



SCHOOL OF LAW
CHRIST (Deemed to be University),
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THEMIS
NATIONAL MOOT COURT
COMPETITION, 2023

MOOT PROBLEM



Indica is a Sovereign, Socialist, Secular, Democratic, and Republic country that follows the Parliamentary form of government. The two houses of Lok Sabha and Rajya Sabha, along with the President of Indica comprise the Indican Parliament. There are 28 states and 9 Union territories in the country Indica.

State governments in Indica are the governments ruling over 28 states and nine union territories of Indica. The head of the Council of Ministers in a state is the Chief Minister. Power is divided between the Union government and state governments. Each state has a legislative assembly. A state legislature with one house - State Legislative Assembly (Vidhan Sabha) - is unicameral. A state legislature that has two houses - the State Legislative assembly and State Legislative Council (Vidhan Parishad) - is a bicameral legislature.

Those elected or nominated (by the president) to either house of Parliament are referred to as members of Parliament (MPs). Members of the Parliament of Lok Sabha are directly elected by the Indican citizen voting in single-member districts, and the members of parliament of the Rajya Sabha are elected by the members of all state legislative assemblies by proportional representation. A Member of the Legislative Assembly (MLA) is a representative elected by the voters of an electoral district (constituency) to the legislature of the State government. From each constituency, the people elect one representative who then becomes a member of the Legislative Assembly (MLA). At present, there are eight national political parties in Indica. General elections were held in Indica to elect the members of the Lok Sabha in 2019 for 5 years. Votes were counted and the result was declared.



Out of a total of 543 Seats, The Hindustan Janta Party (HJP) received 37.36% of the vote, and won 303 seats, further increasing its substantial majority. In addition, the HJP-led Popular Democratic Alliance (PDA) won 353 seats. The Indican National Congress won 52 seats, failing to get 10% of the seats needed to claim the post of Leader of the Opposition; the Congress-led United Developing Alliance won 91 seats. Other parties and their alliances won 98 seats.

Maharajya is a state in the western peninsular region of Indica occupying a substantial portion of the Deccan Plateau. Maharajya is the second-most populous state in Indica and the second-most populous country subdivision globally.

The politics of the state in the first decades after its formation in 1960 was dominated by the Indican National Congress party or its offshoots such as the Patriotic Congress Party. At present, it has been dominated by four political parties, the Indican National Congress, the Hindustan Janta Party, the Patriotic Congress Party, and the Rudrasena.

In the early years, the politics of Maharajya was dominated by Congress party. The Congress party enjoyed a near unchallenged dominance of the political landscape until 1995 when the Rudrasena and the Hindustan Janta Party (HJP) secured an overwhelming majority in the state to form a coalition government. The Congress party in 1999 formed a coalition with the Patriotic Congress Party to keep out the HJP-Rudrasena coalition out of the Maharajya state government for fifteen years until September 2014.



For the 2014 assembly polls, the two alliances between PCP and Congress and that between HJP and Rudrasena, respectively broke down over seat allocations. In the election, the largest number of seats went to the Hindustan Janta Party, with 122 seats. The HJP initially formed a minority government under Purandar Mahugale. The Rudrasena entered the Government after two months and provided a comfortable majority for the alliance in the Maharajya Vidhansabha for the duration of the assembly. In the 2019 Maharajya Legislative Assembly elections, Hindustan Janta Party (HJP) and Rudrasena (SHS) contested the election jointly under the alliance Mahashakti. Indican National Congress (INC) and Patriotic Congress Party (PCP) fought under the alliance Maha Senani.

Out of a total of 288 seats, HJP won 105 seats, Rudrasena won 56 seats, PCP won 54 seats and INC won 44 seats. After the declaration of the results of the Maharajya elections, differences arose between Rudrasena and HJP on the power-sharing arrangement. Rudrasena demanded an equal share of power which was allegedly agreed upon by the HJP, (which HJP leaders including Aganya Shah had denied publicly). Rudrasena demanded the post of Chief Minister for 2.5 years according to an alleged 50-50 agreement. The incumbent CM from HJP, Purandar Mahugale denied any such formula had been agreed upon. HJP eventually ended up breaking ties with one of their oldest ally Rudrasena. Rudrasena then declined to support the HJP to form the government.

Eventually, Rudrasena joined the Maha Senani alliance of INC and PCP to form the Maha Vikas Senani (MVS) alliance with a combined seat count of 154 seats where 145 seats were needed for the majority. The MVS alliance



decided to form the government under the leadership of Uddham Raut as the Chief Minister.

On 10 June 2022, the infighting in the party got highlighted for the first time when HJP won 3 out of 6 seats in the Rajya Sabha elections. On 20 June 2022, out of 10 seats going for Maharajya Legislative Council elections, Rudrasena, and its allies were expected to win 6 seats, however, they only won 5. HJP won the other 5 seats reportedly due to cross-voting by several Rudrasena members.

Immediately after the Legislative council election results, Radheshyam Dighe, a senior Rudrasena leader, disappeared and could not be contacted. On 21 June 2022, a meeting was called by Uddham Raut with all his MLAs but 10-12 MLAs were also found unreachable. 11 MLAs of the Rudrasena, led by Dighe, flew to Suraj city, in the HJP-governed state of Gujarat. Dighe was removed from the post of the Rudrasena party whip. Dighe removed the word Rudrasena from his Twitter profile. In his hotel in Suraj, he had several meetings with the HJP leaders.

Amid the political crisis Rudrasena is facing in Maharajya, the party's chief whip Anil Chandu issued a notice to all the Rudrasena MLAs to be present in an important meeting that will be held at 5 pm (22nd June 2022). The notice said that if any MLA fails to attend the meeting, the party will consider that the MLA has quit the party voluntarily. The meeting will take place at chief minister Uddham Raut's residence. However, rebel Rudrasena leader Radheshyam Dighe has rejected this notice issued by the party whip. Calling the notice legally invalid.



To prevent further loss of MLAs, Rudrasena housed the rest of its MLAs in several hotels in Setu. Soon Dighe claimed that he commanded the support of "nearly 40 MLAs". (two-thirds of the total strength of 55). Dighe demanded Raut break the Maha Vikas Senani and rejoin the alliance with the HJP. On 22 June, Dighe said that he had moved 40 legislators to Guwahati, Assam.

After failing to convince Dighe to return to Setu, on 22 June, Uddham Raut, Chief Minister of Maharajya, declared that he was ready to step down as the leader of the alliance and as Chief Minister. Later that day, Uddham Raut moved from the residence of CM Baarish to his private residence, *Mother's Abode*.

On 23 June, Dighe and 37 MLAs declared Dighe leader of the Rudrasena legislature party. On 24 June, Rudrasena filed a petition against the rebel MLAs and demanded that Deputy speaker Suraj Patil of Maharajya Assembly disqualify 16 MLAs of the Dighe camp as the position of the Speaker was vacant. Patil met with Rudrasena leaders and later also met with the Advocate-General of Maharajya for a legal opinion. Both Raut and Dighe camp leaders were asked to present their arguments about the disqualification. A No-confidence motion against Patil was brought by two independent MLAs supporting HJP. This no-confidence vote signed by 34 MLAs was rejected by Patil reportedly because the petition was sent through an anonymous e-mail through an advocate and not submitted by an MLA himself.



On 26 June, Radheshyam Dighe moved to the Supreme Court of India to dispute the rejection of the no-confidence vote against the Deputy speaker and challenge the disqualification plea against 16 of them.

NOTE - The constitution and laws of India are in pari materia to the laws and regulations in India.

ISSUES

1. Whether the Whip issued by the Party Chief of Rudrasena, Mr. Anil Chandu, legal or not?
2. Whether the 16 MLAs are liable to disqualify under Anti defection law?
3. Whether the Deputy Speaker, Mr. Patil, has any right to disqualify the 16 MLAs?
4. Whether the no-confidence motion brought against the Deputy Speaker is valid?