



11TH

UFYLC - RANKA

NATIONAL MOOT COURT
COMPETITION

09 - 11 DECEMBER
2023

UNIVERSITY OF RAJASTHAN, JAIPUR

MOOT PROPOSITION

In the picturesque town of Phoenix, there lies a serene lake named Crystal Waters, renowned for its sparkling, clear water and the lush greenery surrounding it. The lake has served as the primary source of drinking water for the town's residents for generations. However, recent developments have cast a shadow of concern over the lake's health and its vital role in providing clean water.

Crystal Waters has been suffering from pollution caused by the discharge of untreated sewage into its waters, originating from a nearby industrial zone. The lake's once-pristine waters have turned murky, and the residents are increasingly worried about the potential health risks posed by the contamination. The polluted lake has far-reaching consequences, including the threat of waterborne diseases and the loss of a significant natural resource. The contaminated water in Crystal Waters poses severe health risk to the residents who rely on it for drinking and other domestic purposes, resultantly increasing the patients suffering from the bodily deformities and other related water borne diseases. Mr. K who has been residing in the town since last 20 years was diagnosed with Giardiasis caused as a result of consumption of contaminated water. Phoenix has been testament to many such cases recently and the same has been due to excessive contamination of Crystal Waters. Not only that, the polluted lake ecosystem is witnessing a decline in aquatic life and biodiversity due to the sewage contamination.

Issue 1

Complicating matters, a vibrant and religiously significant festival, the “Phoenix Fest,” is scheduled to take place along the shores of Crystal Waters. Though Phoenix is abode to the residents of different faiths but the dominant population belongs to a particular religious community “AB”. The Phoenix Fest is a yearly celebration of the birth of the head of the AB community, wherein the celebrations are marked with the chants, music, art, food in the devotion of the birth of AB’s religious head. The festival tradition involves the sacrifice of trees and other offerings, typically through burning, and offering them to the Crystal Waters. It is pertinent to state that the holding of the said festival is a part of essential religious practice of the AB community. The festival plays a significant role in preserving and promoting the faith of the AB community. The event also brings in tourism revenue and supports local businesses, contributing to the town’s economic growth.

The event Committee asserts that they have secured all the necessary permits and have adhered to the guidelines to ensure minimal environmental impact. They contend that the celebrations bring happiness and honour AB Community’s faith at the same time promoting town’s economic development. Consequently, Phoenix is divided between those who prioritize environmental protection and those strongly advocating AB Community’s right to freedom of religion. The XYZ NGO has filed a PIL before the National Green Tribunal for the conservation of the Phoenix Lake and for stopping the event from taking place around the vicinity of the lake, which was permitted. Consequently, the decision of the NGT was challenged before the Hon’ble High Court which uphold the decision of the NGT. The same was assailed before the Hon’ble Supreme Court by way of a Special Leave Petition (SLP).

Issue 2

A Company known as “Inveraray” is located in close proximity to the Crystal Waters and is primarily engaged in the production of distilled water. Subsequently, any residual water or wastewater is discharged into the aforementioned river. The discharge includes various types of harmful chemicals that contaminate the water. A tribe known as the “KHIRI tribe” has been worshiping the Crystal Waters for the past 50 years, as per their holy books and customs and has also been using the water from the said river for their worship. The Crystal Waters hold profound religious significance for them. In an auction organized by the government, Inveraray have purchased 10,000 acres of land and have established a plant to produce distilled water from the Crystal Waters. An NGO named the “GHI” has filed a case against Inveraray in the National Green Tribunal, alleging that the company is discharging waste exceeding the government-prescribed limits into the Crystal Waters, thereby contaminating it. Subsequently, the KHIRI Tribe has also filed a Writ Petition against “Inveraray” seeking to halt the company's trade practices resulting in the contamination of Crystal Waters water and pollution of environment. Both the National Green Tribunal and the High Court restrained the “Inveraray” from using the water of Crystal Waters for their trade purposes and from polluting the water land. “Inveraray” has incurred substantial losses due to the decisions rendered by the High Court. Consequently, “Inveraray” has filed a Special Leave Petition (SLP) in the Supreme Court of India. The Company has named GHI and the KHIRI Tribe as its respondents. Meanwhile, the respondents contend in favour of upholding the decision of the National Green Tribunal and the High Court based on environmental and religious considerations, and they seek the dismissal of the SLP filed by the petitioner in the Supreme Court.

The Hon'ble Supreme Court clubbed both the Petitions.

Issues Raised

A. Whether the Special Leave Petitions (SLPs) filed by the respective NGOs are Maintainable.

B. Whether the Right to environment (Right derived from a Fundamental right) will prevail over Fundamental Rights i.e., Right to Freedom of Religion/ Right to carry on Trade, Profession and Occupation and vice versa.

GOVERNING LAW

The instant issue shall be governed by, and be construed in accordance with the Laws of Republic of India.

****Participants are allowed to frame additional issues other than those provided in the moot proposition, if desired.**

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