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MOOT COURT SOCIETY

17TH GRAND INTRA MOOT COURT COMPETITION, 2023

MOOT PROPOSITION

LIFE OF FOREST

V.

STATE OF HOBBITS
RELIABLE PRIVATE LIMITED

1. The Republic of Hobbits is a country in Southern Asia. The country's total area measures 32,87,263 sq. kms., and the coastline measures 7,517 kms. It is a peninsular country surrounded by three water bodies, the Bay of Basanti in the east, the Sambha Sea in the west, and the Hobbits Ocean in the south. The climate of Hobbits varies from each place but is overall influenced by the Himalayas and the Thakur Desert. The three main seasons being summer, monsoon, and winter. Skandagiri is a state in the western part of the country and falls on the coastline of the Sambha Sea, which is the longest coastline in the country. The capital of Skandagiri is Kunoor. The Gulf of Gabbar falls on the western end of the state and is a unique land feature of the Hobbits country.
2. The current government, under the leadership of Prime Minister Hagrid of the Rashtriya Jai Party (RJP) has been promoting employment growth and production of sustainable energy sources. The RJP has been in power at the centre for two continuous terms since 2014. The government has set up various projects and schemes to increase national employment ratios, distribute wealth, and combat climate change through various sustainable and energy-conserving initiatives by constructing green parks and workplaces. Under such a scheme, an area near the Gulf of Gabbar called Harinagar (The Area) was selected to build an educational institute by an entity called the **Reliable Private Limited (the Company)**.
3. The Company started negotiating with the State government of Skandagiri to set up the educational institute. The Company demanded an area of 8,000 acres of land from the state government. The State government finally approved an area of 6,000 acres and had put in a clause that the Company along with the setting up of the educational institute would also conserve, and help protect the rich bio-diversity of the Gulf of Gabbar. The land granted is a fertile tract of land, co-owned by a large group of tribal natives, who grow their livelihood and protect the virgin, pristine forest.
4. The CEO of the Company, Mr. Baldev Singh, is one of India's youngest and richest entrepreneurs. His innovative ideas and dedicated team of employees had in the past developed beautiful areas and conserved them. They have always adapted to new technologies and methods for producing the highest quality products and rendering the quickest and best services within the nation.



5. The World Wildlife Federation (WWF) appointed a committee in July 2023, and sent them to the State of Skandagiri to examine the sudden unusual migration of Olive Ridley Turtles into the Gulf of Sambha during the breeding season. The committee found that these turtles set up breeding nests close to the shore of Harinagar which is where the institute is proposed to be set up.
6. Once, this report (WWF – Turtle migration report) was made public, there was a collective outrage among the people in the country. The environmental activists and the people belonging to the fishermen tribe, Keshto tribe, started protesting the construction of the Company's motives. The people belonging to the Keshto community depended on simple agriculture and protecting the forest for their livelihoods and due to proposed construction along the shoreline, they were on the verge of being displaced.
7. **Life of Forest (LOF)** is an NGO that has worked alongside WWF previously, throughout Hobbits. They came to the aid of the people protesting the construction of the industrial park and help the Keshto community in restoring their age-old heritage. LOF filed a public interest litigation (PIL) in the Supreme Court of Hobbits. They prayed to the court to order the respondents in the case to compensate for the loss made to the ecology of the area to stop the proposed project with immediate effect. Inspired by the *Marudu apartments demolition order* given by the Supreme Court, the petitioners also prayed for a similar order to be passed in this case. The respondents, being the Central Government and Reliable Private Limited, argued that their construction activities were completely legal and prayed to dismiss the petition. The following issues have been framed as questions of law, with liberty being granted to the concerned parties to frame additional issues:
 - a) Whether the present petition is maintainable before the Supreme Court under Article 32?
 - b) Whether the Fundamental Rights of Art. 14, 19, and 21 of the Keshto Tribe are being infringed in this matter?
 - c) Does the proposed construction fall against the principle of the 'Public Trust Doctrine'?
 - d) Can there be a liability imposed on the Respondents? Can they be ordered to put a halt to the proposed project in light of conserving the rich ecology?

NOTE:

- *Republic of Hobbits is a fictitious country with a constitution and laws in pari materia with that of Republic of India.*
- *All names, characters, places, and incidents above are entirely fictional with resemblance to any real-life equivalent being coincidental at best and mistaken at worst.*
- *Counsels for both sides are required to address the issues and arguments specifically mentioned in the Proposition. However, they are free to frame sub-issues and make other arguments, that they deem fit.*
- *This moot proposition has been drafted by Jaibatraka Mohanta, Research Fellow (CEERA), National Law School of India University, Bangalore.*