

*M.S. Ramaiah Memorial 5th National Moot Court Competition from 21st to
23rd March 2014.*



M. S. RAMAIAH COLLEGE OF LAW

MOOT COURT FEDERATION PRESENTS

M. S. Ramaiah Memorial 5th National Moot Court Competition

Date: 01-01-2014

Dr. Manjushree Mishra
Principal

Moot Court Federation
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Moot Court Federation
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To
The Dean / Principal

Dear Sir,

Sub: M. S. Ramaiah Memorial 5th National Moot Court Competition.

With immense pleasure we would like to inform you that, we are conducting the M.S. Ramaiah Memorial 5th National Moot Court Competition on **21st, 22nd and 23rd March 2014**.

We invite your esteemed institution to participate in the said competition. The moot court problem and the detailed rules governing the competition are enclosed herewith. We request you to kindly confirm the participation of your college by registration as per the rules on or before **30th January 2014**.

We would be providing boarding and lodging facilities for out-station participants. This facility is not available for local teams from Bangalore. Kindly send us your complete arrival details along with the duly filled-in registration form, so that we can arrange for your reception at the airport / railway station / bus stop. We look forward to your active participation. Please feel free to contact us for any clarification at info@msrcl.org / msrclmoot@gmail.com

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Fax: 080 23608230, e-mail: info@msrcl.org / msrclmoot@gmail.com

Thanking you
Yours Sincerely

PRINCIPAL

Moot Court Problem



Organized by:
Moot Court Federation, M.S.Ramaiah College of Law, Bangalore.

ABC Educational Society

vs

State of Karunaadu

- 1) The State of Karunaadu in the country, Dharath has issued a notification dated 16.3.2011 under Section 1(5) of the Employees' State Insurance Act, 1948 which reads as under.

Whereas, the draft to extend the provisions of Employees' State Insurance Act, 1948 to the classes of establishments specified in the schedule annexed to the draft was published in Karunaadu Gazette on 13-1-2011, in Notification No. LD 323 LSI 2010, dated 6-12-2010, inviting objection and suggestions from persons likely to be affected thereby within one month from the date of publication in the Official Gazette.

And whereas, the said Gazette was made available to the public on 13-1-2011

And whereas, no objection and suggestions have been received from any persons within the specified period.

Now, therefore, in exercise of the powers conferred under sub-section (5) of Section 1 of Employees State Insurance Act, 1948, the Government of Karunaadu hereby extends the provisions of the Act to the classes of establishments specified in the schedule annexed here to:

SCHEDULE

<i>Description of establishments</i>	<i>Areas in which establishments are situated</i>
<i>(1)</i>	<i>(2)</i>
<i>The following establishments where in tenor more persons are employed, or were employed on any day of the preceding twelve months namely:-</i> <i>1) Shops</i>	<i>All are as where the provisions of the ESI Act, 1948 have already been brought into force under Section 1(3) of the Act.</i>



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<p>2) <i>Hotels</i></p> <p>3) <i>Restaurants</i></p> <p>4) <i>Road Motor Transport Establishments</i></p> <p>5) <i>Cinemas including preview theatres</i></p> <p>6) <i>Newspaper establishments as defined in Section 2(d) of the Working Journalists (conditions of service) and Miscellaneous Provisions Act, 1955(45 of 1955)</i></p> <p>7) <i>Educational institutions (including public, private, aided or partially aided) run by individuals, trustees, societies or other organization</i></p> <p>8) <i>Medical institutions (including corporate, Joint sector, trust, charitable and private ownership hospitals, nursing homes, diagnostic centers, pathological labs)</i></p>	
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2) ABC Educational Society is a premier educational institution established over a century ago running hundreds of institutions from kindergarten to super specialty medical courses. Some of the institutions of the petitioner are aided and some of the institutions are un-aided. The service conditions of the employees are governed by the service rules framed by the society. The service rules provides for sick leave, maternity benefit, medical treatment reimbursement, provident fund. The persons working in the aided institutions are governed by several rules, regulations and policies made by the Government from time to time.



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- 3) The ABC Educational Society has filed a writ petition challenging the constitutional validity of Section 1(5) of the ESI Act in so far as by employing the words “or otherwise” there is excessive delegation of legislative power. It has also challenged the said notification as arbitrary, unconstitutional, made without application of mind and at any rate there is non-compliance with the requirement under Section 1(5) of the ESI Act. It is contended that the hospitals established by the ESI Corporation do not enjoy a very high reputation. In fact given an option no one would wish to opt for treatment at the hospitals managed or run by ESIC. It is common knowledge that the service in ESI hospital is pathetic if not deplorable.

When the ESI Corporation has not been able to cater to the needs of the employees already covered under the scheme, it is not known why the State Government has ventured to extend the provisions of the Act to educational institutions. When in the health sector the move is towards privatization, it is not understandable why retrograde steps of extending the benefits of the ESI Insurance to the institutions run by the petitioner have been contemplated. There is no infrastructure created to cater to the additional coverage introduced by the notification and therefore virtually amounts to imposing a tax without there being any element of service.

- 4) The Respondents have filed their statement of objections denying the allegations and substantiating their stand that ESI Corporation has the necessary infrastructure at all places where the geographical area is covered under Section 1(3) of the ESI Act. They relied on a letter from the Deputy Secretary of the Central Government to show compliance with requirements of Section 1(5) of the ESI Act. They also raised question of maintainability of the petition without adding the affected employees as parties.
- 5) Considering the constitutional importance of the question raised in the writ petition, the Single Judge referred the matter to a Full Bench of the High Court for decision.

The laws of Karunaadu and Dharath are in pari materia with the laws of the state of Karnataka and India respectively for the purposes of this Moot Court Competition.

Rules & Regulations



Organized by:
Moot Court Federation, M.S.Ramaiah College of Law, Bangalore.

Date of the Competition : 21st to 23rd March 2014
Venue : M. S. Ramaiah College of Law, MSR Nagar, Bangalore.
Phone : 080-23602926, 23606909
E-mail : info@msrcl.org, msrclmoot@gmail.com

RULES & REGULATIONS

1. Definitions

- 1.1 Administrator means the Moot Court Federation (MCF) of the M.S. Ramaiah College of Law, Bangalore (MSRCL) and/or any person/persons appointed to administer the Competition by the said Federation.
- 1.2 Competition means M.S. Ramaiah Memorial 5th National Moot Court Competition.
- 1.3 Problem means the Problem of the Competition released by the Administrator.
- 1.4 Memorandum means the written submissions made by each team, according to these rules. Memorandum includes Memorandum for Petitioner and Memorandum for Respondent.
- 1.5 Preliminary Round means the first round.
- 1.6 Advanced Round means the Quarter-Final Round, Semi-Final Round or Final Round of the Competition.
- 1.7 Registration Number means the Unique Number/ Alphabet allotted to each Team on the first day of the Competition.
- 1.8 Registration Form is the Form issued by the Administrator.

2. Eligibility

- 2.1 All law schools, faculties of law and other institutions recognized by the Bar Council of India, offering a law degree are eligible to participate in the Competition. Only one team is allowed to participate from each law school/ faculties of law/ other institutions. Only students presently pursuing B.A.LL.B course (5 years) are eligible to participate.
- 2.2 Team members should be *bonafide* students of the Institution they are representing. The Administrator shall make any inquiries on the same at any time during the Competition. Teams must carry college identity card / Bonafide Certificate.
- 2.3 A team must be composed of a minimum of 2 members and maximum of 3 members –2 speakers and 1 researcher. Any two members of the team may be enlisted / registered as speakers. Only registered / enlisted speakers shall be permitted to plead in the oral rounds. However, only in the event of unavoidable circumstances, the researcher will be, subject to the discretion of the administrator permitted to plead in the oral rounds

3. Registration

- 3.1 Each Team must register with the Moot Court Federation of M.S. Ramaiah College of Law by sending a duly filled Registration Form along with the required crossed Demand



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Draft of **Rs. 1,000/-** (Rupees One Thousand) drawn in favour of **The Principal, M. S. Ramaiah College of Law, Bangalore** on or before **30th January, 2014**.

- 3.2 Once registered, the concerned registration fee would neither be refunded nor waived.
- 3.3 All updates will be communicated to the contact person as mentioned in the registration form. It is the responsibility of the contact person to distribute and communicate any contingent updates to the team.

4. Clarifications to the Problem

- 4.1 Requests for clarifications regarding the moot problem may be e-mailed to msrclmoot@gmail.com before February, 2014. Requests for clarification should be limited to matters having legal significance to the moot court problem. The e-mail for clarification must include a short explanation of the expected legal significance from it. Any request that does not contain such an explanation may be ignored.
- 4.2 Clarifications issued by the administrator shall be distributed to all the registered teams by e-mail after 10th February, 2014.

5. Memorandum

- 5.1 Each team must prepare a written memorandum in support of the Petitioner/Appellant's position and the Respondent's position. Soft copies of their Petitioner's / Appellant's and Respondent's Memorandum in Microsoft Word 2003 format assigning file names Petitioner /Appellant and Respondent respectively must be emailed to msrclmoot@gmail.com, not later than **3rd March, 2014**. Eight hard copies each, of the Memorandum for the Petitioner / Appellant and for the Respondent (i.e., total of 16 Memorandum) must reach the Administrator not later than **10th March, 2014** before 15.00 hours.
- 5.2 The cover shall be placed on the memorandum in the following manner.
- a. Petitioner / Appellant - Blue Color**
 - b. Respondent - Red Color**
- 5.3 All Memorandum shall be in English only.
- 5.4 All memorandums must be printed single side on A4 size sheets, with equal margins of at least 1 inch on all sides. The text font should be Times New Roman size 14 for Headings, Times New Roman size 12 for the main body and Times New Roman size 10 for the footnotes. The main body must be typed in 1.5 line spacing and the footnotes shall be in single line spacing. Character spacing should not be condensed. Reproduction of all copies must be clear and in full size.
- 5.5 Memorandum which do not fit into the prescribed instruction set under this rule shall be penalized according to the provisions of clause 10.1
- 5.6 The Memorandum must contain the following parts only:



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1. Cover Page/ Cause Title;
2. Table of Contents;
3. Table of Abbreviations;
4. Index of Authorities;
5. Statement of Jurisdiction;
6. Questions Presented;
7. Statement of Facts;
8. Summary of Pleadings;
9. Pleadings/Argument Advanced;
10. Prayer.

- 5.7 The Index of Authorities must list all the authorities cited in the Memorandum. Corresponding page numbers and/or paragraph number(s) of the Memorandum where it has been cited must be mentioned.
- 5.8 The total length of each Memorandum should not be more than 40 A4 pages. The pleadings/Arguments Advanced section should not be more than 25 A4 pages
- 5.9 The Statement of Facts must contain a concise statement of the relevant facts of the Problem. The Teams should try and limit it to only relevant facts and inferences which can be drawn from such relevant facts. This section should not exceed 2 pages.
- 5.10 The Summary of Pleadings should contain a summary of the Pleadings/Arguments Advanced. It should not be a mere reproduction of the headings and sub-headings of the Pleadings/Arguments Advanced.
- 5.11 Substantive footnoting is strictly prohibited. Footnotes should be restricted to citations only. A consistent format of citations must be followed.
- 5.12 The Index of Authorities must list all the authorities cited in the Memorandum. Corresponding page numbers and/or paragraph number(s) of the Memorandum where it has been cited must be also mentioned.
- 5.13 The total length of each Memorandum should not be more than 40 A4 pages. The pleadings/Arguments Advanced section should not be more than 25 A4 pages.
- 5.14 The Statement of Facts must contain a concise statement of the relevant facts of the Problem. The Teams should try and limit it to only relevant facts and inferences which can be drawn from such relevant facts. This section should not exceed 2 pages.
- 5.15 The memorandum will be marked on the basis of the analysis of facts, structuring of arguments, depth of research and adherence to the elements of style set out above.
- 5.16 Memorandum will be marked on the parameters mentioned above in clause 5.15. Thus the memorandum for the Petitioner / Appellant and the Respondent will be individually evaluated for 20 marks each.

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6. Preliminary Round

- 6.1. Each Team shall argue twice in the Preliminary Round, once for Petitioner / Appellant and once for Respondent.
- 6.2. In the Preliminary Round, each round will be judged by a Bench comprising of 2 Judges.
- 6.3. Oral Arguments: Each Preliminary Round shall consist of 40 minutes of arguments. The Petitioner shall be allocated a total time of 20 minutes and the Respondent shall be allocated a total time of 20 minutes. The arguments shall be in English. Each Team shall allocate its 20 minutes between the 2 speakers. Each speaker must be allocated a minimum of 7 minutes.
- 6.4. There will be two components in calculating the score of a Team. One shall be the Oral Component and other shall be the Memorandum Component.
- 6.5. Oral Component: A Judge shall adjudge each speaker for a total of 40 marks. Thus each speaker shall be judged for a total of 80 marks. A team would therefore be marked for a total of 160 marks. The final marks of the Oral Component of a team in a Preliminary Round will be the actual score of the team out of the total of 160 marks divided by 2.
- 6.6. Illustration:
Assume that in a Preliminary Round, Team X is paired with Team Y. It is being judged by a bench of 2 Judges, Judge 1 and Judge 2. Judge 1 gives the first speaker of Team X 25 marks. Judge 2 gives Speaker 1 of Team X 20 marks. Speaker 1 has scored a total of 45 marks i.e. (Judge1 + Judge 2). Judge 1 gives Speaker 2 of Team X 15 marks. Judge 2 gives Speaker 2 of Team X 30 marks. Speaker 2 has scored a total of 45 marks i.e. (Judge 1 + Judge 2). Therefore Speaker 1 and Speaker 2 have got a combined total of 90 marks. The Oral Component of Team X would be 90 divided by 2 i.e. 45 marks.
- 6.7. The total marks scored by a Team in the Preliminary Round will be total of two rounds, i.e. marks scored as Petitioner / Appellant added to marks scored as Respondent.
- 6.8. The detailed break up of the marking criteria is as follows-

Sr. No.	Criteria	Marks Allocated
1	Interpretation and Application of Law	10
2	Advocacy Skills & Court manners	10
3	Answer to Court Questions	10
4	Interpretation and use of Facts	10

- 6.9 At the end of the Preliminary Round the 8 teams with the highest scores will make it to the Quarter Final Round. In case there is a tie between two teams then to break such tie the win: loss Ratio will be considered. Thus the team which has registered more wins than the other will make it to the Quarter Final Round. If the tie still persists then the total Oral Component of the teams will be added and the Team which has a higher Oral Component



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will make it to the Quarter Final. If a tie still persists then such tie shall be broken by the toss of a coin.

7. Quarter-Finals

7.1 The Quarter Finals are a knock-out round.

7.2 Oral Arguments: Each Quarter Final Round shall consist of 60 minutes of arguments. The Petitioner shall be allocated a total time of 30 minutes and the Respondent shall be allocated a total time of 30 minutes. The arguments shall be in English. Each Team shall allocate its 30 minutes between the 2 speakers. Each speaker must be allocated a minimum of 10 minutes not including the time for rebuttal/sur-rebuttal. The rebuttal/sur-rebuttal must be by one speaker only. Sur-rebuttal shall be allowed according to the discretion of the Judges only and thus cannot be claimed as a matter of right.

7.3 The changed marking criteria for all Advanced Rounds i.e. for Quarter Finals, Semi-Final and Final Round shall be as follows:-

Sr. No.	Criteria	Marks Allocated
1	Interpretation and Application of Law	10
2	Advocacy Skills & Court manners	10
3	Answer to Court Questions	10
4	Interpretation and use of Facts	10
5	Overall Impact	10

7.4

Each Team will have to argue only one side i.e. Petitioner or Respondent.

8. Semi-Final

8.1 The Semi-Finals are a knock-out round. 4 winning Teams from the Quarter-Final Round shall qualify for the Semi-Final Round.

8.2 Oral Arguments: Each Semi-Final Round shall consist of 80 minutes of arguments. The Petitioner shall be allocated a total time of 40 minutes and the Respondent shall be allocated a total time of 40 minutes. The arguments shall be in English. Each Team shall allocate its 40 minutes between the 2 speakers. Each speaker must be allocated a minimum of 15 minutes not including the time for rebuttal/sur-rebuttal. The rebuttal/sur-rebuttal must be by one speaker only. Sur-rebuttal shall be allowed according to the discretion of the Judges only and cannot be claimed as a matter of right.

8.3 The marking criteria in the Semi-Final Round shall be the same as mentioned for the Quarter-Final Round under Rule 7.3.

9. Finals

9.1 The 2 winning Teams from the Semi-Final Round will advance to the Final Round.



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9.2 Oral Arguments: Each Semi-Final Round shall consist of 90 minutes of arguments. The Petitioner shall be allocated a total time of 45 minutes and the Respondent shall be allocated a total time of 45 minutes. The arguments shall be in English. Each Team shall allocate its 45 minutes between the 2 speakers. Each speaker must be allocated a minimum of 20 minutes not including the time for rebuttal/sur-rebuttal. The rebuttal/sur-rebuttal must be by one speaker only. Sur-rebuttal shall be allowed according to the discretion of the Judges only and cannot be claimed as a matter of right.

9.3 The marking criteria shall be the same as mentioned for the other Advanced Rounds.

10. Team Anonymity & Penalties

- 10.1 If the Memorandum is not prepared as per the instructions contemplated in Rule 05 there will be a deduction of 2 marks from the total marks of 20 reserved for each Memorandum. If the Memorandum does not reach the Administrator before the stipulated time for submission of Memorandum then there will be a deduction of 1 mark for each day of delay.
- 10.2 Scouting is not permitted. If any Team is found indulging in the same, that Team will be disqualified.
- 10.3 Teams shall not reveal the name of their institutions, names of the participants anywhere in the Memorandum or in the course of the Oral Arguments. On the first day of the Competition, Teams will be allotted a Registration Number. A team shall be identified only by the Registration Number.

11. Awards

- 11.1 The winner of the Final Round will be declared the “Winning Team” and awarded a cash prize of Rs. 15,000/- and a winning trophy.
- 11.2 The other Team which loses in the Final Round will be declared as “Runner-up Team” and awarded a cash prize of Rs. 10,000/- and a runner-up trophy.
- 11.3 The best memorandum award is Rs. 5,000/-
- 11.4 The “Best Speaker” prize shall be determined on the basis of the points secured in the Oral Component in the Preliminary Round. Only those speakers will be eligible for the Best Speaker prize, who have argued both the sides in the Preliminary Round. The best speaker on the basis of the aforesaid rule will be awarded a cash prize of Rs. 5000/-

12. Administrator’s Address

In the Rules wherever applicable the address of the Administrator shall be:

The Administrator,
Moot Court Federation,
M.S. Ramaiah College of Law,



M.S. Ramaiah Memorial 5th National Moot Court Competition.



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Moot Court Federation, M.S.Ramaiah College of Law, Bangalore.

M.S.R. Nagar, M.S.R.I.T Post,
MSRIT Campus,
Bangalore-560054,
Karnataka, India.

Email: info@msrcl.org / msrclmoot@gmail.com

Telephone:

1. Asst. Prof. Omprakash, Faculty Coordinator, MCF : +91- 9886515666
2. Asst. Prof. Ujwala, Faculty Coordinator, MCF : +91- 9902079208
3. Ms. Honey Mishra, Student Coordinator, MCF : +91- 9742875955
4. Mr. Pratik Kumar Dash, Student Coordinator, MCF : +91- 9742604337

13. Interpretation

Interpretation of all the rules, as well as any waiver, consent, or other decisions are at the discretion of the administrator shall be conclusive and final

14. Miscellaneous

Notwithstanding anything contained in these Rules, the Administrator may at any time before or during the Competition, amend, alter, modify or repeal these rules or any part thereof. The Administrator in the best interest of the Competition can take any decision including disqualifying teams for unethical, unprofessional conduct etc., Nothing in these Rules shall limit the powers of the Administrator.

Any alternations to the Rules if made, will be informed to all Teams who register for the Competition.

Registration Form



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REGISTRATION FORM

PARTICIPATING INSTITUTION

Name: _____

Address: _____

Telephone No.: _____

E-mail: _____

TEAM MEMBERS

Speaker 1

Name: _____

Class: _____

Mobile No.: _____

Email: _____

Please affix
photograph

Speaker 2

Name: _____

Class: _____

Mobile No.: _____

Email: _____

Please affix
photograph

Researcher

Name: _____

Class: _____

Mobile No.: _____

Email: _____

Please affix
photograph

PAYMENT DETAILS

(Demand draft in favour of 'Principal, M. S. Ramaiah College of Law' payable at Bangalore)

Bank & Branch: _____

D.D. No.: _____ **Date:** _____



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ACCOMODATION DETAILS

Whether accommodation required: Yes / No

TRAVEL DETAILS

Date of arrival: _____

Mode of Transport: _____

Expected place of arrival: _____

Date :

Place :

Seal & Signature of Principal