



**MOOT COURT ASSOCIATION  
SCHOOL OF LAW  
PRESIDENCY UNIVERSITY**

**PRESENTS**

**4<sup>TH</sup> INTERNATIONAL MOOT COURT  
COMPETITION, 2020**

**ON**

**INTERNATIONAL HUMANITARIAN LAW**

**9<sup>TH</sup>-11<sup>TH</sup> APRIL, 2020**

**VENUE**

**PRESIDENCY UNIVERSITY,  
ITGALPURA, RAJANUKANTE,  
YELAHANKA, BENGALURU,  
INDIA- 560064.**

# **MOOT PROPOSITION**

**REPUBLIC OF UTOPIA  
(APPLICANT STATE)**

**V.**

**STATE OF BONIA  
(RESPONSE STATE)**

MOOT COURT ASSOCIATION

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## **A. INSTRUCTIONS**

### **Proceedings**

The hearing takes place in the fictional court of the Global Authority of International Disputes (hereinafter, “GAID”). The Counsels for the Applicant State have already submitted an application against the Respondent State before the Registry of the GAID. At this stage, the Counsels of the Applicant State must support each charge with sufficient evidence to establish substantial grounds to believe that the State committed the counts presented. The Advocates of the Response State may object to the counts and challenge the evidence presented by the Applicant State.

### **Facts and evidence**

The case is entirely fictional. The Statement of Agreed Facts includes all the facts supported by evidence that have been transmitted to the Response State, as well as the facts and the evidence presented by the Response State. Teams should confine themselves to the facts supplied. Neither the Applicant State nor the Response State may introduce new evidence or facts at the hearing.

Teams may nonetheless draw reasonable inferences from the facts. They may also question the credibility or weight of the evidence.

### **Procedure**

The problem is not intended to raise questions of procedure. GAID’s jurisdiction over the case is not disputed.

### **Jurisdiction and admissibility**

Issues of jurisdiction and admissibility should be ignored.

There are no applicable United Nations Security Council Resolutions.

### **Applicable law**

In accordance with Article 38 of the GAID Statute:

« The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

- a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
- b. international custom, as evidence of a general practice accepted as law;
- c. the general principles of law recognized by civilized nations;
- d. subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law. »

## **B. INDICATIVE AUTHORITIES AND RESEARCH MATERIAL**

### **Indicative Authorities**

- Charter of the United Nations
- Geneva Conventions (I, II, III, IV)
- Additional Protocols to the Geneva Conventions, 1977 (I, II)
- Hague Regulations (1899)

### **Guides to Research**

#### *Basic IHL Documents*

- IHL Treaties: <https://ihl-databases.icrc.org/ihl>
- Customary IHL: <https://ihl-databases.icrc.org/customary-ihl/>
- ICRC Commentaries to the Geneva Conventions and its Additional Protocols:  
<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreaties1949.xsp>

#### *Cases*

- International Court of Justice:  
<https://www.icj-cij.org/en/list-of-all-cases>
- International Criminal Court:  
<https://www.icc-cpi.int/cases>
- International Criminal Tribunal for the Former Yugoslavia:  
<http://www.icty.org/en/cases/judgement-list>

- International Criminal Tribunal for Rwanda cases:

<http://unictr.unmict.org/en/cases>

### **C. STATEMENT OF AGREED FACTS**

1. The State of Franklin is a coastal nation that is considered by many as an authoritarian State governed by a military *junta*. Franklin's brutal history of colonization and its ensuing struggle for independence, has created a deep reverence for the Franklin State Army (FSA). The FSA started off as a militia fighting the colonizers and has overtime united the diverse ethnicities and played a key role in the country's independence.
2. After the FSA gained independence, diverse actors made several attempts to establish a functional democracy, but with no success. The citizens still relied on the Army as the only non-corrupt institution. Hence, the FSA seized the moment and established the Franklin Social Party (FSP) as its own political party with its own political agenda. The party gained momentum and seized the authority from the previous weak public institutions of Franklin. Internal political stability has been restored with the FSP as *de facto* the ruling state party.
3. However, continuous clashes are present in the daily life at Franklin. For instance, the FSP with the help of the FSA, brutally eradicate any form of dissent behind the excuse of the protestors being a threat to the "integrity and security of the state". Dissents are considered seditious and the dissenting citizens are often illegally detained and tortured. While the international community has raised the alarm on this disastrous situation, their dependence on the rich mineral resources found in the State of Franklin, has prevented any external intervention.
4. A pro-Democracy student group called the "Franklins" within the University of Franklin, has been a major critique of the FSP regime. They have been the forerunners of peaceful campaigns and protests against the regime. However, in 2011 the protests became more violent. The State of Franklin witnessed clashes between the protesting



students and the FSA deployed to control the crowds. This resulted in the deaths of many students and FSA personnel.

5. Soon thereafter, the Franklins with other pro-democracy activist groups, formed the Franklin Liberators (FL), a militant group with the aim of removing the FSP and finally encouraging democracy in Franklin. To be recognized by the general public and their supporters, the members of the FL wear a red wristband with the symbol of a white dove. The objectives of the FL's were not well seen by the FSP, to the point that the FSP banned their operations in the country. As a consequence, hostilities escalated which resulted in a significant number of civilian casualties, displacements and destruction of properties.
6. The FSP was scared of the pro-democracy movement led by FL and the slow but constant flux of followers it was receiving. Thus, with the help of the FSA, the FSP ordered "*the persecution of any person that shares the ideals of the FL.*" As a result, the conflict gained international attention, which the FSP and the FSA wanted to avoid at all costs. However, the international community did not want to intervene in an internal situation, and without international support, the FLs started fearing for their own extermination. Consequently, the members of the FL relocated in the Pagoda Valley, in the nearby State of Bonia.
7. The State of Bonia is an ethnically diverse nation that also gained independence from the same colonial power as the State of Franklin. But unlike Franklin, Bonia decided to isolate itself from the world as a rouge state. The relationships between State of Franklin and Bonia were never good. During the colonization period, both states were attempting to convince the colonial power to make their own main cities as the capitals of the colonial territory. Whereas, after the colonization period, both countries were trying to install their sovereignty over the resource-rich Pagoda River. The authority over the watercourse is still contested, but to this day the river is split into two: one shore is of Franklin, the other shore is of Bonia. However, the Pagoda riverside of Bonia has been under a lot of critics due to the presence of forced labour camps.

8. The State of Bonia has also been accused of housing and protecting renown criminals in exchange for a price. A news report from an international news agency dated 02.05.2009 cited anonymous United Nations (UN) representatives, that the state of Bonia is a “*safe haven for several banned and recognized terror groups.*”
9. The presence since 2012 of the FL members in the Pagoda Valley has not ameliorated the relationship between the two states of Franklin and Bonia. Franklin urged Bonia’s government to hand the FL members to the FSA and the latter have not responded to the requests. The State of Franklin has raised the issue numerous times through diplomatic channels with the State of Bonia, but to this day no issue was raised on any international platform.

### **The “Durham” Incident**

10. On 05.04.2014, the army base of FSA (“Fort Durham”) on the Franklin shore of the Pagoda River, was attacked with rockets. The attack resulted in the death of 20 (twenty) soldiers and the destruction of weapon stockpiles. The missiles were traced to the Pagoda Valley, but the State of Bonia distanced itself from the conflict and refused to take any action against the FL, who were blamed for the incident.
11. With increasing attacks, and lack of cooperation from the State of Bonia, State of Franklin has entered into a coalition with the Republic of Utopia, to engage in a ground operation against the FL, in the Pagoda Valley of Bonia.
12. The Republic of Utopia is to the North of both the State of Franklin and Bonia. The Pagoda River originates from the Republic of Utopia. Utopia and Franklin share extensive economic and security interests, and Utopia has voiced and requested support by the international community of the recognition of the FSA regime in Franklin. While the
13. Republic of Utopia and Bonia do not share any hostilities, Utopia has openly expressed interest to invest in the markets of Bonia. The intention of Utopia was to establish industries in the mineral-rich Pagoda Valley; however, no interest was shown from Bonia to engage in such relations.



14. On 01.09.2014, the States of Franklin and the Republic Utopia entered into the Friendship Agreement through which, they would coordinate and target the bases of FL in the Pagoda Valley. Special units were created from both the FSA and the Armed Forces of Utopia (UAF) to coordinate the operations. Within weeks they were able to take control over large parts of the Pagoda Valley. The casualties were minimal in initial days, but as the operations progressed, they drastically increased. The State of Bonia opposed this intervention and called it “*illegal and invasion in the guise of intervention*”. There was however no condemnation from the international community to the coalition’s intervention.

15. To prevent the coalition’s advancement in its territory, the state of Bonia started to assist the FL by backing them up with their Special Forces, the Bonia Guards. After this aid, the FL was in a strong position and managed to strategize and slow down the attacks from the armies of the Coalition. The extent of the assistance by Bonia was clarified by several NGOs that work on the territory and it was discovered that FL were receiving “*great financial, technical and armed support by the Bonia Guards*”. But the State of Bonia, once again, denied any involvement with the FL. However, the armed attacks that followed in the succeeding years, always saw members of the Bonia Guards and FL fighting together. Allegedly, the Bonia Guards also conducted trainings to ameliorate the military tactics of the FL.

### **The “Petros Hospital” Incident**

16. The small town of Petros is located in the Pagoda Valley, a few kilometers inland from the Bonia banks of River Pagoda. The town has a population of 5.000 (five thousand) and houses the only hospital in the region, the Petros Hospital. The hospital is run by the State of Bonia and has a capacity of 75 (seventy-five) beds. The hospital has an “H” over its roof, however due to its size, it is questionable whether this is seen from above.

17. A key military base of the FL is located only a few kilometres from the town of Petros, and it is widely believed that its members often visit the Petros hospital for supplies. It is unknown whether the hospital releases medical supplies or whether there is a clandestine exchange of military supplies. It is also said that Bonia Guards and FL

members meet in the hospital underground for secret meetings, but there is no attested source behind this statement.

18. In March 2016, during the ongoing conflict, the coalition announced the launching of an armed attack and subsequently, the Petros hospital was destroyed. There were several casualties including patients, medical staff and FL fighters, that amounted to 150 (one hundred and fifty) people. One of the chief commanders of the FL has also been killed in the attack. The coalition immediately issued a statement stating that “*the destruction of Petros Hospital, was a collateral damage during an attack targeting a nearby FL military base in the Pagoda Valley.*” However, some unverified videos showed a direct missile strike a structure similar to that of the Petros Hospital. By the end of the month, a private conversation between commanders of the Coalition was leaked by unknown sources:

Col. Fitz: “Did you see the FLs entering the building? How many times have they entered today? Five or six?”

Leut. Wilson “Six. Prepare to engage.”

Col. Fitz “Is there a cross on the building?”

Leut. Wilson “We...left...armed.”

Col. Fitz “Please confirm there is a cross.”

Leut. Wilson “red. Prepare.”

19. The events that happened carried great condemnations by the international community. Nevertheless, no state or international organization, decided to issue statements or sanctions. This enraged the FL, who did not receive any support from international organization despite their pro-democracy stance.

### **The Athena Massacre**

20. As a countermeasure for the Petros Hospital, the FL launched a military operation against the Republic of Utopia, specifically targeting the border-town of Athena. Athena is an ancient cultural and trade vibrant centre, with preserves both historic and religious monuments across the town. The town is also bordered by a small military base that functions as a fuelling and repair station for UAF's military crafts.
21. The attack was launched on 15.05.2016. The FL carried out a two folded operation: the attacks were both ground invasions and missile launches from the FL bases in the Pagoda Valley. 2 (Two) missiles were fired with high-precision tool and they struck the Athena International Airport, where both civilian and military aircrafts are taxied. Whereas, 26 (twenty-six) missiles were directed to a military base, nearby the town of Athena. This latter created massive military casualties. The ground invasion also resulted severe damage to the protected cultural and religious monuments, and the killing as collateral damage of 15 (fifteen) civilians. The operation was dubbed "Operation Sunset" to mark the fall of the Republic of Utopia.
22. Additionally, the FL took 300 (three hundred) civilians, including women and children, from the local Athena "souk" (Market). The FL also took 40 (forty) soldiers of the UAF. The civilians were treated and were separated according to gender, but were kept in very small confined cells. Each cell contained 15 (fifteen) individuals. The children were offered provisional education by the pro-democratic FL leaders. Additionally, all civilians were offered food, water and medical assistance. The soldiers of the UAF were treated with the same standards, but any access to these detainees was denied. Even when the International Committee of the Red Cross (ICRC) approached the FL representatives, access was denied unless the Republic of Utopia apologized and offered reparations to reconstruct the FL military bases in the Pagoda Valley.

23. The State of Franklin announced the plan on launching a full-scale invasion of the State of Bonia, as the Athena Massacre was a violation of the UN Charter and, more generally, international law. Nevertheless, the Republic of Utopia has suffered great casualties and feared that its population would cease supporting the Government. Hence, the Utopian Government entrusted their Agent to send an application against the State of Bonia. The State of Franklin has sent an application as third-party intervention to join the case against the State of Bonia.

### **D. CHARGES**

The Republic of Utopia, with the third-party intervention of the State of Franklin, has advanced the following counts against the State of Bonia:

#### **Charge 1 – FL Assistance**

With respect to the evidence on military and financial assistance by the Bonia Government, through the Bonia Guards, to the FL. The members of the FL are considered criminals in Franklin, and so supporting them in international criminal acts, makes the State of Bonia equally guilty.

#### **Charge 2 – Durham and Athena Massacre**

With respect to the operations deployed against the Durham Fort in the State of Franklin, and the town of Athena in the Utopian territory, respectively on the 05.04.2016 and on the 15.05.2016, the State of Bonia is charged with the crime of intentionally directing attacks against civilians, cultural heritage and units/ buildings involved in humanitarian assistance.

#### **Charge 3 – Prisoner of War**

With respect to the taking of civilians and soldiers from the town of Athena, the State of Bonia is charged with violations of the general conditions that should be afforded to Prisoners of War as laid in the Third Geneva Convention.

## **E. CLARIFICATIONS**

**What are the limitations and circumstances set in the Friendship Agreement with regards to military operations against FL?**

We intentionally have not included a copy of the Friendship Agreement, so it remains irrelevant for the pending case.

**Who leaked the private conversation between the Colonel and the Lieutenant?**

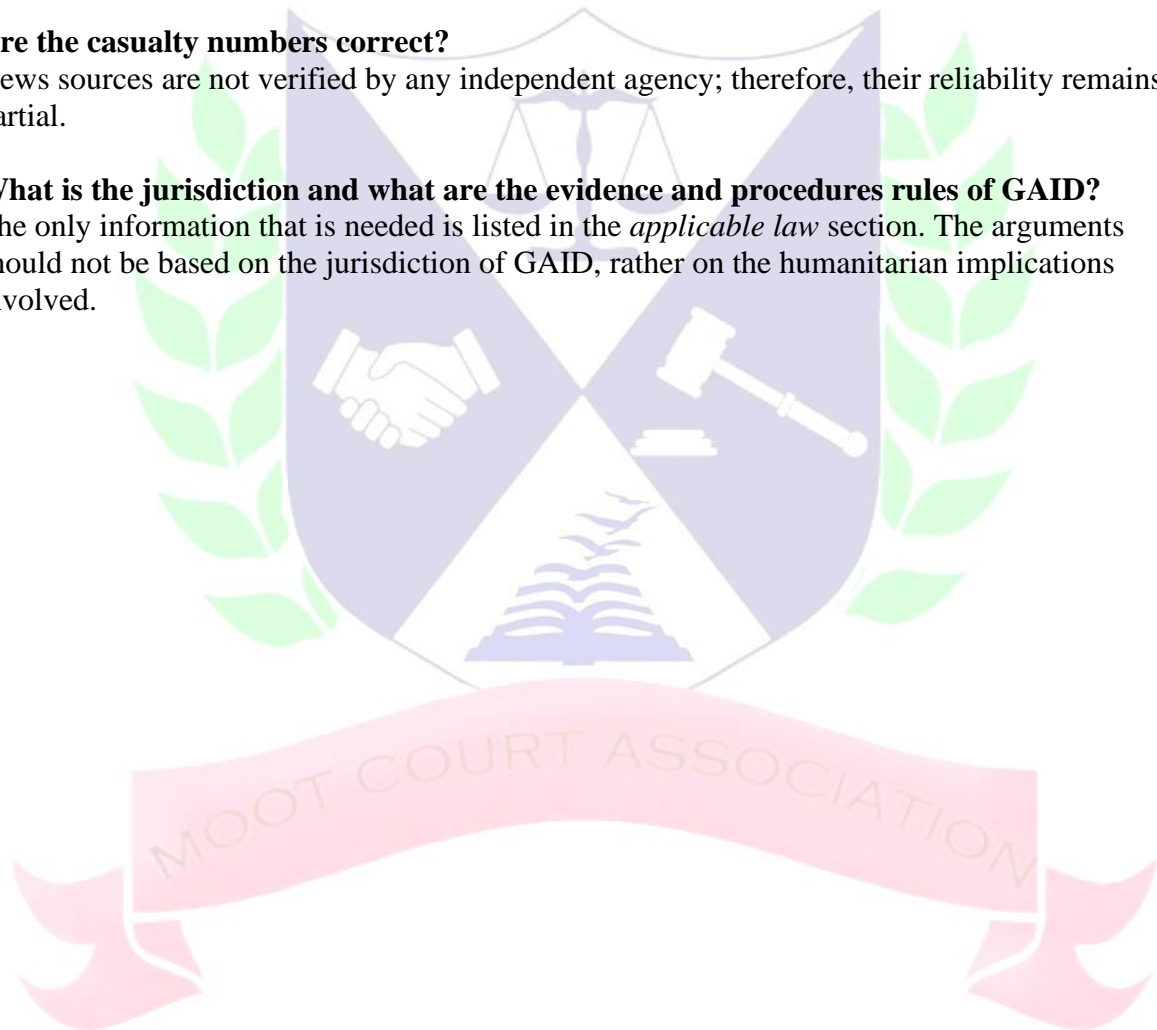
The sources have preferred to remain anonymous.

**Are the casualty numbers correct?**

News sources are not verified by any independent agency; therefore, their reliability remains partial.

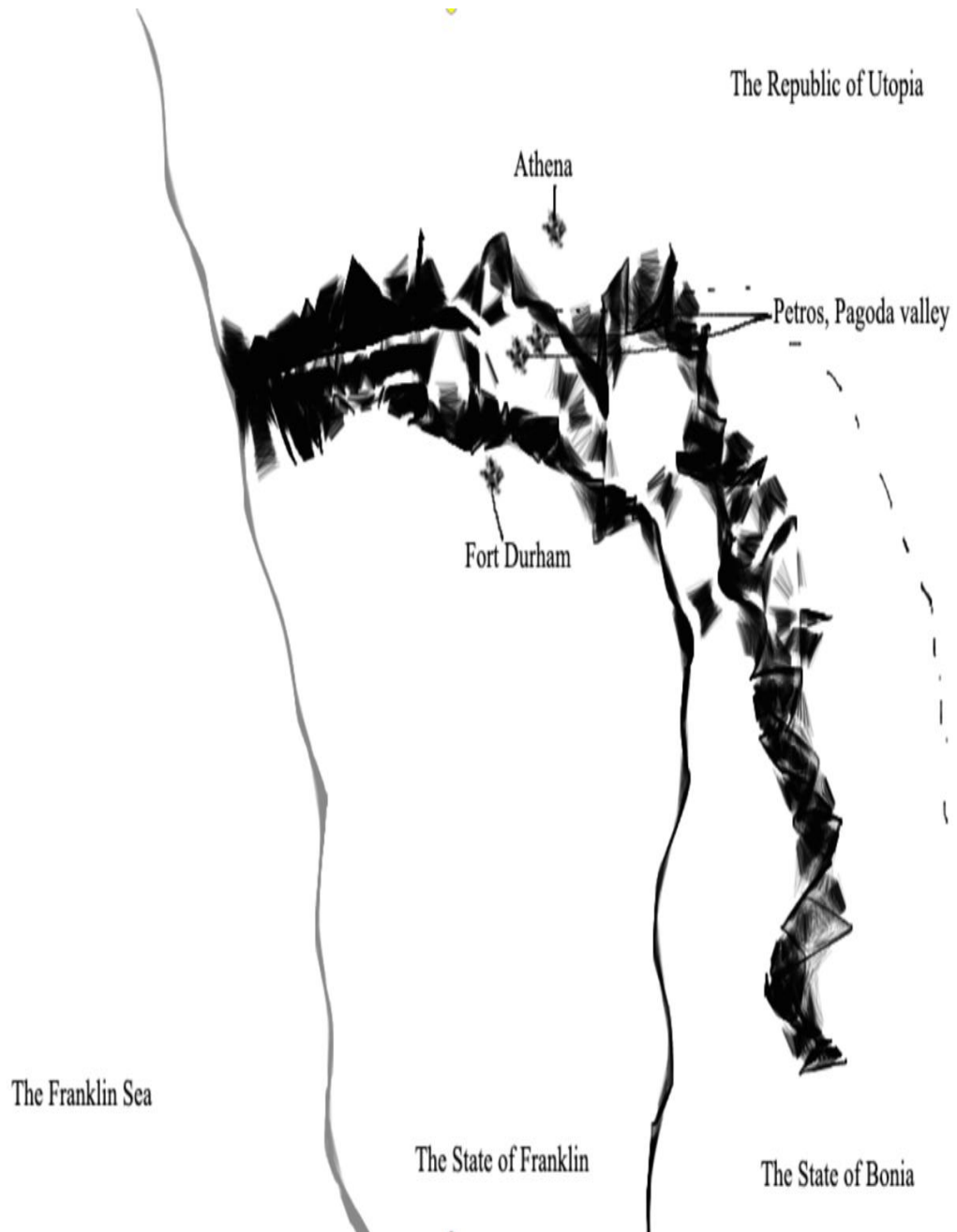
**What is the jurisdiction and what are the evidence and procedures rules of GAID?**

The only information that is needed is listed in the *applicable law* section. The arguments should not be based on the jurisdiction of GAID, rather on the humanitarian implications involved.





**F. ANNEX I: Map**





**G. ANNEX II: List of Treaties**

<b>Treaties</b>	<b>Franklin</b>	<b>Bonia</b>	<b>Utopia</b>
Charter of the United Nations	✓	✓	✓
Geneva Convention (I) on wounded and sick in armed forces in the field, 1949	✓	✓	✓
Geneva Convention (II) on wounded, sick and shipwrecked of armed forces at sea, 1949	✓	✓	✓
Geneva Convention (III) on prisoners of war, 1949	✓	✓	✓
Geneva Convention (IV) on civilians, 1949	✓	✓	✓
Additional Protocol (I) to The Geneva Convention, 1977	X	X	✓
Additional Protocol (II) to The Geneva Convention, 1977	✓	X	X
Additional Protocol (III) to The Geneva Convention, 1977	✓	X	X
Convention Prohibiting Certain Conventional Weapons, Protocol II, 1980	✓	✓	✓
Convention on the Protection of Cultural Property in the Event of Armed Conflict, 1954	✓	✓	✓

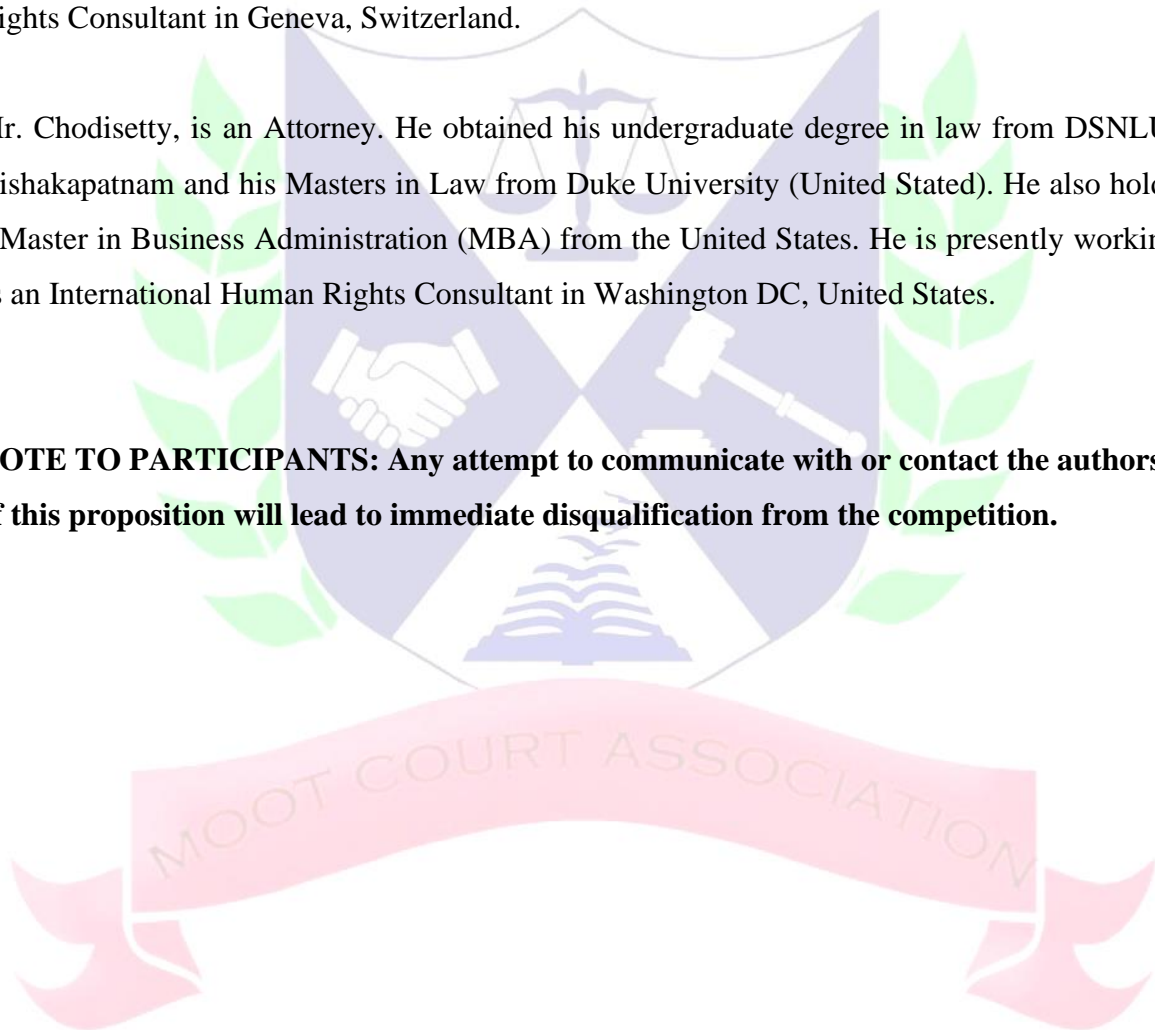
## **PROPOSITION AUTHORS**

The proposition has been drafted by **Ms. Gaia Barcion** and **Mr. Manikanta Chodisetty**.

Ms. Barcion is an Attorney of the State of New York. She has obtained her degree in law from the University of London (United Kingdom), her Masters in Law from Duke University (United States) and her Master in International Law from the Graduate Institute of International and Development Studies (Switzerland). She is presently working as an International Human Rights Consultant in Geneva, Switzerland.

Mr. Chodisetty, is an Attorney. He obtained his undergraduate degree in law from DSNLU, Vishakapatnam and his Masters in Law from Duke University (United States). He also holds a Master in Business Administration (MBA) from the United States. He is presently working as an International Human Rights Consultant in Washington DC, United States.

**NOTE TO PARTICIPANTS: Any attempt to communicate with or contact the authors of this proposition will lead to immediate disqualification from the competition.**



## **RULES OF COMPETITION**

### **I. INTRODUCTION**

The 4<sup>th</sup> International Moot Court Competition, 2020 (hereinafter referred to as the “Competition”) is the flagship event of School of Law, Presidency University, Bengaluru and is scheduled to be held from 09 – 11 April 2020. The competition will be conducted by the Moot Court Association, Presidency University, Bengaluru.

### **DEFINITIONS**

- i. “Competition” means the 4<sup>th</sup> INTERNATIONAL MOOT COURT COMPETITION, 2020.
- ii. “Proposition” means the Moot Proposition of the Competition.
- iii. “Mooting Round” means the oral submission by both the sides.
- iv. “Memorial” means the final written submission of each team.
- v. “Rule Book” means the document prescribing the guidelines for the competition.
- vi. “Committee” includes: All the members of Moot Court Association.
- vii. “Team code” means the code which would be allotted to those teams qualifying the memorial rounds, by the Association, after the registration form is received.

### **II. ELIGIBILITY**

The Competition is open to any team comprising students enrolled in a 3-year law degree programme or a 5-year integrated law degree programme in an institution recognized by the Bar Council of India as well as to students pursuing an undergraduate law degree from any International University/ College/ Institution.

A recognized College/Institution/University shall be entitled to send only one Team to the Competition.

### **III. PARTICIPATION**

#### **A. PROVISIONAL REGISTRATION**

The teams interested to participate are required to confirm their participation by sending an email to [mca@presidencyuniversity.in](mailto:mca@presidencyuniversity.in) on or before 15<sup>th</sup> February 2019. The subject of the mail must be “Provisional Registration: <Institution Name>”

#### **B. REGISTRATION**

Competition registration shall be on a first come first served basis to 32 participating teams. Registration shall be successful upon completion of all formalities mentioned in these rules. Last day for Online Registration is 29<sup>th</sup> February, 2020.

## **IV. GENERAL**

### **A. TEAM COMPOSITION**

Each participating team can comprise of either two (2) or three (3) members. In case of two (2) members, both the members shall be designated as speakers. In case of three (3) members, two (2) members shall be designated as speakers and one (1) member shall be designated as the researcher.

Once the registration is completed the team composition must remain the same throughout the competition. No observer is allowed to accompany any team.

### **B. REGISTRATION FEES**

The registration fee (with accommodation) for the Competition is INR 6000/- (Indian Rupees Five Thousand only) for Indian teams and \$100/- (One Hundred United States Dollars only) for International teams.

The registration fee (without accommodation) for the Competition is INR 3,600/- (Indian Rupees Three Thousand and Six Hundred only).

The registration fee charged must be submitted by a Bank Transfer/any form of Electronic Transfer of any National Bank (Primary Payment option) on or before 29th February, 2020.

**Payment Option (Bank/Electronic Transfer): A/c name: Details shall be updated shortly.**

A scanned copy of the registration form and the transaction receipt must be sent via email to [mca@presidencyuniversity.in](mailto:mca@presidencyuniversity.in) by 6 PM, 2<sup>nd</sup> March, 2020.

Note: The soft copies of the Registration Form and the Travel Form should be sent to the aforementioned email address and the hard copy of the Registration form must be sent to the Committee on the postal mentioned in Clause XIV hereunder.

### **C. TEAM CODE**

All teams shall be given a team code by the Association on validation and the teams shall use their designated team code for any further correspondence. <TCN >. For ex- "TC10"

### **D. OFFICIAL LANGUAGE**

The official language of the competition shall be English. All competition rounds, memorials, and compendiums must be in English.

### **E. DRESS CODE**

The dress code for all participants throughout the competition shall be white shirt, black blazer, black trousers, black tie and black shoes for men and white shirt, black blazer, black trousers / skirt, black shoes for women.

## **V. MEMORIAL**

All pages of a Memorial must be formatted or printed on paper of A4 size (both sides). All pages of a Memorial must have margins on all sides of at least one inch i.e. two and a half centimetres (2.5cm).

Arguments advanced shall not exceed more than twenty-five (25) pages.

Memorial page limit shall not exceed forty (40) pages. The cover page, table of contents, table of abbreviations and index of authorities are excluded from the page limit. No end notes are to be included in the Memorial.

### **A. CONTENTS**

Each Memorial Must Contain The Following Sections:

- Cover Page
- Table of Contents
- List of Abbreviations
- Index of Authorities
- Statement of Jurisdiction
- Statement of Facts
- Statement of Issues
- Summary of Arguments
- Arguments Advanced
- Prayer

### **B. COVER PAGE**

The cover page must only include the following in justified alignment except mentioned otherwise,

- Team Code on the right-hand top corner
- Name of the forum being approached
- Case type and number
- Case name
- ‘Memorial on behalf of Applicant State and Response State’

All memorials must be stitched or stapled. Usage of any plastic material, OHP paper etc. will mandatorily attract penalties.

The colour scheme for the cover page of the Applicant State memorials must be blue and of the Response State memorials must be red. Citations for the memorials are to be in the form of footnotes only, endnotes are not permitted.

Footnotes must not contain substantive pleadings and should not be communicative. All footnotes must adhere to the Bluebook Uniform Mode of Citation (20<sup>th</sup> edition).



The memorials must not contain annexures, photographs, sketches, exhibits or affidavits etc. Any violation of the said provision will attract penalties.

### **C. FORMAT**

The Memorial shall be formatted in accordance with the following specifications:

- Body Text Font Type: Times New Roman, Line Spacing: 2.0 lines, Font Size: 12, Headings and Bullets- Font size: 14.
- Footnotes Font Type: Times New Roman, Line Spacing: 1.5 spaced, Font size: 10.
- The Bluebook Uniform Mode of Citation (20th Edition) or any other recognized uniform method of citation must be strictly adhered to draft the memorials.

### **D. SUBMISSION GUIDELINES**

The registered teams must send the soft copy of the memorials to [mca@presidencyuniversity.in](mailto:mca@presidencyuniversity.in) by 1st April, 2020 (11:59 pm), which must be a .pdf file extension with the subject of the email as "Memorial Submission-<TCN >". Eg: If your team code is TC10, the email subject would be: Memorial Submission TC10.

The file name of the memorials shall be in the following format- <TCN> <Side represented>. Eg: 'TC10 - Petitioner'

Late Submissions: For every hour of delay in memorial submission beyond the prescribed time (11:59 pm IST, 1st April, 2020), 2 marks shall be deducted. Any Memorial submitted 15 hours after the time prescribed above (i.e. after 11:59 pm IST, 2nd April, 2020) will not be accepted.

Each team is required to submit five (5) sets of memorials for each side on the day of the Competition. (i.e. on 9th April, 2020).

### **VI. CLARIFICATIONS**

Any clarifications sought on the moot proposition needs to be addressed via email to [mca@presidencyuniversity.in](mailto:mca@presidencyuniversity.in) by 29th February, 2020.

The queries will be clarified by issuance of a general notification addressing all queries on **5th March, 2020**.



## **VII. SCORING**

### **A. MEMORIAL**

The Moot Court Association shall constitute a panel of judges with domain expertise, for the evaluation of the memorials. Both memorials shall be evaluated separately on a scale of 0- 100. The criteria for evaluation are as follows:

<b>S.NO.</b>	<b>MARKING CRITERIA</b>	<b>MARKS</b>
1	Understanding of law & extent of research	20
2	Originality, articulateness & clarity in analysis	20
3	Ingenuity and Logical Reasoning	20
4	Lucidity and Writing Skills	10
5	Referencing	10
6	Grammar & legibility	10
7	Formatting and Presentation	10
<b>TOTAL</b>		<b>100</b>

### **B. RESEARCHERS' TEST**

There shall be a researchers' test on 9th April, 2019 at Presidency University Campus immediately after the Inauguration ceremony.

The test will be based on general questions relating to the proposition and the theme.

### **C. ORAL SUBMISSION**

Each Speaker shall be marked on a total of 100 marks by each Bench Judge.

The Average of both the speakers shall be taken for scoring the team.

The marking for Oral Submissions during the Mooting Rounds shall be based on the following parameters:

<b>S.NO..</b>	<b>MARKING CRITERIA</b>	<b>MARKS</b>
1	Knowledge and Marshalling of Facts	20
2	Application of Legal Principles and Usage of Authorities	20
3	Integrity, logic, Reasoning and Clarity	20
4	Persuasiveness, Ingenuity and Response to Questions	10
5	Deference and Demeanour	10
6	Court Etiquette, Presentation Style and Time Management	20
<b>TOTAL</b>		<b>100</b>

## **VIII. COMPETITION FORMAT**

The Competition shall consist of a Researchers' Test and the following oral rounds, Preliminary Rounds, Octa-Final Round (if deemed necessary by the Committee), Quarter-Final Round, Semi-Final Round and the Final Round. The Octa-Final, Quarter-Final, Semi-Final and the Final Round shall be knockout rounds where each team will argue only once either Applicant State/ Response State.

### **RESEARCHERS' TEST**

The Researchers' Test will be conducted prior to the oral rounds. The questions for the test may be objective as well as subjective or both, with the questions based on the applicable law,

precedents and facts pertaining to the Moot Proposition. The test shall be taken by the team's researcher. In case the team has no designated researcher, the speaker shall not be allowed to take the Researchers' Test. The participant to the test shall bring no additional material such as the bare text of Acts, Memorials, etc. apart from stationary and the Organising Committee shall provide no such material.

Please note that the marks scored in the test shall not contribute to the overall score and is only to determine the winner of the Best Researchers' award.

### **PRELIMINARY ROUNDS**

The preliminary rounds shall be conducted in two stages. Each stage will be one preliminary round where each team will represent either the Applicant State/ Response State for that round. Sides will be determined by way of draw of lots. Each team will face a separate team and a separate bench in both the preliminary rounds. The scores of the Memorials shall be added to the scores obtained in the preliminary rounds.

### **OCTA-FINAL ROUND**

The Octa- Final round will only be held if deemed necessary by the Committee. The decision to conduct the Octa-finals shall be solely be upon the discretion of the Committee and such decision shall be final.

The top sixteen (16) teams selected by way of this Clause VIII shall qualify for the Octa-final round. A seeding chart shall be prepared with ranks being given to the top 16 teams. To ensure fair play, power match-up shall determine the fixtures which shall be prepared with the top sixteen (16) teams in such a way that Rank one (1) goes against Rank sixteen (16), Rank two (2) goes against Rank fifteen (15) and so on. Only the sides on which the teams shall argue will be determined by way of draw of lots.

### **QUARTER-FINAL ROUND**

The top eight (8) teams selected by way of this Clause VIII shall qualify for the quarter-final round. A seeding chart shall be prepared with ranks being given to the top 8 teams. To ensure fair play, power match-up shall determine the fixtures which shall be prepared with the top

eight (8) teams in such a way that Rank one (1) goes against Rank eight (8), Rank two (2) goes against Rank seven (7) and so on. Only the sides on which the teams shall argue will be determined by way of draw of lots.

### **SEMI-FINAL ROUND**

The top four (4) teams selected by way of this Clause VIII shall qualify for the semi-final round. A seeding chart shall be prepared with ranks being given to the top 4 teams. To ensure fair play, power match-up shall determine the fixtures. Rank one (1) will go against Rank four (4) and Rank two (2) against Rank three (3). Only the sides on which the teams shall argue will be determined by way of draw of lots.

### **FINAL ROUND**

The top two (2) teams selected by way of this Clause VIII shall qualify for the final round. Sides will be determined by way of draw of lots.

## **IX. COMPETITION PROCEDURE**

The order of oral pleadings shall be as follows:

- Applicant State Speaker 1
- Applicant State Speaker 2
- Response State Speaker 1
- Response State Speaker 2
- Rebuttal by Applicant State
- Sur-rebuttal by Response State

During the course of the oral pleadings, no speaker shall disclose his/her identity or the identity of his/her institution by any means whatsoever.

If in case, the petitioner/applicant do not raise for rebuttal, the sur-rebuttal is deemed to be cancelled.

Submission of compendiums, case laws, authorities to the judges must mandatorily be done through the court officer. All such materials must be verified by the Court Officer before the commencement of the round. Disclosure of the institutions name in any manner including abbreviations in such materials shall not be allowed for submission to the judges.

### **PRELIMINARY ROUNDS**

Each preliminary round shall be for 60 minutes in total. Each team will be given a total time of 30 minutes comprising of oral pleadings, rebuttal / sur-rebuttal. Time management is at the discretion of the team subject to a maximum of 18 minutes per speaker. The same must be communicated to the designated Court Officer of the Court Hall prior to the commencement of each round.

Each preliminary round will be judged by two judges, each of whom shall score every speaker on a scale of 0-100.

The scores obtained by the participant team for their Memorials shall be added to the scores obtained in the preliminary rounds.

The advancement of the top sixteen teams to the Octa-Final Rounds or the Quarter-Final rounds, in case the Octa-Final rounds are deemed unnecessary by the Committee, is on the following grounds:

a) 2 Wins

b) In case of a tie, the aggregate raw points minus the memorial marks shall be considered for the tie breaker.

Memorial marks shall be added to the scores of the preliminary rounds only.

#### **OCTA-FINAL ROUND (IF DEEMED NECESSARY BY THE COMMITTEE) AND QUARTER-FINAL ROUND**

Each Octa-Final and Quarter Final round shall be for 60 minutes in total. Each team will be given a total time of 30 minutes comprising of oral pleadings, rebuttal/ sur-rebuttal. Time management is at the discretion of the team subject to a maximum of 18 minutes per speaker. The same must be communicated to the designated Court Officer of the Court Hall prior to the commencement of the round.

The Octa-Final and Quarter-Final rounds shall be judged by a panel of not less than two judges, each of whom will score every speaker on a scale of 0-100. The team securing the higher aggregate marks will qualify for the Quarter-Final round or the Semi-Final round (as applicable), by virtue of a knockout win.

#### **SEMI-FINAL ROUND**

Each Semi-Final round shall be for 90 minutes in total. Each team will be given a total time of 45 minutes comprising of oral pleadings, rebuttal/ sur-rebuttal. Time management is at the discretion of the team subject to a maximum of 25 minutes per speaker. The same must be communicated to the designated Court Officer of the Court Hall prior to the commencement of the round.

The Semi-Final round shall be judged by a panel of not less than two judges, each of whom will score every speaker on a scale of 0-100. The team securing the higher marks will qualify for the Final Round, by virtue of a knockout win.

#### **FINAL ROUND**

The Final round shall be for 90 minutes in total. Each team will be given a total time of 45 minutes comprising of oral pleadings, rebuttal/ sur-rebuttal. Time management is at the discretion of the team subject to a maximum of 25 minutes per speaker. The same must be communicated to the designated Court Officer of the Court Hall prior to the commencement of the round.

The Final round shall be judged by a panel of not less than two judges, each of whom will score every speaker on a scale of 0-100. The team securing the higher marks shall be adjudged the winners of the Competition.



## **X. SCOUTING**

Teams shall not be allowed to observe the oral submission of any other team. It is strictly prohibited. Any such attempt shall be subjected for disqualification.

## **XI. AWARDS**

The following awards shall be given at the valedictory ceremony of the competition:

- A. WINNERS
- B. RUNNERS-UP
- C. BEST MEMORIAL
- D. BEST SPEAKER (PRELIMINARY ROUND)
- E. BEST SPEAKER (FINAL ROUND)
- F. BEST RESEARCHER

*(Note: Prizes worth Rs. 70,000/- to be won)*

All those teams qualified for the mooting rounds shall be awarded with participation certificates.

## **XII. FACILITIES**

Accommodation to participants who opt for the same shall be provided by the Committee on the days of the competition, i.e. from 12.00 PM on 9th April, 2020 to 12.00 PM on 11th April, 2019.

The teams are expected to report directly at the University campus at 2:00PM on 9th April, 2020 for registration.

## **XIII. MISCELLANEOUS**

The copyright over the memorials submitted for participation in the competition shall be deemed to have been assigned to School of Law, Presidency University, Bengaluru and as a consequence shall vest fully and completely with the School of Law, Presidency University, Bengaluru. The Participants shall certify in writing the originality of materials contained therein and shall be responsible for any claim or dispute arising out of the further use and exhibition of these materials.

The moot court competition is based on a purely fictitious proposition, whereby the characters and the incidents or the course of events in the proposition are completely imaginary and the same has no relation to any person living or dead or any post/present real life incident. The moot court competition is made solely for the purpose of training law students in developing an analytical bent of mind and serving the Bar and the Bench to the best of their abilities.

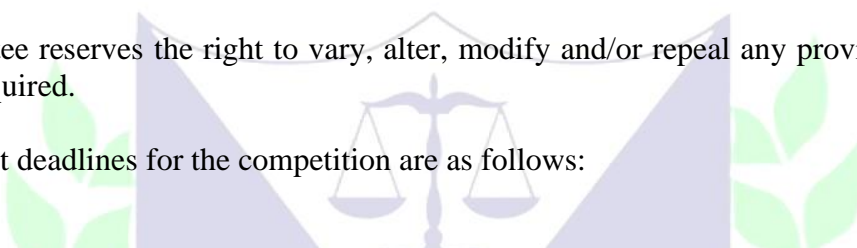
The Committee reserves the right to take appropriate action for any unethical, unprofessional, immoral conduct and uncalled for behaviour of the participants at the competition venue and accommodation.

The Committee highly recommends that teams make their own arrangements for internet access. No internet access shall be provided on campus. Internet access will be available at the accommodation subject to availability. Reprography facilities may be available on campus at the expense of the participants.

If any situation arises which is not contemplated by the Rules, the decision of the Committee shall remain final and binding.

The Committee reserves the right to vary, alter, modify and/or repeal any provision of these rules if so required.

The important deadlines for the competition are as follows:



Last date to register provisionally with the organizers	15 February, 2020
Release of Proposition/Commencement of Registration	10 February, 2020
Last date for Registration with fees	29 February, 2020
Last date for seeking clarifications of Proposition	29 February, 2020
Release of clarifications of Proposition	05 March, 2020
Submission of Memorials (Soft Copy)	01 April, 2020
Inauguration and orientation	09 April, 2020
Submission of Memorials (Five Hard Copies)	09 April, 2020
Oral Rounds – Preliminary (2 rounds), Octo-finals (if required) and Quarterfinals	10 April, 2020
Oral Rounds – Semi-finals and Finals	11 April, 2020
Valedictory Ceremony and Prize distribution	11 April, 2020



**XIV. CONTACT DETAILS**

**Email:** [mca@presidencyuniversity.in](mailto:mca@presidencyuniversity.in)

**Faculty Convener:** Mr. Abhijit (+91 8891719173)

**Faculty Co-Convener:** Ms. Pradamwara (+91 7017107143)

**Student Convener:** Ms. Praneesha Nayyar (+ 91 7697651008)

**Student Co-Convener:** Ms. Sayantani Ray (+ 91 8282856922)

**Registration Affairs:** Ms. Arpita Sahu (+91 9845728337)

**General Affairs:** Mr. Kiran Shree Barua (+91 8638575592)

**Postal Address:** Presidency University, Itgalpura, Rajanukante, Yelahanka, Bengaluru,  
India- 560064.



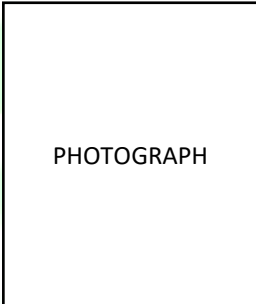
**REGISTRATION FORM**

Name of the Institution: .....  
Address: .....  
Faculty Coordinator.....  
Moot Court Society/ Association:.....(Phone Number).....  
.....(Email address).....

**PARTICIPANT DETAILS**

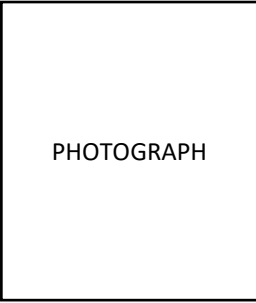
**SPEAKER 1**

Name : .....  
Gender : .....  
Email Address : .....  
Contact Number : .....  
  
Signature : .....



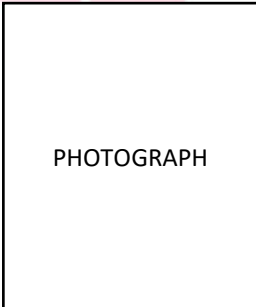
**SPEAKER 2**

Name : .....  
Gender : .....  
Email Address : .....  
Contact Number : .....  
  
Signature : .....



**RESEARCHER**

Name : .....  
Gender : .....  
Email Address : .....  
Contact Number : .....  
Signature : .....



**PAYMENT DETAILS**

Transaction ID/ UTR Number:.....

Bank Name : .....

Branch Name : .....

Amount : .....

Date : .....

ACCOMMODATION (Please tick the appropriate box)

YES

NO

Signature of the Faculty Co-ordinator : .....

Signature of the Head of the Department/ Director:.....

Institution Seal:



**Note:** This registration form must reach the aforementioned address of the host institution by 10<sup>th</sup> March, 2020, 12 Noon.

**TRAVEL FORM**

Name of the Institution: .....

Team Code: .....

**DETAILS OF ARRIVAL**

Date : .....

Time : .....

Mode of Transport : .....

Train/ Bus/ Flight Number: .....

**DETAILS OF DEPARTURE**

Date : .....

Time : .....

Mode of Transport : .....

Train/ Bus/ Flight Number : .....

Signature of the Head of the Department/ Director: .....

Institution Seal:



**Note:** This travel form must reach the aforementioned address of the host institution by 1<sup>st</sup> April, 2020, 4PM.