



LawInternships

IN ASSOCIATION WITH ATHARVA LEGAL LLP



NATIONAL VIRTUAL MOOT COURT COMPETITION, 2020

October 30 - November 01, 2020

ABOUT LAWINTERNSHIPS

LawInternships is an organization that provides internship opportunities in the field of law primarily to the students pursuing undergraduate or postgraduate programs. We assist in providing opportunities for gaining professional experience as well as improving legal skills while being enrolled in a full-time law program. The objective is to prepare students for the real world by imparting practical exposure and relevant skills through legal internships.

ABOUT ATHARVA LEGAL LLP

Atharva Legal LLP is a full service law firm rendering services in a wide spectrum of areas with the aim to provide nuanced and efficient solutions to transactional, advisory, regulatory, dispute resolution and litigation requirements of the clients under a single entity. It was a keen desire of the founding partners to provide commercially viable legal advice and support while ensuring a high degree of partner involvement and maintaining a constant vigil to protect the client's interests.

COMPETITION BRIEF

LawInternships stands as one of the fastest emerging platforms during these unprecedented times. Since its very inception, Moot Court activities have been kept on the pinnacle, keeping in mind the aspiration to nourish minds that are comfortable and skilled in dealing with the differing legal systems and cultures that make up our global community. We are proud to announce that we are organizing the 1st edition of the National Moot Court Competition, 2020, which is scheduled to be held from 30th October to 1st November, 2020. Having successfully organized various different webinars and competitions in a row, this edition speaks of our efforts that aim at improving the whole experience by ensuring that the teams are met with a challenging problem based on contemporary and developing aspects of Law. This Competition will be conducted virtually allowing the students to hone their advocacy skills. This Competition will provide an opportunity to the participants to develop the requisite skills for a dynamic process of Litigation Advocacy.

COMPETITION PROPOSITION

PHOOLCHAND TRIPATHI & ANR. V. STATE OF UTTAR PRADESH

1. 'Phoolchand Tripathi' was tried for charges u/s 302 and 307 of the Indian Penal Code, 1860 ("IPC") for shooting Laxman Pandit on his marriage celebration with a licensed short gun. Phoolchand and 'Subodh Mishra' were also convicted u/s 8 (c) r/w 18(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 ("NDPS") where the contravention involved a commercial quantity of poppy recovered from their vehicle.

2. In the trial before the Ld. Sessions Judge, Mirzapur, Phoolchand Tripathi was convicted and sentenced to undergo ten years of rigorous imprisonment (u/s 302 and 307 IPC); ten years of rigorous imprisonment [u/s 18(c) NDPS] and a fine of rupees one lakh. Subodh Mishra was convicted and sentenced to rigorous imprisonment for ten years with a fine of rupees one lakh [u/s 18(c) NDPS].

Prosecution's Case

3. Laxman and Phoolchand were completing their bachelor's degree in law from Mirzapur School of Law. Phoolchand is the son of Anand Tripathi, a politician-gangster of Mirzapur. Laxman was the son of Ram Pandit, a successful practicing Advocate. Phoolchand and Laxman never gelled up well in college and were always seen fighting like cats and dogs over Akriti Gupta. Laxman was already dating Akriti and when Phoolchand got to know about their affair, he threatened to kill Laxman. Phoolchand also attempted to kidnap Akriti but failed. On October 2019, right after their graduation, Laxman and Akriti's marriage was fixed and soon they were to join Ram's practice.

4. On 14th February, 2019, the marriage ceremony of Laxman Pandit was taking place at village Mirzapur, Uttar Pradesh. Around 9:30 pm, while the marriage procession was escorting Laxman, Phoolchand and Subodh were seen dancing and singing in a drunken state in a corner nearby. The two uninvited guests approached the procession and joined the dance when suddenly, Phoolchand fired celebratory gunshots in thin air. The pellets struck Laxman Pandit and he died on the spot. The FIR was filed around 11:30 pm at Central Police Station, Mirzapur by Dimpi Pandit (sister of Laxman Pandit) narrating in full detail the incident of which she herself was a witness.

5. Dimpi also mentioned about two plastic bags weighing about 10 Kg each. According to her, they were some form of drugs and she duly notified it to the Sub-Inspector. The bags were recovered by Sub-Inspector Pankaj Tripathi from Phoolchand's jeep. The bags contained around 20kg poppy. Post preliminary investigation, charge sheet was filed and the accused persons were taken into custody. Two samples of poppy collected from each of the recovered bags were sent to Forensic Narcotics Lab for examination on 16th February, 2019. Post Investigation, the Investigating Officer Sahil Roy revealed the following:

a. Phoolchand (aged 25 years) and Subodh (aged 27 years) were childhood friends and attending Mirzapur School of Law. Subodh was an unregistered pharmacist with a good knowledge of drugs and cosmetics. Phoolchand was also a trained shooter and often represented the district in various competitions. Phoolchand's father, Anand Tripathi is the leader of Uttar Pradesh drug cartel and known for engaging in multiple drug wars including manifold assassinations of cartel leaders.

b. Phoolchand was crestfallen on hearing about Laxman's marriage with Akriti. On 14th February, late evening, he went to Subodh's house in Thar Jeep (unregistered vehicle with a slogan on the number plate "Bahuballi of Mirzapur").

c. Around 8 pm on 14th February, Subodh took Phoolchand to Jaunpur city for shipping a consignment but Phoolchand was not in mood so they headed to down town lane to have drinks. Soon, around 9:30 pm the marriage procession crossed down town lane where Phoolchand and Subodh were present. They join the procession and Phoolchand fires celebratory gunshots in the air. One of the pellets stroke Laxman directly in the right eye and he dies on the spot. Both Phoolchand and Subodh ran away from the scene of the crime.

d. Two plastic bags of poppy were recovered from the Thar Jeep. Both the bags weighed 10 Kgs each. The FNL reports confirm that the samples contained poppy.

e. The Police filed Challan u/s 173 of the Code of Criminal Procedure, 1973 on 5th March, 2019 against Phoolchand Tripathi and accused for the offences u/s 302, 307 IPC and u/s 8 (c) r/w 18(c) of the NDPS Act and against Subodh for the offences u/s 8 (c) r/w18(c) of the NDPS Act.

6. Both Phoolchand and Subodh were in Police Custody during investigation. The police report and copies of other documents were sent to the accused persons. The Trial Court framed joint charges against Phoolchand Tripathi for the offences u/s 302, 307 IPC and u/s 8 (c) r/w 18(c) of the NDPS Act and u/s 8 (c) r/w 18(c) of the NDPS Act against Subodh. Both the accused persons did not plead guilty and faced a joint trial.

7. During the trial, the Prosecution examined Dimpi Pandit (PW-1), Ram Pandit (PW-2), Guddu Pandit (PW-3), Sub Inspector Pankaj Tripathi (PW-4) and Investigating Officer Sahil Roy (PW-5). The defence cross examined all the witnesses. The witnesses did not turn hostile and it came to be known from the statements of PW-1 and PW-2 that Phoolchand aimed the gun directly at Laxman. PW-1 and PW-2 stood next to the horse on which Laxman was sitting. Prosecution also relied on the FNL reports confirming the substance in both the samples as poppy. The ownership of Thar Jeep couldn't be proved by the Prosecution as the vehicle was unregistered with just a slogan written on the number plate. Both the accused persons denied the Prosecution version and their statements were recorded u/s 313 of the Code of Criminal Procedure, 1973.

Defence's Case

8. It was submitted that Phoolchand and Subodh were in the wrong place at the wrong time. Down town lane was the usual hangout spot for Phoolchand and his friends. Just like every other day, even on 14th February, 2019 they went there to drink and relax. The marriage procession crossed the lane when Phoolchand and Subodh were already dancing. They simply joined the procession to celebrate their classmate's wedding.

9. This is a case of celebratory firing which unfortunately caused the unintentional death of Laxman Pandit. The act is not murder since the firing was done towards the sky with no intention to kill Laxman. Moreover, Phoolchand was in a highly drunken state and the firing was done out of joy for his classmate Laxman. Such an unfortunate act of misfiring amounts to negligence as u/s 304A of the Indian Penal Code, 1860.

10. During the trial, the Defence cross examined Kushal Awasthi (DW-1), Parth Srivastava (DW-2) and Moin Zada (DW-3). All the three deposed that Phoolchand did not aim the gun at Laxman and that, Phoolchand was in a drunken state, happily singing and dancing at the marriage procession.

11. It was also denied that the Thar Jeep belonged to the accused persons and the same has not been proven by the Prosecution. Additionally, there is a non-compliance with the stringent provisions of the NDPS Act so far as search, seizure and recovery is concerned. In narcotics, investigation is done entirely by an independent officer, however in the present case the same was done by the officer who made the recovery, seized the contraband and arrested the accused persons. Also, the lack of civil witnesses during the course of investigation despite them being available on the spot during the procession implies existence of insufficient evidence to prove that the contrabands belong to the accused persons. That both the accused were falsely implicated by the police.

Findings of the Trial Court

12. The Ld. Sessions Judge after considering all the material on record convicted Phoolchand Tripathi Accused No. 1 for murdering Laxman Pandit. He was sentenced to undergo ten years of rigorous imprisonment (u/s 302 and 307 IPC); ten years of rigorous imprisonment [u/s 18(c) NDPS] and a fine of rupees one lakh. Subodh Mishra was convicted and sentenced to rigorous imprisonment for ten years with a fine of rupees one lakh [u/s 18(c) NDPS].

13. Aggrieved by the said decision, Appeal is preferred by both Phoolchand Tripathi and Subodh Mishra before the Hon'ble Allahabad High Court. The Appellants pleaded that the court has failed to correctly appreciate the factual matrix where the Prosecution has unreservedly failed to prove the offences against them. Phoolchand's primary contention was that he had no intention to cause Laxman's death. The firing was accidental, unintentional and a mere celebratory firing. The occurrence was admitted and the plea taken was that it being a case of negligence, Section 302 and 307 were not attracted. The Appellants further pleaded that there was a faulty investigation and the mandatory provisions of the NDPS Act, so far as search and seizure are concerned, do not stand the scrutiny of law.

NOTE – The laws of Indiana are in Pari Materia to the laws of Union of India.

The moot proposition has been drafted by Advocate Tushar Behl, Legal Consultant, The Supreme Court Committee on Road Safety, Ministry of Road Transport and Highways, Government of India. Any attempt to contact the said person for the purposes of the moot proposition on or before the competition dates shall result in immediate disqualification from the competition.

ELIGIBILITY

The Competition is open to every student pursuing either five year or three year undergraduate course in law from various Schools/Colleges/Universities in India.

COMPETITION RULES

- **Language and Communication:**

The official language of the Competition is strictly English. Communication in any other international, national or regional language during the Competition shall not be permitted.

- **Dress Code:**

The dress code for the Competition shall be business formals. All the participants are required to adhere to the dress code.

- **Team Composition:**

Each team shall comprise of three students (2 speakers + 1 researcher). Maximum of 2 teams can participate from each institute. The roles which have been pre-assigned by the team shall be carried forward throughout the Competition, in every round. Change of roles after the registration shall not be entertained.

- **Competition Structure:**

- a) The Competition shall take place in three phases: written submissions, researchers' test and oral rounds.
 - b) The Competition shall consist of five rounds and will go on for three days i.e., from October 30, 2020 to November 1, 2020.
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COMPETITION ITINERARY

Oct 30, 2020
10:00 AM onwards

Inaugural Ceremony

Oct 30, 2020
11:00 AM onwards

Researcher's Test

Oct 30, 2020
12:00 PM onwards

Preliminary Oral Rounds

Oct 31, 2020
10:00 AM onwards

Octa-Finals Oral Rounds
(Subject to more than 32 applicants)

Oct 31, 2020
04:00 PM onwards

Quarter Finals Oral Rounds

Nov 1, 2020
11:00 AM onwards

Semi Finals Oral Rounds

Nov 1, 2020
02:00 PM onwards

Finals Oral Round

Nov 1, 2020
04:00 PM onwards

Valedictory Ceremony

COMPETITION GUIDELINES

- **Memorial Submission:**

- a) Each participating team shall submit a written memorandum from both the sides as per the suggested format. Teams should analyze all pertinent issues from all the parties mentioned in the moot proposition. Teams have discretion on structuring issues inter-se as well as on arrangement of arguments from different sides within the memorial.
- b) The soft copy (in MS Word .doc/.docx & pdf format) of both the Memorials must be emailed to **lawinternships.oc@gmail.com** latest 19th October, 2020, (23:59 hours IST) with subject "Memorials for Team Code__".
- c) The file names of the electronic copies of the Memorials must contain only the Team Code and the side being represented in the following format: e.g. (for Team Code 10) 10P or 10R, 'P' being for 'Petitioner' Memorial and 'R' for 'Respondent' Memorial and so forth.
- d) Teams shall cite authorities in the Memorials using footnotes following the Harvard Bluebook 20th Edition Or any uniform citations throughout. Explanatory or illustrative footnotes are not allowed.
- e) Memorials for either the Petitioner(s) or the Respondent(s) shall not be less than 15 pages and shall not exceed 30 pages, including the cover page.
- f) The memorial shall consist of following mandatory heads:
 - a. Cover Page:
 - TheTeam Code on the top right corner
 - The name and place of the forum
 - The relevant legal provision under which it is filed
 - Name of parties and their status
 - b. Table of Contents
 - c. List of Abbreviations
 - d. Index of Authorities (with page number where the authority has been cited)
 - e. Statement of Facts (not exceeding 2 pages)
 - f. Issues Raised
 - g. Summary of arguments (not exceeding 2 pages)
 - h. Arguments advanced (not exceeding 20 pages)
 - i. Prayer (not exceeding 1 page)

g) **Formatting Specifications:**

1. For Main Text:

- a) Font type: Times New Roman
- b) Font size: 12
- c) Line spacing: 1.5
- d) Body of text: Justified

2. For Heading

- a) Font type: Times New Roman
- b) Font size: 14

3. For Cover Page

- a) Font type: Times New Roman
- b) Font size: 16
- c) Background colour must be according to the side for which the memorial is blue for petitioner and red for respondents.

h) COMPENDIUM shall be submitted to the organizing committee via email at lawinternships.oc@gmail.com at the time of memorial submission. The Compendium should only be one PDF file for easy accessibility of the judges.

i) The memorial shall be submitted on or before October 19, 2020.

• **Researchers' Test:**

- a) Researchers' Test would be conducted online via google form on October 30, 2020.
- b) The designated Researcher would be allowed to take the test.
- c) Link for the same will be provided by the Organising Committee.
- d) Marks obtained by the Researchers will be Final and will be considered to declare the Best Researcher Award.

• **Oral Rounds:**

- a) In the preliminary rounds, each room will have a total of two teams competing against each other. Similar process will be carried on in each round.
- b) Top 16 teams from preliminary rounds 1 will qualify for the octa-finals where Top 8 teams will qualify for quarter-finals in case there are more than 32 applicants. On the contrary, top 8 teams will directly qualify from the 1st preliminary rounds to the quarter finals
- c) Four teams from quarter-finals will qualify for the semi-finals on "Knock-Out" basis.
- d) Two teams from semi-finals will further qualify for the finals on "Knock-Out" basis.

- e) Total time limit for each round shall be 60 (sixty) minutes + Maximum 15 minutes extra to each team in case of any glitches or questions and feedback from the judges.
 - f) Each speaker shall be allotted Maximum of 15 min speaking time.
 - g) The Side allotment will be provided by the Organising Committee on the spot prior to the rounds and Reasonable buffer time will be provided to the teams.
 - h) The teams will be responsible for managing and adhering to their time limit, failure will result in a penalty.
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ANONYMITY

- Each participating Team shall be allotted a Team code upon Registration.
 - Teams shall not disclose, in any manner whatsoever, for the entire duration of the Competition, either their own individual identities or the identity of the institution that they represent, even if asked by the Judges.
 - The Teams shall not disclose their identity anywhere in their Memorials.
 - Non-compliance with this clause shall result in immediate disqualification of the Team.
 - The decision of the Organising Committee with this regard shall be final.
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EVALUATION CRITERIA

- **Memoranda**

Following would be the criteria for judging the Memoranda:

Application and Appreciation of Facts

20 Marks

**Application of Legal Principles,
Authorities and Precedents**

20 Marks

Ingenuity and Logical Reasoning

20 Marks

**Extent and Use of Research, and
citation of sources**

20 Marks

Clarity and Organisation

10 Marks

**Grammar, Language, Formatting and
Presentation**

10 Marks

• **Speaker**

The criterion for the Speakers has been given herein
below:

Knowledge of law

20 Marks

Application of law to facts

20 Marks

**Ingenuity & ability to answer
questions**

20 Marks

Style, poise, courtesy, demeanour

15 Marks

Time management

10 Marks

Coordination & teamwork

15 Marks

PENALTIES

- | | |
|--|---|
| • Delay in submission of Memoranda | 2 points per day |
| • Re-submission of Memoranda | 5 points |
| • Formatting violations including:
Use of incorrect font, Use of incorrect font-size Use of improper line spacing, Use of improper block quote use of footnotes | 1 point per type of violation, up to a Maximum of 5 points |
| • Failure to include all parts of Memorandum or inclusion of an unremunerated part, Failure to include necessary and correct information on Memorandum cover page | 2 points for each part |

CLARIFICATIONS TO THE MOOT PROPOSITION

Requests for clarifications regarding the Proposition shall be made on or before September 30, 2020 via email to ***lawinternships.oc@gmail.com***. Clarifications can be requested only for ambiguous or possible errors, but not to inquire about further information, as the Proposition is self-contained.

AWARDS

- Winner: Cash prize of **INR 7000/- (Rupees Seven Thousand only)**, Certificate of Merit, trophy by post and an Internship Opportunity by LawInternships.
- Runners Up: Cash prize of **INR 4000/- (Rupees Four Thousand only)**, Certificate of merit trophy by post and an Internship Opportunity by LawInternships.
- Best Memorial: Cash prize of **INR 2000/- (Rupees Two Thousand only)**, Certificate of Merit, Trophy by post and an Internship Opportunity by LawInternships.
- Best Speaker: Cash prize of **INR 2000/- (Rupees Two Thousand only)**, Certificate of Merit, Trophy by post and an Internship Opportunity by LawInternships.
- Best Researcher: Cash prize of **INR 2000/- (Rupees Two Thousand only)**, Certificate of Merit, Trophy By Post and an Internship Opportunity by LawInternships.
- E-Participation Certificates will be provided to all the participants.

REGISTRATION PROCEDURE

- The participants are required to complete the Registration through the link for Google Form annexed below which shall be done on or before October 4, 2020.
- Registration link: <https://forms.gle/tfcDsU1fCkVedV8S8>
- Registration fees: INR 1500/- (Rupees One Thousand Five Hundred only)
- Payment Details:
Payments must be made only to the official account of Lawinternships and the details are provided below.

• **Account Holder Name**

LAW INTERNSHIPS

• **Account Number**

6336002100000663

• **Bank Name**

Punjab National Bank

• **IFSC Code**

PUNBO633600

• **Branch Name**

Scheme No. 78, Indore.

Gpay/Phonepe/ Paytm: +91 7477017741

Any Query Regarding payment can be made at
LawInternships: +9174770 17741

INTERPRETATION

- The Organising Committee's interpretation as to the implementation of the Rules shall be final and conclusive.
 - The Organizing Committee reserves the right to amend, alter, vary or change, in a any manner whatsoever, the Rules governing the Competition, which would be communicated to the Teams within a reasonable period of time.
 - The Organizing Committee of LawInternships, shall be the sole Arbitrator for these Rules and any such decision made by them on any issue/dispute arising in relation to the Competition shall be final and binding on all concerned.
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MISCELLANEOUS

In order to ensure smooth conduct of the Competition and achieving maximum efficiency, one is requested to follow the below mentioned guidelines:

- If any one of the members of a Team is notified or informed of any detail or information concerning the Competition, it shall be deemed as if the said Team as a whole has been duly notified or informed.
- The Proposition is neither intended to nor does it attempt to resemble any incident or any person, living or dead. Any such resemblance is purely coincidental. The Proposition is a fictitious factual account prepared for the purposes of the present Competition only and it does not attempt to influence or predict the outcome of any matter whatsoever.
- The copyright in the Memorials submitted by the Teams shall vest with LawInternships. The acceptance of such vesting is a precondition to participation in the Competition. The Rules governing the conduct of the Competition should be strictly adhered to. Any deviation thereof can attract penalties or disqualification.
- Registration Fee once paid is non-refundable.
- Participants are to conduct themselves with the required etiquette during the span of the entire Competition. Reckless or irresponsible behaviour by any participant may result in disqualification.
- All rounds will be conducted through an online platform. The participants shall make sure that they have a stable network.
- Do mention your team code as your screen name which may be used for your identification.
- Keep utmost care that your credentials are not misused.
- Use your registered email id or mobile number to login to the system.
- While joining the online meeting room, ensure that the video is kept on and the microphone is kept unmuted.

- It is desired to use headphones during the rounds for better sound reception and also for avoiding any disturbance during the session. If headphones are not available then in that case use the inbuilt mic and speaker of the laptop/device but ensure that no one else is present in your vicinity with external speaker and mic on as this will create interference and disturbance in the meeting. Ideally, you should choose noise-free surroundings.
 - Do not join the rounds from multiple devices.
 - Ensure that you do not forward the access link to anyone else.
 - Do not leave the meeting room unless you are asked to do so.
 - As the rounds will be recorded, make sure to behave gently while asking or responding and follow all rules and maintain the decorum of the competition.
 - If you face any issue while joining through the application, feel free to contact the Organising Committee immediately.
 - By entering this Competition, all participants consent to being photographed or filmed and to such images photographed and or videos filmed being published by OC, LawInternships.
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CORRESPONDENCE

Event Head

Ms. Amrita Jain
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For any further queries and requests for information, the participants may feel free to contact the Organising Committee through the above mentioned details.

MEDIA PARTNER

