



2nd SIR SYED NATIONAL MOOT COURT COMPETITION (SSNMCC-II) 2016-17

FEBRUARY 25- 26, 2017

Organized by:

DEPARTMENT OF LAW

Aligarh Muslim University, Aligarh-202 002 (U.P.)



2nd SIR SYED NATIONAL MOOT COURT COMPETITION (SSNMCC-II) 2016-17

FEBRUARY 25- 26, 2017

Organized by:

DEPARTMENT OF LAW

Aligarh Muslim University, Aligarh-202 002 (U.P.)

PROFILE OF ALIGARH MUSLIM UNIVERSITY

Aligarh Muslim University (AMU) is among the oldest Central Universities in India. It was established by Sir Syed Ahmad Khan , the great social reformer and statesman. In 1877, he founded the Mohammedan Anglo Oriental College (MAO) in Aligarh and patterned the college after Oxford and Cambridge universities. His objective was to build a college in tune with the British education system but without compromising its Islamic values. It was one of the first purely residential educational institutions set up either by the government or the public in India. It was also around this time that a movement began to have it developed into a University. To achieve this goal, expansions were made and more academic programs added to the curriculum of the college. By 1920 the Mohammedan Anglo-Oriental College was transformed into the Aligarh Muslim University (AMU).

The main campus of AMU is located in the city of Aligarh spread over the area of 467.6 hectares. AMU offers more than 300 courses in the traditional and modern branches of education. Aligarh Muslim University occupies a unique position amongst Universities and institutions of higher learning in the country. It draws students from all states in India and from different countries, especially Africa, West Asia and Southeast Asia. The University has consistently ranked among the best educational institutions in India. In 2012, the University was ranked 5th by India Today. In 2013, the University ranked 9th in the top 10 higher education institutions in India by Times Higher Education World University Rankings. According to Times Higher Education, Asia Ranking 2014, A.M.U ranks 3rd among Universities in India. In the year 2015, this Central University is graded by “Times Higher Education” London and also “US News & World Report” as the second best amongst Universities of the country. **The University Accredited by NAAC in 'A' grade.** The University is open to all irrespective of caste, creed, religion or gender. The Aligarh Muslim University is the realization of a vision which was broad, far-reaching and realistic. Apart from the conventional Under graduate and Post graduate courses in Social Sciences, Pure Sciences and Humanities, the University keeps pace with the nations growth by offering facilities for specialized learning in areas of technical, vocational and inter- disciplinary studies. It is a living symbol of composite culture of India and a bulwark of its secular principles.

About the Faculty of Law

The Faculty of Law, Aligarh Muslim University Aligarh has a glorious history. It has shown remarkable progress and has significantly contributed to the academic as well as social development. The Department of Law, Aligarh Muslim University is one of the oldest Departments in India. The teaching of Law in AMU was introduced in the year 1883. Sir Syed Ahmad Khan, the Founder was greatly impressed by the Programme of Legal Education in British Universities and he was very keen to have legal education taught on that pattern in AMU also. In 1960, the Department of Law came into being into a full-fledged Faculty. Credit goes to Late Prof. Hafizul Rehman, the first Dean of the Faculty to develop a modern curriculum and research programme. In real sense he was the architect of the present Faculty of Law.

Faculty of Law is considered as the mother Faculty which has produced innumerable legal icons. Its alumni have distinguished themselves nationally and internationally in various spheres of life and are spread far and wide around the world. Some of its illustrious products who rose to senior and eminent positions in judiciary include the Supreme Court Judges such as Mr. Justice Baharul Islam, Mr. Justice Murtaza Fazle Ali, Mr. Justice R. P. Sethi. Other prominent foreign Justices & Chief Justices include Justice Baseer Ahmad Khan (Chief Justice, Tanzania), Justice Augustine Saedi (Chief Justice of Uganda). Moreover, foreign Advocates/Attorney Generals include Mr. Ali Ahmad Fuzail (Attorney General of Pakistan & Advocate General of United Provinces), Mr. Faiyyaz Husain (Advocate General of Pakistan & Advocate General of United Province), Mr. Qazi Khan Bux (Advocate General, Sindh), Mr. S. Nasiruddin (Advocate General of West Pakistan) etc. A few other eminent personalities of this Faculty who have served or are serving in different prestigious capacities include Prof. Hafizul Rehman, Former Dean and founding father of the Faculty of Law, AMU, Aligarh, Prof. N.R. Madhava Menon-Former Vice-Chancellor, NLS, Bangalore, Former Vice-Chancellor, LJ, Kharagpur and Member, Sarkaria Commission on Centre-State relations, Member of Law Commission, Former Vice-Chancellor, National Judicial Academy, Bhopal etc., Prof. Tahir Mahmood-former Dean, Faculty of Law, Delhi University, Former Chairman, National Minorities Commission, Member of Law Commission, New Delhi, Prof. V.S.Rekhi-Former Dean & Chairman, AMU and Former, Vice-Chancellor, NLU, Bhopal, Prof. Faizan Mustafa, Vice-Chancellor, NALSAR University of Law, Prof. S.K. Agrawal, Former Vice-Chancellor, Agra University, Agra etc.

This year the Faculty has been ranked at 6th position in terms of academic and research excellence among the Indian Law Universities. The Department of Law also signed Memorandum of Understanding (MoU) with Washington Law School.

2nd SIR SYED NATIONAL MOOT COURT COMPETITION (SSNMCC-II) 2016-17

The Faculty of Law, Aligarh Muslim University, Aligarh is proudly organizing the 2nd Sir Syed National Moot Court Competition (SSNMCC-II) for the session 2016-17. This National Moot Court Competition is being organized in the name of **Sir Syed** who was a great visionary, social reformer and one of

the architects of modern India. He was one of those early pioneers who recognized the role of education in the empowerment of the poor and backward community particularly Muslims. This 2nd Sir Syed National Moot Court Competition (SSNMCC-II) 2016-17 will be held on February 25-26, 2017 at the Faculty of Law, Qila Road, Aligarh.

Rules for the 2nd Sir Syed National Moot Court Competition (SSNMCC-II) 2016-17

- 2nd Sir Syed National Moot Court Competition 2016-17 will be organized by the Department of Law, AMU, Aligarh. All decisions by the Organizers in case of any disputes/ doubts etc. will be final. The Organizers may make such rules and procedures at any point of time, as they deem fit.
- Participating College/University/Institution shall be presumed to be the parent Institution of the Participating Team.
- Rules should be strictly adhered to. Any deviation from them would attract disqualification or other penalties mentioned subsequently.
- Imposition of penalties including disqualification rests solely with the Organizers in case of failure to comply with the rule(s) and deadline(s)
- All the rules are only inclusive and not exhaustive for the competition.



Date and Venue:

2nd Sir Syed National Moot Court Competition 2016-17 will be held on February, 25-26, 2017 at the Department of Law, Qila Road, AMU, Aligarh.

Dress Code: Inside the Court Room the participants shall be in formal wear only.

Boys

Black Coat/ Sherwani
White Pajama
White Shirt
Black/Gray Trouser
Black Tie
Black Shoes

Girls

Black Coat
White Shalwar/Trouser
White Kameez
White Dupatta
Black Shoes

Language: The official working language of the Moot Court Competition is English.

Eligibility: The competition is open only for bona fide students of all recognized Institutions /Universities who are currently pursuing their Bachelors degree in Law i.e. 3-Years LL.B. or 5- Years LL.B. Programme.

Team composition:

- Each team shall consist of a minimum of 2 and maximum of 3 members. This number cannot be modified under any circumstances.
- There shall be 2 speakers and 1 researcher designated in a 3 member team while in case of a 2 member team, both the members shall be considered to be speakers. Teams shall identify the speakers and researcher during registration. No extra member or observer shall be allowed.
- Any additional member of any Participating Team shall not be entitled for hospitality or for any award.

Registration:

- Teams must confirm their participation only by sending a scanned copy of the 'Registration Form' (annexed herewith) completely filled and duly signed by the Head of the participating Institution. Scanned copy must be sent to amumoot2017@gmail.com latest by 31st January 2017.
- No forms received after the deadline shall be considered for registration.
- In case of any changes in the team composition, in terms of the members, the same must be officially conveyed earlier to the Organizers.

Registration Fee:

The participating teams shall be required to pay the registration fee of **Rs. 3000/- (Rupees Three Thousand only)** on the first day of the competition between 8:00 a.m. to 9:00 a.m. in the Department of Law itself i.e. the venue of the Moot Court Competition.

Rounds:

There shall be two Preliminary Rounds, a quarter-final round, a semi-final round and a final round. **Orientation and draw of lots** shall take place on **24th February, 2017**.

There shall be two preliminary rounds wherein every Participating Team shall be required to argue once from each side.

- Preliminary round(s), Quarter-Finals and Semi-finals will be held on **25th February, 2017**.
- Top eight teams will qualify for the Quarter- Finals at the end of the Preliminary Rounds. The first eight teams will be selected on the basis of their oral scores in the Preliminary Rounds.
- The Final will be held on **February 26, 2017**.

Memorials:

The following requirements for memorials must be strictly followed and any non-compliance of the same shall attract penalties or disqualification:

- Each team must prepare memorials for both the sides to the moot problem.
- Once the Memorials have been submitted, no revisions, supplements or additions will be allowed.
- The last date for submitting the Memorials for both the side in soft copy is **15.02.2017** and hard copy is **18.02. 2017**.
- No amendments/ improvements shall be made subsequent to the referred submission.
- The soft copy of the memorials shall be sent via e-mail to **amumoot2017@gmail.com** The same should be sent in PDF/Microsoft Office Word 2003/2007 Format only. [.doc or .docx] Attachments should be titled as for Petitioner side and as for Respondent side. e.g. **PET.11 and RES.22**.
- Six copies each of the memorials for Petitioner & Respondent (excluding copies for use by the team) should be carried by the teams at the time of draw for the Oral rounds.
- It shall be the Sole responsibility of the respective participating teams to ensure that the correct number of copies of the Memorials is submitted to the Organizers within the prescribed deadline.

Format of Memorials:

a) Cover Page: The cover page of the memorial must state the case title, the Party for which the Memorial has been prepared
The cover page for the respondent side should be red colour and for the petitioner side should be blue colour.

- b) The table of contents.
- c) The index of authorities.
- d) The statement of jurisdiction.
- e) The statement of facts.
- f) The statement of issues.
- g) The summary of arguments.
- h) The arguments advanced/ body of arguments.
- i) The prayer

Memorial format: Spacing: 1.5 Line Spacing. Margins: One inch margin on all sides of each page. Font: The font for the body of the memorial shall be Times New Roman, size 12. The font for the foot notes shall be Times New Roman, size 10. Memorials must be spiral bound only. Page numbering should be at the bottom middle of each page. The maximum number of pages in each Memorial should not exceed 30 pages including 20 maximum pages for Written Submissions/ Arguments Advanced.

Marking of Memorials: Every Memorial will be marked on a total of 100 marks and the team memorial marks will be the average of the total of both sides. The following shall be the marking scheme:

S. No.	Criteria	Marks Allotted
1.	Knowledge of Facts and Law	20
2.	Analysis, Organization and Clarity	20
3.	Extent and Use of Authority	20
4.	Correct Format and Citation	15
5.	Originality in Presentation	15
6.	Grammar and Style	10
Grand Total		100

Oral Rounds: In each oral round, a team shall be represented by two speakers to present the arguments. The researcher shall not participate in the arguments but may be present during the Oral Rounds.

Preliminary Rounds: Each team will be given a total of 30 minutes to present its case. The time includes questioning by judges. The division of time is left to the discretion of the team members, subject to a maximum of 18 minutes per speaker. Division of time should be informed to the Court Assistants/Clerks at the beginning of the round. The oral arguments need to be confined to the issues presented in the memorials. Passing of notes to the speakers by the researcher during the rounds is allowed. A maximum of 5 minutes may be reserved for rebuttal or sur-rebuttal. Judges may at their discretion, extend the time allotted for the oral arguments up to a maximum of 10 minutes. In the Preliminary Rounds, each Team shall argue once as a Petitioner and once as a Respondent. All teams are expected to carry with themselves any case law and authorities which they intend to refer to.

Quarterfinal, Semi-final & Final Rounds: The time limit in the Quarterfinals and the Semi-finals is the same as preliminaries. In the Finals each team will get a total 45 minutes to present its case. The division of time is left to the discretion of the team members, subject to a maximum of 25 minutes per speaker. Division of time should be informed to the Court Assistants/Clerks before the beginning of the rounds.

Scouting: Teams will not be allowed to observe the Oral Rounds of any other teams. Scouting is strictly prohibited. Scouting by any of the teams will result in instant disqualification. In case of any default, the Organizers' decision will be final.

Awards:

i Winning Team Award

- Winner's Trophy

ii Runner up Team Award

- Runner's up Trophy

iii Consolation Prize

iv Best Speaker Award

v Best Memorial Award



Copyright:

The copyright over the memorials submitted for participation in the competition by participants shall vest completely and fully in the Department of Law, Qila Road, AMU, Aligarh.

- The Participants shall certify in writing the originality of materials contained therein and shall be responsible for any claim or dispute arising out of the further use and exhibition of these materials.
- Further use and exhibition of these materials, electronically or otherwise, shall be the exclusive right of the Faculty of Law, Aligarh Muslim University, Aligarh, UP, India which shall not be responsible for any liability to any person for any loss caused by errors or omissions in the collection of information, or for the accuracy, completeness, or adequacy of the information contained in these materials.

Disclaimer: The Moot Court Competition is based on a fictitious problem, whereby the characters & the incidents or the course of events in the moot court are completely imaginary and the same has no relation to any person living or dead or any post/present real life incident. The Moot Court Competition is made solely for the purpose of training law students of India in developing an analytical bent of mind and serving the Bar and the Bench to the best of their abilities.

Accommodation and food: Accommodation and food will be provided by the organizers **from the evening of February 24th, 2017 to evening of February 26th, 2017.**

Note: Intake/use/even mere possession of any prohibited substances (e.g. cigarettes/ alcoholic/ narcotic substances etc.) is strictly banned during their stay throughout the competition.

MOOT PROBLEM

Euphoria is the second highest populated country in the world located in the South Asia. Its population constitutes near-about 84 % of Harsi community, 14% Marsi community and 1.5% of the other minority communities. The Laws of Euphoria are in pari-materia with that of India.

One, Dr. Sameer belonging to the minority Marsi community is a practicing doctor. One day he met with a Marsi preacher from Africa and was highly inspired by him. He gave up his medical practice and dedicated his life to the cause of preaching and propagation of Marsi religion. He founded an organization called MRO (Marsis Research Organization) and established its headquarter in *Heptanesia*, the capital of Euphoria. The aims and objectives of this organization was to conduct scientific research based on the teachings of the Marsis religious books and the teachings of the Holy Prophet of the Marsi religion and to propagate the same. The organization also used to study the text of other religions of the world and draw comparisons between them by pointing out the similarities and distinctions between them. The MRO also launched its own TV channel to propagate and debate the Marsi religion.

Dr Sameer not only memorized the text of the Holy books of the Marsis but also of other religions of the world. He used to invite scholars of other religions to debate with him on his TV channel. He used to outplay his opponents by his logics and command over religious texts of almost all the religions of the world. Soon he became very popular among the Marsis as well as non Marsi communities throughout the world. Referring to the Holy book of the Marsis he used to say - "*Whoever kills a person, it is as though he has killed all mankind. And whoever saves a life, it is as though he has saved all mankind.*"

By listening to him around 1 million people from other religions converted to Marsi religion. As a result the scholars and preachers of other religions started envying him. The CDs and online videos of his preachings became very popular and out of the earnings of these CDs and videos he established a charitable trust called Marsis Research Organization Trust. The donations received by the trust were used in running the schools and hospitals throughout the Euphoria.

One day there was a terrorist attack in the neighbouring country of Kangla. A group of six gunmen entered into a mall and opened fire in which several non-Marsis were killed. The assailants were gunned down. The facebook profile of one of the assailants says that he was influenced by the teachings of Dr. Sameer and has also shared some videos of Dr.Sameer's speeches on his facebook wall. As soon as the news surfaced several countries of the world including Euphoria banned his organization and TV channel. His passport was also impounded.

Meanwhile, a bomb blast took place at the entrance gate of the Central Railway Station in Heptanesia which killed 12 people and left more than 30 injured. Later in the evening, a terror outfit called *Euphorian Revolutionaries* claimed the responsibility of the blast by an email sent to the Heptanesia police. The investigation team recovered a mobile phone from the blast site with a sim card registered in the name of Dr. Sameer. During the investigation

it was found that the email was sent from a cyber cafe located near the MRO headquarter. The investigation team also conducted the raids at the MRO headquarter located in the city and recovered RDX, detonators and other explosive substances from the official premises of MRO headquarter. Some documents and CDs were also seized which revealed that Dr. Sameer had received donations from various countries including a neighbouring country, Mankistan, which is believed to be sponsoring the terrorism in Euphoria and some of these donations were in violation of Foreign Contribution Regulation Act (FCRA).

Several other complaints were already registered against Dr. Sameer in various police stations for outraging the religious feelings by his lectures and the working of MRO. Dr. Sameer believed to be the mastermind of the attack and was arrested along with two other member persons of MRO, Nayyar and Tipu and the investigation was handed over to National Investigation Agency. Dr. Sameer confessed of his involvement in the bomb blast before the investigating agency. They were put on trial before the Special NIA Court and statements of 22 witnesses were recorded by the prosecution.

As to the recovery of mobile phone, the counsel appearing on behalf of Dr. Sameer contended that he had returned from Dukai a day before the blast and lost his mobile phone somewhere near the Central Railway Station. He also produced a railway ticket in his defence. It was pleaded that he has always been preaching the lesson of non-violence to his followers and prosecution has failed to prove any motive behind his involvement in the blast. The Special Court on hearing the arguments from both the sides and examining the evidence deposed found all the three accused guilty under sections 121,121A, 120B read with 302, 307, 325, 326 of Euphorian Penal Code (EPC), sections 16,17,18,39 and 40 of The Unlawful Activities (Prevention) Act and sections 3, 4(a) (b) and 6 of Explosive Substances Act and sentenced them to death.

An appeal was preferred to the High Court of Heptanesia against the order of conviction on the ground that Special Court failed to properly appreciate the evidence deposed before it and the guilt of the appellants could not be proved beyond reasonable doubts. The High Court upheld the conviction and death sentence to Dr. Sameer (A1), commuted death sentence of Nayyar (A2) to life imprisonment only while acquitted Tipu (A3) of all the charges due to insufficient evidence. The Court observed that *“although (A1) was not directly involved in the attack but he stood behind the plan from starting till end, and was the architect without whom the plan could have never seen the daylight”*

Aggrieved by the judgment of the High Court, Dr. Sameer (A1) approached the Honorable Apex Court of Euphoria and the matter is listed for hearing on 25th of Feb, 2017.

A writ petition is also filed by MRO in the Supreme Court of Euphoria against the ban on MRO and its TV Channel by the Government of Euphoria contending that it is the violation of Freedom of Speech and Expression, personal liberty, Freedom of Religion, Freedom to form Association guaranteed under the Euphorian Constitution.

Note: The Writ Petition filed does not form part of the appeal before the Supreme Court of Euphoria, but for the convenience of argumentation, the last issue shall be dealt in the same Court.

Clarifications:

- Last date for requesting clarifications on Moot Problem is January 31st, 2017. Teams are requested to use the e-mail as the mode for seeking clarifications.

Contact: In case of any queries or clarifications regarding the competition feel free to contact the following: (e-mail correspondence is encouraged)

LAW SOCIETY OFFICE BEARERS

S.N.	Name	Class	Mobile No.
1	Syed Mohammad Haris (Vice President)	LL.M. (I st Year)	7505220705
2	Farhan Shamsi (Secretary)	BA.LL.B (Final year)	769031780
3	Piyush Gautam (Secretary Moot Society)	BA.LL.B.(III rd Year)	9917144354
4	1. Utkarsh Srivastav 2. Urooj Afreen 3. Faham Ahmed Khan 4. Sahbaj Akhtar (Joint Secretaries)	BA.LL.B. (III rd year) BA.LL.B. (II nd Year) BA.LL.B. (II nd Year) BA.LL.B. (II nd Year)	9410024290 8449581459 7351148801 8235451721
5	Mahboob Alam Inayati (Editor)	BA.LL.B. (IV th Year)	9756492390
*6.	1. Salman Qasmi 2. Abdullah Samdani (Joint Editors)	BA.LL.B. (II nd Year) BA.LL.B. (II nd Year)	7417335873 8791294020



Director

Prof. Iqbal Ali Khan
Chairman
Department of Law
AMU, Aligarh.
Mob: 09927008430

Convener

Prof. Javaid Talib
Dean
Faculty of Law
AMU, Aligarh.
Mob: 09411416135

Organizing Secretaries

Dr. Mohammad Tariq

Associate Professor
Department of Law
AMU, Aligarh.
Mob: 09214482190

Dr. Hashmat Ali Khan

Assistant Professor
Department of Law
AMU, Aligarh.
Mob: 09411488911

Office Phone No: 0571-2902627

Note: All correspondence relating to the Moot Court Competition should be made to the official **e-mail Id** for the Moot Court Competition which is amumoot2017@gmail.com

2nd SIR SYED NATIONAL MOOT COURT COMPETITION (SSNMCC-II)

DEPARTMENT OF LAW

Aligarh Muslim University, Aligarh-202 002 (U.P.)

February 25- 26, 2017

REGISTRATION FORM

1. Name of Institution/College/ University:.....
2. Postal Address:
- City: State: Pin No.
3. Official Email Address:
4. Official Telephone No.....

Seal & Signature of the Head of the Institution

Date:

Place:

TEAM COMPOSITION

Speaker 1:

Name :
Sex : M / F
e-mail Id :
Contact No. :

Speaker 2:

Name :
Sex : M / F
e-mail Id :
Contact No. :

Researcher:

Name :
Sex : M / F
e-mail Id :
Contact No. :

Date:

Place:

Speaker 1
(Signature)

Speaker 2
(Signature)

Researcher
(Signature)

REGISTRATION FEES PARTICULARS

Note: The Registration Fee of Rs. 3000/- (Rupees Three Thousand only) is payable by way of cash on the first day of the competition between 9:00 a.m. to 10:00 a.m. in the Department of Law itself i.e. the venue of the Moot Court Competition.

2nd SIR SYED NATIONAL MOOT COURT COMPETITION (SSNMCC-II)

DEPARTMENT OF LAW

Aligarh Muslim University, Aligarh-202 002 (U.P.)

February 25- 26, 2017

TRAVEL PLAN

1. Name of University/ Institution :
2. Name & Contact Details :
 - 1) Name (Speaker-I)
 - Mobile No.
 - 2) Name (Speaker-II)
 - Mobile No.
 - 3) Name (Researcher)
 - Mobile No.
3. Arrival Details:
 - a) Mode (✓) : 1) Train 2) Bus
 - b) Train No. & Name :
 - c) Scheduled Arrival : Date: Time:am/pm
 - d) Coach No. (in case of Train):
4. Departure Details:
 - a) Mode (✓) : 1) Train 2) Bus
 - b) Train No. & Name :
 - c) Scheduled Departure : Date: Time:am/pm
 - d) Coach No. (in case of Train):
5. Any other details:
.....

Signature of Speaker-I

Signature of Speaker-II

Signature of Researcher