

**1ST REVA NATIONAL MOOT COURT
CHAMPIONSHIP, 2019**

Organised by

SCHOOL OF LEGAL STUDIES

REVA University, Bengaluru

MOOT PROBLEM

AND

RULES

DATE & VENUE OF THE CHAMPIONSHIP:

Date of Championship: 11th-12th October, 2019

Venue: School of Legal Studies, REVA University, Bengaluru.

MOOT PROBLEM¹

1. Ms. Nativa Estrangero, born on April 15, 1961, a resident of Gomad, State of Gogaon in Republic of Adini is the owner of large cashew and pepper plantations in and around State of Gogaon, inherited from her mother. Ms. Nativa Estrangero's parents, Mr.Pae Estrangero and Mrs. Mae Estrangero, were Citizens and Officers of Erstwhile Government of the Republic of Port Seagull, designated for government service in Gogaon w.e.f. 1954. In May 1961, Mr. Pae Estrangero and Mrs.Mae Estrangero chose to live in separation, over issues concerning the illicit affair of Mr.Pae Estrangero.
2. In 1962, while State of Gogaon became liberated from the Port Seagull Rule and got annexed to Republic of Adini Mr.Estrangero chose to return to Republic of Port Seagull. Ms. Mae Estrangero and Ms. NativaEstrangero, were granted a Certificate of Registration under Rule 10 of the Citizenship Rules, 1956.
3. On January 26, 2019, Ms. Nativa Estrangero travels on an Adinian Passport to Republic of Port Seagull to visit her ailing father, and upon the insistence of her father, as per the Passport Act, 1967, obtains a Port Seagull Passport (See, **Annexure A**) for herself as on May 3, 2019. On 20th May, 2019 when she returns to Republic of Adini, the Immigration Authority found that Ms. Nativa Estrangero was in possession of two Passports and thereby informed the Passport authority of the same, who thereon impounded her Adinian Passport under Section 10(3) (c) of the Passport Act, 1967, at the Airport, upon serving Notice, on the spot. Ms. Nativa Estrangero filed for an appeal before the Appellate Authority on grounds that the impounding was unlawful.
4. The Press and Media reports highlighted the benign issue stating that there may be several such other residents of State of Gogaon, who are subject to the action that has been taken against Ms. Nativa Estrangero.

¹ The problem has been drafted by Prof. (Dr.) Sairam Bhat, Professor of Law, National Law School of India University, Bangalore. He is a Fulbright-Nehru Fellow, 2010. He was a 'Visiting Researcher' at the Georgetown University, Law center Washington DC, during Aug-Dec. 2010. He was also a Linnaeus-Palme Academic Exchange Fellow at the Royal Institute of Technology, Stockholm, Sweden, 2012-13. He started the NLSIU Book Series under which he has published books titled, Contracts, Agreements and Public Policy, Energy Law and Policy in India, Right to Information and Good Governance, Public Private Partnership: A Sectorial Analysis. In 2017, Eastern Law House published his edited book, Privatization and Globalization: Changing Legal Paradigm. He is also co-author of the book Healthcare in India: An Introduction to Law and Legal System published by Bloomsbury.

5. On July 1, 2019 Government of Republic of Adini vide Notification dated thereat implements the National Register of Citizens (NRC) through Rules passed under Section 18(1)(3) of the Citizenship Act, 1956. Accordingly, District Magistrate and other State Officials in State of Gogaon were empowered under the Rules to examine and draw up a list of people who are Citizens of Republic of Adini. Consequentially, 1,47,831 entries of persons holding a Republic of Adini Passport, coterminous with a Port Seagull Passport, were excluded categorically from the NRC List as notified on August 16, 2019.
6. Ms. Nativa Estrangero aggrieved by the Notification of the NRC List challenged the same before the Foreigners Tribunal established under the Foreigners (Tribunals) Amendment Order, 2019, which upheld the Notification and the NRC List on grounds of "sovereignty and integrity of the State" as on August 26, 2019. Meanwhile, the Appellate Authority under the Passport Act, 1967 passed an order dated on August 24, 2019 upholding the Impounding of the Passport, and further revoked the Republic of Adini Passport issued to Ms. Nativa Estrangero.
7. The Ministry of Home Affairs passed an Order dated August 28, 2019 under Section 9(2) and relevant rules under the Citizenship Act, 1956 declaring that her Citizenship has been terminated w.e.f. from May 3, 2013 on grounds of "voluntary acceptance of foreign citizenship, based on evidence of holding a Foreign Passport".
8. Aggrieved by the actions of the Government, Ms. Nativa Estrangero, on grounds including that mere possession of a Foreign Passport cannot be a proof of Foreign Citizenship, preferred to file a Special Leave Petition before the Hon'ble Supreme Court of Republic of Adini, seeking its intervention, on matters *inter alia* as to what constitutes a valid proof of citizenship.
9. **Note:**
 - a. The Laws of Republic of Adini are in *parimateria* to the Laws of India.
 - b. The Laws of State of Gogaon are in *parimateria* to the Laws of Goa.
 - c. The Passport Act, 1967 as applicable to the Republic of Adini are also applicable to the Republic of Port Seagull.
10. The Supreme Court of Adini would hear the matter on the following issues:
 - a. **Maintainability of the Petition before the Supreme Court of Adini.**

- b. Whether the Order Impounding and Revocation of the Passport passed by the Appellate Authority violates the principles of the Constitution of Adini?
- c. Whether the Order terminating the Citizenship of Ms. Nativa Estrangero, and Section 9(2) of the Citizenship Act, 1955 read with Rule 40 of the Citizenship Rules, 2009 is constitutionally valid?
- d. Whether the commencement of National Register of Citizens and its applicable law violate the freedom and rights of residents of Gogaon?
- e. Such other matter, not exceeding two as may be raised by the parties.

ANNEXURE A: PASSPORT

REPUBLIC OF PORT SEAGULL		
Issued on May 3, 2019		
u/s 20 of The Passport Act, 1967		
Name of the Holder: Ms. NativaEstrangero		
Date of Birth: April 15, 1961		
Place of Birth: Gogaon, Adini		
Place of Residence: Gogaon, Adini		
Father's Name: Mr. PaeEstrangero		
Mother's Name: Mrs. Mae Estrangero		
Nationality: N.A. - Descendant of National of Port Seagull		
Valid Through: May 3, 2019 to May2, 2029		
Issued under the Authority of the Government of the Republic of Sea Gull		
<table border="1"><tr><td style="text-align: center;">ELECTORINC SIGNATURE Valid Proof</td></tr></table>		ELECTORINC SIGNATURE Valid Proof
ELECTORINC SIGNATURE Valid Proof		

ABOUT UNIVERSITY

REVA University has been established under the REVA University Act, 2012. The University is located in Bengaluru on a sprawling green campus, spread over 45 acres of land, built with state-of-the-art infrastructure creating an environment conducive to higher learning and research. The founders of REVA University believe in the motto 'Knowledge is Power'. Driven with a philanthropic vision and a missionary zeal, the campus is built to transform students into outstanding citizens. The University prides itself in contributing to every student's Holistic development. The University currently offers 24 Full-time Post Graduate Programmes, 5 Part-time Post Graduate Programmes, 21 Graduate Programmes, several Certificate/Diploma and Post graduate diploma programmes in Engineering, Architecture, Science & Technology, Commerce, Management Studies, Law, Arts & Humanities and Performing Arts. Above all, the University facilitates research leading to Doctoral Degrees in all disciplines. The programmes offered by REVA University are well planned and designed based on in depth analysis and research with emphasis on knowledge assimilation, practical applications, hands-on training, Global and industrial relevance and their social significance.

REVA University believes in preparing students through Choice Based Credit System (CBCS) and Continuous Assessment and Grading Pattern (CAGP) of education. The CBCE and CGPA pattern of education has been introduced in all programmes to facilitate students to opt for subjects of their choice in addition to the core subjects of the study and prepare them with required skills. It also provides opportunities for students to earn more credits and there by acquire additional Proficiency Certificates and Diplomas.

Bengaluru, India

ABOUT SCHOOL OF LEGAL STUDIES

The School of Legal Studies offers graduate and post graduate programs with an objective of preparing law professionals with a sound understanding of the foundations of legal knowledge. The School offers B.A., LL B (Hons.) and BBA, LL B (Hons.) of five year (10 semesters) duration and one year LLM in Business and Corporate Law. The School also undertakes various consultancy projects. Equipped with state-of-the-art infrastructure including Moot Court Hall, Legal Aid Clinic, library with variety of print and online resources, the School focuses on advancement and dissemination of knowledge of law and legal processes in the context of national development. The School, in addition to its well experienced and qualified law faculty members, regularly invites practicing lawyers and legal luminaries as adjunct faculty and guest faculty members to provide practical experience to students on latest judgments.

GENERAL RULES

1. ELIGIBILITY

- All universities, colleges, and institutions imparting legal education as regular courses in a programme of study that leads to a Bachelor's degree in law (LL.B), including Integrated Programmes or Masters in law (LL.M) are eligible to nominate teams for the Moot Court Championship. All students enrolled on a full time programme of study leading to or equivalent to a Bachelor's degree in law (LL.B), including Integrated Programmes or Masters in law (LL.M) are eligible to participate.

2. TEAM COMPOSITION

- Each participating university/college/institute shall nominate only one team consisting of three student members. The 3 members (two speakers and one researcher) composition is mandatory for participating in the Championship.

3. OFFICIAL LANGUAGE

- The official language of the Moot Court Championship is English.

4. DRESS CODE

- Participants shall be appropriately dressed for the rounds of the Championship. (Note- Robes and collar bands are not permitted.)
- The dress code for the inauguration, oral rounds and valedictory & prize distribution shall strictly be:
- For gentlemen- western formals (white formals shirt with black formal pants and a black blazer); and
- For ladies- western formals (white formal shirt with black formal pants and a black blazer) or Indian formals (white kurta with black pants and either a black waistcoat or black blazer).

5. REGISTRATION

- The registration is on “first come first basis”, with the cap limit for 16 teams.
- Only filled up Registration forms with details for provisional registration of the participating institutions/ teams shall be sent to revanationalmoot1@reva.edu.in on or before **15th September 2019.**
- Upon receipt of an e-mail confirming provisional registration from the Organising Committee, participants shall complete the registration formalities.
- Participants shall send the duly filled registration form soft copy/ scanned copy along with the scanned copy of online payment receipt to the Organising Committee on or before **20th September 2019.**
- The teams shall send hard copy of the duly filled-in registration form, travel and accommodation plan along with the hard copy of online payment receipt for Rs.3,000/- drawn in favour of “**REVA UNIVERSITY; Bank Name: THE KARNATAKA BANK LTD; A/C NO. 6662000100000901; Branch: REVA University Branch, Bengaluru; IFSC : KARB0000666**”, on or before **25th September 2019** through speed post or courier, to Prof. Jyothis Mary, School of Legal Studies, REVA University, Kattigenahali, Bengaluru: 560064.
- Teams that have completed registration in accordance with the above shall be assigned a team code. All further correspondence to the Organising Committee shall also specify the team code.
- No alteration in the team composition shall be permitted after the receipt of the registration form, except at the sole discretion of the Organising Committee.

6. CLARIFICATIONS

- Clarifications to the Moot Proposition shall be sought by sending an email to revanationalmoot1@reva.edu.in on or before **21st September 2019,** clarification sent after this date shall not be entertained at any cost. All the Clarifications shall be replied on or before **24th September 2019.**

7. RULES FOR THE PRELIMINARY ROUNDS

- Sixteen teams in the Championship will be divided by the Organising Committee into eight groups for preliminary rounds.
- The teams shall argue the case against each other; the opposing teams will be decided by a draw of lots prior to the commencement of rounds.
- In all rounds, each team will have the opportunity to argue only for one side either as Petitioner or Respondent.
- Time allotted for arguments will be 30 minutes for the Petitioner and 30 minutes for the Respondent. The time will be paused when the Judges pose a question to the speakers. The time taken to respond to the questions will be counted in the time allotted to the speakers.
- There will be time allotted for rebuttals. Each team will be allowed additional 5 minutes for rebuttals during the preliminary rounds.
- Both speakers of the team shall make oral presentations during the preliminary round. The presentations may be divided equally among the Moot Court participants.

8. RULES FOR THE QUARTER FINAL ROUNDS

- The top eight teams shall qualify to participate in the quarter finals. Selection will be based upon the marks awarded by the Organising Committee after the evaluation of written memorials added to the marks awarded by Judges for the oral presentations by teams during the preliminary rounds. The sides to be argued by the teams will be decided by a draw of lots prior to the commencement of the Quarter Finals rounds of the Championship.

9. RULES FOR THE SEMI FINAL ROUNDS

- The top four teams from the quarter-finals rounds shall qualify to participate in the Semi-Finals. Selection will be based upon the marks awarded by Judges for the oral presentations by teams during the Quarter-Finals rounds. The sides to be argued by the teams will be decided by a draw of lots prior to the commencement of the Semi Finals round of the Championship.

10. RULES FOR THE FINAL ROUND

- The top two teams from the Semi Final rounds will be selected to compete in the Final Round of the Moot Court Championship.
- The Final round of the Championship will take place during the second session of the final day of the Championship. The sides to be argued by the teams will be decided by a draw of lots prior to the commencement of the Final Round of the Championship. There shall be only one round of arguments by the final teams.
- Each team will be permitted to speak for a total of 40 minutes during the final round. There will be a warning bell at the end of 30 minutes and a final bell at the end of the allotted time.

11. MEMORIALS

- Each participating team shall prepare memorials for Petitioner as well as Respondent in English. All teams have to submit their soft copies to revanationalmoot1@reva.edu.in before 3rd October 2019. Failure to do so will result in disqualification from the Championship. Three hard copies of each memorial shall be submitted to the Organising Committee on 11 October 2019. During oral presentations, the participating teams should retain copies of their memorials for their personal use. The copies submitted to the Organising Committee will not be returned to the participants under any circumstances. There will be exchange of memorials between the teams during the Championship prior to the rounds. All memorials shall be prepared to the following specifications:
 - Memorials shall not be more than 25 typed pages.
 - Memorials must be typed and submitted on standard A4 size paper.
 - The memorials shall contain
 - a) Cover Page b) Table of contents c) Index of Authorities
 - b) Statement of Jurisdiction d) Statement of facts e) Statement of issues
 - c) Summary of Arguments e) Arguments Advanced f) Prayer

- Formatting Rules :
Page Size – A4
Font – Times New Roman
Font Size – 12 for the main text, headers and footers, 10 for the footnotes
Line Spacing – 1.5 for main text, headers and footers
For footnotes, single spacing between lines and double line spacing between two footnotes.
Margins – 1 inch on all sides
- All quotations of fifty words or more in any part of the memorial shall be block quoted and must be single-spaced.
- The Table of Contents, Index of Authorities and Cause Title are not included in the 25 typed pages limit.
- The memorials shall be paper bound. The cover paper page of the memorials for the petitioners shall be in blue and for the respondents in red. The two documents shall be marked as ‘Memorial for Petitioners’ and ‘Memorial for Respondents’ respectively along with their team codes in the centre of the cover page.
- The best researcher will be selected on the basis of memorial.

12. CRITERIA FOR ASSESSMENT

- The Memorial score of participants shall be calculated by taking the average of the score of the memorials for both sides.
- The memorials shall be screened for plagiarism.
- The criteria for memorial markings is as following:

CRITERIA	MARKS	DESCRIPTION
Knowledge of Law and Facts	10	Extent of research
Clarity, brevity and style	10	Ingenuity of thought, original thinking, distinguishing cases
Use of authorities and citations	10	
Writing and logical structuring	10	Strengths and weaknesses of the matter, alternate arguments, connecting facts and legal arguments
Presentation	10	Clear and concise writing style, organisation of arguments

- The criteria for oral rounds is as following:

CRITERIA	MARKS
Organisation and presentation	10
Knowledge and application of law	10
Responsiveness to questions	10
Advocacy (including articulation)	10
Courtroom etiquette (including dress code)	10

- The written memorials submitted by participating teams shall be evaluated by an expert(s) appointed by the Organising Committee and marks will be awarded for them.
- Penalties
Late Submission (Soft Submission): (-1) for every exceeding 24 hour period
Exceeding page limit: (-2) for every page exceeded
Disclosure of the team's institutional affiliation: (-1)
Violation of any other formatting rule or submission rule: (-2) per violation
- These marks will be taken into consideration, along with marks awarded by Judges for the teams during the oral presentation made by them, in the preliminary round of Championship.
- Winners of the final round will be selected based upon their oral performance during the final round of Championship, written memorial marks of the teams will not be taken into consideration to select the champions.

13. MISCELLANEOUS RULES OF THE CHAMPIONSHIP

- Upon completion of the Championship, the Organising Committee reserves the exclusive right to use the memorials submitted to them, as they deem appropriate.
- Participating teams should carry with them required study or reference materials for their own use during the oral rounds of Championship.
- Scouting is not permitted in the Championship in all the rounds.

- Participating teams shall be expected to maintain the proper decorum of the courtroom during the proceedings and shall conduct themselves in a manner befitting the legal profession.
- The Organising Committee reserves the right, at its sole discretion, to take appropriate action for any unethical, unprofessional and wrongful conduct during the entire period of the Moot Court Championship.
- The Organising Committee's decision as regards the interpretation of these rules or any other matters related to the Moot Court Championship shall be final and binding. If there is any situation, which is not covered by these rules, the decision of the Organising Committee shall be final.
- The Organising Committee is vested with the sole and absolute discretion to publish or not publish the scores of any of the oral rounds and memorials.
- The Organising Committee reserves the right to amend, modify or repeal any of the rules if so required and as they deem appropriate. Participating teams shall receive adequate notice of any/all such amendments or modifications to the rules and regulations.
- The Organising Committee shall not be held responsible for any loss or non-delivery of the memorials.

Bengaluru, India

14. QUESTIONS, COMPLAINTS AND SUGGESTIONS

- Any feedback concerning the organisation or conduct of the Moot Court Championship should be addressed formally, in writing, to Organising Committee at revanationalmoot1@reva.edu.in.