



1st NATIONAL ENVIRONMENTAL LAW PIL DRAFTING COMPETITION 2024

FACTUAL PROPOSITION FOR THE COMPETITION

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No attempt, directly or indirectly shall be made to contact the drafter seeking any help w.r.t. to the fact proposition. Any team/individual approaching the drafter for the said reason shall be disqualified.

BACKGROUND

1. Indica, a vibrant and diverse South Asian country, comprises 29 states and is home to a rich variety of rivers, landscapes, and ecosystems. With a written Constitution, Indica operates under a quasi-federal system of governance, while acknowledging the autonomy of states, leans towards centralizing authority. This system ensures a strong central government while distributing powers and responsibilities to the states.

2. The Constitution of Indica explicitly mandates the States to safeguard and improve the environment. This directive obliges every state to take proactive measures in the protection of forests, wildlife, and the broader natural environment. In this constitutional framework, the protection and management of natural resources are seen as a shared responsibility, reflecting the country's broader commitment to sustainability.

DEVELOPMENT PROJECTS AND ENVIRONMENTAL IMPACT

3. Indica is globally renowned for its deep-rooted heritage, cultural diversity, and spiritual traditions. The people of Indica take pride in their religious and cultural legacy, with various states exhibiting unique customs, languages, and practices. Among the 29 states, the State of Uttarkashi stands out for its remarkable religious significance and its stunning geographical landscapes, characterized by hills, mountains, and pure rivers. Uttarkashi, often referred to as the "Land of the Gods," holds a special place in the hearts

of Indicans due to its numerous pilgrimage sites and its natural beauty.

4. However, in the last two decades, the State of Uttarkashi has witnessed a sharp rise in natural calamities, including floods, landslides, and earthquakes. These disasters have been exacerbated by large-scale development projects that have disturbed the fragile ecological balance of the region. Infrastructure expansion, deforestation, and poorly planned urbanization have contributed to the environmental degradation of this state.

5. The unchecked growth of construction activities, especially in ecologically sensitive zones, has affected the natural beauty of Uttarkashi. Roads, hydroelectric dams, and real estate developments have transformed the landscape, often at the cost of environmental sustainability. The hills of Uttarkashi, while attracting pilgrims and tourists, now face challenges related to soil erosion, deforestation, and pollution, threatening the delicate ecosystems and communities that depend on them.

PUBLIC PROTESTS AND ACTIVISM

6. Mr. M, a prominent social and environmental activist, has gained recognition for his dedicated efforts towards the protection and preservation of the flora and fauna in the State of Uttarkashi. Widely regarded as a man of principle, he has authored several books aimed at raising public awareness regarding environmental conservation.

7. In March 2024, while perusing a newspaper, Mr. M encountered an article titled “People Gathered to Save Trees in Uttarkashi,” which reported on the marking of more than 1200 trees for felling as part of a road-widening project in the vicinity of the Hanumant Dham, located in Delvora District. This news prompted him to take action by filing a Public Interest Litigation (PIL).

8. In March 2024, a significant gathering took place at the revered Hanumant Dham in Delvora district, Uttarkashi. Hundreds of men, women, and children assembled, not merely for religious worship but to participate in a symbolic act of environmental protection. They tied "raksha sootra" (threads of protection) around the region's iconic Himalayan cedar trees, which are considered sacred by the local population. Many of these trees are estimated to be thousands of years old. Hanumant Dham, surrounded by a cluster of 108 temples, is an area renowned for its religious and environmental significance, with sacred trees positioned around each temple. The entire region is adorned with dense greenery, creating a unique blend of spiritual and ecological beauty.

9. In response to the proposed tree felling, local tribal communities also rallied in protest, calling upon the government to halt any initiatives that threaten this sacred site. The tribes, whose cultural and spiritual identities are closely linked to the preservation of the area's natural and religious heritage, have demanded that the government reconsider the developmental activities that would advers-

ely affect their religious practices and the environmental integrity of the region. The indigenous tribal communities residing in the forests of Delvora district revere the Hanumant Dham as a sacred site. As part of their customary practices during significant life events, such as birth and marriage ceremonies, they worship at these temples and perform rituals involving the trees surrounding them.

GOVERNMENT'S RESPONSE AND SUSTAINABLE DEVELOPMENT

10. On 15 January 2024, the government announced the "Bigger Roads in Uttarkashi Mission," which aims to widen roads with the dual objectives of improving connectivity for both local residents and visitors, as well as enhancing tourism to key destinations. Among the locations identified for this project is Hanumant Dham. When government officials initiated the marking of trees for a 5-kilometer stretch of road as part of the road-widening project, the local community of Delvora, in response, organized a non-violent protest modeled after the Chipko movement of the 1970s which was intended to protect the forests of Uttarkashi from the ongoing environmental degradation caused by accelerated industrialization.

11. The local population asserts that the attraction of Hanumant Dham lies not only in its temples but also in the surrounding natural environment, including the forests that serve as a conduit to the site. They question the ratio-

nale behind the government's intention to transform the traditionally serene, forested location into a heavily trafficked area. The deity of these temples, widely regarded as such, cutting down these trees, in the view of the local community, amounts to desecrating the spiritual essence of the temples.

12. Following the commencement of the protest, the hashtag #SaveHanumantDham gained widespread attention on social media platforms, amplifying public criticism directed at the Uttarkashi state government. In response to the mounting backlash, the government defended the project, stating that the development is designed to benefit the people of Delvora by enhancing local connectivity. Furthermore, the government emphasized that the increased tourism resulting from the project would create new economic opportunities for the residents of Delvora district.

13. As the matter garnered substantial public support, the State Government, on April 1, 2024, declared that it would not compromise environmental protection in the pursuit of development and growth. The government emphasized that a balanced approach, adhering to the principles of sustainable development, would be adopted by the appropriate authorities.

CULTURAL AND ECOLOGICAL CONCERNS

14. Despite these assurances, the process of marking trees for felling continued. On April 8, 2024, the temple priest,

Mr. X, formally requested the higher authorities, urging them to refrain from disturbing the Himalayan cedar forests. Mr. X highlighted the importance of these trees in maintaining both the ecological and spiritual equilibrium in the region. He further noted that these trees contribute to the natural beauty that attracts international visitors to the area.

15. There is widespread belief among the local population that the tree-cutting operations have been temporarily halted due to the upcoming elections. Many locals fear that, following the elections in May 2024, the government may fail to address this issue with the seriousness it deserves.

16. Mr. A, the founder of the Green Uttarkashi Foundation, has also brought attention to two other critical issues plaguing the State of Uttarkashi over the past two decades: forest fires and landslides. According to official records, approximately 55,000 hectares of forest have been destroyed by wildfires in Uttarkashi since 2000. Additionally, landslides in the current year alone have resulted in the loss of over 1,000 lives.

17. In response to these concerns, Mr. A and other advocates for the preservation and conservation of Uttarkashi have organized a march from Devora to the Parliament of Indica. They are calling for the establishment of a committee to investigate the matter, recommending that this committee be composed of both central and state representatives, including locals from Devora and other

affected districts. Furthermore, they demand that the Government of India consider granting Uttarkashi a special status, akin to the status accorded to other states under the Scheduled List of the Constitution of India.

CONTENTIONS & LEGAL ACTION

18. Mr. A has outlined the following specific demands to the Government of Uttarkashi:

- 1. The State of Uttarkashi should be granted special status within the Constitution of India.**
- 2. A joint center-state committee should be formed to address the ongoing environmental concerns.**
- 3. The state must allocate a special relief fund to address the damage sustained by Uttarkashi over the past two decades and take active steps towards the restoration of the region.**

19. Statement of Concerns Presented by the Locals:

- a) The deforestation in the Devora District will reduce the cultural and religious significance of the temple located in the region.**
- b) The deforestation in the Devora District will directly affect the local resources on which the indigenous tribal population depends for their livelihood.**
- c) The felling of trees in the Devora District will disrupt the traditional marriage customs of the tribal communities, as these trees hold profound cultural and ritualistic significance in their matrimonial ceremonies.**

d) Further, the government's action of cutting down trees will adversely affect the local population, particularly those who rely on the vicinity of the temple for their livelihood, leading to loss of income and potential unemployment.

e) The trees in question play a crucial role in stabilizing the soil, and their removal could compromise the structural integrity of the temple itself.

20. In light of these concerns, Mr. MNO has expressed his intention to file a Public Interest Litigation (PIL) directly before the Supreme Court of India, seeking intervention in the matter to prevent further environmental and cultural degradation in the district.

"Prepare a formal Public Interest Litigation (PIL) petition to be submitted before the Supreme Court of India, as part of the PIL drafting competition."

Drafters are free to frame issues on their own discretion taking into account their relevance with the above presented facts.

NOTE:

Page Limit of PIL will be 25 pages excluding only cover page, index of authorities, statement of jurisdiction & facts.

Note:- The Constitution of Indica is pari materia with the Constitution of India, and all pertinent environmental and forest laws, including constitutional provisions concerning environmental protection, apply uniformly. The legal principles governing forest conservation, the protection of cultural heritage, and the rights of indigenous communities, as enshrined in both Constitutions, are equally applicable in this hypothetical case.

Disclaimer:-This case is purely hypothetical and is crafted solely for academic purposes. It bears no connection to any actual cases pending or decided by any court. All names, facts, and references are fictitious, and any resemblance to real persons or situations is purely coincidental.

Happy Drafting!
All the Best!