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National Criminal Law  
Moot Court Competition, 2019



**CLARIFICATION**

1. Do we need to prepare two different memorials i.e. one for appeal and other for PILs or can we consolidate both appeal and PILs in the same memorial?

The teams have to make only 2 memorials, the first constituting the appeal and the petition, and the second constituting the respondent to the appeal and the respondent to the petition. Therefore, the same can be clubbed under the main 2 memorials, each standing for one side.

2. Did Mr. Han Solo have cataract in both his eyes?

Han Solo had cataract in his left eye only.

3. When was the examination conducted? Date and Time?

The first examination was conducted on 26 December at 5 a.m. in the morning. (Para 9)

4. Are there one PIL and one appeal or two PILs and one appeal as referred in paragraph 33 of the proposition?

There is one Appeal and one PIL only. Please ignore the 's' in PIL, is a typo error.

5. Have two separate FIRs been filed in Alice's case? If yes what are the dates of the said FIR's?

There are two FIRs, one after the night of the party (Para 9), and the second one after the suicide (Para 12). Regarding the dates, the organizer choose to be silent on these facts to maintain the balance of legal merit in the case

6. When it is mentioned that the laws of Wonderland are Pari Materia with the laws of India does it mean that the judgments passed in India are applicable to Wonderland at the time of its passing in India as well?

Yes.

7. Where the injuries were mentioned in point 10 in the factsheet found on Alice's body?

The nature of injuries on the body of Alice shows the signs of a physical scuffle.

8. Did the report only conclude sexual intercourse or even spoke about rape?

The report concluded that she was subjected to sexual assault.

9. The assumption of the gender of 'Alice'. Whether Alice should be considered a Male or a Female?

'Alice' was a male who underwent a sex change operation. You need to find out the accessory facts yourself.

10. There is confusion with regards to the context in which the rape law is to be challenged, with reference to page 4, Para 29 "the movement..Demand to reconsider the law of rape for transsexual & LGBT community" while when one refers to page Para 30 "the writ petition challenges the law of rape to be discriminatory to the transgender community and not being gender neutral". Thus are we supposed to challenge the constitutionality in context of the whole of LGBT community, or just transgender or both men and LGBT community?

Generally, Teams are advised to focus on the LGBT community. They are free to argue upon the issue of gender neutrality.

11. Since the final hearing is taking place in the year 2019, is it positive to assume the decriminalization of Sec. 377 so far?

Yes, this hearing is taking place in 2019, so the teams can assume all the legal developments that have taken place in the country.

12. In point 17 of the moot proposition- Mr. Han Solo alleged about which incident? About suicidal incident or rape incident?

The allegation is about the rape incident.