

3rd MM NATIONAL MOOT COURT COMPETITION, 2019



Department of Law
Maharishi Markandeshwar (Deemed to be) University, Mullana-Ambala
(Deemed University established u/s 3 of the UGC Act, 1956)
NAAC Accredited Grade 'A' University

Organizes

3rd MM NATIONAL MOOT COURT COMPETITION, 2019

17th – 19th October, 2019



THE UNIVERSITY

Located on the '*tapobhoomi*' of Maharishi Markandeshwar beside the river bed of the sacred Markanda with magnificent building and world class infrastructural facilities, the Maharishi Markandeshwar (Deemed to be) University (MMDU) is the first self-financing University established under aegis of Maharishi Markandeshwar University Trust to integrate education and research. All the institutions of the University in the area of Medical Sciences, Dental Sciences, Physiotherapy, Nursing, Management, Engineering & Technology, Hotel Management, Computer Technology, Pharmacy and Law offering graduate, post graduate and research degree programmes are already known for excellence in imparting value based, highly career oriented professional education.

The Department of Law established in 2008 with the approval of the Bar Council of

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India (BCI) is currently engaged in quality teaching of B.A.LL.B./B.B.A.LL.B.(H)/ B.Com.LL.B.(H) Five yrs. Integrated Courses and LL.M. (One Year) through adequately qualified and dedicated faculty.

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Hon'ble Chancellor, MM (DU) Mullana

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Prof. (Dr.) Sumit Mittal	Registrar (MMDU)

THE 3rd MM NATIONAL MOOT COURT COMPETITION RULES, 2019

I. INTRODUCTORY

- **Short Title:** These Rules shall be called the 3rd MM National Moot Court Competition Rules, 2019.
- **Definitions:** Unless otherwise stated following shall be construed herein under as
 - a. "Administrator" shall mean the MM (DU) Moot Court Committee
 - b. "Competition" means 3rd MM National Moot Court Competition, 2019.
 - c. "Net Court Room Margin" means the aggregate of margin of victory or defeat of a team in the Preliminary Rounds
 - d. "Participating Team" means the team which has registered itself for the competition as per the rules for registration
 - e. "Participating Institution" shall be presumed to be the parent institution of the participating teams
 - f. "Rules" means the 3rd MM National Moot Court Competition Rules, 2019
 - g. "Organizers" means the Department of Law, MAHARISHI MARKENDESWAR (DEEMED TO BE) UNIVERSITY, MULLANA.

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II. GENERAL RULES

- **Date:** The Competition shall be organized from October, 17 -19, 2019
- **Dress Code:** The participants shall adhere to following dress code when present in any court room during the Competition.
 - a. Ladies: White salwar and kurta or white shirt and black trousers along with black coat and black shoes.
 - b. Gentlemen: White shirt, black trousers and black tie along with black coat and black shoes.

Note: The participating teams shall also adhere to the above mentioned dress code while attending the inaugural and valedictory ceremonies of the Competition.

III. LANGUAGE

Language: The language of the Competition shall be English.

IV. ELIGIBILITY AND TEAM COMPOSITION

- **Eligibility:** The Competition shall be open to students who are –
 - a. Pursuing an integrated 5 year LL.B. programme in India or
 - b. Pursuing a 3 year LL.B. programme in India.
- **Team Composition:** Each team shall consist of minimum of two members and maximum of three members.
- In the event where a team consists of three members then –
Such team shall designate two of its members as speakers and one as researcher at the time of registration itself.

Only one team can register from the same institute. If more than one team attempt to register, the team applying first will be registered.

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V. REGISTRATION

Date of Registration: All the participating institutions have to confirm participation by sending scanned copy of duly filled registration form along with travelling and payment details to smcs.mmu@gmail.com on or before September 28, 2019 by 11:59 P.M.

VI. PAYMENT DETAILS

Registration fees must be remitted online as per the details mentioned below.

Fees	INR 5,000 (Indian Rupees Five Thousand)
Bank	Oriental Bank of Commerce
Branch Detail	MMET Mullana
Beneficiary Name	Department of Law, M M(Deemed to be Univesity) Mullana-Ambala
A/c no. of beneficiary	51822151009008
IFSC Code	ORBC0105182

- **Allotment of Team Code:** Every team which has successfully registered under the Rules shall be allotted a unique code after the closure of the Registration for the Competition. Once the unique code has been allotted, every team must use the team code for any communication with the Organizers during the course of the Competition.
- **Change in Team Composition:** Any change in team composition must be intimated to the Organizers at the earliest. Any change must be accompanied with a registration form and an authority letter duly signed by the head of the institution. No change in team composition is allowed after registration by post.

VII. FORMAT OF THE COMPETITION

- **Draw of Lots:** The match up of teams in Preliminary Rounds shall be determined on the basis of draw of lots.
- **Rounds:** The Competition is divided into –
 - a. Preliminary Rounds
 - b. Advanced Rounds

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Preliminary Rounds:

Each team shall represent only one side as decided during draw of lots.

- **Scoring in the Preliminary Rounds:**

- a. The aggregate score of a team shall be computed as the total of –
 - i. Score of Speaker 1
 - ii. Score of Speaker 2
 - iii. The score of the memorial.

- **Arrangement of Ranking:** The teams in the Preliminary Rounds shall be ranked on the basis of below mentioned criteria –

- a. The teams shall be first differentiated on their win-loss record after the Preliminary Rounds Net-Court Room Margin;
- b. If there is a tie, the team with the higher aggregate score will be allotted the higher rank;
- c. If the tie subsists, the team with the higher speaker score will be allotted the higher rank;
- d. If the tie still subsists, the team with the highest individual speaker score out of speakers of tied teams will be allotted the higher rank;
- e. If the tie still subsists, the team with the higher memorial score will be allotted higher rank;

- **Results:** The results of the Preliminary Rounds shall be declared soon after the conclusion of the Preliminary Rounds. The top eight teams will qualify for the Advanced Rounds.

Quarter-Finals:

- a. The top eight teams from the Preliminary Rounds will qualify for the quarter-finals.
- b. The side for the quarter-finals shall be decided by way of draw of lots.
- c. The quarter-finals shall be a knock-out round.
- d. The win-loss shall be decided on the basis of the aggregate speaker score.

No memorial score will be added in the Quarter-final. The win-loss shall be determined on the basis of score so computed. The team with higher aggregate score shall proceed to the Semi- final round.

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Semi-finals:

- a. Four teams from the Quarter-Final Round shall qualify for the Semi-Finals.
- b. The side of the team shall be decided by way of the draw of lots.
- c. The semi-final shall be a knock-out round.
- d. The win-loss shall be decided on the basis of the aggregate speaker score.

No memorial score will be added in the semi-final. The win-loss shall be determined on the basis of score so computed. The team with higher aggregate score shall proceed to the final round.

Finals:

In the final round, the win-loss shall be decided on the basis of the aggregate speaker score. No memorial score will be added in the finals. The win-loss shall be determined on the basis of score so computed.

Deciding of Winner in Case of Tie in Advanced Rounds:

In the event of tie in advanced rounds, then –

- a. The team with the highest individual speaker score out of speakers of tied teams will be allotted the higher rank;
- b. If the tie still subsists, the winner of the round shall be decided by adding the score of memorials to the aggregate speaker scores;

VIII. MEMORIALS

- **Strict Adherence to Rules Regarding Memorials:** All requirements have to be strictly followed. Non-adherence to the same will attract penalty subject to the discretion of the organizers.
- **Memorials to be prepared from Both Sides:** Each team must prepare memorials for both sides.
- **Submission of Soft Copy of Memorials:**
 - a. The soft copies of the memorial from each side should reach the Organizers on smcs.mmu@gmail.com in either .pdf or .doc or .docx format latest by October 07, 2019 before 11.59 P.M.
 - b. Memorials shall be sent as an attachment with the mail in the form of single file for each side of memorial.
 - c. A **penalty of 1 mark** shall be levied in case the memorial is submitted in any other format or as a multiple file by the team.

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- d. The team submitting the soft copy 5 days after the last date of the submission of the soft copy of the memorial will be disqualified from the competition.

- **Submission of Hard Copy of Memorials:**

- a. One copy of the memorial from each side along with the registration and travelling form should reach the Organizers on the below mentioned address by October 07, 2019.(Only through speed post) –

**To
The Coordinator
Student Moot Court Society
Department of law
Maharishi Markandeshwar (Deemed to be University)
Mullana, Ambala
(Haryana)Pin Code 133207**

- b. The teams have to carry five copies of the memorial from each side and submit the same during formal registration.

No Difference between Soft Copy and Hard Copy of Memorial: The hard copy of memorial must be exact replica of the soft copy submitted with the Organizers. Any difference in the same will result in disqualification from the Competition.

- **Penalty for Late Submission:**

- a. A penalty of 2 marks per day per side shall be deducted in case of delay in submission of soft copy of memorial.
- b. A further penalty of 1 mark per day per side shall be levied in case of delay in submission of hard copy of memorial.

- **General Conditions for Memorials:**

- a. The memorials shall not contain any form of identification apart from the team code. If any such identification or mark, symbol, etc. which has the effect of identifying the team is found on the memorial, then it shall result in instant disqualification.
- b. Appellant/Petitioner memorials are required to have a Blue cover and Respondent/Accused memorials are required to have a Red cover.
- c. A penalty of 1 mark per side shall be levied in case the team uses wrong cover page for each side of memorial.

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- **Guidelines for Formatting:**

a. **Memorial Structure:** The memorial must have following pages only:

- i. Cover Page
- ii. Table of Contents
- iii. List of Abbreviations
- iv. Index of Authorities
- v. Statement of Jurisdiction
- vi. Synopsis of Facts
- vii. Issues Raised
- viii. Summary of Arguments
- ix. Pleadings /Arguments Advanced
- x. Prayer

a. **Team Code:** The team code must be ascribed on the top right corner of the cover page. The code must be preceded by the side for which the memorial is prepared. The teams must use “A” for Appellant, P for “Petitioner” and R for “Respondent.” For example: in case the Team Code is 10 the team must write “A-10” in case of memorial for Appellant and “R- 10” in case of memorial for Respondent.

b. **Font –**

- i. **Text**

Times New Roman Font Size – 12 points Line Spacing – 1.5 Line Spacing

- ii. **Footnotes**

Times New Roman Font Size – 10 points Line Spacing – Single Spaced

c. **Pagination:** The pagination must be done at the bottom of the page.

d. **Margin:** A margin of 1 inch on all sides of the memorial should be left.

e. **Citation Format:** The 19th Edition of Bluebook system of citation should be followed throughout the memorial.

f. **Page Limit:** The memorial shall be of a maximum of 40 pages including the cover page and Pleadings/Arguments Advanced shall be of a maximum of 25 pages. No annexure, photographs, exhibits, etc. should be added to the memorial.

Penalty: A penalty of 1 mark per violation per side shall be levied in case of non-adherence with the aforementioned guidelines for formatting.

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Marking Criteria for Memorials:

SR. NO.	MARKING CRITERIA	MARKS ALLOTTED
1.	Evidence of Original Thought	20
2.	Knowledge of Law and Facts	20
3.	Proper and Articulate Analysis	20
4.	Structure, Language & Grammar	15
5.	Extent and Use of Research	15
6.	Correct format and citation	10
	TOTAL MARKS	100

IX. ORAL ROUNDS

Timings for the Oral Pleadings:

a. For preliminary, Quarter-Finals:

- Each team is allotted a total of 20 minutes to present their oral arguments;
- The timing can be divided between both the speakers according to the wish of the team subject to a maximum of 12 minutes and minimum of 8 minutes per speaker;
- The time division has to be informed to the Court Master before the beginning of the oral arguments.
- A maximum of 5 minutes may be reserved for rebuttal or sur-rebuttal which shall be at the discretion of the judges which shall be inclusive of the above time limits.
- The allotment of extra time shall be at the discretion of the judges.

b. Semi-Final & Final Rounds:

- Each team is allotted a total of 25 minutes to present their oral arguments.
- The timing can be divided between both the speakers according to the wishes of the team subject to a maximum of 15 minutes and minimum of 10 minutes per speaker.
- The time division has to be informed to the Court Master before the beginning of the oral arguments.
- A maximum of 5 minutes may be reserved for rebuttal or sur-rebuttal which shall be given at the discretion of the judges which shall be inclusive of the above time limits.
- The allotment of extra time shall be at the discretion of the judges.

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Marking Criteria for the Oral Rounds:

SR.NO	MARKING CRITERIA	MARKS ALLOTTED
1.	Knowledge and Application of Law& Facts	20
2.	Ingenuity and Ability to answer questions	20
3.	Style, Poise, Courtesy, Demeanour	20
4.	Organisation and Flow of Arguments	20
5.	Reference to Memorials	20
	TOTAL MARKS	100

- **Levy of Maximum Penalties:** Notwithstanding anything in the rules, a maximum of 20 marks shall be deducted as penalties for violations under the Rules.
- **Submission of Authorities:** The teams shall only submit genuine authorities from Journals or other authentic sources, or their xerox. The teams may prepare and submit Compendium of authorities before the beginning of oral arguments to the panel of Judges, otherwise they can only submit authorities with the prior permission of the panel or if demanded by the Judges.

X. PENALTIES

- **Scouting:** No member of any participating team shall view any other oral rounds while the team is still in the competition. If such an incident comes to the notice of the organizers then the scouting team shall be subject to disqualification. Teams may file a written complaint of scouting to the Organizers. The decision of the Organizers shall be final and binding.
- **Non – Disclosure of Identity:** Teams shall not disclose their identity, i.e. the name of their institution, city, etc. or any other information which has the effect of disclosing their identity and affiliation with a particular university or institution. Such disclosure shall result in disqualification subject to the discretion of the Organizers.
- **Copyright:** The copyright with regard to the memorials submitted for the participation in the Competition is assigned by participants and shall also vest completely and fully with the Organizers. The participants shall certify the originality of the memorials and the materials used and shall be responsible for any claim or dispute arising out of further use and exhibition of these materials.

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The Organizers shall have the right to publicly display, distribute either electronically or otherwise and they shall not be responsible for any liability to any person for any loss caused by errors or omissions in this collection of information, or for accuracy, completeness or adequacy of the information contained in these materials.

XI. AWARDS & PRIZES

- **Awards:** The following awards shall be awarded in the Competition:
 - a. **Best Team:** The Team winning the final round of the Competition shall be given a trophy and a cash prize of INR 15,000 (Indian Rupees Fifteen Thousand Only).
 - b. **Runners Up:** the runners up team in the final round of the Competition shall be given a trophy and a cash prize of INR 10,000 (Indian Rupees Ten Thousand Only).
 - c. **Best Mooter:** The Mooter having the highest score in the competition shall be given the memento and cash prize of INR 2,000 (Indian Rupees Two Thousand Only).
 - d. **Best Memorial:** The team having the highest average memorial score from both sides shall be given the memento and cash prize of INR 2,000 (Indian Rupees Two Thousand Only).
 - e. **Best Researcher:** There shall be researcher test in the Department and the best performer shall be given the memento and cash prize of INR 2,000 (Indian Rupees Two Thousand Only).
 - f. Certificates of merit shall be given to all the teams qualifying for quarter finals and beyond.
 - g. Certificate of participation shall be given to all the participating teams.
- **The awards, certificates of merit and certificates of participation shall be given during the valedictory ceremony to be conducted on October 19, 2019. No certificate will be given to the team before or after the valedictory function.**

XII. ACCOMMODATION AND FOOD

Accommodation and food shall be provided by the Organizers during the days of the competition to the team members in the University. The Accommodation will be provided on shared basis in the hostels at university campus.

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There shall be separate accommodation for boys and girls.

XIII. MISCELLANEOUS

- **Power to Amend or Alter Rules:** The rules mentioned herein are not exhaustive. The Organizers reserve the right to alter, amend or add to the rules mentioned herein at any point of time. All decisions made by Organizers in case of any disputes, doubts or related issues shall be final and binding. Imposition of all penalties including disqualification rests solely with the organizers in case of failure to comply with the rules mentioned herein.
- **Disclaimer:** The problem is fictitious and any resemblance to any person, living or dead, or incident, past or present, is coincidental and not intended by the author of the problem.

FOR FURTHER DETAILS CONTACT:

- **Clarification regarding the Moot problem-**

Clarifications regarding the moot proposition will only be entertained through email. Send your queries at smcs.mmu@gmail.com with subject line “Clarification for Moot Problem”.

Note: The last date for seeking clarifications regarding the moot proposition is September 28, 2019.

Regarding the Rules of the Competition or any other queries-

Organizing Committee

Prof. (Dr.) Bindu Jindal
Head & Dean, Dept. of Law
(Chief Event Coordinator)
Phone No. 01731-304266

Coordinators Organizing Committee

Prof. (Dr.) Saroj Chhabra	- 8059930246
Ms. Poonam Lamba	- 9468332287
Ms. Sujata Dhaiya	- 9416802989
Ms. Rimpay Bhardwaj	- 9992596722

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Student Coordinators -
Jai Kaushik - 9996960765
Sanjiv Kumar - 9729550778

LIST OF IMPORTANT DATES

EVENT	DATE
Notification of the Competition and Release of the Moot Proposition	August 03, 2019
Last Date of Submission of Soft Copy of Registration Form	September 28, 2019 by 11:59 P.M.
Last Date for Seeking Clarifications	September 28, 2019
Last Date of Submission of Soft Copy of Memorials	October 7, 2019 by 11:59 P.M.
Last Date of Submission of Hard Copy of Memorials, Registration and Travel Form	October 10, 2019
Formal Registration	October 17, 2019
Draw of Lots and Exchange of Memorials	October 17, 2019
Preliminary Rounds	October 17, 2019
Quarter Finals and Semi Final Rounds	October 18, 2019
Final Round, Valedictory and Prize Distribution	October 19, 2019

Moot Proposition

Federalism is a device by which plural qualities of a society are articulated and protected. It is devised to secure both regional autonomy and national unity. It is a product of historical forces in plural societies. If the forces of national unity are very strong in such society, the central government shall have more powers. The strength of these regional and national forces changes from time to time, in keeping with changing social, economic and political conditions and compulsions.

Federalism is a principle which defines the relationship between the Central Government at the national level, and its constituent units at the regional, state or local levels. A well-designed, and more importantly, a well-functioning system of federal governance, by virtue of its manifold benefits, plays a key role in promoting the stability and prosperity of nations, as the heights attained in development by the leading federations of the world – USA, Canada, Australia and Switzerland – demonstrate.

Koshinda has adopted federalism to actualize and uphold the values of national unity, cultural diversity, democracy, regional autonomy and rapid socio-economic transformation through collective efforts. The Constitution of Koshinda establishes the Supreme Court of Koshinda which is the final interpreter of the ‘Constitution of Koshinda ‘ and is considered as the custodian of basic civil rights and liberties of its citizens.

Under the constitutional scheme of Koshinda, the state of K & L, having multifarious historical background, is one of the twenty nine states. The State of K & L has been a debatable issue from the very day of its formation and it is facing higher militancy and internal insurgency at the behest of various internal as well as external banned organizations.

Under the Constitution of Koshinda, the State of K & L has been conferred with disparate and greater degree of state autonomy as well as special powers to conduct their internal affairs. The autonomy of K & L has been enshrined and retained through the provisions contained under article 370 of the Constitution of Koshinda. The Article 370 of the Koshindian Constitution accords special status to the State of K & L and acts like a bridge between the Koshinda Constitution and the Constitution of the State of K & L.

Article 35A was introduced through a presidential order called The Constitution

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(Application to the State of K & L) Order, 1954, and absorbed into the state constitution of K & L, adopted in 1956 by exercising the powers conferred by the clause (1) of the Article 370 of the Koshindian Constitution, and with the concurrence of the Government of the State of K & L. Thus, The Presidential Order of 1954 provided framework for the division of powers between the State of K & L and the Union Government under Article 370.

It defines the “permanent residents” of the State of K & L – those who were already state subjects by 1954 or had lived there for at least 10 years. It conferred upon these subjects special rights and privileges, aimed at preserving the character, culture and demography of the State of K & L. The order was issued under Article 370, the Constitutional provision that ensured special status to the state after it became part of the Koshindian Union. It gave a large degree of autonomy to the State of K & L. The state surrendered three key subjects to Parliament: defence, communication, external affairs and ancillary areas. The special treatment is with respect to 'employment with the state government, acquisition of immovable property in the state, settlement in the state, or right to scholarships and such other forms of aid as the state government may provide'.

Background

Prior to 1947, the State of K & L was a princely State under the British Paramountcy. The people of the princely states were "state subjects", not British colonial subjects. In the case of the State of K & L, the political movements in the state in the early 20th century led to the emergence of "hereditary state subject" as a political identity for the State's people. Origin of Article 35A dates back to 1927 when the Homas (community) from the State of K & L approached Maharaja Harjinder Singh fearing that arrival of people from neighbour provinces will lead to their control in government services. These fears led to the issuance of a separate notification by the maharaja in 1927 and 1932 which defined the state subjects and granted them the right to government office and the right to land use and ownership, which were not available to non-state subjects. Following the accession of the State of K & L to the Koshindian Union on 26 October 1947, The Maharaja ceded control over defence, external affairs and communications to the Government of Koshinda. The Article 370 of the Constitution of Koshinda and the concurrent Constitutional Order of 1950 formalised this relationship. To further the relationship between the State and the Union, in the 1952 Dongal Agreement was adopted.

Following the adoption of the provisions of the Dongal Agreement by the the State of K & L, the President of Koshinda issued The Constitution (Application to the State of K &

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L) Order, 1954, through which Koshindian citizenship was extended to the residents of the state, and simultaneously the Article 35A was inserted into the Koshindian constitution enabling the State legislature to define the privileges of the permanent residents.

Rights of Permanent Residents

- 1) The K & L Constituent Assembly incorporated in the State of K & L Constitution provisions under Section-51 (Qualifications for membership of the Legislature. - A person shall not be qualified to be chosen to fill a seat in the Legislature unless he is a Permanent Resident of the State), Section- 127 (Transitional provisions. - Until other provision is made in this behalf under this Constitution, all the laws in force immediately before the commencement of this Constitution and applicable to any public service or any post which continues to exist after the commencement of this Constitution, as service or post under the State, shall continue in force so far-as consistent with the provisions of this Constitution) and Section-140 (The elections to the Legislative Assembly shall be on the basis of adult suffrage; that is to say, every person who is a permanent resident of the State and who is not less than Eighteen years of age, entitled to caste vote.
- 2) No person who is not a Permanent Resident of the State of K & L can own property there.
- 3) No person who is not a Permanent Resident of the State of K & L can obtain job within the State of K & L Government.
- 4) No person who is not a Permanent Resident of the State of K & L can join any professional college run by government of the State of K & L or get any form of government aid out of government funds.

I.

A clutch of petitions now challenge Article 35A in the Supreme Court of Koshinda. The first of these petitions, filed in 2014 by a little known non-governmental organization called **Citizen Rights**, which claimed it worked to “promote the interests of citizens of this country”, argued against special status for the State of K & L. The state became an “integral part of Koshinda” once it acceded to the Union, the petitioners contended, so there was no question of special status or treatment.

But most of the petitioners’ energies are focused on the presidential order of 1954. According to them, it went against Article 368(i), which said that amendments could be made by Parliament alone. The 1954 order, they argued, was beyond the jurisdiction of

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the president. Using a temporary provision of Article 370, they continued, the president had introduced “a new Article of permanent nature”.

II.

In 2015, the Protagonists of Nozangabad Refugees Action Committee Cell had filed a writ petition in the Supreme Court. It pleads for the fundamental rights of refugees who crossed into the state after 1947, had lived there for decades and formed 7%-8% of the state’s population.

The petitioners had argued that Nozangabad refugees had lived the state for 40 years without being recognised as permanent residents. This meant they could not get their names on electoral rolls, be elected to panchayats, take government jobs, buy land or be admitted to technical institutions.

The petitioners argued that they be given the same rights as those who had voluntarily migrated to Nozangabad after Partition but then chosen to return. The Resettlement Act of 1982, passed by the State of K & L legislature, gave such persons and their children the rights of permanent residents. The Supreme Court recognised the plight of Nozangabad refugees, but left the matter to the Union government and the State of K & L.

The petition includes a Dehlka report on the conditions under which such refugees lived as well as documents on the admission procedures for technical institutions and scholarship application forms.

III.

Another petition was filed by Karisma Raj Mehta, lawyer and former member of the National Commission for Women, and Santosh Kashyap, a doctor. Mehta is described as a “Langoshian woman by ancestry” who “desires to build a home in K & L, in order to rediscover her roots”. She is unable to purchase property, the petition says, because of the “peculiar discriminatory laws” of the state, which have branded her a non-permanent resident, apparently because she had married “out of caste”.

The petitioners refer to a 2003 judgment by the K & L High Court, which notes that the state legislature had not enacted any law defining permanent residents. So “under the guise of Article 370 and Article 35A, the men and women state subjects are subjected to different treatments”, claims the petition.

Such discriminatory provisions for permanent residency, the petitioners argue, perpetuate “the power politics, wherein the Koshinda of today on the path of ‘Har Kadam, sath sath’, with growing education, migration and economic and social mobility, women are claiming their spaces (whether in private or public sphere)”.

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Further, Mehta pleads for the court's intervention, asking, "Am I not a Langoshian?" She then proceeds to give "anecdotal" evidence of her ancestry.

The genealogy of her ancestors could be traced through 11,000 years of "myths and oral tradition", she says. The Langoshians, are "Paryan Aaraswat Trahmins" who lived on the banks of the mythical Aaraswati river before they migrated to Langosh. She dwells on the "ancient history" of the state, which was absorbed into Rishoka's Hauryan empire. One of her ancestors, she says, was given the title of "Wali", which means "Saint". Under the "brutal tyranny" of Afghan rule (1753-1819), however, her ancestors were forced to migrate from the state, part of the "sixth exodus" of Langoshians.

It argues that the princely state of K & L had already acceded to the Koshindian dominions under the Government of Koshinda Act, 1935. A fresh instrument of accession was signed by the Homas ruler in 1947 merely to "remove any doubt, confusion or ambiguity". The petitioners then conclude: "Thus it is on record that Langosh never separated from federation of Koshindian dominion or union of states."

Second, the petitioners argued that the state acceded to the union to become an "integral part of Koshinda", four representatives from the state were part of the Constituent Assembly and "participated in the making of the Koshindan Constitution". "Therefore, no special provision was made in the Koshindan Constitution giving special status/treatment to the state of K & L," the petitioners reasoned.

But the focus of this petition is the validity of constitutional orders passed by the president, first limiting the powers of Parliament to make laws for the state of K & L and then allowing provisions for permanent residentship. Article 35A was inserted in 1954 through the "Constitution (Application to K&L) Order 1954". These orders were passed according to powers given to the president under Article 370.

But the petition points to Article 368 (i) of the Constitution, which says that amendments could be made by Parliament alone. "By this provision, act of amendment, variation or repeal is excluded by any other contained in the Constitution including Article 370 of the Constitution of Koshinda," they argued. Building on this, they concluded that it was "beyond the president's jurisdiction" to pass the order of 1954.

"The President of Koshinda under the garb of a temporary provision i.e. Article 370 (1) cannot amend the Constitution by incorporating a new Article of permanent nature," the petitioners argued. The petition also objects to Article 35A on the grounds that it creates "two classes of citizens", which violates the right to equality under Article 14 of the Constitution. Finally, the petition concludes, the "radical changes" in the "socio political scenario" in the State of K & L had made the order of 1954 "irrelevant and redundant".

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These petitions also argued that Art 35A affects the basic structure of the Koshindian Constitution.

The petitions are posted for hearing before the Supreme Court of Koshinda on 14th March, 2019.

Note: The provisions under Koshindian Constitution are in *pari - materia* with the Constitution of India.

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