



MOOT COURT SOCIETY | SYMBIOSIS LAW SCHOOL, NOIDA
Symbiosis International University

NASCENT MOOT COURT COMPETITION, 2017

Moot Proposition

1. The case involves a woman, let's call her Matilda who became infatuated with a man, let's call him Ford Perfect. She met him at a book store. He was only a couple of years older than she, and although their relationship never became sexual there was a skewed emotional intimacy with sexual overtones. It was mostly limited to long telephone conversations over common ground, mostly philosophy and psychology. Ford eventually assumed the role of her teacher and advisor in all matters and she began to trust him unconditionally.
2. After months of such conversation things took an unusual turn. Ford told Matilda that the time had come to reveal his true identity. He was not really human, he told her; rather, he said he was an emissary from the planet Vogon. The Vogons he explained were highly evolved beings and had dispatched him to earth to find humans worthy of joining them. He had decided that Matilda was one such worthy one. Matilda was ecstatic, but he told her that she would have to wait. She could not actually move to Vogon until her physical existence here came to an end; only with her soul unencumbered could she travel to Vogon.
3. Up till now Ford was no lunatic, merely a practical joker seeking to test the limits of the woman's gullibility. When he first told the story he seems to have had no criminal designs.
4. But soon thereafter matters crossed the bounds of fun and games. Surprised by Matilda's credulity, Ford began to fish for ways to exploit the situation. His first step was to explain to Hilda that her soul was not quite ready for Vogon. It would need to be suitably prepared. He explained that it could attain to live on another planet, by having a monk named Chiko spend a substantial time in meditation on her behalf. This will allow her to traverse, while she

was sleeping and Chiko meditating, several evolutionary stages. But this would require a donation of about 5000 dollars to Chiko's monastery. Matilda believed Ford and since she did not have that kind of money she obtained a bank loan.

5. When he had used up the money, Ford decided to pitch higher. At first when Matilda inquired about Chiko's meditation, which she did often, he told her to be patient. Eventually he informed her that "although the monk had encountered great danger in his efforts in her behalf, he was yet to meet with success." Apparently her consciousness contained a severe block to further spiritual/intellectual progress occasioned by her body. A new body was a must if she was to make the trip to Vogon. And how might that be accomplished? Ford explained: "In a red cabin on Lake Geneva there was a new body for her to inhabit, in which she would reinvent herself as an artist, provided she left behind her old body. But in the new life she would need money. Such money he suggested could be obtained by purchasing life insurance for 250,000 dollars, naming him as a beneficiary, and then staging an accident by which she would leave her old body and enter the new one. Once the insurance company had paid he would bring the money to her. Matilda bought such policy, paying a monthly premium of 500 dollars. She further gave Ford 4000 dollars to help tide her over till the insurance company paid up."
6. Now came the final act, the staging of the accident. Ford advised her to get on to busy highway without a divider and when she saw a big truck coming to head straight for it. She did too, but it did not work. Her car was totalled but she walked away without so much as a scratch.
7. Ford was undeterred and so was Matilda. He next suggested to her that she seat herself in the bathtub and drop a running hair dryer into it. Again, no luck. She called him and he for another three hours tried to instruct her through it. But the woman seemed immune to electrocution. All she felt, all through, was an uneasy tingling through her body. Finally Ford abandoned the effort, told her something to the effect of him perhaps being wrong in his assessment of her. Perhaps she just was not evolved enough, for why else would her soul resist so much. Matilda, obviously a little miffed, confided in a friend. The friend saw it for what it was. She passed on the information to the police. They arrested him and charged him for attempted murder.
8. It is obviously a difficult case with lower courts coming to different conclusions. The matter is now in the highest court in this imaginary land.

9. You are to argue the matter on February 26, 2017 in light of the following:
- a. The relevant provisions of law: Section 66 of the Penal Code: "Whosoever wilfully kills another shall have committed murder." Section 67: "Whosoever with intention to kill acts, which act does not in fact kill, is nevertheless guilty of attempted murder." Section 22: "Any person who attempts to take his/her own life through whatever means, the intent being present, is guilty of attempted suicide." Section 23: "Whosoever knowing that he/she by words, deeds, implied or otherwise, leads another to anguish of such kind so as to impel suicide is guilty of abetment to suicide." The aforesaid provisions are a part of the portion headed 'Offences against life' in the Penal Code. The preamble to that part states that it seeks to protect life in such manner as to ensure that at all times people remain cognizant of its ultimate value. It seeks to inhibit any activity that may lead to devaluing 'life'.
 - b. Arguments in the lower courts usually ran along the lines of Ford arguing that he did not 'act' as such, that all the deadly activity was actually carried out by Matilda. His sole contribution being to persuade Matilda to commit suicide, and even that, going by the provisions in question, is no crime. The prosecution on the other hand argued that if one hands someone a glass of water and doesn't tell her it's poisoned, it's obviously murder. Even though in a literal sense she is the one killing herself by drinking it. Matilda had testified that she would never have contemplated suicide; it being against her religion. Rather, she had been deceived into thinking that she could achieve a higher sort of life by slipping into the body of another by methods Ford was recommending. The defence compared Ford to a preacher who describes the glories of the afterlife so seductively that his listener tries to accelerate the moment by suicide. This view of the matter appears to argue against Ford's guilt. By contrast, the prosecution pointed out Matilda had not in mind an afterlife, but something real: after all she was to awaken in the body of another mortal and live the life of a mortal until Chiko's consciousness elevating efforts succeeded.

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