



**2023**

# **CHECKMATE**

**13<sup>th</sup> AIL National Moot Court  
Competition- 2023**

**Army Institute of Law, Mohali**

## **SCHEDULE**

- ❖ **Release of Moot Proposition:** 18th September, 2023.
- ❖ **Deadline for provisional Registration:** 30th September, 2023.
- ❖ **Deadline for Registration form along with submission of the fee for memorial @ Rs.1000/-:** 6th October, 2023.
- ❖ **Deadline for seeking clarifications to the proposition:** 6th October, 2023.
- ❖ **Release of clarifications:** 10th October, 2023.
- ❖ **Deadline for submission of soft copies of Memorials:** 20th October, 2023.
- ❖ **Declaration of the Result of the Memorials:** 1st November, 2023.
- ❖ **Deadline for submission fee @ Rs. 4,000/- for Oral rounds:** 6th November, 2023.
- ❖ **Schedule for Oral Rounds (Top16 teams that qualified for oral rounds)**
  - a. **Reporting to AIL Campus-Registration for Oral Rounds:** 17th November, 2023, 10:00 AM.
  - b. **Octa Final & Quarter Final:** 17th November, 2023, 12:00 noon onwards
  - c. **Semi Final & Final Round:** 18th November, 2023.

# MOOT PROPOSITION

## PART 1

1. Jatindas Sharma, a senior citizen aged 90, lived in Raja Park, a predominantly Punjabi community area of Jaipur. He had come to Jaipur, right after partition in 1947 from Murree, Pakistan.
2. He started a small business of making handmade paper. He worked very hard to turn his small business into a company making notebooks, books, paper gift bags, wrapping papers, paper plates, glasses etc., all from recycled paper.
3. Jatindas Sharma lived in a big house along with his wife, Rani, three sons, Dinesh, Ninesh and Mangesh, who lived with their respective wives and children. Jatindas's three sons had married three sisters from a large business family, the Ranas, in the old city.
4. Jatindas was close to his neighbor Mr. Parnami who was younger to him. Mr. Parnami had a small textile printing business and had also immigrated from Pakistan. They would converse for long hours on everything from business to common interests and were the best of friends.
5. Jatindas was not happy with his elder sons Dinesh and Ninesh. Their relationship was strained due to lot of reasons. They would argue at meal times regarding the business or on petty issues such as the heat-wave in Rajasthan or deciding on which car to buy. Jatindas would complain about them wasting hard earned money on

luxury items and maintaining a lavish lifestyle. Sometimes the fights would turn ugly. Dinesh and Ninesh were also not happy as they felt that Jatindas always favored Mangesh. Jatindas knew that the family business ran smoothly because of Mangesh. Mangesh was a sensible, cautious and a soft-spoken person. Ninesh and Dinesh contributed very little to the business but claimed equal share in the profits, which was not liked by Jatindas. Jatindas would often say that he would disown them and will leave everything to Mangesh.

6. Jatindas was taken to a nearby Clinic on 16<sup>th</sup> Feb 2011, a particularly cold day, as he had fever, felt an uncomfortable numbness in his limbs and his hair were falling out in clumps. The MBBS doctors prescribed certain blood tests and some mild medicines for immediate relief. The doctor said that he would change the medicines only after blood test reports are shown to him. Ninesh and Dinesh got the blood tests done from a local path lab, which was owned by their common college friend.
7. On 17<sup>th</sup> morning the family panicked as Jatindas condition deteriorated sharply and his uneasiness increased. Everyone thought he had suffered a stroke. He was taken to the nearby hospital. By the evening of the 17<sup>th</sup>, he died of a suspected cardiac arrest. Since he was around 90 years, the doctors did not carry-on further investigations.
8. Nevertheless, since the blood report had come, it was not shown to the doctor. Ninesh and Dinesh kept it aside saying that now it was infructuous as their father had passed away. The Path Lab reports, along with many other personal things were dumped in a

corner of the house as everyone got busy with the last rights of Jatindas. After which everybody forgot about it.

## **PART 2**

9. The Patels were a moderate family who were living in Gandhinagar in Gujarat. In 2015, Shyam Patel with his wife and four-year-old son Bhavesh moved from Gandhinagar to Sanganer in Jaipur to set up textile printing factory. Little Bhavesh spoke fluent Punjabi. This for an essentially Gujarati family was quite odd as no one knew a word of Punjabi. Bhavesh's parents were quite surprised by his lingual ability. They did find it a bit peculiar, but did not give it too much thought, thinking that probably he was a gifted child. Since his childhood, Bhavesh used to often talk about his village in Pakistan. He said that he belonged to Murree. A google search did indicate a town by precisely that name. He used to mention little details about the city as though he had been there.

10. When Bhavesh turned 11 his parents decided to take him to the Moti Dungri Ganeshji Mandir which was said to be over 500 years old. When they reached Mandir, Bhavesh refused to enter the Mandir. He insisted that they drive past and go in a particular direction. They made their way through small and twisted lanes. Finally, he told them to stop in front of a massive bungalow with huge a garden in the heart of Raja Park. This is where I lived, he declared and this is where I was murdered, he said. The parents were shocked and did not know how to react to this revelation.

**11.** Bhavesh's parents decided to probe into the matter and take it forward. They knew Mr. Rathore who was a Senior Police officer presently posted in Jaipur. Mr. Rathore was Bhavesh's father's friend as they had studied in Gandhinagar together. Mr. Rathore lived in a nearby locality of Civil Lines, a mere five minutes' drive from Raja Park. They gave a detailed description to Mr. Rathore about the entire incident.

**12.** Mr. Rathore was shocked to hear the story. He had never heard such a strange tale that seemed to be quite bizarre and unnatural. The police lodged a complaint and decided to further investigate the matter. After taking due permissions, they went to the house of Late Mr. Jatindas and took into custody his belongings.

**13.** The Police recorded statements of everyone in the house. They came to know Jatindas's wife had died a year after his demise. When her records were perused, the police noticed that there was a sharp similarity in the symptoms between the death of Jatindas and his wife. During investigation by the police, they found the blood test reports that were lying in the corner of the store house. Both the blood test reports confirmed presence of thallium in them.

**14.** On questioning Jatindas three daughter-in-laws, they gave evasive answers. One grandchild namely Sameer (son of Dinesh, who is now 16 years old but was around 4 years at the time of occurrence) gave a statement that he clearly remembers their house help, Sartaj fiddling with Grandfather's hookah every day before his death. Sartaj was without reason sent back to his native village in District Abohar, Punjab

after the death of his Grandfather. Thereafter, the police registered a case under Sec 302 and Sec 34 IPC.

**15.** Statements of other witnesses including the neighbors were recorded during investigation by the police. Mr. Parnami (Jatindas closest friend) now 82 years of age, who was about 70 years when Jatindas died, recorded in his statement stating that Jatindas was not happy with his son's Ninesh and Dinesh and had given them several warnings to stop wasting the company's money on their extravagant lifestyle else he would disinherit them. The Police also recorded the statement of Mr. Parnami's son that he was present when Jatindas had told his father about his grievance and anger against his two sons.

**16.** The hookah, which was used by Jatindas, that was recovered from the store house was sent for forensic examination and traces of chemical compound, thallium was found in it. There was a report prepared by the Forensic expert in this regard.

**17.** Four days later the police arrested Ninesh and Dinesh. During three days of police remand, Ninesh and Dinesh accepted their guilt during police interrogation. They were not allowed any access to lawyer after arrest. They signed their confession paper explaining the detail in which they said that they slowly added small quantities of thallium in their father's hookah, which ultimately led to his death. They also confessed to poisoning their mother's food in a similar manner. Their mother, was very sharp and had got suspicious about death of her husband. She started asking some

uncomfortable questions, so they thought of poisoning her too. They successfully achieved this with the help of their house help, Sartaj.

**18.** Sartaj, who was partner in their crimes had been hired a few years ago. After this incident, he grew greedy and started black mailing them. He demanded money from them for doing all this. Sartaj kept thallium stored in a bottle which was given to them by him.

**19.** Based on this statements/disclosure, the Rajasthan police traced Sartaj in Abohar and arrested him without informing the local police. Sartaj confessed his crime and even led to the recovery of that bottle of thallium from the cupboard in an abandoned outhouse of the Jatindas's house. Bank details of Sartaj were investigated, which showed regular entries of money into his account from different names, all belonging to the Sharma household as well as company accounts.

**20.** Team of fingerprint experts lifted the impression from the bottle which was full of dust. Finger print impressions of both accused, were taken in order to compare with finger prints lifted from bottle in which thallium was stored. The report of expert from government laboratory however showed absence of sufficient marks on thallium bottle for comparison.

**21.** The Police filed a completion report before the trial Court against Sartaj, Ninesh and Dinesh under Sec 302, 34 and 120B of the IPC for the murder of Jatindas Sharma and his wife Rani. The trial has started in the Sessions Court, Jaipur.



## PROSECUTION WITNESS

**PW 1** Sameer said he made his 161 CrPC statement under fear of police; he was very young even remember names of dozens of households, who used to work in their haveli.

**PW 2** Bhavesh deposed in court and supported and corroborated whatever he said about leading police to house where he was murdered in his last birth as Jatindas. He was thoroughly cross examined and was asked certain questions which only real Jatindas could have known. Bhavesh answered them correctly and confidently to the surprise of all sitting in court. For example, he could tell names of all persons with whom he had business relationships; how much money he had in different bank accounts when he died, where he kept his gold ring in the mandir which was recovered by police during investigation and was exhibited, the date and day of his marriage, his stay at places during partition etc.

**PW 3** Mr. Parnami's son turned hostile.

**PW 4** A new witness, Alekh Parnami (Mr. Parnami's grandson, aged about 15 years) whose statement was not recorded under section 161 CrPC, was also called to depose in Court. He informed the court about hearing from his father and grandfather, how Jatindas was unhappy with his two sons and how he felt that they were up to something illegal.

**22.** Only these witnesses were examined. Certain reports were tendered as exhibits by

the Public Prosecutor who also submitted bank statement of Sartaj who was facing trial with the two accused. The Public Prosecutor also gave scientific medical literature which showed probable cause of death in both reports (Jatindas and his wife) due to poisoning.

**23.** All the accused denied the allegation of the prosecution and took defense that this was the handiwork of their business rivals who had been eyeing their business and properties. The story of rebirth has no truth in it. Someone from the family must have provided the child with all the details and relevant information. Waiting for around 11 to 12 years to claim rebirth is clearly a plot by the enemies of the family who had prepared the child.



### ISSUES

- A. Whether the accused are liable for the offence?**
- B. How reliable are the recoveries made as a result of the confession made by Bhavesh? Would these be admissible?**
- C. Quantum of punishment that the Court may decide in case of a conviction of all three accused?**

Argue the case from both sides.

# **RULES & REGULATIONS**

## **1. GENERAL DATES**

Checkmate 2023 - Army Institute of Law 13<sup>th</sup> National Moot Court Competition (Oral rounds) will be held on 17th -18th November 2023.

## **2. TEAM PRE-REQUISITES**

- a. Only one team from each participating college shall be registered for the competition. Each team shall comprise of either three members (two Speakers and one Researcher) or two members (two Speakers) only.

**Note- No faculty member, coach, observer, or a designated observer or fourth member is allowed to accompany the team, and neither will be allowed to join the teams during oral rounds.**

- b. The language for the Competition shall be English only.
- c. Participation is restricted to bonafide law students either enrolled in the 3-year law course or the 5-year integrated law course.
- d. The rounds shall comprise of:
  - i. Memorial Rounds (Memorial based selection)
  - ii. Octa/Quarter/Semi and Final Rounds (Offline Rounds)

## **3. REGISTRATION**

- a. The teams should provisionally register through by sending an E-mail to: [ailcheckmate2023@gmail.com](mailto:ailcheckmate2023@gmail.com) (with subject Moot Court Registration

Checkmate2023)

- b. Only 36 teams will be registered to participate in the competition on first-come-first serve basis.
- c. Registration Fee for Memorial based selection: Rs 1000/- (Non-refundable) for each participating team. The fee for Memo rounds to be submitted by 6th October, 2023 through online transaction by clicking on the link:

<https://www.onlinesbi.sbi/sbicollect/icollecthome.htm?corpID=593474>

- d. The scanned copy of the receipt of payment along with the duly filled registration form should be sent on or before 6th October,2023, via e-mail [ailcheckmate2023@gmail.com](mailto:ailcheckmate2023@gmail.com) with the following details:

Details of Payment of Registration Fee:

- i. Transaction ID
  - ii. Bank
  - iii. Date of payment
- e. After the Memorial Round, Top **16 teams** shall qualify for Octa Rounds.
  - f. Fee for Oral round to be held at AIL Mohali is Rs 4000/-, to be paid by 6th November, 2023. The said fee of Rs. 4000/- (Non-refundable) shall include following meals:
    - i. 17th November- Lunch and Dinner
    - ii. 18th November -Lunch.

Payment Link-

<https://www.onlinesbi.sbi/sbicollect/icollecthome.htm?corpID=593474>

- g. No stay shall be provided by the organizers for Oral rounds. The teams who qualify for oral rounds shall make their own arrangements of stay and transport
- h. No change in the names of the participants shall be permitted unless the same has been communicated to the organizers a week before the event in exceptional circumstances (at the discretion of organizers). It will be only allowed if the participating college attaches due proof.

#### **4. DRESS CODE**

The dress code for the oral rounds shall be advocate's attire, i.e., Black and White combination, including Blazer/ Tie and black shoes (Name of the team/college should not be displayed).

#### **5. MEMORIALS**

- a. The following requirements for memorials must be strictly followed. Non-conformities of which will lead penalty points. Each team must prepare memorials for both parties to the dispute.
- b. Once the memorials have been submitted, no revision, supplements, or additions will be allowed (If done the team may be disqualified).
- c. Each team must send its Memorial via e-mail to [ailcheckmate2023@gmail.com](mailto:ailcheckmate2023@gmail.com) by 20th Oct., by 11:59 P.M.

- d.** Please note that Two Set of Hard Copies are required to be submitted for oral rounds.
- e.** The Hard copies are to be submitted by the selected 16 teams for oral rounds, when the team reports physically to the campus for oral rounds on November 17th,2023. No postage of memorial is required.
- f.** The Cover Page of the memorials for the Prosecution shall be in Blue, and the Defense shall be in Red.
- g.** Late submissions will result in a 01-point penalty per team per day per side.
- h.** The written memorials shall conform to the standards mentioned below:
- i. Written submissions shall be on white A4 size.
  - ii. The font and size of the text used in all parts of the written submissions (except the covers) shall be in Times New Roman, 12-point and footnotes shall be in Times New Roman, size 10.
  - iii. The text in all parts of each written submission shall have 1.5-line spacing except the text of foot notes and headings, which shall be single-spaced.
  - iv. The arguments with appropriate citations shall be contained in the pleadings. The teams shall follow the 21st Edition of the Bluebook mode of citation.
  - v. The Written Submission/memorial should not exceed the maximum limit of 35 Pages (excluding Cover Page and Table of Contents). The Pleadings (Arguments Advanced) shall not exceed 20 pages.
  - vi. Memorials must have a one-inch margin on all sides of each page.

**The memorials must contain:**

- A. Cover Page
- B. Table of Contents
- C. Index of Authorities
- D. Statement of Jurisdiction
- E. Statement of Facts (Argumentative statements of facts would attract penalties)
- F. Questions of Law
- G. Summary of Arguments
- H. Arguments Advanced
- I. Prayer
- J. Appendix (Optional)
- K. Exhibits (Optional)

**The cover page of the memorials must state the following:**

- A. The case title
- B. Identity of brief as prosecution or defense

**Marking Criteria for Memorials**

- A. Knowledge of facts and law (20)
- B. Proper and articulate analysis (20)
- C. Extent and use of research (20)
- D. Clarity and Organization (20)
- E. Citation of sources (10)

## F. Grammar and Style (10)

**NOTE:** The identity of the Institution or the members shall not be revealed anywhere in the memorial. Violation of this provision shall result in disqualification of the team. The decision of the organizers will be final.

## 6. ROUNDS

### MEMORIAL ROUNDS

- Participants will be judged on the basis of the memorials submitted for both sides-Prosecution and Defense. The memorial is to be forwarded at e-mail ID ailcheckmate2023@gmail.com
- The result of the memorial rounds will be declared on 1st Nov, 2023.
- Selection for the Octa rounds will be based on the score of the memorial. **Top SIXTEEN** teams will qualify for further rounds.

### OCTA FINAL ROUND

- The Octa Final Rounds shall take place on 17th November, 2023.
- It shall be conducted through physical mode.
- The Octa Final round of competition will consist of 30 minutes for oral pleadings.
- Each team shall strictly get a total time of 30 minutes to argue subject to a minimum of 12 minutes per speaker. The said 30 minutes should include a maximum of 3 minutes for the Rebuttals.



- At the beginning of the round, the teams shall specify the time distribution for each speaker and rebuttal to the Court Clerk.
- The rebuttal round proceeding shall be initiated once the Court Clerk informs the team about the commencement of the time limit.
- These rounds will be based on marks, and top eight teams will qualify for the quarter-final round.

### **QUARTER – FINAL ROUND**

- The Quarter- final will be conducted on 17th November, 2023.
- Quarter-final round of competition will consist of 30 minutes for oral pleadings.
- Each team shall strictly get a total time of 30 minutes to argue subject to a minimum of 12 minutes per speaker. The said 30 minutes should include maximum of 3 minutes for the Rebuttals.
- At the beginning of the round, the teams shall specify the time distribution for each speaker and rebuttal to the Court Clerks.
- The rebuttal round proceeding shall be initiated once the Court Clerks informs the team about the commencement of the time limit.
- The quarter final round will be based on marks, and four teams will qualify for the semi- final round.

### **SEMI - FINAL ROUND**

- The Semi-final Round will be conducted on 18th November, 2023
- The Semi Final round will be knockout round.

- For Semi -Final Round, each team shall get a total time of 40 minutes to argue, subject to a minimum of 15 minutes per speaker. The said 40 minutes should include a maximum of 4 minutes for the Rebuttals.

## **FINAL ROUND**

- The Final Round will be conducted on 18th November, 2023
- Each team shall get a total time of 45 minutes to argue subject to a minimum of 18 minutes per speaker. The said 45 minutes should include a maximum of 4 minutes for the Rebuttals.

### **7. AWARDS: WORTH Rs.95,000/-**

- Best Team :- Rs. 30,000/- along with a certificate
- Runners Up :- Rs. 24,000/- along with a certificate
- Best Memorial:-Rs. 15,000/- along with a certificate
- Second Best Memorial :- Rs. 9,000/- along with a certificate
- Best Speaker :- Rs. 10,000/- along with a certificate
- Second Best Speaker:- Rs.7,000/- along with a certificate

**NOTE:** All the Participants (Memorial and Oral Rounds) will get participation certificates after the competition.

## **8. ANONYMITY**

Student Advocates may introduce him/herself to the court in the usual manner and may also state their names. However, the team's college affiliation shall not be indicated to the judges at any time during the competition.

Further, all team members shall refrain from wearing any identifying items (such as college clothing, ties, badges, patches, or pins) or carrying/ showing material (such as books with a college logo or college seal, among others), as it may lead to disqualification.

## **9. GENERAL ETIQUETTE**

- a.** The participants are expected to be have in a dignified manner and not cause any unnecessary inconvenience to the organizers. Deference to the Judges of the Moot Court Competition is expected to be maintained in the Court room.
- b.** The Organize reserve the right to take appropriate action for any unethical, unprofessional, or immoral conduct.

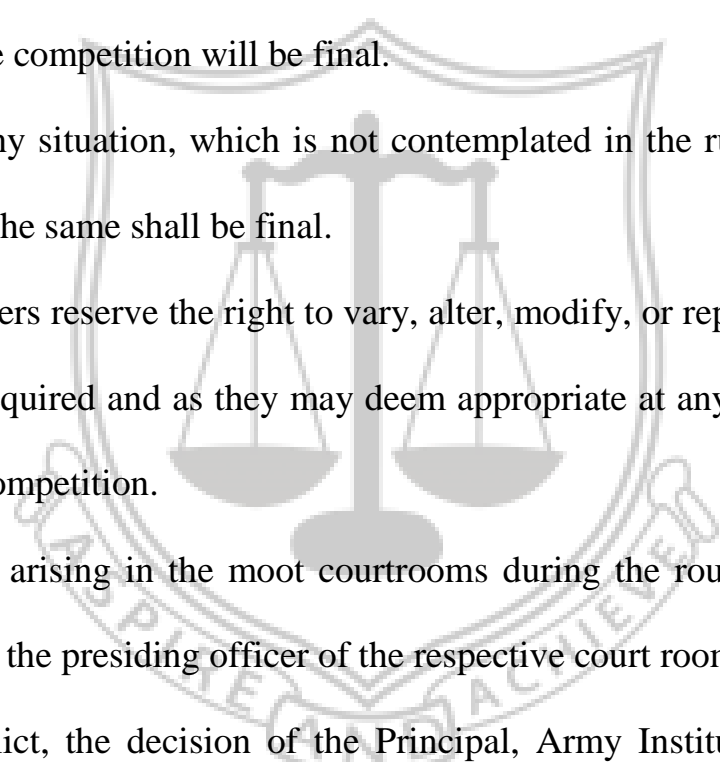
## **10. MARKING CRITERIA FOR ORAL ROUNDS**

- a.** Knowledge of the law and its application to facts (45points)
- b.** The research content of arguments and ability to answer questions (35points)
- c.** Mannerism, reverence to the court, and time management (20points)

## **11. DISCLAIMER**

The material in the Moot Court proposition is not intended to and does not attempt to resemble any incident or any person living or dead. All material in the problem is fictitious and any resemblance to any incident or person, if any, is not intended, but merely coincidental.

## **12. INTERPRETATION OF THE RULES**

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- a.** The Organizer's decision as regards the interpretation of rules or any other matter related to the competition will be final.
  - b.** If there is any situation, which is not contemplated in the rules, the organizer's decision on the same shall be final.
  - c.** The Organizers reserve the right to vary, alter, modify, or repeal any of the above rules if so required and as they may deem appropriate at any time before and/ or during the competition.
  - d.** Any dispute arising in the moot courtrooms during the rounds would be at the discretion of the presiding officer of the respective court room.
  - e.** In any conflict, the decision of the Principal, Army Institute of Law, Mohali, would be final.

### **ORGANISING COMMITTEE:**

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