

MOOT PROPOSITION



8th C. L. AGRAWAL MEMORIAL
NATIONAL MOOT COURT
COMPETITION, 2024

Date: 8th to 10th March, 2024

Mrigyaniki
v.
Union of India and Ors.

1. *Mrigyaniki* and *Devashya* were happily wedded in the year 2005 and were the parents of *Kshmika* (14 years old daughter) and *Amasya* (8-year-old Son). For the past 20 years, *Devashya* was working as the Chief Priest of Vrindvasini Temple of Meharganj state of the Republic of Indonia. On 23rd April 2021, *Devashya* got infected with a deadly virus and was quarantined for months. Meanwhile, *Mrigyaniki* took over the position of the Chief Priest of Vrindvasini Temple.

2. On 19th October 2021, *Devashya* died due to the virus, making *Mrigyaniki* a young widow. After *Devashya*'s death, *Mrigyaniki*, went through all the customary rituals prevailing in the village which a widow is bound to do to demonstrate grief and loyalty towards her husband like, shaving off her head, giving up her colourful clothes, jewellery, and her favourite food. The customs also demanded her to walk bare foot all her life, being absent on all auspicious occasions, including marriages and festivals. She was also removed from her position of the Chief Priest of Vrindvasini temple as, according to their customary practice, a widow cannot be a Chief Priest.

3. On 1st November 2021, the Vrindvasini Temple Trust invited an application for the position of Chief Priest for the Vrindvasini Temple with the following criteria in the notification no. 111/2021-

- i. The Applicant shall be the resident of Meharganj state.*
- ii. Shall be a Brahman by birth.*
- iii. Shall be well versed with the language of the State.*
- iv. Shall be either male or female.*
- v. Shall be single, married or a widower but not a widow.*

4. *Mrigyaniki* being a widow, was not eligible to apply for the position of Chief Priest for the Vrindvasini Temple. As *Mrigyaniki* was the only bread earner of the family, she started searching for an employment in the vicinity of the village, but as she had no educational degrees, she started working as a cook and used to cook at various occasions and festivals. One fine day, on the eve of a local harvest festival, *Mrigyaniki* was denied by the trustees of Vrindvasini Temple to cook the auspicious first meal of the season (bhog) which is served to the Lord Bhupati, as she was a widow. *Mrigyaniki* could not believe what happened to her and felt very insulted.

5. *Mrigyaniki* with other widows of the village decided to go to the Mateshwari temple located nearly 1000km away from Meharganj where usually the widows go to find solace. *Mrigyaniki* with other widows went to the Dandeshwari Temple thinking it to be Mateshwari temple where they were denied entry by the watchman claiming that the temple allowed only married and unmarried women and widows were strictly prohibited to go inside the temple. The widows protested but were eventually not allowed as it was an age-old custom.

6. *Mrigyaniki* narrated the entire incident to her children and ultimately with the help of her daughter sent the following postcard to the Apex Court: -

Date. 10/03/2022

From,
Mrigyaniki
Meharganj,
Republic of Indonia

I am *Mrigyaniki*, a 36 years old, young widow and a mother of two children, pray to the 'Lords of Justice', that what has happened to me doesn't happen to any other women of this holy land.

Philately: King Of Hobbies
COLLECT
INDIA POSTAGE STAMPS
CONTACT
Nearest Philatelic Bureau

50
LITTA INDIA
भारत की महात्मा गांधी

To,
The Supreme Court of Republic of
Indonia,
Indonia

भारत के संसद के संघे न ले लिखें और न ही मुद्रित करें Do not write or print below this line

पिन PIN	X	X	X	X	X	X
---------	---	---	---	---	---	---

On 19th October 2021, I lost my husband, then my sources of income, then the right to enter the temple and eventually the will to live only because I am a widow. I don't wish to live anymore as the world doesn't treat me as a human anymore that too without any fault. I wish, Sati existed.

I am glad for only two reasons, one is that I still have the right to write this postcard to my lord and secondly, that postcards don't have a marital status. As I am unable to pray to the almighty god at the temples, I pray to my lords, the protectors, for the first and last time that if you're reading this and can do anything for me, please protect the fundamental rights of all the widows of this land, including me, from being violated.

Mrigyaniki

7. The honourable Supreme Court treating the postcard as a writ petition said that the technicalities cannot stop the court from protecting civil liberties of the individuals and took cognizance of the case by framing the following issues-

- I. Whether the termination of a widow from being the Chief Priest of the temple is valid or not?
- II. Whether the exclusion of widows through the notification no. 111/2021 by the Vrindvasini Temple Trust is in violation of fundamental rights under the Constitution of India?
- III. Does widow's exclusion from cooking the *bhog* amount to violation of fundamental rights under the Constitution of India?
- IV. Whether the act of denying entry to the widows in the temple by the Dandeshwari temple authorities violate the fundamental rights under the Constitution of India?

NOTE-

1. The laws of "Republic of India" are *pari materia* with the laws of INDIA and the decisions of INDIA are of significant value to the Republic of India. The Apex Court of the Republic of India also relies on the precedents of International Courts and Tribunals.
2. The participants are required to prepare their submissions from each side of the case.