



BHARATI VIDYAPEETH
(DEEMED TO BE UNIVERSITY)

INSTITUTE OF MANAGEMENT & RESEARCH, NEW DELHI
'A' GRADE UNIVERSITY STATUS AWARDED BY MHRD, GOVT. OF INDIA
RE-ACCREDITED WITH 'A+' GRADE BY NAAC



2nd Dr. Patangrao Kadam Memorial National Moot Court Competition, 2024

OCTOBER 25th & 26th, 2024

ABOUT THE UNIVERSITY



Bharati Vidyapeeth (Deemed to be University) is one of the top-ranking universities in India committed to providing the best academic experience. It was established by Dr. Patangrao Kadam in 1964 in Pune with the aim to provide enhanced learning opportunities and bring about intellectual awakening of people through the spread of education that would have a positive impact on the world. Today it has 8 campuses spread over different locations in India. With a glorious journey of 59 years, the Bharati Vidyapeeth family today has an array of institutes, right from pre-primary schools to postgraduate institutes and even, a university. With over 78 schools and 60 institutes of higher education under its administration, Bharati Vidyapeeth has distinguished itself especially in professional education.

ABOUT THE COLLEGE



Established in 1992, Bharati Vidyapeeth Deemed University Institute of Management and Research (BVIMR), New Delhi focuses on imbining the values of ethos through inspiration, guidance, and imparting knowledge effectively. The institute has over the past few years emerged eminent with a vision of Leadership in professional education through innovation and excellence. The Institute which is ISO certified is under the ambit of Bharati Vidyapeeth University (BVU), Pune as approved by Govt. of India on the recommendation of UGC. Strategically located in West Delhi on the main Rohtak Road, BVIMR, New Delhi has splendid layout on sprawling 8 acres of campus with 'state-of-the-art' facilities with all fully air-conditioned class rooms, Library, Labs, Auditorium etc.

FOUNDER'S MESSAGE

Our mission at Bharati Vidyapeeth is to identify and prepare leaders for the new millennium and to cope-up with the increasing demand for leaders in the modern society. BVIMR is a workshop where today's youths are shaped up as effective lawyers of tomorrow. Apart from the study of their regular syllabi, the students should get fair and proper opportunities to express their views and ideas, especially in the field of law, which plays a vital role in the modern era. The youth should be molded and equipped with courage, self-determination, and dedication and must be in a position to overcome any sort of difficulty with introspection.



DR. PATANGRAO KADAM

CHANCELLOR'S MESSAGE



We at BVIMR are amazed at its continuous growth as a provider of quality education. In last 31 years of its existence, it has already created a place for itself. Also, at BVIMR enough focus is placed on co-curricular activities where students are encouraged to participate, so as to have a well-developed personality. We prepare every student to become an achiever in his or her right. Our faculty members gladly shoulder the responsibility to bring out the leader in each and every student.

DR. SHIVAJIRAO KADAM

VICE-CHANCELLOR'S MESSAGE

We are at the forefront of imparting high- quality education at all levels, in different streams of education and our Institute of Management and Research, New Delhi is in no exception. Established in 1964 by the dynamic and visionary leader Hon'ble Dr. Patangrao Ji Kadam Saheb, Bharati Vidyapeeth today is a leading multidisciplinary, multi- campus University. Our Institute of Management and Research at New Delhi not only fulfils these parameters and practices but also imbibes the culture and ethos of Bharati Vidyapeeth of transforming the lives of the learners through dynamic education and contributing to the growth and development.



DR. VIVEK SAOJI

PRO VICE-CHANCELLOR'S MESSAGE



DR. VISHWAJEET KADAM

We at Bharati Vidyapeeth have always felt it is our moral duty to produce Quality and responsible students who can successfully face the challenges of ever-changing global scenario. Bharati Vidyapeeth with decades of expertise in the educational field has the richness and depth found at larger law-Schools yet every student receives individual attention and concern typical of a smaller school. After passing out from the institute each one of our student is ready to face the world and 'take the bull by its horns'.

Director's Message

**Respected Participants,
Esteemed Judges, and
Distinguished Guests,**



PROF. DR. YAMINI AGARWAL

It is my utmost pleasure and honor to inaugurate the National Moot Court Competition 2024, organized by the Department of Law at Bharati Vidyapeeth Institute of Management and Research, Paschim Vihar, New Delhi. The event marks a significant milestone in the journey of our department, as we aim to promote legal education and encourage intellectual discourse among the law students of the country.

The moot court competition is a platform that enables our students to hone their advocacy skills and showcase their legal knowledge. The competition provides an opportunity for the students to engage in a rigorous legal simulation that requires them to analyze complex legal issues, formulate arguments, and present them before a panel of experienced judges. It also offers them a chance to interact with legal professionals and gain valuable insights into the legal profession. I extend my best wishes to all the participants of the competition, and I am confident that this event will be a memorable experience for all.

HOD, Department of Law



DR. REENA GUPTA

Respected Participants, Esteemed Judges, and Distinguished Guests,

It is my utmost pleasure and honor to welcome you all at the 2nd PatangRao Kadam Memorial National Moot Court Competition 2024, organized by the Department of Law at Bharati Vidyapeeth Institute of Management and Research, Paschim Vihar, New Delhi. We are organizing Moot Court to provide an opportunity where law aspirants can enhance their legal aptitude and mooting skills. It endeavors to give an unmatched experience to young minds to sharpen their skills of research, mooting, and advocacy.

Convenor, Moot Court Society



Dr. Vivek Goyal

Dear Participants and Esteemed Colleagues,

It is with great enthusiasm that I welcome you to the 2nd Edition of our National Moot Court Competition. Reflecting on the grand success of our inaugural edition, which saw an impressive participation of 40 teams from across the nation, we are thrilled to continue this tradition of legal excellence.

The success of our first edition has set a high benchmark, and we are committed to building on that momentum. This year's competition features an expanded and intricate set of legal issues, designed to further challenge and refine your advocacy skills.

I extend my heartfelt gratitude to all our participants, judges, sponsors, and volunteers whose support made the previous edition a remarkable achievement.

As we embark on this year's competition, I encourage each team to approach the challenges with vigor and integrity. Your participation not only enhances your own skills but also contributes to the broader advancement of legal education. My best wishes and good luck are also with the dedicated organizing team whose hard work and commitment have been crucial in bringing this year's event to fruition.

ABOUT DEPARTMENT OF LAW



The Department of Law, BharatiVidyapeeth Institute of Management and Research (BVIMR) is a premier law school located in Delhi, India. The infrastructure of the Department of Law, BVIMR is well-equipped to cater to the needs of its students. The college has spacious classrooms with modern teaching aids, including projectors and audio-visual equipment, to facilitate a seamless learning experience. The college also has a library with an extensive collection of books, journals, and research databases such as SCC Online, Manupatra, and LexisNexis, enabling the students to access and study legal literature and research materials easily. The college offers two undergraduate law programs– a 5-year integrated programme (BBA LL.B) and a three-year programme (LL.B). BVIMR has developed a Moot Court Society, which helps students develop their advocacy and public speaking skills by organizing and participating in moot court competitions

KEYNOTE SPEAKERS AT BVIMR



Hon'ble Justice Ms. Indira Banerjee Former Judge, Supreme Court of India



Hon'ble Justice Mr. Dipak Misra Former Chief Justice of India



Hon'ble Justice Mr. K.G. Balakrishnan Former Chief Justice of India



Hon'ble Justice Mr. Pushpendra Singh Bhati Judge, High court of Rajasthan



Hon'ble Justice Mr. Rajiv Sahai Endlaw, Former Judge, High Court of Delhi



Hon'ble Justice Mr. Bhushan Dharmadhikari Former Chief Justice Bombay High Court

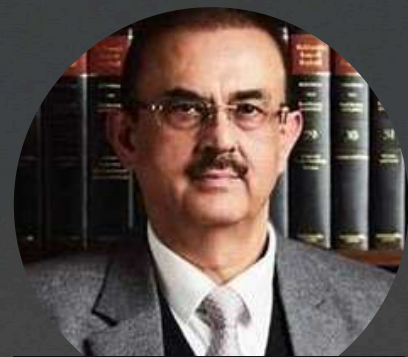
KEYNOTE SPEAKERS AT BVIMR



Hon'ble Justice Mr.
Rameshwar Singh Malik
Former High court judge
of Punjab & Haryana



Shri PK Malhotra Former
Secretary Ministry of Law
& Justice



Senior Adv. Vikas Singh
President Supreme Court
Bar Association



Adv. Chetan Sharma ASG,
Delhi High Court



Mr. Satya Pal Jain ASG,
Punjab & Haryana High
Court, Former MP



Adv. Ramesh Gupta
Senior Advocate &
Former Chairman Bar
Council of Delhi

KEYNOTE SPEAKERS AT BVIMR



Adv. Mohit Mathur
Senior Advocate &
President Delhi High
Court Bar Association



Adv. Amarendra Nath
Singh Senior Advocate &
President High Court Bar
Association Allahabad



Prof. Dr. Manoj Kumar
Sinha
VC, DNLU



Mr. Anurag Kundu
Chairperson DCPCR,
Govt. NCT of Delhi



Dr. Muniraju Deputy
Adviser Niti Ayog,
Government of India



IPS Rishi Pal Joint CP,
Delhi Police Academy

ABOUT MOOT COURT SOCIETY



The Moot Court Society of BVIMR is a dedicated society which gives its participants a plethora of experience and resources for Moot Court Competitions. The society is based on the morals of integrity, companionship, professionalism, and personality development. The society functions with aid and direction of the faculty members along with seniors helping the new comers to navigate and polish their enthusiasm in the field of law. The society is aimed at achieving the practicality over theoretical understanding of discipline of law. the society actively encourages legal professionalism and code of conduct to uphold the sanctity of law. The purpose of such workshops is to enlighten students with advocacy abilities, offer in depth information relating to mooting etiquettes, drafting memorials and being an effective counsel to emerge victorious in mooting

ABOUT COMPETITION



The Moot Court Competition has been regarded with the aim of creating opportunities for learning besides developing cutting edge skills advocacy. The vision of this college through this Moot Court Competition is to develop the skills such as Research, Legal Writing, Critical Thinking, and Communication, which are quintessential for the overall development of a law student as a budding lawyer. Therefore, the Moot Court Committee of BVIMR is organizing the National Moot Court Competition in 2024, envisioning a bright future where mooting is an inclusive experience that enhances the legal proficiency and courtroom decorum of students. The Moot Proposition of the Competition revolves around the Criminal law, Indian Evidence act, and related laws. However, the participants are expected to explore different dimensions of law and not restrict themselves to the theme of the Competition. Therefore, we cordially invite your Law School/ University/ Institution/ College to participate in the Competition.

GLIMPSES OF 1ST NATIONAL MOOT COURT COMPETITION



GLIMPSES OF 1ST NATIONAL MOOT COURT COMPETITION

LIST OF PARTICIPANTS

- IDR. RAM MANOHAR LOHIYA NATIONAL LAW UNIVERSITY, LUCKNOW
- NATIONAL LAW INSTITUTE UNIVERSITY-- KERWA DAM ROAD, BHOPAL, MADHYA PRADESH
- UNIVERSITY INSTITUTE OF LAWS, PANJAB UNIVERSITY
- GEETA INSTITUTE OF LAW
- PRESTIGE INSTITUTE OF MANAGEMENT AND RESEARCH
- TRINITY INSTITUTE OF PROFESSIONAL STUDIES DWARKA
- VIVEKANANDA INSTITUTE OF PROFESSIONAL STUDIES
- LAW CENTRE -1, FACULTY OF LAW, UNIVERSITY OF DELHI
- DIRD COLLEGE
- LAW COLLEGE DEHRADUN
- JAGANNATH UNIVERSITY
- SCHOOL OF LAW, MANAV RACHNA UNIVERSITY
- FACULTY OF LAW, M. S. UNIVERSITY OF BARODA
- UPES DEHRADUN
- CHRIST (DEEMED TO BE UNIVERSITY)
- SYMBIOSIS LAW SCHOOL, PUNE.
- AMITY UNIVERSITY
- MAHARAJA AGRASEN INSTITUTE OF MANAGEMENT STUDIES
- FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY
- MAHARISHI MARKENDESHWAR DEEMED TO BE UNIVERSITY
- RAFFLES UNIVERSITY
- JAMNALAL BAJAJ SCHOOL OF LEGAL STUDIES, BANASTHALI VIDYAPITH
- MAHARAJA SURAJMAL INSTITUTE
- LLOYD LAW COLLEGE
- ASIAN LAW COLLEGE

GLIMPSES OF 1ST NATIONAL MOOT COURT COMPETITION

The first National Moot Court Competition held at Bhartiya Vidyapeeth Deemed to be University, Paschim Vihar was a resounding success, demonstrating the exceptional legal acumen, preparation, and oratory skills of all participants. The event provided a dynamic platform for students to engage deeply with legal principles, hone their advocacy skills, and experience the intricacies of courtroom procedures.

There was Commendable Participation by various colleges. We had a diverse group of participants, each bringing a unique perspective and approach to the cases presented. The enthusiasm and dedication shown by all participants were truly commendable. Many students exhibited a strong understanding of legal concepts and demonstrated an ability to think critically under pressure.

The winner of the competition was University Institute of Laws, Panjab University Regional Centre, Civil Lines, Ludhiana, Punjab while the Runners up team was National Law Institute University, Bhopal, Madhya Pradesh.

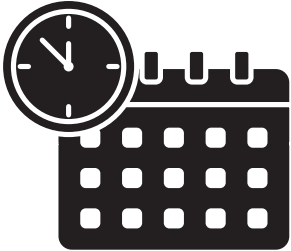
Our esteemed panel of judges, including distinguished legal professionals and academics, provided valuable feedback that will undoubtedly help participants refine their skills. They were particularly impressed with the clarity of arguments, the depth of research, and the confidence displayed by many of the students.

There were multiple sponsors for this event including the media partners being Law Octopus and The legal lock while the knowledge partners were Law Sikho and Law Level Up.

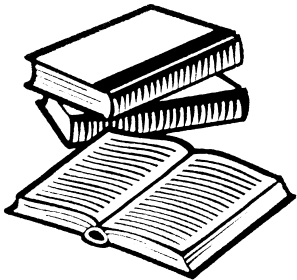
This competition has played a significant role in the professional development of our students. The rigorous preparation required for the moot courts has enhanced their research capabilities, public speaking, and ability to analyze complex legal issues. Such experiences are invaluable as students prepare for their future careers in law.

We are looking forward to more participation in our 2nd Edition.

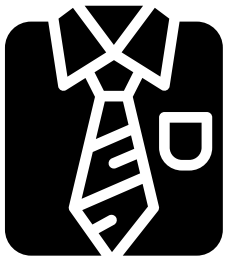
GENERAL INFORMATION



The Competition shall be held from 25th October to 26th October 2024.
VENUE: A-4, Paschim Vihar, New Delhi- 110063,
Near Paschim Vihar east metro station.



LANGUAGE
The official language of the Competition shall be English.

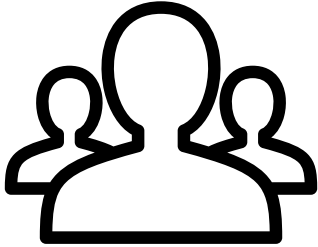


DRESS CODE
For Men- Western Formals (White formal shirt with black formal trousers, black tie, and a black blazer); and
For Women- Western Formals (White formal shirt with black formal trousers, and a black blazer) or Indian Formals (White kurta, black salwar and black blazer).



ELIGIBILITY
Students pursuing the three year LLB or five-year BALLB or BALL.B. (Hons.) course from any law school/college/university in India recognized by the Bar Council of India are eligible to participate. Institutions are entitled to nominate multiple number of teams to the Competition.

GENERAL INFORMATION

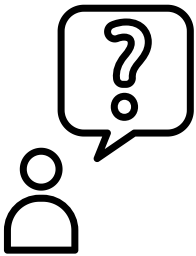


TEAM COMPOSITION

Teams shall comprise a maximum of 3 (two designated as speaker and one as researcher) and a minimum of 2 (both designated as speaker) members. No member in the team of two shall be allowed to be represented as a researcher.



Participants are required to make prior payment of INR 3000/- (Three Thousand only) (per team) as Registration Fee to complete the Final Registration Form.



CLARIFICATION REGARDING MOOT PROPOSITION & RULES

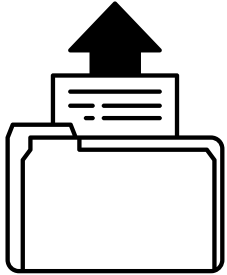
Clarifications regarding the Moot Proposition or the Rules, as the case maybe, can be requested at mcslaw.bvimr@bharativedyapeeth.edu



ANONYMITY

Each team shall be allotted a team code upon final registration. Teams are forbidden from disclosing their identities to the judges or other participating teams or anywhere in their written submission; and must only use their respective team codes for all correspondence for the purpose of this Competition except with the administrators. Disclosure of identity shall ensure immediate disqualification.

GENERAL INFORMATION



SUBMISSIONS

Each team shall submit the copy of the memorials from both the sides -

Soft Copy – on or before 1st October, 2024

Hard Copies – 5 Copies from each side, on the day of competition at the registration desk itself



DELAY IN APPEARANCE/ PRESENTATION

If a team scheduled to participate in the oral submissions of an Oral Round does not appear for 10 minutes after the scheduled time of commencement of the Oral Round, the other team shall have to make oral submissions ex-parte.



ACCOMMODATION

The accommodation shall not be provided by the college. Therefore, participants need to make their own accommodation themselves. The teams can however, contact us for accommodation support regarding information about nearby hotels and transportation connectivity.

REGISTRATION & FEES PAYMENT

Registration to the Competition is a 2-stage process and shall be on first come first serve basis.

STAGE 1: PAYMENT OF REGISTRATION FEE

The payment of the registration fee through NEFT

STAGE 2: FILLING UP OF THE GOOGLE FORM (ATTACHING THE PAYMENT RECEIPT)

- After making payment for the registration, they are supposed to fill out the Google Form and attach the receipt of payment so made by them at

<https://forms.gle/YNDKHH17TNKc184z7>

REGISTRATION & FEES PAYMENT

**Participants can make the payment through
NEFT mode.**

**For payment via NEFT, the details are as
follows:**

Account Holder Name:

**Director BVIMR Department of Law New
Delhi**

**Bank Name: Bharati Sahakari Bank Limited,
A-4, Rohtak Road, Paschim Vihar, New Delhi -
110063.**

Current Account Number: 015002100024933

IFS Code: SVCB0010015

IMPORTANT DATES

Commencement of
Registration

20.08.2024

Last Date for
Registration

25.09.2024

Memorial Submission (Soft
Copy)

01.10.2024

Memorial Submission (5
Hard Copies)

25.10.2024

Preliminary & Quarter
Rounds

25.10.2024

Semi-Final & Final
Rounds

26.10.2024

Valedictory Ceremony

26.10.2024

FORMAT OF THE COMPETITION

1. Format: There shall be a qualification round (Preliminary Round) which shall be on the basis of the oral arguments from each side which will be allocated to the team through draw of lots on the day of preliminary round itself. 8 teams will then qualify for the Quarter Final Round followed by Semi Finals which will comprise of 4 teams and top two teams shall qualify for the Final round.

2. Change in Team Composition: Any change in team composition must be intimated to the Administrator at the earliest. No change in team composition is allowed after the formal registration.

3. Allotment of Team Code: Each 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 allotted, every team must use the team code for any communication with the organizers during the course of the Competition.

4. Preliminary Rounds (Round 1) Each team shall argue from one side which will be decided on the basis of DRAW OF LOTS before the Preliminary Rounds.

5. Scoring in the Preliminary Rounds: The qualification of teams to the Advanced Rounds shall be decided on the basis of the win or loss of the team in Preliminary Round. Win or loss of a team shall be determined on the basis of the aggregate score. The teams with the higher aggregate score shall win the round.

6. The aggregate score of a team shall be computed as the total of Score of Speaker 1 and score of Speaker 2.

7. Quarter Finals – The Quarter-final round shall be a knock-out round consisting of 8 teams in total and each team shall argue only one side which will be decided on the basis of DRAW OF LOTS before the quarter.

FORMAT OF THE COMPETITION

8. Semi-finals: The selected four Teams from the Quarter Final Round shall qualify for the Semi-final round. It shall be a knock-out round. The Petitioner and the Respondent side shall be determined by the Organizers via draw of lots. The team shall argue only one side in the semi-finals.

9. Finals: The selected two teams from the Semi-Final Round shall qualify for the final round. It shall be a knock-out round, where the Petitioner and the Respondent side shall be determined by the organizers via draw of lots. In the final rounds, the win-loss shall be decided on the basis of the aggregate speaker score. No memorial score will be added in the finals. The win-loss shall be determined on the basis of the score so computed.

10. Teams are not permitted to raise issues in the Oral Rounds that have not been submitted in the written submissions.

11. The use of mobile phones, laptops, or any other electronic gadgets is strictly prohibited during the Oral Rounds, subject to the discretion of the judges.

12. Participants may use their own bare acts, printouts and commentaries provided that anonymity is not violated during the rounds.

13. The Researcher shall not be permitted to address the Court during the Oral Rounds. The Researcher may however, be permitted to pass notes to the Speakers at the discretion of the Judges. Such notes shall be passed through the court clerks present in the court room.

14. The decision of the Judges as to the marks allotted to each team shall be final and binding.

MEMORIALS

i. Strict Adherence to Rules Regarding Memorials: All requirements have to be strictly followed. Non-adherence to the same will attract penalty subject to the discretion of the organizers.

ii. Memorials to be prepared from both sides: Each team must prepare memorials for both sides of the dispute (Appellant/Petitioner and Respondent).

iii. Submission of Soft Copy of Memorials

-The soft copies of the memorial from each side should positively be mailed to the Organizers at mcslaw.bvimr@bharativedyapeeth.edu in both PDF and Word format.

-Memorials shall be sent as an attachment with the mail in the form of single file for each side of memorial in PDF as well as Word format.

-A penalty of 1 mark shall be levied in case the memorial is submitted in any other format or as a multiple file by the team.

-The team submitting the soft copy 5 days after the last date of the submission of the soft copy of the memorial will be disqualified from the competition.

-A penalty of 1 mark per hour per side shall be deducted in case of delay in submission of soft copy of memorial.

iv. General Conditions for Memorials:

-The memorials shall not contain any form of identification apart from the team code on the upper right corner of the cover page. If any such identification or mark, symbol, etc. which has the effect of identifying the team is found on the memorial, then it shall result in instant disqualification.

-Appellant memorials are required to have a Blue cover and Respondent memorials are required to have a Red cover.

-A penalty of 1 mark per side shall be levied in case the team uses the wrong cover page for each side of the memorial.

v. Guidelines for Formatting:

A. Memorial Structure: The memorial must have the following pages only:

1. Cover Page – The cover page shall contain the case title, side of the memorial, year of competition, name of the forum and team Code in the top right corner.

MEMORIALS

- 1. Table of Contents**
- 2. List of Abbreviations**
- 3. Index of Authorities**
- 4. Statement of Jurisdiction**
- 5. Statement of Facts**
- 6. Issues Raised**
- 7. Summary of Arguments**
- 8. Pleadings/Arguments Advanced**
- 9. Prayer**

B. Team Code: The team code must be ascribed to the up-right corner of the cover page. The code must be preceded by the side for which the memorial is prepared. The teams must use “A” for Appellant, for “Petitioner” and R for “Respondent.” For example: in case the Team Code is 100 the team must write “A- 100” in case of memorial for Appellant and “R-100” in case of memorial for Respondent.

C. Main body: Font Type: Times New Roman, Font Size: 12 points & Line Spacing: 1.5

D. Footnotes: Font Type: Times New Roman, Font Size: 10 points & Line Spacing: 1

E. Pagination: The pagination must be done at the bottom of the page

F. Margin: A margin of 1 inch on all sides of the memorial should be left

G. Citation Format: The 20th Edition of Bluebook system of citation should be followed throughout the memorial.

H. Page Limit: The memorial shall be a maximum of 30 including the cover page and Pleadings/Arguments Advanced shall be a maximum of 20 pages. No annexures, photographs, exhibits, should be added to the memorial.

MEMORIALS

vi. Compendium means a compilation of cases and other materials referred to in or supporting the written submission that may be submitted by a Team at mcslaw.bvimr@bharativedyapeeth.edu by 01st October 2024. The Compendium shall only contain the first page of the cited authority along and the relevant pages. 1 (One) hard copy of the 'Compendium' shall be submitted along with the hard copies of the memorials on 01st October 2024.

vii. Evaluation of Memorial :

| SNO. | GROUND | MARKS |
|------|------------------------------------|-------|
| 1 | Knowledge of Law and Facts | 20 |
| 2 | Proper and Articulate Analysis | 15 |
| 3 | Depth and use of research | 15 |
| 4 | Organization and Presentation | 15 |
| 5 | Grammar and Language | 10 |
| 6 | Novelty of Arguments | 15 |
| 7 | Clarity of thought and Originality | 10 |
| | Total Marks | 100 |

viii. Penalties :

| SNO. | GROUND | MARKS |
|------|--|--|
| 1 | Late Submission | 2 Marks for every 12 hours delay; disqualification after 48 hours. |
| 2 | Incorrect file name | 1 Marks per file |
| 3 | Deviation from Sample Memorial Format | 2 Marks for each instance |
| 4 | Improper Formatting | 2 Marks for each instance |
| 5 | Improper Citations | 5 Marks |
| 6 | Exceeding page limit in argument section | 2 Marks per page |

MOOT PROPOSITION

FACTS OF CASES:

1.Uday Shetty, a 25-year-old urban explorer, is fascinated by abandoned places and often document his explorations on social media. One evening, Uday Shetty along with his driver Sagar Bhai decided to explore an abandoned school located in the outskirts of a small town. He researched about the school more and found one such school in village Bundeli. The school had been abandoned for over 20 years, with locals claiming that it was haunted by the spirit of 10 former students who died under mysterious circumstances. Both of them decided to visit this school and they started their journey to village and reached village at around 6pm and tried to locate the said school. Upon entering the school, both of them felt an eerie presence and heard strange noises. While exploring the building, Uday saw a shadowy figure in the hallway, which he believed was the ghost.

2.Large amount of school furniture, fans, and other necessary material of school was still lying inside the school premises and large quantity of valuable scrap is collected. The owners of school left two Chowkidars namely, Bikram and Vijay with a view to prevent pilferage by unauthorized persons.

3.The school area is surrounded by many tribal villages which are inhabited mostly by Deli tribe, which is an uneducated and orthodox tribe. The tribes have a very strong belief in existence of ghosts and the abandoned school earned notoriety in that area as being infested with ghosts.

4.After encountering unnatural vibes in the school, they did not go further inside and came out of the school. Uday and his driver were not feeling well after visiting school and long journey. Thereby they decided to stay at night in nearby homestay owned by Rajiv, along with his son Lucky. Uday and Sagar decided to have dinner with Rajiv and Lucky. On the dinner table they discussed about the abandoned school. Rajiv and Lucky told them that the legend of the school's haunting has been deeply ingrained in the local community. In addition to the ghostly figure, the villagers believe that two witches, Ms. Kimie and Ms. Genie, reside within the abandoned school. According to local lore, these witches are malevolent spirits who control the ghost of the young students and guard the school against intruders. The witches are said to appear as shadows or figures cloaked in darkness, often seen only out of the corner of one's eye. It is believed that these witches were responsible for the mysterious death of the students and that they have since cursed the building, trapping the student's spirit inside. Villagers recount numerous incidents of unexplained phenomena around the premises. Some claim to have seen a ghostly figure, often described as a young girl, wandering the school's halls late at night. Others speak of strange sounds, like whispers and footsteps, that can be heard even when the building is deserted. Several villagers have reported feeling an inexplicable chill or being overwhelmed by a sense of dread when near the school.

MOOT PROPOSITION

5. These stories have been passed down through generations, creating a pervasive belief that the school is indeed haunted. In fact, many locals avoid the area altogether after dark, fearing an encounter with the supernatural. Despite the absence of any concrete evidence, the tales of the school's ghostly presence have become a significant part of the town's folklore.

6. On knowing that Uday and Sagar document the abandoned places, both Rajiv and Lucky assure them that they can help them make ghost videos and take pictures of the school for their social media likes and followers. Uday Shetty and Sagar got excited and decided to go to school again with Rajiv and Lucky. Uday Shetty showed his anxiousness and excitement to see ghosts, then Rajiv told that there is a deep-rooted belief in a phenomenon known as "Moon Night." Occurring once a year, Moot Night is considered the most potent time for supernatural activity. According to local lore, it is a night when the veil between the living and the spirit world is at its thinnest, allowing ghosts and spirits to freely roam the earth. The villagers, who have passed down these beliefs for generations, claim that the spirits of the departed return to the places they once knew, seeking to communicate with the living or to resolve unfinished business. The air on Moot Night is said to be thick with an eerie energy, with strange winds rustling through the trees and a sense of foreboding hanging over the village. It's a night when even the bravest souls refuse to venture outside, and the village streets are deserted. Families huddle inside their homes, lighting candles and reciting prayers to ward off any malevolent spirits.

7. Relying on the statements of Rajiv, Uday Shetty and Sagar agreed to travel with him at night back to the school so that they could make ghost videos. All four of them thereafter initiated their on foot journey with torchlight in their hands to the abandoned school through a foot-path across the village and school. Lucky suggested everyone to keep lathis or sticks in their hand for their protection in case some ghost attacks them. Everyone agreed with Lucky.

8. Aryan, a 16 year old boy living in a house next to Rajiv homestay overheard all of them talking and going to school premises. Aryan Mehta, a 16-year-old boy, used to live in a remote village in Uttarakhand, known for its deep-rooted belief in supernatural entities. Raised in a family that strongly believed in the existence of ghosts and spirits, Aryan was often told stories of hauntings by his grandmother, who claimed that their ancestral home was inhabited by the spirit of a wronged woman.

MOOT PROPOSITION

9. Over time, Aryan became deeply influenced by these stories. He often heard strange noises at night, which he attributed to the ghost, and his school performance started to deteriorate due to his constant fear and anxiety. Despite his parents' reassurances, Aryan remained convinced that the ghost was real and meant to harm his family. With a hope, that Aryan's performance will improve, his family shifted to village Bundeli but Aryan's fear continued. In Bundeli, Aryan's belief in the ghost was reinforced by his friend, Lucky, a 17-year-old who shared similar beliefs. Lucky often told Aryan that he had seen the ghost himself and warned him to be vigilant. He even suggested that Aryan should keep an iron rod by his bedside, as iron was believed to ward off evil spirits. Lucky's repeated warnings and stories further heightened Aryan's fear.

10. On that evening, Aryan was home alone while his parents had gone to attend a village gathering. It is at this time when Aryan decided to go to school premises along with all four of them to teach ghosts a lesson. Remembering Lucky's warnings and convinced that its the time to end the ghost, Aryan grabbed the iron rod that Lucky had advised him to keep nearby.

11. All five of them thereafter initiated their on foot journey with torchlight in their hands to Bundeli village through a foot-path across school area. While passing through the premises they noticed a flickering light at distance of about 400 meters from path-way. Strong wind was blowing and the movement of the light in that breeze created in them an impression that it was not an ordinary light but some strange power and image. They also found some apparitions moving around the flickering light. They thought that some ghosts were dancing around the light and coming to attack five of them.

12. As they were moving forward, Uday Shetty and Aryan got too scared. Uday Shetty directed Sagar to attack the ghost and save him else Sagar will be fired from the job. Sagar then reached first with his 'khukhri' in hand and Aryan with iron rod and began to attack ghosts indiscriminately. Lucky arrived there some time later, and started shouting that these are not ghost but ladies of the village only however Sagar did not notice Lucky nor could hear him shouting and strike one of his Khukuri blows to Mr. Lucky causing severe injury. In pain Lucky screamed loudly that Sagar had injured him. In the mean time other injured persons also raised a cry of distress and only after hearing so many cries Sagar stopped attacking the people.

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It was subsequently discovered by all of them that the apparitions that Sagar attacked were actually some female of the Bundeli village known to Mr. Rajiv, who were there for some ceremony under the pepal tree at night with lantern, which ladies perform after visiting Kali Mata temple for fulfilling a local tribal ceremony, which was a common practice and was done on every full moon night by the ladies of Deli tribe.

13. In consequence of indiscriminate attack with his 'Khukhri' one Ritu was killed, and three other females namely Renu, Geru and Peru were grievously injured.

14. FIR was registered against the accused persons and Sagar was charged under Sec. 302 I.P.C. for murder, under Sec. 326 I.P.C. for having caused grievous hurt to persons injured and under Sec. 324 I.P.C. for having caused hurt to Lucky. They were additionally charged for conspiracy and abetment.

15. The police arrested Aryan and charged him with murder under Section 302 of the IPC. Additionally, Lucky was charged with abetment to murder under Section 109 IPC, as the police investigation revealed that Lucky had played a significant role in influencing Aryan's belief and indirectly instigating the fatal act. Lucky's defense argued that he never intended Aryan to harm anyone and that his actions were based on their shared cultural beliefs.

16. The learned Sessions Judge held Sagar, Aryan, Lucky guilty on the ground that they did not act with 'due care and attention'. Court held Uday Shetty guilty of vicarious liability, further explaining the master servant relationship.

17. The accused went on appeal before the Hon'ble High Court of Vindhya Pradesh

a) The appellant stated that when he attacked his victims, he thought he was attacking ghosts and not human beings. But it was urged by the prosecution that he did not act with 'due care and attention'.

MOOT PROPOSITION

b) The Court further called into question the credibility of evidence given by Uday Shetty, the court held that regardless of the fact that the accused is servant of Uday Shetty and he might have sympathy for his servant, but Uday Shetty's evidence have been consistent throughout and therefore reliable.

c) It was also argued before the court that based on the testimony of two guards it was clear that the appellatant had a torch in his hand.

d) After deciding on the testimony, High Court decided on the application of general defence. The court decided that the benefit of general defence is available to person who by reason of mistake of fact in good faith believes himself to be justified by law in doing an act. And it was clear from the statement of Uday Shetty that the accused was a firm believer of ghost and thought beyond shadow of a doubt that he was attacking ghosts. Therefore the court held that the accused persons are entitled to the protection of general defence. Further Aryan and Lucky too were acquitted and held that they are juveniles.

Now the State has, as a result of the aforementioned Hon'ble High Court of Vindhya Pradesh judgment, filed an appeal/Petition before the Hon'ble Supreme Court Hindia.

**The Laws of Union of India are applicable in the Vindhya Pradesh and Hindia.

NOTE:

This moot problem is solely drafted for the moot competition and any resemblance to the real life incidents are merely coincidence and nothing more than that.

ORAL ROUNDS

TIMINGS

A. PRELIMINARY ROUNDS :

Each team shall be allotted 15 minutes to present their oral arguments and 2 minutes for the rebuttal and sur-rebuttal; The timing can be divided between both the speakers according to the wishes of the team subject to a maximum of 8 minutes and a minimum of 5 minutes per speaker; The time division must be informed to the Court Manager/Clerk before the beginning of the oral arguments.

B. QUARTER FINALS:

Each team shall be allotted 20 minutes to present their oral arguments and 2 minutes for the rebuttal and sur-rebuttal; The timing can be divided between both the speakers according to the wishes of the team subject to a maximum of 11 minutes and a minimum of 7 minutes per speaker.

C. SEMI-FINALS: Each team shall be allotted 30 minutes to present their oral arguments and 2 minutes for the rebuttal and sur-rebuttal; The timing can be divided between both the speakers according to the wishes

D. FINALS: Each team shall be allotted 45 minutes to present their oral arguments and 5 minutes for the rebuttal and sur-rebuttal; The timing can be divided between both the speakers according to the wishes of the team subject to a maximum of 20 minutes and a minimum of 15 minutes per speaker.

ORAL ROUNDS

EVALUATION

| S.NO. | GROUND | MARKS |
|-------|---|-------|
| 1 | Knowledge of Law | 20 |
| 2 | Application of law to facts | 20 |
| 3 | Ingenuity and ability to answer questions | 20 |
| 4 | Use of Authority | 15 |
| 5 | Style, Poise, Courtesy, Demeanor | 10 |
| 6 | Time Management and Organization | 10 |
| 7 | Effective Rebuttals | 5 |
| | Total Marks | 100 |

AWARDS

WINNING TEAM

INR 21,000/-

RUNNERS UP TEAM

INR 11,000/-

BEST SPEAKER (MALE)

INR 5,000/-

BEST SPEAKER (FEMALE)

INR 5,000/-

BEST MEMORIAL

INR 5,000/-

**ADDITIONAL PRIZES TO BE ANNOUNCED SOON
ON SOCIAL MEDIA PAGES**

1. Certificate of participation shall be provided to all teams.
2. Certificate shall be provided in accordance with the rounds they qualify.
3. The awards, trophy, certificate of merit, and certificates of participation shall be announced during valedictory ceremony on 26th October, 2024. The hard copy of the same shall be given to the teams and prize money shall be deposited in account details of the winners.

MISCELLANEOUS

1. COPYRIGHT: The copyright with regard to the memorials submitted for participation in the Competition is assigned by participants and shall also vest completely and fully with the Organizers. The participants shall certify the originality of the memorials and the materials used and shall be responsible for any claim or dispute arising out of further use and exhibition of these materials. The Organizers shall have the right to publicly display, distribute either electronically or otherwise and they shall not be responsible for any liability to any person for any loss caused by errors or omissions in this collection of information, or for accuracy, completeness or adequacy of the information contained in these materials.

2. Power to Amend or Alter Rules: The rules mentioned herein are not exhaustive. The Organizers reserve the right to alter, amend or add to the rules mentioned herein at any point in time. All decisions made by Organizers in case of any disputes, doubts or related issues shall be final and binding. Imposition of all penalties including disqualification rests solely with the organizers in case of failure to comply with the rules mentioned herein.

3. Plagiarism: In case the memorial of the Participant is found to be guilty of plagiarism, the Administrator may impose any sanction that they may deem fit, including disqualification from the Moot.

4. Scouting: Scouting is not permitted and it shall be deemed to have happened if the Speakers, Researcher, or any other person affiliated with a team is found: Witnessing, hearing, observing, etc. the oral submissions in an oral round, except where the oral round is the final round or one in which the team to which he/she is affiliated is participating in; Reading a Memorial of a team except where: it is of the team to which he/she is affiliated, or the Memorials have been obtained on account of an exchange of Memorials before a Round of the team to which he/she is affiliated.

5. Teams are expected to behave in a dignified manner and not to cause any inconvenience to the Administrators, Organizers, the Judges and any of the other participants to the Competition.

ORGANIZING COMMITTEE

FACULTY COORDINATORS



Ms. Gayatri Kapur
Assistant Professor
Department of Law



Mr. Deepak Singh
Assistant Professor
Department of Law

STUDENT COORDINATORS



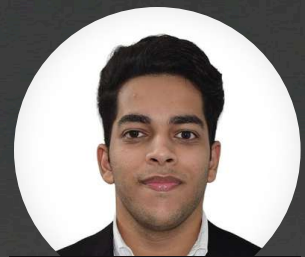
Nayanjot Singh



Sahil Somya Jha



Samarth Talwar



Aryan Sharma



Nishant Juneja



Jishan Singh Padda



MANYA GUPTA
(SOCIAL MEDIA TEAM
HEAD)



**HARSHITA
AGGARWAL**
(DESIGNING TEAM
HEAD)

CONTACT US

All questions, queries and clarifications regarding MOOT PROPOSITION & RULES are to be mailed at mcslaw.bvimr@bharativedyapeeth.edu.

FOR FURTHER QUERIES

Email: gayatri.kapur@bharativedyapeeth.edu

Contact student coordinators at:

Nayanjyot Singh- 8860544896

Jishan Singh Padda- 9630019118

Nishant Juneja-8826940580