



NATIONAL MOOT COURT COMPETITION 9TH EDITION

21st, 22nd & 23rd Nov, 2024



Shri Vaishnav Vidyapeeth
Vishwavidyalaya, Indore

ABOUT THE SHRI VAISHNAV TRUST

1884 is the landmark year as the foundation stone was laid 140 years ago for Shri Vaishnav Group of Institutions by compassionate cloth merchants of Vaishnav cult of Indore, which was later rechristened as Shri Vaishnav Sahayak Kapada Market Committee in the year 1934. Shri Vaishnav Vidyapeeth Trust believes in taking the nation forward by improving the quality of life of its citizens by continuously working in the sphere of education, health and environment. It has been established to promote education and research in various disciplines through academic institutions for the benefits of all sections of the society, but not with the motive of profit. Shri Vaishnav Shekshanik Avam Parmarthik Nyas was established under the able guidance of Shri Vaishnav Sahayak Kapada Market Committee in the year 1981. Since then, Nyas has been working relentlessly for the upliftment of the society and country as a whole by providing better technical and professional education, health facilities, schools and other services. Shri Vaishnav Sahayak Kapada Market Committee is running the various Trusts, Colleges, Schools and Institutes of Professional Studies and Research and also rendering social service.



About Shri Vaishnav Vidyapeeth Vishwavidyalaya, Indore

Shri Vaishnav Vidyapeeth Vishwavidyalaya is a private university established under Madhya Pradesh Niji Vishwavidyalaya (Sthapana Avam Sanchalan) Adhinyam in 2015 at Indore MP(India). The University has been established with a vision to be leader in shaping better future for mankind through quality education, training and research. It pursues the mission to make a difference in sustaining the growth of global societies by developing socially responsible citizens. Value based education being at the helm, the University shall promote endurance, excellence, fairness, honesty and transparency as its core values. Some of the objectives of the University are as under: To provide teaching and training in higher education and make provision for research as well as advancement and dissemination of knowledge. To ensure world class quality in its offerings and create higher levels of intellectual abilities. To create centres of excellence for research and development for sharing knowledge and its applications



About Moot Court Competition-2024

A moot court competition simulates a court hearing (usually an appeal against a final decision), in which participants analyze a problem, research the relevant law, prepare written submissions, and present oral arguments. Moot problems are typically set in areas of law that are unsettled or that have been subject to recent developments. They usually involve two grounds of appeal, argued by each side. The procedure imitates what is followed in real courts: the judge enters, the mooters and the judge bow to each other, the clerk announces the matter, the mooters give their appearances and are then called on in turn to present their submissions, the judge asks questions to the mooters, the court adjourns, and the judge then returns to deliver a brief judgment and some feedback to the mooters. Mooting is not the same as public speaking or debating, although it shares some common elements with these activities. It is a specialized application of the art of persuasive advocacy. It has been part of the process of training lawyers for centuries and plays an important role in legal education. In this Moot Court Competition-2024, various teams of mooters will participate from undergraduate programs of Law and Forensic Science. Each team shall comprise of minimum of 2 & maximum of 3 students as mooters and researchers.



INVITATION

Respected Sir/Ma'am,

Greeting's from the Shri Vaishnav Vidyapeeth Vishwavidyalaya, Indore.

We are elated to inform you that we are organizing the Shri Vaishnav Vidyapeeth Vishwavidyalaya National Moot Court Competition, 2024 which will be held on 21st to 23rd November, 2024 at Shri Vaishnav Vidyapeeth Vishwavidyalaya, Indore (M.P).

We are glad to extend an invitation to your institute and request you to send a team of students to participate in the National Moot Court Competition scheduled on 21st to 23rd November, 2024. Your University/Institute/College's participation in the event will be highly appreciated.

The competition strives to give a platform to the budding lawyers of our Country to imbibe analytical skills in real time situations. Its aim is to engage with students and allow them to have the first-hand experience of the complexities of the law.

We positively look forward to your participation in the event.

For any other query:

Contact details of coordinators is present in the Brochure itself.



Patrons-in-Chief



Shri Purushottamdas Pasari
Chancellor
Shri Vaishnav Vidyapeeth Vishwavidyalaya, Indore



Dr. Upinder Dhar
Vice Chancellor
Shri Vaishnav Vidyapeeth Vishwavidyalaya, Indore

Convenors



Dr. Ashutosh Bairagi
Convenor, NMCC 2024
Coordinator, SVIL
Shri Vaishnav Vidyapeeth Vishwavidyalaya, Indore



Dr. Ashutosh Shukla
Convenor, NMCC 2024
Coordinator, SVIFS
Shri Vaishnav Vidyapeeth Vishwavidyalaya, Indore



RULE BOOK

I. INTRODUCTORY-

1. Short Title: These Rules shall be called the National Moot Court Competition- 9th Edition Rules, 2024.
2. Definitions: Unless otherwise stated following shall be construed here in under as:
 - a. Competition: The Competition refers to all the aspects of the "9th SVVV National Moot Court Competition, 2024"
 - b. Organising Committee: It shall mean the Moot Court Committee of the SVVV, Indore.
 - c. Participating Team: It means the team which has registered itself for the competition as per the rules of registration.
 - d. Participating Institution: It shall be presumed to be the parent institution of the participating team.
 - e. Court Master: The "Court Master" shall be an officer of the Court. The officer shall be entrusted with the duties of smooth functioning of the Court. Such an officer shall be the medium of communication between the Organising Committee and the Court during the competition.
 - f. Dispute Resolution Committee: The appellate committee in all cases shall be referred to as "Dispute Resolution Committee (DRC)". The decision of the DRC shall be final. No further appeal is allowed from any order of the DRC.
 - g. Memorial: It means the written arguments submitted by the team, on behalf of both parties, according to the Rules of the Competition by each team.
 - h. Oral Rounds: It refers to the competition rounds during which the teams orally submit their pleadings in front of the judges on behalf of one of the parties against another team representing the opposing party.
 - i. Memorial Evaluation Committee: The committee entrusted with the evaluation of memorials in the competition shall be referred to as the "Memorial Evaluation Committee". The committee shall submit the feedback-cum-score sheet to the Organising Committee after scrutinising the memorial of the teams.

II. GENERAL RULES -

1. Date: The Competition shall be organized on 21st, 22nd and 23rd Nov, 2024.
2. Dress Code: The participants shall adhere to following dress code when present in any court room during the Competition.
 - a. Ladies: White salwar and kurta or white shirt and black trousers along with black coat and black shoes.
 - b. Gentlemen: White shirt, black trousers and black tie along with black coat 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.

III. LANGUAGE-

Language: The language of the Competition shall be English.

IV. ELIGIBILITY AND TEAM COMPOSITION-

1. Eligibility: The Competition shall be open to students who are–
 - a. Pursuing an integrated 5 year Law in India or
 - b. Pursuing 3 year LL.B in India.
2. Team Composition: Each team shall consist of minimum of two members and maximum of three members.
3. In the event where a team consists of three members then–
Such team shall designate two of its members as speakers and one as researcher at the time of registration itself.

Any number of teams from the same institute can register.

V. REGISTRATION-

Date of Registration: All the participating institutions have to confirm their participation by filling the online registration form by clicking on the link given below:

https://docs.google.com/forms/d/e/1FAIpQLScpoiY5BnrO6gkwzBtbIM8dbnLoR6rID5IsQWm1dj9WzazNpQ/viewform?usp=pp_url

Early Bird - 10% discount to first 5 participating teams.

Note- Whether a team comes in the criteria of first 5 teams would be showcased in registration form itself.



VI. PAYMENT DETAILS-

Registration fees must be remitted online as per the details mentioned below.

Shri Vaishnav Vidyapeeth Vishwavidyalaya, Indore

Account No	50100282903557
Bank Name	HDFC Bank Ltd.
IFSC Code	HDFC0000281
Branch	Cloth Market, Indore (MP)
Registration Fee	4500/- Per Team

1. Allotment of Team Code: Every team which has successfully registered under the Rules shall be allotted a unique code after the closure of the Registration for the Competition. Once the unique code has been allotted, every team must use the team code for any communication with the Organizers during the course of the Competition.

2. Change in Team Composition: Any change in team composition must be intimated to the Organizers at the earliest. Any change must be accompanied with a registration form and an authority letter duly signed by the head of the institution. No change in team composition is allowed after registration by post.

VII. FORMAT OF THE COMPETITION-

1. Draw of Lots: The match up of teams will be determined on the basis of draw of lots.

2. Rounds: The Competition is divided into–

- A. Preliminary Rounds
- B. Quarter- Final Round
- C. Semi- Final Round
- D. Final Round
- E. Preliminary Rounds:

Each team shall represent only one side as decided during draw of lots.

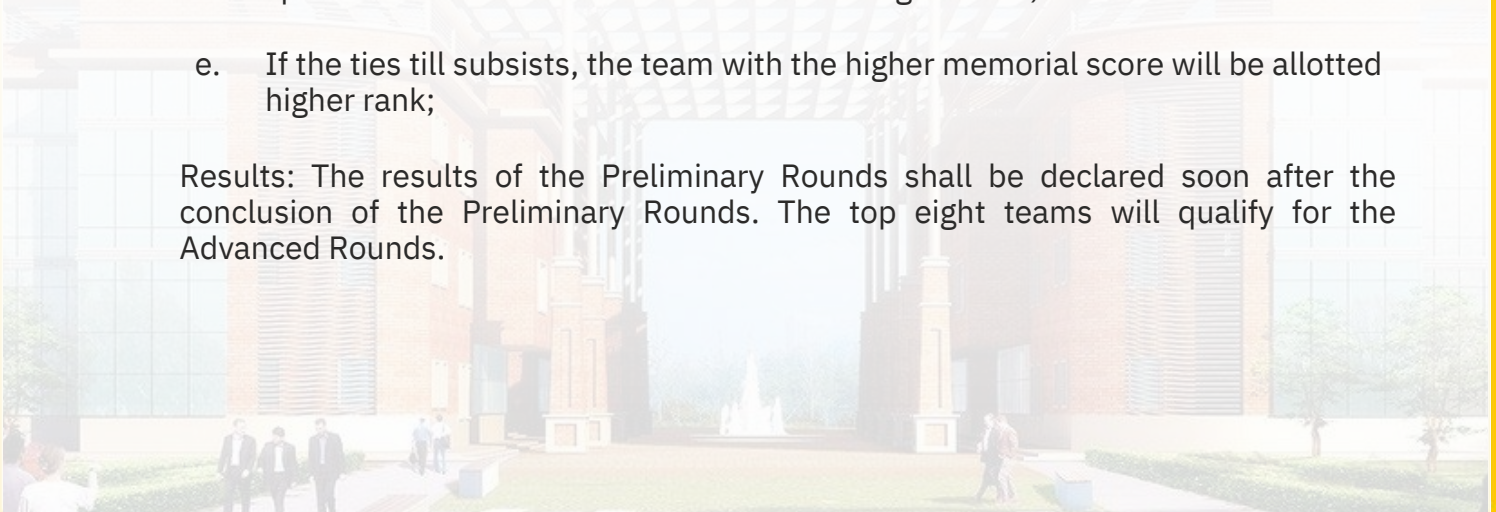
Scoring in the Preliminary Rounds: The aggregate score of a team shall be computed as the total of

- i. Score of Speaker 1
- ii. Score of Speaker 2
- iii. Score of the memorial.

Arrangement of Ranking: The teams in the Preliminary Rounds shall be ranked on the basis of below mentioned criteria–

- a. The teams shall be first differentiated on their win-loss record after the Preliminary Rounds Net-Court Room Margin;
- b. If there is a tie, the team with the higher aggregate score will be allotted the higher rank;
- c. If the tie subsists, the team with the higher speaker score will be allotted the higher rank;
- d. If the tie still subsists, the team with the highest individual speaker score out of speakers of tied teams will be allotted the higher rank;
- e. If the ties till subsists, the team with the higher memorial score will be allotted higher rank;

Results: The results of the Preliminary Rounds shall be declared soon after the conclusion of the Preliminary Rounds. The top eight teams will qualify for the Advanced Rounds.



B. Quarter-Finals:

- a. The top eight teams from the Preliminary Rounds will qualify for the quarter-finals.
- b. The side for the quarter-finals shall be decided by way of draw of lots.
- c. The quarter-finals shall be a knock-out round.
- d. The win-loss shall be decided on the basis of the aggregate speaker score.

No memorial score will be added in the Quarter-final. The win-loss shall be determined on the basis of score so computed. The team with higher aggregate score shall proceed to the Semi-final round.

C. Semi-Finals:

- a. Four teams from the Quarter-Final Round shall qualify for the Semi-Finals.
- b. The side of the team shall be decided by way of the draw of lots.
- c. The semi-final shall be a knock-out round.
- d. The win –loss shall be decided on the basis of the aggregate speaker score.

No memorial score will be added in the semi-final. The win-loss shall be determined on the basis of score computed. The team with higher aggregate score shall proceed to the final round.

D. Finals: In the final round, the win-loss shall be decided on the basis of the aggregate speaker score. No memorial score will be added in the finals. The win-loss shall be determined on the basis of scores computed. Deciding of Winner in Case of Tie in Advanced Rounds: In the event of tie in advanced rounds, then–

- a. The team with the highest individual speaker score out of speakers of tied teams will be allotted the higher rank;
- b. If the tie still subsists, the winner of the round shall be decided by adding the score of memorials to the aggregate speaker scores.

VIII. MEMORIALS-

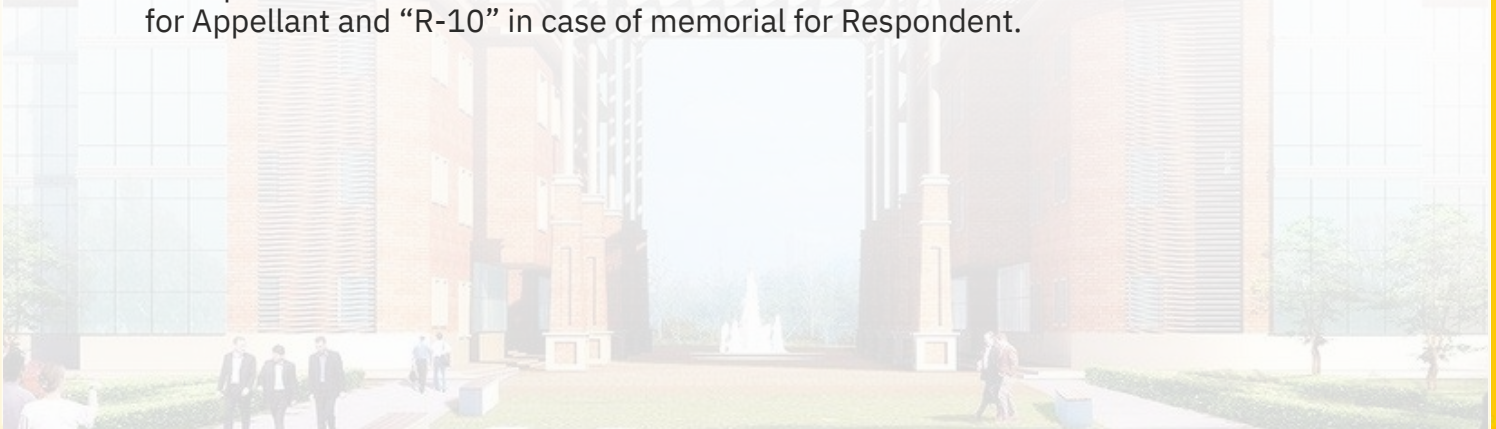
1. Strict Adherence to Rules Regarding Memorials: All requirements have to be strictly followed. Non-adherence to the same will attract penalty subject to the discretion of the organizers.

2. Memorials to be prepared from Both Sides: Each team must prepare memorials for both sides.

3. Submission of Soft Copy of Memorials:

- a. The soft copies of the memorial from each side should reach the Organizers on nmccsvsl@gmail.com in pdf format latest by 10th Nov, 2024 before 11.59P.M. Memorials shall be sent via mail in pdf formats only in the form of single file for each side of memorial and shall be named as TC (Team Code__) Prosecution or Defendant.
- b.

- c. 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.
4. Submission of Hard Copy of Memorials:
- a. Participants are required to submit three hard copies of the memorial from each side, i.e., six copies in total, upon arrival, and no printing support will be provided by the institute for those who fail to bring their memorials.
5. No Difference between Soft Copy and Hard Copy of Memorial: The hard copy of memorial must be exact replica of the soft copy submitted to the Organizers. Any difference in the same will result in disqualification from the Competition. 5. Penalty for Late Submission:
- a. A penalty of 2 marks per day per side shall be deducted in case of delay in submission of soft copy of memorial.
- b. A penalty of 2 marks per day per side shall be deducted in case of delay in submission of hard copy of memorial.
6. General Conditions for Memorials:
- a. 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.
- b. Appellant/Petitioner memorials are required to have a blue cover and Respondent/Accused memorials are required to have a red cover.
- c. A penalty of 1 mark per side shall be levied in case the team uses wrong cover page for each side of memorial.
7. Guidelines for Formatting:
- 1) Memorial Structure: The memorial must have following pages only:
- 1) Cover Page
 - 2) Table of Contents
 - 3) List of Abbreviations
 - 4) Index of Authorities
 - 5) Statement of Jurisdiction
 - 6) Synopsis of Facts
 - 7) Issues Raised
 - 8) Summary of Arguments
 - 9) Pleadings/Arguments Advanced
 - 10) Prayer
- 2) Team Code: The team code must be ascribed on the top right corner of the cover page. The code must be preceded by the side for which the memorial is prepared. The teams must use "A" for Appellant, P for "Petitioner" and R for "Respondent." For example: in case the Team Code is 10 the team must write "A-10" in case of memorial for Appellant and "R-10" in case of memorial for Respondent.



- 3) Font– Times New Roman Font Size–12 points Line Spacing–1.5 Line Spacing

a) Footnotes

Times New Roman Font Size–10 points Line Spacing– Single Spaced

- 4) Pagination: The pagination must be done at the bottom of the page.
 5) Margin: A margin of 1inch on all sides of the memorial should be left.
 6) Citation Format: The 20th Edition of Bluebook system of citation should be followed throughout the memorial.
 7) Page Limit: The memorial shall be of a maximum of 40 pages including the cover page and Pleadings/Arguments Advanced shall be of a maximum of 25 pages. No annexure, photographs, exhibits, etc. should be added to the memorial.

Penalty: A penalty of 1 mark per violation per side shall be levied in case of non-adherence with the aforementioned guidelines for formatting.

- 8) Marking Criteria for Memorials:

SR. NO.	MARKING CRITERIA	MARKS ALLOTTED
1.	Evidence of Original Thought	20
2.	Knowledge of Law and Facts	20
3.	Proper and Articulate Analysis	20
4.	Structure, Language and Grammar	15
5.	Extent and Use of Research	15
6.	Correct format and citation	10
	TOTAL MARKS	100

IX. ORAL ROUNDS-

- Timings for the Oral Pleadings:

1) For preliminary rounds:

1. Each team will get thirty (30) minutes to present their case including rebuttals and sur-rebuttals. The time includes the time taken in questioning by the judges.
2. The division of time is at the discretion of the team members, subject to a maximum of eighteen (18) minutes per speaker.

2) Quarter Finals and Semi-Finals

3. Each team will get forty (40) minutes to present their case including rebuttals and sur-rebuttals. The time includes questioning by the judges.
4. The division of time is at the discretion of the team members, subject to a maximum of twenty-five (25) minutes per speaker.

2) Final Rounds:

5. Each team will get fifty (50) minutes to present their case including rebuttals and sur-rebuttals. The time includes questioning by the judges.
6. The division of time is at the discretion of the team members, subject to a maximum of twenty-five (25) minutes per speaker.

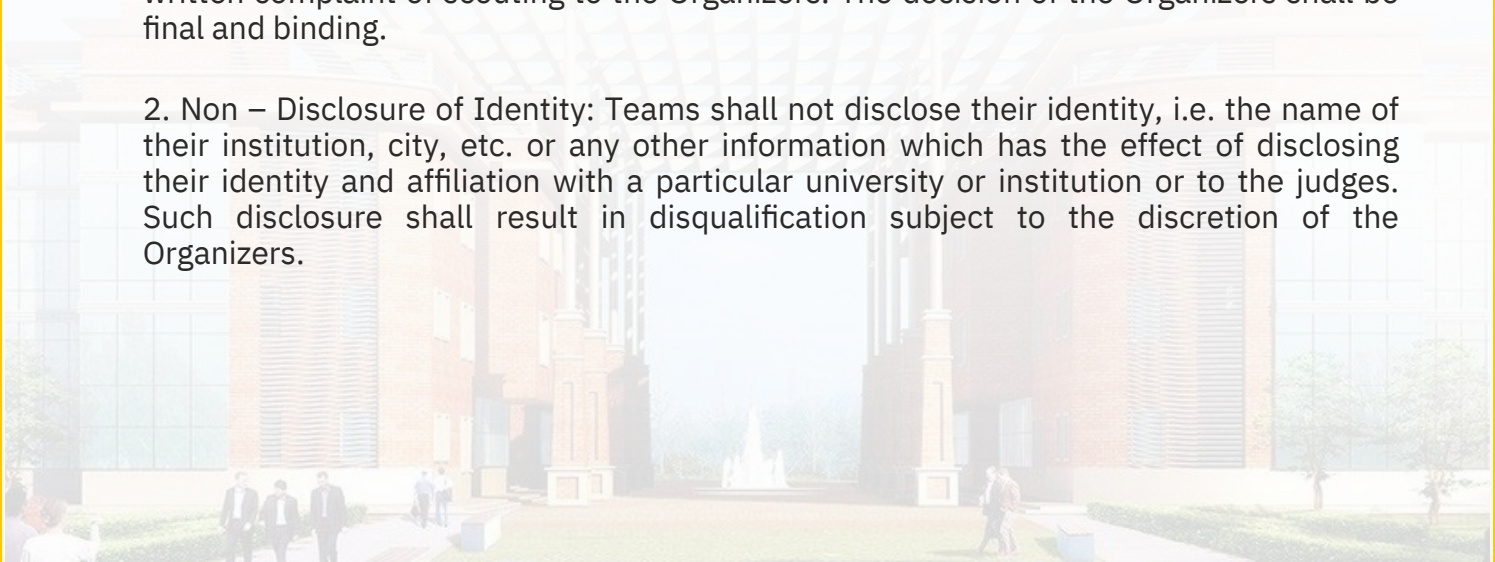
MARKETING CRITERIA FOR THE ORAL ROUNDS:

SR.NO	MARKING CRITERIA	MARKS ALLOTTED
1.	Knowledge and Application of Law and Facts	20
2.	Ingenuity and Ability to answer questions	20
3.	Style, Poise, Courtesy, Demeanour	20
4.	Organization and Flow of Arguments	20
5.	Reference to Memorials	20
	TOTAL MARKS	100

1. Levy of Maximum Penalties: Notwithstanding anything in the rules, a maximum of 20 marks shall be deducted as penalties for violations under the Rules.
2. Submission of Authorities: The teams shall only submit genuine authorities from Journals or other authentic sources, or their xerox. The teams may prepare and submit Compendium of authorities before the beginning of oral arguments to the panel of Judges, otherwise they can only submit authorities with the prior permission of the panel or if demanded by the Judges.

X. PENALTIES-

1. Scouting: No member of any participating team shall view any other oral rounds while the team is still in the competition. If such an incident comes to the notice of the organizers then the scouting team shall be subject to disqualification. Teams may file a written complaint of scouting to the Organizers. The decision of the Organizers shall be final and binding.
2. Non – Disclosure of Identity: Teams shall not disclose their identity, i.e. the name of their institution, city, etc. or any other information which has the effect of disclosing their identity and affiliation with a particular university or institution or to the judges. Such disclosure shall result in disqualification subject to the discretion of the Organizers.



3. Copyright: The copyright with regard to the memorials submitted for the participation in the Competition is assigned by participants and shall also vest completely and fully with the Organizers. The participants shall certify the originality of the memorials and the materials used and shall be responsible for any claim or dispute arising out of further use and exhibition of these materials.

The Organizers shall have the right to publicly display, distribute it electronically or otherwise and they shall not be responsible for any liability to any person for any loss caused by errors or omissions in this collection of information, or for accuracy, completeness or adequacy of the information contained in these materials.

XI. CLARIFICATIONS-

1. Participating teams may seek clarifications via mail on the Official Email with subject title as: National Moot Court Competition- 9th Edition, 2024 – Clarification.
2. The last date to seek clarifications to the Moot Proposition is 9 Nov, 2024.

XII. AWARDS AND PRIZES

a. Awards: The following awards shall be awarded in the Competition:

- a. Best Team: The Team winning the final round of the Competition shall be given a trophy and a cash prize of INR 21,000 (Indian Rupees Twenty Thousand Only).
- b. Runners Up: the runners up team in the final round of the Competition shall be given a trophy and a cash prize of INR 11,000 (Indian Rupees Eleven Thousand Only).
- c. Best Mooter: The Mooter having the highest score in the competition shall be given the cash prize of INR 3,000 (Indian Rupees Three Thousand Only).
- d. Best Memorial: The team having the highest average memorial score from both sides shall be given the cash prize of INR 3,000 (Indian Rupees Three Thousand Only).
- e. Best Researcher: There shall be researcher test and the best performer shall be given the cash prize of INR 3,000 (Indian Rupees Three Thousand Only).
- f. Certificates of merit shall be given to all the teams qualifying or quarterfinals and beyond.
- g. Certificate of participation shall be given to all the participating teams.
- h. Trophies shall also be given to the winners.
- i. Manupatra Academic Course - free of cost to Winning team and Runner-up team
- j. Free Certificate Course by CodeF to Winners and Runner-Up.

XIII. ACCOMMODATION AND FOOD-

Food shall be provided by the Organizers to the team members in the University. The organizers will suggest accommodation facilities but will not be responsible for any issues that may arise after the hotel booking.

XIV. MISCELLANEOUS –

a. Power to Amend or Alter Rules: The rules mentioned herein are not exhaustive. The Organizers reserve the right to alter, amend or add to the rules mentioned herein at any point of time. All decisions made by Organizers in case of any disputes, doubts or related issues shall be final and binding. Imposition of all penalties including disqualification rests solely with the organizers in case of failure to comply with the rules mentioned herein.

b. Disclaimer: The preposition is fictitious and any resemblance to any person, living or dead, or incident, past or present, is coincidental and not intended by the author of the problem.

KEY DATES

Sr. No.	EVENTS	DATE
1.	Commencement of registration	5th Oct, 2024
2.	Last Date of Registration	5th Nov, 2024
3.	Last Date for Seeking Clarifications if any	8th Nov, 2024
4.	Publication of Clarification	9th Nov, 2024
5.	Last Date for Submission of Soft Copy of the Memorial	10th Nov, 2024
6.	Last Date for Submission of Hard Copy of the Memorial	21st Nov, 2024
7.	Inaugural Ceremony & Orientation	21st Nov, 2024
8.	Draw of Lots and Researchers Test	21st Nov, 2024
9.	Preliminary Rounds	21st Nov, 2024
10.	Quarter Finals	22nd Nov, 2024
11.	Semi Final Rounds	22nd Nov, 2024
12.	Final Round	23rd Nov, 2024
13.	Valedictory Ceremony	23rd Nov, 2024
14.	Social Night	23rd Nov, 2024

TRAVEL AND ACCOMODATION FORM

NAME OF THE INSTITUTION: _____

PRIMARY CONTACT NO.: _____

E-MAIL ID: _____

DATE OF ARRIVAL: _____

TIME OF ARRIVAL: _____

MODE OF TRANSPORT: _____

DATE OF DEPARTURE: _____

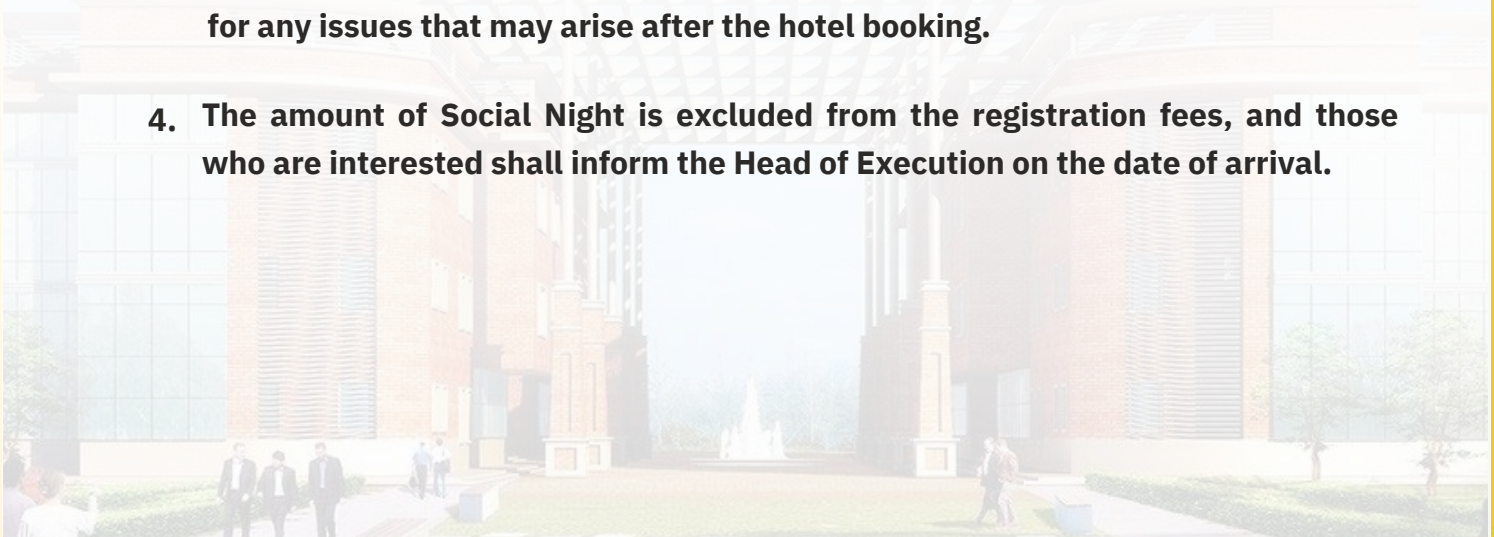
TIME OF DEPARTURE: _____

MODE OF TRANSPORT: _____

ACCOMMODATION (TICK AS APPLICABLE): NO YES

NOTE:

1. Travel form must be sent latest by 10th Nov, 2024.
2. Accommodation facility would be made available from 20th Nov, 2024 evening onwards till 23rd Nov, 2024 morning.
3. The organizers will suggest accommodation facilities but will not be responsible for any issues that may arise after the hotel booking.
4. The amount of Social Night is excluded from the registration fees, and those who are interested shall inform the Head of Execution on the date of arrival.



MOOT PROBLEM

The Republic of INDUS is a peaceful nation with laws and customs similar to India. The State of Mahikavati is a state in this country, and within it lies a city called Mumba. Ms. Rabia, a 16-year-old Muslim girl, is young, smart and beautiful. She is currently in the 11th standard from a medical background. As a studious student from a young age, she focuses solely on her studies and is not easily distracted by events. One day, the school where she was studying, organised a science seminar and invited various eminent speakers. Mr. Daniel, a Christian boy aged 28 years was also invited as a guest speaker because of his extraordinary achievements in the medical science field. Ms. Rabia also attended the seminar and was impressed by Mr. Daniel's enthralling speech, professional communication skills, and extensive knowledge of medical sciences, Ms. Rabia began to imagine him as her role model.

Additionally, drawn by his charm and personality, Ms. Rabia approached Mr. Daniel seeking guidance for her further studies. She managed to secure his contact number through the pamphlets distributed during the seminar. On the following day, she called him to seek guidance in the medical profession and praised him for his exceptionally appealing personality and communication skills. Impressed by her confidence at such a young age, Mr. Daniel thanked her for the compliment and provided effective guidance for her future endeavours in the medical field. Soon, Ms. Rabia frequently contacted Mr. Daniel for various reasons. Their relationship evolved from that of a guide and student to a friendship, marked by coffee dates, long drives, and sharing secrets over two months. Eventually, Ms. Rabia confessed her feelings to Mr. Daniel. Although Mr. Daniel was initially hesitant due to the age difference, he was charismatic by her beauty and happily accepted her proposal. Their friendship then developed into a romantic relationship. Once the relationship was no longer a secret, Ms. Rabia's parents began to object. With each passing day, Ms. Rabia became more determined to marry Mr. Daniel, who fully supported her decision. Despite several attempts by Ms. Rabia's parents to make her understand the adverse consequences of the relationship and warnings if she didn't heed them, their efforts were futile. Ms. Rabia's parents also threatened Mr. Daniel to stay away from their daughter, but their efforts were in vain. One day, Ms. Rabia voluntarily eloped with Mr. Daniel.

They went directly to a church and solemnized their marriage according to Christian Rituals. Fearing a threat to their lives from Ms. Rabia's family, the couple sought legal advice. Their counsel Mr. Bahl advised them to file a writ petition under Article 226 read with Article 21 of the Indus Constitution in the jurisdiction of the Hon'ble High Court of Mahikavati. The case was listed, and the matter was called up for hearing. Mr. Bahl, representing the petitioners, argued before the Hon'ble High Court and prayed for directions to the concerned Superintendent of Police. He also pleaded that without such relief, the couple might become victims of honour killing. In his petition, Mr. Bahl included photographs of their marriage ceremony at the church. He further asserted that Ms. Rabia, one of the petitioners, is a Muslim governed by Muslim Personal Law. According to this law, puberty and majority are considered the same, and it is presumed that a person governed by Muslim Law reaches majority at 14 years of age. Since Ms. Rabia has reached puberty, she is legally free to marry anyone of her choice, and her decision should not be interfered with. Hence, they are validly married to each other and are seeking protection. Further, the Court held that the danger to the life of the couple was real and being a constitutional Court addressed their apprehension and passed the order issuing directions to the Superintendent of Police for the protection of their fundamental right of their Life and Liberty under Article 21 of the Indus Constitution, while refraining from commenting on the validity of their marriage. The Court also observed that despite the couple marrying against their family members' wishes, they could not be deprived of the fundamental rights guaranteed by the Constitution, as it is the grundnorm. The Court granted the contentious relief without assessing the evidentiary value of the documents submitted. It also clarified that this Order should not be interpreted as preventing any legal action against the petitioners for violating other laws.



Additionally, the Hon'ble High Court granted custody of Ms Rabia to Mr. Daniel. Following this Order, the couple began living together. After six months, the couple started having persistent arguments over various issues. These ongoing conflicts and the strained relationship took a mentally drained Ms. Rabia. Feeling frustrated, she chose to return to her parents, who were always ready to welcome her back alone. Mr. Daniel made no efforts to reconcile, rendering the marriage effectively meaningless.

Following her parents' advice and realizing her mistake, Ms Rabia decided to end this marriage. She along with her parents approached the police to lodge an FIR against Mr. Daniel, as she now believed that Mr. Daniel took the benefit of her adolescence. An FIR was registered under Sec 363 and Sec 376 IPC, Sec 3 and Sec 4 of POCSO, and Sec 9 & Sec 10 of the Child Marriage Prohibition Act. Following this FIR, a medical examination of Ms Rabia was conducted at a Govt. Medical College and the doctor gave his expert opinion that the possibility of attempted sexual intercourse cannot be ruled out.

Mr Daniel came to know about all the proceedings that were being initiated against him through a common friend and approached Mr Bahl again for his legal advice to protect him against the penal consequences who in return, filed on his behalf an Anticipatory Bail Application which was denied by the District and Session Court. Thereafter, he moved to the Hon'ble High Court which allowed his Anticipatory Bail Application. Mr Bahl on behalf of Mr Daniel moved another Application under Sec 482 of Cr.P.C for quashing of FIR which was registered by the police on the instance of Ms Rabia against him, before the Hon'ble High Court of Mahikavati. The petitioner's counsel argued that the estranged couple was living together as husband and wife based on the Orders of this Hon'ble High Court, which had granted custody of Ms. Rabia to Mr. Daniel. In his final arguments, the petitioner's counsel, Mr. Bahl, contended that the FIR should be quashed in light of these Orders.

He also challenged the charges against his client, citing the same Orders. However, the Hon'ble High Court rejected the petition to quash the FIR, emphasizing that their previous Order, which protected the petitioner, did not shield them from any legal action for offences under other statutes. Disheartened and aggrieved by this decision, Mr. Daniel decided to challenge the Order of the Hon'ble High Court of Mahikavati before the Hon'ble Supreme Court of Indus. The Hon'ble Supreme Court of Indus after considering the gravity of the issue and the absence of any specific legislation, decided to frame guidelines for handling such cases. Consequently, it granted the petitioner. Notices were issued to the relevant parties.

The respective counsels are expected to submit their considerations on the following issues:

1. Whether the Special Leave to Petition under Article 136 of the Indus Constitution is maintainable before the Hon'ble Supreme Court of Indus or not?
2. Whether the order of the Hon'ble High Court of Mahikavati granting the custody of the prosecutrix to the accused & protecting the fundamental right of an estranged couple under Article 21 of the Indus Constitution justified or not?
3. Whether the FIR against Mr Daniel liable to be quashed or not?
4. Whether the Hon'ble High Court, under Article 21 of the Indus Constitution, indirectly promoted child marriage?
5. Whether in such cases personal law will prevail over special law?

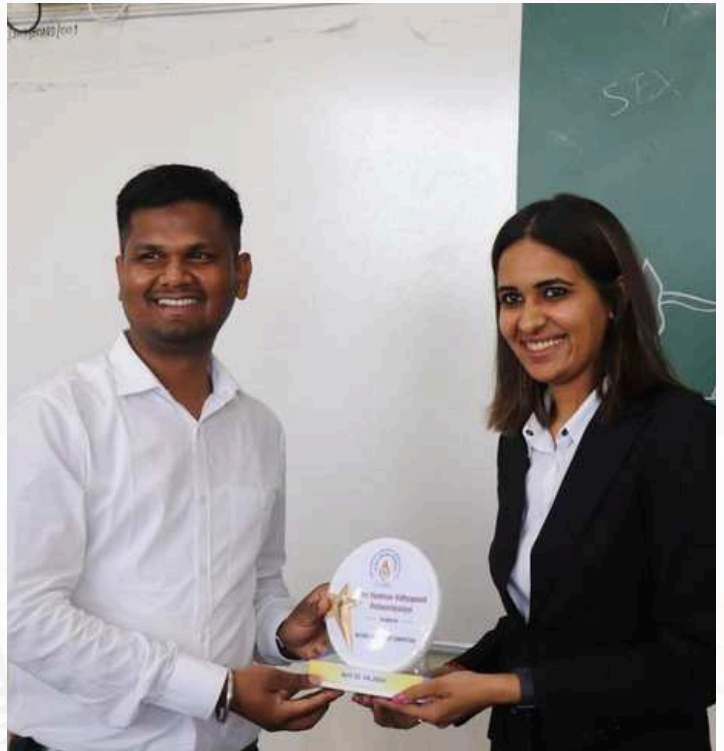
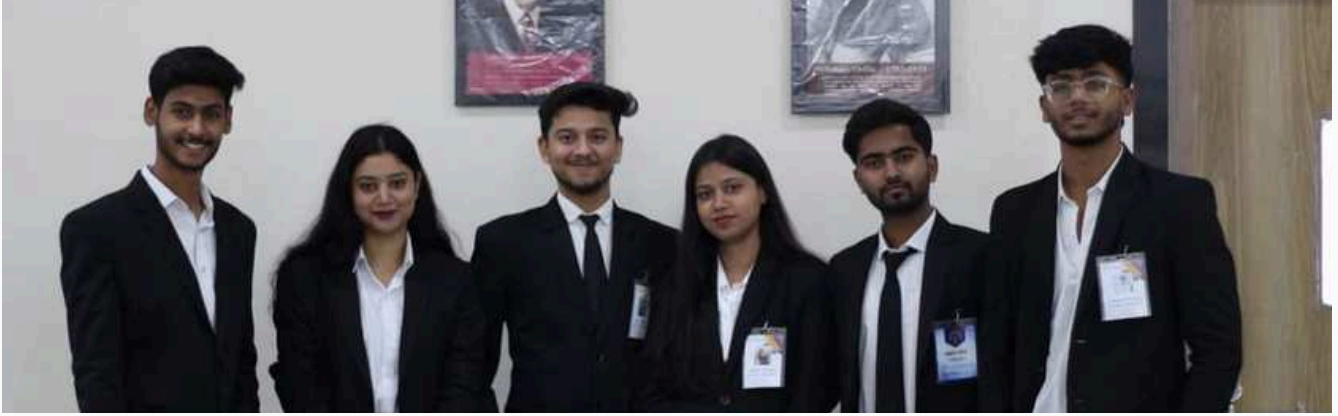
Note: All Laws of Republic of Indus are in Pari Materia as to the laws of India.

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You may in the alternative,
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or

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A hand holding a pair of scales of justice, symbolizing fairness and justice. The scales are silver and the hand is wearing a white glove. The background is a soft, out-of-focus light blue and white.

All the Best
to Prospective Participants
In Anticipation !!!