

2nd NATIONAL MOOT

COURT COMPETITION

28th & 29th March, 2014

Organized by Department of Law
in association with Department of Students Welfare



Maharshi Dayanand University, Rohtak (HR)

(A State University established under the Haryana Act No. 25 of 1975)

NAAC Accredited "A" Grade

DAMINI GODBOLE CASE

INTRO –

Damini Godbole , 39, is an Indian Foreign Service officer, who until 18 December 2013, was deputy consul general in the Consulate General of India in New York. She joined Indian Foreign Service in 1999. In her capacity of deputy consul general for India, she handled women's affairs as well as political and economic issues. Godbole is married to a U.S. citizen, Prithvi Singh, whose birth place has not been verified, is a Visiting Scholar in the School of Arts & Sciences at the University of Pennsylvania. They have two children.

Asha Jones, 42, an Indian national and earlier holder of an Indian diplomatic passport, worked as nanny domestic help for Godbole from a period from November 2012 until June 2013. Her husband, Mac Jones, used to work as a driver with the Mozambique mission in New Delhi. It has been reported that the mother-in-law of Asha Jones was employed with a senior US diplomat, who was posted in India between 2002-2007. It is also reported that the father-in-law of Jones is still working in the US embassy in India.

THE EVENTS LEADING TO THE VISA FRAUD CHARGES -

Hiring of Jones

In November 2012, Godbole employed Jones, as a nanny and domestic servant for residence in New York. Jones travelled on an Indian Diplomatic Passport, issued by the Government of India for its diplomatic staffs. Jones entered the U.S. under an A-3 visa, which is a non-immigrant visa and permits the holder to work anywhere in the US for a specified employer.

In a legal complaint later filed by Jones and the United States government, it is described that before hire, Godbole and Asha Jones verbally agreed in India to a starting salary of Rs. 25,000 per month, plus an additional Rs. 5,000 for overtime. Based on the exchange rate at that time, Rs. 30,000 is equivalent to \$573.07 U.S. dollars or about \$3.31 an hour assuming a 40-hour work week. Godbole signed a written contract with Jones, which stipulated her hourly salary in

the U.S. would be \$9.75 and that the normal working hours per week shall be 40. This contract was submitted to the U.S. government as part of the visa application, where Godbole stated Jones would be making "around \$4,500 per month". The complaint claims that Godbole instructed Jones not to say anything to the embassy interviewer about being paid only 30,000 rupees per month, but to say she would be paid \$9.75 an hour and work 40 hours a week.

The complaint then alleges that Godbole asked Jones to sign another employment contract shortly before leaving India, which was not intended to be revealed to the U.S. government. This second contract allegedly says she was to be paid an expected salary of Rs. 30,000 per month with no mention of sick days or vacation time.

Jones leaves Godbole's home

On June 21, 2013, Godbole left her children in the care of Jones and went on an out of the town trip. On returning on June 23, 2013, Godbole found Jones missing from her home. On June 24, 2013, Godbole informed the Office of Foreign Missions (OFM) and requested help in tracing Jones. The OFM directed her to file a missing person report with New York City Police Department (NYPD). Initially, NYPD refused to file the report, since Jones was not a family member. After written requests made on June 25, 2013, the NYPD filed a missing person report. The NYPD then closed the case and it determined that Jones had simply left.

After walking out of the house, Jones lived on the support of strangers within the Indian community in New York City, including a Sikh temple. Later, Jones contacted Safe Horizon, a non-profit that has an anti-trafficking program, which took Jones to the State Departments with the allegations.

On July 1, 2013, Godbole receives phone call from person claiming to be Jones's lawyer and requesting her to process change in visa status of Jones and provide compensation based on 19 hours of work per day. Godbole refuses to negotiate on the phone and demands the caller identity. On July 2, 2013, Godbole informs OFM to direct NYPD to identify the caller as the caller was trying to extort money. On July 5, 2013, Godbole files complaint of "aggravated harassment" with NYPD, alleging extortion and blackmail by the caller. In India, officials brief US embassy officials about the reports filed with NYPD and seeks assistance in the matter. The

Indian Embassy in Washington also makes similar requests with the State Department in Washington.

On July 8, 2013, 'Access Immigration' a law office representing Jones calls for a meeting with Godbole. Godbole with other consulate officers meet Jones. Jones requests payment of US\$ 10,000, conversion of her Indian diplomatic passport to an India *ordinary passport* and assistance for getting required US visa for continued stay in United States. Indian consulate officers inform Jones that she requires returning to India, as she was on an Indian diplomatic passport and that compensation regarding work hours will be settled before departure to India.

On July 19, 2013, Mac Jones, husband of Jones files a petition in the Indian court alleging that Godbole and Indian government held his wife in police custody in New York and had kept in "slavery-like conditions or keeping a person in bondage". The petition also state that Uttam Godbole had called Jones's family in India and threatened them with dire consequences, if Jones complains. The petition was withdrawn after four days.

Legal action against Jones begins in India

Following this meeting, the Indian government revoked Jones's Indian diplomatic passport with effect from June 22, 2013 and inform OFM about the termination of the passport. On September 4, 2013, the US State Department issues letter to Indian Ambassador to probe the allegation of Jones and for proof of minimum wages paid. Following this, on September 10, 2013, the Indian Ministry of External Affairs lodges strong protest with the US officials at the tone and content of the letter. Then, on September 21, 2013, the Indian Embassy sends reply to the US State Department, highlighting that Jones seeks to subvert both Indian and US laws.

On November 19, 2013, based on a complaint lodged by Godbole, a Delhi Court issued a non-bailable arrest warrant against Jones, which was forwarded to US State Department and US embassy for her immediate arrest.

On December 10, 2013, Mac Jones, along with two children, went to the U.S, two days before Godbole's arrest, on a T visa; this visa permits victims of human trafficking and their close relatives to stay in the U.S. to testify against those accused of human trafficking

crimes. Indian media claimed that the cost of air tickets for Mac Jones, and two children Jennifer and Jatin, was paid by the U.S. Embassy to India.

Visa fraud charges

On 11 December 2013, Godbole was charged with visa fraud. The charges allege that she committed visa fraud willfully and under penalty of perjury under Title 28, United States Code, Section 1746. It further alleges that Godbole submitted an employment contract to the U.S. Department of State, in support of a visa application filed by Godbole for another individual, which she knew to contain materially false and fraudulent statements. The visa fraud charge carries a maximum sentence of 10 years in prison and the false statements charge carries a maximum sentence of five years.

Arrest

Based on the charges filed by a special agent with the US Department of State, Bureau of Diplomatic Security, the United States Magistrate Judge Debra Freeman issued an arrest warrant against Godbole. Godbole was arrested by US Department of State's Diplomatic Security Service on December 12, 2013 around 9:30 am after dropping off her daughters at school on West 97th Street in Manhattan.

Around noon, Godbole was escorted to the federal courthouse in downtown Manhattan, where she was transferred into the custody of the U.S. Marshals Service and strip searched by a female Deputy Marshal in a private setting. She was presented before a U.S. magistrate judge and pleaded not guilty to the charges. She was released at 4 p.m. the same day on a \$250,000 recognizance bond. She also surrendered her passport.

After her release, Godbole wrote an email to her colleagues in the Indian Foreign Service where she claimed that she "broke down many times," owing to "the indignities of repeated handcuffing, stripping, and cavity searches, swabbing," and to being held with common criminals and drug addicts."

The next day, Indian media sources echoed her claims that after her arrest she was handcuffed, strip searched, DNA swabbed and subjected to a cavity search. On December 18, 2013, Nikki Credic-Barrett, a spokeswoman for the U.S. Marshals Service, stated that Godbole was strip searched but not subjected to a cavity search. Per agency regulations, a strip search can include a "visual inspection" of body cavities. Credic-Barrett also stated that anyone taken to holding cells of the New York federal courthouse is automatically subjected to a strip search if they are placed among other prisoners. With reference to DNA swabbing, Credic-Barrett said that the responsibility for collection of a DNA sample was that of the arresting agency, US Department of State, Bureau of Diplomatic Security.

On December 19, 2013 Preet Bharara, U.S. Attorney for the Southern District of New York, claimed that after her arrest, Godbole was "accorded courtesies well beyond what other defendants, most of whom are American citizens, are accorded". For about two hours after her arrest, she was allowed to make numerous phone calls in order to arrange for child care and sort out personal matters.

Post transfer to United Nations

The Indian government moved Godbole to a permanent Indian Mission at the United Nations, New York which may provide her with diplomatic immunity. The US State Department has clarified that full diplomatic immunity which she might receive in that post would not be retroactive. On December 23, 2013, the United Nations approved a request from India to accredit Godbole, but also stated that US approval was still needed. Godbole was granted an exemption from personally appearing in court for the case.

Godbole was granted a G-1 visa by the United States Department of State on January 8, 2014, under the terms of Section 15 of the Headquarters Agreement between the United Nations and the United States which gives her full diplomatic immunity and would preclude any court jurisdiction over her. The U.S. officials said that the State Department had no choice but to grant Godbole full diplomatic immunity once she was accredited to the United Nations because she did not pose a national security threat. On January 9, 2014, US grand jury indicted her on two counts, for visa fraud and making false statements to get a work visa for Asha Jones, her housekeeper in New York. Preet Bharara later confirmed that, the charges against her will

remain pending until she can be brought to court to face them, either through a waiver of immunity or her return to the US without immunity status. However hours after Godbole was indicted for visa fraud, India refused the US request to waive the immunity and India transferred her to the Ministry of External Affairs in New Delhi.

Indictment

On January 9, 2014, Godbole left the United States by plane to India. As she left, she commented to an American colleague about her own leaving and Mrs. and Mr. Jones staying by saying that, "You have lost a good friend. It is unfortunate. In return, you got a maid and a drunken driver. They are in, and we are out." That same day she was indicted by a federal grand jury with visa fraud and making false statements.

There are other accounts that despite Godbole's media bravado, she was reluctant to leave US and had to be sternly told to return to India by the Indian External Ministry. Godbole's children, aged 4 and 7, have remained in the U.S. with her husband. All three are United States citizens. Godbole may only return to the U.S. to submit to the jurisdiction of a court. Upon returning to India, Godbole expressed that she missed her family. "I wonder if I will be able to ever reunite with my family, my husband, my little kids. I miss them... What if I can never return to the US, which I cannot now. Does it mean we will never be able to live together as a family again?" she said. On 13 January it was announced that Foreign Secretary Sujatha Singh had placed a gag order on Godbole.

On February 8, 2014 Godbole moved for her visa fraud charge to be dismissed, reasoning that the country had no authority over her as she was granted diplomatic immunity when the indictment case was filed. The prosecution opposed the motion, reasoning: "Having left the U.S. and returned to India, the defendant currently has no diplomatic or consular status in the U.S., and the consular level immunity that she did have at the relevant times does not give her immunity from the charges in this case, crimes arising out of non-official acts."

US diplomat expulsion

On 10 January the Indian government ordered the expulsion of US diplomat Wayne May because he had assisted Jones's family in securing T-visas and traveling to the United States. Media sources stated that May had taken "unilateral actions" in expediting the travel of Jones's family from India and violated various procedures with respect to actions taken related to the case. Media sources also quoted disparaging remarks about India and Indian culture made by May and his wife on their personal social media accounts since their posting to New Delhi. At the time of his expulsion, May was the head of the embassy's diplomatic security contingent managing a staff of 424 security officers including 10 Marine Security Guards, and had been in India since 2010. The expulsion of a US diplomat by India is viewed as unprecedented as it had never happened before. In the history of the US-India relationships, a similar event has happened only once when India blocked appointment of George G B Griffin, a Reagan appointee to the post of US political counselor, the third-ranking post in the United States Embassy.

Invoking the writ jurisdiction Damini has filed a case in the Delhi High Court on following issues:

- (i) Granting an immunity retrospectively to settle the case of Visa fraud and making false statements in the United States and to settle in the United States on the post, on which she was appointed, as member of Permanent Indian Mission in the United Nations in New York.
- (ii) Government of India to invoke the compensatory proceedings of misbehavior and defamation in the United States by the United States officials.

INTRODUCTION

About the University

Maharshi Dayanand University, *ab initio* established as Rohtak University, Rohtak, came into existence by an Act No. 25 of 1975 of the Haryana Legislative Assembly in 1976 with the objective to promote inter-disciplinary higher education and research in the fields of environmental, ecological and life sciences. It was rechristened as Maharshi Dayanand University in 1977 after the name of a great visionary and social reformer, Maharshi Dayanand. It had a unitary and residential character in its nascent stage, but became an affiliating University in November 1978. The University secured the recognition of University Grants Commission – the higher education regulatory body of India – for central Govt. grants in Feb. 1983.

The University is located at Rohtak in the state of Haryana – about 75 kms from Delhi on Delhi-Hisar National Highway (NH-10), and is about 240 kms from Chandigarh, the State Capital. It is well connected both by rail as well as road. Rohtak is the education hub of the State with excellent facilities for education in all fields of knowledge. The University campus, spread over an area of over 665.44 acres, is well laid with state-of-the-art buildings and magnificent road network, and presents a spectacle of harmony in architecture and natural beauty. Educational and research programmes are offered through its 36 departments. There are as many as 10 Teaching Blocks, 10 Hostels with another 10 in the offing, an elegant Vivekananda Library with 6 off-shoots, the majestic Tagore Auditorium equipped with modern gadgetry and amenities, spectacular Students Activities Centre, Campus School, Health Centre, Faculty House, Sports Stadium, Swimming Pool, Multipurpose Gymnasium Hall, Community Centre, Printing Press, Canteens, Shopping Complex, and an Administrative Block. About 550 residential units are available for the faculty members and non-teaching staff. There is a very robust Campus Wide Network – an amalgam

of cable and wi-fi technologies, with 1 Gbps internet connectivity. A serene 'Yajanshala' addresses the spiritual and health needs of the campus community. Branches of State Bank of India and Central Co-operative Bank are the other facilities available on the Campus.

Besides, the University runs some programmes through University Institute of Law & Management Studies (ULIMS), Gurgaon. Over 490 Institutions/Colleges of general education, Engineering, Technology, Computer Sciences and Management Sciences located in 10 districts of the State are affiliated to this University.

Vision Statement

The University envisions promoting quality education and research through interdisciplinary understanding, state-of-the-art learning, and the use of emerging knowledge for developing world-class human resources capable of mastering the global challenges of future technology and management. The University seeks to create, preserve, and disseminate knowledge to build competitive capability for holistic development of man and society.

Quality Policy

We visualize to establish and operate a quality regime that endeavours to make continual improvement in our systems and processes to the benefit of all the stakeholders in terms of accessibility and productivity, relevance and excellence in the field of higher education with a strong sense of social responsibility and accountability.

About Law Faculty

The Department of Law was established in the University in 1978. The Maharshi Dayanand University was the first University in the country to introduce the Five Year Integrated Law Course and has been running it successfully since 1983. Department of Law has organized many a times, moot court competitions at many levels; Intra-class, District, State and National Level Competitions.

A moot court is an extracurricular activity at many law schools in which participants take part in simulated court proceedings, which usually involves drafting briefs (or memorials) and participating in oral argument. The event particularly involves 2 phases wherein the first phase the student research and the second where they present the research orally in front of the simulated courts and judges. A domestic moot court competition tends to focus on municipal law i.e. domestic laws of the nation, regional and international moot competitions tend to focus on subjects such as public international law, international human rights law, international humanitarian law, international trade law, international maritime law, and international commercial arbitration.

The moot court aims to make the participants research, deliberate and discuss upon a topic of imminent international importance which not only broadens the scope of their horizon but works as an endeavour to make students realize the happenings of the real world and how the same are to be dealt.

"Five guys on the court, working together, can achieve more than five talented individuals, who come and go as individuals."

- Kareem Abdul Jabbar

INVITATION LETTER

February 25, 2014

To,

The Principal/Director/Vice-Chancellor,

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SUBJECT: INVITATION TO PARTICIPATE IN THE 2nd NATIONAL MOOT COURT COMPETITION ON 28TH AND 29TH MARCH, 2014.

Dear Sir/Madam,

It gives us immense pleasure to invite your esteemed institution to participate in the 2nd NATIONAL MOOT COURT COMPETITION. The Moot Court Competition is being organized by Department of Law, Maharshi Dayanand University, Rohtak (HR), a firm believer in the values of fair trial and professional excellence, and initiative to increase awareness and interest among the students of Law Schools across the country. Department of Law has successfully organized the last National Moot Court Competition. This 2nd National Moot Court Competition seeks to further develop on encouraging the turn out and response of the students.

We solicit the participation of your esteemed institution in this competition to make it a grand success by registering a team consisting of at least two and not more than three members. Department of

Law and Department of Student's Welfare, M.D. University, Rohtak (HR), would be glad to host your representatives as our guests during the course of the competition. The propositions and rules of the competition have been sent along with the invite. The same would be available on the university website (www.mdurohtak.ac.in). We would also appreciate an e-mail confirmation of your institution's participation in the competition to our e-mail id (mootsociety.mdu@gmail.com) latest by March 20, 2014 upto 05 pm sharp.

PRIZES

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- *Winning Team*..... Rs. 15,000/-
 - *Runners up Team*..... Rs. 10,000/-
 - *Best Memorial (Best Researcher)*..... Rs. 7,000/-
 - *Best Student Advocate* Rs. 5,000/-
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COMPETITION SCHEDULE

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- *Release of the Proposition and Rules*..... 25th Feb., 2014
 - *Last date for seeking clarifications*..... 28th Feb., 2014
 - *Registration deadline*..... 20th March, 2014
 - *Last date for submission of electronic copy of memorials*..... 22nd March, 2014
 - *Competition*..... 28th & 29th March, 2014
-

CONTACT DETAILS

For any queries, pertaining to the competition please contact:

ORGANISING COMMITTEE:

- *Dr.Neelam Kadyan +91-9996002631
(Member, Moot Court Committee)*
- *Dr. Jitender Singh Dhull +91-9416149377
(Member, Moot Court Committee)*
- *Dr, Pratima Ranga +91-9813773998
(Member, Moot Court Committee)*
- *Dr. Jaswant Saini +91-9416358770
(Member, Moot Court Committee)*

STUDENT COMMITTEE:

- *Manu Ahlawat +91-8930415006*
- *Bhawani Singh Parmar +91- 9996176888*

For any further assistance and information:

E-mail id - mootsociety.mdu@gmail.com

Website - www.mdurohtak.ac.in

Dr. Promila Chugh, Head and Dean (Department of Law) - +91-9416513963

Dr. Kavita Dhull, Convener (Moot Court Society) - +91-9729005133, +91-9468016380

2nd NATIONAL MOOT COURT COMPETITION

28th & 29th March, 2014

REGISTRATION FORM

(Fill in Capital Letters)

INSTITUTION DETAILS:

Name: _____

Address: _____

E-mail id: _____

Contact no.: _____

Team-in-charge: _____

Designation: _____

DETAILS OF PARTICIPANTS:

Speaker 01:

Name: _____

Course: _____

E-mail id: _____

Contact No.: _____

Speaker 02:

Name: _____

Course: _____

E-mail id: _____

Contact No.: _____

Researcher:

Name: _____

Course: _____

E-mail id: _____

Contact No.: _____

Speaker 01

Speaker 02

Researcher

*Affix a Passport Size
photo*

*Affix a Passport Size
photo*

*Affix a Passport Size
photo*

Accommodation:

Yes

No

Number of Male Members: _____

Number of Female Members: _____

DECLARATION

We the undersigned declare that the institution and its team members will abide by all the rules of the competition, set out as official and as notified to us from time to time throughout the period of the competition.

We also declare and confirm that all the information, provided in the registration form, is true and accurate.

Speaker 01

Speaker 02

Researcher

Head of the institution

(Signature with Institution Seal)

NOTE: Scanned copy of the Registration Form to be mailed to us at mootsociety.mdu@gmail.com by 20th March, 2014 up to 05 pm sharp.

2nd NATIONAL MOOT COURT COMPETITION

RULES FOR PARTICIPATION

i. Participation -

i. Registration

- a) The registration of the teams for the competition shall be strictly done on first come first serve basis.*
- b) The teams shall submit duly completed registration form in soft copy by sending the scanned copy at mootsociety.mdu@gmail.com on or before 20th March, 2014.*
- c) All teams shall be given a team code by the committee after completion of registration.*
- d) Thereafter, the teams shall use their designated team code for any further correspondence.*
- e) All the teams, who have sent their completed registration form, shall arrive and verify the details in person at the Registration Desk, (Deptt. of Law, MDU, Rohtak) and also shall deposit Rs. 1,000/- in cash as Registration Fees on 28th March, 2014 from 08 am to 10 am.*
- f) Each team has to submit 5 sets of memorials (hard bound) for each side at the time of verification at Registration Desk, (Deptt. of Law, MDU, Rohtak), specifying the team code allocated on each memorial.*

ii. Draw of Lots

The lots shall be drawn by the teams before the preliminary rounds, quarter final, & semi-final to decide the match-ups.

iii. Registration Fees

- a) A nominal registration fee of Rs. 1,000/- shall be charged from the teams of participating Universities/Colleges/Institutions.*
- b) The registration fee must be submitted in cash at Registration Desk, (Deptt. of Law, MDU, Rohtak) itself.*

iv. Submission of Memorials

Each team has to submit soft copies of the memorial for each side on or before 22nd March 2014 (11:59pm) by mailing it at mootsociety.mdu@gmail.com.

3. General -

i. Eligibility

Students enrolled in full time 3 years or 5 years law programmes are eligible to compete in the competition. Students, pursuing LL. M. Degree Course, are not eligible to participate in the competition.

ii. Official Language

The official language of the Competition is English.

iii. Team Composition

a) Each team shall include two speakers, who shall be accompanied by one researcher, all of whom shall be designated accordingly.

b) The team may also comprise of a Team-in-charge, who may accompany the team and shall be governed by Clause 7 for their conduct during the competition. The Team-in-charge will also be awarded with certificate of the competition.

iv. Accommodation and Food

a) Accommodation and Food shall be provided to all participants and Team-in-charge on the dates of the competition only, i.e. from 28th March, 2014 to 29th March, 2014.

b) Accommodation and Food shall be provided only for the registering participants, i.e. 2 speakers and 1 researcher, and Team-in-charge, if any.

v. Dress Code

The dress code of the competition shall be as follows:-

a) Gentlemen are required to wear a full suit comprising of a black formal coat and trousers, full sleeved white shirt, tie and formal footwear.

b) Ladies are required to wear Indian formals with black coat or a full suit comprising of a black formal coat and trousers, white shirt and formal footwear.

4. Mooting Rounds -

i. General

a) Every mooting round except the preliminary round shall be based on the "Knock out principle".

b) Every Mooting Round shall be judged and scored on the basis of criteria prescribed in clause 8(ii).

ii. Preliminary Round

a) The preliminary round shall take place in two sessions.

b) No team shall face another team more than once in the Preliminary Round and must appear on each side.

c) Every team shall have different benches in the two sessions.

iii. Scoring

a) Win or loss of the team shall be decided on their aggregate score.

b) The Aggregate Score of the teams shall be sum of the following:

Score of Speaker 1

Score of Speaker 2

c) A merit list of all the participating teams shall be prepared after the conclusion of the preliminary rounds.

d) The following criteria will be followed for tie breaking:

The teams will be first differentiated on their win-loss record after the two preliminary rounds.

In case of a tie, the team with the higher aggregate score shall be allotted the higher rank.

If the tie subsists, the same shall be resolved on the basis of memorial marks

iv. Quarter Final

The top 08 teams selected from the Preliminary Round shall contest in the Quarter Final.

v. Semi Final

The top 04 teams selected from the Quarter Final on the basis of Knock-out principle shall contest in the Semi Final.

vi. Final

The top 02 teams from the Semi Final round selected in the basis of knock-out principle shall contest in the Final

vii. Scoring

Scoring of all the teams and the speakers for the competition shall be done on the basis of their preliminary rounds marks & memorial marks.

5. Memorials -

i. General

a) All pages of a Memorial must be printed on paper of A4 (21 cmx29.7cm) size.

b) All pages of a Memorial must have margins on all sides of at least one inch i.e. two and a half centimetres (2.5 cm).

c) The Memorial shall be in accordance with Clause 5(ii) and arguments advanced shall not exceed more than forty (40) pages.

ii. Contents

Each Memorial must contain the following sections:

a) Cover Page

b) Table of Contents

c) Index of Authorities

d) Statement of Jurisdiction

e) Statement of facts

f) *Statement of Issues*

g) *Summary of Arguments*

h) *Arguments Advanced*

i) *Prayer.*

iii. *Cover Page*

The Cover Page of each Memorial must contain:

a) *The name of the Competition, year and the Team Code assigned at the time of registration.*

b) *The name of the Court appearing before.*

c) *The name of the parties and the sides they are representing.*

d) *Cover page of each team's memorial shall be in two specific colours (White and Black) 'White' representing Appellant's Memorial and 'Black' representing the Respondent's Memorial.*

iv. *Format*

The Memorial shall be formatted in accordance with the following specifications:

a) *Body Text Font Type: Times New Roman, Line Spacing: double spaced, Font Size: 12.*

b) *Footnotes Font Type: Times New Roman, Line Spacing: single spaced. However, two separate footnotes must be double spaced.*

c) *The Bluebook Uniform Mode of Citation must be strictly adhered to draft the memorials.*

6. *Anonymity -*

a) *Student Counsel shall introduce him/herself to the court through their Team Codes and side represented. The team's shall not reveal any of their details regarding their identity of their institutions at any time to any of the competition judges before the Valedictory ceremony for the Competition.*

b) Further, all team members and observers shall refrain from identifying a team at any time and in any manner, including, but not limited to, wearing/carrying anything/ items, such as badges, blazers or identified material (such as books, logo or seal of the college, regional/chapter office) which may reveal their identity.

c) Identity of team must not be revealed in the Memorial in any manner whatsoever.

d) Notwithstanding anything in this Rulebook, any team violating clauses 6 or 7 or both shall be subject to disqualification.

e) Decision of the Moot Court Society shall be final in this matter.

7. Prohibition of External Assistance -

a) No team is allowed to receive external assistance for conducting research, writing, editing, formulation or development of its oral arguments or written submissions.

b) No team shall engage, directly or indirectly in behaviour that may reasonably be considered cheating, intimidating or other unfair behaviour.

c) Team-in-charge is not allowed to provide any kind of help or consultation during the mooting rounds.

8. Evaluation -

i. Memorials

a) Memorials shall be judged by a Panel constituted for the same.

b) Every Memorial shall be assessed on a scale of 100 marks by the panel members. The average of the marks awarded by the members shall be taken as the final score.

c) A score sheet based on the evaluation done in accordance with clause 8(i) (a) and 8(ii) (b) shall be prepared.

d) Parameters for marking the memorial are as follows:

Knowledge of facts and law (20)

Proper and articulate analysis (20)

Extent and use of research (20)

Clarity and Organisation (20)

Citation of sources (10)

Grammar and Style (10)

9. *Oral Submission -*

i. *Time Distribution*

a) *Each team must have two speakers; who shall divide the time for oral submission between themselves.*

b) *Each team shall notify the Court Officer as to the division of time between the two Speakers, including the time reserved for its rebuttal/sub-rebuttal at the commencement of every session of Oral Submissions. A maximum of five (5) minutes can be reserved for rebuttal/sub- rebuttal.*

c) *Each team shall have a maximum of thirty (30) minutes to present their Oral Submissions. This is inclusive of the time that each team may want to reserve for its rebuttal/sub-rebuttal. A rebuttal/sub-rebuttal shall not be granted as a matter of right, but at the sole discretion of the judges.*

d) *No single Speaker shall be permitted to address the Court for more than fifteen (15) minutes. This shall be inclusive of the time for rebuttal/sub-rebuttal.*

e) *The time for rebuttal/sub-rebuttal shall not be split between the Speakers. Only one Speaker shall be permitted to expend the complete duration of a rebuttal/sub-rebuttal.*

f) *A warning bell shall be rung five (5) minutes prior to the exhaustion of the allocated time for each Speaker, which will be followed by another final bell at the exhaustion of the allocated time for each Speaker.*

g) *In case, any Speaker continues to speak after the exhaustion of his/her time, the additional time used shall be deducted from the time allocated to his/her co-speaker, or from the time allocated for the rebuttal and sub-rebuttal, as the case may be.*

h) *Notwithstanding anything under the clause 9(i), the final decision as to the time structure and the right to rebuttal/sub-rebuttal shall be that of the Bench.*

ii. *Submission of authorities*

a) *All teams must carry along with them case law(s) or authorities, to which they intend to refer. Any material carrying the name of the team's College/University shall be considered violative of provision under clause 6 and 7, and shall not be permitted to be submitted to any of the judges.*

b) *Any material, containing pictorial representation, shall not be submitted to the Court during the course of Oral Submissions. Also, any form of audio/visual representation shall not be permitted.*

c) *The Speakers must not be allowed to use personal computers, laptops, i-Pads or any other technical device during their Oral Submissions.*

d) *The team shall be subject to disqualification in case of infringement of any of the above given provisions under this sub-clause.*

iii. *Marking Criteria for the Oral Presentations*

Knowledge of Law (20)

Application of Law to Facts (20)

Ingenuity and Ability to Answer Questions (30)

Style, Poise, Courtesy and Demeanor (20)

Time Management (05)

Organization (05)

10. *Awards -*

i. *The following awards shall be given at the valedictory ceremony of the competition:*

Details:-

(a) *Winning Team - Rs. 15,000/-*

(b) *Runner Up Team - Rs. 10,000/-*

(c) *Best Speaker - Rs. 7,000/-*

(d) *Best Researcher - Rs. 5,000/-*

ii. *All those teams, participating in the competition, shall be awarded with certificates, except for those who would be disqualified as per the rules.*

11. Scouting -

Teams shall not be allowed to observe the oral submission of any other team. It is strictly prohibited. Any such attempt shall be subjected for disqualification.

12. Dispute Redressal -

The entire dispute regarding the competition or the rules shall be addressed by the Moot Court Society. The decision of the Moot Court Society, Department of Law, MDU, Rohtak (HR) shall be final and binding in all matters.

13. Amendments -

Any amendment in this rule book shall be made by the Moot Court Society, Department of Law, MDU, Rohtak (HR).