

### **STATEMENT OF FACTS**

Camelot is a democratic country located in the Asian sub-continent, flanked by India and Genghizstan. Camelot, following its independence from Polyphemus in 1947, has adopted a Parliamentary system of governance, with a Single House, the House of Citizens. The Constitution Act of Camelot is the last word on subjects of law and governance. Camelot is an ancient land and has had a rich and brutal cultural history. People of multiple ideologies, ethnicities, and religions have been co-habiting in the country since time immemorial. Camelot shares strong historical ties with its neighbour, the Republic of Tallisker and also shares very cordial relations with it. Camelot, like Tallisker, follows Common Law. However, Camelot has had long standing acrimony with its other neighbor, Genghiztan, and has also engaged in two wars with Genghiztan.

Camelot has also adopted a federal structure with its governance constitutionally distributed between the Federal Government on the one hand and the governments of the States and Federal Territories on the other hand. Erewhon, a Federal Territory, is the Capital of Camelot. Erewhon enjoys special status under the Constitution Act of Camelot, and the power-sharing mechanism with the Federal Government is determined separately by the Constitution Act of Camelot, read with the Statute of the Government of Erewhon. The Federal Territory of Erewhon has an elected Legislative Council and an Executive Government of its own which has certain powers as are constitutionally and statutorily determined. It is pertinent to note that Jägermaster, which is the Capital of the Republic of Tallisker, enjoys special status under the Constitution Act of Tallisker, a situation similar to that of Erewhon vis-à-vis Camelot.

The assembly elections of Erewhon were held in April, 2015 while the general elections of Camelot were held in March, 2014. Both these elections overthrew the respective incumbent governments and installed a new political party in power. The elections of Erewhon were won by the Crouching Tiger Party while the elections of Camelot were won by the Vanity Fair Party.

The Hogwarts Party, a largely student-dominated Party under the leadership of Ms. Elizabeth Bennet, also made a considerable mark on the minds of the people but unfortunately could only win a few seats in both the elections. Ms. Bennet was successful in the elections of Camelot, and was elected a Member of Parliament. The relationship between the three leaders;

by all accounts of the media of Camelot, were not cordial on account of personal and ideological differences.

Ms. Bennet in April, 2015 started a new campaign to strike a chord with the young citizens of Camelot under the banner of *Dawn of Justice*. This movement analyzed good qualities of various developing and developed countries, with a view to imbibing these qualities in the Camelot way of life, for the betterment of its citizens. However, when certain good qualities of Genghiztan were publicly listed by Ms. Bennet at a press conference in Erehwon, it caused a political uproar in the country. Ms. Bennet, however, stuck to her stand and soon posted a 'selfie' of herself on Twitter with the flag of Genghiztan in the background and a globe in her hand. She also tweeted, 'We have a rich and unique geo-political history and our principles demand that we treat other countries with respect and non-aggression.'

This photograph of Ms. Bennet enraged some people in Camelot and began a debate on the extent to which such activities could be tolerated by public figures. Mr. K.F. Panda, the Chief Minister of Erehwon, took exception to these actions of Ms. Bennet, and demanded a public apology. He also tweeted in early May, 2015, 'The enervated, neoliberal youth like Ms. Bennet and her ilk from the Hogwarts Party, of our country have gone off on an academic tangent! They have lost touch with reality and have forgotten the blood and bravery of our soldiers who fought bloody wars with Genghiztan!'

Ms. Bennet and the Hogwarts Party reacted to this by starting a new campaign '*Mock and Shame the Pseudo-Nationalist Government*' in late May, 2015. A supporter of Ms. Bennet called the current governments of Erehwon as well as Camelot 'a bunch of useless war-mongers seeking to cover up their inept governance under a charade of pseudo-nationalism'. When Ms. Bennet was confronted with the statement, she said that she supported the sentiment underlying the remark.

Ms. Bennet subsequently called a public rally on 01 June 2015 in the famous Grounds of Erehwon and gave the following speech:-

"The government that has come to power has got drunk on its new-found power. It has taken upon itself to wreak vengeance on anybody who holds an opinion against it. We have no choice but to strike at the very root of this evil and effectuate a fundamental overhaul.

Yes, I praised Genghiztan! So what, brothers and sisters?! Is it not true that they are more hard-working than us? Is it not true that their universities are better than ours? Is it not true that their children are better nourished than us? Is it not true that they live

longer and healthier than us? But the government does not want us to talk about it! Today the government wants to adopt a narrow parochial line of thought whereby they have decided to shut themselves from the world and only look inwards and brood over our shortcomings. The narrowness is symptomatic of intellectual laziness and incapability to process new ideas and arguments...

This cannot be tolerated! We must rise in rebellion against these dirty leeches on our mind and its thinking process. These corrupt people who have sold our country now want us to pawn our minds. This will not happen, brothers and sisters! Together, we will overthrow the government! Break the government to pieces, if need be, to uphold the ideals contained in our beloved constitution. We will be the divine destruction which shall vaporize the deep seated rot and ensure our beloved country has a more refreshing start! I am ready to lay down my life for you my beloved fatherland! Are you ready too?"

The rally was attended by 30,000 people, including about 3,000 party members of the Hogwarts Party. Soon thereafter the members of the Hogwarts Party mobilized the public to protest against the outlook and demeanor of the current governments, some shouting slogans and attacking and burning public property. Almost 2,00,000 people gathered near the Parliament of Camelot and near the iconic Camelot Gate and continued to be stationed there from 02 June 2015 to 03 June 2015. Thousands of people, including members of the Hogwarts Party, visited the officials of the government, by tracking government quarters in Erehwon, and 'gifted' them teddy bear toys and asked them to play with them in view of their naïve and childish support for the current government of Erehwon.

A complaint under Sections 421-A<sup>1</sup> / 351-A<sup>2</sup> / and 210-B<sup>3</sup> of the Penal Code of Camelot came to be filed against Ms. Bennet and other unknown persons, and a First

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<sup>1</sup> 421-A. Seditious

Whoever, by words, either spoken or written, or by signs, or by visible representation, or otherwise,

- (a) brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law in Camelot,
  - (b) or to show that the Government has been misled or mistaken in any of its measures,
  - (c) excites any person attempt to procure in the territory of Camelot, the alteration, otherwise than by lawful means, of any matter as by law established
- shall be punished with death or imprisonment for life, to which fine may be added.

<sup>2</sup> 351-A. Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony

(1) Whoever--

- (a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, or

Information Report, bearing number Crime Number AB-1331-2015 was registered on 05 June 2015. Under the Penal Code of Camelot, the two possible punishments for the crime of sedition are (i) the death sentence; and (ii) life imprisonment (the whole of remaining natural life, without power of executive reduction)

Mr. Puddy Jedi, the Prime Minister of Camelot, issued a statement to the press on 04.06.2015 and called for restraint and asked both Ms. Bennet as well as Mr. K.F. Panda to not raise tensions in the country and assured all that the diplomacy of Camelot was not limited to Genghiztan. However, Mr. K.F. Panda, in a press conference held on 05 June 2015 said, 'When the unity and integrity of the country is so carelessly thrown to the winds, when the bravery of the armed forces and their families is so mercilessly rendered pointless, and when the international policy is reduced to slavish pandering, we cannot sit and watch idly by-We need affirmative action! We need justice! We need to restore our faith in a strong nation! I bring to the notice of all that with respect to Crime Number AB-1331-2015, approval has been

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(b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquility, or

(c) organizes any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, or participates in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, against any religious, racial, language or regional group or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community,

shall be punished with imprisonment which may extend to three years, or with fine, or with both.

**Offence committed in place of worship, etc.--** (2) Whoever commits an offence specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine

**210-B. Punishment of criminal conspiracy.**

(1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, imprisonment for life or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence.

(2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.

given under Section 196<sup>4</sup> of the Camelot Criminal Procedure Statute by the Government of Erchwon in the name of the Lieutenant Governor to prosecute Ms. Bennet for the offence of sedition under Section 421-A and 351-A of the Penal Code.’

Mr. Puddy Jedi, taking further note of the situation, issued another statement to the press on 06 June 2015 stating, “The Government of Camelot as well as the Vanity Fair Party condemn the unilateral and illegal actions of the Crouching Tiger Party and Mr. K.F. Panda in the strongest terms possible. I also note, like Jawaharlal Nehru, former Prime Minister of India, that Section 124A of the Indian Penal Code is objectionable and obnoxious and the sooner we get rid of Section 124A the better it will be. Needless to say, I hope that constitutional and human rights shall not be trampled upon and that law takes its due course.”

Ms. Bennet reacted to the statements of Mr. Jedi and Mr. K.F. Panda by calling a press conference and stating, “Mahatma Gandhi, a leader revered in our neighbouring country India, had called Section 124A of the Indian Penal Code as the ‘prince among political sections of the Indian Penal Code designed to suppress the liberty of the citizens’. It is a sad day for Camelot that history is repeating itself again. However, the Hogwarts Party will continue its struggle until Camelot wakes up to a better dawn.”

The Final Report was filed against Ms. Bennet, Mr. Fun Toosh, and Mr. Rebello Gonsalves, and the Magistrate took cognizance and issued summons to all the accused. The trial was subsequently conducted, and all the accused were held guilty for the offences under Section 421-A / 351-A / 210-B of the Penal Code of Camelot. Ms. Bennet was awarded the death sentence under Section 421-A of the Penal Code of Camelot.

Ms. Bennet appealed against the said judgment before the High Court of Erchwon, and was acquitted of all charges.

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**<sup>4</sup> 196. Prosecution of public servants**

(1) When any person who is or was a public servant not removable from his office save by or with the sanction of the Government is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such offence except with the previous sanction-

(a) in the case of a person who is employed or, as the case may be, was at the time of commission of the alleged offence employed, in connection with the affairs of the Union, of the Central Government;

(b) in the case of a person who is employed or, as the case may be, was at the time of commission of the alleged offence employed, in connection with the affairs of a State, of the State Government:

The State of Erehwon preferred an appeal before the Supreme Court of Camelot by way of a Petition by Special Leave, seeking reversal of the acquittal and imposition of the death sentence. Leave was granted in the Petition by Special Leave. The counsel for the State was allowed to advance submissions on behalf of the Complainant.

The case of *Government of Erehwon v. Elizabeth Bennet* is now listed before the Supreme Court of Camelot for final hearing. The issues that have been identified on which the respective counsels for both the sides are expected to submit their considered arguments are as follows:-

- a) Whether the death sentence as sought by the Government of Erehwon is an appropriate punishment for the offence of sedition as made out by the facts of the present case?
- b) Without prejudice to the above, whether the offences under Sections 421-A / 351-A / 210-B of the Penal Code of Camelot have been made out against Ms. Elizabeth Bennet in the instant case?
- c) The parties may raise any other issue on the given facts to advance arguments upon.

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