



MOOT COURT SOCIETY | SYMBIOSIS LAW SCHOOL, NOIDA
Symbiosis International (Deemed University), Pune

10th ASCENT Moot Court Competition, 2021

Moot Proposition

Shakti Mann and Others etc. v. Union of India

1. Around the year 2007, Mr. Baraat Coolie returned home one day from a rather successful post match conference, only to run into Mr. Nicholas Serenity. Mr. Serenity, who everybody called 'Serenity' (and not 'Nick'), informed Baraat of an initiative – the Scavengers initiative, which recruits exceptionally talented cricketers like Baraat to be available on call for dealing with exceptional situations requiring Baraat's unique talents. In typical Baraat style, Serenity was politely cussed out of the house, though Baraat did agree to join the initiative.
2. Baraat, whose original superpower was his inventive genius in devising ways to chase a target, he became better known for his brash arrogance, and unwillingness to play any role but the captain as the years progressed. However, despite his shortcomings, Baraat managed to assemble a formidable team, especially after taking over captaincy from his predecessor Soni. The Scavengers soon began to be regarded in the cricketing circles as arguably one of the strongest teams.
3. However, unbeknownst to the Scavengers, from the country that many regard as the land of Hobbits and Na'vi, Thannow McWilliam was himself assembling an army of his own, nicknamed the Men in Black, though they are known better for their dark coloured caps. Often seen debating on the concept of inevitability while having a Snapple, McWilliam is known as a devastating batsman in his own right. McWilliam, however, had what he regarded as a not-so-secret weapon – a pair of gloves made to order for him by the sports manufacturing entity *8three*, which is also famously known for creating bats with racing foundation logos.
4. Heading into the World Cricket Championship in the year 2019, the Scavengers were regarded as the most popular team in the competition, and with the backing of over a billion fans, were regarded as one of the favourites to win the tournaments. Baraat, who was supremely confident of the team he assembled, ensured the Scavengers gave it their all, with the team winning

- in all their group matches barring one. Their match with the Men in Black, however, was abandoned without a ball being bowled, leading to many wondering how inevitable was inevitable.
5. Shortly after the group stage matches were over, McWilliam, visited a local pub run by a man with a red skullcap. McWilliam struck a deal with the pub owner, which enabled him to obtain a new part for his gloves, though – as the bartender warned – the cost for the new part is ten boundaries. McWilliam, who dearly cherished his boundaries, willingly sacrificed the same, to obtain the part, and empower his gloves.
 6. Soon thereafter, in the semi-finals, McWilliam proved his inevitability. As the Scavengers began their innings, a solitary snap by McWilliam caused half the Scavengers to collapse for less than ten runs, turning not merely the ranks of the Scavengers, but the collective hope of the entire country into dust. The Scavengers, scuttled out well before they reached the target set by the Men in Black, lost the match, leaving Baraat devastated; he scored only one run himself. The Men in Black went on to lose their next match owing to their being short by ten boundaries. The post-match conference saw a reporter asking McWilliam what did the semi-final success cost, and a despondent McWilliam responding, “everything”.
 7. Though the Scavengers broke up soon thereafter, with Baraat giving up cricket for good to return to his pursuit of his doctorate in Physics, many of the Scavengers yearned for a possibility to get the nation’s dejected hope back to normal. Efforts to build places of worship, strike at surgeons, and even create new territories out of hill stations could not get the citizens’ back on their feet.
 8. However, the loss in the match lit a fire under Baraat’s belly, who began experimenting with time travel in earnest, in the hope that he might be able to revisit the match, and undo the wrong he committed. Collaborating with Prof. Halka Singh, Baraat managed to create a working example of the Gödel metric at a nanoparticle level, which in itself was hailed as a massive breakthrough. However, Prof. Halka managed to scale the discovery, which Baraat managed to implement in an electricity-powered machine, resulting in a machine capable of transporting a person backward or forward in time.
 9. Though the results of the study were widely doubted when initially published, especially given the well established belief that time travel on non-quantum levels or with particles having mass is impossible, the study passed peer review, and was duly published. Baraat and Prof. Halka patented the machine

and made it freely available to the general public without any payment of license, for non-commercial use.

10. The President of India, however, promulgated the Time Travel (Prohibition) Ordinance, 2019 a day after the paper was published, making impermissible and punishable any attempts whatsoever at assembling or using a Time Machine. The Ordinance was repealed shortly thereafter, and replaced by the Prohibition of Time Travel Act, 2019 ("**Act**") passed by the Parliament on the first day of its Winter Session, with both houses unanimously supporting the Act. The statement of objects and reasons clarified that due to the uncertain nature of the concept of time travel, which is known to be fraught with possible paradoxes including the Grandfather Paradox, the ability to, as well as the act of time travel is in itself being prohibited, with extremely harsh punishments being prescribed so as to deter any attempts at time travel.
11. Baraat and Prof. Halka held multiple conferences where they repeatedly clarified that it is impossible for a person to change anything in the timeline by way of time travel, owing to the very nature of time travel as discussed in the Novikov self-consistency conjecture. They explained that this was the reason for the lack of time travellers, who – they supposed – were possibly everywhere, but are incapable of revealing that they are from a different time. They explained that it is impossible for anyone to obtain any information, whether from the past or the future, and return to the present to use it in any manner that would not otherwise be possible.
12. "It is the reason for which I even tried to invent the time machine – to go back to 9th July and try and redeem myself", Baraat explained in one of the conferences, wistfully. "I had hoped that I could go back and change history, only to realise that it is impossible. It is a concept based in quantum physics that can sound counter-intuitive when you consider it at a classical level, but when you go to the past or the future, you are merely going to repeat your experiences. I actually believed the alternate realities theory that the movie *Endplay* suggested, but it is not possible. It expects a cross-interaction between multiple universes; it is just not possible. Trust me, the scorecard would have read very differently today otherwise!"
13. Though the Union of India expressed considerably scepticism at the claims by Baraat and Prof. Halka, multiple experts on the subject from across the globe, including a commission of experts appointed by the Union of India to study the paper published by them agreed that what the authors claimed was genuine – time travel, though a novelty and an excellent contribution to the pedagogy of dimensions, is otherwise of no utility. By February 2020, it was unequivocally accepted by experts that the time travel discovered by Baraat and Prof. Halka is at best useful for people who may want to re-live

memories, for any new memories gained during the process is automatically erased owing to the chronology protection principles when the person returns to their perceived 'present'.

14. Time travel quickly became a global phenomenon, with countries like Japan sprouting "time travel cafes", which provided free access to time travel machines, and charged for food and beverages. Certain countries with strong censorship laws prohibited time travel in its entirety, despite experts' attempts to explain to these countries that it is impossible for a person to travel in time and discover something new that they did not already know, and bring the memory back into the present.
15. Meanwhile, in the last week of November 2019, various Writ Petitions were filed by various entities as well as individuals challenging the Act in various High Courts. The primary contention of the Petitioners was that Article 19(1)(d) guaranteed the freedom of movement to citizens, which includes the right to move in any dimension, including time. It was contended that such a freedom cannot be restricted in the manner done by the Act. The Union of India took a unanimous stand in these proceedings that the right to freedom of movement was guaranteed by the Constitution when it was understood that it was physically impossible for a person to move in any dimension beyond three. This cannot be extended to include the right to time travel, which is not the nature of movement as was contemplated by the Constitution makers.
16. The High Court of Bombay, in one of the Writ Petitions being entertained by it, issued an interim order on 22nd November 2019 staying the operation of the Act within the State of Maharashtra at the time of issuing notice on the Petition.
17. In a suit that was pending since 2014, one of the Defendants, Mr. Shakti Mann, moved an application on 24th November 2019 seeking permission to lead additional evidence, contending that he constructed a time machine based on Baraat and Prof. Halka's paper, travelled back in time and recalled that he has additional documents available in a particular bank locker, which are relevant and material to the suit. The application was scheduled to be heard on 27th November 2019. However, by its order dated 26th November 2019, the Division Bench hearing the challenge to the Act modified the interim order. It held that no person shall be entitled to time travel solely with a view to filing additional evidence in a suit. Consequently, the application for additional evidence was dismissed as not maintainable.

18. By its order on 12th December 2019, the Supreme Court transferred all petitions challenging the Act to itself. It directed that the matters be placed before a Constitution Bench for hearing and deciding the question of whether a fundamental right to freedom of time travel can be traced to Article 19(1)(d) before proceeding further with the petitions. It further clarified that the interim order dated 22nd November 2019 of the High Court of Bombay shall remain stayed pending decision in the matters.

19. Further, Mr. Mann preferred a writ petition under Article 32 of the Constitution of India against the order dated 26th November 2019 of the Division Bench of the High Court of Bombay, contending that the same violated his Fundamental Right to freedom of movement. The Supreme Court directed that the Petition be heard alongwith the other petitions, and directed that a bench of at least eleven judges be constituted to hear all the petitions together.

20. Due to the pandemic circumstances, the hearing of the petition was deferred, and the Supreme Court directed that the matters be listed for final hearing on August 14, 2021. It further directed parties to file their memorandum of submissions on or before July 18, 2021. It framed the following issues for the hearing, and directed that unless compelling reasons are shown, no further issues will be taken up for hearing:
 - 20.1. Whether Article 19(1)(d) includes within its ambit the right to freedom of movement in time?
 - 20.2. Whether the Supreme Court can issue a writ of certiorari under Article 32 against a judicial order of the High Court?

Notes:

- i) The names, characters, incidents are fictitious, and created for academic purposes.
- ii) The parties are at liberty to re-arrange the issues, and to create sub-issues. Sub-issues must be wholly capable of being subsumed in the issue as formulated by the Supreme Court.
- iii) The Union of India is not placing any reliance on the fact that in time travel, the traveller does not actually physically move, and arrives at the same place in the past or the future.
- iv) There is no dispute as to whether the restriction is a reasonable restriction, or whether it is in public interest.

- v) There is no dispute that the order dated 26th November 2019 of the High Court of Bombay otherwise violates the fundamental right to freedom of movement, if the right includes the freedom to move in time.
- vi) Neither party disputes the scientific principles set out in the various paragraphs above. All laws of Physics, subject to the discoveries set out above, still apply.
- vii) The aspect of whether the Act violates Article 19(1)(d) is not being considered at this stage.

***** ALL THE BEST! *****