



Shobhit
DEEMED UNIVERSITY

EDUCATION EMPOWERS

1st NATIONAL MOOT COURT COMPETITION 2019

Saturday, 6th April and Sunday, 7th April, 2019

Organised by



**SCHOOL OF LAW
& CONSTITUTIONAL STUDIES**

For Moot Court Enquiry: 9717497957, 9627920701, 9451557168

Email: slcsmoot2k19@shobhituniversity.ac.in



**SCHOOL OF LAW
& CONSTITUTIONAL
STUDIES**

Shobhit Deemed University Meerut

[SIET- A NAAC Accredited Deemed University u/s 3 of UGC Act 1956]

NH-58, Modipuram, Meerut - 250 110, Delhi NCR

www.shobhituniversity.ac.in



WELCOME TO MEERUT

Meerut is one of the significant town in the Northern part of India. Meerut is situated in Western Uttar Pradesh and had a Glorious past. It is one of the fastest growing industrial and Educational hub of Uttar Pradesh. The city was ruled by Kaurvas as part of Hastinapur Empire. Meerut also has one of the biggest army cantonments in this part of the country. It is famous for its scissors, sports goods and Gazak.

About Us

Shobhit University believes in strategic growth as envisaged in our mission and vision, to impart quality education through vertical and horizontal integration. It strives to become a world class university, with a global perspective, that educates the future leaders of the world. Therefore, the challenge before the University is to remain in the forefront of cutting edge knowledge and to follow the best international practice(s) in academics.

Shobhit University is a research-intensive university that shares the values of high-quality teaching within an environment of internationally competitive research. The University seeks to provide a creative and supportive environment in which ideas are generated and flourish. The Week-Hansa Survey-2017 ranks the university as one among the top twenty-five universities of India in multi-disciplinary non-government category. It has recently been conferred Nation's Best Institution Award for Promoting Industry-Academia Interface by The Associated Chambers of Commerce of India (ASSOCHAM).

The excellence and diversity of our research across the department of Ayurveda, Agriculture Informatics, Bio-Informatics, Biotechnology, Biomedical, Electronics, Informatics & Computer Engineering, Electrical, Mechanical, Civil Engineering, Pharmacy, Physical & Mathematical Sciences, Management Studies, Humanities, Education, Law and Naturopathy & Yoga means that in addition to our achievements in fundamental research, we are also well-positioned to make significant contributions to the national innovation agenda. The Confederation of Indian Industry (CII) and Indian Citation Indexed 2016 had ranked Shobhit University 1st in Research Productivity based on Citation/Paper among non-government Universities.

About School of Law and Constitutional Studies

School of Law and Constitutional Studies (SLCS) is a constituent department of Shobhit University and is approved by Bar Council of India. SLCS intends to introduce students to the study of law with an emphasis on the Indian Constitution. The school focuses on legal studies with an understanding on how constitutional rules affect political and economic processes.

The School was formally inaugurated by Shri Keshri Nath Tripathi Ji, H.E. the Governor of West Bengal, and an eminent Advocate.

SLCS is approved by Bar Council of India and is imparting top class legal education since 2013. It offers courses of BA.LL. B, B.COM. LL.B. BBA.LL.B. (5 yrs. integrated course), LL.B. (3 yrs. course) L.L.M (2years course) & LLM (1year course) and Ph.D. in law. It aims to nurture finest Law professionals to work in every spectrum of legal area. We attempt to instill in every student respect for the Rule of Law, Commitment to basic Professional Values: Honesty, Diligence, Competence and Intelligence.

GLIMPSES OF ACTIVITIES AT SLCS



Visit to
National Green Tribunal



Visit to
Shri Dataram Singhal Library



Visit to
Dr. Nagendra Singh International Peace Award



Visit to
District Court, Meerut



Guests Present along with Hon'ble Chancellor
for Human Rights Programme 2019



Certificate Distribution of Basic Training
on Human Rights 2019

EVENTS SCHEDULE

1st National Moot Court Competition 2019

S. No.	Date	Deadline
1	January 30 th , 2019	Release of Moot Problem and rules of the Moot Court Competition
2	February 28 th , 2019	Last date of Registration
3	March 10 th , 2019	Last date of Submission of memorials (Soft Copy) and Demand Draft/NEFT (Soft copy) Email: slcsmoot2k19@shobhituniversity.ac.in
4	March 20 th , 2019	Last date of submission of memorials (Hard copy) and Demand Draft (hard copy)
8	April 6 th & April 7 th , 2019	Oral Rounds
10	April 6 th , 2019	Researcher's Test
11	April 6 th , 2019	Preliminary Rounds I & II Quarter Finals
12	April 7 th , 2019	Semi Finals & Final Round
13	April 7 th , 2019	Valedictory and Prize Distribution

I. REGISTRATION

- In order to confirm participation, teams of every Institution should register themselves.

The registration process consists of the following:

Each Team is required to send a scanned copy of Demand Draft/NEFT Receipt along with duly filled-in Registration form to slcsmoot2k19@shobhituniversity.ac.in by 28th February, 2019. Subject of the mail should bear "Registration for 1st NATIONAL MOOT COURT".

Forms received after the last date of registration will not be considered. In case of any changes in the team composition, in terms of the members, the same must be officially conveyed to the Organizers before 5th March, 2019.

II. Registration Fee:

Registration fee of Rs.5000/- for each participating team consisting of 3 members. (with decent accommodation)

III. DEMAND DRAFT/NEFT

The details for Demand Draft/NEFT transactions are given hereunder:

The Demand Draft shall be drawn in the favor of “**School of Law & Constitutional Studies**” payable at Meerut

Bank Account Detail for NEFT Transaction:

Name – Shobhit University Institute of Engineering & Technology (Shobhit Deemed University)

Bank: Union Bank of India

Branch: Shastri Nagar, Meerut

Account Number: 496604010029158

IFSC Code: UBIN0549665, Branch Code-549665

Registration Form and Original Demand Draft/NEFT details should be send at the address of the institute and "**Registration for SLCS 1st National Moot Court Competition - 2019**" should be written on the envelope by 20th March, 2019. The address is as under:

Postal Address:

Professor & Dean,

School of Law & Constitutional Studies (SLCS)

Shobhit Deemed University

NH-58, Roorkee Road, Modipuram, Meerut -250110

Uttar Pradesh, India

IV. COMPETITION RULES AND REGULATIONS

A. DATE AND VENUE:

FIRST National Moot Court Competition shall be held on Saturday, April 6th and Sunday, 7th April, 2019 at SLCS, SHOBHIT UNIVERSITY, MEERUT.

B. ELIGIBILITY

The competition is open for students pursuing 5 years integrated law course and 3 years LL.B. Course.

C. LANGUAGE

The Competition shall be conducted in English language only.

D. TEAM COMPOSITION

Each team shall consist of three members (two speakers and one researcher). | The researcher will be allowed to argue instead of a speaker with prior permission of the Dean (SLCS)

E. CRITERIA FOR MEMORIAL EVALUATION:

1. Teams have to prepare Memorials for both the sides.
2. The teams must send a soft copy on or before 10th March, 2019.

In addition total 12 hard copies (6 copies from each side) of the memorials should reach at the Institute address on or before 20th March, 2019.

Note: Memorials submitted after 20th March, 2019 may not be considered for evaluation.

3. Format of Memorials

- 3.1 The memorial shall not exceed 30 typed A4 size pages.
- 3.2 Colour of the cover page must be **Blue** in case of Appellant and **Red** in case of Respondent.
- 3.3 Body of Memorial shall include:
 - The Cover Page of the memorial must state the Cause Title
 - Table of Contents
 - List of Abbreviations
 - Index of Authorities
 - Statement of Jurisdiction
 - Statement of Facts
 - Statement of Issues /Summary of Arguments
 - Arguments advanced/detailed arguments.
 - Prayer
 - Compendium, if any

Note: Identity of the Institution should not be revealed anywhere in the memorial as well as in any Annexure. Violation of this provision will result in penalty including disqualification. The Organizer's decision shall be final in this regard.

- 3.4 The font of the body of the memorial should be in Times New Roman, size 12, line spacing 1.5 & headings should be 14. The font of the footnotes should be in Times New Roman, size 10.
- 3.5 Memorials should be spiral bound.
- 3.6 Memorials should have one inch margin on all sides of each page.
- 3.7 Pages should be numbered at the bottom middle.
- 3.8 The memorial should not contain any photographs/ sketches/exhibits/affidavits etc.
4. All memorials received within time schedule will be evaluated by the Memorial Evaluation Committee (MEC) to be constituted by the Convener of the Moot Court Competition and Dean, SLCS
5. The evaluation will be done on the following parameters:
 - a. Knowledge of Facts and Law 25 marks
 - b. Extent and Use of research 25 marks
 - c. Proper and Articulate Analysis 20 marks
 - d. Clarity and Organization 10 marks
 - e. Correct Format and Citation 10 marks

V. RESEARCHER'S TEST

The Researcher's Test shall be conducted on April 6th, 2019.

- I. In a team consisting of three members, the member designated as Researcher shall take part in the test.
- II. Participants are requested to write only the Team Code on the question paper.
- III. The Researcher's Test shall be objective as well as subjective with the questions based on the applicable law, precedents and facts pertaining to the Moot Problem.
- IV. The duration of the Researcher's Test shall be 30 minutes.
- V. The use of mobile phones, laptops, or any other electronic gadgets/written material is strictly prohibited during the Researcher Test.
- VI. The Winner of the Test shall be determined on the basis of highest score attained.

NOTE: The Speakers of any team will not be allowed to sit in the Researcher test in any case.

VI. General Rules for Oral Round

1. The Researcher needs to be present with the speakers during all the rounds.
2. The Researcher shall not be permitted to address the Court during the Oral Rounds.
3. The Researcher may however, be permitted to pass notes to the Speakers at the discretion of the Judges. Such notes shall be passed through the court clerks present in the court room.
4. The use of mobile phones, laptops, or any other electronic gadgets is strictly prohibited during the Oral Rounds, subject to the discretion of the judges.
5. Participants may use their own bare acts, print outs and commentaries provided that anonymity is not violated during the Rounds.
6. The decision of the Judges as to the marks allotted to each team shall be final and binding.
7. The Competition shall consist of the following rounds:
 - i). Preliminary Rounds (Two);
 - ii). Quarter-finals;
 - iii). Semi-finals;
 - iv). Final.

VII. General Procedure:

Preliminary Round

- A. Registration, Orientation and Draw of Lots will be held on Saturday 6th April, 2019, and the teams are requested that in all probability to kindly report latest by 9:00 AM at the Venue.
- B. Preliminary rounds will be held on Saturday 6th April, 2019. Every team shall argue twice in the Preliminary Rounds, once for the Appellant/ Petitioner and once for the Respondent/ Defence
- C. No two teams shall face each other more than once in the Preliminary Rounds. However, such team may face each other in the Quarter Finals/Semi Finals/Final Rounds, subject to their qualification.

- D. Speaker 1 and Speaker 2 to remain the same throughout the competition.
- E. Top eight teams shall qualify to the quarterfinal rounds. The qualification to the

Quarter finals will be based on:

1. On the basis of Total Aggregate Score in the preliminary rounds (Both Round).
 - a. The top eight teams with higher aggregate score in both preliminary rounds will qualify for the quarterfinal rounds.
 - b. The aggregate score of a team shall be computed as the total of - Oral Score of Speaker 1 and Oral Score of Speaker 2 of both Preliminary Rounds.
2. In case of a tie in score, team with more number of wins in preliminary rounds will qualify for the quarterfinal.
3. Further, in case of a tie in score as well as in number of wins, memorial marks of two teams will be considered.
4. In the exceptional case of a tie in all of the above the qualification of team will be based on draw of lots / by toss of coin.
5. The Best Speaker (male) and the Best Speaker (Female) Award will be awarded on the basis of the scores awarded to the individual Speakers in the Preliminary Rounds.
Individual Aggregate Score shall be determined as the sum of the following:
 - a) Score of Speaker in Preliminary Round I;
 - b) Score of Speaker in Preliminary Round II.
6. Teams will be provided with their opponent team's memorials after the conclusion of draw of lots.
7. Return of the other side's memorial immediately after the preliminary round to the Court-clerks are compulsory.

Quarter Final Rounds:

The Quarter Final Rounds would also take place on Saturday 6th April, 2019.

- A. The teams will be provided their opponent's memorial after the declaration of preliminary results and the draw of lots for the Quarter Final Rounds
- B. Quarter Final Rounds will be knockout rounds.
- C. The Winners of the Quarter-final shall advance to the Semi-finals.

Semi Final Rounds

- A. The Semi Final Rounds will be held on Sunday 7th April, 2019.
- B. Semi Final Rounds will be knockout rounds.

Final Round

- A. The Final Round will be held on Sunday 7th April, 2019.
- B. Final Round will be knockout rounds.

VIII. Time Scheme for Oral Rounds

At the commencement of each session the team shall notify the Court Clerk as to the division of

time between the 2 speakers (including rebuttal/sur-rebuttal) 10 minutes prior to the commencement of the Rounds.

A. Preliminary Rounds and Quarter Final Rounds

- a. Each side shall get a maximum time of 30 minutes to present their arguments of which no Speaker shall be permitted to address the Court for more than 18 minutes.
- b. The time limit is inclusive of the time for Rebuttal or Sur-rebuttal respectively.
- c. The maximum time for Rebuttal is 2 minutes and the maximum time for Sur-rebuttal is 1 minute.
- d. Each speaker is required to speak for a minimum of 12 minutes exclusive of time taken for Rebuttals and Sur-rebuttals.

B. Semi Final Rounds

- a. Each side shall get a maximum time of 45 minutes to present their arguments of which no Speaker shall be permitted to address the Court for more than 25 minutes.
- b. The time limit is inclusive of the time for Rebuttal or Sur-rebuttal respectively.
- c. The maximum time for Rebuttal is 5 minutes and the maximum time for Sub-rebuttal is 2 minutes.
- d. Each speaker is required to speak for a minimum of 20 minutes exclusive of time taken for Rebuttals and Sur-rebuttals.

C. Final Round

- a. The maximum time for arguments per side shall be the same as in the Semi- finals.
- b. The Winner of the Final Round shall be declared the Winner of the Competition

D. MARKING OF COURT ROUNDS

Maximum scores for the court rounds will be 100 marks per speaker. The court rounds will be judged on the following parameters:

a. Knowledge of law	20 marks
b. Application of law to Facts	20 marks
c. Ingenuity and Ability to Answers questions	20 marks
d. Style, Poise, Courtesy and Demeanour	20 marks
e. Time Management	10 marks
f. Organization	10 marks

The participants shall be in Formals inside the Court Room.

E. DRESS CODE

1. Female(s): White Salwar and Kurta /White Shirt, Black Trouser and Black Tie along with Black Blazer and Black Shoes.
Male(s): White Shirt and Black Trouser along with Black Tie, Black Blazer and Black Shoes

IX. AWARDS AND CERTIFICATES

- **Winning Team:**

- a. Winner Trophy Award
- b. Cash Prize of Rs. 31000/-
- v Runner up Team Award
- a. Runner up Trophy Award
- b. Cash Prize of Rs. 21000/-

- **Teams qualifying for Semi-finals**

Each Team member shall be awarded with a trophy and prize as a token of appreciation.

- **Best Memorial Award**

Rs. 5000/- with trophy

- **Second Best Memorial Award**

Rs. 3100/- with trophy

- **Best Speaker (Male) Award**

Rs. 5000/- with trophy

- **Best Speaker (Female) Award**

Rs. 5000/- with trophy

- **Best Researcher Award**

Rs. 5000/- with trophy

* All the Participants will get participation certificates post the Valedictory Ceremony.

X. ACCOMMODATION, FOOD AND TRAVEL

Accommodation shall be provided by the Organizers from the afternoon of 6th April, 2019. Transportation shall be provided by the Organizers to the Participating teams only at the time of their arrival and departure as per their previously intimated Travel Plan. However, regular bus trips from the Campus would be scheduled by the University during the Moot Court Competition.

XI. QUERIES AND CLARIFICATIONS

In case of any questions related to problem or clarification regarding the competition, feel free to Contact the following: E-mail: slcsmoot2k19@shobhituniversity.ac.in

Faculty Conveners	Mr. Imran Khan, Assistant Professor	M.No -9997981659
	Mr. Bishnanand Dubey, Assistant Professor	M.No -9717497957
Faculty Co -Conveners	Ms. Ankita Mishra, Assistant Professor	M.No. 9451557168
	Ms. Nudart Fatima, Assistant Professor	M.No -9627920701

DISCLAIMER

The facts stated in the present case are fictitious and have been drafted solely for the purposes of the competition. The Facts, names, locations and dates bear no resemblance to any person, event or happening whether dead or alive. Any resemblance found, if any, is purely co-incidental.

The real names used in the problem are specifically for the purposes of the moot. No real incidents can be attached to them.

This problem does not intend to hurt the feelings of any section of society or to offend any person.



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MOOT PROPOSITION

The Republic of Windia is a peaceful country with similar law and customs as applicable in the India. In the mentioned country, there is a City of Shipla, where a matrimonial knot was tied between Jones & Stephanie who got married on 23.10.2000 in an arranged marriage system. Within two years of marriage, Stephanie conceived a baby boy with special needs. The increased expenses primarily because of the treatment of the child led to mismanagement of financial expenditure. Jones was not able to cope up with the stress and started an addiction of alcohol which led to constant heavy quarrels and aggressive arguments between the couple. over time the problems between the couples only increased. Every day from the office Jones would return drunk and heavy quarrels would follow.

For almost six months after the birth of the boy this situation continued. For that period Stephanie hid the ongoing problems from her in laws and her parents in the hope that things will get better. Stephanie tried to talk sense with Jones whenever he was in his senses and asked him to concentrate on his responsibilities, but everything was futile. On January 2nd, 2003 Jones came home after heavy consumption of liquor and after a very aggressive argument with Stephanie, he started beating her and left her with bruises on the leg and swollen left cheek. The present incident and worsening financial hardship forced Stephanie to confess everything to her in-laws & to her parents. Due to efforts of both the families and because of the promise of financial aid, Jones vowed to quit drinking and concentrate on his family.

But in late May 2005 Jones changed his job & went to take a new job with a promotion which considerably improved his financial condition. The Couple was leading a happy life. Also, after seeing the better financial condition in July 2005 the financial support from the parents of the couple stopped. Later in that year Jones again picked up the habit of drinking and by December 2005 the relationship between the couple started to get effected because of constant quarrels and aggressive arguments.

The reason was again the alcohol addiction of Jones.

Then the history repeated as again Jones was quarreling with Stephanie. There was a series of fights which later turned into physical quarrels in which Jones was beating Stephanie. On January 5th, 2006, Stephanie felt that she has had enough and then decided to tell everything to her in- laws & to her parents. However, this she was not able to as she was stopped by Jones who physically assaulted her and threatened her that if she tried to tell anything to her parents again then he will kill the child and solve all the problems then and there. After that day, beating became a usual practice and on several occasions, Jones also had sexual intercourse with Stephanie without her consent. Under threat and for protection of her child Stephanie decided not to share the problem and endured the beating, harassment and rape by her husband which became a usual practice.

On night of 21 March 2006 again Jones came drunk at home and started beating Stephanie due to which she sustained certain injuries on her body. The beating continued till 11:00 pm after which Jones went to his room & slept. However, Stephanie was not able to sleep the entire night, she was thinking & weeping on her situation, in her drawing room there were series of thoughts in her mind like about her

life, her child & about promises of good life made to her by her husband. In the early morning of 22 March 2006 around 4 am, she took Iron rod in her hand & went to her bed room and inflicted injuries on Jones's head & vital body parts which resulted into death of Jones on the spot. Stephanie then at 6:30 am went to the room and inflicted a hit on the head of her child which resulted in the death of the child on the spot. After all this she sat in her drawing room holding Iron rod in her hand. Later, when around 8:00 am when her maid came & saw everything, she immediately called the police & Stephanie was arrested. Husband Jones and the child was taken to hospital, where they were declared brought dead in the hospital. Police started inquires & case was filed against Stephanie.

During the trial in the session wife was held not liable for murder on the ground that she acted under the grave and sudden provocation and is thus liable for culpable homicide. However, the Shipla High Court convicted Stephanie for Murder.

Now, Stephanie has filed an appeal before Hon'ble Supreme Court of Windia.

Keeping in mind all the aforementioned points and any other relevant points, the grounds for filing of appeal, prepare the arguments from both the sides.

***IN ADDITION TO THAT, TEAMS ARE ALLOWED TO FRAME THEIR OWN ISSUES ON THE BASIS OF THE MOOT PROBLEM.**

***TEAMS ARE NOT ALLOWED TO PUT ANY ADDITIONAL INFORMATION/ DOCUMENTS OTHER THAN WHAT HAS BEEN PROVIDED UNDER MOOT PROPOSITION.**



For Moot Court Enquiry: 9717497957, 9627920701, 9451557168

PARTICIPANT DETAILS

PARTICIPANT 2

Name _____

Address _____

City/Town _____ Distt. _____

State/Province _____ Country _____

Zip/Postal Code _____ Post Office _____

Paste Recent
Self Attested
Passport size
coloured
Photograph

PARTICIPANT 3

Name _____

Address _____

City/Town _____ Distt. _____

State/Province _____ Country _____

Zip/Postal Code _____ Post Office _____

Paste Recent
Self Attested
Passport size
coloured
Photograph

BONAFIDE STUDENT CERTIFICATE

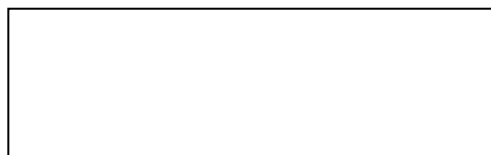
This is to certify that the above mentioned are bona fide students of

I/we certify that the above information is true to the best of my/our knowledge.

Name of the Head of the Institution: _____

Signature: _____

Date: _____



SEAL OF THE HEAD OF THE INSTITUTION



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