

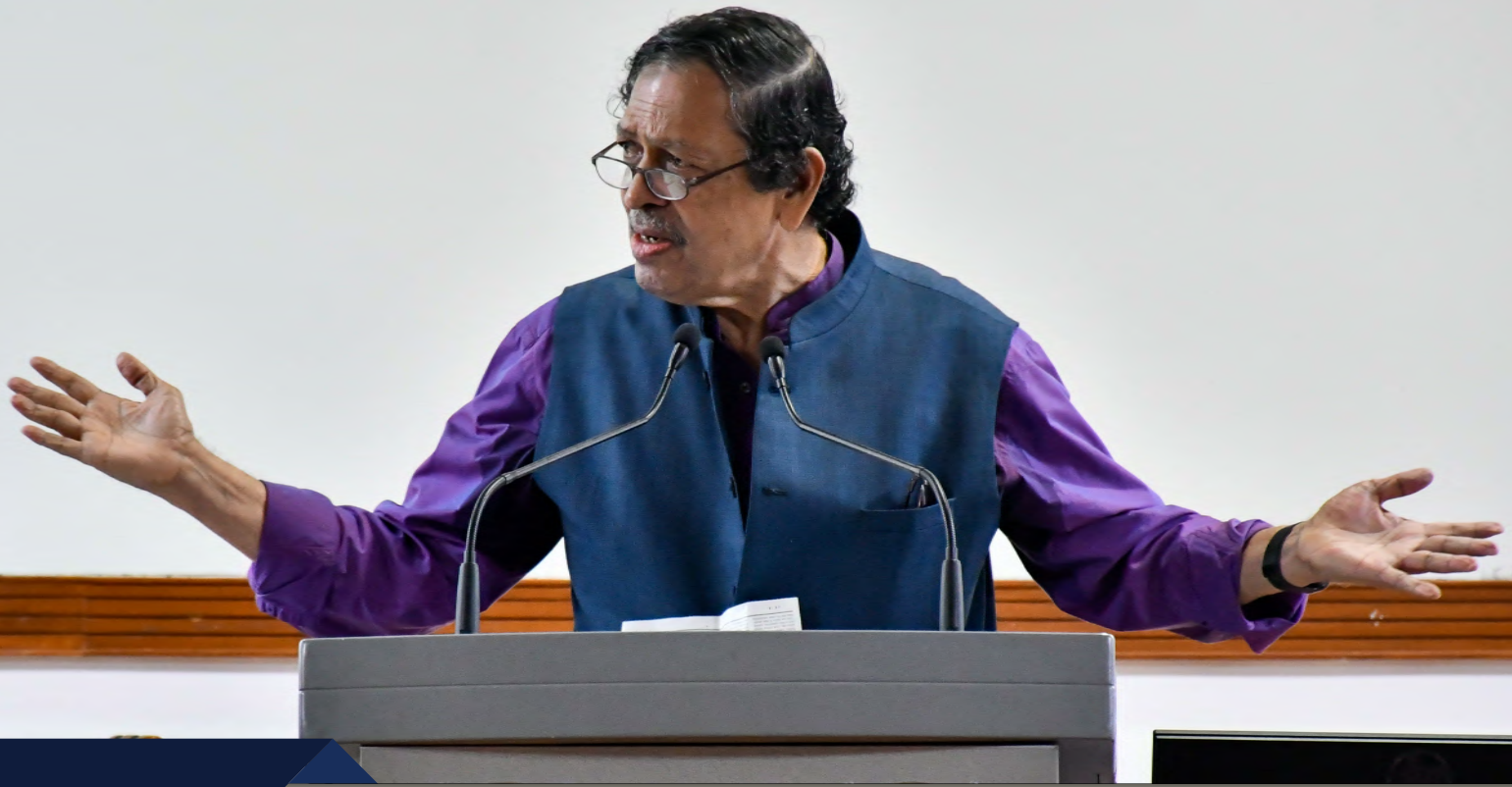


ALLIANCE
UNIVERSITY

Private University established in Karnataka State by Act No.34 of year 2010
Recognized by the University Grants Commission (UGC), New Delhi

Celebrating
25
SILVER JUBILEE
years
of Alliance Education

Alliance School of Law



JUSTICE N. SANTOSH HEGDE
NATIONAL MOOT COURT COMPETITION

February 25-26, 2023



Invitation for “Justice N. Santosh Hegde National Moot Court Competition”, to be held on February 25 and 26, 2023

Respected Madam/Sir,

Greetings from School of Law, Alliance University, Bengaluru.

Alliance Moot Court Committee (AMCC) of Alliance School of Law takes immense pleasure in announcing “Justice N. Santosh Hegde National Moot Court Competition”, to be held on 25th and 26th February 2023.

Alliance University is a Private University established in Karnataka by the State Act No.34 of year 2010. The University is jointly recognized by the University Grants Commission (UGC), New Delhi, Bar Council of India (BCI) and the All-India Council for Technical Education (AICTE), New Delhi. Alliance University with a vibrant and picturesque campus in Bengaluru, one of the fastest growing cities in India, offers more than 20 undergraduate and postgraduate majors to approximately 7000 students of diverse backgrounds. Alliance Education, led by excellence in the areas of Business Administration, Engineering; Legal studies and guided by the core values of the University, has shaped the lives of over 20,000 very successful alumni across the globe.

The World has changed rapidly in the past few months due to the pandemic, affecting professions and roles across. During this period social transition has taken place demanding the legal profession to change its approach. This Moot Court Competition identifies the changes that have occurred during this pandemic and endeavors to prepare law students for the changing times. It is important that today's law students and tomorrows' lawyers must be well acquainted with the changing dynamics of the profession.

Moot Court sharpens the student's research skills, enhances their critical and analytical reasoning. It aims in making them responsible legal professionals equipped with technical skills that will be crucial in years to come.

Alliance University's “**JUSTICE N. SANTOSH HEGDE NATIONAL MOOT COURT COMPETITION**” provides the participants an excellent platform to hone their skills and gives them the opportunity to showcase their talent.

We are pleased to invite your esteemed Institution to participate in the Competition. We assure you that the students shall gain an enriching experience by accomplishing not only individual advancement but also team coordination.

Kindly find herein the links for the Moot Proposition, Rules Document for Justice N. Santosh Hegde National Moot Court Competition, 2023.

Warm Regards,

Dr. Kiran D. Gardner
Dean, Alliance University, School of Law, Bangalore.
M: 9898715106

About the Competition

- 1. Event:** The event shall be called “Alliance University’s Justice N. Santosh Hegde, National Moot Court Competition, 2023”.
- 2. Organizers:** The event is being conducted by School of Law, Alliance University, Bangalore.
- 3. Dates:** The event shall be conducted on two days, 25th and 26th February 2023.
- 4. AMCC:** Alliance Moot Court Committee shall be having the responsible for the conducting the competition. They shall be dealing with queries of the participants, releasing the schedule of the event, and shall look after all the relevant matters pertaining to the event.
- 5. Language:** The Language of the Competition shall be in English.
- 6. Interpretation:** The organizers of the event will have the final authority to interpret the rules.
- 7. Eligibility:** Students pursuing Five year or Three-year LLB course from any college or university around the country shall be eligible to participate in the event. Only one team can register and represent one university/college, to that extent the participants must produce a permission letter from their respective college/university.
- 8. Team Composition:** Each team shall constitute a minimum of two members and maximum of three members. In every team, two of the members will be speakers and one member shall be the researcher. A team of two member may be allowed to participate in, as an exception. In such case, both the members will be speakers and one of the members shall be designated as researcher. Any change in the team composition shall not be entertained once the memorial has been submitted.
- 9. Researcher:** A researcher shall be allowed to argue only with the permission of the organizing committee.
- 10. Dress Code:** The Dress Code shall be formals. Black Trousers, White Shirt along with Tie and Blazer, shall be the norm for the teams participating in the event. The female participants have the option to wear White Salwar Kameez and Black Blazer or Black Plant with Shirt and Blazer.

Memorials

1. Each team participating in the competition must prepare two memorials one on behalf of the Appellant and one on behalf of the Respondent.
2. Each team must send a soft copy (in MS Word .doc/.docx and pdf format) of their

memorials for evaluation by 8th February, 2023 with the subject **“Submission AUJSHNMCC 2023 for Team Code”** to “ mootcourt@law.alliance.edu.in ”

3. Memorials submitted beyond the deadline shall be evaluated with penalties.
4. Each team must send two hard copies for each side, i.e., two hard copies for Appellant and two hard copies for Respondent by 17th February 2023, addressing to "Prof. Priyanka Sonowal- 3rd Floor Learning Centre, Alliance School of Law, Alliance University - Central Campus, Chikkahadage Cross Chandapura-Anekal, Main Road, Bengaluru, Karnataka 562106.
5. The file names of the electronic copies of the memorials must contain only the team code and the side being represented in the following format:
e.g. (for Team Code 001) 001P or 001R, 'P' being for 'Appellant' memorial and 'R' for 'Respondent' memorial, and so forth.

Format of the Memorial

1. The Memorial shall be drafted only on A4 size paper.
2. Memorial Content: The Memorial should contain the following sections:
 - Cover Page for Appellant and Respondent should be colored differently as BLUE Cover for Appellant and RED Cover for Respondent.
 - Table of Contents
 - Index of Authorities
 - Statement of Jurisdiction
 - Statement of Facts (not exceeding one page)
 - Statement of Issues
 - Summary of Arguments
 - Arguments Advanced
 - Prayer (not exceeding one page)
3. No memorial shall exceed the maximum limit of 35 pages including the Arguments Advanced which shall not exceed 20 pages.
4. Each memorial shall have the following on its cover page:
 - The team code on the upper right-hand corner of the cover page
 - The name and place of the forum
 - The relevant legal provision under which it is filed
 - Name of parties and their status
 - Memorial Filed on Behalf of_____

5. Other Important Rules: Teams shall cite authorities in the memorial using footnotes following the Harvard Bluebook 20th Edition. Explanatory or illustrative footnotes are not allowed.
6. Font: Times New Roman
7. Font Size: 12
8. Line Spacing: 1.5
9. Margins: 1 inch on each side.
10. The citation should comply with the 20th edition of Harvard Bluebook.
11. Plagiarism shall not exceed more than 15% of the overall content of the memorial.

Important Terms

1. **Organizers:** The Alliance University's Justice N. Santosh Hegde, National Moot Court Competition, 2023 shall be organized by Alliance Moot Court Committee, which is part of School of Law, Alliance University.
2. **Faculty Members:** Faculty members refer to the faculty of the School of Law who have been attached to the event in any capacity.
3. **Student Members:** Student members refer to the students of the School of Law who have been attached to the event in any capacity.
4. **Rules and Regulations:** The Rules and Regulations refer to the guidelines which have been made by AMCC for successfully conducting the event.
5. **Memorial:** Memorial refers to the written submissions, which shall be submitted by the participating teams.
6. **Members:** Members refer to the Members of the Organizing Committee of the event.
7. **Judge:** Judge refers to any person who has been appointed for the evaluation of the participating team's performance.
8. **Mooter:** Mooter means a participant who has registered herself/himself for the competition as per the rules of registration.
9. **Penalties:** Penalties refer to the marks which shall be deducted in case of violations of the rules and regulations of the event.
10. **Rebuttal:** Rebuttal refers to the response given by the Appellant to the respondent's Arguments or vice-versa, where no attempts can be made to introduce new arguments.

Allotment of Team Codes

Team Codes: All the teams shall be allotted with a team code, after all registration are complete.

Responsibility: No one including teams shall be disclosing the identity of the team. No team shall disclose or enquire about the identity of participating teams University.

Identity: The memorials or any materials (compendium, etc.) to be submitted shall not contain any sign, logo, name, etc. revealing the identity of the college/ institution/ university/ team members.

Violation: Any violation with regards to anonymity shall be penalized under the rules.

Final Decision: Final decision in this regard will be in the hand of AMCC, Alliance School of Law.

Query and Clarifications

General Query: In case of any query regarding the competition, the teams can write to mootcourt@law.alliance.edu.in

Moot Problem Clarifications: In case of any clarification to the Moot Proposition, the team can write an e-mail to mootcourt@law.alliance.edu.in on or before 24th January, 2023 (23:59 hrs.).

If there are any clarifications, it will be circulated amongst the registered teams shortly thereafter.

Registration

Dates: Interested teams must register themselves for the competition by 20th January, 2023 by registering on the link provided. The fees shall also be paid through the same link. In case of incomplete registrations, the team's application shall get rejected automatically.

Fees: The registration fees, shall be Rs. 3000/- team without accommodation and Rs 4500/- with accommodation, which shall be paid at the time of the registration.

Non-Refundable: The Registration fees shall be non-refundable.

Link: The link for registration will be open till 23.59 hrs. on 20th January, 2023.

Registration Link: <https://forms.gle/uf3E82rHuYxcxLqj8>

Memorial Evaluation

1. The memorials of each team shall be evaluated by a panel of three Judges.
2. The maximum score for each memorial shall be 100 marks. The memorials shall be evaluated on the following criteria:

Sr. No.	Parameter	Marks
1	Knowledge of Law and Depth of Research	20
2	Use of Authority/ Precedents	20
3	Incorporation of Facts into arguments	10
4	Interpretation of Applicable law	10
5	Clarity and Organization of arguments	15
6	Grammar and Style	10
7	Originality	10
8	Relief Sought	5
Total		100

Oral Rounds

1. The Moot Court Competition shall comprise of the following four rounds:
 - Preliminary Round -Day 1.
 - Quarter-final Round - Day 1.
 - Semi-Final Round - Day 2.
 - Final Round - Day 2.
2. Each team will have to argue from either of the sides in the Preliminary Round. This order will be decided by the draw of lots at the time of orientation on 24th February 2023.
3. The teams which score the highest aggregate marks in the Preliminary Round will be eligible for qualification in the Quarter-final Round which shall consist of 8 teams. In case of a tie in the above procedure, the marks scored for the memorials shall be the deciding factor. In case of any doubt, the decision of the organizers will be final.

4. The Sides for the Quarter-Final round will be decided by the draw of lots immediately after the results of the Preliminary Rounds. Quarterfinals will be decided on a knockout basis on 25th February 2023.
5. The Qualifying teams shall then argue the case in the Semi-Final Round on 26th February 2023. Semi-Finals will be decided on a knockout basis.
6. The Qualifying teams shall then argue the case in the final round on 26th February, 2023.

Oral Submissions

1. Each team should have two speakers who shall divide the oral submissions between them. Rebuttals are permitted. Sur-rebuttals are at the discretion of the judges.
2. For the preliminary round, each team shall have a maximum of 20 minutes to present their oral submissions. In the quarter-final round, each team shall have a maximum of 30 minutes to present their oral submissions. For the Semi-final round, a maximum time of 40 minutes shall be given to each team. For the final round, a maximum time of 50 minutes shall be given to each team. However, granting more time will be at the discretion of the Judges and no complaints/appeals regarding the same will be entertained. The division of time between the two mooters shall be at their discretion.
3. The aforesaid time would include the time that each team may want to reserve for their rebuttals. For Preliminary round and round, each team shall reserve at least 5 mins for rebuttals. For Quarter-final and Semi-final round, a minimum of 10 minutes must be reserved for rebuttals. For Final round, a minimum of 15 minutes shall be reserved for rebuttals. Non-adherence to time may attract penalty in form of deduction of marks.
4. No speaker shall be permitted to address the court for more than 10 minutes in the preliminary round, for more than 15 minutes in the Quarter-final round as well as the semi-final round, and for more than 25 minutes in the final rounds.
5. At the commencement of each session of the oral submissions, each team shall notify the time of speaker 1 and speaker 2 to the court clerks.

Marking Criteria

1. The following shall be the marking criteria and the marks allotted per Mooter.
2. Each mooter shall be marked out of 100. The preliminary rounds shall be before a two Judges bench. Thus, the total team marks, per Judge, will be out of 200. And the eight top-scoring teams shall move forward to the quarter-final round.
3. In the quarter-final, semi-final, and final rounds, whichever team secures more marks as against its opponent, shall be considered as having won the round. The decision of the Judges shall be final and binding. To ensure uniformity in the marking system all the Judges shall be provided with marking guidelines.

Sr. No.	Parameter	Marks
1	Comprehension of facts	10
2	Knowledge of Law	20
3	Application and Interpretation of legal principles	20
4	Presentation skills and Communication ability	10
5	Logical Structuring and Reasoning	20
6	Response to questions poised	10
7	Courtroom etiquette	10
Total		100

Researcher's Test

1. The Researcher's Test shall be of 30 minutes and objective in nature and shall be general.
2. The Researcher of every participating team shall attempt this test.
3. The Researcher's test shall be conducted on 24th February, 2023.

Plagiarism

Teams shall not commit plagiarism. “Plagiarism” means appropriating the literary composition of another, or parts or passages of another’s writings, or the ideas or language of another, and passing them off as the product of one’s mind. After investigation and review, in a verified case of plagiarism, the organizers may (1) disqualify the team, (2) assess a penalty between one and 50 points to each offending memorial.

Moot Penalties

The Administrator shall impose a Moot Penalty, if necessary, after consultation with the judges, bailiff, teams, and/or observers.

Activity Subject to Moot Penalties

Penalties may be assessed for violations during a Moot by reference to the following table. The administrator shall deduct the penalty amount from each judges combined score (the sum of the judge’s score for oralist 1 and oralist 2) before determining the Oral Round Points.

Rule	Summary	Penalty
1	Improper Courtroom Communications	Up to 10 points
2	Scouting	Forfeiture of one preliminary Match if indirect; forfeiture of all Oral Round Points if direct scouting, to be deducted in the Match against the Team that was scouted
3	Violation of anonymity in the courtroom	Up to 15 points, or disqualification.

Penalties

Rule	Summary	Penalty
1	Tardiness in submitting Memorial	5 points for the first day, 3 points per day thereafter. If both Memorials have not been submitted by the Deadline, the Team will be withdrawn from the Competition.
2	Resubmission of Memorial after the deadline	2 points
3	Failure to include all parts of Memorial, or inclusion of an un- enumerated part	2 points for each part
4	Failure to include necessary and correct information on Memorial Cover Page	2 points (one-time penalty)
5	Excessive length: Pleadings	1 page over 4 points
		2-3 pages over 6 points
		4-6 pages over 9 points
		7-9 pages over 12 points
		10+ pages over 15 points
6	Excessive length: Summary of Pleadings	2 points (one-time penalty)
7	Excessive length: Statement of Facts	2 points (one-time penalty)
8	Improper citation of authority	1 point per instance, up to a maximum of 5 points per Memorial.
9	Violation of anonymity in Memorial	Up to 10 points (one-time penalty), or disqualification
10	Plagiarism	1 to 50 points, or disqualification

Deduction of Penalties by Judges Prohibited

Penalty points may be deducted only by the Administrator. Judges may not deduct any penalty points from the scores of the oralists. Judges shall score the Moot as if no violation occurred, and may take an infraction into account only if so, instructed by the Administrator.

Important Dates

Sr.No.	Particulars	Dates
1	Last Date of Registration	20 th January 2023
2	Last Date for seeking clarifications	24 th January 2023
3	Release of Clarifications	28 th January 2023
4	Deadline for submission of Soft Copy of Memorial	8 th February 2023
5	Deadline for receiving the Hard Copy of the Memorial by the OC.	17 th February 2023
6	Researchers Test	24 th February 2023
7	Preliminary Rounds	25 th February 2023
8	Quarter-Final Round	25 th February 2023
9	Semi-Final Round	26 th February 2023
10	Final Round	26 th February 2023

Miscellaneous

Travel Details: The teams are requested to inform their travel plan by filling the travel form provided. Any changes in the given plan should be intimated to the Organizers well in advance. <https://forms.gle/SV6wXd9DchCPncFJ8>

Food and Accommodation: Food will be provided to all the teams at the University Campus and Accommodation will be provided at the University Campus for the teams who have opted for it from 24th to 26th February, 2023.

MOOT PROPOSITION

“Sakya” is the largest country in the continent of “Ameya” and the second largest country in the world by the size of its territory and population. Sakya is a socialist, democratic and republic state. Sakya shares its border with the “Republic of Kendra” (hereinafter referred to as “Kendra”), which is a developed country with a moderate population.

In the year 2020, the world witnessed the worst pandemic of the century. To curb the menace of the virus, many countries had to impose a lockdown. This lockdown restricted the movement of the people thereby, affecting the businesses in the country, and causing stock prices of the companies to hit an all-time low.

Sakya was the worst hit country in Ameya where businesses witnessed a huge drop in sales. This resulted in a huge drop in the stock prices of many companies, making them susceptible to acquisition by foreign companies. To ensure the robustness of the financial system in Kendra, the government of Kendra refused to impose a lockdown in their country. The companies in Kendra welcomed this step and suffered significantly fewer losses in comparison to other countries in Ameya. This provided an advantage to the Companies located in Kendra to acquire companies failing in the other countries.

Sakya realized the threat of foreign control over the companies in its own country. In doing so, it would enable foreign companies to control most of their economic activities. To counter the lurking danger, the Government of Sakya amended its policy on foreign direct investment. The changes brought to the FDI policy included, inter alia, “an entity of a country, which shares a land border with Sakya or where the beneficial owner of an investment into Sakya is situated in or is a citizen of any such country, can invest only under the Government route.”

“Plosh Technologies Pvt Ltd.,” (hereinafter referred to as “Plosh”) is a company incorporated in Sakya with its registered office in the capital state of “Nutan.” In the year 2019, Plosh raised \$200 million from the private placement of shares of which \$80 million was received from a venture capital company registered in Kendra named “Munio Investments Pvt. Ltd” (hereinafter referred to as “Munio”). This was received in exchange of 15 % equity of Plosh. The Private Placement Memorandum (hereinafter referred to as “PPM”) of Plosh issued to Munio stated that the money raised was inter alia for the manufacturing of a wearable device that will project 3D image of a mobile screen on the palm of the user. The PPM also contained the nature of risks involved in the development of the product.

Initially, Plosh Technologies planned on developing the product themselves before the issuance of PPM. After the issuance of PPM, they entered into a contract with “Slowtech Research Laboratories Pvt. Ltd.” (hereinafter referred to as “Slowtech” to fund the development of the product mentioned above. The contract provided for an exclusive license to Plosh technologies upon successful development of the product by Slowtech.

Ms. Suradha Sakin was the Chief Executive Officer and Managing Director of Slowtech. Ms. Suradha Sakin was a live-in partner of Mr. Kalzar Sata. Mr. Kalzar Sata was the Managing Director of Plosh Technologies. However, both Plosh and Slowtech were unaware of this fact. The entire negotiation about the development of the product was done through Mr. Arbat, the Chief Operations Officer of Plosh and Ms. Naddi, the Chief Operating Officer of Slowtech Research Laboratories. The transaction was approved in the General Meeting of Plosh Technologies. Despite repeated reminders, Slowtech could not present a workable model of the product to Plosh. The prototypes presented failed to comply in terms of size and utility. For the development, Slowtech had taken huge loans and on failure to procure any final order for the product, the company expressed its inability to pay the debts. Therefore, the creditors of the company instituted insolvency proceedings against Slowtech.

Meanwhile, post two years of acquiring the investment, Plosh failed to launch the product. In the year 2020, Munio sent a mail of enquiry to Plosh regarding the development of the product and the utilization of the funds raised by its investors. Plosh in its reply informed Munio that the device is in the developmental stage, and they are working on multiple prototypes. Dissatisfied with this reply, Munio requested the grant of visas from Sakya to conduct a physical enquiry at Plosh regarding the prototype. Sakya refused the request on the ground of the lockdown in place due to the pandemic. In the year 2021, a team from Munio visited the offices of Plosh and found that only 10% of the total funds were being utilized for the development of the product. They also discovered that the technology which was supposed to be used was not in the possession of Plosh. The maximum amount of the funds was being used by the company on its operating costs including managerial and directors' salaries. Munio, aggrieved by the state of affairs of the company, sent a legal notice to Plosh concerning the position of the product. They further claimed compensation for the delay in the completion of the product. Plosh replied stating that due to the lockdown in place, the development of the product was hindered and refused to pay any compensation to Munio.

Munio filed a criminal complaint against Plosh alleging offences under section 420 and Section 120B of the Sakyan Penal Code (SPC). Following the complaint by Munio, a Judicial Magistrate in Nutan initiated a criminal proceeding on the charges alleged by Munio against Plosh. Aggrieved by this, Plosh filed a petition before the Nutan High Court under article 227 of the Constitution of Sakya read with Section 482 of the Code of Criminal Procedure of Sakya (Cr.P.C.) to quash the criminal proceedings initiated against it. The High Court of Nutan quashed the proceedings. Against this order, Munio has preferred an appeal to the Supreme Court of Sakya.

The laws of Sakya are *pari materia* to the Indian laws.



Scan to Register



Postal Address

Faculty Convenor, AMCC, School of Law, Alliance University, Anekal, Bengaluru - 562106
Karnataka, India

Contact Details

Prof. Priyanka Sonowal (Faculty Co-ordinator)
Phone no: 080-4129-9318

Pranav Agarwal (Student Co-ordinator)
Phone No: +91 7905273637

Prof. Shubhi Trivedi (Faculty Co-ordinator)
Phone no: 080-4129- 9320

Snigdha Tadakanti (Student Co-ordinator)
Phone No: +91 7680019050

PROGRAMMES OFFERED

Alliance School of Business

- Bachelor of Business Administration (BBA)
- Bachelor of Commerce (B. Com.)
- Master of Business Administration (MBA)
- Global MBA (For Working Executives)
- Ph.D. in Management

Alliance College of Engineering and Design

- Bachelor of Technology (B. Tech.)
- Ph.D. in Engineering and Design

Alliance School of Law

- Bachelor of Law (LL. B.)
- Bachelor of Arts, Bachelor of Law (Honours)
B.A. LL. B. (Hons.)
- Bachelor of Business Administration Bachelor
of Law (Honours) B.B.A. LL. B. (Hons.)
- Master of Law (LL. M.)
- Ph.D. in Law

Alliance Ascent College

- Bachelor of Business Administration (BBA)
- Master of Business Administration (MBA)

Alliance School of Liberal Arts

- Bachelor of Arts (BA)
 - ▶ Economics
 - ▶ English
 - ▶ Literary and Cultural Studies
 - ▶ Media Studies
 - ▶ Political Science
 - ▶ Sociology
 - ▶ Philosophy
- Bachelor of Design (B. Des.)
- Bachelor of Fine Arts (BFA)
 - ▶ Painting and Sculpture
- Bachelor of Science (B. Sc.)
 - ▶ Applied Mathematics
 - ▶ Computer Science
 - ▶ Data Science
 - ▶ Psychology
 - ▶ Statistics
- Bachelor of Visual Arts (BVA)
- Global Leaders' Alliance (GLA) a Postgraduate
Fellowship Programme
- Master of Arts in Creative Writing (MA)
- Master of Arts in Economics (MA)
- Master of Science in Data Science (M. Sc.)
- Ph.D. from School of Liberal Arts
- Ph.D. in Applied Mathematics
- Ph.D. in Sciences



ALLIANCE
UNIVERSITY

Private University established in Karnataka State by Act No.34 of year 2010
Recognized by the University Grants Commission (UGC), New Delhi

Celebrating
25
SILVER JUBILEE
years
of Alliance Education