



SGT UNIVERSITY FACULTY OF LAW NATIONAL MOOT COURT COMPETITION

On

February 7th to 9th, 2019



About us

SGT University, approved by UGC, came into existence vide The Haryana Private Universities (Amendment) Act No. 8 of 2013 and opened its gates to all segments of the society under the parasol of Dashmesh Educational Charitable Trust, which was founded in 1999 as a nonprofit making body with the holy cause of propagating the message of Shree Guru Gobind Singh Ji—the great philosopher and social reformer—that, “spread of learning is the best service to mankind.”



SGT University, nationally renowned for leadership in Medical and Health Sciences has established the Faculty of Law to promote profound scholarship and enlightened research in law, to provide highest quality professional legal education to face the new challenges and dimensions of the internationalization of legal profession. The vision of the Faculty of Law is to be “recognized nationally and globally for excellences in clinical legal education, community based outreach programmes, socially relevant research and for honing up Lawyering, Arbitration, Mediation and Client Counseling Skills.”

An abode for continual activity and unrelenting vitality, the Faculty of Law offers a wide array of academic and extracurricular opportunities making every day a potential adventure for the students.

For details visit: www.sgtuniversity.ac.in/faculty-of-law/



RULES OF THE COMPETITION

1. Title

Fifth SGT University -National Moot Court Competition, 2019 shall be held from February 7th to 9th, 2019 at SGT University, SGTU (NMCC), Delhi-NCR.

2. Language

The language of the Competition shall be English.

3. Eligibility Criteria

- Students of 5 years integrated law degree programme & 3 years law degree programme studying in Colleges/ Universities, approved by the Bar Council of India, are eligible to participate in the SGTU NMCC 2019.
- Only one team can register from a particular College /University in the SGTU NMCC 2019. In case two registrations are received from the same college/ law school, the team which submit a letter first by Head/ Dean of the institution/ moot court committee, authorizing them to participate on behalf of the college / law school shall be entitled to participate and will be registered.

4. Team Composition

- Each team shall consist only of two speakers and researcher. The organizer will assign a Team Code to each team.
- Only those members of the team who are designated as speakers will be permitted to present oral arguments in the Competition.
- If a fourth member is brought by the team, he/she shall not be permitted to sit with or assist the teams during the rounds.

5. Registration

- The participating team shall fill the Registration Form (provided along with the Rules) and send it along with the prescribed fee of INR. 4,000 (Rupees Four thousand only).The Registration fee shall be sent through Demand Draft drawn in favour of "Shree Guru Gobind Singh Tricentenary University" payable at New Delhi.
- Scanned copies of the filled -in registration forms along with the scanned copy of the Demand Draft may be sent to sgtmoot2019@sgtuniversity.org on or before **25.12.2018** (by 11:59 p.m.)
- The hard copies of duly filled-in Registration Form along with the Demand

Draft is to be sent by **Speed Post** and **must reach** at the following address by **07.01.2019**:

The Dean

Faculty of Law, SGT University
Gurugram-Badli Road, Gurugram (Haryana) – 122505

- The participants are required to submit two passport-size colored photographs of each member of the team along with the registration form (one photograph of each member to be affixed on the registration form and the second photograph of each member of the team shall be appended with the registration form).
- Each team shall be allotted a Team Code which will be communicated to them on or before **10.01.2019**. Apart from the Team Code, the name or logos of their Colleges/ Universities shall not be mentioned anywhere in any communication(s) addressed to the organizers or on the memorials.

6. Written Submissions/ Memorials

- Each participating team must submit the soft copy of memorial for the Petitioner and the Respondent in PDF format, no later than 11:59 P.M (IST) on 15.01.2019 to sgtmoot2019@sgtuniversity.org. *(No discrepancies shall be acceptable between hard copy and soft copy of the memorial)*
- All registered teams are required to bring four hard copies each of the memorial for Petitioner and the Respondent on 07.02.2019.
- The team shall not indicate their name or the name of their colleges / University on the memorials. For all communication the allotted Team Code shall be mentioned. The Team Code allotted to all teams shall be indicated at the top right corner of the memorial.
- All memorials submitted must conform to the following requirements and a team will attract negative marking for failure to keep with in the limitations as described below:-
 1. Teams have to submit memorials for both the parties i.e. Petitioner and the Respondent before the Hon'ble Court.
 2. All memorials must be in English, on A-4 size sheets with black ink and must be neatly bound. No plastic dividers should be used in the memorials.
 3. The text font of the body of memorials must be Times New Roman, size 12 with 1.5 line spacing. The font size of foot notes must not be less than size 10.

4. Each page must have a margin of at least an Inch on all side. The memorial should not exceeds 25 pages (not including the cover page) and shall at least consist of the following parts-
 - i. Cover page (coloured **Blue** for Petitioner and **Red** for respondent)
 - ii. Table of Contents
 - iii. Table of Abbreviations
 - iv. Index of Authorities
 - v. Statement of Jurisdiction
 - vi. Statement of Facts
 - vii. Issues raised
 - viii. Summary of Arguments
 - ix. Arguments Advanced
 - x. Prayer
5. The Cover Page must contain –
 - i. Team Code in the upper right hand corner
 - ii. The year of the competition
 - iii. The name of the case
 - iv. The party for which the written submission has been prepared
 - v. Name of the Court resolving the dispute
6. Blue Book mode of citation (19th Edition) must be followed.

7. Scoring of Memorials

- The memorials shall be checked by the panel of three judges. The scoring criteria for memorials shall be as follows-

S.No	Criteria	Max. Marks
1	Application of facts	25
2	Reasoning	25
3	Use of Authorities and Precedents	25
4	Understanding law and procedure	15
5	Presentation	10
	Total	100

8. Orientation

There will be an orientation Program for all the participants on 07.02.2019 followed by a draw of lots and exchange of memorial.

9. Oral Arguments

- The Preliminary Round shall take place on 08.02.2019 and during this round each team shall have to argue for either side i.e. the Petitioner or the Respondent, on the basis of the results of draw of lots which shall be drawn by the Moot Court Committee of faculty of Law, SGT University.
- Each team would be given 20 minutes to present their oral arguments, subject to a maximum of 12 minutes per speaker in the preliminary rounds. This shall include the pleadings and any rebuttal time if applicable. For the quarter finals and semi finals each team would get 30 minutes, subject to the maximum of 20 minutes per speaker. For the final round each team would get 40 minutes, subject to the maximum of 25 minutes per speaker.
- Judges at their discretion, may extend oral arguments time up to a maximum of 5 minutes per team.
- Rebuttal would be allowed only to the Petitioner. The Petitioner will have to specify the length of time they want to set aside for rebuttal, before beginning their oral arguments.
- If a team scheduled to take part in a round does not appear for 10 minutes after the scheduled start of the round, a walkover shall be declared in favour of team present.
- At the end of the Preliminary Rounds, Top 12 teams shall qualify for the Quarter Finals. Top 12 teams shall be selected on the basis of marks. A team shall be credited with a "Win", if its total marks in the respective session are higher than those of its opponent team.
- Preliminary round shall be succeeded by Quarter Finals round. The Quarter Finals round shall take place on 08.02.2019. The side to be represented by a team shall be determined by draw of lots with the teams picking the lots after the completion of the Preliminary rounds. Top 4 teams of this round with the highest total scores shall qualify for the Semi-Final rounds.
- Quarter finals will be followed by Semi-Final round. The Semi Final round shall be held on 09.02.2019. A team will be credited with a "Win" in the Semi-Finals if the total marks are higher than those of its opponent team. The side to be presented by the team shall be determined by draw of lots with the teams picking the Lots after the completion of Quarter-Final

rounds.

- The Final round will be held on 09.02.2019. A team will be credited with a “Win” in the Final if its total marks are higher than those of its opponent team.

Evaluation Criteria for Oral Pleadings

S.No	Evaluation Criteria	Maximum Marks
1.	Memorial	20
2.	Response to questions and Articulation	20
3.	Use of Authorities and Precedents	20
4.	Reasoning in the application of Principles	20
5.	Application of Facts	10
6	Advocacy skill and Court Etiquettes	10
	Total	100

10. Dress Code

Participants must adhere to the following Dress Code strictly during the Competition-

Girls: White shirt, Black trousers/skirts, Black tie, Black coat and Black shoes

Boys: White shirt, Black trousers, Black tie along with Black coat and Black shoes.

Non adherence to the Dress Code shall result in disqualification from the Competition.

11. Scouting

Teams shall not be allowed to observe the proceedings/submissions of any other team. Scouting is strictly prohibited.

12. Awards

1. Trophies for the Winners, Runner up, Best Speaker, Best Researcher.
2. Cash Prizes to be Won-
Winner Team – Rs.25, 000/-
Runner Up team –Rs.15, 000 /-
Best Speaker – Rs.5, 000/-
Best Researcher - Rs.5, 000/-
3. Certificate of Merit and Certificate of Participation

Note: Best Researcher award shall be given on the basis of Researcher Test. Researcher Test will be held on 08.02.2019 at 9:00 A.M.

Decision of the judges with regard to Declaration of Results shall be final and binding on all.

13. Accommodation

Accommodation has been arranged for all teams by the organizers from - February 7th, 2019 (3:00 pm) till February 9th, 2019 (till lunch). Participants requiring accommodation to be arranged by the organizers should indicate the same in the space provided for in the travel details and accommodation Form.

All participants staying on the SGTU Campus / accommodation provided by the SGT University shall be subject to the disciplinary rules and authorities of the SGT University including Hostels.

Note: All questions seeking clarifications on any issue arising out of the Moot Problem should be sent by December 24th, 2018 to sgtmoot2019@sgtuniversity.org

The organizers reserve the discretion to amend these rules at any time prior to the inaugural of the Moot Court Competition. In case of any discrepancies or doubts regarding the Rules, the decision of the organizers shall be final and binding.

Participation Certificate shall be awarded to all the students taking active part in the competition.

Moot Court Society:

Convener:

Prof. Suresh Minocha
Professor Faculty of Law
SGT University
Gurgaon

Co- Convener:

Dr. Bhavana Sharma
Associate Professor Faculty of Law
SGT University
Gurgaon

Executive Members:

1. **Mr. Azad Singh, Assistant Professor , Faculty of Law ,SGT University, Gurgaon**
2. **Mr. Nishit Ranjan Chaki, Assistant Professor , Faculty of Law ,SGT University,**

Gurgaon

3. Ms Anchal Mittal , Research Associate, Faculty of Law, SGT University, Gurgaon

Student Coordinator:

- 1. Miss Rama Kumari**
- 2. Miss Priya Mittal**
- 3. Raghunandan Sharma**

Contact Number: 9599811955, 7042932533

IMPORTANT DATES

S.No	Event	Date
1	Deadline for receiving soft copy of Registration form along with the scanned copy of the Demand Draft	25 th December 2018
2	Deadline for receiving hard copy of Registration form	7 th January 2019
3	Communication of confirmation of Team Codes to Registered Teams	10 th January 2019
4	Deadline for receiving queries seeking clarifications and Travel details of the Team	21 st December 2018
5	Issuance of clarifications on the queries	24 th December 2018
6	Deadline for submission of soft copy of the Memorials	15 th January 2019, 11:59PM
7	Inaugural Ceremony; Draw of Lots	7 th February 2019 From 2:00 P.M.
8	Preliminary Rounds	8 th February 2019 From 10:30 A.M
9	Draw of Lots for Quarter Finals	8 th February 2019 at 12:00 P.M
10	Quarter Final Rounds	8 th February 2019 From 1:30 P.M.
11	Draw of Lots for Semi Finals	8 th February 2019 at 3:30 P.M.
12	Semi Finals Rounds	9 th February 2019 From 10:00 A.M onwards
13	Draw of Lots for Finals	9 th February 2019 at 11:05 A.M
14	Final Round	9 th February 2019 at 11:15 A.M
15	Valedictory Ceremony	9 th February 2019

		From 12:45 to 1:30 P.M
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SGT UNIVERSITY FACULTY OF LAW

MOOT PROBLEM FOR NATIONAL MOOT COURT COMPETITION

(February 7th to 9th, 2019)

1. The Republic of Antia is a secular, democratic Country. A young girl name Jenny was working in ABC Multinational Company located in Antia. Her performance in the said company was excellent. On 22nd January 2017, when she was going to her office on her two wheeler, she met with a minor accident with a motor bike. The biker named Jack, with whom she met with an accident, helped her and took Jenny to a nearby hospital. After the medical aid had been provided, they both exchanged their phone numbers and in a few days became good friends. Eventually they developed intimacy and this ended up in Jenny getting married to Jack on 13th March 2017. For one year their relationship went smoothly and out of the wedlock, Jenny gave birth to a son.
2. With the passage of time, Jack was attracted towards a married woman named Phenny, who lived in a house adjacent to the house of Jack & Jenny. Jack developed an intimate relationship with Phenny and even had sexual intercourse with her on many occasions. This continued for a period of virtually six months. Jenny was however unaware of this extra- marital relationship of her husband. On 15th September 2018 Jenny saw Jack's Whatsapp messages and came to know about this relationship between Jack & Phenny. After that she was heartbroken but she decided to save her marriage and to continue her matrimonial relationship with Jack.
3. On 16th September 2018, when Jenny tried to have a word with Jack regarding this problem then Jack forced sexual act upon Jenny against her will and consent. Jenny could not resist much and surrendered to the will of Jack. This behavior of Jack forcing sexual acts upon Jenny became a habitual exercise. After these incidents, Jenny felt harassed, helpless and depressed. She wanted to save her matrimonial life but not at the cost of her self respect and individual dignity.

4. Jenny decided to lodge a complaint against both i.e. Jack & Phenny but the station house officer informed her that as per the existing penal laws of Republic of Antia no legal remedy was available either with respect to Jack's adulterous relationship with Phenny nor with respect to the issue of sexual acts of Jack forcing himself upon Jenny against her will and consent. Moreover, the police officer told Jenny that the only legal remedy, which was available to Jenny, was to file a divorce petition but Jenny didn't want to destroy her matrimonial relationship, which in Jenny's opinion would lead to unnecessary problem for her small child.
5. As per section 497 of APC (Antia Penal Code) "the wife has no right to file a complaint in case of adultery and similarly according to section 375 of APC a husband cannot be punished for marital rape.
6. Jenny was under complete shock and felt helpless. She wanted to save her marital relationship as well as preserve her right to live with dignity. On 22nd October 2018 Jenny with the help of an NGO "Naari Kalyan" filed a writ petition before the Supreme Court of Antia challenging the Constitutional validity of Section 497 & 375 of APC, on the ground of it being violative of Article 14, 15 & 21 of the Constitution of Antia & in the light of numerous Judgments rendered by Supreme Court of Antia, that right to life and personal liberty doesn't mean only the animal existence but also gives the right to live with dignity.
7. In her petition, Jenny urged the Supreme Court of Antia to give certain guidelines in the above matter. In the absence of any existing laws, Jenny urged the Supreme Court to direct the Republic of Antia to bring laws for the protection of those wives whose husbands indulge in adultery and also bring laws and penal provision for marital rape. The existing law on adultery is insufficient and only remains an offence against the husband of adulterous woman. Unless the husband complains against the offence, the act of adultery is justified and no punishment provision exists for marital rape, thus making woman, a commodity. Jenny further pleaded for justice in the absence of any existing laws through such extra ordinary jurisdiction as the court deemed fit.
8. In the petition Jenny also stated this problem in light of the social stigma attached to divorced women. In the absence of any law, the women in the country have become extremely vulnerable. After divorce the woman has to face various challenges throughout her life and second marriage is not feasible in all cases.
9. Hon'ble Supreme Court of Antia decided to hear the petition as it pertained to the dignity, justice and equality for women. After hearing the petition, the Hon'ble Supreme Court of Antia struck down Section 497 of APC on the ground that it is violative of Article 14, 15 and 21 of Constitution of Antia and

declared adultery only as a civil offence.

10. After this decision of Supreme Court of Antia, Jenny still felt victimized and files a review petition before the Hon'ble Supreme Court of Antia on the principle of "Natural Justice", as "justice not only be done but it must appear to be done".
11. Hon'ble Supreme Court of Antia decided to hear the Review Petition as it relates to the dignity of women and definitely has a substantial question of Law.

Note:

- (i) Laws of Republic of Antia are ***Pari Materia*** to laws of Republic of India.
- (ii) Republic of Antia adopted all the provisions in its Constitution from Constitution of India with its updated amendments.



SGT UNIVERSITY
NATIONAL MOOT COURT COMPETITION 2019
February 7th to 9th, 2019

Registration Form

Full Name (Participating Institution):

Address:.....

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Mobile: Email :

Faculty In charge.....

TEAM MEMBERS

SPEAKER -1

Name:.....Class & Semester:.....

Sex (M/F):..... Mobile:.....

Email:.....

SPEAKER -2

Name:.....Class & Semester:.....

Sex (M/F):..... Mobile:.....

Email:.....

RESEARCHER

Name:.....Class & Semester:.....

Sex (M/F):..... Mobile:.....

Email:.....

Affix Photo

SPEAKER 1

Affix Photo

SPEAKER 2

Affix Photo

RESEARCHER

DECLARATION

We, the undersigned declare that the institution and its Team Members will abide by all the Rules of the Competition set out in the Rules and as notified to us from time to time throughout the period of the Competition. We also declare and confirm that all the information provided in the Registration Form is true and accurate.

We, the undersigned further declare that we shall bound by the instructions of the Disciplinary Authorities and Rules of the SGT University and also it's Hostel Authorities

Signature: **SPEAKER 1**.....

SPEAKER 2.....

RESEARCHER.....

FACULTY INCHARGE.....

HEAD/DEAN OF SCHOOL

(SIGNATURE WITH INSTITUTION SEAL)

Note: One Passport size photograph of the participating student should be sent along with the registration form with the name of the student written on the back side of the photograph.



SGT UNIVERSITY
NATIONAL MOOT COURT COMPETITION 2019

February 7th to 9th 2019

Travel & Accommodation Form

A. TRAVEL DETAILS - ARRIVAL

Name of Participating University:.....

Mode of Travel (Air/Train/Bus/car):.....

Details (Flight No. / Train No. With Coach/ Bus details).....

Date and time of Arrival.....

Whether Accommodation Required [Yes/No].....

If Yes; Number of Male and Female Members in the Team-

Male:

Female:.....

B. TRAVEL DETAILS - DEPARTURE

Mode of Travel (Air/Train/Bus):.....

Details (Flight No./ Train No. With Coach/ Bus details).....

Date and time of Departure.....

Signature of Team Members