

# 3<sup>rd</sup> NATIONAL MOOT COURT COMPETITION

**#1STYEARMOOT**

**31<sup>st</sup> MARCH - 2<sup>nd</sup> APRIL 2023**

**EXCLUSIVELY FOR 1ST YEAR LAW STUDENTS**

Organised by



Venue

**Faculty of Law, Marwadi University,  
Rajkot - Morbi road, Rajkot, Gujarat. 360003**

## ABOUT UNIVERSITY

Marwadi University was established under the Gujarat Universities Act (Act 9 of 2016) on 9 May 2016. Marwadi Education Foundation's Group of Institutions is a home to 12000 students from 52 countries enrolled in 32+ diversified programmes in Science, Commerce, and Humanities. Spread across 52+ acres of campus, we have more than 500+ educators, including 110+ PhD degree holders. Marwadi University has received more than 12 awards and recognitions for its quality of education, organic infrastructure, academic excellence, and leadership. Marwadi University is promoted by Marwadi Shares and Finance Limited (MSFL) - a major stock broking company in India, & Chandarana Intermediaries Brokers Pvt. Ltd. (CIBPL) - a leading firm dealing in technical and arbitrage trading in Indian Stock Markets.

## ABOUT FACULTY OF LAW MARWADI UNIVERSITY

"FACULTY OF LAW, MARWADI UNIVERSITY" is poised to create the finest legal professionals in the country. With the support of profound academicians, superlative top management, and industry contacts with lawyers and corporates, the team is confident of making a mark in this prestigious profession. The prime objective of the Faculty of Law is to provide dedicated educational facilities to the students while transforming them into the lawmakers and leaders of tomorrow. The Faculty of Law has also received two prestigious ERASMUS PLUS projects from the European Union worth more than 1 crore. It has also signed MoUs with CI Arb and Chicago Kent College of Law, the USA, for faculty transfer, student transfer, joint research projects, and summer and winter schools. Forbes India Legal Power list 2020 has listed Faculty of Law, MU as one of the top law schools. Furthermore, the Knowledge Review magazine has named the Faculty of Law, Marwadi University as one of the Top 10 Leading Law Institutes in India.





## MESSAGE FROM THE HON'BLE PRESIDENT **SHRI KETANBHAI MARWADI**

Marwadi University is committed to ensuring that its goal of raising the generation of intellectual giants is achieved by all academic means. Keeping this in mind, we have been working closely to incorporate tremendous transformation in the educational pursuit of students across the country.

The true test of knowledge does not end with classroom learning but extends to self-discovery by putting what is learned into practice. Because of these unique characteristics and requirements, the institution has continually sought to build the legal personalities of students across the country in order to understand the need for various kinds of research, and experience.

With the success of the 2<sup>nd</sup> National Moot Court Competition 2022, it is an honour to declare that 2023 will be no exception; The Faculty of Law, Marwadi University gladly invites you to participate in the 3<sup>rd</sup> National Moot Court Competition from 31<sup>st</sup> March to 2<sup>nd</sup> April 2023. During this time, all participants will be familiar with the study of law, research abilities, argumentative skills, and understanding of court processes including substantive legal issues.

I am confident that this opportunity will be wisely used and I wish all participants the best of luck!

## MESSAGE FROM THE HON'BLE VICE PRESIDENT AND CO-FOUNDER **SHRI JITUBHAI CHANDARANA**

In today's quick-paced world, it takes a unique set of skills to flourish and stand out from the competition. It involves the ability to concentrate, conceptualize, and connect to the present world. The ability is about combining knowledge to produce invention. Faculty of Law, Marwadi University is prepared to produce the best legal experts in the nation. The team is convinced that they will leave their mark on their presence. Thanks to the assistance of brilliant academicians, outstanding top management, and industry ties with lawyers and corporates.

The main goal of the Faculty of Law is to give students specialized educational resources while preparing them to become tomorrow's legislators and leaders. This year we are delighted to announce the 3<sup>rd</sup> National Moot Competition. It is worth mentioning that a competition like this will allow students from varied law institutions and universities to comprehend the value of legal education and improve their legal abilities. It will provide our participants with the perfect stage to demonstrate their zeal and exhibit their innovative and competitive minds!

Thus, we are delighted to extend an invitation to you all for the upcoming moot court competition.



## MESSAGE FROM THE PROVOST

### **PROF. (DR) SANDEEP SANCHETI**

As educators we strongly believe that an inquisitive mind can never be prevented from pursuing knowledge and aiming for the peak. We live in a very competitive world; where there is no place of acceptance for lagging behind and hence, we should endeavour to advance our knowledge through research, education and hands-on learning.

The faculty of Law is the epitome of enthusiasm and excitement; it believes in delivering practical exposure to its students in the field of Law. Upon successful completion of the 2<sup>nd</sup> National Moot Court Competition which envisaged the broad spectrum of topics on Ethics, Justice, Integrity, Academic Excellence, Diversity and Professionalism, the Faculty of Law is proud to announce the 3<sup>rd</sup> National Moot Court Competition which will be held from 31<sup>st</sup> March to 2<sup>nd</sup> April 2023. Moot Court Competitions are dynamic platforms for every law student and in a way, it is their laboratory. It exposes students to the craft of mooting and equips them with skills like logical thinking, legal aptitude, legal language, critical thinking, argumentative skills, etc. I am sure that this event will undoubtedly be a good learning experience for all the attendees.

On this note, I wish all the participants, faculty members and organizing committee of the 3<sup>rd</sup> NMCC the very best!

## MESSAGE FROM THE DEAN

### **DR RHISHIKESH DAVE**

Marwadi University is making extensive educational resources available to every student to explore their career and facilitate them in the transition that the world requires today. That being said, we at the Faculty of Law, Marwadi University have taken measures to broaden our standards to be among the top law schools across India. After organizing two successful National Moot Court Competitions, we are glad to bring to you all the 3<sup>rd</sup> National Moot Court Competition.

The competition is organized to educate and motivate law students at the Pan India level about contemporary legal issues and push them toward honing their knowledge and skills in the field of law. This steep learning curve is with the core aim of engaging their minds in building strong academic pursuits in the field of law and preparing leaders with a rich understanding of the world in all its complexity and diversity.

We are pleased to declare that the latest opportunity presented by the interdisciplinary Faculty of Law of the institution is to be held from 31<sup>st</sup> March to 2<sup>nd</sup> April 2023. I would like to foster a maximum number of students from law schools across India to make the best use of this golden opportunity. Best wishes to the Organizing Committee and all the Participants.

## About

# 3<sup>RD</sup> NATIONAL MOOT COURT COMPETITION

We at the Faculty of Law, Marwadi University are committed to a show of cooperative and collective resilience. Hence, after the successful completion of the two editions of National Moot Court Competition, we have planned to organize the 3<sup>rd</sup> National Moot Court Competition to provide an environment where aspiring lawyers can enhance their legal proficiencies and mooting skills with a unique concept.

Keeping our uniqueness, the participation will be restricted to 1<sup>st</sup> year bonafide law students enrolled in the 5-year integrated programme and 3 years LLB programme with the aim to inspire, promote and inculcate drafting & writing techniques, orating skills, and high focus research acumen in 1<sup>st</sup> year law students.

The competition strives to give a platform to the budding lawyers of our country to imbibe analytical skills in real-time situations. Our main aim is to give a chance to the students to learn the complexities evolving around law and regulations.



# MOOT PROPOSITION

ABC Private Limited (“ABC”), a company incorporated under the laws of the Republic of Indica and engaged in the business of manufacturing medicinal drugs (including vaccines). It has been in the business for more than two decades, supplying vendors across the globe. It has received numerous awards including “The Best Practice Award” from a Global Best Practice Association of Medicine manufacturers.

ABC entered into a contract of supply on 22 September 2020 for the first time with PQN, another Private Limited (“PQN”) incorporated under the laws of the Republic of Indica, for the supply of raw material required to manufacture a vaccine for Covid-19 (“Contract of Supply”). Since the Republic of Indica had a dearth of resources to supply the EPI (Essential Pharmaceutical Ingredient) so PQN used to source most of its supply from other countries including the Republic of Serrana.

PQN was to supply the raw material within three months from the date of the parties entering into the Contract of Supply i.e., 22 September 2020. The total contract value was Indica Rupees 50 Crores out of which ABC was required to pay Indica Rupees 25 Crores before the performance of the contract and the remaining Indica Rupees 25 Crores after the supply.

The global catastrophic incident of COVID-19 happened and the whole world went under lockdown. There were strict regulations introduced like social distancing and even restricted movement of people. Soon the situation exacerbated and there was a complete lockdown everywhere. The Republic of Serrana went under complete lockdown, and the factories and all other industries were shut down and became dysfunctional. Since the Republic of Serrana is a mineral-rich country that supplied the world’s 80 percent of EPI, many countries started seeing a shortage in medical supplies including lifesaving drugs.

Pertinently, PQN was one of very few suppliers of the raw material in the Republic of Indica required to manufacture a vaccine for Covid-19. The parties specifically recorded in the Contract of Supply that time would be the essence of the contract as per the representations made by PQN as to its expertise in providing raw material for vaccines and the timelines provided in the Contract of Supply, based on that ABC went ahead and made public announcements that it would be one of the first few companies to roll out a Covid-19 vaccine.

However, PQN failed to supply any raw material as contractually stipulated and ABC was not able to introduce the vaccine for Covid-19. In the meantime, other companies launched Covid-19 vaccines by February 2021. This included FGN, a state-owned company of the Republic of Indica which was one of the first to introduce a COVID-19 vaccine, however, there was a backlash against the company saying that they had hurriedly introduced the vaccine without any proper trial and that they were causing several side effects in patients.

When PQN was not able to supply the raw material to ABC in a timely manner, ABC wrote emails to PQN demanding supply forthwith. In the meantime, seeing the public backlash FGN was facing, ABC decided to get into contact with JNM, a company specializing in plasma therapy for vaccine manufacture. This was touted as a more effective and safer vaccine option for COVID-19. ABC, however, understood that since this therapy is in the nascent stage it would require some time before it can materialize properly. ABC still wanted to proceed with the traditional vaccine manufacturing method.

PQN expressed its inability to guarantee timely supply and stated that it had diverted huge shipments of the raw material to another vaccine manufacturer. However, PQN was ready to make the supply in parts as soon as possible however they could not guarantee the time given the situation. ABC was worried that given the introduction of new vaccines in the market and the delay caused by PQN, it would have to huge losses.

ABC filed a suit for specific performance and damages in the alternative against PQN before the High Court of Bambino in the Republic of Indica (having original jurisdiction to entertain suits over an amount of Indica Rupees 1 Crore). ABC sought damages in the sum of Indica Rupees 100 crores; Indica Rupees 25 crores towards the monies already paid under the Contract of Supply and Indica Rupees 75 crores towards the losses suffered by ABC on account of the delay caused by PQN as also for the loss of reputation.

Both parties are before the High Court of Bambino and have to argue their respective case. The pleadings are already complete. Prepare written memorials/arguments on behalf of both parties. The laws of the Republic of Indica are similar to the laws of the Republic of India, including the Indian Contract Act, 1872 and the Specific Relief Act, 1963.

## The Following Issues were framed in the abovementioned case: **Note**

- Whether the High Court of Bambino has Jurisdiction to entertain the case?
- Whether PQN has defaulted in its performance of contract?
- Whether ABC is entitled to receive any compensation for the same?
- Any other relevant issue that the mooters find appropriate can be raised, subject to a maximum of four issues in total.
- Laws of Indica are pari materia to laws in India.
- Common Law judgments and other foreign judgments hold high persuasive value in Indica.

# RULE BOOK

## Rules and Regulations

The Organising Committee of the 3rd National Moot Court Competition will have exclusive authority to interpret the rules in the interest of just and fair competition. The definitions placed below by the Organising Committee shall be final and the decision of the Organising Committee regarding the applicability of these rules will be final. These rules may be called the rules for the 3rd National Moot Court Competition, 2023.

## Definations

### BENCH

refers to the members duly invited by the institute, to adjudge any of the rounds, collectively.

### CLARIFICATIONS

means any questions, queries, or doubts sent by the registered teams to the organisers, within the given deadline.

### COMPETITION

means the 3rd Marwadi University National Moot Court Competition, 2023.

### SPEAKER

refers to a participant who presents oral arguments in any given round.

### PENALTY

refers to the deductions imposed on the memorandum scores of a participating institution.

### PARTICIPATING TEAM

means the team which has registered itself for the competition as per the rules for registration.

### PARTICIPATING INSTITUTION

shall be presumed to be the institution of the participating teams.

### MOOT PROBLEM

means a set of facts published by the institution for moot court competition.

### REBUTTALS

refer to those arguments /questions that the Complainant may raise at the end of the main pleadings of all the Orators.

### SUR-REBUTTAL

refers to the defence presented by the Respondent to the rebuttals.

### ORGANISER

means Marwadi University, Faculty of Law, NMCC, FoL, MU

### ORGANISING COMMITTEE

means the Moot Court Committee (MCC), FoL, MU

### COURT ROOM

shall refer to the courtrooms where the oral rounds will take place.

### SCOUTING

means a person observing the Oral Rounds of a team other than the team such person is associated with.

### TEAM CODE

refers to the code allocated to a participating institution by the organizing committee after completion of the Registration.

# KEY DATES

01-01-2023	Commencement of registration
10-03-2023	Last date for registration
13-03-2023	Last date for seeking clarifications (if any)
18-03-2023	Last date for submission of memorials (soft copy via online)
25-03-2023	Hard Copies must reach via post on or before the deadline
31-03-2023	Inaugural ceremony & orientation
31-03-2023	Draw of lots & researcher's test
01-04-2023	Preliminary rounds
01-04-2023	Quarterfinal rounds
01-04-2023	Cultural night
02-04-2023	Semi-finale rounds
02-04-2023	Final round
02-04-2023	Valedictory Ceremony

# LANGUAGE

The official language of the competition shall be *British English* only.

# ELIGIBILITY

- 1st-year law students enrolled in 3 years LLB programme and 5 years integrated programme from any college / institution / university recognized by BCI across the country.
- Only one team shall be allowed from one College / Institution / University.
- No faculty members, coach, or a designated, observer will be allowed to join the team during the competition

# TEAM COMPOSITION

- The team shall comprise of either two members (being designated as Speakers and one of the speakers shall be designated as Researcher) OR three members (two of them shall be designated as Speakers and one of them shall be designated as Researcher).
- No team will be allowed to substitute any of its members after a team has submitted its registration form, except with the permission of the organisers.

# REGISTRATION PROCEDURE

- Online registrations are open from 01-01-2023. The teams must register online by 10-03-2023.
- The registration shall be done by filling up the registration form available at our official website.
- The registration shall be considered complete only when the 'Registration Fee' has been paid successfully and the registration form is duly filled with all the credentials.
- The participants will receive an official approval mail from organising committee carrying the 'Team Code' latest by 12-03-2023 or earlier. The teams shall quote this team code in all further communications with the organising committee.
- The registration fee for the competition is INR 5000. Registration fee once paid is non-refundable

# MEMORIAL SUBMISSION

- All memorials submitted for all purposes of the Competition shall firmly comply with the rules of the competition. Each participating team must prepare two written submissions, one for each Petitioner/ Applicant(s) as well as Respondent(s) side.
- Petitioner/Applicant(s) memorials are required to have a blue cover and Respondent(s) memorials are required to have red cover.
- Soft copies of memorials shall be submitted in both .pdf and .doc/.docx format latest by 18-03-2023 on the official website. Late submissions shall be penalised (1 mark per day) and no memorial shall be accepted after two days from the specified date.
- SIX hard copies of the memorial from each side should be sent to the Organisers at the address provided on the front page on or before the 25-03-2023.
- The memorial shall be uploaded on the official portal created during the registration. The organising committee will not be responsible for any delay and default.

# CORRECTION AND CLARIFICATION

The teams may request for correction and clarification regarding the moot proposition as per the date given in the important dates, i.e., 13-03-2023. Such requests shall be sent at [folnmcc@marwadieducation.edu.in](mailto:folnmcc@marwadieducation.edu.in) only. No other mode of communication will be taken into consideration.



# MEMORIAL CONTENT

The memorial must contain the following pages only:

- Cover Page – The cover page shall contain the Case Title, Side of the Memorial, Year of the Competition, Name of the Court, and Team Code on the top right corner.
- Table of Contents
- Index of Authorities
- Statement of Jurisdiction
- Statement of Facts
- Issues Raised
- Summary of Arguments
- Pleadings / Arguments Advanced (20 pages max)
- Prayer

# GUIDELINES FOR MEMORIAL FORMATTING

The following content specifications must be strictly followed:

The memorial shall be typed on an A4 size page and all the pages of the memorial should have a page number at the bottom.

- 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 lines.
- Page Margins – 1 inch on all sides.
- All the citations and footnotes must be in compliance with the 20<sup>th</sup> Edition of the Bluebook.

# PLAGIARISM POLICY

Plagiarism in any manner is strictly prohibited and if any participating team found to be indulging in same shall be disqualified from the competition. The decision of the organising committee regarding plagiarism would be final and binding on all participants.

# ANONYMITY OF TEAMS

- Teams shall not reveal their identity in any form, except by means of the Team Code allotted to them during the Competition.
- The Written Submissions shall not reveal the identity of the team in any form and should not bear the logo, name, etc. of the University represented.
- Any violation of the above rules shall attract severe penalty or disqualification as determined by the organising committee. The decision of the organising committee in this regard shall be final and binding on the participating team

# MEMORIAL MARKING CRITERIA

MARKING CRITERIA	MARKS
PROPER AND ARTICULATE ANALYSIS	20
KNOWLEDGE OF LAW AND FACTS	10
EXTENT OF LEGAL RESEARCH	10
GRAMMAR AND STYLE	5
FORMAT AND CITATION	5
TOTAL	50

# ORAL ROUNDS OF THE COMPETITION

## GENERAL INFORMATION

The competition shall consist of Preliminary Rounds, Quarter-Final Rounds, Semi-Final Rounds, and the Final Round.

## PRELIMINARY ROUNDS

- The rounds shall be conducted physically at the specified venue.
- Each team shall argue once from the side allotted to them through the Draw of Lots, which shall be notified to the teams one day prior to the round.
- Each team shall strictly get a total time of 30 minutes to present their case. This time will include rebuttal and sur-rebuttal time [if permitted by the judge(s)]. The time distribution per speaker is left at the discretion of the teams subject to a minimum of 10 minutes per speaker and no more than 15 minutes per speaker. Rebuttals can be allocated a time of a maximum of 5 minutes.
- At the beginning of the preliminary rounds, the teams shall specify the time distribution for their rebuttals of each speaker to the moderator. The rebuttal round proceeding shall be initiated once the moderator informs the team about the commencement of the time limit.
- Strict adherence to court manners shall be observed by all the participants.

## QUARTER-FINAL ROUNDS

- The top 8 teams with the highest score in the Preliminary Rounds shall proceed to the Quarter-Finals. The match-up of teams in Quarter-Final Rounds shall be determined on the basis of draw of lots.
- In case of a tie in scores calculated, the team with the higher score in the Written Submission (Memorials) shall proceed to this round.
- Each team shall strictly get a total time of 30 minutes to argue, which will include rebuttal and sur-rebuttal time [if permitted by the judge(s)]. Extension of time may be permissible at the discretion of judges.
- At the beginning of the Quarter-Final Rounds the teams shall specify the time distribution for each speaker and rebuttal to the moderator. The rebuttal round proceeding shall be initiated once the moderator informs the team about the commencement of the time limit.
- Strict adherence to court manners shall be observed by all the participants.

## SEMI-FINALE ROUNDS

- The Top 4 teams of the Quarter-Final Rounds shall be qualified for the Semi-Final Rounds. The match-up of teams in Semi-Final Rounds shall be decided on the basis of the draw of lots.
- Each team shall get a total time of 45 minutes to argue, which will include rebuttal and sur-rebuttal time [if permitted by the judge(s)]. The division of time per speaker is left to the discretion of the teams.
- A time-extension for a maximum of 2 minutes may be granted to each team at the discretion of the Judge.
- Strict adherence to court manners shall be observed by all the participants.

## FINAL ROUND

- The top two teams from the Semi-Final Rounds shall qualify for the final round.
- Each team shall get a total time of 60 minutes to which will include rebuttal and sur-rebuttal time [if permitted by the judge(s)]. The division of time per speaker is left to the discretion of the teams.
- A time-extension for a maximum of 5 minutes may be granted to each team at the discretion of the Judge.
- Strict adherence to court manners shall be observed by all the participants.



# ORAL ROUND MARKING CRITERIA

MARKING CRITERIA	MARKS
APPLICATION OF LAWS TO FACT AND USE OF AUTHORITIES	20
RESPONSIVENESS TO QUESTIONS	10
COURT MANNERISM AND TIME MANAGEMENT	10
EFFECTIVE REBUTTALS AND SUR-REBUTTALS	5
ADEQUACY OF POWER	5
TOTAL	50

# GENERAL CODE OF CONDUCT

- Teams entering / indulging in any kind of misconduct, or violating the afore-mentioned rules and regulations will lead them to disqualification.
- The decision of the judges with regards to the oral rounds shall be final.

# SCOUTING

- Scouting is strictly prohibited. Scouting by any team shall entail instant disqualification.

# MISCELLANEOUS RULES

- The Organising Committee reserves the right to amend, modify, change or repeal any of the competition rules at any stage. The Organising Committee shall convey any changes made in the competition rules to the Participating Teams.
- If a team is of the perspective that violation of the rules of the competition has taken place at any stage of the competition, the team (s) shall inform within half an hour after the completion of the round to Organising Committee.
- Team(s) under no circumstances shall approach the Judges with any complaints.

# AWARDS

WINNERS	<b>Rs 40,000 with Trophy</b>
RUNNERS-UP	<b>Rs 20,000 with Trophy</b>
BEST SPEAKER (PETITIONER)	<b>Rs 7,000 with Trophy</b>
BEST SPEAKER (RESPONDENT)	<b>Rs 7,000 with Trophy</b>
BEST MEMORIAL	<b>Rs 7,000 with Trophy</b>
BEST RESEARCHER	<b>Rs 7,000 with Trophy</b>

**Note**  
Certificate of Participation shall be provided to all the participants and Mementoes shall be provided to each participating team.

# NMCC, FOL GLIMPSES



# NATIONAL MOOT COURT COMPETITION COMMITTEE, 2023

FACULTY OF LAW, MARWADI UNIVERSITY



**DR RAHUL J NIKAM**  
FACULTY CONVENER



**MRS NIBEDITA BASU**  
FACULTY CO-CONVENER



**MR DEVANSH GANATRA**  
CONVENER AND HOD  
OF COMMUNICATION



**MS DEESHA G AMBANI**  
CONVENER AND HOD  
OF PUBLIC RELATION



**YASH DHOLAKIA**  
HOD OF IT



**NAMAN MANKAD**  
HOD OF SPONSORSHIP



**VANSHIKA LAL**  
HOD OF DESIGN



**MUSTAFA ANSARI**  
HOD OF HOSPITALITY

## CONTACT DETAILS

For any further assistance with respect  
to the Competition, you may contact

MR DEVANSH GANATRA <b>9316308969</b>	MS DEESHA G AMBANI <b>7676563764</b>	MR YASH DHOLAKIA <b>6359651110</b>
---	---	---------------------------------------

You may in the alternative, To Register Click on  
<https://mootcourt.marwadiuniversity.ac.in:553>  
or  
Email : [folnmcc@marwadieducation.edu.in](mailto:folnmcc@marwadieducation.edu.in)



NMCCMU



nmcc\_folmu folmu\_nmcc

