



**10<sup>th</sup> RGNUL NATIONAL MOOT COURT COMPETITION, 2022**

**MOOT PROPOSITION**

**IN THE HIGH COURT OF TAPOVAST**

*In the matter between*

**SLOVAS MISHI**

**V.**

**STATE OF TAPOVAST**

**1<sup>ST</sup> APRIL, 2022 – 3<sup>RD</sup> APRIL, 2022**

**ORGANIZED BY:**

**Rajiv Gandhi National University of Law, Patiala**

*In association with*

**Late Lala Dip Chand Memorial Trust**

## IN THE HIGH COURT OF TAPOVAST

Slovas Mishi

v.

State of Tapovast<sup>1</sup>

1. In April 2021, Slovas Mishi, a 55-year-old Indicus citizen, authored and published a book titled 'Blood and Fire in Tapovast.' The book is a work of fiction based on historical facts about a significant and influential community, the Trus, who are also original inhabitants of the Tapovast region in Indicus. Of the many characters in the book, two are popular mythological figures drawn from the Trusvit- a sacred book of the Trus.
2. While releasing his book, Slovas had announced that he put his heart and soul into writing and researching for ten years, the product of which is 'Blood and Fire in Tapovast.' Tapovast, a part of the Indicus territory, is said to have been an island several centuries ago, according to the Trusvit and was home only to a very chivalrous people- the Trus. Historically, the Trus were skilled in the art of warfare and have always been a chivalrous community.
3. In Indicus history, the Trus are revered as a people that bravely fought invaders and safeguarded the Indicus territory by staving off foreign invasion. They are known for always abiding by the laws of warfare and being deeply respectful towards women and children, always protecting them across castes and communities, even at the cost of their lives.
4. The Trus were not only austere warriors but also skilled statesmen. The Trus women were known for their valor and patriotism and had the reputation of joining their spouses in battles against invaders. The Trus have had the distinct reputation of fighting the Rak – a tribe that frequently invaded Indicus and came from the faraway foreign land, Rakstar. The Rak have been historically portrayed as a ferocious people without principles.

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<sup>1</sup> The Proposition has been drafted by **Dr. Suman Dash Bhattamishra**, Assistant Professor of Law, National Law University, Odisha. Any attempt to contact the aforementioned person in relation to this Competition directly or indirectly will qualify as scouting and the Organisers reserve the right to take any appropriate action, including disqualification and/or blacklisting the participating institution and/or the members found engaging in such conduct.

5. Records reveal that they habitually violated laws of warfare and captured innocent women and children, committing atrocious crimes against them as they plundered and pillaged their way into various parts of the Indicus territory. Historians suggest that the Trus were the only tribe that had fought and won over the Rak several times.
6. History also suggests that the Trus and the Rak fought around 21 battles in between 1480 A.D. and 1491 A.D. Of the 21 battles, the Trus lost 11. The 21<sup>st</sup> battle was one of the battles that the Trus lost to the Rak and Slovas's book was based on this fateful battle that left an indelible scar on the Trus community as it was not only brutal but also tragic. Records reveal that it is one of the bloodiest battles ever fought in Indicus and continued for 21 days.

7. In his book, Slovas writes,

*“On the 21<sup>st</sup> day, all that was left of Tapovast was blood and fire. The blood was of its brave soldiers, and it mingled with the pure waters of Taponadi, the river of penance. The fire was raised by the brave Trus women who jumped into it to protect themselves from the Rak. The flames, smoke and the blood of the Trus were proof of a battle fought hard and lost and the Taponadi silently witnessed it, carrying in its waters the blood of the Trus that it had nourished or centuries. The story in this book is of the woman whose incomparable beauty, sadly, led to this battle and caused Tapovast its heart-rending loss.”*

8. The woman whose story was captured in this book was the Trus Queen, Trusadi- revered by the Trus as a brave and pious woman whose heroism is the pride of the Trus community even today.
9. In his book, Slovas paints a passionate image of Trusadi and makes statements highlighting her physique and calling her an “enchantress” and “temptress” who had attracted the Rak king Draks into Tapovista with her legendary beauty. The valiant queen who is deified among the Trus and even has a temple dedicated to her in Tapovast, is idolized for her valiance and chastity by the Trus women.

10. In few pages of the book, Slovas goes on to vividly narrate a romantic dream that Draks has for Trusadi- of which, the Trus contend, there is no historical account. The story of Tapovast's invasion commences with this dream, according to his book. Draks is presented as a lustful man in the book and Trusadi, as a woman of irresistible beauty who is already married to the brave Trus king, Sri.

11. In the book, Slovas also mentions Ru and Tu- two mythological characters who are worshipped by the Trus as guardians of the Trus people. Ru and Tu are two gods who are said to be guarding the Trus community from all evil. In the month of Kartik that is auspicious for the Trus community, Ru and Tu are worshipped for 5 days and nights.

12. Describing the unfortunate battle, Slovas writes,

*“Ru and Tu, the handsome gatekeepers of Tapovast sneaked out of the palace from the backdoor when they heard that the ferocious Draks was on his way, with his army, to capture Trusadi and make her his queen. Such was his horror that even the gods were scared of him.”*

He went on to write,

*“Ru and Tu were afraid of facing the barbaric Rak army and their withdrawal was the first sign that the Trus were going to lose the battle this time.”*

13. Towards the end of the book, Slovas writes,

*“Trusadi considered her beauty to be a burden that she was no longer prepared to carry. Having lost her husband in the battle, Trusadi realised that self-immolation was her only way of salvaging herself and Tapovast. She convinced other women that by setting themselves on fire, they would be protecting the honour of their community. So, before Draks could capture her, she set herself on fire, along with all the other Trus women who were present in and around the palace that day. Committing suicide*

*was their way of telling the world that they were brave and valiant, for they were not afraid of death.”*

14. When the book was finally released, the Trus people severely objected to the content of the book as being historically inaccurate and highly offensive to the community. The portrayal of their pious queen as an enchantress and temptress was unacceptable to them and they alleged that the events narrated in the book contradict historical records and references.

15. Further, they also alleged that Slovas was being sarcastic about the tragic act of self-immolation of Queen Trusadi by indirectly suggesting that her conduct was actually one of acute cowardice, but the Trus treat it as one of bravery.

16. Moreover, they also objected to the depiction of their gods Ru and Tu as cowards, thereby alleging that Slovas hurt their religious sentiments through his book.

17. Following the book release, book shops and stalls selling ‘Blood and Fire in Tapovast’ were vandalized by the Trus people and their supporters. But many people who read the book found it to be a work of art and Slovas who was a well-known figure in the literary world was showered with praise and applause.

18. An NGO by the name of ‘Trus Swabhiman Sangathan’, filed criminal cases against Slovas Mishi. Pointing towards the inaccuracies in the content of the book, the Sangathan made the following assertions:

*“The sale and purchase of the book, ‘Blood and Fire in Tapovast’ needs to be banned. We, the people of Tapovast, will not tolerate such humiliation and indignity. Our pious queen, Trusadi was skilled in the art of warfare and even fought the Rak army in the 19<sup>th</sup> and 20<sup>th</sup> battles which took place in 1489 A.D. and 1490 A.D. respectively, in the guise of a man named Truarth.”*

*“History is replete with instances of Truarth’s valiance and there is concrete evidence to suggest that Queen Trusadi changed into a man’s uniform each time she went into war with her husband, Sri. The book, in contravention to historical truth, portrays Trusadi as an enchantress and temptress, attracting invaders with*

*her physical beauty. It is a false and utterly disgraceful representation of Queen Trusadi, who is not only a martyr but also a sacred woman.”*

19. Drawing attention to specific paragraphs of the book, the Sangathan also stated the following:

*“In Chapter II, Slovas vividly narrates a romantic dream that Draks has for Trusadi and in the fantasy, Trusadi is portrayed as a seductress. The narration is objectionable and represents women indecently.*

*Further, the cover page of the book has the photograph of a woman dressed as queen Trusadi and two men- one dressed as King Sri of Tapovast and the other as the invader, Draks. The woman in the photograph, representing Trusadi is in a costume that does not have a veil covering her head and is seen in a dancing position between the two men. In the Trus community, it is a mark of disrespect to unveil queens and goddesses and represent them as such (without veils) in architecture, paintings and photographs. Not only that, royal Trus women never dance in public and cannot be represented in dancing positions.*

*In Chapter VI, while describing the battle between Draks and Sri, Slovas goes on to narrate that towards the end of the battle, Sri was severely wounded and fell from his horse. Draks shot an arrow when the defeated Sri was trying to leave the battlefield, only to have a last glimpse of his dear wife, who was left behind in the palace. We contend that history is clear on the point that a Trus warrior, whether a soldier or a king never left the battlefield in the middle of a battle to save his life or to meet a loved one. This depiction of King Sri is derogatory to the dignity of the Trus community and defames our ancestors.*

*Slovas’ book is an affront to the Trus community from several perspectives and such affront cannot be tolerated. It is designed to desecrate our culture and religion and is a violent attack on the honour of the Trus people. Not only does it objectify Trus*

*women and offend their gods but is intentionally written to denigrate the noble and heroic lineage of Trus warriors and the community at large. Therefore, we seek banning of the sale, purchase or circulation of the book in any manner whatsoever.”*

20. Following the publication of Slovas’ book, few disturbing events also unfolded. Many people praised his work as a classic piece of modern literature. Shraas, a writer and filmmaker belonging to a religious minority group, called the book ‘a work of enormous literary significance in modern Indicus’ and was pelted by hecklers in a public meeting. Later, the culprits were identified as Trus people. There were violent clashes in several parts of Indicus, particularly in Tapovast between the Trus and non-Trus people who supported Slovas’ work.

21. In June 2021, the Government of Tapovast which is home to the Trus people in vast majority banned Slovas’ book under Section 95 of the Code of Criminal Procedure, 1973. Mr Yoda Trudis, the Chief Minister of Tapovast also issued statements urging other State Governments to ban Slovas’ work. Apart from the State Government’s ban, the Trus Swabhiman Sangathan has filed FIRs under Sections 153 A, 153 B, 292 and 295 A of the Indicus Penal Code, 1861. The police have also submitted the chargesheet in this matter.

22. As a response to the ban, Slovas Mishi has moved to the High Court of Tapovast challenging the State Government’s order on the ground that the ban throttles his rudimentary freedom of speech and expression under the Indicus Constitution and is therefore, invalid. He pleads for lifting of the ban and quashing of FIRs against him.

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**Note:** Participants are allowed to add/frame more issues and sub issues as per their own prerogative.