

**Rules of Participation in Third International Infrastructure & Construction Law Arbitration Moot, 14<sup>th</sup> & 15<sup>th</sup> of November 2009**

1. Definitions:

In these rules unless the context otherwise requires the following words, shall have the following meaning:

- (a) **Administrator:** shall mean the International Administrator of the Moot, who shall be Mr. Hemant Batra, Chairperson of IICLAM Organizing Council, Lead Partner – Kaden Boriss Legal LLP, former Secretary General and Current Vice-President of South Asian Association of Regional Cooperation in Law (SAARCLAW).
- (b) **Moot/Competition:** shall mean and refer to the 3<sup>rd</sup> International Infrastructure and Construction Law Arbitration Moot competition, to be held in New Delhi, India, in the year 2009.
- (c) **Founders:** shall mean Kaden Boriss Legal LLP, the National University of Singapore (NUS) and Singapore International Arbitration Centre (SIAC).
- (d) **Organizers:** shall mean the Founders i.e. Kaden Boriss Legal LLP, the National University of Singapore (NUS) and Singapore International Arbitration Centre (SIAC), and shall also include the Administrator, the Organizing Council and the India Organizer (i.e. National Law University, Delhi), wherever the context so requires.
- (e) **Organizing Council:** shall mean the representatives of the Organizers involved in organizing the Competition and shall include the Chairperson, Co-Chairpersons, Convener, Treasurer and other Members of the Council.
- (f) **Panel of Arbitrators:** shall mean and include lawyers, judges, technocrats and such other suitably qualified persons as may be appointed by the Administrator and other Organizers to judge the Competition/ evaluate the performance of the Teams, and the term '**Arbitrator**' shall be construed accordingly.
- (g) **Arbitral Tribunal/Tribunal:** shall mean a tribunal of three Arbitrators, to be appointed by the Administrator, to judge the Competition / evaluate the performance of the Teams, during the various rounds of the Moot, including

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evaluation of Memorials submitted by the Teams. The Tribunal shall have an ex-member of the judiciary or a member of the legal profession as the Presiding Arbitrator, as may be appointed by the Administrator.

- (h) **Team:** shall mean a set of a minimum of 2 and maximum of 3 persons eligible to participate in the Competition.
- (i) **Co-ordination Cell:** shall mean a team constituted by the Administrator to assist in conducting of the Competition and other activities connected therewith.
- (j) **India Organizer:** shall mean the National Law University, Delhi.

2. Applicability & Alteration:

- (a) These rules shall be applicable to the Competition as defined above.
- (b) The Organizers reserve the right to modify, change, amend or alter any or all of these Rules, at any time, without prior notice to any party, as may be deemed expedient by them for conducting the Competition.

3. Eligibility For Participation:

- (a) All Law Colleges, duly recognized under the laws of the countries in which they are situated are eligible to participate in the Third International Infrastructure & Construction Law Arbitration Moot (IICLAM), 2009.
- (b) The interested colleges must submit their Participation Forms, which can be downloaded from IICLAM website ([www.iiclam.org](http://www.iiclam.org)), to the Secretariat address, either through courier/speed post and also mandatorily through e-mail at [info@iiclam.org](mailto:info@iiclam.org).
- (c) The last date for submission of the Participation Forms is the 10th of August, 2009. Any forms received after this date shall be deemed to be ineligible.
- (d) The Administrator shall have the authority, in his sole discretion, to extend the last date of for submission of the Participation Forms or to condone the delay by any Team in submission of the Participation Forms.
- (e) The Organizers are not responsible in any manner for lost or delayed Participation Forms.

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4. Submission of Written Memorials and Short Listing of Teams:

- (a) Based on the Moot Problem, which can be downloaded from IICLAM website ([www.iiclam.org](http://www.iiclam.org)), the participating teams must submit their written memorials, containing arguments from both the Claimant's and Respondent's side, by the 30th of September, 2009.
- (b) The memorial must meet the parameters listed in point 8 below.
- (c) The memorial must have a title page which must contain information as to the Name of the Law School, Address and Contact details of the Law School and names of the participants/Team members and must be accompanied by a covering letter as well.
- (d) The composition of the Team Members, as to the number of male and female members, must also be communicated to the Organizers, in the covering letter, so as to enable them to make arrangements for the accommodation of the short listed/selected Teams.
- (e) The covering letter must be on the college letter head, duly signed by the Principal/Director/Dean of the college as the case maybe. The teams must additionally send their particulars, a scanned copy of the Covering Letter and Memorials in PDF or word document format, by email to the Organizers.
- (f) The Participating Teams shall be short listed on the basis of written memorials, which shall be rated by either the Panel of Arbitrators or persons selected by the India Organizer for this purpose. The grading of the memorials shall be country-wise. The Organizers reserve the right to select such number of teams from each country as may be deemed expedient, in their sole discretion, depending upon the number of Memorials/Applications received, subject to a maximum of 16 teams being selected to participate in the Competition.
- (g) The names of the short listed teams shall be communicated to them by the 23<sup>rd</sup> October, 2009, who must give their final confirmation of participation by the 30<sup>th</sup> of October, 2009.
- (h) In case of any drop outs, the teams next in order of ranking shall become eligible for participation. Provided that notwithstanding anything contained in these rules, in the event any selected team fails to turn up for participation in the Competition in spite of confirmation or where the number of teams that

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turn up finally for competition is such that it requires, in the opinion of the Administrator change in the format of the Competition or if the Administrator otherwise considers it necessary, he shall have the absolute authority to alter the format and rounds of the Competition or take any other suitable steps to ensure the smooth and uninterrupted conduct and administration of the Competition.

5. Team Composition

- (a) Each team shall consist of a minimum of two (2) and a maximum of three (3) members.
- (b) Each team shall comprise of two (2) speakers and one (1) researcher.
- (c) The researcher may be allowed to moot with the prior permission of the Administrator. Provided, however in such a case one of the speakers of the Team shall have to forego the opportunity to speak.

6. Language

- (a) The Competition shall be conducted strictly in English.

7. Conduct of the Moot & Selection of the Winning Teams:

- (a) The Moot shall comprise of three (3) rounds: 'Preliminary Round', 'Semi-finals' and 'Finals'. The Inauguration ceremony of the Moot and the Preliminary Round shall be held on the 14<sup>th</sup> of November, 2009 at the Campus of National Law University, Delhi, Sector – 14, Dwarka, New Delhi. The Semi-Final and Final rounds shall be held on the 15<sup>th</sup> of November, 2009 at the Campus of National Law University, Delhi, followed by the Prize Distribution Ceremony in the evening. A detailed itinerary for the event shall be communicated to the Teams along with the selection procedure.
- (b) THE PRELIMINARY ROUND: In this round, the participating teams shall be divided into 2 (two) leagues i.e. League 'A' and League 'B' by the Administrator. Each team in each such League would compete against one other Team from the claimant's and the respondent's side ("**Side**"), and each such competition of two teams shall be called a "**Round**". The allocation of Sides and Rounds to the Teams shall be as directed by the Administrator. Thus, each team shall compete/make oral submissions twice in the Preliminary Round.

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(c) TIMING SLOT – PRELIMINARY ROUND:

- i. Both Claimant and Respondent shall get 15 minutes each for oral submissions.
- ii. The Claimant shall also get 2 minutes for rebuttal and Respondent shall get 1 minute for sur-rebuttal.
- iii. There shall also be a 12 minute question and answer session (6 minutes per team) during which the Teams shall have to answer the questions put forth by the Arbitrators.

(d) QUALIFICATION FOR SEMI FINALS: The top two scoring teams from amongst the winning teams from each League in the Preliminary Round shall qualify for the Semi Final Round. Thus, there shall be four teams in all in the Semi Finals.

(e) THE SEMI FINAL ROUND: In this round, the said qualifying teams shall be divided into 2 (two) leagues i.e. League 'A' and League 'B'. In each such League, two of the qualifying Teams shall compete with each other. Each team shall make oral submissions only once, either as Claimant or Respondent. The allocation of sides shall be made by the Administrator.

(f) TIMING SLOT – SEMI FINALS:

- i. Both Claimant and Respondent shall get 35 minutes each for Oral Submissions;
- ii. The Claimant shall also get 20 minutes for rebuttal and Respondent shall get 10 minutes for sur-rebuttal; and
- iii. There shall also be a 20 minutes question and answer session (10 minutes per Team) during which the Teams will have to answer the questions put forth by the Arbitrators.

(g) QUALIFICATION FOR FINALS: After completion of the Semi Final Round, the 2 (two) winning teams (one from each league) shall qualify for the Final Round.

(h) THE FINAL ROUND: The said two (2) finalists shall compete with each other and the winner shall be judged by the Panel of Arbitrators. One team shall make oral submissions only once, either as Claimant or Respondent. The allocation of sides shall be by the draw of lots.

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(i) **TIMING SLOT – FINALS:**

- i. Both Claimant and Respondent shall get 35 minutes each for claiming/ responding.
  - ii. In addition to the above, the Claimant shall get 20 minutes for rebuttal and Respondent shall get 10 minute for sur-rebuttal.
  - iii. Further, a total of 20 minutes shall be provided for questions from the Panel of Arbitrators and answers on the same by the team.
- (j) The scoring of the memorials and the individual members of the Teams shall be kept strictly confidential and shall not be disclosed by the Organizers to the participating Teams and no Team shall have a right to ask for the same.
- (k) A team shall be credited with a win if the aggregate points for their oral submissions are greater than that of the opposing team.
- (l) Memorial marks shall not be considered for deciding the winners in the Preliminary, Semi-Final or Final Rounds, except in the case of a tie.
- (m) **HANDING OVER OF MEMORIALS:** The Teams shall be handed over the memorial of the Team against which they are competing at the following times:
- i. For Preliminary Round - At the Pre-Event Registration on the 13th of November, 2009;
  - ii. For Semi Final Round – On the evening of the 14th of November, 2009, when the semi-finalists are announced ;and
  - iii. For Final Round – 2 hours prior to the commencement of the Round, on the 15<sup>th</sup> of November 2009.

**8. Memorials – Parameters and Marking Criteria:**

- (a) Each team shall submit Memorials/ Written Submissions for both the Claimant's and the Respondent's side.
- (b) Each team shall submit printed memorials containing the following number of pages per item/head mentioned in brackets:
  - i. Cover Page containing cause title (1)
  - ii. Index (1)
  - iii. Index of Authorities (1-2)

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- iv. Synopsis (1-2)
- v. Statement of Facts (5)
- vi. Summary of Arguments (1-2)
- vii. Body of Arguments (20-22)
- viii. Conclusion / Relief asked for (1/2 -1)

The above page limits are inclusive of footnotes.

- (c) The teams shall strictly observe the size of Memorial.
- (d) The Memorial shall be printed on A4 size white paper in Font type: Arial, Font size: 12, 1.5 spacing and 1 inch margin on each side.
- (e) The Memorial must not contain any Annexures / Photographs / Sketches / Exhibits / Affidavits etc. except the text of the judgments being relied upon must be supplied along with the Memorials.
- (f) However, the teams may use such compilations to handover to the Arbitrators with sufficient copies including for competing opposite teams. Six such copies shall have to be handed over to the Organizers at the time of Pre-Event Registration on the 13<sup>th</sup> of November 2009.
- (g) All teams shall send, 12 (twelve) copies of the Memorial for both the Claimant's and Respondent's side along with a soft copy of the Memorials as an MS-Word document in a CD and via e-mail, by the 30<sup>th</sup> of September 2009.
- (h) Identity of the team or the names of the participants should not be revealed in the Memorial in any manner whatsoever. The Administrator shall strike all references to Team members or school names from Memorials before submitting them to Arbitrators. Further, teams disclosing their identity through the memorials may also be subject to disqualification.
- (i) The copyright in memorials shall be assigned to the organizers and the organizers reserve the right to use the memorial submitted to them, as they deem appropriate.
- (j) **SCORING FOR MEMORIALS:** Every Memorial shall be marked on a total of 100 marks and the Total Memorial Marks will be the Aggregate of the total of both the sides i.e. 200 marks.

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(k) **CRITERIA MARKS ALLOTTED:** The marking criteria for memorials shall be as provided herein under:

1.	Adhering to specifications on Memorial	:	10 marks
2.	Substance of Memorial (including legal research)	:	40 marks
3.	Presentation Skills	:	20 marks
4.	Application of the law to the facts	:	20 marks
5.	General Organization	:	10 marks
	<b>Total</b>	:	<b>100 marks</b>

9. Oral Submissions - Parameters and Marking Criteria:

- (a) Each team shall get such number of minutes to present their case during the Preliminary, Semi-Final and Final Rounds, including rebuttal and sur-rebuttal, as has been mentioned herein.
- (b) The division of time between the speakers must be equal while making Oral submissions; provided that during the Preliminary round (and not during Quarter Finals, Semi-Finals and Finals) only one speaker shall make rebuttal or sur-rebuttal, as the case may be.
- (c) There shall be a warning bell two (2) minutes before the completion of the allocated time for each speaker, and there shall be a final bell on the completion of the allocated time.
- (d) If any speaker continues to speak after the completion of the allocated time, the additional time which he/she speaks for will be deducted from the time allocated to his/her co-speaker, or from the time allocated for the rebuttal and sur-rebuttal, as the case may be. However, no speaker shall be allowed to present his argument beyond the maximum time as mentioned herein.
- (e) Each speaker shall introduce himself/herself to the Tribunal using only his identification code and team code given to him at the time of orientation.
- (f) **SCORING FOR ORAL SUBMISSIONS:** Each Speaker shall be marked on a total of 50 marks per Arbitrator in a Round; aggregating to 150 marks per Speaker and 300 marks per Team. The Team Score shall be the total marks awarded to both speakers.
- (g) **MARKING CRITERIA:** The marking criteria for oral submissions shall be as provided herein under:

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1. Advocacy/ Presentation Skills	:	15 marks
2. Application of Law & Substance of Arguments	:	15 marks
3. Answers to Arbitrator's Questions	:	10 marks
4. General Demeanor	:	5 marks
5. Time keeping	:	5 marks
<b>Total</b>	:	<b>50 marks</b>

- (h) **BEST SPEAKER:** The best speaker shall be selected from amongst the four speakers competing in the Final Round, based on the marks scored by them respectively. In case of a tie the winner may be judged by additional questions being asked by the Arbitrators or any other procedure as may be decided by the Administrator.

10. Hospitality Details and Other Information:

- (a) The Organizers shall provide suitable accommodation to teams from 12:00 noon on the 13th of November, 2009 till 5.00 p.m. on the 15th of November, 2009. However, no accommodation shall be provided for those teams that are based in the National Capital Region (Delhi).
- (b) The Organizers shall not be responsible for making travel arrangements or reimbursing any charges whatsoever for Teams participating in the Competition.
- (c) All out-of-station Teams can claim reimbursement at the rate of INR 500/- one way per team towards local transportation from and to airport or railway stations and the official accommodation, during the Pre-Event Orientation or any other time as may be notified by the Organizers.
- (d) Teams requiring stay in the Official accommodation would be required to provide prior intimation and clear arrival and departure details; the details of arrival of each team must be communicated to the Organizers by the 30th of October 2009.
- (e) The Organizers shall not be responsible for providing accommodation or reimbursement for local transportation to any other accompanying person with the team.
- (f) No visitors or spectators shall be allowed to visit the Competition without the prior written permission of the Administrator.

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- (g) The Organizers shall not be responsible for providing or arranging accommodation for teams arriving before the noon of 13th of November, 2009 and staying in the official accommodation beyond 5:00 p.m. on the 15th of November, 2009.
- (h) The Organizers shall also make arrangements for all meals for the Teams during their stay as mentioned above, at either the venue of stay or Competition. The meals provided shall be as follows:
- i. Breakfast - 14th & 15th of November, 2009
  - ii. Lunch - 14th & 15th of November, 2009
  - iii. Dinner - 13th & 14th of November, 2009
  - iv. Tea & Coffee along with light snacks (during scheduled breaks) 13th – 15th of November, 2009.
- (i) Apart from the above mentioned hospitality, the Organizers shall not provide any other benefits/hospitality to the Teams. The Organizers shall not pay for any food or other items ordered or consumed at the official accommodation or for any other services (like phone calls, photocopy etc.) availed thereat.
- (j) The Official Accommodation shall be provided to the teams by the India Organizer (i.e. National Law University, Delhi) at its Premises, in their Student Hostels.**
- (k) Separate accommodation shall be provided to male and female participants and they shall not be allowed to stay in the same Hostel. No participant shall be allowed to visit different Hostels at the Official Accommodation, other than the one he/she is staying in, except with the permission of the India Organizer. Accommodation for Teams shall be as per the policy of the India Organizer.
- (l) There shall be a Pre-Event Registration, at such a venue as shall be notified by the Organizers to the selected Teams, on the 13<sup>th</sup> of November 2009 from 3:30 p.m. IST to 4:30 p.m. IST, during which all the participating Teams would be required to be present. At the Pre-Event Registration, an orientation session would be held for the purposes of informing the Teams about the format of the Moot. The teams shall be informed about which side (whether Claimant or Respondent) they have to represent/speak first, during the Preliminary Round at the Pre-Event Registration and there shall be an exchange of memorials between the Teams that shall be competing against each other.

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(m) The dress code for the participants shall be western executive wear.

11. International Administrator:

- (a) Mr. Hemant Batra, Chairperson of IICLAM Organizing Council, Lead Partner – Kaden Boriss Legal LLP, former Secretary General and Current Vice-President of South Asian Association of Regional Cooperation in Law (SAARCLAW) shall be the International Administrator of the Moot.
- (b) The Administrator shall be responsible for the administration and conduct of the Competition.
- (c) The Administrator shall have the authority to delegate any of his functions on the day of the Moot to any of the members of the Organizing Council so as to facilitate in smooth discharge of his functions.

12. Arbitrators:

- (a) Arbitrators for the competition will be selected by the Administrator and the other Organizers and may comprise of retired judges, leading lawyers, experts, technocrats, representative of professional bodies, industry associations and others from India and overseas.
- (b) Each Round shall be judged by an Arbitral Tribunal, as defined above.
- (c) The Memorials shall be evaluated by the Panel of Arbitrators.

13. Prizes

- (a) The Organizers will award the following prizes for the Competition:
  - i. One Best International Team Trophy plus cash prize of USD 700 (United States Dollars Seven Hundred)
  - ii. One Runner Up Trophy plus cash prize of USD 350 (United States Dollars Three Hundred and Fifty)
  - iii. One Best Memorial Trophy plus cash prize of USD 250 (United States Dollars Two Hundred and Fifty)

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- iv. One Best Speaker Trophy plus cash prize of USD 200 (United States Dollars Two Hundred).
- (b) The cash prizes are being sponsored by NUS and SIAC and as such the time and mode transferring the prize money to the winners shall be decided upon by the Organizers after taking into account the relevant provisions of applicable law and accordingly the currency in which the actual prize money shall be paid would depend upon the nationality of the winners.
- (c) Each participant, including the Teams submitting the Memorials, shall receive a certificate of participation.

#### 14. Anonymity

- (a) All team members shall refrain from identifying their college at any time and in any manner during the Competition, including, but not limited to, wearing any identifying items or carrying identifying materials (such as books, folders, etc.).
- (b) The abovementioned rule is applicable to, but not limited to, the oral submissions and memorials.
- (c) All Team members during the competition shall only use their individual or team codes, as may be allocated to them by the Administrator/members of Organizing Council.
- (d) Any team found in violation of the abovementioned rule shall be disqualified forthwith.

#### 15. Scouting

- (a) No member of any Team will be permitted to hear the arguments in any other League in which that Team is not one of the contesting Teams whilst that Team is still in the Competition.
- (b) No member of any Team, whilst that Team is still in the Competition, shall interact with any person except fellow participants and the Organizers.
- (c) Any team found in violation of the abovementioned rule shall be disqualified forthwith.

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- (d) Team found attempting to approach and influence the Arbitrators, Administrator, Organizers, members of the Organizing Council and/or members of the Co-ordination Cell shall be disqualified.

15. Miscellaneous

- (a) All Participants are expected to maintain the decorum during the Competition and are expected to conduct themselves in a manner befitting the legal profession.
- (b) The Organizers reserve the right to take appropriate action for any unethical, unprofessional and immoral conduct.

16. Interpretation of Rules

- (a) The Administrator's decision as regards the interpretation of rules or any other matter related to the Competition will be final.
- (b) If there is any situation which is not contemplated in these Rules, the Administrator's decision on the same shall be final.
- (c) The Organizers reserve the right to vary, alter, modify, or repeal any of the above Rules if so required and as they deem appropriate.

17. Disputes

- (a) In case of any dispute or difficulty arising out of or during the course of the Competition, the Administrator shall have the sole and absolute authority to remove such difficulty and resolve the dispute.
- (b) By submitting the Participation Form and/or by participating in the Competition the participating Teams and Colleges/Universities, agree to be bound by the terms and conditions contained in these Rules.

18. Force Majeure

- (a) The Organizers reserve absolute right to cancel, defer or postpone indefinitely, the Competition in the event of the occurring of any such incident or accident, natural or man caused, in India or overseas which is likely to effect the smooth conduct of the Competition or is likely to effect the security of the

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Organizers and Participants and the Organizers shall not be responsible or liable for loss of any kind caused to anyone whatsoever.

19. Disclaimer

- (a) Notwithstanding anything stated in the rules, the Competition is the only responsibility of the Organizers and they shall not be legally or otherwise liable or responsible for any matter or dispute arising outside of the Competition.
- (b) The Organizers shall not be responsible for any dispute arising out of team selection process in the participating colleges.
- (c) All material in the moot problem is fictitious and any resemblance to any incident or person, if any, is not intended, but merely co-incidental.

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India Organizer

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National Law University, Delhi

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