NOTICE

P. E. Society's
Modern Law College
Student Council Election (2017-18)

It is hereby informed to all students that the Student Council Elections will be held on 4th January 2018. All of the Candidates listed herein shall remain present for the same at 10.15 am in Conference room. The list of the Student Council Members is as follows:

Sr. No.	Designation	Name
1	Chairman (Principal)	Prin. Dr. Sunita Adhav
2	Teaching Staff Nominee	Ms. Shivanjali Bhoite
3	Teacher In Charge -NCC	---
4	NSS Programme Officer	Asst. Prof. Abhijeet Dhere
5	LL.B. I Year	Botre Madhuri Uttam
6	LL.B. II Year	Shelar Madhuri Vitthal
7	LL.B. III Year	Kalbhor Kiran Madhukar
8	B.A. LL.B. I Year	Bhalekar Nisha Uttam
9	B.A. LL.B. II Year	Jhanwar Aashal Vijaykumar
10	B.S.L. LL.B. III Year	Dehadray Siddhant Mangesh
11	B.S.L. LL.B. IV Year	Taware Aastha Nitin
12	B.S.L. LL.B. V Year	Reza Nishat Md. Qamer
13	Sports Activities Nominee	Dahale Gaurav
14	NSS Activities Nominee	Giri Dipali
15	Cultural Activities Nominee	Zuhra Rahimi Mohammad Aman
16	Lady Student Nominee (SC)	Kamble Kalyani Anand
17	Lady Student Nominee (ST)	Gangurde Devyani

Coordinator

Principal

NOTICE

P. E. Society's
Modern Law College
Student Council Election (2017-18)

It is hereby informed to all students that the Student Council Elections will be held on 4th January 2018. All of the Candidates listed herein shall remain present for the same at 10.15 am in Conference room. The list of the Student Council Members is as follows:

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12	B.S.L. LL.B. V Year	Reza Nishat Md. Qamer
13	Sports Activities Nominee	Dahale Gaurav
14	NSS Activities Nominee	Giri Dipali
15	Cultural Activities Nominee	Zuhra Rahimi Mohammad Aman
16	Lady Student Nominee (SC)	Kamble Kalyani Anand
17	Lady Student Nominee (ST)	Gangurde Devyani

Coordinator

Principal

Progressive Education Society's
Modern Law College
Ganeshkhind, University Circle, Pune 411 016.
(Recognised by Government of Maharashtra, Permanently Affiliated to Savitribai Phule Pune University & Approved by Bar Council of India)
(Recognised under 2(F) & 12(B) of UGC Act 1956 & Accredited by NAAC)
I. D. No. PU/PN/LAW/189/2003

Prof. Dr. Gajanan R. Ekbote — Chairman, Business Council
Adv. Chintamani G. Ghate — Co-ordinator
Dr. (Mrs.) Sunita D. Adhav — Principal

Ref. No. PES-MLC/ Date :

STUDENT COUNCIL FOR THE YEAR 2017-18

As per the provisions of Section 99 (A) of the Maharashtra Ordinance No. 28 of 2017 (to Amend the Maharashtra Public Universities Act, 2016), election to Secretary of Students Council of PES Modern Law College, Ganeshkhind, Pune-16 was held on 4th January 2018 at 10:15 a.m. Following members of the Student Council have attended the Meeting for election of the Secretary.

Sr. No.	Designation	Name	Signature
1	Chairman (Principal)	Prin. Dr. Sunita Adhav	
2	Teaching Staff Nominee	Asst. Prof. Shivanjali Bhoite	
3	Teacher In Charge -NCC	---	
4	NSS Programme Officer	Asst. Prof. Abhijeet Dhere	
5	LL.B. I st Year	Botre Madhuri Uttam	
6	LL.B. II nd Year	Shelar Madhuri Vitthal	
7	LL.B. III rd Year	Kalbhor Kiran Madhukar	
8	B.A. LL.B. I st Year	Bhalekar Nisha Uttam	
9	B.A. LL.B. II nd Year	Jhanwar Aashal Vijaykumar	
10	B.A. LL.B. III rd Year	Dehadray Siddhant Mangesh	
11	B.A. LL.B. IV th Year	Taware Aastha Nitin	
12	B.A. LL.B. V th Year	Reza Nishat Md. Qamer	
13	Sports Activities Nominee	Dahale Gaurav	
14	NSS Activities Nominee	Giri Dipali	
15	Cultural Activities Nominee	Zuhra Rahimi Mohammad Aman	
16	Lady Student Nominee (SC)	Kamble Kalyani Anand	
17	Lady Student Nominee (ST)	Gungurde Devyani	

Mr. / Ms. Zuhra Rahimi mohd Aman has been elected as Secretary, Students Council, of P. E. Society's Modern Law College, Pune-411016.

Coordinator — Student Development Officer — Principal

Progressive Education Society's
Modern Law College
Ganeshkhind, University Circle, Pune 411 016.
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I. D. No. PU/PN/LAW/189/2003

Prof. Dr. Gajanan R. Ekbote
Chairman, Business Council

Adv. Chintamani G. Ghate
Co-ordinator

Dr. (Mrs.) Sunita D. Adhav
Principal

Ref. No. PES-MLC/223/2018-19

Date : 18/09/2018

STUDENT COUNCIL FOR THE YEAR 2018-19

As per the provisions of Section 99 (A) of the Maharashtra Ordinance No. 28 of 2017 (to Amend the Maharashtra Public Universities Act, 2016), election to Secretary of Students Council, PES Modern Law College, Ganeshkhind, Pune-16 was held on 18th September 2018 at 10:15 a.m. Following members of the Student Council have attended the Meeting for election of the Secretary.

Sr. No.	Designation	Name	Signature
1.	Chairman (Principal)	Dr. Sunita Adhav	Adhav
2.	Student Development Officer	Asst. Prof. Mayura Borde	MBorde
3.	Teacher In-charge NSS	Asst. Prof. Abhijeet Dhere	
4.	LL.B.I	Admissions Process is going on	—
5.	LL.B.II	Shivani Shinde	Shinde
6.	LL.B.III	Ms. Madhuri Shelar	Absent
7.	B.A.LL.B.I	Ms. Tanaya Wadkar	T.R.Wadkar
8.	B.A.LL.B.II	Ms. Ayushi Kaushik	Kaushik
9.	B.A.LL.B.III	Ms. Sulakshana Pawar	Absent
10.	B.A.LL.B.IV	Ms. Shendurnikar Vaishnavi	Shendurnikar
11.	B.A.LL.B.V	Ms. Aastha Taware	Aastha
12.	Sports Activities Nominee	Ms. Twinkle Thorat	Thorat
13.	NSS Activities Nominee	Ms. Deepali Giri	Giri
14.	Cultural Activities nominee	Ms. Shreya More	

te:
/2018

15.	Lady Student Nominee (SC)	Ms. Kamble Trupti	
16.	Lady Student Nominee (ST)	Ms. Ulke Deepika	

Mr. / Ms. Aastha Taware BA LL.B V has been elected as Secretary, Students Council, of P. E. Society's Modern Law College, Pune-411016.

Coordinator

Student Development Officer

Principal

NOTICE

P.E.S.

Modern Law College,

Ganeshkhind, Pune.

Date: 03/09/2018

Notice

All members of student council shall take note that the meeting of student Council is organized on 18/09/2018 at 10:00 am in the Conference Hall. Attendance is compulsory for the same.

Co-ordinator
Adv. Dr. Chintamani Ghate

Principal
Dr. Sunita Adhav

T.R. Wadkar

NOTICE

P.E.S.

Modern Law College,

Ganshkhind, Pune

Student Council Meeting Attendence

Date 18/09/2018

Sr. No.	Designation	Name	Signature
1.	Chairman (Principal)	Dr. Sunita Adhav	Adhav
2.	Student Development Officer	Asst. Prof. Mayura Borde	MBorde
3.	Teacher In-charge NSS	Asst. Prof. Abhijeet Dhere	
4.	LL.B.I	Admissions Process is going on	
5.	LL.B.II	Shivani Shinde	Shinde
6.	LL.B.III	Ms. Madhuri Shelar	
7.	B.A.LL.B.I	Ms. Tanaya Wadkar	T.R.Wadkar
8.	B.A.LL.B.II	Ms. Ayushi Kaushik	Kaushik
9.	B.A.LL.B.III	Ms. Sulakshana Pawar	
10.	B.A.LL.B.IV	Ms. Shendurnikar Vaishnavi	Shendurnikar
11.	B.A.LL.B.V	Ms. Aastha Taware	Aastha
12.	Sports Activities Nominee	Ms. Twinkle Thorat	Thorat
13.	NSS Activities Nominee	Ms. Deepali Giri	Giri

14.	Cultural Activities nominee	Ms. Shreya More	
15.	Lady Student Nominee (SC)	Ms. Kamble Trupti	
16.	Lady Student Nominee (ST)	Ms. Ulke Deepika	

Co-ordinator
Adv.Dr. Chintamani Ghate

Principal
Dr. Sunita Adhav

NOTICE

Date: 03/09/2018

P.E.S.

Modern Law College,

Ganeshkhind, Pune.

Notice

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Co-ordinator
Adv. Dr. Chintamani Ghate

Principal
Dr. Sunita Adhav

T.R. Wadkar

NOTICE

P.E.S.

Modern Law College,

Ganshkhind, Pune

Student Council Meeting Attendence

Date 18/09/2018

Sr. No.	Designation	Name	Signature
1.	Chairman (Principal)	Dr. Sunita Adhav	
2.	Student Development Officer	Asst. Prof. Mayura Borde	
3.	Teacher In-charge NSS	Asst. Prof. Abhijeet Dhere	
4.	LL.B.I	Admissions Process is going on	
5.	LL.B.II	Shivani Shinde	
6.	LL.B.III	Ms. Madhuri Shelar	
7.	B.A.LL.B.I	Ms. Tanaya Wadkar	T. R. Wadkar
8.	B.A.LL.B.II	Ms. Ayushi Kaushik	
9.	B.A.LL.B.III	Ms. Sulakshana Pawar	
10.	B.A.LL.B.IV	Ms. Shendurnikar Vaishnavi	
11.	B.A.LL.B.V	Ms. Aastha Taware	
12.	Sports Activities Nominee	Ms. Twinkle Thorat	
13.	NSS Activities Nominee	Ms. Deepali Giri	

14.	Cultural Activities nominee	Ms. Shreya More	
15.	Lady Student Nominee (SC)	Ms. Kamble Trupti	
16.	Lady Student Nominee (ST)	Ms. Ulke Deepika	

Co-ordinator
Adv.Dr. Chintamani Ghate

Principal
Dr. Sunita Adhav

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Prof. Dr. Gajanan R. Ekbote
Chairman, Business Council

Adv. Dr. Chintamani G. Ghate
Co-ordinator

Dr. (Mrs.) Sunita D. Adhav
Principal

Ref. No. PES-MLC/

Date :

Student Council for Academic Year 2019-20

In Lieu of Circular issued by Savitribai Phule Pune University, VVM 2019/2020/354 the elections of Student Council has been postponed to 30th November 2019. Till that date college is appointing this student Council at College Level. Following members of the Student Council have attended the meeting for election of the Secretary.

Sr. No.	Designation	Name	Signature
1.	Chairman (Principal)	Dr. Sunita Adhav	
2.	Student Development Officer	Asst. Prof. Mayura Borde	
3.	Teaching Staff Nominee	Asst.Prof. Shivanjali Bhoite	
4.	Teacher In-charge NCC	Asst. Prof. Abhijeet Dhere	
5.	LL.B.I	Mr. Navtushar Sunaniya	
6.	LL.B.II	Mr. Madhav Periwal	
7.	LL.B.III	Ms. Shivani Shinde	
8.	B.A.LL.B.I	Ms. Vidhi Nitya	
9.	B.A.LL.B.II	Ms. Tanaya Wadkar	
10.	B.A.LL.B.III	Ms. Ayushi Kaushik	
11.	B.A.LL.B.IV	Ms. Sulakshana Pawar	

	B.A.LL.B.V	Ms. Shendurnikar Vaishnavi	
13.	Sports Activities Nominee	Ms. Ankita Gupta	
14.	NSS Activities Nominee	Ms. Prajakta Waikar	
15.	Cultural Activities nominee	Ms. Apurva Sanyashiv	
16.	Lady Student Nominee (SC)	Ms. Alhat Manisha	
17.	Lady Student Nominee (ST)	Ms. Sadhana Bhangare	

Mr./Ms. Vaishnavi Shendurnikar has been elected as Secretary, Students Council of P.E. Society's Modern Law College, Pune 411016.

Coordinator

Student Development Officer

Principal

19th August 2019

P.E.S.

Modern Law College,

Ganshkhind, Pune

Student Council 2019-20

Sr. No.	Designation	Name
1.	Chairman (Principal)	Dr. Sunita Adhav
2.	Student Development Officer	Asst. Prof. Mayura Borde
3.	Teaching Staff Nominee	Asst.Prof. Shivanjali Bhoite
4.	Teacher In-charge NCC	Asst. Prof. Abhijeet Dhere
5.	LL.B.I	Mr. Navtushar Sunaniya
6.	LL.B.II	Mr. Madhav Periwal
7.	LL.B.III	Ms. Shivani Shinde
8.	B.A.LL.B.I	Ms. Vidhi Nitya
9.	B.A.LL.B.II	Ms. Tanaya Wadkar
10.	B.A.LL.B.III	Ms. Ayushi Kaushik
11.	B.A.LL.B.IV	Ms. Sulakshana Pawar
12.	B.A.LL.B.V	Ms. Shendurnikar Vaishnavi
13.	Sports Activities Nominee	Ms. Ankita Gupta
14.	NSS Activities Nominee	Ms. Prajakta Waikar
15.	Cultural Activities nominee	Ms. Apurva Sanyashiv
16.	Lady Student Nominee (SC)	Ms. Alhat Manisha
17.	Lady Student Nominee (ST)	Ms. Sadhana Bhangare

NOTICE

6/9/2019

Hereby it is informed that meeting of all members of Student Council is organized on 9th September 2019 at 12:00am L-5 Conference Hall. A decision regarding planning and volunteering important events of present is to be taken for academic year 2019-2020.

Agenda:

Discussion on Shankarrao Kanitkar National level Moot Court Competition

Discussion on National Level Seminar

Discussion on International Conference

Discussion to Introduce New Intra Collegiate College Fest

Prajakta Waikar
Shivani Shinde
Navtushar S. Nautushar S.
Vidhi Nityq
Vaishnavi Shindhe
Ankita Gupta

Tanaya Nadkar

Minutes of Meeting

09/09/2019

Agenda:

Discussion on Shankarrao Kanitkar National level Moot Court Competition

Discussion on National Level Seminar

Discussion on International Conference

Discussion to Introduce New College Fest

Resolved:

To Conduct National Level Moot Court Competition in first week of January 2020.

To conduct National Seminar on Sustainable Development

To Conduct International Conference on Human Rights.

To introduce intercollegiate Cultural Fest. Members are requested to think upon the name of the Fest.

2) Shivani Shinde
Navtushar S. Navtushar
Vidhi Nitya Vidhi
Shendurwilkar
Vaishnavi
Ayushi Kaushik
Tanaya Wadkar
Priyakata Waikar Priyakata.
Ankita Gupta

NOTICE

02/12/2019

Hereby it is informed that meeting of all members of Student Council is organized on 5th December 2019 at 12:00am in L-5 Class room. A decision regarding planning and volunteering of ShankarraoKanitkar Moot Court Competition for academic year 2019-2020 to be taken.

Agenda:

Decisions regarding various Committees like Registration Committee , Escort Committee, Felicitation Committee , Court Officials Committee, Printing Committee, Food and Hospitality Committee for Shankarrao Kanitkar National level Moot Court and name of volunteers to be finalized

Prayakta Waikar
Shivani Shinde
Nawshar S.
Vidhi Nitya
Shreevaishnavi Vaishnavi
Ankita Gupta
Tanaya Loodkar
Ayushi Kaushik

Minutes of Meeting

05/12/2019

Agenda:

Decisions regarding various Committees like Registration Committee , Escort Committee, Felicitation Committee , Court Officials Committee, Printing Committee, Food and Hospitality Committee for ShankarraoKanitkar National level Moot Court and name of volunteers to be finalized

Resolved:

Decisions regarding Registration Committee for Shankarrao Kanitkar National level Moot Court and name of volunteers are finalized .

Decisions regarding Escort Committee for Shankarrao Kanitkar National level Moot Court and name of volunteers are finalized .

Decisions regarding Felicitation Committee for Shankarrao Kanitkar National level Moot Court and name of volunteers are finalized .

Decisions regarding Court Officials Committee for Shankarrao Kanitkar National level Moot Court and name of volunteers are finalized .

Decisions regarding Printing Committee for Shankarrao Kanitkar National level Moot Court and name of volunteers are finalized

Decisions regarding Food and Hospitality Committee for Shankarrao Kanitkar National level Moot Court and name of volunteers are finalized

NOTICE

02/01/2020

Hereby it is informed that meeting of all members of Student Council is organized on 13th January 2020 at 12:00am in L-5 Class room. A decision regarding planning and volunteering of National Level Seminar on sustainable Development Goals for academic year 2019-2020 to be taken.

Agenda:

Decisions regarding various Committees like Registration Committee , Escort Committee, Felicitation Committee , Court Officials Committee, Printing Committee, Food and Hospitality Committee for of National Level Seminar on sustainable Development Goals and name of volunteers to be finalized

Shivani Shinde
Navtushar S.
Vidhi Nitya
Shendurkar Vaishnavi
Ayushi Kaushik
Ankita Gupta
Bajakta Walkar
Tanaya Wadkar

Shivani Shinde
Navtushar S
Vidhi
Kaushik
Gupta
Bajakta
Wadkar

NOTICE

02/01/2020

Hereby it is informed that meeting of all members of Student Council is organized on 13th January 2020 at 12:00am in L-5 Class room. A decision regarding planning and volunteering of National Level Seminar on sustainable Development Goals for academic year 2019-2020 to be taken.

Agenda:

Decisions regarding various Committees like Registration Committee , Escort Committee, Felicitation Committee , Court Officials Committee, Printing Committee, Food and Hospitality Committee for of National Level Seminar on sustainable Development Goals and name of volunteers to be finalized

Shivani Shinde
Nawnishar S.
Vidhi Nitya
Shendurikar Vaishnavi
Ayushi Kaushik
Ankita Gupta
Bajakta Waikar
Tanaya Wadkar

Minutes of Meeting

13/01/2020

Agenda:

Decisions regarding various Committees like Registration Committee , Escort Committee, Felicitation Committee , Court Officials Committee, Printing Committee, Food and Hospitality Committee for National Seminar on Sustainable Development Goals and name of volunteers to be finalized

Resolved:

Decisions regarding Registration Committee for National Seminar on Sustainable Development Goals and name of volunteers are finalized .

Decisions regarding Escort Committee for National Seminar on Sustainable Development Goals and name of volunteers are finalized .

Decisions regarding Felicitation Committee for National Seminar on Sustainable Development Goals and name of volunteers are finalized .

Decisions regarding Court Officials Committee for National Seminar on Sustainable Development Goals and name of volunteers are finalized .

Decisions regarding Printing Committee for National Seminar on Sustainable Development Goals and name of volunteers are finalized

Decisions regarding Food and Hospitality Committee for National Seminar on Sustainable Development Goals and name of volunteers are finalized

Pooja Dalal
Ankita Gupta
Shivani Shinde
Nawtushar S.
Vidhi Nitya
Chandrika Vaishnavi
Ayushi Kaushik
Tanaya Wadkar

NOTICE

02/02/2020

Hereby it is informed that meeting of all members of Student Council is organized on 3rd February 2020 at 12:00 noon in L-5 Class room. A decision regarding planning and volunteering of International Conference on Human rights for academic year 2019-2020 to be taken.

Agenda:

Decisions regarding various Committees like Registration Committee , Escort Committee, Felicitation Committee , Court Officials Committee, Printing Committee, Food and Hospitality Committee for of National Level Seminar on sustainable Development Goals and name of volunteers to be finalized

Shivani Shinde
Nawtushar S.
Vidhi Nitya
Shreenivasan Vaishnavi
Tanaya Wadkar
Ayushi Kaushik
Ankita Gupta
Rajakta Walker

Minutes of Meeting

12/02/2020

Agenda:

Decisions regarding various Committees like Registration Committee , Escort Committee, Felicitation Committee , Court Officials Committee, Printing Committee, Food and Hospitality Committee for International conference on Human Rights and name of volunteers to be finalized

Resolved:

Decisions regarding Registration Committee, Escort Committee, Felicitation Committee, Printing Committee, Food and Hospitality Committee for International Conference on Human rights and name of volunteers are finalized.

Shivani Shinde
Nayushar S.
Vidhi Nitya
Shenduricar Vaishnavi

Tamaseya Gupta
Ankita Gupta

Koushik Ayushi
Poojakeja Waikar

NOTICE

21/01/2020

Hereby it is informed that meeting of all members of Student Council is organized on 22nd January 2020 at 12:00 noon in L-5 Class room. A decision regarding planning and volunteering of Cultural Fest "Vidhirang" for academic year 2019-2020 to be taken.

Agenda:

Decisions regarding various Committees like Registration Committee for various Competitions, Escort Committee, Felicitation Committee , Printing Committee, Student facilitation and communication committee for "Vidhirang" Cultural fest name of volunteers to be finalized

Shivani Shinde
Nautushar S.
Vidhi Nityq
Shendurkar Vaishnavi
Ankita Gupta
Tanaya Gaudkar
Prajakta Waikar

Ayushi Kaushik

Minutes of Meeting

22/01/2020

Agenda:

Decisions regarding various Committees like Registration Committee for various Competitions, Escort Committee, Felicitation Committee , Printing Committee, Student facilitation and communication committee for "Vidhirang" Cultural fest name of volunteers to be finalized

Resolved

Events to be conducted in Competition are identified.

Name of Volunteers are identified.

Planning to conduct Fest made.

Decided to invite member from Management of Progressive Education Society for Inaugural session.

Decided to invite famous personality in valedictory session.

Ankita Gupta
Shivani Shinde
Navtushar S.
Vidhi Nitya
Shreeniwas Vaishnavi
Ayushi Kaushik
Prajakta Waikar

Tanaya Gadkari

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Receipt No.

Prof. Dr. Gajanan R. Ekbote
Chairman, Business Council

Adv. Dr. Chintamani G. Ghate
Co-ordinator

Dr. (Mrs.) Sunita D. Adhav
Principal

Ref. No. PES-MLC/ 798-A

Date 28/08/20

STUDENT COUNCIL FOR THE YEAR 2020-21

Due to CORONA Virus Pandemic Situation, Colleges and Universities are not open. Hence, meeting of all class and NSS, Sports, Cultural representatives was called through online mode for selection of Secretary. Following members have attended the Meeting for election of the Secretary.

Sr. No.	Designation	Name
1	Chairman (Principal)	Prin. Dr. Sunita Adhav
2	Co-Ordinator	Adv. Dr. Chintamani Ghate
3	Teaching Staff Nominee	Asst. Prof. Shivanjali Bhoite
4	Teacher In Charge -NCC	---
5	NSS Programme Officer	Asst. Prof. Akshay Ugale
6	LL.B. I Year	Admissions Pending
7	LL.B. II Year	Anuja Naidu
8	LL.B. III Year	Madhav Periwal
9	B.A. LL.B. I Year	Admissions Pending
10	B.A. LL.B. II Year	Vidhi Nitya
11	B.A. LL.B. III Year	Mr. Nishad Barahate
12	B.A. LL.B. IV Year	Ms. Arundhati Tadkod
13	B.A. LL.B. V Year	Ms. Manasi Gokhale
14	Sports Activities Nominee	Ms. Ankita Gupta
15	NSS Activities Nominee	Tanaya Wadkar
16	Cultural Activities Nominee	Viraj Joshi
17	Lady Student Nominee (SC)	Kamble Gauri
18	Lady Student Nominee (ST)	Dhanashri Dhangare

Mr. / Ms. **Mansi Gokhale** has been elected as Secretary, Students Council, of P. E. Society's Modern Law College, Pune-411016.

Coordinator

Student Development Officer

Principal

NOTICE

15/09/2020

Hereby it is informed that meeting of all members of Student Council is organized on 18/09/2020 at 11:00 am on zoom platform. A decision regarding planning and volunteering important events of this academic year 2020-2021 are to be taken. You all will get link on whatsapp group.

Agenda:

Discussion on Shankarrao Kanitkar National Level Moot Court Competition.

Discussion on Online Activities for students.

15/9/20

PES's Modern Law College Pune-16

Minutes of Meeting

18/09/2020

Meeting was conducted on zoom link. All Members were present for meeting.

Agenda:

Discussion on Shankarrao Kanitkar National Level Moot Court Competition.

Discussion on Online Activities for students

Resolved

To Conduct National Level Moot Court Competition on emerging issue

To Conduct Guest Lecture on Carrier Counselling

Submitted by: Ms. Ankita Gupta

18.09.20

Modern Law College ★ PES's ★ Pune-16

NOTICE

03/03/2021

Hereby it is informed that meeting of all members of Student Council is organized on 06/03/2020 at 11:00 am on zoom platform. A decision regarding Execution of guest lecture and moot court competition are to be taken. You all will get link on whatsapp group.

Agenda:

Discussion on Moot Problem for Shankarrao Kanitkar National Level Moot Court Competition.

Discussion on Guest lecture for Carrier Advancement.

3/3/21



Minutes of Meeting

06/03/2021

Meeting was conducted on zoom link. All Members were present for meeting.

Agenda:

Discussion on Moot Problem for Shankarrao Kanitkar National Level Moot Court Competition.

Discussion on Guest lecture for Carrier Advancement.

Resolved

To formulate Moot Court Competition problem on Constitutional Perspective

To Conduct Guest Lecture on Maritime Law

Submitted by: Ms. Mansi Gokhale

6.3.21

Modern Law College ★ PES's ★ Pune-16



P.E. Society's

Modern Law College

Ganeshkhind, Pune 16.

In Association with,

BSW, Savitribai Phule Pune University, Pune

11th Shankarrao Kanitkar National Level Moot Court Competition 14th January 2017

Editorial Committee

Adv. Chintamani Ghate, Co- ordinator

Dr. Sunita Adhav, Principal

Asst. Prof. Vikrant Yadav

Asst. Prof. Mayura Borde

PRINCIPAL
P. E. Society's
Modern Law College
Ganeshkhind, Pune-16.

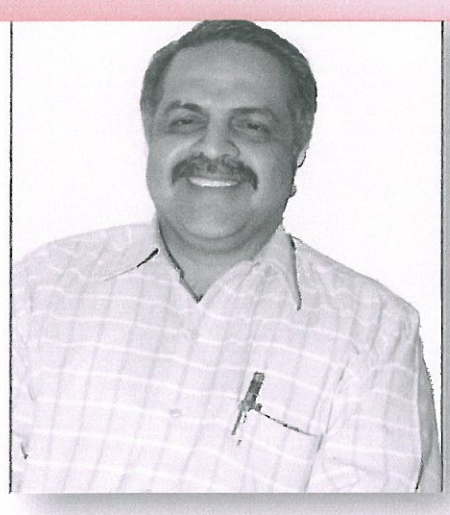
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Modern Law College, Pune 16

PES's Modern Law College ★ Pune-16 ★

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MESSAGE FROM THE CHAIRMAN



Dear Students,

The future belongs to people who dare to dream big. It belongs to those who make way through the clouds of oblivion with the force of their determination. "I have always believed that the answer to my destiny lies in creating the results, I desire."

The P.E.S. **Modern Law College** has grown immensely since its inception and has contributed tremendously to the legal fraternity through its various seminars and workshops conducted. This year P.E.S. **Modern Law College**, celebrate its 10 successful years of Legal Education in the fraternity. In these ten years, the small plant has grown into a full fruit bearing lushious tree, under which hundreds of students have got the benefit of quality legal education. The students of **Modern Law College** have won several accolades for the college in various sports and cultural competitions and Street play Competitions organised by various colleges and intitutes in this year.

This year **Modern Law College** is hosting the **11th Shankarrao Kanitkar National Level Moot Court Competition – 14th January 2017**, an annual event of the college. We are proud to say that 24 teams from all over India participated in this competition and made it a grand success. My best wishes are always with the college and its constant endeavors to attain higher goals for the development of the College.

Prof. Dr. Gajanan R. Ekbote
Chairman, Business Council,
Progressive Education Society

MESSAGE FROM THE CO ORDINATOR



Dear Students,

The Progressive Education Society`s Modern Law College, Pune 16, has flourished under the able stewardship of our Hon.ble Chairman, Prof. Dr. Gajanan R. Ekbote and the valuable guidance of the entire Business Council, Progressive Education Society, Pune. The College has all the required infra structure by the grace of the benevolent Society, however the endeavor shall always be to excel. The Teaching and the Non Teaching Staff members of the modern Law College, aided with the experience of Prin. Dr. Sunita Adhav have unitedly strived for the excellence in academic, cultural and social upbringing of the College.

The various seminars and workshops along with the Shankarrao Kanitkar National Level Moot Court Competition give the college a practical approach to the legal education they are undergoing. I have learned and am in the knowledge that every year the competition is gaining popularity and this is evident from the good response received from various law colleges coming throughout the State. I wish more progress and quality to this prestigious competition which has progressively completed eight years and is in the name of our founder Hon. Shri. Shankarrao Kanitkar.

This year P.E.S. Modern Law College, Pune celebrate its 13 successful years of Legal Education and have in this long journey have contributed immensely to the legal fraternity. Over the years several batches of students have got their degrees from Modern Law College, my well wishes are always with them.

Adv. Chintamani Ghate
Coordinator
Modern Law College, Pune

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I hope, we will do our best for the progress of the college and the students under the able guidance of our management and our well wishers.

Dr. Mrs. Sunita Adhav
Principal
Modern Law College, Pune

About Shankarrao Kanitkar National Level Moot Court



By battling and arguing, you might succeed in confounding your listener but your victory will be in vain because you will never obtain the sincere agreement of your adversary- Franklin Roosevelt, President, United States of America. As rightly said by Franklin Roosevelt, argument must not be to defeat your opponent but to obtain his agreement, and what better way than by practice.

Shankarrao Kanitkar National Level Moot Court Competition is an annual moot competition hosted by the Progressive Education Society's **Modern Law College**, Ganeshkhind, Pune-16. This Competition has been established in the name of our founder member of society Late Shri. Shankarrao Kanitkar, a visionary in the field of education. This competition is intended to be a platform for law students studying in all over India. Here these budding students' advocates can match their advocacy skills with each other.

The special feature of this competition is that it is not confined to any subject or topic. We at Modern Law College believe and give a varied flavour of different subjects and legal intricacies to the law students. Thus we help in overall understanding and development of a law student. It is the aspiration of the college to undertake the issues that are relevant in the changing society and thus we draft the moot problem accordingly.

The 11th Shankarrao Kanitkar National Level Moot Competition was held on 14th January, 2017. The problem was on the lines of Judicial Accountability. The problem involved **Striking down of post of governor under the Constitution and removal of that post.** As the case had many debates and deliberations on this point special attention is required to be added, hence moot court competition was organized.

Asst. Prof. Vikrant Yadav
Moot In-charge

Asst. Prof. Mayura Borde
Moot In-charge

****

MOOT PROBLEM (Hypothetical)

Mr. Vikas Gite, a renowned mass leader and popular leader of Indiana Janata Party who also had criminal background (also former Deputy CM of state of Dakshin Pradesh) lost a Lok Sabha election to Mr. Anmol Rokade. On 7th July 2016, Ms. Shashikala, sister of Mr. Anmol Rokade, was found dead at the farm house of Mr. Vikas Gite. A case of murder was registered on the same day and charge sheet was filed on 17th August, 2016 against Mr. Vikas Gite. Mr. Vikas Gite in a press interview claimed that, he had no role to play in this incident and raised counter allegations about wrongful practices at the election campaign.

While the Inquiry was going on, considering the wide mass and political support (15 MLA's were supporting Mr. Vikas Gite), Central Govt. (coalition govt. lead by IJP) on 26th Sept. 2016 appointed Mr. Vikas Gite as Governor of State of Maharajya. By virtue of immunities under the Constitution of Indiana, all cases and inquiries against Mr. Vikas Gite were suspended. Taking in to consideration the misuse of boundless powers relating to appointment and term of Governor under constitution (specially Article 156 (1)), and limited role of Governor in modern democratic setup, MLRC, a private organisation filed a petition in SC of Indiana for striking down the provisions relating to the Governor under the Constitution of Indiana and directing the Government for removal of post of Governor.

Note: The laws of Indiana are in parity with Indian Law Problem and names in the same are hypothetical and in case of resemblance, it is incidental and not intentional.

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PES's Modern Law College ★ 16 ★ Pune

RULES OF MOOT COURT COMPETITION

1. Date: January 14th, 2017
2. Venue: Modern Law College, Ganeshkhind, Pune, 16.
3. Language: The written and oral submissions shall be in English only.
4. Eligibility: Regular bonafide students from amongst the under graduate five year integrated L.L.B. degree and three year Degree law programmes)
5. Dress Code: As per the rules of Bar Council of India (Baring Gowns and Bands)
6. Team Composition: The team should consist of two mooters only
7. Registration: The teams must register on or before 17
8. Registration Fees: Rs. 1000/- per team.

Students have to arrange for accommodation on their own. Pune, being a metropolitan city,
amount of hotel/accommodation and travelling facilities are available in the city. If required and
requested, College may provide assistance for accommodation.

9. Bench: The Bench will comprise of two judges for preliminary rounds and of three judges for final rounds
10. Memorials:

a. Four copies of each side (Claimant and Respondent), spiral bound memorials.
b. The cover page of the Memorial must follow colour scheme i.e. Blue for petitioner/ appellant and red for respondent
c. Typed on A4 size paper with one side page in (Times New Roman) line spacing of 1.5.
d. The memorial must contain:
i. Title Page
ii. The table of Contents,
iii. The Statement of Jurisdiction,
iv. The Statement of Facts,
v. The Statement of Issues,
vi. The Prayer Clause and
e. Name of the participant and the College, only on the title page.
f. Memorials not in format shall be rejected.
g. Memorials will not be returned to the participants.

1. **Conduct of Moot Court:**
   a. Name of all participant colleges/institutions will be arranged in alphabetical sequence i.e. A to Z and codes will be allotted accordingly. Team A will compete against team Z, B against Y, C against X etc. (No draw of lots for preliminary round).
   b. Only in the preliminary rounds, each team shall compulsorily present oral arguments for both sides – Petitioner (one speaker) and Respondent (other speaker).
   c. In the preliminary round each team will be allotted 25 minutes (The Claimant and the respondent shall be allotted 10 minutes each, 2 minutes for judges Questions and 3 minutes for rebuttals. The rebuttal has to be done by one mooter only and it cannot be claimed as a matter of right).
   d. The final round will comprise of the **top Four teams** of preliminary rounds and claimant and respondent side will be decided by lots. (in order to give better representation to participating teams instead of 2, **4 teams will compete in final round**)
   e. The proceedings of the Moot Court Sessions may be video recorded.
   f. Host team shall not be considered for the Prizes even if they participate.
   g. The Competition starts at 9.00 a.m. The teams are to report latest by 8.00 a.m. on 14th January 2017
   h. Lots shall be drawn for the final round. Team shall (Speaker 1 and 2) present the side allotted to them through draw of lots.
   i. Each team shall be allotted only 15 minutes to argue in the finals. Exceeding time limit will result in loss of marks. Utilisation of time amongst team members is discretion of team.

2. MARKS:

Written Submission/ Memorial	20 Marks
Substance in Argument	30 Marks
Advocacy Skills	30 Marks
Questions from the Bench	10 Marks
Time Adherence	10 Marks
Total	100 Marks

3. The decision of the judges shall be final and no disputes shall be entertained in this regard.
4. In case of a tie, memorial marks will be considered to determine the winner.
5. The Organizers reserve the right to take appropriate action for any unethical, unprofessional and immoral conduct.
6. The Organizers decision as regards the interpretation of rules, situation which is not contemplated in the rules or any other matter related to the competition will be final.

7. Prizes:

First	Rs. 10000 /- Cash + Trophy + Certificate
Second	Rs. 7000/- Cash +Trophy+ Certificate
Best Speaker	Rs. 5000/- Cash + Trophy+ Certificate
Judge's Special Appreciation	**Certificate (2)**

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Modern Law College
Ganeshkhind, Pune-16.

PES's Modern Law College ★ Pune-16 ★

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COMPETING LAW COLLEGES/ INSTITUTES

Sr. No.	Name of the participating college
1	Government Law College, Mumbai, Maharashtra
2	Abhinav Education Society' Law College, Pune, Maharashtra
3	Smt. K.G. Shah Law College, Mumbai, Maharashtra
4	Symbiosis Law School, Pune, Maharashtra
5	D.E.S Navalmal Firodia Law College , Pune , Maharashtra
6	V.P.M.'s TMC Law College, Thane, Maharashtra
7	Shri Shivaji Maratha Law College, Pune, Maharashtra
8	Indore Institute of Law, Indore, Madhya Pradesh
9	School of Law, KIIT University, Bhuvaneshwar, West Bengal
10	MMM's Shankarrao Chavan Law College, Pune, Maharashtra
11	Govt. Law College, Thrissur, Kerala
12	New Law College, Ahmednagar, Maharashtra
13	P.D.E.A's Law College, Pune, Maharashtra
14	Lokmanya Tilak Law Collge, Pune, Maharashtra
15	Kerala Law Academy Law College, Kerala
16	University School of Laws and Legal Studies, Delhi
17	PES College, Dadar, Maharashtra
18	Bharati Vidyapeeth New Law College, Sangali, Maharashtra
19	School of Excellence in Law, Chennai, Tamilnadu
20	G.R. Kare College of Law, Margao, Goa
21	School of Law, Christ University, Bengaluru,
22	National Law Instituite University, Bhopal, Madhya Pradesh
23	Dr. Panjabrao Deshmukh College of Law, Amravati, Maharashtra
24	Siddharth College of Law, Mumbai, Maharashtra

MESSAGE FROM THE PRINCIPAL



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I hope, we will do our best for the progress of the college and the students under the able guidance of our management and our well wishers.

Dr. Mrs. Sunita Adhav
Principal
Modern Law College, Pune

List of Judges for 11th Shankarrao Kanitkar National Level Moot Court Competition 2016-17

Preliminary Round

1. Adv. Suyog Wagh, Pune
2. Adv. Sandeep Gujrathi, Pune
3. Asst. Prof. Vaishali Goliwadekar, Pune
4. Adv. Rishiraj Walvekar, Pune
5. Asst. Prof.. Shilpa Gaikwad, Pune
6. Dr. Bhagwan Gawali, Pune
7. Adv. Satyajit Lonkar, Pune
8. Adv. Dormann Dalal, Pune

Judges of the Final Round

1. Adv., M. P. @ Dadasaheb Bendre District Court, Shivajinagar, Pune
2. Adv. Sadanand Deshmukh, Pune.
3. Adv. Chintamani Ghate, Coordinator, Modern Law College, Pune

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INAUGURATION FUNCTION

The inauguration function of the 11th Shankarrao Kanitkar National Level Moot Court Competition 2016-2017 commenced in the morning after the reporting of all competing teams. 24 Law Colleges from Mumbai, Pune, Amravati, Ahmednagar, Sangali, from Maharashtra and from out of Maharashra like from Kerala, Madhya Pradesh, Orissa, Goa, Delhi etc. had participated in this Competition. The Chief Guest for the event was Prof. Dr. Durgambini Patel, Head of Department, Department of Law, Savitribai Phule Pune University, Pune. Prof. Dr. Durgambini Patel stressed on the importance of legal education in a practical approach and how the moot court competitions help to realise this.



Prof. Dr. Durgambini Patel, HOD Law Dept. SPPU, Adv. Chintamani Ghate, Coordinator, Modern Law College, Dr. Sunita Adhav, Principal, Modern Law College in inaugural Session



Prof. Dr. Durgambini Patel , Head of Law Department, SPPU, offering the flowers, at the 11th Shankarrao Kanitkar National Level Moot Court Competition 2016-17

PRELIMINARY AND FINAL ROUND



Student participants of the 11th Shankarrao Kanitkar National Level Moot Court Competition 2016-17



Student participants of the 11th Shankarrao Kanitkar National Level Moot Court Competition 2016-17



Final Round of the 11th Shankarrao Kanitkar National Level Moot Court Competition 2016-17



Final Round of the 11th Shankarrao Kanitkar National Level Moot Court Competition 2016-17

All 24 teams participated in the Preliminary Round in the four court rooms arranged for the same. The moot court was conducted as per rules and Regulation with the assistance of the Preliminary Round Judges and the court officers. Four Teams Qualified for the Final Round namely Government Law College, Mumbai, Maharashtra; DES Shri. Navalmal Firodia Law College, Pune, Maharashtra; Government Law College, Thrissur, Kerala and MMM's Shankarrao Chavan Law College, Pune, Maharashtra.

THE VALEDICTORY AND PRIZE DISTRIBUTION SESSION

The Valedictory and Prize Distribution session was presided over by Adv. Dadasaheb Bendre, Dr. Sadanand Deshmukh, Adv. Chintamani Ghate, Co-ordinator, Modern Law College, Dr. Sunita Adhav, Principal Modern Law College. Vice Principal Mrs. Ananya Bibave anchored the programme.



Dignitaries on Dias

Dr. Sunita Adhav, Principal, Modern Law College,
Adv. Dadasaheb Bendre, Vice President , P.E. Society
Adv. Sadanand Deshmukh, Ex-DGP,
Chintamani Ghate, Coordinator, Modern Law College



Students and Guests at the 11th Shankarrao Kanitkar National Level Moot Court Competition 2016-17

WINNERS

P.E.S. **Modern Law College** had organised the **11th Shankarrao Kanitkar National Level Moot Court Competition** on 14th January 2017. 24 Law Colleges from Mumbai, Ahmednagar, Sangli, Amravati, Goa, Karnataka, Kerala, Tamil Nadu, Madhya Pradesh, Orissa and Delhi had participated in this Competition. **Government Law College, Mumbai** was declared the winning team, while **Government Law College**, Trissur, Kerala was declared Runners Up Team and **Mr. Shresth Mukharya of National Law Institute, Bhopal, Madhya Pradesh** was adjudged **"Best Advocate"**. Judges special appreciation prizes were given to **Doel Bose, Symbiosis Law School, Pune** and **Divyam Sharma, National Institute, Bhopal, Madhyapradesh.**



Winners of the 11th Shankarrao Kanitkar National Level Moot Court Competition
Government Law College, Mumbai, Maharashtra



Runners up of the 11th Shankarrao Kanitkar National Level Moot Court Competition
Government Law College, Thrissur, Kerala



Best Advocate
Mr. Shresth Mukharya of National Law Institute, Bhopal, Madhya Pradesh



Winners, Runners Up and Best Advocate of the 11th Shankarrao Kanitkar National Level Moot Court Competition 2016-17

Winners of Moot Court Competition.

S.no	Rank	Law College
1.	First Position	Government Law College, Mumbai, Maharashtra
2.	Runners Up	Government Law Colege, Thrissur, Kerala
3.	Best Advocate	Shreshtha Mukharya, National Law Institue, Bhopal, Madhya Pradesh
4.	Judges Special Appreciation Award	1. Doel Bose, Symbiosis Law School, Pune, Maharashtra, 2. Divyam Sharma, National Law Institute University, Bhopal, Madhya Pradesh

Modern Law College,

11th Shankarrao Kanitkar National Level Moot Court Competition 2016- 2017- 14th January 2017

Programme Schedule

S.No	Event	Time
1.	08:00 A.M. to 08:30 AM	Registration
2.	08:30 AM to 09:00 A.M.	Breakfast
3.	09:00 A.M. to 09:30 AM	Photography Session
5.	09:30 A.M. to 10:00 AM	Inauguration Session
6.	10:00 A.M. to 01:00 PM	Preliminary Round
7.	01:00 PM to 02:00 PM	Lunch
8.	02:00 PM to 04:00 PM	Final Round
9.	04:00 PM to 04:30 PM	Valedictory and Prize Distribution Ceremony

PRINCIPAL
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Modern Law College
Ganeshkhind, Pune-16

Modern Law College ★ Pune-16

Progressive Education Society's

Modern Law College

Ganeshkhind, Pune – 411016

In Association with

BSW, Savitribai Phule Pune University, Pune

12th Shankarrao Kanitkar National Moot Court Competition

13th January, 2018

Editorial Committee

Adv. Chintamani Ghate, Co-ordinator

Dr. Sunita Adhav, Principal

Asst. Prof. Abhijeet Dhere

Asst. Prof. Harshvardhan Lonkar

Published by:

P. E. Society's

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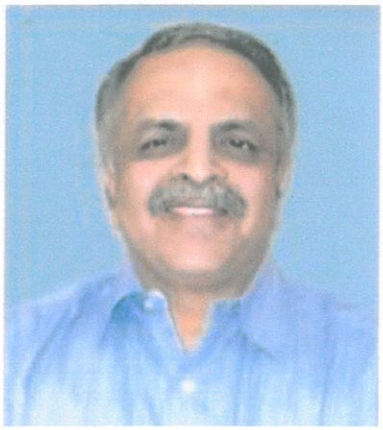
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Modern Law College
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This year the college hosted the 12th edition of Shankarrao Kanitkar National Moot Court Competition on 13th of January, 2018. This year 48 colleges from all over India participated in the competition making it a grand success. My best wishes are always with the college and its constant endeavours to attain higher goals for the development of the college.

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Chairman, Business Council,
Progressive Education Society

Message from the Co-ordinator



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Co-ordinator,
Modern Law College, Pune.

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Franklin Roosevelt

President, United States of America

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The 12th Shankarrao Kanitkar National Moot Court Competition was held on 13th January, 2018. The theme revolved around right to privacy. The moot problem challenged the constitutional validity of the Aadhaar Act of 2016. As the case had arguments supporting as well as opposing the Act, the same was picked as the topic of the competition.

Asst. Prof. Abhijeet Dhere

Moot In-charge

Asst. Prof. Harshvardhan Lonkar

Moot In-charge

Moot Problem

MLRC, A Legal Research Centre, has approached the Honourable Supreme Court of Indiana, through a Public Interest Petition, against the Union of Indiana, contending that the collection of the biometric data for the purpose of Janadhar Card, violates the Right to privacy of the citizens. For obtaining the Janadhar Card, applicant has to provide his biometric data. The Petitioner contends that this is a violation of Article 21 of the Constitution of Indiana which grants "right to Privacy" as a fundamental right, which is evident in various decisions of the Apex Court and therefore the Janadhar Card Scheme should be declared Unconstitutional.

In another petition filed by ACCESS, a NGO working on the issues regarding civil and political rights of citizens, before Honourable Supreme Court, has contended that Janadhar Card is made mandatory by Government to avail the benefits under various social welfare schemes. The petitioner alleged that non availability of Janadhar Card denies the citizens the access to the benefits under various social welfare schemes, which is clear violation of fundamental right to equality as guaranteed by the Constitution of Indiana. Secondly the NGO has contended that by denying citizens access to scheme also defeats the basic purpose of welfare state enshrined under the Directive Principles of State policies given in Constitution of Indiana.

The Honourable Supreme Court taking into consideration the gravity of the same, decided to hear the matters jointly and the notice was issued to the Union of Indiana in this regard.

The main issues for consideration are:-

1. Whether "Right to Privacy" is guaranteed in the Part III of Constitution of Indiana?

2. Whether the Janadhar Card Scheme is unconstitutional and violates the provisions of Part III of the Constitution of Indiana?

3. Other ancillary issues, if any.

The case is scheduled for final hearing on 13th January, 2018.

Note: All laws and legal system of Union of Indiana is similar to laws and legal system of Union of India.

Clarifications

Following are the clarifications which the participants shall keep in mind.

01. The participants shall not cite J. Puttaswamy case's judgment in their arguments/memorial. They shall presume as if the judgment has not been delivered.

02. Adhaar and Janadhar schemes are analogous to each other.

03. Participants shall presume that they are arguing before the largest constitutional bench.

04. The participants may refer newspaper reports and facts that are already in existence. The extent of using them is discretion of that speaker, however the admissibility of the same is the discretion of the Judges.

05. The 12th edition has witnessed a huge response from students all over India and as such we have increased the number of participants from 32 to 48.

As a result, the Organizing Committee has decided to conduct a Semi-Final Round for fair representation.

8 Teams will be selected for the Semi-Final round from the Preliminary Rounds.

All the rules of Final Round will be applicable for the Semi-Final Round.

Rules and Regulations

01. Date: January 13th, 2018

02. Venue: Modern Law College, Ganeshkhind, Pune, 16.

03. Language: The written and oral submissions shall be in English only.

04. Eligibility: Regular bonafide students of recognised Law Colleges/Institutes/University.

*(Only students from amongst the under graduate five year integrated L.L.B. degree and three year Degree law programmes)

05. Dress Code: As per the rules of Bar Council of India (Baring Gowns and Bands)

06. Team Composition: The team should consist of two mooters only

07. Registration: The teams must register on or before 16th December 2017.

08. Registration Fees: Rs. 1000 per team.

The registration fee can be paid through Demand Draft, drawn in favour of The Principal, Modern Law College, payable at Pune or by cash at the time of the competition. Students have to arrange for accommodation on their own. Pune, being a metropolitan city, ample amount of hotel/accommodation and travelling facilities are available in the city. If required requested, College may provide assistance for accommodation.

09. Bench: Two judges for preliminary rounds and of three judges for final rounds.

10. Memorials:

a. Four copies of each side (Petitioner and Respondent), spiral bound memorials.

b. The cover page of the Memorial must follow colour scheme i.e. Blue for petitioner/ appellant and red for respondent

c. Typed on A4 size paper with one side printing not exceeding 20 pages, font size 12 (Times New Roman) line spacing of 1.5.

d. The memorial must contain:

   i. Title Page

   ii. The table of Contents

   iii. The Statement of Jurisdiction

   iv. The Statement of Facts

   v. The Statement of Issues

vi. The Prayer Clause and Bibliography

e. Name of the participant and the College, only on the title page.

f. Name of the participant and the College, only on the title page.

g. Memorials not in prescribed format shall be rejected.

h. Memorials will not be returned to the participants.

11. Conduct of Moot Court:

a. In the preliminary rounds, each team (both speakers) shall compulsorily present oral arguments for the side allotted to them (either Petitioner or Respondent)

b. Teams will be given codes in alphabetical order (according to name of college)

c. In the preliminary round each team will be allotted 20 minutes (16 minutes for arguments and 4 minutes for rebuttal and answering questions asked by judges. The rebuttal cannot be claimed as a matter of right).

d. The final round will comprise of the **top four teams** of preliminary rounds.

e. The proceedings of the Moot Court Sessions may be video recorded. All rights in this regard shall be reserved with Modern Law College.

f. Host team shall not be considered for the Prizes even if they participate.

g. The Competition starts at 9.00 a.m. The teams are to report latest by 8.00 a.m. on 13th January 2018

h. **Lots shall be drawn for the final round. Team shall (Speaker 1 and 2) present the side allotted to them through draw of lots.**

i. **Each team shall be allotted only 15 minutes to argue in the finals. Exceeding time limit will result in loss of marks. Utilisation of time amongst team members is discretion of team.**

12. MARKS:

Written Submission/ Memorial	20 Marks
Substance in Argument	30 Marks
Advocacy Skills	30 Marks
Questions from the Bench	10 Marks
Time Adherence	10 Marks
Total	**100 Marks**

13. The decision of the judges shall be final and no disputes shall be entertained in this regard.
14. In case of a tie, memorial marks will be considered to determine the winner.
15. The Organizers reserve the right to take appropriate action for any unethical, unprofessional and immoral conduct.
16. The Organizers decision as regards the interpretation of rules, situation which is not contemplated in the rules or any other matter related to the competition will be final.
17. **Prizes:**

First	Rs. 10000 /- Cash + Trophy + Certificate
Second	Rs. 7000/- Cash +Trophy+ Certificate
Best Speaker	Rs. 5000/- Cash + Trophy+ Certificate
Judge's Special Appreciation	**Certificate (2)**

Schedule of the Competition

Sr. No.	Time	Session
01.	07:30 am to 08:15 am	Breakfast + Registration
02.	08:15 am to 08:30 am	Photography Session
03.	09:00 am to 12:30 pm	Preliminary Round
04.	12:30 pm to 01:30 pm	Break
05.	01:30 pm to 3:00 pm	Semi-Final Round
06.	03:15 pm to 04:00 pm	Final Round
07.	04:00 pm to 04:30 pm	Valedictory Session

Participating Law Colleges/Institutes

Sr. No.	Name of the College
1.	Adv. Balasaheb Apte College of Law, Mumbai
2.	Aligarh Muslim University, Aligarh
3.	Alliance School of Law, Bangalore
4.	Amity Law School, Noida, UP
5.	Balaji Law College, Pune
6.	Campus Law Centre, Delhi
7.	Central University of South Bihar, Bihar
8.	Chanakya National Law University, Patna
9.	Chander Prabhu Jain College of Higher Studies and School of Law
10.	D.E.S Navalmal Firodia Law College, Pune
11.	Dept. of Laws, Panjab University
12.	Dr. D. Y. Patil College of Law, Mumbai
13.	Government Law College, Mumbai
14.	Gujarat National Law University, Gandhinagar
15.	Hidayatullah National Law University, Chhattisgarh
16.	ICFAI Law School, Hyderabad
17.	Indore Institute of Law, MP
18.	Keshav Memorial College of Law, Hyderabad
19.	KIIT School of Law, Odisha
20.	Law Centre – II, Faculty of Law, Delhi
21.	Maharaja Sayajirao University of Baroda
22.	Mahatma Gandhi Mission's Law College, Mumbai
23.	Manikchand Pahade Law College, Aurangabad
24.	MMM's Shankarrao Chavan Law College, Pune
25.	N.B.T Law College, Nashik
26.	Nari Gursahani Law College, Thane
27.	New Law College, Bharati Vidyapeeth, Pune
28.	National Law Institute University, Bhopal
29.	National University of Advanced Legal Studies, Kerala

30.	Rajarshi Shahu Law College, Barshi
31.	Rajiv Gandhi National University of Law, Punjab
32.	S.D.M Law College, Bangalore
33.	School of Excellence in Law, Chennai, TN
34.	School of Law, Christ University
35.	School of Law, Sastra University
36.	Shri Shivaji Maratha Society's Law College, Pune
37.	Sinhagad Law College, Pune
38.	SNBP Law College, Pune
39.	SVKM's NMIMS Kirit Mehta School of Law, Mumbai
40.	Symbiosis Law School, Hyderabad
41.	Symbiosis Law School, Pune
42.	University Institute of Legal Studies, Chandigarh
43.	University of Mumbai Law Academy, Mumbai
44.	University of Petroleum & Energy Studies, Dehradun
45.	V. M. Salgaokar College of Law, Goa
46.	VIT School of Law, Chennai
47.	Vivekananda Institute of Professional Studies, New Delhi
48.	Yaswantrao Chavan Law College, Pune

List of Judges

Sr. No.	Name of Judge	Round
01.	Adv. Gautam Karnik	Final
02.	Dr. Sonia Nagarale	Final
03.	Adv. Shreedattprasad Abhang	Final & Semi-Final
04.	Dr. Suvarna Nilakh	Preliminary & Semi-Final
05.	Adv. Suyog Wagh	Preliminary & Semi-Final
06.	Dr. Sapna Deo	Semi-Final
07.	Asst. Prof. Mayura Borde	Preliminary
08.	Asst. Prof. Manisha Britto	Preliminary
09.	Adv. Sandeep Gujarathi	Preliminary
10.	Adv. Sandeep Mahale	Preliminary
11.	Adv. Nikhil Barsode	Preliminary
12.	Adv. Satyajeet Lonkar	Preliminary
13.	Adv. Tanaya Kamalakar	Preliminary
14.	Dr. Shilpa Gaikwad	Preliminary
15.	Adv. Rohit Survase	Preliminary
16.	Adv. Sandesh Tondare	Preliminary
17.	Adv. Priyanka Survase	Preliminary
18.	Asst. Prof. Ashwini Ingole	Preliminary
19.	Adv. Rishiraj Walvekar	Preliminary
20.	Adv. Dorman Dalal	Preliminary

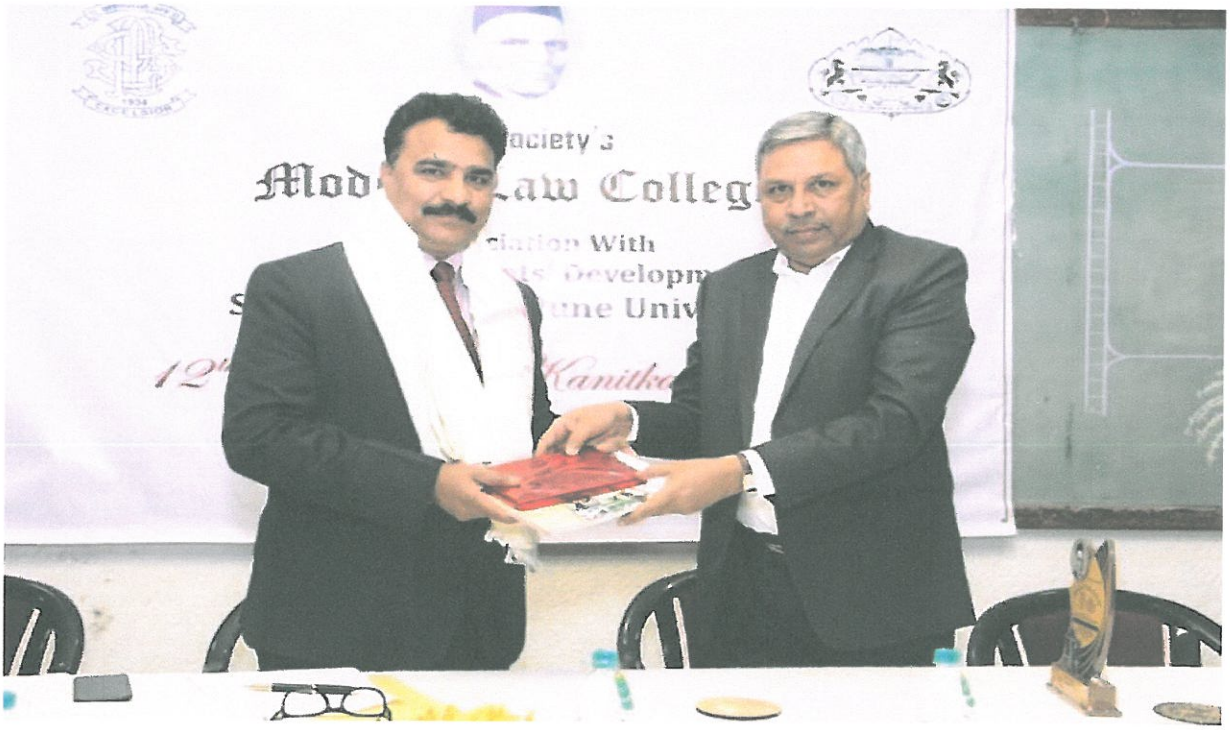
Winners

Serial Number	Award	Name of Participant	Name of College
01.	*Winner*	*Vivek Badkur* *Nilakshi Srivastava*	*National Law Institute University, Bhopal, Madhya Pradesh*
02.	*Runner – Up*	*Shruti Sharma* *Promita Sinha*	*Symbiosis Law School, Pune, Maharashtra*
03.	*Best Advocate*	*Shruti Sharma*	*Symbiosis Law School, Pune, Maharashtra*
04.	*Judges Special Appreciation*	*Rohan Jacob*	*School of Law, Christ University, Bengaluru, Karnataka*
05.	*Judges Special Appreciation*	*Shweta Parulekar*	*V. M. Salgaocar College of Law, Panaji, Goa*

Photos : Inauguration Ceremony



Participants of 12th Shankarrao Kanitkar National Moot Court Competition



Felicitation of Dr. Vijay Narkhede



Orientation of Judges by Asst. Prof. Abhijeet Dhere



Felicitation of Judges

Photos : Preliminary Round













Photos : Semi - Final Round





Photos : Final Round













Photos : Award Recepients



Winning team – NLIU, Bhopal



Runner-up team – Symbiosis Law School, Pune



Best Advocate – Shruti Sharma
Symbiosis Law School, Pune



Judges Special Appreciation Award – Rohan Jacob,
School of Law, Christ University, Bengaluru



Judges Special Appreciation Award – Shweta Parulekar, V.M. Salgaocar College of Law, Panaji



Group Photo of Best Advocate & Runner-Up Team along with Winning Team


Modern Law College


THANK
YOU!

12TH SHANKARRAO KANITKAR NATIONAL MOOT COURT COMPETITION 2018

BEFORE THE HON'BLE SUPREME COURT OF INDIANA

PUBLIC INTEREST LITIGATION FILED UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIANA

IN THE MATTER OF

MLRC and Others .....*Petitioners*

Versus

Union of Indiana .....*Respondents*

WRITTEN SUBMISSION ON BEHALF OF THE PETITIONERS

(THIS MEMORANDUM HAS BEEN PREPARED FOR THE RESPONDENT AND IS HUMBLY SUBMITTED TO THE HON'BLE JUDGES OF THE SUPREME COURT)

PARTICIPANTS :

VIVEK BADKUR (SPEAKER 1)

NILAKSHI SRIVASTAVA (SPEAKER 2)

Representing NATIONAL LAW INSTITUTE UNIVERSITY ,BHOPAL

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STATEMENT OF JURISDICTION

The Hon'ble Supreme Court of Indiana has placed the writ petition pending before it under article 32 which reads as under:

32. Remedies for enforcement of rights conferred by this Part
(1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed
(2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part
(3) Without prejudice to the powers conferred on the Supreme Court by clause (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2)
(4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution

The Petitioners humbly submits to the jurisdiction of this Hon'ble Court.

STATEMENT OF FACTS

1. MLRC approached Hon'ble Supreme Court of India through a Public Interest Petition contending that the collection of the biometric data for the purpose of Janadhar Card, violates the Right to privacy of the citizens.
2. Petitioner contends that this is a violation of Article 21 of the Constitution of Indiana which grants "*right to Privacy*" as a fundamental right, which is evident in various decisions of the Apex Court and Appeals to declare Janadhar card scheme unconstitutional
3. Another petition filed by ACCESS before Honourable Supreme Court, has contended that Janadhar Card is made mandatory by Government to avail the benefits under various social welfare schemes.
4. They also contend that it is a clear violation of fundamental right to equality as guaranteed by the Constitution of Indiana.
5. They even contended that by denying citizens access to scheme also defeats the basic purpose of welfare state enshrined under the Directive Principles of State policies given in Constitution of Indiana.
6. The Honourable Supreme Court taking into consideration the gravity of the same, decided to hear the matters jointly and the notice was issued to the Union of Indiana in this regard.

-The matter will be heard before the hon'ble Supreme Court of Indiana on 13th January, 2018-

PES's Modern Law College ★ Pune-16 ★

STATEMENT OF ISSUES

I

WHETHER "RIGHT TO PRIVACY" IS GUARANTEED IN THE PART III OF CONSTITUTION OF INDIANA?

II

WHETHER THE JANADHAR CARD SCHEME IS UNCONSTITUTIONAL AND VIOLATES THE PROVISIONS OF PART III OF THE CONSTITUTION OF INDIANA?

ARGUMENTS ADVANCED

1. WHETHER THE RIGHT TO PRIVACY IS GUARANTED UNDER PART III OF CONSTITUTION OF INDIANA?

It is humbly submitted before the Hon'ble court that the right to privacy, is guaranteed under Part III of the Constitution of Indiana[1] as the Right to Privacy is essential for the enjoyment of other recognized fundamental rights and diminution in the importance of the Right to Privacy will weaken the Fundamental Rights which have been expressly conferred. The right to privacy is also an implicit part of the the Right to Life and Personal Liberty under Art. 21 of the Constitution under Part III of the Constitution.

1.1. That the right to privacy is a natural and inalienable right:

1.1.1. Natural rights have been defined as those rights which grow out of nature of man and depend upon his personality and are distinguished from those which are created by positive laws enacted by a duly constituted government to create an orderly civilised society.[2]

1.1.2. Privacy is a natural right, inherent to a human being. It is thus a pre-Constitutional right which vests in humans by virtue of the fact that they are human. The right has been preserved and recognised by the Constitution, not created by it. Privacy is not bestowed upon an individual by the state, nor capable of being taken away by it. It is thus inalienable.

1.1.3. In the last resort a person's house is his "castle"[3] it is his rampart against encroachment on his personal liberty. Justice Frankfurter in *Wold v. Colorado*[4], pointed out the importance of the security of one's privacy against arbitrary intrusion by the police, could have no less application to

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[1] Constitution of Indiana, *Pari Materia* to Constitution of India (Herein after referred as Constitution).

[2] BLACK'S LAW DICTIONARY (126) (9th ed. 2009).

[3] Peter Semayne v Richard Gresham ,All ER Rep 62;5 Co Rep 91 a; Cro Eliz 908; Moore KB 668; Yelv 29 77 ER 194.

[4] Wold v. Colorado, 338 U.S. 25.(1949)

an Indian home as to an American one. If physical restraints on a person's movements affect his personal liberty, physical encroachments on his private life would affect it in a larger degree. Indeed, nothing is more deleterious to a man's physical happiness and health than a calculated interference with his privacy thus eroding his natural rights.

1.1.4. The development of personality which is an essential natural right of human is only possible when the right to privacy exist. Private life includes the way in which individual views himself and how he decides to project this view towards others, and is an essential condition for the free development of the personality[5], making the right to privacy as an essential for development for personality as a natural right.

1.1.5. It is thus evident that a violation of privacy goes against the recognised standards and elements of Natural rights and hence it is humbly submitted that the Court recognises it as a part of Fundamental Rights under the Constitution.

Privacy was within the intent of the Drafters of the Constitution :

1.1.6. It is humbly submitted before the Hon'ble court that it has been widely stated that by not explicitly putting notion of privacy in Part III of the constitution, they intended to keep it out from the Fundamental Rights altogether, is not right.

1.1.7. The argument merits close consideration. The debates of the Constituent Assembly indicate that the Proposed inclusion(which was eventually dropped) was in two specific areas namely correspondence and searches and seizures. From this, it cannot be concluded that the Constituent Assembly had expressly resolved to reject the notion of the right to privacy as an integral element of the liberty and freedoms guaranteed by the Fundamental Rights.

1.1.8. The interpretation of the Constitution cannot be frozen by its original understanding. The Constitution has evolved and must continuously evolve to meet the aspirations and challenges of the present and the future. This is particularly of relevance in an age where technology reshapes our fundamental understanding of information, knowledge and human

[5] E.P. Royappa v. State of Tamil Nadu, AIR 1974 SC 555

relationships that was unknown even in the recent past. Hence as judges interpreting the Constitution today, the court must leave open the path for succeeding generations to meet the challenges to privacy that may be unknown today.

1.2. That the Right to Privacy is implicit and inherent in Article 21, Article 19 and other Part III Fundamental Rights of the Constitution.

1.2.1. Privacy in all its aspects constitutes the springboard for the exercise of the freedoms guaranteed by Article 19(1) of the Constitution.[6] Freedom of speech and expression is always dependent on the capacity to think, read and write in private and is often exercised in a state of privacy, to the exclusion of those not intended to be spoken to or communicated with and therefore the right to free expression in Art.19(1)(a) of the Constitution also includes the Right to Privacy of communication.[7]

1.2.2. The right to settle and move freely throughout the territory of Indiana as given under Art.19(1)(d) and Art.19(1)(e) of the Constitution requires the right to privacy to be recognized.[8] This has also been recognized by the US Supreme Court in the *Wolf v. Colorado*[9] and is also supportive of the English law maxim " the house of everyone is to him a castle or fortress" as given in the *Semayne v. Richard Gresham*[10]. Thus the *Semayne* case recognized in dicta the extension of individual independence from the state to the house in which one resides and is supportive of the argument that Article 20(3) of the Constitution requires the principle of right to privacy for active and desirable working.

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[6] Indian Express Newspaper Pvt. Ltd. V. Union of India 1986 AIR 515; 1985 SCR (2) 287.

[7] Life Insurance Corporation V. Prof. Manubhai D Shah. 1993 AIR 171, 1992 SCR (3) 595.

[8] (Kharak Singh v. St. of U.P. 1963 AIR 1295).

[9] Wolf v. Colorado 338 U.S. 25 (more) 69 S. Ct. 1359..

[10] Peter Semayne v Richard Gresham All ER Rep 62;5 Co Rep 91 a; Cro Eliz 908; Moore KB 668; Yelv 29 77 ER 194.

The importance of this was recognized by Justice Subba Rao when he dissented in the case of *Kharak singh v. State of U.P.*[11] and observed as under:

"*How could a movement under the scrutinizing gaze of the policemen be described as a free movement? The whole country is his jail... the petitioner under the shadow of surveillance is certainly deprived of this freedom . He can move physically, but he cannot do so freely, for all his activities are watched and noted*"

a reading of the above-quoted text shows the right to privacy a necessary condition for the exercise of right to move freely throughout the territory of Indiana.

1.2.3. The further right of every religious denomination to maintain institutions for religious and charitable purposes, to manage its own affairs and to own and administer property acquired for such purposes vide Article 26 also requires privacy, in the sense of non-interference from the state.

That the right to privacy is protected as an intrinsic part of the right to life and personal liberty under Article 21.

1.2.4. It is submitted that the Constitution does not have a textually guaranteed right to privacy. The Constitutional meaning however is not fixed or static at its point of origin, but must evolve with time; or, in other words the constitution is a "living document". Constitution has certain core values that manifest themselves differently in different ages. The values themselves were derived from the Preamble, with dignity given the pride of place.[12]

1.2.5. It is humbly submitted before the Hon'ble court that the majority in the *Kharak Singh v. State of U.P.* regards the sanctity of the home and the protection against unauthorised intrusion an integral element of "ordered liberty". This is comprised in 'personal liberty' guaranteed by Art. 21. The decision invalidated domiciliary visits at night authorised by *Regulation 236(b) of the U.P. police Regulation Act*, finding them to be an unauthorised intrusion into the home and privacy of a person and thus a

[11] Kharak singh v. State of U.P 1963 AIR 1295, 1964 SCR (1) 332.

[12] Maneka Gandhi v. Union of India,1978 AIR 597, 1978 SCR (2) 621

violation of the fundamental Right to personal liberty. Thus even an intrusion in privacy of an individual has been recognised, by this Court, as violating Art. 21 substantial to prove that privacy in embedded in it.

1.2.6. The majority in the *Kharak Singh v. State of U.P.* also referred to *Munn v. Illinois*[13] where it was brought to notice that the term right to 'life' doesn't mean merely human existence but also can be extended to the include various complimentary rights and that even though our constitution does not expressly grant us the right to privacy but the same can be traced from it. Even though the case is by an American court but still we do not entertain any doubt that the word life in Art. 21 of our Constitution bears the same significance.

1.2.7. In an article published, *Samuel D Warren and Louis Brandeis*[14] adverted to the evolution of the law to incorporate within it, the right to life. As legal rights were broadened, the right to life had "come to mean the right to enjoy life – the right to be let alone". They went on to elaborate that the 'right to be let alone' thus represented a manifestation of 'an inviolate personality', a core of freedom and liberty from which the human being had to be free from intrusion.

1.2.8. It is humbly submitted before this Hon'ble court that in the current state of things, Art.19(1), 21 ,20(3), 25 of the Constitution are all rights that are supplements and made meaningful by the exercise of Right to Privacy. Right to privacy is thus inherent in these Fundamental Rights. Therefore, the right to claim a basic condition like privacy in which guaranteed fundamental rights can be exercised must itself be regarded as a fundamental right. Privacy, thus, constitutes the basic, irreducible condition necessary for the exercise of 'personal liberty' and freedoms guaranteed by the Constitution.

1.3. That it is provided by Indiana's International commitments:

1.3.1. The recognition of privacy as a fundamental constitutional value is a part of Indiana's commitment to a global human rights regime. Art. 51[15] of the

[13] Munn v. Illinois 94 U.S. 113 (1876).

[14] 15 December 1890 in the Harvard Law Review—"The Right to Privacy".

[15] Constitution of India, 1950.

Constitution, which form part of the Directive Principles, requires the state to endeavour to 'foster respect for international law and treaty obligations in the dealings of organised peoples with one another.

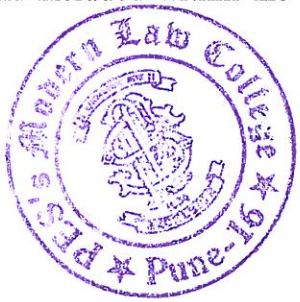
1.3.2. Art.12 of the UDHR[16], recognised the right to privacy. "*Art.12: no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attack upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.*" And since Indiana is a party to it, it has to safeguard the right to privacy.

1.3.3. Similarly, Art.17 of the ICCPR provides: "*Art17: the obligation imposed by this article requires the state to adopt legislative and other measures to give effect to the prohibition against such interference and attacks as well as to the protection of the right.*"

1.3.4. The ICCPR[17] casts an obligation on states to respect, protect and fulfil its norms. The duty of a state to respect the right mandates that it must not violate the right. The duty to protect the right mandates that the government must protect it against any interference, even by private parties.

1.3.5. Significantly, while acceding to the ICCPR Indiana did not file any reservation or declaration to Art.17. Therefore, in furtherance of the same, Indiana should recognise Right to Privacy. There is no contradiction between the international obligations assumed by the state of Indiana and Constitution. There is no such inconsistency between Indiana laws which would make courts not to readily presume privacy to be fundamental. Our constitutional provisions must be read and interpreted in a manner which would enhance their conformity with the global human regime.[18]

1.3.6. The state of privacy recognition in Indiana is well on the judicial discretion of the court however the International commitments require the creation of codified laws insuring the protection of privacy and hence it is submitted before the court that Right to Privacy be codified and included within the constitutional limits



[16] Universal Declaration of Human Rights, 1948.
[17] International Covenant on Civil and Political Rights, 1966.
[18] Article 51(c) of Indian Constitution, 1950.

2. Whether the Janadhar Card Scheme is Unconstitutional and violates the provisions of Part III of the Constitution of Indiana?

It is humbly submitted that the Janadhar card scheme stands unconstitutional as it violates various fundamental rights under article 14[19] ,19[20] and 21[21] a conferred in part III of the constitution of Indiana.

2.1. That Janadhar violates Article 14 of the Constitution

As the constitution provides for reasonable restrictions on fundamental rights conferred under part III there are various tests that a legislation needs to pass to be able to infringe fundamental rights.

TEST OF REASONABLE CLASSIFICATION

2.1.1. The test of reasonable classification was laid down by SC in Budhan Chaudhary v. State of Bihar,[22] which provides that: (1) the classification proposed in the legislation must be founded on intelligible differentia and that, (2) there must be close nexus between the classification and the object of the Act

2.1.2. In the present case the government classify people into two classes those who hold a Janadhar card and those who do not which is arbitrary and unreasonable. It is contended that the law can only make and set apart the classes according to the needs and exigencies of the society[23]. Also the nexus established by the government is that it will help in efficient distribution of welfare schemes but fails to identify that it does not matter whether a person a Janadhar card or not he remains the citizen of Indiana and is entitled to all the welfare schemes provided by the state under Article 14 and no legislation can take away this right from him.

TEST OF ARBITRARINESS

2.1.3. The Janadhar card scheme of the government is arbitrary and unreasonable as there is no reasonable classification in place and the classification howsoever done has no nexus with the objectives of the law brought by the

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[19] Art. 14, The Constitution of India, 1950.

[20] Art. 19, The Constitution of India, 1950.

[21] Art. 21, The Constitution of India, 1950.

[22] Budhan Chaudhary v. State of Bihar, (1954) AIR 1955 SC 191.

[23] Suresh Kumar Koushal v. Naz Foundation (2014) 1 SCC 1.

government of Indiana. Further, no proper guidelines have been laid in the Act for its implementation by the executive rendering it arbitrary[24] which is the antithesis of right to equality guaranteed to the people by the Constitution.[25]

2.1.4. The SC has held in *Maneka Gandhi*'s Case,[26] that for any law to be valid, it must be in accordance with the procedure established by law, i.e., the law in addition to satisfying the requirements of Arts. 14 and 19, must also be in conformity with the principles of Natural Justice which includes, that it must be just, fair and reasonable. Whether a law is just, fair, and reasonable is to be determined by the facts and circumstances of the case.

2.1.5. In the present case, according to the respondent it is necessary to introduce Janadhar Cards mandatorily for the people in the country to implement welfare schemes successfully, to reduce corruption and to strengthen the security of Indiana but the same could be done so, with other methods that do not restrict the fundamental right to privacy of the people to such extent. The laws brought by the government grossly violate the dignity of the people by depriving them of their choice and keeping them under constant surveillance.

2.1.6. The Constitution is founded on the bedrock of the balance between Part III and Part IV. The goals set out in the Part IV have to be achieved without the abrogation of the means provided for by Part III. To destroy the guarantees given by Part III in order to achieve the goals of Part IV is plainly to subvert the Constitution. Therefore, it is the responsibility of the government to come up with a scheme which adequately preserves the fundamental rights of the people.

2.2. That Janadhar violates Article 21 of the Constitution

It is humbly submitted that Article 21 of the constitution of Indiana has a wide ambit and the Janadhar card scheme violates varies aspects of it.

DEPRIVATION OF CHOICE

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[24] Kathi Ranning Rawat v. State of Saurashtra, AIR 1952 SC 123;
[25] E.P. Royappa v. State of Tamil Nadu, AIR 1974 SC 555

[26] Maneka Gandhi v. Union of India,1978 AIR 597, 1978 SCR (2) 621

2.2.1. The term, 'life' in Art. 21 does not mean 'mere animal existence', rather right to live with dignity[27].To realise this statement it is essential for people as the ability of an individual to make choices lies at the core of the human personality. The claim of the government of Indiana that Janadhar card scheme is voluntary to enrol holds no ground as the government has made it necessary to have for various benefit and non benefit schemes. So, if a person does not enrol for Janadhar Card by disclosing the mandatory information he shall not be able to avail the benefits of various government schemes, which leaves the person with little to no choice but to get enrolled.

COERCED CONSENT OBTAINED

2.2.2. Art. 21, guarantees the protection of "personal autonomy" of an individual personal autonomy includes both the negative right of not to be subject to interference by others and the positive right of individuals to make decisions about their life, to express themselves and to choose which activities to take part in.There can be no question of free consent in situations where an individual is being coerced to part with its biometric information (a) to be eligible for welfare schemes of the State; and/or (b) under the threat of penal consequences. In other words, the State cannot compel a person to part with biometrics as a condition precedent for discharge of the State's constitutional and statutory obligations, it has to be voluntary.

CONSTANT STATE SURVEILLANCE

2.2.3. Liberty is among the core values of the Constitution of Indiana. Right to privacy which is an integral part of Right to life ensures freedom from unwarranted state intervention.

2.2.4. Usually, various data that is collected is stored across multiple sources, and data required for a particular purpose is being taken from individuals at one time. This leads to the creation of informational silos. But under the Janadhar scheme of the government, which aims to be used as a multipurpose identification system, all the data pertaining to an individual could be accessed at one time. This situation severely compromises with the

[27] Kharak Singh v. State of U.P. and Ors.,(1963) AIR 1963 SC

individual's autonomy, which is a well enshrined concept in human rights philosophy by the great philosophers such as Immanuel Kant.[28] In other words, every decision made by a person in Indiana could be under state surveillance. This could potentially lead to the denial of, and access to, many important social opportunities and other facilities for a particular section of people, who could be discriminated against by the state, using the information gathered.

2.2.5. Such action is only justified in case where the person is accused of some offence, otherwise regular surveillance of day to day transaction by government of general public is not just and fair in any manner and constitutes a violation of right to life of the people.[29] With regard to telephone tapping, the SC observed in *Kharak Singh,* [30] that, while telephone interception of guilty person by the police through lawful means is justified in larger public interest, the same is not justified when an innocent citizen is involved and will amount to violation of right to privacy, of the person.

THE PRINCIPLE OF PROPORTIONALITY

2.2.6. This envisages that a government ought to maintain a sense of proportion between its particular goals and the measure it takes to achieve those goals, so that its action impinges on the individual rights to the minimum extent so as to preserve public interest. The government requires the people to part with basic information about oneself, which is integral to one's personality, as well as core biometric information, which could have as well been handled through other methods, given the facts and circumstances

2.2.7. The right to life extends to allowing a person to preserve and protect his or her finger prints and iris scan. Thus every individual or citizen in this country has complete control over his/her body and State cannot insist any

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[28] IMMANUEL KANT, THE MORAL LAW: GROUNDWORK OF THE METAPHYSIC OF MORALS, 42 (Herbert James Paton eds., Psychology Press, London, UK, 2005)

[29] Gobind v. State of Madhya Pradesh, (1975)2 SCC 148; *See also*, Kharak Singh v. State of U.P. and Ors., AIR (1963) SC 1295.

[30] Kharak Singh v. State of U.P. and Ors., AIR (1963) SC 1295

person for giving his/her finger tips or iris of eyes, as a condition precedent to enjoy certain rights. Whenever a person voluntarily entrusts his finger prints and iris scan to the state, the 'property' and entitlement is retained with that individual throughout his life but the state merely acts as a trustee or fiduciary. The trustee or fiduciary cannot compel the "beneficiary" to part with such sensitive person information.

INVOLVEMENT OF THIRD PARTY

2.2.8. The petitioner humbly submits that the government cannot just delegate its work to private entities when privacy of the citizen can be violated in case on any misuse. In *District Registrar and collector, Hyderabad v. Canara bank*[31] The Right to Privacy was construed as a right which attaches to the person. The significance of this is that the Right to privacy is not lost as a result of confidential documents or information being parted with by the customer to the custody of the bank. Access to bank records to the collector does not permit a delegation of those powers by the collector to a private individual. Information provided by an individual to a third party (in that case a bank) carries with it a reasonable expectation that it will be utilized only for the purpose for which it is provided. Parting with information (to the bank) does not deprive the individual of the privacy interest. The reasonable expectation is allied to the purpose for which information is provided. While legitimate aims of the state, such as the protection of the revenue may intervene to permit a disclosure to the state, the state must take care to ensure that the information is not accessed by a private entity.

2.3. That Janadhar violates Article 19 of the Constitution.

RIGHT TO REMAIN SILENT INFRINGED

2.3.7. It is humbly submitted before the Hon'ble Court that the Janadhar card scheme violates the Right to remain silent enunciated under Art. 19(1)(a) of the Constitution. Right to remain silent is included within the definition of freedom of speech and expression as has been recognized by the SC in the

[31] District Registrar and collector, Hyderabad v. Canara bank (2005)AIR2005SC186

case of *Bijoe Emmanuel v. State of Kerala.* [32] The right includes by necessary implication, freedom not to listen and/or to remain silent.[33] Silence postulates a realm of privacy. An individual may perceive that the best form of expression is to remain silent. An important manifestation of the principle of free speech is that one who chooses to speak may also decide what not to say.[34]

2.3.8. In the present case, the Government has made Janadhar Cards mandatory for seeking benefits under different social welfare schemes of the government and also for issuing PAN Cards, enjoying welfare schemes and subsidies, Opening bank accounts, etc. The state by making Janadhar Cards mandatory for variety of schemes has compelled the citizens to part with their demographic and biometric information in clear violation of their right to remain silent.

2.3.9. One of the grounds on which right to expression can be restriction is when the is a threat to security of the state[35].The term "security of state" refers only to serious and aggravated forms of public order e.g. rebellion, waging war against the State, insurrection and not ordinary breaches of public order and public safety, e.g. unlawful assembly, riot, affray[36]Thus speeches or expression on the part of an individual, which incite or encourage the commission of violent crimes, such as, murder are matters, which would undermine the security of State. The present case does not fall under any of the criteria of the restrictions laid down above. On the contrary, the security of the citizens is hampered on the leakage of their personal data in the public.

RIGHT TO WORK INFRINGED

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[32] Bijoe Emmanuel v. State of Kerala, AIR 1987 SC 748; See also, P.A. Jacob v. Superintend of Police, Kottayam, AIR 1993 Ker 1; Maruti Shripati Dubal vs. State of Maharashtra, (1986) 88 BOMLR 589.

[33] Moulana Mufti Syed Md. Noorur v. State Of West Bengal and Ors., AIR 1999 Cal 15.
[34] Hurley v. Irish-American Gay, Lesbian, & Bisexual Group of Boston, 515 U.S. 557 (1995).

[35] Article 19(2) Constitution of india,1950
[36] A.K. Gopalan v. State of Madras, AIR 1950 SC 27; See also, Collector of Malabar v. Erimal Ebrahim Hajee, AIR 1957 SC 688.

2.3.10. On the principle of proportionality, it is submitted that this principle was applied in *the R.K. Dalmia* [37]case as per the following passage: "11 … (d) that the Legislature is free to recognize degrees of harm and may confine its restrictions to those cases where the need is deemed to be the clearest; (e) that in order to sustain the presumption of constitutionality the court may take into consideration matters of common knowledge, matters of common report, the history of the times and may assume every state of facts which can be conceived existing at the time of legislation;…"

[37] R. K. Dalmia vs Delhi Administration, (1962) AIR 1821, 1963 SCR (1) 253

PRAYER FOR RELIEF

WHEREFORE IN THE LIGHT OF THE ISSUES RAISED, ARGUMENT ADVANCED, REASONS GIVEN AND AUTHORITIES CITED, THE HON"BLE SUPREME COURT MAY BE PLEASED TO:

I. DECLARE THAT THE "RIGHT TO PRIVACY" IS GUARANTEED IN THE PART III OF CONSTITUTION OF INDIANA

II. DECLARE THAT THE JANADHAR CARD SCHEME IS UNCONSTITUTIONAL AND VIOLATES THE PROVISIONS OF PART III OF THE CONSTITUTION OF INDIANA

AND ANY OTHER RELIEF THAT THIS HON"BLE COURT MAY BE PLEASED TO GRANT IN THE INTERESTS OF JUSTICE, EQUITY AND GOOD CONSCIENCE

All of which is respectfully submitted.

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12TH SHANKARRAO KANITKAR NATIONAL MOOT COURT COMPETITION 2018

BEFORE THE HON'BLE SUPREME COURT OF INDIANA

PUBLIC INTEREST LITIGATION FILED UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIANA

IN THE MATTER OF

MLRC and Others .....*Petitioners*

Versus

UNION OF INDIANA .....*Respondents*

WRITTEN SUBMISSION ON BEHALF OF THE RESPONDENTS

(THIS MEMORANDUM HAS BEEN PREPARED FOR THE RESPONDENT AND IS HUMBLY SUBMITTED TO THE HON'BLE JUDGES OF THE SUPREME COURT)

PARTICIPANTS :

VIVEK BADKUR (SPEAKER 1)

NILAKSHI SRIVASTAVA (SPEAKER 2)

REPRESENTING NATIONAL LAW INSTITUTE UNIVERSITY ,BHOPA

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STATEMENT OF JURISDICTION

The Hon'ble Supreme Court of Indiana has placed the writ petition pending before it under article 32 which reads as under:

32. Remedies for enforcement of rights conferred by this Part
(1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed
(2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part
(3) Without prejudice to the powers conferred on the Supreme Court by clause (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2)
(4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution

The Respondent humbly submits to the jurisdiction of this Hon'ble Court.

STATEMENT OF FACTS

1. MLRC approached Hon'ble Supreme Court of India through a Public Interest Petition contending that the collection of the biometric data for the purpose of Janadhar Card, violates the Right to privacy of the citizens.
2. Petitioner contends that this is a violation of Article 21 of the Constitution of Indiana which grants "*right to Privacy*" as a fundamental right, which is evident in various decisions of the Apex Court and Appeals to declare Janadhar card scheme unconstitutional
3. Another petition filed by ACCESS before Honourable Supreme Court, has contended that Janadhar Card is made mandatory by Government to avail the benefits under various social welfare schemes.
4. They also contend that it is a clear violation of fundamental right to equality as guaranteed by the Constitution of Indiana.
5. They even contended that by denying citizens access to scheme also defeats the basic purpose of welfare state enshrined under the Directive Principles of State policies given in Constitution of Indiana.
6. The Honourable Supreme Court taking into consideration the gravity of the same, decided to hear the matters jointly and the notice was issued to the Union of Indiana in this regard.

-The matter will be heard before the hon'ble Supreme Court of Indiana on 13th January, 2018-

STATEMENT OF ISSUES

I

WHETHER "RIGHT TO PRIVACY" IS GUARANTEED IN THE PART III OF CONSTITUTION OF INDIANA?

II

WHETHER THE JANADHAR CARD SCHEME IS UNCONSTITUTIONAL AND VIOLATES THE PROVISIONS OF PART III OF THE CONSTITUTION OF INDIANA?



ARGUMENTS ADVANCED

1. **Whether "right to privacy" is guaranteed in the Part III of Constitution of Indiana?**

1.1. That the constitute assembly rejected the concept of the right to privacy to be included within the constitution.

1.1.1 It is reverentially submitted that the Constitute Assembly Debates act as a legitimate external aid for interpretation of the constitutional provisions[1] [2].It is a settled position that debates in the Constituent Assembly may be relied upon as an aid to interpret the intention of the framers.[3] [4] [5]

1.1.2 The founding fathers of the constitution, it is humbly submitted, rejected the notion of privacy being a fundamental right.[6] Hence it has been submitted that it would be outside the realm of constitutional adjudication for the court to declare a fundamental right to privacy and the same can only be done through a parliamentary amendment in the Constitution.

1.1.3 On 17 March 1947, K M Munshi submitted Draft articles on the fundamental rights and duties of citizens to the Sub-committee on fundamental rights. Among the rights of freedom proposed in clause 5 were the following...

(f) the right to the inviolability of his home

(g) the right to the *secrecy of his correspondence*,

(h) the right to maintain his person secure by the law of the Union from exploitation in any manner contrary to law or public authority...".

1.1.4. The draft report of the Sub-committee submitted on 3 April 1947 contained a division between the fundamental rights into justiciable and non-justiciable rights. Clause 9(d) and Clause 10 provided as follows:

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[1] *Fagu Shaw v state of west Bengal*, AIR 1974 SC 613(India).

[2] the several opinions in Kesavananda Bharati: (1973) 4 SCC 225

[3] *SR Chaudhary v. State Of Punjab and others*, (2001) 7 SCC 2006.

[4] Golak Nath v. State of Punjab: AIR 1967 SC 1643 (Subba Rao, CJ)

[5] Opinion of Sikri, CJ, in Union of India v. H.S. Dhillon: (1971) 2 SCC 779

[6] CONSTITUENT ASSEMBLY OF INDIA VOLUME-III, Wednesday, the 30th April, 1947

"9(d) The right of every citizen to the secrecy of his correspondence. Provision may be made by law to regulate the interception or detention of articles and messages in course of transmission by post, telegraph or otherwise on the occurrence of any public emergency or in the interests of public safety or tranquility...

Clause 10: The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized".

1.1.5. This discussion indicates that there was a debate during the course of Constituent assembly on the proposal to guarantee a right to privacy in clause 9(d). the objection to clause 9(d) by Sir Alladi Krishnaswamy Iyer and his view that the guarantee may lead to *every private correspondence becoming a state paper* resulted in the subsequent *dropping of the clause* on the ground that it would constitute a serious impediment in prosecution.

1.1.6. Eventually, clause 9(d) and clause 10 were dropped from the chapter dealing with fundamental rights. *The debates of the constituent assembly indicate that the framers were unwilling to include this right to privacy in the constitution* and hence this Hon'ble Court cannot invoke the notion of the right to privacy as an integral element of the liberty and freedoms guaranteed by the fundamental rights and the same cannot be considered as implicit within the Right to personal liberty.

1.2. That privacy is too vague, amorphous and elitist a concept to be added to Part III and as a result goes against various socio-economic rights of individuals.

1.2.1. It is humbly submitted before this Hon'ble court that too broad a definition of privacy will raise serious questions about the propriety of judicial reliance on a right that is not explicit in the constitution. Its various definitions create quite a lot of confusion. Hence, it becomes extremely difficult to talk about the right to privacy as a fundamental right without any explicit mention even in the constitution of Indiana. Privacy is just another fancy word for putting unreasonable restrictions on powers exercisable by the state, powers which are exercised for furtherance of

welfare objectives. Privacy as a concept has a broad ambit developed by people having a narrow understanding of how a welfare state functions and it cannot be granted primacy to deprive poor people of their rights to life, food and shelter.

1.2.2. Nobody can articulate what privacy means, it is a sweeping concept encompassing freedom of though, control of body and what not. Philosophers, legal theorists and jurists have frequently lamented the great difficulty in reaching a satisfying conception of privacy. legal scholar Arthur Miller[78] has declared that privacy is "difficult to define because it is exasperatingly vague and evanescent." It all makes it even more necessary to prevent right to privacy becoming a Fundamental Right.

1.2.3. In Govind v. State of Madhya Pradesh[9] Mathew, J. stated that

"too broad a definition of privacy will raise serious questions about the propriety of judicial reliance on a right that is not explicit in the constitution.... The most serious advocate of privacy must confess that there are serious problems of defining the essence and scope of the right. Privacy interest in autonomy must also be placed in the context of other rights and values."[10]

1.2.4. Privacy is in fact so wide a concept that it rightly so qualifies as a hoax in an attempt to restrain the exercise of powers by the state. Such restrains in reality can be equated to stripping a welfare state of its essential powers. And one does not need a seasoned judicial sense to understand the implications of such stripping of powers of a welfare state. It would lead to a scenario where a welfare state has powers which are as good as having no power at all.

1.2.5. In this world of technological advancement, the requirement of a welfare state in place is way more important than having a right to privacy. unless we want to destabilise working welfare state machinery, unless we are to compromise the collective development and welfare of the state subjects, we will have to let go of the vague idea of unquantifiable right to privacy.

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[8] Arthur R. Miller, The assault on privacy: Computer, Data Banks, And Dossiers 25(1971)
[9] Govind v. State of Madhya Pradesh, 1975 AIR 1378.
[10] *Ibid.*

1.2.6. The right to life is to be given primacy over the 'right to personal liberty' in Art.21, since privacy, if at all is a right; it would flow from 'right to personal liberty' and not the right to life. Since right to life encompasses socio-economic rights. The acceptance of the Parliament's repeal of right to property as a fundamental right by the Supreme Court, in favour of an egalitarian socio-economic regime is ample testimony to the fact that socio-economic rights have been preferred over civil and political rights like that of privacy.

1.2.7. it is humbly submitted before this Hon'ble court that the right to privacy goes against the very guarantees made under right to life and the preamble. When the state undertakes welfare measures and schemes traceable not only to the right to life under Article 21 of the Constitution, but also to the guarantees like social justice, economic justice and protecting the dignity of the individual[11], a claim to privacy, which would destroy or erode basic foundation of the Constitution, can never be elevated to a status of fundamental right.

1.3. That the right to privacy, even if considered to be a right, shall come with reasonable restrictions like other Fundamental Rights.

1.3.1. Exercise of right to privacy guaranteed by the Constitution of India is not absolute,[12] and *the government can impose reasonable restrictions* as and when the situation arises in the interest of the community.[13] It is essential for the Government of Indiana to impose reasonable restrictions on the exercise of Right to Privacy of its people, in view of larger public interest[14] of strengthening the security of the state, to bring down the level of corruption, to ensure free and fair elections and to ensure welfare entitlements provided by the government properly reach the deprived sections of the society.

1.3.2. European Convention on Human Rights also recognizes that right to privacy is not absolute and lays down certain circumstances which include national security, public safety and the economic well-being of the country,

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[11] in the Preamble to the Constitution

[12] Sharda v. Dharam Pal, (2003) 4 SCC 493; see also, Ramlila Maidan Incident v. Home secretary, Union of India (2012) 5 SCC 1.

[13] Govind v. State of Madhya Pradesh& Anr., (1975) 2 SCC 148; see also Kartar Singh v. State of Punjab, (1994) 3 SCC 569.

[14] Bihar Public Service Commission v. Saiyed Hussain Abbas Rizwi, (2012) 13 SCC 61.

protection of health, rights and freedoms of others, inter alia under which the right can be interfered with, by the state.[15]

1.3.3. Lord Denning while stating that the English law must recognize right to privacy, also asserted that the exercise of the same cannot be free from limitations.[16] Though right to privacy is an inalienable right; its curtailment is necessary for stability of the society.[17] Following these principles, interception of telephone calls to prevent organized crimes in accordance with the provisions of MOCCA has also been held to be constitutionally valid by SC.[18]

1.3.4. To begin with, the options canvassed for limiting the right to privacy include an Art. 14 type reasonableness enquiry[19]; limitation as per the express provisions of Art. 19; a just, fair and reasonable basis for limitation per Art. 21; and finally, a just, fair and reasonable standard per Art.21 plus the amorphous standard of 'compelling state interest'. The last of these four options is the highest standard of scrutiny[20] that a court can adopt. It is from this menu that a standard review for limiting the right of privacy needs to be chosen.

1.4. That if the right to privacy has to be elevated its not the duty of this court to do that but the parliament, through an amendment has to do it:

1.4.1. This court itself in the famous Keshavananda Bharti case circumscribed the parliamentary power to amend the constitution by saying its basic structure should not be altered or disturbed. In the event, therefore, if anyone can make changes to the constitution, it is the Parliament.

1.4.2. If this court submits to favoring of the right to privacy it will steamroll its views into the constitution, thus in the process substituting the views of the constitution makers with its own. The constituent assembly in its debates debated and decided against carving out the right to privacy as a standalone and independent fundamental right. In other words, they saw merit in

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[15] Art.8, European Convention on Human Rights, 1953 (adopted on sept. 3, 1953).
[16] Lord Denning, 'what next in Law' available at https://isistatic.org/journal-achive/ma/27_02/shenfield.pdf (Last visted on September 4, 2017)
[17] R v. Director of Serious Fraud Office, Ex parte Smith, [1993] AC 1.
[18] State of Maharashtra v. Bharat Shanti Lal Shah, (2008) 13 SCC 5.
[19] E.P. Royappa v. State of Tamil Nadu, Air 1974 SC 555.
[20] United States v. Carolene Products, 304 U.S. 144 (1938).

ambiguity in this regard. The court can no longer put the argument of expanding the ambit in accordance with the constitution since the very drafters disapproved of this.

1.4.3. The counsel humbly submits to this Hon'ble court that it must be left to the Parliament and the executive to decide. The courts should not sit in judgment over matters of administration and governance.[21] This court should follow of what it did in the Naz Foundation case to limit there powers towards determining the constitutionality of the provisions and leave the remaining for the Parliament to decide. To hail and favor this would weaken the Indian democracy and time alone will tell if it has instead sown the seeds of weakening it by subversive elements hiding and lurking behind the veneer of right to privacy.

2. Whether the Janadhar Card Scheme is Unconstitutional and violates the provisions of Part III of the Constitution of Indiana?

It is humbly submitted before the Hon'ble Court that the Janadhar Card Scheme, brought by the respondent is not in violation of Art. 14, Art. 19 or Art. 21 guaranteed under Part III of the Constitution of India .

Janadhar Card scheme is a scheme which provides a 12-digit identity card after taking certain biometric data like fingerprint scan and iris scan only after due consent of the citizen. Use of biometric data is indispensable for the government as it is the best way through which identity of a person remains intact as the chance of finding similar fingerprints is one in 64-billion. This along with minimising the chances of duplicity and enables . This will help the state to efficiently implementation of social welfare schemes, without wastage of resources

2.1. That there is legitimate state interest

[21] Cwp No. 581 Of 2017 vs State Of H.P. And Others(CWP No. 581 of 2017 a/w CWP)

2.1.1. It is humbly submitted that a balance must be struck between the interests of the individual and that of the State. The three step process to strike this balance comprises firstly, there must be a law in existence to justify an encroachment. Secondly, there must be a legitimate state aim, ensuring that the restriction of the statute falls within the zone of reasonableness mandated by Article 14. Thirdly, the means which are adopted by the legislature must be proportional to the object and needs of the legislation/provision.

2.1.2. In essence, the pursuit of a legitimate state aim ensures that the law does not suffer from manifest arbitrariness and disproportionality. In reference to Janadhaar, the state defines the extent of 'legitimate state interest' in a social welfare state. It is humbly presented that if the government embarks upon programmes which provide benefits to impoverished and marginalised sections of society, then there is clearly a vital state interest in ensuring that scarce public resources are not dissipated by the diversion of resources to persons who do not qualify as recipients. This is justified as it will reduce the chances of duplicity and fakeness providing efficiency.

2.2. That there is no Infringement of_Article 14 of the Constitution of Indiana

2.2.1 Article 14 guarantees to every person the right to equality before the law or the equal protection of the laws. Equality before the law, means that amongst equals should be equal and equally administered and that like should be treated alike. Sometimes the state needs to differentiate and classify people in order to ensure that unequal are not treated equally and the doctrine of equality us upheld.

2.2.2 For the classification to be permissible two conditions was laid down:
The classification must be founded on an intelligible differentia.
The differentia must have a rational nexus with the object sought to be achieved by the statue in question.[22],[23],[24]

[22] National Council for Teacher Education and Ors. vs. Shri Shyam Shiksha Prashikshan Sansthan and Ors.,AIR 2011 SC 932

2.2.3. In the instant case the Janadhar Policy aimed at classifying people based on whether the person holds an Janadhar card or not and implement welfare schemes based on such reasonable classification as this classifiction will reduce the chances of duplicity and fakeness and prevent the wastage of resources . There is Rational Nexus between Classification and Objective Sought. It is contended that the law can make and set apart the classes according to the needs and exigencies of the society.[25] If the legislative policy is clear and definite and as an effective method of carrying out that policy a discretion is vested by the statute upon a body of administrators or officers to make selective application of the law to certain classes or groups of persons, the statute itself cannot be condemned as a piece of discriminatory legislation.[26]

2.2.4. 'Article 14 strikes at arbitrariness in State action and ensures fairness and equality of treatment. The principle of reasonableness[27] is an essential element of equality or non-arbitrariness. While Article 14 forbids class legislation it does not forbid reasonable classification of persons, objects, and transactions by the legislature for the purpose of achieving specific ends. But classification must not be "*arbitrary, artificial or evasive*".

2.2.5. This court in the case of Maneka Gandhi v. Union of India[28] relied upon the principle of Wednesbury Unreasonableness that applies to a decision which is so *outrageous* in its defiance of logic or of accepted moral standards that no sensible person who applied his mind to the question to be decided could have arrived at it.

2.2.6. In the instant case, the State had brought in the Janadhar policy only to ensure that citizens enjoy manifold benefits through the process of generation of single identity which was free from the dangers of

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[23] State of West Bengal v. Anwar Ali Sarkar, AIR 1952 SC 75
[24] Budhan Choudhary and Others v. State of Bihar 1955 SCR (1)1045
[25] Kesar Chand vs State Of Punjab And Ors (AIR 1988 P H 265)

[26] Suraj Prakash And Ors. vs State AIR 1964 All 95, 1964 CriLJ 319

[27] E. P. Royappa vs State Of Tamil Nadu & Anr 1974 AIR 555, 1974 SCR (2) 348 *see also* Maneka Gandhi vs Union Of India 1978 AIR 597, 1978 SCR (2) 621

[28] Maneka Gandhi vs Union Of India 1978 AIR 597, 1978 SCR (2) 621

falsification and duplicity. There was no overt administrative overreach and the government was objective in its approach.

2.2.7. **Section 7** of the Aadhaar Act, 2016 is an enabling provision and allows the Central Government/State Government to require Aadhaar for delivery of benefits and services and until Aadhaar is not assigned, alternate means of identification is accepted in terms of the respective Notifications. This means that those who do not currently own an janadhar card will not infringe any rights be it right to food, right to healthy environment (with LPG subsidies), right to livelihood and many more. The functioning of state will remain as it is at present.

2.2.8. Janadhar scheme is in furtherance of the Directive Principles of State Policy, namely Articles 38, 39 (b) (c), 46, 47, 51(c) as the use of the Janadhar number will help to verify that a resident is entitled to availing of social welfare measures carried out in public interest.

2.2.9. The courts have raised social and economic justice to the level of fundamental right.[29] All state action should be such as to make socio-economic democracy with liberty, equality and fraternity, a reality to all the people through democratic socialism under the rule of law. In Unnikrishnan v. State of A.P the directive principle contained in Art. 45 has been raised to the status of a fundamental right

2.2.10. Government can impose reasonable restrictions on fundamental rights, for promoting or effectuating a directive principle in public interest.[30] Thus in the instant case to impose reasonable restriction on the right to privacy will be justified The Constitution can be reshaped to give effect to these principles for the purpose of social good, with certain limitations. Though, these principles are not justiciable these are not merely moral principles, but these are fundamental in the governance of the country.

2.3. That the right to privacy is not an absolute right and qualifies to certain restrictions

2.3.1. It is humbly submitted before this Hon'ble court that this court has recognised the right to privacy in its various judgement but what it has also

[29] Air India Statutory Corp. v. United Labour Union (AIR 1997 SC 645.)

[30] Papanasam Labour Union v. Madura Coats Ltd., (1995) SCC 1501

recognised is that this right qualifies for some restrictions and this is submitted that the Janadhar Card Scheme falls under that reasonable restriction. It is also conferred under Article 19(2) of Constituttion of Indiana.

2.3.2. The Hon'ble Supreme Court in *District Registrar & Collector, Hyderabad & Anr. vs. Canara Bank & Ors.,*[31] and *Gobind v. state of Madhya Pradesh & anr.*[32] case that held that is not an absolute right and qualifies to certain reasonable restrictions like any other fundamental right.

In the present case the state has a compelling state interest to provide the citizen of Indiana with socio economic schemes and for efficient delivery it is important to restrict forgery and duplicity which will be achieved through identification of individuals by their Janadhar cards under Janadhar Card Scheme.

2.3.3. The right to privacy can be restricted if there is a compelling state interest to be served and recognised threat to *national security* in the nature of compelling state interest.[33]Terrorism and hostile neighbours pose a huge threat to the national security of the state. The Janadhar Card Scheme brought by the government will help in eliminating all forms of terrorism by finishing off sleeping modules and local support bases of terrorists in the country. Also, the whole project will help in keeping track of financial transactions throughout the country, which in turn will curb terror finance and Hawala transactions.

2.3.4. The European Union Regulation of 2016[34] Provides for restrictions of the right to privacy may be justifiable in the following circumstances subject to the principle of proportionality

2.3.5. It is humbly submitted before this Hon'ble Court that the Aadhar Act 2016 through it is Preamble states that "An Act to provide for, as a good governance, efficient, transparent, and targeted delivery of subsidies, benefits and services, the expenditure for which is incurred from the

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[31] District Registrar & Collector, Hyderabad & Anr. vs. Canara Bank & Ors [2005] 1 SCC 496

[32] Govind vs State Of Madhya Pradesh & Anr [1975] AIR 1378, 1975 SCR (3) 946

[33] Art. 19(20 Constitution of Indiana, 1949

[34] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

Consolidated Fund of India, to individuals residing in India through assigning of unique identity numbers to such individuals and for matters connected therewith or incidental thereto". It even has Chapter VI which deals with Protection of Data including Section 28 which is security and confidentiality information, Section 29 on restriction of sharing information, Section 33 on Disclosure of Personal information. It also in Chapter VII provide for Offences and Punishment of illegitimate use or procedure of data. Hence it clearly has justified reasons for encroachment on privacy and it ensures that the nature and quality of the encroachment on the right is not disproportionate to the purpose of the law.[35]

2.4. That the restriction of Article 21 of the Constitution of India is Reasonable

2.4.1. The State infringing the right to privacy can be met by the test suggested for limiting the discretion of the State (i) The action must be sanctioned by law;(ii) The proposed action must be necessary in a democratic society for a legitimate aim;(iii) The extent of such interference must be proportionate to the need for such interference;(iv) There must be procedural guarantees against abuse of such interference." As observed in Maneka Gandhi case[36]," *The procedure prescribed by law has to be fair, just and reasonable, not fanciful, oppressive or arbitrary."*

2.4.2. Indian law puts significant responsibility on persons (including companies) handling sensitive personal data or information to implement reasonable security measures for protecting such information section 87 read with section 43A of the Information Technology Act, 2000 (21 of 2000) has defined reasonable security practices and procedures to be followed by those possessing, dealing or handling sensitive personal data or information.

2.4.3. The law is made with the state aim to check the leakage in government schemes and to prevent corruption happening in PDS and other subsidy providing schemes of the government. It is even in proportion to

[35] Aadhar Act 2016

[36] Maneka Gandhi vs Union Of India 1978 AIR 597, 1978 SCR (2) 621

encroachment of right as establish by law. Hence it is not violative of Article 21 of the Right to Privacy.

2.4.4. This Hon'ble court has itself endorsed the usage of Janadhar cards. It is humbly submitted that something endorsed by the apex court of India will be of supreme utility and absolutely *in vires* of the law applicable.In the case of *PUCL Vs. Union of India* [37]has approved the recommendations of the High Powered Committee headed by Justice D.P Wadhwa, which recommended linking of Janadhar with PDS and encouraged state Governments to adopt the same.

2.4.5. This Hon'ble Court in State of Kerala & Others Vs. President, Parents Teachers Association, SNVVP and Others (2013)[38] has directed use of Janadhar for checking bogus admissions in schools

2.4.6. The Supreme Court, while monitoring the PILs relating to night shelters for the- homeless and the right to food trough the public distribution system, has lauded and complemented the efforts of State Governments for *inter alia* carrying out biometric identification of the head of family of each household to eliminate fictitious, bogus and ineligible BPL/MY household cards and also for biometric identification of homeless persons so that the benefits like supply of food and kerosene oil available to persons who are below poverty line should get the benefits. in PUCL v. Union of India [39]

2.4.7. The USA had introduced social security number (SSN) by an enactment in 1935 for a limited purpose of providing social security benefits. Considering its strong reduplication and unique identifier feature, Social Security Number was adopted by Internal Revenue Service as its official Tax Identification Number in 1962 (just as Indian Parliament has recently introduced section 139 AA Income Tax Act[40] to mandatorily require Aadhaar for PAN and Income Tax returns).

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[37] State of Kerala & Others Vs. President, Parents Teachers Association, SNVVP and Others (2013) AIR2013SC1254

[38] PUCL Vs. Union of India AIR2014Chh133

[39] PUCL Vs. Union of India AIR2014Chh133

[40] Income Tax Act,1995

2.4.8. Section 205(c)(2) Social Security Act was amended to require SSN for host of other services. In *Doyle v. Wilson,*the US Court held that "mandatory disclosure of one's social security number does not so threaten the sanctity of individual privacy as to require constitutional protection."

2.4.9. In United Kingdom also almost every important service requires National Insurance Number (NIN). It is required for those who want to work, pay taxes, want to receive child benefits, and even those who want to vote..

2.5.That Hypothetical, Futuristic, Conjectural and academic Grounds Cannot Dismiss Well-Established Principle of law

2.5.1. It is submitted that adjudication of the present writ petitions is not within judicially manageable standards. This Hon'ble Court cannot be expected to forestall questions which may arise in future cases and decide them, more or less, *in vacuo* or in abstract and in the of necessary materials or facts The allegations made by the Petitioner as regards violation of right to privacy, commercial usage of sensitive personal data, tracking surveillance, are entirely hypothetical and seek to question the veracity of hied and tested technology which has been introduced by experts after careful consideration. This Hon'ble Court has repeatedly held that "the Court cannot strike down a policy decision ... , merely because it feels that another policy decision would have been fairer or wiser or more scientific logical." [41]

2.5.2. It is well-settled that a potential for abuse cannot be a basis for striking down a law as *ultra vires* the Constitution and that it is'the actual abuse that must be brought before the Court for being tested on the anvil of constitutional provisions[42]. Mere possibility of abuse of a provision does not, by itself, justify its invalidation. The validity of a provision must be tested with reference to its operation and efficiency in the generality of cases exceptions that its application might possibly produce in some rare cases.

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[41] State of M.P. and Ors. v. Nandlal Jaiswal and Ors., (1986) 4 SCC 566 at Para 34; Balco Employees Union (Regd.) vs Union Of India & Ors, (2002) 2 SCC 333; Census Commissioner & Others v. R. Krishnamurthy, (2015) 2 SCC 796

[42] R.K. Garg v. Union of India [(1981) 4 SCC 675 @ Para 8

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PRAYER FOR RELIEF

WHEREFORE IN THE LIGHT OF THE ISSUES RAISED, ARGUMENT ADVANCED, REASONS GIVEN AND AUTHORITIES CITED, THE HON"BLE SUPREME COURT MAY BE PLEASED TO:

I. DECLARE THAT THE "RIGHT TO PRIVACY" IS NOT GUARANTEED IN THE PART III OF CONSTITUTION OF INDIANA

II. DECLARE THAT THE JANADHAR CARD SCHEME IS CONSTITUTIONAL AND DOES NOT VIOLATES THE PROVISIONS OF PART III OF THE CONSTITUTION OF INDIANA

AND ANY OTHER RELIEF THAT THIS HON"BLE COURT MAY BE PLEASED TO GRANT IN THE INTERESTS OF JUSTICE, EQUITY AND GOOD CONSCIENCE

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

PRINCIPAL
P. E. Society's
Modern Law College
Ganeshkhind, Pune-16

PES's Modern Law College ★ Pune-16 ★

COUNSELS FOR THE RESPONDENT

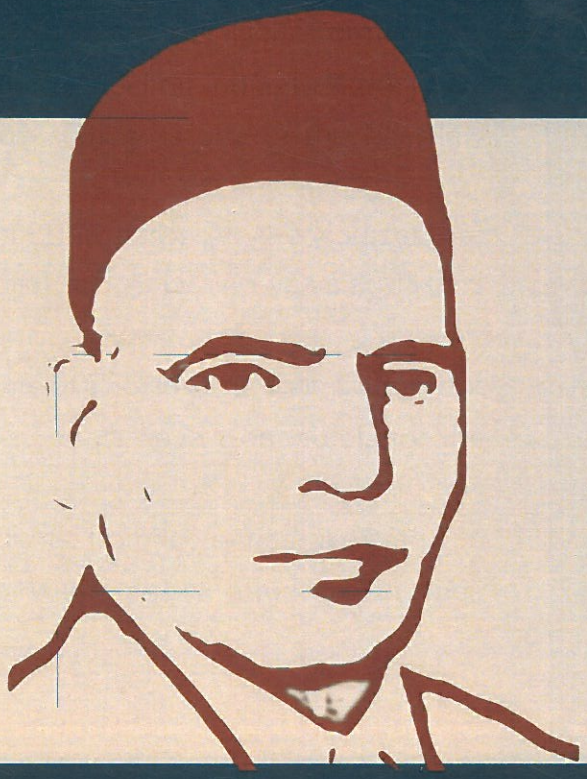
Progressive Education Society's

Modern Law College

in association with

Board of Student's Development

Savitribai Phule Pune University



13TH

SHANKARRAO KANITKAR

NATIONAL MOOT COURT COMPETITION

2018-19

11TH AND 12TH JANUARY, 2019

www.modernlawcollege.org

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मॉडर्न लॉ कॉलेज

गणेशखिंड, पुणे - ४११ ०१६

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In Association with BSW, Savitribai Phule Pune University

P. E. Society's
Modern Law College

In Association with
Board of Student Development, Savitribai Phule Pune University

13th Shankarrao Kanitkar National Level
Moot Court Competition
11th and 12th January 2019

Editorial Committee

Adv. Chintamani Ghate, Co- ordinator
Dr. Sunita Adhav, Principal
Asst. Prof. Pawan Kalwala
Asst. Prof. Shital Keskar

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MESSAGE FROM THE CHAIRMAN



Dear Students,

The future belongs to people who dare to dream big. It belongs to those who make way through the clouds of oblivion with the force of their determination. "I have always believed that the answer to my destiny lies in creating the results, I desire."

The P.E. Society's **Modern Law College** has grown immensely since its inception and has contributed tremendously to the legal fraternity through its various seminars and workshops conducted. This year P.E. Society's **Modern Law College**, celebrates its 15 successful years of Legal Education in the fraternity. In these 15 years, the small plant had grown into a full fruit bearing luscious tree, under which hundreds of students have got the benefit of quality legal education. The students of **Modern Law College** have won several accolades for the college in various sports and cultural competitions and street play competitions organize by various colleges and institutes in this year.

This year **Modern law College** is hosting the 13th Shankarrao Kanitkar National Level Moot Court Competition on 11th and 12th January 2019, an annual event of the college. We are proud to say that 32 teams from all over Maharashtra, Goa, Punjab, Delhi, Tamil Nadu, Dehradun, Bhopal, Panipat participated in this competition and made it a grand success. My best wishes are always with the college and its constant endeavors to attain higher goals for the development of the college.

Prof. Dr. Gajanan R. Ekbote
Chairman, Business Council,
Progressive Education Society
Shivajinagar, Pune – 411005.

MESSAGE FROM COORDINATOR



Dear Students,

The Progressive Education Society`s **Modern Law College**, Pune 16, has flourished under the able stewardship of our Hon'ble Chairman, Prof. Dr. Gajanan R. Ekbote and the valuable guidance of the entire Business Council, Progressive Education Society, Pune. The College has all the required infra structure by the grace of the benevolent Society, however the endeavor shall always be to excel. The Teaching and the Non Teaching Staff members of the P.E.S. **Modern Law College** have unitedly strived for the excellence in academic, cultural and social upbringing of the College.

The various seminars, workshops and research activities along with the Shankarrao Kanitkar National Level Moot Court Competition give the college a practical approach to the legal education they are undergoing. I have learned and am in the knowledge that every year the competition is gaining popularity and this is evident from the good response received from various law colleges coming throughout the state. I wish more progress and quality to this prestigious competition which has progressively completed 13 years and is in the name of our founder Hon'ble Shri. Shankarrao kanitkar.

This year, P.E. Society's **Modern Law College**, celebrates its 15 successful years of Legal Education and has in this journey contributed immensely to the legal fraternity. Over the years several batches of students have got their degrees from **Modern Law College**, my well wishes are always with them.

Adv. Dr. Chintamani Ghate
Co-ordinator
Modern Law College,
Pune 16.

MESSAGE FROM PRINCIPAL



Hello friends,

It is an honour and a privilege to be the Principal of Modern law College, the college that stands for excellence and continuously sets the highest standards, the college is an alma mater which all alumni look back to with fond memories.

As rightly said by Dean Roscoe Pound, "Law is an experience developed by reason and applied continually to further experience." Thus we at Modern Law College try to meet this saying by imparting the experience of giving logical reasoning and thus understanding the philosophy of the law by the students.

In my opinion, an education institute is not just about bricks, mortar and concrete, but about building character, enriching minds and about enriching experiences that lasts a life time. Life is not a set of instructions but is a series of experiences and learning process. P.E. Society's Modern law College is organizing the 13th Shankarrao Kanitkar National Level Moot Court Competition on 11th and 12th January 2019. We have several colleges participating in it. My best wishes are with all the team and hope they do excel in the future.

I hope, we will do our best for the progress of the college and the students under the able guidance of our management and our well wishers.

Dr. Sunita Adhav
Principal
Modern Law College
Pune - 411016.

About Shakarrao Kanitkar National Level Moot Court Competition

"By battling and arguing, you might succeed in confounding your listener but your victory will be in vain because you will never obtain the sincere agreement of your adversary".

Franklin Roosevelt

President, United States of America

As rightly said by Franklin Roosevelt, an argument must not be to defeat your opponent but to obtain his agreement, and what better way than by practice. Shankarrrao Kanitkar National Moot Court Competition is an annual moot court competition organized by the Progressive Education Society's **Modern Law College**, Pune. This competition has been established in the name of our founder member of the society Late Shri Shankarrao Kanitkar, a visionary in the field of education. This competition is intended to be a platform for law students studying in all over India. Here these budding advocates can match their advocacy skills with each other. The special feature of this competition is that it is not confined to any subject or topic. We at **Modern Law College** believe and give a varied flavour of different subjects and legal intricacies to the law students. Thus, we help in overall understanding and development of a law student. It is the aspiration of the college to undertake the issues that are relevant in the changing society and thus we draft the moot problem accordingly.

The 13th Shankarrao Kanitkar National Moot Court Competition was held on 11th and 12th January, 2019. The theme revolved around right of LGBTQI community, recognition and validity of same sex marriage. As the case had many debates and deliberations on this point specifically after decriminalization of s. 377 of Indian Penal Code, special attention was required; hence the moot court competition was organized on this point.

Asst. Prof. Pawan Kalwala
Moot In-charge

Asst. Prof. Shital Keskar
Moot In-charge

LGBT

Moot Problem

RAINBOW vs. Union of India

Mr. X and Mr. Y are citizens of India. Both had gone to Ireland to pursue higher education and subsequently started working in Ireland. They were already into a relationship and eventually got married according to the Irish Laws during their stay. They were in marital relationship for two years and were residing in Ireland. On 15th September 2017 they relocated to India. They both started staying in a apartment in Bandra, Mumbai. On 10th September 2018, Mr. X left the apartment and went on to stay separately without informing Mr. Y. Despite several attempts of contact from Y, Mr. X did not respond. With no other option left Mr. Y tried filing a case but was not allowed to do it.

Aggrieved by this Mr. Y approached an NGO named RAINBOW who works and fights for the rights of LGBTQI [Lesbian, Gay, Bisexual, Transgender, Queer, Intersex] section of society in India. Rainbow after consultation with their panel of legal experts who through their research on the recent landmark Judgment dated 6th Sep, 2018 on decriminalization of sec.377 of Indian Penal Code, where the Supreme Court found that Section 377 violates the right of members of the LGBTQI community to dignity, identity, and privacy, all covered under Article 21 & 19(1) (a). Due to plethora of issues related with recognition of same sex marriage like Domestic Violence, Cruelty, and Maintenance, Raging modesty. RAINBOW filed a writ Petition against Union of India in the Hon. Supreme Court seeking the recognition & Validity of same sex marriage & gender Equality.

Rules and Regulations

1. Date: January 11th and 12th January 2019

2. Venue: Modern Law College, Ganeshkhind, Pune, 16.

3. Language: The written and oral submissions shall be in English only

4. Eligibility: Regular bonafide students of recognized Law Colleges/Institutes/University

*(Only students from amongst the under graduate five year integrated L.L.B. degree and three year Degree law programmes)

Dress Code: As per the rules of Bar Council of India (Baring Gowns and Bands)

5. Team Composition: The team should consist of Two mooters only.

6. Registration: The teams must register on or before 10th December 2018. Registration Fees: Rs. 1000/- per team. The registration fee can be paid through Demand Draft, drawn in favour of Principal, Modern Law College, payable at Pune or by cash at the time of the competition.

7. Mode of payment- ONLINE or OFFLINE payment.

Account details-

Beneficiary name- Principal, Modern Law College

Name of the Bank- IDBI Bank

Name of the branch- Aundh branch, Pune

Account type- Savings Account

Account no- 062104000055550

IFSC/ RTGS code- IBKL 0000062

MICR code- 411259003

Kindly mention your transaction details on Registration form.

8. Students have to arrange for accommodation on their own. Pune, being a metropolitan city, ample amount of hotel/accommodation and travelling facilities are available in the city. If required and requested, College may provide assistance for accommodation.

9. Bench: Two judge for preliminary round and semi – final round and of three judges for final round.

10. Memorials:

a. Four copies of each side (Petitioner and Respondent), spiral bound memorials.

b. The cover page of the Memorial must follow colour scheme i.e. Blue for petitioner/ appellant and red for respondent

c. Typed on A4 size paper with one side printing not exceeding 20 pages, font size 12 (Times New Roman) line spacing of 1.5.

d. Contents of cover page-

i. Name of the college

ii. Name of the University

iii. Name of the participants

e. The memorial must contain:

i. Title Page

ii. Table of Contents,

iii. Statement of Jurisdiction,

iv. Statement of Facts,

v. Statement of Issues,

vi. Statement of Arguments

vii. Prayer Clause and Bibliography

f. Memorials not in prescribed format shall be rejected.

g. Memorials will not be returned to the participants.

11. Conduct of Moot Court:

a. In the preliminary rounds, each team (both speakers) shall compulsorily present oral arguments for the side allotted to them (either Petitioner or Respondent)

b. Teams will be given codes in alphabetical order (according to name of college)

c. In the preliminary round each team will be allotted 20 minutes (16 minutes for arguments and 4 minutes for rebuttal and answering questions asked by judges. The rebuttal cannot be claimed as a matter of right).

d. The final round will comprise of the top four teams of preliminary rounds.

e. The proceedings of the Moot Court Sessions may be video recorded. All rights in this regard shall be reserved with Modern Law College.

f. Host team shall not be considered for the Prizes even if they participate.

g.The Competition starts at 10.00 a.m. The teams are to report latest by 9.00 a.m. on 11th and 12th January 2019.

h. Lots shall be drawn for the final round. Team shall (Speaker 1 and 2) present the side allotted to them through draw of lots.

i. Each team shall be allotted only 30 minutes to argue in the semi- finals and finals. Exceeding time limit will result in loss of marks. Utilization of time amongst team members is discretion of team.

j. Schedule of the events-

Sr. No.	Date	Events
1	11/01/2019	Preliminary round
2	12/01/2019	Semi final round Final round Valedictory Session

12. Marks:

Written Submission/Memorial	20 Marks
Substance in Argument	30 Marks
Advocacy Skills	30 Marks
Questions from the Bench	10 Marks
Time Adherence	10 Marks
Total	**100 Marks**

13. The decision of the judges shall be final and no disputes shall be entertained in this regard.

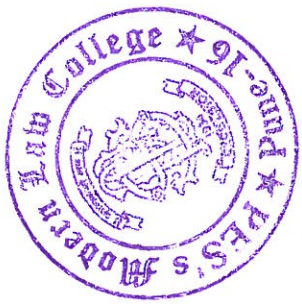
14. In case of a tie, memorial marks will be considered to determine the winner.

15. The Organizers reserve the right to take appropriate action for any unethical, unprofessional and immoral conduct.

16. The Organizers decision as regards the interpretation of rules, situation which is not contemplated in the rules

17. Prizes:

First	Rs. 10000 /- Cash + Trophy + Certificate
Second	Rs. 7000/- Cash +Trophy+ Certificate
Best Speaker	Rs. 5000/- Cash + Trophy+ Certificate
Judge's Special Appreciation	Certificate (2)



Schedule of the competition

Date- 11/01/2019

Sr. No.	Time	Session
1	09:00 am to 09:30 am	Inauguration Session
2	10:00 am to 01:00 pm	Preliminary round
3	01:00 pm to 02:00 pm	Lunch

Date- 12/01/2019

Sr. No.	Time	Session
1	10:30 am to 01:00 pm	Semi final round
2	01:00 pm to 02:00 pm	Lunch
3	02:00 pm to 03:00 pm	Final Round
4	03:00 pm to 04:00 pm	Valedictory Session

Participating Law Colleges/ Institutes

Sr. No.	Name of the Participating College
1.	Adv. Balasaheb Apte College of Law, Dadar
2.	Amity Law School, Noida, Amity University, Noida (U.P)
3.	Army law College, Pune
4.	Balaji Law College, Pune
5.	Banasthali Vidyapith, Rajasthan
6.	Bennett University
7.	Delhi Metropolitan Education, Noida, UP
8.	DES Navalmal Firodia Law College, Pune
9.	Dr. DY Patil college of law , Nerul, Mumbai
10.	Dr. Ambedkar Law College, Deekshabhoomi, Department of law, Nagpur
11.	G.H.Raisoni law school, Nagpur
12.	Geeta Institute of Law, Panipat
13.	ICFAI University, Dehradun
14.	Indore Institute of Law
15.	Law Centre-II, Faculty of Law, University of Delhi
16.	Maharashtra National Law University, Aurangabad
17.	National Law Institute University, Bhopal
18.	Navjeevan Law College, Nasik
19.	New Law College, Ahmednagar
20.	Rajashri Shahu Law College, Barshi, Dist:Solapur
21.	Sastra university school of law, Thanjavur, Tamil Nadu
22..	School of Law, Christ (Deemed to be University).
23.	Sinhagad Law College, Pune
24.	Sir Senapati Hambirrao Vidhi Mahavidyalay, Rajgurunagar
25.	SNDT Women's University Law School

26.	SVKM's NMIMS, Kirit P. Mehta Scool of law, Mumbai.
27.	Symbiosis Law School, Pune
28.	Thakur Ramnarayan College of law , Mumbai
29.	TNNLU (Tamil Nadu National Law University),Tamilnadu
30.	University Institute of Legal Studies, Punjab University
31.	V.M.Salgaoncar college of law ,Miramar-Panaji Goa
32.	Yashwantrao Chavan Law College, Pune

List of Judges

Name of Judges	Round
Adv. Rohan Nahar	Final
Dr. Sunita Adhav	Final
Dr. Kranti Deshmukh	Final
Adv. Rishiraj Walvekar	Semi Final
Adv. Sandeep Gujrathi	Semi Final
Adv. Suyog Wagh	Semi Final
Dr. Shilpa Gaikwad	Semi Final
Adv. Satyajit Lonkar	Prelims
Adv. Rohit Surwase	Prelims
Adv. Pooja Vaidya	Prelims
Adv. Rohit Lanke	Prelims
Adv. Akshay Pawale	Prelims
Adv. Sandesh Tondare	Prelims
Adv. Sunil Gund	Prelims
Adv. Mithila Shelar	Prelims
Adv. Sushama Kadam	Prelims

Winners

Sr. No.	Prize	Name of the College and Participants
1	*Winner*	*Dr. Ambedkar Law College, Deekshabhoomi, Nagpur*
2	*Runner Up*	*Sastra University School of law, Thanjavur, Tamil Nadu*
3	*Best Advocate*	*Ms. Siddhi Naik, V.M. Salgaonkar Law College, Goa*

Inauguration Ceremony



Inauguration function

The competition was inaugurated at the auspicious hands of Prof. Dr. Durgambini Patel, Head– Department of Law, Savitribai Phule Pune University, Pune. Dr. Sunita Adhav, Principal of Modern Law College felicitated her. She addressed the student about the competition and purpose behind such moot competitions. She motivated the students, guided the students on how to argue before the Court, how to develop skills as a lawyer.



Felicitation of Dr. Durgambini Patel by Dr. Sunita Adhav, Principal, Modern Law College

P.E.S. Modern Law College had organized the **13th Shankarrao Kanitkar National Moot Court Competition** on 11th and 12th January, 2019. On 11th January, preliminary rounds were conducted and on 12th January, semifinal and final rounds were conducted. 32 Law Colleges/Institutions from all over India (Delhi, Madhya Pradesh, Uttar Pradesh, Tamil Nadu, Punjab, Maharashtra, etc.) had participated in this competition.



Preliminary Round



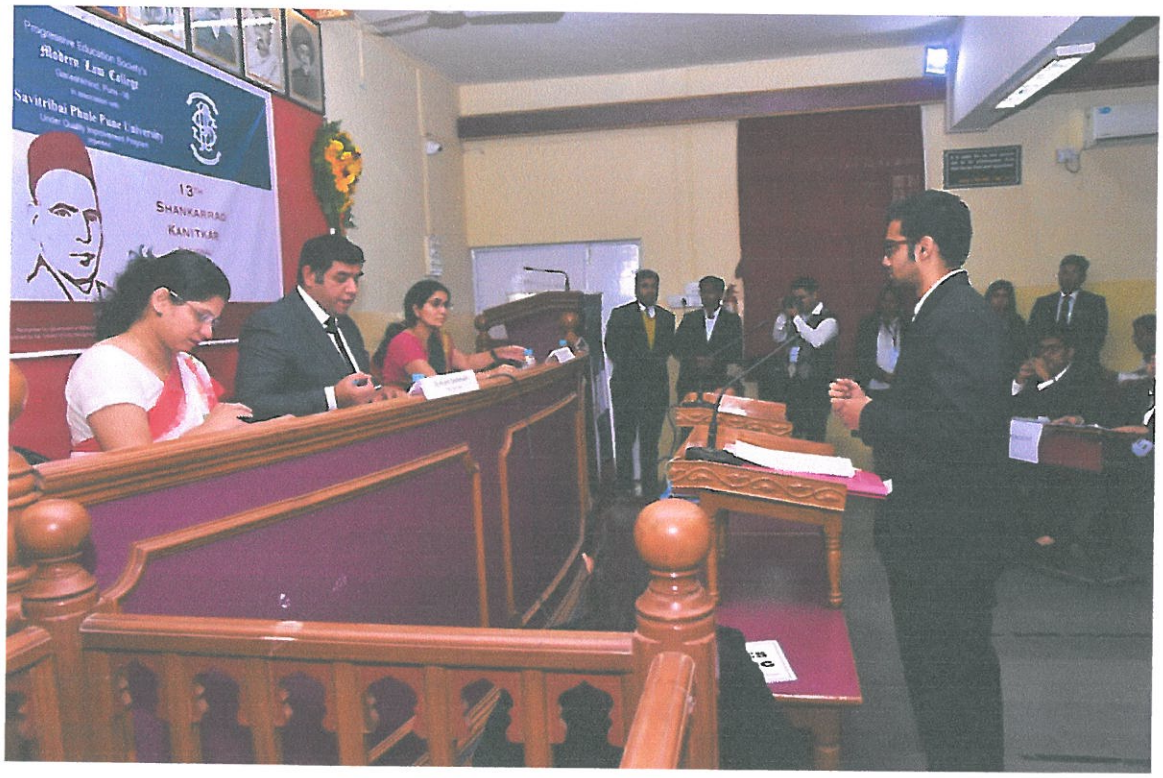
Preliminary Round



Semi Final Round



Semi Final Round



Final Round- Participants and Dignitaries



Final Round- Participants and Dignitaries

Valedictory function:

The Valedictory and Prize Distribution Session was presided over by Adv. Ujjwala Pawar, DGP, District and Sessions Court, Shivajinagar, Pune.



Felicitation of Adv. Ujjwala Pawar, DGP by Dr. Sunita Adhav, Principal, Modern Law College, Pune

In this competition, Dr. Ambedkar College, Deekshabhoomi, Nagpur won the competition, while **Sastra University School of law, Thanjavur, Tamil Nadu,** finished as Runner-Up Team. Of **Siddhi Naik, V.M Salgaocar law College, Goa, Pune** was adjudged as the **'Best Advocate'** and **Ishan Agarwal** received **Judge's special appreciation.**

Sr. No.	Prize	Name of the College and Participants
1	Winner	Dr. Ambedkar Law College, Deekshabhoomi, Nagpur
2	Runner Up	Sastra University School of law, Thanjavur, Tamil Nadu
3	Best Advocate	Ms. Siddhi Naik, V.M. Salgaonkar Law College, Goa



Guest of the Honour, Judges along with the Winners

Prize Distribution:



Winner Team- Dr. Ambedkar Law College, Deekshabhoomi, Nagpur



Runner Up Team- Sastra University School of law, Thanjavur, Tamil Nadu

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Ms. Siddhi Naik accepting Best Advocate Prize from the Chief Guest Adv. Ujjwala Pawar

SHANKARRAO KANITKAR NATIONAL MOOT COURT COMPETITION 2018-19

WINNERS OF THE LAST 3 NATIONAL MOOT COURT COMPETITION



10th Shankarrao Kanitkar National Level Moot Court Competition 2015-16
Winners



11th Shankarrao Kanitkar National Level Moot Court Competition 2016-17
Winners, Runners Up and Best Advocate



12th Shankarrao Kanitkar National Level Moot Court Competition, 2017-18
Winners, Runners Up and Best Advocate

The Progressive Education Society's, **Modern Law College**, Pune 16 is one of the premier legal educational institute in Maharashtra situated close to the "Oxford of the East" the Savitribai Phule Pune University. Established in 2003, **Modern Law College** has carved a niche for itself. Permanently affiliated to the Savitribai Phule Pune University, recognised by the Bar Council of India, U/S 2(f) 12 (b) of UGC Act, 1956 and accredited by NAAC Bengaluru the College stands as one of the best law colleges in Pune.

The college is Permanently affiliated to the Savitribai Phule Pune University. All the courses are approved by University, which include Degree programs LL.B. (3 years) & B.A. LL.B (5 years.), Masters in Laws (LL.M.) and various Diploma programs and Certificate programs.

The academic excellence is manifested from the results of the students of PES **Modern Law College**, not only in academics but also sports and co curricular activities. The students have won laurels for the college in various state and National level competitions.

PES **Modern Law College** also accommodates several foreign students from countries like Iran, Sri Lanka, Afghanistan, Thailand, and South African continent etc. with special attention to their orientation, counselling and problems faced in studies.

Patron
Prof. Dr. Gajanan Ekbote
Chairman, P.E. Society

Prof. Shamkant Deshmukh,
Secretary, P.E. Society

Prof. Jyotsna Ekbote
Joint Secretary, P.E. Society

Prof. Dr. P.G. Dixit,
Visitor, Modern Law College

Adv. Dr. Chintamani Ghate,
Coordinator, Modern Law College

Dr. Sunita Adhav
Principal, Modern Law College

Asst. Prof. Pawan Kalwala
Convener, Modern Law College

Asst. Prof. Shital Keskar
Convener, Modern Law College

13TH SHANKARRAO KANITKAR

NATIONAL MOOT COURT COMPETITION

2018-19

Modern Law College,

Ganeshkhind, Pune - 16
Recognised by Government of Maharashtra
Permanently Affiliated to the Savitribai Phule Pune University
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Progressive Education Society's

Modern Law College

in association with

Board of Student's Development

Savitribai Phule Pune University

SECOND RUNNER-UP CERTIFICATE

This is to certify that

_____

studying in _____,

_____

has been the second runner-up at **13TH SHANKARRAO KANITKAR NATIONAL MOOT COURT COMPETITION** **2018-19** *organised by P.E.S.'s* **Modern Law College,** *Ganeshkhind, Pune - 16 on 11th & 12th January, 2019.*

CHAIRMAN	CO- ORDINATOR	PRINCIPAL
PROF. DR. GAJANAN R EKBOTE	ADV. DR. CHINTAMANI GHATE	DR. SUNITA ADHAV
Progressive Education Society	Modern Law College	Modern Law College

Progressive Education Society's

Modern Law College

14th ShankarraoKanitkar National Moot Court Competition
10th & 11th January 2020

Report

P.E.S. **Modern Law College**, Pune ShankarraoKanitkarNationalMoot Court Competition is an annual moot competition conducted by the Progressive Education Society's **Modern Law College**, Ganeshkhind, Pune-16. This competition has been established in the name of our founder member of the society Late Shri. ShankarraoKanitkar, a visionary in the field of education. This competition is intended to be a platform for law students studying all over the country. Here, these budding student advocates can match their advocacy skills with each other.

The 14th ShankarraoKanitkarNationalMoot Competition was held on 10th and 11th January, 2020. The problem dealt with Article 370 of Constitution of India its revocation. and validity of Kashmir reorganization Act 2019. As the case had many debates and deliberations on this point specifically after Revocation of Article 370 of Indian constitution, special attention was required; hence the moot court competition was organized on this point.

Dignitaries & Participants of 14th Shankarrao Kanitkar National Level Moot Court Competition 2019- 2020



In Association with BSW, Savitribai Phule Pune University

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Ganeshkhind, Pune-16.

Moot Problem

Democratic Society of Indiana Vs Union of Indiana

'Union of Indiana'(hereinafter mentioned as 'Indiana') is the union of states bound together by a Constitution and having federal structure. 'Ashmir' became the part of Union of Indiana in the year 1947 by signing the 'Instrument of accession of Ashmir', which authorised the Union of Indiana to legislate on the issues of defence, foreign affairs and communication only. As a result of this, Article 370, which is of the transitional nature, was included in the constitution of Indiana allowing State of Ashmir to have a separate Constitution. Article 370 also confers right on constituent assembly of state of Ashmir to have concurrence for application of provisions of Constitution of Indiana for the State of Ashmir. According to this any changes in the relationship between the state of Ashmir and Indiana can be brought only on recommendation of Constituent Assembly of the State of Ashmir and for this purpose Legislative Assembly can work as the Constituent Assembly.

On 20th June 2018 the existing coalition Government of State of Ashmir was dissolved and Governors rule was imposed in the state. On 21st November 2018 the legislative assembly of Ashmir was also dissolved and subsequently on 19th December 2018 President's Rule was imposed which was later extended on 12thJune 2019 for the further period of six months.

On the recommendation and request of the Governor of State of Ashmir, on 5thAugust 2019 a Presidential Order was issued revoking some provisions of Article 370 and applying the constitutional provisions of Indiana to the state of Ashmir and on the same day the 'Ashmir Reorganisation Bill 2019', bifurcating the State of Ashmir into Two Union territories was also unanimously passed by Parliament of Indiana.

Democratic society of Indiana (DSI) which is a renowned social organisation working for democratic rights of people have filed a writ petition in the Supreme Court of Indiana under Article 32 constitution of Indiana, contending that this move of Union of Indiana is violating the basic structure of the constitution and inherently unconstitutional.

The Petition has been admitted by the Hon'ble Supreme Court and the matter is now put for the final hearing. The issues for the case are as follows.

Issues

Whether the recommendation of the Governor of State of Ashmir amounts to the violation of Article 370?

Whether Ashmir Reorganisation Act 2019 is constitutionally Valid?

Note: -

All Laws and Constitution of Indiana and State of Ashmir are same as to Union of Indian and state of Jammu and Kashmir respectively. Students can argue on any other ancillary issues.

Inauguration

The competition was inaugurated at the auspicious hands of Dr. **N. S. Umarani**Pro Vice-ChancellorSavitribaiphule Pune University, pune



Felicitation of Chief Guest Dr. N.S. Umrani, Pro vice SPPU, By Adv. Dr.Chintamani Ghate co-ordinator PES Modern Law College.



Dignitaries on the deice from left Dr.AdvChintamaniGhate, Dr. N.S Umarani, Dr. Sanjay Kharat , Dr.sunitaadhav

Moot Court Competition

P.E.S.Modern Law College had organized the **14thShankarraoKanitkarNational Moot Court Competition** on 10th and 11th January, 2020. On 10th January, preliminary rounds were conducted and on 11th January, semifinal and final rounds were conducted. 32 Law Colleges/Institutions from all over India (Delhi, Madhya Pradesh, Uttar Pradesh, Tamil Nadu, Punjab, Maharashtra, etc.) had participated in this competition. **Dr.Ambedkar College, Deekshabhoomi, Nagpur** won the competition, while **School of Legal Studies CMR Bengaluru finished** as Runner-Up Team.



Participant addressing judges in preliminary round

Valedictory function

The Valedictory and Prize Distribution Session was presided over by Hon'ble Justice Manish Pitale,Mumbai High court.



Faculties and Guest at moot court hall during final round of moot court competition



Honourable chief Guest, Coordinator and Principal along with winners of Moot Court Competition.

Name of Judges	Round
Adv. Dr. ChintamaniGhate	Final
Dr. Ujawalashinde	Final
Mr. C.P Bhagwat	Final
Adv. RishirajWalvekar	Semi Final
Adv. SandeepGujrathi	Semi Final
Adv. SuyogWagh	Semi Final
Dr. AshwiniIngole	Semi Final
Adv. SatyajitLonkar	Prelims
Adv. RohitSurwase	Prelims
Adv. PoojaVaidya	Prelims
Adv. RohitLanke	Prelims
Adv. AkshayPawale	Prelims
Adv. SandeshTondare	Prelims
Adv. Sunil Gund	Prelims
Adv. MithilaShelar	Prelims
Adv. SushamaKadam	Prelims

Participating teams

Sr.no.	Name of college
1	IsmailsahebMulla Law College, Satara
2	Modi Law College ,Kota
3.	Symbiosis Law school , Hyderabad
4.	University School of Law and Legal studies, GGSIPU, Delhi

5.	University of Mumbai Law academy
6.	PES's Adv. BalasahebApte College of Law, Mumbai
7.	Thakur Ramnarayan College of Law, Dhaisar, Mumbai
8	Sinhgad Law College , Pune
9	Faculty of Law, Maharaja Sayajirao University, Vadodara , Gujarat
10	School of Legal studies CMR University , Bengaluru.
11	Rizvi Law College , Mumbai
12	Law College Dehradun
13	V.M Salgaokar College of Law, Goa
14	Campus Law Centre, Delhi
15	Christ Deemed to be university Bengaluru
16	Raja Lakhangouda Law College , Belgavi
17	YashwantraoChavan Law College , Pune
18	Symbiosis Law School , Pune
19	BharatiVidyapeeth'sYashvantraoChavan Law College , Karad
20	Dr. Ambedkar College of Law , Nagpur
21	DES's shrinavalmalFirodia Law College , Pune

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22	Navarachana University, Vadodara , Gujarat
23	The Tamil Nadu Dr. Ambedkar Law University, Perungudi
24	Sastra Deemed to be University, Tamil Nadu.
25	Amity University , Mumbai
26	SSHM Law College , Rajagurunagar , Pune
27	ICFAI Law School University , Selagui
28	Malapani Law college ,
29	School of Law Bennet University, Uttar Pradesh.
30	National Law institute , Bhopla
31	Government Law College , Mumbai
32	Army Law College , Pune

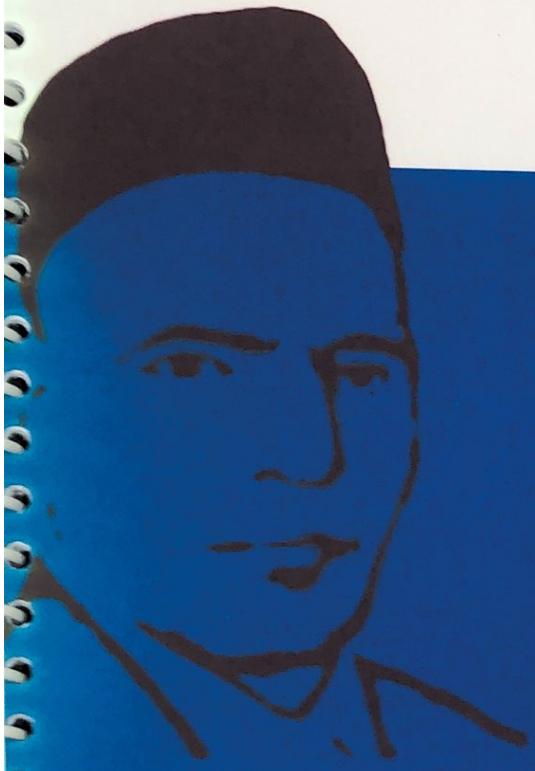
Progressive Education Society's

Modern Law College

Ganeshkhind, Pune - 16

15TH SHANKARAO KANITKAR MOOT COURT COMPETITION

Modern Law College ★ PES's ★ Pune-16



5 JUNE 2021

Progressive Education Society's

Modern Law College

15th Shankarrao Kanitkar National Online Moot Court Competition
5th JUNE 2021

REPORT



P.E.S. Modern Law College, Pune Shankarrao Kanitkar National Moot Court Competition is an annual moot competition conducted by the Progressive Education Society's Modern Law College, Ganeshkhind, Pune-16. This competition has been established in the name of our founder member of the society Late Shri. Shankarrao Kanitkar, a visionary in the field of education. This competition is intended to be a platform for law students studying all over the country. Here, these budding student advocates can match their advocacy skills with each other.

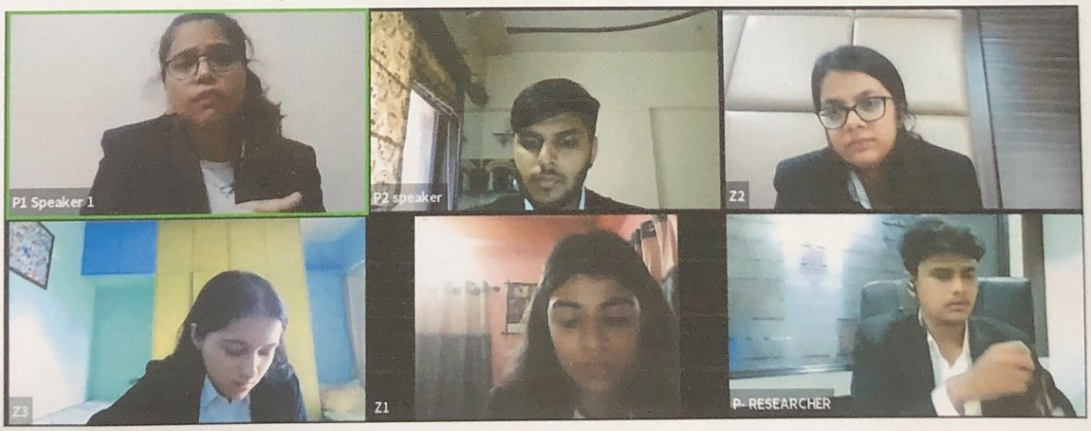
The 15th Shankarrao Kanitkar National Online Moot Competition was held on 05/06/2021. The problem dealt with upholding the freedom of speech and expression enshrined in the constitution. Wherein the selective hearing was in question and right of equality was the issue to be dealt with.

Moot problem

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P.E.S's Modern Law College

Mr. Anay Nawaami is the editor-in-chief and founder of 'Democratic TV' which is a news Channel having its registered office at Pumbai in the Saharashtra State of Indiana. 'Democratic TV' was established in the year 2015. Mr. Anay Nawaami got into an agreement with Mr. Abhay Sharma, an interior decorator to furnish and decorate his office at the cost of 5 crore rupees, which was agreed upon by both the parties. Rs. 1 Crore was paid in advance and the remainder was to be paid at the completion of the work. Mr. Sharma, after completion of work had sent frequent reminders to Mr. Anay Nawaami but did not receive the balance payment. In the year 2017, due to heavy debts in relation to the work done for Democratic TV, Mr. Abhay Sharma committed suicide leaving a suicide note holding Mr. Anay Nawaami responsible for his death. An FIR was filed by Mrs. Abhay Sharma alleging Mr. Anay Nawaami abetting suicide of Mr. Abhay Sharma. The Complaint pursuing this FIR was quashed by the Sessions Court on the ground 'lack of evidence to show direct nexus' in the year 2018. Mr. Anay Nawaami, being an editor had fiercely reported against the newly elected changed Government in Shahrashtra in the year 2020. Therefore, the government in power, taking advantage of the complaint filed by Mrs. Abhay Sharma in 2018, reopened the case of abetment to suicide and arrested Mr. Anay Nawaami. Mr. Anay Nawaami applied for bail in the Sessions Court and before the hearing could take place, he appealed in the High Court where the High Court rejected his petition, asking him to go back to the Sessions Court to exhaust the local remedies first. Against this order of the High Court, Mr. Anay Nawaami approached the Supreme Court under Art. 32 and immediately the case was taken up for hearing on urgent basis and Mr. Anay Nawaami was granted Bail. There was an outrage in the country for the selective hearing when 3560 similar petitions for bail were pending in the Supreme Court of Indiana. Modern Legal Research Center (MLRC), an NGO, being the torch bearer of civil and political rights collected the signatures of all the 3560



pending petitioners to file a PIL questioning the selective hearing. The case is up for hearing on 17th April 2021 in the Supreme Court of Indiana. NOTE: This Moot Court Problem has been drafted for academic purposes only. All laws and judicial precedents applicable in India are applicable to the State of Indian.

Inauguration function

Dr. Sunita Adhav, Principal of Modern Law College inaugurated the 15th Shankarrao Kanitkar national Online Moot Court Competition and addressed the student about the competition and purpose behind such moot competitions. She motivated the students, guided the students on how to argue before the Court, how to develop skills as a lawyer.

Moot Competition:

P.E.S. Modern Law College had organized the **15th Shankarrao Kanitkar National Online Moot Court Competition** 2021-22. On 05/06/2021 preliminary rounds were conducted semifinal and final rounds were conducted on the same day. 26 Law Colleges/Institutions from all over India (Delhi, Madhya Pradesh, Uttar Pradesh, Tamil Nadu, Punjab, Maharashtra, kerala, Uttarkhand etc.) had participated in this competition.

In this competition, MMM's ShankarraoChavan Law College, Pune won the competition, while **Government Law College Mumbai** finished as Runner-Up Team. **Ms. Saloni Paliwal** was adjudged as the **'Best Advocate'**.

Sr. No.	Prize	Name of the College and Participants
1	Winner	MMM's ShankarraoChavan Law College, Pune
2	Runner Up	Government Law College Mumbai
3	Best Advocate	Ms. Saloni Paliwal

Judges who judged the competition:

Name of Judges	Round
Dr. Adv. Chintamani Ghate	Final
Adv. Suyog Wagh	Final
Adv. Hrishikesh Walvekar	Final
Adv. Shahin Shinde	Semi Final
Adv. Vijaykumar Swami	Semi Final



Adv. Pratik Tendulkar	Semi Final
Adv. Hrishikesh Honkalas	Semi Final
Adv. Fatima Naikwadi	Prelims
Asst. Prof. Abhijeet Dhere	Prelims
Asst. Prof. Vaishnavi Desai	Prelims
Asst. Prof. Aastha Taware	Prelims
Asst. Prof. Mayura Borde	Prelims
Asst. Prof. Manisha Segaonkar	Prelims

Participating teams

Sr. No.	Name of the Participating College
1	Maharashtra National Law University, Mumbai
2	Symbiosis Law School, Pune
3	JEMTEC – School Of Law (Affiliated to GGSIPU)
4	New Law College, BharatiVidyapeeth, Pune
5	THE RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PATIALA, PUNJAB
6	Saveetha School of Law, Chennai
7	Amity Law School Noida
8	Army Law College, Pune
9	SASTRA University, Thanjavur
10	CHRIST University, Delhi NCR
11	Department of Legal Studies Barkatullah University, Bhopal
12	AURO University, Surat
13	YashwantraoChavan Law College Pune
14	The North Cap University, Gurugram
15	Kerala Law Academy, Law College
16	MMM's ShankarraoChavan Law College, Pune
17	The KIIT School of Law, Bhubaneshwar
18	Symbiosis Law School, Hyderabad
19	HPNLU, Shimla (Team 1)
20	V.M. Salgoankar College of Law, Goa
21	Rizvi Law College
22..	Indore Institute of Law



23	St Joseph's College of Law, Bengaluru
24	Rani DurgavatiVishwavidyalaya Jabalpur M.P
25	National Law University Shimla
26	Government Law College Mumbai