



# **INTRA-LAW SCHOOL MOOT COURT COMPETITION - 2018**

## **RULES**

**Moot Court Committee  
Law School, BHU.**

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## **RULES**

### **Moot Court Committee Law School, BHU.**

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## **RULE 0.0 DEFINITIONS**

The following terms have the corresponding meanings.

- i. "Administrator" means the In-charge of the Committee.
- ii. "Committee" means the Moot Court Committee, Law School, Banaras Hindu University.
- iii. "Competition" means the Intra-Law School Moot Court Competition - 2017.
- iv. "Competition Problem" means the official proposition of the Competition as supplemented or corrected by official Problem Clarifications or corrections (if any).
- v. "Memorial" means the written pleadings of each participant, written and submitted pursuant to these Rules.
- vi. "Official Timetable" means the official timetable of the Competition.
- vii. "Rules" means these Official Rules of the Competition.

## **RULE 1.0 INTERPRETATION OF RULES**

The Administrator shall serve as final arbiter of implementation and interpretation of these Rules.

## **RULE 2.0 MEMORIALS**

### **2.1 Submission and Exchange of Memorials**

Each student (participants) participating in the Competition must prepare a Memorial according to the side of the Competition Problem allotted to him/her in accordance with the instructions given below. The participant must submit three copies of the Memorial (printed and spiral bound) to either the Administrator or any student as nominated by the Administrator no later than **5:00 p.m.**, University's local time, on **August 16, 2018**.

#### **2.1.1 Allotment of sides of the Competition problem**

Participants shall be allotted sides with their individual code numbers (*For example: A1, A2... or R1, R2... etc.*) by the Organizing Committee itself, in the List of Participants.

### **2.2 Format of Memorials**

Memorials shall be made on A4 sized paper with 1 inch margin on each side of the paper. The font and size of the text of all parts of the Memorial, (except the

footnotes) must be the same and must be in either Times New Roman 12-point or Arial 10-point, or larger type. The font and size of the text of the footnotes must be in either Times New Roman 10-point. The text of all parts of the Memorial, except the Cover Page, Table of Contents, and Table of Authorities, can be double-spaced or can have 1.5 spacing but not less than that. The text of footnotes may be single-spaced, but there must be double-spacing between separate footnotes. The text of headings may be single-spaced, but there must be double spacing between each heading and the body-text of the Memorial. The font-size and double-spacing provisions of this Rule do not apply to the cover page of the Memorial.

## **2.3 Description of the Memorial**

### **2.3.1 Parts of the Memorial**

The Memorial must contain the following parts, and only the following parts:

- (a). Cover Page;
- (b). Table of Contents;
- (c). Index of Authorities;
- (d). Statement of Facts;
- (e). Statement of Jurisdiction;
- (f). Issues for Consideration;
- (g). Summary of Arguments;
- (h). Written Submissions; and
- (i). Prayer for Relief.

### **2.3.2 Legal Argument Limited to Written Submissions Section**

Substantive, affirmative legal argument or legal interpretation of the facts of the Competition Problem may only be presented in the "Written Submissions" section of the Memorial, including the Conclusion and/or Prayer for Relief (except insofar as such argument may be summarized in the "Summary of Arguments" or anticipated in the "Issues for Consideration").

### **2.3.3 Index of Authorities**

Each Memorial must include an "Index of Authorities." The Index must contain a list of all legal authorities cited in any section of the Memorial. The Index must include a description of each authority adequate to allow a reasonable reader to identify and locate the authority in a publication of general circulation, and must include the page number(s) of the Memorial on which each authority is cited.

### **2.3.4 Statement of the Facts**

Participants are advised that judges will take the following into account in evaluating the Statement of Facts. A well-formed Statement of the Facts should be limited to the stipulated facts and necessary inferences from the Competition, Problem and any clarifications to the Competition Problem. The Statement of the Facts should not include unsupported facts, distortions of stated facts, argumentative statements, or legal conclusions. The Competition Problem typically omits certain facts which might be relevant or dispositive to the outcome of the case. Participants will be judged on their ability to conform the facts to their arguments without creating new facts or drawing unreasonable inferences from the Competition Problem.

### **2.3.5 Summary of the Arguments**

A well-formed Summary of the Arguments should consist of a substantive summary of the "Written Submissions" section of the Memorial, rather than a simple reproduction of the headings contained in the Written Submissions section.

## **2.4 Length**

- (a). The Written Submissions section of each Memorial, including any footnotes or endnotes and the Prayer for Relief, must be no longer than 3,000 words.
- (b). The Summary of Arguments section of each Memorial must be no longer than 500 words.
- (c). The Statement of Facts section of each Memorial must be no longer than 400 words.

## **2.5 Limitations on the Use of Footnotes**

Footnotes are to be used only to identify the source of a statement made in the body of the Memorial and to provide the reader with a citation to a generally-available reference for that source. Footnotes should not include substantive pleadings, examples, or any text other than the actual cite.

Inclusion of text other than the actual cite in a footnote is a violation of Rule. Gross and repeated failure to include adequate information in footnotes is, in the sole discretion of the Administrator, a discretionary penalty, subject to a penalty of up to five (5) points.

*Illustrative example of an acceptable footnote: X v. Y, AIR 1973 SC 22, 23-24 [hereinafter X].*

*Illustrative example of an unacceptable footnote: X v. Y, AIR 1973 SC 22, 23-24 [hereinafter X] (holding that the Right to Information Act was in fact against the express provisions of Art. 14 of the Constitution of India).*

## **2.6 Covers**

### **2.6.1 Colour Scheme and Information Contained on the Cover Page of the Memorial**

The following colour scheme shall be followed for the Cover Page of the Memorial:

- ☞ Appellant/Petitioner/Plaintiff/Applicant Memorial: **Blue**
- ☞ Respondent/Defendant Memorial: **Red**

Also, each Memorial should bear on its cover the following, and only the following: (a) the code number; (b) the name of the court; (c) the cause title of the case; and (d) the title of the document (i.e., "Memorial for Petitioner" or "Memorial for Appellant" or any other as applicable).

### **2.6.2 Code Number as Identification on Memorial Cover**

The code number allotted to the participants must be placed in the upper right-hand corner of the outside front cover of the each Memorial, followed by an "A" for the Appellant/Petitioner/Plaintiff/Applicant Memorial and an "R" for the Respondent/Defendant Memorial.

## **2.7 Anonymity in Memorials**

Names of participants may not appear on or within the Memorials. Signature pages are prohibited. The Administrator shall strike all such references from Memorials before submitting them to judges.

## **2.8 Copying of Memorials**

If two or more memorials are found to be substantially similar and the Administrator, upon consultation with the memorial judge(s), is of the opinion that there has been copying between the two memorials, then he may impose a penalty on the total marks awarded towards memorial evaluation or may also disqualify the participant(s).

## **RULE 3.0 ORAL ARGUMENT PROCEDURES**

### **3.1 General Procedures**

**Schedule of Oral round will be notified latter.** Each individuals (participant) shall be given Seven (07) minutes time to present the arguments before the bench. Rebuttals are not allowed.

#### **3.1.1 Extension of Time at Judges' Discretion**

Judges may, at their discretion, extend total oral argument time beyond Seven (07) minute allocation but not beyond two (02) minutes.

### **3.2 Judge Panels**

In each Oral Round, the Administrator shall employ one (01) or more judges as per need.

### **3.3 Scope of Arguments**

A participant's oral arguments are limited to the scope of the Memorial. Nevertheless the judges' panel may permit the participant to submit information not mentioned in the memorial to answer questions posed by the judges.

Provided, that there shall not be a penalty for arguing outside the scope of the memorial.

### **3.4 Competition Communications**

Only oral communications are permitted between the judges and the participants, restricted to the counsel's allotted speaking time. In particular, no written communication or exhibits may be delivered by any participant to any judge except to the discretion of the judge.

### **3.5 Scouting**

Participants may only attend oral rounds in which they are competing. The Administrator may in the interests of the Competition waive this Rule. Violation of this Rule should be brought to the attention of the Administrator immediately, without disturbing the Oral Round, or immediately after the Oral Round has finished.

### **3.6 Anonymity of Participants in Courtrooms**

During an Oral Round, participants must not indicate to the judges any information about themselves such as name etc. through direct or indirect means, including statements to judges, name tags or other signifiers, the

placement of folders, files, library books or other materials bearing their identity, and the wearing of pins or clothing revealing their identity.

## **RULE 4.0 PENALTIES**

### **4.1 Memorials Penalties**

Memorials Penalties may be imposed by the Administrator and shall be deducted from the cumulative average of all individual judges' scores on a Memorial. Provided, however, that the minimum score that any participant may receive from the Memorial judges is twenty (20) points. No further reduction may be made to scores after the minimum score is reached, regardless of unallocated Penalty points remaining.

Penalties shall be assessed for violations of other Rules concerning the Memorials by reference to the following table:

<b>Rule No.</b>	<b>Summary</b>	<b>Penalty</b>
2.1	Delay in submitting Memorials	Delayed submission is not allowed.
2.2	Use of incorrect font or font-size, use of font of inconsistent size, or improper line spacing	1 point per violation, up to a maximum of 10 points
2.3.1	Failure to include all parts of Memorial, or inclusion of an unenumerated part	5 points for each part
2.3.2	Substantive legal argument outside of approved sections of Memorial (In consultation with the memorial judge(s))	5 points (one-time penalty)
2.3.3	Improperly formatted Index of Authorities	2 points (one-time penalty)
2.3.4	Providing argumentative statement of facts etc.	2 points per violation, up to a maximum of 12 points
2.4(a)	Excessive length: Written Submissions (In consultation with the memorial judge(s))	15 points (one-time penalty)



2.4(b)	Excessive length: Summary of Arguments (In consultation with the memorial judge(s))	2 points (one-time penalty)
2.4(c)	Excessive length: Statement of Facts (In consultation with the memorial judge(s))	2 points (one-time penalty)
2.6.1 or 2.6.2	Failure to include necessary information on Memorial cover	2 points (one-time penalty)
2.7	Violation of anonymity	10 points (one-time penalty)
2.8	Copying of memorials (In consultation with the memorial judge(s))	Upto 75% of the marks awarded towards memorials depending upon the extent of copying.

#### **4.2 Oral Round Penalties**

The Administrator shall impose an Oral Round Penalty only when he is satisfied that an event subject to such Penalty has occurred, if necessary after consultation with the judges, bailiff, participants.

#### **4.3 Deduction of Penalties by Judges Prohibited**

Penalty points may be deducted only by the Administrator. In no instance shall judges themselves deduct from the scores of the oralists any Penalty points. Judges shall score the Oral Round as if no violation occurred.

#### **4.4 Activity Subject to Oral-Round Penalties**

Penalties may be assessed for violations during an Oral Round by reference to the following table. The Administrator shall deduct any Penalty from the combined oral score received from the judges, prior to determining the Oral Round Points.

<b>Rule</b>	<b>Summary</b>	<b>Penalty</b>
3.4	Improper courtroom communications	10 points

3.5	Scouting	Upto 15 points at the discretion of the administrator or cancellation of the participants oral rounds
3.6	Violation of anonymity in courtroom	15 points
3.7	Computers and Laptops in Court rooms	10 points

#### **4.5 Discretionary Penalties**

In addition to the Penalties listed in Rules 4.1 & 4.4, the Administrator may assess up to fifteen (15) point Penalties for other violations of the letter or spirit of these Rules. The size of the Penalty shall correspond to the degree of the violation in the judgment of the Administrator. Discretionary Penalties shall be imposed by the Administrator after consultation with the judges.

Such violations may include:

- ☞ engaging in poor sportsmanship;
- ☞ engaging in inappropriate behavior during the Oral Rounds;
- ☞ exhibiting blatant disregard for the procedures or requirements outlined in the Rules.

#### **4.6 Power to Promulgate Additional Measures**

The Administrator may promulgate such other measures for the orderly conduct of the Competition or to correct deficiencies in the Competition. Modifications shall not violate the spirit of these Rules or the best interests of the Competition.

### **RULE 5.0 MARKING**

#### **5.1 Distribution of Marks**

Final scores of memorials shall be evaluated out of fifty (50) marks and the final oral scores shall be out of hundred (100) marks.

#### **5.2 Criteria for marking**

##### **5.2.1 Oral Rounds**

Oral rounds shall be marked on the following basis

- (a). Marshalling of Facts
- (b). Articulation of Issues
- (c). Presentation Skills
- (d). Convincing Ability

- (e). Response to Questions
- (f). Application of Legal Principles
- (g). Use of Authorities and Precedents
- (h). Court Room Etiquettes

### **5.2.2 Memorial Scores**

Memorials shall be marked on the following basis

- (a). Application and appreciation of facts
- (b). Identification and presentation of issues
- (c). Application of legal principles
- (d). Use of authorities and precedents
- (e). Logical structuring
- (f). Writing skills
- (g). Proper footnoting & formatting
- (h). Presentation

### **RULE 6.0 CONSEQUENCE OF NON PARTICIPATION**

Eligible students who have given their consent to participate in the Competition and do not in fact participate shall be debarred from the next Intra-Law School Moot Court Competitions to be conducted by the Committee.

### **RULE 7.0 UNAUTHORIZED CONTACT WITH JUDGES**

Any contact, direct, or indirect, with the Judges prior to the moot of the participant would result in that participant being debarred from the Competition. This is without prejudice to any other penalization, which the participant may be subject to.

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# BANARAS HINDU UNIVERSITY

## LAW SCHOOL

### INTRA-FACULTY MOOT COURT COMPETITION, 2018

#### **MOOT PROPOSITION**

1. Madan, a migrant from Eastern Uttar Pradesh shifted to Varamasi, the capital city of the Republic of Aryavarta in 2014. Madan left his family, comprising of his wife, three kids and an ailing mother, back in *Sunderpur* village. He sends INR 30000/- per month to his family for their daily expenditure, school fee, health care and medicines. But this was not the case always. Madan initially worked as an auto driver receiving only 25 percent of the total earnings after owner's cut. Madan then learnt mobile repair work where his employer would pay a monthly salary of INR 15000/-. Viewing the amount as insufficient for sustenance, Madan ventured to learn automobile repair work and was now able to fetch satisfactory income. An honest, helpful and hardworking man, Madan had come to be recognized as a local in the sub-urban village of *Sunderpur* in Varamasi.
2. On January 14, 2018 at about 11 PM, police personnel from PS *Sunderpur*, on the basis of some secret information regarding the transactions of some kind of narcotic drugs, registered the same according to the procedure of law. Then, after informing the superior authority, police team rushed to Madan's house. On their way, they also informed the gazetted officer of the nearest locality to reach at the spot. They barged into Madan's house in *Sunderpur* and conducted a vehement search of the premises in the presence of the gazetted officer. The forcible entry to the premises was met with protest from neighbours, one of whom tried to stop the Constable attempting to open Madan's almirah locker. Keys were forcibly snatched from Madan, however, to no avail. The police then broke open the locker and recovered eight kilograms of powdered substance that was later determined to be cannabis. The substance was seized and a seizure list was prepared. However, there was no signature of gazetted officer on the

seizure list. Madan was immediately arrested and was sent to police remand for three days by Additional Chief Metropolitan Magistrate on January 15, 2018. The community was shocked at Madan's arrest. What was more surprising was recovery of cannabis from his house. In their investigation, police found that Madan and his associates had links with the narcotics giant of the State, Mr. Harish. Investigation also revealed that Madan had been dealing in drugs since 2014. The local daily covered the events rigorously and the entire community was now vehemently opposed to Madan. Some believed that Madan's bluff had been called up.

3. Bail was moved but denied to Madan on January 17, 2018. The ACMM, however, also denied further police custody upon observing severe bruises and cuts on Madan's face and arms. Consequently, ACMM ordered Madan to be sent to Central Prison, Varamasi. The SHO/IO protested denial of Madan's police custody and maintained that Madan's custodial interrogation was required. The Prosecutor too informed the court of general practice in criminal courts whereby police officers' requests of police custody in serious offences were allowed to aid speedy and fair investigation in the matter, however, to no avail.
4. At the end of fourteen days, Madan was again produced before the Magistrate for continuation of his judicial custody. Citing instances of severe beatings by the jail authorities and exhibiting injury marks from *lathis* and belts on Madan's body, his lawyer requested the court to provide him protection in the prison. His lawyer also demanded access to the Prison CCTV footage, and the same was said to be unavailable due to technical reasons by the Prosecution. Meanwhile, Madan's two associates, Hakim and Nakim, who were absconding, were arrested in an undercover operation of police and sent to police custody. Both of them confessed before the police of their involvement in the drug racket in Varamasi and one other place. Police later recovered another two kilograms of cannabis from the other place also. They confirmed that Madan was leader of the operation in *Sunderpur* and frequently gave them instructions

for movement of powder and fulfillment of orders. Madan was very careful not to use his house premises for any meeting or possession. However, the last consignment delivery was delayed due to security breach and hence, Madan was scooped in the mess. Hakim and Nakim demanded to be kept in a separate prison from Madan for fear of their life.

5. On February 05, 2018, a National newspaper, *News Express*, published a report on the torture meted out to the prisoners in Prison and highlighted the proceedings of the Magistrate's court in Madan's case the day before which were also covered in the local daily. Following the report in media, the Varamasi High Court took *suo moto* cognizance of the matter and appointed a Committee comprising of a retired Judge of the court, a retired ACP and a media house executive, to inquire into the truth of the allegations of prison torture and current situation in Prison.
6. The Committee in its report dated February 15, 2018 stated two instances where Madan was beaten up by fellow inmates whereupon the authorities gave proper medical attention to Madan. The Committee gave evasive findings on the safety and security of inmates. However, it did mention that station house officers of many police stations regularly visited the Prison and *inter alia* interacted with inmates. Consequently, the High Court could not conclude on the responsibility of Prison Authorities and as such dismissed the matter with caution to the Officials.
7. Meanwhile, on March 10, 2018, *Sahyog*, an NGO, with intention to get justice for Madan for the torture committed on him which was serious human rights violation and also regarding the criminal case so instituted against him, intervened through a Public Interest Litigation petition in the matter. Besides seeking justice for Madan, the NGO also wants the court to rule the inactions of the State government as well as Prison Authorities as violative of Madan's rights protected under Aryavarta's Constitution and those under International instruments Aryavarta has signed and ratified. Outside of

court, *Sahyog* is also reminding the Central government to ratify the Convention against Torture fulfilling its promise in the election manifesto.

8. During the pendency of the PIL, Madan was found in dilapidated condition a kilometer away from the Central Prison on June 20, 2018. He was severely injured and also had internal bleeding and was admitted as such to City Hospital. Diagnosis revealed him to be suffering from severe breathing distress. The doctors also found his lungs to be punctured, ribs broken and multiple fractures in the body and severe injury on head. The injuries pointed towards severe and repeated beatings with blunt objects, including *lathis* and rifle stock and absence of medical attention. Consequently, *Sahyog* has sought a direction for registration of FIR against the SHO and Jail Superintendent and investigation into Madan's grievous injuries, by way of a separate writ petition. The State has opposed the same. Madan continues to remain in care and supervision of doctors at City Hospital.
9. Since both matters are intricately related to each other, the court intends to hear the PIL and the aforesaid petition together and the same are listed for final arguments on August 18, 2018.

**NOTE:**

- (a). The Constitution and laws of the Republic of Aryavarta are *pari materia* to the Constitution and laws of India.
- (b). Matters of Jurisdiction should be argued as preliminary issue.