

## MOOT PROPOSITION

1. The Republic of Carvahall is the second-most populous country, the seventh-largest country by land area, and the most popular democracy in the world. Carvahall is considered to be the epitome of the world for her rich cultural heritage, diverse creeds, unique customs and her linguistic diversity. She occupies greater part of the South Astorian Continent with roughly one-fifth of the world's total population. Carvahall stands phenomenal with her imperial Waldorf mountains and the stark deserts of Veldenvarden, pulchritudinous beaches and lush tropical forests, to idyllic places.
2. The Geography of Carvahall is diverse and can be divided into three major regions. The First is the rugged Waldorf region in the northern part of the country, while the second is called the Nurmengard Plain. It is in this region that most of Carvahall's large-scale agriculture takes place. The third geographic region is the plateau region in the southern and central portions of the country. Carvahall's frontier, which is a roughly one-third coastline, abuts six countries. Much of her territory lies within a large peninsula, surrounded by the Atlantis Sea to the west and the Bay of Westeros to the east; Cape Como, the southernmost point of the Carvahall mainland. The amount of forested land roughly amounts to one-fifth of Carvahall's total area.
3. Utopia is a coastal state in Carvahall that is densely populated with a density of 1011 people per square kilometre. It is a vibrant conglomeration of People, culture and Festivals. Owing to its origin to some of the great Dynasties of the past, the state manifests a magnificent blend of rich tradition and royal heritage. It is inhabited by a large number of people who speak different languages, follow different religions and yet live harmoniously with each other for many centuries. Inspiring the socio-cultural

spectrum of Utopian state, the excellent people, culture, festivals of the state takes the place to unexplored heights of success.

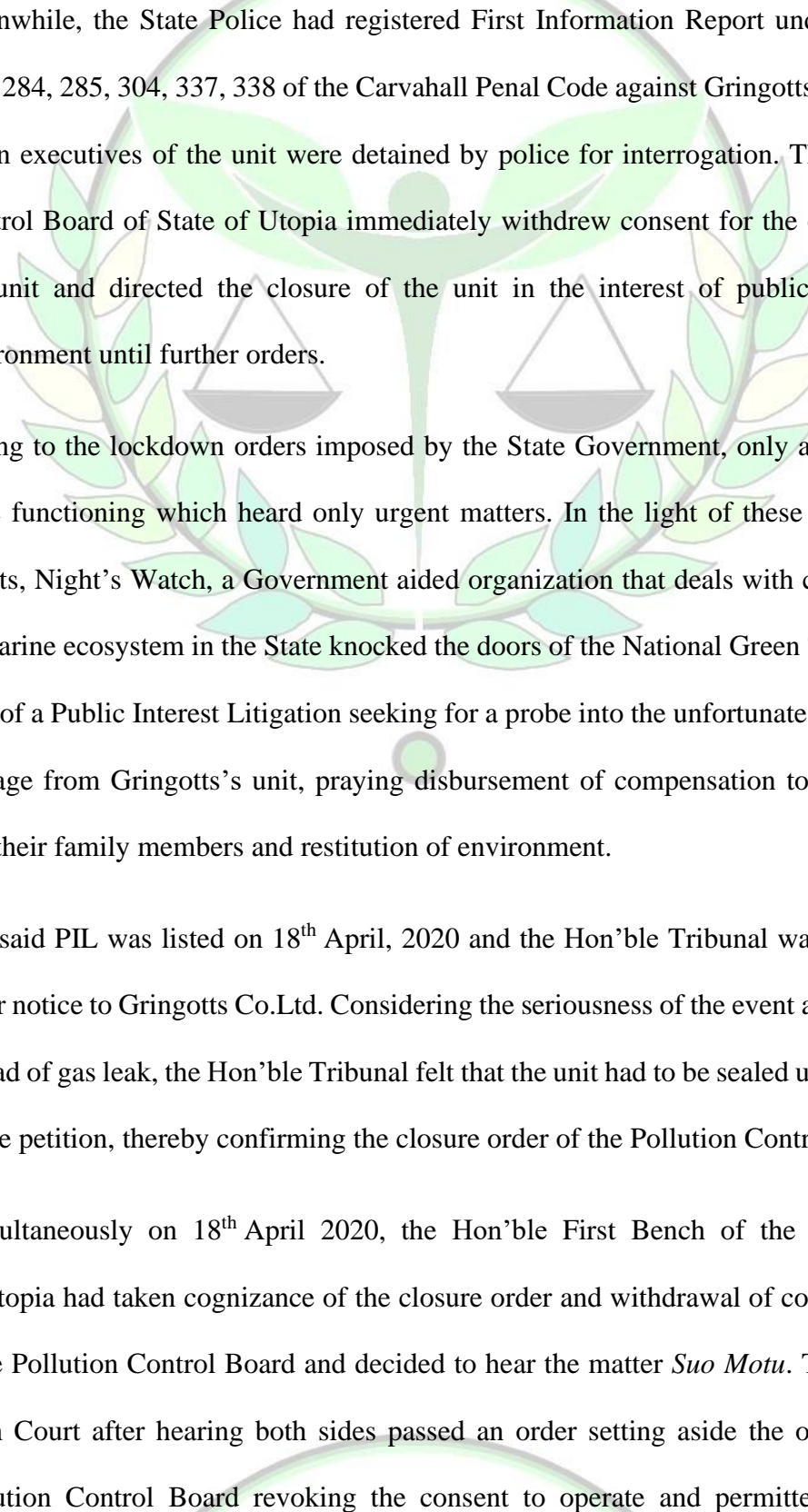
4. The state has a very high literacy level, and the population is highly politicized with people well aware of their rights and duties. The Eastern coastal area is popular for its 'rainforests of the sea' and has been declared as protected areas under the Wildlife (Protection) Act 1972. King's landing, a Southern district engaged mainly in aquaculture and processing seafood, contributing to one-third of food fish production in the State of Utopia.
5. There is an increasing concern over the magnitudes of environmental change for people and communities in the State of Utopia that depend on already fragile marine resources due to over-exploitation and climatic change on marine systems. There was a visible increase in the carbon footprint due to the production of Green House Gases generated through production, the supply chain, individual lifestyle, etc. Coastal communities throughout the country have recognized the marine ecosystem to be vulnerable to environmental change thus driving King's landing to put in efforts in preserving and increasing fish yield.
6. It was in the summer of 2020 on 3<sup>rd</sup> March, to the shock and dismay of the people in Carvahall; the Prime Minister impulsively declared a complete lockdown and imposed a strict curfew in the country for a period of 3 Months, due to the sudden outburst of a novel pandemic Kronos-19. The said pandemic was a disease that was spreading rapidly amongst the citizens. Almost 3 million people tested positive for Kronos-19 and 40,000 people also succumbed to this disease within a period of one month.
7. The Lockdown restricted people from stepping out of their houses and suspended all transport services—road, air and rail with exceptions for transportation of medical

goods, fire, police and emergency services. Educational institutions, industrial establishments, tourism and hotel services were also directed to be closed until further orders. Services such as small scale grocers, banks, ATMs, petrol pumps, other essentials and their manufacturing were exempted. A fine of Rs.5,000/- was levied for any non-compliance of the lockdown orders.

8. The Panchayat of King's landing had sought clarification from the Utopian Government if aquaculture and their processing units would amount to essential services and the same was given a green signal. Even though the district of King's landing was permitted to carry on their livelihood of aquaculture and to process seafood and there was an abundant supply of processed seafood for the people in the State, since inter-state transport was prohibited, it amounted to market shock and led to a steady decline in the economic growth. The lockdown restrictions meant that, the processing industry's labourers were left vulnerable who made up the bulk of the State's skilled labourers at processing plants.
9. Most of these labourers were mainly from other States and fearing their lives and livelihood, most of the labourers had returned to their homes during the lockdown. This slowed processing time apart from further challenges like the social distancing SOP laid down by the Government of Utopia and securing personal protective equipment (PPE) for labourers in order to safeguard their lives.
10. On the night of 15<sup>th</sup> April, 2020, at around 5:30 P.M. there was a bizarre and unforgettable untoward incident in the district of King's landing wherein a highly toxic substance made its way into and around the small towns located near the only leading aquaculture firm, Gringotts Co.Ltd, dealing with production, processing and export of

fresh and frozen seafood. More than 1,000 people in the district and 3 workmen at the firm's plant had to be rushed to hospitals after feeling breathlessness and dizziness. The number of children exposed to the gases was at least 200 in number and casualty kept increasing.

11. Hours after the incident, the Government of Utopia had issued formal statements that air, water and aquaculture were under immense threat. Considering the grave situation to life and environment, within weeks, the State Government established a number of hospitals, clinics and mobile units in the chemical-affected area to treat the victims.
12. A Forensic examination was conducted to ascertain the exact causes of why the residents and workers had fallen sick. It was reported that Gringotts's plant had installed refrigeration units using ammonia as a refrigerant that is driven by reciprocating type compressors. Ammonia is listed as a toxic chemical in Part II of Schedule 1 of the Manufacture, Storage and Import of Hazardous Chemical Rules 1989, as amended in 2000 at SL.No.31.
13. The Unit handling Ammonia was required to handle the same in compliance with Rules and the general responsibility of the occupier of the unit was to provide evidence to show that he has identified the major accident hazards and that he has taken adequate steps to prevent such major hazardous leaks. But, the same was lacking in the unit due to the shortage of labourers on account of the ongoing pandemic situation. The families of the labourers in the processing unit had appeared before the local Panchayat seeking redressal and compensation, but the same remained futile. Newspaper reports had indicated that it had taken nearly 10 days to bring down the emission.

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14. Meanwhile, the State Police had registered First Information Report under Sections 278, 284, 285, 304, 337, 338 of the Carvahall Penal Code against Gringotts Co.Ltd and seven executives of the unit were detained by police for interrogation. The Pollution Control Board of State of Utopia immediately withdrew consent for the operation of the unit and directed the closure of the unit in the interest of public health and environment until further orders.
15. Owing to the lockdown orders imposed by the State Government, only a few Courts were functioning which heard only urgent matters. In the light of these cataclysmic events, Night's Watch, a Government aided organization that deals with conservation of marine ecosystem in the State knocked the doors of the National Green Tribunal, by way of a Public Interest Litigation seeking for a probe into the unfortunate event of the leakage from Gringotts's unit, praying disbursement of compensation to the victims and their family members and restitution of environment.
16. The said PIL was listed on 18<sup>th</sup> April, 2020 and the Hon'ble Tribunal was pleased to order notice to Gringotts Co.Ltd. Considering the seriousness of the event and the rapid spread of gas leak, the Hon'ble Tribunal felt that the unit had to be sealed until disposal of the petition, thereby confirming the closure order of the Pollution Control Board.
17. Simultaneously on 18<sup>th</sup> April 2020, the Hon'ble First Bench of the High Court of Utopia had taken cognizance of the closure order and withdrawal of consent by the State Pollution Control Board and decided to hear the matter *Suo Motu*. The Hon'ble High Court after hearing both sides passed an order setting aside the orders of the Pollution Control Board revoking the consent to operate and permitted Gringotts

Co.Ltd., to resume operations, as food supply was a necessity in the State due to the lockdown orders on inter-state transport of goods.

18. The Hon'ble High Court had further directed the NGT to monitor on restoration of environment and compensation of the victims and their Families. Although Gringotts had an order of the Court permitting them to the reopen, it was at the same time that the NGT had confirmed the closure orders of the State Pollution Control Board. Being aggrieved by the contradicting orders passed on the same day, Gringotts Co.Ltd had preferred SLP before the Apex Court of Carvahall.

**NOTE:** The laws of Republic of Carvahall are *in pari materia* with that of the Republic of India.

**DISCLAIMER:** The moot proposition is purely based on fictitious incidents whereby the characters and incidents, the government and orders passed, and the course of events referred to are completely imaginary and have no relation to any government or any person living or dead or any real-life incident. The proposition is purely for training law students in developing an analytical mind and to augment their advocating skills