

**2nd SURANA & SURANA AND ARMY INSTITUTE OF LAW
NATIONAL FAMILY LAW MOOT COURT COMPETITION 2020-21**

8 – 10 April 2021

RULES

Joint Organizer



**Surana & Surana
International Attorneys**

Host & Joint Organizer



**Army Institute of Law
Mohali**

**Venue
Virtual (Online)**

**Army Institute of Law,
Sector 68. Mohali,
Punjab, India-160062
Email:: ailsurana2021@gmail.com**

RULES AND REGULATIONS

I. AIM & PURPOSE

The Surana & Surana and Army Institute of Law National Family Law Moot Court Competition has been conceived with the aim to

- i Create awareness on Family Law in a systematic / scientific manner and train participants for effective practice
- ii Facilitate the evolution of Family Law through the jurisprudential analysis of the existing law and consequential emergence of new laws besides developing cutting edge skills in research, writing and advocacy.

II. VENUE AND DATE

The 2nd Surana & Surana and Army Institute of Law National Family Law Moot Court Competition shall be held from 8 – 10 April 2021 virtually (Online).

The competition shall be in the English language.

IV. ELIGIBILITY

The competition is open for students who are pursuing LLB three year / five year course during the current academic year.

V. TEAM COMPOSITION

- a. Each team should consist of a minimum of 2 and maximum of 3 members. This number cannot be modified under any circumstances.
- b. There shall be 2 speakers and 1 researcher designated for each team. The researcher shall be allowed to argue with prior permission of the court and National Administrator in case of illness of the designated speakers.
- c. Each team will **be provided a team code** prior to the submission of memorials via e- mail. This team code is only for the memorials. Teams should not disclose the identity of their institution in their memorials; such disclosure shall invite penalties including disqualification. The decision for the same shall be at the discretion of the National Administrator.

VI. REGISTRATION

- a. Online registrations are open from **23 February 2021**. The teams must register online by **12 March 2021, 7 pm**. Teams will have to register online at www.moot.in. **Only 32 teams will be registered to participate in the competition on first-come-first serve basis. Those teams whose registrations are received complete in all respects would be considered on first-come-first serve basis.**
- b. **No temporary registrations will be done.**
- c. Participants will receive an automated system generated acknowledgement of successful

submission of registration. Participants will receive an approval as acceptance of their request for participation latest by **14 March 2021** or earlier.

- d. A scanned copy of the letter from the participating college / institution / university duly signed by any one of the following:- Faculty-in-charge of MCS / MCA, Registrar, Principal, Dean, Director, Chancellor or Vice-Chancellor confirming the names of the participants, Year / in which semester / year of study, representing the college / institution / university for the moot competition will have to be attached during the online registration process (The approval letter shall be formatted on the letter head of the participating institution / college / university. Alternatively you may use the registration form as appended below on page 9 with the official seal)
- d. Registrations without the scanned copy of the approval letter from the college/institution/ university or duly attested registration form will not be valid
- e. On receiving the approval mail of your registrations you may proceed to pay the registration fees as stated in VI (f)
- f. **A registration fee of Rs. 2,000/- is to be paid online by 15th March 2021 at:-**
<https://www.onlinesbi.com/sbicollect/icollecthome.htm?corpID=593474>
Receipt of the Online Payment, Soft Copy of the Registration particulars & Approval letter to be sent via e-mail to ailsurana2021@gmail.com with the subject line **2nd SURANA & SURANA and AIL NATIONAL FAMILY LAW MOOT REGISTRATION** latest by **15 M arch 2021**.

VII. ROUNDS

Preliminary Round (Video Recording)

- a. The Preliminary Round would be judged by a two judge bench on the Pre -Recorded videos to be sent by the teams.
- b. Teams are required to send in two separate videos of arguments for both as applicant & another as respondent for the preliminary rounds.
- c. The teams to send the video recordings to the email id ailsurana2021@gmail.com in **MPEG format**
- d. The video attachments should be named as “IP -CTC –Applicant “& “IP CTC- Respondent “both of which to be sent in separate emails where the subject should also state “IP –CTC – Applicant “& “IP CTC- Respondent “. CTC stands for Competition team code which will be allotted during draw of lots proposed to be held on **27th March 2021**. The videos should be attached as two separate emails; one for Applicant and another for Respondent
- e. The top sixteen teams will qualify for the virtual Oral rounds.
- f. Top sixteen teams from the Preliminary Rounds will advance to the Octa final rounds. Preliminary rounds will be decided on
 - a. Win points
 - b. Win points + Aggregate raw points
 - c. Win points + Aggregate raw points (in case of tie minus memorial marks)NB: Aggregate raw points = oral scores + memorial score.

Memorial marks will be added to the scores of the preliminary round only.

- f. The dress code shall be advocate's attire during the rounds of the competition (for both pre-recorded videos & for the virtual oral rounds) .
- g. The oral arguments need not be confined to the issues presented in the memorials

Octa-Final / Quarterfinal / Semi Final Round / Final Round:

.There will be Registration, Orientation followed by exchange of memorials for the preliminary round winners advancing to the virtual oral rounds on 8 April 2021 (Thursday).

Draw of lots/ Power match will decide the side of the arguments in Octa finals/ Quarterfinals, Semifinals & Finals. Octa finals & Quarter finals will be held on 9 April 2021 (Friday). Semifinals will be held on 10 April 2021 (Saturday) followed by the Finals. The Quarterfinal / Semifinal are knockout rounds.

Results (Announcement)

Results will be announced within 30 to 45 minutes after the full completion of the respective Octa / quarter / semifinal rounds. The Final result and the winners of the various categories will be announced only during the valediction ceremony.

VIII. Memorials

The following requirements for memorials must be strictly followed. Non-conformities will be penalised:

- a. Each team must prepare memorials for both parties to the dispute (Applicant and Respondent).
- b. The soft copy of the Memorials for the Applicant / and the respondent should be mailed to ailsurana2021@gmail.com with copy to mootcourt@lawindia.com on or before **26 March 2021 (5 pm)**. Late submission will be penalized by two point each per memorial for delay after due date / time. Late submissions with applicability of penalty points will be accepted up to 27th March (10 am.) Once the soft copy of the memorials has been submitted, **no revisions, supplements, or additions will be allowed.**
- c. The memorials must contain:
 - The table of contents
 - The index of authorities
 - The statement of jurisdiction
 - The statement of facts (1 page only and argumentative statement of facts would attract penalties)
 - The statement of issues
 - The summary of arguments (not more than 1 page)
 - The arguments advanced (not more than 15 pages)
 - The prayer
- d. The font size should be 12 (doubles space) and for footnotes it should be 10 (single space) & double space between two foot notes.

- e. The memorial must have a margin measuring one inch on all sides of each page
- f. The page numbering should be on the top right side of each page.
- g. Covers must be placed on briefs as follows:

Applicant : Light Blue Color; Defendant: Light Red Color.

- h. The cover page of the memorial must state the following :
 - i) Team code (on the top right corner)
 - ii) The cause title
 - iii) Identify brief as Applicants & Respondents as is applicable
- i. Identity of the institution shall not be revealed anywhere in the memorial. Violation of this provision shall result in penalties including disqualification. The National Administrator's decision shall be final.
- j. The teams may have a separate paper book (compendium) of not more than 50 pages, which will carry all the annexure and case laws that have been referred to in the memorial. The cover will be a white cover. The teams will be instructed regarding sharing of the same during the Orientation. Any identifying marks/seal of the college shall attract severe penalties including disqualification.

IX. ORAL ROUND

Preliminary Round (Video Recording) , Octa –Finals & Quarter finals

- a. Each team will get a total of 30 minutes to present their case.
- b. This time will include rebuttal and sur-rebuttal time (for Octa-finals & Quarter finals).
- b. The division of time is at the discretion of the team members, subject to a minimum of 10+ minutes per speaker. Division of time shall be informed to the court officer before arguments begin.
- c. The oral arguments need not be confined to the issues presented in the memorials.
- d. Passing of notes to the speakers by the researcher during the rounds is allowed.

Semifinal & Final

- a. Each team will get 45 minutes to present their case that will include rebuttal time
- b. The division of time is at the discretion of the team, with a minimum of 15 minutes per speaker.
- c. The oral arguments need not be confined to the issues presented in the memorials.

X. Scoring

A. Orals

The parameters for judging the oral presentation on a scale of 0 – 100 points are:

- a. Knowledge of facts
- b. Logic and reasoning
- c. Organisation and clarity

- d. Persuasiveness
- e. Deference to the court
- f. Proper and articulate analysis of the issues arising out of facts
- g. Understanding of the legal principles directly applicable to the issues
- h. Ability to explain clearly the legal principles in general keeping to the time allotted
- i. Knowledge and use of legal sources and authorities and general principles of national law
- j. Ingenuity (ability to argue by analogy from related aspects of law)

B. Written Submissions (Memorials)

- . The memorials shall be marked on a scale of 1-100 points each.
- a. Any revisions, supplements or additions to the memorials after submission shall attract severe penalties subject to the discretion of the National Administrator.
- c. Award of the points shall be based on the following parameters:
 - a. Neatness, legibility, no typographical errors or format errors
 - b. Logical progression of ideas
 - c. Effective use of headings to outline arguments
 - d. Understanding essential legal issues presented
 - e. Focus on essential (not collateral) issues
 - f. Clear, concise and unambiguous writing style
 - g. Forceful and persuasive presentation
 - h. Integration of facts into legal argument
 - i. Understanding of strengths and weaknesses of case
 - j. Discussion of viable alternative arguments
 - k. Understanding and analysis of authority
 - l. Proper use of citations and citation form
 - m. Effective use of authority to support arguments
 - n. Ability to distinguish adverse cases

XI. AWARDS

- | | |
|----------------------------|-----------|
| i. Winning team: | Rs. 20000 |
| ii. Runner up team: | Rs. 15000 |
| iii. Best Memorial: | Rs. 10000 |
| iv. Best Student Advocate: | Rs. 5000 |

In addition to the above awards, plaques and certificates will be given to other categories of winners. All participants will be awarded participation certificates.

XII. ANONYMITY

- a. Student counsel may introduce her/himself to the court in the usual manner and may also state

her/his names. However, the team's college / institution affiliation may not be mentioned at any time before the Valedictory.

- b. Further, all team members, coaches, advisors, and observers shall refrain from identifying a team's school at any time and in any manner, including, but not limited to, wearing any identifying items, such as school clothing, ties, patches, or pins or carrying identifying material (such as a books with a college logo, or college seal).

XIII. DECISION OF THE JUDGES WILL BE FINAL

XIV. COPYRIGHT

- a. The copyright over the memorials submitted for participation in the competition is assigned by participants and shall also vest completely and fully in, Army Institute of Law, Mohali and Surana & Surana International Attorneys, Chennai. The participants shall certify in writing the originality of materials contained therein and shall be responsible for any claim or dispute arising out of the further use and exhibition of these materials.
- b. Further use and exhibition of these materials, electronically or otherwise, shall be the exclusive right of Surana & Surana International Attorneys, Chennai and Army Institute of Law, Mohali, and they shall not be responsible for any liability to any person for any loss caused by errors or omissions in this collection of information, or for the accuracy, completeness, or adequacy of the information contained in these materials.
- c. Distribution of these materials in print or on affiliated websites such as www.moot.in and other platforms by Surana & Surana does not constitute consent to any use of this material for commercial redistribution either via the Internet or using some other form of hypertext distribution. Links to the collection or individual pages in it are welcome.

XV. ORGANISING TEAM

Prof. (Dr.) Tejinder Kaur, Principal, AIL, Mohali, will be the National Administrator.

Any clarifications for the competition can be sought from:

Regarding Case / Submission of Memorials / etc.

Faculty coordinators-

Dr. Bajirao Rajwade

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Mrs Jasleen Chahal

jasleen.chahal@ail.ac.in

Regarding online registration:

Preetam Surana

Advocate & Head, Academic Initiatives

Head(Admin) , Litigation & Arbitration Practice

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Student coordinators

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IMPORTANT DATES

Commencement of Online Registration	23 Feb 2021
Last date for Online Registration	12 Mar 2021, 7 pm
Last date for receiving soft copies of Reg. Form / Approval letter and online payment Receipt	15 Mar 2021
Last date for seeking clarifications of Problem	20 Mar 2021
Last Date for Submission of Memorials (Soft Copy in word format only)	26 Mar 2021, 5pm
Draw of Lots – Allotment of Competition Team Codes (CTC)	27 Mar 2021
Date for submission of Pre-recorded Videos in MPEG format (for Preliminary rounds) – after allocation of CTC - Refer VII (d)	29 & 30 Mar 2021
Registration, Orientation & Exchange of memorials	8 April 2021
Oral Rounds – Octa-Finals , Quarter finals	9 April 2021
Oral Rounds – Semifinals, Finals, Valediction & Prize distribution	10 April 2021



2nd SURANA & SURANA AND ARMY INSTITUTE OF LAW
NATIONAL FAMILY LAW MOOT COURT COMPETITION 2020-21
8 – 10 April 2021



Date:

Registration form/ Approval letter

(Please fill in capital letters)

Undertaking

1. We hereby state that our participation complies with the rules and regulations of the competition.
2. We certify that the materials submitted/to be submitted are prepared by us and agree to indemnify the organizers, i.e. the Surana & Surana International Attorneys, Chennai and the Army Institute of Law, Mohali for any claim or dispute arising out of the further use and exhibition of these materials.

(All particulars must be given)

Name & Address of the participating Institution:

Notification Email:

Regd Mobile #:

Name of the participant	Gender	Course	Year / Semester	Signature

Seal & signature of the
Head of the Institution

Duly filled, sealed & signed soft copy of the Registration form along with the receipt of Online Payment - of Rs. 2000/- (Rupees Two Thousand Only) should reach by **15 March 2021 by email**

Link for online payment :

<https://www.onlinesbi.com/sbicollect/icollecthome.htm?corpID=593474>

E-mail: ailsurana2021@gmail.com– The subject of the email must be “2nd SURANA & SURANA AND ARMY INSTITUTE OF LAW NATIONAL FAMILY LAW MOOT REGISTRATION”

MOOT PROPOSITION 2021

- 1) Sandeep a Hindu who hails from New Delhi, is a software engineer by profession. Upon completion of his studies he picked up a job with one of the leading Multi National Companies. Due to his dynamic leadership skills he is promoted to team leader position in no time.
- 2) Anjali, a Hindu born and brought up in New Delhi. She was pursuing her MBBS when her father suddenly fell ill. Her father expressed his last wish was to see her get married and have a family of her own.
- 3) Even though Anjali was not mentally prepared to get married, she gave in to her father's wishes and consented on getting married .Sandeep and Anjali's marriage was solemnized in 2000 at New Delhi, as per Hindu rites and rituals under Hindu Marriage Act 1955.
- 4) At the time of marriage Anjali had expressed her desire to continue with her education after their marriage, to which no one from Sandeeps family expressed any apprehension to, in that moment. After marriage Anjali continued her studies, Sandeep did well at his job and was soon promoted.
- 5) It proved arduous for Anjali to manage both, her studies and her domestic responsibilities. At times her in-laws would insist on her staying back at home for flimsy reasons and miss her classes. Anjali was criticized every now and then for being too busy with her studies, she was never appreciated for all the work that she did at home .Her in-laws were critical of her work and she was often insulted in front of others .Even then Anjali tried her best to win the hearts of Sandeep parents, but nothing worked .All this led to regular arguments between the couple.
- 6) Despite of these over –bearing circumstances at home Anjali, who was very passionate and keen on becoming a doctor tried to keep her morale high and carried on with her studies on the side. Sandeep got too engrossed in his job and would hardly give Anjali anytime.
- 7) Meanwhile at work Sandeep gets a very lucrative job offer from the Silicon Valley in USA which he believes would be a very crucial career growth for him. Anjali had by this time had completed her education and landed a resident position at a local hospital.
- 8) Due to the conservative mindset of Sandeeps family, Anjali is forced to quit her job and move to USA as their decision to maintain a long distance relationship was not acceptable to Sandeeps family.
- 8) On reaching USA in 2003, Sandeep joins his new job and is very pleased with his decision to move here. Anjali on the other hand is not qualified to practise in USA unless she studies and clears her US medical Board Exam. The fee for her course was beyond their ability of

finances. Anjali on Sandeeps insistence asks her widowed mother in India to arrange for the sizeable amount needed for her course.

9)Anjalis mother who is not of a very sound financial status herself learns of her daughters problems with husbands denial to pay for her course and agrees to send her the money. She has no other option but to mortgage her house to raise the said amount.

9) Anjali over the next few months studies hard and qualifies all pertinent examinations, allowing her to work and practise in USA. She lands a job with a hospital in the city. With her life getting a little settled she had developed a keen realisation that it is the appropriate time for her to have a child which she starts discussing frequently with Sandeep. Sandeep who believes it is too soon for them to have a child as they are financially not settled in a new country .This leads to frequent quarrels among them.

10) Over the next couple of years both of them reach substantially sound positions at their jobs and also manage to obtain citizenship of the USA in 2010.

11) Having settled in properly they begin their attempts at starting a family which somehow doesn't work out for them. They seek medical help, which yields no results for them. Upon prolonged consultation with the family they finally a conclusive plan which is to travel to India and get their child born through surrogacy and eventually bring him/her with them to USA.

12) In 2013 after arriving in India they approach a near relative to act as a surrogate mother. They are unable to convince blood relatives to carry their child. Women on both sides of the family are apprehensive about undergoing the procedure, to carry their child. The couple have gone as far as possible in the line of distant cousins with no success in receiving acceptance of a surrogate mother for their child.

13) After much perusal Sandeep and Anjali find a surrogate candidate that both of them approve of. In February, an artificial fertilization was carried out on the surrogate mother Ms Priya selected to carry the child. At the time the fertilization procedure was being executed it was decided, verbally between Sandeep , Anjali and Priya that Priya would have no right over the child. Also that she would have no access to the child any time in the future .Thereafter Sandeep and Anjali returned to USA.

14) In 2014, a baby girl was born to the surrogate mother in New Delhi and both Sandeep and Anjali returned to India and were present at the hospital at the time of the birth of the baby. Having been born a few weeks premature the doctors advise the parents that the baby should not be made to travel for the first few months.

15) Anjali leaves back for USA as she is required to join back at work .Whereas Sandeep stayed back in New Delhi with Priya, as he is allowed to work from home.

16) While acting as a primary care giver for Priya and his daughter, Sandeep ends up spending most of his time with both of them. This eventually leads to Sandeep and Priya

getting attached to each other's company and they soon get involved in a romantic relationship.

17) As Sandeeps relationship with Priya develops, his emotional dependence on Anjali starts fading and he starts ignoring her phone calls and messages. Anjali senses the change in his behaviour and is able to deduce that something is wrong .She decides to visit India to meet their daughter and clarify things with Sandeep.

18)On arrival at the airport Sandeep doesn't come to pick her up and upon reaching her in-laws home she finds out that Priya has moved in to their home to provide the best care for the child. This revelation leaves Anjali very disturbed as she feels betrayed not only by Sandeep but his entire family.

19) In the following days she tries to clarify things with Sandeep about the change in his behaviour. This leads to heated arguments and fights between them.

20) Sandeep reaches the conclusion that the relationship he had with Anjali was now over.

16) In the meantime Priya claimed that she did not want to give up the custody of the child as she had become emotionally attached to the child.

ISSUES

1) Sandeep files for divorce .

2)Anjali files for Restitution of Conjugal Rights and custody of the child.