



PRESENTS
1ST NATIONAL VIRTUAL
MOOT COURT
COMPETITION
ON LGBTQI RIGHTS

REGISTRATION FEE: Rs. 300/- PER TEAM

REGISTER ON/BEFORE
02/08/2020

SCAN TO REGISTER

DATES OF THE COMPETITION:
22/08/2020 & 23/08/2020

KNOWLEDGE PARTNERS:



SCAN ME

BASKARAN
AND ASSOCIATES

Exordium Edu Hub

REGISTER NOW :



6369639060



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LAW ADDICTS

+91 6369639060

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Chennai, Tamil Nadu

ABOUT HOST ORGANIZATION:

LAW ADDICTS is a fiercely expanding rostrum that aspires to disseminate legal awareness among masses who have an infinite passion towards law, springing from varied educational fields. It is backed by the motto, 'Addiction yielding knowledge' and frequently conducts online webinars, competitions and other events at feasible rates to satisfy its motto. This budding organisation stands apart from the rest of the community in terms of its long-term agenda which is to offer scholarships to law aspirants transcending from the underprivileged strata, who find it burdensome to engage in fruitful competitions/events because of its daunting entry fee. With this agenda, LAW ADDICTS aspires to create an environment where learning is not a privilege to be bestowed by the economically better-off peers, but a legal right for every skillful law aspirant.

ABOUT OUR KNOWLEDGE PARTNER:

Baskaran & Associates is a well established law firm managed by Adv. H.B. Keshava. They specialize in multiple areas of law such as Intellectual Property Rights, Technology Laws, Labor Laws, Business Laws, ADR, Criminal Laws and Cybersecurity Laws. They are based out of Pune and Chennai, but have been handling clients from all across the country. They have a team of the best individuals comprising of Advocates, Patent Agents, Chartered Accountants and Company Secretaries. Their aim is to serve, provide and help businesses grow.

ABOUT THE MOOT:

Law Addicts is now launching its 1st Edition of Virtual National Level Moot Competition on LGBTQI Rights with an aim to promote student involvement in Social issues by providing a fair and competitive environment for exchange of thoughts.

RULE BOOK

1. DEFINITIONS

The following terms shall have the corresponding meanings unless otherwise specified:

- 1.1. '*Competition*' shall refer to **1st NATIONAL VIRTUAL MOOT COURT COMPETITION, 2020.**
- 1.2. '*Competition Problem*' shall refer to the facts and issues released by the organizers of the Competition with its clarifications and corrections.
- 1.3. '*Competition Rules*' shall refer to the official rules of the Competition as may be amended from time to time.
- 1.4. '*IST*' shall refer to Indian Standard Time.
- 1.5. '*INR*' shall refer to Indian Rupee.
- 1.6. '*Knock-out round*' shall refer to the Octa-final, Quarter-final, Semi-final and Final rounds of the Competition.
- 1.7. '*Organizing Committee*' (hereinafter to be referred as O.C) shall refer to the committee responsible for the administration and conduct of the Competition.
- 1.8. '*Official Email*' shall refer to the Official Email ID of the O.C. (lawaddictss@gmail.com)

2. GENERAL RULES

2.1) Eligibility

- All students pursuing graduate or Post-graduate course from any recognized college, University or Institution in India shall be eligible to participate.
- Team Members should comprise at least one Law Student from any recognized law school, University or Institution in India.
- Each participating team shall have a minimum of two members and maximum of three (3) members comprising of 2 speakers and 1 researcher. In case of a 2-member team, one speaker can also take up the researchers test.
- No team shall contradict the composition mentioned above. No faculty member, coach, or a designated observer will be allowed to join the video-conferencing or meet during the session.
- A team will be considered eligible to participate only if the registration is completed on or before **2nd August, 2020 (24:00 Hours IST).**

2.2) Registration

- Teams are required to complete the registration on or before **2nd August, 2020(24:00 IST)**.
- The Registration Fee is **Rs. 300/- per team**. The registration fee payable for the Competition must be paid latest by **2nd August, 2020** to:

Account Name: J.S. Shreedhar

Account Number: 36746793528

IFSC Number: SBIN0015264

Or

Google Pay Number: 9790696219

- The payment reference number and date of payment has to be inserted in the registration form and only then will the registration be deemed to be complete.
- The Registration shall be done by filling up the form available by clicking [here](#)
- Scanned copies of Identity cards must be attached in the registration form. In case, there is an issue with production of scanned copies of the identity card, bona fide certificate may be attached. In case of absence of both, kindly contact the O.C.
- Once the form is submitted, an acknowledgement mail will be sent within 24-48 hours to the teams which shall also notify the team of its Team Code. The teams shall quote this Team Code in all further communications with the O.C.
- Registration fees once paid is neither refundable nor non-transferable.
- Any change in team composition will not be entertained after submission of the registration form unless the Organizing Committee notices an exceptional circumstance.

3.MEMORIAL SUBMISSION

3.1) Each participating team in the Competition is required to prepare memorials on behalf of both Petitioner and Respondent based on the problem released by the O.C.

3.2) Memorials are to be submitted in **.pdf format** before **23:59 IST, 18th August, 2020**. File name should only mention Team Code. For instance: TCLA10.pdf.

3.3) Memorials are required to be submitted through the submission form given [here](#). No submissions will be accepted via emails.

3.4) Please note that **NO HARD COPIES ARE TO BE SUBMITTED**.

3.5) Any Memorial submitted after the deadline will not be accepted. The prescribed page limit for the memorial is **30 pages**.

Formatting Specifications

A. **MAIN BODY:** Times New Roman, Font Size 12, 1.2 inch margin on each side, Line spacing: 1.5, Body of text: Justified, A4 size paper.

B. **FOOTNOTES:** All citations are to be made according to the Harvard Bluebook Citation Guide (19th Edition), Times New Roman, Font Size 10, Single spacing.

3.6) Team Code

- The team code must be ascribed on the right top of the cover of the index. *The memorial shall nowhere mention any particulars of the team, except the Team Code. There must be no mention of Name, Contact number, Email id, University name etc. at any place.* Any material presented to the Panel should be devoid of any identification marks/seal of the Team. If any such mark/seal exists, it must be rendered unrecognizable.

3.7) Memorials must contain all of, and only, the following components:

- a) Cover page;
- b) Table of Content;
- c) List of Abbreviations;
- d) Table of Authorities
- e) Statement of Jurisdiction;
- f) Facts of the Case;
- g) Statement of Issues;
- h) Summary of Issues;
- i) Arguments Advanced;
- f) Prayer.

3.8) Cover Page:

- a) The Participation code should be in the upper right-hand corner.
- b) The name of the forum before which the proceedings are being conducted;
- c) The year of the Competition;
- d) Name of the parties.

3.9) The *Statement of Facts* must contain a concise statement of the relevant facts of the issue. As far as may be, the Statement of Facts should be limited to the stipulated facts and legitimate inferences which can be drawn from those facts.

3.10) For every hour of delay in the submission from the prescribed time of submission, one mark shall be deducted. Any memorial submitted after 19th August will not be accepted.

Note: The above deduction would apply even if the delay were not of a complete hour.

Hence, for example, a memorial submitted at 00:01 IST on 19th August would still be subject to a 1-mark deduction.

3.11) Not following the instructions regarding given will lead to the following penalties:

- a) Use of incorrect font, font size, line spacing, page margins, page size: 3 marks for every page on which there is a violation;
- b) Failure to include a specified component in the memorial: 5 marks for every component;
- c) Length of the Memorial: 3 marks for every page in excess of the prescribed limit;
- d) Violation of anonymity: Disqualification.

3.12) Administrators reserve the right to publish, use the memorials submitted for the Competition. Memorials shall be attributed to the relevant institution and participants during such publication and dissemination. The Administrators also reserve the right to use the submissions for any other purpose they may deem fit while ensuring appropriate attribution.

[1] STRUCTURE OF THE COMPETITION

- Draw of lots along with exchange of memorials will be conducted on 21st August, 2020. The sides, round timings along with memorials of the opponent counsel shall be sent via mail before **18:00 IST, 21st August, 2020**.
- The Competition shall consist of the following rounds:

- I. The Preliminary Round;
- II. The Quarter-Final Round;
- III. The Semi-Final Round
- IV. The Final Round.

I) Preliminary Round

- In the preliminary rounds, participating teams will have to present their case before a judge or panel of judges. Each team will be allowed a *maximum of 25 minutes* to present their case. The said time may be extended by the judge at his own discretion.
- Each team will present its case for both sides.
- The announcement of results of preliminary rounds will take place on **22nd August, 2020**. *The decision of the judges would be final and would not be questioned or changed under any circumstances.*
- The top 8 teams calculated on the basis of the scores of the oral rounds along with their memorial scores in the ratio of 70:30 will advance to the Quarter-finals.
- In the event of more than 40 teams participating, Octa-Final rounds will be held and 16 teams will advance to the Octa-final rounds from the preliminary rounds.

- Memorial scores will only be added in the preliminary rounds.

II) Quarter-Final Round

- The Quarter-Final round will be conducted on *22nd August 2020*. The top 8 teams will be provided the memorials of their opponents prior to the commencement of their round.
- Each team will be allowed a maximum of 30 minutes to present their case. The said time may be extended by the judge at his own discretion.
- Teams will advance to the Semi-Final on Knock-out basis.

III) Semi-Final Round

- The Semi-Final round will be conducted on *23rd August, 2020*. The teams will be provided the memorials of their opposing team for this round on *22nd August, 2020*.
- Each team will be allowed a maximum of 45 minutes to present their case. The said time may be extended by the judge at his own discretion.
- Teams will advance to Final rounds on Knock -out basis.

IV) Final Round

- The Final round will be conducted on *23rd August, 2020*.
- Each team will be allowed a maximum of 60 minutes to present their case.
- The said time may be extended by the judge at his own discretion.

[2] EVALUATION CRITERIA

Following would be the criteria for judging the Memorials:

S.No.	PARAMETERS	MARKS (100)
1.	KNOWLEDGE OF LAW AND FACT	20
2.	INTERPRETATION OF LAW AND APPLICATION OF FACTS	25
3.	EXTENT AND USE OF RESEARCH	25
4.	PRESENTATION, ORIGINALITY AND ARTICULATION OF THE ARGUMENTS	20
5.	ADHERENCE TO NORMS WITH RESPECT TO STYLE, GRAMMAR AND MEMORIALING	10

The criteria for the scoring of the oral rounds are as follows:

S.No.	PARAMETERS	MARKS
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1.	KNOWLEDGE OF LAW	20
2.	APPLICATION OF LAW TO FACTS	20
3.	INGENUITY AND ABILITY TO ANSWER QUESTIONS	20
4.	STYLE, POISE, COURTESY AND DEMEANOR	15
5.	TIME MANAGEMENT & COURT CRAFT	10
6.	COORDINATION AND TEAMWORK	10
7.	ADEQUACY OF THE PRAYER	05
TOTAL		100

[3] RESEARCHERS TEST:

- The Researcher's Test shall take place on 21st August, 2020.
- The Test shall comprise of 50 Questions, MCQ in nature.

[4] MISCELLANEOUS

- Before commencement of all rounds, the side on which the Team will be arguing will be decided by a draw of lots.
- The Teams will be e-mailed the soft copy of their opponent's pleadings prior to the oral rounds.
- Courtroom decorum is to be maintained at all times.
- Since the oral hearings will take place through video-conference, team which is not speaking is required to mute their microphones.
- The participating teams shall be responsible for internet connectivity issues at their end. The O.C. shall not be responsible for poor internet connectivity of the participating teams.
- The O.C. reserves the right to amend, modify, change or repeal any of the competition rules at any stage. The O.C. shall communicate any changes made in the competition rules to the Participating Teams.
- If a team believes that violation of the rules of the competition has taken place at any stage of the competition, the team(s) within half an hour after the completion of the round in which violation has allegedly occurred should inform the O.C. through email. *Team(s) under no circumstances shall approach the Judges with any complaints.*
- Dress Code for the Oral Rounds shall be according to the rules of The Advocates Act, 1961 without band and gown. If a team does not have the prescribed uniform on

account of the Covid-19 pandemic, they are to be dressed professionally in **Western Formals**.

- The background of the participating teams should be plain and shall not contain any symbols or any representations.
- The decision of the Organizing Committee shall be final in all matters concerning the competition.

[5] CASH AWARDS, INCENTIVES

WINNERS	Rs. 2500/- along with Certificate of Merit.
RUNNER UP	Rs. 1200/- along with Certificate of Merit.
BEST SPEAKER	Rs. 500/- along with Certificate of Merit.
BEST RESEARCHER	Rs. 500/- along with Certificate of Merit.
BEST MEMORIAL	Rs. 500/- along with Certificate of Merit.

E-Certificate of participation will be provided to all participating teams and E-Certificates for advanced rounds will be provided to qualifying teams.

OFFICIAL SCHEDULE

EVENT	DATE
COMMENCEMENT OF ONLINE REGISTRATION , RELEASE OF PROBLEM	17TH JULY, 2020
LAST DATE FOR REGISTRATION	2ND AUGUST, 2020
LAST DATE FOR SEEKING CLARIFICATIONS	5TH AUGUST, 2020
MEMORIAL SUBMISSION WITHOUT PENALTY	18TH AUGUST, 2020
DRAW OF LOTS, ALLOCATION OF SIDES, ORIENTATION, RESEARCHERS TEST	21ST AUGUST, 2020
PRELIMINARY ROUND & QUARTER FINAL ROUND	22ND AUGUST, 2020
SEMI- FINAL & FINAL ROUNDS, VALEDICTORY	23RD AUGUST, 2020

In event of any clarifications, kindly contact:

Ms. Srinithi.R.(President, Law Addicts) - +91 9790858036

Mail us at lawaddictss@gmail.com

LAW ADDICTS
Addiction yielding Knowledge

MOOT PROPOSITION

1. Union of Adisthan is a democratic country which is composed of people belonging to different cultures and religions. The Constitution of Adisthan grants various fundamental rights and also respects international treaties and conventions. Adisthan is a Federal Democratic Republic with rule of law, independent judiciary, free media and vibrant civil society. The rights with respect to the Lesbian, Gay, Bisexual, Transgender, Queer and Inter-sex (LGBTQI) community gained momentum and attention from people belonging to various walks of life post its Apex Court's decision on 06-09-2018.
2. Further, Adisthan is also a signatory to the United Nations Human Rights Council (UNHRC). On various occasions, Adisthan has held abstentions under the International Gay and Lesbian Human Rights Commission (IGLHRC) which was established in pursuance of the statutory provisions of UNHRC. Additionally, Adisthan abstained from voting when the question of extending the mandate of the Special Rapporteur (SR) for protection against violence and discrimination based on Sexual Orientation and Gender Identity (SOGI) was considered.
3. Srinispur is a modernised state in the Union of Adisthan. Citizens of Srinispur have advocated for the fulfilment of constitutional rights at various instances. Mr. Mike and Mr. Ross are childhood friends and have graduated together from the Govt. Medical College (GMC), Srinispur. Mr. Mike and Mr. Ross were secretly in a relationship from 2015. However, they never told this to anyone as they feared societal ostracization. During their last month of college, they conducted a rally for the rights of LGBTQI Community which was headed by Mr. Mike in the year 2017.
4. Post the Apex Court's decision in 2018, they deliberated and finally decided to get married despite facing opposition from their families. Mr. Mike and Mr. Ross decided to solemnize their marriage as per the provisions of the Special Marriage Act, 1954 (SMA,1954). On 25-11-2019, they submitted a notice as per the specifications given under Section 5 of the SMA, 1954 to the marriage officer, Vasanthpuram district, Srinispur. The marriage officer in pursuance of his obligation under section 6(2) of the SMA, 1954, published the notice submitted by Mr. Mike and Ross on 05-12-2019.
5. Mr. Hilton, father of Mr. Ross filed an objection on 18-12-2019 stating that same sex marriage (SSM) is not permissible under the SMA, 1954 and it is against contemporary social morality. He pointed out to Section 4(c) of the Act in support of his contention. Mr. Hilton submitted several reasons for supporting this contention namely:

a. If same-sex civil marriage becomes common, it would give rise to an imminent danger of the children of same-sex couples turning out to be lesbian couples. Moreover, children will be denied of either a mother or father. The roles of both the parents are inevitable and essential to the proper growth and well-being of a child.

b. He argued that, from a sociological perspective, the primary purpose that marriages serve is to secure a mother and father for each child who is born into a society.

c. Moreover, the predicament of this Western culture is that, it fosters an anti-natalist mindset that fuels population decline, which in turn puts tremendous social, political, and economic strains on the larger society. Same-sex marriage would only further undercut the procreative norm long associated with marriage.

6. On the basis of this objection, the Marriage Officer of Vasanthpuram refused to solemnize their marriage and the decision was communicated to Mr. Mike and Mr. Ross on 15-01-2020. Mr. Mike and Mr. Ross vehemently opposed the decision of the marriage officer. On the contrary, they were of their opinion that the practice of prohibiting same-sex marriage grossly infringed with their personal liberties and their right to life at large. With the Supreme Court unanimously declaring a part of Sec. 377 to be unconstitutional, they were convinced that an obstruction to same-sex marriages explicitly defeats the sole objective behind decriminalising homosexuality.

The Couple being highly disappointed, continued to live together and were weighing their options for a legal remedy.

7. On 23-01-2020, Mr. Mike & Mr. Ross approached an NGO named LAW ADDICTS who fight for the rights of LGBTQI [Lesbian, Gay, Bisexual, Transgender, Queer, Intersex] section of society in Adisthan. LAW ADDICTS after consultation with their panel of legal experts filed a Public Interest Litigation before the Supreme Court of Adisthan under Article 32 of the Constitution challenging the validity of the decision of the Marriage Officer and seeking the intervention of the Court for preventing the discrimination on the basis of sex.

8. The petitioners submitted the following prayers before the Court:

a. A declaration may be made to the effect that any discrimination based on sexual orientation is the violation of Art 14, 15, 19 and 21 of the Constitution.

b. Direction must be issued to the Union Government to introduce necessary amendments to the Special Marriage Act for the solemnisation of the Marriage of transgender people and same sex marriages.

9. The Apex Court decided to hear the petition on 09/08/2020 and issued notice to Union of Adisthan and State of Srinispur. Both the Union of Adisthan and the State of Srinispur submitted that the petitions may be dismissed.

Nota Bene:

- All references, actual, deeming or fictional; are fictional.
- The laws, legal system and legal history of the Union of Adisthan are *Pari Materia* to the Union of India in all respects. The SC of Adisthan functions in the same manner as the SC of India.
- The participants are encouraged to explore the facts and laws pertinent, legal principles and theories.
- The participants are free to incorporate any other direction that they want the Apex Court to issue in their prayer as they deem necessary in addition to what has been provided in the Moot Problem.
- Participants may frame as many issues as they deem necessary.
- Minimum of three issues should be framed and argued.