

UNIVERSITY OF MUMBAI LAW ACADEMY



7th INTRA MOOT COURT COMPETITION

29th and 30th July 2022



**MOOT
BROCHURE**



**COURT
REGULATIONS**

CONTACT LIST

Nek Puri:
9136236482

Satvica Dixit:
6392138274

Rashi Thoke:
9518597507

e-mail:
umlamcs@gmail.com



MOOT PROPOSITION

1. The Republic of Windia is a developing country located in North Seleria. It is a multicultural nation, rich in its cultural outlook and civilization, with a population of over 2.5 billion people, diverse in ethnic backgrounds, languages, and religions. It is a sovereign, democratic, and republican nation with a federal set-up under the Constitution of the Republic of Windia. The country has adopted the parliamentary system wherein the President is the nominal executive head of the government. The aims and objectives enshrined in the Preamble of the Constitution of Windia are to secure the citizens' fundamental liberties and to ensure the unity and integrity of the nation.

2. After a lengthy and arduous struggle, the people of Windia got independence from the Flogena rule in 1947. The country of Windia took pride in the fact that they achieved their independence through a non-violent revolution. Taking inspiration from the constitutions of the major democracies in the world, the Constitution of Windia was wisely drafted by the members of its Constituent Assembly.

3. The Constitution of Windia, which includes exhaustive provisions on fundamental rights, was adopted and enacted by the Constituent Assembly of Windia on January 26, 1950. As a consequence of its long freedom struggle, the forefathers of the Republic of Windia constituted it as a Sovereign, Socialist, Secular, Democratic, and Republican State.

4. In the Windian Constitution, emphasis was placed on civil and political rights. These rights were included as enforceable rights under Part-III of the Constitution as "Fundamental Rights". Part-III of the Constitution sought to give shape to the vision of safeguarding rights and civil and political values as proclaimed in the Preamble through justiciable provisions.

5. A detailed chapter in the Constitution of Windia enumerates various fundamental rights like the right to equality, the right to life and personal liberty, the right to freedom of religion, the freedom to carry on any trade, profession, or business, and the right to constitutional remedies. These fundamental rights are available against the "State". The concept of "State" is defined by the Constitution of Windia under Article 12.

6. Windia has a rich social composition as many religions have originated in the country and a few religions of foreign origin have also flourished here. At the same time, the country is home to several indigenous faiths and tribal religions that have survived the influence of major religions for centuries.

7. The country of Windia is one of the largest countries in the world. It is a secular and democratic country with a rich cultural and diversified heritage. In the country of Windia, numerous languages are spoken and the country is home to people of different religions and communities. It is made up of 28 States and 8 Union Territories, with Saurashtra being the largest state in the country. The composition of the population in Saurashtra is such that there are 70% Naratha, 20% Bahar people and the remaining population belongs to various other minority communities.

8. On the 27th of January 1822, a battle took place in Saurashtra. The battle is an important one for the Bahar community because it signifies a victory over the oppressors of the said community. The battle resulted in a victory for the Bahar community. Subsequent to the battle, a pillar was erected to pay tribute to all the soldiers who lost their lives in the line of fire. On January 27 every year, numerous people from that community come to this site to pay their respects.

9. In Saurashtra, the Bahar community and other backward classes organize the "Bahar Day" every year at Raibag village on January 27 to honor the courage, bravery, and sacrifice of their predecessors. It is a place that has been appeased and made challenging by contending narratives of backward class affirmation against upper caste tyranny. The battle has since come to be perceived as a 'symbol of pride'. Hence, it is celebrated by the Bahar community every year.

10. The 200th anniversary of the battle was commemorated in 2022. Therefore, to commemorate the anniversary on January 27 2022, a conference was held in the Raibag region of Saurashtra, in which there was a more extensive gathering at Raibag in contrast to preceding years. This conference came to be called the Revelrida Sammelan. At the conference, provocative speeches were made by some people due to which violent altercations occurred between Bahar people and Naratha groups, which led to the death of some individuals and injuries to many others. News of the incident spread across the state of Saurashtra, resulting in a violent agitation in the state, leading to the destruction of and damage to public property.

11. Subsequent to this, a First Information Report (FIR) filed in connection with the clash alleged that some activists supposedly made provocative speeches instigating the crowd towards violence in the Raibag region of Saurashtra. Following a comprehensive probe of the incident, police contended that several active members of a certain group made inflammatory statements throughout the event, which charged up the crowd. The complainants testified that the activists delivered speeches filled with malice, disseminated fake history, made highly contentious claims, and incited frightening slogans, sung-songs, and performed road-dramas, which evoked scorn between the two groups.

12. Thereafter, the Saurashtra Police arrested several activists on mere suspicion from different parts of the country in connection with the violence that took place at Saurashtra's Raibag region following the Revelrida Sammelan. The reason for their arrest was not communicated to the accused at the time of their arrest. The police conducted raids at homes of activists and intellectuals in several major cities and seized many pieces of evidence, including laptops, pen drives, and documents.

13. In the affidavit which has been filed by the police, it has been stated that the material retrieved during investigation from the computers, laptops, pen drives, and memory cards of the accused persons implicated them as active members of the 'Swayamsevak Party of Windia' and reflected a design to be involved in the commission of offences having the potential to destabilize the country.

14. Following the Raibag incident, the Central Government, exercising its powers under Section 35 of the Unlawful Activities (Prevention) Act, 1967, (UAPA) which grants the Union Government absolute and discretionary powers to classify any association, group, coalition, or alliance as a terrorist organization, declared the Swayamsevak Party of Windia as a 'terrorist organization'. (*Refer to the Annexure for the aforementioned Section of the UAPA*)

15. Upon the designation of the Swayamsevak Party of India as a "terrorist organization", the organization has approached the Apex Court challenging the constitutional validity of Section 35 of the UAPA on the grounds that it violates the fundamental rights guaranteed under Article 14 as it gives arbitrary and unreasonable power to the State to declare any organization as a "terrorist organization", Article 19 as it violates the right to freedom of speech and expression, and Article 21 as it violates the right to live with dignity guaranteed under right to life and personal liberty.

16. Furthermore, the activists who have been arrested claim that they are a group of pro-democracy workers, tribal activists, lawyers, and academics who have been leading peaceful people's rights-based movements, especially among the poor and marginalized communities, for several years in different parts of the country and are seriously concerned with the preservation of the democratic fabric of Windia. They complain that they are being persecuted for their opinions, and their voices are being silenced through criminal prosecution.

17. The State clarified that the accused were not detained because of their differing ideas or political ideology. Instead, the investigation has revealed their involvement in serious offences such as being active members of the Swayamsevak Party of Windia, which has

been designated as a terrorist organization, as well as their involvement in the planning and preparation of large-scale violence and property destruction.

18. The arrested persons have also approached the Hon'ble Supreme Court under Article 32 of the Constitution of Windia, demanding that a Special Investigation Team (SIT) be constituted to probe the present case on the ground that the investigation is being conducted in a malicious manner; that the Raibag Police has made serious procedural lapses during the investigation, under political pressure, which is why an SIT probe is necessary to ensure a free and fair investigation.

19. The petitioners contended that the State had violated the right to free and fair trial guaranteed under Article 21 of the Constitution of Windia. They further contended that the police embarked on a motivated process of arresting a large number of human rights activists based on some media reports, who are all known for their commitment to the cause of respecting and promoting the rights of the most vulnerable and marginalized communities, particularly the backward communities, landless labourers and the poor. They argued that the arrests were arbitrarily made to curb dissent. They emphasized that the activists had been booked under the draconian UAPA for raising the voice of dissent, and that this targeting is aimed at not only maligning these human rights defenders and activists but also maligning the progressive ideas and human rights ideology that they espouse.

20. The petitioners seek to bring on record the gross abuse of police power in the country, which is intended to stifle, if not kill, independent voices and differing ideologies from the party in power. The petitioners are, therefore, significantly concerned about the erosion of democratic values and are moving the Hon'ble Supreme Court "not to stop investigation into allegations", but to ensure independent and credible "investigation into the arrest of human rights activists".

Both the petitions have been clubbed and are posted for a hearing before the Hon'ble Supreme Court of Windia. The issues framed are as follows-

- 1. Is the present Writ Petition under Article 32 of the Constitution of Windia maintainable before the Hon'ble Supreme Court of Windia?**
- 2. Is designating the Swayamsevak Party of Windia as a terrorist entity, under Section 35 of the Unlawful Activities Prevention Act (UAPA), constitutionally valid?**
- 3. Can the Supreme Court order the constitution of a Special Investigation Team (SIT) to probe the present case?**

ANNEXURE**Unlawful Activities (Prevention) Act (UAPA), 1967**

The Act gives special procedures to handle terrorist activities, among other things. It aims at the effective prevention of unlawful activities associations in Windia. Unlawful activity refers to any action taken by an individual or association intended to disrupt the territorial integrity and sovereignty of Windia. UAPA has the death penalty and life imprisonment as the highest punishments. The Act assigns absolute power to the central government of Windia, by way of which, if the Centre deems an activity as unlawful then it may, by way of an Official Gazette, declare it so. Under UAPA, both Windian and foreign nationals can be charged. The offenders will be charged in the same manner whether the act is performed in a foreign land, outside Windia.

Section 35 in The Unlawful Activities (Prevention) Act, 1967

35. Amendment of Schedule, etc.—

(1) The Central Government may, by order, in the Official Gazette, —

(a) add an organization in the Schedule.

(b) add also an organization to the Schedule, which is identified as a terrorist organization in a resolution adopted by the Security Council under Chapter VII of the Charter of the United Nations, to combat international terrorism.

(c) remove an organization from the Schedule.

(d) amend the Schedule in some other way.

(2) The Central Government shall exercise its power under clause (a) of sub-section (1) in respect of an organization only if it believes that it is involved in terrorism.

(3) For the purposes of sub-section (2), an organization shall be deemed to be involved in terrorism if it—

(a) commits or participates in acts of terrorism, or

(b) prepares for terrorism, or

(c) promotes or encourages terrorism, or

(d) is otherwise involved in terrorism.

RULES & REGULATIONS

A. GENERAL RULES

1. STRUCTURE OF THE COMPETITION:

The Competition will be structured as per the following format:

a. Preliminary Round 1

b. Preliminary Round 2

(All teams shall argue from both sides in the Preliminary Rounds)

c. Quarter-Final Rounds

d. Semi-Final Rounds

e. Final Round

2. LANGUAGE:

The language of the Competition shall be English.

3. TEAM COMPOSITION:

I. The team composition, for the competition, shall comprise two Speakers and one Researcher. Additionally, each team will be provided with an Observer.

II. Any change in roles within the team will be done only upon receiving permission from the MCS.

III. In the case that a Speaker, due to illness or any such unforeseen circumstances which render him/her unable to participate in the competition, the Researcher may be permitted to take the role of the Speaker, however the right to change roles is up to the discretion of the MCS.

IV. However, under no circumstances shall the Observer be allowed to take part in the proceedings.

4. VENUE:

The competition will be held in the physical format at the University of Mumbai Law Academy, Kalina Vidyanagri, Mumbai University.

5. DRESS CODE:

The participants shall adhere to the following dress code when present in any courtroom during the Competition.

a. Girls: White salwar and kurta or white shirt and black trousers along with a black coat.

Boys: White shirt, black trousers and black tie along with black coat.

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

B. MEMORIAL SUBMISSION

1. MEMORIAL STRUCTURE:

1. Cover Page: The cover page shall contain the name of the competition and the year, the name of the Court, the case title, side of the memorial, and the team code in the top right corner. (should not exceed one page)
2. Table of Contents (should not exceed two pages)
3. List of Abbreviations (should not exceed two pages)
4. Index of Authorities: The Index of Authorities must list all the authorities cited in the Memorial Submission. (should not exceed two pages)
5. Statement of Jurisdiction (should not exceed one page)
6. Statement of Facts -The Statement of Facts must contain a concise statement of the relevant facts of the dispute. As far as may be, the Statement of Facts should be limited to the stipulated facts and legitimate inferences therefrom. Argumentative facts are prohibited. (should not exceed three pages)
7. Issues Raised (should not exceed one page)
8. Summary of Arguments (should not exceed one page)
9. Arguments Advanced (should not exceed twelve pages)
10. Prayer (should not exceed one page)



2. TEAM CODE:

The team code must be ascribed on the top right corner of the cover page in bold in the format as informed by the Moot Court Society. Teams are strictly prohibited from mentioning any identifiers except the Team Code.

3. CONTENT SPECIFICATIONS:

The following content specifications must be strictly adhered to:

- Petitioner(s)/ Appellant(s)/ Complainant(s) memorials are required to have a blue cover and Respondent(s) memorials are required to have a red cover
- Font and Size (General) - Times New Roman, 12 pts. JUSTIFIED
- Line Spacing (General) - 1.5 lines
- Font and Size (Footnotes) - Times New Roman, 10 pts.
- Line Spacing (Footnotes) - Single line
- Page Margins - 1 inch on all sides,
- Header and Footer- The font used for the header/footer, if any, shall be Times New Roman, size 10, single spacing.
- Each page of the Memorial should be numbered.
- The citation should be in compliance with the 20th edition of Bluebook.

4. MISCELLANEOUS RULES:

1. All requirements have to be strictly followed. Non-adherence to the same will attract penalties as provided under the Rules.
2. Each Team participating in the Competition must prepare one Memorial for each side.
3. Each Team must send a soft copy of their memorials, in .pdf format only, for evaluation on/before July 15, 2022, 11:59 P.M. to umlamcs@gmail.com with the subject —Memorials for the 7th Intra Moot Court Competition, 2022, followed by the Team Code; for example: [Memorials for the 7th Intra Moot Court Competition 2022, TC40]. Each team shall attach memorials, of both sides, in a single email.
4. Memorials submitted beyond the deadline shall incur a liability of 3 points for the first day of delay, and 5 points for the subsequent day. No extensions will be granted with respect to this deadline.
5. The memorials shall not contain any form of identification apart from the team code. If any such identification or mark, symbol, etc. which has the effect of identifying the team is found on the memorial, then it shall result in instant disqualification.
6. Each team is required to submit 3 copies of the Petitioner Memorial and 3 copies of the Respondent Memorial to the MCS in College on July 16, 2022. Each copy must be spiral bound and should contain the exact contents as the memorials sent over email the previous day. Any changes would lead to a flat penalty of 3 points, or 1 point per change, whichever is higher.
7. Teams that are preparing compendiums must email .pdf files (one for the Petitioner Compendium, and one for the Respondent Compendium) on/before July 19, 2022, 11:59 PM to umlamcs@gmail.com. The file name must mention the Team Code and both files should be sent in the same email. The subject line of the said email should be- Compendiums for the 7th Intra Moot Court Competition, followed by the Team Code. Compendiums submitted beyond the said date will not be accepted and the teams will be disallowed from submitting their compendiums to the judges on the day of the Moot Court Competition.

5. PLAGIARISM & COPYING:

It is incumbent upon the team and its members, that, memorials should not be copied among the contesting teams at all as a whole or in parts, if found so, it will be a serious violation of rules and subject matter of plagiarism, academic indiscipline and breach of law. Teams that have been found to indulge in such activities will be instantly disqualified and barred from partaking in any Moot Court Competition, or allied competition, for a minimum period of two semesters.

The plagiarism percentage under no circumstance is to exceed 35%.

6. MARKING SCHEME:

The Memorial Submission shall be marked on a scale of 100 marks and the parameters are as follows:

MARKING CRITERIA	MARKS ALLOTTED
Evidence of Original Thought	20
Knowledge of Law and Facts	20
Proper and Articulate Analysis	20
Extent and Use of Research	20
Correct Format and Citation	20



C. ORAL ROUNDS

1.DRAW OF LOTS:

The match-up of teams in the Preliminary Rounds shall be determined on the basis of the draw of lots. The draw of lots and Memorial Exchange shall take place on July 22nd, 2022 after the Inaugural Ceremony.

2. PRELIMINARY ROUNDS:

- The Preliminary rounds shall comprise of Two Rounds of oral arguments, i.e., Preliminary-I and Preliminary-II, subject to the draw of lots.
- In the preliminary rounds, each team shall have to argue twice, once as a petitioner and the other as a respondent.
- Each team will get a total of 20 minutes to present their case. The division of time per speaker is left to the discretion of the team subject to a minimum of 8 minutes per speaker but not more than 12 minutes per speaker.
- There shall be no rebuttal in these rounds.
- No two Teams will argue against each other more than once in the Preliminary Rounds.

3. QUARTER FINAL ROUNDS

1. The top 8 teams, which will be determined by taking into account the marks of the Oral Rounds, in the Preliminary Rounds shall qualify to participate in the Quarter Finals.
2. Each team will get a total of 25 minutes to present their case with an additional 5 minutes for rebuttal/surrebuttal. The division of time per speaker is left to the discretion of the team subject to a minimum of 10 minutes per speaker but not more than 15 minutes per speaker.
3. The match-up of teams in Quarter Final Rounds shall be determined on the basis of a draw of lots.

4. SEMI-FINAL ROUNDS:

1. The Semi-Final rounds shall comprise four Teams.
2. The winners of the Quarter Final rounds on the basis of knock-out shall be declared qualified for the Semi-Final Rounds.
3. The match-up of teams in Semi-Final Rounds shall be determined on the basis of the draw of lots.
4. Each team will get a total of 30 minutes to present their case with an additional 5 minutes for rebuttal/surrebuttal. The division of time per speaker is left to the discretion of the team subject to a minimum of 10 minutes per speaker but not more than 20 minutes per speaker.

5. FINAL ROUNDS:

1. The two teams who stand declared as winners of the Semi-Final Rounds on the basis of knockout shall qualify for the Final Rounds.
 2. Each team will get a total of 30 minutes to present their case with an additional 5 minutes for rebuttal and sur-rebuttal time. The division of time per speaker is left to the discretion of the team subject to a minimum of 10 minutes per speaker but not more than 20 minutes per speaker.
 3. The Winner of the Final Round shall be declared the Winning Team of the Competition.
-

6. MARKING SCHEME:

The oral arguments shall be judged on the basis of the following:

MARKING CRITERIA	MARKS ALLOTTED
Knowledge of facts	10
Logic and reasoning	10
Organization and clarity	10
Persuasiveness	10
Deference to the Court	10
Proper and articulate analysis of the issues arising out of facts	10
Understanding of the legal principles directly applicable to the issues	10
Ability to explain clearly the legal principles in general keeping to the time allotted	10
Knowledge and use of legal sources and authorities and general principles of national law	10
Ingenuity (ability to argue by analogy from related aspects of law)	10

7. INTERPRETATION OF GUIDELINES:

All interpretations are at the complete discretion of the Moot Court Society. The decision so made shall be final and binding on all participating teams.

8. OFFICIAL COMMUNICATION & CLARIFICATIONS:

- All submissions relating to the competition shall be made through mail to: umlamcs@gmail.com
- Communication regarding any clarification or otherwise may be sought through email or through the contact number given below:

Nek Puri, President, MCS: 9136236482

Satvica Dixit, Vice President, MCS: 7607180500

Anushka Mhatre, Convenor, MCS: 8600146459

9. SCOUTING:

Teams shall not be allowed to observe the orals of another team unless they have been officially knocked out of the competition. Scouting is strictly prohibited. Scouting by any team shall entail instant disqualification

10. MISCELLANEOUS:

1. The oral arguments should be confined to the issues presented in the memorial.
 2. Maximum scores for the oral rounds shall be 100 points per speaker per judge.
 3. In case a tie takes place in any of the rounds, the marks of the memorial shall be the basis for deciding which team advances to the next round.
 4. The decision of the judges with regard to the outcome of the rounds shall be final and binding.
 5. The researcher must be present along with the speakers during the oral rounds. The researcher may provide copies of the compendium, to the panel of judges in their respective courtrooms; however, such compendium should have been submitted to the MCS as per its respective deadline.
 6. Teams shall notify the Court masters of the division of time between the 2 Speakers (including time reserved for Rebuttal & Surrebuttal) 10 minutes prior to the commencement of the Rounds.
 7. If Speaker 1 exceeds his/her reserved time, the additional time taken shall be deducted from the time reserved for Speaker 2. Similarly, if Speaker 2 exceeds his/her reserved time, the additional time taken shall be deducted from the time reserved for Rebuttals/Surrebuttals as the case may be. This rule may not be followed if the additional time is awarded at the Judge's discretion.
 8. The finality of the decision as to the time structure and the right to Rebut or Sur-rebut shall vest with the Judges.
 9. The teams will be required to fill a Google Form highlighting their team composition latest by July 10, 2022. Said Google Form shall be in shared in due course of time.
-

D. EXCHANGE OF MEMORIALS

1. Memorial Submission for Preliminary Round will be exchanged after the draw of lots on the inaugural day of the 7th Intra Moot Court Competition, being July 29, 2022.
2. The subsequent draw of lots and exchange of Memorials will be similarly conducted after the conclusion of each round.

E. RESEARCHER TEST

1. The test shall be limited to the general understanding of the law and to the moot proposition.
2. It will be held in both oral and written format. The written test shall be a Multiple-Choice Question Test. Both oral and written tests will be conducted in College on July 29, 2022.

F. AWARDS

1. The competition embraces the following awards:

- Winning Team
- Runner up Team
- Best Memorial
- Best Researcher
- Best Speaker



2. Additionally, the **Best Observer** award has been instituted from A.Y. 2022-2023; the criteria of the said award have been shared with the Observers.
2. The awards shall be announced during the valedictory ceremony to be conducted on July 30, 2022.

Note: - Any changes with regards to the moot problem, rules, and regulations of the competition shall be communicated to the teams in advance.

