**BANGALORE UNIVERSITY**

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**XXIV ALL INDIA MOOTCOURT COMPETITION, 2020**

**Moot Proposition**

1. Aryavarta is a Union of States[[1]](#footnote-2)situated in the Asian sub-continent having a rich heritage and history running to thousands of years.Gandhara is the immediate neighbour of Aryavarta having a brief history and its citizens follow a monotheist religion called Tharism.Both countries have nuclear weapons. Followers ofTharismworship their God Thar and its tenets allowed polygamy, imposition of religious tax, killing ofnon-believers, etc.Aryavartais aproponent of peace,democracyand secularism. That Gandharahas constantly indulged and supported cross border terrorism and acts of war which has killed more than 10 lakh citizens of Aryavarta till date.
2. The Government of Gandharawas violently overthrownby an armed rebellion at the hands of an extremist group called Caliphate of Gandhara(hereinafter refereed also as “CoG” for sake of brevity and in order to avoid circumlocution)in May 2014. The Caliphate consisted of hardliners and clerics professing, propagating an extremely violent form ofTharism. The leader of CoG, Waghdadi – a hardliner cleric seized power and proposed to establish a Caliphate throughout the Asian subcontinentand for that purpose started threatening smaller neighbours such as Wepal, Angladesh, Tutban about using nuclear weapons against them and sought to annex portions of the said neighbours under the veil of threat. The supporters of CoG indulged in mass killings, forced slavery, rape of followers of other religions in Wepal, AngladeshandTutban. There were also terrorist attacks in Europe, America,etc. by terrorists owing allegiance to the CoG. The United Nation Organisation and the international community condemned these attacks.
3. Aryavarta being a peace-loving country having a history of never invading another country in the last 1000 years was in an apprehensive state as the Caliphate of Gandhara intensified cross border terrorism and killing of innocent citizens of Aryavartaalong the border regions. TheGovernment of Aryavarta was headed by the charismatic Prime MinisterBheeshmabelonging to theAryavartaNational Party (ANP) which had secured 530 out of 540 seats in the elections of 2014. Being concerned about the looming threat of the Caliphate, Bheeshmashunned the“No First Use of Nuclear Weapons Policy” which was followed and propagated by the earlier governments. On 23rd September 2015, a Bill was introduced in the Parliament of Aryavarta. The said bill was passed by both the houses of the Parliament hurriedly and the Bill received Presidential Assent on 25thSeptember 2015. The Act was titled as Aryavarta Nuclear Arms Act, 2015.[[2]](#footnote-3)Under this Act,the Nuclear Research and Development Council of Aryavarta (NRDCA) a specialised body was created for the purpose of research and development, production and testing of advanced nuclear weapons. A sum offifty thousand crores was sanctioned for the same.
4. Accordingly, the NRDCA developed ‘Sudarshana’ a nuclear weaponhaving a yield of 42 Megatons. The said warhead was successfully tested at a place called Area 21in Var desert in the state of Ranisthanon two occasions i.e. on 16th November 2015 and 29th November 2015. Thereafter NRDCAproposed better destructivepotential and modified the designs and proposed to test the same on 25th December 2015. The said upgraded missile was tested at 13:00 hours at Area 21 in Var desert. It was highly successful and the world congratulated the Government of Aryavarta. The morale of the armed forces and the citizens was high in Aryavarta. The Caliphate of Gandhara immediately changed its hostile attitude and promised not to engage in hostile activities towards Aryavarta and other neighbours.
5. At about 15:30 hours on the said day the Government of Aryavarta received a message from the Aryavarta Geological Department that there was an impeding earthquake in and around Area 21.Accordingly, the Government of Aryavartadirected and issued a dossier to NRDCA to evacuate all personnel in Area 21. Relying on the said directions all personnel including scientists were evacuated to safe houses. An earthquake with a magnitude of 7.5 on the Richter scale hit Area 21 and there was extensive damage. The installations in Area 21 were severely damaged. The Union Government took measures to prevent any release of radioactive substances and subsequently closed down the weapons test site in Area 21. Over the next three years, there were reports in newspapers and electronic media that there was an increase in morality of inhabits, rise in sicknesses, cancer, neurological disorders among the residents in and around Area 21. That there were widespread rumours that the same was attributable to the missile test held on 25th December 2015 and despite request for details from various quarters, the Government of Aryavarta did not disclose any information about the same citing Official Secrets Act, 1923 as well as National Security to the Union.
6. A census done in 2018 by Union Government and it was confirmed that there was high rate of cancer, birth defects in babies, neurological disorders in the districts of Vindhya, Satpura, Meru adjacent to Area 21 in the Var desert. Subsequent investigations done by the Union Government revealed that the earthquake of 25th December 2015 led to seepage of radioactive materials into the underground water system and Vrishaba river which supplied water to the three districts. The investigation found that a total of one lakh people were affected by the radiation. The affected people filed for compensation before the Claims Tribunalappointed by the Government of Aryavarta.The Claims Tribunal was headed by Mr. Mankuthimma, Mr. Gabbarsingh and Mr. Tonio Montano. It rejected more than 65% of claims made before it and directed the Government of Aryavarta to deposit 100 crores with it and the same were disbursed to the affected people. The victims could not appeal the decision of the Claims Tribunal. The affected people protested stating that the relief of 100 crores was insufficient. There were agitations across the country against the apathy of the government towards the affected people and the agitators demanded more 1000 crores to aid the affected people and redressthe environmental damage.
7. The aggrieved persons reached out to the High Court of Ranisthan in November 2019 and filed a Writ Petition challenging the orders passed by the said Claims Tribunal. The High Court of Ranisthan dismissed all the petitions citing a bar on exercising its jurisdiction by virtue of Section 15of Aryavarta Nuclear Arms Act,2015. An NGO called “People’s Cause” filed a PIL before the Supreme Court of Aryavarta on behalf of the affected people. It challenged the constitutional validity of Sections 5,13 and 15 of the Aryavarta Nuclear Arms Act, 2015 and sought greater compensation to the victims and laying down of guidelinesby the Court for nuclear testing. The PIL was admitted and the matter is posted for hearing the issues pertaining to the merits on 28th February 2020.

**Note –** The participants are required to frame appropriate issues.

1. ***The law of Aryavarta are in Para materia to that of Union of India.*** [↑](#footnote-ref-2)
2. See Annexure [↑](#footnote-ref-3)