

THE 7TH AMITY NATIONAL MOOT COURT COMPETITION 21-23 Feb. 2014

Information Brochure
MOOT PROPOSITION AND RULES &
REGULATIONS OF THE
COMPETITION



**MOOT COURT COMMITTEE
AMITY LAW SCHOOL LUCKNOW**



**RULES AND REGULATIONS FOR THE SIXTH AMITY NATIONAL MOOT COURT
COMPETITION 2014**

These rules are to be called the '**Rules for the 7thAmity National Moot Court Competition 2014**'

Whereas;

- i.) Administrator/Organizers mean Amity Law School, Lucknow Campus.
- ii.) Participating team means the team which has registered itself for the competition as per the rules of registration given below.
- iii.) Participating college/university/institution shall be presumed as the parent institution of the participating team.
- iv.) All the rules are only inclusive and not exhaustive for the competition.
- v.) Rules should be strictly adhered to. Any deviation wherefrom would attract disqualification.
- vi.) All decisions by the organizers in case of any disputes/doubts, etc will be final. The organizers may make such rules and procedures at any point of time, as it deems fit.
- vii.) Imposition of penalties including disqualification rests solely with the organizers in case of failure to comply with the rule(s) and deadline(s).
- viii.) The dates and time of the event shall be derived and referred from the Event Schedule Brochure provided with this brochure.
- ix.) All the E-Mails shall be sent to amitylawschoollko@gmail.com. No alternate address shall be used for any communication, whatsoever.

I. Date and Venue: The 7th AMITY NATIONAL MOOT COURT COMPETITION shall be held at Amity Law School, Lucknow Campus, from **21 to 23 February, 2014.**

Address of the Venue:

Amity Law School

Amity University, Mango Orchard Campus

(Near Malhaur Railway Station), Gomti Nagar Extension

Lucknow- 226028 (Uttar Pradesh)

*All the other dates are mentioned in the **Date Sheet**, provided in the later part of this brochure.*

II. Dress Code: Inside the Court Room the participants shall be in Formal Wears only.

i.) Female(s): White salwar and kurta or White Shirt and Black pant along with Black Coat and Black Shoes.

ii.) Male(s): White shirt, Black Trousers, Black Tie along with Black Coat and Black Shoes.

(No ID shall be used or borne except that provided by the organizers at the time of on campus registration.)

III. Language: The medium of the competition shall be English.

IV. Eligibility: The competition is only open for students who are currently pursuing their Bachelor's degree in Law i.e. 3 Year LL.B. or 5 Year LL.B. Programme.

V. Team Composition

a.) Each team shall consist of a minimum of 2 and maximum of 3 members. No additional team member other than the above three shall be entertained.

b.) There shall be 2 speakers and 1 researcher designated in each team. Teams shall identify such speakers and researcher during the on campus registration. In case of a 2 member team, single person act as a Speakers and the researcher.

c.) Each team will have a team code (designated during draw of lots).

d.) Teams shall not disclose their identity or that of their institution. However, the speakers can disclose their names only to the bench during the oral arguments.

VI. Registration

The registration process consists of the following 2 Steps:

Step 1: Register the name of your team on the website (<http://amitylucknowmoot.c.la>) **OR** Send team details and willingness to participate with 'Registration 7th Amity National Moot' as subject by an **E-Mail** to amitylawschoollko@gmail.com

Step 2: Send (via Courier/ Speed Post/ Registered Post) the filled in **Registration and Travel Forms** (hard copy) along with a **Demand Draft of Rs. 1500/-** in favour of **Amity University Uttar Pradesh**, payable at **Lucknow**.

The above mentioned formalities (*Step 1 and Step 2*) should be **completed by 31st January 2014 by 1700 Hours**.

NOTE : The Demand shall be dispatched via Speed Post, Registered Post or courier. For Courier only **First Flight** and **DTDC** shall be used as not all the courier agencies provide service in this area. In case of Courier being sent by any other agency than abovementioned then the institute shall not be responsible for it.

VII. Researcher's Test:

- I. A researcher will be conducted after on campus registration on 21th Feb. 2014.
- II. Test shall be of 100 marks and shall consist of MCQ (Multiple Choice Questions) and VSAQ (Very Short Answers Questions).
- III. Negative Marking of $\frac{1}{4}$ marks will take place for every wrong answer.
- IV. Duration of test will be 1 hours.

VIII. Rounds

Draw of lots

Each team will be provided with a **Team Code** randomly by picking chits once they report at the venue. Also, each team shall be assigned a side (petitioner/respondent) based on the chit it picks during the draw of lots. Fixtures of the teams will be predetermined based on the team codes.

Preliminary Round

It shall be a knock-out round. Each team shall represent only one side as decided during the draw of lots. The scores of the teams awarded by the judges will consequently decide the winner of each courtroom.

Quarterfinal Round

Top eight teams among the courtroom winners at the preliminary round shall proceed to the quarterfinals. The sides of the teams and the fixtures shall be determined by draw of lots.

Quarterfinal rounds shall also be the knock out rounds.

Semi Finals

The winners of each courtroom fixture (4 teams) in the quarter final rounds, shall proceed to the semi-finals. Semi-finals will again follow the knock out fashion.

Final Round

The winner of each courtroom fixtures (2 teams) at the semi-final rounds shall be the finalists.

IX. Memorials and their submission: The following requirements for memorials shall strictly be followed. Any non- compliance with the same shall attract penalties.

i.) Each team must prepare memorials for both sides to the given case (Appellant and Respondent or as the case may be)

ii.) Once the memorials have been submitted through the soft copy, amendment in any form whatsoever shall not be allowed and it (soft copy duly received by the organizers) shall be deemed final. Any amendment in the hard copy shall attract penalties.

iii.) No team shall mention its identity viz, Name of the institution/ college/ University, anywhere on the Memorial. Doing this may lead to disqualification of the team.

iv.) The pleadings, i.e., the arguments advanced shall not exceed a maximum of 15 pages.

v.) Submission of Memorials:

- **Soft Copy** of the Memorials [*only in docx or doc format*] for Appellant/ Petitioner and Respondent must reach the organizers via E-Mail to ***amitylawschoollko@gmail.com on or before 13th February, 2014 by 1700 Hour.***
- **6 Hard Copies** each of the memorial for Appellant/ Petitioner and Respondent *shall be submitted at the venue.*

vi.) It's the responsibility of the respective teams to ensure that the correct number of copies of the memorial(s) is submitted to the organizers. The organizers shall not entertain any request for printing the copies of the memorial. However, the teams can manage such requirements on their own.

vii.) Format of Memorials

- **Cover Page:** The cover page of the memorial must state the following:
 - i.)** The cause title

ii.) Color of the cover page must be **Blue** in case of Petitioner/Applicant & **Red** in case of Defendant/Respondent. The colour of the cover page shall compulsorily be Red and Blue (as the case may be) and no other variant of the colour shall be used.

Note: Identity of the institution shall not be revealed anywhere in the memorial as well as any annexure and book passed during the pleadings. Violation of this provision shall result in penalties including disqualification. The Organizer's decision shall be final.

- The table of contents
- The index of authorities
- The statement of jurisdiction
- The statement of facts
- The statement of issues
- The following parts of the memorial shall not exceed 30 typed A4 size pages.
- The summary of arguments
- The arguments advanced/detailed arguments.
- The prayer

viii.) Font Size

The font of the body of the memorial shall be Times New Roman, size 12 & headings shall be 14.

The font of the footnotes shall be Times New Roman, size 10.

ix.) Memorials should either be stitch or staple bound. Any other binding of memorials will attract penalty

x.) Memorials must have at least one inch margin on all sides of each page

xi.) Page numbering should be at the bottom middle of each page.

xii.) The memorial must not contain any annexure/photographs/sketches/exhibits/affidavits, etc.

X. Marking of memorial

Every memorial will be marked on 100 marks and the team memorial marks will be the average of the total of both sides.

The following shall be the marking scheme:

Allotment of Marks-

1. Knowledge of Facts and Law 20
2. Proper and Articulate Analysis 20
3. Extent and Use of research 20

4. Clarity and Organization 20
5. Correct Format and Citation 10
6. Grammar and Style 10

Grand Total 100

XI. Oral Rounds

In each oral round a team will be represented by two speakers who present arguments. The researcher will not participate in the arguments but will be seated along with the speakers.

i.) Preliminary and quarterfinal Rounds

- Each team will get a total of 30 minutes to present their case. The time includes questioning by judges. Each Speaker shall not exceed a maximum of 18 minutes. Time to be taken by each speaker has to be duly notified to the court master. The teams are also required to specify the time for their rebuttal duly before proceeding with the oral arguments. It must be noted that 'Sur rebuttal' is strictly not permitted.
- The division of time is at the discretion of the team members, however, it must be in consonance with the maximum time that can be consumed by a Speaker. Division of time should be informed to the Court Masters before the beginning of the rounds.
- Passing of notes to the speakers by the researcher during the rounds is allowed.
- A maximum of 5 minutes may be reserved for rebuttal. (5 mins shall be within the allotted 30 mins)
- Judges may at their discretion, extend the time allotted for the oral arguments up to a maximum of 10 minutes.
- All teams are expected to carry with themselves any case law and authorities which they intend to refer to.

ii.) Semifinal & Final Rounds

- Each team will get a total of 45 minutes to present their case.
- The division of time is at the discretion of the team members. Division of time should be informed to the Court Masters before the beginning of the rounds.
- 5 mins time shall be provided for rebuttal (5 mins time shall be within the allotted 45 mins.)

XII. Scoring: The Marking scheme for the evaluation of the oral arguments shall be the following:

S. No Marking Scheme Marks Allotted

1. Knowledge of Facts and Law 20

2. Logic and Reasoning to apply the Legal Principles 20
3. Ingenuity & Ability to answer questions 20
4. Time Management and Organization 20
5. Court Etiquettes/ Deference to the court 10
6. Persuasiveness 10

Grand Total 100

XIII. Awards

- i.) *Winner's Trophy & Cash Prize*
- ii.) *Runner Up's Trophy & Cash Prize*
- iii.) *Best Speaker Award & Cash Prize*
- iv.) *Best Memorial Award & Cash Prize*

In addition to the above awards, certificates shall be issued to all the participants.

Note: Best Memorial Award will be judge on commutative scores of Researcher's Test and Memorial Scores.

XIV. Accommodation, food and transport

Accommodation, food and transport to the participating teams will be provided by the Organizer in the college campus itself. No other place of stay shall be provided. The teams must bring along a maximum of three members. Any additional member shall not be entertained during the competition.

The participants must abide by the rules and regulation observed in the campus and the hostel, non-compliance with which may lead to disqualification.

Note: Intake/use/mere possession of any prohibited substance (e.g. cigarette/alcohol/narcotic substance) is strictly prohibited during the stay throughout the competition, non-compliance with which may lead to immediate disqualification.

XV. Date Sheet-

Following are the important **Last Dates** to be complied with:

- 1.) **Date of registering on the website (<http://www.amitylucknowmoot.c.la>) OR sending confirmation E-Mail to amitylawschoollko@gmail.com**

AND

Filled in Registration and Travel Forms (hard copy) with Demand Draft of Rs. 1500/-, in favour of Amity University Uttar Pradesh payable at Lucknow (to be sent via

Courier/ Speed Post/ Registered Post to the postal address) : 31st January 2014 by 1700 hours.

2.) Date for the submission of Memorials (soft copy via Email to amitylawschoollko@gmail.com) : 13th February 2014 by 1700 hours.

Note: 6 hard copies of the Memorials (each side) shall be submitted to the organizers at the time of reporting to the venue.

Hard copy of Registration and Travel form and the demand draft shall be sent to the following address:

**Amity Law School
Amity University, Mango Orchard Campus
(Near Malhaur Railway Station), Gomti Nagar Extension
Lucknow - 226028
Uttar Pradesh**

XV. Contacts:

The following persons can be contacted in the event of any query or clarification relating to any information released in the brochure or any detail related to the competition.

Moot Court Faculty Co-ordinator

Mrs. Vijeta Dua Tandon(Ph.+91 -9628169882)

Mr. Ankit Awasthi (Ph. +91-9919521188)

Student Conveners

Mr. Priyesh Mishra (Ph. 09044449137)

Mr. Animesh Kumar (Ph. 09336853484)

Student Coordinators

Ms. Akanksha Pandey (Ph. +91-7376543249)

Ms. Arunima Singh (Ph.+91- 8400112725)

Transport and Accommodation In-charges

Mr. Rodraksh Raghuvansi (Ph. 0950911588)

Ms. Priyanka Bhatnagar (Ph. 09415225939)

Ms. Harsha (Ph. 9532336685)

P.R. Student Co-ordinator

Ashish Mishra

For more information and regular updates related to the competition,

Visit us at- <http://www.amitylucknowmoot.c.la>

Like us at- <http://www.facebook.com/ANMCC.lko>

All Emails shall be sent to amitylawschoollko@gmail.com

XVI. IMPORTANT DATES:



Dec. 10, 2013-	Release of proposition & registration begins
Jan. 28,2014-	Last date of online submission of form and fees
Jan. 31, 2014 -	Close of registrations
Feb. 13, 2014 -	Soft Copy submission of Memorials
Feb. 21, 2014 -	On Campus Registration
Feb. 21, 2014 -	Researcher's Test
Feb. 21, 2014 -	Inauguration
Feb. 21, 2014 -	Draw of Lots/Fixtures for Day 2
Feb. 21, 2014 -	Exchange of Memorials for Day 2
Feb. 22, 2014 -	Prelims & Quarter Rounds
Feb. 22, 2014 -	Draw of Lots/Fixture for Day 2
Feb. 22, 2014 -	Exchange of Memorials for Day 3
Feb. 23, 2014 -	Semis & Final Rounds

Feb. 23, 2014 -

Valedictory Sessions

Feb. 23, 2014 -

Results

Note: Time for the above mentioned programmes will be intimated accordingly.



REGISTRATION FORM

Undertaking:

- i. We hereby express our willingness to participate in the said competition.
- ii. We hereby state that our participation complies with the rules of the competition.
- iii. We certify that the memorials submitted are prepared by us and indemnify the organizers for any claim or dispute arising out of the further use or exhibition of these materials.
 - (Avoid over writings)

NAME AND ADDRESS OF INSTITUTION (use capital letters)

NAME OF THE PARTICIPANTS (USE CAPITAL LETTERS)

S.NO	NAME	E-MAIL	PHONE NO.	SIGNATURE
1.	(Speaker) Mr./Ms.			
2.	(Speaker) Mr./Ms.			
3.	(Researcher) Mr./Ms.			

Date:

Seal and signature of the Head
of the Institution

7TH AMITY NATIONAL MOOT COURT COMPETITION

FEB. 21 – 23,2014

ORGANISED AT

AMITY LAW SCHOOL, LUCKNOW

TRAVEL PLAN

1. Name of Institution:

2. Arrival Details:

a) Mode of Arrival: Train/Air/Bus:

b) Train/Flights No. & Name:

c) Scheduled Time of Arrival:

d) Coach No. (in case of Train):

3. Departure Details:

a. Mode of Departure: Train/Air/Bus:

b. Train/Flights No. & Name:

c. Scheduled Time of Departure:

d. Coach No. (in case of Train):

4. Any other details:

MOOT PROPOSITION

THE 7TH AMITY NATIONAL MOOT COURT COMPETITION, 2014

Disclaimer: All the names used and events described in this proposition are fictitious. Resemblance of any kind and magnitude to any name, person, organization or event whatsoever is purely co incidental. This is a fictitious problem /case with the following fact matrix. The counsels are expected to operate within the four corners of facts and issues raised therein. They can argue on creative lines despite the decisions of any court on similar facts.

Facts of the case are as follows:

1. Nazolia, a country divided on the basis of racial and tribal hatred gained its independence from the European Continent in the late 1990s.
2. Soon after its independence the country struggled throughout its history as to what form of government would it adopt? Due to internal dissension among the various tribal groups, the concept of a viable unified nation could not be attained.
3. After a long struggle, the country adopted a liberal democratic constitution and a responsible government through a popular vote but pretty soon a coup d'etat was arranged by a right wing military faction of the government led by Mr. Lucanka . Mr. Lucanka became the President of the country.
4. Lucanka defended the rights and liberties of Hakayu tribe against its arch tribal rival, Masauri. His aggressive campaign against the Masauri tribe included hate speeches, confiscation and appropriation of their property.
5. The ruling military government made Draconian laws which virtually created a death trap for many citizens. This created a sense of animosity among the two rival tribes and there were frequent clashes among the two groups.
6. During these turbulent times the government of Nazolia led by Mr. Lucanka vehemently opposed the Rome Statute of International Criminal Court saying that the Statute is completely imperialistic in nature and its jurisdiction will violate its internal sovereignty. The government said that International Criminal Court is nothing but a hand tool of the European and American ideology.

7. During its term the government grew aggressive in its stand towards the Masauri tribe and openly preached and propagated hate speeches towards the community.
8. The government was under tremendous pressure from the International Community to mend its ways and was even threatened with economic and political sanctions from the United Nations. The government did not pay attention to these pressures and refused to sign and ratify the Rome Statute of International Criminal Court.
9. During the military regime there were frequent clashes between the Masauri and the Hakayu tribe. It was alleged that the Hakayu tribe were being supported by the Government and the military elite. It was also alleged that members of the Hakayu tribe threatened the Masauri tribes with dire consequences in all forms of media. The media reported that the Hakayu tribe was being funded secretly by the ruling government. It was said that government was secretly aiding and training the men of Masauri tribe in military warfare for carrying out a systematic and meticulous extermination of the Masauri tribe.
10. Due to its repressive policies Nazolia faced economic and political sanctions from the United Nations and was virtually isolated from the international regime.
11. The hostilities between the two tribes reached a breaking point when the leaders of Masauri tribes organized a national rally to air their grievances. In this gathering the leaders openly talked about an existing nexus between the government and the Masauri tribe. They condemned the Masauri tribe and the government for supporting and sponsoring the vendetta.
12. Soon after the rally speech there was an outbreak of violence, which was unprecedented in the history of the nation. The Masauri people houses were burnt, men women and children were massacred on a large scale. Masauri women were humiliated and raped. Children of the Masauri tribe were forcibly transferred and were ultimately reported as missing.
13. Hospitals which were controlled by the government forcibly carried out operations which prevented birth of male children among the Masauri tribe.
14. Jazulu, the province which has the highest density of population of Masauri witnessed the most tragic incident when thousands of Masauri citizens died due to the asphyxiation. The matter caught the attention of the world when it was discovered that the reason for asphyxia was the use of toxic gas used for the production of drugs and chemicals. This

sector was completely controlled by the Government and it was alleged that this was a deliberate attempt by the government to wipe the entire ethnic population of the Masauri tribe. A National Investigation Committee was set up and it was reported that the National Census Department had leaked the data which showed the highest concentration of Masauri people in the entire country to some of the prominent leaders of the Hakayu tribe. The Government vehemently opposed its involvement in the matter, and said that the atrocities and violence are a ruse manufactured by the Masauri tribe itself. The government said that these are artificially created situation by the Masauri leaders themselves and their bigger plan is to create a situation of civil war and to topple the government.

15. Throughout the series of events, the government refused to acknowledge the situation as a non-international armed conflict under Common Article 3 of all the Four Geneva Convention.
16. Things became worse when the Masauri people staged a huge demonstration in front of the President Lucanka's official residence and blamed the government for the outbreak of the hostilities. Things became violent when few gunshots were fired and as a result the crowd grew violent and tried to storm the presidential palace.
17. The police and military officials came down with a heavy hand and most of the civilians were gunned down or is headed at the President's official residence. The leaders of Masauri said that the crowd was completely peaceful and the officials had a specific intent and design to exterminate the peaceful crowd beforehand.
18. As a domino effect, Masauri people were systematically killed all over the nation.
19. The atrocities continued until 2014, when, international community created tremendous pressure on the ruling government of the country and it had to conduct its first periodic election since the coup.
20. The new democratic government under Prime Minister Nakobi, immediately signed and ratified the Rome Statute of International Criminal Court.
21. The newly elected government tried to prosecute former President Lucanka through its municipal courts but eventually discovered that most of the judges of the country were loyalist right wing member of Luckanka's party, at the same time, it had difficulty in

controlling some of the regions which were completely inhabited by members of the Hakayu tribe.

22. Anticipating that the national trial would be nothing but a sham, the government now being a state party to the Rome Statute, referred the case to the Prosecutor of the International Criminal Court under Article 13 of the Rome Statute of the International Criminal Court and handed over all the documents which suggested Lucanka's involvement in the systematic genocide against the Masauri tribe. The report contained the incidents at the President's residence, the asphyxiating gas incident, the conspiracy hatched by the National Census Department to kill the residents of Jazulu and other plots to exterminate the population of Masauri tribe.
23. The Prosecutor of International Criminal Court took cognizance of the matter and initiated an investigation under Article 53 of International Criminal Court. He received evidence and documents from the State and submitted its report to the Pre-trial chamber. The Pre-trial chamber issued arrest warrants in the name of Mr. Lucanka accusing him of committing acts of genocide under Article 6 of Rome Statute of ICC. Mr Lucanka pleaded not guilty against the charges framed.
24. Subsequently, the case was taken to The Trial Chamber of the International Criminal Court where Mr. Lucanka raised issues regarding the jurisdiction of the court. It was said that all the alleged crimes were committed before 1 July 2002, and ICC could not apply its jurisdiction retrospectively. Also, he was not tried before the national tribunal and the exhaustion of the local remedies rule was violated.
25. Mr .Luckanka defense also raised a point that during his regime he never ratified the Rome Statute of ICC. The newly elected regime is not a legal government because it still does not control a sizeable portion of Nazolia, and therefore does not qualify the "effective control test."
26. He denied involvement in any of the Genocidal activities and said that the incident at the President's official residence was done in pursuance of self-defense as provided under Art 31 (c) of the Rome Statute. His defence said that the Masauri tribe had specifically gathered there with pre meditation to kill his family and burn his residence. This amounted to self-defense. At the same time, it was argued that the prosecution failed to

show 'dolus specialis.' Or 'dolus aggrave.' which is an essential element to prove the 'specific intent.' in the offence of genocide.

27. It was also said that his arrest and detention was illegal. His defense said that he was arbitrarily arrested and detained by the National Authorities of the Nazolia before being transferred to International Criminal Court. He was detained in Nazolia for three months without learning the charges against him and without being charged and his arrest warrant was written in the English language which he did not understand. These grounds should vitiate the trial.
28. The prosecutor maintained that ICC did have jurisdiction over this matter and there was no question of retrospective effect to ICC Jurisdiction. The Prosecutor argued that although some of the incidents occurred before 1 July 2001 but they continued till 2014 which makes it the case of Continuing Offence under International Criminal Law.
29. The incidents regarding the asphyxiating gas, collusion between the Government, nationalized hospital and Census department and the killing at President's palace clearly show the intent for Genocide.
30. During the trial, another coup was arranged by another military faction of the government which was loyal to Lukanaka and withdrew Nazolia from the Rome Statute of ICC. The accused made this a ground of his defense and said that ICC does not have jurisdiction over him.

Note: Taking into account various aspects of the case matrix, arguments are to be put forward from the side of both Appellant/Petitioner & Respondent of the case keeping in mind the principles of International Criminal law, Rome Statute of ICC, Relevant cases of ICTY and ICTR. Pleas in addition to those set out above will be appreciated.

Proposition drafted by Mr. Bhanu Pratap, Faculty, Amity Law School Lucknow.

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