



VIPS NATIONAL ONLINE EVENTS 2018

Organised By: - Advocates' Legion and LexQuestor
Vivekananda School of Law and Legal Studies
(VSLLS), VIPS

VIVEKANANDA INSTITUTE OF PROFESSIONAL STUDIES (VIPS)

VIVEKANANDA SCHOOL OF LAW AND LEGAL STUDIES (VSLLS)

Presents

VIPS National Online Events 2018

Vivekananda School of Law and Legal Studies, Vivekananda Institute of Professional Studies, Delhi is pleased to organize its **VIPS National Online Events 2018**.

VIPS was established in the year 2000 with the vision to maintain and promote excellence in education and for imparting quality professional education comparable with the best in the world. Our aim is to put across a 'renovated and rejuvenated spirit of education'. We understand the need to build a 'character' of the institute which is nurtured not merely by the quality and commitment of the faculty but also by the ethos and environment upon which its foundations have been laid. The Event is supported by **Dr. S.C. Vats**, Chairman, VIPS as Chief Patron; **Prof. B.T. Kaul**, Chairperson, VSLLS as Patron and **Prof. (Dr.) Rashmi Salpekar**, Dean, VSLLS.

We hereby invite your esteemed university/ institution/college to participate in the aforementioned Competition.

List of Events

- ◎ 1st National Judgment Writing Competition- Based on Criminal Law (Proposition attached)
- ◎ 2nd National Legislation Drafting Competition- On Uniform Civil Code with regards to Homosexuals and Transgenders (Concept Note attached)
- ◎ 3rd National Research Paper Writing Competition- On Law, Privacy and Governance

—ADVOCATES LEGION—

Eligibility

- ⦿ The Competition is open to all bona fide regular students enrolled in any undergraduate law course (3 years or 5 years) or post graduate law course or its equivalent in any University or Institute within India recognized by the Bar Council or State Government or Central Government as the case may be.
- ⦿ Participation is either individual or in a team. Maximum number of participants in a team shall not exceed two (2).

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Schedule

Release of the problem **18th August 2018**

Last Date of Registration **1st October 2018**

Last Date for Releasing of Individual Codes **5th October 2018**

Last Date for Queries regarding Rules of the Competition **5th October 2018**

Last Date for Submission of the Soft Copies **30th October 2018**

Results **1st December 2018**

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Registration and Payment of Registration Fee

- ⦿ Registration has to be done through google form link <https://goo.gl/forms/fCOMRnjTgd6YQMxB2>
- ⦿ Registration fee for the entire event including all three events is Rs. 2000/-
- ⦿ Participants are also required to send an email to lexquestor@gmail.com containing the details of the participants **AND** the proof of payment of Registration Fee.
- ⦿ An acknowledgment of the registration and payment of fee will be sent via email to all the participants.
- ⦿ After completion of registration, participants will be allotted Individual Codes.
- ⦿ Registration fee has to be paid by the Participants via online transfer in the following bank account:

Beneficiary Name:- Vivekananda Institute of Professional Studies

Bank:- Axis Bank Ltd.

Branch:- Lok Vihar

Account No.:- 912010050002859

IFSC Code:- UTIB0000588

Account Type:- Savings



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Distribution of Awards and Certificates

- Award Prize money will be sent via bank account transfer to the winners.
- E-Certificates shall be sent to the participants on their email address provided by them.

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1st NATIONAL JUDGMENT WRITING COMPETITION

Frame the charge(s) and write a judgment on the basis of the facts, allegations and evidence given here under by analyzing the evidence, keeping in mind the relevant provisions of the concerned law. Participants are required to frame arguments/contentions on behalf of both the parties from the facts.

FACTS

The “Indian School of Education” is an Educational Institution in Delhi. This is a multi faculty institution with strength of 3000 students at its campus. There was great enthusiasm in the Students’ Organizations to contest elections in the College General Body Elections. The main contest was between Samjhauta Party (SP) and Milan Party (MP). Both the groups worked hard to secure students’ support and their votes. Dilbag Singh was the candidate for the Presidentship from the SP. He was also having the support of a Hum Sabki Party. Therefore, that Party’s prestige was also involved in the success of this candidate. Dilbag spent a lot on throwing parties and also adopted other means and methods to garnish the support of the students. The candidate from MP, Shankar Pandey was quite popular amongst the students for his honesty, integrity and always been working for students’ welfare. After a month long campaign, the elections were held on 30.09.2017. Casting of vote went on peacefully. The result was declared on 1.10.2017 and Dilbag Singh won the elections by a margin of just two votes. Wave of joy went around in the Samjhauta Party. Milan Party was disappointed and was sensing that victory of Dilbag was only due to money flow and unfair practices adopted by Dilbag.

On 02.10.2017, at about 7:00 PM at the College cafeteria Dilbag invited Shankar to his dinner party. Shankar flatly refused the invitation by saying that he will never attend a party hosted by a forged person. Dilbag insisted by explaining to him, “Let us forget our past animosities and work for the welfare of the students together” but Shankar again said “No! I do not wish to join your dinner party as I know how you have won the elections by fraudulent means. I will not go to the party of a scoundrel.” At this Dilbag got annoyed and felt insulted in the public. He told Shankar “You know that I can adopt any means for what I want”. Shankar left the cafeteria by saying, “Hell with you!” Shankar left the cafeteria and went away with his friend Ram Kumar. At about 8.30 PM Ram drove out in his Jeep from the parking area with Shankar seated in the jeep beside him. When their jeep was passing through the main gate of the college, Dilbag and his friend Ganesh were standing in wait for them.

Now Dilbag was having a pistol in his hand. Dilbag signaled Ram to stop the vehicle but Shankar told him not to stop there. Then, Dilbag fired in the air. Shankar asked Ram to drive fast. Dilbag and Ganesh chased the jeep on their bike with Ganesh driving and Dilbag riding the pillion. Dilbag fired indiscriminately while chasing the jeep. One bullet hit Ram in his right upper arm. Shankar asked Ram to stop the vehicle and got down from the jeep. Ganesh stopped the bike where Shankar was standing. Dilbag got off the bike tried to shoot at Shankar. But he could not as there was no cartridge in the pistol. Then Shankar took out an iron rod out of the jeep and aimed a hit at Dilbag. But Dilbag ducked and the rod fell on the head of Ganesh who was sitting on his bike just next to Dilbag. Ganesh started bleeding profusely and fell unconscious. Both Shankar and Ram left the scene immediately. Dilbag took Ganesh to hospital. Ganesh died after 12 hours in the hospital.

EVIDENCE FOR PROSECUTION

PW-1: **Dilbag Singh** deposed that as I had contested the election for the welfare of the students and for the same I wanted to join the hand with Shankar. Shankar wanted to take revenge of his defeat and came with an iron rod to kill me.

In cross examination, it was extracted by the defence that PW-1 was carrying a gun that day but refused that he shot Ram.

PW-2: **Naresh**, a friend of Dilbag and Ganesh, deposed that I was present in the cafeteria when the altercation between Shankar and Dilbag took place but was not aware of what happened after Shankar left as I busy in eating delicious Donuts.

PW-2 was declared hostile as he deviated from his statement given to police. In cross examination, he stated that he was not present at the gate of the college as he went home.

PW-3: **Dr. Mahesh**

Dr. Mahesh conducted the post-mortem examination of the deceased on 03.10.2017. On examination of the deceased, he noticed the following injuries on the body of the deceased-

1. Penetrating craniocerebral injury over the Occipital Region measuring 2 x 2 inches.
2. Linear abrasion over the arms and neck measuring 2 x 0.5 inches.

PW-3 has deposed that the death of the deceased was due to head injuries and the injury was *ante mortem* in nature. Death of Ganesh was homicidal in nature. He has deposed that the injuries on Ganesh may be caused by the iron rod marked as MO.1. The viscera of the deceased had smell of alcohol.

In cross examination by the defence, he stated that the time of death was within 4 hours from the time of autopsy conducted by him.

DEFENCE PLEA

It was submitted by the Defence that the accused acted in private defence, grave and sudden provocation and accident in a manner so as to protect his own life as well as the life of his friend from imminent danger shown by the deceased and the complainant. The Defence also contends that the act of the accused was proportional to the harm that was intended. It is also contended that the accused is unaware as to the injuries on arms and neck of the deceased.

EVIDENCE FOR DEFENCE

DW-1: **Shankar Pandey** deposed that he refused to come in the dinner party of Dilbag because he knew about the illegal practices Dilbag adopted to win the elections. Dilbag got annoyed and tried to kill him. He just picked up the iron rod in his self defence. He also stated that it was Dilbag who tried to kill him and his friend and just to save himself he picked up the rod.

In cross examination, it was extracted by the prosecution that Shankar saw for a moment that the pistol was not working when he got off the jeep.

DW-2: **Ram Kumar** stated that Dilbag had fired a gun shot upon him and also tried to kill Shankar; in pursuance of this Shankar tried to defend us and just picked up the iron rod. He also stated that he was in very much pain and couldn't see the entire incident and was trying to manage to flee from the place of incident.

Cross Examination: Nil.

DW-3: Dr. Harsh

The defence witness DW3 has been brought forward in the capacity of the doctor who examined DW-2. The witness claims that Ram had several wound marks on his body when

he was brought for examination and the same marks were also treated by a doctor. The wound certificate herein placed and marked as Exhibit 1 has been attached as Annexure III.

ANNEXURE I

FIRST INFORMATION REPORT

1. General:
 - a) FIR Number: 58/2017
 - b) Police Station: Rithala PS
 - c) District and State: North-West, Delhi
 - d) FIR Date: 02/10/2017
 - e) Information received at police station: 21:30 hours, 02/10/2017
 - f) General diary reference entry number: 5825/2017
 - g) Direction and Distance from Police Station: 2 km East of the PS
2. Occurrence of Crime:
 - a) Date of Occurrence: 02/10/ 2017
 - b) Time of occurrence: Around 21:00 hours.
3. Place of occurrence: Pitampura, Delhi.
4. Complainant/Informant:
 - a) Name: Dilbag Singh
 - b) Father's Name: Lakhan Singh
 - c) DOB: 05/08/1985
 - d) Nationality: Indian
 - e) Passport Number: N/A
 - f) Occupation: Student
5. Reasons for delay in reporting by the complainant/informant: N/A
6. Details of the accused:
 - a) Name of the accused: Shankar Pandey
 - b) Father's name: Jitender Pandey
 - c) DOB: 25/01/1986
 - d) Nationality: Indian
 - e) Passport Number: N/A
 - f) Occupation: Student

7. Complaint given by the Complainant/Informant:

I reside in Delhi and study in same college where Shankar also studies. Today, at about 8:30 PM, I along with Ganesh was waiting for Shankar at the college gate as I wanted to talk to him about his rude behavior towards me after he lost the college elections. Ram drove out in his Jeep from the parking area with Shankar seated in the jeep beside him. He didn't stop the jeep even after I signalled him. We chased them on Ganesh's bike and they stopped the car after driving some distance in a secluded area and Shankar got out of the jeep and threw an iron rod towards me. I ducked to save my life and the rod hit Ganesh.

R.O.A.C

Name: Mohan Singh

Rank: Station House officer (SHO) Police Station: Rithala PS

Signature of the Officer-in-charge: Sd/-

8. Signature/Thumb Impression of the complainant/ Informant: Sd/-

ANNEXURE II

RELEVANT EXTRACTS FROM THE POLICE CASE DIARY

Since the above information reveals commission of offence under Sections 302, 301, 352 r/w 326 and 201 of the Indian Penal Code, 1860. The investigation has been taken over by Sub Inspector Kamal. The accused was arrested on 03.10.2017. On the information given by him an iron rod was recovered from a pond near where crime took place and marked as M.O.1.

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ANNEXURE III

MEDICAL EXAMINATION REPORT OF RAM

1. An already treated wound on the upper right arm of the person. The wound seems to be caused by a bullet.

2. A scar on the left thigh was observed on examination. The wound seems to be a few months old.
3. No burn marks were observed on the body of the person when he was examined.

During cross examination of the doctor it was established by the prosecution that the wounds were not fatal in nature and could not have possibly caused any sort of serious injuries to the accused.

RULES and SUBMISSION GUIDELINES

- ⊙ **Language-** The language for writing the judgment shall be in ENGLISH only.
Word limit – maximum 3500 words (including foot notes).
Font – Times New Roman
Font size- 12 for text, 10 for footnotes
Page numbers – bottom centre
Line spacing- 1.5 and for footnotes 1.0 and justified.
- ⊙ A **cover page** stating the name of the competition, the name of your institution and the names of student author, the code allotted with the signature of student author.
- ⊙ The judgment shall begin on the **next page**.
- ⊙ **Do not** state any matter in the judgment (except the cover page) that might **reveal your identity or of your institution**
- ⊙ The marking criteria for the judgment shall be based on the following:
 - ✓ Facts in Brief
 - ✓ Knowledge of Law
 - ✓ Application of Law
 - ✓ Appreciation of Evidence
 - ✓ Reasons for Judgment
- ⊙ There is NO cap for participation from a single institution.
- ⊙ Individual as well as Joint authorship is allowed. However, in case of joint authorship the maximum number of authors shall not exceed 2.

- ⦿ Participants will be allotted Unique Registration Number (URN) code upon their registration as stated above.
- ⦿ All the submissions must be submitted in soft copy form, both in Word as well as PDF formats.
- ⦿ The soft copy in MS Word and PDF formats must be mailed at lexquestor@gmail.com

AWARDS

- ⦿ 1st Prize:- Rs. 3000/- along with a E-Certificate(s)
- ⦿ 2nd Prize:- Rs. 2000/- along with a E-Certificate(s)
- ⦿ 3rd Prize:- Rs. 1000/- along with a E-Certificate(s)

FOR ANY CLARIFICATION:

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— ADVOCATES LEGION —

Concept Note

THE UNIFORM CIVIL CODE BILL, 2018

Homosexuality that is part and parcel of Indian culture from time immemorial has only recently become a subject of public debate. A reference to homosexuality is no more a hidden concept but now is sufficiently visible and is gradually being acknowledged despite having an ancient history, by both Indian civil society and the state. One is not a gay or a lesbian by choice, but by birth. Hence it is necessary that they are not ostracized by the society and be treated as equals and have a right to marriage and have a family. Accordingly, it requires a legislation to clearly demarcate the rights of both parties in a marriage, their rights and liabilities with respect to guardianship, adoption and maintenance.

The plight of transgender and homosexuals has been addressed and debated about but no law has come into force to protect their interest. As far as same sex marriage is concerned, until today, it is a criminal offence for two consenting adult gay, bisexual and transgender persons to have sexual intercourse in India. Lesbian women are not criminalized under Sec. 377, Indian Penal Code, 1860 as it criminalizes only 'penile non-vaginal sex'. However, lesbian women are frequently persecuted and prosecuted under false cases of kidnapping and/or theft offences, when partners elope. A gay, bisexual or trans person solemnizing a same-sex marriage in India may be interpreted as 'intending' to violate the law under Sec. 377, as 'consummation of marriage' by sexual relations is intrinsic to a marriage, as per both social and legal norms.

There requires a Uniform Civil Code would ensure 'equal rights in marriage, divorce, child custody, guardianship, inheritance and succession... irrespective of their gender, sex and sexuality, religious or cultural traditions or beliefs'. Further, 'sexual orientation of a married couple or a couple living in a partnership will not be a bar to their right to adopt a child'.

The scenario calls for immediate need in legislation which includes rules on marriage, divorce, child custody and inheritance 'in line with globally accepted values of human rights'. Personal laws on marriage, divorce, child custody and inheritance are "not always equitable and fair and do discriminate on the grounds of sex, gender and sexuality". The draft code has proposed rules on these issues "in line with globally accepted values of human rights".

Following are some of the recommendations in the draft proposal for the Uniform Civil Code:

- The sexual orientation of a married couple or a couple living in a partnership will not be a bar to their right to adopt a child.
- No non-judicial decree on divorce will have any effect on a couple wanting to leave a marriage through legal means.
- While determining the best interest of a child in case of divorce, the religion or sexual orientation of a parent must not be relevant.
- Every child, whether adopted or biological, will have equal share in a deceased parent's property, irrespective of gender, religion or sexual orientation.
- If this code comes into effect, the concept of Hindu Undivided Family will cease to legally exist, and all properties held by such families will be considered divided equally among those involved.
- All other personal laws shall be repealed.

A new Uniform Civil Code must be adopted which defines marriage as "the legal union as prescribed under this Act of a man with a woman, a man with another man, a woman with another woman, a transgender with another transgender or a transgender with a man or a woman. All married couples in partnership entitled to adopt a child. Sexual orientation of the married couple or the partners should not to be a bar to their right to adoption. Non-heterosexual couples will be equally entitled to adopt a child".

It has been observed by the US Supreme Court in the landmark judgment of *Obergefell vs. Hodges 576 US 2015*, 'The history of marriage is one of both continuity and change. Changes, such as the decline of arranged marriages and the abandonment of the law of covertures, have worked deep transformations in the structure of marriage, affecting aspects of marriage once viewed as essential. These new insights have strengthened, not weakened, the institution. Changed understandings of marriage are characteristic of a Nation where new dimensions of freedom become apparent to new generations.

The right to personal choice regarding marriage is inherent in the concept of individual autonomy. This abiding connection between marriage and liberty is why loving invalidated interracial marriage bans under the Due Process Clause. Decisions about marriage are among the most intimate that an individual can make. This is true for all persons, whatever their

sexual orientation. Further, the right to marry is fundamental because it supports a two-person union unlike any other in its importance to the committed individuals.

The basis for protecting the right to marry is that it safeguards children and families and thus draws meaning from related rights of childrearing, procreation, and education. Without the recognition, stability, and predictability marriage offers, children suffer the stigma of knowing their families are somehow lesser. They also suffer the significant material costs of being raised by unmarried parents, relegated to a more difficult and uncertain family life. The marriage laws at issue thus harm and humiliate the children of same-sex couples. This does not mean that the right to marry is less meaningful for those who do not or cannot have children. Precedent protects the right of a married couple not to procreate, so the right to marry cannot be conditioned on the capacity or commitment to procreate.’ This judgment legalized same sex marriage throughout the United States of America.

The Supreme Court decision in National Legal Services Authority (NALSA) v. Union of India (2014), which requires Central and State governments to amend laws to provide ‘right to marry’ for transgender persons, among other rights.

RULES and SUBMISSION GUIDELINES

- ⦿ **Language-** The language for writing shall be in ENGLISH only.

Word limit – maximum 7500 words (including foot notes).

Font – Times New Roman

Font size- 12 for text, 10 for footnotes

Page numbers – bottom centre

Line spacing- 1.5 and for footnotes 1.0 and justified.

- ⦿ Every team must include a Statement of Objects and Reasons (maximum 1 page) as part of their submission. The statement should summarize the proposed legislation and highlight the salient features.

- ⦿ Each submission shall include all relevant parts of a statute like Title, Preamble, Heading, Marginal Note, Section, Sub-section, Punctuation, Illustration, Exception, Proviso, Explanation, Savings Clause, Schedule, etc.

- ⦿ Each team may comprise a maximum of two members, studying in the same institution. Cross-institutional teams are not allowed.
- ⦿ There is NO cap on number of participations from one institution
- ⦿ A confirmation mail will be sent by the organizers along with the Unique Registration Number (URN).
- ⦿ All the judgments must be submitted in soft copy form, both in Word as well as PDF formats.
- ⦿ The soft copy in MS Word and PDF formats must be mailed at lexquestor@gmail.com

AWARDS

- ⦿ Winner:- Rs. 3000/- along with a E-Certificate(s)
- ⦿ Runner-up:- Rs. 2000/- along with a E-Certificate(s)

FOR ANY CLARIFICATION:

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- ⦿ Dr. Vidhi Madaan Chadda, Assistant Professor- +91-9810013604 / madaanvidhi@gmail.com

— ADVOCATES LEGION —

NATIONAL RESEARCH PAPER WRITING COMPETITION

Theme for the Research Paper:

“Law, Privacy and Governance”

Privacy has become a contentious issue in recent times. “Privacy” is not merely the ability to close the proverbial door to the outside world and mask information about ourselves. Our perceptions of privacy need to adapt to the changing reality of the times. The ‘Internationalisation’ and ‘Universalisation’ of information worldwide certainly has long-term effects on our lives and laws. The rising power of search engines like Google, innovative software, social networking sites, monitoring devices are constructing or rather reconstructing our lives. The widespread data protection invasion across the globe has also greatly contributed to a common recognition of the importance of privacy. International Law recognizes privacy as a fundamental Human Right under UDHR and ICCPR. Privacy underpins human dignity and other key values such as freedom of association and freedom of speech. The issue assumes all the more importance in light of Indian Supreme Court’s momentous judgment in K S Puttaswamy case. All these issues call for critical reflection and comment. We therefore call upon all the budding legal minds to submit original, genuine and unpublished contributions on the following domains.

Sub-themes for the submission of the research paper may include, but are not limited to:

- Technology and privacy: Social networking sites and privacy, data protection, Internet of things.
- Constitutional law and Privacy: Right to Privacy, Unique Identification Number and Privacy.
- E-Business and Privacy: Consumer Rights, Security vulnerabilities in online business.
- Case for Data Protection and Privacy Laws.
- Criminal Law and Privacy: Search, Seizure, DNA profiling, Cyber crimes.
- Evolving balance of Transparency and Privacy in Governance.

RULES and SUBMISSION GUIDELINES

- ⦿ The research paper must be written in English.
- ⦿ Co-authorship up-to two authors is permitted.
- ⦿ Only one entry is allowed per-author.
- ⦿ Only original research papers will be considered for the competition. No part of it should have been published earlier nor should it be under consideration for publication else-where.
- ⦿ Any form of plagiarism will result in disqualification of the research paper.
- ⦿ The research paper must not be more than 3000 words (including footnotes).
- ⦿ The first page of the research paper must contain the details of the author/s, title of the paper and the name of the college/institution.
- ⦿ All the research papers must be submitted in soft copy form, both in Word as well as PDF formats.
- ⦿ The soft copy in MS Word and PDF formats must be mailed at lexquestor@gmail.com
- ⦿ Formatting Guidelines:
 - ✓ **Word limit** – maximum 3000 words (including foot notes).
 - ✓ **Font** – Times New Roman
 - ✓ **Font size-** 12 for text, 10 for footnotes
 - ✓ **Page numbers** – bottom centre
 - ✓ **Line spacing-** 1.5 and for footnotes 1.0 and justified.
 - ✓ **Footnotes-** Bluebook 19th Ed.

AWARDS

- ⦿ First prize- Rs. 3000/- along with a Certificate(s) and an opportunity to get published in the Vivekananda Journal of Research bearing ISSN NO: 2319-8702
- ⦿ Second prize: Rs. 2000/- along with a Certificate(s)

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