



**AMITY UNIVERSITY**  
GURGAON

# *1st Amity National Judgement Writing Competition, 2017*

*Organised by:*

**AMITY LAW SCHOOL**

*“The constitution is not an instrument for the government to restrain the people, It is an instrument for the people to restrain the government lest it comes to dominate our lives and interests.”*

*- Patrick Henry*

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## FOREWORD

Since the start of 5 year integrated LLB course in Delhi, Amity University has been a promising cultivator of understudies having approach towards multi-disciplinary analysis of socio-legal problems which is being implanted in its course structure. The Amity Law School, Gurgaon in its educational modules has incorporated has address talks, case-law investigation, debatable court preparing and extend assignments. Likewise, the School sorts out workshops on contemporary lawful issues, conducts clinical courses and prepare understudies in lawful research and lawful composition.

This time they have come with a unique idea of organizing 1<sup>st</sup> National Judgment Writing Competition. A judgment is an impression of the inner voice of the Judge, who composes it, and confirms his fairness and scholarly genuineness. The judgment writing provides an opportunity to a judicial officer to demonstrate his ability and worthiness to be a participant in the high tradition of service to society by adjudicating disputes between the parties. So, it is very essence of a virtuous attorney or a Judge.

Taking into account the mounting arrears, and the number of the cases in the daily cause list, the burden in judgment writing sometimes become extremely heavy and the competition like this supplement the students to think like a jurist from the very beginning of their profession. Many of the students going for the legal education at the higher level may ultimately on the judicial services. Many may join the administrative services. In their capacity they will have to pass orders and judgments. The National Judgment Writing Competition will give an idea to the budding students of the honours task which is required to be performed by a Judge or adjudicator and from the very beginning he will become alive to the imperative of being a prefect judge with unquestionable integrity.

An opportunity like this was not available in earlier days, else the institution of judiciary would have discharged its functions with greater efficiency. I am sure, each student participating in competition will make an attempt to enhance his reasoning and writing skill in drafting judgment / order and in future it will help him/her to become a good member of the legal profession or judicial / administrative service where he/she will be required to determine the rights and obligations of the parties.



JUSTICE G.S.SINGHVI

FORMER JUDGE OF SUPREME COURT



**MAJ. GEN. P.K. SHARMA (RETD.)**  
**DIRECTOR, AMITY LAW SCHOOL**

Amity Law School Gurgaon boasts of a variety of legal battles including Legal Conferences, Parliamentary Debates, Moot Court Competitions, Quiz Competitions, Debate Competitions, and Poster Making etc. to enhance and groom the legal skills of students and make their way forward to a competitive future. It also preserves the ethical principles required in the arena of law. With a group of dedicated and professionally competent faculty, the Law School stands out to inoculate moral, ethical and legal principles involved in the civil modern civilization. Presently, the Law School inhabits nearly 500 Law students who are geared up to shake the world.

This time Amity Law School has thought of organizing the first National Judgment Writing Competition. In Judgment Writing, students figure out how to break down facts of both the sides, applying the pertinent laws and after that, in composing convey equity. In my perspective, Legal thinking and reasoning is the most essential ingredient in legitimate framework that a Judge or a Lawyer comprises of, which must be fed to the brains of maturing attorneys from the very beginning of their vocation. Thus Amity Law School by including this into its curriculum is making an exemplary stride showering the light on reformation in legal education system in India.

Each one of us is striving hard to achieve the vision of our Hon'ble Founder President and Hon'ble Chancellor of making this Institute one of the most prestigious institute of the country. I also take this opportunity of conveying our gratitude to the Hon'ble Vice Chancellor, Deputy Vice Chancellor the Pro-Vice Chancellor and Dean Students Welfare for their unstinted guidance and blessings at each stage in organizing this conference.

Best Wishes

## **ABOUT**

Amity Law School, Gurgaon is organizing the 1st Amity Judgment Writing Competition with SCC Online as Knowledge Partner and Legal Bites as Media Partner.

1<sup>st</sup> Amity National Judgment Writing Competition 2017 is a combined venture of Amity Law School, Gurgaon and the Legal Bites to explore into the area of legal education to increase and promote qualitative legal research by looking at practical aspects of implementation of laws studied by Law Students.

The Judgment Writing Competition looks at a broad aspect of how laws learnt about in classrooms are actually put to effect and implemented in courtrooms where facts play a crucial role and law is applied to these facts to set binding legal precedents and pave way for judge-made law.

This competition seeks to capture the spirit of Judges and decision-making from young Law Students aspiring to join the esteemed Judicial Services and also is a small effort to infuse the vital role that judgments play in a society, especially when Judicial Activism is on a rise and is paving way in India.

### **ELIGIBILITY:**

1. The participants must be currently pursuing their Bachelor's Degree in law i.e. 3-Year LL.B. course or 5-Year LL.B. course from any recognized university/school or pursuing LLM from any recognized University or person who is preparing for judiciary.
2. In one team, not more than two participants are allowed. A team comprising of two students from different colleges are not eligible to participate in the competition.
3. Any Law College or Law University can send any number of entries. There is no restriction on the number of entries from any college or university.

### **LANGUAGE:**

The said competition shall be in English only.

## **COMPROMISE**

1. Digvijay Khanna, aged about 22 years, a B.Com graduate, worked at a small Chartered Accountant's firm living in the city named Mahipalpur at Kaipur. On 18.04.1985, Digvijay married Madhu, who used to teach children at a play school. Just before the marriage, Digvijay not only demanded a lump sum amount as dowry but even after marriage his demands remained perpetual, this became a source of discord between him and his wife and often the neighbors too heard shrieks and cries of Madhu. In fact, colleagues of Madhu often saw her crying in the staff room. When she was asked, she mostly kept mum. Madhu gave birth to a boy and named him Pulkit on 09.01.1986. Even after Pulkit's birth, the situation at their house did not improve. It had been an established fact that Madhu was not happy. On 21.04.1987, the second child, Punit was born.

2. On 24.01.1992, Madhu had to go out of town to attend her friend's wedding. Sarika, Madhu's younger sister was called to babysit the children in her absence. On that night, at about 01:15 AM, while both the sons were sleeping, Digvijay came home extremely intoxicated with liquor. At about 01:30 am Digvijay started forcing himself on Sarika. It seemed Sarika's refusal angered him as a result of which Digvijay started hitting her. Sarika cried out for help, both the children got up and saw that the accused was assaulting their aunt and specifically saw a metal rod being used by Digvijay to hit Sarika. Digvijay repeatedly hit her and was in an uncontrollable state. Both the children rushed out of the house and ran towards their maternal uncle's Rajiv (complainant) house who resided in the immediate vicinity. The complainant along with other relatives came to the scene and saw Sarika lying in a pool of blood, in an unconscious condition, on the bedroom floor. After coming to terms with the situation, Rajiv called the police. At about 02.15 AM, police reached at the spot. The victim was shifted to the hospital by the complainant. At about 05:30 AM Rajiv's statement was recorded by the police at the hospital on the basis of which the First Information Report (hereinafter referred to as FIR) was registered.

3. The Accused was arrested and investigation was conducted by the police. Madhu and their parents had come down from Simachal Pradesh. The doctors gave a finding in the Medical Report that Sarika had lost blood and was under severe shock. The doctor also stated that due to continuous assault on her, sever injuries were inflicted on her brain. This resulted in Traumatic Brain Injury (TBI) which is a result of blunt force trauma which causes damage to the underlying areas of the skull such as membranes, blood vessels and brain. Her body had gone through

extreme trauma. Sarika had suffered internal bleeding, there were bruises all over her body and she also had vaginal inflammation. The doctors gave her a breathing machine to ensure proper oxygen delivery and breathing. There was secondary brain injury and doctors monitored the intracranial pressure (ICP). Next day, the doctors carried out a surgery to remove the damaged brain tissue, but the surgery was only partially successful. Treatment continued for 3-4 days, and though the doctors saved Sarika from death but there were severe other complications which slowly led her to fall in her GCS score. Subsequently she was put on ventilator support to ensure adequate supply of oxygen to the brain and vital organs.

4. The police completed the investigation and submitted the charge sheet with 12 witnesses. The Accused was charged with the offences punishable u/s 307,326 and 376A of IPC. The Accused pleaded Not Guilty to all the charges and prayed for a trial. The Accused was tried before the Principle District & Sessions Judge, Mahipalpur. The recording of evidences started after 3 years of the incident.

5. Madhu was examined as PW1 and testified that she had to go out to attend her friend's wedding and she had asked her younger sister to stay at her place to look after her children. Madhu stated that her relationship with her husband was strained. She kept trying to fulfill her responsibilities as a wife but it was always more of a burden to her.

6. Rajiv was examined as PW2 and testified that the FIR was registered upon his complaint given at the hospital where his sister was undergoing treatment. Rajiv further stated that on the night of the incident, Pulkit along with his brother Punit came running to his house at around 1:30 AM and said that his father was beating their aunt.

7. The prosecution examined the two children as PW3 and PW4. At the time of examination in Court, the two children were aged 9 and 8 years respectively. PW3 and PW4 were questioned by the Judge prior to their evidence being recorded to check the intellectual capacity of the children to understand questions and to give rational answers thereto. Thereafter, their testimonies were recorded without the administration of oath and they stated that the Accused attempted to kill the victim that night.

8. The Prosecution recovered a metal rod, which was marked as MO6. Prosecution introduced this as the weapon. A seizure Mahazar Ex. P04 was drawn up. One of the witnesses to the seizure, PW11, also signed the Mahazar.



9. PW7 the SHO who was on duty at the time the incident took place, admitted to having received the call from PW2 and stated that he immediately dispatched two Police Constables and another Police Jeep to go to the crime scene and guard the area. Thereafter, at around 4:30 AM, he himself proceeded to the hospital to record the statement of the victim and the complainant.

10. PW12 the doctor, who treated the victim at the hospital, testified that the victim was unconscious when she arrived at the hospital. She stayed unconscious and finally after the operation and the treatment on 26.01.1992 Sarika's condition remained unstable. Different methods of treatment were administered but her condition did not improve. She was in a persistent vegetative state. The last report given by the doctors clearly stated that there was no chance of improvement.

11. No evidence was produced on behalf of the defence. The Accused was examined under S.313 Cr.P.C. and his defence was one of total denial to the offences alleged against him. The Sessions Court convicted Digvijay under Section 376A of IPC and sentenced him to death on 10<sup>th</sup> December 1998. The High Court of Kaipur confirmed the sentence of death on 05<sup>th</sup> October 1999. Whereafter an Appeal was preferred by Digvijay before the Supreme Court of India under Article 136 of Constitution of India, which was dismissed on 07<sup>th</sup> November 2000 on the grounds that the issue did not raise any question of significant legal importance. After that Digvijay also filed a Review Petition which was also dismissed on 19<sup>th</sup> June 2001. A Petition for Clemency was presented before the President of India and is pending for 15 years after disposal of the criminal appeal by Supreme Court which stand rejected.

12. During this period, Digvijay was sent to the Manihar prison in Kaipur. Prison authorities kept Digvijay Khanna in solitary confinement cell at the prison and he was not allowed to remain in the cells with other ordinary criminals. On 12.10.2016, Digvijay was sent to death row confinement. On 07.11.2016, the black warrant for the execution of Digvijay Khanna was issued by the appropriate court. The very next day, lawyers representing a human rights organisation filed a Writ Petition before the High Court of Kaipur claiming that Digvijay cannot be executed on the grounds that his trial is vitiated by illegality and his execution would violate several provisions of the Constitution of India.

13. In the meantime Pulkit and Punit grew up to be 29 and 28 years old respectively. Madhu, Punit and Pulkit had been taking care of Sarika since the time of incident. Sarika had been in

coma from the past 22 years, was in a permanent vegetative state, life support was being provided to her for 6 months in the hospital. After that with the consent of her family she was kept in her parental home under the supervision of the make-do ICU and nurse. She could barely eat. She had been surviving on mashed food and could not move her limbs. Also it was said by the doctor that there is no possibility of any improvement in the condition and that she was entirely dependent on the ICU support. Punit could not see his aunt's pathetic condition. He filed a Mercy Killing Petition in the Hon'ble High Court of Kaipur for the grant of a certificate of passive euthanasia and prayed to the State to stop his aunt's treatment and let her die in peace. This fact was also highlighted in the PIL filed by "UMEED" NGO.

The Hon'ble Court held on 10.02.2017 as under:-

(A) The Black Warrant of Digvijay Khanna must be executed now.

(B) The State Government of Kaipur was instructed to set up a committee of qualified medical practitioners to look into Sarika's medical condition and declare her fit for the Mercy Killing Petition.

14. Aggrieved by the decision of the High Court of Kaipur, Digvijay's Lawyer filed a Special Leave to Appeal on 13.02.2017 on the grounds that he should not be executed now because his trial is vitiated by illegality and delay in execution itself is a violation of his fundamental rights. Sarika's parents filed a Writ Petition praying that Mercy Killing Petition of Sarika should not be allowed.

15. The Hon'ble Supreme Court clubbed both the petitions and the matter was posted for hearing before a five-judge Constitutional Bench. Two Judges of the Constitutional Bench ruled that the Mercy Killing Petition of Sarika should be allowed and Digvijay be executed while two other Judges ruled that the Mercy Killing Petition of Sarika should not be allowed and Digvijay should not be executed. The parties to the dispute await your Judgment as the fifth Judge.



## **Rules and Regulation**

### **THE COMPETITION**

The Competition will consist of only single round. The top 3 students/teams will be awarded with cash prize and certificates and other participants will get participation certificate.

### **REGISTRATION**

1. The Registration Fee is **Rs.720**
2. Mode of Payment: Registration Fees should be paid online via Legal Bites Portal.
3. The participants must submit the duly filled registration form via Google form after making Payment.
4. A confirmation mail will be sent on approval of registration.
5. All submissions should be mailed to **[alsjwc@legalbites.in](mailto:alsjwc@legalbites.in)**

### **FORMAT OF THE JUDGMENT:**

1. A cover page stating the name of the competition, the name of your Institution and the names of student authors, with the signatures of each student author.
2. The Judgment shall begin on the next page. The first page of Judgment must contain **Team Code, Name of the Court, Title, Number of the Case, Date of Delivery of Judgment** , Nature of the Case(s) (Civil/Criminal/Writ)
3. Admissibility/Maintainability of Petitions/Suits/Appeal
4. History and Procedural History of the Petition/Suit/Appeal
5. Issues and Points for Determination
6. Framing Specific Questions for determination
7. Reference to Precedents, Other Sources (both authoritative and persuasive)
8. Decision on issues framed or points formulated
9. Decretal /Operative Part

The judgment may be submitted as follows:

1. **Word limit** – 3000 words (including foot notes)
2. **Format** – MSWord
3. **Font** – Times New Roman
4. **Font size**- 12 for text, 10 for footnotes
5. **Page numbers** – bottom center
6. **Line Spacing**- 1.5 for text and 1.0 for footnotes
7. **Alignment**- Justified
8. **Margin**- One inch each side
9. The citation methodology to be followed is *Harvard Bluebook* (19<sup>th</sup> Edition)
10. All the Judgments must be sent as DOCX file and PDF file. The title of the file must be in the following format AUH\_JWC\_ TEAM CODE on [alsjwc@legalbites.in](mailto:alsjwc@legalbites.in) .

#### **ANONYMITY:**

Each team will be provided with a unique code upon registration. The identity of the teams shall not be disclosed at any stage; such disclosure shall invite penalties including disqualification. The decision for the same shall be at the discretion of the Organizing Committee.

#### **SCHEDULE & OTHER DETAILS:**

All details of the competition, including, Schedule or declaration of Results or any other material information shall be displayed and constantly updated, as and when required, on the Website located at <http://www.legalbites.in/alsjwc>. Any update on the website shall be a communication deemed to be served upon all interested.

#### **DECISION:**

Decision of the jury shall be final and binding. Decision of the Organizing Committee shall be binding in interpretation of any rules or for any query or otherwise.

**EVALUATION CRITERIA:**

It shall include the following parameters

<b>Particulars</b>	<b>Marks</b>
Beginning & Opening of the Judgment	10 Marks
Issues and Points for Determination	20 Marks
Citing of relevant laws viz. case-law, statutes and opinions of jurists	20 Marks
Decision on issue Framed	20 Marks
Decretal/Operative Part	20 Marks
Format, presentation, style, clarity, appearance, and over-all impression	10 Marks

**PENALTIES:**

Notwithstanding any other rule, the following penalties may be levied on participants:

1. Disqualification on grounds of

**i. Non-Submission of Judgment**

**ii. Breach of Anonymity Rule**

**iii. Submission of Judgment beyond five days of the date of submission.**

2. Submission of Judgments not complying with Rules shall attract a penalty of two marks per aberration and two marks per 100 words (word limit).

3. Submission of Judgment (Soft Copy) beyond the date of submission shall attract penalty of ten marks per day.

### **AWARDS:**

1. **First Prize** – Certificate of Excellence + Medal + Cash Prize of Rs.10,000 + SCC Online hamper.
2. **Second Prize** – Certificate of Excellence + Medal + Cash Prize of Rs. 5,000 + SCC Online hamper.
3. **Third Prize** – Certificate of Excellence + Medal + Cash Prize of Rs. 3,000 + SCC Online hamper.

All the participants who submit the Judgments would get Participation Certificate.

### **ORGANISING COMMITTEE:**

1. **Convener - Maj. Gen. P. K. Sharma (Retd.)**  
Director, Amity Law School, Gurgaon
2. **Faculty Convener - Mr. Pranshul Pathak**  
Coordinator, Amity Law School, Gurgaon
3. **Event Coordinators**  
Mr. Amit Kumar and Ms. Papiya Goldar

### **CONTACT DETAILS:**

All queries, clarifications and communications regarding the competition must be mailed to the Organizing Committee on [alsjwc@legalbites.in](mailto:alsjwc@legalbites.in) or contact

#### **Student Coordinators**

1. Lakshay Anand: +91-8447555305
2. Shivani Gangotra: +91-9971649937

## SCHEDULE OF EVENTS

<u>EVENT</u>	<u>DATE</u>
Date of Release of Official Notification	31 <sup>st</sup> August, 2017
Last Date for Registration and Payment of Registration Fee	15 <sup>th</sup> September, 2017 by 11:59 pm
Last Date of Clarification	20 <sup>th</sup> September, 2017
Releasing of Individual/Team Codes	21 <sup>st</sup> September, 2017
Last Date for Submission of Judgment (Soft Copy)	30 <sup>th</sup> September, 2017
Declaration of Result	20 <sup>th</sup> October, 2017

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