

**EIGHTEENTH ALL INDIA MOOT COURT
COMPETITION, 2018**

FOR
**T. S. VENKATESWARA IYER MEMORIAL
EVER ROLLING TROPHY**

From 2nd to 4th February, 2018

His Highness Maharajas Government Law College
Park Avenue Road, Ernakulam, Kerala- 682011

RULES & REGULATIONS

1. DATE AND VENUE

1.1 The Eighteenth All India Moot Court Competition for **Adv. T. S. Venkateswara Iyer Memorial Ever Rolling Trophy** under the auspices of **His Highness Maharajas Government Law College Ernakulam Moot Club** will be held **from 2nd to 4th February, 2018** at the **His Highness Maharajas Government Law College Ernakulam campus.**

2. TEAM COMPOSITION

2.1 The competition will be open to the Law colleges, Law schools and Law Departments recognized by the Bar Council of India. **The participation is limited to under graduate students in law, both in the 3-year and 5-year schemes undergoing regular courses.**

2.2 The **institutions** can send a team comprising of three students, which include two speakers and a researcher and **their traveling expenses, shall be borne by the respective institutions.**

3. REGISTRATION

3.1 The last date for **confirmation of participation** is **8th JANUARY 2018** and the entry is **limited to 30 teams on first come first serve basis.**

3.2 The **Registration forms** shall be filled with the photos of team members and signature of the Head of the Institution and a scanned copy of the same should be mailed to mootclubglc.ekm@gmail.com on or before **12th JANUARY 2018.**

3.3 Each team shall remit a sum of **Three Thousand Five Hundred Rupees (Rs. 3500/-)** towards registration. The remittance of the same shall be done by DD/ Cheque drawn in favour of **Treasurer, Moot Club, Government Law College, Ernakulam.**

3.4 The scanned copy of DD/ Cheque along with the soft copy of the registration forms should be sent by email to mootclubglc.ekm@gmail.com on or before **16th JANUARY 2018.**

3.5 The hardcopy of the same should be sent by post/ courier to **The Convenor, Moot Club, Government Law College, Ernakulam, Pin: 682011** and it should reach latest by **16th JANUARY 2018**.

3.6 The teams shall report at the venue **before 2 p.m. on 2nd February 2018**.

4. **DRESS CODE**

4.1 The **dress code** for the participants during the court sessions shall be as follows:

Female participants : White Salwar Kameez and Black Coat
OR
White Shirt, Black Pants and Black Coat.

Male participants : White Shirt and Black Pant with Black Coat and Black Tie.

Gowns and Bands are **NOT** permitted to be worn by the Participants in the Competition

5. **MEMORIALS**

5.1 The memorials must be typed in English and must be in Times New Roman font having font size 12 and 1.5 space (this size restriction does not apply to footnotes, which shall be in size 10 and line space 'single') with 1 inch margin on all sides printed on **A4** size paper. Memorials dealing with *jurisdiction, issues involved, summary of arguments, pleadings, conclusion and prayer* shall be prepared by each team for both the sides. **Issues or pleadings not discussed within the body of the memorial shall neither be included in any other part of the same or be raised before the court.**

5.2 The body of the memorial **shall not exceed 25 pages** and the same would include *jurisdiction, questions presented, summary of pleadings, pleadings, conclusion and prayer, annexure, appendices and footnotes*. The *cover page, table of contents, bibliography, index of authorities, statement of facts, title page* and *back cover* are not included in these 25 pages.

5.3 The memorials shall not contain any information that will reveal the identity of the participating team and violation of the same, if any, shall attract penalties including disqualification from the competition.

5.4 The memorial for the Petitioner should be in **Blue cover** and that of Respondent in **White cover**. The memorials should be **paper bound/ staple bound**. Comb/ spiral or any other form of binding will be considered as improper binding. Please avoid plastic front sheets/ separators.

5.5 Cover page of the memorial must state the following

The cause title

Identity of the brief as Petitioner or Respondent

5.6 The soft copy of the Memorials should be sent to mootclubglc.ekm@gmail.com on or before **27th January 2018**. Six hard copies of the memorials shall be submitted to **The Convenor, Moot Club,**

Government Law College, Ernakulam at the time of reporting at the venue.
Late submission of soft copies would result in deduction of marks.

- 5.7 There should not be any disparity between the soft copy and the hard copy. Any violations would attract penalty. All Hard copies and soft copies of the memorials in the competition shall become the property of the Government Law College Ernakulam Moot Club.
- 5.8 There will **NOT** be any exchange of memorials.
- 5.9 **The memorial Marks will be computed to the score of speaker only in the Preliminary Rounds of the Competition.**

6. ORAL ROUNDS

- 6.1 The participants shall only be identified by their respective **Code Numbers** given at the time of their registration and shall refrain from any act which reveals the identity of themselves or of their institution. The participants shall wear the badge provided by the organizers throughout the days of the competition.
- 6.2 The format of the competition will be as follows :

COMPETITION ROUNDS	BASIS	CRITERIA
Preliminary rounds	League	Maximum Wins
Quarter Final (subject to number of participants)	Knock out	
Semi Final	Knock out	
Final		

- 6.3 Fixture of the competition will be decided by the Organizers before commencement of the sessions. The Moot Club reserves the right to make any necessary alterations in respect of the side to be taken by the competing teams in case it becomes absolutely necessary due to withdrawal of any team/teams at the far end or if the competing teams have had no opportunity to argue the other side of the problem. In the matter of disputes or complaints, the decision of the Appeal Committee chaired by the Principal, Government Law College, Ernakulam will be final.

6.4 Preliminary Round/ Quarter Finals

- 6.4.1 Each side will have a maximum of 35 minutes to present their case. This would include the time reserved for rebuttal/ sur-rebuttal. The duration of each session will not exceed **one hour ten minutes**. The team should allocate equitably the time available to the two individual speakers.

6.5 Semi Finals / Finals

6.5.1 Each side will have a maximum of 45 minutes to present their case. This would include the time reserved for rebuttal/ sur-rebuttal. The duration of the **Semi Final Round(s) and Final shall be of One hour 30 minutes which shall include argumentation, rebuttals and sur-rebuttals.**

6.6 The Organizers reserve the right to bring alterations in the duration of the Semi Final and the Final Round. The participants can apportion the time between themselves, but each participant has to argue for a minimum of ten minutes in the preliminary and quarter final rounds and for a minimum of 15 minutes in the semi-final and final rounds.

6.7 **Rebuttal/Sur-Rebuttal:** The maximum time provided would include the time that each team may want to reserve for their rebuttal/sur-rebuttal. At the commencement of each session the team shall notify the Court Officer as to the apportioning of time between the 2 speakers (including rebuttal/sur-rebuttal). In case any speaker continues to speak after the completion of his/her time, the additional time that was used, will be deducted from the time allocated to his/her co-speaker, or from the time allocated for the rebuttal/sur-rebuttal, as the case may be. The teams can reserve maximum of 5 minutes for the rebuttal/sur-rebuttal. The final decision as to the time structure and the right to rebuttal/sur-rebuttal shall vest with the Judges.

6.8 The language of the court shall be English. Each team shall be ready with their written briefs and oral arguments for both sides. During the oral rounds, the team shall not be allowed to use any type of electronic devices such as laptops, mobile phones, tablets etc.

7. EVALUATION

7.1 A bench comprising of Three Judges selected from a panel of judges drawn from an array of judicial officers, advocates and academicians will preside over each of the court session. The Final round will be presided over by Three judges of the High Court of Kerala.

7.2 Each court will assign marks to both individual participant and the team.

7.3 An individual participant will be evaluated to a maximum of 100 marks by each judge. Division of marks will be as follows:

1	Written Submissions (Memorials) (Only for Preliminary Rounds)	20 marks
2	Oral arguments	80 Marks

7.4 Marks for oral arguments will be awarded on the following criteria.

Sl. No.	Particulars	Max Marks
1	Substance in arguments, articulation of factual issues, factual analysis and use of evidence	20 marks
2	Knowledge of law, interpretation, articulation of legal issues and legal analysis	15 marks
3	Use of authorities and citations	10 marks
4	Skills of advocacy, persuasiveness and response to questions	15 marks
5	Clarity, brevity, ingenuity, language and style	10 marks
6	Court manners and general impression	10 marks

7.5. The aggregate marks for oral rounds in quarter finals, Semi- finals and Finals shall be out of 100 and apportionment of the same will be informed during the briefing.

7.6. To bring rationalization in the matter of awarding marks and for judicious evaluation, performances are catalogued into **Excellent, Good, Average, Below Average** and the range of marks to be awarded in each category will be forwarded to the judges.

8. RESEARCHER INTERVIEW/TEST

8.1 There will be an interview/test to select the best and second best researcher of the moot court competition.

8.2 For the Best and Second Best Researcher, the judging criteria shall be inclusive of the marks secured for the memorials added to the average of marks they secure during the interview/test.

9. PRIZES AND AWARDS

9.1 Every participant and researcher will be awarded certificate of participation.

9.2 Honours in this competition include

- i. Best Team
- ii. Second Best Team
- iii. Best Student Advocate
- iv. Best Female Student Advocate
- v. Best Male Student Advocate
- vi. Best Memorial
- vii. Second Best Memorial
- viii. Best Researcher

ix. Second Best Researcher

9.3 About 27 trophies and cash prizes are slated to be awarded in the competition.

10. **RECEPTION:**

10.1 **The travel plans of the teams** (A scanned copy by email and hard copy by post) **shall be sent to the Convenor, not later than 16th January 2018.** The teams will be received at Railway/Bus stations **from 2nd February, 2018.** However the teams will be free to reach on their own and report at the **Government Law College campus at Park Avenue Road, Ernakulam before 2 p.m. on 2nd February 2018.**

10.2 The nearest International Airport is Cochin International Airport at Nedumbassery which is approximately 35 km from the College. The Ernakulam Town and Junction Railway Stations are less than 3 km and less than 2 km respectively. The Kerala State Road Transport Corporation Bus Station is approximately 3 km away from the college.

11. **BOARDING AND LODGING**

11.1 The boarding and lodging for the teams will be provided from **2nd morning to the morning of 5th February, 2018 ONLY.** Lodging for female and male students will be separate. **Under NO CIRCUMSTANCES the Moot Club would provide lodging and boarding for any other person other than the three team members.** The facilities in the library and the Cyber Station of the Government Law College, Ernakulam can be availed, but only for reference.

12. **CONTACT**

12.1 The participants may feel free to contact us over phone, fax or email. Please refer below for the necessary contact. For quick and timely access please use the mobile numbers.

➤ **College**

Prof. (Dr.) Reghunathan (Principal) : 0484 2353915 (Off.)
E mail : mootclubglc.ekm@gmail.com

➤ **Personnel (Faculty)**

○ **Smt. Meenakumary** : +91-9495385445 ○ **Dr. S.S.Giri Sankar** : +91- 9447434293
(Convenor) (Co-ordinator)

○ **Neenakumari K.P.** : +91-9562057892
(Jnt. Convenor & Treasurer)

For queries, reach us at mootclubglc.ekm@gmail.com.

For social media updates of **XVIII TSV Moot 2k18**, follow us on

www.facebook.com/mootclubglc.ekm #XVIII_TSV_Moot_2k18

SCHEDULE OF THE PROGRAMME

Reporting at the Venue	:	9:00 am – 2:00 p.m. on 02.02.2018 (Friday)
Inauguration	:	4.30 p.m. on 02.02.2018 (Friday)
Preliminary Rounds	:	8.30 a.m. on 03.02.2018 (Saturday)
Quarter final rounds	:	4.30 p.m. on 03.02.2018 (Saturday)
Semi final Rounds	:	8.30 a.m. on 04.02.2018 (Sunday)
Finals	:	2 p.m. on 04.02.2018 (Sunday)
Valedictory Function and Prize Distribution	:	4 p.m. on 04.02.2018 (Sunday)

DATES TO BE RECKONED

Last date for Provisional Registration	8th January 2018
Last Date for Soft Copy of Registration forms and DD/ Cheque	12th January 2018
Last Date for submitting the Hard Copy of Registration Forms and DD/ Cheque	16th January 2018
Submission of Soft copy of Memorials	27th January 2018
Last Date for sending Travel Plans (Both Soft copy and Hard Copy)	16th January 2018.
Reporting at the venue	2nd February 2018, before 2 p.m.

BEST WISHESSd/-
Convenor

MOOT PROBLEM*

NAYANA v. PRASEETH

Dharmasthan is a State in the Indian Union. In 1997 The State Legislative Assembly enacted the Dharmasthan Freedom of Religion Act, 1997. The Sections 2, 3, 4 and 5 of the Act are as follows:

2. *In this Act unless the context otherwise requires-*

- (a) "Conversion" means renouncing one religion and adopting another;*
- (b) "Force" shall include a show of force or a threat of injury of any kind including threat of divine displeasure or social ex-communication;*
- (c) "Fraud" shall include misrepresentation or any other fraudulent contrivance;*
- (d) "Inducement" shall include the offer of any gift or gratification, either in cash or in kind and shall also include the grant of any benefit, either pecuniary or otherwise;*

3. *No person shall convert or attempt to convert, either directly or otherwise, any person from one religious faith to another by the use of force or by inducement or by any fraudulent means nor shall any person abet any such conversion.*

4. *Any person contravening the provisions contained in Section 3 shall, without prejudice to any civil liability, be punishable with imprisonment of either description which may extend to one year or with fine which may extend to five thousand rupees or with both:*

Provided that in case the offence is committed in respect of a minor, a woman or a person belonging to the Scheduled Castes or Scheduled Tribes the punishment shall be imprisonment to the extent of two years and fine up to ten thousand rupees.

5. *An offence under this Act shall be cognizable and shall not be investigated by an Officer below the rank of an Inspector of Police.*

The Act came in to force on Sixth July 1997.

In March 2015 certain newspapers published a report about Love Jihad which is an activity of certain Organizations under which young

Muslim men and boys in the state target young girls belonging to non-Muslim communities for conversion to Islam by feigning love. In November 2015, Director General of police stated that there was no organisation whose members lured girls by feigning love with the intention of converting. He submitted a report to the High Court in connection with the bail application of two persons accused of love Jihad that 3 out of 18 reports he received expressed some doubts about the tendency. However, in absence of solid proof the investigations were still continuing. In December 2015 the High Court refused to accept report of DGP and concluded from a case diary that there were indications of forceful conversions and stated it was clear from police reports that there was a "concerted effort" to convert women with "blessings of some outfits". In December 2016 State Legislature passed an amendment to Dharmasthan Freedom Religion Act 1997. Through the Amendment the following Section 4A was added to the Act;

***4A.** Notwithstanding anything contained in any other law being in force, the marriage other than the marriage registered under Special Marriage Act 1954, shall be null and void if one of the parties to a marriage is a person who had acquired membership in any religion by conversion.*

The amendment came in to force on 10-3-2017. During the discussion of the Amendment Bill State Law Minister stated that there had been 3,000-4,000 conversions in past four years having the nature of Love Jihad.

Nayana is a 23 years old student of Government Medical College in Maripur in Dharmasthan. In April 2017 she sent a letter to her father stating that she had converted to Islam and married one of her classmates Hamid and she is living with him as husband and wife. Her father Praseeth, an ex-serviceman and an atheist, was upset by the information about conversion and filed a complaint at the local police station and a *Habeas Corpus* petition in the Dharmasthan High Court. On behalf of Nayana it is submitted that she had voluntarily converted to Islam and her new name is Naseema. She further stated that her marriage is valid under Mohammedan

Law and now she is the wife of Hamid. She further contented that Section 4A of the Dharmasthan Freedom of Religion Act, 1997 is in violation of the provisions of the Constitution.

Acting on her father's complaint, Ms. Nayana was produced before the High Court by her present local guardian, one Fathima, president of the NGO National Women's Association. The Court allowed her to be with Ms. Fathima as there was no evidence to prove that she converted under pressure. The Court allowed Ms. Nayana to attend classes at the religious institution, on her request. In August 2017, Ms. Nayana's father filed a fresh petition in the High Court expressing the fear that his daughter was going to be smuggled out of Dharmasthan to Syria. The Court ordered Ms. Nayana be shifted from the house of her local guardian Fathima to a hostel. However, at the next hearing, she was again allowed to go home with her guardian.

On November 15, 2017, the High Court nullified the marriage, ordered a probe into it and sent her back to her parental home with a directive that she should not interact with outsiders. The Court observed that she was a "weak and vulnerable girl capable of being exploited." The Court upheld the validity of Section 4A of the Act.

Nayana filed a petition under Art. 136 of the Constitution seeking leave to file appeal against the decision of the High Court. The Supreme Court granted leave to file the appeal and the appeal is posted for final hearing in February.

Argue for both parties.

***Disclaimer:** The above Moot Problem is a hypothetical problem created by *Dr. K.C. Sunny*, Dean and Head of Department of Law, Central University of Kerala, purely for academic deliberation.
