



**5th ILS NATIONAL MOOT
COURT COMPETITION, 2021**
(Virtual Mode)



Organized by:

**THE MOOT COURT SOCIETY
INDIAN INSTITUTE OF LEGAL STUDIES**
Post Graduate and Advanced Research Studies in Law

DAGAPUR, SILIGURI, P.O. SALBARI, DIST. DARJEELING, PIN-734002

Tel: 0353-2960665/ 2960668, Website: www.iilsindia.com

26th June - 27th June, 2021

About the Event

Indian Institute of Legal Studies, Siliguri is pleased to announce its 5th IILS National Moot Court Competition to be held (Virtual Mode) from **26th June - 27th June, 2021**. The competition is being organized for the purpose of acquiring domain knowledge, developing professional skills and its application in the practical world. The competition strives to give a platform to the budding lawyers of our country to imbibe the analytical skills in the real time situations. The ultimate aim is to engage with students and allow them to have the first-hand experience of the complexities of law.

With immense pleasure, we take this opportunity to invite your esteemed University/ Institute for active participation in the Virtual Moot Court Competition. We would be delighted to have your competitive presence at our event. A copy of the detailed rules and regulations is attached herewith for your kind reference.

We are looking forward for your participation in the event.

Thanking you,

Warm Regards,

Convenor
Moot Court Society
Indian Institute of Legal Studies, Siliguri

About the Institute

The Indian Institute of Legal Studies situated at the foothills of the Himalayas in the Terrai-Dooars confluence bestowing it with natural landscape, sharing boundaries with the SAARC nations. The Indian Institute of Legal Studies is affiliated to the University of North Bengal and is recognized by the Bar Council of India and approved under Sections 2(f) & 12-B of the University Grants Commission Act, 1956. The institute is accredited by the National Assessment and Accreditation Council (NAAC). IILS offers law programs for both 5 years integrated courses in B.A. LL. B (Hons.), B.Com. LL. B (Hons) and BBA LL. B (Hons) and 3 years LL.B. it also offers 2 years LL.M program and 2 year's Master's Program in Public Administration and Governance.

The role of an academic institution in the present context, especially a law school is unique and distinctive. Indian Institute of Legal Studies adheres to fulfilling the basic tenets of providing legal education by creating modern and necessary infrastructure, good faculty members and staffs and lay emphasize on methods of teaching, clinical experiences and assessment of teaching. It is necessary that law and its interpretations change with time and are able to confront the challenges that are paused by the social, economic and political transformations in the society.

The Indian Institute of Legal Studies acts as a transformer or rather a catalyst in Socio-Economic-Legal transformation and through its research-based education aims at establishing law-abiding citizens and thereby helps shape the quality of 'Rule of Law' in the society.

IILS always promotes the academic culture and proper research environment by creating greater opportunity for faculty and students to undertake original and serious research on identifiable issues relating to law and justice that affects the Indian society which in turn serves as a facilitator to the efficient and effective administration of justice.

Such aims can be fulfilled by comparative research and institutional partnership on faculty and student exchange basis and methods which shall be mutually beneficial.

IILS ensures that the teaching-learning process is initiated through methods which are unique. Giving global exposure to the young legal minds is one of the primary objectives of this institute. Organizing Moot Court Competitions is one of such initiatives. In this context, Indian institute of Legal Studies takes this opportunity in organizing its 1st Virtual National Moot Court Competition, 2021 to be held from 26th to 27th June, 2021.

Message from The Chairman



Shri Joyjit Choudhury
Founder Chairman

Indian Institute of Legal Studies

At the foremost, I, thank you for giving me this opportunity for me to express my profound thoughts about legal education.

The idea of setting up the Indian Institute of Legal Studies originates from such conceptions by way of contributing to the society in my own small ways. Even the Almighty showered all its blessings upon me in my Endeavour- by removing all the thrones and spikes and mother nature also chipping in, which is evident from the fact- IILS- like a baby in the arms of nature- bestowed with all the natural beauty being set up in the foothills of the Himalayas- and the majestic mountain Kanchenjunga in the background. There is a latin maxim- '*Re Ipsa Loquitur*'- which means 'the things speak for itself'- IILS speaks for itself.

The need of the hour is not only pro-active legislature or judicial activism but legal education particularly. IILS is playing a vital role in reformation of law through legal research and survey, facilitating new Lawson any contemporary issue or changing or amending the existing law/s, which is not adequate for their proper implementation.

IILS does not restrict itself the methods of legal training but paramount in its mind is to provide with a 'social vision', believing that law is not merely an instrument of 'social control' but also an instrument of 'social change'. IILS aspires to base its educational curricula not only on mainstream law syllabus but offers applied law programs which led to sustaining good legal talent by promoting excellence in teaching and research.

There is a distance between the 'law in books' and the 'law in reality' which is ever widening. If Indian society is to wake up to this challenge and for good governance to be based only on 'Rule of Law', it is essential that all school education play an active and responsible role. The future development in India requires scholars/students to develop research inputs on the various contemporary issues, for better understanding in the reform of law.

It has always been my effort and relentless persuasions of making IILS an institution of recognition and aspiring to impart legal education in a holistic manner and further inculcating

into the students the spirit of freedom, commitment, humanity, modesty towards own self, the society and the country.

Thus, I, take this opportunity to invite your esteemed institution to be a part of the **5th ILS National Moot Court Competition, 2021 (Virtual Mode)** and take away the same values and skills, which shall transform the aspiring young minds into agents of social transformation and to uphold the 'Rule of Law' in its true sense.

My best wishes with the participants.



JOYJIT CHOUDHURY

**Hon'ble Founder Chairman
Indian Institute of Legal Studies**

Message from The Principal

The process of becoming a perfect advocate is a career-long journey that begins in law schools. Legal-writings which culminate in writing a moot court brief and conducting moot court oral arguments, teach students to think like lawyers, a skill fundamental to practicing law and a necessary attribute to the good administration of justice. The thought process requires law students to read and write in a new language, the language of the law. Speaking and writing in legal jargon, thinking like a lawyer, involves understanding how asking and answering questions can address and resolve uncertainties and ambiguities. Moot court teaches students advocacy skills to solve legal problems and enhances the three most important skills: starting an argument with a conclusion, differentiating fact from opinion and organizing a legal argument by an 'Issue' rather than by a chronological narrative of the facts. Moot court also teaches students professionalism and ethics, how to apply law(s) to fact(s), how to structure and rank a legal argument by strength and not to assert, losing propositions. By giving law students opportunities to improve their legal writings, legal researches and oral advocacy in a competitive environment prepares students for a competitive world. It is, perhaps, the most significant activity that develops all the said skills every lawyer needs to possess i.e., Advocacy colloquially.

The Indian Institute of Legal Studies has been rigorously ensuring that the law students get ample exposure in moot courting at the class rooms as also outdoors by organizing Moot Court Competitions, and attain all the Advocacy skills with the requisite character as a lawyer. Following the same, the Institute sets out to organize the *5th IILS National Moot Court Competition (in virtual mode)* from 26th June –27th June, 2021.

I wish the organizers and the participants a brilliant success.

PROF. (DR.) GANESH JI TIWARI

**Principal
Indian Institute of Legal Studies**

**INVITATION TO PARTICIPATE IN
INDIAN INSTITUTE OF LEGAL STUDIES**

**5TH ILS NATIONAL MOOT COURT COMPETITION, 2021
(VIRTUAL MODE)**

26th June – 27th June, 2021

Respected Head of the Institution,

Indian Institute of Legal Studies popularly known as ILS is cordially invites your esteemed institution to participate in the **5th ILS National Moot Court Competition, 2021** scheduled to be held from **26th June – 27th June, 2021** in the Virtual mode via Video Conferencing. Indian Institute of legal studies firmly believes in the holistic development of students through moots and other co-curricular activities.

We would like to invite your prestigious institution to participate in this particular moot court competition and contribute to make it a great success.

Warm Regards

Principal
Indian Institute of Legal Studies.

OFFICIAL RULES AND REGULATIONS

The following are the Rules and Regulations for the 5thIILS National Moot Court Competition, 2021 to be organized at the Indian Institute of Legal Studies, Siliguri from 26thJune - 27th June, 2021.

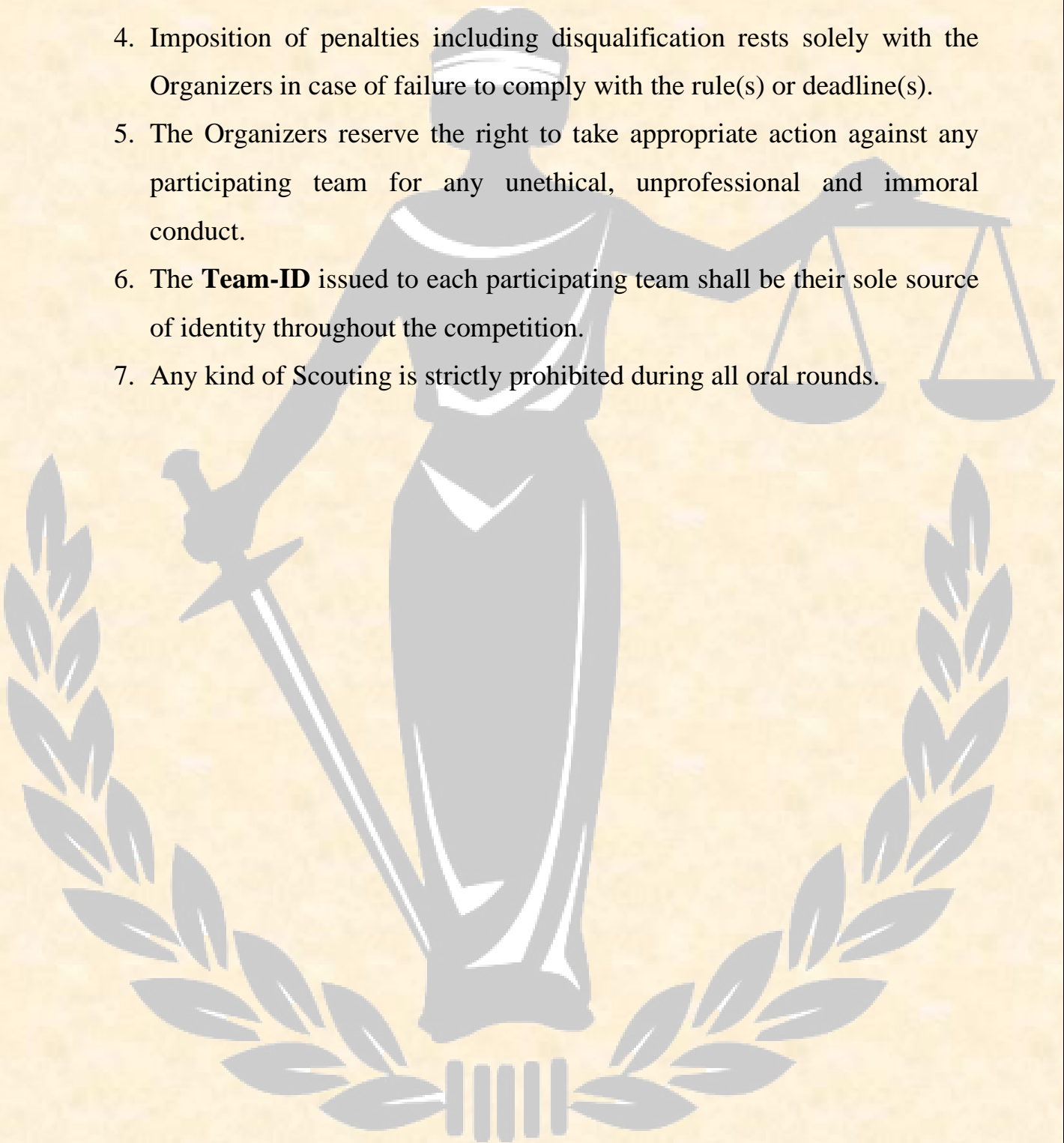
For the purpose of these rules, the following terms shall mean:

- (1) **“Competition”** means the *5th IILS National Moot Court Competition* Organized by the Indian Institute of Legal Studies, Siliguri.
- (2) **“Judge”** means any person appointed to adjudicate/evaluate a participating team’s memorial and oral submissions.
- (3) **“Memorial”** means the written pleadings of each participating team, written and submitted pursuant to these rules.
- (4) **“Organizers”** means Indian Institute of Legal Studies, Siliguri.
- (5) **“Participating Institution”** shall be presumed to be the parent Law College/University/ Department of the participating team.
- (6) **“Participating Team”** means the team which has registered itself for the Competition.
- (7) **“Selected Team”** means the participating team qualifying from the Elimination Stage to the Preliminary Round.
- (8) **“Penalty”** means points deducted in case of violation of any rule.

It should be duly noted that:

1. These rules are only inclusive and not exhaustive. If there is any situation which is not contemplated in the Official Rules and Regulations, the decision of the college authority on the same shall be final.
2. The Organizers reserve the right to vary, alter, modify, or repeal any of the rules if so required and as they may deem appropriate.

3. The Organizers decision as regards to the interpretation of Official Rules and Regulations or any other matter related to the competition shall be final.
4. Imposition of penalties including disqualification rests solely with the Organizers in case of failure to comply with the rule(s) or deadline(s).
5. The Organizers reserve the right to take appropriate action against any participating team for any unethical, unprofessional and immoral conduct.
6. The **Team-ID** issued to each participating team shall be their sole source of identity throughout the competition.
7. Any kind of Scouting is strictly prohibited during all oral rounds.



IMPORTANT DATES

Release of Moot Problem	23rd May, 2021
Last Date of Provisional Registration	12th June, 2021
Assignment of Team IDs	14th June, 2021
Last Date to seek Clarification	16th June, 2021
Last Date to Submit Soft Copy of Memorials	19th June, 2021
Selection of Memorials and intimation to the teams	22nd June, 2021
Last Date for Submission of soft Copies of Registration Form and payment of registration fees Online	23rd June, 2021
Draw of Lots	24th June, 2021
Researcher's Test and Preliminary Rounds	26th June, 2021
SEMI-FINALS and FINAL Rounds	27th June, 2021

A. GENERAL

1. Indian Institute of Legal Studies shall be organizing the **5th IILS National Moot Court Competition** from 26th June – 27th June, 2021
2. The official working language of the competition would be English.
3. Participation is open to law students pursuing either **LL.B.** (3 year or 5 year integrated course) or any other equivalent law program, from any law College/Department/University recognized by the Bar Council of India.
4. Each participating team shall comprise of **three (3) members** only, consisting of two (2) speakers and one (1) researcher. However, a team may comprise of only two (2) members, where one of the members has to act as both the researcher as well as the speaker.
5. Every Participating institution shall register only **one (1) team**.

B. REGISTRATION

1. All interested teams are required to register themselves provisionally by sending an e-mail to ***iilsmootsociety@gmail.com*** latest by 12th June, 2021. The subject should read as ***“Provisional Registration for 5th IILS National Moot Court Competition, 2021”***.
2. On successful completion of registration, a **Team-ID** would be communicated. The Team-ID will be issued to each participating team.
3. All the Selected Teams shall register themselves for the competition by payment of Rs. 500/- (Rupees Five Hundred only) as Registration Fees latest by 22nd June, 2021 by sending an e-mail to ***iilsmootsociety@gmail.com*** along with the scanned copy of the Registration Form and the scanned copy of the online fee payment receipt.

Bank Details for online fee payment:

Account Name: INDIAN INSTITUTE OF LEGAL STUDIES

Account Number: 50100238749360

IFSC Code: HDFC0004155

Bank Name: HDFC BANK, Branch: Shivmandir

Branch Code: 4155

C. COMPETITION: ELIMINATION STAGE, ORAL ROUNDS AND RESEARCHER TEST

1. All participating teams, registered for the competition are required to submit the soft-copy of their memorials (in .pdf or in .docx format) latest by 19th June, 2021 by sending an e-mail to iilsmootsociety@gmail.com. The subject should read as **Memorial Submission: Team Code <Team-ID>**.

2. The competition shall consist of two stages:

- I. **Elimination Stage:** All memorials shall be evaluated and marked as per **Rule D**. Teams shall be selected according to the ranking of memorial scores to participate in the Preliminary Rounds.
- II. **Preliminary Rounds:** There shall be Preliminary Rounds comprising of the Preliminary rounds, Quarter-finals, Semi-finals and the Final Round.

3. The Preliminary Rounds of the **5th IILS National Moot Court Competition** shall take place at the Google Meet URL, link will be provided after the Final selection of teams.

4. The dress code for the participants shall be proper Lawyer Attire i.e., white shirt, black trousers, black tie, black shoes and black coat (for men) and Indian Formals i.e. a combination of white and black along with black coat (for women).

5. The teams shall make their own arrangements to comply with **Rule C.4**.

6. There shall be a Draw of Lots and Memorial Exchange before each Preliminary Round, the side on which the Team will be arguing shall be decided by draw of lots. The link for the same shall be sent to the participants.

7. The Teams will be e-mailed the soft copy of their opponent's Written Submission prior to the Preliminary rounds.

8. Written communication during the Preliminary rounds shall be limited to electronic written communication among team members via "Chat Box" or "Conversation" features on the app. No other verbal/non-verbal communication shall take place.

9. The teams are allowed to use a compendium of cases and other materials referred to in the memorials in the competition, provided the compendium should not disclose the identity of the Participating Institution or the names of the participants in any manner whatsoever.

10. During the **Semi-Finals**, a team will be credited with a win if their oral score is greater than that of the opposing team. In case the oral score of the two teams is the same, the memorial score shall be added to the oral score to credit a win.

11. Two (2) teams shall advance to the **Final**. The team with the higher Round Total shall be declared as the *Winning Team*. The team with the lower Round Total shall be declared as the *Runners-Up Team* of the competition. In case the oral score of the two teams is the same, the memorial score shall be added to the oral score to credit a win.

12. Each team will have a maximum of **20 minutes** to present their Oral Submissions during the Preliminary Rounds, **25 minutes** during the Semi-Finals and **35 minutes** during the Final. This will include the time that each team may want to reserve for their Rebuttal / Sur-rebuttal (which should not be more than **5 minutes** for any round).

13. No speaker will be permitted to address the Virtual Court for more than **12 minutes** during the Preliminary Rounds including Rebuttal / Sur-rebuttal, **18 minutes** during the Semi-Finals including Rebuttal / Sur-rebuttal and **23 minutes** during the Final.

15. At the commencement of each Round, each team must notify the Court Officer as to the division of time between the two (2) speakers and the amount of time that the team reserves for their Rebuttal / Sur-rebuttal. A maximum of 5 minutes can be reserved for the Rebuttal / Sur-rebuttal.

16. Granting of additional time would be the discretion of the Judges. Exceeding the time limit after the grant of additional time by the judges shall attract penalty on the discretion of the Judge. The time would be noted down by the Court Officer and in the absence of express instruction from the Judges, the Court Officer would not presume that any extra time has been granted by the Judges, hence it becomes the duty of the speaker to request the Judges for extra time if the speaker wishes to continue to speak after the completion of the allotted time.

17. All team members shall refrain from wearing, using or carrying in any form, any identifying items, such as badges, blazers, pins or any other identifying material(s) such as a books / bags with a College / Department / University / Library logo or seal during the competition.

18. All Participants are expected to strictly maintain decorum in the Virtual Court Room during the competition and are expected to conduct themselves in a manner befitting the legal profession.

19. All research, writing and editing must be solely the product of the members of the participating team. Persons other than the members of the participating team are not permitted to research on the Problem Statement of the competition or to provide any other kind of assistance to the participating members

20. During the course of oral submissions, the participants cannot submit to the court any material containing pictorial representation whatsoever. Further the participants will not be permitted to make any audio / visual representation nor

will they be allowed to use personal computers, laptops and any other technical or mechanical device during their oral submissions.

21. If at any instance a submission is made with any material in violation to **Rule C.20** and if any picture, sketches, photos, cartoons, caricatures, audio film, video film, projector-slide or a computer-generated image is submitted or presented to court, the teams shall be subject to strict penalty including disqualification.

22. No member of any team or any individual connected with any team shall be permitted to hear the oral submissions in any court room in which that team is not one of the contesting teams whilst that team is still in the competition. The Organizers shall take strict action, including disqualification from the competition, against any team found to be scouting through a team member or through any other means.

MARKING CRITERIA FOR PRELIMINARY SUBMISSIONS

1. Each Judge will mark an individual speaker on a total of 100 marks.
2. The Round Total will be the aggregate of the total of the two (2) speakers.
3. The following will be the Marking Criteria and the Marks Allocated to compute the Round Total for each team:

Sl. No.	Marking Criteria	Marks
1	Knowledge and Application of Relevant Law	20
2	Interpretation and Application of Facts	20
3	Ingenuity and Ability to Answer Questions	10

4	Evidence of Original Thought	10
5	Organization and Flow of Arguments	10
6	Style, Poise, Courtesy and Demeanor	10
7	Reference to Memorials in the course of Arguments	10
8	Time Management	10
Total		100

4. The decision of the Judges as to the marks allotted to any team shall be final.

RESEARCHERS TEST

A Researchers Test would be held on 26th June, 2021 via video conferencing. In the preliminary round, each team shall argue only once.

D. MEMORIALS

1. Last day for the submission of soft copies of memorials without penalty is 23rd June, 2021. Late submission of the memorials will attract a **two (2) marks penalty** per day. No memorial shall be accepted after 24th June, 2021.

2. All participating teams must submit memorials for both Petitioner and Respondent for the Problem Statement.

3. All participating teams must submit typed memorials fulfilling the following specifications:

(i) The memorials shall contain the following:

- a) Cover Page
- b) Table of Contents
- c) Index of Authority
- d) Statement of Jurisdiction
- e) Statement of Facts

- f) Issues Involved
- g) Summary of Arguments
- h) Body of Arguments
- i) Prayer

(ii) The **Team ID** should be clearly mentioned on the **top right corner** of the Cover Page in the following manner:

Suppose the Team ID allotted is **TC 27**, then it should appear as **TC 27_P** on the Petitioner's Memorial and as **TC 27_R** on the Respondent's Memorial.

The Cover Page, along with the Team ID shall essentially consist of:

- a) The name and place of the forum
- b) The relevant legal provision for filing the suit/petition
- c) Name of the parties and their standing (Petitioner or Respondent)
- d) Memorial filed on behalf of...
- e) Counsel appearing on behalf of...

(iii) The memorial shall not exceed **thirty (30) pages**, including the Body of Arguments, which shall not be more than **twenty (20) pages**.

(iv) The memorials shall be typed on **A4 size pages** in Font type: **Times New Roman, Font Size: 12, Line spacing: 1.5- and 1-inch margin** on each side. **Footnotes** should be in Font type: **Times New Roman, Font Size: 10 and Line spacing: 1**. Use of **Blue Book 20th Edition citation** format shall be adhered to. There shall page numbering at the middle bottom of the page and paragraph numbering.

(v) The memorials shall not contain any Annexure / Photographs / Sketches / Exhibits / Affidavit etc. Violation of the said provision will attract deduction of marks.

(vi) The identity of the Participating Institution or the names of the participants if revealed in the memorials in any manner would amount to disqualification.

(vii) The Cover Page of the Memorial from the side of the Petitioner shall be Blue in color and from the side of the Respondent shall be Red in color. Spiral binding of memorial is mandatory.

MARKING CRITERIA FOR THE MEMORIALS

1. Every participating team shall be marked on a total of 100 marks. There shall be separate marking for the Petitioner and Respondent memorials.
2. The following shall be the marking criteria and the allocation of marks to each category:

Sl. No.	Marking Criteria	Marks
1	Knowledge and Application of Facts and Law	25
2	Depth and Quality of Research	25
3	Proper and Articulate Analysis	20
4	Clarity and Organization	10
5	Citation of Authorities and Referencing	10
6	Grammar and Style	10
Total		100

E. AWARDS

1. The following awards along with cash prize shall be presented:

- i. Winning Team: Rs 10,000.*
- ii. Runners-Up Team: Rs 5,000.*
- iii. Best Speaker: Rs 3,000.*
- iv. Best Researcher: Rs 3,000.*

2. In addition to the above awards, a certificate of participation will be given to all the teams participating in the competition.

F. COPYRIGHT

1. The copyright over the memorials submitted for the purpose of the competition shall be deemed to be assigned by the participants and the Participating Institution completely and fully with the Organizers. The participants shall certify in writing the originality of materials contained therein and shall be responsible for any claim or dispute arising out of the further use and exhibition of these materials.

2. Further use and exhibition of these materials, electronically or otherwise, shall be the exclusive right of the Organizers and they shall not be responsible for any liability to any person for any loss caused by errors or omissions in the collection of information, or for the accuracy, completeness, or adequacy of the information contained in these materials.

G. CLARIFICATIONS

1. Clarifications regarding matters other than the moot proposition may be sought from the Organizers.

2. Teams may request clarifications regarding the Official Rules of the competition via e-mail to iilsmootsociety@gmail.com. The subject of such e-mails must read ***Request for clarification***.

I. OFFICIAL COMMUNICATION

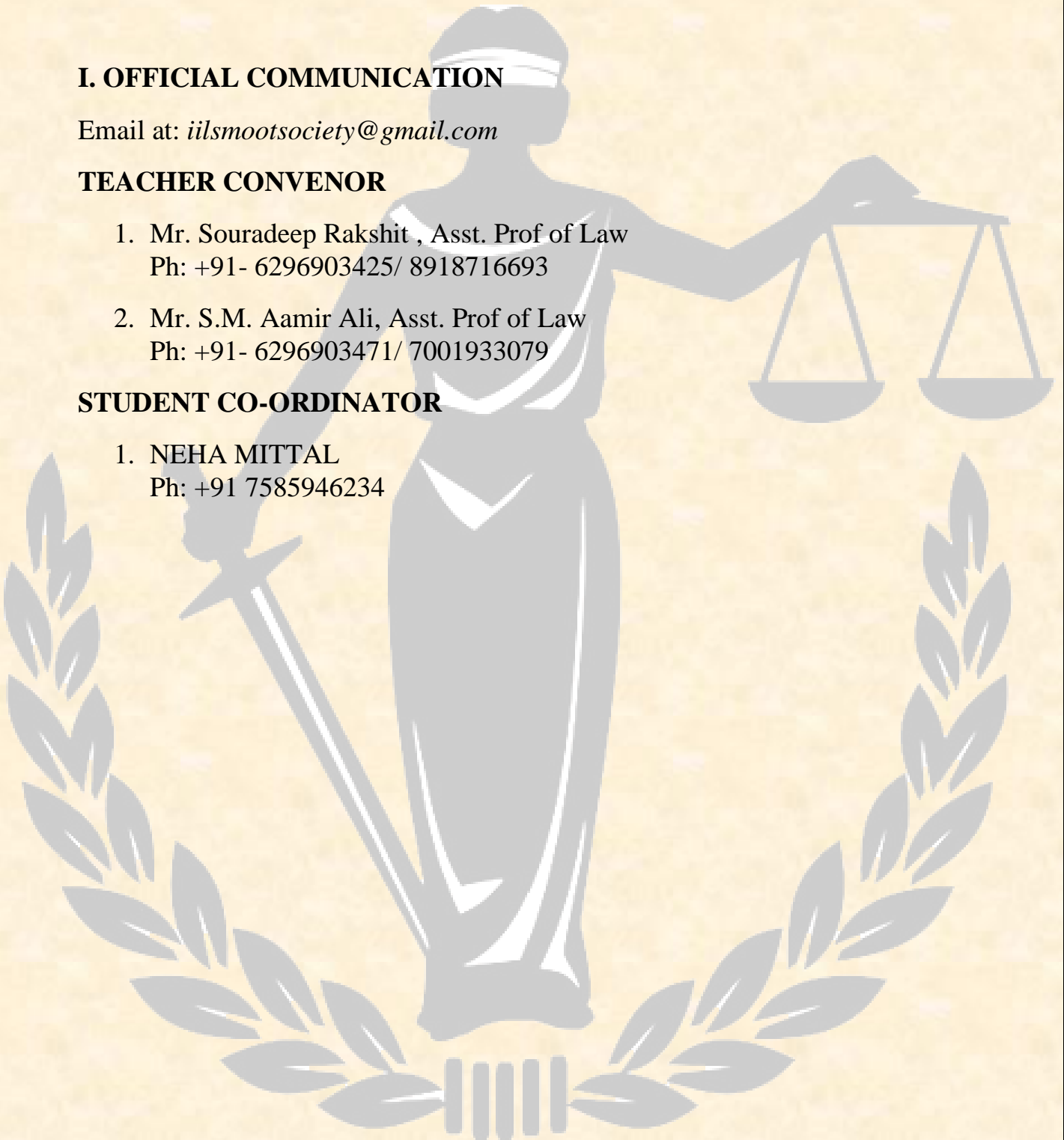
Email at: iilsmootsociety@gmail.com

TEACHER CONVENOR

1. Mr. Souradeep Rakshit , Asst. Prof of Law
Ph: +91- 6296903425/ 8918716693
2. Mr. S.M. Aamir Ali, Asst. Prof of Law
Ph: +91- 6296903471/ 7001933079

STUDENT CO-ORDINATOR

1. NEHA MITTAL
Ph: +91 7585946234



REGISTRATION FORM

UNIVERSITY/INSTITUTION DETAILS:

Name of the University/Institution:

Address of University/Institution:

Telephone No. (of the Institution Head/ Teacher-in-Charge):

Email (of the Institution Head/ Teacher-in-Charge):

PARTICIPANTS DETAILS:

1. _____

SPEAKER 1

MOBILE NO. _____ EMAIL ID: _____

2. _____

SPEAKER 2

MOBILE NO. _____ EMAIL ID: _____

3. _____

RESEARCHER

MOBILE NO. _____ EMAIL ID: _____

MOOT PROPOSITION

1. The Republic of Amphissa is located in the South Asian Region of Asia. It is one of the ancient nations in the world. Till 1947, Republic of Amphissa was a British colony for about 150 years. It achieved independence in 1947. Now, the Republic of Amphissa is a democratic country with a written Constitution which came into force in 1950. It has 28 States and 8 Union Territories. The Constitution has adopted Parliamentary system wherein President is the executive Head of the government. The country has diversified religion with Hinduism, Buddhism, Christianity, Islam, Jainism and Sikhism as the major religions followed by the people, characterized by a diversity of religious beliefs and practices, dressing, cultural outlook, food-habits etc. The majority population of 75% of the Republic of Amphissa is Hindu. Around 24% of the population are from the faith of Christianity, Islam, Jainism.
2. The Constitution of Republic of Amphissa declares various rights as fundamental rights such as the right to freedom of religion, freedom to carry on any trade, profession and business, right to life and personal liberty etc. The State has Amphissian Penal Code to ensure the maintenance of law and order in the Republic of Amphissa, which deals with various offences prescribing the punishments for the same, apart from other laws of the nation.
3. Republic of Amphissa is the most ethnically and religiously diverse country in the world and its history is dotted with numerous religious conflicts and riots. The danger of communal conflicts is ever-present and unlikely to wane anytime. The diverse and often diametrically opposed

religious practices often become the point of clashes among various communities.

4. In March 2019 certain newspapers published a report about Love Jihad which is an activity of certain Organizations under which young Muslim men and boys in the state target young girls belonging to non- Muslim communities for conversion to Islam by feigning love. The news report stated that there has been 3,000- 4,000 conversions in the past four years having the nature of Love Jihad in the Republic of Amphissa.
5. Jurisprudence from High Courts across the country have said that conversion is not a casual matter. In 2014, the High Court of Uppam Pradesh stated in a judgement that if conversion "*is resorted to merely with the object of creating a ground for some claim of right*" it would be "*a fraud upon the law*". In the case of ***Lily Thomas vs Union of Amphissa*** in 2000 the Supreme Court nulled the marriage on the basis that if someone "*feigns to have adopted another religion just for some worldly gain or benefit*" it was "*religious bigotry*."
6. State of Uppam Pradesh is the largest State of Amphissa and it has the largest representation of the ruling government in the Amphissa Parliament. State of Uppam Pradesh has often been in news because of its controversies like Anti-Romeo squad, cow vigilantes and other Hindu religious organisations.
7. The Uppam Pradesh Prohibition of Unlawful Religious Conversion Ordinance, 2020, unofficially referred to as the 'love jihad law' by most of the media, is a law enacted by the Government of Uppam Pradesh, Amphissa. The Uppam Pradesh state cabinet cleared the ordinance on 20

November 2020 following which it was approved and signed by state Governor on 24 November 2020.

8. The Uppam Pradesh ordinance makes conversion non-bailable with up to 10 years of jail time if undertaken through misinformation, unlawfully, forcefully, allurement or other allegedly fraudulent means and requires that religious conversions for marriage in Uppam Pradesh to be approved by a district magistrate. The law also encompasses strict action for mass conversion, including cancellation of registration of social organization involve in mass religious conversion.
9. There has been much furore over the Uppam Pradesh Prohibition of Unlawful Conversion of Religion Ordinance 2020. Most of it has been around the law being a violation of an individual's right to marry a person of one's choice and being restrictive of the fundamental right to life, autonomy and privacy. It is also argued by members of civil societies that this ordinance, which is nothing less than a draconian law, is a serious violation of the right to equality based on religion.
10. In December 2020, Prabha, and Daniel, a young couple residing in the Lunnaw, the capital of Uppam Pradesh, expressed their willingness to marry each other. Prabha, was a Jain by religion and Daniel belonged to a family practising Islamic faith. Belonging to different religions, they wished to be wedded under the Special Marriage Act 1956. This marriage was severely objected to by Prabha's family who did not approve of inter-faith marriages. On the other hand, Daniel's family begrudgingly accepted their marriage. Prabha decided to convert to Islam, out of her love and respect for Daniel's family and faith and hoping that his family would be more willing to accept their marriage if she undertakes such a

gesture. However, it was decided that Prabha's conversion would be kept to be as a secret from her parents.

11. The marriage occurred on 10th January, 2021. After the marriage the couple shifted into a separate apartment of their own in Jallabad where they happily resided for 2 months. On 11th March, they decided to visit Daniel's home in Lunnaw. Upon their arrival, they were greeted warmly by his family.

12. Cases of Covid were steadily rising within the State and on 15th March, a two week lockdown was announced in the state. In the midst of this, Prabha's younger brother fell down from stairs and was put to bed-rest. Prabha strongly wished to visit him several times but Daniel's family did not allow her to go during due to limited transportation options and on an apprehension, that Prabha may contract Covid-19 while travelling in such a risky situation. Prabha had requested many times to Daniel and her in-laws to allow her to meet her brother but they did not permit her to leave. Prabha started feeling like a prisoner in the house of her own in-laws.

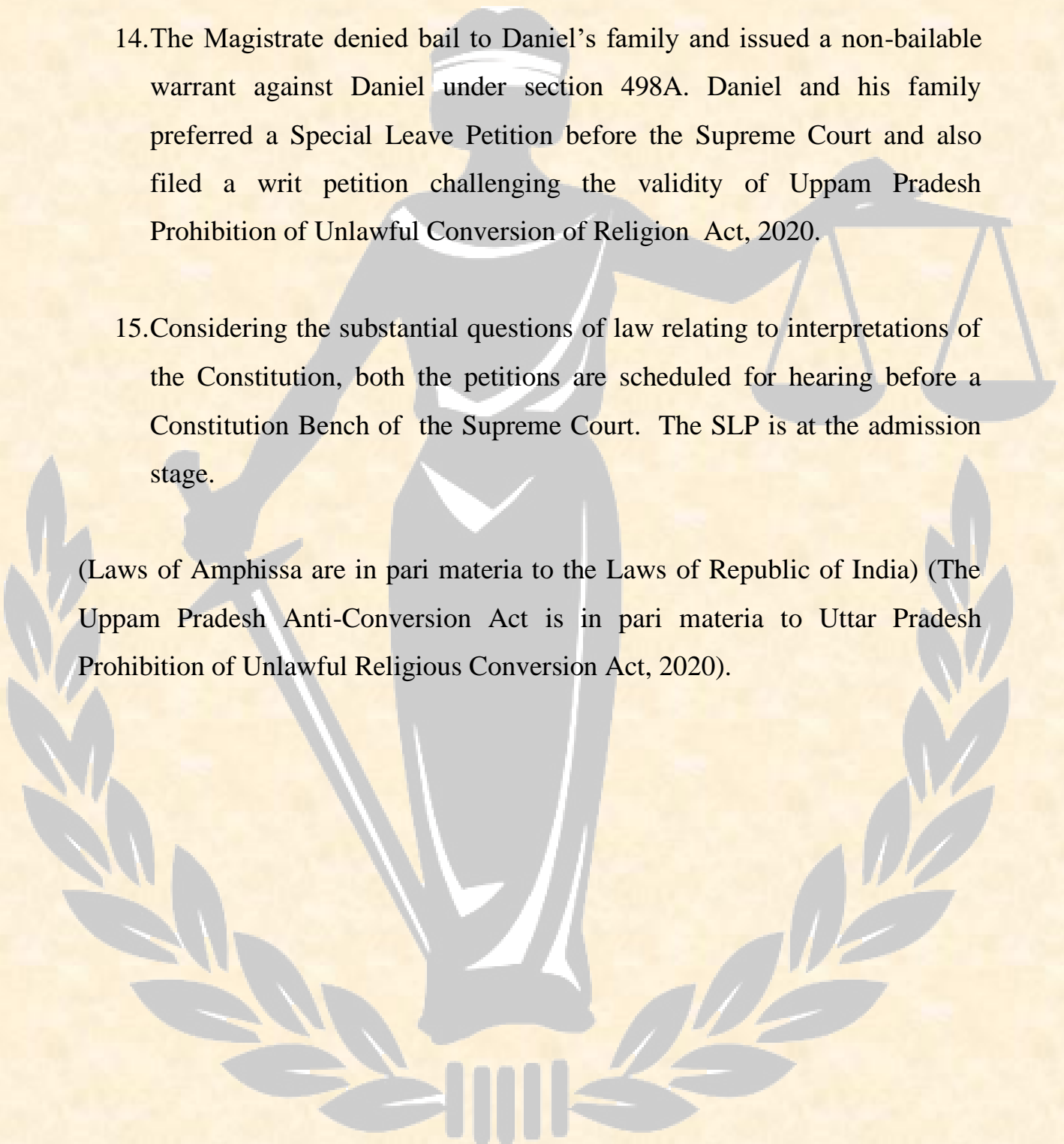
13. Being frustrated, after 2 months, Prabha called up her parents and asked them to pick her up. Her family became extremely angry on hearing the circumstances. Upon knowing about the details of their marriage and the conversion, they suspected that Daniel and his family had forced Prabha to convert into a different religion and were now forcefully restraining her against her will. They viewed it as a one of the cases of 'Love Jihad' that had been so extensively reported in the state recently. Thus, her family immediately went and filed an FIR in Rainbow Police Station against Daniel's family under Section 498A APC, section 340 of APC as well as under the Uppam Pradesh Anti-Conversion Act. Information was

sent to Bajna police station situated near the residence of Daniel's family, and soon, his family members were arrested on 20th May, 2021.

14. The Magistrate denied bail to Daniel's family and issued a non-bailable warrant against Daniel under section 498A. Daniel and his family preferred a Special Leave Petition before the Supreme Court and also filed a writ petition challenging the validity of Uppam Pradesh Prohibition of Unlawful Conversion of Religion Act, 2020.

15. Considering the substantial questions of law relating to interpretations of the Constitution, both the petitions are scheduled for hearing before a Constitution Bench of the Supreme Court. The SLP is at the admission stage.

(Laws of Amhissa are in pari materia to the Laws of Republic of India) (The Uppam Pradesh Anti-Conversion Act is in pari materia to Uttar Pradesh Prohibition of Unlawful Religious Conversion Act, 2020).





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