



**4th Wildlife Protection Government Law College National Moot
Court Competition, 2022**

25th - 27th November 2022

Moot Proposition

IN THE HIGH COURT OF SLOUCHER

INTERIM APPLICATION NO. 102 OF 2022

PUBLIC INTEREST LITIGATION NO. 126 OF 2022

PSB Farmers's Association

...Petitioner

Versus

State of Sloucher

...Respondent

The Trust for Wildlife Conservation (TWC)

...Intervenor

1. The State of Sloucher is located in the heart of an Island country of Yolatengo, which is a conglomeration of 26 small and big islands, some of which are populated with humans while some are uninhabited. Sloucher is the most biologically diverse state of Yolatengo, with a variety of endemic species of flora and fauna supporting a rich ecosystem. Thousands of tourists flock to Sloucher every year to visit its reputed National Parks and Sanctuaries. Agriculture and tourism are the primary sources of employment for most of the population in Sloucher.
2. There are innumerable native species of animals in Sloucher that are interconnected through the intricate food chain. However, the faunal biodiversity is gravely threatened. In the past, the introduction of hostile and invasive species, such as the Bane Toad to control insect pests, has led to extinction of some native species, giving rise to a cascading effect, which is now negatively impacting several other species. The Bane Toad, being unpalatable, due to the presence of poison-secreting glands, has no natural predators on

the island. Consequently, it continues to spread across Sloucher and has even started affecting agricultural crops and wild plants.

3. The authorities under the Wildlife Protection Act, 1972 (“**WPA, 1972**”), of Yolatengo, play a critical role in the protection and preservation of wildlife, and balancing the interests of both humans and natural ecosystems. Immediately after the Bane Toad invasion in 2001, it was the timely decision of the Government to declare it as ‘vermin’ and subsequent issuance of hunting orders that prevented further damage to the ecosystem and agricultural produce.
4. As human settlements expanded in Sloucher, the expansion of farmland into tropical forestland has increased. One of the major areas of expansion was by the PSB Village around the PSB Forest. Expansion over the past decade has resulted in conversion of hundreds of hectares of forestland into farms. However, the villagers are protective of the forestland surrounding their village, as well as of the co-inhabiting flora and fauna. Despite the destruction of pristine wildlife habitat, villagers are trying their best to reduce the impact by practicing agroforestry in some areas.
5. The Horsehead Boar, a native wild mammal, is one of the species whose natural habitat has been damaged. In its natural habitat, the boar performs a key role, both as the prime prey of the Sloucher Leopard and as an efficient herbivore that keeps a check on the spread of a poisonous shrub named the Kadwaa Santra.
6. The Horsehead Boar was also part of Schedule II of the WPA, 1972.
7. However, the expansion of the PSB Village area meant that the Horsehead Boar started encountering humans on a regular basis. While the boar is intrinsically timid and generally avoids human beings, its diet started shifting steadily from native tubers and plants to the most commonly grown crop - Nice Dal.
8. The boar’s depredation of Nice Dal caused a dent to the livelihood of the PSB Villagers. The Villagers appealed desperately to the Chief Wildlife Warden of Sloucher to allow temporary hunting of the boars, to safeguard their livelihood.

9. The Chief Wildlife Warden, after consideration, issued a circular inter alia stating the following:

“After consideration of the representations by the farmers in the PSB Village, and given the importance of the Horsehead Boar to the local ecosystem, the office of the Chief Wildlife Warden has decided to not take any action in the matter.”

10. Left without remedy, the PSB villagers, through their farmers’ association, approached the High Court of Sloucher, seeking relief by way of writ petition. The PSB Farmers Association inter alia prayed for a writ of mandamus to allow the hunting of Horsehead Boars as per Section 11(1)(b) of the WPA, 1972.

11. The High Court, after hearing both parties, was pleased to pass an interim order, stating as follows:

“I deem it appropriate to pass an interim order directing the Chief Wildlife Warden to permit the petitioners to hunt Horsehead Boars in the areas where the PSB’s agricultural lands are situated, as provided for in Section 11(1)(b) of the WPA 1972”

12. Aggrieved by this interim direction, the Trust of Wildlife Conservation (“TWC”) filed an intervention application in the PSB Farmer’s Association’s writ petition, seeking vacation of the interim order. The TWC contended that it has locus in the instant matter in citizen standing, to represent the interests of the affected wildlife.

13. Accordingly, the High Court framed the following issues for final hearing:

- a. Should the TWC be allowed to intervene in the writ petition?
- b. Is the Chief Wildlife Warden’s decision amenable to judicial review? If yes, does the said decision suffer from procedural or substantive ultra vires?
- c. Is the High Court empowered to pass an interim order in the nature of the one passed by it?
- d. What alternative course of action could be adopted in the instant case to balance the interests of all parties?

NOTE

1. *Please note that the laws of Union of Indiana are pari materia to the laws of Union of India. Participants are not at liberty to assume facts beyond the scope of the proposition.*

2. *The Moot Proposition is purely a work of fiction and created solely for the purpose of the Moot Court Competition. The characters, institutions, organisations 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 contents of the Moot Proposition do not intend to defame/ denigrate/ hurt the sentiments of any person(s), institution, communities, groups or class of persons.*

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