First P.A. Inamdar National Moot Court Competition on Educational Rights of Minorities 2015-16

5th & 6th March, 2016

Organized by:

Department of Law
Aligarh Muslim University
Aligarh, UP, India
Aligarh Muslim University (AMU) is among the oldest Central Universities in India. It was established by Sir Syed Ahmad Khan, the great social reformer and statesman. In 1877, he founded the Mohammedan Anglo Oriental College (MAO) in Aligarh and patterned the college after Oxford and Cambridge universities that he had visited on a trip to England. His objective was to build a college in tune with the British education system but without compromising its Islamic values. It was one of the first purely residential educational institutions set up either by the government or the public in India. It was also around this time that a movement began to have it developed into a University. To achieve this goal, expansions were made and more academic programs added to the curriculum of the college. By 1920 the Mohammedan Anglo-Oriental College was transformed into the Aligarh Muslim University (AMU).

The main campus of AMU is located in the city of Aligarh spread over 467.6 hectares in the city of Aligarh. AMU offers more than 300 courses in the traditional and modern branches of education. Aligarh Muslim University occupies a unique position amongst Universities and institutions of higher learning in the country. It draws students from all states in India and from different countries, especially Africa, West Asia and Southeast Asia. The University has consistently ranked among the best educational institutions in India. In 2012, the University was ranked 5th by India Today. In 2013, the University ranked 9th in the top 10 higher education institutions in India by Times Higher Education World University Rankings. According to Times Higher Education, Asia Ranking 2014, A.M.U ranks 3rd among Universities in India. In the year 2015, this Central University is graded by “Times Higher Education” London and also “US News & World Report” as the second best amongst Universities of the country. The University Accredited by NAAC in 'A' grade. The University is open to all irrespective of caste, creed, religion or gender. The Aligarh Muslim University is the realization of a vision which was broad, far-reaching and realistic. Apart from the conventional Under graduate and Post graduate courses in Social Sciences, Sciences and Humanities, the University keeps pace with the nations growth by offering facilities for specialized learning in areas of technical, vocational and inter-disciplinary studies. It is proudly Indian institution; a living symbol of composite culture of India and a bulwark of its secular principles.

About the Faculty of Law

The Faculty of Law, Aligarh Muslim University Aligarh has a glorious history. It has shown remarkable progress and has significantly contributed to the academic as well as social development. The Department of Law, Aligarh Muslim University is one of the oldest Departments in India. The teaching of Law in AMU was introduced in the year 1883. Sir Syed Ahmad Khan, the Founder was greatly impressed by the Programme of Legal Education in British Universities and he was very keen to have legal education on that pattern in AMU also. In 1960, the Department of Law came into being into a full-fledged Faculty. Credit goes to Late Prof. Hafizul Rehman, the first Dean of the Faculty to develop a modern curriculum and research programme. In real sense he was the architect of the present Faculty of Law.

Faculty of Law is considered as the mother Faculty which has produced innumerable legal icons. Its alumni have distinguished themselves nationally and internationally in various spheres of life and are spread far and wide around the world. Some of its illustrious products who rose to senior and eminent positions in judiciary include the Supreme Court Judges such as Mr. Justice Baharul Islam, Mr. Justice Murtaza Fazle Ali, Mr. Justice R. P. Sethi. Other prominent former Justices & Chief Justices include Justice Baseer Ahmad Khan (Chief Justice, Tanzania), Justice Augustine Saedi (Chief Justice of Uganda). Moreover, foreign Advocates/Attorney Generals include Mr. Ali Ahmad Fuzail (Attorney General of Pakistan & Advocate General of United Provinces), Mr. Faiyyaz Husain (Advocate General of Pakistan & Advocate General of United Province), Mr. Qazi Khan Bux (Advocate General, Sindh), Mr. S. Nasiruddin (Advocate General of West Pakistan) etc. A few other eminent personalities of this Faculty who have served or are serving in different prestigious capacities include Prof. Hafizul Rehman, Former Dean and founding father of the Faculty of Law, AMU, Aligarh, Prof. N.R. Madhava Menon-Former Vice-Chancellor, NLS, Bangalore, Former Vice-Chancellor, LJ, Kharagpur and Member, Sarkaria Commission on Centre-State relations, Member of Law Commission, Former Vice-Chancellor, National Judicial Academy, Bhopal etc., Prof. Tahir Mahmood-former Dean, Faculty of Law, Delhi University,
Former Chairman, National Minorities Commission, Member of Law Commission, New Delhi, Prof. V.S.Rekhi-Former Dean & Chairman, AMU and Former, Vice-Chancellor, NLU, Bhopal, Prof. Faizan Mustafa, Vice-Chancellor, NALSAR University of Law, Prof. S.K. Agrawal, Former Vice-Chancellor, Agra University, Agra etc.

In the year 2015, this Faculty has been ranked at 6th position in terms of academic and research excellence among the Indian Law Universities. The Department of Law also signed Memorandum of Understanding (MoU) with Washington Law School.

First P.A. Inamdar National Moot Court Competition on Educational Rights of Minorities 2015-16

The Faculty of Law, Aligarh Muslim University, Aligarh is fortunate enough to organize the First P.A. Inamdar National Moot Court Competition on Educational Rights of Minorities for the session 2015-16. National Moot Court Competition is being organized in the name of P.A. Inamdar, President, M.C.E. Society is a great visionary, social reformer and a big name in the field of education. This First P.A. Inamdar National Moot Court Competition on Educational Rights of Minorities 2015-16 shall be held on March, 5th and 6th, 2016 at the Department of Law, Qila Road, AMU, Aligarh.

Rules for the First P.A. Inamdar National Moot Court Competition on Educational Rights of Minorities 2015-16

- First P.A. Inamdar National Moot Court Competition on Educational Rights of Minorities 2015-16 will be organized by the Department of Law, AMU, Aligarh. All decisions by the Organizers in case of any disputes/ doubts etc. will be final. The Organizers may make such rules and procedures at any point of time, as they deem fit.
- Participating College/University/Institution shall be presumed to be the parent institution of the Participating Team.
- Rules should be strictly adhered to. Any deviation there from would attract disqualification or other penalties mentioned subsequently.
- Imposition of penalties including disqualification rests solely with the Organizers in case of failure to comply with the rule(s) and deadline(s)
- All the rules are only inclusive and not exhaustive for the competition.

DATE AND VENUE:
The First P.A. Inamdar National Moot Court Competition on Educational Rights of Minorities, 2015-16 shall be held on March, 5th and 6th, 2016 at the Department of Law, Qila Road, AMU, Aligarh.
Dress Code: Inside the Court Room the participants shall be in formal wear only.

<table>
<thead>
<tr>
<th>Boys</th>
<th>Girls</th>
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<tbody>
<tr>
<td>Black Coat/ Sherwani</td>
<td>Black Coat</td>
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<td>White Pajama</td>
<td>White Shalwar/Trouser</td>
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<td>Black Tie</td>
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Language: The official working language of the Moot Court Competition is English.

Eligibility: The competition is open only for bona fide students of recognized Institutions /Universities /Organizations who are currently pursuing their Bachelors degree in Law i.e. 3-Year LL.B. or 5-Year LL.B. Programme.

Team composition:

- Each team shall consist of a minimum of 2 and maximum of 3 members. This number cannot be modified under any circumstances.
- There shall be 2 speakers and 1 researcher designated in a 3 member team while in case of a 2 member team, both the members shall be considered to be speakers. Teams shall identify the speakers and researcher during registration. No extra member or observer shall be allowed.
- Any additional member of any Participating Team shall not be entitled for hospitality or for any award.

Registration:

- Teams must confirm their participation only by sending a scanned copy of the 'Registration Form' (annexed herewith) completely filled and duly signed by the Head of the participating Institution. Scanned copy must be sent to amumoot2016@rediffmail.com latest by 15th February 2016.
- No forms received after the deadline shall be considered for registration.
- In case of any changes in the team composition, in terms of the members, the same must be officially conveyed earlier to the Organizers.

Registration Fee:

The participating teams shall be required to pay the registration fee of Rs. 1500/- (Rupees Fifteen Hundred only) on the first day of the competition between 9:00 a.m. to 10 a.m. in the Department of Law itself i.e. the venue of the Moot Court Competition.

Rounds:

There shall be two Preliminary Rounds, a quarter-final round, a semi-final round and a final round. Orientation and draw of lots shall take place on 4th March, 2016.

There shall be two preliminary rounds wherein every Participating Team shall be required to argue once from each side.

- Preliminary round(s), Quarter-Finals and the Semi Finals will be held on 5th March, 2016.
- Top eight teams will qualify for the Quarter-Finals at the end of the Preliminary Rounds. The first eight teams will be selected on the basis of their oral scores in the Preliminary Rounds.
- The Final will be held on 6th March, 2016.

Memorials:

The following requirements for memorials must be strictly followed and any non-compliance of the same shall attract penalties or disqualification:
Each team must prepare memorials for both the sides to the dispute.

Once the Memorials have been submitted, no revisions, supplements or additions will be allowed.

The last date for submitting the Memorials for both the sides in soft copy as well as hard copy is 25th February, 2016.

No amendments/improvements shall be made subsequent to the referred submission.

The soft copy of the memorials shall be sent via e-mail to amumoot2016@rediffmail.com. The same should be sent in Microsoft Office Word 2003/2007 Format only. [.doc or .docx] Attachments should be titled as for Petitioner side and as for Respondent side, e.g. PET.11 and RES.22.

Six copies each of the memorials for Petitioner & Respondent (excluding copies for use by the team) should be carried by the teams at the time of draw for the Oral rounds.

It shall be the Sole responsibility of the respective participating teams to ensure that the correct number of copies of the Memorials is submitted to the Organizers within the prescribed deadline.

Format of Memorials:

a) Cover Page: The cover page of the memorial must state the case title.

The Party for which the Memorial has been prepared:

b) The table of contents.

c) The index of authorities.

d) The statement of jurisdiction.

e) The statement of facts.

f) The statement of issues.

g) The summary of arguments.

h) The arguments advanced/body of arguments.

i) The prayer

Memorial format: Spacing: 1.5 Line Spacing. Margins: One inch margin on all sides of each page. Font: The font for the body of the memorial shall be Times New Roman, size 12. The font for the foot notes shall be Times New Roman, size 10. Memorials must be spiral bound only. Page numbering should be at the bottom middle of each page. The maximum number of pages in each Memorial should not exceed 30 pages including 20 maximum pages for Written Submissions/ Arguments Advanced.

Marking of Memorials: Every Memorial will be marked on a total of 100 marks and the team memorial marks will be the average of the total of both sides. The following shall be the marking scheme:

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<tr>
<th>S. No.</th>
<th>Criteria</th>
<th>Marks Allotted</th>
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</thead>
<tbody>
<tr>
<td>1.</td>
<td>Knowledge of Facts and Law</td>
<td>20</td>
</tr>
<tr>
<td>2.</td>
<td>Analysis, Organization and Clarity</td>
<td>20</td>
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<td>3.</td>
<td>Extent and Use of Authority</td>
<td>20</td>
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<td>4.</td>
<td>Correct Format and Citation</td>
<td>15</td>
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<tr>
<td>5.</td>
<td>Originality in Presentation</td>
<td>15</td>
</tr>
<tr>
<td>6.</td>
<td>Grammar and Style</td>
<td>10</td>
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<tr>
<td></td>
<td><strong>Grand Total</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Oral Rounds: In each oral round, a team shall be represented by two speakers to present the arguments. The researcher shall not participate in the arguments but may be present during the Oral Rounds.

Preliminary Rounds: Each team will be given a total of 30 minutes to present its case. The time includes questioning by judges. The division of time is left to the discretion of the team members, subject to a maximum of 18 minutes per speaker. Division of time should be informed to the Court Assistants/Clerks at the beginning of the round. The oral arguments need to be confined to the issues presented in the memorials. Passing of notes to the speakers by the researcher during the rounds is allowed. A maximum of 5 minutes may be reserved for rebuttal or sur-rebuttal. Judges may at their discretion, extend the time allotted for the oral arguments up to a maximum of 10 minutes. In the Preliminary Rounds, each Team shall argue once as a Petitioner and once as a Respondent. All teams are expected to carry with themselves any case law and authorities which they intend to refer to.

Quarterfinal, Semi-final & Final Rounds: The time limit in the Quarterfinals and the Semi-finals is the same as preliminaries. In the Finals each team will get a total 45 minutes to present its case. The
division of time is left to the discretion of the team members, subject to a maximum of 25 minutes per speaker. Division of time should be informed to the Court Assistants/Clerks before the beginning of the rounds.

Scouting: Teams will not be allowed to observe the Oral Rounds of any other teams. Scouting is strictly prohibited. Scouting by any of the teams will result in instant disqualification. In case of any default, the Organizers' decision will be final.

Awards:
i Winning Team Award
   • Winner's Trophy

ii Runner up Team Award
   • Runner's up Trophy

iii Consolation Prize

iv Best Speaker Award

v Best Memorial Award

Copyright:
The copyright over the memorials submitted for participation in the competition by participants shall vest completely and fully in the Department of Law, Qila Road, AMU, Aligarh.

- The Participants shall certify in writing the originality of materials contained therein and shall be responsible for any claim or dispute arising out of the further use and exhibition of these materials.
- Further use and exhibition of these materials, electronically or otherwise, shall be the exclusive right of the Faculty of Law, Aligarh Muslim University, Aligarh, UP, India which shall not be responsible for any liability to any person for any loss caused by errors or omissions in the collection of information, or for the accuracy, completeness, or adequacy of the information contained in these materials.

Disclaimer: The Moot Court Competition is based on a fictitious problem, whereby the characters & the incidents or the course of events in the moot court are completely imaginary and the same has no relation to any person living or dead or any past/present real life incident. The Moot Court Competition is made solely for the purpose of training law students of India in developing an analytical bent of mind and serving the Bar and the Bench to the best of their abilities.

Accommodation and food: Accommodation and food shall be provided by the organizers from the evening of 4th March, 2016 to evening of 6th March, 2016.

Note: Intake/use/even mere possession of any prohibited substances (e.g. cigarettes/ alcoholic/ narcotic substances etc.) is strictly banned during their stay throughout the competition.

MOOT PROBLEM

Mr. M. Saeeduzzaman was a philanthropist and social reformer of kooglistan. He was deeply concerned about his community, which formed about 17% of the total population of the Country. The Muslims were socially marginalized and educationally backward and were very poor which placed obstacles before them to enjoy life with basic amenities.

In order to improve the living conditions of Muslims, Mr. Saeeduzzaman decided to educate them. To fulfill his mission, he started collecting the money. Few of his non-Muslim friends also contributed. Thereafter, he approached to the government and 50 acres of land was given on lease to establish the College. The College was established in 1955 and named Mohammadan College Raahatganj. The government further provided the partial financial assistance of Rs. 25, 000/- per annum to the aforesaid College. The College was run by a society named ‘Mohammadan College Society’ registered under the Societies Registration Act, 1860.

At the foundation laying ceremony, the Founder highlighted the following aspects for the establishment of the College:

(i) Educational backwardness of muslims and the non-use of educational Institutions of State;

(ii) Lack of provisions for religious instructions in the Institutions run by the State; and
The wish of the Muslim community to establish a university for Muslims.

Later on, the members of the Muslim community donated land and other properties by creating waqf in favour of the College.

In 1960, the founder of the College passed away, but his friends and supporters continued to work to realize his dream of establishing a university for Muslims. In 1968, the Muslims Education Committee passed a resolution at Muradganj for establishing a Muslim University at Raahatganj.

The resolution stated as under-

“This residential university would be purely Muslim in character. The rules and regulations will be in conformity with the religious principles of Islam”.

In the aforesaid conference, Justice S.H. Zaidi further proposed that the Muslim university sought to be established must be one wherein degrees are recognized at par with government institutions. In the light of the resolution passed at Muradganj, the following two committees were formed:

(a) University Funds Committee to collect the funds required for establishing the University;
(b) University Foundation Committee for converting Mohammadan College, Raahatganj into Muslim University.

In December 1970, the government in principle agreed to convert the College into a Muslim university. In 1971 another Committee ‘Muslim University Association’ was founded to give practical shape for converting Mohammadan College, Raahatganj into a Muslim University.

After long negotiation with the government, the Raahatganj Muslim University Act, 1978, hereinafter called R.M.U., was passed by the legislature. After the establishment of Muslim university at Raahatganj all the committees which were constituted earlier were dissolved and the entire movable and immovable property held by Mohammadan College Society was transferred to the newly established Muslim University. Further all the rights, powers and privileges of the Society along with the debts, liabilities and obligations were transferred to the said University under the Act of 1978. Under the Act, the University was, however, placed under an obligation to invest a sum of Rs 50 lakhs in government securities to meet out the recurring expenses. Later on the government provided almost the entire funds to the University for its smooth functioning.

Section 4 of the Raahatganj Muslim University Act, 1978 defined the University as - University means the educational institution of their choice established by the Muslims of Kooglistan which originated as Mohammadan College Raahatganj and which was subsequently incorporated as R.M.U. Raahatganj.

The Act of 1978-

i) Declared the University open for all in matter of admission (u/s 6)
ii) Recognized the degrees, and diplomas and certificates (u/s 07)
iii) (u/s 14) the University was also empowered to:-
    (a) promote oriental Islamic Studies and give religious instructions in Islamic theology on voluntary basis and to impart moral and physical training;
    (b) to promote the study of religions, civilizations and culture of kooglistan; and
    (c) to promote especially educational and cultural advancement of Muslims of kooglistan.

The Act u/ss 8-9 besides providing certain officers also created authorities i.e. Finance Committee, Academic Council, Executive Council and the University Court as the Supreme Governing Authority of the University. The membership of the University Court was, however, restricted only to the Muslims. Furthermore, there was only sprinkling presence of non-Muslim members in other authorities.

The authorities of the university were further empowered to make Statutes, Ordinances and Regulations for smooth conduct of affairs of the university (u/s 10).

Under Section 12 of the aforesaid Act, the first citizen of Kooglistan, the President was designated as the Visitor of the R.M.U. and he was conferred the power to inspect and inquire in certain matters of the University following the procedure provided under the Act. He was further empowered to issue the directions in certain circumstances to be followed by the University.
In 2001, the State of Kooglistan adopted and enforced a new Constitution which inter-alia provided for -

a) prohibition of discrimination in favour or against on the ground of religion and sex (U/Art. 45) and;
b) Provided for the conservation of script, language and culture and guaranteed the right to establish and administer educational institution of their choice to the minorities (U/Art.50).

In the light of Article 45 of the new Constitution, the Statutes dealing with the composition of the Court was amended and the membership was opened for the followers of any religion. However, the presence of non-Muslim members in the University Court still remained marginal.

In Feb. 2007, the University keeping in view of declining number of Muslim students approved the reservation of 50% of total seats for Muslim students in all the under graduate courses and the professional courses.

After the admissions were held according to aforesaid policy few non-Muslim students who have sought admission in Engineering College of the university felt aggrieved by the reservation policy of the university. They formed an Equal Opportunity Forum and filed a petition in the High Court against the university. The muslim university defended its policy being a minority institution. The High Court delivered the verdict in favour of Petitioner by holding that RMU was neither established nor being administered by the muslim community. The RMU filed an appeal against the decision of High Court in the Supreme Court of Kooglistan. The matter is likely to be listed and heard soon.

Clarifications:
- Last date for requesting clarifications on Moot Problem is 15th February 2016. Teams are requested to use the e-mail as the mode for seeking clarifications.

Contact: In case of any queries or clarifications regarding the competition feel free to contact the following: (e-mail correspondence is encouraged)

**LAW SOCIETY OFFICE BEARERS**

<table>
<thead>
<tr>
<th>S. N.</th>
<th>Name</th>
<th>Class</th>
<th>Mobile No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Aqa Raza</td>
<td>LL.M. (Final)</td>
<td>7417037864</td>
</tr>
<tr>
<td>2</td>
<td>Karmain Sattar</td>
<td>B.A.LL.B. (Final)</td>
<td>9853876452</td>
</tr>
<tr>
<td>3</td>
<td>Ujjwal Sinha</td>
<td>B.A.LL.B. (IV year)</td>
<td>7417737020</td>
</tr>
<tr>
<td>4</td>
<td>Farhan Shamsi</td>
<td>B.A.LL.B. (IV year)</td>
<td>7669031780</td>
</tr>
<tr>
<td>5</td>
<td>Shamreen Ahmad</td>
<td>B.A.LL.B. (III year)</td>
<td>9453294533</td>
</tr>
<tr>
<td>6</td>
<td>Mahboob Alam Imayati</td>
<td>B.A.LL.B. (III year)</td>
<td>9756492390</td>
</tr>
<tr>
<td>7</td>
<td>Md. Tabish Eqbal</td>
<td>B.A.LL.B. (Final)</td>
<td>9997156571</td>
</tr>
<tr>
<td>8</td>
<td>Ali Faran Gulrez</td>
<td>B.A.LL.B. (III year)</td>
<td>9897772129</td>
</tr>
</tbody>
</table>

**Director**

Prof. Iqbal Ali Khan  
Chairman  
Department of Law  
AMU, Aligarh.  
Mob: 09927008430

**Convener**

Prof. Javaid Talib  
Dean  
Faculty of Law  
AMU, Aligarh.  
Mob: 09411416135

**Organizing Secretaries**

Dr. Mohammad Tariq  
Associate Professor  
Department of Law  
AMU, Aligarh.  
Mob: 09214482190

Dr. Hashmat Ali Khan  
Assistant Professor  
Department of Law  
AMU, Aligarh.  
Mob: 09411488911

Office Phone No: 0571-2902627

**Note:** All correspondence relating to the Moot Court Competition should be made to the official e-mail Id for the Moot Court Competition which is amumoot2016@rediffmail.com
REGISTRATION FORM

1. Name of Institution/College/University: .................................................................
2. Postal Address: ........................................................................................................
   ..............................................................................................................................
   City: .............................. State: .............................. Pin No. ..............................
3. Official Email Address: ............................................................................................
4. Official Telephone No. ..............................................................................................

Seal & Signature of the Head of the Institution

Date: .............................................. Place: ..............................................

TEAM COMPOSITION

Speaker 1:
Name: ..............................................
Sex : M / F
e-mail Id: ..............................................
Contact No.: ..............................................

Speaker 2:
Name: ..............................................
Sex : M / F
e-mail Id: ..............................................
Contact No.: ..............................................

Researcher:
Name: ..............................................
Sex : M / F
e-mail Id: ..............................................
Contact No.: ..............................................

Date: .............................................. Place: ..............................................

REGISTRATION FEES PARTICULARS

Note: The Registration Fee of Rs. 1500/- (Rupees Fifteen Hundred only) is payable by way of cash on the first day of the competition between 9:00 a.m. to 10:00 a.m. in the Department of Law itself i.e. the venue of the Moot Court Competition.
TRAVEL PLAN

1. Name of University/Institution: .................................................................

2. Name & Contact Details:
   1) Name (Speaker-I) .................................................................
      Mobile No. .................................................................
   2) Name (Speaker-II) .................................................................
      Mobile No. .................................................................
   3) Name (Researcher) .................................................................
      Mobile No. .................................................................

3. Arrival Details:
   a) Mode (√): ................................. 1) Train ................................. 2) Bus
   b) Train No. & Name: .................................................................
   c) Scheduled Arrival: Date: ..................... Time: ......................... am/pm
   d) Coach No. (in case of Train): .................................................................

4. Departure Details:
   a) Mode (√): ................................. 1) Train ................................. 2) Bus
   b) Train No. & Name: .................................................................
   c) Scheduled Departure: Date: ..................... Time: ......................... am/pm
   d) Coach No. (in case of Train): .................................................................

5. Any other details:
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Signature of Speaker-I ................................ Signature of Speaker-II ................................ Signature of Researcher