

INTRA INSTITUTE MOOT COMPETITION- 2019

MOOT PROPOSITION

1. Madhulika aged 20 years and Darwesh aged 18 years were living in an orphanage run by a local trust since last ten years in Mohali. They had no memories of how they got there, but were told that their respective parents had abandoned them. Life in the orphanage was tough and both studied as well as worked part time to complete their education.

2. Soon they both got a job in a Computer institute in Sector 63, Mohali, and life began to settle down a bit. They both grew fond of each other and after about two years in the relationship decided to live together. They took a rented accommodation together and everyone in the vicinity took them to be a couple.

3. However, after few years their relationship got strained, and they were constantly quarrelling over frivolous issues. Darwesh very often not only taunted Madhulika but he misbehaved with her too. Though this stage dragged on for a couple of months, Madhulika was not at all happy.

4. One Day, Madhulika met a middle aged man Kailash who offered her a better job and prospects. Without asking Darwesh, whether she should take such a rash decision, she quit her computer job and joined a company. This made Darwesh very insecure and he realised how rude his behaviour had been in the past few years. Knowing that something had to be done, decided to finally marry Madhulika and thus proposed to her.

5. Madhulika refused the proposal and left the house and started living in a company guest house at Sector 68, Mohali. Kailash also lived in this guest house as he too worked for the same company where Madhulika had her new job. Darwesh on getting to know this reached the guest house and quarrelled with her. He also threatened her with dire circumstances. Kailash saw all this and he tried to intervene. Darwesh said that this was a matter between the couple, hence he should not interfere.

6. Kailash started abusing Darwesh and so they both started fighting. Both Kailash and Darwesh got very violent with each other. In a fit of rage, Darwesh said "I will kill you". Hearing this Madhulika kicked an iron rod lying on the floor away from Darwesh. Kailash who was in a scuffle with Darwesh, picked up the rod and gave a blow to Darwesh in his stomach. Darwesh who was suffering from a serious spleen disease which Madhulika was well aware of fell down instantly.

7. Few people had gathered hearing all the commotion. As Darwesh did not get up at all, some person took him to the nearest hospital. Neither a policeman or a magistrate could

be called, thus Darwesh gave his dying declaration to a nurse. He was bleeding heavily and his speech was slurred.

8. In the declaration Darwesh said that it was Kailash who was the root cause of all problems. If Kailash and Madhulika had not assaulted him, he would have lived. He also said that he still loved Madhulika, but fate had other plans.

9. The police arrested Kailash and Madhulika and based on their investigation filed a charge sheet against Kailash for murder & Madhulika for abetment to murder, read with Section 34 of IPC. The trial Court acquitted Madhulika but convicted Kailash and gave him 20 years in prison. Kailash as well as the state appealed to the High Court.

10. Argue the case for Kailash, Madhulika and the State.

Followed by Rules:

RULES

1. General

1.1 Dates and Venue:

The Intra Institute Moot Court Competition 2018 will be held from 15th-18th April 2019, at the Army Institute of Law, Sector 68, Mohali, Punjab.

1.2 Team Prerequisites:

- (a) The language of the Competition shall be English.
- (b) The Team shall consist of maximum of 2 members.

1.3 Registration:

- (a) Participation for the Competition is strictly by Registration (First-cum-first-serve basis). A total of 16 teams can participate by giving their names to Dr. Harpreet Kaur by 1st April 2019.

In case of inability of a teammate to appear for any reason, team shall be automatically disqualified.

1.4 Dress Code:

The dress code for oral rounds shall be advocate's attire, i.e. Black and White combination including Blazer, tie/cravat and black formal shoes. The participants are requested to dress up in Western Formals for the other events taking place during the Competition.

1.5 Written Submission:

The following requirements for written submission must be strictly followed. Non-conformities will lead to disqualification:

- (a) Each team must prepare written submissions for both parties to the dispute.
- (b) Once the written submissions have been submitted, no revision, supplements or additions will be allowed.
- (c) The written submissions shall conform to the standards mentioned below:
 - (i) Written submissions shall be printed on white 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 written submissions shall consists of:
 - 1. Cover Page
 - 2. Statement of Jurisdiction
 - 3. Arguments Advanced (Not exceeding 5 pages) and Prayer (Not exceeding 1 page)

1.6 The cover page of the written submissions must state the following:

- (a) The Case Title
- (b) Identity of brief as Prosecution or Defense
- (c) The Cover Page of the written submission for the Prosecution shall be in **Blue** and the Defense shall be in **Red**.
- (d) Last date for submission of the Hard copy of the Memorial is 10th April 2019 by 1300hours to Dr. Harpreet Kaur.
- (e) Penalty shall be put for late submission of memorial.

1.7 ROUNDS

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

A. PRELIMINARY ROUND

- a. Draw of Lots and exchange of memorial will be held on 12th April 2019 at 1400 HRS and the teams are requested to report latest by 1350HRS.
- b. There will be two preliminary rounds of arguments per team, once as Appellant and other as Respondent.
- 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 15th April 2019 at 1400 HRS.

f. Top four teams will qualify for the semi final rounds.

. **B. SEMI FINALS AND FINAL ROUND**

- . The Semi-Finals and Finals will be knockout rounds.
- . The Semi- Finals will be held on 16th April 2:00 pm.
- . The Final round will be held on 18th April 2018 at 2:00 pm.

. **1.8 TIME AND MARKING SCHEME FOR ORAL ROUNDS**

. **A. PRELIMINARY ROUNDS**

- . Each team will get a total of 30 minutes to present their case.
- . Each speaker shall speak for a minimum of 15 minutes.

. **B. SEMI FINAL ROUNDS AND FINAL ROUND**

- . The semi-final round will be a knockout round.
- . Each team will get a total of 30 minutes to present their case.
- . A speaker shall not use more than 15 minutes of the total time.
- . For the final rounds the total time allotted to each team will be 40 minutes. Each speaker shall not use more than 20 minutes.

. **C. MAXIMUM TIME ALLOTTED**

- . The maximum time provided would include the time that each team may want to reserve for their rebuttal/sur-rebuttal.

. **E. MARKING CRITERIA FOR ORAL ROUNDS**

- . Knowledge of Law and facts (45)

- . Ability to Answer Questions (35)
- . Court craft/Reverence/demeanor (20)

. **1.9 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 MCS, regarding a case of scouting. The decision of the MCS will be final.

2. MISCELLANEOUS

2.1 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 Hall.
- b. The Organizers reserve the right to take appropriate action for any unethical, unprofessional and immoral conduct.

2.2 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.

2.3 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 coincidental.

2.4 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

- 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 case of conflict, the decision of the Principal, Army Institute of Law, Mohali would be final.