



**CHANDERPRABHU JAIN COLLEGE OF HIGHER STUDIES
& SCHOOL OF LAW**

Organizes

3rd National Law Festival

LOI FIESTA – 2018

3rd National Law Festival of CPJ School of Law

March 16-17, 2018

NATIONAL MOOT COURT COMPETITION, 2018

MOOT PROPOSITION

State of God (population 2 million) is a country in the continent of *Post-Truth*. After a long struggle against colonialism, it attained independence in 1998. Post decolonisation, *State of God* began experiencing social and political difficulties. *State of God* comprised of people from different religious beliefs. The following table represents religious demography of the *State of God*:

Religion	Population (in %)
<i>Xavo</i>	62
<i>Homa</i>	31
<i>Croza</i>	5
<i>Atheist</i>	2

Historically, the *State of God* witnessed regular social conflicts between *Xavo* and *Homa* communities. There was a perception among the *Xavo* community that *Homa* and *Croza* community pose danger to their culture and religion. This perception grew stronger after the independence of the *State of God*. For instance, riots took place in the capital city of the country after *Mr. Todil*, a celebrated freedom fighter belonging to *Xavo* community, in his speech said that “this is only territorial freedom, and our fight for cultural and religious supremacy will continue.” During one of his interviews he was quoted as saying that non-*Xavo* people have no place in this country, and “we will achieve it soon”. Shortly thereafter, *Mr. Todil* formed an armed group, named “*Todo*”, with an aim to protect the cultural and religious heritage of the *State of God*. This group started engaging

in violent acts, against the people belonging to *Homa* and *Croza* communities, in different parts of the country.

In the year 2004, a right wing government came to power under the leadership of *Mr. Danani*. *Mr. Danani* was also a freedom fighter and a close friend of *Mr. Todil*. There was a perception amongst the people that *Danani* government would work for the interest of the *Xavo* community and would protect their culture and religion from other religious communities. The policies of the government clearly reflected its pro-*Xavo* agenda. It led to the ghettoization, illiteracy and poverty among the *Homa* and *Croza* communities. People belonging to *Homa* community lost all hope in the *Danani* government and started resisting against its policies. Some groups started demanding a separate territory for the *Homa* community.

In the *State of Divinity*, a neighboring country of *State of God*, people belonging to *Homa* community were in majority. Realizing that there is an apparent danger to the *Homa* community people in the *State of God*, *State of Divinity* started giving training to those who were fighting for a separate territory for the *Homa* community. All these fighters, belonging to *Homa* community were the citizens of *State of God*. In addition to training, *State of Divinity* also provided financial assistance and weapons, and helped them in planning of military activity. It did not however, issue specific instructions to them for the commission of specific military acts. These fighters recognised as part of a group named “*Homa-Super*” increased their movement in various parts of the *State of God*. Its primary aim was to form a separate country for the people of *Homa* community.

Since *State of God* gained its independence in 1998, it did not have a strong army of its own. In order to counter the demands for a separate territory, *Danani* government decided to take the help of *Todo* group to fight against the *Homa-Super*. An agreement was reached between the government and *Mr. Todil* in this regard. It was decided that the *Todo* group will act under the direction and control of the government. This control involved financing, planning, logistic support, etc. and providing specific instructions to them.

Armed conflict in the *State of God* led to severe casualties. Between 6 December 2004 to 27 February 2008, armed groups from both the sides attacked villages, killed and tortured people, and destroyed property. Lakhs of people particularly belonging to *Homa* community lost their lives.

One of the worst massacres took place on 5 January 2008. Based on information about a meeting of *Homa-Super, Todo* group attacked a village which was dominated by the people belonging to *Homa* community. In this attack, 360 people belonging to *Homa* community got killed, including women and children. Mr. *Todil* was actively involved in the attack. He assisted in the murder and torture of the people of *Homa* community. According to some sources, he was also involved in the incident of sexual mutilation. He also participated in the employment of poisonous weapons and other such gases in the village.

The Human Rights International (HRI), an international NGO, prepared a report on the incident of 5 January 2008. The report highlighted the human rights violation committed by the *Todo* group. A group of powerful countries took note of the appalling situation prevailing in the *State of God*, and militarily took control over it. Based on the report prepared by the HRI, a number of human rights organisations, political activists and individuals requested the Prosecutor of the International Criminal Court to conduct investigation into the violations of international humanitarian law and human rights law. With regard to the incidents committed on 5 January 2008, preliminary investigations were initiated and arrest warrants were issued against 18 individuals including Mr. *Todil*. Mr. *Todil* was arrested on 8 August 2008 from his residence.

Mr. *Todil* is charged with committing war crimes under, inter alia, Article 8(2)(a)(i), (ii), (iii), (xvii) crimes against humanity under Article 7 and genocide under Article 6.

The case is before the trial chamber of the International Criminal Court.

MOOT COURT RULES

1 DATE AND VENUE: The '*3rd Loi Fiesta National Moot Court competition 2018*' is being organized by the Chanderprabhu Jain College of Higher Studies & School of Law on 16th – 17th March, 2018 in its campus at Plot No. - OCF, Sector - A8, Narela, Delhi - 110 040.

2 TEAM COMPOSITION:

- a) Teams of college/institution recognized by Bar Council of India are eligible for the participation in '*3rd Loi Fiesta National Moot Court competition 2018*'.
- b) Any college/institution of India recognized by Bar Council of India can send their one team only comprising of three law under graduate students (Two speakers and one researcher) in the '*3rd Loi Fiesta National Moot Court competition 2018*'.

3 DRESS CODE: The dress code for the competition is formal Moot Court Dress. Male are required to wear a Black suit with white shirt and a black tie. Females are required to wear a white shirt, black trousers/skirt and a black jacket or Salwar Kameez and black jacket. Gowns and bands are not permitted to be worn by the Participants in the Competition.

4 MEMORIALS:

Each team is expected to be ready with written briefs and oral arguments to argue for either side of the case. The Court will follow its own procedure within the accepted norms of judicial practice, and in case of doubt or dispute in the matter of procedure or facts, the decision of the presiding member of the Panel of Judges of each Court shall be final. **The soft copy of memorial for the Petitioner and Respondent to be sent on Convener's e-mail address i.e. mcc.cpjchssol@gmail.com on or before 28th February, 2018.** Additionally, five hard copies of Memorials for the Petitioner and Respondent shall be submitted on or before **05-03-2018**. The memorials will be handed over to the Panel of Judges for the award of marks. The Memorials shall not contain any information that will reveal the identity of the participating team violation of which will attract penalty.

CONTENT:

- a. Memorial dealing with jurisdiction, issues involved in the problem, summary of arguments and arguments supported by authorities, conclusions and prayers shall be prepared by each team both for the petitioner's side and respondent's side. The body of the Memorial shall not exceed more than **30 typed pages**. The cover page, table of contents, index of authorities, jurisdiction, statement of facts, questions presented, and summary of pleadings, title page and back cover are not included in these 30 pages. But, these 30 pages will include the pleadings, conclusions and footnotes. Any issue or pleading, not discussed within the body of the Memorials shall, not be included in any other section of the Memorials.
- b. The following content specifications must be strictly adhered to:
 - ❖ Language - English
 - ❖ Font and Size (General) - Times New Roman, 12 pts
 - ❖ 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
 - ❖ Cover Specification

Petitioner - Blue

Respondent – Red

5. EVALUATION:

- a. The best researcher shall be chosen through researcher test to be conducted in the morning after the formal registration of the teams is duly completed. Team comprising of three members i.e. two speakers and one researcher are eligible for the researcher test and team comprising of two members is also eligible for the researcher test.

- b. There shall be a Quorum of judges selected for each court from among a panel of judges constituted for the purpose including eminent Judges, Lawyers and Law Teachers from all over India.
- c. Marks will be awarded to the memorials by the Committee of Judges out of a maximum of 20 marks. Each Court will assign marks for oral arguments to each individual participant and the team. Each individual's marks for oral arguments will be added with memorial marks to make the individual's marks out of 100. Out of 100 marks, the division of marks for each individual participant is as follows:

1. Written Memorial - 20 marks
2. Oral Arguments - 80 marks

The Evaluation of the oral arguments will be based on:

- Knowledge & Use of facts
- Correct articulation of facts, factual analysis & use of evidence
- Correct articulation of legal issues and legal analysis
- Knowledge of law & its interpretation
- Use of authorities and citations
- Response to questions
- Skills of advocacy & Persuasiveness
- Language & style
- Clarity, brevity & ingenuity
- Court manners and general impression

Marks are awarded on agreed criteria by the Committee of Judges and the factors constituting the criteria shall be such as “EXCELLENT”, “VERY GOOD”, “GOOD”, and “AVERAGE”, based on the performance of the participants. The decision of the Committee of Judges shall be final.

The individual prizes will be awarded on the basis of total marks secured by the individual participant in the Preliminary Round.

ORAL ROUNDS:

- a. The order of the competitions including the days, if any, and the side (petitioner/respondent) for which each team appears will be declared on the basis of taking lots before the commencement of the competition during the briefing session. The entire scheme of the competition thus drawn out will be notified to the participating teams. The Moot Court Society reserves the right to make any necessary alterations in respect of the side to be taken by the competing teams, in case, it becomes absolutely necessary due to withdrawal of any team/teams at the last minute, or if the competing teams had no opportunity to argue the other side of the problem. The host team, if it gets qualified for the finals, will not be eligible to participate in the finals of the competition.
- b. The duration of each Court will not exceed *one hour*. To be precise, each participating team will get 30 minutes including the rebuttals/sur-rebuttal. One speaker must speak not less than 10 minutes.
- c. **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

teams can reserve maximum of **5 minutes** for the rebuttal/sur-rebuttal. The final decision as to the time structure and the right to rebuttal/sur-rebuttal will vest with the Judges.

- d. The language of the Court will be *English*.
- e. During the oral rounds, the team shall not be allowed to use any type of electronic devices such as *laptops, mobile phones, tablets* etc.

AWARDS:

1. *Winner Team*
2. *Runner-up*
3. *Best Speaker/Mooter*
4. *Best Researcher*
5. *Best Memorial*

All the participants will be awarded certificates of participation and the same will be given only at the valedictory function and not thereafter.

MISCELLANEOUS

- a. **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.
- b. **SCOUTING:** Scouting is strictly prohibited. Teams found scouting will be disqualified immediately.
- c. **APPEAL COMMITTEE:** In case of complaints/disputes, the same shall be submitted to the Appellate committee, which shall consist of Prof. V.K.Singh Principal and Director at School of Law as its Convener and the Co-convener of the Society and the decision of the Appellate committee shall be final.

SCHEDULE OF THE COMPETITION

- **Last Date of Registration:- 20th Feb. 2018**
- **Last date of submit soft copy of memorial: 28th Feb. 2018**
- **Last date of submit hard copy of Memorial: 5th March 2018**
- **Date of Event: - 16-17th March 2018**

CONTACT FOR INQUIRY

All the correspondence for any query, information or clarification with respect to Moot Court Rules & regulations should be addressed to following:-

Shalini Tyagi	Akshita Gupta	Abhishek Kumar	Kashish Bajaj
(Convener)	(Member)	(Member)	(Student Convener)
9313058335	8802599546	8800550590	9873379544

Registration Fee:-

The Registration for each participating team is Rs. 5000.

Request for registration of team for Moot Court Competition should reach Principal (SOL), Chanderprabhu Jain College of Higher Studies & School of Law, Plot No. - OCF, Sector A-8, Narela, Delhi- 110 040 in the enclosed registration form along with a demand draft favoring of **“Chanderprabhu Jain College of Higher Studies”** Payable at new Delhi and alternatively payment can be done through NEFT Transfer- details and payment receipt has to be mailed along with registration from.

The Bank account details for NEFT transfer are as follows:

Beneficiary Name: Chanderprabhu Jain College of Higher Studies
A/c No: 0113000107645035
Bank: Punjab National Bank
IFSC Code: PUNB0491400
Branch: SME Branch, Anaj Mandi, Narela, Delhi-110040

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REGISTRATION FORM

Name of the Mooter 1.....

College & Class name.....

Mobile No.....

Email Id

Name of the Mooter 2.....

College & Class name.....

Mobile No.....

Email Id

Name of the Researcher

College & Class name.....

Mobile No.....

Email Id

Signature of Principle/ HOD/ Dean