

## **Subhasini Devi Memorial National Women Moot Court Competition 2014**

### **About Moot Court Competition:**

Department of Laws is organizing a Moot Court Competition in the month of March, 2014. The Date of competition is 28<sup>th</sup> & 29<sup>th</sup> March 2014. Moot court is one of the most prestigious extracurricular activities of law schools. Students typically spend a semester researching and writing the memorials, as well as practicing their oral arguments.

This is the second women moot court competition to be organized by Department of Laws, BPS Mahila Vishwavidhyalaya Khanpur Kalan. This moot court competition will provide opportunities to the female law students throughout the country to discuss and argue on socio-legal problems of Indian society. The competitions will be honoured by the participation of judges from local, state or federal judiciary, distinguished lawyers from High Court of Haryana and eminent professors or academicians of Law.

If you would like for your school to participate in this competition, please email your request (including a contact name, your school name, complete address, phone number, and an email address) to **mootcourtbps@gmail.co** Only one team is allowed to participate from every eligible school. Teams prepare oral and written pleadings arguing both the applicant and respondent positions of the case. Rules for the competition along with registration form are enclosed.

**\*\* Send your memorials via email on to mootcourtbps@gmail.co**

**\*\*Registration Fee:** Rupees 500/- to be paid in cash at time of registration or through DD payable in favour of Prof. and Head, Department of Laws, BPSMV at PNB, Khanpur Kalan.

Regards,

**Director**

Prof.(Dr.) Vimal Joshi

**Convener**

Dr. Parmod Kumar

**Organizing Secretary**

Mrs. Sandhya .

**RULES AND REGULATIONS**  
**2<sup>nd</sup> All India Subhasini Devi Memorial Women Moot Court**  
**Competition 2014**  
**Department of Laws**

**I. Date and Venue:**

**March 28-29, 2014** at the Department of Laws, B.P.S. Mahila Vishwavidyalaya, Khanpur Kalan, (Sonapat) Haryana 131305.

**II. Dress Code:**

Formal wear-

Indian / western formal wear (white and black with black blazer)

**III. Language:**

The entire proceedings in the competition, written as well as oral, shall be exclusively in English.

**IV. Eligibility:**

The competition is open for female law students currently pursuing their Bachelors degree in law i.e. 3 Year LL.B. Programme or 5 Year LL.B. integrated Programme.

**V. Team Composition:**

Each team shall consist of 3 female members. This number cannot be modified under any circumstances.

Each team shall include two speakers, who may be accompanied by one researcher, all of whom shall have to be accordingly designated during the registration process. Each team will have a team code and each member shall be given an individual code. The team code shall be given to the teams just before the draw of lots. **The respective team codes only have to be mentioned in the right top corner of the cover page of the memorials.**

***Teams shall not disclose their identity or of their institution or city, etc.; such disclosure shall invite penalties including disqualification. The decision for the same shall be at the discretion of the organizers.***

#### **VI. Registration:**

Registration for the competition has to be done in two stages-

**Firstly**, Registration of the teams is to be done on or before 20 **March, 2014, through E-mail only**. The registration shall be sent only to **mootcourtbps@gmail.co** with the subject being '**Registration**'. The registration should contain the details of the students taking part in the competition. The registration shall be confirmed by the organizers within 72 hours in receipt of the registration mail.

**Secondly**, the filled registration forms which contain the details of students taking part should be received latest by **24 March, 2014**. Law Schools/Colleges sending registration form without prior registration through email shall not be considered for the competition. The registration form shall contain the details of the participants and sign and seal of the principal/ Chairperson.

Registration forms are also available online. Teams may download the forms from [www.bpswomenuniversity.ac.in](http://www.bpswomenuniversity.ac.in) and mail its scanned copy after filling it to the following e mail address

Number of teams participating will be limited to only **one teams** from each institution..

#### **VII. Rounds:**

There will be one preliminary round of argument, a semi-final and a final round. A quarter final round may be held prior to the semi-finals, at the discretion of the organizers. The researcher shall have a test based on

general issues surrounding the problem and the subject of the Problem.

**Preliminary Round:**

1. Orientation and draw of lots will be on 28 march,2014.
2. The preliminary round will be held on
3. The quarter finals (if held) will be a knockout round28 march,2014
4. Top four teams will qualify for the semi finals that will be held on 29 march,2014
5. **Semi Final and Final Rounds:**The semi finals will be a knock out round evaluated only on the Oral arguments. Two teams that score the maximum marks in the semi finals will move on to the final round. Memorial marks will not be accounted for in deciding the finalists. In case of a tie, teams scoring the highest points in their preliminary round will move into the final round.
6. The **Finals** will be held on 29 march, 2014.

**VIII. Memorials:**

- A. The following requirements must be strictly followed with respect to submission of memorials. Non-conformities will be liable to penalties while awarding marks thereon.Each team must prepare memorials for both sides of the Moot Court problem (Petitioner and Respondent).The memorials shall be consistent with the Supreme Court Rules.Once the memorials have been submitted, no revisions, supplements, or additions will be allowed.Teams shall send a soft-copy of Memorials in advance via. Electronic mail to **mootcourtbps@gmail.coon** or before **24 March , 2014**.Teams shall also submit **ThreeCopies** for both the sides of the memorials at the time of registration at registration counter,typed on A4 size paper printed on one side and must contain:

1. Cause Title (Identity of the College/Participants should not be disclosed).
2. The table of contents.
3. The index of authorities.
4. Synopsis.
5. The statement of jurisdiction.
6. The statement of facts (1 page only).
7. The statement of issues.
8. The summary of arguments (1 page only).
9. The arguments advanced (20 pages).
10. The prayer.

Annexure are not allowed.

B. Format requirements:

Font: Times New Roman

Font size: 12 and for footnotes, 10

Line Spacing: 1.5, Margin: 1 inch

Memorials should be spiral bound and not stapled

C. Covers must be placed on memorials as follows:

**Petitioner - Blue Colour,  
Respondent- Red/Pink Colour.**

**IX. Registration fee:**

Each participating team shall deposit a registration fee of Rs. 500/- either through a demand draft in favour of Head, Dept. of Laws, BPS MahilaVishwavidyalaya, payable at Punjab National Bank, KhanpurKalan, Branch or cash at the registration counter.

### **X. Oral Rounds:**

In each oral round a team will be represented by two speakers who present arguments. The researcher will not participate in the arguments but will be seated along with the speakers.

- Preliminary Round:
  - Each team will get a total of 30 minutes to present its case. The time includes questioning by judges.
  - The division of time is at the discretion of the team members subject to a maximum of Twenty minutes per speaker.
  - Passing of notes to the speakers by the researcher during the rounds is allowed.
  - At the commencement of each session of oral submissions, teams shall notify the Court Officers as to the division of time between the 2 speakers.
  - At the commencement of each session of oral rounds, teams must notify the Court Officer of the amount of time that the team reserves for their rebuttal / sur- rebuttal. A maximum of 5 minutes can be reserved for the rebuttal / sur- rebuttal. Sur-rebuttal may be allowed at the discretion of the judges.
  - Five minutes before the completion of the allocated time

for each speaker there will be a warning bell, and at the completion of the allocated time for each speaker there will be a final bell.

- Semi Final Round:

- Each team will get a total of 30 minutes to present their case. The time includes questioning by judges.
- The division of time is at the discretion of the team members subject to a maximum of twenty minutes per speaker.
- At the commencement of each session of oral rounds, teams must notify the Court Officer of the amount of time that the team reserves for each speaker as well as the rebuttal / sur-rebuttal. A maximum of 5 minutes can be reserved for the rebuttal / sur-rebuttal.

- Final Round:

- Each team will get a total of 45 minutes to present their case.
- The division of time is at the discretion of the team members, subject to a maximum of 30 minutes per speaker.

## **XI. Scoring:**

### **A. Parameters for judging orals shall be:**

- ❖ Knowledge of facts.
- ❖ Logical reasoning.
- ❖ Organization and clarity.

- ❖ Persuasiveness.
- ❖ Deference to the Court.
- ❖ Proper and articulate analysis of the issues arising out of facts.
- ❖ Ability to explain legal principles clearly.

## **B. Written submissions (Memorials):**

Any revisions, supplements or additions to the memorials after submission shall not be allowed.

A total of 50 points will be awarded for each of the memorials.

## **C. Parameters for marking memorials shall be:**

- ❖ Logical progression of ideas.
- ❖ Originality in analysis and arguments.
- ❖ Understanding essential legal issues presented.
- ❖ Clear, concise and unambiguous writing style.
- ❖ Forceful and persuasive presentation.
- ❖ Integration of facts into legal arguments.
- ❖ Understanding and analysis of authority
- ❖ Proper use of citations and citation form.
- ❖ Effective use of authority to support arguments.
- ❖ Neatness, legibility, no typos or format errors.

## **XII. Awards**

- *Best Team*
- *Runners-Up Team*

- *Best Advocate*
- *Best Memorial*

Along with the Awards, the winner/s of the respective award shall get a certificate of Merit and every Participant will be given Certificate of Participation. Certificates shall be given only after the Valedictory function and for no reason prior to it. Under any circumstance the Certificates and awards will not be couriered.

### **XIII. Scouting:**

Teams will not be allowed to observe the orals of any other team. Scouting is strictly prohibited. Scouting by any of the team members will result in immediate disqualification.

In this regard, the organizers' decision will be final.

The researchers shall sit with the speakers at the time of the orals and shall not attend the court sessions of any other team participating in the competition.

### **XIV. Force Majeure:**

The Organizers reserve absolute right to cancel, defer or postpone indefinitely, the Competition in the event of the occurring of any such incident or accident, natural or man caused, in India or overseas which is likely to effect the smooth conduct of the Competition or is likely to effect the security of the Organizers and Participants and the Organizers shall not be responsible or liable for loss of any kind caused

to anyone whatsoever.

#### **XV. Accommodation and Food :**

**Accommodation**-Accommodation shall be provided only to the outstation teams on the days of the competition only i.e. from 27 march **to 29 March, 2014**. It shall be extended to the members of the team (maximum three) only. Team(s) shall be responsible for any/all damages caused by them during their stay.

**Food**-Food shall be provided to all the teams only on the days of the competition

**The teams shall bear any expenses with regard to an extra member and the organizers are in no way liable for any expenses of such a member.**

#### **XVI. Code of Conduct**

The participants must behave in a dignified manner and not cause any inconvenience to the volunteers.

Any participant found misbehaving with other participants or volunteers will be disqualified immediately.

Deference to the Judges of the moot court competition must be maintained inside and outside the Court Hall.

Participants will be entirely disqualified from the competition on the following grounds:

- ✓ If found smoking or consuming/ carrying drugs or alcohol in the campus or Accommodation.

- ✓ If found misbehaving, or causing nuisance, or making abusive statements, showing disrespect towards judges, co-participants or members of the host institution.

#### **XVII. Miscellaneous:**

- ✓ The organizers' decision with regard to the interpretation of rules or any other matter related to the competition will be final and binding.
- ✓ If there is any situation which is not contemplated in the rules, the organizers' decision will be final and binding.
- ✓ The organizers reserve the right to vary, alter, modify, or repeal any of the above rules without any prior notification, if so required and as they may deem appropriate.

#### **XVIII. Disclaimer:**

- ✓ Notwithstanding anything stated in the rules, the Competition is the only responsibility of the Organizers and they shall not be legally or otherwise liable or responsible for any matter or dispute arising outside of the Competition.
- ✓ The Organizers shall not be responsible for any dispute arising out of team selection process in the participating colleges.
- ✓ All material in the moot problem is fictitious and any resemblance to any incident or person, if any, is not intended, but merely coincidental.

#### **XIX. Contact Address/Numbers/Email id**

1. Registration Form, All Memorials and Travel Plan should be sent to the following address:

**Organizing Secretary  
Sahasini Devi Women Moot Court Competition 2014  
Department of Laws,  
BPS MahilaVishwavidyalaya,  
KhanpurKalan,  
(Sonipat) Haryana - 131305.  
Phone: 01263-283723 , +918950040004**

2. Queries regarding the problem: All the queries regarding the problem, rules and regulations shall be mailed to [mootcourtbps@gmail.co](mailto:mootcourtbps@gmail.com),or [parmodmalik@bpswomenuniversity.ac.in](mailto:parmodmalik@bpswomenuniversity.ac.in)with a subject of **Query (ies)** in it and the same will be cleared by the organizers'. Any queries after **24 March , 2014**, with regard to problem will not be entertained, except at the sole discretion of the organizers'.
  
3. For Accommodation and Transportation: All teams shall send their travel plan along with the filled registration form prior to their arrival.

### **IMPORTANT DATES**

Last Date of Registration by E-mail	<b>20 March, 2014</b>
Last Date for Submission of	<b>24 March, 2014</b>

Filled Registration Form

Last Date for Submission of

Written Memorials( soft copy  
through Email) **24 March, 2014**

Last Date for Submission of

Written Memorials (Hard  
copy) **28 March, 2014**

Inaugural Function **28 March, 2014**

Orientation & Draw of Lots **28 March, 2014**

Valedictory Function **29 march,2014**

**ProgramCoordinator**

Dr. Parmod Malik: 9466725404, [Parmodmalik@bpswomenuniversity.ac.in](mailto:Parmodmalik@bpswomenuniversity.ac.in)

Ms. Sandhya Rohal,8950040004 [mootcourtbps@gmail.com](mailto:mootcourtbps@gmail.com)

Student Coordinator: Anjali and Jyoti—9992343273

Monika and Shilpa: 9416959686

## **MOOT PROBLEM**

### **Smt. Ajita Mehta Vs Editor “Daily Mail”, Mr. Harjeet Singh**

Sara is a clinical social worker in the emergency department of a Private General hospital located in the high-class area of Pune city, Maharashtra. This “ONP General Hospital” is well equipped and has all specialty and comprehensive supportive services like Laboratory, Diagnostic and Imaging, Ambulance Service and Intensive Care Unit. On 26th May 2000 at about 10 a.m. 15 year-old boy was rushed to the hospital by his neighbors following an apparent suicide attempt. The boy had consumed a large quantity of antidepressant medication and benzodiazepine.

The neighbors immediately contacted his mother a ‘single parent’ working in a reputed multinational company. His mother Smt. Ajita Mehta immediately reached the hospital at about 10.30 a.m. At the hospital, the mother met Sara, who tried to help her cope with the crisis. Smt. Ajita Mehta insisted that she be allowed to be with her son during his emergency treatment. She had to be restrained by hospital staff when she tried to enter the room where her son was being treated.

During the episode, the mother appeared to be anxious and worried and was losing temper very often. Everyone including her neighbors tried to calm her down and wait for the test reports and further course of treatment. In her fit of anger she was continuously blaming the boy’s father, with whom she was engaged in a bitter custody battle. According to the mother, the boy’s father was responsible for the boy’s emotional distress and he has never shouldered any responsibility in his upbringing. The mother was also critical of the boy’s school counselor

who, the mother said, should have shared more information with her about her son's distress which probably would have helped her in seeking medical help. Unfortunately the boy did not survive and died in few hours.

On 30th may 2000 while reading the newspaper " Daily Mail" Smt. Ajita Mehta came across an article on "Need and Importance of Child Counseling in cases of single Parenting" She realized that the Article was written by a Clinical social worker Harjeet Singh. He had quoted several examples, with holding the real names and one of the examples was very close to her son's incident. With the example the name of the ONP Hospital was mentioned. On enquiry she found that Mr. Harjeet Singh is attached to several hospitals including ONP General Hospital and obviously had access to the hospital records.

Her colleagues, friends, relatives were making phone calls for condolence but at the same time were mentioning about the newspaper article. They also advised her to keep control over her temperament and should go for yoga and meditation because she is not known for this kind of behavior and were rather taken by surprise.

Mrs. Mehta had to resume her office immediately on 1<sup>st</sup> June as she had lot of assignments to complete and meet the deadlines. Her immediate superior called her in his office and asked about the article and about her son's distress and was apprehensive if she could complete her work in time. Mrs. Mehta assured her that what was written in the news paper was not true to which her superior agreed and added that in past he had no complaints about her work and she is known as meticulous and hardworking employee. However he informed that her promotion and salary increment which was due is time being delayed

further for six months and her performance will be evaluated to be entitled for the promotion and increase in salary and other benefits. During lunch time many of her colleagues discussed the same issue, which she found painful, mentally and emotionally exhausting. Smt. Ajita Mehta found everything unbearable and thought that at the time of medical crisis of their children every parent is bound to react in the similar manner.

She filed a suit against the news paper and the author of the article Mr. Harjeet Singh for defamation. In conjunction with her grievances, she requested a copy of the hospital's medical record.

When Smt. Ajita Mehta reviewed the chart, she was stunned to read the following words in sara's clinical note: "Mother noticeable symptoms of pre-morbid separation issues and egocentric/hysterical tendencies. History of troubled marriage and differing relationships, she clearly have persistent unresolved issues around grief and loss." The same words were used in the example of the news paper article. Smt. Mehta was enraged by those words and judgments passed on her personal character. She filed the suit in the civil court for defamation and asked compensation of Rs. fifty lakhs against the respondent. The lower Court passed the judgment against Smt. Ajita Mehta. Aggrieved by the judgment she filed an appeal in High Court of Bombay, Mumbai.

Following issues came up before the court for consideration.

1. Whether the words used in the clinical notes of Sara and published in the news paper were defamatory?
2. Is the newspaper and Mr. Harjeet singh liable for paying damages to Smt. Mehta for defamation in public relations?