

MOOT PROPOSITION

The state of Nahira is an island country situated in south Asia. It is a socialist republic with written constitution which is same as that of India. The population of Nahira is ten billion. There are five main ethnic groups in Nahira. The names and their estimated population in the state is given as:

1. Naku: 65%
2. Bolam: 15%
3. Bayal: 10%
4. Horan: 8%
5. Others: 2%

The Naku community is involved in all different sectors in the state. Bolam community is generally seen as the fishermen community owing to its original occupations. However, the younger population has been migrating to cities mostly for employment, majorly as manual laborers. People from this community are naturally taller and physically stronger. Most of the people from this community are not as educated as people from other communities. The recent census shows that 50% of the people from this community are impoverished as against the national average of 30%.

This community, however, has produced a few of the most accomplished wrestlers over the years. Mr. Quankar Bolam is one of the most recognized wrestlers from the community. Mr. Quankar won almost all prestigious wrestling competitions around the world before his retirement at the age of 45 in the year 2005. His biography which was written by one of the most acclaimed sports authors of Nahira, described his journey to the top in the face of all the social, economic, and political stigma and discrimination on the basis of his origin, which served as the source of inspiration for many others in the Bolam community. Mr. Quankar with an aim and zeal to bring the Bolam community at par with the other communities in Nahira, in terms of opportunity and recognition has ever since his retirement, been involved in coaching and training young Bolam wrestlers.

Mr. Haruki Naku is a wrestler from Naku community who was seen as the next Quankar and has grown to stature and recognition quite rapidly as in comparison to Mr. Bolam. He approached Mr. Quankar in the year 2006 for training him and other wrestlers in National

Wrestlers Training Center (NWTC) situated in Zahura which is the capital city of Nahira, for wrestling competitions. Mr. Quankar refused the offer stating that he is concentrating on setting up his own training center in Bolara which is a coastal city in Nahira. 80% of the total population of Bolam reside in this state. Mr. Pinau Naku the father of Haruki, who was also the chairman of National Wrestling Board (NWB) wrote a letter to Quankar as below:

“Dear sir,

Hope this letter finds you in good health. I am writing you to serve the country as a coach of the national wrestling team. Your vast experience will definitely help the athletes reach greater heights. I have had the opportunity to be captained by you as a wrestler when we went as a team on multiple occasions, and I know the discipline and the quality that you can bring to the team. Hoping for a positive reply,

Yours faithfully,

Pinau Naku,

Chairman (NWB)”

Mr. Quankar replied to the same as follows:

“Dear Pinau,

I am thankful for the generous offer. However, I must deny the same. I believe that people of Bolam need me more so that I can help them grow in sports. I believe that people from Bolam are naturally talented and require assistance in technicalities so that they are able to achieve their potential. I will be happy to assist any person who may want to train with me in Bolam.

Always yours,

Quankar”

In the year 2015, during the national games of Nahira, 3 athletes namely Sother Bolan, Ether Bolan, and Nover Bolan, all from Bolan community representing Bolam out of 15 Bolara wrestlers participating were caught on charges of using disbanded drugs. 10 of these athletes including the three caught for doping were prodigies of Quankar. All three were suspended awaiting inquiry.

In the meanwhile, on a complaint received by NWB, the Narcotics Control Bureau (NCB) registered a case of Drug peddling against Mr. Quankar. NCB conducted raids on the premises

belonging to Mr. Quankar, including his house, office, and training center. They also checked the phones and laptop of Mr. Quankar.

Several WhatsApp messages from Mr. Quankar's phone were leaked to the media. Among these messages, a subset reveals Mr. Quankar expressing apparent prejudice against the Naku athletes and suggesting wrestlers. Also, specifically from the Bolan community to visit a particular doctor who was formerly the medical officer at National Wrestling Board (NWB).

Few of the WhatsApp messages from Mr. Quankar's phone were leaked to media, the excerpts are as follows:

"Naku Athletes are seemingly incapable; I have always had my reservations about their commitment and skills."

"But don't you think Haruki Naku is doing quite well."

"He is an exception; we should not ignore the overall lack of dedication and discipline; they are not talented."

"You are a talented young man; I suggest you visit Dr Tamtum he will help you."

"Dr Tamtum isn't he the ex-medical officer at NWB."

"Yes, he is but you can meet him for assistance and guidance."

"Do you think Naku Athletes should also meet him?"

"Well let's just say they need a lot more than Dr. Tamtum."

"All I want is the best for my country."

However, declaring these WhatsApp messages inadmissible and stating the lack of evidence, the NCB dropped the charges against Mr. Quankar.

After three days a news report surfaced highlighting an alarming increase in crime rates within the Bolam Community. The report emphasizes a high conviction rate for crimes committed by the members of this community. The news report has significantly impacted the public perception of the Bolam Community, leading to increased stigmatization.

Next day Mr. Quankar issued a public statement stating that this news report is very demeaning and hurts the sentiments of the Bolam community and instead of stigmatization of the Bolam community, works of development and social upliftment should be done, which has been absent

till now. The only reason there is an increased rate in conviction of Bolam community is due to lack of quality education and high poverty rate, thus making them victims of frivolous cases. They are not able to defend themselves because of lack of resources.

The NWB, adhering to the National Anti-Doping Rules, has implemented stringent consequences for its violation. Three wrestlers namely Sother Bolan, Ether Bolan, and Nover Bolan of Bolan community have been issued lifetime suspensions as they were accused of using 'Actoprotectors' in low quantities. The athletes stated that they have only taken 'Batavari Srahmi Ras' which is a combination of antipyretic, blood purifying, fresh cell regenerating elements. The drug is known to be an indigenous alternative medicine of the Bolan culture, facilitating quick muscle recovery, and fighting fatigue. The drug was tested after the suspension to have Actoprotectors.

The wrestlers filed a Writ Petition in the High court of Zahura stating consumption of 'Batavari Srahmi Ras' is a customary practice, an age-old tradition having no effects on performance of the athletes and therefore suspension order by the NWB was bad in law. This medicine has been recommended by Mr. Tamtum ever since his tenure at NWB.

The new elected president of the NWB Mr. Orry Naku; on 15th November 2021, aimed to implement a state-of-the-art drug testing program to detect and deter the use of performance enhancing substances among wrestlers; after a thorough evaluation process; sought to collaborate with a specialized company Catcher Pvt Ltd., with expertise in drug testing and anti-doping measures.

Catcher Pvt Ltd. employed AI algorithms to enhance the efficiency and accuracy of drug testing. The AI system was designed to analyze complex patterns and identify potential signs of drug abuse based on facial features and bodily functions, providing a more sophisticated and nuanced approach to detection. The AI algorithm would require a multitude of data and samples to work with and give a result. Most of these data were provided by the NWB and others collected through behavioral examinations of the athletes during their performances.

Although the integration of AI in drug testing became a subject of legal scrutiny, with debates surrounding the admissibility of AI-generated evidence in anti-doping cases. Critics argued that there seemed to be a pattern of selective testing that disproportionately affected athletes from specific ethnic communities, particularly the Bolan community. Data analysis indicated a higher frequency of drug tests being administered to Bolan athletes compared to athletes from other communities and one of the major reasons for the same being their naturally dominant

physical features. This has gradually affected the morale of the athletes from Bolan community and discouraged them from pursuing wrestling as a career. It became an impediment to the cause that Mr. Quankar has pursued over the years, of leading the Bolan community towards better social and economic status. Mr. Quankar, expressing his view on this in a television interview, has also said that it is time when someone from Bolan community heads the NWB so as to ensure that the wrestling community is more representative of all communities of Nahira.

The alleged racial profiling stirred public outcry, with athletes and advocacy groups from the Bolan community expressing their concerns about being unfairly targeted. A writ petition was filed in the High court of Zahura against Catcher Pvt. Ltd. And NWB, claiming that the increased scrutiny of Bolan athletes perpetuated stereotypes and undermined the principles of equality and non-discrimination. The Hon'ble High Court of Zahura dismissed the petition on grounds that Catcher Pvt. Ltd. is not an appropriate authority to exercise writ jurisdiction against and NWB having acted within the powers conferred upon it is not in violation of the principles of equality.

Sother Bolan, Ether Bolan, and Nover Bolan has approached the Hon'ble Supreme Court of Nahira against the order of the Hon'ble High Court of Zahura. Simultaneously, Quankar has approached the Hon'ble Supreme Court of Nahira for violations of fundamental rights of athletes from Bolan community. The Hon'ble Supreme Court of Nahira has agreed to hear both the matters together.

Note: The Constitution and Laws including the institutions are pari materia to that of Republic of India.