

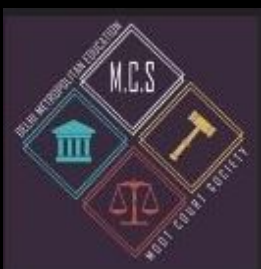
# DELHI METROPOLITAN EDUCATION

APPROVED BY THE BAR COUNCIL OF INDIA  
AFFILIATED TO G.G.S.I.P.U.



## THE 2<sup>nd</sup> DME NATIONAL MOOT COURT COMPETITION 2018

6<sup>th</sup> - 8<sup>th</sup> April, 2018



*In Association with*  
*Delhi Metropolitan Education*  
*Moot Court Society*



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# ABOUT THE COLLEGE

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Delhi Metropolitan Education (DME) is a premier Educational Institute affiliated to the **Guru Gobind Singh Indraprastha University, New Delhi**. The college offers **B.A.LLB(H)**, **B.BA.LLB(H)**, **B.A. (JMC)** and **BBA** course with premium quality infrastructure and excellent academic facilities to provide a dynamic and clinical ground for success. It is promoted by the founders of Mayoor School, Noida (in collaboration with GC MAYO College, Ajmer) and DPS World School, Noida Extension. Our vision at **DME** is “to create an inspirational setting where global standards of learning, ethical professional practices and academic and scholarly deliberations are practiced towards attaining individual growth.”

The institute is strategically located at a few minutes distance from the prime localities of Noida, Vaishali, Indirapuram, Mayur Vihar, Laxmi Nagar, Kaushambi, Ghaziabad etc. Adjacent to NH24, it is within 5-7 minutes driving distance from Delhi Border. The architecture of the institute is inspired by the ancient Greek Doric Pillars and many modern facilities including the impressive Nelson Mandela Auditorium, Rabindranath Tagore Library, exquisite audio and video studios for journalism, a moot court for law, a legal aid centre, computer labs, conference rooms and a cafeteria are some of the invaluable assets of the institute.

Since its inception, the college has attained numerous laurels to its credit and has successfully attained a distinguished stature. For two consecutive years it has bagged ‘**A - Grade**’ Certificate from the **G.G.S.I.P.U**. The college has numerous societies which are involved in diverse fields & activities ranging from the cultural arts, photography, academics to scholarly events. The societies not only successfully organize Internal and National Events but also participate in National and International level competitions with great enthusiasm, adroitness, efficiency and skillfulness.

The **DME Law School**, has created a professional and healthy competitive environment for its students, ensuring that they get the best understanding of law. It also continuously works hard and focuses on improving the professional skills of their students and provides them with the best academic and practical experiences. The **DME Law School** has organized many triumphant National Events the most recent being the **3<sup>rd</sup> National Seminar** titled “**Litigating Equality : Are Human Rights Effective?**” which had over 100 participants from all over the country.



## MESSAGES

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**Mr. Aman Sahni**  
*Vice-Chairman, DME, Noida*

*“Students of Law today are more active, they have numerous competitions and events. At DME, I have seen the amount of preparations, dedication and efforts that go into organizing one Moot Court Event.*

*Our Faculty and students are very passionate about mooting and this is reflected in the growing level of our Annual Competitions. This is also in sync with our larger objective of seeing DME as the leading Law School for legal education of the Country.*

*I wish all those associated with the National Moot Court Competition, 2018 the very best of luck.”*



**Hon'ble Justice Bhanwar Singh**  
*(Former Judge, Allahabad High Court)*  
*Director General, DME, Noida*

*“Ensuring a proper, effective and regulated education system is of high priority to DME, Noida. The law school strives to provide various platforms to the students by contesting a series of programmes like Debate Competitions, Parliamentary Debates, Client counseling competition, Legal Conferences, Legal Aid Camps, Intra and National Moot Court Competitions which builds and enhances their legal skills and helps them put forward their way to the competition in the arena of law.*

*With unceasing efforts of our professionally dedicated faculty, motivated students and moved by the success of 1st National Moot Court Competition, I take this opportunity with immense pleasure to announce that Moot Court Society of DME is organizing its 2<sup>nd</sup> National Moot Court competition.*

*We have gone through with fine-tooth comb in ensuring that this Competition is organized academically and administratively in the best possible manner. This is a National Competition and it welcomes law students from across India to participate and exhibit their advocacy skills.*

*I wish the event a great success and may the Best Team win.”*







**Prof. (Dr.) Bhavish Gupta**  
*Director (Officiating) & HOD (Law)*  
*DME, Noida*

*“Propelled by the success of 1st National Moot Court Competition organized by the Moot Court Society of DME, Noida, we have now embraced to follow the league and host the 2<sup>nd</sup> DME National Moot Court Competition from 6<sup>th</sup> April, 2018 to 8<sup>th</sup> April, 2018. There is a proverb that practice makes a man perfect.*

*The closest experience that a law student can get to appearing in a court is mooting. Mooting is the better way to learn the law than to read, interpret, comprehend, and understand research, frame arguments, and write. I wish the participants all luck for the competition and a wonderful opportunity to learn and grow.”*



**Mr. Karan Sharma**  
*Faculty Convener, DMEMCS*

*“Mooting is the closest a law student can get to being a lawyer. In this scholastic event, the students identify legal issues in a given moot problem, do exhaustive research in that area of law, prepare extensive written submissions and present arduous pleadings and arguments before a bench of eminent judges. This equips them with the basic skill set of a good lawyer. The MCS at DME is looking forward to garnering the interest of students in Mooting and to endow future lawyers with good research, strategizing and argumentative skills. In pursuance of this, DME brings this national level moot court competition to the law school students across the country.*

*As the convener of the MCS, I would encourage participation in the competition from various Colleges and batches, to experience the conducive learning environment that DME is eager to provide to the future lawyers.”*



**Ms. Trupti Panigrahi**  
*Student Convener, DMEMCS*

*“Mooting is not just about any competition, not just about victory or failure, it is about a magnificent journey. It is a journey where one takes a heuristic approach to learn some unforgettable lessons of life and profession, a journey that prepares one to overcome the difficult challenges that the future holds and emerge victorious therefrom. Mooting has always been one of the most enjoyable experiences of my life in Law school and I hope that the 2<sup>nd</sup> DME National Moot Court Competition, 2018 proves to be the same for all the participants!”*



# **DME MOOT COURT SOCIETY (DMEMCS)**

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## **Patron**

**Mr. Vipin Sahni — Chairman, DME**

## **Chief Advisor**

**Hon'ble Justice Bhanwar Singh — Former Judge, Allahabad High Court**

**Director General, DME**

## **ADVISORS**

**Mr. Aman Sahni — Vice-Chairman, DME**

**Dr. Rakesh Sharma — Sr. Advisor, DME**

**Prof. (Dr.) Bhavish Gupta — Director (Officiating) & HOD-Law**

## **FACULTY ORGANIZERS**

### **CONVENER**

**Mr. Karan Sharma (Asst. Prof. Law, DME)**

### **ORGANIZING SECRETARIES**

**Mr. Mukesh Kalwani — (Asst. Prof. Law, DME)**

**Ms. Nivedita Chaudhary — (Asst. Prof. Law, DME)**

### **STUDENT ORGANIZERS**

#### **CONVENER**

**Ms. Trupti Panigrahi**

#### **SECRETARY**

**Ms. Prachi Bhati**

#### **CO-CONVENER**

**Ms. Nishtha Sharma**

#### **JOINT SECRETARY**

**Mr. Shravan Chandrashekhar**

## **OUR PROUD PARTNERS**



## **MEDIA PARTNERS**



# ABOUT NATIONAL MOOT COURT COMPETITION

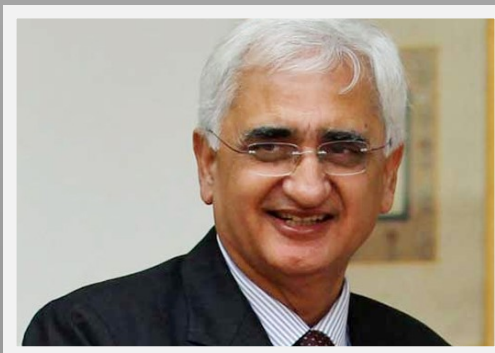
**Delhi Metropolitan Education**, an esteemed institution has burgeoned itself over the years in a very less time span through hard work and dedication of every individual associated with it. A foremost Educational Institute coalesce with the **Guru Gobind Singh Indraprastha University, New Delhi**. At the heart of School of Law, DME is the **Delhi Metropolitan Education Moot Court Society (DMEMCS)** which comprises of ambitious students with keen interest in mooting and our sterling faculty members.

DME in its **1<sup>st</sup> National Moot Court Competition** had witnessed an array of law aspirants from all over the country. A massive participation of more than 30 teams was witnessed at the DME Campus. This competition was consecrated by the presence of distinguished personalities from the bar, bench and academics. Our ingenious Chief Guests, **Sr. Adv. Mr. Salman Khurshid**, Hon'ble Justice A.N. Verma and Hon'ble Justice A.N. Mittal also graced us with their presence. Through this venture, the **DMEMCS** gained an exemplary position amongst various institutions and established itself.



**Delhi Metropolitan Education Moot Court Society (DMEMCS)** is proud to announce its **2<sup>nd</sup> National Moot Court Competition** to be held in April, 2018. Enticing more than 40 teams this time, we cordially invite the teams from your esteemed Institution. The objective of this competition is to allow the students to go beyond their horizons and give them an opportunity to explore the legal world and to develop individually through research and advocacy skills. Through this competition, we aim to provide the participants with indispensable experience.

**Delhi Metropolitan Education 2<sup>nd</sup> National Moot Court Competition** will witness the presence of pre-eminent and distinguished lawyers, **Mr. Ram Jethmalani** and **Mr. Salman Khurshid**. The DMEMCS is working hard to make this event gargantuan, a step ahead and triumphant.



# **RULES AND REGULATIONS**

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## **1. DEFINITIONS**

The following Rules shall be called the 2<sup>nd</sup> Delhi Metropolitan Education National Moot Court Competition Rules, 2018. Wherein,

**1.1** Organizers mean the **Delhi Metropolitan Education, Noida (G.G.S.I.P.U.)** in association with the **Delhi Metropolitan Education Moot Court Society (DMEMCS)**.

**1.2** Competition means the 2<sup>nd</sup> Delhi Metropolitan Education National Moot Court Competition, 2018.

**1.3** Participating Team/ Institution means the team that has registered itself for the competition as per the rules.

**1.4** Venue means Delhi Metropolitan Education, Noida (B-12, Sector – 62, Noida, U.P.)

The Rules mentioned herein are not exhaustive. The Rules shall be strictly adhered to and any deviation from the same shall result in immediate disqualification, unless exempted by the Organizers.

## **2. INTERPRETATION OF THE RULES**

**2.1** Organizers have the authority to interpret the Competition rules, to resolve any complaints or disputes connected thereto and to develop, update or amend these rules.

**2.2** The Faculty Convener shall serve as final arbiter of implementation and interpretation of these rules.

## **3. GENERAL**

**3.1 Date:** The Competition shall be held from **6<sup>th</sup> to 8<sup>th</sup> April, 2018** in the Delhi Metropolitan Education, Noida.

**3.2 Dress Code:** The participants shall adhere to the following dress code when present in any court room during the Competition and otherwise when present within the campus premises.

**3.2.1 Girls:** Black salwar and white kurta or white shirt and black trousers along with a black coat, black tie and black shoes.

**3.2.2 Boys:** White shirt, black trousers and black tie along with black coat and black shoes.

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





**3.3 Theme:** The moot proposition for the 2<sup>nd</sup> **Delhi Metropolitan Education National Moot Court Competition**, 2018 is based on “**Criminal Law**”.

**3.4 Language:** The official language for the Competition shall be strictly **English**.

#### **4. ELIGIBILITY:**

**4.1** The first 40 teams to register will be allowed to participate on a first come first serve basis.

**4.2** The Competition shall be open for bona fide students of an institution who are pursuing an integrated 5 year B.A. LL.B/ B.B.A. LL.B. Programme or a 3 year LL.B Programme in India. Such institution must be recognized by the Bar Council of India.

#### **5. TEAM COMPOSITION**

**5.1** Each team shall consist of a minimum of two members and maximum of three members. Under no circumstance a team consisting of more than 3 members will be allowed to participate. No observer/ additional member can be part of a team in any capacity.

**Please Note :** In case of a team comprising of only two members, prior permission should be taken from the Organizers.

**5.2** In case of a three-member team, there shall be two speakers and 1 researcher in the team.

**5.3** In case of a two-member team, there shall be one speaker who shall be registered as the “Researcher” in order to be eligible for the Researcher’s Test.

#### **6. ANONYMITY**

**6.1** The teams shall remain anonymous. Teams shall not disclose their identity, i.e. the name of their institution, city, etc. or any other information which has the effect of disclosing their identity and affiliation with a particular University or Institution, except in the registration form.

**6.2** Each team shall be allotted a team code before the competition. During the competition teams shall be identified by the team code allotted to them.

**6.3** Disclosure of details with respect to identity to any participating team or member(s) other than the DME Moot Court Society is strictly prohibited and stands as a ground for disqualification.

**6.4** Sharing of personal details especially, during the proceedings will lead call for immediate disqualification.

#### **7. REGISTRATION**

**7.1** Teams must register by **20<sup>th</sup> February, 2018** by sending an email to **mootcourt@dme.ac.in** with the subject “**Registration for DME National Moot 2018**”.



7.2 On receiving the registrations, a maximum of 40 teams will be allowed to participate in the Competition on First come-First serve basis.

7.3 The acceptance of provisional registration will be notified immediately to the respective teams through electronic mail.

7.4 The Team shall then send:

- A printed copy of the Registration Form by post which must reach the Organizers latest by **26<sup>th</sup> February, 2018**.
- A **non-refundable participation fee of Rs. 4,000/-** (Four thousand rupees only) in the form of a Demand Draft drawn in favour of **Delhi Metropolitan Education**, and **payable at NOIDA** (clearly stating the name of the institution at the reverse side of the demand draft), addressed to: Delhi Metropolitan Education, Noida, Uttar Pradesh, PIN - 201301.
- The teams also have the option to pay the registration fees for the competition via NEFT.  
**Details for NEFT : Name of the Bank - HDFC Bank Ltd. , Branch - Sector 18, Noida**  
**College Name - Delhi Metropolitan Education, Account no. - 50100187447560**  
**Account Type - Savings Account, IFSC Code - HDFC0001592**

7.5 Formal Registration of the teams shall be done on **6th April, 2018** at the venue.

7.6 Any change in the team composition shall be intimated to the Organizers before the Formal Registration.

7.7 Forms received after the deadline shall not be considered for registration.

## **8. MEMORIALS**

Memorials submitted for all purposes of the competition shall strictly adhere to the rules as stated below:

8.1 Teams have to prepare memorials for both the sides, i.e. Appellant and Respondent.

8.2 The registered teams shall submit the .pdf copy of their memorial for both sides by email to **mootcourt@dme.ac.in** by **23:59 hours of 20<sup>th</sup> March, 2018** and shall carry 6 printed copies– printed back to back (for each side) of such memorials on the day of the competition.

8.3 The soft copy file pertaining to the memorials in .pdf format shall be named as 'P(TC)' for the Petitioner's Memorial and 'R(TC)' for the Respondent's Memorial.

(Here, TC means the allotted Team Code)



**8.4** The cover page of the memorials sent for both the soft and hard copies shall clearly mention the word “P” for memorials on behalf of the Petitioner, and the word “R” for memorials on behalf of the Respondent, followed by the team code for both the instances, such being clearly inscribed on the top right hand corner of the cover page of the memorial for the Petitioner and Respondent.

For example, if a team had been assigned a code of 10, the memorials sent by such team shall have “P10” and “R10” clearly marked on the top right hand corner of the cover page of the respective memorials.

**8.5** The teams should not disclose their own identity or identity of their institution anywhere on the memorial. Violation of this rule will result in immediate disqualification.

**8.6** The cover page of the petitioner's memorial shall be printed on Blue colour A4 size paper, and the cover page of the respondent's memorial shall be printed on Red colour A4 size paper.

**8.7** The memorials have to be submitted on A4 size paper and **must only contain the following sections** in the order stated below-

<b>Cover Page</b>	<b>1 Page</b>
<b>Table of Contents</b>	<b>1 Page</b>
<b>Statement of Jurisdiction</b>	<b>1 Page</b>
<b>Summary of Arguments</b>	<b>1 Page</b>
<b>Arguments Advanced</b>	<b>10 Pages (Maximum)</b>
<b>Prayer</b>	<b>1 Page</b>

**8.8** Non-compliance with above criteria shall result in a penalty of two marks per missing section.

**8.9** The memorials must be printed in Times New Roman font with 12 font size and 1.5 line spacing. The footnotes must be in Times New Roman font with 10 font size and 1.0 line spacing.

**8.10** The memorials should have a 1 inch margin on all sides of each page.

**8.11** The 'Arguments Advanced' section should not exceed 10 pages, while the memorial as a whole should not exceed 15 pages including the cover page.



**8.12** The numbering should be on the bottom center of each page.

**8.13** The teams have to use the citation method as stated in the 19<sup>th</sup> Edition of the Harvard Blue Book for citation throughout the memorial, with strict adherence.

**8.14** There shall be no speaking footnotes in the memorial.

**8.15** The maximum scores for the memorials shall be 100 marks. The memorials shall be evaluated on the following criteria:

<b>Knowledge and Applicability of Law</b>	<b>30 Marks</b>
<b>Proper and Articulate Analysis</b>	<b>30 Marks</b>
<b>Extent and Use of Research</b>	<b>20 Marks</b>
<b>Clarity and Originality</b>	<b>10 Marks</b>
<b>Language and Grammar</b>	<b>10 Marks</b>

## **9. RESEARCHER'S TEST**

There shall be a researcher's test, which will be conducted on **6<sup>th</sup> April, 2018**.

## **10. FORMAT OF THE COMPETITION**

**10.1** There shall be two Preliminary Rounds, a Quarter Final Round, a Semi Final Round and a Final Round.

**10.2** There shall be no exchange of memorials in the **Preliminary Round**.

## **11. FORMAT OF ORAL ROUNDS**

### **11.1 Preliminary Rounds**

**11.1.1** The Preliminary Rounds are scheduled to take place on **7<sup>th</sup> April, 2018**.



**11.1.2** Teams shall be subjected to two Preliminary Rounds. The teams shall be arguing on behalf of each side during the Preliminary Rounds.

**11.1.3** The total of each round shall determine selection, with the top 8 teams qualifying for the Quarter Final Round.

**11.1.4** No two teams shall face each other more than once in the preliminary rounds.

### **11.2 Quarter-Final Rounds**

**11.2.1** The Quarter Final Rounds are scheduled to take place on **7<sup>th</sup> April, 2018**. The top-eight scoring teams from the Preliminary Rounds shall compete according to the draw of lots.

**11.2.2** The top four scorers will proceed to Semi-Final Rounds.

### **11.3 Semi Final Rounds**

**11.3.1** The Semi-final Rounds are scheduled to take place on **8<sup>th</sup> April, 2018**.

**11.3.2** The top-four scoring teams shall compete according to the draw of lots.

**11.3.3** The top two scoring teams will proceed to the Final Round.

### **11.4 Final Rounds**

**11.4.1** The Final rounds are scheduled to take place on **8<sup>th</sup> April, 2018**.

**11.4.2** The teams shall argue from the side decided by the draw of lots.

**11.4.3** The team obtaining a higher score shall be declared as the winner of the Competition.

## **12. PROCEDURES FOR ORAL SUBMISSIONS**

**12.1** The speakers can provide the copies of the compendium, only if the same is permitted by the Panel of Judges in their respective court rooms.

**12.2** Each Team will get a total of **15 Minutes** to present their case in **Preliminary and Quarter Final Rounds**.

**12.3** Each Team will get a total of **10 Minutes** to present their case in **Semi-Final Rounds and Final Round**.

**12.4** The oral arguments should be confined to the issues presented in the memorial. The researcher shall be present with the speakers during the oral rounds.

**12.5** The teams are not allowed to recite the facts of the case in any round.





**12.6** Rebuttal and Surrebuttal are allowed at the discretion of the Judges in every round. However, it should not exceed 2 Minutes in Preliminary and Quarter Final Round and 5 Minutes in Semi-Final Rounds and Final Round.

**12.7** Sur-surrebuttal is not allowed under any circumstance.

**12.8** Maximum scores for the oral rounds shall be 100 points per speaker per Judge.

**12.9** Extension of time beyond the specified limit shall attract negative marking of - 1 per minute.

**12.10** The oral rounds shall be judged on the following criteria:

<b>Knowledge of Law</b>	<b>20 Points</b>
<b>Application of Law to Facts</b>	<b>20 Points</b>
<b>Ingenuity and Ability to Answer to Questions</b>	<b>20 Points</b>
<b>Style, Poise, Courtesy, Demeanor and Organization</b>	<b>20 Points</b>
<b>Time Management</b>	<b>20 Points</b>

### **13. ANNOUNCEMENT OF RESULTS**

**13.1** The results of each round will be declared shortly after the conclusion of the rounds.

**13.2** The results of the final round shall be announced in the Valedictory and Award Ceremony, to be held on **8<sup>th</sup> April, 2018**.

### **14. FINALITY OF DECISION**

**14.1** The ruling of the Judges with regard to the outcome of the rounds shall be final.

**14.2** In case of evaluation of all the rounds, the Memorial Marks shall not be included to decide the merit, mere scoring of the ongoing rounds would be considered to move ahead for the next round.

**14.3** In case a tie takes place in any round, the marks of the memorial will become a deciding factor, wherein, the higher scorer will proceed further.

### **15. AWARDS**

**15.1 Winning Team Award** – The winning team will receive a trophy, certificate of excellence and a cash prize of INR 50,000/-



**15.2 Runners-Up Team Award** – The runners up team will receive a trophy , certificate of excellence and a cash prize of INR 30,000/-

**15.3 Best Student Advocate/Counsel** – The Best Student Advocate/Counsel will receive a trophy, certificate of excellence and a cash prize of INR 5,000/-

**15.4 Best Memorial** - The team submitting the best Memorial will receive a trophy, certificate of excellence and a cash prize of INR 10,000/-

**15.5 Best Researcher** - The Best Researcher will receive a trophy, certificate of excellence and a cash prize of INR 5,000/-

## **16. SCC ONLINE SUBSCRIPTION**

**16.1 All participating teams will get SCC Online Subscriptions for the month of March,2018.**

**16.2 All the winners will get SCC Online Subscription for one year.**

## **17. SCOUTING**

**17.1** Scouting is strictly prohibited.

**17.2** Teams shall not be allowed to observe the oral rounds of other teams, unless they have been officially knocked-out of the competition. Scouting by any team shall entail instant disqualification.

## **18. ACCOMMODATION FOOD AND TRANSPORT**

**18.1** Accommodation and food shall be provided to all participating outstation teams by the DME Moot Court

Society from 6<sup>th</sup> – 8<sup>th</sup> April, 2018 .

**18.2** The interested students are required to inform the Organizing Committee, through their Travel & Accommodation Form, so as to enable them to make necessary arrangements.

**18.3** Under no circumstances shall the Organizers provide accommodation to any other person accompanying the team.

**18.4** It is **MANDATORY** for the teams to send their travel plans along with the hard copy of Registration Form and Demand Draft on or before **26<sup>th</sup> February, 2018.**

## **19. MISCELLANEOUS PROVISIONS**

**19.1** All participants are expected to maintain the decorum in the Court during the competition and are expected to conduct themselves in a manner befitting the legal profession.

**19.2** Any compiled Research Material (Compendium) or other supplementary documents may be submitted to the Court Marshal prior to the oral rounds which will be submitted to the judges at their discretion.

**19.3** During the oral rounds, teams shall not be allowed to use any electronic devices such



**19.4** The Organizers reserve the right to amend, modify, change or repeal any of the Competition Rules at any point of time. The Organizers shall communicate any such change made in the Competition Rules to the teams.

**19.5** The Organizers reserve the right to take decisions on any matter not mentioned in the Competition Rules. Any such decision taken by the Organizers shall be final and binding.

**19.6** No audio or videotaping of oral pleadings is permitted without the permission of the Organizers.

**19.7** If a team believes that violation of any of the Competition Rules has taken place at any stage of the competition, the teams, within half an hour after the completion of the round wherein a violation has allegedly occurred shall register a complaint with the Faculty/Student Convenor of the DMEMCS and under no circumstance are the teams allowed to approach the Judges for any complaints.

**19.8** The Organizers reserve all rights to audio and videotaping, or any other form of audio or visual recording and its reproduction, of any oral round or part thereof.

## **20. CLARIFICATIONS**

**20.1** Teams may request for clarifications regarding the moot problem by sending an E-mail to [mootcourt@dme.ac.in](mailto:mootcourt@dme.ac.in) before **1<sup>st</sup> March, 2018**. The subject of the mail should be **“Regarding Clarification of Moot Problem”**.

**20.2** The request for clarification may also include a short explanation describing the expected significance of the clarification sought. The clarification shall be released on the specified date.

## **CONTACT US**

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**(Faculty Convener)**

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**(Coordinator)**

**Email us at — [mootcourt@dme.ac.in](mailto:mootcourt@dme.ac.in)**

**For Information and Updates follow us on Facebook — <https://www.facebook.com/dmenmcc/>**

**College Address — B - 12, SECTOR-62, NOIDA, UTTAR PRADESH - 201301 (INDIA)**



# MOOT PROBLEM

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During the last 16 odd years Premnagar has witnessed a lot of change. This capital of Gondhia has also always been the Tourist capital of the country. Worries of law and order are a thing of past now. Such are the arrangements done by the police that not even a single Valentine Day, after the incident of 2002, 14<sup>th</sup> of February, has created a problem for the people of Premnagar. Today also it is 14<sup>th</sup> February but the year is 2018. It is almost the end of the day now, the 'Valentine day' but not a single mis-happening is reported yet.

Time has changed and so is the change in judicial set up. Today also, the sense is same, the feeling is same, but the thing which is not the same, is the mood of the people.

The Select Metro Mall, Premnagar is yet again reflecting the sense and feeling of Valentine Day. The concern for the people of Premnagar is not the celebration of the Valentine Day, but the judgment by the Hon'ble Sessions Court of Premnagar which came today in the famous case of State versus Sanskriti Sudhar Dal (SSD), Court case number 114 of 2002 which acquitted all the accused, and that too, after a long tedious trial which lasted for almost 16 years.

SSD is a group of likeminded people from all over Gondhia who believe in preserving the culture of Gondhu Religion which according to them doesn't allow pre-marital love and pre-marital public display of affection. Also, according to this group, inter-religion marriages are nothing but an attack to Gondhu Religion and should not be allowed.

Although the young generation is not that much aware about the whole episode, but those who were in their youth at that time still remember the eternal love of AdnaRafiq (a non- Gondhu) and Pooja Kumari (a Gondhu) of that era who got married under the provisions of Special Marriage Act, 1954. The day of love [Valentine Day] was supposed to be the celebration day for the birth of their son, 'Kabir,' but this fortunate incident of birth of Kabir coincided with unfortunate and untimely demise of Pooja who committed suicide immediately after the delivery of 'Kabir'.

This year on Valentine Day, the T.V. is on and so is the mood of youngsters who are here to enjoy the Day, but not Kabir who is very upset by the judgment of the Court coming live as breaking news on a leading news channel, according to media reports on the Channel, the crux of the case is:

*"One would like to believe that love is a Right, but the idea doesn't sound quite right to those who think right. Yes, it was that time of the year again, 14<sup>th</sup> February, 2002. The people of Premnagar picked up the local newspaper in their hands "Savdhan", a newspaper published by SSD Chief Udit*



*Kumar, which had articles asking the public to boycott films starring Bollywood stars of non-Gondhu religion- Shah Roz Khan, Aamin Khan and Suleman Khan and asking right wing Gondhu Supporters to tear posters of their films and make a bonfire of them since they married Gondhu girls. Editor-in-Chief, Udit Kumar challenged the Khan trio to become Gondhus, if they "really loved their wives."*

*On this day the Select Metro Mall, Premnagar was reflecting the sense and feeling of Valentine Day by the manner in which it was lighted & decorated. The religious contractors or the moral police, the SSD activists numbering around a group of 12 persons, entered the Mall & started threatening and assaulting the locals inside the Mall. Few of them were having lathis in their hands and started shouting, "You would be facing dire consequences if seen again celebrating the Valentine day".*

*The locals in the Mall were slapped, hit and dragged. Few of them started throwing chairs on the glasses of the window and on the customers and portrayed the full show of terror. Four of them entered the shop, where Pooja, purchasing the bouquets and cards for her soul mate, Adnan, was pushed away by one of the activist who snatched the articles after shouting "Tie or die" and "save Gondhian culture" like slogans. The activist did not stop there only, he gave a laathi blow over the counter, the result was breaking of the glass and injury to the shopkeeper. When the people started running out of the Mall, they were chased, beaten and stopped going out of the Mall. The whole of the drama went for almost 5 hours till police came.*

*The owner of the Mall, Nishant Kumar was already a stammer and thanks to the drama in the Mall, where he had to shout to such an extent (to stop the attackers) that he permanently became dumb. However, it was loss of tongue not the loss of heart which resulted in filing of the FIR. The police charged the accused persons including SSD Chief Udit Kumar under Section 147, 153A & B, 295A, 326, 354, 426, 506 read with 34 and 120 B of the Gondhian Penal Code.*

*The whole episode deeply hurt Pooja, mother of Kabir, who was there in the Mall and in the evening of the very same day, the day of love became a day of suicide for her. The Police booked the culprits in one more offence of Section 306 of Gondhian Penal Code and the matter went upto the Court of Sessions, Premnagar for Trial.*

*During the last moments of her life, Pooja gave a statement to a police man that SSD chief Udit Kumar is responsible for her suicide which was recorded by the police personnel under Section 161 of the Criminal Procedure Code of Gondhia.*

*Two of the people who were having lathis in their hands and who started shouting, "You would be facing dire consequences if seen again celebrating the*





*Valentine day" in the Mall were later identified by Nishant Kumar in Test Identification Parade done under Section 9 of Evidence Act (after a gap of a week) as the residents of the nearby locality as Krishna Pahalwan and Munna.*

*Krishna Pahalwan was not arrested by the Police but was called as a witness by the prosecution. Krishna Pahalwan appeared as a witness in the Court but the Court did not give weightage to his statement, stating that witness of accomplice is unworthy of credit. Moreover, the Court also observed that prosecution failed to produce sufficient number of witnesses in the case. The Sessions Court acquitted all the accused persons by holding that the prosecution failed to prove its case beyond all reasonable doubts thereby leaving plethora of possibilities open.*

Today, Public Prosecutor, who conducted the Trial, has also come here to enjoy Valentine Day with some of his colleagues. His heart is also broken, because of the judgment of Sessions Court.

Aggrieved by the judgement, the State has decided to prefer an appeal before the Hon'ble High Court of Premnagar at New Premnagar primarily raising issues pertaining to unjustified acquittal of the accused persons including the SSD chief Udit Kumar, admissibility of the testimony made by Pooja during her last moment and the authenticity of witness of accomplice.

**NOTE:**

- 1. The Laws of Gondhia are Pari Materia to the Laws of India.**
- 2. Teams are required to restrict their arguments to the issues identified in the last paragraph of the Moot Problem.**



**ANNEXURE - 1**

Book No. ABZ/120/1

FORM NO. 23.5

**FIRST INFORMATION REPORT**

**Police Station:** Premnagari Thana

**District:** South West, Premnagar

**Date & Time of Occurrence:** 14.02.2002 – around 2:00 PM

**Date of Reporting:** 14.02.2002

**Name & Residence of Complainant:** Sh. Nishant Kumar s/o Ashok Kumar r/o V- 27, 2<sup>nd</sup> Floor, Boida, Premnagar – 110056.

**Description of Offence:** Section 147, 153A & B, 295A, 326, 354, 426, 506 read with 34 and 120 B of the Gondhian Penal Code.

**Place of Occurrence:** Select Metro Mall, Premnagar

**Name & Address of Criminal (if known):** Sh. Udit Kumar and other unidentified persons

**Steps taken regarding investigation/ reason for delay:**

Survey of Crime Scene, Sr. Inspector Rajeev Thokas appointed as IO, Arrest of the accused SSD Chief, Witness Testimonial Recording, CDR seized of Mobile No. 8877435666 pertaining to the accused vide seizure memo no. CDRT67/34/200

**Date & Time of Dispatch from Police Station:** N.A.



**Signature**

**Designation:** Head Constable



## ANNEXURE - 2

14.02.2002

**Translated Statement of Smt. Pooja Kumari w/o Sh. Adnan Rafiq r/o B-04, 3<sup>rd</sup> Floor, Qazi Huaz, Premnagar – 110056, recorded under Section 161 of Criminal Procedure Code of Gondhia**

Upon asking, I state that, I am Pooja Kumar and I stay in Qazi Hauz, Premnagar in B-04, third floor. On the day of the incident, i.e. 14<sup>th</sup> February, 2002, I went with my husband and son to celebrate my son's birthday. I state that we left home at 1:30 PM and reached the mall in about 15-20 minutes.

Further, in reference to the question as to what I was doing in the Mall, I state that we went to Pizza Queen and while my son and husband were deciding what to order. There, I went to Skarchies to get flowers and a card for my husband. It would have been around 2:00 PM when I went to Skarchies. I spent 10 minutes choosing what to buy, and then all these things happened. Suddenly there was a chaos and I could hear a loud uproar.

Four people entered Skarchies and started breaking the articles kept in the shop. One of them came towards me with full force and pushed me hard. He also snatched away my flowers and a card which I had just purchased and was shouting "save Gondhian culture", "Tie or Die". Since all of this was happening abruptly, I could only have a glimpse of my assaulter; he seemed to be in his early 30s and was having a fat belly. I could only catch a glimpse of the other two, one of them was having golden hair but all three were wearing orange clothes and had tilak on their forehead.

I could not understand anything; I could not understand what to do. My family was at a different place, I felt helpless. I could not even go out because they were beating people and destroying everything. They were angry. The shopkeeper of Skarchies was badly injured and was bleeding but we could do nothing for him. We were all terrified.

In regard to the question, I state that this whole unfortunate and terrifying incident took place over the span of 8 to 9 Hours. I reunited with my family at around 7:50/8:00 PM and now I am here.

Upon asking, I state that I was my family members after they all went out of the Mall, I ran towards Queen Pizza, thankfully my family was safe. My son was crying inconsolably. Others in the room were equally terrified, some of them were injured. Furthermore, in regard to more comments, I ask, what was the police doing when these people were beating all of us, creating a mockery of democracy? Where was the police when the citizens of Premnagar required their protection?

**The statement has been read to me and I verify that the contents above are true and correct, to the best of my knowledge.**



**ANNEXURE – 3**

**22.02.2002**

**Report of Test Identification Parade prepared by Sh. Sushant Tripathi, Magistrate, First Class  
prepared u/s 9 of Gondhian Evidence Act**

Sh. Nishant Kumar was called into Central Jail No. 7 of Sihar Jail, Premnagar on 22.02.2002 where the Test Identification Parade was conducted in my presence. Since, after the incident, the abovementioned witness could not speak, he identified the persons with action and further communication was done by writing.

I submit that due procedure was followed.

The witness, Sh. Nishant Kumar, was shown over 20 people in two different rounds. In the first round, he identified Krishna Pahalwan, accused in the present case no. 114 of 2002. The witness described him as slightly stout and in his early 30s. The other accused, Munna, as the resident of a nearby locality. According to the description given by the witness, the abovementioned accused is in his late 20s and has curly golden hair.



# TIMELINE

<b>LAST DATE OF REGISTRATION (SOFT COPY) ALONG WITH SCANNED COPY OF DEMAND DRAFT</b>	<b>20<sup>th</sup> February, 2018</b>
<b>LAST DATE OF REGISTRATION (HARD COPY) ALONG WITH DEMAND DRAFT</b>	<b>26<sup>th</sup> February, 2018</b>
<b>CONFIRMATION OF PARTICIPATION ALONG WITH ALLOTMENT OF TEAM CODE</b>	<b>2<sup>nd</sup> March, 2018</b>
<b>ACCOMMODATION CONFIRMATION</b>	<b>7<sup>th</sup> March, 2018</b>
<b>RELEASE OF CLARIFICATIONS</b>	<b>10<sup>th</sup> March, 2018</b>
<b>MEMORIAL SUBMISSION (SOFT COPY)</b>	<b>20<sup>th</sup> March, 2018</b>
<b>MEMORIAL SUBMISSION (HARD COPY)</b>	<b>TO BE SUBMITTED AT THE REGISTRATION DESK ON 6<sup>th</sup> April, 2018</b>
<b>INAUGURAL CEREMONY/DRAW OF LOTS/RESEARCHER'S TEST</b>	<b>6<sup>th</sup> April, 2018</b>
<b>PRELIMINARY ROUND I &amp; II QUARTER FINALS</b>	<b>7<sup>th</sup> April, 2018</b>
<b>SEMI FINAL ROUNDS FINAL ROUND</b>	<b>8<sup>th</sup> April, 2018</b>
<b>VALEDICTORY CEREMONY</b>	<b>8<sup>th</sup> April, 2018</b>





# THE 2<sup>nd</sup> DME NATIONAL MOOT COURT COMPETITION



## REGISTRATION FORM (TO BE FILLED IN BLOCK LETTERS)



DATE : \_\_\_\_\_

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

ADDRESS : \_\_\_\_\_

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

COURSE - YEAR : \_\_\_\_\_

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

PHONE NO. : \_\_\_\_\_

(SELF ATTESTED  
PHOTOGRAPH)

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

COURSE - YEAR : \_\_\_\_\_

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

PHONE NO. : \_\_\_\_\_

(SELF ATTESTED  
PHOTOGRAPH)

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

COURSE - YEAR : \_\_\_\_\_

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

PHONE NO. : \_\_\_\_\_

(SELF ATTESTED  
PHOTOGRAPH)

**MODE OF PAYMENT (DEMAND DRAFT/ NEFT) :** \_\_\_\_\_

**DEMAND DRAFT NO. / TRANSACTION ID :** \_\_\_\_\_

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

**ISSUING DATE :** \_\_\_\_\_

**\*NOTE :** Attach a **Demand Draft of Rs. 4000/-** (Four Thousand Rupees Only) in favour of “DELHI METROPOLITAN EDUCATION” payable at Noida, and send it along with the registration form.

**SIGNATURE & SEAL OF THE HEAD OF THE INSTITUTION**

# THE 2<sup>nd</sup> DME NATIONAL MOOT COURT COMPETITION



## TRAVEL AND ACCOMMODATION FORM



DATE : \_\_\_\_\_

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

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### ARRIVAL

DATE OF ARRIVAL : \_\_\_\_\_

MODE (AIRWAY/ RAILWAY/ BUS/ CAR) : \_\_\_\_\_

NUMBER (AIRWAY/ RAILWAY/ BUS/ CAR) : \_\_\_\_\_

TIME OF ARRIVAL : \_\_\_\_\_

NAME & NUMBER OF CONTACT PERSON : \_\_\_\_\_

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OTHER DETAILS ( like name of Airline/Railway, etc. or other relevant information) :

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ACCOMMODATION REQUIRED : YES-  NO-

SIGNATURE & SEAL OF INSTITUTE