RAMA UNIVERSITY

FACULTY OF JURIDICAL SCIENCES

MOOT COURT EXERCISE AND INTERNSHIP (CLINICAL)

Course : BBALLB , 3rd Semester

Subject code : BBL903

Faculty Name : Ms Taruna Reni Singh

Moot Court Exercise and Internship

Objective: The objective of having moot courts is to give the students practical tanning how the proceedings of the court takes place.

The Paper will have following components

➤ Moot Court: Every student may be required to do at least one moot court in a year. The moot court work will be on assigned problem.

➤ Observance of Trial in one case, either Civil or Criminal.

  ▪ Students may be required to attend one trial in the course of the last year of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment.

➤ Interviewing techniques and Pre-trial preparations and Internship diary.

  ▪ Each student will observe one interviewing session of clients at the Lawyer's Office/Legal Aid Office and record the proceedings in a diary. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition.

➤ The fourth component of this paper will be Viva Voce examination on all the above three aspects.

➤ Student will be required to undertake legal awareness programme in association with N.S.S. and other authorities as directed by the Faculty.

LECTURE 16

Mr. Swaroop, a Hindu and Ms. Honey, a Christian married in April, 2003 under Special Marriage Act, 1954. As they did not have any child till 2006, Swaroop proposed to adopt a girl child of one year old, in January 2007, who was none other than Swaroop's own sister's daughter, who was already having two daughters and Honey reluctantly agreed for it. The girl was given in adoption by her natural father to Swaroop. The child was named as Kranti. But post-adoption, Honey was very much particular that they should have a child of their own genes. So they planned to have a child through surrogacy and in consultation with Dr. Morris in Delhi a surrogacy agreement was entered with Ms. Neeta and they got a surrogated boy child, born on 1st September, 2008. As Honey wanted to name the child as James and Swaroop wanted to name him as Rahul, the naming ritual was postponed for some time. Unfortunately Mr. Swaroop was involved in an accident and died on 15thOctober, 2008. Honey started calling the child as James and got the name registered as James in the birth certificate.

When Swaroop's father, Ashok Lal, expressed that Kranti was entitled to a share in the property of Swaroop, Honey and her father replied that the said adoption was not valid as Honey was a Christian who could not adopt under Christian law and hence Kranti would not get any share in Swaroop's property. Swaroop's father filed a suit on behalf of his grand-daughter, Kranti, for a share in Swaroop's property in the District Court and for a declaration that James is not entitled to any share in his father's property as he is neither the natural or adopted son of Swaroop. The court through its order dated 1st April, 2009 held that there was a valid adoption and the adopted child, Kranti, would be entitled to a share in Swaroop's property as Swaroop was entitled to adopt as per Hindu Adoptions and Maintenance Act, 1956 and his Christian wife's consent was irrelevant as per proviso to S.7 of the said Act. The District Court refused to declare that James was not entitled to a share in Swaroop's property. Honey preferred an appeal before the High Court of Delhi challenging the validity of adoption on the ground that since their marriage was performed under Special Marriage Act, 1954, Swaroop had lost his right of adoption as a Hindu. She also has requested the Court to declare that James has the same rights available to a natural born child as he was conceived with Honey's egg and Swaroop's sperm.

Memorial is required to be filed only for one party. The date and time for submission of memorial and oral arguments will be decided by the teacher.