



Tilak Maharashtra Vidyapeeth

Declared as Deemed to be a University Under Section 3 of UGC Act 1956
Accredited by NAAC with B++ Grade

Lokmanya Tilak Law College, Pune

ORGANISES



2nd Edition Bal Gangadhar Tilak National Moot Court Competition (Online)

Schedule for the Competition

Online Registration	25 th March, 2022 - 10 th April, 2022
Submission of Memorials (Soft copy)	15 th April, 2022
Date of Competition	22 nd & 23 rd April, 2022

TMV'S LOKMANYA TILAK LAW COLLEGE, PUNE.

Tilak Maharashtra Vidyapeeth (TMV) established in 1921 is recognized by the Government of India in the year 1987 as the "Deemed to be University" under Section 3 of UGC Act, 1956. We offer programs in multiple disciplines such as Ayurveda, Sanskrit, Social Sciences, Modern Sciences & Professional Skills, Management, Health Sciences, Law and Distance Education. TMV's Lokmanya Tilak Law College was established in 2012 and was approved by the Bar Council of India. B A., LLB (Five years) and LLB (Three years) courses are offered by the institute. In pursuit of excellence our institution aims at not only professionalism but also ethical values and social responsibility and hence the curriculum is designed to transcend the boundaries of academics to be relevant in the changing corporate and social requirements.

ABOUT THE MOOT COURT COMPETITION

TMV's Lokmanya Tilak Law College endeavors to develop legal acumen and research skills of the students and provide a platform to explore emerging issues of law. Lokmanya Tilak Law College organized the 1st Edition of National Moot Court Competition, 2021 on 13th and 14th August, 2021 under the aegis of Tilak Maharashtra Vidyapeeth, Pune. The Moot Proposition was based on contemporary debates on Human Rights and was participated by reputed institutions all over India namely, ICFAI University, Dehradun, Jindal Global Law School, Maharashtra National Law University, Aurangabad, Gujarat National Law University, Symbiosis Law School, Hyderabad and so on. The event was inaugurated by the Dean of Lokmanya Tilak Law College, Adv. Harshad Nimbarkar. The keynote address was delivered by Justice Dharmadhikari, former Chief Justice Bombay High Court.

Two finalists of the Moot Court Competition were VM Salgaokar College of Law, Goa and Institute of Law, Kurukshetra University, Haryana. The Final Round was adjudged by Senior Advocate Rohan Nahar and Justice Makarand Karnik, Judge Bombay High Court. This was followed by Valedictory session, where Justice Makarand Karnik gave the valedictory address and inspired the

participants. VM Salgaokar College of Law, Goa came up as the winning team. Best Memorial was awarded to memorial drafted by Maharashtra National Law University, Aurangabad. Manvi Srivastava, VES College of Law, Mumbai was adjudged as Best Mooter.

Now TMV's Lokmanya Tilak Law College takes immense pleasure in announcing the 2nd Bal Gangadhar Tilak National Moot Court Competition (Online) 2022.

ROUNDS OF THE COMPETITION

The competition will have the following rounds:

1. Preliminary Rounds.
2. Semi Final Rounds.
3. Final Round.

LANGUAGE

The language of the competition will be English.

ELIGIBILITY

1. Students pursuing 3/5 year Law Course are eligible to participate in this competition.
2. Only one team can participate from each institution.

TEAM COMPOSITION

Each team of the competition shall consist of the following members-

Each team shall consist of three (3) members. Teams shall have two (2) Speakers, & one (1) researcher

All the three members of the team, should belong to the same institute. No cross teams i.e. members of different institutes/universities, shall be allowed.

Each team should identify such speakers and researchers at the time of registration. 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.

There shall be no circumstance whatsoever that a team consisting of more than 3 members be allowed to participate. No observer/ additional member can be part of a team in any capacity.

There shall be no substitution of any team member after a team has submitted its Registration Form, except with the permission of the Organizers

DRESS CODE

The participants shall adhere to following dress code while presenting in virtual court room during the Competition.

Girls: White Shirt, Black Trouser and Black Blazer and Black Shoes.

Boys: White Shirt and Black Trouser along with Black Tie, Black Blazer and Black Shoes

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

PARTICIPATION REGISTRATION

In order to confirm participation, teams of every Institute should register themselves. Registration fee for every team is Rs. 1000/- (One Thousand Rupees Only) The duly completed Google Form for Registration with all team details and NEFT must be submitted to the Moot Court Association on or before 10th April 2022 by 11:59 p.m. (IST). No change in the names of the participants shall be permitted after the receipt of the Registration Form, except at the sole discretion of the organizers. All teams shall be given a "Team Code" by the Organizers on validation of their Google Form for Registration and NEFT. The teams shall use their designated "Team Code" for all correspondence with the Organizers. The same team code must be used by the teams during the submission of Memorials and during all the Rounds of the Competition.

The Teams have to register via this link:

https://docs.google.com/forms/d/1MAn-x5ixrl5tPeVQFTGL-WdSha8zuQHdi9Pt_qFNgKs/edit

Account Name and Details for Transfer of Registration fees are given below:

Name of the Bank: HDFC Bank

Bank Account No.: 59103111952004

IFSC Code: HDFC0002844

Name of the Account Holder: Tilak Maharashtra Vidhyapeet

Name of Branch: Dhanukar Colony.

MEMORIAL

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

1. 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 only soft copies of the Memorials from each side.

2. Appellant memorials are required to have a Blue cover and Respondent 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.

While sending the softcopy of the memorials in PDF format, please name the file pertaining to the Respondent as R accompanied by the team code and name the file pertaining to the Petitioner as P accompanied by the team code. For example, Respondent of team 06 should name the PDF file as R06.

Each Team must mail a soft copy of their memorials, in PDF format only, for evaluation by 15th April, 2022 before 11:59 P.M. to mootcourt2022.tmv@gmail.com with the subject Submission of Memorials for 2nd Bal Gangadhar Tilak National Moot Court Competition, 2022”

GUIDELINES FOR FORMATTING

1. STRUCTURE OF MEMORIAL

- 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
- j. Appendix (Optional)
- k. Exhibits (Optional).

Non-compliance with above non optional criteria shall result in penalty of two marks for each missing section.

2. TEAM CODE:

The team code must be ascribed on the top right corner of the cover page.

3. CONTENT SPECIFICATIONS:

The following content specifications must be strictly adhered to-

- a. Font and Size (General) - Times New Roman, 12 pts
- b. Line Spacing (General) - 1.5 lines

- c. Font and Size (Footnotes)- Times New Roman, 10 pts
- d. Line Spacing (Footnotes) - Single line
- e. Page Margins -1 inch on all sides
- f. The citation should be in compliance with the 20th edition of Bluebook. Speaking footnotes or Endnotes are not allowed.

4. MARKING CRITERIA OF MEMORIALS:

The maximum scores for the memorials shall be 100 marks: The memorials shall beevaluated on the following criteria:

Knowledge of Law and Facts	30 Marks
Proper and Articulate Analysis:	30 Marks
Extent and Use of Research:	20 Marks
Clarity and Organization:	10 Marks
Grammar and Style:	10 Marks

DRAW OF LOTS

The Draw of Lots will determine from which side the participant present their arguments i.e., Petitioner/Plaintiff or Respondent/Defendant. The Draw of Lots will also decide which team you will be competing against (There will be no pre-decided fixtures). The team codes will be provided to teams before the draw of lots but their sequence of participation will be decided there on.

ORAL ROUNDS

A. PRELIMINARY ROUNDS

- a. Each team will get a total of 20 minutes to present their case.
- b. Each speaker should speak for a minimum of 8 minutes.
- c. The time stated above includes the time required for rebuttal and sur-rebuttal. However, the maximum time taken for rebuttal and sur-rebuttal shall not exceed 5 minutes.

Each team shall present one side in this round. Each team will represent Petitioner's side or the Respondent' side, in the sequence determined under Draw of Lots. The top 10 team based on their Total Preliminary Score in the Preliminary Round shall qualify for the Semi-Final Round. Total Preliminary score does not include the memorial score.

B. SEMI FINAL ROUNDS AND FINAL ROUND

- a. Each team will get a total of 30 minutes to present their case.
- b. One speaker shall not exceed 15 minutes of the total time.
- c. The time stated above includes the time required for rebuttal and sur-rebuttal.

However, the maximum time taken for rebuttal and sur-rebuttal shall be not more than 5 minutes.

This will be a knockout round.

C. MARKING CRITERIA

Maximum scores for the oral rounds shall be 100 points per speaker, and which shall be judged on the following criteria:

Knowledge of Law	20 Points
Application of Law to Facts	20 Points
Response to questions & Articulation	20 Points
Poise, Courtesy and Demeanor	20 Points
Time Management	10 Points
Organization	10 Points

D. General Online Rules:

1. The oral rounds shall be conducted online on a live video conferencing platform. The details of the platform shall be shared to the teams via mail.
2. An Invitation link of the meeting shall be sent to participants on their respective email IDs submitted by them in Registration Form.
3. The Participants are expected to be seated in a quiet space free from any echo and isolated from any form of disturbances.
4. The Participants must make sure that the Background is plain and sober which does not disturb the judges. Preference will be given to a White background. The participant should be visible in Portrait Mode/ Vertical Manner.
5. The participants should only use their team code as their username while joining the meeting room.
6. All participants should be online at least ten (10) minutes prior to the commencement of their round.
7. Following are the mandatory system requirements to participate in the competition:
 - a. Computer/Laptop with a well configured web camera.
 - b. A stable Internet Connection

c. Headphones or Earplugs that have a working microphone.

8. While in a round, the participants must have their camera on all the time.

9. The participants should unmute their microphone when it is their turn to present their arguments, speak or when asked by the judge or the Organizers to do so.

10. The participants should not use group text feature of the Organizer's hosting platform to communicate with one another.

11. No screen sharing is allowed.

12. The Organizers shall not be responsible for any loss due to slow or non-functional Internet Connection during the Competition.

13. In any case whatsoever, the decision of the Organizers shall be final and binding.

The organizers shall have the rights reserved over all the audio, video or submitted memorials and compendium and the organizers are free to use or dispose them off in the manner they deem fit.

AWARDS AND CERTIFICATIONS

1. Winner of the Final Round will be given the "Best Team" certificate, memento and a cash prize of Rs 7000
2. Runner-up of the Final Round will be given the "Runner Up" certificate, memento and a cash prize of Rs 4000
3. Team with the highest memorial scores will be given the "Best Memorial" certificate, memento and a cash prize of Rs 1000
4. "Best Mooter" award will be given the "Best Mooter" certificate, memento and a cash prize of Rs 1000

In addition to the above, e-certificates will be issued to all the participants within one week from the valedictory function and no prior request shall be entertained in any case.

ANONYMITY

The counsels shall not state their names during the oral rounds and must use the assigned team code for all correspondence. All team members must refrain from disclosing the identity of their institutions at any time and in any manner during the entire Competition. Non-compliance with this Rule will result in immediate disqualification of the team.

FINALITY OF DECISION

The decision of the judges with regard to the outcome of the rounds shall be final. For all purposes and in any dispute, the decision of the Convener of the Organizing Committee of the Competition shall be final and binding.

CLARIFICATION

Any clarifications regarding competition and the moot problem may be sought from the following faculty members

1. Asst. Prof. Ketki Dalvi - + 91 9922202499
2. Asst. Prof. Ramneet Arora - +91 8408857295
E-mail id- mootcourt2022.tmv@gmail.com
3. Help Desk Time - 9.00 a.m. to 4.00pm.
Deokar Vrushali- 020-24403102

STUDENT COORDINATORS

Aditi
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MOOT PROBLEM

- The Union of Pindia, situated in Asia, is a secular, democratic country with a dynamic and liberal economy. It witnesses a lot of social and cultural diversity and at the same time has a progressive society that while nurturing liberal views, respects diversity all the same. The Constitution and laws of the Union of Piindia are pari materia to Union of India.
- A young couple, Jeewan 24 and Swati, 21, from Shivgadh, a city in the Union of Pindia were in relationship and they wanted to marry each other, but the families of Jeewan and Swati were against their relationship, as they both belonged to different sub caste of Hindus. The couple got married on 21st August 2019 after duly complying with all the provisions of Hindu Marriage Act, 1995.
- After the marriage, Jeewan and Swati started living separately from their families and Swati also joined a college as a clerk. The marital life of the couple was going very smooth and they were happy together. On, 2nd November 2019, Jeewan decided to move with his parents, because of some family problems. Initially Swati was against the idea of shifting with her in-laws, but due to the pressure from Jeewan, Swati agreed to live with his parents. Accordingly, on 6th January 2020 the couple shifted to their in-laws house. First few days were very cordial between the family and Swati, but slowly things started to change, Swati was even told to leave her job. All these issues started affecting the marital relation of Jeewan and Swati and they started having regular fights. In fact in one or two incidences when Swati was having some heated arguments with her mother-in law, Jeewan badly scolded Swati in front of his family members.
- On 15th September, 2020 there was a family function at Jeewan's place and many relatives and neighbors were present. Suddenly on some issue Swati and Jeewan got into a heated argument and used abusive language in the presence of family and the neighbors. Immediately after the incident, Swati decided to leave her marital home for some time and went back to her parent's place to calm herself down and for mental peace. After the incident Swati was completely in a state of shock and she

stopped talking to Jeewan. In between, Jeewan tried communicating with Swati but she avoided any kind of contact with him. On the evening of 21st November, 2020, Jeewan texted Swati, requesting her to meet him and discuss their problems. Swati replied that she will be alone that day as her family will not be at home and she did not want to meet Jeewan and that she needs more time to evaluate their relationship. On the same evening, Jeewan, in an intoxicated state visited Swati's parent's place, where Swati was alone as her family members had gone out for a function. Swati and Jeewan, both had a heated argument, this angered Jeewan who lost his control and forced himself upon Swati against her will and consent and had Sexual Intercourse with her. Swati, initially resisted but being alone and fearing her life, surrendered to the will of Jeewan. Thereafter, Jeewan left the place. The very next day, Swati, in a state of shock, narrated her ordeal to her family who immediately, went to the nearest police station and lodged a complaint against Jeewan for committing Rape with Swati. The police registered the FIR No. 28/2020 against Jeewan for the offence of Rape under section 375 and cruelty under section 498A, sexual harassment and punishment for sexual harassment Section 354 A under the Pindia Penal Code 1860 on 22nd November,2020

- In the Union of Pindia, next assembly elections were to be conducted within a year. Thus, the case was highlighted and widely debated in media. The police was under pressure as the same was being made a political issue with respect to women safety and women rights. Many women NGO's came forward demanding justice for Swati. The police started the investigation and filed the charge sheet within a month of registering the FIR. The trial court of Shivgadh expedited the matter due to societal pressure and the trial was concluded within six months. The trial court in its judgment dated 28th May, 2021 held that, the accused was not convicted for rape as the same could not be proved by the State. The trial court in its judgment further held that the accused was guilty for the offence of cruelty under section 498A of Pindia Penal Code 1860 and was convicted with two years imprisonment and a fine of Rs. 10,000 was imposed. Further, he was held guilty for sexual harassment under Section 354 A of Pindia Penal Code 1860 and convicted with a fine of Rs.25000/-

- Aggrieved by the judgment of the Trial Court, Swati lodged an appeal dated 2nd July, 2021, before the High Court of India to convict Jeewan for the offence of Rape under Section 375 of India Penal Code 1860. Swati contended that she was not given a fair trial. It was contended by her that if Jeewan was convicted by the trial court for the offence mentioned under section 354A Pindia Penal Code 1860 for sexual harassment then why he couldn't be convicted for the offence of Rape under section 375 of Pindia Penal Code 1860. Aggrieved by the order of the Trial court, Swati filed an appeal in High Court of India but the Hon'ble High Court of Pindia dismissed the appeal, on the basis that her marriage existed at the time when Jeewan had forced sexual intercourse with her. Further Hon'ble High Court of Pindia stated that the laws of Union of Pindia did not recognize Marital Rape. Hence, Jeewan was acquitted from the charges of rape under section 375 of Pindia Penal Code 1860.
- Meanwhile, the petition of Swati in the High Court of Pindia was dismissed and the judgment of the trial court was "upheld by the order dated" 10th August, 2021. Aggrieved by the judgment of the High Court, Swati with the help of an NGO 'women rights' filed a writ petition before the Supreme Court of Union of Pindia, W.P. No. 1234 /2021 where the issues were raised before the court seeking justice for Swati and making marital rape an offence under the existing penal laws of Union of Pindia. In the Petition Swati also stated the social issue attached to such problems, as in the absence of any law the women in the country have become vulnerable at the hands of their husbands and hence the Supreme Court should give certain guidelines in the above matter in the absence of any existing laws and that the Supreme Court must direct the Union of Pindia to bring laws for the protection women in such cases. Swati further pleaded for justice in the absence of any existing laws through such extraordinary jurisdiction as the court deems fit.

Argue the case on behalf of Appellants and Respondent.

NOTE

1. All statutes & laws of the Union of Pindia are pari materia with the statutes & laws of Union of India. Moreover, the Union of Pindia commitment to the international covenants, treaties and customary laws are same as India.
2. The Proposition is neither intended to nor does it attempt to resemble any incident or any person, living or dead. Any such resemblance is purely coincidental. The Proposition is a fictitious factual account prepared for the purposes of the present Competition only and it does not attempt to influence or predict the outcome of any matter whatsoever.
3. On behalf of both the Petitioner and the Respondent, draft petitions and make oral arguments based on the above information.
4. Participants can make their own issues

For any clarity regarding moot problem, participants can email at mootcourt2022.tmv@gmail.com with subject line, "Regarding Clarification in mootproblem". No calls will be entertained in this matter.

Patrons

Dr. Deepak J. Tilak

(Hon'ble Chancellor, TMV)

Dr. Geetali Tilak

(Hon'ble Officiating Vice Chancellor, TMV)

Dean

Hon'ble Adv. Harshad V. Nimbalkar

Convener

Prof. (Dr.) Rohini Honap

(Principal and Head, Dept. of Law)

Faculty Co-ordinators

Asst. Prof. Ketki Dalvi

Asst. Prof. Ramneet Arora

