

MOOT PROPOSITION

WP No. 2519/2019

Geonosis Party and Dantooine Party v. Republic of Agamar

&

WP No. 120/2020

Mr. Sheev Palpatine v. Republic of Agamar

The Republic of Agamar is a landlocked country in the continent of Asia. It is one of the oldest democracies in the continent. Agamar is one of the most diverse countries in terms of religion, languages, culture and food. Since ancient times, it has been welcoming people of varied cultures and religions and has been considered as a land of hospitality.

During 1865 to 1930, Agamar was under the colonial rule of the Great Kingdom of Britinania (GKB). Though a colony of the GKB, Agamar was a functional democracy and had a functional federal form of government. In the aftermath of the Second World War, the GKB decided to grant independence to all its colonies. In the year 1947, the Republic of Agamar upon becoming an independent nation, formed the Constituent Assembly to draft its own Constitution. In the year 1950, Republic of Agamar adopted this draft as its Constitution. *The legal systems of Republic of Agamar and The Republic of India are pari materia.*

Since 1950, Republic of Agamar had the Endor Party, which led the independence movement against the Great Kingdom of Britinania, which was in power at both, the state and the federal government. In the year 2005, various regional parties such as the Geonosis Party, Dantooine Party etc., started gaining foothold in both national as well as regional politics. The power of the Endor Party started declining and it lost various elections at the state level.



With changes in the political environment, the various political parties started to attract the defectors from opposition parties to form the government and get governmental policies and legislative processes stalled. The general public got fed up and a few citizens along with retired civil servants formed the Naboo Party. The Naboo Party was formed with an object of cleansing the election process and streamlining the entire governance of the Republic of Agamar. In the year 2014, the Naboo Party had won 110 seats out of 450 seats in the general election to the Parliament, the Union Legislature of Republic of Agamar. Genesis Party and Dantooine Party along with independent candidates as the Grand Galactic Coalition had won 230 seats together and formed the Government. Endor Party and Naboo Party sat as the opposition to the Grand Galactic Coalition Government.

The Grand Galactic Coalition had promised electoral reforms to ensure that “The festival of democracy does not lose its pristine value.” To show their commitment to their manifesto, they decided to remove the period of relief given to sitting MPs and MLAs in case they are convicted of any offences mentioned in Section 8 of Representation of Peoples Act, 1956. The Grand Galactic Coalition passed an amendment repealing sub-section (4) of Section 8 which provided for a period of relief for the existing members of the legislative assembly, both Union and State, before the disqualification would commence. The move was hailed by all sections of society as a step towards a better and improved electoral process in the Republic of Agamar.

In 2016, however, the Grand Galactic Coalition implemented the Electoral Bond Scheme, the same scheme which was later implemented in India in the year 2017. The EB scheme was highly criticized and an outcry for transparency in electoral funding and the need for bringing political parties under the ambit of the Right to Information Act was raised.

The Grand Galactic Coalition, although it supported the concerns, is of the view that the EB scheme is valid and that the main purpose is to ensure that the use of physical currency is eliminated in the election process.



Acknowledging the concerns of RTI, various members of the Grand Galactic Coalition replied that RTI will be abused and would render the political parties paralyzed in their day to day activities.

The Naboo Party opposed the EB scheme. In a press conference, Dr. Obi-Wan Kenobi, the legislative party leader, made a statement to the society that such a scheme would erode the democratic and transparent nature of the democracy of Republic of Agamar and thus cannot be accepted. He also promised to the people that in the next election, if Naboo Party comes to power, he would bring forth electoral reforms to put people in charge of the election process and not political parties. The civil society responded very positively to Obi-Wan Kenobi's statement and the public support to the Naboo Party increased drastically.

In the general election held in October 2019, the political parties fielded the best candidates according to them in each of the 450 constituencies. An independent NGO, People for Jedi and Sith prepared a report on the qualification of the candidates fielded. The summary of the same is attached as Annexure A.

Naboo Party won in 200 seats in the general election. The Grand Galactic Coalition was able to secure 140 seats, Endor Party securing 50 MPs and 60 independent candidates winning in their respective constituencies. People for Jedi and Sith released a document showing the qualification of the elected Members to the Parliament. The Summary of the same is attached as Annexure B.

Since the Naboo Party could not secure the requisite majority, it decided to form a coalition. Endor Party's legislative leader Mr. Sheev Palpatine extended his invitation to DPF to join the coalition. Naboo Party and Endor Party formed a coalition and formed the government. Dr. Obi-Wan Kenobi became the Prime Minister and inducted two ministers, Mr. Sheev Palpatine and Dr. Count Dooku (one from each party) into the cabinet on 25th November 2019. As



promised, the cabinet asked the law ministry to bring up legislation electoral reforms with the following agenda:

- a. To disqualify those persons standing for election or elected as MP who have chargesheet filed against them for a major offence; or
- b. To disqualify those persons standing for election or elected as MP who do not have a degree.

The Ministry of Law and Justice gave the draft bill to the cabinet on 5th December 2019 where it was approved and Dr. Kenobi decided to introduce the Bill in the Parliament. The relevant parts of the Bill are attached as Annexure C. When announced in the press meeting, the public vehemently supported and were delighted at the news. They felt that the political parties are finally adhering to the promises they made during the campaign. But the opposition parties were furious and angry. They alleged that it was an aim to disqualify and reduce the opposition in the Parliament. The Grand Galactic Coalition filed a WP challenging the Bill. The Supreme Court of Republic of Agamar dismissed the petition stating that it was being challenged prematurely, since it was not even a law for the purposes of Article 13.

In the Parliament, in both the houses, the legislations were passed by simple majority and the President of Republic of Agamar, Mr. Mace Windu, gave assent to the legislation on 26th December 2019. Grand Galactic Coalition filled an WP challenging the validity of the Act (WP 2519/2019).

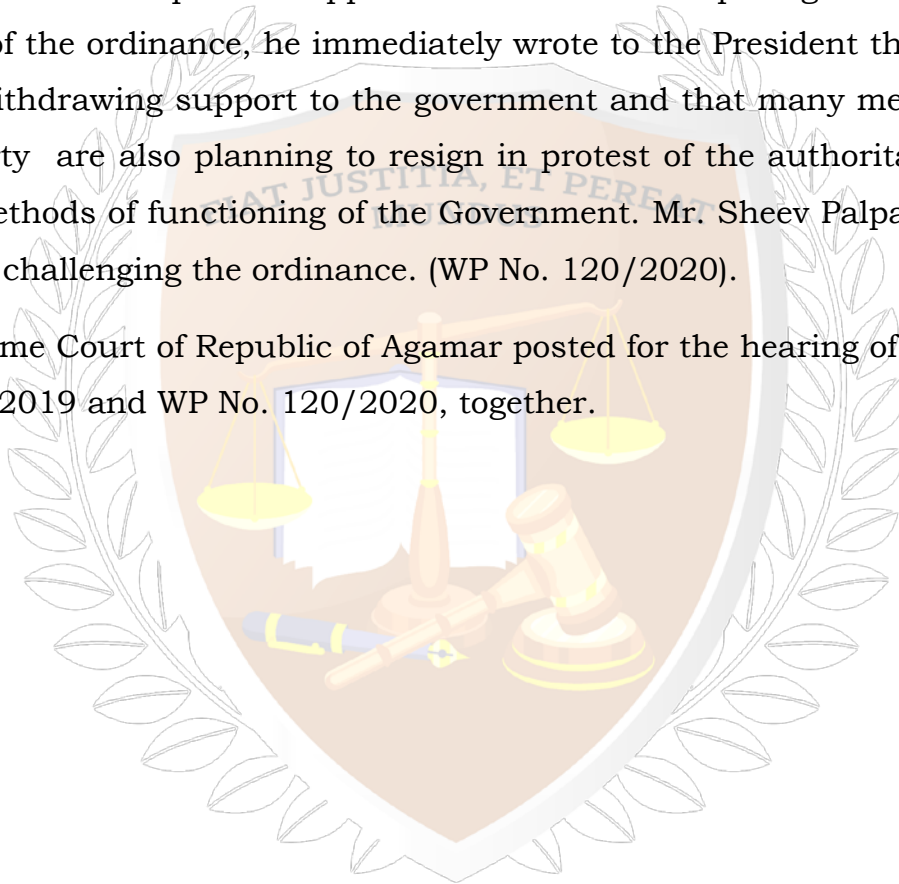
Emboldened by the support received by the public on the electoral reforms brought forth by the Government, Dr. Kenobi proposed that all political parties be subjected to RTI. Mr. Sheev Palpatine, who was both the legislative leader of Endor Party and the only minister in the cabinet, which was supposed to be expanded soon, was against the proposal. But with the approval of Dr. Dooku and Dr. Kenobi, the proposal was passed. But suspecting that the legislation may not be supported in the Parliament, Dr. Kenobi convened a Cabinet meeting on 20th January 2020 without Mr. Sheev Palpatine. In the meeting he proposed that the Parliament be prorogued for



the time being and the same was passed by the Cabinet. In the same meeting, Dr. Dooku proposed the issuance of the ordinance for imposition of RTI on political parties. The same was conveyed to the President who prorogued the Houses. Dr. Kenobi also forwarded the ordinance to be issued in order to bring political parties under the ambit of RTI which also prescribed punitive measures for non-compliance.

When Mr. Sheev Palpatine happened to know of the prorogation and the issuance of the ordinance, he immediately wrote to the President that Endor Party is withdrawing support to the government and that many members of Naboo Party are also planning to resign in protest of the authoritative and opaque methods of functioning of the Government. Mr. Sheev Palpatine also filed a WP challenging the ordinance. (WP No. 120/2020).

The Supreme Court of Republic of Agamar posted for the hearing of both WP No. 2519/2019 and WP No. 120/2020, together.



ANNEXURE A

Summary of the Report Prepared by
People for Jedi and Sith(Qualification of Candidates standing for General Election)

Political Party	Total No. of Candidates	No. of Candidates with criminal background	No. of Candidates with no sheet filed for minor offences	No. of Candidates with charge sheet filed for offences	No. of Candidates with sheet for major offences	No. of Candidates who Bachelor or higher degrees	No. of Candidates with 10/10+2 passed)
Naboo Party	450	175	200	75	237	213	
Genosis Party	200	80	80	40	45	155	
Dantooine Party	200	100	20	80	101	99	
Endor Party	400	120	100	180	275	125	
Independents	100	0	70	30	50	50	



ANNEXURE B

Summary of the Report Prepared by
People for Jedi and Sith(Qualification of Elected MPs in General Election)

Political Party	Total No. of MP	No. of MP with no criminal background	No. of MP with charge sheet filed for minor offences	No. of MP with charge sheet filed for major offences	No of MP who has Bachelor or higher degrees	No of MP with no degrees(minimum 10/10+2 passed)
Naboo Party	200	148	50	2	190	10
Genosis Party	80	20	20	40	45	35
Dantooine Party	60	10	30	20	20	40
Endor Party	50	20	25	5	50	0
Independents	60	25	30	5	40	20

ANNEXURE C**RELEVANT EXTRACT FROM REPRESENTATION OF PEOPLES ACT
(AMENDMENT) ACT, 2019**

Section 2. After section 8A of the Representation of Peoples Act (43 of 1951) { herein referred to as the principal Act} , the following section shall be inserted, namely

“Section 8B. Disqualification on filling of final report for certain offences.—

(1) A person against whom the final report under Section 173 of Code of Criminal Procedure (2 of 1974) is filed in the appropriate court for an offence punishable under—

(a) section 153A (offence of promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony) or section 171E (offence of bribery) or section 171F (offence of undue influence or personation at an election) or sub-section (1) or sub-section (2) of section 376 or section 376A or section 376B or section 376C or section 376D (offences relating to rape) or section 498A (offence of cruelty towards a woman by husband or relative of a husband) or sub-section (2) or sub-section (3) of section 505 (offence of making statement creating or promoting enmity, hatred or ill-will between classes or offence relating to such statement in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies) of the Indian Penal Code (45 of 1860); or

(b) the Protection of Civil Rights Act, 1955 (22 of 1955), which provides for punishment for the preaching and practice of “untouchability”, and for the enforcement of any disability arising therefrom; or

(c) section 11 (offence of importing or exporting prohibited goods) of the Customs Act, 1962 (52 of 1962); or

(d) sections 10 to 12 (offence of being a member of an association declared unlawful, offence relating to dealing with funds of an unlawful association or offence relating to contravention of an order made in respect of a notified place) of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967); or

(e) the Foreign Exchange (Regulation) Act, 1973 (46 of 1973); or

(f) the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); or

(g) section 3 (offence of committing terrorist acts) or section 4 (offence of committing disruptive activities) of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987); or

(h) section 7 (offence of contravention of the provisions of sections 3 to 6) of the Religious Institutions (Prevention of Misuse) Act, 1988 (41 of 1988); or

(i) section 125 (offence of promoting enmity between classes in connection with the election) or section 135 (offence of removal of ballot papers from polling stations) or



section 135A (offence of booth capturing) or clause (a) of sub-section (2) of section 136 (offence of fraudulently defacing or fraudulently destroying any nomination paper) of this Act; or

(j) section 6 (offence of conversion of a place of worship) of the Places of Worship (Special Provisions) Act, 1991,

(k) section 2 (offence of insulting the Indian National Flag or the Constitution of India) or section 3 (offence of preventing singing of National Anthem) of the Prevention of Insults to National Honour Act, 1971 (69 of 1971);

(l) the Commission of Sati (Prevention) Act, 1987 (3 of 1988); or

(m) the Prevention of Corruption Act, 1988 (49 of 1988); or

(n) the Prevention of Terrorism Act, 2002 (15 of 2002),

shall be disqualified, where the convicted person is sentenced to—

(i) only fine, for a period of six years from the date of such conviction;

(ii) imprisonment, from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.

(2) A person convicted for the contravention of—

(a) any law providing for the prevention of hoarding or profiteering; or

(b) any law relating to the adulteration of food or drugs; or

(c) any provisions of the Dowry Prohibition Act, 7[1961 (28 of 1961), and sentenced to imprisonment for not less than six months, shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.

Explanation.—In this section—

(a) “law providing for the prevention of hoarding or profiteering” means any law, or any order, rule or notification having the force of law, providing for—

(i) the regulation of production or manufacture of any essential commodity;

(ii) the control of price at which any essential commodity may be brought or sold;

(iii) the regulation of acquisition, possession, storage, transport, distribution, disposal, use or consumption of any essential commodity;

(iv) the prohibition of the withholding from sale of any essential commodity ordinarily kept for sale;

(b) “drug” has the meaning assigned to it in the Drugs and Cosmetics Act, 1940 (23 of 1940);

(c) “essential commodity” has the meaning assigned to it in the Essential Commodities Act, 1955 (10 of 1955);



(d) “food” has the meaning assigned to it in the Prevention of Food Adulteration Act, 1954 (37 of 1954).

Section 3. After section 8B of the the principal Act , the following section shall be inserted, namely

Section 8C. Disqualification on filling of final report for certain offences.— A person shall be disqualified if he/she does not possess a Bachelors Degree issued by an competent University in any stream/discipline.

