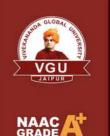


संज्ञान से सामा तक



Josephartners VGU Ranka National Moot Court Competition, 2024



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ABOUT FACULTY OF LAW VIVEKANANDA GLOBAL UNIVERSITY, JAIPUR

At Faculty of Law, Vivekananda Global University, our focus is to develop and advance interdisciplinary legal education and scholarship. We challenge normative pedagogy and believe in establishing and implementing new approaches towards teaching and learning which lead the University to NAAC A+ accreditation in a short span of a decade since its inception.

As a leading research-oriented institute, we encourage unrestricted academic imagination in the belief that thinking outside the box leads to original, relevant and impactful research. Thus, we incubate research on a range of diverse and unconventional ideas, including but not limited to, intellectual property, constitutional law, and criminal law. We take pride that our effective and impact-driven research has on numerous occasions received recognition.

Since our inception in 2013, we have become one of India's premier law universities. Our students have gone on to excel in diverse fields, such as academia, legal practice, administrative services and entrepreneurship. This is a testament not only to our students' drive, talent and intellect but to our sincerity and diligence as well. We value and embrace diversity of thoughts, opinions, values and expressions. We believe that educational institutions should be fair and inclusive spaces that help everyone in achieving their true potential.





ABOUT RANKA PUBLIC CHARITABLE TRUST

The Trust was set up by Late Dr. N. M. Ranka, Senior Advocate in the year 1980. Major activities undertaken by the Trust are as follows:

- To promote the GANDHIAN PHILOSOPHY and to motivate the citizens, students, teachers, judicial officers, lawyers and litigants, the Trust has installed 50 statues of Mahatma Gandhi all over India at various premises Including at High Courts of Rajasthan, Orissa, Kerala, Karnataka & Gauhati, District Courts, Central Jails, Universities and Colleges.
- The Trust has adopted Government Upper Primary School, Ramnagariya, Jaipur wherein approximately around 200 students from the lowest strata of society are getting free education with boarding facilities.
- The Trust in order to promote tax education and awareness, gives RANKA BEST TAX CONFERENCE AWARD under the banner of All India Federation of Tax Practitioners, Mumbai to deserving Tax Bar Associations.
- The Trust is publishing books. Such books are freely distributed all over India. Till now more than 25,000 copies have been distributed. List of books printed and published are:
 - Law Profession-My Experiences & Expectations;
 - **▶** Vital role of Constitution in Women Empowerment;
 - Glimpses of Gandhian Philosophy;
 - N.A. Palkhivala A Living Legend Par Excellence;
 - **▶** Constitutional Perception of Fundamental Duties;
 - **▶** BE A PERFECT PERSON:
 - **BUILD THE NATION**

The Trust has pioneered the Moot Court Competitions in Jaipur and more than 20 competitions have been organized in collaboration with Five Year Law College of Rajasthan University, University Law College, Jaipur and Manipal University, Jaipur and Vivekananda Global University, Jaipur and SGT Tricentenary University, Gurugram.

The trust also provides scholarship to needy students and provides free medicines and food to poor patients from time to time.

The Trust also grants donation to likeminded Trusts carrying out works of philanthropy, education, old age homes, etc.

IN THE HON'BLE SUPREME COURT OF THE REPUBLIC OF MAIZLAND

IN THE MATTER OF:-

PART-1

SPECIAL LEAVE PETITION NO. CR.W/01/2024

MS. JANIE CRAWFORD

...PETITIONER

VERSUS

MR. JOHN CLAGGAT & ANOTHER

...RESPONDENTS

PART-2

SPECIAL LEAVE PETITION NO. A.BAIL/01/2024

MS. JANIE CRAWFORD

...PETITIONER

VERSUS

MR. JOHN CLAGGAT & ANOTHER

...RESPONDENTS

COMPROMIS

FACTS:-

Part 1

That Ms. Janie Crawford and Mr. Richard Carstone enter into an agreement with Mr. John Claggart for buying his commercial premises being New Bank Street, City of Milo Monya, Republic of Maizland *vide* oral agreement dated 01.01.2018 for a consideration of 50 Million Dollar out of which 25 Million Dollar were paid to the Respondent. The Petitioner then files a Civil Suit 1001/2018 in the City Civil Court at City of Milo Monya, Republic of Maizland against the Respondent. Apart from filing a civil suit, the Petitioner also filed a Police Complaint against the accused, which resulted in the registration of an FIR dated 01.01.2019 for the offences punishable under Section 420 of the *Penal Code of Republic of*

Maizland. And consequently, the accused came to be arrested after the rejection of the anticipatory bail application and he could secure bail only after filing of the charge-sheet.

Somewhere around March, 2019 the Respondent issues a forged/ fabricated letter in the name of "Chief Judge" of City of Milo Monya, to Mr. Richard Carstone, an important witness in the case related to other FIR against the Respondent alleging that Mr. Richard Carstone was a member of Al-Qaeda and other similar organisations and also accusing him of Money laundering. The letter was handed over by Mr. Richard Carstone to Ms. Janie Crawford in 2017.

The Respondent herein also filed a Civil Suit in 2014 in order to cover his misdeeds and acts of fraud and cheating.

Criminal Writ Petition under Article 226 of the Constitution of Republic of Maizland was filed by Mr. Richard Carstone in the High Court of City of Milo Monya with the prayer to issue a writ of *Mandamus*.

Part 2

That the present Special Leave Petition assails the judgment and order dated 01st December 2023 passed by the Hon'ble High Court of City of Milo Monya in Anticipatory Bail Application No. 1001/2023 wherein and whereby the Hon'ble High Court of City of Milo Monya, vide order dated 01.12.2023 allowed the Anticipatory Bail application of the Respondent herein and faulted in considering the gravity and the extent of the crimes committed by the Respondent as well as the dire need for custodial interrogation of the Respondent in the event of the grave and heinous nature of crimes committed by him.

Pertinently, the Hon'ble High Court of City of Milo Monya vide order dated 01st December 2023 failed to consider the seriousness of the crime in which the Respondent impersonated himself as a Judicial officer and sent a letter addressed to Camille, resident of the Republic of Maizland and also an important witness in another case against the Respondent by the Petitioner related to some other FIR. It was because of the nature and extent of the crime committed by the Respondent that he was denied Pre-arrest bail earlier in 2019 and the same considerations were not taken by the Hon'ble High Court of City of Milo Manya while allowing the application as now the level of crime committed is even bigger as shown in present FIR and the Respondent herein was granted Anticipatory Bail on extraneous and irrelevant grounds.

The Hon'ble High Court of City of Milo Monya has failed to appreciate that a bare perusal of the present FIR. would show that the Respondent had committed the offence

under Sections 420, 465, 468, 469, and 471 of the *Penal Code of Republic of Maizland* wherein he forged a letter in the name of the Learned Judge of City Civil Court, and while doing so, the Respondent also created a fake seal and rubber stamp of the said court and also signed the said letter in the name 'Chief Magistrate' thereby showing that the said letter has been issued by the Court and thus, he forged the signature of the Learned Judge and the said letter was then sent to Ms. Camille by the Respondent through registered post from City of Milo Monya Post Office.

The Hon'ble High Court of City of Milo Manya has further failed to appreciate in the said letter Ms. Camille was accused of having links with several terrorist organisations like the Al-Qaeda and also for money laundering and as a consequence of which Ms. Camille contacted Mr. Richard Carstone, the husband of the Petitioner herein and after showing the said letter to an advocate it was realised that the same was forged and fabricated. These circumstances clearly indicate that the said letter that was forged by the Respondent was done with the motive of creating unnecessary pressure on Ms. Camille to dissuade her from deposing in the case against the Respondent.

The Hon'ble High Court failed to consider the facts that it is not the first time that the Respondent has been accused of a crime as in the past as well he has committed offences under *Prevention of Corruption Act*, wherein he was accused of cheating the Oriental Bank of Commerce in respect of which an FIR was also registered against the Respondent. This shows that it is not the first time that the Respondent has been accused of cheating, defrauding as well as forgery, rather the Respondent has been a habitual offender which makes a Custodial Interrogation necessary for him given his criminal antecedents.

In any event, since the very nature of the crime that has been accused to have been committed by the Respondent is such that it requires a proper Custodial Interrogation of the Respondent and if the same is not done it would lead to miscarriage of justice and also the Petitioner would have to live in a constant fear of their witnesses being tampered with as well as while looking at the criminal antecedents of the Respondent, they would have to live in constant fear of any mishappening to them.

The Hon'ble High Court has further failed to appreciate that this Hon'ble Court in a catena of judgments has observed that Bail under Section 438 of the *Code of Criminal Procedure of Republic of Miazland* could not be granted in the case of a habitual offender and a person with criminal antecedents and that by granting bail to the Respondent the Hon'ble High Court of City of Milo Monya has made an error. In view of the facts stated hereinabove, all the parameters which are required to be taken into account while deciding the present SLP, are against the Respondent and resultantly, he is not entitled to get the relief of Section 438 of the *Code of Criminal Procedure of Republic of Maizland*.

The aforesaid judgment and order of the Hon'ble High Court of City of Milo Monya is *ex-facie* erroneous, perverse and legally unsustainable. The finding of the Hon'ble High Court of City of Milo Monya is based on clear misconception of law which has resulted into gross violation of Petitioner's constitutional and legal right, which has resulted into filing of the present SLP before this Hon'ble Court.

<u>In the present Writ Petition following question of law are before the Hon'ble Supreme</u>

<u>Court of the Republic of Maizland for adjudication:-</u>

- 1. Whether the present Special Leave Petition is maintainable or not? (As Preliminary Objection for Both Part)
- 2. Whether the Hon'ble High Court of City of Milo Monya was justified in passing the impugned order when the respondent has been accused of offenses which are of heinous and grave nature?
- 3. Whether the Hon'ble High Court of City of Milo Monya was justified in allowing the application of the Respondent for Anticipatory Bail when it is a proven fact the Respondent has a history of committing such offences and is a Habitual offender?
- Both parties (Petitioner and Respondents) are required to raise one additional issue/effect of their choice (Compulsory).

NOTE:-

- Participants are requested to argue on the side of the Petitioner as well as on the side of the Respondents before the "Hon'ble Supreme Court of the Republic of Maizland" pertaining to the above case and further elucidate the arguments with appropriate case laws and inputs.
- The laws of *Republic of Maizland* are *pari material* with laws of *India*. The *Republic of Maizland* considers the leading common law precedents as being highly persuasive. Hence, all the relevant ancient, modern, texts of Indian law may be referred for arguing the case.
- This Moot Problem has been formulated solely for the purpose of this competition for furthering the academic exercise only.
- The researcher of every team has to act as *amicus curiae* in the present competition and submit a brief submission (consisting of 2 Pages only from their respective memorial) to Hon'ble Judges before the speakers of the respective team advance their arguments.

Rule 1 - Team Composition

- 1. Each team shall consist of minimum 2 and maximum of 3 members. This number cannot be modified under any circumstances. In case only two members are participating then speaker-1 and 2 can participate then neither of them is allowed to give researcher test.
- 2. In case 3 members are participating then there shall be 2 speakers and 1 researcher in each team.
- 3. Each team will have a team code. Teams should not disclose their identity or that of their institution or city, etc., under any circumstances during competition and such disclosure shall invite penalties including disqualification from the competition directly. The decision for the same shall be at the discretion of the organizers.

Rule 2 - Date and Venue

1. The said competition shall be held from **24**th - **26**th **February, 2024** at the Faculty of Law, Vivekananda Global University, Sector 36, NRI Colony Rd, VGU Campus, Jagatpura, Jaipur, Rajasthan 303012.

Rule 3 - Dress Code

- 1. Male: advocate's attire (black blazer, black trouser, black formal shoes and white formal shirt with black tie) is compulsory. Participants are expected to make their own arrangements regarding the same. Not abiding by the said rule can lead to direct disqualification and the organizing committee will have complete discretion regarding the same.
- 2. Female: advocate's attire (black blazer, black trouser, black formal Belly and white formal shirt with black tie) is compulsory. Participants are expected to make their own arrangements regarding the same. Not abiding by the said rule can lead to direct disqualification and the organizing committee will have complete discretion regarding the same.

Rule 4 - Eligibility Criteria

- 1. Students pursuing any three-year or five-year integrated course of the LL.B. degree from any recognized Law college/university in India by UGC/BCI are eligible to participate.
- 2. Participant shall carry their college Identity card for the purpose of identification during the said competition.

Rule 5 - Registration Fees

- 1. Registration fee with accommodation: Rs. 5000/- (Rupees five thousand only)
- 2. Registration fee without accommodation: Rs. 3000/- (Rupees three thousand only)

Account holder name: Vivekananda Global University, Jaipur

Account number: 914010001166425

IFSC code: UTIB0000626

Bank name: Axis Bank, Malviya Nagar, Jaipur

Note:-

(Receipt of online payment should be attached with the registration form)
(The registration amount is inclusive of registration fees, food & accommodation)

- All the teams will be provided with a team code once after the confirmation of registration with confirmation of payment has been completed.
- Teams shall register with the host institution by 15th February, 2024 before sending the registration form and payment receipt. Forms will only be accepted if the host has confirmed the registration formalities. Please note that the last date to finally register and book your slot is 15th February, 2024.
- Teams from each participating institution are required to send a scanned copy of their duly filled-in registration form along with the payment receipt/screenshot for registration via email to info.mootevgu.ac.in latest by 15th February, 2024. Each college must ensure that the subject of the mail reads "Registration for 3rd VGU Ranka National Moot Court Competition, 2024". Forms received after the deadline shall not be considered.
- Memorial submission by soft copy on 18th February, 2024.
- Memorial submission by hard copy on 20th February, 2024.
- No pickup drop services will be provided by the host institution.

Rule 6 - Language

1. The said competition shall be in english language only. Use of vernacular language by the participants during the said competition is prohibited.

Rule 7 - Guidelines for Memorials

Written Submissions Structure: The Written Submissions must contain following contents:

- Cover Page
- Table of Contents
- List of Abbreviations
- Index of Authorities
- Statement of Jurisdiction
- Statement of Facts
- Issues Raised

- Summary of Arguments
- Arguments Advanced
- Prayer

Team Code: The team code must be ascribed on the top right corner of the cover page. The code must be succeeded by the side for which the written submission is prepared.

- Margin: The Written submission must maintain an equal margin of 1 inch on all sides. Non-compliance will result in a penalty of 1 marks per each side of written submissions.
- Font, size and line spacing: The text font should be Times New Roman or Garamond, size 12 and must be in 1.5 line spacing. Non-compliance will result in a penalty of 0.5 marks per incorrect format of font, size and line spacing with a maximum of 2 marks per page of the written submissions.
- Footnotes: The footnotes must be in Times New Roman or Garamond font, size 10 and singly spaced. There should be double line spacing between two footnotes. The bluebook: A uniform system of citation (20th Edition) should be followed in the written submission throughout. Non-compliance will result in a penalty of 1 marks per page. substantive/speaking footnotes are strictly prohibited. Non-compliance will result in a penalty of 1 marks per substantive citation.
- Header and footer: The font used for the header/footer, if any, shall be Times New Roman or Garamond, size 10, 1 spacing. Non-compliance will result in a penalty of 1 marks per page of the Written Submissions.
- Page Limit: The memorial shall not exceed from 40 pages and minimum shall be 25 pages. No annexures, photographs, exhibits, etc. should be added to the written submission. The written submission shall be marked on a score of 100 marks.

Rule 8 - Scouting

- 1. Teams will not be allowed to observe the oral rounds of any other teams. Scouting is strictly prohibited. Scouting by any of the teams shall result in disqualification, as per the discretion of organizers.
- 2. Any participating team can file a written complaint to the organizers, regarding the incident of scouting. The organizers decision shall be final.
- 3. The researchers will sit with the speakers at the time of orals and shall not attend the rounds of any other team participating in the said competition.

Article 9 - Researcher test

• The researcher test will take place on 25th February, 2024 in order to determine the

best researcher. The test will be for 60 minutes comprising of questions both legal and factual, relating to the moot proposition and concerning laws.

Rule 10 - Rounds

- Registration for the preliminary rounds will be held on 23rd February, 2024 and draw of lots for other rounds shall be on the day of the round.
- The preliminary rounds will be held on **24**th **February**, **2024** comprising of two (2) rounds for each team. In the preliminary rounds, each team shall appear from both petitioner and respondent sides.
- Eight teams shall qualify for the quarter finals.
- The quarter final rounds will be held on 25th February, 2024.
- The semi final rounds will be held on 26th February, 2024.
- The final round will be held on **26**th **February**, **2024**.

Rule 11 - Oral Rounds

In the preliminary and quarter final rounds the time slot for each round shall be as follows:

Opening Statement on behalf of Petitioner	5 minutes
Opening Statement on behalf of the Respondent	5 minutes
Arguments by Petitioner	15 minutes
Arguments by Respondent	15 minutes
Prayer from Petitioner	5 minutes
Prayer from Respondent	5 minutes

therefore, the petitioner will get a total of 25 minutes and the respondent will get a total of 25 minutes in the preliminary rounds. Each speaker shall have to argue at least on one issue. This rule shall apply to the Two (2) rounds comprising the preliminary round. Each speaker shall deliver either the opening statement or the final argument in each round.

In the semi finals and final round, the time slot shall be as follows-

Opening Statement on behalf of Petitioner	5 minutes
Opening Statement on behalf of the Respondent	5 minutes
Arguments by Petitioner	20 minutes
Arguments by Respondent	20 minutes
Prayer from Petitioner	5 minutes
Prayer from Respondent	5 minutes

Rule 12 - Judging Criteria

Parameters for judging are:

- Knowledge of facts.
- Logic & clarity in reasoning.
- Persuasiveness and deference to court.
- Proper, articulate and systematic analysis of the issues arising out of facts.
- Understanding of the laws and procedure.
- Ingenuity (ability to argue by analogy from related aspects of law) or knowledge of the relevant provisions relating to penal laws.

<u>Note</u>

- Both the teams must be aware about the appellate procedure followed by the courts.
- The first 8 teams who scores highest marks and win both the preliminary rounds shall be selected for the quarter finals.
- In case no 8 teams win in both the preliminary round 1 and preliminary round 2, the aggregate scores in both the rounds (i.e. an aggregate of marks given by all the judges) shall be considered and the top scorers teams shall be selected for Quarters.
- The teams with the highest aggregate marks by all the judges in their respective rounds shall qualify for semi-finals. The same scheme shall apply for finals.

Rule 13 - Awards

- 1. Winner Rs. 21,000/-
- 2. Runner Up Rs. 11,000/-
- 3. Best Speaker Rs. 5,000/-
- 4. Best Researcher Rs. 5,000/-
- 5. Best Memorial Rs. 5,000/-

Rule 14 - Certificates

Certificates will be awarded only to the participants during the valedictory ceremony and under no circumstances they will be provided to any of the participants absent during the ceremony. In the event that the participants fail to collect their certificates, no mail will be sent by the host institution acknowledging their participation.

Rule 15 - Accommodation and Meals

- 1. The registration amount of Rs. 5000/- is inclusive of registration amount & accommodation. The accommodation shall not be provided by the host institution in any case before 23rd February, 2024 11:59 AM and after 27th February, 2024 11:59 AM.
- 2. Respective team who wishes to arrive a day before the event begins or leave a day after the event ends, needs to submit a regular accommodation amount for adjustment.

Note: Drinking and smoking is strictly prohibited and non-compliance of this rule will lead to disqualification and the host institution can institute action against the team found violating this rule and impose heavy penalty.

Rule 16 - Miscellaneous

- Case laws that the parties wish to rely on at the time of final arguments shall be submitted in three copies in form of a compendium (one for the judges, one for the other side and one for itself). The source of judgements should be from a verified database like SCC Online, Manupatra etc.
- Opening statement of the petitioner shall be from facts and the issues raised. It shall be
 necessary to point out the supporting material from the factsheet herewith provided to
 sustain the arguments. As far as the respondent is concerned, the opening address shall
 require them to point out the allegations against them.

- Judges are at liberty to ask questions to the participants on relevant points of law which
 may arise as per the fact sheet arising during the conduction of proceedings, in order to
 test the participant's knowledge of the relevant provisions relating to penal laws.
- Last date for seeking clarification with respect to the said competition is 15th February,
 2024.
- Clarifications can only be sought via email on **info.moot@vgu.ac.in**.

Rule 17 - General Rules

- Each team must prepare memorials for both sides.
- Once the memorials have been submitted, no revision, supplements or additions will be allowed.
- One advance soft copy in PDF format must reach the organizers latest by 18th February,
 2024 on info.moot@vgu.ac.in.
- 12 hard copies (6 copies from each side) of the memorials should reach the organizers latest by **20th February, 2024** at the aforementioned address.



PATRONS



Dr. K Ram (Retd. IPS)Chief Patron, VGU
Chairman, VTS Rajasthan



Dr. K R BagariaFounder & Vice Chairperson, VGU
Former Member, RPSC



Dr. Lalit K Panwar (Retd. IAS)

Chairperson, VGU

Former Chairman, RPSC



Er. Onkar BagariaCEO, VGU

ORGANISING CHAIRPERSON



Prof. (Dr.) Vijay Vir Singh
President, VGU

ORGANIZING COMMITTEE

CONVENOR

Mr. Siddhart Ranka

Secretary, Ranka Public Charitable Trust

Dr. Shilpa Rao Rastogi

Head of The Department Faculty of Law, VGU

ORGANIZING SECRETARY

Dr. Archana Sharma

Faculty In Charge, Moot Court Society

Dr. Sakshi Vashisth

Faculty In Charge, Moot Court Society

FACULTY COORDINATORS

Ms. Sushree Devashrita

Faculty Member, Moot Court Society (+91 90400 51168)

Ms. Isha Dhanda

Faculty Member, Moot Court Society (+91 70221 52731)

Ms. Pooja Sharma

Faculty Member, Moot Court Society (+91 85619 48889)

Mr. Aditya Choudhary

Faculty Member, Moot Court Society (+91 95490 17287)

For any inquiries, please contact us at info.moot@vgu.ac.in

Mr. Nitin

Event Coordinator (+91 96027 58799)

Mr. Pradhyuman Tripathi

Convener (+91 98283 06033)

Mr. Khagesh K. Sharma

Co-Convener (+91 97857 79961)

ORGANIZING COMMITTEE



Dr. Shilpa Rao Rastogi Head of The Department



Dr. Archana Sharma Assistant Professor



Dr. Sakshi Vashisth Assistant Professor



Ms. Garima D. Sangwan **Assistant Professor**



Ms. Priyanka Saraogi Assistant Professor



Ms. Sushree Devashrita



Assistant Professor



Ms. Pooja Sharma Assistant Professor



Ms. Isha Dhanda

Assistant Professor

Ms. Hemlata Bhagtani Assistant Professor



Mr. Rahul Bishnoi **Assistant Professor**



Mr. Aditya Choudhary **Assistant Professor**

EVENTS ORGANIZED



1st VGU RANKA NATIONAL MOOT COURT COMPETITION

Total Participation - 30 Teams Date - October 23 to 25, 2021

Dignitaries Visited - Hon'ble Mr. Justice Ajay Rastogi, Judge, Supreme Court Justice P.K. Lohra, Lokayukta, Rajasthan

Hon'ble Mr. Justice N.K. Jain, Former Chief Justice, Madras High Court Justice G.K. Vyas, Chairman, Rajasthan State Human Rights Commission.



1st VGU RANKA NATIONAL TRIAL ADVOCACY COMPETITION

Total Participation - 35 Teams

Date - April 01 to 04, 2022

Dignitaries Visited - Hon'ble Mrs. Justice Bela M. Trivedi, Judge Supreme Court Hon'ble Mr. Justice M.M Srivastava, Former Chief Justice, Rajasthan High Court Hon'ble Mr. Justice Pankaj Bhandari, Judge, Rajasthan High Court Hon'ble Mr. Justice Anoop Kumar Dhand, Judge, Rajasthan High Court

Justice Govardhan Bardar, Former Judge, Rajasthan High Court



2nd VGU RANKA NATIONAL MOOT COURT COMPETITION

Total Participation - 28 Teams

Date - November 26 to 28, 2022

Dignitaries Visited - Hon'ble Mr. Justice Dinesh Maheshwari, Judge, Supreme Court

Hon'ble Mr. Justice Ashok Kumar Gaur, Judge, Rajasthan High Court Hon'ble Mr. Justice Sudesh Bansal, Judge, Rajasthan High Court Prof. (Dr.) S. Sivakumar, Sr. Prof. Indian Law Institute, Former Member, Law Commission of India.





Designed with passion and creativity by Khagesh K. Sharma

For any inquiries, please contact us at info.moot@vgu.ac.in