



**PRESIDENCY
UNIVERSITY**

— PRESIDENCY SCHOOL OF LAW —
MOOT COURT SOCIETY



1st INTERNATIONAL

MOOT COURT

COMPETITION

20th-22nd FEB, 2026



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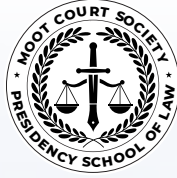


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PRESIDENCY UNIVERSITY

Presidency University, Bengaluru, a NAAC 'A' accredited and globally recognized institution, is a leader in academic excellence, research, and innovation. Established in 2013 by the Presidency Group of Institutions, the University has swiftly evolved into one of India's most respected higher education destinations.

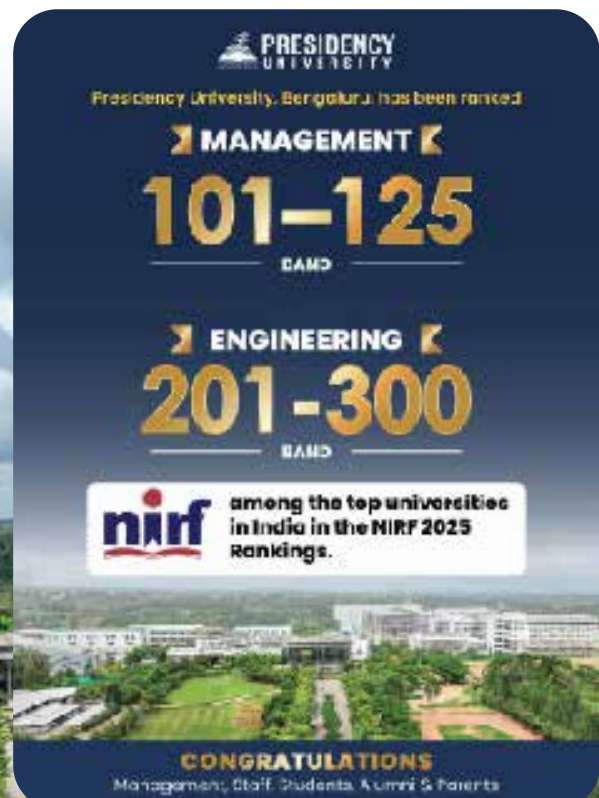
Offering diverse programs in Engineering, Computer Science, Information Science, Management, Law, Design, Media Studies, Commerce, Sciences, Liberal Arts & Sciences, and Allied Health Sciences, Presidency University combines academic rigor with practical application. Its research-driven pedagogy, strong industry collaborations, and global exposure prepare students for leadership in an interconnected world.

A distinguished faculty of scholars and practitioners nurtures a culture of innovation, critical thinking, and integrity. Every student is encouraged to embrace values of discipline, professionalism, and global responsibility, ensuring they emerge as competent professionals and ethical leaders.

Global Recognitions

- QS I-GAUGE Gold rating for overall excellence
- 6th Rank in the Times Engineering Institute Survey
- Best University of the Year (South) by ASSOCHAM

With its strong foundation and international outlook, Presidency University continues to shape leaders of tomorrow, setting benchmarks in education that resonate beyond borders.





PRESIDENCY SCHOOL OF LAW

Presidency School of Law (PSOL), Bengaluru, established in 2015, is a premier institution dedicated to delivering rigorous and contemporary legal education while nurturing professionals with competence, integrity, and leadership. The School offers a wide spectrum of programmes, including five-year integrated undergraduate honours degrees- B.A.LL.B.(H) & BALL.B. (H) with specialization in Constitutional Law, Business Law, Crime and Criminology, and Intellectual Property Law; postgraduate specialisations -LL.M. in IPR and Technology Law, International Law, Criminal Law, Corporate Law, and Constitutional & Administrative Law; and Doctoral research programmes aligned with the evolving demands of the legal profession.

With a well-structured curriculum designed to strengthen legal knowledge, research, and analytical skills, PSOL combines academic excellence with experiential learning and clinical exposure. Students benefit from the guidance of a distinguished faculty of scholars and practitioners, supported by state-of-the-art facilities such as a fully equipped law library, e-learning resources, research centres, and advanced moot court and advocacy training halls.

PSOL also hosts a range of dynamic academic and co-curricular committees including the Moot Court Society, ADR Committee, Corporate Law Committee, Constitutional Law Committee, and IPR & Technology Law Committee that sharpen advocacy, leadership, and research abilities through national and international events. The initiatives like the Legal Aid Clinic and Pro Bono Club provide opportunities to engage with real-life cases, advance social justice, and serve underprivileged communities. With strong industry tie-ups ensuring excellent internships and placements, and global exposure through international collaborations, guest lectures, and exchange programmes, students are prepared to thrive in diverse legal landscapes.

Consistently ranked among India's leading law schools, PSOL has earned prestigious national recognition for its excellence and impact. It was honoured as the Best Emerging Law College in India in the India Today Best Colleges 2025 Survey, awarded an AAA+ Rating by Careers360 India's Best Law Colleges 2025, ranked among the Top 4 Law Colleges in Karnataka in the CSR Rankings 2024, and secured the 16th position nationally in the IIRF Rankings 2023. With its unwavering focus on innovation, interdisciplinary learning, and societal engagement, PSOL stands as a distinguished destination for aspiring legal professionals and future leaders, empowering students to contribute meaningfully to law, policy-making, and social transformation.

MOOT COURT SOCIETY

The Moot Court Society of the Presidency School of Law is a vibrant community of law students dedicated to fostering excellence in legal advocacy and promoting the study of law. As a student-led organization, we aim to provide a platform for our members to develop their research, writing, and oral advocacy skills, preparing them for successful legal careers. Through our annual moot court competitions, workshops, and training workshops, we simulate real-world courtroom experiences, encouraging our members to think critically, argue persuasively, and confidently navigate complex legal issues.

The Presidency School of Law's Moot Court Society consists of 3 Associations: Moot Court Association, Trial Advocacy Association, and Client Counselling Association. Our society serves as a launchpad for aspiring legal professionals, providing a supportive community that encourages growth, creativity, and leadership.

With a strong emphasis on teamwork, leadership, and camaraderie, our society strives to create a supportive environment where law students can grow, learn, and thrive.



1st INTERNATIONAL MOOT COURT COMPETITION RULES

1. ORGANIZATION

- 1.1 The 1st International Moot Court Competition, 2026, is to be held from 20th February 2026 to 22nd February 2026 in Presidency University, Bangalore, Karnataka.
- 1.2 The Moot Proposition is an International Law problem.
- 1.3 The Organising Committee (OC) is vested with all the administrative responsibilities and shall function as the primary source for any relevant information regarding the competition to keep the participants updated.
- 1.4 The Competition will be conducted in conformity with the rules that are outlined below, and competitors must abide by the rules and procedures specified therein; otherwise, they risk being disqualified.
- 1.5 The official email for the purpose of all correspondence with respect to the 1st International Moot Court Competition 2026 would be mca@presidencyuniversity.in.

2. LANGUAGE

The language of the Competition is English, and interpreters will not be available. However, judges will be mindful of the difficulties faced by mooters arguing in a language other than their own.

3. ELIGIBILITY

- 3.1 Each team shall consist of a minimum of Three Members, each of whom:
 - (a) is pursuing an undergraduate law degree or a bar qualifying course or its equivalent, or
 - (b) is undertaking a first graduate degree in a legal field (not including Ph.D., S.J.D. and its equivalent) and
 - (c) is enrolled at a law school in the country that he or she represents as a full-time or part-time student as of the date of the deadline of registration of the team for the national rounds; and
 - (d) has not been admitted as an advocate and solicitor, barrister, attorney, legal practitioner or equivalent in their respective jurisdiction.
- 3.2 Members of each team must be students from the same law school.
- 3.3 The names of the members of each team shall be given to the Moot Committee on the date of registration.
- 3.4 Each team will be given a team number upon payment of registration fees.
- 3.5 Each team shall include Two Speakers and One Researcher

4. LIMITATION ON NUMBER OF TEAMS

It is highly encouraged that each university, college, school or institution limit the number of teams to one (1).

5. DRESS CODE

- 5.1 The participants are expected to be in Formal Attire throughout the competition.
- 5.2 Female(s): White or Black Salwar with White Kurta along with a Black Blazer and Black Shoes OR White Shirt and Black Trousers along with Black Blazer, Black tie and Black Shoes
- 5.3 Male(s): White Shirt and Black Trousers along with Black Tie, Black Blazer and Black Shoes.
- 5.4 It is to be duly noted that no team should wear their College/ University/ Institution ID Card.

6. REGISTRATION

All teams are to register online via the registration form circulated along with the invitation to the competition. The registration will start from October 12th 2025. The last date for registration would be December 19th 2025. There will be no refund of registration fees. Communication of confirmation will be sent via email on December 25th 2025, with the team code.



1st INTERNATIONAL MOOT COURT COMPETITION RULES

7. REGISTRATION FEE:

For Indian Participants:

Registration Fees without accommodation/food per team = Rs 4500 + 18% GST (Rs 5310)

Registration Fees with accommodation/food per team = Rs 9000 + 18% GST (Rs 10,620)

For International Participants:

Registration Fees with accommodation/food per team = 125 USD + 18% GST (estimated – Rs 12,685)

8. ANONYMITY OF THE TEAMS

8.1 Teams may not disclose to judges, at any point throughout the Competition, the identity of their institution, region, or country of origin.

8.2 The teams are only permitted to identify themselves by their team code, which would be allotted to them upon the completion of the Registration.

8.3 Any material, including the Compendium, books, legal texts, or any other reference material, carried into the courtroom for the Oral Rounds, whether presented to the Bench or not, shall not reveal the Team's identity and will be devoid of any identification marks/seal/logo of the Team or the Institution/College/University represented.

8.4 Teams shall not, in any way, reveal their identity in the Memorials or the course of the Oral Rounds. The Memorials shall not bear the logo, name, etc. of the Team, its members or the Institution/College/University represented by the Team.

8.5 Any violation of the above-mentioned Rules of the Competition by the Teams, purposefully or inadvertently, may attract disqualification of the Team from the Competition or any other penalty as determined by the OC. The decision of the OC in this regard shall be final and not subject to challenge.

8.6 Any attempts by a Team or a member of the Team to contact, either directly or indirectly, the drafter of the Moot Proposition for any reason whatsoever after the release of the Moot Proposition and before the Competition closes shall lead to the disqualification of such Team from the Competition.

9. COMPETITION PRIZES

1	Winners	₹75,000
2	1st Runners Up	₹60,000
3	2nd Runners Up	₹ 50,000
4	BEST Speaker (Male)	₹10,000
5	Best Speaker (Female)	₹10,000
6	Best Memorial	₹15,000
7	Best Memorial Runners Up	₹10,000
8	Best Researcher	₹15,000
9	Best Researcher Runners Up	₹10,000

Note: Prize money will be awarded in the official currency of the winning team's country.



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10. MEMORIALS

10.1 Each team must prepare Memorials for both sides, i.e., the Claimant and the Respondent of the case.

10.2 The Memorials are not allowed to reveal any information related to the Team, its members, or the College, Institution, or University that the team is representing in any way. The Memorial shall be identified solely by the Team Code assigned to the Team according to Rule 2.20 of the Rules. Teams are eligible to resubmit their corrected memorials without incurring any penalties if they are submitted within the specified deadline for the submission. Marks will be deducted for memorials that are resubmitted after the deadline.

10.3 The organising committee reserves the right to publish and distribute memorials submitted to and for the competition. Submission of memorials in this competition shall constitute consent to such distribution and publication.

11. SUBMISSION OF THE SOFT COPIES OF THE MEMORIALS

11.1 All participating teams shall send a soft copy of memorials for each side in both Microsoft Word and PDF (.docx/.doc) formats, via a Google Form link which will be provided, on or before January 10th 2026 (23:59 IST). The form link will be circulated once the provisional registration is completed. The teams must comply with the Rules of the Competition.

11.2 Penalty will be imposed in case of late submission of the soft copy of the memorial.

11.2.1 Hard copies of the memorial must be submitted before the commencement of the competition; the contrary will lead to a disqualification. Teams should bring an adequate number of hard copies of the memorials to be used in each round of the competition.

11.2.2 Each Memorial should be contained in a single file with the name of the file being the allocated team code, followed by the first letter of the party whose arguments are presented in that memorial, i.e., an R for Respondent and an A for Applicant. For instance, the Applicant memorial of team code 2 should be named "2A" and the Respondent memorial of team code should be named "2R".

11.2.3 Where a Team makes multiple soft copy submissions, the last in time shall be considered as final for the purpose of the Competition.





1st INTERNATIONAL MOOT COURT COMPETITION RULES

11.2.4 It is the responsibility of each Team to ensure that the soft copy of the Written Submissions is compliant with the following:

- That it can be opened and read with Adobe Acrobat Reader Version 8 and Microsoft Word 97-2003 Document (through use of compatibility mode) or a later version, does not contain any virus, and is not password protected.
- That they are submitted as four (4) separate file attachments: two (2) as Memorial for the Applicant (one each in PDF and Ms Word format) and two (2) as Memorial for the Respondent (one each in PDF and Ms Word format).

11.2.5 The memorial submitted should not be plagiarised. Any memorial found to have more than 20% plagiarism will lead to disqualification of the team for the Best Memorial and Best Memorial Runners Up prize categories. The Committee's decision shall be final and binding.

11.2.6 A plagiarism report generated using a standard software tool such as Turnitin must be submitted along with the memorials via email to the Organising Committee.

11.2.7 Rules relating to formatting, content, citation and anonymity of memorials are set out in Appendix 1.

12. SCORING OF THE MEMORIALS

Analysis of Facts	20
Legal Knowledge and Application	20
Evidence of Original thought	20
Extent and correct use of research	20
Adherence to format and citation	20
Total	100

13. RESEARCHER'S TEST

13.1 A researcher's test will be conducted on February 20th 2026, physically on campus. Researcher of each team has to mandatorily participate in this test.

13.2 The test will be in the form of multiple-choice and descriptive questions, depending upon the discretion of the organising committee. Teams will be marked out of 20.

13.3 There will be no negative marking in the researcher's test.

13.4 Absence of team representation in the researchers' test will be grounds for disqualification.

13.5 The duration of the test shall be **40 Minutes**.

14. JUDGING OF THE COMPETITION

14.1 Each match in the moot rounds shall be held before a panel of judges appointed by the Moot Committee. The Moot Committee has the absolute discretion to make the selection and allocation of judges for the competition.



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14.2 The Preliminary, octa, quarter and semi-final rounds shall have TWO judges. The final round shall have FIVE judges.

14.3 Each judge shall complete an individual marking sheet for all participants in a moot.

13. ORAL ROUNDS

13.1 All teams, upon the submission of the memorials, shall automatically qualify for the oral rounds.

13.2 In the competition, there will be the ONE Preliminary Round, Octa-Finals, Quarter-Finals, the Semi-final Rounds and the Final Round. In each round, each team will moot against another.

13.3 The oral pleadings will only be made in English. No deviation from this requirement shall be allowed.

13.4 In the duration of the oral rounds, use of any electronic devices is strictly prohibited.

13.5 Teams during their oral arguments need not restrict themselves to the contents mentioned in their memorials. The team may place arguments beyond the scope of their initial submission in order to justify their stance.

14. SCORING OF THE ORAL ROUNDS

Familiarity with the facts of the case	10
Structure of arguments	20
Presentation and Etiquette	10
Application of Law	20
Extent of research	20
Persuasiveness and Advocacy	10
Responsiveness	10
Total	100

15. REBUTTAL AND SUR-REBUTTAL

15.1 The rebuttal/sur-rebuttal may be presented by only one speaker of a team for all the issues or by both speakers individually for the issues presented by them.

15.2 The Respondent team may use the time set aside for sur-rebuttal only if the Applicant team exercises its right to rebuttal.

15.3 It is the responsibility of the team to reserve time for rebuttals and sur-rebuttals. If they fail to do so, they will not be allowed to reserve the time at a later opportunity during the oral rounds.

15.4 The content of the rebuttals and sur-rebuttals shall be limited to the arguments put forth by the Respondent and Applicant, respectively.

16. PRELIMINARY, OCTA, QUARTER-FINAL AND FINAL ROUNDS

16.1 PRELIMINARY ROUND

The maximum time limit exercised by each side is 20 minutes. The maximum time exercised by one speaker cannot exceed the time limit of 15 minutes. This time shall include the time allocated for rebuttals and answering questions. The minimum speaking time per speaker shall not be less than 5 minutes.



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16.2 OCTA ROUNDS

The maximum time limit exercised by each side is 20 minutes. The maximum time exercised by one speaker cannot exceed the time limit of 15 minutes. This time shall include the time allocated for rebuttals and answering questions. The minimum speaking time per speaker shall not be less than 5 minutes. The final decision regarding the conduct of an octa-final round shall rest at the sole discretion of the Organising Committee and will be determined based on the number of participating teams.

16.3 QUARTER FINAL ROUNDS

The maximum time limit exercised by each side is 20 minutes. The maximum time exercised by one speaker cannot exceed the time limit of 15 minutes. This time shall include the time allocated for rebuttals and answering questions. The minimum speaking time per speaker shall not be less than 5 minutes.

20.4 SEMI-FINAL ROUNDS

The maximum time limit exercised by each side is 60 minutes. The maximum time exercised by one speaker cannot exceed the time limit of 30 minutes. This time shall include the time allocated for rebuttals and answering questions. The minimum speaking time per speaker shall not be less than 10 minutes.

20.5 FINAL ROUNDS

The maximum time limit exercised by each side is 60 minutes. The maximum time exercised by one speaker cannot exceed the time limit of 30 minutes. This time shall include the time allocated for rebuttals and answering questions. The minimum speaking time per speaker shall not be less than 30 minutes.

21. EXTENSION OF TIME

Judges may, at their discretion, extend the allotted time limits for the Teams' oral arguments, and oralists who have been asked to expand upon the arguments by the judges may, in this instance, go beyond the individual time limit.

22. ORAL COMMUNICATION IN THE COURTROOM

22.1 The team's speakers are only permitted to speak with the judge within the designated period. In order to maintain the orderly conduct of the Moot, the judges may, when necessary, speak with an oralist directly, any Team Member at the counsel table of either Team, and any other person in the courtroom.

22.2 Without authorisation from the Organising Committee, no correspondence may take place between any individual seated at the counsel table or between any judge and an oralist at the podium.

24. WRITTEN COMMUNICATION

At the counsel table, team members may only communicate via written correspondence. During the Moot, Team Members at the Counsel Table are not permitted to correspond in writing with judges, the oralist, or observers (including Team Members sitting in the audience). No other individual may correspond with them either.



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25. STRUCTURE OF THE COMPETITION

Each team shall argue in ONE Preliminary Round and one Octa Round. The Advanced Rounds shall consist of three rounds– the Quarter Finals, Semi-Finals and the Final Round. All the Advanced Rounds shall be the knock-out rounds.

25.1 Preliminary Rounds:

- a) The Preliminary Rounds shall be conducted on 21st February, 2026. There will be ONE Preliminary Round.
- b) Preliminary Round shall be the merit round. The top 16 teams will go to the Octa rounds.
- c) Oral scores of both the oralists of that team will be added to determine the qualification of that team for the next round.
- b) The pairing of teams for the Preliminary Rounds shall be done by a draw of lots by the Organising Committee.
- c) The Teams in the Preliminary Rounds will be provided with the hard copy of the opposing Team's Memorial before the Oral Round in the Memorial Exchange Session.
- d) If two teams have the same scores after adding the oral scores of both the oralists of that team, it will be called a tie. A tie will be resolved by adding the Memorial Scores to the cumulative Oral Scores of the Octa Finals.
- e) If a tie persists, then the Researchers' Test scores would also be added to it.

25.2 Octa Final Round

The top 16 teams shall qualify for the Octa-finals. This shall be a merit round. The top 8 teams will go to the advanced rounds.

- a) The Octa-finals will be held on 21st February, 2026.
- b) Oral scores of both oralists will be added to determine the qualification of that team for the next round.
- c) The Teams in the Octa-Final Rounds will be provided with the hard copy of the opposing Team's Memorial before the Oral Round in the Memorial Exchange Session.
- d) If two teams have the same scores after adding the oral scores of both the oralists of that team, it will be called a tie. A tie will be resolved by adding the Memorial Scores to the cumulative Oral Scores of the Octa Finals.
- e) If a tie persists, then the Researchers' Test scores would also be added to it.

25.3 Quarter-final Round

The top 8 highest scoring teams in each pairing shall proceed to the Quarter-final round. This shall be a knockout round.

- a. The Quarter-final Rounds will be held on 21st February, 2026.
- b. The pairing of Teams for the Quarter-Finals shall be done by draw of lots.
- c. Qualifying Teams shall pick the lots in the order of their ranks determined. The pairing of the teams for the Quarter-finals shall be done by power seeding, i.e., Rank 1 vs. Rank 8, Rank 2 vs. Rank 7, etc.
- d. The sides for all the advanced rounds shall be determined through a chit system, where the highest-ranking team shall pick a chit at random, which would contain the name of the side and automatically, the opposing team will receive the other side.
- e. The Teams in the Quarter-Final Rounds will be provided with a hard copy of the opposing Team's Memorial before the Oral Round in the Memorial Exchange Session.



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f. Team will be credited with a win if the cumulative Oral Score of the Team in that match is higher than the cumulative Oral Score of the opposing Team in that match.

g. A tie will be resolved by adding the Memorial Scores to the cumulative Oral Scores of the Quarter Finals.

h. If a tie persists, then the Researchers' Test scores would also be added to it.

25.4 Semi-Final Rounds

The Semi-Final Rounds will be conducted on 22nd February, 2026 and will be knockout rounds. The pairing of Teams for the Semi-Finals shall be done by draw of lots.

The pairing of Teams for the Semi-Finals shall be decided as follows:

- Winner of QF 1 v. Winner of QF 4
- Winner of QF 2 v. Winner of QF 3

For the Semi-final Rounds, Teams shall be provided with a hard copy of the opposing Team's Memorial in the Memorial Exchange Session.

25.5 Finals

The winning team in each of the two Semi-final matches advances to the Final Round. The Final Round of the Competition will be held on 22nd February, 2026.

a) The Rules of the Competition with respect to draw of lots and memorial exchange will apply mutatis mutandis to determine the winners of the Semi-Finals.

b) A team will be credited with a win if the cumulative oral score of the team in the final round is higher than the cumulative oral score of the opposing team in that round.

c) In case a tie persists, it can be resolved by considering the Memorial scores of the teams. However, the Organising Committee reserve the right to declare joint winners, in the case of even even-numbered panel, the judges of the final round are unable to reach a consensus with regards to deciding the winner. The Teams will be provided with a hard copy of the opposing Team's Memorials before the Oral Round. The Organising Committee reserve all the rights pertaining to that memorial.

26. INAUGURATION

On the first day of the event, 20th February 2026, there will be an inauguration ceremony followed by the exchange of memorials. All participants are required to report to the venue on 20th February 2026.

27. ACCOMMODATION AND FOOD

27.1 Accommodation and meals will be provided by Presidency School of Law to the participants should be opted for the same for 3 days & 2 nights from the morning of 20th February 2026 till the afternoon on 22nd February 2026(inclusive of lunch)."

27.2 For the remaining participants who have not opted for accommodation and meals, only lunch will be provided during the official hours of the competition.

27.3 Should teams arrive a day before or on the dates mentioned in point no 27.1, arrangements for accommodation and meals must be borne by the team.



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28. CERTIFICATE

Participants must attend the valedictory ceremony, which will be on 22nd February 2026. Participants who do not attend the valedictory ceremony will not be awarded a participation certificate. A physical copy of the certificates will be provided to the participants and all the award holders.

29. IMPORTANT DATES





1st INTERNATIONAL MOOT COURT COMPETITION RULES

APPENDIX I – STRUCTURE OF MEMORIALS

1.1 Document Format

Each Memorial must be submitted in a single file in the following Microsoft Word format: letter size, 8.5 x 11 inches (21.6 x 27.9 cm), or A4 size, with equal margins of at least one inch (2.54 cm) on all four sides, font and size in Times New Roman 12-point, double-spaced. Footnotes must be 10-point size and be single-spaced.

Word count (using the standard word count in Microsoft Word):

- (a) The Pleadings (including the Conclusion/Prayer for Relief and footnotes) must be no longer than 8,000 words (including headings).
- (b) The Summary of Pleadings must be no longer than 500 words (including headings).
- (c) The Statement of Facts must be no longer than 750 words (including headings).

Any Memorial that fails to comply with this format may be reformatted by the Competition Administrator, and such reformatting may alter document pagination and layout.

1.2 Content

The Memorials must comprise:

- (a) Front cover – with team number on the top right-hand corner followed by “A” for APPLICANT Memorial and “R” for RESPONDENT Memorial (e.g. team number 8301 would put “8301-R”), name of the tribunal (e.g. Kuala Lumpur Regional Centre for Arbitration), year of the Competition, name of the case and title (e.g. “Memorial for Respondent”);
- (b) Table of Contents;
- (c) Index of Authorities – list of all legal authorities cited in the Memorial with the page number(s) of the Memorial on which the authority is cited;
- (d) Statement of Jurisdiction;
- (e) Questions Presented;
- (f) Statement of Facts - the given facts and any relevant inferences from the moot problem and clarifications or corrections (if any) to the moot problem. The Statement of the Facts should exclude any uncorroborated facts, alteration of given facts, contrary statements and legal arguments. Memorials will be judged according to the conformity of the facts to legal arguments without producing new facts or making unreasonable inferences from the moot problem.
- (g) Summary of Pleadings – an objective and substantial summary of the Pleadings of the Memorial; and
- (h) Pleadings (including Conclusion/Prayer for Relief) – substantive, confirmatory legal argument or legal interpretation of the facts of the moot problem. Summaries of these legal arguments may be included in the Questions Presented and the Summary of Pleadings.

1.3 Citation

Endnotes are not permitted. Footnotes must be used for citation of authorities and sources of statements made in the Memorial only and must not include any substantive pleadings. Citations in the Index of Authorities and Footnotes of the Memorial must include a description of each authority so that a reasonable reader may find the authority in a publication.



1st INTERNATIONAL MOOT COURT COMPETITION

MOOT PROPOSITION

DISCLAIMER

Names, characters, places and incidents used in this moot problem are either products of the author's imagination or are used fictitiously. Any resemblance to actual events or locales or persons, living or dead, is almost entirely coincidental. Of course, no offence is intended to anyone.





**1st INTERNATIONAL
MOOT COURT COMPETITION**

INTERNATIONAL COURT OF JUSTICE

**CASE CONCERNING THE LEGALITY
OF DETENTION OF Mittal
(UNITED REPUBLIC OF OTHELLO v. DEMOCRATIC STATE OF DESDEMONA)**

ORDER OF 14 MAY 2025

2025

COUR INTERNATIONALE DE JUSTICE

**AFFAIRE CONCERNANT LA LÉGALITÉ DE LA
DÉTENTION DE MITTAL
(RÉPUBLIQUE UNIED' OTHELLO c. ÉTAT DÉMOCRATIQUE DE DESDEMONA)**

ORDONNANCE DU 14 MAY 2025





INTERNATIONAL COURT OF JUSTICE

Case Concerning the Legality of Detention of Mittal

(United Republic of Othello v. Democratic State of Desdemona)
Order dated 14th May 2025 [Relevant Excerpts]

The International Court of Justice, [...]

Having regard to Article 48 of the Statute of the Court and the relevant Rules of Court,

Having regard to the Application filed in the Registry of the Court on 10th March 2025, whereby the Government of the United Republic of Othello ("Othello" or "Applicant") instituted proceedings against the Democratic State of Desdemona ("Desdemona" or "Respondent") with regard to a dispute concerning alleged violations of international law by Desdemona;

[...]

Whereas, at a meeting with the President of the Court on 10th March 2025, the Parties agreed to prepare jointly a Statement of Agreed Facts, including a formulation of the issues to be adjudicated by the Court;

Whereas, Desdemona has agreed not to contest the jurisdiction of the Court to hear the present matter;

Whereas, after negotiations, the Parties jointly communicated the attached Statement of Agreed Facts to the Court on 12th May 2025;

Whereas, the Parties have agreed that they shall each submit one written Memorial and make oral pleadings solely on the issues presented at the end of the Statement of Agreed Facts;

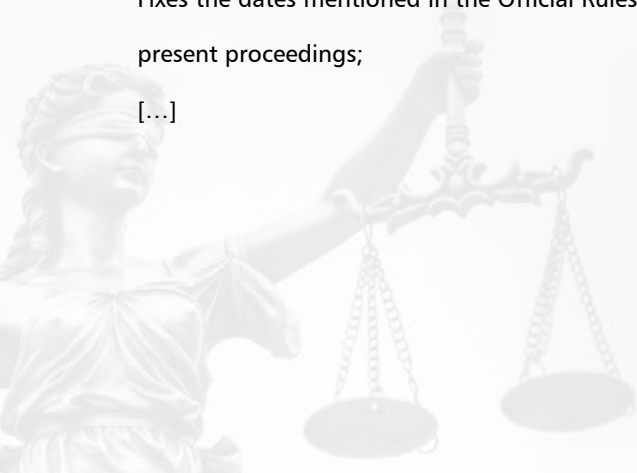
Taking this into account,

Fixes the dates mentioned in the Official Rules of the Moot for oral pleadings and the adopts such rules for the present proceedings;

[...]

(Signed)
President

(Signed)
Registrar





THE STATEMENT OF AGREED FACTS

1. United Republic of Othello ("Othello") and Democratic State of Desdemona ("Desdemona") are neighboring countries and form what is popularly referred to as the Abdo sub-continent. Both were colonized by the imperial Kingdom of Hanqin and were partitioned as two separate, independent nations upon decolonisation in 1947. Both became members of the United Nations the same year and both are developing countries. Othello is surrounded by the Adrian Ocean on three sides and to its north, lie the Great Dalton Mountain range. To the immediate north of Othello, separated by the Dalton Mountain range, lies Desdemona. The Manga River flows through both the countries and acts as a common supply of water to both countries.

2. There are several flourishing manufacturing sectors in Othello alongside a developed financial sector. While the GDP (nominal) of Othello is US\$3.05 trillion, Desdemona has a GDP (nominal) of US\$284 billion. A major component of Othello's economic success has been its investment, beginning in the 1960s, in research and development in the oil, natural gas and minerals sectors.

3. In 1997, Othello and Desdemona signed a bilateral investment treaty ("Othello-Desdemona BIT"). Relevant parts of the treaty are contained at Annex I. The BIT facilitated capital investment into Desdemona, and several companies were set up in Desdemona through capital from Othello. The Desdemona Exploration Company (the "DEC") is one such company that is a 100% subsidiary of Othello Oil & Natural Gas Company (the "AONGC"). DEC was primarily set up to explore and extract oil and natural gas deposits at offshore and onshore sites in Desdemona.

4. AONGC was a state-owned company incorporated as a "Public Sector Undertaking" in Othello on 6 April 1991, under the Othello Companies Act, 1956. As a Public Sector Undertaking, AONGC discharged purely commercial functions. To this end, AONGC had been conferred with various powers under its constitutional documents, including, within limits, the power to approve its own projects. However, with respect to projects proposed to be undertaken whose capital requirements exceeded those which its board of directors was entitled to approve under the constitutional documents, approval was required from the Government of Othello (the "GOO"). The approval procedure in such cases involved the preparation of a project feasibility report for consideration first by AONGC's board and thereafter the GOO.

5. The public trading of the shares of AONGC began on the Othello Stock Exchange in 1995. However, according to the constitutional documents of AONGC, the GOO must always own no less than 25 percent and no more than 49 percent of the shares of AONGC. As of the present date, GOO's shareholding is approximately 26%.

6. AONGC possesses a legislatively-granted and government-enforced monopoly on the supply of city gas to other corporations within Othello, and the government subsidizes AONGC's development activities inside and outside of Othello. Currently, AONGC has an 11-member board of directors including four former cabinet ministers of Othello and three former senior government officials, although its constitutional documents prohibit appointment of any current / sitting government official to the board.

7. Employees of AONGC often visit Ralhore (the capital of Desdemona) where DEC is headquartered, to supervise the operations of DEC. Since 2005, DEC has been a consistently profit-making company and has substantially contributed to the economic growth of Desdemona (as was recognised by the official report of the Finance Committee of Desdemona in 2017). Since 2017, Desdemona has started taking active interest in the operations of the DEC and has also offered to subsidise its development activities and fund its expansion plans in the future.



THE STATEMENT OF AGREED FACTS

8. In March 2018, there was an internal report by the intelligence agencies of Desdemona that employees and directors of AONGC who visit Desdemona (official purpose of such visits are to supervise the operations and discuss expansion plans) are involved in espionage and drug-trafficking. In light of that Report, the police agencies deployed at the international airports and ports of Desdemona have been on high alert.

9. On 15 August 2022, Mr. Tereka Mittal was arrested at the Ralhore International Airport. Mr. Mittal had served as an official legal advisor to the GOO from 2016-2020 and was at the time a director of AONGC. Mr. Mittal was arrested after his luggage, while passing through the x-ray machine, was found to contain ten small packets of white powder which the airport security suspected to be cocaine. Mr. Mittal immediately protested his arrest, produced his visa paper and immediately asked to be released stating that those packets contained ayurvedic medicine (which was quite popular in Othello). The Desdemona authorities however, noted his protests, and then swiftly transported him to a high security Detention centre in Ralhore. The Government of Desdemona (the "GOD") immediately delivered a diplomatic note to the foreign minister of Othello reporting the arrest of Mr. Mittal. Ambassador for Othello immediately demanded the release of Mr. Mittal.

10. On 16 August 2022, Mr. Mittal was presented before a Magistrate's court in Desdemona within 24 (twenty-four) hours, as per the Criminal Code of Desdemona, 1890, and the State of Desdemona argued for police custody to complete investigation. Mr. Mittal was provided with an attorney by GOD who, in the opinion of Mr. Mittal, could not put forth a convincing case for his interim bail. The court finally rejected Mittal's plea for bail and sent him to police custody for further investigation.

11. During the hearing before the Magistrate's court, there was a large mob of protesters outside the court building who had gheraoed the court building and were continuously shouting "SEND Mittal TO JAIL". The mob included sitting members of the legislative assembly of Desdemona; however, their identities are unknown and there is no proof if they were from the ruling party. Since the court hearing, there were nation-wide protests and rallies in Desdemona demanding imprisonment of Mr. Mittal and cutting off of commercial ties with Othello.

12. In the meantime, GOO had requested access to Mr. Mittal, in accordance with the Vienna Convention on Consular Relations, 1963, (the "VCCR") which was turned down citing national security reasons. Both the countries are parties to the VCCR. There were several correspondences between the two countries in this regard, but did not result in any acceptable outcome. On 18 August 2022, in a press conference called by the GOO, the Prime Minister of Othello said-

"We are appalled at the actions of the Government of Desdemona. Mr. Mittal was arrested without any cause and he has not been informed of his rights under Article 36 of the Vienna Convention on Consular Relations. Moreover, Othello's consular officers have been consistently denied access to Mr. Mittal while he is in custody, detention and prison, and have been unable to converse and correspond with him to make necessary arrangements for his legal representation.

The order passed by the Magistrate's court at Desdemona was an extraordinary situation as such order was passed under unprecedented mob pressure. There is an ongoing national protest in Desdemona which will have a serious impact on any judicial proceedings concerning the case of Mr. Mittal. In our opinion, Mr. Mittal will not be provided with a fair trial in Desdemona, which would be violative of his basic human rights."



THE STATEMENT OF AGREED FACTS

13. On 19 August 2022, the State Attorney for the City of Ralhore made the following announcement:

"We have noted claims of consular access and request for release of Mr. Mittal. These claims are without merit inasmuch as he was caught dealing in drugs and as such our state investigations must go on. In any event, our law authorizes suspension of consular access in cases of drug trafficking and national security, and such suspension is consistent with Article 36 of VCCR and principles of international law. We will soon bring charges against Mr. Mittal."

14. Following the above statement, the President of Desdemona made a public announcement:

"There has been an extreme breach of our sovereignty. Othello's interference has also seriously affected our own internal law and order mechanisms and our ability to deal with underworld operatives dealing in drugs. If anything, Othello has only added to the problem. While in March 2022, we had been notified of such suspicious activities by our intelligence agencies, we now, even more significantly, have further reasons to believe that Othello has been interfering with our domestic matters, through covert use of force and in utter violation of international law. For this reason, as of today, I have recalled our Ambassador to Othello and downgraded diplomatic relations. We will subject to greater scrutiny any capital inflow and human movement from Othello to our country."

15. In November 2022, Desdemona passed the Essential Security Act, 2022, (the "ESA") which mainly dealt with matters of national security and public affairs (having retrospective effect). However, under the ESA, GOD nationalized the entire shareholding in DEC and further nationalized all its fixed and movable assets. Following this, the government dismissed DEC's board of directors and placed the company under the management of a 'Management Committee' composed of senior bureaucrats and executive officers from Desdemona. In a brief letter to AONGC, the government of Desdemona offered to pay compensation amounting to 60 (sixty)% of the estimated market value of the shares AONGC held in DEC, including a standard interest at a normal market. AONGC replied protesting the acquisition, which was followed by a diplomatic note from Othello's mission in Desdemona. The note stated that

"The nationalization of DEC is a blatant violation of the Othello-Desdemona BIT between the countries, and of general international law. We request immediate repeal of the Essential Security Act, 2022 as applied to the DEC, failing which, we will be constrained to suspend diplomatic relations and adopt suitable remedy measures."

16. Failing to come to a settlement, on 10 January 2023, Othello requested for setting up of an arbitral tribunal as per Article 9(A) of the Othello-Desdemona BIT, which was accepted by GOD. By 15 February 2023, a three-member arbitral tribunal was constituted, which included renowned professors and practitioners of international law. On 15 THE July, 2024, by 2-1 majority, the Tribunal dismissed the claims of expropriation and compensation of Othello on both grounds of admissibility and merits. The dissenting opinion of Judge Aman (former President of the International Court of Justice) was a detailed Judgment holding that:

- a. The nationalization of the entire shareholding of DEC by the ESA constitutes direct expropriation;
- b. Othello is entitled to bring a claim on behalf of AONGC, a valid investor and they are admissible, as by virtue of being the national State of AONGC, Othello has a right of diplomatic protection;



THE STATEMENT OF AGREED FACTS

c. The expropriation under ESA was unlawful as it was not done – (i) for a “Public Purpose”; (ii) in a “non-discriminatory manner”; and (iii) with an offer of “prompt, adequate, and effective compensation”. The fulfilment of all these conditions is necessary under customary international law to avoid unlawfulness.

17. In the meantime, Mr. Mittal was tried for charges of drug-trafficking and breaching public security of Desdemona by a special criminal court set up under the ESA. The special criminal court passed an order of life imprisonment convicting Mr. Mittal under the Desdemona Penal Code and the ESA.

18. Aggrieved by the arbitral award, Othello have filed an Application with the Court instituting the present proceedings against Desdemona, alleging that the nationalization of DEC was in violation of international law and the award suffers from a ‘patent error in interpretation and application of the BIT and general international law’. Separately, Othello has also claimed that the arrest, prosecution and conviction of Mr. Mittal and the denial of consular access to him was in flagrant violation of the VCCR and principles of customary international law.

19. Othello asks the court to adjudge and declare:

- (a) Desdemona has violated international law in arresting, prosecuting and convicting Mr. Mittal;
- (b) Desdemona has acted in egregious breach of Article 36 of the Vienna Convention on Consular Relations, 1963 in: (i) Failing to inform Mr. Mittal of his rights under Article 36 of the Vienna Convention on Consular Relations, 1963; (ii) Declining access to Mr. Mittal by consular officers of Othello, contrary to their right to visit Mr. Mittal, while under custody, detention or in prison, and to converse and correspond with him, or to arrange for his legal representation. (iii) passing the Judgment by the special criminal court of Desdemona (set up under the ESA) is in violation of the VCCR rights under Article 36, and in defiance of elementary human rights, which are also to be given effect as mandated under the Article 14 of the International Covenant on Civil and Political Rights, 1966 (the “ICCPR”).
- (c) Annul the decision of the special criminal court and restrain Desdemona from giving effect to the sentence or conviction in any manner; and direct it to release the Othello national, Mr. Mittal, forthwith, and to facilitate his safe passage to Othello.
- (d) Desdemona has violated international law in passing the Essential Security Act, 2022 and applying it to DEC. The arbitral award is a nullity under international law.

20. Desdemona asks the court to adjudge and declare:

- (a) Desdemona has acted consistently with international law in arresting, prosecuting and convicting Mr. Mittal.
- (b) The claims of Othello in relation the conviction of Mr. Mittal are inadmissible or in the alternative, are liable to be dismissed in entirety.
- (c) Desdemona has acted lawfully in passing the Essential Security Act, 2022 and applying it to DEC and claims of expropriations are meritless.
- (d) The arbitral award is valid and binding on both parties under international law and the ICJ, in context of this specific dispute, does not have the jurisdiction to sit on appeal on the decision of the Tribunal or to substitute its views.

The parties are signatories to the UN Charter and the Vienna Convention on the Law of Treaties, VCCR and the ICCPR.



ANNEX I

AGREEMENT BETWEEN THE UNITED REPUBLIC OF OTHELLO AND DEMOCRATIC STATE OF DESDEMONA FOR THE PROMOTION AND PROTECTION OF INVESTMENTS

The Government of United Republic of Othello
And

The Government of Democratic State of Desdemona
(each hereinafter referred to as "a Contracting Party" and collectively "Parties")

Desiring to strengthen the traditional ties of friendship between their countries, to extend and intensify the economic relations between them particularly with respect to investments by the investors of one Contracting Party in the territory of the other Contracting Party,

Recognizing that reciprocal protection of such investments under an agreement will subserve the aforesaid objective and will be conducive to the stimulation of individual business initiative and will increase prosperity in both States;

Have agreed as follows:

Article 1 (Definitions)

[...]

"Investment" means every asset of an investor that has the characteristics of an investment, including such characteristics as the commitment of capital or other resources, the expectation of gain or profit, or the assumption of risk. Forms that an investment may take include: (a) an enterprise; (b) shares, stock, and other forms of equity participation in an enterprise; (c) licenses, authorizations, permits, and similar rights conferred pursuant to applicable domestic law.

"Investors" means nationals or companies of a Contracting Party, that attempts to make, is making, or has made an investment in the territory of the other Contracting Party.

"companies" means:

- i. in respect of Othello: corporations, firms and associations incorporated or constituted under the law in force in any part of Othello;
- ii. in respect of Desdemona: legal persons constituted under the law in force in any part of Desdemona;

* * *

Article 2 (Scope of the Agreement)

This Agreement shall apply to any Investment made by Investors of either Contracting Party in the territory of the other Contracting Party including an indirect investment made through another company, wherever located, which is fully owned by such Investors, whether made before or after the coming into force of this Agreement.

[...]



Article 4 (National treatment and most favored nation treatment)

A. Each Contracting Party shall accord Investments and Investors of the other Contracting Party treatment no less favorable than that it accords, in like circumstances, to its own investors or to investments or investors of any third state.

B. Each Contracting Party shall accord to Investments, of the other Contracting Party, treatment in accordance with customary international law, including fair and equitable treatment, full protection and security, and non-discrimination.

C. The provisions of paragraphs A and B in respect of the grant of national treatment and most favored nation treatment shall not apply in respect of any international agreement or arrangement relating wholly or mainly to taxation or any domestic legislation or arrangements consequent to such legislation relating wholly or mainly relating to national security.

Article 5 (Expropriation)

A. Neither Party may expropriate or nationalize an investment either directly or indirectly through measures equivalent to expropriation or nationalisation ("expropriation"), except for a public purpose; in accordance with due process of law; in a non-discriminatory manner; and on prompt, adequate, and effective compensation. Such compensation shall represent the genuine value of the Investments effected, shall include interest at a normal market rate until the date of payment, shall be effectively realizable without undue delay, and shall be freely convertible and transferable

B. With the exception of measures so severe in light of their purpose that they cannot be reasonably viewed as having been adopted and applied in good faith, non-discriminatory measures of a Contracting Party that are designed and applied to protect 'legitimate public welfare objectives' shall not constitute indirect expropriation.

[...]

Article 9 (Jurisdiction and Dispute Settlement)

A. Any dispute in relation to or in connection with this Agreement shall be decided by an ad-hoc arbitral tribunal, at the request of either Contracting Party, in accordance with the principles of general international law, subject to the following provisions:

- a) The arbitral tribunal shall consist of three arbitrators. Each Party shall select an arbitrator. These two arbitrators shall appoint by mutual agreement a third arbitrator, the Chairperson, who shall be a national of a third State. All arbitrators shall be appointed within two months from the date when one of the Parties to the dispute informs the other of its intention to submit the dispute to arbitration;
- b) If the necessary appointments are not made within the period specified in sub-paragraph (a) above, either Party may, in the absence of any other agreement, request the President of the International Court of Justice to make the necessary appointments;



c) The arbitral award shall be made in accordance with the provisions of this Agreement and principles of general international law;

d) The tribunal shall reach its decision by a majority of votes;

e) The decision of the arbitral tribunal shall be final and binding, subject to Clause (B) below, and the parties shall abide by and comply with the terms of its award.

B. In the event, the arbitral award passed by the Tribunal suffers from any patent error in interpretation, application or fulfilment of this Agreement or general international law, the award may be submitted to the International Court of Justice for review at the request of either of the Contracting Party and its decision shall be final and binding.

[...]

Article 12 (Prohibitions and restrictions)

The provisions of this Agreement shall not in any way limit the right of either Contracting Party to apply prohibitions or restrictions or take action in accordance with its laws applied in good faith, on a non-discriminatory basis, and to the extent necessary for the protection of its essential security interests, or for the prevention of diseases and pests in animals or plants or for protection of the environment.





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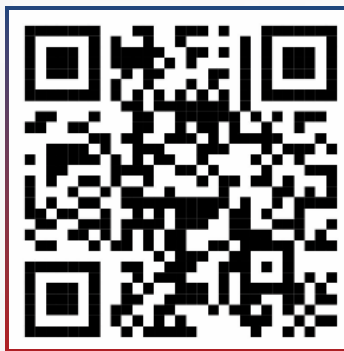
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