

MOOT COMPROMIS

1. Indusland is a country which lies in Southern Asia and is home to 1.3 billion people. It has a quasi-federal and a democratic form of governance in which the Legislature, Judiciary and Executive enjoy separate powers. Mingham is a highly populated city situated in the North-Eastern region of Indusland with approximately 3 lakh inhabitants. The city though famously known for its beautiful and ancient historical monuments endowing it with great cultural significance, it's past is marred with instances of religious conflicts between two groups, Shelbys and Sabinis. Despite the long religious rivalry between people of the two sects, things had been relatively calm in the region owing to a form of self-realization among the population instilled after the bloody riots which ensued between the two groups in 1996, which left hundreds dead and thousands injured. Although the peace was short-lived, as there has again been a significant rise of extremist groups from the Sabini religion tagging the Shelbys as a threat to their own cultural identity. This hostility has led to several heinous crimes being committed against the Shelby people.
2. The population of Mingham is dominated by the Sabini religion, while the people of Shelby religion are unevenly distributed throughout Mingham. However, the center of the city, namely the "Heath" locality, was densely populated by the Shelbys. Apart from being a market area, "Heath" was famous for being the epicenter for majority of the historical conflicts between these two groups.
3. Tommy Murphy, who belongs to the Shelby religion, owns a famous cloth shop in the main market of Heath, which brings in customers not only from Heath locality but from the whole of Mingham. The same shop has an adjoining residential structure, in which Tommy Murphy and his family reside. He lives with his daughter Ruby (18 years old) who has recently been admitted to a nearby law college, and son Charlie Murphy (11 years old) who studies in 5th class in a nearby school. The people of Heath carry huge respect for Tommy Murphy by virtue of his humane work towards upliftment of the downtrodden and his progressive views on education and women empowerment. He believes in utmost equality and fraternity among individuals and never discriminates between religions. However, Mr. Murphy has frequently disapproved certain rituals of Sabini people, such as child marriage of girls below 14

years of age and other discriminative practices against women still prevalent in their religion.

4. Amongst the Sabini people, Oswald Mosley is an influential political leader and a well-placed candidate to win the upcoming elections in 2021. His strong relationship with prolific businessmen, Mr. Dwight Schrute of Mingham has helped him in spending huge amounts of money on campaigns and other projects such as highway constructions, irrigation facilities for agriculture, free ration to labourers etc. His campaigns are also notoriously known for canvassing votes through hate speeches and arousing a sense of unity amongst Sabini people and a sense of hostility against the Shelbys. He is keen on utilizing the extremist nature of the majority of Sabini youth, as he sees a potential election winning divide between his majority religion and those of the Shelbys.
5. In the past, Mr. Mosley has been rumored to be involved in several religiously motivated crimes against the Shelbys, but has been successful in dodging from the police owing to his higher connections. Individuals usually charged with these hate crimes are believed to be connected to his political party known as, 'Sabini Liberal Party' (SLP). The party is tainted with accusations of hooliganism, riots, crimes in the name of religion, and especially crimes against women.
6. Owing to his philanthropy and his progressive notions on religion, Tommy Murphy is occasionally called out by various organisations as a keynote speaker. On 29th June, 2020, Mr. Murphy was invited by the Principal of The Imperial College of Law for a keynote speech on the theme "Religious Tolerance - A Modern Outlook". He spoke extensively on the issue of religious harmony and shifted to topics about women and children's safety, and how education would play a key role in uplifting the people of Mingham. While speaking about the internal conflicts in Mingham, he outrightly attacked the Sabinis, as he spoke about the prevalence of girl child marriage, excessive demands of dowry, and various other discriminative practices against women, and blamed the Sabinis for their passive attitude towards such vices which they were catering to. He further spoke on the unchecked rule of the SLP goons who have created an atmosphere of fear, especially for women. Tagging Oswald Mosley as the apostle of these atrocities, Mr. Murphy went on to state that his silence on such issues only indicates that he himself is involved in such incidents, indirectly conveying his extremist views against the Shelbys and his efforts to garner Sabini majority votes.

7. The event was being covered by multiple influential media outlets of Mingham, and was also attended by youth wing members of SLP, who informed Oswald Mosley of the events and the contents of the speech. He also read a newspaper story covering the Law College event and saw it as a serious blemish on his election campaign for the year 2021.
8. On the afternoon of 30th June 2020, Oswald Mosley along with Freddie Thorne (an SLP member) and a police officer Chester Campbell (not in police uniform at that time) went to confront Tommy Murphy in his shop regarding his defamatory remarks made during the college speech. Infuriated by the confrontation, Tommy Murphy bellowed back his absolute right to express his opinions and further stated that goons like Oswald Mosley and his party members can never suppress his voice. Noticing the scuffle, a crowd gathered around the shop. Adding to the verbal combat, Tommy Murphy openly addressed the crowd by proclaiming that SLP members are rapists and murderers who are led by the scoundrel, Oswald Mosley, who is the epitome of extremism in the Sabini religion. He went on to state that such extremism had deteriorated the society and SLP members did not deserve to win the elections. The statements aroused applause from the crowd as they cheered in unison and started foul mouthing the other three individuals. Unable to endure such humiliation, Oswald Mosley threatened Tommy Murphy that he would ruin his life.
9. On 1st July 2020, the local newspaper of Mingham broke out the headlines that Tommy Murphy was planning to fight the upcoming election of 2021 in Mingham. Even though it wasn't specifically mentioned, the whole city knew that the candidacy was directed against Oswald Mosley and SLP, and was an attempt to oust extremism from Mingham and completely ban regressive practices prevalent in the Sabini religion. Already infuriated by the other day's events, Oswald Mosley, was worried about the new competition and the crowd support Tommy was carrying with him.
10. At 8:30 P.M. On 1st July 2020, the Heaths local police station received a call from a man who ran a shop right in front of the shop of Tommy Murphy. The call was regarding a shooting incident that took place in the residential building adjoining the cloth shop of Tommy Murphy. The police, led by inspector Chester Campbell, reached the bedroom area of the residential building through Tommy Murphy's shop which was terribly damaged. They found the bodies of Oswald Mosley and Freddie Thorne on the ground with gunshot wounds. They also found Ruby crying on the bed, and Tommy Murphy in a state of shock sitting on the bedroom floor with a gun in his

hand. Arthur, the shop helper of Tommy Murphy, was standing with Charlie Murphy (Son) in his arms in the corner of the bedroom.

11. The F.I.R was recorded the same night. Inspector Chester Campbell did not make any arrest but took Charlie Murphy (Son of Tommy Murphy) to the police station along with Arthur. The police seized the gun from Tommy Murphy, along with 2 baseball bats from the bedroom and 3 lathis from the shop. The bodies of Oswald Mosley and Freddie Thorne were sent for post mortem. They released both Charlie Murphy and Arthur on the same night after taking their statement.
12. The Post Mortem report was received by the police on 10th July 2020 and consisted of information of four gunshot wounds, two on each body. It stated that both the bodies had one gunshot wound each on the legs, with Oswald Mosley having it on the hamstring tendon while Freddie Thorne having it on the upper hamstring area of the thigh . The report also stated that there was one gunshot wound on the area above the ear of Oswald Mosley which cracked his parietal bone and one gunshot wound on the nasal bone of Freddie Thorne which pierced through the nose.
13. The Police arrested Tommy Murphy on 11th July, 2020 based on fingerprints on the seized gun, witness statements (**Annexure 1**, **Annexure 2** and **Annexure 3**) and the post mortem report received on 10th July 2020. The final report under Section 173 of the Code of Criminal Procedure was submitted on 15th July 2020.

TRIAL

14. Tommy Murphy took the plea of private defense as he apprehended a possible rape to his daughter and the possible killing of his 11 year old son. Tommy Murphy also alleged that there were serious lapses in the investigation conducted by the police officers.
15. When questioned in court by the counsel of prosecution with the permission of the judge, Arthur reiterated his statement given to the police under Annexure 1 in front of the trial court judge and stated that what Tommy Murphy did was within his right to defend his children. However, when questioned by the trial court judge within his power under Section 165 of Evidence Act of Indusland, he admitted that once Tommy Murphy shot them in the leg, the killing could have been avoided.
16. Charlie Murphy, when called by counsel for the prosecution, reiterated the contents of his statement under Annexure 2 but denied hearing the words '*Jaane de*'.

17. Ruby, when cross-examined in court by counsel for the accused, reiterated her statement fully in court.

18. The trial court concluded that the prosecution has discharged its burden to prove murder of Oswald Mosley and Freddie Thorne by Tommy Murphy beyond reasonable doubt under Section 302 of IPC by perusing the the following evidence:

- Statements of both Arthur and Charlie Murphy in court,
- Ruby's statement in court,
- Evidence of fingerprints on gun matching to Tommy Murphy, and
- The Post Mortem report.

The court stated that it would conduct a final hearing which would include the issue as to whether the killing falls under the ambit of right to private defense. The final hearing date would be 19th September 2020.

NOTE: All laws of Indusland are in pari materia to those of India. The provisions of Arms Act would not be applicable in this moot.

Annexure-1

Statement of Tommy Murphy's helper Arthur to the Police (u/s 161 CrPC)

[01/07/20; 11:00 P.M.]

"Oswald Mosley and Freddie Thorne came along with 3 other people. Out of these 3 people I could identify that two were party workers of SLP. I was about to leave after closing the shop around 7 P.M. while Tommy Murphy was in the bedroom with daughter Ruby and son Charlie Murphy in the adjoining residence. As soon as I saw Oswald Mosley and his group approaching the shop with lathis and baseball bats I quickly ran to the bedroom from the inner entrance of the shop and informed Tommy Murphy. Tommy Murphy took out a gun from the closet and handed a lathi to me. We both hid behind the large closet in the bedroom while the daughter and son both hid beneath the bed. Oswald Mosley and Freddie Thorne entered the bedroom and unfortunately saw Ruby and Charlie Murphy beneath the bed and pulled them out. We could hear the other men breaking things in the shop downstairs. Me and Tommy Murphy were sure that Oswald Mosley and Freddie Thorne would do horrible things to the daughter since we knew Freddie Thorne had a filthy track record of such crimes against women. Tommy Murphy came out and shot both Oswald Mosley and Freddie Thorne to protect his daughter and son, as soon as he heard the word 'rape' come out of Freddie Thorne's mouth."

Annexure-2

Statement of Charlie Murphy son of the accused to the Police (u/s 161 CrPC)

[01/07/20; 11:00 P.M.]

"Papa told me and didi to hide under the bed and he himself along with the helper hid behind the large closet with a gun. I recognized Oswald Mosley from photos in the newspapers when he pulled me and didi out from under the bed. I do not know who the other person was. There was a smell of alcohol coming out from both of them. Didi was very afraid, especially from the other man (Freddie Thorne). As soon as the other man bent towards didi, Oswald Mosley told him "Jaane de" (leave them). After that Papa came from behind and shot both of them on the legs and both fell. After that, Papa shot both of them in the head and yelled "*Mere baccho ko haath lagayega?*" (You dare to touch my children?)."

Annexure-3:

Statement of the daughter Ruby in front of Judicial Magistrate after recovering from trauma [U/S 164 Cr PC]

[05/07/2020; 12:05 P.M]

"These SLP members hate our people from Shelby religion. It was because Papa raised his voice against them the other day in the college function that they wanted to kill all of us. We all could hear those men breaking things in the shop when the helper opened the door of the bedroom to inform us. Me and my brother hid beneath the bed while Papa took out a gun and hid behind the closet with the helper. Oswald Mosley and Freddie Thorne both entered the bedroom. They pulled me and my brother out from underneath the bed and held us. Both of them smelled of alcohol. Freddie Thorne threatened to rape me. I was very afraid not only for myself but what they would do with my brother. As soon as Freddie Thorne bent over towards me Papa came from behind and shot both of them. What Papa did was only to protect his children. Oswald Mosley and Freddie Thorne were both crooked people. I do not know of the other three men but it seems they ran away hearing the gun shots. "

Moot Court Society, Campus Law Centre, University of Delhi

Common Induction Moot 2020

Rules and Procedure

1) REGISTRATION:

Last date to register is **7th September, 2020** by **10:00 AM** on the following link: <https://forms.gle/bAF7VXqitgsJwjhh8>

Kindly note, no extension or delay will be entertained in any circumstances. In case of multiple registrations with regard to a participant, the **last registration** entry will only be considered.

2) REGULATIONS:

- I. **Language:** The language of the competition shall be ENGLISH only.
- II. **Eligibility:** The competition is open for all the bona fide students of Campus Law Centre pursuing 3-year LL. B. and are not already a member of the Moot Court Society.
- III. **Team composition:** There shall be no teams. Participants shall participate individually.
- IV. **Memorial:** The following requirement of a memorial must be followed, the non-conferment of which will be penalized:

The Memorial should be **either** on behalf of **Prosecution** or on behalf of **Defence**, but not both. The Word file and the PDF copy of the **Final Memorial**, should be uploaded in the following link <https://forms.gle/YzDNmX5cSnMYEiYY6>. The uploaded memorial documents should be named - “**CIM Memorial 2020 - Memorial on Behalf of <insert> - <Last 3 digits of your College roll number>**”. Kindly adhere to this pattern while naming the file/document, as the same will be used as record in all future correspondences. The size of the file should not be more than 10 MB.

The above-mentioned link for the submission of the memorials will be opened on **10th September, 2020** at **10:00 am** and will close on **12th September, 2020** at **10:00 am**. No memorial shall be accepted beyond the aforementioned date and time. Once the memorial is submitted no subsequent amendments shall be allowed. If two participants are found to have the same/similar memorial, both shall be subject to disqualification.

The format of the memorial should be as follows:

1. Main body text: Times New Roman, Font Size 12, Line Spacing 1.5
2. Footnotes text: Times New Roman, Font Size 10, Line Spacing 1.0
3. A margin measuring 1 inch on all sides of each page.
4. Page numbering should be at the bottom center of the page.
5. The Memorial must not mention any of your personal details such as Name, Year, Roll Number, contact details, etc. which reveal your identity in any manner.

The memorial must necessarily contain (but may not be restricted to) the following in the order mentioned below:

- a. Front Page
- b. Table of Contents (1 Page)
- c. Index of Authorities (upto 2 Pages)
- d. Statement of Jurisdiction (1 Page)
- e. Statement of Facts (1 Page)
- f. Statement of Issues (1 Page)
- g. Summary of Arguments (upto 2 Pages)
- h. Arguments Advanced (upto 15 pages)
- i. Prayer (1 Page)

No additional facts must be incorporated or relied upon other than facts mentioned in the Moot Compromis.

The style of footnoting must be consistent. The footnotes must be restricted for providing only bare citations and must not be accompanied by any form of description or explanation or authorities relied upon.

The front page of the memorial must be **BLUE** for Prosecution and **RED** for Defence.

The cover page of the Memorial must state the following:

- a. COMMON INDUCTION MOOT 2020, CAMPUS LAW CENTRE
- b. Name and place of the Court
- c. The cause title
- d. Memorial on behalf of
- e. Counsel appearing on behalf of <insert>

Memorial Scoring:

The scoring for the written submission (Memorial) is 30 Marks which shall be divided as follows:

- a. Application and appreciation of facts (5 marks)
- b. Identification and presentation of issues (5 marks)
- c. Application of legal principles/ provisions, use of precedents and authorities (10 marks)
- d. Logical structure, grammar and style (5 marks)
- e. Consistent footnoting and formatting (5 marks)

Oral Rounds:

- a. The Oral Rounds shall be conducted ONLINE via ZOOM/GOOGLE Meeting App. Each participant shall get a total of 15 minutes to present their case. The oral arguments should be confined to the issues presented in the Memorial
- b. Scoring of ORAL ARGUMENTS (70 marks):
 - Application and appreciation of Facts (15 marks)
 - Understanding of law and procedure (15 marks)
 - Use of authorities and precedents (10 marks)
 - Response to questions and articulation (15 marks)
 - Advocacy skills, court craft and demeanor (15 marks)
- c. Dress Code:

For Female Counsel: White shirt with Black/White Pants **OR** White/Black Kurta, White/Black Salwar, Black Blazer (*Preferable but not mandatory*).

For Male Counsel: White shirt, Black/White Pants, Black Blazer and Tie (*Preferable but not mandatory*).
- d. Selection criteria:
 - There is no win/loss in the competition for any participant and no fixed number of students is decided to be admitted into the Society through this induction process.
 - The cut off marks for the Memorials is 15 marks.
 - The cut off marks for the Oral Arguments is 45 marks.
 - All those candidates who are able to secure the above mentioned cut-off marks of BOTH oral and memorial round, and have not attracted any penalty or any other disqualification as per the society rules will be admitted as a member of the society

NOTE:

- The decision of judges and organizers shall be final in all respect
- Any misconduct on the part of a Participant may attract disqualification
- Any clarifications, any problems related with the memorials submissions, or any queries with respect to the competition may be sought at commoninduction2020@gmail.com with subject line “**CIM QUERY 2020**”.