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XV M. K. NAMBYAR MEMORIAL
NATIONAL LEVEL MOOT COURT COMPETITION
MARCH, 2025

MOOT PROPOSITION

BEHIND CLOSED DOORS: VOICES UNHEARD

Background

The Union of Anchovy is a vibrant and complex democracy characterized by its commitments to the principles of justice, liberty, equality and fraternity. The Union of Anchovy was established in 1947 after gaining its independence from the British rule. The Union has adopted a parliamentary system of government, which is enshrined in its Constitution which was adopted in 1950. The Union of Anchovy stands as one of the largest and most diverse democracies in the world, reflecting the country's rich cultural heritage and the aspirations of its people for just and equitable society.

While the Union of Anchovy faces challenges such as corruption, communalism and social inequality, it has shown resilience through active citizen participation, social movements and the commitments to democratic ideals.



The Moot Proposition is prepared by Smt. Ashwini Parab, Assistant Professor, Raja Lakamgouda Law College, Belagavi, Karnataka.

The Union is supported by vibrant civil society, including non-governmental organisations, activists and media that play a crucial role in advocating of the rights, accountability and transparency.

Context

Women have been an integral part of Union of Anchovy's rich culture and society since ancient times. However, the status of women in Union of Anchovy has been of great concern. Despite the progress made in the recent years, there are still many challenges faced by the Union today.

Women have been empowered by the State by providing them right to employment, equality of opportunity at workplace, equal pay for equal work, maternity benefit, etc. But the safety and security of women at workplace have perturbed the State. Due to the incidents of sexual harassment and sexual assault against women at workplace, the State enacted special laws for protection of women. The Union of Anchovy enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. . This Act was enacted with the object to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto. The Act protects the fundamental rights of a woman to equality under Articles 14 and 15 of the Constitution of Anchovy and her right to life and to live with dignity under Article 21 of the Constitution and right to

practice any profession or to carry on any occupation, trade or business which include a right to a safe environment, free from sexual harassment. The Act aims at protection against sexual harassment and the right to work with dignity as universally recognised human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified by Union of Anchovy.

Cause of Action

Global Infotech is an I. T. Sector Company, situated in the State of Catla, one of the States of the Union of Anchovy. Reena is an ambitious young woman working in the Global Infotech. She has achieved great success in her career in a very short span of time because of her hard work, commitment, honesty and sincerity. Ratan Dhawan is Reena's colleague at the office. Both of them have been working together in the company since 2014. On several work projects, they both have been teamed up as partners. As a team, both have gained huge success in all the projects assigned to them.

On 4th June 2024, both were paired again together in a multi-million project. They were asked to make a presentation on the project within a week. Reena and Ratan worked day and night for completion of the presentation. They were finally ready with the presentation and Reena being a great orator took the responsibility to make the presentation.

On 12th June 2024, after the presentation was over, due to last few days of stressful work, Reena started feeling giddiness and her legs started trembling. Reena immediately went and sat on the closest chair without realizing that Ratan was seated on it. When she sat on Ratan's lap, he immediately asked her, "are you feeling fine Reena?". Reena replied, "I am feeling tired and my legs are trembling. Ratan, please let me sit on your lap for a while and please don't misunderstand my gesture." Ratan immediately replied, "Dear you can sit on my lap as long as you wish and feel the warmth of my lap" and then moved his hand around her waist. Reena tried to get up, but Ratan pulled her back and made her to sit on his lap. Reena got furious and pushed away Ratan and said, "Ratan I never expected such a behaviour from you." Ratan immediately said, "Reena, I am extremely sorry for my behaviour, please forgive me. I treat you as a very good friend and took the liberty of playing this harmless prank with you. I never had any sexual intent in doing it." Reena did not hear to Ratan and hurriedly left the place.

At the time, when both, Reena and Ratan, were being considered by the Company for the one plum posting, Reena filed a complaint against Ratan on 14th June 2024 before the IC formed under the POSH Act in the establishment. During the inquiry, Ratan felt that the IC was prejudiced against him and he was subject to victimization. After the inquiry, all the alleged facts were proved before the committee.....

through witnesses and statements of complainant and respondent. On 17th November 2024, IC found Ratan guilty of petty offence under the POSH Act and imposed penalty of apology to Reena. Ratan was also restored back to his position at workplace. However, the IC even held that Ratan's progressive advancement in the Company will be frozen for a year.

Simultaneously, along with the Complaint before IC, Reena had also filed a complaint against Ratan with the police for the act of sexual harassment on 25th June 2024. The police arrested Ratan and after investigation filed a chargesheet against Ratan for offences under sections 74, 75, 76, 79, 133, 135 and 351(1) of Anchovy Penal Sanhita.

The Trial Court in State of Catla held Ratan guilty under Anchovy Penal Law. On appeal to High Court of Catla, the High Court, on 11th November 2024, reversed the decision of trial court and acquitted Ratan as there was a consensual act between Ratan and Reena.

Reena was unhappy with the decision of both, IC which made Ratan only liable for an apology and High Court of Catla which acquitted him stating that it was a consensual act. Reena was aggrieved by the interpretation and implementation of the POSH Act. So, Reena approached the Supreme Court of Anchovy on 22rd November 2024 praying to the Court to lay down guidelines for the stricter implementation of POSH Act.

Further, she also contented that sexual harassment under POSH Act is not governed by the general principles of Criminal law. The Supreme Court, after admitting Reena's petition and listening to the preliminary hearing of both the parties, on 16th January 2025, decided to hear the matter on jurisdiction, jurisprudence and philosophical level and framed the following points for determination in the case-

1. Does the jurisdiction of the Supreme Court of Anchovy extend to entertain the petition filed by Reena?
2. Is the POSH Act a social welfare legislation, requiring beneficial construction?
3. Is mens rea an indispensable part of the criminal law?
4. Should the unilateral laws enacted by the Parliament be unilaterally interpreted by the judiciary?

Note:

- a) Laws in force in Union of Anchovy are same as laws of India.**
- b) Teams are permitted to raise additional points for determination.**
- c) The teams have to frame guidelines which they expect the Court to lay down in the case. These guidelines will be considered only for the valuation of memorials.**