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**3<sup>rd</sup> UPES NATIONAL TRIAL ADVOCACY MOOT COURT COMPETITION, 2017**

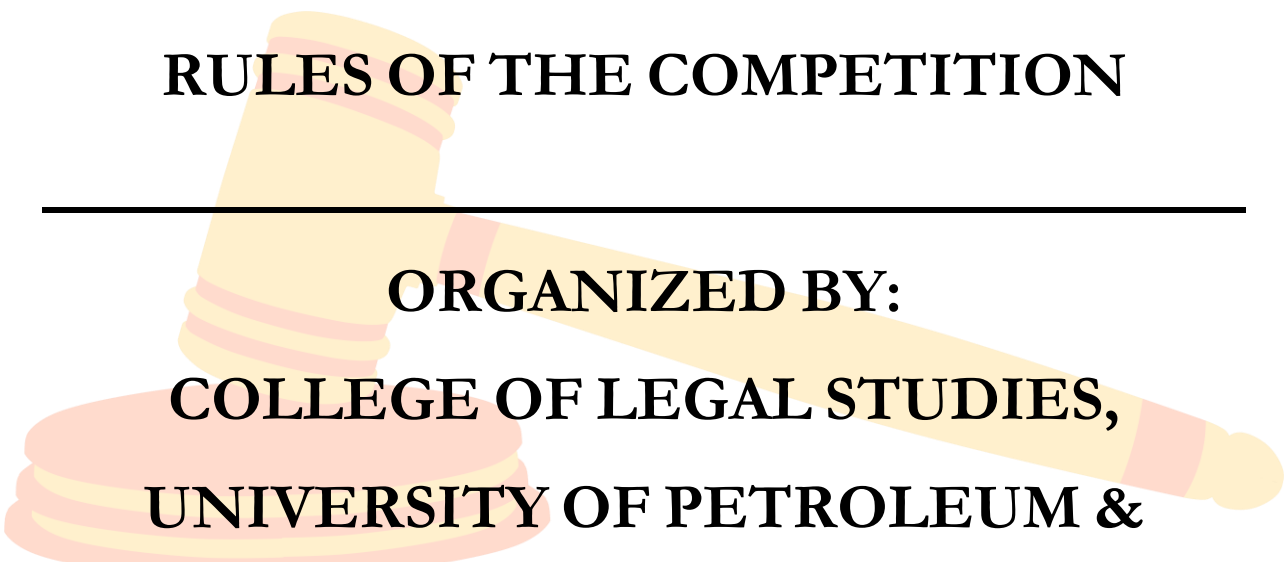
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**3<sup>rd</sup> UPES  
NATIONAL TRIAL ADVOCACY  
MOOT COURT COMPETITION, 2017**

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**RULES OF THE COMPETITION**

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**ORGANIZED BY:  
COLLEGE OF LEGAL STUDIES,  
UNIVERSITY OF PETROLEUM &  
ENERGY STUDIES**

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**17<sup>th</sup>-19<sup>th</sup> FEBRUARY, 2017**

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### I. AIM AND PURPOSE

3<sup>rd</sup> UPES National Trial Advocacy Moot Court Competition, 2017 has been conceived with the aim of promoting skills of trial advocacy and procedure followed by Trial Courts in India.

### II. LANGUAGE

The competition shall only be in English language.

### III. DRESS CODE

Advocates attire (including neckband and gown)

### IV. ELIGIBILITY

Participants should currently be pursuing their bachelor's degree in law i.e., 3 Year LL.B. or 5 Year Integrated LL.B. Programme.

### V. TEAM COMPOSITION

- a. Each team shall consist of maximum 3 (and minimum 2) members. This number cannot be modified under any circumstances.
- b. There shall be 2 speakers (mandatory) and 1 researcher (optional) designated for each team.
- c. The team *has* the discretion to decide the arrangement of the speakers for all the rounds.
- d. Each team will be provided with a unique team code by draw of lots during the orientation ceremony. The identity of the teams shall not be disclosed at any stage.



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Any such disclosure shall invite **disqualification**. The decision for the same shall be at the discretion of the Host University.

### IMPORTANT DATES

DATES	EVENTS
23 <sup>rd</sup> December, 2016	Release of Proposition and Rules & Regulations
10 <sup>th</sup> January, 2017	Last Date of Registration
15 <sup>th</sup> January, 2017	Last date of Clarification
30 <sup>th</sup> January, 2017	Last Date of Memorial Submission (Soft Copy)
2 <sup>nd</sup> February, 2017	Last Date of Memorial Submission (Hard Copy)
17 <sup>th</sup> February, 2017	Inauguration, Registration & Draw of lots
18 <sup>th</sup> February, 2017	Preliminary Rounds & Quarter – Final Rounds
19 <sup>th</sup> February, 2017	Semi – Final Rounds, Final Rounds and Valedictory Ceremony

### VI. REGISTRATION

- a. The teams must register themselves by sending an e-mail at [upes.trialadvocacy@gmail.com](mailto:upes.trialadvocacy@gmail.com) latest by 5<sup>th</sup> January 2016. A scanned copy of the duly attested **Registration Form** after final payment of registration fees shall be attached with the mail.
- b. Participants will receive an acknowledgement-cum-approval as a confirmation of their registration & participation periodically after registration.



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- c. A scanned copy of the **Registration Form** shall, from the participating college / institution / university, be duly signed by the following personnel:
- Faculty-in-charge of MCS/MCA; and
  - Registrar / Principal / Dean / Director / Chancellor / Vice-Chancellor.
- d. **Registration Form** shall confirm the names of the participants, Year/Semester in which participants are studying, Name of their respective college/institution/university and other details as mentioned in the **Registration Form**.
- e. Registrations without the scanned copy of the duly attested **Registration Form** from the college/institution/ university will NOT be valid.
- f. Once a registration is done, no change in the names will be possible. However, in exceptional circumstances, if a change in name is inevitable, a fresh registration has to be made along with a scanned copy of the duly attested **Registration Form** from the college/institution/ university clearly explaining the reasons for the change and with authorized signatory & seal of the college/institution /university, before the last date of registration.
- g. Due to the unique format of the competition and requirement of special arrangements, registration is restricted to only **20 teams**, which will be strictly on "**First Come First Serve basis**" (Priority shall be determined on the basis of registration completed with a scanned copy of **Registration Form** from the participating college / institution / university). Under no circumstances this rule shall be modified.
- h. Participants need to e-mail the soft copy of the **Registration Form** latest by 5<sup>th</sup> **January, 2017** to [upes.trialadvocacy@gmail.com](mailto:upes.trialadvocacy@gmail.com), with "**Registration for 3rd UPES Trial Advocacy- Name of the University**" as the subject of the mail.
- i. The duly attested *hard copy* of the **Registration Form** should be submitted to the host university *at the time of Registration*, without fail.



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### VII. ROUNDS

There shall be *two* preliminary rounds of arguments, one quarter finals, one semi-finals and a final round.

#### A. Preliminary Rounds

1. There shall be *two* preliminary rounds of arguments per team. One for prosecution & another for defense.
2. Each team will face a different bench in their second round of arguments.
3. Top eight teams will qualify for the quarter finals.
4. Teams shall be provided with their opponent's memorial after each draw of lots.
5. Every team shall compulsorily return to their court bailiff, other side's memorial immediately after the conclusion of each preliminary round.
6. **POINT BASED SYSTEM:** The two teams will then be marked on the round point system, which shall decide their qualification to the next round. The Point System is discussed below:
  - a. The points would be based on the **difference between the marks of two competing teams** in a courtroom in each preliminary round.
  - b. If, between the marks scored by competing teams in a courtroom, the difference is **8% or more**, the winning team will be allotted 7 points and the team scoring less will be allotted 0 points.
  - c. If the difference is **4% or more but less than 8%**, the winning team will be allotted 5 points and team scoring less will be allotted 2 points.
  - d. If the difference is **less than 4%** the winning team will be allotted 4 points and team scoring less will be allotted 3 points.
  - e. In case there is a **tie**, both the teams will be allotted 3.5 points each.



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### **B. Quarter – Finals**

1. Qualification to the *Quarter - Final Rounds* will be based on the following:
  - a. Teams with top 8 ranks as according to the point based system, after both the preliminary rounds, shall qualify for the Quarter Final Rounds.
  - b. In case of a tie, team scoring higher oral marks shall qualify.
  - c. In case a tie still persists, the team scoring higher memorial marks shall qualify.
  - d. In case a tie still persists, the team scoring higher marks in **point "D" under Oral Judging Criteria** shall qualify. (See Clause XII of this document)
  - e. In case a tie still persists, the team scoring higher marks in **point "C" under Oral Judging Criteria** shall qualify. (See Clause XII of this document)
2. Draw of lots will decide the competing teams in Quarter final rounds.
3. The teams will be provided their opponent's memorials only after the declaration of preliminary rounds results.
4. This shall be a knockout round

### **C. Semi – Finals**

The winner in the court room (based on oral rounds and memorial marks) of each Quarter Final round will proceed to the Semi Final Rounds.

Draw of lots will decide the competing teams.

### **D. Finals**

The winner of each Semi Final round will compete in the Final round. The Final round shall be held on **19<sup>th</sup> February 2017**.

## **VIII. RECORDING OF EVIDENCE**

The team members should take note of the questions and answers during chief/cross examination.



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### IX. MEMORIALS

The following requirements for memorial must be strictly followed. Non-conformities will be penalized:

- a. Each team must prepare memorials for both parties (i.e. Prosecution and Defense)
- b. The briefs shall be consistent with the Criminal Procedure Code, 1973 (Revised)
- c. Once the memorials have been submitted, no revisions, supplements, or additions will be allowed.
- d. **SOFT COPIES** of the memorials for both sides must be e-mailed to [upes.trialadvocacy@gmail.com](mailto:upes.trialadvocacy@gmail.com) with the subject titled "**Memorial Submission**" latest by **11:59 p.m.** on **30<sup>th</sup> January, 2017**. Late submissions will result in **2 point penalty** per category (Prosecution & Defense), per day till 4.30 p.m. on the day of registration.
- e. In addition to the above, **ONE** advance **HARD COPY** of both Prosecution and Defense Memorials must reach the host institution latest by **4:30 pm** on **2<sup>nd</sup> February, 2017** for the purpose of evaluation of memorial marks. Late submissions will result in **1 point penalty** per category (Prosecution & Defense), per day till 4.30 p.m. on the day of registration.
- f. **Five (5) copies**, each of the memorials for Prosecution & Defense, must be submitted at the time of registration and draw of lots.
- g. The memorials have to be submitted on typed A4 size paper printed on one side and must contain:
  - TABLE OF CONTENTS
  - INDEX OF AUTHORITIES



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- STATEMENT OF JURISDICTION
  - STATEMENT OF FACTS (not more than **1 page**; Submissions of an argumentative statement of facts would attract **1 point penalty**)
  - STATEMENT OF CHARGES
  - SUMMARY OF ARGUMENTS
  - ARGUMENTS ADVANCED (not more than **15 pages**)
  - PRAYER
- h. Arguments must not exceed **15 (fifteen)** pages. The Font Size should be 12, Font Style should be Times New Roman and with double-spacing.
- i. Footnotes must be in font size 10; Font Style should be Times New Roman; each footnote shall follow single-spacing; double spacing shall be left between two footnotes.
- j. Memorials should preferably be staple bound. Comb/spiral or any other form of binding will be considered improper binding. Please avoid plastic front sheets / separators.
- k. Memorials must have one inch margin on all sides of each page.
- l. Page numbering should be on the **top right side** of each page.
- m. Covers must be placed on briefs as follows:  
**Prosecution: Pale Blue Color;** and  
**Defense: Light Red Color**
- n. The cover page of Memorials must state the following:
- The Cause Title
  - Identity of brief as Prosecution or Defense.



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- o. Identity of the institution shall not be revealed anywhere in the memorial. **Code numbers** allotted to the team by the host institution should be mentioned. Violation of this provision shall result in penalties, including disqualification. The Host University's decision shall be final.
- p. The teams shall have an option to submit a compendium of not more than **25** pages (printed on both sides), which shall carry all the annexure and case laws that have been referred to in the memorial. The paper book shall have a white cover and **2** copies shall be in possession with the participants & can be passed on to the bench on demand through the court bailiff. Any identifying marks /seal of the college on the paper book shall attract severe penalties including disqualification. The submission of this paper book does NOT necessarily entitle the team to any additional marks.

### X. ORAL ROUNDS

#### General Rules

- a. Exhibits of the case are already before the Honorable Court.
- b. Minimum no. of witnesses to be examined upon will be disclosed in the proposition itself.
- c. Teams may examine all or the minimum prescribed number of the witnesses, within the time allotted to them.
- d. Teams should, before the commencement of a round, notify the court officers, as to which of the witnesses they would first like to examine in the course of the trial.

#### Preliminary & Quarter – Final Rounds

- a. The host institution will provide the witnesses. The witnesses will be generally briefed and assigned by the host university. However each team will have an opportunity to specifically brief their witnesses. The witnesses to be briefed will



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be assigned to each team **an hour prior** to the commencement of the respective round.

- b. Each team will get a total of **45 minutes** to present their case. Every minute of extra time will attract automatic penalty for the speaker crossing the limit.
- c. The rounds would be divided among the following stages/sequence:
- Opening statement by the prosecution – 5 minutes
  - Opening statement by the defense – 5 minutes
  - Examination in Chief by the prosecution – 12 minutes
  - Cross Examination by the defense – 20 minutes
  - Examination in Chief by the defense – 12 minutes
  - Cross Examination by the prosecution – 20 minutes
  - Closing statement by the prosecution – 8 minutes
  - Closing statement by the defense – 8 minutes

The allotted time for each segment is the maximum that the respective speaker can avail of.

- d. **Each of the speakers shall conduct either the chief or the cross-examination and deliver either the opening or closing statement.** Therefore, each speaker shall compulsorily conduct an examination and deliver either the opening or closing statement. The order of speakers and the examination and statements they would present, is to be intimated by the teams before the commencement of the rounds and cannot be altered at any subsequent stage.
- e. The oral arguments need not be confined to issues presented in the memorials.

### **Semi – Final Rounds**

- a. Each team will get a total of **55 minutes** to present their case.



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b. The division of time shall be as follows:

- Opening statement by the prosecution – 5 minutes
- Opening statement by the defense – 5 minutes
- Examination in Chief by the prosecution – 15 minutes
- Cross Examination by the defense – 25 minutes
- Examination in Chief by the defense – 15 minutes
- Cross Examination by the prosecution – 25 minutes
- Closing statement by the prosecution – 10 minutes
- Closing statement by the defense – 10 minutes

The allotted time for each segment is the maximum that the respective speaker can avail of.

c. Each of the speakers shall conduct either the chief or the cross-examination and deliver either the opening or closing statement. Therefore each speaker shall compulsorily conduct an examination and deliver either the opening or closing statement. The order of speakers and the examination and statements they would handle (chief / cross / opening / closing), is to be intimated by the teams after the announcement of the preliminary round results and cannot be altered at any subsequent stage of the competition.

### **Final – Round**

- a. Each team will get a total of **55 minutes** to present their case.
- b. The division of time shall be the same as that followed in the Semifinals.
- c. The oral arguments need not be confined to the issues presented in the memorials.



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### XI. SCOUTING

- a. 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 disqualification.
- b. Any team can file a written complaint, with the Host University regarding a case of scouting. The Host University's decision will be final.
- c. 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.

### XII. SCORING

Memorials scores will be added to the oral scores obtained by the participants **in preliminary rounds only**.

Parameters for judging, on a scale of **0 – 100 marks** are:

#### **Orals Judging Criteria: (amount to 60% of the total marks)**

- a. Knowledge of facts.
- b. Logic, reasoning and clarity articulate and systematic analysis of the issues arising out of facts.
- c. Persuasiveness & Deference to court.
- d. Understanding of the laws of evidence and procedure.
- e. Ability to successfully conduct chief / cross examinations in allotted time.
- f. Ability to elicit favorable facts from witnesses.

#### **Memorial Judging Criteria: (amount to 40% of the total marks)**

- a. Logical progression of ideas & clear, precise and unambiguous writing style.
- b. Proper and articulate analysis of strengths and weakness of the case.
- c. Understanding of the legal principles directly applicable to the issues.
- d. Presentation of arguments with appropriate citations.
- e. Variety & depth of research (new points and unique interpretation of fact/law).



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### XIII. AWARDS

- a. **Winning Team** – A Trophy and cash prize worth Rs. 20,000/- only.
- b. **Runner-up** – A Trophy and a cash prize worth Rs. 10,000/- only.
- c. **Best Trial Advocate** – A Plaque and a cash prize worth Rs. 5,000/- only.
- d. **Best Memorial Award** – A Plaque and a cash prize worth Rs. 5,000/- only
- e. In addition to the above awards, certificates are to be given to every participant.

### XIV. ANNOUNCEMENTS

- a. The results of the preliminary rounds will be announced shortly after both the rounds are completed.
- b. The results of the Quarter-final & Semi Finals Rounds will be announced shortly after the rounds are completed
- c. The winners of the competition will be announced during the **Awards Ceremony of the competition.**

### XV. ANONYMITY

- a. Student Counsel may introduce himself/herself to the court in the usual manner and may also state their names. However, the participant's college affiliation shall not be indicated to the judges at any time.

Further, all team members, coaches, advisors, and observers shall refrain from identifying a team's college at any time and in any manner, including, but not limited to, wearing any identifying items (such as college clothing, ties, patches or pins) or carrying identifying material (such as a books with a college logo or college seal etc.)

### XVI. COPYRIGHT

- a. The copyright over the memorials & the judgment entries submitted for participation in the competition are assigned by participants and shall also vest completely and fully with the Host University. The participants shall certify in writing the originality



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of materials contained therein and shall be responsible for any claim or dispute arising out of the further use and exhibition of these materials.

- b. Further use and exhibition of these materials, electronically or otherwise, shall be the exclusive right of the Host University. The University shall not be held responsible for any liability to any person for any loss caused by errors or omissions in this collection of information, or for the accuracy, completeness, or adequacy of the information contained in these materials.
- c. Distribution of these materials on any websites by the host university does not constitute consent to any use of this material for commercial redistribution either via the Internet or using some other form of hypertext distribution. Links to the collection or individual pages in it are welcome.

### XVII. ACCOMMODATION AND TRANSPORT

- a. Host University shall provide accommodation to all the participants **FROM 17<sup>th</sup> February (Morning) TO 19<sup>th</sup> February 2017 (Morning)**. In case participants require accommodation for any further dates, they shall be required to pay for the same.
- b. Host University shall provide transportation facility to all the participants **FROM Railway Station/ISBT (Bus) Station TO Hotel premises**. Also, the accommodation facility shall be provided from Hotel premises to Competition venue during the competition dates. Extra members over and above the prescribed number will not be entertained and accommodated under any circumstances.
- c. **No Transportation Facility shall be provided by the Host University to the participants to /from the Airport**. Participants are requested to make their own arrangements for transportation in case they are choosing airways as the mode of transportation to/from Dehradun.
- d. Misbehavior of any sort, by the participants, will be dealt very seriously and will lead to disqualification.
- e. Each team shall be provided with a separate room as accommodation.



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### XVIII. PAYMENT DETAILS

The registration fee of **Rs.5000/- (Five thousand only)** is to be sent by a **Bank Transfer/any form of Electronic Transfer (NEFT/RTGS)** of any National Bank.

Participants may follow either of the account details provided below:

a. **Primary account Details:**

Beneficiary Name : University of Petroleum & Energy Studies  
Account number : 95950999999999  
IFSC code : YESB0000115  
Bank Name : YES BANK, Rajpur Road, Dehradun  
Details : Student's name &  
Institution's/College's/University's name

b. **Secondary Account details:**

Beneficiary Name : University of Petroleum & Energy Studies  
Account No : 011594600000224  
Yes Bank IFSC Code : YESB0000115  
Bank Name : YES BANK, Rajpur Road, Dehradun  
Details : Student's name &  
Institution's/College's/University's name



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**XIX. Any clarifications for the competition can be sought from the Administrators:**

**DR.TABREZ AHMAD, (PROF. & DIRECTOR, COLS & CHAIRMAN, MCA)**

**DR.MAMTARANA, (FACUTLTY CONVENOR, MCA)**

**MR. KRISHNA DEO SINGH CHAUHAN, (FACULTY CO- CONVENOR,  
MCA)**

**Ms. SHAMBHAVI SINHA**  
(Faculty Co-Convenor, Trial Advocacy, MCA)  
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**AYUSH AGARWAL**  
(Student Convener, MCA)  
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**MR. HIMANSHU DHANDHARIA**  
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**P. SURYA TEJA**  
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**SHREYAS JAIN**  
(Student Jt. Convenor, Trial Advocacy)  
Phone: 07054407778

**MOHIT MOHANTY**  
(Student Jt. Co-Convenor, Trial Advocacy)  
Phone: 09557175818

For any queries, an e-mail can be sent to [upes.trialadvocacy@gmail.com](mailto:upes.trialadvocacy@gmail.com).