

**TEAM CODE:**

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**LA MARTINIÈRE  
MOOT COURT  
2024**

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**IN THE HONOURABLE SUPREME COURT OF ANGORKI**

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.....NATIONAL HUMAN RIGHTS  
COMMISSION..... *Petitioner*

v.

STATE OF ZAD..... *Respondent*

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**MEMORIAL ON BEHALF OF THE RESPONDENT**

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**IN THE HON'BLE SUPREME COURT OF ANGORKI**

**WRIT PETITION**

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**IN THE MATTER OF:**

**NATIONAL HUMAN RIGHTS COMMISSION.....PETITIONER**

**V.**

**STATE OF ZAD.....RESPONDENT**

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**UPON SUBMISSION YO THE HON'BLE CHIEF JUSTICE AND HIS COMPANION  
JUSTICES OF THE SUPREME COURT OF ANGORKI**

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***-Memorial for the respondent-***

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## LIST OF ABBREVIATIONS

ABBREVIATIONS	EXPANSION
&	And
AIHC	All India High Court Cases
AIR	All India Reporter
Anr.	Another
Art.	Article
Co.	Company
Ed.	Edition
Ltd.	Limited
No.	Number
Ors.	Others
Pvt.	Private
SC	Supreme Court
SSC	Supreme Court Case
SCR	Supreme Court Report
Sec.	Section
Supp.	Supplementary
UOI	Union Of India
v.	Versus
MNC	Multi-National Company
GRS	Ghasi Raksha Samiti
NHRC	National Human Rights Commission
COA	Constitution of Angorki
Govt.	Government

## INDEX OF AUTHORITIES

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1. Calcutta v. State of West Bengal (1962) AIR 1044,1962 SCR Supp. (3) 1
2. Narmada Bachao Andolan v. Union of India and Ors. (2000) SCC664
3. N.D.Jayal and Anr. v. Union of India and Ors. (2003) Supp. (3) SCR 152
4. State of Punjab and Ors. v. Ram Lubhaya Bagga and Ors. (1998)1 SCR 1120
5. Balco employees union (regd) v. Union of India and Ors. AIR (2002) SC 350
6. New reviera cooperative housing society v. Special land acquisition officer (1996) SCC (1)731,JT1995(9)215
7. Chameli singh v. state of Uttar Pradesh and Ors.(1996) Supp.(2) SCC 549
8. Waman Rao v. Union of India (1981)2 SCC362,1981 (2) SCR1
9. Virender Gaur ors. v. State of Haryana and Ors.(1995)2 SCC577
10. Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh 1985 AIR652, 1985SCR(3)169
11. Chhetriya Pardushan Mukti Sangarsh Samiti v. State of U.P.&Ors. (1990)4 SCC 449
12. Subhash Kumar v. State of Bihar &Ors. (1991) 1 SCC598
13. Sachidanand Pandey v. State of West Bengal (1987)2 SCC295
14. State of Bihar v. Murad Ali Khan &Ors. (1988) 4 SCC655
15. M.C. Mehta v. Union of India &Ors. (1992) 1 SCC 358
16. Enviro-Legal Action v. Union of India &Ors. (1995)3 SCC 77
17. Rural Litigation and Entitlement Kendra v. State of U.P. (1989) Supp.1 SCC 504
18. Tarun Bharat Singh Alwar v. Union of India &Ors. (1992) Supp.2 SCC 448
19. Vellore Citizens' Welfare Forum v. Union of India &Ors. (1996) 5 SCC 647
20. Bimal Gurun v. Union of India and In Kameshwar Prasad v. State of Bihar Writ Petition (Civil) No. 1153 of 2017 & Ors.
21. Anita Thakur v. State of J&K<sup>1</sup> (2016) 15 SCC 525 , (2016) 4 SCC (Cri) 695
22. P. Hemalatha vs The Govt. Of Andhra Pradesh 23 April, 1976, Criminal Appeal No:205 of 1975

### **BOOKS AND LEXICON**

1.	M.P. Jain Indian Constitution Law.8th Ed. Lexis Nexis
2.	M Laxmikanth, Indian Polity (Mc Graw Hill, fifth edition) 7.1
3.	Dr. J.N. Pandey, Constitution Law Of India (Central Law Agency, fifty seventh edition)29
4.	MP Jain & SN Jain's Principles of Administrative Law (7 <sup>th</sup> ed., 2011)
5.	DD Basu, Introduction to the Constitution of India ( Lexis Nexis, Twenty Third Edition 2018)100
6.	Oxford Dictionary & Thesaurus

### **STATUTE AND CONSTITUTION**

1.	The Environment Protection Act,1986
2.	National Green Tribunal Act,2010
3.	ILO: International Labour Organization
4.	UNDC: United Nations Development Corporation
5.	The Constitution Of India
6.	UAPA Act 1967
7.	Land Acquisition Act,2013
8.	Indian Penal Code,1860

### **WEB RESOURCES**

1.	<a href="http://www.westlaw.India.com">www.westlaw.India.com</a> (WEST LAW INDIA)
2.	<a href="http://www.manupatrafast.com">www.manupatrafast.com</a> (MANUPATRA)
3.	<a href="http://www.sci.gov.in">www.sci.gov.in</a> (SUPREME COURT OF INDIA OFFICIAL)
4.	<a href="http://www.jstor.org">www.jstor.org</a> (JSTOR)
5.	<a href="http://www.sconline.com">www.sconline.com</a> (SCC ONLINE)
6.	<a href="http://www.legal.un.org">www.legal.un.org</a> . (UNITED NATIONS)

## STATEMENT OF JURISDICTION

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Article 32 of the Constitution of Angorki which reads as follows-

32. **Remedies for enforcement of the rights conferred by this Part.** –(1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.

(2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of the habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.

(3) Without prejudice to the powers conferred on the Supreme Court by clauses (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2).

(4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution.

The respondent maintains that the writ petition is not maintainable before this Hon'ble Court.

The present memorandum sets forth the facts, contentions and arguments in the instant case.

## STATEMENT OF FACTS

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- State of Zad, country of Angorki, Jhokai district in State of Zad. Jhokai populated by primitive tribe “Ghasi Tribe”, their ways, culture, systems are crude, cut off from main stream of the country, it is a scheduled tribe listed in Schedule V of the Constitution of Angorki.
- In 2021, a multi-national company (MNC), with due approvals of the govt. of Angorki, came up with proposal for establishing a hydroelectric project in district of Jhokai, Ghasi tribe protested against setting up of this project, would lead to submergence of more than 80% of land occupied by them, it would displace majority of population. The preliminary survey of the site was conducted by the government for approval, government had not taken prior consent of the people before granting approval. “Ghasi Raksha Samiti” (GRS), a citizens’ organisation, was also involved in the protests.
- Mr. Benjamin, Secretary of the GRS, garnered much support for the movement organized by his association, he printed request leaflets appealing for financial support for GRS and started collecting money from the public. The police forces raided the house and office of Mr. Benjamin, printed material such as donation request letters, receipts along with unaccounted money amounting to Rs. 3,00,000/- were found in the premises. The govt. declared the GRS as an illegal organisation, accused it of sedition and extortion of money from the public.
- Three men in plain clothes claiming to be policemen, came to the residence of Mr. Benjamin at 12:00 midnight. Without a warrant for arrest, they took him into their custody without providing any valid reason. After a span of three days following the incident, his mutilated body was found by the villagers at the outskirts of the village. The people of Jhokai district felt that the extra-judicial killing of Mr. Benjamin was done by the State police forces. Effigies of the Prime Minister, the Home Minister and Chief Minister were burnt on the streets. The protesters also set alight some of the public buses and other means of transport to show their anger and disapproval. The police opened fire at the mob killing 50 persons, which included 10 women and 5 children, when the media questioned the police, the Commissioner of Police replied that it had been done in self-defence as the mob had turned violent.
- The GRS approached the National Human Right Commission (NHRC) and filed a complaint of gross violation of human rights by the State Government and its Police force. The NHRC made following recommendations to the Government of Zad:
  - That an FIR be lodged regarding the arrest, torture and death of Mr Benjamin.
  - That the project should be halted till a proper Environment Impact Assessment was conducted, free, prior and informed consent of the Ghasi community be obtained before the proceeding of the project.



- That the notification declaring the GRS as illegal be revoked.
- That ex-gratia payments of Rs.3 lakhs,to heirs of each person killed in the police firing,an inquiry to be conducted to fix responsibility for the police firing.
- The government agreed to register an FIR for murder, also agreed to make ex-gratia payments, on humanitarian grounds, to the heirs the persons dead in the police firing but refused to lift the ban on the GRS because it believed that the unaccounted money recovered from Mr. Benjamin was meant to support the underground organisation opposing the govt.
- For the govt. of State Zad, the Hydroelectric Project is its flagship project aimed at providing much needed water and electricity to the whole of the State of Zad as well as its neighbouring States. It has already invested a substantial amount of its annual budget into this project. State of Zad has already prepared a detailed plan for rehabilitation of the displaced persons and allocated sufficient funds for the same.
- The NHRC has filed a Writ petition before the Supreme Court under Article 32 of the Constitution of Angorki .

**ISSUES RAISED**

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**I.**

**WHETHER THE PETITION IS MAINTAINABLE?**

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**II.**

**WHETHER THE HYDROELECTRIC PROJECT IN THE STATE OF ZAD MUST BE HALTED DUE TO ENVIRONMENTAL CONCERNS?**

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**III.**

**WHETHER THE UNAWARENESS OF THE GHASI TRIBE REGARDING THE PROJECT IS IN VIOLATION OF NATIONAL AND INTERNATIONAL LAWS RELATING TO THE PROTECTION OF INDIGENOUS AND TRIBAL PEOPLE?**

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**IV.**

**WHETHER THE BAN ON GRS INFRINGES THE RIGHTS GUARANTEED UNDER PART III AND PART X READ WITH SCHEDULE V OF THE CONSTITUTION OF ANGORKI?**

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**V.**

**WHETHER THE POLICE USED EXCESSIVE FORCE ON ORDINARY PEOPLE?**

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## SUMMARY OF ARGUMENTS

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### **[1]. Whether the writ petition filed by National Human Rights Commission under Article 32 of The Constitution of Angorki is maintainable?**

1. It is humbly submitted that the petition is not maintainable.
2. It is further submitted that there has been no violation of Fundamental right, hence, Article 32 is inapplicable.
3. It is also submitted that the right to freedom of speech and expression provided under Article 19 of the Constitution of Angorki is subject to reasonable restrictions.
4. It is also contended that alternate remedies are available which should be availed first.
5. It is respectfully submitted that the administrative policies of Government cannot be discussed in the Court of Law.

### **[2]. Whether the hydroelectric project in the Jhokai district must be halted due to environmental concerns?**

1. It is respectfully submitted that there is no ecological imbalance due to the construction of the hydroelectric project.
2. Each citizen has a right to water under Article 21 of the Constitution of Angorki, the construction of a damn will contribute to the same and will also provide renewable energy for the upliftment of the standard of living of the citizens of Angorki.
3. The respondent is obliged under Article 39 and Article 47 to work for the betterment of the citizens and also has a responsibility of development of the State.

### **[3]. Whether The Unawareness of The Ghasi Tribe Regarding The Project Is In Violation Of National And International Laws Relating To The Protection Of Indigenous And Tribal People?**

1. It is humbly submitted before the Hon'ble court that as mentioned in the Land Acquisition Act 2013 under the point "Examination of proposals for land acquisition and Social Impact Assessment report by appropriate Government" has been mentioned.

2. It is humbly submitted before the Hon'ble court that the start of this Hydroelectric project would highly benefit the society immensely.
3. It is humbly submitted before the Hon'ble Court that the Government is willing to relocate all the members of the Ghasi in the losing their home.
4. It is humbly submitted before the court that "Right to Fair Compensation Transparency in Land Acquisition, Rehabilitation and Resettlement" with respect to Land Acquisition Act 2013 has been mentioned.

**[4]. Whether The Ban On Grs Infringes The Rights Guaranteed Under Part III And Part X Read With Schedule V Of The Constitution Of Angorki?**

1. It is humbly submitted before the Hon'ble court that the UAPA Act 1967 has been mentioned.
2. It is humbly submitted before the Hon'ble Court that the laws regarding associations engaging in unlawful practices mentioned in the UAPA Act 1967 has been referred to.
3. It is humbly submitted before the Hon'ble Court that Section 153 of IPC has been referred to.
4. It is humbly submitted before the Hon'ble Court that chapter II of the UAPA Act 1967 referring to the moneys and securities in possession of GRS has been mentioned.

**[5]. Whether The Police Used Excessive Force On Ordinary People?**

1. It is humbly submitted that the fundamental right to association is subject to reasonable restriction under Article 19(2).
2. It is humbly submitted that the protesters were creating a nuisance and were an unlawful association under Section 141 of the Indian Penal Code.
3. It is further submitted that the burning of effigies of government officials was punishable under Section 124A of the IPC.
4. It is most humbly submitted that the use of force by police was done in the obligation to protect the civilians and compensation was also granted on humanitarian grounds. Hence, there is no requirement of such an inquiry to be set up.

## ARGUMENTS ADVANCED

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### ISSUE 1: WHETHER THE WRIT PETITION FILED BY THE NATIONAL HUMAN RIGHTS COMMISSION UNDER ARTICLE 32 IS MAINTAINABLE?

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**1.1** It is humbly submitted that the ambit of Article 32<sup>1</sup> allows a person to move the Supreme Court only if there is a violation of fundamental rights of the petitioner but in the present case there has been no such violation due to the establishment of the Hydroelectric Project. The right to livelihood<sup>2</sup> has been considered to be in the scope of the right to life and liberty in many cases. Livelihood necessarily includes the basic needs of man. Basic needs of man have traditionally been accepted to be three- food, clothing and shelter.<sup>3</sup> In the rehabilitation of the Ghasi tribe, a detailed plan for the resettlement of the displaced persons has been prepared by the Government of Zad and sufficient funds have been allocated for the same. Hence, the displaced people will receive fair compensation and better living facilities which would rather uplift their right to livelihood.

**1.2** It is further submitted that the above mentioned argument can be proved by the first Narmada Bachao Andolan case, *N.D. Jayal v. Union of India*<sup>4</sup> and the second Narmada Bachao Andolan case (supra), where the Supreme Court had held that so long as the displaced persons are rehabilitated and resettled in such a manner that they are in a better position to lead a decent life and earn their livelihood in the rehabilitated location, their fundamental right guaranteed under Article 21<sup>5</sup> of the Constitution would not be violated by construction of a dam. Rehabilitation and

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<sup>1</sup> Article 32, Constitution of India 1950(1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.(2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.(3) Without prejudice to the powers conferred on the Supreme Court by clauses (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2).(4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution.

<sup>2</sup> *Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 180.

<sup>3</sup> *Shantistar Builders v. Narayan Khimalal Totame*, AIR 1990 SC 630.

<sup>4</sup> *N.D. Jayal v. Union of India* Writ Petition (civil) 295 of 1992 PETITIONER

<sup>5</sup> Article 21 in The Constitution Of India 1949: Protection of life and personal liberty No person shall be deprived of his life or personal liberty except according to procedure established by law

resettlement of the displaced persons being part of the fundamental right of the displaced persons guaranteed under Article 21 of the Constitution are thus constitutional obligations of the State which are not being infringed due to the hydroelectric project.

**1.3** It is also humbly contended that the right to freedom of speech and expression<sup>6</sup> of the tribe has not been infringed in any manner as it is subject to reasonable restrictions.<sup>7</sup> The Ghasi Raksha Samiti in its protests have totally disrupted the public order and the funding of the said association is still unclear and the donation letters found in Mr. Benjamin's house clearly proves the sedition and extortion charges.<sup>8</sup> Thus, it falls within the ambit of reasonable restrictions allowed by the Constitution for restrictions in the interests of the security and sovereignty of India, friendly relations with Foreign States, public order, decency or morality in the relation to contempt of court, defamation or incitement to an offence.

**1.4** It is further submitted that, the power to grant writs under Art. 32 is a discretionary power vested in the hands of this Hon'ble Court.<sup>9</sup> It is a well settled proposition of law that existence of an alternative adequate remedy is a factor taken into consideration in a writ petition.<sup>10</sup> The same has been upheld in a plethora of judgments rendered by this Honble Court. In the instant case, the Petitioner has

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<sup>6</sup> Article 19(1)(a), Constitution of India,  
19. Protection of certain rights regarding freedom of speech etc (1) All citizens shall have the right (a) to freedom of speech and expression

<sup>7</sup> Constitution of India, 1949, Article 19 (2) Nothing in sub clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence

<sup>8</sup> Unlawful Activities (Prevention) Act, 1967, Section 3: Declaration of an association as unlawful.—(1) If the Central Government is of opinion that any association is, or has become, an unlawful association, it may, by notification in the Official Gazette, declare such association to be unlawful. (2) Every such notification shall specify the grounds on which it is issued and such other particulars as the Central Government may consider necessary: Provided that nothing in this sub-section shall require the Central Government to disclose any fact which it considers to be against the public interest to disclose. (3) No such notification shall have effect until the Tribunal has, by an order made under section 4, confirmed the declaration made therein and the order is published in the Official Gazette: Provided that if the Central Government is of opinion that circumstances exist which render it necessary for that Government to declare an association to be unlawful with immediate effect, it may, for reasons to be stated in writing, direct that the notification shall, subject to any order that may be made under section 4, have effect from the date of its publication in the Official Gazette.

<sup>9</sup> K.D. Sharma v SAIL, (2008) 12 SCC 481; Dalip Singh v State of Uttar Pradesh, (2010) 2 SCC 114; Sunil Poddar v Union Bank of India, (2008) 2 SCC 326; R. v Kensington IT Commissioner, (1917) 1 KB 486; Abhudhya Sanstha v Union of India. (2011) 6 SCC 145.

<sup>10</sup> Rashid Ahmed v Municipal Board, Kairana, AIR 1950 SC 163.

approached the Hon'ble Apex Court directly under an Art. 32 petition in spite of having an alternative remedy available in Art. 226<sup>11</sup> of the Constitution. In the case of Confederation of *All Nagaland State Services Employees' Assn. v State of Nagaland*<sup>12</sup> it held that “ writ petitions should be agitated at the first instance before the High Court of Judicature as it is capable to exercise of its power under Art. 226 of the Constitution as there are a huge backlog of cases anyway”<sup>13</sup>. In the instant case, the NHRC has directly approached the Supreme Court, whereas the petitioner should have moved to the High Court under Art. 226. Further, the project issued by the State of Zad is concerning one State only and should be introduced under that specific High Court. This Hon'ble Court, must therefore, exercise its discretion to quash the instant writ on grounds of non-maintainability.

**1.5** It is also humbly that according to the rule of exhaustion of remedies, the petition is not maintainable because under Section 14(1)<sup>14</sup> of the National Green Tribunal Act, 2010, the appeal lies to the National Green Tribunal or the appeal could have been applied to the High Court of Zad under Article 226 of the Constitution of Angorki as the said petition is not maintainable under Article 32 or Article 131<sup>15</sup> of the Constitution.

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<sup>11</sup>The constitution of India 1949, Article 226. Power of High Courts to issue certain writs- (1) Notwithstanding anything in Article 32 every High Court shall have powers, throughout the territories in relation to which it exercise jurisdiction, to issue to any person or authority, including in appropriate cases, any Government, within those territories directions, orders or writs, including writs in the nature of habeas corpus, mandamus, prohibitions, quo warranto and certiorari, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose

<sup>12</sup> Confederation of All Nagaland State Services Employees' Assn. v State of Nagaland, (2006) 1 SCC 496.

<sup>13</sup> Kanubhai Brahmabhatt v State of Gujarat AIR 1987SC 1139

<sup>14</sup> 14 Tribunal to settle disputes. - (1) The Tribunal shall have the jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule I.

<sup>15</sup> 131. Original jurisdiction of the Supreme Court Subject to the provisions of this Constitution, the Supreme Court shall, to the exclusion of any other court, have original jurisdiction in any dispute-(a) between the Government of India and one or more States; or (b) between the Government of India and any State or States on one side and one or more other States on the other; or (c) between two or more States, if and in so far as the dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends: Provided that the said jurisdiction shall not extend to a dispute arising out of any treaty, agreement, covenant, engagements, and or other similar instrument which, having been entered into or executed before the commencement of this Constitution, continues in operation after such commencement, or which provides that the said jurisdiction shall not extend to such a dispute

**1.6** It is further contended that the said matter relates to administrative government policies, in the case of *Narmada Bachao Andolan v. Union of India*<sup>16</sup> which had similar facts, the Hon'ble Supreme Court had held that "The government has the discretion to establish policies and the court shall not review these decisions anew unless they conflict with existing laws."

Hence, the given petition is not maintainable.

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<sup>16</sup> Narmada Bachao Andolan v. Union of India, AIR 2000 SC 3751



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## ISSUE 2: WHETHER THE HYDROELECTRIC PROJECT IN THE DISTRICT OF JHOKAI MUST BE HALTED DUE TO ENVIRONMENTAL CONCERNS?

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### 2.1 The project will help to fulfill the requirement of water.

**2.1.1** It is humbly submitted that the right to drinking water is an attribute of right to life<sup>17</sup>. All people whatever their stage of development of their social and economic conditions have the right to access drinking water in quantum and of a quality equal to their basic needs.<sup>18</sup> In July 2010, United Nations General Assembly Resolution 64/292<sup>19</sup> had also acknowledged the human right to water - right to receive safe, affordable, and clean accessible water and sanitation service. It was acknowledged that safe and clean drinking water as well as sanitation are basic human rights necessary for the enjoyment of life.<sup>20</sup> Water is important for life and the sanctity of human life is probably the most fundamental of the human social values.<sup>21</sup> Water is the basic need of survival of human beings and is a part of right to life and human rights as enshrined in Article 21 and can be served only by providing sources of water where there is none.<sup>22</sup> Thus, the right to water is not only a negative right but is also a positive right.<sup>23</sup> Moreover, the right to live in any civilized society implies the right to food, water, decent environment, education, medical care and shelter.<sup>24</sup> All civil, political, social and cultural rights enshrined in Universal Declaration of Human Rights<sup>25</sup> or under the Constitution cannot be exercised without these basic human rights.<sup>26</sup> In the case of *Narmada Bachao Andolan v. Union of India*<sup>27</sup>, the Supreme Court held that “ even after it has been more that 7 decades since India achieved independence, many people don’t have access to

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<sup>17</sup> Attakoya Thangal v. Union of India, 1990 (1) KLT 580

<sup>18</sup> Part II, (a) of UN Water Conference, Resolution of UNO at Mar Del Plata, 1997

<sup>19</sup> United Nations General Assembly Resolution 64/292 A\_RES\_64\_292-EN -

<sup>20</sup> 2 UN Water, Human Rights to Water and Sanitation, UNITED NATIONS, Available at: <https://www.unwater.org/water-facts/human-rights/>, accessed on 22 November, 2023

<sup>21</sup> R (Pretty) v. DPP, (2002) 1 All ER 1.

<sup>22</sup> Narmada Bachao Andolan v. Union of India, AIR 2000 SC 3751

<sup>23</sup> J.P. Unnikrishnan v. State of Andhra Pradesh, AIR 1993 SC 2178

<sup>24</sup> Chameli Singh v. State of Uttar Pradesh, AIR 1996 SC 2911.

<sup>25</sup> The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights proclaimed by the United Nations General Assembly in Paris on 10 December 1948 (General Assembly resolution 217 A) as a common standard of achievements for all peoples and all nations

<sup>26</sup> State of Orissa v. Govt. of India, (2009) 5 SCC 492.

<sup>27</sup> Narmada Bachao Andolan v. Union of India, AIR 2000 SC 3751

drinking water which makes the construction of the dam necessary". Thus, the provision of supply of water through the construction of a dam by the State of Zad must not be halted.

**2.1.2** It is also humbly contended that drinking water is the most beneficial use of water, even over its usage in irrigation. So the right to use water for domestic purposes would prevail over other needs.<sup>28</sup> Even in the National Water Policy, 2002<sup>29</sup>, the prioritization of water allocation are broadly stated as 1) Drinking water, 2) Water for irrigation, 3) Hydro Power, 4) Ecology, 5) Agro Industries & Non Agricultural industries, 6) Navigation and other uses. Hence, at all costs the drinking water priorities must be given due consideration and the dam construction must not be halted.

**2.1.3** It is further submitted that under Article 47<sup>30</sup> of the Directive Principles of State Policy enshrined in Part IV of the Constitution of Angorki which assures social security imposes a positive duty on the State to work for the betterment of the standard of living of its citizens.<sup>31</sup> Moreover, Articles 39<sup>32</sup> & 48A<sup>33</sup> by themselves and collectively cast a duty on the State to secure the health of the people, improve public health and protect and improve the environment.<sup>34</sup> The implementation of the disputed hydroelectric project is to provide for drinking water and making water available for agriculture for all the nearby drought prone and remote areas. Also, merely because the Directive Principles are not justiciable, this does not preclude the courts from taking note of the spirit behind these principles<sup>35</sup>

**2.1.4** It is also contended that in a plethora of cases, right to livelihood<sup>36</sup> has been included as a right to life. Livelihood necessarily includes the basic needs of man. Basic needs of man have traditionally been accepted to be three- food, clothing and shelter.<sup>37</sup> Water is also the

<sup>28</sup> Delhi Water Supply & Sewage Disposal Undertaking v. State of Haryana, AIR 1996 SC 2992

<sup>29</sup> 3.1, 'National Water Policy, 2002', Ministry of Water Resources, India.

<sup>30</sup> Article 47, The Constitution of India:

The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.

<sup>31</sup> LIC of India & Anr. v. Consumer Education Research Centre & Ors. Etc., AIR 1995 SC 1811.

<sup>32</sup> Article 39(e) in The Constitution Of India 1949, (e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;

<sup>33</sup> 48A. Protection and improvement of environment and safeguarding of forests and wild life The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country

<sup>34</sup> M.C.Mehta v. Union of India, AIR 2002 SC 1696.

<sup>35</sup> Central Inland Water Transport Corporation v. Brojo Nath , AIR 1986 SC 1571.

<sup>36</sup> Olga Tellis v. Bombay Municipal Corporation, AIR 1986 SC 180.

<sup>37</sup> Shantistar Builders v. Narayan Khimalal Totame, AIR 1990 SC 630.

basic need for the survival of human beings. No one can survive without drinking water.<sup>38</sup> That which alone makes it possible to live, leave aside what makes life livable, must be deemed to be integral component of the right to life.<sup>39</sup> It is contended that if the construction of the dam is halted, the inhabitants of other remote areas near the District of Jhokai will be placed far from accessing water for domestic purposes which could otherwise be provided by the State.

**2.1.5** It is submitted that water is a gift of Nature. The primary use to which water is being put to is drinking, it would be a mocking nature to force the people who live on the bank of a river to remain thirsty.<sup>40</sup> When there is a river flowing through the State, a part of the State cannot suffer because that river water is not within its reach. Water should be made available to water short areas.<sup>41</sup> A Natural river is not only meant for the people close by but it should be for the benefit of those who can make use of it, being away from it or nearby.<sup>42</sup> All have equal rights in articles of food and water. The yoke of the chariot of life is placed equally on the shoulders of all. All should live together with harmony supporting one another like the spokes of a wheel of the chariot connecting its rim and the hub.<sup>43</sup> Hence, it is contended that water is the most basic necessity without which one cannot live and the construction of the dam must not be halted to secure the livelihood of the inhabitants of the State of Zad.

## **2.2 The impact on environment**

**2.2.1** It is respectfully submitted that there is no ecological imbalance due to the construction of the hydroelectric project. Dams play a vital role in providing irrigation for food security, domestic and industrial water supply, hydroelectric power and keeping flood waters back.<sup>44</sup> But the most important use of a dam is to provide water for domestic purposes so that the generation can survive. Water resources available to the country should be brought within the category of utilizable resources to the maximum possible extent.<sup>45</sup> Also, drinking water needs of human beings should be the first charge on any available water.<sup>46</sup> It is very well true that any man-made activity will have an impact on the environment but the important fact is that

<sup>38</sup> Narmada Bachao Andolan v. Union of India, AIR 2000 SC 3751.

<sup>39</sup> Olga Tellis v. Bombay Municipal Corporation, AIR 1986 SC 180.

<sup>40</sup> Narmada Bachao Andolan v. Union of India, AIR 2000 SC 3751

<sup>41</sup> 3.5, NWP, Ministry of Water Resources, 2002

<sup>42</sup> Narmada Bachao Andolan v. Union of India, AIR 2000 SC 3751.

<sup>43</sup> Kapila Hingorani v. State of Bihar, AIR 2003 SC 3724.

<sup>44</sup> Narmada Bachao Andolan v. Union of India, AIR 2000 SC 3751

<sup>45</sup> 3.1, NWP, 2002.

<sup>46</sup> Ibid.

the ecology must not be destroyed. The construction of the dam undoubtedly would result in the change in environment but it will not be correct to presume that the construction of a dam will result in ecological disaster.<sup>47</sup> Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with Nature.<sup>48</sup> It is made clear that the traditional concept of development and ecology are opposed to each other is no longer acceptable and that "Sustainable Development"<sup>49</sup> is an acceptable principle in the present day context.<sup>50</sup> Therefore, the adherence to sustainable development principle is a *sine qua non* for the maintenance of the symbiotic balance between the rights to environment and development.<sup>51</sup>

**2.2.2** It is further submitted that development and environmental sustainability go hand in hand. This can be substantiated by the case of *Narmada Bachao Andolan v. Union of India*<sup>52</sup>, where the court considered various aspects of environmental clearance of Sardar Sarovar Project by referring to vast scientific data, which covered the issues relating to catchment area treatment, compensatory afforestation, downstream impacts, salinity, sedimentation, flora and fauna, fisheries, archeological remains, resettlement and rehabilitation and health concerns. Justice B.N.Kirpal for the majority expressed satisfaction on these matters and observed: care for environment is an ongoing process and the system in place would ensure that ameliorative steps are taken to counter the adverse effect, if any, on the environment with the construction of the dam.

**2.2.3** Furthermore, environmental concern not only has to be of the area which is going to be submerged but also its surrounding area. The impact on environment should be seen in relation to the project as a whole that is, it should be considered in its entirety.<sup>53</sup> While an area of land will submerge but the construction of dam will result in multi fold improvement in the environment of the areas where canal water will reach.

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<sup>47</sup> *Narmada Bachao Andolan v. Union of India*, AIR 2000 SC 3751.

<sup>48</sup> Principle 1-Earth Summit, Rio Declaration.

<sup>49</sup> "Sustainable development is development that meets the needs of the present, without compromising the ability of future generations to meet their own needs." - Sustainable development commission.

<sup>50</sup> *Vellore Citizens Welfare Forum v. Union of India*, AIR 1996 SC 2715.

<sup>51</sup> *N.D.Jayal & Anr. v. Union of India & Ors.*, AIR 2004 SC 867.

<sup>52</sup> *Narmada Bachao Andolan v. Union of India* AIR 2000 SC 3751

<sup>53</sup> *ibid*

**2.2.4** It is humbly submitted that the right to development is a component of Article 21<sup>54</sup>. It is also provided by Article 1(1)<sup>55</sup> of United Nations Declaration on the Right to Development adopted by the United Nations and ratified by India which no doubt casts a responsibility on the State to promote and protect social and economic order for development of all people and it has become a States' responsibility to create conditions favourable to the realisation of the right to development. In other words it is the State's responsibility to ensure development and eliminate the obstacles to the State development. It is the States' responsibility to eradicate social injustice. It is the State's responsibility to see the upliftment of the tribals within the Scheduled areas. There possibly cannot be any dispute with the proposition that the State should formulate its policies and laws so that the neglected tribals within the Scheduled areas get equal opportunity with their counterparts in the other sophisticated parts of the State and State should be empowered to make laws for protection of these tribals from being exploited by the non-tribals. State should take all effective steps so as to eradicate inequalities. In the case of *Narmada Bachao Andolan v. the Union of India*<sup>56</sup>, the Hon'ble court had rather supported the rehabilitation of the tribal people as they held that, "there is a need to bridge the diversity in the State so that those marginalized by society are also integrated into the social fabric."

It is also submitted that this right to development cannot be treated as a mere right to economic betterment.<sup>57</sup> 'Human development is a process of enlarging people's choices. The most critical ones are to lead a long and healthy life, to be educated and to enjoy a decent standard of living.'<sup>58</sup> While economic development should not be allowed to take place at the cost of ecology, at the same time the necessity to preserve ecology and environment should not hamper economic and other developments. Both development and environment must run parallel to each other, in other words, there

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<sup>54</sup> Samata v. State of Andhra Pradesh, AIR 1997 SC 3297.

<sup>55</sup> The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.

<sup>56</sup> Narmada Bachao Andolan v. Union of India AIR 2000 SC 3751

<sup>57</sup> Madhu Kishore v. State of Bihar, AIR 1996 SC 1864

<sup>58</sup> UNDP, 1990 Report, p.10 (Human Development Defined)

should not be development at the cost of environment and vice versa but there should be development while taking due care and ensuring the protection of environment.<sup>59</sup>

**2.2.5** It is also contended that the right to development includes the whole spectrum of civil, cultural, economic and political and social process, for the peoples' well-being and realisation of their full potential.<sup>60</sup> It is an integral part of human rights. Of course, construction of a dam or mega project is definitely an attempt to achieve the goal of wholesome development; such works could very well be treated as integral component for development.<sup>61</sup> Besides this, once constructed, a dam can generate constant electricity. There are no fuel requirements to produce this electricity. Dams used in hydropower also last longer than thermal power plants. The resource is renewable given that it can be used repeatedly downstream for power generation. Hydropower can be stored or diverted and is one of the most eco-friendly means of producing power. This renewable energy can be used for providing electricity in remote areas and boosting the living standard of the citizens in the State of Zad.

**2.2.6** It is further submitted that if the minute details about the ecological imbalance are considered there won't be any dams built in this world. Since the construction of dam is for the very purpose to help the people of that region in terms of sufficient water supply, sustainable electric supply, water supply to agricultural lands, and also help the wildlife as observed in *Mullaperiyar* case.<sup>62</sup> To prove the same, in the case of *Narmada Bachao Andolan v. Union of India*<sup>63</sup>, the Hon'ble Court had observed that "the project would make positive contribution for the preservation of the environment in many ways like carrying water to drought prone areas, ecology of water scarcity in the country being under stress needed the benefits of this project to help sustain agriculture and spread green cover."

**2.2.7** It is also humbly submitted that the Government has allocated funds for this hydroelectric project and any further delay due to the Environmental Impact Assessment would lead to heightening of the cost of construction material and labour involved which would consequently lead to a huge loss of money.

Hence, the hydroelectric project must not be halted.

<sup>59</sup> Indian Council for Enviro-Legal Action v. Union of India, AIR 1996 SC 1446

<sup>60</sup> UN Declaration on the Right to Development, 1986

<sup>61</sup> N.D.Jayal & Anr. v. Union of India & Ors., AIR 2004 SC 867.

<sup>62</sup> Mullaperiyar Environmental vs Union Of India & Ors, Writ Petition (civil) 386 of 2001

<sup>63</sup> Narmada Bachao Andolan v. Union of India AIR 2000 SC 3751

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**ISSUE 3: WHETHER THE UNAWARENESS OF THE GHASI TRIBE  
REGARDING THE PROJECT IS IN VIOLATION OF NATIONAL AND  
INTERNATIONAL LAWS RELATING TO THE PROTECTION OF  
INDIGENOUS AND TRIBAL PEOPLE.**

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**3.1** It is humbly contended before the Hon'ble court that as mentioned in the Land Acquisition Act 2013, under the point "Examination of proposals for land acquisition and Social Impact Assessment report by appropriate Government", that there is a legitimate and bona fide public purpose for the proposed acquisition which necessitates the acquisition of the land identified and as it is mentioned in this case, the land was being taken from the Ghasi tribe for the start of a hydroelectric project which benefit the public as a whole.

**3.2** It is humbly contended before the Hon'ble court that the start of this Hydroelectric project would highly benefit the society as a whole, as it provides water to many areas where there is lack thereof.

**3.3** It is humbly submitted before the Hon'ble Court that the Government is also relocating all the members of the Ghasi tribe losing their home to an area much more advanced and safer, the Government also provides the tribe with resources and funds to reestablish their home and living.

**3.4** It is also humbly contended before the Hon'ble Court it has been mentioned in The Land Acquisition Act 2013<sup>64</sup> that this Act mandates that the state government or the Central Government can acquire any land for its use, for private companies or for public purposes, referring to this the Government has claimed this land to start a Hydroelectric Project benefiting the society.

**3.5** It is humbly submitted before the Hon'ble Court that the Supreme Court has held that once it is found that the land acquisition proceedings under the Land Acquisition Act 1894 are valid, then the claimant is not entitled to seek compensation under the Right to Fair

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<sup>64</sup> Land Acquisition Act, Section (1) (iv): The provisions of this Act relating to land acquisition, compensation, rehabilitation and resettlement, shall apply, when the appropriate Government acquires land for its own use, hold and control, including for Public Sector Undertakings and for public purpose, and shall include the following purposes, namely (iv) project for water harvesting and water conservation structures, sanitation;

Compensation Transparency in Land Acquisition, Rehabilitation and Resettlement referring to this the Ghasi Tribe are not allowed to seek compensation for the same.

**3.6 *N.D. Jayal v. Union of India*** and the second Narmada Bachao Andolan case (supra), the Supreme Court has held that so long as the displaced persons are rehabilitated and resettled in such a manner that they are in a better position to lead a decent life and earn their livelihood in the rehabilitated location, their fundamental right guaranteed under Article 21 of the Constitution would not be violated by construction of a dam. Rehabilitation and resettlement of the displaced persons being part of the fundamental right of the displaced persons guaranteed under Article 21 of the Constitution are thus constitutional obligations of the State.



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**ISSUE 4: WHETHER THE BAN ON GRS INFRINGES THE RIGHTS GUARANTEED UNDER PART III AND PART X READ WITH SCHEDULE V OF THE CONSTITUTION OF ANGORKI.**

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**4.1** It is humbly submitted before the Hon'ble court that as it is mentioned in the UAPA Act 1967<sup>65</sup>, If the Central Government is of opinion that any association is, or has become, an unlawful association, it may, declare such association to be unlawful.

**4.2** It is humbly submitted before the Hon'ble court that as it is mentioned in section 13 of the UAPA Act 1967, any association that engages in any kind of unlawful activity, shall be punishable with imprisonment for a term which may extend to seven years and shall also be liable to fine.

**4.3** It is humbly submitted before the Hon'ble court that as stated in the facts of the case there were Rs.3,00,00 found in the home of Mr. Benjamin, the head of the GRS organisation, was unaccounted for. As mentioned in the UAPA Act 1967 Section 17<sup>66</sup>, raising funds for or funding any kind of terrorist act shall be punishable with imprisonment for a term which shall not be less than five years, the money found in Mr. Benjamin's house was unaccounted for and therefore could have been used for funding a terrorist act, which is unlawful and due to this the government had full right to declare GRS as an illegal organisation.

**4.4** It is humbly submitted before the Hon'ble court that as stated in Section 153 of IPC, ,a cognizable offence allows the police officer to arrest the accused without a warrant, as the organisation was thought to be engaging in unlawful/terrorist activities, the official police officers are allowed to arrest the guilty without an arrest warrant.

**4.5** It is humbly submitted before the Hon'ble court that as stated in chapter II of the UAPA Act 1967,if the Central Government may think it, that any person has custody of any moneys, securities or credits which are being used or are intended to be used for the purpose of the unlawful association, the Central Government may, by order in writing, prohibit such person

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<sup>65</sup> <https://www.mha.gov.in/sites/default/files/A1967-37.pdf>

<sup>66</sup> Section 17. Punishment for raising funds for terrorist act.—Whoever, in India or in a foreign country, directly or indirectly, raises or collects funds or provides funds to any person or persons or attempts to provide funds to any person or persons, knowing that such funds are likely to be used by such person or persons to commit a terrorist act, notwithstanding whether such funds were actually used or not for commission of such act, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.]

from paying, delivering, transferring or otherwise dealing in any manner whatsoever with such moneys, securities or credits or with any other moneys, securities or credits which may come into his custody after the making of the order, save in accordance with the written orders of the Central Government and a copy of such order shall be served upon the person so prohibited in the manner specified. The Rs.3,00,000 that were unaccounted for, found under the custody of the GRS organisation were unaccounted for and would, therefore, go into the hands of the Government and the Government has the full right to investigate the matter and stop the transfer and ownership of any kind moneys in the custody of GRS.

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**ISSUE 5: WHETHER THE POLICE USED EXCESSIVE FORCE ON  
ORDINARY CITIZENS?**

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**5.1** It is humbly submitted that the police has not used excessive force on the protesters. It is undeniable that the Constitution of India, 1949 under Article 19(1)(b)<sup>67</sup> grants the fundamental right to assemble peacefully but it is subject to reasonable restrictions under Article 19(2)<sup>68</sup> of the Constitution. Since the protests by the Ghasi tribe had turned unruly and used violence to show their disagreement towards the project, it became necessary for the police to prevent them from curbing the rights of other civilians as they are vested with the duty of protecting the inhabitants of the state. A similar stance was held in the case of *in Bimal Gurun v. Union of India* and *In Kameshwar Prasad v. State of Bihar*<sup>69</sup>, “*Demonstrations whether political, religious or social or other demonstrations which create public, disturbances or operate as nuisances, or create or manifestly threaten some tangible public or private mischief, are not covered by protection under Article 19(1). A demonstration might take the form of an assembly and even then the intention is to convey to the person or authority to whom the communication is intended the feelings of the group which assembles. From the very nature of things a demonstration may take various forms; “it may be noisy and disorderly”, for instance stone-throwing by a crowd may be cited as an example of a violent and disorderly demonstration and this would not obviously be within Article 19(1)(a) or (b).*” Since the use of force by police is rather justifies, the respondent submits that there is no need for an inquiry to be set up for the same.

**5.2** It is further contended that Section 141<sup>70</sup> of the Indian Penal Code which lays down the conditions under which an assembly of people may be declared unlawful, states that an

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<sup>67</sup> Article 19(1)(b) in The Constitution Of India 1949, (b) to assemble peaceably and without arms;

<sup>68</sup> Article 19(2) in The Constitution Of India 1949: (2) Nothing in sub clause (a) of clause ( 1 ) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence.

<sup>69</sup> *Bimal Gurun v. Union of India* and *In Kameshwar Prasad v. State of Bihar* Writ Petition (Civil) No. 1153 of 2017 & Ors.

<sup>70</sup> An assembly of five or more persons is designated an “unlawful assembly”, if the common object of the persons composing that assembly is—

assembly of five or more individuals becomes an unlawful assembly if their objective is to commit any punishable offence or cause any person to fear that the assembly will commit a riotous act or uses criminal force against a person, thereby disturbing public peace or commits mischief with the intent of damaging property. By attacking public buses and other means of transport, the protesters proved their unlawful assembly. In such a case when the police was left with no other choice, it had to open fire in self defense and in order to protect the civilians. In the case of *Anita Thakur v. State of J&K*<sup>71</sup> (2016) the Hon'ble Court held that, "*It is unfortunate that more often than not, such protesters take to hooliganism, vandalism and even destroy public/private property. In the process, when police tries to control, the protesters/mob violently target policemen as well. Unruly groups and violent demonstrations are so common that people have come to see them as an appendage of Indian democracy. All these situations frequently result in police using force. This in turn exacerbates public anger against the police,*" a similar situation is seen in the present problem where policemen had to attack to defend themselves. Hence, there was no use of excessive by the police.

**5.3** It is also submitted that Under Section 124(A)<sup>72</sup> any incitement of hate or contempt towards the Government is a punishable offence whereas the protesters in the present case were burning effigies of the Prime Minister, the Chief Minister and the Home minister which was causing public disorder and satisfied the above mentioned criteria for the charges of Sedition. In the case of *P. Hemalatha vs The Govt. Of Andhra Pradesh*<sup>73</sup> on 23 April, 1976, this Hon'ble Court held that, "*A mere criticism or denunciation of the Government established by law is not objectionable. Citizens are certainly entitled to express their*

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*First.*—To overawe by criminal force, or show of criminal force, <sup>1</sup>[the Central or any State Government or Parliament or the Legislature of any State], or any public servant in the exercise of the lawful power of such public servant; or *Second.*—To resist the execution of any law, or of any legal process; or *Third.*—To commit any mischief or criminal trespass, or other offence; or *Fourth.*—By means of criminal force, or show of criminal force, to any person, to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or *Fifth.*—By means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do. *Explanation.*—An assembly which was not unlawful when it assembled, may subsequently become an unlawful assembly.

<sup>71</sup> Anita Thakur v. State of J&K<sup>71</sup> (2016) 15 SCC 525 , (2016) 4 SCC (Cri) 695

<sup>72</sup> Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law in <sup>3</sup>[India], <sup>4</sup> shall be punished with [imprisonment for life], to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.

<sup>73</sup> P. Hemalatha vs The Govt. Of Andhra Pradesh 23 April, 1976, Criminal Appeal No:205 of 1975

*grievances and to endeavour to get them redressed through lawful means. However, if these attempts or exhortations bring the established Government or tend to bring it into hatred and contempt, they certainly come within the ambit of sedition as stated in Sec. 124-A, I.P.C.”*

This proves the use of force by the police was not unjust. The Government however, on humanitarian grounds provided the families of the aggrieved with monetary compensation, hence, the need to not inquire the use of force by police which is being alleged to be ‘excessive’.

## **PRAYER**

Wherefore, in the light of the facts stated, issues raised, arguments advanced and authorities cited, this Hon'ble Court may graciously be pleased to adjudge and declare that:

- 1. That the present arguments are allowed,**
- 2. That the Writ Petition filed as per Article 32 of Constitution is not maintainable,**
- 3. The hydroelectric project in the district of Jhokai must not be halted due to environmental concerns,**
- 4. That the continuance of the hydroelectric project without the consent of the Ghasi tribe would not be in violation of the rights guaranteed to them by the law,**
- 5. That a ban on GRS is not in violation of the rights enshrined under Part III and Part X read with Schedule V of the Constitution and should not be lifted,**
- 6. That the State of Zad is not responsible for the excessive use of force on ordinary people,**

**And pass any order(s) in favour of the Respondent as the Court may deem fit.**

All of which is humbly submitted to the Hon'ble Court

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Counsel on behalf of the Respondent