

# 1<sup>st</sup> NATIONAL MEMORIAL WRITING AND DRAFTING COMPETITION 2020

## About the competition

E- Justice India is pleased to announce, 1<sup>st</sup> NATIONAL MEMORIAL WRITING AND DRAFTING COMPETITION 2020 that aims at developing and honing the overall skills necessary for the advancement of law students, their career and growth. We cordially invite you for the same.

**Note-** There are limited seats for participation, on a first come first serve basis

## Eligibility

- The competition welcomes the participation of all students pursuing the 3 or 5 year courses of the LL.B. Degree.

## Rewards

- 1st Rank – Rs. 1,000/ + Merit Certificate
- 2nd Rank – Rs. 600/ + Merit Certificate
- 3rd Rank – Rs. 400/ + Merit Certificate

Note: **All participants will get E-certificate of Participation.**

## Registration Fee

- Individual participation: Rs. 65/-
- Team participation of two members only: Rs. 100/-

## Important Dates

- Last Date for registration – 31<sup>st</sup> July 2020.

## Mode of Payment

- Participants can make payment through Google Pay, Phone Pay, BHIM and Paytm to 9852212851.

After the payment all participants need to upload screenshots of the same while registration.

## How to Register

- Participants have to pay via above mentioned payment method and then register themselves through registration link.
- Visit [www.ejusticeindia.com](http://www.ejusticeindia.com) for registration link

## Timeline for the Competition

Release of Proposition	19 <sup>th</sup> July, 2020
Last Date for Registration	31 <sup>st</sup> July, 2020

<b>Last Date to seek Clarification</b>	<b>05<sup>th</sup> August, 2020</b>
<b>Release of the Clarification</b>	<b>08<sup>th</sup> August, 2020</b>
<b>Last date for the Submission of the memorial</b>	<b>21<sup>st</sup> August, 2020</b>
<b>Declaration of Results</b>	<b>30<sup>th</sup> August, 2020</b>

## **Team Composition and eligibility**

- Students pursuing the three or Five Year courses of the LL.B. Degree.
- The participants can participate as an Individual or a team of 2 members only

## **Language**

- The official language of the competition shall be English.

## **Anonymity**

- The participating team shall be allotted a team code upon registration.
- The team shall not disclose their identity anywhere in their written Memorials and instead should use the code allotted.
- Non-compliance with the above Rules shall result in immediate disqualification of the participant/team.
- The decision of the Organizing Committee in this regard shall be final.
- We will send you a link after the registration for rise your clarification and another link for submit your response.

## **Memorial**

- Each team shall prepare a Petitioner and a Respondent Memorial.
- One (1) soft copy (only in MS Word .doc/.docx format) must be submit latest by August 21, 2020 (23:59 hours IST) 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 10) 10P or 10R, “P” being for “Petitioner” Memorial and “R” for “Respondent” Memorial and so forth.
- The Memorial for each side should be submitted as one single file and not in multiple files. Any violation of this rule shall invite penalty in accordance with rule.

## **Format of Memorials**

**The Memorials shall necessarily consist of only and only the following sections:**

- Cover Page
- Table of Contents
- List of Abbreviations
- Index of Authorities (with page number where the authority has been cited)

- Statement of Jurisdiction
- Statement of Facts (not exceeding 2 pages)
- Statement of Issues
- Summary of Arguments (not exceeding 2 pages)
- Arguments Advanced (not exceeding 20 pages)
- Prayer (not exceeding 1 page)

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

- The team code on the upper right hand corner of the cover page
- The name and place of the Forum
- The relevant legal provision under which it is filed
- Name of parties and their status on whose behalf the memorial is filed

**Teams shall cite authorities in the Memorial using footnotes following the ILI rules of footing. Explanatory or illustrative footnotes are not allowed.**

**The Memorial shall have the following mandatory formatting specifications:**

- The team code on the upper right hand corner of the cover page
- The name and place of the Forum
- The relevant legal provision under which it is filed
- Margins: 1 inch on each side.

**For footnotes, the formatting specifications are:**

- Font type: Times New Roman
- Font Size: 10
- Single Line Spacing



**The following colour scheme shall be followed for the Cover Page of the Memorial:**

- Petitioner: Blue
- Respondent: Red

## **Penalties**

<b>Late Submission</b>	<b>1 mark per memorial every 12 hours after the deadline of submission disqualification beyond 48 hours.</b>
<b>Wrong File Name</b>	<b>1 mark per Memorial</b>
<b>Failure to submit Memorial as one File</b>	<b>1 mark per Memorial</b>
<b>Exceeding page limits</b>	<b>1 mark per exceeding page</b>
<b>Failure to include the sections in the Memorial as above mentioned</b>	<b>3 marks per section</b>
<b>Failure to use the correct colour</b>	<b>2 marks per Memorial</b>

<b>Failure to include the required information on the cover page as mention above</b>	<b>1 marks per violation</b>
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## **Evaluation of memorial**

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

**The Memorial shall be evaluated according to the following criteria:**

- Knowledge of Facts: 15 Marks
- Knowledge of Law: 15 Marks
- Proper and Articulate Analysis: 10 Marks
- Depth and Use of Research: 20 Marks
- Organization and Clarity: 20 Marks
- Evidence of Original Thought: 10 Marks
- Correct Format and Citation: 10 Marks

## **Miscellaneous**

- Implementation and interpretation of rules regarding the practice and procedures, the final decision lies with the Organizing Committee.
- If any one of the members of a team is notified or informed of any detail or information concerning the Competition, it shall be deemed as if the said team as a whole has been duly notified or informed.
- The Proposition is neither intended to nor does it attempt to resemble any incident or any person, living or dead. Any such resemblance is purely coincidental. The Proposition is a fictitious factual account prepared for the purposes of the present Competition only and it does not attempt to influence or predict the outcome of any matter whatsoever.
- The copyright in the Memorials submitted by the teams shall vest jointly with E-Justice India the acceptance of such vesting is a 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 disqualification at the sole discretion of the Organizing Committee.
- The Organizing 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 of time
- The organizer shall be the final arbiter for these Rules and any such decision made by him on any issue/dispute arising in relation to the Competition shall be final and binding on all concerned.

## **Moot Proposition**

1. The Indistan is a secular country located in South Asia. In the 1600s, European countries invaded Indistan, and the Britics controlled most of Indistan by 1856. In the early 1900s,

people of Indistan peacefully started to protest against Britics control. The people of Indistan became in their freedom struggle and Indistan got its independence in the year 1947. Indistan being the largest democracy in the world has the lengthiest written constitution and the state owes certain responsibilities towards all the citizens. Indistan is one of the founding members of the United Nations.

2. Indistan has rich social composition, as many religions have originated in the country and few religions of foreign origin have also flourished here. Indistan has the distinction of being the land where various religions have originated. Regional co-existence of diverse religious groups in the country makes it really unique. Around 80% of Indistanis are Hindus, 14% Muslims while 2% follow Christianity and remaining 4% follow other religions since time immemorial. There is no intervention of the State in religious matters.
3. The Constitution of Indistan provides for freedom of religion as a fundamental right, to give to its people the freedom of worship and religion and to outlaw discrimination on the ground of religion. All religions are governed by their personal laws which is governing marriage, divorce, succession, etc. Religious diversity and religious tolerance were both established in the country by law & custom.
4. Savi, a Hindu girl of 17 years of age leaves her hometown, Mahuli, a remote village in the state of Zisar in southern Indistan, to pursue her graduation in a faraway city. She gets heavily influenced by her classmates and used to visit mosque frequently. One day she informed her parents that she took Shahada in presence of the Maulana and two witnesses. Hence, she has converted to Islam and she has obtained the Certificate of Conversion. She also adopted a new name Noori. Her parents asked her to come back home. After two days on her 18th birthday she married Suleman. She went home with her husband. Her parents misbehaved with Suleman and didn't let her leave home with Suleman.
5. Noori with the help of "MADADGAR", NGO dealing with women rights, filed a case of Habeas Corpus in the High Court of Zisar. Noori's father alleged that the conversion of Noori is void as she is a minor. He also alleged that Noori is a victim of 'love jihad' and she has been brainwashed to convert in Islam. During the pendency of case in High Court of

Zisar, Suleman was accused of having connections with radical terrorist group. The High Court of Zisar held the conversion to be void as she is a minor. Hence, her marriage is also held to be void as this can be as case of brainwashing and an act of 'love jihad'. Aggrieved by the decision, Noori approached before Supreme Court of Indistan.

6. Fatima got married in the year 2009 to one Mr. Gustakh and a son was born out of the said wedlock. All the time when she was at her matrimonial home, she was tortured, bullied, beaten, and was asked to bring money from her parents' house. After the repeated tortures, she filed a complaint U/s 498 A of the IPC. Getting infuriated with this, petitioner's husband sent a letter giving her 'Triple Talaq'.
7. Fatima kept on living on the mercy of her parents till she was married for second time in 2017 to Mr. Sharif, who was already married and had a wife called Nushrat. Fatima got pregnant second time and soon after birth of her second son, she was given a Talaq in the Hasan form. Since then, she is living alone with two children. Moved by her own situation and of many other similarly situated Muslim women throughout Indistan, Fatima along with "MADADGAR" is before the Supreme Court praying to declare practices of 'Polygamy', 'Nikah Halala', 'Nikah Mutah'; and 'Nikah Misyar' as against the basic rights enshrined under Part III of the Constitution and also against public order, morality and health.
8. Recently, the Supreme Court of Indistan declared that the practice of instantaneous *Triple Talaq* or *Talaq -e- Biddat* is unconstitutional. Now, "MADADGAR" filed a writ petition in the Supreme Court of Indistan to declare certain practices as unconstitutional and violations of Convention on the Elimination of all Forms of Discrimination Against Wome (CEDAW) and also stated that Muslim Personal Law which enables a Muslim male to give unilateral Talaq to his wife without her consent and without resort to judicial process of courts, as void, offending Articles 13. 14 and 15 of the Constitution. The Supreme Court of Indistan clubbed all the cases and the matters are pending for hearing.

**Note: No issues to be made in addition to the given issues below.**

1. **WHETHER THE PETITIONS ARE MAINTAINABLE OR NOT?**
2. **WHETHER THE CONVERSION AND MARRIAGE OF NOORI IS VALID?**

**3. WHETHER THE PRACTICES OF POLYGAMY; NIKAH HALALA; NIKAH MUTAH; AND NIKAH MISYAR ARE UNCONSTITUTIONAL?**

**4. WHETHER THE DISCRIMINATORY PRACTICES UNDER MUSLIM PERSONAL LAW ARE UNCONSTITUTIONAL?**

**Note:**

1. All statutes & laws of the Indistan are *pari materia* with the statutes & laws of India. Moreover, the India's commitment to the international covenants, treaties and customary laws are same as Indistan.
2. The Proposition is neither intended to nor does it attempt to resemble any incident or any person, living or dead. Any such resemblance is purely coincidental.
3. The Proposition is a fictitious factual account prepared for the purposes of the present Competition only and it does not attempt to influence or predict the outcome of any matter whatsoever.s

