

LUCKNOW UNIVERSITY MOOT COURT ASSOCIATION

PRESENTS

1ST DR. SHANKAR DAYAL SHARMA MEMORIAL NATIONAL ONLINE JUDGMENT WRITING COMPETITION, 2022

WIN EXCITING CASH PRIZES UPTO INR 7000/-

LAST DATE OF REGISTRATION - 21st September, 2022

FEES:

Single Author : INR 600/-

Co-Author : INR 650/-

FOR QUERIES CONTACT

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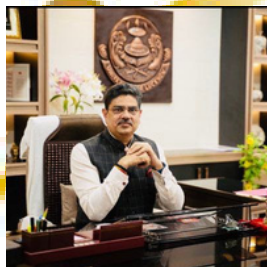
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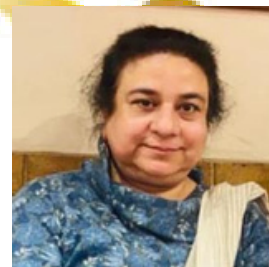
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Prof. Alok Kumar Rai
Vice Chancellor
University of Lucknow



Prof. B. D. Singh
Head and Dean
Faculty of Law
University of Lucknow

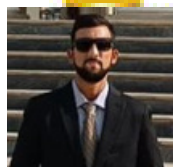


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LUMA

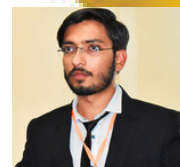
ORGANISING COMMITTEE



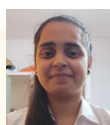
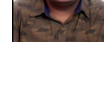
CO- CONVENER



CONVENER



CO- CONVENER





ABOUT DR. SHANKAR DAYAL SHARMA

Dr. Shankar Dayal Sharma, (born August 19, 1918, Bhopal, Madhya Pradesh, India—died December 26, 1999, New Delhi), is the Former President of India.

Dr. Sharma pursued his higher education at Lucknow Universities and is an honourable Alumni of the University of Lucknow, Uttar Pradesh. After earning a doctorate in law at the University of Cambridge, he attended Lincoln's Inn in London and Harvard University. In 1940 he began his legal practice in Lucknow. After giving his contributions in the national struggle, in 1947 Dr. Sharma became active in independent India's political setup and held numerous political offices at the state and national levels. He served as president of the Bhopal State Congress Committee (1950–52) and chief minister of Bhopal state (1952–56). From 1956 to 1971 Sharma was a member of the Madhya Pradesh legislative assembly. He made his debut in national politics in 1971 when he was elected to the Lok Sabha (the lower house of the Indian parliament). In 1972 he was elected president of the Congress Party and served in that position for two years. He was minister of communications (1974–77) in the Congress Party government led by Indira Gandhi. Sharma was appointed governor of Andhra Pradesh (1984), Punjab (1985), and Maharashtra (1986) before becoming the vice president of India in 1987 and president in 1992.

The 'Dr. Shankar Dayal Sharma Gold Medal' is awarded in selected Indian universities. This award was constituted, in 1994, by endowments received from Dr. Shankar Dayal Sharma. This medal is awarded to a graduating student judged to be the best in terms of general proficiency including character, conduct and excellence in academic performance, extra-curricular activities and social service.

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ABOUT THE INSTITUTE

Founded in 1867, Lucknow University is one of the oldest institutions of Indian higher education. It is affiliated to University Grants Commission; Association of Commonwealth Universities (ACU); Association of Indian Universities (AIU); Distance Education Council (DEC); National Assessment and Accreditation Council (NAAC); National Council of Teacher Education (NCTE) and Bar Council of India (BCI). The University of Lucknow has been awarded the A++ grade by the National Assessment and Accreditation Council (NAAC) in July, 2022.

ABOUT FACULTY OF LAW

The Faculty of Law, University of Lucknow is a pioneer legal institution of India. It was established in 1921 with three teachers. Mr. Jag Mohan Nath Chak was its first Dean. The real architect was Prof. R. U. Singh who with great zeal and enthusiasm organised teaching and research in the faculty in the systematic way. He held office of the Dean, Faculty of Law till 1956. He also structured the Law Faculty of Delhi University and Law School, B.H.U. The distinction goes to him that he drafted the Constitution of Nepal. Dr. V. N. Shukla, the well-known authority on Constitutional Law was the first LL.M. of the University. His book on the Constitution is an authoritative Volume. Dr. A.T. Markos was the first LL.D. of the faculty. He also held the office of the Director, Indian Law Institute.

The first Post Graduate Diploma in Criminology was started in 1964. The Faculty has introduced LL.B. (Hons.) Five Year Course in 1995. The Faculty offers Undergraduate, Post Graduate, Doctoral and Post-Doctoral Programmes. The Faculty hosts Dr. R.U. Singh Memorial National Moot Court. The Faculty publishes its flagship Journal 'Lucknow Law Journal.' The Law Faculty was separated from the main Campus and shifted to the new Campus having a total area of more than 75 acres located on the Sitapur Road, Lucknow from 2002-03. The newly constructed three storied building has twenty-four lecture rooms, 2 model class rooms with smartboard, libraries, legal aid hospital etc. Distance from Lucknow Railway Station is nearly 12 kilometres.

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PROPOSITION

A girl, Aishwarya in Uttar Pradesh, fell in love with her friend, Salman and wanted to marry him but her uncle Abhishek vehemently opposed her marriage with Salman.

However an attempt was made to settle the issue with the help of police.

During the settlement talk which was slated to be held in police Station, Aishwarya took out a blade and inflicted deep injury on her left hand with a view to commit suicide.

She was rushed to the hospital where, even during first aid treatment, she repeatedly threatened to commit suicide.

The Police lodged F.I.R and booked her for attempting to commit suicide , i.e. section 309 of Indian Penal Code. Later Aishwarya filed a petition before the Allahabad High court (Lucknow Bench) and prayed for declaring attempt to commit suicide i.e. section 309 of Indian Penal Code as unconstitutional and quashing of the F.I.R as a consequence.

Relying on the Constitutional Bench decision of the Hon'ble Supreme Court in Smt. Gian Kaur v/s State of Punjab A.I.R. 1996 S.C. 946 the High Court dismissed her petition.

Later she went in appeal to the Supreme Court against the decision of the High Court praying for declaration of Attempt to Suicide as unconstitutional for being inconsistent with "Right to life with dignity" which Art 21 speaks of and eventually quashing of criminal proceeding in the interest of doing complete justice under Art 142.

According to the appellant a lady attempting to commit suicide is in such a frame of mind that she cannot think normally. She suffers from mental stress to an extent that she inflicts extreme hurt on self in a suicide bid. Instead of inflicting additional punishment for Attempt to Suicide she must be provided medical and emotional support by counselling as her act is in reality "a cry for help and not for punishment". Further it was stated by the appellant that it was the duty of the police to maintain the law and order as it was extremely impossible to get a blade in the police custody and to inflict an injury so as to kill herself.

Criminalizing attempted suicide violates Article 21 in following three grounds;

- i. Article 21 has conferred a positive right to live which carries with it negative right not to live. In this situation it has been first stated that the fundamental rights are to be read together with Article 19 and 21 taking into prime consideration. That the freedom of speech and expression includes freedom not to speak and remain silent. Similarly, right to live should include right not to live, i.e. right to die.
- ii. Analyzing National Crime Report Bureau it has been noticed that various cause that leads people to commit suicide are mental diseases and imbalances, unbearable physical ailments, affliction by socially-dreaded diseases, decrepit physical condition disabling the person from taking normal care of his body and performing the normal chores, the loss of all senses or of desire for the pleasure of any of the senses, extremely cruel or unbearable conditions of life making it painful to live, a sense of shame or disgrace or a need to defend one's honour or a sheer loss of interest in life or disenchantment with it, or a sense of fulfillment of the purpose for which one was born with nothing more left to do or to be achieved and a genuine urge to quit the world at the proper moment. That such a person who has already been penalized in his life has nothing to be penalized further, and criminalization of attempted suicide is nothing but a vague and unreasonable additional punishment for such a person.

iii. That different form of suicide has been followed in our country and the same is included in various religions for long time. Sati, Samadhi, johar, atmarpana are to name a few. Also, it has been observed that saints and savants, social, political and religious leaders have immolated themselves in the past and do so even today by one method or the other. Further, the Constitutionality of section 309 has been assailed as being violative of Article 21 which protects life and personal liberty

Refuting the above argument Govt. Advocate argued that Attempt to Suicide is not attached with the vice of unconstitutionality on the ground of its being violative of Art. 21, "Right to life" protected under this Art. is a natural right which by no stretch of imagination can include the right to end life i.e., to commit suicide which is unnatural.

According to the contentions made by the govt. advocate, The 'right to life' including the right to live with human dignity would mean the existence of such a right up to the end of natural life. This also includes the right to a dignified life up to the point of death including a dignified procedure of death. In other words, this may include the right of a dying man to also die with dignity when his life is ebbing out. But the 'right to die' with dignity at the end of life is not to be confused or equaled with the 'right to die' an unnatural death curtailing the natural span of life. The freedom must be balanced against the state's interest in preserving the sanctity of human life, as well as by other interest that the state considers important. The basic moral question that arises is whether by legalizing a person's right to die, we will degrade a human beings life and stop respecting human life. No one can deny that there is nothing more precious than the gift of life which every human being enjoys. Why then should man decide when his life should end? Most religious people believe that life is sacred and one should not waste time in planning about their death but planning about how to enjoy life. Terminating life is not an answer to pain. All along life's journey man will suffer pain whether it is physical or mental or emotional or psychological. Will legalization of right to die be done to relieve oneself from the physical pain only? A person weakened by illness may not be in a position to review his decision to kill himself. Decision to die by coming under some financial or social obligation is also very dangerous. Somewhere down the line we may end up violating the right to life while legalizing the right to death. Also, introduction of Right to Die may safeguard illogical, unscientific religious dogmas such as Santhara or 'Sallekhana', which peoples in Jain religion practices to end their life voluntarily by going fast onto death, which is inhuman, and is punishable under section 309 IPC and the abetment of such an act is punishable in section 306 IPC.

Decide as per the Law and any new findings of case law as per your knowledge.

GENERAL RULES

The following are the detailed rules and regulations of this Competition. Any deviation from the same shall result in immediate disqualification. Further, the University of Lucknow, Uttar Pradesh has full right reserved to modify and cancel any rules as it deems fit to the situation at any time in due course of the competition and the decision of the Organising Committee (hereinafter referred as "O.C.") shall stand final.

ELIGIBILITY

1. All students pursuing 3 year or 5-year L.L.B. course or an L.L.M. courses from a recognized Law School, University or Institution in India shall be eligible to participate.
2. Single author or Co-Authorship up to 2 authors shall be permitted. Authors may belong to the same or different Law School, University or Institution in India.
3. There is no restriction on the number of entries from any Law School, University or Institution in India.
4. A team of single or two authors will be considered eligible to participate only if the registration is completed on or before 21st September, 2022 (23:59 Hours IST).
5. The participants shall write a single opinion. Multiple opinions are not allowed.

REGISTRATION

1. Teams are required to complete the registration on or before 21st September, 2022 (23:59 Hours IST).
2. The Registration Fee is Rs. 600/- for single author and Rs. 650/- for co authorship. The registration fee payable for the Competition must be paid latest by 21st September, 2022, through online mode [Paytm, Google Pay, BHIM on Phone Number [8948054412](tel:8948054412) (AMRIT SINGH)] and NEFT ACCOUNT NUMBER: [39871265208](https://ifsc.org.in/ifsc39871265208); IFSC CODE : SBIN0006148; ACCOUNT HOLDER NAME: AMRIT SINGH; BANK NAME: STATE BANK OF INDIA
3. The payment reference number and date of payment along with the Screenshot have to be inserted in the registration form and only then will the registration be deemed to be complete.
4. The Registration for the competition shall be done by filling up the Google form available: <https://forms.gle/3GgXro4TKmbxAKKy5>
5. Scanned copies of Identity cards must be attached in the registration form.
6. Registration fees once paid are neither refundable nor non-transferable.
7. Any change in authorship will not be entertained after submission of the registration form unless the Organising Committee notices an exceptional circumstance.

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SUBMISSION GUIDELINES

1. The soft copy of Judgment should be mailed to the e-mail of the Organising Committee: mcc.lucknowuniv@gmail.com
2. The manuscript submitted must be an original work of the author(s) and must not have been submitted or published elsewhere. Any sort of plagiarism shall amount to penalty.
3. Word Limit is 3500-5000 words (exclusive of footnotes).
4. The manuscript must not disclose the identity of the author(s) (e.g. name, institution, etc.)
5. The cover page of the manuscript shall mention the team code at the top right corner.
6. The manuscript shall be submitted in MS Word format & PDF format both. The name of the file shall be like the example, where '01' is the allotted team code. For example: JudgementSubmission01.docx; JudgementSubmission01.pdf.
7. SUBMISSION DEADLINE: 8th October 2022 (23:59 Hours IST) and no submission will be Accepted after 8th October 2022 (23:59 Hours IST) with penalties as below:
 - > For every Six hours of delay in submission from the prescribed time of submission, one mark shall be deducted. Max. up to 4 (Four marks).

FORMATTING GUIDELINES

1. The language for writing the judgement shall be in ENGLISH only.
2. The author(s) shall strictly adhere to the 19th Bluebook Citation. Any citation found contrary shall amount to penalty.
3. The manuscript shall be in A4 Layout with 1.5 line spacing, Margin-1 and justified.
4. Headings: Times New Roman, Size – 14, Bold.
5. Main body: Times New Roman, Size – 12.
6. Footnotes: Times New Roman, Size – 10, Line Spacing 1.5 and justified.
7. Page numbers – bottom centre
8. The first page of Judgement must contain Team Code, Name of the Court, Title, Number of the Case, Date of Delivery of Judgement, Nature of the Case (Civil/Criminal/Writ)

CLARIFICATIONS RELATING TO THE PROPOSITION

All queries & clarification regarding the proposition must be E-mailed to the Organizing Committee on mcc.lucknowuniv@gmail.com before or by 23rd September, 2022 (23:59 Hours IST). No further clarifications shall be entertained after this date.

CRITERIA	MARKS
Arrangements of facts	10 Marks
Issues Framed	20 Marks
Marshalling of facts and evidence	25 Marks
Appreciation of evidence	25 Marks
Ration Decidendi	10 Marks
Obiter Dicta	10 Marks
Total	100 Marks

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PENALTIES

Deduction of Marks in terms of Penalties will be from the total Marks obtained by the participants.

SR. NO	PARAMETER	REDUCTION
01	Plagiarism Content	Upto 10%= 0 Marks. 11- 20%= 04 Marks. 21-30%= 6 Marks. Above 30%= Disqualified for the competition without refund of registration fee.
02	Incorrect formatting guidelines	Upto 2 Marks
03	Incorrect citation	Upto 2 Marks
04	Incorrect naming of Manuscript file	Upto 4 Marks
05	Late submission of manuscript	Upto 4 Marks
06	Exceeding words Limits Penalties	5001-5500= 2 Marks 5501-6000= 4 Marks Above 6000 = Disqualified for the Competition

CASH PRIZE

- ✓ Cash prize of Rs. 4000 and Certificate of Merit shall be awarded to the Winner
- ✓ Cash prize of Rs. 3000 and Certificate of Merit shall be awarded to the Runner-up
- ✓ E-Certificate of Participation for all the participants.

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MISCELLANEOUS

1. Implementation and interpretation of rules regarding the practice and procedures, the final decision lies with the Organising Committee.
2. If any one of the members of a team is notified or informed of any detail or information concerning the Competition, it shall be deemed as if the said team as a whole has been duly notified or informed.
3. The Proposition is neither intended to nor does it attempt to resemble any incident or any person, living or dead. Any such resemblance is purely coincidental. The Proposition is a fictitious factual account prepared for the purposes of the present Competition only and it does not attempt to influence or predict the outcome of any matter whatsoever.
4. The copyright in the Judgements submitted by the teams shall vest jointly with Faculty of Law, University of Lucknow the acceptance of such vesting is a precondition to participation in the Competition. The Rules governing the conduct of the Competition should be strictly adhered to. Any deviation thereof can attract penalties or disqualification at the sole discretion of the Organising Committee.
5. The Organising Committee reserves the right to amend, alter, vary or change, in any manner whatsoever, the Rules governing the Competition, which would be communicated to the teams within a reasonable period of time.
6. The Chairperson of the Organising Committee of, Faculty of Law, University of Lucknow shall be the final arbiter for these Rules and any such decision made by him on any issue/dispute arising in relation to the Competition shall be final and binding on all concerned.
7. The Organising Committee, as mentioned in these Rules, refers to the Moot Court Committee of the Faculty of Law, University of Lucknow.

OFFICIAL DATE SCHEDULE

EVENT	DATE
Commencement of online registration	24th August, 2022
Last date of registration	21st September, 2022
Last date to seek clarification	23rd September, 2022
Release of clarification	25th September, 2022
Last date of submission	8th October, 2022
Declaration of results	13th October, 2022

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CONTACT DETAILS

- For any further clarification or assistance, feel free to contact:

Saamya Gautam- [7906115775](tel:7906115775)

Hemant Pandey- [7054918405](tel:7054918405)

Ayush C. Tripathi- [7800011576](tel:7800011576)

- Email your queries

EMAIL - mcc.lucknowuniv@gmail.com

REGISTRATION LINK

<https://forms.gle/3GgXro4TKmbxAKKy5>

The above link is used for registration.

PAYMENT DETAILS

a. The Payment can be made through Google Pay / Paytm / BHIM

b. The Registration Fees to be paid to the following :

NAME : AMRIT SINGH

MOBILE NUMBER : [8948054412](tel:8948054412)

c. The Payment can be made through NEFT :

ACCOUNT NUMBER: [39871265208](tel:39871265208);

IFSC CODE : SBIN0006148;

ACCOUNT HOLDER NAME: AMRIT SINGH;

BANK NAME: STATE BANK OF INDIA

d. QR Code:



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