



ALTERNATIVE DISPUTE
RESOLUTION COMMITTEE

SVKM'S NMIMS SCHOOL OF LAW

NATIONAL MEDIATION TOURNAMENT

13-14 February, 2021

COMPETITION RULEBOOK

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CHAPTER I: TITLES AND DEFINITIONS

1. The First edition of the National Mediation Tournament, hosted by NMIMS Kirit P. Mehta School of Law, Mumbai will be conducted on 13th and 14th February, 2021.
2. With Mediation gaining traction as an effective and efficient means of Alternative Dispute Resolution, this competition allows the participants to hone their advocacy skills with respect to Mediation. This Competition will provide an opportunity to the participants to develop the requisite skills for a dynamic process of Mediation.
3. Definitions: The following terms have the corresponding meanings:
 - “Assessment Criteria” means the scoring and evaluating criteria set out for the Assessors.
 - “Assessor” means a person invited by the Organizing Committee to evaluate and score the students’ performance during a Mediation Session in accordance with the Assessment Criteria.
 - “Caucus” refers to a private conference between the co-mediators and a negotiator.
 - “Confidential Information” means the background factual information of the problem for the exclusive use of the Negotiators and the Assessors, but not the Mediators.
 - “General Information” means the background factual information of the Problem for the use of each Negotiator, the Assessors and the Mediators.

- “Mediator” refers to the neutral party who will facilitate the negotiation.
- “Negotiator” means the direct party to the dispute or a representative of the direct party to the dispute.
- “Organizing Committee” means the Core Committee of the National Mediation Tournament, 2021 and Alternative Dispute Resolution Committee of NMIMS’ Kirit P. Mehta School of Law, 2020-21.
- “Participant” refers to any person participating in this Competition as a negotiator or mediator.
- “Problem” refers to the set of facts provided by the Organizing Committee to the participants for the purpose of the Mediation Session.
- “Timekeeper” means a person appointed by the Organizing Committee to keep time during the Mediation Session.

CHAPTER II: LANGUAGE

The official language of the Competition shall be English. Communication in any other international, national or regional language during the Competition shall not be permitted.

CHAPTER III: ROUNDS

1. In the competition, each Mediator and Negotiator will go through two preliminary rounds and the progression to the next round will be based on the “Total Scores” of the team and top eight teams from the Preliminary Rounds will qualify for Quarter- Finals.
2. In the Quarter Finals Round, based on the “Total Score” of the team, 4 teams will qualify for the Semi- Finals Rounds.
3. Two teams from the Semi- Finals Round will further qualify for the Finals on “Knock-Out” basis.

CHAPTER IV: VIRTUAL COMPETITION FORMAT

- The Mediation Session will take place virtually, on Zoom.
- The participants are expected to have and maintain a good and a stable internet connection.
- If any one or more team member/s backs out or fails to attend the round, the entire team will be disqualified.
- The participants are not allowed to use their real names during the session/round. The participants must use their assigned team code as their name on/during the session on Zoom.
- A Mediation Session will consist of two Negotiating teams representing both sides of the dispute and one Mediator engaging in the mediation process.
- Each round will have a set of general information and confidential information for each side. The mediators are required to facilitate an agreement between the two negotiating teams.

- The Mediators will be in the meeting room at all times. The Mediator may choose to start the session with a joint conference and engage in a caucus at a later stage or they may choose to start with a caucus. During the caucus, the other team will have to move to the break out room and will be asked to join back after the conclusion of the caucus.

CHAPTER V: DISCLOSURE OF CONFIDENTIAL INFORMATION

Assessors and negotiators must not directly or indirectly disclose contents of the confidential information to any other person, especially the mediators. Negotiators may disclose their confidential information in the course of the session. Any violation of this rule shall result in immediate disqualification. The discretion of the Organizing Committee shall be final and binding in this regard.

CHAPTER VI: INTERPRETATION OF THE PROBLEM

Every effort will be made to ensure that the problem is unambiguous. While participants shall not invent new material facts, the facts of the problem are subject to reasonable interpretation. Whether a participant's interpretation is reasonable is a matter that is entirely at the discretion of the Assessors. Participants may draw reasonable inferences from the facts provided.

CHAPTER VII: EXHIBITS AND PROPS

During the session, each participant can bring his/her/their own notes, books, files and can, if need be, make their own notes on separate sheets of paper. Other props shall be permissible, only with the prior permission of the Organizing Committee / Assessors.

CHAPTER VIII: ASSESSORS

- In Rounds 1 and 2 (Preliminary Rounds) and Quarter-finals, two experienced professionals will serve as Assessors in each of the rooms. In the Semi-finals, a team of three experienced professionals will serve as Assessors in every room. In the Finals, a team of five experienced professionals will serve as Assessors.
- The Assessors shall follow the Assessment criteria to evaluate and score the participants for their performance accordingly.
- The Organizing Committee will take utmost responsibility to ensure that the Assessors are independent and impartial to the participants they are assessing.

CHAPTER IX: TIME LIMIT

A. Preliminary Rounds

- Participants will go through a 45-minute long session.
- Confidential information for the preliminary rounds will be released 30 minutes prior to each round.
- A caucus session can last for a maximum of 5 minutes.

B. Quarter Final Rounds

- Participants will go through a 60-minute long session.
- Confidential information will be released 40 minutes prior to each round.
- A caucus session can last for a maximum of 5 minutes.

C. Semi Final Rounds

- Participants will go through a 75-minute long session.
- Confidential information will be released 50 minutes prior to each round.
- A caucus session can last for a maximum of 10 minutes.

D. Finals Round

- Participants will go through a 90-minute long session.
- Confidential information will be released 60 minutes prior to each round.
- A caucus session can last for a maximum of 15 minutes.

Assessors may penalize participants who allow the session to run excessively beyond the time period allotted in the rules. However, the Assessors at their discretion, considering the circumstances, may permit additional time beyond the time period stipulated for the session. If the extended time allows an opportunity for a team to gather more information than other teams, such a circumstance should be taken into consideration by the Assessors in making their final decision.

CHAPTER X: ASSESSMENT

Following the end of the time period of the respective round, the participants shall leave the meeting room and the assessors will evaluate the performance of each competing team in accordance with the instructions set out. After the conclusion of the Competition, the participants shall be intimated of their scores and rankings.

CHAPTER XI: RULE REGARDING TIE-BREAKER

In case of a tie between the scores of mediators, preference shall be given to the mediator who has received more marks in the “Effective Mediation Strategy” portion of the score-sheet.

In case of a tie between scores of negotiator teams, preference shall be given to the negotiator team who has received more marks in “Overall Negotiation Strategy” portion of the score-sheet.

CHAPTER XII: ANONYMITY

The participants shall not, at any stage of the Competition, whether during a session or otherwise, disclose their names to the assessors and shall only use their assigned team codes. Non-compliance with this rule entails immediate disqualification from the Competition.

CHAPTER XIII: WRITTEN SUBMISSIONS

There shall be no written submission for any session.

CHAPTER XIV: SCOUTING

Team members shall not be allowed to observe the sessions of other teams. Scouting is strictly prohibited and any violation of this rule entails loss of points or even disqualification.

CHAPTER XV: PENALTIES FOR VIOLATIONS AND POWERS TO TAKE ADDITIONAL MEASURES

- Any violation of these rules shall lead to immediate disqualification of the participant from the Competition.
- For any variation in this regard or in case of ambiguity, the decision of the Organizing Committee shall be final.
- The Organizing Committee is empowered to take every measure necessary for the smooth functioning of the Competition.

CHAPTER XVI: RULE-MAKING POWER

The Organizing Committee is entitled to draft the rules of the Competition and change them, including the format of the Competition, with prior intimation.

CHAPTER XVII: ETHICS CODE

The Organizing Committee has the right to expect a minimum standard of acceptable conduct by participants, including but not limited to:

- The aim of each participant in the session should be to try and reach an amicable solution.
- The negotiators are expected to cooperate with the mediators during the session.
- The participants shall treat other members in the session with dignity and respect. Verbal abuse, threats, acts of intimidation, violence, etc. will not be tolerated.
- Any kind of abusive language is strictly prohibited.
- Making derogatory remarks about any participant during the session is prohibited.
- Any participant in the session, who is subjected to unacceptable behavior, should politely and immediately communicate to the person that they are not comfortable with the discussion, and ask him/her/them to withdraw from the situation.
- Acts that endanger the health and safety of any participant or which substantially interfere with the orderly operation of the session will not be tolerated.
- The participants are expected to be formally dressed for the session.
- Usage of internet or any other resource to gather information after the round has commenced is prohibited.

ANNEXURE I: SCHEDULE

13th FEBRUARY, 2021

The opening ceremony will commence at 10:00 AM.

PRELIMINARY ROUND 1 (45 Minutes)

Release of Confidential Information	11:15 AM-11:45 AM
Commencement of Round 1	11:45 AM
End of Round 1	12:30 PM

PRELIMINARY ROUND 2 (45 Minutes)

Release of Confidential Information	12:45 PM-01:15 PM
Commencement of Round 2	01:15 PM
End of Round 2	02:00 PM

Lunch Break – 02:00 PM – 03:00 PM

QUARTER FINAL ROUNDS (60 Minutes)

Release of Confidential Information	03:00 PM-03:40 PM
Commencement of Quarter Final Rounds	03:40 PM
End of Quarter Final Rounds	04:40 PM

14th FEBRUARY, 2021

SEMI FINAL ROUNDS (75 Minutes)

Release of Confidential Information	11:00 AM-11:50AM
Commencement of Semi Final Rounds	11:50 AM
End of Semi Final Rounds	01:05 PM

FINAL ROUND (90 Minutes)

Release of Confidential Information	02:30 PM-03:30 PM
Commencement of the Final Round	03:30 PM
End of the Final Round	05:00 PM

The closing and valedictory ceremony will commence at 05:30 PM.

CONTACT DETAILS

RHEA SHAH (+91-96646 97211)

Chairperson, NMT 2021

PRANAV CHANDHOKE (+91-96783 97161)

Head of Department, Registrations, NMT 2021

NEERAJA BARVE (+91-84229 10066)

Head of Department, Registrations, NMT 2021