



**SAMBHAV INITIATIVE
AND PROBONO INDIA
IN ASSOCIATION WITH
S & P MAJMUDAR ASSOCIATES
ORGANIZES
2ND ONLINE NATIONAL MOOT
COURT COMPETITION
23rd-24th November , 2024**

ABOUT THE ORGANISERS

ABOUT SAMBHAV INITIATIVE

The Sambhav Initiative is an initiative at the PAN India level that is aimed to promote, facilitate and encourage the people to utilize various methods of Alternative Dispute Resolution. It also provides legal aid services, works towards shattering mental health taboos, endeavors to achieve Goal 16 of SDG (Peace, Justice and Strong Institution), and creates legal literacy among the society with the mission of reach out, rapport, and rescue. It aims to become the voice of the vulnerable, unseen or unheard. The Sambhav Initiative was inaugurated by Justice K.G. Balakrishnan, Former Chief Justice of India and it's currently headed by Patron in Chief - Justice C. K. Thakker , Former Judge of the Supreme Court of India and Patron of Sambhav Initiative - Justice M. R. Shah , Former Judge of the Supreme Court of India and Justice Kurian Joseph, Former Judge of the Supreme Court of India & governed by many former Judges of various High Courts and it's founded by Ms. Hiranshi Shah.

The Sambhav Initiative also Established the Centre at Vadodara Central Jail for Rehabilitation and Reformation of Prisoners and to provide psychological support for their mental well being.

ABOUT PROBONO INDIA

The ProBono India is initiated in 2016 for integration of Legal Aid and Awareness activities in India. Dr. Kalpeshkumar L Gupta, Founder was felicitated by Shri Jagdeep Dhankhar, Hon'ble Vice President of India for the initiative at the programme on Excellence in Higher Education at GNLU, Gandhinagar.

ABOUT S & P MAJMUNDAR ASSOCIATES

The S & P Majmudar Associates is a distinguished legal firm founded by Shri Sharvil P. Majmudar and Shri Panthil P. Majmudar, who have over two decades of experience in the legal field. With a legacy of excellence in legal practice under mentorship of Shri P.B. Majmudar, a Senior Advocate at the Supreme Court of India and a former Judge of the Gujarat, Rajasthan, and Bombay High Courts the firm has built a reputation for its expertise in various areas of law, including land laws, commercial laws, contract acts and arbitration.

Their dedication to client service and their deep understanding of complex legal matters have contributed to the firm's prominence in the legal community. The S & P Majmudar Associates is committed to providing strategic and effective legal solutions tailored to meet the needs of its clients.



INTRODUCTION

SHORT TITLE

This shall be called the 'VNMCC Rules, 2024' –Virtual National Moot Court Competition, 2024.

These rules shall come into force with the release of registration forms and shall remain in force till the end of the competition.

These rules shall apply to all the participants of the Virtual National Moot Court Competition, 2024.

GENERAL INFORMATION

The Competition is being conducted by Sambhav Initiative and Pro Bono India in association with S & P Majmudar Associates . The Competition shall be held from 23rd-24th November ,2024 virtually.

The Competition shall be conducted in accordance with the rules mentioned here under. Participants are required to adhere to the rules and guidelines prescribed herein.

DEFINITION

- ***Competition*** means the Online National Moot Court Competition, 2024.
- ***Memorial*** means the written submissions of each team, submitted according to these Rules.
- ***Moot Proposition*** means the Moot Problem of the Competition released by the Organizer.
- ***Oral Submissions*** means the oral pleadings before the Bench made by the teams virtually.

- **VMCC** means Virtual Moot Court Competition. The competition will be held in two parts which will respectively evaluate the speakers and the researcher.
- **Bench** means the members duly invited to adjudicate the Oral rounds, individually or collectively.
- **Clarifications** means any query posted by any participating team within the given deadline or publication of any such explanation regarding the moot problem.
- **Draws of Lots** means the match-up between the teams in oral rounds to determine courtroom fixtures.
- **Identity** means any fact pertaining to the identity of the Team, its members, or the Institution/College/University represented by the Team and the state or region where such Institution/College/University is located and includes any identification marks/seal of the Team.
- **Team Code** refers to the unique code assigned to each participating team.
- **Participating Institution** shall be presumed to be the parent institution of the participating teams.
- **Participating Team** means the team that is eligible to participate in the competition after completion of the registration procedure.

TEAM COMPOSITION

- Each team shall comprise a maximum number of three members as two speakers and one researcher.
- Each team must specify the composition of members in the Registration Form.

DRESS CODE

- Participants shall be in advocate's attire throughout the conduct of the Competition (Inaugural Ceremony, Oral Rounds, Valedictory Ceremony) in the manner provided below:
 - a. For Men- Formals (White formal shirt with black formal trousers, black tie, a black blazer and black shoes); and
 - b. For Women- Formals (White formal shirt with black formal trousers/skirt, a black blazer and black shoes).

TEAM ELIGIBILITY

- All students duly enrolled and pursuing a full-time 3-year LL.B. program or a 5-year integrated LL.B. program from the Institution/University recognized by the Bar Council of India shall be eligible to participate in the competition.
- **Any number of teams from particular college can register for competition. There is no bar as Only one team from a particular college can register for Competition.**
- The confirmation of Registration for the competition will be notified to the teams by the organizers after the completion and verification of all the registration formalities.

OFFICIAL LANGUAGE

- The official language of the competition shall be English, for written as well as oral submissions.

ALLOTMENT OF TEAM CODE

- After successful registration, each team shall be allotted a Team Code, which shall be communicated to them via email from the Point of Contact.
- Teams are required to use the Team Code in their memorials and oral submissions to identify themselves
- Revealing personal identification details in the written or oral submissions shall be penalised.

MEMORIAL STRUCTURE

- All participating teams must prepare written pleadings from both the sides, that is, the Appellants and the Respondents.
- The teams shall submit the soft copy of the Memorial, in “pdf” form only on or before 20th November, 2024 by 11:59 P.M. IST through the Google Form which will be sent to each team
- The name of the Memorial should be according to the Team Code and the side for which the Written Submission is prepared. The Team Code must be ascribed on the top right corner of the cover page and succeeded by the first letter of the side for which the Memorial is prepared, i.e., TC (team code)A or TC (team code)R.

THE MEMORIAL MUST CONTAIN THE FOLLOWING CONTENTS IN THE ORDER AS STATED BELOW:

- **Cover Page:** The Cover Page must be **BLUE** for Appellant and **RED** for Respondent. The Cover Page of the Memorial must contain the following information:
 - (a) The 'Team Code' in the top right corner.
 - (b) The 'Name' and 'Year' of the Competition.
 - (c) The name of the Case (Case Title).
 - (d) The 'Side' for which the Memorial has been prepared.
 - (e) The name of the 'Forum' resolving the dispute.
- **List of Abbreviations, Index of Authorities , Statement of Jurisdiction**
- **Statement of Facts:** The Statement of Facts must contain a concise statement of the relevant facts to the dispute. As far as may be, the Statement of Facts should be limited to the stipulated facts and legitimate inferences that can be drawn from those facts. Argumentative facts are prohibited.
- **Issues Raised**
- **Summary of Arguments:** The summary of arguments should contain a summary of the substance of the arguments, and should not merely be the production of the various headings and sub-headings of arguments.
- **Pleadings/Arguments Advanced:** All legal arguments must be limited to the Pleadings/Arguments Advanced section of the Memorial.
- **Prayer:** The Prayer shall not exceed 1 page.

BASIC COMPLIANCE FOR MEMORIAL:

- **The Memorial (including the preliminary pages and excluding the cover page) shall adhere to the following mandatory specifications:**
 - Paper size:** A4
 - Font type:** Times New Roman
 - Font size:** 12
 - Line spacing:** 1.5
 - Margin:** The Memorial must maintain an equal margin of 1 inch on all sides.

MARKING CRITERIA FOR THE MEMORIAL(S) SUBMITTED BY THE TEAMS:

Memorial from each side shall carry a total of 100 marks. The written submissions shall be marked on the parameters which are laid down as under:

SR NO	MARKING CRITERIA	MARK
1	Evidence of Original Thought	25
2	Knowledge of Law and Facts	25
3	Proper and Articulate Analysis	10
4	Structure, Language and Grammar	10
5	Extent and Use of Research	20
6	Format and Citation	10
7	Total	100

RESEARCH TEST

The Researchers' test shall be conducted on 23rd November , 2024 at 5:00 p.m. The test shall be for duration of Twenty (25) minutes only. It shall be a test of 50 marks in form of MCQ. It is mandatory for the Researcher of each participating team to give the Researcher's Test. If any team fails to appear for the researcher's test, they shall be awarded with zero marks.

ORAL SUBMISSIONS AND MARKING EVALUATION

Structure of Oral Rounds

The National Moot Court Competition 2024 shall consist of the Preliminary Round, the Quarter Final Round , Semi Final Round and Final Round Along with the Researcher's Test.

Preliminary Round: - This round will be open to all teams who have successfully registered for the Competition. The Competition shall have one Preliminary Round. Based on the merit of the score in the Preliminary Round, 8 teams shall qualify for the Advanced Rounds.

Advanced Oral Rounds: - The Advanced Oral Rounds shall consist of Quarter Final Round (8 teams), Semi-Final Round (4 teams), and the Final Round (2 teams).

- Team shall join the meeting fifteen minutes prior to the commencement of their scheduled rounds. Entry shall be granted only when the participants enter with individual code allotted to the participant. All members of the team scheduled to argue shall keep their cameras on for the duration of the rounds.
- In case of any technical difficulties, the members of the team shall contact the Court Marshall allotted to their courtroom.
- If the team is unable to present themselves in accordance with these rules within 15 minutes of their scheduled rounds, it shall be considered that the team has forfeited the competition. The opposing team in such a round shall argue ex-parte.

A. PRELIMINARY ROUNDS

There shall be one preliminary rounds. It is open to all the participating teams. Each team shall argue once from either side, i.e., Appellant or Respondent, which shall be decided by way of draw of lots to be conducted by the Organizers.

Each team shall be allotted a total of twenty minutes per round, to present their submissions, rebuttals and surrebuttals. No speaker is permitted to argue for less than ten minutes.

B. QUARTER-FINALS

Top eight teams from the Preliminary Rounds shall advance to the Quarter-Finals. The Quarter-Finals shall consist of only one round. Each team shall be allotted a side that they shall argue.

Each team shall be allotted a total of twenty -five minutes to present their submissions, rebuttals and surrebuttals. No speaker is permitted to argue for less than ten minutes.

C. SEMI-FINALS

The top four teams from the Quarter-Finals shall advance to the Semi-Finals. The Semi-Finals shall consist of only one round. Each team shall argue from the side that has been allotted to them.

Each team shall be allotted a total of thirty minutes to present their submissions, rebuttals and surrebuttals. Extension of this time duration is subject to the sole discretion of the bench.

D. FINALS

The top two teams from the Semi-Finals shall advance to the Finals. Each team shall argue from the side that has been allotted to them.

Each team shall be allotted a total of fifty minutes to present their submissions, rebuttals and surrebuttals.

Extension of time duration is subject to the sole discretion of the bench.

MARKING CRITERIA FOR ORAL SUBMISSIONS

The Oral Submissions/Arguments from each side shall carry a total of 100 marks. The following will be the marking criteria for the oral arguments/pleadings for the Speakers:

Appreciation and application of facts	10
Application of legal principles	10
Use of authorities and precedents	10
Presentation skills	10
Clarity of thoughts and structure of arguments	10
Poise and demeanour	10
Court Mannerism	10
Strategy& Time Management	10
Knowledge of laws	10
Response to Forum questions	10
TOTAL	100

MOOT PROBLEM

TITLE:

SARVESH KUMAR & OTHERS V. STATE OF VINDHYA & OTHERS

The Republic of Vindhya is known for its rich cultural heritage and commitment to social justice. Among its many states, Prakasha stands out for its progressive stance on issues of equality, with a strong emphasis on gender equality in all spheres of life. The state has a high literacy rate and a well-established legal framework aimed at protecting the rights of its citizens.

Sarvesh Kumar, a vocal social activist and a member of a prominent civil society organization, “Justice for All,” has been advocating for the rights of marginalized communities for over a decade. His activism often puts him at odds with local authorities, particularly in cases involving police brutality and government overreach. Sarvesh is known for his strong stance against extra-judicial actions by law enforcement agencies.

On the night of April 10, 2022, a violent protest erupted in the capital city of Prakasha, following the arrest of a local leader who had been accused of embezzlement. The protest quickly spiraled out of control, leading to widespread violence, including the torching of government buildings and police vehicles. The state government, in response, invoked Section 144 of the Criminal Procedure Code, imposing a curfew and authorizing the police to use force to restore order.

During the unrest, the police, led by Inspector General (IG) Rakesh Singh, carried out a series of “encounter operations” aimed at neutralizing what they described as “armed and dangerous criminals.” Among those killed in the operations were five young men, who the police claimed were leading the violent mobs. However, eyewitnesses and local activists, including Sarvesh Kumar, alleged that these encounters were staged and that the men were innocent, unarmed civilians who were shot in cold blood.

Sarvesh, along with the families of the deceased, held a press conference on April 15, 2022, condemning the police action and demanding a judicial inquiry into the killings. The press conference sparked nationwide outrage, with social media campaigns demanding #JusticeForTheInnocent trending across the country. In response, the state government issued statements defending the police, claiming that the actions were necessary to maintain law and order.

the wake of the public outcry, Sarvesh Kumar, along with the families of the deceased, filed a writ petition under Article 32 of the Constitution of Republic of Vindhya before the Hon'ble Supreme Court. The petitioners argue that the encounter killings violated the fundamental rights of the deceased under Articles 14, 19, and 21 of the Constitution, including the right to life and due process.

The petition also alleges that the invocation of Section 144 and the subsequent use of force by the police were unconstitutional, amounting to an abuse of power. They argue that the state government's actions, including the justification of the encounters, reflect a disregard for the rule of law and the principles of justice enshrined in the Constitution.

The state government, in its defense, has argued that the police were acting in the interest of public safety and that the measures taken, including the encounters, were necessary to prevent further violence and anarchy. The government contends that the situation was extraordinary, requiring extraordinary measures, and that the police acted within the bounds of the law.

The Hon'ble Supreme Court of Republic of Vindhya has admitted the petition and has clubbed it with a suo moto case regarding the increasing number of police encounters in the state. The court has sought to examine the broader implications of police encounters on the rule of law and the protection of fundamental rights.

Issues for Consideration:

- 1. Constitutional Validity:** Whether the encounter killings by the police violate the fundamental rights of the deceased under Articles 14, 19, and 21 of the Constitution of Republic of Vindhya.
- 2. Judicial Review:** Whether the invocation of Section 144 CrPC and the subsequent use of lethal force by the police can be justified under the circumstances, or if they constitute an abuse of power.
- 3. Police Accountability:** Whether the police officers involved should be held accountable for the alleged extra-judicial killings, and what standard of proof should be applied in such cases.
- 4. Public Order vs. Rule of Law:** Whether the state government's actions in defending the police encounters can be justified in the interest of maintaining public order, or if they undermine the rule of law and constitutional protections.
- 5. Remedies:** What remedies, if any, should be granted to the petitioners if the Supreme Court finds that the actions of the police and state government were unconstitutional.

Note

- The laws of the Republic of Vindhya are in pari materia with the laws of India.
- The matter is to be heard by the Hon'ble Supreme Court of Republic of Vindhya.
- Participants shall prepare memorials/arguments for both the Petitioner and Respondent.
- Participants may frame their own additional issues as necessary.

TIMELINE



Registration Open	21st October, 2024
Last Date of Registration	18th November, 2024
Last Date of Clarification	19th November, 2024
Last Date of Memorial Submission	20th November, 2024
Inauguration of 2nd online National Moot Court Competition, 2024	23rd November, 2024
Preliminary and Quarter Final Round	23rd November, 2024
Semi Final and Final Round	24th November, 2024

REGISTRATION PROCESS

- Interested teams are required to register for the Competition by completing the Registration Form.
- Registration shall not be accepted through any means other than the Registration Form.
- Fee for registrations of the Team Rs. 1700/-.
- Rs. 500 will be refunded to a team member (Not all members of the team) but to those participated in 7 Days National Capacity Building Programme on Mooting Skills organized by Sambhav Initiative and ProBono India from October 20 to 26, 2024.
- Any number of team from particular college can register for competition. There is no bar as only one team from a particular college can register for Competition.
- In the event a team notifies the Organizers of its withdrawal or absence from participation in the competition, such team SHALL NOT be entitled to the refund of the registration fee or any amount which has been paid in the registration process.
- Submissions of incomplete forms and/or registration via email will not amount to successful registration and shall not be considered. In any such event, the decisions of the organizers regarding the mode of submission in such cases shall be final.

SCAN QR CODE &
REGISTER NOW!

Registration Link:

<https://forms.gle/AHL33oXGytemTp9SA>

Last Date of Registration - 3rd November, 2024



AWARDS

Winner :

Internship opportunity with Former Judge of High Court + Internship opportunity with S & P Majmudar Associates + Cash Prize of INR 5001/- + Certificate of Merit + Trophy

Runner Up :

Internship opportunity with Advocate on Record, Supreme Court of India + Internship opportunity with S & P Majmudar Associates + Cash Prize of INR 4001/- + Certificate of Merit + Trophy

Best Researcher:

Internship opportunity with Former Judge of High Court + Internship opportunity with S & P Majmudar Associates + Cash Prize of INR 2001/- + Certificate of Merit + Trophy

Best Mooter:

Internship opportunity with Former Judge of Supreme Court of India + Internship opportunity with S & P Majmudar Associates + Cash Prize of INR 2001/- + Certificate of Merit + Trophy

NOTE : THE CERTIFICATE OF PARTICIPATION SHALL BE AWARDED TO ALL PARTICIPATING TEAMS.

CONTACT DETAILS

STUDENT EVENT COORDINATOR

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