

IMS UNISON UNIVERSITY

# 2<sup>nd</sup> NATIONAL MOOT COURT COMPETITION-2014

(October 10 & 11, 2014)



**IN THE SERENE  
AND ATTRACTIVE  
AMBIENCE OF  
DOON VALLEY**

**OPPORTUNITY TO  
GROOM LAW  
STUDENTS AS  
FUTURE LAWYERS**

**PROBLEM  
BASED ON  
CURRENT  
MATRIMONIAL  
ISSUE**

**EMINENT JUDGES,  
LAWYERS AND  
JURISTS TO EVALUATE  
THE PERFORMANCE**

Organized by

  
**IMS UNISON  
UNIVERSITY**

Nurturing Knowledge. Empowering Minds.

# INVITATION LETTER

August 11, 2014

## **SUBJECT: INVITATION TO PARTICIPATE IN THE IMS UNISON UNIVERSITY 2<sup>nd</sup> NATIONAL MOOT COURT COMPETITION – 2014**

**Dear Sir/Madam,**

It gives us immense pleasure to invite students from your esteemed Institution to participate in the IMS Unison University 2<sup>nd</sup> National Moot Court Competition-2014. The Moot Court Competition is being organized by the School of Law, IMS Unison University, Dehradun on October 10-11, 2014.

The Moot Problem, Registration Form and the detailed Rules and Regulations for the Moot Court Competition are enclosed herewith.

The Teams must send their duly filled-in Registration Form along with requisite Registration fee through Demand Draft/NEFT latest by 11<sup>th</sup> September, 2014. Please feel free to write or contact us for any further clarification.

We look forward to participation of your team in the aforesaid Moot Court Competition and make it a successful event.

With regards,

**Prof. (Dr.) M.K. Bhandari**

Dean & Head, School of Law &  
Director, National Moot Court Competition  
IMS Unison University, Dehradun

# GLIMPSES OF 1<sup>st</sup> NATIONAL MOOT COURT COMPETITION-2014



*1<sup>st</sup> National Moot Court Competition was organized by School of Law, IMS Unison University on 7-8 February, 2014. It was inaugurated by Hon'ble Justice G.S Singhvi, retired Judge of Supreme Court. Justice U.C. Dhyani, High Court Judge of Uttarakhand, and legal luminary Prof. Paramjeet Jaswal, Vice Chancellor, RGNLU, Patiala also graced the occasion.*



Signing of MoU between IMS UNISON University and Rural Litigation Entitlement Kendra, Dehradun in the gracious presence of Hon'ble Justice Madan B. Lokur, Judge Supreme Court of India.

## Dean's Message

The Landscape of Higher Education in India is witnessing rapid transformation. The Public- Private Partnership (PPP) is now an accepted mode of ushering in an era for progress in all spheres of human development. Education is core area where private universities are playing vital role. IMS Unison University is one of the finest and value oriented Institution of Higher Studies and Research, located in the foot hills of Mussoorie (Dehradun). IMS Unison University (IUU) offers a tranquil and captivating environment with finest infrastructure and faculty team in different streams of Management, Computer Applications, Mass Communication and Law.

The IMS Unison University alumni are testimony to the high standards of education delivered. IMS Unison University's reputation in the industry is maintained high by our student who hold respectable position in the industry.

The School of Law at IUU is one of the finest centers offering quality, legal education within affordable cost. The School of Law at IUU is making rapid advancement in standards of legal education and raising research by revamping courses, empowering faculty training, organizing national and international events viz: moot courts, conferences, workshops, events like quiz, debates, eloquence, competitive essay competition, legal aid clinics, legal literacy camps and many more.

The University has a global vision and is actively pursuing the establishment of a network of collaborative teaching and research partnership with reputed universities across the globe. IMS Unison University has entered into a Memorandum of Understanding with Birmingham Law School, Birmingham University UK for the exchange of students and faculty, collaboration in organizing seminars and conferences and is planning to collaborate for the award of joint degrees. Further, exchange programs with Law Schools of Australia under the guidance of the Bar Council of India are also in pipe line.

I am delighted to be an associate of IMS Unison University as Dean & Head, School of Law. I extend greetings and best wishes to one and all.

I wish Gods speed to all.

**Prof. (Dr.) M. K. Bhandari**

**Dean & Head, School of Law &**

**Director, National Moot Court Competition**

**IMS Unison University, Dehradun**

# SCHEDULE

Key Dates	Key Events
11 <sup>th</sup> Aug, 2014	Release of Moot Problem and Rules of the Moot Court Competition
11 <sup>th</sup> Sept, 2014	Last date of Registration
20 <sup>th</sup> Sept, 2014	Last Date for Submission of Memorials (soft copy) email: sol.mootcourt@iuu.ac
25 <sup>th</sup> Sept, 2014	Last Date for submission of Memorials (hard copy)

## MOOT PROBLEM

Kundoor, is a State in the Union of India. Bhavesh, aged 25 and Aparajita aged 24, were unmarried media professionals working together in a media house at Kannipakkam, capital of Kundoor. Gradually, closeness developed between them and two years later they decided to marry. However their parents did not give them permission to marry as they belonged to different castes. In January, 2006 they decided to go against their parents, left their respective jobs and shifted to a rented house in a different town Kanikullum and started living under a live-in relationship. For their livelihood, both equally contributed from their savings and opened a Drama School. All went well for the first three years and Aparijita gave birth to a child in October, 2010.

In March, 2011, Aparajita went home to Kannipakkam to attend the marriage ceremony of her sister without the permission of Bhavesh. During the course of her stay in her mother's house, Bhavesh called her several times but she did not give him a proper response. On her return after ten weeks, Bhavesh refused to keep Aparajita with him. He also started maintaining distance, avoiding and denying demands for her and child's maintenance.

In August, 2011 Aparajita filed a petition in the Court of Judicial Magistrate First Class for maintenance and physical harassment. The petition was rejected by the Court of Judicial Magistrate First Class. Aparajita then filed an appeal before District & Session Judge against the order of the Court of Judicial Magistrate First Class. The petitioner also filed a fresh petition before the District & Session Judge with following allegations:-

It was alleged by the petitioner that during her live-in relationship she was subjected to mental and physical harassment. It was also alleged that the Drama School was a joint venture of both Bhavesh and Aparajita but the petitioner was denied of her share of profit arising out of Drama School. The petitioner further alleged that the maintenance for her and her child was denied by the respondent despite her regular demand. The petitioner also alleged that the consent for the physical relationship was on the basis of false promise of marriage and thus, she was subjected to rape on the ground of false promise of marriage.

The petitioner sought the following reliefs:

1. Pass a residence order directing the respondent to provide for an independent residence or a joint residence along with the respondent where he is residing presently.
2. Pass an order for maintenance of Rs. 30,000 per month for herself and child.
3. Pass an order restraining the respondent from doing any kind of mental and physical harassment.
4. Pass an order directing the respondent pay the share of profit arose out of Drama school with interest.
5. Pass an order convicting the respondent for the offence of rape.
6. Pass any other appropriate orders as the court may deem fit.

Judgment of District and Session Court:

The District & Session Judge observed that as the petitioner was not the legally wedded wife, she cannot ask for maintenance and residence. The Court further passed an order restraining the respondent from doing any kind of mental or physical harassment. The Court also directed the respondent to pay her share of the profit out of the Drama school with interest. It was further held by the Session Judge that the respondent is not guilty of rape as the physical relationship was established with the consent of the petitioner.

Against the judgment of the District and Session Court, Aparajita filed an appeal before the Hon'ble High Court of Kundoor.



# COMPETITION RULES AND REGULATIONS

## I. ELIGIBILITY

The Competition is open for students pursuing three/ five year LL.B. Degree Course from any recognized Law College/University subject to fulfillment of the registration formalities.

## II. LANGUAGE

The Competition shall be conducted in the English language only.

## III. TEAM COMPOSITION

Each team shall consist of a three members, (two speakers and one researcher). The researcher will be allowed to argue instead of a speaker with prior permission of the Dean-School of Law, IMS Unison University.

## IV. REGISTRATION

1. In order to confirm participation, teams of every Institution should register themselves. The registration process consists of the following two Steps:

**Step one:** Each Team is required to send a scanned copy of their duly filled-in Registration form along with Demand Draft/NEFT details to [sol.mootcourt@iuu.ac](mailto:sol.mootcourt@iuu.ac) by September 11, 2014. Subject of the mail should bear "Registration Form for IMS UNISON UNIVERSITY 2<sup>nd</sup> NATIONAL MOOT COURT COMPETITION-2014". The details for Demand Draft/NEFT transactions are given hereunder:

a. The Demand Draft shall be drawn in the favour of "IMS Unison University" payable at Dehradun.

b. Bank Account Detail for NEFT Transaction:

Bank: Oriental Bank of Commerce

Branch: Makkawala Greens, Dehradun

Account Number: 15262191002504

IFSC Code: ORBC0101526

**Step two:** Registration Form, Travel Form and Original Demand Draft should be send to the address of the University and "Registration Form for IMS UNISON UNIVERSITY 2<sup>nd</sup> National Moot Court Competition-2014" should be super scribe on the envelope. The address is as under: Dean, School of Law, IMS Unison University, Makkawala Greens, Mussoorie Diversion Road, Dehradun- 248009

### 2. Registration Fee:

- i. Rs. 3000/- (Rupees Three Thousand only) for each participating team consisting of 3 members. (With Accommodation)
- ii. Rs. 1500/- (Rupees One Thousand Five Hundred only) for each participating team consisting of 3 members. (Without Accommodation)
- iii. Rs. 1500/- (Rupees One Thousand Five Hundred only) for every additional member accompanying the teams.

3. In case of justifiable reasons submitted by the participants, the Dean-School of Law may permit spot Registration subject to payment of additional Registration charges upto Rs. 1000/ team.

4. Forms received after the deadline i.e. September 11, 2014 may not be considered for registration.

## V. CRITERIA FOR MEMORIAL EVALUATION:

1. Teams have to prepare Memorials for both the sides..
2. The teams must send a soft copy on or before September 20, 2014 to [sol.mootcourt@iuu.ac](mailto:sol.mootcourt@iuu.ac). In addition 6 (SIX) hard copies of the memorials should reach at the University address up to September 25, 2014.

**Note:** Late submissions beyond the stipulated time period will attract a 2 point penalty per memorial for each day of delay. Memorials submitted after September 30, 2014 will not be considered for evaluation.

### 3. Format of Memorials

- 3.1 The memorial shall not exceed 30 typed A4 size pages.
- 3.2 Colour of the cover page must be Blue in case of Petitioner/Appellant and Red in case of Respondent.
- 3.3 Body of Memorial shall include:

- i. The Cover Page of the memorial must state the Cause Title
- ii. Table of Contents
- iii. List of Abbreviations
- iv. Index of Authorities / Table of cases
- v. Statement of Jurisdiction
- vi. Statement of Facts
- vii. Statement of Issues
- viii. Summary of Arguments
- ix. Arguments advanced/detailed arguments.
- x. Prayer
- xi. Bibliography

**Note:** Identity of the Institution should not be revealed anywhere in the memorial as well as in any Annexures. Violation of this provision will result in penalties including disqualification. The Organizer's decision shall be final in this regard.

3.4 The font of the body of the memorial should be Times New Roman, size 12, line spacing 1.5 & headings should be 14. The font of the footnotes should be Times New Roman, size 10.

3.5 Memorials should be spiral bound.

3.6 Memorials should have one inch margin on all sides of each page.

3.7 Pages should be numbered at the bottom middle.

3.8 The memorial should not contain any photographs/sketches/exhibits/affidavits etc.

4. All memorials received within time schedule will be evaluated by the Memorial Evaluation Committee (MEC) to be constituted by the Director of the Moot Court Competition and Dean, SOL, IMS Unison University.

5. The evaluation will be done on the following parameters:

- |                                    |    |
|------------------------------------|----|
| a. Knowledge of Facts and Law:     | 25 |
| b. Extent and Use of research:     | 25 |
| c. Proper and Articulate Analysis: | 20 |
| d. Clarity and Organization:       | 10 |
| e. Correct Format and Citation:    | 10 |

f. Grammar and Style: 10

6. Evaluation done by the MEC shall be final and binding.

## VI. ROUNDS

1. Draw of lots

Each team will be provided with a Team Code on reporting to the venue. After the draw of lots, each team will be assigned a side (appellant/respondent). Fixtures of the teams will be pre-determined based on the team codes.

2. Elimination Round

This will be a knock-out round. Each team shall represent only one side as decided during the draw of lots. The winner of each court-room will be decided on the basis of the scores awarded by the judges in this round and the marks awarded by MEC.

Note: The top four teams selected after this round will proceed to the semi-finals.

3. Semi Finals

The top two teams selected after this round will proceed to the final.

4. Final Round

The final round shall take place between the winners of the semi-final round.

## VII. PROCEDURE AND MARKING OF COURT ROUNDS

- Each team will get a total of 30 minutes to present its case. This includes the time for rebuttal and sub-rebuttal.
- The division of time per speaker is left to the discretion of the team.
- The arguments should be confined to the issues presented in the memorial.
- The researcher needs to be present with the speakers during all the rounds.
- The researcher is not allowed to pass chits to the speaker during the rounds.
- Maximum scores for the court rounds will be 100 marks per speaker. The court rounds will be judged on the following parameters:
  - Knowledge of Law : 20
  - Application of Law to Facts : 20
  - Ingenuity and Ability to Answer Questions : 20
  - Style, Poise, Courtesy and Demeanor : 20
  - Time Management : 10
  - Organization : 10

## VIII. DRESS CODE

Inside the Court Room the participants shall be in Formals.

- Female(s): White Salwar and Kurta /White Shirt, Black Trouser and Black Tie along with Black Blazer and Black Shoes.
- Male(s): White Shirt and Black Trouser along with Black Tie, Black Blazer and Black Shoes.

## IX. AWARDS AND CERTIFICATES

Categories of Awards:

- Winner of the Final Round will be given the "Best Team" award.
- Runner-up of the Final Round will be given the "1st Runner Up" award.
- Team placed 3rd will be given certificate of "2nd Runner Up".
- Team with the highest memorial scores will be given the "Best Memorial" award.
- "Best Mooter" award shall be determined on the basis of the total marks secured during the court rounds.
- In addition to the above, certificates will be issued to all the participants.

## X. ACCOMMODATION, FOOD AND TRAVEL

Accommodation, Food and Transport for participating teams from/to Airport/ Railway Station/ Bus Stand will be provided by the Organizer.

## XI. QUERIES AND CLARIFICATIONS

In case of any questions related to problems or clarifications regarding the competition, feel free to contact the following:

- E-mail: sol.mootcourt@iuu.ac
- Contact:
  - Prof. RITURAJ SINHA  
Telephone no. : 0135-3000668  
Mobile no.; +91- 8192944733
  - Prof. SONALI ROY CHOUDHURY  
Telephone no.: 0135-3000670  
Mobile no.; +91- 7398601475

## XII. GENERAL INFORMATION

- Date and Venue:**

The '2<sup>nd</sup> National Moot Court Competition' shall be held on, October 10- 11, 2014 at IMS Unison University, Dehradun.

- Postal Address:**

Dean & Head,  
School of Law, IMS Unison University,  
Makkawala Greens, Mussoorie Diversion Road, Dehradun-248009.

**Email :** sol.mootcourt@iuu.ac

**Website:** www.iuu.ac



## **IMS Unison University**

Makkawala Greens, Mussoorie Diversion Road,  
Dehradun- 248009, Uttarakhand, India  
T : 0135-3000600, 3000676, 9927000210  
E: office.deanlaw@iuu.ac W: www.iuu.ac

*Established under section 2(f) of UGC Act, 1956*



**IMS UNISON UNIVERSITY**  
**2<sup>nd</sup> NATIONAL MOOT COURT COMPETITIONS-2014**  
**REGISTRATION FORM**

**INSTRUCTIONS:** All participating teams are requested to fill in the details in capital letters and a scanned copy of the filled form should be mailed to sol.mootcourt@iuu.ac to expedite allotment of the team code. Please read the Rules and Regulations of the competition before submitting this registration form.

**1. UNIVERSITY/INSTITUTION DETAIL**

Name of University/Institution: .....

Address of University/Institution: .....

Name of Dean / HOD: .....

Telephone No.: ..... Fax No.: .....

E-Mail: ..... Website: .....

**2. TEAM MEMBER # 1**

**Designation :**  **Speaker-1**  **Speaker-2**  **Researcher**

Name: ..... Student ID no.: .....

Course:  B.A.LL.B  LL.B Year: .....

Mobile No: ..... Email: .....

**3. TEAM MEMBER # 2**

**Designation :**  **Speaker-1**  **Speaker-2**  **Researcher**

Name: ..... Student ID no.: .....

Course:  B.A.LL.B  LL.B Year: .....

Mobile No: ..... Email: .....

**4. TEAM MEMBER # 3**

**Designation :**  **Speaker-1**  **Speaker-2**  **Researcher**

Name: ..... Student ID no.: .....

Course:  B.A.LL.B  LL.B Year: .....

Mobile No: ..... Email: .....

**5. PAYMENT DETAILS/BANK TRANSFER:**

Name of the bank: .....

Demand Draft No /NEFT Transaction No. ....

Amount: .....

Date: .....

*Note: Demand draft should be in favour of "IMS UNISON UNIVERSITY" payable at Dehradun.*

**6. DECLARATION BY THE TEAM MEMBERS**

We hereby certify that the information given by us is true and complete in all material respect. We also undertake to abide by the Rules and Regulations of the Moot Court competition.

.....  
Signature of Team Member #1

.....  
Signature of Team Member #2

.....  
Signature of Team Member #3

Date:

Seal and Signature of  
The DEAN/ HOD

