

# SHRI N.J. YASASWY 3<sup>rd</sup> MEMORIAL MOOT COURT COMPETITION



21<sup>st</sup>-23<sup>rd</sup> FEBRUARY 2025




The ICFAI University, Jaipur, 302031

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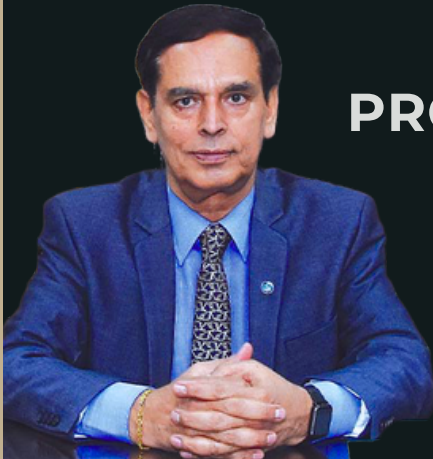


 [iujaipur.edu.in](http://iujaipur.edu.in)  
 [@mooters\\_society](https://www.instagram.com/mooters_society)  
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STUDENT CONVENER

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# PATRONS



**PROF (DR) H P SINGH, VSM**

PRESIDENT

THE ICFAI UNIVERSITY, JAIPUR

**PATRON-IN-CHIEF**

**DR. HARISH KUMAR VERMA**

DEAN, ILS

THE ICFAI UNIVERSITY, JAIPUR

**CHIEF CO-ORDINATOR**



**DR. PRATIMA SONI**

ASSOCIATE DEAN, ILS

THE ICFAI UNIVERSITY, JAIPUR

**ADDITIONAL CHIEF CO-ORDINATOR**



## FACULTY CONVENERS

**Ms. Chhaya Sikarwar, Assistant Professor, ILS, Jaipur**

**Ms. Priyanka Gangwar, Assistant Professor, ILS, Jaipur**

## STUDENT CO-ORDINATORS

**Narendra Singh, Secretary, MCC**

**Tanmay Bhardwaj, Joint Secretary, MCC**

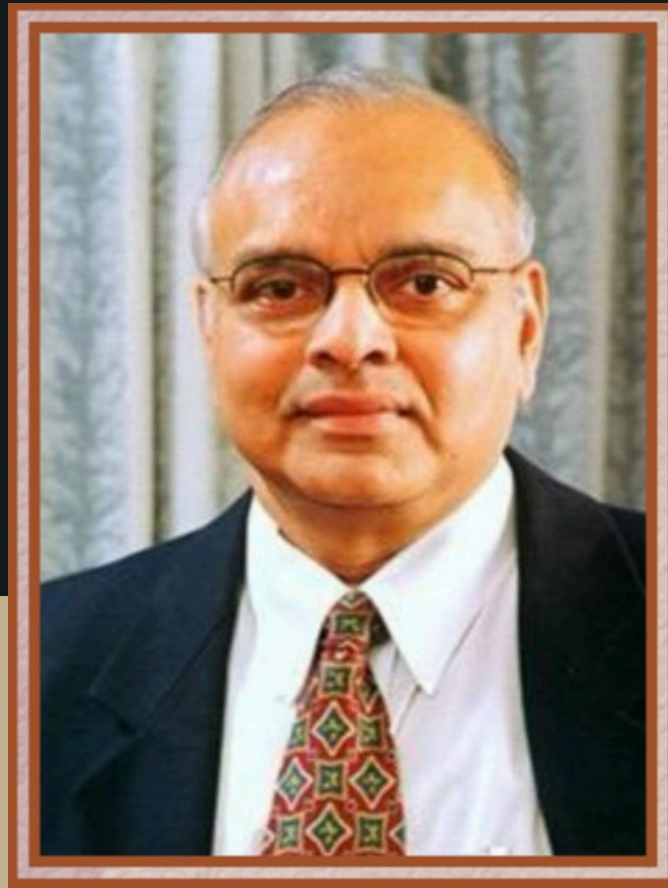
# ABOUT THE UNIVERSITY



The ICFAI University, Jaipur, a significant constituent of the esteemed ICFAI Group which is a well-known network of educational institutions in India, stands as a prominent private educational institution situated in Jaipur, Rajasthan. The university offers a variety of undergraduate, postgraduate, and doctoral programs across different fields of study including management, law, science, liberal arts and engineering. Established under the ICFAI University, Jaipur Act, 2011 (Act No. 26 of 2011) enacted by the Legislative Assembly of Rajasthan, the university operates under the purview of Notification No. F. 2(26) Vidhi/2/2011 dated September 22, 2011. Supported by the ICFAI Society, a not-for-profit educational society established in 1984, the university holds several prestigious memberships involving Association of Commonwealth Universities (ACU) and in the Association of Indian Universities (AIU), New Delhi, empowered to confer degrees under Section 22 of the UGC Act, 1956, the university envisions becoming a premier hub of excellence in career-oriented education, fostering leaders in a pivotal sector of the state's economy.

Guided by this vision, the university is dedicated to provide world-class, innovative, career-centric postgraduate and undergraduate programs that incorporate technology-driven pedagogies to equip students with essential professional skills, ethical values, social consciousness, and a profound sense of responsibility. The university endeavours to cultivate an intellectually stimulating research environment, particularly focusing on areas pivotal to the socio-economic and cultural progress of the state and the nation. ICFAI group of Institutions have laid the runway for thousands of dreams taking off to the destination of careers with the journey marked with expertise, experience and excellence.

# ABOUT SHRI N.J. YASASWY



*Mr. N.J. Yasaswy (1950-2011), of the ICFAI Group of educational institutions and a pioneer in promoting higher education in the private sector had a brilliant academic career: B.Com (Andhra University 1969 - First Rank), CA Inter (May 1971 - first Rank), CA Final (May 1973 - First Rank), ICWA Inter (July 1970 - First Rank) and ICWA Final (July 1972 - First Rank). He was the recipient of the Basu Foundation Award for the Best Student of the Year from both - The Institute of Cost and Works Accountants of India (in 1972) and The Institute of Chartered Accountants of India (in 1973).*

*Mr. Yasaswy set up the ICFAI Group as a single institute in 1985 without governmental sops or institutional funding, in an era where government support was the norm. He chose to spend all his energy on the fledgling institution which over the years grew to become a monument to what ambition can deliver. He was instrumental in building several business schools and eleven universities in the developing states of India, particularly in the North-East region.*

*He was charismatic, a great teacher, an institution builder, a visionary and a genius who was years ahead of his time. His vision will continue to guide ICFAI forever*

# ICFAI LAW SCHOOL

ICFAI Law School, a constituent of the ICFAI University, Jaipur was established in the year 2011 with an objective to deliver qualitative legal education to the new generation of legal professionals. The Law School is committed to shape a new cadre of legal professionals through a comprehensive and contemporary body of integrated knowledge of Law with Management and Humanities through rigorous education and research programs. Currently, the Law School accommodates the vibrant bunch of students from all over the country and an enriched intellectual capital in the form of highly dedicated team of faculty members.

The Law School endeavours to achieve a holistic development of students by emphasizing on various extra-curricular activities and assigns a significant role to moot courts. By following the standards of absolute impartiality, transparency, and efficiency, it strives to not only organize but also motivate the students to participate in the moot court competitions.

Currently, ICFAI Law School stands as the culmination of aspirations and ambitions, reflecting a sincere endeavour to establish a world-class professional curriculum within an invigorating campus setting.

The broad and general function of the law department at The ICFAI University, Jaipur is to delineate legal boundaries within which the management of the corporation is free to exercise its ingenuity in successfully managing the corporate enterprise.

## THE MOOT COURT COMMITTEE

The Moot Court Committee undertakes the role of supervising and fostering all facets associated with mooting at ICFAI Law School, The ICFAI University, Jaipur. Guided by the expertise of our President and Dean and bolstered by Faculty Coordinators and a dedicated group of resourceful students, we are actively driving the advancement of advocacy skills and the intricacies of mooting within the students.

Moreover, the Moot Court Committee takes a pivotal responsibility in overseeing diverse dimensions of mooting within the context of a law school. Its functions encompass arranging moot court competitions, conducting training sessions and workshops to enhance students' advocacy skills, providing guidance to participants, facilitating external contests, hosting legal seminars, evaluating performance, and fostering a culture centered around mooting. In essence, the committee fosters the refinement of students' legal prowess, professionalism and oral advocacy skills through the provision of a platform for simulated legal proceedings and competitive events.

# GLIMPSES FROM 2ND EDITION OF SHRI N.J. YASASWY NATIONAL MOOT COURT COMPETITION, 2023



*"A moot court competition is not just about winning; it's about learning to master the law, hone your advocacy, and collaborate under pressure." 6*

# ABOUT THE COMPETITION



The ICFAI University Memorial Moot Court Competition provides an exceptional platform for students pursuing law to effectively demonstrate their prowess in advocacy, legal expertise and persuasive discourse. This event presents an outstanding occasion to not only test one's own capabilities but also to gain insights from distinguished legal intellectuals and engage with fellow students who share similar aspirations, representing esteemed law institutions across the country.

This Moot Court Competition is a platform that brings together law students from universities across the country to engage in a simulated court experience. It aims to foster the development of advocacy skills, legal research capabilities and critical thinking among participants. The competition provides a unique platform for aspiring lawyers to demonstrate their expertise in arguing complex legal issues and to interact with legal professionals and academicians.

## KNOWLEDGE PARTNER



Manupatra is a leading brand that has been innovating at the intersection of technology and law since 2000. As a digital pioneer, Manupatra was the first to offer electronic accessibility to Indian and international legislative, regulatory, and procedural materials through an exhaustive database. Through the years, Manupatra has expanded its product range to include technology tools for Compliance Management, Contract Management, Case Management, Case Tracking, IPR Management, Online Learning platform - Manupatra Academy and more.

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# RULES AND REGULATIONS

## **THE RULES FOR THE SHRI N.J. YASASWY 3rd MEMORIAL MOOT COURT COMPETITION SHALL BE AS FOLLOWS:**

- 1.The moot court competition will be held from 21st February 2025 to 23rd February 2025.
- 2.The Organizing Committee shall function as the point of contact and any changes in the Rules of the Competition shall be notified by mail to all the participating teams.
- 3.The Competition shall be conducted in accordance with the rules mentioned hereunder. Participants are required to comply with the rules and procedures prescribed herein.
- 4.The official e-mail for all correspondence concerning the Competition is iuj.mc@iujaipur.edu.in.
- 5.Upon completion of the competition, the Organizing Committee reserves the exclusive right to use the memorials submitted to them, as they deem appropriate.
- 6.Participating teams should carry with them the required study or reference materials for their own use during the oral rounds of competition.
- 7.Use of any kind of electronic devices like laptop, mobile, tablets etc. is strictly not allowed during the moot proceedings.
- 8.Any team found attempting to approach and influence Judges/Administrators/Organizers shall be disqualified.
- 9.No other team shall be permitted to hear the arguments in any courtrooms in which the proceeding is going on.
- 10.In case of a tie among multiple teams, the team with a higher score in the "Knowledge of law and facts" criteria shall advance.

### **LANGUAGE**

- The official language for the Moot Court Competition shall be English only.

### **ELIGIBILITY**

The competition invites participation from the integrated program enrolled in regular three-year, five-year, LLB, and LLM students from any University/ Law School/ College/ Department during the present academic year are eligible to participate in the Competition.

## INTERPRETATION CLAUSE

The following terms shall have the corresponding meanings unless otherwise specified:

- a) 'Bench Memorandum' signifies the document containing legal provisions and authorities pertinent to the presented legal issue.
- b) 'Compendium' denotes the compiled research materials.
- c) 'Competition Rules' pertains to the officially sanctioned rules and regulations of the competition, subject to periodic amendments.
- d) 'Memorials' allude to the written submissions presented by a team in accordance with these regulations.
- e) For the context of this Moot Court Competition, 'Moot Court Committee' means the committee responsible for the management and execution of the competition, inclusive of any duly authorized individuals, and all activities leading up to the competition.
- f) "Oral Pleading" pertains to the verbal arguments and presentations delivered before a panel and these arguments correspond to those initially composed within the memorial.
- g) 'Panel' collectively designates the adjudicators overseeing an oral pleading session.
- h) 'Participant' denotes any member of the participating team.
- i) 'Penalty' encompasses the consequences resulting from a breach of rules, which may encompass disqualification or deduction of points.
- j) 'Petitioner' designates the side of the team advocating on behalf of the applicant during any phase of the competition.
- k) 'Rebuttal' denotes the series of arguments or challenges the applicant must raise upon the conclusion of the principal pleadings presented by all the orators. These shall be appropriately addressed by the respondent.
- l) 'Researcher' identifies the team member who does not assume the role of a speaker.
- m) 'Respondent' refers to the side that argues at any given point in the Competition on behalf of the party against whom the claim has been made.
- n) 'Speaker' designates the assigned spokesperson of the team.
- o) "Sur-rebuttal" refers to the defence presented by the Respondent to the rebuttals, only available in Semi and Final rounds.
- p) 'Team Code' signifies the unique code assigned to a team during the registration process. Participation in the competition is limited to a maximum of 2 teams per institution. The team shall be selected on first come first serve basis.

## TEAM COMPOSITIONS

1. Teams can consist of either two or three members. In situations where there are two participants, a single individual can be both researcher and speaker. However, in scenarios involving three participants, two individuals will be speakers, while one will be researcher.
2. Each team will be provided a team code prior to the submission of memorials via e- mail.
3. Any alteration in the status of the team members, whether as a speaker or researcher, must be informed through mail to [iuj.mc@iujapur.edu.in](mailto:iuj.mc@iujapur.edu.in) ten days before the competition. Any such requests after the given time shall not be entertained except in case of unprecedented circumstances. The inability of any team member to participate in accordance with the rules of this Competition shall lead to immediate disqualification of the Team from the Competition.
4. Teams should not disclose the identity of their institution in their memorials; such disclosure shall invite penalties including disqualification. The decision for the same shall be at the discretion of the Organizing Committee.

## ATTIRE

1. Male Participants: Consists of black trousers, white shirt, black blazer, black neck-tie, and black formal shoes.
2. Female Participants: Comprises either black trousers, white shirt, black blazer, black neck-tie, and black formal shoes, or white salwar kameez, black blazer, and black formal shoes.



*"Advocacy in moot court is an art – it's about persuasion, precision, and passion, all wrapped in professionalism."*

# FORMAT OF THE COMPETITION

The competition shall consist of Researcher's Test followed by four rounds namely Preliminary, Quarter-final, Semi-Final and Final rounds. There will be an inaugural ceremony on 21st February 2025 followed by Researcher's Test, draw of lots and exchange of memorials for Preliminary. Additional information will be furnished throughout the duration of the Competition.

## **PRELIMINARY ROUNDS**

1. Each team shall argue once from both sides, i.e., Petitioner and Respondent, order of which shall be decided by way of draw of lots to be conducted by the Organizing Committee.
2. No two teams shall face each other more than once in the Preliminary Rounds nor will they argue before the same panel of judges. Draw of Lots: The fixtures/match-up of teams in Preliminary Rounds shall be determined on the basis of the draw of lots.
3. Preliminary rounds will be held on 22nd February 2025.
4. Each team will be allotted 20 minutes for the arguments including time for rebuttal and Sur-rebuttal. The timing can be divided between both the speakers according to the wish of the team subject to a maximum of 12 minutes and minimum of 8 minutes per speaker.
5. The time division has to be informed to the Court Master before the beginning of the oral arguments. A maximum of 2 minutes may be reserved for rebuttal or sur-rebuttal which shall be at the discretion of the judges which shall be inclusive of the above time limits. The allotment of extra time shall be at the discretion of the judges.
6. The division of time must be communicated to the court master before commencing arguments.
7. If any speaker continues to speak after the completion of the allocated time, the additional time which he or she speak for will be deducted from the time allocated to his or her co-speaker. Each speaker must introduce himself or herself to the court using only his identification (Speaker-1 or Speaker-2) and team code given to him/her for the memorial's submission.
8. A team will qualify in the Preliminary Rounds if their total score for the round is more than that of the opposing team.

### **QUARTER-FINAL ROUND**

1. The Quarter-Final Round entails the inclusion of teams that successfully clears the preliminary rounds.
2. Total of eight teams from the preliminary round will qualify for the Quarter-Final round.
3. Matching of each team shall be done by the Draw of Lots.
4. Each team will be allotted 25 minutes for the arguments including time for rebuttal and sur-rebuttal in Quarter-Final round. Maximum 3 minutes can be reserved for rebuttal and sur-rebuttal. Maximum time which can be reserved for each speaker shall be 15 minutes and minimum 10 minutes.
5. The time division has to be informed to the Court Master before the beginning of the oral arguments. The allotment of extra time shall be at the discretion of the judges.
6. The Quarter-Final Round will be a “Knock-out” Round where the winner of each Quarter-Final will move to the Semi-Final Round.
7. A team will qualify in the Quarter-Final if their Round Total is more than the opposing team.

### **SEMI FINAL ROUND**

1. The Semi-Final Round entails the inclusion of teams that successfully clears the Quarter-Final rounds.
2. Total of four teams from Quarter final round will qualify to the Semi-Final round.
3. Matching of each team shall be done by the Draw of Lots.
4. Each team will be allotted 30 minutes for the arguments including time for rebuttal and sur-rebuttal in Semi Final round. Maximum 3 minutes can be reserved for rebuttal and sur-rebuttal. Maximum time which can be reserved for each speaker shall be 18 minutes and minimum 12 minutes.
5. The time division has to be informed to the Court Master before the beginning of the oral arguments. The allotment of extra time shall be at the discretion of the judges.
6. A team will qualify in the Final Round if their Round Total is more than the opposing team.

## FINAL ROUND

1. Winners of each Semi-Final round will qualify for the final round.
2. Each team will be allotted 40 minutes for the arguments including time for rebuttal and sur-rebuttal. Maximum 5 minutes can be reserved for rebuttal and sur-rebuttal. Maximum time which can be reserved for one speaker is 25 minutes and minimum 15 minutes.
3. The time division has to be informed to the Court Master before the beginning of the oral arguments. The allotment of extra time shall be at the discretion of the judges.

## EX-PARTE PROCEEDINGS

At the outset, if a team fails to appear within 10 minutes of the scheduled time (in any of the four rounds) then the oral round of the attending party may proceed Ex Parte.

## MARKING CRITERIA FOR ORAL ROUNDS

Marking Criteria for Oral Rounds		
S. No.	Criteria	Marks
1.	Knowledge of Law and Facts	20
2.	Ingenuity and ability to answer questions	20
3.	Style, Poise, Courtesy and Demeanour	20
4.	Organization and Flow of Arguments	20
5.	Reference of Memorial	20
	<b>Total</b>	<b>100</b>

• Levy of Maximum Penalties: Notwithstanding anything in the rules, a maximum of 20 marks shall be deducted as penalties for violations under the Rules. However, gross violation of rules and regulations may lead to disqualification.

• Submission of Authorities: The teams shall only submit genuine authorities from Journals or other authentic sources. 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.

# MEMORANDUM SPECIFICATIONS

1. Every participating team is required to prepare both memorials in English. All teams must submit hard copies of these documents to the organizers during the registration process and provide soft copies through a designated Google Form by the specified submission deadline, as facilitated by the Organizing Committee. Failure to adhere to these submission requirements will result in disqualification from the competition.
2. The memorial shall be maximum of 40 pages including the cover page and Pleadings/Arguments Advanced shall be maximum of 25 pages.

## **THE MEMORIAL SHALL CONSIST OF FOLLOWING:**

1. Cover Page: The cover page shall contain the case title, side of the written submission, year of competition and team Code on top right corner;
  2. Table of Contents
  3. List of Abbreviations
  4. Index of Authorities
  5. Statement of Jurisdiction
  6. Statement of Facts
  7. Summary of Issues Raised/Questions Presented
  8. Summary of Arguments/Pleadings [1 to 3 Page]
  9. Arguments Advanced/Pleadings [not more than 25 pages]
  10. Prayer for Relief [1 Page]
  11. Exhibits (Optional)
- Memorials should be in spiral binding.
  - Pages should be numbered at the bottom middle.
  - The memorials shall not contain any photographs/ sketches.

Note: Failure to adhere to the specified criteria will incur a penalty of two marks for each omitted essentials.

## **GUIDELINES FOR FORMATTING**

1. Font and Size (Headings) - Times New Roman, 14 pts.; Line Spacing - 1.5 lines.
2. Font and Size (General) - Times New Roman, 12 pts.; Line Spacing - 1.5 lines.
3. Font and Size (Footnotes) - Times New Roman, 10 pts.; Line Spacing- 1.0 line.
4. Page Margins - 1 inch on all sides.
5. Font- TIMES NEW ROMAN
6. Hard copies shall be printed on one side of each page.
7. The citations should comply with the 20th Edition of Bluebook.
8. Memorial cover page shall follow the following colour scheme:
  - Petitioner/Appellants - BLUE
  - Respondents/Defendant - RED

## **SUBMISSION OF MEMORIAL**

1. All the participants must submit 5 hard copies of each Memorial i.e., 10 copies in total.
2. The soft copy of the memorial shall be sent in Word (.docx) and PDF (.pdf) format via [FORM](#) by the specified submission deadline, as facilitated by the Organizing Committee.
3. Memorials that arrive after the deadline may receive a deduction for being submitted late.

## **ANONYMITY**

1. Each team will be awarded a code number called as the team code that 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 P for “Petitioner” and R for “Respondent”.

**For example:** In case the Team Code is 10 the team must write “TC-10 (P)” in case of memorial for Petitioner and “TC-10 (R)” in case of memorial for Respondent.

Identity of the team or the names of the participants must not be revealed in the Memorial in any manner whatsoever.

2. Name of the school/University shall not be mentioned in any compendium or material to be presented to the bench. Failure to compliance will lead to disqualification of such compendium or material from presentation.



## COMPENDIUM

The teams may prepare a separate compendium, which will carry all the annexures, case laws, etc. that have been referred to in the memorial. The cover page of compendium should have the same credentials as that of the memorial. The teams will retain them and may present to the Judges during the rounds through Court Master. Any identifying marks/seal of the College/University may result in disqualification from the competition.

## MARKING CRITERIA OF WRITTEN SUBMISSION

The maximum score for the memorials shall be 100 marks. The memorials shall be evaluated on the following criteria:

Marking Criteria for Memorial Evaluation		
S. No.	Criteria	Marks
1.	Knowledge of Law and Facts	20
2.	Quality and Applicability of Research	20
3.	Recognition of Original Issues and Articulation of Arguments	20
4.	Structural Coherence and Consistency in the Arguments	20
5.	Overall Presentation (Clarity, Style, Grammar, Language, Structure, Format, Citations and Plagiarism)	20
	<b>Total</b>	<b>100</b>

## 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. 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.

## **RESEARCHER'S TEST**

1. The Researcher's Test shall be conducted on 21st February 2025.
2. In a team consisting of three members, the member designated as the Researcher shall take part in the test. For teams consisting of two members, the individual designated as the researcher in the registration form shall be required to appear for the researcher test.
3. Participants are requested to write only the Team Code on the question paper.
4. The researcher's Test shall be objective/subjective with the questions based on the applicable law, precedents, and facts about the Moot Problem.
5. The duration of the Researcher's Test shall be 1 hour and comprises 100 Marks.
6. Use of mobile phones, laptops, or any other electronic gadgets/written material is strictly prohibited during the Researcher Test.
7. Winner of the Test shall be determined on the basis of highest score attained.

## **RESULTS**

Results shall be announced shortly after each round. Decision of the judges in the rounds shall be final. In case of any dispute, the decision of the Organizing Committee shall be final and binding. Result of final round shall be announced at the valedictory ceremony to be held on 23rd February 2025.

## **CLARIFICATION**

Participating teams may seek clarifications via mail on the Official Email with subject title as: "Memorial Moot Court Competition- 3rd Edition, 2025 – Clarification." The last date to seek clarifications to the Moot Proposition is 22nd January 2025.

## **MISCELLANEOUS**

General Courtesy:

All participants are expected to maintain the decorum in the court during the competition and are expected to conduct themselves in a manner befitting the legal profession.

The Organizing Committee reserves the right, at its sole discretion, to take appropriate action for any unethical, unprofessional and wrongful conduct during the entire period of the Moot Court Competition.

## REGISTRATION

1. The teams interested in participating are required to confirm their participation by filling up the Google form. To register: [CLICK HERE](#)
2. The last date of registration is 20th January 2025.
3. A confirmation e-mail, together with the team code, shall be sent to each team within a week. Thereafter, all the registered teams shall identify and refer themselves using the allotted team code only for all further correspondence with the Organizing Committee.

## REGISTRATION FEE

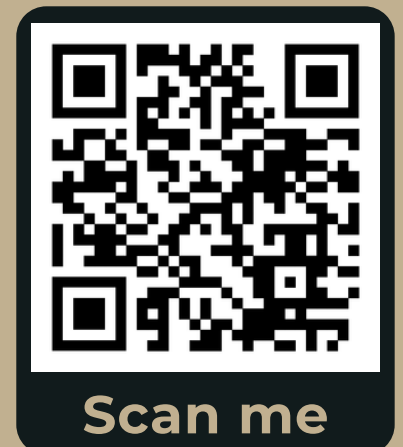
Without Accommodation: INR 3000/- (Three Thousand Rupees only)

With Accommodation: INR 6000/- (Six Thousand Rupees only)

Accommodation shall be provided to the participants only on the days of the Competition. However it will be based on a first come, first serve basis. Teams that intend to arrive before or leave after the specified dates are required to make their arrangements. Teams shall be responsible for their transportation to and from the airport/railway station bus station to the place of accommodation.

## PAYMENT MECHANISM: Pay via Scan or Link

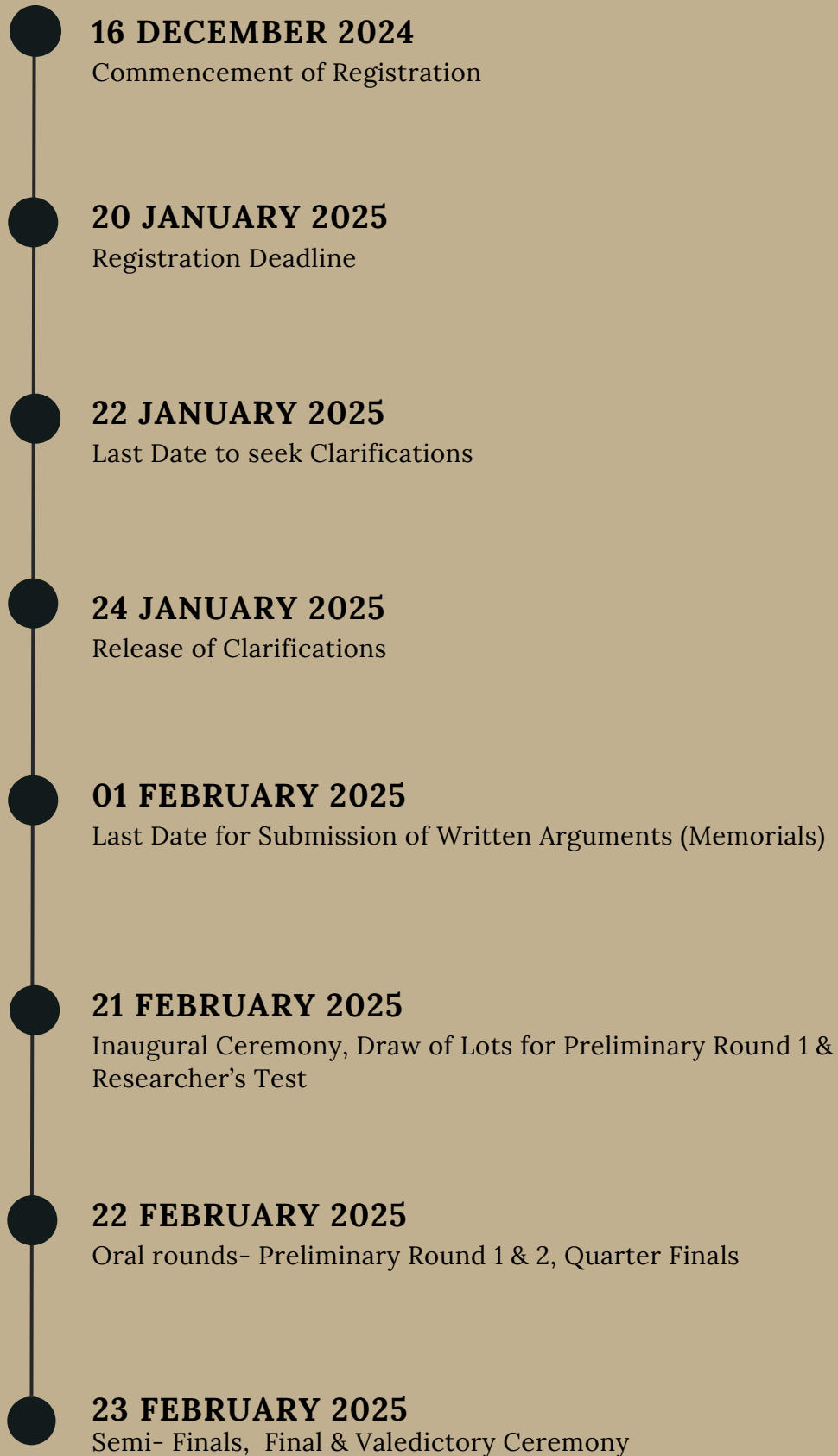
<https://iujapur.edu.in/Conference/MootCourtCompetition2025.aspx>



## AWARDS

- The Winning team shall be awarded with Cash Prize of INR 15,000/- along with a Trophy, Certificate of Merit and One free course offered by our Knowledge Partner Manupatra.
- The Runners-Up team shall be awarded with Cash Prize of INR 10,000/- along with a Trophy , Certificate of Merit and One course offered by our Knowledge Partner Manupatra at a 50% discount.
- The Best Memorial shall be awarded with Cash Prize of INR 5,000/- along with a Trophy and Certificate of Merit.
- The Best Speaker shall be awarded with Cash Prize of INR 5,000/- along with a Trophy and Certificate of Merit.
- The Best Researcher shall be awarded with Cash Prize of INR 5,000/- along with a Trophy Certificate of Merit and One course offered by our Knowledge Partner Manupatra at a 25% discount.
- Certificate of Participation will be awarded to each and every participant.

# TIMELINE



# MOOT PROPOSITION

In 2020, Priya Sharma, a 19-year-old university student, and Aditya Mehra, a 20-year-old aspiring entrepreneur, entered into a live-in relationship. Both came from well-off families in the city of Prayagpur, Dakshin Pradesh. Having met during a college event, their relationship quickly evolved from friendship to romance. As young adults deeply in love, they decided to move in together.

Given the awareness of the legal implications of live-in relationships, both Priya and Aditya, under the advice of their respective lawyers, drafted a comprehensive legal agreement to govern their cohabitation. This agreement was intended to safeguard their individual rights and responsibilities, and address potential legal disputes. One of the clauses in this agreement was a mutual waiver of sexual harassment and sexual assault claims. It also stipulated terms on shared responsibilities, conflict resolution, and their personal boundaries.

## LIVE-IN RELATIONSHIP AGREEMENT

This Agreement is made on this \_\_\_ day of \_\_\_\_\_ 2020, by and between:

1. **Aditya Mehra**, aged 20 years, hereinafter referred to as "Party A" or "Aditya,"
  2. **Priya Sharma**, aged 19 years, hereinafter referred to as "Party B" or "Priya,"
- Collectively referred to as "the Parties" or "the Couple."

WHEREAS, the Parties have entered into a romantic relationship and intend to cohabit in a live-in relationship; and

WHEREAS, the Parties recognize the importance of setting mutual expectations, boundaries, and legal terms regarding their relationship;

NOW THEREFORE, the Parties agree as follows:

### 1. Purpose of Agreement

This agreement governs the terms and conditions of the Parties' live-in relationship. It acknowledges that the Parties are not legally married but are voluntarily living together and will mutually respect each other's personal and legal rights.

### 2. Term of Agreement

This Agreement will be valid from the date of signing and shall continue to govern the relationship until terminated by mutual consent.

### 3. Residential Arrangements

The Parties agree to cohabit and shall share the rent and utilities equally unless otherwise agreed upon in writing.

### 4. Financial Contributions

Both Parties shall contribute equally to household expenses, including but not limited to rent, utilities, groceries, and other shared living expenses.

## **5. Individual Financial Independence**

Each Party retains full financial independence concerning their personal earnings, savings, and expenditure.

## **6. Mutual Respect and Boundaries**

Both Parties agree to maintain mutual respect for one another's personal space, opinions, and privacy. They shall refrain from abusive language, threats, or conduct likely to endanger the mental or physical well-being of the other.

## **7. Conflict Resolution**

In the event of a dispute or disagreement, the Parties agree to first attempt to resolve the matter through open and honest communication. If disputes remain unresolved, the Parties agree to seek mediation from a neutral third party.

## **8. Physical Altercations**

Neither Party shall engage in physical violence or any form of physical assault against the other. In case of any such occurrence, the injured Party shall have the right to sue the other party.

## **9. Intimacy and Consent**

a) The Parties acknowledge that any intimate relationship between them must be based on mutual consent.

b) Either Party may withdraw their consent to any intimate activity at any time, and the other Party must immediately respect this decision without objection.

c) In the event that consent is withdrawn during an intimate act, the act must cease immediately, and no Party shall have the right to coerce the other into resuming the act.

## **10. Mutual Waiver of Sexual Harassment Claims**

The Parties agree to waive their right to file any claims of sexual harassment, misconduct, or assault against each other.

## **11. Privacy and Confidentiality**

Both Parties agree to respect each other's privacy and confidentiality. Neither Party shall disclose personal or sensitive information regarding their relationship to third parties without the prior consent of the other Party.

## **12. Personal Property**

Each Party retains ownership of personal property brought into the relationship. Any shared or jointly purchased property shall be divided equitably if the relationship ends.

## **13. Termination of Agreement**

This Agreement may be terminated by:

Mutual written consent of both Parties;

Voluntary separation or relocation of either Party;

## **14. Withdrawal of Consent to Live-In**

If either Party wishes to discontinue cohabiting, they must provide the other Party with a minimum of 30 days' written notice. During this period, they must respect each other's right to privacy and safety.

## **15. Domestic Help Witnesses**

The Parties acknowledge that the presence of third-party domestic help during any altercation or intimate event shall not be construed as grounds for disclosure.

Their relationship, while initially harmonious, started to deteriorate over time due to various personal and external pressures. The couple's disagreements began to escalate in frequency and intensity, often resulting in verbal arguments, and occasionally physical altercations. Despite these disputes, the couple continued to live together.

#### INCIDENTS OF CONFLICT:

One of the most significant altercations took place in August 2021, about a year into their relationship. A heated argument erupted over Aditya's decision to start a new business, which Priya disapproved of, fearing financial instability. The argument intensified, and in a fit of rage, Priya threw a vase at Aditya. The vase struck Aditya on the forehead, causing a visible cut and bleeding. In retaliation, Aditya slapped Priya twice, resulting in her falling to the floor. Despite this violent exchange, the couple reconciled the next day, with both parties acknowledging their role in the conflict. They resumed their relationship, including their intimate life, which continued without incident for the next few months.

However, in October 2021, another dispute arose. During an intimate moment, Priya, initially a willing participant, withdrew her consent midway through the encounter. Aditya, respecting her withdrawal, immediately ceased all activity. The couple talked about the incident afterward, and while Priya expressed her discomfort, the situation did not escalate further at the time. They continued living together and appeared to have moved past this event.

#### THE GAGGING INCIDENT:

In November 2021, the couple had another intense argument over a personal matter. In a moment of frustration, Aditya restrained Priya by tying her hands and gagging her with a handkerchief. Their domestic help, Radha, witnessed the incident but did not intervene, as she had often seen the couple resolve their disputes on their own. Priya was shaken by the experience but did not report it at the time, as Aditya quickly released her, and they reconciled once again. This incident, however, left a lasting impact on Priya's mental health and trust in the relationship.

#### LEGAL PROCEEDINGS:

In December 2022, approximately a year after the gagging incident, Priya filed a criminal complaint against Aditya, accusing him of rape and physical assault. She alleged that despite the mutual agreement between them, Aditya had violated her consent on multiple occasions during their intimate moments, specifically referring to the October 2021 incident when she had withdrawn her consent during intercourse.

Aditya, on the other hand, maintained that he had always respected Priya's consent and had immediately stopped when she withdrew it. He emphasized that their legal agreement, which included a waiver of sexual harassment claims, was binding and consensual. His defense also pointed out that Priya had never raised any formal complaints during their cohabitation, despite the presence of witnesses like their domestic help, Radha.

The case was initially heard by the Prayagpur High Court in early 2023. The defense argued that the waiver of sexual harassment claims in the live-in agreement should be considered as a mitigating factor. The court also noted the absence of any immediate complaint following the alleged rape incident and the fact that the couple had resumed their intimate relationship afterward.

Based on these arguments, the High Court granted Aditya bail, stating that there was insufficient evidence to proceed with the rape charges and acquitted him of all criminal charges. The court's decision sparked a debate on the enforceability of waivers related to sexual harassment and consent in intimate relationships.

However, Priya and her legal team appealed the acquittal to the Supreme Court of Hindland, challenging the legality of the waiver clause in the live-in agreement and arguing that consent, especially in cases of sexual intimacy, cannot be waived in advance. Appeal is filed before the Hon'ble Supreme Court.

Points for Consideration:

- Validity of Waiver of Sexual Harassment Claims in a Live-in Relationship Agreement
- Consent in Intimate Relationships
- Impact of Physical Altercations on Relationship Dynamics
- Role of Third-Party Witnesses in Domestic Disputes
- Constitutionality of Bail and Acquittal Based on Agreement Terms
- Societal Perception of Live-in Relationships and Legal Protections

**NOTE :** Given that the laws of Hindland are in *pari materia* with the laws of India, frame the relevant issues.



# ORGANISING COMMITTEE

- |                        |                |
|------------------------|----------------|
| • Ms. Chhaya Sikarwar  | Convener       |
| • Ms. Priyanka Gangwar | Co-Convener    |
| • Mr. Vijit Singh      | Member-Finance |
| • Mr. Hitesh Manglani  | Advisor        |
| • Dr. Ameesha          | Member         |
| • Ms. Monika Yadav     | Member         |
| • Mr. Gaurav Sharma    | Member         |
| • Ms. Preeti Swami     | Member         |
| • Mr. Mayank Mehra     | Member         |

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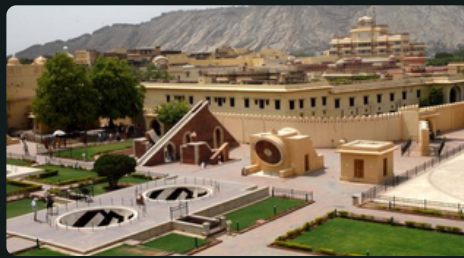
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