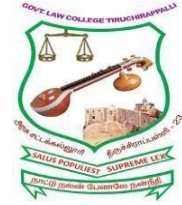


**GOVERNMENT OF TAMIL NADU
DIRECTORATE OF LEGAL STUDIES
TAMIL NADU STATE MOOT COMMITTEE
INTER-COLLEGEIATE STATE LEVEL MOOT COURT
COMPETITION – 2022**



Venue: Government Law College, Tiruchirappalli-620 023

MOOT PROPOSITION

1. Union of Yavana is the second most populous Nation in the World and categorically, the largest democracy in the World. It is bordered by the Yavanian Ocean, the Surabian Sea, and Bay of Tango. Yavana is ranked as the sixth-largest economy in the World by the World Bank and the International Monetary Fund.
2. The Yavanian Constitution is the finest and lengthiest Constitution in the World and it imparts constitutional supremacy. It has integrated a diverse Nation and has withstood grave threats to democracy in the past. Yavanian Constitution describes the human dignity of an individual at the core of its heart, and notably it is the only Constitution in the World that offers protection to the lives of every human being and accords them with equal opportunities. Article 14 and Article 21 of the Yavanian Constitution make no distinction between Yavanian citizens and others. The idea of the right to life with human dignity as given in Article 21 of the Constitution of Yavana has ensured several essential rights of human being.
3. The practice of manual scavenging has accursed Yavanian society since time immemorial. The efforts to abolish this custom have garnered momentum within the State Machinery, Advocacy Groups, and Academia in the last three decades, particularly since the formation of the Safai Karamchari Andolan (SKA) in 1994. Safaimitra Suraksha Challenge, launched in 2021, aims to completely mechanize all septic and sewage tank cleaning operations in 243 cities across Yavana, by April 30, 2023.

4. Notwithstanding the said developments, the loss of lives due to manual scavenging still continues. In ensuring dignified life for manual scavengers, Yavana banned the practice of Manual Scavenging under the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (Hereinafter referred to as Act).
5. ‘*Swachh Yavana*’ a Nationwide Missionary Programme for cleanliness which accelerate the efforts to achieve universal sanitation coverage and to put the focus on sanitation. Under the scheme the Government of Yavana apportioned fund for every Village Panchayats and Urban Municipalities to achieve the purpose of the Mission.
6. While the Yavanian Government attributes to the strict enforcement of the Act, and the impact of the ‘*Swachh Yavana*’, it couldn’t be farther from the truth. A closer inspection of the problem reveals many shortcomings in the implementation of the said Act.
7. ‘Dignity Assurance for Yavanians’ (Hereinafter referred to as DAY), a Non-Governmental Organization (Hereinafter referred to as NGO) working for the maintenance of Dignity in the developmental activities in the various sectors in the Yavana. This NGO was started and managed by some young lawyers and startup entrepreneurs throughout the country. This organization was working from its inception against the manual scavengers. They continuously stressed on a special law for the banning of manual scavengers. When the Act was enacted in 2013 DAY had vigorously criticized that the Act on the ground that it was not adequate enough to curb the evil of inhuman approach in Scavenging. They argued that the Act itself is having provisions which may indirectly cause the manual scavenging. So that they publicly commented on the internal contradictions about the Act. They had also filed public interest litigation in the Supreme Court to challenge the constitutionality of the portion in the Act which is against the purpose of the Act.
8. On 15th August 2022, the Hon’ble Prime Minister of Yavana addressed the Nation. In her speech, she highlighted certain statements, which later busted as the talk of the town and theme of YouTubers and meme creators. The said statement is “I am proud to declare that Yavanian Government has succeeded in abolishing Manual Scavenging, and there were Zero manual scavengers identified in” she added that “Human Wastes were completely managed by fully automated and highly equipped

machinery”. But unfortunately, on the same day, in the North Western part of the Nation i.e., in the city of Maruvai from the ‘State of Poigai’, Four individuals lost their lives due to Manual Scavenging. Out of those Four, one is a research scholar of a Foreign Nation.

9. The reported incident is as follows: Global Healthcare Services (Hereinafter referred to as GHS) is a Multi-National Company situated in a commercial complex Called ‘Silicon Towers’ in Maruvai. On the basis of the rental agreement, the maintenance of the premises rest under the responsibility of GHS. So, GHS had a contract with ‘Navila Multi-Services’ (Hereinafter referred to as NMS) a sanitation service providing contract employer who do periodical septic and sewage tank cleaning operations in ‘Silicon Tower’ premises. On that day, the NMS was not available even after continues callsto contact them. The continuous rain a day before made the premises muddy and there were some leakage due to overflow in the septic and sewage tank which resulted in foul odor and uncomfortable situation.
10. The official, from GHS was tried and failed to get the services from NMS and other similar service provider too. Then, they were informed that there are manual supports to do the work. They hired Mrs. Mangai Selvendiran, Aged 48, Mr. Selvendiran, Aged 52, and Mr. Arivu, Aged 21 for manual scavenging. They were employed to clean the septic tank of the Silicon Towers. They were offered to pay Rs. 600 per head per day. Selvendiran and Arivu first stepped inside the tank to clean it, but they couldn’t tolerate the smell and fell unconscious, Mangai and Jonila, a research scholar while doing her field study met with the same fate in an attempt to rescue them; the four died due to asphyxiation.
11. Ms. Jonila, Aged 27, a Utopian citizen, is a research scholar at The State Research University of Utopia. She visited Yavana to conduct a field survey on the social stratification of Yavana on the basis of manual work. On that fateful day, when she was conducting her research in the Maruvai, she witnessed the struggle of Mangai and moved forward to give her hands, but losing her balance she fell inside the septic tank and consequently died along with the other three.
12. This incident skyrocketed in the media. Social media zoomed the incidents and the meme creators mocked the speech of the Prime Minister with the reported incident.

Within an hour of the incident, violence broke all over the Nation, protesters demanding justice over the death of four went on a rampage setting fire to vehicles and indulged in stone pelting on Silicon Towers.

13. The Maruvai police registered a case under Section 304 read with Section 107 and Section 109 of Yavanian Penal Code and also other appropriate laws and they was arrested the General Manager of GHS. Subsequently, the National Human Rights Commission (Hereinafter referred to as NHRC) of Yavana took suo moto cognizance on the issue. Later understanding the severity of the case NHRC decided to move the matter to the Supreme Court under Article 32 of the Yavanian Constitution.
14. Mrs. Mersina Aged 54, mother of Jonila rushed all the way to Yavana and filed an Intervention Application to implead in the case along with the relatives of other three deceased for claiming compensation for the sewer deaths. The Apex court admitted the application and scheduled the matter for hearing before the Hon'ble Chief Justice Bench.
15. In order to settle down the prevailing unrest, the Prime Minister appeared before the media and withdrew her statement. She also appealed to the people to maintain peace and assured for immediate and necessary action. Utopian Government issued a serious notice against Yavana through their Embassy at Yavana.
16. Thus this incident brought limelight on GHS and the media was inquest in finding the functions of GHS and gathered shocking reports from various media houses that alleges GHS collecting medical waste from various hospitals within Yavana for the disposal but it was suspicious that the quantity was not proportionate with that of the medical waste which is accrued in Yavana. It was also alleged that there were some suspicious movement of closed container trucks from the Maruvai Harbour.
17. GHS owns a Huge plant of incinerator for medical waste in suburban of Maruvai which is adjacent to the 'Sengai Valley' gated community consist of 500 residents,

School, temple, Mall and a hospital within its premises. The residents formed Sengai Valley Dweller's Society (Hereinafter referred to as Society) and registered in the year 2015 for protecting the interest of the residents of 'Sengai Valley'. Of late the residents experienced throat infection, lung problems, headaches, fainting, eyesight problems, nausea and even coughing blood and there are several cases reported in and around Sengai Valley hospitals.

18. Eventually by understanding the seriousness of the hazardous situation, Society approached the GHS as their Incineration producing noxious fumes in the vicinity of Sengai Valley. Instead of taking immediate action to sort out the consequences of the Incinerator Plant, the situation was totally ignored by GHS. This has created a constant constraint to the residents of Sengai Valley. Aggrieved by this act of GHS the Society approached the State Pollution Control board ((Hereinafter referred to as SPCB) of Poigai. Since, there is no satisfactory actions on the part of SPCB of Poigai the Society filed a writ petition in the Apex Court of the Union of Yavana.
19. Adding fuel to the fire a video goes viral on social media, wherein two dogs were fighting for an anatomical waste of Human Hands in the public street of Maruvai. This video clip has been debated in all media channels. After prima facie scrutiny, the Police initiated the investigation. This paved way for serious political protests all over the Nation by opposition political parties.
20. As a consequence of the incident, a famous television channel namely "THE DEMOCRATIC NEWS" telecasted a detailed lively report on the conditions of the disposal of anatomical waste all over the Nation. It pointed out the failure of the disposal mechanisms and demonstrated the poor management of Bio-Medical waste disposal in Yavana.
21. On observing the multiplicity of proceedings which was in the larger public interest, The Apex Court of Yavana integrated all the above petitions and scheduled the matter for a hearing.

The following issues are posted for Hearing.

- 1. *Whether the Prohibition of Employment as Manual Scavenger and their Rehabilitation Act -2013 is constitutionally valid?***
- 2. *Whether Government has complied with its International Commitments?***
- 3. *Whether the dependants of the deceased were entitled to claim compensation?***
- 4. *Whether the Bio-Medical Waste Disposal Regulations are fulfilling the Constitutional mandates?***

The legal system and legislations of Yavana are in pari materia with that of India.

The participants are at liberty to frame any sub-issues that need to be incorporated.

All names of individuals mentioned in this problem are fictitious. Any resemblances to person(s), place(s), period(s), or entities in real life are purely coincidental.

None of the facts above are intended to depict anyone or any pending litigation. All facts stated herein are for the purpose of Moot Court Competition and may be taken in that light only.

Any queries relating the moot proposition may be addressed the Tamil Nadu State Moot Committee in the following E-mail ID: tmsmc2022@gmail.com