

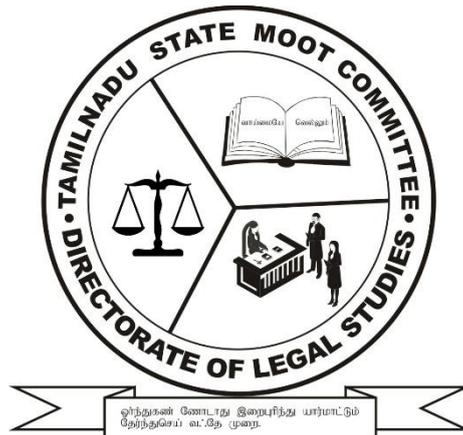


**THE DIRECTORATE OF LEGAL STUDIES  
CHENNAI**

**OFFICIAL RULES OF  
THE STATE MOOT COURT COMPETITION  
(2022 – 2023)**

**Prepared by**

**TAMIL NADU STATE MOOT COMMITTEE**



## 1. DEFINITIONS

- a) **Advanced Round** refers to the Quarter-finals, Semi-finals and Final rounds of the Competition.
- b) **Clarifications** refer to the clarifications and corrections to the Moot Problem/Rules issued by the Host College/Organizing Committee.
- c) **Competition** refers to the State Moot Court Competition to be conducted by the Directorate of Legal Studies.
- d) **Memorial** refers to the written arguments (Hard / Soft Copies) submitted, on behalf of both the Parties, in accordance with the Rules by each team. Memorials may also be referred as “Written Submissions”.
- e) **Official Website** refers to the website **www.tndls.ac.in**.
- f) **Oral Rounds** refer to a team’s pleadings submitted orally by both Speakers before the Judge(s) on behalf of either one of the Parties, allotted by the Organizing Committee through lot and / or Fixture system.
- g) **Organising Committee** (“OC”) means the State Moot Committee for the purpose of supervision of conducting State Moot Court Competition and for the other purpose Host College shall be the organising committee.
- h) **Plagiarism** means and includes,
  - 1. Representation of someone else’s ideas or words mentioned in books, articles or any other sources as one’s own;
  - 2. To present the content as new and original, which is derived substantially from an existing source;
  - 3. Copying words or ideas from someone else without giving due credit or acknowledgment;
  - 4. Changing words but copying the sentence structure of a source without giving credit;
  - 5. Copying so many words or ideas from a source that it makes up

the majority of a Memorial;

6. Taking printout of another's memorials and submitting it as one's memorial.

- i) **Rebuttal** refers to the counter/arguments presented by the Petitioner in response to the Respondent's submissions, at the end of the main pleadings of all the Speakers.
- j) **Researcher** refers to that member of a Team specifically mentioned at the time of registration, if it necessitates the researcher will be given a chance to be a speaker at the discretion of the Organizing Committee.
- k) **Researcher's Test** refers to the written test conducted during the Competition.
- l) **Rules** refer to the rules postulated in this document and any other Regulations, Instructions, Guidelines that the Organizing Committee may from time to time issue.
- m) **Speaker** refers to that member of the team who will make oral pleadings before the Judge in the Oral Rounds.
- n) **Sur-rebuttal** refers to counter argument presented by the Respondents to the rebuttal.
- o) **Team Code** refers to the unique code allotted to each participating team for the purpose of this Competition by the Organizing Committee.p

## **2. INTERPRETATION CLAUSE**

The State Moot Committee shall have exclusive authority to interpret the Rules in the interest of fairness and equality. The interpretation placed upon these Rules by the State Moot Committee shall be conclusive and the decision of the State Moot Committee regarding the application of these Rules shall be final and binding.

## **3. LANGUAGE**

The State Moot Court Competitions will be held in English Language only.

#### **4. ORGANISATION OF THE COMPETITION**

The State Moot Court Competitions will be held under the aegis of the Directorate of Legal Studies and the State Moot Committee between all the educational institutions imparting legal education in the State of Tamil Nadu. The proposition for State Moot Court Competition (SMCC) may be prepared either by the State Moot Committee or by the host college. In case the host college prepare the proposition for the SMCC, the same has to be send to **tnsmc2022@gmail.com** and approved by the State Moot Committee before it is released to the participants.

The State Committee will upload the proposition in the official website of Directorate of Legal Studies. Any changes in the rules will be uploaded as an addendum in the official website of the Directorate of Legal Studies **www.tndls.ac.in**. All the materials pertaining to the moot court and the memorials become the sole property of the Directorate of Legal Studies.

#### **5. STATE MOOT COMMITTEE**

The State Moot Committee shall be nominated by the Director of Legal Studies from time to time. There shall be Chairman, Co-Chairman, Member Secretary, Members not exceeding five shall be appointed by the Director of Legal Studies. The State Level Moot Court Committee shall supervise the conduct of the State Moot Court Competition.

#### **6. STRUCTURE OF THE MOOT**

- i. All the educational institutions imparting legal education in the State of Tamil Nadu will be officially invited to participate in the State Moot Court Competition.
- ii. The preliminary rounds, the quarter final round, the semi-final round and the final round will be conducted by one of the Government Law Colleges that is selected for the purpose of

- conducting the State Moot Court Competition.
- iii. The moot will be held through **offline** mode only except in extraordinary circumstance warranting, holding of Moot through Online mode at the discretion of the organising committee.
  - iv. It is the discretion of the **Host College** to decide upon taking part in the same competition to be conducted by them.
  - v. Apart from the Government Law Colleges, on a “first come first serve” basis maximum 10 educational institutions imparting legal education in the State of Tamil Nadu shall be allowed to take part in the State Moot Competition.

## **7. RESEARCHER’S TEST**

- i. Participation in the **Researcher’s Test is mandatory** for all teams and failure to participate may result in disqualification of the team.
- ii. The researcher nominated by the institution through the registration form will be allowed to write the researcher’s test.
- iii. The duration of the Researcher’s Test shall be **ONE hour** and may include both multiple choice as well as subjective questions. The number of questions, type, etc., shall be at the discretion of the Organizing Committee/Host College.
- iv. The objective of the researcher’s Test is to test the knowledge of the laws involved as well as the factual details of the Moot Problem and the application of the relevant laws to the circumstances in the Moot Problem.
- v. Researcher’s Test shall not be conducted in the open book format i.e., notes, bare acts, books or any other material or electronic aid shall not be permitted during the test.
- vi. On the basis of the score in the researcher’s test the best researcher will be selected.

## **8. PRELIMINARY ROUND**

- i. The procedure of the preliminary rounds begins with the draw of lots on the day fixed by the Organizing Committee/Host College.
- ii. Each team will be given 30 minutes to present their oral pleadings and no additional time shall be provided. The teams can reserve 2 minutes for Rebuttal and Sur-rebuttal each from their allotted 30 minutes. The time reservation shall be made before the commencement of each round. The same must be notified to the court officials nominated by the organizing committee.
- iii. In the preliminary rounds there shall be two rounds fixed on the basis of the lot picked by each team.
- iv. Fixture will be in such a way that in the preliminary rounds each team will argue on both the sides against different teams.
- v. Each Speaker in the team shall be assessed separately and the consolidated score with the marks of the memorial shall be the score of the team for preliminary rounds.
- vi. The individual scores of the speakers in both the preliminary rounds excluding the memorial marks shall be the deciding marks for selecting the Best Speakers of the Moot Competition.

## **9. QUARTER FINAL ROUNDS**

- i. Top 8 teams on the basis of the marks obtained in both the preliminary rounds together with the memorial marks shall qualify for the Quarter final rounds.
- ii. The Quarter final shall be a knock out round, where the side for pleading shall be determined on the basis of draw of lots and / or Fixtures.
- iii. Each team will get a minimum of 40 minutes to argue from the allotted side, including 3 minutes' time that shall be reserved for

Rebuttal and Sur-rebuttal each.

- iv. The time reservation reserved for Rebuttal and Sur-rebuttal shall be before the commencement of the round. The same must be notified to the court officials nominated by the organizing committee.
- v. Time-extension for a maximum of 2 minutes may be granted to each team at the discretion of the Judges.

## **10. SEMI- FINAL ROUNDS**

- i. The winning teams of the quarter finals will qualify for the semi-final rounds.
- ii. The semi-final shall be a knock out round, where the side for pleading shall be determined on the basis of draw of lots and / or Fixtures.
- iii. Each team will get a minimum of 40 minutes to argue from the allotted side, including 3 minutes' time that shall be reserved for Rebuttal and Sur-rebuttal each.
- iv. Time-extension for a maximum of 3 minutes may be granted to each team at the discretion of the Judge.

## **11. FINAL ROUND**

- i. The winning teams of the Semi Final Round shall qualify for the Final round.
- ii. The side for pleading shall be determined on the basis of draw of lots and / or Fixtures.
- iii. Each team will get a minimum of 40 minutes to argue, with an additional 5 minutes for Rebuttal and Sur-rebuttal each.
- iv. Time-extension for a maximum of 5 minutes may be granted to each team at the discretion of the Judge.
- v. In case of tie the memorial marks shall be considered.

## **12. PROHIBITION OF SCOUTING / ELECTRONIC GADGETS**

Scouting in any form and the use of electronic gadgets during the oral pleadings are strictly prohibited and if any team indulge in such act shall be terminated from the competition.

## **13. PARTICIPATION AND ELIGIBILITY**

- i. All the educational institutions imparting legal education in the State of Tamil Nadu are eligible to nominate their Under graduate students for participation in the State Moot Court Competition.
- ii. **No Registration Fee** for a team to participate in the State Moot Court Competition.
- iii. The team from the educational institutions imparting legal education in the State of Tamil Nadu other than Government Law Colleges can participate on their own expenses.
- iv. All the team members have to be students pursuing their 3years / 5years Bachelor's degree in law. The year of study has to be mentioned while registering for the competition along with the copy of the college ID card and a Bonafide certificate signed and sealed by the Head of the Institution.
- v. Only one team is eligible to participate representing the institutions. Soliciting in any form with regard to team allotment will strictly lead to disqualification from the competition.
- vi. A team code will be allotted to each team by the moot organisers. The same shall be the identity for all the correspondence.
- vii. Provisional registration is permitted from the date of the announcement of the competition till the subsequent 10 days.
- viii. The Registration shall be done by sending Hard and Soft Copies of the Registration forms to the Host College.
- ix. Once the Registration form submitted the acknowledge mail will be

sent within two working days by the Host College to the respective teams.

- x. The team comprising of 3 members is mandatory. While registering for the competition, it is mandatory to nominate two speakers and one researcher. The host will not entertain any change in the nomenclature of Speaker-1, Speaker-2 and researcher as nomination by the Participating team at the time of Provisional Registration, except under extraordinary circumstances at the discretion of the Organizing Committee/Host College.
- xi. All Team members and Faculty-in-charge are advised to regularly check the official website / E-mails of the organizing committee for any updates on the competition.

#### **14. DRESS CODE**

The participants shall adhere to the following dress code while in the court rooms:

- **Gentlewomen:** White salwar and kurta with black bottoms or white shirt and black trousers along with a black blazer and black shoes.
- **Gentlemen:** White shirt, black trousers, a black tie, a black blazer / coat and black shoes.

#### **15. NON-DISCLOSURE CLAUSES**

- i. The Name of the institution shall not be revealed and the team has to refer themselves with the team code throughout the competition.
- ii. Team must not reveal the identity of their institution to the Judges at any time during any round. All instances of such disclosure shall be treated as Disqualification of the team.
- iii. The host college should not reveal the name of the participating institution.

## **16. CLARIFICATIONS**

Teams may request for corrections and clarifications in the moot problem by submitting a written request to the email ID provided by the Organising Committee/Host College on or before the date mentioned in the official notification. All the clarifications will be collated and the response will be provided vide a mail on the date as specified by the Organising committee/Host College to all the participating Colleges. No further clarifications shall be entertained after the said date.

## **17. DECLARATION OF RESULTS**

The declaration of results for each round will be declared within a maximum time limit of One hour. The results declared by the organizing committee shall be final and binding.

## **18. SUBMISSION OF MEMORIALS**

- i. Each team participating in the event must prepare memorials on behalf of the Petitioner / Appellant / Applicant / Plaintiff side and Respondent / Opposite Party / Defendant / Other side.
- ii. The cover page of the memorials shall be **blue colour** in the case of Petitioner / Appellant / Applicant / Plaintiff side and **pink colour** in the case of Respondent / Opposite Party / Defendant / Other side memorial.
- iii. Team code shall be printed in the Top Right corner of the cover page.
- iv. And the team code shall not be reflected anywhere other than the cover page of the respective memorials.
- v. The soft copy of the memorials in PDF format shall be submitted to the Email ID of the organizing committee.
- vi. The soft copy of the memorial forwarded within the dead line to the

email of the organizing committee shall be **final and binding**. The same shall not be altered, changed for any reason at any point of time.

- vii. The **five hard copies** of the memorials for each side shall be soft bounded & submitted in person to the organizing committee on the date specified by the organizing committee. The extra hand copies for the team has to be kept by themselves. In event the hard copies submitted to the Organizing Committee shall not be returned to the teams concerned.
- viii. The Soft copy and the Hard copy of the memorial submitted shall be the same and identical in all aspects. If any change is found, then the memorial shall be rejected and no marks shall be awarded.
- ix. After the deadline for memorial submission, the memorials that are forwarded to the email ID will be subject to a **penalty of 2 marks for each day of delay**.

## **19. MEMORIAL FORMATTING**

- i. All parts of each Memorial must be contained in a single file.
- ii. Memorials shall be submitted only in PDF format. Memorials that do not confirm to this Rule shall not be accepted.
- iii. All pages of the Memorial must be A4 size, with margins of at least one inch on all four sides.
- iv. The Memorial shall be in typewritten. The following content specifications shall be strictly adhered to:
  - 1. Language: English
  - 2. Body Font & Size: Times New Roman, 12
  - 3. Line Spacing: 1.5 [The spacing need not be followed for the Cover Page, Tabular Column, Header or Footer]

4. Footnotes Font & Size: Times New Roman, 10
  5. Line Spacing: 1.0
  6. Paragraph Spacing: None
  7. No additional space between footnotes
  8. Substantive Footnoting is strictly prohibited
  9. Alignment (Body & Footnotes): Justified Margin: 1 inch on all 4 sides
  10. Citation Method: The Bluebook / Harvard Law Review, 20th edition. / ILI / A Uniform System of Citation.
- v. Memorials submitted for the competition will be subject to plagiarism check.
  - vi. The Memorandums shall not contain any Annexure / Appendices, Photographs, Sketches, Exhibits, Affidavits, etc.

## **20. MEMORIAL STRUCTURE**

Each Memorial shall not exceed 35 pages (A4 size), inclusive of cover page, and shall contain the following sections:

- i. Cover Page (shall include, Cause Title, Forum / Court, designation as Petitioner or Respondent Memorial).
- ii. Table of Contents.
- iii. Index of Authorities.
- iv. Statement of Jurisdiction (strictly restrict to 1 page).
- v. Summary / Statement of Facts (strictly restrict to 1 page; argumentative Statement of Facts shall be penalized).
- vi. Issues Raised.
- vii. Summary of Arguments / Pleadings.
- viii. Arguments Advanced / Written Pleadings.
- ix. Prayer.

## **21. COMPENDIUM**

- i. All relevant case laws and statutory material to be passed on to the Judges during the Oral Rounds may be submitted in the form of a Compendium to the organizing committee during the submission of the hard copies of the memorial.
- ii. The teams have to keep a hand copy of the compendium for their reference during argument before the judges. In event the compendium submitted to the Organizing Committee shall not be returned to the teams concerned.
- iii. Participants shall ensure that anonymity is not violated in the compendium.
- iv. If any mark, name, seal, symbol or logo of the institution / college is present, participants must ensure that the same is properly shaded to maintain anonymity. Violation of anonymity shall result in immediate disqualification.

## **22. ASSESSMENT OF MEMORIALS**

The memorials shall be assessed out of 100 marks, by a team of experts nominated by the organizing committee on the predetermined criterion, as specified here under:

<b>Content</b>	<b>Marks</b>
Clarity of Facts	<b>15</b>
Incorporation of Facts into the arguments	<b>20</b>
Use of Authorities / Precedents	<b>20</b>
Knowledge and interpretation of applicable laws	<b>20</b>
Grammar and Style of presentation	<b>10</b>
Originality	<b>10</b>
Appropriate Relief Prayed	<b>05</b>
Total	<b>100</b>

### 23.ASSESSMENT OF ORAL SUBMISSIONS

Team performance of the orators shall be judged in all rounds on the basis of following criterion

Content	Marks
Knowledge of the Facts	10
Knowledge of the applicable law	10
Interpretation of facts and Law	20
Argumentative Skills	15
Clarity of Thoughts and Expression	15
Courtroom Conduct	10
Ability to response to the questions	10
Overall presentation style, poise and demeanor	10
Total	100

### 24.AWARDS AND HONOURS

- a) **Certificate of Merit:** The winner of the Final Round shall be declared as the “Winner” of the competition and shall be awarded a certificate of merit and winner trophy.
- b) **Runner’s Up:** The other team that made it to the Final Round shall be declared “Runners up” and shall be awarded a certificate of merit and runner trophy.
- c) **Best Speaker:** Best Speaker (separately for Boys and Girls) shall be determined on the basis of the highest average marks obtained individually in the preliminary rounds excluding the memorial marks and shall be awarded a certificate of merit and a best speaker trophy.
- d) **Best Memorial:** Best Memorial shall be determined on the basis of the highest marks obtained in the memorial, and shall be awarded a certificate of merit and trophy.
- e) **Best Researcher:** Best Researcher shall be determined on the basis

of the highest marks obtained in the in the Researcher Test, and shall be awarded a certificate of merit and trophy.

- f) **Certificate of Participation:** Every participating team shall be awarded a “Certificate of Participation”. “No Certificate of Participation” shall be granted to those teams who failed to submit the memorials in accordance to the rules.

## **25. Accommodation, Food and Travel Allowance**

Accommodation will be provided only to the team of Government Law Colleges. The other teams can participate on their own expenses.

- i. Accommodation (on sharing basis) to the participating team members of Government Law Colleges will be provided by the Organizing Committee/Host College on the request of the teams.
- ii. No additional member shall be accommodated under any circumstances.
- iii. The accommodation shall be subject to the conditions imposed by the Organizing committee/Host college.
- iv. Food and snacks shall be provided for the participating team members at the venue of the competition.
- v. The registered team members of Affiliated Government Law Colleges alone will be provided with travel allowance on the basis of actuals by submitting travel tickets of the bus or train from the studying institution to the venue of the Moot competition.
- vi. In case of train travel the maximum permissible limit for travel allowance is second class sleeper.
- vii. In case of the bus travel the maximum permissible limit for travel allowance is Tamil Nadu State Transport Corporation sleeper coach.

viii. The travel allowance for the return journey is as that of the onward journey.

ix. The local transit from the place of accommodation to the venue of the Moot competition will be arranged if necessary by the Organizing Committee/Host college on the timing fixed by them. The teams shall adhere to the timings of the organizing committee, failure on which, teams have to make their own arrangements.

## **26. CODE OF CONDUCT:**

- i. No team members shall indulge themselves in any act of misconduct which is unbecoming of a student.
- ii. No team members shall indulge in any misconduct in or outside the premises and precincts of the venue including the place of accommodation and transits.
- iii. The acts or omissions of any team members undermining the credibility of judges or that of the competition is also misconduct.
- iv. Any behavior of indiscipline with the organizing committee/Host college or any other staff member or student volunteer of the venue, damage to the property or goodwill of the institution shall be dealt with strictly.
- v. No team shall ask for feedback immediately on completion of any round. Any attempt to approach the framer of the moot problem or judges of the competition, prior to the competition shall lead to appropriate action by the Organizing Committee/Host college.
- vi. Any form of scouting during the Competition is strictly prohibited and shall entail disqualification of the team.
- vii. Committing of any misconduct by any of the team members shall

lead to immediate disqualification of the team. The organizing committee/Host college shall recommend to the appropriate authority for disciplinary action.

## **27.RULES FOR VIRTUAL MODE**

Only during Extraordinary circumstances when the physical moot is not possible, Organising Committee can prefer virtual mode. The rules and regulations for the virtual mode will be issued at that time.

## **28.MISCELLANEOUS PROVISIONS**

- i. In case of any dispute arising out of the interpretation of the Rules, or otherwise, the decision of the Organizing Committee shall be final and binding.
- ii. The State Moot Court Competition 2022 - 2023 shall be conducted as per the above mentioned Rules. However, the Organizing Committee has powers to amend, vary, alter, modify, the Rules in the event of any exigencies. The same shall be Final and binding upon the Participating Teams. Further, the decision of the Organizing Committee of concerning the conduct of the Competition is final and the same shall be binding upon the Participating Teams.

**GOVERNMENT LAW COLLEGE, CHENGALPATTU**

**STATE MOOT (ENGLISH) COMPETITION - 2023**

**MOOT PROPOSITION**

1. The Union of Bindia, is a country in the Galaxian continent and quasi-federal in nature. The Country is considered as the land of myriad and unique cultures. The Cindus Valley Civilizations and Zarappan Civilizations were the two prominent civilizations which existed 5000 years ago. The Country being with a strong cultural and heritage base which can be traced over a period of years, has transformed into one of the country with modern principles and ideals. In today's era, there is a rapid and tremendous growth of science and technology. It has webbed with the life of human species that even in family matters it has prominent interferences.
2. Womanhood, Motherhood, Marriage and Family are the vital concepts which has traditionally valued and being stitched in the minds of the ginormous population of the State who strongly follow a plethora of religion and faiths. At the same time the country has history of exponents in the field of medicine, dentistry, obstetrics and gynaecology. In the fast moving world there were so many factors hindering the health and wellbeing of individuals. One such being, the dream of having a child has turned to be a day dream for many couples. Though times started rolling and developments started ruling human lives, the basic ideologies that children are the continuity of family tree and lineage has webbed with lives of human species.
3. The boon for such couples who are left handicapped by the situation is being surrogacy. In the Union of Bindia, surrogacy is not a new concept, the history of surrogacy can be traced through its literatures. The concept of surrogacy initiated nearly two decades ago. The unethical business of surrogacy raised concerns that demanded for the legislatures to pass a law to regulate the surrogacy practices in Bindia. There was also an enormous expectation and invitation for the said Surrogacy Law. The flip side being with criticisms that the said initiative is intruding into the reproductive rights and justice and furthermore is encroaching into the right of privacy and reproductive autonomy.
4. Despite criticisms the Union of Bindia passed the Surrogacy (Regulation) Act, 2021 which came into force to regulate the reproductive medicine and a boon to infertile couples to avail

for surrogacy. The Act was treated as a commendable step by State for addressing the growing needs by taking the demands in the right direction. It was regarded as the Law which kept its pace with the rapidly evolving technology, demands of morality and societal changes.

5. Anil and Ankruta was in a live-in relationship for a very long period. Both of them were IT professionals of aged 37 and 29 respectively. Their stressful job nature started to interfere in their family life, that all their wishes to have a child for their own ended up in vain. So they tried alternative measures of adopting for a child but the procedural long awaiting has made them lose their hope. Meanwhile, the couple heard a news of better opportunity in their jobs overseas which will take some time for processing. So before which they wanted to have a child of their own and they came to know about surrogacy. So they found Neelam aged 33 years who hails from a poor background and unable to make her ends meet. Since being a widow Neelam finds it difficult to raise her son. The couple made Neelam to believe that they were husband and wife and convinced her to be surrogate mother by paying her Rs.2 Lakh and approached Meteorite Hospital authorities for the same. While during her gestational period Neelam's son got an emotional connect with the baby that he was awaiting to see the child. After delivery the live-in couple was expecting for the child to be in their hands but to their shock and surprise the child was not handed over. All the efforts taken by the couple went as a needle in haystack. So they filed a petition before the Hon'ble High Court of Mica claiming for the custody of the child.
6. Suraj and Nindhya were married couple. Suraj was aged 35 and Nindhya was aged 25 at the time of their marriage in 1998. The couple did not conceive owing to weak and deficient ovary syndrome which didn't led to sustain the pregnancy. Nindhya felt humiliation when the family and friends discussed about the issues relating to reproductive and menstrual cycle. Since the childless couple have not been declared infertile they had the hope of giving birth to a child keeping in mind the developments in the medical field. Even the earnest efforts taken by the couple for adoption has so much of complicated procedural formalities have made them hopeless. Unfortunately her husband was arrested on April 2020 and was convicted and need to undergo a prison term of 10 years, shattering all her dreams to have a child. As a last resort, she now wants to have a baby through surrogacy and applied for the same to the concerned authorities. Her application was rejected on the ground that her

husband was not eligible to provide the Certificate of Essentiality and Certificate of Eligibility as per The Surrogacy (Regulation) Act, 2021 and also prison rules has not mentioned in its guidelines to allow a prisoner to apply for surrogacy and stated that they are not eligible for surrogacy. Nindhya filed a petition before the Hon'ble High Court of Tina questioning the ban on their right to have a child through surrogacy.

7. Aroop and Portia were popular personalities in Outstagram having large number of followers. Both Aroop and Portia's each and every activities were keenly watched and inspired by people. Both were aged 42 and 40 respectively. They were married for 3 years and their marriage was conducted before their families and they had not informed to any of the public and kept it private and let them clueless. On July 2022, the couple posted a story on Outstagram about their marriage and this was a happy shock to their followers and a month later the couple posted a picture of triplets stating them as their surrogate babies. This was a shock to everyone that the incident invited criticisms, as being famous personalities they took the law for granted. A lot of controversies were created over how the couple had surrogate children in just a month of posting their marriage photo. The couple was asked to come up with explanations before the respective committee.
8. Bindia has traditionally identified same-sex unions to be a trans-rooted alien culture bound syndrome. Hence LGBTIQ + communities are working hard for the dawn to come to reality and to mitigate all the challenges faced by them. Two gay men, named Virush and Dhroop approached the Hon'ble High Court of Oria contending that the right to marry a person of one's own choice and this right as it extends to same- sex couples extends to them as well. Moreover, as every human and couples wishes for that they too have their desires of extending their families by having a child of their own is not such a taboo or condemned behavior. Hence they approached the court also for challenging the respective provisions of the Surrogacy Act which extends its coverage to the married couples of opposite sex and the said matter was pending before the Hon'ble High Court of Oria.
9. With confusion as to 'what is legal and what is not?', people get sandwiched with the parameters of the legislations. And this is why people of Bindia though intellectually and technologically expanded, still quite a larger section finds it difficult that they are glued with the primitive ideologies by sitting on the fence. Many doctors are of the opinion that though people are aware about the surrogacy procedures and the restrictions were eventually

deteriorated the cases of exploitation of many illiterate women and also those who are from lower socio-economic backgrounds. Many doctors were opinionated that the new Act posed a restriction on commercial surrogacy and this seems to have no empathy over the surrogate mother who puts her body through a lot and has no incentives. Many doctors were not even willing to talk about the surrogacy laws itself and few clinics have stopped to take up surrogacy and were with strong point of not resuming it further.

10. Though The Surrogacy (Regulation) Act, 2021 has many welcomable aspects equally it attracted criticisms on the various inefficiencies and incapacitiveness of its provisions. The Union of Bindia witnessed as many incidents of such a kind. Several debates in the news channels and newspapers went in addressing the pros and cons of the Act, commenting on its strong impact in the Bindian woman's reproductive rights and health. The Act has a pre-conclusive notion and flawed assumption that by removing commercial surrogacy and the key component eventually being removed, exploitation will be curbed off. More likely, the Act has created discrepancies rather than solving the problems which the government has intended to address.
11. Nepenthes, an NGO strongly criticized the short comings of the Act that women are treated with no salutations for them being a surrogate mother without any monetary aid and plainly they were treated as child bearing machines despite their work. The Act further has woman's age scale criteria beyond which they cannot be surrogate and infurtherance their right to privacy is invaded. It apparently withered out its protection to same-sex couples and further not clear about couples intending to have their families extended with more than one surrogate child et cetera. They were with strong point that the Act has encountered with unimaginable shortcomings and has not given any satisfactory remedies to arousing issues.
12. To counteract the escalating scenarios of deviances The Surrogacy (Regulation) Act, 2021 has faced throughout the Union of Bindia, the NGO approached Hon'ble Supreme Court of Bindia filing Public Interest Litigation that there are discriminatory and restrictive classification of persons under the Act, makes it violative of the basic structure of the Constitution and furthermore the personal decision of birth of baby through surrogacy is a right of guaranteed reproductive autonomy and the Act poses an arbitrary restrictions on the rights of woman. The Hon'ble Supreme Court has admitted the said petition and also after

considering similar surrogacy related petitions pending in the respective High Courts, decided to club and hear all the petitions.

**13. Issues to be addressed:**

- i) Whether the Provisions of The Surrogacy (Regulation) Act, 2021 to the extent of prohibiting commercial surrogacy and allowing altruistic surrogacy is constitutionally valid?
- ii) Whether the Provisions of The Surrogacy (Regulation) Act, 2021 expands its parameter in prohibiting unmarried couples, live-in couples and same-sex couples from availing surrogacy is constitutionally valid?
- iii) Whether the age limit prescribed for men and women in the said Act reinforced the patriarchal values by withering away the Laws of equality?
- iv) Whether the vacuum in The Surrogacy (Regulation) Act, 2021 had incapacitated and deserted the rights of incarcerated person to have a child of their own?

The legal system and legislations of Bindia are in pari materia with that of India.
The Participants are at liberty to frame any sub-issues that need to be incorporated.
All names of individuals mentioned in this problem are fictitious. Any resemblances to person(s), place(s), period(s), or entities in real life are purely coincidental.
None of the facts above are intended to depict anyone or any pending litigations. All facts stated herein are for the purpose of Moot Court Competition and may be taken in that light only.
Any queries relating to moot proposition may be addressed to Government Law College, Chengalpattu through <b>Email ID: glccmoot2023@gmail.com</b>

## SCHEDULE OF EVENTS

<b>S.NO</b>	<b>EVENTS</b>	<b>DATE</b>
<b>1</b>	<b>Release of Moot Proposition, Rules and Commencement of Registration</b>	26.12.2022
<b>2</b>	<b>Last Date for Provisional Registration</b>	06.01.2023
<b>3</b>	<b>Last Date for Registration Confirmation</b>	09.01.2023
<b>4</b>	<b>Last Date for seeking Clarifications</b>	14.01.2023
<b>5</b>	<b>Last Date for Memorial Submission (Soft copies)</b>	20.01.2023
<b>6</b>	<b>Last Date for Memorial Submission (Hard copies)</b>	21.01.2023
<b>7</b>	<b>Inauguration and Drawing of Lots</b>	27.01.2023
<b>8</b>	<b>Date of the Competition</b>	<b>27.01.2023 to 28.01.2023</b>
<b>9</b>	<b>Researcher's Test</b>	27.01.2023
<b>10</b>	<b>Date for Preliminary and Quarter finals</b>	27.01.2023
<b>11</b>	<b>Date for Semi Finals and Finals</b>	28.01.2023
<b>12</b>	<b>Valedictory</b>	28.01.2023

**REGISTRATION FORM**

DATE: \_\_\_\_\_

**INSTITUTION DETAILS**

**Name:**

**Address:**

**Contact No.:**

**E-mail ID:**

**Faculty in Charge:**

**Designation:**

**PARTICIPANT'S DETAILS:**

**Name of Speaker 1:**

**Year and Course:**

**Contact No.:**

**Email ID:**



**Name of Speaker 2:**

**Year and Course:**

**Contact No.:**

**Email ID:**

Affix  
passport size photo

**Name of Researcher:**

**Year and Course:**

**Contact No.:**

**Email ID:**

Affix  
passport size photo

**DECLARATION:**

We, affirm that all the information provided in the registration form is true. Further, we declare that the institution and its team members will abide by all the rules and regulations as notified throughout the period of competition.

\_\_\_\_\_  
(Signature – Speaker 1)

\_\_\_\_\_  
(Signature – Speaker 2)

\_\_\_\_\_  
(Signature – Researcher)

\_\_\_\_\_  
(Faculty – In – Charge)

\_\_\_\_\_  
(Head of the Institution with Seal)

