

S.S.Jain Subodh Law College

(A Unit of S.S. Jain Subodh Shiksha Samiti, Jaipur)

Affiliated to the University of Rajasthan & Approved by the Bar Council of India
Centre of Excellence for Law Courses

MOOT PROBLEM

The State of Winterfell is one of the States in the country, Bravos. Due to wrath of nature the state is facing an acute scarcity of water and the condition in major part of the state is near to drought.

To meet this situation, the state of Winterfell has taken a policy decision to construct a number of dams in the State so that the rainy water could be accumulated in the dams which would help in meeting the growing needs of water for the purpose of drinking, agriculture and also for the Industries. The Government of Bravos is also of the opinion that the accumulation water in the dams would help in recouping the underground water level in the state.

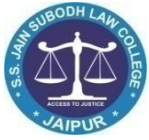
One of such dams is to be constructed in a district in Winterfell which is severely affected. The construction of the dam would affect ten villages which are adjoining to the location of the dam. The villagers have agriculture as their main occupation and as a consequence of the water stored in the dam, their agricultural fields would either be submerged or get water logged which would deprive them of their right to livelihood.

The state of Winterfell for the purpose of the construction of dam had floated global tenders and one of the companies, Reliable Industries limited had been given a contract to construct a dam.

The Reliable Industries limited for the purpose of construction of the dam had applied for environment clearance to the Ministry of Environment and Forest for the purpose.

Environment clearance had been given to the company on the ground that the Government had an authority to do so in larger public interest.

The farmers and villagers in the villages are also not in favour of the construction of the dam since they would be displaced from the land where the dam is to be constructed and would be deprived of their livelihood.



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“Alert Bravos” is an NGO which works for the protection of environment in Bravos. “Alert Bravos” which is fighting for the cause of environment has appealed to the Government of Bravos not to proceed with the construction of the dam since it would lead to an environmental imbalance in the State of Winterfell. However, the state of Winterfell is determined to proceed with the construction of dam in public interest.

“Alert Bravos” has filed a PIL under Article 32 of the Constitution of Bravos. It has also taken a stand for the villagers who are likely to be displaced and has submitted that the construction of the said dam is in violation of Art.21 of the constitution of Bravos as regards right to life and Personal liberty of the farmers and villagers in the area.

The Supreme Court of Bravos admitted the petition for hearing and has framed the following issues for the purpose of adjudication.

- Whether the PIL filed under Art.32 of the Constitution of Bravos is Maintainable?
- Whether the displacement of the villagers from the area where the proposed dam is to be constructed amounts to violation of Art. 21 of the Constitution of Bravos?
- Whether the construction of the proposed dam serves larger public interest, i.e. meeting the growing needs of water for the purpose of drinking, agriculture and also for the Industries.

Note: Laws of Bravos are the same as laws of India.