



# THE ICSI 6<sup>th</sup> ALL INDIA MOOT COURT COMPETITION 2008



## RULES AND REGULATIONS

### Introduction

Moot courts or mock trials are usually based on hypothetical cases involving emerging or unsettled areas of law.

#### **I. Aim and Purpose**

- a. To expose students pursuing the Company Secretaries Course to the nuances of court system in India and to hone advocacy skills.
- b. To provide a *real-life* experience cum training in doing cutting-edge research, presenting ground breaking arguments (oral and written) and contributing to the development of jurisprudence in the concerned area of laws.

#### **II. Subject, Date and Venue**

The ICSI – 6<sup>th</sup> All India Moot Court Competition 2008 will be held in two stages – Regional and National rounds, as per schedule below. The case for the competition will be available at the local chapters and also can be downloaded from the website of ICSI, [www.icsi.edu](http://www.icsi.edu)

Round	Dates				Venue
	Orientation (Friday)	Preliminary Rounds (Saturday)	Semi-final & final rounds (Sunday)	Send Registration form by †	
<b>East</b>	4 July 2008	5 July 2008	6 July 2008	25 June 2008	ICSI – EIRC Building 3-A Ahiripukur I lane Kolkatta 700 019 Ph: 033 - 2281 6541 / 2283 2973
<b>North</b>	11 July 2008	12 July 2008	13 July 2008	25 June 2008	ICSI-NIRC Building Plot No 4, Prasad Nagar Institutional Area Rajendra Place, New Delhi 110 005 Ph: 011 – 2576 3090 / 2576 7190
<b>South</b>	18 July 2008	19 July 2008	20 July 2008	25 June 2008	ICSI – SIRC House Old No 4 New No. 9, Wheat Crofts Road Nungambakkam, Chennai 600 034 Ph: 044 - 2822 2212 / 2827 9898
<b>West</b>	25 July 2008	26 July 2008	27 July 2008	25 June 2008	ICSI 13 Jolly Maker Chambers No II (1 <sup>st</sup> floor), Nariman Point, Mumbai 400 021 Ph: 022 – 2202 1826 / 2284 4073
<b>NATIONAL</b>	1 Aug 2008	2 Aug 2008	3 Aug 2008	*	ICSI, Mysore Chapter Behind Swami Vivekananda Hall SBRR Mahajana P U College Campus Jayalakshmpuram, Mysore 570 012 Ph: 0821 – 2516 065

† Registration form in the stipulated format should reach the Administrator latest by 6.00 p.m. of specified date

\*Winners and runners up of each regional round will automatically qualify and be registered for the finals. However even these winning teams shall submit additional 6 copies of Petitioner / Respondent memorials along with soft copy on a CD for the National rounds.

Each round will be held on a weekend. Registration will be at the venue on Friday evening at 5.00 p.m. The preliminary rounds will be held on Saturday, Semi Finals on Sunday morning and Finals on Sunday afternoon. Awards ceremony will be on Sunday evening. **The National Rounds will be held from 1 – 3 August 2008 (Friday, Saturday and Sunday).**

### **III. Dress code**

Formal wear

Ladies: Light coloured salwar, kurta, sari or pant/suit

Gentlemen: White shirt with tie and dark colored trousers

### **IV. Language**

The competition shall be in English.

### **V. Eligibility**

The competition is open only to registered students of the Institute of Company Secretaries of India (ICSI). Practicing Advocates, Chartered Accountants & Cost Accountants are not eligible to participate.

### **VI. Team Composition**

- a. Each team shall consist of a minimum of 2 and maximum of 4 members. This number cannot be modified under any circumstances. In case of students, who are also law students, (LLB or BL), the team must have a healthy combination of law students and non-law students in the ratio of 50:50. Atleast one speaker must be a non-law student. This provision envisages osmosis of talent and a level playing field for competing teams.
- b. There can be 2 speakers and 2 researchers designated in each team.
- c. However, teams have the option of designating two of their members (out of maximum of 4) to be speakers for the Petitioner and the other two speakers for the Respondent for the purpose of gaining experience. The team shall notify such an arrangement at the time of registration to the organizers and such arrangement cannot be modified during the competition under any circumstances. By this arrangement, the members may lose the chance of winning the best speaker and second best speaker award, as the awards are based on the total marks secured during the preliminary rounds only.
- d. Each team will have a team code and each participant shall be given an individual code. Teams shall not disclose their identity or that of their region / city etc.; such disclosure shall invite automatic penalties including disqualification. The administrator's decision in this matter shall be final.

### **VII. Registration**

Teams must register with the Administrator's office as per schedule given in Clause II. All communications should be marked as ICSI 6<sup>th</sup> All India MCC 2008 in the subject column and sent by fax / email / courier to the Administrator. The last date for registration is 25 June 2008.

### **VIII. Rounds**

The Regional and National rounds will each have preliminary, semi-final and final rounds of arguments. A quarter-final round may be held prior to the semi-finals, at the discretion of the Administrator.

#### **Preliminary Round**

- a. There will be two preliminary rounds of arguments per team - one for Petitioner & another for Respondent.
- b. Each team will face a different bench and different team in their second round of arguments.

- c. Registration, Orientation & draw of lots will be done in the evening (Saturday) before the preliminary rounds.
- d. Top four teams will qualify for the semifinals to be held on day two.
- e. Teams will be provided with their opponent's memorial after draw of lots.
- f. Return of the opponent's memorials to organizers immediately after the preliminary round is compulsory.

### **Semi Final and Final Rounds**

Qualification to the Semi Final Round will be based on win points. In case of a tie in the preliminary rounds, teams scoring the highest points will move into the Semi Final Rounds. The top four teams will proceed to semifinals. The semi finalists will be provided their opponent's memorials immediately after declaration of preliminary results in the evening of day 2 (Saturday)

### **IX. Memorials**

The following requirements must be strictly met. Non-conformities will be penalised:

- a. Each team must prepare memorials for both sides to the dispute (Petitioner and Respondent).
- b. The briefs shall be consistent with **Companies (Court) Rules, 1959**
- c. Once the memorials are submitted, no revisions, supplements, or additions will be allowed.
- d. Six (6) copies each of the memorials for Petitioner & Respondent + a soft copy on CD to be submitted at the venue on Saturday at 4.30 p.m. (before orientation). Both memorials can be copied in a single CD. Late receipt of memorials would be penalized.
- e. Memorials must be submitted on typed A 4 size paper printed on one side and must contain:
  - Table of contents
  - Index of authorities
  - Statement of jurisdiction
  - Statement of facts (1 page only. Submissions of an argumentative statement of facts would attract penalties)
  - Statement of issues
  - Summary of arguments
  - Arguments advanced (15 pages)
  - Prayer
- f. Arguments must not exceed 15 (fifteen) pages.
- g. Memorials shall be staple bound. Comb / spiral or any other binding shall not be accepted.
- h. Memorials must have a one-inch margin on all sides of each page. Font size should be 12 and double-spaced. Footnotes must be in font size 10, single-spaced and double-space left between two foot notes.
- i. Page numbering should be on the bottom middle side of each page.
- j. Covers must be placed on briefs as follows: **Petitioner: Blue Color, Respondent: Red Color.**

- k. The cover page of memorials must state the following
  - The cause title
  - Identify brief as Petitioner or Respondent.
- l. Identity of a team in any form shall not be revealed anywhere in the memorial. Instead the allotted team code numbers should be mentioned on the top right corner of the cover. Violation of this provision shall result in penalties including disqualification. The team codes will be provided during orientation. The Administrator's decision shall be final.
- m. The teams shall have an option to submit one separate paper book of not more than 25 pages (printed on both sides), which shall carry copies of relevant annexure(s), articles and case laws. The paper book shall have a white cover and 2 copies shall be submitted along with the memorials. Any identifying mark / seal on the paper book shall attract severe penalties including disqualification. The submission of this paper book **does not** necessarily entitle the team to any additional marks.

## **X. Oral Rounds**

In each oral round a team will be represented by two speakers who will present arguments and do the rebuttals / sur rebuttals – all within the prescribed time limit of that respective round.

### **Preliminary Rounds** (Total 30 + 30 = 60 minutes)

- a. Each team will get a total of 30 minutes to present their case. Every minute of extra time will attract automatic penalties. The time includes questioning by the judges.
- b. The division of this time is at the discretion of the team members, subject to a maximum all inclusive of 18 minutes per speaker. Division of time shall be informed to the organisers at the time of registration and cannot be altered at any subsequent stage of the preliminary rounds. Both speakers must compulsorily speak.
- c. The oral arguments need not be confined to the issues presented in the memorials.

### **Semi- final Rounds** (Total 50 + 50 = 100 minutes.)

- a. Each team will get a total of 50 minutes to present their case. The time includes questioning by the judges.
- b. The division of this time is at the discretion of the team members, subject to a maximum all inclusive of 30 minutes per speaker. Division of time shall be informed to the organisers at the time of announcement of the preliminary round results and cannot be altered at any subsequent stage of the competition.
- c. This will be a knockout round based only on the orals score.

### **Final Round**(Total 50 + 50 = 100 minutes)

- a. Each team will get a total of 50 minutes to present their case. The time includes questioning by the judges.
- b. The division of time shall be the same as that followed in the semi finals.
- c. This round will be decided only on the basis of the orals.

## **XI. Scouting**

- a. Teams will not be allowed to observe the orals of any other team(s). Scouting is strictly prohibited. Scouting by any of the teams will result in disqualification.
- b. Any team can file a written complaint with the Administrator, regarding a case of scouting. The Administrator's decision will be final.
- c. The researchers shall sit with the speakers at the time of the orals and shall not attend the court sessions of any other team participating in the competition.

## **XII. Scoring**

- a. Memorials will carry 30% and oral submissions will carry 70% of evaluation.
- b. Each preliminary round's total will be a sum of the oral scores for that round and the memorial scores.
- c. Semi-final and final rounds will be judged only on the basis of oral presentations.
- d. If two or more memorials are found to be verbatim reproduction of each other, no points will be awarded for either of the memorials.

### **A. Orals**

Parameters for judging on a scale of 0 – 140 points are:

- i. Knowledge of facts
- ii. Logic, reasoning and clarity
- iii. Persuasiveness
- iv. Deference to the court
- v. Proper and articulate analysis of the issues arising out of facts
- vi. Understanding of the laws directly applicable to the issues
- vii. Ingenuity (ability to argue by analogy from related aspects of law)

### **B. Written Submissions (Memorials)**

- a. Any revisions, supplements or additions to the memorials after submission shall attract severe penalties subject to the discretion of the Administrator.
- b. Parameters for judging on a scale of 0-60 points are:

- i. Logical progression of ideas
- ii. Originality in analysis and arguments
- iii. Effective use of headings to outline arguments
- iv. Understanding essential legal issues presented
- v. Focus on essential (not collateral) issues
- vi. Clear, concise and unambiguous writing style
- vii. Forceful and persuasive presentation
- viii. Integration of facts into legal argument
- ix. Understanding of strengths and weaknesses of case
- x. Discussion of viable alternative arguments
- xi. Understanding and analysis of authority
- xii. Proper use of citations and citation form
- xiii. Effective use of authority to support arguments
- xiv. Ability to distinguish adverse cases
- xv. Neatness, legibility, typos or format errors

- c. Non- compliance of rules mentioned in **Clause IX** shall attract penalties for each non-conformity.

### **XIII. Awards & Certificates**

#### **National Rounds**

- a. *Best Team of the Year Award* – Plaque and cash prize of Rs 20,000/-
- b. *Second Best Team of the Year Award* - Plaque and cash prize of Rs. 10,000/-
- c. *Corporate Lawyer of the Year* (best advocate) – Plaque and cash prize of Rs. 10,000/-  
(Based on the marks scored in the orals of preliminary rounds only)
- d. *Corporate Lawyer of the Year* (Runners up) – Plaque and cash prize of Rs. 5,000/-  
(Based on the marks scored in the orals of preliminary rounds only)
- e. *Best Memorial Award* – Plaque and cash prize of Rs. 10,000/-
- f. *Best Memorial Award* (Runners up) – Plaque and cash prize of Rs. 5,000/-
- g. All participants will get certificates of participation.
- h. Plaques / certificates / commendation letters may be given to other categories of winners also – at the discretion of the Administrator.
- i. Results and photographs of prize winners will be published in the institute journal.

#### **Regional rounds**

- a. *Best Team of the Region* – Plaque and cash prize of Rs 5,000/-
- b. *Second Best Team of the Region* - Plaque and cash prize of Rs. 2,500/-
- c. *Corporate Lawyer of the Region* (Best Advocate) - a Plaque and cash prize of Rs. 2,500/-  
(Based on the marks scored in the orals of preliminary rounds only)
- d. *Corporate Lawyer of the Region* (Runners up) - a Plaque and cash prize of Rs. 1,500/-  
(Based on the marks scored in the orals of preliminary rounds only)
- e. *Best Memorial Award* – Plaque and cash prize of Rs. 2,500/-
- f. *Best Memorial Award* (Runners up) – Plaque and cash prize of Rs. 1,500/-
- g. All participants will get certificates of participation.
- h. Plaques / certificates / commendation letters may be given to other categories of winners also – at the discretion of the Administrator.
- i. Results and photographs of prizewinners will be published in the institute journal.

### **XIV. Announcement of results**

Preliminary results will be announced on Saturday evening. Semi final results will be announced on Sunday afternoon shortly after the rounds get over. Final results and various awards for speakers, memorials, winners and runners-up etc. will be announced only during the awards ceremony on Sunday evening.

## **XV. Anonymity**

- a. Student counsel may introduce him / herself to the court in the usual manner and may also state their names. However, the team's regional or office or other affiliations shall not be revealed at any time to any of the judges before the awards ceremony.
- b. Further, all team members, coaches, advisors, and observers shall refrain from identifying a team at any time and in any manner, including, but not limited to, wearing any identifying items, such as badges, blazers or identifying material (such as books, logo or seal of the college, regional / chapter office).

## **XVI. Copyright**

- a. The copyright over the memorials submitted for participation in the competition is assigned by participants and shall also vest completely and fully in Surana & Surana International Attorneys, Chennai & The Institute of Company Secretaries of India, in lieu of full waiver of competition fees / charges. The participants shall certify in writing the originality of materials contained therein and shall be responsible for any claim or dispute arising out of the further use and exhibition of these materials.
- b. Further use and exhibition of these materials, electronically or otherwise, shall be the exclusive right of Surana & Surana International Attorneys, Chennai and Institute of Company Secretaries of India (who shall not be responsible for any liability to any person for any loss caused by errors or omissions in such material, or for the accuracy, completeness, or adequacy of the information contained in these materials).
- c. Publishing of these materials on affiliated websites such as [www.mootsite.com](http://www.mootsite.com), or [www.icsi.edu](http://www.icsi.edu) does not constitute consent to any use of this material for commercial redistribution in any manner whatsoever. However, links directing to the collection or individual pages are welcome.
- d. Top memorials may be displayed and / or distributed at (i) the annual / ICSI National Conference (ii) published on moot site.com

## **XVII. Accommodation and transport**

Accommodation and transport between the guesthouse / hotel and the competition venue for the participating teams will be provided by the respective regional chapters of ICSI.

## **XVIII. Miscellaneous**

1. Participants are required to maintain proper decorum in the court during competition. The administrators reserve the right to take appropriate action for any unethical, unprofessional or immoral conduct.
2. The administrator reserves the right to vary, alter, modify or repeal any of the above rules if so required and as they deem appropriate.

## **XIX. Administrator contact information:**

**Vinod Surana** LL.M (Cornell), PIL (Harvard), DIR & DM (LSE)  
Administrator, ICSI National Moot Court Competition  
International Law Center  
224, NSC Bose Road, Chennai 600 001  
Ph: 044 – 25381616 or 25390121; Fax: 044 – 2538 3339; E-mail: [mootcourt@lawindia.com](mailto:mootcourt@lawindia.com)  
Moot Coordinator: S. Ravichandran



Institute of Company  
Secretaries of India

## THE ICSI 6<sup>th</sup> ALL INDIA NATIONAL MOOT COURT COMPETITION 2008



Surana & Surana  
International Attorneys

Date:

### REGISTRATION FORM (Please fill in capital letters)

#### Undertaking

1. We hereby state that our participation complies with the rules and regulations of the competition.
2. We certify that the materials submitted are prepared by us and indemnify the organizers for any claim or dispute arising out of the further use and exhibition of these materials.

Name of the Institution and address (mention Chapter and Region)

Email:

Phone:

Name	C.S. Registration. No.	Signature
1.		
2.		
3.		
4.		

Seal & signature of the  
local ICSI chapter (for  
authentication)

(Completed form should reach Administrator by 25 June 2008)