



TAMILNADU STATE MOOT COMMITTEE

Under the aegis of

DIRECTORATE OF LEGAL STUDIES

conducts

INTER - COLLEGIATE MOOT COURT COMPETITION (ENGLISH)

04TH - 07TH JANUARY 2024



**ORGANISED BY
GOVERNMENT LAW COLLEGE
DHARMAPURI**

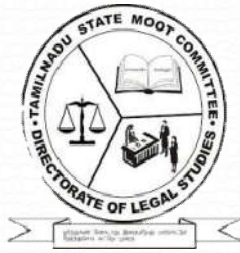
OFFICIAL INVITE

We, The Government Law College Dharmapuri, takes immense pride and pleasure to inviting you to the State Level Inter-Collegiate English Moot Court Competition, tentatively scheduled from 04th to 07th January 2024 at our college. This moot proposition is based on International Law. The Rounds will be adjudged by the sitting and retired Judges, Legal Luminaries and Legal Experts. The Moot Proposition, Rules of the Competition, Registration Form and the Event Schedule are annexed herewith. We invite one team (Students of 3 years/ 5 years Law courses) comprising of 3 members (Two Speakers & One Researcher) from your esteemed institution.

Interested institutions are requested to register provisionally of their participation through Google Form link <https://forms.gle/nRsabhTFJicjiSVD7>

We wish the participating team, good luck and looking forward for your participation and co-operation.

Principal
Government Law College,
Dharmapuri



The Directorate of Legal Studies, Chennai

The Directorate of Legal Studies is the Premier Legal Institution which brought vital changes in the set-up of Legal Education in the state of Tamil Nadu. It was established in the year 1953 with the twin objectives of administration of Law Colleges and improving the standard of Legal Education in the state of Tamil Nadu by framing new policies and rules. The creation of this Department paved the way for getting an advance Legal Education to poor and downtrodden people in the State of Tamil Nadu with the sustained support of the Government of Tamil Nadu, The Judiciary, The Bar council of India, University Grants Commission and the Bar Council of Tamil Nadu, the Department has been able to scale greater height in terms of qualitative as well as quantitative Legal Education in the State. It has a vision of establishing new Law Colleges in different parts of the State of Tamil Nadu so as to cater to the needs of the Bar, Bench and the society.

TAMILNADU STATE MOOT COMMITTEE

PATRON

Prof. (Dr.) J. Vijayalakshmi
Director of Legal Studies.

CHAIRMAN

Prof. (Dr.) N. Kayalvizhi,
Principal,
Chennai Dr. Ambedkar Government Law College, Pattaripermpudur.

ADDL. CO-ORDINATORS

Dr. S. Durga Lakshmi
Principal (FAC),
Government Law College, Salem.

Dr. N. Ramapiran Ranjith Singh,
Principal (FAC),
Government Law College, Karaikudi.

MEMBERS

Dr. P. Sivathas,
Principal (FAC),
Government Law College,
Dharmapuri

Thiru. X. Inbasekaran,
Assistant Professor,
Government Law College,
Thiruchirapalli.

Dr. B. Muthu Kumar,
Assistant Professor,
Government Law college
Ramnathapuram

Tmt. V. Vijayashri,
Assistant Professor
Chennai Dr. Ambedkar Government
Law College, Pudupakkam.

Thiru. M. Pranov Vishnu Arjun
Assistant Professor,
Government Law College,
Coimbatore

Dr. V. Ramya,
Assistant Professor
Government Law College,
Vellore.

INTER-COLLEGIATE MOOT COURT COMPETITION (ENGLISH) - 2024

The State Level Moot Court Competitions is funded by the Government of Tamil Nadu, conducted by the Tamil Nadu State Moot Committee under the aegis of the Directorate of Legal Studies and organized by the Government Law College, Dharmapuri. This Competition is conducted among the law students of Government Law Colleges in the State of TamilNadu.



Government Law College, Dharmapuri

The newly flourished, Government Law College Dharmapuri, itself reflects the historical nature of Adhiyaman's Fortress. Our institution is prepared to set free the legal legends with flying colors. The penultimate nitty-gritty of our college exists to maintain the standard of the law students in all perspectives and most accurately to construct the exponentials in law and why in justice. The untiring teaching and non-teaching staffs contributes their full-fledged service, to excel the law students in academic activities and to maintain the dignity and decorum of the institution. In order to innovate our students in the digital era, the enthusiastically-serving legal faculties are inculcating the emanating technological academic ideas and comprehensive legal aspects. As an auspicious law student, enlightens and excels the legal institution and an entity of social transformation too, the ultimate view of our institution symbolizes "justice, equality and unbiased". As a student-centric institution Government Law College, Dharmapuri takes immense pleasure and honor in organizing this MOOT COURT COMPETITION - 2024

TENTATIVE EVENT SCHEDULE	
Opening of the competition and release of Moot Problem	19.12.2023
Last date for Registration via Google Form	28.12.2023
Submission of soft copy of the Memorial	02.01.2024
Day one Desk registration and Submission of Hard copies of the memorial	04.01.2024 TO 07.01.2024*
Researcher test	
Inauguration & Draw of Lots	
Day two Preliminary rounds (I & II) & Quarter finals of Moot competition	
Day Three Semifinals, finals & Valedictory	

*** Exact dates will be intimated shortly through e-mail.**



THE DIRECTORATE OF LEGAL STUDIES

CHENNAI

**OFFICIAL RULES OF
THE STATE MOOT COURT COMPETITION(2023 – 2024)**

**Prepared by
THE TAMIL NADU STATE MOOT COMMITTEE
&
THE ORGANISING COMMITTEE**



1. DEFINITIONS

- i. **Advanced Round** refers to the Quarter-finals, Semi-finals and Final rounds of the Competition.
- ii. **Clarifications** refer to the clarifications and corrections to the Moot Problem/Rules issued by the Host College/Organizing Committee.
- iii. **Competition** refers to the State Level Moot Court Competition to be conducted by the Directorate of Legal Studies.
- iv. **Memorial** refers to the written arguments (Hard / Soft Copies) submitted, on behalf of both the Parties, in accordance with the Rules by each team. Memorials may also be referred as "Written Submissions".
- v. **Official Website** refers to the website www.tndls.ac.in
- vi. **Oral Rounds** refer to a team pleadings submitted orally by both the Speakers before the Judge(s) on behalf of either one of the Parties, allotted by the Organizing Committee through lot or Fixture system.
- vii. **Organizing Committee ("OC")** means the State Moot Committee for the purpose of supervision of conducting State Moot Court Competition and for the other purpose; Host College shall be the organizing committee.
- viii. **Plagiarism** means and includes,
 - a) Representation of someone's ideas or words mentioned in books, articles or any other sources as one's own;
 - b) To present the content as new and original, which is derived substantially from an existing source;
 - c) Copying words or ideas from someone else without giving due credit or acknowledgment;
 - d) Changing words but copying the sentence structure of a source without giving the credit;
 - e) Copying so many words or ideas from a source that it makes up the majority of a Memorial;
 - f) Taking printout of someone's memorials and submitting it as one's memorial.
- ix. **Rebuttal** refers to the counter/arguments presented by the Petitioner in response to the Respondent's submission, at the end of the main pleadings of all the Speakers.
- x. **Researcher** refers to that member of a Team specifically mentioned at the time of registration, if it necessitates the researcher will be given a chance to be a speaker at the discretion of the Organizing Committee.

- xi. **Researcher's Test** refers to the written test conducted during the Competition.
- xii. **Rules** refer to the rules postulated in this document and any other Regulations, Instructions and Guidelines issued by the Organizing Committee may from time-to-time.
- xiii. **Speaker** refers to that member of the team who will make oral pleadings before the Judges in the Oral Rounds.
- xiv. **Sur-rebuttal** refers to counter argument presented by the Respondent to the rebuttal.
- xv. **Team Code** refers to the unique code allotted to each participating team for the purpose of this Competition by the Organizing Committee.

2. INTERPRETATION CLAUSE

The State Moot Committee shall have exclusive authority to interpret the Rules in the interest of fairness and equality. The interpretation placed upon these Rules by the State Moot Committee shall be conclusive and the decision of the State Moot Committee regarding the application of these Rules shall be final and binding.

3. LANGUAGE

The State Moot Court Competition will be held in **English** Language only.

4. ORGANISATION OF THE COMPETITION

The Inter-Moot Court Competition will be held under the aegis of the Directorate of Legal Studies and the State Moot Committee among all the Government Law Colleges in the State of Tamil Nadu. Proposition for the Inter-Moot Court Competition may be prepared either by the State Moot Committee or by the host college. In case the host college prepares the proposition for the Inter-Moot Court Competition, the same has to be send to **tnsmc2022@gmail.com** and approved by the State Moot Committee before it is released to the participants.

The State Moot Committee will upload the proposition in the official website of Directorate of Legal Studies. Any changes in the rules will be uploaded as an addendum in the official website of the Directorate of Legal Studies **www.tndls.ac.in**. All the materials pertaining to the moot court and the memorials become the sole property of the Directorate of Legal Studies.

5. STATE MOOT COMMITTEE

The State Moot Committee shall be nominated by the Director of Legal Studies from time to time. There shall be Chairman, Co-Chairman, Member Secretary and Members not exceeding five shall be appointed by the Director of Legal Studies. The State Level Moot Court Committee shall supervise the conduct of the State Moot Court Competition.

6. STRUCTURE OF THE MOOT

- i. All Government Law Colleges in the State of Tamil Nadu will be officially invited to participate in the State Moot Court Competition.
- ii. The preliminary rounds, the quarter final round, the semi-final round and the final round will be conducted by one of the Government Law Colleges that is selected for the purpose of conducting the State Moot Court Competition.
- iii. The moot will be held through **offline / physical** mode only except in extra-ordinary circumstance warranting, holding of Moot through Online mode at the discretion of the organizing committee.
- iv. It is the discretion of the **Host College** to decide upon taking part in the same competition to be conducted by them.

7. RESEARCHER'S TEST

- i. Participation in the **Researcher's Test is mandatory** for all teams and failure to participate may result in disqualification of the team.
- ii. The researcher nominated by the institution through the registration form will be allowed to write the researcher's test.
- iii. The duration of the Researcher's Test shall be **ONE hour** and may include both multiple choice as well as subjective questions. The number of questions, type, etc., shall be at the discretion of the Organizing Committee/Host College.
- iv. The objective of the researcher's Test is to test the knowledge of the law involved as well as the factual details of the Moot Problem and the application of the relevant law to the circumstances in the Moot Problem.
- v. Researcher's Test shall not be conducted in the open book format i.e., notes, bare acts, books or any other material or electronic aid shall not be permitted during the test.

- vi. On the basis of the score in the researcher's test the best researcher will be selected.

8. PRELIMINARY ROUND

- i. The procedures of the preliminary rounds begin with the draw of lots on the day fixed by the Organizing Committee/Host College.
- ii. Each team will be given **30 minutes** to present their oral pleadings and no additional time shall be provided. The team can reserve **2 minutes** for Rebuttal and Sur-rebuttal each from their allotted 30 minutes. The time reservation shall be made before the commencement of each round. The same must be notified to the court officials nominated by the organizing committee.
- iii. In the preliminary rounds there shall be two rounds fixed on the basis of the lot picked by each team.
- iv. Fixture will be in such a way that in the preliminary rounds each team will argue on both the side against different teams.
- v. Each Speaker in the team shall be assessed separately and the consolidated score with the marks of the memorial shall be the score of the team for preliminary rounds only.
- vi. The individual scores of the speakers in both the preliminary rounds excluding the memorial marks shall be the deciding marks for selecting the Best Speaker of the Moot Competition.

9. QUARTER FINAL ROUNDS

- i. Top 8 teams on the basis of the marks obtained in both the preliminary rounds together with the memorial marks shall qualify for the Quarter final rounds.
- ii. The Quarter final shall be a knock out round, where the side for pleading shall be determined on the basis of draw of lots or Fixtures.
- iii. Each team will get a minimum of 40 minutes to argue from the allotted side, including 3 minute's time that shall be reserved for Rebuttal and Sur-rebuttal each.
- iv. The time reserved for Rebuttal and Sur-rebuttal shall be before the commencement of the rounds. The same must be notified to the court officials nominated by the organizing committee.

- v. Time-extension for a maximum of 2 minutes may be granted to each team at the discretion of the Judges.

10. SEMI- FINAL ROUNDS

- i. The winning teams of the quarter finals will qualify for the semi-final rounds.
- ii. The semi-final shall be a knock out round, where the side for pleading shall be determined on the basis of draw of lots or Fixtures.
- iii. Each team will get a minimum of 40 minutes to argue from the allotted side, including 3 minutes time that shall be reserved for Rebuttal and Sur-rebuttal for each team.
- iv. Time-extension for a maximum of 3 minutes may be granted to each team at the discretion of the Judges.

11. FINAL ROUND

- i. The winning teams of the Semi Final Rounds shall qualify for the Final round.
- ii. The side for pleading shall be determined on the basis of draw of lots or Fixtures.
- iii. Each team will get a minimum of 40 minutes to argue, with an additional 5 minutes for Rebuttal and Sur-rebuttal for each team.
- iv. Time-extension for a maximum of 5 minutes may be granted to each team at the discretion of the Judges.
- v. In case of tie the memorial marks shall be considered.

12. PROHIBITION OF SCOUTING / ELECTRONIC GADGETS

Scouting in any form and the use of electronic gadgets during the oral pleadings are strictly prohibited and if any team indulges in such act shall be terminated from the competition.

13. PARTICIPATION AND ELIGIBILITY

- i. All Government Law Colleges in the State of Tamil Nadu are eligible to nominate their under graduate students for participation in the Inter-Moot Court Competition.
- ii. **No Registration Fee** for a team to participate in the Inter-Moot Court Competition.

- iii. Only the team from the Government Law Colleges can participate in the competition.
- iv. All the team members have to be students pursuing their 3years / 5years Bachelor's degree in law. The year of study has to be mentioned while registering for the competition along with the copy of the college ID card and a Bonafide certificate signed and sealed by the Head of the Institution.
- v. Only one team is eligible to participate representing the institutions. Soliciting in any form with regard to team allotment will strictly lead to disqualification from the competition.
- vi. A team code will be allotted to each team by the moot organizers. The same shall be the identity for all the correspondence.
- vii. Provisional registration is permitted from the date of the announcement of the competition as mentioned in the event scheduled.
- viii. The Registration shall be done by sending Hard and Soft Copies of the Registration forms to the Host College.
- ix. Once the Registration form submitted the acknowledge mail will be sent within two working days by the Host College to the respective teams.
- x. The team comprising of 3 members is mandatory. While registering for the competition, it is mandatory to nominate two speakers and one researcher. The host will not entertain any change in the nomenclature of Speaker-1, Speaker-2 and researcher as nomination by the Participating team at the time of Provisional Registration, except under extraordinary circumstances at the discretion of the Organizing Committee/Host College.
- xi. All Team members and Faculty-in-charge are advised to regularly check the official website / E-mail of the organizing committee for any updates on the competition.

14. DRESS CODE

The participants shall adhere to the following dress code while in the court rooms:

- **Gentle women:** White Salwar and kurta with black bottoms or white shirt and black trousers along with a black blazer and black shoes.
- **Gentlemen:** White shirt, black trousers, a black tie, a black blazer / coat and black shoes.

15. NON-DISCLOSURE CLAUSES

The Name of the institution shall not be revealed and the team has to refer themselves with the team code throughout the competition.

- i. Team must not reveal the identity of their institution to the Judges at any time during any round. All instances of such disclosure shall be treated as Disqualification of the team.
- ii. The host college should not reveal the name of the participating institution.

16. CLARIFICATIONS

Teams may request for corrections and clarifications in the moot problem by submitting a written request to the email ID provided by the Organizing Committee/ Host College on or before the date mentioned in the official notification. All the clarifications will be collated and the response will be provided vide a E-mail on the date as specified by the Organizing committee / Host College to all the participating Colleges. No further clarifications shall be entertained after the said date.

17. DECLARATION OF RESULTS

The declaration of results for each round will be declared within a maximum time limit of One hour. The results declared by the organizing committee shall be final and binding.

18. SUBMISSION OF MEMORIALS

- i. Each team participating in the event must prepare memorials on behalf of the Petitioner / Appellant / Applicant / Plaintiff side and Respondent / Opposite Party / Defendant / Other side.
- ii. The cover page of the memorials shall be **Blue color** in the case of Petitioner / Appellant / Applicant / Plaintiff side and **Red color** in the case of Respondent / Opposite Party / Defendant / Other side memorial.
- iii. Team code shall be printed in the Top Right corner of the coverpage.
- iv. And the team code shall not be reflected anywhere other than the cover page of the respective memorials.
- v. The soft copy of the memorials in PDF format shall be submitted to the E-mail ID of the organizing committee as mentioned brochure.

- vi. The soft copy of the memorial forwarded within the dead line to the email of the organizing committee shall be **final and binding**. The same shall not be altered, changed for any reason at any point of time.
- vii. The **five hard copies** of the memorials for each side shall be soft bounded & submitted in person to the organizing committee on the date specified by the organizing committee. The extra hand copies for the team have to be kept by themselves. In event the hard copies submitted to the Organizing Committee shall not be returned to the teams concerned.
- viii. The Soft copy and the Hard copy of the memorial submitted shall be the same and identical in all aspects. If any change is found, then the memorial shall be rejected and no marks shall be awarded.
- ix. After the deadline for memorial submission, the memorials that are forwarded to the E-mail ID will be subject to a **penalty of 2 marks for each day of delay**.

19. MEMORIAL FORMATTING

- i. All parts of each Memorial must be contained in a single file.
- ii. Memorials shall be submitted only in PDF format. Memorials that do not confirm to this Rule shall not be accepted.
- iii. All pages of the Memorial must be A4 size, with margins of at least one inch on all four sides.
- iv. The Memorial shall be in typewritten. The following content specifications shall be strictly adhered to:
 - 1. Language: English
 - 2. Body Font & Size: Times New Roman, 12
 - 3. Line Spacing: 1.5 [The spacing need not be followed for the Cover Page, Tabular Column, Header or Footer] Footnotes Font & Size: Times New Roman 10
 - 4. Line Spacing: 1.0
 - 5. Paragraph Spacing: None
 - 6. No additional space between footnotes
 - 7. Substantive Footnoting is strictly prohibited
 - 8. Alignment (Body & Footnotes): Justified Margin: 1 inch on all 4 sides
 - 9. Citation Method: The Bluebook / Harvard Law Review, 20th

edition. / ILI / A Uniform System of Citation.

- v. Memorials submitted for the competition will be subject to plagiarism check.
- vi. The Memorandums shall not contain any Annexure / Appendices, Photographs, Sketches, Exhibits, Affidavits, etc.

20. MEMORIAL STRUCTURE

Each Memorial shall not exceed 35 pages (A4 size), inclusive of cover page and shall contain the following sections:

- i. Cover Page (shall include, Cause Title, Forum / Court, designation as Petitioner or Respondent Memorial).
- ii. Table of Contents
- iii. Index of Authorities
- iv. Statement of Jurisdiction (strictly restrict to 1 page)
- v. Summary / Statement of Facts (strictly restrict to 1 page; argumentative Statement of Facts shall be penalized)
- vi. Issues Raised
- vii. Summary of Arguments / Pleadings
- viii. Arguments Advanced / Written Pleadings
- ix. Prayer

21. COMPENDIUM

- i. All relevant case laws and statutory material to be passed on to the Judges during the Oral Rounds may be submitted in the form of a Compendium to the organizing committee during the submission of the hard copies of the memorial.
- ii. The teams have to keep a hand copy of the compendium for their reference during argument before the judges. In event the compendium submitted to the Organizing Committee shall not be returned to the teams concerned.
- iii. Participants shall ensure that anonymity is not violated in the compendium.
- iv. If any mark, name, seal, symbol or logo of the institution / college is present, participants must ensure that the same is properly shaded to maintain anonymity. Violation of anonymity shall result in immediate disqualification.

22. ASSESSMENT OF MEMORIALS

The memorials shall be assessed out of 100 marks, by a team of experts nominated by the organizing committee on the pre-determined criterion, as specified here under:

Content	Marks
Clarity of Facts	15
Incorporation of Facts into the arguments	20
Use of Authorities / Precedents	20
Knowledge and interpretation of applicable laws	20
Grammar and Style of presentation	10
Originality	10
Appropriate Relief Prayed	05
Total	100

23. ASSESSMENT OF ORAL SUBMISSIONS

Team performance of the orators shall be judged in all rounds on the basis of following criterion;

Content	Marks
Knowledge of the Facts	10
Knowledge of the applicable law	10
Interpretation of facts and Law	20
Argumentative Skills	15
Clarity of Thoughts and Expression	15
Courtroom Conduct	10
Ability to response to the questions	10
Overall presentation style, poise and demeanor	10
Total	100

24. AWARDS AND HONOURS

- i. **Certificate of Merit:** The winner of the Final Round shall be declared as the “Winner” of the competition and shall be awarded a certificate of merit and winner trophy.

- ii. **Runner's Up:** The other team that made it to the Final Round shall be declared "Runners up" and shall be awarded a certificate of merit and runner trophy.
- iii. **Best Speaker:** Best Speaker (separately for Boys and Girls) shall be determined on the basis of the highest average marks obtained individually in the preliminary rounds excluding the memorial marks and shall be awarded a certificate of merit and a best speaker trophy.
- iv. **Best Memorial:** Best Memorial shall be determined on the basis of the highest marks obtained in the memorial, and shall be awarded a certificate of merit and trophy.
- v. **Best Researcher:** Best Researcher shall be determined on the basis of the highest marks obtained in the in the Researcher Test, and shall be awarded a certificate of merit and trophy.
- vi. **Certificate of Participation:** Every participating team shall be awarded a "Certificate of Participation". "No Certificate of Participation" shall be granted to those teams who failed to submit the memorials in accordance to the rules.

25. ACCOMMODATION, FOOD AND TRAVEL ALLOWANCE

- i. Accommodation (on sharing basis) to the participating team members of Government Law Colleges will be provided by the Organizing Committee/ Host College on the request of the teams.
- ii. No additional member shall be accommodated under any circumstances.
- iii. The accommodation shall be subject to the conditions imposed by the Organizing committee/ Host College.
- iv. Food and snacks shall be provided for the participating team members at the venue of the competition.
- v. The registered team members of Government Law Colleges alone will be provided with travel allowance on the basis of actual by submitting travel tickets of the bus or train from the studying institution to the venue of the Moot competition.
- vi. In case of train travel the maximum permissible limit for travel allowance is second class sleeper.
- vii. In case of the bus travel the maximum permissible limit for travel allowance is Tamil Nadu State Transport Corporation sleeper coach.
- viii. The travel allowance for the return journey is as that of the onward journey.

- ix. The local transit from the place of accommodation to the venue of the Moot competition will be arranged, if necessary, by the Organizing Committee/ Host College on the timing fixed by them. The teams shall adhere to the timings of the organizing committee, failure on which teams have to make their own arrangements.

26. CODE OF CONDUCT:

- i. No team members shall indulge themselves in any act of misconduct which is unbecoming of a student.
- ii. No team members shall indulge in any misconduct in or outside the premises and precincts of the venue including the place of accommodation and transits.
- iii. The acts or omissions of any team members undermining the credibility of judges or that of the competition is also misconduct.
- iv. Any behavior of indiscipline with the organizing committee / Host College or any other staff member or student volunteer of the venue, damage to the property or good will of the institution shall be dealt with strictly.
- v. No team shall ask for feedback immediately on completion of any round. Any attempt to approach the framer of the moot problem or judges of the competition, prior to the competition shall lead to the appropriate action by the Organizing Committee / Host College.
- vi. Any form of scouting during the Competition is strictly prohibited and shall entail to disqualification of the team.
- vii. Committing of any misconduct by any of the team members shall lead to immediate disqualification of the team. The organizing committee/Host college shall recommend to the appropriate authority for disciplinary action.

27. RULES FOR VIRTUAL MODE

Only during Extraordinary circumstances when the offline moot is not possible, Organizing Committee can prefer virtual mode with the prior permission from the Host College. The rules and regulations for the virtual mode will be issued at that time of the competition.

28. MISCELLANEOUS PROVISIONS

- i. In case of any dispute arising out of the interpretation of the Rules, or otherwise, the decision of the Organizing Committee shall be final and binding.
- ii. The Inter-Moot Court Competition 2023 - 2024 shall be conducted as per the above-mentioned Rules. However, the Organizing Committee has powers to amend, vary, alter, and modify the Rules in the event of any exigencies. The same shall be Final and binding upon the Participating Teams. Further, the decision of the Organizing Committee of concerning the conduct of the Competition is final and the same shall be binding upon the Participating Team.

MOOT PROPOSITION

The Republic of Durranistan v. The Republic of Ganarajya

1. The Republic of Ganarajya (*hereinafter* called as ‘Ganarajya State’) is a country in South Asia and the seventh largest country by area consisting of two sects- the majority Swahili sect and the minority Halami sect. It is also the most populous country and is celebrated as the world's most populous democracy. It shares its land borders with the Republic of Durranistan (*hereinafter* called as ‘Durranistan State’) to the west which is a Halami majority country, formerly a part of Ganarajya State, then Hinaya and Namphal and Dakota States to the north; Azakistan and Gayana States to the east.
2. The history of Ganarajya State reveals of being a British Colonised State since 1858 and it secured its independence in 1947 after a long record of struggle for freedom. Due to the reason of indifferences of the Swahili sect and Halami sect in creating a constitution for independent Ganarajya State and thereby a government, severe riots and clashes occurred in the country. As a result of this, the Halami League representing Halami minority demanded for a separate nation for Halami people on the ground that there was no guarantee for proper safeguards of the rights of the Halami minority. Hence in August 1947, when independence was granted to this former imperial domain of British Ganarajya, it was partitioned into two countries – The Republic of Ganarajya and the Republic of Durranistan.
3. When the partition was made, one of the controversies that aroused was regarding the region of ‘Guldastha’, which was called as the ‘Paradise of Earth’. It is known for its amazing landscape and scenic beauty, beautiful snow-covered mountains, green valleys and natural lakes, countless gardens, cascading fountains and flowerbeds with rare flowers. It is an area situated in the northern most geographical region of the Ganarajya subcontinent. This region has three distinct areas: Hathua region (Swahili majority area), the Rayess region (Halami majority area) and Badkha region (Buddhist dominated areas); and these regions have a distinct custom, culture and traditions of its own. Ganarajya controls approximately 70% of the land area of the region and Durranistan controls the remaining 30%. The population of Guldastha is Halami in majority, but Swahili influential in minority. In the first half of the first millennium, the Guldastha region became an important centre of Swahilianism and later Buddhism, then Halamianism and Sikhism. But due to the oppressive nature of Sikh Dynasty imposing Anti-Swahili and Anti-Halami laws, the people of Guldastha suffered much. Subsequently in 1857 after a rebellion by the people of Guldastha in which it sided with the British, the region directly came under the suzerainty of the British Empire. At that time, in the British census of Ganarajya of 1941, the region of Guldastha registered a Halami majority population of 77%, a Swahili

population of 20% and a sparse population of Buddhists and Sikhs comprising the remaining 3%.

4. This area was vital for both the Ganarajya State and the Durrani State in terms of national security, geography and resources. It was also a home to a plethora of resources such as uranium, gold, oil and natural gas; and also, a crucial region from geographical standpoint for transportation and energy projects for both the countries. Hence, both these States claimed the possession of Guldasta which was a great challenge during bifurcation.
5. Though the region was Halami majority in population, it was headed by a Swahili ruler; and being a Secular State, the British Empire recommended giving away the possession of Guldasta to Ganarajya State. But the ruler of Guldasta wanted the region to be an independent State since he feared that the Guldasta Halamis would not be happy with Ganarajya, while the Swahili people and Sikhs would not be happy in Durrani State. In the midst of these unrest situations and controversies, the ruler of Guldasta signed an Instrument of Accession on October 26, 1947 making Guldasta region a part of the Dominion of Ganarajya, after its independence. This led to riots against the ruler in the region culminating in the first war between the two States in 1948. Towards the end of 1948, both sides solidified their positions in the Guldasta region which ended in a ceasefire agreement known as the 'Peace Agreement' and thereby established a line of control (LoC), dividing the region as Ganarajya Occupied Guldasta region, Durrani Occupied Guldasta region. The Agreement contained the following provisions:
 - (i) That the principles and purposes of the Charter of the United Nations shall govern the relations between the two countries;
 - (ii) That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pending the final settlement of any of the problems between the two countries, both sides shall unilaterally alter the situation and both shall prevent the organization, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations.
 - (iii) That the pre-requisite for reconciliation, good neighborliness and durable peace between them is a commitment by both the countries to peaceful coexistence, respect for each other's territorial integrity and sovereignty and non-interference in each other's internal affairs, on the basis of equality and mutual benefit;
 - (iv) That they shall always respect each other's national unity, territorial integrity, political independence and sovereign equality;
 - (v) That in accordance with the Charter of the United Nations, they will refrain from the threat or use of force against the territorial integrity or political independence of each other.

- (vi) In the Guldastha region, the line of control resulting from the cease fire of shall be respected by both sides without prejudice to the recognized position of either side. Neither side shall seek to alter it unilaterally irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from the threat or the use of force in violation of this line. In case of violation of LOC by either of the States, it can be subjected to appropriate international forum.

Hence, Ganarajya was left with roughly two-thirds of Guldastha, while Durrani State obtained control over a one-third of the region of Guldastha.

6. In addition to it, the United Nations interfered and played the role of a mediator. Thereafter, in 1974 the Security Council passed and adopted resolution in appointing a commission of five members to go to the subcontinent to aid Ganarajya State and Durrani State in restoring peace at Guldastha. Additionally, the commission was supposed to help these countries prepare for a plebiscite or referendum to decide Guldastha accession. A three-step process was also recommended to ease tensions: (i) All Durrani nationals who entered Guldastha to fight were to be evacuated; (ii) Ganarajya was to gradually reduce its forces in the region; (iii) Ganarajya was to appoint a referendum administrator who was nominated by the UN.

Ganarajya accepted this resolution. However, Durrani State rejected it. This led to no withdrawal of troops and no referendum being held. International negotiations were also failed. Moreover, both the Ganarajya State and Durrani State started breaching the LOC occasionally through the exchange of fire between the border forces, thereby violating the provisions of the peace agreement and fortunately, return to normalcy due to international pressures.

7. In 1950, when the Ganarajya State adopted its Constitution, it adopted Article 370 which was given rise by the Instrument of Accession of 1947. Article 370 is a political compromise of a two sovereign States, i.e., the State of Ganarajya and State of Guldastha. Although it was inserted as a “temporary clause”, it was a unique provision in the Constitution of Ganarajya as it can be removed or modified with the consent of the Constituent Assembly of the Guldastha. This special clause allows a certain degree of autonomy to the State to create its own Constitution, the ability to create its own laws and its own flag. However, the Government of Ganarajya would have control over matters such as security, defense and foreign affairs and restricting the legislative authority of the Ganarajya Parliament in the territory. Along with Article 370, another provision of Article 35 A was also added which gave the people of Guldastha exceptional privileges and status. It includes the ability to purchase property there, preference in hiring for positions in the public sector, and other benefits. Furthermore, this Article stipulated that only citizens of Guldastha who dwell there year-round are eligible to purchase real estate there and cast ballots in local elections. In 1954, the Guldastha Constituent Assembly ratified Guldastha’s

accession to Ganarajya and it was dissolved after creating the State Constitution; and it did so without endorsing either the abrogation or revision of Article 370, which made the 'temporary provision' as a permanent abode in the Ganarajya's Constitution. In reality, the people of Guldastha did not want to be either part of Ganarajya or Durraniistan and they demanded to exercise right to self-determination to form their own government for their territory although they have been annexed with the territory of Ganarajya and found a place in the Constitution of Ganarajya. In support of Guldastha's right to self-determination, many States did not recognize either Ganarajya annexed Guldastha or Durraniistan annexed Guldastha and they consider the annexation as illegal occupation in a foreign State.

8. In conjunction with the aforesaid developments, the Ganarajya part of Guldastha followed the democratic path as per Article 370 of the Ganarajya Constitution; while the area under Durraniistan occupation was bifurcated into two- 'Azad Guldastha Region' (AGR) and the 'Northern Areas,' which consisted of Illgit-Kallistan. AGR is governed under the Azad Provisional Constitution Act passed in 1968. Even though AGR has a President, Prime minister, and a Council, the governing structure is powerless and dependent on the Durraniistan establishment for the smallest issues.
9. In course of time, the Ganarajya Parliament exercised more control in the Guldastha region by extending their laws by forceful means. The actions of Ganarajya and with the support of fundamentalist elements of Durraniistan, illegal infiltrations coupled with terrorist activities by some of the banned international terrorist groups have rooted in the Guldastha region. Consequently, peace and security in the region was shattered and resulted in continuing violences and skirmishes. Ganarajya State strongly condemned and alleged Durraniistan State responsible for the upheavals in Guldastha region. But, the State of Durraniistan has denied all allegations made by Ganarajya and countered that the Guldastha's peace and prosperity is being shattered due to illegal occupation of Ganarajya State. With this, a divide arose amongst the people of Guldastha either expressing strong anti-Durraniistan or anti-Ganarajya feelings. Following this beginning in 1980s, there was a rapid compulsive conversion of Swahili sect people to Halami sect in Guldastha. Names of cities were changed and propaganda was spread. Those of other sects were denounced as 'spies' or 'outsiders.' There were mass expulsion and killings of the minority Swahili people by the dominant Halami sects. It all ended in violent clashes between the two sects of people. Insurgent groups, terrorist organizations, Durraniistan forces and Ganarajya forces have constantly found themselves in conflict, leading to the deaths of thousands of people. Resultantly, there has been a significant increase in the number of military personnel in the region. On the other hand, this combination of military personnel, insurgents and terrorist activities resulted in human rights violations, such as suppression of freedom of speech, mass homicides, kidnappings, torture of civilians, and sexual

violence on both the sides. Consequently, there has been an increasing demand for an independent Guldastha claiming the right of self-determination from the people of the region.

10. In the midst of these unrelenting tensions in the region, in October 2019, the Ganarajya Government abrogated Article 370 and Article 35A, thereby taking away the special status of Guldastha region and bifurcating the region into Union Territory of Guldastha and Union Territory Khapa-Chan. As a result, now the Guldastha region has no longer its own constitution, flag, or anthem. Its population has no dual citizenship and is abide by all legislative amendments made by the Parliament. Moreover, by repealing Article 35A, there would be no different class of citizens one being permanent residents and the other not being permanent residents. All the citizens residing in the State shall be treated as equal in the eyes of the State. There shall be no discrimination by the State Government in employment and everyone shall be eligible to receive scholarship or other forms of aid whenever they are able to satisfy the other criterions for the same. There being no impediment to the settlement and acquisition of immoveable property within the Guldastha region. Other citizens of Ganarajya State shall be able to freely relocate to the State ensuring cross-transmission of culture and greater integration of the State and its people with the Ganarajya State and its other citizens. Against this unexpected move by the Ganarajya State, the Guldastha region protested and again raised their demand for a separate independent State ensuring their right to self- determination and also demanded for a referendum in the region.
11. On this protest and further demand, mixed reactions were found in the Guldastha regions of Hathua, Rayees and the Badkha. When the Rayees region showed strong protest, the Hathua and Badka regions showed only a silent protest on the abrogation of Article 370. Accordingly, anticipating intense reactions and citing the perseveration of law and order, the Ganarajya Government mobilized large numbers of military personnel into the region. Communication systems such as the internet were cut off leading to violation of basic human rights, such as accessing services, education, etc. News agencies were curfewed and the entire region was kept under lockdown, ultimately resulting in grave suppression of the fundamental rights of the people of Guldastha. Furthermore, the Union Home Minister of Ganarajya State vociferously promised in the Ganarajya Parliament that the north west region of Guldastha occupied by the Durrani shall be annexed with Ganarajya in the future course of time. The unilateral change of territory and status of Guldastha region by the Ganarajya State created a worse situation in the diplomatic relations between the Ganarajya and Durrani and in turn, increased tensions between the two countries as they amassed the troops in the international border and LOC.

12. The Ganarajya and Durranistan States continuously exchanged fire and tried to cross the LOC through forceful means. This created a volatile situation in the sub-continent region and many peace-loving nations came forward to negotiate the peace talks in order to bring normalcy between the State of Ganarajya and Durranistan. However, the State of Ganarajya denied the role of third-party States to offer peace talks, claiming that the Guldastha region is an integral part of Ganarajya and any intervention by foreign States shall affect the Ganarajya's Sovereignty. The State of Durranistan went to the Security Council against Ganarajya for her unilateral actions in the Guldastha region and made all efforts to pass resolutions against the actions of Ganarajya State for the human rights violations in the Guldastha region and trying to breach the 'Peace Agreement'. However, the resolution has been defeated in the Security Council of the United Nations. The diplomatic negotiations and other international peace efforts were miserably failed.
13. During the diplomatic negotiations, the people of Guldastha resorted to seek justice from the existing municipal law in the State of Ganarajya. A petition was filed under Article 32 of the Constitution of Ganarajya by an NGO named 'Common Man Rights' before the Honorable Supreme Court of India against the abrogation of Article 370 and the consequent human rights violations by the Ganarajya State in Guldastha. Hearing both the sides, the Court dismissed the petition and declared the abrogation of Article 370 and Article 35A as constitutionally valid. Then, again the NGO filed a review petition, which was also dismissed.
14. Based on the above circumstances, the Durranistan State is approaching the International Court of Justice by accepting its jurisdiction on the following issues:
 - (a) Seeking intervention against the human rights violations committed by the Ganarajya State in Guldastha region.
 - (b) Against the unilateral action taken by the Ganarajya State in abrogating Article 370 affecting the right to self-determination of the people of Guldastha.
 - (c) Demanding for an independent referendum in Guldastha in accordance with international principles.

The Republic of Ganarajya did not accept the jurisdiction of the International Court of Justice to entertain the dispute contending that the Guldastha region is an integral part of Ganarajya and denied the allegations of human rights violations and refused to conduct referendum.

The International Court of Justice has formulated the following issues:

1. Whether the International Court of Justice has jurisdiction to entertain the dispute between the Republic of Durrani and Republic of Ganarajya for the violation of human rights committed by the latter in Guldasta?
2. Whether the unilateral decision taken by the Republic of Ganarajya in altering the status of Guldasta through the municipal laws is the violation of international law obligations and also affects the right to self-determination of the people of Guldasta?
3. Whether the Guldasta region can effectively exercise their right to self-determination through the conduct of independent referendum in accordance with rules of international law?

NOTE:

1. Besides the issues mentioned, the participants can add one more issue relevant to the problem.
 - All facts stated herein are for the purpose of Moot Court Competition and may be taken in that light only.
 - Any queries relating to moot proposition may be addressed to Government Law College, Dharmapuri through email ID: glcdpistatemoot@gmail.com
 - The Participants are at liberty to frame any sub-issues that need to be incorporated.

For any queries relating to this Moot contact: glcdpistatemoot@gmail.com

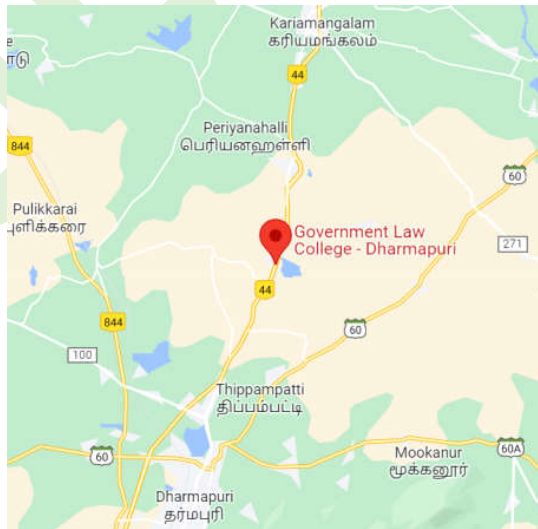
CO-ORDINATORS

Faculty Co-ordinators	Mobile Number
Dr.Lekshmi Viswanath Assistant Professor	82204 87519
Selvi. P. Reka Assistant Professor	98423 68899
Dr. M. Kannappan Assistant Professor	99657 14016
Mr. P. Vinuprasad Assistant Professor	96779 18691
Student Co-ordinators	
Arvintraj.T.V	96299 18118
Mohamed Lukman Ammar Pulavar.A	96208 86949
Akash. S	86106 01616
Chandru.S	9345265819

LOCATION DETAILS

Name of the bus stop: Govt. Law College, Matlampatti.
(Dharmapuri to Krishnagiri NH- 44)

Location Link : <https://maps.app.goo.gl/5uaVE7qSAST4oSQW6>



INTER-COLLEGIATE MOOT COURT COMPETITION (ENGLISH) – JANUARY 2024

Organized by GLC DHARMAPURI

REGISTRATION FORM

	SPEAKER 1	SPEAKER 2	RESEARCHER
NAME			
COURSE & YEAR			
MOBILE			
E-MAIL ID			
ACCOMMODATION	YES / NO	YES / NO	YES / NO
PASSPORT SIZE PHOTO	Affix passport size photo	Affix passport size photo	Affix passport size photo
DECLARATION: We, affirm that all the information provided in the registration form is true. Further, we declare that the institution and its team members will abide by all the rules and regulations as notified throughout the period of competition.			
SIGNATURE			

NAME OF THE INSTITUTION	
E-MAIL ID OF THE INSTITUTION	
NAME OF THE FACULTY-IN-CHARGE	
MOBILE NO. OF THE FACULTY-IN-CHARGE	

Signature of Faculty in Charge

Signature of the Head of the Institution with seal