

Shri N J Yasaswy 7th Memorial National Virtual Moot Court Competition, 2022

ICFAI Law School, Hyderabad

Moot Proposition

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1. Dharani is a quasi-federal parliamentary democratic country having varied cultures, religions and languages. The Election Commission of the Dharani has conducted elections for three states in the year 2019. Mr. Ankit Tiwari was elected as a Chief Minister of State of Pragyna, being the leader of a political party 'Prajavani', which acquired 80 seats out of total 119 seats. Mr. Govind Singh was elected as an opposition leader by the second largest party 'Public Front' having 37 seats and, other two independent members also supported him. The sessions of the assembly were conducted by the Speaker, Narender Chowdary who was elected by the members of the Prajavani party.
2. The Speaker has convened a budget session of the assembly during which a bill was introduced by the Finance Minister of the government headed by Mr. Ankit Tiwari. The bill was questioned by the members of the opposition party and also by some of the members of the ruling party. The ruling party members alleged that the allocation of funds made in the bill was arbitrary and only some assembly segments were getting benefit who are near and dear to the Chief Minister.
3. The twenty-five members of the ruling party having the grievances in allocation of funds formed an independent group and had a meeting in a hotel, decided to make representation to the Chief Minister and request to allocate the funds appropriately based on the needs of the assembly segment. The Chief Minister has taken the representation and promised to look into it. The independent group of the ruling party during the session were not given the opportunity to represent their grievances and opinions. Instead, the Finance Minister has addressed them as supporters of the opposition rather than the ruling party. The Chief Minister was silent. This statement of the Finance Minister and silence of the Chief Minister provoked them to take a stern action to protect the interest of their assembly segments.

4. Meanwhile the breaking news came in the News Channels alleging that twenty-five members who opposed the bill were joining opposition party and the ruling party lost its majority and the Chief Minister Mr. Ankit Tiwari has no right to continue. The opposition party raised an objection that there was no required majority to pass the bill in the house. The opposition leader Mr. Govind Singh has approached the Governor with a list of members supporting his party and urged him to dismiss Mr. Ankit Tiwari and his Government. But, Mr. Ankit Tiwari has informed the Governor over a phone that the news stated in the TV channels was not correct and demand of the opposition party is not tenable.
5. A lot of discussions took place on TV Channels on the turmoil of the political situation and started demanding proving the majority by Mr. Ankit Tiwari on the floor of the Assembly. After considering the latest situation, the Governor suggested to the Speaker Narender Chowdary to convene the special session to prove the majority by the Chief Minister Mr. Ankit Tiwari. The Chief Minister questioned the authority of the Governor suggesting for convening the session by the Speaker.
6. The Speaker has adjourned the house for a few days in order to maintain the decorum of the house and to have talks with the members concerned. The twenty-five members had given a letter to the Speaker stating that they were withdrawing the support to the Chief Minister, Mr. Ankit Tiwari. After hearing the news of withdrawal, Mr. Ankit Tiwari tried to contact the members who gave the letter to the Speaker.
7. The news floated in the News channels that independent group of the ruling party who submitted the letter were kept in a camp at an unknown place by the opposition party and they joined the 'Public Front'. After waiting for a few days, the speaker announced a date and time to convene special session to prove the majority of the Chief Minister, Mr. Ankit Tiwari. The Prajavani party has issued a whip to all the members to be present in the house during special sessions and support including the independent group.
8. The special assembly session was convened to discuss about proving the majority by Mr. Ankit Tiwari commenced at 10.30 AM on the scheduled day. The house was attended by 55 members of the ruling party and 39 members supporting the opposition party. The 25 members of independent group were not present in the house at the commencement. The ruling party was happy that they will be proving the majority. After one hour of discussions, suddenly all 25 members appeared in the house and submitted a letter to the Speaker

informing them that they want to sit separately as independent group and take part in discussions as members of independent group and express their opinions and views. The Speaker had given the opportunity to them to speak on the issue. But immediately, the finance minister has objected to the decision taken by the Speaker saying that they cannot be an independent group as the whip is issued by the party. The members of the independent group objected to the statement of the finance minister and issuance of the whip as they stated that they are not in receipt of the whip. The group also declared that they were not supporting the Chief Minister unless their demand was considered. After hearing the objections of independent group, the Prajavani party chief whip argued that the members of the independent group to be disqualified and the voting should be taken for support of the Chief Minister.

9. The opposition party raised an objection against the statement of the chief whip and argued that the independent group very clearly stated that they were not supporting the present Chief Minister Mr. Ankit Tiwari. As a result, the Chief Minister will lose his majority and he has to submit resignation. When the house was in full of uproar, the Speaker has adjourned the house to next day.
10. During the adjourned session, there was no conclusion about the status of 25 members and majority of the Chief Minister. The house was again adjourned for two weeks. The independent group and opposition party approached the High Court of Dharani against the inaction of the Speaker that may lead to horse trading and against the principles of democracy. The High Court of Dharani during the house motion has ordered the Speaker to take action within 48 hours. The Speaker convened sessions of the house accordingly and without hearing the pleadings of the independent group and opposition declared verdict in favor of Mr. Ankit Tiwari. The Speaker was silent on many issues raised by the opposition and independent groups. The decision of the Speaker was questioned in the High Court and the High Court upheld by confirming the decision of the Speaker.
11. Aggrieved by the orders of the High Court, the parties approached the Supreme Court and questioned the inaction on some of the issues and other related matters under the provisions of the Constitution of Dharani and other relevant laws.

Note: For the purpose of this moot problem –

1. The Constitution of Dharani nation adopts the Constitution of India verbatim and all the provisions of the Constitution of India are incorporated as the provisions of its Constitution.
2. The powers and the jurisdiction of the Supreme Court of Dharani are the same as the powers and the jurisdiction of the Supreme Court of India.

The rest of the laws of Dharani are in pari materia with the legislation of the Republic of India and are applicable to the State legislatures.

Disclaimer: The facts stated in the present case are fictitious and have been drafted solely for the purpose of the competition. The facts, names, locations and dates bear no resemblance to any person, event or happening whether dead or alive. Any resemblance, if any, is purely coincidental. This problem does not intend to hurt the feelings of any section of society or to offend any person.

The moot teams are expected to draft their pleadings on behalf of both the petitioner/appellant and the respondents by framing the issues.

The teams can also submit their compendium along with their pleadings.