

HERBERT SMITH INDIA ESSAY COMPETITION 2009 REGULATIONS

1. THE COMPETITION

- 1.1 The essay competition organised by the National Law School of India University, Bangalore ("NLSIU") in cooperation with Herbert Smith LLP ("Herbert Smith"), shall be called the Herbert Smith India Essay Competition 2009 (the "Essay Competition").
- 1.2 The subject for the essay shall be released on **25 December 2009**.
- 1.3 The last date for submission of entries shall be **27 January 2010**.

2. ELIGIBILITY

- 2.1 The Essay Competition shall be open to all undergraduate students of:
 - 2.1.1 NLSIU;
 - 2.1.2 The West Bengal National University of Juridical Sciences, Calcutta ("NUJS");
 - 2.1.3 National Academy for Legal Studies and Research, Hyderabad ("NALSAR");
 - 2.1.4 National Law University, Jodhpur ("NLU"),(together the "**National Law Universities**") (the "**Participants**").
- 2.2 Each participant shall be permitted to submit only one, individual entry. Joint entries shall not be permitted.
- 2.3 The essay submitted for the competition must be an original, unpublished and undistributed work authored by the participant submitting it.

3. SUBJECT

- 3.1 [The subject for the Essay Competition shall relate to Indian commercial/business laws with a cross-border aspect.]
- 3.2 The proposed topic for 2009 is – "*The Existence and Relevance of the McDowell rule: An Analysis of the Use of the Corporation as a Vehicle of Tax Planning in light of Vodafone and the DTC*".

4. JUDGES

- 4.1 The panel of judges for the evaluation of entries submitted by Participants shall consist of four members (the "**Judges**").
- 4.2 Each Judge shall be (i) a professor at a National Law University, (ii) a practitioner specialising in corporate and commercial law or (iii) an independent academic lawyer.
- 4.3 Each Judge shall evaluate entries submitted by participants from a National Law University other than the one to which the Judge belongs.
- 4.4 An honorarium in the amount of INR 15,000 shall be payable by Herbert Smith to each Judge in recognition of their assistance in judging the competition.

5. EVALUATION CRITERIA

- 5.1 The essays will be evaluated on the basis of the following:
- 5.1.1 Identification of issues and legal analysis (25%);
 - 5.1.2 Clarity of presentation (25%);
 - 5.1.3 Suggested solutions to issues identified (20%);
 - 5.1.4 Depth of legal and commercial research (20%); and
 - 5.1.5 Formatting and proofreading (10%).
- 5.2 Each criterion above shall be accorded the weight specified as a percentage in brackets alongside it.

6. STRUCTURE AND FORMAT

- 6.1 Participants shall structure their entries to include the following:
- 6.1.1 cover sheet (this should include (a) the name of the Participant; (b) contact address, e-mail address and contact telephone number; (c) name and address of his/her University; and (d) his/her academic year - none of this information should appear anywhere else in the essay);
 - 6.1.2 executive summary (this section should identify the key issues and set out the conclusions reached);
 - 6.1.3 main body (this will be left to the participants to structure); and
 - 6.1.4 conclusion (this section should place the topic in the context of what has gone before (in the legal/regulatory and commercial environment), identify implications for various stakeholders and suggest solutions).
- 6.2 Each entry shall be accompanied by an authorship declaration from the Participant in the following format:

"I, [insert full name], confirm that this essay and the work presented in it are my own achievement. Where I have consulted the published work of others this is always clearly attributed. Where I have quoted from the work of others the source is always given, and with the exception of such quotations this essay is entirely my own work. I have acknowledged all main sources of assistance. Where my research follows on from previous work or is part of a larger collaborative research project, I have made clear exactly what was done by others and what I have contributed myself (if applicable). I confirm that Herbert Smith may make this essay available to others for publication.

[signature]

[date]"

- 6.3 All entries submitted by Participants shall comply with the following requirements:
- 6.3.1 the entry shall be typewritten and double spaced on A4 paper;

- 6.3.2 the entry shall use font Times New Roman size 12;
- 6.3.3 a margin of 1" (one inch) or 2.54 cm shall be left on all four sides.
- 6.4 All entries shall be subject to a maximum word limit of 5000 words including footnotes, but excluding the abstract and the bibliography or references.
- 6.5 Appropriate footnotes shall be included in each entry as required to identify and acknowledge source materials.
- 6.6 Footnotes should follow the [*Harvard Bluebook*] style.

7. SUBMISSION

Each entry shall be submitted in electronic form as a PDF format document to the SAC.

8. PRIZE MONEY

Herbert Smith shall offer prize money to the top four entries along with certificates for the top 5 entries. The prize money offered is set out below:

1 st prize	Rs.25,000
2 nd prize	Rs.15,000
3 rd prize	Rs.10,000
4 th prize	Rs.7,500

9. ROLE OF THE SAC

- 9.1 The SAC shall liaise with the other National Law Universities to appoint the Judges.
- 9.2 The SAC shall publicise the essay competition through the use of appropriate publicity materials and shall liaise with the appropriate persons at the National Law Universities for the purpose of publicising the Essay Competition.
- 9.3 Subject to paragraphs 5 (*Evaluation Criteria*) and 6 (*Structure and Format*) above, the SAC may draw up detailed specifications and rules for the Essay Competition.
- 9.4 The SAC shall communicate to the participants all information required in order to participate in the Essay Competition, including but without limitation, the date on which the subject will be released, the subject, the rules of the competition, the last date for submission of entries and the prize money available to the winners.
- 9.5 After the expiry of the deadline for submission of entries, the SAC shall remove the cover sheet from each entry and shall assign a code to each entry to maintain confidentiality. The coded entries shall be sent to the Judges for evaluation.
- 9.6 The SAC shall collect the evaluated entries and communicate the results to Herbert Smith, the Participants and the National Law Universities.

- 9.7 The SAC shall, as soon as is practicable after the declaration of the results, communicate to Herbert Smith the names, postal addresses and contact details of the prize-winning Participants and the Judges, to facilitate payments to them.

10. ROLE OF HERBERT SMITH

- 10.1 A Herbert Smith liaison committee (comprising of Estelle Harrison, Evelyn Lawrence and Jagannath Iyer) (the "**Liaison Committee**") shall select the topic for the essay competition (in consultation with Herbert Smith partner Chris Parsons).
- 10.2 The Liaison Committee shall prepare a sponsorship letter containing the terms for the use of Herbert Smith logo and firm's brand name in the publicity materials.
- 10.3 Herbert Smith shall remit funds in advance of 25 December 2009 in relation to organisational and publicity-related expenses to be incurred by the SAC in accordance with paragraph 11 (*Budget*) below.
- 10.4 Herbert Smith shall be responsible for the payment of:
- 10.4.1 the prize money to the winning Participants; and
- 10.4.2 the honorariums to the Judges,
- the payments to be made by cheques drawn in INR in favour of the appropriate Participants and Judges and to be couriered directly to the payees.

11. BUDGET

A break-up of the expenses for the Essay Competition is provided below:

S.No	Particulars	Amount (in INR)
1	Prize money (for the top 4 Participants)	57,500
2	Honorarium to Judges	60,000 (15,000 x 4)
3	Printing of Certificates for winners, other position-holders and participants (Top 5)	2,000
4	Courier charges (invites, circulating publicity materials, sending entries to judges, participation certificates etc)	5,000
5	Miscellaneous	1,500
Total:		126,000 (approximately £1,660)