

MOOT PROPOSITION

XXI ALL INDIA MOOT COURT COMPETITION, 2017 UNIVERSITY LAW COLLEGE, BENGALURU

1. The State of Hogsmeade is a part of the Union of Hogwarts having laws pari-materia with the laws of Union of India.
2. Union of Hogwarts is a commonwealth country, having fought their way towards independence in the year 1958. Union of Hogwarts follows democracy. However, the Ruling Party always wanted a closed-state governance and always opposed free trade, foreign investments, etc. Union of Hogwarts was rich in its mineral resources and had abundant urapluto (a rare radioactive material), and because of the geographic position, Union of Hogwarts is prone to frequent floods and cyclones. Due to its closed-state policy, the said resources were not utilized by the Union of Hogwarts due to lack of scientific know-how.
3. During the mid-nineties, the then Prime Minister Mr. Esh, feeling a need for change mainly due to the crashing internal economy, agreed to open the market for foreign trade which included investments in all sectors except in harnessing nuclear energy. Exporting urapluto was permitted with several stringent restrictions, and in violation, the exporter would lose his licence to export any product. The restrictions were due to the location on which urapluto was found i.e., on the coastal areas. Any attempt to extract any minerals or urapluto in the coastal area, posed a great threat to the environment and life of human beings.
4. Godric is a small village in the territory of the State of Hogsmeade, where abundant urapluto was found. Surrounding this district, lies the Purple Sea, which is known for its rich and diverse marine life, and the Western Forest, home to a variety of indigenous flora and fauna.
5. In the year 2000, it was discovered that maximum nuclear energy could be harnessed through minimum usage of urapluto. It was also agreed unanimously in the United Nation Climate Control Conference that urapluto was the only way to produce clean and efficient energy. It would help them to reduce the damage to the environment. Certain concerns were raised by Union of Hogwarts regarding the extraction of urapluto, but they had to succumb to the pressures of International Giants. Accordingly, Union of Hogwarts signed a Urapluto Treaty, agreeing to let open its markets and to relax regulations to export urapluto. This treaty was not ratified by the Union of Hogwarts. This path-breaking discovery coupled with backing from world leaders lead the International Business Community march towards Union of Hogwarts.
6. However, there was severe backlash from members of the ruling party and from various social and environmental activists stating the adverse effects the process of extraction of urapluto would have on the coastal population and marine life, which is the source of livelihood for the coastal population. Due to these protests and oppositions, the ruling party did not heed to its international commitment.
7. In the year 2015, there was a tidal change in the politics in Union of Hogwarts, where the DA Party swept the election. The DA Party essentially believed that capitalism must co-exist with

socialism. The entire state of Union of Hogwarts was adversely affected by this, causing a lack of employment to youth and lack of basic amenities resulting in shortage of basic sustenance.

8. On taking charge, the DA party as per its election agenda, started devising policies to increase employment in the Union of Hogwarts. Accordingly, Union of Hogwarts saw potential in harnessing nuclear energy and supplying the same to other neighbouring countries. However, Union of Hogwarts lacked expertise in harnessing nuclear energy. Hence, they decided to open market in the nuclear energy sector and increased FDI from 20% to 49%, where it was agreed that, any institution/company intending to invest in nuclear power, shall agree to share their complete know-how with Union of Hogwarts and shall ensure that only citizens of Hogwarts are employed. It was again made mandatory that all companies shall work in collaboration with Nuclear Power Corporation of Hogwarts.
9. This policy was however thwarted by the opposition and social workers, who alleged that the DA party is attempting to trade with the livelihood of people with foreign heavy weights with a sole view of enriching Union of Hogwarts economically, while degrading the lives of people, and flora and fauna. Hence, the same was not in the interest of Union of Hogwarts.
10. Ignoring the protest, the Union of Hogwarts signed and entered into an MOU with Slytherin Power Corporation, major player and owned by State of Abu to establish Nuclear Power Plant at Godric Village due to abundant and easy extraction of urapluto.
11. A press release was made, stating, “Nuclear power generated from the power plant is a sustainable source of energy that reduces carbon emissions and increases energy security by decreasing Hogwarts’s dependence on foreign oil, hence forging a partnership with Slytherin Power Corporation”.
12. Nuclear Power Corporation of Hogwarts declared that 1.5 to 2 per cent of the net profit from Slytherin plant would be spent in that area only. Development projects will be decided by local people and NPCHL will provide the funds to ensure development of these areas.
13. The establishment of a Nuclear Power Plant involves a Four-Stage Consenting Process. The first stage of the process involves the submission of a Site Evaluation Report. This is followed by a Safety Analysis Report and Commissioning Tests. The last stage is called ‘Consent for Operation’. The last stage was crucial for establishment of nuclear power plant. The Government of Hogwarts on hearing rumours regarding a legal challenge to the establishment of the power plant in a coastal area of Godric, accelerated the Consenting Process of the Plant.
14. To establish the nuclear power plant, the government of Hogwarts acquired a large portion of land from the villagers which was being used by them for agriculture- their main source of livelihood, by promising them that they would be employed with the Power Plant. Of the population, 30% of the villagers accepted the compensation cheque while the remaining people were forced to surrender their land with an anticipation of employment in the Power Plant. However, the compensation given to them was less than the market value of the land.
15. The government failed to take into consideration that this area is a seismically sensitive area and falls under Zone IV, classified as a ‘High Damage Risk Zone’. Slytherin Power Corporation and NPCHL failed to provide for adequate safety measures and emergency provisions in the facility,

thereby overlooking the first and second stages of the Consenting Process. However, they did comply with the third and fourth stages of the Process.

16. The establishment of the Nuclear Power Plant at Godric attracted new industries and potential investors, thereby creating many job opportunities for the people across Union of Hogwarts except from Godric village as promised. Only 50% of jobs were given at the Power Plant to the population of Godric village. Others were re-allotted agricultural land behind the Power Plant.
17. The power plant functioned smoothly for a few years until unexpectedly, there was a leak in the plant causing discharge of toxic substances into the soil (farm land), contaminating the ground water. It also released radioactive gases into the atmosphere. Consequentially, the land turned barren and became unfit for agriculture. Effects of this were also seen on the plants and animals. The radiations posed as a serious health hazard to the people of Godric with many of them showing signs of cancer. Apart from this, they also suffered from various other disorders.
18. Since the plant used sea water for cooling and then subsequently released the heated water back into the Purple Sea, fishermen in villages around were anxious about the destruction of the fisheries in the sea. The sea was also used as a disposal site for the waste generated by the plant. In addition, excessive extraction of urapluto by the Power Plant resulted in slight tremors in the village of Godric.
19. The victims of this accident approached the Claims Commissioner under The Civil Liability for Nuclear Damage Act, 2010 (CLND Act) and were compensated for the damages. However, the amount of compensation awarded to them was inadequate. Aggrieved with the compensation awarded, the victims approached the High Court of Hogsmeade.
20. Meanwhile, a social activist and lawyer, Ms. Aishani, appearing on behalf of the victims, filed a PIL before the High Court of Hogsmeade. Ms. Aishani has been lobbying against the establishment of nuclear power plants and has been advocating for its replacement with alternative sources of renewable energy as against nuclear energy, which would precipitate dangerous substances in the soil. In this PIL, she challenged the amount of compensation awarded to the victims, the forceful acquisition of land from the villagers, inter alia contending that, Right to Live with Dignity has been violated by the state.
21. Since the appeal and the PIL involved the same matter of law, both the petitions were clubbed. The same has been listed for final hearing before the High Court of Hogsmeade.

This Moot Proposition was drafted by Mr. Mahesh Chowdhary, Advocate, High Court of Karnataka. Any attempt by participants to contact him regarding the moot proposition will result in disqualification from this competition.