

ABOUT KISS

Started with just 125 students way back in 1993 by eminent educational and social entrepreneur Achyuta Samanta, Kalinga Institute of Social Sciences (KISS), Bhubaneswar has today grown into the largest free Residential Tribal Institute of the world. KISS provides food, accommodation, health care and all other basic necessities of life to 20,000 tribal children of the poorest of the poor background absolutely free to pursue education from Kindergarten to Post Graduation (K.G. to P.G.). Students are enrolled from 62 tribes of Odisha, including 13 Primitive Tribes.

The course curriculum designed for KISS is unique, for it incorporates vocational training with formal education, thus making a child educated and self-sufficient. Achievements of KISS students in examinations and other academic events speak volumes about high quality of education at the institute. KISS students have been achieving cent percent pass record in annual examination for Class 7th, Class 10th and +2 Arts, Science and Commerce for consecutive ten years. Students of KISS have been representing State in the prestigious National Children's Science Congress every year since 2005. They have not only been qualifying in reputed institutions like NITs and IITs on the basis of their own merit, but have also been selected by top corporate names like Accenture, TCS and Wipro in campus placement. Students of KISS have proved their mettle not only in academics, but also in sports and cultural activities. Highpoints of these achievements have been their becoming Champion in Under 13 International Rugby Tournament held in Manchester, U.K. (19th June 2011) and participation of KISS students in Asian Games at Guanzhou (China) and Commonwealth Games (New Delhi).

KISS is the finest expression of KIIT's social commitment. It plans to educate 2,00,000 tribal children during the next decade.



The 1st KIIT UNIVERSITY NATIONAL MOOT COURT COMPETITION 2013

ORGANIZED BY:

**SCHOOL OF LAW
KIIT UNIVERSITY**

(29th to 31st of AUGUST, 2013)



About KIIT UNIVERSITY



KIIT University has 22 constituent schools offering 50 academic programmes. It is not only the world class infrastructure alone but also the quality of teaching and research illustrated by the accreditation of NAAC of UGC and NBA of AICTE that make KIIT one of the most promising centers of excellence.

The University currently offers B. Tech, BCA, B.A.LL.B, B.B.A.LL.B, B. Sc. LLB, BBA, M.B.B.S, B.D.S, B. Sc. (Nursing), Bachelor of Textile Design(BTD), Bachelor in Fashion Design(BFD), Bachelor of Television & Film Production(BTFP), M. Tech, MCA, M. Sc (Biotechnology/Microbiology), MBA, MBA in Rural Management (MRM), LL.M, Biotechnology-Dual Degree(B. Tech/M. Tech), English along with other foreign languages under school of language. Besides, schooling programmes till class X under the International School, KIIT also provides doctoral and post doctoral programmes in technology, management, humanities, and basic sciences. Outside the University fold, KIIT society offers ITI, +2 in Science and Diploma in Engineering.

SCHOOL OF LAW, KIIT UNIVERSITY

KIIT School of Law (KSOL) was established by KIIT University in 2007 to meet the growing demand for legal professionals in the wake of globalization and rapid expansion of India's economy. Academic programmes of the school are recognized and approved by the Bar Council of India (BCI), the apex body regulating the legal education in India, and UGC. At present, KSOL is one of the leading law schools in India having specialized Honors courses in Business Law, Constitutional Law, Crime and Criminology, Intellectual Property Law, Taxation Law and International Law. We are constantly innovating to ensure new and better ways of training professionals in the legal fraternity of tomorrow, who would be competent as well as worthy of public trust.



DIRECTOR'S MESSAGE



Dear Students,

Greetings from School of Law, KIIT University, Bhubaneswar.

It gives us immense pleasure to announce the inaugural Moot Court Competition hosted and organized by School of Law, KIIT University, from 29th to 31st of August 2013.


As one of the upcoming law schools in India, we have constantly undertaken measures to provide holistic and meaningful legal education to bright young talent from across the country. In course of such endeavour, we have observed that strong advocacy skills, ability to think logically and rationally combined with acumen for drafting are some characteristics that are very necessary for a lawyer in the present scenario.

Keeping in mind these requirements, we have tried to nurture these attributes in the budding talent pool we possess, and likewise, we have always encouraged our students to participate actively in national and international Moot Court Competitions wherein they can assess & nurture their potential. Our students have participated enthusiastically in different such moot court competitions across the country and abroad, wherein they have won laurels and appreciation which has proved to be a great learning experience for them and the institution.

In 2011, we had successfully organized the 52nd Phillip C. Jessup International Moot Court Competition (North India rounds) and the 1st Bar Council of India International Moot Court Competition.

We take this opportunity to invite and welcome all the participants to the 1st KIIT University National Moot Court Competition, 2013.

Wishing you all the very best,


Prof. (Dr.) N. K. Chakrabarti
Director,
School of Law, KIIT University.



RULES FOR THE COMPETITION

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DETAILED RULES

I. COMPETITION FORMAT

(A) The competition is structured as per the following format:

(1) Preliminary Rounds

(2) Quarter finals

(3) Semi finals

(4) Grand Finale

(B) There shall be a common problem for the preliminaries and the quarter finals (Round I), and another common problem for the semi finals and the Grand Finale (Round II).

(C) A total of 32 teams shall be allowed to participate in the Competition, in accordance with the rules as laid hereinafter in Clause IV.

II. ELIGIBILITY

Students of 3 year and 5 year law degree courses from any University are eligible to apply for registration of their team. However, a maximum of 1 team shall be allowed to participate from one University.

III. TEAM COMPOSITION

- ❖ Each team shall consist only of three members, comprising of two speakers and one researcher.
- ❖ Any alteration of the names of the team members shall be informed in writing to that effect, by the Dean / Director/ Head of the Department of the School/ Department /College of Law, of the team requesting such alteration However, any such alteration is permitted only once.
- ❖ Once the Competition commences, the team composition cannot be altered under any circumstances whatsoever. Inability of any team member to participate shall lead to disqualification of the team from the Competition. However, the team is free to rotate amongst the 3 members the roles of speaker / researcher as they deem convenient.

IV. PARTICIPATION AND REGISTRATION PROCEDURE

- ❖ The teams interested to participate are required to confirm their participation by sending an email to kiitmoot2013@kls.ac.in, clearly mentioning the name of the institution to which they belong and a list of team members. E-mail confirming participation has to be sent before 5 pm 15th June, 2013.
- ❖ On receipt of the e-mail regarding such participation, a team code shall be generated and a confirmatory mail, together with the team code, will be sent to the applicants on the 20th of June, 2013. Thereafter, the teams shall refer themselves through the allotted team code, in any future correspondence with the organizers of the competition.
- ❖ The teams, interested to participate shall send their memorials to kiitmoot2013@kls.ac.in, for the problem allotted for Round I (preliminary and quarter-final rounds) of the Competition, by 6:00 P.M (18:00 hrs IST) on 8th July, 2013.
- ❖ The memorials so sent shall clearly mention the words “P” for memorials on behalf of the petitioner, and the words “R” for memorials on behalf of the respondent, followed by the team code for both the instances. For example, if a team has been assigned a code of 100, the memorials sent by such team shall have the words “P100” and “R100” clearly inscribed on the top right hand corner of the cover page of the relevant memorial.
- ❖ The memorials shall be subject to evaluation by a committee constituted for this purpose, and on the basis of the results of such evaluation, a maximum of 32 teams shall be allowed to participate in the competition. The said teams shall be duly intimated by e-mail by 25th July, 2013, as to the confirmation of their participation, as well as other formalities.
- ❖ The selected teams shall be required to send in the duly filled registration form, available at www.kls.ac.in or attached to the information brochure send to the University / Law School along with non-refundable fee of Rs. 1000 (One Thousand only) by a demand draft drawn in favour of KIIT University, and payable at Bhubaneswar, as well as their travel plans. The scanned copy of the filled in registration form demand draft and travel plan should be sent to kiitmoot2013@kls.ac.in by 31st July, 2013, while the filled in registration form, as well as the original demand draft shall be submitted by the participating teams to the organizers on their arrival for the Competition. The teams must ensure that the name of the institution as well as names of the members of the team together with the team code are clearly mentioned on the reverse of the demand draft.

V. MEMORIAL SELECTION

- ❖ With regard to Moot Problem-I, each participating team is required to submit the memorials for both the petitioner as well as the respondents for the preliminary as well as quarter-final rounds in soft copy by 8th July, 2013, to kiitmoot2013@kls.ac.in. Two hard copies of the said memorials, must reach the address given below by 11th July, 2013:

**MOOT COURT COMMITTEE
SCHOOL OF LAW,
CAMPUS 16,
KIIT UNIVERSITY
BHUBANESWAR, ODISHA - 751024
Email : kiitmoot2013@kls.ac.in**

The envelope, containing the memorials must clearly mention, “1st KIIT UNIVERSITY NATIONAL MOOT COURT COMPETITION-2013” on the top.

- ❖ The registered teams would also be informed about their registration code individually through e-mail by 20th June 2013.
- ❖ The problem for Round II (semi-final and the final rounds) of the Competition shall be released simultaneously with the declaration of results of the memorial evaluation, i.e. 25th July, 2013.

VI. PRELIMINARY ROUND

- ❖ Draw of Lots for the preliminary round shall take place on 29th August, 2013 immediately after the inaugural function. The exchange of memorials and orientation shall take place on the same evening.
- ❖ Each team will argue twice : once for petitioner and once for respondent.
- ❖ No two teams shall face each other more than once in the preliminary rounds.
- ❖ Preliminary rounds shall be held on 30th August, 2013, starting at 9:00 AM.
- ❖ The top eight teams shall qualify for the quarter final round.
- ❖ In determining the winner in the preliminary rounds, memorial scores will be added to the oral scores.

VII. QUARTER-FINALS/SEMI-FINALS/FINALS

- ❖ The quarterfinal shall take place on 30th August, 2013.
- ❖ The semi-final and the final rounds shall take place on 31st August, 2013.
- ❖ The top four teams of the quarter final rounds shall qualify for the semi-final round.
- ❖ The quarter-final, the semi-final and the final round shall be knock-out rounds.
- ❖ The memorial scores of the teams, for the first problem, shall be taken into consideration at the stage of both the preliminary as well as the quarter-final rounds.
- ❖ The memorial scores of the teams on the second moot problem shall be taken into consideration in both the semi-final as well as the final rounds. The equation is explained below:
- ❖ Preliminary Round = Memorial Scores + Oral Scores (to qualify for the quarter-final round)
- ❖ Quarter-Finals = Memorial scores + Oral Scores (to qualify for the semi-final rounds)
- ❖ Semi-Finals = Memorial Scores + Oral Scores (to qualify for the final round)
- ❖ Finals = Memorial scores + Oral Scores (to decide the winners).

VIII. RESULTS

- ❖ The results shall be announced shortly after each round.
- ❖ The results of the final round shall be announced at the valedictory ceremony.

IX. MEMORIALS

The following guidelines for the memorials must be strictly followed. Noncompliance will entail penalties as provided below:

- ❖ Teams have to prepare memorials for both the sides for both the problems.
- ❖ The teams must send in advance a soft copy of their memorial for evaluation, by 6:00 P.M, on 8th July, 2013, to kiitmoot2013@kls.ac.in. No mails shall be accepted in any circumstance after the aforementioned time.
- ❖ The teams shall submit 2 hard copies of the memorial for each side, for the Moot Problem-I, for preliminary and quarter final rounds, by 11th July, 2013. In the event of the team's memorial getting selected, they will have to carry 3 more copies of memorials (for both petitioners and respondents) when they come for the moot court competition.
- ❖ The teams are required to carry a soft copy of the memorial for the second problem (for semi final and final rounds) on a cd/dvd, together with 5 hard copies of the memorials (for both petitioners and respondents), and submit it to the organizers at the time of draw of lots.
- ❖ The content of the hard copies must be the same as the soft copy. Non compliance with this rule will lead to disqualification of that team.
- ❖ The memorials have to be submitted on A4 size paper, printed on only one side, and must contain the following sections:
 - Cover Page;
 - Table of Contents;
 - Index of Authorities;
 - Statement of Jurisdiction;
 - Statement of Facts;
 - Statement of Issues;
 - Summary of Arguments;
 - Arguments Advanced; and
 - Prayer.

- ❖ The memorials must be printed in Times New Roman 12 font size with double spacing. The footnotes must be in Time New Roman 10 font size with 1.5 spacing.
- ❖ The Arguments Advanced should not exceed 15 pages.
- ❖ The memorial as a whole should not exceed 30 pages including the cover page.
- ❖ The memorials **should not be covered** with a plastic cover or be spiral bound or combed bound. They should either be stitched or stapled properly.
- ❖ The result for the teams selected would be declared by 25th July, 2013.
- ❖ The teams should not disclose the identity of their institution anywhere on the memorial. Violation of this rule will result in disqualification.
- ❖ The memorials should have a margin measuring one inch on all sides of each page.
- ❖ The numbering should be on the bottom-center of each page.
- ❖ The petitioner's memorial cover page shall be printed on red colour A4 size paper, and the respondent's memorial on blue colour A4 size paper.
- ❖ The teams may submit a Compendium of cases and other materials referred to in the memorials at the time of Registration. The Compendium should not disclose the identity of the institution anywhere. There shall be no passing of papers to the judges during the Moot Competition.
- ❖ A Uniform Style of Citation should be followed throughout the memorial
- ❖ Footnotes shall contain only the citation. There shall be no speaking footnotes in the memorial.
- ❖ The maximum scores for the memorials shall be 100 marks. The memorials shall be evaluated on the following criteria:

- **Knowledge of Law and Facts : 30 Marks**
- **Proper and Articulate Analysis : 20 Marks**
- **Extent and Use of Research : 20 Marks**
- **Clarity and Organization : 20 Marks**
- **Grammar and Style : 10 Marks**

Non compliance with the above criteria shall result in a penalty of 2 marks per missing section.

X. ORAL ROUNDS

- ❖ Each team will get a total of 60 minutes to present their case. This time will include rebuttal and sub-rebuttal time. In the preliminary rounds, any team exceeding the allotted time shall be penalized. The penalty shall be of one mark (1 mark) for every two minutes exceeded.
- ❖ The division of time per speaker is left to the discretion of the team subject to a minimum of 10 minutes per speaker.
- ❖ The oral arguments should be confined to the issues presented in the memorial.
- ❖ The researcher shall be present with the speakers during the oral rounds.
- ❖ Passing of notes to the speaker by the researcher is not allowed. Maximum scores for the oral rounds shall be 100 points per speaker.
- ❖ The oral rounds shall be judged on the following criteria:

- Knowledge of Law : 20 Points
- Application of Law to Facts : 20 Points
- Ingenuity and Ability to Answer to Questions : 20 Points
- Style, Poise, Courtesy and Demeanor : 20 Points
- Time Management : 10 Points
- Organization : 10 Points

XI. SCOUTING

- ❖ Teams shall not be allowed to observe the orals of another team. Scouting is strictly prohibited.
- ❖ Scouting by any team shall entail instant disqualification.

XII. AWARDS

- ❖ **Winning Team Award:** The winning team will receive a trophy and a cash prize of Rs. 1,00,000 (RUPEES ONE LAKH ONLY).
- ❖ **Runners-Up Team Award:** The runners up team will receive a trophy and a cash prize of Rs. 50,000 (RUPEES FIFTY THOUSAND ONLY).

- ❖ 2nd RUNNERS UP- The 2nd Runners Up shall be awarded a cash price of Rs. 25,000/- (RUPEES TWENTY FIVE THOUSAND ONLY).
- ❖ Best Student Advocate/Counsel-The Best Student Advocate/Counsel, shall be awarded a cash price of Rs. 10,000/- (RUPEES TEN THOUSAND ONLY).
- ❖ Best Memorial/Written Submission- The team making the best Written Submission/Memorial, shall be awarded a cash price of Rs. 10000 (RUPEES TEN THOUSAND ONLY).

XIII. ANONYMITY

- ❖ The student counsels shall not state their names during the oral rounds and must use the team Code. All team members must refrain from disclosing the identity of their institution at any time and in any manner during the entire competition.
- ❖ Non compliance with this Rule will result in immediate disqualification of the team. The decision of the National Coordinator in this regard shall be final.

XIV. NATIONAL COORDINATOR

- ❖ The Director, School of Law, KIIT University, shall be the National Coordinator of the 1st KIIT University National Moot Court Competition, 2013.

XIV. FINALITY OF DECISION

- ❖ The decision of the judges with regard to the outcome of the rounds shall be final.

XV. ACCOMMODATION, FOOD AND TRANSPORT

- ❖ Accommodation, food and transportation to and from the venue, shall be provided to all teams by KIIT University from 28th August to 31st August, 2013 (only three members per team).
- ❖ Teams should send their travel plan by 31st July, 2013.

XVI. CLARIFICATIONS

All clarifications regarding the Moot Problem should be sent to kiitmoot2013@kls.ac.in. No question / clarification over phone / any means other than e-mail shall be entertained.

TIME - LINE OF THE COMPETITION

Sl. No.	DATE/TIME	DATE/TIME
1	Registration for the competition, by email at kiitmoot2013@kls.ac.in	By 5:00 P.M, June 15th, 2013
2	Confirmation of registration/participation, together with allotment of team-codes	20th June, 2013.
3	Memorial Submission for Round-I (Preliminary & Quarter-final Rounds)	Soft-copy (8th July, 2013-by 6:00 P.M). Hard-copy (11th July, 2013).
4	Declaration of Results for Memorial Evaluation	July 25th, 2013
5	Release of the Moot Problem, for Round-II (Semi-final and Final Rounds)	July, 25th, 2013
6	Submission of scanned copy of duly filled registration form, demand draft of Rs. 1000/- (One thousand only) and travel plans	July 31st 2013
7	Inaugural function/draw of lots/exchange of memorials, etc	August, 29th, 2013
8	Round-I (Preliminary & Quarter-Final Rounds)	August, 30th, 2013
9	Round-II (Semi-Final & Final Rounds)	August 31st, 2013
10	Prize Distribution/Valedictory Function	August 31st, 2013

Organising committee

Chief Patron

Dr. A. Samanta
Founder & Mentor, KIIT & KISS

Patrons

Prof. (Dr.) N. L. Mitra
Chancellor
KIIT University

Prof. (Dr.) P. P. Mathur
Vice Chancellor
KIIT University

National Coordinator

Prof. (Dr.) N. K. Chakrabarti
Director, School of Law, KIIT University

Faculty Coordinator

Mr. Kumar Kartikeya
Assistant Professor, School of Law, KIIT University

Organizing Committee

Mr. Sudipta De Sarkar
Programme Co-ordinator, School of Law, KIIT University

Ms. Shreya Chatterjee
Assistant Professor, School of Law, KIIT University

Ms. Kasturi Bhagat
Assistant Professor, School of Law, KIIT University

Ms. Jinia Kundu
Assistant Professor, School of Law, KIIT University

Student Co-ordinators

Mr. Abinash Barik
Mr. Aishvary Vikram

The 1st KIIT University National Moot Court Competition, 2013

STATEMENT OF FACTS

'Samarajya' is a country, located in the southern part of Asia. Its constitution and the laws are in pari materia, with the Indian Constitution and the laws prevailing in India. The Government of 'Samarajya', as a part of its policy of liberalization/privatization, embarked upon the mechanism of public-private partnership, in the projects involving development of infrastructure. In several such projects, the role of the Government is confined to being a mere facilitator, with the private parties playing the dominant role. However, this policy of the Government has come under severe criticism due to allegations of corruption that have emerged in the award and execution of various projects. The critics of this policy also allege that Government was using the taxpayer's money, for the benefit of private interests. As a consequence, there was a general discontent and dissatisfaction with the Government. To stem the rising discontent and dissatisfaction against the Government, the President of 'Samarajya' promulgated an Ordinance titled, Prevention of Corruption Ordinance, 2012 which was subsequently enacted by the Parliament of 'Samarajya', as Prevention of Corruption Act, 2012 (hereinafter PCA). Under the Act, the Criminal Investigation Bureau (hereinafter C.I.B) was designated as the chief investigating agency, with powers of investigation, arrest, search, seizure etc, in matters of corruption in various departments and organizations under the Government. To facilitate speedy trial of cases relating to corruption, the Act also provided for setting up of special courts. The Act provided that any order of the said Special Court maybe challenged only by way of an appeal to the Supreme Court of Samarajya. The fact, that C.I.B actually booked two ministers and several officers of the Government for corruption, deepened the discontent and dissatisfaction with the Government, instead of reducing it.

There were protests organized against the Government and its policies, in various parts of the Country, which received widespread coverage in both electronic and print media. Incidents of violence were also reported from some other parts of the country as well, and the police had to resort to use of force, including firing on the protesters, at several places. The Government made repeated appeals to the people to avoid acts of violence and keep the protests peaceful, but stray incidents of violence continued. Mr. Inquilaab Krantikari, a Professor of Law, in one of the well known Law Universities, of the Country, who lead the protests in Jambudweep, the Capital of Samarajya, made an appeal to the people through newspapers, social networking sites, etc, to converge on the national capital, on the First Sunday of January, 2013, for a huge protest rally against the Government. On the day of the rally there was violence not only in the national capital, but also in other parts of the country.

The Prime Minister of Samarajya, concerned over the emerging situation, held a meeting with his Council of Ministers, and advised the President to issue a proclamation of Emergency, under Article 100 of the Constitution of Samarajya, on the ground that there was a threat to the security of the country, on account of armed rebellion. It also recommended issuance of an order, under Article 107 of the Constitution of Samarajya, suspending the right to approach any court for the enforcement of any of the Fundamental Rights conferred by Part-XVIII, of the Constitution of Samarajya, as well as any other right. The President acting on the said advice issued the proclamation, as well as the order. The President also promulgated the National Defence Ordinance, which was subsequently enacted by the Parliament of Samarajya, as National Defence Act. This law armed the Government of Samarajya, with sweeping powers of search seizure and detention, including preventive detention. The Parliament of Samarajya, also enacted a constitutional amendment, bringing the Emergency Provisions [PART-III, ARTICLES 100-108] under the Constitution of Samarajya, in pari materia with the Emergency Provisions, which existed under the Constitution of India, [PART XVIII, ARTICLES 352-360], immediately before the enactment of the Constitution (44th Amendment) Act, 1978, with retrospective effect. Simultaneously the Government ordered large scale detention of the people involved in protests against the Government, including Mr. Inquilaab Krantikari, under the National Defence Act. It also introduced censorship, imposed severe restrictions on both print and electronic media, including restrictions on the time allotted for news broadcasts, advertisements, number of pages to be published in the newspaper, etc. and prohibited all types of social networking sites.

Mr. Krantikari and other detenués have filed writ petitions, before the Supreme Court of ‘Samarajya’, challenging the constitutionality of the Proclamation of Emergency, the Presidential Order, suspending enforcement of Fundamental Rights, along with the amendments made to the Constitution, together with their detention, and other related matters. The News Broadcasting Association, an association of print and electronic media, has also challenged the restrictions/prohibitions imposed on the print and electronic media, in its petition before the Court. Parties are required to frame issues from both sides (including the issue of maintainability of the petitions) and argue accordingly.

[THIS MOOT PROBLEM HAS BEEN FRAMED BY MR. KUMAR KARTIKEYA, ASSISTANT PROFESSOR OF LAW, SCHOOL OF LAW, KIIT UNIVERSITY].



1st KIIT University National Moot Court Competition, 2013
School of Law, KIIT University
REGISTRATION FORM

Name of the Institution :

Address :
.....
.....

Telephone No.: :

Fax NO. :

E-mail :

Website :

1st MEMBER

Name :

Gender :

Year of study :

Contact No. :

E-mail :



2nd MEMBER

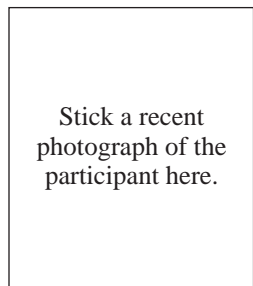
Name :

Gender :

Year of study :

Contact No. :

E-mail :



3rd MEMBER

Name :
Gender :
Year of study :
Contact No. :
E-mail :



CONTACT PERSON

(Preferably Faculty-In-Charge for Moot Court of Respective Institution)

Name :
Designation :
Telephone No. :
E-mail :

ACCOMMODATION

Accommodation Required : Yes No

Date and Time of Arrival :

Mode of Transportation : Flight Train Bus

Gender Break Up (NO.s) : Male Female

Date and Time of Departure :

DEMAND DRAFT DETAILS

D.D. No. :

Drawn on Bank :

Dated :

Signature and Seal of the Head of Institution

Date : Place :

Contact Details

Campus-16
KIIT Law School,
KIIT University, Patia,
Bhubaneswar – 751024

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