



Vivekananda Institute of Professional Studies
Accredited Grade "A" by NAAC, Recognized under Section 2(f) of UGC,
Affiliated to Guru Gobind Singh Indraprastha University, Recognized by Bar Council of India
Approved BY AICTE, ISO 9001:2015

Centre For Criminal Justice Administration
In collaboration with Advocates' Legion, VSLLS

PRESENTS

15TH INTRA MOOT COURT COMPETITION (VIRTUAL)

16th - 17th October, 2021

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- **Registration Opens: 4th October, 2021**
 - **Last date of Registration: 10th October, 2021**
 - **Date of release of the Moot Proposition: 4th October, 2021**
 - **Last date for Memorial Submission: 14th October, 2021**
 - **Registration Link :**
<https://docs.google.com/forms/d/e/1FAIpQLSdqGsLNBK1uknVnq0K1DAqBxDW8rEOMYPRV5sAK74IOx1zXIQ/viewform>

For further details please contact:

- ADITYA KRISHNA ANDLEY: +91 9953101387 (STUDENT EXECUTIVE MEMBER, ADVOCATES' LEGION, VSLLS)
- UTKARSH TRIPATHI: +91 9999048496 (STUDENT EXECUTIVE MEMBER, CCJA, VSLLS)

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ABOUT THE COMPETITION

Centre for Criminal Justice Administration in collaboration with

Advocates' Legion, VSLLS

presents

15th INTRA- MOOT COURT COMPETITION (VIRTUAL), 2021

Vivekananda School of Law and Legal Studies (VSLLS) of Vivekananda Institute of Professional Studies (VIPS) is committed to the cause of Professional Legal Education. VSLLS is well known for the best legal education to the aspiring lawyers under the leadership and guidance of Professor (Dr.) R. Venkata Rao, Chairperson, VSLLS & VSES; Professor (Dr.) T.V. Subba Rao, Professor Emeritus, VSLLS and Professor (Dr.) Rashmi Salpekar, Dean of VSLLS, VIPS and all the faculty members.

Criminal Justice has long played a critical part in the functioning of different spheres of the society. Needless to say, legal systems of the world have become increasingly complex and so are methods of dispensing justice. The Centre for Criminal Justice Administration, VSLLS takes an inter-disciplinary approach to the study of crime, justice and related research. It focuses on the administrative end of law enforcement and other areas of scrutiny of personnel, administrative processes and punishment and rehabilitation. Students related with this centre not only are able to familiarize themselves with criminal law but also the entire working of the justice delivery system.

Advocates' Legion is the moot court committee of Vivekananda School of Law and Legal Studies which has been providing a platform for aspiring young lawyers to experience real life court situations in the legal arena. The community has been organizing different types of moot court competitions thereby enabling the students of Vivekananda Law School to experience the practical side of law by analyzing different legal issues and giving the opportunities to practice their oral advocacy and writing skills.

In this background, *The Centre for Criminal Justice Administration in collaboration with Advocates' Legion, Moot Court Society, Vivekananda School of Law and Legal Studies proudly presents the 15th Intra Moot Court Competition to be held from 16st October to 17th October, 2021.*

RULES OF THE COMPETITION

- *Memorial*: -It means the written arguments submitted, on behalf of both the Parties, according to the official competition rules by each team.

- *Oral Round*: -It refers to a team's pleadings, comprising of both the speakers, submitted orally in front of the judges on behalf of one of the parties against another team representing the opposite party.

- *Parties*: -It refers to the parties to the matter as identified by the moot problem as Petitioner and Opposing Party.

- *Team Code*: -Team Code refers to the unique number allotted to each participating team for the purpose of this competition which will be mailed to the participant accordingly after registration.

- *Official Email ID*: **ccja.vips@gmail.com**

(a) Team Composition

The team shall comprise of two (2) speakers and one (1) researcher. One team may also take part with two (2) speakers only as well. The students from **B.A.LL.B** and **BBA.LL.B** are eligible to participate in the competition from all the semesters.

(b) Registration

(i) For participants

Registration for the 15th Intra Moot Court Competition 2021 will be through online form submission via Google Docs through this link:

<https://docs.google.com/forms/d/e/1FAIpQLSdqGsLNBK1uknVnq0K1DAqBxDW8rEOMYPRV5sAK74IOx1zXIQ/viewform>

NOTE: Last date for registration is **10th October, 2021 by 11:59 PM.**

The payment for registration shall be made only through Bank Transfer (NEFT/IMPS) for **Rs 300/-** by

Details for transfer are as follows:

- Beneficiary Name: ‘Vivekananda Institute of Professional Studies’
- Bank: Axis Bank Ltd.
- Branch: Lok Vihar
- Account No.: 912010050002859
- IFSC Code: UTIB0000588
- Account Type: Savings

NOTE: Proof of payment to be submitted to the official email i.e. **ccja.vips@gmail.com**

(ii) Assistance to a team from other team(s) or third parties

Teams are not permitted to receive substantive assistance towards preparation of memorials or arguments from any third parties, including teachers, members of the organizing committee etc. Any team found indulging in such assistance from third parties shall be immediately disqualified from the competition.

(iii) Rights over the memorials

The Faculty Convener and the Organizing Committee reserve the right to disseminate and reproduce the memorials for the purpose of the Competition. Submission of memorials in this competition will constitute the consent of the teams to such dissemination and reproduction. The Faculty Convener and the Organizing Committee will not be responsible for any mistakes that are a part of the memorial.

(iv) **Memorial Rules**

a. Format

Each participating team is required to prepare a memorial for each party to the dispute with the following **MANDATORY** heads:

- Cover Page
- Table of Contents
- Index of Authorities
- Statement of Jurisdiction
- Statement of Facts (not exceeding 2 Pages)
- Issues Raised
- Summary of Arguments (not exceeding 2 Pages)
- Arguments Advanced (not exceeding 12 Pages)
- Final Submission/Prayer (not exceeding 1 Page)

(b) Teams shall cite authorities using footnotes **4th Edition OSCOLA** style.

(c) The Cover Page of each memorial must contain **ONLY** the following information:

- The Team Code in the upper right corner of each memorial
- The name of the Court
- The name of the Competition
- The party for which the memorial is prepared

(d) All teams shall send one copy of the memorials in .docx format (Microsoft Office) as well as .pdf format to on or before 12th October, 2021, 11:59, with the subject as '**Memorial Submission for <Team Code>**'. All the files (.docx and .pdf) should be sent through a single mail to **ccja.vips@gmail.com**

(e) Memorials are to be submitted by **14th October, 2021 at 11:59 P.M.**

The same will not be accepted afterwards and the team shall be forfeited from the Competition.

(f) Memorial once submitted will be considered as final, and cannot be revised. In the scenario where any memorial is sent in late (in separate e-mails), the penalty for late submission imposed on the latter memorial will be imposed on both the memorials equally. Penalty will also be imposed if the aforementioned documents are sent in separate emails.)

(g) All parts of the memorial (including headers, footers and headings) shall be typed on **A4 sized paper/format**, with the following Formatting Specifications:

- Font Type: Times New Roman
- Font Size: 12
- Line Spacing: 1.5
- Margins: 1 inch on each side

For footnotes, the Formatting Specifications are:

- Font Type: Times New Roman Font Size: 10
- Single Spacing between lines
- Margins: 1 inch on each side
- Speaking footnotes or endnotes are not allowed.

(h) The following colour schemes **MUST** be followed for the cover page of the memorial:

- Petitioner - **BLUE**
- Respondent - **RED**

The memorials shall not contain any annexure, photograph, graph, diagram or any other representation of like nature

(i) Every Memorial will be marked on a total of 100 marks and the team memorial marks will be the average of the total of both sides:

S.NO	MARKING SCHEME	MARKS ALLOTTED
01.	Knowledge of Facts & Law	20 Marks
02.	Extent & Use of Research	20 Marks
03.	Drafting Skills	15 Marks
04.	Originality in Presentation	15 Marks
05.	Coherency	10 Marks
06.	Grammar and Style	10 Marks
07.	Original Thought	10 Marks
	Grand Total	100 Marks

(j) For any further clarifications regarding the rules or the moot proposition kindly mail your queries along with your team code or contact the Executive Members

(k) **Penalties**

Not adhering to these rules will lead to deduction in the marks of the memorial submission.

(l) **Anonymity**

There should be no indication of the name of the members in the memorials. The teams must also not disclose such information during the oral rounds. The teams should not attempt to disclose such information to the Judges, or any other person as decided by the Organizing Committee, for the entire duration of the 15th Intra Moot Court Competition. The violation of this rule will result in severe penalty, which may involve disqualification, as determined by the Competition Administrator.

(v) **Oral Rounds**

- i. There shall be only one oral round with each side allotted 15 minutes and not more than one minute for rebuttal or sur-rebuttal.
- ii. Each speaker prior to the beginning of the Oral Round, have to indicate to the Court Clerk how they wish to allocate their speaking time amongst the First Speaker,

Second Speaker and Rebuttal (by Petitioner) or Sur- rebuttal (by Respondent). No single Speaker shall argue for more than **eight minutes**, including Rebuttal or Sur-rebuttal in the Oral Round.

Marking Criteria for Oral Rounds

S.No	Criteria	Marks
1.	Knowledge of Facts and Law	20
2.	Application of law to facts	20
3.	Ingenuity and ability to answer questions	15
4.	Presentation Skills	15
5.	Time Management and Organization	10
6.	Court Etiquettes	10
7.	Logical coherency in Arguments	10
	<i>Grand Total</i>	100

(vi) In case the team is unable to report to the designated Court room at the starting of the Round and notify the court master of their presence, the team will be disqualified from the Competition and the Round will continue as an ex-parte round or as per the discretion of the organizers.

(vii) **Training Session**

Training session regarding the memorials followed by the oral rounds will be conducted as follows: **Training Session to be held on 10th October,2021 at 3:30 pm**

Further details will be notified accordingly.

(viii) **Exemplary Power Clause**

In case of any dispute arising out in the interpretation of the rules or otherwise, the decision of the Faculty Coordinator in consultation with the Organizing Committee (OC) would be final and binding. The Faculty Coordinator in consultation with the OC will have the exclusive authority to interpret these Rules.

ORGANIZING COMMITTEE

Dr. Tushita Sharma (Faculty Convener) CCJSA, VSLLS	Dr. Sushila Sharma (Faculty Convener) ADVOCATES' LEGION, VSLLS
Faculty Members	Faculty Members
Dr. Sushila Sharma	Mr. Aaditya Vikram Sharma
Dr. Deepali Vashisht	Ms. Lovleen Sharma
Ms. Lovleen Sharma	Ms. Bhavya Gupta
Ms. Richa Gupta	Ms.Sakshi Gupta
Ms. Sakshi Gupta	Ms. Aanchal Mittal
Ms. Chestha Dahiya	Ms. Samriti
Ms. Srithi Benerjee	
Ms. Rajni Kheria	
Mr. Aash Mohammad	
Dr. Sonia Jain	

**Organizing Executive Members
from the CCJA and *Advocates'***

Legion VSLLS-

- *Aditya Krishna Andley*
(9953101387)
- *Utkarsh Tripathi*
(9999048496)
- *Simrat Kaur*
(8800721717)
- *Vipranshi Bhatia*
(9958709127)

Moot Proposition

Rahul & Anr. v. State Zeta and Anr.

The present appeal, before the Hon'ble Supreme Court of Alpha, arises out of the conviction order dated 06.02.2020 passed by the High Court of Zeta in Criminal Appeal No. 106 of 2018.

Appellant no. 1, Rahul, was married to Disha, the Complainant in the instant case, on 22.4.2014 in accordance with the traditions and rituals of both parties. Appellant No. 2, mother of Appellant no. 1, is indisputably a citizen of Sri Lanka, whereas her son (Appellant no. 1) and Daughter-in Law, (Complainant) are citizens of Republic of Alpha.

After the solemnization of their marriage, at all material times, the couple were residing at Nigeria, where Rahul was working with Reynolds Company as a Manager. Due to the nature of his work, he would often travel to different locations.

Despite being married for more than three years, the couple did not have any child. The couple had a neighbour, Rajan, also a citizen of the Republic of Alpha, was a Businessman in Nigeria and lived with his wife, Daisy and two children.

After some time, Rahul learnt that his wife had developed a close and intimate friendship with their neighbour, Rajan; however, Rahul kept silent on the issue, and did not object to the same.

One evening, Disha saw Rahul's phone and learnt of his extra-marital affair with their neighbour, Daisy. Disha confronted her husband to which he denied. During the heated arguments that ensued, Disha used foul language for Rahul and his mother, at which Rahul made derogatory remarks about the friendship between Disha and Rajan.

All of this led to a scuffle between the two. After this both went to separate rooms. After two hours, Rahul knocked at her door and asked her to come for dinner. Initially Disha refused, but after a while she came out to join him. Meanwhile, Rahul finished his meal hurriedly and left saying he has to meet his boss. Disha ate her food alone and soon after felt unwell.

Around 9 pm that evening, Rajan called upon Disha at her residence. Finding the door open, he went in and was shocked to see Disha unconscious on the floor. Immediately he rushed her to the nearest hospital

where upon receiving medical treatment, the medical practitioner informed that she had been administered with a drug Barbitol.

After 24 hours, Disha was discharged from the hospital and she informed Rajan all about Rahul and Daisy. Being afraid for her own safety, immediately, she took a flight to Alpha, for her parents' place in Zeta and Rajan accompanied her.

On arrival, she filed a criminal complaint under sections 328, 498A, 506 and 120-B of the Alpha Penal Code, against Rahul and his mother, alleging administration of stupefying drugs as well as physical and mental torture by her husband (Petitioner No. 1) and against his mother, (Petitioner No. 2) that the first accused used to consult her and she used to instigate him. Rajan too filed a case of Adultery under section 497 of the Alpha Penal Code against Rahul.

The Sessions Court joined both the Criminal complaints and acquitted both the accused of all charges, specifying lack of jurisdiction with respect to that accused no. 2 (mother of Rahul).

Appeals were filed before the High Court of Zeta against the acquittal orders of the Sessions Court, contending mainly— misreading and non-appreciation of evidence on record. The Hon'ble High Court on appraisal of all the evidence placed before it, reversed the order of acquittal passed by the Court of Sessions, upholding the jurisdiction of the Code on Appellant no. 2 and convicting Appellant no. 1 and Appellant no. 2 on charges of sections 328, 498A, 506 and 120 B of the Alpha Penal Code with respect to the Appeal preferred by the State, sentencing them to rigorous imprisonment of 10 years along with fine of rupees ten thousand each. With respect to the Appeal preferred by Rajan under section 497 of the Alpha Penal Code, the High Court convicted Rahul with 5 years of imprisonment, both imprisonments to run concurrently.

In the present Appeal, Rahul inter alia raised an issue regarding the Constitutional validity of section 497 of the Alpha Penal Code in the Supreme Court of Alpha as it is violative of different Articles of the Constitution of the Republic of Alpha. The Appellant relies heavily on the Indian jurisprudence developed in 2018 vide the decision in the case of Joseph Shine v. Union of India.

Appellant no. 2 strongly objected to the Courts' Jurisdiction over her, being a citizen of Sri Lanka.

The Hon'ble Supreme Court has clubbed all the Appeals in the matter and the case is fixed for arguments.

NOTE:

- The Legislative framework of the Republic of India and the Republic of Alpha is Pari materia as on January 2018.
- Students may frame their own issues.
- Each team shall prepare memorials/arguments for both Petitioner as well as Respondent.
- Rahul & Anr. v. State Zeta and Anr.
- The present appeal, before the Hon'ble Supreme Court of Alpha, arises out of the conviction order dated 06.02.2020 passed by the High Court of Zeta in Criminal Appeal No. 106 of 2018.
