



कुरुक्षेत्र विश्वविद्यालय
KURUKSHETRA UNIVERSITY
(A+ Grade NAAC Accredited)

1ST NATIONAL MOOT COURT COMPETITION

29TH FEB - 2ND MARCH, 2024

ORGANISED BY
FACULTY OF LAW
KURUKSHETRA UNIVERSITY
KURUKSHETRA

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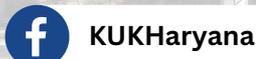
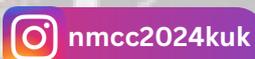


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 82951-47595, 85709-52688

 nmcc2024kuk@gmail.com

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DEPARTMENT OF LAW

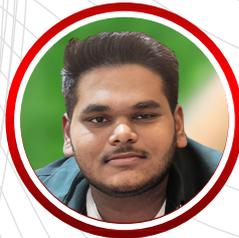


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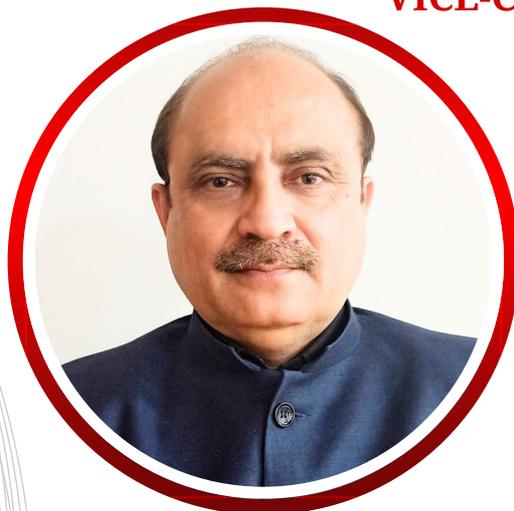


RICHA DEVI
DEPARTMENT OF LAW





PROF. SOM NATH SACHDEVA **VICE-CHANCELLOR**



MESSAGE

I am thrilled to announce the upcoming National Moot Court Competition, a celebration of legal excellence and intellectual prowess.

As Vice Chancellor of the Institution, I warmly invite all law schools and other law institutions nationwide to join this prestigious event.

The National Moot Court Competition is set to be a highly rewarding experience, providing an ideal platform to enhance your persuasive communication skills, legal knowledge and critical thinking.

I encourage all the Students of Law to seize this opportunity, challenge yourself and embrace the ethos of fair competition while contributing to the advancement of the legal profession. Together, let's unite to make the National Moot Court Competition an outstanding success!

VICE-CHANCELLOR





PROF. (DR.) AMIT LUDRI **DEAN, FACULTY OF LAW**



MESSAGE

Faculty of Law is producing highly skilled and ethical lawyers who can handle the challenges of the ever-changing legal world and is committed towards academic excellence. We are also committed to provide the best education to our students so that they can become successful judges, lawyers and legal professionals who can work in different fields including commercial world. Our students and alumni can meet the needs of higher courts, law firms, the justice delivery system, business organizations and the education sector. There are many important social issues today like crimes against humanity- especially against women, corruption and cybercrimes. There is a need to educate and prepare a class of proficient law graduates. We aim to share legal knowledge and empower young minds to analyse and find solutions to modern problems. We do this by organizing conferences, symposiums, workshops, moot courts and seminars.

DEAN





ABOUT KURUKSHETRA UNIVERSITY

The Kurukshetra University was established in the year 1956 as a unitary residential University and its foundation stone was laid by late Dr. Rajendra Prasad, the first President of India. Located in the holy city of Kurukshetra, land of the historical battle of 'Mahabharata' and the great message of Bhagwad Gita, its campus is situated on the western bank of Brahm Sarovar (the holy tank) and extends over an area of over 400 acres. Starting with only the Department of Sanskrit, it has grown into a multi-faculty University as one of the premier centres for advanced studies and research in the region.





ABOUT FACULTY OF LAW

Faculty of Law offers LL.B. (3 Years), B.A.LL.B. (Hons.) 5-Year Integrated Course, LL.M. (2 Years) and Ph.D. Programmes. Since its inception, very renowned, eminent and outstanding scholars have headed the Department and Institute of Law. Faculty of Law have alumni(s) as Judges of Hon'ble Supreme Court & High Courts, Judicial Magistrates, Legal Officers, Ministers, Speaker of Vidhan Sabha, Members of Legislative Assembly, Vice Chancellors of Universities, Professors in various Universities, Bureaucrats, ADAs and many are working in the Corporate Sector in Law Firms and Multi-National Companies.





HON'BLE GOVERNOR CHANCELLOR BHANDARU DATTATREYA WITH FACULTY MEMBERS

DEPARTMENT OF LAW

Department of Law was established in the year 1969 as the first Law Department in the State of Haryana to impart legal education and to conduct original and fundamental research in the contemporary areas of law and allied subjects. As a part of practical training and to provide due exposure to students and teachers, eminent jurists, senior advocates and eminent professors from other Universities are invited to deliver extension lectures, conduct seminars and discussions. These programs not only make law teaching more meaningful but practical aspects of law practices & procedure are also taken care of as an in-built component of legal training. Department of law is publishing Kurukshetra Law Journal since 1972; which has been launched online also.



INSTITUTE OF LAW



INSTITUTE OF LAW

The Institute of Law was established in the year 2001 to run B.A.LL.B.(Hons.) 5-Year Integrated Course in an interdisciplinary context of Law and Social Sciences. Its First Batch passed out in 2006. Very renowned and eminent jurists have been its Directors. The Institute has been ranked 17th in India's Best Law Colleges by India Today Survey in 2018. The Institute commenced its journey in 2001; the foundation stone of the building was laid down by the Hon'ble Mr. Justice Dr. A.S. Anand, the then Chief Justice of India. It continued growing and many legal luminaries have nurtured it. Now it has emerged as a leading institution imparting legal education with a rich legacy of producing Law professionals bristling with professional excellence and global vision.



INSTITUTE OF LAW



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SUPREME COURT OF INDIA



HON'BLE MR. JUSTICE G.S. SINGHVI
FORMER JUDGE
SUPREME COURT OF INDIA



HON'BLE MR. JUSTICE SURYAKANT
JUDGE
SUPREME COURT OF INDIA



PROF. RANBIR SINGH
FORMER V.C. NLU, DELHI & PRESIDENT
ASSOCIATION OF INDIAN UNIVERSITIES

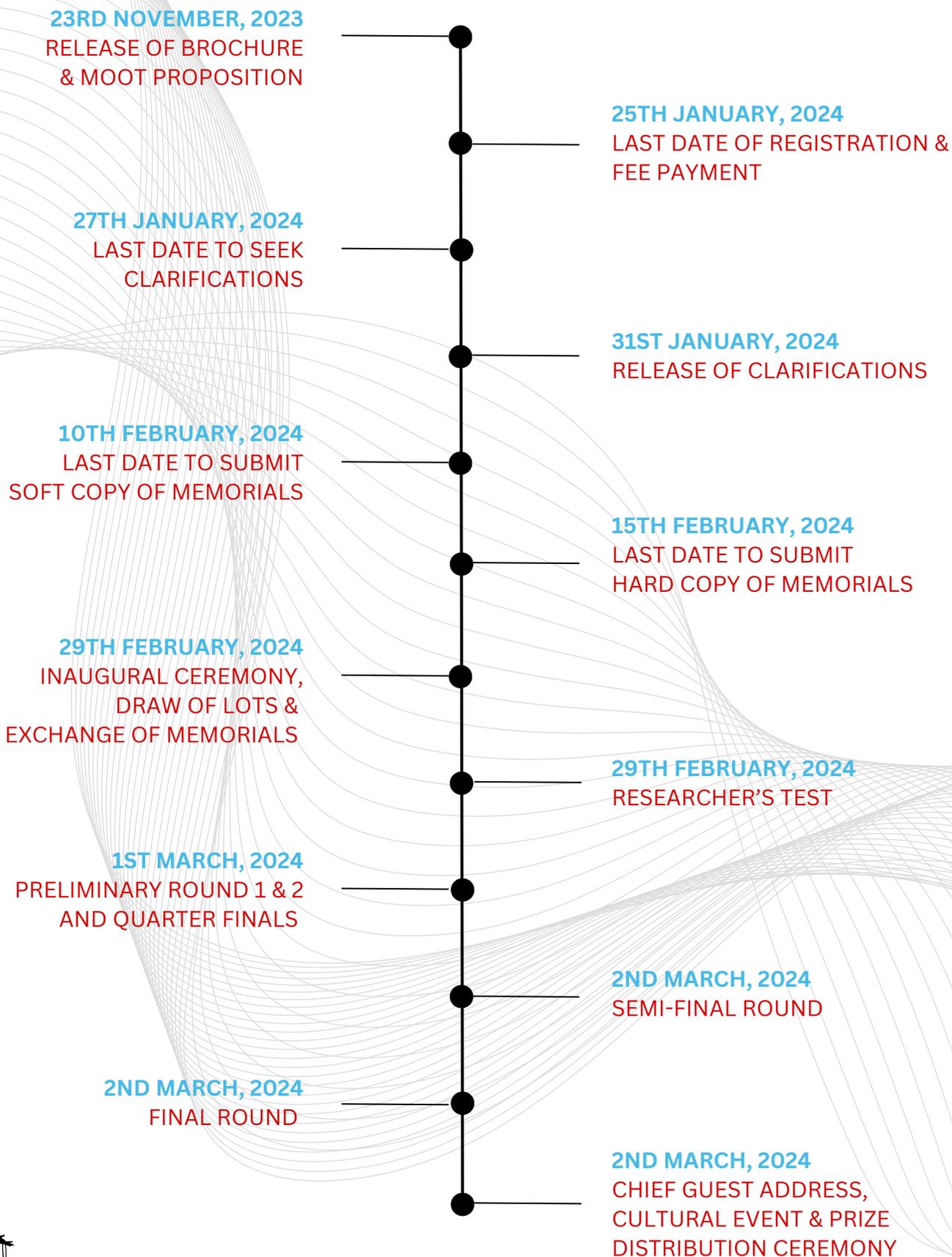


PROF. (DR.) ANAND PALIWAL
MEMBER
LAW COMMISSION OF INDIA





TIMELINE





TENTATIVE SCHEDULE

DAY 1		29TH FEBRUARY 2024
Reporting and Registration of Teams		2:00 PM Onwards
Inaugural Ceremony		2:30 to 3:30 PM
Researcher Test		4:00 to 5:00 PM
Draw of Lots and Memorial Exchange		5:15 PM Onwards
DAY 2		1ST MARCH 2024
Preliminary Round - I		10:00 AM to 11:00 AM
Preliminary Round -II		11:30 AM to 12:30 PM
Lunch		1: 00 PM to 2:00 PM
Declaration of Result, Draw of Lots and Memorial Exchange		2:00 PM to 2:30 PM
Quarter Finals		3:00 PM to 4:15 PM
Declaration of Result, Draw of Lots and Memorial Exchange		4:30 PM onwards
DAY 3		2ND MARCH 2024
Semi-Final Rounds		10:00 AM to 11:30 AM
Declaration of Result, Draw of Lots and Memorial Exchange		11:45 AM to 12:00 PM
Lunch		1:00 PM to 2:00 PM
Final Round		2:00 PM to 3:30 PM
Cultural Program and Address by Chief Guest followed by Prize Distribution Ceremony		3:40 PM Onwards





REGISTRATION PROCESS AND FEE

a) For the purpose of registration, the given Google Form has to be filled up on or before **25th January, 2024**. The scanned copy of Registration Form provided in **Annexure-I** & payment receipt are to be attached within google form. The link of the Google Form is given below:

<https://forms.gle/VMDugpL34ooJLopw7>



Details to be filled in Google Form:

- Details of University/Institute
- Scanned Registration Form (as provided in Annexure -1)
- Payment Receipt
- Details and Photo of Participants

b) Each team shall submit the registration fee of Rupees: **INR 3000/-**. **Registration Fee once submitted will not be refunded in any case.**

Payment Details:

Account No.- 10139650221

IFSC Code- SBIN0001600

Name - VC KUK Collection Account

c) Registration kits and meals will be provided by the organizing university which includes six meals starting from the dinner on First day, and upto Lunch on concluding day.

ACCOMMODATION

No Accommodation will be provided by the University. The participants will have to arrange for their accommodation of their own, However, upon making a request, volunteers will assist in booking of accommodation.





RULES & REGULATIONS

1. ELIGIBILITY & TEAM COMPOSITION:

- a) The competition shall be open to students who are pursuing an integrated 5-year LL.B. program or pursuing a 3-year LL.B. program from recognized University/Institution approved by Bar Council of India.
- b) Each team shall consist of **3 members**, (two 'Mooter' and one 'Researcher') or **2 members** (two 'Mooters' and out of these two, one mooter has to be designated as a researcher as well). Maximum of 3 members and minimum of 2 members in a team are allowed.
- c) **Only one team** from any College/Law School/Institution is allowed to participate in the Competition.
- d) No additional member or team coach is allowed to accompany the team.
- e) There will be a **Team cap of 36 teams** and these 36 teams shall be allowed to register on a **first come first serve basis**.

2. LANGUAGE:

The official language of the competition shall be **English**.

3. ANONYMITY:

- a) The participating team shall be allotted a team code after completing the registration process.
- b) The team **shall not disclose their identity** anywhere in their written Memorials and instead should use the code allotted.
- c) Non-compliance with this Rule shall result in immediate disqualification of the team.
- d) The decision of the Organizing Committee in this regard shall be final.





RULES & REGULATIONS

4. TEAM CODES:

- a) Upon confirmation of participation, each team will be allotted a 'Team Code'. The teams shall refer to themselves during the competition using this code only.
- b) They shall not disclose their identity to anybody except to the members of the Organizing Committee, if required.

5. ATTIRE/ DRESS CODE:

Participants are required to adhere to the following dress code while present at any courtroom during the Competition including Inaugural and Prize Distribution Ceremony.

- **Female:** White Salwar and Kurta or White shirt, black tie along with black pants/black skirt, black coat and black shoes.
- **Male:** White shirt, black trousers, black tie along with black coat and black shoes, black turban if tied.

Note: Gowns and Neck Bands are strictly prohibited. The black coat should not have any insignia or any Brooch pinned to it.

6. CLARIFICATIONS:

Any clarification required with regard to the Moot Proposition shall be mailed to nmcc2024kuk@gmail.com only. The last date to seek clarifications is **27th January, 2024**. The mail should confer a subject as “**Clarifications Regarding Moot Proposition**”. The exhaustive list of all the clarifications will be released on **31st January 2024**.





RULES & REGULATIONS

7. 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 the oral submissions in a Round or Reading a Memorial of a team except where 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. **Scouting shall lead to the disqualification of the team from the Competition.**

8. WRITTEN SUBMISSIONS (MEMORIAL):

- a) Each team shall prepare a **PETITIONER** and **RESPONDENT** memorial.
- b) **Format of the Memorials** All teams must submit typed Memorials for both sides including the following parts:
 - i. Cover Page
 - ii. Table of Contents
 - iii. Index of Authorities (with page number where the authority has been cited)
 - iv. Statement of Jurisdiction
 - v. Statement of Facts (not exceeding 1 page)
 - vi. Statement of Law Points/ Issues
 - vii. Summary of Arguments (not exceeding 2 pages)
 - viii. Arguments Advanced (not exceeding 20 pages)
 - ix. Prayer (not exceeding 1 page)





RULES & REGULATIONS

- **COVER PAGE:**

Each Memorial shall have the following and only the following on its cover page:

a) The team code on the upper right-hand corner followed by the letter 'P' indicating a Petitioner Memorial or the letter 'R' indicating a Respondent Memorial. (E.g.- For team code 23, TC-23P or TC-23R, shall be written on the top right corner of each memorial).

b) Name of the Competition (1st National Moot Court Competition)

c) The relevant Legal provision under which the case is filed.

d) Name of parties and their status on whose behalf the memorial is filed.

- **FORMATTING SPECIFICATIONS:**

i. Soft copy of the Memorials should be in '.docx/.doc' and '.pdf'.

ii. The hard copy of memorials must be spiral bound.

iii. The page size should be A4.

iv. Name of the Competition in the Header.

v. Font style '**Times New Roman**' throughout the document.

vi. Font size- **12** (including headings)

vii. **1.5 lines** spacing

viii. **1-inch** margin on each side

ix. The Participants may use uniform page borders.

- **FOOTNOTES FORMATTING SPECIFICATIONS:**

i. Font Style '**Times New Roman**'

ii. Font Size-**10**

iii. Single line spacing.





RULES & REGULATIONS

- **OTHER DETAILS:**

a) Teams shall cite authorities in the Memorial using footnotes following the Harvard Bluebook 20th Edition. Explanatory or illustrative footnotes are not allowed.

b) The Memorial Cover Page should follow the following color scheme –

Petitioner - **BLUE**

Respondent- **RED**

- **WRITTEN SUBMISSIONS MARKING:**

DESCRIPTION	MARKS
a) Knowledge & Presentation of facts	20
b) Knowledge of Law	20
c) Extent and Use of Research	20
d) Authorities Cited	15
e) Formatting	15
f) Overall Draft	10





RULES & REGULATIONS

9. SUBMISSION OF MEMORIALS:

- Participants have to send the soft copy of the Memorials, one from the Petitioner and one from the respondent side (both in Word(.docx/.doc) and PDF format).
- Soft Copy of the memorials shall be sent to the given mail id: nmcc2024kuk@gmail.com with the subject “**Memorials for Team Code**”. 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 TC08): TC08(P) or TC08(R). The content of the memorials should not differ from the content of the soft copies submitted to the Organizers. The last date to send the **soft copy** of the memorial is **February 10, 2024 by (23:59 hours IST)**.
- Last date for submission of **hard copies** of each of the memorial for all participants will be **February 15, 2024 by (23:59 hours IST)**.
- The teams must send **Eight Hard Copy (4 Petitioners & 4 Respondents)** of their Memorials from each side to the following address:

Address: Dean, Faculty of Law, Kurukshetra University,
Kurukshetra, Haryana, India 136119.

10. ORAL SUBMISSIONS (PLEADINGS):

- a) Each team shall comprise of **two speakers** who shall divide the oral submissions between themselves. Further, during the Oral Submissions, no speaker shall reveal his or her identity. They shall only identify themselves by their Team Code.
- b) In the Preliminary Rounds, each team shall argue for both sides (Plaintiff & Respondent) in two separate rounds.
- c) Qualification to the Quarter Final will be based on the **Best Scoring** method. The **eight teams having the highest score** in the preliminary rounds **will qualify for the quarters**.





RULES & REGULATIONS

d) The winners of the Quarter Finals shall qualify for the Semi-Finals. In case both the teams secured equal marks in the oral round at the Quarter Final stage, then **Memorial marks shall serve as a tie-breaker.**

e) The winner of the **Semi-Finals and Finals** rounds will be decided on the basis of their oral scores in the respective rounds which will be **Knock-Out rounds.**

f) No two teams competing against each other in Preliminary round-I shall compete against each other in Preliminary Round-II.

- **DISTRIBUTION OF TIME:**

a) Each team will have a maximum of **20 minutes** to present their Oral Submissions during the **Preliminary Rounds.** They shall have a maximum of **30 minutes in Quarter & Semi-Final Rounds.** They shall be granted **45 minutes each in Final Rounds.** This will include the time that each team may want to reserve for their rebuttal/sur-rebuttal.

b) At the commencement of each session of Oral Submissions, each team must notify the Court Officer about the time that the team seeks to reserve for rebuttal/sur-rebuttal. A maximum of **3 minutes** can be reserved for the **rebuttal/sur-rebuttal** in the **Preliminary Rounds, 5 minutes in the Quarter Finals & the Semi Finals and 7 minutes in the Finals.**

c) Each speaker must have to address the Court for a minimum of **8 minutes** in the Preliminary Rounds, **12 minutes** in case of Quarter Finals/Semi-Finals and **15 minutes** in the Final Rounds.





RULES & REGULATIONS

• ORAL SUBMISSIONS MARKING:

- a) Each Speaker will be marked on a total of 100 marks per Judge. The Preliminary Round's Total will be the Aggregate of the total marks for oral submissions of both the speakers.**
- b) The following will be the marking criterion of oral submission:**

SR. NO.	MARKING CRITERIA	MARKS ALLOCATED
1.	General impression and court manners	20
2.	Language and fluency	20
3.	Expression and advocacy skill	20
4.	Knowledge of Law and facts	20
5.	Time Management	10
6.	Response to the questions raised	10
TOTAL		100

Note: In case of any Discrepancy, the Decision of the Judges will be Final and no team shall ask their scores from Judges.





RULES & REGULATIONS

11. RESEARCHER'S TEST:

- a) A Researcher Test will be held before the commencement of the Oral Rounds to determine the Best Researcher. In case of a two-member team, only the designated researcher will be allowed to appear for the researcher's test.
- b) Content of the Researcher's test: The test will consist of questions relating to the Problem, both legal and factual. The test will be of **One Hour and will comprise a total of 50 MCQs of 100 marks.**
- c) In case if any tie subsists, the **memorial score shall serve as tie-breaker.**

12. AWARDS:

- **Winning Team Award:** The winning team will get a trophy and certificate of appreciation with a cash prize of **Rs. 21,000/-**
- **Runners-Up Award:** The runners-up will get a trophy and certificate of appreciation with a cash prize of **Rs. 11,000/-**
- **Best Mooter:** Best Student mooter will get a trophy and certificate of appreciation with a cash prize of **Rs. 4000/-**
- **Best Memorial:** Best Memorial will get a trophy and certificate of appreciation with a cash prize of **Rs. 4000/-**
- **Best Researcher:** Best Researcher will get a trophy and certificate of appreciation with a cash prize of **Rs. 4000/-**
- Certificates of participation shall be given to all the participants.
- **The participation certificates will not be provided to any participant who is not present at the Prize Distribution Ceremony and the same shall not be sent by post/courier to participants under any circumstances.**





MOOT PROPOSITION

- 1.** Indistan is a developing country located in South Asia with a vast population of over 130 crores. Home to one of the world's oldest civilizations, Indistan is a nation deeply rooted in cultural traditions and values. Within this cultural context, the institution of marriage is held in the highest regard, often considered a sacred union. In the rich tapestry of Indistan's culture, a wife's devotion to her husband is profoundly exemplified by the endearing term "Patidev," which she affectionately uses to address him.
- 2.** These cultural values extend to various customs, including the practice of wives observing fasting rituals for the well-being and longevity of their husbands at different junctures. These fasts are symbolic of the profound respect, love and devotion that wives hold for their husbands and serve as a testament to the significance of marital bonds within the cultural ethos of Indistan.
- 3.** The legislative intent of Indistan's Legislature has consistently emphasized the preservation and protection of the institution of marriage at all costs. This commitment is evident through various legal measures. For instance, the introduction of a 'cooling-off period' in divorce proceedings is a reflection of this intent, allowing couples an opportunity to reconsider their decision and potentially reconcile.
- 4.** Furthermore, the law in Indistan recognizes the sanctity of the bond between husband and wife by affording privileged communication status to their interactions. This legal provision underscores the importance of preserving confidentiality and trust within the marital relationship, thus reinforcing the legislative commitment to upholding the significance of marriage in the country's cultural and legal landscape.





MOOT PROPOSITION

5. Sahiba is an attractive young woman residing in the city of Dehragarh (State of Uttam Pradesh). She works as a school teacher. Her family is currently in search of a suitable groom for her. Sahiba had the opportunity to meet Sanjay, who happens to work at the same school as her. Sanjay is a tall and good-looking man, though he holds somewhat traditional views.

6. Sahiba informed her family about Sanjay, and subsequently, both families had the chance to meet each other. They found that they liked each other and a decision was reached for Sahiba and Sanjay to get married. Following their marriage, the couple began their life together on the outskirts of Dehragarh city (Uttam Pradesh).

7. As time passed, Sahiba and Sanjay's marriage became strained and unhappy. They found themselves with numerous ideological differences, leading to a situation where they coexisted in the same household but rarely engaged in conversation.

8. During this period, Sahiba attended a social gathering where she met Manish. They immediately connected and developed a strong liking for each other. Their connection grew, and they began seeing each other at cafes as well as on movies sometimes. Sahiba confided in Manish about her unhappy marriage, and to her surprise, Manish, who was also married, shared a similar situation in his own marriage.

9. On several occasions, Manish had suggested to Sahiba that they should elope together. However, due to concerns about her family, Sahiba had consistently declined such proposals.





MOOT PROPOSITION

One fateful day, after a particularly heated argument with Sanjay left her deeply upset, Manish once again broached the idea of eloping. This time, Sahiba agreed, driven by her emotional turmoil. Together, they made their way to Chandipur city (Uttam Pradesh) with intention to live together.

10. News of Sahiba's elopement eventually reached Sanjay, who was furious about the situation. In response, he decided to take legal action and filed a criminal complaint before Concerned Magistrate under Section 498 Indistan Penal Code (I.P.C.) 1860. Law enforcement authorities launched an investigation and managed to trace Sahiba and Manish's locations through their mobile phones. Consequently, they arrested Manish in Chandipur.

11. Manish was charged under Section 498 of the Indistan Penal Code (I.P.C), and legal proceedings commenced with a trial and during the recording of Witness' Statement Sahiba stated *"I went with Manish with my free will and he never enticed me to leave Sanjay's company and I want to continue living with him"*. Concluding the trial, the court found Manish guilty and sentenced him to two years of simple imprisonment which was also upheld in Appeal by the Sessions Court.

12. Aggrieved with the Judgment, Manish decided to prefer to file revision in the Hon'ble High Court. However, the High Court upheld the decision of the session court, which added to his disappointment. Aggrieved with the impugned judgment of Hon'ble High Court in which Manish was convicted; he has filed a SLP (Criminal) before the Honorable Supreme Court of Indistan.





MOOT PROPOSITION

13. During the first hearing of the case, having mixed questions of law and facts which were deliberated and the bench decided to refer the matter to the Constitution Bench. Accordingly, Constitution bench was set up as the present case and other three connected matters having the same law points i.e., to consider the constitutional validity of section 498 of IPC.

14. During the hearing before the Constitution Bench in the case of *Manish v/s State of Uttam Pradesh* and other three connected/related matters, it was deliberated that Union of Indistan may be impleaded as a party as I.P.C. is a central legislation. The following law points evolve in the cases:

1. **Whether the present matter is maintainable before Constitution Bench?**
2. **Whether Section 498 of I.P.C is violative of Article(s) 14, 19 and 21 of the Constitution of Indistan?**
3. **Whether a married person can stay in a Live-in Relationship with other partner during the subsistence of marriage when marriage is not broken down?**
4. **Whether Section 198(2) of Cr.P.C. is violative of Article(s) 14 and 15 of the Constitution of Indistan?**

NOTE: *All the Statutes and Precedents of Indistan are pari materia with that of India.*





ANNEXURE-1

1ST NATIONAL MOOT COURT COMPETITION 29TH FEB- 2ND MARCH, 2024

ORGANISED BY
FACULTY OF LAW
KURUKSHETRA UNIVERSITY, KURUKSHETRA

REGISTRATION FORM

NAME OF THE INSTITUTION/ UNIVERSITY	
ADDRESS OF INSTITUTION/ UNIVERSITY	
HEAD/FACULTY COORDINATOR NAME	
CONTACT NO.	
EMAIL	
TEAM DETAILS	
SPEAKER 1	
NAME	
SEMESTER & YEAR	
GENDER	
CONTACT NO.	
EMAIL	



SPEAKER 2

NAME	
SEMESTER & YEAR	
GENDER	
CONTACT NO.	
EMAIL	

RESEARCHER

NAME	
SEMESTER & YEAR	
GENDER	
CONTACT NO.	
EMAIL	

DECLARATION:

We hereby certify that the information given by us is true and complete in all material respects. We undertake to abide by the rules and regulations of the competition. We are aware of the fact that accommodation **will not be provided** by the organizing university. We are solely responsible for arranging our own accommodation. We will be responsible for our conduct throughout the competition.

Signature of Speaker 1:

Signature of Speaker 2:

Signature of Researcher:

Details of the Head of the Institution

Name:

Email Id:

Contact No.:

Date:

SEAL & SIGNATURE OF THE HEAD OF THE INSTITUTION
--





CONTACT DETAILS

FOR GENERAL QUERIES:

EMAIL: nmcc2024kuk@gmail.com

TAJWINDER SINGH: 82951-47595

KHUSHI GAHLOT: 85709-52688

FOR QUERIES RELATED TO REGISTRATION & FEES PAYMENT:

RITIK KHURANA: 93064-13093

ASEEM GARG: 97290-68061

FOR QUERIES RELATED TO MOOT PROPOSITION:

ARSH SHARMA: 98960-33957

DIVYANSH: 99968-48595

FOR QUERIES RELATED TO ACCOMMODATION:

SHUBHAM RANA: 80100-81352

KANUPRIYA SAINI: 95416-51118

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DEPARTMENT OF LAW
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1ST NATIONAL MOOT COURT COMPETITION

29TH FEB- 2ND MARCH, 2024

