

3rd National Moot Court Competition

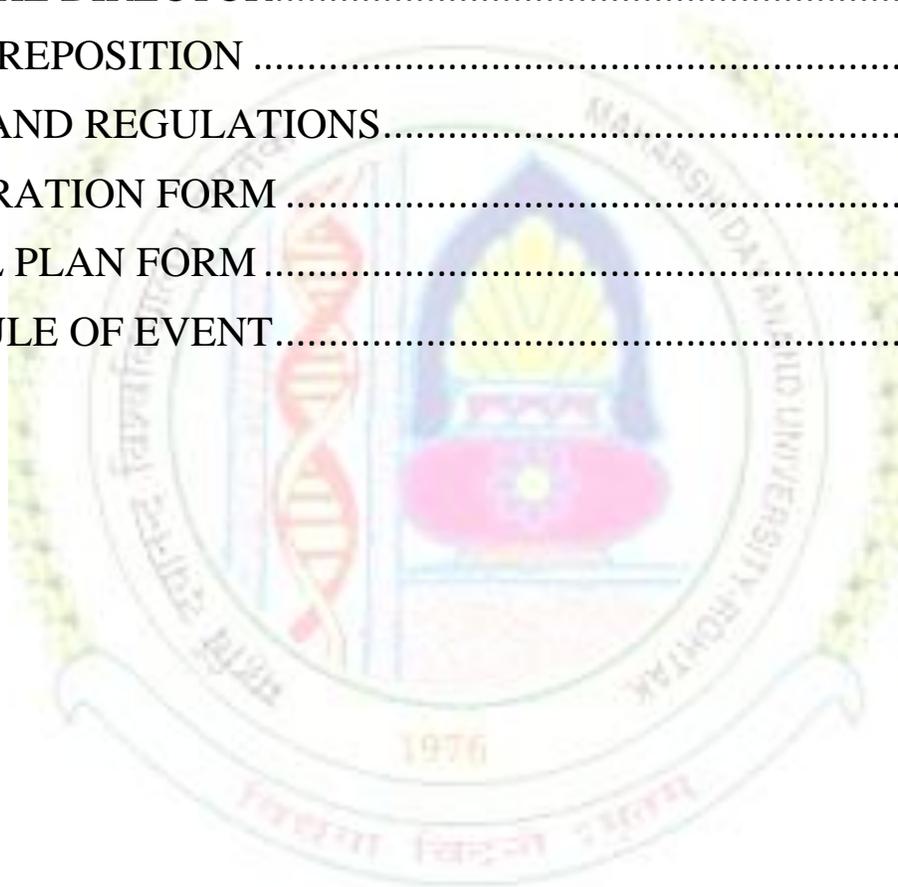
(21st – 22nd March 2020)



Organized by : MDU-Centre for
Professional and Allied Studies

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ABOUT THE CENTRE

MDU- CPAS formerly known as UILMS established in 2000 as National Law College is the maintained Centre of M.D. University, Rohtak. CPAS spread in 7 acres is the Satellite Campus of Maharshi Dayanand University, Rohtak and is located in the vicinity of Gurugram city in Sector 40. Institute offer Quality Education in discipline of Management and Law through programs like 2 year MBA (General), B.A.L.L.B -5 year, L.L.B.- 3year, L.L.M Evening. Centre has well qualified faculty and administrative staff recruited by University itself. Centre is approximately 1 km away from NH-8 and 2km from Huda city centre. Since its inception, the centre has attained numerous laurels to its credit. The centre has numerous societies which are involved in diverse fields & activities ranging from the cultural arts, photography, academics to scholarly events. The societies not only successfully organized Internal and National Events but also participate in various National level competitions with great enthusiasm, adroitness, efficiency and skillfulness.

MDU- Center for Professional and Allied Studies, Gurugram, Sec- 40, has created a professional and healthy competitive environment for its students, ensuring that they get the best understanding of law. It also continuously works hard and focuses on improving the professional skills of their students and provides them with the best academic and practical experiences. The MDU-CPAS has organized many triumphant Events the most recent being the ZONAL YOUTH FESTIVAL'17 and also their 1st and 2nd NATIONAL MOOT COURT COMPETITION.

Moreover the objective of MDU- Center for Professional and Allied Studies National Law Fest, 2019 is to home the academic excellence in the student community concerning the rights of people, and to develop their advocacy and research skills in an environment of friendly competition. The competition also aims to provide a platform for law students to exhibit their argumentation skills which are the core part of advocacy.

FROM THE DESK OF
VICE CHANCELLOR



Prof. Rajbir Singh

Vice Chancellor MDU

Rohtak

“Students of Law today are more active, they have numerous competitions and events. At MDU-CPAS, I have seen the amount of preparations, dedication and efforts put in by the students and faculty in organizing ‘LEX FETE’ 19. The Faculty and students are very passionate about mooting and this is reflected in the growing level of our Annual Competitions. This is also in sync with our larger objective of seeing MDU-CPAS as the leading Centre for legal education in the Country. I wish all those associated with the 3rd National Moot Court Competition 2020 the very best of luck.

FROM THE DIRECTOR



Prof. Santosh Nandal

Director MDU- CPAS

Gurugram

“Ensuring a proper, effective and regulated education system is of high priority to MDU- CPAS, Gurugram. The law school strives to provide various platforms to the students by contesting a series of programs like Debate Competitions, Parliamentary Debates, Legal Aid Camps, Intra and National Moot Court Competitions which builds and enhances their legal skills and helps them put forward their way to the competition in the arena of law. With unceasing efforts of our professionally dedicated faculty, motivated students, we successfully organized first edition of National Moot Court Competition in 2018 and second edition ‘LEX FETE 19’, I take this opportunity with immense pleasure to announce 3rd National Moot Court Competition 2020. The closest experience that a law student can get to appearing in a court is mooting. Mooting is the better way to learn the law than to read, interpret, comprehend, and understand research, frame arguments, and write. I wish the participants all luck for the competition and a wonderful opportunity to learn and grow.” We have gone through with fine-tooth comb in ensuring that this Competition is organized academically and administratively in the best possible manner. This is a National Competition and it welcomes law students from across India to participate and exhibit their advocacy skills. “I wish the event a great success and may the Best Team win.”

MOOT PREPOSITION

1. Raj, aged 5 years a student of class I was found murdered with his throat slit on 10th January, 2020 at around 9:00 A.M. in the washroom of Siya Public School situated in Lucknow. It was first noticed by the Gardener of the school, Ramu and he immediately informed the school staff about the same. Ramu carried the boy to the ambulance along with others.

2. Ramu and a student were captured by the CCTV footage, moving towards the washroom corridor at about 8:45A.M. The cameras of the main corridor and washroom entrance weren't working. They were in this condition since last six months.

3. A window of the washroom was broken and it was without any grill from which entry could have been made from the outside. No one was guarding the washroom where this gruesome act took place. So was the position of other washrooms of the school.

4. Ramu had gone to use the washroom of the junior kids, where he said to have found the boy in the pool of the blood. Matter was reported to the police and the boy was immediately taken to the hospital where he was declared dead on arrival. Police immediately visited the scene of the crime and started with the investigation.

5. On prima facie suspicion, police arrested Ramu, as he was present on the spot with his clothes stained in blood and he was using the bathroom of the school children.

6. Police examined Ramu about why he entered the washroom of junior kids. Initially he was hesitant to answer it but later on he stated that there was no restriction on the use of students' washroom and he

was using it since last 2 years. The Police after initial investigation lodged FIR against Ramu under section 302 IPC.

7. Parents of the victim and other members of the society doubted the investigation of the local police and had no faith in them so they demanded a CBI enquiry. On the request of the parents, the matter was handed over from the state local police to the CBI.

8. CBI conducted the investigation and found from the CCTV footage that a student of class 10 named Akash was also seen going towards the same washroom.

9. Media is showing every minute details of case on TV to enhance their TRP, sale and publicity. It was reported that the accused student Akash was particularly not good in studies and had failed quite a few times. He was apprehensive about the forth coming PTM as he wasn't able to perform well in his sessional exams. It was further reported that he was thinking of devising means to get the PTM postponed by any means.

10. On this the parents of the victim child contended that ossification test of the accused should be conducted, as the nature of the crime and act seems to be the act of a major person and not of a minor.

11. This contention was taken on the ground that it is an irreparable loss suffered by the parents which cannot be compensated by any means and due punishment should be given to the accused.

12. The counsel of the accused in defense took the plea that it is in violation of fundamental right under article 20 (3) of the Constitution of India.

13. Accused is son of area MLA so the parents of the deceased child

apprehended that they may not get justice there. So, the parents of deceased have no faith on public prosecutor and they want to conduct their case independently.

14. Ramu is trying to approach the court for compensation as because of the charge against him he lost his job, nobody is ready to hire him and no work option is available to him. Society too had boycotted him and still sees him with suspicion.

Gruesome act affected the society at large and people around India through media and NGO groups have raised various questions:

- A) Why examination system is so pressurizing
- B) Why such kind of PTM fear was being created in the mind of student by the school and parents.
- C) Why there is no scope for students for all kinds of aptitude decides being a bright academic holder student in a society and system.
- D) Is there any regulatory and investigatory engine agency which monitor and regulate the school authorities and if there is any of them.
- E) Why they didn't take any action on school which was having such infrastructure and administrative lapses.

15. Some cameras were not working from past 1 year, there was no staff to monitor the washroom. Washroom windows were broken since 1 and half year. Moreover, other staff members were also allowed to use the students' Washrooms and there was no monitoring of it.

16. The accused is still in custody seeking bail and the case is pending before Sessions Court. Prepare arguments for seeking bail and charge for both sides.

RULES AND REGULATIONS

I. Aim and purpose

- (i) To give exposure to students pursuing the law course to the environment of the court system in India and to hone 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.

II. Date and Venue

March 21st to 22nd 2020 at MDU-CPAS, GURUGRAM.

III. Team composition and eligibility criteria

- a. Each team shall comprise of at least two (2) members and not more than three (3) members out of which two (2) will be speakers and one (1) researcher.
- b. Arguments shall be in English only.
- c. The competition is open for bona-fide students pursuing five year and three years LL.B course.
- d. Each Law College/ University shall be eligible to send one team. Team should not disclose the identity of their institution in course of proceedings in the court rooms; such disclosure shall invite penalties including disqualification.
- e. Each team shall be provided with the team code on registration.

IV. Registration

- (i) The Registration form completed with all Team Details must be mailed by 07th march2020 submitted online and hard copy by 10th march 2020.
- (ii) A registration fee of Rs.4500/- is to be sent by way of Demand Draft drawn in favor of “DIRECTOR MDU-CPAS”, payable at Gurugram along with the registration form.
- (iii) Registration particulars as soft copy and scanned copy of DD

should be sent by e-mail to EMAIL “3rd NATIONAL MOOT COURT COMPETITION 2020” as the subject of the mail latest by 10TH MARCH 2020. The body of the mail should also contain the details of team members (All three) such as Name, Contact Number, Email Id, Role

For Example – Name-XYZ , Contact NO – 1234567890 , Email = XYZ@gmail.com,

Role- Speaker1/2 or Researcher

- (iv) Registrations without the scanned copy of the DD will not be valid.
- (v) The hard copy of duly attested (by authority of participating institution) & Demand Draft should reach the Host College on or before DATE.
- (vi) No change in the names of the participants shall be permitted after the receipt of the Registration Form, except at the sole discretion of the Organizers.
- (vii) Teams should clearly mention the participants’ name, contact no. including year/semester of study in the form

V. Dress Code

Inside the court room the participant shall follow the below mentioned dress code.

- (i) **Females:** White Salwar Kurta & Dupatta or white shirt and black trousers along with black coat and tie.
- (ii) **Males:** white shirt, black trousers, black tie along with black coat and black shoes.

The dress code for all the functions at the competition shall be western formals for gentlemen and western or Indian formals for ladies

VI. Competition Rounds

There shall be two preliminary rounds, quarter final, semi- final and a final round spreading over a period of 2 days.

A. Researchers' Test

- (i) The researchers' test shall be of 30 minutes and objective in nature.
- (ii) The researcher of every participating team shall attempt this test.
 - Scouting: By the student counsel, researcher or anyone affiliated with the team will lead to disqualification of the team.

B. Preliminary Rounds

- (i) In preliminary rounds each team shall argue from both the sides (appellant and respondent).
 - (ii) The team shall be credited with a win in a preliminary round if their round total is more than opposing team.
 - (iii) The marks of the EACH preliminary round shall be the cumulative total of the marks of both the speakers.
 - (iv) No team shall face each other more than once in the preliminary rounds.
 - (v) Each team shall face a different bench in each round of arguments.
 - (vi) TOP EIGHT (8) teams shall move to the quarter finals on the basis of the marks of the preliminary rounds.
 - (vii) The following criteria shall be observed in deciding teams which are to move in quarter finals.
 - a. The teams that have TWO wins in preliminary rounds shall proceed to the quarter final.
 - b. In case less than 8 teams are able to score two wins then teams that have 1:1-win loss ratio shall advance based on their aggregate score in the Preliminary Rounds.
 - c. Teams that have TWO wins shall be given preference over those which have 1 win and 1 loss.
- In case of a tie between two or more teams, the aggregate total of the score

of oral submissions of the speakers shall be taken into consideration and if after that too there is a tie the marks of the memorial will be taken into consideration.

C. Quarter Finals

- (i) Eight (8) teams shall compete in quarter final. Criteria for qualifying to quarter finals have been mentioned in previous clauses.

- (ii) It shall be a knock out round. The winner of each round shall move to the semi- final. Four (4) teams shall move to semi-finals.

- (iii) The criteria of marking in this round are aggregate total of the marks of both the speakers

- (iv) In case of tie between teams, in quarter finals, the aggregate total of the marks of memorials (appellant and respondent) of the teams shall be counted. Team with highest marks moves ahead.

D. Semi Finals.

- (i) Four (4) teams shall compete in semi-finals. The criteria of qualifying in semi-finals have been mentioned in previous clauses.
- (ii) It shall be a knock out round. The winner of each round shall move to the Final.

- (iii) The criteria of marking in this round are aggregate total of the marks of both the speakers.
- (iv) In case of tie between teams, in semi-finals, the aggregate total of the marks of memorials (appellant and respondent) of the teams shall be counted. Team with highest marks moves ahead.

E. FINAL ROUND.

- (i) The marking criteria in Final Round is same as that of semi-final

VII. Memorial

The following requirements for memorials must be strictly followed. Non-conformities will be penalized:

- (i) All teams must submit Memorials/ Written Submissions for both sides. (Appellant/ Respondent).
- (ii) All teams must submit typed Memorials for both sides and the Memorials must fulfill all the following specifications;
- (iii) Memorials must contain the following:
 - (a) Cover page / Cause title.
 - (b) Index.
 - (c) Index of Authorities.
 - (d) Statement of Jurisdiction.
 - (e) Synopsis of Facts.
 - (f) Summary of Arguments.
 - (g) Arguments / Pleadings.
 - (h) Conclusion / Prayer.
- (iv) The memorial shall not be of more than forty (40) pages and the Arguments shall not exceed more than twenty-five (25) pages.
- (v) The Memorial 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 Memorial must follow the following color scheme, Blue for the Applicant Cover Page and Red for the Respondent Cover Page.
- (vii) The Memorial must be spiral bound ONLY.
- (viii) The Memorial must not contain any Annexure/Photographs/ Sketches/Exhibits/Affidavits etc.
- (ix) Soft Copies of the memorials (Both Side Appellant and Respondent) in word as well as pdf format must be mailed to 3rdnmccmdupas@gmail.com “**Memorial Submission by TEAM Code**” (**For Ex. Memorial Submission by TC-101**) as subject of the mail by 14th march 2020.
- (x) One soft copy for each side (appellant and respondent) must reach the

organizers (MDU CPAS) by 18th march 2020. Late submission will be penalized by one point each memorial for every day of delay after due date. No excuses in respect of delayed courier services will be entertained.

- (xi) Eight (8) hard copies from each side (appellant and respondent) shall be submitted by the teams on reaching at the venue of the Moot Court.
- (xii) Identification of any type shall attract severe penalty.

VIII. Marking criteria for memorials

- (i) The following shall be the criteria for marking the memorials:

Sr. No.	Marking Criteria	Marks allocated
1.	Knowledge of Facts	10
2.	Knowledge of Law	10
3.	Proper and Articulate Analysis	10
4.	Evidence of Original Thought	10
5.	Grammar and Style	10
6.	Correct Format and Citation	10
7.	Extent and Use of Research	20
8.	Clarity and Organization	20
	TOTAL :	100

- (ii) Memorial from each side shall carry total of hundred (100) marks.
- (iii) A penalty of two (2) marks for each side of memorial shall be entailed on each day's default in submissions of memorials.

IX. Oral Submissions

- (i) Each team shall comprise of two (2) speakers, as has been specified earlier.

- (ii) Court language shall be English only
- (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 the 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/sur-rejoinder will be that of the Bench Judges.
- (ix) During the course of oral submissions the participants cannot submit to the 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 annexure to the judges; instead the teams may make a compendium of annexure that shall be given to the judges before the start of 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 court, the teams shall be disqualified from the competition forthwith.

- (xii) During the course of the Oral Submissions no speaker shall neither reveal his/her identify nor the identity of their University / College by any means whatsoever.

X. Marking Criteria for the Arguments:

- (i) Each Speaker will be marked on a total of 100 marks by each Bench Judge.
- (ii) The following will be the Marking Criteria and the Marks allocated to each Speaker by each Judge in the Round:

Sr. No.	Marking Criteria	Marks allocated
1.	Appreciation and Application of Facts.	10
2.	Identification and Articulation of Issues.	10
3.	Application of legal principles.	10
4.	Use of authorities and precedents	10
5.	Response to questions	10
6.	Presentation skills	10
7.	Clarity of thoughts and logical structure of Arguments	10
8.	Poise and Demeanor	10
9.	Strategy	10
10.	Ingenuity	10
	TOTAL :	100

- (iii) The decision of the judges as to the Marks allocated to any team shall be final.

XI. Awards: -

- Winning Team Award:
 - The winning team will receive a trophy and a cash prize of Rs. 11,000/-.
- Runner-Up Award:
 - The Runner -Up will get a trophy and a cash prize of Rs. 7,500/-.
- Best Mooter:
 - Best Mooter will get a trophy and cash prize of Rs. 2,500/-.
- Best Memorial Award:

- Best Memorial Awardee will get a trophy and cash prize of Rs. 2,500/-.
- Best Researcher:
 - Best Researcher will get a trophy and cash prize of Rs. 2,500/-.
- Certificate for participation will be given to all the participants.

Any Clarification for the competition can be sought from: -

Regarding Queries on Case / Submission of Memorials /Accommodation / Transport/ etc.

- Faculty convener
Dr. G.S. Chauhan- 9811346171
- Organizing Secretary
Dr. Kailash Kumar- 9212704898
- Student convener
A. Deepanshu Dudeja – 8285095227
B. Chhavi Goyal -9911515887
- Email us-
3rdnmccmducpas@gmail.com

XII. Miscellaneous: -

- (i) No team or any of its members or anyone connected with any team will be permitted to sit or hear the arguments in any court room in which that team is not one of the contesting teams while that team is competing in the competition. For the violation of this rule strict action may be taken against the team, even ranging to the disqualification of the team from the competition.
- (ii) If there is any dispute in regard to the interpretations of the rules or with respect to any matter related to the competition which is not contemplated in the rules, the decision of the Organizers shall be binding and final.

Note: Organizers will provide lodging and boarding facilities only from 21ST TO 22ND MARCH 2020.

- (iii) **The teams are required to reach the venue by 8:30 A.M 21ST MARCH 2020 for the registrations, Draw of lots and memorial exchange.**

--XXX--

REGISTRATION FORM

(Note: Please Fill in capital letters)

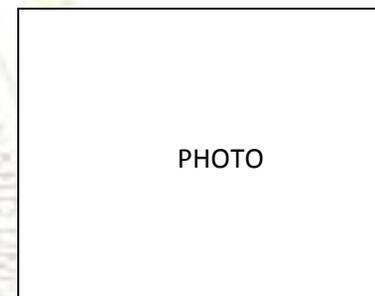
Organization/Institution

Address:.....
.....City:.....
.....Pin:.....State:.....

Particulars of the Team Members:

1. Speaker One: -

Name-
Semester/Year of study.....
Contact No.....
Email Id.....
Signature.....



2. Speaker Two: -

Name-
Semester/Year of study.....
Contact No.....
Email Id.....
Signature.....



3. Researcher: :-

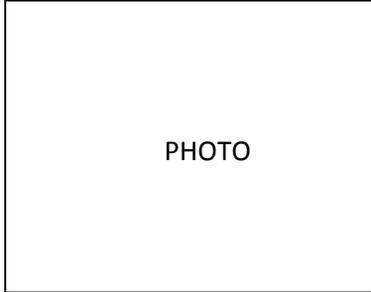
Name-

Semester/Year of study.....

Contact No.....

Email Id.....

Signature.....



Accommodation Required: Yes No

Details of Registration Fees:

Demand Draft number: Draft amount Date: Name of the Bank: Branch:

.....

.....
Name and Signature of Authorized Person

.....
Seal of Institution

Demand Draft should be drawn in favour of "DIRECTOR MDU-CPAS" payable at GURUGRAM. Please mention name of the participants and the institution on the reverse of the original DD and

Send the form along with DD on the following address:

DIRECTOR MDU-CPAS

MDU CPAS

Opposite Police Station, Sector 40, Gurugram, Haryana 122001

-XXX-

TRAVEL PLAN 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:.....

Contact Number:.....

(Note: Teams should reach till 8;30 A.M on 21st March 2020 for registration and draw of lots)

(Please note that the institute shall provide for pick-up from metro station/ railway station/ bus stop, and the participating teams should make necessary arrangement for their departure.)

SCHEDULE OF EVENT

Date	Programme
13TH FEBRUARY	Release of Moot Proposition
13TH FEBRUARY	Registration Open
07TH MARCH	Last Date of Registration
14TH MARCH	Last Date Memorial Submission (Soft Copy)
18TH MARCH	Last Date Memorial Submission (Hard Copy)
21ST MARCH	Registration, Draw of Lots, Memorial Exchange
21ST MARCH	Inauguration, Prelim Round I
21ST MARCH	Prelim Round II & Quarter Finals
22ND MARCH	Semi Finals, Finals, Valediction Programme