

**MOOT PROPOSITION FOR 2ND B.R. AMBEDKAR MEMORIAL ANNUAL HUMAN
RIGHTS MOOT COURT COMPETITION, 2023.**

IN THE MATTER OF: PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIANA
FOR ENFORCEMENT OF FUNDAMENTAL RIGHTS OF THE PETITIONERS AND THEIR
FAMILY MEMBERS WHO WERE KILLED IN AN ACT OF ETHNIC VIOLENCE IN THE STATE
OF BADRIPUR IN MAY 2023.

SYNOPSIS OF FACTS:

1. Republic of Indiana is a country in South Asia. Badripur is a state in its North Eastern region comprising sixteen districts and sharing boundaries with other states of Indiana and the country Mandela to its South and East.
2. Badripur is home to several communities with the Asgardians being the majority in the valley and practicing Sindhuism and the other communities were in minority. Significant among the minorities were the Kripps, a hill tribe predominantly practicing Priestianity.
3. Conflicts between the two tribes – Asgardians and Kripps - dates back to several decades. Even though Asgardians were in majority, they occupied only 10 percent of its land against the minority communities that comprised the rest and were geographically more spread out in the poorer hill areas. The conflict stems from decades of contestation over land and natural resources, fuelling deep-seated resentment among both the Asgardians and Kripps.
4. The Kripps have long been recognised as a Scheduled Tribe under the Constitution of Indiana, and they have access to state-run educational institutions, government jobs and safeguards such as the exclusive right to buy and own land in the state’s recognized tribal areas.
5. The Asgardians also enjoy certain benefits on account of being recognized as a “socially and economically backward class”. But they have been demanding the tribal status instead, arguing that it is necessary to “preserve” the community and “save their ancestral land, tradition, culture and language”. The demand has gained momentum only in the last few years.
6. The Kripps argue that the more numerous Asgardians are already privileged. The minority fears that if the Asgardians get Scheduled Tribe status, they will not only corner the reserved government jobs but also start acquiring land in the hills, displacing the Kripps and other tribal communities.
7. The conflict is also related to the civil war raging in neighbouring country Mandela since shortly after its February 2021 coup. Certain refugees from Mandela have reportedly been seeking shelter in Badripur. In justifying their demand for Scheduled Tribe status, the Asgardians claim that “illegal immigrants from Mandela” are threatening their position.
8. The Chief Minister of Badripur too has echoed allegations made by the Asgardians of the Kripps being involved in illegal drug trade, including poppy cultivation, in collaboration with

transnational networks operating from Mandela. These allegations added to longstanding animosity between the two communities. The Kripps community however maintains that a war on drugs, waged by the Asgardian-led state government is a screen to uproot their communities.

9. The Kripps began protesting against demands from the Asgardians to be given official tribal status, which they argued would further strengthen their strong influence on government and society, allowing them to buy land or settle in predominantly Kripps areas.
10. The background to the current series of protests culminating in clashes and sexual violence in the state of Badripur, since March 27, 2023, was when Badripur High Court ruled in favour of the longstanding demand of the Asgardians who had filed a petition through Asgardian Tribe Union seeking ST status. The High Court passed an order recommending the state government to consider the request of the community's inclusion in the Scheduled Tribe List expeditiously.
11. The conflict between the two communities escalated since May 2023, when the state government of Badripur, led by the Sindhu-nationalist Indiana People's Party (IPP), from which the Chief Minister of Badripur also belonged, decided to expel illegal immigrants coming from Mandela from state-owned forest reserves. The Kripps claimed that this was a pretext to drive them away from their ancestral lands, while the Asgardians accused them of harboring militants and terrorists.
12. On May 3, 2023 following a Kripps-led tribal solidarity march in ten of the state's sixteen districts. The Asgardians too had organised counter-protests and blockades, and clashes spread across Badripur.
13. Arjun, Anjali, Aryan and Aarti were residents of a small town Lombo in Badripur. They belonged to the Asgardian community following Sindhuism. They were the petitioner's family.
14. The horrific violence that erupted in Lombo in the month of May soon spread to various towns and villages in Badripur, where mobs of Asgardians and Kripps attacked each other with stones, sticks, knives and guns. Many people were killed, injured, raped and were displaced in the process.
15. On May 15, 2023, a Kripps mob invaded Lombo where the petitioners' family lived. The mob had set fire to a school, where Arjun was a teacher and Aryan and Aarti his children, were students. The mob also killed some of their colleagues and classmates. Arjun managed to escape with his wife Anjali, who was a nurse at the local hospital, along with their children and managed to escape the mob by hiding in a place of worship.
16. They hoped that the police and the army would intervene and restore order soon. But the police and the army were ineffective in controlling the situation. The state government issued "shoot-at-sight" orders for "extreme" cases but did not take any concrete steps to stop the violence or protect the civilians. The IPP was accused of being biased towards the Asgardians and instigating violence for political gains.

17. The violence continued for weeks, with no sign of abating. Numerous serious cases of sexual violence by Asgardian men, against Kripps women have also been reported, and all available evidence points towards the widespread use of sexual violence as part of the ethnic conflict.
18. Fake news about an Asgardian woman's rape in a Kripps-dominated area provoked a violent reaction from the Asgardian community. A video went viral on July 19, 2023 showing a mob of Asgardian men parading and groping two naked Kripps women on a rural road before taking them to a field, where one of them was reportedly raped.
19. The video triggered outrage throughout Indiana, with protests organised in various cities. Responding to questions from a television news channel, the Chief Minister of Badripur acknowledged that there had been "hundreds of such cases".
20. The petitioners' family were trapped in the temple, with no food, water and medicine. They witnessed horrific scenes of brutality and bloodshed outside their window. They saw women and girls being raped, paraded naked, and burnt alive by unruly mobs.
21. On May 30, 2023, at around 11 P.M, Arjun and his family were attacked by a group of armed men wearing masks and bandanas who broke into the temple. They were Kripps militants, who had come to take revenge on the Asgardians. They dragged Arjun and his family out of the temple and beat them mercilessly. They accused them of being part of the IPP's conspiracy to wipe out the Kripps.
22. They took Arjun's wife Anjali and daughter Aarti, to a nearby field, where they gang-raped them and set them on fire in front of him and his son Aryan. Later Arjun and his son were also shot dead by them.
23. The next morning, some villagers found their charred remains and buried them in a mass grave.
24. No one was ever arrested or prosecuted for their murder.
25. Asgardian Welfare Community (AWC) is an NGO working in the state of Badripur since 1975 registered under the laws of Indiana working for the protection of human rights of the Asgardian community. The instant petition has been filed by AWC on behalf of the aggrieved persons.

POINTS OF DETERMINATION:

1. Whether the instant petition is maintainable before the Supreme Court of Indiana and the Petitioner has the locus standi for the same?
2. Whether the state government of Badripur violated the fundamental rights of the petitioners' family under Articles 14, 15, 19, 21 and 25 of the Constitution of Indiana by failing to protect them from ethnic violence and discrimination based on their religion and community?

3. Whether the state machinery of Badripur abused its power by issuing “shoot-at-sight” orders for “extreme” cases without defining the criteria and circumstances for such orders, thereby violating the right to life and liberty of the people?
4. Whether the central government of Indiana abdicated its responsibility and duty to maintain law and order and protect the rights of the people in Badripur, which is a federally governed territory under its direct control and supervision?

Note: The laws, reports, data and statistics of Republic of Indiana are *pari-materia* to the Union of India.