

**STATEMENT OF FACTS**

*The Republic of Stan*

1. The Republic of Stan is a democratic, developing economy and is considered to be one of the fastest growing countries in Asia. It has a large military and boasts a large agricultural and industrial output.
2. Stan enjoys enormous international respect and one of its citizens is poised to be voted in as the Secretary General of the United Nations. Another Stan citizen has just finished her distinguished career as the President of the International Court of Justice and yet another Stan citizen is the Vice President of the World Health Organization.
3. Stan has six provinces. The first Prime Minister of Stan was a firm believer in homogeneity as a harbinger of peace and development, and so earnestly renamed the first five provinces to Province A, Province B, Province C, Province D and Province E. The capital of Stan, B City, is in Province B. The sixth province, called the Eastern Province, acceded to the Republic of Stan ten years after Stan's independence. Except for the southern and eastern borders of the Eastern Province, all other borders of Stan are surrounded by the lofty and unpassable High Mountains. The Republic of Stan's army and air force is largely based out in Province B and E, and while its Navy is based out of ports in Eastern Province. The Republic of Stan also has a large paramilitary force based out of Province A and D.
4. The Eastern Province used to be an independent kingdom for centuries, till it was colonised by the same European power that colonised the rest of Stan. It has historically sourced its waters from areas that presently come under Province A and Province E. After securing independence, Eastern Province agreed to join the union of provinces and formed the Republic of Stan, partly with a view to ensuring water security for its citizens. The Eastern Province remains hugely dependent on daily fresh water supplies from Province A and Province D. All attempts to construct desalination plants in the Eastern Province have failed on account of the peculiar salt concentration near the coast of the Eastern Province.
5. Ironically, Eastern Province has several large ports (the only ports that the Republic of Stan has), an abundance of natural resources and three of the seven major cities in Stan. The Eastern Province is culturally distinct from the rest of Stan. It is believed that it has the world's largest unexplored lithium and uranium reserves. It contributes 67% of Stan's federal tax collection but receives only 12% of the central collection of

central and state taxes. It has a lower population density and consistently tops the provinces in all developmental indices.

6. In 1950, as part of the Accession Agreement, apart from refusing to be called Province F, Eastern Province insisted that it be permitted to continue to levy a local tax called ‘Old Fee’ on all products coming into or leaving Eastern Province, including exports and inter-Province trade. All land export routes out of Stan pass through the Eastern Province. This fee amounts to almost 35% of Stan’s GDP and is for the exclusive use of Eastern Province. The Old Fee is not shared with the Central Government or any of the other provinces. The Old Fee has fuelled extraordinary economic growth for the Eastern Province, and is the envy of the rest of Stan.
7. While it was a sovereign kingdom, Eastern Province enjoyed a unique historical relationship with the Continent – an economic union of post-colonial states. This relationship (and Stan’s large untapped market and Eastern Province’s world-beating ports) has permitted unique exploratory talks to commence in 2015 – for the Republic of Stan to join the Continental market. The Continent privately expressed concerns over Provinces A and D as being socially regressive and developmentally challenged. The Republic of Stan has been trying to simultaneously accelerate development of these provinces, while convincing the Continent that the Eastern Province’s extraordinary growth potential will far outstrip any perceived problems that Provinces A or D would cause to the Continental market model.
8. In 2019, some hardliners in the Continent were overheard at a private party saying that the ‘*We wanted the Eastern Province, not the provincials,*’ while some Stan hardliners released a press statement saying that, ‘*Eastern Province arrogance will lead us back to being the colony we tried so hard to leave. The Old Colonists and the Old Fee should have left at the same time.*’ At the time, both the Government of the Republic of Stan and the Continent dismissed these views as being that of an incorrigible fringe. Talks were going on for the last seven years and both sides expressed satisfaction with both the pace and the results of the talks. Stan was also in talks to enter into a formal military alliance with the Continent.

### *Stan’s Legal System*

9. Stan’s legal system has been based on the common law system and largely modelled on the Indian legal system. Its first ten Chief Justices were all Indian. Indian statutes and case law are routinely cited and followed by all Stan courts. However, the discussions to join the

Continental market have created a strain between the governments of India and Stan, and Stan now has been trying to chart its own legal course.

10. For the last five years, Indian law has been considered persuasive, but remains very highly regarded. Lawyers and courts in Stan have been looking to the laws of and precedents from the United Kingdom, Singapore, the European Union and the United States to supplement Stan law to overcome its traditional reliance on Indian law. Most laws, especially penal laws, remain almost in *pari materia* with Indian law.

*Varsha T. and the Sedition Novels*

11. Varsha T. is a 47 year old journalist from Stan and is also a celebrated author. Varsha is not from Eastern Province but has lived there since she was 13 years old. As Stan permits dual nationality, Varsha is also a citizen of Brittany and lives in Brittany City for a few months every year. Varsha's husband, Surya runs a successful and publicly listed chemicals company called Snoopy. While Surya has a 10% interest in Snoopy, Varsha has an 11% interest, while the rest is held by a pension fund linked to a Brittany State pension fund. Varsha pays her taxes in Stan.
12. Varsha has published several books, including in March 2020, a trilogy of controversial fiction novels popularly known as the Sedition Novels with *Shavar* as the titular character. The novels deal with how Shavar, a trained warrior, mobilises a restive province, the Far Northern Province, of a fictional kingdom, Nod, in an alien world. It is set 10,000 years in the future.
13. In her books the Far Northern Province is guided by Shavar into opening a dialogue with the kingdom of Nod over more autonomy being granted to the Far Northern Province. The other provinces of Nod, named One, Two, Three, Four and Five retaliate by stopping the flow of Ethereum (a vital life-giving resource) from their provinces to the Far Northern Province. Shavar convinced a docile and frightened populace to initiate an economic blockade of the remaining Provinces which led to war between the Far Northern Province and the remaining Provinces.
14. In the books, Shavar found a way to release the Far Northern Province from the need for Ethereum by manufacturing it from the methane seas that bordered the Province. Shavar also contaminated the source of Ethereum in Province Three, rendering it poisonous for the next 10,000 years. While dying heroically at the end, Shavar ultimately freed the Far

Northern Province from both the need for Ethereum and as a province of the Kingdom of Nod. She also ensured the economic destruction of the Kingdom of Nod. The monologues of Shavar rousing the citizens of her province against the Kingdom of Nod are considered some of the finest fictional speeches ever written and have inspired stand-alone novellas and reprints.

- 15.** The Seditious Novels were remade into movies, serials and graphic novels in several languages and gained in popularity over the years. The novels spawned many remakes and Varsha routinely spent time with her lawyers to defend the Novels from copyright infringement. The novels were listed as bestsellers across Continental capitals and Varsha spent most of the summer of 2020, travelling across the Continent meeting politicians, celebrities and intellectuals throughout Continental capitals. There was also talk that Varsha might be in line for a Nobel nomination. Varsha was celebrated as a visionary and a future leader of the Eastern Province.
- 16.** In June 2021, Singwell, one of the greatest singers from the Eastern Province recorded a particularly rousing monologue as a song at Varsha's request for Varsha's personal use. The monologue celebrated the uniqueness of Shavar's province and playfully mocked how terrible life was in the other provinces of Nod when compared to Shavar's province. The monologue placed a huge value on freedom and compared being a part of the kingdom of Nod as being tied to a dead horse. (Descriptions of the song belie how beautiful and evocative the monologue actually sounds in the haunting voice of Singwell, who sings quite well indeed.)
- 17.** The song was soon bootlegged, released on the Internet and went viral. The Singwell song is now sung by crowds during sports matches held at Eastern Province and has become one of the most downloaded single off PopularApp, a music mobile application. Shavar has become the most popular name for babies in the Eastern Province. A PopularApp channel dedicated to criticizing the Central Government of Stan, entitled '*The Next Nod*' has also become viral and boasts a subscriber base of several million.
- 18.** In 2021, the popularity of the novels had sparked a debate in the Republic of Stan over the Accession Agreement and the Old Fee. Old disputes over whether the Republic of Stan needed the Eastern Province or whether the Eastern Province needed the Republic of Stan were reignited. Obvious parallels were being drawn between the fictional Kingdom of Nod and the Republic of Stan.

19. Towards October 2021, many political leaders from Provinces A, B and E demanded that the Sedition Novels be banned and Varsha be forced to make a public apology. Politicians from the Eastern Province, fearing that riots in Province A and E may lead to disruption in water supplies during a particularly hot summer (and envious of Varsha's popularity), also began demanding an explanation from Varsha.
20. Under public pressure, in December 2021, Varsha released a press statement *inter alia* saying that, '... *the Sedition Novels were a work of fiction and any attempt to draw parallels, while a welcome exercise of the freedom of thought, is just a hypothetical exercise ... Stan is not Nod and Eastern Province is not the Far Northern Province ... Shavar is a fictional heroine living 10,000 years in the future! While I am proud of her and what she believed in, I do not hold any of her beliefs and I do not condone any of the methods of violence used in the Novels. All speculation around the Novels is unwarranted ... Ethereum is not water! ... I only hope people have actually read the Novels, before running to the Press for their hot takes ...*'

*'The Chronicles of Shavar'*

21. A few months later, in February 2022, a mammoth film production entitled '*The Chronicles of Shavar*' was announced. It was to be shot exclusively in the Eastern Province and was touted as being one of the most successful representation of the Sedition Novels. No expense was being spared and it was going to have a simultaneous worldwide release, with no pre-release views for critics. It was being financed by a consortium of businessmen from Brittany.
22. Varsha gave several interviews during the production of the film where she had told a prominent film critic that from what she knew, '*The Chronicles of Shavar*' was the closest that any film had come to the philosophy of her novels. In April 2021, she had sold the rights to the Sedition Novels to a popular film production company and in one of her interviews in 2022, Varsha claimed that she would not directly financially benefit from the release of '*The Chronicles of Shavar*.' Varsha had spent most of April and May 2022 in Brittany City and had reportedly met with the Continental negotiating team responsible for the talks with the Republic of Stan.
23. Prior to the release of '*The Chronicles of Shavar*,' the film's producers successfully blocked all attempts by the Central Government and several Provincial Governments (including the Eastern Province) to preview the film – over and above all censorship requirements. The film had passed the Stan censors – all of whom were known to be close

friends of Varsha. However, there was no challenge to the fairness of the process that was followed by the censors, who were all qualified and well-known film critics.

24. Unbeknownst to almost everyone save the film crew, the screenplay had changed the storyline and had made Shavar into a school teacher, who began the movement in the Far Northern Province by speaking to groups of children. The Kingdom of Nod was now on Earth and the success of the war between the fictional provinces and the Far Northern Province hinged on the supply of water from the fictional provinces to the Far Northern Province. All other plot points remained roughly similar.

### *Snoopy Tech*

25. On 23 June 2022, Snoopy made a public announcement that it had found a commercially viable way to desalinate the sea water off the coast of the Eastern Province and the first city-serving desalination plants could come online within six months. The technology invented by Snoopy scientists was revolutionary and the by-product of the process, apart from potable water was hydrogen gas and organic fertilizer. The net energy consumption of each project over ten years was nil. The announcement was timed with the release of a peer-reviewed scientific paper that confirmed the science behind the announcement. Snoopy also announced that it was in talks with several governments and municipalities around the world for the immediate implementation of its innovative technology.
26. The stock prices of Snoopy hit the upper circuits at the Brittany City Stock Exchange within two hours of the announcement and ratings for Stan sovereign bonds began to plummet. On 24 June 2022, the Continent made a statement that it was unilaterally suspending talks with Stan for six months. This announcement caught the Republic of Stan by surprise and government negotiators demanded an explanation from the Continent.
27. The Defence Minister of Stan blamed the Eastern Province for spiking the talks with the Continent and promised that the Government would strike back in a way that would ‘*dry their throats.*’ A spokesperson for the Continent gave no comment, but a newspaper known to be close to the Continent claimed that Continental officials felt that it would be wiser to wait and see what emerged from this new technology – the Continent might not have to deal with all of Stan after all.

- 28.** On 24 June 2022, the Central Bank of the Republic of Stan announced that it was defending the Stan Banama (1 Stan Banama = 1 US Dollar, in June 2022) from currency short sellers and market speculators.
- 29.** In Brittany and on 24 June 2022 itself, Snoopy announced that it was about to approach the stock exchange for a fresh listing of shares. Prominent market analysts predicted that based on market movement over the last two days, the value of Snoopy would exceed a market capitalization of over USD 500 billion.

*Riots and Unrest*

- 30.** The first show of ‘*The Chronicles of Shavar*,’ was scheduled on 25 June 2022 at 11.00 am at the largest B City theatre, The Large Theatre, with all other theatres getting their first show at 11.45 am across Stan. As the show progressed, eager reviewers in The Large Theatre began sending public messages on social media applications, broadcasting their real time views and comments on the film.
- 31.** By 2.00 pm on 25 June 2022, based on the social media messages trickling out of theatres across Stan, riots had broken out across Province B and Province C, and also in the Eastern Province. More than 1500 persons, including women and children were killed in the ensuing violence in Province B alone. On 26 June 2022, seven school teachers from the Eastern Province who were living together and teaching at a school for the gifted in Province A were gunned down by masked assailants. On 29 June 2022, one of the major water canals from Province A to Eastern Province was bombed and water supply to Eastern Province had stopped.
- 32.** From 1 July 2022 to 9 July 2022, the Water Riots in Eastern Province ran unchecked causing damage to the tune of over USD 2 billion. Public infrastructure, including water lines, metro stations, bus stations, port facilities and schools were burnt down. More than 700 people were stated to have been killed in the Eastern Province as a result of the violence, including stampedes near water companies and public water resources.
- 33.** On 10 July 2022, the Prime Minister of Stan declared a state of emergency in the Eastern Province and announced that no *ex gratia* payment would be made to anyone from Eastern Province, and that recoveries of the Old Fee were sufficient to take care of people from the Eastern Province. On 10 July 2022 itself, the Chief Minister of the Eastern Province met with representatives of the Continent and on 11 July 2022 the Chief Minister announced that the Accession Agreement

needed to be revisited. The Prime Minister dismissed this announcement and stated that first civil unrest must be quelled by the Centre and that the Chief Minister's government stood dismissed in any case.

- 34.** On 12 July 2022, the Prime Minister ordered the Stan Navy to stand down at the ports of the Eastern Province. The Stan Navy refused to obey this order. On 14 July 2022, the Prime Minister of Stan dismissed the Chief of the Stan Navy and ordered the Stan Army to take charge of the civil administration of the Eastern Province and immediate charge of the ports. On 15 July 2022, the Chief Minister of Eastern Province declared the Eastern Province to be a free and sovereign state and demanded the immediate recognition of the Continent. He also called for Snoopy representatives to accelerate their plans to provide potable water to the Eastern Province.
- 35.** On 15 July 2022, reports emerged from Brittany that a group of businessmen promoting a hedge fund, called HedgeFund, had offered to buy Snoopy for USD 750 billion. The offer was stated to be under the active consideration of Snoopy's promoters and shareholders. On 16 July 2022, Varsha and Surya sold their shareholding in Snoopy to HedgeFund for an undisclosed amount.
- 36.** On 16 July 2022, the erstwhile Chief Minister of the Eastern Province was assassinated and the Prime Minister of Stan announced that the Centre had complete control over the Eastern Province and its ports. On 20 July 2022, the Stan Parliament met in an extraordinary session and terminated the Accession Agreement. The Eastern Province was formally renamed as Province F. The Prime Minister travelled to Sprouts – the seat of the Continent – and held private talks with several heads of state and later requested his counterpart in the Continent to recommence delegation level talks immediately.
- 37.** During these tumultuous weeks, Varsha remained in Brittany. On 25 June 2022, Province B recorded a First information report (under S.154 Stan Code of procedure for investigations and trials (akin to the Indian CrPC) (FIR No. 17/2022) under Section 124A of the Stan Penal Code, 1860 (in *pari materia* with the Indian Penal Code, 1860 but is also punishable by death – the provision stands as it is in Stan and no Stan court has passed any order declaring the provision to be unconstitutional) naming Varsha as the main accused. She was accused of sedition, waging war against the Union and criminal conspiracy. Almost all sections of society were calling for Varsha to be prosecuted and sentenced to death.

38. As she was not available in Stan, open-ended non bailable warrants (under S.70/87 of Stan Code of procedure for investigations and trials) were issued against her by the Court of the Chief Metropolitan Magistrate, B City, Province B. A look out circular (LOC) was also issued by the Province B police and a request for the issuance of a Red Corner Notice against her was issued to Interpol.
39. On 17 July 2022, a team of sappers from the Stan Navy (which was now a part of the Stan Army – the Stan Army Navy) was arrested by the Provincial Police of Province B from the foothills of the High Mountains in Province A and E. They were armed with radioactive pellets and will plans that suggested that they were about to pollute the various sources of potable water for all of Stan by making the water radioactive. The police stated that this team of sappers had been under surveillance for the last two weeks. On 18 July 2022, the sappers made statements during investigation that they had been inspired by ‘*The Chronicles of Shavar*’ and by the excesses committed by the Stan Army in the Eastern Province, over the past few days.
40. On 01 August 2022, Stan moved Brittany authorities for Varsha’s extradition to answer charges under FIR 17/2022. In light of the sensitive nature of the allegations and the events over the past few weeks, it was expected that the extradition would take a number of years, especially since Varsha promised to fight the extradition process with her not inconsiderable financial and political resources. The Brittany authorities were also looking into the sale of shares of Snoopy to HedgeFund.
41. Stan made an offer to Brittany to speed up the extradition process. The Ambassador of Stan to Brittany, on behalf of Stan, stated that the Republic of Stan was willing to undertake that Varsha would not be given the death penalty, if found guilty. Though the Brittany Government was under pressure from the Continent not to extradite Varsha, as she was being held up as a *cause celebre* in Continental capitals; the Brittany Government decided that a quick extradition was in the best interest of Brittany. The ensuing extradition process in Brittany was expedited at the request of the Government of Brittany – as a matter of national security.
42. The extradition agreement (dated 14 August 2022) allowed for Varsha to be extradited to Stan and the Stan Government agreed that it would not press for the death penalty to be imposed on Varsha if she were to be found guilty under Section 124A IPC. This agreement was widely reported in the international press and Stan’s international standing was held up as a guarantee that the agreement would be honoured. Varsha

was extradited and taken into custody; she was not allowed to meet representatives from the Brittany Embassy during her detention.

43. During her ensuing trial in Province B, which was highly publicised, the State alleged that Varsha was part of a conspiracy to enable the erstwhile Eastern Province to secede.
44. Varsha took a startling defence at the stage of arraignment. While she claimed that nothing that was written or said by her was seditious, and that the film was adapted from her novels but was the product of an independent scriptwriting process, she now offered information that the '*The Chronicles of Shavar*' as well as the announcements of the desalination technology were both attempts to drive up the share price of Snoopy. She claimed that her shares and that of her husband were being held in trust by members of the ruling party in Stan and that the shares had been sold in apparent contravention of the Brittany securities law. The trial was kept in abeyance on a request by the prosecution, which cited a need to conduct further investigation basis these revelations and determine whether these were part of an overarching conspiracy against the Republic of Stan.
45. The press statements about these disclosures made at the trial did not come as news to the Brittany regulators, who had already unearthed enough material to bring an indictment against Surya, Varsha, and unknown others for fraud and other allied offences. Surya was taken into custody and an extradition request was filed for Varsha with the Stan Government. The request was approved by the competent court, but was kept in abeyance on account of the ongoing sedition trial against Varsha.
46. Almost immediately thereafter, the Government of Stan filed a fresh memo in the Stan case against Varsha, claiming that it had uncovered fresh material relating to the announcements of desalination technology with an attempt to destabilise the Republic of Stan. This material was kept in sealed cover.
47. The Court in Province B concluded that there was enough material to proceed to trial. After conclusion of evidence, which was recorded on a day-to-day basis, and hearing both sides, the Court announced that Varsha was guilty of the offence punishable under Section 124-A of the Stan Penal Code. It published a reasoned judgment, which held that the film '*The Chronicles of Shavar*' was meant to serve as a reflection on contemporary Stan society and spread hatred against the Stan Government. The Court found that Varsha in her unique position was inextricably linked with the motion picture. The Court found that as per its consideration of the material in sealed cover, Varsha's claims about

Snoopy's announcements were not true and no link was uncovered about Snoopy's shares and members of the ruling party in Stan. However, since the offence was punishable with death, it stood over sentencing for a period of two months to enable her counsel to present mitigating circumstances. Varsha was ordered to be kept in custody for this period.

48. Varsha's legal team mounted a challenge to her extradition from Brittany subsequent to this order before the Supreme Court of Stan, as well as to the order keeping her extradition to Brittany in abeyance. Her lawyers also made a plea challenging the judgment, invoking the extraordinary jurisdiction of the Supreme Court to consider the same even as the sentencing was yet to conclude. While notice was expected to be issued on the first plea, surprisingly, the Court agreed to hear even the second issue and directed the Government to file its response.

**Note:**

- A. For the purpose of this problem, please consider the laws of Brittany to be in *pari materia* with that of the United Kingdom. For this problem, Brexit has not affected the United Kingdom, or for that matter, Brittany.
- B. The laws and regulations of the Continent are in *pari materia* with that of the European Union.