



CHECKMATE



NATIONAL MOOT COURT COMPETITION

15th -17th, Oct., 2020

**10th EDITION
(VIRTUAL COMPETITION)**



**Army Institute of Law
Sector 68, Mohali.
Ph.: 0172-5095336-338 Fax : 0172-5039280
Website : www.ail.ac.in E-mail : mcs@ail.ac.in**





INVITATION
CHECKMATE-2020
(Virtual Rounds: 15th-17th Oct, 2020)

The Army Institute of Law, as a part of its endeavours of providing and facilitating its support to the student community of the Country takes immense pleasure in announcing the 10th edition of its National Moot Court Competition, “Checkmate 2020”. This year the rounds are to be held via Virtual mode from 15th-17th Oct. 2020.

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 immensely to its previous successful chapters leading to increased participation every year since its inception.

The current Covid-19 situation poses a serious public health risk, disrupting our normal daily routines. We need to prepare ourselves by adopting simple methods like social distancing to keep going on in this time. And, therefore, to keep the spirit of mooting and learning, we announce Checkmate-National Moot Court Competition- 2020, the 10th Edition via virtual mode.

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 Sept.18th, 2020.

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



SCHEDULE
CHECKMATE-2020



1. **Deadline for provisional registration: Sept. 18th, 2020.**
2. **Deadline for submission of registration form and the fee: Sept. 23rd, 2020**
3. **Deadline for seeking clarifications to proposition: Sept. 25th, 2020**
4. **Release of clarifications: Sept. 28th, 2020**
5. **Deadline for submission**
Soft copy of the memorial – Oct. 5th, 2020
Pre-recorded Videos- Oct. 5th, 2020
6. **Declaration of result of preliminary round on or before: Oct.9th, 2020**
7. **Rounds (via video conferencing): Oct. 15th-17th, 2020**
 - **Quarter finals and declaration of result: Oct.15th, 2020**
 - **Semi – finals and declaration of result: Oct.16th, 2020**
 - **Final Round and Declaration of result: Oct.17th, 2020**



RULES
CHECKMATE-2020



1. GENERAL

DATES:

The Checkmate 2020 - Army Institute of Law National Moot Court Competition will be held via video conferencing from **Oct. 15-17, 2020**.

2. TEAM PRE-REQUISITES:

- a. 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 faculty member, coach, observer or a designated observer or fourth member is allowed to accompany the team and neither will be allowed to join the video-conferencing nor the chat room during the session.

- b. The language for the Competition shall be English only.
- c. Participation is restricted to bona-fide law students either enrolled in the 3-year LL.B course or the 5-year integrated law course.
- d. The oral rounds shall comprise of:
- **Preliminary Rounds (pre-recorded video)**
 - **Quarter- Final Rounds (via video conferencing)**
 - **Semi- Final Rounds (via video conferencing)**
 - **Final Round (via video conferencing)**

3. REGISTRATION

- **The teams should provisionally register through by sending an e-mail to mcs@ail.ac.in (with subject Moot Court Registration Checkmate 2020) by Sept. 18th, 2020. Teams are required to send the scanned copy of their Institute's Id card.**
- Only 32 teams will be registered to participate in the competition on first-come-first serve basis.

- Once the provisional registration is confirmed, **Registration Fee: Rs 2000/-** for each participating team, is to be **submitted by Sept.23rd, 2020**, through online transaction either by clicking on the link

<https://www.onlinesbi.com/sbicollect/icollecthome.htm?corpID=593474> or by online transfer to the following Bank details as NEFT are:

Account Holder Name : Army Institute of Law (Main Account)

Bank Name : SBI

Branch Name : SBI Chandimandir

Account Number : 65230658237

IFSC Code : SBIN0050195

- The scanned copy of the receipt (of payment of Rs. 2000/- paid using online mode) alongwith the duly **filled registration form** should be sent on or before **Sept. 23rd, 2020**, via email to **mcs@ail.ac.in, with following details**

Details of Payment of Registration Fee:

-

Transaction ID:_____ Bank:_____ Date of payment:_____

Teams are required to send the scanned copy of their Institute's Id card with this form.

- 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 by the participating college.

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 formally for the rounds.

5. MEMORIALS

- The following requirements for memorials must be strictly followed. Non- conformities will be penalized:
- Each team must prepare memorials for both parties to the dispute.
- Once the memorials have been submitted, no revision, supplements or additions will be allowed.
- Each team must send its Memorial via email to **mcs@ail.ac.in** by **Oct. 5th,2020, by 11.59 p.m.**
- Please note that **NO HARD COPIES ARE TO BE SUBMITTED.**
- The Cover Page of the memorials for the Prosecution shall be in **Blue** and the Defendant shall be in **Red.**

- Late submissions will result in 1 point penalty per team per day per side.
- The written memorials shall conform to the standards mentioned below:
 - a. Written submissions shall be on white A4 size.
 - b. 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.
 - c. 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.
 - d. The arguments with appropriate citations shall be contained in the pleadings. The teams shall follow the 20th edition of the Bluebook mode of citation.
 - e. The Written Submission/memorial should not exceed the maximum limit of 35 Pages (excluding Cover Page and Table of Contents). The Pleadings (Arguments Advanced) shall not exceed 20 pages.
 - f. Memorials must have a one-inch margin on all sides of each page.

The memorials 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
- Appendix (Optional)
- Exhibits (Optional)

The cover page of the memorials must state the following:

- The Case Title
- Identity of brief as Prosecution or Defendant
- **MARKING CRITERIA FOR MEMORIALS**
 - Knowledge of facts and law (20)
 - Proper and articulate analysis (20)
 - Extent and use of research (20)
 - Clarity and Organization (20)
 - Citation of sources (10)
 - Grammar and Style (10)

NOTE: 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.

6. ROUNDS

There will be Preliminary Round, Quarter-Final Round, Semi-Final Round and consequently Final Round.

PRELIMINARY ROUND

- Preliminary rounds, participants will have to send their pre-recorded videos of both the sides- Prosecution and Defendant to the official email ID **mcs@ail.ac.in**.
- Each speaker shall be allowed a maximum of 15 minutes to present their pleadings from each side.
- Teams shall send their files named “TC-X Speaker-1(Prosecution)” & “TC-X Speaker-2(Prosecution)” and “TC-X Speaker-1(Defendant)” & “TC-X Speaker-2(Defendant)” (TC-X is the team code).
- The teams shall send the recorded pleadings on behalf of both the Prosecution and the Defendant.
- **The last date of submission of the pre-recorded video is Oct.5th, 2020.**
- Speaker 1 and Speaker 2 to remain the same throughout the competition.
- Video should be recorded at once; no editing (cut-mix of two slides) should be done.
- It should be recorded in proper formal uniform.
- The results of the preliminary rounds will be intimated through e-mail on or before **Oct. 9th, 2020.**
- Based on the combined score of the memorial as well as pre-recorded videos send for the preliminary rounds, top eight teams will qualify for the Quarter-Final rounds.
- In case of a tie in marks, team with more marks in the memo submission will qualify for the quarter finals.
- The meeting Id & password and timings of the next rounds will be informed to the qualifying teams through email/whats app.

QUARTER-FINAL ROUND

- The Quarter Final Rounds shall take place on **Oct. 15th, 2020.**
- It shall be conducted through video-conferencing, via Zoom/or any other online platform.
- The meeting Id & password and timings of the rounds will be informed after the preliminary rounds to the qualifying teams through email/whats app.
- Quarter-final round of competition will consist of 30 minutes for oral pleadings.
- Each team shall strictly get a total time of **30 minutes** to argue subject to a **minimum of 12 minutes per speaker**. The said 30 minutes shall include maximum 3 minutes for the Rebuttals.

- At the beginning of the round, the teams shall specify the time distribution for each speaker and for rebuttal, to the moderator.
- Only after being allowed by the moderator a speaker shall unmute his mic and speak.
- The rebuttal round proceeding shall be initiated once the moderator informs the team about the commencement of the time limit. Only after being allowed by the moderator a speaker shall unmute his mic.
- This round will be knock-out round and four teams will qualify for semi-final round.
- The winning team of each round shall proceed to the Semi-Finals. In case of a tie, the team with a higher score in Written Submission shall qualify.
- The meeting Id & password and timings will be informed to the qualifying teams through email/whats app.

SEMI FINALS ROUND

- Semi-final round would be conducted on **Oct. 16th, 2020** via video-conferencing/ online platform which will be intimated to the participants.
- Each team shall get a total time of **40 minutes** to argue subject to a **minimum of 15 minutes per speaker**. The said 40 minutes shall include maximum 4 minutes for the Rebuttals.
- The meeting Id & password and timings will be informed to the qualifying teams through email/whats app.

FINAL ROUND

- The final round would be conducted on **Oct. 17th, 2020** via video-conferencing/ online platform which will be intimated to the participants.
- Each team shall get a total time of **45 minutes** to argue subject to a **minimum of 18 minutes per speaker**. The said 45 minutes shall include maximum 4 minutes for the Rebuttals.

7. AWARDS

- **Best Team** – Rupees 15,000/- along with E-Certificates
- **Runner Up**– Rupees 10,000/- along with E-Certificates
- **Best Memorial**– Rupees 7,000/- along with E-Certificates
- **Best Speaker** – Rupees 5,000/- along with E-Certificates
- **2nd Best Speaker**- Rupees 3,000/- along with E-Certificates
- **Best Pre-recorded Video**- Rupees 5,000/- along with E-Certificates

NOTE: All the Participants will get participation certificates. E-Certificates shall be mailed to the teams within fifteen days from the event.

8. ANONYMITY

- 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.
- 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, badges, patches, or pins) or carrying/showing material (such as books with a college logo or college seal etc.).

9. GENERAL ETIQUETTE:

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

10. MARKING CRITERIA FOR ORAL ROUNDS:

- Knowledge of law and its application to facts (45 points)
- Research content of arguments and ability to answer questions (35 points)
- Mannerism, reverence to the court and time management (20 points)

11. 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.

12. INTERPRETATION OF THE RULES:

- The Organizer's decision as regards the interpretation of rules or any other matter related to the competition will be final.
- If there is any situation, which is not contemplated in the rules, the Organizer's decision on the same shall be final.
- 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 any time before and/or during the competition.
- 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.
- In any kind of conflict, the decision of the Principal, Army Institute of Law, Mohali would be final.

Institute Moot Court Society Coordinator:

Dr. Bajirao Rajwade +91 9814013531

Event Convenor:

Dr. Puja Jaiswal +91 9416932267

Institute Moot Court Society:

Dr. Kulpreet Kaur

Ms. Chanpreet Kaur

Ms. Jasleen Chahal

Dr. Harpreet Kaur

Ms. Anmolpreet Kaur



REGISTRATION FORM
CHECKMATE-2020



**NOTE – PLEASE USE BLOCK LETTERS ONLY TO FILL IN DETAILS
SOFT COPY OF THE FORM TO BE SUBMITTED.**

Teams are required to send the scanned copy of their Institute's Id card with this form

1. Name & Address of Participating College/University:

2. Contact Number of College: _____

3. Name of Head of the Institution(Principal/Director)_____

Contact Number: _____

4. Name of Faculty Coordinator of Institute's MCS_____

Contact Number: _____

5. TEAM DETAILS:

Name of Counsel I:_____

Phone No. _____

E-mail: _____

Gender: _____

Sign: _____

Name of Counsel II:_____

Phone No. _____

E-mail: _____

Gender: _____

Sign: _____

Name of Researcher:_____

Phone No. _____

E-mail: _____

Gender: _____

Sign: _____

6. Details of Payment of Registration Fee:

Transaction ID: _____

Bank: _____

Date of payment: _____



MOOT PROPOSITION
CHECKMATE-2020



1. Peter Hemsworth aged 40 years was a well-known mathematician from Cambridge. He had made great strides in research and had many publications to his credit. Having taught in the UK as well as the United States for many years, he decided to move to India in 2008. He got a good job at the Advanced Centre for Mathematics in Mumbai as an Associate Professor. Besides teaching and administrative tasks, he was offered a special post for guiding Ph.D. students.
2. Alexa was daughter of an Englishman (James Courtney) and Maithili Raghuraman, a lady of Indian origin. Her parents, before her birth, had shifted to India in 1980 and had taken citizenship. Alexa was born in 1986 in Bombay (now Mumbai). Having completed her schooling and college in Mumbai, she went for her masters in Mathematics to Oxford. Returning to India 2010, Alexa Courtney got herself enrolled as the first student for doctoral studies under Dr. Peter.
3. Despite the fact that he was her Ph.D. guide, Alexa fell in love with Dr. Peter and soon to the surprise of all told her parents that she wanted to get married to Dr. Peter. Her parents were not in favour of this alliance due to two reasons. One that there was an age gap between them, and secondly they wanted their daughter to settle in UK.
4. In spite of the opposition, both of them got married in 2013. Alexa and Peter, were happily married and she completed her Doctoral work in 2016. She too got a job at the same Mathematics centre where Dr. Peter was teaching. Life was going perfect as both Alexa and Peter complement each other well at home and at work.
5. Peter and Alexa had very few friends. One couple whom they were very close to were the Gujrals. Rajesh Gujral was an IT wizard working in a multinational in Mumbai, while his wife Suneet Gujral was an artist and interior decorator. Rajesh was such a brilliant professional that he could hack into a computer or even a home system remotely and take control of it. The Gujrals met Peter and Alexa on a regular basis, and got along rather well.
6. Around the beginning of 2018 Peter and Alexa got very busy with their professional lives as both got a research assignment independently.
7. The work made them drift apart. There were rumours too of Peter being in a relationship with Suneet Gujral. When confronted both Peter and Suneet denied everything. Due to too much of work pressure, Peter censured Alexa and even assaulted her once. After this incident, their relationship got strained further.
8. In December 2019 Alexa got pregnant. Dr. Peter asked her to abort the child as he claimed that he was not ready to start a family. On her refusal, Peter got livid. He rebuked Alexa for

leaving the job to which Alexa refused. Peter even went on to allege that the father the baby she was expecting was probably Rajesh. Alexa was disgusted at his behaviour. She left her matrimonial home and shifted into a hotel close by.

9. On getting to know about this incident, Rajesh and Suneet felt pity on her and they asked Alexa to move into their home. Alexa started living with the Gujrals and as time went by, Peter got more and more agitated with Alexa. He called her a few times coaxing her to return, but she refused.

10. Then on 5th of May,2020 Alexa was called by Peter to his home on the pretext that his parents wanted to meet her. He expressed his desire that he wanted to sort out things between them so that they could go ahead with their lives. Alexa along with Rajesh went to meet all of them on 11th of May,2020. Though Peter's parents were not there, he was cordial and explained that due to medical reasons his parents could not come. Then they had dinner together, Alexa took very little of food. It was 10:30 pm and Alexa looked tired. Seeing this Peter nearly forced Alexa to stay back for the night as it was late. Rajesh reluctantly agreed and went back home and told Alexa that he would pick her up after 10.00 am the next morning.

11. Next morning on reaching the Peter's house, Rajesh was surprised that no one answered the door bell. After ringing the bell for about 05-6 minutes, he called Peter, who said that he was at work and had left home at 07.00 am. Peter said that Alexa was not answering his phone too.

12. Rajesh tried to push the front door. Once inside he started searching the house. Soon to his horror he found Alexa hanging in the bedroom from the fan. He called Peter as well as the Police. The Police made an inquest report and sent the body for post mortem examination. They took whatever evidence they could find. The Alexa (electronic device) was also taken as evidence. There was another Alexa mini music player lying on Peter's bedside, which was not found at the time of the search.

13. When Rajesh was questioned, he failed to give any plausible explanation of how he got ingress into the house.

14. The post mortem report came in the next day. After this, Peter was arrested and a case was filed under the Sec 306, 316 and 325 of the IPC.

15. Rajesh, during investigation confessed to the Police that he had taken the Alexa mini music player which was lying on the bedside.

16. At the trial the prosecution claims that the last conversation in the room could have been recorded by ``Alexa'', mini music player which records conversations if the word ``Alexa'' is spoken twice within its vicinity.

17. Rajesh claims that if he is given an opportunity, he could retrieve the recording of this and find out what the last conversation, since the word Alexa must have been mentioned. He suggested that he was willing to do this if he is not charged with the offence of theft, trespass or any other offence under the law.

18. Peter is of the opinion that Rajesh was holding the system to ransom. Peter claims that producing this as evidence was invasion of his privacy.

19. Peter also submitted his written consent to NARCO analysis examination and any other relevant test to be performed. Rajesh on the other hand flatly refused for undergoing the same.

20. On behalf of the State and the accused person, argue the case.

QUESTIONS BEFORE THE TRIAL COURT:

- Whether evidence from the *Alexa* devices is admissible in a Court of Law?
- Whether evidence stolen from the crime scene is admissible in a court of law?
- Whether Dr. Peter and Rajesh can be subjected to NARCO analysis?
- Whether Dr. Peter can be charged under Section 316, IPC?
- Is it a fit case where the Court should add a charge u/s 302 IPC and try the accused person for that charge as well?

Annexure: Post Mortem Report

Annexure

POST MORTEM REPORT

1. Name: Alexa Courtney Hemsworth
2. Race and Age: Mixed blood / 35 years
3. Clothes: Blue pair of jeans and a halter neck
4. Injuries: Deep laceration around the neck [1" wide] / Fractured wrist [Left] and a small abrasion on the right side of the face. Hyoid fracture present.
5. Found to be with 22-week foetus
6. Time of Death: Approximately between 4:00am and 08.00 am of 12th May 2020
7. Viscera report: No food matter found. Some quantity of tea and water present.
8. Cause of Death: Asphyxia due to hanging (Unnatural).

Dr. B.M. Sarosh
Dr. F.N. Roy
King George's Hospital and College
Navi Mumbai

Dated: May14th, 2020