



S&M
PARTNERS

IN ASSOCIATION WITH



PRESENTS

2020

LAST DATE TO REGISTER

30th MAY

LAST DATE OF SUBMISSION

10th JUNE

MEMORIAL
WRITING & DRAFTING
COMPETITION

PRIZES WORTH ₹10'000/-

INDIVIDUAL REGISTRATION FEES: Rs. 400/-

TWO MEMBER TEAM FEES: Rs. 600/-

Moot Problem Drafted by
Mr. Saunak Raiguru
Associate : J. Sagar Associates

Contact



+919818147553



courses@smpartners.in

ABOUT COMPETITION

In these tough times of the COVID-19 Pandemic when most of the moot activities have stood cancelled we decided to take the initiative to ensure that the process of learning does not stop. In order to maintain continuous learning for all the law students across India and to ensure development of all we have come up with **Memorial Drafting Competition, 2020**. Memorial drafting is one of the most important skills that a law student must possess and further it also enhances the research skills of a law student and also improves the skills of drafting. We have chosen the topic of criminal law for this moot as this pandemic has brought forward many questions and we believe that it is important to find answers to all of these. With this idea S&M Partners assembled a team of avid mooters and came up with this endeavor. Mr. Saunak Rajguru, Attorney, J. Sagar and Associates and an avid mooter of his time has drafted the moot problem.

ABOUT S&M PARTNERS

S&M Partners is a platform run by professionals towards contributing to Legal Education and Practices. We have a proficient team of Advocates, Legal Academicians, Legal luminaries and Law students who are committed for the law student's welfare by empowering them with Knowledge, Experience and Wisdom. We offer wide range of Certified Online Courses which anyone can access anywhere with best learning experience. S&M Partners is a platform created for the purpose to foster the interest of law students and strategies of our professionals will help you solve very Legal Issues. We aim to expand to serve the need of law students who are the very foundation of legal fraternity.

MOOT PROPOSITION

1. On 01.01.2019, Ms. Shanaya married to Mr. Anshu at the age of 18. Prior to the marriage they were in a relationship for over a year. Mr. Anshu was an agriculturist and Ms. Shanaya was a nurse in a nearby clinic. Although they shared a cordial relationship prior to marriage, however, there were repeated instances of altercations between the couple post marriage. Even the marriage was no consummated and Ms. Shanaya cohabited with her husband only after 2 months of marriage.
2. It is believed that the primary reason of Ms. Shanaya's unhappiness was that Mr. Anshu did not agree to her request for living separately instead of staying in a joint family. Ms. Shanaya used to insist on having a separate house which was not even supported by her in-laws. On several instances, Ms. Shanaya has created a scene over the issue even in front of neighbours.
3. Unhappy with the turn of events, on 01.04.2019, Ms. Shanaya went back to her parental house and did not return for over 2 weeks. On 20.04.2019, Mr. Anshu went to her parental house to console her and requested her to come back with him. Ms. Shanaya reiterated her request to live separately to which Mr. Anshu responded that the same is not possible due to financial constraints. He also informed that his parents need his support at this age, and it is important for him to stay with them. He again requested Ms. Shanaya to return to his marital home. Basis repeated requests and also the intervention of Ms. Shanaya's parents, Ms. Shanaya agreed to return on the next date.
4. Ms. Shanaya returned her martial home on 21.04.2019. There were no more fights for over one week. On 01.05.2019, at around 3 PM, Mr. Anshu left for a nearby city to buy some fertilizers. Being an agriculturist, Mr. Anshu used to often buy fertilizers from the town in reasonably large quantities, and used to stock them in the store-room of his house. It ideally takes 3 hours to go to the city, purchase the fertilizers and return back home. On the same day, Ms. Shanaya decided to prepare Dhokla for evening snacks.
5. Ms. Shanaya cooked the Dhokla around 3:15 PM and was the same was prepared by 4 PM. Ms. Shanaya served Dhokla in three different plates and requested the house-help Mr. Pradip to give the same to Mr. Sushant (Father-in-law), Ms. Susmita (Mother-in-law) and Ms. Sonal (Sister-in-law). Ms. Shanaya left for her clinic to attend some urgent matter.
6. She returned from the clinic at 6 PM. Mr. Anshu also returned from the city around 6 PM. Accordingly, Ms. Shanaya asked Mr. Pradip to serve Dhoklas to Mr. Anshu. Mr. Anshu took a bite of the same and immediately asked about a pungent smell coming out from the Dhokla. He spat it and gurgled immediately after

tasting it. On being asked about the smell, Ms. Shanaya explained that she had used Kerosene for lighting the hearth and hence the smell might be of Kerosene. Mr. Anshu did not eat the Dhoklas and left them near the kitchen's sink.

7. At around 10 PM, Mr. Sushant complained of uneasiness and chest pain. He was rushed to the hospital by Mr. Anshu. Immediately thereafter, Ms. Susmita complained of similar chest pain. Since Mr. Anshu was already in hospital, Ms. Shanaya immediately called out Ms. Sonal for help. However, despite repeatedly calling her, there was no response from her room. When Ms. Shanaya entered Ms. Sonal's room seeking help, Ms. Sonal was found unconscious. Ms. Shanaya immediately called up her colleagues in her clinic for help. It took them about an hour to reach. Both Ms. Sonal and Ms. Susmita were taken to the same hospital where they reached around 11:15 PM.
8. Mr. Sushant, Ms. Susmita and Ms. Sonal died in the hospital in the same night. The preliminary opinion of the doctors regarding cause of death was that all three deceased died of poisoning. The same was evident from the froth coming out from their mouths.
9. F.I.R. was filed jointly by Mr. Anshu and Ms. Shanaya. On being asked about suspects, Ms. Shanaya *inter alia* mentioned to the police that Mr. Pradip's phone was not reachable since early evening of the unfortunate day. That he was last seen in the house at around 4 PM, whereas, he ideally works in the house till 9 PM. She also informed that Mr. Pradip seems to have poisoned her in-laws since Mr. Pradip used to have feelings for Ms. Sonal and the same was not acceptable to Ms. Susmita and Mr. Sushant. Even Ms. Sonal had publicly humiliated Mr. Pradip for having feelings for her just a week before. However, it was only on Mr. Anshu's request that Mr. Pradip continued working in the house owing to the fact that he has been a house-help for over 10 years.
10. The investigation commenced at 6 am in the morning. The investigating officer, Mr. Kuldeep along with two other officials searched for incriminating materials in the house of the deceased. The left-overs Dhoklas along with the unwashed plates in which deceased consumed the Dhoklas were sent to forensic labs for testing. Mr. Kuldeep also asked the details of the chemicals and fertilizers kept in the store room. Mr. Anshu explained that he is an agriculturist and that he brings additional fertilizers and stocks them so as to minimize the need to travel to the city on a regular basis. Mr. Kuldeep collected samples from each of the chemicals and fertilizers and also sent it for testing.
11. Further, on searching the areas nearby to the house of the deceased, one of the police officials noticed a boy of around 19 years lying in the open field around 6:30 am. On being asked to check, Mr. Anshu confirmed that he was Mr. Pradip. He was rushed to the hospital. However, he was declared brought dead by the doctor. A preliminary cause of death was suggested as poisoning.

12. On resuming the investigation, Mr. Kuldeep approached the neighbours and questioned various neighbours for hours. It was informed to Mr. Kuldeep as to how Ms. Shanaya was not happy with staying with the in-laws and how on repeated occasions she used to create a scene regarding the issue. On questioning Mr. Anshu, it was also realized that Ms. Shanaya was the only person in the house along with all the deceased between 3 PM to 4 PM. From a further enquiry with Ms. Shanaya's clinic and from a perusal of the books of records, it was figured that there was no urgent matter in the clinic which was addressed on the said day.
13. Ms. Shanaya was arrested by the police on 03.05.2019. All procedural compliances were met and she was tried by the Court of Sessions. Basis the evidence brought on record, Ms. Shanaya was held guilty of murder of her in-laws and Mr. Pradip. She was also held guilty for attempt to murder of Mr. Anshu. For having committed murder, she was given a death sentence upon a confirmation received from the Hon'ble High Court to such effect. Concurrent imprisonment was also directed in terms of Section 307, IPC.
14. Ms. Shanaya appealed before the High Court challenging the convictions. The order of the Court of Sessions was upheld by the High Court. An appeal was filed by Ms. Shanaya before the Supreme Court.
15. In the meantime, an NGO named Humans against Death Penalty, filed a Petition before the Supreme Court challenging the constitutional validity of capital punishment, especially highlighting the recent jurisprudential trend in deviating from the well-settled principle of rarest of the rare doctrine.
16. Both the Criminal Appeal filed by Ms. Shanaya and the Petition filed by Humans against Death Penalty are clubbed together and will be taken up for hearing in June 2020.

To register click here: <https://smpartners.in/2020/05/09/constitutional-law-memorial-writing-drafting-competition-2020/>

TIMELINE FOR THE COMPETITION

S. No.	Title	Date
1.	Release of competition	14 th May 2020
2.	Last date to register	30 th May 2020
3.	Last date for seeking clarification	5 th June 2020
4.	Release of clarification	7 th June 2020
5.	Last date of submission	10 th June 2020
6	Declaration of the result	15 th June

Note: The moot problem has been drafted by Mr. Saunak Rajguru. Any participant, who tries to contact him, shall be disqualified from the competition.

1. Participation and Eligibility

a. Eligibility

- i. The Competition is open to students currently enrolled in Law Undergraduate Degree Courses (5 years & 3 year) and LLM Postgraduate Degree Courses.
- ii. A team is permitted to have members from more than one institution.

b. Team Composition

- i. An individual can take part in this competition.
- ii. Maximum two members are allowed to participate from one team.
- iii. The substitution of any Team Member is not allowed after the registration deadline except in extenuating circumstances and only with permission of the Organizers.

2. Registration

a. Stage-I: Filling of form

- i. Interested individuals/teams are required to fill the form through below mentioned link.
<https://smpartners.in/2020/05/09/constitutional-law-memorial-writing-drafting-competition-2020/>

b. Stage-II: Payment of fee

- i. After the filling of form the participants are required to pay the registration fees.
- ii. For single participant, the registration fee is ₹400.
- iii. For two member team, the registration fee is ₹600.
- iv. The details of the payment shall be sent via mail on shubham.007@smpartners.in on or before 30th May, 2020.

3. Memorials

a. Submission of Memorial

- i. Every team which has successfully registered for the competition is required to prepare two memorials:
 - Memorial on behalf of the Petitioner
 - Memorial on behalf of the Respondent

- ii. All teams are required to send soft copies of their memorials on/before 11:59 hrs on 10th June 2020 to shubham.007@smpartners.in with the Subject “Memorials of Team Code-xyz”.
- iii. A penalty of 1 point per hour shall be imposed for any submission made post the deadline specified.
- iv. Memorials submitted 6 hours beyond the deadline specified shall not be evaluated.
- v. If the memorial of two teams will be similar to each other then both the teams will be disqualified from the competition.
- vi. After the completion of the Competition, the Organisers reserve the right to use the memorials as they deem appropriate.

b. Format of Memorial

- i. All soft copies of the Memorial submitted must be in Microsoft Word Document 2010/2013 format (.doc/.docx).
- ii. All pages of the Memorial must be of A4 size, with 1-inch margin on each side.
- iii. The font style and size of the text of all parts of the Memorial, cover page, header, footer and page numbers shall be Times New Roman, size 12, 1.5-line spacing.
- iv. All the parts of the memorial shall be justified aligned except cover page, header, footer & all headings.
- v. The Footnotes shall be in Times New Roman, size 10, single line spacing, justified.
- vi. Penalties
 - Non-compliance with sub-rule (i) shall result in a penalty of 5 points.
 - Non-compliance with sub-rule (ii), (iii), (iv) and (v) shall result in a penalty of 1 point per page.

c. Memorial Content

- i. Every memorial shall contain following parts:
 - a) Cover Page (must contain team code, name of forum, jurisdiction, name of parties, submission of behalf of petitioner/respondent)
 - b) Table of Contents
 - c) Index of Authorities
 - d) Statement of Jurisdiction
 - e) Statement of Facts
 - f) Questions Presented
 - g) Summary of Arguments
 - h) Arguments Advanced

- i) Prayer
- ii. The section on Arguments Advanced shall not exceed 20 pages. Non-compliance shall result in a penalty of 5 point for every additional page.
- iii. The citation format should follow the 19th edition of the Bluebook. Speaking footnotes and endnotes are not allowed. Non-compliance shall result in a penalty of 1 point for each error.

d. Evaluation of Memorial

- i. The contents of memorials shall be evaluated out of 100 points. The criteria of evaluation are:
 - a) Knowledge of Law and Facts 25 Points
 - b) Proper and Articulate Analysis 25 Points
 - c) Extent and Use of Research 20 Points
 - d) Clarity and Organisation 20 Points
 - e) Grammar and Style 10 Points
- ii. The formatting and footnoting shall be evaluated out of 100 marks.

4. Awards

- a. The best memorial shall get ₹5000 and certificate of merit.
- b. The second best memorial shall get ₹3000 and a certificate of merit.
- c. The third best memorial shall get certificate of merit.
- d. All the participants shall get e-certificate of participation.

CONTACT

For more details and queries:

Mr. Shubham Anand (+91-9818147553)

shubham.007@smpartners.in
