
BAR COUNCIL OF INDIA

36th

ALL -INDIA INTER-UNIVERSITY

Moot Court Competition – 2019

[For Law Students]

19th October to 21st October, 2019

In association with

SCHOOL OF LAW

KALINGA INSTITUTE OF INDUSTRIAL TECHNOLOGY

KIIT DEEMED TO BE UNIVERSITY

Bhubaneswar-751024, Odisha

MOOT PROBLEMS, RULES & TIMELINE



Sponsored by

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ALL INDIA INTER-UNIVERSITY MOOT COURT COMPETITION

Rules for the conduct of the competition are as under:-

1. Participants should reach the venue one day prior to the competitions, i.e., by the evening before the date for the first round of the competition.
2. There will be four rounds of competition with separate moot problem for each round. All teams registered with the Bar Council of India Trust will participate in the first round. The teams will be arranged on the basis of lots drawn and grouped in pairs of two for determining who will contest against whom and for which side each team will argue. The Winner and Runner-up teams of the last 4 years shall be put in different groups for different rounds. The Moot court competition will be held on 'Knock-Out' basis.
3. Depending upon the number of teams participating in the first round, there will be simultaneously as many Courts arguing the same problem.
4. Each Court will assign marks to each individual participant and the team in the manner shown below:

Total Marks	100
For written submissions	...20 Marks
For substance in arguments	...40 Marks
For skills of advocacy	...20 Marks
For general impression, court manners and behaviour	...20 Marks
Total	...100 Marks

Before each round, all the judges shall as far as possible meet and decide upon the level of marks on the basis of performance being excellent, good, fair, average etc., in order to ensure uniformity in the matter of awarding marks for all the participants.

Soon after each round of competition the total marks of each participant and each University team shall be calculated. The results shall be declared on the 'knock-out' basis but in any case, the names of the Runners-Up team will not be forwarded to the next round. Such declaration should be made as far as possible within 30 minutes. The marks secured by each team in a given round of the competition shall be consolidated and arranged according to the relative merits based on the total scores.

5. The required number of teams for next round of competition shall be picked up from the top in the order of merit. All winners of first round shall participate in the 2nd round. Such number be increased by one in the event of being an odd number. The number of teams for the 3rd round which will be the semi-final, shall be 4 only, which shall be rated on marks but any Runner-Up of 2nd round shall not be allowed to go in the 3rd round.

The winning teams of each round will again be listed on the basis of lots drawn and will be grouped into pairs. In other words, the side for which a team will be arguing will be known to the teams only at the time of declaration of results and the lots of first round shall be drawn by

the University concerned in the manner prescribed by the Bar Council of India Trust. In the 2nd round also, attempts shall be made that the winners and the Runners-Up teams of the last 4 competitions shall be put in different groups if they succeed in the 1st round.

The semi-final round will also be on 'Knock out' basis. In the semi-final, the teams will be put in alphabetical order and Team A will argue against Team C and Team B against Team D. The winner of semi-final shall contest in the final and there shall be two teams for final. The first serial of semi-finalist and finalist will argue for the Petitioner and the second serial shall argue for the Respondent.

Upon the receipt of the entries, the Organising Committee will divide the teams into suitable number of sub-groups and each sub-group will have equal number of teams in it. The seeding of the teams shall be made by the Bar Council of India Trust on the basis of the performance of the previous years to eliminate the chance of the well recognised teams clashing with each other in the 1st/2nd rounds. If any team has won twice or thrice, the selection of 8 teams shall be made from the semi-finalists of the last 4 years who will automatically qualify for being in 8 groups as the group leader and the rest of the teams shall be divided in equal number in 8 groups and the schedule should be arranged in such a way that the seeded teams do not clash with each other in 1st/2nd rounds. The ultimate discretion to place the teams in different groups and to decide the seeding will lie with the Bar Council of India Trust and such decision of the Bar Council of India Trust shall be final.

6. The written submissions for the first problem has to be sent by each participant directly 7 days in advance to the host university/ college which would arrange the Moot Court competition with copies to the Bar Council of India Trust. For the rest of the three problems written submissions are to be submitted before the commencement of the competition. The written submissions shall be evaluated under the supervision of the University and the Bar Council of India Trust before the commencement of the competition. Written submissions be submitted for both the sides. For each round of the competition, written submissions are required, for which 20 marks are assigned.

The written submissions will contain a precise, well-researched set of arguments on facts and law which the competitor feels are persuasive for the decision in the case (problem). It tests the student's skill on legal research and writing. It has to be written in English neatly typed or handwritten on one side of the paper bearing sufficient margin. Ordinarily the length shall not exceed five pages. It shall carry the name of the participant and University and shall be signed by him/her. They are not returnable to the candidate. The Head of the Law Department of the host University shall arrange its evaluation by a nominated team of experts well before the commencement of the court and the marks awarded will be later entered into the evaluation sheet distributed to the judges.

7. The Bar Council of India Trust shall constitute an Appellate Tribunal consisting of Chairman, Bar Council of India, Managing Trustee, the Associate Managing Trustee, and all other Members/Trustees of the Bar Council of India Trust, local BCI member, the Director or Principal of the host university/college, Head of the Law Department of the said

- university/college and one more representative from the host university/college. The decision of the aforesaid Tribunal shall be final.
8. The 1st and 2nd rounds will be for 90 minutes. The semi-final and final will be of 2 hours' duration. Each participant will get about 30 minutes of which sometime will be used for questions from the Bench.
 9. The two participants representing a University will argue for the same side dividing the arguments between themselves.
 10. Each Court will have at least two Judges who will be drawn from the Bench and the Bar and from amongst retired Judicial personnel and noted academicians. In the semi-final and final rounds, there shall be three Judges in each Court out of which one shall be from Bar Council of India/Trust.
 11. Student participants are advised to wear black coat and bands though it is not compulsory.
 12. Necessary books and reports required by the teams will be provided by the host University/College subject to availability.
 13. Participants who have been adjudged as Best Student Advocate in the earlier competitions held by the Bar Council of India Trust are not eligible for prizes again.
 14. All participants should bring their identity certificates with their signatures duly attested by the Principal/Dean for verification, if necessary.
 15. The Bar Council of India Trust reserves the right to modify the rules if found necessary and they shall be binding on all teams.
 16. Arguments shall be in English.
 17. The moot problems and rules are supplied in English only.
 18. Separate accommodation for boys and girls is arranged by the host University. Free boarding and lodging during the competition will be provided for all participants.
 19. Both way (to and fro) second class train fare will be provided to each participant by the Bar Council of India Trust if not paid by the sponsoring University.
 20. The photograph of the students of the Winner and Runner-up teams of final round along with their Bio-data will be published in the Indian Bar Review, which shall be supplied by respective universities/colleges within a month from the declaration of the result.

Rules for the submission of memorials are as under:-

All memorials submitted for the purposes of the Competition shall strictly adhere to the rules as stated below. Teams have to prepare memorials for both the sides, i.e. Petitioners and Respondents. The registered teams shall submit the pdf copy of their memorial for both sides for the first problem by e-mail to bcimoot2019@kls.ac.in by 17:00 hours of 6th October, 2019 and shall send five printed copies (for each side) of such memorials by 12th October, 2019, addressed to:

Ms. Pratiti Nayak
Faculty Convenor
KIIT Law School Moot Court Society
School of Law, KIIT, Patia, Bhubaneswar, Odisha.
PIN-751024.

When sending the memorials by e-mail in pdf format, please name the file pertaining to the memorial for the respondent as R accompanied by the team code and the file pertaining to the memorial for the petitioner as P accompanied by the team code. For example, for a team assigned a code of 100, the pdf file for the respondent should be named as 'R100' and the pdf file for the petitioner should be named as 'P100'.

The cover page of the memorials sent, for both the soft and printed copies, shall clearly mention the word “P” for memorials on behalf of the Petitioner, and the word “R” for memorials on behalf of the Respondent, followed by the team code for both the instances, such being clearly inscribed on the top right hand corner of the cover page of the memorial for the Petitioners and Respondents. For example, if a team had been assigned a code of 100, the memorials sent by such team shall have “P100” and “R100” clearly marked on the top right hand corner of the cover page of the respective memorials. The teams should not disclose the identity of their institution anywhere on the memorial. Violation of this rule will result in immediate disqualification.

The memorials have to be submitted on A4 size paper and must contain the following sections in the Order as stated below-

- Cover Page;
- Table of Contents;
- Index of Authorities;
- Statement of Jurisdiction;
- Statement of Facts;
- Statement of Issues;
- Summary of Arguments;

- Arguments Advanced;
- Prayer;

Non-compliance with above criteria shall result in penalty of two marks per missing section.

The memorials must be printed in Times New Roman font with 12 font size and with 1.5 line spacing. The footnotes must be in Times New Roman font with 10 font size and with 1.0 line spacing. The memorials should have a margin measuring one inch on all sides of each page. To conserve paper, teams may print their memorials on both sides of the A4 sheet and submit accordingly.

The 'Arguments Advanced' section should not exceed 5 pages. The memorials as a whole should not exceed 15 pages including the cover page. The numbering should be on the bottom-center of each page.

The cover page of each memorial shall be printed on A4 size paper in the following color code –

- Problem 1 : Petitioner – Blue
Respondent – Red
- Problem 2 : Petitioner – Green
Respondent – Orange
- Problem 3 : Petitioner – Purple
Respondent – Pink
- Problem 4 : Petitioner – Black
Respondent – White

The teams have to use the citation method as stated in the 20th edition of the Harvard Blue Book, for citation throughout the memorial, with strict adherence. There shall be no speaking footnotes in the memorial.

MOOT PROBLEM - NO. 1

(FOR PRELIMINARY ROUND)

Mr A is arrested and tried for offences punishable under S.376, IPC and S.5(i) r/w S.6 of the POCSOA. As per the first information report, the offence occurred six months prior to the complaint being made. This was due to the fact that the victim had been too afraid to complain against the accused. After his arrest, the police investigating the case sent him for medical examination. Medical examination suggested that Mr A was capable of having sexual intercourse. He also had simple injuries on his arm which might have been caused by human nails. The victim girl was also examined medically. Medical examination suggested no evidence of recent sexual assault on the victim. However, the statement of the victim was recorded under Section 164, Cr.P.C. which was consistent with the complaint that led to the FIR. Further, statements of the parents of the victim were recorded under S.161, Cr.P.C. which also stated that the victim had been sexually assaulted by the accused. Upon submission of the chargesheet, the accused filed for discharge in the present case. The said application was rejected by the court which then proceeded to frame charge against the accused for offences punishable Section 5(i) read with 6 of the POCSOA. The charge under S.376, IPC was dropped. The accused entered a plea of not guilty and claimed to be tried. Thereafter, trial commenced.

Opening the trial for the prosecution, the Special Public Prosecutor refused to lead any evidence before the trial court and instead submitted that the court was to presume the accused guilty of having committed the offences charged under POCSOA unless he proves otherwise. Therefore, he submitted, that the prosecution had already discharged its burden, and the accused would have to lead evidence. The accused led evidence of mutual enmity between himself and the parents of the victim over a property dispute to prove that the complaint was falsely and maliciously made. Neighbours and family members of the accused were examined as witnesses who testified to the existence of such enmity. Thereafter, final arguments were made and the judgment was reserved. In its verdict, the trial court held that the accused had been unable to rebut the presumption against him under the POCSOA of having committed the offences as evidence of enmity did not in fact prove that the allegations were falsely made. Thereafter, the trial court proceeded to convict the accused for the offences charged and sentence him to ten years imprisonment and fine of Rs.10,000.

Mr.A appeals his conviction in the High Court. He simultaneously challenges the constitutionality of S.29 and S.30 of the POCSOA as depriving him of rights under Article 21 of the Constitution. Notice is issued on the constitutional challenge to the Union of India. Prepare pleadings and argue on both sides on the constitutionality of the said provisions.

MOOT PROBLEM - NO. 2

(FOR SECOND ROUND)

In the trial before the Principal District & Sessions Judge, Imaginary City, the prosecution alleged that on 26.07.2008 at about 1:15 am, the accused committed the murder of his wife, Sheela, in his house in Varthur by stabbing her with a knife. The prosecution alleged that the motive of the crime was that the accused doubted the chastity of his wife.

The case of the prosecution is that on the night of the incident, the deceased, the accused along with their two sons, were sleeping inside their house in Varthur in the same room. At about 1:15 am, the accused started stabbing the deceased Sheela and when she cried out for help, both the children got up and saw that the accused was there and that their mother had already been stabbed.

The prosecution has alleged that on being stabbed, the deceased started moving toward the front door, which was open, but she could not go out of the house. The prosecution case is that the children rushed to the house of their maternal uncle, Shankara, who is the complainant and resides in the immediate vicinity of the house of the accused.

However, the children also stated in their testimony that one of them had gone directly to the beat police stationed around 500 metres away from their house and alerted them. The complainant, along with other relatives, came to the scene and saw the deceased lying in a pool of blood in front of the neighbour's house. The beat police were also present at the scene by the time the complainant came there. The deceased was shifted by the complainant and the police in an injured condition to the hospital, where she died at 6:20 am while undergoing treatment.

The statement of Shankara was recorded by the police at the hospital on the basis of which the first information report was prepared at 5:30 am. The accused was arrested and investigation was conducted by the police into the said incident. The police completed investigation and submitted the charge sheet with 42 witnesses.

The accused was charged with the offence punishable u/s 302 IPC. The accused pleaded not guilty and claimed to be tried. The appellant was tried before the court of the learned Principal District & Sessions Judge.

Recording of evidence started exactly two years after the occurrence of the crime. Shankara was examined as PW1 and stated that the accused had stabbed the deceased thereby killing her. He also testified that the FIR was registered upon his complaint given at the hospital where his sister was undergoing treatment. Shankara further states that after the death of his

wife, her two children are living with him and his family. He further states that on the night of the murder, the two children came running to his house at around 1:30 am and said that their mother had been murdered.

The prosecution examined the two children as PW2 and PW3. At the time of examination in court, the two children were aged 9 and 11 years respectively. PW3 was questioned by the judge prior to his evidence being recorded. The judge asked him as follows, "Do you understand the difference between truth and false?" PW3 replied that he did. Thereafter, his testimony was recorded without the administration of the oath. The witness stated that his father and mother used to live harmoniously. However, the witness also stated that the accused murdered the victim.

PW2 was questioned by the judge prior to his evidence being recorded as follows, "Do you know why Jana Gana Mana is sung in the school everyday?" PW2 replied that he did not. Thereafter his testimony was recorded by the judge without the administration of the oath. The witness stated that his father and mother used to live harmoniously. However, the witness also stated that the accused murdered the victim.

It is also seen from the records that just before the cross examination of the witnesses PW2 and PW3, the judge administered the oath to them.

The prosecution got marked MO6 and MO7 which are two knives recovered from the house of the accused. Prosecution introduced these as the murder weapon. At the time the police seized MO6 and MO7 from the scene of the crime, a seizure mahazar Ex P4 was drawn up. One of the witnesses to the seizure, PW11, who also signed the mahazar, on his cross examination, states that he did not read the contents of the mahazar. He also stated that he was illiterate and only knew how to write his name (signature).

PW7 is the driver of the police jeep which was parked at the beat police check post 500 metres away from the scene of the crime. He testifies that one child aged around 6 years came running to him on the night of the murder. He said that the child was crying and managed to tell him to come to his house because his mother had been murdered. Thereafter, PW7 immediately left with the child to reach the scene of the crime, where some people had already assembled. He states that the murder victim was lying in a pool of blood in front of a house. Thereafter, he immediately contacted the jurisdictional police station, Varthur and informed the SHO on duty of the occurrence of a cognisable offence within the police station limits. This was around 1:45 am.

PW8 is the SHO on duty at the time the murder was committed. He admits to having received the wireless communication from PW7 and states that he immediately despatched 2 police constables and another police jeep to go to the murder scene and guard the area. Thereafter, at around 4:30 am, he himself proceeded to the hospital to record the dying

declaration of the victim and the complaint.

PW12 is the treating doctor at the hospital who treated the victim, He testifies that the victim was in a fit condition to make a statement till around 4 am and after that she lost consciousness until she died at around 6:20 am. He states that the cause of the death was excessive haemorrhage and trauma due to lacerated cuts which had penetrated portions of the colon, stomach and liver of the victim. His version is verified by the post mortem report, Ex P 3.

No evidence is produced on behalf of the defence. Accused was examined under S.313 Cr.P.C. and his defence was one of total denial to the offences alleged against him.

Based on the above information only, and assuming that the recording of the evidence has been completed, argue for the defence and the prosecution.

MOOT PROBLEM - NO. 3

(FOR SEMI - FINAL ROUND)

1. Aryavarta is a developing country situated in the continent of Asiaasia. Aryavarta has been a British Colony for approximately 190 years. It is one of the biggest countries of Asiaasia having diversity in its population in terms of language, culture and geography. Aryavarta became independent in the year 1947 from the British Empire and the people of Aryavarta gave to themselves their own Constitution in the year 1950. The Constitution makers, after referring to the Constitutions of different countries, gave to its people one of the most unique Constitutions keeping in mind the population, demography, cultural and linguistic diversity of Aryavarta.

2. Vijay-rashtra is one of the most developed states in Aryavarta. In the year 1978, a person called Paschim Patel initiated a movement of co-operative society in Vijay-rashtra. He stayed in a small village called "Dariya" from where he opened a small co-operative dairy which today has become the country's biggest co-operative society. His colleague Purab Shyam who was the village mukhiya helped him in connecting with the local people and with the technological and management supervision of Paschim Patel, the co-operative society "Grandmother Dairy" became the biggest co-operative society in Aryavarta.

3. In the year 1986, Vijay-rashtra assembly elections had taken place wherein for the first time, the Government of Poora Vijay-rashtra Apna ("PGA") political party came into power. The ruling party of Aryavarta Kutch-Saurashtra-Bhuj ("KSB") was thrown out of power from Vijay-rashtra. Purab Shyam, who belonged to KSB was out of power in his constituency and his control over the people and the co-operative society had reduced. Meanwhile "Grandmother Dairy's" governing body's term which was supposed to be over on 23.6.2012, was to face elections for the new governing body.

4. In backdrop of these events, the Parliament of Aryavarta brought about the constitutional amendment in the co-operative society sector, inserting certain provisions in the constitution called the 97th amendment. Due to the provisions of the new constitutional amendment, the term of the governing body of "Grandmother Dairy" which was supposed to be over on 23.06.2012, got extended for another two years. The Constitutional amendment also mandated the states of Aryavarta including the state of Vijay-rashtra to amend their local acts pertaining to co-operative societies in conformity with the new constitutional amendment. Mr. Paschim Patel, the pioneer in bringing the co-operative society reform in Vijay-rashtra, felt that the said amendment was brought about only to save the representation of KSB political party in "Grandmother Dairy". He filed a petition in the High Court of Vijay-rashtra under Article 226 of the Constitution of Aryavarta

seeking a prayer inter alia for holding elections in “Grandmother Dairy” in conformity with the local co-operative society act of Vijay-rashtra. He also prayed for quashing and setting aside of the 97th Constitutional Amendment on several grounds, one of them being non-conformity with the procedure laid down under Article 368 (2) of the Constitution of India.

5. The Hon’ble High Court of Vijay-rashtra dismissed the petition on all grounds and directed “Grandmother Dairy” to hold elections after two years in conformity with the new constitutional amendment. The said judgment was received well by the State of Aryavarta and surprisingly Mr. Paschim Patel did not challenge the decision before the Hon’ble Supreme Court. However, another co-operative banking society called “ANMOL” wanted to challenge the same before the Hon’ble Court. Hence, “ANMOL” through its Managing director filed a petition under Article 136 of the Constitution in the Hon’ble Supreme Court of Aryavarta. The Hon’ble Supreme Court of Aryavarta issued notice to the Attorney General and to other concerned parties. The Hon’ble Supreme Court was pleased to issue notice keeping all the questions of law open for arguments including the maintainability of the petition.

Note:

1. The Constitution of Aryavarta is pari materia to the Constitution of India. All the laws of the State of Aryavarta are pari materia to the law of the India and the local acts of the state of Vijay-rashtra are pari materia to the laws of the state of Gujarat.
2. The 97th Amendment in the Constitution of Aryavarta is pari materia to the provisions of the 97th Constitutional Amendment.
3. Please refer to the Gujarat Co-operative Societies Act, 1961.

MOOT PROBLEM - NO. 4

(FOR FINAL ROUND)

Dr. Ibn Jaqúb Rasool, aged 42, is a Sunni Muslim who is the Professor and Head, Department of Linguistics at Anoor University (Deemed University), New Delhi. On October 17, 2017, Dr. Ibn Jaqúb Rasool contracted a *nikah* with Ms. Farzana, aged 24, a Sunni Muslim working as Assistant Professor, Department of Post-Modernist Islamic Thought at Anoor University (Deemed University), New Delhi. The *nikahnama* was signed by the groom, the bride, the *Qazi* who solemnised the *nikah* and three (one male, two female) witnesses at the time of the *nikah*. The *nikahnama* contained a clause stipulating that both husband and wife to this *nikah* could dissolve the *nikah* by *talaq-e-biddat* at any time. Soon after their *nikah*, the couple started residing in Maitri Colony, New Delhi. In November, 2018, Mr. Feroze, aged 26, started residing in the same neighbourhood, in the bungalow right next to Dr. Ibn Jaqúb Rasool and Ms. Farzana's bungalow. Mr. Feroze, a young and dynamic journalist, had completed his Masters in Journalism from the Oxford University, London. Mr. Feroze had also recently courted controversy for his views on Islam which were deemed profane by many practicing the faith. On Mr. Feroze's arrival in the neighbourhood, Dr. Ibn Jaqúb Rasool warned Ms. Farzana against befriending him as he seemed to be a trouble-maker.

On January 14, 2019, when Ms. Farzana was busy preparing her lecture in her study room, Dr. Ibn Jaqúb Rasool snooped through her mobile phone which was kept on the dining table, and was shocked to find that for each of the past ten days, she had been sending the following messages on the messaging app, Whatsapp, to Mr. Feroze:

Ms. Farzana: " <i>Good morning Sunshine!</i> "	6.00 am
Ms. Farzana: " <i>Good night! Sweet Dreams!</i> "	11.30 pm

Mr. Feroze had replied to Ms. Farzana's text on January 10, 2019, and they had the following conversation on Whatsapp:

Ms. Farzana: " <i>Good morning Sunshine!</i> "	6.00 am
Mr. Feroze: " <i>It's indeed a lovely morning!</i> "	6.05 am
Ms. Farzana: " <i>I see you having dinner alone every night. You can join us for dinner tonight at our place. I cook the most delicious Biryani!</i> "	6.05 am
Mr. Feroze: " <i>You just made me an offer I can't refuse! See you at 8 pm tonight!</i> "	6.10 am
Ms. Farzana: " <i>Lovely! See you! XOXO</i> "	6.15 am

On reading the said conversation, Dr. Ibn Jaqúb Rasool recalled that he had been away from home on the night of January 10, 2019 as he had to attend a dinner meeting with his colleagues, where he wanted his wife to accompany him but she had refused saying his colleagues were too pretentious and she didn't want to ruin a perfectly wonderful evening by spending time with them. Therefore, Dr. Ibn Jaqúb Rasool was enraged and yelled Ms. Farzana's name and asked her to come out of her study room. As soon as Farzana came out of the room, Dr. Ibn Jaqúb Rasool showed her the messages and they had the following conversation:

Dr. Ibn Jaqúb Rasool: *"Sa valetaja! ("You liar!" in the Estonian language)"*
"This is what I get for loving you more than my life!"

Farzana:

"You are mistaken, my dear! This is a huge misunderstanding."

Dr. Ibn Jaqúb Rasool:

"Tell me! Am I not good enough for you?"

"Azt hiszed bolond vagyok! ("You think I'm a fool!" in the Hungarian language)".

"You think I am a foolish old man who will believe whatever you tell him and trust you blindly, while you go and seduce that sinner behind my back! You snake!"

"Te bűnös! ("You sinner!" in the Hungarian language)."

Ms. Farzana:

"What are you saying? Please calm down and hear me out."

Dr. Ibn Jaqúb Rasool:

"What do you have to say now? I don't want to listen to any more of your lies."

Ms. Farzana:

"I was just trying to be a polite neighbour."

Dr. Ibn Jaqúb Rasool:

"Oh palun! ("Oh please!" in the Estonian language)"

"Then how come you never mentioned this neighbourly rendezvous to me? You bore me every day for hours with every sundry detail of your life, and this you miss to tell me! Unbelievable! At least don't insult my intellect."

Farzana:

"You can ask him, darling! We just ate a Pizza and then he went away."

Dr. Ibn Jaqúb Rasool:

"If one more lie comes out of your dirty mouth...."

"Přísahám Alláhovi... ("I swear to Allah..." in the Czech language)"

Don't push me!

Ms. Farzana:

"Please listen to me! I love you!"

Dr. Ibn Jaqúb Rasool:

"I don't want to listen to you. You listen to me.."

"Zničil jsi můj život! ("You destroyed my life!" in the Czech language)"

***“ You cannot be my wife...I want you go away!”
“Rozvod (“divorce” in the Czech language)!
Válás (“divorce” in the Hungarian language)!!
Lahutus (“divorce” in the Estonian language)!!!”***

On January 15, 2019, Ms. Farzana moved out of their matrimonial household and rented an apartment near the Anoor University in New Delhi. On January 20, 2019, Ms. Farzana discovered that she was pregnant with a two-week-old foetus. She immediately went to Dr. IbnJaqúb Rasool to tell about her pregnancy but he berated her saying she should inform the father of the child instead. Dejected, Farzana sworn to never contact Dr. Ibn Jaqúb Rasool again and to raise her child single-handedly.

On March 15, 2019, Mr. Feroze wrote a social media post professing his unconditional love for Ms. Farzana and asking her to marry him. Ms. Farzana was furious owing to the public nature of the proposal and condemned Feroze for being immature and insensitive to her situation. Thereafter, Ms. Farzana told Mr. Feroze in a private conversation that she was not mentally prepared for another marriage and would like to have a live-in relationship with him instead.

On August 5, 2019, Ms. Shamika Gupta, aged 20, a second year law student at Anoor University (Deemed University), New Delhi filed an FIR against Dr. Ibn Jaqúb Rasool for committing an offence under Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019. Ms. Shamika Gupta is the daughter of Ms. Farzana’s third cousin Mr. Farooq Ali and Ms. Shalini Gupta and writes a popular internet blog on the theme of Feminism and Islam.

During the course of investigation, the following statements were made to the Investigation Officer:

Ms. Shamika Gupta

“I am Shamika Gupta. I am a second year law student at Anoor University (Deemed University), New Delhi. I am the daughter of Farzana’s third cousin Farooq Ali and Shalini Gupta. I have taken her mother’s surname because I identify more with her and am also a practicing Hindu. I have always been close to Ms. Farzana, not only because she is my aunt but also because she is a woman I have always looked up to. Her liberal outlook towards her faith and the courage to pursue her heart’s calling have always inspired me. But all women who use their own mind and follow their hearts have to pay a price in our patriarchal society. When I learnt from her about how her husband had attempted to throw her out of matrimony in a fit of unfounded suspicion, I told myself that if I didn’t act upon it and try to help her, I would be doing my education a great disservice. I

can understand why she didn't initiate a complaint against her husband; she still loves him and is too shell-shocked to take any action. But I know she will be proud of me and grateful to me for what I have done. Men like Dr. Ibn Jaqúb Rasool deserve nothing less than being in prison!"

Ms. Farzana

"I am Farzana- the woman whose husband ended two years of marriage with her in five minutes. What do I say now? My husband never asked me before ending the marriage and Shamika never asked me before filing this case! Do I want my husband to go to prison? I don't care! I have nothing to do with him now. You can carry on with the case and if he goes to prison, it's okay, but it still won't make a difference to my life. I am not getting my marriage back. My only concern now is the welfare of my unborn child. I want to try everything in my capacity to give my child the best life."

Mr. Feroze

"I am Feroze. I am a Sunni Muslim hailing from Rampur and am a journalist working for the Tez Tarrar Daily News, New Delhi. I have been living in the house next to Dr. Ibn Jaqúb Rasool since I moved in here in November, 2018. I never found Dr. Ibn Jaqúb Rasool approachable, so I didn't interact with him, but Farzana was a very warm neighbour and always made sure I did not feel alone in this madness of a city. She was always looking out for me and was always there for me whenever I was in need of help. On January 10, 2019, Farzana invited me for dinner at their place. When I reached their place, she told me that Dr. Ibn Jaqúb Rasool had to leave for an urgent meeting. At dinner, we relished the Biryani made by Farzana and discussed everything under the sun from politics to marriage. Thereafter, on January 14, 2019, I was watching television at home when I heard Dr. Ibn Jaqúb Rasool screaming at the top of his voice. I got curious and went near the window to watch their altercation. That is when I gathered that he had misunderstood my friendship with Farzana for a romantic alliance and gave Farzana the triple talaq. I felt guilty that a kind soul like Farzana had to suffer because of me. I made a promise to myself to look after her well-being."

Princess Rahila

"I am Princess Rahila of the Royal Family of Nation of Brunei, Abode of Peace and the mother of Dr. Ibn Jaqúb Rasool. I met his father, Mohd. Rasool, who was in the Indian Foreign Service and was India's Consul General to many countries, including Morocco, Czech Republic, Malaysia, Hungary and Estonia, in the year 1975. His father's work took us to various countries, and my son always showed proficiency in picking up a new language. Therefore, he is fluent in many foreign languages and took up a career in Linguistics. Farzana and my son were a match made in heaven. They were so happy and very much in love. My son loved Farzana more than anything or anyone and I can only imagine his plight when he found out about her betrayal. When all this happened, I was on a vacation in the Catskills, New York, and came back only on August 6, 2019. When I met

my son, he was in shambles and told me that he said those three dreadful words in a fit of rage and had no intention of dissolving his marriage with his wife. He was crying and remorseful of his conduct.”

Mrs. Meherbano K.

“I am Mrs. Meherbano K.. I am a mutual friend of Dr. Ibn Jaqúb Rasool and Farzana and I had introduced them to each other. I was also one of the three witness to their nikah. I am extremely saddened at the news of their marriage not working out. However, the criminal charge against Dr. Ibn Jaqúb Rasool is ridiculous, to say the least! Their nikahnama clearly spells out the right of either party to the marriage contract to repudiate the nikah at any time by talaq-e-biddat. Also, their nikahnama was entered into prior to the criminalisation of talaq-e-biddat. Therefore, this police business for my friends’ domestic issue is beyond my comprehension!”

On August 20, 2019, the Investigating Officer filed the chargesheet against Dr. Ibn Jaqúb Rasool for committing an offence under Section 4, Muslim Women (Protection of Rights on Marriage) Act, 2019 at the Sessions Court, New Delhi. The Sessions Court found Dr. Ibn Jaqúb Rasool guilty and convicted him for the said offence.

On October 25, 2019, Dr. Ibn Jaqúb Rasool filed an appeal against conviction at the Delhi High Court. Argue before the Delhi High Court for the State of NCT of Delhi and Dr. Ibn Jaqúb Rasool.

*For any clarifications pertaining to the
Moot Problems, participants may write to -*

bcimoot2019@kls.ac.in

TIMELINE FOR THE COMPETITION

PARTICULARS	DATE & TIME
Last Date of Registration (via e-mail) along with a scanned copy of Registration Form & Demand Draft.	September 15, 2019
Last Date of Seeking Clarifications for Problem 1	September 20, 2019
Last Date of Registration Form (hard copy) & original demand draft	September 25, 2019
Release of clarifications for Problem 1	September 27, 2019
Last Date of Seeking clarifications for all other Problems	September 27, 2019
Confirmation of Registration & Team code allotment	October 2, 2019
Soft-copy Memorial for Problem-1, & Travel Plan Submissions	October 6, 2019 By 5:00 PM
Release of clarifications for all other Problems	October 6, 2019
Hard-copy Memorial for Problem-1, & Travel Plan Submissions	October 12, 2019
Registration/Inaugural Ceremony/Draw of Lots/Exchange of Memorials	October 19,2019
Qualifying Round -1	October 19,2019
Qualifying Round – 2	October 20,2019
Semi Final / Round- 3	October 20,2019
Final / Round-4	October 21,2019
Valedictory Ceremony	October 21,2019