

**1st BIBHUDHENDRA MISHRA MEMORIAL
NATIONAL MOOT COURT COMPETITION - 2020**

Organised by

High Court Bar Association, Odisha, Cuttack

Date	: 15 th February, 2020
Time	: 8.30 AM On wards
Venue	: Convention Hall, High Court Bar Association, Odisha, Cuttack

RULES AND REGULATIONS

Introduction:

Moot courts or mock trials are usually based on hypothetical cases involving emerging or unsettled areas of law.

Occasion

Orissa High Court Bar Association in Association with Bibudhendra Mishra Memorial Trust is going to organize Centennial ceremony of Freedom Fighter Late Bibudhendra Mishra in a grand way. For this purpose several steps have been taken. One such step is 1st Bibudhendra Mishra Memorial National Moot Court Competition 2020.

Late Bibudhendra Mishra was a Freedom Fighter & close associate of Netaji Subhash Chandra Bose & was actively involved in Azad Hind Fauj. He was prosecuted and arrested under Enemy Agent Ordinance during British Regime. After Independence he was appointed as Union Law Minister in the Ministry of Pandit Jawaharlal Nehru Govt. He was also Union

Minister in the Ministry of Lalbahadur Sastri and Mrs Indira Gandhi. During his Tenure as Law Minister he introduced many important bills including **Advocates Act 1961** in Parliament. He was honoured with honorary doctorate by Utkal University. He was designated as Senior Advocate and adorned the post of President of High Court Bar Association, Odisha, Cuttack for twice

Aim and Purpose

To expose students pursuing the Law Degree or Master degree in Law Course to the nuances of court system in India and to hone advocacy skills.

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 the concerned area of laws.

Subject, Date, Time and Venue

1st Bibhudhendra Mishra Memorial National Moot Court Competition 2020 will be held as per schedule below.

Date: 15th February, 2020 (Saturday)

Registration

a) Online Confirmation

The participants intending to participate in the event shall have to confirm their participation by sending email by 5.00PM 14th February 2020.

b) Spot Registration

The Participants have to report at the venue on the date of event as per the following.

Registration Time: 8.30 am to 9.15 a.m

Competition Time: 9.30 onwards till Final Round with a lunch Break of 30 munities

Venue: Convention Hall ,High Court Bar Association, Odisha, Cuttack

Registration Fee

There shall be no registration fee to participate in the competition.

Participation Certificates

Each participant shall be felicitated with a certificate of participation and gift as a token of love.

Awards & Certificates

1st PRIZE: Cash award of Rs 25000/- (Twenty Five Thousand) only with Memorial Medal & Certificate

2ND PRIZE: Cash award of Rs 15000/-(Fifteen Thousand)only with memorial Medal & Certificate

3rd PRIZE: Cash award of Rs 10000/-(Ten Thousand)only with memorial Medal & Certificate

(In case of Tie in any category of Award, same shall be equally divided among all Tie holders)

Distribution of Awards

All three award holders shall be honoured in a Grand Centenary Function in presence of high dignitaries at Saheed Bhawan, Cuttack on 22nd February at 5.30 pm (Time Tentative)

Dress code

- I. The dress code shall be formal.
 - a. Gentlemen: White shirt, Black Trousers and Tie.
 - b. Ladies: White Sari or Slwar-kurta, or White Shirt, Black Trousers
 - c. The dress code is applicable to all participants

Language

The language of the competition will be English.

Eligibility

Participation is restricted to the bona fide – registered students of different Law colleges and Law Universities. Students will be required to carry their Identity Card of their respective Institution along with a recommendation letter from the Head of the Institution and the duly filled registration form.

Practicing Advocates are not eligible to participate.

The Organisers may allow more participants from the institutions considering the total number of participation.

Team Composition

Each Participant shall be individually evaluated by Judges.

Maximum Five (5) students will be allowed from each institution.

Registration mode

All participant must register with HIGH COURT BAR ASSOCIATION, Odisha ,Cuttack by conforming his participation via email.(prasannakumarnanda73@gmail.com)

(He must give his name ,Semester, Institution name. He shall attach a copy of Identity card issued by respective Law College/University.)

ROUNDS

a) Oral Round

There will be two rounds. The first round will be a screening/preliminary round.

The best five participants will be taken to final round.

The qualifying best five participants will be judged on the same day with the same problem.

It shall be open for the participants to choose their sides to argue the case.

b) Written Submission/ Note of Citations (Five Copy)

The Participants have to submit their written submissions on the date of the event.

There will be separate marking for the written submission.

Non-conformities will be penalized:

- a. Each participant shall prepare Written Notes of submission and Memo of Citation)
- b. Written notes must be submitted in type written form.
- c. Once the memorials are submitted, no revisions, supplements, or additions will be allowed.

However participants are allowed to argue beyond their written notes.

Late submission of memorials will not be allowed.

Anonymity

- a. Student counsel may introduce him / her to the Judges in the usual manner with his code number.
- b. However, the participant's College or University or other affiliations shall not be revealed at any time to any of the Judges before the competition is over.
- c. Further, all participants and observers shall refrain from identifying a team at any time and in any manner, including, but not limited to, wearing any identifying items, such as badges, blazers or identifying material, which may indicates their College or University or other affiliation.
- d. Accommodation and transport Travel expenses will be borne by the respective participants

Miscellaneous

- I. Participants are required to maintain proper decorum in the court during competition. The organisers reserve the right to take appropriate action for any unethical, unprofessional or immoral conduct.
- II. The Coordinator shall reserve the right to vary, alter, modify or repeal any of the above rules if so required and as they deem appropriate before each of round including final round.
- III. If there is any change in the Rules, it will be notified through oral declaration at spot.
- IV. The use of Laptops, Mobile or any other electronic device is strictly prohibited during the hearing also when these items are solely used for measuring time. Speakers are allowed to use watch only. An exception can be made by the Coordinator for exceptional circumstances.

For further details/Clarification, please contact:

Mr Prasanna Kumar Nanda, Advocate

Co-ordinator,

1st Bibhudhendra Mishra Memorial National Moot Court
Competition 2020

C/o- Office of Secretary, High Court Bar Association, Cuttack -
753002

Mobile: 9937230999/9437030999

Email: prasannakumarnanda73@gmail.com

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REGISTRATION FORM

1. Name : _____

2. Father's /Mothers Name

: _____

3. Address : _____

City : _____ PIN : _____

4. Name of the Institution :

5. Semester :

6. Contact No.

7. Email :

8. Whether Confirmed By Email : YES : NO

If yes a copy of the email may be produced at the time of spot reporting.

I have read and understood the rules and regulations of the event and I Further undertake to obey and follow the same.

Place

Date

Signature

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MOOT COURT PROBLEM

NAGENDRA stood trial being charged U/s. 302/201 IPC for having allegedly murdered BISWANANDA in the night hours of 11.10.1996 and having buried the body in the paddy field on the village outskirts to cause dis-appearance of the body.

On 12.10.1996 in the afternoon the body of the deceased was found buried in the paddy field it was NAGENDRA himself who allegedly saw a foot sticking out from the field and informed the two co-villagers KISHORE and PRABHAT (both not examined) and after the body was brought out, DINAKRUSHNA, father of the deceased lodged an FIR at Banpur P.S. suspecting that his son had been murdered and FIR having been registered against unknown persons and investigation was taken up.

The Investigating Officer (I.O.) in course of investigation examined DINAKRUSHNA, visited the spot, prepared the spot map, examined the villagers and camped in the village over night guarding the body. He held inquest next day morning in presence of the Executive Magistrate(not examined) and two inquest

witnesses (not examined at trial). Dr. K.C Sahu who conducted the post mortem found a concussion and a head injury was in his opinion the cause of the death. He found no injury on the neck or up any where else. On 31.01.1997 NAGENDRA was arrested and thereafter two witnesses were examined by the I.O. on 01.02.1997 who stated that in the night when deceased went missing from the house they had seen NAGENDRA assaulting the deceased and throttling him and they stated they did not disclose this fact being afraid of the NAGENDRA. The I.O. got the statement of these two witnesses i.e. Sahadev and Nara recorded U/s. 164 Cr.P.C.

He further examined one Shayamwho stated that in the next day of occurrence NAGENDRA had made a confession to him stating to have murdered the deceased and buried him in a field. In the charge-sheet it was stated by the I.O. that the body of the deceased was recovered at the instance of NAGENDRA but no statement of NAGENDRA to this effect was recorded by him not it was indicated as to in whose presence the said confession was made.

DINAKRUSHNA the father of the deceased had stated that six months prior to the incident of recovery of body NAGENDRA had threatened to murder his son.

Learned Sessions Judge found NAGENDRA guilty of having committed offences punishable U/s. 302/201 IPC and sentenced him to life imprisonment.

Challenging the Conviction and Sentence NAGENDRA filed

Criminal Appeal before Hon'ble High Court of Orissa

Argue the appeal on behalf of either the Appellants or the State of Odisha.

For any clarification or further details kindly contact :

Mr Prasanna Kumar Nanda, Advocate

Co-ordinator,

1st Bibhudhendra Mishra Memorial National Moot Court
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