



**THE CONSTITUTION  
OF  
MOOT COURT SOCIETY  
ASIAN LAW COLLEGE, NOIDA**



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## PREAMBLE

This Constitution intends to regulate mootng and its allied activities in the College, in a just and fair manner while facilitating such activities in the bestpossible way.

### ARTICLE 1: EXTENT

This Constitution shall extend to all students and staff of Asian Law College, Noida. The provisions enshrined in this document shall be inaddition to and not in derogation of the rules and regulations of the Asian Law College for thetime being in force, and updated/modified thereafter.

### ARTICLE2: DEFINITIONS

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

1. 'Notification' means a notice issued by the Moot Court Society(MCS) in additionto this Constitution pursuant to the power under Article 15.
2. 'Annexure' means a document attached to this document which shall beconsidered as a part of these Rules and Regulations pursuant to the sectionunder which it is provided for.
3. 'Office Bearer' means members of the society who are Secretary, Co-Convener, and Joint Convener.
4. 'Member' means a student member of the society including the Office Bearers.
5. 'Master List of Moots' means a list of moots which are available for allocation during the Moot Court Society inductions. It is prepared before every odd and even inductions.
6. 'Student' means any student presently enrolled under the any course of the College.
7. 'College' means Asian Law College, Noida.
8. 'Competition' includes the Moot Court Competition, ADR competition, Client Counseling Competition, Case law analysis competition & other similar activities and competitions.

### ARTICLE 3: COMPOSITION OF THE SOCIETY

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

### ARTICLE 4: TENURE OF THE SOCIETY

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

### ARTICLE 5: NUMBER OF MEMBERS

1. The society shall consist of 28 members (maximum) as per the following composition:
  - a. Nine members from 1<sup>st</sup> year of 5 year course and LL.B.
  - b. Eight members from 2<sup>nd</sup> and 3<sup>rd</sup> year of 5 year course and four members from LL.B. from the 2<sup>nd</sup> year.





- c. Two Secretaries from the 4<sup>th</sup> year of 5 year course and one secretary from 2<sup>nd</sup> year of LL.B.
  - d. Two Co-Conveners from the 4<sup>th</sup> year of 5 year course and 2<sup>nd</sup> year of LL.B.
  - e. Two Joint Conveners from the 5<sup>th</sup> year of 5 year course and 3<sup>rd</sup> year of LL.B.
2. At no point should the total effective membership of the society fall below 15members.
  3. Additional Members may be inducted at the discretion of the Chairperson of the society.
  4. In case of termination of a member, the society shall induct a new member as expeditiously as possible.
  5. The Chairperson may, at his discretion, adjust the composition of moot court society as per the suitability of the candidates.



#### **ARTICLE 6: ELIGIBILITY CRITERIA FOR MEMBERS**

1. All students of the college are eligible to become members of the society.
2. All students from the 4<sup>th</sup> year of 5 year course and 2<sup>nd</sup> year of LL.B. will be eligible for the post of Secretary and Co-Conveners.
3. All students from the 5<sup>th</sup> year of 5 year course and 3<sup>rd</sup> year of LL.B. will be eligible for the post of Joint Conveners.
4. Student of senior batch can be considered for all the junior posts, subject to approval of chairperson considering suitability, representation and rationality.

#### **ARTICLE 7: SELECTION OF MEMBERS**

1. The Joint Conveners will be inducted by a panel constituted by the Chairperson.
2. The Office Bearers will be inducted by a panel constituted by the Chairperson, which shall include the Joint Conveners.
3. All other members will be selected by a panel of at least three Office Bearers of the society along with Faculty Advisors and Chairperson, who shall accordingly frame the rules for such selections.
4. The decision of the panel as provided for in this section shall be final and binding.

#### **ARTICLE 8: FACULTY ADVISORS AND CHAIRPERSON**

The Principal of Asian Law College shall appoint the Chairperson of the society and Principal along with the Chairperson shall appoint a minimum of two Faculty Advisors of the society. They must be a part of the teaching staff of the College. Their tenure and powers shall be at the discretion of the Principal, Asian Law College.

#### **ARTICLE 9: SUSPENSION AND TERMINATION OF MEMBERSHIP**

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

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

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

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

#### **ARTICLE 10: GROUNDS FOR SUSPENSION AND TERMINATION OF MEMBERSHIP**

1. Membership may be suspended and/or terminated if:

- a. any member is found engaging in activities violating the provisions of this Constitution.
- b. any member does not appear for two consecutive meetings without prior notice to the Office Bearers or valid reasons, in case of an emergency.
- c. any member does not appear for three consecutive meetings with or without prior notice.
- d. a member is found to be negligent towards his duties as envisaged under this Constitution.

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

#### **ARTICLE 11: RESIGNATION FROM MEMBERSHIP**

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

#### **ARTICLE 12: EFFECT OF SUSPENSION, TERMINATION AND RESIGNATION OF MEMBERSHIP**

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

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

#### **ARTICLE 13: PRIMARY FUNCTIONS OF THE SOCIETY**

1. Organisation of internal selections for moot court competitions:

- a. The society shall organize all internal selection moot court competitions held within the Asian Law College exclusively for students of the college. The society will prepare a separate set of rules and regulations applicable to the teams selected through these internal moot court competitions.



b. The society shall take initiatives for the development of moot court activities in the college.

2. Organisation of national and international moot court competitions: The society shall organize all moot court competitions inviting participation from other colleges. Such competitions shall include those which are hosted by the college independently and those hosted in association with other agencies.

3. Maintenance of annual report: The Joint Conveners shall submit an annual report to the Principal, Asian Law College stating the performance of the college in various moot court competitions and the performance of the society in general.

#### **ARTICLE 14: FISCAL FUNCTIONS OF THE SOCIETY**

The society in consultation with the Principal will prepare an annual budget of all financial expenses to be incurred during the academic year. The records of such expenses shall be maintained.

#### **ARTICLE 15: POWERS OF THE SOCIETY**

1. The society shall have the sole authority to regulate all moot court activities of the college.

2. It shall be the sole discretion of the society to select the moot court competitions in which the college may participate.

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

4. The society shall have the power to issue notifications in order to regulate moot court activities in the college.

5. Sanctions Against Students - The society by a simple majority vote can decide to impose the following sanction(s):

- a. One Semester ban from society.
- b. One Year ban from society.
- c. Two Years ban from society.
- d. Reimbursing any expense that the college might pay/has paid for the moot.



#### **ARTICLE 16: RESTRICTIONS ON THE SOCIETY MEMBERS**

1. The member shall not be a part of any other permanent student society in the college; provided that honorary and advisory membership of such societies will not fall under the purview of the above clause.

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

#### **ARTICLE 17: DUTIES OF THE SOCIETY**

It shall be the duty of the society to ensure transparent, fair and non-arbitrary execution of all



its functions enshrined under this constitution.

## **ARTICLE 18: RULES FOR INTRA COLLEGE MOOT COURT COMPETITIONS**

The society shall organize intra college moot court competitions throughout the year for allocation of national and international moot court competitions. The society shall have exclusive jurisdiction in framing rules for all the intra college moot court competitions.

## **ARTICLE 19: MOOT ALLOCATION**

1. Moots shall be allocated on the basis of one of the following methods:
  - a. Real-Time Team Bidding - The members have to form team(s) while making a bid. With respect to a particular moot, the team with lowest cumulative rank based on the individual ranking(s) in the Ranking Round, shall be allocated the moot;

(Illustration: If two teams consisting of 3 students apply for Vis Vienna: Student X (Rank 1), Student Y (Rank 5) and Student Z (Rank 7); and Student A (Rank 2), Student B (Rank 4), and Student C (Rank 8). Accordingly, the cumulative rank for the first team is 13 and the cumulative rank for the second team is 14. Therefore, the moot will be allocated to the first team.)

- b. Individual Team Bidding - Ranks will be called out in ascending order and the rank holder can select a moot.
  - c. Any other method decided by the Moot Court Society.

2. The members can only make bids for the moots set out in the Master List of Moots.
3. The society will decide on the method of bidding before each induction. However, the chosen method shall be informed to the students at least one month before the commencement of Inductions.
4. It is clarified that getting inducted into society, does not give someone a right to participate in a moot.

## **ARTICLE 20: PRIVATE REGISTRATION OF MOOTS**

1. No Student is allowed to represent Asian Law College in any moot court competition without taking prior approval from the Moot Court Society.
2. If a student/team registers without taking the aforementioned approval, the Moot Court Society can cancel the registration of the team and can take appropriate action against such student as per Article 15.
3. In case a student wishes to participate in a moot court competition not offered by the Moot Court Society, they shall notify the Moot Court Society of the same through an email.
4. Upon receipt of such a notification from a student, the society shall follow the procedure laid down under Article 19.
5. The college will provide the travelling, participation and stay expenses of the moot allocations provided by the college. If the student engages in private participation which is not offered by the college, no expenses will be provided by the college. It is to be noted that in case of private participation, the college will reimburse the travelling, participation and stay expenses subject to winning the competition only.





## **ARTICLE 21: ALLOCATION OF MOOT IN EXCEPTIONAL CIRCUMSTANCES**

1. The society shall have the sole discretion in allocating a moot court competition to a team whose participation in the previously allocated moot has been rendered unfeasible due to no fault on their part.
2. It shall be the sole discretion of the society to conduct an open challenge for any moot court competition, which was not included in the list of competitions made available to teams at the time of allocation of moots through intra college moot court competitions; provided that such measures may only be taken temporarily for that one year and the moot in question may find place in the list of moots to be allocated through the next year's list.
3. In case a member of the team who has been allotted a moot decides to leave the team, he/she shall be required to submit to the society a 'No Objection Certificate' (NOC). Thereafter, the other members shall be allowed to induct a new member, subject to the screening process as provided under Annexure 2 of this Constitution; provided that such NOC should not have been obtained by coercion or undue influence, in which case, the NOC shall be deemed to be invalid.
4. The funding of such moots opened will be decided by the society in consultation with the Principal, ALC.

## **ARTICLE 22: RIGHTS OF PARTICIPATING TEAMS**

1. Every team, which participates in any Internal Selection Round, shall have the right to ask the society for their Score Sheets, Penalty details, Memorial Scores and other such relevant information.
2. Every team, which has been selected to represent the college in a moot court competition, shall have the right to approach the society for any help or assistance that they may require for participation in such a Competition.
3. Every team, which has been selected to represent the college, shall be appointed with a team liaison, who shall be a member of the society.

## **ARTICLE 23: RESTRICTIONS ON PARTICIPATING TEAMS**

Teams must abide by any restrictions put forth on them by this Constitution or by the society from time to time through a notification. Violation of such restrictions may attract a penalty to be decided by the society.  
Provided that such restrictions should not violate the provisions of the constitution.

## **ARTICLE 24: SOCIETY MEETINGS**

1. The society shall ordinarily conduct a meeting for all members once a month.
2. Attendance to such meetings shall be compulsory for all members.

## **ARTICLE 25: QUORUM OF THE MEETING**

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



## **ARTICLE 26: PROCEDURE FOR MEETING**

1. All meetings shall be convened with prior notice to all the members.
2. It shall be the responsibility of the Office Bearers to ensure that every member has been notified about such meeting.
3. The Secretaries must maintain the minutes of the meeting which are to be signed and verified by the Joint Conveners, and kept on record.

## **ARTICLE 27: PROCEDURE FOR RESOLUTIONS**

1. Resolutions must be passed by a simple majority of all members present and voting.
2. Each member shall have one vote which once cast shall be considered final.
3. Voting shall take place by show of hands, or, if required, by secret ballot.
4. Abstention from voting will require the prior permission of the Joint Conveners and Co-conveners and valid reasons for such abstention must be given.
5. The Joint Conveners shall act as the speaker and moderator at such meetings and shall also count the votes and declare a resolution to have passed or failed. In their absence the Co-conveners shall take charge and in their absence the role shall be delegated to one of the secretaries.
6. In all resolutions the Joint Conveners shall only have a casting vote. If there is no consensus between the two Joint Conveners, then the Chairperson shall have the casting vote.
7. Once the votes have been cast, the speaker shall immediately count them at the same meeting and he/she shall declare the resolution to have passed or failed.

## **ARTICLE 28: PROCEDURE FOR AMENDMENT OF THE CONSTITUTION**

1. Any meeting in which a proposed amendment is to be discussed or voted should be notified at least 2 days in advance.
2. It shall be the duty of every member to ensure his/her presence in such meetings.
3. All such amendments have to be passed by a 2/3<sup>rd</sup> majority of the members of the society.
4. Every member shall have to cast his vote.
5. In case a member is not in the college, he/she shall be allowed to cast his/her vote by sending a proper, written communication to the society and such communication shall be confirmed by him/her over telephone.

## **ARTICLE 29: COMPLAINT AGAINST A SOCIETY MEMBER**

1. In case a non - member wishes to make a complaint against a society member for not having discharged his/her duties in accordance with the provisions of the constitution, he/she may put forth a written complaint or may communicate the same via email to Office Bearer(s) of the society, marking CC to the Chairperson.



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

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

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

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

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



## ANNEXURE 1

### RULES AND REGULATIONS CONCERNING PARTICIPATION IN MOOT COURT COMPETITIONS

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





## ANNEXURE 2

### RULES FOR SCREENING PROCESS

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

