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- All persons, characters, state names and other incidents in the moot problem are purely incidental and do not resemble any person living or dead.

Moot Problem

1. The state of Tyler, is a developing nation which lies in the southern part of the Banthrax continent and possess a great wealth of natural resources in the form of river water, sunlight, forest land coupled with fossil fuels and minerals like coal, oil, shale gas, limestone, etc. The nation is also proud of its rich cultural diversity and connect which the local masses have with nature.
2. As with most of the countries around the world, with economic liberalization and rapid advancement in technology, the country's population has increased over the past twenty decades, but the hike is four times more vis-a-vis other similarly situated countries of the world. The nation has become the second most populated country after its neighbor, Cshiaz. The Tyler Bureau of Statistics, the nation's apex body responsible for conducting the census has said in its June 2019 report that the population now stands at 135 crore or 1.35 billion, a hike of 20 % since the past 10 years. Population growth coupled with large scale industrial investment, private-public commercial enterprise and digitalization has led to a severe attenuation of natural resources and consequential climate change.
3. The Supreme Court of Tyler, the apex judicial organ of the nation has seen an increased growth in the number of environmental litigations and passed various directions to the government agencies to implement existing environmental legislations and in some cases has even asked the polluter to pay the compensation for the damage it has done to the environment, all of which has been welcomed by the citizens of Tyler. This process of judicial interpretation of law and policy to ensure good quality of life and an attempt to restrict environmental degradation are said to have transformed the Supreme Court of Tyler into a "Supreme Court for Tylerians."
4. Vedder, is the capital of the country with a total area encompassing 4190 square km and the 6th largest metropolitan city of the nation. It's an important economic and industrial hub and is reported to be one of the fastest growing cities of the decade, serving as a home to 18% of the country's population. Textile, leather and automobile are the most prominent industries based in and around Vedder. In addition, there has been significant advancement of the IT sector as well, as the many prestigious higher-education institutes in the city continue to attract a large pool of highly skilled young professionals.

5. In line with its global (Paris Agreement on Climate Change 2015) and national commitment to tackle rise in global temperature to 2°C and pursuing efforts to limit it to 1.5°C accompanied with sustainable economic growth, the government of Tyler has launched the “Style Temperature Friendly Capital” city project with the purpose to drive economic growth and improve the quality of life of people by enabling local area development and harnessing technology, especially technology that leads to smart, styled and modern outcomes. This project targets all the provincial capital cities of the country along with the national capital, and the government has chosen the latter city to commence operations under the new city model, beginning from November 2019. If the Vedder pilot project comes out as being successful, the entire project of reaching out to the other state cities will be completed by the year 2029, one year before the deadline to achieve the UN Sustainable Development Goals expires.
6. Explaining the central idea behind the model, Minister of Urban Development, Ms Marian Dsouza, said that, “Given the extreme heat wave in summers and brutal cold conditions in winter coupled with rising vehicular and industrial pollution, it has become nearly impossible for citizens to step out of their comfort homes into dusty-smoggy streets and have access to their jobs and basic necessities. Ergo, the government intends to make Vedder a centrally temperature-controlled city.”
7. The entire city’s pedestrian paths and market streets will be covered by a glass dome and would be temperature controlled- air conditioned during summers (April to September) and centrally heated during winters (October to February). A green belt with environmental and economic benefits will also be maintained. All establishments on the streets ranging from eating joints to grocery shops to health-wellness centers to bus stations to banks to entertainment joints will be accessible to people to use 24x7. The Confederation of Tyler Industries in its report titled, “Business Outlook survey” has welcomed the government’s initiative, claiming that it will raise the city’s total gross domestic output from 3.9% to 4.45%
8. During the initial planning stages of the project which was to be implemented in Vedder, the government issued a directive addressed to all industries based in and around Vedder to relocate their business operations within 6 months from the start of implementation of the new project to Baspa, a remote hilly area, which is 150 km away from the nation’s capital. This decision was based on the report of Centre for Science and Environment, an independent think tank, which claimed that the air conditioning system coupled with the industrial operations would lead to poor air quality index (30-400: very poor) and the total increase in emissions would be beyond permissible emission standards.
9. For providing electricity during summer months (where temperatures soar up to 48 degrees), to enable the air-conditioning facilities to function, solar panels will be used to store energy from the sun. This stored energy will then be transferred to an absorption chiller to chill the water (drawn from a nearby river) kept there. The chilled water then would be transferred vide the chiller's output to a vaporizer device where it will undergo the **phase change process of vaporization.** The cool air then would enter the city streets vide being blown into the 2.5 particulate matter filter air-conditioner ducts and cool down the place. Through this

initiative the government intends to use the sun's energy to maximum potential to provide relief to citizens from heat and pollution.

10. During winter months when the temperature sinks to - 2°C, the pedestrian crossings and streets covered by a glass dome and layered with the central heating system, will remain insulated from the cold breeze, resulting in increased mobility for the residents. For the heaters to function, power will be provided by the Vedder Electricity Department using two sources that are, waste-water and LPG. The waste water is processed by the heat-pumps which purify and convert it to warm air and release it through the opening of the modified HVAC (Heating, Ventilating and Air-Conditioning) systems. In case of the latter source there are infrared heaters attached with the system who act like mini suns because they burn LPG to generate heat. The heat produced radiates downward, warming the surroundings and the objects such as the floor, machinery, and building components in the room. These surrounding including objects then will emit heat into the air, making it warmer for the people.
11. Spellbound by the government's recent initiative and its pilot project to be carried out in Vedder, the *Centre for Environment Education* along with an independent think-tank named *We for Nature* released a new report titled, "Environment sustainability and Economic growth" stating that the project poses a serious impediment to the green growth of the nation with estimated loss of 7.5 billion dollars to the overall economy as a result of exploitation of natural resources. Environmental experts have also drawn flak of the government's released Environment Impact Assessment report, mandated under the Environment Ministry's 2006 notification, of the Vedder City Model alleging that its claim of creating 14000 new jobs and short term damage impact of approximately 30 million USD will be mitigated by the city's state of the art infrastructure facilities within 2 years, claiming all these numbers as fallacious and undervalued, given that the project severely affects water, air, LPG and other natural resources.
12. Greentel Solutions Pvt. Ltd is a registered company in Vedder which is engaged in the business of providing eco-friendly design solutions/layouts pertaining to construction and infrastructural upgrade in major metropolitan cities of Tyler that encourage a nature friendly lifestyle and infrastructural development.
13. Alarmed by the repercussions of the government's new project to be implemented in Vedder followed by rest of the cities, the company under its Corporate Social Responsibility scheme has filed a Public Interest Litigation in the Supreme Court of Tyler praying for the court to pass orders against the Ministry of Urban Development and other concerned government agencies to restrain them in going ahead with this dangerous project.
14. The company claims that as a resident of this nation and being engaged with the local masses during its operations, it has a moral responsibility & sufficient cause to file the litigation, since the project affects the human rights of citizens and causes a paradigm shift in the ecological balance leading towards environment degradation. The company citing the principle of butterfly effect and report of the Tylerian Environmental Society claims that the

project will decrease the green cover of the city by 25% (7000 trees approximately) and vide the exploitation of natural resources will also affect the rights of the fauna family in the city and its surrounding areas disturbing their migratory patterns. On the other hand, the government questions the maintainability of the PIL and claims its project as one based on the concept of green-engineering.

15. To tackle the vice of over-population which is the root cause of all other problems ranging from poverty to unemployment to affecting human health and ultimately leading to ecological destruction, the President of Tyler in exercise of his power given under Article 123 of the Tylerian Constitution and upon consultation with the Union Government has passed an ordinance titled, “Two Child Ordinance” on 2nd of September 2019. The government expects the population to cross the 1.69 billion mark by 2050, easily surpassing Cshiaz.
16. The ordinance which will be effective from 3 months of its passing & mandates all couples in the country to adopt small child family norms and procreate a maximum of two children only. If any person infringes the said direction of law, he/ shall not be entitled to any benefit under any existent welfare scheme of the government.

(A detailed copy of the ordinance is attached as “Annexure1” for the perusal of the participants and judges.)

17. United Parents, is a registered non-profit organization in Tyler under the Societies Act of 1860 which delivers vital reproductive, health care and sex education to millions of people throughout the country under the vision of advancement of human rights.
18. Citing the ordinance as ultra vires the Article 14, 19 and 21 of the constitution, infringing the right to reproductive health, privacy and personal space of its citizens, the United Parents Group has invoked the Supreme Court’s jurisdiction under Article 32 of the constitution praying for an immediate scrap of this ordinance. The government on the other hand questions the maintainability of this PIL has countered the group’s claim by stating that overpopulation affects the current generation’s right to access & use resources, live in a clean-healthy environment and of sustainable development all which are sine-qua-non for existence.
19. Since both the litigations are related to the overall theme of sustainable development and right to live in a pollution free environment, the Hon’ble Supreme Court of Tyler has clubbed both the PIL’s and will hear arguments on both the cases collectively: maintainability, merits and de-merits.
20. The participants are required to frame the relevant issues as arising from the facts and law points in this given moot problem. Additional issues if incidental to the moot problem may also be raised and argued upon by the participants.

ANNEXURE 1- TWO CHILD ORDINANCE 2019

Objective - *An ordinance to curb the population explosion and incidental matters.*

Promulgated by the President of Tyler-

Section 1- *Short title, extent and commencement-*

- 1) This Ordinance may be called as the Two Child Ordinance, 2019.
- 2) It extends to the whole of Tyler.
- 3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Section 2- Definitions- In this Act unless the context otherwise requires-

- a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;
- b) "Board" means District Board constituted under Section 4;
- c) "child" includes an adopted child; and
- d) "prescribed" means prescribed by rules made under this Act.

Section 3- *Maximum limit for procreation-*

No person shall procreate more than two living children after a period of three months from the commencement of this Act. This section does not apply to the current pregnant couples that is who are pregnant as of now i.e. 2 September, 2019.

Section 4- *District Board Constitution-*

- (1) The appropriate Government shall constitute a Board to be known as the District Board in every district for the purpose of this Act.
- (2) The Board shall consist of—
 - (a) Chief Medical Officer of the district;
 - (b) District Collector;
 - (c) One representative of Panchayat each at village, intermediate or district level; and
 - (d) One representative of Municipal Council or Corporation, as the case may be.

Section 5- *Application seeking permission-*

If any person intends to procreate more than two living children for any medical reason, he shall apply to the Board for necessary permission in such form and manner as may be prescribed.

Section 6- Permission by Board-

- (1) On receipt of an application from a person under section 5, the District Board shall examine the reasons furnished by an applicant and communicate its decision within a period of one month.
- (2) If the District Board is satisfied that exceptional circumstances exist which require the applicant to go for the third child, then required permission may be granted by the board.
- (3) If the District Board is not satisfied with the reasons furnished by the applicant, the District Board may, after giving an opportunity to the applicant of being heard, reject the application.

Section 7- Promotion of small family guidelines-

The appropriate government shall take steps to encourage, promote and motivate couples to opt for small family norms so as to curb the population growth.

Section 8- Disentitlement of benefits-

Any person who contravenes the provisions of section 3 shall not be entitled to avail any benefit under any ongoing welfare scheme of the Government.

Section 9- Overriding effect-

The provisions of this act shall override all other provisions in any other law for the time being in force.

Section 10- Rule Making power of the Government-

- (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
- (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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