

1st Justice Anil Kumar Upadhyay, Memorial National Moot Court Competition, 2024

About Amity University, Patna

Amity University Patna is one of the latest proud additions in the legacy of the 25 years of Amity Education Group of India, set up with a vision to contribute in nation-building through excellence in higher education, research and innovation. It is setup under Bihar Private University Act, 2013 through Bihar Private University (Amendment) Act 2017 vide a notification in Bihar Gazette in the year 2017. Amity University is ranked amongst top 3% Universities globally by QS 2018 ranking. Amity University has more than 150,000 students pursuing 300 programs across campuses in India and abroad. Amity University has facilitated more than 36,000 on campus placements in the past years. Amity University Patna is yet another landmark University by Amity Education Group to revolutionize the Indian Education system by providing globally benchmarked, research and employment-oriented education.

Amity Law School (ALS)

The Amity Law School has been established under Amity University Patna to achieve world-class legal education in the State. In its constant pursuit to excellence, it is always endeavouring to create a legacy of leadership, professional Acumen and excellence. The school strives to exceed the benchmarks of educational standards and constantly innovates in its processes and methodologies in legal education. Amity Law School of Amity University Patna is recognised and approved by Bar Council of India and is offering B.A. LL.B. (Hons.), BBA.LL.B. (Hons.) and LL.B. (Hons.) Programs to the student community. These programs seek to promote multi-disciplinary analysis of the socio-legal problems by designing its course-structure and teaching methods to realize these objectives. The methods of teaching in the Law School include lecture discussions, case law analysis, moot court training, project assignment and placement programmes. In addition, the school organizes seminars on contemporary legal issues, conducts clinical courses and trains students in legal research and legal writing. By the time a student completes the programme, he/she will be fully equipped with the required theoretical knowledge and practical experience in the field of law to become a full-fledged responsible member of the legal profession.

About the Event



1st Justice Anil Kumar Upadhyay Memorial National Moot Court Competition is the first edition of the National Moot Court Competition hosted by Amity Law School at Amity University, Patna Campus, in the memory Late Justice Anil Kumar Upadhyay, Hon'ble Judge Patna High Court, who was closely associated with Amity Patna Family and was integral part of the esteemed institution and on several occasions blessed the institution through his presence and valuable knowledge.

Hon'ble Mr. Justice Dr. Anil Kumar Upadhyay was born on 4th December, 1962. He did his schooling from Miller High School, Patna and A.N. College, Patna respectively. After his graduation from Magadh University, he went on to pursue LL.B and LL.M from Patna Law College, Patna University. He was awarded a Ph.D degree by Patna University for his research on "A Comparative study of Freedom of Speech and Expression in American, British and Indian Constitutional Law", in the year 1992.

Justice Upadhyay enrolled as an Advocate at the Hon'ble Patna High Court on 5th of September, 1986. He had a natural affinity for teaching, he worked as part time lecturer, faculty of law in Commerce College, Magadh University from August 22, 1988 to 2010. He served as part time lecturer in Patna Law College from 1989 to 1996 and 2004 to 2006 and also worked as Visiting Faculty in Chanakya National Law University from 2007 to May 2017. Justice Upadhyay served as Standing Counsel, Patna High Court, Patna from December 2010 to May 2017. He was a Counsel for Rajendra Agriculture University, Pusa, Samastipur from 2010 to 2016, Bihar Agriculture University, Sabbour, Bhagalpur from 2010 to April 2017, Dr. Rajendra

Prasad Central Agriculture University, Pusa from January 2017 to May 2017 and also worked as Panel counsel for Dental Council of India from 2015 to May 2017.

Justice Upadhyay took oath as an Additional Judge, Patna High Court on 22nd of May, 2017 and was elevated as a permanent judge of the Hon'ble Patna High Court on 8th April, 2019. In a very short period, he established himself as a Judge with an open and independent mind and great Scholar. His passion for law was reflected in his judgements and his vast knowledge of the subject. He was remarked as an outstanding teacher and an Advocate par excellence, praised for being a perfect Gentleman and an epitome of simplicity. Justice Dr. Anil Kumar Upadhyay was a respected Advocate, a celebrated Judge and loved Academician who had a great regard for the subject of law.

The National Moot Court Competition serves as a beacon, drawing together some of India's most talented and brightest law students. Through this prestigious event, Amity Law School aims to ignite the flame of educational excellence and legal acumen among law students nationwide. Emphasizing a holistic approach to legal education, Amity Law School fosters a scholarly environment that transcends traditional textbooks. Here, the study of law is deeply rooted in its fundamental purpose—to uphold justice and serve humanity.

At Amity Law School, students are immersed in a vibrant and enriching environment, brimming with intellectual stimulation, professional support, and progressive thinking. It is this dynamic atmosphere that nurtures well-rounded lawyers and accomplished legal professionals. Through participation in the National Moot Court Competition, students hone their advocacy skills and gain invaluable experience, thus contributing to their overall growth and development.

The dedication of Amity Law School in organizing such esteemed events stems from its commitment to setting high standards and fostering excellence year after year. With open arms, the institution welcomes all participants, extending best wishes for success and prosperity throughout the competition.

Event Details

Date: 10th May 2024 – 11th May 2024

Mode: Online Mode



Eligibility Criteria

Students pursuing 3 years or 5 year Law Course are eligible to participate in this competition. Only one team can participate from each institution and each team shall only consist of three members i.e. two speaker and one researcher.

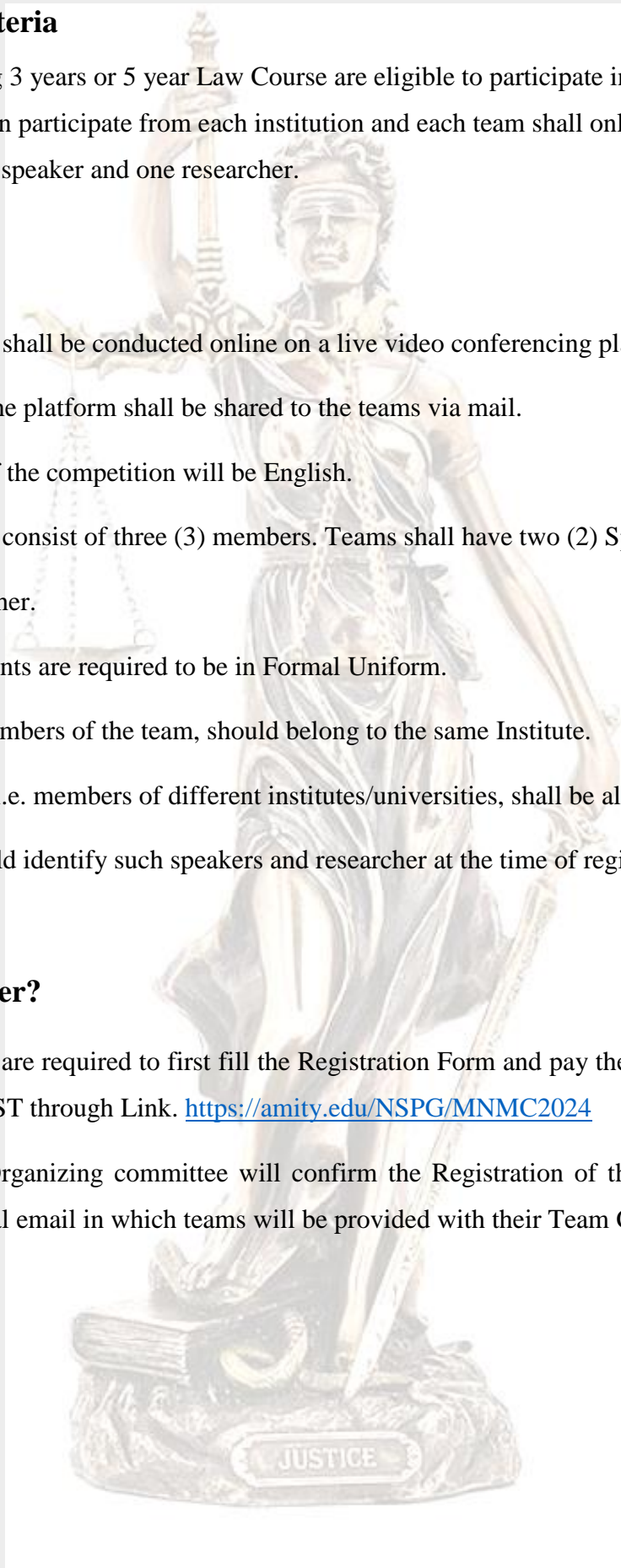
General Rules

- The oral rounds shall be conducted online on a live video conferencing platform.
The details of the platform shall be shared to the teams via mail.
- The language of the competition will be English.
- Each team shall consist of three (3) members. Teams shall have two (2) Speakers, & One (1) researcher.
- All the participants are required to be in Formal Uniform.
- All the three members of the team, should belong to the same Institute.
No cross teams i.e. members of different institutes/universities, shall be allowed.
- Each team should identify such speakers and researcher at the time of registration.

How to Register?

Interested Teams are required to first fill the Registration Form and pay the Registration Fees of Rs.2000/- + GST through Link. <https://amity.edu/NSPG/MNMC2024>

Thereafter, the Organizing committee will confirm the Registration of the respective team through an official email in which teams will be provided with their Team Code.

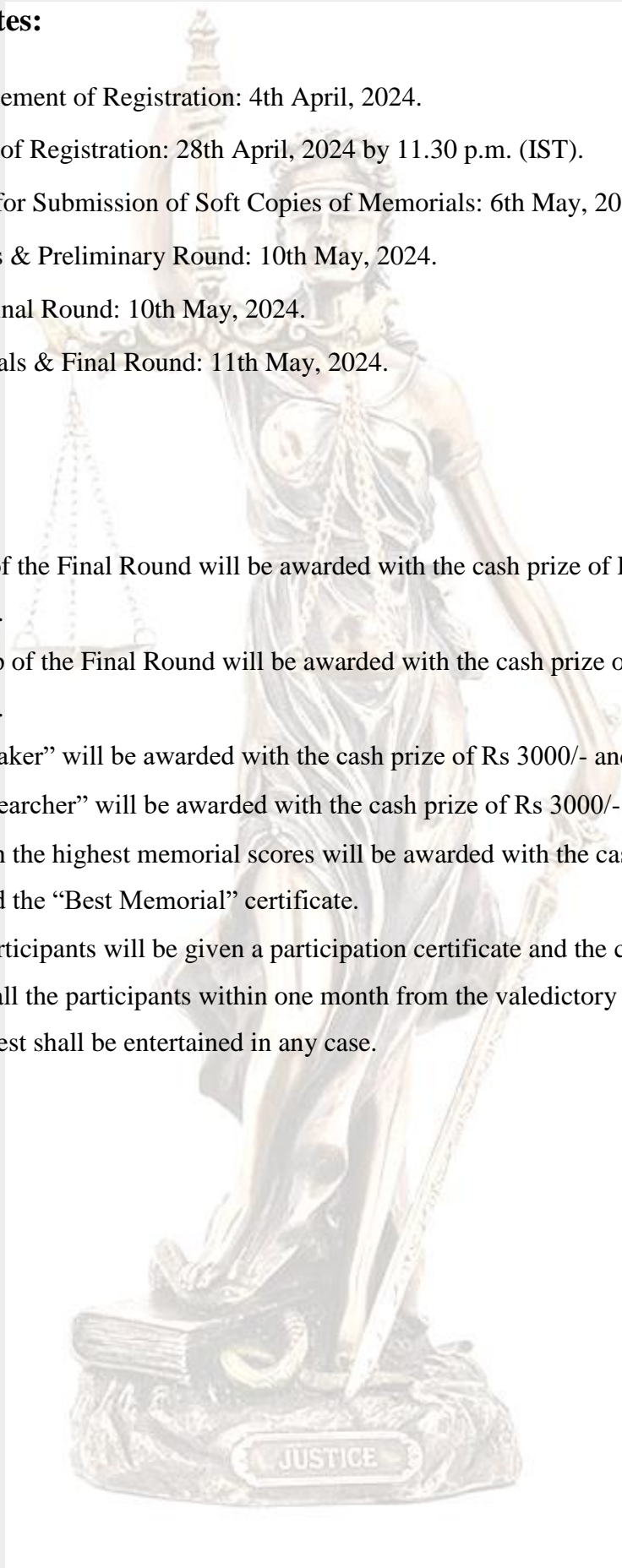


Important Dates:

- Commencement of Registration: 4th April, 2024.
- Last Date of Registration: 28th April, 2024 by 11.30 p.m. (IST).
- Last date for Submission of Soft Copies of Memorials: 6th May, 2024.
- Inaugurals & Preliminary Round: 10th May, 2024.
- Quarter Final Round: 10th May, 2024.
- Semi- Finals & Final Round: 11th May, 2024.

Awards

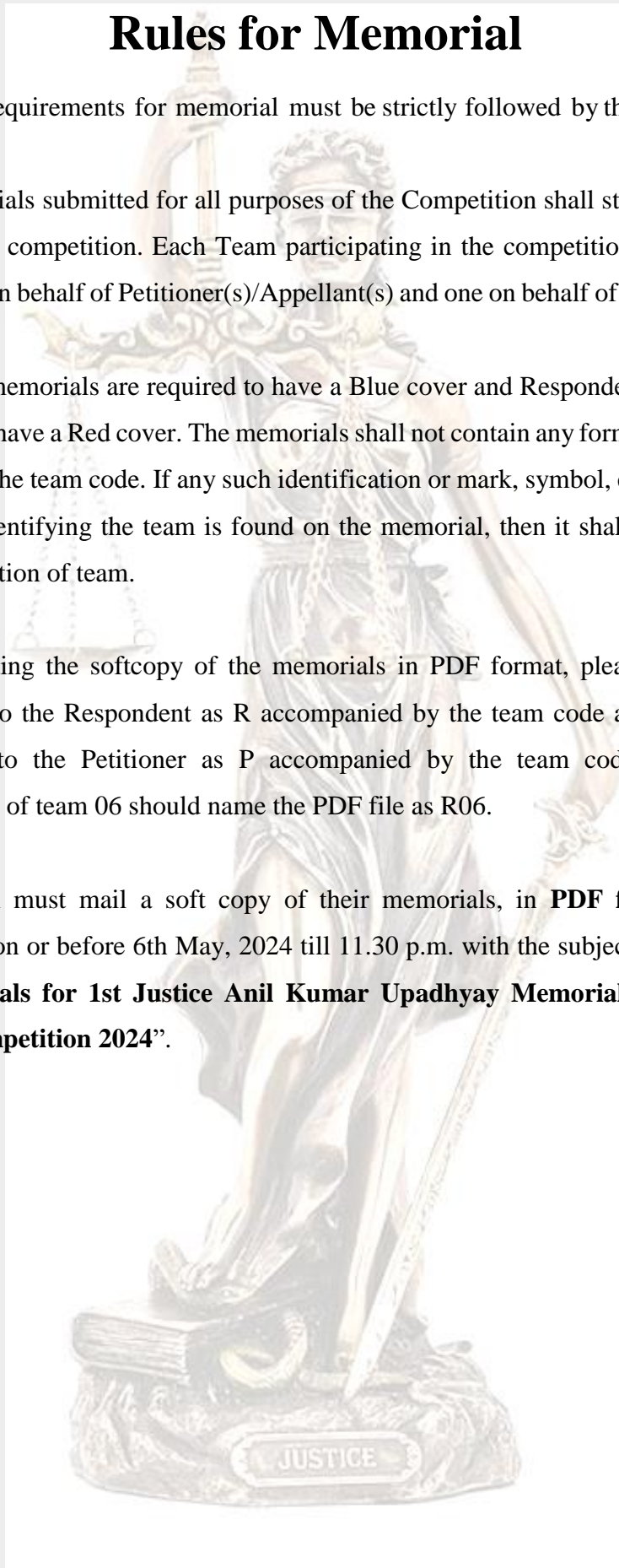
- Winners of the Final Round will be awarded with the cash prize of Rs 10,000/- and a certificate.
- Runner-up of the Final Round will be awarded with the cash prize of Rs 8,000/- and a certificate.
- “Best Speaker” will be awarded with the cash prize of Rs 3000/- and a certificate.
- “Best Researcher” will be awarded with the cash prize of Rs 3000/- and a certificate.
- Team with the highest memorial scores will be awarded with the cash prize of Rs 3000/- and the “Best Memorial” certificate.
- All the participants will be given a participation certificate and the certificates will be issued to all the participants within one month from the valedictory function and no prior request shall be entertained in any case.



Rules for Memorial

The following requirements for memorial must be strictly followed by the participants-

1. The memorials submitted for all purposes of the Competition shall strictly adhere to the rules of the competition. Each Team participating in the competition must submit one Memorial on behalf of Petitioner(s)/Appellant(s) and one on behalf of the Respondent(s).
2. Appellant memorials are required to have a Blue cover and Respondent memorials are required to have a Red cover. The memorials shall not contain any form of identification apart from the team code. If any such identification or mark, symbol, etc. which has the effect of identifying the team is found on the memorial, then it shall result in instant disqualification of team.
3. While sending the softcopy of the memorials in PDF format, please name the file pertaining to the Respondent as R accompanied by the team code and name the file pertaining to the Petitioner as P accompanied by the team code. For example, Respondent of team 06 should name the PDF file as R06.
4. Each Team must mail a soft copy of their memorials, in **PDF format only**, for evaluation on or before 6th May, 2024 till 11.30 p.m. with the subject :- **“Submission of Memorials for 1st Justice Anil Kumar Upadhyay Memorial National Moot Court Competition 2024”**.



GUIDELINES FOR FORMATTING



1. Structure of Memorial

- a. Cover Page
- b. Table of Contents
- c. Index of Authorities
- d. Statement of Jurisdiction
- e. Statement of Facts (Argumentative statement of facts would attract penalties)
- f. Issues Raised
- g. Questions of Law/ Summary of Arguments
- h. Arguments Advanced
- i. Prayer
- j. Appendix (Optional)

2. Team Code

The team code must be ascribed on the top right corner of the cover page.

3. Content Specification

The following content specifications must be strictly adhered to-

- a. Font and Size (General) - Times New Roman, 12 pts
- b. Line Spacing (General) - 1.5 lines
- c. Font and Size (Footnotes)- Times New Roman, 10 pts
- d. Line Spacing (Footnotes) - Single line
- e. Page Margins -1 inch on all sides
- f. The citation should be in compliance with the 20th edition of Bluebook.
Speaking footnotes or Endnotes are not allowed.

4. Marking Criteria of Memorials:

The maximum scores for the memorials shall be 100 marks: The memorials shall be evaluated on the following criteria:

Knowledge of Law and Facts	30 Marks
Proper and Articulate Analysis:	30 Marks
Extent and Use of Research:	20 Marks
Clarity and Organization:	10 Marks
Grammar and Style:	10 Marks



DRAW OF LOTS

The Draw of Lots will determine from which side the participants will present their arguments i.e., Petitioner/Plaintiff or Respondent/Defendant. The Draw of Lots will also decide which team you will be competing against (There will be no pre-decided fixtures). The sequence of participation will be decided there on.

Oral Rounds

A. PRELIMINARY ROUND & QUARTER FINAL

- a. Each team will get a total of 20 minutes to present their case.
- b. Each speaker should speak for a minimum of 8 minutes.
- c. The time stated above includes the time required for rebuttal and surrebuttal. However, the maximum time taken for rebuttal and surrebuttal shall not exceed 3 minutes.

Each team will represent Petitioner's side or the Respondent' side, in the sequence determined under Draw of Lots. The top 8 team based on their Total Preliminary Score in the Preliminary Round shall qualify for the Quarter Final Round. Total Preliminary score does not include the memorial score.

B. SEMI FINAL ROUNDS AND FINAL ROUND

- a. Each team will get a total of 30 minutes to present their case.
- b. Each speaker shall not exceed 15 minutes to the total time.
- c. The time stated above includes the time required for rebuttal and surrebuttal. However, the maximum time taken for rebuttal and surrebuttal shall not exceed 5 minutes. This will be a knockout round.

C. MARKING CRITERIA FOR ROUNDS

Maximum scores for the oral rounds shall be 100 points per speaker, and which shall be judged on the following criteria:

Knowledge of Law	20 Points
Application of Law to Facts	20 Points
Response to questions & Articulation	20 Points
Poise, Courtesy and Demeanor	20 Points
Time Management	10 Points
Organization	10 Points

General Rules for all the participants:-

- a. The oral rounds shall be conducted online on a live video conferencing platform. The details of the platform shall be shared to the teams via mail.
- b. The participation link of the meeting shall be sent to participants on their respective email IDs submitted by them in Registration Form.
- c. The Participants are expected to be seated in a quiet space which is free from any echo and isolated from any form of disturbances.
- d. The Participants must make sure that the Background is plain and sober which does not disturb the judges. Preference will be given to a White background. The participant should be visible in Portrait Mode/ Vertical Manner.
- e. The participants should only use their team code as their username while joining the meeting room.
- f. All participants should join online at least ten (10) minutes prior to the commencement of their round.
- g. Following are the mandatory system requirements to participate in the competition:
 - Computer/Laptop with a well configured web camera.
 - A stable Internet Connection
 - Headphones or Earplugs that have a working microphone.
 - While in a round, the participants must have their camera on all the time.
 - The participants should unmute their microphone when it is their turn to present their arguments, speak or when asked by the judges or the Organizers to do so.
 - The participants should not use group text feature of the Organizer's hosting platform to communicate with one another.
 - No screen sharing is allowed.
 - The Organizers shall not be responsible for any loss due to slow or non-functional Internet Connection during the Competition.

In any case whatsoever, the decision of the Organizers shall be final and binding.

MOOT PROPOSITION

1. Indus, a country that occupies the greater part of South Asia. Its capital is New Denus. Its government is a Constitutional republic that represents a highly diverse population consisting of thousands of ethnic groups having different languages. With roughly one-sixth of the World's total population, Indus is the second most populous country, after China.
2. Indus is a Sovereign, Socialist, Secular, Democratic and Republic with a Parliamentary Form of government which is federal in structure with unitary features. There is a Council of Ministers with the Prime Minister as its head to aid and advise the President who is the Constitutional head of the country. Similarly, in states there is a Council of Ministers with the Chief Minister as its head, who advises the Governor.
3. The status of women in Indus has been subject to many changes over the span of recorded Indusian history. Their position in society deteriorated early in Indus's ancient period, especially in the Indo-Aryan speaking regions, and their subordination continued to be reified well into Indus's early modern period. Part III of the Indus Constitution guarantees certain basic rights to all the citizens of Indus irrespective of their caste, race, birthplace, religion or gender. These basic rights are known as Fundamental Rights which are justifiable in nature. These are essential part of the Constitution as they protect the rights and liberties of the citizens of the country against any misuse or intrusion by the government with the power delegated to them in a democracy. These right aims to achieve the goals of Justice, Liberty. Equality, Fraternity and Dignity as has been set out in the Preamble to the Constitution of Indus.
4. The Constitution of Indus ensures that the government of Indus shall not deny to any person equality before the law or the equal protection of the laws within the territory of Indus. It means that the laws shall apply in the same manner to all, regardless of a person's status and it is one of the aspects of the Rule of Law.
5. Menstruation, or period, is normal vaginal bleeding that occurs as part of a woman's monthly cycle. The menstrual flow lasts for three to five days. During menstruation, a woman's body sheds the lining of the uterus, which causes bleeding through the vagina. The menstrual cycle typically lasts between 3-7 days but can vary from woman to woman.

6. Physically, some women experience symptoms such as cramps, bloating, breast tenderness, fatigue, headaches, and nausea. These symptoms are caused by hormonal changes and the body's natural process of shedding the uterine lining.
7. Emotionally, some women may experience mood changes, including irritability, anxiety, or depression. These changes are also influenced by hormonal fluctuations during the menstrual cycle.
8. It's important to note that every woman's experience of menstruation is different and can vary from month to month. Some women may experience minimal physical or emotional symptoms, while others may have more severe symptoms that affect their daily activities.
9. Emily Cooper, a resident of (Indus) was an Engineer by profession and she was working at an MNC named Dripkart, a software development Company, that designs and develop custom software applications, frameworks, and tools that helps to solve problems or achieve a specific outcome. She was working as a software developer with an annual package of INR 16 Lakhs. Dripkart was funded by the Central Government for most of their projects and the central government holds a substantial interest in the company. As a software developer she was involved in researching, designing, implementing, managing software programs, testing and evaluating new programs, identifying areas for modification in existing programs and subsequently developing these modifications and writing and implementing efficient code.
10. On 21st February 2023, Emily Cooper was on her periods and she could not come to her office for 3 days. At the end of the month when her monthly salary was credited to her account, her salary was deducted for not working on those three days. She was well aware about the fact that dripkart never gave paid period leave to their female employees.
11. She got to know that Poa, a state in Indus, granted paid period leave to their employees and after hearing this, Emily Cooper posted on her social media handle "Women are personified as goddess in our country but the said goddess is deprived of even a single day leave on her periods, which breaks her both physically and mentally. The Central government must pass an Act to give paid period leaves to every women at their respective work place". This post was on her private social media account but it was shared by different activists on other social media platforms across Indus.
12. Seeing this post, Women Rights Sangathan (hereinafter referred to as WRS), an NGO which conducts workshops, facilitates discussions, provides legal advice and pro bono

legal services to them who might encounter cases of sexual violence at workplace and has been working since 2008, to prevent gender and sex-based violence against women. WRS moved to the Hon'ble Supreme Court of Indus through a Public Interest Litigation (hereinafter referred to as PIL) for the constitutional recognition of Right to Menstrual Leave as Fundamental Right under Article 14, Article 15 and Article 21. The NGO is of the view that women should be granted paid menstrual leave at her workplace.

13. This would benefit female employees by allowing them to manage their menstrual symptoms without compromising their productivity or workplace attendance. It would also promote gender equality by recognizing and addressing the unique health needs of female employees in the workplace.
14. Furthermore, this would promote workplace diversity and inclusion by acknowledging the challenges that women face due to menstrual symptoms, which can be more severe for some women than others. Providing menstrual leave would create a more supportive and inclusive workplace environment, which could increase employee satisfaction and productivity.
15. Overall, the introduction of paid menstrual leave would be a positive step towards gender equality and a healthier, more productive workforce. The matter is presented before the Apex Court of INDUS with the following issues:
 - **Whether present Public Interest Litigation is maintainable or not?**
 - **Whether non-recognition of menstrual leave to girls and women's of all age is violative of their Fundamental Rights under Art. 14, 15 & 21?**
 - **Whether the menstrual leave ensures socioeconomic equality as enshrined in DPSPs?**

(In addition to the aforementioned Issues, participants are at liberty to frame more issues.)



JUSTICE

NOTE

1. The Constitution and all the other laws of India are paramount to the Constitution of India and other statutes enforced within the territory of India.
2. The participants are allowed to use any relevant statutory laws and case laws of India in their submissions.
3. All the characters, events, and names mentioned in the Moot Problem are not real and are created only for academic purposes. Any resemblance to real-life events or persons, living or dead, is unintentional.
4. Unauthorized use or publication of the Moot Problem without the author's prior permission is considered a violation of copyright and plagiarism laws.

For any query contact:

Faculty Convenor (MCA)

Ms. Khushbu Prasad- kprasad@ptn.amity.edu

Mr. Pratik Sharwani- pratiksharwani@gmail.com

Student Convenor (MCA)

Mr. Siddharth Anand – 9304216293

Ms. Adya Pandey- 7858935863

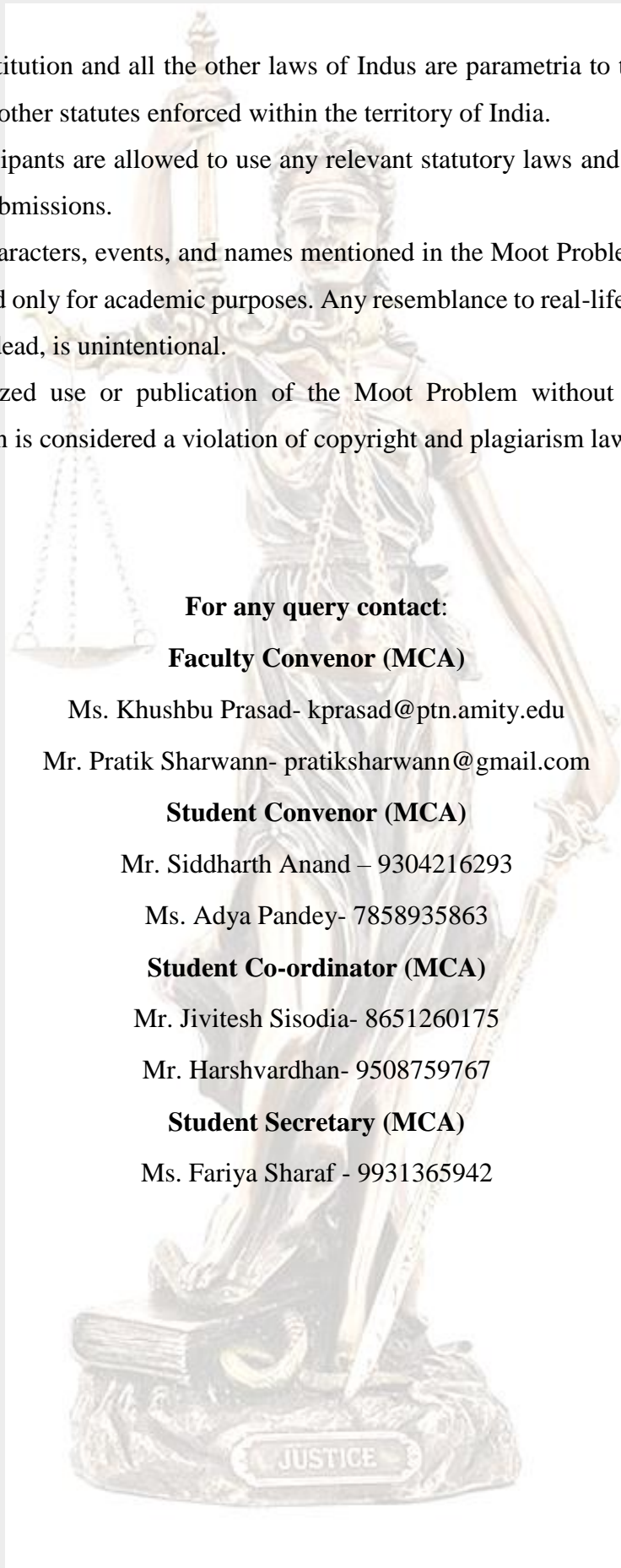
Student Co-ordinator (MCA)

Mr. Jivitesh Sisodia- 8651260175

Mr. Harshvardhan- 9508759767

Student Secretary (MCA)

Ms. Fariya Sharaf - 9931365942





CHIEF PATRON

Dr. Atul Chauhan
Chancellor
Amity University

MENTORS

Shri U. Ramachandran
Sr. Vice President
Amity Education Group
Shri Gauravh Gupta
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Amity Education Group

PATRON

Dr. Vivekanand Pandey
Vice Chancellor
Amity University, Patna

CONVENER (S)

Ms. Khushbu Prasad
Asst. Professor, Amity Law School
Mr. Pratik Sharwann
Asst. Professor, Amity Law School

ORGANIZING SECRETORY

Dr. Sushil Kumar, DCOE