



CMR UNIVERSITY

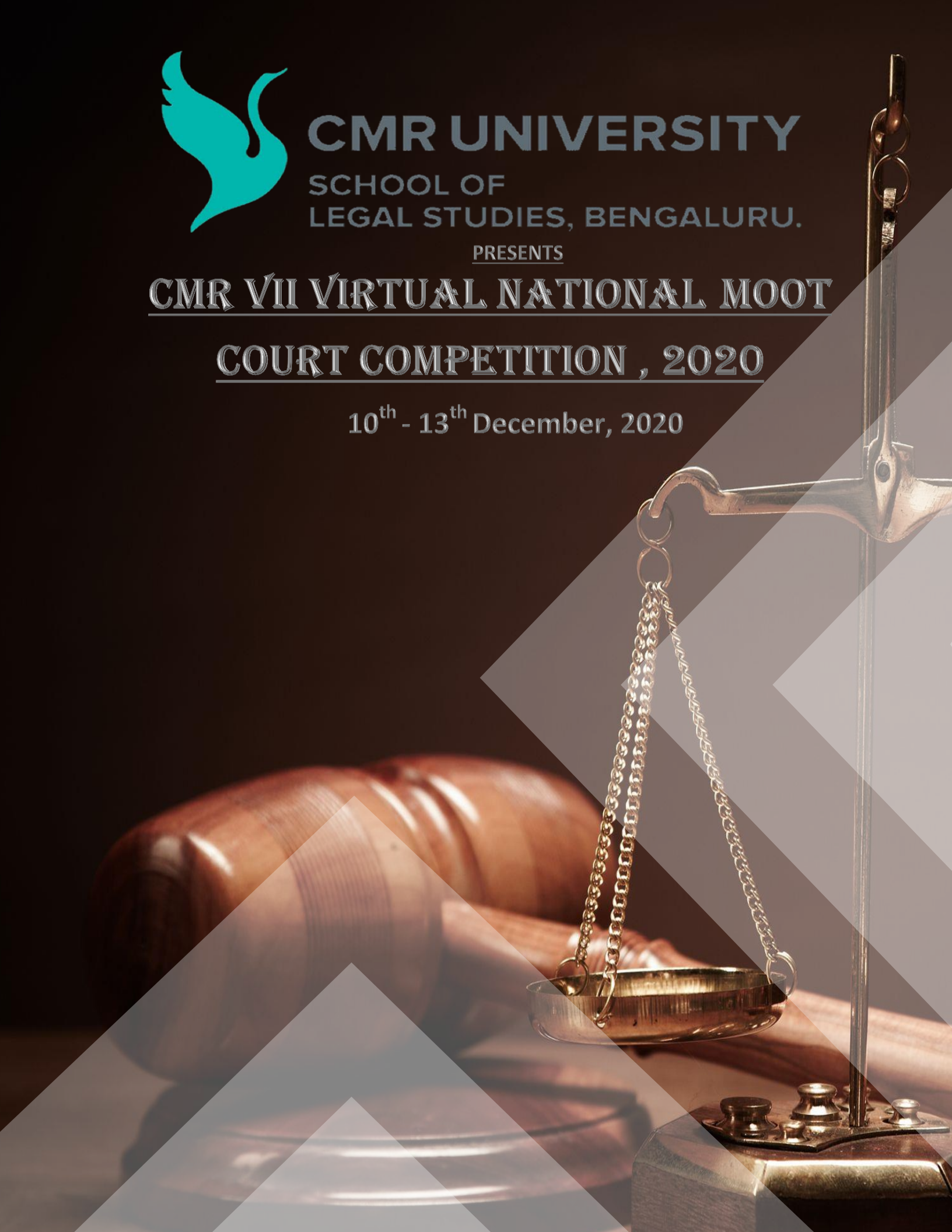
SCHOOL OF
LEGAL STUDIES, BENGALURU.

PRESENTS

CMR VII VIRTUAL NATIONAL MOOT

COURT COMPETITION , 2020

10th - 13th December, 2020



ABOUT CMR UNIVERSITY SCHOOL OF LEGAL STUDIES

CMR University's School of Legal Studies, a pioneering institute in the realm of legal education, has been dedicated to the cause of promoting legal education and research and facilitating young individuals into the legal profession since 2003. Originally affiliated to the then Bangalore University and subsequently to the Karnataka State Law University, CMR Law School went on to become a constituent part of the CMR University in 2017. The School of legal Studies now aspires to be one of the best institutions in the field of legal education. For the past eight consecutive years, the School has achieved a distinguished position amongst the top law colleges in India as indicated by leading national magazines like India Today, The Week and Outlook.

The CMRU, School of Legal Studies offers a variety of programmes at the undergraduate, post graduate and doctoral level, besides offering Post Graduate Diplomas and several certification programmes. At the Undergraduate level the school offers B.A., LL.B. (Hons.), B.B.A., LL.B. (Hons.) and LL.B programmes. The School also offers LL.M. in Constitutional Law and in Commercial Law besides offering two Postgraduate Diploma Programmes in Air & Space Law and IPR Laws. All programmes in CMRU are designed to provide high quality, industry approved and up-to-date curriculum. However, our goal has always been to move beyond the curriculum and seek to ensure a holistic approach to legal education.

Our Faculty consists of highly qualified teachers, including many Ph.Ds. who are highly experienced in varied areas of the law; not only in teaching and research but also in industry and professional practice. This core team of professional full time teachers includes an eclectic mixture of both the youth and experienced working together to create a cohesive unit dedicated to ensuring the delivery of quality legal education in a wholesome learning environment.

The school organizes various seminars, workshops and value addition programs designed to facilitate an overall development of the student, including the CMR International Law Conference and the CMR National Law Seminar. The school also organizes a biennial National level Moot Court and an Asian Parliamentary Debate Competition. The CMR memorial Guest Lecture Series has in the past, been highly successful in inviting distinguished legal luminaries including the present and former Governors of Karnataka, judges of the Supreme Court and the High courts, successful trial and corporate lawyers from all over the world.

The School of Legal Studies seeks to emphasise on the integration of enterprising initiatives and creative programmes in the curricular activity, transcending conventional academic orientation so as to inculcate within each of its student, a vibrant and more real outlook towards their life and career. To advance this mission, instilling research and analytical skills among the students has grown to be a remarkable aspiration of this institution.



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ABOUT CMR VII VIRTUAL NATIONAL MOOT COURT COMPETITION, 2020

The CMR National Moot Court Competition, the flagship event at CMR University, School of Legal Studies is a biennial event. Currently in its seventh edition, this event has in the past attracted diverse participation by law schools from all over the country, thereby providing a forum for many law students to prove their mettle and further their careers by arguing on some of the most thoughtfully crafted problems on burning legal issues. Owing to the ongoing global pandemic the School of Legal Studies, CMRU resolves to organise this VII National Moot Court Competition on a virtual platform. Further, this seventh edition is proposed to be organised on the 10th, 11th, 12th and 13th of December, 2020.

Restricted to a total participation by not more than 30 teams competing in two preliminary rounds to be judged by experienced advocates, professionals and law teachers from Bangalore. It is with immense pleasure that we invite you to take part in the CMR VII VIRTUAL NATIONAL MOOT COURT COMPETITION, 2020. The last date for registration is the 20th of November, and the last date for memorial submissions is on 5th of December, 2020.

MOOT PROBLEM

Zigma Corp. Media Networks Limited (Zigma Media) is a private unlisted company, incorporated on 26th February, 2011 under the Companies Act, 1956. It is a wholly owned subsidiary of Zigma Corporation, India (commonly known in India as the Zigma Group). The Zigma Group employs nearly 14,000 employees and is engaged in the business of publishing, broadcasting, radio, film, entertainment, web portal, besides rendering advertising and internet led media products and services. Headquartered, in Mumbai, Zigma Group's revenue as of 31st March, 2018 stood at approximately INR 16,880 crores and is a major contributor to the Indian economy and the Digital India program.

'Zigma TV' and 'Zigma Money', owned by Zigma Media are claimed to be India's most watched English news channels since its launch. The channels were launched as a free-to-air channel through DTH services and cable television operators across the country. Be that as it may, a mobile application named Zigma Digital was launched on an annual subscription basis with all contents of the Zigma Group being made available to end users at an annual fee of 6999/-. This digital wing was purported to be a platform built for the next generation of internet based content.

Zigma TV, stating nationalism as its core, continued its pursuit of truth as its guiding principle and unearthed several scams and contributed news reports fixing accountability for over a billion countrymen. Its critics however, decry that it broke all the norms of traditional newsrooms and journalistic set ups, and considered the channel a highly opinionated right wing political medium, most often seen to be high on rhetoric and innuendos.

On September 23, 2019, The Reserve Bank of India placed the Palm and Olive Cooperative Bank Limited (POC Bank), Mumbai, Maharashtra, under its Directions as per Section 35A of the Banking Regulation Act, 1949. According to the Directions, depositors were allowed to withdraw a sum not exceeding ₹ 1,000 (Rupees one thousand only) of the total balance in every savings bank account or current account or any other deposit account by whatever name called. The Directions would remain in force until further notice from the close of business of the bank as on September 23rd, 2019. Zigma Money extensively covered this news and squarely blamed the State Government for the mismanagement of POC Bank. Over several days, Zigma Money and Zigma TV mounted pressure on the State Government on various issues ranging from the investigation of an alleged suicide of a renowned Bollywood Actor, floods and riots across the State. The most celebrated face and Chief Editor of Zigma Money, Mr. Chintan Swamy went on to state that "the state government, led by the Chief Minister was plagued by gross mismanagement and incompetence". However, the matter was put to rest, after in another defamation case, the Bombay High Court, asked Mr. Chintan Swamy to bring down his rhetoric

on his TV debates.

On Nov 15, 2019, Ms. Andrea D' Costa, an investigative journalist of repute and a prominent face of Zigma Media, voiced concerns over the style of journalism practiced by Chintan Swamy. Subsequently, Ms. D' Costa was sidelined from mainstream news reporting or often given lesser airtime on the channels of Zigma Media. The management stated the shift in Ms. D'Costa's role at Zigma Media was based on a report submitted by Chintan Swamy.

Ms. D'Costa perturbed by the direction of the turn of events, resigned from Zigma Media on January 21st, 2020. Ms. D'Costa disturbed by the mental toll, confided in her husband Mr. Anil D'Costa who worked at a rival news channel.

On February 2, 2020, a rival media company reported the major violations at Zigma Media including privacy related violations and non-compliance of the Zigma Digital. It was reported that Zigma Digital based on Artificial Intelligence and information gathered on its mobile application, induced that barometers be installed at such households where allegiance was prominent towards Zigma Group's TV channels. This allegation did not stand scrutiny and rational, and was quickly dismissed by experts as fiction. However, the privacy concerns surrounding Zigma Digital increased drastically, resulting in the mobile application being uninstalled by its users.

To arrest its customer base and revenue from falling any further, Zigma Digital put forth a press statement the following day stating that:

"The information aired by several news channels regarding privacy of users of Zigma Digital is patently false, incorrect and calls for action before an appropriate forum. Zigma Digital honours every commitment as stated in the terms and conditions (Agreement) with each of its customers, at all times, in line with the extant laws, including the Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011."

The statement issued by Zigma Digital, lacking persuasion and seemingly unconvinced, a PIL was filed by the Society for Internet Privacy before the Bombay High Court, on the basis of the ongoing reports and urged the court to take *suo motto* cognisance of the matter, owing to larger public interest. In response to the PIL, the counsel for Zigma Group furnished documents showing consent forms, information shared with Customers etc. and also submitted copies of e-contracts and click-wrap agreements for the perusal of the Court. The e-contracts were not admitted for lack of stamp duty and were impounded.

Simultaneously, the State Government pressed several agencies and departments into action. The Collector of Stamps, Maharashtra imposed a penalty of INR 196 crores on Zigma Media, for non-payment of stamp duty on execution of various Agreements with Customer's under various platforms operated, including the e-contracts with 51 million unique users of Zigma Digital. Zigma Media's argument that stamp duty on e- contracts are in the nature of terms and conditions and not open to stamp duty, was met with a response from stamp authorities stating that most online businesses in Maharashtra paid stamp duty on such documents and rightly so. It gave the example of Organic Online, an online collective of organic farmers, who have entered into agreements with Organic Online to sell produce through the website 'organiconline.com'. All e-contracts between Organic Online and farmers across India were duly executed as e-contracts with stamp duty being paid to the Government of Maharashtra.

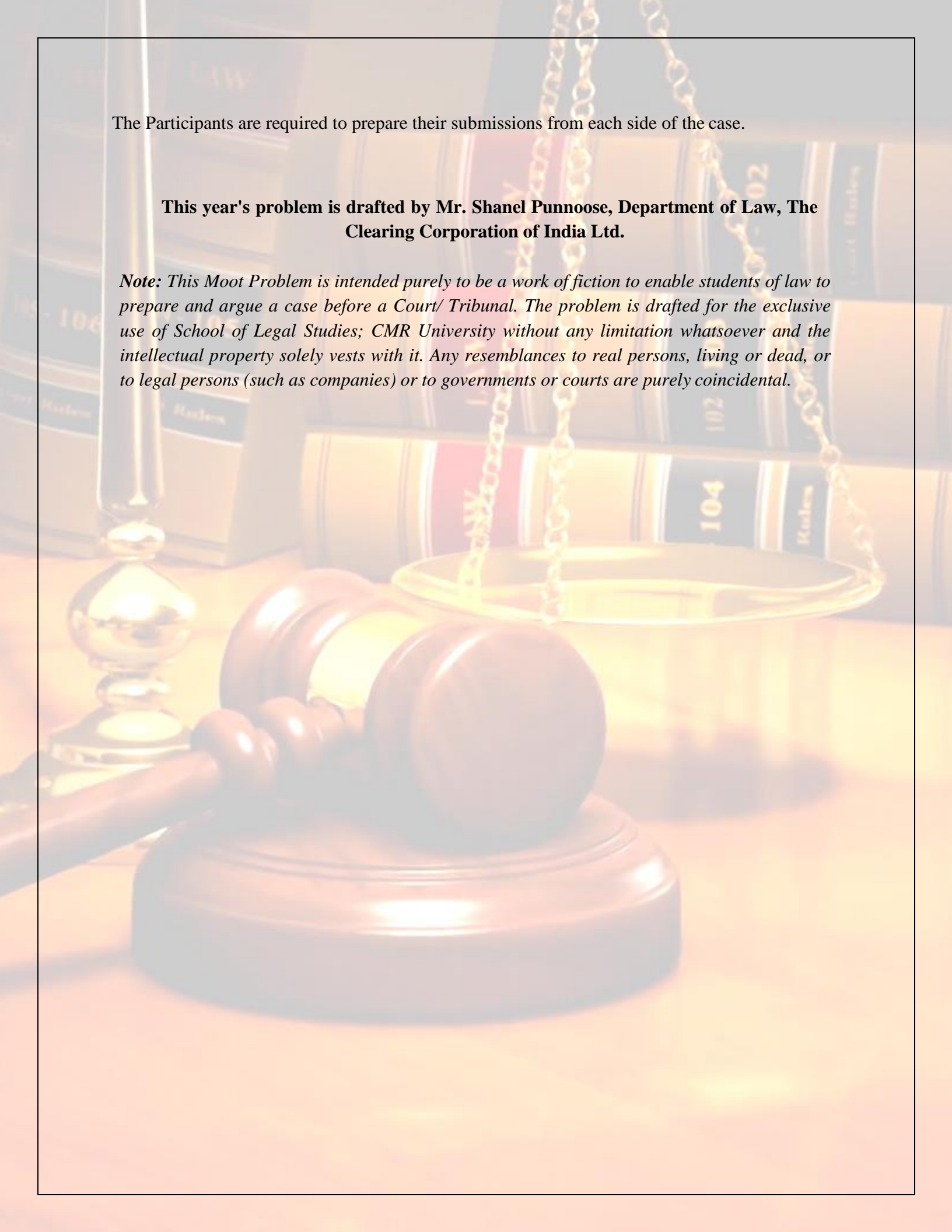
The very next day, this became national news and almost all the newspapers reported on it. There were talk shows and debates in all TV channels on violation of privacy and the inadmissible e-contracts and click wrap agreements submitted by Zigma Media. Within the next 15 days the circulation of Zigma Groups newspapers dropped drastically, the production houses and other media partners sought to terminate their contracts with Zigma Group, quoting various news reports which stated that contracts with Zigma Corp are being dishonoured. This resulted in Zigma Group's revenue taking a massive hit and its proposed investments from foreign investors and institutional investors taking a backseat.

Considering that the backlash and its loss of revenue was merely on the basis of an ill-founded application of the statute governing stamp duty, Zigma Group filed a petition before the Supreme Court claiming that the reputation and revenue loss was on account of the actions of the Collector of Stamps, Maharashtra, which slapped a penalty and thereby caused irreparable harm to its reputation both domestically and internationally. Zigma Group questioned the applicability of the impugned statute on e-contract and click wrap agreements.

Several other applications were filed by e-commerce majors like walkart, amzone etc. and payment banks licensed under the Payment and Settlement Systems Act, 2007 on the applicability of stamp duty under the Maharashtra Stamp Act, 1958.

****Note-**

- The Participants are required to frame their own issues.



The Participants are required to prepare their submissions from each side of the case.

This year's problem is drafted by Mr. Shanel Punnoose, Department of Law, The Clearing Corporation of India Ltd.

Note: This Moot Problem is intended purely to be a work of fiction to enable students of law to prepare and argue a case before a Court/ Tribunal. The problem is drafted for the exclusive use of School of Legal Studies; CMR University without any limitation whatsoever and the intellectual property solely vests with it. Any resemblances to real persons, living or dead, or to legal persons (such as companies) or to governments or courts are purely coincidental.

RULES

General Rules

1.1 Date & Venue of the Competition:

The CMR VII Virtual National Moot Court Competition, 2020 will be held from 10th - 13th December, 2020 in a virtual format at CMR University, School of Legal Studies, Bengaluru.

Venue: ONLINE VIDEO CONFERENCING

1.2 Team Eligibility & Team Composition:

- a. Participation is strictly restricted to bona fide law students enrolled in the three year or five-year Law degree from any recognized institution in India.
- b. Only one team shall be permitted to participate from each institution.
- c. Participating institutions shall register a team consisting of three members with two of the members designated as 'Speakers' and the third designated as 'Researcher'.

1.3 Registration Procedure:

- a. Participants shall register through the online link: [REGISTRATION](#)
- b. There shall be Registration cap of 30 teams, and the registration will be accepted on first come first serve basis
- e. Teams that have completed Registration in accordance with the procedure mentioned hereinabove shall be assigned a Team Code. Thenceforth, all correspondence to the Organizing Committee shall specifically be done by mentioning only the Team Code.
- f. Upon allocation of the team code, the teams shall use the same in all of their presentations and submissions and endeavor to conceal the name of their parent institution at all times.
- g. No alteration in the Team Composition shall be permitted after the receipt of the registration forms.

1.3.1 Payment Details.

- a. **Registration Fee** - Rs. 2000/-
- b. **Account Name:** CMR University - School of Legal Studies

Account No.: 39431978708

Bank Name: State Bank of India

Branch Address: St. Thomas Road Lingarajpuram

Swift Code: SBININBBM37

RTGS Code/ IFSC Code: SBIN0040283

1.4 Dress Code:

a. Participants shall be appropriately attired for the rounds of the competition. Robes and Collar bands are not permitted.

b. The Dress Code for the Inauguration, Oral Rounds and Valedictory & Prize Distribution shall strictly be:

- For Gentlemen - Western Formals (White formal shirt with black formal pants and a black blazer); and
- For Ladies - Western Formals (White formal shirt with black formal pants/ black formal skirt and a black blazer)

Memorandum/Written Submissions

2.1 Submission of Memorandum:

a. Participants are required to submit Memorandum or Written Submissions for both the Petitioner and the Respondent.

b. Teams shall e-mail the Soft Copy each of the Petitioner and Respondent Memorandums on or before 05/12/2020, 11:59 PM to nmcc@cmr.edu.in. Late submission will attract penalty of '02' points for delay of each day.

c. The last date to e-mail the Soft Copy of the Memorandum with penalties is 07/12/2020, 11:59 PM beyond which the same shall not be accepted at any cost. Teams not submitting the Soft Copy by the aforesaid date may be listed last for the purpose of determination of fixtures for the Preliminary Rounds and the Memorandum Score shall not be added to the Oral Rounds Score for the Total Score in the Preliminary Rounds. Exceptions may be made at the sole discretion of the Organising Committee.

d. The Soft Copy shall be formatted in accordance Rule 2.2 and should be converted to PDF.

****Note-NO HARD COPIES ARE TO BE SUBMITTED.**

2.2 Contents of the Memorandum:

a. Each Memorandum shall contain at least the following sections:

- i. Cover Page (shall include Year of the Competition, Cause Title, Forum/Court, designation as Petitioner or Respondent Memo, Team Code on the top right corner - e.g. 21P or 21R)
- ii. Table of Contents
- iii. Index of Authorities
- iv. Statement of Jurisdiction (strictly restrict to 1 page)

- v. Summary/Statement of Facts (strictly restrict to 1 page; argumentative Statement of Facts shall be penalized)
- vi. Issues Raised/Questions Presented
- vii. Summary of Arguments/Pleadings
- viii. Arguments Advanced/Written Pleadings (strictly restrict to 20 pages or less)
- ix. Prayer

b. The following content specifications shall be strictly adhered to:

- i. Language: English
- ii. Body Font & Size: Times New Roman, 12; Line Spacing: 1.5 [The spacing need not be followed for the Cover Page, any Tabular Column, Header or Footer]
- iii. Footnotes Font & Size: Times New Roman, 10; Line Spacing: 1.0; Paragraph Spacing: None; No additional space between footnotes
- iv. Alignment (Body & Footnotes): Justified
- v. Margin: 1 inch on all 4 sides
- vi. Citation Method: The Bluebook, A Uniform System of Citation, Harvard Law Review, 20th edition
- vii. Substantive Footnoting is strictly prohibited.

c. The Cover page of the Memorandum for the Petitioner shall be Blue, and the Respondent shall be in Red.

2.3 Evaluation of the Memorandum:

a. Each Memorandum shall be marked on a total of 100 points. The Memorandum Score added to the Oral Rounds Score during the Preliminary Rounds shall be for the respective Round, i.e. the Petitioner Memorandum Score shall be added to the Oral Score while arguing for the Petitioner and the Respondent Memorandum Score shall be added to the Oral Score while arguing for the Respondent.

b. The Best Memorandum Award shall be given to the team with the highest aggregate score out of 200 for both the Memorandums.

c. The Memorandum Score will be used in determining the fixtures for the Preliminary Rounds

d. The following shall be the judging criteria:

Parameters	Marks Allotted
Knowledge of law & depth of research	20
Use of authority/precedents	20
Incorporation of facts into the arguments	10
Interpretation of applicable law	10
Clarity of thought and organisation of arguments	15
Style of Presentation	10
Originality	10

Relief sought	5
TOTAL	100

Oral Rounds

3.1 General Procedure:

- a. The language to be used during the Rounds is English.
- b. The Competition shall consist of the following rounds:
 - i. Preliminary Rounds; and
 - ii. Advanced Rounds:
 - iii. Quarter-finals,
 - iv. Semi-finals,
 - v. Finals
 - vi. The Best Speaker Award shall be determined on the basis of the individual aggregate score of the Speaker taken only from the Preliminary Rounds.
 - vii. The Researcher shall not be permitted to address the Court during the Oral Rounds. Teams are not permitted to raise issues in the Oral Rounds that have not been submitted in the Memorandum.
 - viii. The decision of the Judges as to the marks allotted to each team shall be final.
 - ix. So as to ensure uniformity in the marking system all Judges will be provided with a scoring guideline.

3.2 Splitting of Time Between Speakers:

- a. Teams shall notify the Court Officer regarding the division of time between the 2 Speakers (including time reserved for Rebuttal & Sur-rebuttal) 10 minutes prior to the commencement of the Rounds.
- b. If Speaker 1 exceeds his/her reserved time, the additional time taken shall be deducted from the time reserved by Speaker 2. Similarly, if Speaker 2 exceeds his/her reserved time, the additional time taken shall be deducted from the time reserved for Rebuttals/Sur-Rebuttals as the case may be. This rule may not be followed if the additional time is awarded at the discretion of the Judges to not be deducted from the time of the subsequent Speaker.
- c. While granting additional time, if the additional number of minutes granted is not specified by the Judges, it shall be presumed that the additional time granted is 2 minutes.
- d. The finality of the decision as to the time structure and the right to Rebut or Sur-rebut shall vest with the Judges.

3.3 Exchange of Memorandum

The exchange of memorandum shall take place prior to each Oral Round through e-mail as planned in the Tentative Schedule.

3.4 Preliminary Rounds:

- a. Every team shall argue twice in the Preliminary Rounds, **once** for the Petitioner and **once** for the Respondent.
- b. No two teams shall face each other more than once in the Preliminary Rounds.
- c. Each side shall get a maximum time of 30 minutes to present their arguments of which no Speaker shall be permitted to address the Court for more than 18 minutes. The time limit is inclusive of the time for Rebuttal or Sur-rebuttal respectively. The maximum time for Rebuttal is 2 minutes and the maximum time for Sur-rebuttal is 1 minute.
- d. The Total Score of the Preliminary Rounds shall be a combined score of the Memorandum Score as well as the Oral Rounds Score.
- e. The top eight (8) teams from the Preliminary Rounds shall advance to the Quarter Finals.
- f. The top eight teams shall qualify on the basis of the maximum number of wins per team. In the event of a tie, the aggregate score of the team shall be considered.

3.5 Advanced Rounds:

- a. Every team shall argue once in each of the Advanced Rounds.
- b. The side to be argued shall be determined on a Draw of Lots.
- c. The qualification of teams to subsequent rounds shall be on a knock-out basis for each of the Advanced Rounds. In the event of a tie, the memorandum scores shall be considered to break the tie.
- d. Except in case of a tie, the Memorandum Score shall not be considered for any of the Advanced Rounds.

3.5.1 Quarter-finals

- i. The maximum time for arguments per side shall be the same as in the Preliminary Rounds.
- ii. The top four (4) teams from the Quarter-finals shall advance to the Semi-finals.

3.5.2 Semi-finals

- i. Each side shall get a maximum time of 45 minutes to present their arguments of which no Speaker shall be permitted to address the Court for more than 25 minutes. The time limit is inclusive of the time for Rebuttal or Sur-rebuttal respectively. The maximum time for Rebuttal is 5 minutes and the maximum time for Sur-rebuttal is 2 minutes.
- ii. The top two (2) teams from the Semi-finals shall advance to the Finals.

3.5.3 Finals

- i. The maximum time for arguments per side shall be the same as in the Semi-finals.
- ii. The winner of the Final Round shall be declared the Winner of the Competition.

3.6 Scouting:

- a. Scouting is strictly prohibited.
- b. Any person may submit a complaint regarding Scouting to the Organising Committee.
- c. Teams found scouting shall be disqualified immediately.

3.7 Delays in Appearance/Presentation:

If a team scheduled to take part in a Round does not appear within 10 minutes of the scheduled time, the other team present shall be allowed to submit ex-parte. Such team presenting ex-parte will present oral arguments for scores only as they shall automatically win the round.

Awards

- a. The following Awards shall be given away during the Valedictory & Prize Distribution:

Winner of the Competition: Cash Prize of 15,000/-

Runner-up of the Competition: Cash Prize of 10,000/-

Best Memorandum: Cash prize of 5,000/-

Best Speaker: Cash prize of 5,000/-

- b. All participants of the Competition will be given E- Certificates.
- c. All teams shall be present during the Valedictory & Prize Distribution. Certificates will only be given to the teams present during the Valedictory & Prize Distribution.

Technical Rules

- a. All the rounds shall be conducted via video conferencing.
- b. All the participants of the team are expected to keep their videos on during the oral rounds.
- c. The Researcher of the participating team may share their screen in order to display the relevant document to the judges for reference.
- d. The link for the Inauguration, Draw of Lots, Valedictory session, the Preliminary and Advanced rounds shall be sent to all the participants in advance.

Miscellaneous

6.1 General Etiquette:

- a. Participants are expected to behave in a dignified manner and not to cause any inconvenience to the Organizing Committee, the Judges of the Competition or any of the other participants.

b. The Organizing Committee reserves the right to take appropriate action for any unethical, unprofessional or immoral conduct.

6.2 Interpretation of Rules & Regulations:

a. All interpretation, as well as any waiver, consent or other decisions in the administration of the Competition are at the complete discretion of the Host Institution and the Organizing Committee.

b. Any decision made by the Host Institution or the Organizing Committee shall be final and binding on all participating teams.

Correspondence/Contact Details

7.1 The address for correspondence:

The Organizing Secretary,

CMR VII Virtual National Moot Court Competition, 2020

#5, Bhuvanagiri, OMBR Layout, Bangalore, Karnataka - 560043

Tel: +91 80 25453077

Fax: +91 80 25453088

Email: nmcc@cmr.edu.in

7.2 Moot Proposition and Rules & Regulations:

- a. Clarifications regarding the moot proposition shall be sought only via e-mail nmcc@cmr.edu.in latest by 01.12.2020 (11:59pm IST).
- b. Any and all clarifications regarding the Rules & Regulations shall be sought only via e-mail at nmcc@cmr.edu.in.

7.3 Other Queries:

Any other queries may be directed at the following persons of the Organising Committee:

Vaishali Kabra Ph.: +91 9859569293

Vishnu Sudarshan Ph.: +91 7259802626

Natasha K Ph.: +91 8150830650

ORGANISING COMMITTEE

Chairperson

Prof. (Dr.) T.R. Subramanya
Dean, School of Legal Studies CMR University, Bengaluru

Convener

Prof. V.J. Praneshwaran
Vice-Principal, School of Legal Studies CMR University, Bengaluru
Ph.: +91 72044 47330

Co-Convener

Prof. Sreenidhi.K.R
Asst. Professor School of Legal Studies CMR University, Bengaluru
Ph.: +91 98454 36878

Organising Secretary

Prof. Chanjana Elsa Philip
Asst. Professor School of Legal Studies CMR University, Bengaluru
Ph.: +91 99861 4378

Student Coordinators

Jayasree	5 th Year (B.A. LL.B.)	Priya	4 th Year (B.A. LL.B)
Vaishali	5 th Year (B.B.A LL.B.)	Suyash	4 th Year (B.A. LL.B)
Adya	5 th Year (B.B.A LL.B.)	Gaurav	4 th Year (B.A. LL.B)
Aayush	5 th Year (B.B.A LL.B.)	Natasha	4 th Year (B.B.A. LL.B)
Aparimita	5 th Year (B.B.A LL.B.)	Sohel	4 th Year (B.B.A. LL.B)
Arathi	5 th Year (B.B.A LL.B.)	Prattay	4 th Year (B.B.A. LL.B)
Ashika	5 th Year (B.B.A LL.B.)	Vishnu	4 th Year (B.B.A. LL.B)