



# MOOT PROPOSITION

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7<sup>th</sup> EDITION

CAPACITY BUILDING MOOT COURT COMPETITION

NOVEMBER, 2024



**NOTE FROM THE MOOT COURT COMMITTEE**

Dear Class of 2029,

The Moot Court Committee is pleased to observe your enthusiasm for the 7<sup>th</sup> **Capacity Building Moot Court Competition**. In recent years, the Capacity Building Moot has been instrumental in preparing teams for success in inter-university competitions. We trust that this year's edition will similarly serve as a platform for you to advance NLUJAA's esteemed reputation in the national as well as international mooting sphere.

Best Wishes,

Moot Court Committee (2024-25)

National Law University and Judicial Academy, Assam

### STATEMENT OF AGREED FACTS

1. The Republic of Swarnadesh is located on the continent of Eldia. The country became independent from the foreign yoke in 1948. Swarnadesh is a developing country and has a GDP of 2.9 trillion USD and a population of 900 million. Saket City, the newly constructed planned capital of the Republic of Swarnadesh, became the nation's capital in 2017, replacing the former capital, Zhiganshina. It is home to key institutions, including the Parliament and the Supreme Court of Swarnadesh. The country is divided into 31 federal units, or states. The federal structure is strongly tilted towards the Union Government. From time to time, various legal scholars have referred to the country's political structure as federal, quasi-federal, or a *sui generis* federal model, as per their convenience and understanding.
2. Despite consistently achieving high annual GDP growth rates, Swarnadesh remains a low-income country in terms of Per Capita Income. The economy is primarily agrarian and is heavily dependent on the export of agricultural and other processed agricultural products. While the agricultural sector continues to provide substantial foreign exchange earnings, the benefits of this growth have not been equitably distributed across its population.
3. Samriddhnagar is a landlocked state in Swarnadesh. The state is heavily dependent on agriculture. Despite being one of the smallest states in the country, it has the highest population density. It is one of the poorest states in the country, with a high percentage of its population living below the poverty line. The state struggles with low per capita income and underdeveloped infrastructure, particularly in rural areas, which limits economic and employment opportunities. The state struggles to meet its financial needs and is often dependent on monetary aid from the Union government.
4. The State of Samriddhnagar is home to a vastly diverse and multi-ethnic population, comprising of various religions, races, sects, and castes, with each having its very own distinct set of beliefs, customs, and practices. This cultural mosaic includes a significant tribal population, many of whom have inhabited the region for centuries, living in close harmony with nature. These tribes rely heavily on the land and forests for their livelihood, cultural practices, and spiritual beliefs, and this has gradually become indispensable to their way of life.
5. One of the most deeply rooted customs among the tribal communities in Samriddhnagar is the consumption of liquor made from the Arakh tree, a species found only in the State

of Samriddhnagar. Being an endemic species, the Arakh tree is firmly embedded in the IUCN Red List of Threatened Species. For generations, these trees have played a central role as a source of sustenance and a cultural and ceremonial staple. The tree is never found in solitude and always grows in groves. The sacred groves hold significant cultural significance for the tribal communities. The liquor produced from its roots, known as 'Zafiro', is used in various religious rituals, festivals, and social gatherings, symbolising the tribes' connection to their land and heritage. This practice is not merely a recreational activity but a key part of their communal identity. The manufacturing process of the liquor requires uprooting a mature tree, fermenting the roots for 30-90 days, and thereafter distilling it. The distilled spirit is subsequently refined through ageing in sealed wooden barrels, enhancing its flavour profile and thereby elevating its market value, which is, although optional.

6. Not only was the Zafiro liquor a cultural and ceremonial drink for the tribals, it was also popular across Swarnadesh and beyond. The exquisitely aged Zafiro liquor commands a premium price and is favoured by the elite as their drink of choice. The popularity of this liquor has led to the establishment of larger-scale production units, making it a key economic activity in Samriddhnagar. The Zafiro liquor's versatility in terms of flavouring and use in different social settings has further cemented its status as a unique and valued product. Data from a 2020 thinktank report shows that the State exported Zafiro worth \$70 million annually.
7. In 2022, a report published by the Daily Prophet, a local and popular news network, highlighted that widespread consumption across various sections of society has led to numerous social problems. The growing demand for liquor among the broader population has resulted in its excessive and unregulated use. This widespread availability has contributed to a rise in alcohol addiction, especially in rural areas, where access to other forms of alcohol may be limited. The unchecked consumption of alcohol has been linked to various social evils, including domestic violence, deteriorating public health, and disruptions in family structures. The affordability and potency of the liquor (40% ABV) make it accessible even to lower-income groups, exacerbating poverty as households spend a sizable portion of their income on alcohol. The state has also seen a rise in alcohol-related crimes and accidents. This led to concerns about the impact of liquor on society and law and order by various NGOs, women organisations, activists, and intellectuals both domestically and internationally.

8. Due to the mounting social issues stemming from widespread alcohol consumption, the matter became a key political issue in the 2024 state elections. Ms. Ritu Vardhan, an ardent Gandhian and the leader of the Jantantrik-Democratic Union Party, the chief opposition party in Swarnadesh, capitalised on growing public discontent, especially among women who had been disproportionately affected by alcohol abuse within their households. In her campaign manifesto, she boldly promised to ban the production and consumption of alcohol throughout the state, positioning the issue as a cornerstone of her platform. Her promise to tackle the pervasive social evils linked to alcohol resonated strongly with the women of Samriddhnagar, who had long been advocating for such a measure. Assembly elections were held in Samriddhnagar in May 2024, where the promise of prohibition gained overwhelming support, and women turned out in large numbers to cast their votes for Ms. Vardhan, especially in the state's capital, Coruscant, seeing her as a champion of their rights and social welfare. Buoyed by an extraordinary surge of support from female and youth voters, she secured a resounding victory in the election by a decisive margin.
9. True to her word, shortly after taking office, Ms. Ritu Vardhan's government passed the **Sammridhnagar Prohibition Act, 2024** (Annexure I), on September 7th, 2024, in the State Assembly that banned the production, sale, and consumption of alcohol in the state, including the traditional Zafiro liquor. The passed legislation soon received the Governor's assent and was made applicable in the entire state. The decision, while praised by many as a victory for women's rights and social reform, sparked intense debates and protests, especially from tribal communities and those economically reliant on Zafiro production.
10. The state government, concerned by the dwindling number of Arakh groves and the loss of revenue from the liquor ban, enacted the **Arakh Conservation and Sustainable Utilisation Act, 2024**, on September 15, 2024 (Annexure II) to conserve the sacred groves and to levy a duty on its flowers, which hold substantial industrial application in various industries, including pharmaceuticals and cosmetics, where it is used for medicinal and beauty products. The Act included provisions prohibiting the plucking of Arakh flowers and the cutting down of Arakh trees, declaring any violation a punishable offence with imprisonment of up to 10 years. By designating the Arakh forests as "Wildlife Sanctuaries," the state aims to preserve the ecological balance, prevent deforestation, and safeguard the cultural heritage tied to the Arakh groves.

11. Despite the government's stringent laws aimed at banning the production, sale, and consumption of alcohol in the state, alcohol continued to be widely available through illicit means, including smuggling and black-market operations. The demand for liquor remained high among various sections of the population. This gave rise to a thriving underground economy, where bootleggers and criminal networks took advantage of the ban to supply alcohol illegally, often at inflated prices. Furthermore, the ban triggered the production and distribution of spurious and denatured liquor, laced with chemical adulterants such as methanol, benzene, and acetone—commonly known as hooch—which posed grave health risks. In the months following the ban, multiple incidents of hooch tragedies were reported. Several people died or suffered severe permanent health complications from consuming adulterated and improperly distilled alcohol.
12. The Government at the Centre and the opposition parties in the state questioned the legislative competence of the Arakh Conservation and Sustainable Utilisation Act, 2024, labelling it anti-constitutional due to the existence of the **Wildlife Protection Act, 2000** (Annexure III), a Union law that already governs the protection of forests and wildlife. The central government alleged that the state's law conflicted with the Union legislation and, by doing so, violated the federal structure enshrined in the Swarnadesh Constitution. They emphasised that the protection of forests falls under the Concurrent List stipulated in the Constitution.
13. Furthermore, the Wildlife Protection Act, 2000, provides for the declaration of an area of ecological importance as a "Wildlife Sanctuary" by the 'Union' and provides for the term punishment of a maximum of 2 years for breach of the Act, which includes any form of removal, extraction, or use of parts of trees or any forest produce from areas designated as protected areas (such as national parks, wildlife sanctuaries, or sacred forests) that is considered illegal. The Act specifically prohibits any person from taking or using resources such as flowers, leaves, timber, or any other part of a tree from these areas, with exceptions only granted under specific circumstances like scientific research or government-authorised activities.
14. Amid the uproar in the state assembly, Chief Minister Ritu Vardhan defended the Arakh Conservation and Sustainable Utilisation Act, 2024, offering a spirited rebuttal. She boldly stated that the state government was "well within its boundaries," asserting that the matter of land falls under the State List as per the Seventh Schedule of the Constitution. "The Union has no power over it," she said, emphasising the sovereignty of the state within its

designated sphere of authority. She contended that the Union's Wildlife Protection Act did not adequately address the specific needs of the region, particularly the sacred value the Arakh tree holds for the tribal communities and its industrial uses within the state. The Chief Minister also argued that the state's decision to protect sacred groves was well within its legislative competence, as it pertained to land and liquor regulation, which are exclusively under the purview of the state and in line with the federal nature of the Constitution.

15. Despite widespread protests and numerous media reports highlighting the failure of the liquor ban, the state government remained steadfast in its commitment to maintaining the prohibition. Public discontent, particularly among the tribal communities whose cultural practices were deeply tied to the production and consumption of Zafiro, continued to grow. On September 20th, 2024, a mere month before the celebration of Honeydukes—an important festival for the tribal communities—a major incident unfolded. A group of tribal members forcefully entered the protected Arakh reserves and uprooted the Arakh trees in defiance of the Arakh Conservation and Sustainable Utilisation Act, 2024, seeking to use the roots for traditional liquor production in preparation for the festival. Large numbers of Arakh Roots were taken by the tribal members, who even initiated the process of manufacturing Zafiro. The event resulted in the arrest of several individuals, sparking widespread anger and protests not only from the tribal population but also from the general populace, who had grown increasingly frustrated with the stringent restrictions and the socio-economic impact of the liquor ban.
16. In the aftermath of the widespread arrests, several NGOs and activists came forward to advocate for the rights of those detained. Ms. Jyotica Da' Silva, a leading activist dedicated to the protection of tribal and fundamental rights, swiftly filed a writ petition in the Supreme Court of Swarnadesh, challenging the constitutionality of the Sammriddhnagar Prohibition Act, 2024, the legality of the arrests under the Arakh Conservation and Sustainable Utilisation Act, 2024, on the ground of a violation of federal structure enshrined in the Constitution as well as the deprivation of employment of the local tribal populace owing to the prohibition.
17. The Court decided to hear the petitions together and constituted a seven-judge Constitution bench for the same. In the initial hearing on November 5, 2024, the matter was admitted. Now, the matter is listed for final hearing and disposal on November 9,

2024. Since the matter has already been admitted, the maintainability of the petition would not be heard. At this stage, the matter would only be heard on its merits.

The laws and regulations of the Republic of Swarnadesh are *mutatis mutandis* equivalent to those of the Republic of India. Apart from that, no law other than the Constitution can be invoked.

*The Moot Proposition is based on the draft prepared by **Mr. Harsh Amrit (Batch of 2024)** and **Mr. Aroni D. Swami (Batch of 2026)**.*

*The Moot Proposition is a work of fiction and has no corresponding similarity with any real-life event, person, group, or incident; any such similarity is merely coincidental.*

**ANNEXURE I: Extract of the Samriddhnagar Prohibition Act, 2024**

**OFFICIAL GAZETTE**

**Government of Samriddhnagar**

**Orders by the Governor**

**Legislative Department: Legislative Branch**

**Notification**

The 18th of September, 2024

ON. 44/2024: The following Act of the Samriddhnagar State Assembly, which received the assent of the Governor, His Excellency Franz Beckenbauer, on **15th September, 2024**, is hereby published for general information:

**Samriddhnagar Act No. XI of 2024**

(Received the assent of the Governor on 15th September, 2024)

**The Samriddhnagar Prohibition Act, 2024**

**AN ACT to enforce, implement, and promote complete Prohibition of liquor and intoxicants in the territory of the State of Samriddhnagar and for matters connected therewith or incidental thereto. Whereas it is expedient to provide for a uniform law relating to Prohibition of liquor and intoxicants, the levy of duties thereon, and punishment for the violation of law in the State of Samriddhnagar; Now, therefore, be it enacted by the Legislature of the State of Samriddhnagar in the Seventy-Fifth Year of the Republic of Swarnadesh as follows:**

**Chapter I Preliminary:**

**1. Short Title and Commencement:**

- (1) This Act may be called the Samriddhnagar Prohibition Act, 2024.
- (2) It shall extend to the whole of the State of Samriddhnagar.
- (3) It shall come into force on the day of its publication in the Official Gazette.

#### Chapter IV Penalties:

##### **22. Penalty for unlawful import, export, transport, manufacture, possession, sale, etc.—**

Whoever, in contravention of provision of this Act or of any rule or order made or notification issued under this Act or in contravention of any condition of any license, permit, or pass, renewed under this Act or without a valid license, permit, or pass issued under this Act -

(a) manufactures, possesses, buys, sells, distributes, collects, bottles, imports, exports, transports, or removes any intoxicant or liquor; or

(b) constructs, establishes, or works any manufactory, distillery, brewery, or warehouse; or

(c) uses, keeps, or has in his possession any material, still, utensil, implement, apparatus, or premises whatsoever, for the purpose of manufacturing any intoxicant or liquor; or

Explanation: The word “material” means any material and includes any food or non-food item that may be used for preparing any liquor or intoxicant.

(d) possesses any material or film either with or without the State Government logo or logo of any State or wrapper or any other thing in which liquor or intoxicant can be packed or any apparatus, implement, or machine for the purpose of packing any liquor or intoxicant; or

(e) removes any liquor or intoxicant from any distillery, brewery, warehouse, or other place of storage licensed, established, authorised, or continued under this Act; or

(f) manufactures, possesses, sells, distributes, bottles, imports, exports, transports, or removes any preparation or ingredient made with or without the use of any intoxicant or liquor, which can serve as an alcohol or a substitute for alcohol and is used or likely to be used or consumed for the purposes of getting intoxicated, shall be punishable with imprisonment for a term not less than ten years but which may extend to imprisonment for life and with a fine which shall not be less than one lakh rupees but which may extend to ten lakh rupees.

Explanation: “*Possession*” here means the possession by any family or member of that family and includes the knowledge of possession where any member of a family or the family itself knows that such possession is illegal, whether it is in his or her own possession or with some other member of the family.

**23. Penalty for rendering denatured spirits fit for human consumption.** Whoever alters or attempts to alter any denatured spirit with the intention to make it fit for human consumption, whether as a beverage or as a medicine, or in any other way and by any other

method or has in his possession any spirit in respect of which he knows or has reason to believe that such attempt has been made, shall be punishable with imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and with a fine, which shall not be less than one lakh rupees but which may extend to ten lakh rupees.

**ANNEXURE II: Extract of the Arakh Conservation and Sustainable Utilisation Act,  
2024**

**OFFICIAL GAZETTE**

**Government of Samriddhnagar**

**Orders by the Governor**

**Legislative Department: Legislative Branch**

**Notification**

ON. 49/2024: The following Act of the Samriddhnagar State Assembly, which received the assent of the Governor, His Excellency Franz Beckenbauer, on **18th September, 2024**, is hereby published for general information:

**Sammridhnagar Act No. XIII of 2024**

(Received the assent of the Governor on 18th September, 2024)

**The Arakh Conservation and Sustainable Utilisation Act, 2024**

**AN ACT** to enforce, implement, and promote the conservation and sustainable utilisation of the Arakh groves, the levy of duties thereon, and punishment for the violation of law in the State of Samriddhnagar; Now, therefore, be it enacted by the Legislature of the State of Samriddhnagar in the Seventy-Fifth Year of the Republic of Swarnadesh as follows:

**Chapter I - Preliminary:**

**1. Short Title and Commencement:**

- (1) This Act may be called the Arakh Conservation and Sustainable Utilisation Act, 2024
- (2) It shall extend to the whole of the State of Sammridhnagar.
- (3) It shall come into force on the day of its publication in the Official Gazette.

**Chapter VI - Sacred Forests and Wildlife Sanctuaries:**

**41. Sacred Forest and Wildlife Sanctuaries:**

- (1) The State Government may, by notification, declare the provisions of this Chapter applicable to any land that is not included in a reserved forest but which is the property of the Government or, over which the Government has proprietary rights.
- (2) The lands comprised in any such notification shall be called a “sacred forest.”

**42. Reserve and deem Arakh groves as wildlife sanctuaries, et cetera**

The State Government may, by notification:

- (1) declare any Arakh grove or groves in a forest to be reserved and deemed as wildlife sanctuaries from a date to be specified in the notification;
- (2) prohibit, from a date to be specified as aforesaid, the quarrying of stone, or the burning of lime or charcoal, or the collection or subjection to any manufacturing process or removal of any Arakh produce in any such forest, and the braking up or clearing for cultivation, for building, for rearing cattle, or for any other purposes, of any land in any such forest;
- (3) declare that any portion of such groves as may be specified in the notification shall be closed to grazing and removal of any forest produce for such time as the State Government thinks fit for the plantation and natural growth of the grove.
- (4) prohibit, from a date to be specified as aforesaid, the plucking of Arakh flowers without an authorised permit, the cutting of Arakh trees, or peeling the bark of an Arakh tree or tamper with the natural growth of an Arakh tree.

**43. Penalties for actions in contravention of provisions under Section 42:**

- (1) Any person who —
  - (a) fells, gridles, lops, traps or burns any Arakh tree reserved under Section 42, or strips off the bark or leaves from, or otherwise damages any such tree;
  - (b) contrary to any prohibition under Section 42, quarries any stone, or burns any lime or charcoal, or collects, subject to any manufacturing process, or removes any forest produce;

(c) contrary to any prohibition under Section 42, breaks up or clears for cultivation or any other purposes any land in any protected forest or cultivates or attempts to cultivate any such land in any manner.

(d) pluck flowers from the Arakh tree for commercial utilization without an authorised permit or so as to damage the tree;

(d) sets fire to such forest or kindles a fire without taking all reasonable precautions to prevent its spreading to any Arakh tree, whether standing, fallen or felled, or to any portion of such forest notified under the said section;

(e) fells any tree or drags any timber so as to damage any Arakh tree as aforesaid;

(f) permits cattle to damage any such tree; or

(g) infringes any section made otherwise under this Act; shall be punishable with imprisonment for a term which may extend to 10 years and with a fine which may extend to one lakh rupees, and shall also be liable to pay such compensation, not being less than the value of the damage.

**ANNEXURE III: Extract of the Wildlife Protection Act, 2000**

**OFFICIAL GAZETTE**

**GOVERNMENT OF SWARNADESH**

**Ministry of Law and Justice (Legislative Department)**

*Zhiganshina*, the following act received the assent of the President of the Republic of Swarnadesh- His Excellency Tobirama Senju, on 29th September, 2000, and is hereby published for general information:

**The Wildlife Protection Act, 2000, No. 73 OF 2000**

An Act to provide for the protection of wild animals, birds, and plant varieties and for matters connected therewith or ancillary or incidental thereto. WHEREAS it is expedient to provide for the protection of wild animals, birds, and plant varieties for matters connected therewith or ancillary or incidental thereto; AND WHEREAS Parliament has no power to make laws for the States with respect to any of the matters aforesaid except as provided in articles 249 and 250 of the Constitution;

BE it enacted by Parliament of Swarnadesh in the Fifty-First Year of the Republic of India as follows:

**Chapter I - Preliminary:**

**1. Short Title and Commencement:**

- (1) This Act may be called the Wildlife Protection Act, 2000
- (2) It shall extend to the whole of the Republic of Swarnadesh.
- (3) It shall come into force on the day of its publication in the Official Gazette.

**Chapter VIII - Declaration of Protected Areas:**

**49. Declaration of Wildlife Sanctuaries**

- (1) The Union Government may, by notification in the Official Gazette, declare any area of ecological importance as a "Wildlife Sanctuary."
- (2) The declaration shall be based on the ecological significance of the area, including but not limited to its flora, fauna, biodiversity, or cultural heritage.

- (3) Once declared, the area shall be subject to the provisions of this Act, and any extraction or use of forest produce from such areas shall be regulated as provided herein.

### **Chapter IX - Prohibition of Resource Extraction and Use**

#### **64. Prohibition on Extraction or Use of Forest Produce**

- (1) No person shall, within any area declared as a protected area under this Act (including national parks, wildlife sanctuaries, or sacred forests), remove, extract, or use any part of a tree or forest produce, including but not limited to flowers, leaves, timber, fruits, bark, or any other product.
- (2) Any removal, extraction, or use of such resources shall be deemed illegal unless expressly authorised by the Union Government for specific purposes, such as:
- Scientific research
  - Conservation efforts
  - Any other activity deemed necessary and authorised by the government.
- (3) Violators shall be subject to the penalties prescribed under this Act.

### **Chapter X- Penalties**

#### **69. Penalty for Violation**

- (1) Any person found guilty of violating the provisions of Section 3 of this Act shall be punishable with imprisonment for a term which may extend to two years or with a fine, or with both.
- (2) Repeat offenders shall be subject to enhanced penalties as may be prescribed by the Union Government through rules or notifications.

### **Chapter XI- Miscellaneous Provisions**

#### **70. Rule-making power**

- (1) The Union Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act, including the manner and procedure for granting exemptions under Section 64.