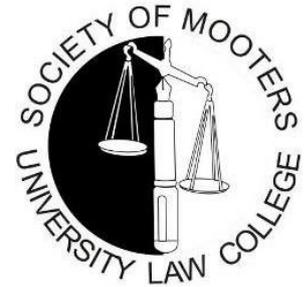




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XXII All India National Moot Court
Competition
MOOT PROBLEM

1. ARYAVARTA is a developing country which has rich historical heritage along with rich natural resources. It has 29 states and all have a rich culture of their own.
2. HODU is a state in Aryavarta which is popularly called a historical state, because of its rich history, heritage and beautiful monuments. Pampa Nagar, one of the oldest cities in Hodu, has a large reservoir of a rare granite (*Magma Black*).
3. There is a private mining company named **AZS MINING PVT. LTD. CO** (hereafter to be referred as the “Mining Company”), which uses hi-tech mining technology imported from a foreign country, for mining purposes with a profit motive.
4. Hodu called for bids to extract the granite through a tender, but as the process to be employed for extracting and procuring the granite (Magma Black) was highly complicated and required advanced techniques of extraction and procuring, the Mining Company, placed its bid and got the tender, after entering into a Joint Venture with a MNC, which promised to contribute 51% of the investment for Joint Venture and the mining company was awarded the contract to extract and procure the granite (Magma Black), for a period of 15 years, under an exclusive lease for 50 acres of land.
5. The locality where the mining activity was to be carried out, was in the proximity to an ancient monument which was constructed in the 14th century A.D. (hereinafter referred to as “the Monument”), and is known for its beautiful architecture and elegance, which is a popular tourist attraction, and is visited by thousands of people on a daily basis and

also contributed to the economy of the state and the place also stationed various hotels and small scale shopping centres.

6. The monument also holds a cultural significance and religious significance to the people residing in Pampa Nagar. The monument was constructed as an offering to the Gods by the king. The offering was made as a great famine had struck the place and after the offering it was seen that the famine had receded. Once every year the people of Pampa Nagar perform rituals as followed by their ancestors to please the Gods
7. The method used for quarrying/mining purpose was by the use of high calibre explosives, which also required a large amount of man power, which also generated employment.
8. The surrounding locality of the mining area consisted of a number of villages, with reasonable population residing there and about 200 people drew their employment from this quarrying/mining activity
9. During this time the Ministry of Environment, Forest and Climate Change declared a part of the region where the mining was carried on as an Eco-Sensitive Zone due to the presence of a few endangered species of birds and animals.
10. Although the contract was for mining in an area of 50 acres, the state govt. granted only 20 acres of land to the Mining Company. The remaining 30 acres of land was not handed over to them.
11. Since the remaining 30 acres was not handed over by the state govt. the MNC anticipated that it would be unable to recoup its investments and the MNC threatened to exit from the J.V. which put the livelihood of 200 workers at risk. Hence the 200 workers formed a Union and filed a petition before the High Court under Article 226 of constitution of Aryavarta, seeking the court to direct the State Government to hand over the remaining 30 acre of land for the said purpose.
12. Meanwhile, a few foreigners who were working with **International Environmental and Ancient Monument Preservation Organisation** which is an NGO (here on referred to as the “International NGO”), running at the international level visited the Monument.
13. The international NGO conducted a research in the area of the Monument and it came to their knowledge that the foundation of the Monument was deteriorating, even though the mining/quarrying zone was reasonably far away from it, the explosives and the chemicals used in quarrying caused an adverse effect on the age old Monument.

14. Aryavarta's most active NGO named **MCM Heritage Protection Organisation** (here on referred to as "the National NGO") came to know of the research conducted by the International NGO. The National NGO consulted a renowned geologist Mr. X, who confirmed the reports submitted by the international NGO, on the deterioration of the foundation of the historical Monument.
15. The NGOs brought to the notice of the State Government the deteriorating condition of the Monument because of the explosions and the chemicals used in carrying out the mining/quarrying activity, to which the Govt. of Hodu has not taken positive steps yet.
16. As there were no positive steps taken by the Govt. of Hodu, the issue was brought to the notice of the Union Govt. of Aryavarta. The Union Government of Aryavata after conducting sufficient enquiry of their own, and taking into consideration the heritage of the place, health of the people and deteriorating income from tourism due to excess pollution i.e., noise and air due to use of explosives, land and water due to chemicals used in processing, passed an order vide Notification dated 9/11/2017 (hereinafter referred to as the "Notification"), to immediately stop all mining/quarrying activities in and around Pumpa Nagar.
17. Due to the action of the Union Government of Aryavata the Mining Company, which had a tenure of 15 years of mining, had to stop mining activity in Pumpa Nagar within 5 years of being awarded with the tender and setting up the J.V..
18. Aggrieved by the actions of the Union Government of Aryavata, the Mining Company files a Writ Petition before the Supreme Court, questioning the Notification, the violation of their fundamental rights and for the Mining Company being unable to recuperate the investments made, which includes hi-end technology and the loss of profits due to their high investment, due to the Notification dated 9/11/2017.
19. The company asked for clubbing of the petition, which is pending before the High Court of Hodu, with the Writ Petition filed before the Apex Court to which the Apex Court permitted for clubbing of both the matters and posted it for final arguments on 25/02/2018.

NOTE:

1. The laws of Union of Aryavarta are in *Pari-Meteria* with laws of Union of India and the laws of Hodu are in *Pari-Meteria* with the laws of State of Karnataka.
2. The participants are required to frame appropriate issues