

SECOND BARRISTER S.K. SAHAY MEMORIAL INTRA MOOT COURT COMPETITION- 2017

CHOTANAGPUR LAW COLLEGE, RANCHI

(OCTOBER 13TH - 15TH OCTOBER, 2017)

MOOT COURT PROPOSITION

Beginning in the 1970s, Saddam Hussein ruled the Republic of Iraq with a tight grip. His supporters maintained that through his many social and economic programs he effectively brought the country into the modern age. His many critics, however, claimed that Saddam was a ruthless dictator who would stop at nothing in his endless push for power. Regardless, the charismatic leader retained control of his country during countless military conflicts, including an eight-year war against Iran in the 1980s and the Persian Gulf War in 1991. He also survived a slew of assassination attempts throughout the course of his presidency, and at times he seemed almost invincible. But in March of 2003, U.S.-led forces invaded Iraq and deposed the defiant leader. Saddam escaped capture, but after a nine-month manhunt, he was caught, imprisoned, and faced multiple charges relating to war crimes and human rights abuses. At last he ultimately faced the death penalty.

In the year 1994 a boy was born to Mr. Asgar Hussain who is a citizen of Republic of India and lived and worked for gain in the State of West Bengal. The boy was named as Saddam Hussain. He studies in D.A.V Public School, Howra which is recognised by the Central Board of Secondary Education, New Delhi.

In the year 2008 he passed his matriculation and in the year 2010 he passed his Senior School from D.A.V Public School, Howra as the name Saddam Hussain which is appearing in marks-sheet and the certificate. After his senior school he took admission in The Marine Engineering and Research Institute, Kolkata and successfully completed his education and was awarded with a Degree in “Bachelor of Marine Engineering”.

After his Graduation he tried for employment in several International Shipping Company but was denied the same. He realized that because of his name being Saddam Hussain he is not being hired in any International Shipping Company.

Soon he decided to change his name from Saddam Hussain to Sajid Hussain and sworn and Affidavit in this regard before the Magistrate and Published the notification in this regard in the Official Gazette of the Government of West Bengal. Accordingly, his name was changed from Saddam Hussain to Sajid Hussain in his Passport, Aadhar Card, Driving License & Pan Card.

The Central Board of Secondary Education, New Delhi refused to change the name of Saddam Hussain to Sajid Hussain. Being aggrieved he filed a Writ Petitioner being W.P.(C) No. 1485 of 2017 (Sajid Hussain v. Union of India & Ors) before the Calcutta High Court stating therein that the Central Board of Secondary Education, New Delhi has no right to restrain the change of his name when he has changed his name following the due procedure and accordingly his name has been changed in other Documents.

The Central Board of Secondary Education, New Delhi in its preliminary objection stated that one cannot change his name as when he appeared in the examination he was known as Saddam Hussain which is a matter of fact and the same cannot be changed. It also stated that as per the Board rules it is necessary for one to get a declaration for change of name from a competent court.

After hearing the matter, the Hon'ble Calcutta High Court admitted the writ petition with the following observations: -

Petitioner herein has sought correction in his name i.e. 'Saddam Hussain' to 'Sajid Hussain' in his certificates and mark sheets of Class X (Matriculation); Class XII (Plus 2); certificates of the University like the Bachelor of Engineering degree and all such educational qualifications, reason being adduced is that petitioner

faces problem in getting employment in International Shipping Companies on account of his present name. However, petitioner has been successful in effecting change of his name in Passport issued by the Passport Authorities, Aadhar Card, Driving License and Pan Card and has also been able to get his name changed to 'Sajid Hussain' in the official Gazette of the Government of West Bengal, Land Reforms and Revenue Department. It is significant question to be enquired into as to whether without effecting change in the name of the petitioner in the educational certificates, more specifically in the Matriculation certificate, whether he could have effected change of his name in the Passport, Adhar Card, Driving Licence and Pan Card.

The issue involved herein being a question of substantial importance having wider ramification requires to be adjudicated upon as there is no uniform procedure to change one's name in a manner that the name is changed in all documents. The petitioner and the respondent CBSE Board will assist the Court in the instant matter on the larger issue involved. The Parties shall argue on the following issues: -

1. Whether an individual is entitled to change his name?
2. Whether change of name amounts change of identity of an individual?
3. Whether change of name is a legal right?
4. Whether refusal of change of name amounts to breach of fundamental right.

Note: - (The Parties may place provisions for change of name adopted in other countries)

**SECOND BARRISTER S.K. SAHAY MEMORIAL INTRA MOOT COURT
COMPETITION- 2017**

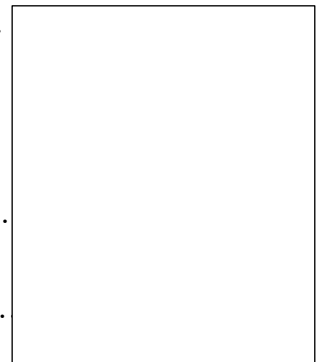
**CHOTANAGPUR LAW COLLEGE, RANCHI
(OCTOBER 13TH TO 15TH OCTOBER, 2017)**

REGISTRATION FORM

Particulars of the Team Members:

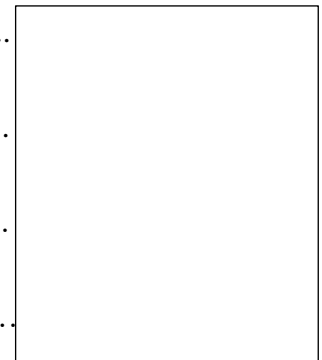
Speaker 1

Name Mr./Ms.
Semester/Year of study.....
Email id.....
Contact No..... Signature.....
Year..... Semester..... Roll No.....



Speaker 2

Name Mr./Ms.
Semester/Year of study.....
Email id.....
Contact No..... Signature.....
Year..... Semester..... Roll No.....



Researcher

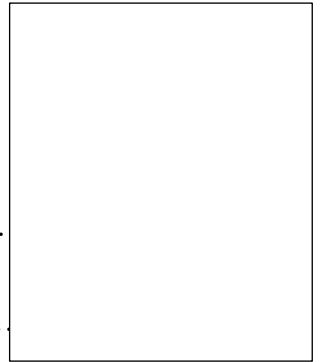
Name Mr./Ms.

Semester/Year of study.....

Email id.....

Contact No..... Signature.....

Year..... Semester..... Roll No.....



SECOND BARRISTER S.K. SAHAY MEMORIAL INTRA MOOT COURT COMPETITION- 2017

CHOTANAGPUR LAW COLLEGE, RANCHI

(OCTOBER 13TH - 15TH OCTOBER, 2017)

OFFICIAL RULES

1. Aim and purpose

- i. To give exposure to students pursuing the law course to the environment of the court system in India and to hone their advocacy skills.
- ii. To provide a real life experience cum training in doing cutting edge research, presenting ground breaking arguments and contributing to the development of jurisprudence in concerned areas of law.

2. Date and Venue October 13th to 15th October, 2017 at Chotanagpur Law College, Nyay Vihar Campus, Ranchi.

3. Team composition and eligibility criteria

- i. Each team shall comprise of three (3) members ONLY out of which two (2) will be speakers and one (1) researcher.
- ii. Arguments shall be in English only.
- iii. The competition is open for bonafide students pursuing five year and three years LL.B course.
- iv. Each Law College/ University shall be eligible to send one team. Team should not disclose the identity of their institution in course of proceedings in the court rooms; such disclosure shall invite penalties including disqualification.
- v. Each team shall be provided with the team code by draw of lots followed by exchange of memorials.

4. Registration

- i. The Registration form completed with all Team Details must be submitted on or before 16th September, 2017 to Mrs. Lalsa Mohini.
- ii. No change in the names of the participants shall be permitted after the receipt of the Registration Form, except at the sole discretion of the Organizing committee.
- iii. Teams should clearly mention the participants' name, contact no. including year/semester of study.

5. Dress Code Inside the court room the participant shall follow the below mentioned dress code.

- i. Females: white salwar kurta & Dupatta or white shirt and black trousers along with black coat and tie.
- ii. Males: white shirt, black trousers, black tie along with black coat and black shoes.

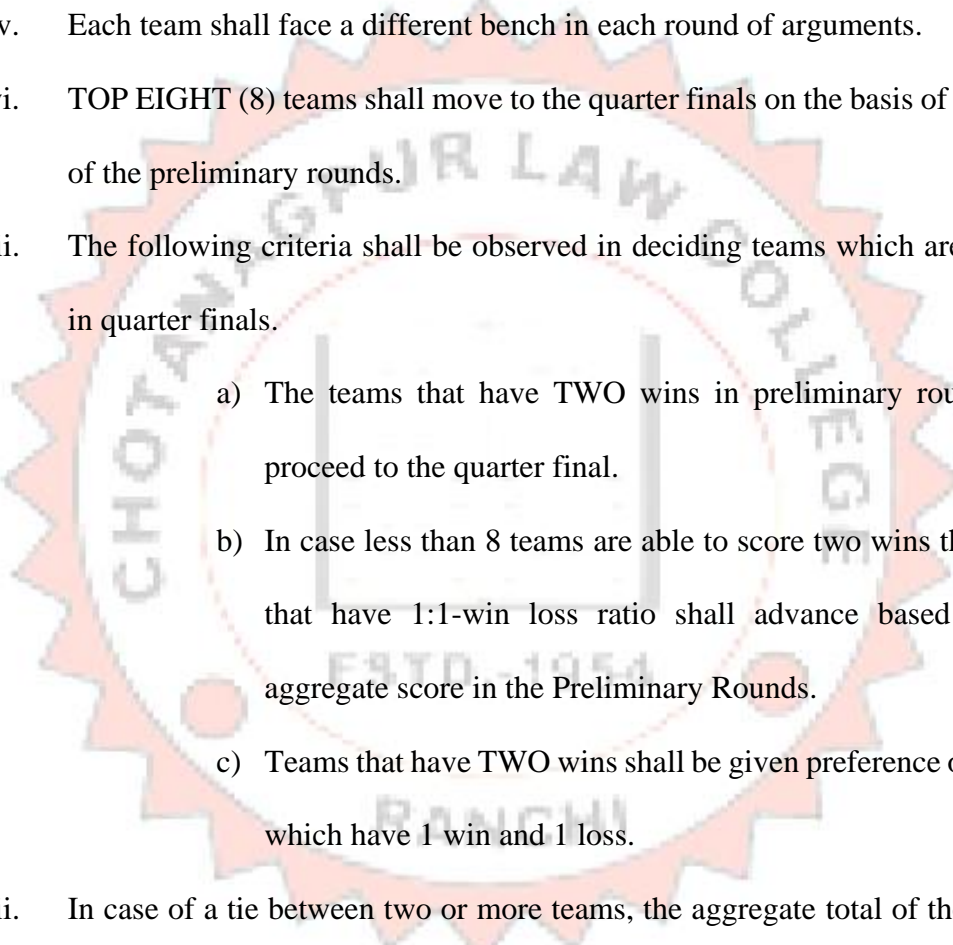
The dress code for all the functions at the competition shall be western formals for gentlemen and western or Indian formals for ladies

Competition Rounds

There shall be two preliminary rounds, quarter final, semi- final and a final round spreading over a period of 2 days.

A. Preliminary Rounds

- i. In preliminary rounds each team shall argue from both the sides (appellant and respondent).

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- ii. The team shall be credited with a win in a preliminary round if their round total is more than opposing team.
- iii. The marks of the EACH preliminary round shall be the cumulative total of the marks of both the speakers and the marks of the memorial of the side in which they are appearing.
- iv. No team shall face each other more than once in the preliminary rounds.
- v. Each team shall face a different bench in each round of arguments.
- vi. TOP EIGHT (8) teams shall move to the quarter finals on the basis of the marks of the preliminary rounds.
- vii. The following criteria shall be observed in deciding teams which are to move in quarter finals.
- a) The teams that have TWO wins in preliminary rounds shall proceed to the quarter final.
 - b) In case less than 8 teams are able to score two wins then teams that have 1:1-win loss ratio shall advance based on their aggregate score in the Preliminary Rounds.
 - c) Teams that have TWO wins shall be given preference over those which have 1 win and 1 loss.
- viii. In case of a tie between two or more teams, the aggregate total of the score of oral submissions of the speakers shall be taken into consideration.

B. Quarter Finals

- i. Eight (8) teams shall compete in quarter final. Criteria for qualifying to quarter finals have been mentioned in previous clauses.
- ii. It shall be a knock out round. The winner of each round shall move to the semi-final. Four (4) teams shall move to semi-finals.

- iii. The criteria of marking in this round are aggregate total of the marks of both the speakers.
- iv. In case of tie between teams, in quarter finals, the aggregate total of the marks of memorials (appellant and respondent) of the teams shall be counted. Team with highest marks moves ahead.

C. Semi Finals / Final

- i. Four (4) teams shall compete in semi-finals. The criteria of qualifying in semi-finals have been mentioned in previous clauses.
- ii. It shall be a knock out round. The winner of each round shall move to the Final.
- iii. The criteria of marking in this round are aggregate total of the marks of both the speakers.
- iv. In case of tie between teams, in semi-finals, the aggregate total of the marks of memorials (appellant and respondent) of the teams shall be counted. Team with highest marks moves ahead.
- v. There shall be one (1) FINAL ROUND.
- vi. The marking criteria in Final Round is same as that of semi-final (clause 3. (iii)).

Memorial

- i. All teams must submit Memorials/ Written Submissions for both sides. (Appellant/ Respondent).
- ii. Participants are allowed to frame additional issues other than those provided in the moot proposition, if desired.
- iii. All teams must submit typed Memorials for both sides and the Memorials must fulfil all the following specifications;
- iv. Memorials must contain the following:

- a) Cover page / Cause title.
 - b) Index.
 - c) Index of Authorities.
 - d) Statement of Jurisdiction.
 - e) Synopsis of Facts.
 - f) Summary of Arguments.
 - g) Arguments / Pleadings.
 - h) Conclusion / Prayer.
- v. The memorial shall not be of more than forty (40) pages and the Arguments shall not exceed more than twenty-five (25) pages.
 - vi. The Memorial shall be typed on A4 size page in Font type: Times New Roman, Font size: 12, 1.5-line spacing & 1-inch margin on each side. Blue Book pattern shall be followed.
 - vii. The Cover Page of the Memorial must follow the following colour scheme, Blue for the Applicant Cover Page and Red for the Respondent Cover Page.
 - viii. The Memorial must be spiral bound ONLY.
 - ix. The Memorial must not contain any Annexure/Photographs/Sketches/Exhibits/Affidavits etc.
 - x. Memorials that do not comply with the abovementioned specifications will be penalized.
 - xi. Two (2) hard copies + one soft copy on one (1) CD for each side (appellant and respondent) must reach the organizers latest by the specified date and to the specified person.
 - xii. Eight (8) hard copies from each side (appellant and respondent) shall be submitted by the teams on reaching at the venue of the Moot Court.

xiii. Identification of any type shall attract severe penalty.

Marking criteria for memorials

- i. Memorial from each side shall carry total of hundred (100) marks.
- ii. The following shall be the criteria for marking the memorials:

Sl.No	Marking Criteria	Marks
1.	Depth and Quality of Research	30
2.	Proper and Articulate Analysis & Clarity and Organization	20
3.	Knowledge and application of Facts	15
4.	Grammar and Style	15
5.	Referencing	10
6.	Presentation	10
	Total	100

- iii. A penalty of two (2) marks for each side of memorial shall be entailed on each day's default in submissions of memorials.

Oral Submissions

- i. Each team shall comprise of two (2) speakers, as has been specified earlier.
- ii. Court language shall be English only
- iii. Each team will have a maximum of thirty 15 minutes to present their Oral Submissions in Preliminary Rounds. No speaker will be permitted to address the Court for more than 6 minutes. This includes the time the speaker addresses the Court during the rebuttal/ sur-rebuttal. The maximum time for rebuttal/sur-rebuttal is 2 minutes.

- iv. The maximum time allotted in quarter final shall be 20 minutes for each team. No speaker shall be allowed to address the court for more than 10 minutes. This include the time the speaker addresses the court during rejoinder/sur-rejoinder.
- v. The maximum time allotted in semi-final and final shall be 30 minutes for each team. No speaker shall be allowed to address the court for more than 15 minutes
- vi. At the commencement of each session of Oral Submissions each team must notify the Court Officer of the amount of time that the team reserves for their rejoinder/sur-rejoinder. A maximum of 5 minutes can be reserved for the rejoinder/sur-rejoinder.
- vii. At the commencement of each session of Oral Submissions each team shall notify the Court Officer as to the division of time between the 2 speakers.
- viii. If any speaker continues to speak after the completion of his/her time, he/she shall entail penalty which shall be upon the discretion of the judges.
- ix. The final decision as to the time structure and the right to rejoinder/surrejoinder will be that of the Bench Judges.
- x. During the course of oral submissions, the participants cannot submit to the court any material containing pictorial representation whatsoever. Further the participants will not be permitted to make any audio/visual representation nor will they be allowed to use personal computers, laptops and any other technical or mechanical device during their oral submissions.
- xi. Speakers shall not be allowed to pass annexure to the judges; instead the teams may make a compendium of annexure that shall be given to the judges before the start of proceedings.
- xii. If at any instance a submission is made with any material in violation to the above clause and if any picture, sketches, photos, cartoons, caricatures, audio film, video film, projector-slide or a computer generated image is submitted or

presented to court, the teams shall be disqualified from the competition forthwith.

xiii. During the course of the Oral Submissions no speaker shall neither reveal his/her identify nor the identity of their University / College by any means whatsoever.

xiv. No passing of any chit or paper shall be done by their researcher during the course of oral submission.

Marking Criteria for the Arguments:

- i. Each Speaker will be marked on a total of 100 marks by each Bench Judge.
- ii. The following will be the Marking Criteria and the Marks allocated to each Speaker by each Judge in the Round:

Sl.No	Marking Criteria	Marks
1.	Knowledge and Application of Relevant Law	30
2.	Interpretation and Use of Facts	25
3.	Ingenuity and Ability to Answer Questions	30
4.	Style, Poise, Courtesy and Demeanour	10
5.	Time Management and Organisation	05
Total		100

- iii. The decision of the judges as to the Marks allocated to any team shall be final.

Miscellaneous

- i. If there is any dispute in regard to the interpretations of the rules or with respect to any matter related to the competition which is not contemplated in the rules, the decision of the Organizers shall be binding and final.

Important Dates: -

Date of registration	16th September 2017
Date of online submission of memorial	5th October 2017
Date of sending hard copy of memorials	6th October 2017
Clarification if any	18-20 September 2017

