



The Tamil Nadu Dr. Ambedkar Law University
தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்



16TH EDITION OF THE PRO BONO ENVIRO NATIONAL MOOT COURT COMPETITION, 2023

ORGANISED BY
SCHOOL OF EXCELLENCE IN LAW,
TNDALU, CHENNAI



BROCHURE



16TH PRO BONO ENVIRO NATIONAL MOOT COURT COMPETITION, JANUARY 2023

Organized by School of Excellence in Law, TNDALU

School of Excellence in law takes immense pleasure in announcing the 16th Edition of the Pro Bono Enviro National Moot Court Competition, the flagship event of the institution.

TNDALU - ABOUT THE INSTITUTION

The Tamil Nadu Dr. Ambedkar Law University is the first of its kind of Affiliated Law University in the Country established by the State of Tamil Nadu in 1997 in the City of Chennai. The University offers Academic Programs under its School of Excellence in Law. The school was established on the lines of National Law Universities to offer all Academic programs. Its Nine Post Graduate Departments with different subject specializations takes care of Legal Research by offering Doctoral and Post Graduate programs. Apart from the Departments, the School also offers Under Graduate programs in Law with varied interdisciplinary streams of 3 Years and 5 Years Integrated Law Degree Courses.

ABOUT THE EVENT

It seeks to bring to the forefront the increasing need to address environmental concerns and encourages students to be the pioneers of understanding the complexities of environmental law and the urge for the same.

The previous editions of the competition have proved to be an enriching experience for the participants owing to the distinctive, innovative, and challenging nature of the proposition and the high caliber of judging by various eminent lawyers, Hon'ble Judges of the High Court of Madras, and the Supreme Court of India.

The event has continued to garner increasing attention since the year of its inception in light of its transparency and ever-improving quality. The Moot Court Association of the School of Excellence in Law is looking forward to conducting the event in a hybrid mode and expects increasing participation in the present edition as well.

GLIMPSES OF THE MOOT COURT COMPETITION



Winners of previous moots conducted by TNDALU

OFFICIAL INVITATION

School of Excellence in Law takes immense pleasure in announcing the 16th Edition of the Pro Bono Enviro National Moot Court Competition, the flagship event of the institution. The institution has always strived to promote the interests of the student community and in addressing pressing issues, and has successfully conducted the previous 15 editions with overwhelming participation from across the country.

It seeks to bring to the forefront the increasing need to address environmental concerns and encourages students to be the pioneers of understanding the complexities of environmental law and the urge for the same. The previous editions of the competition have proved to be an enriching experience for the participants owing to the distinctive, innovative, and challenging nature of the proposition and the high caliber of judging by various eminent lawyers, Hon'ble Judges of the High Court of Madras, and the Supreme Court of India.

The event has continued to garner increasing attention since the year of its inception in light of its transparency and ever-improving quality. The Moot Court Association of the School of Excellence in Law is looking forward to conducting the event in a hybrid mode and expects increasing participation in the present edition as well. The 16th Pro Bono Enviro National Moot Court Competition is scheduled from 27th - 29th January, 2023 (online) and 12th February, 2023(Physical).

*Warm Regards,
Moot Court Association,
School of Excellence in Law
Chennai.*

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RULES AND REGULATIONS

1. AIM AND PURPOSE:

The 16th Pro Bono Enviro National Moot Court Competition 2023 has been conceived with the aim to:

- a. Create awareness on the protection and conservation of our environment.
- b. Inculcate interest in Environmental Law and understand the various ecological issues that currently plague our society.

2. MODE OF THE COMPETITION (HYBRID):

- a. The Preliminary round, quarter-finals round, and Semi-finals round shall be conducted **online** via Zoom/Webex/Gmeet.
- b. Final Round shall be physically conducted in the 'Perungudi' campus of The Tamil Nadu Dr. Ambedkar Law University. For international teams qualifying for Finals, special provisions to join virtually will be made.

3. DEFINITIONS:

Unless mentioned otherwise, the following terms shall mean:

- a. "*Online*" means controlled by or connected to a computer with the help of the Internet.
- b. "*Organizers*" or "*OC*" will refer to the Moot Court Association of the School of Excellence in Law, The Tamil Nadu Dr. Ambedkar Law University.
- c. "*Host Institution*" refers to the School of Excellence in Law, The Tamil Nadu Dr. Ambedkar Law University.
- d. "*Participating Team*" means the team, which has registered itself for the Competition.
- e. "*Participants*" refers to the speakers and the researchers of the Participating Team.
- f. "*Video Conference*" means a live, visual connection between two or more people residing in separate locations for the purpose of communication.

All the rules are only inclusive and not exhaustive for the Competition. Rules should be strictly adhered to. Any deviation therefrom would attract disqualification or other penalties mentioned subsequently.

All decisions of the Organizers in case of any disputes/ doubts etc. will be final. Imposition of penalties including disqualification rests solely with the Organizers in case of failure to comply with the Rule(s) and Deadline(s).

4. TEAM ELIGIBILITY & TEAM COMPOSITION:

- a. Participation is strictly restricted to bona fide law students enrolled in the three-year or five-year LL.B. or B.L. degree course in any institution recognized by the Bar Council of India.
- b. Only **ONE TEAM** is permitted to participate from each registered institution.
- c. Each team shall comprise of a minimum of two and a maximum of three members. In a team consisting of two members, each of the members shall be designated as 'Speaker.' In a team consisting of three members, two of the members shall be designated as 'Speaker' and the third member shall be designated as 'Researcher'.

5. REGISTRATION PROCEDURE:

The Registration Formalities shall be done in two steps:

- a. Provisional Registration of the participating institutions shall be sent to soelprobonoenviromcc@gmail.com on or before **10th December 2022, 11:59 PM IST**.
- b. Upon receipt of an e-mail confirming provisional registration from the Organizing Committee, participants shall complete the following Registration Formalities:
 - Teams are required to complete the registration on or before 1st January 2023, 11:59 PM IST.
 - The Registration Fee is **Rs. 3,000/-** (Rupees Three Thousand Only) per team. For all institutions affiliated with Tamil Nadu Dr. Ambedkar Law University, there shall be **NO registration fee**.

16th Pro Bono Enviro National Moot Court Competition, 2023

- The Registration fee payable for the Competition must be paid latest by **1st January 2023**, 11:59 PM IST through NEFT to the below mentioned account:

Account Name - TAMIL NADU DR. AMBEDKAR LAW UNIVERSITY MOOT COURT ASSOCIATION

Account Number - 67104604033

Name of the Bank - STATE BANK OF INDIA

Branch Name - PNSB BRANCH RAJA ANNAMALAI PURAM

IFSC Code - SBIN0070688

Branch Code - 70688

- The payment reference number and date of payment have to be mentioned in the registration form. Scanned copy of the payment receipt must also be attached to the google registration form and only then will the registration be deemed to be complete.
- The Registration shall be done by filling up the form available by clicking on the link mentioned: <https://forms.gle/srcxmeRGzk8FMxdy7>
- Scanned copies of Identity cards must be attached in the registration form. In case, there is an issue with the production of scanned copies of the identity card, a *bonafide* certificate, issued by the University may be attached. In case of the absence of both the items, kindly contact the O.C.
- Once the form is submitted, an acknowledgement mail will be sent **within 24-48 hours to the teams.**
- Registration fee, once paid is neither refundable nor transferable.
- Teams that have completed Registration in accordance with the above shall be assigned a Team Code. All correspondence to the Organizing Committee shall specify only the Team Code.
- No alteration in the Team Composition shall be permitted after registration except at the sole discretion of the Organizing Committee.

6. DRESS CODE:

- a. Participants shall be appropriately attired for the rounds of the competition. Robes and neck bands are not permitted.
- b. The Dress Code for the Inauguration, Researcher's Test, Oral Rounds, Valedictory & Prize Distribution shall strictly be:
 - i. **For Gentlemen** - Western Formals (White formal shirt with black formal pants and a black blazer with black tie); and
 - ii. **For Ladies** - Western Formals (White formal shirt with black formal pants/black formal skirt and a black blazer) or Indian Formals (white kurta with black pants and either a black waistcoat or black blazer).

7. CLARIFICATIONS:

Clarifications to the Moot Proposition shall be sought by sending an e-mail to soelprobonoenviromcc@gmail.com on or before **30th December, 2022**. A set of Final Clarifications will tentatively be released on **3rd January, 2023**

8. MEMORANDUM/WRITTEN SUBMISSIONS:

- a. Participants are required to submit Memorandum or Written Submissions on behalf of both the Petitioner(s) and the Respondent(s).
- b. Teams shall e-mail Soft Copies of the Memorandums in both PDF and Microsoft Word formats for both the sides (i.e. four attachments in total) in a **single mail** on or before **23rd January, 2023** by 23:59 hours to soelprobonoenviromcc@gmail.com. For example, if the assigned team code is 14, the team shall name the Petitioner and Respondent Memorandums as "14P" and "14R" respectively. The Soft Copy should be compatible with at least Microsoft Word 2007. Late submission shall attract penalties in accordance with Rule 10.
- c. Only the Team Code shall be specified on the Memorandum. Any reference to the participating institution/college/university shall result in immediate disqualification.

- d. No amendment to the memorandum shall be permitted after submission of the soft copies.
- e. The Organizing Committee reserves the right to use the memorandum submitted by the participating teams, as it deems appropriate.

9. CONTENTS OF THE MEMORANDUM:

- a. Each Memorandum shall not exceed 30 pages, inclusive of cover page, and shall contain the following sections:
 - i. Cover Page (shall include Year of the Competition, Cause Title, Forum/Court, designation as Petitioner or Respondent Memo, Team Code on the top right corner- e.g. 14P or 14R).
 - ii. Table of Contents.
 - iii. Index of Authorities.
 - iv. Statement of Jurisdiction (strictly restrict to 1 page).
 - v. Summary/Statement of Facts (strictly restrict to 1 page; argumentative Statement of Facts shall be penalized).
 - vi. Issues Raised/Questions Presented.
 - vii. Summary of Arguments/Pleadings.
 - viii. Arguments Advanced/Written Pleadings.
 - ix. Prayer.
- b. The following content specifications shall be strictly adhered to:
 - i. **Language:** English.
 - i. **Body Font & Size:** Times New Roman, 12;
 - ii. **Line Spacing:** 1.5 [The spacing need not be followed for the Cover Page, any Tabular Column, Header or Footer].
 - iii. **Footnotes Font & Size:** Times New Roman, 10;
 - iv. **Line Spacing:** 1.0;
 - v. **Paragraph Spacing:** None; No additional space between footnotes. Substantive Footnoting is strictly prohibited.

- vi. **Alignment** (Body & Footnotes): Justified Margin: 1 inch on all 4 sides.
- vii. **Citation Method:** Citation Method: Oxford University’s Standard for Citation of Legal Authorities (OSCOLA Format), 4th Edition.

c. The following printing specifications shall be strictly adhered to:

- i. **The Cover Page shall be:** Blue for Petitioner Memorandum Red for Respondent Memorandum.
- ii. The Memorandums shall not contain any Annexure/ Appendices, Photographs, Sketches, Exhibits, Affidavits, etc.

10. EVALUATION OF THE MEMORANDUM:

- a. The Memorandum will be evaluated by a separate panel of judges who will not Judge the Oral Rounds.
- b. The memorandum shall be evaluated on the basis of the following criteria:

CRITERIA	MARKS
Knowledge of law & depth of research	20
Use of authority/precedents	20
Incorporation of facts into the arguments	10
Interpretation of applicable law	10
Clarity of thought and organization of the arguments	15
Style of Presentation	10
Originality	10
Relief sought	5

c. Penalties shall be attracted in the following manner:

VIOLATION	PENALTY
Late Submission - Soft Copy	2 points per day per Memo
Any violation under Rule 8 (a.)	1 point for each violation under the Rule
Any violation under Rule 8(b.)	1 point for each violation under the Rule
Any violation under Rule 8 (c.)	2 points for each violation under the Rule
Violation of Anonymity	Disqualification

11. ORAL ROUNDS:

GENERAL PROCEDURE:

- a. The language to be used during the Rounds is English.
- b. The Competition shall consist of the following rounds:
 - i. Preliminary Rounds; and
 - ii. Advanced Rounds consisting of:
 - Quarter-finals.
 - Semi-finals.
 - Finals.
- c. The performance of the speakers shall be adjudged based on the following parameters:

Criteria	Marks
Knowledge of Facts	10
Interpretation of Facts	10
Knowledge of Law	20
Application and Interpretation of Law	20
Ability to answer questions	20
Courtroom conduct	10
Style, Poise and Demeanor	10
Total	100

- d. The Preliminary Rounds, Quarter-finals and Semi-finals shall take place through an online video-conferencing platform known as “**Google Meet.**”™
- e. The Final round consisting of the top 2 qualifying teams shall be physically conducted in the ‘Perungudi’ campus of The Tamil Nadu Dr. Ambedkar Law University. For international teams qualifying for Finals, special provisions to join virtually will be made.
- f. All teams will be notified of their qualification to the advanced rounds through the email ID provided at the time of registration.

- g. During each of the above-mentioned rounds, the order in which the teams shall present their arguments is as follows:
- Petitioner Speaker 1
 - Petitioner Speaker 2
 - Respondent Speaker 1
 - Respondent Speaker 2
 - Rebuttal: Petitioner - Any one of the Two Speakers
 - Sur-rebuttal: Respondent - Any one of the Two Speakers. (Sur-rebuttal may be permitted only at the discretion of the Judges.)
- h. The Best Speaker Award shall be determined on the basis of the individual aggregate score of the Speaker taken only from the Preliminary Rounds.
- i. The Researcher shall not be permitted to address the Court during the Oral Rounds.
- j. Teams are not permitted to raise issues in the Oral Rounds that have not been submitted in the Memorandum.
- k. The decision of the Judges as to the marks allotted to each team shall be final.
- l. To ensure uniformity in the marking system, all Judges will be provided with a scoring guideline.
- m. Memorial scores shall NOT be taken into account for scoring in preliminary rounds.

SPLITTING OF TIME BETWEEN SPEAKERS:

- a. Teams shall notify the Bench Clerks of the division of time between the 2 Speakers (including time reserved for Rebuttal & Sur-rebuttal) 10 minutes prior to the commencement of the Rounds.
- b. If Speaker 1 exceeds his/her reserved time, the additional time taken shall be deducted from the time reserved by Speaker 2. Similarly, if Speaker 2 exceeds his/her reserved time, the additional time taken shall be deducted from the time

reserved for Rebuttals/Sur-Rebuttals as the case may be. However, this rule may not be followed if the additional time is awarded, at the discretion of the Judges.

- c. The finality of the decision as to the time structure and the right to Rebut or Sur-rebut shall vest with the Judges.

COMPENDIUM:

- a. All relevant case laws and statutory material to be passed on to the Judges during the Oral Rounds may be submitted **via e-mail** in the form of a Compendium on **26th January, 2023** prior to the commencement of the competition to soelprobonoenviromcc@gmail.com.
- b. Participants shall ensure that anonymity is not violated while passing on any material to the Judges. If any mark, name, seal, symbol or logo of the institution/college/university is present, participants must ensure that the same is rendered unrecognizable. Violation of anonymity shall result in immediate disqualification.

DRAW OF LOTS AND EXCHANGE OF MEMORANDUM:

- a. The decision regarding the fixtures for the oral rounds will be taken by the Organizing committee. The decision of the Organizing Committee regarding the fixtures will be final. The same will be intimated to the teams via the respective Email IDs provided by the teams before the commencement of the rounds.
- b. No teams will face each other more than once in the preliminary rounds.
- c. The exchange of memorials for the preliminary rounds will be done via the respective Email IDs provided by the teams. Memorandums of the opponents for each respective round will be mailed to the teams.
- d. Exchange of memorials for advanced rounds, beginning with the quarter finals, will take place shortly before the commencement of the round via the respective Email IDs provided.

PRELIMINARY ROUNDS:

- a. The preliminary rounds of the competition shall be hosted online on a video conferencing application via Zoom/Webex/Gmeet.
- b. WhatsApp Groups will be created to facilitate communication with the 'Ushers' as Admins. The contact numbers given by the teams at the time of registration will be used for the creation of WhatsApp Groups. The Ushers will send instructions and guide the teams throughout the competition through this WhatsApp Group.
- c. The preliminary rounds will take place on the **28th January, 2023**.
- d. The team fixtures shall be determined through **DRAW OF LOTS**.
- e. Teams will face each other only ONCE during the preliminary round.
- f. The teams can choose their convenient venue where they can access strong, uninterrupted internet connection.
- g. ONLY the team members (2 speakers and 1 researcher) are allowed to be present inside the venue.
- h. The timings and date of the preliminary rounds will be intimated to the teams on 26th January, 2023 through an E-Mail. This date and timings shall be final and will be based on the convenience of the judges and at the Organizer's discretion.
- i. Participants are to join the rounds SHARPLY as intimated by respective ushers.
- j. A further 10 minutes will be provided to teams in case of any technical qualms, which must be duly reported to the usher.
- k. Following this, if a team is not present, no additional time will be granted by the O.C. The other team present at the round, will be heard ex-parte. The decision of the O.C is final and binding in this matter.
- l. The teams are to provide their ID card at the time of registration and also have it with them during the rounds. In case the team members have any issues regarding the availability of their ID cards, the same is to be intimated to the Organizing Committee via mail before the round starts.
- m. Any issues with the connection or any technical glitches shall be reported to the organizing committee before the rounds start.

- n. During the entire duration of the rounds, the participants are requested to ensure that they are within the camera's view and maintain adequate distance from the desktop / laptop/ mobile used for this purpose.
- o. The team (both speakers and researcher) must keep their cameras switched on throughout the course of the rounds and will remain muted, unless it is their turn to speak.
- p. Each team shall argue twice in the Preliminary Rounds, once for the Petitioner and once for the Respondent.
- q. The time limit for the oral round shall be **thirty (30) minutes** for each team. This shall include the time for both the speakers from the team and the time reserved for rebuttal and sur- rebuttal. Judges may at their discretion, extend the time allotted for the oral arguments up to a maximum of 5 minutes.
- r. Only one speaker shall be allowed to present the rebuttal / sur-rebuttal and the sur-rebuttals shall be limited only to rebuttals made by the opponent team. No team shall be permitted to reserve more than two (2) minutes for rebuttals / sur-rebuttals.
- s. The top eight (8) teams from the Preliminary Rounds, shall advance to the Quarterfinals.
- t. The top eight teams shall qualify on the basis of the aggregate scores. In the event of a tie, the memorandum score of the team shall be considered.

DISQUALIFICATION:

OC reserves the right to disqualify the participation of any team on the grounds of:

- a. Availing assistance of any person, who is not a member of the team during the oral rounds;
- b. If the participant's video/audio is paused or if any participant leaves the virtual court room in the middle of the rounds without a legitimate reason;
- c. If the Organizing Committee have any reason to believe that a team has resorted to any unfair means during the oral rounds;
- d. For any other just reason the OC deems fit.

RESEARCHER’S TEST:

The researcher’s test shall be in the format of an interview that will be conducted via the “**Google Meet**”™ application on the **27th January, 2023**. Only the person designated as a “**RESEARCHER**” can attend the interview. In case of a 2 Member Team, either one of the Speakers can take up the Researcher’s Interview.

12. ADVANCED ROUNDS (Quarter Finals, Semi Finals and Finals):

GENERAL RULES:

- a. Every team shall argue once in each of the Advanced Rounds.
- b. The qualification of teams to subsequent rounds shall be on a knock-out basis for each of the Advanced Rounds.
- c. The Memorandum Score shall not be considered for any of the Advanced Rounds.

QUARTER-FINALS:

- a. The maximum time for arguments per side shall be the same as in the Preliminary Rounds.
- b. Four (4) teams from the Quarterfinals shall advance to the Semi-finals, which will be selected on a knock- out basis.

SEMI-FINALS:

- a. Each side shall get a maximum time of **45 minutes** to present their arguments of which no Speaker shall be permitted to address the Court for more than 25 minutes. The time limit is inclusive of the time for Rebuttal or Sur-rebuttal respectively. The maximum time for Rebuttal is 5 minutes and the maximum time for Sur-rebuttal is 2 minutes.
- b. Two (2) teams from the Semi-finals shall advance to the Finals, which shall be selected on a knock-out basis.

FINALS:

- a. The maximum time for arguments per side shall be the same as in the Semi-finals.
- b. The winner of the Final Round shall be declared the Winner of the Competition.

SCOUTING:

- a. Scouting is strictly prohibited.
- b. Any person may submit a complaint regarding Scouting to the Organizing Committee.
- c. Teams found scouting shall be disqualified immediately.

13. AWARDS:

- a. The following Awards shall be given away during the Valedictory & Prize Distribution:
 - Winner of the Competition - Trophy, certificate and cash prize
 - Runner-up of the Competition- Trophy, certificate and cash prize
 - Best Memorandum- Trophy, certificate and cash prize
 - Best Speaker- Trophy, certificate and cash prize
 - Best Researcher- Trophy, certificate and cash prize
- b. Over all Cash Prize worth **Rs.1,00,000/-** (Rupees One Lakh Rupees Only) will be awarded.
- c. All participants of the Competition will be given Participation E-Certificates.
- d. The certificates will be emailed to the participants after the completion of the competition.

14. MISCELLANEOUS:

GENERAL ETIQUETTE:

- a. Participants are expected to behave in a dignified manner and not to cause any inconvenience to the Organizing Committee, the Judges of the Competition or to any of the other participants.
- b. The Organizing Committee reserves the right to take appropriate action for any unethical, unprofessional or immoral conduct.

INTERPRETATION OF RULES AND REGULATIONS:

- a. All interpretations, as well as any waivers, consents or other decisions in the administration of the Competition are at the complete discretion of the Host Institution and the Organizing Committee.
- b. Any decision made by the Host Institution or the Organizing Committee shall be final and binding on all participating teams.

15. CORRESPONDENCE/ CONTACT DETAILS:

- a. Participants can mail their queries to soelprobonoenviromcc@gmail.com
- b. Participants may keep themselves updated by following:
FACEBOOK : <https://www.facebook.com/Moot-Court-Association-School-of-Excellence-inLaw-201136933274208/timeline/>
WEBSITE: <https://mcasoel.wordpress.com/>
INSTAGRAM: @mootcourtassociation.soel
LinkedIn: <https://www.linkedin.com/company/moot-court-association-soel/>
E-MAIL ID : soelprobonoenviromcc@gmail.com

16. POINT OF CONTACT:

Participants are requested to direct their queries to:

- a. **Ms. Jahnvi S**, Additional Secretary, MCA, SOEL - +91 8248519661
- b. **Ms. S Nishasri**, Vice President, MCA, SOEL - +91 9840149587
- c. **Ms. Susamkritha**, Secretary, MCA, SOEL - +91 6379860071

IMPORTANT DATES

EVENT	DATE
Last date for provisional registration	10.12.2022
Last Date for mailing Clarifications	30.12.2022
Last date for duly filling the Google form for registration and payment of registration fees	01.01.2023
Release of Final Clarifications	03.01.2023
Soft Copy Submission of Memorandums	23.01.2023
Submission of Compendium via email	26.01.2023
Allotment of time slots for Preliminary Rounds	26.01.2023
Researcher's Test (online)	27.01.2023
Inaugural Ceremony (Online)	27.01.2023
Preliminary Rounds (Online)	28.01.2023
Quarter-Finals And Semi-Finals Round (Online)	29.01.2023
Declaration Of Results For Individual Awards And Semi Finals.	29.01.2023
Last Date For Submission of the Hard Copy of the Memorials	12.02.2023
Final Rounds for Qualified Teams and Valedictory Ceremony (Physical)	12.02.2023

MOOT PROPOSITION

1. The Republic of Nationalisthan is a union of states. Nationalisthan is rich in biodiversity and natural resources. The country has one of the longest coastlines in the world. It is a peninsula, surrounded on the east by the sea of riddles, west by the sea of Shah, and south by the Manki ocean.
2. The State of Periyarnadu is located at the southern tip of the peninsula. It is drained by 5 perennial rivers, which join the sea of riddles. There are 3 major freshwater lakes along the coast, one of which is connected to the sea. The state has 6 large estuaries. These lakes and estuaries serve as habitats for migratory birds. Shallow seas and sheltered estuaries are recorded to serve as habitat and calving grounds for cetaceans. The state has declared 12 bird sanctuaries and 9 national parks under the Wildlife (Protection) Act, 1972.
3. The new government of Nationalisthan has come under criticism for dilution of the environmental law regime but the Government has said that to aid ease of doing business, amendments to the laws were necessary. The Republic of Nationalisthan has been aggressively promoting fisheries and has been directing states to construct new fishing harbours and create infrastructure for fisheries. In the year 2018, the Government of Nationalisthan announced a grant of 350 crore rupees each for 10 states to set up harbours and the State of Periyarnadu was one of the chosen beneficiaries.
4. The State of Periyarnadu's fishing communities is largely artisanal but over the last decade, the number of trawlers in the State has increased. In May 2019, the State's fisheries department announced that a fishing harbour of 55000 TPA (tonnes per Annum) capacity will be established in the Ithuvumpocha estuary, which is part of the Kamaraj wetlands. The Kamaraj wetlands consist of a freshwater lake at its southernmost end, which is connected to the Ithuvumpocha estuary by a narrow creek. The Ithuvumpocha estuary, which is brackish, opens into the sea of riddles.
5. Environmental groups and artisanal fisher welfare organisations opposed this announcement of the State Government. The environmental groups pointed out that

the Kamarajar lake forming part of the wetlands was a Notified Bird Sanctuary and the entire wetland complex was identified as a wetland of national importance. It was also pointed out that the entire wetland was an important bird area, serving as habitat, nesting or foraging grounds for more than 170 species of birds – migratory and local and the shores around the estuary are well known Olive Ridley nesting grounds, even according to reports of the forest department of the state.

6. The artisanal fisher welfare organisations opposed the proposal on the ground that the district where the harbour is to be constructed is largely artisanal and has only 10 registered trawlers, which are berthed at harbours in adjacent districts, and as such there was no need for the harbour. They sought that the funds could be utilised for providing welfare measures like insurance, storage facilities and other infrastructure necessary for the artisanal fishers in the district.
7. In January 2020, the fisheries department filed an application seeking environmental clearance under the EIA (Environment Impact Assessment) Notification, 2006 and CRZ Notification, 2011.
8. In March, 2020, the Union government announced a nationwide lockdown on account of the Desapatru pandemic. Day to day life of the people came to a standstill.
9. In November, 2020 when the pandemic was lifted, a group of bird watchers visited Ithuvumpocha estuary and found that the harbour was under construction. It was noticed that work had commenced without clearance under the Environment (Protection) Act, 1986 and other relevant legislation. This was reported in the newspapers and there was a huge uproar, leading to the filing of an application in the National Green Tribunal in Otteri, having jurisdiction over the State of Periyarnadu, by a renowned ornithologist Mr. Pakshi from the neighbouring State of Kochiko.
10. The application was filed alleging inter alia that the fisheries department has violated the law by commencing construction without mandatory prior clearance under the EIA Notification, 2006 and other laws and has rendered the process redundant. It was also contended that no clearance could be issued to the project under prevailing laws in light of the biodiversity and ecological significance of the Ithuvumpocha estuary. A

contention was also raised that the project is prohibited under the CRZ (Coastal Regulation Zone) Notification, 2011 as it is a turtle nesting area and the coast itself is prone to erosion of more than 1 meter a year.

11. The fisheries department resisted the application inter alia by contending that the application is not maintainable, that applicant does not have any locus standi, that they commenced construction due to the necessity of meeting project funding schedules and they are entitled to post facto environmental clearance, that the Ithuvumpocha estuary is not a declared bird sanctuary, or a wetland and the area is not a notified turtle nesting ground. It was also contended that the harbour is located inside the estuary and only the backwaters are located on the coast, hence the harbour does not impact turtle nesting and the project was for the welfare of fishermen.
12. The application is listed for final hearing before the National Green Tribunal, Otteri.
13. The laws of Nationalisthan are the same as India and Periyarnadu has the same state laws, government orders, etc as the state of Tamilnadu. The Ithuvumpocha estuary is similar to the Yedayanthittu estuary and Kamarajar wetlands are similar to the Kaluveli wetland complex. Participants can produce studies, scientific literature and other documents (including coastal zone management plans) pertaining to these areas/ ecosystems in support of their case. Efforts should be made to identify applicable laws, government orders, circulars, etc that have not been specifically mentioned above.