

INVITATION

1ST NATIONAL MOOT COURT COMPETITION-2018

The Registrar/Director/Head of Department/Principals,

The School of Legal Studies, Department of Human Rights, Babasaheb Bhimrao Ambedkar (Central) University, Lucknow as a part of its endeavour of providing and facilitating its support to the student community of the Country, takes immense pleasure in announcing the 1st edition of its National Moot Court Competition. The event will be held from 6th – 8th January 2018.

The competition aims at providing a firsthand exposure to the practical aspects of the legal profession to the students participating in the event. We request you for an active participation of your institution in the competition.. Kindly confirm your participation via provisional registration by 20th December 2017. In case of any queries regarding the competition, you may write to us at nmccdhr@gmail.com

Warm Regards,

**Moot Court Committee,
Babasaheb Bhimrao Ambedkar (Central) University.**

Email: nmccdhr@gmail.com

• LUCKNOW •
प्रज्ञा शील करुणा
ESTABLISHED 1996

1ST NATIONAL MOOT COURT COMPETITION-2018

SCHEDULE

1ST NATIONAL MOOT COURT COMPETITION-2018

Sr.	EVENT	DATE
1	Release of Moot Proposition	29 th Novemberø17
2	Deadline for registration (nmcccdhr@gmail.com)	20 th Decemberø17
3	Deadline for submission of soft copy of Memorials and DD/NEFT on nmcccdhr@gmail.com	25 th Decemberø17
4	Deadline for submission of hard copy of Memorials and DD/NEFT by post. (1 hard copy of the memorial)	30 th Decemberø17
5	Commencement of Moot Court Competition	6 th Januaryø18
6	Commencement of Oral Rounds	7 th Januaryø18

All hard copies of registration form, DD, travel plan should be sent to:

Prof. Priti Saxena,
Head, Department of Human Rights
Babasaheb Bhimrao Ambedkar (Central) University,
Vidya Vihar, Raebareli Road,
Lucknow - 226025

LUCKNOW
प्रज्ञा शील करुणा
ESTABLISHED 1996

RULES

1ST NATIONAL MOOT COURT COMPETITION-2018

1. GENERAL

DATES AND VENUE:

The 1st National Moot Court Competition-2018, Babasaheb Bhimrao Ambedkar (Central) University, Lucknow will be held from 6th to 8th January 2018, at the School for Legal Studies, Department of Human Rights, Babasaheb Bhimrao Ambedkar (Central) University, Lucknow Vidya Vihar, Raebareli Road, Lucknow - 226025

TEAM PREREQUISITES:

- a. The language for the Competition shall be English only.
- b. Participation is restricted to bona-fide law students either enrolled in the 3-year L.L.B law course or the 5-year integrated law course.
- c. Each team shall comprise of either three members (two Speakers and one Researcher) or two members (two Speakers) only.

Note- No observer, teacher or fourth member is allowed to accompany the team.

- d. The oral rounds shall comprise of:

1. Preliminary Rounds (two)
2. Quarter- Final Rounds
3. Semi- Final Rounds
4. Final Round

REGISTRATION

- a. The teams should provisionally register with their respective team members(Names of Mooters and Researcher in the mail) through e-mail by sending a mail to **nmcccdhr@gmail.com** (with subject Moot Court Registration 2018) by 20th December 2017
- b. **For accounting details please visit www.bbau.ac.in.**
The participation fees shall Rs. 3000 per team. Additional charges of Rs. 500 each per person shall be taken from participants seeking food and accommodation.

1ST NATIONAL MOOT COURT COMPETITION-2018

- c. No change in the names of the participants shall be permitted unless the same has been communicated to the organizers a week prior to the event in exceptional circumstances only after due proof has been attached.
- d. No certificates shall be provided at the time of the Registration. The same shall be provided only after the Valedictory Ceremony on 8st January 2018. No certificates shall be couriered/ posted.

DRESS CODE

The dress code for the oral rounds shall be advocates attire, i.e Black and White combination including Blazer and Formal Shoes. The participants are to dress up in Western Formals for the other events taking place during the competition.

ACCOMMODATION

The participants would be provided accommodation for the period of the Competition at the premises of the University. Please note that separate accommodation will be provided for girls and boys. The accommodation will be provided from 6th January 2018, after 10:00 am to 9th January 2018 till 10:00 am.

Note- Local Transportation for outside participants shall be provided by the organizers, if required according to availability.

MEMORIALS

The following requirements for memorials must be strictly followed. Non-conformities will be penalized:

- A. Each team must prepare memorials for both parties to the dispute.
- B. Once the memorials have been submitted, no revision, supplements or additions will be allowed.
- C. All participating teams shall submit 3 sets of written memorials (3 Petitioners and 3 Respondent memorials). The Cover Page of the memorials for the prosecution shall be in **Blue** and the defense shall be in **Red**.

One advance soft copy in PDF format of each of the memorials for both the parties to the dispute must reach the organizers latest by 25th December 2017 on **nmcccdhr@gmail.com** by 11:59 pm.

1ST NATIONAL MOOT COURT COMPETITION-2018

One hard copy of each of the memorials is to reach the organizers by 30th December 2017 at the aforementioned address.

- D. Late submissions will result in 1 point penalty per team per day per side.
- E. The written memorials shall conform to the below standards mentioned below:
- Written submissions shall be printed on white standard A4 size paper.
 - The font and size of the text used in all parts of the written submissions (except the covers) shall be in Times New Roman, 12-point and footnotes shall be in Times New Roman, size 10.
 - The text in all parts of each written submission shall have 1.5-line spacing except the text of footnotes and headings which shall be single spaced.
 - The arguments with appropriate citations shall be contained in the pleadings. The teams shall follow the 19th edition of the Bluebook mode of citation. The Pleadings shall not exceed 20 pages.
- F. The memorials have to be submitted on typed A4 size paper printed on both sides and must contain:
- **Cover Page**
 - **Table of Contents**
 - **Index of Authorities**
 - **Statement of Jurisdiction**
 - **Statement of Facts (Argumentative statement of facts would attract penalties)**
 - **Questions of Law**
 - **Summary of Arguments**
 - **Arguments Advanced, Prayer and Appendix (Optional)**
 - Exhibits (Optional)

MARKING CRITERIA FOR MEMORIALS

1. Knowledge of facts and law (20)
2. Proper and articulate analysis (20)
3. Extent and use of research (20)
4. Clarity and Organization (20)
5. Citation of sources (10)
6. Grammar and Style (10)

1ST NATIONAL MOOT COURT COMPETITION-2018

Memorials must have a one-inch margin on all sides of each page.

THE COVER PAGE OF THE MEMORIALS MUST STATE THE FOLLOWING:

- The Case Title
- Identity of brief as prosecution or defense
- **The identity of the Institution or the members shall not be revealed anywhere in the memorial.**
- **Violation of this provision shall result in disqualification. The decision of the organizers will be final. The hard copies must be exact print outs of the soft copies. Non-compliance with this rule would entail disqualification.**
- The memorial would be assessed only for the preliminary rounds for the selection of the best and the second-best memorial.

ROUNDS

There will be a total of one Preliminary rounds of arguments, one Quarter Final Round, one Semi-Final Round and consequently one Final Round.

Note:- Changes in number of rounds shall be subject to discretion of organizing Committee

PRELIMINARY ROUNDS

1. Every team shall argue twice in the Preliminary Rounds, once for the Petitioner and once for the Respondent.
2. No two teams shall face each other more than once in the Preliminary Rounds.
3. **Draw of Lots:** The match up of teams in Preliminary Rounds shall be determined on the basis of draw of lots. Draw of lots shall take place on 6th January, 2018.
4. Each side shall get a maximum time of **15 minutes** to present their arguments. The time limit is inclusive of the time for Rebuttal or Sur-rebuttal respectively. The maximum time for Rebuttal is 2 minutes and the maximum time for Sur-rebuttal is 1 minute. Sur-rebuttal may be permitted only at the discretion of the Judges.

1ST NATIONAL MOOT COURT COMPETITION-2018

5. The top eight teams shall qualify to the Advanced Rounds on the basis of the aggregate score of the team in their Preliminary Rounds. In the event of a tie, the Memorandum marks shall be taken in consideration.
6. The Best Speaker Award will be awarded on the basis of the scores awarded to the Speakers in the Preliminary Rounds.

ADVANCED ROUNDS

1. Every team shall argue only once in the Advanced Rounds.
2. The side to be argued shall be determined through Draw of Lots after the declaration of results of Preliminary Rounds.
3. The qualification of teams to subsequent rounds shall be on a knock-out basis for each of the Advanced Rounds. In the event of a tie, the aggregate score of the team shall be considered.

QUARTER-FINALS

1. The maximum time for arguments per side shall be 20 minutes. The time limit is inclusive of the time for Rebuttal or Sur-rebuttal respectively. The maximum time for Rebuttal is 2 minutes and the maximum time for Sur-rebuttal is 1 minute. Sur-rebuttal may be permitted only at the discretion of the Judges.
2. The Winners of the Quarter- final shall advance to the Semi- finals.

SEMI-FINALS

1. Each side shall get a maximum time of 30 minutes to present their arguments. The time limit is inclusive of the time for Rebuttal or Sur-rebuttal respectively. The maximum time for Rebuttal is 5 minutes and the maximum time for Sur-rebuttal is 3 minutes.
2. The Winners of the Semi- finals shall advance to the Final Round.

FINAL

1. Each side shall get a maximum time of 40 minutes to present their arguments. The time limit is inclusive of the time for Rebuttal or Sur-rebuttal respectively. The maximum time for Rebuttal is 10 minutes and the maximum time for Sur-rebuttal is 7 minutes.
2. The Winner of the Final Round shall be declared the Winner of the Competition.

COMPENDIUM

1. All relevant case laws and statutory material to be passed on to the Judges during the Oral Rounds may be submitted in the form of a Compendium 10 minutes prior to the commencement of the Rounds to the Bench Clerks.
2. The Compendium shall not exceed 50 pages whether printed on one side or both sides. For this purpose, each side shall be considered as one page.
3. Participants are also permitted to pass on relevant material to the Judges, at their discretion, any time after the commencement of the Rounds and before its completion.
4. The Compendium or other relevant materials shall be returned to the participants after the completion of each Round.
5. Participants shall ensure that anonymity is not violated while passing on any material to the Judges. If any mark, name, seal, symbol or logo of the institution/college/university is present, participants must ensure that the same is rendered unrecognizable.

DELAY IN APPEARANCE/PRESENTATION

1. If a team scheduled to take part in a round does not appear within 10 minutes of the scheduled time, the other team shall be allowed to submit ex-parte.
2. The criteria of rebuttals shall not be considered in such cases for evaluation in place of which an average for the same would be given on the basis of the marks scored by such team on other criteria.
3. During the announcement of results for the next round if the team qualifying for the next round is absent, then the team which is next in merit will automatically qualify.

RESEARCHER'S TEST

1. The Researcher's Test shall be conducted on 6th January, 2017 as planned in the tentative schedule.
2. In a team consisting of three members, the member designated as Researcher shall take part in the test.
3. Participants are requested to write only the Team Code on the question paper.
4. The Researcher's Test shall be objective based on the applicable law, precedents and facts pertaining to the Moot Proposition.
5. The duration of the Researcher's Test shall be 1 hour.
6. No additional material such as the bare text of Acts, Memorandum, etc. apart from stationery may be brought by the participant to the test and no such material shall be provided by the Organizing Committee.
7. The highest scorer of the Test shall be determined as the Best Researcher. In case of tie, the marks of the Memorandum shall be taken into consideration.
8. There shall be no negative marking.
9. The awards, certificates of winners and certificates of participation to the team shall be given only during the Valedictory Ceremony to be conducted on 8th January, 2017.

No certificate will be given to the team before the Valedictory Ceremony.

MAXIMUM TIME ALLOTTED

1. The maximum time provided would include the time that each team may want to reserve for their rebuttal. At the commencement of each session the team shall notify the Court Officer as to the division of time between the 2 speakers (including rebuttal).

ANONYMITY

1. Student Counsel may introduce him/herself to the court in the usual manner and may also state their names. However, the team's college affiliation shall not be indicated to the judges at any time.

1ST NATIONAL MOOT COURT COMPETITION-2018

2. Further all team members shall refrain from identifying a team's college at any time and in any manner, including, but not limited to, wearing any identifying items (such as college clothing, ties, patches, or pins) or carrying identifying material (such as books with a college logo or college seal etc).

TIE BREAKING PROCEDURE

1. If at any point during the conduct of competition there is a tie, then the team with the higher memorial score shall be taken into consideration for qualifying into the next round; and in case of any further tie the researcher test score or preliminary rounds score will be taken into consideration.

PLAGIARISM

Participants must refrain from using same language or copying from other's memorials and other sources. Even use of publicly available information must be accompanied by proper citations. These rules shall apply to all parts of the memorial and not just the Pleadings and Prayer. A failure to comply with this rule may result in the guilty participants being debarred from mooting in this academic year. The Organizing Committee in consultation with the memorial judges will take a final decision regarding determination of cases of plagiarism and penal measures for such action which can even lead to disqualification.

CHANGES IN SOFT COPY

An attempt at sending a different version or shortened or corrected version of your pleadings as soft copy will result in disqualification from the selection process for the academic year. The Organizing Committee shall only take all decisions of disqualification after providing a hearing to the participants concerned. Hearing may be allowed in case of deduction of marks also if demanded by the affected participant(s) in writing.

MARKING CRITERIA FOR ORAL ROUNDS

- a. Knowledge of law and its application to facts (50)
- b. Research content of arguments and ability to answer questions (35)
- c. Mannerism, deference to the court and time management (15)

Note: - Marking Scheme can be altered subject to discretion of the judges and organizing committee.

SCOUTING

1. Teams will not be allowed to observe the orals of any other team till the time the team is declared to have advanced to the next round. Scouting is strictly prohibited. Scouting by any of the teams will result in disqualification.
2. Any team can file a written complaint with the Organizers, regarding a case of scouting. The decision of the Organizers will be final.
3. The researchers shall sit with the speakers at the time of the orals and shall not attend the court sessions of any other team participating in the competition.

CASH AWARDS

WINNERS *RS. 10,000*

RUNNERS – UP *RS. 7,500*

BEST MEMORIAL AWARD *RS. 1,500*

BEST MOOTER AWARD *RS. 1,500*

BEST RESEARCHER AWARD *RS. 1,500*

All the Participants will get participation certificates post the Valedictory Ceremony. No certificates shall be couriered / posted after the event except to the discretion of the organizing committee.

GENERAL ETIQUETTE:

1. The participants are expected to behave in a dignified manner and not to cause any unnecessary inconvenience to the organizers. Deference to the Judges of the Moot Court Competition is expected to be maintained within and outside the Court room.
2. The Organizers reserve the right to take appropriate action for any unethical, unprofessional and immoral conduct.

DISCLAIMER

The Material in the Moot Court proposition is not intended to and does not attempt to resemble any incident or any person living or dead. All material in the problem is fictitious and any resemblance to any incident or person, if any, is not intended, but merely co-incidental.

INTERPRETATION OF THE RULES:

1. The Organizer's decision as regards the interpretation of rules or any other matter related to the competition will be final.
2. If there is any situation, which is not contemplated in the rules, the Organizer's decision on the same shall be final.
3. The Organizer's reserve the right to vary, alter, modify, or repeal any of the above rules if so required and as they may deem appropriate at anytime during the competition.
4. Any dispute arising in the moot court rooms during the rounds would be at the discretion of the presiding officer of the respective court room.
5. In any kind of conflict, the decision of the Moot Committee shall be final.

1ST NATIONAL MOOT COURT COMPETITION-2018

ORGANIZING COMMITTEE

PATRON-IN-CHIEF

PROF. R.C. SOBTI

CHAIRPERSON

PROF. PRITI SAXENA

FACULTY CONVENOR

DR. PREETI MISRA

MEMBERS

PROF. SUDARSHAN VERMA

DR. SUFIYA AHMED

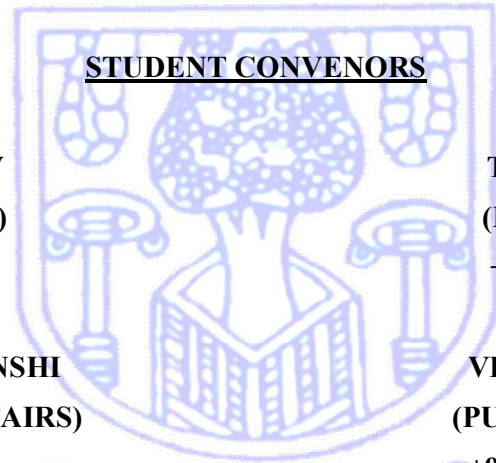
DR. PRADEEP KUMAR

DR. RASHIDA ATHER

DR. ANIS AHMED

DR. MUJIBUR RAHMAN

BABASAHEB
BHIMRAO
AMBEDKAR
UNIVERSITY



STUDENT CONVENORS

ANURAG SRIVASTAV

(STUDENTS AFFAIRS)

+919621044105

TEJAS PANDEY

(MOOT AFFAIRS)

+919415145221

SHIVESH RAGHUVANSHI

(REGISTRATION AFFAIRS)

+917398328806

VINI SAUMYA

(PUBLIC AFFAIRS)

+918922922426

LUCKNOW
प्रज्ञा शील करुणा
ESTABLISHED 1996

1st NATIONAL MOOT COURT COMPETITION, 2018

6TH -8TH JANUARY 2018

MOOT PROBLEM

1. Aryania is an independent sovereign state, having a democratic, parliamentary form of government with a written constitution. It has a rich coastal line which has fostered sea trade since 8th century A.D.
2. Caesarina is an independent sovereign, country with a democratic form of government having a written constitution but unlike Aryania follows the civil law tradition. Both Aryania and Caesarina have signed and ratified The Charter of World Organization, 1945 and The World Treaty on Law of Sea, 1982.
3. There occurred an incident between S.S. Gattaca, a Caesarian merchant vessel and Trident, the Aryanian fishing boat. On board S.S. Gattaca, were members of Caesarian Armed Forces (marines) authorized by Caesarian law to deploy on the vessel to protect it from pirate attacks.
4. On 15 October 2017 two of the marines are alleged to have mistaken the Trident for a pirate vessel and opened fire. The shots fired are alleged to have caused the death of Elias Rodriguez and Derek Michael, two Aryanian fishermen on board The Trident. The incident took place at a distance of a boat 20.5 nautical miles from the coast line of State of Tausiland, a federal unit within Aryania. The SS Gattaca was flying the Caesarian flag. The Trident was registered as an Aryania vessel, but was not flying the flag of Aryania at the time of incident.
5. A First Information Report was made by the owner U/Ss 302, 307, 437 of Aryania Penal Code, 1860 r/w Sec 3 of Aryania Suppression of Unlawful Acts against Safety of Maritime

Navigation and Fixed Platform on Continental Shelf Act to the Circle Inspector of Police, regarding the attack and the consequential death of two Aryanian Fishermen involved.

6. A criminal case was registered as Crime No. 4 of 2017 on the basis of FIR against the Caesarian Marines. The Caesarian Marines were arrested, detained and later enlarged on bail. However, the marines and the Consul General of Caesarian sought, from the High Court of Tausiland, the issuance of appropriate writ, or direction for declaration of the registration of First Information Report, the arrest and detention of two Italian marines: Rocco Palazzi and Garibaldi Mazzini, and all further proceedings in pursuance of First Information Report, as null and void; and for quashing the First Information Report.
7. The argument of Caesarian marine and the Consul General before the Tausiland High Court was based on the ground that the offence was committed in International Waters, and therefore, fell under World Treaty on Law of Sea, 1982 and only the flag state had the jurisdiction. Secondly, that the incident occurred beyond the territorial water of Aryania in the Contiguous Zone/ Exclusive Economic Zone and in the light of Maritime Zone Act, 1976 the sovereignty of Aryania extends only upto 12 Nautical Miles from the nearest point of the baselines.
8. The courts in Aryania have no jurisdiction at all. Section 4 of Aryania Penal Code is limited to citizens of Aryania only and not applicable to the marines and therefore the Circle Inspector of Police had no authority to register a case against the two marines or to conduct any investigation or to arrest them. Hence, all procedures in pursuance to First Information Report are null and void.
9. It was also argued that the marines, having been deployed by the Caesarian Defence Ministry for the purpose of protection of the Vessel from piracy, were acting in their official capacity under the principle of international law; they were therefore only subject to the jurisdiction of the flag state vessel or their own state . It was contended that they were entitled to functional immunity from prosecution anywhere else except before the courts and military tribunals of Caesarina. It was also brought to the notice of the court that a case

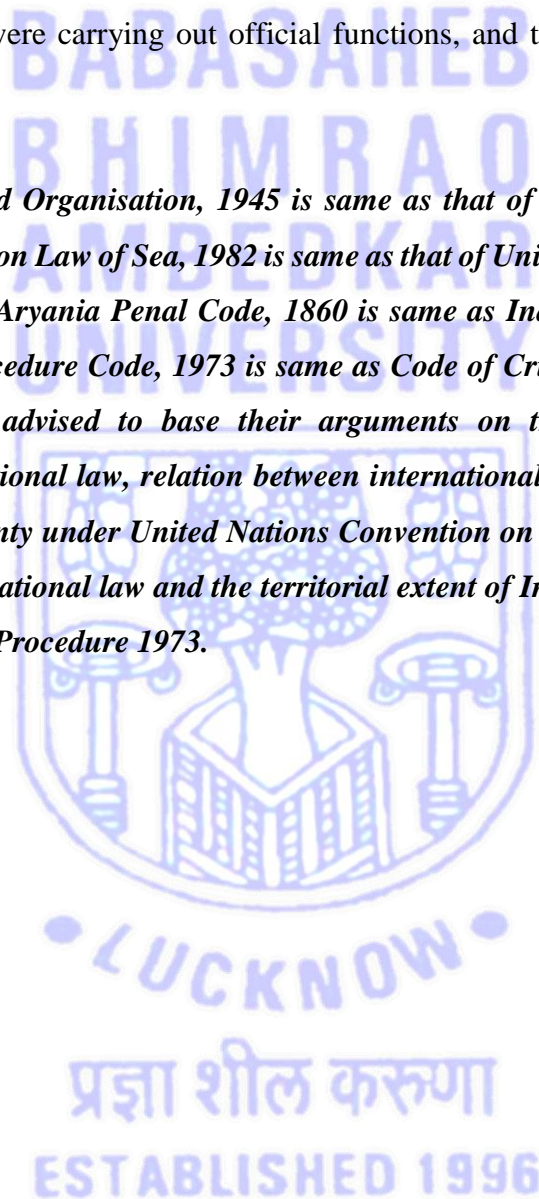
had already been registered and that an investigation had been launched in Dalena, the capital of Caesarina. The respondents (Aryania and others) contended that the courts in Aryania have absolute jurisdiction over the offence because the two Aryanian citizens killed by the Caesarian marines were on board a boat that was registered in Aryania and should be treated as Aryanian territory.

10. With regard to the application of Aryania criminal law to the Exclusive Economic Zone, a Central Government notification dated 27 August 1981 was cited by the respondents, according to which Aryania Penal Code, 1860 and Aryania Criminal procedure Code, 1973 have been extended to Exclusive Economic Zone. It was also brought to the notice of the court that there were eleven persons in the fishing boat at the time of the shooting: one of the victims was driving the boat, the other was fishing and the rest were asleep. Although the Caesarian side arrested that before firing the fishing boat was warned by flashing a search light, and other necessary means, the Aryanian side contended that the SS Gattaca did not undertake any Standard Operating procedure (SOP) and Best Management Practices (BMP), to dissuade the suspected pirates before the Caesarain side restricted to indiscriminate firing. Firing should have been the last resort according to Privately Contracted Armed Security Personnel (PCASP) guidelines. The High Court of Tausiland held that the Aryania Penal Code, 1860 would apply to the offence committed by the Caesarain marines. The court considered the '*passive nationality*' principle and '*objective territorial*' principle.

11. Pending the decision on the writ petition filed before the High Court of Tausiland the Italian marines and others filed another writ petition under Article 32 of Constitution of Aryania before the Supreme Court of Aryania. However, while the writ petition was pending before the Supreme Court, the High Court of Tausiland dismissed the writ petition filed by the petitioner. Aggrieved by the High Court of Tausiland, the petitioner filed a Special Leave Petition challenging the dismissal of their writ petition by High Court. The Supreme Court heard the writ petition already pending and Special Leave to Appeal together since the subject matter in the petition for relief were the same. The Supreme Court framed the following issues :

- (a) Whether the incident occurred between the nation states, so the federal unit Tausiland had any jurisdiction?
- (b) Whether the incident occurred in a palce where Aryania has sovereign rights, not sovereignty, and therefore, any assertion of jurisdiction by Aryania was contrary to World Treaty on Law of Sea, 1982 and general principles of International Law?
- (c) Whether the marines were carrying out official functions, and therefore, Caesarina had exclusive jurisdiction?

Note: The terms World Organisation, 1945 is same as that of The Charter of United Nations, World Treaty on Law of Sea, 1982 is same as that of United Nations Convention on Law of Sea, 1982, Aryania Penal Code, 1860 is same as Indian Penal Code, 1860, Aryania Criminal Procedure Code, 1973 is same as Code of Criminal Procedure 1973. The participants are advised to base their arguments on the basic principles of jurisdiction in international law, relation between international law and constitutional law, extent of sovereignty under United Nations Convention on Law of Sea, 1982, state immunity under international law and the territorial extent of Indian Penal Code, 1860 and Code of Criminal Procedure 1973.





1st National Moot Court Competition- 2018

Department of Human Rights

School for Legal Studies

Babasaheb Bhimrao Ambedkar University (A Central University)

Vidya Vihar, Raibareli Road, Lucknow- 2260 25

REGISTRATION FORM

Name of the Institution: _____

*Affix your latest
photograph here*

Speaker 1:

Name _____

Year, Course: _____ Gender: _____

Email Id: _____

Contact No: _____

*Affix your latest
photograph here*

Speaker 2:

Name _____

Year, Course: _____ Gender: _____

Email Id: _____

Contact No: _____

*Affix your latest
photograph here*

Researcher:

Name _____

Year, Course: _____ Gender: _____

Email Id: _____

Contact No: _____

THE SPEAKER AND THE RESEARCHER ARE THE BONAFIDE STUDENTS OF THE COLLEGE.

(BY SENDING THIS REGISTRATION FORM, THE PARTICIPANTS AGREE TO COMPLY WITH THE RULES OF THE COMPETITION)

Signature & Seal of the Head of the Institution