

1ST N.J. YASASWY NATIONAL MOOT COURT COMPETITION, 2019

at ICFAI University, Tripura
on September 27th-29th, 2019



Patron

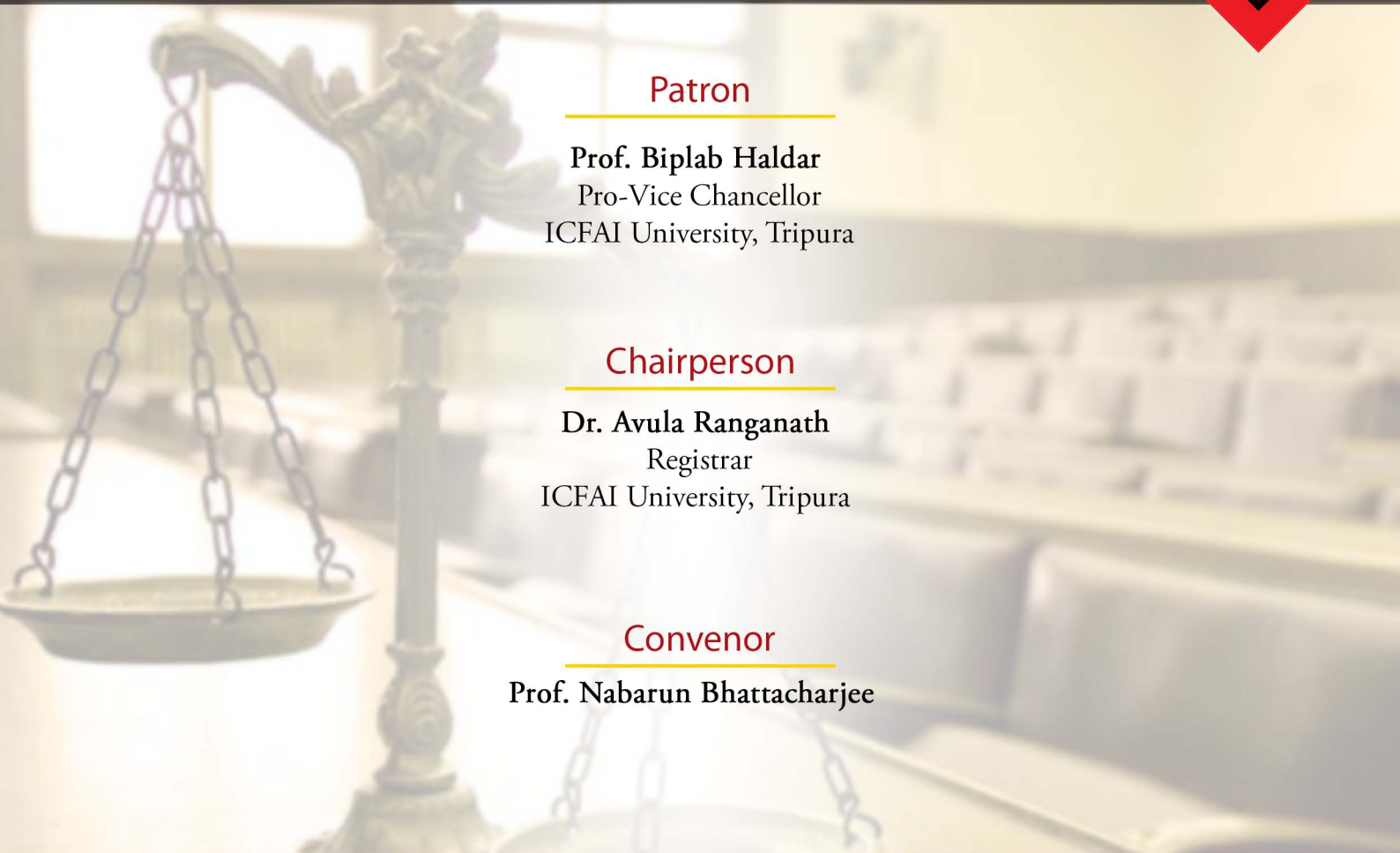
Prof. Biplab Haldar
Pro-Vice Chancellor
ICFAI University, Tripura

Chairperson

Dr. Avula Ranganath
Registrar
ICFAI University, Tripura

Convenor

Prof. Nabarun Bhattacharjee



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INVITATION FOR PARTICIPATION IN 1ST N.J. YASASWY NATIONAL MOOT COURT COMPETITION, 2019 AT ICFAI UNIVERSITY, TRIPURA

Dear Sir/Madam,

It gives me immense pleasure to announce the N.J. Yasaswy National Moot Court Competition. The ICFAI Law University, ICFAI University, Tripura invites participation from your esteemed institution for the competition scheduled on September 27-29, 2019.

ICFAI Law School, ICFAI University, Tripura endeavours to develop legal acumen, research and oratory skills of the students and provide a platform to explore emerging issues of law. Hence, ICFAI Law School takes immense pleasure in announcing the 1st National Moot Court Competition. 2019. It will prove to be a unique and enriching learning experience for everyone associated with it.

We look forward for participation of your team in the aforesaid National Moot Court Competition and make it a successful event. The Moot Competition Proposition, Official Schedule and the Official Rules and Regulations governing the competition are enclosed herewith.

Thanking You

With regards,
Prof. Debabrata Roy
Coordinator,
ICFAI Law School
ICFAI University, Tripura

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Schedule for the Competition

- Releasing of Moot Problem 1st June, 2019.
- Online Provisional Registration: 5th June, 2019.
- Registration form with payment details to be mailed to Moot Court Committee, ICFAI Law School by 16th August 2019.
- Last date for clarification of problem
- Submission of Memorials (soft Copy): 5th September, 2019.
- Submission of 6 copies of Memorials (Hard copy): 10th September 2019.
- Inauguration, Draw of Lots, Memorial Exchange & Researcher Test: 27th September, 2019
- Preliminary Rounds, Quarter Finals and Semi Finals: 28th September, 2019
- Finals & Valedictory: 29th September, 2019

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ICFAI Law School, ICF AI University, Tripura

The ICF AI University Tripura, (here in after referred as the University) was established in 2004 through an Act of the State Legislature (Tripura Act 8 of 2004). The University has been approved by the University Grant Commission under section 2(f) of the UGC Act 1956. The ICF AI University, Tripura is a member of the Association of commonwealth Universities (ACU), London, UK, Association of Indian Universities (AIU), New Delhi, India, the institution of Engineers India, and Association of Management Development Institution in South Asia (AMDISA), Hyderabad. The University has accreditations of the following regulatory authorities: Bar Council of India (BCI), National Council for Teachers Education (NCTE), Distance Education Bureau (DEB).

The University offers Bachelor, Master, And Doctoral programs in management, engineering, in formation technology, paramedical science, education, law, physical education, humanities and social science and other areas.

School of law, IUU is making rapid advancements in standards of legal education and research. It offers B.A. LL.B and B.B.A. LL.B. five years Integrated Program; LL.B. and LL.M. courses. The courses are designed to provide overall development of students to strengthen them to face the need of the hour and global challenges. We aspire to inculcate humanistic approach, entrepreneurial skills, innovative outlook and academic focus in our future leaders who can make a difference in the society. Our multidisciplinary learning methods have proved fruitful as our alumni are setting new milestones in their professional fields.

About the Moot Court Competition

ICFAI Law School, ICF AI University, Tripura endeavors to develop legal acumen, research and oratory skills of the students and provide a platform to explore emerging issues of law. Hence, ICF AI Law School takes immense pleasure in announcing the 1st National Moot Court Competition. 2019 on 27th to 29th September 2019. The Moot Problem of the 1st National Moot Court Competition will be based on various issues of the Constitution and Personal Laws. It will prove to be a unique and enriching learning experience for everyone associated with it.

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ROUNDS OF THE COMPETITION

The competition will have the following rounds-

- a. Preliminary Rounds ,
- b. Quarter Final Rounds ,
- c. Semi Final Rounds ,
- d. Final Round.

LANGUAGE

The language of the competition will be English.

ELIGIBILITY

- a. Students pursuing 3 years/ 5 years undergraduate LL.B. degree course are eligible to participate in this competition.
- b. Only one team can participate from each institution.

TEAM COMPOSITION

Each team of the competition shall consist of the following members-

- a. Each team shall consist of three members. Two designated as speaker and one as researcher.
- b. The researcher may be permitted to argue as speaker only in case of illness or any unforeseen event, but a written permission of the Moot Court Convener in such case shall be mandatory.

DRESS CODE

The participants shall adhere to following dress code when present in any court room during the Competition.

- a. Girls: White Shirt, Black Trouser and Black Tie along with Black Blazer and Black Shoes.
- b. Boys: White Shirt and Black Trouser along with Black Tie, Black Blazer and Black Shoes

Note: The participating teams shall also adhere to the above mentioned dress code while attending the inaugural and valedictory ceremonies of the Competition.

PARTICIPATION & REGISTRATION

In order to confirm participation, teams of every Institution should register themselves. The registration process consists of the following two steps:

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Step one: Each team is required to send a scanned copy of their duly filled-in Registration form along with the Demand Draft/ receipt of NEFT payment to njy.nmcc@iutripura.edu.in by 16th August, 2019. Subject of the mail should bear “Registration Form for 1st N.J. Yasaswy National Moot Court Competition, 2019”. The Demand Draft shall be drawn in the favour of “The ICFAI University Tripura” payable at Agartala. Teams can also make payment in NEFT mode. Details for the same are given below:

Account Name: The ICFAI University Tripura,
Account Number: 910010047489436,
Bank Name: AXIS Bank,
Branch Name: Agartala Branch,
IFS Code- UTIB0000276

Step two: Registration Form and Original Demand Draft/ copy of receipt of NEFT should be sent to the address of the University by 24th August and “**Registration Form for 1st N.J. Yasaswy National Moot Court Competition, 2019**” should be written clearly on the envelope. The postal address is as under:

**ICFAI Law School,
ICFAI University, Tripura
Agartala- Simna Road, Kamalghat, Mohanpur.
Dist: Tripura West
Pin: 799210
Tripura, India**

MEMORIAL

The following requirements for memorial must be strictly followed by the participants-

- a. All memorials submitted for all purposes of the Competition shall strictly adhere to the rules of the Competition. Each Team participating in the Competition must prepare one Memorial on behalf of Petitioner(s)/ Appellant(s) and one on behalf of the Respondent(s). Further each team has to submit 6 hard copies of the Memorials from each side. Non-compliance will entail a penalty of 1 point per copy not submitted.
- b. Appellant memorials are required to have a **Blue cover** and Respondent memorials are required to have a **Red cover**. The memorials shall not contain any form of identification apart from the team code. If any such identification or mark, symbol, etc. which has the effect of identifying the team is found on the memorial, then it

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shall result in instant disqualification. A penalty of 1 mark shall be levied in case the memorial is submitted in any other format or as a multiple file by the team. The hard copy of memorial must be exact replica of the soft copy submitted with the Organizers. Any difference in the same will result in disqualification from the Competition.

- c. While sending the softcopy o the memorials in PDF format, please name the file pertaining to the Respondent as R accompanied by the team code and name the file pertaining to the Petitioner as P accompanied by the team code. For example, Respondent of team 06 should name the PDF file as R06.

- d. Each Team must send a soft copy of their memorials, in PDF format only, for evaluation by 5th September, 2019 before 11:59 P.M. to njy.nmcc@iutripura.edu.in with the subject **“Memorials for 1st N.J. Yasaswy National Moot Court Competition, 2019”**. The hard copies of the memorials (6 copies for each side) have to be sent to the following address on or before 10th September, 2019. No extensions will be granted with respect to this deadline.

Address-

To,
The Convener,
Moot Court Committee
ICFAI Law School,
ICFAI University,
Agartala- Simna Road, Kamalghat
District- West Tripura,
Pin Code- 799210
Tripura.

GUIDELINES FOR FORMATTING

1. STRUCTURE OF MEMORIAL

- a. Cover Page,
- b. Table of Contents,
- c. Index of Authorities,
- d. Statement of Jurisdiction,
- e. Statement of Facts (Argumentative statement of facts would attract penalties),
- f. Issues raised,
- g. Questions of Law Summary of Arguments,
- h. Arguments Advanced,
- i. Prayer and Appendix (Optional),

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- j. Exhibits (Optional).

Non Compliance with above criteria shall result in penalty of two marks for each missing section.

2. **TEAM CODE:** The team code must be ascribed on the top right corner of the cover page.
3. **CONTENT SPECIFICATIONS:** The following content specifications must be strictly adhered to-
 - a. Font and Size (General) - Times New Roman, 12 pts
 - b. Line Spacing (General) - 1.5 lines
 - c. Font and Size (Footnotes) - Times New Roman, 10 pts
 - d. Line Spacing (Footnotes) - Single line
 - e. Page Margins - 1 inch on all sides
 - f. The Hard Copies of the Memorial shall be printed on only one side.
 - g. The citation should be in compliance with the 20th edition of Bluebook. Speaking footnotes or Endnotes are not allowed.
4. **MARKING CRITERIA OF MEMORIALS:** The maximum scores for the memorials shall be 100 marks: The memorials shall be evaluated on the following criteria:
 - a. Knowledge of Law and Facts: 30 Marks;
 - b. Proper and Articulate Analysis: 30 Marks;
 - c. Extent and Use of Research: 20 Marks;
 - d. Clarity and Organization:10 Marks;
 - e. Grammar and Style:10 Marks.

ORAL ROUNDS

A. PRELIMINARY ROUNDS AND QUARTER FINAL ROUNDS

- a. Each team will get a total of 30 minutes to present their case.
- b. Each speaker should speak for a minimum of 10 minutes.
- c. The time stated above includes the time required for rebuttal and sur-rebuttal. However, the maximum time taken for rebuttal and sur-rebuttal shall be not more 5 minutes.

B. SEMI FINAL ROUNDS AND FINAL ROUND

- a. Each team will get a total of 45 minutes to present their case.
- b. One speaker shall not use more than 25 minutes of the total time.

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c. The time stated above includes the time required for rebuttal and sur-rebuttal. However, the maximum time taken for rebuttal and sur-rebuttal shall be not more than 5 minutes.

c. This will be a knockout round.

C. MARKING CRITERIA

Maximum scores for the oral rounds shall be 100 points per speaker, and which shall be judged on the following criteria:

- a. Knowledge of Law- 20 Points
- b. Application of Law to Facts- 20Points
- c. Response to questions & Articulation - 20 Points.
- d. Poise, Courtesy and Demeanor- 20 Points;
- e. Time Management- 10 Points;
- f. Organization- 10 Points

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.

AWARDS AND CERTIFICATES

CATEGORIES OF AWARDS:

- a. Winner of the Final Round will be given the “Best Team” award.
- b. Runner-up of the Final Round will be given the “1st Runner Up” award.
- c. Team placed 3rd will be given certificate of “2nd Runner Up”.
- d. Team with the highest memorial scores will be given the “Best Memorial” award.
- e. “Best Mooter” award shall be determined on the basis of the total marks secured during the Preliminary Round.
- f. In addition to the above, certificates will be issued to all the participants only during the valedictory function and no prior request shall be entertained in any case.

ACCOMMODATION AND TRAVEL

- a. Accommodation and food shall be provided to all teams by the organisers from 27th September, 2019 to 29th March, 2019.
- b. Teams willing to stay beyond or before the dates of the moot, as specified, can avail university accommodation on payment basis.
- c. The interested students are required, to inform the Organising Committee about the arrival of the team so as to enable them to make necessary arrangements. Under no circumstances the Organiser shall provide accommodation to any other person accompanying the team.

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- d. The team after reaching Tripura must report at the ICFAI University, Tripura. After reporting as a team the University will make necessary arrangements for accommodation of the team.

ANONMITY

The student counsels shall not state their names during the oral rounds and must use the assigned team code for all correspondence. All team members must refrain from disclosing the identity of their institutions at any time and in any manner during the entire Competition. Non compliance with this Rule will result in immediate disqualification of the team.

FINALITY OF DECISION

The decision of the judges with regard to the outcome of the rounds shall be final. For all purposes and in any dispute, the decision of the Convener of the Organizing Committee of the Competition shall be final and binding.

CLARIFICATIONS

Any clarifications regarding competition and the moot problem may be sought from the following person-

Ms. Shruti Das
Assistant Professor,
ICFAI Law School, ICFAI University, Tripura
Ph No. + 91 7300911778
E-mail id- njy.nmcc@iutripura.edu.in

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MOOT PROPOSITION

1. The Democratic Republic of Indiana, is a secular country located in South Asia. From 180 BC, many other countries invaded Indiana and many dynasties ruled Indiana around the year 1000. In the 1600s, European countries invaded Indiana, and the British controlled most of Indiana by 1856. In the early 1900s, people of Indiana peacefully started to protest against British control. They became in their freedom struggle and Indiana got it independence in the year 1946. It is one of the founding members of the United Nations. Indiana has also done various nuclear tests and it is one of the few countries that has nuclear bombs. Since 1990, Indiana has been one of the fastest growing economies in the world.

2. Indiana has rich social composition, as many religions have originated in the country and few religions of foreign origin have also flourished here. Indiana has the distinction of being the land from where various religions have originated and at the same time the country is home to several indigenous faiths tribal religions which have survived the influence of major religions for centuries and are holding the ground firmly. Regional co-existence of diverse religious groups in the country makes it really unique. Around 80% of Indians are Hindus, 14% Muslims while 2% follow Christianity and remaining 4% follow other religions since time immemorial. There is no intervention of the State in religious matters. The Constitution of Democratic Republic of Indiana provides for freedom of religion as a fundamental right, to give to its people the freedom of worship and religion and to outlaw discrimination on the ground of religion. All religions are governed by their personal laws which is governing marriage, divorce, succession, etc. Religious diversity and religious tolerance were both established in the country by law & custom.

3. Devi, a Hindu girl of 17 years of age leaves her hometown, Dhali, a remote village in the state of Methi in southern Indiana, to pursue her graduation in a far away city. She gets heavily influenced by her classmates and used to visit mosque frequently. One day she informed her parents that she took Shahada in presence of the Maulana and two witnesses. Hence she has converted to Islam and she has obtained the Certificate of Conversion. She also adopted a new name Hamida. Her parents asked her to come back home. After two days on her 18th birthday she married Aslam. She went home with her husband. Her parents misbehaved with Aslam and didn't let her leave home with Aslam. Hamida with the help of "JANANI", NGO dealing with women rights, filed a case of

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Habeas Corpus in the High Court of Methi. Hamid's father alleged that Devi's conversion is void as she is a minor. He also alleged that Hamid is a victim of 'love jihad' and she has been brainwashed to convert in Islam. During the pendency of case in High Court of Methi, Aslam was accused of having connections with radical terrorist group. The High Court of Methi held the conversion to be void as she is a minor. Hence, her marriage is also held to be void as this can be as case of brainwashing and an act of 'love jihad'. Aggrieved by the decision, Hamida approached before Supreme Court of Indiana.

4. Saleema got married in the year 2003 to one Mr. Sultan and a son was born out of the said wedlock. All the time when she was at her matrimonial home, she was tortured, bullied, beaten, and was asked to bring money from her parents house. After the repeated tortures, she filed a complaint U/s 498 A of the IPC. Getting infuriated with this, petitioner's husband sent a letter giving her 'Triple Talaq'.

5. Saleema kept on living on the mercy of her parents till she was married for second time in 2014 to Mr. Rizwan, who was already married and had a wife called Ishrat. Saleema got pregnant second time and soon after birth of her second son, she was given a Talaq in the Hasan form. Since then, she is living alone with two children. Moved by her own situation and of many other similarly situated Muslim women throughout Indiana, Saleema along with "JANANI" is before the Supreme Court praying to declare practices of 'Polygamy', 'Nikah Halala', 'Nikah Mutah'; and 'Nikah Misyar' as against the basic rights enshrined under Part III of the Constitution and also against public order, morality and health.

6. Mumtaz Begum, wife of Shah Alam, filed a petition under Section 125 of Criminal Procedure Code, claiming maintenance for herself and for her two minor daughters. During the pendency of proceedings, Shah Alam divorced the appellant and thereafter the appellant filed an application under Section 5 of the Muslim Women (Protection of Rights on Divorce) Act and preferred to be governed by the provisions of Sections 125 to 128 of the Cr. P. C. instead of the provisions of the Act and the said application was rejected by learned magistrate as the application was filed by the petitioner without the consent of her former husband and the High Court in revision affirmed the order of the Ld. Magistrate. Mumtaz Begum filed a petition in the Supreme Court in Indiana.

7. Recently the Supreme Court of Indiana declared that the practice of instantaneous Triple Talaq or Talaq -e- Biddat. is unconstitutional. Now JANANI filed a writ petition in the Supreme Court to

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declare following practices as unconstitutional and violations of Convention on the Elimination of all Forms of Discrimination Against Women:

- a) Muslim Personal Law which enables a Muslim male to give unilateral Talaq to his wife without her consent and without resort to judicial process of courts, as void, offending Articles 13, 14 and 15 of the Constitution.
- b) Provisions of Sunni and Shia laws of inheritance which discriminate against females in their share as compared to the share of males of the same status. void as discriminating against females only on the ground of sex.
- c) Muslim Personal Law which doesn't enable a Muslim women to be natural guardian as void, offending Articles 14 and 15 of the Constitution.

The Supreme Court of India clubbed all the cases and the matters are pending for hearing on 28.09.2019.

NOTE:

1. All statutes & laws of the India are pari materia with the statutes & laws of India. Moreover, the India's commitment to the international covenants, treaties and customary laws are same as India.
2. The Proposition is neither intended to nor does it attempt to resemble any incident or any person, living or dead. Any such resemblance is purely coincidental. The Proposition is a fictitious factual account prepared for the purposes of the present Competition only and it does not attempt to influence or predict the outcome of any matter whatsoever.
3. On behalf of both the Petitioner and the Respondent, draft petitions and make oral arguments based on the above information.