

**BHARATI VIDYAPPETH (DEEMED TO BE UNIVERSITY)PUNE,INDIA**

**NEW LAW COLLEGE INTRA MOOT COURT COMPETITION 2019**

**MOOT PROBLEM**

## **Anita Hasia and ors. Vs. UOI**

**Anita was an MBA student studying at Allahabad. Her parents started searching for suitable match for Anita. Meanwhile Anita met Sanjay through a social networking website and they both fell in love with each other. Sanjay was working as a senior software engineer at Novartis Technologies. They continued talking to each other for 6 months and then decided that they both wanted to take this relationship further and convert it into marriage. Anita told this fact to her parents who were reluctant regarding this marriage proposal as Sanjay belonged to an inferior caste. But after continuous convincing from Anita, they accepted the proposal of Anita's marriage with Sanjay after she finishes of her MBA course.**

**After finishing her course Anita got placed in a reputed MNC and they both got married. After marriage Sanjay,s attitude towards anita changed substantially. He use to get angry frequently and would get physical as well. He was more interested in physical relationship rather then developing their emotional compatibility. Anita thought that this was the a usual thing to happen in initial phase of marriage and it would improve gradually. Sanjay would have intercourse even if Anita would be reluctant to do so.**

**After few months of their marriage, Sanjay got an opportunity to go to US for a project and asked Anita also to accompany him. Anita refused to go as her job was new and she would not get such long leave. Sanjay asked Anita to leave her job as he was earning sufficiently. Anita tried to convince Sanjay but he didn't agree to her point and forced her to leave her job. Sanjay also used physical force whenever she use to convince him of her point and eventually Anita had to leave her job and go to US with Sanjay.**

**They stayed in US for 3 years and those three years were most miserable three years of Anita's life. They were frequent instances of forced sexual intercourse without Anita's consent. Anita started to think that her life has no silver-lining and she should end her life rather than suffering. Meanwhile Sanjay's project ended and he and Anita returned to India . After sometime her mother and father came to visit him. Her mother asked anita whether she was happy with her in laws or are their still dowry demand. Anita said that**

there was no dowry demands from her in laws. Then her mother told her that after she and sanjay went to US her in laws continuously called her parents and asked for money as their daughter was living abroad with their son. They also intimidated that if they will not give the money then they will call their daughter back from US and ask their son to divorce her. They gave money to her in laws at various occasions.

Anita was shocked after hearing this as she had no idea about all this till then. Anita tried talking to sanjay about this but he always avoided. He did not use to sit with her and talk. He would only have physical relationship with her whenever he pleases. Once when she asked her mother in law about taking money from her parents, in front of Sanjay, he grabbed her by her hair and took her inside her room and assaulted her physically and sexually and used the word “you are my wife and you have only one purpose in life and that is to serve me, never try to dominate me”. As time grew this became more frequent and nobody ever tried to stop this. Whenever Sanjay use to hurt her, her father in law use to treat her as he himself was a doctor. Anita knew that her parents are already bothered by her wellness and therefore she never discussed about this to her parents. She lost all her hope as she had nobody who can save her from this miserable and excruciating life. Whenever she got hurt, her father in law use to treat her as he himself was a doctor.

One Day while Anita was reading newspaper she read about a female advocate who is fighting for women rights and equality. All her suffering from after her marriage came crawling down on her and she picked up her phone and called this advocate. She told her the whole history and the advocated urged to meet her. Anita told her in detail her suffering Anita also told her that her that she suffered this long just because she was frightened for her parents and what the society will accuse them off after hearing her story. The advocate agreed to fight for Anita and for all the females of the country who have been suffering from time immemorial and are not able to raise their voice against a crime just because that crime has not been designated as a crime , as it is done withing four walls of matrimonial relationship. .Hence she along with Anita filed this PIL in supreme court for quashing EXPLANATION II OF SECTION 375 AS UNCONSTITUTIONAL. This case was referred to the constitutional bench of the supreme court and is pending to be heard on 02.03.2019.

**Note-** Participants are required to frame relevent issues keeping in mind that the facts of the case should not be interfered with or interpreted in any other way other than as given in the fact sheet.