

MOOT PROPOSITION

1. The Republic of Gotham is located in South East Asia. It is a densely populated country with a population of over 1.4 billion people. Wakanda is a state located in the Northern part of the Republic of Gotham. Over the past few years, there have been increasing reports of extremely dangerous air quality levels in Wakanda. The ever-worsening situation in Wakanda can be tracked to a number of reasons from which the most concerning issue was of vehicular pollution.
2. In order to curb this growing menace of air pollution, the Wakanda Government introduced the 'Green Wakanda Policy' for the month of January 2020. Under the policy, the Wakanda State Government aims to reduce vehicular pollution and thus, drastically improve the air quality of the state. The policy puts restrictions upon the number of days an individual may use their motor vehicle to commute, it states that an individual is only permitted to use their vehicle for 10 days in a month and any deviation from the same will lead to heavy fines. The policy encouraged the citizens of Wakanda to use environment friendly means of transport (i.e. bicycling, carpooling, using public transport etc.) and only use their motor vehicles when absolutely necessary. The policy encourages all employers to facilitate work from home for employees who cannot avail such environment friendly means of transport. Those commuting from neighbouring states for work are also subject to this policy and may use their motor vehicles within state boundaries for only 10 days in a month. This move by the Wakanda State Government has provided for due exceptions for individuals involved in the procurement of essential goods and services, the details of which are given in **Annexure – B**.
3. The 'Green Wakanda Policy' turned out to be a major success as pollution levels significantly dropped in January 2020. The Wakanda State Government released a report detailing the improvement in air quality level while comparing the Air Quality Index of January 2020 to January 2019 as given in **Annexure – A**. Seeing the resounding results shown due to the 'Green Wakanda Policy' initiative, the Wakanda Government decided to expand the application of the policy from one month to a period of two years. The Chief Minister of Wakanda, Mr. Ned Stark announced the move for extension of the policy on 8th February 2020 saying – *“The Wakanda Government is extremely proud of the efforts of all citizens and government officials in making the*

Green Wakanda Policy so successful. However, the battle may be won but war is still to come; the month of January was a small step towards the betterment of Air Quality in the National Capital. Taking note of the astounding results of the policy, the government of Wakanda has decided to extend the application of the Green Wakanda Policy to a period of two years till January 2022 or until further notice. We expect all citizens of Wakanda to use environmental friendly means of transport and help eradicate pollution from our home. In order to facilitate the same, the Wakanda Government has made efforts to increase public transport facilities. We hope for utmost cooperation from our citizens and officials in winning this war against pollution.”

4. The announcement made by the Chief Minister of Wakanda on 8th February created waves all across the country of Gotham. The reactions were rather polarised as the environmental lobby claimed the move as a masterstroke in curbing pollution in the National Capital whereas many stakeholders including industrialists and businessmen from the non-essential goods and services sector oppose the policy. The extension decision also resulted in many citizens protesting against the policy on the ground that it curbed fundamental liberties and thus could not stand in the longer run. However, the Wakanda Government refused to roll back the extension owing to environmental concerns.
5. Keeping in mind the strong opposition to the extension of the ‘Green Wakanda Policy’ and the active protests against the same, the Fundamental Liberties Group who are a registered society working towards upholding fundamental liberties for the citizens filed a petition challenging the extension of the ‘Green Wakanda Policy’ in the Wakanda High Court citing unfair curbs on the rights of the citizens of Wakanda.

The Hon’ble High Court of Wakanda scheduled the hearing for 15th June upon the following issues:

1. Whether the petition filed by Fundamental Liberties Group (FLG) is maintainable in the Hon’ble High Court of Wakanda?
2. Whether the extension of the Green Wakanda Policy is constitutionally valid?

NOTE: 1. Participants are not allowed to frame additional issues or assume an extra fact to strengthen their case

2. The laws of Gotham are pari materia to that of India

3. In case of any queries feel free to email us at lexmacula@gmail.com and cc at saharsh2206@gmail.com and krishabaweja@gmail.com

ANNEXURE-A

A COMPARATIVE STUDY OF THE AIR QUALITY INDEX(AQI) OF WAKANDA DURING JANUARY 2019 AND JANUARY 2020 RELEASED BY THE WAKANDA POLLUTION CONTROL COMMITTEE.

<u>January 2019</u>	<u>Average hourly AQI</u>	<u>January 2020</u>	<u>Average hourly AQI</u>
1	412	1	445
2	393	2	402
3	435	3	342
4	333	4	300
5	354	5	299
6	376	6	278
7	432	7	267
8	369	8	275
9	435	9	250
10	398	10	234

11	419	11	248
12	440	12	214
13	325	13	209
14	467	14	213
15	435	15	197
16	345	16	180
17	432	17	195
18	387	18	172
19	367	19	160
20	479	20	155
21	456	21	149
22	465	22	140
23	427	23	138
24	488	24	134
25	367	25	137

26	356	26	130
27	398	27	119
28	350	28	102
29	357	29	89
30	326	30	74
31	378	31	70

ANNEXURE-B

LIST OF SERVICES THAT ARE EXEMPT FROM THE WORK FROM HOME SCHEME-

1. Offices of the Government of the Republic of Gotham, its Autonomous/ Subordinate Offices and Public Corporations including-

Defence Services, Central Armed Police Forces, Treasury, Public Utilities (including petroleum, CNG, LPG, PNG), Disaster Management, Power Generation and Transmission Units, Post Offices, National Informatics Centre, Early Warning Agencies.

2. Offices of the State/ Union Territory Governments, their Autonomous Bodies, Corporations, etc. including-

- a) Police, Home Guards, Civil Defence, Fire and Emergency Services, Disaster Management, and Prisons.
- b) District Administration and Treasury

- c) Electricity, Water, Sanitation
- d) Municipal Bodies—Only Staff Required for Essential Services Like Sanitation, Personnel Related to Water Supply etc.

3. Medical services including-

Hospitals and all related medical establishments, including their manufacturing and distribution units, both in public and private sectors, such as dispensaries, chemist and medical equipment shops, laboratories, clinics, nursing homes, ambulances etc. will continue to remain functional. The transportation for all medical personnel, nurses, para-medical staff, and other hospital support services be permitted.

4. Commercial and private establishments including-

- a) Shops, including ration shops (under PDS), dealing with food, groceries, fruits and vegetables, dairy and milk booths, meat and fish, animal fodder.
- b) Banks, insurance offices, and ATMs.
- c) Print and electronic media
- d) Telecommunications, internet services, broadcasting, and cable services
- e) Petrol pumps, LPG, Petroleum and Gas retail and storage outlets
- f) Power generation, transmission and distribution units and services
- g) Capital and Debt market Services notified by the Securities and Exchange Board of Gotham
- h) Cold storage and warehouse services
- i) Private security services.

5. Industrial Establishments including-

- a) Manufacturing units of essential commodities
- b) Production units, which require continuous process after obtaining required permission from the state government

6. All transport services i.e. air, rail, roadways will remain functional.

7. All places of worship shall remain open for the public.