



Sir Syed & Surana & Surana
National Criminal Law
Moot Court Competition, 2019



MOOT PROPOSITION ¹

State of Thunder Pradesh v. Romsay Boltan
&
LGBT Rakhshakhs v. Union of Wonderland

1. Wonderland is a Democratic and Republic Country, having a rich culture, heritage and history of 5000 years. It is situated in Southern Tip of Tasia Continent. The State of Thunder Pradesh is situated in the northern part of Wonderland. It is a famous tourist destination of Tasia and Wonderland. It is popularly known for its historical erotica caves. The major attraction in the caves are heterosexual and homosexual sculptures and paintings.
2. In the State of Thunder Pradesh, a boy named, Alosh Kumar was born in a middle class family. In his childhood, Alosh was hardworking and bright in studies. He always loved drawing fashion and dressing styles. Alosh, in his childhood realised that he did not belong to the same gender. Alosh's gender and his desire to join a fashion school from an early age were supported and loved by his parents. They saved money for his career and dream. However, in his teenage, he lost both parents in a road accident.
3. He was depressed by the loss of his parents. There was no one to emotionally support him at that time. On the contrary, Alosh was bullied for being feminine and for his sexuality. Alosh had to leave his hometown and move to Tumbai, the land of dreams and hub of movie and fashion Industry.
4. One day, he met Khaitlyin Jiyanar, who happened to be a member of LGBT community and ardent supporter of LGBT rights. After meeting Khaitlyin, he became confident of his inner skin and decided to have a sex change operation after 6 months. On 23 January 2009, Alosh underwent a sex change surgery and adopted the name of Alice.
5. Alice pursued a professional course in the same year. She obtained instant success in the fashion industry. She obtained professional engagements in the movie industry of Wonderland.

¹This Moot problem is drafted by **Adv. Piyush Chawla**. Any attempt to contact him by teams on matter relating to this problem or the Competition shall result in immediate disqualification.

6. In no time, Alice became a successful fashion designer and many of the national dailies covered her story of becoming an iconic LGBT idol in the country. The Times of Wonderland, the biggest newspaper of the country, covered her story as a beautiful saga of a LGBT icon, who was born in a middle class family and came over every difficulty in life to find true soul as a successful woman.
7. Alice became associated with various movies and fashion show ventures. She came in association with various people of the industry. Alice became an integral part of the movie industry and used to be seen in all events and parties.
8. However, Alice received threats from radicals who did not approve her sexuality and alleged her of misguiding youth of the country. One of the group which publicly gave her a life threat was Wonderland Sanskriti Bachao Andolan.
9. On 25th Dec, 2014, Alice went to a Christmas party of one of the major stars of the film industry at his beach house of Tumbai, Thunder Pradesh. Around 2 am, Alice came shouting and crying from upstairs of the beach house. She alleged that she was sexually assaulted and raped by Mr. Romsay Bolton. (Mr. Romsay Bolton is a leading producer who makes movies of women empowerment and patriotism and also happens to be a member of the ruling party)
10. It is to be noted that Alice was under the influence of alcohol during the whole night. Alice was medically examined, there were slight marks of injuries and the medical examination concluded that she was subjected to a sexual intercourse.
11. After the incident, the fashion and movie industry were divided in support. Majority of the people were silent about the incident. Alice lost all her working assignments from the industry. She made a press conference before 'Wonderland Samachar', she said that, she lost her work because she stood against bad people. She would continue to fight for herself and others who went through the same. She added that, she was continuously receiving death threats but she would not give up easily.
12. On the night of 2 March, 2015, Alice committed suicide by hanging herself at her Flat. Before her death, Alice made a video of herself and posted it online around 3 am in the morning. In that video, Alice was seen crying and traumatized. She started telling that she no more had the will to continue as she lost her family. She said that now people are threatening her even when she was the victim and her career and life are ruined. She also said that law does not even recognize what has happened with her as a rape. Before finishing the video, she said that Romsay Bolton had compelled her to commit suicide and he would be solely responsible for her death.
13. After the video was uploaded, her friends rushed to her flat and found her dead. Alice's post-mortem report showed little amount of alcohol in her blood and cause of her death was concluded as a suicide.

14. Soon, Mr. Romsay Bolton was arrested and he was brought to trial. He was charged under section 306 and section 377 of Wonderland Penal Code, 1860 (Herein after as 'WPC').
15. A large number of LGBT people came on roads and protested in support of Alice. People demanded that the Trans- Gender victims should be treated alike with the women. Many legal pundits expressed the dissatisfaction of the law and expected the Hon'ble Supreme Court or Parliament to fill the void soon.
16. During the trial, it was contended that Alice committed suicide due to her past life experiences and weak state of mind. Mr. Theon Greyjoy, director of the movie which was produced by the Accused, he stated that Alice was working as a designer of the costumes of the movie. Romsay and Alice were in a relationship. They were seen laughing and talking on the sets all the time.
17. Mr. Han Solo, age about 77, who happens to be a cataract patient, said that he was positive that he saw Mr. Bolton. Mr. Hans Solo stated that he was standing in the balcony, opposite of the stairs, when he saw Mr. Bolton going downstairs from the same floor where alleged incident happened.
18. Ms. Missendari, who happens to be the closest friend of Alice, said that Alice did not have any relationship. She was focused on her career and wanted to buy a big flat in the town. She could never be distracted with love and other things.
19. Mr. Grey Voram, who was the security in charge of the Christmas party, said Mr. Bolton left the party before Alice alleged rape by Romsay Bolton. Mr. Romsay Bolton was very calm and composed. He was on the phone while he left the party but he stopped for a second and gave me a tip of 2,000 Rupees.
20. However, the Trial Court convicted the accused under sections 306 and 377 of WPC, 1860.
21. The matter came to Hon'ble High Court of Thunder Pradesh. The High Court acquitted the accused on all the charges on the ground of reasonable doubt and lack of evidence.
22. In 2017, a movement, I-TOO, was started by women told the tales of horrors and experiences of sexual abuse and assault by men around the world. After the acquittal, one woman and one man came forward against Mr. Romsay Bolton stated that the producer had sexually abused them. The first woman survivor, named Ms. Akea Stark, age 27 years, alleged harassment before 6 years at a party and also told to the media that the producer had a habit of sexually abusing and threatening new struggling stars under the influence of alcohol. Further, she stated that his movies are facade to his past acts.
23. Another survivor is a man named, Donald Singh, age 29, who is a struggling male model. He has also shared an incident about 5 years old of the sexual assault by the alleged producer, which was followed by threats to keep it a secret.

24. On the other hand, the Film makers of Wonderland and Tasia came in support of the alleged Producer releasing a press release calling such allegations as blatant and publicity seeking lies by struggling actors without any piece of evidence. The Ruling party also came in support of the accused stating that the movement aimed to target its members and people having the party's ideology. The movement was an attempt of opposition to tarnish its member.
25. The case of Alice again obtained impetus and an appeal was made against the acquittal of the Accused before the Hon'ble Supreme Court of Wonderland.
26. Wonderland came in a phase, where one section wanted to recognize the rights of LGBTQ community and other section wanted to suppress it. Mr. Khabri Kumar, a famous Journalist and a member of Wonderland Sanskriti Bachao Andolan, was travelling in a train to Tumbai. He uploaded a video in which some members of Transgender community asked money from him. When he denied giving any sort of money, the incident was followed by a stifle between him and such persons. He uploaded the video and called it as 'extortion'. The incident showed LGBTs in a bad light and the video went viral all over the electronic media.
27. In the lower house of the Parliament, two bills were introduced known as *The Transgender Persons (Protection of Rights) Bill, 2018* and *The Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018* and were passed with majority. The bills made provisions punishing begging, curbing prostitution by transgender persons and other discriminatory penal provisions as alleged by the transgender community all over Wonderland. The bills were passed by the upper house of the Parliament again with huge majority and received the assent of the President of Wonderland on 12th January 2019. *The Wonderland Transgender Persons (Protection of Rights) Act, 2019* and *The Wonderland Trafficking of Persons (Prevention, Protection and Rehabilitation) Act, 2019* (Herein after as "Anti- Trafficking Act"), came into force on 15th January, 2019.
28. On the other hand, recently, the Hon'ble Supreme Court in November, 2018 dismissed the Writ Petition challenging the provisions of Rape not being gender neutral. However, one of the Hon'ble High Courts of Wonderland extended section 354-A of WPC to the transgender community
29. There was a national uproar by the death of Alice and acquittal of the accused. The movement for LGBT rights obtained vigour and there was again a demand to reconsider the law of rape for Trans-sexual & LGBT community and the new legislations. The Transgender community observed Wonderland "Rage Day" as a day of protest against the recent events. It was alleged that both new laws took away the sole means of livelihood of some Transgender persons as they heavily rely on begging in community and as sex workers. The Government has failed to provide any jobs and opportunities for the community leaving them vagrant and helpless.

30. LGBT Rakhshakhs, a Non-government organization, filed a Public Interest Litigation before the Supreme Court of Wonderland in January, 2019 challenging the constitutionality of the Rape law under Wonderland Penal Code. The Writ Petition challenges the law of rape discriminatory to the Transgender community and not being gender neutral. The Petition alternatively prays that the references to a woman under the provisions of WPC, using the words “she” and “her” should also be construed for the LGBT community under WPC.
31. Further, the constitutional validity of *The Wonderland Transgender Persons (Protection of Rights) Act, 2019* and *The Wonderland Trafficking of Persons (Prevention, Protection and Rehabilitation) Act, 2019* were challenged.
32. The Hon’ble Supreme Court has again admitted the PIL and the matter is now listed before a Larger Bench to reconsider the said matter and the law relating to Rape and other offences of WPC and the new two aforesaid Acts.
33. The Appeal and PILs are listed on 16th March 2019 for Final disposal. The Bench will be hearing the Appeal and all the PILs together for the sake of convenience. The laws of state of Wonderland are in *Pari-Materia* to the laws of Republic of India
34. All names, characters, events, persons, entities, etc., referred above are fictional in nature and any resemblance with any person living or dead is purely coincidental.

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(Note - Teams are advised to make the first memorial for the respective Appellant and Petitioner of both the Appeal and the PIL from each side and the second memorial for the respective respondents of both the Appeal and the PIL; dealing with the issues of the Appeal and the PIL consecutively.

Note – For the purpose of this moot, the bills pending before the Rajya Sabha, [*The Trafficking of Persons \(Prevention, Protection and Rehabilitation\) Bill, 2018*](#) and [*The Transgender Persons \(Protection of Rights\) Bill, 2018*](#) are deemed to be in force as per para number 27 of the moot proposition. Participants are requested to kindly refer to the same.)