

**Dr. Ambedkar Government Law College, Puducherry All India Moot Court Competition
under the aegis of National Human Rights Commission, New Delhi
12-14 March, 2021**

Moot Proposition

In the matter of:

Pro-Life v. Union of Drupadam

NHRC v. Union of Drupadam

Couple X & Z v. Union of Drupadam

Mr. Freddy & Others v. Union of Drupadam

1. The Union of Drupadam, a South Asian country is a union of 27 states. It is having a written Constitution and a federal democratic pattern of government. Drupadam is a country of different religions and cultures. The Constitution of Drupadam guarantees right to every individual to practice, profess and propagate religion. Drupadam is a blend of both traditional and modern views. From past three decades there were rapid developments in science and technology and improvements in health care facilities in Drupadam.

2. Union of Drupadam is surrounded by six countries viz. Kekayam; Sindhistan; Panchalam; Vankadesh; Cylon and Malayarajyam. Except Sindhistan all the other five neighbouring countries are having good friendly relations with Drupadam. The five countries viz. Kekayam; Sindhistan; Panchalam; Vankadesh; Cylon and Malayarajyam have a history dating back to five thousand years and were formed on the basis of their religions. The ancient scriptures are strictly followed and the religious teachings and practices of these countries are against abortion and artificial human reproductive technologies.

3. Sindhistan and Union of Drupadam, unlike their neighbouring countries has a modernistic view. Though they give prime consideration to religious views and sentiments they also favour modern practices and developments to improve quality of life as well as to promote human rights.

4. From the past three decades Drupadam focused on extensive medical research in the field of artificial human reproductive technologies. The objectives of the research were to help the childless couples to have their own genetically related child and also to raise the economy of the country through medical tourism.

5. Within a span of few years Drupadam established itself in South Asian region as a nation with high standards of healthcare system expertise in medical science. Many people from neighboring countries and other parts of the world have visited Drupadam to avail ART, especially surrogacy facilities. The revenue of Drupadam increased by leaps and bounds. Drupadam emerged as the 'capital for surrogacy' not only in South Asian region but also in the world.

6. The practice of surrogacy in Drupadam was largely unregulated and there were no specific legal provisions to deal with the various concerns raised by such practices. This resulted in several litigations before the Hon'ble Supreme Court and different High Courts all over the country.

7. The Law Commission of Drupadam in its 326th Report showed concern about the growing litigation in ART, particularly in surrogacy practices. The Law Commission pointed out that, Drupadam is now a "favourable destination for foreign couples who look for a cost-effective treatment for infertility and a whole branch of medical tourism has flourished on the surrogate practice. ART industry, particularly surrogacy practices is now a 55,000 crore rupee business. It seems that wombs in Drupadam are on rent which translates into babies for foreigners and dollars for Drupadian surrogate mothers and hence surrogacy industry is like a pot of gold". 'Mannar', a small town in Karala, a state in Drupadam, has acquired a distinct reputation as a place for outsourcing commercial surrogacy. The Law Commission recommended that the government should take steps to regulate ART.

8. In June, 2019, the Parliament of Drupadam enacted a Surrogacy (Regulation and Control) Act, and thereby legalized the practice of surrogacy. The Act came to force from June 14th, 2019. The relevant provision reads as follows:

Section 3: Notwithstanding anything contained in any other law for the time being in force, subject to the provisions of this Act, 'every married hetero-sexual couple is entitled to have a child with the help of surrogacy (both altruistic and commercial)'

Explanation: Married hetero-sexual couple means and includes only nationals of Drupadam or at least one spouse must be a national of Drupadam.

Provided hetero sexual couples belongs to Kekayam; Panchalam; Vankadesh; Cylon and Malayarajyam are also eligible to claim the right to access surrogacy in Drupadam.

9. The passage of Surrogacy Act and legalization of surrogacy particularly, the commercial surrogacy were criticized by several religious groups in Drupadam. Most of those religious groups staged several protest against the legalization of surrogacy. An NGO, 'Pro-

Life' working in the field of human rights of women approached the Hon'ble Supreme Court of Drupadam with a petition challenging the legalization of surrogacy including commercial surrogacy. It contented that the Surrogacy Act is unconstitutional and a violation of international obligations of Drupadam.

10. On 24th August 2019, different organizations, NGO's including Pro-life and different religious groups organised a long march to Parliament of Drupadam as a protest against the Surrogacy Act. Mrs. Carolin and Mr. Jacques, representatives of Pro-Life in France and England respectively, were also part of this long march. The march started peacefully, but subsequently it changed its colour as the people started shouting anti-governmentslogansandbecameveryaggressive. Some of them started pelting stones on police personnel and others started burning public buses and other vehicles in the streets.

11. To control the mob violence, the police took immediate action and started using tear gas, followed by lathi charge. As the situation was escalating the police opened fire towards the crowd to disperse them. It resulted in bullet injuries to several people including Mr. Jacques and Mrs. Carolin. Unfortunately, Mr. Jacques succumbed to the bullet injuries and died the next day. Mrs. Carolin received serious injury and one of her leg had to be amputated.

12. Mrs. Angelina, the spouse of Mr. Jacques, approached the National Human Rights Commission (NHRC) claiming compensation for the death of her husband. The NHRC after a detailed enquiry, directed the Central Government to pay Rs. 20,00,000/- as compensation to Mrs. Angelina.

13. The decision of NHRC was well appreciated by several media as well as opposition party in the Parliament. However, the Home Minister in a public meeting held after few days stated, the Government is not going to pay any single penny to the widow of Mr. Jacques as he was participating in an illegal and violent protest against the Government. The Minister also added that Mr. Jacques was a victim of opposition party and their hidden agenda to create problems for the democratically elected Government.

14. Due to the indifferent attitude of Government towards its recommendation, the NHRC has approached the Hon'ble Supreme Court of Drupadam with a petition for ensuring that Mrs. Angelina will receive the amount of compensation as granted by NHRC.

15. In September 2019, a hetro-sexual couple, Couple X&Z from Sindhistan approached a

Surrogacy clinic named 'We Care' which is situated in the town of 'Mannar'. The clinician from the said hospital rejected their request for availing the method of surrogacy for begetting a child for them. The request was rejected on the ground that, as per the Surrogacy Act, they were not entitled to claim the right to access to surrogacy in Drupadam. On knowing that, the Surrogacy Act is restricting their right to access to surrogacy in Drupadam, the Couple X&Z approached the Hon'ble Supreme Court with a petition to nullify the proviso provided in Section 3 of the Act.

16. In October 2019, Mr. Freddy, the husband of Mrs. Carolin approached the Hon'ble Supreme Court of Drupadam with a petition claiming compensation for the injury suffered by Mrs. Carolin.

17. OHCHR, which is a human rights agency of United Nations, was closely observing the developments in Drupadam in relation to passing of Surrogacy Act and subsequent developments. OHCHR expressed their concerns about the police actions and filed a petition to join as a party in the petition filed by Mr. Freddy. This petition was vehemently objected by the Central Government.

18. The Hon'ble Supreme Court of Drupadam for the sake of convenience decided to hear all the cases on the same day with the following issues:

- A. Whether the petition filed by NHRC for ensuring compensation to Mrs. Angelina is maintainable or not?**
- B. Whether the intervention petition filed by of OHCHR in the petition filed by Mr. Freddy is maintainable or not?**
- C. Whether Section 3 of the Surrogacy Act, 2019 is unconstitutional and a violation of international obligations of Drupadam or not?**
- D. Whether the proviso to Section 3 of the Act, which excludes couples from Sindhistan is constitutionally valid or not?**

Note:

1. The laws in Union of Drupadam and Republic of India are in *parimateria*.
2. The Counsels representing both sides are required to address the issues that are specifically mentioned in the moot problem. They have to argue for the Appellants (Pro-Life; NHRC; Couple X & Z and OHCHR) and for the Respondent (Union of Drupadam).

Rules and Regulations governing the competition:

1. Date and Venue:

12-14 March, 2021
Dr. Ambedkar Govt. Law College,
Mathur Road,
Kalapet,
Puducherry- 605014

2. Eligibility:

Participation is restricted to bona fide undergraduate students of 5 years/ 3 years LL.B. programme of any University/College/Institution (recognised by the Bar Council of India).

3. Language:

The official language for the Moot Court Competition is English.

4. Dress Code:

4.1 For Boys-Black Pants, White Shirt with Black Blazer.

4.2 For Girls- Black Pants, White Shirt with Black Blazer or White Churidar Suits with Black Blazer or White Sari with White Blouse and Black Blazer.

5. Team Composition:

5.1 Each Institution participating in the competition shall send only one team consisting of two Speakers and one Researcher. In any case, the team shall not consist of more than 3 participants. Their travelling expenses shall be borne by the respective participating Institution.

5.2 Each team will have a team code. Teams shall not disclose their identity or that of their institution or city etc. Such disclosures will invite penalties including disqualification. The decision in this regard shall be at the discretion of the Organising Committee.

6.Registration:

- 6.1 Institutions those are interested in sending a team to participate in this Moot Court Competition are required to send an e-mail to **draglc.pdy.mcs@gmail.com** to provisionally register for the same. The last date for provisional registration is **22nd February, 2021**. A confirmation e-mail will be sent to the colleges who send in the provisional registration mails.
- 6.2 The participating team must submit the hard copy of Registration Form along with DD and travel form on or before **1st March, 2021**. The Registration Form along with the demand draft should be sent by post to **The Principal, Dr. Ambedkar Government Law College, Mathur Road, Kalapet, Puducherry - 605014**. Upon the receipt of the hard copy of the registration form, team codes of the participating teams will be sent via e-mail.
- 6.3 After Registration, any request for change of name/ participants will not be entertained except at the sole discretion of the Moot Committee. Registration fee is Rs. 2000/- for each participating team, payable only by way of DD drawn in favor of **The Principal, Dr. Ambedkar Government Law College, Puducherry**, payable at **Puducherry**.

7. Competition Rounds:

- 7.1 The Competition shall consist of Preliminary Rounds, Quarter-final Rounds, Semi-Final Rounds and Final Round. The top 8 teams from the preliminary rounds shall qualify to participate in the Quarter Finals. Winners of the Quarter-Finals will proceed to Semi- Finals. Winners in the Semi-finals will qualify for the Final Round.
- 7.2 Teams shall argue cases against each other. For the said purpose, fixture of teams will be decided by draw of lots prior to each round of the competition commencing on 12th March, 2021 at Dr. Ambedkar Government Law College, Puducherry.

8. Preliminary Rounds:

- 8.1 In the Preliminary Round, each team shall argue for both the sides (the petitioner and respondent) in **Two Separate Rounds**.

8.2 During the preliminary round, **each team** will be allowed **20 minutes** to argue. The division of time between the two speakers is left to the discretion of the team. In addition to the 20 minutes time allotted for arguments, 2 minutes will be provided for Rebuttals and 2 minutes will also be given to the opposite team for Sur-Rebuttal.

8.3 Top 8 teams will be decided on the basis of the prelims scores and will be selected for the quarter final round.

9. Quarter – Final Rounds:

9.1 During the Quarter - Final rounds, the teams will be required to argue either on behalf of the Petitioner or the Respondents. The teams to argue on a particular side will be decided by a draw of lots prior to the commencement of the Quarter final rounds.

9.2 In the Quarter- Final Rounds, **each team** will be allowed **25 minutes** to argue. The division of time between the two speakers is left to the discretion of the team. In addition to the 25 minutes time allotted for arguments, 2 minutes will be provided for Rebuttals and 2 minutes will also be given to the opposite team for Sur- Rebuttal.

9.3 The Quarter-final round will be a knockout round with a win based exclusively on oral scores only enabling a team to get into the Semi-finals. **Memorial scores will not be added to the oral scores for this round** where in the oral scores will be 100 marks.

10. Semi-Final Rounds:

10.1 During the Semi- Final rounds, the teams will be required to argue either on behalf of the Petitioner or the Respondents. The teams to argue on a particular side will be decided by a draw of lots prior to the commencement of the Semi -Final rounds.

10.2 In the Semi-Final Rounds, **each team** will be allowed **30 minutes** to argue. The division of time between the two speakers is left to the discretion of the team. In addition to the 30 minutes time allotted for arguments, 2 minutes will be provided for Rebuttals and 2 minutes will also be given to the opposite team for Sur-Rebuttal.

10.3 The Semi-Final round will be a knockout round with a win based exclusively on oral scores only enabling a team to get into the Finals. **Memorial scores will not be added to the oral scores for this round.**

11. Final Round:

11.1 During the Final round, the teams will be required to argue either on behalf of the Petitioner or the Respondents. The teams to argue on a particular side will be decided by a draw of lots prior to the commencement of the Final Round.

11.2 In the Final Round, **each team** will be allowed **45 minutes** to argue. The division of time between the two speakers is left to the discretion of the team. In addition to the 45 minutes time allotted for arguments, 2 minutes will be provided for Rebuttals and 2 minutes will also be given to the opposite team for Sur-Rebuttal.

11.3 The winner of the Final Round will be declared as the winner of this Moot Court Competition. **Memorial scores will not be added to the oral scores for this round.**

11.4 Participating team will be required to strictly follow the time limits for all the rounds.

12. Memorials/ Written submissions:

12.1 All the teams are required to submit Memorials/Written submissions for both the petitioner and the respondent.

12.2 Each team shall submit 8 (eight) sets of hard copies of memorials, each for the Appellant and Respondent side. Names of the participants or their institutions or any kind of identification mark should not appear on any part of the Memorials.

12.3 One set of memorials must reach the Organising Institution by 8 March, 2021 by post to augment the process of evaluations. Remaining seven sets of the memorials shall be submitted during the desk registration at 2.30 pm on 12th March 2021 at Dr. Ambedkar Government Law College, Puducherry. A covering letter must be enclosed with the memorial (hard copy) specifying the name of the college/university of the participating team. The covering letter should not be a part of the memorials.

12.4 Participants are advised to carry extra copies of their Memorials for their own use. The copies submitted to the organizing institution would be for the use of evaluation of memorial and for the use of judges of the competitions and will not be returned to the participants.

12.5 After the completion of the competition, the organizing institution shall reserve the right to use the memorials submitted by the participating teams, as they may deem appropriate.

12.6 i) The memorials should not exceed 35 typed pages (excluding front and back cover page)

ii) The font and size of the text of all part of the memorial must be in Times New Roman and 12 points. Footnotes must be in font size of 10.

iii) The memorials must contain the following:

- **The top right corner of the cover page of the memorials must contain the respective team code that has been assigned to the team**
- **Cover Page for Petitioner - Blue Colour**
- **Cover Page for Respondent - Red Colour**
- **Binding specification - Spiral binding only**
- **Contents of memorial**
 - a. Table of Contents
 - b. Table of Authorities
 - c. Statement of Jurisdiction
 - d. Statement of Facts
 - e. Statement of Issues
 - f. Summary of Arguments
 - g. Written Pleadings
 - h. Prayer

13. Evaluation:

13.1 Preliminary Rounds

13.1.1 Memorials

a) Each Memorial will be evaluated for 10 marks (so in total 20 marks) and the Team memorial marks will be the aggregate of both the sides.

b) Memorials will be adjudged by a special panel of Judges.

Total: 20 marks

13.1.2 Oral Rounds

The following will be the Evaluating Criteria and the marks will be allocated to each category as under.

1. Knowledge of Facts and their analysis	-	20 Marks
2. Knowledge of Law along with use of Authorities and Citations	-	20 Marks
3. Skill of Advocacy including Clarity, Brevity and Ingenuity	-	20 Marks
4. Language & Style	-	10 Marks
5. Court Manners	-	10 Marks
TOTAL	-	80 Marks
GRAND TOTAL	-	100 Marks

13.2 Quarter- Final/ Semi-Final/ Final Round:

13.2.1 Oral Rounds

The following will be the Evaluating Criteria and the marks will be allocated to each category as under:

1. Knowledge of Facts and their analysis	-	20 Marks
2. Knowledge of Law along with use of Authorities and Citations	-	20 Marks
3. Skill of Advocacy including Clarity, Brevity and Ingenuity	-	20 Marks
4. Language & Style	-	20 Marks
5. Court Manners	-	20 Marks
TOTAL	-	100 Marks

There will be no weightage for Memorial marks in these rounds.

14. Scouting:

14.1 Teams will not be allowed to observe the oral argument of other teams. Scouting is strictly prohibited. Scouting by the team will result in disqualification.

14.2 The Researcher may sit with speakers of his/her team at the time of oral arguments, but shall not attend the court session of any other team.

14.3 Further, the participants are strictly prohibited from contacting the framer of the moot proposition. Any attempt to do so will result in an immediate disqualification of the entire team.

15. Awards and Prizes: Attractive cash prizes and certificates will be issued under the following heads:

The Winners

The Runners

The Best Female Counsel

The Best Male Counsel

The Best Memorial

Note: Each participant in the Moot Court Competition will be awarded a Certificate of Participation.

16. Hospitality and Accommodation:

16.1 Accommodation will be provided only to the members of the teams, restricted up to three only, from 12:00 noon on 12th March 2021 up-to 08.00 a.m on 15th March 2021.

16.2 Food and other facilities will be provided to the members of the team, restricted up to three only, *i.e.* the dinner of 12th March 2021 up to the lunch of 14th March 2021.

17. Conveyance:

Local Conveyance (transport between the accommodation and the Competition venue) to the participating teams will be provided by the organizing institution.

18. Reporting at the Venue:

The Teams are required to report on 12th March 2021 at 2:00 pm at the Dr. Ambedkar Government Law College, Mathur Road, Kalapet, Puducherry - 605014.

19. Desk Registration: It will begin at Dr. Ambedkar Government Law College, Mathur Road, Kalapet, Puducherry - 605014 at 02:30 pm and will be followed by the Inaugural Function after which fixtures will be made (by draw of lots).

Note: Participants must submit 7 sets of their memorials at the time of registration positively. No arrangement for obtaining print outs will be available at the venue.

Scheme of Moot Court Competition

S.No	Event	Date
1.	Last date for Provisional Registration via e-mail	22 Feb, 2021
2.	Last date for sending the Hard Copy of Registration Form along with Registration Fee	1 March, 2021
3.	Submission of Memorial by post (One Hard Copy)	8 March, 2021
4.	Desk Registration	12 March,2021
5.	Submission of Memorials by hand (Seven Hard Copies)	12 March,2021
6.	Preliminary Rounds	13 March,2021
7.	Quarter- Final Round*	13 March,2021
8.	Semi – Final Round	14 March,2021
9.	Final Round	14 March,2021

*The Quarter-Final Rounds might be conducted on 14th March 2021. Final decision shall be taken during the Competition.

Moot Court Coordinator: Dr. S. Srinivasan

Contact Details:

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