

**CHENNAI DR. AMBEDKAR GOVERNMENT LAW COLLEGE, PUDUPAKKAM**

**INTRA MOOT SELECTION ROUNDS- 2022-2023**

**MOOT PROPOSITION**

Dr. Gopika is serving as the Head of the Department of Gynaecology at the Institute of Ram Manohar Gandhi and Advanced Studies, Chennai which is a Government Hospital. Charges are required to be paid by persons who are in a position to pay and persons whose income ceiling is below the poverty line are rendered service free of charge. Maya, an unmarried woman, aged 40 years was an employee of an enterprise "Sahara Realty" earning Rs. 5000/- per month. Maya visited Dr. Gopika on 22-06-2022 for an ultrasound test. The test was conducted and on the basis of the ultrasound report, Dr. Gopika informed her that she was suffering from fibroids. Further Dr. Gopika said that on clinical and ultrasound examination a diagnosis can be made to some extent but precise diagnosis will have to be on laparoscopy. Next day, Maya went to Dr. Gopika for a laparoscopy. The Admission card maintained and produced by Dr. Gopika showed that Maya was admitted "for diagnostic and operative laparoscopy". The OPD card does not refer to endometriosis. The case summary dictated by Dr. Gopika and written by respondent's assistant says "admitted for Hysteroscopy, diagnostic laparoscopy and operative laparoscopy." (Note : Hysteroscopy is inspection of uterus by special endoscope and laparoscopy is abdominal exploration by special endoscope.) Her signatures were obtained on (i) admission and discharge card; (ii) consent form for hospital admission and medical treatment; and (iii) consent form for surgery. The consent form for the surgery was filled by Dr. Gopika's Assistant who described the procedure to be undergone by Maya as "diagnostic and operative laparoscopy. Laparotomy may be needed" and no further discussion took place. Maya was put under general anesthesia and subjected to a laparoscopic examination. When she was under general anesthesia, Dr. Gopika rushed out of the operation theatre and told her aged mother that the patient had started bleeding profusely and in order to save her life, extensive surgery need to be performed. Maya's mother believed that there was a life threatening situation, and her signature was taken on some papers. Without waiting for Maya to regain consciousness, radical surgery (i.e, abdominal hysterectomy and bilateral salpingo-oophorectomy) was performed on her, resulting in removal of her reproductive organs.

When Maya protested, Dr. Gopika responded saying that the term ‘laparotomy’ is used in the consent form (by her assistant) is equal to or same as hysterectomy and and bilateral salpingo-oophorectomy. According to Maya, she would have refused consent for removal of her reproductive organs and would have opted for constructive treatment, had she been informed about the surgery. Maya lodged a complaint in the Police Station against Dr. Gopika for their negligence and unauthorizedly removing her reproductive organs. Maya also filed a complaint on 25-06-2022 before the National Consumer Dispute Redressal Commission claiming a compensation of Rs. 10Crore from Dr. Gopika for negligently treating her resulting in loss of her reproductive organs and consequential loss of opportunity to become a mother, for diminished matrimonial prospects, for physical injury resulting in the loss of vital body organs and irreversible permanent damage, for pain, suffering emotional stress and trauma, and for decline in the health and increasing vulnerability to health hazards. The complaint was dismissed by the Commission on 23-09-2022. Hence the present appeal filed before the Hon’ble Supreme Court of India.

## **RULES FOR THE INTRA MOOT SELECTION ROUNDS**

### **Language**

The intra moot selection rounds will be conducted in both Tamil and English.

### **Eligibility**

All students who participate in the intra moot selection rounds will become part of the moot court society of the college.

### **Memorial**

The student will be allotted either of the client's side by the Moot Court Committee.

The Memorial must contain the following parts in the following order:

- Cover Page; (Registration Number allotted by the Committee to be provided)
- Table of Contents;
- Index of Authorities;
- Statement of Facts;
- Statement of Jurisdiction;
- Issues;
- Summary of Arguments;
- Arguments Advanced; and
- Prayer for Relief.

### **Page Count**

The statement of facts, statement of jurisdiction, Issues frames, statement of arguments, Arguments Advanced and Prayer should be within 25 pages for each memorial.

### **Citation Form**

The standard citation form of Bluebook 20th Edition to be followed. The Moot Court Committee reserves the right to disqualify a student, at any stage of the competition, if the memorial or any other part thereof, if found to be plagiarized

### **Assessment of Memorials**

The memorials shall be assessed out of 100 marks on the criterion, as specified here under:

Clarity of Facts (20 marks)

Extent and Use of Research (20 marks)

Use of Authorities/Precedents (20 marks)

Argumentation and Clarity of thoughts (20 marks)

Grammar and Style (10 marks)

Originality (10 marks)

### **Assessment of Oral Submissions**

The performance of the orators shall be judged on the basis of following criterion

Knowledge of the Facts (10 marks)

Identification of legal principles (20 marks)

Argumentative Skills (20 marks)

Clarity of Thoughts and Expression (20 marks)

Court Mannerisms (10 marks)

Response to Questions (10 marks)

Overall presentation, poise and demeanour (10 marks)

### **IMPORTANT DATES**

LAST DATE FOR REGISTRATION : 28.09.2022

ALLOTMENT OF REGISTER NUMBER : 29.09.2022

SUBMISSION OF MEMORIAL : 05.10.2022

ORAL ROUND : 07.10.2022

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