



**THE NATIONAL UNIVERSITY OF ADVANCED
LEGAL STUDIES, KOCHI**



**THE 6TH NUALS INTERNATIONAL MARITIME LAW
ARBITRATION COMPETITION 2019**

RULES OF PROCEDURE

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1. DEFINITIONS

- a) **Advanced Round** refers to the Quarter-finals, Semi-finals and Final rounds of the Competition.
- b) **Arbitral Tribunal** refers to a tribunal consisting of arbitrators judging the Oral Rounds of the Competition.
- c) **Clarifications** refer to the clarifications and corrections to the Case Study issued by the Organizing Committee. These shall form part of the Case Study.
- d) **Competition** refers to the 6th NUALS International Maritime Law Arbitration Competition, 2019.
- e) **Memorial** refers to the written arguments submitted, on behalf of both the Parties, in accordance with the Rules by each team. Memorials may also be referred to as “Written Submissions”.
- f) **Official Website** refers to the website of the Competition (www.moot.nuals.ac.in).
- g) **Oral Rounds** refer to a team’s pleadings submitted orally by both Speakers before the Arbitral Tribunal on behalf of one of the Parties.
- h) **Organizing Committee (“OC”)** means the committee, including any authorized persons, appointed for the administration and conduct of the Competition and of all events leading to the Competition.
- i) **Parties** refer to the parties to the dispute as identified by the Case Study as Claimant and Respondent.
- j) **Plagiarism** refers to any of the following:
 - 1. Representation of someone else’s ideas or words mentioned in books, articles or any other sources as one’s own;
 - 2. To present the content as new and original which is derived substantially from an existing source;
 - 3. Copying words or ideas from someone else without giving due credit or acknowledgment;
 - 4. Changing words but copying the sentence structure of a source without giving credit;
 - 5. Copying so many words or ideas from a source that it makes up the majority of your Memorial; or

6. Plagiarism can also be in the form of duplication of other moot Memorials, irrespective of whether the Memorial is a competing Memorial or not.

- k) **Power Match-up** refers to the type of match-up used in the Advanced Rounds. The team with the highest cumulative score in the previous round will compete against the team with the lowest cumulative score in the previous round.
- l) **Preliminary Round** refers to the Oral Round which shall take place prior to the Advanced Rounds of the Competition for the purpose of determining the teams which shall proceed to the Advanced Rounds.
- m) **Rebuttal** refers to the arguments presented by the Claimant in response to the Respondent's submissions, at the end of the main pleadings of all the Speakers.
- n) **Researcher** refers to that member of a Team who is not a Speaker.
- o) **Researcher's Test** refers to the written test conducted during the Competition in accordance with **Rule 10** of the Rules.
- p) **Rules** refer to the rules postulated in this document and any other rules that the Organizing Committee may from time to time issue.
- q) **Scouting** refers to the observation by a person of Oral Rounds of a team other than the team such person is associated with.
- r) **Seeding Match-up** refers to the type of match-up used in the Preliminary Rounds. The teams will be seeded as per their Memorial scores and divided into two groups of equal number. Teams from Group 1 will be power seeded against teams from Group 2.
Illustratively, in case there are 20 teams, teams will be divided into two groups of 10, with Team 1 having highest Memorial Score, and Team 20 with lowest Memorial Score. Hence, Group 1 will have Teams 1-10, and Group 2 will have Teams 11-20. The fixtures will be as follows:
Preliminary Round I: Team 1 v. Team 20, Team 2 v. Team 19, Team 3 v. Team 18.....
Team 10 v. Team 11.
Preliminary Round II: Team 1 v. Team 11, Team 2 v. Team 12, Team 3 v. Team 13.....
Team 10 v. Team 20.
- s) **Speaker** refers to that member of the team who will make oral pleadings before the Arbitral Tribunal in the Oral Rounds.
- t) **Sur-rebuttal** refers to the defence presented by the Respondent to the Rebuttals.

- u) **Team Code** refers to the unique code allotted to each participating team for the purpose of this Competition by the OC.

2. INTERPRETATION

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

3. LANGUAGE

The Competition shall be conducted in English language only.

4. ELIGIBILITY

- a) All students pursuing their first degree in law (for example: BA. LLB. / LLB. in India) or its equivalent conducted by any recognized college/ university/ institution shall be eligible to participate in the Competition.
- b) Only one team per recognized college/ university/ institution shall be eligible to participate in the Competition.
- c) In a system where a university has constituent colleges, each college can register a team or the university as such can be represented by a team comprising students from different constituent colleges.

5. TEAM COMPOSITION

- a) Each team shall comprise of a minimum of two and a maximum of three members. In a team comprising of two members, both the members shall be designated as Speakers. In a team comprising of three members, two members shall be designated as Speakers and the third member as Researcher.
- b) Assistance to team from other team(s) or third parties is not permitted. Any team found receiving assistance from third parties shall be immediately disqualified.
- c) A registered team may change its composition only after informing the OC of such change. Any changes in the contact details of team members must be notified to the OC at the earliest. The OC shall not be liable for any miscommunication due to the same.

6. REGISTRATION

- a) Each team shall register for the Competition by filling the online registration form on or before 5th September, 2019. The deadline for payment of registration fee is also 5th September, 2019. The online registration form that needs to be filled is available on the Official Website.
- b) The registration fee for the Competition is INR 5000/- for Indian teams and 100 USD for foreign teams.
- c) The details for payment of registration fee shall be communicated to the teams once the final registration process commences.
- d) Any transaction fees or any other incidental charges must be paid by the transferor.
- e) All teams must email a scanned copy of the payment receipt to maritimemoot@nuals.ac.in within 3 days of the payment.
- f) A Team Code shall be assigned to each team by the OC after the completion of registration process.
- g) The OC reserves the absolute discretion to refuse or cancel the registration of any team.

7. RELEASE OF CASE STUDY AND CLARIFICATIONS

- a) The Case Study for the Competition shall be released on 25th July, 2019.
- b) All requests for clarifications to the problem must be emailed to maritimemoot@nuals.ac.in. Request for clarifications sent to any other email ID **will not** be considered.
- c) Deadlines for clarifications
 1. First Set [Initial Set] of Clarifications
 - i. Request for clarifications – 20th August, 2019.
 - ii. Release of clarifications – 30th August, 2019.
 2. Second Set [Final Set] of Clarifications
 - i. Request for clarifications – 5th September, 2019.
 - ii. Release of clarifications – 15th September, 2019.
- d) All Clarifications shall be notified in the form of procedural order on the Official Website and also via email to the participating teams.

8. ANONYMITY OF TEAMS

- a) Teams shall not reveal their identity in any form, except by means of the Team Code assigned to them.
- b) Teams shall not, in any way, reveal the identity of the team, its members or the college/ university/ institution represented, in the Memorial or in the course of the Oral Rounds. Teams shall only identify themselves by their Team Code. The Memorial shall not bear the logo, name, etc. of the team, its members or the college/ university/ institution represented by the team.
- c) Any material, including the Compendium, carried into the courtroom for the Oral Rounds, whether presented to the Arbitral Tribunal or not, shall be devoid of any identification marks/ seal of the Team or the college/ university/ institution represented.
- d) Any violation of the aforementioned rules shall attract a penalty as determined by the OC. The decision of the OC in this regard shall be final, binding and not subject to challenge.
- e) Any attempts by a team or a member of a team to contact, either directly or indirectly, the drafter of the Case Study, for any reason whatsoever, after the release of the Case Study and before the Competition closes shall lead to the disqualification of such team from the Competition.

9. MEMORIALS

9.1 General

- a) Each participating team must prepare one Claimant Memorial and one Respondent Memorial.
- b) All Memorials must be in English.

9.2 Reservation of Rights over the Submitted Memorials

The OC exclusively reserves the right to disseminate and reproduce the Memorials submitted by the participating teams, for any purpose in relation to the Competition. Submission of Memorials in this Competition shall constitute *ipso facto* consent of the teams for such dissemination and reproduction.

9.3 Submission of the Memorial

9.3.1 Submission of Soft Copy

- a) All the participating teams are required to send one copy of each Memorial in .doc/.docx format as well as in .pdf format. All four files (two .doc/.docx and two .pdf) should be submitted through a single mail to maritimemoot@nuals.ac.in by 11:59 PM, 30th September, 2019, with the subject line as “NIMLAC – Submission of Memorials for <Team Code>”. *Illustratively*, a team with Team Code “07” shall put the following in the subject line: “NIMLAC – Submission of Memorials for 07”.
- b) Irregularities in submission:
1. Memorials submitted twenty-four (24) hours after the submission deadline shall not be accepted and the team shall be disqualified from the Competition.
 2. A Memorial once submitted shall be considered final, and the teams shall not be allowed to revoke or revise the same.
 3. In the scenario where any Memorial is sent in late (in separate e-mails), the penalty for late submission shall be imposed on both the Memorials equally.
 4. In addition to the aforementioned rules, the penalty for sending Memorials in separate emails shall also be imposed on both the Memorials, as under **Rule 9.5**.

9.3.2 Submission of Hard Copy

- a) Teams are required to submit six (6) hard copies each of the Claimant and Respondent Memorials when they arrive for the Competition. The Memorials must be printed double-side on A4 size sheets, with equal margin of one inch on all sides.
- b) The Cover Page must be printed on blue paper for each Claimant Memorial, and red paper for each Respondent Memorial. The hard copies should preferably be spiral bound. Failure to get the Memorials spiral bound will not attract any penalty whatsoever.
- c) The hard copies must be exactly similar to the soft copy. Any changes in the hardcopy *vis-à-vis* the soft copy will entail disqualification. The decision of the OC will be final in this regard.

9.4 Structure of the Memorial

- a) Each participating team is required to prepare and submit separate Memorials for both the Parties (i.e. Claimant and Respondent) with the following mandatory heads:
1. Cover Page;

2. Table of Contents;
3. Table of Abbreviations;
4. Index of Authorities;
5. Statement of Jurisdiction;
6. Statement of Facts;
7. Issues Raised;
8. Summary of Pleadings;
9. Pleadings/ Arguments Advanced; and
10. Prayer.

The word limit for the Statement of Facts, the Issues Raised, the Summary of Pleadings, the Pleadings/ Arguments Advanced and the Prayer jointly is 10,000 words (inclusive of footnotes).

- b) All the authorities cited in the Memorials shall follow the 20th edition of *The Bluebook System of Citation*.
- c) The Cover page of each Memorial shall contain the following:
 1. Team Code: Upper right corner;
 2. Forum before which the dispute is brought;
 3. Name and Year of the Competition;
 4. Cause Title; and
 5. Party on behalf of which the Memorial is presented.
- d) All parts of the Memorial shall be typed on A4 sized paper/format, with the following mandatory formatting specifications:
 1. Font Type: Times New Roman;
 2. Font Size: 12;
 3. Line Spacing: 1.5;
 4. Margins: 1 inch on each side; and
 5. Alignment of Body Text: Justified.
- e) Mandatory formatting specifications for footnotes:
 1. Font Type: Times New Roman;
 2. Font Size: 10;
 3. Line Spacing: 1.0;

4. Margins: 1 inch on each side; and
 5. Speaking footnotes and endnotes are not allowed.
- f) Index of Authorities:
1. All authorities cited in the Memorial shall be included in the Index of Authorities (specifying the page number on which the authority is cited). If not so, every instance when it is used in the Memorial or the Index of Authorities, as the case may be, shall constitute a violation of this rule and be subject to a penalty.
 2. The authorities mentioned shall be in alphabetical order.
- g) Any annexure, photograph, graph, diagram or any other representation of like nature, in the Memorial, is strictly prohibited.
- h) Plagiarism shall not be permitted in the Memorials. If instances of Plagiarism are found during any time of the Competition, including evaluation of Memorials, then the team will be asked to show cause to the OC. If found guilty of Plagiarism, the OC may impose any sanction that it may deem fit, including disqualification from the moot.

9.5 Penalty

- a) If the Memorial violates any of the specifications mentioned under **Rule 9.3** and **Rule 9.4**, it shall incur penalties according to the following scheme:

Rule	Violation	Penalty (each side)	Maximum Penalty (each side)
9.3.1	Delay in submission of Memorials	(-) 0.5 mark each, for every hour after the deadline	3 marks (each side) = 6 marks (both sides)
9.3.1	Submitting electronic copies of Memorials in multiple emails	(-) 1 mark per side	1 mark (each side) = 2 marks (both sides)
9.3.2	Non adherence to the colour code of hard copy of Memorials	(-) 1 mark per side	1 mark
9.4.a	Exceeding word limits	1 mark (1-200 words over)	5 marks
		3 marks (201-500 words over)	
		5 marks (Above 500 words)	
9.4.a	Exclusion of items from	(-) 1 mark per specification	5 marks

	Memorial		
9.4.b	Improper citation	(-) 0.25 mark per citation	5 marks
9.4.c	Non adherence to the format of the Cover Page	(-) 0.25 mark per specification	2.5 marks
9.4.d	Non adherence to the format of the Memorial	(-) 0.5 mark per specification per page	5 marks
9.4.e	Non adherence to the format of footnotes	(-) 0.5 mark per specification per page	5 marks
9.4.f	Index of Authorities	(-) 0.25 mark per specification	2.5 marks
9.4.g	Addition of Annexure, Diagrams etc.	(-) 2 marks for each side	4 marks
9.4.h	Plagiarism	(-) 2 marks per page	20 marks

- b) Provided further that a maximum penalty that can be imposed on each Memorial is 20 marks.
c) Appeals regarding penalties shall lie before the OC and its decision shall be final and binding.

9.6 Evaluation of Memorials

- a) Each Memorial shall be assessed individually and independently by two (2) judges.
b) Every Memorial will be marked on a maximum of one hundred (100) marks by each judge on the basis of criteria mentioned in the Rules. Negative marks will be imposed in the manner detailed in **Rule 9.5**.

The marks distribution for the Memorial shall be as follows:

Criterion	Maximum Marks
Application of Law to Facts	20
Use of Authorities and Precedent	20
Reasoning	20
Understanding Law and Procedure	10
Originality and Innovation	10
Identification and Articulation of Issues and Jurisdiction	10
Presentation	10
Total	100

10. RESEARCHER'S TEST

- a) The Researcher's Test shall be conducted on 18th October, 2019.
- b) Participation in the Researcher's Test is mandatory for all teams and failure to participate may result in disqualification, subject to the discretion of the OC.
- c) In case of teams with three members, only the Researcher, as designated under **Rule 1(n)** of the Rules, shall write the test and such Researcher shall not be allowed to address the Arbitral Tribunal during the Oral Rounds.
- d) In case of teams with two members, either of the members may write the test. However, in such a situation the name of the person writing the test must be disclosed to the OC at the time of registration.
- e) The duration of the Researcher's Test shall be 1 hour and it shall include both multiple choice as well as subjective questions.
- f) The Researcher's Test shall test the knowledge of the laws involved as well as the factual details of the Case Study and the application of the relevant laws to the circumstances in the Case Study.
- g) Researcher's Test shall not be conducted in the open-book format i.e. no notes, bare acts, books or any other material or electronic aid shall be permitted during the test.

11. ORAL ROUNDS

11.1 General

- a) The Oral Rounds shall be in English only.
- b) The Competition shall consist of Preliminary Rounds and Advanced Rounds. Each team will argue in two (2) Preliminary Rounds, once on behalf of each Party.
- c) The Advanced Rounds shall consist of three knock-out rounds – the Quarter Finals, Semi-Finals and the Final *i.e.* each of the Advanced Rounds shall consist of only one session of pleadings (either as Claimant or as Respondent).
- d) Use of any electronic devices such as laptops, mobile phones, video camera etc is strictly prohibited during the Oral Rounds.

11.2 Order of Presentation

- a) Prior to the beginning of a particular Oral Round, Parties should try to agree on the order of presentation of oral arguments to be followed in that round. The same has to be informed to the Arbitral Tribunal at the beginning of the round.
- b) Notwithstanding the agreement that the teams may have reached, the final authority to decide the order of presentation rests with the Arbitral Tribunal.
- c) If there is no agreement between the Parties, the Arbitral Tribunal shall decide upon the order of presentation.

11.3 Fixtures

- a) In the Preliminary Rounds, Seeding Match-up system shall be used to determine the fixtures.
- b) In the Quarter-final and Semi-final rounds, the Power Match-up system, with the help of scores, shall be used to determine the match-ups.
- c) Determination of sides for advanced round shall be decided as per **Rule 11.4**.

11.4 Determining Sides in Advanced Rounds

- a) If the two teams in any of the Advanced Rounds argued against one another in the Preliminary Rounds, they will argue for the opposite party in the Advanced Round. If they did not argue against one another in the Preliminary Rounds, in the Quarter-finals, the determination as to which team will be Applicant and which will be Respondent will be done by draw of lots. In the subsequent Advanced Rounds, when one of the two teams in the preceding round was Applicant and the other was Respondent, they will argue for the opposite party for which they argued in that preceding round. If both teams argued for the Applicant or both argued for the Respondent in the preceding round, the decision as to which team will be Applicant and which will be Respondent will be determined by a draw of lots.

11.5 Time Allocation

- a) Prior to the beginning of the Oral Round, the team must inform the timekeeper of the manner in which the team wishes to divide its total time between its (i) first Speaker, (ii) second Speaker, and (iii) the Rebuttal (for Applicant) or Sur-rebuttal (for Respondent).
- b) In Preliminary Rounds, each team shall strictly get a total time of 40 minutes to argue subject to a minimum of 15 minutes per Speaker and maximum 4 minutes for the Rebuttals/Sur-rebuttals.

- c) In Quarter-Finals, Semi-Finals, and Finals, each team shall strictly get a total time of 45 minutes to argue subject to a minimum of 18 minutes per Speaker including maximum 5 minutes for the Rebuttals/Sur-rebuttals.

11.6 Structure and Procedure of Oral Rounds

11.6.1. Preliminary Rounds

- a) Each team shall argue once from each side on the same day according to the Fixtures as per **Rule 11.3**.
- b) Preliminary Rounds will be judged by a panel of two (2) Judges.
- c) In determining the winner of a Preliminary Round, the Memorial scores of the respective side will be added to the score of Oral Rounds. The final score of a team in a Preliminary Round will be: 80% of score of Oral Round awarded to the team + 20% of Memorial Score of the respective side [Claimant/Respondent].

11.6.2. Quarter Finals

- a) Quarter-Final rounds will be judged by a panel two (2) Judges, and will be knock-out rounds.
- b) Teams with two-wins shall proceed to the Quarter-Finals.
- c) If there are more than 8 teams which qualify by way of two-wins, the top 8 teams with highest cumulative scores in both the slots of Preliminary Round combined (out of all the teams with two wins), shall proceed to this round.
- d) If there are less than 8 teams which qualify by way of two-wins, the remaining teams with one win shall be chosen on the basis of their cumulative scores in both the Preliminary Rounds combined as per **Rule 11.6.1. (c)**.
- e) In case of a tie in scores calculated as per **Rule 11.6.2. (c)** or **Rule 11.6.2. (d)**, the team with higher Speaker score shall proceed to this round.

11.6.3. Semi-Finals

- a) Semi-Final rounds will be judged by a panel of three (3) Judges, and will be knock-out rounds.
- b) Winners of Quarter-Final rounds shall proceed to the Semi-Final rounds.

11.6.4. Finals

- a) Final round will be judged by a panel of five (5) Judges.
- b) Winners of Semi-Final rounds shall proceed to the Final rounds.

11.6.5. Rebuttal and Sur-rebuttal

- a) Teams may reserve time for Rebuttals or Sur-rebuttals as per **Rule 11.5**.
- b) The Rebuttals or Sur-rebuttals, as the case may be, shall be presented by only one Speaker of the team.
- c) The Rebuttals for the Claimant shall be limited to responding to the oral pleadings of the Respondent. The Sur-rebuttals for the Respondent shall be limited to responding to the Rebuttals by the Claimant.
- d) If a team fails to reserve time for a Rebuttal or Sur-rebuttal at the beginning of an Oral Round, it shall not then request that such time be added during the course of the round.

11.6.6. Non-Attendance

In case any opponent team fails to appear in an Oral Round, the round shall be conducted *ex-parte* and the scoring shall be done as if the defaulter team had been present and arguing.

11.6.7. Communication during Oral Rounds

Communication during the Oral Rounds amongst team members, if required, shall only be in writing.

11.7 Assessment Criteria for Oral Rounds

The Oral Rounds will be marked on a scale of 100 marks per Arbitrator as per the following criteria:

Criterion	Maximum Marks
Recognition of issues	10
Identification of legal principles	15
Use of authorities	15
Appreciation and application of facts	15
Clarity, logic and structure of presentation	10
Response to questions	15
Authoritativeness and persuasiveness	10
Overall presentation, poise and demeanour	10
Total	100

11.8 Conduct

- a) Any compendium of legal or technical authorities that a team seeks to rely upon during the Oral Rounds shall be submitted to the courtroom officer/ timekeeper prior to such Oral Round.
- b) Any form of scouting during the Competition is strictly prohibited and shall entail disqualification of the team. The decision of the OC in this regard shall be final and not subject to challenge.
- c) Teams shall not be permitted to use any electronic devices, like laptops, projectors, video cameras, mobile phones, etc. during the Oral Rounds. Non-compliance with the same will lead to immediate disqualification.

11.9 Dress Code

The dress code for the Competition shall be business formals.

12. GENERAL CODE OF CONDUCT

The teams shall comply with the following rules of conduct:

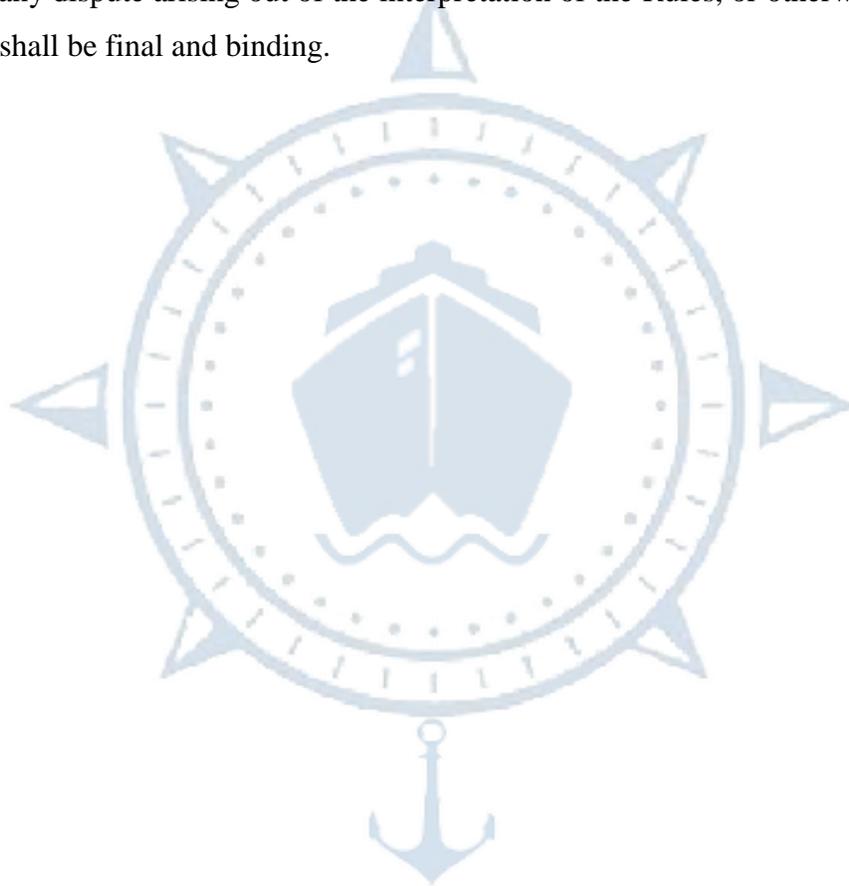
- a) Teams are expected to behave in a dignified manner with other teams and the Judges/ Organizers/ Volunteers.
- b) Teams shall not attempt to approach or influence Judges/ Administrators/ Organisers in any manner whatsoever.
- c) All participants are expected to maintain the decorum of the Arbitral Tribunal during the Competition and are expected to conduct themselves in a manner befitting the legal profession.
- d) The teams shall not engage in any form of unethical, unprofessional and wrongful conduct during the entire period of the Competition.
- e) Participants shall not consume or carry drugs/ alcohol/ arms and ammunitions or indulge in any immoral/ illegal activity during the course of the Competition either within the premises of NUALS, Kochi or at the accommodation provided.
- f) Sexual harassment is strictly prohibited and punishable by law. Any incident involving such misconduct will be dealt with accordingly.
- g) A violation of the prescribed Code of Conduct shall invite sanctions as decided by the OC.

13. FOOD AND ACCOMMODATION

- a) Accommodation and food shall be provided to the participants only during the days of the Competition. Teams which intend to arrive prior to or leave after the specified dates are required to make their own arrangements.
- b) Any additional member accompanying a team shall not be entitled to the benefits of accommodation and food facilities.

14. EXEMPLARY POWER CLAUSE

In case of any dispute arising out of the interpretation of the Rules, or otherwise, the decision of the OC shall be final and binding.



ANNEXURE I – IMPORTANT DATES

Release of Invite and provisional registration	July 20, 2019
Release of the Case Study	July 25, 2019
Commencement of final registration	August 1, 2019
Last date for registration	September 5, 2019
Deadline for first set of clarifications from teams	August 20, 2019
Release of first set of clarifications	August 30, 2019
Deadline for second set of clarifications from teams	September 5, 2019
Release of second set of clarifications	September 15, 2019
Deadline for submission of soft copy of memorials	September 30, 2019 [11:59 PM, Indian Standard Time]
Dates of the Competition	October 18 – 20, 2019

ANNEXURE II – CONTACT INFORMATION

Mr. Manu Shekhar Sharma,
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