

COURT PROCEEDINGS REPORT

IN THE HON'BLE HIGH COURT OF WAKANDA

Date, Day: 15th day of June, 2020

Court Room number: 01

Bench: Advocate Amish Aggarwala

Author's name: Madhu Mallah

Court Room In-charge: Anadi Tiwari

Court Room Volunteer: Anjali Gupta

LEXMACCULA

Court Proceeding 1

Date: 15.06.2020

Petitioner (375)

V.

Respondent (350)

Body including: The petitioner was given 30 seconds to sum up with the facts of the case, And the petitioner rightly summed up the facts of the case in 30 seconds and further moved to summary of the advanced arguments. The petitioner also explained the facts and the grievances, as it was asked by the judge. The petitioner then moved to the issue one and explained how the PIL was maintainable by stating the violation of fundamental rights and duties and also explain how it the public interest litigation was maintainable because it affected public at large. The petitioner then to Back their Maintainability of PIL with a case law and stated the case of Bihar, which stated that if any other group cannot present the petition then the other group can file a petition on their behalf if it is affecting public at large. The petition then also stated the case of DS Nakara for the maintainability of PIL.

The petitioner then stated the second issue on the constitutionality of the policy and stated that it is violating article 21 and article 14 of the citizens where the policy is differentiating in procurement of essential goods and non-essential goods. The petitioner also stated UDHR article 7, article 21 and article 3. The petitioner precisely stated article 3 that is right to life and personal liberty under UDHR.

The respondent began with the arguments stating the first issue of maintainability. It was asserted to be non-maintainable because Article 21 includes a pollution-free environment and there were reports of the air quality deteriorating to alarming levels. The case of M C Mehta v. UOI was acknowledged. There was a reference to the Annexure A for better air quality after the application of the policy. The petitioner also stated the article 48 (A) and 54 (A) of Constitution. Although the judge was not satisfied with arguments and asked to move with the prayers after not being answered by numerous questions.

Legal precedents- The petitioner stated the legal precedents with numerous case laws like DS Nakara Vs union of India, case law of Bihar and Various other judgements of Supreme Court. The petitioner also Cited Universal declaration of Human Rights articles.

The respondent cited only one case Law which was Mehta v. UOI and no other precedents were mentioned.

Factual arguments- The petitioner very satisfactorily connected all the case laws and Articles of UDHR and constitution with the facts and stated that the petition is filed not against the policy but against the extension of the policy as it violates the fundamental rights of the citizens of Gotham.

The Respondent rightly connected the annexure and facts with the laws mentioned in the constitution of Wakanda.

Questions asked and answered- The Hon'ble judge asked the petitioner about the essentials required for filing a PIL and the petitioner answered with "the PIL respectively must be affect the public interest and not the personal interest. And there should be a legal injury and violation of legal rights and in this case article 19 and article 21 has been violated by the extension of the policy. The judge also asked the petitioner why am I bound to Supreme Court decision and the petitioner is respectfully replied with the article 141 of the Supreme Court declares that every court is bound by the Supreme Court decision.

The Hon'ble judge also asked the petitioner why and how a person can intervene in the state policy and the petitioner answered the question with if there is any legal injury or violation of fundamental rights then any citizen can intervene in state policy by filing a PIL.

The Hon'ble judge asked numerous questions to the respondent like why this court I bound to Supreme Court decision and why the relief should not be granted but the respondent couldn't answer any.

Any additional comment by judge- The Hon'ble judge was very impressed and happy about how the petitioner rightly answered the entire question of judge.

The judge asked the respondent to improve their presenting skill and to improve command on language.

Time taken

Petitioner: 10 minutes + 1-minute extra time (with Judge's discretion)

Respondent: 10 minutes

Rebuttal: 2 minutes + 2minutes extension on judge's discretion

Sur-rebuttal: 1 minute

Court Proceeding 2

Date: 15.06.2020

Petitioner (365)

V.

Respondent (170)

Body including- The petitioner commenced with the facts of the case. And later on, the judge asked on which writ the PIL has been filed and the petitioner answered Certiorari where as it should be filed as a mandamus the Hon'ble judge corrected. The petitioner then commenced with the issue number one which was if the PIL is maintainable or not in the High Court of a

Wakanda and started with a summary of arguments where article 226 of the Constitution States that a PIL can be filed in the High Court if any policy infringes the rights of the citizens or if any policy which is arbitrary will be ambiguous in nature. The petitioner also stated that the policy infringes the fundamental rights of right to trade and profession and right to movement freely throughout the territory of Wakanda and Right to enjoyment of property. The petitioner also stated the meaning of “reasonable” under black’s law dictionary and mentioned that extension of policy is not reasonable under reasonable restrictions of article 19. The petitioner then mentioned the case law of Guru Bachchan case and stated that only if it is reasonable then only the policy should be extended. The petitioner contended that the government has the alternative provisions rather than extending the policy for two years of using vehicle for 10 days in a month.

The respondent commenced with the facts of the case and moved on to the issues involved in the case. The respondent contended that the fundamental rights are not absolute and Reasonable in nature because the other alternative has been set by the government. The respondent further contended that the government has made the policy under article 48 A of Constitution of a Wakanda.

Legal precedents- The petitioner mentioned the Guru Bachchan case and other Supreme Court case laws and black law dictionary in the following petition.

The respondent stated various Supreme Court judgements and backed their arguments by relating it with the facts of the case.

Factual arguments- The petitioner strongly believed that the policy was ambiguous in nature about the situation of Wakanda which was unreasonable in nature. And completely related all the facts of the case with the case laws.

The respondent rightly connected all the facts and laws with the facts of the case and stated that the policy is maintainable and not unconstitutional.

Questions asked and answered- The Hon'ble Judge asked the petitioner to explain writ of certiorari and essentials of article 14.

The judge asked the respondent why the PIL is not maintainable and the respondent answered that the rights are not absolute and has reasonable restrictions

Any additional comment by judge- The Hon'ble judge corrected the petitioner's writ jurisdiction and appreciated the other efforts shown by the petitioner

The Hon'ble judge suggested the respondent "not to read but maintain the eye contact with the judge". Otherwise the arguments were strong.

Time taken

Petitioner: 10 minutes + 1-minute extra time (with Judge's discretion)

Respondent: 10 + 1 minute (with judge's discretion)

Rebuttal: 2 minutes

Sur-rebuttal: 1 minute

LEX MACULA

Court Proceeding 3

Date, Time: 15.06.2020

Petitioner (405)

v.

Respondent (220)

Body including- The petitioner commenced the argument pointing out three points where the first point was that the extension of the policy is unconstitutional and the petition is maintainable under article 226, secondly the petitioner has locus standi, and thirdly the citizens has the right to live with human dignity under article 21. The petitioner further contended that the policy will burden both, the government and the citizens. The Hon'ble judge was quite impressed by the strong argument given by the petitioner. The petitioner also contended that the policy infringes the right to movement of citizens.

The respondent began with the argument stating the first issue that the PIL is maintainable or not and moved with the summary of arguments and stated that the PIL is not maintainable and it is not violative of any fundamental rights of the Constitution. As the policy was made in good faith and for the public health the policy is not malafide. The respondent further moved to the issue number two and began their argument with article 19 of the Constitution which state that the citizens have the right to health and live the life with dignity and if the health of the public is under danger then the government is bound to make such policy. The respondent also stated that the judiciary cannot intervene in the state policy under Ekta foundation case and Chintaman Rao V State of Madhya Pradesh.

Legal precedents- The petitioner cited numerous case laws and international convention Laws. Additional to that the petitioner cited the case laws to back the PIL to hold that maintainable.

The Respondent stated the case laws of the judgements where the judiciary cannot intervene in state policy. Chintaman Rao and Ekta foundation case.

Factual arguments: the petitioner connected all the facts and circumstances with the case laws and international conventions very adequately.

The Respondent connected all the facts and circumstances with the case laws and Judgements very effectively and stated that the policy when executed for ten days it decreased the level of pollution and extension is necessary.

Questions asked and answered: The Hon'ble judge questioned the petitioner about the writ jurisdiction and petitioner correctly answered the writ of mandamus, also all the questions were rightly answered by the petitioner.

The Hon'ble judge questioned the respondent that are the citizens are Guinea pig of the government that they can experiment anything at any time, even if it is arbitrary in nature? Respondent answered that article 19 comes with the reasonable restrictions and the policy stand maintainable in the court of law under the reasonable restrictions.

Any additional comment by judge: The judge was amazed by the petitioner's performance.

The Hon'ble judge commented on the respondent by saying that the respondent should have more of a contact and should present more in the better way.

Time taken

Petitioner: 10 minutes + 1-minute extra time (with Judge's discretion) + 2 minutes extra time

Respondent: 10 + 1 (with judge's discretion)

Rebuttal: 2 minutes

Sur-rebuttal: 1 minute

LEX MACULA

Court Proceeding 4

Date, Time: 15/06/2020

Petitioner (25)

v.

Respondent (510)

Body including- The petitioner commenced with the facts of the case and moved to the jurisdiction under article 226 of the Constitution. Further it was contended that the first issue which is the PIL has maintainability or not the Petitioner stated that under article 13 (2) the judiciary has the power to review arbitrary and ambiguous policy. The petitioner further stated that the petitioner has the locus standy under article Bangalore water supply case where the case states that the locus standi is maintainable. The petitioner also stated the case of Bachan Singh versus State of Punjab and stated that the petition is maintainable. The petitioner then moved to the issue 2 which was whether the policy is constitutionally invalid, the respondent stated that the policy is ambiguous in nature and violates article 14 and 21 of the Constitution. By citing the case Chintaman Rao the petitioner stated that article 19(1) has reasonable restriction and enforcement of rights should not be arbitrary in nature. Such restrictions will infringe the rights of citizens of trade and commerce by citing Bangalore Sagar Iqbal case.

The respondent commenced with the facts of the case and moved on to the issues involved in the case. The respondent contended that the fundamental rights are not absolute and Reasonable in nature because the other alternative has been set by the government. The respondent further contended that the government has been under article 48 A of Constitution of a Wakanda. The Respondent also mentioned the Doctrine of proportionality and connected with the facts of the case.

Legal precedents: The Petitioner stated the case laws like Bachan Singh V. State of Punjab, Chintaman Rao case, Bangalore sagar Iqbal case, synthetic liberty case, Bangalore water supply and many more.

The respondent only mentioned two case laws and connected it with the facts of the case which is Rajneesh Kapoor Vs UOI and M.C. Mehta Vs UOI.

Factual arguments: The petitioner very satisfactorily connected all the case laws and Articles of constitution with the facts and stated that the petition is filed not against the policy but against the extension of the policy as it violates the fundamental rights of the citizens of Gotham.

The Respondent argued more with the knowledge of Facts and not Knowledge of Law. Doctrine of proportionality was mentioned and connected with the facts of the case.

Questions asked and answered: The Hon'ble judge questioned the petitioner about the rich restriction and the petitioner rightly answered that the petition is filed under the read jurisdiction of mandamus. Later the Hon'ble judge asked the petitioner what does the petition want from this petition and the petitioner answered that the petition filed under this court is maintainable and the policy should be held unconstitutional.

The Hon'ble Judge Questioned the respondent to connect the doctrine of proportionality and the respondent very correctly connected it with the facts of case.

Any additional comment by judge: The judge was amazed by the knowledge of law of the petitioner.

The judge was amazed because the respondent mentioned about the doctrine of proportionality as it was not mentioned by any other participants.

Time taken

Petitioner: 10 minutes + 1-minute extra time (with Judge's discretion) + 2 minutes extra time

Respondent: 9 minutes

Rebuttal: 2 minutes

Sur-rebuttal: 1 minute + 1 (on judge's discretion)

COURT PROCEEDINGS REPORT

IN THE HONORABLE HIGH COURT OF WAKHANDA

16th MAY 2020

COURT ROOM NUMBER – 3

BENCH – HON'BLE SMEEKSHA PANDEY

AUTHOR'S NAME - ADITI MISHRA

COURT ROOM IN INCHARGE - MOUSAM SHARMA

COURT ROOM VOLUNTEER- SHREYAS MHAPANKAR

COURT ROOM PROCEEDING 1

16th MAY 2020, 9:00 A.M.

PETITIONER 175

V.

RESPONDENT 130

The petitioner commenced with the facts of the case. Further, there was an elaboration of the issues. The first issue dealt with the maintainability of the petition in the High Court of Wakanda. The petitioner in order to substantiate the point mentioned that the NGO has a substantial question of law. It was also mentioned that the petition was rightly filed under Article 226 of the Constitution of Gotham. There existed a substantial question of law as there was a policy change in topic. Here there was the involvement of the collective interest of the public as the present policy caused discomfort to them. There was an additional remark on the violation of Article 14, 19 and 11. Specifically, petitioner 19(1)(d) and (e) of the Constitution was spoken of that guarantees to every citizen the right to move freely throughout the territory of the nation and to reside and settle in any part of the nation. Along those lines, the case of EP Royappa vs State of Tamil Nadu & Anr was spoken of where the Supreme Court drifted from its traditional concept as the policy was arbitrary in nature. The petitioner moreover quoted Justice DY Chandrachud's dynamic concept of equity, positivistic view and the rule of law being above the whims of the monarch. The petitioner further illustrated the infringement of Article 14 as inequality was done as some were exempted under the essential sector and others weren't.

The Honorable Judge posed a question, whether the thing being called inequality was merely a reasonable restriction. The petitioner answer to this was there was discrimination done as some were allowed access while others weren't.

The Honorable Judge further inquired about the odd-even policy that was being followed in the nation, to this the petitioner pleaded ignorance.

The petitioner continued with Issue 2, whether the extension was constitutionally valid or not. There was a remark on the extension being arbitrary in nature as it infringes the Fundamental Rights. It was a threat to the liberty of the citizens. The case of Maneka Gandhi vs. Union of India was referred stating that Article 14, 19 and 21 are inseparable in nature. The reasonable restriction put on those must be just and fair. There has to be equality before the law, unlike the policy extension which is arbitrary. Article 14 and 19 are the most organic form of rights.

The Honorable Judge posed a hypothetical question regarding the air quality being so dangerous that the individuals were falling sick and the government had put a price on lives wherein the younger were provided medical assistance while the older was not. It was enquired whether this action was justified or not. To this, the petitioner answered that it was justified if there were no facilities available.

The respondent began with the arguments stating the first issue of maintainability. It was asserted to be non-maintainable because Article 21 includes a pollution-free environment and there were reports of the air quality deteriorating to alarming levels. The case of M C Mehta v. UOI was acknowledged. There was a reference to the Annexure A for better air quality after the application of the policy. It was illustrated that Article 19 was given reasonable restriction for the betterment of the situation that contributed to the interest of the general public. Power to make policies was granted to the State by the constitution. The decision was made in good faith.

The Honorable Judge asked a similar hypothetical question regarding prices being put to life. The respondent mentioned that some developed countries policies as such, giving more importance to the youth as they'll contribute to the society. But preference didn't mean letting them die.

The Hon'ble Judge mentioned the even-odd situation, electric vehicles and metros. To this, the respondent answered that these weren't enough to curb air pollution.

The respondent had just begun with Issue 2 when time elapsed and the proceedings were completed.

COURT ROOM PROCEEDING 2

16th MAY 2020, 10:40 A.M.

PETITIONER 395

V.

RESPONDENT 410

The petitioner commenced with the facts of the case. Further, there was an elaboration of the issues. The first issue dealt with the maintainability of the petition in the High Court of Wakanda. The petitioner mentioned Ubi jus ibi remedium to substantiate the maintainability of the petition. There was a mention of the case S P Gupta to necessitate bonafide interest of the party to file the suit which was present in the petition. The T N Govardhan case was spoken of to corroborate locus standi. It was to safeguard the interest of the public and the fundamental rights under part 3 of the Constitution. The power of issue direction order was in the hands of the judiciary when there was an injustice. Issue 2 was dealt with mentioning the policy to be a violation of the Human Rights as both equality and natural environment are equally important furthermore, one cannot be overlooked for another. Care must be taken to not to lose sight of any. There was a mention of the case of Rural Litigation Kendra Conservation and Development. The contention was that the object here was being achieved by keeping the people's freedom at stake. Heavy charges too were a matter of concern. The petitioner mentioned the case of Maneka Gandhi v. UOI and therein the expanse of Article 21 was to be considered to the widest amplitude. The right to travel freely was spoken of in Karan Singh v. UOI. It additionally fortified Article 21, 19 and 20. It was considered to be a qualitative attribute of life-extending the right to life as an integral part of it.

The Hon'ble Judge questioned whether the Balco Employees case that highlighted that if a policy violated the contrary of law then the court was to intervene. Whether here the court had jurisdiction?

The petitioner answered affirmatively to it.

The Hon'ble Judge queried whether the present lockdown situation was a reasonable restriction or not. The petitioner answered that there lacked a motive in this case due to the lack of modus operandi, rational nexus and legitimate goal mentioned the case of K. S. Puttaswamy.

The petitioner further mentions regarding the alternative measures that can be taken up by the Government like constructing cycling lanes, reducing the rates of public transportation, etc. Such a blanket ban was arbitrary as there are other sources of pollution barring just vehicular one.

The respondent contention was that there was no breach or violation of the fundamental rights and Article 226 was not applicable. It was further contended that the petitioner desires to mislead the court by mollified intention and had an ill-fated claim. Fundamental rights are not absolute and are subject to restrictions. An emergency is provided. Bicycle, carpooling, public transportation etc. can be availed. Therefore, there was no absolute restriction. The law or is permissibly regulated for the interest of the general public.

The Hon'ble judge questions whether generalization is bad in law or not. The respondent that there is no generalization here and the restriction is specific in nature.

The respondent for the states that article 21 is not violated because a large number of public health was affected and the rest of the society is dealing with deteriorating air quality. And individual's freedom cannot be considered over the entire society is freedom. This would amount to ignorance of the law.

The Honorable judge questions whether there is no violation here. The respondent replies that there is no blanket ban. There are other modes of transportation like bicycle, eco-friendly vehicle, carpooling etc.

The Honorable judge further questions the relation of the doctrine of polluters pay in this context. The respondent quotes the air quality index given annexure a. Then further establishes the fact that the majority of pollution was due to two vehicles hence the policy implements heavy fine on the usage of the same. The interest of a large number cannot be compromised. Therefore, the petition is not maintainable.

The extension given is under part 4 article 48 of the Air Prevention Act and article 48a of the protection of forest act. It allows lateral construction. Also establishes the fundamental duties of the citizens to ensure a clean and healthy environment. Hence there is a lack of jurisdiction and health of the citizens is of Paramount importance thus it is prioritized.

Rebuttal: The world is moving towards an app-based economy food delivery and automobile centers would be the worst affected by this policy. No provision for exemption is mentioned for the above categories. Industrial functions are exempted. There was a mention of the Kerala Education case and harmonious construction was established. Both environmental rights and liberties must go hand in hand and the government must Resort to other remedies.

Surrebuttal: The petitioner is only willing to mislead the court it is the elite business class community that has filed this petition. The cases referred adjust oral statements hence the obiter dicta of the case one cannot focus on the Liberty of few wild risking the lives of others. The time elapsed and the proceedings were closed.

COURT ROOM PROCEEDING 3

16th MAY 2020, 11:20 A.M.

PETITIONER 395

V.

RESPONDENT 410

The petitioner started with the facts of the case. Further, there was an elaboration of the issues. The principal issue managed the viability of the request in the High Court of Wakanda. The applicant so as to validate the point referenced that the NGO has a generous inquiry of law. It was likewise referenced that the request was properly documented under Article 226 of the Constitution of Gotham. The petition was filed for Judicial review to check whether or not the policy is efficient. It was also to establish whether the Policy was unconstitutional in nature or not. It was to reinforce the fact that fundamental rights violation was not done or whether there was an excessive restriction on the citizens. Hence the court is no bar to advocate upon the case. The NGO is registered to uphold good causes in society. It allows masses to find redressal and approach court and hence has locus standi. The NGO has appeared before the court to challenge the constitutional validity of the policy. Under article 226 the court has the discretionary power to do away with any policy.

The Honorable judge posed a question of whether or not there was an alternate remedy. The petitioners answer to It was challenging executive actions were equivalent to challenging constitutionality of a law.

The Honorable judge further interrogated whether the right to move freely is higher than the right to trade. The petitioner answer to this as the restriction here is arbitrary in nature and this is prima facie.

The Honorable judge presented a question regarding constitutional validity as the Policy was introduced under article 13 or not. The petitioner answer to this that in order to be established it has to be a law. One cannot take away fundamental rights just as an executive action.

In regards to this, another query was posted whether or not there was infringement as this would not be considered as a blanket ban. The petitioner sought a resort of reasonable restriction to fundamental rights here.

Whether the even-odd system is a violation or not was posed before the petitioner. It was clarified by the petitioner that at least use of vehicles was allowed 15 days and the plan lasted only for a short period contrary to the facts of this case. It is reasonable for a short period of time but if ascertained for a longer period then ipso facto there is an urgency of law.

The respondent began with the statement of jurisdiction mentioning Article 226 of the constitution. Issue 1 dealing with maintainability was brought forth as well as Article 14 and 12 were mentioned as the interest of general was taken into consideration while framing the policy. The said policy provided a sustainable environment and health. The results of the policy are mentioned in Annexure A. The case of Asha Under Water was mentioned wherein the information regarding the exercise of judicial review was quoted. Article 17(1), 18(1), 19(4) were mentioned of the Air Prevention Act. A strong opposing statement was presented as to why the green tribunal was not approached first. The case of UP Jal Nigam was mentioned wherein it was clarified that Article 226 should not be entertained by the court if there exists a tribunal for the same. Under Section 24 of the NGT Act, the instant petition is not maintainable.

The Hon'ble Judge asked a few questions regarding alternative remedies, violation of fundamental rights, remark of the jurisdiction of the case etc. Overall, the proceedings were thoroughly researched from both ends and the Judge specifically commented it to be a good one.

COURT ROOM PROCEEDING 4

16th MAY 2020, 12:20 A.M.

PETITIONER 15

V.

RESPONDENT 450

The Honorable judge was well aware of the facts of the case so the petitioner was asked to begin with the issues. The first issued maintainability was presented. And the instant question was asked regarding why the court has jurisdiction and not NGT. The petitioner reply to this was article 226 provides the high court power to issue writs. Back to this, The Honorable judge has to say that the petitioner had exhausted their rights by not going to the NGT. The petitioner was for more question regarding what type of writ it was. The answer to this mandamus. The petitioner went on to elaborate on the right to life and personal liberty being hampered here hence there was an urgent need for the court to conduct anxious scrutiny. In spite of various other alternative remedies, the government decides to curb fundamental right mentioned in part 3 of the constitution. The case of BS Basappa vs WhatsApp per was mention to establish that constitutionality was being challenged under part 3 of the constitution. To this, The Honorable judge post that how was the policy inconsistent with part 3. The air has been polluted according to the statistics and the comparison was made between the present lockdown condition with the policy. Fleeting mention of the fact that presently virtual mood quotes are being conducted then why can't the petitioner anticipate education after the implementation of the policy. The petitioner reinforced that there was a violation of article 19 as the right to freedom was curtailed. A man's dignity to life was restricted.

The respondent was about to begin the arguments when The Honorable judge presented the question regarding the facts that by an extension for 2 years directly mentioned. Despondence response to it was it experimented for 1 year and clearly report states that there was great improvement keeping this in mind and regular pollution being the highest contributor to the air quality this step was taken. Provided various measures undertaken three examples the ease to move during an emergency situation. The respondent presented that the petition is not

maintainable as it has no reasonable ground because it was a policy decision. The respondent mentions the case of R v. Paddington to establish that if a citizen challenges a law, they have to be harmed by it. There was the mention of the Narmada Bachao Andolan case justify why there was no locus standi on the part of the petitioners. A question was posed regarding delimitation act being useful or not and again a comparison was made between the lockdown situation and the policy conditions. It was mentioned that it was not the same and just like the lockdown there would be green zones, red zones etc.

In the battle there was a mention that policy decisions cannot be questioned by the judiciary case of Dalbir Singh v. the State of Punjab was brought into the light.

LEX MACCULA

COURT ROOM PROCEEDING 5

16th MAY 2020, 01:00 P.M.

PETITIONER 185

V.

RESPONDENT 390

The Honorable judge was well aware of the facts of the case so the petitioner was asked to begin with the issues. The petitioner began with the first issue of maintainability and was instantly question why article 226 was used instead of 227. The petitioner replied that 226 gives the power to the high court to issue writs while 227 deals with the superintendence of High Court. A further question was asked regarding why the case was not filed in NGT first. The petitioners answer to this was because the NGO was a registered society so it had the power to file a PIL in the High Court. Subsequently, a question was asked regarding reasonable restriction. Article 19 14 and 21 were violated here and the petition filed was maintainable under law. The case People's Union of Civil Liberties v. Union of India was presented to assist the objective of the PIL. The petitioner mentioned the blatant difference between essential and nonessential services made by the policy. The case of Dwarkanath was presented to substantiate that wide power was shot by the courts to reach out of injustice. An emerging question was asked whether the right to fresh air was more important than the right to movement. The petitioner pointed out that industrial establishments were left out but there was no mention of media journalism or education. The two years extension was contended to be arbitrary in nature. The second issue regarding the constitutionality of the extension was dealt with mentioning the classification between essential and nonessential which did not pass the test of reasonable classification. It additional he did not pass the test of intelligible differentia as it was discriminatory in nature. Use of automobiles was decreased but industrial establishments were allowed to flourish.

The Honorable judge demanded an explanation for the doctrine of legitimate expectation. The expectation to follow promises and policies was quoted by the petitioner. It was enquired

whether there was a malafide intention on the part of the government or not. The petitioner answer to this as Judicial review can be in the vote as per the case of Delhi development board versus joint authorities and state of Madhya Pradesh versus Nandlal Jaiswal.

The respondent began with a quotation and then the issue of maintainability where it was mentioned that the petition lacks locus standi and the motives are cloudy. The rules then and now are the same but the reasons go unexplained as to why the PIL was filed. The court must not intervene in the administrative matter as sure the duty to clean environment was appointed as per the case of M C Mehta v. Union of India. It is the duty of the state to provide its citizen clean and healthy environment. The question was posted regarding why the state decided to extend the policy for two years. Respondent mention the Montesquieu division of power and further presented that Judicial review must be limited. The court has always intervened when any human activity is harmful to the environment. This was already Defined by the Ganga pollution case. Fundamental rights are not absolute in nature. The doctrine of proportionality is also fulfilled by the policy and the four other requirements mentioned in the Aadhar case.

Rebuttals were presented on heavy fines and what constitutes it. It was also contended that the policy does not have a Priority for the preparedness to be implemented. Education is not mentioned and under article 115 the notification for the Policy was not published in the gazette. This means that the notification is no law.

Surrebuttals were presented regarding the extra assumption of facts and the two years period not being a blanket ban. Time elapsed and the proceedings were suspended.

COURT PROCEEDINGS REPORT

IN THE HON'BLE HIGH COURT OF WAKANDA

Date, Day: 15th June 2020

Monday

Court Room number: 4

Bench: Judge Tanishka Mohan

Author's name: Lavanya Rai

Court Room In-charge: Yashaswini

Court Room Volunteer: Jeetu

LEXMACCULA

Court Proceeding 1

Round 4

Date, Time: 15th June 2020, 12:45 PM to 1:30 PM

Petitioner (35)

v.

Respondent (320)

The council of petitioner began with the realities of the case. Further, there was an elaboration of the issues. The chief issue dealt with the suitability of the council of the petitioner in the High Court of Wakanda. The candidate in order to approve the point referenced that the NGO has a liberal request of law. It was in like manner referenced that the solicitation was appropriately reported under Article 226 of the Constitution of Gotham. The appeal was petitioned for a Judicial survey to check whether the arrangement is productive. It was additionally to build up whether the Policy was unlawful in nature or not. It was to fortify the way that essential rights infringement was not done or whether there was an over the top limitation on the residents. Thus, the court is no bar to advocate upon the case. The NGO is enlisted to maintain great motivations in the public arena. It permits masses to discover redressal and approach court and subsequently has locus standi. The NGO has shown up under the steady gaze of the court to challenge the protected legitimacy of the strategy. Under article 226 the court has the optional capacity to get rid of any approach.

The Honorable adjudicator offered a conversation starter of whether there was a substitute cure. The candidates' answer to It was testing official activities that were identical to testing legality of a law. The Honorable adjudicator further investigated whether the option to move unreservedly is higher than the option to exchange. The solicitor answer to this as the limitation here is subjective in nature and this is at first sight.

The Honorable appointed authority introduced an inquiry seeing established legitimacy as the Policy was presented under article 13 or not. The solicitor answers this that so as to be built up it must be a law. One can't remove basic rights similarly as an official activity. With respect to this, another question was posed whether there was encroachment as this would not be considered as a sweeping boycott. The applicant looked for a hotel of sensible limitation to principal rights here.

Regardless of whether the even-odd framework is an infringement or not was presented before the applicant. It was explained by the candidate that in any event utilization of vehicles was permitted 15 days and the arrangement kept going just for a brief period in opposition to the realities of this case. It is sensible for a brief timeframe yet whenever determined for a more extended period then ipso facto there is an earnestness of law.

The respondent started with the announcement of the ward referencing Article 226 of the constitution. Issue 1 managing practicality was delivered just as Article 14 and 12 were referenced as the enthusiasm of general was mulled over while encircling the strategy. The said strategy gave a practical domain and wellbeing. The aftereffects of the approach are referenced in Annexure A. The instance of Asha Under Water was referenced wherein the data with respect to the activity of legal audit was cited. Article 17(1), 18(1), 19(4) were referenced of the Air Prevention Act. A solid restricting explanation was introduced with regards to why the green council was not moved toward first. The instance of UP Jal Nigam was referenced wherein it was explained that Article 226 ought not to be engaged by the court if there exists a council for the equivalent. Under Section 24 of the NGT Act, the moment appeal isn't viable.

The Hon'ble Judge posed a couple of inquiries with respect to elective cures, infringement of crucial rights, comment of the locale of the case, and so on. By and large, the procedures were completely investigated from the two closures and the Judge explicitly remarked it to be a decent one.

COURT PROCEEDINGS REPORT

IN THE HON'BLE HIGH COURT OF WAKANDA

Date, Day: 15th June 2020

Monday

Court Room number: 4

Bench: Judge Tanishka Mohan

Author's name: Lavanya Rai

Court Room In-charge: Yashaswini

Court Room Volunteer: Jeetu

LEXMACCULA

Court Proceeding 1

Round 3

Date, Time: 15th June 2020, 11:45 AM to 11:20AM

Petitioner (335)

v.

Respondent (190)

The council of petitioner started with the realities of the case. Further, there was an elaboration of the issues. The principal issue managed the viability of the appeal in the High Court of Wakanda. The council of petitioner referenced Ubi jus ibi remedium to validate the viability of the appeal. There was a notice of the case S P Gupta to require bonafide enthusiasm of the gathering to document the suit which was available in the appeal. The T N Govardhan case was discussed to confirm locus standi. It was to shield the enthusiasm of people in general and the principal rights under section 3 of the Constitution. The intensity of the issue bearing request was in the possession of the legal executive when there was an unfairness. Issue 2 was managed to reference the approach to be an infringement of Human Rights as both equity and indigenous habitat are similarly significant Moreover, one can't be disregarded for another. Care must be taken to not to dismiss any. There was a notice of the instance of Rural Litigation Kendra Conservation and Development. The conflict was that the item here was being accomplished by keeping the individuals' opportunity in question. Substantial charges also involved concern. The applicant referenced the instance of Maneka Gandhi v. UOI and in that the span of Article 21 was to be considered to the most stretched out plentifulness. The option to travel uninhibitedly was discussed in Karan Singh v. UOI. It furthermore sustained Article 21, 19, and 20. It was viewed as a subjective trait of life-stretching out the privilege to live as a vital piece of it.

The Honorable Judge questioned whether the current lockdown circumstance was a sensible limitation or not. The candidate addressed that there did not have a thought process for this situation because of the absence of the usual way of doing things, levelheaded nexus and authentic objective referenced the instance of K. S. Puttaswamy. The solicitor further notices with respect to the elective estimates that can be taken up by the Government like developing cycling paths, decreasing the paces of open transportation, and so on. Such a sweeping boycott was subjective as there are different wellsprings of contamination excepting simply vehicular one.

The respondent dispute was that there was no penetrate or infringement of the major rights and Article 226 was not relevant. It was additionally battled that the applicant wants to deceive the court by the pacified goal and had a doomed cause. Essential rights are not outright and are dependent upon limitations. A crisis is given. Bike, carpooling, open transportation, and so on can be profited. Subsequently, there was no supreme limitation. The law or is reasonably directed for the enthusiasm of the overall population.

The respondent for the states that article 21 isn't disregarded on the grounds that countless general wellbeing was influenced and the remainder of the general public is managing disintegrating air quality. Furthermore, people's opportunities can't be considered over the whole society is an opportunity. This would add up to the numbness of the law. The Honorable appointed authority addresses whether there is no infringement here. The respondent answers that there is no sweeping boycott. There are different methods of transportation like bike, eco-accommodating vehicles, carpooling, and so forth.

The Honorable appointed authority further inquiries the connection of the regulation of polluters pay in this specific situation. The respondent statements the air quality record is given annexure a. At that point further builds up the way that the dominant part e off contamination was because of two vehicles thus the arrangement executes overwhelming fine on the utilization of the equivalent. The enthusiasm of an enormous number can't be undermined. Along these lines, the appeal isn't viable.

The expansion given is under section 4 article 48 of the air anticipation Act and article 48a of the assurance of the backwoods act. It permits horizontal development. Additionally, builds up the crucial obligations of the residents to guarantee a perfect and solid condition. Subsequently, there is an absence of ward and soundness of the residents is of paramount significance in this way it is organized.

Answer: The world is moving towards an application-based economy food conveyance and car focuses would be the most exceedingly awful influenced by this approach. No arrangement for the exception is referenced for the above classes. Mechanical capacities are absolved. There was a notice of the Kerala Education case and agreeable development was set up. Both ecological rights and freedoms must go inseparably and the legislature must Resort to different cures.

Surrebuttal: The candidate is just ready to deceive the court it is the tip-top business-class network that has documented this request. The cases alluded change oral articulations consequently the obiter dicta of the case one can't concentrate on the Liberty of scarcely any wild taking a chance with the lives of others. The time slipped by and the procedures were shut.

COURT PROCEEDINGS REPORT

IN THE HON'BLE HIGH COURT OF WAKANDA

Date, Day: 15th June 2020

Monday

Court Room number: 4

Bench: Judge Tanishka Mohan

Author's name: Lavanya Rai

Court Room In-charge: Yashaswini

Court Room Volunteer: Jeetu

LEXMACCULA

Court Proceeding 1

Round 2

Date, Time: 15th June 2020, 11: 10 AM to 11: 40 AM

Petitioner (155)

v.

Respondent (270)

The Honorable appointed judge was very much aware of the realities of the case so the candidate was approached in any case the issues. The solicitor started with the principal issue of viability and was right away inquiry why article 226 was utilized rather than 227. The candidate answered that 226 enables the high court to give writs while 227 arrangements with the administration of the High Court. A further inquiry was posed with respect to why the case was not recorded in NGT first. The solicitors' answer to this was on the grounds that the NGO was an enlisted society so it had the ability to document a PIL in the High Court. In this manner, an inquiry was posed with respect to sensible limitations. Article 19 14 and 21 were damaged here and the appeal recorded was viable under law. The case People's Union of Civil Liberties v. Association of India was introduced to help the target of the PIL. The candidate referenced the explicit contrast among basic and unimportant administrations made by the arrangement. The instance of Dwarkanath was introduced to validate that wide force was shot by the courts to connect with treachery. A rising inquiry was posed to whether the option to outside air was a higher priority than the privilege of development. The solicitor called attention to that modern foundations were forgotten about however there was no notice of media reporting or instruction. The two years of augmentation was battled to be discretionary in nature. The subsequent issue in regards to the lawfulness of the expansion was managed to reference the characterization among basic and unimportant which didn't breeze through the assessment of sensible arrangement. It extra he didn't breeze through the assessment of comprehensible differentia as it was prejudicial in nature. Utilization of autos was diminished however modern foundations were permitted to thrive.

The Honorable adjudicator requested clarification for the regulation of real desire. The desire to follow guarantees and approaches was cited by the solicitor. It was enquired whether there was a malafide aim with respect to the legislature or not. The solicitor answer to this as a Judicial survey can be in the vote according to the instance of Delhi improvement board versus joint specialists and territory of Madhya Pradesh versus Nandlal Jaiswal.

The respondent started with a citation and afterward the issue of practicality where it was referenced that the appeal needs locus standi and the thought processes are overcast. The standards at that point and now are the equivalent however the reasons go unexplained with respect to why the PIL was documented. The court must not intercede in the authoritative issue as sure the obligation to clean condition was named according to the instance of M C Mehta v. Association of India. It is the obligation of the state to give its residents perfect and solid conditions. The inquiry was posted with respect to why the state chose to broaden the approach for a long time. Respondent notices the Montesquieu division of intensity and further introduced that Judicial survey must be restricted. The court has consistently mediated when any human movement is unsafe to the earth. This was at that point Defined by the Ganga contamination case. Major rights are not outright in nature. The regulation of proportionality is likewise satisfied by the arrangement and the four different prerequisites referenced in the Aadhar case.

Answers were introduced on substantial fines and what comprises it. It was additionally battled that the strategy doesn't have a Priority for the readiness to be actualized. Training isn't referenced and under article 115 the notice for the Policy was not distributed in the newspaper. This implies the warning is no law. Surrebuttals were introduced in regards to the additional suspicion of realities and the two years' time frame not being a sweeping boycott. Time passed and the procedures were suspended.

COURT PROCEEDING REPORT

IN THE HONORABLE HIGH COURT OF WAKHANDA

15th MAY 2020

COURT ROOM NUMBER - 6

BENCH - HONOURABLE MANASI BHUSHAN, ADVOCATE DELHI HIGH COURT

AUTHOR'S NAME- MEDHA SHUKLA

COURT ROOM IN INCHARGE- AYUSHI RANJAN

COURT ROOM VOLUNTEER- RYSHA GAUR

COURT ROOM PROCEEDING 1

15th MAY 2020, 3:00 P.M

PETITIONER 415

V.

RESPONDENT 500

ARGUMENTS OF THE PETITIONER

1. Maintainability of the petition

: The petitioner contended that it violates the liberty to practice free profession. People who are not directly involved can also file a case as a PIL for the larger public interest, under article 226.

2. Unconstitutionality of the policy

: It was contended that the policy is violative of article 19(1)(g) which gives the right to the citizens to practice any profession. The demarcation of essential and nonessential professions as well as the ten days policy violates the rights of taxi and auto drivers. Therefore, the policy is unreasonable and arbitrary.

ARGUMENTS BY THE RESPONDENT

1. Non maintainability of the petition

: The respondent argued on three points:

- Policy decision: It was contended that the courts can not interfere in the matters of policy making as it lacks the requisite knowledge.

- The policy was implemented after the successful results of one-month trial; therefore, it is not unreasonable.
- The policy has been made seeing the greater profit of the society.

2. Constitutionality of the policy

: There has been a reasonable nexus and intelligible differentia. The objective of clearing air pollution justifies the differentia and makes the classification reasonable. This policy is being implemented after considering the Motor Vehicle Act.

.it does not violate their fundamental rights, namely, Article 14, Article 19(1)(g), Article 19(1)(d), Article 21 of the constitution.

LEGAL PRECEDENTS

- S.P. GOVIND V. U.O.I
- SAMBHAV SYER V. U.O.I
- MANEKA GANDHI V. U.O.I
- NARMADA BACHAO ANDOLAN V. U.O.I
- K. NARAYAN V. U.O.I
- KASTURI LAL V. JAMMU AND KASHMIR
- M.C. MEHTA V. U.O.I
- OSMAN BHAI V. U.O.I
- HANDICRAFR EMPORIUM V. U.O.I
- R.D. SHETTY V. AIRPORT AUTHORITY
- K. VERESH BABU V. U.O.I
- SUBHASH K. STATE OF BIHAR
- TAHRAIN MONIM V. STATE OF DELHI

QUESTIONS ASKED AND ANSWER

QUESTIONS FOR PETITIONER

Q1. Is there any other forum which you can approach for the said matter?

A. NO!

Q2. Every policy made by the government cannot be challenged, can you convince me that it is violating your rights?

A2. It is violating the rights as the government has not taken care of the people and has restricted the movement of people.

Q3. Why are you challenging this policy?

A3. it is unreasonable because of the ten days limit imposed on the citizens. It restricts their free movement. The two years' time is unreasonable and arbitrary. Dividing the citizens on essential and non-essential things is violating their right to equality.

QUESTIONS FOR THE RESPONDENT

Q1. Why are you not doing anything about the things responsible for 60% of the pollution and focusing on only 40%?

A1. It was contended that they are starting their effort from one direction and will gradually move their pace.

Q2. What about the issues the women, old age people and children face?

A1. Exceptions are given to medical emergencies and public transport is also encouraged to curb the issues.

Q3. At what cost is this policy seeing the larger benefit?

A3. It was contended that health should be given priority above everything, even employment and economy.

TIME TAKEN

PETITIONER: 10 MINUTES+ 1 MINUTE 3 SECONDS

RESPONDENT: 10 MINUTES + 1 MINUTE 30 SECONDS + 30 seconds (without discretion)

REBUTTAL: 2 MINUTES

SIR-REBUTTAL: 1 MINUTE+ 30 SECONDS (EXTRA TIME WITH DISCRETION)

COURT PROCEEDING -2

15TH MAY 2020, 3:40 P.M

PETITIONER 75

V.

RESPONDENT 340

ARGUMENTS BY THE PETITIONER.

1. Maintainability of the petition

: It is maintainable in the court of law under article 226 of the constitution. The writ of mandamus is filed for the violation of the Fundamental Rights.

2. Unconstitutionality of the policy

: The policy is unconstitutional because it violates the fundamental rights and restricts the movements of people. It violates article 19 and 14.

ARGUMENTS BY THE RESPONDENT

1. Non maintainability of the petition

: The petition is non maintainable because there is an alternative remedy available and it is important to first exhaust that to file a petition in the HC.

2. Validity of the policy

: The environmental provisions of the constitution like article 253, article 51©, article 41, article 14, article 19(1)(g), section 32(1) of the NGT act, the provisions of the EPA act and section 42 and Air pollution Prevention and Control Act gives the authority to the state to formulate laws in respect to environment.

LEGAL PRECEDENTS

- CONTROLLER AND AUDITOR GENERAL V. K.S. JAGANNATH
- P.D. R SOLUTION V. U. OI
- STATE OF U.P. V. KAUSHALYA
- MANEKA GANDHI V. U.O.I
- M.C. MEHTA V. U.O.I
- BHOPAL GAS UNIT V. U.O.I

QUESTIONS ASKED AND ANSWERED

QUESTIONS ASKED TO THE PETITIONER

Q1. Have you exhausted all your remedies?

A1. YES!

Q2. Why have you filled a petition in HC and not NGT?

A2. It was stated that since there is a violation of the fundamental rights, the petition is filled in the HC.

Q3. How is this policy stopping you to work?

A3. The infrastructure and facilities are still not in such condition that each occupation can be performed from home.

QUESTIONS FOR THE RESPONDENT

Q1. Why is this policy non violation of article 19?

A1. It was contended that it is so because it does not restrict the movement but the method of movement.

Q2. Why are you not doing anything about the things responsible for 60% of the pollution and focusing on only 40%?

A2. It was contended that they are starting their effort from one direction and will gradually move their pace.

Q3. What about the issues the women, old age people and children face?

A3. Exceptions are given to medical emergencies and public transport is also encouraged to curb the issues. Old people do not go out on regular basis.

TIME TAKEN

PETITIONER: 10 MINUTES+ 2 MINUTES (EXTRA TIME WITH DISCRETION)

RESPONDENT: 10 MINUTES + 2 MINUTES (EXTRA TIME WITH DISCRETION)

REBUTTAL: 2 MINUTES

SIR-REBUTTAL: 1 MINUTE

LEX MACCULA

COURT PROCEEDING -3

15TH MAY 2020, 4:20 P.M

PETITIONER 385

V.

RESPONDENT 420

ARGUMENTS BY THE PETITIONER.

1. Maintainability of the petition

: The petitioner argued on three grounds:

- The petition comes under the ambit of article 226.
- There is a violation of basic rights of the citizens
- The Locus standi because it is case of public wellbeing.

The PIL here is for the liberty of the people and no personal gains so it is maintainable under article 226 of the constitution.

2. Unconstitutionality of the policy

: It was contended by the petitioner that the policy is unconstitutional because the classification done is unreasonable and arbitrary and has no nexus with the environmental issue.

ARGUMENT BY THE RESPONDENT

1. Non maintainability of the petition

: It was contended that there is no infringement of fundamental rights as the state has the bestowed with duty to protect the environment and make policy relating to it under article 48(A) and A. 51(A)(g)

2. Constitutionality of the policy

: The respondent argues that the policy is constitutionally valid because the state is performing its duties within the ambit of its powers. The classification is reasonable because there is a direct nexus between the policy and restrictions. The state has also provided with alternative measures in case of discomfort.

LEGAL PRECEDENTS

- AIR INDIA STATUTORY ORGANISATION V. LABOR ASSOCIATION
- BANDHUA MUKTI MORCHA V. U.O.I
- IMMIGRATION DEPARTMENT V. STATE OF ANDRA PRADESH

FACTUAL ARGUMENTS

- It was argued by the petitioner that the wind speed and direction mainly affect the air quality of a place, such factors were not taken into consideration.
- It was also contended that the air quality only worsens in November and trials should have been done in November.
- Educational institutes, students, media were not added in the exception list, violating the right to education to the students.

QUESTIONS ASKED AND ANSWERED

QUESTIONS ASKED TO THE PETITIONER

Q1. Is there any other forum which you can approach for the said matter?

A1. YES! NGT can take jurisdiction in such matters but since there is a violation of Fundamental Rights the petitioner has approached the HC.

Q2. How are the Fundamental Rights being violated?

A2. The ration between the transport and population is very less. People cannot access such limited transport which indeed restricts their movement, violating article 19.

QUESTIONS ASKED TO THE RESPONDENT

Q1. What about the education of students that will be affected by this policy?

A1. The educational institutions can have online classes.

Q2. How will the government schools manage the online classes?

A2. They can use public transport or bicycles to go to the schools.

TIME TAKEN

PETITIONER: 10 MINUTES+ 2 MINUTES 30 SECONDS (EXTRA TIME WITH DISCRETION)

RESPONDENT: 10 MINUTES + 14 SECONDS (EXTRA TIME WITH DISCRETION)

REBUTTAL: 2 MINUTES

SIR-REBUTTAL: 1 MINUTE + 20 SECONDS (EXTRA TIME WITH DISCRETION)

COURT PROCEEDING -4

15TH MAY 2020, 5:00 P.M.

PETITIONER 495

V.

RESPONDENT 440

ARGUMENTS BY THE PETITIONER.

1. Maintainability of the petition

: The petition is maintainable in the court because of violation of fundamental rights. The court can take jurisdiction under article 226.

2. Unconstitutionality of the policy

: The policy is unconstitutional because it violates article 21, article 19 and article 14. A person cannot earn his livelihood in the span of ten days. There is no reasonable classification between the essential and non- essential services.

ARGUMENTS BY THE RESPONDENT

1. Non maintainability of the petition

: The petition is non maintainable because there is no legitimate cause of action. The state has the power to put reasonable restrictions to the fundamental rights and those restrictions will not violate the fundamental rights.

2. Constitutionality of the policy

: The policy is constitutionally valid because under article 19(6) and 19(5), the state can put restrictions on the fundamental rights. There is a nexus and intelligible differentia between the policy and restrictions. The has not banned anyone to move freely. The state wants the citizens to use public transport more than their private vehicles.

LEGAL PRECEDENT

- H.S.E.D V. RAMNATH
- G.K. V. STATE OF T.N
- NIPUN MEHTA V. U.O.I
- ANWAR ALI SARKAR V. U.O.I

QUESTIONS ASKED AND ANSWERED

QUESTIONS ASKED TO THE PETITIONER.

Q1. Have you exhausted all your remedies?

A1. NO! The petitioner wants immediate action that is why is approaching the HC.

QUESTIONS ASKED TO THE RESPONDENT

Q1. Why are you not doing anything about the things responsible for 60% of the pollution and focusing on only 40%?

A2. This policy has been framed keeping in mind the statistical results shown in the AQI of Wakanda.

Q2. What about people who have to visit a doctor more than 10 times a month's?

A2. They can use public transport for the same.

TIME TAKEN

PETITIONER: 10 MINUTES+ 1 MINUTES (EXTRA TIME WITH DISCRETION)

RESPONDENT: 10 MINUTES

REBUTTAL: 2 MINUTES

SIR-REBUTTAL: 1 MINUTE

LEX MACCULA

COURT PROCEEDING -5

15TH MAY 2020, 5:45 P.M

EX-PARTE

V.

RESPONDENT 10

ARGUMENTS BY THE RESPONDENT.

1. Non-Maintainability of the petition

: The petition is not maintainable under article 226 because there is no infringement of fundamental rights.

2. Constitutionality of the policy

: The policy is constitutionally valid because it covers the rule of objectivity and not subjectivity. The policy only restricts the mode of movement and not the movement itself. Any individual can travel from one place to another using the public transport. Article 14 states there can be a reasonable classification between the citizens. The classification done on the basis of essential and non-essential services is reasonable and non-arbitrary. Therefore, the policy is valid.

LEGAL PRECEDENTS

- P.V. BASSAPPA V. NAGAPPA
- M.C MEHTA V. U.O.I
- MANEKA GANDHI V. U.O.I
- SUBHASH K. V. STATE OF BIHAR.

QUESTIONS ASKED AND ANSWERED

Q1. . Why are you not doing anything about the things responsible for 60% of the pollution and focusing on only 40% ?

A1. This policy has been framed keeping in mind the statistical results shown in the AQI of Wakanda

Q2. The honorable bench asked the respondent the reason for extension of the policy for a long period of two years.

A2: The respondent answered the question by taking the example of the lockdown imposed in India. It was stated that if the policy is implemented only for one or two months, the pollution levels will return to the same. According to the respondent the doctrine of public interest gives the power to state to protect the environment and the policy is just doing that.

RESPONDENT: 10 MINUTES + 2MINUTES + 1 MINUTES+ 1 MINUTE+ 1 MINUTE+ 1 MINUTE (EXTRA TIME WITH DISCRETION)

COURT PROCEEDING -6

15TH MAY 2020, 6:20 P.M

PETITIONER 455

V.

RESPONDENT 480

ARGUMENTS BY THE PETITIONER.

1. Maintainability of the petition

: the petitioner argued that the petition is maintainable under article 226 of the constitution. It was also contended that the petition concerns a matter of public interest and uncurles the Fundamental Rights.

2. Unconstitutionality of the policy

: The policy violates the right to practice any trade and right to free movement bestowed upon the citizens under article 19 of the Constitution. The people who travel daily from another state to the state of Wakanda will be heavily affected by this policy. The crowded public transports would cause a lot of discomfort to the elderly people and children. There are also violations of the international conventions under article 301.

ARGUMENTS BY THE RESPONDENT

1. Non- maintainability of the petition

: The respondent argued on two grounds:

- The policy is for the public welfare so it cannot be arbitrary.
- There is no Locus Standi as there is no violation of the fundamental rights.

2. Constitutionality of the policy

: There has been a reasonable nexus and intelligible differentia. The objective of clearing air pollution justifies the differentia and makes the classification reasonable. This policy is being implemented after considering the Motor Vehicle Act.

.it does not violate their fundamental rights, namely, Article 14, Article 19(1)(g), Article 19(1)(d), Article 21 of the constitution. It was contended that there is no infringement of fundamental rights as the state has the bestowed with duty to protect the environment and make policy relating to it under article 48(A) and A. 51(A)(g).

LEGAL PRECEDENTS

- M.C. MEHTA V. U.O.I
- JANTA V. H.S. CHAWDHARY
- T.N. ELECTRICITY BOARD V. SOMATHI & OTHERS
- NAVIGUL INDUSTRIES V. STATE OF BIHAR

QUESTIONS ASKED AND ANSWERED

QUESTIONS TO THE PETITIONER

Q1. Have you exhausted all your remedies?

A1. NO!

Q2. You argue that it is violative of the fundamental rights then why we should look into MVA?

A2. The petitioner seeks ignorance

Q3. Do you also plead that the policy is violative of A21, A. 14?

A3. NO!

QUESTIONS TO THE RESPONDENT

Q1. Why are you not doing anything about the things responsible for 60% of the pollution and focusing on only 40%?

A1. This policy has been framed keeping in mind the statistical results shown in the AQI of Wakanda

Q2. What about the issues the women, old age people and children face?

A2. It is for the greater good, even if some section of the society suffers a bit, the policy cannot hold unconstitutional.

TIME TAKEN

PETITIONER: 10 MINUTES+ 2 MINUTES (EXTRA TIME WITH DISCRETION)

RESPONDENT: 10 MINUTES

REBUTTAL: - (call disconnected)

SIR-REBUTTAL: -

COURT PROCEEDING REPORT

IN THE HONORABLE HIGH COURT OF WAKANDA

16th MAY 2020

COURTROOM NUMBER – 7

BENCH - HON'BLE SHRIYA CHANDA

AUTHOR'S NAME- ADITI MISHRA

COURTROOM IN INCHARGE- MOUSAM SHARMA

COURTROOM VOLUNTEER- SHREYAS

COURTROOM PROCEEDING 1

16th MAY 2020, 3:00 P.M.

PETITIONER 355

V.

RESPONDENT 380

The petitioner began with the facts of the case. Issue related to maintainability was substantiated by the People's Union Limited versus Union of India as your interest of the public at large was at stake. Here there was an urgent need to protect the right of the stakeholder. There existed locus standi and I as there was a public wrong and any member of the society is bonafide for redressal. The case of SP Gupta vs Union of India was mention as there was sufficient interest to approach the court. There was an infringement of the right to equality occupation and education. Fundamental liberties have filed this case with a clean heart mind and objective. The doctrine of good governance was mentioned under the case of Manoj Narula vs Union of India as it is a basic right to approach the court.

The Honorable judge poster question regarding maintainability and the petitioner replied to it mentioning the unjust differentiation between essential and nonessential goods. The NGO was set up to protect the rights of the individual. Therefore, the PIL is maintainable. The subsequent question was asked whether good governance was a statute or principle. Is mentioned by the petitioner that it comes under the Directive Principles of State Policy. The difference between fundamental rights and the Directive Principles of State Policy was asked. It was replied that fundamental rights are the sign of the constitution. DPSPs principles that should be incorporated and one cannot approach the court if those are infringed. A query regarding whether or not the policy violates fundamental rights was put forth. It was answered that Article 14 was violated as there was no reasonable classification to justify intelligible differentia. There was no Rational Nexus which is no object. The freedom of trade occupation business was restricted and if continued could be a threatening factor to the society. Under Article 21 the

right to livelihood was also a part of the right to life get the plight of workers was not addressed by the policy.

The respondent begins with the statement of Jurisdiction mentioning article 226. Maintainability was discussed in issue 1 stating that the PIL was not maintainable. The extension is valid due to environmental conditions and the report details comparing the air quality index between two-time frames. Various diseases were mentioned by buy the respondent which was specifically caused due to pollution. It was further mentioned that it was a growing maintenance and was the cause of global warming. The astounding results were the reason why there was an extension for 2 years. In the Dehradun quiring case mining was stopped because it was violative of the right to Wholesome environment. In the case of Subhash Kumar vs State of Bihar right to pollution free environment was considered as a fundamental right. The extension is considered constitutionally valid as under Article 48a of the state has the duty to protect forest and wildlife of the country. The report show that the Policy was a major success.

Rebuttals constituted of the mention of the case of Minerva Mills V. UOI and the theory of balancing rights wherein rights should not be eliminated rather balanced. Alternate measures could have been taken like the operation of battery dependent vehicles.

Surrebuttals consisted of reasonable restriction and few other reasonings. The time elapsed and the proceedings were closed.

COURT ROOM PROCEEDING 2

16th MAY 2020, 3:40 P.M.

PETITIONER 205

V.

RESPONDENT 60

The petitioner began with the brief description of the facts. Then issue one was dealt with. There was a mention of the lack of rational nexus intelligible differentia. There was restriction to move freely and restriction of business rights to carry occupation and trade. The case of Maneka Gandhi versus Union of India was mentioned to solidify the fact that a procedure must have a purpose and as per article 19, the given situation must be tested with Article 14. This suggests that there has been a clear violation of article 21 also. There was also a mention of article 13 sub-clause 2 which defined what a lover. The Honorable Court presented the question regarding intelligible differentia and it was answered as there has to be an object which has to be obtained by the policy. The Stockholm declaration was mentioned as there was a violation of active sustainable development of which India is a signatory the case of our Guruprasad Rai versus the state of Kerala was mentioned for the cancellation of the mining as there was the lack of sustainable development of wealth and health. The case of citizen consumer forum versus Union of India was mentioned as there has to be a balance between environment and business.

The respondent mention the case of Narmada Bachao Andolan vs Union of India 2 exercise jurisdiction should not transgress into that app. Bhopal gas leak case was also mentioned and the Annexure A was referred. It was quoted that the environment is as old as the world and it ok to be protected the extension of the policy would result in dropping of global warming levels, acid rains, deaths due to pollution etc. It was further presented that the restriction would result in citizens being encouraged to use bicycles motor vehicles only when necessary and work from home. Hence, no freedom of employment was infringed. A few sections of the DPSPs, Motor Vehicles Act, Air Pollution Prevention Act were mentioned to ascertain the effectiveness of the policy and that export knowledge cannot be questioned by law. Time lapsed and the proceedings were closed.

COURTROOM PROCEEDING 3

16th MAY 2020, 4:20 P.M.

PETITIONER 435

V.

RESPONDENT 200

The petitioners started with the short portrayal of the facts. At that point issue one was managed. There was a notice of the absence of levelheaded Nexus understandable difference. There was limitation to move uninhibitedly and limitation of business rights to convey occupation and exchange. The instance of Maneka Gandhi versus Union of India was referenced to cement the way that a method must have a reason and according to article 19 the given circumstance must be tried with Article 14. The petitioner also mentioned the case of Indra Sawhney V. UOI. This recommends there has been an away from of article 21 moreover. There was additionally a notice of article 13 sub condition 2 which characterized what a sweetheart. The Honorable Court introduced the inquiry in regards to coherent differentia and it was replied as there must be an article which must be acquired by the arrangement.

The respondent notices the instance of Indian Handicraft Emporium V. UOI to exercise restrictions in policies. State of Gujarat V. Mirzpur Motikasab was introduced. It was additionally referenced and the Annexure A was alluded. The case of State of Madras V. V G Rao as referred to mention that the object of the state government is to benefit the public health. It was cited that the earth is as old as the world and it alright to be secured the augmentation of the arrangement would bring about dropping of an Earth-wide temperature boost levels, corrosive downpours, passing's because of contamination and so on. It was additionally introduced that the limitation would bring about residents being urged to utilize bikes engine vehicles just when vital and telecommute. Consequently, no opportunity of work was encroached. A couple of segments of the DPSP, Motor Vehicles Act, Air Pollution Prevention

Act were referenced to discover the adequacy of the arrangement and that send out information can't be addressed by law. Time slipped by and the procedures were shut.

COURTROOM PROCEEDING 4

16th MAY 2020, 5:20 P.M.

PETITIONER 485

V.

RESPONDENT 330

As the Honorable judge is well aware of the facts of the case the petitioner commenced with issue 1. The case of Bhagwat Gupta vs Union of India was referred to establish the maintainability of the PIL as there was a violation of a constitutional right and the court was approached on Article 226. The concept of locus standi has been relaxed in the pic of People's Union for democratic rights vs Union of India. The power of Judicial review in administrative action is mentioned in the case of Tata Steel versus Union of India. Legality irrationality and doctrine of proportionality are the grounds on which a policy is to be judged.

The Honorable judge posed a query regarding the mention of procedural impropriety. The petitioner replied with the scenario where procedures are not taken properly and sure the extension was constitutionally invalid because of the doctrine of proportionality and Wednesbury unreasonableness. There was a mention of the case of CCSJ versus Court of civil services for the defines of logic and moral standard. The case of Rameshwar Prasad was mentioned based on wholesome unreasonableness and the involvement of ignorance of relevant material. The extension was being absurd as other least restrictive methods could have been taken according to the case of M Kumar vs Union of India.

The respondent began with issue 1. There was a mention of Article 51a of the constitution which speaks of the duty of a citizen to protect the environment and the government has to take

steps to improve the welfare of the people. Rebuttals consisted of dimension of DPSP as a subsidiary aspect which cannot overwrite the fundamental right. The surrebuttals consists of it being a citizen's problem and it is the duty of the citizen to protect the environment.

COURTROOM PROCEEDING 5

16th MAY 2020, 6:00 P.M.

PETITIONER 145

V.

RESPONDENT 180

The respondent was allowed to put forth points here first because of certain network issues on their part. The respondent began with Issue 1 and how it was invalid. There was no arbitrariness as it was for the interest of the public. The case of *mc Mehta versus Union of India* was mentioned as the government has the duty to provide healthy environment to the public. The nation being socialist no discrimination was made. Application of intergenerational equity principle which meant to provide similar resources as the past enjoyed to the future full stop in 1997 that the environment was necessary part of Living and India was a signatory of it. A few sections of the DPSP mentioned full stop a question was posted regarding intergenerational equity and case laws related to it. The case of *Golaknath versus State of Punjab* was mentioned. The petitioner mention that there was a violation of equality as there was a differentiation between essential and nonessential good. The development of a nation requires workers of all kind and the right to livelihood was robbed here. Article 19, 14 and 21 were mentioned and a lack of intelligible differentia, rational nexus and objective was proved.

The session lingered less than its contemporaries due to a network issue on the part of the respondent.

COURT PROCEEDINGS REPORT

IN THE HON'BLE HIGH COURT OF WAKANDA

Date, Day: 15th day of June, 2020

Court Room number: 01

Bench: Advocate Naasha Anklesaria

Author's name: Madhu Mallah

Court Room In-charge: Anadi Tiwari

Court Room Volunteer: Anjali Gupta

LEXMACCULA

Court Proceeding 1

Date, Time: 15.06.2020/

Petitioner (85)

v.

Respondent (70)

Body including- The petitioner commenced with the facts of the case. The petitioner then commenced with the issue number one which was, If the PIL is maintainable or not in the High Court of a Wakanda and started with a summary of arguments where article 226 of the Constitution States that a PIL can be filed in the High Court. If any policy infringes the rights of the citizens or if any policy which is arbitrary will be ambiguous in nature. The petition also stated that the policy infringes the fundamental rights of right to trade and profession and right to moment freely throughout the territory of Wakanda and Right to enjoyment of property. The petitioner further stated that the policy violates the fundamental rights of citizens and article 14 of the Constitution where the policy discriminates between the essential and the non-essential goods. The petitioner further contended that the petitioner has the locus standi by citing the case of Rupendra Bakshi.

The respondent comments with the writ jurisdiction of the case and mentioned that the court does not have any jurisdiction to deal with the state policy and it has no prima facie case. The respondent further mentioned that the NGTA act 2010 and stated that it is not a pro bono case. Respondent fourth contended the case of Tamil Nadu and Subhash Kumar versus state of Bihar and stated that the petition should not be maintainable whenever it is the personal grudges of any group and not public interest. The respondent contended that the fundamental rights are not absolute and Reasonable in nature because the other alternative has been set by the government. The respondent further contended that the government has been under article 48 A of Constitution of a Wakanda.

Legal precedents: Very few precedents and judgments were mentioned by the Petitioner.

The respondent mentioned the High Court of Tamil Nadu Case and Subhash Kumar V State of Bihar Case.

Factual arguments: The petitioner stated that the policy violates article 14 by discriminating between essential and non-essential goods and connected all the laws with the facts of the case.

The Respondent stated that the policy of Wakanda is only to improve the health quality of public under article (B) and it is the fundamental duties of the state.

Questions asked and answered: The Hon'ble Judge questioned the locus standi of the petitioner and it was correctly stated by the petitioner by citing case Laws.

The Hon'ble judge asked the respondent why the policy has to be entertained and the respondent answered that it is the fundamental right of the state to take care of public health at large.

Any additional comment by judge: The arguments were strong but need to present in more enhanced way.

The respondent's argument was well-built and well explained.

Time taken

Petitioner: 10 minutes + 5 -minute extra time (with Judge's discretion) + 2 minutes extra time

Respondent: 10 + 5 -minute extra time (with Judge's discretion)

Rebuttal: 2 minutes

Sur-rebuttal: 1 minute

Court Proceeding 2

Date, Time: 15.06.2020

Petitioner (115)

v.

Respondent (230)

Body including- The petitioner began with the facts of the case and later on moved to the issues number one which was the maintainability of the petition, the petitioner Stated that the policy violates article 14 article 19 (d) and article 19(g). The petitioner further stated that the petition is maintainable under article 226 of Constitution and the new policy should be held unconstitutional. The petitioner stated the case of Kharak Singh versus Subbarao and Stated that the policy discriminates goods between necessity commodity as essential and non-essential goods. The non-essential goods are also useful for the citizens at some time off point and so the non-essential goods are also required to be in the policy.

The respondent began with the argument stating the first issue that the PIL is maintainable or not and moved with the summary of arguments and stated that the PIL is not maintainable and it is not violative of any fundamental rights of the Constitution. The respondent further moved to the issue number two and began their argument with article 19 of the Constitution which state that the citizens have the right to health and live the life with dignity and if the health of the public is under danger then the government is bound to make such policy.

Legal precedents: The petitioner stated the case of Kharak Singh versus Subbarao to back their arguments.

The respondent mentioned the case laws which backed their argument which was A.K Gopal Vs State of Madras where whenever there is the matter of public interest the state has the right to make policy for public interest. And later the respondent state the case of kasturilal Vs state of J&K and Charan Lal Vs UOI to define the right to life with healthy environment.

Factual arguments: - The petitioner very satisfactorily connected all the case laws and Articles of and constitution with the facts and stated that the petition is filed not against the policy but against the extension of the policy as it violates the fundamental rights of the citizens of Gotham.

The Respondent connected all the facts and circumstances with the case laws and Judgements very effectively and stated that the policy was for ten days decreased the level of pollution and extension is necessary.

Questions asked and answered: The Hon'ble judge questioned the respondent on how the article 19 has been infringed and the respondent answered that the article 19 comes with reasonable restrictions but not with the unreasonable restrictions and the restrictions which the government are putting on the citizens are unreasonable and has cons and pros at the same time.

The Hon'ble judge questioned the respondent on how is the essential and non-essential goods are differentiated in the policy, the respondent answered that for the non-essential goods the government has alternative ways and provide public transport to citizens of India.

Any additional comment by judge: The judge mentioned that the petitioner has a good command on their language and need more research in case laws.

The judge was impressed and amazed by how the respondent has the answer to back with the case laws.

Time taken

Petitioner: 10 minutes + 2 minutes extra time (with Judge's discretion)

Respondent:

Rebuttal: 2 minutes

Sur-rebuttal: 1 minute

Court Proceeding 3

Date, Time: 15.06.2020

Petitioner (525)

v.

Respondent (110)

Body including- The petitioner began with the facts of the case and later on moved to the issues number one which was the maintainability of the petition, the petitioner Stated that the policy violates article 14, article 19 (d), article 19(g) and article 21. The petitioner further stated that the petition is maintainable under article 226 of Constitution and the new policy should be held unconstitutional. The petitioner then mentioned the M.C Mehta Case and stated that the restriction infringes the right of the citizens. The arguments were more on Factual basis and not knowledge of Law. The petitioner also states that the policy discriminates the essential and non-essential goods under article 14 of constitution.

The respondent commenced with the facts and said that the judiciary cannot interfere in the state policy and the policy is maintainable as it has decreased the level of state policy and introduced the alternative measures for the citizens. Further the respondent contended the case which states that the judiciary cannot intervene in the state policy. While dealing with the second issue the respondent stated the article 51(a) of constitution which states right to pollution free environment.

Legal precedents: Only one precedent was mentioned and no further judgement was mentioned.

The respondent mentioned numerous case laws and Stockholm convention laws and references.

Factual arguments: The petitioner very satisfactorily connected all the case laws and Articles of constitution with the facts and stated that the petition is filed not against the policy but

against the extension of the policy as it violates the fundamental rights of the citizens of Gotham.

The respondent rightly connected all the facts and laws with the facts of the case and stated that the policy is maintainable and not unconstitutional.

Questions asked and answered- The Hon'ble Judge asked the petitioner to back their arguments with any case law but the petitioner couldn't mention any.

The Hon'ble judge questioned why the policy is constitutional and the state can make such policy, the respondent answered that the state has the fundamental duties towards the state.

Any additional comment by judge: Need improvement in presenting and researching skills in petitioner's arguments.

The Hon'ble judge suggested the respondent "not to read but maintain the eye contact with the judge". Otherwise the arguments were strong.

Time taken

Petitioner: 10 minutes + 1-minute extra time (with Judge's discretion) + 2 minutes extra time

Respondent: 10 minutes

Rebuttal: 2 minutes

Sur-rebuttal: 1 minute

Court Proceeding 4

Date, Time: 15.06.2020/

Petitioner (285)

v.

Respondent (150)

Body including-: The petitioner commenced with the facts of the case. The petitioner then commenced with the issue number one which was, If the PIL is maintainable or not in the High Court of a Wakanda and started with a summary of arguments where article 226 of the Constitution States that a PIL can be filed in the High Court. If any policy infringes the rights of the citizens or if any policy which is arbitrary will be ambiguous in nature. The petition also stated that the policy infringes the fundamental rights of right to trade and profession and right to moment freely throughout the territory of Wakanda and Right to enjoyment of property. The petitioner further stated that the policy violates the fundamental rights of citizens and article 14 of the Constitution where the policy discriminates between the essential and the non-essential goods.

The respondent commenced with the facts of the case and moved on to the issues involved in the case. The respondent contended that the fundamental rights are not absolute and Reasonable in nature because the other alternative has been set by the government. Also, it was contended that the judiciary cannot intervene in the state policy. The respondent further contended that the government has made the policy under article 48 A of Constitution of a Wakanda.

Legal precedents: The petitioner mentioned the case of Maneka Gandhi versus Union of India where Justice Puttaswamy gave a judgement on whenever there is a violation of fundamental right the PIL is held maintainable.

The respondent cited Sachidanand Pandey v. State of West Bengal case and stated that the judiciary cannot intervene in the state policy.

Factual arguments: The petitioner had a good nexus between the facts and the case laws cited.

The respondent first cited the case laws and then connected all the case laws and articles with the proposition.

Questions asked and answered: the Hon'ble judge asked if why the PIL is maintainable and the petitioner answered that whenever any fundamental rights are infringed the citizen has the right to file a PIL.

There were several questions asked by the judge but the respondent couldn't answer it properly and was off the track most of the time.

Any additional comment by judge: The arguments were strong but need to present in more enhanced way.

The judge gave a feedback that the Respondent was able to question all of her questions but the only improvement was to connect the case laws with the facts.

Time taken

Petitioner: 10 minutes + 1-minute extra time (with Judge's discretion) + 2 minutes extra time

Respondent: 10 minutes

Rebuttal: 2 minutes

Sur-rebuttal: 1 minute

Court Proceeding 5

Date, Time: 15.06.2020/

Petitioner (490)

v.

Respondent (code)

Body including- It was an ex parte round where the petitioner explained the facts and the grievances, as it was asked by the judge. The petitioner then moved to the issue one and explained how the PIL was maintainable by stating the violation of fundamental rights and duties and also explain how it the public interest litigation was maintainable because it affected public at large. The petitioner then to back their Maintainability of PIL with a case law and stated the case of M.C Mehta Vs. UOI which stated that if any policy infringes the fundamental rights then the citizen can file a PIL. The arguments were well structured by the petitioner.

Legal precedents: the petitioner cited M.C Mehta vs. UOI case to back the argument for the constitutionality of PIL; further no more case laws were mentioned.

Factual arguments: The petitioner had a good nexus between the facts and the case laws cited.

Questions asked and answered: There were several questions asked by the judge and the respondent answered all the questions with the case law, but quite monotonously answered.

Any additional comment by judge: good structuring of arguments and good knowledge of law.

Time taken

Petitioner: 10 minutes + 3-minute extra time (with Judge's discretion) + 2 minutes extra time

COURT PROCEEDING REPORT

IN THE HONORABLE HIGH COURT OF WAKHANDA

16th MAY 2020

COURT ROOM NUMBER - 1

BENCH - HONOURABLE RAJIV DVIVEDI

AUTHOR'S NAME- MEDHA SHUKLA

COURT ROOM IN INCHARGE- KRISHA BAWEJA

COURT ROOM VOLUNTEER- RYSHA GAUR

COURT ROOM PROCEEDING 1

16th MAY 2020, 9:00 A.M.

PETITIONER 185

V.

RESPONDENT 460

ARGUMENTS OF THE PETITIONER

: It was contended that the extension of the time span to two years has curtailed the human rights. The petitioner had approached the HC under article 226.

1. Maintainability of the petition

: The petitioner proved the argument on the following grounds:

- The instant petition being bonafide in nature. Through a PIL, a person can file a petition on behalf of other people for the benefit of the society.
- There is a clear violation of article 14, article 19 and article 21.
- Article 226 of the constitution can be invoked to tackle injustice.

2. Unconstitutionality of the policy

This policy is valid because of the violation of article 14, 19 and 21. In article 13 it has been stated that the state must not make any law abridges the rights provided under part 3 of the constitution. The demarcation between the essential and non- essential sector violates the right of equality. The respondent may contend that it passes the test of reasonable classification but to do so there must be an intelligible differentia and close nexus between the classification and objective of the act. Vehicular pollution is not the only reason for air pollution, allowing the industries and restricting vehicles violates article 14.

Article 21 does not only include right to live but also encompasses right to livelihood, the auto drivers and cab drivers can not earn a decent livelihood by working only 10 days a month. Therefore, it violates article 21.

To lay down restrictions under article 21:

- The action must be sanctioned by law. In the present case, there is no official publication of the same and the chief minister has merely announced the same.
- The proposed action must be necessary for the democratic society.

Both of which are not fulfilled in the present scenario.

ARGUMENTS BY THE RESPONDENT

1. Non maintainability of the petition

The Respondent divides the arguments in two grounds

- A writ petition can be filled under 226, when there is a violation. Article 21 also includes the right to breathe clean air. Under article 19, no restriction on trade or movement has been imposed.
- For any NGO, to fill a PIL, they need to prove the legal position and the benevolence to prove the locus standi.

2. Constitutionality of the policy

: Article 19(1)(d) states that the state 'shall' put restrictions. The state is not putting any restrictions on the movement but is only trying to encourage eco-friendly means of transport.

The policy in no way violates article 19 as nowhere policy states that a person cannot perform a particular profession. Article 19(5) gives the state the power to restrict the rights. The state is acting within its powers and not ultra-wires.

Article 21 imposes a duty on the state to provide a healthy environment. The respondent also drags the attention of the court towards article 21.

LEGAL PRECEDENTS

- HUSSAINARA KHATOON V. STATE OF BIHAR
- PEOPLE HUMAN DEMOCRATICS RIGHTS V. U.O.I
- BUDHAN CHAUDHARY V. STATE OF BIHAR
- K.S. PUTTUSWAMY V.U.O.I
- OM KUMAR V. U.O.I
- MANEKA GANDHI V. U.O.I
- M.C. MEHTA V. U.O.I

FACTUAL ARGUMENTS

- People belonging to construction sites and media are not included in the exceptions. Therefore, their right to practice any profession under article 19(1) is violated.
- Even the educational institutions are not included, does mean that the government does not want the students to study for two years or further notice. The word 'further notice' mentioned in para 3 of the preposition, makes the policy even more vague and there is time span which has been decided.
- There was an increase in the pollution levels in the first two days, it was countered by the respondent stating that Rome was not built in a day.

QUESTIONS ASKED AND ANSWERED

Q1. How your infringed rights override fundamental duties and directive principles of state policy?

Answer by petitioner: Discrimination between essential and non-essential services is violative of article 14, which grants the supremacy of law. The violation of such law cannot be neglected.

Q2. Being an NGO, how will you prove your locus standi?

Answer by petitioner: The stringent factors for filling a PIL have been liberalized in Hussainara Khatoon case and it allows an individual to file cases in public interest.

Q3. How will you balance individual and society rights?

Petitioner- The right to livelihood, the economy, the employment cannot be negated. Individual rights should be given importance in this case.

Respondent- The right to breathe clean air is above everything. The state should prioritize the health of the citizens over economy and employment.

TIME TAKEN

PETITIONER: 10 MINUTES+ 1 MINUTES + 48 SECONDS + 30 SECONDS

RESPONDENT: 10 MINUTES + 48 SECONDS

REBUTTAL: 2 MINUTES + 52 SECONDS (EXTRA TIME WITH DISCRETION)

SIR-REBUTTAL: 1 MINUTE+ 12 SECONDS

COURT ROOM PROCEEDING 2

16th MAY 2020, 9:45 A.M.

PETITIONER 25

V.

RESPONDENT 140

ARGUMENTS OF THE PETITIONER

1. Maintainability of the petition

: The petitioner structured the argument in two parts:

- The cause of action: The policy is a law under article 13 and since it puts a restriction on fundamental rights, can be reviewed by the judiciary. The policy decisions are out of the preview of judicial review unless it is arbitrary and unreasonable or in contravention of the fundamental rights.
- Locus Standi: Since it is matter of public concern and public importance, the petition is maintainable.

2. Unconstitutionality of the policy

: It was contended that the policy is vague, arbitrary and unreasonable, fails to recognize the difficulty of stakeholders and middle-class people. It was argued that Rickshaw pullers and taxi drivers are not taken into consideration as they cannot work from home. Half of the population will lose their jobs as they won't be able to move freely within the territory.

It was also stated that vehicular pollution is not alone responsible for the pollution. Industries, AC devices, smoke, burning fossil fuels, which is leading to pollution directly would still

remain operational. The policy restricts the use of nature friendly CNG and PNG vehicles rather than promoting electric vehicles.

One of the main questions raised by the counsel was regarding the emergency medical situations. If the person has exhausted his limit of ten days and such medical emergency came, how will the state deal with it.

The counsel contended that Article 21 of the constitution gives the right to equal opportunity which is being violated by the demarcation based on essential and non-essential facilities.

The petitioner also argued that the policy is arbitrary in nature and violates Article 14, Article 19(1)(g), Article 19(1)(d), Article 21 of the constitution.

ARGUMENTS BY THE RESPONDENT

1. Non maintainability of the petition

: The respondent proved the non- maintainability of the petition on four grounds:

- Lack of Locus Standi.
- Misuse of PILs: it was contended this petition is merely out of curiosity as to file a PIL, there should be an Injury, Causation and Redressal, none of which are present in the current scenario. There is no violation of rights and it is just the lack of knowledge.
- Encroachment of Separation of Powers: the defendant cited many legal precedents to prove that the interfere of judiciary in policy matters would be encroaching the separation of powers.
- No Blanket Restrictions: The state has just put forward certain restrictions for the better of the society, with work from home as a suggestion.

2. Constitutionality of the policy

: It was again contended on four grounds:

- Article 19 is not an absolute right: Article 19(6) gives the power to the state to put certain restrictions on the rights stated in article 19. The policy only restricts the method of transport and not the movement itself. For the convenience of the people the state will increase the number of public transports.
- Article 21: The respondent stated many judicial pronouncements which stated that article 21 includes right to breathe in clean air and that is what the state is providing. The policy does not violate personal liberty but upholds it.
- International Conventions like the Stockholm Declaration, its preamble have stated that the state can take action to protect the environment.
- Article 51(A) also gives the state the duty to protect the environment and make necessary laws regarding that.

LEGAL PRECEDENTS

- STATE OF KERALA V. ALL INDIA MANUFACTURES ORGANIZATION
- SHABIR V, STATE OF U.P
- BACCHAN SINGH V. U.O.I
- IQBAL V. U.O.I
- BANGALORE WATER SUPPLY V. SANTOSH CHANDRA
- State of Uttaranchal V. Balwant Singh
- Keshav Anda Bharti V. U.O.I
- Akhil Bharat V. U.O.I
- Fertilizers company V. U.O.I
- M.P.V. Nanda V. Lal Jaiswal
- Karnataka Bar Association V. U.O.I
- Subhash V. state of Bihar
- M.C. Mehta V.U.O.I

- Rural Enlightenment Kendra V. U.O.I

QUESTIONS ASKED AND ANSWERED

Q1. How will you balance individual and society rights?

Petitioner- There must be a balance in individual and societal rights but the public interest should always be given priority.

Respondent- Rights and Duties are co-related. It is the duty of the state to guard the rights of the citizens but is the citizens also owe their duty to the state. For a democratic country, a balance is very essential.

TIME TAKEN

PETITIONER: 8 MINUTES

RESPONDENT: 10 MINUTES + 15SECONDS

REBUTTAL: 2 MINUTES + 47 SECONDS (EXTRA TIME WITH DISCRETION)

SIR-REBUTTAL: 1 MINUTE

COURT PROCEEDINGS REPORT

IN THE HON'BLE HIGH COURT OF WAKANDA

Date, Day: 16th Day of June, 2020

Court Room number: 02

Bench: Advocate Jayant Bhatt

Author's name: Madhu Mallah

Court Room In-charge: Anadi Tewari

Court Room Volunteer: Anjali Gupta

LEXMACCULA

Court Proceeding 1

Date, Time: 15.06.2020/ 10.15 a.m.

Petitioner (145)

v.

Respondent (170)

Body including- The petitioner asked the Justice to proceed with the facts of the case and the judge asked the Justice to conclude the whole facts in two minutes. After concluding the world facts in two minutes the petitioner moved on towards the first issue which was if the PIL filed before this court is maintainable or not, further the petitioner stated that the PIL is maintainable as it violates article 13, 19, 21 and mainly it violates article 14 of the Constitution by discriminating between essential goods and non-essential goods where article 14 talks about equality. Secondly the petitioner stated that article 19 (1) (g) States that to practice any profession or to carry on any occupation, trade or business the policy made by government violates the fundamental rights of the citizens by restricting the people's livelihood and the factories of the citizens will be at stake. Further the petitioner stated that the policy is ambiguous in nature and should not restrict the citizens.

The petitioner then moved on to the issue number two which was Whether or not the policy is unconstitutional, The petitioner contended that article 19 (1) g has been violated, as the green Wakanda pollution are restricting to use citizens own personal vehicle which creates pollution but there are other more things which causes pollution and not only vehicle hence the policy is ambiguous in nature also the policy restricts the practice of profession and occupation and imposes heavy tax on citizen. The policy also violates right to life and right to live with dignity under article 21 of the Constitution so the petitioner humbly pleaded that the government should make strict law and not such policy.

The respondent commenced with the facts of the case and moved on to the issues involved in the case. The respondent contended that the fundamental rights are not absolute and Reasonable in nature because the other alternative has been set by the government. The respondent further

contended that the government has made the policy under article 48 A of Constitution of a Wakanda.

Legal precedents: The petitioner cited various landmark judgements like Golaknath vs State of Punjab and contended that this is the matter of right to livelihood of citizens. The petitioner later on contended the case Maneka Gandhi Vs UOI.

The Respondent claimed various case laws like Shubash Kumar case and state that the citizens have rights to live and enjoyment without pollution. The respondent also stated the reference of Amsterdam laws.

Factual arguments: The petitioner structured all the arguments very well and connected all the case laws with the facts of the case. The respondent rightly connected all the facts and laws with the facts of the case and stated that the policy is maintainable and not unconstitutional.

Questions asked and answered: The Hon'ble judge questioned the petitioner if the state has public transport then what is the problem? The Petitioner answered that the public transport is not available at rural areas and what about at the times of emergency situations, such policy is ambiguous and the state should rather make strict laws then making arbitrary policy.

The Hon'ble judge questioned the respondent that why do the government need to exclude non-essential goods from the policy, so the respondent answered it that 66% vehicular pollution is increased and non-essential goods are not as important as essential in emergency. Later it was questioned that what about the business of the transport facility and what about their livelihood so the respondent answered that the citizens are introduced the scheme of WFH.

Any additional comment by judge: The judge was amazed with the petitioner's knowledge of law and the structure of the arguments.

The Judge was satisfied with arguments of respondent.

Time taken

Petitioner: 15 minutes + 4-minute extra time (with Judge's discretion)

Respondent: 15 + 2 extra minute (with Judge's discretion)

Rebuttal: 2 minutes

Sur-rebuttal: 1 minute

Court Proceeding 2

Date, Time: 15.06.2020/ 11.15 am

Petitioner (code)

vs.

Respondent (code)

Body including- The petitioner commenced the argument pointing out three points where the first point was that the extension of the policy is unconstitutional and the petition is maintainable under article 226, secondly the petitioner has locus standi, and thirdly the citizens has the right to live with human dignity under article 21. The petitioner further contended that the policy will burden both, the government and the citizens. The Hon'ble judge was quite impressed by the strong argument given by the petitioner. The petitioner also contended that the policy infringes the right to movement of citizens.

The respondent began with the argument stating the first issue that the PIL is maintainable or not and moved with the summary of arguments and stated that the PIL is not maintainable and it is not violative of any fundamental rights of the Constitution. As the policy was made in good faith and for the public health the policy is not malafide. The respondent further moved to the issue number two and began their argument with article 19 of the Constitution which state that the citizens have the right to health and live the life with dignity and if the health of the public is under danger then the government is bound to make such policy and the judiciary cannot intervene in state policy. The reasonable restriction is allowed on reasonable restriction.

Legal precedents: The petitioner stated various case laws like Chaitanya Vs. State of Karnataka, Maneka Gandhi vs UOI and stated the nexus of pollution has various other affects.

The respondent stated the case law of M.C Mehta vs UOI and Sushila Saw Mill vs State of Orissa, Shubhas Kumar Vs State of Bihar and stated that article 21 is not absolute right and the policy provides alternative measures.

Factual arguments: The petitioner connected all the facts and circumstances with the case laws and international conventions very adequately.

The Respondent connected all the facts and circumstances with the case laws and Judgements very effectively and stated that the policy when executed for ten days it decreased the level of pollution and extension is necessary.

Questions asked and answered: The Hon'ble Judge questioned the locus standi of the petitioner and it was correctly stated by the petitioner by citing case Laws.

The Hon'ble judge asked the respondent why the policy has to be entertained and the respondent answered that it is the fundamental right of the state to take care of public health at large.

Any additional comment by judge: Both the petitioners and respondent did well.

Time taken

Petitioner: 15 minutes + 2-minute extra time (with Judge's discretion) + 2 minutes extra time

Respondent: 15 + 1-minute extra time (with judge's discretion)

Rebuttal: 2 minutes

Sur-rebuttal: 1 minute