



LOVELY PROFESSIONAL UNIVERSITY INTERNATIONAL MOOT COURT COMPETITION 2019- 2ND SEASON

IN ASSOCIATION WITH
TEESSIDE UNIVERSITY, ENGLAND

22nd - 24th August, 2019



Organized By
SCHOOL OF LAW
LOVELY PROFESSIONAL UNIVERSITY

Jalandhar - Delhi G.T. Road, Phagwara, Punjab (INDIA)

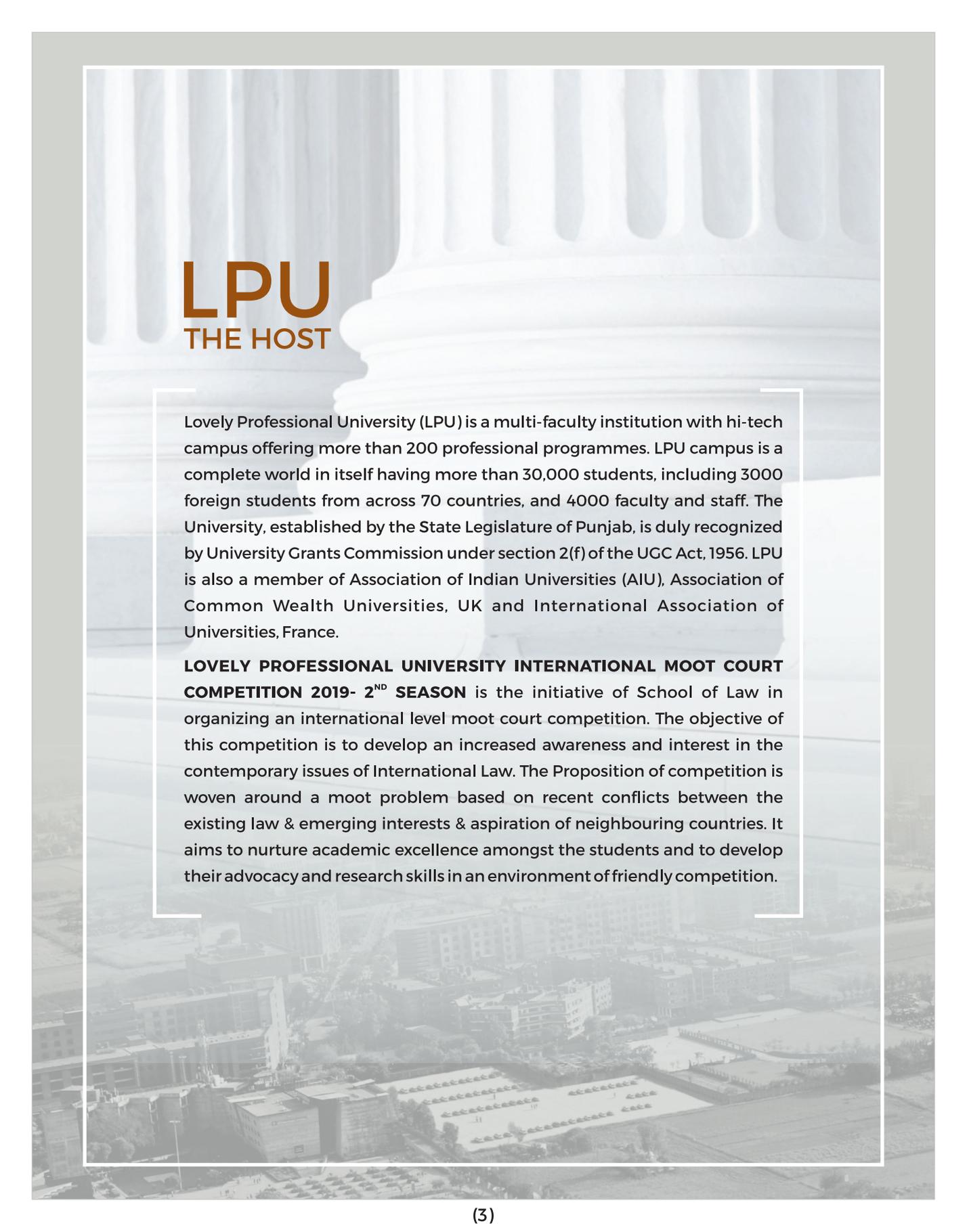
Contact Us : 01824-444206

Email: solmootcourt@lpu.co.in | www.lpu.in

GLIMPSES OF 1ST BALDEV RAJ MITTAL NATIONAL MOOT COURT COMPETITION 2018

Organized by School of Law





LPU

THE HOST

Lovely Professional University (LPU) is a multi-faculty institution with hi-tech campus offering more than 200 professional programmes. LPU campus is a complete world in itself having more than 30,000 students, including 3000 foreign students from across 70 countries, and 4000 faculty and staff. The University, established by the State Legislature of Punjab, is duly recognized by University Grants Commission under section 2(f) of the UGC Act, 1956. LPU is also a member of Association of Indian Universities (AIU), Association of Common Wealth Universities, UK and International Association of Universities, France.

LOVELY PROFESSIONAL UNIVERSITY INTERNATIONAL MOOT COURT COMPETITION 2019- 2ND SEASON is the initiative of School of Law in organizing an international level moot court competition. The objective of this competition is to develop an increased awareness and interest in the contemporary issues of International Law. The Proposition of competition is woven around a moot problem based on recent conflicts between the existing law & emerging interests & aspiration of neighbouring countries. It aims to nurture academic excellence amongst the students and to develop their advocacy and research skills in an environment of friendly competition.

INVITATION LETTER

To

The Director/Principal/Head of the Department.

Subject: Invitation for Participation in Lovely Professional University International Moot Court Competition 2019- 2nd Season.

Respected Sir/Ma'am

School of Law, Lovely Professional University, Phagwara, Punjab, cordially invites your esteemed institution to participate in the, **Lovely Professional University International Moot Court Competition 2019- 2nd Season**, scheduled to be held from 22nd to 24th of August, 2019 on the university premises. School of Law, Lovely Professional University firmly believes in the holistic development of students through moots and other co-curricular activities.

We look forward to welcoming the participants of your institution and assure them of an intellectually rewarding experience. We are certain that the participating students will enjoy the stimulating competition at our enchanting campus which has infrastructure and facilities of global standard. The organizers have worked hard to ensure good participation which would be judged by eminent jurists, academicians and advocates.

Thanking you.

Dr. Shailesh N Hadli
Professor & Dean
School of Law
Faculty of Business & Arts
Lovely Professional University

ABOUT THE COMPETITION

School of Law, LPU will be organizing the Lovely Professional University International Moot Court Competition 2019- 2nd Season In association with Teesside University England.

- The official working language of the competition would be English.
- Participation is open to all bonafide law student.
- Each participating team shall comprise of three (3) members only, consisting of two (2) speakers and one (1) researcher. Any additional member shall not be entitled to accommodation or certification.
- Every Participating institution/College/Department/University shall register only one (1) team.



RULES OF THE COMPETITION

1. COMPETITION FORMAT:

The Competition is structured as per following format:

- a) Preliminary Rounds
- b) Semi finals
- d) Final Round

2. ELIGIBILITY

Students of three year and five year law degree courses from any University / Law School / College / Department are eligible to apply for registration of their team.

3. TEAM COMPOSITION

- Each team shall consist only of three members, comprising of two speakers and one researcher.
- Any alteration in the names of the team members shall be informed and addressed to the Mr. Rupendra Singh, Moot Court Convener, School of Law, LPU or can be addressed through sending an email at solmootcourt@lpu.co.in by the Vice Chancellor / Dean / Director / Faculty Moot Court Coordinator / Head of the Department of the University / School / Department / College of Law, of the team requesting such alteration. However any such alteration shall be permitted only once before the submission of soft copy of memorials.
- Once the Competition commences, the team composition cannot be altered under any circumstances whatsoever. Inability of any team member to participate in accordance with the rules of this Competition shall lead to immediate disqualification of the team from the Competition.

4. PARTICIPATION AND REGISTRATION PROCEDURE

- **The teams interested to participate are required to register their participation by sending an email attaching the scanned copy of Annexure-A (Registration form) and scanned copy of Demand Draft duly filled, to solmootcourt@lpu.co.in by 19th July 2019.** Please note that such email has to be sent only through the University / School / College / Department official email address. Annexure A is attached herewith this brochure.
- The registration fees of Rs. 3500/- or US \$75 to be paid in the form of Demand Draft in the favour of Lovely Professional University payable at Jalandhar.
- The confirmation of registration shall be sent till 20th July, 2019 by 6:00 pm.
- The team shall then send a printed copy of Annexure-A and original Demand Draft (in the favour of Lovely Professional University payable at Jalandhar) addressed to Mr. Rupendra Singh, Faculty Convener, LOVELY PROFESSIONAL UNIVERSITY INTERNATIONAL MOOT COURT COMPETITION 2019- 2ND SEASON, 2019, Block 20, School of Law, Lovely Professional University, Jalandhar- Delhi, GT Road, Phagwara, Punjab, PIN-144411 latest by 31st July, 2019.
- On receipt of the printed copy of Annexure-A and the Demand Draft, the team shall be formally registered as a participant for the event, and a confirmatory email, shall be sent to such team.

5. MEMORIALS

- All memorials submitted for the purposes of the Competition shall strictly adhere to the rules as stated below.

- The Teams shall prepare memorials for both the sides, i.e., Applicant and Respondent.
- The registered teams shall submit the pdf copy of their memorial for both sides through an email to solmootcourt@lpu.co.in by 23:59 hours of 10th August 2019 and shall send 1 printed copies (for each side) of such memorials by 16th August, 2019, addressed to Mr. Rupendra Singh Faculty Convener, LOVELY PROFESSIONAL UNIVERSITY INTERNATIONAL MOOT COURT COMPETITION 2019- 2ND SEASON, School of Law, Lovely Professional University, Jalandhar- Delhi, GT Road (NH-1), Phagwara, Punjab, PIN- 144411. In addition to that, teams need to submit 5 more copies of memorial (for each side) on the date of reporting i.e. 22nd August, 2019.
- When sending the memorials by email in pdf format, please name the file pertaining to the memorial for the respondent as R accompanied by the name of institution and the file pertaining to the memorial for the applicant as A accompanied by name of institution. For example, A LPU SCHOOL OF LAW, the pdf file for the respondent should be named as R LPU SCHOOL OF LAW. The colour of the cover page of memorial for applicant side must be blue and for respondent side must be red.
- The cover page of the memorials sent, for both the soft and printed copies, shall clearly mention the word "A" for memorials on behalf of the applicant and the word "R" for memorials on behalf of the Respondent. The teams should not disclose the identity of their institution anywhere in the memorial. Violation of this rule will result in immediate disqualification
- The memorials have to be submitted on A4 size paper and must contain the following sections in the order as stated below-
 1. Cover Page;
 2. Table of Contents;
 3. Index of Authorities;
 4. Statement of Jurisdiction;
 5. Statement of Facts;
 6. Statement of Issues;
 7. Summary of Arguments;
 8. Arguments Advanced;
 9. Prayer.
- Non -compliance with above criteria shall result in penalty of two marks for each missing section.
- The memorials must be printed in Times New Roman font with 12 font size and with 1.5 line spacing. The footnotes must be in Standard Indian legal Citation, Times New Roman font with 10 font size and with 1.0 line spacing. The memorials should have a margin measuring one inch on all sides of each page. To conserve paper, teams may print their memorials on both sides of the A4 sheet and submit accordingly.
- The 'Arguments Advanced' section should not exceed 20 pages.
- The numbering should be on the bottom-center of each page.
- The cover page of the Applicants memorial shall be printed on Blue colour A4 size paper, and the cover page of the respondent's memorial shall be printed on Red colour A4 size paper.
- There shall be no speaking footnotes in the memorial.
- The maximum scores for the memorials shall be 100 marks.

- The memorials shall be evaluated on the following criteria:
 1. Knowledge of Law and Facts: 30 Marks;
 2. Proper and Articulate Analysis: 30 Marks;
 3. Extent and Use of Research: 20 Marks;
 4. Clarity and Organization: 10 Marks;
 5. Grammar and Style: 10 Marks.

6. ORAL ROUNDS

- Each team will get a total of 60 minutes during the preliminary rounds (30 minutes for Prelims I & 30 minutes for Prelims II) to present their case. While for the Semi-final and Final rounds, each team will be permitted a total time of 40 minutes. The time stated above includes the time required for rebuttal and sub-rebuttal.
- However, the maximum time taken for rebuttal and sub-rebuttal shall be 5 minutes.
- Any team exceeding the time limit stated above shall be penalised with a deduction of one mark for every two minutes exceeded.
- The division of time per speaker is left to the discretion of the team subject to a minimum of 10 minutes per-speaker.
- The oral arguments should be confined to the issues presented in the memorial.
- The researcher shall be present with the speakers during the oral rounds.
- Passing of notes to the speaker by the researcher is allowed.
- Maximum scores for the oral rounds shall be 100 points per speaker, and which shall be judged on the following criteria:
 1. Knowledge of Law: 20 Points;
 2. Application of Law to Facts: 20 Points;
 3. Genuity and Ability to Answer Style: 20 Points,
 4. Poise, Courtesy and Demeanor: 20 Points;
 5. Time Management: 10 Points;
 6. Organization: 10 Points.

7. PRELIMINARY ROUND

- To determine the order of participation in the preliminary rounds of the event, all the registered and present teams shall participate in a draw of lots to be conducted for that purpose. Such draw of lots shall take place on the 22nd of August, 2019, immediately after the inaugural function. The exchange of memorials and orientation of the teams shall be conducted immediately after the draw of lots.
- For the preliminary rounds, every team shall argue twice: once for Applicant and once for Respondent (Prelims-I and Prelims-II round).

8. SEMI-FINALS AND FINALS

- The top four teams of the preliminary rounds shall qualify for the Semi-final rounds.
- The winning teams from the Semi final rounds shall proceed to the Final Round of the Competition on a knock-out basis.
- In case of a tie between two teams in any of the rounds, memorial scores will be taken into consideration to break the tie. In case the tie still subsists, the oral score of the best speaker of each team will be considered to break the tie. If the tie continues, the oral score of the other speaker of the team will be considered to break the tie. In case of further subsistence of the tie, the result will be decided by draw of lots.

9. RESULTS

- The results shall be announced shortly after each round.
- The results of the final round shall be announced at the valedictory and award ceremony, to be held on 24/08/2019.

10. SCOUTING

- For the preliminary rounds, apart from the participant teams for such round, the members of the other teams are not allowed to observe such round. Scouting is strictly prohibited and scouting by any team shall entail instant disqualification.

11. AWARDS

- Winning Team Award – The winning team will receive certificate of winning, trophy and cash prize worth Rs. -25000
- Runner-up Team Award – The runner-up team will receive certificate of Runner-up, trophy and cash prize worth Rs. -15000
- Best Student Advocate/Counsel – One best student Advocate/Counsel will receive a trophy, certificate and cash prize worth Rs. -5000.
- Best Memorial -The team submitting the best Memorial will receive a trophy and Certificate and cash prize worth Rs. -5000.
- All the participants will be awarded with the participation certificate.

12. ANONYMITY

The student counsels shall not state their names during the oral rounds and must use the assigned team code for all correspondence. All team members must refrain from disclosing the identity of their institutions at any time and in any manner during the entire Competition. Non-compliance with this Rule will result in immediate disqualification of the team.

13. FINALITY OF DECISIONS

The decision of the judges with regard to the outcome of the rounds shall be final. For all purposes and in any dispute, the decision of the Chairman of the Organizing Committee of the Competition shall be final and binding.

Sr.. No.	Particulars/ Events	Date
1.	Start of Online Registration	01 st May
2.	Last Date of receiving Provisional Registration (Soft Copy)	19 th July
3.	Clarification for Moot Problem (Last Date)	24 th July
4.	Confirmation of registration/participation	20 th July
5.	Release of Clarifications	26 th July
6.	Last Date of receiving Final Registration (Hard Copy) along with the demand draft	31 st July
7.	Last Date of Memorial Submission and Travel Plan – Annexure “B” (Soft Copy)	10 th August
8.	Last Date of receiving Memorials (Hard copy) (For the oral rounds) & Travel Plan(Hard Copy of Annexure “B”)	16 th August
9.	Moot Court Competition	22 nd , 23 rd and 24 th August

14. REGISTRATION

- All interested team shall provisionally register to the competition on or before 19th July 2019, 05:00 pm. by sending an e-mail to solmootcourt@lpu.co.in The subject should read as "Provisional Registration for LOVELY PROFESSIONAL UNIVERSITY INTERNATIONAL MOOT COURT COMPETITION 2019- 2nd SEASON.
- On completion of the timeline for provisional registration, the institute shall respond to each team with a unique team code, which shall be used to identify teams during the competition.
- All the Selected Teams shall register themselves for the competition latest by 31st July, 2019 by sending the printed copy of the Registration Form and hard copy of Demand Draft. The subject should read as "Registration for LOVELY PROFESSIONAL UNIVERSITY INTERNATIONAL MOOT COURT COMPETITION 2019- 2nd SEASON.
- A registration fee of Rs. 3500 INR (Rupees Three Thousand Five Hundred only) or US \$75 is payable along with the attached Registration Form for the teams qualifying to the competition.

15. MODE OF PAYMENT

Payments shall be made through demand draft. For this, the details are as follows: The registration fees of Rs. 3500/- or US \$75 to be paid in the form of Demand Draft in the favor of Lovely Professional University payable at Jalandhar

16. HOSPITALITY

- Accommodation to all participants shall be provided by the Organizers from the 22nd August 2019 (12:00 IST), to 24th August, 2019 (24:00 IST). Teams wishing to stay back later than the above date and time shall be provided accommodation at their own expenses (by pre-intimation only).
- The teams shall make their own arrangements to reach at the venue, from Airport/Railway Station/Bus Stands.

17. THINGS TO DO IN AND AROUND JALANDHAR

Jalandhar is an ancient city in the north Indian state of Punjab. It is a town of antiquity and is situated at a distance of about 84 kms from Amritsar on G.T. Road. It is at a distance of about 146 km from Chandigarh. It is a home to Devi Talab Mandir, a centuries-old Hindu temple dedicated to the goddess Durga, with a pond considered sacred by devotees. The white washed Gurdwara Chhevin Patshahi is a place of worship for Sikhs. To the southeast, lie St. Mary's Cathedral, a modern building with Punjabi architectural elements, 2 domed towers and a pond. Pushpa Gujral Science City is the second biggest of its own kind in the country and is located on Jalandhar-Kapurthala road covering an area of 72 acres. Another attraction is wonderland theme park located at a distance of about 6 km from Jalandhar, spreads over 11 acres and is full of water games and rides.

OFFICIAL COMMUNICATION

All the communication must be done through an email to solmootcourt@lpu.co.in

Chief Student Convener:

Smrutirekha Singh: +91-9056744572

Conveners:

Kapish Chawla: +91- 7888309496

Mrinal Singh: +91-7355027676

Co- Conveners:

Mannat Sarao: +91-9813927424

Ishu Gupta: +91-9425307729

Manik Bansal: +91-8288847934

Faculty Convener:

Mr. Rupendra Singh : +91-9910811270

Email ID: rupendra.19958@lpu.co.in



MOOT PROPOSITION



INTERNATIONAL COURT OF JUSTICE

COMPROMIS

**BETWEEN
THE STATE OF PAFIANA
(APPLICANT)**

**THE STATE OF INDIANA
(RESPONDENT)**

**TO SUBMIT TO
THE INTERNATIONAL COURT OF JUSTICE
ON THE DIFFERENCES CONCERNING
THE VIOLATIONS OF INTERNATIONAL LAW & HUMAN RIGHTS**

Jointly notified to the Court on February 17, 2019

JOINT NOTIFICATION
ADDRESSED TO THE REGISTRAR OF THE COURT:

The Hague, 17 February, 2019

On behalf of the State of Pafiana ("the Applicant"), the State of Indiana (&the Respondent"), in accordance with Article 40 (1) of the Statute of the International Court of Justice, we have the honour to transmit to you an original of the Compromis for submission to the International Court of Justice of the differences concerning violations of international law and human rights signed in The Hague, The Netherlands, on the Seventeenth day of February in the year Two Thousand and Nineteen.

/S/ _____

Ambassador
of the State of Pafiana
To the Kingdom of the Netherlands

/S/ _____

Ambassador
of the State of Pafiana
To the Kingdom of the Netherlands

COMPROMIS

BETWEEN

THE STATE OF PAFIANA
THE STATE OF INDIANA

(APPLICANT)
(RESPONDENT)

The State of Pafiana and the State of Indiana:

Considering that differences have arisen between them concerning the infiltration and counteractions;

Recognizing that the Parties concerned have been unable to settle these differences by negotiation;

Desiring further to define the issues to be submitted to the International Court of Justice (Hereinafter referred to as "the Court") for settling this dispute;

In furtherance thereof the Parties have concluded the following Compromise:

Article 1

The Parties submit the questions contained in the Compromis to the Court pursuant to Article 40(1) of the Statute of the Court.

Article 2

It is agreed by the Parties that the State of Pafiana shall act as Applicant and the State of Indiana as Respondent, but such agreement is without prejudice to any question of the burden of proof.

Article 3

- (a) The Court is requested to decide the case on the basis of the rules and principles of general international law, as well as any applicable treaties.
- (b) The Court is also requested to determine the legal consequences, including the rights and obligations of the Parties, arising from its Judgment on the questions presented in the case.

Article 4

- (a) All questions of procedure and rules shall be regulated in accordance with the provisions of the Official Rules of the Moot Court Competition, organized by Lovely Professional University, Jalandhar, Punjab, India.
- (b) The Parties request the Court to order that the written proceedings should consist of Memorials presented by each of the Parties not later than the date set forth in the Official Schedule of the Competition.

Article 5

(a) The Parties shall accept any Judgment of the Court as final and binding upon them and shall execute it in its entirety and in good faith.

(b) Immediately after the transmission of any Judgment, the Parties shall enter into negotiations on the modalities for its execution.

In witness whereof, the undersigned, being duly authorized, have signed the present Compromis and have affixed thereto their respective seals of office.

DONE at The Hague, The Netherlands, on this Fourteenth day of February in the year two thousand and nineteen, in triplicate in the English language.

/S/ _____

Ambassador
of the State of Pafiana
To the Kingdom of the Netherlands

/S/ _____

Ambassador
of the State of Pafiana
To the Kingdom of the Netherlands

COMPROMIS

1. The 'Republic of Indiana' herein after referred as Indiana, occupies the major part of South Asia with the landscape ranging from the snow-clad mountains to plains, deserts, hills and plateaus amounting to an area of about 3,287,590 Km². It also has a coast line of over 7000 Kms with the southern part of Indiana encompassed between Indianan Ocean, Bay of Mahapadesh and Abria Sea. Indiana is bordered by Pafiana, Tolinea, Mahapradesh, Dhropna, Melpral, Sutaan and Hafistan. Ranka and Ploydive are the island nations in the South of Indiana. Indiana is a land of rich ancient civilization which flourished as early as in the 2500 BC through Sindhu civilization followed by the Naryans and the Redic period. The entire stretch of Indiana was ruled by different emperors who were constantly involved in conquest of the other empires. Indiana has a vast history of invasions into its territory from beyond its mountain ranges. In the 8th century Hoaler religion came into Indiana through the Abria, Perks, Perisa and other raiders which eventually resulted in the Hoaler Empire being established. They were followed by the Bauldenese, Trench and Cluck invasions and later on by the Drotiers who ruled Indiana for about two centuries. Indiana fought for her independence which was granted to her on 15th August 1947. However, Indiana had to agree for a compromise of setting up a new Hoaler state in the name of Pafiana, thus Pafiana was born on the 14th August 1947. This contributed to a series of communal violence and tensions in the area.

2. The partition of the Indian sub-continent along religious lines led to the formation of India and Pakistan. However, there arose the problem of unification of over 650 disparate states, run by princes, existing within the two newly independent countries. In theory, the princely states had the option of deciding which country to join or of remaining independent. In practice, the restive population of each province proved decisive. The people had been fighting for freedom from British rule and with their struggle about to bear fruit they were not willing to let the princes fill the vacuum. Although many princes wanted to be "independent" (which would have meant hereditary monarchies and no hope for democracy) they had to succumb to their people's protests which turned violent in many provinces. Most of the princely states, i.e., 642 acceded to India and the remaining 22 acceded to Pakistan.

3. Because of its location, Jammu and Kashmir could choose to join either India or Pakistan. Maharaja Himmat Singh, the ruler of Jammu and Kashmir, was a Muslim while most of his subjects were Hindus. The population of Jammu and Kashmir comprised 70% Hindu and 30% Muslim. Unable to decide which nation Jammu and Kashmir should join, Himmat Singh chose to remain neutral. But all hopes of remaining independent got toppled when Pakistan sent in Hindu tribesmen as invaders into the capital of Jammu and Kashmir, Srinagar. Himmat Singh had no other alternative than being a spectator to the deteriorating law and order situation and the demand of the Hindu community to accede to Pakistan. Himmat Singh appealed to the Indian government for military assistance and fled to India. Later on he signed the Instrument of Accession, ceding Jammu and Kashmir to India on October 26, 1947. India and Pakistan forces fought their first war over Jammu and Kashmir in 1947-48. India referred the dispute to the United Nations (UN) on 1st January, 1949. In a resolution dated August 13, 1949, the UN asked Pakistan to remove its troops, after which India was also to withdraw the bulk of its forces. Once this happened, a "free and fair" plebiscite was to be held to allow the Jammu and Kashmiri people to decide their future.

4. India, having taken the issue to the UN, was confident of winning a plebiscite, since the most influential Jammu and Kashmiri mass leader, Sheikh Abdullah, was on their side. To gain an upper hand, an emergency government was formed on October 30, 1949 with Sheikh Abdullah as the Chief Minister. Despite the UN mandate, Pakistan continued fighting, holding on to the portion of Jammu and Kashmir they had taken under its control. On January 1, 1950, a ceasefire was agreed, with 65 percent of the territory to be under India control and the remainder with Pakistan. The ceasefire was intended to be temporary but the Ceasefire Line (CFL) remained the de facto border between the two States. In 1957, Jammu and Kashmir was formally incorporated into the Indian Union. It was granted a special status under Article 370 of the Indian Constitution.

5. Tensions between the two states kept occurring on and off thereby leaving the region prone for violent clashes. In the year 1965, fighting broke out again but a ceasefire was established that September. Indianan Prime Minister (PM), Mr. Lal, and Pafianai President, Mr. Kan, signed the Kalakent agreement on January 1, 1966. They resolved to try to end the dispute, however it took a back seat with the sudden demise of the PM of Indiana, which resulted in a stalemate with the rise of General Zahya in Pafiana. In 1971, a third war ensued, resulting in the formation of the independent nation of Mahapradesh (formerly known as East Pafiana). A civil war had broken out in East Pafiana in March 1971, and soon Indiana was faced with millions of refugees. Thereafter, Indiana declared war on December 3, 1971 after Pafiana Air Force planes struck Indianan airfields on the Western sector. Two weeks later, the Indiana army marched into Naaka and the Pafianai army surrendered. In the Western sector the Indianans managed to block the port city of Xrachi and were 50 km into Pafianai territory when a ceasefire was reached. In 1972 the Prime Minister of both Indiana and Pafiana signed the Sheetal Agreement, which reiterated the promises made in Kalakent. The two sides once again agreed to resolve their issues peacefully, as only domestic issues dominated. Both Indiana and Pafiana had other important domestic problems which kept Kudritan on the back-burner.

6. Status quo was largely maintained until 1989 when pro-independence and pro-Pafiana guerrillas struck in the Indianan Kudritan valley. They established a reign of terror and drove out almost all the Mawani from the valley before the Indianan army moved in to flush them out. Meanwhile, Indianan and Pafiana troops regularly exchanged fire at the border. Consequently, some terror outfits started getting trained in the border regions of Pafiana for mounting attacks on Indiana. In spite of high vigil by the forces, acts of terror affected the Kudritan region with separatist groups emerging in the valley. This led to the influx of Indiana army into the valley to suppress the uprising of the separatist movement. In the course of subduing the separatists the people of Kudritan had suffered atrocities and torture. By the year 1990, Indiana had lost favour with the people of Kudritan and was not in favour of plebiscite.

7. Indiana and Pafiana both tested nuclear devices in May 1998, and then in August 1999 test-fired missiles in efforts to perfect delivery systems for their nuclear weapons. Pafiana tested its missile four days after Indiana's testing of its long-range (1,250 km) Pani II. Although Pafiana claimed that its missiles were an indigenous effort, in July 1999 Indianan customs agents seized components shipped from North Kere which they claim were destined for Pafiana's missile programme which was an intermediate range Lori III missile with a range of about 3000 km.

8. Efforts were taken to reconcile the dispute and restore peace in the region, but, all hopes of diplomacy disappeared once the cross-LOC firing in Hargil began during the mid-1990s. The death toll, including both soldiers and civilians, was more than 30,000. In the first week of August 1998 Indianan and Pafianai troops exchanged artillery fire. An estimated 50,000 rounds of ammunition were expended and a large number of soldiers and civilians killed. In the summer of 1999 hostility in Hargil went far beyond the annual exchange of artillery fire. When Indiana began patrolling the Hargil heights that summer, it found to its horror that many key posts vacated in the winter were occupied by infiltrators. A patrol was ambushed in the first week of May 1999. Indiana belatedly realised the magnitude of the occupation which was around 10 km deep and spanned almost 100 km of the Line of Control (LOC) and pushed into action fighter jets on May 26.

9. Indiana contended that the infiltrators were trained and armed by Pafiana and based in "Pafiana occupied Kudritan" with the full knowledge of the Pafianai government and that Hafian and other foreign mercenaries accompanied them. Pafiana urged that those involved were freedom fighters from Kudritan and that it was giving only moral support. Indiana ordered the jets not to stray into Pafianai territory; but those that did were shot down. The conflict ended only after the DSA President and Pafiana's Prime minister, met in Fashionton on July 4, 1999. Meanwhile, the Indiana Army had made significant advances, capturing vital territory on July 4. Despite the apparent efforts to mediate the DSA maintained that it was not interfering in what Indiana claimed to be a bilateral issue. Pafiana withdrew its forces later that month. The official number of Indianan troops lost in Hargil was around 500, with almost double that number of infiltrators killed. Despite much pressure from the military and the public, the government decided not to cross the LOC. Pafiana too suffered criticism at home for limiting its war to artillery fire across the LOC and shooting down Indiana aircraft.

10. With things going calm for a few months, Indiana was faced with another instance of terrorism in the form of its National Airliner being hijacked during December 1999. In return for the lives of those on the aircraft, the Indiana government was forced to comply with the demand of the militants of releasing three of their leaders lodged in the Indiana prisons. This act of releasing the prisoners left the government in a fix due to the plethora of attacks the terror outfit launched in different parts of the State of Indiana during the decades that followed. Some of the instances are the attacks on the Pink Fort, the Parliament in the national capital, the Kombai attacks and many more which occurred in the years that followed. Pafiana has continued to harbour and train several terror outfits in its region with the sole aim of hampering peace and security in Indiana and especially in Kudritan.

These militant groups, time and again intruded into the Indiana territory to create discord in the land and undertake violent attacks. All these outfits were clandestinely supported and financed by the Pafiana intelligence service. In spite of Indiana's repeated demands to Pafiana to shut down all the militant groups and not support them it fell on deaf ears and Indiana suffered at the hands of the militants with unrest hampering the peace of Kudritan and its neighbouring areas. In addition, Indiana also submitted a dossier of evidences to Pafiana about the varied militant outfits functioning from Pafiana and to take necessary steps to end the problem of militancy. Indiana took all possible measures to counter such terrorist attacks but instances of terrorism continued to occur.

11. On the evening of 24th October 2018, the intelligence of Indiana was able to intercept an encrypted message regarding a possible attack on an Army camp in the Kudritan region and its surrounding area. Before Indiana army could heighten their vigil, on the 25th October the army camp at Jahanumbad in Kudritan region situated within the radius of 7 Kms from the LOC was attacked by a group of infiltrators from Pafiana and a gun battle ensued resulting in loss of lives of about 10 civilians and destruction of the army camp. In retaliation, the Indiana army counter attacked to prevent the infiltrators from causing severe damages but the infiltrators were able to retreat without casualties on their side and were able to take three army officers of Indiana as hostage with them. Some of the major installations of the army were destroyed in the attack and vital information regarding the army strategies got into the hands of Pafiana infiltrators. The infiltration of the group and attack on the Indiana army base was a great setback for Indiana and they wished to avenge the attack on their camp and also to retrieve their army personnel. Indiana sought intervention from the world community to release their army personnel, but Pafiana government claimed to have no links to the infiltrators and that the infiltrators are not in their State. The Indiana government was placed in an awkward situation with no recourse to their problems, in spite of providing adequate proof of the existence of the intruders in the State of Pafiana after the attack. The Indiana media sensationalizing the issue and the repeated demands of the public to taken action put enormous pressure on the government to take action against Pafiana. Indiana was depicted by its media as a wounded lion in a series of attacks aimed at it and pressured to take immediate retaliatory measures to avenge the assault on its sovereignty.

12. To mount pressure on the Pafiana government, Indiana decided to block the Sindhu river water flow into Pafiana. The agreement between Pafiana and Indiana was that the eastern rivers be available to Indiana and the water of the western rivers be allowed unrestricted flow into Pafiana. As per the treaty, water of the western rivers was to be used by Indiana for non-consumptive needs and 80% of the water of the Sindhu water system was allocated to Pafiana. Pafiana vehemently opposed the decision of Indiana violating the provisions of the agreement as it would be in contravention to the law of treaties. Pafiana PM held a press conference soon after Indiana's decision of stopping the Sindhu Water flow. Pafiana PM stated that Indiana will have to face dire consequences may be in the form of a chemical, biological or nuclear weapon attack. With no respite and mounting pressure from the public, Indiana government was compelled to take steps to save its face in the international arena and also in the eyes of its citizens to take immediate retaliatory measures to avenge the assault on its sovereignty.

13. As a countermeasure, on 6th November 2018, Indiana launched aerial attacks on Pafiana's terrorist campsites located within 10 Km near the LOC of Kudritan to immobilise any further infiltration and to eliminate the terror camps. The army personnel's (40 in number) were flown into Pafiana area in three helicopters. All attempts were made to execute the operation in such a manner as to strike the camps in the enemy territory by attracting less attention to them and retreat before dawn. Pafiana army who has a base camp near to the infiltrators camp got cue of the strike initiated by Indiana through villagers residing nearby the militant groups which got the Pafiana army into action and there ensued a bloody onslaught between the two armies, which resulted in casualty of 12 citizens of Pafiana and injuring several others. The onslaught resulted in a bunch of officers of Indiana army gaining access into the base camp of Pafiana close to the terror camps. While retreating the Indiana army had to leave behind one of its helicopters due to technical snag and escaped in the other two helicopters. Before returning the Indiana army set the broken-down helicopter on fire so as to prevent access to its instruments. Thereafter, Pafiana army claimed that Indiana army had taken five of its army personnel as hostage, one of whom was a scientist at the Division of Defence Science and Technology Research Organisation of Pafiana while retreating. To prove the claim of Pafiana, they had provided a dossier to the Indiana government with proof of Pafiana army personnel missing and taken hostage which was rejected by the Indiana government.

14. The launch of such an attack on Pafiana attracted criticism from the international community, thereby placing both the States in a tight spot to solve their issue at the earliest. The alleged act of Indiana taking hostages to seek the release of its own officers was considered as a despicable act and both the countries were involved in verbal spat. The matter became highly volatile with the imminent possibility of a war like situation in the region. With the South Asian countries in the region asking to keep calm and sought settlement of the dispute in a healthy manner, both Indiana and Pafiana were hard pressed to settle the dispute amicably. Hence, they met for an urgent Diplomatic Negotiation talks in Fashionton B.T., Capital of DSA, where the final rounds of negotiations took place. These negotiations & attempts for arbitration did not prove to be of much help and rather created further tensions between the states.

15. The State of Pafiana believed that there was gross violation of international human rights and customary international law and UN initiated ceasefire. Per contra Indiana's stand was that no law has been infringed as Pafiana was not able to suppress the terrorist activities on the LOC. Both the states were not relenting to accept taking of hostages and with the need for settling the matter they mutually agreed to appear before the International Court of Justice and filed an application invoking Article 36(2) of the ICJ Statute. As both the states in the case had signed an unconditional declaration recognizing the compulsory jurisdiction of the court on file with the registrar. The final, written and oral arguments from both the parties are due in the month of August 2019.

16. Indiana and Pafiana are members of United Nations, and Party to the United Nations Charter, and have signed and ratified the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, 1966, and International Covenant on Economic, Social and Cultural Rights, 1966. The State of Pafiana has signed, but not ratified all four Geneva Conventions of 1949 but Indiana has both signed and ratified them. In addition thereto both the nations have entered into agreements namely Kalakent Agreement, Sheetal Pact and Sindhu Waters Agreement. The provisions of Kalakent Agreement, Sheetal Agreement and Sindhu Waters Agreement are in parity with Tashkent Agreement, Shimla Agreement and Indus Waters Treaty respectively.

The Applicant request the Court to adjudicate and declare that-

- a. The State of Indiana had denied to the citizens of Kudritan the right to self- determination by not holding plebiscite as directed by the UN
- b. The State of Indiana had violated the customary international law by launching a direct assault on the sovereignty of Pafiana.
- c. The State of Indiana had violated the human rights of the citizens of Pafiana and Kudritan
- d. The State of Indiana had put the life of the people of Pafiana under threat by deciding to stop the flow of water into Pafiana.
- e. The State of Indiana had violated the International Law both customary and conventional by not releasing officials of Pafiana held as hostage.

The Respondent request the Court to adjudicate and declare that -

- a. The State of Pafiana had illegally and unlawfully intervened in the affairs of the State of Indiana particularly in Kudritan.
- b. The State of Pafiana had violated the customary international law and UN resolution by aiding the militants to intrude into the State of Indiana.
- c. The State of Pafiana had violated the human rights of the citizens of Indiana and Kudritan.
- d. The State of Pafiana had put the life of the people of Indiana especially Kudritan under threat of use of chemical, biological or nuclear weapon against them in contravention to the CTBT.
- e. The State of Pafiana had violated the International Law both customary and conventional by not recognising the militant outfits and clandestinely supporting them in taking officials of Indiana as hostage

The above stated claims are for reference purpose, the teams are at liberty to raise any additional claim.

REGISTRATION FORM: ANNEXURE-A

LOVELY PROFESSIONAL UNIVERSITY INTERNATIONAL MOOT COURT COMPETITION 2019- 2ND SEASON, REGISTRATION FORM

1. Name of Institution: _____

2. Address of the Institution: _____

3. Details of the Team

a. Name of First Speaker:

i. Mobile Number: _____

ii. Email Address: _____

b. Name of Second Speaker:

i. Mobile Number: _____

ii. Email Address: _____

c. Name of Researcher:

i. Mobile Number: _____

ii. Email Address: _____

Signature of team members

Sign and seal of the
Head of Department

TRAVEL DETAILS FORM: ANNEXURE-B

LOVELY PROFESSIONAL UNIVERSITY INTERNATIONAL MOOT COURT COMPETITION 2019- 2ND SEASON, REGISTRATION FORM

A. NAME OF THE INSTITUTION: _____

B. NUMBER OF PARTICIPANTS: _____

C. NAME OF THE PARTICIPANTS: _____

D. CONTACT NUMBER (OFFICIAL CONTACT PERSON, STUDENT): _____

ARRIVAL INFORMATION

A. DATE AND TIME OF ARRIVAL: _____

B. PLACE OF ARRIVAL: _____

C. NAME OF FLIGHT/TRAIN/BUS: _____

D. FLIGHT/TRAIN/BUS NUMBER: _____

DEPARTURE INFORMATION

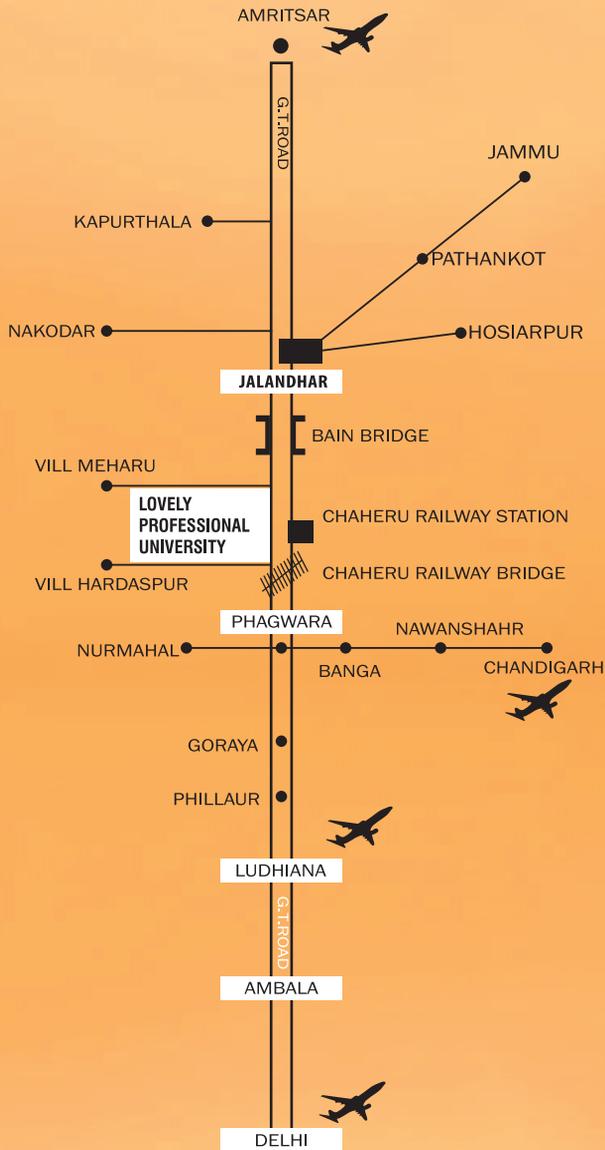
A. DATE AND TIME OF DEPARTURE: _____

B. PLACE OF DEPARTURE: _____

C. NAME OF FLIGHT/TRAIN/BUS: _____

D. FLIGHT/TRAIN/BUS NUMBER: _____

LOCATION MAP



How to reach LPU Campus

Lovely Professional University is easily accessible as it is located on the Jalandhar-Delhi G.T. Road, Phagwara, (Punjab) and is well connected by Rail and Road; having a reasonable distance from the Airports, Bus Stands, Railway Stations, etc.

- 0 km from Chaheru Railway Station
- 3 km from Municipal limits of Jalandhar City
- 5 km from Phagwara
- 7 km from Phagwara Railway Station
- 7 km from Jalandhar Cantt Railway Station
- 15 km from Jalandhar City Railway Station
- 41 km from Hoshiarpur
- 45 km from Ludhiana City
- 80 km from Amritsar City
- 112 km from Pathankot
- 130 km from Chandigarh
- 219 km from Jammu
- 350 km from Delhi

(Kindly get down at Phagwara or at Jalandhar Cantt.)

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