

Kshitizz NGO presents



**THE THIRD WORLD MOOT  
COURT AND JUDGMENT  
WRITING COMPETITION**

KSHITIZZ

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## **About Kshitizz NGO**

Kshitizz (a Hindi word that meaning “Horizon”) is an NGO, formed by advocates, lawyers, and law students of premier legal institutions especially Damodaram Sanjivayya National Law University, Visakhapatnam. Change is more expensive than Gold and that is what we at Kshitizz are striving to achieve. We are trying not only to build community leaders but also a society that is progressive, self-sustained, and enlightened. It was created by the young, ambitious, and curious students with the aim of changing the world.

## **About the third world moot court and judgement writing competition**

The third-world moot court and judgement writing competition, launched by Kshitizz NGO is a first-of-its-kind competition, where the third world issues would be focused on. It would enable the participants to learn the nuances of different legal subjects and their practical applications, which would help them in refining their skills. The competition would also provide them with a platform to interact with dynamic professionals from the field, as well; thus, enhancing their exposure, further.

While learning the laws would be the primary focus of the competition, it would also strive towards sensitizing the participants on third-world issues so as to enable them in coming up with more sensitive and unique solutions, which would befit the third-world problems.

## Moot problem

Skypar homes limited and others

....Appellants

Vs.

Resident Welfare Association,

Skypar housing society, Ikaira

....Respondents

1. The Republic of Mendika is one of the most densely populated nations in the world. Land is scarce and the population of the nation is ever increasing. Due to the scarcity of land, people are investing in multi-layered skyscrapers, in most places within Mendika; especially in the metropolitan and cosmopolitan cities. Due to a surge in the demand of houses, the real estate sector has seen a major boom.
2. In wake of such high demand, several business houses have begun investing in the sector in the past decade. One such business house is the Skypar homes limited, which was involved in developing of a mega-housing society in a cosmopolitan city, named Ikaira. The housing society was initially planned to have ten towers hosting 50 houses each, a huge central park, two swimming pools, two shopping complexes, a health center and a gymnasium. All the amenities were to be shared by the residents of all the houses of the ten towers. The approval from the appropriate authorities were sought, and the construction activities began.

3. By the time of completion of the fourth tower, Skypar realized that the demand for houses was ever-increasing, mainly in the city of Ikaira, due to its booming software industry. So, it thought of modifying its plan and building two new towers with 80 houses each. Accordingly, these two towers, famously known as the Paired towers, would have 16 floors, as opposed to the other towers, which would have only ten. And these new towers' construction would reduce the size of the central park to 50 percent of its original size. This new plan was put up for approval from the authorities. Pending approval, Skypar had begun construction of the Paired towers.
4. It is noteworthy to mention here that the construction of the paired towers violated two major laws. Firstly, the Resident Welfare Act (RWA) which required that any change in the original plan, would require a consent from the resident welfare association, i.e., an association of persons who were already living or who had bought the flats from such developer or who had booked their flats therein. People had actually begun living in towers 1 to 3, but no information about the change in plan was given to them, at all. Secondly, the Fire safety regulations (FSR) were violated, because the regulations required that for towers having more than 10 floors, a minimum gap of 15 meters was to be maintained from all the adjoining towers, but the paired towers had a gap of 6 meters between themselves and 8 meters from the other towers. When the approval was being sought, the fire safety officer had flagged the concern around the non-adherence to the regulations, but Skypar didn't pay any heed to it.
5. Eventually, the authorities granted approval to the construction of the Paired towers, which were already 40% complete by then. The resident

welfare association was enraged by this and it filed a petition in the High Court of Amirana, the state in which Ikaira was situated. The high court looked into the case and found that there was a blatant violation of laws. It noted that,

*“Most of the construction activities in the recent times are pushed not only by the increasing market demand, but also by the unholy nexus between the developers and approving authorities. To gain some personal benefits, the officials who sit on the approvals, grant go-aheads, without considering the potential negative impacts of such developments on the people who would eventually inhabit such houses.”*

*“In case of a fire accident, the people cannot be effectively rescued due to lack of space between the towers. Obnoxious proximity between the towers would result in invasion of privacy of the residents. The lack of space would deny people of basic natural amenities, e.g., fresh air and sunlight. Further, not seeking consent of the resident welfare association shows the mala fide intention of the developer. Furthermore, when the developer failed to inform the association, at least the authorities are expected to have done the same; but they didn't bother either. If the executive puts up such a careless attitude, only God can save the people.”*

6. Having noted this, the High court ordered the demolition of the paired towers, within 120 days of its order. The court further noted the following:
  - i. That the demolition should in no way impact the other ten towers.
  - ii. That the demolition costs should be borne by Skypar completely.

- iii. That the demolition exercise should take place only after evacuating every individual residing within a radius of 2 kms, to a safe place.
  - iv. That the demolition should be properly monitored by the Ikaira Municipal Corporation along with the State Disaster Management authority.
  - v. That Skypar should pay back all monies it had taken from people for booking the flats in the paired towers, with 20% interest, within a period of 2 years.
7. Skypar homes limited was extremely saddened by the decision of the High court and appealed to the Supreme Court of Mendika, claiming that right to shelter is a fundamental right under Article 21 of the Constitution of Mendika, and demolishing as many as 160 houses would have a severe impact on housing of several families, especially in the current situation, where the prices of houses are soaring high and the land resource is reeling under pressure. It has further contended that such a large-scale demolition would impact the business, and the economic stature of the company, and hence would impact the livelihood of all those who are working with the company, for no fault of theirs. This becomes relevant as right to livelihood has also been declared as a part of right to life.
8. Simultaneously, an NGO named SANRAKSHAN filed a petition at the Supreme Court of Mendika, under Article 32 of its Constitution, claiming that such a large-scale demolition would severely impact the air quality, water quality and soil quality of the adjoining areas. It would create heaps of waste, the management of which would be a herculean task. The flora and fauna of the place would get impacted due to the emission of dust from the demolition exercise. And it is also a wastage of the natural

resources of the country. All of these would invariably have an impact of the environment of the Ikaira, and hence would impact the health and well-being of the people. Thus, it would violate their right to life.

9. All the petitions have been clubbed by the Hon'ble Supreme Court of Republic of Mendika and are pending before it. As a preventive step, the Supreme Court has injuncted the execution of the demolition, until the final disposal of the case.

**Note:**

- 1. *The laws of the Republic of Mendika are pari materia to the laws of India.***
- 2. *Students shall prepare memorials/arguments for both sides.***
- 3. *Students may frame their own issues.***

### **Important Dates:**

- Last date for registration- 10th April, 2023.
- Last date for seeking clarifications- 15th April, 2023.
- Last date for submission of memorandums (online)- 20th April, 2023.
- Last date of submission for the judgement writing competition- 25th April, 2023.
- Inauguration of the competition- 2<sup>nd</sup> June, 2023
- Preliminary rounds- 2<sup>nd</sup> June, 2023
- Quarter-final rounds- 3<sup>rd</sup> June, 2023
- Semi-final rounds- 3<sup>rd</sup> June, 2023
- Final round- 4<sup>th</sup> June, 2023
- Valedictory ceremony- 4<sup>th</sup> June, 2023



## **Rules and regulations for the moot court**

### **competition:**

- All participants are strictly required to adhere to the rules and regulations prescribed by the organising committee. Any non-adherence may result in disqualification of the team.
- In case of any conflict or doubt about the interpretation of any rule, the decision of the organising committee shall be final and binding.

### **Definitions:**

1. 'Bench'- The members who would be judging the oral rounds of the competition.
2. 'Clarifications'- The doubts, questions and other information sought by the registered participants, from the organising committee, within the specified deadline.
3. 'Competition'- The third-world moot court and judgement writing competition.
4. 'Court room'- The online platform where the oral rounds would be organised.
5. 'Moot problem'- The set of facts given out by the Organising committee, based on which the arguments must be framed, and judgement be written.
6. 'Organising committee'- The group of people responsible for conducting the competition.
7. 'Penalty'- The deductions imposed on the scores of the participating teams.

8. 'Scouting'- The action of gathering information about a competing team.
9. 'Speaker'- The participants presenting oral arguments in a round.
10. 'Team code'- The alpha-numeric code allotted to each team, which shall be used for their identification.

## **Language of the Competition**

The competition shall be conducted in English language only.

## **Eligibility for the Competition and Team Composition**

- Law students enrolled in 3 years LL.B. programmes or 5 years integrated law programmes from any BCI recognised institution are eligible to participate. Only one team is allowed to participate from each institution. No cross-institution teams shall be allowed to participate.
- Each team shall have three members, with two speakers and one researcher. The designation of each member should be clearly mentioned during the registration process. Upon registration, the teams shall not be allowed to change their memberships, under any circumstance.

## **Dress Code**

The participating teams must adhere to the following dress code, throughout the competition.

Males- White shirt, black trousers, black tie, black blazer, and black shoes.

Females- White salwar and kurta or white shirt and black trousers along with a black blazer and black shoes.

## Registration process

- Interested teams are allowed to register between 20th February, 2023 and 10th April, 2023.
- The teams must pay an amount of Rs. 999 only towards the registration. The payment can be made via UPI to **8688770152** mobile number or to the following details:  
**Name of account holder: Kshitizz NGO, Sabbavaram, Andhra Pradesh**  
**Account number: 283710100054585**  
**IFSC code: UBIN0828378**
- The teams must send in the details of each of their members, i.e., the name, phone number, email address, institutional affiliation, and role in the competition; along with a screenshot of the payment made to [competitions.kshitizz@gmail.com](mailto:competitions.kshitizz@gmail.com) for the purpose of registration.
- The participants will receive an official confirmation mail from organising committee indicating the 'Team Code' after 15th April, 2023. The teams must quote the allotted team code in all further communications with the organising committee.
- Registration fee once paid shall be non-refundable.

## Clarifications

- Every registered team is allowed to seek clarifications on the moot proposition by 15th April, 2023 by writing a mail to [competitions.kshitizz@gmail.com](mailto:competitions.kshitizz@gmail.com) , with the subject line “Clarifications on the moot proposition”.
- It is advised that the teams should write one mail regarding the clarifications sought, preferably by the first speaker, who shall be the point of communication between the organising committee and the team, for the purpose of the competition.

## Memorandum submission

All memorandums shall be compliant with the rules of the competition.

- Each registered team must prepare written submissions for both parties.
- The appellant’s memorandum should have a blue cover, while the respondent’s memorandum should have a red cover.
- Only soft copies are to be submitted in .doc/.docx format only. No submissions in .pdf format shall be accepted.
- The file name for each submission should be in the format- Teamcode\_Appellant or Teamcode\_Respondent
- All submissions must be made within the specified dates, failing in which the teams would be penalised at the rate of 5 marks per day, up to 2 days, only. Any submissions after 22<sup>nd</sup> April, 2023, 11:59 hours would not be accepted and the team would be disqualified.
- The submissions shall be mailed to [competitions.kshitizz@gmail.com](mailto:competitions.kshitizz@gmail.com), with the subject line “Submission of memorandum”.

- The memorandum shall contain the following pages only:
  - The cover page, which should include the case title, party represented, name and year of the competition, name of the court and the team code at the top right corner of the page.
  - Table of contents
  - Index of authorities
  - Statement of jurisdiction
  - Statement of facts
  - Statement of issues
  - Summary of arguments
  - Advanced arguments (which must be limited to a maximum of 20 pages only, for each side)
  - Prayer
- All submissions must be typed in A4 sized-sheets.
- All pages except the cover page should be paginated, with the page number occurring at the bottom right corner.
- The submissions should be in Times New Roman, 12 pts., 1.15 spaced. The footnotes should be in Times New Roman, 10 pts., single spaced.
- A uniform margin of 1 inch shall be maintained on all sides.
- All submissions must follow the Bluebook (20<sup>th</sup> edition) format of citation.
- The team shall not include any identifiable information (except the team code) in their written submissions, which if found, shall lead to disqualification of the team from the competition.

If any of the above listed items are found missing, it would invite upon the team a penalty of 2 marks.

## Oral rounds

- The competition shall consist of preliminary rounds, quarter-finals, semi-finals and finals.
- Every team shall be allotted a side during the preliminary round. Based on the marks obtained in the preliminary round, the top 8 teams shall be allowed to proceed for the quarter-finals. The top four teams from the quarter-finals shall move into the semi-finals and the top two teams therein, shall move into the final round.
- Each of these rounds shall take place on an online platform, the details of which shall be shared a day before the date of the competition.
- The side allotments for each round shall also be done a day before the date of the competition.
- Each team shall have a total of 25 minutes to present their case, and five minutes would be separately allotted for rebuttals and sur-rebuttals, if any. However, extension of time may be granted at the discretion of the judges, in all rounds; **except the preliminary rounds.**
- The teams appearing in the **final round** shall have a total of 35 minutes to present their case, and additional five minutes for rebuttals and sur-rebuttals. Further, extension of time may be granted at the discretion of the judges.
- Each team is free to distribute the time among its speakers, subject to a maximum of 12 minutes per speaker in all rounds (excepting final round), and a maximum of 20 minutes per speaker in the final round. The time allocation must be informed to the moderator, *a priori*.
- Strict adherence to court manners is a must.

- Any use of unparliamentary words would invite upon the teams, a penalty of 5 marks.
- In case of a tie, the team with higher memorandum scores shall proceed to the subsequent rounds.

## Marking criteria

### Memorandum

Knowledge of Law	30
Clarity in understanding of facts and issues	15
Extent of legal research and analysis	30
Grammar and Style	15
Referencing and citations	10

### Oral rounds

Application of laws to the facts	25
Use of relevant authorities	25
Articulation and presentation	20
Time management	10
Responsiveness to questions and rebuttals	10
Demeanour and mannerisms	10

## General Code of Conduct:

- All participants must ensure a strong internet connection. However, any disruptions should be intimated to the moderator within two minutes and the participant would be allowed to re-join within ten minutes.
- All the participants must keep their videos switched on throughout their rounds. The audios should be put on by the speakers only when they are speaking.
- The participants are expected to be in a silent environment devoid of background noise.
- No use of virtual backgrounds is allowed.
- Teams are strictly advised against the practice of scouting. Any team found guilty of the same shall be disqualified.
- The marks of the memorandum shall be used only if there is a tie, and to adjudge the best memorandum; and not for the oral rounds.
- The decision of the bench adjudging the oral round shall be final and binding.
- The organising committee reserves the right to amend or modify the rules of the competition at any point in time, with due intimation to the teams.
- If a team is of the perspective that any rule has been violated, they can contact the organising team within one hour of completion of the round, and the organising committee shall take action accordingly.
- Teams are strictly prohibited from interacting with the judges in a personal capacity, throughout the competition. They are also prohibited from taking any complaints to the judges. All such complaints should be addressed to the organising committee only.



## Awards

- Winning team- Rs. 5000/-
- Runner's up team- Rs. 3500/-
- Best speaker- Rs. 2000/-
- Best memorandum- Rs. 2000/-
- All participants shall be issued with a certificate of participation.



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## **Rules and regulations for the judgment writing competition**

This competition has been launched with the objective of inculcating among law students the art of writing lucid judgements. This would not only help them think clearer and write better; but also, would develop their critical thinking abilities. Since the participants would assume the role of a judge, they would be able to look at both sides of a problem and come out with a balanced outcome. Since the competition is focused on third-world issues, the students are required to view the problem at hand from a third-world perspective and come up with their judgements, though references to foreign case-laws isn't prohibited.

The problem for the judgement writing competition would be same as that of the moot court competition.

### **Important dates:**

- Last date for registration- 10th April, 2023.
- Last date for seeking clarifications- 15th April, 2023.
- Last date of submission for the judgement writing competition- 25th April, 2023.
- Declaration of result and Valedictory ceremony- 4<sup>th</sup> June, 2023.

The results of the judgement-writing competition would be declared in the valedictory ceremony held for the moot court competition.

## Language of the Competition

The competition shall be conducted in English language only.

## Eligibility for the Competition

Law students enrolled in 3 years LL.B. programmes or 5 years integrated law programmes from any BCI recognised institution are eligible to participate. Co-authorship up to two authors is allowed. Cross-institution authorships are welcome.

## Registration process

- Interested teams are allowed to register between 20<sup>th</sup> February, 2023 and 10<sup>th</sup> April, 2023.
- The teams must pay an amount of Rs. 300 only towards the registration. The payment can be made via UPI to **8688770152** mobile number or to the following details:

**Name of account holder: Kshitizz NGO, Sabbavaram, Andhra Pradesh**

**Account number: 283710100054585**

**IFSC code: UBIN0828378**

- **Co-authorship up to two persons is allowed, for each submission and each author has to register separately. [Ideally both the authors should register together].**

The author(s) must send in their details, i.e., the name, phone number, email address, and institutional affiliation; along with a screenshot of

the payment made to [competitions.kshitizz@gmail.com](mailto:competitions.kshitizz@gmail.com) for the purpose of registration. The registration fee is non-refundable.

- Upon registration, each author/ team shall be allotted a **code**, which shall be used by them in all further communications.

## Clarifications

Every registered author(s) is allowed to seek clarifications on the moot proposition by 15th April, 2023 by writing a mail to [competitions.kshitizz@gmail.com](mailto:competitions.kshitizz@gmail.com), with the subject line "Clarifications on the moot proposition". Mails seeking clarifications without the subject line will not be replied to.

## Submission guidelines

1. All submissions must be made by 11:59 hours on 25th April, 2023.
2. All submissions must be in A-4 sized sheets.
3. All submissions must be mailed to [competitions.kshitizz@gmail.com](mailto:competitions.kshitizz@gmail.com), with the subject line "Submission for the judgement writing competition". No offline submissions shall be accepted.
4. All submissions must be in Times New Roman 12 pts., 1.5 spaced for the body of the text; while references must be in Times New Roman 10 pts., single spaced. A uniform margin of 1 inch shall be maintained on all sides.
5. All submissions must follow the OSCOLA method of citation, for footnoting. Use of endnotes is prohibited.

6. The submissions must not exceed 4000 words, exclusive of citations.
7. All submissions must bear the name of the competition, name of the case and the allotted code (on the top right corner of the page) on the cover page.
8. No submission should reveal any other identifiable information, failing in which their submission would be disqualified.

## Evaluation

The submissions would be evaluated for the following:

Understanding and presentation of facts	15
Identification of relevant issues	20
Application of law to facts and the understanding of law	25
Use of authorities	25
Lucidness in writing	20
Viability and uniqueness of the judgement	15

## General rules of the competition

- For every non-adherence to the rules prescribed, the submission would invite a penalty of 1 mark.
- Every submission shall go through a check for plagiarism, and plagiarism is allowed up to an extent of 15% only. Any breach of this limit would invite penalties, i.e., 2 marks would be deducted for every extra percentage of plagiarism.
- All submissions must contain the allotted code only as the file name.

- Submissions must be made in .doc/.docx format only. No submissions in .pdf format shall be accepted.
- In the event of a tie, the submission having more originality i.e., lesser plagiarism percentage would be given an upper hand.

## Awards

- Winner- Rs. 1500
- First Runner's Up- Rs. 1200
- Second Runner's Up- Rs. 1000

A certificate of participation shall be issued to every participant.

Website: [www.kshitizz.com](http://www.kshitizz.com)

Email: [competitions.kshitizz@gmail.com](mailto:competitions.kshitizz@gmail.com)