



CONTACT US AT-
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DATES-
14th - 16th MARCH
2019

XII AMITY NATIONAL MOOT COURT COMPETITION

ORGANISED BY- AMITY LAW SCHOOL LUCKNOW

STUDENT CONVENOR

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ABOUT AMITY UNIVERSITY LUCKNOW

Amity University Lucknow Campus (AULC) is a constituent unit of Amity University, Uttar Pradesh & it was established in the year 2004 with the sole objective to impart research & innovation driven education in the region. The 40 acre state of the art campus is a fine blend of global education, training & research within academic ambience.

With the latest teaching methodologies AULC offers UGC recognized Undergraduate & Post graduate courses in multiple disciplines.

It has 17 institutions which cater to 87 programmes having more than 5000 students. The multiple research centers at AULC felicitate research in the diversified areas like Nanotechnology, Biotechnology, Electronics, Agriculture, Forensic Sciences & many others.

ABOUT THE MOOT COURT/ COMPETITION COMMITTEE

"The National Moot Court Competition organized by Amity Law School, Lucknow Campus promises once again to unite some of the finest law student educators, activists and professionals in India. Since its inception in the year 2007, this competition has grown in its size, stature and sense becoming one of the highly regarded events of its kind in India. The recorded foot-fall of the competition across the Nation has made the competition's impact widespread in all regions of the country and the National Moot Court Competition here in Amity University, Lucknow have achieved national recognition in its full spirit.

Amity Law School, Lucknow through this event aims to inspire the educational excellence and legal intellect of the Law students across the Nation.

Amity Law School, whole heartedly welcomes all the participants into the vibes of competition and wishes all the luck and success for this competition and future endeavors.

Amity Law School have pioneered itself in the field of legal education since 2007. Amity Law School strongly believes that present legal education should be beyond the books; Amity Law School have inspired the legal education with a collegial intellectual community. The faculties and authorities in Amity Law School have long upheld the principle that law must be studied within the context of its ultimate nature, that it serves justice and humanity.

Students in Amity Law School thrive in diverse and resource rich atmosphere that is intellectually invigorating, professionally supportive and forward thinking. This is precisely why this institution is known for producing well-rounded lawyers and accomplished practitioners that's what we call „Lawyers in its best sense“.

This Law School promotes experiential learning. Students here become lawyers by representing real clients in real cases. They become advocates by arguing on their feet. They change their own life by changing the life of others.

Amity Law School strongly believes that the students learn and improve their advocacy skills by participating in the National Moot Court Competitions. These are the amid reasons that Amity Law School is dedicated towards organising these kinds of events and even set a benchmark every year for the competitions of its kind

To,

The Registrar/Director/Principal/Convenor

Dear Sir/Ma'am,

Amity Law School takes a great honour in extending and invitation to your revered institution to participate in its annual moot event i.e. XII Amity National Moot Court Competition, 2019 to be held from 14th March, 2019 till 16th March, 2019.

The competition aims at providing a first-hand exposure to the practical aspects of the legal profession to the students participating in the event.

We request for an active participation of your institution in the competition. Please find enclosed herewith the requisites of the event.

Thanking you,

Yours sincerely,

Prof. (Dr.) J. P. Yadav

Director

Amity Law School

Lucknow

Mr. Ashutosh Kumar Shukla

Faculty Convenor

XII Amity National Moot Court Competition

RULES AND REGULATIONS FOR THE XII AMITY NATIONAL MOOT COURT COMPETITION, 2019

1. Definition

- a. **Administrator/Organizing Committee/Moot Court Committee** means Amity Law School, Lucknow Campus.
- b. **Participating team** means the team which has registered itself for the competition as per the rules of registration given below.
- c. Participating College/University/Institution shall be presumed as the parent institution.
- d. **Competition** means the XII Amity National Moot Court Competition, 2019.
- e. **Complainant** means that Team which argues on behalf of the complainant at any given point in the Competition.
- f. **Compendium** means a compilation or collection of legal or other authorities that a Team seeks to rely upon during the Oral Pleading Session.
- g. **Memorial** means the written arguments submitted, on behalf of the Applicants/Respondents. According to the official Competition Rules by each team. Memorial may be referred as Written Submissions.
- h. **Official Website** means the website of the Competition means <https://contactamitynation.wixsite.com/xiiamitynational>.
- i. **Petitioner** means the party which is presenting a petition to the court alleging the commission of a wrong.
- j. **Researcher** means the team member whose role is confined to preparation of the Memorial and is not allowed to speak in the oral rounds.
- k. **Respondent** means the party against whom the petition is filed.
- l. **Rules** means these official Competition Rules and any applicable supplements to these Rules published by the Organising Committee.
- m. **Speaker** refers to the members of the team who will be pleading before the judges in the orals rounds.
- n. **Team Code** means the code allotted to a Team by the Organizing Committee.

2. Eligibility

- a. The Competition is open to all students, enrolled bona-fide on a regular basis in an undergraduate law course conducted by any recognized College/ Institution/ University.
- b. A recognized College/Institution/University shall be entitled to send only one Team to the Competition.
- c. Each Team shall comprise of a minimum of two members and a maximum of three members. In a Team comprising of two members, both the members shall be designated as Orators. In a Team comprising of three members, two members shall be designated as Orators and the third member shall be designated as a Researcher.
- d. Each team will have a team code (designated during draw of lots). Each team shall be assigned a Team Code selected by the Organizing Committee .Team shall use their Team Code for identification purposes. Name of participants or their

colleges may not appear on or within the Written Submissions. Signature pages are prohibited.

- e. Teams shall not disclose their identity or that of their institution. However, the speakers can disclose their names only to the bench during the oral arguments.
- f. No additional member or team coach is allowed to accompany the team.

3. Registration

- a. Each Team must register by filling up the registration form available on the Official Website and by paying the registration fee as provided.
- b. Each Team shall complete such registration on or before 8th February, 2019. (11:59 P.M. IST).
- c. A scanned copy of the duly filled registration form, travel form and the demand draft/ screenshot of the E-Payment should be emailed to contact.amitynational@gmail.com
- d. REGISTRATION FEE INSERT is Rs. 4,500/- (Rupees For Thousand Five Hundred) Only.
- e. Registration Fee will be **NON REFUNDABLE**, in case of non-participation or otherwise as may deem fit.

4. Payment

Institutions/teams must send (via Courier/ Speed Post/ Registered Post) the filled in Registration Form, Travel Forms and **Demand Draft of ₹ 4,500** [Four Thousand Five Hundred] (per team) in favour of **Amity University Uttar Pradesh**, payable at Lucknow latest by **February 15 , 2019**. Or you can Pay us the Registration fee via **E- Banking**. For bank details see (Annexure 1). A scanned copy of the Demand Draft or the screenshot of your E-banking Receipt/Statement has to be mailed to us along with your soft copy submissions at contact.amitynational@gmail.com.

5. Address of Venue

All hardcopy submissions i.e. Hardcopies of Registration Form, Travel/Accommodation Forms, Demand Draft, Memorials and any other submission as the need maybe, must be couriered to the following address:

Moot Court Committee

Mr. Ashutosh Kumar Shukla

Assistant Professor

Amity Law School

Amity University, Mango Orchard Campus

Near Malhaur Railway Station, Gomti Nagar Extension,

Lucknow-226028 (Uttar Pradesh)

6. Dress Code

The teams should adhere to the Dress Code of the competition:

- Female Participant(s): Business formals/Black Western Formals or Indian Formal (both in Black and White).
- Male Participant(s): Business Formals/Black Western Formals(in Black and White).

7. Language

Official Language for XII Amity National Moot Court Competition. 2019 is ENGLISH. Use of other languages except English will not be accepted during this competition.

8. Team Composition

- Team comprises of two speakers and one researcher. Teams shall identify such speakers and researcher during the on campus registration. In case of a two-member team, single person act as a Speaker and the researcher.
- No additional team member other than the above three shall be entertained.
- Teams shall not disclose their identity or that of their institution. However, the speakers may disclose their names only to the bench during the oral arguments.

9. Structure

The competition will be held over a period of 3 days i.e. March 14 to March 16, 2019. The competition shall consist of four (4) rounds; Preliminary Rounds, Quarterfinal Rounds, Semi Final Round and the Final Round.

- Draw of Lots:** The Draw of Lots will determine from which side will the participating team present their arguments i.e Petitioner/Plaintiff or Respondent/Defendant. The Draw of Lots will also decide which team you will be competing against(There will be no pre-decided fixtures).This shall be conducted on 14th of March, 2019. The team codes will be provided to teams before the draw of lots but their sequence of participation will be decided here.
- Preliminary Rounds:** Each team shall present both sides in this round. The team will represent Petitioner's side as well as the Respondent's side, in the sequence determined under Draw of Lots. The top 8 team based on their Total Preliminary Score in the Preliminary Rounds, shall qualify for the Quarter Final Rounds. Total Preliminary score does not include the memorial score.
- Quarter-Finals:** The top 8 teams from the Preliminary Round shall proceed to the quarterfinals. This will be a knockout round, hence winners will be decided on the basis of courtroom win. The sides of the teams will be determined by draw of lots, held on 15th March, 2019. The Draw of Lots will also decide which team you will be competing against(There will be no pre-decided fixtures).
- Semi Final:** The top 4 teams from the Quarter Finals shall proceed to the semi finals. This round again will follow the knock-out fashion. The sides of the teams will be determined by Draw of Lots held on 16th March, 2019. The Draw of Lots will also decide which team you will be competing against (There will be no pre-decided fixtures).
- Final Round:** The winner of each court room fixture i.e. 2 teams from the semi-final round shall proceed to this round. The sides of the teams will be determined by Draw of Lots held on 16th March, 2019.
- Tie-Breaking Procedure**(if required): If at any point in this competition there is a tie between two competition teams, then the team which has obtained a higher score whilst memorial evaluation proceed to the next round. In case of a further tie, the scores obtained by teams in the researcher's test or the preliminary round will be taken into consideration.

10. Written Submission

- Each Team is required to prepare Written Submissions for both sides, i.e., the Complainant and the Respondent of the case.
- A Written Submission shall be identified solely by the Team Code assigned to the Team. The Written Submissions shall not, in any way, disclose any fact pertaining to the identity of the Team, its members, or the College /Institution/University represented by the Team.
- Each team is required to submit 10 memorials (Hard Copy) i.e. 5 Memorials for Petitioners side and 5 Memorials for Respondents Side,
- One soft copy (only in MS Word .doc/.docx format) must be emailed to contact.amitynational@gmail.com latest by 4th March, 2019 (23:59 Hours IST) with the subject “Memorials for TC __”. The file names of the electronic copies of the Memorials must contain only the team code and the side being represented in the following format: e.g. (for Team Code 13) 13P or 13R, “P” being for “Petitioner” Memorial and “R” for “Respondent” Memorial and so forth.
- The hard copy submissions must be identical to the soft copy. Violation of this rule would entail disqualification from the Competition.
- The memorial shall be printed on A4 size paper, with the following mandatory formatting specifications:
 - a) Font Type: Times New Roman
 - b) Font Size: 12
 - c) 1.5 line spacing
 - d) Margin : 1 inch on each side
 - e) Foot Notes:
 1. Font Type : Times New Roman
 2. Font Size: 10
 3. Single Line Spacing
- A Written Submission shall consist of the following mandatory heads:
 - a. Cover Page
 - b. Table of Contents
 - c. List of Abbreviations
 - d. Index of Authorities(with page number of authority cited):
 - e. Statement of Jurisdiction.
 - f. Statement of Facts (not exceeding 2 pages):
 - g. Statement of Issues
 - h. Summary of Arguments (not exceeding 2 pages):
 - i. Arguments Advanced (not exceeding 25 pages)
 - j. Prayer (not exceeding 1 page)
- The Cover Page of a Written Submission must contain the following information:
 - a) The Team Code in the upper right-hand corner.
 - b) The name and place of the jurisdiction
 - c) The Relevant Provision under which case is filed
 - d) Name of Parties and Status
 - e) The side for which the Written Submission has been prepared
 - f) Memorial Filed on Behalf of

- It is further clarified that the Organizing Committee reserves the right to refuse acceptance of any memorial which is in violation of any of the norms. Further, the cover page should be printed in the same paper used to print the remainder of the memorial. **Participating team shall not include their name or their institution's name anywhere in the memorial so prepared for the competition.**
- Team shall cite authorities in the Memorial using footnotes following the Harvard Bluebook 19th Edition(Blue Pages). Explanatory or illustrative footnotes are not allowed.

Colour of the cover page must be:

Blue in case of Petitioner/Applicant

&

Red in case of Defendant/Respondent

The color of the cover page shall compulsorily be Red and Blue (as the case may be) and no other variant of the colour shall be used.

- **Index of Authorities**

Each Written Submission shall include an “Index of Authorities.” The Index of Authorities shall contain a list of all legal authorities cited in any section of the Written Submission. This list shall include a description of each authority adequate to allow a reasonable reader to identify to location of cited authorities.

- **Statement of the Facts**

Each Written Submission shall include a full “Statement of the Facts.” The Statement of the Facts shall be limited to the stipulated facts and necessary inferences from the problem and any clarifications to the same. The Statement of the Facts must not include unsupported facts, distortions of stated facts, argumentative statements, or legal conclusions.

- **Summary of the Arguments**

Each Written Submission shall include a “Summary of the argument.” The Summary of the Pleadings shall consist of a substantive summary of the “arguments” section of the Written Submission in paragraph form, rather than a simple reproduction of the headings contained in the argument section.

- **Arguments Advanced (Pleadings) & Prayer**

The pleadings shall contain the substantive arguments with appropriate citations. The teams must endeavour to follow a uniform method of citation.

The Prayer shall be the effective remedies requested in the pleadings.

- **Compendium**

All participating teams at their option can prepare a compendium as a supplement to their memorial submission. The compendium may contain all relevant provisions of law and photocopies of important judgments cited if any. There can be no arguments/argumentative interpretation of facts/judgments in the compendium. Any such arguments will be disregarded and shall result in **penalization of points**. The compendium may be presented to the judges for further reference and clarity of argument presented by the speaker.

- **Length**

The “Pleadings” section include: Summary of arguments, Arguments Advanced (Detailed Arguments), including footnotes and memorial should not exceed more than 26 pages excluding prayer. Exceeding the stated limit shall attract a penalty of marks for every page exceeded.

- **Binding**

As Amity promotes eco – friendliness, written submissions must be **fastened by stapling or stitched on the left hand side of the pages. No other type of binding is permitted**

- **Plagiarism**

Participants must refrain from using same language or copying from other’s memorials and other sources. Even use of publicly available information must be accompanied by proper citations. These rules shall apply to all parts of the memorial and not just the Pleadings and Prayer. A failure to comply with this rule may result in the guilty participants being debarred from mooting in XII Amity National Moot Court Competition, 2019. The Organizing Committee in consultation with the memorial judges will take a final decision regarding determination of cases of plagiarism and penal measures for such action.

- **Changes in Soft Copy**

An attempt at sending a different version or shortened or corrected version of your pleadings as soft copy will result in disqualification from the selection process for the academic year. The Organizing Committee shall only take all decisions of disqualification after providing a hearing to the participants concerned. Hearing may be allowed in case of deduction of marks also if demanded by the affected participant(s) in writing.

- **Condonation of Delay**

Delay in submission of memorials will not be condoned on grounds like failure of printer, traffic jams, etc. However, the Moot Court Committee shall have final discretion in case of application for condonation of delay. The MCC shall act as the sole decision making body in this regard and no single decision will have precedent value and shall not bind the Society. Decisions could range from full condonation, to reduction of marks and as the Judges and Moot Court Committee may deem fit.

a. Competition Scoring Evaluation of Rounds

Scoring of Rounds shall be solely based on the oral argumentation skills of the designated speakers of a particular team. Each Oral Round will be scored by a panel of two or more judges.

b. Evaluation of Memorial

Every Memorial will be marked on **scale of 100**.

c. Criteria for Evaluation

The Memorial & speakers would be evaluated according to the following criteria

Knowledge of Law and Facts	20 Marks
Proper and Articulate Analysis	15 Marks
Depth and Use of Research	15 Marks
Organization and Presentation	15 Marks
Grammar and Language	10 Marks
Novelty of Arguments	15 Marks
Clarity of Thought and Originality	10 Marks
GRAND TOTAL	100 Marks

d. Penalties

Late Submission	1 mark per memorial every 12 hours after deadline. Disqualification beyond 48 hours
Wrong File Name	1 mark per Memorial
Failure to submit Memorial as one File	1 Marks per Memorial
Exceeding Page Limits	1 Mark per exceeding page
Failure to include the section in the Memorial	3 Marks per section
Failure to include the required information on the cover page	1 mark per violation
Failure to use the correct colour coding	2 marks per Memorial

12. Researchers' Test

- a. The Researchers' Test shall be conducted on Day 1 of the Competition.
- b. The test shall be for duration of Sixty (60) minutes only. The test will be based on MCQs (Multiple Choice Questions).
- c. If a team comprises of three (3) members, then ONLY the Researcher is eligible to take the test. Researcher test marks will NOT be added up in the marking criteria.
- d. If a team comprises of two members then one of the two members shall be eligible to take the test. However, the team must notify the organizers as to which of the two team members shall take the test.

NOTE: Participants are not allowed to carry/use any study material during the researcher's test.

13. Scouting

Scouting shall be deemed to have happened if the speakers, researcher or any other person affiliated with a team is found:

- Witnessing, hearing, observing, etc. The oral submissions in a Round, except where the Round is one in which the team to which he/she is affiliated is participating in;
- Reading a Memorial of a team except where: it is of the team to which he/she is affiliated; or the Memorials have been obtained on account of an exchange of Memorials prior to a Round of the team to which he/she is affiliated.

14. Disclaimer

The Proposition is neither to nor does it attempt to resemble any incident or any person, living or dead. Any such resemblance is purely coincidental. The Proposition is fictitious factual account prepared for the purposes the present Competition only and it does not attempt to influence or predict the outcome of any matter whatsoever.

15. Awards*

- a. The team with the maximum score in the final round will be declared as the “Winning Team” and the team with the second highest score in the final round will be declared as the “Runners up Team”.
- b. The speaker with the maximum scores in the Preliminary Rounds will be declared the “Best Mooter/Speaker”.
- c. The team with the maximum Memorial scores will be awarded “The Best Memorial”.
- d. The researcher scoring the highest marks in the researcher test will be awarded “Best Researcher”.

The Prizes are as follows:

- a. Winning Team : Rs.15,000/-
- b. Runners Up: Rs.9,000/-
- c. Best Speaker/Mooter: Rs. 3,000/-
- d. Best Memorial: Rs. 3,000/-
- e. Best Researcher: Rs, 3,000/-
- f. Medal for top 8 and trophy's for winners.
- g. Other cash prices/trophy

**Certificates shall be issued to all the participants.(Certificates of Participation)*

All participants/teams are required to attend the Valedictory Ceremony on 16th March, 2019 in order to collect their certificates. They will not be provided later.

16. Clarifications

Participating teams may request for clarifications to the official moot problem by sending an email to contact.amitynational@gmail.com latest by 28th February, 2019.(23:59 Hrs IST).

A full list of clarifications will be released on 1st March 2019.

Please Note: Clarifications through any medium other than emails i.e. Phone Calls to Organizers, WhatsApp/SMS to Organizers, DM on Instagram or Private Message on Facebook will not be entertained and taken into account.

17. Accommodation, Food and Transportation

- a. Accommodation shall be provided to all teams by the organizers from noon (12:00 hrs IST) of 13th March, 2019 till the afternoon of (12:00 Hrs IST) of 17th March, 2019.
- b. Food and Transportation to and from the venue shall be provided to all the teams for the aforementioned duration.
- c. Team should send their travel plan, as and when asked by the Organising Committee i.e. as Soft Copy (during Soft Copy Registration) and as Hard Copy along with other submissions

18. Contacts

The following persons can be contacted in the event of any query or clarification relating to any information released in the brochure or any detail related to the competition or email us:

contact.amitynational@gmail.com.

Inam Uddin Ahmed +91 8052120605
Student Convenor +91 9151178867

Akriti Singh +91 9648099996
Student Convenor

Connect with us on:

1. **Facebook** : <http://m.me/amitylkomoot>
2. **Instagram** : https://www.instagram.com/amity_moot_court?r=nametag
3. **Website** : <https://contactamitynation.wixsite.com/xiamitynational>

***MISCELLANEOUS**

- Copyright is restricted to XII AMITY NATIONAL MOOT COURT COMPETITION, 2019. The acceptance of such vesting is precondition to participation in the Competition. The Rules governing the conduct of the Competition should be strictly adhered to. Any deviation thereof can attract penalties or disqualifications at the sole discretion of the Organising Committee.
- Only participants i.e. team members will be provided with accommodation by the Organizers. No spectators, audience or any member of family will be permitted to witness the rounds and will not be provided accommodation during the course of the competition.
- The organizers reserve the right to amend the rules and regulations at any stage of the competition.
- The Organising Committee reserves the right to amend, alter, vary or change, in any manner whatsoever, the Rules governing the Competition, which would be communicated to the teams within a reasonable period time.

GENERAL RULES FOR ORAL ROUNDS

General Procedure

- i. Teams are requested to post 10 hard copies (Petitioner-5 and Respondent-5) to be submitted before the formal registration on 14th March, 2019.
- ii. The language to be used during the Rounds is English.
- iii. The Competition shall consist of the following rounds:
 - A. Preliminary Round I and II;
 - a. Quarter- finals,
 - b. Semi- finals,
 - c. Finals.
- iv. During each of the above mentioned rounds, the order in which the teams shall present their arguments is as follows:
 - a. Petitioner Speaker 1
 - b. Petitioner Speaker 2
 - c. Respondent Speaker 1
 - d. Respondent Speaker 2
 - e. Rebuttal: Petitioner - Any one of the two Speakers
 - f. Sur-rebuttal: Respondent - Any one of the two Speakers

*Sur-rebuttal may be permitted only at the discretion of the Judges.
- v. The Best Speaker Award shall be determined on the basis of the individual aggregate score of the Speaker taken only from the Preliminary Rounds.
- vi. The Researcher shall not be permitted to address the Court during the Oral Rounds. The Researcher may however, be permitted to pass notes to the Speakers at the discretion of the Judges.
- vii. Teams are not permitted to raise issues in the Oral Rounds that have not been submitted in the Memorandum and compendium.
- viii. The use of mobile phones, laptops, or any other electronic gadgets is strictly prohibited during the Oral Rounds.

- ix. Participants may use their own bare acts, print outs and commentaries provided that anonymity is not violated during the Rounds.
- x. The decision of the Judges as to the marks allotted to each team shall be final.
- xi. So as to ensure uniformity in the marking system all Judges will be provided with a scoring guideline.

Splitting of Time between Speakers

- i. Teams shall notify the Bench Clerks of the division of time between the 2 Speakers (including time reserved for Rebuttal & Sur-rebuttal) 10 minutes prior to the commencement of the Rounds.
- ii. If Speaker 1 exceeds his/her reserved time, the additional time taken shall be deducted from the time reserved by Speaker 2. Similarly, if Speaker 2 exceeds his/her reserved time, the additional time taken shall be deducted from the time reserved for Rebuttals/Sur-Rebuttals as the case may be. This rule may not be followed if the additional time is awarded at the discretion of the Judges to not be deducted from the time of the subsequent Speaker.
- iii. While granting additional time, if the additional number of minutes granted is not specified by the Judges, it shall be presumed that the additional time granted is 2 minutes.
- iv. The finality of the decision as to the time structure and the right to Rebut or Sur-rebut shall vest with the Judges.

Compendium

- i. All relevant case laws and statutory material to be passed on to the Judges during the Oral Rounds may be submitted in the form of a Compendium 10 minutes prior to the commencement of the Rounds to the Bench Clerks.
- ii. The Compendium **shall not exceed 50 pages** whether printed on one side or both sides. For this purpose, each side shall be considered as one page.
- iii. Participants are also permitted to pass on relevant material to the Judges, at their discretion, any time after the commencement of the Rounds and before its completion.
- iv. The Compendium or other relevant materials shall be returned to the participants after the completion of each Round.
- v. Participants shall ensure that **anonymity is not violated** while passing on any material to the Judges. If any mark, name, seal, symbol or logo of the institution/college/university is present, participants must ensure that the same is rendered unrecognizable.

Exchange of Memorial

- i. The exchange of memorial shall take place prior to each Oral Round as planned in the minute to minute.
- ii. The Memorial shall be exchanged on the basis of Draw of lots before the commencement of each round.
- iii. Teams are prohibited from making any marks on the memorandum thus exchanged. Teams are also prohibited from taking photocopies of such memorandums.
- iv. The opponent's memorandum shall be returned to the Bench Clerks after the completion of each Round.

PRELIMINARY ROUND

- i. Every team shall argue twice in the Preliminary Rounds, once for the Petitioner and once for the Respondent.
- ii. No two teams shall face each other more than once in the Preliminary Rounds.
- iii. **Draw of Lots:** The match up of teams in Preliminary Rounds shall be determined on the basis of draw of lots. Draw of lots shall take place on 14th March, 2019.
- iv. Each side shall get a maximum time of **30 minutes** to present their arguments. The time limit is inclusive of the time for Rebuttal or Sur-rebuttal respectively. The maximum time for **Rebuttal is 2 minutes** and the maximum time for **Sur-rebuttal is 1 minute**. Time allocation for Rebuttals and Sur-rebuttals can also depend upon the discretion of the bench.
- v. The top eight teams shall qualify to the Advanced Rounds on the basis of the aggregate score of the team in their Preliminary Rounds. In the event of a tie, the Memorandum marks shall be taken in consideration.
- vi. The Best Speaker Award will be awarded on the basis of the scores awarded to the Speakers in the Preliminary Rounds.

QUARTER-FINALS

- i. The maximum time for arguments per side shall be **30 minutes**. The time limit is inclusive of the time for Rebuttal or Sur-rebuttal respectively. The maximum time for **Rebuttal is 2 minutes** and the maximum time for **Sur-rebuttal is 1 minute**. Time allocation for Rebuttals and Sur-rebuttals can also depend upon the discretion of the bench.
- ii. The Winners of the Quarter- final shall advance to the Semi- finals.

SEMI FINALS

- i. Each side shall get a maximum time of **45 minutes** to present their arguments. The time limit is inclusive of the time for Rebuttal or Sur-rebuttal respectively. Time allocation for Rebuttals and Sur-rebuttals can also depend upon the discretion of the bench.
- ii. The Winners of the Semi- finals shall advance to the Final Round.

FINALS

- i. Each side shall get a maximum time of **45 minutes** to present their arguments. The time limit is inclusive of the time for Rebuttal or Sur-rebuttal respectively. Time allocation for Rebuttals and Sur-rebuttals can also depend upon the discretion of the bench.
- ii. The Winner of the Final Round shall be declared the Winner of the Competition.

***Delay in Appearance/Presentation**

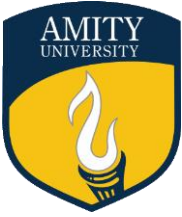
If a team scheduled to take part in a Round does not appear within 10 minutes of the scheduled time, the other team present shall be allowed to submit ex-parte.

RESEARCHER'S TEST

- i. The **Researcher's Test shall be conducted on 14th March, 2019** as planned in the minute to minute.
- ii. In a team consisting of three members, the member designated as Researcher shall take part in the test.
- iii. Participants are requested to write only the Team Code on the question paper.
- iv. The Researcher's Test shall be objective based on the applicable law, precedents and facts pertaining to the Moot Proposition.
- v. The duration of the Researcher's Test shall be 60 minutes.
- vi. No additional material such as the bare text of Acts, Memorandum, etc. apart from stationery may be brought by the participant to the test and no such material shall be provided by the Organising Committee.
- vii. The highest scorer of the Test shall be determined as the Best Researcher. In case of tie, the marks of the Memorandum shall be taken into consideration.
- viii. There shall be negative marking.

***Delay in Appearance/Presentation**

If the researcher scheduled to take part in a Round does not appear at scheduled time, he shall not be permitted to appear for the Researcher's Test.



XII AMITY NATIONAL MOOT COURT COMPETITION, 2019

AMITY LAW SCHOOL, LUCKNOW

MOOT PROPOSITION

Disclaimer: The contents of this moot problem are entirely fictional and do not in any way aim to hurt the sentiments or degrade the values and ideologies of any group of people, religion or individual. This problem is drafted for the purpose of National Moot Court Competition to be held at the Amity Law School, Lucknow Campus of Amity University Uttar Pradesh.

MOOT PROPOSITION

- 1) The Himaya Temple, located in Tenjiku (a city in the Union of Indiana), is a renowned religious spot for most of the people residing in Tenjiku. Lakhs of pilgrims visit the place every year and complete mountainous trek to reach the shrine. The temple nestles at a height of 1260 meters above sea level. The Himaya Temple is one of the few temples in Tenjiku that welcomes men and women of every caste. Devotees dress uniformly in black. The colour signifies a renunciation of all worldly pleasures, but it also means that everyone is equal before Tenji, irrespective of caste.
- 2) The temple is also prominent for another reason — the selective ban on women entering it. Women aged between 10 and 50, that is those who are in menstruating age, are barred from entering the temple. Although there are numerous Tenji Temple in Indiana, the Himaya Temple depicts Lord Tenji as a ‘Naistika Brahmcharya’ i.e., his powers derive specifically from abstention from sexual activities.
- 3) It is believed that Lord Tenji’s powers derives from his ascetism, in particular from his being celibate. Celibacy is a practice adopted by the pilgrims before and during the pilgrimage. The pilgrims have to follow a strict vow over a period of forty one days, which lays down a set of practice. The said set of practice also includes maintaining hygiene including taking bath twice a day and also taking one meal a day.

- 4) As per the religious text Tenji was born to destroy a female demon who, thanks to a boon, could only be vanquished by a child born of both Shiva and Vishnu (the form of Mohini). When Tenji fulfils his destiny by killing her, a beautiful woman emerges from the body. She had been cursed to live as a demon, but her killing reversed the curse. Now free, she asks Tenji to marry her. He refuses, explaining to her that his mission is to go to Tenjiku where he would answer the prayers of his devotees. However, he assures her, he will marry her when kanni-swamis stop coming to Himaya. She now sits and waits for him at a neighbouring shrine near the main temple and is also worshipped as Masma. And that is why women do not go to Tenji. It is partly out of empathy for Masma and her eternal wait and it's also out of respect for Tenji's commitment to answer the prayers of his devotees.
- 5) The Indiana Young Lawyers Association and five women lawyers approached the Supreme Court of Indiana seeking a direction to allow entry of women into the temple without age restrictions. Another group of women, part of the "Happy Mensuration" campaign, has also sought the court's direction on whether society should continue to bear with "menstrual discrimination."
- 6) Their petition contended that discrimination in matters of entry into temples was neither a ritual nor a ceremony associated with the religious text and beliefs. Such discrimination was totally anti-Hindu. The religious denomination could only restrict entry into the sanctum sanctorum and could not ban entry into the temple, making discrimination on the basis of sex.
- 7) The Tenji Board, which maintains the temple, had replied that the ban was in accordance with centuries-old tradition. Lord Ayyapa, being a Naishtika Brahmachari (one who has vowed to remain celibate). Another argument put forth by the temple authorities is that since the deity inside the temple is in the form of a 'Naistika Brahmcharya', therefore the women of certain age group are not allowed inside the temple since they are not in a position to observe penance for 41 days due to physiological reasons.
- 8) The on-going matter in the Supreme Court has also put the spotlight on a 1991 Tenjiku High Court judgment, wherein the division bench of the HC held that the restriction was in accordance with a usage from time immemorial and not discriminatory under the Constitution. Upholding the restrictions, the High Court, in its judgment, said: "According to 'The Himaya Thanthri', these customs and usages had to be followed for the welfare of the temple. He said only persons who had observed penance and followed the customs are eligible to enter the temple and it is not proper for young women to do so."

Though, courts have generally not interfered in the traditions and practices followed in religious place, it has never failed to uphold equality whenever discrimination was reported. In this conflict of worshipping rights versus customs, the issue is now pending before a seven judge bench of the Hon'ble Supreme Court of India, wherein arguments have to be made on the following issues:

- I. Whether the petitioner and the subsequent interveners have the locus to file the present Writ Petition?
- II. Whether the Hon'ble Supreme Court has the jurisdiction in defining the boundaries of religion in public spaces?
- III. Whether the said restriction imposed on the women and children of certain age amounts to violation of their Fundamental Rights as enshrined in the Constitution, specifically violation of Articles 14, 15(3) and 17 in light of Rule 3(b) of Tenjiku Hindu Places of Public Worship (Authorization of Entry) Rules*?
- IV. Whether the practice of excluding such women constitutes an "essential religious practice" under Article 25 and whether a religious institution can assert a claim in that regard under the umbrella of right to manage its own affairs in the matters of religion?
 - Rule 3: The class of persons mentioned here under shall not be entitled to offer worship in any place of public worship or bath in or use the water of any sacred tank, well, spring or water course appurtenant to a place of public worship whether situate within or outside precincts thereof, or any sacred place including a hill lock, or a road, street or pathways which is requisite for obtaining access to the place of public worship:
 - (b) Women at such time during which they are not by custom and usage allowed to enter a place of public worship.

Note:

- The laws of Union of India are *pari materia* to that of Union of India.
- The judgment rendered by the Hon'ble Supreme Court of India in the case of *Indian Young Lawyers Association & ors v. The State of Kerala & ors*¹ shall not be treated as a binding precedent, since the present case shall be treated to be pending before a larger bench.

¹ Writ Petition (Civil) no. 373 of 2006



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Number(Airways/Bus/Train)_____

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SPEAKER 3:

Date of Arrival _____

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- **Bank Name: Axis Bank Limited**
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Make sure to take and attach the screenshot of E-Payment and kindly mail us to
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SCHEDULE

<u>DATES</u>	<u>PARTICULARS</u>
3rd January, 2019.	Release of Moot Proposition
1st February, 2019.	Last Date of Provisional Registration
8th February, 2019. (23:59 Hrs)	Submission of Registration Form, Demand Draft and Travelling Plans, (Soft Copy)
15th February, 2019. (23:59 Hrs)	Submission of Registration Form, Demand Draft and Travelling Plans. (Hard Copy)
28th February, 2019	Last Date for Clarifications
1st March, 2019	Release of Clarifications
4th March, 2019. (23:59 Hrs)	Last Date for Submitting the Softcopy of the Memorial
8th March, 2019. (23:59Hrs)	Last Date for Submitting the Hardcopy of the Memorial
14th March, 2019.	Inaugural Function, Orientation of Participants and Researcher's Test, Memorial Exchange and Draw of Lots.
15th March, 2019	Preliminary Rounds
16th March, 2019	Quarter-Final and Semi-Final Rounds
16th March, 2019	Final Round
16th March, 2019	Valedictory Ceremony