
**11TH NALSAR JUSTICE B.R. SAWHNY MEMORIAL MOOT
COURT COMPETITION, 2017**



MOOT PROPOSITION



(KNOWLEDGE PARTNER)

NALSAR UNIVERSITY OF LAW, HYDERABAD



13-15 OCTOBER 2017

MR. GULLA VERSUS UNION OF NATRULAND & ORS.

&

IN RE: SUO MOTO PETITION- NEMO VERSUS THE UNION OF NATRULAND & ORS.

1. The Union of Natruland is a blessed place. It is a federal republic, and world's second biggest functional democracy after India.
2. The Capital of Natruland is on the twin-islands of Putru-Chali, which was developed on the lines of Singapore and is the only city-state in the Union of Natruland. The Supreme Court of Natruland is at Putru. Apart from the city-state which is governed centrally by the Union Government, there are six states in the Union viz. Chunki, Churi, Kutru, Kuttu, Kullu, Mullu.
3. It does not have a written constitution, inspired from the age-old wisdom of *legislatorum tanquam viva vox*. In one of the early cases pertaining to the right to life during proclaimed Emergency, full court of the Supreme Court declared that all human rights known to the civil society are part and parcel of fundamental rights of any person who is on the soil of Natruland. Thus the Supreme Court has so far enforced various rights as recognized in the UDHR, and by Courts of Australia, Canada, India, South Africa, United States. In case of any disharmony or conflict, the Court has held that any right as recognized at its highest manifestation by any court anywhere in the world shall apply as such in Natruland, and correspondingly the duty of the State to protect such right is always held to be of the widest amplitude.
4. The Union of Natruland has produced some of world's best experts of nano-science and holds record number of patents in the area.
5. One such expert is Mr. Abhrish Natruka, who is credited with the discovery of *MINI* which stands for *Multiplying Innate Nano Inhibitors*. The discovery by Mr. Abhrish Natruka proved that when the Brain Axons are triggered in Melanesian Humans, their brain produced MINI. These MINI could then be segregated with the help of pre-injected neutral serum under sterile conditions, and could then be put to multiple uses from curing cancer to enabling better MRI scans. The MINI derived under laboratory conditions were considered to be the organic equivalents of polyorganosiloxane matrix particles.
6. Use of MINI required a onetime registration, and issuance of a MINI number which was essential for the purposes of de-duplication. The MINI number captured essential biometric information of the user along with DNA profile. This registration was done on a standalone server established for this purpose by Mr. Abhrish Natruka, and all information regarding use and implementation of MINI was accessible on this server.

The security metric and layer protection of the server was so high, that no one till date has been able to breach or hack into the system.

7. Mr. Abhrish Natruka wanted MINI to be freely available for research by all and sundry and therefore did not seek any intellectual property restrictions over the derivation or exploration of MINI and its possible uses. He therefore freely issued licenses for access to the MINI server to anyone who sought it for the purposes of research. Research in MINI became a rage, and all civilized nations established centres for research on MINI (CROM) which had licensed access to the MINI server.
8. There were CROMs within Natruland also, one each in five of the six states, excepting Mullu where the Citizens' Council never approved of the idea of anything being injected into citizens and taken out and segregated. They believed this to be a gross violation of right to privacy and certain other fundamental rights. Mullu had a high prevalence of cancer and MINI was being used widely for its detection and cure. Mullu had its own civil and penal codes, and Defence, Communication and Foreign policy recognized as being part of the legislative and executive domain of Natruland.
9. Situated in the north-west, Mullu was the only state which had a special status in Natruland, due to the historic events which preceded Mullu's joining of the Union. Natruland and Darkistan were born out of a division of erstwhile Calmistan, on religious lines. Both of the newly born nations vied for the territory of Mullu, which was one of the most beautiful places in the world.
10. The historic acrimony between Natruland and Darkistan flourished due to successive governments' desire to be an ally of Armistan, one of the world's powers and a country which would not survive but for its arms manufacturing industries. Survival of such industries was dependent on keeping alive a market for arms, and armed hostilities between nations, and this always dictated the foreign policies of Armistan.
11. At the time of signing of the Instrument of Accession, the King of Mullu while choosing to side with Natruland over Darkistan, insisted for an eventual plebiscite to decide which side of the border, the people of Mullu would ultimately like to be and this was one of the clauses in the Instrument of Accession. The Instrument also provided for a special status for Mullu and its residents, and there were clauses which ousted outsiders from purchasing any property in Mullu or taking permanent residency in the State, the latter meaning a stay of more than three years. The newly elected President of Natruland issued Presidential orders incorporating these clauses.
12. Mulluworks was a corporation owned by Mr. Gulla, who was a resident of Mullu. Mulluworks worked in the area of data collection and data banking and selling. It had branches all across Natruland, and its key customers were telecalling companies, banks and insurance companies. Being a supporter of the right to privacy, Mr. Gulla never allowed names or identities to be cross linked with the data. Thus, the data banks had

information segregated by economic status, social status, echelon of managerial hierarchy etc. but never cross linked with any name.

13. Mulluworks realized the business opportunity in harvesting MINI database and it started paying hefty sums to hospitals for sharing the registration forms of individuals with MINI data prior to its uploading on the MINI server.
14. Niji was a social worker and RTI activist, who hailed from Kutru. He had been researching on use of MINI databases. He came in contact with Mr. Gulla and they both liked each other and got married. For almost four years, their marriage life was peaceful, until one day Mr. Niji met Mr. Abrish Natruka. They instantly liked each other, and Mr. Niji filed for divorce.
15. After prolonged legal battle, both sides realized that the solution would lie in Mediation. Before the Court appointed Mediator, Mr. Niji eventually proposed to settle at only 50% of the permanent alimony initially sought. Mr. Gulla wanted to give part of his property and shares in Mulluworks in lieu of that 50%, but the former was not possible under the laws of Mullu.
16. This led Mr. Gulla to file a writ petition in the High Court of Mullu, seeking a declaration that the restrictions placed on outsiders, and the special status provided for Mullu and its residents is unconstitutional. The entire Bar resolved not to represent Mr. Gulla. This led to a peculiar situation where Mr. Gulla had no lawyer to represent him. The Court appointed Mr. Queerish Robedey, a respected lawyer from the Surpeme Court of Natruland as an Amicus. However, when Mr. Queerish came to the high court, he was not allowed to enter the courtroom by members of the local bar. Mr. Queerish consulted with Mr. Gulla, and filed a transfer petition on these grounds before the Supreme Court seeking transfer of the writ petition out of the State of Mullu.
17. While the admission hearing of the transfer petition was going on, noting that the cause-title had name of Mr. Gulla, and its contents had mention of his shares in Mulluworks, Justice Wody on the bench shared his plight of getting a very high number of unsolicited calls asking for his name and his desire to buy property in Mullu. These calls flooded him ever since he started cure of his cancer which involved use of MINI. Justice Kaidu, the Chief Justice commented that he is also getting calls, asking for his name and offering cheap second hand cars and insurance services to him. The Chief Justice also observed that this is a matter of serious concern, and directed the CBI to make an investigation and file a report.
18. The CBI report indicted certain telecaller advertising companies for the calls. It also noted that each of these companies had paid Mulluworks a hefty sum in recent while. The Chief Justice directed for a suo moto case to be registered in this regard, with Mulluworks, the Union of Natruland and the State of Mullu as party respondents.

19. As his other case was already being argued by Mr. Queerish Robedey, Mr. Gulla entrusted the brief for Mulluworks also to him.
20. The Court took notice of the legal points involved in the petition filed by Mr. Gulla, and held that both the transfer and the merits of the case ought to be heard by a Constitution bench. For the purposes of convenience, the Court also listed the suo moto petition before the same Constitution bench.
21. The matters are now fixed for hearing on all the points involved.

Nota Bene:

- a. All references, actual, deeming or fictional; are fictional. The laws of India apply mutatis mutandis, except as excepted by the proposition.
- b. Participants stand advised to devise a “litigation strategy”. The issues can be argued in alternative/without prejudice, be divided into sub-issues, **and can be added to or amended upon**. It is permissible to concede issue(s) at the time of oral arguments subject, however, to appropriate explanation readily available on the query of the bench. However, the written submissions must address all the issues.
- c. Citations should not be without actual para/page references. Unnecessary citations and *passim* references are to be avoided. In case of oral arguments, primary references for all materials being referred to, **is mandatory**.
- d. The moot problem is the way it is, with full application of the principle of “*as is, there is...whatever where is*”.
- e. Please avoid use of any plastic materials or binding for the Memorials. Use simple color-paper sheets for identification of respective sides.

Drafted by
RISHABH SANCHETI
ADVOCATE, SUPREME COURT OF INDIA

(Please note that any attempts to contact him for matters relating to this problem or the 11th NALSAR Justice BR Sawhny Memorial Moot Court Competition, 2017 shall result in immediate disqualification.)