



Date: 20th August, 2022

NOTICE

III LL.B (SEM V) (2022-2023)

APPLIED COMPONENT GROUP

As per the University of Mumbai Manual dated 20th May, 2019 bearing no. UG/19 of 2019-20 students of III LL.B (Sem.-V) as part of their curriculum are required to successfully complete and pass in Practical Oriented Applied Component Course (Practical Training – III).

Practical Training - III consists of the following four mandatory components:

| Sr. No. | COMPONENT | MAXIMUM MARKS |
|----------------|---|----------------------|
| I | Moot Court | 30 Marks |
| II | Observance of Proceedings in 2 Cases | 30 Marks |
| III | Interviewing Techniques and Pre-Trial Preparation | 30 Marks |
| IV | Viva-Voce | 10 Marks |
| TOTAL | | 100 Marks |

Component – I

Moot Court

All students are requested to submit 3 Moot Court Memorials as part of the Practical Training Component. The memorials should be drafted on any 3 problems out of the 5 problems attached as annexure to this notice. The memorials have to be submitted from both the sides. All students are required to prepare themselves for Oral Presentations on the problems chosen at the time of the Viva. The Schedule for the Viva shall be informed later.

Guidelines for Submitting Moot Court Memorial.

1. The memorials have to be submitted on typed A 4 size paper printed on one side and must contain:
 - i. Cover Page
 - ii. Table of Contents
 - iii. Index of Authorities
 - iv. Statement of Jurisdiction
 - v. Statement of Facts
 - vi. Statement of Issues
 - vii. Summary of Arguments
 - viii. Arguments Advanced
 - ix. Conclusion and Prayer
2. (1.5 line space) and for footnotes it should be Times New Roman size 10 (single space)
3. 20th Edition of the Blue Book citation needs to be followed.
4. The memorial must have a margin measuring one inch on all sides of each page.
5. The page numbering should be on the top right side of each page.
6. The Arguments should not exceed 20 pages.
7. The memorial as a whole should not exceed 35 pages including the cover page.
8. For every moot problem, a minimum of 10 cases should be referred in total.
9. The font should be in Times New Roman and the font size should be 12

Component - II

Attending Court Proceedings

The Students will have to compulsorily attend at least two proceedings, one Criminal Trial and one Civil Proceedings and should enter the various steps observed during their attendance on different days. The students are required to write the details of the court, parties, lawyer and date with the gist about the case and your observations in the journal.

Component- III

Interviewing Techniques and Pre Trial Preparation

All students will have to compulsorily attend the Lawyers Office and have to observe interviewing sessions of clients at the Lawyers office and enter the Proceedings in the journal. Each student will further have to observe and record in the journal, the preparation of documents and court papers by the advocate and procedure for the filing of the suit/petition.

Guidelines for Submitting Component –II and Component- III

1. Any A/4 size (8.3 x 11.7 inches) or Legal size (8.5 x 14.0 inches) papers must be used for the purpose of entering the Component –II and Component III of Practical Training -III.
2. The written submission must be hand written and should compulsorily contain the following particulars:
 - i. Cover Page
 - ii. Acknowledgment
 - iii. Table of Contents
 - iv. Numbering of Pages
 - v. Roll no. of student must be mentioned on the top right-hand side of each page with pen.

The Cover Page of the Journal must contain the following details:

- i. Subject: Practical Training -III
- ii. Name of Student
- iii. Roll number & Division
- iv. College Name
- v. Faculty In-charge

Note: The typed memorials of Component I and written submissions of Component II and Component III are to be spiral bound together and have to be submitted on the date of Viva i.e. **1st October 2022**. The schedule for the Viva shall be informed in due course.

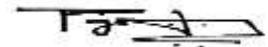
Component –IV

Viva-Voce

1. The viva shall be held on **1st October 2022**.
2. The Viva-Voce shall be based on all the above three components.

Date of Viva and Written Submissions: 1st October, 2022

In case of any difficulty, students may approach Prof. Dr. Chhaya Shah & Prof. Navanitha Warriar



**Dr. Priya J. Shah
(I/c Principal)**

ANNEXURE

MOOT PROBLEM I

Anita and Ramesh got married on 25/03/2015 in the city of Patna according to Hindu rites and rituals and on the same day their marriage was registered under the Hindu Marriage Act 1955.

Anita works in Dutch Bank as a Manager and the Ramesh works as Configuration Manager in SICO Company in the city of Mumbai. Anita and Ramesh have heavy workload and were required to travel frequently in connection with their work.

So, the couple mutually agreed not to have a child for at least three of marriage as they found their work schedule not permitting them.

For the reason, the wife used a contraception called Copper T (IUD) as suggested by a medical practitioner for avoiding the pregnancy. On April 10, 2016 she had gone through the procedure of inserting the Copper T by the Doctor.

The wife missed her periods and on September 15, 2016 when the pregnancy test was done, it was confirmed that she is 6 weeks pregnant. On the same, the couple was not prepared but the husband after seeing the sonogram of the fetus, felt a different kind of affection towards the unborn baby and was a favor of having the child.

But on the contrary, the wife was firm about her decision of not having the child right now. At the same time, the families of the couple were also wanted her to continue with her pregnancy.

But, the wife as she was not mentally prepared for the child, she decided to go for abortion.

On which the husband was not in favor, which led to the dispute between the couple. The husband filed a petition in the Supreme Court of India against his wife's decision of abortion

MOOT PROBLEM – II

1. Aryaland is a developing country which is seen as the future of the 21st century world order. Despite low income levels and many economic challenges, the landscape of the country is rapidly improving. Aryaland recognizes the contribution of the economically and industrially developed state of the “Mahapradesh” to its growing prosperity. Mahapradesh Metro Corporation Limited (“MMCL”) is a joint venture between the Government of Aryaland and the Government of Mahapradesh. MMCL is in the midst of constructing a metro rail project widely acclaimed as the Mahapradesh Metro.
2. The proposed metro project intends to link various industrial towns and cities of the rich state of Mahapradesh and provide a big boost to Aryaland’s economy. A part of the Mahapradesh Metro plan is intended to run through the sacred forest land called Vanaspati and more so, next to the sacred tree temple of Vanphool which is one of the most revered sites for the small Vanshaj Community of Aryaland. While the project would not pass through the central ‘sanctum sanctorum’ of the Vanphool, it would certainly encroach on some exterior periphery of the Vanphool as well as large parts of the Vanaspati forest. It is feared that the project would also cause large scale pollution and damage to Vanaspati.
3. On coming to know of the project, some Vanshaj Community members got together and filed a Writ Petition before the Mahapradesh High Court in connection with the proposed construction. It was submitted that the Vanphool was a 200 year old heritage temple with special religious and spiritual significance for Vanshaj Community across Aryaland and that the proposed construction through Vanaspati would violate the fundamental rights of the Petitioners under Article 25 and Article 29 of the Constitution of Aryaland (“Constitution”). It was submitted that the Petitioners had made various representations before the Government which did not bear any result, as a result of which the Petitioners were constrained to move the Hon'ble Mahapradesh High Court to protect their fundamental rights.
4. By the time the Petition was filed, the proposed construction was progressing and was about to enter the Vanaspati land. When the Petitioners moved the Hon'ble Mahapradesh High Court, the Hon'ble High Court realizing the serious challenge raised by the Petitioners and considering that the issue involved serious aspects of Constitutional law, granted an ad-interim stay on the proposed construction, pending the hearing and final disposal of the Petition.

5. Thereafter, during the course of the hearing, the Petitioners argued that:
 - a) The Vanphool tree temple is the central focus of the Vanshaj religion.
 - b) No Vanshaj rituals can be complete without the presence of some relic/ dried leaves/ wood piece or even soil from the Vanphool tree temple.
 - c) Vanphool temple in particular and Vanaspati forest in general represent the divinity to the Vanshaj community.
 - d) The Petitioners stated that Mahapradesh Metro would cause widespread damage to Vanaspati and would encroach upon Vanphool, which is central to Vanshaj religious belief. Therefore, its rarity has to be preserved.
6. According to Petitioners the fundamentals to Vanshajism are:
 - a) Visiting the Vanphool temple and praying at it at least once in a lifetime and walking from the edge of the Vanaspati forest to Vanphool for the same;
 - b) Belief that the periphery of the Vanphool and the surrounding Vanaspati forest gives nourishment to the Vanphool tree temple;
 - c) The belief that the Vanaspati should remain unpolluted and clean so as to ensure pure offerings to the Vanphool tree and temple. Thus, if the Metro Project is allowed to continue it would result in the complete desecration of the Vanphool and Vanaspati and turn it into a spiritual disaster for the entire Vanshaj community.
 - d) It was argued that the above spiritual aspects and beliefs form an essential and integral part of the Vanshaj religion. The same form an inextricable part of the belief system of the religion. Further, the Petitioners also argued that the trees were living creatures which had their own set of rights which were ought to be protected for the benefit of the trees as well as the whole of humanity.
7. The Petitioners were supported by all the high priests of the Vanshaj community who filed affidavits in support of the Petition. With this the Petitioners requested that the Mahapradesh Metro should be directed to shift outside the forest 2 kilometers away and pass through a barren land without affecting any trees. Thus the rights of the Petitioners as well as the trees would remain secure.
8. MMCL, on the other hand, argued that the Petitioners had failed to establish any right under Article 25 of the Constitution and that there was no scriptural material produced which would show that passing the Metro Project next to the Vanphool without directly cutting down/ damaging the Vanphool would violate the spiritual sanctity of the Vanphool. No scriptures were presented to substantiate the beliefs relating to the Vanphool or the Vanaspati, in the Petition. MMRCL argued that not all religious rights can claim constitutional protection, which protection is extended only to essential religious practices. In the present case, the

Petitioners had failed to establish that the issues raised in the Petition are essential or integral to the Vanshaj religion. They contended that merely filing affidavits of high priests would not show that there was any right under Article 25 of the Constitution which was being violated

9. MMCL also submitted that rights under Article 25 of the Constitution are subject to other fundamental rights under Chapter III of the Constitution and that the citizens of Aryaland have a right under Article 21 of the Constitution to use a metro line and have access to the benefits and convenience associated with it. It was submitted that the rights under Article 25 of the Constitution are subservient to the rights under Article 21 of the Constitution.
10. MMCL argued that shifting the tunnel from its present alignment would entail further cost and burden the state exchequer and would hamper the future of Aryaland as a future economic power. Hence it was submitted that the reliefs prayed for ought not to be granted.
11. After a detailed hearing, the Hon'ble High Court disposed off the Writ Petition and permitted MMCL to continue with the construction of the tunnel under the present alignment without any change. The Hon'ble High Court upheld the contentions of MMCL and rejected the contentions of the Petitioners.
12. The Petitioners have now approached the Hon'ble Supreme Court of Aryaland by way of a Special Leave Petition. The Supreme Court has granted an injunction on the proposed construction pending the hearing and final disposal of the case. The matter is coming up for final hearing on (To be inserted). Meanwhile, parties are requested to file their written submissions

MOOT PROBLEM – III

Magicland is a Sovereign, Secular, Democratic Republic, having its own written Constitution, which guaranteed some Fundamental Rights to all its citizens. Right to equality before the law and protection against discrimination on the grounds of religion or sex, among others, are part of the Rights to equality guaranteed by the Constitution. However, the personal laws applicable to the citizens varied depending upon the religion to which one belongs. As far as Muslims are concerned, they are governed by The Muslim Personal Law (Shariat) Application Act 1937. This law deals with marriage, succession, inheritance and charities among Muslims.

1. Ms. Sadia and Mr. Sulthan, both Muslims and citizens of Magicland got married in 2003 as per the customs of the Muslim personal law. Although they are leading a happy married life, they could not procreate children, despite appropriate medical treatment. Except for this fact, Mr. Sulthan and his parents looked after Ms. Sadia very well. However, on the advice of parents, Mr. Sulthan married another lady by name Ms. Sufia in 2010, with the consent of Ms. Sadia. Ms. Sufia was informed in advance that she would be Mr. Sulthan's second wife. Ms. Sufia accepted Mr. Sulthan as her husband and their marriage was performed as per the customs of Muslim personal law.
2. In 2011, Ms. Sadia conceived, and her pregnancy was confirmed by doctors. Later, Ms. Sadia gave birth to a baby boy. Mr. Sulthan was happy with the child and he decided not to have any more children from both the wives. Ms. Sufia was not happy with his decision and she insisted on having her own baby. But for this fact, Mr. Sulthan was looking after both wives with same affection. However, Ms. Sufia was not happy, and she filed a petition in the Family Court in 2015 seeking divorce from Mr. Sulthan, under section 2(vii) (f) of the Dissolution of the Muslim Marriage Act 1939. Her contention was that by refusing to have children through her, her husband failed to treat her "equitably in accordance with the instructions of Quran."
3. The Family Court refused to grant divorce and observed that refusing to beget children through her by her husband did not amount to failing to treat her equitably. Ms. Sufia filed an appeal in the High Court and challenged the decision of the Family Court on the ground that refusal by her husband to beget children through her should be considered as valid ground for divorce, because it also amounted to mental cruelty. Ms. Sufia has alternatively pleaded that her second marriage with Mr. Sulthan should be declared as null and void, as polygamy is unconstitutional under Art 14, 15 and 21 of the Constitution. She pleaded that the institution of polygamy

violated her Fundamental right to equality before the law and amounted to discrimination on the ground of sex and religion.

4. The High Court has observed that the Family Court was wrong in rejecting the petition for divorce. Further, the High Court has also accepted her contention that the system of polygamy violated the Fundamental Rights and therefore declared her marriage as null and void.
5. Mr. Sulthan filed an appeal before the Supreme Court of Magicland. He pleaded that he had not caused any mental cruelty to his second wife and challenged the decision of the High Court which declared polygamy as unconstitutional.

Advance your arguments on behalf of the appellant and respondent.

Note: The constitution and laws of Magicland are same as those of India and all the Judgments of the Apex Court of India are binding on the courts of Magicland.

MOOT PROBLEM – IV

Akash Pawar was a small-time real estate agent and broker in the vicinity of Churchgate area. Similarly, his father Anand and elder brother Mukesh were also small-time real estate agent and broker in same vicinity. They jointly resided in a small house at Grant Road. Akash was a Hindu by religion of 26 years handsome and a good looking boy. His parents, Anand and Ashabai, arranged a match for him with Sunita Patil, aged 24 years, a Hindu girl who was a graduate and was desirous of becoming a C.A. As Sunita's mother Seema found a good looking match in Akash and persuaded her to get married as is common in India.

The couple got married on 15th January 2021 as per Hindu practices and custom. All the expenses of the marriage were borne by Sunita's family as Akash's family clearly rebuffed stating they have nothing to contribute. Sunita's mother Seema, also coughed up a hefty dowry of utensils, expensive ethnic sarees and clothes for all, gold and silver jewellery and 2 wheeler Honda bike, all amounting to Rs.10 lakhs. It was a costly marriage even by Seema's generous standards.

Sunita began living in Akash's small dingy house at Grant Road with the joint family of Anand, Ashabai, Mukesh and his wife Rekha, their one minor son Akshay and a visiting married daughter Uma. Things were indeed difficult due to Akash not earning enough. He was lazy and not very active by nature. He had no ambition in life. His father and brother would talk to him, which made no difference to him, as long as he got his two meals a day.

The moment Sunita arrived, the family discharged the maidservant. They gave all the household chores to Sunita. Sunita would be cooking for more than eight months twice a day, washing the clothes for equal numbers, dusting and brooming the house, ironing the clothes, and so on, leaving her no time for herself. Life had become one chore to another with no rest even on Sundays. When Sunita complained about the excessive work, Akash's parents derisively exclaimed that she has been brought in as a maid since they could not afford one. For food alone, she was a good bargain.

Noticing her plight, Sunita's parents offered Akash to separate from his parents and family. Sunita's brother, Ulhas offered his newly purchased 2 BHK flat at Vasai for their private residence. Shamelessly, Akash's parents demanded that the flat be transferred to his name. Obviously, Ulhas refused and just offered it

for residence. Akash and Sunita shifted to Vasai with nothing more than clothes on them. Akash's parents did not bother to offer them the first basic utensils to establish a hearth.

As Akash was not ready to work diligently for his livelihood, finally as expected, his father and brother resolutely refused to financially bail him out. Sunita's parents and brother started maintaining Akash and Sunita by contributing every month to see the month through. Sunita also started tuitions of the neighborhood children to augment Akash's scant income. In the meantime, Sunita got pregnant and delivered a baby girl, Shriya on 25th January 2022.

Akash's family were freeloaders. Every Sunday, they would go to Vasai to Sunita's house expecting her to feed them. When Sunita's parents would visit their daughter, Akash's family would invariably be there on Sundays expecting Sunita's parents to provide them with dinner.

There was a repeated demand for the flat to be transferred to Akash's name, which Ulhas resolutely refused. As Akash was not desirous of travelling all the way from Vasai to Churchgate, he requested help. He wanted a small shop to be purchased for him at Vasai so that his travelling could be saved. Sunita's parents principally agreed; but here as well, Akash wanted the shop in his name at the behest of his parents. The talks stalled. Upon this Akash started harassing Sunita mentally and physically. He started consuming alcohol on daily basis and entered into quarrels with Sunita even started physically abusing Sunita.

Sunita was under tremendous financial and mental pressure. Akash was no good at managing crises. Except, for his dashing good looks, he had no stuff in him. Sunita wanted to seek divorce on the grounds of cruelty under the Hindu Marriage Act and talks for reconciling the differences between the couple were held on Shriya's one month birthday on 25th February 2022. For their daughter's birthday, they had decided to paint their house with bright colours and the remaining quantity of turpentine that was used for the removal of paint was kept in the house.

On 26th February 2022, Akash came home late at night under the influence of alcohol and picked up a fight with Sunita, demanding that shop should be purchased in his name. Akash lost his state of mind and he throw the turpentine can upon Sunita and burnt her alive.

On the 27th of February 2022, Seema received a telephone call from Subhash, a friend of Akash, stating that Sunita is admitted to Gandhi Hospital at

Andheri. She rushed there to find a critically burnt Sunita in ICU. A local Police Constable, Rajendra Kharat was also present recording statements. The moment Akash's parents saw Seema, they rudely declared that they will not foot the hospital bill. They walked away from the hospital washing off their hands from responsibilities.

As Sunita's body swelled due to the administration of glucose, she was in extreme pain due to a gold ring on her finger. A local jeweller was requested to visit the hospital and cut the gold ring. Only then, was Sunita able to relax, Sunita wanted to say something, but due to her third-degree burns, she could merely gurgle. Her dying declaration remained to be recorded. Her looks did accuse Akash of something. In his diagnosis, Atul Shah, the doctor, recorded that Sunita had suffered extensive third-degree burns due to kerosene on her saree and person.

Sunita's clothes and other personal paraphernalia were seized under a panchnama. A Criminal Report came to be recorded by the Andheri Police station.

On the 4th of March, 2022, Sunita departed from her mortal shell. The Autopsy Report revealed that Sunita had blood in her nails which matched the blood groups of Anand and Akash and has a small injury on the back of her head.

Sunita's parents were shocked and traumatized. On 6th of March, 2022, they lodged a formal complaint of dowry death with the Andheri Police Station which transferred the existing CR and the records to the Vasai Police Station for further investigation.

On further investigation, it was recorded that the spouses lived an unhappy marriage, and consequently, there was disquiet. A quarrel had taken place within the four walls of the flat between Sunita and Akash. Anand had not been seen at the site. Thereafter, there was a sound of a blast. One of the neighbours, Ms Shweta Solanki, had noticed the quarrel. However, Akash had sustained injuries, but there were several scratch marks on him. He did have an old head wound, having fallen on the platform whilst disembarking at Vasai Police Station.

Akash, Anand and their family were arrested for dowry death, remanded to police custody and later, on judicial custody for 5 months before Bail was granted to them.

In the Hon'ble Sessions Court on 20th March 2020, all the accused were convicted with utmost severity under Section 304-B of Indian Penal Code, 1860 read with Section 113-B of Indian Evidence Act, 1872 and Section 3 and 4 of Dowry Prohibition Act, 1961.

Claiming absolute innocence, the Accused have appealed to the Bombay High Court against their sentences. The matter is now pending for final hearing on 20th August 2022.

MOOT PROBLEM – V

1. Miss Asha, aged around 24 years, works as an employee in an LPO in Andheri (East), Mumbai.
2. Her colleague Amar used to keep a close watch on her and used some or other pretext to start a conversation with her. On many times he also used to follow her on her way out of office at the end of the day. Asha used to find the situation quite uncomfortable and had told Amar quite a few times not to do the same as she was not interested in him.
3. During the office yearly retreat, Amar found an opportunity to come close to Asha and started pestering her to take interest in him. Asha found the situation quite unbearable and yelled at Amar and slapped him. Amar left after giving a loud warning that– “ you will suffer for this humiliation.” This incident was noticed by a few co-workers and within a few days the entire office was aware of the incident.
4. Asha noticed that Amar has stopped following her since the incident and was also keeping to himself. She found the unexpected peace to be quite welcome and was happy that Amar was not bothering her any more.
5. After around a month of the incident, Amar walked to her and mentioned he was really apologetic for his past deeds and that he would not trouble her any more. He mentioned that he was keeping a birthday party cum dinner party that Friday at a nice weekend resort that was a few hours drive and would be happy if she joins him and his friends for the same. Asha felt that Amar was indeed trying to mend his ways and accepted the offer.
6. Amar told her that he would come in his car to pick her from below her building and then they will join everyone at the restaurant for dinner. That Friday Amar picked Asha from below her building and they reached the resort around 9 pm. The party started and within a few hours everyone was quite drunk.
7. Around 4 am Asha told Amar that she was feeling very tired and wanted to take some rest. Amar offered to see Asha off to her cottage as it was quite late.
8. When Asha reached her cottage Amar quickly locked the room from inside and started groping her and tearing her clothes. Asha remembered that she had kept a fully loaded licensed revolver in her purse and reached for the same and pointed the same at Amar. Seeing the revolver, Amar bolted towards the door and started yelling for help. But it was too late and Asha had emptied all the bullets into Amar. All this happened within a matter of a few minutes.

9. Hearing the noise and commotion a few of Amar's friends and the resort security guard ran towards Asha's room and saw Amar lying in a pool of blood and Asha with a revolver in her hand. The resort manager called the police and the police arrested Asha.
10. An FIR was registered by the resort manager in the local police station stating that the resort members saw Asha with a revolver in her hand and Amar lying down dead on the floor. The same was corroborated by Amar's friends and other people residing in the resort.
11. The Postmortem and forensic report indicated multiple bullet wounds on the deceased due to firing from close range. The bullets recovered from the deceased's body matched with the revolver of Asha. The report also noted fingerprints of Asha on the revolver. Blood samples of the deceased were also found on the clothes that Asha was wearing on the day of the incident. A charge sheet was filed under Section 302 IPC.
12. During the Sessions trial, the witnesses mentioned that they saw Asha with a revolver in her hand and Amar lying down dead on the floor. They also mentioned the office retreat incident and stated that thereafter they noticed that Asha regularly kept saying – "All men are pervert and that someone needs to take a bold step to send across the message that we womenfolk are not weak". They also mentioned about Asha's hatred towards Amar after the office retreat incident. Based on the witness depositions and the postmortem and the forensic report, the Learned Sessions Judge convicted Asha under Section 302 IPC and sentenced her to death.
13. The High Court set aside the conviction under Section 302 IPC and altered it to one under Section 304 IPC and sentenced her to life imprisonment.
14. A criminal appeal was filed before the Supreme Court by Asha. The appeal is listed for final hearing.

DISCLAIMER: The Moot Court Problem is not intended to and does not attempt to resemble any incident or any person living or dead. All situations in the Moot Court Problem are fictitious and any resemblance to any incident or person, if any, is not intended, but merely co-incidental.