

2nd Dhawani Manocha Memorial National Moot Court Competition, 2016

Organised by:

Punjab School of Law, Punjabi University, Patiala

Supporting Partner:

Section for Law Students, Indian National Bar Association

Competition Information & Invitation Brochure

About Punjabi University



Punjabi University is a higher education institute located in Patiala, Punjab, India. Punjabi University was established on 30 April 1962 under the Punjabi University Act 1961 as a residential and teaching university, not as an affiliating University. It is only the second university in the world to be named after a language, after Hebrew University of Israel. Originally it was conceived as a unitary multi-faculty teaching and research university, primarily meant for the development and enrichment of Punjabi language and culture, but alive to the social and education requirements of the state.

The university was awarded Five Star Status by the National Assessment And Accreditation Council (NAAC), an autonomous institution of U.G.C. in the year 2000 and a team of NAAC again visited the university and after thorough evaluation in the field of academic, sports and cultural activities has awarded it 'A' grade in the year 2008. The university, for the first time has also got the Maulana Abul Kalam Azaad Macca trophy or 2006-07 for its overall performance in the field of sports among the University of India which it won for second successive session of 2007-08. In addition to above, the university also won 93 gold, 58 silver and 73 bronze medals in the Inter University Competition a national level and 6 gold, 15 silver and 17 bronze medals in the National/Inter-national Level in the individual capacity during 2009-10. However 3 sportsperson participated in the word championship and 3 participated in Asian Championship during this period.

About Punjab School of Law



Punjab School of Law was opened in 2007-08 to impart legal education in the form of B.A. LL.B. five years Course. In this course students after passing 10+2 get the admissions. This is one of the best Legal Institute of Punjab also providing LL.M. (One Year Course) that was started in the 2013-2014 session. Vision of Punjab School of Law is to produce world-class Jurists, Judges, Lawyers, Teachers, and Executives with excellent analytical, communication skills, team building spirit and ethical behavior with ability to work in every type of environment. Mission of Punjab School of Law is to provide competent legal services of the highest order in diverse fields. In the present scenario, significance of legal education is not limited to dispute resolution, but it also extends to its application for growth and development of society. There is also a need to develop responsive attitude and sensitiveness towards law to achieve all-round growth and secure ends of justice. To enable the students to join legal profession as lawyers, prosecutors, law firms, organizations or to compete for civil services. The Punjab School of Law is committed to recruit highly qualified and best-suited faculty for imparting legal education to its students. Department also provides department computer lab for detail information about cases, well-equipped library, placement cell, moot courts, seminars etc.

MESSAGE FROM HEAD OF DEPARTMENT



Dear Students,

Greetings from Punjab School of Law, Punjabi University, Patiala.

It gives us immense pleasure to announce the 2nd Dhawani Manocha Memorial National Moot Court Competition 2016, hosted and organized by the Punjab School of Law, Punjabi University. As one of the upcoming law schools in India, we have constantly undertaken measures to provide holistic and meaningful legal education to bright young talent from across the country.

In course of such endeavors, we have observed that strong advocacy skills, ability to think logically and rationally, combined with acumen for drafting, are some key characteristics that are very necessary for a lawyer in the present scenario. Keeping in mind these requirements, we have tried to nurture these attributes in our budding talent pool of students and likewise, we have always encouraged students to participate actively in national and international co-curricular and extracurricular events like moot court competitions, wherein we believe they can correctly assess, evaluate and nurture their potential to best serve the interests of the profession and the fraternity in the times to come. In 2015, we undertook the initiative to host our own national moot court competition, the 1st Dhawani Manocha Memorial National Moot Court Competition, and buoyed by this success, we are continuing with the next edition of the event in 2016. Encouraged by the overwhelming response of the past competitions, we are proud to declare that we will be hosting the 2nd Dhawani Manocha Memorial National Moot Court Competition, 2016, from the 3rd to 5th of March, 2016, to be hosted and organized at the Punjabi University campus with the support of Student Section of Law, Indian National Bar Association (INBA). We hereby extend a warm and cordial invitation to participate in this event, and we look forward to your enthusiastic participation.

Wishing you the very best.

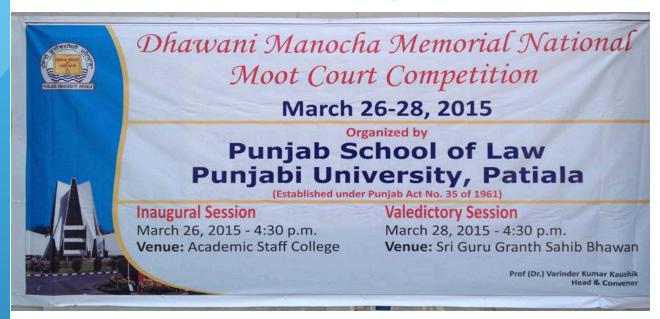
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Prof. (Dr.) V.K Kaushik

Head,

Punjab School of Law, Punjabi University

About 1st Dhawani Manocha Memorial National Moot Court Competition, 2015



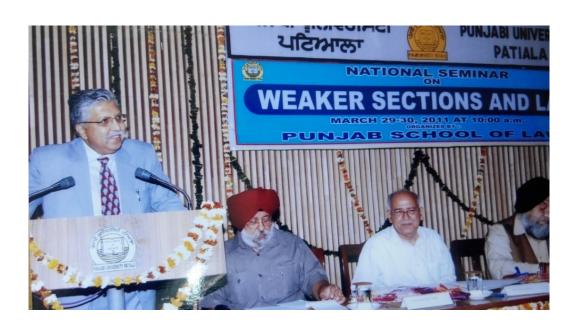
The 1st Dhawani Manocha Memorial National Moot Court Competition, 2015, was our first initiative at organizing a national level moot court competition from 26-3-2015 to 28-3-2015. It turned out to be very successful and encouraging, for which we thank the sixteen participating teams from nine states for their enthusiasm and participation. The competition's objective was to nurture academic excellence amongst the students. This moot was organized in the memory of Lt. Dhawani Manocha student of our department.



Seminars Organized by Punjab School of Law



- National Seminar on the topic: Facets of Justice Delivery
- National Seminar on the topic: Weaker Sections and Law
- Department organized Legal Awareness Programme at village Daun Kalan, Distt. Patiala on 20-3-2013.
- Seminar on Preamble of Indian Constitution (November 2015)



Official Rules for the Competition

General Rules

1. Theme And Date

The problem for the 2^{nd} Dhawani Manocha Memorial National Moot Court Competition, 2016 involves the issues pertaining to Criminal law and constitutional law. The competition shall be held from 3^{rd} March -5^{th} March 2016 at Punjab School of Law, Punjabi University, Patiala, Punjab.

2. Subject

All teams participating in the Competition are presumed to have knowledge of and shall be subject to these Rules.

3. Interpretation of the Rules

The Organization has the authority to interpret and amend the provisions contained in the Rules and reserves the right to make changes at any time before the commencement of the Preliminary Round when necessary. Any changes made will be communicated to the participating teams. The final decision of the interpretation and implementation of rules lies within the organizers.

4. Language

The Competition shall be conducted in English language only.

5. Eligibility

The Competition shall be open for students pursuing three or five year LL.B. degree course and LL.M Degree Course to participate in the competition.

6. Team Composition

- Each team shall consist of a minimum of two members and a maximum of three members. This team composition cannot be altered under any circumstances.
- Every team shall consist of two speakers. Teams may have only one researcher.
- No observer/additional member can be a part of a team in any capacity.
- If any fourth member is accompanying the team, he/she will not be allowed to sit and observe the oral rounds, will not be provided accommodation/food and will not be given a certificate by the organizers under any circumstances whatsoever.

Administrative Provisions

7. Team Registration

- Teams must confirm participation by sending the scanned copy of the duly filled registration form to psldmmnmcc@gmail.com with the subject as "Registration Form for 2nd Dhawani Manocha Memorial National Moot Court Competition 2016" latest by 22nd January 2016 and hard copy by 27th January 2016.
- Registration fee for the moot is Rs. 2500 per team (only one team per Department or one team per college). The payment will have to be made in the form of cash on 3rd March 2016.

8. Team Identification

- In the interest of fairness and objectivity, each team shall be assigned an anonymous code upon their registration.
- This code will be emailed to each team.
- This code becomes the team's identifier throughout the Competition.

Competition Structure

9. Structure

There shall be two Preliminary rounds, quarter-final round, semi-final round and final round.

10. Rules for the Preliminary Rounds

- Teams shall argue cases against each other; the matching of teams will be decided by a draw of lots prior to the competition.
- During preliminary rounds, each team will have the opportunity to argue both sides; once as prosecution and once as the defence.
- No two teams shall face each other more than once in the preliminary rounds.
- No team shall face the same bench more than once. In the event that a team faces the same bench/judge more than once, they shall inform the organizers regarding the same before the first speaker is called upon the podium, failing to do so forego their right to object at any later point in time.
- Time allotted for arguments will be 15 minutes for the prosecution and 15 minutes for the defence.
- There will be time allotted for rebuttals and sur- rebuttals. Each team will be allowed 3 minutes for rebuttals and sur-rebuttals during the preliminary rounds.
- Both selected members of the team shall make oral presentations during each round.
- In determining the winners of preliminary rounds the memorial scores will not be added to the scores of oral round.
- Teams with highest score in the preliminary rounds will qualify for the Quarter- Final rounds. In case of tie, toss or draw of lot will be conducted.

11. Rules for the Quarter-final Rounds

- Top eight teams from the preliminary rounds shall qualify to participate in the Quarter- Final. Selection will be based upon the marks awarded by the organizing committee after evaluation of marks awarded by judges for the oral presentations by teams during the preliminary rounds.
- The Ouarter- Final and the semi-final rounds shall be knock out rounds.
- Memorials scores will not be added to the overall scores in any of the knock out rounds.
- The preliminary round ranking will predetermine Quarter- Final matchups.
- a) Quarter final matchup 1: 1,5th place teams
- **b)** Quarter final matchup 2: 2,6th place teams
- c) Quarter final matchup 3: 3,7th place teams
- **d)** Quarter final matchup 4: 4,8th place teams
- The sides to be argued by teams will be decided by a draw of lots, prior to the commencement of the Quarter Final round of the competition.
- Each team will be allotted a total of 18 minutes to present its argument during the Quarter- Final rounds.
- There will be time allotted for rebuttals and sur-rebuttals. Each team will be allowed 3 minutes for rebuttals and sur-rebuttals during the Quarter- Final rounds.
- Participating teams will be required to strictly follow the time limits.

12. Rules for the Semi-final Round

- Top four teams from the Quarter- Final rounds shall qualify to participate in the semi-final. Selection will be based upon the marks awarded by the organizing committee after evaluation of marks awarded by judges for the oral presentations by teams during the Quarter- Final rounds.
- The results of the written memorials and the results of the preliminary round and quarter-final round, will not be taken into account in assessing the final scores of the semi-final round. The bench will assess the substance of the arguments and the quality of the performance of two teams in the Semi-final round only.
- The winning team of each of the two Semi-Final Rounds will proceed to the Final Round. The winning team is the highest scoring team of the Semi-Final Round that team participated in, regardless of scores in other rounds. In case of tie, decision will be made on the basis of toss or draw of lots.

- Semi-Final matchups will be predetermined by the order of the advancing teams in the Quarter-Final Round ranking.
- a) Semi-Final Matchups 1: 1,3rd place teams
- **b)** Semi-Final Matchups 2: 2,4th place teams
- The sides to be argued by teams will be decided by a draw of lots, prior to the commencement of the semi-final round of the competition.
- Each team will be allotted a total of 18 minutes to present its argument during the semi-final rounds.
- There will be time allotted for rebuttals and sur-rebuttals. Each team will be allowed 3 minutes for rebuttals and sur-rebuttals during the semi-final rounds.
- Participating teams will be required to strictly follow the time limits.

13. Rules for the Final Round

- Top 2 teams from the semi-final rounds will be selected to compete in the final round of the Moot Court Competition.
- The sides to be argued by the teams will be decided by a draw of lots prior to the commencement of the final round of the competition.
- Each team will be allotted a total of 25 minutes to present its argument during the final rounds.
- There will be time allotted for rebuttals and sur-rebuttals. Each team will be allowed 3 minutes for rebuttals and sur-rebuttals during the final rounds.

14. Criteria of Assessment

The assessment of the teams during the Moot Court competition shall be out of maximum of 100 marks during oral round, set as follows:

Appreciation of Facts and Law - 30 Marks

Advocacy (Arguments, Framing of Issues,

Expression and articulation) - 30 Marks

Use of Authorities and Citations - 20 Marks

General Impression and Court Manner - 20 Marks

Memorial Provisions

15. Submission of the Memorials

- Each participating team shall prepare both memorials and counter memorials, in English.
- Soft copies of the memorials are to be mailed at psldmmnmcc@gmail.com with the subject as "Memorial Submission for the 2nd Dhawani Manocha Memorial National Moot Court Competition 2016". The last date of submission of softcopies of the memorial is 21st February 2016.
- The teams shall submit (post) four hard copies of each, of the memorials for both the sides latest by 25th February 2016.
- Failure to do so will result in disqualification from the competition.
- There will be exchange of memorials between the teams during the competition.
- Identity of the institute must not be revealed/disclosed in any manner in the memorials or the compendium (if any).

16. Specifications of the Memorials

- Memorial or counter memorial shall not be more than 25 typed pages.
- Memorials must be typed and submitted on standard A4 size paper.
- Font and size of the text of all parts of the memorial (excluding footnotes) must be the same and must in Times New Roman 12.
- The text of all parts of each memorial must be double-spaced, with one-inch margin on both sides.
- A uniform style of citation should be followed in the memorial throughout. Teams are advised to use 19TH

edition of Blue Book Format.

- The text of footnotes and headings may be single-spaced. The font size of footnotes must be 2 point less than the text font.
- There must be double spacing between separate footnotes and between each heading and the body text of the memorial.
- Quotations of sources outside of the memorial of fifty words or more in any part of the memorial shall be block quoted and must be single-spaced.
- The table of Contents, Index of Authorities and Case Title are not included in the 25-typed page limit.

17. Description of the Memorials

The Memorial shall consist of the following parts:

- Cover Page
- Table of Contents
- Index of Authorities (including corresponding page numbers)
- Statement of Jurisdiction
- Identification of Issues
- Statement of Facts
- Summary of Pleadings
- Pleadings including the Conclusion and/or Prayer for Relief.

18. Criteria for assessment

The assessment of the memorials shall be out of maximum of 100 marks, set out as follows:

Knowledge of Facts – 15 marks

Proper and Articulate Analysis – 20 marks

Extent and use of Research – 30 marks

Grammar, Style and Coherency – 20 marks

Formatting and Citation of Sources – 15 marks

Total – 100 marks.

- The written memorials submitted by the participating teams shall be evaluated by and expert(s) appointed by the organizing committee and marks will be awarded for them.
- These marks will not be taken into consideration during the oral presentation made by them during the competition.
- The memorial marks evaluated will not be disclosed under any condition whatsoever.

19. Penalties for Inappropriate Behavior

- Every team should maintain the fullest dignity and decorum not only in the courtroom, but also during the entire competition.
- Inappropriate behavior or blatant disregard for the procedures may result in deduction of penalty points and in extreme cases to the disqualification of the team.

20. Scouting

- Teams shall not be allowed to observe the orals of another team. Scouting is strictly prohibited.
- Scouting by any team shall entail instant disqualification.

21. Awards and Certificates

- Winning Team Award: The winner team will receive a trophy and a cash prize of Rs. 15000 for "2nd Dhawani Manocha Memorial National Moot Court Competition 2016"
- Runner-up Award: The 1st runner-up will get a cash prize of Rs. 11000.
- Best Mooter: Rs. 3000

- Best Memorial: The team with best memorial will receive trophy and a cash prize of Rs. 5000.
- Certificates for participation will be given to all the participants.
- Separate Certificates will be provided to the winning team and runner up team...
- All certificates and awards will be presented to the participants only at the "Valedictory Ceremony" on 5th March 2016. The certificates will not be provided to any participant who is not present at the Valedictory Ceremony and the same will not be sent by post/ courier to participants under any circumstances whatsoever.

22. Accommodation

- Accommodation will be provided to all the teams.
- For any additional members of any team the host university will not be responsible for his/her accommodation.
- Conveyance will be provided to all the teams from the Station on their arrival to accommodation.
- Food for all the days of the competition will be provided to all the teams.
- Teams must send scanned copy of the travel details form to psldmmnmcc@gmail.com with the subject as " Travel details for 2nd Dhawani Manocha Memorial National Moot Court Competition 2016". This should be sent latest by 25th February 2016.

23. CLARIFICATIONS

• For any other clarifications/query e-mail at psldmmnmcc@gmail.com or you can contact the below given numbers:

Gagandeep Sharma	Mukesh K. Vashisht
09779626316	09646018272, 09041846065

• The hard copy of the registration form and the memorials must be sent at the following address:

Punjab School of Law (Opp. XEN Branch), Punjabi University, Patiala, Punjab - 147002

Moot Problem

Drafted by: Dr. Manoj Sharma

Indradhwaja is an Asian country whose socio-politico-legal order is similar to India. It has 29 states. It is a multi-cultural, multi-lingual and multi-religious country. It is an ancient country with history of more than 5000 years. It is a secular country and is home to several religions, tribes, communities and castes. Majority of the population (approx. 60%) follows 'Pihu' religion. Other prominent religion is 'Soham' which constitutes about 25% of the population. Out of twenty states, majority population in the State of Panchtara follows 'Soham' religion whereas in 20 states, Pihus are in majority. In rest of the states, people following different religions co-exist without there being majority of people belonging to any of the religions. Constitution provides for federal system of governance. The Constitution of Indradhwaja provides that the country shall be secular, democratic republic. However, in various parts of the country, religious tensions and riots frequently take place.

Sasha was a very popular religious and spiritual preacher of 'Pihu' religion. Sasha was based in Hansa State which is a neighbouring state of Panchtara State. He was popular among all sections of society including people belonging to other religions owing to his moderate ideas and views about religion. He used to convene and address several lectures preaching the true meaning and tenets of Pihu religion throughout the country.

On the night on August 2, 1998, Sasha was to deliver a lecture in Thar District of Panchtara State. When he reached the venue at around 8.30 PM, several persons came forward to touch his feet as a mark of respect. In the meantime two persons who were identified as Rimpo and Hardo also touched his feet and thereafter fired at him. 10 bullets were fired at him. He was taken to Government Medical College and Hospital, Thar and was declared dead on arrival. Both the accused fled away after the incident.

Both Rimpo and Hardo were of Soham religion and were permanent residents of Panchtara State. However, six month prior to the date of incident, they hired a house in Hansa State where they were residing alongwith some other persons.

An FIR No. 298/1998 was registered at Thar Police Station under Arms Act, Indradhwaja Penal Code (hereinafter referred to as IPC) and Terrorist and Disruptive Activities Act (TADA). An FIR was registered on 02nd August 1998. Subsequently, on 03rd August 1998, Government of Panchtara issued a notification under Federal Special Police Establishment Act (FSPEA) for investigation of crimes registered under FIR No. 298/1998 by Federal Bureau of Investigation (FBI). Under FSPEA, any State government can give consent for investigation of crimes by FBI. The said notification vested the powers in FBI regarding investigation of offences registered in FIR No 298/1998. The jurisdiction to investigate the offences was conferred in respect of the entire state of Panchtara. Subsequently on 04th August 1998, federal government of Indradhwaja issued a notification for investigating of offences by FBI. FBI nabbed both the culprits on 11th August 1998 from National Capital Territory when they were

trying to flee away from the country.

In the meantime, following the assassination of Sasha, riots broke out on 03rd August 1998 in the neighbouring state of Hansa. Approx. 3000 persons belonging to both the religions died in the worst ever riots in the history of Indradhwaja. A magisterial enquiry was ordered into the incident. Moreover, State police raids at the house occupied by Hardo and Rimpo led to discovery to highly explosive substances, bombs, arms and ammunition. Police also found print material aimed at spreading religious hatred among Pihus and Sohams. Enquiry also revealed that after the incident both the accused returned to their place in Hansa and spread communal hatred leading to riots. They ordered merciless killings of Pihus. Enquiry revealed that the assassination was carried out with a view to spread communal hatred and riots. Laptops and computers recovered from the place also reveal the criminal design and conspiracy to spread riots. Report of the enquiry was sent to the state government and accordingly, an FIR No. 219/1998 was registered in Peru district of Hansa booking 7 persons including Rimpo and Hardo. FIR No. 219/1998 was registered on 10th August 1998.

FBI investigation into FIR No. 298/1998 led to chargesheet of 12 persons under various provisions of Arms Act, IPC, TADA. All accused were sentenced to death by Special Court and the same was confirmed by the High Court. An appeal was filed in High Court of Panchtara but the same was rejected. Subsequent appeal to Supreme Court was diposed off as dismissed in October 2005. Immediately accused filed mercy petition under Article 162 which was rejected and subsequent mercy petition filed under Article 72 before the President of Indradhwaja was also rejected. Mercy petition under Article 72 was rejected in April 2014. All accused filed petitions before the Supreme Court of Indradhwaja for commutation of death sentence into life imprisonment on the ground of inordinate delay in disposal of mercy petitions. The Supreme Court converted the death sentence into life imprisonment by its order dated 30th January 2015. After the said order, State of Panchtara wrote to Federal Government that it proposes to remit the sentences of all convicts contending that they have suffered more than 16 years of incarceration. State of Panchtara wrote a letter dated 04th February 2015 with the aim of consulting the Federal Government as required under Criminal Procedure Code of Indradhwaja. The letter asked the Federal Government to give its opinion within five days so that the convicts can be released.

On the other hand, FIR No. 219/1998 was investigated by the State Police of Hansa and chargesheet was filed against 7 persons. Out of these, Rimpo and Hardo were also named as accused in FIR No. 298/1998 filed in Thar District of Pachatara State. All the accused were charged with offences under the Arms Act, Explosive Substances Act and IPC for various offences including planning, abetting and conspiring the murder of 3000 innocent persons. The trial court convicted all accused and sentenced them to life imprisonment. The High Court disallowed the cross appeals filed by the State and the convicts. On appeal, the three judge bench of the Supreme Court held that punishment must be commensurate with crime and held that the crime is so grievous that convicts deserve harsh punishment. Accordingly, Supreme Court passed an order stating that a special category of offenders can be put

beyond remission and ordered that all the seven convicts be sentenced to imprisonment till life ends with no remissions. Union of Indradhawja filed review petition in Supreme Court of Indradhawja for review of the order claiming that the said order is illegal and unconstitutional as no such category of offences exists in CrPC/IPC.

Immediately after letter dated 04th February 2015 become public, large scale agitations were held in Hansa demanding that the culprits be given death penalty and that they should not be released under any circumstances. On 06th February 2015, State of Hansa wrote a letter to State of Panchtara contending that Rimpo and Hardo have been sentenced to imprisonment for life till life ends with no remission by the Supreme Court of India in offences registered under FIR No. 219/1998 in the State of Hansa. State of Hansa claimed that after the release of Rimpo and Hardo from Panchtara, they need to be shifted to Hansa State for serving the rest of their sentence.

Thereafter, a PIL was filed by an NGO namely HELP based in Panchtara in Supreme Court of Indradhwaja for securing the release of Rimpo and Hardo on the ground that they have already suffered more than 15 years in jail.

On a petition filed by State of Hansa, release of all the convicts, convicted in FIR No. 298/1998 was stayed. State of Hansa has claimed that after the exercise of pardoning powers under Articles 72 and 162, further remission by the State of Pachatara is illegal and unconstitutional. It has also claimed that once the President has refused to grant pardon/remission to the convicts of FIR No. 298/1998, the Union can not give consent for remission as required under Criminal Procedure Code of Indradhwaja and that without the consent of the Union, State of Panchtara can not release the convicts. The petition has prayed for grant of appropriate orders/writs for restraining the federal government from giving the consent. On the other hand, Panchtara State argues that Criminal Procedure Code only requires consultation and not consent of Federal Government. It has also contended that the Provisions of Criminal Procedure Code of Indradhwaja can be used to grant remissions even after the exercise of powers by the Governor and the President under Articles 72 and 161 respectively. State of Panchtara has also contended that second FIR i.e. FIR No. 219/1998 registered in Hansa State was illegal as the acts mentioned in second FIR formed part of the same transaction which were purported to be investigated under FIR No. 298/1998 of Panchatara State.

PIL, Review Petition of Union of Indradhwaja and Petition filed by State of Hansa were clubbed and were fixed for hearing before the three judge bench of the Supreme Court of Indradhwaja. Considering the significance of issues involved, sentencing practices and nuances of pardoning power and other matters involved therein, the three judge bench recommended that a larger bench be constituted in the matter. A Seven Judge bench has been constituted by the Supreme Court of Indradhwaja to decide the case.

Constitution of Indradhawaja is analogous to Constitution of India; Federal Special Police Establishment Act is analogous to Delhi Special Police Establishment Act, 1946; Criminal Procedure Code of Indradhwaja is analogous to Criminal Procedure Code of India; Terrorist and Disruptive Activities Act is analogous to TADA Act of India and Indradhwaja Penal Code is analogous to Indian Penal Code. All other laws of Indradhwaja are

Timeline for the Competition

S1.	Particulars/Events	Date/Time
No.		
1.	Last date of Registration (Soft Copy)	22 nd January 2016
2.	Last Date of Registration (Hard Copy)	27 th January 2016
3.	Memorial Submission (Soft Copy)	21 st Februrary 2016
4.	Memorial Submission (Hard Copy)	25 th Februrary 2016
5.	Travel Plan (Soft Copy)	25 th Februrary 2016



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Our Partner



Section for Law Students, Indian National Bar Association, Delhi Website: https://www.indianbarassociation.org/

SECTION FOR LAW STUDENTS

Moot Problem Drafted by:

Dr. Manoj Sharma Assistant Professor, Rajiv Gandhi National University of Law, Patiala (Pb.)