



Hutatma Rajguru Shikshan Prasarak Mandal's  
Sarsenapati Hambirrao Mohite Law College, Rajgurunagar

Affiliated to Savitribai Phule Pune University  
Approved by Bar Council of India

Presents

# National Online Moot Court Competition 2022

Topic: Surrogacy Laws and Human Rights

Date: 11.03.2022 - 13.03.2022

Registration Link: <https://forms.gle/RNtNcEJWQcwwdrQuQ9>



Prizes worth Rs. 75,000







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National Online Moot Court Competition, 2022  
11.03.2022 - 13.03.2022  
Knowledge Partners: Ochre (India)

## Chief Patron:

Hon. MLA Diliprao D. Mohite Patil  
(Founder/President, HRSPM, Rajgurunagar)

Hon. (C.A.) Babanrao Dangale  
(Vice President, HRSPM, Rajgurunagar)

Hon. Prin. Dr. Shivajirao N. Mohite  
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Hon. Mrs. Surekhatai Diliprao Mohite Patil  
(Treasurer, HRSPM, Rajgurunagar)

Adv. Subhash Mohite  
(Director, HRSPM, Rajgurunagar)

## Convenor:

Dr. Kiran Dagadu Shinde  
(I/C. Principal, Sarsenapati Hambirrao  
Mohite Law College, Rajgurunagar)

## Event Co - Ordinators:

Mr. Kiran Ranganath Kale  
(Asst. Professor, Sarsenapati Hambirrao  
Mohite Law College, Rajgurunagar)

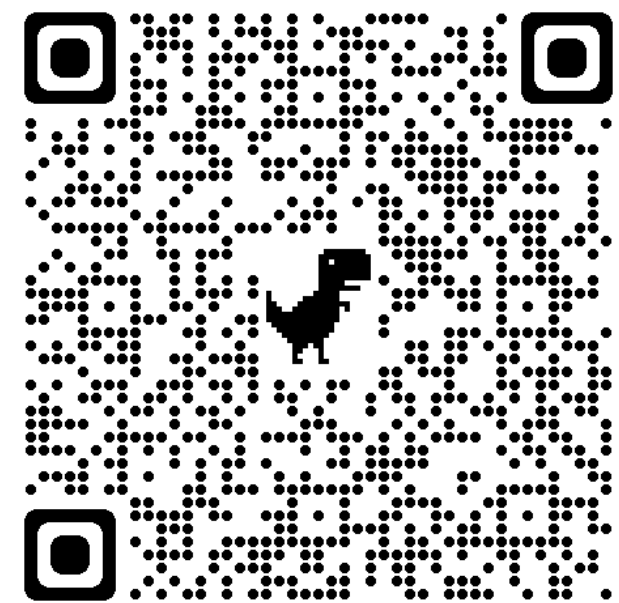
Mrs. Neelima Harish Phokmare  
(Asst. Professor, Sarsenapati Hambirrao  
Mohite Law College, Rajgurunagar)

## Organising Committee:

Asst. Prof. Rani D. Chavan  
Asst. Prof. Ashwini Shingote  
Asst. Prof. Rajaram M. Garud  
Asst. Prof. Vasundhara Chaudhari  
Asst. Prof. Shivaji S. Bibe  
Mr. Abhijeet Shewale  
Mrs. Pratibha Ghewade  
Mr. Mahesh Sandbhor

## Registration Form:

<https://forms.gle/RNtNcEJWQcwrQuQ9>



## Contact Details:

For any queries contact us at: +91 9967072207 / +91 7400411044  
You can also write us at: [shmlawevents@gmail.com](mailto:shmlawevents@gmail.com) / [info@ochreindia.in](mailto:info@ochreindia.in)


Faculty Co - Ordinators: Mr. Kiran Kale - +91 9911383122 / Mrs. Neelima Phokmare - +91 7057397891



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## General Modalities

### About the Organisation:

HRSPM's Sarsenapati Hambirrao Mohite Law College, Rajgurunagar (Affiliated to Savitribai Phule Pune University, approved by Bar Council of India) is pleased to announce National Online Moot Court Competition, 2022 with knowledge partners Ochre (India).

### About the Moot Court Competition:

The Surrogacy Law Online Moot Court Competition is scheduled to be held online from 11th March 2022 to 13th March 2022. HRSPM's Sarsenapati Hambirrao Mohite Law College, Rajgurunagar is pleased to invite a team from your esteemed institution to participate in the enriching experience of this Moot Court Competition. The theme for this year's Moot Proposition is the conflict between surrogacy laws and human rights.

### Competition Details:

The Moot Court Competition will be conducted over three days where the participating teams will go through the Preliminary Round of Arguments, the Semi-Final Round of Arguments, and ultimately, the Final Round of Arguments.

Eminent lawyers and Judges of the highest standing in India, academicians, and experts in the field of Law and medicine shall converge to adjudicate the various rounds of the Competition.

### Registrations Details:

Registrations for the competition are now open. Your esteemed university/ Institute can provisionally register for the competition by sending an email to [shmlawevents@gmail.com](mailto:shmlawevents@gmail.com) stating your interest to register by filling up an online form.

Link: <https://forms.gle/RNtNcEJWQcwrQuQ9>

Please note that registration is on a first-come-first-serve basis. Participation is limited to 50 teams only.

Only after the provisional registration has been confirmed, Participants can pay the registration amount of Rs. 2100/- via NEFT/ Google Pay/ Paytm. Account details shall be provided on the registered email address.

Please note that the teams must fill in the registration form and make the payment before 5th March 2022, latest.

### Eligibility:

Participants must be current students of any recognized law college in the country. Each team shall comprise a minimum two and a maximum of three students- two speakers and/or one researcher.

### Important Dates:

Last date for registration:	05/03/2022
Last date to seek clarification:	07/03/2022
Last date of submission (Soft Copies of Memorial)	09/03/2022
Oral Rounds	11/03/2022 - 13/03/2022

Contact Details: +91 9967072207 / +91 7400411044

Structure of the competition:

The Competition will be structured as per the following format:

- Preliminary Rounds
- Semi- Final Rounds
- Final Round

Language

The language of the Competition shall be English.

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## General Modalities

### Eligibility:

Only undergraduate students (LLB 3 years/ 5 years) are eligible to participate in the competition.

### Team Composition:

A team shall comprise of three members (two of them shall be designated as Speakers and one Researcher).

The Researcher, with permission of the Convener, may be permitted to argue as Speaker if the latter is not in apposition to participate because of illness or another unforeseen event.

### Dress Code:

Girls: White Salwar and Kurta or white shirt and black trousers along with black coat

Boys: White shirt, black trousers along with black coat

Note: The participating teams shall also adhere to the above-mentioned dress code while attending the Competition on the online platform.

### Participation and Registration Procedure:

Maximum 3 teams from an institution are eligible for participation in the National Online Moot Court Competition - 2022.

Teams must register by 05.03.2022 by filling up the registration form.

Each Team must send a soft copy of the memorials, in .pdf format only, for evaluation by 09.03.2022 to shmlawevents@gmail.com with the subject "Memorials for National Moot Court Competition- (Team Code)"

The file should be named NMCC\_ (Team Code)

No extensions will be granted with respect to this deadline.

Participation fees for National Moot Court Competition are Rs. 2100/ (Two Thousand One Hundred only) per team, including registration and participation. The participating teams must register and pay online through the account details sent to them on the registered email address.

A screen-shot of the registration form and payment receipt should be sent to shmlawevents@gmail.com

Note: It is a paperless moot court competition therefore, participants need not send hard copies to the organizers.

### Guidelines for formatting:

#### Memorial Structure:

The memorial must have the following pages only:

- Cover Page – The cover page shall contain the case title, year of the competition, name of the Court, and team Code on the top right corner.
- Table of Contents
- List of Abbreviations
- Index of Authorities
- Statement of Jurisdiction
- Statement of Facts
- Issues Raised
- Summary of Arguments
- Pleadings /Arguments Advanced
- Prayer

#### Content Specifications:

The following content specifications must be strictly adhered to:

- Font and Size (General) - Times New Roman, 12 pts
- Line Spacing (General) - 1.5 lines
- Font and Size (Footnotes) - Times New Roman, 10 pts
- Line Spacing (Footnotes) - Single line
- Page Margins - 1 inch on all sides
- The citation should be in compliance with the 20th edition of Bluebook.

Team Code: The team code must be ascribed to the top right corner of the cover page.

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## Rules

### Evaluation criteria for memorials:

- Evidence of Original Thought: 20 marks
  - Knowledge of Law and Facts: 20 marks
  - Proper and Articulate Analysis: 20 marks
  - Correct format and Citation: 20 marks
  - Extent and Use of Research: 20 marks
- Total: 100 Marks

### Rules for the oral rounds:

The draw of Lots: The matchup of teams in the Preliminary Rounds shall be determined on the basis of the draw of lots. The draw of lots and Memorial Exchange shall take place after the Inaugural Ceremony on 11.03.2022

### Preliminary Rounds:

- The preliminary rounds will be held on 11.03.2022. The Preliminary rounds shall comprise of Two Rounds of oral arguments subject to the allotment of team codes. In the preliminary rounds, each team shall have to argue twice, once as a petitioner and the other as a respondent.
- Each team will get a total of 20 minutes to present its case. This time will include rebuttal time. The division of time per speaker is left to the discretion of the team. Rebuttals can be made between not more than 2 minutes.
- The oral arguments should be confined to the issues presented in the memorial. The researcher may accompany the speakers during the oral rounds. Maximum scores for the oral rounds shall be 50 points per speaker, per judge. The speakers can provide copies of the compendium, only if the same is permitted by the Panel of Judges in their respective court rooms. No two Teams will argue against each other more than once in the Preliminary Rounds.
- The winners of the preliminary rounds shall qualify for the Semi Final Rounds. In case of a tie after taking winning scores into consideration, the decision shall be taken on the basis of the Memorial marks.

### Semi Final Rounds:

- The Semi Final rounds shall comprise of Four Teams. The Semi Final rounds shall take place on 12.03.2022.
- The match up of teams in Semi Final Rounds shall be determined on the basis of draw of lots. Each team will get 30 minutes to present its case which will include rebuttal time (if permitted by the judge(s)).

### Final Round:

- The Final Round shall take place on 13.03.2022. The two teams who stand declared as winners of the Semi Final Rounds shall qualify for the Final Rounds. Each team will get 40 minutes to present its case which will include rebuttal time (if permitted by the judge(s)).
- The Winner of the Final Round shall be declared the Winner of the Competition.

### Criteria:

- Preparation and familiarity with facts: 20 marks
  - Structure of Legal Argument: 20 marks
  - Knowledge & Application of Law: 20 marks
  - Organization, Presentation, Speaking Ability: 10 marks
  - Responsiveness to Questions: 10 marks
  - Persuasiveness and Advocacy: 10 marks
  - Courtroom Etiquette: 10 marks
- Total: 100 Marks

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## Rules & Prizes

### General Rules:

- In case of evaluation of all the Rounds, the Memorial Marks shall not be included to decide the merit.
- But in case a tie takes place in the Quarter Final, Semi Final or Final Rounds, the marks of the Preliminary Rounds shall be the basis for deciding the winner.
- The decision of the judges with regard to the outcome of the rounds shall be final.

Scouting: Teams shall not be allowed to observe the orals of another team, unless they have been officially knocked-out of the competition. Scouting is strictly prohibited. Scouting by any team shall entail instant disqualification.

### Interaction with Researchers:

- Interaction with Researchers will be on 12.03.2022. Only the Researcher, as indicated in the team registration form, shall be allowed to interact.
- The speaker can only participate in the interaction if the team is comprised of two speakers only,
- The interaction shall be limited to general understanding of law and to the moot proposition.

### Awards and Certificates:

All participants shall get participation certificates & shall get 50% discount for paper publication in a peer reviewed journal

The competition embraces following awards:

Best Team :	Certificate+ Rs. 10,000 (Ten Thousand) Prize money + Trophy + Gift Hamper + Internship Opportunity + Free Publication in Peer Reviewed Journal
Runner up Team:	Certificate+ Rs. 7,000 (Five Thousand) Prize money + Trophy + Internship Opportunity
Best Speaker:	Certificate+ Rs. 5,000 (Five Thousand) Prize money + Trophy + Internship Opportunity
Best Researcher:	Certificate+ Rs. 3,000 (Three Thousand) Prize money + Trophy
Best Memorial:	Certificate+ Rs. 3,000 (Three Thousand) Prize money + Trophy

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## Moot Problem

### Year 2002

Elsa and Vincent fell in love and decided to get married to each other in the small town of Ashwell, London. Both of them were fond of children wanted to have their biological child but due to borderline sperm count in Vincent and chronic polycystic ovarian syndrome in Elsa, they were unable to conceive. They started fertility treatment in the City Hospital, London and after undergoing many medical treatments, Elsa conceived their child and was kept in constant medical supervision due to the fragile health of the fetus. On an unfortunate night, Elsa had a miscarriage in the third month of her pregnancy and doctors told her that she is unfit to carry a fetus.

### Year 2004

Elsa and Vincent were extremely heartbroken as they wanted their biological child. However, medico-legal counselors advised them to consider an option of adoption, but both of them were craving to have their biological child. Elsa was unable to digest the fact about her inability to conceive the child hence started sinking into depression. Looking at her condition, a family friend suggested they follow a path of spirituality and learn meditation. Hence the couple decided to visit a country namely Cindia for a few months. (Cindia is a developing country).

### Year 2005- January

Elsa and Vincent visited Cindia and stayed in an Ashram situated in northern India for a few months, where they took lessons of Yoga, meditation, etc., and decided to lead a life spiritually. However, the trauma of miscarriage and strong will of having a biological child were giving sleepless nights to Elsa and she decided to follow her heart.

After a few months, she learned that there are no laws on surrogacy in Cindia and the entire procedure is cheaper than in her home country. She convinced Vincent that they should opt for surrogacy thereby their wish of having their biological child will get fulfilled even though Elsa herself is unable to carry a fetus.

### Year 2005- November

They met an agent who agreed to help them to find a surrogate in Cindia and complete an entire procedure in exchange for Rs. 20 Lac. Elsa and Vincent got agreed to this deal as their dream was coming into reality. After a few days, the agent found a girl namely Purvi (23 years) who was willing to become a surrogate mother in exchange for Rs. 10Lac. Elsa and Vincent decide to go ahead with this deal and put a condition of getting into a contract with Purvi and the agent. Accordingly, the contract was made and signed by all three parties. The contract stated that through the procedure IVF, a fetus having the genetics of Elsa and Vincent shall be put into Purvi's womb. Entire pregnancy expenses of Purvi shall be borne by Elsa and Vincent apart from her surrogate fees. 50% of Surrogate fees shall be rendered to Purvi after completing 3 months of pregnancy and 50% shall be paid after a successful childbirth. However, the agent was also being made part of this contract to complete his duties as an agent till the child is handed over to Elsa and Vincent.

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## Moot Problem

### Year 2005- December

Purvi, Elsa, and Vincent underwent a few medical tests at Sparsh Clinic in Karunachal Pradesh (where the procedure of IVF was expected to get executed). Medical Reports of Purvi, Elsa, and Vincent indicated that Purvi is extremely fit to be a mother whereas the sperm count of Vincent has gone below the required amount hence it is impossible to execute the decided IVF procedure. Therefore, the agent suggested them to get an embryo from Hailand (another country) and complete the procedure as they have anyway entered into a contract.

Elsa and Vincent decided to go ahead with the option suggested by the agent as their incompetency to bear a biological child got established in their recent medical report in Cindia.

### Year 2006- January.

The agent bought an embryo from an authorized clinic in Hiland as this procedure is legal there. He obtained a bill from the clinic (Hiland) after making an online payment. Thereafter, the agent himself went to Hiland for taking the delivery of the embryo.

While returning to Cindia, Hiland Airport authorities gave him a clearance to carry an embryo under the category of biological material. He had a connection flight to Karunachal Pradesh Via Polcutta (Cindia). As soon as he landed in Polcutta, he declared his luggage as stem cells under the category of biological material to which Airport Authorities of Polcutta refused to give clearance as its illegal to carry an embryo in the country of Cindia. Thereby he got arrested.

The agent showed the contract, receipts, etc to the authorities but in vain. Thereafter, Purvi, Elsa, and Vincent also get arrested as they were party to that contract.

### Note:

In the year 2006, there were no surrogacy laws in Cindia but ART (Assisted Reproductive Technology) was legal.

The laws of Cindia are pari materia with Country India.

### Issues:

- Status of a contract between the parties
- Status of surrogacy in this case
- Embryo import is legal or illegal
- The arrest of surrogate mother is legal or illegal

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