



MOOT COURT SOCIETY  
LAW CENTRE 1, FACULTY OF LAW  
UNIVERSITY OF DELHI

# FIM HANDBOOK

Freshers' Induction Moot Court  
Competition 2023



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# TIMELINE OF EVENTS

**18  
MARCH**

**Release of Moot Proposition**

**30  
MARCH**

**Last date for seeking clarifications**

**10  
APRIL**

**Opening of link for registration-cum-  
memorial submission**

**12  
APRIL**

**Last date for submission for memorial**

**17  
APRIL**

**Oral Rounds**

**TBD**  
\*To be  
declared

**Researcher's Test & Oral Rounds  
Results Announcement**

## **1. ELIGIBILITY FOR PARTICIPATION**

All the bona fide first year regular students of Law Centre-1 are eligible to participate in the competition.

## **2. SUBMISSION OF MEMORIAL**

The participants are expected to prepare the memorial from one side only i.e. either from petitioner/plaintiff or from respondent/defendant.

**Language:** The language of the competition shall be ENGLISH only.

## **3. SELECTION CRITERIA**

The following criteria for the selection will be followed which would be out of 100 Marks:

- a) Criterion I: Memorial Total Score (20 Marks)
- b) Criterion II: Researcher Test Total Score (20 Marks)
- c) Criterion III: Oral Rounds Total Score (60 Marks)

**Only top 40 Memorials will be selected for Oral rounds and Researchers' test.**

**Top thirteen students in merit list shall be inducted after adding the scores in their respective criteria, i.e.;**

- (i) Oral Rounds Score
- (ii) Memorial Score
- (iii) Researcher Test Score

## **4. RULES REGARDING MEMORIAL**

The following requirement of a memorial must be followed, the nonconformant of which will be penalized:

1. The Word file and the PDF copy of the Final Memorial, should be uploaded on this [link](#). No memorial shall be considered sent elsewhere.
2. The uploaded memorial documents should be named - "Fresher Induction Moot 2023- Memorial on Behalf of [Appellant/ Petitioner/ Plaintiff/Respondent/ Defendant]". Kindly adhere to this pattern while naming the file/document, as the same will be used as record in all future correspondences.
3. The size of the file should not be more than 10 MB.
4. The above-mentioned link for the submission of the memorials will be opened on April 10th, 2023 and will close on April 12th, 2023 at 11:59 PM.
5. No memorial shall be accepted beyond April 12th, 2023 11:59 PM.
6. Once the memorial is submitted, no revisions, supplements, alterations or additions will be allowed.
7. If two participants are found to have the same/ similar memorial, both shall be subjected to disqualification.

**The format of the memorial should be as follows:**

- 1) Main body text: Times New Roman, Font Size 12, Line Spacing 1.5
  - 2) Footnotes text: Times New Roman, Font Size 10, Line Spacing 1.0
  - 3) A margin measuring 1 inch on all sides of each page.
  - 4) Page numbering should be at the bottom centre of the page.
  - 5) Memorial must not mention any of your personal details such as Name, Year, Roll Number, contact details, etc. which reveal your identity in any manner.
  - 6). No additional facts must be incorporated or relied upon other than facts mentioned in the Problem.
  - 7). The style of footnoting must be consistent. The footnotes must be restricted for providing only bare citations and must not be accompanied by any form of description or explanation or authorities relied upon.
- 8) The memorial must necessarily contain (but may not be restricted to) the following in the order mentioned below:
- Front Page
  - Table of Contents (1 Page)
  - Index of Authorities (upto 2 Pages)
  - Statement of Jurisdiction (1 Page)
  - Statement of Facts (1 Page)
  - Statement of Issues (1 Page)
  - Summary of Arguments (upto 2 Pages)
  - Arguments Advanced (upto 15 pages)
  - Prayer (1 Page)

**The front page of the memorial must be BLUE for Appellant/ Petitioner/ Plaintiff and RED for Respondent/ Defendant.**

Cover page of the Memorial must state the following:

**FRESHER INDUCTION MOOT 2023, LAW CENTRE-1**

**Name and place of the Court**

**The Case title**

**Memorial on behalf of [Appellant/ Petitioner/ Plaintiff/Respondent/ Defendant]**

**Counsel appearing on behalf of [ [Appellant/ Petitioner/ Plaintiff/Respondent/ Defendant]**

## **5. MEMORIAL SCORE**

**The scoring for the written submission (Memorial) is 20 Marks which shall be divided as follows:**

- Application and appreciation of facts (5 marks)
- Identification and presentation of issues (5 marks)
- Application of legal principles/ provisions, use of precedents and authorities (5 marks)
- Consistent footnoting and formatting (5 marks)

## **6. ORAL ROUND**

The Oral Rounds shall be conducted in-person at the College Campus. Each participants shall get a total of 15 minutes to present their case. The Oral arguments should be confined to the issues presented in the Memorial.

## **7. SCORING OF ORAL ARGUMENTS (60 MARKS)**

- 1) Application and appreciation of Facts (10 marks)
- 2) Understanding of law and procedure (15marks)
- 3) Use of authorities and precedents (10 marks)
- 4) Response to questions and articulation (15 marks)
- 5) Advocacy skills, court craft and demeanour (10 marks)

## **8. DRESS CODE**

- 1) Female Counsel: White shirt with Black/White Pants OR White/Black Kurta, White/Black Salwar, Black Blazer (Preferable but not mandatory).
- 2). Male Counsel: White shirt, Black/White Pants, Black Blazer and Tie (Preferable but not mandatory)

## **9. RESEARCHERS' TEST**

- a) Researcher Test shall be conducted online.
- b) It will consist of 10 Multiple Choice Questions of 2 Marks each.

## **10. CLARIFICATIONS**

Participants may seek clarification to the moot problem on this link. The last date for seeking clarifications is 30th March, 2023 till 11:59 PM. The clarifications shall be sent to the participants within two or three days.

Any queries with respect to the competition, not related to moot problem, may be sought at [fim2023.lc1@gmail.com](mailto:fim2023.lc1@gmail.com). No memorial sent on this email shall be considered for any purpose.

For queries over phone (Available from 10 AM-9 PM only):

For further queries, you may contact Senior EC Members:

Kapil Balwani (Executive Council Member): 9702463054

Saif Ali (Executive Council Member): 9140098992

Ksheeraja Satish (Executive Council Member): 6380650530

Madhulika (Executive Council Member): 9074638970

### **Moot Proposition Important Instructions:**

- > Facts of the moot proposition are purely a make-believe and created solely for the purpose of assessing the necessary legal acumen of the law students. Names, places and locations used in the facts are designed to ensure effective participation of the students in the competition. Any resemblance of the facts with any real life situation shall be purely co-incidental.
- > Facts are to be accepted as they appear in the moot proposition. Facts should not be disputed and are not subjected to any kind of modifications.
- > Facts of the case are pari materia with the Indian scenario and accordingly you are advised to refer Indian Law on the points.

# MOOT PROBLEM

**In The Supreme Court of India**

**Civil Appellate Jurisdiction**

**Civil Appeal No. 2817/2023**

**Jyoti .....Appellant**

**Versus**

**Ramesh.....Respondent**

## **Facts:**

Since 2015, Jyoti and Ramesh were working together in an MNC in New Delhi, as software Engineers. Gradually they developed friendship and in September, 2020, they moved-in together in a rented apartment in the area of Rohini. Since then they were in a live-in relationship. In April, 2022, for a few months Jyoti was sent to Bangalore for a work assignment by the company. Jyoti was assisting Mohit the Senior Software Engineer in Bangalore Branch of the company and they both were working for long hours together. As the project had strict deadlines, Jyoti had to work hard and Ramesh felt ignored and blamed Jyoti for having fun time with Mohit while he was left alone in Delhi.

After Jyoti came back to Delhi in August, 2022, Ramesh became suspicious about Jyoti for having an affair with Mohit in Bangalore and also questioned her as to why she was still in contact with him, when the project was complete. Gradually Jyoti convinced him that she had no other man in her life and also disconnected herself from Mohit completely. In the first week of October, 2023 Jyoti found out that she was pregnant and she insisted upon getting married, to which Ramesh initially refused as he wanted to focus on his career but Jyoti convinced him hard and he agreed. When Jyoti's parents went to meet Ramesh's parent, they purported that Jyoti had multiple illicit relationships and as they were not sure that Ramesh was the father of the expected child, they did not want him to get married to Jyoti.

Jyoti said that if they had doubts Ramesh could take a paternity DNA test but he clearly refused to do that and said he cannot be forced for the same and was sure that the child belongs to Mohit or someone else but him. Jyoti was devastated; she lost all the hopes and decided to terminate the pregnancy, which by then was of the term of 23 weeks. The doctor refused to abort the baby as per Medical Termination of Pregnancy Act, 1971 (MTP Act). Against this Jyoti approached the court to grant equal rights to access abortion upto 24 weeks of gestation to all women, whether married or not and to order Paternity test of Ramesh to uphold her dignity along with the compensation for all the agony and trauma.

The trial court denied Jyoti, the right to terminate her pregnancy. Jyoti did not want to carry the pregnancy because of the social stigma, family pressure, financial constraints, and above all the betrayal from Ramesh. Jyoti's request to order Ramesh to go through the DNA test for paternity was also rejected on the ground of lack of jurisdiction. The Trial Court held that the case involves consensual sex between two consenting adults and Jyoti had given consent for sexual intercourse and it was only after pregnancy that Ramesh agreed to get married but the sexual intercourse at any stage before that was consensual without any conclusive proof of promise to get married from the side of Ramesh. The Trial court called the case 'a classic case of a love affair gone bitter' and said DNA test cannot be ordered as a 'matter of course' merely because they are permissible by the court.

In appeal the High Court, clearly reinstated that DNA test is to be ordered only in deserving cases and forcing someone infringes his right to privacy. Honb'le High court said, "The appellant seems to be confusing, she is here with conflicting pleas. She cannot seek permission to terminate her pregnancy and for the DNA test for Paternity at once. Paternity tests are to create affiliation for the child and his rights; it cannot be used as a mean to build pressure or extract money or for vengeance. Here it is not for the child but to prove a point. Paternity test would fetch no fruit if the mother is simultaneously seeking the abortion. The appellant clearly has no consideration for the child and his paternal affiliation but is more about to prove the allegation on her character to be wrong, which in no possible scenario gives rise to a ground to order Paternity test."

Further it was held that she did not have the right to terminate her pregnancy. The court clearly enlisted that only certain categories of women can terminate their pregnancy beyond 20 weeks and up to 24 weeks and such categories included married women whose marital status changed because of divorced or death of the husband during the pregnancy. The court clearly said that the unmarried women, whose pregnancy arose out of a consensual relationship, was not covered. And hence Jyoti cannot get her pregnancy terminated. The court explicitly said that giving an option to terminate the pregnancy must in all the cases be the exception and not the rule. Abortions are "ethically not advisable". A woman cannot demand an abortion because the fetus is not the "property of the woman". With a 24 week pregnancy, termination is not as casual as the mother wants it to be, it is a feticide, a killing of fetus which cannot be allowed just under family pressure. Ms. Jyoti is an independent woman who ignored the social norms and moved in with her lover and decided to get pregnant, just because the affairs did not turn out to be as planned, she cannot terminate the pregnancy and kill the fetus, which is a living being, without any of his fault. If such terminations are allowed, we are in turn increase female- feticides also. The court upholds the decision that this pregnancy should not be terminated. For medical practioners, denying abortion has no consequence, but if they provide abortion and it does not fall under the parameters of the Medical Termination of Pregnancy Act, 1971, then there is a criminal liability.



Against the High court judgment the appellant has filed the present appeal stating that Article 21 of the Constitution guarantees right to life with dignity and the right of every woman to make reproductive choices without undue interference from the State is the core of the idea of human dignity. Denial to DNA test and deprivation from abortion choice along with the denial of access to reproductive healthcare or emotional and physical wellbeing injures the dignity of women.

It is also pleaded that the legislature (Medical Termination of Pregnancy Act, 1971) intends to distinguish between married and unmarried women and hence is against the constitutional mandate of equality. An interpretation given by the Hon'ble HC is limited only to married women, would render the law discriminatory towards unmarried women and violate their fundamental right to equality.

On this ground the appellant has sought permission to terminate her pregnancy.

**Issues:**

- Whether the classification made under Section 3 of the Medical Termination of Pregnancy Act, 1971 (MTP Act) is unreasonable and violates Article 14?
- Whether denial to DNA test to establish the parentage of the fetus to uphold the dignity of a woman wherein, she is accused of infidelity, violates of Article 21 of the Constitution?