



REGIONAL MOOT COURT COMPETITION, 2023
25th MARCH, 2023



समानो मन्त्रः समितिः समानी



ORGANISED BY:
DEPARTMENT OF LAW
UNIVERSITY OF NORTH BENGAL
ACCREDITED BY NAAC WITH GRADE 'B++'
RAJA RAMMOHANPUR, P.O.- NBU, SILIGURI
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PIN CODE- 734013, INDIA

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I. ABOUT THE DEPARTMENT

The Department of Law is prominently situated on Asian Highway 2 between Bagdogra and Siliguri in the District of Darjeeling. The distance from Bagdogra is six kilometres and from Siliguri is seven kilometres. The Department has its own campus in the south Block of the University opposite of the main campus of University of North Bengal. The sprawling campus of the University enjoys the pristine beauty of the eastern Himalayas and is the intellectual hub of North Bengal. Siliguri is an important subdivision of the district and commercial capital of North Bengal. Located at the foot hills of eastern Himalayas, Siliguri is the gate way to north eastern India and countries like Bhutan and Nepal. It shares a huge and porous international border with Bangladesh, Nepal and Bhutan. It is well connected with all major cities of India by air and rail. The Department of Law was formerly known as the North Bengal University Law College and was established as such in the year 1974. It was upgraded as the Department of Law in the year 2000. Presently the Department offers B.A. LL.B. [Honours] 5-year integrated course, LL.M. course, M.Phil and Ph.D. The intake at the LL.B. level is ninety six, and the LL.M. course which was started in 1993 has thirty six seats. The criteria of admission both at B.A.LL.B.[Honours] under CBCS mode and LL.M. under CBCS mode are on merit. The Department has a rich Ph.D. programme. It was started in 1999 and since then 48 Ph.D. degrees have been awarded. Presently there are about seventeen scholars engaged in doctoral research under various faculty members under the UGC Regulation, 2016. The Department attracts scholars and students from all over India and especially from Sikkim, Assam, Tripura, Arunachal Pradesh, Uttar Pradesh and Orissa. It also attracts students from Bhutan, Nepal and Bangladesh. The Department was jointly selected by the British Council, Delhi, University of Warwick, U.K. and the National Law School of India University to carry out the 'Human Rights Outreach Project'. It was also a partner institution with CEERA, National Law School of India University for carrying out environment education for forest personnel, Tea Garden personnel and judicial officers. The Department

has published Booklets on Human Rights, Environment Legislations in Bengali and Nepali. It has a Legal Aid Clinic in collaboration with the State Legal Services Authorities. It runs a very successful NSS programme. The recently formed Centre for Child Rights at the behest of the UNICEF in collaboration with the Legal Aid Committee shall also conduct outreach programmes in relation to child rights and child welfare. That apart, it is noteworthy that Department of Law has also established a 'Centre for Cyber Law and Cyber Security' in the year 2018. The Department has been organising Regional, National and International Seminar / Conference / workshop/Symposium etc. at regular intervals (37 programmes in last 17 years). The Department also undertakes a number of Research Projects sponsored by different National and International bodies on regular basis. Moreover, it has close collaboration with renowned national and international institutions. The publication cell of the Department is very active. It brings out the Indian Journal of Law and Justice (IJLJ-ISSN:09763570), double binded peer reviewed, UGC carelisted, SCOPUS and HenOnline Indexed bi-annual journal). The Journal can be accessed in its official websites: ijlj.nbu.ac.in. More over the publication cell brings out an edited book on the topic of that year's Seminar. The Cell has presently undertaken a venture to publish the research projects undertaken by the Department and outstanding research work done by the students.

II. ABOUT THE MOOT COURT SOCIETY

The Moot Court Society of Department of Law, University of North Bengal has been set up in 2018. The objective of this Moot Court Society is to provide the students an opportunity to develop their advocacy skills. Participation in Moot Court Competition enhances researching skill of a student and also prepare a student to respond to an unease situation. It also helps in building confidence in a law student. Mooting gives a practical court room experience to a law student.

The Moot Court Society, Department of Law, University of North Bengal consitituted with the following members. Dr. Sujit Kumar Biswas (Chairperson), Miss Neelam Lama, Dr. Dipankar Debnath. Mr.Subhajit Bhattacharjee & Ms. Ashima Rai. The Student members are, Miss Megha Acharya and Debarpan Gobinda Biswas.

The Moot Court Society has also organised following competition in order to encourage the students of Department of Law, University of North Bengal:

1. Intra-Departmental Client Counselling Competition;
2. Intra-Departmental Moot Court Competition;
3. Intra-Departmental Mock Trial Competition.

III. ORGANISING COMMITTEE

An organising committee for smooth holding of Regional Moot Court Competition on 25th March, 2023 is constituted of the following persons:

Prof. (Dr.) Gangotri Chakraborty (Advisor);

Prof. (Dr.) Rathin Bandyopadhyay (Director);

Dr. Sujit Kumar Biswas (Chairperson);

Dr. Dipankar Debnath (Convenor);

Ms. Purna Lepcha Head, Department of Law, University of North Bengal (Member);

Ms. Neelam Lama (Member);

Dr. Sangeeta Mandal Biswas (Member);

Dr. Sanyukta Moitra (Member);

Dr. Soma Dey Sarkar (Member);

Dr. Chandrani Chatterjee (Member);

Dr. Sanjay Dutta (Member);

Ms. Tania Basu Majumdar (Member);

Mr. Shubhojeet Shome (Member);

Mr. Subhajit Bhattacharjee (Member);

Ms. Suparna Bandyopadhyay (Member);

Ms. Ashima Rai (Member).

IV. RULES OF THE COMPETITION

Preliminary selection of the teams shall be made on first come first serve basis. The competition has been divided into semi-final rounds and final round. Therefore, selection of the teams shall be made on the basis of marks (top four) scored in the memorials.

IV.I. ROUNDS OF THE COMPETITION

The Regional Moot Court Competition shall comprise of the following two rounds:

- a. Semi-Final Rounds and
- b. Final Round.

IV.II. LANGUAGE:

The language of the competition will be English.

IV.III. ELIGIBILITY FOR PARTICIPATION:

Students pursuing 3 years/5 years undergraduate LL.B. degree course are eligible to participate in this competition.

Only one team can participate from each institution.

IV.IV.COMPOSITION OF PARTICIPATING TEAMS:

Composition of the participating teams shall be:

Each team shall consist of three (3) members. Two designated as speaker and one as researcher.

The researcher may be permitted to argue as speaker only in case of illness or any unforeseen event, but a written permission of the Moot Court Convener in such case shall be mandatory.

IV.V. DRESS CODE:

The participants shall adhere to the following when they shall be present in any court room during the competition:

1. Girls: Black salwar and white kurta or white shirt and black trousers along with black coat and black shoes;
2. Boys: White shirt, black trousers and black tie along with black coat and black shoes.

Note: (a) The participating teams shall also adhere to the above-mentioned dress code while attending the inaugural and valedictory ceremonies of the Competition.

(b) The aforesaid uniform must not bear any sign, identification mark or logo of any institution, college or university and violation of same shall cause immediate disqualification.

IV.VI.PARTICIPATION AND REGISTRATION

- a. Team should register provisionally by sending mail to mcs.nbu.2019@gmail.com by 20th February, 2023 with the subject “Registration for Regional Moot Court Competition, 2023” through an authorised official e-mail id.

- b. On receiving the mail, the participants will be notified the Team Code upon confirmation of the participation.
- c. A soft copy of duly filled in Registration form shall be mailed at mcs.nbu.2019@gmail.com.
- d. On reporting at the Department during the competition each team has to pay registration fee (as mentioned in the Registration fee clause) along with the hard copy of the Registration Form (the scanned copy of the Registration form has to be sent on or before 20th February, 2023 via mail to mcs.nbu.2019@gmail.com as a provisional registration).
- e. No change in the names of the participants shall be permitted unless the same has been communicated to the organisers a week prior to the event in exceptional circumstances only after due proof has been attached.
- f. No certificates shall be provided at the time of Registration. The same shall be provided after the Valedictory Ceremony scheduled on 25th March, 2023. No certificates/mementos shall be couriered/posted and no request for sending certificates and mementos through post/courier shall be entertained.

IV.VII. MEMORIAL SUBMISSION

The following requirements for memorial must be strictly followed by the participants:

- a. All memorials submitted for all purposes of the Competition shall strictly adhere to the rules of the Competition. Each Team participating in the Competition must prepare one Memorial on behalf of Petitioner(s)/Appellant(s) and one on behalf of the Respondent(s). Further each team has to submit 6 hard copies of the Memorials from each side. Non-compliance will entail a penalty of 1 point per copy not submitted.
- b. Petitioner(s)/Appellant(s) memorials are required to have a Blue cover and Respondent(s) memorials are required to have a Red cover. The memorials shall not contain any form of identification apart from the team code. If any such identification or mark, symbol, etc. which has the effect of identifying the team is found on the memorial, then it shall result in instant disqualification. A penalty of 1 mark shall be levied in case the memorial is submitted in any other format or as a multiple file by the team. The hard copy of memorial must be exact replica of the soft copy submitted with the

Organisers. Any difference in the same will result in disqualification from the Competition.

c. Each Team must send a soft copy of their memorials in PDF format only, for evaluation by 7th March, 2023 on or before 11:59 PM to mcs.nbu.2019@gmail.com with the subject “Memorials for National Moot Court Competition, Department of Law, and University of North Bengal”. The hard copies of the memorials (6 copies for each side) have to be sent to the following address on or before 10th March, 2023. No extensions will be granted with respect to this deadline.

d. Address to which hard copies of memorials are to be couriered:

**To,
The Head of the Department,
Department of Law, University of North Bengal
Raja Rammohanpur, P.O.: N.B.U.
District: Darjeeling, Pin Code: 734013, West Bengal**

IV.VIII. GUIDELINES FOR FORMATTING MEMORIALS

IV.VIII.I. STRUCTURE OF MEMORIAL

The memorials must contain the following:

- a. Cover Page;
- b. Table of Contents;
- c. Index of Authorities;
- d. Statement of Jurisdiction;
- e. Statement of Facts (Argumentative statement of facts would attract penalties);
- f. Issues raised;
- g. Questions of Law /Summary of Arguments;
- h. Arguments Advanced;
- i. Prayer.

Appendix (Optional);

Exhibits (Optional).

IV.VIII.II. TEAM CODE

The Team Code must be ascribed on the top right corner of the cover page. Team Codes shall be intimated to participants through email on or before 5th March, 2023.

IV.VIII.III. CONTENT SPECIFICATION

The following content specification must be strictly adhered to:

- a. Font and Size: Times New Roman, 12 pts.
- b. Line Spacing: 1.5 lines.
- c. Footnotes: Follow Blue Book 20th Edition.
- d. Page Margins: 1 inch on all sides

The Hard Copies of the Memorial shall be printed on only one side.

The citation should be in compliance with the 20th edition of Bluebook. Speaking footnotes or Endnotes are discouraged.

It is to be noted that display of any sign, identification mark or logo of any institution, college or university in the memorial or in any other document is strictly prohibited and violation of same shall cause immediate disqualification.

V. SCORING AREA

AREA OF SCORING	POINTS
Memorial	20
Application facts	15
Understanding of laws and procedures	20
Use of authorities and precedents	05
Response to questions and articulation	25
Advocacy skills, court craft and demeanour	15
TOTAL	100

VI. TIME FOR ORAL ROUNDS

VII. PRELIMINARY ROUNDS AND QUARTER FINAL ROUNDS

There shall be no preliminary rounds and quarter final rounds. Based on the marks scored in the memorials, top four teams shall be invited for semi-final rounds and final round.

VI.II. SEMI-FINAL ROUNDS AND FINAL ROUND

Each team will get a total of 60 minutes to present their case.

One speaker shall not use more than 25 minutes of the total time.

Each team shall get 5 minutes for rebuttal and 5 minutes for sur-rebuttal (if required).

This will be a knockout round.

VI.III. MAXIMUM TIME ALLOTTED

The maximum time provided would include the time that each team may want to reserve for their rebuttal. At the commencement of each sessions the team shall notify the Court Officer as to the division of time between two the 2 speakers (including rebuttal).

VII.SCOUTING

Teams shall not be allowed to observe the orals of another team, unless they have been officially knocked-out of the competition. Scouting is strictly prohibited. Scouting by any team shall entail instant disqualification.

VIII. ACCOMMODATION AND TRAVEL

- a. No accommodation and travel facilities shall be provided.
- b. Food shall be provided to all teams by the organiser.
- c. The team after reaching Siliguri must report at the Department of Law, University of North Bengal.

IX. REGISTRATION FEE

- a. Registration fee per team is fixed for Rs. 2000/-.
- b. Registration shall be made on the date of competition i.e. on 25th March, 2023.
- c. Registration fees must be paid in Department of Law at the registration desk, in cash.
- d. No online payment shall be entertained.

X. MISCELLANEOUS

- a. If any one of the members of a team is notified or informed of any detail or information concerning the Competition, it shall be deemed as if the said team as a whole has been duly notified or informed.
- b. The copyright in the memorials submitted by the teams shall vest with the Department of Law, University of North Bengal. The acceptance of such vesting is a precondition to participation in the Competition.
- c. In case of any doubt in the understanding or interpretation of any matter concerning the Competition, the decision of the Organising Committee shall be final and binding.
- d. The organisers shall resolve unanticipated or unexpected contingencies, if any, and the decision of the Organising Committee in this regard shall be final. The acceptance of any such decisions of the Organising Committee is a precondition to participation in the Competition.
- e. The organisers reserve the right to use, amend, alter, vary or change, in any manner whatsoever, the Rules governing the Competition, which would be communicated to the teams within a reasonable period of time.

X. CONTACT DETAILS

Any query relating to the moot court competition or relating to travel and accommodation shall be asked by sending mail to mcs.nbu.2019@gmail.com. However, participants are free to contact following student co-ordinators, if require.

Students Coordinators

- a. Megha Acharya- 9083194891
- b. Debarpan Gobinda Biswas- 9641418383

Faculty Coordinator

- a. Dr. Dipankar Debnath-9932906953
- b. Mr. Subhajit Bhattacharjee-9933576879

XI. LIST OF IMPORTANT DATES

SPECIFICATIONS	DATES
Last date of provisional registration by sending scanned copy of Registration Form and Travel & Accommodation form.	20 th February, 2023
Last date of Seeking Clarification	25 th February, 2023
Date of Releasing Common Clarification	28 th February, 2023
Date of intimation of Team Codes	5 th March, 2023
Last Date of Sending the soft Copies of Memorials	7 th March, 2023
Last Date on which the Hard Copies of Memorials must reach Department of Law	10 th March, 2023
Date of Announcement of Result regarding memorials	15 th March, 2023
Date of Competition	25 th March, 2023

XII. MOOT PROPOSITION

1. Mandiana is a country in South Asia, having a population of over 140 crore. It is a country which got independence from British after the end of the Second World War. It has unique and distinct features having people of various religious beliefs, faiths, caste, creed along with their myriad social credence and rituals. The country along within its geographical limits is divided into various states. The country having a federal polity, a written constitution vouched by its people to make it a socialist secular democratic republic. The country treats alike people of all faith, and there is no uniform civil code in the country of Mandiana.

2. Mandiana is a multi party democracy. Since independence, Mandiana has experienced various political movements and upheavals regarding various demands, and the state of Mandiana aptly engaged and tried to bring a political solution to each of such demands within its existing constitutional framework. In its entire political history of being an independent, sovereign state, national emergency was issued once for about 20(twenty months),but common people, public spirited lawyers, politicians fought on streets and legal battles in constitutional courts to bring back its democratic polity.

3. Mandiana kept experiencing an unabated increase in crime rate every year. These crimes majorly included offences against women, children and terrorist activities. As per the National Criminal Records Bureau (“NCRB”), these offences grew by 500% between the year 2015 and 2020. Mandiana had special laws to deal with terrorist activities but they were rarely pressed into action. These laws included Unlawful Activities (Prevention) Act, 1967 (“UAPA”); National Investigative Agencies Act, 2008 (“NIA Act”).

4. Arnab Nandi is pursuing his studies in law from a government college in the city of Westhall which is supposed to be the cultural capital of Mandiana. Westhall is the capital city of Calicus, a state situated on the eastern borders of Mandiana. He also runs his own twitter handle where he posts his comments which are majorly critiques of the government both at the State & Union. Arnab as a person is very opiniated and have an independent view on various social and political issues.

5. Recently the state of Calicus saw and experienced a mass teacher recruitment scam where money worth rupees crores were seized from of its officials and their acquaintances of the Teacher recruitment board. An acquaintance of a very high-ranking official of the Teacher recruitment board involved in the recruitment scam was arrested and cash worth rupees 50 (fifty) crore was seized from her apartment. Almost all High echelons of the teacher recruitment board along with its minister were arrested. Monies worth rupees 500 crores were recovered from various places with an insinuation that more is likely to be recovered. The Central agencies were called upon, but after the media attention died down the investigation was carried out in a snail’s space, and the genuine teacher candidates were left in lurch.

6. Arnab Nandi has been a staunch proponent of protection of rights. He has gained popularity in state of Calicus due to his constant presence on his twitter. On

20.04.2022, he posted a blog on his twitter which was titled as “DO AWAY WITH THE PRESENT STATE AND UNION GOVERNMENT OF THE DAY “.....that scam happens to be the order of the day. The biggest beneficiaries’ of the scams are high ranking officials and ministers, who from this ill- gotten money buy comforts of life, win elections, buys people’s mandate, sent their children to Europe and America for education., their medical expenses are billed in the best private facilities of the world, only to see all our institutions, be it health or education becomes feckless and inept progressing towards state paralysis. He summed up by saying as both the Governments are hands in gloves and the judiciary intimidated so no justice should be expected.” His post received both hot and cold responses. Arnab also said that soon he shall plan a peaceful protest against the rampant corruption of both the government. Rumours spread that he is planning an unlawful assembly. Based on the cryptic information received by the police, his calls were being intercepted.

7. On 26.04.2022, Arnab Nandi posted on his social media accounts that he is planning to stage a peaceful protest along with his activist friends in the capital city of Westhall and requested all others to join him. The same day many protestors gathered in large numbers. The protests continued for a few days and during the protest Arnab gave several speeches before the mass gathering requesting them to keep raising their voices against the arbitrary and unconstitutional acts of the government. He also said we should keep fighting at all costs and must do whatever it takes. He promised to provide all the logistical support to the protestors. One of the protestors recorded his video and posted the clippings of such video on social media. Thereafter, few reports of violence were reported in the adjoining district. The police then reached the protest spot to stop the protest; however, there were physical altercations. The reason for the physical altercation is unclear. The entire incident also got large media coverage from the print to television to digital news outlets/platforms.

8. Arnab Nandi was arrested from the protest site and an FIR [FIR No. 37/2022] was registered against him under Sections 13, 16, of the UAPA; Sections r/w section 124A of IPC . The Union Government on request of the State Government directed the National Investigation Agency (“NIA”) to carry out further investigation in the matter. Case diaries and all materials collected by the police including the call

recordings were handed over to NIA. While the investigation was pending, Arnab bail application was rejected by the Special Court constituted under the NIA Act.

9. During investigation Arnab admitted that the contents of video clipping shared online and his twitter handle were true but were being quoted out of context. After the interrogations got completed by NIA Arnab was remanded to judicial custody. While investigation was pending, the Special Court allowed the NIA officers to collect voice samples from the accused in order to match it with the call recordings which had incriminating conversations.

10. The Special Court took cognizance against Arnab based on the chargesheet submitted by the NIA. While taking cognizance, the court framed all the charges which were pressed in FIR .

11. The prosecution submitted video clippings which were shared online as evidence. The prosecution also submitted newspaper articles which stated that protesters led by Arnab caused disruptions in public places. The transcriptions of conversation and call recordings were submitted in a pen-drive along with an electronic evidence certificate u/s 65B(4) of Evidence Act, 18723 (“IEA”). The copy of electronic evidence was given to the accused after the commencement of trial.

12. After the prosecution evidence was closed, the Special Court examined Arnab Nandi u/s 313 of CrPC. Arnab informed that he is innocent as he has only staged a peaceful protest. He further informed that he was subject to custodial violence and certain inculpatory statements were elicited from him. Thereafter, during the defence evidence stage, Arnab submitted that the call recordings merely contain his conversations with friends about his regular college days, sundry talks about political and social issues of the country and his daily endeavours, both in college and outside college, and such conversations are insufficient to prove his guilt beyond reasonable doubt. He also submitted that the video clippings are being shown out of context. Moreover, the newspapers articles are nothing but an exaggeration of facts, and public disruptions were caused by some other fringe elements that came only to disrupt the peaceful protest. Moreover he contested the fact that in present time when technology has provided social platform where you can engage with people all around the globe, you get comments which are sometimes unsolicited, but never to overpower a democratically elected government. He also submitted that people on the streets were out of sheer frustration of the mass recruitment scam, and they are youth who are

jobless and due their exuberance, the streets got filled. The government out of fear of growing unpopularity and to tame the protest the government has brought the charges against him. Arnab all through the trial maintained that it was his fundamental right to protest and moreover sedition laws have been abolished in most democratic nations and the draconian laws are designed to quell peaceful protest and silence government detractors.

13. After hearing the final arguments, the Special Court found that the prosecution has established its case beyond reasonable doubt. While convicting Arnab Nandi, the court heavily relied upon the electronic evidence and the same was weighed as primary evidence. The court also relied on the newspaper cuttings and the version of the investigating agency. The court further stated that the defence has failed to disprove the onus and their story fails to inspire confidence. The court also found that Arnab's post and speeches were directly connected with the unlawful activity and violence. Arnab preferred an appeal against conviction before the High Court. However, the High Court confirmed the conviction and held that there is no reason to interfere with the order of the Special Court.

14. Arnab Nand now files an SLP [Special Leave Petition (Criminal) No. 198 of 2023] under Article 136 against the impugned order of the High Court which upheld conviction by the Special Trial Court. In addition to various other grounds challenging their conviction, the appellant-accused submitted that the Special Court, by convicting, and the High Court by confirming the conviction, committed a gross miscarriage of justice by wrongly applying legal principles and statutes.

The SLP was listed before the Supreme Court. Accordingly, the following issues were framed in the respective petitions

- a. Whether section 124A of IPC is hit by fundamental rights of Indian Constitution?
- b. Whether Sedition Laws violates the Doctrine of Basic Structure of the Constitution of India and the Rule of Law?
- c. Whether the trial court erred in applying the procedural laws correctly based on the facts and circumstances of the case?

- d. Whether the special Court erred in convicting Arnab Nandi for the offences u/s 13, 16 of UAPA; r/w section 124 A of IPC?

NOTE:

- a. Law of Mandiana is in parimateria for Union of India and applicable to the State of Calicus.
- b. Any similarity of this moot problem with any factual situation is purely coincidental.
- c. Participants are free to frame other issues as well.

**REGIONAL MOOT COURT
COMPETITION, 2023
(25TH MARCH, 2023)**

**DEPARTMENT OF LAW
UNIVERSITY OF NORTH BENGAL
(ACCREDITED BY NAAC WITH GRADE “B++”)**



REGISTRATION FORM

NAME OF THE INSTITUTION: _____

ADDRESS OF THE INSTITUTION:

Postal Code: _____ . City: _____ . Country: _____ .
Contact No: _____ . Email Address: _____ .

**TEAM MEMBER
(SPEAKER 1)**

Name: _____ .
Date of Birth: _____ .
Sex : _____ . Nationality _____ .
Contact No. _____ . E-Mail : _____ .
Date: _____ . Signature: _____ .

(SPEAKER 2)

Name: _____ .
Date of Birth: _____ .
Sex : _____ . Nationality _____ .
Contact No. _____ . E-Mail : _____ .
Date: _____ . Signature: _____ .

(RESEARCHER)

Name: _____ .
Date of Birth: _____ .
Sex : _____ . Nationality _____ .
Contact No. _____ . E-Mail : _____ .
Date: _____ . Signature: _____ .