



2ND INTER-UNIVERSITY CONSTITUTIONAL LAW JUDGMENT WRITING COMPETITION

ORGANIZED BY
CONSTITUTIONAL LAW SOCIETY
NATIONAL LAW UNIVERSITY, JODHPUR (INDIA)



KNOWLEDGE PARTNERS





2ND INTER-UNIVERSITY CONSTITUTIONAL LAW JUDGMENT WRITING COMPETITION

(RULES AND REGULATIONS ALONG WITH PROPOSITION AND OTHER DETAILS)

The Constitutional Law Society at National Law University, Jodhpur in furtherance of its initiative of encouraging debate and discussion in the subject of Constitutional Law is organizing the 2nd Inter-University Constitutional Law Judgment Writing Competition [“**Competition**”].

ABOUT NATIONAL LAW UNIVERSITY, JODHPUR:

National Law University, Jodhpur (NLUJ) is one of India’s leading law schools situated at the vibrant city of Jodhpur, Rajasthan. NLUJ has been ranked as one of the top law schools of India. Since, its establishment in 1999, NLUJ has endeavored to produce exceptional lawyers and legal scholars aimed at pushing and challenging the existing boundaries of law.

The University is a recipient of the annual Best Brand in India Awards consecutively in 2016 and 2017. Recently, the university has been ranked 5th amongst the best law schools of India as per the National Institutional Ranking Framework rankings issued by the Ministry of Human Resource and Development, Government of India.

ABOUT CONSTITUTIONAL LAW SOCIETY:

The Constitutional Law Society at National Law University, Jodhpur [“**Society**”] was founded in the year 2018 to encourage discussion and deep-rooted understanding in the subject of Constitutional Law. The society aims to cover aspects of the subject which



cannot/are not covered in the class room due to several constraints. The society undertakes several activities in the form of special lectures, competitions and general student discussions that augment and further the understanding of the students in the field of Constitutional Law. The Society has successfully organized the 1st Inter-University Constitutional Law Judgment Writing Competition wherein over 200 students from law schools across the country penned down judgments on a niche area of Constitutional Law. The results of the 1st Inter-University Constitutional Law Judgment Writing Competition, 2018 were announced on 3rd February, 2019 and prizes worth Rs. 50,000/- were distributed.

The Society has also started a YouTube Series titled '*Intra-Vires*' wherein members of the Society discuss key Constitutional Law Decisions rendered by the Hon'ble Supreme Court of India and explain it in a manner suited for a common man's understanding. The Society also has its own podcast series titled '*The Chilling Effect*' wherein the students discuss key constitutional law topics.

The Society is the first in the University to draft and adopt its own Constitution, which governs and regulates its proceedings and working. The Constitution has been adopted in an official ceremony wherein it was signed by the Hon'ble Vice Chancellor, Registrar, Dean (Faculty of Law), Asst. Dean (Faculty of Law), Faculty Advisor and the Founding Convenor.

Continuing the tradition and in furtherance of its academic ventures, the society wishes to organize the 2nd Inter-University Constitutional Law Judgment Writing Competition.



RULES AND REGULATIONS FOR THE COMPETITION:

The objective of this Competition is for the students to approach a factual matrix from the point of view of a judge, apply the law and render a judgment. The student shall be expected to think like a judge and reach a well-reasoned conclusion. The detailed rules and Regulations of the Competition are produced below:

Eligibility:

- ❖ The Competition shall be open for the students currently pursuing their Bachelor's Degree in law i.e. 3-Year LL.B. course or 5-Year LL.B. course from any recognized university/school in India.
- ❖ Individual participation as well as participation in a team of two i.e. co-authorship is allowed.
- ❖ There is no restriction on the number of entries from any college or university.
- ❖ The participants shall be provided with a factual matrix and would be required to write a judgment based on the same.
- ❖ The participants shall write a single opinion. Multiple opinions are not allowed.

Content:

The Judgment should *inter alia* include: (in no particular order, except the Operative Part which must come last)

- ❖ Jurisdiction
- ❖ Determination of Facts Admissibility/Maintainability Issues for Determination
- ❖ Framing Specific Questions for Determination
- ❖ Relevant Legislations
- ❖ The arguments of the Petitioner/Appellant
- ❖ The arguments of the Respondents



-
- ❖ Reasoning of the court
 - ❖ Reference to Authorities & Precedents
 - ❖ Decisions/Outcomes on Issues

The participants may fill in necessary particulars/fillers to the judgment (i.e. name of advocates, judges etc.).

Such fillers should not reveal the identity of the participants. Such a revelation would lead to immediate disqualification.

Formatting:

- The language of the Judgment should be in English.
- The word limit is 3500 words (not including foot notes).
- The file must be a Microsoft Word file.
- The font used in all parts of the judgments must be Times New Roman, Size 12, with 1.5 line spacing. The judgment must be justified.
- The font used in the footnotes must be Times New Roman, Size 10, with single line spacing. The citation in the footnotes should be Bluebook 20th edition.
- Page numbers must be at the bottom center

Penalties

S. No.	Description	Range
1.	Incorrect line spacing in the manuscript or footnotes	0.25 marks (per instance); Up to 1 marks.
2.	Incorrect font style or size in the manuscript or footnotes	0.5 marks (per instance); Up to 2 marks.
3.	Incorrect or inconsistency in citation	0.25 marks (per instance); Up to 1 marks.
4.	Absence of page numbers in the footer	2 marks.



5.	Text not justified	0.5 marks (per instance); Up to 2 marks.
6.	Failure to remove tracked changes, highlights or comments from the manuscript	0.25 marks (per instance); Up to 1 marks
7.	Incorrect naming of the Manuscript file submitted in soft-copy	2 marks.
8.	Missing parts/blank page in the manuscript	0.5 marks (per instance).
9.	Exceeding Word Limit	0.5 marks for every 500 words.
10.	Plagiarism	1 marks (per instance); Up to 10 marks
11.	Improper submission of soft copy (MS Word format)	2 marks.

Consent for Participation:

- ❖ Students interested to participate, shall send an email to judgmentwriting.conlawsociety@gmail.com on or before **March 15th, 2020**. The email should be in the below provided format:

Subject: Consent for Participation: (Name of the Candidate)

Body:

"Dear Sir/Ma'am,

My name is _____ and I am a ____ year student at _____. I wish to participate in the 2nd Inter-University Constitutional Law, Judgment Writing Competition.

I consent to the rules of the Competition and agree to abide by them.

Thanking you,"



-
- ❖ Please include your contact details in the email.
 - ❖ The consent to participate should be submitted latest by **March 15th, 2020** after which no consent shall be considered.

Clarifications:

If the participants require clarifications regarding the proposition, they may send an email to judgmentwriting.conlawsociety@gmail.com on or before **March 17th, 2020**. A list of clarifications shall be issued on **March 19th, 2020**.

Submission Guidelines:

- ❖ The participants have to submit their judgments on or before **April 5th, 2020** by emailing it to judgmentwriting.conlawsociety@gmail.com.
- ❖ The subject should read: Submission of Entry: 2nd Inter University Judgment Writing Competition.
- ❖ The attachment should be titled 'Submission_Code x' (i.e. the allotted code).
- ❖ Nothing in the document or in the submission email should reveal the identity of the participants. Such a revelation would lead to immediate disqualification.
- ❖ The electronic copies must be submitted in Microsoft Word Document format. In case two e-mails are sent by the participant, the copy of the draft sent last will be considered, both for the purposes of evaluation and also for awarding the penalty for late submission (if any).



Assessment:

The submissions shall be assessed on the following parameters:

Adherence to the Rules	15
Formatting	10
Arrangement of facts and issues addressed	10
Statement of rival contentions and framing of issues	15
Knowledge of legal principles, and citing of relevant case laws, statutes, and opinion of jurists.	20
Critical analysis of the problem and analytical reasoning	15
Language, style of writing, presentation, appearance, and overall impression	15
Total	100

The assessment shall be undertaken by the drafter of the problem.

Prizes:

The participants securing the first three positions i.e. First, Second and Third shall be felicitated with cash prizes.

- ❖ First Position: Rs. 15,000/- (sponsored by Senior Advocate Mr. Raju Ramachandran, Supreme Court of India)
- ❖ Second Position: Rs. 10,000/- (sponsored by the Eastern Book Company)
- ❖ Third Position: Rs. 5,000/-

In addition to the cash prize, the first position holders shall also get a copy of the Constitution of India-Coat Pocket Edition.



Important Dates/ Timeline:

Release of the Hypothetical	March 5 th , 2020
Last date for the Consent of Participation	March 15 th , 2020
Last day for seeking Clarifications	March 17 th , 2020
Release of the Official Clarifications	March 19 th , 2020.
Submission of Manuscripts	April 5 th , 2020
Declaration of results	Last week of April

Kindly note that the timeline is tentative and subject to change.

For any further information/clarification, kindly send an email to judgmentwriting.conlawsociety@gmail.com or contact Ms. Aparna Singh (Convenor, Constitutional Law Society) at +91 8696656166.



PROPOSITION

1. The Republic of Gondwana is a constitutional democracy. The Preamble of its Constitution, describes it as a sovereign, socialist, secular, democratic, republic. The country has 28 states, most of which are culturally, linguistically and religiously diverse from each other. Chola is one of the States in Gondwana. It was formed on linguistic and cultural lines after its bifurcation from Pichola. The people of Chola have utmost belief in their unique cultural heritage. They take immense pride in their ancient and intangible cultural traditions, expression of which can be found in various forms of arts, sports and festivals celebrated by them.
2. Sallikattu, a widely popular bull taming sport, is practiced in Chola since time immemorial. The sport is seen as a festival where participants enthusiastically embrace running bulls by hanging on their hump as long as possible. It is considered indispensable to village life as the pastoral communities conscientiously celebrate this festival during every harvest season. Recently, Sallikattu has been the subject of massive backlash from various animal protection organizations and general public. The Animal Welfare Board of Gondwana, established under The Prevention of Cruelty to Animals Act, 1960 [**“PCA Act”**], circulated a report dated 20/10/2008 providing a detailed account of horrendous acts of cruelty inflicted upon these sentient creatures during Sallikattu. The report stated that *“Sallikattu is indeed an extremely cruel and barbaric sport, in which the bulls are brutalized and subjected to unnecessary pain and suffering. Owners routinely beat the bulls and twist their tails in order to induce fear and pain while they are in the waiting area and inside the vadi vassal. Abuse runs rampant in vadiovasals. Irritant solutions are smeared into their eyes and noses inside the vadi vassal in order to agitate them. Their humps and horns are seized and twisted and turned during the course of the ‘sport’, leading to injuries, tears and bleeding and the*



animals toppling over." Furthermore, multiple videos had also surfaced on YouTube and other social media platforms that depicted egregious instances of atrocities that these animals are forced to undergo during Sallikattu.

3. The Government of Chola, after taking due cognizance of the aforementioned reports and videos, enacted the Chola Regulation of Sallikattu Act, 2009 ["CRS Act"] which sought to regulate the organization of Sallikattu in Chola. The Act prescribed norms for conducting Sallikattu by its organizers in order to ensure the safety of animals, participants and spectators. The Act mandated that an authorization from District Magistrate has to be sought for the organization of Sallikattu. The District Magistrate shall oversee that the bulls are not intoxicated and are fit to participate in the event. In doing so, the Act sought to give legitimacy to Sallikattu, while subjecting its actual practice to some regulations. In 2010, the constitutional validity of the CRS Act was upheld by the High Court of Chola.
4. Since, the abominable instances of abuses on animals during Sallikattu were mounting even after passing of the CRS Act, the Ministry of Environment and Forests issued a Notification No. MoEF/07/2011 dated 11/07/2011 in exercise of powers conferred by Section 22 of the PCA Act. The said Notification prohibited exhibition and training of certain animals as performing animals, which included, *inter alia*, bulls. The validity of Notification No. MoEF/07/2011 was assailed before the Supreme Court of Gondwana. Additionally, appeals were filed before the Supreme Court from the decision of the High Court of Chola that upheld the constitutionality of the CRS Act. The Supreme Court tagged the aforementioned challenges together for hearing. It finally upheld the validity of the Notification No. MoEF/07/2011 and struck down CRS Act on the ground that it is repugnant with the PCA Act.¹ It declared that Sallikattu per se violates Sections 3, 11(1)(a) and

¹*Animal Welfare Board of India vs. A. Nagaraja and Others*, (2014) 7 SCC 547



11(1)(m)(ii) of PCA Act and hence, bulls cannot be used as performing animals for the purpose of Sallikattu in the State of Chola or anywhere in Gondwana.

5. This decision was followed by widespread protests across the State of Chola and thousands of people thronged demanding that the ban on Sallikattu be lifted as it is part of their rich legacy. One youth organization named 'Save Sallikattu Organization' claimed that *"the ban on Sallikattu under the fig leaf of animal cruelty is an attempt to efface their culture. The concerns of cruelty are misplaced as bulls are specially trained and nourished by the owners for the purpose of taking part in Sallikattu. They spend considerable amount of money on maintenance and upkeep of bulls. This depicts love and compassion for the bulls. Sallikattu is our cultural festival that celebrates this bond between bulls and humans. The bull which is judged to be the strongest is considered most virile and used for further cattle breeding in our agricultural societies. This festival cannot be separated from the agricultural society we live in"*.
6. As these protests escalated, several thousands of people started congregating at the Sarina Beach, Mylanglur to protest against the banning of their cultural practice. The road along the Sarina Beach houses several important government departments including the Secretariat and the Legislative Assembly of Chola. Fearing the occurrence of any untoward incident the Commissionerate of Police, Mylanglur passed Order No. 11B dated 31/08/2017 under Section 144 of the Criminal Procedure Code, 1973 ["CrPC"]. The said order read as;
"I have credible intelligence that some miscreants may try to provoke the protesting crowds and spread rumours in the city. The area where protests are happening is a sensitive location. The potential inconvenience caused by the protests is also alarming. No prior permissions for protests in this area were given by the police. Therefore, through the powers vested in me under Section 144 of the CrPC, deeming it necessary to do so, I ban an unlawful assembly of 4 or more people in Mylanglur. The order shall remain in force for 7 days, commencing from 01/09/2017"



7. Thereafter, the Secretary to the Government of Chola in-charge of the Home Department issued an Order No: Home-01 dated 31/08/2017 in exercise of the powers conferred by sub-section (2) of section 5 of the Gondwana Telegraph Act, 1885 and sub-rule (1) of rule 2 of the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017. The Order stated;
"There have been number of reports of the misuse of internet by anti-social elements who are attempting to aid and incite people by transmission of fake news, rumour mongering, thereby causing disaffection and discontent. Considering all the relevant factors, I, Principal Secretary to the Government of Chola, Home Department, being satisfied that it is absolutely necessary in the interest of public safety, hereby direct all the internet service providers ["ISPs"] to ban mobile internet connectivity in Mylangur. The ISPs are directed to install necessary firewalls and carry out 'white-listing' of sites that would enable access to Government websites and websites dealing with essential services, e-banking, etc, excluding, however, all social media sites. There shall be complete restriction on social media applications that allow peer to peer communications and virtual private applications. 2-G mobile connectivity on post-paid mobiles for accessing white-listed sites, including e-banking, shall be allowed. The order shall be effective from 01/09/2017 and remain in force for three days, unless modified earlier."
8. As the protests defending Sallikattu gained further momentum, the Central Government issued a Notification No. MoEF 10/17 dated 07/10/2017 which allowed exhibition and training of bulls for the purpose of Sallikattu. The aforesaid notification also laid down mandatory guidelines for the organization of Sallikattu to maintain security of bulls and humans involved in the event. However, in November, 2017, the Supreme Court ordered a stay on the Notification No. MoEF 10/17.
9. In view of the growing public outburst against the Government, the Government of Chola passed the Prevention of Cruelty to Animals (Chola Amendment) Act, 2017



["Chola Amendment Act"].² The Chola Amendment Act exempted the conduct of Sallikattu from the application of the PCA Act. It defined Sallikattu as *"an event involving bulls conducted with a view to follow tradition and culture."* The Act was sent for the consideration of the President and it received the presidential assent on 31st December, 2017.

10. The Animal Welfare Board of Gondwana which spearheaded the legal battle against Sallikattu filed a writ petition before the Supreme Court under Article 32 of the Constitution of Gondwana challenging the vires of the Chola Amendment Act. In another petition, the Citizens for Moral Treatment of Animals ["CEMA"] approached the Supreme Court questioning the constitutional validity of Section 28 of the PCA Act. The Chairman of the Animal Welfare Board of Gondwana said in a press conference that;

"New philosophical arguments convincingly establish that there is little moral basis to distinguish between the cruelty meted out to humans and animals. We hope that the Supreme Court in this case will read the Constitution as the transformative document that it is. As one meant to transform this anthropocentric society riddled with speciesism and guarantee right to life to all animals. Moreover, though the Seventh Schedule also provides the State the power to legislate on 'prevention of cruelty to animals. This power cannot be used to undo a progressive judgement given by the Hon'ble Supreme Court."

11. Protestors under the banner of 'Chola Sanskriti Bachao' also moved the Supreme Court as intervenors urging the court to hear them. The court allowed the intervention application. The intervenors also requested the court to strike down Order No. 11B issued by the Commissionerate of Police, Mylanglur and the Order No: Home-01 issued by the Secretary to the Government of Chola in-charge of the

²For detailed provisions, refer to the Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act, 2017, mutatis-mutandis



Home Department, submitting that it was their democratic right to protest. Ban on all assembly and all social media, they argued, was a disproportionate restriction.

12. Since the issue in all the above-mentioned petitions was similar, the Supreme Court tagged them together for hearing. After the admission hearing, the division bench of the Supreme Court issued the following order;

“After hearing the Petitioners and the Respondents for some time, we are of the view that these writ petitions need to be authoritatively decided by a Constitution Bench of 5 learned Judges, as the writ petitions involve substantial questions relating to the interpretation of the Constitution of Gondwana. The questions, which require reference to a Bench of 5 learned Judges, apart from the other questions raised in the writ petitions, are set out hereinbelow;

Preliminary Issues

- I. Whether the writ petitions are maintainable under Article 32 of the Constitution of Gondwana?
- II. Whether the restriction on protests imposed by the Order No. 11B issued by the Commissionerate of Police, Mylanglur and the restriction on internet connectivity imposed by the Order No: Home-01 issued by the Secretary to the Government of Chola in-charge of the Home Department, are violative of the Constitution and should be struck down?

Other Issues

- III. Is the Chola Amendment Act referable, in pith and substance, to Entry 17, List III of the Seventh Schedule to the Constitution of India, or does it further and perpetuate cruelty to animals; and can it, therefore, be said to be a measure of prevention of cruelty to animals? Is it a colourable legislation which does not relate to any Entry in the State List or Entry 17 of the Concurrent List?



- IV. The Chola Amendment Act states that it is to preserve the cultural heritage of the State of Chola. Whether the people of Chola can claim that the practice of Sallikattu warrants protection under Article 29 of the Constitution of Gondwana and consequently whether the Chola Amendment Act is saved by Article 29?
- V. Does the Chola Amendment Act and Section 28 of the PCA Act are contradictory to Articles 51A(g) and 51A(h), and could it, therefore, said to be unreasonable and violative of Articles 14 and 21 of the Constitution of Gondwana?
- VI. Is the impugned Chola Amendment Act directly contrary to the judgment in *A. Nagaraja (Supra)* and whether the defects pointed out in the aforesaid judgment could be said to have been overcome by enacting the impugned the Chola Amendment Act?
- VII. Whether Section 28 of the PCA Act is protected by Article 25 of the Constitution of Gondwana? Can the impugned provision be said to provide immunity to the morally reprehensible practice of animal sacrifice in the name of religious practice, howsoever, essential it may be?

Let the papers be placed before the learned Chief Justice to constitute a Bench of five Hon'ble Judges."

13. A five-judge bench of the Supreme Court, led by Hon'ble Chief Justice Jessica Spector, has heard the arguments of both the sides and has reserved the verdict. The participants have to assume that they are Justice Jessica Spector and write an opinion either in favor or against the petition.
14. All laws of Gondwana (including subordinate legislation) are *pari-materia* with laws of India (unless the facts above reveal a clear and specific variation). The Supreme Court of Gondwana is known for its comparative approach in issues of Constitutional Law. It has in several occasions enforced rights as recognized in the



UDHR and the Courts of United States, United Kingdom, Canada and other similar jurisdictions.



Kindly note;

- a. All references, actual, deeming or fictional; are fictional.
- b. Citations should not be without actual para/page references. Unnecessary citations and passim references are to be avoided. No extracts are necessary in the judgment, especially quotes from other judgments. An annexure may be prepared and appended with the judgment which contains the relevant quotes. Primary reference for all materials being referred is mandatory.
- c. The Participants have to write one single opinion and cannot have any dissenting or separate concurring opinion.
- d. The Participants have to address all contentions raised by the parties, raise arguments in furtherance and then present a reasoned judgment. The participants are free to raise any novel arguments/issue so long as it relates to Constitutional Law.