



*1<sup>st</sup> NALSAR -Gurcharan Singh Tulsi  
Memorial Criminal Law Moot Court  
Competition, 2012*

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*January 20-22, 2012*

*Moot Problem*



A. Krypton, one of the world's most beautiful and picturesque islands, became independent on 15<sup>th</sup> August 1997. The country had witnessed a violent struggle for independence for over a century, from different European powers that had colonized different parts of the island. Krypton had a population of 1.1 billion people, majority of whom belonged to a religious sect called Daxamites. Daxamites were staunch believers of the occult, worshipped natural forces and had a strict policy against forcible/induced conversion. The Wegthorians, who were in the minority, believed in the supremacy of their religious leader Jor El, who in the 15<sup>th</sup> century had codified their practices in their holy book- Em Joritsia.

B. Relations between the aforesaid communities were strained due to the 'divide and rule' policies pursued by the colonial powers and also due to presence of extremist thinkers in both communities. Krypton had witnessed communal strife over the years, often leading to heavy casualties on both sides. More particularly, in December 2023, the Daxamites had demolished the Quim Joritsia, the mausoleum of Jor El. In the trial that followed, most of the accused belonging to the Daxamites were acquitted for want of substantial evidence against them. In 2024 when the religious leader Mai Daxami was assassinated by her bodyguards, large scale violence erupted in Kryptol, the capital of Krypton, and more than 6000 Wegthorians were exterminated. In the investigation that followed, many top level leaders of the Daxamites were enlisted as accused and a massive trial is still pending.

C. Krypton was largely influenced by the ideals of the Constitution of India, and therefore enacted the Constitution of Krypton, 2000 which was *mutatis mutandis* with the Constitution of India. Krypton also enacted the Krypton Criminal Major (Application of Indian Laws) Act, 2001 by virtue of which it adopted the Indian Penal Code, 1860, the Criminal Procedure Code, 1973, the Indian Evidence Act, 1872 and the Terrorist and Disruptive Activities (Prevention) Act, 1987 *mutatis mutandis*.

D. In 2025, concerned with the history of communal violence, the Krypton Parliament enacted the Prevention of Communal and Targeted Violence Act, 2025. Some of the relevant provisions of the Act are annexed herewith as Schedule 1.



E. Gacton was one of the most prosperous provinces of Krypton. For long Gacton had been under the rule of Daxgress, the political wing of the Daxamites in Gacton. Daxgress had won the 2022 elections with an overwhelming majority and, under the stewardship of a dynamic Chief Minister Emmano Fori, attracted investments from across the globe. Daxgress was ideologically committed to the conservatives amongst the Daxamites. On 22<sup>nd</sup> July 2026, *Le Daxiem*, the monthly magazine of Daxgress, published an article written by Emmano Fori, where he called for overall reform on the social and political fronts. Publication of this article caused uproar amongst the Wegthorians and they publicly burned copies of the magazine. Violence ensued for two weeks and resulted in the death of 238 Wegthorians and 121 Daxamites.

F. Under political and public pressure, Emmano Fori was forced to hand over investigation of the entire incident to the Central Bureau of Investigation (CBI), constituted under the Krypton Special Police Act, 2010. On 31<sup>st</sup> October 2026, a Supplementary Report was filed by CBI before the Special Judge, Gacton constituted for trying CBI offences, relevant portions of which are as follows:

“17. That Emmano Fori knowingly, with an intent to suppress the religious beliefs of the minority and incite hatred against the Wegthorians, wrote the following passage in his article published in 22<sup>nd</sup> July edition of the *Le Daxiem*-

*“Essential progress would be achieved only if all citizens of Krypton take up the Daxamite way of life, believing in nature and the occult. Since the Constitution prohibits conversion by force or inducement, Wegthorians must give up all practices of conversion. All citizens must therefore confirm to Daxamite ideals if they wish to achieve peace and prosperity. Wegthorians can continue to survive only if they submit themselves to the collective wisdom of Daxamite thought. (page 19)”*

18. That despite the objection of the Chief Editor of *Le Daxiem*, Mr. Chackothian, in the editorial committee meeting held on 20<sup>th</sup> July, 2026, the aforesaid passage was published. Mr. Chackothian knew very well that the passage was going to be published by his subordinates in the editorial staff, and therefore resigned from the post of Chief Editor on 21<sup>st</sup> July 2026. Mr. Chackothian could have prevented the publication of the passage or at the very least informed the law enforcement authorities about the impending publication, which he chose not to do. Very clearly, both Mr. Fori and Mr.



Chackothian have committed crimes under the Prevention of Communal Targeted and Violence Act, 2025.

19. Ms. Emma Daxan, owner of the wealthy Emma Life Products Corporation, has been and continues to fund the publication of all issues of Le Daxiem. In fact, since 2020, she has been the sole financial contributor towards its publication. It is common knowledge that her company manufactures only nature friendly beauty products and follows aggressive marketing strategies against all other companies using artificial and chemical ingredients. She is also a member of the Supreme Council of the Daxamites.

28. Mr. Tunjara, Executive Magistrate of Kapra, Gacton is prima facie guilty of dereliction of duty. Not only did he not prevent mobs of Wegthorians from publicly burning copies of Le Daxiem but also he failed to prevent distribution of copies of Le Daxiem. In fact, on 22 July 2026 at about 8 am, Mr. Tunjara was given a copy of Le Daxiem by member of the Wegthorian community and was also informed that groups of Daxamites were shouting slogans and distributing such copies. Mr. Tunjara took no action until 24<sup>th</sup> July 2026 by when the violence had escalated and claimed many lives.”

G. The Supplementary Report was taken on record by the Special Judge and he issued warrants of arrest against Mr. Tunjara, Ms. Emma Daxon, Mr. Chackothian and Mr. Fori. Consequent to such filing, Mr. Tunjara, Ms. Emma Daxon, Mr. Chackothian and Mr. Fori preferred Criminal Misc. Petitions No. 41, 42, 43, 44/ 2026 under section 482 of the Code of Criminal Procedure, 2000, seeking to quash the Supplementary Report filed against them on the ground that no offences were made out and that no sanctions under the relevant laws were taken for launching investigation and prosecution. They also filed Writ Petitions No. 1101,1102, 1103 and 1104 /2026 challenging the constitutional validity of the Prevention of Communal Targeted and Violence Act, 2025.

H. The writ petitions and criminal miscellaneous petitions have been clubbed and are listed for hearing on January 20-22.. Petitioners shall argue on both the writ petitions and criminal miscellaneous petitions for Mr. Tunjara, Ms. Emma Daxon, Mr. Chackothian and Mr. Fori. Respondents shall argue in all cases for the Province of Gacton, through the Central Bureau of Investigation.

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## Schedule 1

### PREVENTION OF COMMUNAL AND TARGETED VIOLENCE ACT, 2025

**Preamble:** *To respect, protect and fulfill the right to equality before law and equal protection of law by imposing duties on the Central Government and the Provincial Governments, to exercise their powers in an impartial and non-discriminatory manner to prevent and control targeted violence, including mass violence, religious minorities in any State in the Union of Krypton, and linguistic minorities in any State in the Union of Krypton; to thereby uphold secular democracy; to help secure fair and equal access to justice and protection to these vulnerable groups through effective provisions for investigation, prosecution and trial of offences under the Act; to provide for restorative relief and reparation, including rehabilitation and compensation to all persons affected by communal and targeted violence; and for matters connected herewith and incidental thereto.*

#### **Section 2 Definitions:**

(b) “association” means any combination or body of individuals, whether or not registered or incorporated under any law for the time being in force;

(c) “communal and targeted violence” means and includes any act or series of acts, whether spontaneous or planned, resulting in injury or harm to the person and or property, knowingly directed against any person by virtue of his or her membership of any group.

(g) “group” means a religious or linguistic minority, in any Province in the Union of Krypton, or Scheduled Castes and Scheduled Tribes within the meaning of clauses (24) and (25) of Article 366 of the Constitution of Krypton;

(k) “hostile environment against a group” means an intimidating or coercive environment that is created when a person belonging to any group as defined under this Act, by virtue of his



or her membership of that group, is subjected to any of the following acts:

(i) boycott of the trade or businesses of such person or making it otherwise difficult for him or her to earn a living; or,

(ii) publicly humiliate such person through exclusion from public services, including education, health and transportation or any act of indignity; or,

(iii) deprive or threaten to deprive such person of his or her fundamental rights; or,

(iv) force such person to leave his or her home or place of ordinary residence or livelihood without his or her express consent; or,

(v) any other act, whether or not it amounts to an offence under this Act, that has the purpose or effect of creating an intimidating, hostile or offensive environment.

(r) "victim" means any person belonging to a group as defined under this Act, who has suffered physical, mental, psychological or monetary harm or harm to his or her property as a result of the commission of any offence under this Act, and includes his or her relatives, legal guardian and legal heirs, wherever appropriate;

(s) "witness" means person who is acquainted with the facts and circumstances, or is in possession of any information or has knowledge, necessary for the purpose of investigation, inquiry or trial of any crime involving an offence under this Act, and who is or may be required to give information or make a statement or produce any document during investigation, inquiry or trial of such case and includes a victim of such offence;

(t) All words and expressions used but not defined in the Act and defined in the Krypton Penal Code 2000, the Krypton Evidence Act 2000 or in the Code of Criminal Procedure 2000, as the case may be, shall be deemed to have the meanings assigned to them in the said enactments.

**Section 5 Knowledge.-** A person is said to knowingly direct any act against a person belonging to a group by virtue of such person's membership of that group where:



(a) he or she means to engage in the conduct against a person he or she knows belongs to that group; or, (b) with the knowledge that the person belongs to a group, he or she means to cause injury or harm to such person because of the membership of such person to that group.

**Section 11 Hate propaganda.-** Notwithstanding anything contained in any other law for the time being in force, whoever publishes, communicates or disseminates by words, either spoken or written, or by signs or by visible representation or by electronic or other means of mass communication or otherwise acts inciting hatred causing clear danger of violence against a group or persons belonging to that group, in general or specifically, or disseminates or broadcasts any information, or publishes or displays any advertisement or notice, that could reasonably be construed to demonstrate an intention to promote or incite hatred or expose or is likely to expose the group or persons belonging to that group to such hatred, is said to be guilty of hate propaganda.

Provided that nothing will be deemed to be hate propaganda, which is done in furtherance of or promotes fundamental rights enshrined in Chapter III of the Constitution of Krypton.

**Section 12 Organised Communal and Targeted Violence.-** (1) Whoever, being an individual, singly or jointly with others or being a part of an association or on behalf of an association or acting under the influence of an association, engages in continuing unlawful activity of a widespread or systematic nature knowingly directed against a group or part thereof, by virtue of their membership of that group, by use of violence or threat of violence or intimidation or coercion or by committing sexual assault or other unlawful means, is said to commit the offence of organized communal and targeted violence.

*Explanation* - for the purposes of this section, 'continuous unlawful activity of a widespread or systematic nature knowingly directed against a group or part thereof' means the course of conduct involving the multiple or mass commission of acts referred to in this section, whether spontaneously or planned, whether over a



short or prolonged period or in one place or a number of places simultaneously or otherwise, against any group or part thereof.

(2) Where it is shown that continuing unlawful activity of a widespread or systematic nature has occurred, it may be presumed that the public servant charged with the duty to prevent communal and targeted violence has failed to act to prevent the widespread or systematic unlawful activity.

**Section 13. Aiding financially, materially or in kind for commission of offence under this Act.-**

Whoever knowingly expends or supplies any money or any material or aids in kind thereof, in furtherance or in support of an act which is an offence under this Act is said to be guilty of aiding financially in the commission of an offence under this Act.

**Section 19 Dereliction of duty-** When any person who is or was a public servant not removable from his or her office save by or with the sanction of the Central Government or Provincial Government, as the case may be, authorized to act under any provision of this Act:

(a) exercises the authority vested in him or her colourably or in a manner otherwise than provided under law for the time being in force, which causes or is likely to lead to an offence of communal and targeted violence or by which he or she intends to screen or knowing it to be likely that he or she will thereby screen any person from legal punishment; or,

(b) omits to exercise lawful authority vested in him or her under law, without reasonable cause, thereby fails to prevent the commission of communal and targeted violence, breach of public order or disruption in the maintenance of services and supplies essential to a group, shall be guilty of dereliction of duty

**Section 20 Offences by other superiors for breach of command responsibility.-** (1) Whoever, being any non-state actor or superior

or office-bearer of any association as defined under clause (b) of section 2 of this Act, in command, control or supervision of any association or assuming command vested in him or her or



otherwise, fails to exercise control over subordinates under his or her command, control, supervision and as a result of such failure offences under this Act are committed by subordinates under his or her command, control or supervision, shall be guilty of offences committed by such subordinates under his or her command, where:

(a) such non-state actor or superior or office-bearer of any association either knew, or consciously disregarded information which clearly indicated that his or her subordinates were committing or about to commit such offences;

(b) the offences concerned activities that were within the effective responsibility and control of such non-state actor or superior or office-bearer of any association; and

(c) such non-state actor or superior or office-bearer of any association failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution

**Section 24 Abetment of an offence.-** A person abets an offence, who –

First – Instigates any person to do that offence; or

Secondly – Engages with one or more other person or persons in any conspiracy for the doing of that offence, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that offence; or

Thirdly – Intentionally aids, by any act or illegal omission, the doing of that offence.

*Explanation* – A person who, by willful misrepresentation, or by willful concealment of a material fact, which he or she is bound to disclose, voluntarily causes or procures, or attempt to cause or procure a thing to be done, is said to instigate the doing of that offence.

*Explanation 2* – Whoever, either prior to or at the time of commission of an act, does anything in order to facilitate the



commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

**Section 25 Duty to prevent communal and targeted violence.-**

(1) Every public servant charged with the duty of maintenance of public order and tranquility including duties under sections 129 to 144A of the Code of Criminal Procedure, 2000, shall take all reasonable steps to prevent any act of communal and targeted violence including its build-up, incitement, outbreak and spread; and to that end -

(i) make all possible efforts to identify patterns of violence in the State or any part thereof, that indicate occurrence of communal and targeted violence, including the creation or existence of hostile environment against a group;

(ii) obtain information regarding the likelihood of occurrence of communal or targeted violence; and,

(iii) act in furtherance of the duty to prevent communal and targeted violence in accordance with the powers vested in them;

(2) Every police officer shall take action, to the best of his or her ability, to prevent the commission of all offences under this Act.

(3) Every public servant exercising powers under this Act in discharge of his or her duties shall act without any delay in a fair, impartial and non-discriminatory manner.

**43. Inference from nature and circumstances of the act.-** Where any question arises whether an offence committed against a member of a group was committed against him or her by virtue of his or her membership of a group, it shall be inferred that it was so directed from the nature and circumstances of the act.

**44. Presumptions as to offences under this Act.-** (1) If in a prosecution for any offence committed under this Act, it is shown that the accused committed or abetted or conspired to commit the offence of hate propaganda, it shall be presumed, unless the contrary is proved, that the offence committed was knowingly directed against a person by virtue of his or her membership of a group.



(2) Whenever an offence of organized communal and targeted violence is committed and it is shown that a hostile environment against a group exists or the offence of hate propaganda was committed against a group, it shall be presumed, unless the contrary is proved, that the said offence was knowingly directed against persons belonging to the group by virtue of their membership of the group.

**50. Waiver of immunity.**- Notwithstanding anything contained in any other law for the time being in force, and save and excepting those provided under the Constitution or under this Act, immunities or special procedural rules which may attach to the official capacity of any person, shall not bar any proceedings under this Act.

**70. Punishment for hate propaganda.**- The offence of hate propaganda shall be punishable with imprisonment which may extend to three years or fine or both.

**71. Punishment for organized communal and targeted violence.**- Whoever commits organized communal and targeted violence shall be punished with rigorous imprisonment for life, and shall also be liable to fine.

**72. Punishment for aiding financially, materially or in kind the commission of offence under this Act.**- Whoever is guilty of the offence under section 10 shall be punished with imprisonment for a term, which may extend to three years, and shall also be liable to fine.

**73. Punishment for dereliction of duty.**- Whoever being a public servant is guilty of dereliction of duty shall be punished with imprisonment for two years which may extend to five years and shall be liable to fine.

**74. Punishment for abetment** - Whoever abets any offence under this Act, if the act abetted is committed in consequence of the abetment, shall be punished with punishment provided for that offence.



**75. Punishment for offences by other superiors for breach of command responsibility.-**

Whoever is guilty of an offence under section 20 shall be punishable with rigorous imprisonment for life, when such failure relates to organized targeted violence and in any other case with imprisonment for a term of ten years and fine.

*\*This problem has been framed by Mr. K. Parameshwar, Advocate, Supreme Court. Participants are prohibited from contacting the author under any circumstances. Any attempt to do so will result in immediate disqualification.*