



2nd National Moot Court Competition, 2018



About the Moot

The Moot Court Association, School of Law, Shoolini University is proud to announce the **2nd National Moot Court Competition, 2018.**

The moot court competition will be held on **Friday, 2nd November, 2018.** The aim and objective of the competition is to develop interest in criminal law litigation. We believe that the competition will provide a platform for law students to enhance their advocacy skills and showcase their legal knowledge.

About the Shoolini Law School

School of Law, Shoolini University offers a great learning experience by exposing students with wide array of topics. Students get to learn from top legal practitioners with focus on analytical and critical thinking. The law school offers unique programs which focus on niche areas like IPRs, cyber law, international business transaction law, health care, environmental laws and dharma and law.

The School of Law provides a world class infrastructure surrounded by the flora and fauna of Himachal Pradesh. A techno-driven research culture, skill enhancement programs, field visits, internationalization, qualified teaching staff, world acclaimed teaching pedagogies, industry-interface, well designed and execute community outreach and extension programs and the like, makes School of Law a preferred destination for students.

The Shoolini School of Law and the moot competition is being mentored by **Hon'ble Justice S.S. Thakur, Retired Judge of Himachal Pradesh High Court.** A pioneer in the field of law Jstc. Thakur has had a wide experience both with the bar as well as bench.

We cordially invite your esteem institution to participate in the “2nd National Moot Court Competition”.

Prizes

- The winning teams, best speaker, best memorial will be awarded with cash prizes. The prizes will be announced to the participating teams after registrations.
- Certificate of participation shall be given to all the participants at the end of the valedictory function.

Competition

We look forward to your response and welcome your team to the School of Law, Shoolini University, Solan, HP.



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Moot problem

1. Yugal, a boy, aged 4 years, son of Mr. Ram Pratap Gupta and Mrs Shyama Gupta lives in lavish house at Panthapuri, Simala. They have a big showroom at Panthapuri main market, Simala. It is a very reputed family of Simala town.
2. Yugal was kidnapped from Simala's busy Panthapuri main market on June 14, 2014. Mr. Gupta filed a FIR of the missing kid at Sadar police station on the day of his son's kidnapping. A criminal case was registered on 16-06-2014, while a letter seeking a ransom of rupees 3.6 crore was received on June 27, 2014.
3. On 04-07-2014 Ram Kumar Gupta, father of Yugal received second ransom letter through post, of which information was given to the IO. In the said letter the kidnappers even threatened to kill Yugal.
4. The last ransom call was received for rupees 10 cores and threatened to kill his son as well as two daughters.
5. The police started the investigation and were unable to grab the offender. The case was later on transfer to the State CID. The agency took over the specimen handwriting of suspects and ransom letters and sent the same to forensic lab. The investigation continued and many persons were taken as witnesses on the basis of mobile phone locations.
6. On January 29-2015, some municipal employees found a Skelton while cleaning the tank after a Jaundice outbreak in the Simala city. On conducting the DNA test, the remains matched with that of Yugal's parents.
7. Three persons, Surender Sharma, Vijender Singh and Nishant Dikshit were arrested under sections 457, 380 of IPC on suspicion. The investigating agency recovered half written letters from the rented house of one of the accused Surender Sharma. The said accused who was a neighbor to the victim's family, was also in constant touch with Yugal's family members.
8. Surender Sharma at the time of commission of conspiracy was not present in Simala as he was present at his brother's wedding on 20th June-2014.
9. According to Postmortem report conducted it was confirmed that the Skelton was of the same child Yugal. He was thrown alive in the said water tank with his body tied to a big stone and he died of drowning.
10. On the basis of the facts police filed a challan in the court of learned CJM Simala. The court found a prima facie case for commission of offense punishable under 364A read with 120B, 347 read with 120B, 302 read with 120B, 201 and 202 read with 120B of IPC.
11. Out of the three accused, Surender Sharma confessed his guilt as he was emotionally attached with Yugal and confessed that they had thrown Yugal thinking him to be dead in

the water tank. The investigation revealed that Yugal was tortured by forcing him to drink alcohol and beaten severely.

12. The case was transferred to the court of Hon'ble District and Session Judge for want of jurisdiction. On examining the witnesses, phone details, handwriting specimen and other evidences. All three accused were prosecuted for murder of Yugal.
13. The Hon'ble District and Session Judge convicted all the three accused persons for kidnapping for ransom and murdering Yugal and punished them with capital punishment as the present case falls in the definition of rarest of rare case.
14. Now the appellants have preferred an appeal before the Simala High Court against the decision of the Simala Session Court.

Points for arguments:

1. Whether the appeal is maintainable in the eyes of Law or not?
2. Whether Surender Sharma, Vijender Singh and Nishant Dikshit are rightly implicated for murder of Yugal?
3. Whether Surender Sharma is rightly prosecuted and sentenced for the murder of Yugal?
4. Whether the above said case falls within the parameters of the rarest of rare case?

Note:- The teams are allowed to add any issues/points for arguments.



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Notification

WHEREAS, School of Law, Shoolini University, Solan, constituent of the Shoolini University of Biotechnology and Management Sciences, has announced its '**2nd National Moot Court Competition, 2018**', to be held on **2nd November, 2018** to enable law students from all across India to participate to showcase their majesty over law and legal principles;

THEREFORE, the **Moot Court Association, School of Law, Shoolini University, Solan**, hereby makes the following rules, namely: -

Part I Chapter I Preliminary

1. (1) Short title and commencement: These rules may be called 'Moot Court Association Rules', 2018.

2. (1) Definition: In these rules, unless the context otherwise requires, -

a) '**Institution**' means and include 'School of law', a constituent of Shoolini University, Solan, Himachal Pradesh.

b) '**Competition**' means the '**2nd National Moot Court Competition**';

c) '**Organizing Committee (OC)**' means the student-faculty-staff body appointed for the administration and smooth conduct of the competition, including all other members conferred with powers on ad-hoc basis by the 'Faculty In-charge' of the Moot Court Association of School of Law, Solan;

d) '**Team**' means and includes only bona fide representatives of any University, may that be state or central or any other department recognized/authorized by the Bar Council of India to impart law degrees, and who have applied and registered for the competition by complying with the procedure prescribed in these present rules;

e) **'Team Code'** means a unique code assigned by the institution to the applied and registered team;

f) **'Moot Problem'** means a set of facts published by the institution for competition;

g) **'Memorial'** means the written arguments submitted on behalf of both sides in accordance with the Competition Rules by each Team participating in the Competition.

h) **'Bench'** refers to the members duly invited by the institute, to adjudge any of the rounds, collectively;

i) **'Oral Round'** refers to the oral pleadings made by the teams before the bench during any of the rounds of assessment, including time given for rebuttal;

j) **'Clarifications'** means explanation published by the institute on the moot problem, at any point of time of the competition or a query posed by any competing team within the given deadline **22th October, 2018**.

(2) In these rules, except as otherwise indicated, a reference to a rule is reference to that rule in these rules, and a reference to a form is a reference to that form attached in annexure to these rules, as the case may be.

Chapter II

Registration Process and Fees Details

3. Eligibility. -

(1) Students duly enrolled and pursuing full time 5 year or 3 years undergraduate law course may apply in a team of 3, that includes two mooters and one researcher;

(2) Students enrolled and pursuing post-graduate diploma or short-term certificate courses in law are not eligible to apply;

(3) Students from any University/Department/Institute not recognized by the Bar Council of India, to impart law degrees are not eligible to apply;

(4) Any person, other than the 3 team members are not eligible to avail facilities reserved for the student participants.

4. Registration Procedure. –

(1) (a) Each team shall register to the institute online by filling the registration form on or before **20th October 2018, 05:00 pm** and emailing the scanned copy of the same at mcasol2017@shooliniuniversity.com.

(2) On receipt of the duly filled provisional registration form, the institute shall respond to the participating team, acknowledging the receipt;

(3) On completion of the timeline for registration, as specified in clause (1)(a), the institute shall respond to each team with a unique team code, which shall be printed on the memorials in the specified place and also shall be used to identify teams during the competition;

(4) Each registered team shall send the one-one hard copy of memorial from both sides to the Organizing Committee at **School of Law, Faculty of Legal Studies, Shoolini University of Biotechnology and Management Science, Post Box 9, Head Post Office, The Mall, Solan.173212 HP** and a soft copy at mcasol2017@shooliniuniversity.com on or before **25th October, 2018**, before 05:00 pm.

(5) Any team, intending to change the team composition shall intimate the Organizing Committee via email. However, this change is allowed only once and before **25th October, 2018**.

(6) Clarifications can be sought on any part of the moot proposition. These clarifications are to be sent via mail. It is in the discretion of the Organizing Committee on whether a clarification sought is valid and to be clarified. These clarification mails are to be sent before **25th October, 2018**.

5. Fees and Payment. –

(1) The registration fees for the competition is Rs. 2,000/- per team (In words- Rupees Two Thousand Only). The participants would be provided kits, certificates and refreshments.

(2) Mode of Payment:-

Payment can be made through net banking/RTGS/IMPS to:

Bank name: Punjab National Bank

Beneficiary Name: Shoolini University of Biotechnology & Management Sciences

IFSC Code: PUNB0043300

Account No.: 0433000100728136

MICR code: 173024002

Branch name: The Mall, Solan

Participants are requested to send the transaction details at mcasol2017@shooliniuniversity.com

Part II
Chapter III
Moot Court Rounds

6. Written Submissions-

- (1) Each team shall research in to the domain of moot problem and subject to clause (2), prepare memorial from both sides, namely, appellant and defendant;
- (2) The memorials shall have following heads, namely-

- (a) Cover Page (It shall include the team code in upper right corner, name of the case, parties for which written submissions are made, name of the forum approached for dispute resolution, year.)
- (b) Table of Contents
- (c) List of Abbreviations
- (d) Index of Authorities
- (e) Statement of Jurisdiction
- (f) Statement of Facts
- (g) Issues Raised
- (h) Summary of Arguments
- (i) Arguments Advanced
- (j) Prayer

- (3) No team shall specify anything other than that mentioned under clause (2) to in order to maintain anonymity.

- (4) The memorials shall be assessed out of 100 marks, by a team of experts on the predetermined criterion, as specified here under-

- (a) Clarity of Facts (10 marks)
- (b) Use of Law (20 marks)
- (c) Use of Authorities/Precedents (20 marks)
- (d) Argumentation and Clarity of thoughts (30 marks)
- (e) Presentation (10 marks)
- (f) Originality (10 marks)

- (5) The teams are requested to bring **2-2 hard-copies** of their memorial from **each side** (total 4 copies) when they report for on-site registration **2nd November, 2018**. They shall handover these copies while they register on site. The softcopy submitted for the memorial round and the hardcopy submitted during the registration have to be identical. Any discrepancies observed may lead to severe penalties that may include, but is not limited to the disqualification of the team.

7. Formatting and Citations. –

- (1) All written submissions shall be typed on A4 size paper, in Times New Roman (font type), in 12 points (font size), line spacing 1.5, both side Justified, and headings to be in the same font and size, but with bold.
- (2) Written submission shall contain a border.
- (3) Each page shall have 1 inch margin from each side.
- (4) Cover page of the memorial on behalf of appellant shall be in blue, and defendant shall be in red. The memorial shall be spiral bound only and shall not contain more than 25 pages, excluding cover page, table of content and indexes.
- (5) All teams shall give footnotes by adhering to Blue Book: A Uniform System of Citations (19th Edition).

8. Plagiarism. –

- (1) Memorial or any other parts of the pleadings if found to be plagiarized, then Organizing Committee reserves the right to disqualify a team, at any stage of the competition.

9. Anonymity of Teams-

- (1) Teams shall not reveal their identity in any form, except by means of the Team Code allotted to them during the Competition.
- (2) The Written Submissions shall not reveal the identity of the team in any form and should not bear the logo, name etc. of the University represented.
- (3) Any material presented to the Panel should be devoid of any identification marks/seal of the Team. If any such mark/seal exists, it must be rendered unrecognizable.
- (4) Any violation of the aforementioned rules shall attract severe penalty or disqualification as determined by the Organizing Committee. The decision of the Organizing Committee in this regard shall be final and not subject to challenge.
- (5) During the submission of the memorial, the email should have no reference to the name of the institution and should only contain the team code.

Chapter IV
Oral Pleadings and Selection Criterion

10. Dress Code. –

(1) The participants shall adhere to the following dress code while in the court rooms:

a. Ladies: White salwar and kurta or white shirt and black trousers or skirt along with black blazer and black shoes; and

b. Gentlemen: White shirt, black trousers and black tie along with black blazer and black shoes.

(2) The above-mentioned dress code extends to the Inaugural and Valedictory ceremonies as well.

11. Structure of the Competition. –

(1) The competition will be held on **2nd November, 2018**.

(2) The competition shall have two Preliminary Rounds, Semi-Finals and the Final Round.

12. Scouting. –

(1) No member of any team will be permitted to hear the arguments in any courtroom in which that team is not one of the contesting teams whilst that team is in the competition. The Organizing Committee shall take strict action, which may include but not be limited to the expulsion of the said team from the competition, if this rule is violated.

13. Preliminary and Semi-Final Round. –

(1) For Preliminary Rounds -

(a) Each team shall argue once from appellant side and from defendant side in no particular order.

(b) No team shall argue against another team more than once in preliminary rounds, nor will they argue before the same panel of judges and the same will be determined by a predetermined fixture by the organizing committee.

(c) For the preliminary rounds, each team will be given 20 minutes to present oral pleadings and additional 5 minutes shall be reserved for rebuttal.

(d) Teams are required to exchange their memorials and shall return the same intact to the organizing committee on completion of their respective rounds.

(e) Oral pleadings of the team would be adjudged by a panel of judges, invited by the institution.

(f) Extension of timings shall be at the discretion of the judges.

(g) In no case researcher would be allowed to plead, however he is allowed to pass notes to the orator with the prior leave of the judges.

(h) Case compendium or any other relevant material to be submitted to the judges shall be submitted only through court masters.

(i) No team is allowed to carry Mobile inside the court room for research or any.

(j) No team shall indulge themselves in any act of misconduct in or out of the court room undermining the credibility of judges or that of the competition, if done it may lead to immediate disqualification.

(2) Semi-final Round. -

(a) Semi-final round shall be a knock out round consisting of 4 teams in total. Side and teams would be determined on the basis of draw of lots.

(b) Each team will get minimum 20 minutes to argue from the allotted side, including 5 minutes time reserved for Rebuttals.

(c) Semi-final round would be a knock out round, marks obtained only in oral pleadings, out of 100, will be a decisive factor in determining which team will qualify finals. In case of tie in oral pleading marks, then the memorial marks will determine qualifying team. Even if tie persists then, a team with highest individual score will qualify for finals.

15. Final Round. –

(1) Final round shall be a knock out round consisting of 2 teams in total. Side would be determined on the basis of draw of lots.

(2) Each team will get minimum 40 minutes to argue, including 5 minutes for Rebuttal. Side on which teams would be arguing is based on draw of lots.

(3) Other governing standards apply as mentioned in rules.

16. Assessment Criterion for Oral Pleadings. –

(1) Team performance shall be judged in all rounds on the basis of following criterion:-

- (a) Knowledge of the Facts (20 marks)
- (b) Application of Laws to the Fact and Interpretation (20 marks)
- (c) Argumentative Skills (20 marks)
- (d) Clarity of Thoughts and Expression (20 marks)
- (e) Court Mannerism (10 marks)
- (f) Response to Questions (10 marks)

17. Qualifying rules. –

(1) Each preliminary round shall be decided on the basis of allocation of a total of 100 marks; which includes 30 percent of the marks of memorials and 70 percent of the marks of oral pleadings.

(2) Any team scoring the highest out of 100, in each round, will be declared as winner.

(3) Semi-final round would be a knock out round, marks obtained only in oral pleadings, out of 100, will be a decisive factor in determining which team will qualify finals. In case of tie in oral pleading marks, then the memorial marks will determine qualifying team. Even if tie persists then, a team with highest individual score will qualify for finals.

(4) In the Final Round average marks obtained only in oral pleadings out of 100 will be a decisive factor in determining whichever team has won the competition. In case of tie in oral pleading marks, then the marks obtained in memorial round will determine winner. If a tie persists, the team with highest individual score will be declared as winner of the competition.

18. Accommodation and Travel.-

No accommodation will be provided as it is a one day event. Students are expected to reach the university campus by **09.00 a.m.** sharp on the **2nd November, 2018**, however out of the State participants shall be accommodated. The participants are requested to make their own arrangements for travel and stay. However, for any assistance, participants can contact the organizing committee.

Chapter V
Miscellaneous

19. Miscellaneous Provisions:-

- (1) The organizing committee reserves the right to amend, modify, change or repeal any of the Competition Rules and the same shall be communicated to teams.
- (2) All teams are bound to follow code of conduct and rules laid down by School of Law, Shoolini University and its constituent departments.
- (3) Carrying, possess and consuming liquor, cigarettes or any other intoxicating material shall be dealt strictly.
- (4) Any behavior of indiscipline with Organizing Committee or any other staff member or student volunteer shall be dealt strictly.
- (5) No audio or videotaping of oral pleadings is permitted.
- (6) No team shall ask for feedback immediately on completion of each round, however, at the end of all rounds member may talk to judges, with minimum inconvenience caused to them.
- (7) Any attempt to approach framer of the moot problem or judges of the competition, prior to the competition shall be dealt strictly.
- (8) In case of any other conflict the decision of the Organizing Committee shall be final and binding.

20. How to reach Shoolini University.-

- (1) Shoolini University Campus is situated approx. 15 kms from Solan Town.
- (2) The University is well connected through roadways, railways and airway. The nearest railway station is Kalka Railway Station, approx. 40 kms from Solan and the Chandigarh Airport is approx. 55 kms from Solan. Local buses are easily available from Solan to University Campus



2nd National Moot Court Competition, 2018



Contact Us

Address:

School of Law, Faculty of Legal Studies
Shoolini University of Biotechnology and Management Science
Solani-Oachghat-Kumarhatti Highway, Bajol, Solan, Himachal Pradesh 173229

Mailing Address:

Post Box 9, Head Post Office, The Mall, Solan. 173212 HP

Email address- mcasol2017@shooliniuniversity.com

Organizing Committee:

Chief Patron

Jstc. S.S. Thakur

Convener

Dr. Nandan Sharma

Contact Number

8219813441

Faculty Coordinator

Ms. Anupriya Thakur

7018954696

Ms. Monika Thakur

8988058487

Student Convener

- | | |
|------------------------|------------|
| 1. Mr. Yash Thakur | 7807205357 |
| 2. Ms. Megha Sharma | 7807158066 |
| 3. Mr. Aakash Jain | 8894605277 |
| 4. Ms. Palak Sharma | 9816779935 |
| 5. Mr. Himanshu Sharma | 8219178229 |



2nd National Moot Court Competition, 2018



Important Dates

S no.	Particular	Date
1.	Release of Moot Problem	8th September, 2018
2.	Last Date for Registration of Teams	20th October, 2018
3.	Last Date for seeking Clarification on Moot Problem	22th October, 2018
4.	Last Date for Submission of Memorials (Soft and Hard Copies)	25th October, 2018
5.	Memo Exchange	29th October, 2018
6.	Date of Competition	2nd November, 2018



2nd National Moot Court Competition, 2018



Registration Form

(To be filled in block letters)

Institution Details:-

Name-

Address-

Contact No. -

Team Details:-

Speaker 1-

Name- _____

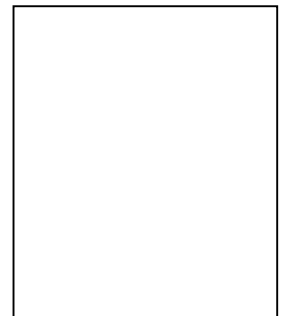
Gender- _____

Contact no- _____

Email id- _____

Year/Semester- _____

Sign _____



Speaker 2-
Name- _____

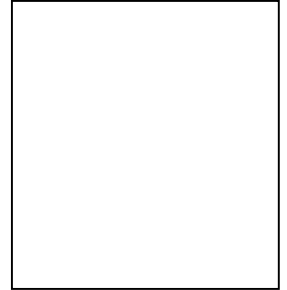
Gender- _____

Contact no- _____

Email id- _____

Year/Semester- _____

Sign _____



Researcher-
Name- _____

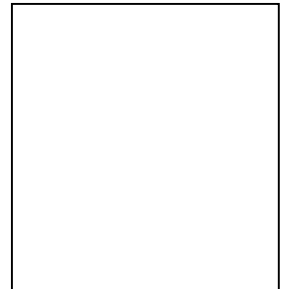
Gender- _____

Contact no- _____

Email id- _____

Year/Semester- _____

Sign _____



Payment Details:-

1) Transaction Id- _____

2) Date of Transfer- _____

We the undersigned confirm that, above mentioned three students are *bonafide* students of our institute and we have obtained permission from their parents to participate in Moot Court Competition hosted by School of Law, Shoolini University, and Solan.

Faculty In-Charge

**Sign and Seal of
Head of Institution**

Place: _____

Date: _____