



The Tamil Nadu Dr. Ambedkar Law University

தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்

State University Established by Act No.43 of 1997

NAAC Accredited



# 17TH EDITION OF THE PRO BONO ENVIRO NATIONAL MOOT COURT COMPETITION, 2023



ORGANISED BY  
SCHOOL OF EXCELLENCE  
IN LAW, CHENNAI



WITH KNOWLEDGE PARTNERS

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# 17TH PRO BONO ENVIRO NATIONAL MOOT COURT COMPETITION, 2023

ORGANISED BY SCHOOL OF EXCELLENCE IN LAW

School of Excellence in law takes immense pleasure in announcing the 17th Edition of the Pro Bono Enviro National Moot Court Competition, the flagship event of the institution

## TNDALU - ABOUT THE INSTITUTION

The Tamil Nadu Dr. Ambedkar Law University is the first of its kind of Affiliated Law University in the Country established by the State of Tamil Nadu in 1997 in the City of Chennai. The University offers Academic Programs under its School of Excellence in Law. The school was established on the lines of National Law Universities to offer all Academic programs. Its Nine Post Graduate Departments with different subject specializations takes care of Legal Research by offering Doctoral and Post Graduate programs. Apart from the Departments, the School also offers Under Graduate programs in Law with varied interdisciplinary streams of 3 Years and 5 Years Integrated Law Degree Courses.

## ABOUT THE EVENT

It seeks to bring to the forefront the increasing need to address environmental concerns and encourages students to be the pioneers of understanding the complexities of environmental law and the urge for the same. The previous editions of the competition have proved to be an enriching experience for the participants owing to the distinctive, innovative, and challenging nature of the proposition and the high caliber of judging by various eminent lawyers, Hon'ble Judges of the High Court of Madras, and the Supreme Court of India. The event has continued to garner increasing attention since the year of its inception in light of its transparency and ever-improving quality. The Moot Court Association of the School of Excellence in Law is looking forward to conducting the event in a hybrid mode and expects increasing participation in the present edition as well

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## GLIMPSES OF THE PREVIOUS EDITIONS



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## OFFICIAL INVITATION

School of Excellence in Law takes immense pleasure in announcing the 16th Edition of the Pro Bono Enviro National Moot Court Competition, the flagship event of the institution. The institution has always strived to promote the interests of the student community and in addressing pressing issues, and has successfully conducted the previous 16 editions with overwhelming participation from across the country. It seeks to bring to the forefront the increasing need to address environmental concerns and encourages students to be the pioneers of understanding the complexities of environmental law and the urge for the same. The previous editions of the competition have proved to be an enriching experience for the participants owing to the distinctive, innovative, and challenging nature of the proposition and the high caliber of judging by various eminent lawyers, Hon'ble Judges of the High Court of Madras, and the Supreme Court of India. The event has continued to garner increasing attention since the year of its inception in light of its transparency and ever-improving quality. The Moot Court Association of the School of Excellence in Law is looking forward to conducting the event in a hybrid mode and expects increasing participation in the present edition as well. The 17th Pro Bono Enviro National Moot Court Competition is scheduled on 24th September, 2023 (Online rounds) and from 13th to 14th September, 2023 (Offline rounds)

**Warm Regards,  
Moot Court Association,  
School of Excellence in Law,  
Chennai.**

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## RULES AND REGULATIONS

### 1. AIM AND PURPOSE:

The 17th Pro Bono Enviro National Moot Court Competition 2023 has been conceived with the aim to:

1. Create awareness on the protection and conservation of our environment.
2. Inculcate interest in Environmental Law and understand the various ecological issues that currently plague our society.

### 2. MODE OF THE COMPETITION (HYBRID):

1. The Preliminary round via Gmeet online.
2. Octa-finals, Quarter-finals round, and Semi-finals and Final Round shall be physically conducted in the 'Perungudi' campus of The Tamil Nadu Dr. Ambedkar Law University.

### 3. DEFINITIONS:

Unless mentioned otherwise, the following terms shall mean:

1. "Online" means controlled by or connected to a computer with the help of the Internet.
2. "Organizers" or "OC" will refer to the Moot Court Association of the School of Excellence in Law, The Tamil Nadu Dr. Ambedkar Law University.
3. "Host Institution" refers to the School of Excellence in Law, The Tamil Nadu Dr. Ambedkar Law University.
4. "Participating Team" means the team, which has registered itself for the Competition.
5. "Participants" refers to the speakers and the researchers of the Participating Team.
6. "Video Conference" means a live, visual connection between two or more people residing in separate locations for the purpose of communication.

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**All the rules are only inclusive and not exhaustive for the Competition. Rules should be strictly adhered to. Any deviation therefrom would attract disqualification or other penalties mentioned subsequently.**

All decisions of the Organizers in case of any disputes/ doubts etc. will be final. Imposition of penalties including disqualification rests solely with the Organizers in case of failure to comply with the Rule(s) and Deadline(s).

## 4. TEAM ELIGIBILITY & TEAM COMPOSITION:

1. Participation is strictly restricted to bona fide law students enrolled in the three year or five-year LL.B. or B.L. degree course in any institution recognized by the Bar Council of India.
2. Only **ONE TEAM** is permitted to participate from each registered institution.
3. Each team shall comprise of a minimum of two and a maximum of three members. In a team consisting of two members, each of the members shall be designated as 'Speaker.' In a team consisting of three members, two of the members shall be designated as 'Speaker' and the third member shall be designated as 'Researcher'

## 5. REGISTRATION PROCEDURE:

The Registration Formalities shall be done in two steps:

- Provisional Registration of the participating institutions shall be sent to [soelprobonoenviromcc@gmail.com](mailto:soelprobonoenviromcc@gmail.com).
- Participants shall complete the following Registration Formalities:
  1. Teams are required to complete the registration on or before 5th September 2023, 11:59 PM IST by filling the registration form in the link <https://forms.gle/t6uPsMRMuGswRGGeA>
  2. Registration Fee is Rs. 2,500/- (Rupees Two Thousand Five Hundred Only) per team. There is NO registration fee for government institutions affiliated with Tamil Nadu Dr. Ambedkar Law University.

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- The Registration fee payable for the Competition must be paid latest by 5th September 2023, 11:59 PM IST through NEFT to the below mentioned account:
  - Account Name - TAMIL NADU DR. AMBEDKAR LAW UNIVERSITY MOOT COURT ASSOCIATION
  - Account Number - 67104604033
  - Name of the Bank – STATE BANK OF INDIA
  - Branch Name – PNSB BRANCH RAJA ANNAMALAIPURAM
  - IFSC Code - SBIN0070688
  - Branch Code - 70688
- The payment reference number and date of payment have to be mentioned in the registration form. Scanned copy of the payment receipt must also be attached to the google registration form and only then will the registration be deemed to be complete.
- The Registration shall be done by filling up the form available by clicking on the link mentioned: <https://forms.gle/srcxmeRGzk8FMxdy7>
- Scanned copies of Identity cards must be attached in the registration form. In case, there is an issue with the production of scanned copies of the identity card, a bonafide certificate, issued by the University may be attached. In case of the absence of both the items, kindly contact the O.C.
- Once the form is submitted, an acknowledgement mail will be sent within 24- 48 hours to the teams.
- **Registration fee, once paid is neither refundable nor transferable.**
- Teams that have completed Registration in accordance with the above shall be assigned a Team Code. All correspondence to the Organizing Committee shall specify only the Team Code.
- No alteration in the Team Composition shall be permitted after registration except at the sole discretion of the Organizing Committee.



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## 6. DRESS CODE

1. Participants shall be appropriately attired for the rounds of the competition. Robes and neck bands are not permitted.
2. The Dress Code for the Inauguration, Researcher's Test, Oral Rounds, Valedictory & Prize Distribution shall strictly be:
  - a. For Gentlemen - Western Formals (White formal shirt with black formal pants and a black blazer with black tie); and
  - b. For Ladies - Western Formals (White formal shirt with black formal pants/black formal skirt and a black blazer) or Indian Formals (white kurta with black pants and either a black waistcoat or black blazer).

## 7. CLARIFICATIONS

Clarifications to the Moot Proposition shall be sought by sending an e-mail to [soelprobonoenviromcc@gmail.com](mailto:soelprobonoenviromcc@gmail.com) on or before 7th September, 2023. A set of Final Clarifications will tentatively be released on 12th September, 2023.

## 8. MEMORANDUM/WRITTEN SUBMISSIONS

- Participants are required to submit Memorandum or Written Submissions on behalf of both the Petitioner(s) and the Respondent(s).
- Teams shall e-mail Soft Copies of the Memorandums in both PDF and Microsoft Word formats for both the sides (i.e. four attachments in total) in a single mail on or before 17th September, 2023 by 23:59 hours to [soelprobonoenviromcc@gmail.com](mailto:soelprobonoenviromcc@gmail.com).
- Any memorandum submitted after 20.07.2023 (23:59 hours) shall not be evaluated and the team shall be disqualified.
- For example, if the assigned team code is 14, the team shall name the Petitioner and Respondent Memorandums as "14P" and "14R" respectively. The Soft Copy should be compatible with at least Microsoft Word 2007. Late submission shall attract penalties in accordance with Rule 10.
- Only the Team Code shall be specified on the Memorandum. Any reference to the participating institution/college/university shall result in immediate disqualification.

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- No amendment to the memorandum shall be permitted after submission of the soft copies.
- The Organizing Committee reserves the right to use the memorandum submitted by the participating teams, as it deems appropriate.

## 9. CONTENTS OF THE MEMORANDUM

1. Each Memorandum shall not exceed 30 pages, inclusive of cover page, and shall contain the following sections:
  - a. Cover Page (shall include Year of the Competition, Cause Title, Forum/Court, designation as Petitioner or Respondent Memo, Team Code on the top right corner- e.g. 14P or 14R).
  - b. Table of Contents.
  - c. Index of Authorities.
  - d. Statement of Jurisdiction (strictly restrict to 1 page).
  - e. Summary/Statement of Facts (strictly restrict to 1 page; argumentative Statement of Facts shall be penalized).
  - f. Issues Raised/Questions Presented.
  - g. Summary of Arguments/Pleadings.
  - h. Arguments Advanced/Written Pleadings.
  - i. Prayer.
2. The following content specifications shall be strictly adhered to:
  - Language: English.
  - Body Font & Size: Times New Roman, 12;
  - Line Spacing: 1.5 [The spacing need not be followed for the Cover Page, any Tabular Column, Header or Footer].
  - Footnotes Font & Size: Times New Roman, 10;
  - Line Spacing: 1.0;
  - Paragraph Spacing: None; No additional space between footnotes. Substantive Footnoting is strictly prohibited.
  - Alignment (Body & Footnotes): Justified Margin: 1 inch on all 4 sides.
  - Citation Method: Citation Method: Oxford University's Standard for Citation of Legal Authorities (OSCOLA Format), 4th Edition.

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3. The following printing specifications shall be strictly adhered to:
  - a. The Cover Page shall be: Blue for Petitioner Memorandum Red for Respondent Memorandum.
  - b. The Memorandums shall not contain any Annexure/Appendices, Photographs, Sketches, Exhibits, Affidavits, etc.

## 10. EVALUATION OF THE MEMORANDUM

- The Memorandum will be evaluated by a separate panel of judges who will not Judge the Oral Rounds.
- The memorandum shall be evaluated on the basis of the following criteria:

CRITERIA	MARKS
Knowledge of law & depth of research	20
Use of authority/precedents	20
Incorporation of facts into the arguments	10
Interpretation of applicable law	10
Clarity of thought and organization of the arguments	15
Style of Presentation	10
Originality	10
Relief sought	5

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- Penalties shall be attracted in the following manner

<b>VIOLATION</b>	<b>PENALTY</b>
Late submission (soft copy)	2 points for every 6 hours of delay
Any violation under rule 9(1)	1 point for each violation under the Rule
Any violation under rule 9(2)	1 point for each violation under the Rule
Any violation under rule 9(3)	2 points for each violation under the Rule
Violation of Anonymity	Disqualification
Memorandum submitted after 20.09.2023	Disqualification

## 11. ORAL ROUNDS

### GENERAL PROCEDURE

- The language to be used during the Rounds is English.
- The Competition shall consist of the following rounds:
  - Preliminary Rounds; and
  - Advanced Rounds consisting of:
    - Octa-finals
    - Quarter-finals
    - Semi-finals
    - Finals

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- The performance of the speakers shall be adjudged based on the following parameters:

CRITERIA	MARKS
Knowledge of Facts	10
Interpretation of Facts	10
Knowledge of Law	20
Application and Interpretation of Law	20
Ability to answer questions	15
Courtroom conduct	10
Style, Poise and Demeanor	10
Prayer	5
Total	100

- During each of the above-mentioned rounds, the order in which the teams shall present their arguments is as follows:
  - Petitioner Speaker 1
  - Petitioner Speaker 2
  - Respondent Speaker 1
  - Respondent Speaker 2
  - Rebuttal: Petitioner - Any one of the Two Speakers
  - Sur-rebuttal: Respondent - Any one of the Two Speakers. (Sur-rebuttal may be permitted only at the discretion of the Judges.)

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- The Best Speaker Award shall be determined on the basis of the individual aggregate score of the Speaker taken only from the Preliminary Rounds.
- The Researcher shall not be permitted to address the Court during the Oral Rounds.
- Teams are not permitted to raise issues in the Oral Rounds that have not been submitted in the Memorandum.
- The decision of the Judges as to the marks allotted to each team shall be final.
- To ensure uniformity in the marking system, all Judges will be provided with a scoring guideline.
- Memorial scores shall NOT be taken into account for scoring in preliminary rounds

## **SPLITTING OF TIME BETWEEN SPEAKERS**

- Teams shall notify the Bench Clerks of the division of time between the 2 Speakers (including time reserved for Rebuttal & Sur-rebuttal) 10 minutes prior to the commencement of the Rounds.
- If Speaker 1 exceeds his/her reserved time, the additional time taken shall be deducted from the time reserved by Speaker 2. Similarly, if Speaker 2 exceeds his/her reserved time, the additional time taken shall be deducted from the time reserved for Rebuttals/Sur-Rebuttals as the case may be. However, this rule may not be followed if the additional time is awarded, at the discretion of the Judges.
- The finality of the decision as to the time structure and the right to Rebut or Surrebut shall vest with the Judges

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## COMPENDIUM

- All relevant case laws and statutory material to be passed on to the Judges during the Oral Rounds may be submitted via e-mail in the form of a Compendium on 22nd September 2023 prior to the commencement of the competition to soelprobonoenviromcc@gmail.com.
- Participants shall ensure that anonymity is not violated while passing on any material to the Judges. If any mark, name, seal, symbol or logo of the institution/college/university is present, participants must ensure that the same is rendered unrecognizable. Violation of anonymity shall result in immediate disqualification.

## DRAW OF LOTS AND EXCHANGE OF MEMORANDUM

- The decision regarding the fixtures for the oral rounds will be taken by the Organizing committee. The decision of the Organizing Committee regarding the fixtures will be final. The same will be intimated to the teams via the respective Email IDs provided by the teams before the commencement of the rounds.
- No teams will face each other more than once in the preliminary rounds.
- The exchange of memorials for the preliminary rounds will be done via the respective Email IDs provided by the teams. Memorandums of the opponents for each respective round will be mailed to the teams.
- Exchange of memorials for advanced rounds, beginning with the octa finals, will take place shortly before the commencement of the round via the respective Email IDs provided.

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## PRELIMINARY ROUNDS

- The preliminary rounds of the competition shall be hosted online on a video conferencing application via Google meet.
- WhatsApp Groups will be created to facilitate communication with the 'Ushers' as Admins. The contact numbers given by the teams at the time of registration will be used for the creation of WhatsApp Groups. The Ushers will send instructions and guide the teams throughout the competition through this WhatsApp Group.
- The preliminary rounds will take place on the 24th September, 2023.
- The team fixtures shall be determined through DRAW OF LOTS.
- Teams will face each other only ONCE during the preliminary round.
- The teams can choose their convenient venue where they can access strong, uninterrupted internet connection.
- ONLY the team members (2 speakers and 1 researcher) are allowed to be present inside the venue.
- The timings and date of the preliminary rounds will be intimated to the teams on 23rd September, 2023 through an E-Mail. This date and timings shall be final and will be based on the convenience of the judges and at the Organizer's discretion.
- Participants are to join the rounds SHARPLY as intimated by respective ushers.
- A further 10 minutes will be provided to teams in case of any technical qualms, which must be duly reported to the usher.
- Following this, if a team is not present, no additional time will be granted by the O.C. The other team present at the round, will be heard ex-parte. The decision of the O.C is final and binding in this matter.
- The teams are to provide their ID card at the time of registration and also have it with them during the rounds. In case the team members have any issues regarding the availability of their ID cards, the same is to be intimated to the Organizing Committee via mail before the round starts.



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- During the entire duration of the rounds, the participants are requested to ensure that they are within the camera's view and maintain adequate distance from the desktop / laptop/ mobile used for this purpose.
- The team (both speakers and researcher) must keep their cameras switched on throughout the course of the rounds and will remain muted, unless it is their turn to speak.
- Each team shall argue twice in the Preliminary Rounds, once for the Petitioner and once for the Respondent.
- The time limit for the oral round shall be twenty (20) minutes for each team. This shall include the time for both the speakers from the team and the time reserved for rebuttal and sur-rebuttal. Judges may at their discretion, extend the time allotted for the oral arguments up to a maximum of 5 minutes.
- Only one speaker shall be allowed to present the rebuttal / sur-rebuttal and the sur-rebuttals shall be limited only to rebuttals made by the opponent team. No team shall be permitted to reserve more than two (2) minutes for rebuttals / surrebuttals.
- The top sixteen (16) teams from the Preliminary Rounds, shall advance to the Octafinals.
- The top sixteen teams shall qualify on the basis of the aggregate scores. In the event of a tie, the memorandum score of the team shall be considered.

## DISQUALIFICATION

- OC reserves the right to disqualify the participation of any team on the grounds of:
  - Availing assistance of any person, who is not a member of the team during the oral rounds
  - If the participant's video/audio is paused or if any participant leaves the virtual court room in the middle of the rounds without a legitimate reason
  - If the Organizing Committee have any reason to believe that a team has resorted to any unfair means during the oral rounds
  - For any other just reason the OC deems fit.

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## RESEARCHER'S TEST

- The researcher's test shall be conducted via the "Google Meet"™ application on the 23rd September, 2023. Only the person designated as a "RESEARCHER" can attend the interview. In case of a 2 Member Team, either one of the Speakers can take up the Researcher's Interview.

## 12.ADVANCED ROUNDS (Octa Finals, Quarter Finals, Semi Finals and Finals)

### GENERAL RULES

- Every team shall argue once in each of the Advanced Rounds.
- The qualification of teams to subsequent rounds shall be on a knock-out basis for each of the Advanced Rounds.
- The Memorandum Score shall not be considered for any of the Advanced Rounds.

### OCTA-FINALS

- The maximum time for arguments per side shall be the same as in the Preliminary Rounds.
- Sixteen (16) teams from the Octa-finals shall advance to the Quarter-finals, which will be selected on a knock- out basis.

### QUARTER-FINALS

- Each side shall get a maximum time of 30 minutes to present their arguments of which no Speaker shall be permitted to address the Court for more than 18 minutes. The time limit is inclusive of the time for Rebuttal or Sur-rebuttal respectively. The maximum time for Rebuttal and Sur-rebuttal 5 minutes .
- Eight (8) teams from the Octa-finals shall advance to the Quarter-finals, which will be selected on a knock- out basis.

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## SEMI-FINALS

- The maximum time for arguments per side shall be the same as in the Quarter-Final Rounds.
- Two (2) teams from the Semi-finals shall advance to the Finals, which shall be selected on a knock-out basis.

## FINALS

- Each side shall get a maximum time of 45 minutes to present their arguments of which no Speaker shall be permitted to address the Court for more than 25 minutes. The time limit is inclusive of the time for Rebuttal or Sur-rebuttal respectively. The maximum time for Rebuttal and Sur-rebuttal 5 minutes
- The winner of the finals shall be declared as the winner of the Competition.

## SCOUTING

- Scouting is strictly prohibited.
- Any person may submit a complaint regarding Scouting to the Organizing Committee.
- Teams found scouting shall be disqualified immediately.

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## 13. GENERAL INSTRUCTIONS FOR TEAMS QUALIFYING PRELIMS

### CONFIRMATION AND TRAVEL DETAILS

- The qualifying teams shall confirm their participation in advanced rounds and furnish their travel details latest by 30.09.2023 (18:00 hours).
- The teams ranking 17th, 18th, 19th, and 20th will be placed on a waitlist. If any of the teams from the top 16 fail to confirm their participation, the highest-ranking team from the waitlist will have the opportunity to qualify and participate instead. The Organizing Committee (OC) will communicate this to the waitlisted teams by 02.10.2023 (10:00 hours).

### ACCOMMODATION

- The host institute will offer accommodation for the qualifying teams starting from October 12, 2023 (Thursday) at 12:00 noon until October 15, 2023 (Sunday) at 12:00 noon. Accommodation will exclusively be provided to the teams during this specified timeframe. Any costs related to extending the stay or acquiring extra rooms will be the responsibility of the teams and will not be covered by the host institute.
- Teams opting for accommodation provided by the host institute shall make a payment of **Rs. 6000/-** as accommodation fee. The fee payable for accommodation must be paid latest by 30.09.2023 (18:00 hours)

### FOOD AND REFRESHMENTS

The host institute will offer breakfast, lunch, dinner, and refreshments to all the teams on October 13, 2023, and October 14, 2023.

### SUBMISSION OF DOCUMENTS

- The teams participating in Octa-Final rounds shall submit 5 copies of the memorial for Petitioner as well as Respondent and 3 copies of Compendiums (if any) to the OC on 12.10.2023 (17:00 hours)
- Teams are kindly asked to bring their Institute's ID card or Bonafide letter along with a valid government ID proof.

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## 14.AWARDS

- The following Awards shall be given away during the Valedictory & Prize Distribution:
  - Winner of the Competition - Trophy, certificate and cash prize
  - Runner-up of the Competition - Trophy, certificate and cash prize
  - 2nd Runner-up of the Competition - Trophy and certificate
  - Best Memorandum - Trophy, certificate and cash prize
  - 2nd Best Memorandum - Trophy and Certificate
  - Best Speaker - Trophy, certificate and cash prize
  - 2nd Best Speaker - Trophy and Certificate
  - Best Researcher - Trophy, certificate and cash prize
  - 2nd Best Researcher - Trophy and Certificate
  - Best Speaker from the Octa-Final, Quarter-Final, Semi-Final and Final Round shall be felicitated with Trophy and Certificate.
- Attractive cash prize will be awarded to winners (To be Announced).
- All participants of the Competition will be given Participation E-Certificates. The certificates will be emailed to the participants after the completion of the competition.
- Cash prizes will be processed and given to the participants within 90 business days from the date of the valedictory.

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## 15. MISCELLANEOUS

### GENERAL ETIQUETTE

- Participants are expected to behave in a dignified manner and not to cause any inconvenience to the Organizing Committee, the Judges of the Competition or to any of the other participants.
- The Organizing Committee reserves the right to take appropriate action for any unethical, unprofessional or immoral conduct.

### INTERPRETATION OF RULES AND REGULATIONS

- a. All interpretations, as well as any waivers, consents or other decisions in the administration of the Competition are at the complete discretion of the Host Institution and the Organizing Committee.
- b. Any decision made by the Host Institution or the Organizing Committee shall be final and binding on all participating teams.

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## 16. CORRESPONDENCE/ CONTACT DETAILS

- Participants can mail their queries to [soelprobonoenviromcc@gmail.com](mailto:soelprobonoenviromcc@gmail.com)
- Participants may keep themselves updated by following:
  - FACEBOOK: <https://www.facebook.com/Moot-Court-Association-School-ofExcellence-inLaw-201136933274208/timeline/>
  - WEBSITE: <https://mcaseoel.wordpress.com/>
  - INSTAGRAM: [@mootcourassociation.soel](https://www.instagram.com/mootcourassociation.soel)
  - LinkedIn: <https://www.linkedin.com/company/moot-court-association-soel/>
  - E-MAIL ID : [soelprobonoenviromcc@gmail.com](mailto:soelprobonoenviromcc@gmail.com)

## 17. POINT OF CONTACT

Participants are requested to direct their queries to:

Ms. S Nishasri - +91 98401 49587,  
President, Moot Court Association.

Ms. H N Shree Harini - +91 73582 36570 ,  
Vice President, Moot Court Association.

Ms. Amrutha D K - +91 93846 31343,  
Secretary, Moot Court Association.

Mr. Sahithiya Nirupen S - +91 9500900559,  
Joint Secretary, Moot Court Association.

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## 18.IMPORTANT LINKS

NAME	PROCESS
Provisional Registration	Email to <a href="mailto:soelprobonoenviromcc@gmail.com">soelprobonoenviromcc@gmail.com</a>
Registration Form	<a href="https://forms.gle/14SsEGfn41X45qxPA">https://forms.gle/14SsEGfn41X45qxPA</a>
Clarifications	Email to <a href="mailto:soelprobonoenviromcc@gmail.com">soelprobonoenviromcc@gmail.com</a>
Memorial Submissions	<a href="https://forms.gle/kCHafvBKzXUob9ERA">https://forms.gle/kCHafvBKzXUob9ERA</a>



# 17TH PRO BONO ENVIRO NATIONAL MOOT COURT COMPETITION, 2023

ORGANISED BY SCHOOL OF EXCELLENCE IN LAW

## IMPORTANT DATES

Event	Date
Last date for Provisional Registration	22.08.2023
Last date for Registration and payment of registration fees	05.09.2023
Last date for mailing clarifications	07.09.2023
Release of Final Clarifications	12.09.2023
Last Date to Submit Memorial (Without any Penalty)	17.09.2023
Last Date to Submit Memorial (With Penalty)	20.09.2023
Researchers Test (Online)	23.09.2023
Preliminary Rounds (Online)	24.09.2023
Last Date for the Top 16 teams to send Travel details and to make payment for accommodation	30.09.2023
Last date to submit Hard copy of memorial and compendium	12.10.2023
Octa-Final and Quarter Final rounds (Physical)	13.10.2023
Semi-Final, Quarter-Final and valedictory ceremony (Physical)	14.10.2023

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## MOOT PROPOSITION

1. The Union of Hodu is a secular democratic republic comprising diverse 28 states and 8 union territories with co-operative federalism at the core of its constitutional values. Hodu is a peninsula with a total coastline of 7,500 Km. A good portion of the coast is a fragile and eco-sensitive area protected under the Coastal Regulation Zone Notification.
2. Hodu's landmass is also environmentally rich with many protected areas, eco-sensitive zones, national parks, and wildlife sanctuaries. The country is also blessed with abundant rivers, marshlands, forests, and diverse flora and fauna apart from natural minerals. Hodu also has a deep history and culture in which the citizens take a lot of pride.
3. Due to its robust and ever-developing economy and industrial sector, there has been a lot of discussion and development in governmental policy, politics, and law-making including several judicial decisions in balancing the economic needs and protection of the environment. The process of assessing a project and permitting the same by the issue of statutory Clearance and permissions under various laws is a mandatory requirement. The Union Government issued a revamped Environment Impact Assessment Notification in the year 2006 requiring the scheduled projects therein to obtain prior environmental clearance before the commencement of any activity.
4. The Nabhivarsha People's Party (NPP) is the ruling single largest party at the national level for the past decade and has also formed governments in many of the individual states of Hodu. Lingua Parricus is one of the states in the Union of Hodu and people here have strong sentiments about their unique culture, regional language, and native religious practices and festivals. Howsoever, the NPP party failed to obtain electoral success in this State.

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5. There have been two major political parties that have formed governments in turns in Lingua Parricus for the past many decades namely, the People's Rights and Justice Party (PRJ Party) and the fallout party namely the Alternative People's Rights and Justice Party (APRJ Party). Both the parties were originally formed on the principles of protection and promotion of the uniqueness and nativity of Lingua Parricus although the APRJ party is now in electoral alliance with the NPP Party.
6. The PRJ party was voted to power and formed the government in the state in the year 2006. Thereafter, during the year 2009, the State Government announced a huge township project to the extent of 80 Hectares named "Antiqua Park".
7. The proposed project was to have an infotainment complex to showcase the uniqueness of the history, language, art, and architecture of Lingua Parricus along with interactive galleries for the visitors. The second component of the project was the construction of an auditorium along with a "native sports" complex for the promotion of yesteryear sports of Lingua Parricus. The third component was a "native cultural complex" for the promotion of native food and lifestyle. The project also envisaged public parks, walking tracks, an artificial lake, and garden landscaping and beautification totaling the overall extent of 80 Hectares. The total built-up area of the three components of the project was cumulatively 1,00,000 sq. meters.
8. The State Government had also applied for Environmental Clearance since the total area of the proposed project was 80 Hectares. After applying for Environmental Clearance, the State Government also quickly commenced land acquisition and acquired the entire vast extent of land for the project. While the PRJ party hogged the project as a cultural identity for Lingua Parricus, the APRJ party and the state NPP party condemned the project as unnecessary, misplaced, and affecting larger public interest over the acquisitions and loss of land to the public. The opinions of the common public were also divided on the above lines.

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9. Subsequently, during the state elections in the year 2011, the APRJ party was voted to power and formed the Government. The proposed "Antiqua Park" project was halted and put in cold storage. The PRJ party which was in the opposition claimed the same political vendetta accusing the ruling APRJ to be acting against the pride and culture of Lingua Parricus and holding public demonstrations to highlight the unused acquired lands of large extents.
10. During the year 2014, the State Government announced a revised project for the 80 hectares of land acquired. The proposed new project gave up the components of the original plan and redesigned the land for the construction of a new multi-specialty hospital. The total built-up area of the multi-specialty hospital was 25,000 sq. meters. The project also retained some of the open public parks and had a total revised project area of 50 Hectares from the original 80 Hectares and boundary demarcation was also complete. The State Government announced that it did not intend to utilize the remaining 30 Hectares for the time being.
11. Thereafter, during the year election year of 2016, the State Government quickly commenced the construction of the Project without obtaining Environmental Clearance claiming the same as not required and exempted under the prevalent laws and amendments and notifications. During the election campaign, the PRJ party accused the APRJ party of dropping the original plan and thereby insulting the culture and identity of the region. They also highlighted the unutilized 30 Hectares for the project as a public loss.
12. The APRJ party promised in its election manifesto to solve the issue and to utilize the remaining 30 Hectares of land in the near future as per the original plan as it was not opposed to the regional ideology. The APRJ party retained the power and formed the successive Government in the year 2016. During the year 2017, the Ministry of Environment, Forest and Climate Change brought out a notification in S.O.No 804 (E) dated 14.03.2017 allowing a one-time opportunity for all violators to regularize the project which has been commenced or completed without environmental clearance, in the procedure prescribed therein.

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13. Thereafter the State Government of Lingua Parricus, using the window of the notification, submitted a revised proposal within time by expanding the hospital project to the original 80 Hectares incorporating the components as originally envisaged in the "Antiqua Park" project. The State Government also submitted a letter of apology for the commencement of construction without environmental clearance along with the revised proposed expansion to 80 Hectares and a total built-up area of 1,25,000 sq meters including 1,00,000 sq. meters of the original "Antiqua Park" project and 25,000 sq. meters of hospital building.
14. The Application was kept pending and the ongoing works in the hospital complex and works in the entire 80 Hectares were also halted midway, awaiting the outcome of the application for Environmental Clearance. Thereafter, during the elections in the year 2020, there was a change in Government and the PRJ party came back to power after a long gap of 10 years.
15. During the year 2021, the State Government announced that since the earlier regime had partly commenced the construction of hospitals and altered the land in many other areas, it will be not possible to go back to the original plan. The State Government, based on a technical report by its authorities, announced that only a modified plan was possible. The State Government also alleged a crunched financial situation due to the previous administration.
16. Therefore, the State Government announced a revised project called "Novus Antiqua Park" in a total area of only 49 Hectares with a Multi-specialty hospital of 25,000 sq. mt., and a new Lingua Parricus Native Medicines Education Centre in another 25,000 sq. meters and a public library at 10,000 sq. mt., while retaining some of the open public park all amounting to a total of 49 hectares and total built-up area of 60,000 sq. meters.
17. Interestingly, to compensate further for the original idea of highlighting the culture of Lingua Parricus, the Novus Antiqua Park project included a Monument for the first Chief Minister of the unified parties of EVR and AEVR State about 360 meters on the sea from the shore calling it the "Statute of Diversity" and linked it to the Novus Antiqua Park project by a

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pedestrian bridge. The proposed monument, with a total extent of 2263 sq. meters was in a CRZ-IV area with the link pedestrian bridges to the Novus Antiqua Park project being situated in CRZ-IV, CRZ-III, and partly in CRZ IA, and CRZ II areas.

18. It was hailed by the ruling party as an exceptionally important monument that will stand testimony to the ideology of the region, a symbol of pride and reassertion of regional values and thereby holding the principles of diversity and unity. The NPP party opposed the project claiming the same was misleading the public on constitutional values and as against national principles and was totally unnecessary. The APRJ party opposed the project to the extent of being constructed on the coast and inside the sea as unsustainable and detrimental to the local ecology.
19. The State Government applied for and obtained a CRZ clearance for the “Statue of Diversity”. With regards to the other components of the Novus Antiqua Park project, the State Government proceeded with the same without Environmental Clearance. The State, however, applied and obtained all other consents and permissions from the Pollution Control Board, planning authorities and revenue authorities, etc.,
20. The State also announced that it does not have any plans for the present for the remaining 31 Hectares and blamed the earlier government for the confusion and debacle. The State Government also withdrew all applications pending with the MoEF & CC for both the original project as submitted in 2009 and the expansion as submitted in 2017 as well as the apology letter submitted in 2017. Shortly thereafter, the Hon’ble Chief Minister in a grand ceremony launched the project and the State Government quickly commenced the construction.
21. An Original Application was filed before the Hon’ble NGT (Southern Zone) in O.A.No. 5 of 2022 (SZ) by the NPP party challenging the Novus Antiqua Park project and the construction of the Project without obtaining Environmental Clearance as illegal and causing damage to the environment. Further, the APRJ party also filed an appeal in Appeal No 5 of 2022 challenging the CRZ Clearance granted to the Statue of Diversity by contending that part of the project of link bridges fall in prohibited CRZ-IA areas and the grant of clearance was illegal.

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22. There was no interim order granted in the above cases. During the year 2023, the State Government completed and put to public use the project of Novus Antiqua Park along with the Statue of Diversity.

23. Thereafter, the Hon'ble NGT heard both cases together as a batch and framed the following issues:-

I. Whether the construction of the Novus Antiqua Park project is in violation of the EIA Notification for non-obtainment of Environmental Clearance

(OR)

Whether the total area of the project does not attract the EIA Notification and the individual components of the Hospital and Education Building are exempt from obtaining Environmental Clearance?

II. Whether the utilization of 49 Hectares of the total acquired 80 Hectares of land by the State for the time amounting to wilful breaking up of the project to evade the requirement of Environmental Clearance, with an intention to utilize the land at a later point in time?

(OR)

Whether the State is permitted to piecemeal develop only a portion of the land notwithstanding the original proposal and intention without obtaining Environmental Clearance?

III. Whether the grant of CRZ clearance to the Statue of Diversity was illegal as a portion of the project namely the pedestrian bridges fall in CRZ-IA and CRZ-II areas?

(OR)

Whether the construction of monuments is exempted in the CRZ-IV area and the allied construction of bridge is a necessary component to be not separately viewed and whether bridges and roads are permitted in CRZ-I and CRZ-II areas?

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24. On 18.06.2023, the NGT delivered the final judgment holding all three issues in favour of the Applicant / Appellant. The NGT has held:-

- The commencement, construction, and completion of the Novus Antiqua Park project without obtaining Environmental Clearance as violative of the EIA Notification, 2006, and several individual components require Environmental Clearance and are not covered under the exemption criteria.
- The utilization of 49 Hectares of land amounts to wilful fragmenting of the project as originally envisaged to evade the requirement of Environmental Clearance
- The grant of CRZ clearance is illegal as a portion of the project lies in the CRZ-IA and CRZ-II areas.

25. The Hon'ble NGT ordered the demolition of the whole project and payment of a sum of Rupees One Hundred Crores by the State towards the restoration of the project area as Environmental Compensation. The State of Lingua Parricus has filed appeals under Section 22 of the National Green Tribunal Act, 2010 challenging the common orders of the NGT before the Hon'ble Supreme Court of India. The Hon'ble Supreme Court has granted an interim stay of the order of the NGT and pleadings being complete, has listed the matter for final arguments today.

## NOTE TO THE MOOTERS:

\*This proposition is drafted by **Adv S. Sai Sathya Jith, Standing Counsel for the Tamil Nadu Pollution Control Board**. Participants are not allowed to contact the problem drafter directly/indirectly for any clarifications/queries.

\*The Constitution and all other laws of India should be interpreted in *pari materia* with the Constitution and other laws of India and no such fact is *pari materia* to any country.

\*The events and the characters depicted in the moot court problem are purely a work of fiction and hypothetical. Any similarity to actual persons living or dead is purely coincidental.