which due to overwhelming response was a great success, this year Team Vidhigyaan have organized the 2nd National Level Moot Competition which is an attempt to afford students with fair opportunities of learning and it serves as a concurrence of their academic appraisal with the pragmatic sensibility.

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MOOT PROBLEM

Deepali Sharma was an Indian businesswoman and the wife of Indian diplomat and politician Karan Sharma. On 15 January 2014, a series of intimate messages, supposedly sent by the journalist Nikita Khatwani to Sharma, were posted on Sharma's Twitter account. The messages proclaimed Khatwani's love for Sharma. Khatwani tried to downplay the incident by stating that her account had been hacked. However, Deepali later stated that the account had not been hacked and that she had posted the messages to expose what she believed to be Khatwani's stalking of her husband.

On 17 January 2014, a day after the Twitter controversy, Deepali was found dead in room number 554 of the Sai Palace hotel in Malwad, Mumbai. Karan Sharma discovered her body, when she did not wake up from her sleep in the evening. He informed the Mumbai Police, who recovered the body from the hotel and sent it for post mortem. According to initial reports, Deepali was suspected to have committed suicide.

Later reports stated that the cause of death was unnatural; the doctors at the **All India Institute of Medical Sciences** gave a preliminary autopsy report that revealed injury marks on her body. They said that these injuries may or may not be the cause of death. The autopsy indicated that she died of drug overdose, most likely a combination of sedatives, other strong medicines and probably alcohol. Doctors at KIPS Hospital Bandra, who had examined her a few days earlier said that Deepali did not have serious health problems. However, Deepali had hinted about her death, hours before her body was recovered from the hotel.

On 1 July 2014, controversy over her death deepened when AIIMS doctor Sudhir Mishra claimed that he was pressured to give a false report in the case. Also, Aniket Madkaiker, an alleged hawala dealer and meat exporter, had been in touch with Deepali Sharma through exchange of messages on Blackberry.

Making public the details of BBM texts exchanged between Sharma and Madkaiker, Zoot News revealed that Sharma had invited Madkaiker for dinner at Mumbra's 4 Lak Drive, PLHF Chattarampur Farms in August 2013.

According to the transcripts, a BBM text that Sharma sent on 17 March, read: "Is everything okay in your factory? we missed you... But having another dinner, do come. Hey Aniket, Karan and I would be delighted if you would join us for dinner at our home, 97, Lucky Estate, at 8:30 pm on Wednesday. A chance to be convivial before the Parliament recess, Love Deepali."

Madkaiker replied by saying "Thanks, all under control now. Darling, I am in Lahore on March 20. Will meet up when back. Thanks for the invite. Love Aniket." In another conversation between the two, Madkaiker on 21 August, 2013 wrote: "Hope will see you both for dinner at 9 pm at 4 Lak drive."

On 10 October 2014 the medical team probing her death concluded that she died of poisoning. On 6 January 2015 Mumbra Police reported that Deepali was murdered and filed FIR in the regard.

The City Civil and Sessions Court, Malwad, Mumbra passed a judgment and order dated August 25, 2015, convicting Karan Sharma under Section 302 of the Indian Penal Code on the charge of murder of his wife, Deepali Sharma, and sentencing him to death penalty. An appeal was filed by Karan before the Mumbra High Court, praying that the impugned judgment and order of the Sessions Court be set aside and the conviction and sentence passed by the Sessions courts below be reversed. The counsel for appellant argues that the entire case of the State is based on circumstantial evidence. Hence, the guilt of the appellant is not established beyond reasonable doubt. The appellant also challenges the imposition of death penalty in the present case.

The Hon'ble High Court has posted the case for hearing of both the parties.

The Constitution of Indiva is similar to that of the Constitution of India.

Note: Participants are permitted to raise issues they deem necessary.

RULES AND REGULATIONS

DATE OF COMPETITION

MKES College of Law Inter-Collegiate National Moot-court Competition shall be held on **6th and 7th January 2017** at MKES College of Law, Bhadran Nagar, Malad (w), Mumbai-400 064.

VENUE OF COMPETITION

Auditorium Hall, Nagindas Khandwala College of Arts, Science and Commerce, Bhadran Nagar, Malad (west)

LANGUAGE

The Competition shall be held in English only.

ELIGIBILITY

Competition is restricted to bonafide regular students of Law school/College/University. All participants must be students of 3 years /5 years law course in the academic year 2016-17.

TEAM COMPOSITION

1) Each college shall send only one team which shall comprise of Minimum **Two** and Maximum **Three** members. This number

cannot be modified under any circumstances.

2) Each team shall comprise of **Two Mooters** and **One Researcher**. Each team should identify such speakers and

Researcher during registration. The researcher won't be allowed to speak except under special cases and only with express permission of the organizers/Judges.

3) Each team will be given a **unique team code number** which will thereafter be the identity of the team and its members.

4) During the course of the competition, the identity of the team must not be disclosed to the judges or to any other person. Any such disclosure shall lead to disqualification. The decision for the same shall be at the discretion of the organizers.

5) The teams of respective institutions shall have to bear travelling expenses although accommodation will only be provided to outstation teams and prior intimation of the same is required.

6) The charges for accommodation will be for the whole team for 3 days i.e. 5th,6th and 7th of January, 2017.

REGISTRATION

Teams must register themselves latest by **10th December, 2016**.

Registration form duly signed by participants and the principal of the concerned college should be sent to **Principal, MKES**

College of Law, Bhavishya Bharat Campus , Gate No. 4, S.V.Road , Malad (west), Mumbai – 400064.

REGISTRATION FEES

Rs.3000/- per team payable by Demand Draft or Cheque in the name of “MKES COLLEGE OF LAW”, at the time of registration.

REGISTRATION FEES FOR ACCOMODATION (OUTSTATION PARTICIPANTS ONLY)

Rs.2500/- per team payable by Demand Draft or Cheque in the name of “MKES COLLEGE OF LAW”, at the time of registration.

ROUNDS

1) The Moot court Competition shall comprise of following two rounds.

I) Preliminary Round.

II) Final round.

2) After inaugural ceremony, the Preliminary Round will commence at allotted classrooms. There will be draw of lots and the team of each college as per draw may have to argue either for Petitioner or for Respondent.

3) Preliminary round is knock-out round.

4) Top **two** teams of preliminary round shall qualify for the final round and will then argue the same case in the final round on the next day.

5) Participants shall submit Memorials to the host college by hand or post latest by 10th December, 2016. Late submission of memorials will result in loss of marks for memorials i.e. 30 marks.

6) The Memorials shall be typed on A4 size on one side paper with margin **1.5 inches** from left side and **(1) one** inch from the other sides.

i) Arguments must not exceed **20(twenty)** pages.

ii) **Font:** - Times new roman.

Font size:-14 and for footnotes 10.

Line spacing:-1.5

7) The memorials shall be submitted neatly and spiral bound in **4(four)** copies i.e. **2(two)** copies from petitioner's side and **2(two)** copies from respondents side.

8) The memorial submitted will not be returned.

9) Page numbering should be at bottom middle of each page.

10) Covers must be placed on briefs as follows:

Petitioner: - **Blue colour.**

Respondent: - **Red colour.**

11) Identity of the institution shall not be revealed anywhere in the memorial. Instead code numbers allotted to the students should be mentioned. Violation of these provisions shall result in penalties including disqualification. The decision of organizer shall be final in this regard.

12) The written memorial shall be in accordance with the High Court rules.

MEMORIALS

The Memorial shall consist of following:-

- I) Cover page
- II) Table of contents
- III) Index of authorities
- IV) Statements of jurisdiction
- V) Statement of facts
- VI) Statement of issues
- VII) Summary of pleadings
- VIII) Argument advanced
- IX) The prayer.

DRESS CODE

The dress code for participants shall be as prescribed by the **Bar Council of India**. (Gowns and bands prohibited)

PRELIMINARY ROUND

- 1) Each team will have a maximum of 15 (12+3) minutes to present its oral submissions.
- 2) All the participating teams are expected to carry with themselves case laws and authorities which they intend to refer along with their own copies of memorials.
- 3) The participants during the course of oral submissions will not be permitted to make any audio/visual representation nor will they be allowed to use personal computers, laptops and any other technical or mechanical device.

SCORING CRITERIA FOR PRELIMINARY ROUND

The Marks shall be given as per following criteria for preliminary round

Written memorials- 30 Marks

Oral arguments - 50 Marks

Time adherence- 10 Marks

Overall performance- 10 Marks

Total - 100 Marks

The decision of the judges as to assessment of oral submission shall be **final**.

FINAL ROUND

In the final round each team will get 30 minutes to present the side allotted to them. The final round will commence the next day after the Preliminary Round, i.e 7th January, 2017.

SCORING CRITERIA FOR FINAL ROUND

For final round the marks shall be given as per following criteria:-

Application of law relevant to the case- 20 Marks

Advocacy and presentation- 15 Marks

Court etiquettes- 10 Marks

Answers to court questions- 15 Marks

Interpretation of and use of facts- 10 Marks

Research relevant to the case- 10 Marks

Time adherence- 10 Marks

Overall performance- 10 Marks

Total 100 Marks

RESULT

The results will be announced within sixty minutes after the preliminary round. The final results and the winners will be announced during valedictory ceremony. The decision of the judges on the performance of the participants shall be final and binding on all the participants.

AWARDS

- 1) Winner's trophy & cash prize of Rs. 40,000/-
- 2) Runner up's trophy & cash prize of Rs. 20,000/-
- 3) Best speaker trophy and cash price of Rs. 5000/-.

Certificate of Participation will be given to all participants.

DATES TO REMEMBER

- 1) Date of competition – **6th January 2017.**
- 2) Last date for registration– **10th December 2016.**
- 3) Submission of memorials- **10th December, 2016.**

Bollywood Moot Court

Following are the two court scenarios, of which one is to be enacted filmy style!

Case 1

A wife needs divorce from her husband, on the basis of her doubts-

During arguments in courtroom,

Husband tries to make his wife, cancel her decision.

Husband should clear all doubts in courtroom only

Case2

Ram Singh an employee (retired) struggling for his pension from 2 years,

file a case against municipal "Babu"

(Because of Bribe's demand)

RULES

1. Each team shall consist of 5 participants. It is mandatory for each participant of the team to participate.
2. The given runtime for each performance is 4 minutes.
3. It is permissible for one person to play multiple characters but it should be evident in the performance.
4. Humor and content shall be primarily judged without resorting to contempt of court.
5. In case participants exceed the time limit, Judges will be free to deduct points.
6. The Judging criteria shall include acting, throw of voice, effective co-ordination and content.
7. The performance needs to be filmy, action packed, dramatic, rib tickling and should be appealing to the judges of the event.
8. Performances in both Hindi and English language are permitted.
9. The anchor(s)/organizers of the show have complete authority to intervene and halt a performance in case if it is defamatory or derogatory in any manner.
10. Participants shall be provided with an option of 2 cases. They may choose to enact either of them.
11. The decision of the Judges shall be final and binding.
12. The participants are strictly advised not to disclose the name of their College/Institution to the Jury members/audience.
13. The organizing Committee reserves the right to change the venue, time and rules, if desired.
14. Management, College OR Organizers of Vidhigyaan cannot be held responsible in any manner whatsoever for any statements that is grossly a breach of decency or any statement for that matter made by participants before, during or after the event. Participants themselves are solely responsible for the breach.

Ad O Mania

RULES

1. Each team is required to have 2 participants.
2. The event consists of 2 rounds. 8 qualifying teams will go to the final round.
3. The maximum performance time for each round should be strictly followed.
4. The advertisement can be in Hindi or English only.
5. The participants are strictly advised not to disclose the name of their College/Institution to the Jury members/audience.
6. The decision of Judges will be final and binding.
7. In case participants exceed the time limit, Judges will be free to deduct points.
8. The organizing Committee reserves the right to change the venue, time and rules, if desired.
9. Use of Mobile Phones is strictly prohibited.
10. The teams will be judged on following criterion—
 - Advertisement's content – How humorous it is.
 - Expressions
 - The presenter's fluency
 - Spontaneity, content, adherence to the topic, on-stage presentation, coordination and overall appeal of the advertisement.

Round 1: All teams

The participants will be given a choice of products at the time of registration out of which they have to choose 1 product and prepare an advertisement of 1 minute. They have to act out to advertise that product but not for its common use but for something else. The participants can come up with an unreal use as well.

Round 2: 8 teams

There are 5 basic emotions namely: Happiness, Sadness, Anger, Fear and Surprise. The participants will be asked to pick chits and choose a product and an emotion. They have to prepare an advertisement of 1 minute and advertise the product using that particular emotion. Preparation time of 30 minutes will be given.

Drafting

For Drafting Competition, participants should prepare for the following:

- 1) Curative Petition
- 2) Criminal Complaint
- 3) Divorce Petition
- 4) Plaintiff
- 5) Public Interest Litigation

RULES

1. Number of participant: 1 participant per college.
2. The time limit allotted to each participant for the event is 2 hours.
3. The event will be conducted in a single round only.
- 4.. Computers will be provided to the participant, but without internet connection. Participants can carry a notepad along with them in case they need to write down their rough notes/work.
5. Participants are not allowed to carry any reference material like books.
6. Use of cell phone or any other electronic gadgets is strictly prohibited and if participant is found making use of the above then the participant will be disqualified.
7. The Organizing committee reserves the right to change the venue, time and rules, if desired.
8. The participants are strictly advised not to disclose the name of their College/Institution to the Jury members/audience.
9. .The decision of the Judges will be final and binding.

CLIENT COUNSELLING

Rules

1. Number of participants: 2 (to represent a Senior Advocate and a Junior Advocate).

2. Performance time: 20 minutes.

Time bifurcation is mentioned below-

- **02 min:** Presentation, where students are expected to depict a visual lawyer's office by their innovative ideas. (All materials required for a particular event are to be brought by the participants. Nothing shall be provided by the College)
- **08 min:** Client-Lawyer Conversation (Consultation) – During which they are expected to obtain relevant information from the client, make an outline of the situation and make suggestions to resolve the difficulty. No internet facility will be provided by the host college.
- **05 min:** Lawyer-Lawyer Conversation (Post Consultation) – Participants of the team should discuss the interview with each other and plan further strategies for dealing with the client's difficulty.
- **05 min:** Judges Round- where Judges will question participants on the subject.

3. Problem/Case will be provided on the spot.

4. Any interaction with any other team member, once the round has commenced will lead to disqualification.

5. All the teams will be provided with the same problem.
6. All the participants are requested to carry the following Bare Acts/Book/Commentary:
 - Indian Contract Act
 - Indian Penal Code
 - Constitution of India
7. The Organizing committee reserves the right to change the venue, time and rules, if desired.
8. The participants are strictly advised not to disclose the name of their College/Institution to the Jury members/audience.
9. The decision of the Judges will be final and binding.
10. Use of mobile phones is strictly prohibited.

JUDGING CRITERIA

1. Presentation for depicting a lawyer's office.
2. Understanding client's problem.
3. Quality of questions asked for obtaining relevant information from client.
4. Application of relevant sections of Acts covered.
5. Discussion with co-participant.
6. Extent of relevant remedies suggested to client.

DETAILS AND AWARDS FOR OTHER EVENTS

- All other events i.e Bollywood Moot Court, Drafting, AD O Mania, Client Counselling will commence on 5th January, 2017.
- Participation is optional for other events except Moot Court Competition .
- Registration fees of Rs 500 for Bollywood Moot Court by Demand Draft or Cheque in the name of “MKES COLLEGE OF LAW”, at the time of registration.
- Last day of Registration is 10th December, 2016.
- Cash prizes for winners of respective other events to be announced at valedictory ceremony.
- All participants will get Participating Certificate.

**FOR ANY QUERIES PARTICIPANTS ARE WELCOME
TO CALL**

- 1) Mr. Sajan Patil (Principal) mkeslawcollege@nkc.ac.in
- 2) Pratik Bavishi (President Moot court committee)
9022496013 pratikbavishi@live.in
- 3) Krishna Popat (Vice President Moot court Committee)
8007193206
- 4) Sneha Soni (Member Moot Court Committee)
9833324164
- 5) Aarti Salunkhe (Member Moot Court Committee)
9870353235