

# **SCHOOL OF LAW, GALGOTIAS UNIVERSITY**

## **MOOT COURT POLICY 2019-20**

### **CHAPTER I: PRELIMINARY**

#### **Clause 1: Short title, extent and commencement of the Policy**

1.1 This policy shall be called as “SOL MOOT COURT POLICY”.

1.2 The policy shall be applicable to all the students of School of Law, Galgotias University.

1.3 The policy shall come into force with effect from 1st September 2019.

1.4 The policy shall extend to all the Moot Court and Trial Advocacy competitions organized or participated by the students of the School of Law, Galgotias University (even if they are organized as part of a cultural fest or like event) for which the SOL has received or has obtained an invitation from the Host University/ College/ Institution.

#### **Clause 2: Definitions**

2.1 “Academic Leave” means the number of leaves granted by the SOL as provided by Clause 19 of the Policy, to the team representing the SOL at any National or International Moot Court Competitions.

2.1.1 “Academic Year” means the annual period, consisting of two semesters, during which the Institute holds its classes inclusive of the internship periods and it generally commences from July and extends to June or as revised from time to time by way of notifications by the administration of the University.

2.2 “Society” means the Moot Court Society responsible for the administration of moot courts with respect to allocation of moots and participation of teams in the allocated competition, constituted under this Policy.

2.3 “Dean” means the Dean, School of Law, Galgotias University.

2.4 “External Moot Court Competition” means any national or international moot court competition organizer which has chosen School of Law, Galgotias University as a partner organization to host or organize an event in a given academic year.

2.5 “Faculty Coordinator” means any faculty appointed by the Dean including the Faculty Moot Court Coordinator and can be more than one as per the discretion of the HOI.

2.6 “SOL” means the School of Law, Galgotias University.

2.7 “Intra Murals” shall mean to be the Intra SOL Moot Court Competition organized in an Academic Year by the Society to form a panel of students selected to represent the SOL in National and International Inter-university Moot Court Competitions.

2.8 “Novice Moot Court Competition” means Intra Murals exclusively for the first year students of the SOL for the purpose of constituting a separate panel for the first year students.

2.9 “Moot Application Form” means the application form to be submitted to the SOL for obtaining permission to represent the SOL, for obtaining Academic Leaves and Exemptions in internal assessment exams but not Mid-term or End-Term Exams.

2.10 “Open Challenger” means a challenger round to a particular set of Moot Court Competitions as identified and notified by the Moot Court Society, to be organized in the manner as stipulated by the Policy.

2.11 “Panel” means a group of students selected by the Society through Intra Murals for representing the SOL in National and International inter-varsity Moot Court Competitions.

2.12 “Participating Team” will be a team participating in any National or International inter-varsity Moot Court Competition representing the Institute for which the Institute has received or has obtained an invitation and has received confirmation of the same from the Host University/ College/ Institution within the same Academic Year.

2.13 “Policy” means the SOL Moot Court Policy.

2.14 “Registration Form” shall mean the form required to be filled in by the host University/Institute with approval from the Dean.

2.15 “Student Member” means any student who is a part of the Moot Court Society of the SOL selected in accordance with Clause 7 of the Policy.

2.16 “Team” means a team consisting of at least 3 members or a maximum of 6 members in case of a national/international moot court competition or more in certain exceptional circumstances as set out in Clause 18.3, of which at least two members shall be designated as Oralists and one or more members, as the case may be, shall be designated as Researcher(s).

## **CHAPTER II: MOOT COURT SOCIETY**

### **Clause 3: Moot Court Society**

3.1 The SOL shall constitute a Society to be called as the “Moot Court Society” to exercise such powers and perform such functions as may be conferred on or assigned to it under this Policy.

3.2 Moot Court Society shall consist of a Core Committee comprising of Faculty members

and Student office bearers and 4 sub-committees comprising of student bodies working under the it.

3.3 The 4 Sub-committees within the Core Committee shall consist of Planning and Organising Committee, Exemption Affairs Committee, Record Keeping and List Updation Committee, and Mentorship and Student Godfather Appointment Committee.

3.3 The society shall exercise such powers and perform such functions as may be conferred on or assigned to it under this Policy for the organizing of any National or International inter- varsity Moot Court Competition.

3.4 The Society is responsible for organizing the Novice Moot Court Competition as provided under Clause 2.8 of the Moot Court Policy.

#### **Clause 4: Members of Moot Court Society**

4.1 The Society shall consist of one Faculty Coordinator who shall head the said Society, Faculty Co-Coordinator (s) and Student Members.

4.2 The faculty Coordinator in consultation with the Dean shall appoint as many other office bearers as is deemed necessary for proper functioning of the Society.

4.3 The Core Committee shall consist of a Student Advisor from 4<sup>th</sup> or 5<sup>th</sup> Year, a Student Coordinator, Student Co-coordinator (s) and other student members.

4.4 Each Sub-Committee shall comprise 1 student committee head and such student members as required.

#### **Clause 5: Number of Student Members in Moot Court Society**

5.1 The Student Members shall be selected by a Selection Committee to be presided over by the Chairperson of the Society and consisting of such persons as directed by the Dean.

5.2 The Society shall have at least one representative from each Semester as a student member of the Society.

Provided that there shall not be more than 3 student members selected in the Society from the batch of first semester.

#### **Clause 6: Eligibility Criteria for Student Members**

6.1 Any student having good organization and management skills may be preferred as a member of the Society.

6.2 No student shall be eligible for becoming a member of the Society, if he/she is willing

and interested in participating in the Intra Murals or Open Challengers to the Moot Court Competitions organized by the Institute in the respective academic year.

**Clause 7: Selection Procedure for Student Members**

7.1 The Student Members shall be selected by a Selection Committee, consisting of Faculty Coordinator and the office bearers of the committee.

7.2 The interested students shall place an application before the Selection Committee within the time specified in the Notice placed for the composition of Moot Court Society.

7.3 The application shall be addressed to the concerned Faculty Coordinator.

7.4 The application shall contain justification for the selection in the Society and the same may be supported by requisite Certificates.

7.5 The Selection Committee shall scrutinize the application and short-list the students for the interview.

7.6 The shortlisted students shall be interviewed by the Selection Committee and shall accordingly finalize the Student Members for the Moot Court Committee.

7.7 The decision of the Selection Committee shall be final and binding.

**Clause 8: Functions of Moot Court Society**

8.1 The Society shall organize Intra Murals and Open Challengers to the Moot Court Competitions.

8.2 The Society shall be responsible for identifying National and International Moot Court Competitions for participation by the SOL.

8.3 The Society shall provide all the necessary assistance to the teams selected for the identified Moot Court Competition.

8.4 The Society may organize a Moot Orientation Programme as per requirement for the first year students.

8.6 The Society shall organize expert lectures on Moot Court and Mooting Skills from time to time.

8.7 The Society may hold bi-monthly or monthly meetings, on such day, as may be decided by the appropriate authority.

8.8 The Society shall keep proper records of all the moot court activities.

8.9 The Society must ensure utmost transparency, fairness and non-arbitrariness in the execution of all its functions.

8.10 The Society must carry out all the above-mentioned and such other functions to promote

the moot court culture and to thrive towards excellence in such moot court skills.

**Clause 9: Removal of a Student Member from the Society**

9.1 The membership of any Student Member shall be terminated who engages in activities in violation to the provisions of this policy.

Provided that such a decision shall be taken only after following due procedure and giving a fair chance of hearing to the defaulting student.

9.2 Membership may also be terminated when any Student Member does not appear for two consecutive meetings without prior intimation in writing or by e-mail to the Faculty Coordinator and/or the Chairperson of the Moot Court Society or any valid reason in the case of emergency.

9.3 Once terminated he/she will no longer be a part of the Society and must stop exercising all official powers and functions thereof.

9.4 In case the member is found guilty of misconduct, he/she may be debarred from obtaining the membership of the Society for all time in the future.

**Clause 10: Term of Student Members of Moot Court Society**

The term of Student Members of the Society shall be one academic year and they shall be eligible for re-appointment in the society.

**CHAPTER III: MOOT COURT COMPETITION INTRA MURALS**

**Clause 15: Organizing of Intra Murals**

15.1 The Moot Court Society shall organize Intra Murals for the students of the SOL, in accordance with this Policy.

15.2 There will be only one Intra Mural for all students (excluding 1<sup>st</sup> year) interested to represent the SOL at various national and international inter-varsity moot court competitions.

15.3 The Intra Murals will be held as far as possible within the first month of the beginning of even/odd semester as the case may be after the constitution of the Moot Court Society.

15.4 The student members will provide all aid and necessary support in the organizing of the Intra Murals, however, they will not have any role to play with respect to the management of mark-sheets and scores of various participants and any violation thereof would lead to immediate disqualification from the Society as well as from participation in any inter-university moot court competition for two subsequent years and any other disciplinary action

that may be found necessary on a case to case basis.

15.5 The Faculty Coordinator of the Moot Court Society of the previous academic year shall be responsible for having a moot court problem prepared by an internal or external faculty, expert or resource person and such person shall be bound not to aid or advise anyone on the subject of the problem.

15.6 The Moot Court Society shall release the moot court problem by e-mail notification and by way of a notice on the official notice board of the SOL during the vacation/internship time of the students so as to enable them to research on the moot problem.

#### **Clause 16: Participation in the Intra Murals**

16.1 All the students of the Institute, except the students of first years, may participate in the Intra Murals organized by the Institute, as a team. The team for the participation in the Intra Moot Court Competition shall consist of three members.

16.2 All students who wish to participate must register their names by way of signature or online registration as the case may be in the file maintained for the same with the concerned Faculty Coordinator after the date of notification of the same.

16.3 If any team who wishes to withdraw from the /participation may do so within the stipulated time period.

16.4 Each team will be required to prepare only one side of the memorial as stipulated by the Society by way of an e-mail notification. The allocation of side will be decided by a simple method of alternate allocation of a side to every team as per the order of registration or as otherwise stipulated.

16.4 The participation in the Intra Murals shall be subject to the rules of the Intra Murals framed by the Society from time to time.

#### **Clause 17: Selection of teams from the Intra Murals**

17.1 Top specified teams, as per the merit list, from the Intra Moot Court Competition shall constitute the Panel for that semester with the purpose of representing the SOL in different National and International Moot Court Competitions held during the academic year, respectively.

13.2 The remaining teams may also represent the SOL in various Moot Court Competitions held during the academic year, provided all the teams in the Panel have been allotted a particular Moot Court Competition.

## **Clause 18: Allocation of National and International Moot Court Competitions**

### **National and International moots:**

18.1 For every national moot invitation that the SOL receives and notifies, every registered team will have the equal right to claim to participate in the same based on their position in the rank list i.e. the team ranked higher will exercise the right to choose or reject participation at the first instance.

18.2 For every international moot invitation that the Institute receives and notifies, just like the rule laid down in 18.1 above, every registered team will have the equal right to claim to participate in the same based on their position in the rank list i.e. the team ranked higher will exercise the right to choose or reject participation at the first instance.

18.3 For certain competitions for which the SOL does not receive direct invitations as well as other prestigious competitions, the Institute may identify a list of such competitions in which the Institute will participate.

### **International Moots requiring participation of more than three members:**

18.4 In case of certain international moot court competitions which require more than three or where the Moot Court Society mandates participation of more than three members, two or more teams may be permitted to participate together. For teams that require to take teams not in multiples of three, they must choose from the Panel of students.

If more than one claim to participate is received by the Society to participate in the said competition, then the same method of lowest sum-highest rank after adding the rank-numbers of each participant of a team will be applicable. In case claims are made by teams of different sizes, then for the purposes of the selection, the rank of the higher ranked team in a group of six or more will be taken. (The Moot Court Society will prepare a fresh rank list only for teams claiming to participate in such an international moot court competition where the number of participants are more than three and proceed to allocate as per the procedure discussed above and illustrated below.)

However, after the completion of the first round of participation, the Dean on the recommendation of the Faculty Coordinator and/or Chairperson of the Moot Court Society by way of issuing a corrigendum may select candidates or teams and allocate them certain moot court competitions out of turn based on their performance at events at the previous instance.

There may be a situation wherein, certain teams may not want to take up the opportunity to participate at the very first instance and a particular moot would go unrepresented by the Institute. In such circumstances, despite there being teams who have not yet exhausted their first chance will be by-passed to make the offer to those who have not yet participated as per

the regular procedure described in 18.1, 18.2 and 18.3 above.

**Clause 19: Allocation of Moot Court under Exceptional Circumstances**

The Society shall have the sole discretion in allocating a Moot Court Competition to a team whose previously allocated Moot Court Competition has been cancelled without any fault on their part.

*Explanation:* For the purpose of this Policy, negotiation, client Counseling, Arbitration Competitions and any other mock alternate dispute resolution competitions shall be deemed to be Moot Court Competitions.

**Clause 20: Allocation of Moot Court Competition in case of Team Split**

In case of a split in the team which has been selected as a team and/or allocated a particular Moot Court Competition wherein one member wishes to leave the team or is unable to continue with the team due to unavoidable circumstances, then the other two members may participate themselves as a team of two or induct a new member from the Panel with the prior approval of the Society.

**CHAPTER IV: PARTICIPATION PROCEDURE**

**Clause 21: Registration & Confirmation of a Team**

21.1 After the allocation of a Moot Court Competition, the Team shall fill up the registration form provided by the University hosting the particular Moot Court Competition, and submit the same to the Moot Court Society, at the earliest instance.

21.2 The Faculty Coordinator shall put his/her signature with the respective date on the particulars including Team Rank, Actual Dates of participation, Academic Leaves sought and over any other particular which the Faculty Coordinator may so deem it fit.

21.3 On the approval of the Faculty Coordinator, the teams shall place the form to be approved by the Dean. Once the Dean approves the registration form, the teams shall submit a copy to the Faculty Coordinator for his/her reference and record.

21.4 Notwithstanding anything contained in Clause 21.2 and Clause 21.3, if the registration form so requires the approval of the Dean in less than 48 hours, the Moot Court Society Coordinator may directly place the form to be approved by the Dean.

21.3 The team shall be deemed to be a registered participant only when the following conditions are satisfied:



(a) A confirmation of the team is received from the University hosting the particular Moot Court Competition,

(b) The team has been cleared to participate by the screening authority designated in that behalf by the Dean or the Faculty Coordinator of the Moot Court Society. In some instances, the screening may happen almost prior to the actual moot court competition and therefore the teams should take due care and caution to have their respective screenings conducted sufficiently in advance to prevent unnecessary expenses arising owing cancellation of their participation by the Moot Court Society.

21.4 The teams shall conduct their research in the designated area in the library for Moot Court Participants and shall mark their attendance in the Attendance Register maintained by the Librarian

### **Clause 22: Sanctioning the Moot Application Form**

22.1 The Society shall cause the sanctioning of a Moot Application Form for every team, which has been registered in a particular Competition, by procuring the sanctioning of the same by the Dean.

22.2 The Moot Application Form is a comprehensive form which includes all the grant of benefits regarding Projects, assignments and academic leave as specified under Chapter V and Chapter VI of the Policy and is a pre-requisite for opening of a Moot Account in the library in the name of the team.

### **Clause 23: Procedure for procuring Academic leave**

23.1 The grant of Academic leave for the preparation period shall be included in the Moot Application Form. No separate application is required to be written and submitted to the Society.

23.2 After the grant of Academic leave by the Dean, the concerned students shall collect the same from the Faculty Coordinator of the Moot Court Society and shall keep the original application form with them and submit a photocopy to the Faculty Coordinator of the Moot Court Society.

### **Clause 24: Memorial Submissions and Screening**

24.1 Each participating team has to submit a hard copy of their memorials to the Moot Court Society 5 days prior to the actual date of memorial submission, for the purpose of scrutiny.

Provided where the time for preparation of memorials is very less, the Chairperson of the

Society in consultation with the Faculty Coordinator may relax the rule on a request made by a particular team.

24.2 The memorials shall be scrutinized by a committee consisting of a faculty having expert knowledge in the subject area of the respective moot, and Faculty Coordinator of the Moot Court Society or by any such other person as may be directed by the HoI.

24.3 Such Committee or person shall advise and suggest amendments necessary in the memorial submitted to the team, and the team shall incorporate the same to the fullest possible extent.

24.4 All the teams are mandatorily required to give a Mock Pre-Moot of their oral pleadings before the actual Moot Competition and after submission of their memorials (hard-copy) to the SOL.

24.5 The teams shall first give a Mock Pre-Moot to the Students Bench which shall consist of students having considerable mooting experience. Secondly, the teams shall give a Mock Pre-Moot to the Faculty Bench and lastly the teams shall give a Mock Pre-Moot to the Dean, SOL. Only after clearing all the three rounds, shall the team be entitled to participate in their respective Moot Court Competition.

#### **Clause 25: Sharing of Experience**

25.1 After returning from the Moot Court Competition, the teams shall make sincere efforts to share their experience among the students of the SOL.

25.2 The team shall also submit a written report (in soft copy by e-mailing it to [mootcourtsociety@galgotiasuniversity.edu.in](mailto:mootcourtsociety@galgotiasuniversity.edu.in) and hard copy) of their experience to the Society within 5 working days of their return.

25.3 The team may also suggest any amendments or alteration to the Moot Court Policy depending upon their experience and exposure, in the report itself.

### **CHAPTER V: ACADEMIC EXEMPTIONS**

#### **Clause 30: Academic Leave for the participating teams**

30.1 The Teams shall be given academic leave of a maximum of 10 working days for moot court competitions (irrespective of the number of moots that a team and its members may be eligible to participate or have participated in one academic year as per this policy) in one academic year, for the purpose of preparation of memorials and oral pleadings. The aforementioned 10 days, excludes the academic leave granted for the actual days of traveling

and actual days of competition.

*Explanation:* For the purpose of this Clause, the academic leave of 10 working days need not be consecutive in nature.

30.2 The teams may be given further exemption by the Dean, as he/she may deem fit, on the recommendation of the Moot Court Society and the appropriate authority, based on the requirements of research and the efforts put in by the team.

### **Clause 31: Academic Exemption regarding Examinations, Assignments, etc.**

31.1 The Participating Team may be provided exemption Project Submissions or exemptions in any other academic activity such as attending public lectures, seminars, etc., by the Dean, SOL when clashing with the Academic leave provided under Clause 30 and/or the actual days of travelling and the actual days of Moot Court Competition.

31.2 For the purpose of facilitating the participating teams in effectively preparing for their respective Competitions, the respective Course-Coordinators shall make a list of all the students who have their term-assignments clashing with the exemption period and/or the actual days of travelling and the actual days of Moot Court Competition, because of participation in a Moot Court Competition under this Policy.

31.3 The members of the teams including additional members (if any) as inducted as per Clause 18.3 of this Policy alone are eligible to be granted exemption from submission of Project, in any one subject, in an ongoing semester and submit the respective memorials, in lieu of any one of the projects. The memorials shall be evaluated by the committee consisting of a faculty having expert knowledge in the subject area of the respective moot, and faculty coordinator of the Moot Court Society or by any such other person as may be directed by the Dean, SOL.

## **CHAPTER VI: SELECTION OF COACHES AND STUDENT MENTORS**

### **Clause 32: Guidelines for the selection of the Coach, Faculty Research Guides and Student Mentors**

32.1 Teams are permitted to include students in their Team as Coaches, for their guidance, provided the same is permitted by the rules of the concerned Moot Court Competition, at the instance of the Moot Court Society.

32.2 Teams are permitted to propose a name of a student for the position of Coach, on the basis of experience of the concerned student in the National and International Moot Court

Competitions, as the case may be.

32.3 Coach once selected shall not be permitted to be changed, unless under exceptional circumstances, with due permission from the Dean.

32.4 Coach shall not be permitted to substitute any member of the team (Mooter/Researcher) during the Moot Court Competition, under any circumstances.

32.5 Practicing Advocates/Faculty Members/Alumni of the SOL or any other Institution, etc. may be permitted to be appointed as Coach for the team having regard to his/her expertise, after due authorization from the Moot Court Society.

32.6 A student mentor will be appointed after due approval by the concerned Faculty Member and/or Moot Court Society in all circumstances. In ordinary cases, such student mentors would have had some qualified moot court experience and are relatively experienced to the team members as far as possible.

32.7 A list of Faculty Research Guides with respect to their area of specialisation will be prepared by the MCS and circulated to the teams to guide them in their research and the teams shall report submit their research report to their respective Faculty Research guide.

## **Chapter VII: Conclusive Authority**

### **Clause 33: Relief**

With the objective of promoting mooting in the SOL, the Dean being the conclusive authority may exercise discretion on the recommendation of the Moot Court Society and its Faculty Coordinator to grant any appropriate relief to the teams, as it may deem fit. The Dean may also change or modify or amend the Policy as he/she may deem fit.

### **Clause 34: Penalty**

Members of a team, who fail to fulfill their obligations as stated in this Policy, may be debarred from participating in any moots for one academic year or/and any further action which may deem appropriate, by the sanction of the Dean.