



NATIONAL LAW UNIVERSITY,
JODHPUR

**The Twelfth Annual
M.M. Singhvi Memorial
Bar Council of India
International Law
Moot Court Competition, 2009**

(January 9-11, 2009)

General Manual on Rules and Regulations

Sponsored By:

M.M. Singhvi Memorial Charitable Trust

Bar Council of India

Organized By:

**National Law University, Jodhpur
NH- 65, Nagaur Road, Mandore
Jodhpur - 342 004, Rajasthan, India
Ph: +91 – 291+ 2577595, 2577530
Fax: 0291 – 2577540,
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NATIONAL LAW UNIVERSITY, JODHPUR

Established by the National Law University Jodhpur Act, 1999 passed by the State of Rajasthan and commencing its academic session in the year 2001, the University has come a long way through organizing the Eleventh Edition of the All India M.M. Singhvi Memorial Moot Court Competition in 2002.

National Law University, Jodhpur is a bold experiment in the sense that it is truly multidisciplinary. Legal education, unlike many other streams of professional education like technology, medicine, or finance is a multidisciplinary education. Legal professional skills can be used by any other knowledge system. In the present growing complex world a substantive legal education is very closely linked with knowledge in technology and science. As it is, legal profession is based on the premise of certain social values that are built up in hundreds of years of sociological practices and ethos. For instance, the enormity of literature on interaction between law and medicine shows how intricately knowledge of law and medicine can be intertwined.

Keeping this objective of multidisciplinary total education in view and the growing needs of legal profession in the global context the courses and programs are designed at the University.

In our quest for perfection in legal education, we strive to explore the avenues that beckon the legal fraternity at large. Though this Moot Court Competition we seek your active support and co-operation in this ongoing process of convergence of skill and knowledge.

ABOUT MR. M.M. SINGHVI

Late Shri M.M. Singhvi was born on 4.1.1922. After graduation at Jodhpur, Shri Singhvi went to Benaras and obtained law degree from Benaras Hindu University. Shri Singhvi was enrolled as an Advocate in 1944 and started practice in Jodhpur. Late Shri Singhvi practiced in Civil, Criminal and Election matters on original as well as appellate side.

With his hard word and dedication to the profession, he soon made a mark in the profession and became an eminent lawyer of Rajasthan. He was known for his art of cross-examination as well as presentation of cases before the Court. He soon became a renowned Advocate on the criminal and election side.

He was elected as President of the Rajasthan Advocates' Association in the years 1965 and 1979. He was elected as Member of Rajasthan State Bar Council in 1972 and was re-elected in 1977. He was twice elected as Chairman of the State Bar Council from 23.4.1978 to 13.5.1979 and again in 18.5.1980 to 16.5.1982. During his chairmanship, the State Bar Council in its history organized First All India Conference of the Advocates in which various legal luminaries (including Judges of the Supreme Court, High Courts and Advocates) from all-over the country participated.

Shri Singhvi was a Member of Municipal Council, Jodhpur and Urban Improvement Trust, Jodhpur. He was associated with the freedom movement of the country. He was active in politics also. Shri Singhvi remained an active Member of the Indian National Congress throughout his life.

Shri Singhvi was actively associated with various social organizations and has rendered social services in the field of education, environment and health.

**12th Annual M.M. Singhvi Memorial – Bar Council of India – International
Law
Moot Court Competition, 2009**

The M.M. Singhvi Memorial Charitable Trust has been conducting the M.M. Singhvi Memorial Moot Court Competition for the past nine years in the fond memory of Late Shri M.M. Singhvi. The National Law University is organizing the same for the ninth year. The Bar Council of India Trust is the Co-sponsor for the tenth edition of this prestigious competition.

Following is the prize money for this edition of the competition:

AWARDS

- a) **Winning Team – Rs. 12,000/-**
 - b) **First Runners Up Team – Rs. 6,000/-**
 - c) **Best Student Advocate – Rs. 4,000/-**
 - d) **Best Memorial – Rs. 3,000/-**
 - e) **Best Researcher – Rs. 3,000/-**
- (Prize winners will also be given certificates for the same along with the participation certificates)
 - (Participation certificates will only be distributed at the Valedictory Function and teams not present to collect them will not be entitled to receive the certificates subsequently)

BOARDING, LODGING & TRANSPORTATION

- a) Boarding and lodging will be provided for the participating teams for the nights of **January 8 – 11, 2009.**
- b) Organizers may provide boarding and lodging facilities for anyone accompanying the team if the same is intimated to the organizers latest by December 15, 2008 and the extra member agrees to bear the cost.
- c) **Note: A Team consists of three (3) Members which shall be composed only of Two Speakers and One Researcher.**
- d) The participating teams will be received by the volunteers of the Moot Court Committee at their respective places of arrival **upon prior intimation.**
- e) **Participants are also requested to kindly fill up the Travel Plan Form annexed herewith and send it to the organizers on or December 15, 2008. Any subsequent changes made to the travel plans should also be intimated to the organizers.**
- f) Conveyance arrangements have been made for the participants from the place of arrival to the place of their lodging and to and fro from the place of lodging to the venue of the competition.

- g) Participants have to give one E-mail id compulsorily. That Email id shall be used for the purpose of intimating important information from time to time by the organizers in connection with this Moot Court Competition. Information communicated to that e-mail id will be deemed to have been communicated to all the participants.
- h) Participants shall use this E-mail Id to contact us regarding this Moot Court Competition. E-mail Id – mmsinghvi@gmail.com

RULES AND REGULATIONS

1. GENERAL

- i. The 12th M.M. Singhvi Memorial – Bar Council of India – International Law Moot Court Competition, 2009 will be held from January 9 to 11, 2008.
- ii. Students pursuing three or five years LL.B. or B.L. or J.D. degree courses (or equivalent course) in the academic year 2008-09 from any recognized Law College/University are eligible to participate.
- iii. The Travel Plan and the Memorials (including soft copy) must reach **on or before December 28 2008 before 5.30pm.** to the following address:

**Moot Court Committee
National Law University, Jodhpur
N.H. – 65, Nagaur Road, Mandore,
Jodhpur – 342 004, Rajasthan- India
Ph: +91 – 291+ 2577595, 2577530 Fax: 0291 – 2577540
E-mail: mmsinghvi@gmail.com**

- iv. **Change in team composition shall not be permitted once the names are sent, except at the sole discretion of the organizers.**

2. ROUNDS

- i. **The Preliminary Rounds:**
- a. There will be two (2) preliminary rounds to ensure that each team is given the opportunity to argue from both sides of the proposition.
- b. The advancement to the oral rounds shall be as follows
- I. Teams shall be ranked by number of wins in the Preliminary Rounds, from highest to lowest.
- II. If two or more teams have the same number of wins, the Team with the higher Cumulative Points from the Preliminary Rounds shall be ranked higher.

- III. If two or more teams have the same number of wins and also the same cumulative points, the team with the higher cumulative oral rounds marks shall be ranked higher.
- IV. If two or more teams have the same number of wins, the same cumulative points and also the same cumulative oral rounds marks, then the team with the higher gross memorial score i.e. the score of the memorial without deducting the penalty shall be ranked higher.

ii. **The Quarter Finals:**

- a. The eight teams shall be arranged according to the ranking as calculated in the above rule and the draw for the quarter finals will be as follows:
 - I. Rank 1 v. Rank 8
 - II. Rank 2 v. Rank 7
 - III. Rank 3 v. Rank 6
 - IV. Rank 4 v. Rank 5
- b. These ranks are not to be disclosed to the teams.
- c. There will be a draw of lots for choosing the sides.
- d. The eight teams shall have to argue the case only from one side and shall be assigned sides by draw of lots. Four teams will be qualifying for the semi finals on a knock out basis.

iii. **The Semi Finals:** The four teams shall have to argue the case only from one side and shall be assigned sides by draw of lots. Two teams will be qualifying for the finals on the knock out basis.

iv. **The Finals:** The two teams shall be assigned sides by draw of lots. The team, which scores higher marks in the final round, shall be declared as the Winner. The other team shall be declared as the Runner – Up.

3. **MEMORIALS**

- i. The Memorial shall necessarily consist of the following and only the following parts:
 - a) Cover Page
 - b) Table of Contents
 - c) List of Abbreviations
 - d) Index of Authorities
 - e) Statement of Jurisdiction
 - f) Statement of Facts
 - g) Questions presented
 - h) Summary of Arguments
 - i) Written Submissions
 - j) Prayer

- ii. Each Memorial shall have the following and only the following on its cover:
 - a) The team code on the top right hand corner of the Cover Page
 - b) The name and place of the Court
 - c) The relevant legal provision under which the case is filed.
 - d) Name of parties & their status.
 - e) Memorial Submitted To ...
 - f) Memorial Filed on Behalf of ...
 - g) Counsel appearing on Behalf of ...
- iii. A Team Code shall be given to each of the participating teams. **Names of Participants, or Colleges or Universities ought not to be mentioned anywhere on the Memorial.** Teams violating this rule shall attract severe penalty. Team Code shall be communicated to all the participants in due course of time.
- iv. **Five Copies of the Memorial** for each side of the proposition must be submitted to the organizers.
- v. **The Memorials must have a cover page which is Blue for Applicant and Red for Respondent**
- vi. One copy of each Memorial must reach the abovementioned address on or before 5:30 P.M. on December 28, 2008. Further, one copy of each memorial must also be mailed to mmsinghvi@gmail.com before 5:30 P.M. on December 28, 2008. This is to allow for an assessment of the penalties incumbent on the memorials.
- vii. The soft copies of the memorials must be submitted in MS Word Document format.
- viii. The remaining additional four copies must be submitted to the organizers at the time of registration on January 8, 2009.
- ix. All Memorials submitted must conform to the following general requirements and a team may attract negative marking for failure to keep within limitation as indicated below:
 - a) Memorial must be printed on white A4 paper with black ink.
 - b) The font of the body of the Memorial must be Times New Roman, Size 12, double line spacing.
 - c) The footnotes must be in font Times New Roman, Size 12, single line spacing. A space of double line may be given between two different paragraphs or footnotes subject, however to the fact that the spacing between footnotes should be uniform all throughout.
 - d) Footnotes must not be explanatory in nature.

- a. *Illustrative example of an acceptable footnote: X v. Y, AIR 1973 SC 22, 23-24 [hereinafter X].*
 - b. *Illustrative example of an unacceptable footnote: X v. Y, AIR 1973 SC 22, 23-24 [hereinafter X] (holding that the Right to Information Act was in fact against the express provisions of Art. 14 of the Constitution of India).*
- e) The Harvard Blue Book Style of footnoting must be followed as far as practicable. In any case, footnoting must be uniform throughout the memorial.
- f) Each page of the Memorial must have a margin of at least one inch on all sides. No text may be placed within this margin other than its page number.
- g) Statement of Jurisdiction, Statement of Facts, Questions Presented, Summary of Arguments, Written Submissions and Prayer must not exceed twenty five (25) pages.
- h) The Index of Authorities must contain a list of all legal authorities cited in any section of the Memorial. The Index must include the page number(s) of the Memorial on which each authority is cited.
- i) Any form of legal argument or legal interpretation of the facts of the Proposition must be confined to the "Written Submissions" section of the Memorial. Exceptions are
 - a. As far as the Prayer for Relief sets out the relief.
 - b. Insofar as such argument may be summarized in the "Summary of Arguments"
 - c. Insofar as the argument may be anticipated in the "Issues for Consideration".
- j) If two or memorials are found to be substantially similar and the Administrator, upon consultation with the memorial judge(s), is of the opinion that there has been copying between the two memorials, then he may impose a penalty on the total marks awarded towards memorial evaluation.
- x. There shall be an exchange of memorials between the respective opponent participating teams as would be placed after the draw of lots in all the rounds of the competition.
- xi. No amendments can be made to the Memorials after submission.

4. EVALUATION OF MEMORIALS

- i. Memorials will carry one-third (1/3) weightage of the total evaluation.
- ii. Memorials shall be evaluated on the basis of the following criteria;
 - a) Application and appreciation of facts

- b) Identification and presentation of issues
- c) Application of legal principles
- d) Use of authorities and precedents
- e) Logical structuring & Writing skills
- f) Proper footnoting & formatting

iii. Penalties – Penalties shall be deducted after the memorial has been evaluated – In no event can the penalties reduce the total memorial score below two - fifth (2/5) of the maximum score.

S. No.	Rule Number	Summary	Penalty
a)	3 (vi)	Delay in submitting Memorials	2 points (plus 1 point per day after one day) subject to a cumulative maximum of 5 points
b)	3 (vii)	Delay in submitting Memorials	2 points (plus 1 point per day after one day) subject to a cumulative maximum of 5 points
c)	3 (ix)	Delay in submitting Memorials	2 points (plus 1 point per day after one day) subject to a cumulative maximum of 5 points
d)	3(x)(b) & 3 (x)(c)	Use of incorrect font or font-size, use of font of inconsistent size, or improper line spacing	1 point per violation, subject to a maximum of 10 points
e)	3(i)	Failure to include all parts of Memorial, or inclusion of an unenumerated part	2 points for each part
f)	3 (x) (i)	Substantive legal argument outside of approved sections of Memorial (In consultation with the memorial judge(s))	2 points (one-time penalty)
g)	3 (x) (h)	Improperly formatted Index of Authorities	2 points (one-time penalty)
h)	3 (x) (g)	Excessive length (In consultation with the memorial judge(s))	3 points (one-time penalty) + 1 point for each additional page subject to a maximum of 6
i)	3 (ii) or 3 (v)	Failure to include necessary information on Memorial cover	2 points (one-time penalty)
j)	3 (iii)	Inclusion of any identifying mark, character or text in the memorial.	5 points (one-time penalty)
k)	3 (x) (j)	Copying of memorials (In consultation with the memorial judge(s))	Upto 75% of the marks awarded towards memorials depending upon the extent of copying.
l)	3 (x) (f)	Inclusion of text in margin	2 points one time

			penalty
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5. ORAL SUBMISSIONS PROCEDURE

- i. Court language shall be English only.
- ii. The time limit for competition shall be thirty (30) minutes for each team. This shall include the submission of both the student counsels from the team.
- iii. No counsel may reserve more than twenty (20) minutes for his individual speaking time.
- iv. The team appearing from the side of Applicant will be given five (5) minutes for rebuttal after the Respondent team completes their argument and rebuttals. The time limit for the rebuttals shall be five (5) minutes and the same cannot be exceeded in any case. One speaker from each team will be permitted to rebut.
- v. The team appearing from the side of the Respondent will have to rebut during their arguments. They will be given five (5) minutes in addition to the allotted thirty (30) minutes for the arguments. The respondent team may however, chose to reserve up to a maximum of five (5) minutes time for sur-rebuttal purposes.
- vi. This time split must be communicated to the bailiff prior to the beginning of the round.
- vii. There will be no extension of the time. In event where the judges are of the opinion that a certain exigency does require an extension of time, they may extend speaking time for a team by a maximum of five (5) minutes.
- viii. There shall be no communication, oral or otherwise using chits, etc., between the counsels' table and the speaker.
- ix. Participants seated at the counsels' table may use laptops in the courtroom but must ensure that this does not interfere with the court proceedings.

6. EVALUATION OF ORAL ROUNDS

- i. Oral rounds will carry a weightage of two-third (2/3) of total marks.
- ii. The evaluation would be done on the following criteria;
 - a) Marshalling of facts
 - b) Articulation of issues
 - c) Presentation Skills and Communication Ability
 - d) Response to Questions of the Court
 - e) Application of legal principles
 - f) Use of authorities and precedents
 - g) Court Room Etiquettes
 - h) Effective Rebuttals (Not to be considered in *ex-parte* rounds. See Rule 7(ii))

7. DELAY IN APPEARANCE/PRESENTATION

- i. If a team scheduled to take part in a round does not appear for 10 minutes after the scheduled starting of the round, the other team shall have to submit *ex-parte*.
- ii. The criteria of rebuttals shall not be considered in such cases for evaluation in place of which an average for the same would be given on the basis of the marks scored by such team on other criteria.

8. SCOUTING

- i. Scouting by the student counsels, researcher or any other person affiliated with the team will lead to the disqualification of the team.
- ii. Scouting shall be deemed to have happened if any person affiliated with the team is found
 - a) Witnessing, hearing etc. oral rounds except where the round is one in which the team to which he is affiliated is participating; or
 - b) Reading a memorial of a team except where
 - I. It is of the team to which he is affiliated; or
 - II. The memorials have been obtained on account of exchange of memorials prior to a round of the team to which he is affiliated.

9. EXCHANGE OF MEMORIALS

- i. Prior to each round, the organizers will arrange for the exchange of memorials.
- ii. The teams are prohibited from making any marks on the exchanged memorials
- iii. The teams are prohibited from making any copies of the memorials which have been thus exchanged.
- iv. The teams are required to return the exchanged memorials to the Court Officers of the respective round.

10. BEST MEMORIAL

The memorials, which secure the highest marks based upon the cumulative marks of all the two memorials submitted, shall be adjudged as the Best Memorial.

11. BEST STUDENT ADVOCATE

- i. The Student securing the highest mark based upon the cumulative marks of the Preliminary Rounds of the competition will be adjudged as the Best Student Advocate.
- ii. Rebuttal marks awarded will not be considered to decide the Best Student Advocate.

12. BEST RESEARCHER

- i. A written test will be conducted to decide the Best Researcher. This test is open only for the designated researchers from the participating teams. In the event where there are only two (2) members in a team, either one of them may sit for the researcher's exam.
- ii. Questions for such written test will be framed based upon the factual circumstances of the moot court proposition and the principles applicable thereto.
- iii. The student securing highest marks in the written test will be adjudged as the Best Researcher.

13. MISCELLANEOUS

- i. If any one of the members of a team be notified/informed of any detail or information, it shall be deemed as if the said team as a whole has duly been notified/informed.
- ii. In case of any doubt in either understanding any of the details or interpreting them, the decision taken by the Organizers shall be final and binding.
- iii. Drawing of lots for the Preliminary Round shall take place at 6:30 P.M. on January 8, 2009 at the place of boarding.
- iv. Rules should be strictly adhered to. Any deviation thereof can attract penalties and maybe even disqualification.
- v. Organizers shall resolve unanticipated or unexpected contingencies, if any, and the decision in this regard shall be final and the acceptance of any such decisions is a precondition to participation in the Competition.
- vi. In addition to the Penalties listed in Rules 4 (iii) the Chairperson of the Moot Court Committee, National Law University, Jodhpur may assess up to fifteen (15) point Penalties for other violations of the letter or spirit of these Rules. The size of the Penalty shall correspond to the degree of the violation in the judgment of the Chairperson. Discretionary Penalties shall be imposed by the Chairperson after consultation with the judges and the Director, Clinical Legal Education, National Law University.
- vii. Any reference to time will be construed as a reference to Indian Standard Time.

IMPORTANT DATES

1. December 15, 2008 (on or before 5.30 pm): Last date for submission of Travel Plan.
2. December 28, 2008: (on or before 5 :30 pm): Last date for receiving one copy of each side of the memorial by post.
3. December 28, 2008: (on or before 5 :30 pm): Last date for e-mailing soft copy of the memorial to mmsinghvi@gmail.com
4. January 8, 2009: (Latest by 5.00 pm): Arrival Date and Time at the place of Accommodation – Students Orientation, Drawing of Lots and Exchange of Memorials for the Preliminary Rounds at 6.00pm by the Organizers.
5. January 9-10, 2009: Preliminary Rounds, Quarter Finals and Semi Finals.
6. January 11, 2009: Final Rounds and Valedictory Function - 12th M.M. Singhvi Memorial – Bar Council of India – International Law Moot Court Competition, 2009.

VENUE OF THE COMPETITION:

National Law University, Jodhpur
N.H. – 65, Nagaur Road, Mandore,
Jodhpur – 342 004, Rajasthan- India
Ph: +91 – 291+ 2577595, 2577530 Fax: 0291 – 2577540

ADDRESS FOR COMMUNICATION:

Moot Court Committee
National Law University, Jodhpur
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Jodhpur – 342 004, Rajasthan- India
Ph: +91 – 291+ 2577595, 2577530 Fax: 0291 – 2577540
E-mail: mmsinghvi@gmail.com

TRAVEL PLAN

1. Name of Institution -
2. Team Code -
3. Arrival Details -
 - a. Mode of Arrival: Train / Air / Bus _____
 - b. Train No./Bus No./Flight No. _____
 - c. Estimated Time of Arrival _____
4. Departure Details -
 - a. Mode of Arrival: Train / Air / Bus _____
 - b. Train No./Bus No./Flight No. _____
 - c. Estimated Time of Departure _____
5. Any other details:

(Signature & seal of the Head of the Institution)

Note:

This Travel Form must reach on or before December 15th 2008 by 5.30 pm.