

4th



CAREER POINT UNIVERSITY



National Moot Court Competition (21-22 April, 2023)



SCHOOL OF LEGAL STUDIES & GOVERNANCE

Bhoranj (Tikker-Kharwarian), Hamirpur (Himachal Pradesh) - 176041

 96253-80006/7  www.cpuh.in  hp@cpuniverse.in



ABOUT THE UNIVERSITY

The Career Point University has been established under the Government of Himachal Pradesh vide Act number 12 of 2012 under Section 2(f) of the UGC Act, 1956. School of Legal Studies and Governance has been started in 2014 by the approval of Bar Council of India. Presently the School is offering undergraduate programs in law i.e B.A.LLB and LLB, post-graduate program in law i.e. LL.M. and doctoral program in law i.e Ph.D. with the highly qualified and experienced faculty.



IMPORTANT DATES

| Sr. No. | Event | Date |
|---------|--------------------------------------|----------------|
| 1. | Last date of registration | 15 April, 2022 |
| 2. | Last Date of submission of memorials | 18 April, 2022 |
| 3. | Preliminary rounds | 21 April, 2022 |
| 4. | Semi-finals and finals | 22 April, 2022 |

Registration:

All the participating institutions have to ensure their participation by fulfilling the online registration form. Single team (consisting of two mooters and one researcher) has to register combinedly by clicking on the below link:

<https://forms.gle/56FzawyAkfU3tLXw5>



Payment Details:

The participation fee is payable by the participants through Online Payment (NEFT/IMPS) (Kindly keep the copy of transaction safely and mentioned the same with registration form)

| | | |
|-------------------------------|---|---|
| Fee | : | INR 4000/- (Indian Rupees Forty Five Hundred) |
| Bank | : | Punjab National Bank |
| Branch Details | : | Kharwar |
| Name of A/c/Payee Bank | : | Chairman Conferences, CPU, Hamirpur (HP) |
| Account Number | : | 2993000101041956 |
| IFSC Code | : | PUNB0299300 |

Submission of memorials:

Soft copy all memorials must be mailed at lawdept@cpuh.edu.in before 18, April 2023. One hard copy has to be submitted through post which must reach by 20 April, 2023. The memorial must be prepared as per the guidelines attached with propositions. Deviation from guidelines will result into deduction of marks.

Awards and Prizes:

- ◆ The National Moot Court Competition will acknowledge the following with award and prizes:
- ◆ Winning team of final round will be awarded with trophy and a cash prize of INR 10,000/-
- ◆ Runner-up team of final round will be awarded with trophy and a cash prize of INR 5,000 /-
- ◆ Best mooter will be awarded with trophy and a certificate
- ◆ Best researcher will be awarded with trophy and a certificate
- ◆ Best memorial team will be awarded with a trophies and certificates.
- ◆ All the participants will be awarded with the certificate of participation.

Accommodation & Food:

Accommodations will not be provided by the organizers to the participating team members. However, on the request of the team, assistance can be given in booking the accommodation. The lunch for both days shall be provided by the organizers.

Note: No travelling allowance is to be paid by the organiser.

Rules and Guidelines:

I. STRUCTURE OF THE COMPETITION: The Competition will be structured as per the following format:

- ▶ Researcher's test
- ▶ Preliminary Rounds
- ▶ Semi Final Rounds
- ▶ Final Round



2. Language: The Language of the Competition shall be English.

3. Eligibility: Students pursuing 5 years Undergraduate law program (BALLB, B.Com.LLB, B.Sc.LLB etc.) or 3years Undergraduate law program (LLB) are eligible to participate in this competition. *An institute may send more than one team for participation in the Competition.*

4. Team Composition: ❖ The team composition, for the competition, shall comprise of three members (two of them shall be designated as Speakers and one Researcher).

❖ The Researcher may be permitted to argue as Speaker in case of illness or any unforeseen event, but the permission of the Moot Court Convener in such case shall be mandatory.

5. Conduct of Conduct: ❖ Each team shall be assigned alpha numerical codes for the competition and the same shall be the sole source of identity of the respective teams throughout the competition.

❖ The participating team will rely on the hard copies of cases, laws and Bare Acts. Use of cell phones and laptops is not permissible for proposing argument and citing any case law.

❖ Intake/use/mere possession of any prohibited substance (like cigarette/alcohol/narcotic substance) is strictly prohibited during the stay throughout the competition. Non-compliance may lead to immediate disqualification.

6. Dress Code: The participants shall adhere to following dress code when present in any court room during the Competition:

❖ **Girls:** White salwar and kurta or white shirt and black trousers along with black coat, black tie and black shoes.

❖ **Boys:** White shirt, black trousers and black tie along with black coat and black shoes.

7. Memorials: ❖ All memorials submitted for all purposes of the Competition shall strictly adhere to the rules of the Competition. Each Team participating in the Competition must prepare one Memorial on behalf of Petitioner(s)/ Appellant(s) and one on behalf of the Respondent(s). Further each team has to submit one hard copy of the Memorial from each side. Non-compliance will entail a penalty of 3 Marks per copy not submitted.

❖ Petitioner's memorials are required to have a Blue cover and Respondent's memorials are required to have a Red cover. The memorials shall not contain any form of identification apart from the team code. If any such identification or mark, symbol, etc. which has the effect of identifying the team is found on the memorial, then it shall result in instant disqualification. A penalty of 1 Mark shall be levied in case the memorial is submitted in any other format or as a multiple file by the team. The hard copy of memorial must be exact replica of the soft copy submitted with the Organizers. Any difference in the same will result in disqualification from the Competition.

GUIDELINES FOR FORMATTING

Memorial Structure:- The memorial must have following pages only.

► **Cover Page:-** The cover page shall contain name of the Court on the top, the case title and year of competition (on the left side of the memorial).

► **Table of Contents**

► **List of Abbreviations**

► **Index of Authorities**

► **Statement of Jurisdiction**

► **Statement of Facts**

► **Issues Raised**

► **Statement of Facts**

► **Pleadings/Arguments Advanced**

► **Prayer**



Team Code: The team code must be ascribed on the top right corner of the cover page.

Content Specifications: The following content specifications must be strictly adhered to

- | | | |
|------------------------------------|---------------------------------------|-------------------------------|
| ▶ Table of Contents | ▶ List of Abbreviations | ▶ Index of Authorities |
| ▶ Statement of Jurisdiction | ▶ Statement of Facts | ▶ Issues Raised |
| ▶ Statement of Facts | ▶ Pleadings/Arguments Advanced | ▶ Prayer |
- **Font and Size** (General) - Times New Roman, 12 pts
 - **Line Spacing** (General) - 1.5 lines
 - **Font and Size** (Footnotes) - Times New Roman, 10 pts
 - **Line Spacing** (Footnotes) - Single line
 - **Page Margins** - 1 inch on all sides
 - The Hard Copies of the Memorial shall be printed on only one side.
 - The citation should be uniform throughout the memorials.

MARKING CRITERIA FOR MEMORIALS:

| Marking Criteria | Marks Allotted |
|--------------------------------|----------------|
| Evidence of Original Thought | 20 |
| Knowledge of Law and Facts | 20 |
| Proper and Articulate Analysis | 20 |
| Correct format and Citation | 20 |
| Extent and Use of Research | 20 |
| Total Marks | 100 |

8. Researcher's Test:

- The Researcher's Test for the Competition shall be conducted on the first day, at the Campus of the School of Legal Studies & Governance, CPUH.
- Only the 'Researcher' is permitted to take the test. In case there are only two members in a team, one member shall be required to appear in the test.
- It is mandatory for each participating team to give the Researcher's Test.
- The test shall be conducted by way of marking and writing response to the questions from the question paper which shall be handed over to the participant (Researcher) on the spot.
- The researchers' test will include the questions relating to proposition and general awareness on laws, carrying 20marks.

09. Preliminary Rounds:

- Each team shall argue once from both sides, i.e., Petitioner and Respondent, order of which shall be decided by way of draw of lots to be conducted by the Organizers.
- No two teams shall face each other more than once in the Preliminary Rounds nor will they argue before the same panel of judges.



- Draw of Lots: The fixtures/match-up of teams in Preliminary Rounds shall be determined on the basis of the draw of lots.
- Each side shall get a maximum time of 30 minutes to present their arguments of which no Speaker shall be permitted to address the Bench for more than 18 minutes. The time limit is inclusive of the time for Rebuttal or Sur-rebuttal respectively. The maximum time for Rebuttal is 2 minutes and the maximum time for Surrebuttal is 1 minute. Each speaker is required to speak for a minimum of 12 minutes exclusive of the time taken for Rebuttals and Sur-rebuttals.

10. Semi-Finals:

- The top four Teams from the Preliminary Round shall qualify for the Semi-final round. It shall be a knock out round. The side of pleadings shall be determined on the basis of draw of lots.
- Each side shall get a maximum time of 45 minutes to present their arguments of which no Speaker shall be permitted to address the Court for more than 25 minutes. The time limit is inclusive of the time for Rebuttal or Sur-rebuttal respectively. The maximum time for Rebuttal is 5 minutes and the maximum time for Sur-rebuttal is 3 minutes. Each speaker is required to speak for a minimum of 22 minutes exclusive of the time taken for Rebuttals and Sur-rebuttals.
- The winner of each courtroom fixture i.e., 2 Teams from the semi-final round shall proceed to the final round.

11. Final Round:

- The top two Teams from the Semi-Final Round shall qualify for the final round. It shall be a knock out round, where the side for pleading shall be determined on the basis of draw of lots.
- The maximum time for arguments shall be the same as in the Semi-finals.
- The Winner of the Final Round shall be declared the winner of the Competition.

Contact Details

Dr. Anupam Manhas

Faculty Convenor
9736677124

Dr. Manu Sharma

Faculty Co-Convenor
9857229085

Mr. Sanjeev Kumar

Faculty co-ordinator
7018504325

Mr. Praveen Thakur

Student co-ordinator
7580088420

Ms. Khushboo

Student co-ordinator
8219287950

Mr. Dikshit Kumar

Student co-ordinator
9805465164



4th National Moot Court Competition **Career Point University, Hamirpur** **School of Legal Studies & Governance**

- ❖ The Nation of Kahler is a small independent country consisting of 5 states, situated in the west of Himalayas. The nation of Kahler got independent on 17 October, 1953. The nation of Kahler has been a part of undivided Bharat till medieval times. After independence State of Kahler adopted as such most of the laws and the Constitution of India. Hence the courts in State of Kahler used the judgements passed by Indian Courts as good precedents.
- ❖ Kahler is a secular nation. However, most of the population of the State profess and propagate Hindu religion. Most of the Hindu culture and customs are similar in both the nations. In the state of Uttar Rayan of Kahler majority of people are the followers of Lord Devan
- ❖ The Nation of Kahler is a small independent country consisting of 5 states, situated in the west of Himalayas. The nation of Kahler got independent on 17 October, 1953. The nation of Kahler has been a part of undivided Bharat till medieval times. After independence State of Kahler adopted as such most of the laws and the Constitution of India. Hence the courts in State of Kahler used the judgements passed by Indian Courts as good precedents.
- ❖ Kahler is a secular nation. However, most of the population of the State profess and propagate Hindu religion. Most of the Hindu culture and customs are similar in both the nations. In the state of Uttar Rayan of Kahler majority of people are the followers of Lord Devan.
- ❖ The deity in Lord Devan temple is in the form of a Yogi or a Bramchhari according to the Thanthri (Priest) of the temple. The temple was built in 1912 by a priest family of the Uttar Rayan. After independence the temple was shifted under a trust board -Uttar Rayan Lord Devan Board, a statutory body under the Uttar Rayan Hindu Places of Public Worship (Authorisation of Entry) Act, 1965 which looks into the administration of the temple. A new building was made and deity was shifted to new temple in 20 March, 1960. The Uttar Rayan Lord Devan Board restricts the entry of women between the ages of 10 to 55 years as a custom and practise integral to the sanctity of the Temple. This practise of restricting the entry of women is admitted to have been prevalent since the past several centuries and considered as essential practices. These practises are protected by the proviso to Section 3 of the 1965 Act which is given effect to by Rule 3(b) of the Uttar Rayan Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965. Section 3(b) of the 1965 Act provides that every place of public worship which is open to Hindus generally, or to any section or class thereof, shall be open to all sections and classes of Hindus; and no Hindu of whatsoever section or class shall, in any manner be prevented, obstructed or discouraged from entering such place of public worship or from worshipping or from offering prayers there or performing any religious service therein, in the like manner and to the like extent as any other Hindu of whatsoever section or class may enter, worship, pray or perform. The proviso to Section 3 of the 1965 Act carves out an exception in the case of public worship in a temple founded for the benefit of any religious denomination or section thereof. The provisions of the main section would be subject to the right of a religious denomination or section to manage its own affairs in the matters of religion. The proviso to Section 3 makes an exception in cases of religious denominations, or sects thereof to manage their affairs in matters of religion.
- ❖ People of Uttar Rayan have blind faith in Lord Devan and there is a belief that all the adversaries of people are vanished by visiting the temple. However, the women from the age group of 10-50 years were barred from entering the premises of core temple on the basis of custom and ritual followed since 1912. The prohibition is placed on the ground of maintaining the purity and sanctity of the premises. This custom has been followed without any opposition till 2001 in the State.

- ❖ In 2002 an NGO named HERSELF, working for women rights raised the issue of prohibiting women entry in the Lord Devan temple before the temple trust. The trust denied any change or modification in customs as it would be an interference with the faith of people. According to trust, since the establishment of temple, no woman has ever raised such kind of issue before the trust, showing the affirmation by women to the prevailing custom.
- ❖ The issue was also raised in public with the help of mass media. The newspapers and news channels got new burning issue of gender justice. The public was divided into two sections, one progressive who wanted to break the stereotype prevailing in society on the grounds of equality and secularism. The other being conservative, wanting to continue with old customs and practices. However, the most interesting part is that even the view of women is not unanimous on this.
- ❖ There are two more temples of Lord Devan in Kahler- one has been situated in Amrit Hara state and another in North Stone State. Lord Devan temple of Amrit Hara was built in around 17th century whereas Lord Devan temple of North Sone was built in late 18th century. Both the temple do not follow any such custom of prohibiting the entry of women in the temple premises.
- ❖ The instant writ petition preferred under Article 32 of the Constitution by HERSELF, a non-government organization seeking the issuance of directions against the Government of Uttar Rayan, Trust Board and Chief Thanthri of Devan Temple to ensure entry of female devotees between the age group of 10 to 50 years to the Lord Devan Temple at Uttar Rayan which has been denied to them on the basis of certain custom and usage; to declare Rule 3(b) of the Uttar Rayan Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965 (for short, "the 1965 Rules") framed in exercise of the powers conferred by Section 4 of the Uttar Rayan Hindu Places of Public Worship (Authorisation of Entry) Act, 1965 (for brevity, "the 1965 Act") as unconstitutional being violative of Articles 14, 15, 25 and 51A(e) of the Constitution of Kahler and further to pass directions for the safety of women pilgrims.

The main issues before the Supreme Court of Kahler are as following:

- ❖ Whether the exclusionary practice which is based upon a biological factor exclusive to the female gender amounts to "discrimination" and thereby violates the very core of Articles 14, 15 and 17 and are not protected by 'morality' as used in Articles 25 and 26 of the Constitution?
- ❖ Whether the custom of excluding such women constitutes an "essential religious practice" Under Article 25 and whether a religious institution can assert a claim in that regard under the umbrella of right to manage its own affairs in the matters of religion?
- ❖ Whether Rule 3 of the Uttar Rayan Hindu Places of Public Worship (Authorisation of Entry) Rules permits 'religious denomination' to ban entry of women between the age of 10 to 50 years? And if so, would it not play foul of Articles 14 and 15(3) of the Constitution by restricting entry of women on the ground of sex?
- ❖ Whether Rule 3(b) of the Uttar Rayan Hindu Places of Public Worship (Authorization of Entry) Rules, 1965 is ultra vires the Uttar Rayan Hindu Places of Public Worship (Authorisation of Entry) Act, 1965 and, if treated to be intra vires, whether it will be violative of the provisions of Part III of the Constitution?

Note: The provisions of Constitution of Kehler shall be understood as provisions of Constitution of India. The Uttar Rayan Hindu Places of Public Worship (Authorisation of Entry) Act, 1965 shall be understood as Kerala Hindu Places of Public Worship (Authorisation of Entry) Act, 1965

Disclaimer: The facts of the case are fictitious and has no resemblance with any person or entity living or dead. The proposition given is purely for the academic purpose.