



amarchand mangaldas



THE FIFTH NLU ANTI-TRUST LAW MOOT COURT COMPETITION, 2014

National Law University, Jodhpur

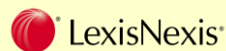
In association with

Amarchand & Mangaldas & Suresh A. Shroff & Co.

and

Competition Commission of India

KNOWLEDGE PARTNER



GENERAL MANUAL ON RULES AND REGULATIONS

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1. GENERAL

- 1.1. The Fifth NLU Antitrust Law Moot Court Competition, 2014 shall be held from March 7th to 9th, 2014 at the National Law University, Jodhpur.
- 1.2. Students pursuing three or five year courses of LL.B. degree in the academic year 2013-2014 from any recognised Law School/College/University in India are eligible to participate.
- 1.3. ONE team, comprising of minimum of two (2) and not more than three (3) members, per institution shall be eligible to participate in the Competition, subject to completion of Registration formalities as detailed in the 'Invite' to the Competition. The 'Invite' may be freely downloaded from <http://www.nlujodhpur.ac.in/antitrust.php>.
- 1.4. Each team shall be composed either of two (2) speakers only or of two (2) speakers and one (1) researcher. No change in team composition shall be permitted once the team composition is communicated to the organisers.
- 1.5. Each team should prepare ONE Memorial for each side, that is, the Petitioner(s)/Appellant(s) and the Respondent(s). The soft copy of the Memorials must reach the following e-mail address: antitrustnlumoot@gmail.com, on or before February 28th, 2014 (before 1800 hours IST).

2. ORAL ROUNDS

2.1. The Preliminary Rounds

- 2.1.1. There will be two (2) Preliminary Rounds to ensure that each team is given the opportunity to argue from both sides of the Proposition.

- 2.1.2. The fixtures for the Preliminary Rounds shall be determined by way of draw of lots. The draw of lots for the Preliminary Rounds shall take place at 1100 hours (IST) on 7th of March, 2014 at National Law University, Jodhpur.
- 2.1.3. For the Preliminary Rounds only, the winner of each such Round shall be determined on the basis of the criteria of evaluation of the speaker marks and the memorial marks, as mentioned in the Rules 2.1.4. to 2.1.6. below.
- 2.1.4. Each moot shall be decided by the award of a maximum of nine (9) points.
- 2.1.5. If the difference in memorial scores of the teams facing each other is equal to or exceeds seven percent (7%), then three (3) points are to be awarded to the team with the superior memorial scores and if the difference in memorial scores is less than seven percent (7%), then two (2) points are to be awarded to the team with the superior memorial scores and one (1) point is to be awarded to the other team
- 2.1.6. If the difference in speaker scores of the teams facing each other as awarded by each judge in the preliminary round is equal to or exceeds seven percent (7%), then three (3) points are to be awarded to the team with the superior speaker scores and if the difference in speaker scores is less than seven percent (7%), then two (2) points are to be awarded to the team with the superior speaker scores and one (1) point is to be awarded to the other team.
- 2.1.7. 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.
- 2.1.8. 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 memorials without deducting penalties, shall be ranked higher.

2.2. The Quarter Final Rounds

- 2.2.1. The highest ranked eight (8) teams from the Preliminary Rounds, as determined by the Rules stated above, shall qualify for the Quarter Final Rounds. In accordance with the ranks ascertained above, the fixtures for the Quarter Final Rounds shall be as follows:

Rank 1 v. Rank 8

Rank 2 v. Rank 7

Rank 3 v. Rank 6

Rank 4 v. Rank 5

However, these ranks will not be disclosed to the teams.

- 2.2.2. For the Quarter Final Rounds, each team shall argue ONCE for the side allotted by a draw of lots.
- 2.2.3. Four (4) teams shall qualify for the Semi Final Rounds on a knock out basis, i.e., the winner of each Quarter Final Round shall qualify to the Semi Final Rounds. Qualification of the teams shall be on a knock out basis. The knock outs will be decided on a round point basis wherein one (1) point shall be awarded by each judge to the team that won the round according to that judge. Any team having two (2) or more points shall proceed to the next round (the bench strength for this round shall be three (3)).
- 2.2.4. The winner of each Quarter Final Round shall be determined on the basis of the round point system based on speaker marks only.

2.3. The Semi Final Rounds

2.3.1. The four (4) teams that proceed to the Semi Final Rounds, as determined by the Rules above, shall each argue only ONCE for the side allotted by a draw of lots. The fixtures for the Semi Final Rounds shall be as follows:

Winner of Quarter Final Round I v. Winner of Quarter Final Round IV
Winner of Quarter Final Round II v. Winner of Quarter Final Round III

2.3.2. Two (2) teams shall qualify for the Final Round on a knock out basis, i.e., the winner of each Semi Final Rounds shall qualify to the Final Round. Qualification of the teams shall be on a knock out basis. The knock outs will be decided on a round point basis wherein one (1) point shall be awarded by each judge to the team that won the round according to that judge. Any team having two (2) or more points shall proceed to the next round (the bench strength for this round shall be three (3)).

2.3.3. The winner of each Semi Final Round shall be determined on the basis of the round point system based on speaker marks only.

2.4. The Final Round

2.4.1. The two (2) teams that proceed to the Final Round, as determined by the Rules above, shall each argue only ONCE for the side allotted by a draw of lots.

2.4.2. The team which wins in the Final Round shall be declared as the 'Winning Team'. The other team shall be declared as the 'Runners Up Team'.

2.4.3. The winner of the Final Round shall be determined on a knock out basis. The knock out will be decided on a round point basis wherein one (1) point shall be awarded by each judge to the team that won the round according to that judge. Any team having two (3) or more points shall be declared the winner (the bench strength for the final round shall be five (5)).

2.4.4. The winner of the Final Round shall be determined on the basis of the round point system based on speaker marks only.

3. MEMORIALS

3.1. The Memorials shall necessarily consist of the following and only the following sections:

- a) Cover Page
- b) Table of Contents
- c) List of Abbreviations
- d) Statement of Jurisdiction
- e) Statement of Facts
- f) Issues for Consideration
- g) Summary of Arguments
- h) Written Submissions
- i) Prayer

3.2. Each Memorial shall have the following and only the following on its cover page

- a) The team code on the top right hand corner of the cover page

- b) The name and place of the forum
- c) The relevant legal provision under which filed
- d) Name of parties and their status
- e) Memorial Submitted to ...
- f) Memorial Filed on Behalf of ...
- g) Counsel Appearing on Behalf of ...

3.3. A team code shall be assigned to each of the participating teams at the culmination of Registration formalities. Names of the participants or of the institution being represented ought not to be mentioned anywhere in the Memorial. Any other mark, character or text that reveals the identity of the team members or of the institution being represented would also be considered a violation of this rule. Violation of this Rule shall attract severe penalty at the sole discretion of the Competition Administrator.

3.4. The hard copies of the Memorials must bear a cover page in conformity with the following scheme:

Petitioner(s)/Appellant(s): Blue
Respondent: Red

3.5. The electronic copy of each Memorial must reach the following e-mail address: antitrustnlumoot@gmail.com latest by 1800 hours (IST) on February 28th, 2014. Both Memorials must be attached in a single e-mail ONLY, with the subject of the e-mail being ‘*Memorials for Team Code*’.

3.6. The Memorials must only be ‘.doc’ format. The file names of the soft copies of the Memorials must contain only the team code and the side being represented in the following format: 023-A or 155-R, where ‘A’ represents the Petitioner/Appellant side and ‘R’ represents the Respondent side.

3.7. Five (5) hard copies of the Memorial for each side of the Proposition must be submitted to the organisers upon arrival for Registration for the Competition on 7th of March, 2014.

3.8. All Memorials submitted must strictly conform to the following general requirements. Non-conformity may attract negative marking in a manner as indicated below:

- a) Memorials must ONLY be printed on plain white A4 paper with black ink.
- b) The font used must ONLY be Times New Roman, Size 12, with double line spacing.
- c) The font used in the footnotes must ONLY be Times New Roman, Size 12, with double line spacing. However, the space between consecutive lines of a single footnote may be single spaced, subject to uniformity throughout the Memorial.
- d) Footnotes must not be explanatory in nature.
Illustrative example of an acceptable footnote: X v. Y, AIR 1973 SC 22, 23-24 [hereinafter X].
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 one inch on all sides. No text must be placed within this margin of the page, other than the page number.

3.9. Word limits for various parts of the Memorial shall be as follows:

Statement of Facts: 800 words
Summary of Arguments: 1200 words

Written Submissions and Prayer: 10000 words (inclusive of footnotes)

- 3.10. Note that the Organisers of the Competition, reserve the right to not evaluate arguments that exceed beyond the prescribed word limit.
- 3.11. 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. The exceptions are:
- To the extent that the Prayer for Relief sets out the relief;
 - Insofar as such argument may be summarised in the 'Summary of Arguments'; and
 - In so far as the argument may be anticipated in the 'Issues for Consideration'.
- 3.12. The Index of Authorities must contain a list of all legal authorities cited in any section of the Memorial. The Index must contain the page number(s) of the Memorial where the authorities are so cited.
- 3.13. If two or more Memorials are found to be substantially similar and the Competition Administrator, upon consultation with the Memorial judge(s), is of the opinion that there has been plagiarism between the two Memorials, the Competition Administrator may impose such penalty on the total marks awarded towards Memorial evaluation as deemed appropriate.
- 3.14. No amendments can be made to the Memorials after submission. Any distinction or difference between the soft and hard copies of the Memorials would attract a penalty, as determined by the Competition Administrator. The organisers reserve the right to determine which of such differing memorials would be considered for evaluation purposes.

4. EVALUATION OF MEMORIALS

- 4.1. Memorial marks will carry one-third (1/3) weightage of the total cumulative marks in the Preliminary Rounds.
- 4.2. Memorials shall be evaluated on the following criteria:
- | | |
|---|----------|
| a) Application and appreciation of facts: | 20 Marks |
| b) Identification, structuring and presentation of issues: | 20 Marks |
| c) Application of legal principles, authorities and precedents: | 20 Marks |
| d) Ingenuity and logical reasoning: | 20 Marks |
| e) Lucidity and writing skills: | 10 Marks |
| f) Proper footnoting and formatting: | 10 Marks |
- 4.3. Penalties shall be deducted from each of the Memorials after the each such memorial has been evaluated. In no event can the penalties reduce the marks of each such memorial below two-fifth (2/5) of the maximum marks.

Table of Penalties

Rule Number	Description	Penalty
3.2	Failure to include all sections of the memorial or the inclusion of an unenumerated section.	Two (2) marks for each such section.
3.3. and 3.4.	Failure to include necessary information on the	Two (2) marks for each such section.

	cover page of the memorial, or the use of a colour on the cover page contrary to the scheme provided.	
3.3. and 3.5.	Disclosure of identity of team or of institution being represented.	Five (5) marks, being a one time penalty only.
3.5. and 3.7.	Delay in submission of Memorials.	Two (2) marks on the first day of delay, with one (1) mark per day for every day thereafter, subject to a maximum cumulative penalty of five (5) points.
3.8. b), c)	Use of incorrect font, font size or line spacing.	One (1) mark per violation, subject to a maximum cumulative penalty of ten (10) marks.
3.8 d).	Substantive legal arguments (explanatory footnotes) outside of the approved sections of the Memorial.	Two (1) mark, subject to a maximum cumulative penalty of six (6) marks. Further, such arguments will not be evaluated.
3.8. f)	Incorrect Margins	Two (2) marks, being a one time penalty only.
3.9.	Excessive length of any section of the Memorial.	Five (5) marks for every 1000 words exceeded.
3.11.	Improperly prepared Index of Authorities.	Two (2) marks, being a one time penalty only.
3.12.	Plagiarism in Memorials.	Upto three-fourth of marks awarded towards Memorials, based on the extent of plagiarism.

5. ORAL SUBMISSIONS

- 5.1. The Court language shall be English only.
- 5.2. The time limit for the oral submissions shall be forty (40) minutes for each team. This shall include the submissions of both the speakers from the team and the time reserved for rebuttal/sur-rebuttal.
- 5.3. The sur-rebuttal shall be limited to the rebuttals made by the team.
- 5.4. No speaker may reserve more than twenty (20) minutes for his/her individual oral submissions.
- 5.5. Only ONE speaker from each team shall be permitted to rebut/sur-rebut, as the case may be, subject to a time limit of five (5) minutes.
- 5.6. The time split between the speakers must be communicated to the bailiff prior to the commencement of each Round.
- 5.7. There will be no extension of time. In an event where the judges are of the opinion that a certain exigency does require an extension of time, they may extend the cumulative speaking time for a team by a maximum of five (5) minutes.
- 5.8. There shall be no communication, oral, written or in any other manner whatsoever, between team members seated on the table and the speaker making oral submissions.

- 5.9. Team members seated at the counsel's table may use laptops in the Court but must ensure that this does not interfere with the Court proceedings. Further the use of the internet shall not be permitted and any violation may lead to the disqualification of the team.
- 5.10. The teams shall not disclose, in any manner whatsoever, for the entire duration of the Rounds, either their own individual identities or the identity of the institution that they represent.
- 5.11. Teams can pass on compendium of the sources they cite in their memorials if so requested by the judges. However, it may be noted that passage of such material should not be in breach of Rule 5.10.
- 5.12. In every round of the Competition, teams arguing 'For' will argue their case first.

6. EVALUATION OF THE ORAL SUBMISSIONS

- 6.1. Speaker marks will carry two-third (2/3) weightage of the cumulative marks in the preliminary rounds.
- 6.2. Speaker marks, for the purposes of other Rounds of the Competition, shall be utilised as determined elsewhere in these Rules.
- 6.3. The score of the rebuttal shall be given only once in the oral round such that the total marks awarded per team does not extend 200.
- 6.4. The evaluation would be done on the following criteria:
 - a) Logical structuring and reasoning: 10 Marks
 - b) Ingenuity and originality: 10 Marks
 - c) Marshalling of facts: 10 Marks
 - d) Articulation of issues: 10 Marks
 - e) Presentation skills and communication ability: 10 Marks
 - f) Response to questions posed: 10 Marks
 - g) Application of legal principles: 10 Marks
 - h) Use of authorities and precedents: 10 Marks
 - i) Court etiquettes: 10 Marks
 - j) Effective rebuttals: 10 Marks(Differently considered in ex-parte rounds, as stated below)

7. DELAY IN APPEARANCE/PRESENTATION

- 7.1. If a team scheduled to participate in the oral submissions of a Round does not appear for ten (10) minutes after the scheduled commencement of such Round, the other team shall have to make oral submissions ex-parte.
- 7.2. The criteria of rebuttals shall not be considered for evaluation in such cases, in place of which, an average for the same would be given on the basis of the marks scored by such team on the other criteria.

8. SCOUTING

- 8.1. Scouting by the speakers, researcher or any other person affiliated with a team will lead to the immediate disqualification of such team.
- 8.2. Scouting shall be deemed to have happened if any person affiliated with a team is found:
 - a) Witnessing, hearing, observing, etc. the oral submissions in a Round, except where the Round is one in which the team to which he/she is affiliated is participating in; or

b) Reading a Memorial of a team except where:

- It is of the team to which he/she is affiliated; or
- The Memorials have been obtained on account of an exchange of memorials prior to a Round of the team to which he/she is affiliated.

9. EXCHANGE OF MEMORIALS

- 9.1. There shall be an exchange of memorials between the respective opposing teams, in accordance with the fixtures as determined by a draw of lots, prior to all the Rounds of the Competition.
- 9.2. The teams are prohibited from making any marks on the exchanged Memorials.
- 9.3. The teams are prohibited from making any copies of the exchanged Memorials.
- 9.4. At the conclusion of their respective Rounds, the teams are required to return the exchanged Memorials to the Bailiffs of the Court where the Round is so conducted.

10. AWARDS

10.1. Winning Team

In accordance with Rule 2.4.2.

10.2. Runners-up Team

In accordance with Rule 2.4.2.

10.3. Best Memorial:

The Memorials, which secure the highest marks based upon the cumulative marks of both the Memorials submitted, shall be adjudged as the 'Best Memorial'.

10.4. Best Researcher:

A written test will be conducted to decide the 'Best Researcher' on 7th of March, 2014. This researchers' test is open only for the designated researchers of the participating teams. In the event where there are only two (2) members in a team, either one of them may sit for the researchers' test.

Questions for such researchers' test will be framed based upon the factual circumstances of the Proposition and the principles applicable thereto.

The researcher securing highest marks in the researchers' test will be adjudged as the 'Best Researcher'.

10.5. Best Student Advocate:

The speaker securing the highest marks based upon the cumulative marks of the Preliminary Rounds of the Competition will be adjudged as the 'Best Student Advocate'. However, rebuttal marks awarded will not be considered to decide the 'Best Student Advocate'.

10.6. Second Best Student Advocate:

The speaker securing the second highest marks based upon the cumulative marks of the Preliminary Rounds of the Competition will be adjudged as the 'Second Best Student Advocate'. However, rebuttal marks awarded will not be considered to decide the 'Second Best Student Advocate'.

10.7. Best Student Advocate of the Finals:

The speaker securing the highest marks in the Final Round of the Competition will be adjudged as the 'Best Student Advocate of the Finals'. However, rebuttal marks awarded will not be considered to decide the 'Best Student Advocate of the Finals'.

10.8. The cash prizes to be awarded are as follows:

Winning Team:	Rupees 20,000
Runners Up Team:	Rupees 12,000
Best Memorial:	Rupees 6,000
Best Researcher:	Rupees 2,000
Best Student Advocate:	Rupees 5,000
Second Best Student Advocate:	Rupees 3,000
Best Student Advocate of the Finals:	Rupees 2,000

11. MISCELLANEOUS

11.1. If any one of the members of a team is notified or informed of any detail or information concerning the Competition, it shall be deemed as if the said team as a whole has been duly notified or informed.

11.2. Any reference to time will be construed as a reference to Indian Standard Time.

11.3. The dress code to be adhered to for the duration of the competition is:

Ladies:	Black Western or Indian Formals
Gentlemen:	Black Western Formals

11.4. The Proposition is neither intended to nor does it attempt to resemble any incident or any person, living or dead. Any such resemblance is purely coincidental. The Proposition is a fictitious factual account prepared for the purposes of the present Competition only and it does not attempt to influence or predict the outcome of any matter whatsoever.

11.5. The copyright in the memorials submitted by the teams shall vest jointly with the National Law University, Jodhpur and Amarchand & Mangaldas & Suresh A. Shroff & Co. The acceptance of such vesting is a precondition to participation in the Competition.

11.6. In case of any doubt in the understanding or interpretation of any matter concerning the Competition, the decision of the Competition Administrator shall be final and binding.

11.7. The organisers shall resolve unanticipated or unexpected contingencies, if any, and the decision of the Competition Administrator in this regard shall be final. The acceptance of any such decisions of the Competition Administrator is a precondition to participation in the Competition.

11.8. The Rules governing the conduct of the Competition should be strictly adhered to. Any deviation thereof can attract penalties or disqualification at the sole discretion of the Competition Administrator.

11.9. In addition to the penalties mandated by the Rules hereinabove, the Competition Administrator may assess up to fifteen (15) marks in penalties for such violations which are considered by the Competition Administrator to be against the letter or spirit of these Rules and the Competition. The quantum of the penalty shall correspond to the degree of the violation, as adjudged by the Competition Administrator. Discretionary penalties shall be imposed by the Competition Administrator after consultation with the judges of the Competition.

- 11.10. The organisers reserve the right to amend, alter, vary or change, in any manner whatsoever, the Rules governing the Competition, which would be communicated to the teams within a reasonable period of time.
- 11.11. The Competition Administrator, who is the Chairperson of the Moot Court Committee of the National Law University, Jodhpur, shall be the final arbiter for these Rules and any such decision made by the Competition Administrator on any issue/dispute arising in relation to the Competition shall be final and binding on all concerned.
- 11.12. The organisers, as mentioned in these Rules, refer to the Moot Court Committee of the National Law University, Jodhpur.

12. BOARDING, LODGING AND TRANSPORTATION

- 12.1. Boarding and lodging will be provided for the participating teams only for the nights of March 7th to 9th, 2014.
- 12.2. The organisers may, at their discretion, provide boarding and lodging facilities to anyone accompanying the team if the same is intimated to the organisers latest by February 7th, 2014, provided that such extra member agrees to bear an additional fee levied by the organisers. Such extra members will not be considered as a part of the team.
- 12.4. The participating teams will be received by the organisers at their respective places of arrival, subject to the completion of the Registration formalities. Any subsequent changes made to travel arrangements must be intimated to the organisers forthwith.

13. COMPETITION VENUE

National Law University, Jodhpur
NH-65, Nagour Road,
Mandore, Jodhpur – 342 304
Rajasthan

14. CONTACT INFORMATION

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