

KISHINCHAND CHELLARAM LAW COLLEGE, MUMBAI


Date: 12.10.2022

IMPORTANT NOTICE FOR A.T.K.T. STUDENTS OF OLD PATTERN

Students who wish to appear for Second Half of 2022 examination of Semester VI are informed that the College is conducting their Practical Training III and IV examination on 1st November, 2022 at 11.00 a.m.

Students are informed to collect the journal from College office by paying the requisite fees.

NOTE: Practical Training marks shall not be taken into consideration if the students fail to fill and submit the University of Mumbai examination form to the College office.


- By order

GUIDELINES FOR PRACTICAL TRAINING III & IV FOR A.T.K.T. STUDENTS OF OLD PATTERN

Practical III

A) Drafting: General principles of drafting

B) Pleading:

Civil

i) Complaint, ii) Written statement, iii) Interlocutory Application, iv) Original Petition, v) Affidavit, vi) Execution Petition and vii) Memorandum of Appeal and Revision, viii) Petition under Article 226 and 32 of the Constitution of India.

Criminal:

i) Complaints, ii) Criminal Miscellaneous Petition, iii) Bail Application and iv) Memorandum of Appeal and Revision.

C) Conveyancing

(i) Sale Deed (ii) Mortgage Deeds (iii) Lease Deed

(iv) Gift Deed (v) Promissory Note (vi) Power of Attorney (vii) Will

Guidelines for Practical III

1. Students should briefly introduce the topic and that should be followed by detailed draft as per the applicable legal provisions and formats.

2. A written examination for 80 marks shall be conducted on 1st November, 2022 at 11.00 a.m. – 02.00 p.m. The last date of submission of journal is 1st November, 2022 and the viva voce will be conducted on the same day at 11.00 a.m.

Practical IV

1. Written Submission of Three Moot Court problem assigned (Total 30 Marks i.e. Written submission)


2. Report on observance of Civil & Criminal Court Visit (Total 30 Marks)

3. Report on Interviewing techniques and Pre trial preparations of clients by Advocates/ Lawyers office/Legal Aid office and record the Proceedings in a diary which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the advocate and procedure for the filing of the suit/petition. This will be recorded in the diary which will carry 15 marks. (Total 30 Marks)

Guidelines for Practical IV:

1. Students should write both the side of the Moot Court Problem and should argue from any one side of any moot court problem.
2. Student should attach a proof (photograph) of the visit of civil and criminal court.
3. Student should attach the letter from the Advocate that he/she has visited his chamber.
4. The last date of submission is 1st November, 2022 and the moot court presentation and viva voce shall be conducted on the same day i.e. 1st November, 2022 at 02.30 p.m.

Note: Students who fail to appear in Semester VI Practical III & IV examinations shall not be issued hall tickets.


- By order

SEMESTER-VI PRACTICAL-IV (old pattern)

MOOT PROBLEM ON CONSTITUTIONAL LAW

(A.T.K.T. STUDENTS)

1. The country of Strawberry is a quasi-federal, social, secular, democratic republic governed by constitutional supremacy following the rule of law. As per the constitution, power is divided between the legislative, executive and judiciary of the country. Each of these bodies perform their essential functions independent of each other, and within the pre-determined constitutional framework.
2. Strawberry promotes freedom of speech and expression and thereby the right to access, obtain and impart information as a fundamental freedom recognized and guaranteed by its constitution. The country boasts one of the world's largest media force with more than 900 television channels, 60 radio stations, 1,18,239 newspapers and more than 60 magazines.
3. The influence of media on Strawberryans as a catalyst of change, an influencer and most importantly as the source of fast and reliable information became increasingly dominant and this gradually led to media being dubbed as the fourth pillar of democracy, as it ensures a check on the other constitutional organs. Timely and impartial dissemination of news and information that critically analysed the State policies and governance on various topics had enabled the Strawberryan media to acquire popularity both within the country and outside.
4. However, recent trends in improper media sensitization of issues, media trial, dissemination of partial information, favoritism towards a particular political or religious group or ideology, unauthorized sting operations, and other unethical media practices that simply aim at increasing the viewership or readership and thereby their profits, does not contribute to the development of the society and thereby in the creation of free and fair opinion. The same is a looming threat on the proper working of the constitutional machinery and thereby, the democratic governance of the country.
5. Freedom of speech and expression like all fundamental freedoms are not absolute in Strawberrya. It is subject to reasonable restrictions imposed upon it by the constitution. Further, in order to ensure morality, integrity and ethics in media, the State by way of legislative and executive attempts also exercises a reasonable amount of control over it.
6. However, the growing media attacks particularly against the Strawberryan government and the constitutional machinery, led to the enactment of the Media (Pre-Censorship and Regulation) Act, 2020 (hereinafter the MPRA) on 26.01.2020. The Act provided for a prior restraint or pre censorship on the freedom of press and aims to restrict certain subject matters if the same is found contrary to the sovereignty, integrity and/ or national security, or if it endangers the friendly relation between countries, or if it is against the public interest, or if it threatens to disrupt public order in the State or affect the proper functioning of its constitutional machinery. Such matters would be censored or restricted from being published or broadcasted on media platforms including, print, visual, audio and cyber. This prior restraint is in addition to the already existing reasonable restrictions under the Strawberryan Constitution and other measures by the State.

7. MRPA also provides for the establishment of a Media Pre – censorship and Regulatory Authority (hereinafter the Authority) that would act as a nodal body for the purposes of the Act. The body composed of a retired judge of the Supreme Court of India as Chairperson and two members having professional knowledge and experience in the field of law, journalism and/or technology.

8. Section 11 of the Act gave the Authority sole power to exercise prior restraint on the content(s) which could be published by the media. The said content(s) was to be reviewed by the Authority and if found contrary to the sovereignty, integrity and/ or national security, or if it endangers the friendly relation between countries, or if it is against the public interest, or if it threatens to disrupt public order in the State or affect the proper functioning of its constitutional machinery, then the said content(s) would be censored. Any media house or independent publisher or broadcaster intending to challenge the said order could give their objections in writing within ten days from date of receiving a copy of the order. The said objections would be considered by the Authority and appropriate order shall be passed within seven days. The said order of the Authority would be final and binding. Any person found contravening the provisions of MRPA or not complying with the orders of the Authority would have to pay a fine of upto Rs. 3,00,000/- (Rupees Three Lakh Only) or imprisonment of three years or both.

9. Mr. Raj Kamal was an independent publisher owning the Hindi vernacular daily “Desh Kamal”. The said newspaper was started in 2010 and had received widespread popularity and readership through its unique and secular voice. Desh Kamal was widely circulated throughout India, and had tie ups with other regional, national and international newspapers so that the major news articles appearing in Desh Kamal could be translated and published in other newspapers for the benefit of non – Hindi readers.

10. After the enactment of the MPRA, Desh Kamal like all other media platforms in Strawberry had to submit their contents for scrutiny before the Authority. On 04.04.2020, the Authority restrained the publishing of certain articles in Desh Kamal stating that the same was against the sovereignty, integrity and national security of the country and that the same being against public interest also threatened to disrupt public order. The said articles were an investigative series focusing on the effects of the abrogation of Art. 370 of the Strawberryan Constitution on the State of Elm and Willow (hereinafter E and W). The said decision of the Authority was challenged by Mr. Raj Kamal, only to have it upheld and binding by the Authority.

11. Mr. Raj Kamal has now filed a writ petition under Art. 32 of the Strawberryan Constitution before the Supreme Court of Strawberry at Navi Denna alleging infringement of his right to life and personal liberty, fundamental rights and against the arbitrary decision-making power of the Authority. Mr. Raj Kamal has further prayed that the Act be held unconstitutional and violative of the Constitution.

PRACTICAL TRAINING -IV
(SEMESTER VI) (old pattern)
MOOT COURT PROBLEM -Civil Law

Sitabai is an old widow aged around 68 years of age and has no children. She lives alone in a small, dingy room in a densely populated suburb of the city of Munnai. She has no means of livelihood since about a year when her husband succumbed to cancer.

The only skill that Sitabai possesses is that of stitching clothes and hence she purchases a sewing machine from a nearby trader 'Mittal Enterprises' who is a known dealer in sewing machines.

Sitabai pays Rs. 9,500/- as a total cost for the sewing machine which is manufactured by a New Delhi based company Ms. Sundaram Sewing Machine Company. The model purchased by Sitabai is 'SWATI 007', a fully manual sewing machine. The said product bears major manufacturing defects and is defective from the day one and has several issues with its functioning.

Mittal Enterprises wash their hands off from any liability and advise Sitabai to approach the manufacturer and claim that they are only involved in sale of sewing machines and nothing beyond that.

Sitabai who is already in unbearable agony and suffering, gets further shattered because she invested whatever savings she had with her into the purchase of this sewing machine.

A public spirited person, Miss Sakina is moved by the plight of Sitabai and decides to approach the Munnai District Consumer Forum against Ms. Sundaram Sewing Machine Company.

Matter is listed on Board.

Argue on behalf of both the sides

Semester VI (Practical IV) (Old Pattern)

Criminal Law Moot Court Proposition :

Star College of Arts, Science and Commerce is a reputed higher educational institution in the city of Madhavgarh. Every year the college organizes an intercollegiate youth festival of 3 days by the name JALSA in the month of February, which event receives a tremendous response not only from colleges in the city but also from colleges across the country.

Ankur Sharma and Sushant Patil, both aged 23 years and students of Raj College, Fatimabad are very keen to participate in the festival JALSA. They obtain official permission from their Principal Mr. Dariyush Irani and seek entry into the event. Right from the first day of the festival, they become close friends with students from all colleges as well as the host college. Radhika Sahay, aged 20 years is one of the students of the host college whom Ankur and Sushant befriend the most.

On the concluding day of the event, the premises of Star College become extremely crowded owing to very high number of footfalls for the event. During the concert of a popular artist, while the entire crowd of students was dancing merrily, Radhika feels embarrassed on a couple of occasions as Ankur and Sushant brush against her person and place hands around her shoulder and touch her inappropriately. Eventually, Radhika leaves the premises and drives back home.

Upon reaching home, she narrates the occurrence to her parents and is in a inconsolable situation.

The next morning Radhika along with her parents lodges an FIR at the local police station where the officer registers a case against Ankur Sharma and Sushant Patil under Sections 354 r/w Section 34 of the Indian Penal Code, 1860.

The case is up for trial.

ARGUE THE CASE ON BEHALF OF BOTH SIDES.