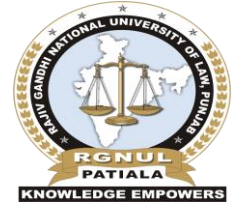




1st AIU NATIONAL MOOT COURT COMPETITION, 2020



(14th February, 2020 - 16th February, 2020)



Under The Aegis of Association of Indian Universities

ORGANISED BY
RAJIV GANDHI NATIONAL UNIVERSITY OF LAW
SIDHUWAL, BHADSON ROAD, PATIALA, PUNJAB



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MESSAGE FROM THE HON'BLE VICE CHANCELLOR



Rajiv Gandhi National University of Law, Punjab was established in the year 2006. It is one of the premier institutions in the country imparting legal education. Within a short span of time, the University has carved out a niche in the legal world. The young and dynamic faculty of the University has helped the students to win various recognitions and awards. The students of this University, inter-alia, have excelled in Moot Court Competitions within as well as outside the country.

The Rajiv Gandhi National University of Law, Punjab has its own Flagship Moot Court Competition, which is known as RGNUL Moot Court Competition, of which eight editions have already been completed. In addition to this, Rajiv Gandhi National University of Law, Punjab has also been hosting every year a number of sponsored Moot Court Competitions, which are judged by lawyers, academicians and Judges.

It is a matter of great pleasure that Association of Indian Universities (AIU) has expanded its wings and added to its activities another feature of holding a National Moot Court Competition. This will provide an opportunity to various institutions imparting legal education to compete and hone their skill of arguing the case in the Moot Court. We at Rajiv Gandhi National University of Law, Punjab feel honoured to host 1st AIU National Moot Court Competition sponsored by Association of Indian Universities (AIU), which will be held at the University campus from 14th -16th February, 2020.

I am confident that there will be a good response to the 1st edition of National Moot Court Competition being organised by RGNUL in collaboration with AIU.

We look forward to this grand competition.

With Best Regards,

Prof. (Dr.) Paramjit Singh Jaswal,

Vice-Chancellor, Rajiv Gandhi National University of Law, Punjab



ABOUT THE UNIVERSITY



Rajiv Gandhi National University of Law (RGNUL), Punjab, was established by the State Legislature of Punjab by passing the Rajiv Gandhi National University of Law, Punjab Act, 2006 (Punjab Act No.12 of 2006). The University started functioning w.e.f. 26th May, 2006. The University has the approval of the Bar Council of India (BCI), and recognised by the University Grants Commission under Sections 2(f) and 12-B of the UGC Act, 1956.

The University offers the following Courses/Programmes: B.A. LL.B (Hons.) Five-Year Integrated Course, LL.M. (One –Year Post Graduation) Degree Programme, Research Degree Programme- Ph.D. (Law), Ph.D. in Social Sciences, Humanities and English Language and Literature, and Post Doctoral Research.

Rajiv Gandhi National University of Law, Punjab is the First National Law University in the country, which has been accredited by NAAC with ‘A’ Grade in 2015. RGNUL, Punjab was selected as one of the sixty Higher Education Institutions for “Grant of Graded Autonomy” by the UGC in 2018. In 2019, RGNUL has figured in “Top Ten” Law Universities and Colleges in the country in the “NIRF Ranking” by the MHRD. RGNUL is the First National Law University to have NCC Unit (Army Wing) in 2019. In Swachh Campus Rankings 2019 RGNUL has been adjudged at First Rank (Cleanest) in the country amongst Government Residential Universities by MHRD. Located at Sidhuwal, Bhadson Road, Patiala (Punjab) in an area of about 50 Acres



of land, the University has state-of-the-art wifi campus which includes Administrative-cum-Academic Block, Moot Court Hall, separate spacious Library Building, Auditorium (with seating capacity of 1000), Sports Complex, separate Hostels for boys and girls, Guest House, Health Centre, Facility Area, which includes; Bank, Post-Office, Utility services Stores, Gymnasium, Saloon and Café. All the buildings including hostels are air-conditioned. The University has residences for the Faculty as well as for Non-teaching staff. It has lush green campus with a beautiful “Rose-Garden” in the heart of the campus. All roofs of the constructed building are covered with “Solar Panels”, which generate about 60,000 units of electricity per month.

State-of-the-art wi-fi University Library is the best example of blend of modern architecture, latest automation tools and excellent collection. Housed in three storeyed building with covered area of 70,000 sq. feet with seating capacity of more than 400 readers at a time, the library has its own Moot Court Lab, Committee Hall and Research Centres on various specializations in the field of law. The objective of these Centres is to undertake advanced study and research in the emerging areas of the respective fields, independently or in collaboration with professional institutions at the national or international levels; to bring about publications and produce study material in the respective fields of knowledge; organize seminars, workshops and conferences on contemporary and significant issues. Besides, there is an IGNOU School of Law functioning since 2009. The University has also set up the Internal Quality Assurance Cell (IQAC) as per UGC guidelines.

With more than 37,000 books on shelves, the library subscribes to more than 109 national and international journals. Prestigious collection of the library includes American Journal of International Law, Harvard Law Review, International Legal Materials, The Digest, Words and Phrases, Encyclopaedia of Precedents, American Jurisprudence, Cox’s Criminal Cases, Halsbury’s Law of England and the Law Reports. A corner for Specially-Abled Persons has also been developed in the library. The facilities include J-Say talking screen reader for blinds, Pearl Instant Hi-Speed Scanner Reader, Angel Classic Pocket Daisy Players and J – Say with Dragon Legal V15 software.

The readers have access to databases; Hein Online, Westlaw, Manupatra, JSTOR, LexisNexis Academic, Lexis India ,SCC Online, AIR Web Word, SLR Judgment Finder, EPW and Taxman Online . This fully computerized library with latest software has successfully implemented Radio Frequency Identification Technology to bring effortless and errorless issue and return operations. To facilitate faculty and students to access our databases during vacations



the facility of software ‘Remote Access’ is available.

The University has young, dynamic and competent Faculty. Most of the Faculty Members are permanent and holding Ph.D. degree. All the Faculty Members are qualified as per UGC norms. The Faculty Members alongwith their teaching work load, are deeply involved in research and have different research projects. The University has also an active Legal Aid Clinic and it is supported by strong Paralegal Volunteer (PLV) force.

RGNUL is member of a number of Professional Organisations of national and international stature, like the Asian Law Institute (ASLI), Singapore; Commonwealth Legal Education Association (CLEA), Indian Institute of Public Administration (IIPA), New Delhi; Indian Law Institute (ILI), New Delhi; Indian Society of Criminology (ISC), Madras; International Association of Law Schools (IALS); Legal Information Institute of India (LII of India); Shastri Indo-Canadian Institute (SICI).

The University has entered into MoUs with many Institutions of Excellence in India and Abroad. Through these MoUs, the University promotes Faculty and Student Exchange Programmes. The University is publishing its peer review research journals and also provide platform for the students to write research articles.

The RGNUL has taken various initiatives under the flagship of “Digital India”. The Academic and Administrative functioning is supported by an efficient ERP system. Each classroom is a smart class room. The RGNUL, Punjab is the First National Law University to become the Member of National Academic Depository (NAD) which allows Digital manuscripts to be accessed from any part of the world. The University makes optimum use of Information & Communication Technology (ICT) in teaching and learning process.

The University prepares professionally competent lawyers, inquisitive researchers, able administrators, conscientious Judicial officers and above all, socially responsible citizens, who shall be whole heartedly and continuously engaged in the process of nation building.



REGISTRATION DETAILS

- i. All the participating institutions have to confirm participation by sending a duly filled Registration Form (Annexure-I) by email to **aiumoot@gmail.com** on or before 25th December 2019.
- ii. The duly filled in hard copy of the Registration must reach the Organizers by 8th February 2020.

FEES AND PAYMENT

- i. The participating Teams are required to pay INR 5,000/- as registration fees. The link for online payment will be emailed to the Registered Teams by 24th January, 2020. Details of payment shall be emailed to the Organizers. The link would be closed on 31st January 2020.
- ii. Non-payment of Registration Fees shall result in cancellation of Registration of the Participating Team.
- iii. This fee is exclusive of the travel from the campus to the airport/ railway station/ bus station. It is the sole responsibility of the teams to arrange for the travel when they are leaving from the campus

AWARDS

The following awards shall be awarded in the Competition:

- i. The Team winning the final round of the Competition shall be given a trophy and a cash prize of INR 30,000/- (Indian Rupees Thirty Thousand Only).
- ii. The runners up team in the final round of the Competition shall be given a trophy and a cash prize of INR 20,000/- (Indian Rupees Twenty Thousand Only).
- iii. The team standing third in the semi-final rounds shall be given a cash prize of INR 8,000/- (Indian Rupees Eight Thousand Only).
- iv. The team standing Fourth in the semi-final rounds shall be given a cash prize of INR 5,000/- (Indian Rupees Five Thousand Only).
- v. The speaker having the highest score in the preliminary rounds shall be given a cash prize of INR 5,000/- (Indian Rupees Five Thousand Only).
- vi. The team having the highest average written submission score from both sides shall be given a cash prize of INR 5,000/- (Indian Rupees Five Thousand Only)



- vii. The participant having the highest score in the researcher's test shall be given a cash prize of INR 5,000/- (Indian Rupees Five Thousand Only).



RULES & REGULATIONS

I. INTRODUCTION

1. *Short Title:*

These Rules shall be called the ‘AIU National Moot Court Competition Rules, 2020’.

2. *Definitions:*

Unless otherwise stated following shall be construed herein under as–

- i. “**Administrator**” shall mean Rajiv Gandhi National University of Law, Punjab.
- ii. “**Appellant**” shall include Appellant, Plaintiff, Petitioner, Complainant, Prosecution, Informant, etc.
- iii. “**Bench**” refers to the members duly invited adjudge the oral rounds, collectively.
- iv. “**Clarifications**” means explanation published by the Host University on the moot problem, at any point of time of the competition to a query posed by any participating team within the given deadline.
- v. “**Compendium**” means a compilation or collection of legal or other authorities that a participating team seeks to rely upon during the round of oral pleadings.
- vi. “**Competition**” means AIU National Moot Court Competition.
- vii. “**Host University**” shall have the same meaning as “Administrator” for this edition of the Competition.
- viii. “**Moot Proposition**” means the Proposition released by the Organizers on the date specified in Rule II (2) and shall include any subsequent clarification(s) as and when issued by the Organizers.
- ix. “**Oral Score**” means the scores given by the judge to a particular orator of the participating team pleading before it during the round of oral assessment.
- x. “**Orator**” means one of the two designated speakers in a participating team.



- xi. **“Organizers”** means the Moot Court Committee, Rajiv Gandhi National University of Law, Punjab.
- xii. **“Participating Team”** means the team which is eligible to participate in the competition after completion of registration procedure.
- xiii. **“Participating Institution”** shall be presumed to be the parent institution of the participating teams.
- xiv. **“Respondent”** shall include Defendant, Respondent, Defence, etc.
- xv. **“Rules”** means the AIU National Moot Court Competition Rules.
- xvi. **“Team Code”** means a unique code assigned by the Host University to the provisionally registered the participating team.
- xvii. **“Written Submissions”** means the memorandum of written submissions (memorials) submitted by any participating team according to the rules of the Competition.



II. GENERAL RULES

1. *Date and Venue of the Competition:*

The 1st AIU National Moot Court Competition, 2020 will be held from 14th February 2020 to 16th February 2020 at the campus building of Rajiv Gandhi National University of Law, Punjab, Sidhuwal, Bhadson Road, Patiala-147001, Punjab.

2. *Date of Release of Moot Proposition:*

The Moot Proposition will release on 11th December, 2019.

3. *Team Eligibility and Composition:*

- i. Participation is strictly restricted to bona fide law students pursuing the three years or five years LL.B. degree course in any institution in India. Students doing their LL.M. and Diploma courses are not eligible for participation.
- ii. Only one team is permitted to participate from each participating institution.
- iii. A maximum of three members and minimum two members are allowed per participating team. In a team consisting of three members, two members shall be designated as 'Speakers' and the third member shall be designated as 'Researcher'.

Provided if a team consists of two members then such team shall designate both the members as speakers and no member in the team shall be allowed to be represented as aresearcher and take the researcher's test.

4. *Registration Procedure:*

- iii. **Registration:** All the participating institutions have to confirm participation by sending a duly filled Registration Form (Annexure-I) by email to **aiumoot@gmail.com** on or before 6th January, 2020.
- iv. **Hard Copy of the Registration Form:** The duly filled in hard copy of the Registration must reach the Organizers by 8th February, 2020, on the following address only through Indian Post Office's Speed Post –

Dr. Geetika Walia,
Coordinator Moot Court Committee,
Rajiv Gandhi National University of Law, Punjab, Sidhuwal Campus, Bhadson Road,
Patiala – 147001.
(0175- 2391600, 601, 602, 603)



The participating teams must send their hard copy of Registration Form only through **Indian Post Office's Speed Post**. The teams shall solely be responsible for any delay caused due to delay in receipt of Registration Form.

(Note: Only the teams who have been selected in the Memorial Evaluation round have to submit the hard copy of the Registration Form)

- v. **Allotment of Team Code:** Every team which has successfully completed the Registration requisites under the Rules shall be allotted a unique code after the closure of the Registration for the Competition. Once the Code is allotted, every team must use only the team code for any further communication with the Organizers during the course of the Competition.
- vi. **Change in Team Composition:** Any change in team composition must be intimated to the Organizer at the earliest. Any change must be accompanied with a freshly filled registration form and an authority letter duly signed by the head of the institution.
- vii. The duly filled Travel Form (Annexure-II) is to be e-mailed by the teams to **aiumoot@gmail.com** on or before 8th February 2020.
- viii. **Registration Fees:** The participating Teams are required to pay INR 5,000/- as registration fees. The link for online payment will be emailed to the Registered Teams by 27th January, 2020. Details of payment shall be emailed to the Organizers. Non-payment of Registration Fees shall result in cancellation of Registration of the Participating Team.

5. *Dress Code:*

- i. Participants shall be appropriately attired for the rounds of the competition. Robes and collar bands are not permitted.
- ii. The Dress Code for the Inauguration, Researcher's Test, Oral Rounds and Valedictory & Prize Distribution shall strictly be:
 - a. **For Gentlemen** - Western Formals (White formal shirt with black formal pants and a black blazer); and
 - b. **For Ladies** - Western Formals (White formal shirt with black formal pants/black formal skirt and a black blazer) or Indian Formals.
- iii. On other occasions while on campus, participants may wear casuals or formals at their convenience.



III. CLARIFICATIONS

Clarifications to the Moot Proposition shall be sought by sending e-mail to aiumoot@gmail.com on or before 7th January, 2020. **Clarifications requests sent after this date shall not be entertained.**



IV. WRITTEN SUBMISSIONS

1. Strict Adherence to Rules Regarding Written Submissions:

All requirements have to be strictly followed. Non adherence to the same will attract penalties as provided under the Rules.

2. Written Submissions to be prepared from Both Sides:

Each team must prepare Written Submissions for both sides to the dispute.

3. Submission of Soft Copy of Written Submissions:

- i. The soft copies of the written submission from each side should reach the Organizers on **aiumoot@gmail.com** in “.pdf format latest by 11th January, 2020 **before 5 PM.**
- ii. Written Submissions from both sides shall be sent in a single e-mail.
- iii. A penalty of 1 mark shall be levied in case the written submission is submitted in any other format or as a multiple file by the team.
- iv. The team submitting the soft copy 2 days after the last date of the submission of the soft copy of the written submission will be disqualified from the competition.

4. Submission of Hard Copy of Written Submissions:

- i. One copy of the written submission from each side should reach the Organizers on the below mentioned address by 23rd January, 2020 (Only through Indian Post’s Speed Post)-

Dr. Geetika Walia,
Coordinator, Moot Court Committee
Rajiv Gandhi National University of Law, Punjab, Sidhuwal Campus, Bhadson Road,
Patiala – 147001.

- ii. The teams have to carry five copies of the written submission from each side and submit the same at the time of draw of lots.

5. No Difference between Soft Copy and Hard Copy of Written Submission:

The hard copy of written submission must be exact replica of the soft copy submitted with the Organizers. Any difference in the same will result in disqualification from the Competition.

6. Penalty for Late Submission:

- i. A penalty of 1 mark per hour per side shall be deducted in case of delay in submission of soft copy of written submission.
- ii. A further penalty of 1 mark per day per side shall be levied in case of delay in submission of hard copy of written submission.



7. General Conditions for Written Submissions:

- i. The Written Submissions shall not contain any form of identification apart from the team code. If any such identification or mark, symbol, etc. which has the effect of identifying the team is found on the written submission, then it shall result in instant disqualification of the participating team.
- ii. Appellant's Written Submissions are required to have a blue cover and Respondent's Written Submissions are required to have a Red cover.
- iii. A penalty of 1 mark per side shall be levied in case the team uses wrong cover of written submission.

8. Guidelines for Formatting:

- i. Written Submissions Structure: The Written Submissions must contain following contents:
 - a. *Cover Page* – The cover page shall contain the case title, side of the written submission, year of competition, name of the forum and team Code on top right corner;
 - b. *Table of Contents*;
 - c. *List of Abbreviations*;
 - d. *Index of Authorities*: The Index of Authorities must list all the authorities cited in the Written submission. The Index must indicate the page number(s) and/or the paragraph number(s) of the Written submission in which the authority is cited;
 - e. *Statement of Jurisdiction*;
 - f. *Statement of Facts*: The Statement of Facts must contain a concise statement of the relevant facts of the dispute. As far as may be, the Statement of Facts should be limited to the stipulated facts and legitimate inferences which can be drawn from those facts. Argumentative facts are prohibited. Statement of Facts shall not exceed 2 pages. Non-compliance will result in a penalty of 1 mark for each exceeded page;
 - g. *Issues Raised*;
 - h. *Summary of Arguments*: The Summary of Arguments should contain a summary of the substance of the arguments, and should not merely be a reproduction of the various headings and sub-headings of arguments. The Summary of Arguments shall not exceed 2 pages. Non-compliance will result in a penalty of 1 mark for each exceeded page;



i. *Pleadings / Arguments Advanced:*

1. All legal arguments must be limited to the Pleadings/Arguments Advanced section of the written submission. Non-compliance will result in a penalty of 2 marks.
2. The Pleadings/Arguments Advanced and Prayer must not exceed 20 pages. Non-compliance will result in a penalty of 1 mark per exceeded page;

j. *Prayer.*

Non-compliance with respect to sections (a) to (h) and (j) will result in a penalty of 1 mark for each missing section. Non-compliance with respect to section (i) will result in the Written Submission not being considered for evaluation at all.

- ii. **Team Code:** The team code must be ascribed on the top right corner of the cover page. The code must be succeeded by the side for which the written submission is prepared. The teams must use “A” for Appellant, P for “Appellant” and R for “Respondent.” For example: in case the Team Code is TC-100 the team must write “TC-100A” in case of written submission for Appellant and “TC-100R” in case of written submission for Respondent.
- iii. **Margin:** The Written submission must maintain an equal margin of 1 inch on all sides. Non-compliance will result in a penalty of 1 mark per each side of Written Submissions.
- iv. **Font, size and line spacing:** The text font should be Times New Roman or Garamond, size 12 and must be in 1.5 line spacing. Non-compliance will result in a penalty of 0.5 mark per incorrect format of font, size and line spacing with a maximum of 2 marks per page of the Written Submissions.
- v. **Footnotes:** The footnotes must be in font Times New Roman or Garamond, size 10 and singly spaced. There should be double line spacing between two footnotes. The Bluebook: A Uniform System of Citation (20th Edition) should be followed in the written submission throughout. Non-compliance will result in a penalty of 1 mark per page. Substantive/Speaking footnotes are strictly prohibited. Non-compliance will result in a penalty of 1 mark per substantive citation.
- vi. **Header and Footer:** The font used for the header/footer, if any, shall be Times



New Roman or Garamond, size 10, 1 spacing. Non-compliance will result in a penalty of 1 mark per page of the Written Submissions.

Page Limit: There is no maximum page limit on the Written Submissions and the pleadings/Arguments Advanced shall be of a maximum of 20 pages. No annexures, photographs, exhibits, etc. should be added to the written submission.

- viii. **Binding of Written Submission:** Since the University encourages eco-friendly practices hence, it is recommended that the teams bind their written submission with thread or staple the pages and tape the same or use any eco-friendly method of binding.
- ix. The written submissions shall be marked on a scale of 100 marks and the parameters which are laid down as under:

Sr. No.	MARKING CRITERIA	MARKS ALLOTTED
1	Evidence of Original Thought	20
2	Knowledge of Law and Facts	20
3	Proper and Articulate Analysis	20
4	Structure, Language and Grammar	15
5	Extent and Use of Research	15
6	Correct Format and Citation	10
	Total	100

9. Memorial Evaluation Round

- i. Participation in the oral rounds of the Competition would be subject to the Memorial Evaluation Round.
- ii. The number of Participating Teams shall be restricted to 42. If the number of registered teams exceeds 42, the Participating Teams shall be shortlisted on the basis of the memorials submitted by them.
- iii. The top scoring 42 teams would be allowed to participate in Oral Rounds.

[**Note:** The top scoring 42 teams shall send their confirmation after the result of the Memorial evaluation round by 27th January 2020 by sending an email on



aiumoot@gmail.com. Failing to do so, the organizers shall rescind their spot in their competition.]

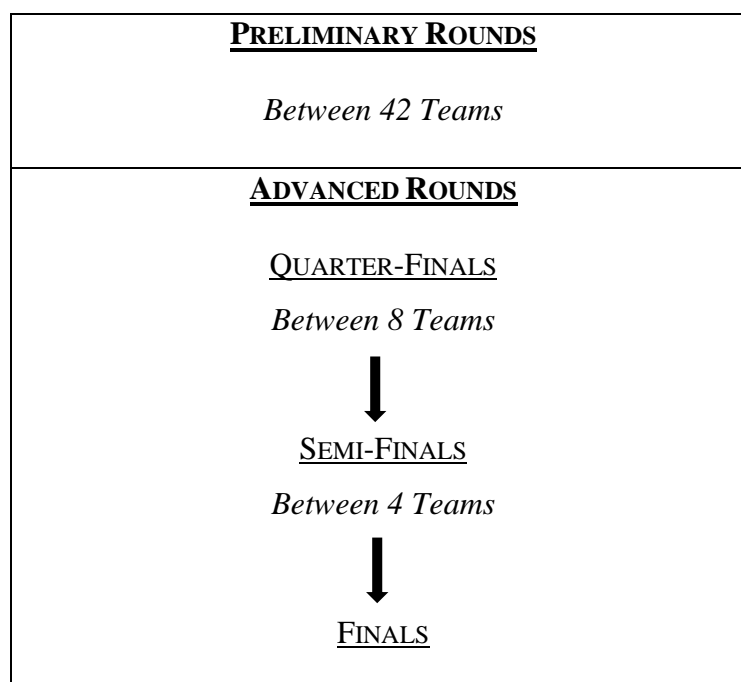
- iv. The marks that shall be considered for the Memorial Evaluation Round shall be the average Memorial Marks of memorials from both sides, without deducting any penalty.



V. ORAL PLEADING ROUNDS

1. *General Procedure:*

- i. Teams are requested to bring five (5) hard copies of the Written Submissions for each side to be submitted during the draw of lots on 14th February, 2020.
- ii. The language to be used during the Oral Pleading Rounds shall only be English.
- iii. The Competition shall consist of the following rounds:



- iv. During each of the abovementioned rounds, the order in which the teams shall present their arguments is as follows:
 - a. Appellant Speaker 1
 - b. Appellant Speaker 2
 - c. Respondent Speaker 1
 - d. Respondent Speaker 2
 - e. Rebuttal: Appellant - Any one of the two Speakers
 - f. Sur-rebuttal: Respondent - Any one of the two Speakers.Sur-rebuttal may be permitted only at the discretion of the Judges.



- v. The Best Speaker Award shall be determined on the basis of the individual aggregate score of the speaker taken only from the Preliminary Rounds. Individual Aggregate Score shall be determined as the sum of the following:
 - a) Score of Speaker in Preliminary Round I;
 - b) Score of Speaker in Preliminary Round II; and
 - c) Half of Memorial Score
- vi. The Researcher shall not be permitted to address the Court during the Oral Rounds. The Researcher may however, be permitted to pass notes to the Speakers at the discretion of the Judges. Such notes shall be passed through the court clerks present in the court room.
- vii. Teams are not permitted to raise issues in the Oral Rounds that have not been submitted in the Written Submissions.
- viii. The use of mobile phones, laptops, or any other electronic gadgets is strictly prohibited during the Oral Rounds, subject to the discretion of the judges.
- ix. Participants may use their own bare acts, print outs and commentaries provided that anonymity is not violated during the Rounds.
- x. The decision of the Judges as to the marks allotted to each team shall be final and binding.

2. Splitting of Time between Speakers:

- i. Teams shall notify the Court clerks of the division of time between the 2 Speakers (including time reserved for Rebuttal & Sur-rebuttal) 10 minutes prior to the commencement of the Rounds.
- ii. If Speaker 1 exceeds his/her reserved time, the additional time taken shall be deducted from the time reserved by Speaker 2. Similarly, if Speaker 2 exceeds his/her reserved time, the additional time taken shall be deducted from the time reserved for Rebuttals/Sur-Rebuttals as the case may be. This rule may not be followed if the additional time is awarded at the discretion of the Judges to not be deducted from the time of the subsequent Speaker.
- iii. While granting additional time, if the additional number of minutes granted is not specified by the Judges, it shall be presumed that the additional time granted is 2 minutes.



- iv. The finality of the decision as to the time structure and the right to Rebut or Sur-rebut shall vest with Judges.

3. Compendium:

- i. 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 Court clerks.
- ii. 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.
- iii. 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.

4. Exchange of Written Submissions:

- i. The exchange of Written Submissions shall take place prior to the Oral Pleading Rounds.
- ii. Teams are prohibited from making any marks on the opponent's Written Submissions thus exchanged. Teams are also prohibited from making any copies of the opponent's Written Submission, electronically or otherwise.
- iii. The opponent's Written Submissions shall be returned to the Court clerks after the completion of each Round.

5. Preliminary Rounds:

- i. Every team shall argue twice in the Preliminary Rounds, once for the Appellant and once for the Respondent.
- ii. No two teams shall face each other more than once in the Preliminary Rounds.
- iii. 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 14th February, 2020.
- iv. Each side shall get a maximum time of 30 minutes to present their arguments of which no Speaker shall be permitted to address the Court for more than 18 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. Each speaker is required to speak for a minimum of 12 minutes exclusive of time taken for Rebuttals and Sur-rebuttals.



6. *Scoring in the Oral Rounds*

1. **The Preliminary Rounds**

- 1.1. There will be two (2) Preliminary Rounds to ensure that each team is given the opportunity to argue from both sides of the Proposition.
- 1.2. The fixtures for the Preliminary Rounds shall be determined by draw of lots.
- 1.3. For the Preliminary Rounds, the winner of each such round shall be determined on the basis of the criteria of evaluation of the memorials scores and the speaker scores, as mentioned in the Rules below.
- 1.4. Each Round shall be decided by awarding a maximum of nine (9) points.
- 1.5. If the difference in memorial scores of the teams facing each other is equal to or exceeds seven percent (7%) of the maximum obtainable score, then three (3) points are to be awarded to the team with the superior memorial scores. If the difference in memorial scores is less than seven percent (7%) of the maximum obtainable score, then two (2) points are to be awarded to the team with the superior memorial scores and one (1) point is to be awarded to the other team. If there is no difference in memorial scores of the two teams then the teams will be awarded 1.5 points each.
- 1.6. If the difference in speaker scores of the teams facing each other as awarded by each judge in the Preliminary Round is equal to or exceeds seven percent (7%) of the maximum obtainable score, then three (3) points are to be awarded to the team with the superior speaker scores. If the difference in speaker scores is less than seven percent (7%) of the maximum obtainable score, then two (2) points are to be awarded to the team with the superior speaker scores and one (1) point is to be awarded to the other team. If there is no difference in speaker scores between the teams, then the teams will be awarded 1.5 points each for that judge.
- 1.7. If two or more teams have the same cumulative points, then the team with higher aggregate score shall be ranked higher. If two or more teams have the same cumulative points and same aggregate score, the team with the higher cumulative speaker scores shall be ranked higher. If two or more teams have the same cumulative points, same aggregate score and same cumulative speaker scores, then the team with the higher gross memorials score, i.e., the score of the memorials without deducting penalties, shall be ranked higher.



2. The Quarter Final Rounds

2.1. The eight (8) teams that proceed to the Quarter Final Rounds, as determined by the Rules above, shall each argue only ONCE for the side allotted by a draw of lots. The fixtures for the Quarter Final Rounds shall be as follows:

Rank 1 v. Rank 8 (Quarter Final Round I)

Rank 2 v. Rank 7 (Quarter Final Round II)

Rank 3 v. Rank 6 (Quarter Final Round III)

Rank 4 v. Rank 5 (Quarter Final Round IV)

2.2. For the Quarter Final Rounds, each team shall argue ONCE for the side allotted by a draw of lots.

2.3. Four (4) teams shall qualify for the Semi Final Rounds on a knock out basis, i.e., the winner of each Quarter Final Round shall qualify to the Semi Final Rounds. The knockouts will be decided on the basis of the rules mentioned above (1.6), i.e. based on the score of the oral rounds only.

2.4. In case of a tie, the team with higher aggregate speaker scores will be declared the winner for that round. If the aggregate speaker scores of the teams are the same, then the team with higher gross memorial score i.e., the score of the memorial without deducting penalties shall be ranked higher.

3. The Semi Final Rounds

3.1. The four (4) teams that proceed to the Semi Final Rounds, as determined by the Rules above, shall each argue only ONCE for the side allotted by a draw of lots. The fixtures for the Semi Final Rounds shall be as follows:

Winner of Quarter Final Round I v. Winner of Quarter Final Round IV

Winner of Quarter Final Round II v. Winner of Quarter Final Round III

3.2. Two (2) teams shall qualify for the Final Round on a knock out basis, i.e., the winner of each Semi Final Rounds shall qualify to the Final Round. The knockouts will be decided on the basis of the rules mentioned above (1.6), i.e. based on the score of the oral rounds only. The bench-strength for this round shall be an odd number but not one (1).



3.3. In case of a tie, the team with higher aggregate speaker scores will be declared the winner for that round. If the aggregate speaker scores of the teams are the same, then the team with higher gross memorial score i.e., the score of the memorial without deducting penalties shall be ranked higher.

4. The Final Round

4.1. The two (2) teams that proceed to the Final Round, as determined by the Rules above, shall each argue only ONCE for the side allotted by a draw of lots.

4.2. The team which wins the Final Round shall be declared as the 'Winning Team'. The other team shall be declared as the 'Runners-Up Team'.

4.3. The winner of the Final Round shall be determined on the basis of the rules mentioned above (1.6), i.e. based on the score of the oral rounds only. The bench-strength for the Final Round shall be an odd number but not one (1).

4.4. In case of a tie, the team with higher aggregate speaker scores will be declared the winner for that round. If the aggregate speaker scores of the teams are the same, then the team with higher gross memorial score i.e., the score of the memorial without deducting penalties shall be ranked higher.

7. Scouting:

- i. Scouting is strictly prohibited.
- ii. Any person may submit a complaint regarding Scouting to the Organizers.
- iii. Teams found scouting shall be disqualified immediately.

8. Delay in Appearance/Presentation:

If a team scheduled to take part in a Round does not appear within 10 minutes of the scheduled time, the other team present shall be allowed to submit ex-parte.



9. Scoring Criteria:

S. NO.	MARKING CRITERIA	Max Marks
1.	Knowledge of Law	20
2.	Application of Law & Facts	20
3.	Ingenuity and ability to answer questions	20
4.	Style, Poise, Courtesy, Demeanour	15
5.	Organisation and Flow of Arguments	15
6.	Reference to Memorials	10
	Total	100



VI. RESEARCHER'S TEST

7. The Researcher's Test shall be conducted on 14th February, 2020.
8. In a team consisting of three members, the member designated as Researcher shall take part in the test.
9. Participants are requested to write only the Team Code on the question paper.
10. The Researcher's Test shall be objective with the questions based on the applicable law, precedents and facts pertaining to the Moot Proposition.
11. The duration of the Researcher's Test shall be 60 minutes.
12. The Researcher's test shall consist of 50 (fifty) objective type questions carrying 2 (two) marks each. Each wrong answer would lead to a deduction of .50 marks.
13. No additional material such as the bare text of Acts, Written Submissions, etc. apart from stationery may be brought by the participant to the test and no such material shall be provided by the Organizers.
14. Score of the Researcher's Test shall be computed as the total of Score in Researcher's Test.
[**Note:** In case two or more students score the same aggregate marks in the Researcher's test, higher rank will be awarded to the student scoring more marks in the written submission of the memorials.]
15. The Winner of the Test shall be determined by the highest score attained.



VII. AWARDS

The following awards shall be awarded in the Competition:

- i. **Best Team:** the Team winning the final round of the Competition shall be given a trophy and cash prize of INR 30,000/- (Indian Rupees Thirty Thousand Only).
- ii. **Runners Up:** the runners up team in the final round of the Competition shall be given a trophy and a cash prize of INR 20,000/- (Indian Rupees Twenty Thousand Only).
- iii. **Team standing third:** the team standing third in the semi final rounds shall be given a cash prize of INR 8,000/- (Indian Rupees Eight Thousand Only).
- iv. **Team standing fourth:** the team standing fourth in the semi final rounds shall be given a cash prize of INR 5,000/- (Indian Rupees Five Thousand Only).
- v. **Best Speaker:** The speaker having the highest score in the preliminary rounds shall be given a trophy and a cash prize of INR 5,000/- (Indian Rupees Five Thousand Only).
- vi. **Best Memorial:** The team having the highest average written submission score from both sides shall be given a cash prize of INR 5,000/- (Indian Rupees Five Thousand Only)
- vii. **Best Researcher:** The participant having the highest score in the researcher's test shall be given a cash prize of INR 5,000/- (Indian Rupees Five Thousand Only)
- viii. Certificates of merit shall be given to all the teams qualifying for Quarter-finals and beyond.
- ix. Certificate of participation shall be given to all the participating teams.
- x. The awards, certificates of merit and certificates of participation shall be given during the valedictory ceremony to be conducted on 16th February, 2020. No certificate will be given to the team before or after the valedictory function.



VIII. ACCOMMODATION & FOOD

- i. Accommodation in the respective girls and boys hostel shall be provided to the participating teams for the duration of the competition.
- ii. All facilities shall be provided only to the registered members of a team and no additional members, parents, observers, coaches or faculty advisors shall be accommodated.

IX. MISCELLANEOUS

1. *General Etiquette:*

- i. Participants are expected to behave in a dignified manner and not to cause any inconvenience to the Organizers, the Judges of the Competition or any of the other participants.
- ii. The Organizers reserves the right to take appropriate action for any unethical, unprofessional or immoral conduct.
- iii. Facilities such as photocopying, library usage, internet connectivity, etc. may be provided subject to the convenience of the Organizers and will be informed to the teams closer to the commencement of the Competition. Irrespective, participants are requested to make their own arrangements for the same.
- iv. Administrator shall not be responsible for any loss of belongings of the team during the competition.

2. *Interpretation of Rules & Regulations:*

- i. All interpretations, as well as any waivers, consents or other decisions in the administration of the Competition are at the complete discretion of the Organizers.
- ii. Any decision made by the Organizers shall be final and binding on all participating teams.



X. Correspondence / Contact Data

1. Registration Formalities:

The address for correspondence for all Registration Formalities and Written Submissions is:

Dr. Geetika Walia,
Coordinator, Moot Court Committee
Rajiv Gandhi National University of Law, Punjab, Sidhuwal Campus, Bhadson Road,
Patiala – 147001.

XI. Moot Proposition/Rules and Regulation

Any and all clarifications and queries regarding the Moot Proposition and Rules & Regulations shall be sought only via e-mail to **aiumoot@gmail.com**.

Any other queries (other than the Moot Problem) may be directed at the following persons:

Dr. Geetika Walia	Faculty Co-coordinator	+91 9646023882
Ms. Shruti Tandon	Student Convener	+91 8860951750
Mr. Sahil Sharma	Student Co-Convener	+91 9915404103



1st AIU NATIONAL MOOT COURT COMPETITION, 2020

(14th February, 2020 – 16th February, 2020)

LIST OF IMPORTANT DATES

Notification of the Competition and Release of the Moot Proposition	11 th December, 2019
Last Date of registration form (submission of registration form online)	6 th January , 2019
Allotment of Team Codes	6 th January, 2020
Last Date for Seeking Clarifications	7 th January, 2020
Release of Clarifications	10 th January, 2030
Last Date of Submission of Soft Copy of Written Submissions	20 th January, 2020
Last Date of Submission of Hard Copy of Written Submissions (1 copy each side)	23 rd January, 2020
Result of Memorial Evaluation	27 th January, 2020
Opening of link of online Payment	27 th January, 2020
Confirmation of Participation	28 th January, 2020
Closing of link of online Payment	31 st January, 2020
Last Date of Submission of Hard Copy of Registration Form	8 th February, 2020
Last Date for mailing Travel Forms	8 th February, 2020
Draw of Lots and Exchange of Written Submissions	14 th February, 2020
Researcher's Test	14 th February, 2020
Preliminary Rounds	15 th February, 2020
Quarter and Semi Final Rounds	15 th February, 2020
Final Rounds	16 th February, 2020
Valedictory and Prize Distribution	16 th February, 2020



1st AIU NATIONAL MOOT COURT COMPETITION, 2020

(14th February, 2020 – 16th February, 2020)

Annexure I – REGISTRATION FORM

NAME OF THE INSTITUTION: _____

PRIMARY CONTACT NO.: _____ EMAIL ID: _____

SPEAKER 1: _____

GENDER: _____ CONTACT NO: _____

EMAIL ID: _____

Photograph of the
Participant

SIGNATURE

SPEAKER 2: _____

GENDER: _____ CONTACT NO: _____

EMAIL ID: _____

Photograph of the
Participant

SIGNATURE



RESEARCHER: _____

GENDER: _____ **CONTACT NO:** _____

EMAIL ID: _____

Photograph of the
Participant

SIGNATURE

PAYMENT DETAILS

DUREFERENCE NUMBER: _____

NAME & SEAL OF THE HEAD OF THE INSTITUTION

NOTE: All Communications shall be done by the Organizers on the primary Contact and Email Id.

Moot Proposition



1. Indistan is a sovereign socialist secular democratic republic. It has 28 states and 9 Union Territories. Constitution of Indistan provide for federal form of government wherein legislative and financial domain of Union and State governments are spelt out in the Constitution. Indistan is a multi-lingual, multi religious and multi-cultural polity. Indistan shares its international borders with various countries including Chuckistan. Chuckistan uses terrorism as a foreign policy tool and trains and sends terrorists across the border to create instability in Indistan.
2. Constitution of Indistan provided for bicameral legislature at the federal level. Union Parliament of Indistan consist of two houses i.e. Council of States (upper house) and House of People (lower house). Lower house is elected by people of Indistan directly and the term of the house is five years. Upper House is a permanent body and is not subject to dissolution. Each of the 28 states and Union Territories with legislature have representation in Upper House. Number of seats allotted to each State in the Upper House are described in Fourth Schedule of the Constitution of Indistan. Representatives of each State in the Upper House are elected by elected members of legislative assembly of each state in accordance with the system of proportional representation by means of single transferable vote by virtue of Article 80 of the Constitution of Indistan. As per Article 80, Council of States shall have 238 (two hundred and thirty eight) representatives of the States and Union territories and twelve nominated members.
3. The term of members of Upper House is six years. However, being a permanent body, one third of members of Upper House retire every two years and the vacancies thus arising would be filled by elections wherein members of State legislature would elect their representatives as per Article 80 of the Constitution of Indistan. The
4. Representation of the People Act, 1951 enacted by Parliament of Indistan provides in section 154 that term of office of members of Upper House shall be six years, however, a member chosen to fill a casual vacancy shall be chosen to serve for the remainder of his predecessor's term of office. To ensure compliance with this provision for retirement of one third members every two years, it was provided that upon upon the first constitution of the Council of States the President shall, after consultation with the Election Commission, make by order such



provision as he thinks fit for curtailing the term of office of some of the members then chosen in order that, as nearly as may be, one-third of the members holding seats of each class shall retire in every second year thereafter. Accordingly, President of Indistan issued Council of States (Terms of Office) Order, 1952.

5. Therefore, as per the constitutional scheme, representatives of the State in Upper House would represent the current legislature of the State and the previous legislature, since one third members would retire every two years. As such, Upper House would represent the will of two successive legislatures of the State. Thus, Upper House of the Parliament of Indistan represents a wider shade of opinion than the Lower House.
6. One of the States of Indistan, Punjpani, is a border state having international borders with Chuckistan. Punjpani was a very prosperous state. Chuckistan exploited religious sentiments and used terrorism to destabilise Punjpani with a view to destabilize Indistan. Cross border terrorism and spate of killing of innocent people in the name of religion etc created havoc in the State of Punjpani. Militancy continued for a period of two decades.
7. Constitution of Indistan provides in Article 356 that if the President is satisfied that the government of a State cannot be carried on in accordance with the Constitution, President may issue a proclamation imposing President's Rule. During this period of two decades, Article 356 was used as many as five times since the government of the State could not be carried on in accordance with the Constitution due to various factors including failure of the governments to maintain law order and to prevent killing of innocents on religious grounds. Militancy ended in 2016. President's Rule continued for around five years (from 2011 to 2016) and as such there was no State legislature to elect representatives to the Council of States from 2011 to 2016. Elections to State Legislature were held in 2016 and popular government led by SSP (SS party) was formed. In 2016, all seats of Council of States from Punjpani (seven seats) were vacant (seats fell vacant in 2011, 2013 and 2015) and notification for filling of all seven seats was issued and all seats were filled simultaneously.
8. As per the notification issued under the Representation of the People Act, the tenure of all members, thus elected, was fixed as six years. The government led by SSB party fell due to split in the party in December 2016 and elections were held to State legislature again in February 2017 and a new government led by Indian nationalist party (INP) was formed in



March 2017.

9. Interestingly, the tenure of members of Upper House from Punjpani would expire in June 2022 whereas the tenure of the present state legislature would expire in February 2022 and as such the current legislature would have no representation in the Council of States. This was not acceptable to the current government of Punjpani and they submitted a memorandum to President to issue a Presidential Order curtailing the tenure of members of Council of States from Punjpani (elected in 2016) to two, four and six years respectively by draw of lots so that atleast one third members retire every two years in accordance with the spirit of the Constitution. It was pleaded by the members of INP that current legislature would not have any representation in the Upper House and that would be unconstitutional being against the spirit of the Constitution.
10. President of Indistan issued a Council of States (Tenure of Members from Punjpani) Order, 2018 whereby tenure of two members was fixed as two years ending in June 2018, four years for another two members and six years for remaining three members. The Presidential Order was challenged by the Members of Council of States from Punjpani (Som S, Dom S and Others) elected in 2016 in the High Court of Punjpani and the High Court of Punjpani in November 2018 declared the Presidential Order as illegal on the ground that there was no legal basis in Representation of Peoples Act, 1951 for such an Order and hence, Presidential Order is devoid of force. No appeal or review petition was filed against such order by the parties to such petition.
11. INP contends that the Union has not contested that matter properly in the High Court resulting in declaration of the Presidential Order as void. INP has filed a petition in the Supreme Court claiming that the current legislature does not have any representation in the Upper House and that giving tenure of six years to all representatives from Punjpani (elected in 2016) is unconstitutional and against the spirit of the Constitution. They contend that Council of States was constituted to reflect the will of successive State legislatures and unless the same is restored by way of Presidential Order, the system of electing all members from Punjpani simultaneously would result in anomalous situations in future also.



12. They have prayed for the following reliefs

- To declare that the notification fixing tenure of members of Upper House elected in 2016 is illegal
- To issue appropriate order/writ/direction to the Union to issue a notification fixing the term of such members in such a way to ensure that one third members retire every two years
- To direct the Union to make appropriate amendments in the Representation of the Peoples Act, 1951 in line with constitutional sentiment

NOTE:

- 1) That Constitution of Indistan is analogous to Constitution of India and all laws in force in Indistan are analogous to laws in force in India
- 2) That third proviso to Article 356(4) is applicable to State of Punjpani in respect of Presidential proclamation issued on 11th May 2011 and all other dates shall be construed accordingly.