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## 4TH JECRC

# UTTAM DEVI MOHANLAL KHATUWALA MEMORIAL NATIONAL MOOT COURT COMPETITION, 2023

27th-29th October, 2023

IN COLLABORATION WITH



INITIATIVE FOR  
CLIMATE ACTION

# MOOT PROPOSITION AND RULES AND REGULATIONS

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# RULEBOOK

## 1. DEFINITIONS

1. **Competition** - The competition refers to all aspects of the 4th JECRC Uttam Devi Mohanlal Khatuwala Memorial National Moot Court Competition 2023.
2. **Moot Court Committee** - It shall mean the Moot Court Committee of the JECRC University, Jaipur.
3. **Memorial** - In the context of Moot Court, a memorial refers to a written document submitted by participants that presents their legal arguments and analysis for a hypothetical case, according to the rules of the competition.
4. **Oral Round** - During the oral round of a Moot Court competition, both parties, representing the plaintiff and the defendant, present their arguments before a panel of judges. Each party has the opportunity to articulate their case, present legal arguments, and respond to questions from the judges.
5. **Oral Round Scores** - These refer to the average scores secured by both parties and are considered to evaluate their performance.
6. **Qualifying Round** - The qualifying round consists of two preliminary rounds where each party argues once.
7. **Advanced Round** - The advanced round comprising the quarterfinals, semifinals, and finals. It's an exciting stage where participants compete fiercely to showcase their legal skills and vie for the top spot.
8. **Scouting** - Scouting is the act of observing a round in which team members or anyone associated with the team is not participating in the competition.

## 2. GENERAL INFORMATION

These are the rules for the 4th JECRC Uttam Devi Mohanlal Khatuwala Memorial National Moot Court Competition, 2023.

1. The 4th JECRC Uttam Devi Mohanlal Khatuwala Memorial National Moot Court Competition, 2023 will be held from 27th - 29th October, 2023, at JECRC University Campus, Jaipur.
2. The Organizing Committee (OC) shall function as the point of contact and any changes in the Rules of the Competition shall be notified by e-mail to all participating teams.
3. The Competition shall be conducted in accordance with the rules mentioned here under.
4. Participants are required to comply with the rules and procedures prescribed herein.
5. Selection will be on a first come first serve basis as there will be limited seats.

### 2.1. TEAM ELIGIBILITY

- Only Law Colleges/Universities recognized by the Bar Council of India are eligible to participate.
- Participation is strictly restricted to bona fide law students who are enrolled in three-year or five-year LL.B. degree.

## 2.2. TEAM COMPOSITION

1. Only ONE TEAM is permitted to participate from each registered institution.
2. Each team shall comprise of three members.
3. 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’.

## 2.3. CODE OF CONDUCT

Participants shall be appropriately attired for the rounds of the competition. The Dress Code for the Inauguration, Oral Rounds, Valedictory and Prize Distribution shall strictly be:

### a. Dress Code:

- For Males - Western Formals (White formal shirt with black formal pants and a black blazer with black tie)
- For Females - Western Formals (White formal shirt with black formal pants and a black blazer).
- Indian Formals (White Kurta with Black Pants and Black Blazer).
- Robes and Neckbands are not permitted.

### b. Professionalism:

All participants must conduct themselves in a professional and respectful manner at all times. Participants should adhere to a high standard of decorum in their interactions, both in and out of the courtroom.

### c. Time Management:

Adherence to scheduled times for rounds, arguments, and breaks is crucial. Teams should arrive on time and be ready to present when called upon. Non-compliance of the same may lead to disqualification.

### d. Honesty and Integrity:

Plagiarism, cheating, or any form of academic dishonesty is strictly prohibited. All work should be original and properly cited.

### e. Sportsmanship:

Good sportsmanship is essential. This means accepting wins and losses graciously, avoiding gloating or unsportsmanlike behavior, and being supportive of other teams.

### 3. PROCEDURE FOR REGISTRATION

#### 3.1. Provisional Registration

1. The teams interested in participating are required to confirm their participation by filling up the provisional registration form.
2. The last date for provisional registration is 20th September 2023.  
[Click here for the registration form](#)

#### 3.2. Final Registration

1. The last date of final registration and payment is 3rd October 2023.
2. **The registration fee is Rs.1500 (Rupees One Thousand Five Hundred Only).**
3. Upon receipt of the registration form, the Team shall be formally registered as a participant in the event, and a team code shall be generated.
4. A confirmation e-mail, together with the team code, shall be sent. Thereafter, all the registered teams shall identify and refer themselves using the allotted team code only for all further correspondence with the organizing committee.
5. Payment link:

For NEFT:

Account Holder Name: NAMITA JAIN

Account number: 921010026235126

IFSC Code : UTIB0002982

Bank Name: Axis Bank

For UPI: **9509410444@paytm**

### 4. WITHDRAWAL

- The final date for withdrawal from the competition is **4th October, 2023**.
- Teams can withdraw from the competition by sending an email to:  
[sol.mootcourtsociety@jecrcu.edu.in](mailto:sol.mootcourtsociety@jecrcu.edu.in).
- Please note that the registration fee is non-refundable.

### 5. MEMORIAL FORMAT:

1. All memorials shall strictly adhere to be in following format.
2. Each Team is required to prepare Written Submissions for both sides.
3. A Written Submission shall be identified solely by the Team Code assigned to the Team. The Written Submissions shall not, in any way, disclose any fact pertaining to the Identity of the Team, its members (not limited to the name of the participants), or the Institution/College/ University represented by the Team.
4. The memorials as a whole should not exceed 40 pages, including the cover page. Non-compliance with the above criteria shall result in a **penalty of two marks per missing section**. The memorials must contain the following sections in the Order as stated below:

- Cover Page
- Table of Contents
- Index of Authorities
- List of Abbreviations
- Statement of Jurisdiction
- Statement of Facts
- Statement of Issue
- Summary of Arguments
- Arguments Advanced
- Prayer

5. The Cover Page of the Written Submission must contain the following information:

- The Team Code in the upper right-hand
- The name and year of the Competition
- The name of the case
- The side for which the Written Submission has been prepared
- Name of the Court resolving the dispute

6. The Written Submission (including the preliminary pages and excluding the cover page) shall adhere to the following mandatory specifications:

- Paper size: A4
- Font type: Times New Roman
- Font size: 12
- Line spacing: 1.5
- Body of text: Justified
- Margin: 1 inch on all sides

For footnotes, the formatting specifications are:

- Font type: Times New Roman
- Font size: 10
- Line spacing: 1
- Paragraph spacing: 0
- No additional space between 2 footnotes
- Body of text: Justified

7. The teams have to use the citation method as stated in the 20th edition of the Blue Book for citation throughout the memorial with strict adherence.

8. The Written Submission has to be submitted in hard and soft copy.

9. The cover page of the Written Submissions shall comply with the following colour scheme:

**Applicant(s)/Appellant(s)/Petitioner(s) - Blue (in any shade)**

**Respondent(s) - Red (in any shade)**

10. Each Team shall send a soft copy of the Written Submissions, via electronic mail, on or before 13th October 2023 to **sol.mootcourtsociety@jecrcu.edu.in** and a hard copy (5 in number) by 20th October 2023, at the details mentioned at the end of the rule book.
11. The name should be according to the Team Code and the side for which the Written Submission is prepared.

## 6. STRUCTURE OF THE COMPETITION:

1. The Competition shall be conducted for three days from 27th - 29th October, 2023.
2. The timeline of the event is further attached to this document.
3. The Teams participating in a Round will be provided with a hard copy of the opposing Team's Written Submission prior to the Oral Pleading Session.
4. The Competition shall consist of the following Oral Pleading Sessions:
  - Preliminary Round 1
  - Preliminary Round 2
  - Quarter-Final Round
  - Semi-Final Rounds
  - Final Round.

### 6.1. PRELIMINARY ROUND

1. To determine the Order of participation in the event's preliminary rounds, all the registered teams shall participate in a draw of lots to be conducted for that purpose. Such a **Draw of Lots** shall take place on **26th October, 2023**. The exchange of memorials shall be conducted immediately after the draw of lots.
2. For the preliminary rounds, every Team shall argue twice: once for Petitioner and once for Respondent (Prelim I and Prelim II)
3. No two teams shall face each other more than once in the preliminary rounds.
4. In determining the scores in the preliminary rounds, memorial scores will be added to the oral scores.

### 6.2. QUARTER-FINAL, SEMI-FINAL AND FINAL ROUNDS

1. The top eight teams of the preliminary rounds shall qualify for the Quarterfinal rounds.
2. From the Quarterfinal rounds, winning teams from each round shall proceed to the subsequent stages of the Competition on a knock-out basis, with the memorial scores of the teams taking into consideration at all stages, as per the formula stated below
3. In case of a tie between two teams in any of the rounds, oral scores will be considered to break the deadlock. If the tie still continues, the memorial score of the Team will be considered to break the tie. In case the tie further exists, then the decision of the organising committee shall be final.

## 7. EVALUATION CRITERIA

Sr. No.	CRITERIA	MARKS
1	Knowledge of Law and Facts	10
2	Interpretation of Law and Application of Facts	10
3	Identification and Articulation of Issues and Jurisdiction	10
4	Use of Authorities	10
5	Authoritativeness and Persuasiveness	10
6	Organization of Arguments	10
7	Clarity of Thoughts	10
8	Originality and Innovation	10
9	Presentation Style	10
10	General Impression	10
	<b>TOTAL</b>	<b>100</b>

## ORAL ROUNDS

Sr. No.	CRITERIA	MARKS
1	Application and Knowledge of Law and Facts	20
2	Use of Authorities and Interpretation of Law	20
3	Clarity of Thoughts, Expression and Argumentative Skills	20
4	Organisation of Arguments and Reference to Written Submission	20
5	Response to Questions and Court Room Manner	20
	<b>TOTAL</b>	<b>100</b>

## PENALTY

PENALTY	MARKS DEDUCTION
No Memorial at the Time of Oral Round	2 marks
Non-Uniformity in Citation	0.25 marks per citation
Exceeding Prescribed Word Limit	1.5 mark per page



## **8. EXCHANGE OF MEMORIAL:**

1. There shall be an exchange of memorial between the respective opposing teams, in accordance with the fixtures as determined by a draw of lots, prior to all the rounds of the Competition.
2. The teams are prohibited from making any copies of the exchanged memorial.

## **9. ORAL ROUNDS:**

1. There shall be 2 rounds preliminary rounds where all the participants present their cases in front of the Court. The Judges may pose questions to the participants.
2. Each Team will get a total of 30 minutes during the preliminary round to present their case. For the Quarterfinal rounds, each Team will be permitted a total time of 40 minutes, while for the Semi-final rounds team will be permitted a total time of 50 minutes and for the Final round, each Team will be permitted a total time of 60 minutes. The time stated above includes the time required for rebuttal and sur-rebuttal.
3. For all the rounds, 2 minutes for rebuttal and 1 minute for sur rebuttal will be allowed.
4. In certain cases, the judges may grant extra time to the participants by virtue of their discretion.
5. However, the participants are requested to adhere to the given time.
6. Any team exceeding the time limit stated above shall be penalized with a deduction of one mark for every two minutes exceeded.
7. The division of time per speaker is left to the discretion of the Team subject to a minimum of 10 minutes per speaker.
8. The oral arguments should be confined to the issues presented in the memorial.
9. The researcher shall be present with the speakers during the oral rounds.

## **10. RESULTS:**

1. The results shall be announced shortly after each round.
2. The final round results shall be announced at the valedictory and award ceremony, to be held on 29th October, 2023.
3. The cumulative scores of each round would be informed to the teams after each such round through any means the OC thinks fit to ensure transparency.

## **11. SCOUTING:**

For the preliminary rounds, apart from the participant teams for such rounds, the members of the other teams are not allowed to observe such rounds. Scouting is strictly prohibited, and scouting by any team shall entail instant disqualification.

## 12. ANONYMITY:

1. Teams shall not reveal their Identity in any form, except by employing the Team Code assigned to them.
2. All team members must refrain from disclosing the Identity of their institutions at any time and in any manner during the entire Competition.
3. Teams shall not, in any way, reveal their Identity in the Written Submissions or the course of the Oral Pleadings Session. The Written Submissions shall not bear the logo, name, etc. of the Team, its members of the Institution/ College/ University represented by the Team.
4. Non-compliance with this rule will result in immediate disqualification of the Team.

## 13. FINALITY OF DECISIONS:

The decision of the judges with regard to the outcome of the rounds shall be final. For all purposes and in any dispute, the decision of the Organizing Committee of the Competition shall be final.

## 14. CLARIFICATIONS:

- Any query pertaining to the Moot Proposition to [sol.mootcourtsociety@jecrcu.edu.in](mailto:sol.mootcourtsociety@jecrcu.edu.in) by 10th October 2023. Questions submitted / clarification sought through any other means other than by e-mail shall not
- A consolidated response for all questions and clarifications shall be mailed to all the participating teams on October 11, 2023.

## 15. AWARDS:

<b>AWARDS</b>	
<b>Category</b>	<b>Prize Money</b>
Winning Team	35,000/-
Runner Up Team	15,000/-
Best Memorial	11,000/-
Best Speaker Male	11,000/-
Best Speaker Female	11,000/-
Best Environmental Activist	5,000/-

## 16. ACCOMMODATION:

- The host institute will offer accommodation for the team starting from October 26th, 2023 (Thursday) from 5:00 pm until October 30, 2023 (Monday).
- 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 JECRC University shall make a payment of Rs. 1000/- per day per team as an accommodation fee. The fee payable for accommodation must be paid by 03.10.2023 (at 11:59 p.m.).
- A separate rulebook regarding the accommodation shall be mailed to the teams separately.

## 17. FOOD AND REFRESHMENTS

- The host institute will offer 4 meals viz. breakfast, lunch, high tea and dinner from 27th October, 2023.
- The dinner for October 26th, 2023 and breakfast for October 30th, 2023 will also be included.

**Note: Teams staying after this time period will have to bear their own expenses.**

## 18. GROUNDS FOR DISQUALIFICATION:

The Moot Court Competition Organizing Committee reserves the right to disqualify any participating team or individual for violations of the rules, code of conduct, or any actions that are deemed to undermine the fairness, integrity, or reputation of the competition. Grounds for disqualification may include, but are not limited to:

- Academic Dishonesty:** Any form of plagiarism, cheating, or academic misconduct in the preparation of written briefs or oral arguments.
- Misconduct:** Any behaviour that is disrespectful, disruptive, or offensive towards judges, participants, witnesses, or competition organizers.
- Failure to Comply with Rules:** Violation of competition rules, including time limits, format, or procedures.
- Breach of Code of Conduct:** Repeated or severe breaches of the code of conduct outlined in the competition rules.
- Failure to Attend Rounds:** Unexcused absence from scheduled rounds, leading to delays or disruption in the competition schedule.
- Unauthorized External Assistance:** Any attempt by a team or individual to receive unauthorized external assistance during the competition, including communication with individuals not involved in the competition, accessing external resources during arguments, or seeking unfair advantages.
- Technical Violations:** Disregarding technical requirements, such as improper formatting of written briefs or failing to adhere to prescribed citation styles
- Unethical Conduct:** Engaging in conduct that is deemed unethical within the legal profession, including unethical practices during oral arguments

# REACH OUT TO US



## VENUE

The competition is going to be held in offline mode at the JECRC University Campus, Jaipur.



## ADDRESS

Plot No. IS- 2036 to 2039, Ramchandrapura, Sitapura Industrial Area Extn, Near Mahatma Gandhi Hospital Jaipur - 303905 Rajasthan, India.



## GOOGLE LOCATION

<https://maps.app.goo.gl/hdSPieQrd8SRiXKf9>



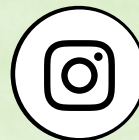
## WEBSITE

<https://jecrcuniversity.edu.in/program/school-of-law/>



## G-MAIL

[sol.mootcourtsociety@jecrcu.edu.in](mailto:sol.mootcourtsociety@jecrcu.edu.in)



## INSTAGRAM ID

[JU\\_MOOTCOURTSOCIETY](#)



## LINKEDIN ID

[JU MOOT COURT SOCIETY](#)



## CONTACT US



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# **IMPORTANT DATES AND TIMELINE**

<b>LAST DATE OF PROVISIONAL REGISTRATION-</b>	<b>20th September, 2023</b>
<b>LAST DATE OF FINAL REGISTRATION-</b>	<b>3rd October, 2023</b>
<b>LAST DATE FOR CLARIFICATIONS REGARDING MOOT PROBLEM</b>	<b>10th October, 2023</b>
<b>LAST DATE FOR SUBMISSION OF SOFT COPY OF MEMORIALS-</b>	<b>13th October, 2023</b>
<b>LAST DATE FOR SUBMISSION OF HARD COPIES OF THE MEMORIALS-</b>	<b>20th October, 2023</b>
<b>DRAW OF LOTS FOR PRELIMINARY ROUND 1-</b>	<b>26th October, 2023</b>
<b>INAUGURAL CEREMONY &amp; PRELIMINARY ROUND 1 -</b>	<b>27th October, 2023</b>
<b>DRAW OF LOTS FOR PRELIMINARY ROUND 2 -</b>	<b>27th October, 2023</b>
<b>PRELIMINARY ROUND 2 -</b>	<b>28th October, 2023</b>
<b>DRAW OF LOTS FOR QUARTER FINAL ROUNDS-</b>	<b>28th October, 2023</b>
<b>QUARTER FINAL ROUNDS &amp; DRAW OF LOTS FOR SEMI-FINAL ROUNDS</b>	<b>28th October, 2023</b>
<b>SEMI-FINAL ROUNDS &amp; DRAW OF LOTS FOR FINAL ROUNDS</b>	<b>29th October, 2023</b>
<b>FINALS &amp; VALEDICTORY CEREMONEY</b>	<b>29th October, 2023</b>

# MOOT PROPOSITION

## BEFORE THE HON'BLE COURT

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**Xyz.....Petitioner**

**Vs.**

**Xyz..... Respondent**

### BACKGROUND

The country, Democratic Socialist Republic of Denudia (DSRD) is one belonging to the global south, and whereas, since its independence from foreign rule a few decades ago, has seen progress in leaps and bounds, it is still in the throes of poverty, malnutrition, unequal distribution of wealth, class divides and sectarian strife.

As a developing country, with a majority agrarian economy, the practice of growing crops and rearing animals for various products involves over 50% of the population. As a cluster of small states of varied history and culture, farming in Denudia is a product of various techniques.

Similar to any other country in contemporary times, Denudia faces great harm from accelerating climate change, illustrated by the severe weather events and disruptions in expected weather patterns that have troubled the country increasingly over the last decade.

### THE DISPUTE

Dehaya, a state constituent of DSRD has in the exercise of its law making powers under Entry 6, List II of the Denudian Constitution, declared a certain method of readying farmlands for the next crop sowing, illegal, i.e., the stubble burning method. If any person is found violating this law, and undertaking stubble burning, they shall be liable to pay a Fine of Rs. 50,000 (Fifty Thousand Rupees), in default whereof, the person found guilty shall be sentenced to imprisonment, simple in nature, for upto 6 months (See Annexure).



The neighboring State of Pundideep, which shares its borders with Dehaya for over 220 kms, is a state where farming is overwhelmingly the occupation of the people, where stubble burning is a common method employed in farming. Invoking the Original Jurisdiction of the Supreme Court of Denudia under Article 131 of its Constitution, the State of Dehaya has filed an original suit against the State of Pundideep for the impact of its farming practices on the health and well being of the people of Dehaya - State of Dehaya v. State of Pundideep (O.S. No. 35/2023).

On another front, a large number of young persons within the State of Dehaya have been diagnosed with various lung ailments due to continued breathing in of heavy smoke filled air. A study commissioned by Dehaya shows the major causes of pollution as follows- a. Industrial Pollution 35%, Vehicular Pollution- 13%, Agricultural Pollution- 18%, Improper Waste Disposal- 19%, Miscellaneous Causes-15%. Emissions arising from Agriculture have been found to have grown 6 times over the last two months and this is, with some variation, a yearly occurrence. A recent study by a world renowned university suggested that the residents of Dehaya and certain parts of Pundideep were expected to lose almost 12 years of life expectancy due to consistent exposure to high levels of pollution.

Pursuant to this, an association claiming to work for the youth of the country, termed as Dehaya Youth for Climate Justice (DYCJ) have filed a writ petition against the State of Pundideep in the Supreme Court under Article 32, for their compromised health, stating that the yearly increase in the smoke content of the air is directly related to their health conditions' deterioration - Dehaya Youth for Climate Justice v. State of Pundideep (W.P. No. 2345/2023).

The states of Dehaya and Pundideep, while formerly a part of the State of Ninjaya, were made into two separate States by a central law to that effect from January 1, 1998. As a large agrarian State, but with slow development, traditional farming methods prevailed in the State. As a result, numerous farmers now have lands in both states. In 2016, the State of Dehaya under the Air (Prevention and Control of Pollution) Act issued a gazette notification (2016 Notification) under Section 19, prohibiting stubble burning by traditional method, and the penalty therefor, was 6 months imprisonment. Certain such farmers, having lands across state borders were arrested by the State Police of Dehaya, and are now subject to Trial as per the 2016 Notification. Opposing such trials, Pundideep Agriculture Cooperative (PAC) has filed a writ petition under Article 32, claiming violation of the right to livelihood - Pundideep Agriculture Cooperative v. State of Dehaya (W.P. No. 3154/2023).

While continuously broadcasting programs aimed at spreading awareness against stubble burning and highlighting its ‘prohibited’ nurture under law, news channels within the State of Dehaya also suggested that the State of Pundideep, despite being responsible for the deteriorating conditions of the people of Dehaya, had chosen a stand reflecting ignorance and were “backward in science” and “unaware of the massive issue of climate change”, for they chose not to enact such a law, in spite of efforts of Dehaya’s governmental representative trying to convince them otherwise.

News Broadcasting Standards Authority (NBSA), an independent body of countrywide journalists and media personalities have filed a writ petition under Article 32 of the Constitution against 4 news channels held and controlled by the State of Dehaya for showing a “biased, incorrect and vindictive” media campaign maligning the State of Pundideep staging the same to be violative of and offensive to “the standards of journalistic ethics or public taste” - News Broadcasting Standards Authority v. State of Dehaya, represented through its chief secretary, ministry of information and broadcasting and Others (W.P. No. 3728/2023).

State of Dehaya v. State of Pundideep (O.S. No. 35/2023), Dehaya Youth for Climate Justice v. State of Pundideep (W.P. No. 2345/2023), Pundideep Agriculture Cooperative v. State of Dehaya (W.P. No. 3154/2023), News Broadcasting Standards Authority v. State of Dehaya, represented through its Chief Secretary, Ministry of Information and Broadcasting and Others (W.P. No. 3728/2023), have been listed before the division bench of the Supreme Court for admission on \_\_\_\_\_.



## ISSUES

The Issues that arise for the consideration of the Court are:

1. Whether **O.S. No. 35/2023, W.P. No. 2345/2023, W.P. No. 3154/2023, W.P. No. 3728/2023** are maintainable and can be heard together?
2. **W.P. No. 3154/2023:** Whether the action taken by the State of Dehaya in arresting certain persons for engaging in stubble burning is sustainable in law?
3. **W.P. No. 2345/2023:** Whether, as per the established principles of Environmental Law, the State of Pundideep can be held liable for exacerbating the health issues of the residents of Dehaya?
4. **W.P. No. 3728/2023:** Whether the conduct of the Dehayan News Channels violates the principles enunciated by statutory and regulatory authorities for the regulation of news and media content?

## ASSUMPTIONS

1. The laws and system of governance of the Democratic Socialist Republic of Denudia are pari materia to that of India.
2. No law, with respect to the redistribution of large areas of land stands passed. The owners of such land prior to bifurcation and presently, are the same.
3. The general penal provision under the Air Act 1981 shall be deemed to be carrying a punishment of 6 months, and the cases, if any, involving the said provision shall be deemed applicable to the instant dispute.
4. There is no law, duly enacted by the Parliament of Denudia prohibiting stubble burning.

## ANNEXURE

### **The Stubble Burning (Prevention and Prohibition) Act, 2023**

#### **An Act to prevent and prohibit the pollution of air caused through stubble burning.**

#### **Objects and Reasons**

This law has been enacted keeping in view that climate change and increase in the global population has put a strain on production by farming and in order to maximise such production, methods, environmentally unsustainable have become of rampant usage.

#### **1. Short title and commencement:**

- (a) This Act may be called the Stubble Burning (Prevention and Prohibition) Act, 2023.
- (b) It shall come into force from the date specified by the Government of Dehaya in its Official Gazette and shall govern the whole territory of Dehaya.

#### **2. Definition**

- (a) “Air Pollution” shall mean, release into the atmosphere of various gases, finely divided solids, or finely dispersed liquid aerosols at rates that exceed the natural capacity of the environment to dissipate and dilute or absorb them. These substances may reach concentrations in the air that cause undesirable health, economic, or aesthetic effects.
- (b) “Stubble” shall mean the base of the plant and the straw residue remaining on the surface of the soil following the harvest of particular crops. It shall include material discharged from the harvester and/or the material that is usually burned after the harvest to clear the land for next agricultural season.
- (c) “Stubble burning” shall mean one of several types of ‘prescribed biomass burning’ or traditional methods of burning the stubble which includes burning them by fire, which will or is likely to result in Air Pollution.

**3. Prevention of Stubble Burning:** The authorities of the state shall be responsible for carrying out programs, comprehensive in nature, in order to educate and spread awareness among the general public, including the farmers, and any other persons who may be engaged in the practise of stubble burning, against the environmentally negative consequences of such an act.

**4. Prohibition of Stubble Burning:** Any person, found to be wilfully, knowing, and intentionally engaging in the prohibited practise of Stubble burning shall be liable to pay fine of Rs. 50,000 for each infraction, and for each subsequent violation of this provision, the offender shall be liable to pay Rs. 1,00,000 per instance of Stubble burning. If a person fails to pay such fine, such person shall be liable to undergo an imprisonment of upto 6 months.

**5. Application of other laws not barred:** The provisions of this Act shall be in addition to, and not in derogation of any other law for the time being in force, unless such law is inconsistent with any of the provisions contained herein.