

Remembering S P Sathe

PROFESSOR S. P. SATHE

**16th INTERNATIONAL
MOOT COURT
COMPETITION (VIRTUAL),
2021-22**



10-12 March 2022

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**THE INDIAN LAW SOCIETY,
ILS LAW COLLEGE CAMPUS,
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ABOUT INDIAN LAW SOCIETY, PUNE

The year 2022 marks an illustrious milestone in the journey of 100 glorious years of excellence in legal education by the Indian Law Society. It was established under the Societies Registration Act, 1860 in 1923. It is a non-profit organization established with the sole purpose of imparting legal education.

In the pre-independence era, legal education in the Deccan part of British India was concentrated in the Presidency Town of Bombay and it was in a deplorable condition. Legal studies often received contemptuous treatment by people at large, carried no social prestige, and were the lowest priority of the state. However, a few great legal luminaries and visionaries, enthused by nationalism, saw a dream of independent India as a democratic state founded on the principles of rule of law, i.e. Dharma in its widest connotation as the foundation of the nation.

Realizing the importance of rule of law in the upcoming democratic India, role of law in a civil society, and that the ultimate end of education is creation of a just social order for eternal happiness, those visionaries established the Indian Law Society in 1923 and the Law College, Poona (now ILS Law College, Pune) in 1924 with a well-focused agenda to impart socially relevant and, professionally desired quality legal education on scientific basis as 'Justice Education'. Hon'ble Justice Sir Narayanrao Chandavarkar, a judge of the Bombay High Court was the first President of the Society. Mr. J.R. Gharpure alias Nanasaheb Gharpure, a lawyer and a scholar of Hindu Jurisprudence, was founder Principal of the Law College and was also the Honorary Secretary of the Indian Law Society. A mention on this occasion of another founding member of the society Dewan Bahadur P. B. Shingane is equally important.

An initiative taken 100 years ago has today blossomed into five diverse institutes, namely, ILS Law College (1924), Institute of Advanced legal Studies (1991), Centre for Mental Health Law and Policy (2007), ILS Centre for Arbitration and Mediation (2016) and Centre for Health



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Equity, Law and Policy (2019). All these institutes work harmoniously to create an ecosystem required to achieve the vision and mission of Indian Law Society.

ABOUT ILS LAW COLLEGE, PUNE.

Establishment of the Law College in 1924 by the Indian Law Society was indeed a breakthrough in Indian Legal Education. Being one of the oldest law schools in India, ILS continues to play a pioneering role in legal education and scholarship. With its illustrious history and heritage, the institution has contributed immensely to the growth of the legal profession and has upheld its tradition of producing meritorious legal scholars who dedicate themselves to public service and reform.

Spread across 154 acres of lush green campus, equipped with state-of-the-art infrastructure and ICT facilities further aids the students in their academic and extracurricular pursuits. The Principal Gharpure Library, with a vast collection of books including some of the rare collections, along with subscription of various e-databases, is one of the best libraries in India.

The generations of distinguished legal luminaries who have been nurtured by this unique institution have made seminal contributions globally to the evolution of the esteemed field of law.

Three Chief Justices of the Supreme Court, namely, Justice P. B. Gajendragadkar, Justice Y. V. Chandrachud and Justice E. S. Venkataramaiah; Former Governor of Maharashtra K. M. Reddy, Former Defence & Finance Minister and First Chief Minister of Maharashtra Y. B. Chavan, Former Minister of Commerce Mohan Dharia, Former Chief Ministers of Maharashtra, namely Sushil Kumar Shinde and Vilasrao Deshmukh, are few of the eminent alumni of ILS Law College. The College has not kept itself limited to the academic curricula and has always incorporated innovative practices in the form of advocacy skill activities, legal aid, conferences, seminars and various other cells and centres to ensure holistic development of the students.



SISTER INSTITUTES OF ILS LAW COLLEGE, PUNE

- **INSTITUTE OF ADVANCED LEGAL STUDIES**

The Institute of Advanced Legal Studies (IALS) was established in 1991 to spread comprehensive knowledge of various relevant laws amongst the general public. The Institute was launched on 4th March 1991 at the hands of Late Shri. G.G. Karnik, the then Vice-President of the Indian Law Society. Professor S.P. Sathe, the former Principal of the ILS College was the founder Director of the Institute. The Institute aims to promote research in law and to generate awareness through various courses designed for lay persons on different laws.

- **CENTRE FOR MENTAL HEALTH LAW AND POLICY**

Founded in 2007, the Centre for Mental Health Law & Policy (CMHLP) aims to strengthen and transform the mental health of communities and to be holistic and responsive in addressing individual and collective well-being. Its work is spread across law & policy reform, suicide prevention, community-based mental health, health systems strengthening & peer support, training & education and youth mental health.

CMHLP primarily focuses on Policy Change, Implementation Research and Capacity Building. It has provided technical assistance to the Ministry of Health and Family Welfare, Government of India in drafting India's Mental Health Care Act 2017. Atmiyata by CMHLP, (An innovative, evidence-based, high impact, community-led model to reduce the mental health and social care gap in rural communities), has been listed as one of the 25 good practices for community outreach mental health services around the world by the World Health Organization.

- **ILS CENTRE FOR ARBITRATION AND MEDIATION**

The ILS Centre for Arbitration (ILSCA) was established on 3rd December 2016 with the sole purpose of providing facilities for settlement of disputes through arbitration and mediation.



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ILS envisaged ILSCA as a trustworthy, independent, efficient and transparent Arbitration Centre, wherein the disputant parties could resolve disputes- by taking recourse to various methods like Ad-hoc Arbitration and also Institutional Arbitrations International and Domestic Commercial Arbitration.

- **CENTRE FOR HEALTH EQUITY, LAW & POLICY**

Established in 2019, the Centre for Health Equity, Law & Policy (C-HELP) uses the law as a tool for health transformation, embedding its work in the right to health as envisaged within India's constitutional framework and her international commitments. It advocates for equity and justice in health through generation, sharing and use of knowledge that informs related law and policy.

It also aims to use law in conjunction with other disciplines – economics, sociology, anthropology, public health, communication, governance etc. – to find holistic and systemic solutions to inequities in health.

ABOUT “REMEMBERING S P SATHE”

Professor Satyaranjan Purushottam Sathe was a distinguished legal luminary and a renowned academician in the judicial universe of India. He held various positions in Universities and Law Institutes of repute. Professor S.P. Sathe had a long association with the Indian Law Society. He was the Principal of ILS Law College from 1976 to 1991. He was also the Secretary of the Indian Law Society until 2002. He was the Founder Director of the Institute of Advanced Legal Studies. He was also the President of the Maharashtra People’s Union for Civil Liberties (PUCL), and a Vice President of the National PUCL.

Professor S. P. Sathe is an acknowledged authority on Constitutional and Administrative Law, within the country and abroad. He contributed extensively to the field of legal education. His work on ‘Judicial Activism’ is appreciated worldwide. More than 100 articles written by him



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were published in national and international legal periodicals, magazines, and journals. Books to his credit are, ‘Administrative Law’, ‘Judicial Activism in India: Transgressing Borders and Enforcing Limits’, and ‘Right to Know’. He has also written extensively in Marathi, and has made significant contributions to the Marathi Vishwakosh published by the Government of Maharashtra.

He was invited to deliver lectures, and to participate in seminars as a resource person to different law Universities, institutions within and outside India. Known for his humility, Professor Sathe endeared himself to his colleagues and students alike. His commitment to Rights and Liberties of the people was deep and abiding.

Professor S. P. Sathe Foundation, set up by the Indian Law Society, organizes “*Remembering S.P. Sathe*” event annually consisting of Public Memorial Lecture, Moot Court Competition, and a Conference at ILS Law College, Pune on a specific theme with a view to commemorate his contribution to Indian Jurisprudence and Social Action and to encourage academic pursuit of law students. The academic year 2021-22 will see ILS holding the 16th edition of “*Remembering S P Sathe*” event on the theme of “**Climate Change**”.

PROFESSOR S.P. SATHE 16TH INTERNATIONAL MOOT COURT COMPETITION, 2021-22

Considering the recent increase in environmental conflicts mainly due to climate change at the international frontier, it is pertinent to have a discourse amongst law students on the relevant issues. The Professor S.P. Sathe 16th International Moot Court Competition is being organized to introduce participants to the intersection of International Law with Climate Change. International cooperation is essential to the effort against climate change and the need for which was visible at CoP 26 at Glasgow. Therefore, it is important to comprehend and recognize the role played by international law in facilitating this cooperation, and enabling adaptation efforts across the globe.

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Certain areas of the world are already experiencing the drastic effects of climate change, such as extreme weather events, excessive floods, and drought. The Small Island Developing States have been recognized by the UN to be in critical danger of being submerged due to rising sea water levels. All these combined factors place a large section of the global population at risk of being unable to survive in these locations in the near future, creating climate refugees.

Climate refugees are people whose lives and livelihood are endangered due to climate change, because of their geographical circumstances. Currently, the international law is inadequate to recognize the needs of climate refugees and provide redressal for their loss and damages suffered due to the actions of climate polluters.

The effects of climate change are becoming deeply intertwined with the socio-economic fabric of our society, and it is imperative that international law develops to accommodate this new reality. Through this moot we aim to equip the students with the understanding of the nuances of international law, climate law, and humanitarian law, particularly when it comes to dealing with conflicting interests of state and non-state actors as regards the welfare of the people.

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COMPETITION CASE

INTERNATIONAL COURT OF JUSTICE



THE CASE CONCERNING CLIMATE CHANGE REFUGEES

(The State of Krotovia v. Republic of Northenia)

Dossier of Relevant Documents

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LIST OF DOCUMENTS

1. ANNEX A: Statement of Undisputed Facts
2. ANNEX B: Map of the region
3. ANNEX C: Declaration made by the Republic of Northenia dated 7th December 1963 under Article 36 (2) of the Statute of International Court of Justice
4. ANNEX D: Declaration made by Krotovia dated 17thFebruary 1961 under Article 36(2) of the Statute of International Court of Justice
5. ANNEX E: Convention on Climate Change Refugees, 2010



ANNEX A

Statement of Undisputed Facts

1. The State of Krotovia (Krotovia) and the Republic of Northenia (Northenia) are neighbouring states in the continent of Europa. Both are situated in the western part of Europa. The continent of Europa is dominated by the world's highest mountain range Protation Mountains which passes through Northenia, Krotovia and Woldovia. As far as Krotovia is concerned, the mountain range of Protation Mountains only passes through Linburg (province in Krotovia).
2. Krotovia's population is chiefly dominated by Jankoo ethnicity. They constitute about 90 percent of the population. The remaining 10 percent population belongs to the Cilapi ethnicity which is concentrated in the State of Linburg which shares its boundaries with Northenia. The Cilapi population has been heavily dependent on agriculture and forest produce for their livelihood. The Jankoo population strongly believe themselves to be the rightful inhabitants of Krotovia. They further believe that the Cilapi population were the descendants of the Fo dynasty who had invaded the Krotovian territory in the past.
3. Northenia is a mountainous State and the majority of its region is covered by forests and mountains inhabited by people belonging to the Cilapi ethnicity.
4. The State of Krotovia and Northenia were both colonies for over 100 years. Krotovia became independent on 1st May 1960 followed by Northenia gaining independence on 2nd July 1962.
5. Due to the long period of colonial rule, Krotovia's resources were at the brink of exhaustion at the time of independence. Hence, the newly elected government began with a series of reforms. The first set of reforms were introduced in the agricultural sector.



6. This was followed by reforms in the industrial sector. Krotovia is currently characterized as an economy at the early stages of development.
7. Northenia too was similarly placed but its government soon realised the potential of its tourism sector and began its rapid development. Due to its international popularity as a tourist destination, it generated adequate foreign exchange which the government used to develop its agricultural and industrial sectors.
8. In June of 1975, Northenia attempted to annex the territory of Linburg believing it to be the legitimate territory of Northenia. Northenia declared war against Krotovia. The forces of Krotovia defended the territory of Linburg and drove away the Northenian forces. After the war Krotovia alleged that the Northenian forces used Napalm excessively resulting in the rise of water levels in Krotovia with the hope of gaining tactical advantage.
9. Owing to hostilities, both Krotovia and Northenia signed the Boundary Agreement in the month of August 1975. As per this agreement the countries agreed to maintain a demilitarized zone and end the hostilities.
10. Krotovia adopted a multi-party democratic form of government since their independence. Periodic elections have been taking place every five years since then. The political scenario of Krotovia is dominated by three prominent political parties namely Socialist Party of Krotovia (SPK), Krotovia Progressive Front (KPF) and Krotovia Central Party (KCP). The Krotovia Central Party (KCP) won and came to power in the first general elections. However, subsequently it failed to sustain the public support and since then has remained a dormant political party.
11. Since the quiescence of KCP in 1975, there has been a constant political rivalry between SPK and KPF. Except in 1995, where the Krotovia Progressive Front won the general elections by a slight margin, the Socialist Party of Krotovia has been the dominant



political power. However, there was a sudden shift in power in 2010 when the general elections were won by the Krotovia Progressive Front by a landslide victory. This public support was carried forward and replicated in the 2015 and 2020 elections. Since they came to power in 2010, the Krotovia Progressive Front has been implementing its nationalist agenda and enacting policies in furtherance of the same.

12. The political diegesis of Northenia on the other hand is dominated by two parties namely the Liberal Party (LP) and the Northenia Central Party (NCP). Both the parties have had their own share of power from time to time since independence. The last general election of 2020 saw the Northenia Central Party (NCP) come to power.
13. Since 2010 the Krotovian government has taken a proactive interest in the development of Krotovia. It was the opinion of the government that Linburg was the most suitable State for setting up the new heavy industry base. In pursuance of this, the government established two thermal power plants, namely Alpac and Benthos with an installed capacity of 3800MW each in Linburg in addition to the existing hydroelectric power plants in Krotovia. The management of the same was with the Krotovia Thermal Energy Corporation.
14. The establishment of the power plants was met with protest from the Cilapi population as this would mean the loss of their agricultural and forest land, thus depriving them of their livelihoods. The protestors were also concerned about the fact that the establishment of thermal power plants would harm the fragile ecosystems of the mountainous region. Despite the protests the government established the thermal power plants. The protests were curtailed and arrests were made by the Krotovia Police Forces. Newspapers and media were banned in Linburg by the government. The treatment of protestors by Krotovia attracted the attention of the international community.



15. Ms. Yanko, an activist, made a statement claiming that the government considered the Cilapis as “outsiders” and wanted to deprive them of their livelihood and land. This statement received strong opposition from the Krotovia Environment Ministry and Mr Domi, spokesperson for the Krotovia Environment Ministry claimed that Linburg was most suitable for setting up of the thermal power plants.
16. Initially the two power plants satisfied the energy demands of Krotovia. However, to meet the growing demands of industrialisation the government boosted the installed capacity of the two thermal power plants from 3800MW to 4000MW.
17. The state of Linburg in the year 2015 witnessed heavy rains during the monsoon, plus it received spells of showers throughout the year. Initially, the government could control the situation and no loss of human life was reported. Since 2016 Linburg has been witnessing heavy rainfalls throughout the year. It was reported that due to constant rains 2 out of the 4 districts of Linburg were partially submerged. This made those districts unsuitable for human habitation and agriculture. It was also reported that the air quality substantially deteriorated. From 2017 to 2019 the inhabitants of Linburg made various attempts to relocate to different territories of Krotovia but with little success.
18. On 20th December 2020 there was heavy rainfall since morning in Linburg. In the afternoon, there was a massive landslide. The landslide claimed the lives of 67 people. This resulted in chaos in Linburg. The landslide was also followed by flooding in major parts of Linburg. Soon, the entire state of Linburg was underwater. To save themselves from the havoc, the Cilapi people had to leave all their belongings and flee to high ground. The rain lashed Linburg for the next two days causing more damage. No rescue operations reached Linburg. After two days of hunger and thirst, the Cilapi people had to cross into Northenia.
19. In the meanwhile, the Northenian government, anticipating the possibility of Cilapi influx, had issued an order to the Northenian Border Forces to disallow the Cilapis to



cross the international border. Seeing the influx of Cilapi people, the Northenian Border Forces resisted the Cilapi people from entering the territory of Northenia. As a result the Cilapis settled in the demilitarized zone.

20. The Cilapi population somehow managed to survive for a couple of days in the demilitarized zone on a meagre supply of food which they had brought with them. Soon the issue of the Cilapi population caught the attention of the international media. The newspapers and news channels began focussing on the developing tensions between Krotovia and Northenia.
21. The Krotovian government appointed a committee of environmental scientists and ecologists to assess the damage caused in the territory of Linburg. The report of the committee revealed that the territory of Linburg is permanently damaged and the air quality has severely deteriorated, thereby making it unsuitable for human habitation as well as agriculture.
22. The Minister of External Affairs for Krotovia, Mr. Jenko issued a statement on 26th December 2020 stating that, *“Owing to the natural calamity in Linburg, the territory is flooded and not suitable to sustain human habitation. And considering the tension between Cilapi and Jankoo, the Cilapi population cannot be accommodated in the rest of the country. Our government strongly urges Northenia to give shelter to the Cilapis as per their obligations under international law.”*
23. On the release of this statement, the Foreign Minister of Northenia Ms. Tinpin made a public announcement claiming, *“The Cilapis are not victims of climate change, hence it is not the responsibility of the government of Northenia to give them shelter. Since the Cilapis are nationals of Krotovia, it is their responsibility to look into the resettlement and rehabilitation of the Cilapis in the Krotovia territory.”*



24. On 6th February 2021, there was a newspaper report claiming that the surviving Cilapis have entered into the territory of Northenia and have settled in the small border town of Heidia. Owing to the international pressure and tension, the Northenian government could not take any action against the Cilapis. However the Northenian government continuously urged the Krotovian government to take appropriate action regarding Cilapis.
25. The government of Krotovia and Northenia stood their ground and held a couple of rounds of negotiations. However, all attempts to reconcile the situation were in vain.
26. As a result of this, the government of Krotovia decided to approach the International Court of Justice (ICJ).

For the purpose of this case, these are the following issues pending before the ICJ:

1. Whether Krotovia is solely responsible for climate change in Linburg?
2. Whether Cilapis can be referred to as climate change refugees?
3. Has the state of Northenia breached its obligations under the Convention on the Status of Climate Change Refugees, 2010?

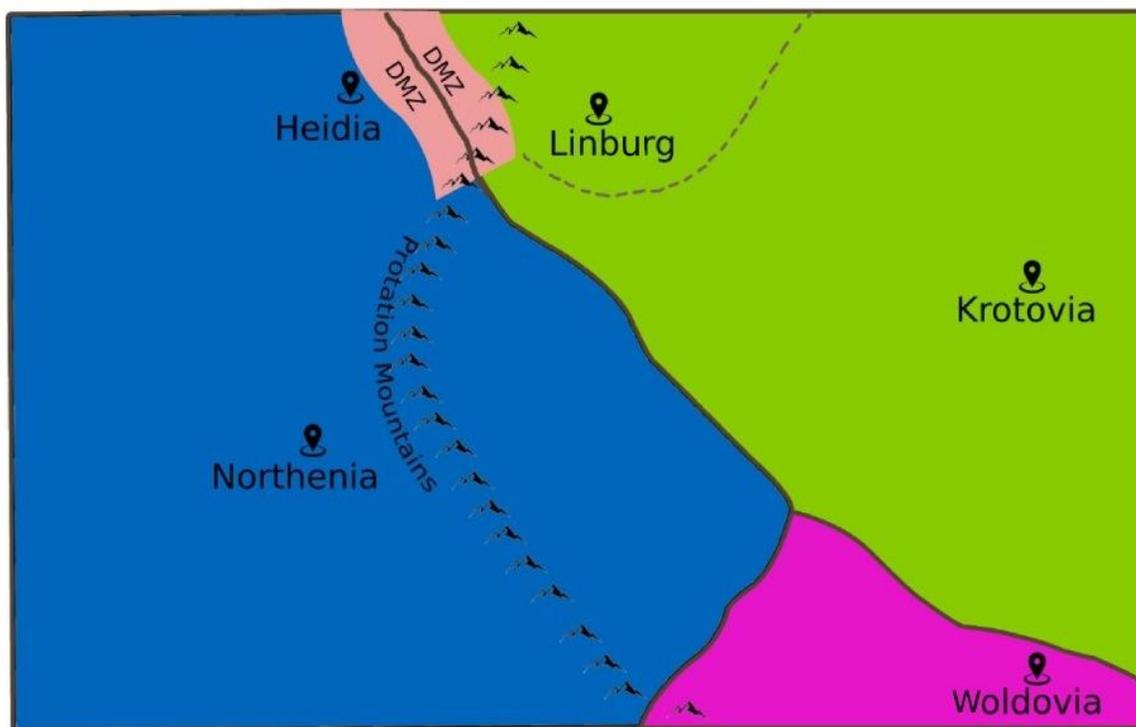
For the purpose of this case all the States mentioned above have signed and ratified the following:

1. United Nations Charter, 1945
2. Statute of International Court of Justice, 1946.
3. Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, 1977 (ENMOD Convention)
4. United Nations Framework Convention on Climate Change, 1992
5. The Paris Agreement, 2015
6. The Convention on the Status of Climate Change Refugees, 2010 (ANNEX E)



ANNEX B

Map of the Region



- International Border
- - - - State Border
- DMZ Demilitarized Zone

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ANNEX C

Declaration made by the Republic of Northenia dated 7th December 1963 under article 36 (2) of the Statute of International Court of Justice

Declaration made by the Republic of Northenia under Article 36(2) of the Statute of the International Court of Justice recognising Jurisdiction of the International Court of Justice as compulsory ipso facto and without special agreement.

Date: 7th December 1963

Day: Friday

The Republic of Northenia declares that it recognises as compulsory ipso facto and without special agreement, the jurisdiction of the International Court of Justice in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to the Secretary-General of the United Nations withdrawing this declaration. This declaration shall be effective immediately and shall include the acceptance of jurisdiction of the Court to disputes brought by States not party to the Statute of the Court but capable of approaching the Court under Article 35(2) without any further explicit agreement.

DONE at Northenia this 7th Day of December 1963

(Signed)

G. Harper Fitzgerald

Minister for Foreign Affairs, Republic of Northenia

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ANNEX D

Declaration made by Krotovia dated 17th February 1961 under article 36(2) of the Statute of International Court of Justice

Declaration made by the State of Krotovia under Article 36(2) of the Statute of the International Court of Justice recognising Jurisdiction of the International Court of Justice as compulsory ipso facto and without special agreement.

Date: 17th February 1961

Day: Wednesday

The state of Krotovia declares that it recognises as compulsory ipso facto and without special agreement, the jurisdiction of the International Court of Justice in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to the Secretary-General of the United Nations withdrawing this declaration. This declaration shall be effective immediately and shall include the acceptance of jurisdiction of the Court to disputes brought by States not party to the Statute of the Court but capable of approaching the Court under Article 35(2) without any further explicit agreement.

DONE at Krotovia this 17th Day of February 1961

(Signed)

Emily Lee

Minister for Foreign Affairs, State of Krotovia



ANNEX E

CONVENTION ON THE STATUS OF CLIMATE CHANGE REFUGEES, 2010

The Contracting Parties

Considering that the Charter of the United Nations and the Universal Declaration of Human Rights approved on 10 December 1948 by the General Assembly have affirmed the principle that human beings shall enjoy fundamental rights and freedoms without discrimination,

Considering that the United Nations has, on various occasions, manifested its profound concern for the global environment and the increasing rate of its deterioration,

Considering the causes of this degradation, in particular climate change and/or the laws of biological diversity brought desertification, deforestation, soil erosion, epidemics, and armed conflict and more generally natural hazards,

Considering that these negative environmental phenomena produce victims who encounter injury to their health and dignity, and even impairment of their fundamental right to life,

Considering that the gravity of environmental harm necessitates the displacement of individuals, families and populations,

And considering the many appeals from non-governmental organizations, States to recognise a status for climate change refugees, and insisting on the urgent necessity of responding to their plight,

Considering that it is desirable to bring into an international agreement relating to the status of climate change refugees and to extend the scope of and the protection accorded by such instrument,



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Considering that the grant of shelter may place unduly heavy burdens on certain countries, and that a satisfactory solution of a problem of which the United Nations has recognized the international scope and nature cannot therefore be achieved without international co-operation,

Expressing the wish that all States, recognizing the social and humanitarian nature of the problem of climate change refugees, will do everything within their power to prevent this problem from becoming a cause of tension between States,

Have agreed as follows:

Chapter 1: Preliminary

Article 1: Definitions

1.1 “**Climate change**” means a change of climate which is attributed directly or indirectly to human activity that causes widespread, long-term and severe damage to the natural environment and which is in addition to natural climate variability observed over comparable time periods.

1.2 “**Climate change refugees**” refers to persons confronted with climate change that irrevocably impacts their living conditions and results in their forced displacement, at the outset or throughout, from their country of nationality or habitual residence to any other country.

1.3 “**Forced displacement**” refers to any permanent or temporary displacement made inevitable by climate change from the State of nationality or residence to one or more receiving States of persons belonging to any religion, race, ethnicity, membership of a particular social group or political opinion.

1.4 “**Receiving State**” means any State, party to the Convention in accordance with article 14 of this Convention and which is not the State of nationality.

Article 2: Objectives

The objective of this Convention is



- To internationally recognize climate change refugees
- To recognize and guarantee the rights of climate change refugees
- To internationally recognize climate change refugees
- To lay down the obligations and responsibilities of the receiving State
- To provide for their reception as well as their eventual return to the State of their nationality and/or habitual residence.

Chapter 2: Rights of Climate Change Refugees

Article 3: Recognition before Law as Climate Change Refugees

1. Every climate change refugee shall have the right to recognition everywhere as a person before the law.
2. The Receiving State shall accord to the climate change refugee treatment as favorable as possible and, in any event, not less favorable than that accorded to aliens.

Article 4: Right to Assistance

Every climate change refugee shall have the following rights in the Receiving State:

1. Water and Food Aid

Every climate change refugee shall have the right to water and the right to receive food for subsistence.

2. Health care

Every climate change refugee shall have the right to receive medical aid and access to basic health care facilities.

3. Housing and safe shelter

Every climate change refugee shall have the right to adequate housing facilities in the Receiving State.



Article 5: Right of Association

1. Every climate change refugee shall have the right to form associations for the protection of their interest.
2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 6: Right to Livelihood

Every climate change refugee shall have the right to work and engage in wage earning employment in the Receiving State.

Article 7: Access to Court

Every climate change refugee shall enjoy in the Receiving State the same treatment as a national in matters pertaining to access to the courts, including legal assistance.

Article 8: Principle of Non-discrimination

The rights guaranteed and recognized by the present of Convention shall be ensured without distinction on the basis of race, religion, ethnicity, sex, sexual orientation, disability, political orientation.

Chapter 3: Obligations of Climate Change Refugees

Article 9: Duty of the Refugees

Every climate change refugee shall have the duty to abide by the laws, rules and regulations in force in the territory of the Receiving State.

Chapter 4: Obligations of the Receiving State



Article 10: General Obligations

The Receiving State shall ensure that every climate change refugee in their territory is granted the rights mentioned under articles 3, 4, 5, 6 and 7 of this Convention.

Article 11: Expulsion

1. The Receiving State shall not expel a climate change refugee unlawfully from their territory except on grounds of national security and/or public order.
2. The expulsion of such a refugee shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority.

Article 12: Prohibition of Return

The Receiving State shall not return any climate change refugee in any manner to the territories where his life or freedom would be threatened on account of climate change.

Chapter 5: Final Provisions

Article 13: Settlement of Disputes

1. In case of any dispute between two or more Parties about the interpretation or the application of this Convention, the concerned Parties shall attempt to settle it through negotiation or other peaceful means of their choice.



2. If the concerned Parties cannot settle the dispute through the ways mentioned in the paragraph above, the dispute shall be referred to the International Court of Justice at the request of any one of the Parties to the dispute.

Article 14: Signature, Ratification and Acceptance

1. This Convention shall be open for signature at Geneva on the First day of December 2010 and shall thereafter be deposited with the Secretary General of the United Nations.
2. This Convention shall be open for signature on behalf of all States Members of the United Nations, and also on behalf of any other State.
3. It shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. This Convention shall be open from the Twelfth day of December 2010 for accession by the States referred to in paragraph 2 of this Article. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 15: Amendments

1. Any Contracting State may request amendment of this Convention at any time by a notification addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall recommend the steps, if any, to be taken in respect of such request

Article 16: Entry into Force

1. This Convention shall come into force on the seventh day following the day of deposit of the third instrument of ratification or accession.

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2. For each State ratifying or acceding to the Convention after the deposit of the third instrument of ratification or accession, the Convention shall enter into force on the seventh day following the date of deposit by such State of its instrument of ratification or accession.



COMPETITION RULES AND REGISTRATION PROCESS

PART I

GENERAL

1. INTRODUCTION

1.1. Professor S. P. Sathe 16th International Moot Court Competition, 2021 is convened from 10-12 March 2021 by the Indian Law Society, Pune at the ILS Law College, Pune in **VIRTUAL** mode.

2. PARTICIPATION AND ELIGIBILITY

2.1. TEAM MEMBER ELIGIBILITY

2.1.1. Students enrolled in a full-time bachelors (three year or five year) law program at the time of the competition are eligible to compete in the Competition. Each College/Law School or University may send one team only.

2.2. TEAM COMPOSITION

2.2.1. A team shall be composed of either:

- Two Members: both speakers, OR
- Three Members: two speakers and one researcher.

2.3. NUMBER OF PARTICIPATING TEAMS

2.3.1. Thirty-two (32) teams registering (on the basis of first come first serve) for the Competition shall be eligible to participate. The number is inclusive of ILS Law College, Pune.



2.3.2. In case there is an odd number of participating teams, ILS Law College, Pune will nominate a non-competing dummy team that will not proceed beyond preliminary rounds.

2.3.3. Team members must carry current identity-cards (Soft/ Hard copy) issued to them by their institution. Team members will not reveal their identity or the identity of their institution during the progress of the competition, in the memorials, and even if requested by judges, failing which the team will face disqualification.

3. OFFICIAL LANGUAGE

3.1. The official language of the Competition is English. All Competition Rounds including the written submissions (Memorials) will be in English.

4. DRESS CODE

4.1. The teams are expected to follow a strict dress code of **Western or Indian formals**.

5. CLARIFICATIONS TO THE COMPETITION MODULE

5.1. Clarifications can be sought by Teams regarding the Competition Case and the Rules by email at spsathemoot@ilslaw.in

5.2. Last date to receive the request for clarifications is 20th January, 2022.



PART II

REGISTRATION

6. REGISTRATION PROCESS

6.1. INDIAN TEAMS - Registration for the competition can be done by payment of registration fees at the link given below AND submission of scanned copy of duly filled, signed and stamped Registration Form (pdf format) and screenshot / copy of receipt of payment of registration fees by email to: spsathemoot@ilslaw.in by **15th January 2022**.

Link for payment of registration fees by Indian Teams -

<https://ilslaw.edu/event/remembering-professor-s-p-sathe-16th-international-moot-court-competition-2021-2022/>

6.2. FOREIGN TEAMS – Registration for the competition can be done by payment of registration fees through bank transfer and submission of scanned copy of duly filled, signed and stamped Registration Form (pdf format) and screenshot / copy of receipt of payment of registration fees by email to: spsathemoot@ilslaw.in by **15th January 2022**.

Bank details for payment of registration fees by Foreign Teams

Bank Account Name: ILS Law College

Name of the Bank: State Bank of India

Account No.: 00000035826339376

Branch: Deccan Gymkhana, Pune

IFSC Code: SBIN0001110

Mention UTR number in the Registration form.

6.3 No change in the names of the participants shall be permitted after the receipt of the Registration Form, except at the sole discretion of the Organizers.



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6.4. All teams shall be given a “Team Code” by the Organizers on validation of their Registration Form and confirmation of payment of registration fees. Thereafter, the teams shall use their designated “Team Code” for all correspondence with the Organizers.

6.5. The same team code must be used by the teams during the submission of Memorials and during all the Rounds of the Competition.

7. REGISTRATION FEE

7.1. Registration fee for participation in the Competition is as follows:

Particulars	Registration Fees per Team (inclusive of 18% GST)
Teams from Indian Institutes	Rs 1500/-
Teams from Foreign Institutes	USD 50 (excluding transaction charges)

7.2. The scanned copy of the payment confirmation receipt/screenshot must be sent along with registration form by email to : spsathemoot@ilslaw.in by **15th January 2022**.



PART III

FORMAT OF THE COMPETITION

8. ROUNDS

8.1. The competition will be held in **Four** rounds.

8.2. In the preliminary rounds, each team will present arguments for both sides in different courts. Eight teams will proceed to the quarter-final rounds in four courts on the following basis: firstly, by total wins, secondly by total marks in the preliminary rounds, and lastly (in case of tie) by total marks of memorials of such teams.

8.3. The winner from each of the four courts in the quarter-final will proceed to the semi-finals.

8.4. The winner from each court in the semi-final will proceed to the finals.

9. PROCEEDINGS

9.1. In the preliminary, quarter-final, and semi-final rounds, each team will have **30 minutes** for argument. Each team member shall argue for at least **12 minutes**.

9.2. In the final round, each team will have **45 minutes** for arguments, and each team member shall argue for at least **20 minutes**. This time includes the time for rebuttals or sur-rebuttals. Only one speaker can speak in rebuttal or sur-rebuttal.

9.3. Any team member shall not enter any courtroom other than their own.

9.4. Each team and its members shall be present in the courtroom only for their proceedings.

9.5. Judges' decision on conduct of proceedings shall be final in their court.



PART IV

MEMORIALS

10. SUBMISSION OF MEMORIALS

10.1. All memorial submissions must conform to the following general criteria. Teams will be penalized for failure to abide by these requirements.

10.2. Soft copies of the memorials must be e-mailed to spsathemoot@ilslaw.in on or before 11:59 PM 15th February, 2022.

11. CONTENTS OF MEMORIALS

Memorials must contain the following:

- i. Cover page stating Title of the Competition, Name of the Court, Name of the Case, Title of the document (viz. “Memorial for the __”), and Team Code
- ii. Table of Contents
- iii. Index of Authorities
- iv. Statement of Jurisdiction
- v. Statement of Facts
- vi. Issues
- vii. Summary of Arguments
- viii. Arguments
- ix. Prayer.



12. FORMAT OF MEMORIALS

Memorial for each side shall be a single Microsoft word document (compatible with Windows).
Memorials shall be made and submitted as follows:

- i. **Page Count (Total):** Maximum 35
- ii. **Page Count (Arguments):** Maximum: 20
- iii. **Numbered:** Bottom-Centre.
- iv. **Font:** Times New Roman, 12 points for text, 10 points for footnotes
- v. **Line Spacing:** 1.5 for text, 1 for block quotes of more than 50 words in the text; 1 for Footnotes.
- vi. **Para Spacing:** 2 for text, 1.5 for footnotes.
- vii. **Mode of Citation:** Bluebook 21st edn.
- viii. **The document file shall be named:** “[TEAM CODE] Memorial for Petitioners” and “[TEAM CODE] Memorial for Respondents”.
- ix. **Subject** of the mail submitting memorials shall be: “Memorial – Name of your institution”; e.g.: “Memorial – ABC College”.
- x. **Do not write the name of your institution on the memorials.**

13. ADHERENCE OF MEMORIALS TO PRESCRIBED FORM AND CONTENT

13.1. Memorials that do not comply with above specifications will suffer penalty points.

13.2. Marks of memorials will not be counted in the preliminary, quarter-final, or semi-final rounds, unless there is a tie.

PART V**ADJUDICATION****14. MARKING CRITERIA****14.1. ORAL ROUNDS**

14.1.1. Each judge in each round will mark each team member according to the criteria given below:

Sr. No.	Criteria	Maximum Marks	
		Speaker 1	Speaker 2
1.	Knowledge and presentation of facts	10	10
2.	Knowledge and understanding of legal provisions and principles	15	15
3.	Arrangement, presentation and content of argument	10	10
4.	Logical reasoning, clarity, brevity and ingenuity of arguments	10	10
5.	General Presentation, Court Etiquettes, Advocacy Skills, Time Management	5	5
	Sub-Total	50	50
	Total	100	



14.2 MEMORIALS

14.2.1. Each memorial will be marked as given below:

Sr. No.	Criteria	Marks
1.	Proper and articulate analysis of issues arising out of facts	10
2.	Understanding and ability to explain the legal principles clearly	10
3.	Presentation and content of argument	10
4.	Use of legal sources	10
5.	Variation in approach	10
	Maximum Marks	50
	Less Penalty Points	
	Total marks for the memorial	50 (minus penalty points)

15. AWARDS

15.1. Prizes for the competition are as follows:

- Winning Team: e-trophy and e-certificates
- Runners-up team: e- trophy and e-certificates
- Best and Second-Best Memorials: e-certificates
- Best and Second-Best Student Advocates of the Competition: e-certificates
- Best Speaker of the Finals: e-certificates
- Justice V. A. Naik Prize for the Best team from Maharashtra: e-trophy and e-certificates

15.2. Members of each team will receive an e-certificate of participation.



PART VI

MISCELLANEOUS

16. FORMAT OF THE COMPETITION

16.1. The competition will be in **VIRTUAL** mode. The platform used will be **Google Meet**. Participants should familiarize themselves with the platform before the competition.

16.2. The links for inauguration, orientation, draw of lots, the courtrooms, and valedictory session will be communicated to the participating teams in due time.

16.3. Participants should ensure availability of appropriate internet facilities for the competition so that they do not face connection issues.

17. ORGANISERS' EXTRA-ORDINARY POWER

17.1. All Participants are expected to maintain decorum in the Court during the competition and are expected to conduct themselves in a manner befitting the legal profession.

17.2. The Organizers reserve the right to take appropriate action for any unethical, unprofessional, and immoral conduct.

17.3. The Organizers decision as regards the interpretation of rules or any other matter related to the competition will be final and binding.

17.4. If there is any situation which is not contemplated in the rules, the Organizers decision on the same shall be final and binding.

17.5. The Organizers reserve the right to vary, alter, modify, or repeal any of the above rules without any prior notification, if so required and as they may deem appropriate.



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17.6. The institution follows Zero Tolerance Policy towards Sexual Harassment and Ragging. Institution reserves the right to disqualify the participants for engaging in such conduct, without prejudice to any other action which can be initiated under appropriate law.

17.7. Any issue or matter concerning the Competition will be decided by the Organizers. Any grievance may be addressed to the Principal, ILS Law College, whose decision shall be final.

18. DISCLAIMER

18.1. The material in the Competition Case is not intended to and does not attempt to resemble any incident or any person living or dead. Material in the Competition Case is fictitious and any resemblance to any incident or person, if any, is not intended, but merely coincidental.



TIMELINE OF THE COMPETITION

Release of Competition Module	16th December 2021
Registrations open on	16th December, 2021
Last date for Registration	15th January 2022
Last date for Withdrawal	20th January 2022
Last date to request Clarifications	20th January 2022
Issuance of Clarifications	25th January 2022
Last Date for sending Memorials by Email	15th February 2022
Inauguration, Draw of Lots, and Exchange of Memorials	10th March 2022
Preliminary Rounds and Quarter-final Rounds	11th March 2022
Semi-Final Rounds, Final Round, and Valedictory Session	12th March 2022



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CONTACT DETAILS:

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Ms. Divya Mittal

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Ms. Vindhya Gupta

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Student Coordinators:

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Anukriti Anand (+91 8669969668)



REGISTRATION FORM

PROFESSOR S.P. SATHE 16th INTERNATIONAL MOOT COURT COMPETITION, 2022

Institute Details:

Name of the Institution: _____

Address: _____

Email: _____ Telephone: _____

Faculty In-Charge:

Name: _____

Email: _____ Contact No.: _____

Team Details:

Speaker 1:

Name: _____

Email: _____

Contact No.: _____

Speaker 2:

Name: _____

Email: _____

Contact No.: _____

PASTE
PARTICIPANT'S
PHOTOGRAPH
OVER HERE



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Researcher:

Name: _____

Email: _____

Contact No: _____

Official Team Contact Person: Speaker 1/Speaker 2/Researcher

Registration fee details:

Date: _____

Transaction Id/UTR Number : _____

Participants Signature:

Sign of Head of Institution/Faculty-in-charge:

Speaker 1:

Speaker 2:

Institution Seal:

Researcher:

Date: _____