



ST. JOSEPH'S COLLEGE OF LAW

NO. 18 F.M. CARIAPPA ROAD (RESIDENCY ROAD), BENGALURU 560025

PRESENTS

NATIONAL  
MEMORANDUM  
DRAFTING  
COMPETITION  
2022

## **ABOUT THE COLLEGE**

Established in the year 2017, St. Joseph's College of Law is the pioneer Jesuit law college in South Asia that is strengthened with a 450-year-old legacy of imparting quality education through the Jesuit mission of molding students into *'people of competence, conscience, and compassion dedicated to the service of faith and the promotion of justice'*. In pursuance of the noble Jesuit motto - *fide et labore*, St. Joseph's College of Law was founded on the ideals of practicing law, promoting justice, and to transform society. Emboldened with a vision to *'transform the lives of people by bringing about a just and egalitarian society'*, the College believes in a steadfast focus to bridge law and governance with a human rights approach. The College, though neoteric, has been able to work towards these set ideals.

The Moot Court Society, through its various inter and intra-collegiate events, aims to achieve and fulfill the objectives of the institution by encouraging a sound mooting culture, which has at its center, justice, and equity.

## **ABOUT THE COMPETITION**

### **OBJECTIVE:**

The "*SJCL National Memorandum Drafting Competition*" is designed to enhance drafting, research and analytical skills among aspiring lawyers. Drafting, an indispensable skill, is the *'opus' / 'II faut'* for a law student. Couched in a legal scenario, participants are required to be prudent and employ their legal acumen. In a nutshell, the competition seeks to bring forth the *'legisperitus'* in each student.

### **DESCRIPTION:**

Participants of the National Memorial Drafting Competition are expected to analyze the facts of the proposition, where key arguments must be rooted in the facts along with apposite legal sources. This will test the participants' ability to build logical arguments backed by legal sources and citations.

## REGISTRATION AND PAYMENT

### DETAILS

1. Registration will be only accepted through Google Forms Link mentioned below:

**Registration Link:**

<https://forms.gle/nNKUPoLDWqaWMCBJA>

2. Registration Fee: **Rs. 300/- per team**

3. The registration fee is to be paid via the link below only. No other form of payment will be acknowledged.

Payment Link: *(to be inserted)*

4. Upon payment, the teams must attach a screenshot of the invoice and upload the same on the form as required.

Once the registration fee is received then it will **not be refunded** in any circumstance.

### SCHEDULE

Event	Date
Release of Proposition & Commencement of Registration	2 May, 2022
Publication of Clarification	18 May, 2022
Close of Registration	20 May, 2022
Submission of Memorandum	5 June, 2022
Declaration of Results	Will be conveyed

## ELIGIBILITY CRITERIA

1. A team can consist of either a single member or two members. Any number of teams may register from a single institution. There is no restriction on the number of eligible teams from one institution.

2. The students currently enrolled in either five years or three years LL.B. courses or LL.M. programs from any recognized university are eligible for participation in the competition.

3. The competition allows 'cross- institutional' teams. The participants from different institutions may come together to form a team for participation in the contest.

4. No changes will be made to the team composition after registration without express permission of the organizing body.

### AWARDS

1. Best Memorandum – Rs. 5000/-
2. Runners Up – Rs. 3000/-
3. 2<sup>nd</sup> Runners Up – Rs. 2000/-

## DRAFTING PROPOSITION

1. Sisaka is a nation that has many communities belonging to various ethnicities and religions. Considering the need to maintain peace and stability in the nation, the official language policy was adopted to accommodate various interests in the society. It was then decided to use English and Sisakan as the official languages of the State for the affairs of the federal government to gradually promote the usage of Sisakan across the whole country.
2. Togoland is a large state within Sisaka that has three linguistic communities. 54% of the Sisakan population speaks Togo, while Selogo is spoken by 25% of the population and Kangla is spoken by another 15% of the population. The remaining persons speak languages that are the official languages of other Sisakan States.
3. Meena is a girl who is born into a community that speaks Kangla. Her father is a carpenter and her mother is a daily wage labourer. Hence, Meena has no other means but to join the nearest government school.
4. In the State of Togoland, Togo is used as a medium of instruction in all primary schools. Selogo is used as a medium of instruction in some of the districts. However, Kangla is not used as a medium of instruction in any of the primary schools in the State even in districts that have the highest number of persons speaking Kangla as their mother tongue.
5. ***“Kangla Samrakshana Vedike”*** a non-governmental organisation (*hereafter referred to as the Organisation*) active in educating students in Kangla for free, decides to file a petition before the Honourable Supreme Court of Sisaka.
6. The Organisation states that children have the Right to Education and such right to education includes the right to be taught in their mother tongue. They further argue that when children are instructed in their mother tongue, it enables them to understand the concepts more easily and it is also beneficial for protecting their culture. Hence, according to the Organisation, refusing such children from learning in their mother tongue violates their rights.
7. Article 350A of the Constitution of Sisaka (*hereafter referred to as ‘the Constitution’*) provides for the following:

**350A. Facilities for instruction in mother-tongue at the primary stage** - It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups; and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities.

Moreover, Article 21A of the Constitution states as follows:

**21A. Right to education** - The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.

Similarly, Article 29 of the Constitution provides for the following provision:-

**29. Protection of interests of minorities** - (1) Any section of the citizens residing in the territory of Sisaka or any part thereof having a distinct language, script, or culture of its own shall have the right to conserve the same.

8.The Organisation finally asserts that the State has adequate resources to enforce the Right to Education in its true spirit. Considering the fact that Sisaka has developed from a backward economy to one of the most rapidly developing economies in the 21<sup>st</sup> century world, there should have already been adequate facilities to impart education at the primary level in respective mother tongues.

### **Issues**

1. Whether the writ petition is maintainable?
2. Whether the Right to Education of children belonging to linguistic minorities has been violated?
3. Whether the Centre is constitutionally bound to take appropriate steps to ensure instruction in mother tongue at the primary level of education?

**Disclaimer:** The problem has been formulated by the Faculty of St. Joseph's College of Law. Participants are forbidden from contacting the drafters except in the manner prescribed in the rulebook. Any attempt to do so will result in immediate disqualification.

## **ORGANIZING PANEL**

**Rev. Fr. Jerald D'Souza SJ**

Director, St Joseph's College of Law, Bangalore

**Ms. Pauline Priya**

Principal, St. Joseph's College of Law, Bangalore

### **Faculty Coordinators**

*Mr. Sudeep Sudhakaran - 9496891250*

*Mr. Thomas Chakramakal – 9947721800*

### **Student Coordinators**

*1. Diksha Garg - 9900435855*

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*7. Vijaysri - 9444816679*

***Note: Kindly direct all your queries with regard to the competition to [mca@sjcl.edu.in](mailto:mca@sjcl.edu.in). We request you to kindly refrain from contacting the organizers through phone calls unless absolutely essential.***