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MOOT COURT SOCIETY

15TH GRAND ONLINE INTRA MOOT COURT COMPETITION, 2021

MOOT PROPOSITION

IN THE SUPREME COURT OF INDUS

ORDINARY ORIGINAL CIVIL JURISDICTION

PUBLIC INTEREST LITIGATION ___ OF 2021

ORGANIZATION FOR REFUGEES (OFR)

VS

UNION OF INDUS

The Republic of Indus has a population of over 123 Crores and is a developing nation. Although, the single largest ruling party in the country had ensured a robust governance, in the wake of the coronavirus pandemic, the annual GDP as well as inflation is at an all time high. Unemployment and poverty have resultantly increased over the course of the past 15 months due to the sustained lockdown imposed by the government in the wake of the pandemic.

Around 3 years ago, the underdeveloped neighbouring nation of Zuri had several of its citizen entering Indus, illegally from the eastern borders seeking refuge due to an alleged threat to life in view of communal violence against them meted out by the ruling government of Zuri which was operational at that time. the government of Indus was sympathetic and granted refuge to around 5 lacs of such refugees.

In 2021, another neighbouring country in the west, i.e., the Republic of Salvo had a takeover by the militia perceived to be a terrorist organization all over the world. This militia was also perceived to be responsible for several terrorist attacks on foreign soil. Several international states and organization condemned the illegal takeover by this organization. Above all, it was the hapless citizens of Salvo, especially its women who began to flee the country fearing abuse of human rights and threat to their life, limb as well as personal liberty.

The ruling government of Indus immediately began rescue efforts to rescue its citizens by organizing flights and other means of transport. Around 100 of such citizens of Salvo, illegally and forcefully climbed onto such flights. Given their plight, the pilot ensured that they are transported and brought on Indus soil. The said persons are yet not admitted to the country and are residing in make shift temporary shelters provided by the local authorities while they await directions from the Union Government which is already reeling under the after math of the coronavirus pandemic.

The Organization for Refugees (“OFR”) is an NGO, located and based out of Indus looking after the state of refugees in Indus. It has always been vocal in opinionating that right of refuge is a recognized human right and Indus being a signatory to the Universal Declaration of Human Rights, other UN Laws and also the Vienna convention, right of seeking refuge is a fundamental human right. The said petition is pending without any interim reliefs.

The present circumstance prompted OFR to file a fresh Public Interest Litigation before the Supreme Court of Indus, seeking a direction to the ruling government to consider the relief of grant of refuge to the fleeing citizens of Salvo and further grant them liberties similar to Indus nationals. A representation in this regard was filed before the Union of Indus. The Union Government has refused to accede to this request and denied to grant entry to so many foreign nationals stating that it is neither possible to take additional burden on itself nor will it serve as

a deterrent to illegal migration. After issuance of notice, completion of pleadings, and documents taken on record, the present case is now posted for final hearing.

The laws of Indus are in *pari materia* with the laws of India and the Judgments rendered by the courts of India have the highest persuasive value before the Courts in Indus. The following issues have been framed as questions of law, giving liberties to the concerned parties to frame and agitate any additional issues if any:

- i. Whether the nature of reliefs is one where the Supreme Court is asked to legislate, rendering the PIL liable to be dismissed?
- ii. Indus being a signatory to several international conventions mentioned hereinabove, can an illegal immigrant claim right of refuge as a fundamental rights under Article 14 and 21 of the Constitution of India ?
- iii. In view of pending representation, is the PIL premature or does the urgency in the situation warrant the interference of Supreme Court under Article 32 r/w Article 142 of the Constitution of Indus.

NOTE:

- *The laws of Republic of Indus are 'pari materia' with the laws of Republic of India.*
- *Counsels for both sides are required to address the issues and arguments specifically mentioned in the Proposition. However, they are free to frame sub-issues and make other arguments, that they deem fit.*
- *The Moot Proposition has been drafted by Mr. Anand Pai, Advocate, Bombay High Court.*
