



II NATIONAL MOOT COURT COMPETITION, 2019

4th to 6th APRIL, 2019
(THURSDAY - SATURDAY)



INSTITUTE FOR TECHNOLOGY AND MANAGEMENT SCHOOL OF LAW

University Campus: Village Uparwara, Naya Raipur, Chhattisgarh, Pin 492 002.

Call Us : [+91 771 6640444](tel:+917716640444)

Event Enquiry Helpline : 91+ 9039361888 , 91+ 7389482812

Email: itmurschool.of.law@gmail.com Website: www.itmuniversity.org

Institute for Technology and Management
School of Law
(ITM University, Raipur)



INVITATION LETTER

Date: 09th Feb, 2019

The Vice-Chancellor / Director / Principal / H.O.D.

SUBJECT: Invitation to Participate in the II National Moot Court Competition – 2019

Dear Sir/Madam,

It gives us immense pleasure to invite your esteemed institution to participate in the **II National Moot Court Competition – 2019**. The Moot Court Competition is being organized by **Institute for Technology and Management School of Law**.

This moot court is being organized with a purpose to spread the maximum awareness among the law students and to acquaint them with the current legal issues in the country. This competition will surely add to the research, writing and oratory skills of the students.

The Moot Court Competition shall be held on April 4th 5th & 6th, 2019 (Thursday to Saturday) at **Institute for Technology and Management School of Law, Raipur**.

We look forward to the participation of your team in the aforesaid Moot Court Competition and making it a successful event.

Please see the moot problem, rules and regulations annexed with the invitation.

With Warm Regards,

Yours sincerely,
Prof. Himanshu Shukla
HOD Incharge
School of Law, ITMUR

Admission Office Address:

3rd Floor, Shyam Plaza, Near New Bus Stand, Pandri, Raipur, Chhattisgarh, Pin 492 001
Tel: +91 771-3092600 / 22

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**II NATIONAL
MOOT COURT COMPETITION, 2019**

**4th to 6th APRIL, 2019
(THURSDAY SATURDAY)**

BEFORE THE SUPREME COURT OF ZINDIA

WRIT PETITION (CIVIL)

IN THE MATTER OF:

SULEKHA TIWARI

.....PETITIONER

VERSUS

UNION OF ZINDIA & OTHERS

.....RESPONDENT

FACTS OF THE CASE



Ruhani Naaz, 7 years old, lives in Mendi Bazaar in Numbai city of Zindia. She belongs to Dohra community, a subsect of Islam. One morning, while Ruhani was on her way to school, her grandmother lured to treat her with chocolates and took her to a small dimly lit room at the back of a decrepit building near Mendi Bazaar. On reaching there, Ruhani was asked to lie down, her hands and legs were held by her grandmother. A woman who was present in the room pulled her pants down and with a blade cut off her clitoris. Ruhani experienced excessive bleeding and excruciating pain between her legs. She did not know what had happened with her and why she had to experience such an inhuman treatment. Her grandmother had told her this was a tradition which every girl had to follow. After some days, Ruhani developed an infection into her vagina, had genital sores and also experienced post traumatic stress disorder. She kept sick for a long time.

After a month, Sulekha, a renowned advocate and child rights activist was invited as a chief guest at Ruhani's school function where she got to interact with Ruhani. Ruhani saw a friend in her and shared what she had been going through and how its repercussions have been haunting her day and night. After hearing the incident, Sulekha researched and read articles on the internet where she got to know that this practice of female genital mutilation was prevalent amongst the Dohra community. She decided to stand up for the women who experienced such cruel, inhuman and degrading treatment and filed a PIL in the Supreme Court of Zindia. The matter is pending before the Hon'ble Supreme Court of Zindia.

Note: Female genital mutilation (henceforth referred to as FGM) also called "khatna" or "khafz" involves the removing of all or a part of female genitalia without any medical reason. It does not have any mention in Quran. The practice is prevalent amongst the Dawoodi Bohra community, a subsect of Islam. The practice of FGM originated in the African countries. Many countries like Australia, USA, UK and parts of Africa have banned the practice of FGM, but there is no law in India banning FGM or Khatna to declare it illegal.

THE LAWS OF ZINDIA ARE IN PARI MATERIA WITH INDIA.

ISSUES- 1. Whether the practice of Female Genital Mutilation (FGM) or 'Khatna' is in violation of the principles of UDHR, Convention on Rights of Child and the United Nations General Assembly resolution passed in December 2012 regarding rights of the Child banning FGM?

2. Whether the practice of FGM is in violation of Fundamental Rights including Article 14 and 21 and Article 39 of Constitution of India?

3. Whether the practice of FGM attracts punishment under the provisions of Indian Penal Code, 1860?

4. Whether the practice should be declared as illegal and be made a punishable offence across the countries?

The participants have the discretion to raise any other issue pertaining to the problem.

Disclaimer: This hypothetical problem has been created only for the use in this competition and it has no connecton with any place and any person living or dead.

II NATIONAL MOOT COURT COMPETITION, 2019 RULES AND REGULATIONS



1. AIM AND PURPOSE

The Institute for Technology and Management, School of Law is organizing II National Moot Court Competition, 2019.

The objective of the Competition is to give exposure to law students on important issues arising in contemporary socio-eco & legal settings. Law students who participate in the Competition will have the opportunity to develop their research, legal writing and oral advocacy skills in a mock courtroom setting.

2. DATE AND VENUE

The Competition shall be held on **4th 5th & 6th April, 2019 (Thursday, Friday & Saturday)** at Institute for Technology and Management, School of Law.

The participants shall report at Institute for Technology and Management, School of Law., Village Uparwara, Sector 40 Atal Nagar Raipur , Chhattisgarh, Pin 492 002.

3. COMPETITION FORMAT

The competition is structured as per the following format:

- I. Preliminary Round
- II. Quarter Final Round
- III. Semi Final Round
- IV. Final Round

4. ELIGIBILITY

Students of **3 year or 5 year** law degree courses from any University are eligible to apply for registration of their team. However, only **one** team shall be allowed to participate from one College/Institution/Department. Provided if any college is running both the courses, (3 year and 5 Year) they may send **two** teams exclusively **one** from each course.

5. TEAM COMPOSITION

5.1 Each team shall consist only of **three** members, comprising of **two** Mooters and **one** Researcher.

5.2 Any alteration/change in the names of the team members shall be intimated in writing by the Dean Director/ Head of the Department of the School/ Department /College of Law, of the team requesting such alteration/change positively to the Organizing Committee. However, any such alteration is permitted only once.

5.3 Once the Competition commences, the team composition cannot be altered under any circumstances whatsoever. Inability of any team member to participate shall lead to disqualification of the team from the Competition. However, the team is free to rotate amongst the 3 members the roles of mooter / researcher as they deem fit.

6. REGISTRATION



6.1 Participating teams should register themselves by sending duly filled registration form along with

Registration fee of Rs.3600/- (Thirty Six Hundred Rupees Only) per team which shall be non refundable nor waived.

Registration form scanned copy through email at itmurschool.of.law@gmail.com latest by **5th March 2019**.

The Registration fees shall be sent through Demand Draft drawn in favor of ITM UNIVERSITY , Payable at ' RAIPUR ”

| For Online Transaction / NEFT- | |
|---------------------------------------|----------------------|
| Beneficiary Name | ITM UNIVERSITY |
| Beneficiary Bank Name | Andhra Bank |
| Beneficiary Branch Name | FAFADIH CHOWK-RAIPUR |
| Beneficiary Account No | 049311011002019 |
| Beneficiary RTGS/IFSC Code : | ANDB0000493. |

Hard copy of the registration form along with the demand draft (*if applicable*) shall be received by post on or before **March 8, 2019**, at To The Convener, Mr. Himanshu Shukla *ITM University, School of Law, University Campus: Sector 40 Village Uparwara, Atal Nagar Raipur , Chhattisgarh, Pin 492002.*

Any communication should be sent in case of participating law students on the respective College Letter head duly signed by the Principal/ Head Of The Department and addressed, To The Convener, Mr. Himanshu Shukla, ITM University Uparwara, Sector 40 - Atal Nagar Raipur, Chhattisgarh 492002.

or

To,

The Convener, Mr. Himanshu Shukla
Corporate Office ITM University, Raipur 3rd Floor, Shyam Plaza,
Near New Bus Stand, Pandri, Raipur, Chhattisgarh 492001.

Memorials Soft Copy to be sent by **20th March 2019 on this ID itmurschool.of.law@gmail.com.**

Memorials Hard Copy latest by **post on or before 25th March 2019**.

6.2 Teams will be formally registered upon arrival at ITMUR School of Law campus on **4th April, 2017** . Formal Registration requires the submission of a duly filled-in Registration Form, the scanned copy of which is required to be sent as per Rule. The participants are required to bring their photo ID proof for participation.

6.3 The details provided for formal registration will be final for the purposes of certification of participation and awards.

7. GUIDELINES FOR MEMORIALS



- 7.1 Teams have to prepare memorials for both the sides.
- 7.2 The teams shall submit 8 hard copies of the memorial for each side by **20th March 2019**.
- 7.3 The contents of the hard copies must be the same as the soft copy on itmurschool.of.law@gmail.com. Non-compliance with this rule will lead to disqualification of that team.
- 7.4 The memorials have to be submitted on A4 size paper, printed on only one side, and must be in the following order:

| |
|---|
| 1. Cover Page: The cover page shall contain the case title, side of the memorial year of competition, name of the court and team code on top right corner. |
| 2. Table of Contents |
| 3. List of Abbreviations |
| 4. Index of Authorities |
| 5. Statement of Jurisdiction |
| 6. Statement of Facts |
| 7. Issues Raised |
| 8. Summary of Arguments |
| 9. Pleadings / Arguments Advanced |
| 10. Prayer. |

- 7.5 **Team Code:** The team code must be ascribed on the top right corner of the cover page.
- 7.6 **Content Specifications:** The following content specifications must be strictly adhered to:

| |
|---|
| Font and Size (General) - Times New Roman 12 pts |
| Line Spacing (General) - 1.5 lines |
| Font and Size (Footnotes) - Times New Roman 10 pts |
| Line Spacing (Footnotes) – Single Line |
| Page Margins – 1 inch on all sides |
| The hard Copies of the Memorial shall be printed on only one side. |
| The citation should be in compliance with the 20 th edition of Bluebook. |

- 7.7 The Arguments Advanced should not exceed 20 pages per team.
- 7.8 The memorial as a team should not exceed 40 pages including the cover page.
- 7.9 The memorials should have a margin measuring one inch on all sides of each page.
- 7.10 The numbering should be on the bottom-center of each page.
- 7.11 The petitioner’s memorial cover page shall be printed on **Blue Colour** A4 size paper, and the respondent’s memorial cover page on **Red Colour** A4 size paper.
- 7.11.1. The memorials Front Page should inscribe specifically **P** and **R** representing the petitioner or respondent.
- 7.11.2. **The front cover of each memorial must have the following contents:**

| |
|--|
| The name of the Court (Supreme Court of Zindia) |
| The year of competition ITM II National Moot Court Competition 2019 |
| The name of the case (Sulekha Tiwari v. Union of Zindia & ors.) |
| The title of the memorial (“ Memorial for Petitioner ” or “ Memorial for Respondent ”) |



7.13 A Uniform Style of Citation should be followed throughout the memorial

7.14 Footnotes shall contain only the citation. There shall be no speaking footnotes in the memorial.

7.15 The maximum scores for the memorials shall be 100 marks. The memorials shall be evaluated on the following criteria:

| Marking Criteria | Marks Allotted |
|-----------------------------------|----------------|
| 1. Evidence of Original Thought | 20 |
| 2. Knowledge of Law and Facts | 20 |
| 3. Proper and Articulate Analysis | 20 |
| 4. Correct format and Citation | 20 |
| 5. Extent and Use of Research | 20 |
| TOTAL MARKS | 100 |

7.16 The Memorial shall be only spiral bound.

8. RULES FOR THE ORAL ROUNDS

8.1 Draw of Lots: The match up of teams in Preliminary Rounds shall be determined on the basis of draw of lots. Draw of lots and Memorial Exchange shall take place on April 4, 2019 after the Inaugural Ceremony.

8.2 Preliminary Rounds

1. The preliminary rounds will be held on April 5, 2019. The Preliminary rounds shall comprise of Two Rounds of oral arguments subject to the allotment of the team codes. In the preliminary rounds, each team shall have to argue twice, once as a petitioner and the other as a respondent.

2. Each Team will get a total of 30 minutes to present their case. This time will include rebuttal and surrebuttal time (if permitted by the judge(s)). The division of time per speaker is left to the discretion of the team subject with a minimum of 10 minutes per speaker and not more than 15 minutes per speaker. Rebuttals can be assigned a time period of not more than 2 minutes.

3. The oral arguments should be confined to the issues presented in the memorial. The researcher may sit with the speakers during the oral rounds. Passing of notes to the mooter by the researcher is strictly prohibited. Maximum scores for the oral rounds shall be 50 points per speaker per judge. The speakers can provide the copies of the compendium, only if the same is permitted by the panel of judges in their respective court rooms. No two teams will argue against each other more than once in the Preliminary Rounds.

4. The oral rounds shall be judged on the following criteria:

| Marking Criteria | Marks Allotted |
|---|----------------|
| 1. Preparation and familiarity with facts | 10 |
| 2. Structure of Legal Argument | 10 |
| 3. Knowledge & Application of Law | 10 |
| 4. Organization, Presentation, Speaking Ability | 05 |
| 5. Responsiveness to Questions | 05 |
| 6. Persuasiveness and Advocacy | 05 |
| 7. Courtroom Etiquette | 05 |
| TOTAL MARKS | 50 |

5. The winners of the preliminary rounds shall, i.e. total eight teams (8 teams) shall qualify for the Quarter Final Rounds. For the purposes of qualification from the Preliminary Rounds to the Quarter Finals, the number of rounds won by the team shall be considered as first criteria. In case there is a tie, the winning difference of their respective rounds shall be taken into consideration. Further, in case of tie after taking winning scores into consideration, the decision shall be taken on the basis of the Memorial marks.

8.3 Quarter Final Rounds

1. The Quarter Final Rounds shall also take place on April 5, 2019. The teams qualifying to the Quarter Finals shall be on the basis of Two Rounds of Oral arguments of the Preliminary Rounds.
2. Each team will get a total of 30 minutes to present their case which will include rebuttal and sur-rebuttal time (if permitted by the judge(s)).
3. The match up of teams in Quarter Final Rounds shall be determined on the basis of draw of lots.

8.4 Semi Final Rounds

1. The semi Final rounds shall comprise of Four Teams. The semi Final rounds shall take place on April 6, 2019. The winner of the Quarter Final rounds shall be declared qualified for the Semi Final Rounds.
2. The match up of teams in Semi Final Rounds shall be determined on the basis of draw of lots. Each team will get a total of 45 minutes to present their case which will include rebuttal and sur rebuttal time (if permitted by the judge(s)).

8.5 Final Rounds

The Final Rounds shall also take place on April 6, 2019. The two teams who stand declared as winners of the Semi Final Rounds shall qualify for the Final Rounds. Each team will get a total of 60 minutes to present their case which will include rebuttal and surrebuttal time (if permitted by the judge(s)). The winner of the Final Round shall be declared Winner of the Competition.

9. GENERAL RULES FOR ROUNDS

1. In case of evaluation of all the Rounds, the Memorial Marks shall not be included to decide the merit.
2. But in case a tie takes place in Quarter Final, Semi Final or Final Rounds, in that case, the marks of the Preliminary Rounds shall be the basis for deciding the winner.
3. The decision of the judges with regard to the outcome of the rounds shall be final.

10. SCOUTING

Teams shall not be allowed to observe the orals of another team, unless they have been officially knocked-out of the competition. Scouting is strictly prohibited. Scouting by any team shall entail instant disqualification.

11. DATE AND VENUE

The Competition shall be held on **4th 5th & 6th April, 2019 (Thursday, Friday & Saturday)** at Institute for Technology and Management, School of Law, Raipur. The participants shall report at Institute for Technology and Management, School of Law., Village Uparwara, Sector 40 Atal Nagar Raipur , Chhattisgarh, Pin 492 002.

12. RESEARCHER'S TEST

- ➔ The "Researcher's Test shall take place on April 4, 2019. Only the Researcher, as indicated in the team registration form, shall be eligible to take the researcher test. The speaker can only take the Researcher's Test, if the team comprises of 2 speakers only.
- ➔ There will be 50 objective questions of one hour duration of 2 marks each based on knowledge of general laws , No negative marking.

13. AWARDS

Awards include cash prizes to the meritorious participants, trophies and access to research resources.



| Awards | Prize |
|--------------------|------------|
| 1. Best Team | ₹ 15,500/- |
| 2. Runner-Up Team | ₹ 7,000/- |
| 3. Best Speaker | ₹ 2500/- |
| 4. Best Researcher | ₹ 2500/- |
| 5. Best Memorial | ₹ 2500/- |

Certificates will be provided to the team with the **Second Best Memorial, Second Best Mooter and Second Best Researcher**. In addition to the above, **Certificate of Participation** will be awarded to all the participants.

14. ACCOMMODATION AND TRAVEL

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|--|
| Accommodation and food shall be provided to all team by the organisers from April 4- 6, 2019 . |
| Team willing to stay beyond or before the dates of the moot, as specified, will be chargeable according to the Hotel Tariff. |
| The interested students are required, to inform the organizing committee through their Travel & Accommodation Form, So as to enable them to make necessary arrangements. Under no circumstances the organizer shall not provide accommodation to any other person accompanying the team. |
| Teams should send their travel plans with registration form and scanned copy mailed by March 5, 2019 . |
| Each team will be allotted single room accommodation in the hotel (3 members per room). |

15. CLARIFICATION

Any clarification regarding the competition may be sought from

| REGARDING MOOT PROCEDURE AND PROPOSITION, TRAVEL AND ACCOMMODATION. | | |
|--|-------------------------|--|
| Mr. Himanshu Shukla <i>School of Law ITMUR</i> | Moot Court Convenor | 91+ 70818 – 34129 |
| Ms. Disha Pande <i>School of Law ITMUR</i> | Moot Court Co- Convenor | 91+ 93402 - 50031 |
| Mr. Samarthya Pandey <i>(V Year BBA. LL.B)SOL - ITMUR</i> | Student Convenor | 91+ 90393 – 61888, 91+ 70001 – 85601. |
| Ms. Monika Mishra <i>(V Year BBA. LL.B)SOL - ITMUR</i> | Student Co - Convenor | 91+ 73894 - 82812 |

16. MISCELLANEOUS RULES:



- The Moot Court Committee, ITM School of Law, Raipur shall serve as final arbitrator of implementation and interpretation of these Rules.
- All clarifications regarding the Moot Problem should be sent to itmurschool.of.law@gmail.com by **March 5, 2019**. A full list of clarifications shall be sent to all the teams through email by **March 10, 2019** if required.
- The Moot Court Committee reserves the right to modify any of the Competition Rules at any point of time. The Moot Court Committee shall communicate any changes made in the Competition Rules to the Teams.
- The Moot Court Committee reserves the right to take decisions on any matter not mentioned in the Competition Rules. Any such decision taken by the Moot Court Committee shall be final and binding.
- The Moot Court Committee reserves the right to interpret any of the Competition Rules. Such interpretation shall be final and binding.
- Penalty points may be deducted only by the Moot Court Committee. Under no circumstances shall the judges themselves deduct from the score of the Speakers any Penalty points. Judges shall score the Oral Rounds as if no violation occurred.
- The competition shall be held in English language only.

Any team violating any of the specified rules will be penalized according to the following scheme:

| Scheme of Deduction | Marks Deducted |
|--|----------------|
| 1. Non-Compliance with Dress Code | 2 marks |
| 2. Non-Compliance with Written submission of soft copy on time | 2 marks |
| 3. Non-Compliance with Presentation of Written Submission | 2 marks |
| 4. Non-Compliance with Formatting of Written Submission | 2 marks |
| 5. Non-Compliance with Table of Contents, List of Abbreviations, | 2 marks |
| 6. Table of Authorities etc. | 2 marks |
| 7. Non-Compliance with Uniform mode of Citation | 2 marks |
| 8. Non-Compliance with Spiral Bound | 5 marks |
| 9. Non-Compliance with Reveal of identification of teams | 10 marks |

***Dress Code: Ladies:** Dark coloured salwar or trouser, white coloured kurta or shirt/ suit (black)
Gentlemen: White shirt with tie and dark coloured trouser / suit (black).

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