

SVKM's Pravin Gandhi College of Law



MOOT COURT
SOCIETY



Presents

9th Nyayavalokan 2018
National Trial Advocacy
and
Judgment Writing Competition
October 11th – 14th 2018

RULES AND REGULATIONS

The participation in the 9th Nyayavalokan National Trial Advocacy and Judgment Writing Competition (hereinafter referred to as “the said competition”) is restricted to 24 teams only. The first 24 teams that confirm and complete the registration formalities shall be entitled to participate in the said Competition.

CHAPTER I – TRIAL ADVOCACY

Article 1 – Team Composition:

1. Each team shall consist of a minimum of 3 and maximum of 4 members. This number cannot be modified under any circumstances.
2. There can be 2 Speakers and 2 Researchers designated for each team.
3. Either one out of the two researcher(s) shall participate in the Judgment Writing Competition. This number cannot be modified under any circumstances.
4. Each team will have a team code and each member of the team shall also be given an individual team code. Teams should not disclose their identity or that of their institution or city, etc., under any circumstances and such disclosure shall invite penalties including disqualification from the Competition directly. The decision for the same shall be at the discretion of the Organizers.

Article 2 – Date and Venue:

1. The said competition shall be held from October 11th, 2018 to October 14th, 2018 at the SVKM’s Pravin Gandhi College of Law, Mithibai College Campus, 8th Floor, Vile Parle (W), Mumbai – 400056.

Article 3 – Dress Code:

1. Advocates attire (including neckband and gown) is compulsory. Participants are expected to make their own arrangements regarding the same. Not abiding by the said rule can lead to direct disqualification and the Organizing Committee will have complete discretion regarding the same.

Article 4 – Eligibility Criteria:

1. Students pursuing any three or five year courses of the LL.B degree in the Academic Year 2018-19 from any recognized law school/college/university in India are eligible to participate.
2. Participant shall carry their college Identity card for the purpose of identification during the said competition.

Article 5 – Registration:

1. Registration fee for the said competition is Rs. 8000/- (Rupees Eight Thousand Only) without accommodations payable by Demand Draft in favour of “Pravin Gandhi College of Law” payable at “Mumbai”. The Registration Fee inclusive of accommodation is Rs. 14000/- (Rupees Fourteen Thousand Only) is payable by Demand Draft in favour of “Pravin Gandhi College of Law” payable at “Mumbai”.
2. Teams from each participating college are required to send a scanned copy of their duly filled-in registration form along with the demand draft for registration via email to nyayavalokan@gmail.com latest by September 15th 2018. Each college must ensure that the subject of the mail reads “Registration for Nyayavalokan 2018”. Forms received after the deadline shall not be considered.
3. Teams participating are required to send the hard copy of the Registration form, Demand Draft and Travel forms latest by September 19th, 2018 at “SVKM’s Pravin Gandhi College of Law, Mithibai College Campus, 8th Floor, Vile Parle (W), Mumbai-400056.”
4. Teams shall provisionally register with the host college by September 13th 2018 before sending the Registration Form, Demand Draft and Travel Form. Forms will only be accepted if the host has confirmed the Registration formalities.

{NOTE: - No pickup drop services will be provided by the host college. It will only be provided from the place of accommodation to the college premises}

Article 6 – Language:

1. The said competition shall be in ENGLISH ONLY. Use of vernacular language by the participants during the said competition is prohibited.

Article 7 – Witnesses:

1. Organizers will provide the witnesses. The witnesses will be generally briefed and assigned by the Organizers. However, each team will have an opportunity to specially brief their witnesses. The witnesses to be briefed will be assigned to each team prior to the commencement of the respective rounds. All the participating teams will ensure that the witnesses depose only in English Language.
2. It is mandatory for the Prosecution and the Defence to examine ALL the witnesses and dropping a witness will result in loss of marks. However, the order in which witnesses are to be examined shall be determined by the concerned team taking examination in chief.
3. The team conducting examination in chief of their witnesses or the team cross-examining the witnesses will desist from arguing with the witnesses.

NOTE: COMPULSORY ATTENDANCE OF EVERY TEAM ON THE DAY OF THE ORIENTATION I.E. OCTOBER 11, 2018.

Article 8 – Anonymity:

1. Student Counsel may introduce himself/herself to the court in the usual manner and may also state their speaker code. However, the team's college name shall not be indicated to the judges at any time.
2. Further, all team members, coaches, advisors and observers shall refrain from identifying a team's law school/college/university at any time and in any manner, including but not limited to wearing any identifying items (such as college clothing, ties, patches or pins) or carrying identifying material (such as books with a college logo or seal etc).

Article 9 – Scouting:

1. Teams will not be allowed to observe the orals of any other teams. Scouting is strictly prohibited. Scouting by any of the teams shall result in disqualification.
2. Any team can file a written complaint with the Organizers, reading a case of scouting. The Organizers decision shall be final.
3. The researchers will sit with the speakers at the time of orals and shall not attend the court sessions of any other team participating in the said competition.

Article 10 – Rounds:

1. Orientation & Draw of lots for the Preliminary Round will be held on October 11th, 2018 and Draw of lots for other rounds shall be on the day of the round.
2. The Preliminary Round will be held on October 12th, 2018 comprising of Two (2) Rounds for each Team.
3. In the Preliminary Round, each team shall conduct both prosecution and defence.
4. Eight teams shall qualify for the Quarter-finals.
5. The quarter final round will be held on October 13th, 2018 in the afternoon session.
6. The semi-final round will be held on October 14th, 2018 in the morning session.
7. The final round will be held on October 14th, 2018 in the afternoon session.
8. Witness Briefing for Preliminary round and Quarter Final Round shall be for 45 minutes and for Semi Finals and Finals shall be for 60 minutes.
9. All the rounds will only be knock-out rounds. Qualifications will be based on the same.

Article 11 – Oral Rounds:

1. In the Preliminary and Quarter final round the time slot for each round shall be as follows:
 - a) Opening Statement (i.e. submissions on charge) on behalf of the Prosecution- 1 minute.
 - b) Opening Statement (i.e. submissions on charge) on behalf of the Defence- 1 minute.
 - c) Examination- in- Chief on behalf of the Prosecution- 10 minutes for each witness.
 - d) Cross Examination on behalf of the Defence- 12 minutes for each witness.
 - e) Examination-in-chief on behalf of the Defence- 10 minutes for each witness.
 - f) Cross examination on behalf of the Prosecution- 12 minutes for each witness.
 - g) Final Arguments on behalf of the Prosecution- 10 minutes.
 - h) Final Arguments on behalf of the Defence- 10 minutes.

Therefore, the Prosecution will get a total of 66 minutes and the Defence will get a total of 66 minutes in the preliminary round. Each speaker shall have to conduct Examination-in-Chief and Cross Examination of at least one witness in each round. This rule shall apply to the Two (2) rounds comprising the preliminary round. Each Speaker shall deliver either the opening statement or the final argument in each round.

2. In the Semi-final and Final round, the time slot shall be as follows:
 - a) Opening statement on behalf of the Prosecution-
2 minutes.
 - b) Opening statement on behalf of the Defence-
2 minutes.
 - c) Examination-in chief on behalf of the Prosecution-
15 minutes for each witness.
 - d) Cross Examination on behalf of the Defence-
15 minutes for each witness.
 - e) Examination-in-chief on behalf of the Defence-
15 minutes for each witness.
 - f) Cross Examination on behalf of the Prosecution-
15 minutes for each witness.
 - g) Final Arguments on behalf of the Prosecution-
20 minutes
 - h) Final Arguments on behalf of the Defence-
20 minutes

Therefore, prosecution shall get a total of 104 minutes and Defence shall get 104 minutes in the Semi-final and Final round. Each speaker shall have to conduct Examination-in-Chief and Cross Examination of at least one witness in each round.

Note: For all the rounds, Participants are requested not to continue the Examination-in-Chief or the Cross Examination of any witness whilst the Judges are dictating the evidence to the typist.

Article 12 – Judging Criteria:

1. Parameters for judging are:
 - a) Knowledge of facts.
 - b) Logic & clarity in reasoning.

- c) Persuasiveness and deference to court.
- d) Proper, articulate and systematic analysis of the issues arising out of facts.
- e) Understanding of the laws of evidence and procedure.
- f) Ability to successfully conduct chief/cross examination within the allotted time.
- g) Ability to elicit favourable facts from witnesses or deal with unreceptive, argumentative witnesses.
- h) Ingenuity (ability to argue by analogy from related aspects of law) or knowledge of the relevant provisions relating to penal laws.

Note – The Two Scene of Offence Panchnamas, Two Medico-legal Injury Certificates, Chemical Analyzer’s Report and the Toxicological Analysis Report shall be taken as proved. However, the FIR and the Attendance sheet shall be proved by the team allotted prosecution and defence respectively, through the concerned witness. Both the teams must be aware of procedure for taking contradictions and omissions and proving & exhibiting documents (FIR and the Attendance Sheet) and article, (Gold Chain). Marks shall be specially allocated for this purpose.

Note: There shall be no challenge by the participants to the fact that the Chain produced in evidence is not of Gold.

Article 13 – Awards:

1	Best team	Trophy and cash prize of Rs. 20,000/-
2	Second Best Team	Trophy and cash prize of Rs. 15,000/-
3	Best Student Advocate	Trophy and cash prize of Rs. 5,000/-
4	Second Best Student Advocate	Trophy and cash prize of Rs. 3,000/-
5	Best Judgments	Trophy and cash prize of Rs. 3,500/-

Article 14 – Certificates:

1. Certificates will be awarded only to the participants during the valedictory ceremony and under no circumstances will they be provided to any of the participants absent during the ceremony. In the event that the participants fail to

collect their certificates, no mail will be sent by the host college acknowledging their participation.

Article 15 – Accommodation:

1. Accommodation shall be provided only on prior request. The teams who would like to avail the accommodation facility need to make a prior intimation to the Host College and send an additional demand draft for Rs. 6,000/- (Rupees Six Thousand Only) in favour of “Pravin Gandhi College of Law” payable at Mumbai along with the registration form.
2. Accommodation shall be provided to the participants from October 11th, 2018 (Morning) – October 15th, 2018 (Morning).

Note: Drinking and Smoking is strictly prohibited at the place of accommodation. Non-compliance of this rule will lead to disqualification and the host institution can institute action against the team found violating this rule.

Article 16 – Miscellaneous:

1. Case laws that the parties wish to rely on at the time of final arguments shall be submitted in five copies (two for the judges, one for the other side, one for itself and one for the organizers).
2. Opening statement of the prosecution will require the prosecutor to address the judges on the charge it wishes the court to frame. It shall be necessary to point out the supporting material from the chargesheet herewith provided to sustain the charge. As far as the defence is concerned, the opening address shall require them to point out if there is any charge which the court ought not to frame as there is no material in the charge sheet provided herewith to support the same.
3. Judges are at liberty to ask questions to the Participants on relevant points of law which may arise from the problem or relevant provisions of Code of Criminal Procedure or Indian Evidence Act, arising during conducting the trial, in order to test the Participant’s knowledge of the relevant provisions relating to penal laws.
4. All exhibits in the chargesheet are assumed to be exhibited in accordance with the Indian Evidence Act, 1872 and the same shall be taken as being duly proved except as mentioned in Article 12 above.

5. The judges will be recording the evidence for both the prosecution and defence as taken by participants in the said competition.
6. In the event there is any contradiction between the evidence recorded in court and the Statements recorded under section 161 of the Code of Criminal Procedure, 1973, the participants must be aware as to the procedure to deal with such contradiction.
7. After completion of evidence, the participants will be given notes of evidence (hereinafter referred to as “the said notes”) of prosecution and defence recorded by the court. A fifteen (15) minutes break will be given to the participants for the perusal of the said notes. The participants will have to advance Final Arguments only on the basis of notes of evidence and the exhibited documents so provided to them.
8. All participating teams must be conversant with the Indian Penal Code, 1860; Criminal Procedure Code, 1973; and Indian Evidence Act, 1872 whilst taking evidence and advancing final arguments for the prosecution and the defence.
9. Last date for seeking clarification with respect to the said competition is 21st September 2018.
Clarifications can only be sought via email on nyayavalokan@gmail.com.
Answer to clarifications will be sought by 24th September 2018.

CHAPTER II – JUDGMENT WRITING COMPETITION

The Judgment Writing Competition will be held during the semi-final rounds. The participants will be divided in two court rooms (8 participants in each court room). Pursuant to the semi-final rounds, each participant of the judgment writing competition will be provided with a computer for the judgment writing competition. The top scorer from both the court rooms will get the award for ‘Best Judgment’. The judgment writing shall be held on October 14th, 2018.

Note:

1. The travel form should be sent along with the Registration form. Registration form, travel form and clarifications will only be sought via e-mail on nyayavalokan@gmail.com.
2. The railway stations nearest to the college premises are Dadar Central and Western, Andheri, Bandra, Borivali and LokmanyaTilak Terminus.

3. Nearest Airport is the Chattrapati Shivaji Domestic Airport, Mumbai. Kindly mention the airport (International or Domestic) while travelling to Bombay.

For any further clarifications, kindly contact:

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