



**10<sup>TH</sup> KIIT INTRA MOOT COURT COMPETITION**

(KIMCC), 2018

Organised by:-

**KIIT Law School Moot Court Society**

School of Law, KIIT University.

Conducted on: March 31<sup>st</sup> – 1<sup>st</sup> April, 2018

## **KIMCC BROCHURE**

1. MOOT PROPOSITION
2. THE KIMCC RULES, 2018
3. THE TIMELINE
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## **MOOT PROPOSITION**

1. Mrs. Payal Singh is a citizen of India and is a resident of New Delhi. She is a Professor of sociology in School of Law, Utpal Institute of Technology. Her notable contribution to gender neutrality has often been cited in academics and used by various government institutes across the world for formulating policies. Her thesis on sex determination and female infanticide is widely accepted and appreciated at large in the world community. Her research papers and opinions are published on 'Knowledge Quest' which is an online journal freely accessible and has a wide circulation/following throughout the world. She is also very active on social media and has thousands of fans/followers on Social Book and Twinkle, which are social networking websites used widely throughout the world.

2. On 24 January 2010, Mrs. Singh was married to Mr. Harminster Singh. Mr. Singh is a Professor of Family Law in the same Institute. After 2 years of wedlock, she gave birth to a son. The whole family was overjoyed, and old members of the family congratulated her for giving birth to a male successor of the family. Her mother-in-law in the family gathering commented that she always wanted a grandson over a granddaughter. Hearing this, she was taken aback, and she started thinking as to how her family members are thrived in the nooks and alleyways of patriarchal mindsets, and are cosseted by centuries of mental conditioning for want of a male child. She wondered that even in 21<sup>st</sup> century, people want a male child and abominate and condemn birth of a female.

3. After a few months, Mrs. Singh decided to balance her family by giving birth to a daughter. However, she was mindful of the fact that naturally, it's a possibility and not a certainty. She was also aware that by use of medical science she could overcome this possibility and choose a desired sex. She expressed her desire to her husband, but he admonished this idea, not because he disliked the idea of a girl child, but because he was against pre-natal sex selection. After many rounds of discussions on this subject and after constant fights he finally agreed for pre-natal sex selection.

4. Mrs. Singh for months searched on the internet a clinic which can conduct sex selection however she was not able to locate any result of her search. She also realized that the auto-complete feature in Toodle Search Engine doesn't work when a keyword regarding gender selection is searched/entered. She even tried to locate sponsored advertisements for her search result but was not able to find any on the search engine.

5. Mrs. Singh narrated her problem to Mrs. Kamala Singh, one of her close friends, who is working in an IT firm in Dubai. She from her computer did a general search on Toodle and located some sponsored advertisements. She was surprised as to how Mrs. Singh is not able to identify while she can find many such clinics in Dubai. One such ad led to a homepage of a hospital 'We Care' near her house in Dubai where this facility of pre-natal sex determination was available. It was a global franchise of hospital and medical care and had a few branches in New Delhi as well. However pre-natal sex selection was not available in New Delhi. She forwarded the link to the website to Mrs. Singh and asked her to enter the same on her web-browser. After entering the web link, the site opened, and she registered herself and booked an appointment for the pre-natal

sex determination therapy. In a few days, she received a confirmation email prescribing her the dates for undergoing the treatment, on her Toodle account.

6. In January 2013, she left for Dubai along with her husband and went through the procedure, and the same was successful under the supervision of Dr Kamlesh Nath who is specialized in this field. After four months of pregnancy, she went to Dubai again, and an ultrasound was done by Dr. Kamlesh Nath which confirmed that it was a girl. In 9 months' time, she gave birth to a girl and was satisfied with the technique of pre-natal sex determination. After coming back to India, she wrote various research papers on the benefit of family balancing and advocated the idea of using this method to end the gender difference in India. She extensively wrote about her experience and defended the idea of using family balancing for decreasing the gender difference. Mixed reactions were received on Social Book and Twinkle. Some supported her, while others criticized her for using unorthodox methods of gender selection. Many of her colleagues after following her advice opted for family balancing by undergoing such similar procedure in Dubai and were satisfied with the results.

7. Mrs. Singh's articles and post on sex selection for family balancing went viral and came in the attention of a news reporter Mr. Hardik Matel who wrote a column on her criticizing her approach and alleged that the same was illegal and against Indian public policy. He also filed an FIR against her for the offence under Pre-Conception & Pre-Natal Diagnostic Techniques Act, 1994 ("PC-PNDT"). The Police started investigating the matter and even made Dr Kamlesh Nath an accused, who now happened to be working in a sister hospital of We Care in New Delhi in gynecology department.

8. While the investigation was ongoing, there were agitations and series of violent attacks on the hospital We Care in New Delhi. People came down on streets and made a severe demonstration before the Parliament, Supreme Court and High Court. To control the situation, the police stopped all internet and SMS services for 72 Hours. The Police to monitor the situation further issued various blocking order to Toodle, Knowledge Quest, Social Book and Twinkle to take down all websites, posts, Twinkle (posts made on Twinkle) and any other online literature written or posted by Mrs. Singh. Twinkle CEO being fearful of criminal action blocked the Twinkle account of Mrs. Singh. However, Toodle, Knowledge Quest and Social Book (collectively referred as "**intermediaries**") characterized her posts as literature and denied the blocking of the posts and papers published by Mrs. Singh on their website, even they considered such blocking as a blanket order passed without application of mind. The Police threatened the CEO's of the aforesaid intermediaries that they will lose the protection under the Information Technology Act, 2000, ("**IT Act**") if they don't comply with the blocking order.

9. In order to challenge the aforesaid blocking order, the CEO of Toodle Mr. Mark Antony, a citizen of America, the CEO of Knowledge Quest Mr. Julies Caesar, a citizen of Britain, and Mr. Manish Yadav the CEO of Social Book, a NRI challenged the blocking order before the Hon'ble Supreme Court of India under Article 32 of the Constitution of India on behalf of the fully owned subsidiary Company registered under the Companies Act, 1956 after being authorized by its board to act on behalf of the Company, management and its employees

majority of which were Indians. Mrs. Singh also challenged the validity of FIR filed against her under Article 32 before the Hon'ble Supreme Court of India. Dr Kamlesh Nath also questioned the validity of the FIR registered against him under Article 32 before the Hon'ble Supreme Court. The Supreme Court decided to hear all the aforesaid writs together and framed the following questions: -

- a) Whether the FIR filed against Mrs. Singh is valid, and her acts constitute an offence under PC-PNDT Act?
- b) If not, whether the FIR registered and actions taken by the Police in pursuance of the same against Mrs. Singh is in violation of her Right to life guaranteed under Article 21 the Constitution of India?
- c) Whether the FIR filed against Dr Kamlesh Nath is valid, and his acts constitute an offence under the PC-PNDT Act?
- d) If not, whether the FIR registered against Mrs. Singh is in violation of her Right to life guaranteed under Article 21 the Constitution of India?
- e) Whether the writs filed by the intermediaries is maintainable before the Supreme Court under Article 32 of the Constitution of India claiming the violation of Article 19(a) and Article 21?
- f) Whether the blocking order issued by the Police is valid under the IT Act?
- g) Whether the intermediaries have lost the protection provided under the IT Act by not complying with the blocking order passed by the Police?
- h) If not, whether the blocking order issued by the Police is in violation of Article 19(a) and Article 21 of the Constitution of India?

The Hon'ble Supreme Court has directed both the Counsels (Counsel on behalf of Mrs. Singh, Dr Kamlesh Nath and the intermediaries, and Counsel on behalf of Union of India) to address only these issues.

The matter is listed for final arguments on \_\_\_\_\_ and the Hon'ble Supreme Court has directed the parties to file their memorials of written arguments before \_\_\_\_\_.

## **KIMCC RULES & PROCEDURE**

### **A. TEAM COMPOSITION**

1. Each team shall consist of three members, comprising of two speakers and one researcher.
2. Students willing to participate can form team within their year or they can form teams consisting of members from different years as well. KLSMCS shall bear no responsibility for team formation.
3. Any alteration in the names of the team members shall be informed through e-mail before last date of registration i.e. **25<sup>th</sup> January, 2018** at [kimcc2018@gmail.com](mailto:kimcc2018@gmail.com). However any such alteration shall be permitted **only once**.

### **B. PARTICIPATION AND REGISTRATION PROCEDURE**

1. Interested teams should register themselves by submitting the attached Registration Form to Dr. Sthita Prajna Mohanty (Assistant Professor) (Faculty Co-Convener, KLSMCS) or Mr. Subhankar Biswal (Student Co-Convenor, KLSMCS) on or before **25<sup>th</sup> January, 2018, 5:00 PM**.
2. The Top 30 participants shall be allotted the National Moot Court Competitions from the list mentioned in the Annexure A.
3. Memorial submission is mandatory in order to appear for the oral rounds.
4. No person to person query will be entertained, every query will be entertained through formal email at [kimcc2018@gmail.com](mailto:kimcc2018@gmail.com).
5. For further information of dates please refer to the Timeline attached.
6. **Participants are directed not to approach faculty members of KIIT School of Law, for consultation purpose. Violation of this rule would lead to disqualification.**

### **C. MEMORIAL SUBMISSION GUIDELINES / RULES**

The following guidelines for the memorials must be strictly followed. Non-compliance will entail penalties as provided below:

1. Teams have to prepare memorials for both the Appellant and the Respondent.
2. Teams shall submit soft copy at [kimcc2018@gmail](mailto:kimcc2018@gmail.com) and **4 (four)** hard copies of the memorials for each side (Appellant & Respondent) (**Total 4 X 2 =08 Memorials**) on or before: **23<sup>RD</sup> March 2018, 5:00 PM** to Dr. Sthita Prajna Mohanty (Faculty Co – Convener) in person.

3. The memorials have to be submitted on A4 size paper, printed on only one side, and must contain the following sections.

I. Cover Page;

II. Table of Contents;

III. Index of Authorities;

IV. Statement of Jurisdiction;

V. Statement of Facts;

VI. Statement of Issues;

VII. Statement of Arguments;

VIII. Arguments Advanced

IX. Prayer for Relief

4. The memorials must be printed in Times New Roman 12 font size with 1.5 line spacing. The footnotes must be in Times New Roman 10 font size with 1.0 spacing. And should contain the '**Team Code**' on cover page. (**Top-Right Corner**)

5. The arguments advanced should not exceed 15 pages.

6. The memorials as a whole should not exceed 25 pages including the cover page.

7. The memorials should be covered with a plastic cover or a spiral bound.

8. The memorials should have a margin measuring one inch on all sides of each page.

9. The page numbering should be on the bottom of each page.

**10. The Appellant's memorial cover page shall be printed on Blue Colour A4 size paper, and Respondent's memorial cover page on Red Colour A4 size paper.**

11. The teams have to use the latest edition of Blue Book for citation format throughout the memorial.

12. Footnotes shall contain only the citations. There shall be no speaking footnotes in the memorial.

**13. The maximum scores for the memorial shall be 100 marks. The memorials shall be evaluated on the following criteria** and any non-compliance with above criteria shall result in penalty of 2 marks per missing section.

## **PARTICULARS MARKS**

|                                   |          |
|-----------------------------------|----------|
| 1. Knowledge of Law and Facts     | 30 Marks |
| 2. Proper and articulate analysis | 20 Marks |
| 3. Extent and use of Research     | 20 Marks |
| 4. Clarity and Organization       | 20 Marks |
| 5. Grammar and Style              | 10 Marks |

**TOTAL 100 Marks**

## **D. ORAL ROUNDS**

1. Each team will get a total of 15 minutes to present their case. This time will include rebuttal and sur-rebuttal. Any time exceeding the allotted time shall be penalized. The penalty shall be of 1 marks for every two minutes exceeded. However extension of time is permissible at the discretion of the judges.
2. There shall be two oral rounds per team, presenting both appellant and respondent.
3. The division of time per speaker is left for the discretion of the team subject to a minimum of 5 minutes per speaker.
4. The oral argument should be confined to the issues presented in memorial.
5. The researcher shall be present with the speaker during the oral rounds.
6. Passing of notes/chits to the speaker is not allowed.
7. The participants shall be mandatorily abide by the dress code as per prescribed by the Bar Council of India.
8. Strict Adherence to Court Manners shall be observed by all the participants.
9. Maximum scores for the oral rounds shall be 100 points per speaker.

**The oral rounds shall be judged on the following criteria:**

**PARTICULARS MARKS**

- |                                        |          |
|----------------------------------------|----------|
| 1. Knowledge of Law                    | 20 Marks |
| 2. Application of Law to Facts         | 20 Marks |
| 3. Ingenuity and Ability to Answer     | 20 Marks |
| 4. Style, Poise, Courtesy and Demeanor | 20 Marks |
| 5. Time Management                     | 10 Marks |
| 6. Organization                        | 10 Marks |

**TOTAL 100 Marks**

**E. FINALITY OF DECISION**

The decision of the judges with regard to the outcome of the rounds shall be final.

**F. CLARIFICATIONS**

All clarifications regarding the Moot Problem should be sent before 20.01.2018 to [kimcc2018@gmail.com](mailto:kimcc2018@gmail.com). No questions/clarifications over phone/ any means other than e-mail shall be entertained.

**G. AWARDS**

- |                                   |                                             |
|-----------------------------------|---------------------------------------------|
| 1. <b>Winner</b> –                | KIMCC Winner’s Trophy & Book Hampers        |
| 2. <b>Runner’s-up</b> –           | KIMCC Runner’s up Trophy & Book Hampers     |
| 3. <b>2nd runner’s up</b> –       | KIMCC 2nd Runner’s-up Trophy & Book Hampers |
| 4. <b>Best Memorial</b> –         | KIMCC Best Memorial Award & Book Hampers    |
| 5. <b>Best Speaker (Male)</b> –   | KIMCC Best Speaker Medal & Book Hampers     |
| 6. <b>Best Speaker (Female)</b> – | KIMCC Best Speaker Medal & Book Hampers     |
| 7. <b>Best Researcher</b> –       | KIMCC Best Researcher Medal & Book Hampers  |

**\*All the participants would be provided with certificate of participation.**

**THE TIMELINE**

| <b>PARTICULARS</b>                                                                | <b>DATE</b>              |
|-----------------------------------------------------------------------------------|--------------------------|
| 1. Disclosure of Moot Court Proposition                                           | 19-12-2017               |
| 2. Last Date of clarification                                                     | 22-01-2018               |
| 3. Last Date of Registration                                                      | 25-01-2018               |
| 4. Release of Clarification                                                       | 30-01-2018               |
| 5. Team Code allotment                                                            | 01-03-2018               |
| 6. Memorial Submission (Both Sides)                                               | 23-03-2018               |
| 7. Researchers Test                                                               | 30-03-2018               |
| 8. Party Allotment & Exchange of Memorials<br>Note: Time shall be notified later. | 29-03-2018               |
| 9. Oral Rounds                                                                    | 31-03-2018<br>01-04-2018 |
| 13. Declaration of Result                                                         | 10-04-2018               |
| 14. Award Function & Prize Distribution                                           | 15-04-2018               |

**#Disclaimer: The KLSMCS, hereby reserves the right to add/modify/alter/repeal any of the above mentioned rules, dates and time with notification to the same effect.**

## **ORGANIZING COMMITTEE**

**Prof. P K  
Sarkar**  
Chairman  
KLSMCS

**Prof. (Dr.) N.K.  
Chakrabarti**  
Director  
School Of Law

**Asst. Prof. Pratiti Nayak**  
Faculty Convenor  
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**“All KLSMCS Faculty and Student Members”**

#(All Communications are to be addressed to the below mentioned official e-mail id.)

**Email Id:** [kimcc2018@gmail.com](mailto:kimcc2018@gmail.com)

**FOR REGULAR UPDATES**

[www.facebook.com/ksmcs](http://www.facebook.com/ksmcs)

**REGISTRATION FORM  
(TO BE FILLED IN CAPS)  
PARTICIPANTS DETAIL**

**SPEAKER 1**

FULL NAME: .....

ROLL NO & SEMESTER:.....

SIGNATURE

GENDER: .....

CONTACT NO: .....

E- MAIL: .....

**SPEAKER 2**

FULL NAME: .....

ROLL NO & SEMESTER: .....

SIGNATURE

GENDER: .....

CONTACT NO: .....

E- MAIL: .....

**RESEARCHER**

FULL NAME: .....

ROLL NO & SEMESTER: .....

SIGNATURE

GENDER: .....

CONTACT NO: .....

E- MAIL: .....

*[To be submitted to Dr. Sthita Prajna Mohanty (Faculty Co-Convenor) or Subhankar Biswal (Student Joint Convenor) on or before 25<sup>th</sup> January, 2018 in person]*