



**CHANDIGARH
GROUP OF COLLEGES**
Building Careers. Transforming Lives.
Jhanjeri, Mohali

**NAAC
GRADE A+**

**Moot Court Society
Chandigarh Law College**

is organising

1st NATIONAL MOOT COURT COMPETITION 2023

in collaboration with



Rotaract Club

**2nd - 3rd
NOVEMBER**

**CHANDIGARH
LAW COLLEGE
CGC-J**



Knowledge Partner



Media Partners



SCAN FOR BROCHURE



SCAN TO REGISTER



For Enquiry: mcs.clc@cgc.ac.in

ABOUT CGC

Chandigarh Group of Colleges (CGC) is a well-known educational institution located in Chandigarh, India. It offers a wide range of undergraduate and postgraduate programs in fields such as Law, engineering, management, computer applications, pharmacy, and more. CGC is affiliated with recognized universities and is known for its emphasis on academic excellence and practical learning. It has gained a reputation for producing skilled professionals in various disciplines.

ABOUT CLC

CGC Jhanjeri's Chandigarh Law College is a legal institution of par excellence tested by time. Since its inception, the department has been engaged in nurturing many legal luminaries, political leaders, leading advocates, policymakers, and trendsetters from different walks of life. With a multicultural environment, unparalleled expertise of faculty members, and its seat at the heart of Chandigarh, the capital of Punjab and Haryana, the department attracts brilliant students from across the country and overseas. We offer a three year LL.B course, five year B.A. LL.B. Courses, B.Com.LLB Courses and B.B.A.LL.B. Courses. The department has a well-stocked library and adequate resources to provide a premium learning experience to students. Continuous improvement is being made in all its facilities to provide the best infrastructure to students. We are thrilled to extend an invitation to you for an expert talk at our upcoming event. Your wealth of experience and expertise in the legal field make you an ideal speaker for this occasion.



President's Message



"CGC has indeed become a symbol of quality education dedicated to nurture the talent and aspirations of the vibrant youth of the country."

Chandigarh Group of Colleges has become a hub of research and development activities. We have a wide range of well-equipped workshops and laboratories that help students explore their field of study. Faculty members & students from our institute regularly participate in seminars and conferences all over the world to grasp the new techniques.

CGC is committed to upgrade and sustain the academic delivery systems and for that institute's infrastructure is in tune with future requirements. CGC has established itself as a premier institution with setting up of Bosch Certification Centre, Red Hat Academy, FOSS Centre etc. Besides this, Microsoft Campus Agreement and a tie-up with Oracle and Infosys are in place to give students real-time experience on live projects. CGC has signed MoU with many prestigious universities of Europe, USA, UK, Canada, Australia, etc. for students to seek internships, pursue higher studies and explore placement avenues abroad.

CGC campuses have developed a world-class infrastructure over the years. We have state-of-the-art libraries having more than 60,000 books and subscription to thousands of e-journals. We possess well-equipped labs, smart classrooms with audio-visual facilities, seminar rooms, conference halls and an ultra modern spacious auditorium.

Our campuses have indeed become a symbol of quality education dedicated to nurture the talent and aspirations of the vibrant youth of the country.

I heartily welcome you to the CGC family and wish you all a complete success.

S. Rashpal Singh Dhaliwal
President CGC

Managing Director's Message



Premier educational institute that not just provides quality education but gives you the right ambience, mentorship, placement opportunities and the facilities to achieve your dreams. CGC Jhanjeri is where the quality education begins.

Thank you for your faith in CGC-J, a college synonymous with agility, quality & innovation!

From our beginning on a small campus 11 years ago, to our current stature among the top colleges of the region, CGC-J has come a long way in its journey of delivering quality higher education at affordable fees. Though, through these years CGC Jhanjeri has set benchmarks in placements, pedagogy, research and infra-facilities, but I believe there is a lot more to achieve as we move the extra mile.

As a Managing Director, I am determined to further build even stronger on our existing legacy to make CGC-J a global example in academia and research. For that, we have envisioned deliberate strategies for the coming years that focus on uplifting the education standard of CGC-J in general and North region in particular.

Mr. Arsh Dhaliwal
Managing Director, CGC

Executive Director's Message



Since its inception, Chandigarh Group of Colleges (CGC), Jhanjeri intends to identify and nurture the potential of the youth by providing them with an ideal platform that channelizes their innate talents and creativeness and teaches expression of thoughts and views on various topics. We at CGC Jhanjeri believe that the purpose of education is not just to create professionals, but industry-ready professionals, who are responsible citizens and lifelong learners. We provide an opportunity for each student to explore his/her capabilities and interests through curricular and extra-curricular activities. Apart from delivering curricular and extra-curricular excellence, we develop hands-on skills through industrial visits, workshops, and laboratory practices. The college embraces international alliances, a research-intensive environment, distinguished faculty who are alumni of IITs and IIMs and an education model that blends theory and hands-on exposure effectively. Therefore, joining us will allow you to groom your personality, both professionally and personally.

Prof. (Dr.) Neeraj Sharma
Executive Director, CGC

Director's Message



The major objective for setting up this Law College is to provide top notch instructions to the students, enabling them to become successful lawyers, judges, and legal executives, who can work in a business and other settings. Keeping in view this as our guiding principle, we will take all possible measures to produce legal intellectuals who can meet the needs of law courts, legal firms, the judicial system, business associations and education sector. Since, there are many appealing avenues in the multifaceted field of legal practice and jobs, comprising of both government and Non-government spheres, the legal environment has undergone many drastical changes. I can remember that in the early decades, that is from 1950s to 1990s, a large number of students choose the subject of law without any consideration of future career prospects. But in current scenario, students are more concerned and knowledgeable about their career choices. In this revised scenario, we propose to instruct and train the law students, who come from all walks of life, having different cultural, social and educational background, at one common platform. With so many social issues prevailing around such as crime against humanity, particularly against women, corruption and cyber crime, raising excellent law graduates has become essential in these days. We plan to spread legal knowledge and equip young minds with the capacity to analyse and develop answers to modern problems. by setting up conferences, symposia, workshops, moot courts, and seminars.

Dr. (Prof.) Tufail AhmadKhan

Director, CLC

Dean's Message



As a law Dean my vision is to create an exceptional legal education environment that produces highly skilled and ethical legal professionals who are well – equipped to meet the challenges of the dynamic legal landscape. I envision a Law School that is known for its commitment to academic excellence, innovation, diversity and social justice

Dr.Namita Vyas Joshi

Dean, CLC

ABOUT ROTARACT CLUB

Rotaract focuses on the development of young adults as leaders in their communities and workplaces. Clubs around the world also take part in international service projects, in a global effort to bring peace and international understanding to the world. Most Rotaract activities take place at the club level. Rotaract clubs hold formal meetings in person or virtually, usually every two weeks, which feature speakers, special outings, social activities, discussions or visits to other clubs. Club members get together on designated days for service project work, social events, or professional/leadership development workshops.

ABOUT MEDIA PARTNERS



LiveLaw started its journey in 2013. In the last ten years LiveLaw has grown as India's No-1 Legal News Portal. We could reach this position owing to non-sensational, fact-based, independent legal journalism. Since we meet our operational expenses out of subscription and minimal advertisement income, we are able to maintain independence. The subscription rates of LiveLaw have been kept as minimum as possible for its affordability and wider reach. LiveLaw also runs a Hindi version and it is not under any subscription paywall. You are all aware that law as a subject touches all other disciplines, the basic legal awareness is essential to establish our rights and also perform duties in a meaningful way. Endeavour of LiveLaw is to bring in more transparency in legal reporting without lowering the supremacy of law.



Lawctopus provides information and resources to law students with valuable information, resources, and updates related to legal education, internships, job opportunities, and legal events. Legal Research and Publications: To encourage legal research and writing by publishing articles, research papers, and blog posts on legal topics. Events and Competitions: To promote awareness about legal events, moot court competitions, seminars, and workshops happening in India and abroad.



LawBhoomi is a portal that provides information on the latest internships, jobs, legal opportunities, law notes, career guidance, study materials, and books for various exams like the judiciary, CLAT PG, AIBE, CLAT UG, etc. Apart from all these, interviews and internship experiences help students explore more opportunities in law.



ORGANIZING COMMITTEE



Prof. (Dr.) Tufail Ahmad Khan
Director, CLC



Prof. (Dr.) Namita Vyas Joshi
Dean, CLC

Ms. Mandeep Kaur
Asst. Prof., Faculty Coordinator

Dr. Harpreet Kaur
Asst. Prof., Faculty Coordinator

Dr. Gurdeep Kaur
HoD, Asst. Prof., CLC Advisory

Dr. Jaskaran Singh
Dep. HoD, Asst. Prof., CLC Secretary



Mr. Surya Kumar
Convenor



Mr. Devanshu Saxena
Moot Executive

Moot Officers

Jiya Mittal
☎ +91 72065-73087

Versha
☎ +91 84276 62806

Ankita Mahar
☎ +91 78958 14952

Dixit Garg
☎ +91 8360690401

Student Desk

- Neeraj Sharma
- Sugandhni
- Nandini Chauhan
- Mehak Sheikh
- Jaspreet Kaur
- Anshul
- Divya Aggarwal
- Kanika Sharma
- Jahanvi Sharma
- Shivendra Pratap Singh
- Garima

MOOT SOCIETY INTRODUCTION

Mooting is one of the most essential skills for any law professional. Moot courts or mock trials are usually based on hypothetical cases, involving emerging or unsettled areas of law. Law students, who participate in these activities, are given opportunity to develop their research, legal writing and oral advocacy skills in a mock courtroom setting. Additionally, moot court presentation inculcates professional legal etiquettes in the students which equip them to adapt with courtroom practices.

A Moot Court Competition provides a platform to bring in different perspectives of the same case before the judges and audience. Moot Court Competition, therefore, is the process where a student can analyze a given problem with its proper legal background, make research about its historical supportive articulations and demonstrate the same before a panel of judges after proper arguments in ethical and professional manner. It brings the Law graduates close to real courtroom environment where they are called upon to solve the problems in a short span of time.

OBJECTIVES

- To provide a platform for law students across the country to sharpen their analytical and argumentative skills which focus on understanding, historical research, analytical ability, logical thinking, presentation and judgment
- To develop confidence in dealing effectively with the wide array of difficult situations faced during courtroom process.
-
- To enhance teamwork and leadership qualities among the law students.



AIM AND PURPOSE

A moot court society often has a number of goals and purposes that center on improving the members' legal expertise and knowledge. Moot Court Society shared goals and objectives are listed below:

- Foster a culture of legal learning and education among the group's members by giving them opportunity to participate in mock courtroom procedures .
- Enhancing Advocacy abilities: Members' advocacy abilities should be developed and improved, including legal writing, oral debate, and courtroom conduct.
- Create a platform for members to experience and comprehend courtroom proceedings through simulated trials, moot court competitions, and other legal simulations.Encourage participants to engage in in-depth legal study, case law analysis, and the application of legal ideas to actual situations.

DATE

The Competition shall be held on 2nd-3rd NOVEMBER 2023

COMPETITION FORMAT

The competition is structured as per the following format:

- Preliminary Round
- Quarter Final Round
- Semi Final Round
- Final Round

The Oral Rounds shall be conducted. The participants shall receive a link for their respective court rooms. However, the Convenor & Executive may at several instances join in any of the Court Rooms for inspection.

ELIGIBILITY

Students of 3 year or 5-year law degree courses from any BCI approved University/College/Institution/ Department are eligible to apply for registration of their team. However, two team shall be allowed to participate from one College/ Institution/ Department.

TEAM COMPOSITION

- Each team shall consist only of three members, comprising of two Mooters and one Researcher.
- Any alteration/change in the names of the team members shall be intimated in writing by the Dean / Director/ Head of the Department of the School/ Department /College of Law, of the team requesting such alteration/change positively to the Organizing Committee. However, any such alteration is permitted only once.
- Once the competition commences, the team composition cannot be altered under any circumstances. However alteration can be done on any Unavoidable Circumstance. Inability of any team member to participate shall lead to disqualification of the team from the competition and their registration fee will not be Refunded.

AWARD FOR WINNERS

Best Team Award

Merit certificate, Trophy & a cash prize
of

₹ 21000/-

Runners-Up Team Award

Merit certificate, Trophy & a cash prize
of

₹ 11000/-

The Best Mooter Award

Merit certificate, Trophy & a cash prize
of

₹ 5000/-

The Best Memorial Award

Merit certificate, Trophy & a cash prize
of

₹ 5000/-

The Best Researcher Award

Merit certificate, Trophy & a cash prize
of

₹ 5000/-

(On the basis of Researcher's Test Result)

Certificates will be provided to the team with the Second-Best Memorial (all the members), Second Best Mooter and Second-Best Researcher. In addition to the above, Certificate of Participation will be awarded to all the participants.

Note: The Best Mooter will be selected on the basis merits only.

IMPORTANT DATES

Date of Event

2nd-3rd November 2023

Registration Fee: Rs.2000

2000-Accommodation (If Availed)

Last Date of Registration:

25th October 2023

Last Date for Submission of
Memorials (Soft copy):

27th October 2023

Draw of Lots for Preliminary Round:

2nd November 2023

Researchers Test:

2nd November 2023

SCAN TO REGISTER:



SCAN TO PAY



Chandigarh Law College

HDFC Bank Account Number

50100500904350

IFSC Code : HDFC0003578

Note: Once Registration is done through Razorpay, no changes in names shall be allowed and the amount paid shall be non-refundable.

GUIDELINES FOR PARTICIPATION

- A team shall be comprised of 3 members (2 Mooters and 1 Researcher).
- Participating teams should register themselves by QR Code provided at the cover page.
- The Competition shall be held in English Language only.
- The Result announced by the judges shall be final and binding.
- The organizing committee shall have sole power to resolve any dispute, which may arise during the competition.

GUIDELINES FOR MEMORIALS

- Teams have to prepare memorials for both the sides.
- Each Team participating in the Competition must prepare one Memorial on behalf of Petitioner/Appellant and one on behalf of the Respondent. The teams must send the soft copy of their memorials from both the sides by 27th October, 2023 for evaluation at mcs.clc@cgic.ac.in
- Soft copy (either in MS Word & PDF) for both the sides must be emailed with the subject "Memorials for Team Code". The file names of the electronic copies of the Memorials must contain only the team code
- "Petitioner/Appellant" Memorial and "R" for "Respondent" Memorial.

Note: The mail must be sent according to the rules and regulations mentioned here.

- The memorials must be submitted in the following order:

- | | |
|----------------------------|-----------------------|
| •Cover Page | •Statement of Issues |
| •List of Abbreviations | •Summary of Arguments |
| •Table of Contents | •Arguments Advanced |
| •Index of Authorities | •Prayer |
| •Statement of Jurisdiction | |
| •Statement of Facts | |

- The memorials must be developed in Times New Roman 12 font size with 1.5 line spacing. The headings must be in 14 font size and the footnotes must be in Time New Roman 10 font size.
- Teams must not reveal the name of their Institution or name/s of the participant/s, anywhere in the memorials or in the course of oral arguments. Teams must also not make use or display in any manner whatsoever about their identity, if so, it would amount to instant disqualification.
- The memorial of any side (Respondent/Appellant) as a team should not exceed 30 pages including the cover page.
- The memorials should have a margin measuring one inch on all sides of each page.
- The page numbering should be on the bottom-center of each page.

MCS-J 2023 - RULES AND REGULATIONS

1. COVERPAGE: The Petitioner's memorial cover page shall be in white background with blue fonts in A4 size and the Respondent's memorial cover page shall be in white background with Red fonts in A4 size.

(a) The memorials Front Page should inscribe specifically A or R representing the Appellant or Respondent.

(b) The front cover of each memorial must have the following contents:

- The name of the court
- The name of the case
- The title of the memorial (i.e., "Memorial for Appellant" or "Memorial for Respondent").

2. FORMATTING AND CITATIONS: Footnotes shall contain only the citation. There shall be no speaking of footnotes in the memorial. All teams shall give footnotes by adhering to Indian Law Institute Citation Style.

3. PLAGIARISM: The MCS-J reserves the right to disqualify a team, at any stage of the competition, if the memorial or any other part thereof found to be plagiarized.

Note: Non-compliance with the rules will lead to disqualification of the team.

4. GENERAL RULES: Rules pertaining to online streaming of the competition:

1. Date: The Competition shall be organized on 2nd -3rd November, 2023.

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. Language- The language of the Competition shall be English.

Note: The participants should not use any offensive or derogatory language during the entire event. Failure to observe any of this rule shall lead to disqualification of the erring team.



5. ORAL ROUNDS:

(A) PRELIMINARY ROUND

- (a) Pairing of teams shall be done by draw of lots on 02/11/2023
- (b) There shall be exchange of memorials for all the rounds.
- (c) Each team shall argue for both sides in the preliminary rounds (Round 1 and Round 2), once for Appellant side and once for Respondent side.
- (d) Each team will get a total of 20 minutes in the Preliminary Round. This time will include rebuttal and sur rebuttal time. Extra time allocation will solely be at the discretion of the judges.
- (e) The total marks scored by a team in the preliminary round will be calculated as a total of the two rounds, i.e., marks scored as Appellant and marks scored as Respondent.
- (f) The oral arguments should be confined to the issues presented in the memorial.
- (g) The researcher shall be present with the mooters during the oral rounds.
- (h) The researcher will not be allowed to plead. (Except the discretion of the judges.)
- (i) Teams with the highest score in the preliminary round shall qualify for the Preliminary round which shall be decided on the basis of allocation of a total of 100 marks, which includes the marks of oral pleadings of both the rounds (Appellant and Respondent).

If there is a tie in preliminary round, the team with highest memorial marks shall qualify.

Note: If a Team scheduled to take part in a round does not appear within 10 minutes of the scheduled time, the other team shall be allowed to submit ex-parte, except in case of technical errors, on the discretion of the judges.

(B) SEMI FINAL ROUND

Teams with the highest score in the Preliminary round shall qualify to the semi-final round. The semifinal round is a knock-out round. The participants shall argue from only one side to be decided on the basis of Draw of Lots.

- (a) The semifinal round shall consist of 25 minutes per team.
- (b) The other rules shall remain the same as they are in the preliminary round.

(c) FINAL ROUND

- (a) The two winning teams from the semi-final round will advance to the final round. The participants shall argue from only one side to be decided on the basis of Draw of Lots.
- (b) The final round shall consist of 35 minutes per team.
- (c) The oral arguments as well as the marking criteria shall be the same as mentioned above in the preliminary round.

RESEARCHER'S TEST

- (a) There shall be a Researcher's Test for the researchers of all the teams. The participant, who is registered as a Researcher, shall only be allowed to participate in the Researcher's Test.
- (b) The test shall be conducted in MCQ mode, which shall be time-bound. The participants must ensure a good internet connection before beginning with the researcher's test.

- (c) The researcher's test will be conducted on 02/11/2023. The link will be shared with the participants.
- (d) The Test will have 20 multiple choice questions carrying 5 marks each with no negative marking and researcher should be present on the intimated time otherwise the team shall stand disqualified.

RESULTS

The results will be announced after each round through Notice Board. The results of the final round shall be announced at the prize distribution ceremony only.

(SCOUTING)

No member of any team will be permitted to hear the arguments in any courtroom in which that team is not one of the contesting teams whilst that team is still in the Competition. Scouting by any team in any manner shall result in instant disqualification.

MISCELLANEOUS

- (a) The mooter shall not state their names during the oral rounds and they must use the team Code. Team codes will be allotted after the registration is closed. All team members must refrain from disclosing the identity of their institution at any time and in any manner during the entire competition. Non-compliance with this Rule will result in immediate disqualification of the team. The decision of MCS-J in this regard shall be final and binding.
- (b) The decision of the judges with regard to the outcome of all the rounds shall be final and binding.
- (c) The clarifications, if any, regarding the Moot Problem may be sought through mail sent to clcmootcourtsociety



MOOT PROPOSITION

Ms. Jasmine aged 16 is a young and beautiful Muslim girl. She studies in 11th standard having medical background. Being a laborious child since childhood she only concentrates in her studies and she is not easily distracted by things happening around her. One fine day, the school she was studying in, organized a science seminar and various eminent speakers were invited. Mr. Rajiv, a Hindu boy aged 28 years was also invited as a guest speaker because of his extra ordinary achievements in the field of medical science. Ms. Jasmine, being one of the students attended the seminar. Awestruck by Mr. Rajiv's amazing discourse and professional communication skills and display of knowledge in the field of medical sciences. Ms. Jasmine started considering him as her role model. Also, captivated by his charm and personality, Ms. Jasmine in the wake of seeking guidance for further studies approaches Mr. Rajiv. She managed to secure his contact number through the pamphlets distributed during the seminar. The very next day she calls him for guidance in the medical profession and also complemented him for his extremely attractive personality and communication skills. Surprised by her confidence in such an age, Mr. Rajiv expressed his gratitude towards her compliment and guided her efficiently for future endeavours in the medical profession. Soon Ms. Jasmine started contacting Mr. Rajiv frequently for one or the other reasons. The relationship of guide and student soon turned into the relationship offriends followed by meeting for coffee dates, going on long drives and sharing their secrets with each other and this went on for two months.

Suddenly, one day Ms. Jasmine confessed her feelings to Mr. Rajiv. Mr. Rajiv who was also astonished by her beauty but was reluctant to take the first step due to the age difference accepted her proposal happily. The friendship soon turned into relationship. The fact of this relationship was no more a clandestine affair and Ms. Jasmine parents started objecting to this. Ms. Jasmine with each passing day was getting determined to marry Mr. Rajiv who was equally supporting her in her decision to marry him. There were several attempts by parents of Ms. Jasmine to make her understand about the adverse consequences of this relationship and also warned her if she did not listen to them. However, all they had to face was a debacle. Ms. Jasmine parents also threatened Mr. Rajiv to stay away from their daughter but all went in vain and one fine day Ms. Jasmine voluntarily eloped with Mr. Rajiv. Both of them directly went to the temple and solemnized their marriage according to Hindu ceremony. Sensing the threat to their life from Ms. Jasmine's family, the couple sought legal advice. Their counsel Mr. Bhalla advised them to file a writ petition under Article 226 read with Article 21 of the Indian Constitution in the judicature of Hon'ble High Court of Punjab & Haryana. The case was listed, and the matter was called up for hearing. Mr. Bhalla appearing for the petitioners argued before the Hon'ble High Court seeking directions from the Hon'ble High Court to concerned Superintendent of Police as he pleaded that if the relief is not granted the couple might become the victim of Honour Killing. In his petition, Mr. Bhalla attached the photographs of their marriage that were taken during their marriage ceremony in the temple.

He further contended that Ms. Jasmine who was one of the petitioners in the present case is a Muslim girl governed by Muslim Personal Law and in Muslim Law, Puberty and Majority are one and the same thing and it is a presumption that a person governed by Muslim Law attains majority at the age of 15 years since Ms. Jasmine has crossed the age of puberty, she is free to marry any person of her choice and there cannot be any sort of interference in her decision. Hence, they are validly married to each other and are seeking protection. At the outset, the Court following the precedent in the case of Yunus Khan v. State of Haryana opined the law is clear that the marriage of Muslim girl is governed by the Muslim Personal Law, the Court further held that the danger to the life of the couple in fact 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 Indian Constitution but without making any remarks regarding the validity of the marriage of the couple. The Court further observed that merely because the petitioners have got married against the wishes of their family members, they cannot possibly be deprived of fundamental

rights as enshrined in the Constitution, it being the grundnorm. The Court did grant the asked relief without entering upon an exercise to evaluate the evidentiary value of the documents placed on record. The Court also observed that this Order shall not be construed in the sense to not initiate any action against petitioners, for violation of other laws, by them, if any. Alongside, the Hon'ble High Court also granted the custody of Ms. Jasmine to Mr. Rajiv.

In pursuant to this Order, the couple started living together. After six months, the couple started having persistent arguments on one or the other things. These continuous arguments and this sore relationship mentally drained Ms. Jasmine. Being frustrated with all this, Ms. Jasmine decided to return to her parents who were any day happy to welcome her back alone. Mr. Rajiv made no attempts to bring Ms. Jasmine back which turned this marriage into a bogus relationship. Convinced by her parents' advice and realising her mistake, Ms. Jasmine decided to end this marriage and thereby she along with her parents approached the police to register an FIR against Mr. Rajiv as she has now believed that Mr. Rajiv took the benefit of her adolescence. An FIR was registered under Sec 361 and Sec 503 IPC, Sec 3 and Sec 4 of POCSO and Sec 9 & Sec 10 of Child Marriage Prohibition Act. Following this FIR, medical examination of Ms. Jasmine 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. Rajiv came to know about all the proceedings that were being initiated against him through a common friend and approached Mr. Bhalla 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. friends followed by meeting for coffee dates, going on long drives and sharing their secrets with each other and this went on for two months.

Suddenly, one day Ms. Jasmine confessed her feelings to Mr. Rajiv. Mr. Rajiv who was also astonished by her beauty but was reluctant to take the first step due to the age difference accepted her proposal happily. The friendship soon turned into relationship. The fact of this relationship was no more a clandestine affair and Ms. Jasmine parents started objecting to this. Ms. Jasmine with each passing day was getting determined to marry Mr. Rajiv who was equally supporting her in her decision to marry him. There were several attempts by parents of Ms. Jasmine to make her understand about the adverse consequences of this relationship and also warned her if she did not listen to them. However, all they had to face was a debacle. Ms. Jasmine parents also threatened Mr. Rajiv to stay away from their daughter but all went in vain and one fine day Ms. Jasmine voluntarily eloped with Mr. Rajiv. Both of them directly went to the temple and solemnized their marriage according to Hindu ceremony. Sensing the threat to their life from Ms. Jasmine's family, the couple sought legal advice. Their counsel Mr. Bhalla advised them to file a writ petition under Article 226 read with Article 21 of the Indian Constitution in the judicature of Hon'ble High Court of Punjab & Haryana. The case was listed, and the matter was called up for hearing. Mr. Bhalla appearing for the petitioners argued before the Hon'ble High Court seeking directions from the Hon'ble High Court to concerned Superintendent of Police as he pleaded that if the relief is not granted the couple might become the victim of Honour Killing. In his petition, Mr. Bhalla attached the photographs of their marriage that were taken during their marriage ceremony in the temple.

He further contended that Ms. Jasmine who was one of the petitioners in the present case is a Muslim girl governed by Muslim Personal Law and in Muslim Law, Puberty and Majority are one and the same thing and it is a presumption that a person governed by Muslim Law attains majority at the age of 15 years since Ms. Jasmine has crossed the age of puberty, she is free to marry any person of her choice and there cannot be any sort of interference in her decision. Hence, they are validly married to each other and are seeking protection. At the outset, the Court following the precedent in the case of Yunus Khan v. State of Haryana opined the law is clear that the marriage of Muslim girl is governed by the Muslim Personal Law, the Court further held that the danger to the life of the couple in fact 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 Indian Constitution but without making any remarks regarding the validity of the marriage of the couple. The Court further observed that merely because the petitioners have got married against the wishes of their family members, they cannot possibly be deprived of fundamental rights as enshrined in the Constitution, it being the grundnorm. The Court did grant the asked relief

without entering upon an exercise to evaluate the evidentiary value of the documents placed on record. The Court also observed that this Order shall not be construed in the sense to not initiate any action against petitioners, for violation of other laws, by them, if any. Alongside, the Hon'ble High Court also granted the custody of Ms. Jasmine to Mr. Rajiv.

In pursuant to this Order, the couple started living together. After six months, the couple started having persistent arguments on one or the other things. These continuous arguments and this sore relationship mentally drained Ms. Jasmine. Being frustrated with all this, Ms. Jasmine decided to return to her parents who were any day happy to welcome her back alone. Mr. Rajiv made no attempts to bring Ms. Jasmine back which turned this marriage into a bogus relationship. Convinced by her parents' advice and realising her mistake, Ms. Jasmine decided to end this marriage and thereby she along with her parents approached the police to register an FIR against Mr. Rajiv as she has now believed that Mr. Rajiv took the benefit of her adolescence. An FIR was registered under Sec 361 and Sec 503 IPC, Sec 3 and Sec 4 of POCSO and Sec 9 & Sec 10 of Child Marriage Prohibition Act. Following this FIR, medical examination of Ms. Jasmine 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. Rajiv came to know about all the proceedings that were being initiated against him through a common friend and approached Mr. Bhalla 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. Bhalla on behalf of Mr. Rajiv moved another Application under Sec 482 of CRPC for quashing of FIR which was registered by the police on the instance of Ms. Jasmine against him, before the Hon'ble High Court of Punjab & Haryana. The Counsel for the petitioner pleaded that it was in pursuance of the Orders of this very Hon'ble High Court, that the estranged couple were living together as husband and wife and he drew the attention of the Hon'ble High Court to the fact that it was this Hon'ble High Court which granted the custody of the informant (Ms. Jasmine) to Mr. Rajiv. Submitting his final arguments, the Counsel of petitioner, Mr. Bhalla pleaded that the FIR is liable to be quashed in the light of above Orders by this very Hon'ble Court. He also questioned the charges that were levied against his client in the light of above Orders. The Hon'ble High Court rejected the petition for quashing of FIR as it relied on the fact that they had already in the above-mentioned Order made clear that the Order granting the protection to petitioner was not meant to immune the petitioners from any legal action that could be initiated against them for committing any offence under other statutes, if any. Crestfallen and aggrieved by the decision, Mr. Rajiv decided to challenge the Order of Hon'ble High Court of Punjab & Haryana before the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India sensing the gravity of the present issue, in absence of any particular legislation and also for framing the guidelines regarding the disposal of such cases granted the petitioner a Special Leave to Petition under Article 136 of the Indian Constitution. Notices were issued to the concerned parties i.e., State of Punjab and also the Union of India. Argue from both sides.



Issues raised:

- Whether the Hon'ble High Court of Punjab & Haryana was justified in granting protection to the estranged couple under Article 21 of the Indian Constitution or not?
- Whether the Order granting the custody of the estranged wife to the petitioner immune him from the subsequent offences, if any or not?
- Whether the FIR against Mr. Rajiv is liable to be quashed or not?
- Whether the Hon'ble High Court under the shield of Article 21 of the Indian Constitution indirectly promoted Child Marriage and by passed any other special statutes?
- Whether in such cases the personal laws take over or it is the special statutes that takes the lead

Disclaimer:

This is a work of fiction. Names, characters, places and incidents either are products of the authors imagination or are used fictitiously. Any resemblance to actual events or locales or persons, living or dead, is entirely coincidental. Any resemblance to actual firms, institutions,

organizations or any other entities is entirely coincidental and in exercise of the authors' attempt to further academic research. Nothing in the proposition is intended to defame any living or dead person.



HONOR OF THANKS



ADV. PRADEEP KUMAR BHATNOTRA
Punjab & Haryana High Court



ADV. CHETAN RAI THAMAN
Punjab & Haryana High Court



**Saluting the Trailblazers Who Brought the First Moot Court
to Life at CGC Jhanjeri**

FORMAT OF APPROVAL LETTER

We hereby state that our participation is in compliance with the prescribed rules and regulations of the competition.

Details of the Institute:

Name & Address of the participating Institution:

Registered Email:

Contact Number:

Details of the Team Members

Title	Name of Participants	Gender (M/F)	Course & Year	Contact No.	Email
Speaker 1					
Speaker 2					
Researcher					

Seal & Signature of the Head of the Institution

Knowledge Partner



Media Partners

