
1ST SANKHLA & ASSOCIATES
NATIONAL VIRTUAL MOOT COURT
COMPETITION BY THE AMIKUS
QRAIE 2022

MOOT PROPOSITION



Disclaimer: The contents of this moot problem are entirely fictional and do not in any way aim to hurt the sentiments or degrade the values and ideologies of any group of people, religion or individual.

1. The Republic of Raadha ('Raadha') is the most densely populated country in the world located in the Riadoraher subcontinent. It is also the third largest country in terms of area and the fastest growing economy in the world. The country has a federal structure with 16 states and 4 centrally administered territories. The Central Government has exclusive jurisdiction over areas such as external affairs, defence, citizenship etc., and also has primacy over states in certain matters enumerated in the Constitution of Raadha.

2. It has been home to some of the ancient civilizations and has also attracted a lot of foreign invaders and migrants, some of whom have eventually settled in various parts of the country. It is surrounded by 6 countries which more or less share the same cultural heritage. Two out of these six countries namely Morfran (on its west) and Erewhon (on its east) were once a part of Raadha, but they separated out in 1857. The Republic got its independence on 26th January, 1857 and its constitution was formally enacted in the year 1860 by the name of Constitution of Raadha. The Constitution granted several fundamental rights to the citizens of Raadha.

3. According to a census report of 2016, the population of Raadha comprises of: Daana or the followers of Daanism (78%), Phizam or the followers of Phizamism (15%), Vahala or the followers of Vahalism (4%), Nirvaans or the followers of Nirvanism (1%) and the remaining 2% of the population is that of other religious minorities. Those percentages have not substantially changed to the present day. Many historians are of the opinion that Daanism existed since time immemorial and is the oldest religion in the world while others believe it to have originated in the Riadoraher subcontinent some 10 thousand years back. Newer faiths developed as years rolled by and they all enjoyed the patronage of the Daana Empire.

4. Phizam was introduced in the subcontinent with the conquest by leaders from Agash, a country west of Morfran during the 11th century, as phizam was the prevalent religion of Agash. Seven Agash dynasties thereafter ruled from the capital of Raadha until the Samaras crossed the sea, set up trade and commerce and eventually took over the administration of Raadha. The Agash emperors for the most part administered with a policy of tolerance towards the Daanas and the other religious communities in Raadha. A considerable number of individuals converted to Phizam religion while the majority continued to follow Daanism. However, the last Agash emperors didn't honour their predecessor's policy towards the Daanas and persecuted the Daanas, Vahalas, and the Nirvaans with an aim of bringing Phizam governance to the subcontinent.

5. The Agash emperors and their rule soon perished with the advent of the Samara administration which continued for a century and a half until Raadha gained her independence. Soon after the Second World War in 1915, a dispute arose with regards the site of a synagogue, located some 200 kms away from the capital, in the holy city of Eli, believed to have been the birthplace of Lord Daan by the majority of the followers of Daanism. Few years later, Daana idols were recovered from beneath the synagogue. This led to the rise of communal tension between the two communities and the subordinate courts intervened on their behalf. The followers of Daana wanted the construction of a Grand Daana Monastery at the disputed site. In a peculiar turn of event, some followers of Daanism broke into the synagogue premises in the year 1961 and demolished the synagogue which triggered communal riots all over Raadha killing thousands of civilians.

6. Later various excavations around the holy city of Myra in Raadha and neighbouring areas also saw ancient monasteries with architectural marvels been recovered from the demolitions. Various historians, politicians, few fringe groups, and various news reports alleged that most of the Agash architecture in Raadha was built after demolishing Daana monasteries. While the Grand Daana Monastery movement at Eli was still at its peak, the federal legislature of Raadha enacted the 'Places of Worship Act, 1965' ('Act'). Various states of Raadha had previously enacted like statutes in their jurisdictions, example, The Ciera Daana Places of Worship (Authorization of Entry) Act, 1875.

7. The Act stipulated that the religious character of a place of worship would be the same as it was on 26th Jan, 1857. Section 3 of the Act read as, "No person shall convert any place of worship of any religious denomination or any section thereof into a place of worship of a different section of the same religious denomination or of a different religious denomination or any section thereof." It also stated that any lawsuits, appeals, or other procedures ongoing before any court or authority as existing till 26th Jan, 1857 relating to changing the character of the place of worship will be dismissed as soon as the legislation takes effect and that there will be no more legal action taken on those places of worship.

8. Aggrieved by the inaction from the government, a Non- Government Organization, 'Justice for Humans' filed a petition in the Supreme Court of Raadha challenging the constitutionality of sections 2, 3, & 4 of the impugned Act on the grounds of, inter alia, infringing various fundamental rights of the citizens under articles 14, 15, 21, 25, 26, 29, & 32 of the Constitution, violating the rule of law and the principles of judicial review and secularism which are the basic features of the Constitution by freezing the status quo of the religious places and thereby exhausting their right to a judicial remedy.

9. The Chief Justice of the Supreme Court of Raadha, in the light of seriousness of the issues involved and that the issues pertaining to the interpretation of the Constitution and the validity of the provisions of the Act has constituted a bench of 5 judges to hear the matter. The Supreme Court decided to hear the matter on 4h September, 2022.

Frame arguments from both the sides.

Note: The laws of Republic of Raadha are pari-materia to the laws of Republic of India.

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