



विधि केंद्र – II  
**LAW CENTRE - II**  
(विधि संकाय, दिल्ली विश्वविद्यालय)  
(FACULTY OF LAW, UNIVERSITY OF DELHI)



011-27667052 / 24111491



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Ref. No. LC-II/2017/

Dated: 6<sup>th</sup> September, 2017

**ORIENTATION & INTRA LC-II MOOT COURT COMPETITION, 2017**

All the students of Law Centre-II are hereby informed that those students who want to become a member of Moot Court Society of Law Centre-II are required to take part in Intra Law Centre-II Moot Court Competition scheduled to be held on 15<sup>th</sup> September, 2017 at 8.00 a.m. at Umang Bhawan (New Building, Faculty of Law). The participation into this Moot Court may enable the students to represent Law Centre-II at Moot Courts organized by different Law schools in India and abroad. Those students who want to participate in this Moot Court may see the problem & the related rules attached with this notice. The students may also contact the following members for getting information regarding registration.

1. Dr. Mahavir Singh - 9868349527, 7292045330
2. Dr. Anupam Jha - 9868620205
3. Dr. (Mrs.) Shabnam - 9818707427
4. Mr. Rakesh Kumar- 9818887926
5. Ms. Madhu Saini - 9818030186
6. Mr. Ankush Bhardwaj - 9990442052  
(Student Convenor)

After the Moot Court Competition, there will be an orientation lecture by Prof. M. Afzal Wani, Former Dean, GGSIP University, Delhi and Former Member of Law Commission of India.

Dr. Mahavir Singh Kalon  
Faculty Convenor / Member Moot Court Committee



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## Rules Regarding the Intra LC-II Moot Court Competition, 2017

All the Participating Students Should Follow the Following Rules:

- 1) Each student can choose any one side of the Moot problem i.e Petitioner or Respondent.
- 2) Individual Participation for the Induction to the Event is permitted.
- 3) The Memorials should have the following essentials : Memo of Parties, Statement of Jurisdiction, Statement of Issues, Arguments Advanced and Prayer
- 4) Font Size : 12, Font : Times New Roman
- 5) Each Speaker will be given 5 Minutes to present the Arguments.
- 6) Students should be present at the venue ( Umang Bhawan, New Building, Faculty of Law) in Proper Court Uniform.
- 7) Each participant should carry 2 printed copies of Memorial with them at the time of the Event.

Faculty Convenor / Member Moot Court Committee



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**The Chairman, Railway Board & ORS.....PETITIONER**  
**Vs.**  
**Mrs. Chanda Bose & ORS.....RESPONDENT**

Heena Ibrahim, a citizen of Bangladesh came to India on official duty in the month of December 2016. Before returning to Bangladesh, she wanted to visit Ajmer Sharif. With that intent in mind, she arrived at Calcutta on 24<sup>th</sup> December, 2016 and stayed at a hotel at 10, Sudder Street, Police station Taltola.

She arrived at Howrah Railway Station on 1<sup>st</sup> Jan, 2017 at about 14.00 hours to avail Jodhour Express at 23.00 Hours for paying a visit to Ajmer Sharif. She had, however, a wait listed ticket and so she approached a Train ticket Examiner at the Station for confirmation of berth against her ticket. The Train ticket Examiner asked her to wait in the Ladies Waiting room. She accordingly came to the ladies waiting room and rested there.

At about 17.00 hours on 1<sup>st</sup> Jan, 2017, two unknown persons (later identified as one Ashok Singh, a tout who posed himself as a very influential person of the Railway and Siya Ram Singh a railway ticket broker having good acquaintance with some of the Railway Staff of Howrah Station) approached her, took her ticket and returned the same after confirming reservation in Coach No. S-3 (Berth No.17) of Jodhpur Express. At about 20.00 hours Siya Ram Singh came again to her with a boy named Kashi and told her to accompany the boy to a restaurant if she wanted to have food for the night. Accordingly at about 21.00 hours she went to a nearby eating house with Kashi and had her meal there. Soon after she had taken her meal, she vomited and came back to the Ladies Waiting room.

At about 21.00 hours Ashok Singh along with Rafi Ahmed a parcel Supervisor at Howrah Station came to the ladies Waiting Room before boarding the train. She appeared to have some doubt initially but on being certified by the lady attendants engaged on duty at the ladies Waiting Room about their credentials she accompanied them to Yatri Niwas. Sitaram Singh, a khalasi of electric Department of Howrah Station joined them on way to Yatri Niwas.



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She was taken to room No.102 on the first floor of Yatri Niwas. The room was booked in the name of Ashok Singh against Railway Card pass no. 3638 since 30<sup>th</sup> Dec, 2016. In room no.102 two other persons namely, one Lalan Singh, Parcel Clerk of Howrah Railway Station and Awdesh Singh, Parcel Clearing Agent were waiting.

Heena Ibrahim suspected something amiss when Ashoke Singh forced her into the room. Awdesh Singh bolted the room from outside and stood on guard outside the Sunil Sharma (Age 16 years boy helper in railway on contract basis) took liquor inside the room and also forcibly compelled her to consume liquor. All the five persons who were present inside the room brutally violated, and committed gang rape on Heena Ibrahim, who was in a state of shock and daze.

When she could recover, she managed to escape from the room of Yatri Niwas and came back to the platform where again she met Siya Ram Singh and found him talking to Ashoke Singh. Seeing her plight Siya Ram Singh pretended to be her saviour and also abused and slapped Ashoke Singh. Since it was well past midnight and Jodhpur Express had already departed, Siya Ram requested Heena Ibrahim to accompany him to his residence to rest for the night with his wife and children. He assured her to help entrain Poorva Express on the following morning.

Thereafter Siyaram accompanied by Ram Samiram Sharma, a friend of siyaram took her to the rented flat of Ram Samiram Sharma at 66, pathuriaghata Street, Police Station Jorabagan, Calcutta. There Siyaram raped Heena Ibrahim and when she protested and resisted violently Siyaram and Ram Samiran Sharma gagged her mouth and nostrils intending to kill her as a result Heena bled profusely. On being informed by the landlord of the building following the hue and cry raised by Heena Ibrahim, she was rescued by Jorabagan Police.”

On the basis of abovementioned facts one social activist and Advocate Mrs. Chanda Bose and few NGO Members filed petition under article 226 as Public Interest Litigation against Railway Board and Union of India for Heena Ibrahim, the victim, and many such other victims of rapes committed in the railway premises, saying that the main accused in the instant case are employees of the



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railways, and the Union of India and they are perpetrators of the heinous crime of gang rape repeatedly committed upon the helpless victim Heena Ibrahim.

It was on the basis of the above facts that the High Court awarded a sum of Rs. 10 lacs under Article 226 as compensation to Heena Ibrahim, as the High Court was of the opinion that the rape was committed at the building (Rail Yatri Niwas) belonging to the Railways and the gang rape was perpetrated by the railway employees.

Now the case is before the Supreme Court. The points to be argued before the Supreme Court are:

1. Whether Heena Ibrahim who is a foreigner and not an Indian citizen is entitled to any relief / compensation under Constitution of India?
2. Whether the commission of an offence like rape by the person concerned, would make the railway or the Union of India liable to pay compensation to the victim of the offence on the ground of vicarious liability?
3. Whether the accused Sunil Sharma (age 16 years boy) can be treated as an adult for the offence of gang Rape?

**Prepare arguments on behalf of both the parties.**