



KLE Society's
KLE COLLEGE OF LAW

SPARKLE 4.0

4th NATIONAL LAW FEST

March 16th - 19th , 2023

National Moot Court Competition

National Client Counselling Competition



Venue: KLE Society's KLE College of Law , 4th Floor, Plot No.29, Sector-1,
Kalamboli, Navi Mumbai-410218

College Email: klemumbailawcollege@gmail.com

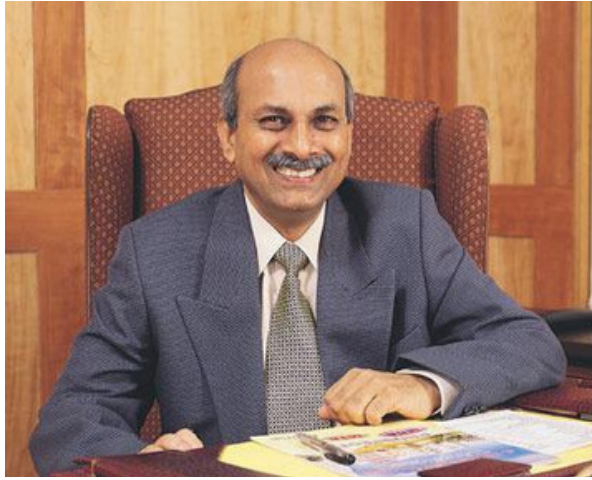
CollegeWebsite: <http://www.klecollegeoflawmumbai.edu.in/>



KLE GROUP OF INSTITUTIONS

Karnataka Lingayat Education Society emphasizes on the sound mind and healthy body for spiritual enlightenment and social transformation. The “Saptarshis” (Seven Saints) namely M. R. Sakhare, S.S. Basavanal, B.S. Hanchinal, H.F. Kattimani, B.B. Mamadapur, P.R. Chikodi and V.V.Patil determined to serve and sacrifice their life for the upliftment of the community through education which is one of the essential constituent of life. Thus sown the seed on 13th November 1916 in the form of Anglo- Vernacular School. The society is growing unstoppably thereafter from strength to strength. At present 293 educational institution in the diverse faculties like Arts, Science, Commerce, Medicine, Engineering, Dental, Pharmacy, Architecture, Law, Nursing, Ayurveda, Management, Information Technology and Computer Science are catering the service from KG to PG including research. All institutions spread from unknown rural area to well known cities are at par excellence in infrastructure with high quality education which are accepted with wide acclaim by members of society and approved by NAAC/Universities/NBA etc.

CHAIRMAN'S MESSAGE



Dr. Prabhakar Kore
Ex-MP, Chairman KLE Society

The quest for knowledge, insight and wisdom is part and parcel of life. The more we learn, the more we realize that we do not know. A revelation of how much we don't know will continue to motivate us towards learning. In praise of constant learning, Henry Ford, quoted – “ Anyone who stops learning is old, whether at 20 or 80. Anyone who keeps learning stays young.” Great learning must be accompanied by willingness to listen to others. This is important and should not be glossed over. Times are changing. People were beginning to realize the importance of ideas and the power of thinking and learning. We need inspiration, not just information. We need passion, not pettiness. We need courage, not cowardice. We reach our destination with discipline and deep thinking, not with alliance and diversion. The discipline of action, although it may give rise to mistakes sometimes, is far preferable to safe and stationary living. Discipline, KLE has discovered, has an intrinsic ability to be self-perpetuating. This discipline is the secret of holistic approach of KLE. Be a proud partner of KLE family. Lastly with quotes of William A Ward, I advise young and beautiful minds:

“PLAN PURPOSEFULLY, PREPARE PRAYERFULLY, PROCEED POSITIVELY, PURSUE PERSISTENTLY.



About the College

The College which is nearer to Mumbai city, started during the academic year 2016-2017 under the aegis of the Karnataka Lingayat Education Society.

The Trust started the institution with a cherished ambition to impart legal education, in Navi Mumbai, which is in fact very important step towards spreading legal awareness and empowering the society. The college is affiliated to University of Mumbai, and recognized by Bar Council of India, New Delhi.

KLE College of Law offers, Three Year LL.B. & Five Year B.L.S LL.B. & LL.M Programs.

It is determined to achieve exceptional higher legal education and establish eminent research institute in Maharashtra in order to best serve the needs of the students and nurture them holistically to take social responsibility. Our aim is to create a stellar legal institute that produces eminent lawyers who not only excel in their specialization but focus on uplifting the society. Keeping pace with this 3 batches of LL.B. (3 Year) and 1 batch of BLS.LL.B (5 Year) have entered into the legal fraternity from our institute and are serving the people in the best possible way.

KLE College of Law, Kalamboli, Navi Mumbai has been organising various events for last 6 years continuously since our inception with a focus on learning with sharing. Even the pandemic could not hinder our zeal for imparting quality education to our students. We took this pandemic as a challenge and shifted all our operations on virtual platform. We are also proud to share that we have completed more than 300 hrs of National and International Webinars and Panel Discussions with more than 100 distinguished speakers and around more than 40 thousand student and professionals who were benefitted from these sessions.

The college has organised three National Law Festivals- SPARKLE, since 2019, and this year we are again coming up with our 4th National Law Festival which will include two competitions- National Moot Court Competition and National Client Counselling Competition. We are again happily awaiting to host brilliant participants from prestigious institutions of India.

PRINCIPAL'S MESSAGE



Prof. Dinkar Gitte
Principal, KLE College of law , Navi Mumbai

KLE College of Law, Navi Mumbai envisions to impart value based legal education with the commitment to serve society. KLE Society, which has been in service of nation since last 102 years and still marching forward tirelessly. Our aim, is to inspire students to learn and understand Dharmam Sarvampratishtitam (Law is Supreme and not the Learners). It is the law alone that brings equality amongst unequals. Our college environment is conducive for students to acquire requisite skill-set as we encourage participation in various curricular and co-curricular activities, such as Moot Court Competition, Trial Advocacy, Debates, Conference and Classroom discussions.

With the best infrastructure and well-equipped library, we provide our students the best opportunities in exploring the world of legal knowledge. Our goal is to imbibe core values of discipline, punctuality, and ethics which are quintessential to student's progress. Our teachers have vast experience and expertise in the field of law. We aim to build leaders who shall stand for social, political and economic justice. We strive for society that is Dharmo rakshatirakshitaha (If we protect the law, the law shall protect us).

NATIONAL MOOT COURT COMPETITION

The KLE College of Law National Moot has been conceived with the aim of creating opportunities for learning the development of jurisprudence on emerging trends in the legal field besides developing cutting edge skills in research, writing and advocacy.



The competition will have the following rounds

- 1) Preliminary Rounds
- 2) Octa Final Rounds
- 3) Quarter Final Rounds
- 4) Semi Final Rounds
- 5) Final Round

RULES AND REGULATIONS OF MOOT COURT COMPETITION

1. LANGUAGE OF THE COMPETITION:

The competition shall be in the English language.

2. ELIGIBILITY:

- a. Students who are studying LLB three year or five year course are eligible to participate in the competition.
- b. Only one team can participate from one institution.

3. TEAM COMPOSITION:

- a. Each team should consist of a minimum of 2 and maximum of 3 members. This number cannot be modified under any circumstances.
- b. There shall be 2 speakers and 1 researcher designated for each team. The researcher shall be allowed to argue with prior permission of the court and Convener of the Moot Court Committee, in case of illness of the designated speakers.
- c. Each team will be provided a competition team code during orientation. Teams should not disclose the identity of their institution; such disclosure shall invite penalties including disqualification. The decision for the same shall be at the discretion of the Convener of the Moot Court Committee.

4. REGISTRATION:

- a. The teams must register online by 31st January, 2023. Teams will have to register online on the following Google Form-<https://forms.gle/X7m5WmMfSKumdmpE> and confirm their registration via mail on sparkle@klecollegeoflawmumbai.edu.in . After successful registration, the participants will get an acknowledgement for the same.
- b. A scanned copy of the letter from the participating college/ institution / university duly signed by any one of the following :- Faculty-in-charge of MCS/MCA, Registrar, Principal, Dean, Director, Chancellor or Vice-Chancellor confirming the names of the participants, Year / semester in which studying, representing the college/ institution / university for the moot competition will have to be attached during the online registration process
- c. Registrations without the scanned copy of the approval letter from the college/institution/ university or duly attested registration form will not be valid.



NATIONAL MOOT COURT COMPETITION

d. The registration fees of Rs. 4000 /- to be paid online by 15th January, 2023 via NEFT. The details are as follows:

Name of the Bank : Canara Bank
Account No. : 4652101002417
IFSC : CNRB0004652
Name of Account Holder : KLE College of Law
Name of the Branch : Khandeshwar- Kamothe

Registration particulars and receipt of payment should be sent by e-mail to sparkle@klecollegeoflawmumbai.edu.in latest by **31st January 2023**.

5. ROUNDS:

- a. There will be two preliminary rounds of arguments, an Octa-final, a Quarterfinal, a Semi-Final and a Final round.
- b. Octo-final will be conducted if the participation exceeds 30 teams
- c. Quarterfinal will be conducted if the participation exceeds 16 teams

Preliminary Round

- a. There will be two preliminary rounds of arguments per team, once for applicant & another for respondent.
- b. No team will face each other more than once in the preliminary rounds.
- c. Each team will face a different bench in their second round of arguments.
- d. Preliminary I & II / Octo final will be held on 17th March, 2023(Friday), and the top sixteen / eight teams, will qualify for the Octo finals / Quarterfinals as mentioned above.
- e. Top sixteen / eight teams from the Preliminary Rounds will advance to the Octa /Quarter final rounds that will be decided on the following criteria:
 - i. The qualification or disqualification of the Teams for the Advanced Rounds shall be determined on the basis of the wins only in each Preliminary Round.
 - ii. The win or loss of a Team shall be determined on the basis of aggregate score. The Team with a higher aggregate score shall win the round.
 - iii. The aggregate score of a Team shall be computed as the total of - Oral Score of Speaker-1 & Oral Score of Speaker-2.
 - iv. Only those Teams shall qualify to the Octa Finals/Quarter Finals who win both the preliminary rounds.
 - v. In case of shortage of such teams to even out the competition in the advanced rounds, the top teams as determined by their cumulative scores for both the rounds shall be taken into consideration by the Organisers irrespective of the fact that whether such team had won/lost any round whatsoever.



NATIONAL MOOT COURT COMPETITION

vi. In the event of a tie, the following methods shall be used to determine the rank of the Team:

- The Team with the higher Memorial score will be allotted a higher rank;
- If the tie still subsists, the Team with the highest individual speaker score out of speakers of tied Teams will be allotted the higher rank;
- If the tie still subsists, then the rank shall be determined by a toss of a coin.

f. Memorial marks will be added to the scores of both the preliminary rounds only.

g. There will be an Orientation Program for all the participants on **16th March 2022 (Thursday)** followed by a draw of lots & exchange of memorials, Competition team codes and argument side will be allotted.

h. The participants shall adhere to following **dress code** when present in any court room during the competition:

Girls: Black salwar and white kurta or white shirt and black trousers along with black blazer and black shoes.

Boys: White shirt, black trousers and black tie along with black blazer and black shoes

Note: The participating teams shall also adhere to the above mentioned dress code while attending the inaugural and valedictory ceremonies of the competition

i. The oral arguments need not be confined to the issues presented in the memorials.

Octa final / Quarterfinal / Semi Final Round / Final Round:

a. Draw of lots will decide the side of the arguments in Octo finals, Quarterfinals, Semi finals & Finals.

b. The Semi Finals will be held on **18th March, 2023(Saturday)**.

c. The Final will be held on **19th March, 2023(Sunday)**.

d. The Octa finals / Quarter final / Semi final are knockout rounds.



NATIONAL MOOT COURT COMPETITION

RESULTS (ANNOUNCEMENT)

Results will be announced within immediately after the completion of the preliminary / Octo / Quarter / Semi final rounds. The Final result and the winners of the various categories will be announced only during the valediction / prize distribution ceremony.

6. MEMORIALS:

The following requirements for memorials must be strictly followed. Non-conformities will be penalised:

- a. Each team must prepare memorials for both parties to the dispute (Petitioners and Respondent).
- b. Soft copy of the memorials in word format must be mailed on sparkle@klecollegeoflawmumbai.edu.in.
- c. One advance hard copy of the memorials (both Applicant and Respondent) must reach the host institution (KLE College of Law, Navi Mumbai) for evaluation by **5th February, 2023**.
- d. Late submission will be penalized by one point each memorial for every day of delay after due date.
- e. Once the memorials have been submitted, no revisions / supplements / additions will be allowed.
- f. The memorials have to be submitted on typed A 4 size and must contain:
 - The table of contents
 - The index of authorities
 - The statement of jurisdiction
 - The statement of facts (1 page only and argumentative statement of facts would attract penalties)
 - The statement of issues
 - The summary of arguments (not more than 1 page)
 - The arguments advanced (not more than 15 pages)
 - The prayer



NATIONAL MOOT COURT COMPETITION

7. ORAL ROUNDS

PRELIMINARY ROUND & OCTA FINALS

- a. Each team will get a total of 30 minutes to present their case. This time will include rebuttal and sur-rebuttal time.
- b. The division of time is at the discretion of the team members, subject to a maximum of 15 minutes per speaker. Division of time shall be informed to the court officer before arguments begin.
- c. The oral arguments need not be confined to the issues presented in the memorials.
- d. Passing of notes to the speakers by the researcher during the rounds is allowed.
- e. The researcher shall sit with the speakers at the time of the orals.

SEMI FINAL & FINAL

- a. Each team will get 45 minutes to present their case that will include rebuttal and sur-rebuttal time
- b. The division of time is at the discretion of the team, with a maximum of 25 minutes per speaker.
- c. The oral arguments need not be confined to the issues presented in the memorials.
- d. The researcher shall sit with the speakers at the time of the orals.

8. SCOUTING

Teams will not be allowed to observe the orals of any other teams. Scouting is strictly prohibited. Scouting by any of the team members shall result in disqualification.

9. SCORING

A.Orals

The parameters for judging the oral presentation on a scale of 0 – 100 points are:

- a. Knowledge of facts
- b. Logic and reasoning
- c. Organisation and clarity
- d. Persuasiveness
- e. Deference to the court
- f. Proper and articulate analysis of the issues arising out of facts
- g. Understanding of the legal principles directly applicable to the issues
- h. Ability to explain clearly the legal principles in general keeping to the time allotted
- i. Knowledge and use of legal sources and authorities and general principles of national law
- j. Ingenuity (ability to argue by analogy from related aspects of law)

B. Written Submissions (Memorials)

- a. The memorials shall be marked on a scale of 1-100 points each
- b. Any revisions, supplements or additions to the memorials after submission shall attract severe penalties subject to the discretion of the Convener of the Moot Court Committee.
- c. **Award of the points shall be based on the following parameters:**
 - Neatness, legibility, no typographical errors or format errors
 - Logical progression of ideas
 - Effective use of headings to outline arguments
 - Understanding essential legal issues presented
 - Focus on essential (not collateral) issues
 - Clear, concise and unambiguous writing style
 - Forceful and persuasive presentation
 - Integration of facts into legal argument
 - Understanding of strengths and weaknesses of case
 - Discussion of viable alternative arguments
 - Understanding and analysis of authority
 - Proper use of citations and citation form
 - Effective use of authority to support arguments
 - Ability to distinguish adverse cases
- d. Non-compliance of the rules mentioned in Clause 5 above shall attract severe penalties

10. AWARDS

- i. Winner – Trophy + Rs. 31,000/-
 - ii. Runner up – Trophy + Rs. 21,000/-
 - iii. Best Memorial – Trophy + Rs. 5000/-
 - iv. Best Student Advocate – Trophy + Rs. 5000/-
- All participants will be issued participation certificates.

11. ANONYMITY

- a. Student counsel may introduce her/himself to the court in the usual manner and may also state her/his names. However, the team's college / institution affiliation may not be mentioned at any time before the awards ceremony.
- b. Further, all team members, coaches, advisors, and observers shall refrain from identifying a team's school at any time and in any manner, including, but not limited to, wearing any identifying items, such as school clothing, ties, patches, or pins or carrying identifying material (such as a books with a college logo, or college seal).

12. DECISION OF THE JUDGES IS FINAL

13. COPY RIGHT

a. The copyright over the memorials submitted for participation in the competition is assigned by participants and shall also vest completely and fully in KLE College of Law, Navi Mumbai. 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.

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

c. Distribution of these materials on affiliated websites does not constitute consent to any use of this material for commercial redistribution either via the internet or using some other form of hypertext distribution. Links to the collection or individual pages in it are welcome.

14. ACCOMMODATION AND TRAVEL

a. Accommodation and food shall be provided to the outstation teams by the organisers from the evening 16th March, 2023 to the morning 19th March, 2023.

b. Teams willing to stay beyond or before the dates of the Law Festival, as specified, will have to pay the hotel charges on actual basis.

c. The interested students are required to inform the Organizing Committee about the arrival of the team so as to enable them to make necessary arrangements. Under no circumstances the organisers shall provide accommodation to any other person accompanying the team.

d. The team after reaching Mumbai/Navi Mumbai must report at the college. After reporting as a team, the college will make necessary arrangements for accommodation of the team.

e. Separate accommodations shall be given to boys and girls.

f. The teams belonging to Mumbai, Thane and Navi Mumbai shall not be given accommodation.



NATIONAL MOOT COURT COMPETITION

15.Important

If there is any situation, not covered by the Rules, the decision of the Organizers shall be final and binding.

16. CLARIFICATIONS:

Any clarifications for the competition can be sought from:

Regarding Submission of Memorials & Registration:

Faculty Coordinators:

1. Dr. Amrita Singh- 9852599512
2. Prof. Navjot Kaur- 7021515505

Student Coordinators:

1. Sidhant Modak- 9769764654
2. Shreya Lal- 9537412087

Regarding Queries on Case Dr. Tanaya Kamlakar-
7767058500

Moot Proposition for National Moot Court Competition

Indica is a federal, democratic and republic with the rule of law, Independent Judiciary and maintains the separation of powers. Indica is a pluralistic and multi-cultural society where many faiths and belief systems regulate the life of individuals and are embedded in the moral values of the country. Since time immemorial, marriage has been considered the most sacred relationship in terms of social values and physical union of two individuals. It is regarded as a moral duty and 'Samskara' (sacrament) for every Indican to lead the life of a householder. Marriage in Indica is regarded as one of the necessary social events, particularly for the women to live a meaningful life. Though equal opportunities are strived to be achieved, the society is mostly patriarchal. Marriage brings a number of obligations and privileges affecting many people. Indica has, therefore, developed a pattern for guiding marriages. Being committed to one's partner in the course of marriage is the basic tenet of marriages in Indica.

In Indica, prostitution took its form first in ancient times with the emergence of illicit love affairs or extra marital affairs. There has been an increase in the profession of prostitution since then. *The Immoral Traffic Prevention Act, 1956* was the main legislation drafted in view of trafficking and solicitation of women in India. Prostitution is a grey area when done individually and privately and the Act does not criminalise practicing of prostitution. However, the punishment for illegal trafficking and solicitation for the purposes of prostitution was penalised in the Act of 1956. There has been a constant debate regarding the legalising of prostitution in order to regulate the act of prostitution by enacting a law by Parliament and to curb the violence by both clients and middlemen. There has been a constant demand from the class of sex workers to legalise prostitution in Indica as there are numerous health issues faced by the sex workers. The Indican Government thought that bringing prostitution under the legal domain will make it easier to control criminal activity and also to regulate it as a profession. A large population is engaged in this activity. However, due to lack of a proper law, the misuse has reached its peak in Indica. The law has been passed to prevent rampant criminality and to promote welfare and health of sex workers.

In 2020, general elections of Indica, the Liberal Party won the general election and secured 312 out of 500 seats. Its overall vote share was 45% of the total votes polled in the General

Election. The Parliament of India has recently enacted a gender neutral law to regularise prostitution as a profession called **The Indica Commercial Sex Workers (Protection and Regulation) Act, 2021**. The law has been introduced to regularise commercial sex for all the genders as registration and licence of practicing this profession is mandatory. It has given a free hand for practicing commercial sex for money as consideration. The Act specifies terms for registering which includes written consent of the spouse, in case of being married. It has also prescribed offences and penalties for being involved in certain activities.

The new legislation has legalised commercial sex due to which there is a dip in the cases of rape and sexual assault from past three months, as per the latest crime ratio reports. It has generated ample revenue for the government as income tax is levied on the profession. There is a reduction in sexually transmitted diseases in the country due to the mandatory and periodic medical assessment of the sex workers. The social stigma attached to this profession has faded due to the new legislation.

The law, though enacted on demand of the class of sex workers, has resulted in many other citizens making applications for registering under the Act. There is a strong opposition and protests from the married men and women for this Act due to the regularisation of 'prostitution' in the name of commercial sex. There is a public outrage as it shakes the fundamentals of marriages in India and is opposed to the moral values shared by the Indian Society. There is a large hue and cry in the society as married women are harassed for giving consent by their husbands, so that they can practice this profession and earn money. The women are subjected to domestic violence and mental cruelty. There is a registration of fake licences. The rural population has opposed this law by calling it unnecessary. Many States have expressed disagreement with this step of Liberal Party.

On the other hand, many single women are freely practicing this profession as the right of a woman or girl to make autonomous decisions about her own body and reproductive functions is at the very core of her fundamental right to equality and privacy, concerning intimate matters of physical and psychological integrity as outlined given under the International Law. The LGBTQ community has taken a neutral stand over this issue. The transgender population in particular has welcomed this initiative as they are not given employment in other workplaces and the Act tries to regularise the profession so that they are not stigmatised or assaulted while practising it.



NATIONAL MOOT COURT COMPETITION

A civil society organization named “Astitva” challenged the constitutional validity of the **Indica Commercial Sex Workers (Protection and Regulation) Act, 2021** before the Supreme Court of Indica. The Supreme Court admitted the petition. An NGO named “Tree of Life” representing the commercial sex workers filled an intervening petition. The same was permitted and the matter is posted for final hearing with the following issues:

- a) Whether section 3 **The Indica Commercial Sex Workers (Protection and Regulation) Act, 2021** is violative of right to privacy?
- b) Whether the requirement of spousal consent violates the sanctity of marriage as espoused by the Indican societal values and morality?
- c) Whether **The Indica Commercial Sex Workers (Protection and Regulation) Act, 2021** is against public health, safety and morality and is liable to be struck down?

NOTE: THE CONSTITUTIONAL AND LEGAL SYSTEM OF INDICA IS IDENTICAL TO THAT OF “UNION OF INDIA”. THE MOOT PROPOSITION HAS BEEN FRAMED SOLELY FOR ACADEMIC PURPOSES AND EXCLUSIVELY FOR CONDUCTING A NATIONAL MOOT COURT COMPETITION IN SPARKLE 4.0 ORGANISED BY KLE COLLEGE OF LAW, NAVI MUMBAI.

THE INDICA COMMERCIAL SEX WORKERS (PROTECTION AND REGULATION) ACT, 2021.

An Act to regularise the commercial sex work as a profession by registering for the voluntary commercial sex. To accord status and reinforce the rights of sex workers who, bearing the brunt of social stigma attached to their work, are removed to the fringes of the society, deprived of their right to live with dignity and practice commercial sex as a profession.

WHEREAS it is expedient to regulate the of conditions of work and employment of commercial sex workers and prohibiting solicitation of commercial sex at residential hotels, theatres, other places of public amusement or entertainment and other establishments and for certain other purposes hereinafter.

AND WHEREAS to protect the commercial sex workers as well as their children from trafficking and abuse and to control the compelling of involuntary sexual activities.

Be it enacted by Parliament in the Seventy fifth Year of the Republic of Indica as follows:-

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement –

(1) This Act may be called **The Indica Commercial Sex Workers (Protection and Regulation) Act, 2021.**

(2) It extends to the whole of Indica.

(3) This section shall come into force at once; and the remaining provisions of this Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions. - In this Act, unless the context otherwise requires –

(a) "adult" means any person who has completed the age of eighteen years;

(b) "place of work" includes any house room, conveyance or place or any portion of any house, room, conveyance or place, which is used for purposes of commercial sex or for gain of another person or for the mutual gain of two or more commercial sex workers;

(c) "commercial sex" means the voluntary consensual sexual activity performed for money or goods in exchange or voluntary erotic performances performed for money or goods in exchange of the consensual sexual activity;

- (d) “commercial sex worker” means an adult who receives money or goods in exchange for consensual sexual services or erotic performances;
- (e) “child” means a person who has not completed the age of sixteen years;
- (f) “minor” means a person who has not completed eighteen years of age;
- (f) “Magistrate” means a District Magistrate competent to exercise the powers conferred by the section 3 within the local jurisdiction of the commercial worker seeking license.
- (g) “medical examination” means examination conducted by the registered medical practitioner.
- (h) “registered medical practitioner” means a medical practitioner who possesses any medical qualification as defined in clause (h) of section 2 of the Indian Medical Council Act, 1956 (102 of 1956) and whose name has been entered in a State Medical Register.
- (i) “License after registration” shall mean and include Licence granted under Section 3 of the Act;
- (j) “special police officer” means a police officer appointed by or on behalf of the State Government to be in charge of police duties within a specified area for the purpose of this Act under sub section (2) of Section 12;
- (k) “public place” means any place intended for use by, or accessible to, the public and includes any residential hotels, restaurants, eating houses, theatres, other places of public amusement or entertainment and other establishments of public interest.
- (l) “solicit” means requesting for money and impetrating to hire services by word gestures, willful and indecent exposure of any person, loitering thereby to cause obstruction or annoyance or otherwise attract or endeavour to attract attention for the purpose of commercial sex.

CHAPTER II

REGISTRATION OF COMMERCIAL SEX WORKERS

3. Registration of commercial sex workers:

- (1) Every commercial sex worker shall send the District Magistrate of local area concerned, an application, in a prescribed form, together with such fees as may be prescribed, containing-
- (i) the name of the commercial sex worker and manager, if any;
- (ii) the postal address of the commercial sex worker;
- (iii) proof of age and declaration of being an adult;

- (iv) the place of performance of commercial sexual activities;
- (iv) a declaration to that effect of not practicing the commercial sex at public places;
- (v) certificate of fitness from the registered medical practitioner under Section 5 of the Act;
- vi) written consent of the spouse in case of being married;
- (vi) such other particulars as may be prescribed.

(2) On receipt of the application and the fees, the District Magistrate shall, on being satisfied about the correctness of the statement, register the commercial sex worker in the register of sex workers in such manner as may be prescribed and shall issue, in a prescribed form, a registration certificate and licence to the commercial sex worker.

(3) The information entered into the register of sex workers shall be made available on an application and payment of prescribed fees.

(4) A registration certificate granted under sub-section (2), shall be valid up to the end of the year for which it is granted. An application for the renewal of a registration certificate and license shall be submitted not less than fifteen days before the date of expiry of the registration certificate or of the renewed registration certificate, as the case may be, and shall be accompanied by such fees, and the renewed registration certificate shall be in such form, as may be prescribed.

(5) The persons having a valid registration and licence shall be allowed to practice voluntary commercial sex in such places as prescribed on the licence.

4. Examination of commercial sex worker by registered medical practitioner.

(1) When a declaration under Section 3 (1) (v) is required to be made by the commercial sex worker, the registered medical practitioner shall examine such person and prepare a report of his examination giving the following particulars, namely:

- (i) the name and address of the commercial sex worker;
- (ii) the age of the commercial sex worker;
- (iii) presence of chronic illness or diseases or infirmity if any;
- (iv) presence of sexually transmissible diseases if any;
- (v) details of treatment or preventative steps undertaken to prevent the spread of sexually transmissible diseases, if any;
- (vi) person being of sound mind capable of understanding the nature of act and giving free, informed consent;
- (vii) any other material particulars in reasonable detail.

(2) The registered medical practitioner shall issue a certificate of fitness after examining the applicant and after specifying the details if the commercial sex worker is fit for undertaking the voluntary sex work.

5. Cancellation of license.-

(1) The license issued under section 3(3) to commercial sexual worker shall be revoked or cancelled if any act in contravention of Chapter III of the Act is performed by the commercial sex worker in the manner prescribed.

(2) The commercial sex worker shall not be entitled to renewal of license if the license has been cancelled on the grounds of unlawful conduct or proved misbehaviour in public.

6. Hours of work for the commercial sex.-

(1) The commercial sex worker shall not be able to practice commercial sex as a profession during the day time or before 7:00 PM.

7. Place of work for the commercial sex.-

(1) No commercial sex worker shall engage in commercial sexual activities at the public places which are within a distance of two hundred metres of any place of public religious worship, educational institution, hostel, hospital, nursing home or such other public place of any kind as may be notified in this behalf by the District Magistrate in the manner prescribed.

8. Seducing or soliciting commercial sex work at public places.-

(1) No commercial sex worker shall solicit the work at public places or within two hundred metres of such public places.

CHAPTER III

OFFENCES AND PENALTIES

9. Acts done in contravention of the provisions of this Act.-

1) Any person who carries on commercial sex work without the registration and licence as per provided in Section 3 of the Act shall be punished with an imprisonment which may extend to two years or with fine or with both.

2) Any person who carries on commercial sex work during the day in contravention of Section 6 shall be punished with a simple imprisonment which may extend to six months or with fine.

3) Any person who carries on commercial sex at public places in contravention of Section 7 shall be punished with a simple imprisonment which may extend to one year or with fine.

4) Any person who solicits the work of commercial sex in contravention of Section 8 shall be punishable on first conviction with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both, and in the event of a second or subsequent conviction, with imprisonment for a term which may extend to one year, and also with fine which may extend to five thousand rupees.

10. Seduction or engaging in commercial sex with a minor-

1) Any person who seduces a child for the purposes of hiring the commercial sex worker for sexual activities of causes or aids or abets the seduction of a child for offering the commercial sex shall be punishable on conviction with imprisonment of either description for a term which shall not be less than seven years but which may extend to ten years and shall also be liable to fine.

2) Any person who engages in commercial sex with a child with or without the consent of the child shall be punishable on conviction with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine.

11. Punishment for recording, publishing or transmitting the commercial sexual activity in electronic form.-

1) Whoever, intentionally or knowingly captures, records, publishes or transmits the image or video of any person involved in commercial sex without his or her consent, under circumstances violating the privacy of that person, shall be punished with imprisonment which may extend to seven years or with fine, or with both.

12. Procuring, inducing or forcing a person for the sake of engaging in commercial sexual activity.-

(1) Any person who

(a) procures or attempts to procure a person, whether with or without his consent, for the purpose of registering for commercial sex;

(b) compels a person to apply for registering with the intent that he may be compelled to undergo commercial sex;

(c) takes or attempts to take or causes a person to be taken, from one place to another with a view to his carrying on, or being brought up for registration against the person's will;

shall be punishable on conviction with rigorous imprisonment for a term of not less than three years and not more than seven years and also with fine under this sub-section is committed against the will of any person, the punishment of imprisonment for a term of seven years shall extend to imprisonment for a term of fourteen years.

(2) Where the person compelled or induced is a minor, the punishment shall be an imprisonment for a term of ten years shall extend to imprisonment for life.

13. Punishment for illegal possession of The Narcotic Drugs and Psychotropic Substances:

(1) Any person found in possession or consumption of any narcotic drug or psychotropic substance during the commercial sex shall be punished with imprisonment which may extend to three years or with fine, or with both.

Provided that nothing in this act shall affect the operation of the Narcotic Drugs and Psychotropic Substances Act, 1985.

CHAPTER III

AUTHORITIES AND POWERS

14. Special police officer and Advisory body.

(1) There shall be for each area to be specified by the State Government in this behalf a special police officer appointed by or on behalf of that Government, for dealing with offences under this Act in that area.

(2) The special police officer shall not be below the rank of an Inspector of Police.

(3) The special police officer of an area shall be assisted by such number of subordinate police officers (including women police officers wherever practicable) as the State Government may think fit; and

(4) The Central Government may, for the purpose of investigating any offence under this Act or under any other law for the time being in force dealing with sexual exploitation of any child and committed in more than one state, appoint such number of police officers as trafficking police officers and they shall exercise all the powers and discharge all the functions as are exercisable by special police officers under this Act with the modification that they shall exercise such powers and discharge such functions in relation to the whole of India.

15. Duties of Special police officers:

(1) The special police officer shall investigate into the matters of contravention of the offences under this Act.

(2) The special police officers shall visit the places of place of work of commercial sexual activity for inspection or reporting the cases of involuntary sexual activities.

Provided that no search and seizure shall be conducted in any such premises in contravention of the Criminal Procedure Code, 1973 or any other law in the time being in force.

16. Offences to be cognizable.-

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), any offence punishable under this Act shall be deemed to be a cognizable offence within the meaning of that Code: Provided that, notwithstanding anything contained in that Code,—

(i) arrest without warrant may be made only by the special police officer or under his direction or guidance, or subject to his prior approval;

(ii) when the special police officer requires any officer subordinate to him to arrest without warrant otherwise than in his presence any person for an offence under this Act, he shall give that subordinate officer an order in writing, specifying the person to be arrested and the offence for which the arrest is being made; and the latter officer, before arresting the person, shall inform him of the substance of the order and, on being required by such person, show him the order;

(iii) any police officer not below the rank of sub-inspector, specially authorised by the special police officer may, if he has reason to believe that on account of delay involved in obtaining the order of the special police officer, any valuable evidence relating to any offence under this Act is likely to be destroyed or concealed, or the person who has committed or is suspected to have committed the offence is likely to escape, or if the name and address of such a person is unknown or there is reason to suspect that a false name or address has been given, arrest the person concerned without such order, but in such a case he shall report, as soon as may be, to the special police officer the arrest and the circumstances in which the arrest was made.

17. Rescue of person.

(1) Where a Magistrate has reason to believe from information received from the police or from any other person authorised by the State Government in this behalf or otherwise, that any person or a child is being made to carry on involuntary commercial sex, he may direct a police officer not below the rank of a sub-inspector, to enter such place, and to remove therefrom such person and produce him before him.

(2) The police officer, after removing the person, shall forthwith produce him before the Magistrate issuing the order.

(3) The Magistrate shall proceed to place the rescued minor at an appropriate shelter home or other such place, as may be provided under the Juvenile Justice Act, 2015.

18. Trials.-

No court, inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence under section 9, section 10, section 11, section 12, section 13.

19. Power of the Central Government to establish special courts.

(1) If the Central Government is satisfied that it is necessary for the purpose of providing for speedy trial of offences under this Act and committed in more than one State, it may, by notification in the Official Gazette and after consultation with the High Court concerned, establish one or more courts of Judicial Magistrates of the first class or Metropolitan Magistrates for the trial of such offences.

20. Professionals to pay tax.

(1) The income generated from the commercial sex shall be taxable and the provisions of Income-Tax Act, 1961 shall be applicable.

National Client Counselling Competition



KLE College of Law will be hosting a Client Counselling Competition. The participants will be in the team of two for Client Counselling. They will deal with the problem given by their client and give them advice for their legal issues. This will deal with the problem given by their client and give them advice for their legal issues. This will encourage the participants to develop interviewing, planning and analytical skills in the lawyer-client relationship in the law office. The participants shall interview and advise their client on the matter. This competition will provide the participants an opportunity for a valuable, educational and cultural interchange between students, law teachers and legal practitioners.



National Client Counselling Competition

RULES AND REGULATIONS OF CLIENT COUNSELLING COMPETITION

1. MODE OF COMPETITION: Offline (In Campus)

2. LANGUAGE: English

3. ELIGIBILITY: Students of three year and five-year law degree courses from any University/Law School/College/Department are eligible to apply for registration of their team.

4. Team Composition: Each team shall consist of two members. Multiple teams are allowed from different University/Law School/College/Departments.

5. Registration:

a. The registration fee shall be Rs. 2000/- for each team to be paid online by **31st January, 2023** via NEFT. The details are as follows:

Name of the Bank : Canara Bank

Account No. : 4652101002417

IFSC : CNRB0004652

Name of Account Holder : KLE College of Law

Name of the Branch : Khandeshwar- Kamothe

b. The last date for registration is **31st January, 2023**.

c. Teams can register by filing up the following google form: Google Form- <https://forms.gle/WxsGEyN2WEyVJDkW9> and confirm their registration via mail on sparkle@klecollegeoflawmumbai.edu.in. After successful registration, the participants will get an acknowledgement for the same.

d. A scanned copy of the letter from the participating college/ institution / university duly signed by any one of the following :- Registrar, Principal, Dean, Director, Chancellor or Vice-Chancellor confirming the names of the participants, Year / semester in which studying, representing the college/ institution / university for the competition will have to be attached during the online registration process.



National Client Counselling Competition

e. Registrations without the scanned copy of the approval letter from the college/institution/ university or duly attested registration form will not be valid.

f. Registration particulars and receipt of payment should be sent by e-mail to sparkle@klecollegeoflawmumbai.edu.in .

6. DRESS CODE: The Dress Code shall be Formals as below.

Female(s): White Shirt, Black Trouser and Black Tie along with Black Blazer and Black Shoes.

Male(s): White Shirt and Black Trouser along with Black Tie, Black Blazer and Black Shoes.

NOTE: Non-adherence to dress code shall attract penalty.

7. THEMES: Propositions for the National Client Counselling Competition 2023, are based on:

- a. Cyber Law
- b. Criminal Law
- c. Constitutional law
- d. Corporate Law
- e. IPR
- f. Family Law & Arbitration Law

8. ROUNDS: There shall be three rounds of this competition.

a. Knock out Round -According to the scores, the top 4 teams will move to the semi-final rounds.

b. Semi Final -Top 4 teams which qualify the knockout round shall compete against each other and out of which 2 teams shall be carried forward to the final round.

c. Final Round - Top 2 teams from Semi-Final Round shall compete against each other and the winner and the runners up shall be declared from them.

9. DURATION OF ROUNDS:

a. **Knock Out Rounds-** The teams will go through a 25-minute session in the Knock Out Round which includes:

- Consultation Session of 15 Minutes
- Discussion Session of 5 Minutes
- Post-Consultation Session of 5 Minutes

National Client Counselling Competition

b. **Semi Final** - Qualified teams will go through a 35-minute Session in the Semi - Final round. The session will include:

- Consultation Session of 20 Minutes
- Discussion Session of 10 Minutes
- Post-Consultation Session of 5 Minutes.

c. **Final Round** - Top 2 qualified teams will go through a 50-minute Session in the Final round. The session will include:

- Consultation Session of 30 Minutes
- Discussion Session of 15 Minutes
- Post-Consultation Session of 5 Minutes

10. RESULTS (ANNOUNCEMENTS)

Results will be announced immediately after the completion of the Knock Out / Semi final rounds. The Final result and the winners of the various categories will be announced only during the valediction / prize distribution ceremony.

11. SCORING: The parameters for judging the oral presentation on a scale of 0-100 points are:

- Handling of clients
- Extraction of information
- Knowledge and application of law to facts
- Counsel-client rapport
- Time management
- Client's satisfaction
- Ability to answer judges' questions

NOTE: In the case of a tie, the aggregate marks of "Knowledge and application of law to facts" and "Client's Satisfaction" shall be taken into consideration.

If the tie still persists, it shall be resolved by the toss of a coin.

National Client Counselling Competition

12. AWARDS:

- Winner- Trophy + Rs. 11,000/-
- Runner- Trophy + Rs. 5,000/-
- Best Client Counsellor- Trophy + Rs. 3000/-

All participants will be issued participation certificates.

13. ANONYMITY:

a. Student counsel may introduce her/himself to the court in the usual manner and may also state her/his names. However, the team's college / institution affiliation may not be mentioned at any time before the awards ceremony.

b. Further, all team members, coaches, advisors, and observers shall refrain from identifying a team's school at any time and in any manner, including, but not limited to, wearing any identifying items, such as school clothing, ties, patches, or pins or carrying identifying material (such as a books with a college logo, or college seal).

14. DECISION OF THE JUDGES SHALL BE FINAL

15. GROUNDS FOR DISQUALIFICATION

- Misconduct, whether behavioural or otherwise.
- Any discussion with client before competition.
- Intimidation in any form.

16. If there is any situation, not covered by the Rules, the decision of the Organizers shall be final and binding.

17. The participants are always required to comply with the rules formulated by the Organizing Committee during the competition. In case of any non- compliance with the rules of the competition, penalty may be imposed by deduction of marks and the teams may also be disqualified after they have been warned once.

National Client Counselling Competition

18. Any query/communication regarding the National Client Counselling Competition shall be made through sparkle@klecollegeoflawmumbai.edu.in .

19. ACCOMMODATION AND TRAVEL

a. Accommodation and food shall be provided to the outstation teams by the organisers from the morning 18th March, 2023 to the morning 19th March, 2023.

b. Teams willing to stay beyond or before the dates of the moot, as specified, will have to pay the hotel charges on actual basis.

c. The interested students are required to inform the Organizing Committee about the arrival of the team so as to enable them to make necessary arrangements. Under no circumstances the organisers shall provide accommodation to any other person accompanying the team.

d. The team after reaching Mumbai/Navi Mumbai must report at the college. After reporting as a team, the college will make necessary arrangements for accommodation of the team.

e. Separate accommodations will be given to boys and girls.

f. The teams belonging to Mumbai, Thane and Navi Mumbai shall not be given accommodation.

20. CLARIFICATIONS:

Any clarifications for the competition can be sought from:

Faculty Coordinators:

1. Dr. Amrita Singh- 9852599512

2- Prof. Navjot Kaur- 7021515505

Student Coordinators:

1. Sidhhant Modak- 9769764654

2. Shreya Lal- 9537412087



Organizing Committee

**Prof.Dinkar Gitte,
Principal**

Faculty Coordinators

**Dr. Amrita Singh Prof.Pooja Bijjargi
Prof. Navjot Kaur Prof. Susmita Vadhavkar
Prof. Anant Pawar Prof. Mayuri Taware
Prof. Juli Jha Prof. Niharika Gayakwad
Prof. Kritika Singh Prof. Bipasha Bandopadhyay**

Co- Coordinator

Ms. Pranali Korlekar

Coordinator- Invitee

Dr. Tanaya Kamlakar

Student Convenors

Siddhant Modak

Shreya Lal

