



ADVOCATE SRI M.P.GOVINDAN
NAMBIAR MEMORIAL

ALL INDIA WOMEN MOOT COURT COMPETITION



**Dr. Ambedkar Govt. Law College
Kalapet | Puducherry**

Date: 6th - 8th Oct 2017



<http://www.aglc1972.edu.in/> | aglc1972@gmail.com

GOVERNMENT OF PUDUCHERRY

**Dr. AMBEDKAR GOVERNMENT LAW COLLEGE
PUDUCHERRY
Ph: 0413 - 2656550**

**ADVOCATE Sri M.P. GOVINDAN NAMBIAR MEMORIAL
ALL INDIA WOMEN MOOT COURT COMPETITION 2017**

No.9001/2017/AGLC/

Date: 21.08.2017

To

The Principal/Registrar/Director/Dean

Sir / Madam,

Sub: AGLC – Advocate Sri. M.P. Govindan Nambiar Memorial – All India
Women Moot Court Competition 2017 – Invitation to participate –
Reg.

We are happy to announce that Advocate Sri M.P. Govindan Nambiar Memorial All India Women Moot Court Competition is to be conducted by our institution from 6th to 8th October 2017. In this connection we request your goodself to depute a team of your Institution / Department / University to participate in the competition. The Rules governing Competition, Moot Problem, Registration Form and Travel plan are enclosed herewith.

Filled in scanned copy of Registration form shall be sent by email on or before 22.09.2017. Accommodation, local conveyance and catering for participants will be provided as specified in rules enclosed.

We solicit enthusiastic participation of your institution in this regard.

Best Regards,

**Sd/-
(Dr. A. VINCENT ARPUTHAM)
PRINCIPAL**

Advocate Sri M.P. Govindan Nambiar Memorial National Women Moot Court

Competition

Organized by

Dr. Ambedkar Government Law College, Puducherry

In Association With

Advocate Sri M.P. Govindan Nambiar Foundation

Moot Problem

Mr. Rachel and Mrs. Kambali, citizens of Indicana, got married in the year 2005. They shifted to the United States of America after one year of their marriage and started working there. After 10 years of their marriage, it was discovered that Mrs. Kambali cannot bear a child due to certain health issues.

In order to have their own biological child, both Mr. Rachel and Mrs. Kambali decided to have a child through surrogacy. For that purpose, they travelled to Indicana in the year 2016. With a population of more than 1.2 billion people, Indicana is one of the most favoured destinations for a number of couples from all around the world, who are looking for surrogate mothers.

The main reason for Indicana becoming a popular destination for surrogacy is due to the low price and also the absence of legal provisions to regulate surrogacy. In the year 2002 the Government of Indicana legalized commercial surrogacy, which opened the flood gates for various surrogacy clinics in Indicana and also attracted many childless couples to opt for Indicana to have their surrogate child.

After arriving at Indicana, Mr. Rachel and Mrs. Kambali identified an agency called “Smiling Child” in the city of Delta, Indicana’s capital territory, which offers and helps to identify and arrange willing surrogate mothers for childless couples. Through “Smiling Child” agency, they entered into an agreement with Mrs. Alfia, who was willing to become a surrogate mother for Mr. Rachel and Mrs. Kambali on certain terms. Mrs. Alfia is a married woman of 30 years. She is working as a domestic worker in Delta and her husband is an auto driver in the same city.

Consequently, in the year of 2016 through IVF (In Vitro Fertilization) process Mrs. Alfia got pregnant. During this phase, Mrs. Alfia had to be hospitalized a number of times due to the hormonal imbalance caused because of the IVF process. In her second ultrasonography, after 20 weeks of pregnancy, doctors had discovered about deformity in the foetus.

It was informed to her and to the commissioning parents that the child may suffer from physical and mental challenges due to this deformity. Considering the child's future and quality of life, the commissioning parents decided not to take such a child. After that Mr. Rachel and Mrs. Kambali both left to USA for their work.

Therefore, having left with no choice except abortion, Mrs. Alfia decided to terminate her pregnancy. She visited "ABC" hospital to terminate her pregnancy. However, she was denied permission to abort the child, by the doctor on the ground that her pregnancy has crossed 20 weeks of permitted period for abortion according to Prohibition of Abortion Act, 1971. She decided to take legal recourse.

She approached the Delta High Court for seeking permission for abortion beyond the permitted 20 weeks. The Delta High Court refused to grant permission to terminate the pregnancy based on the provisions of Prohibition of Abortion Act, 1971 and the fundamental right to life of the foetus under Article 21 of the Indiana Constitution.

The Court, while denying permission for abortion, had also taken into consideration the report of a panel of doctors submitted to the court stating the fact that there is no physical risk to Mrs. Alfia in continuation of her pregnancy. However, the same panel of doctors also confirmed in the report that due to the deformity, the child could be mentally as well as physically challenged.

Meanwhile, one night, Mrs. Alfa's husband tried to have sexual intercourse with her. Despite her refusal to consent for intercourse, on account of her physical and mental weakness, he forcefully had intercourse with her. Aggrieved by this, she preferred a complaint to the local police alleging rape against her husband. The police refused to register the complaint, citing Exception 2 to Section 376 of Indiana Penal Code (hereinafter referred to as IPC) which expressly excludes marital rape from the ambit of S.376.

Mrs. Alfa approached the Indiana Supreme Court challenging the legality and correctness of the order passed by the Delta High Court. She also challenged the constitutional validity of the relevant provision of Prohibition of Abortion Act, 1971 which imposes a statutory bar for termination of pregnancy beyond a 20 week period. She filed another writ petition under Art.32 of Indiana Constitution challenging the constitutionality of Exception 2 of S.376 of IPC.

The Supreme Court granted leave and admitted both the matters and taking into account the larger question raised by the petitioner, requested the Chief Justice of the Supreme Court of Indiana to post it before a Constitutional Bench. Hence, the matter is now posted before a Constitutional Bench for final disposal.

For the purpose of this moot problem –

1. The Constitution of Indicana adopts the Constitution of India verbatim and all the provisions of the Constitution of India are incorporated as the provisions of Indicana Constitution.
2. The powers and the jurisdiction of the Indicana Supreme Court are the same as the powers and the jurisdiction of the Supreme Court of India.
3. The provisions of Prohibition of Abortion Act, 1971 are same as that of the Medical Termination of Pregnancy Act, 1971 passed by the Indian Legislature.
4. The rest of the laws of Indicana, including Penal and Procedural laws are in parimateria with the laws of the Republic of India, Indian penal Code, Criminal Procedure Code, Indian Evidence Act.

Dr. AMBEDKAR GOVT. LAW COLLEGE MOOT SOCIETY

**ADVOCATE SRI M.P. GOVINDAN NAMBIAR MEMORIAL
ALL INDIA WOMEN MOOT COURT COMPETITION – 2017**

REGISTRATION FORM

(Only Women Students)

Name of the Institution :

Address :

E-mail I.D. :

1. Name of the Speaker – I :

Course of study & class :

Contact No. :

Email I.D. :

2. Name of the Speaker – II :

Course of study & class :

Contact No. :

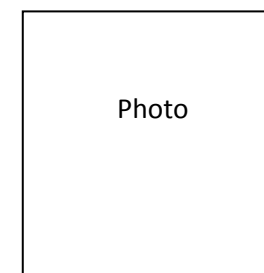
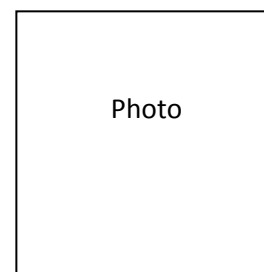
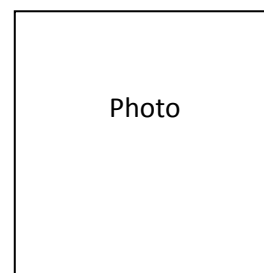
Email I.D. :

3. Name of the Researcher :

Course of Study & Class :

Contact No. :

Email I.D. :



Details of Registration

Amount :

Name of the Bank :

D.D. No. & Date :

This is to certify that the above mentioned participants are bonafide students of this Institution who would participate in the Moot Court Competition organized by your Institution and would comply with the rules and regulations of the competition.

Signature of the Head of the Institution :

Office Seal :

Dr. AMBEDKAR GOVT LAW COLLEGE MOOT SOCIETY

ADVOCATE SRI M.P. GOVINDAN NAMBIAR MEMORIAL ALL INDIA WOMEN MOOT COURT COMPETITION - 2017

Rules and Regulation governing the competition:

- **Date and Venue:**

6th to 8th October 2017
Dr. Ambedkar Govt. Law College,
Mathur Road,
Kalapet,
Puducherry-605014.

- **Eligibility:**

Participation is restricted to bonafide women undergraduate students of 5 years / 3 years LL.B. programme of any University/College/Institution recognized by the Bar Council of India.

- **Language:**

The official language for the Moot Court is English.

- **Dress Code:**

Black pant, white shirt with Black over coat/white churidar suits with black coat/ white sari with white blouse and black over coat.

- **Team Composition:**

Each institution participating in the competition shall send a team consisting of two Women speakers and one Women researcher. In any case, the team shall not consist of more than 3 participants. Organizer will not be responsible for any travelling expenses.

Each team will have a team code and each participant will be given an individual code. Team shall not disclose their identity or that of their institution or city etc. Such disclosures will invite penalties including disqualification. The decision in this regard shall be at the discretion of the Moot committee.

- **Registration:**

1. Each team that desires to participate in the competition shall confirm its participation at the latest by 22nd September 2017 by E-MAIL: **aglcwomenmoot@gmail.com**. The participating team must submit their hard copy of Registration Form along with DD and travel form on or before 25th September 2017. The Registration Form should be sent by post to **The Principal, Dr.Ambedkar Govt. Law College, Mathur Road, Kalapet, Pondicherry - 605014.**

2. No change of participants shall be entertained thereafter except at the sole discretion of the Moot committee. Registration fee of **Rs. 1500/-** per team for participation is payable by way of DD drawn in favor of “**The Principal, Dr.Ambedkar Govt. Law College**” Payable at Pondicherry.

• **Competition Rounds:**

1. The competition shall consist of Preliminary, Quarter-finals, Semi-finals and Final rounds. The top 8 teams based on the marks from the preliminary rounds shall qualify to participate in the quarter final. Winners of the quarter final will proceed to semi- final. Winners in the Semi-final will qualify for the final round.
2. In the preliminary round each team will have to argue both the sides. For the said purpose, fixture of team will be decided by draw of lots.
3. In the preliminary round, each team shall argue for both the sides (The appellant and respondent) in two separate rounds. During preliminary round, each team will be allowed 30 minutes to argue for the appellant and the respondent respectively.
4. Both speakers of the team shall make oral presentation during each round. The time division of 30 minutes between speakers can be done as per their convenience. Allotment of time for Rebuttal would be as per the discretion of the judges of the respective rounds.
5. Top 8 teams securing highest marks in the preliminary rounds will be selected for the quarter finals.
6. The 4 winning teams from the quarter - finals shall make it to the semi -finals.
7. Both quarter final and semi -final rounds will be knockout rounds.
8. During the Quarter final rounds, the team will be required to argue either on behalf of the Petitioner or the Respondents. The teams to argue on a particular side will be decided by a draw of lots prior to the commencement of the Quarter final rounds. During the Quarter -final rounds each team will be allowed only 30 min to argue for respective third sides.
9. During the semi -final rounds each team will be allowed only 30 minutes to argue for their respective side, decided by a draw of lots.
10. The winning two teams from the Semi finals will participate in the Final Round. Each team will be allowed only 45 min to argue for their respective side decided by way of draw of lots
11. Participating team will be required to strictly follow the time limits.

Memorials/ Written submissions:

1. All the teams are required to submit Memorials/Written submissions for both the petitioner and the respondent.
2. SOFT COPIES OF THE MEMORIAL SHALL BE MAILED TO aglcwomenmoot@gmail.com ON OR BEFORE 5th October, 2017 IN BOTH MS WORD AND PDF FORMATS.
3. Each team shall submit **4(four)** hard copies of memorials, each for the Appellant and Respondent. Names of the participants or their institutions or any kind of identification mark should not appear on any part of the Memorials.
4. Four copies of the memorials shall be submitted during the desk registration at 1 pm on 6th October 2017 at Town Centre of Dr. Ambedkar Govt. Law College (Old College Building) Lal Bhadur Shastri Street, Pondicherry-605001. (Land mark – PWD Head Office). A covering letter must be enclosed with the memorial (hard copy) specifying the name of the college/university of the participating team.
5. Participants are advised to carry extra copies of their Memorials for their own use. The copies submitted to the organizer would be for the use of evaluation of memorial and for the use of judges of the competitions and will not be returned to the participants.
6. After the completion of the competition, the organizers shall reserve the right to use the memorials submitted by the participating teams, as they may deem appropriate.
7. Teams will not be permitted to raise arguments other than those present in the memorial.
8.
 - i) The memorials should not exceed 25 typed pages (excluding front and back cover page)
 - ii) The font and size of the text of all part of the memorial must be in New Times Roman and 12 point with 1.5 line spacing. Footnote with font size of 10.
 - iii) The memorial must contain the following
 - a. Table of contents
 - b. Table of authorities
 - c. Statement of jurisdiction
 - d. Statement of facts
 - e. Statement of Issues
 - f. Summary of arguments
 - g. Written pleading
 - h. Prayer

Note: Memorial should be bound in spiral binding form. The cover page of the Memorial shall be BLUE for Appellant side and RED for respondent.

Each Memorial will be evaluated for 10 marks for each side and the Team memorial marks will be the aggregate of both the sides (i.e. 20 marks). Memorials will be judged by a special panel of judges.

Evaluation:

The competing Teams will be adjudged on the basis of the following evaluation criteria, for a total of 100 marks (break- up of marks indicated below).

- b) Memorials will be judged by a special panel of judges.
- c) The following will be the Evaluating Criteria and the marks will be allocated to each category as under.

1.	Knowledge of fact	-	10 Marks
2.	Factual Analysis	-	10 Marks
3.	Knowledge of law	-	10 Marks
4.	Use of authority and citation	-	10 Marks
5.	Skill of Advocacy	-	10 Marks
6.	Language& Style	-	10 Marks
7.	Clarity, brevity, ingenuity, responsiveness to questions	-	10 Marks
8.	Court manners	-	10 Marks
9.	Memorials	-	20 Marks
	TOTAL	-	100 Marks

Awards and Cash Prizes:

Awards and prizes for the moot court competition are as follows:

- I. Winners of the moot court competition will be awarded a cash prize of **Rs.15,000/-** trophies and Certificate of Merit
- II. The Runners up team will be awarded a cash prize of **Rs.10,000/-** trophies and Certificate of Merit .
- III. A cash award of **Rs.5000/-** trophy and Certificate of Merit for Best student Advocate.
- IV. There will be a cash prize of **Rs.6,000/-** trophy and Certificate of Merit for the Best Memorial chosen among the memorials submitted.
- V. Each participant in the moot court competition will be awarded a certificate of participation.

• **Scouting:**

- I. Teams will not be allowed to observe the oral argument of other teams. Scouting is strictly prohibited. Scouting by the team will result in disqualification.
- II. The researcher may sit with speakers of his/her team at the time of oral arguments, but shall not attend the court session of any other team.

• **Hospitality:**

1. Accommodation will be provided to the participants from 6th October 1.00 p.m. to 9th October 10.00 a.m.
2. Food and other facilities will be provided to the aforesaid members of the team, (restricted up to three only) from the evening dinner of 6th October 2017 (Friday) to 8th October 2017 (Sunday) Lunch.
3. Local Conveyance (transport between the Guest house and the competition venue) to the participating teams will be provided by the Organizers.

The Teams are required to **report on 06th October 2017 at 1.00 pm** in the town centre (old college premises), Lal Bhadur Sastri Street, Near PWD Head Office, Puducherry for the Briefing Session and Desk Registration during which Team codes will be given and Fixtures will be made (by lot). Participants must submit their memorials (4 sets) at the time of registration.

For more details Contact:

Faculty Coordinators :

Dr. N. Ravi
Associate Professor
Contact No: 9790346566

Mr. Rupam Lal Howlader
Assistant Professor
Contact No: 9432128855

Ms. Anita Yadav
Assistant Professor
Contact No: 7905644026

Dr. S. Shymol
Assistant Professor
Contact No: 09994679047

Student Coordinators:

1. Mr. Kannadhassan
Contact No: 7397144468

2. Ms. B. Vinodhini
Contact No: 8344074800

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TRAVEL PLAN

1.	Name of the Institution	
2.	Mode of Transportation	
3.	Date and Time of Arrival	
4.	Date and Time of Departure	

Note: No extra person is allowed.

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Scheme of Moot Court Competition

	Event	Date
1.	Last Date of Provisional Registration through mail	22 nd September 2017
2.	Last Date for sending Registration of Hard Copy along with Registration Fee (D.D)	25 th September 2017
4.	Last Date for Memorial Submission(Soft Copy)	05 th October 2017
	Last Date for Memorial Submission (Hard Copy)	06 th October 2017, 1:00 p.m.
5.	Desk Registration	06 th October 2017
6.	Preliminary Rounds	07 th October 2017
7.	Quarter – Final Rounds	08 th October 2017
8.	Semi - Final Rounds	08 th October 2017
9.	Final	08 th October 2017