

### 3<sup>rd</sup> GRAND INTRA MOOT COURT COMPETITION 2019

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The Indraprastha Moot Court Society (hereinafter, IMCS) at the University School of Law & Legal Studies, GGSIPU with the object of developing the skills of written and oral advocacy in law students, striving to give students exposure to court room procedure and practice, and to ensure that the best teams represent University School of Law & Legal Studies at the various National Moot Court Competitions, hereby adopts the following rules of procedure for selection of teams from first year to represent the college for the academic year 2019-2020, through 3<sup>rd</sup> Grand Intra Moot Court Competition 2019.

#### I. ORGANISATION OF THE COMPETITION

The competition is presented by the Moot Court Society of the University School of Law & Legal Studies. The competition is organised and administered by the IMCS.

#### II. SCHEDULE

*All selections for the moot court competitions during the academic year 2019-2020 will be based on the 3<sup>rd</sup> Grand Intra Moot Court Competition 2019 scheduled to be conducted on 17 August 2019.*

#### III. QUALIFICATION FOR THE NATIONAL AND INTERNATIONAL MOOT COURT COMPETITION

- The Teams declared qualified in the Intra Moot Court Competition shall be eligible to participate in two National Moot Court Competition in the academic year 2019-2020. The selection for the International Moot Court will be based on trials conducted by the IMCS.
- The team composition adopted in the Grand Intra-Moot 2019 shall remain frozen for the entire year. No changes shall be permitted for any reason.

#### IV. PARTICIPATION AND ELIGIBILITY

- Only the 2<sup>nd</sup> to 5<sup>th</sup> Year students pursuing LL.B. from the University School of Law & Legal Studies as on 1<sup>st</sup> August 2019 are eligible for the application.
- The students who were on the “List of Defaulters” published on the university website are refrained from participating in the competition.
- The members of the Organization Committee are refrained from participating in the Intra Moot Court Competition.

#### V. TEAM COMPOSITION

- Each team shall consist of 2 Speaker (s) and 1 Researcher.
- The team composition has to be properly notified in the application filed for the competition. No change in composition will be permitted after the submission of the application after 7<sup>th</sup> August 2019.

#### VI. PROCEDURE FOR REGISTRATION

- Interested teams are required to send an email to [usllsmccstudentcouncil@gmail.com](mailto:usllsmccstudentcouncil@gmail.com) with the Subject, “Registration for Grand Intra Moot 2019” latest by 11:59pm on July 31, 2019.
- The last date for payment of fees through NEFT is August 2, 2019. The teams are required to submit the slip of the same between 2pm to 5pm on August 2, 2019. Further details will be provided in the acknowledgement email by the IMCS.
- The email should clearly provide for the following information
  - Name of the Student(s)
  - Year of the Student
  - Job Assigned (Researcher/ Speaker)
  - Email ID of all the members
  - Phone number of the contact person

#### VII. ORAL ROUND PROCEDURES

- The oral rounds shall comprise of preliminary round and ranking round.

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- Each team shall be allotted 30 minutes to present their case, this shall include time allotted for arguments advanced, rebuttals and sur-rebuttals, subject to the discretion of the judges.
- The division of time between the two speakers is up to the discretion of the team, however, each speaker must speak for a minimum of 10 minutes.
- The oral arguments should not extend beyond the issues in the memorials.
- The teams are allowed to provide compendiums to the judges, subject to their discretion, however, no material given to the judges should disclose the identity of the participants.
- The Oralists are judged on the following criteria:

| S. No.       | Criteria                                | Maximum Marks |
|--------------|---|---------------|
| 1.           | Knowledge of Law                        | 10            |
| 2.           | Application of Law to Facts             | 10            |
| 3.           | Ingenuity & ability to answer questions | 10            |
| 4.           | Style, poise, courtesy, demeanour       | 10            |
| 5.           | Time Management                         | 10            |
| <b>TOTAL</b> |   | 50            |

#### VIII. MEMORIAL EVALUATION

Following would be criteria for judging the memorial:

| S. No. | Criteria                               | Maximum Marks |
|--------|--|---------------|
| 1.     | Knowledge of Law & Facts               | 10            |
| 2.     | Proper and articulate analysis         | 10            |
| 3.     | Extent and use of research             | 10            |
| 4.     | Clarity and Organisation               | 10            |
| 5.     | Style, Grammar and Citation of Sources | 10            |

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|              |    |
|--------------|----|
| <b>TOTAL</b> | 50 |
|              |    |

#### IX. GENERAL MEMORIAL RULES:

1. All requirements have to be strictly followed. Non-adherence to the same shall result in disqualification subject to the discretion of the organizers.
2. The soft copies of the memorial shall reach the Organizers on [usllsmccstudentcouncil@gmail.com](mailto:usllsmccstudentcouncil@gmail.com) in .pdf format latest by 23:59 hrs (IST) August 11, 2019. Attachments shall be titled as [TEAM CODE] [P] for Petitioner side and [TEAM CODE] [R] for Respondent side. e.g. 007P and 007R.
3. The hard copies (**5 Copies**) has to be submitted to the Moot Court Society between 14:00hrs to 16:00 hrs (IST) on August 12, 2019.
4. Submissions (Soft Copy) made after the above-mentioned time shall entail a negative penalty of 2 marks per day.
5. No memorial will be accepted after August 12, 2019.
6. Format of the Memorial
  - I. Cover Page: The cover page of the memorial must state the following:
    - i. Team Code on upper Right-hand side corner (up).
    - ii. The Case Title
    - iii. The name of the court
    - iv. The year of the competition
    - v. Colour of the cover page must be
      1. *Blue* in case of Petitioner/Appellant/Plaintiff.
      2. *Red* in case of Defendant/ Respondent.
  - b. The Party for which the Memorial has been prepared.
  - c. The Table of Content.
  - d. The Index of Authorities.
  - e. The Statement of Jurisdiction.
  - f. The Statement of Facts.
  - g. The Statement of Issues.

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- h. The Summary of Arguments.
- i. The Arguments Advanced
- j. The Prayer

**X. MEMORIAL GENERAL FORMAT:**

- a. Spacing: 1.5 Line Spacing
- b. Margins: One-inch margin on all sides of each page.
- c. Font: The font for the body of the memorial shall be Times New Roman, Size 12.
- d. The Font for the footnotes: The font of the footnotes shall be Times New Roman, Size 10.
- e. Memorials must be spiral bound only.
- f. Page numbering should be at the bottom middle of each page.
- g. Teams shall cite authorities in their Memorials by way of Bluebook (19th ed.).

**XI. RESEARCHER'S TEST**

- The Researcher's Test is scheduled on August 14, 2019 at 1400hrs. (subject to change)
- The test shall consist of fifty (50) objective type questions based on the facts of the moot proposition and the law relating to the same.
- Each question shall carry one (1) mark. There shall be no negative marking.

**XII. LENGTH OF THE MEMORIAL:** No longer than 15 pages of pleadings and 25 pages in total.

**XIII. SCOUTING:**

- a. Teams shall not be allowed to observe the Oral Rounds of any other teams whatsoever.
- b. Scouting is strictly prohibited as per the Rules of the Competition.

**XIV. CLARIFICATIONS:**

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- a. The moot proposition shall remain the way it is and no change shall be made whatsoever.
- b. The Organizers further reserve their right to alter, amend or add to the moot proposition and the same shall be intimated to the Registered Teams well in advance.
- c. No queries or requests for clarifications will be entertained whatsoever.
- d. Clarifications regarding matters other than the moot proposition may be sought from the Organizers.

**XV. ANONYMITY:** The Speakers shall not state their names during the oral rounds, and must use the Team Code.

**XVI. COMPETITION COMMUNICATIONS:** Oral communications during the Oral Round shall be strictly limited to the following. Any Team, which engages in communications not listed in this Rule, shall be penalized.

- c. *Oral Courtroom Communication between Counsel and Judges* -Each Speaker designated to present oral pleadings may communicate with the judges, and the judges may communicate with that Speaker, during the Speaker's allotted time. In addition, in extraordinary circumstances, the judges may communicate directly with either Team's counsel table (for example, to clarify the spelling of a Speaker's name or to request that a Team remain quiet during its opponent's oral presentation).
- d. *Oral Courtroom Communication and Activity at Counsel Table*- Every courtesy shall be given to Speakers during oral argument. Communication at the counsel table shall be in writing to prevent disruption, and Teams shall avoid all unnecessary noise, outbursts, or other inappropriate behaviour, which distracts from the argument in progress. Any Penalties imposed under this Rule shall be deducted from the Oral Scores of both Speakers of the offending Team.
- e. *Written Courtroom Communication*-Written communication during the Oral Round shall be limited to (a) written communication among a Team's members seated at the counsel table, and (b) a Team member at counsel table handing a document to a Speaker when that Speaker has been questioned about such document during the course of his

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or her argument or (c) a written note to assist the Speaker in answering an issue raised by the judges. No other written communication may take place among the Speaker, Team members seated at counsel table, spectators or Team members not present at the counsel table. There is no prohibition on the teams handing over supporting documentation to the judges, but the same should be done through the clerk.

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Dr. Upma Gautam  
Convenor  
MCS  
USLLG.

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## MOOT PROPOSITION

1. Indus is one of the most prosperous countries on the face of the Earth, owing its liberal attitude towards diversity and a human rights regime giving wide democratic powers to its citizens. The country has a spectrum of people belonging to different faiths. With a population of 1.2 billion, 70% people adhere to the Indiana religion, 24% belong to Zamura religion and the remaining 6% population constitute people from other religion.
2. The State of Banga Pradesh is one of the densely populated states in the Union of Indus and is located near the east coast of the country. The State also shares an international border with the neighbouring country of Bangidesh. In terms of the demography, the State has a population of 50 million people, out of which 56% follow Indiana religion and 40% belong to Zamura religion. There have been allegations of migration of people, majorly belonging to Zamura community, from the neighbouring country of Bangidesh from late 1960s. In order to prevent the law and order instability in the region and to avoid demographic outlook of the bordering states, the Union has tried to seal the borders and to maintain a National Register of Citizens.
3. Till the year 2018, the seats in the educational institutions were reserved in the following manner: 8% seats for candidates belonging to Scheduled Caste category, 14% to those belonging to Scheduled Tribe category and 27% for the other backward classes. In 2019, which happened to be an election year, the parliament amended the Constitution and came up with a 10% reservation for economically backward classes by inserting clause (6) to the Article 15 of the Constitution. Political parties, in order extract the political benefit from

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this policy resorted either to criticism or to blindfold defend towards it. The opposition parties raised their dissent as the amendment would have impact on the dynamics of polling. This newly introduced reservation policy became a heated topic throughout the country, with people from different sectors expressing their views on it.

4. The State of Banga Pradesh, in order to neutralise the impact of Constitutional Amendment on the political dynamics in the state, promulgated an ordinance providing for 17% reservation for new '*Educationally and Socially Backward Category*' (ESBC) in which the Zamura community was the sole community. The notification apart from reservation, provided the girls of this community free coaching for competitive exams. The policy was defended on the grounds that the religious community is in minority and thus educationally and socially backward, so they need protective discrimination. The people opposing the notification stated that no reservation could be extended on the sole grounds of religion and this reservation was only to cater the vote bank.
5. Consequently, the state faced a turmoil in terms of law and order. The Zamura community constituted 40% of the population, so it was contented whether a community with this large proportion out the total population can claim minority status and protective discrimination therefrom. The ordinance was challenged in the Apex Court of the country.
6. Social media became a platform for the expression of opinions. Many groups resorted to social media to reach out to people in order to create public perception in favour or against the policy.

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7. One Sh. Balashah, a social leader hailing from the majority community commanded a huge following and respect in the state. Though he had ideological differences with the regime governing the state, he had regard for people from all the communities, irrespective of communal lines. Sh. Balashah expressed his views on the social media which were as follows: *"The state government is resorting to communal appeasement. It is totally against the spirit of this nation. This policy shall result into breaking of the state, and so it may because the government is incompetent and know only the policy of division and communalism. I call on the people to register their dissent towards this policy and meet at Maidan Street on 26<sup>th</sup> June 2019 at 10:00 am to register their protest. This shall be death to the politics of the chief minister."*
8. Sh. Balashah was detained under the provisions of Preventive Detention Act, 1950 on the intervening night of 25-26<sup>th</sup> June 2019. He was charged with offence under section 66-A of the IT Act and Section 124-A IPC. The detention was challenged by invoking the original jurisdiction of the Supreme Court.
9. The detention of the leader led mass protest in the state. Despite deployment of security forces near the Maidan Street Area, the protesters gathered on 27<sup>th</sup> June and registered their protest. The police resorted to *lathi-charge* and rumours were spread that only the people of Indiana religion are being targeted. This anger got supplemented when the place of worship belonging to Indiana community was vandalised by unknown people. This led to upsurge

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of anger among the members of the community. Sh. Balashah issued a statement from the jail requesting the protestors to register their dissent through peaceful and non-violent means. On 29<sup>th</sup> June 2019, dead bodies of two people were recovered near the secretariat, the attire of the dead bodies were similar to the traditional attire of the Zamura community. The PM report revealed the cause of the death to be non-homicidal in nature. Apprehending the worsening of the law and order situation in the state the Governor of the state, without consulting the Chief Minister of the State, wrote a letter to the Union Home Ministry requesting for the imposition of State Emergency. On 30<sup>th</sup> June 2019, Emergency was imposed on the state of Bang Pradesh, the same was challenged in the Apex court by the Chief Minister Ms. M. Chattopadhyay.

10. After admission of the petitions, the court decided to club them all.

**NOTE :-** All the laws of Indus are *pari materia* to those of India.

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