



**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.