



# Graphic Era HILL UNIVERSITY

Established by an Act of the State Legislature of Uttarakhand (Adhiniyam Sankhya 12 of 2011)  
University under section 2(f) of UGC Act, 1956

## GRAPHIC ERA HILL UNIVERSITY DEHRADUN

### SCHOOL OF LAW

### PRESENTS

# 1st National Moot Court Competition 2021

*Date : 8<sup>th</sup> April, 2021 - 9<sup>th</sup> April, 2021*

KNOWLEDGE PARTNER



ACADEMIC PARTNER



MEDIA PARTNER's



## INVITATION LETTER

It gives us immense pleasure to announce that Graphic Era Hill University, Dehradun is organising its 1<sup>st</sup> National Moot Court Competition.

The National Moot Court Competition is an endeavour to offer law students an opportunity to develop legal skills which are crucial for growing into a successful legal professional and to expose them to the developing frontiers of law which shall help them to develop holistically. With this objective, we are delighted to invite your esteemed institution to the 1<sup>st</sup> National Virtual Moot Court Competition scheduled from 8<sup>th</sup>-9<sup>th</sup> April, 2021 at Graphic Era Hill University, Dehradun via virtual mode.

### **Patron-in-Chief/Patron/Organising Committee**

Chief Patron  
Prof. (Dr.) Kamal Ghansala,  
Chancellor, Graphic Era Hill University, Dehradun

Patron  
Prof. (Dr.) Sanjay Jasola,  
Vice Chancellor, Graphic Era Hill University, Dehradun

Moot-Court Chairperson  
Prof. (Dr.) B.S. Yadav, Head, SOL

Co-Chairperson  
Dr. Navitka Singh Nautiyal, Assistant Professor, SOL

Convenors  
Mr. Saurabh Pandey, Assistant Professor, SOL  
Mr. Ankit Purohit, Assistant Professor, SOL

## **ABOUT THE ORGANISATION**

### **Graphic Era Hill University**

Graphic Era Hill University, Dehradun is a multi-domain university offering various professional programs to over 10000 on-campus students from all states of India. The Graphic Era group has two Universities and four campuses. Founded in 2011, the University today is widely known for its innovative and rigorous education which nurtured professionals across industries and sectors in India and beyond. The University has adopted a global approach to education and research with focus on International perspective and expertise.

### **School of Law**

School of Law is running two full time five years programs i.e. B.B.A-LL.B. & B.A.-LL.B. approved by Bar Council of India, along with LL.M and Ph.D in Law. The School envisions to achieve supremacy in legal education through innovative teaching, experiential learning, creative inquiry, Social awareness and Research. Along with industry-oriented curriculum and train students through rigorous research, Moot Court competitions, classroom discussion on case laws and variety of internships with Supreme Court Judges, top law firms and Senior Advocates

## IMPORTANT DATES

Release of Moot Proposition along with rules	17th Feb, 2021
Last Date of Registration	27th March, 2021
Last Date of Clarification of Moot Proposition	1st April, 2021
Last Date of Submission of Memorial	4th April, 2021
Preliminary Round	8th April, 2021
Quarter Final Round	8th April, 2021
Semi Final Rounds and Final Round	9th April, 2021

**Venue:** ONLINE VIDEO CONFERENCING

kindly note: the platform will be communicated via mail to the registered teams.

**Eligibility:** Undergraduate student pursuing a law program or equivalent from the recognized University , approved by Bar Council of india.

**REGISTRATION FEE:** Rs. 2100/-

**REGISTRATION LINK** <https://forms.gle/RY4a8N37mA3B89qA6>

## **Rules and Regulations for the Competition**

- The decision of the organizing committee regarding the application and interpretation of the competition rules shall be conclusive and final for the purpose of solving any discrepancies and disputes before, during or after the competition.

- **Language and Communication:** The official language of the competition is English, to be strictly followed. Communication in any other international, national or regional language during the competition shall not be permitted.

- **Team Composition:** The team composition for the competition shall comprise of either two members (being designated as Speakers) OR three members (two of them shall be designated as Speakers and one Researcher).

- **Eligibility:**

- a. There will be a capping of 24 teams for the Competition. (On first come basis)

- b. Participation is restricted to bona-fide law students either enrolled in the 3-year LL.B course or the 5-year integrated law course.

- c. Only 1 team per institute/college/university is allowed.

- d. Teams are required to send the scanned copy of ID card issued by their institute via e-mail.

- e. No team shall contradict the composition mentioned above.

- f. No cross teams i.e., members of different universities, shall be allowed.

- **Registration:**

a. All the participating teams have to register for participation by filling a Registration through link on or before 27<sup>th</sup> March, 2021. For the confirmation of registration the teams have to send an email from the Moot Court Society/Head of Department/Institute, endorsing/confirming their participation for the moot court to the e-mail ID: [solmcc@gehu.ac.in](mailto:solmcc@gehu.ac.in) latest by 01<sup>st</sup> April, 2021. In case no authorization e-mail is received by **01<sup>st</sup> April, 2021**, such registration will be considered invalid.) Registration link: <https://forms.gle/Ry4a8N37-mA3B89qA6>

b. Every team which has successfully completed the Registration requisites under the rules shall be allotted a unique code after the closure of the Registration for the competition. Once the code is allotted, every team must use only the team code for any further communication with the Organizers during the competition.

c. Any change in team composition must be intimated to the Organizer at the earliest. Any change must be accompanied with a freshly filled registration form along with an authorization e-mail sent by the college authorities.

d. Participants will receive an approval e-mail, signifying the acceptance of their request for participation.

e. The participating teams are required to pay Rs. 2100/- as registration fees.

- **Memorial:**

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

a. Each Team participating in the Competition must prepare a memorial on behalf of the Petitioner/Applicant and on the behalf of the Defendant/Respondent.

b. The cover page of the memorial for the Petitioner shall be in Blue, and the Respondent shall be in Red.

c. Each team must send its memorial via e-mail to the Organizing Committee at [solmcc@gehu.ac.in](mailto:solmcc@gehu.ac.in) latest by 04<sup>th</sup> April, 2021.

Please note that **NO HARD COPIES ARE TO BE SUBMITTED.**

d. Once the memorial has been submitted, no revision, supplements, or addition will be allowed.

e. Any memorial submitted after the deadline shall be subject to penalty for late submission.

f. The Memorial must contain the following parts only:

i. Cover Page;

ii. Table of Contents;

iii. Index of Authorities;

iv. Statement of Jurisdiction;

v. Summary of Facts;

vi. Issues Presented;

vii. Statement of Arguments;

viii. Arguments Advanced

ix. Prayer for Relief

NOTE: The Table of Contents must be hyper-linked for the ready reference of the Judges.

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## • **Formatting Specifications**

### a. For Main Text:

- i. Font type: Times New Roman
- ii. Font size: 12
- iii. Line spacing: 1.5
- iv. Body of text: Justified

### b. For Heading

- i. Font type: Times New Roman
- ii. size: 14

### c. For Cover Page

- i. Font type: Times New Roman
- ii. Font size: 16

### d. For Footnotes

- i. Font type: Times New Roman
- ii. Font size: 10
- iii. Line spacing: 1.0

e. The arguments with appropriate citations shall be contained in the pleadings. The teams shall follow the JILI citation.

f. The written submission/memorial should not exceed the maximum limit of 35 pages (excluding cover page and table of contents). The pleadings shall not exceed 20 pages.



g. Memorials must have a one-inch margin on all side of each page.

h. **Team Code:** The team code must be ascribed on the top right corner of the cover page. The Written Submission shall nowhere mention any particulars of the team, except the Team Code. There must be no mention of Name, Contact number, Email id, University name etc.

• **Draw of Lots:**

Before the commencement of the event, the side on which the Team will be arguing shall be decided by a draw of lots. The link for the same shall be sent to the participants.

The Teams will be e-mailed the soft copy of their opponent's Written Submission prior to the oral rounds.

• **Clarifications:**

Participating team may ask for clarifications to the official moot proposition by sending an e-mail to: [solmcc@gehu.ac.in](mailto:solmcc@gehu.ac.in) latest by 01<sup>st</sup> April, 2021 (23:59 hrs. IST).

Note: Any clarification via any other medium will not be entertained and shall not be taken into consideration.

• **Court Room Communication** : Written communication during the Oral Round shall be limited to electronic written communication among team members via "Chat-box" or "Conversation" features on the app. No other verbal/non-verbal communication may take place.

Kindly Note: The teams has to join in the competition with their team codes given by organisers.

## • **Structure of the Competition:**

The Competition shall consist of four Rounds:

- a. The Preliminary Round
- b. Quarter Finals
- c. The Semi Finals; and
- d. The Final.

### **Preliminary Rounds:**

- i. The preliminary rounds will be held on 8<sup>th</sup> April, 2021 via video conferencing  
In the preliminary rounds, each Team shall argue only once.
- ii. No team shall be provided any information regarding the identity of their opponent teams or any other team under any circumstances.
- iii. Oral session of the preliminary round of competition consists of 80 minutes of oral pleadings including rebuttals and sur rebuttals.
- iv. Both the parties are each allotted 40 minutes including rebuttals and sur rebuttals.

### **Quarter Final Round:**

- i. The Quarter Finals would be conducted on 8<sup>th</sup> April, 2021 via video-conferencing.
- ii. The Quarter Finals round of competition consists of 80 minutes of oral pleadings including rebuttals and sur rebuttals.
- iii. Both the Parties are each allotted 40 minutes including rebuttals and sur rebuttals.

### **Semi-Final Round:**

- i. The Semi-Finals would be conducted on 9<sup>th</sup> April, 2021 via video-conferencing.
- ii. The semi-final round of competition consists of 80 minutes of oral pleadings including rebuttals & sur rebuttals.
- iii. Both the Parties are each allotted 40 minutes including rebuttals and sur rebuttals.

### **Final Round:**

- i. The Finals would be conducted on 9<sup>th</sup> April, 2021 via video-conferencing.
- ii. The Final Round of competition consists of 90 minutes of oral pleadings including rebuttals & sur rebuttals.
- iii. Both the parties are allotted 45 minutes each including rebuttals and sur rebuttals.

### **• Evaluation Criteria:**

#### **a. Memorial:**

<b>S.No.</b>	<b>Parameters</b>	<b>Marks Allotted</b>
1.	Knowledge of Law and Facts	20
2.	Interpretation and application of Law to Facts	20
3.	Extent and use of research	20
4.	Adherence to the norms regarding Grammar, Style and Citation of sources	20
5.	Clarity and Organization	20

## b.Speaker

<b>S.No.</b>	<b>Criteria</b>	<b>Penalty</b>
1.	Knowledge of Law	20
2.	Application of Law to facts	20
3.	Ability to answer question	20
4.	Style, Courtesy and Demeanour	15
5.	Time Management	10
6.	Co-ordination and Team Work	10
7.	Adequacy of Prayer	05

### c. Penalty

<b>S.No.</b>	<b>Criteria</b>	<b>Penalty</b>
1.	Delay in Submission of Memorial	1 point per day
2.	Resubmission of Memorial	5 points
3.	Formatting Violations	1 point per each failure which may extend to 5 points
4.	Failure to adhere to the of the memorial	1 point per failure
5.	Breach of violation of Anonymity of Teams	1 point
6.	Failure to adhere to the Court Room Etiquettes	2 points per failure

**Dress Code:** Participants should attend the proceedings of the court in “Formal Attire”.

**Court room Etiquettes:**

- a. Student counsel may introduce him/herself to the court in the usual manner and may also state their names. Further all team members shall refrain from identifying a team's college at any time and in any manner, including, but not limited to, wearing any identifying items (such as college clothing, ties, badges, patches, or pins) or carrying/showing material.
- b. The participants are expected to behave in a dignified manner and not cause any unnecessary inconvenience to the organizers. Deference to the Judges of the Moot Court Competition is expected to be maintained on the virtual Court room.
- c. The Organizers reserve the right to take appropriate action for any unethical, unprofessional or immoral conduct.

**Miscellaneous**

- a. The Organizing Committee reserves the right to amend, modify, change or repeal any of the competition rules at any stage.
- b. The Organizing Committee shall communicate any changes made in the competition rules to the Participating Teams.
- c. The decision of the Organizing Committee of the event shall be final in all matters concerning the competition.
- d. Participants are not allowed to Video tapping and Audio recording the oral proceedings without the permission of the organizers.
- e. The Organizers shall not be responsible for any loss or slow Internet Connection during the Competition. We request all the participants to arrange a sound Internet Connection.

during the Competition. We request all the participants to arrange a sound Internet Connection. Preferably a desktop or laptop.

## **MOOT PROBLEM**

The State of Agyanta is a province in Union of Kaynat. Union of Kaynat is one of the largest democracies in the world and a densely populated country. The majority of the population of Union of Kaynat is young and under 30 years of age. The State of Agyanta is a province with largest population in the Union of Kaynat.

In recent times, Union of Kaynat saw a spurt of sexual offences against children to remedy which legislature of Union of Kaynat enacted the Protection of Children from Sexual Offences Act (hereinafter referred to as “**POCSO**”). In order to ensure effective prosecution of cases, POCSO, under Section 29 & 30, provides for presumption to be drawn against accused persons qua the act and mental state of accused persons.

In Aapada, which is capital of State of Agyanta, Suyagya was born out of wedlock to Smt. Aarti Malik and Shri Vihan Arya on 01.03.2002. Shri Vihan Arya was an obsessive and oppressive man who used to beat his wife and son, after getting drunk. Smt. Aarti Malik having been a victim of domestic violence, while defending herself on the night of 07.07.2007, stabbed her husband Shri Vihan Arya. Smt. Aarti Malik was convicted for offence under Section 304 of Kaynat Penal Code on 10.10.2010 for stabbing her husband, for which she was sentenced to imprisonment of 10 years. Smt. Aarti Malik preferred an appeal against her conviction before the High Court of Agyanta, which appeal was dismissed on 12.12.2012. Smt. Aarti Malik was, thereafter, sent to prison for 9 years 7 months, as she had spent 3 months in judicial custody as an undertrial.

During the period of her judicial custody, when trial was pending, Smt. Aarti Malik sent her son Suyagya to live with his uncle (mama) who runs an Akhada (Wrestling Club) and is a known muscle man of the locality. While she was out on bail, Smt. Aarti Malik took care of Suyagya. However, after 12.12.2012, when Smt. Aarti Malik went to prison, Suyagya with permission from his mother chose to live by himself with minimal influence of his uncle (mama) over his life. Suyagya learnt to survive, on savings of his parents, with assistance of neighbors.

When Suyagya grew old, he started giving tuitions. In 2019, Suyagya passed out from school and joined Agyanta College of Astronomy in Father Aristotle Leigh Tuft University at Aapada as a scholarship student.

In March, 2020, when Covid-19 pandemic struck the world, all schools in Aapada were also shut down and the schooling system was severely affected. Suyagya intending to take advantage of the Covid-19 pandemic started offering tuition sessions in groups of 2-3 and even personal sessions while ensuring that all precautions qua Covid-19 pandemic are taken.

Kaaya used to live in the nearby locality and was from the same school as Suyagya. Kaaya's parents heard about Suyagya's coaching classes and thought it is best to get her coaching in order to ensure that Kaaya does not miss out on her studies as she was in final year of school and had to score really well in order to get into a good college. In September, 2020 Kaaya's parents made her join Chemistry classes with Suyagya which was her weakest subject.

Kaaya took tuitions from Suyagya regularly but was not doing well. In third week of December, 2020, Suyagya conducted tests on the lessons given. The result of these tests was announced on 26.12.2020. Kaaya did very badly in these tests and barely passed. Thereafter, when Kaaya was confronted by her parents with her answer sheets about her bad results, Kaayaa



blamed Suyagya alleging molestation & sexual assault. When Kaaya was asked to give details, Kaaya told her mother that Suyagya had been talking to her in innuendos and while doing so he expressed his liking for her. Kaaya further told her mother that on 16.12.2020, when she was with Suyagya in private, Suyagya came close to her and kissed her on her cheek but she pushed him away.

Kaaya's parents, in the morning hours of next day i.e. 27.12.2020, approached Suyagya to confront him. When they confronted Suyagya, he denied the allegations made by Kaaya and took defense that Kaaya is making false accusation. Upon being dissatisfied with explanation of Suyagya and trusting their daughter, Kaaya's parents approached the local police station i.e. PS Vastu Nagar. Upon complaint made by parents of Kaaya, FIR No. 202/2020 was registered at PS Vastu Nagar under Sections 354A Kaynat Penal Code & Sections 8 POCSO.

During investigation, a friend of Kaaya, namely Viraj who used to take coaching for Mathematics gave statement to the investigation agency that during his classes, Suyagya often used innuendos to strike a rapport. Also, another girl, namely Asiya who also used to take coaching for Chemistry gave a statement that she never felt that Suyagya used any inappropriate statement during classes. However, being apprehensive about the conduct of Suyagya and the fact that children below 18 years of age were involved, the investigation agency arrested Suyagya on 07.01.2021.

In the meantime, while the investigation was going on, Smt. Aarti Malik was released early on 18.01.2021 i.e. after serving more than 8 years, on grounds of good conduct. Smt. Aarti Malik, having herself experienced the tenets of law, straight away started resorting to legal remedies to put up a defence for her son. In furtherance of same, Smt. Aarti Malik, immediately, approached the Special Court (POCSO) to seek bail for Suyagya. Simultaneously, Smt. Aarti Malik approached the investigation agency to seize the answer sheet of

Kaaya from her or her parents as it was a material document for the case. However, without paying any heed to the request of Smt. Aarti Malik, on 22.01.2021, the investigation agency filed charge-sheet seeking prosecution of Suyagya under Sections 354/354A/509 Kaynat Penal Code and Sections 8 POCSO. Upon this, Smt. Aarti Malik approached the Special Court (POCSO) with application for directions for further investigation requesting the Special Court to direct recovery of the answer sheet of Kaaya from her or her parents as it was a material document for the case.

The Special Court fixed the matter for (1) arguments on application of Smt. Aarti Malik, (2) arguments on bail application of Suyagya and (3) arguments on charge for 27.01.2021.

On 27.01.2021 the Special Court (POCSO) dismissed the application for further investigation while holding that if grading of Kaaya is to be tested then that can be tested from her results in school also. Further, Special Court (POCSO) dismissed the bail application on the ground that statement of material witnesses is yet to be recorded before the Court. Also, the Special Court passed order on charge to try Suyagya for offence under Section 8 POCSO, and in the alternative under Section 354A Kaynat Penal Code in addition to Section 509 Kaynat Penal Code.

Upon being dissatisfied with the orders, Smt. Aarti Malik approached the High Court of Agyanta:-

1. Seeking bail for Suyagya under Section 439 of the Code of Criminal Procedure
2. Challenging the dismissal of application for further investigation under Section 482 of the Code of Criminal Procedure
3. Challenging the order dated 27.01.2021 to the extent that order was passed for framing of charge under Section 8 POCSO

#### 4. Challenging the constitutionality of Section 30(2) of POCSO under Article 226 of the Constitution of Kaynat

On the other hand, State of Agyanta filed a Criminal Revision Petition before the High Court of Agyanta with prayer for Suyagya to be charged with offence under Section 354 Kaynat Penal Code also.

Since the five matters were arising out of the same factual matrix, the registry of the High Court of Agyanta, with permission from the Chief Justice of High Court of Agyanta, clubbed the matters and listed the matters before a division bench of High Court of Agyanta.

*Please note that in the four matters, the Petitioner side will argue for Smt. Arti Malik / Suyagya and the Respondent side will argue for State of Agyanta.*

*Also, please note that the Constitution of Kaynat, Code of Criminal Procedure, Kaynat Penal Code & Protection of Children from Sexual Offences Act are parimateria with Constitution of India, 1950, Code of Criminal Procedure, 1973, Indian Penal Code, 1860 & Protection of Children from Sexual Offences, 2012 (Act 32 of 2012), respectively as applicable to whole of India.*

## **Awards:**

- a. Winner Team – Rs. 11000/-
- b. Runner up Team – Rs. 7000/-
- c. Best Speaker – Rs. 2100/-
- d. Best Researcher – Rs. 2100/-

**Certificate of Participation will be provided to each participant.**

## **Members:**

Dr. Prof. Brijendra Singh Yadav (Chair-person)

Dr. Navtika Singh Nautiyal (Co- Chair)

Mr. Saurabh Pandey (Convenor)

Mr. Ankit Purohit (Convenor)

Contact Details:

Email Id: [solmcc@gehu.ac.in](mailto:solmcc@gehu.ac.in)

Student Organizers:

Tanya: +917017930115

Nehal: +918755689061

Jatin: +918006305180

Monesh: +918218508080

**NOTE: Participants are requested not to call any Student Organizers in order to seek any Clarifications regarding Moot Proposition.**

## Participants May Register:

Registration Link: <https://forms.gle/Ry4a8N37mA3B89qA6>

Fee Payable through IMPS/NEFT or Scan and Pay

Name: Graphic Era Hill University

Bank: Axis Bank Ltd, Saharanpur Road, Dehradun

Account Number: 920010040627250

IFSC CODE: UTIB00002959

OR

Scan the Code Here:



BHIM UPI Payments Accepted at  
GEHU R & D A/c



Account Number : 920010040627250, IFSC Code: UTIB0002959

Scan and Pay using any UPI supported Apps



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BOI UPI



Maha UPI