



**5th Wildlife Protection Government Law College National Moot
Court Competition 2023-24**

25th November, 2023 & 8th – 9th December, 2023

MOOT PROPOSITION

**IN THE SUPREME COURT OF SAULT
WRIT PETITION (CIVIL) NO. 420 OF 2023**

Vennite Board

...Petitioner

Versus

State Of Nerjia And Anr.

...Respondents

1. The Union of Sault is a socialist, secular, democratic republic whose essential character lies in its diversity. This diversity pervades every aspect of the nation, including its ecological systems, as well as its social systems. Sault houses a variety of ecosystems, including tropical rainforests, deserts, snowy mountains, and long stretches of coastline. This unique set of ecosystems allows for Sault to be home to more species of flora and fauna than any other country on Earth.
2. Similarly, Sault has a rich history, with trade routes from ancient civilizations running through the country. This resulted in people from numerous cultural and religious backgrounds settling in Sault. As a result, when the nation gained independence from colonial rule, secularism was included as part of the preamble of its Constitution, not simply as a traditional separation of religion and state, but in order for the state to protect religious pluralism, diversity, and tolerance.

3. One such religion is the Venna faith, which although has a small following of only a few tens of thousands, is entirely localised to Sault. Vennites (followers of Venna) are primarily found near the Vels Forest, a tropical rainforest in the north-eastern state of Nerija.
4. Inside the Vels Forest is a temple of Yussef Dayes (“YD”), who is considered as the deity of the Venna faith. The mythology of YD is written in a holy book called the Vennology, which was written around two thousand years ago. The Vennology also sets out the various practices of the Venna faith in three chapters.
5. Chapter I of the Vennology sets out the crux of the religious beliefs of the Vennites. These include the belief in YD as a deity and the moral and ethical code of all Vennites. This forms the very foundational basis of the Venna faith.
6. Chapter II of the Vennology contains the religious sacraments of the Vennites. These include the form of initiation of a person into the Venna faith (by dousing in holy oil and tying a sacred anklet), the form of marriage of two Vennites, etc. This chapter also contains a portion that prescribes a pilgrimage to the temple of YD by Vennites which may be undertaken annually.
7. Chapter III of the Vennology contains the daily rituals and practices of the Vennites. The majority of Vennites consider Chapter III as not being mandatory, and meant to be a guide to life practices for Vennites.
8. The Vels Forest is also the habitat of the Ezrat Leopard, a highly endangered species of Leopard, local to Sault. The Ezrat Leopard is in Schedule I of the Wildlife Protection Act, 1972. The Vels Forest was declared as a ‘sanctuary’ in 2021.
9. Vennites were undertaking pilgrimages to the YD temple for many years prior to the Vels Forest being declared a ‘sanctuary’. During that time, due to data not being recorded, there is no official data recording any instances of human-wildlife conflict between the Vennites and the Ezrat Leopard. The Vennite Board (the representative

body of the Vennites) has stated that “*No major instances of conflict with Ezrat Leopards occurred prior to 2021*”.

10. In 2021 and 2022, the Vennites undertook the pilgrimage on two occasions. On both occasions, permission was granted by the Chief Wildlife Warden to approximately 10,000 Vennites to undertake the pilgrimage to the YD temple. In both years, there were numerous instances of conflict between the Vennites and the Ezrat Leopard. These included the attack and killing of Vennites by Ezrat Leopards and consequent killing of multiple Ezrat Leopards by Vennites in self-defence.
11. The State also noted that the pilgrimages resulted in a large creation of waste, which in turn caused health hazards for the wildlife.
12. Taking cognizance of this issue, the State of Nerija decided to pass an amendment to the Wildlife Protection Act, 1972 titled “*The Wildlife Protection (Amendment) Act, 2023*” (“**Act**”). The Wildlife Protection Act, 1972 was amended as follows:
 - a. Section 2 (24A) defines ‘Pilgrimage’ as the act of traveling along a specific route, or to a specific location, for religious purposes.
 - b. Section 2 (24B) defines ‘Pilgrim’ as a person undertaking a pilgrimage.
 - c. Section 27 (1A) provides that no Pilgrim may enter any Protected Zone as part of a Pilgrimage.
 - d. Section 27 (1B) provides that any violation of Section 27(1A) will be punishable under Section 51 of the Wildlife Protection Act, 1972.
13. The Vennite Board publicly criticized the new Act, calling it a ‘*targeted attack on the Vennites fundamental religious rights*’. The Chief Minister of Nerija hit back strongly at criticisms against the Act, which she stated as critical and necessary to protect wildlife from human threats.
14. In August 2023, the Vennite Board applied for a permit from the Chief Wildlife Warden of Nerija to enter the Vels Forest for the purpose of their pilgrimage.

However, the Chief Wildlife Warden, by an administrative order dated August 25, 2023 (“**Order**”), communicated the following:

“The office of the Chief Wildlife Warden is in receipt of the application seeking a permit to enter the Vels Forest for the purpose of pilgrimage to the YD Temple.

However, in view of Section 27(1A) and Section 28 of the Wildlife Protection Act, 1972, the grant of permit for the purpose of pilgrimage cannot be granted under law, and therefore, the request for permit is refused”

15. Aggrieved by the Order, the Vennite Board filed a petition before the Supreme Court of Sault (“**Petition**”) contending the following:

- a. The Chief Wildlife Warden’s Order is arbitrary and untenable. The Vennite Board has a legitimate expectation to be granted permission to conduct the pilgrimage to the YD Temple. Accordingly, the Court ought to pass a Writ of Mandamus directing the Chief Wildlife Warden to grant the Vennite Board a permit for their pilgrimage.
- b. The amendment Act is violative of the Vennites’ fundamental right to religion, and ought to be struck down as unconstitutional.

16. The State of Nerija has opposed the Petition.

17. Accordingly, the Supreme Court has framed the following issues for consideration:

- a. Is the Chief Wildlife Warden’s Order arbitrary?
- b. Is the Amendment Act unconstitutional?
- c. What alternative measures can the State reasonably employ to mitigate the issues arising out of pilgrimages into the wildlife sanctuary?
- d. What directions, if any, is the SC empowered to issue in such a case?

18. The Supreme Court has also granted leave to both parties to agitate any other issue that maybe relevant in the said case.

NOTE

1. The laws of Sault are *pari materia* to the laws of India.
2. The Participants are advised to divide the issues as a & d and b & c in their Oral Submissions.
3. The Moot Proposition is purely a work of fiction and created solely for the purpose of the Moot Court Competition. The characters, institutions, organizations, and events depicted in this Moot Proposition are purely fictional. Any similarity or resemblance to actual persons or actual events is purely coincidental and unintentional. The Moot Proposition does not intend to defame/denigrate/hurt the sentiments of any person(s), institution, communities, groups or class of persons.