

## **The Constitution of Kathmandu University School of Law – Debating and Mooting Society (KUSoL-DAMS)**

1. The Kathmandu University School of Law – Debating and Mooting Society (KUSoL-DAMS) is to be a student-run organization of the Kathmandu University School of Law (KUSoL). It shall comprise a team of undergraduate students of KUSoL. These members need to be dedicated to the development of a prominent mootling and debating culture in KUSoL. The purpose of KUSoL-DAMS is to help students of KUSL more effectively and actively participate in moot court and debating, through the organization of both internal and external events and facilitating active student body participation in such.
2. **Independence:** Notwithstanding anything else in this document, KUSoL-DAMS will remain an independent, apolitical, non-SWC student-run body within KUSoL. Under no circumstances shall DAMS be compelled to be dependent, including financially dependent, on political organisations or other student clubs.
3. **Definitions**
  - a. External Moot competitions: Refers to Moot court competitions organized by institutions or organizations outside Kathmandu University School of Law, at the national or international level.
  - b. KUSoL-DAMS: Refers to the Debating and Mooting Society of Kathmandu University School of Law (KUSoL), a student-led body established to promote mootling, debating, and related co-curricular legal activities within the institution.
  - c. Executive Members: Refers to students selected official positions in the Society as per the criteria in Article 22 of this Constitution. They are responsible for planning, managing, and executing the Society's activities.
  - d. KUSoL: Refers to Kathmandu University School of Law, the academic institution under which the Debating and Mooting Society operates.
  - e. Constitution: Refers to this governing document that outlines the objectives, structure, roles, responsibilities, and procedures of the Debating and Mooting Society of KUSoL.

- f. Meetings: Refers to official gatherings of the Executive Members held to discuss, decide, or review matters related to the functioning and activities of the Society.
  - g. Internal Moot Competitions: Refers to moot court competitions organized within Kathmandu University School of Law by DAMS.
  - h. A simple majority refers to 50% of the total Executive Members.
  - i. A super majority refers to 75% of the total Executive Members.
4. This Constitution shall serve as the official operational framework of the KUSoL Debating and Mooting Society. Any decision made outside the ambit of this document must be carried out with at least a majority of votes from the Executive Members in consultation with the Faculty Coordinator.
5. **Functions of KUSoL-DAMS**
- a. KUSoL-DAMS is required to maintain a working archive of resources for students involved in Mooting.
    - i. The availability of such resources may be dependent on specific bylaws of the archives involved.
  - b. KUSoL-DAMS is required to bring out a tentatively scheduled list or Moot Calendar of planned programs to be facilitated by DAMS in the first month of the selection of the Executive Members.
  - c. KUSoL-DAMS is required to host at minimum two Mooting competitions within the singular term of the Executive members.
  - d. KUSoL-DAMS is required to host debate sessions within and without the boundaries of the school.
  - e. KUSoL-DAMS is required to assist students participating in Mooting and debating Competitions.

6. **Bylaw Creation Function**

- a. The DAMS Executive Board is empowered to create rules and bylaws that are necessary for the operation of DAMS as per the Constitution.
- b. Such bylaws must be passed through a majority in the bi-weekly Work Meetings.

- c. Such bylaws need to be passed through the signature of the SWC Coordinator in a Special Meeting where a minimum of 5 Executive Members is present.
  - d. The Minute of such a meeting needs to be archived.
7. **Fund Collecting Function:** KUSoL-DAMS may collect funds during registration for internal Moot Competitions. Such funds have to be recorded properly and their use must be displayed within the yearly Auditing report.
8. **Use of Funds:** The funds collected during registration for Internal Moot and through other sources must be put forward into the DAMS Sunshine Fund. This fund can only be used for the appreciation and felicitation programs of active competitors and involved students representing the school in both the Internal and External Moot competitions. Any use of funds outside of this function will result in the removal of Executive Members.
9. **Grievances Handling Function:** KUSoL-DAMS must maintain a form of grievance handling mechanism within the school. Criticisms of KUSoL-DAMS should be free and able for the student body to bring forth and no persecution of non-anonymous. These must be done so through the Written format.
- a. Written Complaints: Written Complaints can be served to any particular Executive Member, DAMS-Coordinator.
    - i. These complaints must be limited to the functioning Scope of DAMS
    - ii. These complaints must not be Ad Hominem against any particular members within DAMS, those grounds for such a complaint can be rejected.
    - iii. Verbal complaints will not be entertained.
10. **Amendment:** Any amendment to the Operational Framework of KUSoL DAMS shall be done with a unanimous agreement of all its Executive Members. If the unanimity cannot be maintained, the Super Majority votes (4 votes) may be considered for amendment, in consultation with the Faculty Coordinator of DAMS.

**11. Amendments to be recorded through the Constitution:** Such amendments must be recorded on the page right after the front page of the Constitution as either (addition) or (removal) of sections.

**12. Amendments to be recorded through Archiving:** Every iteration of the Constitution must be numerically identified and maintained in serial order within Online Archives through the digital medium as well as in the KUSoL library through physical medium.

**13. Meetings:** There shall be 3 types of meetings for KUSoL-DAMS, these being;

- a. The Annual General Meeting
- b. The Bi-Weekly Working Meetings
- c. The Special Work Meetings

**14. Regarding the frequency and timings of Meetings:**

- a. The Annual General Meeting should be held at least once a year with all DAMS Executives and a maximum of
- b. The Bi-Weekly Work meeting should be held at least once every 2 school weeks.
- c. The Spontaneous Work Meetings can be held as per necessity. These meetings also include meetings held with other organizational bodies or volunteers.

**15. Regarding Notice for Meetings:**

- a. Notice is to be sent regarding Weekly Work Meetings, with a minimum gap of 24 hours from the time of notice to the hosting of the meeting. This notice must be made on the chosen format of DAMS communication medium between all members.
- b. Notice regarding Amendment Meetings must be posted on the chosen format of DAMS communication at a minimum of 48 hours before the commencement of the meeting itself.
  - i. In the case that members cannot reach decisions due to reasons including but not limited to conflicts of interest, then first a request must be made to the DAMS coordinator who will provide their input in the succeeding. The DAMS Coordinator's vote will hold 2 votes.

- c. Notice regarding Amendment Meetings must be posted, with a minimum gap of 12 hours from the time of notice to the hosting of the meeting. This notice must be made on the chosen format of DAMS communication medium between all members.
- d. Agendas for meetings should be pre-determined so that members may be forewarned.

**16. Quorum of Valid Meetings: To constitute a valid meeting, the quorum requirement for such meetings is set at**

- a. In the case of Weekly Work Meetings: at least a simple majority of Executive Members of KUSoL DAMS need to be present.
- b. In the case of Amendment Meetings: All Executive Members of KUSoL DAMS need to be present.
- c. In the case of Annual Meetings: All Executive Members of KUSoL DAMS need to be present, along with the Dean of KUSoL, and the faculty coordinator of KUSoL.
- d. Advisors invited to any meetings shall only have a consultative role.

**17. Minutes:** Minutes are to be maintained for each meeting excluding those of a spontaneous nature. These minutes must be archived properly with Date, attendance, and discussed subjects.

- a. Minutes need to be archived separately and remain unpublished until the Annual Report.

**18.** A total of at least 20 Minutes for the Weekly Work Meetings is required for each semester

**19. Items subject to archiving**

- a. Videos of the oral rounds of every competition that the school organizes and participates in.
- b. Memorials, Moot problems, and other documents relating to the moots and debates.
- c. Documents and data collected from past mooters.
- d. Minutes
- e. laws, bylaws, rules, and every amendment.

**20. Annual Report:** KUSoL-DAMS shall prepare an annual report on its operations and prospects. The report shall include the following points:

- a. Programs organized or facilitated by the Society.
- b. External Moot Court Competitions and Debate participation from KUSoL and their rankings, if any.
- c. Expenditure from the administration for external participation as well as details of waivers received, if any.
- d. Prospective plans and programs of KUSoL-DAMS.
- e. Collective comments from DAMS on its operations and the measures for future improvement.
- f. Collection of all minutes so far maintained within the archives
- g. Signature of the Executive Members.

**21. Term Limits:** the term Limits for KUSoL DAMS shall be no longer than 1 year.

- a. At the end of their term, former KUSoL DAMS Executive Members are automatically conferred DAMS Advisor status.

**22. Selection of KUSoL DAMS Executive members:**

- a. Minimum qualifications required to gain DAMS membership:
  - i. To have competed in at-least one international level competition for which an internal selection had been conducted by DAMS or atleast two national level competitions for which an internal selection had been conducted by DAMS.
  - ii. To be atleast in their fourth semester of studies in KUSoL
  - iii. To not be a part of the SWC or other clubs under the SWC during their application, selection process or active term.
  - iv. To not be a part of any political party or politically-affiliated student body.
- b. The Selection is to be carried out by 1 teaching faculty of KUSoL and 4 Members of the DAMS Executive Board.
- c. The selection process is to begin nearing the end of the tenure of incumbent members.



**23. KUSoL DAMS Fund handling:** All funds used by KUSoL DAMS have to be filed into a separate Report of the financial activities.

- a. The evaluation of such a report has to be carried out by an independent auditor.
- b. Such auditor has to have affixed their signature on the reports for both semesters to be a valid Auditing Report for the term of incumbent Executive Members.

**24. KUSoL DAMS-Hierarchy and Committee:** KUSoL DAMS will be led by a central team of 5 executive members with an advisory board that will help in the execution of its plan and purposes. However, if more than 5 candidates for the position of executive members demonstrate an exception ability, the number of total executive members maybe raised to 7. The Advisory Board will consist of past DAMS members.

**25. Selection Criteria of participants in representing KUSoL in External Moots will be set following the following guidelines regarding:**

- a. Moot memorials: The format of moot memorials will be provided to participants per necessity and can include making arguments for either 1 or both sides of the Moot Problem argument
  - i. ***Concerning Moot Competitions wherein no memorial is provided by the External Organizing Body:*** KUSoL-DAMS must endeavor to provide as a selection criterion a past Moot Problem from the same External Organizing Body or that from a similar field of work as that concerning the External Organizing Body.
  - ii. ***The time limit for such selection:*** In the situation that a past Moot Problem is utilized within the selection criteria, a shorter selection period must be enforced.
  - iii. KUSoL-DAMS must utilize Anti-plagiarism software as far as practicable.
  - iv. It is preferred that the Memorial Submissions occur in physical format though accommodation can be made as per KUSoL-DAMS discretion for virtual model.
- b. Oral Submissions: The format of Oral Submissions will be provided to participants as per necessity and can include making arguments for either 1 or both sides of the argument

- i. KUSoL-DAMS must seek the most qualified judges as is practicable for the Internal Selections. These Judges can be procured from among any learned lawyers, but a preference is given to KUSoL Pass outs, Ambassadors and other affiliated Individuals of the school.
- ii. In the extreme case that judges cannot be found in a timely manner, DAMS members may supplement the judge's panel for these Internal Selections in the Oral Submissions. In such a situation however, DAMS members will only be allowed pre-prepared questions.
- iii. It is preferred that the Oral Submissions occur in physical format though accommodation can be made as per KUSoL-DAMS discretion for the virtual model.

*(Explanation – It is strongly preferred that the Internal Selections have judges who have a vested interest in selecting only the best teams and students to represent the school in External Competitions.)*

- c. The Memorial scores, as well as Oral Rounds scores must be revealed only to the concerned groups partaking in the selection rounds.
- d. Notwithstanding whatsoever is written within the previous subsection, KUSoL-DAMS will reserve the discretion to choose either to reveal or not reveal those scores in case interested parties wish so.
- e. The weightage for selection rounds should, as far as practicable give equal precedence (50/50) to both Oral and Written Submissions.
- f. In case the timings of the competition do not allow for the proper carrying out of the selection process, the method of Motivation Letter may be used as a last resort means of selection for teams.

**26. Judges:** As far as practicable, KUSoL-DAMS must attempt to procure the most qualified judges that it can for both its own National and International Moot Court competitions as well as its Internal Moot Court Competitions.

**27. Payment Policy:** (1) The Internal Selection Written Argument Evaluator shall be paid the same amount as a final examination copy evaluator is paid per copy evaluated for each teams' argument evaluated.



(2) The Internal Selection Oral Argument Evaluator shall be paid the same amount as a final examination invigilator is paid for each final exam invigilated.

(3) A Coach's compensation shall be the same as the hourly rate of a lecturer at KUSoL. The Coaching contract will stipulate the number of hours of commitment required by the Coach and the contract duration.

(4) DAMS coordinator shall have the authority to make payments, including drawing cheques, on behalf of DAMS.

(5) Coaches that do not fulfil their contractual obligations to a reasonable standard will be blacklisted from being appointed coach for a period of 12 months.

(6) The decision as to whether a coach has fulfilled their contractual obligation to a reasonable standard shall be determined by a majority vote of DAMS' executive members after consultations with the participating teams.

**28. Disqualification:** 27 Discharge of Membership:

1. Failure to fulfil criteria enlisted in S. 22(a)
2. Removal by a super majority executive members
3. Proven by the DAMS Executive to use DAMS' fund for other than DAMS' purpose or self gain.

Date of commencement of the constitution: 15 May 2025

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DEBATING AND MOOTING  
SOCIETY