

IST MMU NATIONAL MOOT COURT COMPETITION, 2016

Department of Law
Maharishi Markandeshwar University, Mullana-Ambala
(Deemed University established u/s 3 of the UGC Act, 1956)
NAAC Accredited Grade 'A' University

Organizes

IST MMU NATIONAL MOOT COURT COMPETITION, 2016

9-11September

The Department of Law established in 2008 with the approval of the Bar Council of India (BCI) is currently engaged in quality teaching of B.A.LL.B (5 yr.) and LL.B (3 yr.) courses and research practices through adequately qualified and dedicated faculty.

MOOT COURT COMPETITION RULES, 2016

I.LANGUAGE

Language: The language of the Competition shall be English.

II. ELIGIBILITY AND TEAM COMPOSITION

Eligibility: The Competition shall be open to students who are –

- a. Pursuing an integrated 5 year LL.B. programme in India or
- b. Pursuing a 3 year LL.B. programme in India.

Team Composition: Each team shall consist of minimum of two members and maximum of three members.

In the event where a team consists of three members then –

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Such team shall designate two of its members as speakers and one as researcher at the time of registration itself.

Only one team can register from the same institute. If more than one team attempt to register, the team applying first will be registered.

Allotment of Team Code: Every team which has successfully registered under the Rules shall be allotted a unique code after the closure of the Registration for the Competition. Once the unique code has been allotted, every team must use the team code for any communication with the Organizers during the course of the Competition.

Change in Team Composition: Any change in team composition must be intimated to the Organizers at the earliest. Any change must be accompanied with a registration form and an authority letter duly signed by the head of the institution. No change in team composition is allowed after registration by post.

III. FORMAT OF THE COMPETITION

Draw of Lots: The match up of teams in Preliminary Rounds shall be determined on the basis of draw of lots.

Preliminary Rounds:

Each team shall represent only one side as decided during draw of lots.

Scoring in the Preliminary Rounds:

- a. The aggregate score of a team shall be computed as the total of –
 - i. Score of Speaker 1
 - ii. Score of Speaker 2
 - iii. The score of the memorial.

Arrangement of Ranking: The teams in the Preliminary Rounds shall be ranked on the basis of below mentioned criteria –

- a. The teams shall be first differentiated on their win-loss record after the

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Preliminary Rounds;

b. Net-Court Room Margin

c. If there is a tie, the team with the higher aggregate score will be allotted the higher rank;

d. If the tie subsists, the team with the higher speaker score will be allotted the higher rank;

e. If the tie still subsists, the team with the highest individual speaker score out of speakers of tied teams will be allotted the higher rank;

f. If the tie still subsists, the team with the higher memorial score will be allotted higher rank;

Results: The results of the Preliminary Rounds shall be declared soon after the conclusion of the Preliminary Rounds. The top eight teams will qualify for the Advanced Rounds.

Quarter-Finals:

a. The top eight teams from the Preliminary Rounds will qualify for the quarter-finals.

b. The side for the quarter-finals shall be decided by way of draw of lots.

c. The quarter-finals shall be a knock-out round.

d. The win-loss shall be decided on the basis of the aggregate speaker score.

No memorial score will be added in the Quarter-final. The win-loss shall be determined on the basis of score so computed. The team with higher aggregate score shall proceed to the Semi- final round.

Semi-finals:

a. Four teams from the Quarter-Final Round shall qualify for the Semi-Finals.

b.. The side of the team shall be decided by way of the draw of lots.

c. The semi-final shall be a knock-out round.

d. The win-loss shall be decided on the basis of the aggregate speaker score.

No memorial score will be added in the semi-final. The win-loss shall be determined on the basis of score so computed. The team with higher aggregate score shall proceed to the final round.

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Finals: In the final round, the win-loss shall be decided on the basis of the aggregate speaker score. No memorial score will be added in the finals. The win-loss shall be determined on the basis of score so computed.

Deciding of Winner in Case of Tie in Advanced Rounds: In the event of tie in advanced rounds, then –

- a. The team with the highest individual speaker score out of speakers of tied teams will be allotted the higher rank;
- b. If the tie still subsists, the winner of the round shall be decided by adding the score of memorials to the aggregate speaker scores;

IV. MEMORIALS

Strict Adherence to Rules Regarding Memorials: All requirements have to be strictly followed. Non adherence to the same will attract penalty subject to the discretion of the organizers.

Memorials to be prepared from Both Sides: Each team must prepare memorials for both sides to the dispute.

Submission of Soft Copy of Memorials:

- a. The soft copies of the memorial from each side should reach the Organizers on mmumoot.16@mmumullana.org in either .pdf or .doc or .docx format latest by August 27,2016 before 4PM.
- b. Memorials shall be sent as an attachment with the mail in the form of single file for each side of memorial.
- c. A penalty of 1 mark shall be levied in case the memorial is submitted in any other format or as a multiple file by the team.
- d. The team submitting the soft copy 5 days after the last date of the submission of the soft copy of the memorial will be disqualified from the competition.

Submission of Hard Copy of Memorials:

- a. One copy of the memorial from each side should reach the Organizers on the below mentioned address by September 3, 2016. (Only through speed post) –

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To
Moot Court Committee,
Department of law, MMU, Mullana,
Ambala (Haryana)
Pin Code 133207

b. The teams have to carry five copies of the memorial from each side and submit the same during formal registration.

No Difference between Soft Copy and Hard Copy of Memorial: The hard copy of memorial must be exact replica of the soft copy submitted with the Organizers. Any difference in the same will result in disqualification from the Competition.

Penalty for Late Submission:

- a. A penalty of 1 mark per hour per side shall be deducted in case of delay in submission of soft copy of memorial.
- b. A further penalty of 1 mark per day per side shall be levied in case of delay in submission of hard copy of memorial.

General Conditions for Memorials:

- a. The memorials shall not contain any form of identification apart from the team code. If any such identification or mark, symbol, etc. which has the effect of identifying the team is found on the memorial, then it shall result in instant disqualification.
- b. Appellant/Petitioner memorials are required to have a Blue cover and Respondent/Accused memorials are required to have a Red cover.
- c. A penalty of 1 mark per side shall be levied in case the team uses wrong cover page for each side of memorial.

Guidelines for Formatting:

- a. **Memorial Structure:** The memorial must have following pages only:

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i. **Cover Page** – The cover page shall contain the case title, side of the memorial, year of competition, name of the Court and team Code on top right corner.

ii. **Table of Contents**

iii. **List of Abbreviations**

iv. **Index of Authorities**

v. **Statement of Jurisdiction**

vi. **Statement of Facts**

vii. **Issues Raised**

viii. **Summary of Arguments**

ix. **Pleadings /Arguments Advanced**

x. **Prayer**

b. **Team Code:** The team code must be ascribed on the top right corner of the cover page. The code must be preceded by the side for which the memorial is prepared. The teams must use “A” for Appellant, P for “Petitioner” and R for “Respondent.” For example: in case the Team Code is 10 the team must write “A-10” in case of memorial for Appellant and “R- 10” in case of memorial for Respondent.

c. **Font –
Text**

Times New Roman Font Size – 12 points Line Spacing – 1.5 Line Spacing

Footnotes

Times New Roman Font Size – 10 points Line Spacing – Single Spaced

d. **Pagination:** The pagination must be done at the bottom of the page.

e. **Margin:** A margin of 1 inch on all sides of the memorial should be left.

f. **Citation Format:** The 19th Edition of Bluebook system of citation should be followed throughout the memorial.

g. **Page Limit:** The memorial shall be of a maximum of 40 pages including

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the cover page and Pleadings/Arguments Advanced shall be of a maximum of 25 pages. No annexures, photographs, exhibits, etc. should be added to the memorial.

Penalty: A penalty of 1 mark per violation per side shall be levied in case of non-adherence with the aforementioned guidelines for formatting.

Marking Criteria for Memorials:

SR. NO.	MARKING CRITERIA	MARKS ALLOTTED
1.	Evidence of Original Thought	20
2.	Knowledge of Law and Facts	20
3.	Proper and Articulate Analysis	20
4.	Correct format and citation	20
5.	Extent and Use of Research	20
	TOTAL MARKS	100

V. ORAL ROUNDS

Timings for the Oral Pleadings:

a. For preliminary, Quarter-Finals and Semi Finals:

- i. Each team is allotted a total of 30 minutes to present their oral arguments;
- ii. The timing can be divided between both the speakers according to the wish of the team subject to a maximum of 18 minutes and minimum of 12 minutes per speaker;

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- iii. The time division has to be informed to the Court Manager/Clerk before the beginning of the oral arguments.
- iv. A maximum of 5 minutes may be reserved for rebuttal or sur-rebuttal which shall be at the discretion of the judges which shall be inclusive of the above time limits.
- v. The allotment of extra time shall be at the discretion of the judges.

b. Final Rounds:

- i. Each team is allotted a total of 40 minutes to present their oral arguments.
- ii. The timing can be divided between both the speakers according to the wishes of the team subject to a maximum of 24 minutes and minimum of 16 minutes per speaker.
- iii. The time division has to be informed to the Court Manager/Clerk before the beginning of the oral arguments.
- iv. A maximum of 5 minutes may be reserved for rebuttal or sur-rebuttal which shall be given at the discretion of the judges which shall be inclusive of the above time limits.
- v. The allotment of extra time shall be at the discretion of the judges.

Marking Criteria for the Oral Rounds:

SR.NO	MARKING CRITERIA	MARKS ALLOTTED
1.	Knowledge and Application of Law & Facts	20
2.	Ingenuity and Ability to answer questions	20
3.	Style, Poise, Courtesy, Demeanour	20
4.	Organisation and Flow	20

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	of Arguments	
5.	Reference to Memorials	20
	TOTAL MARKS	100

Levy of Maximum Penalties: Notwithstanding anything in the rules, a maximum of 20 marks shall be deducted as penalties for violations under the Rules.

Submission of Authorities: The teams shall only submit genuine authorities from journals or other authentic sources, or their Xerox. The teams may prepare and submit Compendium of authorities before the beginning of oral arguments to the panel of Judges, otherwise they can only submit authorities with the prior permission of the panel or if demanded by the Judges.

VI. PENALTIES

Scouting: No member of any participating team shall view any other oral rounds while the team is still in the competition. If such an incident comes to the notice of the organizers then the scouting team shall be subject to disqualification. Teams may file a written complaint of scouting to the Organizers. The decision of the Organizers shall be final and binding.

Non – Disclosure of Identity: Teams shall not disclose their identity, i.e. the name of their institution, city, etc. or any other information which has the effect of disclosing their identity and affiliation with a particular university or institution. Such disclosure shall result in disqualification subject to the discretion of the Organizers.

Copyright: The copyright with regard to the memorials submitted for the

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participation in the Competition is assigned by participants and shall also vest completely and fully with the Organizers. The participants shall certify the originality of the memorials and the materials used and shall be responsible for any claim or dispute arising out of further use and exhibition of these materials. The Organizers shall have the right to publicly display, distribute either electronically or otherwise and they shall not be responsible for any liability to any person for any loss caused by errors or omissions in this collection of information, or for accuracy, completeness or adequacy of the information contained in these materials.

VII. MISCELLANEOUS

Power to Amend or Alter Rules: The rules mentioned herein are not exhaustive. The Organizers reserve the right to alter, amend or add to the rules mentioned herein at any point of time. All decisions made by Organizers in case of any disputes, doubts or related issues shall be final and binding. Imposition of all penalties including disqualification rests solely with the organizers in case of failure to comply with the rules mentioned herein.

Disclaimer: The problem is fictitious and any resemblance to any person, living or dead, or incident, past or present, is coincidental and not intended by the author of the problem.

Contact Details: In case of any queries or clarifications regarding the competition feel free to mail your queries at mmumoot.16@mmumullana.org

Clarification Regarding the Moot problem-

Clarifications regarding the moot proposition will only be entertained through email. Send your queries at mmumoot.16@mmumullana.org with subject line "Moot Problem".

Note: The last date for seeking clarifications regarding the moot proposition is August 12, 2016 and release of clarifications is August 17, 2016.

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Regarding the Rules of the Competition or any other queries-
(Timings: 9AM –4PM)

Organizing Committee

Prof.(Dr.) Bindu Jindal

Head & Dean, Deptt. of Law

(Chief Event Coordinator)

Phone No. 01731-304266, Mob.No. +918059930243

(Coordinators Organizing Committee)

Prof. (Dr.)Saroj Chhabra,

Ms. Sonia Kamboj

Ms. Poonam Lamba

Ms. Shaelja Punia

Mr. Ripu Daman

Ms. Sanjum Bedi

Mr. Vidyanand

LIST OF IMPORTANT DATES

EVENT	DATE
Last Date of Submission of Soft Copy of Memorials	August 27, 2016
Last Date of Submission of Hard Copy of Memorials	September 3, 2016
Formal Registration	September 9, 2016
Draw of Lots and Exchange of Memorials	September 9, 2016
Preliminary Rounds and Quarter Finals	September 9-10, 2016
Semi Finals Rounds and Final Round	September 11, 2016
Valedictory and Prize Distribution	September 11,2016

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Moot Problem

Priya, was a 24 year old girl. Priya completed her education in mass communication from Dehradun in February, 2013 and moved to Delhi for an appropriate carrier opportunity in advertising sector when she was facing some financial problems and struggling to find a good job. She met Rahul in May, 2013 who was running a production agency. Both of them had common interests and became friends. After two months , Rahul helped her to find a good job and also arranged an apartment for her. As the time passed, Rahul proved to be a big support for Priya, financially as well as emotionally. In December, 2013 they made a decision to live together as live in partners. The couple was also spotted together frequently in parties & other public places. They lived together happily for two years. In the month of January, 2016 Priya started doubting about Rahul's character when she saw Rahul frequently with pooja on many occassions. She suspected that Rahul had some physical relations with Pooja. After few days Priya asked Rahul about Pooja for which Rahul clarified that Pooja was her client. Rahul tried to satisfy Priya that he never had any physical relation with Pooja but Priya was not convinced and constantly doubted him. Priya had started to remain mentally upset and went into depression. In the month of February, 2016 their common friend saw them often quarrelling with each other and having heated arguments even at the public places. One day Rahul finally declared that if things are not sorted out, then, it is better for both of them to get separated and to move on in life. But Priya was not convinced with the decision as she could not tolerate separation from Rahul.

One day, i.e. in the evening of 15th May, 2016, Pooja visited their apartment, after which Priya got very annoyed and she abused Pooja . Rahul requested Pooja to leave the apartment and she went away. As Pooja left, Priya became very aggressive and abused Rahul for having a bad character Rahul again tried to pacify Priya but later on became frustrated as things could not be resolved and next day early in the morning i.e. on 16 May, 2016, when Priya was asleep, he left the apartment without informing her. After

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waking up Priya called Rahul many times but Rahul did not answer her calls and switched off his mobile phone. She found herself lonely & alone. When Rahul came back to the apartment at 2:00 pm, he saw that Priya's body was hanging from a ceiling fan. Looking this he cried loudly and came out of his apartment and gathered some neighbours in their locality who helped him to put down the body. After that ambulance was called by one of the neighbours and Priya's body was taken to the hospital where she was declared brought dead.

Priya's mother revealed that Priya had disclosed to her that she was two months pregnant and had proposed Rahul for marriage but he refused to marry her and was constantly compelling her to abort the child.

The post-mortem report of Priya's body reveals suffocation as the cause of death. The report suggests strangulation marks on the neck & other mild injuries, scratches and scars on the body. The doctors have also confirmed that Priya was pregnant and had undergone abortion not long before her demise.

Rahul has been arrested on the complaint of Priya's mother. There was no suicide note found. The Police registered a case against Rahul u/s 302 IPC, 306 IPC, 312 IPC, 313 IPC, 323 IPC and 376 IPC. Argue for the prosecution or defence.