



B.S. Abdur Rahman

**Crescent**

Institute of Science & Technology

Deemed to be University u/s 3 of the UGC Act, 1956

**1<sup>st</sup>**

**B.S. ABDUR RAHMAN**

**NATIONAL MOOT COURT COMPETITION 2019**

**6<sup>th</sup> to 8<sup>th</sup> of September 2019**

**Chennai**



# RULES AND REGULATIONS

## I. AIM & PURPOSE

1<sup>st</sup> B S Abdur Rahman National Moot Court Competition 2019 has been conceived with the aim of creating opportunities for learning the development of jurisprudence on emerging trends in Human Organ Transplantation. It shall also touch upon the crucial aspect of the Constitution of India.

## II. VENUE AND DATE

1<sup>st</sup> B S Abdur Rahman National Moot Court Competition 2019 shall be held from 06 – 08 September 2019 at Crescent School of Law, B S Abdur Rahman Crescent Institute of Science and Technology, Vandalur, Chennai-48

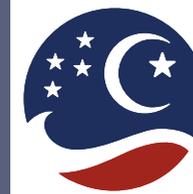
## III. THE COMPETITION SHALL BE IN THE ENGLISH LANGUAGE.

## IV. ELIGIBILITY

The competition is open for students who are studying LL.B three year or B.A.LL.B five year course during the current academic year.

## V. TEAM COMPOSITION

- a. Each team should consist of a minimum of 2 and maximum of 3 members. This number cannot be modified under any circumstances.
- b. There shall be 2 speakers and 1 researcher designated for each team. The researcher shall be allowed to argue with prior permission of the court and Programme Director in case of any special circumstance.
- c. Each team will be provided a team code during orientation. Teams should not disclose the identity of their institution; such disclosure shall invite penalties including disqualification. The decision for the same shall be at the discretion of the Programme Director.



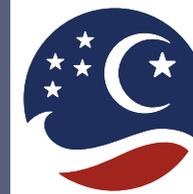
## VI. REGISTRATION

- a. Provisional Registration of the team for the competition shall be done by sending email to [bsarnationalmoot2019@gmail.com](mailto:bsarnationalmoot2019@gmail.com). Upon receipt of email a confirmation email from us will be send along with detail proforma, please confirm your participation by sending duly filled proforma to our email on or before 10<sup>th</sup> August 2019.
- b. The Programme Director reserves the right to restrict the number of participating teams to 16 on a first come first served basis.
- c. A scanned copy of the Registration Form from the participating college/ institution / university duly signed by any one of the following :- Faculty-in-charge of MCS/MCA, Registrar, Principal, Dean, Director, Chancellor or Vice-Chancellor confirming the names of the participants, Year / semester in which studying, representing the college/ institution / university for the moot competition will have to be attached in the email.
- d. The registration fees of Rs.3000 to be paid in the form of Demand Draft (DD) drawn in favour of “Crescent School of Law” payable at Vandalur from any nationalised bank.
- e. Scanned copy of registration particulars and Demand Draft(DD) should be sent by e-mail to [bsarnationalmoot2019@gmail.com](mailto:bsarnationalmoot2019@gmail.com) marked as “The 1<sup>st</sup> B S Abdur Rahman National Moot Court Competition 2019 -Registration” as the subject of the mail latest by 10<sup>th</sup> August 2019.
- f. Team codes will be allotted on 11<sup>th</sup> August 2019

## VII. ROUNDS

There will be one preliminary rounds, a quarterfinal, a semi-final and a final round.

- a. There will be one preliminary rounds of arguments per team.



- b. Preliminary rounds and Quarterfinal rounds will be held on 7<sup>th</sup> September 2019 (Saturday), and the top eight teams, will qualify for the Quarterfinals.
- c. Top four teams from the Quarterfinal Rounds will advance to the Semifinal and Top two from the Semifinal Rounds will advance to the final. The Semifinals & The Finals will be held on 8<sup>th</sup> September 2019 (Sunday).
- d. There will be an Orientation Program for all the participants on 6<sup>th</sup> September 2019 (Friday) followed by a draw of lots & exchange of memorials.

**e. The dress code:**

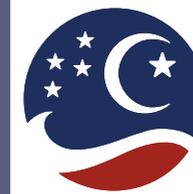
The dress code for the competition is formal. Men are required to wear a Black suit with a white shirt and a black tie. Women are required to wear a white shirt, black trousers/ skirt and a black jacket or Salwar Kameez and black jacket. Gowns and bands are not permitted to be worn by the participants in the competition.

## VIII. RESULTS (ANNOUNCEMENT)

Results will be announced after the completion of the Preliminary/Quarter/Semifinal rounds. The Final result and the winners of the various categories will be announced only during the valediction /prize distribution ceremony.

## IX. MEMORIALS

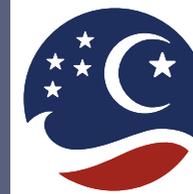
- a. Each team is expected to be ready with written briefs and oral arguments to argue for either side of the case. The Court will follow its own procedure with in the accepted norms of judicial practice, and in case of doubt or dispute in the matter of procedure or facts, the decision of the presiding member of the Panel of Judges of each Court shall be final.
- b. The teams must send the soft copy of the memorials(both side) to [bsarnationalmoot2019@gmail.com](mailto:bsarnationalmoot2019@gmail.com) latest by 24<sup>th</sup> August, 2109 (11:59 pm), which must be a pdf file extension and Doc.
- c. Five hard copies of Memorials for the petitioner and five hard copies of the memorials for the respondent shall be submitted at the time of registration on 06<sup>th</sup> September 2019. The memorials will be handed over to the Panel of Judges for the awards of marks.



- a. The memorials shall not contain any information that will reveal the identity of the participating team. The violation of which will attract penalty.
- b. Once the memorials have been submitted, no revisions, supplements, or additions will be allowed.
- c. The memorials have to be submitted on typed A-4 size paper printed on one side.

## **X. CONTENT**

- a. Memorial dealing with jurisdiction, issues involved in the problem, summary of arguments and arguments supported by authorities, conclusions and prayers shall be prepared by each team both for the petitioner's side and respondent's side. The body of the memorial shall not exceed more than 25 typed pages. The cover page, table of contents, index of authorities, jurisdiction, statement of facts, questions presented, and summary of pleadings, title page and back cover are not included in these 25 pages. But these 25 pages will include the pleadings, conclusions, footnotes. Any issue or pleading, not discussed within the body of the memorials shall not be included in any other sections of the memorials.
- b. The following content specifications must be strictly adhered to:
  - 1. Language - English
  - 2. Font and size (general) – Times New Roman, 12 pts
  - 3. Line spacing (general) – 1.5 lines
  - 4. Font and size (footnotes) – Times New Roman, 10 pts
  - 5. Line spacing (footnotes) – single line
  - 6. Page margins – 1 inch on all sides
  - 7. Cover specifications
    - Petitioner – Blue Color
    - Respondent – Red Color



## XI. ORAL ROUND

### Preliminary Round & Quarterfinals

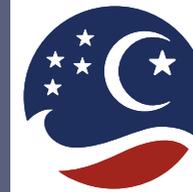
- Each team will get a total of 30 minutes to present their case. This time will include rebuttal and sur-rebuttal time.
- The division of time is at the discretion of the team members, subject to a maximum of 15 minutes per speaker. Division of time shall be informed to the court officer before arguments begin.
- The oral arguments need not be confined to the issues presented in the memorials.
- Passing of notes to the speakers by the researcher during the rounds is allowed.
- The researcher shall sit with the speakers at the time of the oral rounds.

### Semifinal Round & Final Round

- Each team will get 45 minutes to present their case that will include rebuttal and sur-rebuttal time
- The division of time is at the discretion of the team, with a maximum of 25 minutes per speaker.
- The oral arguments need not be confined to the issues presented in the memorials.
- Passing of notes to the speakers by the researcher during the rounds is allowed.
- The researcher shall sit with the speakers at the time of the oral rounds.

## XII. EVALUATION

- There shall be a Quorum of Judges selected for each court room among a panel of Judges constituted for the purpose including eminent judges, Lawyers and Law Teachers from all over India. The finals will be presided by a full bench of sitting judges of the High Court of Madras.
- Marks will be awarded to the memorials by the Committee of Judges out of a maximum of 20 marks. Each Court will assign marks for oral arguments to each individual participants and the team. Each individual's marks for oral arguments will be added with memorial marks to make the individuals marks out of 100. Out of 100 marks, the division of marks for each individual participant is as follows:



1. Written Memorial - 20 marks
2. Oral Arguments - 80 marks

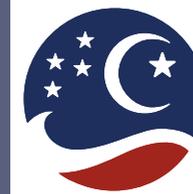
a. The evaluation of the oral arguments will be based on:-

- Knowledge and use of facts
- Correct articulation of facts, factual analysis and use of evidence correct articulation of legal issues and legal analysis
- Knowledge of law and its interpretation
- Use of authorities and citations
- Response to questions
- Skills of advocacy and persuasiveness of language and style
- Clarity, brevity and ingenuity
- Court manners and general impression

### XIII. AWARDS

- Winning Team (cash award Rs.25,000 with Winning Trophy)
- Runnerup Team (cash award Rs. 15,000 with Trophy)
- Best Student Advocate (cash award Rs.5,000 with trophy)
- Best Lady Advocate (cash award Rs. 5,000 with trophy)
- Best Memorial (cash award Rs. 5,000 with trophy)
- Best researcher (cash award Rs. 5,000 with trophy)

All the participants will be awarded certificates of participation and the same will be given only at the valedictory function and not thereafter.

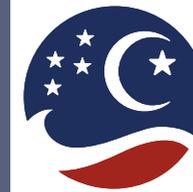


#### **XIV. ACCOMMODATION, FOOD & TRANSPORT**

Accommodation and other facilities shall be provided for the team members by the organizers from 6<sup>th</sup> evening to 9<sup>th</sup> morning, September, 2019. The teams should take compulsory accommodation in the University Hostel. Food and Accommodation will be provided by the host university. Teams should fill in their travel plan in the appropriate sheet available.

#### **XV. MISCELLANEOUS**

- a. **SECRECY OF IDENTITY:** During the course of the oral submission, the speaker shall neither reveal his/her identity nor the identity of their College/University by any means whatsoever. Such actions on part of any member of the team will lead to disqualification of the team from the competition.
- b. **SCOUTING:** Scouting is strictly prohibited. Teams found scouting will be disqualified immediately.
- c. **APPEAL COMMITTEE:** In case of complaints/disputes, the same shall be submitted to the Appeal Committee, which shall be headed by Prof. (Dr.) Nilamudeen, the Dean of CRESCENT SCHOOL OF LAW as its Programme Director and the decision of the Appellate committee shall be final.
- d. **RECEPTION:** The teams will be received from 6<sup>th</sup> of September 2109 onwards at the Airport/Railway/Bus station if the time of arrival is intimated in advance. Or else the team may report at the Reception Committee office at the Crescent School of Law, B S Abdur Rahman Crescent Institute of Science and Technology on 6<sup>th</sup> of September 2019.

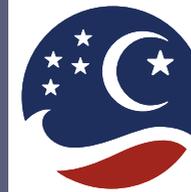


## **SCHEDULE OF THE COMPETITION**

Registration	On or before 10 <sup>th</sup> of August, 2019
Desk Registration	2.00 pm, 06-09-2109 (Friday)
Inaugural Function	5.00 pm, 06-09-2019 (Friday)
Briefing Session and Pick of Lots	7.00 pm, 06-09-2019 (Friday)
Preliminary Rounds	9.00 am, 07-09-2019 (Saturday)
Quarter Final	2.00 pm 07-09-2019 (Saturday)
Semifinal	9.00 am 08-09-2019 (Sunday)
Final	2.30 pm, 08- 09-2019 (Sunday)
Valedictory Function and Prize Distribution	5.00 pm 08-09-2019 (Sunday)

### **CONTACT DETAILS**

**Email:- [bsarnationalmoot2019@gmail.com](mailto:bsarnationalmoot2019@gmail.com)**

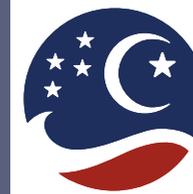


## FACULTY COORDINATORS

NAME	DESIGNATION	CONTACT.NO
SHAJI M	ASSISTANT PROFESSOR	8939133890
SAJID HAMID	ASSISTANT PROFESSOR	8881889476
APARNA MADHU	ASSISTANT PROFESSOR	9038883291
VISHNUNATH	ASSISTANT PROFESSOR	7358696706
SHERIN	ASSISTANT PROFESSOR	9037139063

## STUDENT COORDINATOR

SUJAN G	7358696706
SABRINA M	9500045289



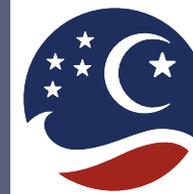
## MOOT PROBLEM

### PART 1

Nelaambhari is a state in the Union of Brihatha blessed with top level literacy rate and progressive living conditions. The state of Neelambhari is renowned for its health sector and the state offers the most advanced medical facility among the entire country. Excellent expertise and affordability are some among the hallmarks of the health sector of Nelaambhari. This very factor invited global attention and every year the state marked a substantial increase in number of overseas visitors. Health sector is the foremost revenue source of the state and the state is promoting health tourism to a great extent. On daily basis visitors from numerous countries are visiting the state of Nelaambhari for their various health needs.

AdhiSangh is a religious minority exist in Adhibhoomi ,a province in the state of Nelaambhari. The Adhisanghs are believers of 'Aham' principle enshrined by Lord Anay, believed to be the founder of the Bhramasmi Religion, which means the "god exist in ourselves" and "Human body is a sanctum where the god lives". After the death of every native of Adhibhoomi they conduct a ritual to paytheir respect to the body and they perform a special ritualistic cremation, according to them the body of the deceased is a temple once god lived and it is the duty of the living ones to send the body back to the supreme abode of god. The Adhisanghs neither believe nor enthusiastic in scientific advancements, modern medicine and their application. They have their own treatment methods and they call it as 'Ahamveda'. The approach of Ahamveda is that the "nature will cure every disease of man and all living creatures". The method of working of Ahamveda is through the application of medicinal plants and its extracts. The Ahamveda is a globally flamboyant technique and it got many admirers around the world.

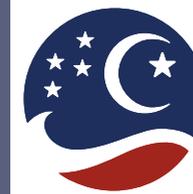




One of the major dearth that the health sector of the Union of Brihatha is facing is the poor population of Organ donors. At the other side the people in need of organs for therapeutic purposes are escalating on an unprecedented manner due to life style deceases and other factors. The state of Neelambhari , being the health capital of the Union of Brihatha and a sought after destination for organ transplantation surgeries faced a really difficult situation. Several reported death occurred among patients due to organ failures. The hands of the state health administration was really tied due to the shortage of potential organ donors. The Opposition parties set the fire for a big controversy and all main stream medias started covering this news and coloured it as a public health issue. Considering the situation, Mr.Chinmay Jha the Health Minister of the state of Neelambhari announced the enactment of a new legislation to curb the ongoing hurdles and promulgated The Neelambhari State Donation, Transplantation and Preservation of Organs and Tissues Act, 2019. (Herein after referred as the 'Act'). The objectives of the act were to cure the rigidity of the existing laws regarding the Organ Transplantation and to create more awareness among people of the state of Neelambhari about the need of Organ Donation.



Crescent School of Law



**Section 2 (f) of the Act :**

“donor” means any person, not less than eighteen years of age, who is a citizen of the Union of Brihatha irrespective of religion, caste or any sect, or any other nation ,except the alien enemy.

**Section 2 (j) of the Act :**

“donation” means providing any human organs while living or after death to a recipient out of love and compassion or with payment for therapeutic purposes.

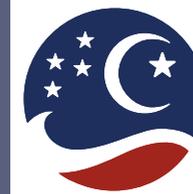
**Section 3 of the Act :**

Authority for removal of [human organs or tissues or both].—(1) Any donor may, in such manner and subject to such conditions as may be prescribed, authorise the removal, before his death, of any [human organ or tissue or both] of his body for therapeutic purposes.

(1A) For the purpose of removal, storage or transplantation of such human organs or tissues or both, as may be prescribed, it shall be the duty of the registered medical practitioner working in a hospital, in consultation with transplant co-ordinator, if such transplant co-ordinator is available

(i) to ascertain from the person admitted to the Intensive Care Unit or from his near relative that such person had authorised at any time before his death the removal of any human organ or tissue or both of his body under sub-section (2), then the hospital shall proceed to obtain the documentation for such authorisation;

(ii) where no such authority as referred to in sub-section (2) was made by such person, to make aware to that person or near relative for option to authorise or decline for donation of human organs or tissues or both;



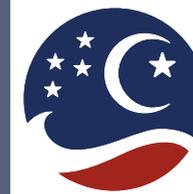
(iii) to require the hospital to inform in writing to the Human Organ Removal Centre for removal, storage or transplantation of human organs or tissues or both of the donor identified in clauses (I) and (ii) in such manner as may be prescribed

(1B) The duties mentioned under clauses (i) to (iii) of sub-section (1A) from such date, as may be prescribed, shall also apply in the case of a registered medical practitioner working in an Intensive Care Unit in a hospital which is not registered under this Act for the purpose of removal, storage or transplantation of human organs or tissues or both.]

(2) If any donor had, in writing and in the presence of two or more witnesses (at least one of whom is a near relative of such person), unequivocally authorised at any time before his death, the removal of any human organ of his body, after his death, for therapeutic purposes, the person lawfully in possession of the dead body of the donor shall, unless he has any reason to believe that the donor had subsequently revoked the authority aforesaid, grant to a registered medical practitioner all reasonable facilities for the removal, for therapeutic purposes, of that 2[human organ or tissue or both] from the dead body of the donor.

## PART 2

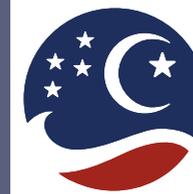
Dr. Annu Kapoor a.k.a Annu is a well known personality for his works in ethical medical practices. Dr. Annu Kapoor is a crusader of an NGO called '3' H (Home for Health & Hope ) also he is the founding director of the Erena Hospital a place where ethics and expertise unites. After the promulgation of the act Dr. Annu personally received many calls from unknown persons communicating their enthusiasm in donating organs for getting payment. And many of them addressed themselves as agents and even offered tempting deals. On a personal study conducted by Dr. Annu, he understood a shocking detail that after the creation and circulation of the act several unauthorised and illegal incidents of organ trade has happened in the State of Neelambhari and he believed that the newly enacted Act and its flexible provisions are the root cause for all the illegal activities that happened within this short span of time in the form of organ trade. On this matter, Dr. Annu representing '3'H filed a petition in the High Court of Neelambhari challenging the validity of the Act. Along with Dr Annu several other NGO's also filed separate petitions challenging the Act before the High Court of Neelambhari.

**PART 3**

Agriculture is one among the major living sources for Adhisanghs. Sami, a young man also a member of Adhisang community while working in the fields met with an accident and his head got severely injured. The treatments prescribed under Ahamveda didn't succeed and some educated youths among the Adhisanghs despite the strong condemnation of the entire Adhisangh clan brought Sami to the Medical college of Sundharam, a district in the state of Neelambhari. Unfortunately, Sami was brought to the hospital as a brain death case and the attended doctors were also confirmed the death of Sami. On the same day a five year old girl child was also admitted in the same hospital with an urgent need of a kidney transplantation.



Doctors find a match in Sami's kidney and suggested for a transplantation and communicated the same to the Adhisangh youths who brought Sami to the hospital and they permitted for the transplantation and gave consent. Transplantation surgery was performed and it went successfully well and the girl child was recovered. After knowing this organ donation, the Adhisangh Community people created a huge issue and agitated widely and created a law and order situation in many parts of the State of Neelambhari. In the backdrop 'Nayadeep' an organisation works for the social benefits of the indigenous communities and for the protection of their religious beliefs filed a petition challenging the act as a bad law that frustrates the religious freedom of the religious minorities and the manner the state handled the Organ transplantation of Sami.



## PART 4

For promulgating a legislation in contravention to the existing law of the land and for transgressing the power enshrined by the Constitution, the Union of Brihatha challenged the constitutional validity of the act promulgated by the State of Neelambhari before the Supreme Court of Brihatha. The Hon'ble Bench of the Supreme Court after considering the fact that several other related petitions are also filed in the High Court of Neelambhari, clubbed the whole matter together and posted for a joint hearing on.....Aug,2019 in which the question of maintainability is also an issue.

*The laws in the Union of Brihatha is in pari materia with the laws of Union of India*

**Note :** The Moot Problem is created by Adv. Viswajith Anand S.S. for the purpose of All India Moot Court Competition conducted by Crescent University, School of Law, Chennai. All incidents, plot and characters in the Moot Problem are purely hypothetical in nature and it does not have any direct or indirect relation with any individual, religion, place or country. If any similarity arises it is purely coincidental. The purpose of the Moot Proposition is strictly for academic deliberation.



## REGISTRATION FORM

### Institution Details:-

Name: .....

Address:.....

.....

Contact No: .....

Faculty –in-Charge:..... Mob. No.: .....

Email.ID: .....

### Team Details

#### Speaker: 1

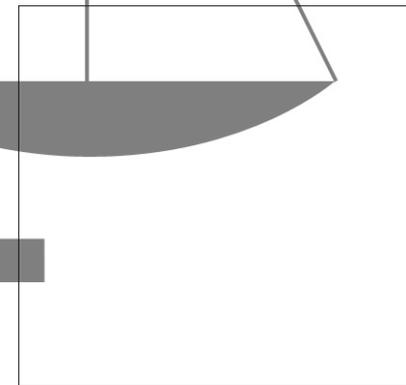
Name: .....

Gender: .....

Contact No.: .....

Email ID: .....

Year/Semester: ..... Sign:.....





**Speaker: 2**

Name: .....

Gender: .....

Contact No.: .....

Email ID: .....

Year/Semester: .....Sign:.....

**Researcher:**

Name: .....

Gender: .....

Contact No.: .....

Email ID: .....

Year/Semester: .....Sign:.....

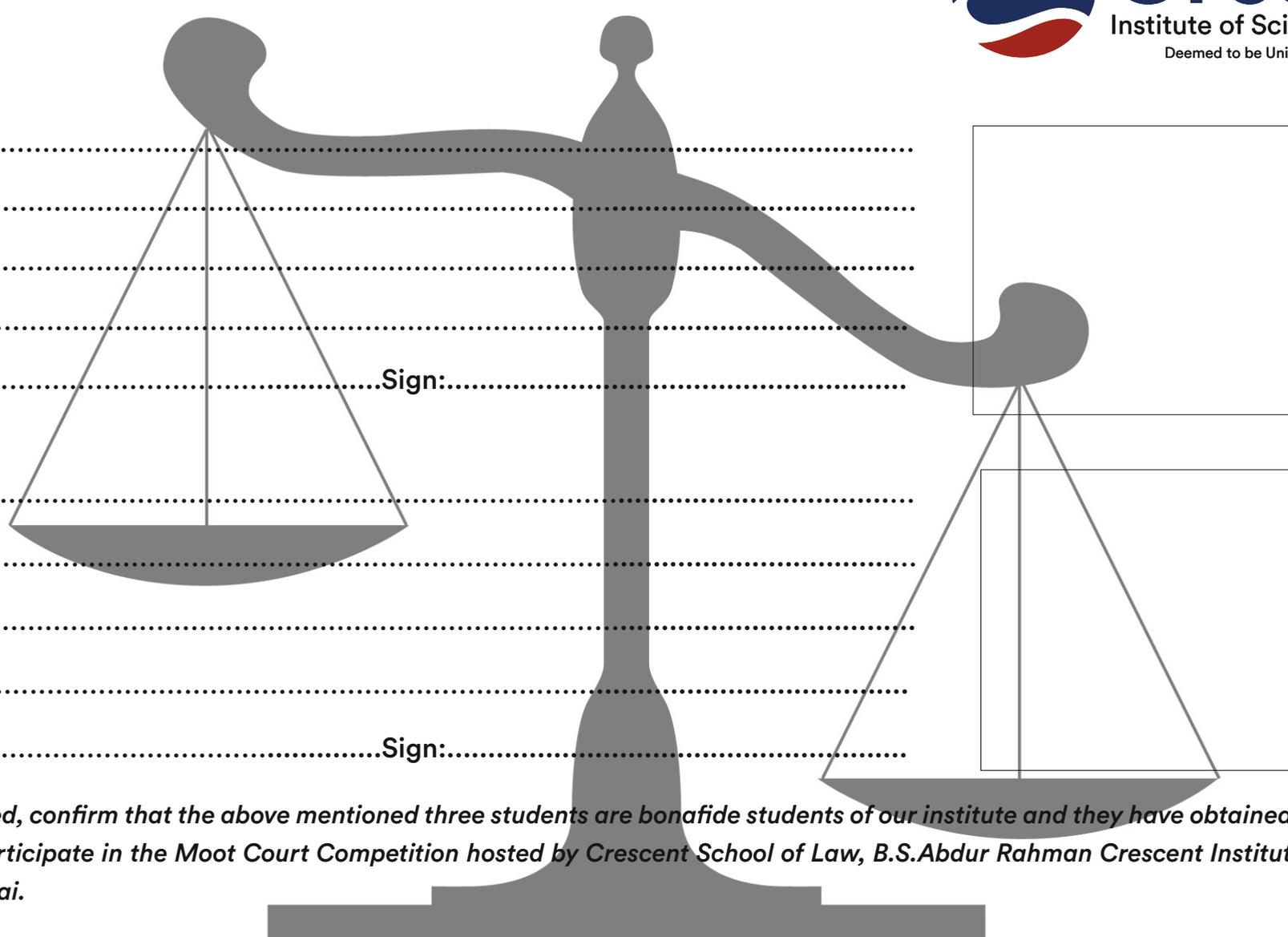
*We, the undersigned, confirm that the above mentioned three students are bonafide students of our institute and they have obtained permission from their parents to participate in the Moot Court Competition hosted by Crescent School of Law, B.S.Abdur Rahman Crescent Institute of Science and Technology, Chennai.*

**Faculty in charge**

**Sign and seal of Head of Institution**

**Place:**

**Date:**





## TRAVEL PLAN

### Arrival Details:

Date of Arrival-.....

Mode of Transportation-.....

Train/Flight/Bus No-.....

Place of Arrival-.....

Would you require transportation-.....Yes/No (from place of arrival to campus)

Food (NV/VG).....

### Departure Details

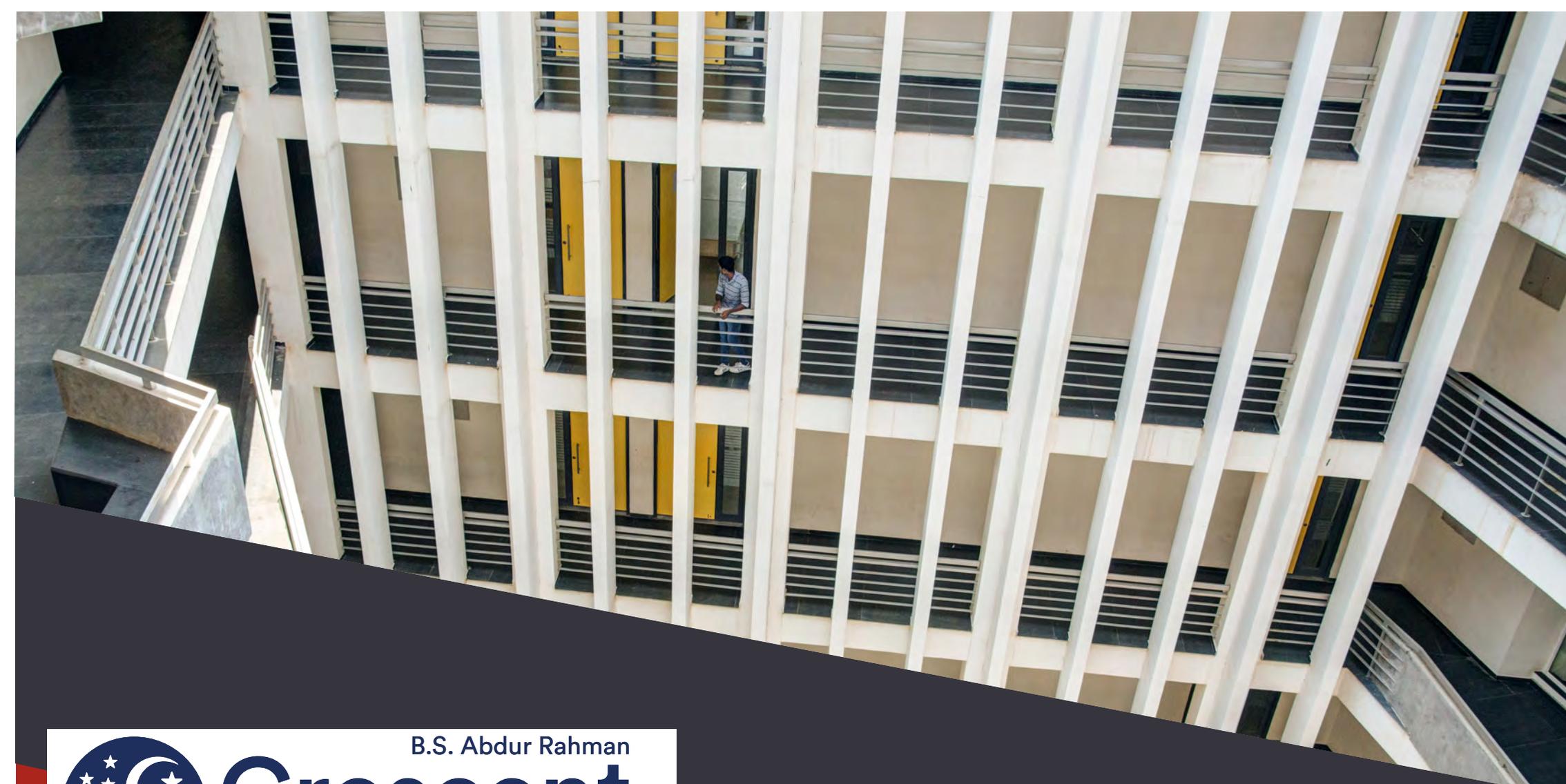
Date of departure from Crescent school of law .....

Mode of Transportation-.....

Train/Flight/Bus No. and Time-.....

\*Local teams will not be provided transportation.

\*\*Kindly clearly specify the time of arrival/departure of your mode of commutation with AM and PM.



B.S. Abdur Rahman

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Deemed to be University u/s 3 of the UGC Act, 1956

**Crescent School of Law**

**Mechanical Block**

**Vandalur, Chennai - 600 048**