

COMMON INDUCTION MOOT,
2019-20

LAW CENTRE- II
FACULTY OF LAW
UNIVERSITY OF DELHI

COMMON INDUCTION MOOT PROBLEM, 2019

1. Priyanka and Arjun, who reside in NCT of Delhi, solemnised their marriage under the Hindu Marriage Act, 1955 (hereinafter “HMA”), after Priyanka’s father’s sudden illness. Her father expressed to her that his last wish was to see her get married and have a family of her own. At the time of marriage, Arjun, 26, was working as a bank manager at a private bank and 19-year old Priyanka was in her 2nd year, pursuing Psychology from Delhi University. Even though Priyanka was not mentally prepared to get married, she gave in to her father’s wishes and consented on getting married to Arjun in her very first meeting with him.
2. Before marriage, Priyanka expressed that she wanted to continue with her studies without any hindrances even after marriage. Arjun and his family agreed to her demand and both the families decided that the couple should tie the knot on 1st of August 2018 as per Hindu rites and rituals recognised under HMA.
3. Soon after their marriage, Tanisha’s (Arjun’s sister) marriage was fixed to be held on 15th October 2018. The burden of executing the preparations for the marriage were put on Arjun and Priyanka entirely due to which Priyanka was unable to attend her lectures for about 2 months. Tanisha got married and moved to Hyderabad with her husband.
4. After Tanisha’s wedding, most of the household burden fell on Priyanka’s head. She was not able to manage the housework with her studies due to which she was forced to take leaves from college. On some days her in-laws also asked her to stay at home. Subsequently, she was expelled from college for not fulfilling the attendance criteria. Priyanka was very upset. She complained to Arjun that she was expelled because of being overburdened with the household work, which was contrary to what was decided before marriage. Arjun suggested that settling in the marriage was more important and that she could always resume/restart her course in the manner of open learning where she wouldn’t have to go to college. Priyanka was really disheartened but she gave in. Being passionate about her studies, she started thinking about alternatives.
5. Despite all her efforts, Priyanka was never appreciated for the work she did at home. Her in-laws were always critical of her work and started ridiculing her. Her mother-in-law left no opportunity to insult her even in public or in front of guests. On her Mother-in-law’s birthday, Priyanka got her an expensive Sari as a present. Instead of appreciating her efforts, the mother-in-law gave the Sari to the maid stating that it was not a good quality sari. Her father-in-law would also never eat the food prepared by Priyanka. One day she actually saw her father-in-law throwing away the food she had cooked.
6. In another instance, when Tanisha came to visit her parents, Priyanka’s father-in-law simply threw the tea that she served him, saying that “*Chai banani Tanisha se seekh!*” (Learn to make tea from Tanisha). Teary eyed, Priyanka picked up the broken pieces and cleaned the tea stains from the floor. Tanisha asked her father to apologise to Priyanka. Even though her father-in-law apologized to her, her in-laws returned to their former ways of criticising her every now and then.
7. Arjun tried helping Priyanka by suggesting ways and means which she could adopt to win the hearts of his parents, but nothing worked. This led to regular arguments between the couple who would sometimes sleep separately. Arjun would try talking to his parents once in a while regarding

Priyanka's issues. Things would be okay for a couple of days but eventually would get back to where they were. Priyanka often discussed her marital issues with her mother. Her mother suggested to her that she should have a child as that would solve problems in the house. Arjun too was of the opinion that they should have a child.

8. On 15th February, 2019 Priyanka announced that she was pregnant. Everybody was very happy, and she was treated with love and care for some days. Her parents visited her with gifts. They were treated extremely well by Arjun and his parents. Arjun told her that he would convert his study room to a baby room. Her in-laws gave her gifts. Seeing everyone's reaction even Priyanka thought that the child may bring happiness to the house. However, this treatment subsided after a couple of weeks. One month later, various relatives of Arjun's family came to congratulate the couple on the good news. At the party, Priyanka heard her father-in-law saying, "*bas ab toh pota chahiye*" (now I want a grandson). Arjun and her mother-in-law also expressed the same wish.
9. Later Priyanka talked to her in-laws and Arjun, saying that it does not matter if it is a boy or a girl and that a happy child should be born into the family. While the males of the family were silent, her mother-in-law immediately stopped her from saying such things, believing that saying things like these would be inauspicious and they may not be blessed with a baby boy. The next day, for her mother-in-law's kitty party, Priyanka made all the arrangements and prepared dishes for the guests, as directed by her mother-in-law. Despite this, she was again ridiculed by her mother-in-law in front of all her friends saying that the food was tasteless and inedible. Priyanka who was reaching her saturation point, could not take it anymore and, in anger, she started crying and threw the plates in everyone's presence. Shouting at her mother-in-law, she went out of the house saying- "*mujhe kabhi is ghar mein shaadi karke aana hi nahi chahiye tha*" (I should have never had and come to this house). She returned to the house around 8:00 PM. She sensed that everybody knew about the incident. Before she could say anything, Arjun lashed out at her saying "*How dare you behave with my mother like that?*". Her father-in-law also started shouting at her saying "*tameez toh sikhayi nahi hai iske maa baap ne ise*" (her parents have not taught her how to behave). On hearing this Priyanka furiously said "*Aap toh matt hi bolo. Aapke toh poore khandaan ko tameez nahi hai. Aapke bete ke paas toh reedh ki haddi bhi nahi hai ki aap logon ko kuch bol sake*" (Look who is talking. Your entire family does not know how to behave. Your son is spineless as he cannot stand up to you). The mother-in-law then went and tightly held Priyanka by her hair telling her to shut up. Arjun tried to tell her mother-in-law to leave Priyanka. She tried to push her mother-in-law away who then fell on the ground after losing her balance. Arjun helped his mother get up and threatened Priyanka to back off or he will have to take extreme measures.
10. Next morning, in an attempt to make things normal, Arjun tried to console Priyanka and apologised to her. He said that she should apologise to his mother, to which Priyanka refused. Arjun in a rage of anger went out, shouted her name, and told her to come and apologise to her mother. However, Priyanka was stubborn and refused to apologise. Her in-laws exclaimed that Priyanka was good for nothing and told Arjun to not waste time and leave for office. Arjun told her that he had no feelings for her.
11. Later that day Priyanka called up her parents saying that she wants to leave her matrimonial home and live with them. They said that she should try and mend things with her new family now. Her mother told her to apologise to her mother-in-law. Thereafter, Priyanka apologised to her in-laws, but they did not pay any heed to it. They did not talk to her much and even Arjun started becoming distant from her. She called up her friend to ask for help and she told her friend how unhappy she

was because she had failed at everything. She expressed that her life had become meaningless. Her friend told her that she should see a counsellor or psychologist. Without informing anyone in the family, Priyanka went to see a Psychologist. She was diagnosed with early stages of depression and was given medicines for the same. She still did not tell this to anyone.

12. Priyanka kept telling Arjun how unhappy she was, but Arjun ignored her as he had started getting tired of the everyday complaints. He also came home drunk once to the house. One day Arjun and Priyanka got into a heated argument where they badly abused each other. Arjun smashed the mirror with his hand which scared Priyanka. Priyanka who was also howling, angrily broke her mangalsutra and threw it on the ground.
13. On 12th April 2019 she overheard her in-law's conversation. She heard them saying that Priyanka has always been a burden and they are dealing with her only for the child. Hearing this, Priyanka became so upset that she decided to abort the child. Thereafter, without informing the family, she made an appointment for the termination of her pregnancy on the 14th of April 2019, and got the child aborted. She then left the house to stay at the Women's Hostel for a few days. She left behind a letter for Arjun, explaining everything to him and also informing him about the abortion. She then complained to the police against Arjun and his parents for harassing her mentally and physically. FIR was registered against the three of them under Section 498A of the Indian Penal Code, 1860 (hereinafter "IPC"), and they were arrested. After being released on bail, Arjun filed a petition for divorce under Section 13 of the HMA praying for a divorce to be granted to him on the ground of cruelty by Priyanka. He alleged that Priyanka used to disrespect him and his parents and would always abuse them. He also alleged that Priyanka's actions of breaking the mangalsutra, getting the child aborted without his consent or even informing him, and filing of the FIR amounted to cruelty.
14. In the criminal case filed by Priyanka, the Trial Court dismissed the allegations holding that the three accused were not guilty under Section 498A, of IPC. The appeal filed before the High Court, challenging the Trial court's judgment, was dismissed and the order of the Trial Court was upheld. Subsequently, a Special Leave Petition (hereinafter "SLP") was filed before the Hon'ble Supreme Court challenging this judgment of the High Court.
15. In the divorce petition filed by Arjun, the Family Court decreed the divorce petition in Arjun's favour and the divorce was granted. Priyanka appealed against it before the High Court where she prayed that the allegations of cruelty raised against her were false and baseless, and such a decree should not be upheld because she was the victim of all the harassment by the family. The decision of the High Court in this case is pending.
16. The SLP filed in the criminal matter is to be argued before the Supreme Court. The matter is listed for arguments at admission stage. Present arguments for either side.

Arguments have to be advanced from only one side. Do not frame more than 3 issues.

RULES FOR THE COMMON INDUCTION MOOT OF

LAW CENTRE - II, 2019

1. **ELIGIBILITY:**

Students pursuing L.LB from Law Centre-II, Faculty of Law, University of Delhi of **all years** can register themselves for the common induction.

2. **REGISTRATION FORMALITIES:**

Registration will be **open from 10th October 2019, Thursday, till 12th October 2019, Saturday (5:00 PM)**. Students are required to register via the google form link provided on the notice, where they must fill the required details. Students are also required to mention the side that they want to represent i.e. appellant/petitioner or respondent on their registration form.

3. **RULES REGARDING MEMORIALS**

Students are required to submit the memorial on behalf of the side that they choose i.e. either appellant/petitioner or respondent. **Students DO NOT have to submit memos of both sides.** Every memo should be in the below mentioned format:

- Cover Page
- Table of Contents
- List of Authorities- Precedents, statutes, books, articles etc.
- Statement of Jurisdiction
- Summary of Facts
- Statement of Issues
- Summary of Arguments
- Arguments advanced
- Prayer

Following are the important rules to be adhered to while preparing the memo:

- (i) Cover Page should be blue for appellants/petitioners and red for respondents. Students should only mention their roll number in a box on the upper right-side corner of the cover page. **No other personal details should be mentioned on the memo.**
- (ii) **Page limit** – Memorial should not exceed 30 typed pages. Memorials must be printed on A4 size white paper with black ink **on both sides of the paper.**
- (iii) **Content Format** – The text should be in Times New Roman, Size 12 with 1.5 line spacing and a 1-inch margin on all four sides of the page. Main headings can be in size 14.
- (iv) **Footnotes** – Students are required to follow Bluebook Citation Style, 20th edition, for the footnotes. Footnotes must be in Times New Roman, size 10 with 1.0 line spacing. **No speaking footnotes are allowed i.e. footnotes must not be descriptive.**
- (v) All pages of the memo must be clearly page numbered. The page numbers must be mentioned on bottom right hand corner of each page.

4. **ORAL ROUNDS**

Each student would have 10 minutes for advancing his/her arguments. Penalty of 1 point will be imposed for every 2 minutes in excess of the given time, unless the judges allow extension of time.

Everyone must be dressed in black and white formal clothes

5. **CLARIFICATIONS**

- (i) Each candidate can **only submit 3 clarifications** which he/she requires to be answered.
- (ii) Clarifications are required to be sent on – mccl2@gmail.com
- (iii) Clarification queries must be sent via e-mails only by 11th October 2019, Friday 11:59 PM. **No queries shall be addressed personally.**
- (iv) Answers to the clarifications will be released on 12th October 2019, Saturday, by 6:00 PM.