



RDS LEGAL & CO. FIRST NATIONAL (VIRTUAL) MOOT COURT COMPETITION 2020

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About RDS Legal & Co:

'RDS Legal & Co. is a Pune based law firm. Our core areas of practice includes litigation in Civil law Criminal law, Consumer, Arbitration, I.P.R, Cyber crime, Family Law and Conveyancing. We were previously known as RDS Legal and Associates and since from last 2014 we are providing legal services.'

ANNEXURE-I

OFFICIAL RULES OF THE COMPETITION

RULES GOVERNING FIRST RDS LEGAL & CO. (VIRTUAL) NATIONAL MOOT COURT COMPETITION, 2020

The rules will be titled as 'Rules for the FIRST RDS Legal & Co. (VIRTUAL) National Moot Court Competition-2020'. In case of any discrepancy / doubt, decision made by Moot Court Committee shall be final. The Committee reserves all rights to prescribe / modify rules, procedure and overall layout of competition in such manner as will be proper to conduct competition in better and more efficient manner.

ARTICLE 1: AIM AND OBJECTIVES

1. To encourage student participation by providing a more flexible platform for mooting opportunities.
2. To expose students who are pursuing law to the nuances of the court system in India and to sharpen advocacy skills.
3. To provide a real life experience cum training in researching, presenting ground breaking arguments and contributing to the development of jurisprudence in the concerned area of laws.
4. To provide students a better understanding of ethics in practice.

ARTICLE 2: DEFINITION CLAUSE

The following terms shall have the corresponding meanings unless otherwise specified:

1. ***“Applicant”*** means the side of the team which argues on behalf of the applicant at

any given point of the competition.

2. **“Memorandum”** means memorandum of the Laws and authorities concerning the competition problems.

3. **“Case clarification & Correction”** (hereinafter referred to as clarifications) means the official clarifications and corrections as communicated officially to the competition.

4. **“Competition”** means and includes sum total of activities arising out of or consequential upon the National Moot Court Competition, 2020.

5. **“Memorials”** means the written submissions framed and submitted by a team in pursuant to the rules and admitted by Moot Court Cell.

6. **“Moot Court Committee”** (to be read hereinafter as MCC) for the purpose of this Moot Court Competition means the Committee as constituted for proper organization and fair conduct of the competition including any other person authorized so to deal with all events, consequential upon or incidental to the competition.

7. **“Official Team Contact Person”** means the individual identified by the team during registration process to acknowledge the receipt of official correspondence relating to competition.

8. **“Oral Pleading”** means the pleading before a panel as explained under Evaluation criteria for evaluation of Written Submissions.

9. **“Jury Panel”** means the adjudicators so appointed/ nominated by MCC for judging the performance of participants during oral pleading sessions of the Competition.

10. ***“Participant”*** means person authorized by referring Institution and approved by Balaji Law College as eligible to participate in Competition including the Moot Court Researcher.

11. ***“Penalty”*** means the consequence of violation of any rule whether by way of deduction of point or declaring disqualified and such a person would be referred to as panelized.

12. ***“Rebuttals”*** refer to the set of arguments / challenges that the applicant shall raise at the end of the main pleadings of all the orators. This shall be replied to in the appropriate manner by the respondent.

13. ***“Team Code”*** means the code allotted to a team throw a draw of lots.

14. ***“Team”*** means the total of all registered as participants representing any university or college allowed to participate in the competition excluding dummy /observer/ escort/ coach.

15. ***“Moot Court Observer”*** means a person entitled to witness proceedings of moot sessions, inaugural and valedictory function and who is expected to use gained information/ knowledge only for his personal knowledge pursuits.

ARTICLE 3: ORGANISATION

The organization of the competition will take place under overall supervision and control of the RDS LEGAL & Co. For this purpose, The Legal Affairs has constituted Moot Court Committee which has been authorized to conduct/ carry on all activities having a direct or indirect bearing upon fair conduct of the National Moot Court Competition 2020.

ARTICLE 4: ELIGIBILITY FOR PARTICIPATION

1) The competition is open to all students enrolled bona fide on a regular basis as full time learners in Undergraduate Law Program (3 Year/ 5 Year) or its equivalent Law degree conducted by any recognized Institution / College/ University operative in / outside India.

2) Eligibility for becoming a team member- Any person may become a team member i.e. if he / she is pursuing a Law Graduation Degree Course. ii. If he/she has formally applied to compete on behalf of institution under which he/ she is enrolled as a full time regular student.

3) Each team shall comprise of two members.

ARTICLE 5: CLARIFICATIONS OR QUERRIES

With a purpose to sort out any complication or doubt, teams may request for clarifications by writing an email at info@rdslegal.in or may telephonically contact to the persons designated as Coordinator and conveners for Moot Court Competition 2020.

ARTICLE 6: PLATFORM AND DATE CLAUSE

The RDS LEGAL & Co (VIRTUAL) NATIONAL MOOT COURT COMPETITION, 2020 shall be held on 13th of September 2020 (and) at virtual platform i.e. Google Meet.

ARTICLE 7: DRESS CODE

The participants shall adhere to the following dress code when present before court during the Competition.

Female(s): White Salwar and Kurta or White Shirt and Black pant along with Black Coat and Black Shoes

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

Note: The participating teams shall also adhere to the above mentioned dress code while attending the inaugural and valedictory ceremonies of the Competition.

ARTICLE 8: LANGUAGE

Medium of oral pleading and script to write memorials during competition shall be English Language only.

ARTICLE 9: TEAM COMPOSITION

a) Team members can be from different colleges, subject to submission of their college identity card.

b) Each team shall comprise of 2 members.

c) There shall be 2 speakers designated in each team. Teams shall declare all speakers at the time when they file nominations for registration.

d) Each team will be assigned a specific code.

e) Teams shall not disclose their personal identity nor of their institution. Any disclosure in aforementioned nature may invite penalties including disqualification. It stands within the competence of MCC to initiate any disciplinary action against any participant or to do anything to redress any grievance related to competition and participation therein.

ARTICLE 10: ROUNDS

There shall be two rounds of argument(s) namely a

- (1) Preliminary,
- (2) Final round.

PRELIMINARY ROUND

Preliminary rounds, participants will have to send their pre-recorded video to the official Email ID (info@rdslegal.in). Each speaker shall be allowed a maximum of 7 minutes to present their pleadings.

From each side. Teams shall send their files named “TEAM CODE-X Speaker-1” and “TEAM CODE-X Speaker-2” (TEAM CODE-X is the team code). The teams shall send the recorded pleadings on behalf of both the Applicant and the Respondent. The last date of submission of the pre-recorded videos 6th September 2020.

Note: Video should be recorded at once, no editing be done. It should be recorded in proper formal uniform. The results of the preliminary rounds will be intimated through e-mail on, 9th September, 2020.

The top 6teams will be selected for Final rounds on the basis of their scores.

FINAL ROUND

The final round would be conducted on 13th September, 2020 via an online platform which will be intimated to the participants. The final round of competition shall consist of 60 minutes of oral pleadings.

Petitioner and Respondent are each allotted 30 minutes.

ARTICLE 11: MEMORIALS

The following requirements for memorials must be strictly followed. Any non-compliance shall attract penalties.

- 1) Each team must prepare memorials for both sides to the dispute (Appellant and Respondent) as the case may be.
- 2) The briefs shall be consistent with the Supreme Court Rules, 1966.
- 3) Once the memorials have been submitted, no revisions, supplements, or additions will be allowed.
- 4) No submission in soft copy shall be accepted after 6th September, 2020.
- 6) The soft copy file pertaining to the memorials in .pdf format shall be named as 'P (TC)' for the Petitioner's Memorial and 'R (TC)' for the Respondent's Memorial. (Here, TC means the allotted Team Code)
- 7) The cover page of the memorials sent shall clearly mention the word "P" for memorials on behalf of the Petitioner, and the word "R" for memorials on behalf of the Respondent, followed by the team code for both the instances, such being clearly inscribed on the top right hand corner of the cover page of the memorial for the Petitioner and Respondent. For example, if a team had been assigned a code of 10, the memorials sent by such team shall have "P10" and "R10" clearly marked on the top right hand corner of the cover page of the respective memorials.
- 8) The memorials have to be submitted on A4 size paper and must only contain the following sections in the order stated below:

1.	Cover Page	1 page
2.	Table of Content	1 page
3.	Statement of Jurisdiction	1 page
4.	Summary of Arguments	2 pages
5.	Arguments Advanced	20 pages (Maximum)
6.	Prayer	1 page

➤ Font: The font of the body of the memorial shall be Times New Roman, size 12 and 1.5 line spacing.

➤ Font: The font of the foot notes shall be Times New Roman, size 10 and 1.0 line spacing.

➤ Memorials must have one inch margin on all sides of each page.

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

➤ The teams have to use the citation method as stated in the Oxford University Standard (OSCOLA) for citation throughout the memorial, with strict adherence.

Note:

1. Memorial must not contain any Photograph, sketches, schedules, graphs and maps.

2. Identity of the institution shall not be revealed anywhere in the memorial. Violation of this provision shall result in penalties including disqualification. The

Administrator's decision shall be final.

ARTICLE 12: EVALUATION OF MEMORIAL

I) 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.

II) The following shall be the marking scheme:

S. No	Marking Scheme	Marks Allotted
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

ARTICLE 13: SCOUTING

Teams will not be allowed to observe the orals of any other teams. Scouting is strictly prohibited.

- Scouting by any of the teams will result in disqualification.
- Any team can file a written complaint with the Administrator, regarding a case of

scouting. The Administrator's decision will be final.

ARTICLE 14: 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	25
2.	Logic and Reasoning to apply the Legal Principles	20
3.	Ingenuity & Ability to answer questions	20
4.	Time Management and Organization	15
5.	Court Etiquettes/ Deference to the court	10
6.	Persuasiveness	10

ARTICLE 15: AWARDS, PRIZES AND CERTIFICATIONS

- a) Winner Team Award: Rs- 15,000/- and E-Certificate.
- b) Runner Up Team Award: Rs- 7,500/- and E-Certificate.
- c) Best Mooter Award: Rs- 4,000/- and E-Certificate.
- d) Best Memorial Award: Rs- 4,000/- and E-Certificate.

Note: In addition to Awards under above-mentioned categories, Certificates, as token of appreciation, shall be distributed to all members of participating teams and all the volunteers.

ARTICLE 16: ANNOUNCEMENTS OF RESULTS

- I) The results of the Preliminary rounds shall be announced on 09th September, 2020.
- II) The winners of the competition will be finalized immediately after Final round and their names will be announced during the Awards distribution Ceremony on 13th September, 2020.

ARTICLE 17: REGISTRATION AND FEE

1. Teams must register by **23rd August, 2020** through the registration sheet provided with the brochure. *(Kindly read all the instructions before registering)*
2. The Registration Fee for this competition is Rupees Five Hundred only (500/-) per team. Teams should note that registration fees will be non-refundable.
3. The Registration Fee must be paid by all the teams and the copy of such transaction bill or copy must be uploaded in the registration form. The section for the same has been created in the forms.
4. The last date for the payment is **23rd August 2020**
5. All the teams which successfully registers for the competition and submit the soft copy of their memorials with pre-recorded video shall be awarded with Certificate of Participation irrespective of whether they qualify for the Top 6.
6. Kindly provide a Gmail ID for the convenience. Each Participant must provide their Name, Year of Study, Mobile number (WhatsApp preferably), and E-mail ID.
7. All such communication shall essentially take place through E-mails and WhatsApp.

8. The Registration form must be filled once by each team and **College Identity Card** of each participant must be also be uploaded. The section for the same has been created in the forms.

REGISTRATION FEE & PROCEDURE

- a) The Fee prescribed for registration of each team is INR 500/.
- b) Teams may make payment by Demand Draft or Online Transfer to the below mentioned account details.

1. Name of Account: RDS LEGAL AND CO

2. Bank Name: Union Bank of India.

3. Bank Branch: Kasarwadi

4. IFSC Code: UBIN0532207

5. .Account Number: 322001010036381

6. For online payment: Use the scan code given below.



❖ For account related query, Please Contact: Rishabh Jain-8149502038

NOTE: ATTACH THE TRANSACTION COPY WITH THE REGISTRATION FORM.

The soft copy of the Memorial along with pre-recorded videos shall be submitted on or before 6th September, 2020.

ARTICLE 18: VIRTUAL MOOT COURT RULES

Virtual Moot Terms and Conditions:

1. The participants must ensure high speed 4G/Wi-Fi internet connection with good audio and video facilities. It is advisable to use laptops or PC for the oral rounds.
2. The background of the participants on video shall be plain and shall not contain any symbols or any representations.
3. The participants shall ensure good internet connection. In case of poor connection, the waiting time shall be only 5 minutes, exceeding this time will lead to disqualification.
4. The Moot Court Committee shall not be responsible for any technical issues that arise from the side of the participants.
5. The Moot Court Committee may also switch to a different platform if any technical issue arises, and the same shall be notified to all the teams in advance.
6. The background of the participants on video shall be plain and shall not contain any symbols or any representations.
7. At the time when the one participant is speaking, others are expected to keep their microphones on mute. In case a participant is found disturbing the other pleader anyway, he/she or the entire team to which such this participant belongs may be disqualified.

ARTICLE 19: DISPUTES

- (a) The participants in the competition shall abide by the spirit of the competition and shall Endeavour to conduct activity according to best of their ability and co-operation.
- (b) In case of any dispute or difficulty arising out of or during the course of the competition, the Moot Court Society shall have the sole and absolute authority to remove such difficulty and resolve the dispute.
- (c) The marks given by the judges will be final and binding to both the teams for which the society is not answerable.

ARTICLE 20: DISCLAIMER

The Moot Court Competition is based on a purely fictitious problem, whereby the characters & the incidents or the course of events in the problem are completely imaginary and the same has no relation to any person living or dead or any past/present real life incident. The Moot Court problem is made solely for the purpose to train the law students of India for the Bar.

ARTICLE 21: COPYRIGHT

- i. The copyright over the memorials submitted for participation in the competition is assigned by participants and shall also vest completely in RDS LEGAL & Co. Kasarwadi opp. to Jain temple Maharashtra, India. The participants shall certify in writing the originality of materials contained therein and shall be responsible for any claim or dispute arising out of the further use and exhibition of these materials.
- ii. Further use and exhibition of these materials, electronically or otherwise, shall be the exclusive right of RDS LEGAL & Co. Kasarwadi opp. to Jain temple Maharashtra, India, and they shall not be responsible for any liability to any person for

any loss caused by errors or omissions in this collection of information, or for the accuracy, completeness, or adequacy of the information contained in these materials.

NOTE:

- 1. All the rules are only inclusive and not exhaustive for the competition.*
- 2. Rules should be strictly adhered to. Any deviation would take seriously and may tantamount to disqualification/ deduction of points.*
- 3. In case of any discrepancy / doubt, decision reached by MCC shall be final. MCC reserves all rights to prescribe/ modify rules, procedure and overall layout of competition in such manner as will be proper to conduct competition in better and more efficient manner.*
- 4. Imposition of penalties including disqualification rests solely with the organizers in case of failure to comply with the rule(s) and deadline(s)*

ARTICLE 22: DATES TO REMEMBER

Brochure Release	28/07/2020
Registration Last Date	23/08/2020
Soft-copy of Memorials Along With Pre-recorded Videos Last Date	06/09/2020
Preliminary Round	06/09/2020
Results of Preliminary Round	09/09/2020
Final Round	13/09/2020

Moot Court Conveners

FOR INQUIRY THE PARTICIPANTS CAN CONTACT:

Rishabh Jain-8149502038;

Sekhar Bhattacharya-8208610106 and;

Kamran Shaikh- 7666953296.

***After filling up the registration form please send the same word document to
info@rdslegal.in for confirmation and in case of any queries please refer the
same Email ID.***



MOOT PROBLEM

FACTS

Indiana is a Sovereign, Socialist, Secular and Democratic Republic. Constitution of Indiana is a unique blend of Federal and Unitary form of government and provides single citizenship. Indiana adopted its constitution in the year 1949. Constitution of Indiana guarantees certain fundamental rights to its citizens as well as non citizens. Constitution also provides citizenship subject to the laws made by the parliament.

In 1946 Central Legislative Assembly of British Indiana enacted Foreigner Act, 1946 in order to confer certain powers to the central government in respect of dealing with foreigners in Indiana. Further subsequently Indiana Parliament enacted the Citizenship Act, 1955 in exercise of powers under the Constitution on Indiana to provide a substantive and procedural framework with respect to acquisition and determination of the Indiana Citizenship.

The Government of Indiana in exercise of powers under The Citizenship Act, 1955 on 10.12.2003 has promulgated the “Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003”

Banglastaan, Pakland and Asthaan are Muslim populated countries. Indiana is bordered by these countries which have religiously persecuted the Hindu people. The Ministry of Home Affairs, vide Notification dated 08.09.2015 bearing number 223 and 333 made an amendment in the Passport (Entry into India) Rules, 1950 and Foreigners Order, 1948 and allowed entry to persons belonging to minority communities in Banglastaan, Pakland and Asthaan namely, Hindus, Sikhs, Buddhists, Jains, Parsis and Christians who were compelled to seek shelter in Indiana due to

religious persecution or fear of religious persecution, who entered into Indiana on or before the 31st December 2014 without valid documents.

The state of Nissan which is situated in north-east Indiana comprises of several different tribes and ethnic groups with diverse languages and cultures. State of Nissan is an agrarian state with more than half of population dependent on agriculture. It has high rate of poverty, inadequate infrastructure and high rate of unemployment. The illegal immigration is majorly from Bangladaan to Nissan has apparently reduced Nisaan's inhabitants to a minority, which has resulted in loss of livelihood and threat to their cultural identity.

In pursuant to the series of various Supreme Court orders the Government of Nisaan and Union of Indiana updated National Register of Citizens for the residence in the state of Nissan. The updated Final list of National Register of Citizens (*hereinafter referred to as NRC*) and published on 31.08.2019. There were applications of 3.3 crores of people in NRC list and final list have included 3.11 crores of people and excluded 19.06 Lakhs of people. It is yet unclear exact number of how many people belonging to Hindu religion and Islam religion are being excluded by virtue of the process of NRC in the state of Nissan.

On 09.12.2019 The Citizenship Amendment Bill, 2019 was introduced in the House of People and was passed. That on 11.12.2019 The Citizenship Amendment Bill, 2019 was introduced in Council of States and passed. That on 12.12.2019 the President of Indiana assented to the Citizenship (Amendment) Act, 2019, wherein it amended certain provisions and Provided that persons belonging to minority communities, namely Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Asthaan, Bangladaan and Pakland, who have been exempted by the Central Government by or under clause (c) of subsection (2) of Section 3 of The Passport (Entry into India) Act,

1946 or any order made therein, shall not be treated as illegal migrants for the purpose of that Act.

Home Minister of India held a press conference and took a stand, "It's important and pertinent to note that Citizenship Amendment Act, 2019 is not going to take away citizenship of even a single Indian Citizen, as is being projected by vested interests. On the contrary, it will provide citizenship."

Republic Youth Front of India (RYFI) is a youth front and many organizations of India have protest against the Citizenship Amendment Act, 2019. Republic Youth Front of India (RYFI) alleged that this Act is in violation of the fundamental rights of Constitution of India and have moved to Hon'ble Supreme Court of India WP No. 700/2019 praying that the said Act is unconstitutional and arbitrary.

The protest had wide ramifications on various stakeholders in the state, company operations, educational institutions and Governmental functionaries came to a standstill. Interstate transportation was stalled by the protesters which had an impact on the revenue and emergency healthcare services. There was a huge loss to the public property as well as private property which affected the economy which is irreparably injured.

Legal Rights of Common People Organization (LRCPO) is an organization which protects the legal rights of common people of India. The president of Legal Rights of Common People Organization (LRCPO) has filed a Public Interest Litigation PIL No. 724/2019 before the Hon'ble Supreme Court of India challenging the protest of Republic Youth Front of India (RYFI) for one or the other reasons, primarily the violent activities and claimed compensation from Republic Youth Front of India (RYFI) to make good the losses incurred by the, private individuals and public sector to an approximate amount of Rs. 25 Crores.

Further the president of Legal Rights of Common People Organization (LRCPO) requested the Government of India to curb such practices. On the request of Legal Rights of Common People Organization (LRCPO) the Government of India issued a circular on 20th December 2019 and directed that no protests, agitation or demonstration by any political party, community or organization will be henceforth observed in the state. Further the Government of India directed that there shall be an Internet Shutdown in the sensitive areas of the nation. Government made it clear that any protester who would create any disturbances would be restrained and strictly penalized with criminal offences.

Republic Youth Front of India (RYFI) challenged the circular dated 20th December 2019, before the Hon'ble Supreme Court of India WP No.750/2019 on the grounds that it is infringing their freedom of speech and expression and their right to protest as in enshrined under the Constitution of India. Republic Youth Front of India (RYFI) submitted that citizens' right to organize a meeting, assembly or a protest demonstration is increasingly being infringed upon. Either a meeting is not permitted or a request for permission to organize a meeting goes unanswered. They further submitted that right to have continuous internet service is an extension to Right to life and as such discontinuation of that is in violation of the Fundamental Rights of the citizens.

The Hon'ble Supreme Court of India has directed that all the three petitions (PIL No. 724/2019, WP No. 700/2019, and WP No. 750/2019) will be heard together.

ISSUES: The Counsels are at liberty to frame issues and advance their arguments accordingly.

NOTE: The history and laws on India and Nissan are similar to that of India and Assam respectively, subject to identical mentioned in above facts.

DISCLAIMER: This problem/facts are hypothetical and framed with academic objective only. The Author or organizing institution has no affiliation or enmity with any ideology.

RDS Legal & Co.

Advocates & Solicitors