

LEGIS SCRIPTOR



Presents

1st Online National Memorial Writing

& Drafting Competition

ABOUT THE ORGANIZATION:

Legis Scriptor is a transpiring team of ardent & fervent people across all the strata of the legal field, promoting academic excellence & ameliorating realms of knowledge to contribute in building skillful society. We endeavor to provide quality contemporary legal content concerning from tangled minute issues to issues of international concerns. We provide a platform to students across the length & breadth of the country to enhance their research & writing skills, which is the uttermost requirement of the today's fast-evolving & zestful legal field.

ABOUT THE COMPETITION:

Law students are very enthusiastic about participating in the moot court competition in order to improve their skills and knowledge. In a moot court competition, however, much of the credit is offered to the speakers alone and somewhere, the importance of a high-quality memorial is shadowed.

The drafting of memorials is one of the most important aspects of any moot court competition, and without them, no moot court competition will be as stimulating as it should be.

Thus, to highlight the importance of Moot Memorials, the Legis Scriptor feels privileged to announce its 1st National Memorial Drafting Competition for the budding law students all over India.

MODE OF THE COMPETITION: Online

LANGUAGE: English.

ELIGIBILITY:

- The students currently enrolled in either five years or three years LL.B. courses or LL.M. programs from any recognized University/ Law College/

College/ Institution are eligible for participation in the competition.

- There is no restriction on the number of entries from any college or university.

TEAM COMPOSITION:

- Each team shall consist of one individual or two individuals or three individuals that qualify the eligibility criteria.
- Multiple teams are allowed from different University/ Law School/ College/ Departments.

REGISTRATION:

- There shall be a nominal registration fee of Rs. 299/- for Single participant, Rs. 399/- for the team of two individuals and Rs. 499/- for the team of three individuals.
- Registration Link is given below-
<https://forms.gle/MWx59LoN7ZhfhUAa7>
- The registration fee shall be non-refundable and non-transferable in any circumstance.
- The last date for registration is 08:00 p.m. IST, **28th May, 2021.**
- Only 30 teams will be allowed to register in the competition on first-come-first serve basis.
- Once a team registers by completing the formalities given, a Code (hereinafter “Team Code”) shall be assigned to the team.

Note: No approval from the respective institute of the participants is required for participation.

PAYMENT METHOD:

PayTM no.:8851264387

Google Pay: legisscriptor@okicici

Phone Pay: 8851264387@ybl

OR pay through UPI

UPI ID: 8851264387@paytm

After the payment all participants are required to upload screenshots of the same on Google form given below while registration.

IMPORTANT DATES:

Last date of Registration: **08:00 PM IST, 28th May, 2021**

Last date to seek clarification: **31st May, 2021**

Date to release clarification: **1st June, 2021**

Last date for memorial Submission: **6th June, 2021**

Date for Announcing Result: **05:00 PM IST 8th June, 2021**

MEMORIAL GUIDELINES:

Submission of Memorials

1. Every participant or team registered for the competition would be required to prepare one side memorial: Either memorial on behalf of the Petitioner/Appellant or Memorial on behalf of the Respondent.
2. All memorials must be submitted through Google Form till 11:59 P.M., till 6th June, 2021 and the link of the google form for submission, will be forwarded to the participants with the acknowledgement of registration and allotted team code, through E-mail after 28th May, 2021.
3. Any submission made after the deadline specified shall attract a penalty of deduction of 0.50 marks per hour from the aggregate marks.
4. No submission made after 24 hours of the deadline shall be accepted at any cost.

FORMATTING GUIDELINES:

1. All the Memorials must be submitted in both Microsoft Word Document format (.doc/.docx) and PDF Format (.pdf).
2. The Memorial shall be typed on an A4 size page in Font type: Times New Roman, Font size: 12, 1.5-line spacing & 1-inch margin on each side.

3. The Footnotes shall be in Times New Roman, size 10, single line spacing, justified.
4. Each source or authority must be supported by bibliographical information using The Bluebook: A Uniform System of Citation (20th ed.).

The Memorials must include all the following specifications:

- A. Cover Page
 - B. Table of Contents
 - C. List of Abbreviations
 - D. Index of Authorities
 - E. Statement of Jurisdiction
 - F. Statement of Facts
 - G. Issues Raised
 - H. Summary of Arguments
 - I. Arguments Advanced
 - J. Prayer
 - K. Annexures, if any (not mandatory)
5. The Memorial shall not be of more than forty (40) pages, and the Arguments advance shall not exceed more than twenty-five (25) pages.
 6. The Cover Page of the Memorial must follow the following colour scheme, Blue for the Petitioner Cover Page and Red for the Respondent Cover Page.
 7. The Team Code allotted to a team must be mentioned on the Cover Page of the Memorial's upper right corner.
 8. The Cover Page must consist of the followings:
 - a) Team Code
 - b) Name of the Court/Forum
 - c) Jurisdiction
 - d) Cause Title
 - e) Party on whose behalf the Memorial is filed
 9. The participants are required to mention only those abbreviations which are used in the Memorial. If an abbreviation is found in the 'List of Abbreviations' but not

used in the Memorial, it will attract a negative mark of 1 at a time. The 'Index of Authorities' must reflect the page(s) of Memorial where any authority is cited.

10. The submission of the Memorials will be only accepted through Google Form Link, and the Memorials' submission will be only accepted through Google Form Link.

11. Mentioning of identification of any type in the Memorial shall lead to immediate disqualification.

PENALTIES:

- The non-adherence of sub-rule i shall attract the penalty of 5 marks.
- The non-adherence of sub-rule ii, iii, and iv shall attract the penalty of 1 mark each discrepancy.

EVALUATION OF MEMORIAL:

The contents of memorials shall be evaluated out of 100 marks. The criteria of evaluation are:

PARAMETERS	MARKS
<i>Knowledge of law & facts</i>	20
<i>Interpretation of Law & Application of Law</i>	20
<i>Extent and use of research</i>	20
<i>Clarity & Organization</i>	20
<i>Style, Grammar, & Citation of Sources</i>	20
<i>Total</i>	100

RULES-

1. The decision of the Judges shall be final regarding the outcome of the results.
2. No additional documentation will be allowed.

3. The organizers reserve the right to take any action against unethical, wrongful or unprofessional conduct.
4. If there is any situation, not covered by the rules, the decision of the organizers shall be final and binding.
5. The organizers reserve the right to amend the rules. However, due notice shall be provided to all participating teams.
6. Selection will be on first come first basis as there will be limited seats.
7. The participants are always required to comply with the rules formulated by the organizing Committee. In case of any non-compliance with the rules of the competition, penalty may be imposed by deduction of marks.
8. All certificates shall be in digital form & digitally signed and will be sent on the e-mail id provided in the google form.
9. Participants are advised to check their mailboxes regularly for updates.
10. In the case of a tie, the higher rank would be determined on the basis of least time taken by the participant in submission of memorial.

AWARDS: PRIZES WORTH RS. 30,000/-

BEST TEAM (1st Position) - Prize money of Rs. 1100/- + Certificate of Excellence + 50% Discount in Publication in Journal having ISSN No.

Runner up Team (2nd Position) - Prize money of Rs. 800/- + Certificate of Excellence + 50% Discount in Publication in Journal having ISSN No.

3rd Position - 10th Position- Certificate of Merit + 50% Discount in Publication in blogspot.

All the participants who will register for this event, will receive “CERTIFICATE OF PARTICIPATION”

All the participants will also get 30% off in Moot Mentorship Programme worth Rs.900/- per team.

For More Information, Click on the link given below-

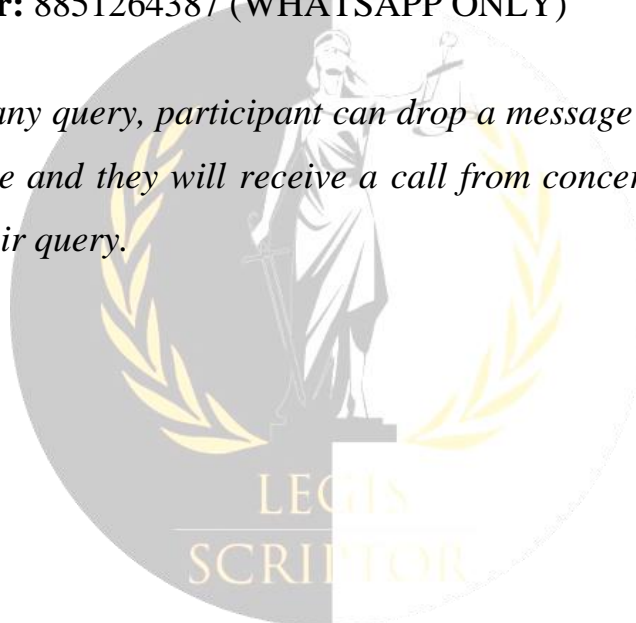
<https://www.legisscriptor.com/>

Contact us for any query:

E-mail: info.legisscriptor@gmail.com

WhatsApp number: 8851264387 (WHATSAPP ONLY)

Note: *if in case of any query, participant can drop a message on whatsapp on the number given above and they will receive a call from concerned authority in 24 hours to resolve their query.*



Moot Proposition

1. Arjun is a Hindu from Uttar Pradesh's village. He got associated as a Branch manager in a Multi-National Company at Gr. Noida after completing his Post Graduation on scholarship. He grew steadily through the company's management ranks, because of his academic brilliance. He purchased a new house in Gr. Noida and brought his old parents, for their better means of living.
2. Kajal born in a Hindu family and brought up in Delhi. She is the elder sister among three. Her father works as a government clerk. Despite their limited financial resources, Kajal's parents were able to provide her with a good education. Kajal was a lively and cheerful girl.
3. Both of them met and became friends during their MBA at the Banaras Hindu University. Their relationship flourished over the next two years as they spent so much time together. Arjun was placed in Gr. Noida after the completion of the course, while Kajal was placed in Delhi. They did, however, stay in contact, and their bond evolved and grew stronger over time.
4. Arjun and Kajal wanted to make their relationship aware to their parents. This match has not been supported by their parents. But Arjun and Kajal, after much encouragement, their parents gives consent for their marriage.
5. On 18 August 2005, marriage was performed in a temple in Delhi, as per the Hindu rituals. The marriage **was a sombre, close knit family affair**. Most of the savings from Kajal's parents had been spent by the wedding ceremony.
6. After her marriage, Kajal shifted to Greater Noida to live in her husband's house, where her in-laws also resided. Kajal's bond with her in-laws was strained to say the least. Kajal could never get used to her in-laws' presence and involvement in her and her husband's lives because of cultural differences. Despite several attempts, Arjun was unable to establish a positive relationship with Kajal and his parents.
7. They were not supportive of Kajal's decision to start a new job in Gr. Noida due to their conservative mindset. Only after Arjun demonstrated his appreciation for Kajal's decision to work, his parents also agreed to back her up. Due to her strong qualifications, she was able to secure a good job in a reputable company. Her absence from home for longer

periods of time, aggravated her in-laws even more. This, in turn, caused conflict between Arjun and Kajal.

8. Arjun, who had advanced rapidly in his employer company, was given a position in rank, for which he was assigned a job at their headquarters in the United States of America. He was unwilling to leave his old parents alone in Gr. Noida. However, due to Kajal's persistent urging, he agreed to accept this request. His parents, on the other hand, were adamantly opposed to the step, fearing abandonment at old age and in such poor health.
9. Arjun was assigned a joining date of September 1st, 2007. Arjun and Kajal arrived in the United States in the first week of August 2007 and were able to find and establish a new accommodation in New York City as their home.
10. Kajal became distressed after relocating to the United States and being unable to find work. Arjun was under a huge amount of work stress, whereas she wanted his company, which resulted in frequent fights between the both of them.
11. Arjun and Kajal welcomed their first child, a girl named Shweta, who became a U.S. citizen at birth, in January 2010. All went well until their daughter turned two and was able to articulate her need for communication and support from her father.
12. Arjun's company suffered loss financially which leads to pay cuts for employees of all levels. In order to reclaim his job, Arjun became too involved in his work and began overseeing several tasks simultaneously, due to which he was not able to get much free time beyond the office hours. Under the burden of work, his time and attention towards the family deteriorated. The imminent unpredictability of the US government's visa policies caused him more anxiety and discomfort. Arjun forgot to make the payments to their palatial estate, which was eventually confiscated by the bank, due to a current shortage of adequate funds.
13. Arjun began to unleash his rage verbally, and then physically, by assaulting Kajal. He began drinking alcohol, which culminated in a few loud arguing incidents, one of which a neighbor reported to the police, and Arjun was detained for the night. As a result, he got a show cause notice from the HR department of his workplace.
14. Kajal did her best to help Arjun and alleviate his anger by interacting with him in a cool and constructive manner despite his constant negative vibes and condescending behavior.

15. With the passage of time, Arjun's conditions started to improve, and in early 2014, he was given citizenship of the United States of America, as well as a promotion at workplace.
16. Arjun and Kajal welcomed their second daughter, Shilpa, in early 2017. Arjun's parents chastised him for being unable to give them a grandson. This, in fact, significantly harmed Arjun and Kajal's relationship. Arjun appeared to be skeptical of his daughters. There was a lot of unjustified scolding. Kajal was solely responsible for the daughters' well-being and upbringing.
17. With the passage of time, whatever bond they once shared had faded. On weekdays, the kids were less likely to see him. As a result, the mother was entirely in charge of the daughters.
18. Kajal's father died unexpectedly in December of 2017. Kajal departed for Delhi immediately, along with her daughters, while Arjun was only able to show up for that last rites for two days.
19. During her stay with her mother, Kajal was asked about her subdued nature, which was unusual for her. Kajal sobbed and told her mother her whole story of misery. Her mother, as sympathetic as she was to Kajal's situation, urged her not to terminate her marital relationship and return to him just for sake of her daughters. Kajal agreed to remain for another few days in her mother's house.
20. Kajal received visitors from a community of her former classmates, who had come to express their sympathy to her and her mom. Vicky was one of them, and he was now a practicing physician in a corporate hospital. Vicky supported Kajal's family on the journey to submerge her late father's ashes the next day. On the way, she told him about the present state of her marital relationship with Arjun. Kajal was expected to return to the United States in ten days, but in the meantime, her connection with Vicky and emotional dependency on him grew.
21. Kajal took her planned flight back with her daughters. Arjun was not at the airport to greet his family members.
22. Arjun and Kajal tried to stay together, but their relationship had deteriorated to new depths. Arjun's overworked work life caused him to neglect his duties towards his family, leaving Kajal to bear the full childcare responsibility on her own. Kajal's only source of comfort and support was her virtual communications with Vicky.

23. Despite getting criticism and disappointment from Arjun at each and every turn of life, Kajal continued to reside with him as his wife.
24. Kajal felt the necessity for certain emotional relief, which she discovered in her communications with Vicky, and as a result, Kajal managed to spend a lot more hours than normal making phone calls and online chats with Vicky. Kajal's daughters ended up feeling the effects of their mother's apathy.
25. When Arjun returned from work one evening in December 2018, he caught Kajal and Vicky having an intimate interaction, which enraged him and led to him becoming violent and aggressive with Kajal in front of their children. The next morning, Arjun dropped their elder daughter off at school and went to work. Kajal, together with her younger daughter, left home in their absence and boarded the next possible flight to India.
26. After arriving at her mother's house in Delhi, she enlisted her daughter in a local school and began searching for work to ensure her and her daughter's essential necessities and she found few interviews of job.
27. Arjun and his family persisted to try to approach Kajal but got no response because she had changed her phone number to prevent all contact with them. Arjun's parents traveled all the way to Kajal's home but upon their arrival they had been refused to contact with her and her daughter. Kajal's mother won't even allow them to contact Kajal even after constant efforts and demands to meet Kajal and their granddaughter.
28. Meanwhile, Arjun filed a lawsuit in January 2019 in New York's local court alleging Kajal of withdrawing his daughter from the state's borders without his permission. Arjun said that his daughter has spent her whole life in the United States and is familiar with the country's familial and societal norms. He argued that because his daughter is a US resident and he is financially stable, it would be in the child's best interests for him to keep her in his care and supervision. In addition, his eldest daughter had become anxious and was missing her sister. Her education and wellbeing had begun to suffer as a result of all this.
29. The Court ruled in his favor, ordering Kajal to surrender custody of the younger daughter to Arjun in the United States. The Court ruled that the child must be allowed to grow up in her local habitat and obtain her father's love and support.
30. On the other side, Kajal had lost all possibilities for getting Arjun to become a part of her and her children's life. In addition to this, the relationship with Vicky was enhanced to a

greater degree of dependence. For leisure and cultural engagements, Vicky will accompany Kajal and her daughter.

31. Kajal made the decision to end her marriage with Arjun. She sought legal advice and instituted a divorce petition in the Family Court and a petition for maintenance in Delhi, under Hindu Marriage Act 1955, and custody of her daughters under the Hindu Minority and Guardianship Act 1956.

32. Arjun was not able to accept the good relation between Kajal and Vicky. In retaliation, he moves for Restitution of Conjugal Rights under the Hindu Marriage Act 1955, obstructing Kajal and Vicky's plans to settle together. He expresses his desire to remain married with Kajal and raise their children together.

Note: Kajal will be the Petitioner & Arjun will be the Respondent.

Issues:

- 1) Whether Petitioner is entitled for divorce or not?
- 2) Whether Petitioner in the present case is entitled for Maintenance or not?
- 3) Whether Petitioner in the present case is entitled to Custody of her daughters or not?
- 4) Whether Respondent in the present case is entitled for a decree of Restitution of Conjugal Rights or not?

Teams are at liberty to form any other issue, apart from the above mentioned.

