

2ND YEAR, 3RD YEAR, 4TH YEAR AND 5TH YEAR ONLY

FAIRFIELD INSTITUTE OF MANAGEMENT AND
TECHNOLOGY
SCHOOL OF LAW
11th INTRA COLLEGE MOOT COURT
COMPETITION

2nd to 5th Year

SCHEDULE{ For Participants of 2nd Year, 3rd Year, 4th Year and 5th Year }

<u>DATE</u>	<u>EVENT</u>
17 th August 2018	Release of Moot Problem
6 th September 2018	Deadline for Submission of Registration
7 th September 2018	Allotment of Team Codes
7 th September 2018	Deadline for Receiving Question Seeking Clarifications
20 th September 2018	Deadline for Submission of Soft Copy Of Memorials
24 th September 2018	Deadline for Submission of Hard Copy Of Memorials
8 th October 2018	Inaugural Ceremony Draw of Lots Researcher Test
11 th October 2018	Preliminary Rounds Draw of Lots Exchange of Memorials
12 th October 2018	Quarter Finals Draw of Lots Exchange of Memorials Semi Finals Draw of Lots Exchange of Memorials
13 th October 2018	Finals Valedictory Ceremony

RULES AND REGULATIONS

General Rules:

1. **“Participating Team”** means the team which has registered itself for the Competition as per the Rules given below.
2. All the Rules are only inclusive and not exhaustive for the competition.
3. Rules should be strictly adhered to. Any deviation there from would attract disqualification or other penalties mentioned subsequently.
4. All decisions by the Organizers in case of any disputes/ doubts etc. will be final. The Organizers may make such rules and procedures at any point of time, as they deem fit. Imposition of penalties including disqualification rests solely with the Organizers in case of failure to comply with the rule(s) and deadline(s).

I. Date and Venue:

The 11th Intra-College Moot Court Competition 2018 shall be held from **8th -13th October, 2018** at Fairfield- School of Law.

II. Language:

The official working language of the Moot Court Competition shall be *English*.

III. Eligibility:

The competition is open for all the bonafide students of Fairfield- School of Law of all semesters.

- i) 1st year student
- ii) 2nd -5th year student

IV. Dress Code:

During all the Days of the competition the participants shall be in Formal wear only.

- i) Male participants are required to wear a Full Formal Suit i.e. Black Trousers, White Shirt, Black Tie, Black Coat and Black Formal Shoes.

- ii) Female participants are required to wear a Full Formal Suit i.e. Black Trousers, White Shirt, Black Coat and Black Formal Shoes or Indian Formal Dress i.e. White Salwar Suit Along With Black Coat And Black Bellies.

V. Team Composition:

- i. Each team shall consist of 3 members. This number cannot be modified under any circumstances. Two of them shall be designated as a Speakers and one researcher.
- ii. Teams shall identify the speakers and researcher during registration. No extra member or observer shall be allowed.
- iii. Any additional member of any Participating Team shall not be entitled for hospitality or for any award. Such member or observer shall not be allowed to watch any of the rounds of the competition.
- iv. Each team will have a Team Code.
- v. Teams shall not disclose their identity except in the registration form. Any such disclosure shall invite strict penalty including disqualification. The decision for the same shall be at the discretion of the Organizers.

VI. Registration:

- i) The Participants are required to submit a duly filled registration form along with the Passport Size Photographs latest by **6th September, 2018**. (Forms shall be available on the website of Fairfield Institute of Management and Technology).
- ii) No forms received after the deadline shall be considered for registration.
- iii) Every Participating Team will be allotted a team code which will be communicated through Notice Board.

VII. Allotment Of Team Codes:

- i) Each Team shall be allotted a Team Code on **7th October, 2018**.

VIII. Rounds:

- i. There shall be a Preliminary Rounds, a quarter-final round, a semi-final round and a final round. Lots picked by the teams will decide the side of the arguments in Preliminary, Quarter-Finals, Semi-Finals & Final Rounds.
- ii. Orientation & draw of lots shall take place on **8th October 2018**.
- iii. There shall be two preliminary rounds wherein every Participating Team shall be required to argue once from each side.
- iv. Top sixteen teams will qualify for the Quarter- Finals at the end of the Preliminary Rounds. The first eight teams will be selected based on their oral scores in the Preliminary Rounds plus the scores in the memorials.
- v. Scores in the researchers' test will be used to resolve a tie.

IX. RESEARCHER'S TEST:

- ❖ It shall be mandatory for all the Researcher to appear for Researchers Test of 100 Marks.
- ❖ Researcher Test will objective questions to the general understanding of law and to the respective moot proposition.
- ❖ Researcher Test will be for one hour.
- ❖ Researcher Test will be held on **8thOctober, 2018**. However, depending upon the exigencies, the Moot Court Society may in its discretion re-schedule the Researcher Test.

X. Memorials:

The following requirements for memorials must be strictly followed and any non-compliance of the same shall attract penalties.

- i. Each team must prepare memorials for both the sides.
- ii. The Memorials shall be consistent with the Indian Law Institute format.
- iii. Once the Memorials have been submitted, no revisions, supplements or additions will be allowed.
- iv. The last date for submitting the Memorials (for both Appellant and Respondent sides) in soft copy is **20thSeptember, 2018** latest by **11:59 pm (23:59 Hours)**. The Memorials so submitted shall be judged for the "Best Memorial" Award.

v. **Eight (8)** copies from each side of the memorials (excluding copies for use by the team) should be submitted latest by **24th September, 2018**.

vii. It shall be the sole responsibility of the respective Participating Teams to ensure that the correct number of copies of the Memorials is submitted to the Organizers within the prescribed deadline.

XI. Format of Memorials.

a) **Cover Page:** The cover page of the memorial must state the following:

- Team Code on upper Left-hand side corner.
- The case title
- Color of the cover page must be:
Blue in case of Petitioner/Appellant
Red in case of Defendant/Respondent.
- The Party for which the Memorial has been prepared.

b) **The table of contents.**

c) **The list of Abbreviations**

d) **The index of authorities/ table of cases.**

e) **The statement of jurisdiction.**

f) **The statement of facts.**

g) **The statement of issues.**

h) **The summary of arguments.**

i) **The arguments advanced/ body of arguments.**

j) **The prayer**

XII. Memorial general format:

- **Spacing:** 1.5 Line Spacing
- **Margins:** One inch margin on all sides of each page.
- **Font:** The font for the body of the memorial shall be Times New Roman, size 12.
The font for the footnotes shall be Times New Roman, size 10, line spacing 1.0.
- Memorials must be spiral bound only.
- Page numbering should be at the bottom middle of each page.

- The memorials must not contain any annexure / photographs / sketches/ exhibits / affidavits, etc.
- Teams shall cite authorities in their Memorials by way of a uniform style of citation.
- The Memorial shall not exceed 35 pages in all. Arguments shall not exceed 25 pages.
- The Memorials shall not, in any way, disclose any fact pertaining to the identity of the Participating Team or its Members so represented.

XIII. Marking of Memorials

Every Memorial shall be marked on a total of 100 marks and the team memorial marks will be the average of the total of both sides. The following shall be the marking scheme:

S. No.	Criteria	Marks Allotted
1.	Knowledge of Facts and Law	20
2.	Analysis, Organization and Clarity	20
3.	Extent and Use of Authority	20
4.	Correct Format and Citation	15
5.	Originality in Presentation/ Drafting	15
6.	Grammar and Style	10
	GRAND TOTAL	100

XIV. Evaluation of Oral Submissions:

The Marking Scheme for the evaluation of the oral arguments shall be done in the following manner:

S. No.	Criteria	Marks Allotted
1.	Knowledge of Facts and Law	20
2.	Logic and Reasoning to apply the Legal Principles	20
3.	Ingenuity & Ability to answer questions	20

4.	Time Management and organization	20
5.	Court Etiquettes/ Deference to the court	10
6.	Persuasiveness	10
	GRAND TOTAL	100

XV. PRELIMINARY ROUNDS:

- ❖ There shall be Preliminary Round on
 - a. 11th October 2018: for 2nd to 5th year students**
and every team shall be given the opportunity to argue for one side.
- ❖ Each team shall get a Total Time of **15 Minutes** to present their case. Any extension of time beyond the specified period shall be subject to the discretion of the judges.
- ❖ The Division of time between the speakers is the discretion of the team members, subject to a maximum of 8 minutes for one speaker.
- ❖ Before the commencement of the round, each team shall indicate to the “court officer” as to how they wish to allocate their time.

XVI. QUARTER FINALS:

- ❖ The Quarter Finals Round will be held on
 - a. 12th October 2018 :2nd to 5th Year**
*At the end of the Preliminary Round, the **Top 16 Teams** will qualify for the Quarter Finals.*
- ❖ The side to be represented by a team shall be determined by way of draw of lots with the team picking the lots after the completion of the preliminary rounds.
- ❖ Each team shall get a Total Time of **20 minutes** to present their case and this shall include the time **for** ‘rebuttal’ and ‘Sur-rebuttal’. Any extension of time beyond the specified period shall be subject to the discretion of the judges.
- ❖ The division of time between the speakers is the discretion of the team members, subject to a maximum of **10 minutes** for one speaker.
- ❖ Before the commencement of the round, each team shall indicate to the “court officer” as to how they wish to allocate their time

XVII. SEMI-FINALS:

- ❖ The Semi-Finals will be held on
 - a. 12th October 2018 for 2nd Year**
- ❖ The Semi-Finals shall be a Knock-Out Round.
- ❖ At the end of the Quarter Round, the **Top 4 Teams** will qualify for the Semi-Finals.
- ❖ The side to be represented by a team shall be determined by way of draw of lots with the team picking the lots after the completion of the Quarter-final rounds
- ❖ Each team shall get a total of **25 minutes** to present their case and this time will include the time for ‘rebuttal’ and ‘Sur-rebuttal’. Any extension of time beyond the specified period shall be subject to the discretion of the judges.
- ❖ The division of time between the speakers in the discretion of the team members, subject to a maximum of 12 minutes for one speaker.
- ❖ Before the commencement of the round, each team shall indicate to the “court officer” as to how they wish to allocate their time.

XVIII. FINALS:

- ❖ The Final Round will be held after the Semi-Finals on **13th October, 201 for both 1st year as well as 2nd to 5th Year moot court** . At the end of the Semi- Finals Round, the **Top 2 Teams** will qualify for the Finals. Any extension of time beyond the specified period shall be subject to the discretion of the judges.
- ❖ Each team shall get a total of **30 minutes** to present their case and this time will include the time for ‘rebuttal’ and ‘sub-rebuttal’.
- ❖ The division of time between the speakers is the discretion of the team members, subject to a maximum of **18 minutes** for one speaker.
- ❖ Before the commencement of the round, each team shall indicate to the “court officer” as to how they wish to allocate their time.

XIX. SCOUTINGS:

Team shall not be allowed to observe the oral submissions of any other team. Scouting is strictly prohibited.

XX.Awards:

- ❖ Winner Award
- ❖ Runner up Award
- ❖ Best Speaker
- ❖ Best Memorial
- ❖ Best Researcher

XXI. DECISION OF THE JUDGE SHALL BE FINAL:

The decision of the judges regarding the outcome of the rounds shall be final.

11th INTRA COLLEGE MOOT COURT COMPETITION, 2018

NOTE: For more information about the Competition visit the website <http://www.fimt-ggsipu.org/>

Moot Court Problem

1. Smt Aparna Dass, a retired Senior Citizen and aged about 70 years, on 12th October 2016 attended a marriage with her Son Shri Parth in Delhi. After attending the occasion, she asked her driver to come and pick her. Since the driver was on the other side of road, he requested the lady and son to cross the road and catch the car. Though hesitated to cross road due to her bad vision, she somehow agreed to it as traffic on road was heavy her son was right behind her. Suddenly her son realized that he has forgotten his bag inside the banquet hall and he immediately went inside to find his bag. At same time, Smt Arpana Dass tried to cross road by herself.
2. Rahul and Prem, two youngsters at about 10 p.m. of 24 and 21 years of age, were riding a Bike Hero Honda, wherein Rahul was riding the bike and was holding proper driving license and Prem was his pillion rider. They were late for an interview in MNC hence they touched the speed limit of 60km/H but didn't cross it. After riding the bike for few kilometres, they were crossing the flyover which had a deep slop at the end of it. On the slop, their bike speed limit increased due to slop and reached to 80km/H. suddenly they found an old lady (Mrs. Aparndna Dass) came infront of them from the front side of a bus which was standing at bus stop on road. They could not control the bike due to over speed and hit the old lady.
3. Due to accident, Smt Aparna Dass got unconscious and fell on road. Rahul got several injuries on his head. Prem got some scratches on his arms and legs but he was fine. Being terrified, Prem ran away from the spot leaving behind his friend and old lady. Rahul, though injured, took the lady to hospital in an auto wherein she was declared dead as per medical report file in D.A.R reflects that the Smt.Aparna Das died due to shock and brain death.
4. Meanwhile, the son of Smt. Aparna Das also reached hospital and called police and lodges an FIR against Rahul and Prem (F.I.R no 1210/2016). He also filed Motor Accident Claim and claimed a compensation of Rs. 1 Crore on account of her mother's death.
5. The Motor Accident Claim Tribunal accepted the claim of Shri Parth and awarded him claim of Rs. 50 Lakh on following account:

- Before death, she was a senior citizen and getting a pension of Rs. 30,000 per month from government.
 - She was capable of earning in future as she was a qualified teacher and throughout she was working as teacher.
 - Rahul and Prem were rash and negligent and over-speeding hence they were liable for the death of Lady and to pay compensation to her legal heirs.
 - Merely because the speed increased due to slop does not mean you should lose your control on your speed or let speed of vehicle increased without applying breaks.
 - There was no contributory negligence on behalf of Smt Aparna Dass and Rahul and Prem alone were responsible for her death.
6. Both Rahul and Prem prefer an appeal to Honble Delhi High Court challenging the impugned order. The Honble Delhi High Court allowed their appeal and reversed the order of MAC Tribunal on following grounds:
- Rahul and Prem were not driving rash and negligent as due to slop at the end of fly over their speed increased.
 - There was a foot-over bridge 30 meter away from the spot and deceased did not used the same despite of fact that roads were jam packed with traffic.
 - There was no zebra crossing at the spot and she was trying to cross the road without following rules and regulation.
 - There was a contributory negligence on the part of deceased lady hence her legal heirs were not entitled to any compensation.
 - There was no eye witness to accident, including the son, so it is impossible to fix liability on mere assumption and presumption. etc
7. Now, Shri Parth the son of deceased Smt Aparna Dass of age 14 year has approached the Honble Supreme Court of India in Special Leave Petition thereby challenging the judgement of Honble Delhi High Court which was pronounced on 20th July 2018.

REGISTRATION FORM

Instruction: All participating teams are requested to fill in the details in **Capital Letters**.

Please read **Rules & Regulations** of the competition before submitting this registration form.

SPEAKER I: _____

Course and Sec: _____

Enrollment ID: _____

Gender: _____

Mobile Number: +91 _____

Email ID: _____

Please affix your passport
size photo

SPEAKER II: _____

Course and Sec: _____

Enrollment ID: _____

Gender: _____

Mobile Number: +91 _____

Email ID: _____

Please affix your passport
size photo

RESEARCHER: _____

Course and Sec: _____

Enrollment ID: _____

Gender: _____

Mobile Number: +91 _____

Email ID: _____

Please affix your passport
size photo

I Speaker

II Speaker

Researcher

Note: *Please put your signatures as per the team configuration.