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UNIVERSITY
RAJASTHAN

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AMITY LAW SCHOOL

MOOT COURT SOCIETY

PRESENTS

**NATIONAL MOOT COURT
COMPETITION, 2023**

31 OCTOBER & 1 NOVEMBER, 2023



**LAST DATE OF REGISTRATION
OCTOBER 5, 2023**

CHIEF PARTON
Dr. Aseem Chauhan
Chancellor

PATRONS

Prof. (Dr.) Amit Jain
Vice-Chancellor

Prof. (Dr.) G.K. Aseri
Pro Vice-Chancellor

CHAIRPERSON

Prof. (Dr.) Saroj Bohra
Director, Amity Law School

Faculty Co-Ordinators

Ms. Alisha Verma
Assistant Professor Senior Scale
Amity Law School

Dr. Zeeshan Hussain Hashmi
Assistant Professor Senior Scale
Amity Law School

Student Convenors

Jhanvi Aggarwal
B.Com.LL.B., 9th Sem.

Shreya Nayak
B.B.A.LL.B., 9th Sem.

Student Co-Ordinators

Muskan Gupta
B.B.A.LL.B., 9th Sem.

Abhishek Bansal
B.A.LL.B., 9th Sem.



ABOUT AMITY UNIVERSITY RAJASTHAN



Established by Amity University Rajasthan Act 2008, notified by Government notification No F.2 (10) vidhi/2, the university offers education in various streams as per global standards. AUR stands with a baton to illuminate and guide the aspirants of all educational streams. It imparts knowledge in various domains for professional as well as sustainable development grooming students to become better global leaders with strong ethical values and integrity.



With a vision to be a global university, and provide value-based contemporary education with a thrust on innovation, research and productivity blended with modernity and tradition, AUR is marching towards the pinnacle of academic excellence and success.

Taking up the challenges of the present global education era, AUR holds a mission to prepare future global leaders by providing an environment of excellence in academics, research, Technology driven and field based learning, cross cultural exposure, holistic development and also enabling them with a commitment to social and environmental responsibility. AUR is an institution providing higher education par excellence.

- **Rated Gold by 'The Leed Green Building Rating System' established by 'The US Green Building Council and verified by Green Business Certification INC'. (2017)**
- **The Week Hansa Research Best University Survey ranked AUR 6th among the Private Universities of India (2014)**
- **Brands Academy Excellence Award has crowned AUR with the 'Best Private University in North India' (2014)**
- **ASSOCHAM awarded AUR for 'Best University Campus' (2014)**
- **World Education Summit honored AUR for excelling in Digital Learning and awarded the University with the title of 'Best North India Private University' (2014)**
- **Hindustan Times appreciated AUR's Excellence in Employability and Placement (2013)**
- **Silicon India ranked AUR 2nd in its survey of Top 20 Indian Private Universities in India (2013)**

ABOUT AMITY LAW SCHOOL

The school has been established under Amity University Rajasthan to achieve world-class legal education in the state and the country. In its constant pursuit of excellence, it is always endeavouring to create a legacy of leadership, professional acumen, and excellence.

The Amity Law School (ALS), Amity University, Rajasthan has been established in the year 2008. ALS is offering courses in Ph.D., LL.M, BA.LL.B(H), B.Com.LL.B(H), B.B.A.LL. B(H). Amity Law School with its holistic approach to legal education provides impetus to law students to evolve into not only legal professionals but also as responsible and socially empathetic citizens of the State.

Currently under the leadership of Prof. (Dr.) Saroj Bohra, the institute has well-qualified, experienced and dedicated team of faculty members who are committed to the cause of quality legal education. ALS is affiliated with Amity University and approved by the Bar Council of India.

The methods of teaching in the Law School include lecture discussions, case law analysis, moot court training, project assignments, and placement programs. 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 program, 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 MOOT COURT SOCIETY



Amity Law School Jaipur has its Moot Court Society (MCS). A pleading to a pleader is what Moot Court Society is to a legal educational institute. The motto of the Amity Law School, Jaipur's Moot Court Society, is "*per excellentiam varius*", which means "aligned for excellence".

The Moot Court Society (MCS) is a student-led initiative that works hand in hand with the college administration to plan, train, and organize moot court-related activities.

The MCS hopes to inculcate a strong tradition of successful mooting for years to come for the students of Amity Law School, Jaipur. The MCS aims to conduct training programs and organize workshops regularly for honing the drafting skills, pleading, and argumentative prowess of nascent legal minds through its faculty and student body, it organizes various intra-moot court competitions, thereby encouraging students to participate in the National and International moot court competitions organized.



AMITY NATIONAL MOOT COURT COMPETITION RULES, 2023

The rules mentioned herewith shall be called the Amity National Moot Court Competition Rules, 2023 (hereinafter referred to as "The Rules"). The Rules mentioned herewith shall be strictly adhered to. Any deviation from the same shall result in immediate disqualification. All decisions made by the Organizers in case of any disputes or doubts shall be final and binding on all the participating teams. The organizers reserve the right to alter, amend, or add rules herein at any point in time. In case the Rules are not adhered to by the participating teams, organizers reserve the right to impose penalties.

1. LANGUAGE

The official language for the Competition shall be English only.

2. ELIGIBILITY

The Competition shall be open for the law students who are duly enrolled and are pursuing an integrated 5-year or 3-year Law Program from an educational institution recognized by the Bar Council of India.

3. TEAM COMPOSITION

- The minimum number of members required in each team shall be 2 wherein both shall be designated as speakers. And may, with prior permission of the judge, be allowed to take out the responsibilities of a researcher.
- The maximum number of participants per team shall be restricted to 3 wherein only 2 shall be speakers and 1 shall be the designated researcher. The researcher will be allowed to argue with the prior permission of the Judges and the organizing committee in distinguished cases only.

Note: Only the designated speaker in the Preliminary Rounds shall be eligible for the Best Speaker award.

- No Team Coach, mentor, observer, or any other person shall be accompanying registered participating team members.
- There shall be NO amendments in teams once the registration of the team has been accepted.
- No individual shall register himself/herself more than once. In any such case, the participant shall be disqualified from both teams.

4. DRESS CODE

Every participant is to dress as per the requirements of “Rules of Legal Education, 2008”, i.e.

1. White/Black trousers, white shirt, black tie, black coat, black shoes, and black socks
2. **Optional for female participants-** Black printed saree, with white full sleeve blouse and covered black shoe or Suit with black covered shoe.

5. MEMORIAL

- Each team participating in the Competition must prepare a written submission on behalf of the Petitioner/Appellant and the behalf of the Defendant/Respondent.
- A written submission shall be identified solely by the team code assigned to the team. The Written Submission shall not, in any way, disclose the identity of the team or members.
- Each team must submit its memorial in PDF format, latest by, 11:59 P.M. 20th October 2023, through this link- <https://forms.gle/y2LuHAWAwKXZPSDs9>
- The file names of the electronic copies of the memorial must contain only the team code and the side being represented.
E.g.: For team code 01 it shall be “01- Appellant” AND “01-Respondent”.
- The Memorials Submission shall consist of the following mandatory heads:
 - a) Cover Page
 - b) Table of Contents
 - c) List of Abbreviations (in Alphabetical order)
 - d) Index of Authorities (with page number of authorities cited)
 - e) Statement of Jurisdiction
 - f) Statement of Facts (not exceeding 2 pages)
 - g) Statement of Issues
 - h) Summary of Arguments (not exceeding 2 pages)
 - i) Arguments Advanced (not exceeding 25 pages)
 - j) The Prayer (not exceeding 1 page)

Exceeding the page limit shall attract a penalty of one mark for every additional page.

- The Cover page shall include:
 - a) Team code (the upper right corner)
 - b) The name and place of the Jurisdiction
 - c) The relevant provision under which the case is filed
 - d) Name of parties and status
 - e) The side for which written submission has been prepared.
e.g. Memorial filed on behalf of “.....”

- Each team will have a team code. Each team shall be assigned a team code decided by the Organizing Committee of ALS. The team shall use their team code for identification purposes. The names of the participating members or universities should not appear on or within the written submissions.
- It is further clarified that the Organizing Committee reserves the right to refuse acceptance of any memorial that is in violation of any of the enumerated norms.
- **Format of the Memorials:**
 - Typed on standard A4 size page
 - Font Type: Times New Roman
 - Font Size for body text: 12
 - Font size for footnotes: 10
 - The text of the Memorial should be 1.5 lines spaced
 - The text of Footnotes should be single-spaced
 - Font size for the cover page maybe 14
 - Margin: 1 inch or 2.54 cm margin on each side of the A4 size page
 - Page numbering: Bottom right of each page.
 - Citation Pattern: Bluebook 20th edition
- The Cover Page of the Memorial for the Petitioner/Appellant must be BLUE, and for the Defendant/Respondent's Memorial, it must be RED.
- Once the memorials have been submitted, no revisions, supplements, or additions will be allowed. Failure of submission of memorial would result in disqualification of the team from the competition.
- The Organizers of this Competition shall be permitted to use all the Memorials for any reporting or compilation without further permission. The Submission would be deemed to be permission. The copyright in the Memorials submitted by the participants shall vest in the Organizers
- **The teams must bring along 4 hard copies of the memorial from each side** (4 copies of Appellant's side and 4 copies of Respondent's side)
- The teams may prepare a separate **compendium**, which will carry all the annexures case laws, etc. that have been referred to in the memorial. The compendium will have a white cover, which shall be designed as per the standards similar to the format of the memorial. The teams will retain them and may present them, through the Researcher, to the Judges during the rounds through Court Room Officers. Any identifying marks/seal of the college/university may result in disqualification from the competition.

- The following are the criteria for the evaluation of memorials:

EVALUATION CRITERIA		
Sr. No.	CRITERIA	MARKS
1.	Knowledge of facts and Law	20
2.	Quality and applicability of Research	20
3	Recognition of Issues and Articulation of Arguments	20
4.	Structural Coherence and Consistency in the arguments	20
5.	Overall Presentation (Clarity, Style, Grammar, Language, Structure, Format, Citations and Plagiarism)	20

6. PLAGIARISM

Participants must refrain from plagiarising. Even the use of publicly available information must be accompanied by proper citations. These rules shall apply to all parts of the memorial. Failure to comply with this rule may result in disqualification from mooting in Amity National Moot Court Competition, 2023. The Organizing Committee in consultation with the chairperson will take a final decision regarding the determination of cases of plagiarism.

7. CONDONATION OF DELAY

Delay in submission of memorials will not be condoned on grounds like failure connection, network issues, etc. However, the Moot Court organizers shall have final discretion in case of an application for condonation of delay. Decisions could range from full condonation to reduction of marks as it may deem fit.

8. STRUCTURE OF THE COMPETITION

The Moot court Competition shall comprise of following rounds:

- **Preliminary Rounds:** Each team will have to present both sides i.e., Petitioner/Plaintiff or Respondent/ Defendant in this round. The top eight (8) teams, based on the cumulative score of memorials and preliminary rounds shall qualify for the quarterfinals.
- **Quarterfinal Rounds:** The top eight (8) teams from the Preliminary Round shall proceed to the quarterfinals. The top 4 teams of this round shall qualify for the semi-final round. The draw of lots will take place after this round.
- **Semi-Final Round:** The winning 4 teams from the quarterfinals shall proceed in this round. This round will be the knockout round. The draw of lots will again take place after the competition of this round.
- **Final Round:** The winner from each courtroom fixture i.e., 2 teams from the semi-final round shall proceed to this round.

9. DRAW OF LOTS

Before every round, the draw of lots shall be done to determine the side on which the Team shall be arguing i.e., Appellant or Respondent. The draw of lots will also decide which team you will be competing against (There will be no pre-decided fixtures).

10. ORAL SUBMISSIONS

The language to be used in the oral rounds is ENGLISH. As specified hereinabove, each team shall have two speakers who shall further divide the oral submissions among themselves. At the commencement of each round of Oral Submissions, each team shall notify the Court Officer of the division of time between the two speakers.

1. Preliminary Round and Quarter – Final Round

- 1.1.** There will be two preliminary rounds of arguments per team, once on behalf of the Appellant and another on behalf of the respondent.
- 1.2.** Each team will face a different bench of judges in their second round of arguments.
- 1.3.** Preliminary, & Quarter-finals will be held on October 31st, 2023. The top 8 (Eight) teams will qualify for the Quarter Finals.
- 1.4.** In the Quarter – Final round each team will be given 20 minutes of speaking time, where a minimum of 8 minutes of speaking time to each speaker is mandatory.
- 1.5.** Time for Rebuttals in Prelims shall not exceed 2 minutes and no sur-rebuttals would be allowed.
- 1.6.** For quarter-finals, rebuttals shall not exceed 5 minutes, including sur-rebuttals, if any.
- 1.7.** The division of time shall be informed by the team to the court officer/moderator before arguments begin.
- 1.8.** The researcher shall sit with the speakers at the time of the Oral Rounds.
- 1.9.** Extension of time will be allowed only at the Judges' discretion.

2. Semi-Final Round

- 2.1.** The Semi-Final Rounds will be held on November 1st, 2023. The pairing of Teams for the Semi-Final Rounds shall be done by a draw of lots/power matchups.
- 2.2.** The top 4 teams from the Quarter-Final rounds will appear in the Semi-Final rounds.
- 2.3.** Each team will get a total of 40 minutes to present their case. Further 5 minutes for rebuttal and sur- rebuttal. (Total time for each team = 40 +5)
- 2.4.** The division of time is at the discretion of the team members, subject to a minimum of 16 minutes per speaker. Division of time shall be informed to the court officer/moderator before arguments begin.
- 2.5.** Extension of time will be allowed only at the Judges' discretion.
- 2.6** This round shall follow the knockout rule.

3. Final Round

- 3.1.** The Final Rounds will be held on November 1st, 2023
- 3.2.** Only the best 2 teams would qualify for this round
- 3.3.** Each team will get a total of 60 minutes to present their case. Further 5 minutes for rebuttal and sur-rebuttal. (Total time for each team = 60 +5)
- 3.4.** The division of time is at the discretion of the team members, subject to a minimum of 25 minutes per speaker. Division of time shall be informed to the court officer/ moderator before arguments begin.

- Speakers would be adjudged under the following categories during their oral presentation:

EVALUATION CRITERIA		
S.NO	CRITERIA	MARKS
1	Knowledge of Law	20
2	Advocacy Skill	20
3	Knowledge and use of legal sources and authorities	20
4	Response to Judge' Questions	20
5	Court Manners	20
	Grand Total	100

11. PENALTIES

- **Late Submissions:** 2 marks per memorial every 12 hours after the deadline and may result in disqualification beyond 48 hours.
- **Wrong File Name:** 1 Mark per Memorial
- **Exceeding Page Limit:** 1 Mark per page
- **Failure to use the correct color coding:** 2 Mark per Memorial
- Anonymity shall be maintained by the participants throughout the competition. Non-compliance shall lead to disqualification.

12. CLARIFICATIONS

- Participating teams may request clarifications to the official moot problem by 30th September 2023 through this link - <https://forms.gle/UxEQ7MntvaZv7TcU7>
- Clarification will be released by way of electronic mail communication to the participant's ID.

Please Note: Clarifications through any medium other than the above link i.e., Phone Calls/WhatsApp/SMS/DM on Instagram/private messages on Facebook to Organizers will not be entertained.

13. FINALITY OF DECISION

The decision of the judges on the performance of the participants shall be final and binding on all the participants.

14. IMPORTANT DATES

Events	Date
For Seeking Clarifications	30th September, 2023
Releasing of Clarifications	4th October, 2023
Last date of registration	5th October, 2023
For Submission of Memorial (Soft Copy)	20th October, 2023
Date of the Competition	31st October - 1st November, 2023

15. DATE AND VENUE

- This two-day competition would be conducted on **31st October & 1st November, 2023**.
- **Venue:** Amity University, Jaipur campus; Block-B 3rd floor, Moot Court Room.
- **Campus address:** SP-1 Kant Kalwar, NH11C, RIICO Industrial Area, Rajasthan 303002

16. REGISTRATION & PAYMENT

- **REGISTRATION FEES: RS.2100/- +18% GST**
- The participant team can pay the event registration fees through this link - <https://www.amity.edu/jaipur/mootcourtjaipur2023/>
- Fill in the details asked and choose the 'Event registration' to proceed with the registration. Take a screenshot of the payment success page. It is to be uploaded while filling out the registration form given below.
- After the payment, register the team through this link - <https://forms.gle/UbWNZagrPtVdwoYu7>. The registration shall only be considered complete after filling out this Google form.
- **Fee Once paid, would be non-refundable.**

**THE FIRST 40 TEAMS WOULD BE REGISTERED BASED ON
“FIRST COME FIRST SERVE”**

PRIZES

PRIZES WORTH 1.9LAKH ARE TO BE AWARDED

WINNER	Trophy ,Certificate of Appreciation and Cash prize
RUNNERS UP	Trophy ,Certificate of Appreciation and Cash prize
BEST MEMORIAL	Trophy ,Certificate of Appreciation and Cash prize
BEST SPEAKER (FROM PRELIMINARY ROUNDS)	Trophy ,Certificate of Appreciation and Cash prize



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each for the winners

1 month access to the SCC
Online Web Edition worth
Rs.1099 and participation
certificate to each participant

17. TRAVEL AND ACCOMMODATION

- The Participants will have to bear additional charges if they wish to be accommodated in Amity University Rajasthan Hostels.
 - **CHARGES - RS 450 +18% GST per day INDIVIDUALLY.**
 - After the team codes are allotted, the participants can proceed with payment for accommodation.
 - The participants who wish to opt for the hostel accommodation in Amity University Rajasthan Hostels have to pay through this link- <https://www.amity.edu/jaipur/mootcourtjaipur2023/>
 - Accommodation is available for three days i.e., 30th, 31st October, and 1st November 2023. The participants can opt for the number of days accordingly.
 - Each participant has to fill out the form separately. Fill in the details asked and choose 'Accommodation' to proceed. Take a screenshot of the payment success page. It is to be uploaded while filling out the Google form given below.
 - After the payment, fill out this form for accommodation details- <https://forms.gle/SN5H3VBTY7BcBmfr6>

Only payment will not make the participant eligible for the accommodation. They have to register through the Google form as well.

- The Participants may also opt for hotels nearby if they wish to.
 - The Tree House Resort - 0.2 KM approx.
 - The Gold Palace Resort, Kukas- 18.7 KM approx.
 - Fairmont, Kukas - 21.1 KM approx.
 - Rajshree Resort- 12.8 KM approx.
 - Achrol Niwas, A Treehouse Hotel - 9.8 KM approx.

The participants can use local transportation from these venues. Amity University Rajasthan will not be providing transportation services.

HOW TO REACH AMITY UNIVERSITY RAJASTHAN FROM JAIPUR:

- **BY TRAIN**

Arrival - Jaipur junction

Sindhi camp bus stand - 2km from Jaipur junction

Bus from Sindhi camp for Amity University OR by cab from Jaipur junction.

- **BY BUS**

Arrival at Narayan Singh Circle/Sindhi Camp

Board a bus from Narayan Singh Circle/ Sindhi camp to Amity University Rajasthan OR by cab from the respective bus stop.

- **BY FLIGHT**

Arrival at the Airport

Take a cab from the airport to Narayan Singh Circle/Sindhi Camp, then board a bus to Amity University Rajasthan OR by cab from the Airport.

MOOT PROPOSITION

The Republic of Sahara is a sovereign, socialist, secular, and democratic republic, comprising a union of 28 constituent States and 8 Union Territories, located in South Asia. With a population of 1.38 billion, it ranks as the world's second most populous nation. The Republic of Sahara is globally renowned for its cultural, linguistic, and religious diversity. The robust Constitution of the Republic of Sahara diligently protects the interests of every community, aiming to ensure equality and foster unity among its citizens. The Sahabi community, the second largest religious group, accounting for 15% of the population, adheres to the religion of Sahabi and the rest of the population follows other religions.

Nighat, a 19-year-old Sahabi woman, studying in 3rd year of B.A. (English) at Viduli College in Karunadu state of the Republic of Sahara, juggles her education with significant responsibilities at her father's small-scale business, which operates from their home. Being the eldest among her three younger sisters, she diligently manages both her family's business affairs and her studies. Nighat hails from a devoutly religious family, where her father holds the esteemed position of Imam at a nearby mosque. Embracing her father's customs and her respected role in the mosque, she has worn a hijab since the age of 10, setting her apart from other female family members who generally wear burkas.

The State Government of Karunadu issued a notification on 5th February 2021 under Section 133 (2) of the Karunadu Education Act, 1983, stating that students must wear the prescribed uniform and refrain from wearing a hijab while attending schools regardless of whether the institution is government or private. Consequently, Karunadu Women's Viduli College implemented a ban vide order dated 17th February 2021 by the College Development Committee on hijabs within its premises, denying entry to Sahabi students solely based on their hijab attire. However, the Sahabi students argued that they should be allowed to wear hijabs since they adhered to the uniform's colour and design.

Following the issuance of the order, Nighat's father restricted her further education in the college and she had to drop out of the college. Aggrieved by the situation, she approached a Non-governmental Organization named 'Aazad' based out of the State of Karunadu, which focused on protecting the human rights of minorities in the Republic of Sahara. The NGO filed a Public Interest Litigation on 23rd March 2021 in the High Court of Karunadu related to the school/college code and the display of religious/cultural symbols by students within educational institution premises. The contention was that the order violates the Right to Freedom of Religion imbibed in Article 25 of the Constitution of the Republic of Sahara. The Karunadu High Court ruled in favour of the educational institutions, stating that all students must adhere to the uniform code, irrespective of their community or personal identity. Aggrieved by the decision the NGO filed an appeal in the Supreme Court of Republic of Sahara on 30th August 2021.

Meanwhile, Nighat's father arranged her marriage with Dr. Khizar Khan in October 2021. Khizar belonged to a very religious family too. She was happy with Khizar and eventually, both of them fell in love. After a few months, Nighat expressed her interest in completing her studies but she was not allowed by Khizar to go to college without wearing a hijab. Nighat accepted this as her fate and started to concentrate on her personal life. Everything was going fine between them but due to certain medical reasons, she was unable to conceive and had two miscarriages in a row. She went through fertility treatments but it was all in vain. This caused the marriage to hit a hard point.

Amid the ongoing tension in the family and frequent arguments between the couple, it was getting difficult to maintain the relationship. Khizar's family was continuously insisting him on marrying another woman due to Nighat's medical condition. Although Nighat was against the idea of 2nd marriage for Khizar and expressed clear intention about this to him. Under family pressure, Khizar got married to Tahira on 10 January 2022. Nighat was unhappy with this decision and it gave rise to daily quarrels at home. On 24 January 2022 tired of the everyday altercation, Khizar decided to end the marriage with Nighat and pronounced talaq to her in a tuhr period followed by a period of abstinence. Devastated by the situation she left his home immediately and went back to her father's place. She observed iddat as per the requirements of talaq-e-ahsan prescribed in the Sahabi Personal Law. The talaq became irrevocable on 23rd April 2022.

Aggrieved by the situation, Nighat decided to file a writ petition in the High Court of Karunadu to challenge the validity of polygamy under the Sahabi law. Her contention was that the practice of polygamy is against the provisions of the constitution of the Republic of Sahara. The High Court rejected the contention and ruled against her vide judgment dated 5th October 2022. She filed the appeal in the Supreme Court of the Republic of Sahara. On the other hand, Khizar and Tahira were having issues at home. Tahira was a highly educated woman who wasn't able to adjust within the family. Khizar was not able to keep Tahira happy and could not be able to love and care it required because he was so consumed with guilt over leaving Nighat. Sensing the situation Tahira asked for a khula. To which Khizar agreed and the marriage between Khizar and Tahira was dissolved on 1st December 2022. Khizar went to meet Nighat after his divorce. He apologised to her for whatever happened. They both realised their mistake and wanted to be united again but according to the Sahabi Personal Law, the practice of nikah halala was to be followed if they wanted to marry each other again. Both were against the idea of practising nikah halala. Hence, on 20 December 2022, they got married to each other without telling anyone in either of the families. Four of their friends became witnesses to the ceremony. Khizar got transferred and they shifted from the place and started living alone in another district.

With Almighty's grace, Nighat got pregnant in June 2022 and delivered a child on 1st March 2023. Both of them were very happy as the only issue between them was over with the birth of this child. Thinking that it would finally make the family happy, they went to visit them. To their surprise, neither of the families were happy to see them. Not only the families

refused to accept them and the child but also accused them of living in Zina. They were humiliated by both the families as well as the community. A fatwah was released against Nighat and Khizar expelling them from the community. Due to acute pressure from the family and the community, Khizar left Nighat on 31st March 2023.

Nighat was helpless and went to her father's house along with her child again. She approached the Family court on 20th May 2023 for a declaratory decree under Section 34 of the Specific Relief Act, 1963 but the court ruled against her and refused to declare their marriage valid due to non-adherence to the customary practices of halala as per Sahabi personal Law. Therefore, seeking justice, she appealed to the High Court of Karunadu on 10 September 2023. The High Court of Karunadu confirmed the decision of the Family Court vide judgment dated 22nd December 2023. Aggrieved by the decision of the High Court of Karunadu Nighat approached the Hon'ble Supreme Court of the Republic of Sahara contending that the practice of halala was derogatory to Sahabi women and should be declared unconstitutional.

The Supreme Court clubbed the appeals filed by the NGO Aazad challenging hijab being banned in educational Institutions in the State of Karunadu the appeal filed by Nighat regarding challenging the validity of the practice of polygamy and the appeal by Nighat challenging nikah halala. The hearing is scheduled to be held on 31st October 2023.

ISSUES:

1. Whether notification issued on 5th February 2021 by the State of Karunadu is unconstitutional for being violative of the provisions of the Constitution of the Republic of Sahara?
2. Whether wearing a hijab by Sahabi is the essential religious practice as per Sahabi Personal Law or not?
3. Whether the practice of polygamy and Nikah Halala as practised by the Sahabis in violation of Articles 14, 15, and 21 of the Constitution of the Republic of Sahara?

NOTE:

- The parties are free to frame any other issues in addition to the above three.
- The laws of the Union of the Republic of Sahara are in pari materia to the Laws of the Republic of India.
- The religious practices of Sahabis are in pari metria to the religious practices and sources of Islam in India.
- The laws of the State of Karunadu are in pari metria to the laws of the State of Karnataka in India.

ORGANIZING COMMITTEE

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Anushka Singh Chouhan

Aditi Shekhawat

Mukund Madhav Pareek

Shashank Nahar

Ghanshyam

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