

*8<sup>TH</sup> 'PRO BONO ENVIRO' NATIONAL MOOT COURT COMPETITION, 2014*

**THE TAMIL NADU DR. AMBEDKAR LAW UNIVERSITY**

**SCHOOL OF EXCELLENCE IN LAW**

**8<sup>TH</sup> 'PRO BONO ENVIRO'**

**NATIONAL MOOT COURT COMPETITION, 2014**

**Greetings! The School of Excellence in Law is happy to announce the 8<sup>th</sup> Pro Bono Enviro National Moot Court Competition 2014. The Moot is based on National Environmental Law and is intended to create awareness among the student body regarding pressing environmental issues. The competition tries to serve the end of imparting environmental awareness to the students of law all over the nation. Year after year the competition has witnessed an overwhelming response from various Universities, Colleges and National Law Schools throughout India and this year too promises an exciting weekend of debate, discussion and display of legal acumen. Last year more than 30 law institutions participated in the moot, and we expect participation from various quarters of the country to increase this year.**

**The 8th Pro Bono Enviro National Moot Court Competition, 2014 is scheduled from 17<sup>th</sup> to 19<sup>th</sup> October, 2014. The Moot Court Association of School of Excellence in law cordially invites your prestigious institution to participate in the same. We look forward to seeing you this October!**

**8<sup>th</sup> PRO BONO NATIONAL ENVIRONMENTAL MOOT COURT COMPETITION - 2014**

**17<sup>th</sup> -19<sup>th</sup> OCTOBER 2014**

**Moot Proposition**

1. Union of Sindhiya is one of the developing countries (E-7 group of countries) located in South Asia. It is a big country with vast geographical and regional diversities. The Union consists of 30 states and 7 Union Territories. Around 10 states are Tribal states as declared by the Constitution of Sindhiya. The Gross Domestic Product (GDP) of the Union is 8.7% whereas the average GDP of the tribal states is around 6.2%. Sindhiyans follow various religions, speak various languages and are divided into various castes and communities. The Union of *Sindhiya* follows the fundamental principles of socialism and secularism as mandated by its Constitution. The Constitutional framers of Sindhiya have conferred certain special rights and safeguards for the purpose of protecting and promoting interest of the tribes. The Constitution of Sindhiya has created a National Commission for the aforesaid purposes known as the National Schedule Tribes Development Commission of Sindhiya (NSTDCS).
2. The Union of Sindhiya is one of the 12 mega Biodiversity countries, as declared by the United Nations Organisation. The Union has signed and ratified various Multilateral Environmental Agreements (MEAs), Conventions and Declarations, including Convention on Biological Diversity (CBD) and allied instruments, such as Cartagena Protocol, Nayoga Protocol and others. It has also successfully conducted Conference of Parties 11 of CBD.
3. The Constitution of Sindhiya permits multiparty democracy. There are two national political parties, that is, People Democratic Front (PDF), People Liberal Front (PLF) and five regional parties largely dominated by the tribes. The national parties are stronger and hold power in the Centre whereas the regional parties are very strong and hold power in the tribal States. One Dr. Enthiran, a technocrat, graduated at Cambridge University, started a national political party named as Vignan Mukthi Morcha (VMM). His party's ideology is to develop Sindhiya to be a technologically developed nation with strong ICT (Information

Communication Technology), Biotech, Agro-Biotech, including Space Technology, Nano Technology and others. His party wants to ensure the future Food Security for all and remunerative prices to the farmers. Based on these agenda, he contested in the general election and captured the power at the centre winning 2/3 majority in the lower house, known as Makkal Avai at the Parliament of Sindhiya. He has assumed the office of the Prime Ministership on 01.04.2014.

4. The Trade and Environment Division of the Ministry of Commerce and Industry has nominated Dr. Boominathan, Economic Advisor (E&F) as Official Member of the Task Force to bring second green revolution. The task force mandated to identify reasons for high transaction cost in exports and compare procedural complexities in exports between Sindhiya and its major competitors. The task force also commented on the ongoing negotiations on various bilateral investment treaties and bilateral investment protection agreements. These include transfer of environmentally sound technology to meet India's requirements which were necessary to protect human, animal or plant life or health and conservation of resources. The Boominathan Commission in its reports strongly recommended the introduction of Genetically Modified (GM) crops and Genetically Engineered (GE) products. It further recommended providing incentives for the purpose of developing and encouraging cultivation of GM crops.
5. The Government of Sindhiya issued a Government Order Ms. No. 143/2014 dated 05.06.14 permitting the entry of GM crops its cultivation processing, marketing and related activities. The Central Government also directed to sell GM Rice and Wheat through the Public Distribution Scheme (PDS) by the State Governments. The said order imposes liability upon corporate to pay damages provided if the cultivation relating to GM crops and related activities create an adverse effect upon the environment. It also prescribed that the maximum liability shall not exceed One Hundred Crores Indian Rupees. However, the liability can be determined by the competent National Green Tribunal in the appropriate cases. This order has evoked sharp reaction from various state governments, particularly in the tribal States and the States ruled by PLF and PDF.

6. Further, the Government of Sindhiya issued a Government Order Ms. No. 213/2014 stating that the 'non compliance states' will not be receive any financial assistance from the Centre. Thereafter, the seeds of various corporate like Tansando Seeds, Adarvana Seeds, Valley Seeds and Rainbow Seeds encouraged the tribal-farmers to cultivate GM crops in their lands. The farmers have been provided GM seeds at free of cost and they received marketing assurance from the corporate. Relying upon the promise, huge GM cultivation activities were carried out in the tribal land.
  
7. Tribal Development Forum (TDF), a nonprofit organization headed by Dr. Dhodhiya Mundhiya, an agricultural biologist conducted a field study. The study pointed out huge degradation of land and loss of soil fertility. Many tribes have also committed suicide because of the non cultivability of their lands due to GM cultivation. This report has also got major focus in all national and regional media including electronic and print. Meanwhile, the State Biodiversity Boards (SBBs) functioning in the States where opposition parties are in power has started imposing huge cost upon the Agro Biotech corporates who are involved in the practice of GM cultivation for introducing invasive alien species and also started imposing royalty for the purpose of benefit sharing for using their biological resources upon the aforesaid corporates. This move has been opposed by the National Biodiversity Authority (NBA). Cases have been filed at the National Green Tribunal (NGT) in various States against NBA.
  
8. Meanwhile, Mr. Nichongongle, a tribal successfully developed a cultivation method called *Mayan*, which can cure the harm created by the GM cultivation. Dr. James Manoroe, an agricultural scientist belonging to M/s Tanzanto, an United States Multinational Corporation collected information from Mr. Nichongongle developed the same and successfully obtained patent in the United States. Dr. Mandhana Shiva, an activist filed a petition in the Supreme Court of Sindhiya praying for writ of Mandamus directing the NBA to file an appropriate proceedings in US for de patenting the aforesaid inventions. Meanwhile, the Hon'ble Supreme Court of Sindhiya has taken suo moto cognizance as the matter assumed national importance. The Court transfers all the litigations pending before various NGTs and clubbed the same along with the petition filed

by Dr. Mandhana Shiva, issues notice to the Central and State Governments, NBA, SBBs and others for the better enforcement of Biological Diversity Act and matters connected and incidental thereto.

The petitioner has raised the following grounds amongst others,

1. Can central Government compel the States to implement the G.Os dealing with matters listed in List II of Seventh Schedule of Constitution of *Sindhya*?
2. Whether the action of the SBBs and NBA is constitutionally valid?
3. Whether the NBA is liable for failure to prevent the patenting of cultivation method *Mayan* in abroad?

Argue for both the parties.

The laws of *Sindhya* are *in pari materia* with the laws of Union of India.

The names used in the problem are only artificial and not to wound or hurt any individual or institution.

**COMPETITION GUIDELINES**

**1. GENERAL**

**1.1 DATE AND VENUE:** The **8<sup>th</sup> Pro Bono Enviro National Moot Court Competition, 2014** will be held from **October 17<sup>th</sup> to 19<sup>th</sup>, 2014** at the School of Excellence in Law, The Tamil Nadu Dr. Ambedkar Law University, Chennai – 600 028.

**1.2 TEAM COMPOSITION:**

- a.** Participation is restricted to bona-fide law students enrolled in the three or five year LL.B. or B.L. degree course.
- b.** Only one team from each participating college shall be registered for the competition. Each team shall comprise of **two or three members** (two Speakers and one Researcher).

**1.3 REGISTRATION:**

- a.** Provisional Registration of the teams for the competition shall be done by email, on or before **22<sup>nd</sup> September, 2014**. Upon receipt of email confirmation from us, please confirm your participation by post along with the **Travel Details** and a **Registration Fee of Rs.3000/-** to be paid in the form of Demand Draft, payable at Chennai, drawn in favour of **“The Registrar, The Tamil Nadu Dr. Ambedkar Law University, Chennai – 600028 “ on or before 6<sup>th</sup> October, 2014**. Institutions should also confirm their participation by sending in their details to **mca.soel@gmail.com**.
- b.** Registration Forms shall be sent to:  
**The Convenor,  
8<sup>th</sup> Pro Bono Enviro National Moot Court Competition, 2014,  
School of Excellence in Law,  
“Poompozhi”, No. 5, Dr. D.G.S. Dinakaran Salai,  
Chennai – 600 028.**
- c.** No change in the names of the participants shall be permitted after the receipt of the Registration Form, except at the sole discretion of the Organisers.



#### 1.4 ACCOMMODATION:

- a. Accommodation and other facilities will be provided to the aforesaid members of a team, only for the dates on which competition is held. **One team will be provided with one room only.**

#### 1.5 DRESS CODE

- a. Participants should be appropriately attired for the rounds of the competition. However, robes or collar bands are not permitted. The dress code for all the functions at the competition will be Western formals for Gentlemen and Western or Indian formals for Ladies.

### 2. MEMORIAL/WRITTEN SUBMISSIONS

#### 2.1 SUBMISSION OF MEMORIALS:

- a. All the teams are required to submit Memorials/Written Submission for both the Petitioner and the Respondent.
- b. All the teams shall submit **six hard copies of memorials** each for the Petitioner and Respondent. **Names of participants or their institutions or any other kind of identification marks should not appear on any part of the Memorials (including soft copies).**
- c. Teams must send **One Soft copy of the memorial** (Both Petitioner & Respondent) on or before **12<sup>th</sup> October, 2014 before 23:59 IST**. The Soft copy should be compatible with Microsoft Word 97-2003. No amendment to the memorial will be permitted after submission of the soft copies.
- d. Teams must send **One Hard copy of the memorial** (Both Petitioner & Respondent) on or before **14<sup>th</sup> October, 2014**. A covering letter must be enclosed with the Memorials specifying the name of the College/University of the participating team. The memorial should be couriered to the following address:

**The Convenor,  
8th Bono Enviro National Moot Court Competition, 2014,  
School of Excellence in Law,  
"Poompozhi", No. 5, Dr.D.G.S.Dhinakaran Salai,  
Chennai – 600 028.**

- e. **Late submission will attract a penalty for every day of delay.**
- f. **Five additional copies** of the memorials shall be submitted to the organisers during the Desk Registration at **5.00 pm on 17<sup>th</sup> October, 2014.**
- g. Participants are advised to carry extra copies of their Memorials for their own use. The copies submitted to the Organisers would be for the use of the Memorial Judges and Bench Judges and shall not be returned to the participants.
- h. After the completion of the Competition, the Organisers shall reserve the right to use the memorials submitted by the participating teams, as they may deem appropriate.

## **2.2 CONTENTS:**

- a. Memorials not following any of the below specifications will be penalised.
- b. Each memorial must contain the following details arranged strictly in the said order:
  - a) Cover Page
  - b) Table of Contents
  - c) List of Abbreviations
  - d) Index of Authorities
  - e) Statement of Jurisdiction
  - f) Summary of Facts
  - g) Issues Raised/Questions Presented
  - h) Summary of Arguments
  - i) Body of Arguments/Pleadings
  - j) Prayer for relief



c. The following content specifications must be strictly adhered to:

1. Language - **English**
2. Font and Size (General) - **Times New Roman, 12 pts**
3. Line Spacing (General) - **1.5 lines**
4. Font and Size (Footnotes) - **Times New Roman, 10 pts**
5. Line Spacing (Footnotes) - **Single line**
6. Page Margins - **1 inch on all sides**
7. (i) Page Limit (Entire memorial) - **Not to exceed 30 pages**  
(ii) Body of Arguments - **Not to exceed 10 pages**  
(iii) Printing specifications - **To be done on both sides  
(Each side will be counted  
as one page)**
8. Paper Specification - **White A4 sized paper (Use  
of Recycled papers are  
encouraged)**
9. Cover Specification
  - Applicant - **Blue**
  - Respondent - **Red**
10. Binding Specification - **Soft Binding only**

d. **Use of plastic / cellophane sheets in memorials will attract penalty.** The Memorial must not contain any Annexure/ Photographs / Sketches / Exhibits / Affidavit etc.

e. 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.

f. The statement of facts shall not be argumentative or biased. However necessary inferences may be drawn from the facts provided.

g. The summary of arguments shall consist of a substantive summary of the Arguments in the memorials, rather than a simple reproduction of the headings contained in the arguments advanced. The summary of arguments shall not contain references to any authorities.

h. **Teams are not permitted to raise arguments in the orals that are not present in the memorial.**

### 2.3 EVALUATION OF MEMORIALS:

a. Every Memorial will be marked on a total of 100 marks and the Team Memorial Marks will be the aggregate of both the sides.

b. Memorials will be judged by a special panel of judges.

c. The following will be the Marking Criteria and the Marks Allocated to each category:

<b>1. Presentation of facts</b>	- 15 MARKS
<b>2. Interpretation of law</b>	- 25 MARKS
<b>3. Quality of language</b>	- 10 MARKS
<b>4. Depth of research</b>	- 25 MARKS
<b>5. Relief sought</b>	- 5 MARKS
<b>6. Adherence to the guidelines</b>	- 20 MARKS
<b>TOTAL</b>	<hr/> <b>- 100 MARKS</b> <hr/>

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

e. **Best Researcher:** The researcher who secures the highest marks in the Researcher's test will be adjudged as Best Researcher. Teams without a researcher will not be eligible for the Researcher's test.

### 2.4 Exchange of Memorials:

- a. 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.
- b. The teams are prohibited from making any marks on the memorials thus exchanged. They are also prohibited from making any copies of such memorials.
- c. The teams shall return the exchanged memorials to the Court officer of the respective round.

#### 4. ORAL PRESENTATION

**4.1 ROUNDS:** The competition has been schematized to consist of:

- Preliminary Rounds
- Quarter-finals
- Semi-finals and
- Finals

**4.2 SELECTIONS:** While selection for quarter-finals would be on win basis, the quarter-final, semi-final and final rounds itself would be on a 'knock-out' basis. In case of a tie, the aggregate score of the team would be considered. In the prelims, the top 8 teams who have won both the preliminary rounds shall proceed to the Quarters. In the event that there are less than 8 teams with 2 wins, the aggregate score shall be looked into.

**4.3** Mooters who have given their names as Speakers of the team alone would be allowed to speak during the oral presentation.

**4.4 TIME LIMIT:** Each team will have a maximum of:

- a) **20 minutes, in preliminary rounds and quarter-final rounds** to present their oral submissions, of which no Speaker shall be permitted to address the Court for more than 15 minutes,
- b) **30 minutes, in semi-final rounds** to present their oral submissions, of which no Speaker shall be permitted to address the Court for more than 20 minutes, and;

c) **45 minutes, in finals** to present their oral submissions, of which no Speaker shall be permitted to address the Court for more than 25 minutes.

**4.5 REBUTTAL/SUR-REBUTTAL:** The maximum time provided would include the time that each team may want to reserve for their rebuttal/sur-rebuttal. At the commencement of each session the team shall notify the Court Officer as to the division of time between the 2 speakers (including rebuttal/sur-rebuttal). In case any speaker continues to speak after the completion of his/her time, the additional time that was used, will be deducted from the time allocated to his/her co-speaker, or from the time allocated for the rebuttal/sur-rebuttal, as the case may be. The final decision as to the time structure and the right to rebuttal/sur-rebuttal will vest with the Judges.

**4.6 SECRECY OF IDENTITY:** During the course of the Oral Submissions, the **speaker shall neither reveal his/her identity nor the identity of their College/University** by any means whatsoever. Such actions on part of any member of the team will lead to disqualification of the team from the competition.

**4.7** All teams will be expected to carry with themselves any case law or authorities, which they intend to refer. Teams would not be provided any materials or case laws or given access to library or any photocopying facilities by the organizing institution.

**4.8 Reference materials to the judges shall be passed through the Court Officers.**

**4.9 EVALUATION OF THE ORAL ROUNDS:**

a. Speakers would be adjudged under the following categories during their oral presentation:

- Knowledge of law
- Court manners
- Analysis of facts,
- Flow of Arguments and
- Response to Judges' Questions.

b. The decision of the judges as to the marks allotted to any team shall be final. So as to ensure

uniformity in the marking system all the judges will be provided with a marking guideline.

- c. Memorial scores shall be added for all preliminary rounds. In the quarters, semi-finals and finals, memorial scores will be taken into consideration only in the event of a tie.

## 5. AWARDS

- **Winners – Trophy and Cash prize.**
- **Runners-up – Trophy and Cash prize.**
- **The Best Advocate will be given a Cash prize.**
- **Best Speaker –Trophy and Cash prize**
- **Best Memorial – Trophy and Cash prize**
- **Best Researcher – Trophy and Cash Prize**

**Teams must be present during the valedictory function. Certificates will be given only to the teams present during the valedictory function.**

## 6. MISCELLANEOUS

- 6.1 TRAVEL DETAILS:** Teams are requested to dispatch their travel plan **along with their Registration**. Any change in the already intimated travel plan, shall be mailed to the organisers at the earliest possible time.
- 6.2 SCOUTING:** Scouting is strictly prohibited. Teams found scouting will be disqualified immediately.
- 6.3 GENERAL ETIQUETTE:**
- a. The participants are expected to behave in a dignified manner and not to cause any unnecessary inconvenience to the Organisers. Deference to the Judges of the Moot Court Competition is expected to be maintained within and outside the Court Hall.

- b. The Organisers reserve the right to take appropriate action for any unethical, unprofessional and immoral conduct.

#### **6.4 DELAYS IN APPEARANCE/PRESENTATION**

- a. If a team scheduled to take part in a round does not appear within 10 minutes of the scheduled time, the other team shall be allowed to submit ex-parte.
- b. 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.

- 6.5 DISCLAIMER:** The Material in the moot court problem is not intended to and does not attempt to resemble any incident or any person living or dead. All material in the problem is fictitious and any resemblance to any incident or person, if any, is not intended, but merely co-incidental.

#### **6.6 Interpretation of Guidelines:**

- a. For interpretation of the Guidelines, requests may be addressed to the Convenor, Pro Bono Enviro National Moot Court Competition.
- b. All interpretations, as well as any waivers, consents or other decisions in the administration of the Moot Court Competition are at the complete discretion of the Institution and the Moot Court Association.
- c. **The decision so made shall be final and binding on all participating teams.**

#### **6.7 Clarifications:**

Communications regarding any clarification may be sought through e-mail or from the contacts given below:

**E-mail: [mca.soel@gmail.com](mailto:mca.soel@gmail.com)**

**Co-coordinators:**



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**You can also visit us on facebook:**

**Facebook.com/pages/Moot Court Association, School of Excellence in Law**

**\*\*\*\*\*All the Best \*\*\*\*\***

**SCHEME OF THE COMPETITION**

<b>EVENT</b>	<b>DATE</b>
<b>1. PROVISIONAL REGISTRATION</b>	<b>- ON OR BEFORE 22<sup>ND</sup> SEPTEMBER, 2014</b>
<b>2. REGISTRATION</b>	<b>- ON OR BEFORE 6<sup>TH</sup> OCTOBER, 2014</b>
<b>3. REQUEST FOR CLARIFICATIONS</b>	<b>ON OR BEFORE 24<sup>TH</sup> SEPTEMBER,2014</b>
<b>4. RELEASE OF CLARIFICATIONS</b>	<b>ON OR BEFORE 27<sup>TH</sup> SEPTMBER,2014</b>
<b>5. SOFT COPY SUBMISSION OF MEMORIAL</b>	<b>- ON OR BEFORE 12<sup>TH</sup> OCTOBER , 2014</b>
<b>6. MEMORIAL SUBMISSION</b>	<b>- ON OR BEFORE 14<sup>TH</sup> OCTOBER , 2014</b>
<b>7. DESK REGISTRATION AND PICK OF LOTS.</b>	<b>- 17<sup>TH</sup> OCTOBER , 2014</b>
<b>8. PRELIMINARY ROUNDS</b>	<b>- 18<sup>TH</sup> OCTOBER, 2014</b>
<b>9. QUARTER FINALS</b>	<b>- 18<sup>TH</sup> OCTOBER, 2014</b>
<b>10. SEMI FINALS</b>	<b>- 19<sup>TH</sup> OCTOBER, 2014</b>
<b>11. FINALS</b>	<b>- 19<sup>TH</sup> OCTOBER, 2014</b>
<b>12. VALEDICTORY FUNCTION</b>	<b>- 19<sup>TH</sup> OCTOBER, 2014</b>

**8<sup>th</sup> PRO BONO ENVIRO NATIONAL MOOT COURT COMPETITION, 2014**

**REGISTRATION FORM**

**(Please Fill in Capital Letters)**

**NAME OF THE INSTITUTION:**

**ADDRESS OF THE INSTITUTION:**

**PARTICIPANTS:**

**NAME OF THE SPEAKER 1:**

**YEAR AND COURSE OF STUDY:**

**CONTACT NO.:**

**NAME OF THE SPEAKER 2:**

**YEAR AND COURSE OF STUDY:**

**CONTACT NO.:**

**NAME OF THE RESEARCHER:**

**YEAR AND COURSE OF STUDY:**

**CONTACT NO.:**

**E-MAIL (FOR CONTACT PURPOSES):**

**NOTE: THIS EMAIL SHALL BE THE OFFICIAL EMAIL ID AND SHALL BE USED BY US TO CONTACT YOUR INSTITUTION FOR ALL OFFICIAL COMMUNICATION REGARDING THE MOOT COURT COMPETITION .**

**BONA FIDE CERTIFICATE**

This is to certify that the aforementioned candidates are students of this institution who would participate in the moot competition conducted by your college and that their participation complies with the Guidelines of the competition.

DATE:

Signature and Seal of Head of Institution

PLACE:



**TRAVEL DETAILS**

(Please Fill in Capital Letters)

**Details of Arrival**

Mode of Transport:

(Air/Rail/Road)

Flight/Train/Bus Name and No.:

Date and Time of Arrival at Chennai :

**Details of Departure:**

Mode of  
Transport:

(Air/Rail/Road)

Flight/Train/Bus Name and no. : Date  
and Time of Departure at Chennai :

Any other details regarding the travel:

*(Please ensure that the travel details are sent to the organizers along with the registration form . In case of any change in the travel details, kindly notify us through email immediately.)*

PLACE:

DATE:

Seal and Signature of the Head of the Institution