

DR. RAM MANOHAR LOHIYA NATIONAL LAW UNIVERSITY, LUCKNOW

**THE MOOT COURT COMMITTEE
CONSTITUTION, RULES AND REGULATIONS**

THE MOOT COURT COMMITTEE - RULES AND REGULATIONS

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PREAMBLE

This Constitution intends to regulate mooting and its allied activities in the University, in a just and fair manner while facilitating such activities in the best possible way.

EXTENT

This Constitution shall extend to all students and staff of Dr. Ram Manohar National Law University, Lucknow. The provisions enshrined in this document shall be in addition to and not in derogation of the rules and regulations of the University for the time being in force, and updated/modified thereafter.

DEFINITIONS

In this Constitution, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say-

1. '**Notification**' means a notice issued by the Moot Court Committee in addition to this Constitution pursuant to the power under section 13.4.
2. '**Annexure**' means a document attached to this document which shall be considered as a part of these Rules and Regulations pursuant to the section under which it is provided for.
3. '**Office Bearer**' means members of the Committee from the 4th and 5th Year.
4. '**Member**' means a student member of the Committee including the Office Bearers.
5. '**Student**' means any student presently enrolled under the BA LL.B (Hons.) course of the University.
6. '**University**' means Dr. Ram Manohar Lohiya National Law University, Lucknow.

S.1 COMPOSITION OF THE COMMITTEE

The Committee shall consist of a Chairperson, Faculty Advisors and Members.

S.2 TENURE OF THE COMMITTEE

The tenure of the Committee shall be for one academic year, post which, it shall be freshly constituted.

S.3 NUMBER OF MEMBERS

3.1 The Committee shall consist of 28 members as per the following composition:

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3.1.1. Eight members from the 1st year

3.1.2. Six members each from the 2nd and 3rd year

3.1.3. One Treasurer, three Secretaries and two Co-Conveners from the 4th year

3.1.4. Two Joint Conveners from the 5th year.

3.2 At no point should the total effective membership of the Committee fall below 15 members.

3.3 Additional Members may be inducted at the discretion of the Chairperson of the Committee.

3.4 In case of termination of a member, the Committee shall induct a new member as expeditiously as possible.

S.4 ELIGIBILITY CRITERIA FOR MEMBERS

4.1 All students of B.A. LL.B (Hons.) of the University are eligible to become members of the Committee.

4.2 All students from the 4th year will be eligible for the post of Treasurer, Secretary and Co-Conveners.

4.3 All students from the 5th year will be eligible for the post of Joint Conveners.

S.5 SELECTION OF MEMBERS

5.1. The Joint Conveners from the 5th year will be inducted by a panel constituted by the Chairperson.

5.2. The Office Bearers from the 4th year will be inducted by a panel constituted by the Chairperson, which shall include the Joint Conveners.

5.3. All members from the 1st, 2nd and 3rd year will be selected by a panel of at least three Office Bearers of the Committee, who shall accordingly frame the rules for such selections.

5.4 The decision of the panel as provided for in this section shall be final and binding.

S.6 FACULTY ADVISORS AND CHAIRPERSON

The University shall appoint a minimum of two faculty advisors and a Chairperson to the Committee. They must be a part of the teaching staff of the University. Their tenure and powers shall be at the discretion of the Vice - Chancellor.

S.7 SUSPENSION AND TERMINATION OF MEMBERSHIP

7.1 The Office Bearers, after a 2/3rd majority vote - reserve the right to suspend a member, post the service of a show cause notice on the member.

7.2 Membership may be suspended for a period of no more than one month. Post the period of one month, the member must appear before the Office Bearers to plead his/her case. Only by passing of a resolution for termination by 2/3rd majority vote against the member, may the membership be terminated. In case requisite majority is not achieved for termination, the member shall be deemed to be reinstated.

7.3 Termination without any suspension is possible under exceptional circumstances at the discretion of the Chairperson, upon the advice of the Office Bearers- after due hearing before the Chairperson in the presence of the Office Bearers.

7.4 Termination of membership shall be resorted to only in exceptional circumstances; generally, the membership should be reinstated unless there are compelling reasons to the contrary.

S.8 GROUNDS FOR SUSPENSION AND TERMINATION OF MEMBERSHIP

8.1 Membership may be suspended and/or terminated if:

8.1.1. any member is found engaging in activities violating the provisions of this Constitution.

8.1.2. any member does not appear for two consecutive meetings without prior notice to the Office Bearers or valid reasons, in case of an emergency.

8.1.3. any member does not appear for three consecutive meetings with or without prior notice.

8.1.4. a member is found to be negligent towards his duties as envisaged under this Constitution.

8.2 Suspension and/or termination proceedings may be initiated on the basis of an official complaint by any student.

S.9 RESIGNATION FROM MEMBERSHIP

A member may resign by sending a resignation letter to the Chairperson; *provided that the* acceptance of such resignation would be subject to approval by the Chairperson.

S.10 EFFECT OF SUSPENSION, TERMINATION AND RESIGNATION OF MEMBERSHIP

10.1 A suspended member for the duration of the suspension shall not participate in any of the activities of the Committee and shall not represent the Committee as a member or Office Bearer in any way. Such suspension shall be kept on record.

10.2 A terminated member will no longer be a part of the Committee and must stop exercising all official powers and functions thereof.

S.11 PRIMARY FUNCTIONS OF THE COMMITTEE

11.1 Organisation of internal selections for moot court competitions:

11.1.1. The Committee shall organize all internal selection moot court competitions held within the University exclusively for students of the University. The Committee will prepare a separate set of rules and regulations applicable to the teams selected through these internal moot court competitions.

11.1.2. The Committee shall take initiatives for the development of moot court activities in the University.

11.2 Organisation of national and international moot court competitions: the Committee shall organize all moot court competitions inviting participation from other universities. Such competitions shall include those which are hosted by the University independently and those hosted in association with other agencies.

11.3 Maintenance of annual report: the Joint Conveners shall submit an annual report to the Vice Chancellor stating the performance of the University in various moot court competitions and the performance of the Committee in general.

S.12 FISCAL FUNCTIONS OF THE COMMITTEE

The Committee will prepare an annual budget of all financial expenses to be incurred during the academic year. The records of such expenses shall be maintained.

S.13 POWERS OF THE COMMITTEE

13.1 The Committee shall have the sole authority to regulate all moot court activities of the University.

13.2 It shall be the sole discretion of the Committee to select the moot court competitions in which the University may participate.

13.3 The Committee shall have the power to impose a reasonable penalty on any team or individual participating in an internal or external moot court competition, in accordance with the regulations framed by the Committee

13.4 The Committee shall have the power to issue notifications in order to regulate moot court activities in the University.

S.14 RESTRICTIONS ON THE COMMITTEE MEMBERS

14.1 The member shall not be a part of any other permanent student Committee in the University;

provided that honorary and advisory membership of such Committees will not fall under the purview of the above clause.

14.2 No member participating in any internal selection moot court competition may be associated with the Committee in any capacity other than that of a participant.

S.15 DUTIES OF THE COMMITTEE

It shall be the duty of the Committee to ensure transparent, fair and non-arbitrary execution of all its functions enshrined under this constitution.

S.16 RULES FOR INTRA UNIVERSITY MOOT COURT COMPETITIONS

The Committee shall organize intra University moot court competitions throughout the year for allocation of national and international moot court competitions.

The Committee shall have exclusive jurisdiction in framing rules for all the intra University moot court competitions.

S.17 ALLOCATION OF MOOT IN EXCEPTIONAL CIRCUMSTANCES

17.1 The Committee shall have the sole discretion in allocating a moot court competition to a team whose participation in the previously allocated moot has been rendered unfeasible due to no fault on their part.

17.2 It shall be the sole discretion of the Committee to conduct an open challenge for any moot court competition, which was not included in the list of competitions made available to teams at the time of allocation of moots through intra University moot court competitions;

provided that such measures may only be taken temporarily for that one year and the moot in question may find place in the list of moots to be allocated through the next year's list.

17.3 In case a member of the team who has been allotted a moot decides to leave the team, he/she shall be required to submit to the Committee a 'No Objection Certificate' (NOC). Thereafter the other members shall be allowed to induct a new member, subject to the screening process as provided under Annexure 2 of this Constitution;

provided that such NOC should not have been obtained by coercion or undue influence, in which case, the NOC shall be deemed to be invalid.

S.18 RIGHTS OF PARTICIPATING TEAMS

18.1 Every team, which participates in any Internal Selection Round, shall have the right to ask the Committee for their Score Sheets, Penalty details, Memorial Scores and other such relevant information.

18.2 Every team, which has been selected to represent the University in a moot court competition, shall have the right to approach the Committee for any help or assistance that they may require for participation in such a Competition.

18.3 Every team, which has been selected to represent the University, shall be appointed with a team liaison, who shall be a member of the Committee.

S.19 RESTRICTIONS ON PARTICIPATING TEAMS

Teams must abide by any restrictions put forth on them by this Constitution or by the Committee from time to time through a notification. Violation of such restrictions may attract a penalty to be decided by the Committee.

Provided that such restrictions should not violate the provisions of the constitution.

S.20 COMMITTEE MEETINGS

20.1 The Committee shall ordinarily conduct a meeting for all members.

20.2 Attendance to such meetings shall be compulsory for all members.

S.21 QUORUM OF THE MEETING

The quorum of such aforementioned meetings shall be no less than 2/3 of the total strength required to be present for that meeting.

S.22 PROCEDURE FOR MEETING

22.1 All meetings shall be convened with prior notice to all the members.

22.2 It shall be the responsibility of the Office Bearers to ensure that every member has been notified about such meeting.

22.3 The Secretaries must maintain the minutes of the meeting which are to be signed and verified by the Joint Conveners, and kept on record.

S.23 PROCEDURE FOR RESOLUTIONS

23.1 Resolutions must be passed by a simple majority of all members present and voting.

23.2 Each member shall have one vote which once cast shall be considered final.

23.3 Voting shall take place by show of hands, or, if required, by secret ballot.

23.4 Abstention from voting will require the prior permission of the Joint Conveners and Co-conveners and valid reasons for such abstention must be given.

23.5 The Joint Conveners shall act as the speaker and moderator at such meetings and shall also count the votes and declare a resolution to have passed or failed. In their absence the Co-Conveners shall take charge and in their absence the role shall be delegated to one of the secretaries.

23.6 In all resolutions the Joint Conveners shall only have a casting vote. If there is no consensus between the two Joint Conveners, then the Chairperson shall have the casting vote.

23.7 Once the votes have been cast, the speaker shall immediately count them at the same meeting and he/she shall declare the resolution to have passed or failed.

S.24 PROCEDURE FOR AMENDMENT OF THE CONSTITUTION

24.1 Any meeting in which a proposed amendment is to be discussed or voted should be notified at least 2 days in advance.

24.2 It shall be the duty of every member to ensure his/her presence in such meetings.

24.3 All such amendments have to be passed by a 2/3rd majority of the members of the Committee.

24.4 Every member shall have to cast his vote.

24.5 In case a member is not in the University, he/she shall be allowed to cast his/her vote by sending a proper, written communication to the Committee and such communication shall be confirmed by him/her over telephone.

S.25 COMPLAINT AGAINST A COMMITTEE MEMBER

25.1 In case a non – member wishes to make a complaint against a Committee member for not having discharged his/her duties in accordance with the provisions of

the constitution, he/she may put forth a written complaint or may communicate the same via email to Office Bearer(s) of the Committee.

25.2 Once such complaint has been made, the Office Bearer to whom it has been made shall bring it to the notice of all the Office Bearers, who shall decide a suitable course of action for the same.

25.3 In case a Committee member wishes to bring a complaint against a fellow member of the Committee for not having complied with the provisions of this constitution he/she may make a written complaint to the Office Bearer(s), who shall decide a suitable course of action for the same.

25.4 In case a Committee member wishes to bring a complaint against an Office Bearer for not having complied with the provisions of this Constitution, he/she may make a written complaint to the faculty advisor or Chairman of the Committee, who shall decide a suitable course of action for the same.

S. 26 The Committee shall have the authority to frame temporary rules and guidelines to deal with a special circumstance not provided for in this constitution.

S. 27 Such rules must be put into the process of conversions into amendments to the constitution.

ANNEXURE 1

RULES AND REGULATIONS CONCERNING PARTICIPATION IN MOOT COURT COMPETITIONS

1. Teams shall register for all moot court competitions through the Committee, as representatives of the University. Registration without the consent of the Committee in the capacity of the University or in an individual capacity shall attract a ban of one academic year on all members of the team from all moot court activities. The decision of the Committee in this regard shall be final and binding.
2. Teams must ordinarily participate in a moot court competition that has been allotted to them unless they are prevented from doing so due to unavoidable circumstances.
3. Notwithstanding anything contained in Rule 2 the teams which do not participate in a moot court competition which has been allotted to them must show cause to the Committee for such action and if such answer is found to be unsatisfactory by the Committee all team members shall face a complete ban from all moot court activities for a maximum period of one academic year. The decision of the Committee in this regard shall be final and binding.
4. The teams are required to give 2 mocks (mandatorily) to the person(s) appointed by the Moot Court Committee.
5. The Memorials to be submitted for the concerned national or international law moot court competitions shall be submitted to the Moot Court Committee 48 hours prior to the memorial submission deadline of the moot court competition.
6. Student(s), participating in more than one moot court competition, shall be allowed to do so ONLY if there is a time period of no less than 30 days between the Memorial Submission deadlines of the two Competitions. The Moot Court Committee shall notify the cancellation of the participation of such student(s) at any time after any information regarding the violation of this rule is ascertained.
7. Violation of any of the above rules and regulations shall be strictly dealt with by the Committee and may attract disqualification from the moot court competition. In case of allowance of participation, it shall lead to **cancellation of any reimbursement whatsoever. A maximum ban of one year may also be imposed on the team members concerned from participating in any moot court competition in/outside the University.**

8. Under exceptional circumstances, the Moot Court Committee, at its sole discretion, may waive these rules and regulations for the concerned team.

ANNEXURE 2

RULES FOR SCREENING PROCESS

1. After a moot court competition has been allotted through a selection process, every team has the right to induct an additional member(s) under special circumstances.
2. Such additional member(s) have to go through a screening process conducted at a time and place to be notified by the Committee.
3. Additional member(s) must clear the screening process and be declared fit for participation in the moot allocated to them failing which he/she/they shall not be allowed to represent the University in the same.
4. Judges for such screening process shall be appointed at the sole discretion of the Committee.
5. The decision of the judges in the screening process shall be final and binding. The judges may give feedback to the teams.