




MOOT COURT SOCIETY

Department of Laws, Panjab University, Chandigarh.



CONSTITUTION & RULES

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MOOT COURT SOCIETY CONSTITUTION

PRELIMINARY

1. PREAMBLE

This Constitution may be called the MCS Constitution. The Moot Court Society of the Department of Laws, Panjab University, herein referred to as the Moot Court Society or the MCS does hereby establish this Constitution to govern its activities and affairs, with full commitment to the following principles:

- a. The MCS is committed to plan, organise, encourage and promote Moot Court activities at the Department of Laws, Panjab University.
- b. The MCS shall diligently strive to inculcate and enhance the art of Mooting among students from the moment they become a part of the Department.
- c. The MCS shall ensure that all Moot Court activities are undertaken in a just and fair manner.
- d. The MCS's operations shall be carried out in strict adherence to this Constitution, in conjunction with the rules and regulations as laid down by the Department and the University.

2. DEFINITIONS

- a. **Department:** The term "Department" means the Department of Laws, Panjab University, Chandigarh.
- b. **Designated person:** The term "Designated Person" shall denote an individual who has been appointed and designated for a specific and defined purpose.
- c. **Moot Court Activities:** The phrase "Moot Court activities" encompasses and includes associated activities such as Alternative Dispute Resolution, Client Counselling, Trial Advocacy, and any related endeavours.
- d. **President:** The term "President" shall also include Vice-President when s/he is acting in the capacity of the President.

- e. **MCS:** The term "MCS" shall refer to the MCS, which is synonymous with the Moot Court Society of the Department, encompassing its Faculty members, office-bearers, and student members.
- f. **University:** The term "University" refers to Panjab University, Chandigarh.

MEMBERSHIP

3. SELECTION

The selection of office-bearers and student members of the MCS shall be conducted by the Faculty Members of the MCS through a method deemed appropriate, which may include interviews, examinations, or any other evaluation process.

4. REMOVAL OF OFFICE BEARERS AND STUDENT MEMBERS

- a. All office-bearers and student members, once selected, shall serve at the pleasure of the Faculty Members and shall remain part of the MCS contingent upon their continued good standing and the satisfaction of the Faculty Members with their performance.
- b. Any member who is absent from three or more scheduled meetings, without furnishing a satisfactory explanation for such absence, may be subject to removal from the MCS. The authority to effectuate such removal is vested in the Faculty Members and the President.
- c. A member who is formally blacklisted by the MCS in accordance with the provisions contained within Rule 5 shall be subject to immediate and automatic expulsion from the MCS.

5. BLACKLISTING OF STUDENTS

The MCS may blacklist any student or group of students from membership and participation in Trials for any of the following reasons:

- a. Participation in a Moot Court Competition without proper authorization from the MCS or the department.

- b. Declining to participate in a Moot Court Competition after being selected through the Trial process to represent the department without valid reason/s.
- c. Any other misconduct that the Faculty Members determine warrants blacklisting.

MEETINGS

6. HOLDING OF MEETINGS

The MCS shall convene regular meetings no less than twice per calendar month.

Provided that this obligation may be excused upon the satisfaction of the Faculty Members or the President, who, upon thorough consideration of circumstances, may deem it necessary to waive the specified frequency of meetings.

7. MANDATORY TO ATTEND MEETINGS

- a. It shall be necessary for all office-bearers and student members to attend all the meetings.
- b. Every member participating in a meeting is required to record their attendance by affixing their signature.
- c. In case, an office-bearer or a student member is unable to attend a meeting due to any reason, he is required to inform the designated person regarding the reasons for his absence.
- d. Failure to furnish a satisfactory explanation for one's absence may result in the member's removal from the MCS, in accordance with Rule 4(b).

8. MINUTES OF THE MEETING

During each meeting, a person shall be designated to prepare the minutes of the meeting for the purpose of the record.

TRIALS

9. DUTY OF MCS TO ORGANISE TRIALS

- a. The MCS shall actively seek and identify opportunities, including but not limited to Moot Court competitions and other relevant academic competitions.

- b. The MCS shall facilitate the selection of a proficient team to represent the department at such Competitions, following a rigorous and impartial trial process.
- c. The MCS shall attempt to provide a minimum period of seven days for students selected to participate in trials to adequately prepare for their respective roles.
- d. The MCS shall ensure strict adherence to the specified preparation period, as described in sub-rule (c) of this Rule, except in cases of unforeseen circumstances which must be duly documented and communicated to all affected parties.
- e. The MCS shall make detailed Rules and/or guidelines for the conduct of Moot trials.

10. RECORD OF TRIALS

The MCS shall maintain a record pertaining to each such trial conducted by it.

11. SELECTION OF TEAM

- a. Out of the students that appear for the Trial, the MCS shall select the students for participation based on their demonstrated level of preparedness and proficiency in mooting skills.
- b. The MCS, at its discretion, may compose the selected team by drawing students from various groups or teams that have participated in the Trial, in order to assemble the most effective and well-rounded team for each competition.
- c. The MCS reserves the right to determine the specific role in which a selected student shall participate in the competition.
- d. The MCS can organize a re-trial in keeping with the registration time-lines of a particular competition.

12. POST-TRIAL PROCEDURE

- a. The MCS shall issue an official authorization letter to the selected team, thereby endorsing their representation of the department at the competition.
- b. The mere selection of a team for participation in a Trial does not confer an absolute right of participation upon the selected team. The MCS may withhold the team's

participation should prevailing circumstances such as lack of adequate preparation necessitate such action.

- c. The MCS shall provide every possible assistance to the selected team throughout their preparation and participation in the competition.
- d. The MCS may designate a member to act as a liaison between the selected team and the MCS. This liaison shall be responsible for regularly obtaining progress reports from the selected team and ensuring that such updates are provided to the MCS.
- e. The MCS reserves the right to conduct a pre-competition evaluation, to assess the readiness and preparedness of the selected team. In the event that the evaluation reveals unsatisfactory preparation, the MCS may withhold the selected team's participation in the competition.

MISCELLANEOUS

13. DESIGNATION OF RESPONSIBILITIES

The Faculty Members or the President may designate specific duties to any member of the MCS, as they deem necessary. Such designation shall entail the conferral of necessary rights to execute these assigned responsibilities.

Provided that volunteers who are not formal members of the MCS may also be entrusted with specific duties and responsibilities for the MCS's effective functioning and advancement of its objectives.

RULES FOR MOOT TRIALS

The following Rules are made under Section 9(e) of the MCS Constitution:

1. Trials are open to all students of the department irrespective of MCS membership. The eligibility of each individual competition shall be the only limit to trial participation.
2. Participants can appear in the Trials both as teams and individually.
3. The trial will be conducted only after a public notice has been put up and circulated. In the event where a formal notice cannot be put up on the department notice board, the society members shall ensure adequate public circulation of the notice through other channels. In the latter event the decision of the MCS office-bearers as to adequate circulation shall be final.
4. If the notice intimating about the trial has a linked Google Form attached regarding registration for the trials, then all students interested in appearing for such trial must fill the same till the final date and time mentioned in the notice for the Google Form expiry. Nobody shall be allowed to appear for the trial without filling such form priorly unless approved by the trial judge/s.
5. The faculty in charge/s judging the trial and/or the MCS office bearers present reserve the right to make the required team irrespective of whether the participants appeared as a team or individually in the trial. Therefore, team combinations may at the discretion of the judge/s of the trial may be changed to select the best combination for representing the Department of Laws.
6. The result sheet shall be prepared under the signature of the judge/s and it shall rank the students appearing. The team, roles in the competition as well as a waiting list of students shall be made accordingly. The result sheet shall remain in the records of the MCS.
7. No marks shall be accorded for just recounting the Facts of the Moot Proposition/Case Study which is the subject of the trial unless the facts are recounted alongside arguments. The students are required to research the proposition to the degree that they are thorough with the facts and have identified the central question in the issues they are presenting arguments for; the emphasis is on skeletal arguments and the citing of good authorities. It is not expected that arguments be presented for every issue in question, however, it is important to satisfy any questions that the judge/s and/or MCS office-bearer may have.

8. Irrespective of whether the competition requires a recognized researcher, there shall be no designated researcher nor researcher's test at the trial. Every participant shall appear as a Speaker. However, any such participant wanting to appear specifically for the researcher's role at a competition can at their discretion let the judges know this fact before they start speaking in their trial.
9. The time for each participant to present their arguments shall be up to 5 minutes and a further 2 minutes shall be given for rebuttals if required.
10. The participants at a trial shall appear in full uniform/dress code as per the requirements of the competition. This requirement shall be waived off at the discretion and satisfaction of the judge/s.
11. If the judge/s find no team is adequately prepared or the number of adequately prepared students is less than the minimum number required to form a team then the MCS may decide on a re-trial date, if the same is feasible before the competition registration deadline or they may at their discretion decide to not send a team from the Department of Laws to such competition. The same can be decided irrespective of prior provisional registration at the competition of the Department of Laws or any of its students.
12. The students interested in participating in a Moot Competition, as per the definition of a competition given in the MCS Constitution, shall contact any member of the MCS at least a week before the final registration/provisional registration deadline to state that they are interested in participating in such Competition and a trial for the same should be conducted for the same. If the time cannot be 7 days, then the trial shall or shall not be conducted at the discretion of the MCS office-bearers and the faculty in charges.
13. If any aspect of the team selection process/Moot trial is not expressly addressed or covered by the provisions set forth in these Rules, the Moot Court Society shall have the authority to take reasonable and necessary decisions to fill any procedural gap, ensuring a fair and transparent selection process.

Sd-/

Prof. Shipra Gupta

Incharge- Moot Court Society