
SHRI. KONERU LAKSHMAIAH MEMORIAL

2ND ALL INDIA MOOT COURT COMPETITION -2019



COLLEGE OF LAW



(DEEMED TO BE

KL
UNIVERSITY)

COMPETITION DATES 22nd &
23rd OCTOBER 2019

OFFICIAL PRE-INVITE

KL COLLEGE OF LAW
(KL DEEMED TO BE UNIVERSITY)
WELCOMES
TO
SHRI. KONERU LAKSHMAIAH MEMORIAL
2ND ALL INDIA MOOT COURT COMPETITION, 2019

We feel privileged and it gives us an immense pleasure to invite students from your esteemed Institution to participate in our KL Memorial 2nd All India Moot Court Competition 2019. In an endeavour to enrich the practical experience we firmly believe that organising this kind of academic events would provide best exposure to the budding lawyers. And the awards of cash prize 25,000/-, 15,000/-, 5,000/-, 5,000/- shall be awarded to the winners, runners, best memorial and to the best speaker respectively.

We look forward for the participation of your team at our Moot Court Competition.

Best Wishes!

**The Core Team
Moot Court Society**

PROBLEM STATEMENT

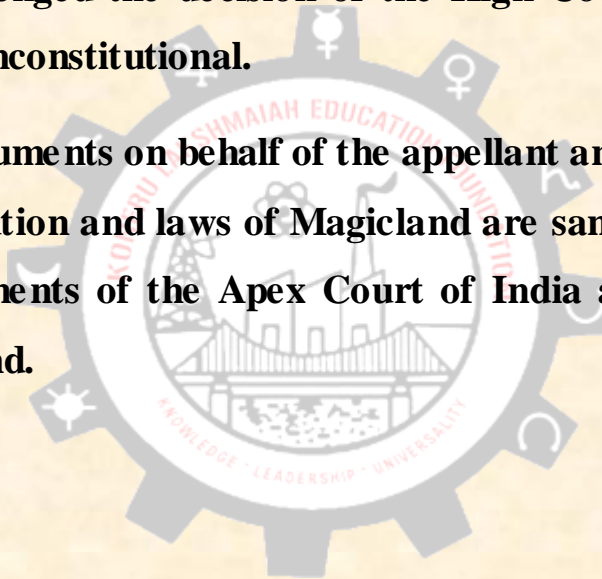
- 1. Magicland is a Sovereign, Secular, Democratic Republic, having its own written Constitution, which guaranteed some Fundamental Rights to all its citizens. Right to equality before the law and protection against discrimination on the grounds of religion or sex, among others, are part of the Rights to equality guaranteed by the Constitution. However, the personal laws applicable to the citizens varied depending upon the religion to which one belongs. As far as Muslims are concerned, they are governed by The Muslim Personal Law (Shariat) Application Act 1937. This law deals with marriage, succession, inheritance and charities among Muslims.**
- 2. Ms. Sadia and Mr. Sulthan, both Muslims and citizens of Magicland got married in 2003 as per the customs of the Muslim personal law. Although they are leading a happy married life, they could not procreate children, despite appropriate medical treatment. Except for this fact, Mr. Sulthan and his parents looked after Ms. Sadia very well. However, on the advice of parents, Mr. Sulthan married another lady by name Ms. Sufia in 2010, with the consent of Ms. Sadia. Ms. Sufia was informed in advance that she would be Mr. Sulthan's second wife. Ms. Sufia accepted Mr. Sulthan as her husband and their marriage was performed as per the customs of Muslim personal law.**

- 3. In 2011, Ms. Sadia conceived, and her pregnancy was confirmed by doctors. Later, Ms. Sadia gave birth to a baby boy. Mr. Sulthan was happy with the child and he decided not to have any more children from both the wives. Ms. Sufia was not happy with his decision and she insisted on having her own baby. But for this fact, Mr. Sulthan was looking after both wives with same affection. However, Ms. Sufia was not happy, and she filed a petition in the Family Court in 2015 seeking divorce from Mr. Sulthan, under section 2(vii) (f) of the Dissolution of the Muslim Marriage Act 1939. Her contention was that by refusing to have children through her, her husband failed to treat her “equitably in accordance with the instructions of Quran.”**
- 4. The Family Court refused to grant divorce and observed that refusing to beget children through her by her husband did not amount to failing to treat her equitably. Ms. Sufia filed an appeal in the High Court and challenged the decision of the Family Court on the ground that refusal by her husband to beget children through her should be considered as valid ground for divorce, because it also amounted to mental cruelty. Ms. Sufia has alternatively pleaded that her second marriage with Mr. Sulthan should be declared as null and void, as polygamy is unconstitutional under Art 14, 15 and 21 of the Constitution. She pleaded that the institution of polygamy violated her Fundamental right to equality before the law and amounted to discrimination on the ground of sex and religion.**

5. The High Court has observed that the Family Court was wrong in rejecting the petition for divorce. Further, the High Court has also accepted her contention that the system of polygamy violated the Fundamental Rights and therefore declared her marriage as null and void.
6. Mr. Sulthan filed an appeal before the Supreme Court of Magicland. He pleaded that he had not caused any mental cruelty to his second wife and challenged the decision of the High Court which declared polygamy as unconstitutional.

Advance your arguments on behalf of the appellant and respondent.

Note: The constitution and laws of Magicland are same as those of India and all the Judgments of the Apex Court of India are binding on the courts of Magicland.



OFFICIAL RULES AND REGULATIONS:

The Official Rules and Regulations for the KL Memorial 2nd All India Moot Court Competition organized by KL College of Law on 22nd and 23rd of October 2019 are as follows:

The following ‘expressions and words’ used in this competition will have the following meanings

- **“Competition” means ‘Shri. Koneru Lakshmaiah Memorial’s 2nd All India Moot Court Competition, 2019’**
- **“Compendium” means ‘Collection of all the materials/ documents referred by the mooters in the memorial. It also includes the extract of the Judgment, case laws, textbooks etc.’**
- **“Organizing Society” means ‘The Moot Court Society consisting of Two faculty coordinators and Nine students Coordinators of the Society’**
- **“Participating College/Institution/University” shall be the parent Institution of the participating team**
- **“Participating Team” means the ‘team from participating College/ Institution/ University registered for the competition as per the rules stated in this document’**
- **“Reservation” means ‘the right reserved by the Organizing Society/ higher authorities of KLEF to invite any College/ Institution/ University without any formalities of registration etc.’**

- **“Registration” means ‘the registration of participating team on receiving the Registration Form with Demand Draft/ Online Payment’**
- **“Participants” means ‘the two Student-Speakers and the Research Associate of the participating team’**
- **“Problem” means ‘the problem selected for the Round’ (Annexure) to be held on 22nd and 23rd of October 2019’**
- **“Rules” means ‘The Moot Court Competition-2019 Rules as originally framed as amended by the Organizing Society duly notified in the Website from time to time’**
- **The Rules must be strictly adhered to by the participating team without any deviation but any deviation from rules would attract Disqualification and/or Penalty as by Organizing Society’**
- **“Disqualification” means ‘Disqualification incurred by participating team as per decision taken and communicated to the participating team by Organizing Society’**
- **“Penalty” means ‘any sanction other than Disqualification of participating team announced by the Organizing Society’**
- **“Judges” means ‘the Sitting as well as retired Judges of Higher and Lower Judiciary, Senior Law Faculty Members and Senior Lawyers appointed at the discretion of Organizing Society from different parts of India to evaluate the performance of participating teams in oral arguments by allotment of marks as per evaluation procedure’**

- “Evaluation” means ‘allotment of marks at Preliminary and Final Rounds by Judges invited by Organizing Society on evaluation of the performance of participating teams and also evaluation and allotment of marks to written Memorials’ by Panel of Evaluators selected and appointed by Organizing Society. For the removal of doubts it is hereby informed that in case of any doubt, dispute, disqualification etc. of any participating team, the decision of Organizing Society shall be final.

STRUCTURE OF THE COMPETITION:

- The Competition Rounds shall be held over a period of 2 days, 22nd and 23rd of October 2019
- The Memorial Exchange will take place on 19th October 2019

ELIGIBILITY FOR PARTICIPATION:

- The Competition is Open to all students, enrolled bona fide on a regular basis in an undergraduate Law course (5 years Integrated Law course/ 3 Year L.L.B Course) or its equivalent conducted by any recognized Institution/College/University of any State

TEAM COMPOSITION:

- Each team shall comprise of a minimum of Two members and a maximum of Three members, wherein the third member of the team shall be designated as Researcher
- Any number of teams may participate from each college

REGISTRATION OF TEAMS:

- Each team shall complete the Registration on or before 30th September 2019
- The Registration is a two-step process comprising of
 - (i) filling up of the Registration form
 - (ii) payment of the Registration Fee
- The Registration Fee is INR 1500/- per team and is payable through Demand Draft taken in favour of ‘*The Principal, College of Law, KLEF*’; Payable at ‘*Vaddeswaram*’ or via online payment to “Account Number: 3754-3830-746 / Bank: *State Bank of India* / IFSC code: *SBIN0021361*”.
- Download the Registration Form from the official website www.kluniversity.in
- Send the scanned copy of the duly filled in Registration Form on or before 30th September 2019 to klmootsociety@gmail.com
- Send the Original Demand Draft along with Memorial hard copies in an envelope addressed to “The Principal, Shri. Koneru Lakshmaiah Memorial, 2nd All India Moot Court Competition 2019, KL College of Law, KLEF, Vaddeswaram, Guntur District -522502”.
- Original DD/ Online Payment acknowledgement + Memorials hard copies (6 nos.) shall be sent through courier to the above address on or before 15th October 2019.

IDENTIFICATION OF PARTICIPATING TEAMS:

- a. Each participating team will have a team code
- b. Disclosure of identity of the parent College/ Institution/ University otherwise than on registration form shall incur disqualification of participating team.

ANONYMITY:

- Any material presented to the Panel should be devoid of any identification marks/ seal of the team. If any such mark/ seal exists, it shall be treated as resorting to unfair means.
- Any violation of Rules stated above shall attract penalty or disqualification as determined by the Moot Court Society. The decision of the Judges in this regard shall be final and not subject to challenge.

DRESS CODE:

- Female participants are required to wear either a full formal suit comprising of black blazer, full sleeved white shirt and black trousers with formal footwear or black blazer, white kurta, black tie and formal footwear.
- Male participants are required to wear a full formal suit comprising of black blazer and trousers, full sleeved white shirts, black tie and formal footwear.
- Non-Compliance of the above will lead to penalty

ORAL PLEADINGS:

- Any form of scouting during the competition is strictly prohibited and shall entail instant disqualification of the team.
- The proceedings and method of presentation of oral arguments shall be, to the extent possible, in alignment with the procedure adopted by the Supreme Court
- In case any team fails to appear in an oral round, the round shall be conducted ex-parte and the scoring shall be done as if the defaulter team had been present and arguing.
- Before the start of the oral rounds, each team shall inform the Court Officer regarding the order of speaking as well as allocation of time between themselves and the time reserved for Rebuttals.

PRELIMINARY ROUND:

- Oral round for each team will be provided a period of 30 minutes (including Rebuttals), wherein each speaker of a team will be allowed to argue upto exceed 15 minutes. No team shall reserve more than 5 minutes for Rebuttals.
- Any extension of time beyond this specified period is subject to the deduction of marks as the Judge may deem fit.
- A “Round” shall mean the Oral arguments advanced by both the teams. However, the time limit for each round in preliminary, shall be 30 minutes for Team 1 and 30 minutes for Team 2.

- **Compendium can be submitted to the Court Officer prior to the oral rounds which will be submitted to the judges at their discretion.**
- **Team members can pass research materials to the speaker in a discreet manner**
- **The Oral arguments shall confine to the written memorials**
- **During the oral rounds, Speakers at the podium and participants seated at counsel table shall not operate, for any purpose, Mobile Phones, Laptop Computers, iPad, or any other computer or electronic devices which are internet enabled or has instant messaging capabilities.**

SEMI FINALS:

- **Each oral round will be for a period of 40 minutes, (including Rebuttals), wherein each Team will be allowed 20 minutes**
- **Any extension of time beyond this specified period is subject to the deduction of marks as the Judge may deem fit**
- **No Team shall reserve more than 5 minutes for Rebuttals**

FINALS:

- **Each oral round will be for a period of 50 minutes, (including Rebuttals), wherein each Team will be allowed 25 minutes. Any extension of time beyond this specified period is subject to the deduction of marks as the Judge may deem fit**
- **No Team shall reserve more than 5 minutes for Rebuttals**

EVALUATION OF THE ORAL ARGUMENTS:

Evaluation and allotment of marks for Oral rounds would be on the following criteria for each speaker

Serial No.	Basis of Evaluation	Marks
1.	Synopsis and presentation of facts	2.5
2.	Identification and Articulation of Legal Issues	2.5
3.	Originality in Presentation and Application of Legal Issues	10
4.	Depth of Research	2.5
5.	Citation of Cases	2.5
6.	Response to questions posed and Court manners	5
	Total	25
	For the team	25*2=50

WRITTEN SUBMISSION:

- Each team is required to submit Memorial and Counter Memorial on behalf of both the Appellant and the Respondent respectively.
- Each team shall send One soft copy of the written Submission for each side in MS Word Document 2007 or 2010 (.docx) format only on or before 12th October 2019 to klmootsociety@gmail.com
- Each team shall send Six hard copies of each Memorial and Counter Memorial to the Moot Court Society on or before 15th October 2019 to the address below.

To,

*The Principal,
KL College of Law,
KL Deemed to be University,
Green fields, Vaddeswaram,
Guntur District, Andhra Pradesh– 522502*

- Submission beyond scheduled date (15th October 2019) would be subjected to the deduction of 10 marks by the Moot Court Society
- The hard copies must be the exact print out of the soft copy; Else the team will be disqualified from the competition.

- **The Written Submission and Counter Memorial shall consist of the following mandatory heads:**
 - a. **Cover Page**
 - b. **Table of Contents**
 - c. **List of Abbreviations**
 - d. **Index of Authorities**
 - e. **Statement of Jurisdiction**
 - f. **Statement of Facts**
 - g. **Fact Highlights, which may creatively and persuasively state the facts of the problem in support of the positions argued in the Written Submission. The Statement of Facts should remain faithful to the official facts and present them in a reasonable way, but not a true copy of it.**
 - h. **Issues raised**
 - i. **Summary of Arguments**
 - j. **Written submissions**
 - k. **Prayer**
 - l. **Final submissions to the court.**
- **The Written Submission (including the preliminary pages) and soft copy submission shall be typed on A4-sized paper**
- **The appellant/ respondent memorials must be differentiated by Blue covers for appellant and Red covers for Respondent.**
- **The pleadings must not exceed fifteen pages. Bluebook pattern.**

- The cover page of the memorial must state the following:

Title stating the same is a brief of the appellant or the respondent, as the case may be.

COVER PAGE INSTRUCTIONS:

Each memorial shall consist of and only the following details on the cover page:

- Team code on the top right-hand corner of the cover page
- Name and place of the forum
- Name of the parties and their status
- Memorial submitted to
- Memorial filed and appearing “On behalf of”

The following content specification must be adhered to:

- Language: English
- Font and Size (Body): Times New Roman, 12 pts.
- Line Spacing (Body): 1.5 lines
- Font and Size (Footnotes): Times New Roman, 10 pts
- Line Spacing (Footnotes): Single line
- Page Margins: 1” inch on all sides
- Pages Limit for Entire Memorial: 30 pages maximum

**EVALUATION AND ALLOTMENT OF MARKS FOR
MEMORIALS:**

Memorials will be evaluated by the Judges at that time of Oral arguments itself for a total of Fifty marks giving due regard to the following criteria:

Serial No.	Basis of Evaluation	Marks
1.	Presentation of facts	5
2.	Ingenuity and Logical Reasoning	10
3.	Interpretation of Law	10
4.	Extent and use of Authority	10
5.	Relief Sought	5
6.	Format and Citation	5
7.	Quality of Language	2.5
8.	Adherence to the Guidelines	2.5
9.	Total Marks	50

TRAVEL PLANS:

- i. The participating teams shall make their own travel plans to reach the University campus**
- ii. The participating teams shall inform about their travel plans like date of onward and return journey to and from Vijayawada/ Guntur, Train No./ Bus No./ Vehicle No. etc. for information to the organizing society.**

ACCOMMODATION:

- i. The participating teams will be provided accommodation for 4 days from 21st to 24th of October 2019 for Boys and Girls in University Hostels respectively.**
- ii. KLEF provides Lunch and Tea, on both days of Competition, for those who opted for Hostel Accommodation.**
- iii. Accommodation shall be provided only to the participants during the days of the Competition held.**
- iv. The stay may be extended to the following day, provided a request for extension of stay for an additional day shall be placed on the evening of 22nd October 2019 and it is subjected to extra charges.**
- v. Accommodation charges:
Per Day – INR 500/ person (or) INR 1500/suite for 3 persons.**

MISCELLANEOUS:

- **The Moot Court Society reserves the right to modify any of the Competition Rules at any point of time.**
- **The Moot Court Society shall communicate any changes made in the Competition Rules to the Teams.**

INTERPRETATION OF RULES:

- All interpretations of all the rules and information given for this competition are at the complete discretion of the Organizing society and College of Law. The decision so made shall be final and binding on all participating teams.**
- The Moot Court Society reserves the right to take decisions on any matter not mentioned in the Competition Rules.**
- Any such decision taken by the Moot Court Society shall be final and binding.**

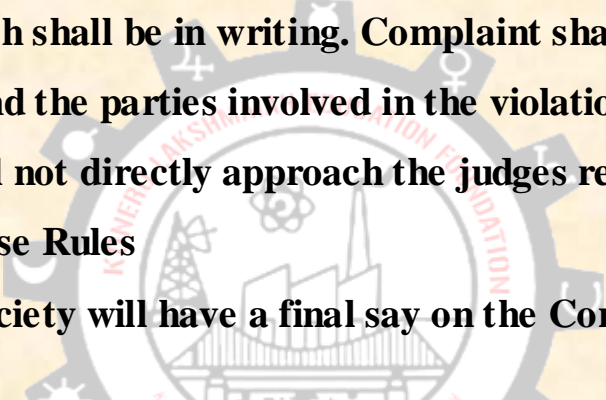
SCOUTING:

The teams will not be allowed to observe the orals of any other teams. Scouting is strictly prohibited. Scouting by any of the team's members will result in disqualification.

CLARIFICATIONS:

- Any clarifications about the competition may be sought through email or through contact numbers and emails of the organizing society given below
 - a. Official E-mail: klmootsociety@gmail.com
 - b. Faculty Coordinator contacts:
 - Dr.K. I. Pavan Kumar: +91 800-899-9595
 - Ms. Deepasri R Prasad: +919886420917
 - c. Student Coordinator contacts:
 - Mr. T. Ashok Kumar: +91 846-690-2033
 - Ms. K. Poojitha: +919618449317
- The Moot Court Society reserves the right to modify any of the Competition Rules at any point of time
- The Moot Court Society shall communicate any changes made in the Competition Rules to the teams.
- The Moot Court Society reserves the right to take decisions on any matter not mentioned in the Competition Rules
- The Moot Court Society reserves the right to interpret any of the Competition Rules.
- Such interpretation shall be final and binding.

COMPLAINT PROCEDURE:

- **If a Team believes that violation of the Competition Rules has taken place at any stage of the Competition, the team(s) within half an hour after the competition of the round in which violation has allegedly occurred should register a complaint in writing with the Principal**
 - **Team(s) under no circumstances shall approach the Panel with any complaints**
 - **Teams may approach to Moot Court Society for redressal of their complaint which shall be in writing. Complaint shall clearly describe the violation and the parties involved in the violation**
 - **The Team shall not directly approach the judges regarding a violation of these Rules**
 - **Moot Court Society will have a final say on the Complaints made by a team**
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AWARDS:

- The **Winning Team** shall be awarded a cash prize of **25000/-**
- The **Runner-up Team** shall be awarded a cash prize of **15000/-**
- The **Best Written Submission** award carries cash prize of **5000/-**
- The **Best Speaker** shall be awarded a cash prize of **5000/-**

The MOOT COURT SOCIETY shall serve as final arbiter of implementation and interpretation of these Rules



Professor N. Rangaiah,
The Principal,
KL College of Law,
KL Deemed to be University,
Green Fields, Vaddeswaram,
Guntur, Andhra Pradesh– 522502

IMPORTANT DATES

Sl. No.	Activities	Dates
1.	Problem statement availability	20th August 2019
2.	Last Date for Registration	30th September 2019
3.	Last Date for Clarifications	3rd October 2019
4.	Acknowledgement of Team Code	5th October 2019
5.	Last Date for submission of Memorials (soft copy)	12th October 2019
6.	Last Date for submission of Memorials (hard copy) + DD/ Online payment	15th October 2019
7.	Lotteries of exchange of Memorials	19th October 2019
8.	Competition Dates	22nd & 23rd October 2019