



CCHECKMATE



ARMY INSTITUTE OF LAW NATIONAL MOOT COURT

COMPETITION- 2018





INVITATION
CHECKMATE-2018



The Army Institute of Law, as a part of its endeavour of providing and facilitating its support to the student community of the Country, takes immense pleasure in announcing the 8th edition of its National Moot Court Competition, 'Checkmate 2018'. The event this year will be held from 19th – 21st January 2018.

The previous editions of Checkmate National Moot Court Competition have proved to be an enriching experience for the participants, especially in the field of Criminal Law owing to its unconventional and challenging moot propositions and high standards of judging. The discipline and transparency with which this competition is conducted has contributed in its previous successful chapters leading to increasing participation every year since its inception.

The 7th edition of this competition saw the participation of 30 teams.

The registration form, rules and the moot problem have been attached herewith. We look forward to receiving a positive response from your Institution. Kindly confirm your participation via provisional registration by 20th November 2017.

In case of any queries regarding the competition, you may write to us at mcs@ail.ac.in

Warm Regards,

Moot Court Society,

Army Institute of Law

Email: mcs@ail.ac.in



CHECKMATE 2018
MOOT PROPOSITION



1. Midhun Dorjee belonged to a middle class family. He was from a small locality of Sikkim and got his primary education from a local school. His father was a peon in a private office while his mother worked as domestic help. His childhood was not full of pleasant memories as his father was a habitual drinker and used to beat him and his mother regularly. As a reaction to his father's behavior, he used to vent his anger by bullying younger children and harming other's pet animals. He was very close to his mother and it was she who was largely responsible for his upbringing and education. She always kept some money separately in order to pay for his school as she wanted him to study and get a good job for himself.

2. In 1997 when Midhun was in 9th class, he was introduced for the first time to a computer, which he found very fascinating, as for him it was a machine which was capable of doing anything. Since he wanted to learn more about computers, after passing his 10+2 in 2002, he got himself enrolled in a computer graduate program which had recently started. He was a diligent student and put in a huge amount of effort in his studies.

3. In order to pay for his college fees, he took up a part time job at a newly opened internet café. In college he would listen carefully to his teachers and would note down everything taught by them. His interest in computers further developed as he would spend a lot of time reading about software development. During his working hours at the café he would practice whatever he had learned in classes. After a lot of persuasion, his mother bought a second hand computer for him. His father got infuriated at his mother and physically abused her and Midhun too. His father wanted him to work full time instead of studying. But his mother always wanted him to get all the possible education.

4. In order to relieve him of the stress at home, he started playing online games in which, after completing the challenges, he would feel that he had achieved something and felt motivated. He had a secret desire to develop his own game one day. In spite of harsh conditions, his interest in getting a higher degree in computers grew stronger and he was more determined to do well for himself and his mother and to earn so much that they could lead a very comfortable life. He did extremely well in college and soon made his presence felt to his teachers and seniors. He was a very bright student and at the end of his final year had gained sufficient expertise about developing new programs and softwares.

5. After completing his BCA in 2003, he enrolled himself in a Master's program in

Electronics and Computers at the University. He did extensive research and wrote articles and research papers on new ways of developing software programs. While he was studying at the university, during one of the campus placement drives, he was hired by a famous company called 'Enotech Solutions' for a handsome salary as a software developer.

6. His life changed with this job, as looking back at what his economic and social condition was he had indeed come a long way. His desire to become very rich grew day by day. He was completely devoted to his work as he would meet all his deadlines before time. Looking at his dedication towards work, within a year he was promoted as a Manager.

7. In Enotec Solutions, Raman Rai was his colleague who had joined six months earlier and was equally hard working but would always try to undermine his work. Theirs was an ambivalent relationship. Both of them developed a lot of new softwares which brought great profits to the company. Because of the praise and adulation, they were being paid really well and earned huge amounts of personal profits too. By 2008, he bought a small house for himself and his mother.

8. Eventually, he realized that he was not happy working under somebody and rather wanted to do something on his own in the field of software programming. He also got to know that the softwares that he had developed were sold at much higher price by Enotec solutions as compared to what he was being paid. He told this to Raman Rai as well. Both of them felt cheated. They approached the management and asked for salary hike or a larger share in the profits which was rejected. These new developments affected him mentally as he would feel irritated, his head would hurt constantly and as a reaction he would vent his anger on his driver and other staff as well unknown people, though Raman Rai felt that this was not mature behavior.

9. After the company's refusal for better emoluments and profits, both of them decided to branch out and work independently. They worked on a new start up by the name of 'Fintec Solutions Pvt. Ltd.' with the agreement that any decision or work done by either of the directors would be accepted by the other. Within a few years their enterprise was doing very well and the profits were very good.

10. During one of his business meetings, he came across a girl by the name of Ridhi Mehta. She was successful and bright and worked as a manager in a telecom company. The two, after meeting a few times, grew fond of each other. Though nothing was formalized Midhun started trusting her and on a more personal level the thought of making her his life partner crossed his mind many times. Over a period of time his confidence in her grew.

11. On 29th march 2012, he received an email from her giving the outlines of a business plan whereby she also asked him to transfer large funds before the new financial year began. Without giving the proposal a second thought, Midhun transferred the funds to the tune of 10.2 million rupees. The worst was still in store for him as he did not hear from her for nearly

four days. Then once she answered his call and told him that she would get in touch herself, as she was tied up with something important. After a week of no response he called her and to his horror found out that her phone number did not exist.

12. Further, to make matters worse she had deactivated all her social media accounts. He literally hit a dead end. Midhun shared this information with Raman Rai, who rebuked him for lending such a large amount from company funds. These events affected him intensely and led to an unstable mind. He started hallucinating about unreal events and people around him who were as though, directing him to hit back at this world and cleanse the world that had wronged him. He started seeing a psychiatrist who recommended strong remedial drugs and other psychological treatment.

13. As a reaction to this low phase in his life, he suffered from periods of hopelessness and despair to hyper activity. During such a time, in order to redeem himself and to compensate for losses that he had caused to his partner Raman Rai and the company, he developed an online game called 'Challenges Unlimited' in January 2013 in order to help people going through depression, loneliness and pain. In this game, people were given challenges spread over levels which worked both ways. Firstly, they would earn money and this would boost their morale and confidence about themselves. Secondly, this would earn revenue for his company 'Fintec Solutions Pvt. Ltd.'

14. The details of the game were that a person would in order to register pay a fee of Rs 25,000 along with all his bank and personal details after which he would be given ten tasks to complete. Each subsequent task was more difficult than the previous and hence earned the player more and more cash. Also the people were given the option to exit the game at any time, though if they

quit mid way, they would not be entitled to a refund of the joining fee till they had completed the 9th level. Also, proof of the success in each level had to be sent to the portal where they had registered or posted online.

The levels were as follows.

- I. Consume 5 jalapeno peppers within 1 minute. Cash prize of Rs. 1000.
- II. Shave your head. Cash prize of Rs 2000.
- III. Watch a horror movie on a laptop at a graveyard alone. Cash prize of Rs 5000
- IV. Start your own death rumor or a rumor of you being gay/lesbian on your social media account. Cash prize of Rs 10000
- V. Go and attack a policeman at a public place and escape without being caught. Also the act has to be filmed by a friend. Cash prize of Rs 25000
- VI. Injure yourself with a sharp knife by making 12 inch long and 5 inch deep cut on the arms and show OPD slip as proof. Cash prize of 50,000
- VII. Extract your own blood (100 ml), on video and drink it. Cash prize of Rs 75000

- VIII. Catch a venomous snake with your bare hands and kill, cook and eat it. Cash prize of Rs 1 lac.
- IX. Go to any hospital and in the ICU, withdraw the life support system of any patient and record it. Cash prize Rs1.5 lac
- X. Write a note indicating your intention and giving your consent, after which slash both your wrists while sitting in a locked room at exactly 12 a.m. Cash prize Rs 3 lacs. (The last amount shall be credited into your account after confirmation of your demise).

15. People (specially the younger generation) really liked the game and there were huge number of subscriptions which earned the company good profits. When Raman Rai saw large amount of money being credited into the company's account he asked Midhun, who informed him about this online game that he had developed. Raman Rai did not approve of this at all.

16. In 2015, a criminal case was lodged by the police on the complaint of one Mr. Tyagi (who was a Superintendent in a Government office) that his sixteen year old son Master Jai Tyagi was found dead in his room. The investigation showed that Jai had slashed his wrist in his house. The facts revealed that Jai was a brilliant student and an accomplished sportsperson. Also he used to work on the Apple laptop which he used to borrow from his friend. From the computer that was recovered from the deceased, account details of transfer of funds worth Rs. 25000 was found. The forensic team could not determine the end location of the transaction but concluded in its report that it could be rooted through the Cayman Islands to the North East of India. On further investigation, shadow accounts came up in the name of 'Fintec Solutions Pvt Ltd.'

17. Mrs. Tyagi did not disclose to the police about money being credited periodically into her joint account with Jai. The police filed an inquest report and then criminal proceedings were initiated. Compensation was also sought for Jai's death.

18. The Court has framed charges against Midhun Dorjee, Raman Rai and the company 'Fintec Solutions Pvt. Ltd.' under Sections 302, 306, 107, 120(B) and provisions of the IT Act.

19. The learned Sessions Court convicted both Midhun Dorjee as well as Raman Rai and sentenced them to 10 years RI and a fine of Rs.100000 each in addition to a fine of Rs. 500000 on the company. On appeal the Hon'ble High Court acquitted both accused giving them the benefit of doubt, nevertheless the quantum of fine on the company was reduced to Rs. 300000.

The State went up in SLP in the first week of October. The matter is set for final arguments on 21st January 2018.

20. In the meantime the Supreme Court taking suo moto action with respect to the Game and

the number of deaths that were reported in India issued a notice that any new matter with relation to the game was not to be taken up. The Court also sent a notice to the Centre and asked for a reply within a month. Also certain states banned the game.

Additionally, the teams are to discuss

- Individual liability of the two accused
- compensation for the death of Jai Tyagi,
- corporate criminal liability for 'Fintec Solutions Pvt Ltd.'

Argue



SCHEDULE
CHECKMATE-2018



1. **DEADLINE FOR PROVISIONAL REGISTRATION:** 20TH NOVEMBER 2017
2. **DEADLINE FOR REGISTRATION (SOFT COPY)** (ALONG WITH A DD DRAWN IN THE NAME OF REGISTRAR, ARMY INSTITUTE OF LAW, MOHALI, PAYABLE AT MOHALI FOR RS. 5000/-): 4TH DECEMBER 2017
3. **DEADLINE FOR REGISTRATION (HARD COPY)**(ALONG WITH A DD FOR RS. 5000/-): 13TH DECEMBER 2017
4. **DEADLINE FOR SEEKING CLARIFICATIONS TO PROPOSITION:** 13TH DECEMBER 2017
5. **RELEASE OF CLARIFICATIONS:** 15TH DECEMBER 2017
6. **DEADLINE FOR MEMORIAL SUBMISSION:**

SOFT COPY – 5TH JANUARY 2018

HARD COPY – 12TH JANUARY 2018
7. **ORAL ROUNDS:** 20TH- 21ST JANUARY 2018
8. **REGISTRATION & MEMORIAL EXCHANGE:** 19TH JANUARY 2018
9. **PRELIM I, PRELIM II, QUARTERS:** 20TH JANUARY 2018
10. **SEMI – FINALS & FINAL:** 21ST JANUARY 2018



RULES
CHECKMATE-2018



1. GENERAL

1.1. DATES AND VENUE:

The Checkmate 2018 - Army Institute of Law National Moot Court Competition will be held from 19th – 21st January 2018, at the Army Institute of Law, Sector 68, Mohali, Punjab.

1.2. TEAM PREREQUISITES:

- a. The language for the Competition shall be English only.
- b. Participation is restricted to bona-fide law students either enrolled in the 3-year L L.B law course or the 5-year integrated law course.
- c. Only one team from each participating college shall be registered for the competition. Each team shall comprise of either three members (two Speakers and one Researcher) or two members (two Speakers) only.

Note-No observer, teacher or fourth member is allowed to accompany the team.

- d. The oral rounds shall comprise of:

1. Preliminary Rounds (two)
2. Quarter- Final Rounds
3. Semi- Final Rounds
4. Final Round

1.3. REGISTRATION

- a. The teams should provisionally register through e-mail by sending a mail to mcs@ail.ac.in (with subject Moot Court Registration Checkmate 2018) by 20th November 2017
- b. The soft copy of the registration form along with the demand draft of Rs. 5000/- INR on or before 4th December 2017 drawn in the name of Registrar, Army Institute of Law, Mohali, payable at Mohali. The hard copy of the same shall be posted to the

below mentioned address on or before 13th December 2017.

- c. The Registration forms shall be sent to:

THE CONVENOR,

CHECKMATE 2018- NATIONAL MOOT COURT COMPETITION,

ARMY INSTITUTE OF LAW,

SECTOR 68, MOHALI, PUNJAB - 160062.

- d. No change in the names of the participants shall be permitted unless the same has been communicated to the organizers a week prior to the event in exceptional circumstances only after due proof has been attached.
- e. No certificates shall be provided at the time of the Registration. The same shall be provided only after the Valedictory Ceremony on 21st January 2018. No certificates shall be couriered/ posted.

1.4. DRESS CODE

The dress code for the oral rounds shall be advocate's attire, i.e Black and White combination including Blazer and Formal Shoes. The participants are to dress up in Western Formals for the other events taking place during the competition.

1.5. ACCOMMODATION

The participants would be provided accommodation for the period of the Competition at the premises of the Institute. Please note that separate accommodation will be provided for girls and boys. The accommodation will be provided from 18th January 2018, after 1400 Hrs to 22nd January 2018 till 1000 Hrs.

Note- No Transportation facility shall be provided to any of the teams.

2. MEMORIALS

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

- A. Each team must prepare memorials for both parties to the dispute.
- B. Once the memorials have been submitted, no revision, supplements or additions will be allowed.
- C. All participating teams shall submit 6 sets of written memorials (6 Petitioners and 6 Respondent memorials). The Cover Page of the memorials for the prosecution shall be in **Blue** and the defense shall be in **Red**.

One advance soft copy in PDF format of each of the memorials for both the parties to the dispute must reach the organizers latest by 5th January 2018 on mcs@ail.ac.in by 1000 Hrs.

One hard copy of each of the memorials is to reach the organizers by 12th January 2018 at the aforementioned address.

- D. Late submissions will result in 1 point penalty per team per day per side.
- E. The written memorials shall conform to the below standards mentioned below:
- i. Written submissions shall be printed on white standard A4 size paper.
 - ii. The font and size of the text used in all parts of the written submissions (except the covers) shall be in Times New Roman, 12-point and footnotes shall be in Times New Roman, size 10.
 - iii. The text in all parts of each written submission shall have 1.5-line spacing except the text of footnotes and headings which shall be single spaced.
 - iv. The arguments with appropriate citations shall be contained in the pleadings. The teams shall follow the 19th edition of the Bluebook mode of citation. The Pleadings shall not exceed 20 pages.
- F. The memorials have to be submitted on typed A4 size paper printed on both sides and must contain:
- Cover Page**
 - Table of Contents**
 - Index of Authorities**
 - Statement of Jurisdiction**
 - Statement of Facts (Argumentative statement of facts would attract penalties)**
 - Questions of Law**
 - Summary of Arguments**
 - Arguments Advanced, Prayer and Appendix (Optional)**
 - Exhibits (Optional)**

MARKING CRITERIA FOR MEMORIALS

1. Knowledge of facts and law (20)
2. Proper and articulate analysis (20)
3. Extent and use of research (20)
4. Clarity and Organization (20)
5. Citation of sources (10)

6. Grammar and Style (10)

Memorials must have a one-inch margin on all sides of each page.

THE COVER PAGE OF THE MEMORIALS MUST STATE THE FOLLOWING:

The Case Title

Identity of brief as prosecution or defense

The identity of the Institution or the members shall not be revealed anywhere in the memorial.

Violation of this provision shall result in disqualification. The decision of the organizers will be final. The hard copies must be exact print outs of the soft copies. Non-compliance with this rule would entail disqualification.

The memorial would be assessed only for the preliminary rounds for the selection of the best and the second-best memorial.

3. ROUNDS

There will be a total of two Preliminary rounds of arguments, one Quarter Final Round, one Semi-Final Round and consequently one Final Round.

A. PRELIMINARY ROUND

- a. Registration, Orientation and Draw of Lots will be held on 19th January 2018, and the teams are requested that in all probability to kindly report latest by 1330 Hrs. MCS retains the right to choose if the team is not present during registration.
- b. There will be two preliminary rounds of argument per team, once as Prosecution and other as Defense.
- c. Speaker 1 and Speaker 2 to remain the same throughout the competition.
- d. Teams will be provided with their opponent team's memorials after the conclusion of draw of lots.
- e. Preliminary rounds will be held on 20th January 2018.
- f. Top eight teams will qualify for the quarterfinal rounds. The qualification to the quarterfinals will be based on:
 - i. Marks in the preliminary rounds.
 - ii. In case of a tie in marks, team with more number of wins in preliminary rounds will qualify for the quarter finals.
 - iii. Further, in case of a tie in marks as well as in number of wins, memorial marks of two teams will be considered.

- iv. In the exceptional case of a tie in all of the above the qualification of team will be based on draw of lots.
- g. Return of the other side's memorial immediately after the preliminary round to the court-clerks is compulsory.
- h. The Best Advocate and the Second-Best Advocate will be decided on the basis of the scores of the Preliminary rounds only.

B. QUARTER FINAL ROUNDS

- a. The Quarter Final Rounds would also take place on 20th January 2018.
- b. 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
- c. Quarter Final Rounds will be knockout rounds.

C. SEMI FINALS AND FINAL ROUND

- a. The Semi-Finals and Finals will be knockout rounds.
- b. Semi- Finals and Finals will be held on 21st January 2018.
- c. The teams qualifying for the Semi Final rounds will get certificates.

3.1.TIME AND MARKING SCHEME FOR ORAL ROUNDS

A. PRELIMINARY ROUNDS AND QUARTER FINAL ROUNDS

- a. Each team will get a total of 30 minutes to present their case.
- b. Each speaker should speak for a minimum of 10 minutes.

B. SEMI FINAL ROUNDS AND FINAL ROUND

- a. Each team will get a total of 45 minutes to present their case.
- b. One speaker shall not use more than 25 minutes of the total time.
- c. This will be a knockout round.

C. MAXIMUM TIME ALLOTTED

The maximum time provided would include the time that each team may want to reserve for their rebuttal/sur-rebuttal. At the commencement of each session the team shall notify the Court Officer as to the division of time between the 2 speakers (including rebuttal/sur-rebuttal).

D. ANONYMITY

- a. Student Counsel may introduce him/herself to the court in the usual manner and may

also state their names. However, the team's college affiliation shall not be indicated to the judges at any time.

- b. Further all team members shall refrain from identifying a team's college 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 college seal etc.)

E. MARKING CRITERIA FOR ORAL ROUNDS

- a. Knowledge of law and its application to facts (50)
- b. Research content of arguments and ability to answer questions (35)
- c. Mannerism, deference to the court and time management (15)

4. SCOUTING

- a. Teams will not be allowed to observe the orals of any other team till the time the team is declared to have advanced to the next round. Scouting is strictly prohibited. Scouting by any of the teams will result in disqualification.
- b. Any team can file a written complaint with the Organizers, regarding a case of scouting. The decision of the Organizers will be final.
- c. The researchers shall sit with the speakers at the time of the orals and shall not attend the court sessions of any other team participating in the competition.

5. CASH AWARDS

| | |
|---|-------------------|
| WINNERS | Rs. 50,000 |
| RUNNERS – UP | Rs. 35,000 |
| BEST MEMORIAL AWARD | Rs.25, 000 |
| SECOND BEST MEMORIAL AWARD | Rs. 15,000 |
| ADVOCATE OF THE YEAR | Rs. 15,000 |
| SECOND BEST ADVOCATE OF THE YEAR | Rs.10, 000 |

* All the Participants will get participation certificates post the Valedictory Ceremony. No certificates shall be couriered / posted after the event.

6. MISCELLANEOUS

6.1. GENERAL ETIQUETTE:

- a. The participants are expected to behave in a dignified manner and not to cause any unnecessary inconvenience to the organizers. Deference to the Judges of the Moot Court Competition is expected to be maintained within and outside the Court room.
- b. The Organizers reserve the right to take appropriate action for any unethical, unprofessional and immoral conduct.

6.2. DELAYS IN APPEARANCE/PRESENTATION

- a. If a team scheduled to take part in a round does not appear within 10 minutes of the scheduled time, the other team shall be allowed to submit ex-parte.
- b. The criteria of rebuttals shall not be considered in such cases for evaluation in place of which an average for the same would be given on the basis of the marks scored by such team on other criteria.
- c. During the announcement of results for the next round if the team qualifying for the next round is absent, then the team which is next in merit will automatically qualify.

6.3. DISCLAIMER

The Material in the Moot Court proposition is not intended to and does not attempt to resemble any incident or any person living or dead. All material in the problem is fictitious and any resemblance to any incident or person, if any, is not intended, but merely co-incidental.

6.4. INTERPRETATION OF THE RULES:

- a. The Organizer's decision as regards the interpretation of rules or any other matter related to the competition will be final.
- b. If there is any situation, which is not contemplated in the rules, the Organizer's decision on the same shall be final.
- c. The Organizer's reserve the right to vary, alter, modify, or repeal any of the above rules if so required and as they may deem appropriate at anytime during the competition.
- d. Any dispute arising in the moot court rooms during the rounds would be at the discretion of the presiding officer of the respective court room.
- e. In any kind of conflict, the decision of the Principal, Army Institute of Law, Mohali would be final.

7. STUDENT CONVENORS FOR THE MOOT COURT COMPETITION

| NAME: | CONTACT NUMBER: |
|-----------------------------|------------------------|
| TAVISH GURUNG | +91 7986032884 |
| AA YUSHI MISHRA | +91 7837712787 |
| GURNOOR SINGH SANDHU | +91 9915532222 |
| ADHIRAJ BHANDARI | +91 9988211435 |

8. INSTITUTE MOOT COORDINATOR:

| | |
|----------------------------|-----------------------|
| DR. BAJIRAO RAJWADE | +91 9814013531 |
|----------------------------|-----------------------|

9. EVENT CONVENOR:

| | |
|----------------------------------|-----------------------|
| DR. KULPREET KAUR BHULLAR | +91 9815008545 |
|----------------------------------|-----------------------|



REGISTRATION FORM

CHECKMATE-2018



NOTE – PLEASE USE BLOCK LETTERS ONLY TO FILL IN DETAILS.

1. Name & Address of Participating College/University :

2. Contact Number of College: _____

3. Name of Counsel I: _____

a. **Phone No./E-mail:** _____

b. **Class/Gen:** _____

4. Name of Counsel II: _____

a. **Phone No./E-mail:** _____

b. **Class/Gen:** _____

5. Name of Asst. Counsel (Researcher): _____

a. **Phone No./E-mail:** _____

b. **Class/Gen:** _____

6. Whether accommodation is required: _____

The Counsels and Assistant Counsel are the bona-fide students of the College.

Seal & Signature of the Head of Institution

Details of Payment of Registration Fee:

a. D.D No. _____

b. Name of Bank _____

c. Drawn on _____



TRAVEL FORM
CHECKMATE-2018



NOTE – PLEASE USE BLOCK LETTERS ONLY TO FILL IN DETAILS.

Name & address of Participating College/ University:

Arrival Journey:

1. Train/Bus/Airplane Number: _____

2. Boarding Station: _____

3. Time & Date of Arrival at Chandigarh: _____

Return Journey:

1. Train/Bus/Airplane Number: _____

2. Boarding Station: _____

3. Time & Date of Return from Chandigarh: _____

Details of Contact Person (For the Journey):

1. Name: _____

2. Phone Number: _____

Signature of Contact Person _____