



GALGOTIAS
UNIVERSITY

MOOT COURT SOCIETY,
School of Law,
Galgotias University

Organizes :-

INTRAMURALS 2019-20

[24th September 2019 – 25th September 2019]



Important Information

- Participation Second Year Students and onwards. For First Year Students there will a separate Novice Moot in January-February, 2020.
- Registration Fees Rs. 300 per team.
- Online Registration at <http://tiny.cc/ka2wbz> and subsequent Manual Registration (along with submission of Registration Fees in cash) to **Mr. Deepak Kaushik (MCS Faculty Co-coordinator) in Room A-411.**
- Submission of 2 hard copy of the memorial from both sides in **Room A-411** and a soft copy of the same mailed to deepakkaushik@galgotiasuniversity.edu.in.
- Draw of lots to decide the petitioners or respondents on **21st September, 2019 after 3:30 pm** in the **Moot Court Hall**. One representative from each team can come for draw of lots.
- For any further clarification please contact the MCS Student Office Bearers and Core Committee Student Members.

Important Dates

Release of Problem	1 st September, 2019
Last Date of Registration (both online and manual)	10 th September, 2019
Last Date of Memorial Submission (both hard and soft copy)	21 st September, 2019
Intramural Preliminary Rounds and Researchers Test	24 th September, 2019
Intramural Semi-Finals and Final Round	25 th September, 2019

MOOT PROPOSITION

1. Shyama, a poor boy who lived in a slum in the outskirts of the city of Brada in the Republic of Indiana. He studied in a government funded school named, Shanti Niketan School up to Sixth Standard but then he dropped out of school and since then, he has been in the employment of Mr. R. Batra for doing his household and other allied chores. Mr. Batra lives in Anand Vihar Society in the city of Brada. Shyama lives in the quarter provided by Mr. Batra. It has been 6 years since his employment. Mr. R. Batra had two children, a boy named Ravi, aged 18 years and a girl named Vanita, aged 16 years. Both Vanita & Ravi treated Shyama in a condescending manner, they insulted him on trivial matters.

2. One day, Shekhar aged 17 years and 7 months, son of Mr. Saxena, neighbor of Mr. Batra, was playing soccer in the society park. Ravi & Vanita were jogging there as per their routine. Shekhar & Ravi had animosity since childhood. While playing soccer, the football hit over the head of Vanita which gave her a minor head injury. Over this, Ravi started verbally abusing Shekhar, this led to a heated quarrel between the two. This provoked Ravi to give Shekhar a blow but suddenly Mr. Mehta another neighbor came and resolved the quarrel.

3. Then another day, Shyama was bringing groceries, when he reached in the vicinity of the society, he came across Ravi who asked him whether he brought his (Ravi's) things or not. Shyama said, "It was not available in the market." On this, Ravi started insulting him in public. On several occasions, Vanita also verbally abused & tormented him in public about which Shyama complained to Mrs. Batra to which she paid no heed. One time, while Ravi was insulting Shyama in the society doorway; Shekhar saw this & after Ravi left, Shekhar took this opportunity to talk to Shyama. Both shared the hatred for Ravi & Vanita.

4. On 7th March, 2015, Shyama took leave for 3 Days from work for going to his village with the permission of Mr. Batra. On 8th March, 2015, Mr. Batra left to attend a business seminar in another city. As it was Sunday, Mrs. Batra had planned to go to a painting exhibition with her family but due to Mr. Batra's work she decided to go

along with her children. Shyama had prior knowledge regarding it.

5. At 7:30 p.m. on 8th March, 2015, Mrs. Batra reached the exhibition which was located in the remote & desolate part of the city of Brada. The organizer of exhibition was Mrs. Batra's college friend so she engaged with her. Meanwhile, around 8:30 p.m., Vanita was taken by four persons & Ravi sensed that his sister was missing, and then he started searching her. While searching, he reached the basement where he saw two guys were tightly holding his sister and the other two were trying to outrage her modesty by tearing off her clothes. When Ravi tried to save his sister, one of them gave a blow by a rod on his head & several blows over his abdomen due to which he fell unconscious. When Vanita tried to scream, her mouth was forcefully shut and in a sudden haste she was strangled. When Vanita fell dead, all of the four persons fled away. Around 9:30 p.m., the guard who came in to switch off the lights of basement discovered two bodies and thereon the case was reported to the nearby police station, the police arrived and the bodies were sent for medical examination.
6. On 10th March, 2015, the investigating officer arrested Shekhar on the information of Ram Manohar who saw Shekhar sneaking out of the basement on the night of 8th March, 2015. On 12th March, 2015, Investigating Officer arrested Shyama along with Raju, aged 17 years & Ranveer, aged 17 years who were Shekhar's friends.
7. The postmortem report revealed that Ravi died due to head injury & internal bleeding and Vanita died due to suffocation caused by strangulation. Her clothes were torn & the medical report also revealed the presence of several scratches & injuries on her body.
8. The case was admitted to the Juvenile Board as all the boys were below 18 years of age. On 15th May, 2015, the Juvenile Board found Shekhar & Shyama to be well aware of the circumstances & consequences of their acts and, therefore, their case was committed to the Session Court finding them capax of committing offence. In addition to the above reason, Shyama's case was also committed to Sessions Court due to insufficiency of the evidence of age. Both of them were tried in the court of Session u/s 304, 326, 354 read with sec.-34 of the Indiana Penal Code, 1860. While Raju & Ranveer were tried by the Juvenile Board u/s 304, 326, 354 read with sec.- 34

of the Indiana Penal Code, 1860 (hereinafter referred to as IPC, 1860).

9. The parents of deceased started protest to try all the juveniles in conflict with law as adults due to their heinous act of brutally killing both of their children rather than like minors just because their age fell short of 18 years by just few months.
10. On 9th June, 2015, the Juvenile Board found both Raju & Ranveer guilty u/s 304, 326, 354 read with sec. - 34 of the Indiana Penal Code, 1860 & their guilt was corroborated by circumstantial evidence and medical evidence. The Juvenile Board directed them to be sent to special home for a maximum period of one year. Both of them did not prefer any further appeal.
11. Both Shekhar & Shyama submitted to the Session Court that the court has no jurisdiction to try the case, both of them being juveniles and, hence, their case should be remanded back to the Juvenile Board. On 12th June, 2015, Shekhar's case was remanded back to Juvenile Board but Shyama's submissions were rejected due to lack of evidence of age. The Birth Certificate of Shyama provided by the Municipality could not be discovered so there was no evidence of his age. Then Shyama asserted that a Bone Test or other allied test should be conducted to determine his age but this was rejected by the Court due to the inconclusiveness of these kinds of tests. Later on, on 28th July, 2015, Shyama was found guilty u/s 304 of IPC, 1860 as his fingerprints were found on Vanita's body as per medical report and u/s 326 & 354 read with Section 34 of IPC, 1860 & the Court sentenced him for imprisonment of 3 years. On 4th August, 2015, Shekhar was found guilty u/s 304, 326 & 354 read with Section 34 of IPC, 1860 and this was corroborated by the statement of Ram Manohar. The Juvenile Board directed him to be sent to a special home for a maximum period of 3 years.
12. An appeal was preferred by Shekhar in the Court of Session against the judgment and order passed by the Juvenile Board. He submitted his mere presence does not prove the guilt but the Session Court dismissed the appeal on the ground that appeal was not maintainable as the case has proved beyond the reasonable doubts before the Juvenile Board, moreover case also corroborated by circumstantial evidences, statement of eye witness and medical evidence and that no other question of law was raised by the

appellant in the said appeal.

13. An appeal was filed in the High Court by Shyama seeking setting aside the order of conviction since the Court of Session has no jurisdiction to try the case as the accused was a minor & for the suspension of execution of sentence passed by the Session Court. It was also submitted that there was abuse of process of law by the trial of his case in the Session Court & he also raised the question regarding the justification of order passed by the Session Court rejecting the Bone Test for determining his age. At the same time, a revision petition was also filed by Shekhar for the quashing of order of conviction of the Court of Session. But both the petitions were rejected by the High Court as in the opinion of the High Court, the evidences revealed that both of them were well aware of the circumstances and consequences of their delinquent acts and, therefore, both were capax of committing crime & that both were acting under common consensus. The requirement of any test to determine age was consequently rejected. In addition to this, in the opinion of the High Court, the case was proved beyond reasonable doubts. In the cross appeal which was filed by the prosecution against Shyama and Shekhar, it was contended that both culprits should be convicted under Section 302 IPC instead of 304 and this contention of the prosecution was accepted by the High Court and Shyama was ordered to be sentenced for a period of 10 years.
14. The Juvenile Justice (Care & Protection of Children) Act, 2014 was passed on 17th December, 2014 by the Parliament of Indiana which came to force on 20th January, 2015. This Act of 2014 of the Republic of Indiana is analogous to the Juvenile Justice (Care & Protection of Children) Act, 2015 of the Union of India.
15. On 11th January, 2016 both Shyama & Shekhar approached the honorable Apex Court of Indiana & the Apex court clubbed both the Matters & decided to hear the same. The following points were in question-
 - i. Shyama challenged the proceeding of the Session Court as he was minor, therefore, he seeks that his case be remanded back to the Juvenile Board & also seeks that the sentence passed by Session Court and High Court be set aside.
 - ii. Shyama also raised question regarding the justification of the order passed by

the Session Court & the High Court, rejecting the conduct of the Bone Test or other allied test for determining his age.

- iii. Shekhar raised appeal against the judgment & order passed by the Juvenile Board, Session Court & the High Court which was passed solely on the bases of his presence in the exhibition on the night of 8th March, 2015 and seeks acquittal from all the charges.

A PIL is also filed by AIM Foundation, an NGO working for child rights, challenging the constitutional validity of the Juvenile Justice (Care & Protection of Children Act), 2014.

Note: The PIL filed does not form the part of any of the appeal before the Supreme Court of Indiana, but for the convenience of argumentation, the last issue shall be dealt in the same Court.

16. Indiana is a signatory to the United Nations' Convention on the Rights of the Child (UNCRC). Its Article 40 specifically establishes parameter for juvenile justice. In addition to this, the case of Shyama is supported by a Human Welfare Organization to protect his interests.
17. All the teams are required to prepare arguments from both Appellants' & Respondent's side & all the teams are at liberty to frame issues. All the legislations of the Union of India shall be mutatis mutandis to the legislations of the Republic of Indiana.

GUIDELINES FOR WRITTEN SUBMISSIONS

1. Submission of Written submissions: All Written submissions must conform to the following general requirements. Participants will be penalized for failure to abide by these requirements.

Each participant team shall prepare the Written submissions from both side i.e Petitioner Side and Respondent Side. Each Participant participating in the Competition must submit 2 hard copies (printed black print on a white background) and one soft copy (to be emailed to Moot Court Society, the software used should be Microsoft Word 2007 or above or compatible software, entries in PDF format will not be accepted) of both sides.

The Written Submissions in soft copy must be identical to the hard copy of the Written Submission. Participants that fail to mail Written Submissions on time will be deemed to be disqualified. Equipment failure or problems, including computer disk failure, will not be considered an excuse for improper formatting or late mailing of Written Submissions. Participants must send soft copy of the Written Submissions to **mootcourtsociety@galgotiasuniversity.edu.in**.

Once submitted to the MCS, Written Submissions may not be altered. If pages are inadvertently left out in the collating process, the MCS may allow a Participant to correct the deficiency.

2. Format of Written submissions: Written Submissions must be typed and reproduced on white standard A4 paper (21 x 29 3/4 centimetres) except for the covers, where coloured paper must be used. The font and size of the text of all parts of the Written submission (except the cover page), must be in Times New Roman 12-point. Footnotes may be in Font size 10. The text of all parts of each Written submission must have one and a half spacing, except that (a) the text of footnotes and headings may be single-spaced, but there must be double-spacing between separate footnotes, and between each heading and the body-text of the Written submission and (b) quotations to sources outside of the Written submission of 50 words or more in any part of the Written submission shall be block quoted (i.e. right and left indented) and may be single-spaced.

3. Description of the Written Submission

3.1 Parts of the Written Submission: The Written Submission shall consist of the following parts-

- i. Table of Contents;
- ii. Index of Authorities;
- iii. Statement of Jurisdiction;
- iv. Statement of Facts;
- v. Questions Presented;
- vi. Summary of Pleadings;
- vii. Pleadings
- viii Prayer

3.2 Legal Argument Limited to Pleadings Section: Substantive, affirmative legal argument or legal interpretation of the facts of the Moot Problem may only be presented in the “Pleadings” section of the written submission, including the conclusion/prayer for relief (except insofar as such argument may be summarised in the “Summary of Pleadings” or anticipated in the “Questions Presented”). Participants which include arguments or legal interpretation in any other part of the written submission shall be penalised.

3.3 Index of Authorities: Each Written Submission shall include an “Index of Authorities.” The Index of Authorities shall contain a list of all legal authorities cited in any section of the Written Submission. This list shall include a description of each authority adequate to allow a reasonable reader to identify and locate the authority in a publication of general circulation.

3.4 Statement of the Facts: Each Written Submission shall include a full “Statement of the Facts.” The Statement of the Facts shall be limited to the stipulated facts and necessary inferences from the problem and any clarifications to the same. The Statement of the Facts must not include unsupported facts, distortions of stated facts, argumentative statements, or legal conclusions.

3.5 Summary of the Pleadings: Each Written Submission shall include a “Summary of the Pleadings.” The Summary of the Pleadings shall consist of a substantive summary of the

“Pleadings” section of the Written Submission in paragraph form, rather than a simple reproduction of the headings contained in the Pleadings section.

3.6 Pleadings & Prayer: The pleadings shall contain the substantive arguments with appropriate citations. The participants must endeavour to follow a bluebook citation (19th Ed.) method. The prayer shall be the effective remedies requested in the pleadings.

4. Length: The “Pleadings” section of the Written Submission, including footnotes or endnotes which refer to the “Pleadings” section of the Written Submission, and the Prayer may have no more than 15 pages.

5. Margins: Each page of the Written submissions (regardless of content) shall have margins of at least one inch, or two point six (2.6) centimetres, on all sides, excluding page numbers.

6. Covers

6.1. Different-coloured Covers: The colours of the Written Submission are to be as follows: **Blue** for Petitioner and **Red** for Respondent.

6.2. Information Contained on Cover of Written submission: Each Written submission should bear on its cover the following, and only the following: (a) the Participant Number (to be allotted before submission date); (b) the name of the court; (c) the name of the parties; (d) the nature of the case (Civil/ Criminal/ Writ/ SLP etc.); and (e) the title of the document (i.e., “Written submission for Respondent” or “Written submission for Petitioner”).

7. Plagiarism

Any kind of plagiarism or copying of the contents of the memorials amongst the participants, shall directly lead to disqualification of the participant.

9. Scoring of Memorials

The memorials will be judged on a maximum of 100 marks. The score for the researchers will be doubled. The memorials will be judged on the following criteria’s:

a) Recognition of issues: complete and correct recognition and weighing of issues. (10 Marks)

b) Correct primary and alternative submissions. (10 Marks)

c) Identification of legal principles. (20 Marks)

d) Quality and extent of research: Use of relevant case law, academic writings etc. (20 Marks)

e) Appreciation and application of facts. (10 Marks)

f) Logical structure and clarity of thought. (10 Marks)

g) Ingenuity. (10 Marks)

h) Overall Impression-: Formatting, citations etc. (10 Marks)

10. Oral Rounds:

The Oral pleadings shall be in English only. There will be no deviation from this language requirement. Every Speaker will be given 8 mins to present his case including the time to answer the question asked by the judges. However the time can be extended on the discretion of the Judges. The oral rounds will be adjudged on a score of 200. These rules are subject to change as per the decision of Moot Court Society.

MCS Core Committee

Faculty Body

1. Ms. Astha Anup Chaturvedi, Asst. Prof. SOL (**Faculty Coordinator**)
2. Mr. Deepak Kaushik, Asst. Prof. SOL (**Faculty Co-Coordinator**)
3. Ms. Vani Sharma, Asst. Prof. SOL (**Faculty Co-Coordinator**)
4. Dr. Faisal Ali Khan, Associate Prof, SOL (**Faculty Co-Coordinator**)

Student Office Bearers

1. Jatin Lalit Singh, BA LLB Semester -7 (**Student Advisors**)
2. Janhavi Ishan, BBA LLB Semester-7 (**Student Coordinator**)
3. Malvika Aggarwal, BA LLB Semester-7 (**Student Co-Coordinator Moot Court**)
4. Gurkirat Singh, BBA LLB Semester-5 (**Student Co-Coordinator Trial Advocacy**)

Planning and Organising Committee

1. Anmol, BBA LLB Semester-7 (**Committee Head**)
2. Rudrabhishek Chauhan, BA LLB Semester-3 Sec- A
3. Nancy Kesarwani, BA LLB Semester-3 Sec- B
4. Shivi Dwivedi, BA LLB Semester-3 Sec- B
5. Prabhjot Singh, BBA LLB Semester-3

Mentorship and Student Godfather Appointment Committee

1. Mudit Saxena, BBA LLB Semester-3 (**Committee Head**)
2. Vaibhav Tyagi, BA LLB Semester-3 Sec- A
3. Muskan Aggrawal, BBA LLB Semester-3

Exemption Affairs Committee

1. Prabal Srivastava, BA LLB Semester-3 Sec- A (**Committee Head**)
2. Ekta Pandey, BA LLB Semester-3 Sec- A
3. Ujjwal Lohat, BBA LLB Semester-3

Record Keeping and List Updation Committee

1. Ayushi Agrawal, BA LLB Semester-3 Sec- B (**Committee Head**)
2. Arti Chauhan, BA LLB Semester-3 Sec- A
3. Sakshi Rajput, BA LLB Semester-3 Sec- B
4. Akanksha Jain, BBA LLB Semester-3

Co-orp Members

1. Aakash Chopra, BA LLB Semester-7
2. Vanshika Jaiswal, BA LLB Semester-3 Sec- A
3. Astha lal, BA LLB Semester-3 Sec- A
4. Satuluri Triveni BA LLB Semester-3 Sec- B
5. Devanshi Singh BA LLB Semester-3 Sec- A
6. Sumit Yadav BA LLB Semester-3 Sec- A
7. Oashika Mukharjee BA LLB Semester-3 Sec- B
8. Vikas Kumar Pandey BA LLB Semester-3 Sec- B
9. Prabhav Mishra BA LLB Semester-3 Sec- B
10. Vardaan Gupta BBA LLB Semester-3
11. Marisha Mishra BBA LLB Semester-3
12. Akshat Sharma BA LLB Semester-3 Sec- A
13. Akshat Prashar BA LLB Semester-3 Sec- A
14. Siddhant Bhardwaj BBA LLB Semester-3
15. Sukaran arora BA LLB Semester-3 Sec- A
16. Vibhu Tripathi BA LLB Semester-5
17. Vinamra Mathur BBA LLB Semester-3
18. Puru Singh Tomar BBA LLB Semester-3
19. Aditi Todaria BBA LLB Semester-3
20. Sumit Singh BA LLB Semester -3 Section -A