



Indraprastha Moot Court Society
presents



1st NHRC - USLLS NATIONAL MOOT COURT COMPETITION



19th- 21st January, 2024

UNIVERSITY SCHOOL OF
LAW & LEGAL STUDIES
GURU GOBIND SINGH INDRAPASTHA UNIVERSITY



KNOWLEDGE PARTNERS

ABOUT NATIONAL HUMAN RIGHTS COMMISSION



The National Human Rights Commission (NHRC) of India, established on October 12, 1993, is a pivotal institution in the country dedicated to the safeguarding and promotion of human rights. Its foundation is rooted in the Protection of Human Rights Act (PHRA), 1993, later amended by the Protection of Human Rights (Amendment) Act, 2006 and Protection of Human Rights (Amendment) Act, 2019. This statutory framework provides the NHRC with the legal mandate and authority to uphold human rights within the nation. The Paris Principles of Human Rights, adopted in 1991 for the promotion and preservation of human rights and supported by the United Nations at its General Assembly in 1993 through its Resolution 48/134, served as the foundation for the creation of the National Human Rights Commission (NHRC).

At its core, the NHRC embodies India's deep commitment to promoting and protecting human rights. It acts as a vital watchdog, tirelessly working to ensure that the fundamental principles of human rights, such as the right to life, liberty, equality, and dignity, as guaranteed by the Indian Constitution, are upheld and protected. Human rights, as defined in Section 2 of the said act, means the rights relating to life, liberty, equality, and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India. In essence, the NHRC serves as the sentinel of human rights in India, acting as a guardian to ensure that individuals' rights are respected, protected, and upheld in all spheres of life. Through its endeavors, the NHRC contributes significantly to India's ongoing journey towards a more inclusive and rights-conscious society.

Guru Gobind Singh Indraprastha University was the first university to be established by the Government of NCT of Delhi in 1998, with the aim of facilitating and promoting studies, research and development work in emerging areas of higher education with a special focus on professional education. It's central location in Delhi makes it a prime location to impart legal education. The University has also set up an east campus aside from its main campus in Dwarka.



ABOUT GGSIPU



The University has been graded "A++" by the National Assessment and Accreditation Council, Bangalore. The University also secured its maiden QS world ranking in 2023 and now features among the top 1500 institutions of the world. Furthermore, it has attained AIU's Status of Regular Membership in November, 2008.

The University was ranked 19th in Law Category in the National Institutional Ranking Framework (NIRF) rankings of 2023, released by the Ministry of Education.

ABOUT UNIVERSITY SCHOOL OF LAW & LEGAL STUDIES



Established in 2001, University School of Law and Legal Studies has acquired the status of a distinct institution of legal education in an unparalleled setting of a multidisciplinary environments. It has emerged as a premier hub of legal education in India. It is the best college for law under GGSIP University. USLLS became the first law school established by the State Government of Delhi.

It figured 19th nationally in the NIRF rankings for 2023. The College has been ranked amongst the top 20 law schools in India by BW Law School Rankings of 2023. It has built an outstanding alumni network spread across various fields in law.

Our alumni base constitutes of notable litigators, partners at esteemed law firms, judges, and civil servants. Further, several of its alumni have pursued higher education at globally eminent institutions including Harvard and Cambridge.

With the objective to serve as an institution of advanced legal studies, USLLS was the first law school established in the vicinity of the Supreme Court, Delhi High Court, various subordinate courts, Commissions, Tribunals, & various monitoring offices of national & international voluntary organizations. Its faculty is selected prescribing higher qualification than the University Grants Commission (UGC).

The course structure is contemporary and practice-oriented with a special focus on legal ethics which attracts students & from all over India & overseas. The law school has well- experienced and committed faculty, & conducts all its courses with professionalism and value orientation.

SCHEDULE OF EVENTS



DATE	EVENT
30.09.2023	Release of Moot Problem
25.12.2023	Last date for Institutional Registration of Teams via Google Form
31.12.2023	Last date for Final Registrations via Google Form
05.01.2024	Last Date for Seeking Clarifications
15.01.2024	Last date for Memorial Submission (Soft Copy)
19.01.2024	Inaugural Function and Reporting of Teams at the University School of Law and Legal Studies. Submission of Memorial (Hard Copy), Draw of Lots and Exchange of Memos for Preliminary Rounds I and II Researcher's Test
20.01.2024	Preliminary Rounds-I and II Quarter Final Rounds
21.01.2024	Semi Final Rounds Final Rounds Prize Distribution and Valedictory Ceremony



Ethan

v.

Republic of Aquila

1. The Federal Republic of Orion (FRO) has a population of over 60,000,000 inhabitants. The population of FRO is mainly divided among three composed of 3 ethnic groups: Caelum, Lupus, and Octans. Its capital and largest city is Tucuna. The Caelum people form about 70% of the total population and mostly live in the North, while the Lupus people comprise of roughly 20% and reside in the West. The Octans are a small population 7% and are concentrated in the Western region of FRO while the remaining population belongs to other minor ethnic groups including the Volans, who reside in the Southern region of FRO.
2. The Volans, a minor ethnic group, are denied citizenship under the FRO nationality law and there are also restrictions on their freedom of movement, access to state education and other rights unlike those available to other ethnic groups of FRO.
3. The FRO government considers the Volans as migrants from neighbouring countries. Despite living in FRO for many generations, the Volans are not recognised as an official ethnic group and have been denied citizenship since 1990, making them one of the world's largest stateless population.
4. The community has suffered decades of violence, discrimination and persecution in FRO. As a stateless population, the Volans families are denied basic rights and protection and are extremely vulnerable to exploitation and abuse.
5. Various armed insurrections by the Volans have taken place since the 1950s. Moreover, the population has faced several military crackdowns in 1970, 1989-1992, 2015, and more particularly in 2018, when most of the Volans population of FRO was forced to leave the country. This was their largest exodus after a massive wave of violence broke out in FRO's city of Tucuna, forcing around 800,000

people to seek refuge in other countries. Even the International Court has taken note of the genocide of the Volans in FRO and that the lives of these refugees are in serious danger, if they are deported.

6. After the exodus, a part of the displaced Volans entered the neighbouring country, Republic of Aquila (ROA) through various routes. They avoided staying near FRO's borders and the Volans spread over a large area across various states of ROA. As per records of ROA, around 40,000 displaced Volans are living illegally in ROA including about 10,000 Volans residing in and around the northern state of Dorado, ROA.

7. In a major crackdown by the government of ROA, a lot of Volans refugees have been detained in Holding Centres or jailed and face deportation back to FRO. Moreover, the government of ROA issued letters to the Chief Secretary of all the state governments advising them to sensitize all the law enforcement and intelligence agencies to take appropriate steps and initiate deportation process.

8. In 2019, Ethan, a member of the Volans community residing in a Holding Centre for Volan refugees from Orion, filed a petition before the Court of ROA praying for the issue of an appropriate writ directing the government of ROA to provide basic human rights and amenities to the members of the Volans community, who have taken refuge in ROA. The petitioner claimed to have registered themselves as refugees with the United Nations High Commission for refugees, and sought release of the detained Volans refugees and direction to the ROA not to deport the Volans refugees who have been detained in the jails of Dorado, ROA.

9. The contention of the petitioner is (i) that the principle of non-refoulement is part of the right guaranteed under Article 21 of the Constitution of ROA; (ii) that the rights guaranteed under Articles 14 and 21 are available even to noncitizens; and (iii) that though ROA is not a signatory to the United Nations Convention on the Status of Refugees 1951, it is a party to the Universal Declaration of Human Rights 1948, International Covenant on Civil and Political Rights, 1966 and the Convention on the Rights of the Child 1992 and that therefore non-refoulement is a binding obligation. The petitioners also contend that ROA is a signatory to the Protection

of All Persons against Enforced Disappearances, Convention against Torture and Other Cruel and Inhuman or Degrading Treatment or Punishment.

10. The main opposition of the government of ROA are: (i) that intelligence agencies have raised serious concerns about the threat to the internal security of the country; (ii) that persons for whose protection against deportation, the present application has been filed, are foreigners within the meaning of Section 2(a) of the Foreigners Act, 1946; (iii) that ROA 1. is not a signatory either to the United Nations Convention on the Status of Refugees 1951 or to the Protocol of the year 1967; (iv) that the principle of non-refoulement is applicable only to “contracting States”; (v) that since ROA has open/porous land borders with many countries, there is a continuous threat of influx of illegal immigrants; (vi) that such influx has posed serious national security ramifications; (vii) that there is organized and well-orchestrated influx of illegal immigrants through various agents and touts for monetary considerations; (viii) that Section 3 of the Foreigners Act empowers the Central Government to issue orders for prohibiting, regulating or restricting the entries of foreigners into ROA or their departure therefrom; (ix) that though the rights guaranteed under Articles 14 and 21 may be available to noncitizens, the fundamental right to reside and settle in this country guaranteed under Article 19(1)(e) is available only to the citizens; and (x) that the right of the Government to expel a foreigner is unlimited and absolute.

Note:

1.The laws of Republic of Aquila (ROA) are *Pari Materia* to the laws of India.

2.This Original Writ Petition has been filed in the Supreme Court of Republic of Aquila (ROA).

3.The word “insurrection” (Para 5) in essence denotes an uprising against the government or similar authority. The Volan Community has been both a victim as well as been responsible for insurrections

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