

*Government College of Law, Thiruvananthapuram's*  
**8<sup>th</sup> NATIONAL ADR COMPETITION FOR KELSA TROPHY**

**Problem I:** Progressive Workers Forum, a trade union collective moved their charter of demands consisting of different matters including fair living wage, right to sit, fixing of working hours, basic amenities, healthy work environment ... etc in the case of textile shop employees, particularly concerning female employees. Consequently the appropriate government initiated proceedings with the representatives of major stakeholders of the textile market, and simultaneously published a policy document elucidating stipulations and conditions with directions about the subject matter. The trade union approached the Court to enforce the policy document. Now the Court has issued a direction to the respondent government to convene adequate, accessible and appropriate platform to discuss and to resolve the issue, consulting the affected interests. Convene the same.

**Problem II:** The marriage between Gowri and Sasidhar was solemnized in 2002 following the customary practices under the Hindu Marriage Act, 1955. No issue was born out of the wedlock for more than 12 years. Despite the same, the conservative family of Sasidhar was reluctant to seek assisted reproductive techniques. Hence Gouri was disappointed. In the meantime her in-laws decided to divide and distribute their ancestral property equally and equitably to their three sons by virtue of a settlement deed. Sasidhar raised a loan for the construction of a building in the intended partition property for the residence of the entire family and for carrying on a mercantile firm. Due to consequential pressures and ill treatment from the in-laws the wife deserted her matrimonial home. Subsequently she filed a divorce petition at the Family Court at Mancheri and also sought for a permanent alimony Rs.5,00,000/-. During the pendency of the petition, Gowri learned that she is pregnant and aborted the foetus without the consent of Sasidhar. Sasidhar filed a petition before the Family Court claiming damages, being the father of the aborted, for an amount of Rs.5,00,000/-. The Family Court pronounced a decree in favour of the wife and granted her Rs.5,00,000. Sasidhar preferred an appeal before the High Court. The Court entrusted the Mediation cell to arrive into an out of Court settlement in this matter. Convene the same.

**Problem III:** The Economic Chronicle, an online magazine, published a news tag with allied clippings to expose the illegality, misrepresentation and unlawful bid between a public

limited corporation and a private multinational corporate to devise and produce certain defence materials for the State. The said MNC was procuring majority of its materials from a Government company incorporated in the Democratic Republic of Bartonian. The aforementioned MNC was blacklisted by the previous Government of the State in which it was incorporated and hence it was alleged that such an MNC could not be trusted to deal with matters involving strategic importance. It was alleged that the Government concerned provided the bid in favour of the MNC after receiving huge kickbacks. It was also reported that there was money laundering. Further the Government was criticised for not directly contracting with the Bartonian Government Company, by the domestic companies, who participated in the bid. They consequently approached the Government to cancel the bid as they are more eligible. The Government rejected this plea, but subsequently decided to submit the dispute for international arbitration as per the M.o.U. between the Government and the MNC. As a result both parties agreed to appoint their own candidates and reputed presiding personnel in the process. Examine and determine the jurisdiction of the appointed forum and the subject matter submitted there to.

