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NHRC-NUSRL NATIONAL MOOT COURT COMPETITION 2023

MOOT PROPOSITION

10TH-12TH FEBRUARY 2023

ORGANIZED BY

NATIONAL UNIVERSITY OF STUDY AND RESEARCH IN LAW, RANCHI

**IN JOINT COLLABORATION WITH
NATIONAL HUMAN RIGHTS COMMISSION**

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MOOT PROPOSITION

1. The State of Apollo, a Schedule V state of the Indian Constitution, is a land with the natural gift of immense mineral potential and other natural resources. The state is also home to the largest reserves of Uranium. In the last 60 years, uranium has become one of the world's most important energy minerals. Nuclear energy is not only considered cost-effective but also a cleaner alternative to fossil fuels. Elis district in the Apollo state where the uranium reserves have been mainly found has been the main activity centre of the Central Uranium Corporation Limited (CUCL) for its uranium mining and processing activities for the last 40 years.
2. India's three-stage nuclear power programme was formulated by Homi Bhabha, the well-known physicist, in the 1950s to secure the country's long term energy independence, through the use of uranium and thorium reserves. Homi Bhabha conceived of the three-stage nuclear programme as a way to develop nuclear energy by working around India's limited uranium resources. In November 1954, Bhabha presented the three-stage plan for national development, at the conference on Development of Atomic Energy for Peaceful Purposes which was also attended by India's first Prime Minister Jawaharlal Nehru. Four years later in 1958, the Indian government formally adopted the three-stage plan. India has constantly strived to advance in the world's nuclear race, where uranium plays a vital role.
3. The CUCL is a public sector undertaking, solely responsible for mining and processing uranium ore in the country and thus occupies an important position in the nuclear program.
4. 40 years ago, land was compulsorily acquired from local villagers after uranium was first detected in Elis District. The local villagers had protested vehemently and rallied around the local politicians for years, but to no avail. Eventually when they were left landless and without much resources at their disposal, they had come around. They had agreed to work in the mines in exchange for their land. In addition, they had also been rehabilitated in shady small homes. No cultivable land was provided. Generations of such families have now been working at the lower level in these mines.
5. The State of Athena, a Schedule VI state of the Indian Constitution, is another state abundantly rich in mineral reserves. Uranium reserves were also discovered in large

quantities in the state of Athena. But, before the uranium mining activities could start in a full-fledged manner in Athena, the project got suspended due to massive protests from the locals residing there. Prominent local voices in the state claimed that radiation exposure from uranium mining was leading to miscarriages, deformities in new-born children, and diseases like cancer had become rampant after the start of the exploratory drilling activities in the vicinity, based on the lessons learnt from Elis District in State of Apollo. Water in the nearby streams and rivers had also got contaminated as a result of the mining activities.

6. In the matter lying before the National Green Tribunal (NGT), the Tribunal has not yet permitted uranium mining in the state of Athena where the locals are fighting against the projects. The CUCL has also been unable to mine uranium in Athena due to a moratorium over mining in the state imposed by the NGT.
7. Along similar lines, in Elis district in the state of Apollo, the locals broke into a protest fighting against the operation of the Uranium mines in the district. The studies of various national and international NGOs also showed a high prevalence of congenital deformities, neo-natal deaths, spontaneous abortions, cancers, skin diseases, etc, among the workers, their families, and the villagers living close to the mines.
8. But the company management, of CUCL which comes directly under the Department of Atomic Energy, has always vehemently denied the existence of such problems.
9. The uranium mines speak of India's scaled-up nuclear power ambitions, even as Japan's March 2011 Fukushima nuclear meltdown has spurred international debate about the safety of atomic energy programmes. Indian officials, facing nationwide power shortages, have said they want to increase nuclear power generation capacity to 62,000 megawatts by 2032. Nuclear energy now provides 1.9% of India's electricity generation capacity.
10. CUCL is in-charge of supplying fuel for the plan of expansion of nuclear energy and, employs about 5,000 people in the mining and processing of uranium, which is the core element in making fuel pellets that fire the reactors in nuclear power plants. Besides its Elis-area mines, CUCL operates the Suncity mines about 18 miles away, near the city of Kiosha, with a metropolitan area population of more than a million people. There have been no comparable reports of illnesses there as in Elis and a handful of surrounding villages.

11. The Kiosha operation began in 2002. New uranium mines are planned in the State of Apollo and three other states including the State of Athena, according to the CUCL website.
12. The Elis mines are blocked off by concrete walls and barbed wire. Their gates open for 10-wheel dump trucks, loaded with chunks of uranium ore, rumbling down the road to a central plant. After processing the ore into a powdery compound known as yellowcake, CUCL transports it to southern India to be made into pellets for atomic power stations.
13. The State of Apollo is a poor state, even by India's standards. Average annual per capita income is equivalent to about Rs. 50,000/- despite the existence of substantial coal and uranium reserves. Illiteracy is common. People cook on fires fueled by dried cow dung. Women walk the roadsides balancing gleaming metal water jugs on their heads as they go to and from public wells. Village men still plow the land with cattle. Life expectancy is among the lowest in all of India—58 years compared with 63.5 for the nation as a whole, according to a 2011 United Nations report. Many scrounge and scavenge to get by—even around uranium dumps. Trespassing signs, assuming they can even be read, don't mean much.
14. In Apollo High Court's *suo moto* action, Court on its Own Motion v. Union of India and Others, the court took *suo moto* cognizance of a news item published in 'Apollo Nation News' dated 18th July 2012 relating to the devastating effect of radiation emanating from the mining of uranium on environment and also on population in Sumatra village in Elis in the State of Apollo. The Court showed deep concern about the radioactive wastes discharged by the CUCL, putting 50,000 people at risk. The Court ordered a fresh survey into the discharge of wastes and some alleged leaks by an independent body and directed the Department of Atomic Energy, Government of India to suggest names of experts.
15. The installed capacity of the Uranium mines in Elis is about 1,000 TPD ore. To obtain each kilogram of uranium, a thousand kilogram of ore must be processed at a uranium milling plant, the bulk of which would be discarded as waste. These wastes or mill tailings, are contaminated with toxic heavy metals. Epidemiologic studies around the world have conclusively shown that inhalation of radon increases the risk of lung – cancer.

16. Gaseous contaminants can also affect the health of populations through groundwater and locally grown food products. Studies also point out that the chance of returning an aquifer to pre-mining water quality is minimal.
17. Experts in their studies have mentioned that the company is also flouting many national and international safety regulations in its functioning and thereby exposing the uninformed villagers to heavy health risks.
18. No hospitals specializing in providing treatment related to hazardous radioactive injuries exist on the sites of mining. Treatment for such radioactive injuries and occupational hazard diseases is also not known in most cases.
19. The locals along with some activists have also reiterated that there is no compelling need to expand the capacity of the CUCL as the country can now buy and import uranium from the international market.
20. Some of the demands of the locals and the activists protesting against the operation of Uranium mining in Apollo district have been: (a) no new uranium mines, (b) bring the existing mines under the international safety guidelines, (c) return tribal land acquired earlier, but not utilized for mining, (d) provide livelihood and rehabilitation to the displaced people, (e) clean up the contamination, (f) make an independent study of the environmental and health impact of the CUCL's operations in Elis, (g) monitor the water bodies to ensure that the radionuclides do not seep into the aquifer used by more than 1,00,000 people.
21. In one of the incidents at the Uranium mines at Elis district, a pipe carrying radioactive wastes had burst, and thousands of litres of radioactive waste spilled into the nearby Cuckoo Creek for nine hours before the flow of the waste was turned off. This incident was termed as a 'small leak'; showing the apathetic attitude of the mining giants.
22. Radioactive wastes cause pollution and have been found to be responsible for birth defects, stillbirths, other adverse outcomes of pregnancy, excess risk of leukaemia mortality, lung cancer, etc. Apollo is one of those rare states where Uranium mining is still being carried out and considerable risk is posed to those working there or living in the vicinity.
23. As a result of the following events, Elis Anti – Radiation Organization (IARO), an NGO working in the State of Apollo filed a petition under Article 32 in the Supreme Court of India demanding a complete closure of the country's largest Uranium mines operating at the Elis district of Apollo. They claimed that there existed a conflict of

rights between those exploiting the land for development vis-à-vis those who own it and use it for subsistence.

24. In a letter to the Apollo State Pollution Control Board, the IARO questioned the usefulness of the public hearing in Environmental Impact Assessments, considering that the affected villagers were neither allowed to speak nor were they given the Environmental Impact Assessment Reports (EIA) and the Environmental Management Plan (EMP) of the expansion operations. The villagers wanted the CUCL to prepare credible EIA and EMP reports and a moratorium to be declared on the opening of new uranium mines. They have also called for an independent and credible study on the radiation-related health problems in Elis and the enactment of laws such as those passed in the US like the Radiation Exposure Compensation Act (RECA) and Energy Employee Occupational Illness Compensation Program Act 2000.
25. The IARO has been questioning the cost of the nation's efforts to become a nuclear superpower. They say the price is being paid by the villagers of Elis district as they have to suffer from cancer and other diseases because of the consequences of strong radiation.
26. A Public Interest Litigation has been initiated in the Supreme Court of India under Article 32 of the Constitution of India by IARO praying for a complete closure of the uranium mines in the Elis District. It has come down heavily on the state machinery for ignoring the health and ecological issues and damages caused by the working of these mines.
27. However, in a major turn of events, the Workmen Association of the Uranium mines which comprises of many locals, at Elis district have already been impleaded as a party to the matter. They are of the opinion that when compared to hunger, pollution was a small issue. Their right to livelihood is threatened due to the full closure of the mines and they may be left with lands unsuitable for cultivation, if at all the lands returned to them.
28. The local workers are against the closure of mines as they would be rendered jobless in addition to being homeless. The land utilised for mining and the adjoining parcels of land have been rendered uncultivable. The closure of mines will not result in returning of acquired lands; and even if it does, the lands would be waste lands, unusable and unsuitable for any purposes. Major portions of the lands have been converted into huge pits. Other portions are covered with overburden dumps (OB Dumps).

29. The Workmen's Association claims that the closure of the mines goes against their Right to Employment and; considering the hardships that most of the workers have already witnessed, it shall be cruel to close down such a mine. The Workmen's Association has on the other hand, has persistently argued with the management of CUCL to adopt international standards and not to open any new mines. But at the same time, IARO (NGO) has approached the Apex Court under the issue that the continued operation of the Uranium mines in Elis district would go against the right of the villagers to enjoy a wholesome environment.
30. You are requested to prepare detailed written submissions/memorials on behalf of the side of the petitioner supporting the cause of the petitioner and also from the side of the respondents, representing their individual interests.