



Sinhgad Institutes

SINHGAD TECHNICAL EDUCATION SOCIETY'S

SINHGAD LAW COLLEGE

Approved by Bar Council of India, Recognized by Govt. of Maharashtra and
Affiliated to Savitribai Phule Pune University
Accredited by NAAC with 'B' Grade

(Regd. No. MAH/7199-93/Pune dt. 6/7/93 & F-8282/Pune dt. 12/8/93)

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Prof. M. N. Navale

M.E. (Elec.), MIE, MBA
FOUNDER - PRESIDENT

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B.A., MPM, Ph.D.
FOUNDER - SECRETARY

Dr. Arunachalam Chettiar

B.Sc. (Maths), LL.M., Ph.D.(Law)
PRINCIPAL

To,
The Principal
Law College

Date: 23-3-21

Subject: Invitation to participate in National Level "7th Smt. Kashibai Navale Moot Court Competition, 2021

Sir/Madam,

It gives me great pleasure to invite your esteemed Law College/School for participation in "National Level 7th mt. Kashibai Navale Moot Court Competition" organized by Sinhgad Law College, Pune. We had gotten a tremendous response for the last six year's competition, from your side, which was held in this college. I thank you for your cooperation in this regard.

We request you to send a team of three students (2 Speaker & 1 Research) for participating in the above competition The Moot Court Competition will be held on Friday & Saturday, 7th & 8th May 2021. The problem and the set of Rules, important dates schedule are attached herewith. Participation of your esteemed College would be our pleasure. We therefore, request you to send the confirmation letter along with duly filled application form enclosed as early as possible.

The team willing to participate must register on or before **10th April 2021** by submitting the registration form <https://forms.gle/q1YCTVYZHfpG9YYJ6>

For further information or clarification feel free to write us or call Mr. Shivshankar Kalshetti, Asst. Professor, Mobile No. 7769921210.

With regards,

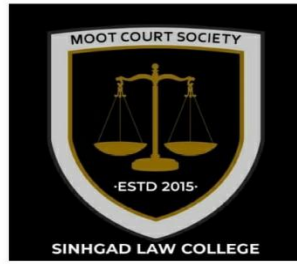
Dr. Chettiar Arunachalam

PRINCIPAL

SINHGAD LAW COLLEGE

PUNE - 411 041.

SINHGAD LAW COLLEGE
7th Smt. Kashibai Navale National Moot Court Competition, 2021
(7th & 8th May 2021)



OFFICIAL RULES

1. **Title** : *This Competition will be call as '7th Smt. Kashibai Navale National Moot Court Competition, 2021'*
2. **Date** : The esteemed 7th SMT. KASHIBAI NAVALE NATIONAL MOOT COURT (ONLINE) COMPETITION, 2021, hosted by Sinhgad Law College and will be held via virtual mode on **Friday & Saturday, 7th & 8th May 2021** from the STES's Sinhgad Law College Campus, Ambegaon (Bk), Pune, Maharashtra.
3. **Platform** : The competition will be conducted through the online platform *MICROSOFT TEAMS* . All the participating teams should have good access to internet and be able to access the above said online platform at the scheduled dates and time.
4. **Team Composition:**
 - a. The Competition is open to all Law Colleges / Law Schools in India recognized by the Bar Council of India. The participation is limited to LL.B/ B.A.LL.B students both in the Three-year Course and Five-Year Course.
 - b. Only one team from each participating institution shall be registered for the competition. Each team shall comprise three members (two speakers and one researcher).
5. **Registration Fees:** for a team is **Rs 2000/-** which comprises of three members i.e., two speakers and one researcher. Team codes shall be allotted within 24 hours of registration.
6. **Registration Process**

The team willing to participate must register on or before **10th April 2021** by submitting the registration form <https://forms.gle/q1YCTYVZHfpG9YYJ6> and making online payment of Rs 2000/- as registration fee through NEFT/ RTGS/ NET BANKING to the provided bank details of Sinhgad Law College or for Rs 2000/-

Account Holder name: Sinhgad Technical Educational Institute
Branch: Pune -411041
IFSC: CBIN0284444
Account Number: 3646593391

E-mail id: mcssl2020@gmail.com

7. **Dress Code**: The dress code for the competition will be as per prescribed by The Bar Council of India.
8. **Procedure**: The Court will follow its own procedure within the accepted norms of judicial practice, and in case of doubt or dispute in the matter of procedure or facts, the decision of the presiding member of the Panel of Judges of each Court shall be final.

9. **Memorials**:

- a. Each team is expected to be ready with written briefs and oral arguments to argue for either side of the case.
- b. **The teams must send the 5 hard copies of the memorial for the petitioner and 5 hard copies of the memorial for the respondent by 15th April, 2021 (11:59 pm) and send a soft copy to mcssl2020@gmail.com, which must be in PDF file extension and Doc. with the subject of the email as “Memorial Submission – Team Code”. The file name of the memorials shall be in the following format- For e.g.- “Memorial Petitioner” or “Memorial Respondent”**

The hard copy of the memorials shall be sent to,
Prof. Shivshankar Kalshetti (Coordinator)
(Moot Court Society)
STES's Sinhadg Law College,
S.No. 10/1, Vadgaon Campus,
Ambegaon (Bk),
Pune, Maharashtra-411041

Submissions made after the specified deadline may lead to penalties in the form of deductions from the memorial marks.

- c. The Memorials shall not contain any information that will reveal the identity of the participating team, except their code numbers. The violation of which will attract disqualification.
- d. There will be a briefing session for all the participants on **5th of May 2021 (Wednesday)** followed by a draw of lots & exchange of memorials on the next day after the inaugural function. The Memorials will be made available to the teams through email in their individual mail id's provided during the registration.

10. **Content**:

Memorials must contain: I Title page, II Table of Contents, III Statement of Fact, IV Statement of Jurisdiction, V Statement of Issues, VI Arguments Summary VII Arguments Advanced, VIII Prayer IX Bibliography/ Webliography.

The following content specifications must be strictly adhered to:

- a) Language – English

- b) Font and Size (General) - Times New Roman (Font Size-12),
- c) Line Spacing (General) - 1.5 lines
- d) Font and Size (Footnotes) - Times New Roman (Font Size-10),
- e) Line Spacing (Footnotes) - Single line
- f) Page Margins – use Normal Type Margin with space of 2.54 cms/ 1 inch from all sides.
- g) Footnote- Follow the uniform systems of citation [the use of The Blue Book: A Uniform System of Citation (2020, 21st edition).
- h) Cover Code- **Blue** Cover for Appellant,
Red Cover for Respondent.

11. Evaluation:

There shall be a Quorum of judges selected for each court from among a panel of judges constituted for the purpose including eminent Judges, Lawyers and Law Teachers from all over India.

Marks will be awarded to the memorials by the Committee of Judges out of a maximum of 20 marks. Each Court will assign marks for oral arguments to each individual participant and the team. Each individual's marks for oral arguments will be added with memorial marks to make the individual's marks out of 100. The division of marks for each individual participant is as follows:

1. Written Memorial- 20 marks
2. Oral Arguments -70 marks
3. Researchers Interview – 10 marks

12. Researcher's Interview – An online researcher's interview of 10 marks will be conducted on **6th May, 2021** which will be based on the moot problem and other research fields related to it. These marks will be added to preliminary rounds total marks.

13. Oral Rounds :

- a. The order of the competitions including the days, if any, and the side (petitioner/respondent) for which each team appears will be declared on the basis of taking lots before the commencement of the competition during the briefing session.

The entire scheme of the competition thus drawn out will be notified to the participating teams. The Society reserves the right to make any necessary alterations in respect of the side to be taken by the competing teams, in case, it becomes absolutely necessary due to withdrawal of any team/teams at the last minute, or if the competing teams had no opportunity to argue the other side of the problem. The host team, if it gets qualified, will not be able to participate beyond the quarter final round.

- b. The duration of each Court will not exceed one hour, including time taken to answer questions. Each team at all the rounds will get 20 minutes to speak (10

minutes each speaker), 5 minutes for rebuttal and 5 minutes for Judge's questions. Thus, in all, each team will get 30 minutes. If the team is not interested in doing rebuttals then five minutes reserved for rebuttals can be used up at the time of initial submission itself.

- c. The language of the Court shall be English.
- d. During the oral rounds, the team shall not be allowed to use any type of electronic devices such as laptops, mobile phones, tablets except the one they are using for accessing online platforms like Microsoft teams for the purpose of the competition.
- e. Evaluation of the arguments in the oral rounds will be based on:**

Sr. No.	Marking Criteria	Marks Allocated for Pre-Round	Marks Allocated for Semi Final & Final Round
1.	Knowledge of Facts	07	10
2.	Logic and Reasoning	07	10
3.	Organization and Clarity	07	10
4.	Proper and articulate analysis of the issues arising out of facts	07	10
5.	Application of Legal Principles	07	10
6.	Ability to explain clearly the legal principles	07	10
7.	Use of Authorities and Precedents	07	10
8.	Response to Judge's Questions	07	10
9.	Presentation skills	07	10
10.	Originality in analysis, presentation and written submissions	07	10
11.	Memorial of Both Side (appellant/respondent)	20	---
12.	Researcher's Interview	10	---
	Total	100	100

- f. In preliminary rounds, each team will have to argue for either petitioner or respondent (One Round)
- g. In preliminary round one team from each court room for semifinal round.
- h. In Semi Final rounds, one team from each court room will proceed to the Final rounds.
- i. The Entire Competition will be based on the best of the court room basis.

14. Awards:

- Winner
- Runner Up
- Second Runner Up
- Best Memorial
- Best Researcher

The Winning Team will be awarded with certificates and a cash prize of **Rs. 21,000** (Rupees Twenty-One Thousand only) and the First Runners-up will be awarded with certificates and a cash prize of **Rs. 17,000** (Rupees Seventeen Thousand only) and the Second Runners-up will be awarded with certificates and a cash prize of **Rs. 15,000** (Rupees Fifteen Thousand only). Best Memorial will be awarded with certificates and a cash prize of **Rs. 7,000** (Rupees Seven Thousand only) and Best Researcher will be awarded with certificate and a cash prize of **Rs. 5,000** (Rupees Five Thousand Only).

All the participants will be awarded E-certificates of participation.

15. Miscellaneous

- a. **Secrecy of Identity:** During the course of the Oral Submissions, the speaker shall neither reveal his/her identity nor the identity of their College/University by any means whatsoever. Such actions on part of any member of the team will lead to disqualification of the team from the competition.
- b. **Scouting:** Scouting is strictly prohibited. Teams found scouting will be disqualified immediately.

16. Schedule of the Competition

Date	Time	Event
05.05.2021	02:00 pm	Online Desk Registration
05.05.2021	03:00 pm	Briefing Session
06.05.2021	11:00 am	Researchers Test and Drawing of Lots
07.05.2021	09:00 am	Inaugural Function
07.05.2021	11:00 am	Preliminary Round 1
07.05.2021	01:00 pm	Preliminary Round 2
08.05.2021	09:00 am	Semi Final Round
08.05.2021	02:00 pm	Final Round
08.05.2021	05:00 pm	Valedictory Function & Prize Distribution

17. Mandatory requirements for online arguments

- a. The competition will be held through Microsoft Teams. All the Participants are required to have the respective app in their Desktop or Laptop.
- b. During the competition, participants are required to use Desktops or Laptops. Mobile phones can cause technical issues and therefore are not permitted for video conferencing for the competition.
- c. Sound internet connection is a mandatory requirement. The organizers will not be responsible for any such connection errors from the side of the participants.

- d. In each panel or section there will be a technical assistant who will be helping the participants and judges to deal with the technical issues.
- e. Screen Sharing or any kinds of malpractices are not allowed and if found, such team will be disqualified.

When the competition starts the team members are asked to switch on their camera till the end of the session. With respect to the mike, the team member has to be on mute when they are not presenting in order to avoid disturbances, failing which, points may be deducted from the score by the judges at their discretion.

- f. Team members are requested to participate in the competition in a closed or disturbance free area for the smooth conduct of the competition.
- g. Link, pass code or entry for the particular slot will be sent to the registered email id 25 to 15 minutes before the rounds. The teams are supposed to join the slot 15 minutes prior to the actual time.
- h. Every participant should use earphones during the rounds except in cases of medical conditions which should be intimated to the organizers in advance.
- i. There should be a distance of one meter between the webcam and the participants.
- j. There should not be anyone present in the room with the participants, except the researcher during the rounds and in case of any malpractice, the team will be disqualified.

CHIEF PATRONS

Prof. M. N. Navale
(Founder President, STES, Pune)

Dr. (Mrs.) Sunanda M. Navale
(Founder Secretary, STES, Pune)

Mr. Rohit M. Navale
(Vice-President (HR), STES, Pune)

Mrs. Rachana Navale - Ashtekar
(Vice-President (Admin.), STES, Pune)

CONVENER

Dr. Chettiar Arunachalam
(Principal, Sinhgad Law College, Pune)

CO-ORDINATOR

Mr. Shivshankar G. Kalshetti,
(Asst. Professor Mob: 7769921210)

ASST. CO-ORDINATOR
Mrs. Manjusha A. Mudgalkar,
(Asst. Professor Mob: 9420177275)

MOOT COURT SOCIETY

President- Ms. Khushboo Asrani
(8237470008)
Vice-President- Mr. Sahil Rathod
(9326897853)

For any queries, please write to mcssl2020@gmail.com

SINHGAD LAW COLLEGE
7th Smt. Kashibai Navale National Moot Court (Online) Competition, 2021
(7th & 8th May 2021)

Saurashtra Kamgar Sangh
 v/s
State of Saurashtra

Petitioner is a trade union registered under the Trade Unions Act, 1926 and represents about thirty thousand workers employed in factories and industrial establishments in the State of Saurashtra. Due to outbreak of COVID -19, the notifications dated 17 April 2020 and 20 July 2020 were issued by the Labour and Employment Department of the State of Saurashtra. Notification as below:-

“...NOW, THEREFORE, in exercise of the powers conferred by Section 5 of the Factories Act, 1948, the Government of Saurashtra hereby directs that all the factories registered under the Factories Act, 1948 shall be exempted from various provisions relating to weekly hours, daily hours, intervals for rest etc. of adult workers under section 51, section 54, section 55 and section 56 with the following conditions from 20th April till 19th July 2020,-

- (1) No adult worker shall be allowed or required to work in a factory for more than twelve hours in any day and Seventy Two hours in any week.
- (2) The Periods of work of adult workers in a factory each day shall be so fixed that no period shall exceed six hours and that no worker shall work for more than six hours before he has had an interval of rest of at least half an hour.
- (3) No Female workers shall be allowed or required to work in a factory between 7:00 PM to 6:00 AM.
- (4) Wages shall be in a proportion of the existing wages”

On its lapse by the efflux of time, the State government issued another notification on 20 July 2020. Similar in content, the new notification extended the exemption granted to factories from 20 July 2020 till 19 October 2020.

Factories were open from 21 April 2020, which was the very next day after the first notification came into force. The purported justification of an economic chaos is a smokescreen to extract more work from the workers without paying them their overtime wages in onerous working Conditions. So this writ petition filed in Supreme Court to challenge validity of above mentioned notifications and this petition is posted for final arguments.

Note: All Indian Laws are applicable to above Moot Problem. Participants can frame any three suitable and relevant issues for final hearing/arguments before Supreme Court.

ALL THE BEST