

3rd ALL INDIA USLLS FIRST YEAR STUDENTS' MOOT COURT COMPETITION, 2016



UNIVERSITY SCHOOL OF LAW AND LEGAL STUDIES
GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY
SECTOR 16-C, DWARKA, NEW DELHI-110078

RULES AND REGULATIONS

The following Rules shall be called the 3rd All India USLLS First Year Students' Moot Court Competition Rules, Nov., 2016.

Wherein,

- **Organizers** mean the University School of Law & Legal Studies, GGS Indraprastha University.
- **Competition** means the 3rd All India USLLS First Year Students' Moot Court Competition, Nov., 2016.
- **Participating Team/ Institution** means the team that has registered itself for the competition as per the rules.
- **Venue** means University School of Law & Legal Studies, GGS Indraprastha University, Sec-16-C, Dwarka, New Delhi-110078.

The Rules mentioned herewith are not exhaustive. The Rules shall be strictly adhered to and any deviation from the same shall result in immediate disqualification, unless exempted by the Organizers. All decisions made by the Organizers in case of any disputes, doubts or other problems of such nature, shall be final and binding on the participating teams. The Organizers further reserve the right to alter, amend or add Rules herein at any point of time. Imposition of penalties is exclusively the right of the Organizers, in case the Rules are not adhered to by the Participating teams.

I. GENERAL:

1. **Date:** The Competition shall be held from **18th to 20th November 2016** at the **University School of Law & Legal Studies, GGS Indraprastha University, New Delhi.**
2. **Dress Code:** Participants are required to adhere to the following dress code while present in any court room during the Competition.
 - i. *Ladies:* White Salwar and Kurta or White shirt and black pant/black skirt along with black coat and black shoes.
 - ii. *Gentlemen:* White shirt, black trousers, black tie along with black coat and black shoes.

II. THEME:

1. The moot proposition for the 3rd All India USLLS First Year Students' Moot Court Competition 2016 is based on "*Law of Contracts.*"

III. LANGUAGE:

1. The official language for the Competition shall be **English only.**

IV. ELIGIBILITY:

1. The first 30 teams to register will be allowed to participate on a first come first serve basis.
2. The Competition shall be open for '*bona fide*' students who are pursuing an integrated **5 year B.A. LL.B/ B.B.A.LL.B. Programme or 3 year LL.B Programme** in India and are studying in their **1st year**. Such institution must be recognized by the Bar Council of India.

V. TEAM COMPOSITION:

1. Each team shall consist of a minimum of two members or maximum of three members. There shall be no circumstance whatsoever that a team consisting of more than 3 members be allowed to participate. No observer/additional member can be part of a team in any capacity.
 - i. In case of a *three-member team*, there shall be two speakers and 1 researcher in the team.
 - ii. In case of a *two-member team*, there shall be two speakers only who shall not be eligible for the researcher's test.

2. Teams shall not disclose their identity whatsoever, i.e. the name of their institution, city, etc. or any other information which has the effect of disclosing their identity and affiliation with a particular university or institution, except in the registration form. Such disclosure shall result in disqualification subject to the discretion of the Organizers.
3. Each team shall be allotted a team code before the competition. During the competition teams shall be identified by the team code allotted to them. Teams shall not disclose their identity or that of their institution or city etc. Any such disclosure shall invite strict penalty including disqualification. The decision for the same shall be at the discretion of the Organizers.

VI. REGISTRATION:

1. All participating institutions shall be registered on first come first serve basis by sending a soft copy of the properly filled registration form via an email to mootcourtcommittee.uslls@gmail.com.

Email registration for the competition shall close on Wednesday, 26th October 2016. The last day for sending the hard copy of the duly filled registration form will be Friday 28th October, 2016.

2. Formal registration of the teams shall be done on 18th November 2016 at the Venue.
3. Any change in the team composition shall be intimated to the Organizers before the Formal Registration.
4. Forms received after the deadline shall not be considered for registration.

VII. SUBMISSIONS:

1. Each team shall be assigned a code upon registration
2. There shall be two preliminary rounds, a Quarter Final, a Semi Final and Final.

VIII. ORAL PLEADINGS:

1. General Procedures

- i. Each Preliminary Oral Round and the Quarter Final Round of the Competition shall consist of Sixty (60) minutes of oral pleadings. Plaintiff and Defendant shall be allotted Thirty (30) minutes each.
- ii. Both the Semi-Final and the Final Rounds of the competition shall consist of Ninety (90) minutes of oral pleadings. Plaintiff and Defendant shall be allotted Forty Five (45) Minutes each.
- iii. Two (2) members, and no more than two (2) members, from each Team shall make oral presentations during the round.
- iv. Prior to the beginning of the Oral Round, each Team shall indicate to the Court Clerk how it wishes to allocate its allotted among (a) its first Speaker, (b) its second Speaker, and (c) rebuttal (by Plaintiff) or sur-rebuttal (by Defendant). No single Speaker shall plead more than Twenty (20) minutes, including rebuttal or sur-rebuttal in the preliminary and the Quarter Final Round and Twenty Five (25) Minutes for the Semi Final and the Final Rounds.
- v. Extension of Time at Judges' Discretion- Judges may, at their discretion, extend total Team oral arguments time beyond the allotted minutes allocation, up to an additional five (5) minutes per Team. Speakers asked to further expand upon arguments may, in this instance, appear for more than allotted time for a single speaker.
- vi. *Order of Submission*- The order of the oral submissions in each Round at all levels of the Competition shall be:
Plaintiff 1 --> Plaintiff 2 --> Defendant 1 --> Defendant 2 --> Rebuttal
- vi. Each Team may reserve up to five (5) minutes for rebuttal or sur-rebuttal.
- vii. *Ex Parte Procedure*- In extreme circumstances, such as when a Team fails to appear for a scheduled Oral Round, the Organising Committee (OC), after waiting fifteen (15) minutes, may allow the Oral Round to proceed ex parte. In an ex parte proceeding, the attending Team resents its oral pleading, which is scored by the judges to the extent possible as if the absent Team had been present and arguing. In such a case, the Team that fails to appear for the scheduled Round forfeits all the points of the Oral Round.

- viii. *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.

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).

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.

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 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.

- ix. *Anonymity of Teams in Courtrooms*- Teams shall be identified by Team Code and the side of the dispute they represent only. However, Team

members may provide their individual names to judges for purposes of conducting courtroom discussions. Participants shall not disclose the identity of their Team through direct or indirect means, including statements to judges, name tags or other signifiers, the placement of folders, files, library books or other materials bearing the name or logo of the school on the counsel table, and the wearing of pins or clothing revealing the identity of their college/university.

2. Draw of lots

- i. The draw of lots shall take place at the time of formal registration on 18th November 2016.
- ii. To ensure unbiased selection, teams shall be subjected to drawing of lots for the Preliminary Rounds.
- iii. In no circumstance shall any change be entertained after the draw of lots.

3. Preliminary Rounds

- i. The Preliminary Rounds are scheduled to take place on 19th November 2016.
- ii. Teams shall be subjected to two preliminary rounds.
- iii. The teams shall be arguing on each side during the Preliminary Rounds.
- iv. The total of each round shall determine selection, with the top 8 teams qualifying to the Quarter-final Rounds.
- v. No two teams shall face each other more than once in the preliminary rounds.

4. Quarter-final Rounds

- i. The Quarter Final Rounds are scheduled to take place on 19th November 2016.
- ii. The top-eight scoring teams from the Quarter-final Rounds shall compete according to the draw of lots.
- iii. The quarter-final rounds shall be in the nature of knock-outs, i.e., the team with the lesser score shall be evicted.
- iv. The four teams that emerge victorious shall succeed to the Semi-Final rounds.

5. Semi Final Rounds

- i. The Semi-final rounds are scheduled to take place on 20th November 2016.
- ii. The top-four scoring teams shall compete according to the draw of lots.
- iii. The Semi-final rounds shall be in the nature of knock-outs, i.e., the team with the lesser score shall be evicted.
- iv. The two teams that emerge victorious shall succeed to the Final rounds.

6. Final Rounds

- i. The Final rounds are scheduled to take place on 20th November 2016.
- ii. The teams shall argue on the side decided by the draw of lots.
- iii. The team obtaining a higher score shall be adjudged victorious.

7. Oral rounds

Oral rounds shall be judged as per the following criteria:

S. NO.	CRITERIA	MARKS
01.	Knowledge of Facts and Law	20
02.	Application of law to facts	20
03.	Ingenuity and ability to answer questions	15
04.	Presentation Skills	15
05.	Time Management and Organisation	10
06.	Court Etiquettes	10
07.	Logical coherency in Arguments	10
	Grand Total	100 Marks

IX. RESEARCHER'S TEST:

1. The Researcher's Test shall be conducted on 18th November 2016.
2. There shall be no such test for the teams comprising of only two members.
3. The test shall contain questions related to the moot proposition and the law applicable.

X. MEMORIALS:

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. Each team shall prepare memorials for both the sides to the dispute, eg. Plaintiff and Defendant.
3. The soft copies of the memorial from each side shall reach the Organizers on **mootcourtcommittee.uslls@gmail.com** in .pdf or .doc or .docx format latest by Midnight on 8th November 2016 E.g. Attachments shall be titled

as [TEAM CODE] [P] for Plaintiff side and [TEAM CODE] [D] for Defendant side. e.g.007P and 007D.

4. Submissions made after Midnight on 8th November 2016 shall entail a negative penalty of 2 marks from each side per day.
5. No extension shall be granted to any team for memorial submission in any case.
6. No hardcopy of the memorial shall be accepted after 11^h November 2016
7. One copy i.e. hard copy of the memorial from each side shall reach the Organizers by 12th November 2016 on the following address:

**Dr. Rakesh Kumar Handa (Moot Court Convenor),
University School of Law & Legal Studies,
Guru Gobind Singh Indraprastha University,
Sec-16-C, Dwarka,
New Delhi- 110078.**

8. The teams have to carry 6 copies of the memorial from each side i.e. 12 copies in total including memorials from both sides and submit the same during formal registration on 18th November 2016.
9. Format of Memorials.

i. *Cover Page*: The cover page of the memorial must state the following:

- ☐ Team Code on upper Right-hand side corner.
- ☐ The Case Title
- ☐ Colour of the cover page must be
 - Blue in case of Petitioner/Appellant/Plaintiff.
 - Red in case of Defendant/ Respondent.
- ☐ The Party for which the Memorial has been prepared.

ii. *The Table of Content.*

iii. *The Index of Authorities.*

iv. *The Statement of Jurisdiction.*

v. *The Statement of Facts.*

- vi. *The Statement of Issues.*
- vii. The Summary of Arguments.
- viii. The Arguments Advanced.
- ix. The Prayer.

10. Memorial General Format:

- i. *Spacing:* 1.5LineSpacing
- ii. *Margins:* One-inch margin on all sides of each page.
- iii. *Font:* The font for the body of the memorial shall be Times New Roman, Size 12.
- iv. *The Font for the footnotes:* The font of the footnotes shall be Times New Roman, Size10.

11. Memorials must be spiral bound only.

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

13. The memorials must not contain any annexure/photographs/sketches/exhibits/affidavits etc.

14. Teams shall cite authorities in their Memorials by way of Uniform Style of Citation.

15. The maximum number of pages in each Memorial shall not exceed 30 pages including 15 maximum pages for Written Submissions/Arguments Advanced.

16. The Memorials shall not, in anyway, disclose any fact pertaining to the identity of the Participating Team, its Members, or the Institution/College/University represented.

17. Marking Scheme of the Memorials:

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

S.NO.	MARKING SCHEME	MARKS ALLOTTED
01.	Knowledge of Facts & Law	20 Marks
02.	Extent & Use of Research	20 Marks
03.	Drafting Skills	15 Marks
04.	Originality in Presentation	15 Marks
05.	Grammar, Style and Coherency	10 Marks
06.	Grammar and Style	10 Marks
07.	Original Thought	10 Marks
	Grand Total	100 Marks

XI. SCOUTING:

1. Teams shall not be allowed to observe the Oral Rounds of any other teams whatsoever.
2. Scouting is strictly prohibited as per the Rules of the Competition.
3. Scouting by any of the teams shall entail instant disqualification.
4. Any team can file a written complaint to the Organizers for the same. The Organizer's decision regarding scouting shall be final.

XII. ANNOUNCEMENT OF RESULTS:

1. The results of the preliminary rounds shall be announced shortly after the rounds.
2. The winners of the quarter-final rounds shall be announced shortly after the conclusion of the rounds.

3. The winners of the semi-final rounds shall be announced shortly after the conclusion of the rounds.
4. The winners of the final round shall be announced during the valedictory ceremony.

XIII. AWARDS AND CERTIFICATES :

1. Winning Team Trophy
2. Runners-up Trophy
3. Best Memorial Trophy
4. Best Researcher Trophy
5. Cash prize as sponsored.
6. Certificates for participation will be given to all the participants.
7. Separate Certificates will be provided to the Quarter-Finalists, Semi-Finalists, Runners-up and Winners.
8. All Certificates and awards will be presented to the participants only at the Valedictory Ceremony on 20th November 2016. The participants are advised to finalize their travel plan accordingly.
9. The certificates will not be provided to any participant who is not present at the Valedictory Ceremony and the same will not be sent by post/courier to any participant under any circumstances whatsoever.

XIV. COPYRIGHT:

1. The copyright with regard to the memorials submitted for the participation in the Competition is assigned by participants and shall vest completely and fully on the Organizers. The participants shall certify the originality of

the memorials and the materials used and shall be responsible for any claim or dispute arising out of further use and exhibition of these materials.

2. The Organizers shall have the right to publicly display, distribute in any manner whatsoever and they shall not be responsible for any liability thereof.

XV. DISCLAIMER:

The proposition is fictitious and any resemblance to any person, living or dead, or incident, past or present, is coincidental and not intended by the authors of the proposition.

XVI. CLARIFICATIONS:

1. The moot proposition shall remain the way it is and no change shall be made whatsoever.
2. 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.
3. No queries or requests for clarifications will be entertained whatsoever.
4. Clarifications regarding matters other than the moot proposition may be sought from the Organizers.

XVII. ANONYMITY:

1. The Speakers shall not state their names during the oral rounds, and must use the Team Code.
2. All team members must refrain from disclosing the identity of their institution at any time and in any manner, during the oral rounds.
3. Non-compliance with this Rule will result in immediate disqualification of the team.

XVIII. ACCOMMODATION & FOOD:

1. Food will be provided to all the teams by the Organizers.
2. Accommodation and Food will be provided from the forenoon of 18th November 2016 till the afternoon of 21st November 2016 only. In case any team wishes to stay for a longer period of time then accommodation may be arranged by the organizer on the request of the team provided the same is requested well in advance.
3. No accommodation will be provided to Delhi NCR teams.
4. The formal registration of all the participating teams will be done on 18th November 2016 at the venue. All the participants are requested to plan their travel accordingly.

XIX. CONTACT FOR QUERIES:

In case any queries or clarifications regarding the competition, the teams may contact:

Faculty In-charge	Dr. Rakesh Kumar Handa	+91-9891767686
Student Organizers	Arjun Rekhi	+91-8010537468
	Manu Abhishek	+91-9868515388

Or mail their queries at mootcourtcommittee.uslls@gmail.com

Moot Proposition

The Cockroch (P) Ltd., a pharmaceutical Delhi based company, made a multi-vitamin capsule called the "Maggots-M". The company claimed that the production of such capsules is purely for the overall health, wellbeing and vitality of men, and therefore, these capsules are one of the best diet health supplements as these capsules are very effective and a unique blend of ginseng, vitamins and minerals. The company announced in public that by taking one capsule a day, it provides great energy as well as helps to fight against tiredness. It enhances the stress handling ability. The company aggressively fixed the price of each capsule at Rs.50/-.

The company declared in public interest that these capsules are prepared to boost immunity as well as help to enhance the quality of life. It improves the physical and mental health as well as helps to rejuvenate and strengthen the body organs. To stay fit and active during the day, bring home the "Maggots-M" capsules.

The Cockroch (P) Ltd. published advertisements in the *reputed newspapers* and other media channels on December 01, 2013, claiming the number of benefits for the consumption of "Maggots-M" capsules such as a diet health supplement for men; a unique combination of minerals, vitamins and ginseng; Provides energy and fights against tiredness; Perfect for overall health and vitality; Enhances quality of life; Helps to boost immunity; Strengthens and rejuvenates body organs; Enhances mental and physical health; Helps to stay fit and active throughout the day. The company mentioned in the advertisement that these capsules have not been evaluated by the Food and Drug Administration or the FSSAI (i.e., Food Safety and Standard Authority of India). The Company declared in its advertisement that this product is not intended to diagnose, treat, cure or prevent any disease. The company also mentioned that all disputes regarding the consumption of these capsules must be subject to the jurisdiction Courts in Dwarka, Delhi only.

The Cockroch (P) Ltd. further published advertisements in the same reputed newspapers and other media channels on June 15, 2014, claiming that it would pay Rs. 50,000/- to anyone who got sick after using these capsules according to the instructions provided with it i.e., one capsule a day and this offer is not retrospectively applicable. The statement generated by the Cockroch (P) Ltd. is as under:-

“Rs.50,000/- reward will be paid by the Cockroch (P) Ltd. to any person who contracts with the increasing fatigue, weakness or any disease caused by taking multi-vitamins “Maggots-M” capsules, after having used one capsule a day, according to the printed directions supplied with the pack of 10, 30 and 60 capsules whose expiry period will be of 5 years from the date of manufacturing. The statement regarding award of Rs.50,000/- was printed on each pack of 10, 30 and 60 capsules.”

During the period of 2014-15, people consumed thousands of "Maggots-M" multi-vitamin capsules as preventive against body weakness; fatigue or any other disease due to deficiency of any vitamin in the body and in no ascertained case any adverse effect was found by those using these capsules.

Mr. Kharak Singh, aged 15 years, suffered from malnutrition; chronic fatigue syndrome and vitamin deficiency that led to muscle weakness in the entire body system. The doctor recommended him daily intakes of selected vitamins. He saw the advertisement of the Cockroch (P) Ltd., on July 15, 2014 regarding "Maggots-M" multi-vitamin capsules. He bought 5 packs of capsules bearing the manufacturing and packing date of January 15, 2014. Each pack contained the dose of 60 capsules. He started consuming one capsule a day as per the instructions mentioned in each pack. He consumed the entire capsules as per the instructions mentioned by the company for nearly 10 months but after a week he found that his body is heavily relying on these capsules. He felt lot of bodily changes due to stop consuming capsules such as frequent stomach upset; severe allergic reactions; difficulty in breathing; tightness in the chest; swelling of the mouth, face, lips or tongue; feeling of fatigue and weakness of the entire body.

Mr. Kharak Singh discovered that on resuming the consumption of these "Maggots-M" multi-vitamin capsules as per the usage prescription of the Cockroch (P) Ltd. Company, he got relief from all types of bodily changes. In the meantime, during January – 2016, the company again aggressively raised price of each capsule by 50% to Rs.75/- as it found the enormous success and rise in demand for the product.

Mr. Kharak Singh after having been firmly believed that his body cannot smoothly work without consuming these capsules and his body developed an addiction for such capsules, he felt himself cheated by the company as he again cannot afford such a high price multi-vitamin capsules. He, therefore, claimed Rs.50,000/- and other form of damages from the Cockroch (P) Ltd.. The company bluntly ignored the claim of Mr. Kharak Singh. After few days, Mr. Kharak Singh's

advocate sent notice to the Cockroch (P) Ltd. regarding his claim of Rs.50,000/- and other damages. On this notice, the company's officers replied with an anonymous letter that if it is used properly, the company had complete confidence in the capsule's efficacy, but "to protect the company against all fraudulent claims" they would need him to come to the company's office to use the capsule each day and be checked by the secretary. Mr. Kharak Singh now brought a claim to the court of law for seeking justice. The advocate representing him argued that the advertisement and his reliance on it was a contract between him and the company, and so the company ought to pay. The company denied such type of contract. Prepare relevant issues in this regard for both the plaintiff and defendant in order to secure justice for each party.

IMPORTANT DATES

S.NO.	EVENT	DATE
1.	RELEASE OF MOOT PROPOSITION ALONG WITH RULES	13 th October 2016
2.	LAST DATE FOR SUBMISSION OF REGISTRATION FORMS (SOFT COPY)	26 th October 2016
3.	LAST DATE FOR SUBMISSION OF REGISTRATION FORMS (HARD COPY)	28 th October 2016
4.	LAST DATE FOR MEMORIAL SUBMISSION (SOFT COPY)	8 th November 2016
5.	LAST DATE FOR MEMORIAL SUBMISSION (HARD COPY)	11 th November 2016
6.	REGISTRATION (AFTERNOON)	18 th November 2016
7.	RESEARCHER'S TEST (EVENING)	18 th November 2016
8.	PRELIMINARY ROUNDS AND QUARTER FINAL ROUNDS	19 th November 2016
9.	SEMI-FINAL (MORNING)	20 th November 2016
10.	FINAL (AFTERNOON)	20 th November 2016
11.	PRIZE DISTRIBUTION (AFTER FINAL ROUND)	20 th November 2016

**REGISTRATION FORM FOR PARTICIPATION IN
3rd ALL INDIA USLLS FIRST YEAR STUDENTS' NATIONAL MOOT
COURT COMPETITION, 2016**

NAME OF COLLEGE:

MOOT COURT COMMITTEE EMAIL-ID:

MOOT COURT CONVENOR'S PHONE NUMBER:

SPEAKER1

NAME:

SEX:

YEAR OF STUDY:

EMAIL-ID:

CONTACT NUMBER:

SPEAKER2

NAME:

SEX:

YEAR OF STUDY:

EMAIL-ID:

CONTACT NUMBER:

RESEARCHER

NAME:

SEX:

YEAR OF STUDY:

EMAIL-ID:

CONTACT NUMBER:

**SELF ATTESTED
PHOTOGRAPH**

**SELF ATTESTED
PHOTOGRAPH**

**SELF ATTESTED
PHOTOGRAPH**

TERMS AND CONDITIONS:

- 1) THE PARTICIPANTS MUST BE BONAFIDE STUDENTS OF THE MENTIONED INSTITUTION.
- 2) THE REQUISITE INSTITUTIONAL PROCEDURE REGARDING SENDING OF SUCH STUDENTS MUST BE COMPLIED WITH.
- 3) THE PARTICIPANTS MUST CARRY THEIR REQUISITE IDENTITY CARDS DURING THE COMPETITION FOR PURPOSES OF IDENTIFICATION.
- 4) THE PARTICIPANTS MUST CARRY 1 PASSPORT SIZE PHOTOGRAPH FOR THE PURPOSES OF ID CARD FOR THE COMPETITION.
- 5) THE PARTICIPANTS AGREE TO COMPLY WITH THE TERMS AND CONDITIONS.

SIGNATURES:

SPEAKER1-

SPEAKER2-

RESEARCHER-

HEAD OF INSTITUTION (SIGNATURE AND SEAL)

