



D Y PATIL
DEEMED TO BE
UNIVERSITY
SCHOOL OF
LAW
NAVI MUMBAI

3rd AIU NATIONAL MOOT COURT COMPETITION 2024

**ORGANISED BY
DY PATIL DEEMED TO BE UNIVERSITY, SCHOOL OF LAW, NAVI MUMBAI**

FROM 04 th of APRIL TO 06 th of APRIL, 2024



RULES AND REGULATIONS MOOT PROPOSITION



3RD AIU NATIONAL MOOT COURT COMPETITION, 2024

RULES & REGULATIONS

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1. GENERAL INFORMATION

REGISTRATION

1. All the participating teams from the universities have to confirm participation by sending a **duly filled google form on or before 10th March 2024**. (Please note that only one team can participate from a university on first come first bases)
2. For Registration (Google Form Link): <https://forms.gle/99zAmyJ14Dgay5Hm6>
3. The duly filled-in hard copy of all the annexures to be carried along on the day of arrival., i.e; 3rd April, 2024.
4. Allotment of Team Code: Every team which has successfully completed the Registration requisites under the Rules shall be allotted a unique code after the closure of the Registration for the Competition. Once the Code is allotted, every team must use only the team code for any further communication with the Organizers during the course of the Competition.
5. Change in Team Composition: Any change in team composition must be intimated to the Organizer at the earliest via email - dypsol.aiunationalmoot@dypatil.edu



FEES & PAYMENT

- 1) The participating team consisting of 3 students is required to pay Rs. 9,000/- as registration fees.
- 2) Faculties accompanying (if any) shall pay Rs. 3000/- extra.
(Please note that the registration fees are inclusive of accommodation, if teams wish to opt for their own accommodation there will be no changes in the registration fees)
- 3) The registration fees must be paid on the scanner provided in the google form or by Net banking. Details/screenshot of payment shall be uploaded in the google form.
- 4) Non-payment or part payment of Registration Fees shall result in the cancellation of Registration of the Participating Team.
- 5) This fee is exclusive of the travel to and from the campus to the airport/ railway station/ bus station. It is the sole responsibility of the teams to arrange for the travel when they are arriving and leaving from the campus.
6. Please note that once registration is complete no teams shall be entitled to receive any refund of the registration fees paid.
7. Account details/scanner for transfer of fees is given below:

Account Name - DYPU SCHOOL OF LAW

Name of the Bank - AXIS BANK LTD

Bank Address - NERUL, NAVI MUMBAI

Account Number - 923010005603122

IFSC/RTGS/NEFT CODE - UTIB0003335

MICR CODE - 400211167



DYPU SCHOOL OF LAW

MID: 037322033350091 TID: 47576133
ME Helpdesk: 18602332332 / 022-40426060



DRESS CODE

- i. Participants must be appropriately attired for the rounds of the competition.
- ii. Robes and collar bands are not permitted.
- iii. The Dress Code for the Inauguration, Researcher's Test, Oral Rounds and Valedictory & Prize Distribution shall strictly be:
 - a) For Gentlemen - Western Formals (White formal shirt with black formal pants and a black blazer); and
 - b) For Ladies - Western Formals (White formal shirt with black formal pants/black formal skirt and a black blazer) or Indian Formals.
- iv. On other occasions while on campus, participants may wear casuals or formals at their convenience.

DATES OF THE COMPETITION & VENUE

The 3rd AIU National Moot Court Competition, 2024 will be held from 4th April 2024 to 6th April 2024 at the campus building of D.Y Patil deemed to be University, Navi Mumbai, Maharashtra, 400706.

RELEASE DATE OF MOOT COURT PROPOSITION

The Moot Proposition shall be released on 9th February 2024

TEAM ELIGIBILITY & COMPOSITION

- i. Participation is restricted strictly to bona fide law students pursuing the three years or five years LL.B. degree course in any institution in India. Students doing their LL.M. and Diploma courses are not eligible for participation.
- ii. Only one team is permitted to participate from each participating university.
- iii. The team must consist of three members; two members shall be designated as



‘Speakers’ and the third member shall be designated as ‘Researcher’.

iv. No change in the name of the participant(s) shall be permitted after allotment of team codes.

CLARIFICATION

Clarifications to the Moot Proposition shall be sought by sending an e-mail to dypsol.aiunationalmoot@dypatil.edu on or before 29th February, 2024. Clarifications requests sent after this date shall not be entertained. The organizers shall release the clarification / clarifications on or before 4th March, 2024.

N.B. – No clarification and/or query shall be sought from any individual who is a member of the Organizing Committee in a personal capacity. Any attempt of doing so shall result in direct disqualification from the competition.



2. DEFINITIONS

These Rules shall be called the '3rd AIU National Moot Court Competition Rules, 2024'.

Unless otherwise stated following shall be construed herein under as-

- i. "Administrator" shall mean D.Y Patil Deemed to be University, School of Law, Navi Mumbai.
- ii. "Appellant" shall include Appellant, Plaintiff, Petitioner, Complainant, Prosecution, Informant, etc.
- iii. "Bench" refers to the members duly invited to adjudge the oral rounds, collectively.
- iv. "Clarifications" means an explanation published by the Host University on the moot problem, at any point of time of the competition to a query posed by any participating team within the given deadline.
- v. "Compendium" means a compilation or collection of legal or other authorities that a participating team seeks to rely upon during the round of oral pleadings.
- vi. "Competition" means 3rd AIU National Moot Court Competition, 2024.
- vii. "Host University" shall have the same meaning as "Administrator" for this edition of the Competition.
- viii. "Moot Proposition" means the Proposition released by the Organizers and shall include any subsequent clarification(s) as and when issued by the Organizers.
- ix. "Orator" means one of the two designated speakers in a participating team.
- x. "Organizers" means the D Y Patil deemed to be University, School of Law, Navi Mumbai.
- xi. "Oral Score" means the scores given by the judge to a particular orator of the participating team pleading before it during the round of oral assessment.



- xii. “Participating Team” means the team which is eligible to participate in the competition after completion of the registration procedure
- xiii. “Participating Institution” shall be presumed to be the parent institution of the participating teams.
- xiv. “Researcher” means a team member who will sit with the teams at the Oral Rounds but shall not be permitted to address the Court during the Oral Rounds. The Researcher may however, be permitted to pass notes to the Speakers at the discretion of the Judges. The researcher shall be the only person allowed to take the Researchers Test.
- xv. “Respondent” shall include Defendant, Respondent, Defence, etc.
- xvi. “Rules” means the 3rd AIU National Moot Court Competition Rules.
- xvii. “Team Code” means a unique code assigned by the Host University to the registered participating team.
- xviii. “Written Score” means the scores given by the organizers to a particular participating team on the written submissions submitted by them according to the rules of the Competition.
- xix. “Written Submissions” means the memorandum of written submissions (memorials) submitted by any participating team according to the rules of the Competition.
- xx. “Memorial” shall refer to the written submissions submitted by the participating teams as per the rules.
- xxi. “Official email” shall refer to the official communication e-mail, i.e, dypsol.aiunationalmoot@dypatil.edu



3. WRITTEN SUBMISSIONS (MEMORIALS)

I. Strict adherence to Rules Regarding Written Submissions:

All requirements have to be strictly followed. Non-adherence to the same will attract penalties as provided under the Rules.

II. Written Submission to be prepared from Both Sides:

Each team must prepare Written Submission for both sides to the dispute.

III. Submission of Soft Copy of Written Submission(memorials):

The soft copies of the written submission from both sides should reach the Organizers at dypsol.aiunationalmoot@dypatil.edu in “.pdf” format before or on 21st March 2024 before 5 PM.

- Written Submissions of both sides shall be sent in a single e-mail.
- A penalty of 1 mark shall be imposed in case the written submission is submitted in any other format or by multiple emails by the team.
- The team submitting the soft copy 2 days after the last date of the submission of the soft copy of the written submission will be disqualified from the competition.

IV. Submission of Hard Copy of Written Submission:

Three copies of the written submission of both sides should reach the Organizers at the below-mentioned address by or before 28th March 2024.

To- The Director,
School of Law
Centre of Excellence building,
DY Patil University, Sector 7
Nerul, Navi Mumbai, Maharashtra – 400706

- The teams must carry copies of the written submission from both sides for their own reference.

V. No Difference between Soft Copy and Hard Copy of Written Submission:

- The hard copy of written submission must be exact replica of the soft copy submitted with the Organizers.



- Any difference in the same will result in disqualification from the Competition.

VI. Penalty for Late Submission:

- A penalty of 1 mark per hour per side shall be deducted in case of delay in the submission of soft copy of written submission.
- A further penalty of 2 mark per day per side shall be levied in case of delay in submission of hard copy of written submission.

VII. General Conditions for Written Submissions:

- The Written Submissions must not contain any form of identification apart from the team code. If any such identification or mark, symbol, etc. which has the effect of identifying the team is found on the written submission, then it shall result in instant disqualification of the participating team.
- Appellants Written Submissions are required to have a Blue cover and the Respondents Written Submissions are required to have a Red cover.
- A penalty of 1 mark per side shall be levied in case the team uses the wrong cover for written submission.

VIII. Guidelines for Formatting:

Written Submission Structure:

The Written Submission must contain following contents:

- a) Cover Page – The cover page shall contain the case title, side of the written submission, year of competition, name of the forum and team Code on top right corner;
- b) Table of Contents;
- c) List of Abbreviations;
- d) Index of Authorities: The Index of Authorities must list all the authorities cited in the Written submission. The Index must indicate the page number(s) and/or the paragraph number(s) of the Written submission in which the authority is cited;
- e) Statement of Jurisdiction;
- f) Statement of Material Facts: The Statement of Material Facts must contain a concise statement of the relevant facts of the dispute.



As far as may be, the Statement of Facts should be limited to the stipulated facts and legitimate inferences which can be drawn from those facts. Argumentative facts are prohibited. Statement of Facts shall not exceed 2 pages. Non-compliance will result in a penalty of 1 mark for each exceeded page;

- g) Issues Raised
- h) Summary of Arguments: The Summary of Arguments should contain a summary of the substance of the arguments, and should not merely be a reproduction of the various headings and sub-headings of arguments. The Summary of Arguments shall not exceed 2 pages. Non-compliance will result in a penalty of 1 mark for each exceeded page;
- i) Pleadings / Arguments Advanced:
- All legal arguments must be limited to the Pleadings/Arguments
 - Advanced section of the written submission. Non-compliance will result in a penalty of 2 marks.
 - The Pleadings/Arguments Advanced and Prayer must not exceed 20 pages.
 - Non-compliance will result in a penalty of 1 mark per exceeded page.
- j) Prayer.

(Non-compliance with respect to sections (a) to (h) and (j) will result in a penalty of 1 mark for each missing section. Non-compliance with respect to section (i) will result in the Written Submission not being considered for evaluation at all.)

- k) Team Code: The team code must be ascribed on the top right corner of the cover page. The code must be succeeded by the side for which the written submission is prepared. The teams must use “A” for Appellant, P for “Appellant” and R for “Respondent.” For example: in case the Team Code is TC-100 the team must write “TC-100A” in case of written submission for Appellant and “TC-100R” in case of written submission for Respondent.
- l) Margin: The Written submission must maintain an equal margin of 1 inch on all sides. Non-compliance will result in a penalty of 1 mark per each side of Written Submissions.



- m) Font, size and line spacing: The text font should be Times New Roman or Garamond, size 12 and must be in 1.5 line spacing. Non-compliance will result in a penalty of 0.5 mark per incorrect format of font, size and line spacing with a maximum of 2 marks per page of the Written Submissions.
- n) Footnotes: The footnotes must be in font Times New Roman or Garamond, size 10 and singly spaced. There should be double line spacing between two footnotes. The Bluebook: A Uniform System of Citation (20th Edition) should be followed in the written submission throughout. Non-compliance will result in a penalty of 1 mark per page. Substantive/Speaking footnotes are strictly prohibited. Non-compliance will result in a penalty of 1 mark per substantive citation.
- o) Header and Footer: The font used for the header/footer, if any, shall be Times New Roman or Garamond, size 10, 1 spacing. Non-compliance will result in a penalty of 1 mark per page of the Written Submissions.
- p) Page Limit: There is no maximum page limit on the Written Submissions and the pleadings/Arguments Advanced shall be of a maximum of 20 pages. No annexures, photographs, exhibits, etc. should be added to the written submission.
- q) Binding of Written Submission: The teams shall bind their written submission with spiral binding only.
- r) The written submissions shall be marked on a scale of 100 marks and the parameters which are laid down as under:

Sr. No	MARKING CRITERIA	MARKS ALLOTTED
1	Evidence of Original Thought	20
2	Knowledge of Law and Facts	20
3.	Proper and Articulate Analysis	20
4.	Structure, Language and Grammar	15
5.	Extent and Use of Research	15
6.	Correct Format and Citation	10
	TOTAL	100



4. PLAGIARISM POLICY

Plagiarism has been defined by the MCS as:

1. Direct or substantial duplication of work represented in books, articles, internet sources, etc. without appropriate acknowledgment. This would include material that has been paraphrased from the original work with minor changes, keeping in mind the import of the original work.
2. Direct or substantial duplication of another moot memorial, irrespective of whether that memorial is a competing memorial or not, irrespective of whether there is acknowledgment or not. Substantial duplication denotes situations wherein sentences have been substantially copied, that is, where at the least seven continuous words from the original work are present in the impugned memorial and/or where a segment of the impugned memorial has been paraphrased from other memorial with minor changes, keeping intact the import of the latter.
3. If such plagiarism is brought to the notice of the MCS, either by the memorial checker or by any other means, the team will be required to show cause. Failure to comply with this rule, in the absence of mitigating circumstances, may result in the guilty participants being debarred from mooting in that academic year, or any such penalization as the MCS, in consultation with the Vice Chancellor deems fit.
4. These rules shall apply to all parts of the memorial and not just the Pleadings and Prayer. The maximum plagiarism allowed shall be up to 10% of the contents of the entire memorial.
5. In the event that plagiarism is detected in a memorial, the participant will be given an opportunity to explain the plagiarism to the MCS before the MCS takes the final decision.



5. ORAL PLEADING ROUND

General procedure

- i. Teams are requested to submit three (3) hard copies of the Written Submissions for both sides to be submitted on or before 28th March 2024 and carry extra hard copies for their own reference during oral rounds.
- ii. The language to be used during the Oral Pleading Rounds shall be exclusively English.

The Competition shall consist of the following rounds:

PRELIMINARY ROUND

(between registered teams)



ADVANCED ROUNDS

QUARTER FINALS

(between top 8 scoring teams)



SEMI FINALS

(between 4 scoring teams)



FINALS



iii. During each of the above-mentioned rounds, the order in which the teams shall present their arguments, is as follows:

- a) Appellant Speaker 1
- b) Appellant Speaker 2
- c) Respondent Speaker 1
- d) Respondent Speaker 2
- e) Rebuttal: Appellant - Any one of the two Speakers
- f) Sur-rebuttal: Respondent - Any one of the two Speakers.

Sur-rebuttal may be permitted only at the discretion of the Judges.

iv. The Best Speaker Award shall be determined on the basis of the individual aggregate score of the speaker taken only from the Preliminary Rounds. Individual Aggregate Score shall be determined as the sum of the following:

- a) Score of Speaker in Preliminary Round I;
- b) Score of Speaker in Preliminary Round II

- iii. The Researcher shall be allowed to sit with the teams at the Oral Rounds but shall not be permitted to address the Court during the Oral Rounds. The Researcher may however, be permitted to pass notes to the Speakers at the discretion of the Judges. Such notes shall be passed through the court clerks present in the court room. The researcher shall be the only person allowed to take the Researchers Test.
- iv. Teams are not permitted to raise issues in the Oral Rounds that have not been submitted in the Written Submissions.
- v. The use of mobile phones, laptops, or any other electronic gadgets is strictly prohibited during the Oral Rounds, subject to the discretion of the judges.
- vi. Participants may use their own bare acts, printouts and commentaries provided that anonymity is not violated during the Rounds.
- vii. Participants shall ensure that anonymity is not violated while passing on any material to the Judges. No mark, name, seal, symbol or logo of the institution/college/university must be present. Participants must ensure that the same is rendered unrecognizable.
- viii. The decision of the Judges as to the marks allotted to each team shall be final and binding.



SPLITTING OF TIME IN BETWEEN SPEAKERS

- i. Each side shall get a maximum time of 30 minutes (45 minutes for Final Round) to present their arguments of which no Speaker shall be permitted to address the Court for more than 20 minutes (30 minutes for Final Round). The time limit is inclusive of the time for Rebuttal or Sur-rebuttal respectively. The maximum time for Rebuttal is 2 minutes and the maximum time for Sur-rebuttal is 1 minute. Each speaker is required to speak for a minimum of 10 minutes (15 minutes for Final Round) inclusive of time taken for Rebuttals and Sur-rebuttals.
- ii. Teams shall notify the Court Clerks of the division of time between the 2 Speakers (including time reserved for Rebuttal & Sur-rebuttal) 10 minutes prior to the commencement of the Rounds.
- iii. If Speaker 1 exceeds his/her reserved time, the additional time taken shall be deducted from the time reserved by Speaker 2. Similarly, if Speaker 2 exceeds his/her reserved time, the additional time taken shall be deducted from the time reserved for Rebuttals/Sur-Rebuttals as the case may be. This rule may not be followed if the additional time is awarded at the discretion of the Judges to not be deducted from the time of the subsequent Speaker.
- iv. While granting additional time, if the additional number of minutes granted is not specified by the Judges, it shall be presumed that the additional time granted is 2 minutes.
- v. The finality of the decision as to the time structure and the right to Rebut or Sur-rebut shall vest with Judges.



COMPENDIUM

- i. All relevant case laws and statutory material to be passed on to the Judges during the Oral Rounds may be submitted in the form of a Compendium 10 minutes prior to the commencement of the Rounds to the Court clerks.
- ii. Participants are also permitted to pass on relevant material to the Judges, at their discretion, any time after the commencement of the Rounds and before its completion.
- iii. Participants shall ensure that anonymity is not violated while passing on any material to the Judges. No mark, name, seal, symbol or logo of the institution/college/university shall be present. Participants must ensure that the same is rendered unrecognizable.

EXCHANGE OF WRITTEN SUBMISSIONS

- i. The exchange of Written Submissions shall take place prior to the Oral Pleading Rounds.
- ii. Teams are prohibited from making any marks on the opponent's Written Submissions thus exchanged. Teams are also prohibited from making any copies of the opponent's Written Submission, electronically or otherwise.
- iii. The opponent's Written Submissions shall be returned to the Court clerks after the completion of each Round.



PRELIMINARY ROUND

- i. Every team shall argue twice in the Preliminary Rounds, once for the Appellant and once for the Respondent.
- ii. No two teams shall face each other more than once in the Preliminary Rounds.
- iii. Draw of Lots: The match up of teams in Preliminary Rounds shall be determined on the basis of draw of lots. Draw of lots shall take place on 4th April 2024.

SCORING IN THE ORAL ROUNDS

1. The Preliminary Rounds

- There will be two (2) Preliminary Rounds to ensure that each team is given the opportunity to argue from both sides of the Proposition.
- The fixtures for the Preliminary Rounds shall be determined by draw of lots.
- For the Preliminary Rounds, the winner of each such round shall be determined on the basis of the criteria of evaluation of the memorials scores and the speaker scores, as mentioned in the Rules below.
- Each Round shall be decided by awarding points on six (6) different criteria.
- If two or more teams have the same cumulative points, then the team with higher aggregate score shall be ranked higher. If two or more teams have the same cumulative points and same aggregate score, the team with the higher cumulative speaker scores shall be ranked higher. If two or more teams have the same cumulative points, same aggregate score and same cumulative speaker scores, then the team with the higher gross memorials score, i.e., the score of the memorials without deducting penalties, shall be ranked higher.



2. The Quarter Final Round

- i. The eight (8) teams that proceed to the Quarter Final Rounds, as determined by the Rules above, shall each argue only ONCE for the side allotted by a draw of lots.
- ii. For the Quarter Final Rounds, each team shall argue once for the side allotted by a draw of lots.
- iii. Four (4) teams shall qualify for the Semi Final Rounds on merit basis, i.e., the winner of each Quarter Final Round shall qualify to the Semi Final Rounds.
- iv. In case of a tie, the team with higher aggregate speaker scores will be declared the winner for that round. If the aggregate speaker scores of the teams are the same, then the team with higher gross memorial score i.e., the score of the memorial without deducting penalties shall be ranked higher.

3. The Semi Final Rounds

- i. The four (4) teams that proceed to the Semi Final Rounds, as determined by the Rules above, shall each argue only ONCE for the side allotted by a draw of lots
- ii. Two (2) teams shall qualify for the Final Round on a knock out basis, i.e., the winner of each Semi Final Rounds shall qualify to the Final Round. The knockouts will be decided on the basis of merit. The bench-strength for this round shall be an odd number but not one (1).
- iii. In case of a tie, the team with higher aggregate speaker scores will be declared the winner for that round. If the aggregate speaker scores of the teams are the same, then the team with higher gross memorial score i.e., the score of the memorial without deducting penalties shall be ranked higher.



- iv. Two (2) teams which shall not qualify for the final round shall be declared 2nd Runner Up and 4th Place respectively. Among those two teams, the team with higher aggregate speaker score will be declared as 2nd Runner Up and the other team shall be declared as 4th Place. In case of a tie, clause 3.3 shall be made applicable.

4. The Final Round

- i. The two (2) teams that proceed to the Final Round, as determined by the Rules above, shall each argue only ONCE for the side allotted by a draw of lots.
- ii. The team which wins the Final Round shall be declared as the 'Winning Team'. The other team shall be declared as the 'Runners-Up Team'.
- iii. The winner of the Final Round shall be determined on the basis of the rules mentioned above (1.6), i.e. based on the score of the oral rounds only. The bench-strength for the Final Round shall be an odd number but not one (1).
- iv. In case of a tie, the team with higher aggregate speaker scores will be declared the winner for that round. If the aggregate speaker scores of the teams are the same, then the team with higher gross memorial score i.e., the score of the memorial without deducting penalties shall be ranked higher.



SCOUTING

- Scouting is strictly prohibited.
- Any person may submit a complaint regarding Scouting to the Organizers.
- Teams found scouting shall be disqualified immediately.

DELAY IN APPEARANCE/PRESENCE

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



6. SCORING BREAK-UP

Sr. No.	Marking breakup	Marks
1.	Knowledge of Law & Facts	20
2.	Appreciation and Application of Facts	15
3.	Interpretation and Application of Law	10
4.	Use of Authorities	10
5.	Response to Questions	10
6.	Organization of Arguments & Clarity of Thought	10
7.	Argumentative Skills and Creativity	10
8.	Reference to Written Submissions in the course of Oral Pleadings	10
9.	Dressing Attire & Court Mannerisms	5
	TOTAL	100



7. RESEARCHER'S TEST

- i. The Researcher's Test shall be conducted on 4th April 2024.
- ii. In each team consisting of three members, only the member designated as Researcher shall take part in the test.
- iii. Participants are requested to write only the Team Code on the question paper.
- iv. The Researcher's Test shall be objective with questions based on the applicable law, precedents and facts pertaining to the Moot Proposition.
- v. The duration of the Researcher's Test shall be 60 minutes.
- vi. The Researcher's test shall consist of 50 (fifty) objective type questions carrying 2 (two) marks each. Each wrong answer would lead to a deduction of .50 marks.
- vii. No additional material such as the bare text of Acts, Written Submissions, etc. apart from stationery may be brought by the participant to the test and no such material shall be provided by the Organizers.
- viii. Score of the Researcher's Test shall be computed as the total of Score in Researcher's Test.
[Note: In case two or more students score the same aggregate marks in the Researcher's test, higher rank will be awarded to the student scoring more marks in the written submission of the memorials.]
- ix. The Winner of the Test shall be determined by the highest score attained.



8. AWARDS

The following awards shall be awarded in the Competition:

- **Best Team:** the team winning the final round of the Competition shall be given a trophy, medals, certificate and cash prize of INR 30,000/- (Indian Rupees Thirty Thousand Only).
- **Runners Up:** the runners up team in the final round of the Competition shall be given a trophy, medals, certificate and a cash prize of INR 20,000/- (Indian Rupees Twenty Thousand Only).
- **Second Runner Up:** the team standing third in the semifinal rounds shall be given a trophy, medals, certificate and a cash prize of INR 10,000/- (Indian Rupees Ten Thousand Only).
- **Best Memorial:** The team having the highest average written submission score from both sides shall be given a trophy, certificate and a cash prize of INR 10,000/- (Indian Rupees Five Thousand Only).
- **Best Speaker:** The speaker having the highest score in the preliminary rounds shall be given a trophy, certificate and a cash prize of INR 5,000/- (Indian Rupees Five Thousand Only).
- **Best Researcher:** The participant having the highest score in the researcher's test shall be given a trophy, certificate and a cash prize of INR 5,000/- (Indian Rupees Five Thousand Only).
- Certificates of merit shall be given to all the teams qualifying for Quarter-finals and beyond.
- Certificate of participation shall be given to all the participating teams.
- The awards, certificates of merit and certificates of participation shall be given during the valedictory ceremony to be conducted on 6th April 2024. No certificate will be given to the team before or after the valedictory function.



9. ACCOMODATION & FOOD

- Accommodation and food shall be provided to the participating teams for the duration of the competition, i.e., from **3rd April 2024, 10:00 am till 7th April 2024, 12:00 pm.**
- All facilities shall be provided only to the registered members of a team and no additional members, parents, observers, coaches or faculty advisors shall be accommodated.



10. MISCELLANEOUS

General Etiquettes:

- i. Participants are expected to behave in a dignified manner and not to cause any inconvenience to the Organizers, the Judges of the Competition or any of the other participants.
- ii. The Organizers reserves the right to take appropriate action for any unethical, unprofessional or immoral conduct, which may include direct elimination from the competition.
- iii. Facilities such as photocopying, library usage, internet connectivity, etc. may be provided subject to the convenience of the Organizers and will be informed to the teams closer to the commencement of the Competition. Irrespective, participants are requested to make their own arrangements for the same.
- iv. Administrator shall not be responsible for any loss of belongings of the team during the competition.

Interpretation of Rules & Regulations:

- i. The Organizers reserves the right to take decisions on any matter not mentioned in the Rules of the Competition through Jury of Appeals. Any such decision taken by the Organizers / Jury of Appeals shall be final and binding.
- ii. The Organizers / Jury of Appeals reserves the right to interpret any of the Rules of the Competition. Such interpretation shall be final and binding.

Other Clauses

- i. If any one member of a team is notified or informed of any detail or information concerning the Competition, it shall be deemed as if the said team as a whole has been duly notified or informed.
- ii. The copyright in the Written Submissions of Teams shall vest with AIU. We shall not be responsible for any liability accrued to any person or for any loss caused to any person because of the content of the Written Submissions.



- iii. No audio recording or videotaping of oral pleadings is permitted without the permission of the Organizers, the Bench before which the team is scheduled to present, and the opposing Team. The Organizers reserves all rights to audio recording and videotaping, or any other form of audio or visual reproduction of any oral round or part thereof.
- iv. Team(s) shall not approach the Bench with any complaints, under any circumstances whatsoever.
- v. FORCE MAJEURE – In case of any event, which includes but is not limited to, a declaration of war, a disease epidemic, imposition of lockdowns and curfews, any riots, a cyclonic storm, an earthquake, or any other natural disaster due to “Act of God”, the date of the competition may be revised and/or the competition may be conducted in an online mode.



11. CORRESPONDENCE/CONTACT DETAILS

The address for correspondence for all Registration Formalities and Written Submissions is:

To- The Director,
School of Law
Centre of Excellence building, Opp. Bank of Baroda,
DY Patil University, Sector 7
Nerul, Navi Mumbai, Maharashtra - 400706

- Any and all clarifications and queries regarding the Moot Proposition and Rules & Regulations shall be sought only via e-mail to dypsol.aiunationalmoot@dypatil.edu
- Any other queries (other than the Moot Proposition) may be directed at the following persons:

Dr. Karuna Malviya, Director, School of Law.	Convenor & Working Chairperson	+91 97026 95610
Prof. Kevin Tauro, Asst. Professor.	Faculty Convenor	+91 98205 29060
Satya N. Agarwal	Student Convenor	+91 70204 64148



LIST OF IMPORTANT DATES

Notification of the Competition and release of the Moot Problem	9 th FEBRUARY 2024
Last date of Seeking Clarification	29 th MARCH 2024
Release of Clarification	4 th MARCH 2024
Last date for registration vide google form link and payment	10 th MARCH 2024
Last date of travel forms – Annexure III (e-mail)	17 th March 2024
Last Date of Submission of Hard Copies of Registration. Forms-Annexure III	17 th MARCH 2024
Allotment of Team Codes	20 th MARCH 2024
Last date for submission of three Soft Copy of memorials for both sides.	21 th MARCH 2024
Last date for submission of three hard Copies of memorials for both sides	28 th MARCH 2024
Arrival of Teams and Registration form i.e Annexure I to be carried along. (10:00 am to 4:00 pm)	3 rd APRIL 2024
Opening Ceremony, Researchers Test, Draw of Lots and Exchange of Memorial	4 th APRIL 2024
Preliminary Round and Quarter Final Round	5 th APRIL 2024
Semi Final Round, Final Round, Award and Ceremony and Valedictory Session	6 th APRIL 2024
Departure of Teams	7 th APRIL 2024 (Within 12:00pm)

*No arrangements shall be made for pickup and drop off from the Airport /Railway Station /Bus Stand. Teams have to make their own arrangements.

*Hard copies of the all the annexures to be carried along on the day of arrival.



3rd AIU NATIONAL MOOT COURT COMPETITION, 2024

(4th April 2024 – 6th April 2024)

ANNEXURE- I (Page 1/2) TEAM REGISTRATION FORM

Name of the University- _____

Name of the Institute- _____

Mobile number- _____ E- mail id- _____

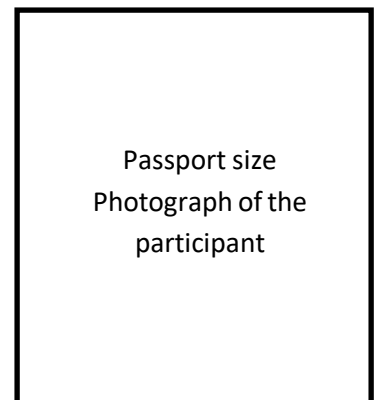
SPEAKER- 1

Full Name- _____

DOB: _____ Age- _____

Contact number- _____

E-mail id- _____



(SIGNATURE OF THE PARTICIPANT)



ANNEXURE- I (Page 2/2)

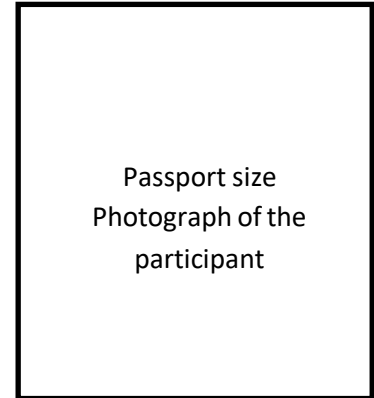
SPEAKER- 2

Full Name- _____

DOB: _____ Age- _____

Contact number- _____

E-mail id- _____



(SIGNATURE OF THE PARTICIPANT)

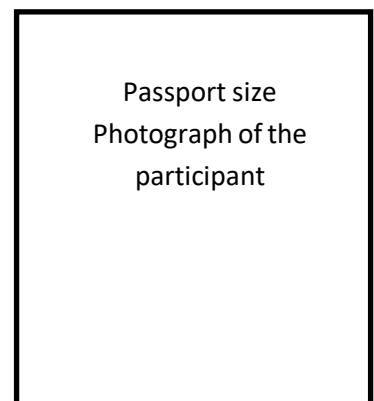
RESEARCHER-

Full Name- _____

DOB: _____ Age- _____

Contact number- _____

E-mail id- _____



(SIGNATURE OF THE PARTICIPANT)



3rd AIU NATIONAL MOOT COURT COMPETITION, 2024

(4th April 2024 – 6th April 2024)

ANNEXURE- II (Page- 1/2)

Eligibility Certificate: PARTICIPANTS AND FACULTY (INDIVIDUAL FORM)

Name- _____

Father's/ Mother's Name: _____

Date of Birth: _____

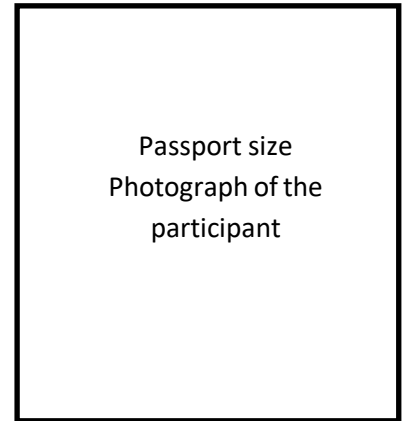
Course enrolled: _____ Ongoing Semester: _____

College: _____

University: _____

Whether you are a participant or a faculty:

Contact No. _____ E-mail id- _____



Passport size
Photograph of the
participant

THE ABOVE STATEMENT MADE BY ME IS CORRECT AND TRUE TO THE BEST OF MY KNOWLEDGE.

I the undersigned have read all the Rules and Regulations of the 3rd AIU National Moot Court Competition 2023-24 and hereby agree and accept to all the terms and conditions therein.

Signature of the Student / Faculty

Director/Dean/Principal
(Signature and Seal)



3rd AIU NATIONAL MOOT COURT COMPETITION, 2024

(4th April 2024 – 6th April 2024)

ANNEXURE- II (Page- 2/2)

PAYMENT DETAILS OF THE TEAM/FACULTY

Name- _____

College:

University: _____

Whether you are a participant or a faculty:

Contact No. _____ E-mail id- _____

REFERENCE NUMBER-

THE ABOVE STATEMENT MADE BY ME IS CORRECT AND TRUE TO THE BEST OF MY KNOWLEDGE

Signature of the Student / Faculty

Director/Dean/Principal
(Signature and Seal)



3rd AIU NATIONAL MOOT COURT COMPETITION, 2024

(4th April 2024 – 6th April 2024)



ANNEXURE – III

TRAVEL & ACCOMMODATION FORM FOR INDIVIDUALS

FULL NAME: _____

NAME OF THE UNIVERSITY- _____

NAME OF THE COLLEGE: _____

Primary contact no.- _____ / _____

E- mail id- _____

Date of Arrival- _____ Time of Arrival- _____

Date of departure- _____ Time of departure- _____

Accommodation (tick if applicable)- YES () NO ()

Food (write as applicable)- Vegetarian- () Non- Vegetarian – ()

NOTE-

- Separate Accommodation will be provided for male & female.
- No Pick-Up and Drop-Off facility will be provided

Signature



3RD AIU NATIONAL MOOT COURT COMPETITION, 2024

MOOT PROPOSITION

1. The Republic of Aryavarta is a Sovereign, Socialist, Secular, Democratic, Republic country situated on the Northern hemisphere of the earth in the world's largest continent known as A sea. The country has a rich and varied heritage; and a long and vibrant civilizational history dating back to period around 3000 BCE as per available records. One of the most significant events in its history is the country's approximately' 150 years long struggle against a colonial power, which culminated into events such as complete independence for Aryavarta, the enactment and adoption of a constitution by its people, and ultimately making it a Republic on the world map on 26 January 1950 with the enforcement of the Constitution of Aryavarta.
2. The Republic of Aryavarta has the largest written constitution in the world, which incorporates various ideal principles such as liberty, equality and fraternity amongst individuals, and a government based on democratic and Republic principles. The principles of liberty and equality have been conferred on the individuals through the provisions of the fundamental rights available under the constitution and potently protected by an active judiciary. The ideals associated with democratic form of government have been held to be the basic structure of the constitution of Aryavarta, thus prohibiting any tampering with them.
3. In Aryavarta, governments at every level namely national, state and local are formed after elections duly conducted under the supervision of state machinery with almost zero interference of the nonstate actors in the process of polling, counting, law and



order, and other such associated processes. Even the person occupying the topmost authority in the country that is the president is chosen after indirect elections held through preferential voting system, wherein the representatives directly elected by the citizens form the electoral college and exercise a single transferable vote. Considering the fairness with which and the scale on which the electoral functions are being regulated, performed and supervised in the country uninterrupted for past 70 odd years, The country is known as the world's largest democracy. The country is also one of the finest democracies because of the fact that unlike the most developed and earliest democracies in the world, Aryavarta implemented the universal adult franchise ever since the first national election conducted in the country after it became a republic, thereby allowing all the adult citizens in the country to vote irrespective of one's sex, wealth, or any other factor.

4. The second most significant feature of the democracy of Aryavarta is the statutory freedom and a conducive atmosphere available for any citizen to contest elections either independently or by forming a political party. The Representation of People's Act 1951 and the rules made thereunder incorporate various substantive and procedural provisions regarding formation of political parties and contesting elections. The framework of the law is largely liberal and provides a level playing field for any individual or group of persons coming together to form a political party, if they are capable of complying with some bare minimum requirements of the law. Such an atmosphere has resulted in the formation of a plethora of political parties in the country, and several of these parties have also been able to actively participate in various state



and national assembly elections conducted in the country, making Aryavarta a multiparty democracy.

5. Despite all this, the experiences of past 7 decades have proved that for any political party be it small or large, sustaining itself and being able to affectively compete in elections has never been an economically easy task. The scale and the frequency on which the elections in Aryavarta operate makes it necessary for political parties to heavily depend on funding and donations. Political parties require funds not only for contesting elections but for many other purposes essential for their sustenance and to remain relevant at all times in order to be active in the public discourse. The round the year functioning of the political parties involves a large expenditure. Parties run offices throughout the country. Staff salaries, travelling expenses, establishment cost are regular expenditures of political parties. There has not been a single year where election either for the Parliament or State Assemblies have not been held. Besides expenditure of individual candidates, political parties have to spend money on election campaigns, publicity, tours, travels and election related establishments.
6. These expenditures run into hundreds of crores. Because of this the parties are compelled to be on the mercy of the donations received from variety of sources such as rich individuals, HNIs, Large corporates, and sometimes, even from money launderers and land Mafias having enormous amount of black money in cash. Many a times, the money is donated in cash and also spent in cash by the parties receiving it, thereby completely eliminating any scope for transparency in political funding on one hand; and providing a purification mechanism for the people having black money to get rid of the same on the other.



7. Despite tax benefits available for making donations to registered political parties, donors prefer to maintain secrecy about their amount and the donee for a variety of reasons such security from rival political groups, avoiding political associations in the view of public for good reputation, etc. Likewise, several reasons discourage political parties to make disclosures regarding most of their funding, example the bad reputation of the doner in the public view, or the donated money itself being proceeds of any illegal activity shall adversely affect the election prospects of the donee party. These factors provide breath and food to the criticisms about the lack of fairness and transparency existing in the system of political funding in Aryavarta.
8. To address these concerns, the union government of Aryavarta has occasionally taken some steps through legislative amendments and policy interventions. For instance, A major step was taken during the first NAA Government led by Shri Dr. Bihari Singh. The Income Tax Act was amended to include a provision that donations made to political parties would be treated as expenditure and would thus give a tax advantage to the donor. If the political party disclosed its donations in a prescribed manner, it would also not be liable to pay any tax. A political party was expected to file its returns both with the income-tax authorities and Election Commission. It was hoped that donors would increasingly start donating money by cheque or any other accountable method. The law was further amended during the UAA Government to provide for “pass through” electoral trust so that the donors would park their money with the electoral trusts which in turn would distribute the same to various political parties. Both these reforms taken together resulted in only a small fraction of the donations coming in form of transparent and accountable methods like cheques.



9. Acknowledging all these concerns surrounding the system of political funding in Aryavarta, and the failure of the limited attempts towards eliminating them, the then finance minister Mr. Ram Jetli in the annual budget of 2016-2017 introduced a new scheme called electoral bond scheme which would revolutionize the modus operandi of the political funding.
10. As per this scheme, a new system of political funding has been introduced, whereby any person or body corporate can donate money to political parties by purchasing instruments known as electoral bonds and by depositing the bonds in the verified bank account of the donee political party. The political party receiving the bonds have to encash these bonds within a specified time limit. The budget of 2017 threw the idea of these electoral bonds in the public discourse but didn't provide specific details about the intricate details about the purchasing, trading, and encashing of the bonds or about the political parties who can or cannot receive donations by the impugned method.
11. In order to facilitate a smooth insertion of this revolutionary scheme into the complex legal system of Aryavarta, and to remove inconsistencies between the scheme and the existing legal framework, the government of Aryavarta proposed amendments in some significant statutes such as the Representation of People's Act, 1951, Foreign Contribution Regulation Act, 2010. Income Tax Act, 1961, and The Companies Act, 2013.
12. The scheme and all these significant amendments in crucial laws were made part of the Finance Act of 2017 and had become the law after getting passed in the parliament on 28-02-2017 and getting the assent of the president of Aryavarta on 03-03-2017. Since the finance act is a money bill, the criticism and suggestions about the provisions of the



bill related to the impugned scheme and other provisions presented in Rajya Sabha were ignored because as per the constitution of Aryavarta, the recommendations of Rajya Sabha in case of money bill are not binding on Lok Sabha and Lok Sabha has the dominant position over the passing of a money bill.

13. Soon after this, the electoral bond scheme came to be discussed at various forums and platforms in the media. People across spectrums, schools, political parties started expressing their views on it. Few, apart from the members of the ruling party, welcomed the scheme. The scheme raised many eyebrows amongst RTI activists, journalists, and members of opposition political parties. Even on the official front, the government faced criticism by high esteemed institutions like election commission and the reserve bank.

14. In its submission to the Standing Committee on Personnel, Public Grievances, Law, and Justice of the republic of Aryavarta in May 2017, the Election Commission of Aryavarta, the apex constitutional body tasked with various functions related to fair and smooth conduct of all the national, state, and local elections, objected to the amendments in the RPA exempting political parties from disclosing donations received through electoral bonds while describing the move as a “retrograde step”. In a letter written to the Law Ministry the same month, the Commission even asked the government to “reconsider” and “modify” the above amendment. Furthermore, in March 2019, as a part of the ongoing proceedings challenging the impugned scheme in the apex court, the ECA filed an affidavit cautioning against the amendments in the law allowing the political parties to receive funding from foreign sources, allowing the Indian subsidiaries of any foreign company to engage in political funding and thereby



leading to possibilities of foreign corporate's interference in public policy matters of Aryavarta.

15. Likewise, the then governor of the Reserve Bank (the central bank of the Aryavarta) also cautioned against various loopholes in the scheme, which can be exploited for unfair purposes.

16. However, the government went on with the proposed schemes, and ultimately a notification was published by the central government on 02-01-2018 revealing the elaborate provisions of the scheme. Following are notable provisions mentioned in the notification:

Section (3). Eligibility for purchase and encashment of electoral bond.-

(1) The Bond under this Scheme may be purchased by a person, who is a citizen of India or incorporated or established in India.

(2) A person being an individual can buy bonds, either singly or jointly with other individuals.

(3) Only the political parties registered under section 29A of the Representation of the People Act, 1951 (43 of 1951) and secured not less than one per cent of the votes polled in the last general election to the House of the People or the Legislative Assembly, as the case may be, shall be eligible to receive the bond.

(4) The bond shall be encashed by an eligible political party only through a bank account with the authorized bank.

Section (5). Denomination. –The bonds shall be issued in the denomination of ` 1000, ` 10,000, ` 1,00,000, ` 10,00,000 and `1,00,00,000.



Section (6). Validity of Bond.- (1) The bond shall be valid for fifteen days from the date of issue and no payment shall be made to any payee political party if the bond is deposited after expiry of the validity period.

17. On the other hand, way before the publication of this notification, Communist party of Aryavarta Marxist approached the apex court of Aryavarta challenging the passing of the finance act of 2017 on the grounds that it was wrongly certified as money bill and therefore Rajya Sabha was deprived of its adequate stake in the legislation of policy of enormous importance.
18. Some of the common points of criticism levied against the scheme through the opinions expressed on public forums are given below:
 - a. The fundamental right to know available to every citizen under article 19 (1)(a) also includes right to know about the fundings of the political parties. And since the impugned scheme provides anonymous donations thereby encouraging the lack of transparency, it is violative of this fundamental right. B
 - b. The policy makes arbitrary distinction between political party and individuals contesting independently, and thereby results into the lack of level playing field for candidates in obtaining political funding.
 - c. Since the scheme also allows the Indian subsidiary of a foreign company to make donations without any upper limit, this may give rise to formation of many shell companies only to be formed for the purposes of donations to any particular party.



- d. Since the scheme removes any cap on the maximum amount of donations that can be made by a corporate, it results in detriment to the interest of the shareholders, who invest their money in the company with the expectation that it will be spent for the business, however, by purchasing the electoral bonds with the same money, the company would be evading their obligation to disclose the manner in which the money is actually spent.
- e. The concept of anonymous donations without any upper limit may also lead to quit pro quo arrangements being made between the donors and donee, which by their very nature would be free from any cognizance of the law. This may in turn lead to more and more donations going to the ruling political party for the consideration of getting policy favours by the government. This would ultimately result in complete absence of level playing field for the political parties to accumulate funds. Due to all this the democracy of Aryavarta, which is also the basic component of its constitution is endangered.
19. Though, the members of the incumbent government and the ruling political party did not address each of these points in their justification of the scheme, the scheme was time and again defended by the significant personalities from the government. The most prominence defence was expressed by the then finance minister himself through a post published on the social media app Facebook. The relevant portion of the post of the FM reads as: “I do believe that donations made online or through cheques remain an ideal method of donating to political parties. However, these have not become very popular in India since they involve disclosure of donor’s identity. However, the electoral bond scheme, which I placed before the Parliament a few days ago, envisages



total clean money and substantial transparency coming into the system of political funding. A donor can purchase electoral bonds from a specified bank only by a banking instrument. He would have to disclose in his accounts the amount of political bonds that he has purchased. The life of the bond would be only 15 days. A bond can only be encashed in a pre-declared account of a political party. Every political party in its returns will have to disclose the amount of donations it has received through electoral bonds to the Election Commission. The entire transactions would be through banking instruments. As against a total non-transparency in the present system of cash donations where the donor, the donee, the quantum of donations and the nature of expenditure are all undisclosed, some element of transparency would be introduced in as much as all donors declare in their accounts the amount of bonds that they have purchased and all parties declare the quantum of bonds that they have received. How much each donor has distributed to a political party would be known only to the donor. This is necessary because once this disclosure is made, past experience has shown, donors would not find the scheme attractive and would go back to the less-desirable option of donating by cash. In fact, the choice has now to be consciously made between the existing system of substantial cash donations which involves total unclean money and is non-transparent and the new scheme which gives the option to the donors to donate through entirely a transparent method of cheque, online transaction or through electoral bonds. While all three methods involve clean money, the first two are totally transparent and the electoral bonds scheme is a substantial improvement in transparency over the present system of no-transparency.”

20. In the meantime, in May 2018, a non-profit organization named Lokhit Abhiyan filed a PIL in the apex court of Aryavarta under article 32 of the constitution to challenge the impugned scheme including the notification and the relevant portions of the finance Act 2017 on most of the grounds mentioned in para 18 above.



21. The petitioners were also joined by some of the politicians of the prominent political parties of the country. The court clubbed all the petitions including the petition filed by Communist Party in May 2017 and constituted a 3-judge bench comprising the then CJ of Aryavarta.
22. In an order pronounced by the said bench in April 2019, the apex court refused to stay the scheme but directed the political parties to make disclosure to the EC in sealed covers regarding the details of the funding received through electoral bonds.
23. For over 5 years, the petitioner's request regarding the matter to be referred to a larger bench of 5 judges was pending before the court. Ultimately, in a hearing conducted on 16-10-2023, the advocate for petitioners urged the court to constitute the larger bench and hear the matter before the Lok Sabha election of 2024. Consequently, the incumbent CJ of Aryavarta acceded to this request and constituted the 5 judges bench, which shall hear the matter on 6th April 2024.

The bench, inter alia shall be deciding on the following issues:

- i. Whether the finance Acts of 2016 and 2017 incorporating the provisions regarding electoral bonds scheme are illegally passed as money bill bypassing the adequate representation and scrutiny by Rajya Sabha?
- ii. Whether it is a fundamental right of every citizen to know the sources of funding to the political parties, if yes, does the electoral bonds scheme violates the same?



- iii. Whether matters concerning the modus operandi of political funding amount to policy decisions within the domains of government and free from judicial scrutiny?
- iv. Whether the electoral bonds scheme tampers with and distorts the principles of fair elections in the democratic setup which is also the basic structure of the constitution?

Note:

- Unless provided contrary in the proposition itself, the laws of Aryavarta are pari materia to the laws of India, and the apex court is equivalent to the supreme court of India.
- The proposition is purely a work of fiction and created solely for the purpose of the Moot Court Competition. The characters, institutions, organizations and events depicted in this proposition are purely fictional. Any similarity or resemblance to actual persons or actual events is purely coincidental and unintentional.
- The contents of the proposition do not intend to defame/ denigrate/ hurt the sentiments of any person(s), institutions, communities, groups or class of persons.

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CORRIGENDUM

CLARIFICATION IN RULES AND REGULATION

Please note the following clarifications with respect to “Rules and Regulation, Moot Proposition of the 3rd AIU National Moot Court Competition, 2024” as released on 9th February 2024:

“ONCE REGISTRATION IS COMPLETE NO TEAMS SHALL BE ENTITLED TO RECEIVE ANY REFUND OF THE REGISTRATION FEES PAID.”

THERE IS NO FURTHER CHANGE IN ANY OF THE TERMS AND CONDITIONS provided in the “Rules and Regulation, Moot Proposition of the 3rd AIU National Moot Court Competition, 2024” as released on 9th February 2024.

Date: 9th February 2024

Place: Navi Mumbai

Dr. Karuna Akshay Malviya
(Director, School of law)