



**PRESIDENCY
UNIVERSITY**



School of Law
Moot Court Society

Presents

4th National Moot Court Competition 2024

November 15 - 17, 2024

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Presidency University

Presidency University aspires to be among the best universities in the world in the shortest span possible, with a focus on innovative and research-oriented teaching methodology, state-of-the-art facilities, industry supported labs, industry-friendly curriculum with concrete action plans and an unwavering commitment to the pursuit of excellence. The University believes in nurturing talents amongst all those who join the University. Part of the Presidency Group of Institutions (PGI), constituted by 8 Schools and a College, within a short span of time, Presidency University has created a niche for itself as one of the top-notch institutions in Bengaluru. The University carries the legacy through its close nurturing and mentoring of talent and skills in each individual. It aims to transform students to become successful professionals and responsible citizens. The courses are designed in a way to invoke students' ability to think originally and creatively.

School of Engineering, Presidency University, Bengaluru, has been ranked No. 1 PAN India under Top Emerging Engineering Institutes and Ranked No. 4 under Emerging Engineering Institutes for Placement. Presidency University, Bengaluru has been Ranked Top 27 in PAN India Under Best Private Institutes, Ranked Top 18 in PAN India under Multidisciplinary Private, Ranked Top 49 Under Best in Stem and Rated AAAA in Karnataka By Careers 360 India' S Best Young Universities Ranking 2024 Survey [Issued July 2024].

University had participated in Survey Rankings Careers 360 India' S Best Young Universities Ranking 2024 and Business World India's Top Engineering Colleges 2024, Business World India's Top Law Schools 2024. School of Law, Presidency University, Bengaluru has been Ranked Top 52 in Pan India under Private Colleges Category, Ranked TOP 14 in Southern Region (Region Wise) by BW Business World India's Top Law Schools 2024 Survey [Issue Date 10 August 2024]





Presidency School of Law

Presidency School of Law, located in Bangalore, is well known for its legal education that aims to develop future leaders and professionals in the field of law. With a focus on delivering a comprehensive and contemporary legal education, the school offers 5 years integrated undergraduate programs with specializations in Constitutional Law, Business Law, International Trade Law, Crime and Criminology, International Law and Intellectual Property Law as well as postgraduate programs with specializations in IPR and Technology Law, International Law, Criminal Law, Corporate Law and Constitutional and Administrative Law, including doctoral programs designed to meet the evolving demands of the legal profession.

The curriculum at Presidency University School of Law blends theoretical knowledge with practical skills, fostering critical thinking, ethical understanding, and a deep sense of social justice. The school boasts an experienced faculty, well-equipped legal research centres, moot court facilities, and various dynamic committees creating an environment conducive to hands-on learning. Students are encouraged to engage in internships, legal research, moot court competitions, and other extracurricular activities to gain real-world experience and enhance their professional development.

With a strong emphasis on interdisciplinary learning, legal research, and social responsibility, Presidency School of Law prepares students to navigate complex legal landscapes and contribute meaningfully to the profession. Its commitment to academic excellence, ethical values, and societal impact makes it a leading destination for aspiring legal professionals.

Moot Court Society

The Moot Court Society of the Presidency School of Law is a vibrant community of law students dedicated to fostering excellence in legal advocacy and promoting the study of law. As a student-led organization, we aim to provide a platform for our members to develop their research, writing, and oral advocacy skills, preparing them for successful legal careers. Through our annual moot court competitions, workshops, and training workshops, we simulate real-world courtroom experiences, encouraging our members to think critically, argue persuasively, and confidently navigate complex legal issues.

The Presidency School of Law's Moot Court Society consists of 3 Associations: Moot Court Association, Trial Advocacy Association, and Client Counselling Association.

Our society serves as a launchpad for aspiring legal professionals, providing a supportive community that encourages growth, creativity, and leadership. With a strong emphasis on teamwork, leadership, and camaraderie, our society strives to create a supportive environment where law students can grow, learn, and thrive.





Rules And Regulations

1. The Moot Court Association (MCA) of Presidency School of Law shall be the Organising Body for the Moot Court Competition at Presidency University, Bengaluru.
2. The MCA is administered by its executive body, which includes faculty conveners, student conveners, and core committee members. The activities of the Association are further supported and guided by the Dean, PSOL.
3. The MCA shall not affiliate with or assist any team registered to participate in the Competition.
4. MCA/Executive Body:
 - a. Has the sole discretion to:
 - i. Enforce all rules;
 - ii. Interpret the Rules;
 - iii. Resolve any disputes that may arise during the Competition; and
 - iv. Answer questions about, and clarify, the moot problem.
 - b. Has the authority to change or supplement the Rules if necessary. Any changes will be communicated to participating teams promptly, and the updated Rules will be notified through mail and other means.
 - c. May modify the moot problem at any stage, providing prior notice to the teams.
5. The MCA/Executive Body may, at its discretion, disqualify a team if any behaviour is considered a serious violation of these Rules or the spirit of the Competition.
6. The Organising Committee will not evaluate any memorials or pleadings submitted by participating teams or the Oral Rounds in the moot.
7. The Student Conveners of the Organising Committee will handle the exchange of memorials, score-sheets, and other transactions to ensure the utmost discretion. However, the entire Organising Committee will be involved in the organisation of the oral rounds.
8. Any questions or inquiries about the Competition shall be made in writing (email is acceptable) to the MCA at Email: mca@presidencyuniversity.in. If a question or inquiry affects participating teams, both the question and its answer will be communicated to the teams.
9. Each participating team shall provide one valid e-mail address at the time of registration. All communications with the MCA that a participating team undertakes shall be through this email address only.
10. All the teams shall submit a No Objection Certificate which is to be signed and sealed by the Dean/HOD of the Institution.
11. The MCA can be reached at the following address:
Moot Court Association
Presidency School of Law, Presidency University, Ittagalpura, Rajanukunte, Bengaluru 560064
Email: mca@presidencyuniversity.in



Participation and Eligibility

1. Eligibility of Participants

Students pursuing their undergraduate degree in law either in the 5 year Integrated course or 3 year course from any recognized university, college or institution in India are encouraged to participate in the competition.

2. Limitation in Number of Teams

It is highly encouraged that each university, college, school or institution limit the number of teams to One (1).

3. Team Composition

Each team shall include two speakers and one researcher

4. Team Eligibility

Participation of teams are subject to the written authorisation of their respective university, college, school or institution and pursuant to their selection by the MCA, Presidency School of Law.

5. Registration

All teams are to register online via the registration form circulated along with the invitation to the competition. The last date for registration would be 5th October, 2024. There will no refund of registration fees. Communication of confirmation will be sent via email on 06th October, 2024 with the team code.

Structure of the Competition

The competition will comprise of four rounds including preliminary rounds, quarter finals, semi-finals and finals.

<i>Registration starts from</i>	<i>17 Sept. 2024</i>
<i>Registration end date</i>	<i>05 Oct. 2024</i>
<i>Date of Communication of Acceptance of Registration</i>	<i>06 Oct. 2024</i>
<i>Memorial submission</i>	<i>28 Oct. 2024</i>
<i>Researcher's test</i>	<i>09 Nov. 2024</i>
<i>Event date</i>	<i>15,16,17 Nov. 2024</i>

1. Submission of Memorials

a. Soft Copy Submission:

- A soft copy of the memorials (both petitioner and respondent) must be submitted via email to mca@presidencyuniversity.in with the team code clearly indicated in the top right-hand corner of the memorial, by 28 Oct. 2024.

b. Hard Copy Submission:

- Three hard copies of the memorials (petitioner and respondent) must be submitted to the MCA Core Committee on the date of event.



2. General Formatting Rules:

- i. Memorials must adhere to the following specifications:
- ii. Printed on white A4 size paper with black ink only.
- iii. Font Type: Times New Roman.
- iv. Font Size: 12 for the main text.
- v. Line Spacing: 1.5 Pts for memorial and line spacing 1.0 Pts for citation.
- vi. Footnote Format: Times New Roman, size 10, with single line spacing.
- vii. Each page must have a 1-inch margin on all sides, except for page numbers.
- viii. Page numbers must be at the bottom centre of each page.
- ix. Citation Style: The Harvard Blue Book, 21st edition.

3. Mandatory Memorial Structure:

- i. The memorials must include the following sections:
- ii. A. Cover Page:
 - In the top right-hand corner, indicate the team code followed by "P" for Applicant or "R" for Respondent (e.g., Team 12 would have "Team 12P" or "Team 12R").
 - The name of the competition and year (e.g., "Presidency University Moot Court Competition, 2024").
 - The title of the Case.
 - The title of the document (i.e., "Memorial for Petitioner" or "Memorial for Respondent").
- iii. Table of Contents.
- iv. List of Abbreviations.
- v. Index of Authorities.
- vi. Statement of Facts (maximum 2 pages).
- vii. Issues Raised (maximum 1 page).
- viii. Summary of Arguments (maximum 2 pages).
- ix. Arguments Advanced (maximum 25 pages), providing a thorough analysis of the issues raised.
- x. Prayer/Final Relief (maximum 1 page).
- xi. Participants shall not mention any details in the memorials revealing their identity or affiliations with their institutions. Only the team code allotted by MCA shall be mentioned.

4. Footnoting Rules

- i. Citation Style: Bluebook 21st Edition
- ii. Font: Times New Roman, size 10.
- iii. Spacing: 1.0
- iv. Footnotes are strictly for citing authorities and sources. They may not include arguments or irrelevant information.

5. Penalties:

- i. Late Submission: (deduction of 3 marks for each hour exceeding the submission deadline).
- ii. Exceeding Page Limits: (deduction of 1 mark per page exceeding the prescribed limit for any section).
- iii. Non-Compliance with Font/Formatting Specifications: (deduction of 3 marks as a one-time penalty for each specification violation).
- iv. Non-Compliance with Margins or Page Size: (deduction of 3 marks as a one-time penalty).

By adhering to these rules, teams ensure compliance with the formatting and submission guidelines for the Moot Court Competition at Presidency University, Bengaluru.



6. Marking criteria for memorials

Analysis of Facts	20
Legal Knowledge and application	20
Evidence of Original thought	20
Extent and correct use of research	20
Adherence to format and citation	20
Total	100

7. Memorials once submitted cannot be changed or revoked at any time.

8. Language And Dress Code

- The 4th National Moot Court Competition will be conducted in English.
- All participants are required to be present in formal wear signifying the colour permitted under the Advocates Act, 1961.
- Disclosure of the identity of the teams or any participants are strictly prohibited and would amount to violation of the competition rules, resulting in immediate disqualification.

9. Researcher's Test

- Researcher from each team would have to attend a researcher's test, the marks of which would be added to the marks of the team in the preliminary round.
- The researcher's test will be conducted via online mode on November 09th, 2024. (details of which will be communicated later)

10. Procedure For Conduct Of The Rounds

- In the preliminary rounds each team will argue for the petitioner and the respondent. The aggregate marks of the team in both rounds will be considered for their qualification to the quarter finals. Order would be decided by draw of lots after the researcher's test on November 11th 2024.
- A total of eight teams shall qualify to the quarter finals, which would be a knockout session. In case of a tie, the marks of memorials would be considered.
- A total of 4 teams would be selected to the semi-finals on the basis of the knockout rounds in the quarter finals.
- The last two teams would qualify for the finals after the knockout rounds in the semifinals.
- The draw of lots to decide the sides of argument of each teams would be done prior to each round.

11. Oral Rounds

- All oral submissions are to be made adhering to the limitations of time and keeping in mind that the ethics of advocacy and the etiquettes of the court are followed diligently.
- In order to maintain confidentiality of teams, the memorials must not contain any personal information indicating participant's affiliations with their university or any other personal information.
- This confidentiality must be followed by teams during the course of the Competition.



12. Marking criteria for oral submissions:

Familiarity with the facts of the case	10	Extent of research	20
Structure of arguments	20	Persuasiveness and Advocacy	10
Presentation and Etiquettes	10	Responsiveness	10
Application of Law	20	Total	100

13. Inauguration

On the first day of the event November 15th 2024, there will be an inauguration ceremony followed by the exchange of memorials. All participants are required to report to the venue on November 15th, 2024.

14. Preliminary Round and Quarter – Final Round

- a) There will be two preliminary rounds of arguments per team, once on behalf of the Petitioner and another on behalf of the respondent.
- b) Each team will face a different bench of judges in their second round of arguments.
- c) Preliminary round will be held on November 16th, 2024. The top 8 (Eight) teams will qualify for the Quarter Finals.
- d) In the Preliminary 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.
- e) Time for Rebuttals in Prelims shall not exceed 2 minutes and no sur-rebuttals would be allowed.
- f) The quarter final will be conducted on November 16th, 2024. 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. The pairing of Teams for the quarter-Final Rounds shall be done by a draw of lots/power matchups.
- g) For quarter-finals, rebuttals shall not exceed 5 minutes, including sur-rebuttals, if any.
- h) The division of time shall be informed by the team to the court officer/moderator before arguments begin.
- i) The researcher shall sit with the speakers at the time of the Oral Rounds.
- j) Extension of time will be allowed only at the Judges' discretion.

15. Semi-Final Round

- a) The Semi-Final Rounds will be held on November 17th, 2024. The pairing of Teams for the Semi-Final Rounds shall be done by a draw of lots/power matchups.
- b) The top 4 teams from the Quarter-Final rounds will appear in the Semi-Final rounds.
- c) 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)
- d) 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.
- e) Extension of time will be allowed only at the Judges' discretion.
- f) This round shall follow the knockout rule.



16. Final Round

- a) The Final Rounds will be held on November 17th , 2024
- b) Only the best 2 teams would qualify for this round
- c) Each team will get a total of 60 minutes to present their case.
- d) Further 5 minutes for rebuttal and sur-rebuttal. (Total time for each team = 60 +5)
- e) 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.

17. Accommodation And Food

- a. Accommodation and meals will be provided by Presidency School of Law to the participants who opted for the same for 3 days & 2 nights from the morning of 15th November till the afternoon on 17th November 2024 (inclusive of lunch).
- b. For the remaining participants who have not opted for accommodation and meals, only lunch will be provided during the official hours of the competition.
- c. Should teams arrive a day prior to or before the dates mentioned in (a.), arrangement for accommodation and meals must be borne by the team.

18. Certificate

It is mandatory for participants to attend the valedictory ceremony. Participants who do not attend the valedictory ceremony will not be awarded a participation certificate.





Moot Proposition

1. Mr. Prakash works in a private information-technology company-Fortunate Corporation in Moonland. It is a subsidiary company of Fortune International based in Sunland. The company Fortunate Corporation provides a variety of services to its customers, both public and private. The company also provides its services to the armed forces of Moonland for which it has been especially authorised by the government of Moonland. The nature of services provided by Fortunate to the armed forces is twofold. One comprises of general services, and the other comprises of high-tech, highly classified services. For the purpose of dealing with the latter services, a separate department has been incorporated in which members of the armed forces are also sent on deputation to occupy important positions. This enables them to coordinate, supervise and check the work being done by the department. Persons working in this department are given certain privileges which are not available to the common citizen, but they are not deemed to be members of the armed forces in anyway although they are governed by the rules of conduct framed for the armed forces.

2. Fortunate Corporation keeps its office campus under strict surveillance through video and audio recorders. For all official communication or any communication related to the company in whatsoever manner has to be done strictly through the official email id provided by the company. All communications are monitored by the company whether they are of personal or professional nature. This is intimated to all the employees and they are made to sign a consent letter also. The same is also included in the Rules of Conduct of the company, given to them at the time of joining.

3. Mr. Prakash has been working in Fortunate since 1st March, 2010. Due to his performance and expertise, he was inducted into the CodeF40 department in December, 2016. In the year 2015, the governments of Sunland and Moonland entered into an MoU through which the government of Sunland had promised to help Moonland in its fight against terrorism and other problems by providing expert assistance and training in the field of information technology so that Fortunate Corporation can use the potential of modern technology to fight the constantly changing and evolving nature of modern conflicts especially terrorism and other related problems. This uses modern technological tools such as data mining etc. Fortunate Corporation, which is a leading player in information technology as well as other Science and Technology related fields was nominated on behalf of the government of Moonland to carry out this work. It was further agreed that the government of Sunland would send members from its own armed forces to supervise, train and assist the members of the armed forces to Fortunate Corporation to achieve the stated objectives of the MoU. The MoU also granted immunity to the members and personnels' sent by Sunland to carry out the above objectives, whether they belonged to the armed forces of Sunland or whether they were ordinary citizens of Sunland coming in as employees of Fortunate Corporation. The particular clause of the MoU reads as under:

“All citizens of Sunland going to or residing in Moonland for the purpose of carrying out the objectives of the MoU or for any matter or purpose related thereto, whether belonging to the armed forces or not, shall have immunity from prosecution in the courts of Moonland. No court in Moonland shall have jurisdiction over the citizens of Sunland who are there in pursuance of the MoU.”

4. Mr Arun was also sent to Moonland by Fortune International as part of the team to carry out the MoU. He was placed as “Strategic Lead Supervisor” in Fortunate Corporation. During his tenure in Fortunate Corporation, he came in contact with Mr. Prakash and both of them became fast friends in a matter of time. Mr. Prakash was also given an in-house departmental warning as it was strictly mandated to confine the interaction to only professional purposes and maintain strict professional relationship. His friendship with Mr. Arun was taken seriously as being against the rules of conduct. This eventually turned into office gossip after it came to be known that Mr Arun was gay. During this time, CodeF40 came in into limelight after the publication of an article in the newspaper 'The Publicance' that highlighted the surveillance activities being performed by Fortunate Corporation and use of data of the citizens by the company etc and its being authorised by the government to carry such activities.



5. Meanwhile, Mr. Arun was also notified that his conduct was not conducive to the professional environment of the company and was also a source of distraction and rumours. He was warned to uphold the rules of conduct. Mr. Prakash was also called upon to explain his conduct and was questioned by a senior officer on deputation from the armed forces who was working in the company. Mr Prakash refuted all allegations concerning any relationship between him and Mr. Arun which would amount to more than professional relationship in any sense.

6. A departmental enquiry was instituted which reached the conclusion on the basis of email conversation between Mr. Arun and Mr. Prakash, that Mr. Prakash was in a homosexual relationship with Mr. Arun. Mr. Prakash challenged this finding in front of a second departmental enquiry panel which also worked as a mechanism to review the finding and decisions of the first departmental enquiry panel. While the enquiry by the second departmental panel was going on, another article was published in 'The Publicance': "Those who Lost their Way are now Lost - Speaking through Arun". In this article it was written that karma hits back in strange ways, which referred to employees working in the Corporation who were contributing to establish a surveillance state. It stated that the very people who were undermining other peoples' liberty were now feeling helpless while protecting their own liberties.

7. Mr. Prakash was found guilty of being in a homosexual relationship with Mr. Arun and was thus handed a letter of dismissal from service. Mr. Prakash was aggrieved by this decision and knocked the door of the Supreme Court of Moonland by filing a writ petition contending that the monitoring of his personal communication by Fortunate Corporation and the publication in 'The Publicance', which featured his name, was a violation of his fundamental right to privacy. Also, that the 'code of conduct' which binds the employees is unconstitutional.

8. In a separate case, Mr. Harsh, who belongs to the armed forces of Sunland and who has been deputed to the CodeF40, came out openly as gay and challenged the constitutionality of the 'code of conduct' of Fortunate Corporation and the provision relating to the armed forces prohibiting people of such sexual orientation from being inducted into the armed forces or from disclosing their sexual orientation or from maintaining or entering into any kind of personal relationship with other employees. He has filed a writ petition before the Supreme Court of Moonland contending that this is a violation of his fundamental rights.

9. Mr Piyush, also a citizen of Sunland who is working in the CodeF40 department was involved in an altercation with some locals after he came out of a café late at night. According to Mr Piyush, the reason of the altercation was some racial comments passed by the locals. This enraged the locals and they resorted to physical violence. The scene became ugly and Mr. Piyush, perceiving a threat to his life, resorted to self defence, which eventually resulted in the death of two persons. The facts of the event stated by the other persons involved in the altercation who were also friends with the victims, are contrary to this. According to them, it was Mr. Piyush who was drunk at that moment and came to them, asking one of the victims as to why they were staring at him. On being told that this was not the case, he started abusing them which resulted in the altercation and eventually the death of two of them. Therefore they alleged that it was a purely cold-blooded murder by committed by Mr. Piyush. He is being prepared to be sent back to Sunland by the Govt. of Moonland as per the MoU, although his name has been registered in the FIR. He has taken refuge in the embassy of Sunland in Fortunate Corporation and therefore the police have not been able to question him. The Embassy has reported that he will not be produced before the Moonland authorities, stating this as justified according to the MoU between Sunland and Moonland.

10. This has been challenged by a civil rights organisation named "We The People" alleging that the conduct of the Government in preparing to send Mr. Piyush back to Sunland, and the MoU taking away the powers of the Supreme Court and the power of the Moonland authorities to question Mr. Harsh is unconstitutional. This is violative of the fundamental rights of citizens.



11. Another writ petition has been filed by “We The People” contending that the nature of activities being undertaken by Fortunate Corporation which enables it to get access to the data and information on citizens and the authorisation given to it to carry out functions which are sovereign in nature are unconstitutional per se.

12. The Supreme Court of Moonland has clubbed all the petitions and decided to hear them together. The petitions have been opposed by the Government of Moonland contending that the petitions are void of any substance and do not violate the fundamental rights of the citizens in any sense.

Note: The Constitution and the laws in force in India will be taken as the Constitution and the laws in force in Moonland.

Issues:

1. Whether the surveillance and monitoring of Mr. Prakash’s communications by Fortunate Corporation, and the publication of his private information in 'The Publicance', violates his fundamental right to privacy.
2. Whether the MoU between Sunland and Moonland, which grants immunity from prosecution to Sunland’s citizens working in Moonland, is constitutional.
3. Whether the actions of Mr. Piyush in the altercation resulting in deaths can be prosecuted in Moonland despite the immunity provided by the MoU.
4. Whether the delegation of sovereign functions, such as surveillance and data mining, to a private corporation like Fortunate, is constitutional.

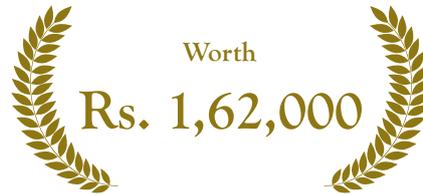
Participants are permitted to raise additional issues as they deem relevant.

Any request for clarification regarding the moot problem must be submitted via email to mca@presidencyuniversity.in on or before October 13th, 2024.





Awards



Three (3) one-year complimentary subscription to SCC Online Web Edition to be distributed to the winning team worth Rs. 24,000 each. Total value = Rs. 72,000.



Certificate of merit will be given to all participants.





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