



XIII ALL INDIA NATIONAL MOOT COURT COMPETITION FOR JUSTICE T RAMACHANDRAN EVER-ROLLING TROPHY 2024

GOVERNMENT LAW COLLEGE, THRISSUR, KERALA

Moot Proposition

Nabul Kuhoo v. Union of India

Mahanad is a hilly State in the Indian Union, located in her North-East border. Before independence, the State was the part of British India known as the country-state of Mahanad. The tribal group of Bohus constitute 70 percent of the population of the State. In the early 12th century, the Bohus came to settle at Chun Hills on the Indo-Burmese border. They built villages and called them by their clan names such as Seuan, Shugon and Bohut. The villages were scattered in such a way that it was not always possible for the various Bohus clans to keep in touch with one another.

In 1959, Chun Hills was devastated by a great famine known in the Bohus history as 'Chun Famine'. The cause of the famine was the flowering of bamboo seeds, which consequently resulted in a boom in rat population. After devouring bamboo seeds, rats became a plague to the villages when it began to feed on crops and infested the huts and houses. The rodent invasion wreaked havoc in the villages, leaving very little grain for harvesting. For their sustenance, many Bohus people were forced to move out to far away jungles in search of edible roots and leaves. A considerable number of them died due to starvation. In this hour of darkness, many welfare organizations tried their best to help the starving villagers. Earlier, in 1955, Bohus Welfare Society (BWS) was formed with Chalzu as its secretary. During the period of famine, BWS gained considerable popularity as large number of its volunteers assisted in transporting rice and other essential commodities.

In 1962, BWS was converted to a political organization named the Bohus Democratic Front (BDF). The annual conference of BDF passed a resolution in 1966, demanding special status of "sovereign land" to Mahanad area and decided to start agitation for that purpose. As part of the agitation, large scale disturbances broke out on 28th October, 1966. While the BDF resorted to violence to secure its goal of establishing a sovereign land, other political forces in the hills were

striving for a separate State. The search for a political solution to the problems faced by the hill regions continued.

The BDF was outlawed in 1967. Meanwhile, the demand for statehood gained fresh momentum. In July, 1972, the Union government put forward a proposal of turning Mahanad area into a Union Territory (U.T). The BDF leaders were ready to accept the offer on condition that the status of U.T would be upgraded to statehood sooner than later. The Union Territory of Mahanad came into being on 21st January, 1973 and later it became the State of Mahanad on 21st August, 1975.

In 1986, a new movement for the sovereign nation of Mahanad was started by the Organization named Mahanad Independence Movement (MIM). The extremist faction of BDF constituted the majority of MIM. From 1987, so many instances of violence by the members of MIM were reported.

On 6th July, 1987, N. Saho Lal, a student of New College, Kaha was allegedly stabbed by members of MIM. Later a student leader, Vishal was murdered. On February 1988, two members of MIM were arrested for murdering Ragam Dual, a moderate member of BDF, after he had an argument on sovereign nation issues with some members of MIM. In August 1989, charges were framed against 18 members of MIM for the murder of Ragam Dual. After investigation, the police claimed that Dual was murdered as part of a conspiracy, when he tried to interfere with the insurgence activities led by the MIM.

In August 2000, MIM was alleged to have links with the banned terrorist organisation United Liberation Front of North East (ULFNE). Most of the leaders of MIM were either identified with ULFNE or were holding various portfolios in the organisation. The alleged ULFNE connection has been dubbed baseless by the leaders of the MIM. Two boys were kidnapped on 8th June, 2001 from a college premise by members of MIM who sought ransom of 5 crore rupees to raise funds for their organisation and the boys were later found murdered. Following the arrest of the accused MIM members, the State government requested the Union government to ban MIM. In 2002, MIM staged a rally in Jiswalm Town. It is alleged by the locals that during the rally, stones were thrown at the vehicles. Moreover, three people riding a bike were stabbed by MIM activists.

From 2002 to 2023, nearly 340 workers of MIM were arrested for committing serious crimes. In April 2024, the Mahanad Police had conducted a series of raids in MIM centres across the State and found lethal weapons, foreign currency, human shooting targets, bombs, explosive raw

materials, gunpowder and swords among other things. The Police claimed that the raid revealed the "terror face" of MIM. In May 2024, the police raided a training camp in Jiswalm and arrested 21 activists of MIM. In that raid, they seized two country-made bombs, a sword, raw materials for making bombs and pamphlets in the name of MIM. A document with names of several leading personalities and organisations was also seized, which the police suspected was a hit-list. In addition, a list containing the names of 214 persons, titled as action group, was also seized.

On 4th June, 2024, MIM was banned under Unlawful Activities Prevention Act, 1967. Nabul Kuhoo, aged 86, was a leading criminal lawyer in Jiswalm District and Sessions Court. He was an active member of BWS, BDF and MIM and his name figured in the list of 214 persons. On 1st July, 2024 mid night, he was arrested by the Mahanad Police, alleging that he is the master brain behind all criminal activities of MIM. In the Information under Section 173 of the Bharathiya Nagarik Suraksha Sanhita (BNSS), 2023, it is stated that Kuhoo has committed offences under Section 111 and Section 113 of Bharatiya Nyaya Sanhita (BNS), 2023.

On 25th July, 2024, Nabul Kuhoo filed a petition under Article 32 of the Constitution, challenging the validity of Sections 111 and 113 of BNS on the ground of violation of Articles 14 and 21 of the Constitution. It is contended that the provisions are vague and the punishments provided are arbitrary. On behalf of the Union of India, the preliminary objections are raised and the contentions are refuted.