



**INVITATION**  
**LAW CENTRE- II**  
**UNIVERSITY OF DELHI**

B. R. TRIKHA MEMORIAL DELHI-NCR MOOT COURT COMPETITION, 2019

**1. DATE & VENUE**

Law Centre-II B. R. Trikha Memorial Delhi NCR Moot Court 2019 [“the Competition”] will be held on 30<sup>th</sup> March, 2019 at Law Centre-II, Umang Bhawan, Chhatra Marg, North Campus, University of Delhi, Delhi-110007.

**2. ELIGIBILITY**

All students enrolled in a 3 year LL.B. programme or a 5 year integrated LL.B. programme **in the colleges/institutes located in Delhi-NCR region** shall be eligible to participate in the Competition. Only one team can register from a particular College or Law School for participation in the competition.

**3. TEAM COMPOSITION**

Each team shall consist of “**Two Speakers Only**”. The Organising Committee (OC) will assign a team code to each team and its members.

**4. REGISTRATION**

a. Provisional Registration for the Competition will open on 9<sup>th</sup> January, 2019. The teams will have to register themselves through the following Google Form Link: [https://docs.google.com/forms/d/e/1FAIpQLScHcgNmIUKjedfFAsox8PBc2pWXfqIWppcPw5miBtTHzjiTsw/viewform?usp=pp\\_url](https://docs.google.com/forms/d/e/1FAIpQLScHcgNmIUKjedfFAsox8PBc2pWXfqIWppcPw5miBtTHzjiTsw/viewform?usp=pp_url) **no later than 10.00 pm on 31<sup>st</sup> January, 2019.**

b. The soft copy of the registration form along with the scanned copy of the Demand Draft of Rs. 2000/- drawn in the name of “The **Registrar, University of Delhi, Delhi**”, payable at Delhi, should be sent, on or before **10<sup>th</sup> February, 2019** via email to [lawcentre2delhincrmoot@gmail.com](mailto:lawcentre2delhincrmoot@gmail.com)

c. The hard copy of the Registration form and the Demand Draft should reach the address mentioned below, on or before **15<sup>th</sup> February, 2019** :

Law Centre-II B. R. Trikha Memorial Delhi NCR Moot Court 2019

C/O Dr. V. K. Ahuja

In-Charge, Law Centre-II

Room No. 103, First Floor,

Umang Bhawan, Faculty of Law,

Chhatra Marg, North Campus,

University of Delhi

Delhi - 100007

### **ANNEXURE - I**

The following documents shall be submitted by the teams at the time of registration:

- (i). Duly filled Registration Form
- (ii). Participant Details/Bona fide Students Certificate.
- (iii). Demand Draft of registration fee.

d. The teams successfully registering as aforesaid will be provided a Unique Team Code [UTC]. Once the teams have been provided the UTC, the said code will have to be mentioned by the teams in all future communication(s) with the OC. Please note that apart from the UTC, **the names or logos of their Colleges, Universities or Law Schools shall not be mentioned anywhere in any communication(s) addressed to the OC.**

e. No change in the names of the participants shall be permitted, unless the same has been communicated to the OC, a week prior to the event, in exceptional circumstances only, after due proof has been attached by the participating college.

### **5. MEMORIAL RULES**

a. Teams may raise grounds of challenge other than those indicated in the Statement of Facts.

b. Each team must prepare memorials for both parties to the dispute.

c. Once the memorials have been submitted, no revision, supplements or additions will be allowed. **In case the contents of the soft copy and the hard copy of the memorials are found to be different, the team shall be disqualified.**

d. All teams shall send one soft copy of the memorials in .pdf format as well as .docx format (compatible with Windows) to [lawcentre2delhincrmoot@gmail.com](mailto:lawcentre2delhincrmoot@gmail.com) on or before **11:59 PM, 7<sup>th</sup> March, 2019** with the subject line as 'Memorials for <Team Code>'. All four files (two .docx and two .pdf) should be submitted through a single mail.

e. 5 sets of hard copies of memorials (5 Petitioner's and 5 Respondent's memorials) should reach the OC by **11<sup>th</sup> March, 2019**, addressed to :

Law Centre-II B. R. Trikha Memorial Delhi NCR Moot Court 2019

C/O Dr. V. K. Ahuja

In-Charge, Law Centre-II

Room No. 103, First Floor,

Umang Bhawan, Faculty of Law,

Chhatra Marg, North Campus,

University of Delhi

Delhi – 100007

**f. Apart from the UTC, the names of the participants or the names or logos of the Colleges, Universities or Law Schools shall not be mentioned anywhere in the memorials submitted by the participants.**

g. All memorials submitted must conform to the following requirements and a team will attract negative marking for failure to keep within the limitations as described below :

(i) Memorials must be printed on one side of A-4 size paper with black ink and must be neatly bound.

(ii) The font of the body of the Memorial must be Times New Roman, size 12, with 1.5 line spacing and the font-size of footnotes/endnotes, if any, must not be less than size 10. A uniform method of citation of authorities must be followed.

(iii) Each page must have a margin of at least an inch on all sides.

(iv) The Memorial should not exceed 25 typed pages (not including the Cover Page) and shall at least consist of the following parts –

- Cover Page – [coloured blue for Petitioner, and red for Respondent]
- Table of Contents

- Index of Authorities
- Statement of Facts (not exceeding 2 pages)
- Issues Raised
- Summary of Arguments (not exceeding 2 pages)
- Arguments Advanced
- Prayer

(v). The Cover Page of each memorial must contain only the following information -

- The Team Code in the upper right corner of each memorial.
- The name of the Competition
- The name of the forum resolving the dispute.
- The Cause Title
- The Party for which the Memorial is prepared

h. A memorial once submitted will be considered as final, and cannot be revised.

Speaking footnotes or endnotes are not allowed.

## **6. PENALTIES**

Any memorial violating any of the specifications mentioned above will be penalized according to the following scheme:

S. No.	Criterion	Penalty (each side)
1.	Late submission of Memorials	(-) 1 mark each, for every hour after the deadline
2.	Exceeding the prescribed page limit	(-) 1 mark per extra page
3.	Not following the prescribed format	(-) 0.5 mark per specification per page
4.	Submitting memorials in multiple emails	(-) 1 mark
5.	Speaking footnote or endnote	(-) 0.5 mark per footnote

## 7. SCORING CRITERIA FOR THE MEMORIALS

The marks distribution for the memorials shall be as follows:

S. No.	Criterion	Marks
1.	Application of Facts	25 marks
2.	Reasoning	25 marks
3.	Use of Authorities and Precedent	20 marks
4.	Understanding Law and Procedure	20 marks
5.	Presentation	10 marks

**NOTE : The hard copies must be exact replicas of the soft copies. Non-compliance with this rule would entail disqualification.**

## 8. ANONYMITY

a. There should be no indication of the institution which the team represents, at any time and in any manner, including, but not limited to, wearing any identifying items (such as college clothing, ties, patches, or pins) or carrying identifying material (such as books with a college logo or college seal etc.) or disclosure of the names of the team members to the Judges, for the entire duration of the Moot Court Competition.

b. The violation of this rule will cause severe penalty, which may involve disqualification, as determined by the OC.

## 9. FORMAT OF THE COMPETITION

a. The Moot competition shall consist of a Preliminary Round, one Quarter Final Round, one Semi-Final Round and the Final Round, to be concluded on the day of the competition itself i.e., 30<sup>th</sup> March, 2019.

b. Registration, Orientation and Draw of Lots will be held on 30<sup>th</sup> March, 2019, and the teams are requested to kindly report latest by 8:00 am at the Venue. The OC retains the right to draw on behalf of the team, if the team is not present during registration.

c. Each of the aforesaid round shall be a knockout round, for the purpose of qualification to the next round. The winners of one round shall advance to the next round, with culmination of the competition in the Final Round. The Winner of the Final Round shall be declared the Winner of the Competition.

**d. In case of a tie in scores in any of the rounds, memorial marks of the two teams will be considered.**

**NOTE: All the Participants will get participation certificates only during the Valedictory Ceremony on 30<sup>th</sup> March, 2019. No Certificates shall be couriered/ posted after the event.**

## **10. ORAL ROUNDS**

a. The language of the Court shall be English.

b. Each team would be given **30 minutes** to present their oral arguments, subject to a maximum of **20 minutes** per Speaker in the Preliminary Round and the Quarter Final Round. This shall include the pleadings and any rebuttal time. For the Semi Final and Final Rounds, each team would get **40 minutes**, subject to a maximum of **25 minutes** per Speaker.

**c. Judges, at their discretion, may extend the time limit for the oral arguments, subject to the conclusion of oral rounds as per the schedule of the Competition.**

d. Rebuttal would be allowed only to the Petitioner. At the commencement of each round, the team shall notify the Court Master as to the division of time between the 2 speakers (including the time for rebuttal).

e. Teams will be provided with their opponent team's memorials after the conclusion of draw of lots. Memorials must be returned to the Court Masters without any markings, immediately after the conclusion of the rounds.

f. During the Oral Rounds, communication between the members of a team shall be allowed, however, the same must be in a written form and through Court Masters only.

g. The participating teams are not allowed to carry or use any electronic device, including (but not limited to), laptops, tablet computers, mobile phones, smart/digital watches etc. in the court room during the course of the round, including when the opposite team is addressing arguments. In case a member of a team is found using any electronic device during the Oral Rounds, the team shall invite a severe penalty which may include disqualification. Teams are therefore advised to ensure that the delivery of their oral arguments is not dependent on electronic devices.

h. Every form of scouting is strictly prohibited and shall cause a disqualification of the team from the Competition. The decision of the OC shall be final in this regard.

i. Any reference to identity of a team's institution or individual team members, during oral arguments may lead to disqualification of the team.

j. If a team scheduled to take part in a round does not appear within 10 minutes of the scheduled time, the other team shall be allowed to submit ex-parte.

## 11. SCORING CRITERIA FOR ORAL ROUNDS

S. No.	Criterion	Marks
1.	Response to Questions and Articulation	25 marks
2.	Reasoning in the Application of Principles	25 marks
3.	Use of Authorities and Precedents	20 marks
4.	Application of Facts	20 marks
5.	Advocacy Skills, Court Craft and Demeanour	10 marks

## 12. AWARDS

Awards will be distributed in the following categories:

### a. Winner & Runner-up

Team which wins the final round will be adjudged as the 'Winner of the Law Centre-II B. R. Trikha Memorial Delhi NCR Moot Court 2019' and will get an amount of ₹ 15,000 along with a trophy. The team which secures the second place will get 'Runners-up' title and ₹ 10,000 along with a trophy.

### b. Best Memorial

Team with the highest memorial score (aggregate) will get the 'Best Memorial' prize of ₹ 5,000 along with a trophy.

### c. Best Advocate - Female

Cash prize of ₹ 5,000 along with a trophy.

### d. Best Advocate - Male

Cash prize of ₹ 5,000 along with a trophy.

**NOTE: Internships with leading law firms will be awarded to winners in various categories, to be announced during the Valedictory Ceremony on 30<sup>th</sup> March, 2019.**

All the Participants will get participation certificates during the Valedictory Ceremony.

## 15. CODE OF CONDUCT

A violation of the prescribed Code of Conduct will invite sanctions which will be decided by the OC.

a. Teams are expected to behave with other team members and the Judges/Organisers/ Volunteers in a dignified manner.



- b. Teams should not attempt to influence Judges/ Organisers in any manner.
  
- c. Participants are expected to maintain the decorum in the Court during the Competition and to conduct themselves in a manner befitting the legal profession.
  
- d. The teams should not engage in any form of unethical, unprofessional and wrongful conduct during the entire period of the Competition.
  
- e. Participants should not indulge in the consumption/carrying of drugs/ alcohol/ arms or ammunitions/ immoral/ illegal activity or any other form(s) of taste/addiction during the course of the Competition.
  
- f. It is mandatory for all participants to carry with them, their photo identity cards issued by their respective colleges. The OC and the Moot Court Society, Law Centre-II retains the right to check these at any time during the Competition.
  
- g. Participating teams should carry with them the required study or reference materials for their own use during the oral rounds of the Competition.

## **16. RIGHTS OVER THE MEMORIALS**

- a. Upon completion of the Competition, the OC shall reserve the exclusive right to use the memorials submitted to them, as they deem appropriate. The copyright over the memorials submitted for participation in the Competition is assigned by the participants and shall also vest completely and fully in Law Centre- II, Delhi.
  
- b. The participants shall certify in writing the originality of materials contained therein and shall be responsible for any claim(s) or dispute(s) arising out of the further use and exhibition of these materials.

c. Further use and exhibition of these materials, electronically or otherwise, shall be the exclusive right of Law Centre- II, Delhi, and they shall not be responsible for any liability to any person for any loss caused by errors or omissions in this collection of information, or for the accuracy, completeness, or adequacy of the information contained in these materials.

d. Distribution of these materials on affiliated websites does not constitute consent to any use of this material for commercial redistribution either via the Internet or using some other form of hypertext distribution.

## **17. DISCLAIMER**

The Material in the Moot Court proposition is not intended to and does not attempt to resemble any incident or any person living or dead. All material in the problem is fictitious and any resemblance to any incident or person, if any, is not intended, but merely co-incidental.

## **18. INTERPRETATION OF THE RULES AND EXEMPLARY POWER CLAUSE**

a.. The OC's decision as regards the interpretation of rules or any other matter related to the competition will be final.

b. If there is any situation, which is not contemplated in the rules, the OC's decision on the same shall be final.

c. The OC reserves the right to vary, alter, modify, or repeal any of the above Rules if so required, and as they may deem appropriate, at any time before and/or during the Competition.

d. Any dispute arising in the moot court rooms during the rounds would be at the discretion of the Judges/OC.

e. In any kind of conflict, the decision of the OC shall be final.

**19. ORGANISING COMMITTEE DETAILS:**

Competition Administrator:

Dr. V. K. Ahuja	In-Charge, Law Centre-II
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Organizing Committee (OC)

Dr. Rajni Abbi <b>Head OC</b>	<a href="mailto:rajniabbi@gmail.com">rajniabbi@gmail.com</a>
Dr. Pinki Sharma	<a href="mailto:Pinkisharma2004@yahoo.co.in">Pinki_sharma2004@yahoo.co.in</a>

Student Convenor:

Vikas Sachdeva	9999307090
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Any query/clarification related to the Competition should be directed to the OC at [lawcentre2delhincrmoot@gmail.com](mailto:lawcentre2delhincrmoot@gmail.com).

**ANEXURE - 1**  
**REGISTRATION FORM**  
**(TO BE FILLED IN BLOCK LETTERS)**

<b>COLLEGE/INSTITUTE DETAILS</b>	
<b>Name of the Institution/ University</b>	
<b>Address</b>	
<b>Contact No</b>	
<b>E-Mail ID</b>	
<b>Contact Person</b>	
<b>Designation</b>	
<b>Contact No</b>	
<b>E-Mail ID</b>	

**REGISTRATION FEE DETAILS**

<b>DEMAND DRAFT DETAILS</b>	
<b>DD No.:</b>	
<b>Drawn on Bank</b>	
<b>Date</b>	

**(Please mention the Names of the participants and the Institution on the reverse side of the original demand draft)**

**PARTICIPANT DETAILS / BONAFIDE STUDENT CERTIFICATE**

<b>PARTICIPANT – I</b>		
<b>Name</b>		<b>Please Paste a Self-Attested Recent Passport Size Photograph</b>
<b>Year &amp; Course</b>		
<b>Gender</b>		
<b>Contact No.</b>		
<b>Email ID</b>		
<b>PARTICIPANT – II</b>		
<b>Name</b>		
<b>Year &amp; Course</b>		
<b>Gender</b>		
<b>Contact No.</b>		
<b>Email ID</b>		

This is to certify that the above mentioned are bona fide students of

\_\_\_\_\_

(Name & Address of the Institution)

I/we certify that the above information is true to the best of my/our knowledge.

Name of the Head of the Institution: \_\_\_\_\_

Signature: \_\_\_\_\_

Date : \_\_\_\_\_

**SEAL OF THE HEAD OF THE INSTITUTION**

## DECLARATION FORM

1. We declare that the team members participating in the Competition will abide by all the Rules of the Competition set out and notified to us from time to time through the period of the Competition.
2. We also declare and confirm that all the information provided in the Registration Form is true and accurate.
3. In case of any disputes arising during the Competition, the decision of the Organising Committee of Law Centre-II B. R. Trikha Memorial Delhi NCR Moot 2019 shall be final and binding, and will not be subject to any further deliberations.

Signature of Participant I: .....

Signature of Participant II: .....

**MOOT PROPOSITION**

1. Sendia is the largest democracy in the world with a population of over 125 crores. Located in the Asian sub-continent, it gained independence from Camaelot in 1940. It is a sovereign republic governed under a Parliamentary system of government and consists of 38 provinces and 6 Union Territories. Today, it is considered as one of the most powerful economy and has been a Member of the United Nations since its inception.
2. The country has always been socialist and secular in its outlook with special features and safeguard for religious and linguistic minorities. Constitution of Sendia provides for several Fundamental Rights to its citizens with special focus on women and children. It is also a signatory/member of several International Declarations and Conventions like UDHR, ICCPR, ICESCR, CEDAW, UN Convention on Rights of Child, Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 2005.
3. Safdar and Sakina Bharucha is a happily married couple, living in Kujaral State of Sendia. They both belong to *WaheeGohra* community, which is a peace loving community. The community is a religious minority in Sendia, and lives in several Asian countries and has a worldwide population of more than ten million. Both men and women in the community are highly educated. The community's culture is outward-looking and progressive in matters pertaining to equality.
4. On 10<sup>th</sup> April 2012, Sakina gave birth to a baby girl. The couple named the girl, Nysa. This year, when the baby Nysa turned 6, her grandparents suggested that her external genitalia be removed. This was suggested following their religious custom in the community called as *Female Genital Mutilation* or *Female Circumcision* or *Khafz*- a deeply entrenched social and cultural practice in which external genitalia of the female is deliberately cut, injured or changed with blades or knives and removed. The ritual is mostly performed on young girls between infancy and the age of 15 by untrained

midwives or older women or sometimes by older men of the community. The process is not life threatening but leaves a permanent physical, emotional and mental scarring on the girl.

5. Sakina raised protest against the family, but they continued to insist that it is a joyous occasion to perform this ritual and if they don't perform it, she might have a difficult time finding a marriage partner. Being from the same community, she recalled how she was forced to female circumcision when she was just 7 years old. She still suffers from nightmares about that horrifying incident. She did not want her daughter to go through the same throughout her childhood. She talked about this to her husband, Safdar. Safdar sided with his parents and emphasized on the need to follow the religious custom.
6. Remembering her ordeal and to save her daughter from female circumcision, she decided to leave her matrimonial home and move to the National Capital - Indrasthan. She met her college friend there who suggested her to take this issue to the media. Taking note of her friend's advice, she contacted *Kahaani News*, which is a National level news channel. The channel decided to telecast an hour long interview to show the ordeal faced by the women of this community.
7. In the live telecasted interview, Sakina narrated the horrendous incident of female circumcision that happened with her during her childhood without her consent and without too much thought. She informed that she had to leave her matrimonial home to save her daughter from going through this cruel practice. She even made an appeal to all the women of *WaheeGohra* community to wake up and save their daughters from this barbaric practice.
8. This interview goes viral and became a worldwide hit. The women of *WaheeGohra* community started protesting against the practice of female circumcision in and out of the country. Facing repressive measures of the Government, thousands of women from nearby countries like Seylon, Khatar, Tunistan, Manglades, etc. started fleeing their countries and moved to Sendia for a refuge.



9. This prompted a strong response from many women and child rights activists in Sendia. They urged that efforts should be made to prosecute those individuals who perform this practice and demanded that Central Government should take necessary steps to ban this regressive practice by making a law on it. They also contended that female circumcision is the most inhumane practice and the abuse leaves women physically, psychologically and sexually devastated. It may even lead to certain problems in giving birth to a child, sometimes even causing the death of the woman. However, since elections were near the corner, the Government decided to remain silent over their demands of a law.
  
10. Seeing widespread protest against their religious practice of Khafz, the religious leaders of *WaheeGohra* community came forward and opposed the idea of banning it. They contended that practicing female circumcision is an essential and integral part of their religion and it is protected under right to practice and propagate religion in the Constitution of Sendia. They further contended that it is their age old religious custom being performed continuously since 10<sup>th</sup> century. They also asserted that it is a voluntary practice and banning it would be denial of freedom to practice one's own religion.
  
11. Meanwhile, Sakina filed a PIL before Supreme Court of Sendia against the practice of Female Genital Mutilation prevalent in *WaheeGohra* Community and prayed for declaring it unconstitutional and illegal, and further contended that it is an offence punishable under various penal laws of Sendia. Many other women and child rights activist and NGOs also filed a similar PIL before the Supreme Court, praying that the practice be declared unconstitutional and all the women who were subjected to such inhumane practice be given the status of "Persons with Disability" under the newly enacted disability laws of Sendia and be given compensation. The religious leaders of *WaheeGohra* Community also moved to Supreme Court opposing all the petitions and praying that their age-old religious practice be saved.
  
12. All the petitions were clubbed together with Sakina's petition. The teams are required to prepare and argue on the following issues:
  - a. Whether the practice of Female Genital Mutilation in *WaheeGohra* Community is violative of Fundamental Rights guaranteed under the Constitution of Sendia ?

- b. Whether the practice of Female Genital Mutilation is an offence punishable under the various Penal Laws of Sendia ?
- c. Whether the victims of Female Genital Mutilation can be given the status of “Persons with Disability” under the newly enacted Rights of Persons with Disability Act, 2017 of Sendia and are entitled to be compensated ?

The students are at liberty to add any other issues too.

**Note:-**

- (i) All laws in force in the Republic of Sendia are *parimateria* with the Republic of India.
- (ii) Participants can also rely on arguments composed from the Common Law principles from other Common Law jurisdictions.

**Disclaimer: All names, characters, places, and any other material used in the above proposition are fictitious. It neither hurts, nor intends to hurt any religious sentiments, or feelings of any community, caste, or person.**