

1st NATIONAL MOOT COURT COMPETITION, 2017

**School of Law  
Bahra University,  
Waknaghat, Solan (H.P.)**

*Is organizing*



**1st NATIONAL MOOT COURT COMPETITION  
On  
( 8th November, 2017 )**





### **About the University:**

Bahra University is a world class, multi-disciplinary University located amidst the picturesque surroundings of Shimla hills, aiming to advance knowledge and educate student's that will best serve the nation and the world in the 21st century. It is a prestigious venture of Rayat & Bahra group - one of India's largest and most reputed educational group. The University seeks "To be on the forefront of knowledge creation and dissemination in the global context'. With its world class teaching standards, outstanding faculty and innovative academic programs, Bahra University intends to sets a new benchmark in the Indian education scenario. The university is set up on over 25 acres, state-of-the-art residential campus, located amidst the scenic beauty of Shimla Hills, education at Bahra University is holistic, aimed at developing the intellectual and personal strengths of students, nurturing creativity and innovation through challenging project work, participative learning and providing an environment conducive to sparking ideas and imagination. The University integrates teaching, learning, research and extension education into a holistic framework. The University provides access to the high quality education, cutting-edge research and development of new technologies. As a platform for excellence in teaching, learning & administration, state-of art information technology is extensively used at Bahra University, contributing to the development of well-trained graduates, post graduates and doctoral students to meet the future professional manpower needs of the global market. The university prepares future leaders in various walks of life - science, Technology, business, basic sciences, social sciences, arts, sports and the community services.

## **About the School of Law:**

School of Law of Bahra University offers B.A.,LL.B. LL.B and LL.M courses covering wide areas of civil laws, criminal laws, International laws and modern scientific forensic and cyber laws etc. Bahra University established the School of Law in the Year 2013 on its campus to offer 5 year Integrated Law Course. Later on started three year LL.B. course and 2 years LL.M. course. School of law has completed the four years with academic excellence. We endeavor to make our students best in whatever they do and polish them into professionals who would make a mark in the legal arena. In order to help the students to achieve their goal in life courses are designed in such a manner so that the capabilities and liking of students are judged and they are helped to achieve their goal with perfection. Legal education is an instrument of social change and lawyers are the social engineers of the society and the role of law, both as an instrument of social change and as a defender of societal values becomes one of paramount significance. Legal education is an important component of the administration of justice. In order, to meet the societal needs the University has established School of law. The basic problem of legal education has been the existence of big gap between law and its practice. In order to bridge this gap the university has designed a placement scheme from the 1st Semester till the completion of the course/degree. The students are required to work in law offices/law firms in a defined manner. They are not only trained to work with the legal material but efforts are made to inculcate reasoning in them to appreciate and solve legal problem in right perspective. Academic standards at Bahra University have remained consistently high.

## **About the Competition:**

The Moot Court Committee, School of Law, Bahra University takes great pride in organising its 1st National Moot Court Competition, 2017 which is based on Criminal Law. The competition will provide a platform to students across the nation to put on display their advocacy skills, practical application of laws, to refine their research capabilities, to build up their confidence and professional ethics.

## **Patron:**

**Prof. (Dr.) Satish Kumar**

Vice- Chancellor,  
Bahra University,  
Waknagha, Solan

**Dean:**

**Prof. (Dr.) Hans Raj Jhingta**

School of Law,  
Bahra University,  
Waknaghat, Solan

**Moot Court Committee (School of law):**

**Dr. Rachita Negi (Head of Department)**

School of Law,  
Bahra University,  
Waknaghat, Solan

**(Faculty)**

**Mr. Umesh Kumar**

Assistant Professor,  
School of Law,  
Bahra University,

**Ms. Neha Rai**

Assistant Professor,  
School of Law,  
Bahra University

**Mr. Ajay Verma**

Assistant Professor,  
School of Law,  
Bahra University

**Student members / coordinators**

**Nitin Bali**                      **9882505740**  
**Pranav Kaushal**            **9459553064**  
**Gagandeep**                   **9888947476**  
**Tenzin Passang**            **9816713175**  
**Abhishek Kanwar**        **8626845701**  
**Sandhya**                      **8988145481**  
**Gajraj**                        **9736992285**  
**Jainesh**                       **8894020233**

**Nidhi Thakur**                **8894036048**  
**Ankita Khagta**              **7018288452**  
**Deepak Pashan**            **9805708818**  
**Rajat Kumar**                **8679175569**  
**Manisha Ojha**               **7832938211**



## **How to Reach Bahra University?**

Bahra University is surrounded with lush green flora and fauna in the hills of District Solan, Himachal Pradesh. Bahra University is situated on Chandigarh-Shimla Highway (NH-22), just 90 kms from Chandigarh (north) and 23 kms from Shimla (capital of Himachal Pradesh). It can be reached by trains connecting Kalka to Shimla. Nearest railway station is kaithlightat 5 kms away from Bahra University on Kalka-Shimla Heritage rail route. Second nearest station is Shimla 23kms away from Bahra University. It can also be reached by air routes where Chandigarh and Shimla happen to be the nearest airports. Shimla Airport is 23 kms far from Bahra University.

The moot hosts will arrange for a pick-up facility at wagnaghat from the road point if travelling by road, and from Kaithlightat railway station if travelling by Rail service only if informed in advance.

## **Contact Details:**

Bahra University,  
Waknaghat, Tehsil, Kandaghat  
Distt Solan, Himachal Pradesh  
PIN - 173234  
Email: ([www.bahrauniversity.edu.in](http://www.bahrauniversity.edu.in))

**School of Law:**

Dr. Rachita Negi (HOD)	9736437275
Mr. Umesh Kumar	9816709016
Ms. Neha Rai	9418210469
Mr. Ajay Verma	9459040209

**Email: 2017busol@gmail.com**

**RULES & REGULATIONS**

**I. ELIGIBILITY**

The competition is open for students who are studying LL.B three years or B.A., LL.B. five years course during the current academic year.

**II. TEAM COMPOSITION**

a. There shall be 2 speakers and 1 researcher designated for each team.

The researcher shall be allowed to argue with prior permission of the Moot Court Committee in case of illness of the designated speakers.

b. Each team will be provided a **unique team code** during orientation. Teams should not disclose the identity of their institution; such disclosure shall invite penalties including disqualification. The decision for the same shall be at the discretion of the Moot Court Committee.

**Note:**

1. Any change in team composition must be intimated to the Organizers at the earliest. Any change must be accompanied with a registration form and an authority letter duly signed by the head of the institution. No change in team composition is allowed after registration by post.

2. Teams will carry their own study material, Books and References. Only Library sitting will be provided by organizers and no material assistance be provided at library.

### III. DRESS CODE

The dress code shall be advocate's attire during the competition rounds.

**Note:** The participating teams shall also adhere to the above mentioned dress code while attending the inaugural and valedictory ceremonies of the Competition.

### IV. LANGUAGE

The competition shall be in English language only.

### V. REGISTRATION

- a. Registrations are open from 22-09-17. The teams must register to the institute by filling the registration form and emailing the scanned copy of the same at **2017busol@gmail.com** on 10-10-17.
- b. On receipt of the duly filled provisional registration form, the institute shall respond to the participating team, acknowledging the receipt.
- c. Registrations without the approval from the college/institution/university or without duly attested registration form will not be valid.

**Online Registration:** All the participating institutions have to confirm participation by sending an email consisting of a scanned copy of registration form to **2017busol@gmail.com** on or before 10-10-2017.

**Registration by Post:** The duly filled in hard copies of the Registration Form along with a **demand draft of INR 2,000/-** (Indian Rupees Two Thousand Only) must reach the Organizers by 15-10-2017.

**Address for Post:** The hard copy of the Registration Form shall be sent on following address only through Speed Post

To

**The Dean,  
School of Law,  
Bahra University, Wagnaghat, Solan, Himachal Pradesh**

**PURPOSE** - National Moot Court Competition, 2017

**Demand Draft:** The demand draft of **INR 2,000/-** (Indian Rupees Two Thousand Only) shall be drawn in favour of **“Bahra University, Wagnaghat”** payable at **Wagnaghat, Solan Himachal Pradesh.**

The participating teams must send their Registration Forms accompanied with demand draft only through Speed Post. The teams shall solely be responsible for any kind of delay in receipt of Registration Form.

## **VII. ROUNDS**

- a. There will be preliminary rounds, a semi-final round and a final round of arguments.
- b. All rounds will be a knockout round.
- c. Preliminary round will be held on 8-11-17
- d. Semi-Final and Final round will be held on 8-11-17

## **VIII. RESULTS**

- a. Results of the preliminary rounds shall be announced after the completion of rounds of all the teams.
- b. Similarly, the results of the Semifinals shall be announced after completion of the rounds of all qualified teams of respective rounds.
- c. The results of the final rounds shall be announced in the valedictory ceremony



## AWARDS & PRIZES

The following awards shall be awarded in the Competition:

- a. **Best Team:** The Team winning the final round of the Competition shall be given a trophy and a cash prize of **INR 3,000/-** (Indian Rupees Three Thousand Only)
- b. **Runners Up:** The runners up team in the final round of the Competition shall be given a trophy and a cash prize of **INR 2000/-** (Indian Rupees Two Thousand Only)
- c. **Best Speaker:** The speaker having the highest score shall be given a Trophy
- d. **Best Memorial:** The team having the highest average memorial score shall be given a Trophy.
- e. **Best Researcher:** The participant having the highest score in the researcher's test shall be given a Trophy.
- f. Certificates of merit shall be given to all the teams qualifying for Semifinals and beyond.
- g. Certificate of participation shall be given to all the participating teams.
- h. The awards, certificates of merit and certificates of participation shall be given during the **valedictory ceremony to be conducted on November 8, 2017**. No certificate will be given to the team before or after the valedictory function.

## IX. MEMORIALS

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

Memorials to be prepared for both parties to the dispute (Appellant and Respondent) in the prescribed rules and regulations. Text format would be Times New Roman Font Size – 12 points Line Spacing – Double Line Spacing and regarding Footnotes Times New Roman Font Size – 10 points Line Spacing – Single Spaced.

- a. The memorial shall consist of following:
  - i. Cover Page
  - ii. Table of Contents
  - iii. Index of Authorities
  - iv. Statement of Jurisdiction
  - v. Summary of Issues raised/questions presented
  - vi. Summary of Arguments/Pleadings
  - vii. Arguments Advanced/Pleadings
  - viii. Prayer for Relief
  - ix. Annexure (optional)

b. Memorial cover page shall follow the following Color Scheme:

Petitioner/ Appellant	Blue
Respondent	Red

**SCORING FOR MEMORIALS:**

<b>Criteria</b>	<b>Marks Allotted</b>
Adhering to specifications on memorial	<b>10</b>
Substance of memorial (including legal research)	<b>40</b>
Presentation Skills	<b>20</b>
Application of facts and the law	<b>20</b>
General organization	<b>10</b>
Total	<b>100</b>

**X. ORAL ROUNDS**

**a) In case of Preliminary Rounds and Semi finals**

- i. Each team will get a total of 30 minutes to present their case. This period of 30 minutes is inclusive of the time reserved for rebuttal and sur-rebuttal.
- ii. The division of time is at the discretion of the team members, subject to a maximum of 15 minutes per speaker. It is the duty of the Team to inform the division of time to the court clerk before the arguments begin. Not more than 5 minutes be given for Rebuttal & Sur-rebuttal.

**b) Incase of Final round**

- 1. Winners of each Semi-Final round will qualify for the final round.
- 2. Each team will be allotted 45 minutes for the arguments including time for Rebuttal. Not more than 10 minutes be given for Rebuttal & Sur-rebuttal.

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**NOTE:** If any dispute arise before, after or in between the competition it would be dealt by the Moot court committee and the decision shall be final. Teams are bound to follow the Decisions of all Judges and jury to be final.

<b>Marking Criteria for the Oral Rounds: SR.NO</b>	<b>MARKING CRITERIA</b>	<b>MARKS ALLOTTED</b>
1.	Knowledge and Application of Law & Facts	<b>20</b>
2.	Ingenuity and Ability to answer questions	<b>20</b>
3.	Style, Poise, Courtesy, Demeanor	<b>20</b>
4.	Organization and Flow of Arguments	<b>20</b>
5.	Reference to Memorials	<b>20</b>
<b>TOTAL MARKS</b>		<b>100</b>

**LIST OF IMPORTANT DATES**

<b>EVENT</b>	<b>DATE</b>
Notification of the Competition and Release of the Moot Proposition	22-09-17
Last Date of online Registration	10-10-17
Last Date for Seeking Clarifications	15-10-17
Last Date of Submission of Demand Draft and Hard Copy of Registration Form	15-10-17
Release of Clarifications	20-10-17
Last Date of Submission of Soft Copy of Memorials	25-10-17
Last Date of Submission of Hard Copy of Memorials	30-10-17
Formal Registration (Reporting Day)	7-11-17(till 9:00 P.M.)
Draw of Lots and Exchange of Memorials	8-11-17 (9:30 A.M)
Researcher's Test	8-11-17
Preliminary Rounds and Semi Finals	8-11-17
Final Round	8-11-17
Valedictory and Prize Distribution	8-11-17

**MOOT PROBLEM**

1. Kamal an illiterate person was residing with his family (wife and three sons) in village Chamba district Bilaspur, Himachal Pradesh.
2. On 02-02-2006 Kamal went to market with two of his friends and suddenly he and his friends started quarrelling with village Sarpanch. On 15-04-2006 it came to know that reason of quarrel between both the parties was the rejection of proposal of kamal to become a priest of Mahakali Shakti temple by the village sarpanch on insistence of other villagers vinod, harish, vivek and karan.
3. After six months of the scuffle Vinod, Harish, Vivek, and Karan had suggested the name of Pandit Gyan swaroop who was well known to all of them as a priest of Mahakali Shakti temple.
4. Thereafter, on 05-10-2006 Pandit Gyan Swaroop was appointed as the priest of the temple for the period of one year.
5. When Kamal came to know about the appointment he and his minor son Siddhart accompanied by few other villagers went to resist and retaliate the appointment of Pandit Gyan Swaroop.
6. On 15-08-2007 mother of Siddhart saw him crying at the stairs of the house, on asking she came to know that last night while performing Seva (as it is prevalent custom in village that every night one member from each house has to stay in temple) at village temple, Pandit Gyan Swaroop has committed sodomy to him.
7. Knowing this Satya mother of Siddhart came in fit of anger carrying sickle (*darati*) in her hand went to temple and started intimidating/scolding Gyan Swaroop for his immoral act when Sarpanch and villager came to know about the incident sarpanch Abhinav removed Pandit from his post.

8. On 26-11-2007 about 12 a.m. Mohit, Sahil, Nishant, Pandit Gyan, Digvijay, Ritesh and Rohit armed with deadly weapons came near the house of Kamal in two cars one was identified by the villagers as white Honda city car no. DL 2C 0098 but could not identify the second car.

9. On the same night Siddhart was seen by some of the villagers in the car, with Pandit Gyan Swaroop, Rohit, Sahil, Mohit and Ritesh. His hands were tied. Villagers tried to stop the car which forced the occupants of the car to fire Gun Shots and there after fled away. Nobody was injured in the incident.

10. After Knowing the incidence Kamal sent few villagers in search of Siddhart and did not accompanied them because two of his elder sons marriage was going on as it was the movement of departure of barat. On 28-11-2007 at 4:30 a.m. villagers found dead body of Siddhart near Suketi Canal Sundernagar District Mandi Himachal Pradesh. They saw that dead body was swollen, fowl smelling and bleeding in Anus of the child. F.I.R was filed at chamba on 28-11-2007 by Kamal through Abhinav (Sarpanch) for kidnapping, abduction and murder.

11. On this report police started investigation and took dead body in possession. Police refer the body for post-mortem. The Postmortem report suggests that 4 injuries were found in the person of the deceased. Injury no. 1 on leg was caused by blunt weapon and injury no.2 on Head was also blunt. Injury no. 3 on back caused by pushing the body. Injury no. 4 on the neck of the deceased was caused by sharp edged weapon. All the injuries except the injury no.3 was antimortem and injury no.4 was the fatal one causing death of the deceased.

12. While investigating police arrested Pandit Gyan, Mohit, Sahil, Digvijay, Ritesh and Rohit. During interrogation Sahil admitted the offence before police and his statement police recovered deceased cap and slippers 20 meters away from the canal where dead body was recovered.

13. Further, While investigating two of the villagers Yash and Ram has given statement to the police that they have seen Siddhart fearlessly talking and laughing with Pandit Gyan swaroop

and another person who was unknown to them at nearby place which is 2 km away from the place of the incidence on 27-11-2007 at about 1 a.m.

14. After completion of investigation police filed the charge sheet against all accused at session court Chamba u/s 147, 148, 149, 364, 302, 201, 336 of the IPC 1860 but trial court framed charges u/s 120 B, 364, 377 and section 34 read with section 302 of IPC.

15. Thereafter all the accused were convicted by Trial Court u/s 364, 377, 302 read with Sec 34 and 201 of IPC and sentenced as follows

- a) Three accused Pandit Gyan Swaroop, Mohit and Sahil were punished for life imprisonment and sentenced to undergo imprisonment for 25 years
- b) Two other accused Digvijay and Ritesh were convicted for 5 years of imprisonment for offence of Kidnapping.
- c) One of the accused Rohit acquitted by the Trial court.

The substantive sentences were ordered to run concurrently.

The judgment of the trial court has been challenged by all the accused before the Hon'ble High court of Himachal Pradesh on the grounds such as absence of motive, jurisdiction, appreciation of evidences etc.

**REGISTRATION FORM**

NAME OF THE INSTITUTION: \_\_\_\_\_

PRIMARY CONTACT NO.: \_\_\_\_\_

EMAIL ID: \_\_\_\_\_

TEAM DETAILS :

SPEAKER

1: \_\_\_\_\_

GENDER: \_\_\_\_\_

CONTACT NO: \_\_\_\_\_

EMAIL ID: \_\_\_\_\_ SIGNATURE

SPEAKER

2: \_\_\_\_\_

GENDER: \_\_\_\_\_

CONTACT NO: \_\_\_\_\_

EMAIL ID: \_\_\_\_\_

SIGNATURE



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**RESEARCHER:** \_\_\_\_\_

**GENDER:** \_\_\_\_\_

**CONTACT NO:** \_\_\_\_\_

**EMAIL ID:** \_\_\_\_\_

**SIGNATURE**

**DEMAND DRAFT DETAILS:**

**NAME OF THE BANK:** \_\_\_\_\_

**DD NO.:** \_\_\_\_\_

**DATE:** \_\_\_\_\_ **PAYABLE AT:** \_\_\_\_\_

**NAME & SEAL OF THE HEAD OF THE INSTITUTION**

NOTE: All Communications shall be done by the Organizers on the primary Contact and Email Id.

**TRAVEL AND ACCOMMODATION FORM**

**NAME OF THE INSTITUTION:** \_\_\_\_\_

**PRIMARY CONTACT NO:** \_\_\_\_\_ **EMAIL ID:** \_\_\_\_\_

**DATE OF ARRIVAL:** \_\_\_\_\_ **TIME OF ARRIVAL:** \_\_\_\_\_

**MODE OF TRANSPORT:** \_\_\_\_\_

**DATE OF DEPARTURE:** \_\_\_\_\_ **TIME OF DEPARTURE:** \_\_\_\_\_

**MODE OF TRANSPORT:** \_\_\_\_\_

**ACCOMMODATION (TICK AS APPLICABLE): YES / NO**

**NOTE:**

1. Travel Form must be sent latest by 10-10-17 (Scanned copy of the form).
2. No Pick and Drop facility will be provided if travel form is not submitted.
3. The accommodation will be provided from 7-11-17 (evening) to 9-11-17 (Morning).
4. No TA/DA will be provided by organizers.