



CHECKMATE – 2017
MOOT PROPOSITION



1. Rahul Dixit a resident of Delhi, whose mother was a British citizen, went to UK in the year 1982 to pursue his masters and PhD in Law. After completing his doctoral work he joined the department of Legal studies as a Professor in 1987 and later established himself as a well reputed attorney. He was well-known in his field. Students and clients were fond of him and respected him.
2. In the year 1996, a girl named Reema Seth went to UK to pursue her master's course in Law at Queens College London. For the first time she met Rahul Dixit through a common friend. After that she was in direct contact with Rahul a number of times during her course for guidance. She was really impressed with him and his persona as he was always ready to help her.
3. Their association resulted into a relationship, which was being denied by Rahul. He took a mature stand and said that let time pass and they would see what life had to offer. Her fondness for him increased with the passing of time and finally they got married in 2003. Since both of them were single children, their respective families were not happy with their marriage because of the huge age gap. Rahul's mother even did not attend the ceremony.
4. Reema after finishing her master's degree joined the law firm of her husband 'Amicus Curie' which did well and established itself as one of the top law firms in the UK. On the other hand Rahul too was doing well in his profession and was ranked as one of the finest attorneys.
5. In 2006 both of them visited India in connection with the marriage of a distant relative and really had a good time in India especially their visit to Banaras. They found great solace and contentment and released the futility of the never ending quest to amass more and more resulting in nothingness. They decided to buy a house for themselves close to the river Ganges and lead a peaceful life.

6. They often used to visit India for short periods of time. In 2013 the couple completed 10 years of their marriage. They decided to celebrate their 10th anniversary in India. Rahul's mother also came from UK and attended the ceremony. The celebrations were simple. Rahul and Reema were indeed very happy and felt blessed. Life seemed perfect, but fate had other plans.
7. In May of 2014, Rahul was detected with AMYOTROPHIC LATERAL SCLEROSIS (ALS) also known as "Lou Gehrig's disease". There was no known cure for the same nevertheless doctors were nearly certain of achieving a breakthrough in a couple of years.
8. His condition started deteriorating and the doctors said that looking after him was going to be an uphill task. Reema who was a strong woman vowed never to leave his side.
9. Rahul's mother Helen was determined to find a solution to the situation and took Rahul for consultations with experts. The Doctors there were also of the opinion that the illness would be arduous. The suffering would be a lot. A cure was in sight but not certain.
10. Helen then decided to go in for cryonics. She had heard of this method from a friend who was an eminent Doctor. She thought that if she could apply cryogenics to Rahul for a period of 15 years, this would be the time by which a cure for his disease could be available. Seeing his condition but feeling helpless because of the lack of medicines and cure, she obtained an order from a Court in the UK allowing them to keep Rahul in cryonic suspension at the time of his death. This order took into consideration the opinion of the panel of doctors who were of the view that it was only a matter of time before a cure would be found and also that this was the only option.
11. Not happy with the order Rahul whose health had now stabilized, handed over the firm's business to a partner and decided to move back to India with Reema for spiritual satisfaction. Both of them in the meantime made a 'living will'. In addition to this Reema contacted "Re-birth Medical Services", an organization which had recently started research in the field of cryonics in India. She signed a contract with them with regard to Rahul and paid them a sum of £30,000 for their services. In the event of Rahul's death they would keep him in Cryonic suspension for 12 years.

12. In January 2015 Rahul's condition worsened and doctors advised him not to travel at all. So in May 2015 Reema applied to the Honorable High Court for euthanasia (unable to see him suffer) for Rahul and for the execution of the UK order in the event of his death. She attached a copy of the UK order. The High Court advised that if Rahul wanted the procedure to be applied, he along with his wife should move back to the UK as the Court there had already given its assent. The High Court dismissed the petition qua cryonics and refused the execution of the order of the UK Court, saying that there is no Law in respect of this field of medicine. With respect to active euthanasia, the Hon'ble High Court rejected the plea stating that it violates Article 21 of the Constitution of India.
13. In the meantime Rahul's condition further deteriorated and he was in great pain and discomfort. The suffering seemed endless and Reema was running out of options because both she and Rahul did not want to go back to the United Kingdom. She also could not imagine a life without Rahul and was very disconcerted.
14. Being left with no other option to take and time running short, Reema approached the Hon'ble Supreme Court of India. She claimed that Rahul was in great pain and would die without a cure for this ailment, which was in sight. She requested the Court to allow Euthanasia to relieve him of his suffering while upholding the dignity of Rahul's life as mentioned under Article 21 of the Constitution of India, by giving him a painless and dignified death and to keep Rahul in cryonic suspension on his demise (which could give hope of his return once a cure was found).
15. Meanwhile a NGO by the name of "Kind Hands Foundation" filed a Public Interest Litigation in the Supreme Court to disallow cryonics as well as all types and forms of euthanasia in any case. The foundation claimed that it would look after all patients so that the master plan made by God would not be tampered with. They also said that they were willing to undertake all medical expenses relating to people like Rahul. Dismissing cryonics as a medical fiction and much against the doctrines of rebirth/karma in Hinduism they were antagonistic to the idea of euthanasia saying that man had no right to take another human's life, even if based on arguments of suffering or illness.

16. The case relating to medical termination and cryonic suspension of Rahul is before the Honorable Supreme Court of India along with the PIL by the foundation. Both the petitions have been clubbed and the matter is now posted for final hearing.

17. The issues before the Apex Court for their kind consideration are as follows:

- *Whether Reema's plea on Euthanasia for Rahul could be accepted releasing him of his untold misery and conceding him a quick and dignified death.*
- *Whether Rahul should be allowed to be placed in cryonic suspension on his demise in furtherance of the order of the UK Court.*
- *If Reema assisted Rahul die, would it attract Section 300 of the Indian Penal Code, 1860.*
