

**RAKESH AGGARWAL MEMORIAL
NATIONAL
MOOT COURT
COMPETITION, 2015**

**4TH & 5TH APRIL, 2015
(SATURDAY & SUNDAY)**



**IDEAL INSTITUTE OF MANAGEMENT AND TECHNOLOGY
&**

SCHOOL OF LAW

(An ISO 9001:2008 Certified Institution)
(GGS Indraprastha University)

16-X, Karkardooma Institutional Area, Delhi-110092

www.idealinstitute.org.in Email- idealmootcourt@gmail.com

Contact No. - 011-22372639, 65288868, 22375961. Fax No. – 011-22372639

**RAKESH AGGARWAL MEMORIAL
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MOOT COURT
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**4TH & 5TH APRIL, 2015
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**STATE V. JOHN IBRAHIM (DIRECTOR) & Anr
SLP No. 1155/2012**

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Disclaimer: This hypothetical problem has been created only for the use in this competition and it has no connection with any place and any person living or dead.

STATEMENT OF FACT

A large scale winter sale was organized on behalf of a renowned *D-Company* by its directors named John Ibrahim and Ajeet Kaskar in a shopping complex situated at Central Market, Lajpat Nagar, New Delhi from 25th Dec 2012 – 31st Dec, 2012. It was required that entry in the premises will be only after buying a ticket and free water and lunch will be provided to all the people visiting the Sale. A target was assigned to all the sales managers till the last day of the sale. There was huge rush on the last day of the sale i.e. 31st Dec, 2012 to get the heavy discount on the branded apparels.

Suddenly the rumors spread that the fire broke out in the premises. But the gate keepers and supervisors on the instructions of the managers (who are under the direct control of the owner of the Company) said that nothing happened as such and the people may continue shopping as usual. After few hours, fire spread in the whole shopping complex. Noticing that the fire can't be controlled in the absence of proper fire extinguishers, gate keepers and managers fled away. By the time, the deadly fire took the life of 60 people and 150 people got seriously injured.

Criminal and civil proceedings were initiated against the the sale organizing company and the owner of the shopping complex. During trial, evidences were led to the effect that the both the accused were well aware of the fire incident and they did not take any active step to prevent the spreading of fire and they called the fire brigade only after securing their safety from fire. Due to the narrow passage of exit, people were not able to come out of the shopping complex. It was also pointed out that there were no emergency alarm systems and even emergency lights or to keep exit signs illuminated. No one from the side of the Organizing Company was there to assist the people struck in the premises. The electronic records of the account book revealed that the company made huge profit by organizing sale.

It was also brought to the knowledge of the trial court that building design was quite faulty and the approval was given by the Delhi Development Authority (DDA)/Municipal Corporation of Delhi (MCD) without following due procedure. The trial Court also joined the erring officials of DDA/MCD u/S. 319 of the Code of Criminal Procedure, 1973.

The accused pleaded that reason of the fire spread is still unknown and is not proved by the prosecution and there is no complicity on the part of either of the accused in this regard. Hence they should not be convicted for any offence. Despite the plea of the accused of not having any criminal background and being senior citizens, the trial court convicted the main accused u/S. 304-A, 337 and 338 of Indian Penal Code, 1860 and awarded 2 years rigorous imprisonment and also awarded Rs. 5 crore punitive damages to be recovered from the Organizing Company and the owner of the shopping complex for the rehabilitation of the victims of the fire accident.

However, in appeal before the High Court, the prosecution contended that the trial court erred in fixing the liability under Section 304-A and the accused should be held liable under Section 304 part-II. The High Court did not disturb the finding of the trial court but reduced the sentence for one year and awarded 1 year community service and enhanced the compensation from Rs. 5 crore to 10 crore.

The reduction of the sentence led to the public outrage and special leave to appeal is filed in the Supreme Court raising several issues:

The prosecution argued that the High Court exceeded its jurisdiction in awarding the community service for one year and showed undue sympathy to the accused in reducing the sentence u/S. 304-A, IPC, 1860. The prosecution pleaded in alternative that if the accused can not be convicted u/S/ 304 part-II then the accused must be punished with maximum punishment under Section 304-A, IPC in order to do complete justice in the exercise of the power under Article 142 of the Constitution of India to deter the offenders in future.

The accused pleaded their innocency, advanced aged and non-criminal background and argued that their complicity is not proved beyond reasonable doubt and the principle of vicarious liability cannot be stretched too far to fasten the criminal liability on them.



RAKESH AGGARWAL MEMORIAL NATIONAL MOOT COURT COMPETITION, 2015

RULES AND REGULATIONS

1. AIM AND PURPOSE

The Ideal Institute of Management and Technology & School of Law is organising Rakesh Aggarwal Memorial National Moot Court Competition, 2015 in the memory of its founder and visionary, Shri Rakesh Aggarwal.

The objective of the Competition is to expose law students to important issues arising in contemporary socio-eco & legal settings. Law students who participate in the Competition will have the opportunity to develop their research, legal writing and oral advocacy skills in a mock courtroom setting.

2. DATE AND VENUE

The Competition shall be held on **4TH & 5TH April, 2015 (Saturday & Sunday)** at Ideal Institute of Management and Technology & School of Law.

The participants have to report at Ideal Institute of Management and Technology & School of Law, (G.G.S. Indraprastha University) 16-X, Karkardooma Institutional Area, Delhi – 110092.

3. COMPETITION FORMAT

The competition is structured as per the following format:

- (1) Preliminary Round
- (2) Quarter Final Round
- (3) Semi Final Round
- (4) Final Round

4. ELIGIBILITY

Students of **3 year or 5 year** law degree courses from any University are eligible to apply for registration of their team. However, only **one** team shall be allowed to participate from one College/Institution/Department. Provided if any college is running both the courses, (3 year and 5 Year) they may send **two** teams exclusively **one** from each course.

5. TEAM COMPOSITION

- 5.1 Each team shall consist only of **three** members, comprising of **two** Mooters and **one** Researcher.
- 5.2 Any alteration/change in the names of the team members shall be intimated in writing by the Dean / Director/ Head of the Department of the School/ Department /College of Law, of the team requesting such alteration/change positively to the Organizing Committee. However, any such alteration is permitted only once.

- 5.3** Once the Competition commences, the team composition cannot be altered under any circumstances whatsoever. Inability of any team member to participate shall lead to disqualification of the team from the Competition. However, the team is free to rotate amongst the 3 members the roles of mooter / researcher as they deem fit.

6. REGISTRATION

6.1 Participating teams should register themselves by sending duly filled registration form along with registration fee and memorials by email to idealmootcourt@gmail.com and by post to Ideal Institute of Management and Technology & School of Law, 16-X, Karkardooma Institutional Area, Delhi-110092 before **24th March 2015**. Acknowledgment of the same shall be sent by the Moot Court Committee till **26th March, 2015**.

6.2 Teams will be formally registered upon arrival at IIMT & School of Law campus on **4th April, 2015** in the morning at 08:30 AM. Formal Registration requires the submission of a duly filled-in Registration Form, the scanned copy of which is required to be sent as per Rule **6.1** and payment of the registration fee of **Rs. 900/-** per team. The details provided for formal registration will be final for the purposes of certification of participation and awards.

6.3 Once registered, the registration fee will neither be refunded nor waived.

7. GUIDELINES FOR MEMORIALS

7.1 Teams have to prepare memorials for both the sides.

7.2 The teams shall submit **8** hard copies of the memorial for each side by **24th March**.

7.3 The contents of the hard copies must be the same as the soft copy on idealmootcourt@gmail.com. Non-compliance with this rule will lead to disqualification of that team.

7.4 The memorials have to be submitted on A4 size paper, printed on only one side, and must be in the following order:

- Cover Page;
- Table of Contents;
- Index of Authorities;
- Statement of Jurisdiction;
- Statement of Facts;
- Statement of Issues;
- Summary of Arguments;
- Arguments Advanced; and
- Prayer.

7.5 The memorials must be printed in Times New Roman 12 font size with 1.5 line spacing. The headings must be in 14 font size and the footnotes must be in Time New Roman 10 font size.

7.6 The Arguments Advanced should not exceed 20 pages per team.

7.7 The memorial as a team should not exceed 40 pages including the cover page.

7.8 The memorials should have a margin measuring one inch on all sides of each page.

7.9 The numbering should be on the bottom-center of each page.

7.10 The petitioner's memorial cover page shall be printed on **Blue Colour** A4 size paper, and the respondent's memorial cover page on **Red Colour** A4 size paper.

7.10.1. The memorials Front Page should inscribe specifically **P** and **R** representing the petitioner or respondent.

7.10.2. The front cover of each memorial must have the following contents:

7.10.3. The name of the Court (i.e. Supreme Court of India)

- 7.10.4. The year of competition (i.e. Rakesh Aggarwal Memorial National Moot Court Competition – 2015)
- 7.10.5. The name of the case (i.e State V. John Ibrahim (Director) & Anr)
- 7.10.6. The title of the memorial (i.e. “Memorial for Petitioner” or “Memorial for Respondent”)
- 7.11 A Uniform Style of Citation should be followed throughout the memorial
- 7.12 Footnotes shall contain only the citation. There shall be no speaking footnotes in the memorial.
- 7.13 The maximum scores for the memorials shall be 100 marks. The memorials shall be evaluated on the following criteria:
- | | |
|--------------------------------|------------|
| Knowledge of Law and Fact | : 30 Marks |
| Proper and articulate analysis | : 20 Marks |
| Extent and Use of Research | : 20 Marks |
| Clarity and Organization | : 20 Marks |
| Grammar and Style | : 10 Marks |
- 7.14 The Memorial shall be only spiral bound.

8. ORAL ROUNDS

8.1 PRELIMINARY ROUND

- 8.1.1 Pairing of teams shall be done by draw of lots in all the rounds of the competition.
- 8.1.2 There shall be exchange of memorials for all the rounds.
- 8.1.3 Each team shall argue for both sides in the preliminary round, once for petitioner side and once for respondent side.
- 8.1.4 Each team will get a total of **15 minutes** in the Preliminary Round. This time will include rebuttal and sub-rebuttal time. In all the rounds, any team exceeding the allotted time shall be penalized. The penalty of **1 mark** will be deducted for every two minutes exceeded.
- 8.1.5 The total marks scored by a team in the preliminary round will be a total of the two rounds, i.e. marks scored as petitioner and marks scored as respondent.
- 8.1.6 The oral arguments should be confined to the issues presented in the memorial.
- 8.1.7 The researcher shall be present with the mooter during the oral rounds.
- 8.1.8 Passing of notes to the mooter by the researcher is strictly prohibited.
- 8.1.9 Maximum scores for the oral rounds shall be 100 points per speaker. The oral rounds shall be judged on the following criteria:
- | | |
|---|-----------|
| Knowledge of Law: | 20 Points |
| Application of Law to Facts: | 20 Points |
| Ingenuity and Ability to Answer to Questions: | 20 Points |
| Style, Confidence, Courtesy and Demeanor: | 20 Points |
| Time Management: | 10 Points |
| Organization: | 10 Points |
- 8.1.10 **Eight (8) teams** with the highest score in the preliminary round shall qualify to the quarter final round.

8.2 QUARTER FINAL ROUND

- 8.2.1 The quarter final round is a knock out round. The participants shall argue from only one side.
- 8.2.2 The quarter final round shall consist of 20 minutes per team.
- 8.2.3 The other rules shall remain the same as they are in the preliminary round.

8.3 SEMI FINAL ROUND

- 8.3.1 **Four (4) teams** with the highest score in the quarter final round shall qualify to the semi final round. The semifinal round is a knock out round. The participants shall

argue from only one side.

8.3.2 The semifinal round shall consist of 30 minutes per team.

8.3.3 The other rules shall remain the same as they are in the preliminary round.

8.4 FINAL ROUND

8.4.1 The two winning teams from the semifinal round will advance to the Final Round.

8.4.2 The final round is also a knock out round.

8.4.3 The final round shall consist of 40 minutes per team.

8.3.4 The oral arguments as well as the marking criteria shall be the same as mentioned above in the preliminary round.

9. RESULTS

9.1 The results will be announced within thirty minutes of each round.

9.2 The results of the final round shall be announced at the valedictory ceremony.

10. AWARDS

10.1 Winning Team Award : Trophy and a cash prize of Rs. 5100/- .

10.2 Runners-Up Team Award : Trophy and cash prize of Rs. 3100/-.

10.3 The Best Mooter : Cash price of Rs. 1100/-.

10.4 The Best Memorial : Cash price of Rs. 1100/-.

10.5 The Best Researcher : Cash prize of Rs. 1100/-.

10.6 Certificates will be provided to the team with the **Second Best Memorial, Second Best Mooter** and **Second Best Researcher**. In addition to the above, **Certificate of Participation and Mementos** will be awarded to all the participants.

11. SCOUTING

No member of any team will be permitted to hear the arguments in any court room in which that team is not one of the contesting teams whilst that team is still in the competition. Scouting by any team in any manner shall result in instant disqualification.

12. RESEARCHER TEST

12.1 A Researcher Test shall also be conducted for adjudicating the “Best Researcher” on **5th April, 2015**. Mooters shall not be eligible to appear for the test.

12.2 There will be 50 objective question of one hour duration of 2 marks each.

13. MISCELLANEOUS

13.1 The competition shall be held in English language only.

13.2 Dress Code: Ladies: Dark coloured salwar or trouser, white coloured kurta or shirt/suit (black) **Gentlemen:** White shirt with tie and dark coloured trouser / suit (black)

13.3 The mooter shall not state their names during the oral rounds and they must use the team Code. All team members must refrain from disclosing the identity of their institution at any time and in any manner during the entire competition. Non-compliance with this Rule will result in immediate disqualification of the team. The decision of the Organizing Committee in this regard shall be final and binding.

13.4 The decision of the judges with regard to the outcome of all the rounds shall be final and binding.

13.5 All clarifications regarding the Moot Problem should be sent to idealmootcourt@gmail.com.

13.6 The organizing Committee shall have sole discretion to assess penalties or to disqualify teams for any failure in abiding by any of the foregoing Rules.

- 13.7 The organizing Committee shall have sole discretion to make all necessary interpretations of these Rules. All decisions of the Committee regarding Rules interpretations are final.
- 13.8 The organizing Committee shall have sole power to resolve any dispute, which may arise during the Competition.
14. *No TA or accommodation shall be provided by the Institute. However the Institute will assist in getting the accommodation to the interested participants.*

**RAKESH AGGARWAL MEMORIAL
NATIONAL MOOT COURT COMPETITION, 2015**

ON

*4th & 5th April, 2015
(Saturday & Sunday)*

Organized by
**IDEAL INSTITUTE OF MANAGEMENT AND TECHNOLOGY & SCHOOL OF LAW
(G.G.S.I.P. University, Delhi)**

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REGISTRATION FORM

Note: Please fill all the details in capital letters.

NAME OF THE INSTITUTION :

ADDRESS:

TELEPHONE: **E-MAIL:**

1ST MOOTER

NAME:

GENDER: **NATIONALITY:**

YEAR/SEMESTER:

EMAIL ID:

CONTACT NUMBER:

Stick a Recent
Passport Size
Photograph
Attested By Dean/HOD/ Principal

2ND MOOTER

NAME:

GENDER: **NATIONALITY:**

YEAR/SEMESTER:

EMAIL ID:

CONTACT NUMBER:

Stick a Recent
Passport Size
Photograph
Attested By Dean/HOD/

Principal

RESEARCHER

NAME:.....

GENDER:..... NATIONALITY.....

YEAR/SEMESTER:.....

EMAIL ID:.....

CONTACT NUMBER:.....

Stick a Recent

Passport Size

Photograph

Attested By Dean/HOD/

Principal



REGISTRATION FEES:

Amount in Cash :.....or D.D :.....

D.D. No.:Date :.....

Name of the Bank :.....

(D.D. payable in favour of Ideal Institute of Management &Technology (School of Law) payable at Delhi.)

Bank Details for NEFT/Online Transfer:

Beneficiary Name: Ideal Institute of Management &Technology (School of Law)

Bank Name : Central Bank of India

Bank Address : S. D. Sr. Sec. School, Shahdara, Delhi-110032

Account No.: 3183291816 Account Type: Saving Account IFSC Code: CBI N0283323

Undertaking: The Institute hereby undertakes that participants shall comply with the rules and regulations of the competition.

Date:

Head of the Institution

Signature and Seal



