

8th R.C. Chopra Memorial
National Moot Court Competition, 2020

February 28-29, 2020.



St. Soldier
Group of Institutions
— Since 1958 — Jalandhar(Pb) —

St. Soldier Law College (SSLC), Jalandhar, 144011 (**Punjab**)

Phones:-09815158269, 0181-2690088

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E-mail:- stsoldiermootcourtsociety@gmail.com

MOOT PROPOSITION

1. Madaland is a State situated on the Western Ghats of Republic of Secularistan which is a Union of States structured similarly to Union of India. Elections to the 380 seats of Legislative Assembly of State of Madaland were held on 10th Jan, 2020. A total of 13 National and regional parties contested the elections. The leading National Parties were Janta Lokdal Party (JLDP) and Democrats Party (DP), and the leading regional parties were Shambhu Sena Party (SSP) and Progressive Party (PP).

2. Approximately 2 months before the date of polling JLDP and SSP entered into a pre-poll alliance and together filed nominations for all 380 seats. It was openly announced in a Joint Press Conference of JLDP and SSP held on 25th Nov, 2019 that the Senior leader of JLDP Shri Aloknath Raghvan would be the Chief Minister candidate of their joint alliance. For almost 2 months, candidates, senior party leaders, party members along with star promoters of JLDP and SSP were seen together canvassing and holding joint rallies.

3. While all this was in place, there were rumours of secret meetings of senior party leadership of SSP and DP. President of JLDP, also CM candidate, Shri Aloknath Raghvan denied any alliance between SSP and DP. However, the President of SSP, Mr. Heckary Tridev remained silent on this issue.

4. On 18th Jan, 2020 election results were announced and no single party attained the requisite majority for forming the government. However the alliance of JLDP and SSP got a clear majority. JLDP started celebrating the victory of their party. The results of the elections were as follows-

| Party contesting | Seats won |
|---------------------------------|------------------|
| Janta Lokdal Party (JLDP) | 154 |
| Democrats Party (DP) | 91 |
| Shambhu Sena Party (SSP) | 88 |
| Progressive Peoples Party (PPP) | 35 |
| Others | 12 |
| Total | 380 |

5. On 19th Jan, 2020 news of breakdown of alliance between JLDP and SSP was announced. On 20th Jan, 2020 President of SSP, Mr Heckary Tridev along with senior members of the party held a press conference and declared the breaking of alliance with JLDP. The reason for such breakdown as alleged by the President of SSP was that, the JLDP was not accepting their demand to declare the name of Mr. Hitesh Tridev (son of Mr. Heckary Tridev) for the post of CM. However there were disagreements, dissensions and disappointments within SSP over this unexpected, untimely announcement.

6. On 20th Jan, 2020 the Governor of State of Madaland, Mr. Jitendra Rai exercising his powers under the Constitution invited leader of JLDP, Shri Aloknath to form Government.

7. At around 10pm, same day i.e. 20th Jan, 2020, 30 MLAs of SSP along with 8 independent MLAs gave their support in writing to JLDP. The Governor on the basis of this support, just on receiving verbal assurance of President of JLDP, called upon JLDP to form Government. The next day, 21st Jan, 2020 at around 5 am, Shri Aloknath Raghvan (as Chief Minister) along with 191 other MLAs took oath in the premises of Raj Bhawan of Madaland. None other than the MLAs taking oath and the Governor were present at Raj Bhawan. All this was done secretly. There was even no media broadcast.

7. 21st Jan, 2020, at 6 a.m. news flashed on all TV channels as to how and in what circumstances CM of Madaland took oath during wee hours and that too secretly. JLDP was asked to prove majority in floor test within 10 days.

8. While all this high profile drama was going on, the SSP and other parties raised objections on the way the Governor conducted oath ceremony of Chief Minister. Allegations of opposition were that the Governor, Mr. Jitendra Rai's father was a veteran JLDP leader and as such he had favoured the party and that the way CM took oath was bizarre and unconstitutional.

9. Just after a week, on 28th Jan, 2020 all 30 members of SSP withdrew their support from JLDP. The 8 independent members resigned from JLDP and joined DP. In view of the withdrawal of support by said legislators, the CM apparently did not command majority. On the recommendations, of the Governor, President Rule was imposed on 29th January.

10. On 2nd Feb, 2020 Mr. Heckary Tridev (JLDP) called an urgent Press conference and announced an alliance between SSP, DP and remaining 4 independent members. The written willingness of SSP, DP and independent members to join SSP duly signed by all MLAs were attached to the application sent to the Governor. On 6th Feb, 2020 Mr. Hitesh Tridev took oath as

Chief Minister and was given a weeks' time to prove majority in floor test. On 12th Feb, 2020 majority was proved. 191 members voted in favour of SSP (SSP- 88, DP-91+8, independent-4), 154 members (JLDP) voted against and 35 members of PPP abstained from voting.

11. Dis –contended, dis –satisfied over the sudden turn of event and Shri Aloknath Raghvan, representing JLDP through his counsel has on 17th Feb, 2020 filed a writ petition u/A 32 of the Constitution in the Supreme Court against the State of Madaland and Union of Secularistan. alleging- that SSP has resorted to horse trading to form their Government. They have in their possession various tape recorded telephonic conversations between veteran leaders of SSP and DP which depict presence of dastardly act of purchasing of MLAs. Moreover, they allege that SSP had entered into a pre-poll alliance with JLDP and earned votes in the name of a National party and later on stepped back. This act is nothing but just making mockery of the Constitution.

12. JLDP has prayed that fresh elections must be held in the State of Madaland and that those guilty of horse trading must be punished under relevant laws. Further the parties defecting must be held liable under anti Defection Law.

The matter is listed for hearing in the Supreme Court of Republic of Secularistan on 28th Feb, 2020. Prepare and argue from both sides on the following Legal issues-

1. Whether the President Rule imposed on 29th Jan, 2020 was Constitutional?
2. Whether Anti-defection law would apply on the defecting parties?
3. Whether Madaland Assembly should be dissolved and fresh elections should be held?
4. Whether law of promissory estoppel would apply to contract of pre-poll alliance?
5. Any other issues/ sub-issues the parties feel important to press upon.

Note: 1.The petitioners would argue on behalf of JLDP, represented by Party President and the Respondents on behalf of Union of Secularistan and State of Madaland and others.

2. The Constitution of India, 1950, The Representation of People's Act, 1951 and all laws as applicable to India would apply to the Republic of Secularistan.

Disclaimer: The above proposition is entirely fictitious and is for academic purposes only.

RULES & REGULATIONS

1. DATES AND VENUE:

- i. The 8th R.C. Chopra National Prized Moot Court Competition' 2020 is scheduled for **28-29th Feb, 2020**.
- ii. The venue for the event is St. Soldier Law College, St. Soldier Educational Complex, Jalandhar-Amritsar Bye pass (NH-1), Near National Institute of Technology, Lidhran, Jalandhar, 144011

2. PRIZES

- i. Winning Team – INR 11,000/-
- ii. Runners Up Team – INR 5,100/-
- iii. Best Student Advocate – INR 2,100/-
- iv. Best Researcher – INR 2,100/-

NB: - Best Researcher Award shall be based on the score in memorials.

3. TEAM PRE-REQUISITES:

- i. Each team shall comprise of Three (3) members ONLY, out of which two (2) will be speakers and one (1) researcher.
- ii. Arguments shall generally be in English.
- iii. The competition is open for bona fide students pursuing 5 year and 3 years LL.B courses.
- iv. Teams are barred from disclosing the identity of their institution during the course of proceedings in the Court Rooms. Any disclosure of team identities shall invite penalties including disqualification.
- v. Each team shall be provided with the team code at the time of the registration.

4. REGISTRATION

- i. The Registration form completed with all Team Details must be submitted online by **15th Jan'2020** (stsoldiermootcourtsociety@gmail.com) and the same must reach (hard copy) to us, on or before **30thJan'2020**
- ii. A registration fee of **Rs. 4000/-** shall be sent by way of Demand Draft drawn in favour of "St. Soldier Law College", payable at Jalandhar along with the registration form.
- iii. No change in the names of the participants shall be permitted after the receipt of the Registration Form.
- iv. Teams should clearly mention the names of all participants in the team, including course, year/semester of study and contact no.

- v. No team would be facilitated with the certificates during the competition. The same shall be provided only in the Valedictory Ceremony. No certificates will be sent through courier.

5. DRESS CODE

Inside the court room the participants shall follow the below mentioned dress code:

- i. Females: White Kurta, Black Salwar and Black Dupatta or White Shirt and Black Trousers along with the Black Coat and Tie.
- ii. Males: White Shirt, Black Trousers, Black Tie along with Black Coat and Black Shoes.

6. ACCOMMODATION

Only the participants would be provided accommodation for the period of the Competition in the premises of the Institute. Please note that separate accommodation will be provided for girls and boys. However, they may sit together for team work in the library/café of the institute. You are advised to check the weather conditions of Jalandhar before leaving from your native places.

7. COMPETITION ROUNDS

- (i) In total 32 teams shall be competing. All the rounds shall be on Knock Out basis.
- (ii) There shall be total ***FIVE ROUNDS*** spread over a period of 2 days *i.e.* 28-29th Feb, 2020. (3 rounds on 28th and later 2 rounds on 29th Feb,2020)
 - a. ***Preliminary Round*** (comprising of 32 teams)
 - b. ***Pre-Quarter Round*** (comprising of 16 teams)
 - c. ***Quarter Finals***, (comprising of 08 teams)
 - d. ***Semi- Finals and*** (amongst of 04 teams)
 - e. ***Grand Finale*** (between 02 teams)

7.1. RULES FOR ALL THE ROUNDS

- (i) The criteria of marking shall be the aggregate total of the marks of both the speakers added with overall performance of the teams.
- (ii) MARKING CRITERIA FOR THE ARGUMENTS: Each Speaker shall be marked on a total of 100 marks by each Bench Judge. The following will be the Marking Criteria and the Marks allocated to each speaker by each Judge in all Rounds:
 - a. Appreciation and Application of Facts. (10) Marks
 - b. Identification and Articulation of Issues. (10) Marks
 - c. Application of legal principles. (10) Marks
 - d. Use of authorities and precedents. (15) Marks
 - e. Response to questions. (30) Marks
 - f. Presentation skills. (15) Marks

- g. Clarity of thoughts and logical structure of Arguments. (10) Marks

7.2. GRNAD FINALE

- i. It shall be presided over by a bench of sitting/retired High Court Judges.
- ii. The results of the final round shall lead to the selection of:
 - The Winning Team,
 - The Runners Up Team, and
 - The Best Student Advocate

8. TIME SCHEME FOR ROUNDS PRELIMINARY ROUND, PRE-QUARTER FINALS AND QUARTER FINALS

- i. Each team shall be given a total of 30 minutes (maximum) to present their case.
- ii. Each speaker should speak for a minimum 10 minutes
- iii. One speaker shall not take more than 17 minutes of the total time.
- iv. The maximum time for Rebuttals and Sur-Rebuttals is 5 minutes.

8.1. SEMI FINAL ROUNDS AND FINAL ROUND

- i. Each team will get a total of 45 minutes to present their case.
- ii. Each speaker should speak for a minimum of 15 minutes.
- iii. One speaker shall not take more than 25 minutes of the total time.
- iv. The maximum time for Rebuttals and Sur-Rebuttals is 7 minutes.

8.2. MAXIMUM TIME ALLOTTED

The maximum time provided would include the time that each team may wish to reserve for their rebuttal/sur-rebuttal. At the commencement of each session, the team shall notify the Court Officer/Court Clerk regarding the division of time between the 2 speakers (including rebuttal/sur-rebuttal).

9. MEMORIALS

- i. All teams must submit the soft copy of their Memorials for both sides AND all teams must SEND two (2) Hard Copies of their typed Memorials for both sides. (Petitioner and Respondent Two (2) copies each side). Also, the teams shall bring along One (1) Hard copy of their typed Memorials for both sides. (FOR YOUR OWN USE)
- ii. The Memorials must fulfill all the following specifications;
 - Cover page / Cause title
 - Index
 - Index of Authorities
 - Statement of Jurisdiction

- Synopsis of Facts
 - Statement of Issues
 - Summary of Arguments / Pleadings
 - Body of Arguments / Pleadings
 - Conclusion / Prayer
- iii. The memorials shall not be in more than forty (40) pages and the Arguments shall not exceed more than twenty five (25) pages.
- iv. The Memorials shall be typed on A4 size page in Font type: Times New Roman, Font size: 12, 1.5 line spacing & 1 inch margin on each side. Blue Book pattern shall be followed.
- v. The Cover Page of the Memorials must follow the following color scheme, Blue for the Applicant Cover Page and Red for the Respondent Cover Page. The Memorials must be spiral bound ONLY. Each team would be provided with a MEMORIAL CODE at the time of online registration which will be mentioned on the top right hand side of the cover page of each memorial in **BOLD LETTERS**
- vii. The memorials exchange will be for Quarter Finals, Semi-Finals & Finals.
- viii. The Memorials must not contain any Annexures/ Photographs / Sketches/ Exhibits / Affidavits etc.
- ix. Memorials that do not comply with the above mentioned specifications will be penalized.
- x. Identification of any type on the memorials shall invite disqualification.
- xi. One soft copy of memorials of each side (in PDF format) and scanned copy of Travel Form must reach the organizers latest by **10th February, 2020**.
- xii. Two (2) hard copies of each of the memorials must reach the organizers by **15th February, 2020** at the below mentioned address. Do mention “8th R.C. Chopra Memorial Moot Court Competition” at the top of the envelope separately.

Prof. (Dr.) S. C. Sharma [Director, St. Soldier Law College]
#56 – GF, Saraswati Vihar, Kapurthala Road
Jalandhar, Punjab-144008
09815158269,0181-2258269

9.1.MARKING CRITERIA FOR MEMORIALS

- i. Memorial from each side shall carry total of hundred (100) marks.
- ii. The following shall be the criteria for marking the memorials:
- Knowledge of Facts (10)

- Knowledge of Law (10)
 - Proper and Articulate Analysis (10)
 - Evidence of Original Thought (10)
 - Grammar and Style (10)
 - Correct Format and Citation (10)
 - Extent and Use of Research (20)
 - Clarity and Organization (20)
- iii. A penalty of Five (5) marks for each side of memorial shall be entailed on each day's default in submissions of memorials, however, no memorial shall be accepted after **15th February, 2020** it shall be subjected to disqualification.
- iv. One soft copy of memorials of each side (in PDF format) and scanned copy of Travel Form, must reach the organizers latest by **10th Feb, 2020** on **stsoldiermootcourtsociety@gmail.com**.
- v. Two (2) hard copies of each of the memorials shall reach the organizers by 15th February 2020, in order to avoid the penalty of two (2) marks for each side each day after the midnight of the 15th day of February, 2020.

9.2.ORAL SUBMISSIONS

- i. Each team shall comprise of two (2) speakers, as has been specified earlier.
- ii. Court language shall be English.
- iii. Each team will have a maximum of thirty (30) minutes to present their Oral Submissions in Preliminary Rounds. No speaker will be permitted to address the Court for more than seventeen (17 minutes). This includes the time the speaker addresses the Court during the rebuttal/sur-rebuttal. The maximum time for rebuttal/sur-rebuttal is five (5) minutes.
- iv. The maximum time allotted in quarter finals, semi-finals and final shall be forty five (45) minutes for each team. No speaker shall be allowed to address the Court for more than twenty five (25) minutes. This includes the time the speaker addresses the court during rejoinder/sur-rejoinder.
- v. At the commencement of each session of Oral Submissions, each team must notify the Court Officer of the amount of time that the team reserves for their rejoinder/sur-rejoinder. A maximum of 5 minutes can be reserved for their joinder/sur-rejoinder.
- vi. At the commencement of each session of Oral Submissions, each team shall notify the Court Officer as to the division of time between the 2 speakers.
- vii. If any speaker continues to speak after the completion of his/her time, he/she shall entail penalty, which shall be upon the discretion of the judges.

- viii. The final decision as to the time structure and the right to rejoinder/ sur-joinder will be that of the Bench Judges.
- ix. During the course of oral submissions the participants cannot submit to then court any material containing pictorial representation whatsoever. Further the participants will not be permitted to make any audio/visual representation nor will they be allowed to use personal computers, laptops and any other technical or mechanical device during their oral submissions.
- x. Speakers shall not be allowed to pass annexures to the judges; instead the teams may make a compendium of annexure that shall be given to the judges before the start of the proceedings.
- xi. If at any instance, a submission is made with any material in violation to the above clause and if any picture, sketches, photos, cartoons, caricatures, audio film, video film, projector-slide or a computer generated image is submitted or presented to the court, the teams shall be disqualified from the competition forthwith.
- xii. During the course of the Oral Submissions speaker shall neither reveal his/her identify nor the identity of their University / College by any means whatsoever.



St. Soldier Law College

Behind N.I.T. (R.E.C.), St. Soldier Educational Complex,
Jalandhar – Amritsar Bye Pass, G.T. Road Jalandhar – 144011

8th R.C. Chopra Memorial National Moot Court Competition, 2020

REGISTRATION FORM

1. Name of 1st Speaker _____ Photograph

Father's Name _____

Date of Birth _____ Gender _____

Class _____

Mobile No. _____ Email _____

2. Name of 2nd Speaker _____ Photograph

Father's Name _____

Date of Birth _____ Gender _____

Class _____

Mobile No. _____ Email _____

3. Name of Researcher _____ Photograph

Father's Name _____

Date of Birth _____ Gender _____

Class _____

Mobile No. _____ Email _____

Name & Address of University/Institution/College _____

_____ Pin Code _____

Email Address _____

Whether you want to avail hostel facility? Yes/No _____

Signatures

- 1.
- 2.
- 3.

Details of Registration Fee:-

DD to be in favour of 'St. Soldier Law College'

Demand Draft for Rs. 4,000/- Payable at Jalandhar

Demand Draft No _____

Name of Bank _____

Branch _____

In the alternative, online transfer of Rs. 4000/- can be made to-

The Citizens Urban Co-op. Bank Ltd.

New Sabzi Mandi, Jalandhar, 144008.

Account no - 138040042997

IFSC Code - YESBOCB0004

Signature and Seal of the Head of the Institute

Please mention the Name of the Institution on reverse of original DD and send the hard copy of the form along with DD to the following address:-

Prof. (Dr.) S. C. Sharma [Director St. Soldier Law College]
#56 – GF, Saraswati Vihar, Kapurthala Road,
Jalandhar, Punjab-144008
09815158269, 01812258269, 0181-2690088

Do mention “8th R.C. Chopra Memorial Moot Court Competition, 2020” at the top of the envelope separately.

- The registration for the competition closes on **15th Jan, 2020**. A SOFT COPY of the REGISTRATION form along with the SOFT COPY of the DEMAND DRAFT shall reach the organizers on or before midnight of **15th Jan, 2020**.
- A HARD COPY of the REGISTRATION form along with the HARD COPY of the DEMAND DRAFT shall reach the organizers on or before **30th Jan, 2020**.

TRAVEL FORM
(FOR OUT- STATION PARTICIPANTS ONLY)

ARRIVAL DETAILS

Date _____

Time _____

Mode of Travel:

Train / Flight No:

Train / Flight Name:

Arrival Place:

DEPARTURE DETAILS

Date _____

Time _____

Mode of Travel:

Train / Flight No:

Train / Flight Name:

Contact Person (Name and Mobile Number) (one must be non-participant, preferably Teacher Associated with the team):

1.....

2.....

- A SOFT COPY of the TRAVEL form shall reach the organizers along with the soft copy of the MEMORIALS i.e. on or before 10th Feb, 2020.
- A HARD COPY of the TRAVEL form shall reach the organizers along with the hard copy of the MEMORIALS i.e. on or before 15th Feb, 2020.
- Note: Jalandhar is well connected by Rail, Bus and Air Service.
- The participants travelling by BUS, shall un-board the bus at PAP Chowk (every bus is mandatory to take a stop at PAP Chowk), for pick up and drop facility.
- The participants travelling by INDIAN RAILWAYS, may choose to arrive at any of the two railway stations. The nearest railway station is Jalandhar City, however, pick up and drop service will be provided by the organizers to/from Jalandhar City Railway Station (station code JUC) as well as Jalandhar Cantt. Railway Station (station code JRC).
- The participants opting for AIR TRAVEL, the nearest Airport is Guru Ram Das International Airport, Amritsar, 80kms. from the college. From there the participants can easily get a bus to Jalandhar. (Airport Code ATQ).

- The local teams will have to reach the venue on their own, not later than 8:30 am on **28th Feb, 2020.**

INTERPRETATION OF THE RULES

1. The decision of the organizers as regards the interpretation of rules or any other matter related to the competition shall be final.
2. If there is any situation, which is not contemplated in the rules, the organizer's decision on the same shall be final.
3. The organizers reserve the right to vary, alter, modify, or repeal any of the above rules, if so required, as they may deem appropriate at any time; however, with proper announcement.
4. Any dispute arising in the MOOT COURT ROOMS during the rounds would be at the discretion of the MOOT COORDINATORS.
5. In any kind of the conflict, the decision of the Director, St. Soldier Law College, Jalandhar would be final but the matter must be reported immediately after the same arises.

IMPORTANT DATES

| | | |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| 1. | Registration Opens | 16 th December, 2019 |
| 2. | Registration (Registration form) (Soft Copy via. Email:- stsoldiermootcourtsociety@gmail.com) NB: Confirmation of Team Selection (Immediate after e-mail received) | 15 th January, 2020 |
| 3. | Registration (Registration form along with a DD of Rs. 4000/-) (Hard Copy) | 30 th January, 2020 |
| 4. | Submission of Memorial (in PDF format) and Travel Form (in PDF format) (Soft Copy via E-Mail) | 10 th February, 2020 |
| 5. | Submission of Memorial and Travel Form (Hard Copy) | 15 th February, 2020 |
| 6. | Inauguration, draw of lots, Preliminary Round, Pre-Quarter Finals and Quarter Finals | 28 th February, 2020 |
| 7. | Semi-Finals, Grand Finale and Valedictory Program | 29 th February, 2020 |

Contact numbers-

Faculty Co-ordinators Ms. Simi Thind, Assistant Professor (M)- 8146301820
Dr. Shobha Gulati, Assistant Professor (M)- 8847409588

Student Co-ordinators Kumar Gaurav (M) - 9646215452
Manvi Badyal (M) - 8264783139