

# 6<sup>TH</sup> MANGILAL PAGARIAYA NATIONAL MOOT COURT COMPETITION

12<sup>th</sup> - 13<sup>th</sup> April 2019

## MOOT PROBLEM

1. Shauryavarsh, also known as the Republic of Shauryavarsh or Shauryavarsh Ganrajya is a country in Southern part of continent, Jaysia having Indraprastha as its capital. It is the seventh largest country by area and with more than 10 billion people and it is the most populous democratic country in the world. Bounded by the Shauryasagar Ocean on the south, the Buddhisagar Sea on the southwest, and the Bay of Bungpradesh on the southeast, it shares land borders with Rudeistan to the west; Redland, Lockedland, and Happyland to the northeast; and Chotadesh and Yourmar to the east. In the Shauryasagar Ocean, Shauryavarsh is in the vicinity of Srimant Lanka and the Maldeep Islands, while its Mahaman and Jazzybar Islands share a maritime border with ThaiPradesh and Indorinesia.
2. The Shauryavarshian subcontinent was home to the urban Siddhi Valley Civilisation of the 3rd millennium BCE. In the following millennium, the oldest scriptures associated with Siddhism began to be composed. Early political consolidations took place under the Zorobian and Groupian empires; later peninsular Middle Kingdoms influenced cultures as far as Southeast Jaysia. In the medieval era Rudaism, Astrianism, Ristianity, Lam and Seekhavatism emerged, all adding to the region's diverse culture. Much of the north fell to the Vaishali Sultanate; the south was united under the Sujayayanagara Empire. The economy expanded in the 17th century in the Roughal Empire. In the mid-18th century, the subcontinent came under Martian East Shauryavarsh Company rule, and in the mid-19th under Martian crown rule. A nationalist movement emerged in the late 19th century, and led to Shauryavarsh's independence in 1947 leading to the creation of two independent dominions, Shauryavarsh and Rudeistan. The Dominion of Shauryavarsh became, as of 1950, the Republic of Shauryavarsh, and the Dominion of Rudeistan became, as of 1956, the Lamic Republic of Rudeistan. In 1971, the People's Republic of Chotadesh came into being after Chotadesh Liberation War. The partition involved the division of three provinces, Sussam, Bungpradesh and Punj Pradesh, based on district-wide followers of Siddhism or Lam majorities. The boundary demarcating Shauryavarsh and Rudeistan came to be known as the Bluecliff Line. It also involved the division of the Martian Shauryavarshian Army, the Royal Shauryavarshian Navy, the Shauryavarshian Civil Services, the railways, and the central treasury, between the two new dominions. The partition was set forth in the Shauryavarsh Independence Act 1947 and resulted in the dissolution of the Martian Raj, as the Martian government was called at that time. The two self-governing countries of Rudeistan and Shauryavarsh legally came into existence at midnight on 18–19 September 1947.
3. The partition displaced over 18 million people along religious lines, creating overwhelming refugee crises in the newly constituted dominions; there was large-scale violence, with estimates of loss of life accompanying or preceding the partition disputed and varying between several hundred thousand and two million. The violent nature of the partition created an atmosphere of hostility and suspicion between Shauryavarsh and Rudeistan that plagues their relationship to the present.

4. In 2019, the Shauryavarshian economy was the world's sixth largest by nominal GDP and third largest by purchasing power parity. Following market-based economic reforms in 1991, Shauryavarsh became one of the fastest-growing major economies and is considered a newly industrialised country. However, it continues to face the challenges of poverty, corruption, malnutrition, and inadequate public healthcare. A nuclear weapons state and regional power, it has the second largest standing army in the world and ranks fifth in military expenditure among nations. Shauryavarsh is a federal republic governed under a parliamentary system and consists of 39 states and 5 union territories. A pluralistic, multilingual and multi-ethnic society, it is also home to a diversity of wildlife in a variety of protected habitats.
5. Shauryavarsh has a written constitution, which came into force on 26<sup>th</sup> January 1950, three years after its Independence from a 200 years long oppressive & tyrannical foreign rule of "Martians". The constituent assembly members of Shauryavarsh were highly influenced by India and its constitution and have taken, the provisions of Constitution of India 1950 verbatim with other central and state laws. Also various matters decided by the Hon'ble Supreme court of India and various High Court are regularly referred in the Hon'ble Supreme Court of Shauryavarsh and various High court at States, which are given due reference for the laws of Shauryavarsh being pari matria to India.
6. Kashyappur is the northernmost geographical region of the Shauryavarsh subcontinent. Until the mid-19th century, the term "Kashyappur" denoted only the Kashyappur Valley between the Great Himvan Range and the Gir Janjal Range. Today, it denotes a larger area that includes the Shauryavarsh's State of Kashyap Pradesh (which includes the region of Jammvant Pradesh, Kashyappur Valley, Dadakh and Jiachen region), the Rudeistan Occupied Kashyappur (ROK) of Swadheen Kashyappur and Bilgit-Galtistan, and Redland Occupied Kasyappur of Rksai Gin and the Trans-Laraloram Tract. A special status in the constitution of Shauryavarsh has been given to the state of Kashyap Pradesh under Article 370 which was given due to the then circumstances creating a temporary special status for the state and later on Article 35A creating certain exception for the state.
7. Since 1947, the greater region of Kashyap Pradesh has been embroiled in a territorial dispute between Shauryavarsh, Rudeistan and Redland, with Shauryavarsh controlling approximately 50% of the land area of the region and 80% of its population, Rudeistan occupying roughly 30% of the land, while Redland occupying the remaining 20%. Kashyappur is widely regarded as the world's most militarized zone and the region has witnessed three major wars between Shauryavarsh and Rudeistan, another limited war between Shauryavarsh and Redland, numerous border skirmishes, high mountainous warfare, an ongoing insurgency, internal civilian unrest, terrorism, religious & ethnic violence leading to Siddhi exodus, stone pelting and secessionist activities.
8. On 15<sup>th</sup> February 2019 during a regular law & order situation, troops of soldiers were sent by Shauryavarshian government to cope up with the situation of Kashyap Pradesh and maintain public order and tranquility. The moment they entered the Kashyappur region their vehicle was attacked by terrorists. In this attack large number of soldiers were martyred and the attack was considered as one of the biggest attack of decade in the region killing 57 security personnel and leaving more than 20 injured. The responsibility of attack was immediately taken by the Jaish-e-Jannat, a Rudeistan based, Lamic terrorist organization headed by Masood Lasgar, a dreaded international terrorist. A video of the suicide bomber named, Sahil Wani Pandat was released, claiming the responsibility of attack for the cause of religion and

religious governance in Kashyappur & in State of Kashyap Pradesh then in the whole Shauryavarsh and world.

9. The attack was of such a dreaded nature that it led to the whole nation in shock and there was nationwide anger among the people of Shauryavarsh, who rightfully started to demand immediate and stringent action from the government against the terrorists and Rudeistan.
10. The investigation and intelligence report provided to the Shauryavarshian government had solid inputs and evidences that these terrorists have a connection with the neighboring state of Rudeistan. The nation witnessed support from all the citizens across the country & people of all religion, caste & race, displayed their anger and unity by coming out on streets, doing candle marches, condolence meeting and by supporting the families of martyred soldiers by monetary contribution through various means.
11. In connection to the above situation, keeping the solidarity with the families of lost heroes, a nationwide “bandh” was called on 20<sup>th</sup> February 2019 by the Business Association of Shauryavarsh (BAS), a business associate wing of the current political party, in power, at centre. ‘Bandh’ got massive support of the citizens of Shauryavarsh and they voluntarily came out in solidarity with the families of the lost heroes and closed their business premises and activities for a day.
12. Mr. Khursheed Lone Pandat s/o Mr. Sajjid Lone Pandat (5 times Member of Parliament from South Jarinagar, Kashyap Pradesh) is a resident of Jarinagar, Kashyap Pradesh. He is an actor, a movie megastar and a business tycoon having its operation in many movie industries and business in various sectors like real estate, FMCG, Online retailing, Health Care etc, with global out reach. He regularly is featured in ‘Lime’ magazine, a renowned magazine having high credentials and large outreach and is being followed by more than 2 billion people on ‘Rwitter’, an internet based social media platform, and was the ‘most searched personality’ in the year 2018, declared by online search engine ‘Boogle’.
13. On the evening of 20<sup>th</sup> February 2019, Mr. Khursheed Lone Pandat had planned to throw a success party of his latest movie which broke all the previous records of success and has earned Rs. 700 crores in the opening month. On 18<sup>th</sup> he got an information from the event managers and the service providers that on they will not be doing business on the due date in solidarity with the martyrs’ family and their staff will be engaged in other social service activities. Aggrieved & frustrated by the sudden cancellation, he Rweeted on his social media page;

***“I do not encourage this act of declaring band for showcasing one’s support towards the martyrs because it is ultimately affecting the economy and is hurting my country’s national interest.***

***This ‘bandh’ is just a dictatorial ploy by the government at center to create emotions in their favour for the upcoming elections. Central Government should not try to sweep its wrong policies under the carpet.***

***None from the administration is trying to look into the real reasons behind such acts of defiance by promising youth from my state of Kashyap Pradesh.***

***#ResistOppression #FightTyranny #CheenKeLengayAzaadi”***

14. His rweet got wide circulation. Citizens of Shauryavarsh, from all sects and reigion started reacting to the above statement and came out on streets against the actor criticizing him for his insensitive remark and started demanding actions against him. At the same time, some of them were supporting the actor claiming that actor had all the right to express as guaranteed by the Shauryavarshian Constitution. Mr. Kaka Kumar, President of Student Union, Jharjhari Nigam Memorial University (JNMU) is a follower of Mr. Khursheed Lone Pandat on 'Rwitter' and to the above Rweet, he reRweeted to him the following;

***“Well said sir, big fan this side. We will do as expected.***

***#ResistOppression #FightTyranny #CheenKeLengayAzaadi ”***

To which Mr. Khursheed replied with a reRweet;

***“In the words of Shri S. C. R. Bosee (Freedom fighter of Shauryavarsh): “तुम मुझे खून दो मैं तुम्हे पूरी आज़ादी दिलाऊंगा।” The fight for freedom always demands boiling blood of the young. Thanks for solidarity. Young activists; or I should better call freedom fighters of Shauryavarsh, like you should take inspiration from the freedom struggle our forefathers have gone through.***

***#ResistOppression #FightTyranny #CheenKeLengayAzaadi”***

15. On the eve of 20<sup>th</sup> February 2019, a candle light march concluding with a condolence prayer was organized by BAS in association with the various universities at Indraprastha, Capital of Shauryavarsh and National Capital Region. A group of students lead by Mr. Kaka Kumar, President of Student Union, saw this as an opportunity to get a center stage in the national political discourse. He asked his followers & party members to meet at Central Connaught Square, a commercial place, from where the candle light march was supposed to start, at Indraprastha (& NCR) to oppose, resist & fight the tyrants as called by megastar. The group lead by Mr. Kumar met at designated place with placards opposing the candle light march. There was intense argument between the groups, which resulted into violent clashes and the whole Central Connaught Square was converted into a warzone. District administration imposed curfew to bring the situation under control. The riot resulted into death of 17 people including Mr. Kaka Kumar and hundreds were injured. Property, including Rajan Chowk Metro Station of Indraprastha Metro Rail Corporation (IMRC), worth thousands of crore was lost due to large-scale vandalism and arson.
16. FIR was filed against Mr. Khursheed Lone Pandat & he was arrested immediately by Indraprastha Police from his residence at Jarinagar, Kashyap Pradesh. He was charged under Section 117, 124A, 120B, 153A, of Shauryavarshian Penal Code (equivalent to Indian Penal Code 1860) read with Section 66A of Shauryavarshian Information Technology Act 2000 (equivalent to Indian Information Technology Act 2000, pre 24/03/2015). District and Session Court at Laket, Indraprastha found him guilty of the above charges and convicted him.
17. Aggrieved from the conviction Mr. Khursheed Lone Pandat approached Hon'ble Indraprastha High Court in an appeal from conviction. The matter has been listed for final hearing before the Hon'ble High Court of Judicature at Indraprastha.
18. Draft arguments from both the sides.