

# 6<sup>th</sup> R.C. Chopra Memorial Moot Court Competition, 2018

23<sup>rd</sup>-24<sup>th</sup> February, 2018



Moot Document

**St. Soldier**

**Group of Institutions**

— Since 1958 —

— Jalandhar(Pb) —

Respected,

Vice-Chancellor / Director / Dean / Head / Principal.

INVITATION FOR 6th R.C. CHOPRA MEMORIAL NATIONAL MOOT COURT COMPETITION, 2018.

Moot Court is a simulated form of Oral Argument which is similar to an argument made before a court. The 6th R.C. Chopra Memorial National Moot Court Competition, 2018 is a competition based on a problem covering the area of Service Law of the country with a bit of Army background. Our problem is based on the Service Law itself. The problem this year will be focusing more on service law combined with army law.

The previous five versions of R.C. Chopra National Moot Court Competition had been a great success; over 50 teams had participated last year. This year's problem is primarily focused to enable the students to collate their knowledge, aptitude, skill, smartness and persuasive ability in concentration to present the arguments in support of their case.

This brochure comprises of:

1. The Moot Problem,
2. The Rules and Regulations,
3. The Registration Form &
4. The Travel Plan Form.

The Teams shall duly fill the Registration form and send us the scanned copy of the same latest by 25th Day of December 2017, via email ([stsoldierlegal@gmail.com](mailto:stsoldierlegal@gmail.com)).

We look forward to your participation in this MOOT COURT COMPETITION to make it a successful event.

BEST REGARDS,

**Moot Court Committee**

**6<sup>th</sup> R.C. CHOPRA MEMORIAL NATIONAL MOOT COURT COMPETITION, 2018**

**Chief Patron** Sh. Anil Chopra, Chairman (St. Soldier Groups)

**Patron** Prof. Dr. S. C. Sharma, Director

**Faculty Coordinators** Ms. Simmi Thind, Assistant Professor  
Ms. Balwinderjit Kaur, Assistant Professor.  
(9876816723)

**Student Coordinator** Ayush Maken (8968245491, 7986142584)  
Neha Tuli (9417651162)

MOOT PROBLEM

Mr. Parmod Kumar (petitioner) did his 10+2 in 1989, from Punjab School Education Board with 65% marks. The very next year he got through physical and written tests, and he joined the Indian Army as a clerk at Jammu. After having satisfactorily completed the Probation Period, he was confirmed in 1990.

For the sake of job he had to stay away from his family. There were three members (his father, mother and his wife) in his family when he joined the army. Petitioner served the army for five years, after that sought voluntary discharge from the service and came back to his village, Lidhran, near Jalandhar. He started peasantry at his native village.

After a gap of two years Parmod Kumar qualified the examination held by Education Recruitment Board Punjab and joined service as a clerk in Punjab Education Department (respondent) and was posted in a Govt. School at Jalandhar, in June 1998. During this service he completed B.A (2005) and B.Ed. (2006) from Lawrence University, Panchkula (Pvt. University) by distance mode. Thereafter, he was promoted as English Teacher (master scale) by departmental promotion.

He has put in 14 years and 8 months of service with the education department. His service record had been clean and without there being any complaint against the petitioner.

On 10<sup>th</sup> February 2013, the petitioner informed the Principal of the School that he

was required to go home to see his mother who had got paralysis attack. His father was too old to take care of her and his wife was pregnant at that time. He himself had to take care of his mother. His leave for one month was sanctioned by the competent authority. The petitioner remained absent thereafter. The Principal sent three letters asking Parmod Kumar to join his duties but all these letters were returned undelivered.

On 6<sup>th</sup> May 2013, the Principal reported the matter to higher authority. A charge sheet was issued by the Director Public Instruction Punjab to the petitioner, which again returned undelivered. The DPI got a notice published in the Daily Newspapers on 14/07/2013 asking the petitioner to appear before the enquiry officer i.e. Distt. Education Officer Jalandhar, but he did not participate in the enquiry.

On 3<sup>rd</sup> of September 2013, after his mother was released from the hospital, the petitioner reported the matter to the respondent, seeking permission to resume the duty. He explained his absence and submitted copies of medical reports of his mother as well as of his wife. The verbal requests and written reminder of the petitioner found no favour from the respondent. Rather an order of termination of petitioner was passed by the competent authority on 06/08/2013 and handed over to the petitioner. The order had been passed on the alleged basis that the petitioner remained absent without leave.

Aggrieved from the order of his termination from services, the petitioner appealed to the Principal Secretary of the Punjab Govt. (Higher Authority), on 05/08/ 2017 his punishment was changed to compulsory retirement.

On 1<sup>st</sup> of November 2017, aggrieved from the order of the Principal Secretary, the

petitioner filed a civil writ petition under Articles 226/227 of Constitution of India, alleging before the Hon'ble High Court of Punjab and Haryana, for reinstating the petitioner with back wages and the benefits of seniority, as the punishment given by the department was harsh and disproportionate as well as it was violation of the principles of natural justice.

**The Main Issues For Adjudication Before The Hon'ble High Court Are:**

1. Whether termination of services of petitioner by the respondent department on the grounds of unauthorised absence was justified?
2. Whether the punishment of compulsory retirement was lawful, fair and just?
3. Whether the Army Service rendered by the petitioner can be counted towards the civil service for pensionary benefits?
4. Whether the deficiency of qualifying service can be condoned by the competent authority?

**Statutes to be referred**

1. The Code of Civil Procedure, 1908
2. Punjab Civil Service Rules, 1952
3. Constitution of India
4. Army Service Rules, 1954

**RULES & REGULATIONS**

**1. OBJECTIVE:**

- i. To provide exposure to the students pursuing the law course, at the backdrop of the court system in India and upgrading their advocacy skills.
- ii. To provide a real life experience cum training in doing cutting edge research, presenting ground breaking arguments and contributing to the development of jurisprudence in concerned areas of law.

**2. DATES AND VENUE:**

- i. The 6th R.C. Chopra National Prized Moot Court Competition 2018 is on **23<sup>rd</sup> and 24<sup>th</sup> of February, 2018.**
- ii. The venue for the event is St. Soldier Law College, St. Soldier Educational Complex, Jalandhar-Amritsar Bypass (NH – 1), Near National Institute of Technology, Lidhran, Jalandhar, 144011.

**3. PRIZES**

- i. Winning Team – INR 11,000/-
- ii. Runners Up Team – INR 5,100/-
- iii. Best Student Advocate – INR 2,100/-

- iv. Best Researcher – INR 2,100/-

**4. TEAM PREREQUISITES:**

- i. Each team shall comprise of Three (3) members ONLY, out of which two (2) will be speakers and one (1) researcher.
- ii. Arguments shall generally be in English.
- iii. The competition is open for bonafide students pursuing five year and three years LL.B courses.
- iv. Teams should not disclose the identity of their institution during the course of proceedings in the Court Rooms. Any disclosure of team identities shall invite penalties including disqualification.
- v. Each team shall be provided with the team code at the time of the registration.

**5. REGISTRATION**

- i. The Registration form completed with all Team Details must be submitted online by **25<sup>th</sup> of December 2017** (stsoldierlegal@gmail.com) and the same must reach (hard copy) to us, on or before 10th January, 2018
- ii. A registration fee of Rs. 3000/- shall be sent by way of Demand Draft drawn in favour of “St Soldier Law College”, payable at Jalandhar along with the registration form.
- iii. No change in the names of the participants shall be permitted after the receipt of the Registration Form.



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- iv. Teams should clearly mention the names of all participants in the team, including course, year/semester of study and contact no.
  
- v. No team would be facilitated with the certificates during the competition. The same shall be provided only in the Valedictory Ceremony. No certificates would be couriered.

### **6. DRESS CODE:**

Inside the court room the participants shall follow the below mentioned dress code:

- i. Females: White Kurta, Black Salwar and Black Dupatta or White Shirt and Black Trousers along with the Black Coat and Tie.
  
- ii. Males: White Shirt, Black Trousers, Black Tie along with Black Coat and Black Shoes.

### **7. ACCOMMODATION:**

The participants would be provided Accommodation for the period of the Competition in the premises of the Institute. Please note that separate accommodation will be provided for girls and boys. However, they may sit together for team work in the library/café of the institute. You are advised to check the weather conditions of Jalandhar before leaving from your native places.

### **8. COMPETITION ROUNDS:**

There shall be Two Preliminary Rounds, Pre-Quarter Finals, Quarter Finals, Semi- Finals

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and a Final Round spread over a period of 2 days i.e. 23<sup>rd</sup> and 24<sup>th</sup> of February, 2018.

**I. PRELIMINARY ROUNDS**

- i. In two preliminary rounds each team shall argue from both the sides (Petitioner & Respondent) i.e. from one allotted side during one round.
- ii. After two Preliminary Rounds, TOP SIXTEEN (16) teams who win in both the preliminary rounds shall qualify for the PRE-QUARTER FINALS.
- iii. The team shall be credited with a win in a preliminary round if their round total is more than opposing team.
- iv. The marks of the EACH preliminary round shall be the cumulative total of the marks of both the speakers.
- v. No team shall face each other more than once in the preliminary rounds.
- vi. The following criteria shall be observed in deciding teams which are to move in quarter finals:-
  - a. The teams having BOTH wins in preliminary rounds shall proceed to the quarter final.
  - b. In case less than 16 teams are able to score two wins then teams that have 1:1, win, loss ratio shall qualify for the PRE-QUARTER FINALS based on their score in memorials. The same criteria shall be followed in case any team needs to be eliminated for keeping the required number of teams.
  - c. Teams that have TWO wins shall directly move to the PRE-QUARTER FINALS.
  - d. In case of a tie between two or more teams, the aggregate total of the score of memorials shall be taken into consideration.

**II. PRE-QUARTER FINALS**

- i. SIXTEEN (16) teams shall compete in PRE-QUARTER FINALS. Criteria for qualifying to pre-quarter finals have been mentioned in preceding clauses.
- ii. It shall be a knock out round. The winner of each round shall move to The Quarter Finals. EIGHT (8) teams shall move to QUARTER FINALS.
- iii. The criteria of marking in this round are aggregate total marks of both the speakers.
- iv. In case of tie between teams, in quarter finals, the aggregate total of the marks of memorials of the teams shall be counted. Team with highest marks moves ahead.

**III. QUARTER FINALS**

- i. Eight (8) teams shall compete in quarter final. Criteria for qualifying to quarter finals will be the same as Pre-Quarter Finals.
- ii. It shall be a knock out round. The winner of each round shall move to the semi-finals. Four (4) teams shall move to SEMI-FINALS. The criteria of marking in this round are aggregate total of the marks of both the speakers and their responses to questions from the Judges.

**IV. SEMI FINAL ROUND**

- i. Four (4) teams shall compete in semi-finals. The criteria of qualifying in semi-final have been mentioned in previous clauses.
- ii. It shall be a knock out round. The winner of each round shall move to the Finals.
- iii. The criteria of marking in this round are aggregate total of the marks of both the speakers added with overall performance of the teams.

**V. FINAL ROUND**

- i. It shall be presided over by a sitting/retired High Court Judge.
- ii. The results of the final round shall lead to the selection of:
  - The Winning Team,
  - The Runners Up Team, and
  - The Best Student Advocate

**9. TIME AND MARKING SCHEME FOR ORAL ROUNDS**

**I. PRELIMINARY ROUNDS, PRE-QUARTER FINALS AND QUARTER FINALS**

- i. Each team shall be given a total of 30 minutes (maximum) to present their case.
- ii. Each speaker should speak for a minimum 10 minutes.

- iii. One speaker shall not take more than 17 minutes of the total time.
- iv. The maximum time for Rebuttals and Sur-Rebuttals is 5 minutes.

**II. SEMI FINAL ROUNDS AND FINAL ROUND**

- i. Each team will get a total of 45 minutes to present their case.
- ii. Each speaker should speak for a minimum of 15 minutes.
- iii. One speaker shall not take more than 25 minutes of the total time.
- iv. The maximum time for Rebuttals and Sur-Rebuttals is 7½ minutes.

**III. MAXIMUM TIME ALLOTTED**

The maximum time provided would include the time that each team may wish to reserve for their rebuttal/sur-rebuttal. At the commencement of each session the team shall notify the Court Officer/Court Clerk regarding the division of time between the 2 speakers (including rebuttal/sur-rebuttal).

**IV. MEMORIALS**

- i. All teams must submit the soft copy of their Memorials for both sides.

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- ii. All teams must submit Four (4) Hard Copies of their typed Memorials for both sides. (Petitioner and Respondent Two (2) copies each side). Also, the teams shall bring along Six (6) Hard Copies of their typed Memorials for both sides. (Petitioner and Respondent Three (3) copies each side)
- iii. The Memorials must fulfill all the following specifications;
- Cover page / Cause title.
  - Index.
  - Index of Authorities.
  - Statement of Jurisdiction.
  - Synopsis of Facts.
  - Statement of Issues.
  - Summary of Arguments / Pleadings.
  - Body of Arguments / Pleadings.
  - Conclusion / Prayer.
- iv. The memorials shall not be in more than forty (40) pages and the Arguments shall not exceed more than twenty five (25) pages.
- v. The Memorials shall be typed on A4 size page in Font type: Times New Roman, Font size: 12, 1.5 line spacing & 1 inch margin on each side. Blue Book pattern shall be followed.
- vi. The Cover Page of the Memorials must follow the following color scheme, Blue for the Applicant Cover Page and Red for the Respondent Cover Page. The Memorials must be spiral bound ONLY. Each team would be provided with a MEMORIAL CODE at the time of online registration which will be mentioned on the top right hand side of the cover page of each memorial in **BOLD LETTERS**

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- vii. The memorials exchange will be for Quarter Finals, Semi-Finals & Finals.
- viii. The Memorials must not contain any Annexures/ Photographs / Sketches/ Exhibits / Affidavits etc.
- ix. Memorials that do not comply with the above mentioned specifications will be penalized.
- x. Identification of any type on the memorials shall invite disqualification.
- xi. One soft copy of memorials of each side (in PDF format) and scanned copy of Travel Form must reach the organizers latest by **27<sup>th</sup> day of January 2018** [stsoldierlegal@gmail.com](mailto:stsoldierlegal@gmail.com).
- xii. Two (2) hard copy of each of the memorials must reach the organizers by **1<sup>st</sup> February, 2018** at the below mentioned address.

Do mention “6th R.C. Chopra Memorial Moot Court Competition” at the top of the envelope separately.

Prof. (Dr.) S. C. Sharma [Director, St. Soldier Law College]  
#56 – GF, Saraswati Vihar, Kapurthala Road,  
Jalandhar, Punjab-144008  
09815158269

**V. MARKING CRITERIA FOR MEMORIALS**

- i. Memorial from each side shall carry total of hundred (100) marks.
- ii. The following shall be the criteria for marking the memorials:
  - Knowledge of Facts (10)
  - Knowledge of Law (10)
  - Proper and Articulate Analysis (10)
  - Evidence of Original Thought (10)
  - Grammar and Style (10)
  - Correct Format and Citation (10)
  - Extent and Use of Research (20)
  - Clarity and Organization (20)
- iii. A penalty of Five (5) marks for each side of memorial shall be entailed on each day's default in submissions of memorials, however, no memorial shall be accepted after 10<sup>th</sup> February, 2018 it shall be subjected to disqualification.
- iv. One soft copy of memorials of each side (in PDF format) and scanned copy of Travel Form, must reach the organizers latest by 27<sup>th</sup> day January 2018 on [stsoldierlegal@gmail.com](mailto:stsoldierlegal@gmail.com)
- v. Two (2) hard copies of each of the memorials shall reach the organizers by 1<sup>st</sup> February 2018, in order avoid the penalty of two (2) marks for each side each day after the midnight of the 1<sup>st</sup> day of February, 2018.



**VI. ORAL SUBMISSIONS**

- i. Each team shall comprise of two (2) speakers, as has been specified earlier.
- ii. Court language shall be English.
- iii. Each team will have a maximum of thirty (30) minutes to present their Oral Submissions in Preliminary Rounds. No speaker will be permitted to address the Court for more than seventeen (17) minutes). This includes the time the speaker addresses the Court during the rebuttal/sur-rebuttal. The maximum time for rebuttal/sur-rebuttal is five (5) minutes.
- iv. The maximum time allotted in quarter finals, semi-finals and final shall be forty five (45) minutes for each team. No speaker shall be allowed to address the Court for more than twenty five (25) minutes. This includes the time the speaker addresses the court during rejoinder/sur-rejoinder.
- v. At the commencement of each session of Oral Submissions, each team must notify the Court Officer of the amount of time that the team reserves for their rejoinder/sur-rejoinder. A maximum of 5 minutes can be reserved for their rejoinder/sur-rejoinder.
- vi. At the commencement of each session of Oral Submissions, each team shall notify the Court Officer as to the division of time between the 2 speakers.
- vii. If any speaker continues to speak after the completion of his/her time,

he/she shall entail penalty, which shall be upon the discretion of the judges.

- viii. The final decision as to the time structure and the right to rejoinder/surjoinder will be that of the Bench Judges.
- ix. During the course of oral submissions the participants cannot submit to then court any material containing pictorial representation whatsoever. Further the participants will not be permitted to make any audio/visual representation nor will they be allowed to use personal computers, laptops and any other technical or mechanical device during their oral submissions.
- x. Speakers shall not be allowed to pass annexures to the judges; instead the teams may make a compendium of annexure that shall be given to the judges before the start of the proceedings.
- xi. If at any instance, a submission is made with any material in violation to the above clause and if any picture, sketches, photos, cartoons, caricatures, audio film, video film, projector-slide or a computer generated image is submitted or presented to the court, the teams shall be disqualified from the competition forthwith.
- xii. During the course of the Oral Submissions speaker shall neither reveal his/her identify nor the identity of their University / College by any means whatsoever.

**VII. MARKING CRITERIA FOR THE ARGUMENTS:**

Each Speaker will be marked on a total of 100 marks by each Bench Judge.

The following will be the Marking Criteria and the Marks allocated to each speaker by each Judge in the Round:

- Appreciation and Application of Facts. (10) Marks
- Identification and Articulation of Issues. (10) Marks
- Application of legal principles. (10) Marks
- Use of authorities and precedents. (10) Marks
- Response to questions. (10) Marks
- Presentation skills. (10) Marks
- Clarity of thoughts and logical structure of Arguments. (10) Marks

**REGISTRATION FORM**

Name of the Organization / Institution:

\_\_\_\_\_

\_\_\_\_\_

Address:.....

.....

.....

.....

Contact no. of the Institute : .....

Name and Contact no. of the Teacher Incharge of the Moot Society:

.....

City:.....

State:.....

Pin:.....

**PARTICULARS OF THE TEAM MEMBERS:**

First Speaker

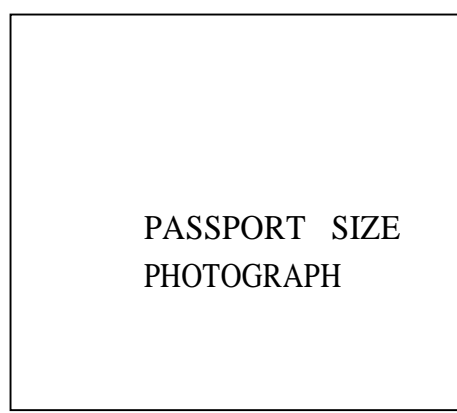
Mr. / Ms. \_\_\_\_\_

Semester / Year \_\_\_\_\_

Contact No \_\_\_\_\_

e-mail ID \_\_\_\_\_

Signature:



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Second Speaker

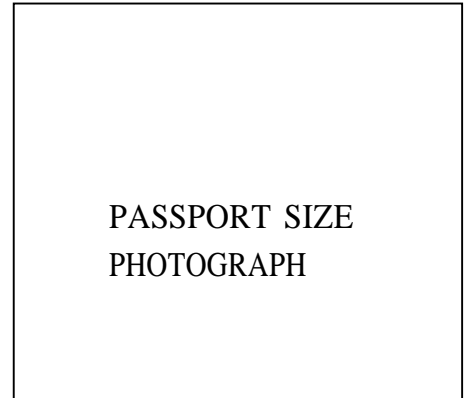
Mr. / Ms. \_\_\_\_\_

Semester / Year \_\_\_\_\_

Contact No \_\_\_\_\_

e-mail ID \_\_\_\_\_

Signature: \_\_\_\_\_



Researcher

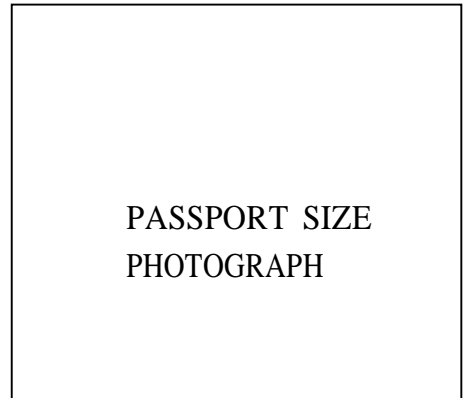
Mr. / Ms. \_\_\_\_\_

Semester / Year \_\_\_\_\_

Contact No \_\_\_\_\_

E-mail ID \_\_\_\_\_

Signature: \_\_\_\_\_



**Details of Registration Fee:-**

Demand Draft for Rs. 3,000/-

Demand Draft No \_\_\_\_\_

Name of Bank \_\_\_\_\_

Branch \_\_\_\_\_

DD to be in favour of 'St. Soldier Law College'  
Payable at Jalandhar

**Accommodation Required (YES/NO):** \_\_\_\_\_

Signature and Seal of the Head of the Institute

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Please mention the Name of the Institution on reverse of original DD and send the hard copy of the form along with DD to the following address:-

Prof. (Dr.) S. C. Sharma [Director St. Soldier Law  
College]

#56 – GF, Saraswati Vihar, Kapurthala Road,

Jalandhar, Punjab-144008

09815158269

Do mention “6th R.C. Chopra Memorial Moot Court Competition” at the top of the envelope separately.

- The registration for the competition closes on 25<sup>th</sup> December, 2018, A SOFT COPY of the REGISTRATION form along with the SOFT COPY of the DEMAND DRAFT shall reach the organizers on or before midnight of 25<sup>th</sup> December 2018.
- A HARD COPY of the REGISTRATION form along with the HARD COPY of the DEMAND DRAFT shall reach the organizers on or before 10th January 2018.

**TRAVEL FORM**  
(FOR OUT- STATION PARTICIPANTS  
ONLY)

ARRIVAL DETAILS

Date\_\_\_\_\_

Time\_\_\_\_\_

Mode of Travel:

Train / Flight No:

Train / Flight Name:

Arrival Place:

DEPARTURE DETAILS

Date\_\_\_\_\_

Time\_\_\_\_\_

Mode of Travel:

Train / Flight No:

Train / Flight Name:

Contact Person (Name and Mobile Number) (one must be non-participant, preferably Teacher Associated with the team):

1.....

2.....

- A SOFT COPY of the TRAVEL form shall reach the organizers along with the soft copy of the MEMORIALS i.e. on or before 27<sup>th</sup> January 2018
- A HARD COPY of the TRAVEL form shall reach the organizers along with the hard copy of the MEMORIALS i.e. on or before 1<sup>st</sup> February 2018.

Note: Jalandhar is well connected by Rail, Bus and Air Service.

- The participants travelling by BUS, shall un-board the bus at PAP Chowk (every bus is mandatory to take a stop at PAP Chowk), for pick up and drop facility.
- The participants travelling by INDIAN RAILWAYS, may choose to arrive at any of the two railway stations. The nearest railway station is Jalandhar City, however, pick up and drop service will be provided by the organizers to/from Jalandhar City Railway Station (station code JUC) as well as Jalandhar Cantt. Railway Station (station code JRC).
- The participants opting for AIR TRAVEL, the nearest Airport is Guru Ram Das International Airport, Amritsar, 80 kms. from the college. From there the participants can easily get a bus to Jalandhar. (Airport Code ATQ).
- The local teams will have to reach the venue on their own, not later than 8 am on 23<sup>rd</sup> February, 2018



## **INTERPRETATION OF THE RULES**

1. The decision of the organizers as regards the interpretation of rules or any other matter related to the competition will be final.
2. If there is any situation, which is not contemplated in the rules, the organizer's decision on the same shall be final.
3. The organizers reserve the right to vary, alter, modify, or repeal any of the above rules, if so required, as they may deem appropriate at any time.
4. Any dispute arising in the MOOT COURT ROOMS during the rounds would be at the discretion of the MOOT COORDINATORS.
5. In any kind of the conflict, the decision of the Director, St. Soldier Law College, Jalandhar would be final but the matter must be reported immediately after the same crises.

## IMPORTANT DATES

1.	Registration Opens	1 <sup>st</sup> November, 2017
2.	Registration (REGISTRATION FORM ALONG WITH A DD FOR RS. 3000/-) (SOFT COPY)	25 <sup>th</sup> December, 2017
3.	Registration (REGISTRATION FORM ALONG WITH A DD FOR RS. 3000/-) (HARD COPY)	10 <sup>th</sup> January, 2018
4.	SUBMISSION OF MEMORIAL (in pdf format) and TRAVEL FORM (in pdf format) (SOFT COPY via E-mail)	27 <sup>th</sup> January, 2018
5.	SUBMISSION OF MEMORIAL and TRAVEL FORM (HARD COPY)	1 <sup>st</sup> February, 2018
6.	INAUGURATION, DRAW OF LOTS, PRELIMINARY ROUNDS, PRE-QUARTER FINALS and QUARTER-FINALS	23 <sup>rd</sup> February, 2018
7.	SEMI-FINAL ROUND & FINAL ROUND and VALEDICTION PROGRAM	24 <sup>th</sup> February, 2018