



**KARNATAKA STATE LAW UNIVERSITY**  
**KSLU's LAW SCHOOL**  
**Navanagar, Hubballi.**  
**Accredited with 'A' Grade by NAAC**

INVITES YOU TO THE  
**9<sup>th</sup> NATIONAL MOOT  
COURT COMPETITION - 2023**

**Dates: 26<sup>th</sup> and 27<sup>th</sup> August, 2023**  
**Venue: Karnataka State Law University, Hubballi**



## INDEX

Sl. No.	Details
1.	About the University
2.	Rules of the Competition
3.	Moot Proposition
4.	Important Dates
5.	Officers of the University and Organizing Committee
6.	Important Instructions and Contact details
7.	Registration Form

## ABOUT THE UNIVERSITY

Karnataka State Law University was established in the State of Karnataka in 2009, with the avowed purpose of providing quality legal education. It is only one of its kind and is the single largest Law University in the country, affiliating 108 law colleges including its own Law School at the main campus in Hubballi. It is making all efforts to professionally orient students by including appropriate components for the promotion of legal education in Karnataka.

The vision of the University is, “To transform Karnataka State into a legally conscious society, by providing quality legal education that is professionally competent and socially relevant so as to realize the constitutional primordial goal of social, economic and political justice and secure human rights to every common man. Strive to promote the culture of law and justice in the institutions of state, non-state organisations and every individual by providing informal legal education, training and legal service. Above all, inculcate in everyone a spirit of high moral and human values.” In this endeavour, to realise the vision for excellence in professional legal education and research, the University is putting in untiring efforts through academic and extension activities.

The activities of the University are reinforced by its mission to *inter alia* strive for excellence in professional legal education and research and establish responsible institutions and produce altruistic individuals. With a view to provide a suitable environment wherein the law students can hone and chisel their professional skills, the KSLU is conducting State Level and National Level Moot Court Competitions. The subject matter of National Moot Court Competition so far was International Law. This year the University has decided to organise the Moot Court Competition on Constitutional Law. The Competition is scheduled on 26<sup>th</sup> and 27<sup>th</sup> August, 2023.

# **RULES GOVERNING THE NATIONAL MOOT COURT COMPETITION**

## **1. ELIGIBILITY**

- 1.1 The competition is open to *bonafide* undergraduate students from Law Colleges/ Law Universities recognized by the Bar Council of India currently pursuing Bachelor's Degree in Law either 3 year LL.B. or 5 year LL.B. Programme.
- 1.2 Only 30 teams will be registered on first come first served basis.
- 1.3 Each College may send a team consisting of three members (two Speakers/Mooters and a Researcher).
- 1.4 The members of the team shall be designated as Speakers/Mooters and Researcher in the Registration Form. Swapping of the designation of the members shall not be allowed except with the prior permission of the organizer of the competition.

## **2. ANONYMITY OF THE TEAMS**

- 2.1 The participating Teams shall adhere to confidentiality. Disclosure of the identity of the Teams and Team members is prohibited except in the Registration Form.
- 2.2 The participating Teams shall not reveal their identity in any form, except by means of the Team Code assigned to them by the Organizing Committee.
- 2.3 The participating Teams shall not, in any way, reveal the identity of the Team, its members or the Institution/College/University represented, in the Written Memorials or in the course of the Oral Rounds.
- 2.4 The Written Memorials shall not bear the logo, name, etc., of the Team, its members or the Institution/College/University represented by the Team.
- 2.5 Any materials placed before the Bench or carried into the courtroom for the Oral Rounds shall be devoid of any identification marks/symbol of the Team or the Institution/College/ University represented.
- 2.6 Any willful breach of Rules 2.1 to 2.5 of the Rules of the Competition may attract disqualification of the Team from the Competition or any other penalty as determined by the Organizing Committee of the Competition.

### 3 REGISTRATION

- 3.1 The participating Team shall register by filling in the Google form available at <https://forms.gle/7iTKssQQFFmkmLV8> on or before **16<sup>th</sup> August, 2023**.
- 3.2 Apart from the same, duly filled in Registration Form (hard copy) has to be sent to **The Coordinator, Karnataka State Law University, Navanagar, Hubballi-25, Karnataka**. The filled in Registration Form along with Demand Draft of registration fees should reach to the University on or before **22<sup>nd</sup> August, 2023**.
- 3.3 The Registration Fee is **Rs.3,000/-** per participating team.
- 3.4 The participating teams may pay the registration fee by way of a Demand Draft drawn on any Nationalized Bank in favour of **“The Finance Officer, KSLU”** payable at **“Hubballi”**. A scanned copy of the Demand Draft is to be uploaded on the Google form provided for the registration of the teams.
- 3.5 The participation certificates for participating teams will be given on the basis of Registration Form. It shall incumbent on teams to ensure that names are spelt and mentioned correctly.
- 3.6 Any changes in the contact details of members of the participating team shall be communicated to the Organizing Committee without any delay. This obligation to inform shall continue throughout the course of the Competition, unless such a participating team withdraws or is disqualified from the Competition.

### 4. TEAM CODE

- 4.1. A Team Code shall be assigned to the participating teams successfully registered as per Rule 3 of the Rules of the Competition on **21<sup>st</sup> August, 2023**.
- 4.2. The participating teams registered pursuant to Rule 3 of Rules of the Competition, shall not change its composition without informing the Organizing Committee.

## **5. CODE OF CONDUCT**

- 5.1 All the participants must behave in a dignified manner and not to cause any inconvenience to the organizers. Participants will be immediately disqualified from the Competition if found misbehaving or causing nuisance, or making abusive statements, showing disrespect towards judges, co-participants, or members of the host institution. Decision of the Organisers in this regard will be final.
- 5.2 Scouting - Any form of Scouting during the Competition is strictly prohibited and shall entail disqualification of the Team from the Competition. The decision of the Organizing Committee in this regard shall be final and not subject to challenge.

## **6. SUBMISSION OF WRITTEN MEMORIALS**

- 6.1. Each participating team is required to prepare Written Memorials for both sides i.e., the Applicant/Petitioner and the Respondent of the case.
- 6.2. The Written Memorials shall be identified solely by the Team Code assigned to the Team pursuant to Rule 4 of the Rules of the Competition.
- 6.3. The Written Memorials shall consist of the following mandatory heads:
  - a. Cover page
  - b. Table of Contents
  - c. List of Abbreviations
  - d. Index of Authorities
  - e. Statement of Jurisdiction
  - f. Statement of the Facts
  - g. Issues raised
  - h. Summary of the Arguments
  - i. Arguments advanced
  - j. Prayer
- 6.4 The Cover Page of a Written Memorial must contain the following information-The Team Code in the upper right-hand corner; Year of the Competition; Name of the case; Side for which the Written Submission has been prepared; Name of the forum resolving the dispute.

## 6.5 Presentation of the Written Memorials

- a. The hard copy of Written Submission shall be tape bound only.
- b. The hard copy of Written Submission shall be typed in 1.5 space on one side of the papers.
- c. The following colour scheme for the purpose of cover page shall be followed in Written Memorial submission: **Applicant/Petitioner–Blue** and **Respondent –Red**.
- d. Each team has to submit **two sets of memorials for both sides**. The Memorials submitted will not be returned.

## 6.6 Foot Notes and Citations

- a. The participating teams shall cite all authorities in the Written Memorials using footnotes following the Bluebook Method of Citation (20<sup>th</sup> edition).
  - b. Footnotes shall be limited only to citations and in no case shall footnotes contain running information or arguments.
  - c. The Written Memorials shall adhere to the following mandatory specifications: Paper size: A4; Font type: Times New Roman; Font size: 12; Line spacing: 1.5; Body of text: Justified; Margin of 1 inch on each side of each page; No borders; Maximum Number of pages:20.
  - d. The footnotes format shall adhere to the following specifications: Font type: Times New Roman; Font size: 10; Line spacing: 1; No additional space between two footnotes; Body of text: Justified.
- 6.7 The arguments should not exceed 15 pages (A-4 size). However, these 15 pages will not include the Cover page Content Page, Table of Authorities, etc.
- 6.8 Date of submission of memorials is **26<sup>th</sup> August, 2023**. At the time of spot registration in the University, memorials shall be submitted in the registration counter.

## 7 STRUCTURE OF THE COMPETITION

The Four stages in the Competition shall be: **Preliminary Round; Quarter Finals; Semi-Finals** and **Finals**.

- (a) **Preliminary Round:** Every participating Team shall take part in the Preliminary Round as per the fixtures drawn and announced.

- (b) **Quarter Finals:** Fifty percent of the teams appearing on behalf of the Applicant/Petitioner and fifty percent of the teams appearing on behalf of the Respondent shall, on the basis of the marks secured in the Preliminary Round, enter the Quarter Finals.
- (c) **Semi-Finals:** Four out of the Teams participating in the Quarter Finals shall, on the basis of the marks secured therein, move on to the **Semi-Finals**.
- (d) **Finals:** Two out of the Teams in the Semi- Finals shall, on the basis of the marks secured therein, enter the Finals.

**Note:** Immediately after the inauguration, lots will be drawn and fixtures for the Preliminary Round will be announced. Fixtures for subsequent Rounds will be announced fifteen minutes before the commencement of the Competition.

## **8 LANGUAGE AND ENTRIES**

Language of the Competition shall be English. The entries are restricted to 30 teams on first come first serve basis.

## **9 DRESS CODE**

The Dress Code for the Competition shall be as per the Bar Council of India Rules for Advocates.

## **10 PRIZES**

Prizes will be awarded to: 1. Winners, 2. Runners-up, 3. Best Memorials, 4. Best Gentleman Advocate, and 5. Best Lady Advocate.

## **11 REMOVAL OF DIFFICULTY**

If any difficulty arises in giving effect to any of the Rules of the Competition, Organizing Committee may take such decisions as appear to be necessary for removal of the difficulty. The decisions taken by Organizing Committee shall be final and binding.

### **NOTE:**

1. The Moot Problem, being the property of Karnataka State Law University, shall not be used by any Organisation, College or Institution without the express written permission from Karnataka State Law University.
2. The teams should take the facts of the case provided by the Organisers as final and no clarifications shall be sought.

## **MOOT PROPOSITION\***

### ***Veterans for Democracy v. Union of Divinity***

**W. P. No. \_\_\_\_\_/2023**

Republic of Divinity was emancipated from the colonial rule of Britishers in 1980. It is a federal country with multiple religions and cultures as India. The Constituent Assembly of Divinity could not arrive at consensus about the provisions relating to disqualification of members of the legislature. The constitutional adviser floated the idea as to why the relevant provisions of the Constitution of the Republic of India should not be adopted as the Constitution of India has stood the test of time and successfully navigated the nation through several parliamentary and state elections. The idea was unanimously accepted and the relevant Articles of the Constitution of India and Tenth Schedule of the Constitution were adopted. Divinity ran into the problem of political defections and it could very rarely afford a stable government at the National level and State level which could complete full term of five year.

To overcome this, the Constitution of Divinity was amended in the year 2004 and adopted the Tenth Schedule of the Constitution of India as it existed in 2004. Unfortunately, even after that many States did not get stable governments due to ingenious methods adopted by the political parties. The courts could not do anything as what was happening was perfectly within the framework of the Constitution.

The glaring defects in law were exposed as there was no time limit within which the Speaker of the House had to give his decision on disqualification. In some instances, Speakers have expressly shown loyalty to the party from which they are elected. The population of Divinity got disillusioned by the way political parties were maneuvering the defections and forming and toppling the governments. The regional parties perceived threat to their existence as the national parties were successful in siphoning their elected members by use of unfair and foul means.

The Peoples Union for Democracy, an organization of public-spirited men, which has the track record of standing up against the governments whenever they

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\* Drafted by Prof. Dr. C. S. Patil, Professor and Head, Centre for Research in Democracy and Constitutional Government, Karnataka State Law University, Navanagar, Hubballi, Karnataka.

abused power and even went to the Supreme Court questioning the government action under took a survey of threats to democratic principles and produced a report called “Report on Probity in Public Life-2022” and proposed concrete measures to bring respect for electoral mandate. The Law Commission of Divinity also suggested major changes to the Tenth Schedule to put an end to defections and manipulations by political parties.

In this melee of dominant national parties, regional parties and splinter groups, a hope emerged in the form of “Divinity Peoples Party” (DPP) consisting of student leaders who were actively involved in Voter Awareness Campaigns and participative democracy. DPP was perceived by the people as the only way out to have a good and transparent government. The party contested the parliamentary elections and promised to bring appropriate amendments to the Constitution to restore respect to the electoral mandate and provide good government. DPP secured a thumping victory in the 2022 parliamentary elections and formed the Government. To keep its electoral promise, it amended the Constitution through the Constitution (25<sup>th</sup> Amendment) Act, 2022 following the due procedure and it came into effect from 1<sup>st</sup> January 2023 in the form of New Year gift to the nation. The changes that are brought about by the amendment are as follows:

**1. Addition of proviso to Articles 84 and 173.**

Provided that the person should not have completed the age of 75 years and should not have been elected to that House for more than three times.

**2. Addition of the following new Para 3 in the Tenth Schedule**

1. Disqualification of a member who defeats the electoral mandate: A person who is a member of the House first resigns from the membership of the House and then from the political party to which he belongs so as to defeat the provisions shall be disqualified from contesting any elections for a period of six years.

**3. Amendment of Para 2 to provide respect for mandate to pre-poll alliance of political parties-**

In Para 2 in the title after the words “Disqualification on the ground of defection not to apply in case of merger” the words “with pre-poll alliance parties” shall be added. In sub para (1) after words “merges with another political party” the words “which is within the pre-poll alliance of parties” shall be added.

#### 4. To provide for expeditious disposal of questions relating to disqualification-

In Para 6, a new Para (3) shall be added-

(3) The Chairman or the Speaker shall decide the questions of disqualification within a month failing which the Supreme Court shall have jurisdiction to decide those questions.

This amendment was welcomed by the youth and principled persons in public life as it provides an opportunity to them to enter the public life and serve the community at the same time preventing people from becoming professional politician, making politics their career and developing a sense of entitlement to power over a period of time. However, this amendment produced large scale dissatisfactions among the senior politicians. They formed an association by name “Veterans for Democracy” and challenged the Constitution (25<sup>th</sup> Amendment) Act, 2022 as violative of the basic structure of the Constitution before the Supreme Court of Divinity.

**Note:** The Constitutions of Republic of India and Republic of Divinity are *pari materia* and the Supreme Court of Divinity has always attached appropriate precedential value to the decisions of the Supreme Court of India.

## IMPORTANT DATES

Sl.No.	Particulars	Dates
1	Last date for Registration through Google form and Payment of Registration Fees	16 <sup>th</sup> August, 2023
2	Allotment of Team codes	21 <sup>st</sup> August, 2023
3	Submission of Hard copy of the Registration Form along with DD	22 <sup>nd</sup> August, 2023
4	Last date for submission of Moot Memorials	26 <sup>th</sup> August, 2023
5	Inaugural Program	26 <sup>th</sup> August, 2023
6	Draw of Lots for Preliminary Rounds	26 <sup>th</sup> August, 2023
7	Preliminary Rounds and Quarter Final	26 <sup>th</sup> August, 2023
8	Semi Final and Finals	27 <sup>th</sup> August, 2023
9	Valedictory Program	27 <sup>th</sup> August, 2023

## INSTRUCTIONS TO THE PARTICIPANTS

1. Travelling allowances to the participants will not be provided by the University.
2. The event will be held in offline mode.
3. The Food and Accommodation to the Participating Team will be provided by the Organising Committee from 25<sup>th</sup> August, 2023 (from 6 p.m. onwards) to 27<sup>th</sup> August, 2023 (till 9 p.m.).
4. The Food and Accommodation will be provided to the registered participating Team members only.

## CONTACT DETAILS:

### The Coordinator,

Karnataka State Law University's Law School,  
Navanagar, Hubballi- 580025, Karnataka.  
kslunationalmoot@gmail.com

### For queries, please contact:

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**Prof. Dr. C. Basavaraju**  
Hon'ble Vice-Chancellor, KSLU



**Prof. Dr. G.B. Patil**  
Dean, KSLU



**Smt. Anuradha Vastrad**  
Registrar (Admn.)  
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**Prof. Dr. Ratna R. Bharamgoudar**  
Director, KSLU's Law School  
and  
Registrar I/C (Eval.), KSLU



**Dr. Sunil N. Bagade**  
Assistant Professor



**Dr. Bheemabai S. Mulage**  
Assistant Professor



**Dr. Archana K.**  
Assistant Professor



# REGISTRATION FORM

9<sup>th</sup> National Moot Court Competition

26<sup>th</sup> and 27<sup>th</sup> August, 2023

1.	<b>Name and Address of the Institution:</b>		
2.	<b>Name of Speaker 1 :</b>		Photo certified by the Head of the Institution
	Address		
	Course and Semester		
	Mobile		
	Email ID		
3.	<b>Name of Speaker 2:</b>		Photo certified by the Head of the Institution
	Address		
	Course and Semester		
	Mobile		
	Email ID		
4.	<b>Name of the Researcher:</b>		Photo certified by the Head of the Institution
	Address		
	Course and Semester		
	Mobile		
	Email ID		

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