

**2<sup>nd</sup> IFIM National Moot Court Competition, 2023**

**Moot Proposition**

**In the Supreme Court of the United Federation of Planets at Corsucant**

**State of Annares and Ors. ....Petitioner**

*versus*

**The United Federation of Planets.....Respondent**

**Part I: Overview**

1. The United Federation of Planets [**“the Federation”**] is a union of planets, satellites, and mining asteroids, located in the Alpha Quadrant of the Milky Way Galaxy.
2. The Federation arose out of the collapse of the Borg Empire, a highly centralised Galactic Empire that ultimately fell apart after one military misadventure too many. The centralised nature of the Borg Empire was one of its most criticised features, leading to inefficiencies in governance, resentment from planets that were culturally and ideologically distinct from the ruling class, and frequent rebellions in the outer arms of the Quadrant. As a result, when the Borg Empire collapsed, its successors opted for a federal governance structure. Article 1 of the Federation’s Constitution therefore states that “the United Federation of Planets shall be a union of planets.”
3. The widespread violence accompanying the fall of the Borg Empire, however, also triggered demands for stability. Consequently, when framing their Constitution, the Federation’s founders looked for a model that would allow for a certain degree of residuary central control within the federal framework. After studying various historical examples in the Federation’s database, they found that the Constitution of India (**extant as of the year 2020**) provided the most suitable model. The Federation thus copied many of the provisions from the Indian Constitution into the Federation’s Constitution. A federal legislative assembly [**“The Union”**] made laws for the Federation. Within the Federation, there were several states [**“The States”**], which could be individual planets, combinations of planets, or satellites. The division of powers between the Union and the States copied the division found in the Indian Constitution. In particular, **Articles**

**3, 4, 356, and 357** of the Indian Constitution were copied into the Federation's Constitution, with necessary terminological modifications, and with one significant difference: a change under Article 3 required not just consultation with the State's assembly, but also its consent.

4. Over the years, the Federation's Courts – in particular, the Galactic Court with its seat in the planet of Coruscant – has held that the judgments of the courts of India are highly persuasive in interpreting the federal provisions of the Federation's Constitution.
5. The Borg Empire controlled several mining asteroids, which served its need for natural resources and dilithium fuel for its spaceships. On the dissolution of the Borg Empire, these mining asteroids passed into the hands of the Federation. Initially, these mining asteroids were ruled in the same fashion as that of the Borg Empire. However, increasing clamour for representative governance from the asteroids forced the Federation to fit them into the Federation's Constitution. The Federation once again found a solution within the Indian Constitution: mining asteroids were classed as "Union Territories", and the provisions with respect to union territories were incorporated into the Constitution.
6. The relevant constitutional framework was completed by the provisions on amendment. The founders of the Federation's Constitution adopted Article 368 of the Indian Constitution (the parliamentary method of amending the Constitution). However, they felt that this was insufficient, as it had no involvement of the People. On looking further through the databases, they found inspiration in the Kenyan Constitution (**extant as of 2020**), and, in particular, amendment through popular initiative. **Article 368A of the Federation Constitution** – with appropriate modifications – therefore reads as follows:
  1. An amendment to this Constitution may be proposed by a popular initiative signed by at least one million registered voters.
  2. A popular initiative for an amendment to this Constitution may be in the form of a general suggestion or a formulated draft Bill.
  3. If a popular initiative is in the form of a general suggestion, the promoters of that popular initiative shall formulate it into a draft Bill.
  4. The promoters of a popular initiative shall deliver the draft Bill and the supporting signatures to the Independent Electoral and Boundaries Commission, which shall verify that the initiative is supported by at least one million registered voters.
  5. If the Independent Electoral and Boundaries Commission is satisfied that the initiative meets the requirements of this Article, the Commission shall submit the draft Bill to each State assembly for consideration within three months after the date it was submitted by the Commission.

6. If a State assembly approves the draft Bill within three months after the date it was submitted by the Commission, the speaker of the State assembly shall deliver a copy of the draft Bill jointly to the Speakers of the two Houses of Parliament, with a certificate that the State assembly has approved it.
  7. If a draft Bill has been approved by a majority of the State assemblies, it shall be introduced in Parliament without delay.
  8. A Bill under this Article is passed by Parliament if supported by a majority of the members of each House.
  9. If Parliament passes the Bill, it shall be submitted to the President for assent.
  10. If the Bill relates to an aspect of the basic structure<sup>1</sup> of the Constitution, the proposed amendment shall be submitted to the people in a referendum.
7. In interpreting the amendment provision, the courts of the Federation have found Kenyan decisions (**extant upto 2020**) to be of great persuasive value.
  8. Federation courts have also been known to consider – and rely upon – judgments from contemporaneous jurisdictions, such as the United Kingdom Supreme Court, the South African Constitutional Court, and others, on the basis that ideas and legal debates frequently cross-pollinated during the relevant time.

## **Part II: Context**

9. The State of Annares is a planet close to the centre of one of the spiral arms of the Galaxy, and one of the constituent States of the Federation.
10. The State of Annares is strategically located, as it borders the Alliance of Urras, another federation of planets that has been in a long-running cold (and sometimes, hot) conflict with the Federation. The State of Annares also has significant dilithium reserves, which are essential to the maintaining of the warp drive, which makes interstellar travel possible.
11. Because of its strategic location and vast dilithium reserves, and because of the chaos that accompanied the break-up of the Borg Empire, the State of Annares was able to negotiate particularly favourable terms for itself during the drafting of the Federation Constitution. These included extensive autonomy for itself, greater internal powers than those granted to other States, and the ability to veto union legislation.

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<sup>1</sup> *The basic structure is expressly defined in the Federation Constitution, but is not relevant to this moot problem.*

12. Annares' "special status" – as it is known colloquially within the Federation – caused considerable resentment to the politicians negotiating and drafting the Federation Constitution. However, as they were unwilling to lose Annares to the Alliance of Urras, they ultimately agreed to all the demands, and encoded them in **Article 370 of the Federation Constitution**.<sup>2</sup>
13. Annares' "special status" has long been a political football in the Federation, with several leaders vowing to "consign it to the debris of interstellar space." For various reasons, however, this has not been possible to accomplish – until it was.

### **Part III: The Facts**

14. In the year 3645 Galactic Era (G.E.), after a bitterly contested general election, Hari Seldon - a former mathematician and the author of a set of famous predictions about the future of the Galaxy – was elected the Prime Minister of the United Federation of Planets.
15. Upon his accession, Seldon publicly stated that "the time had come" for widespread constitutional reform. To this end, he set up a taskforce called the Bridging Blackspace Initiative ["BBI"], which came up with a report that recommended multiple constitutional changes.
16. Soon after this, Janet Mahmoud and Dennis Waverly, two parliamentarians known to be closely affiliated to Prime Minister Seldon, proposed an amendment bill to the Constitution that replicated the **BBI Report ["the BBI Amendment"]**. This Amendment Bill proposed a package of seventy-four amendments to the Constitution, which included proposals as diverse as increasing funding to the States, bringing in a judicial ombudsperson, and – much to the shock and surprise of many, who had not been following the work of the taskforce - proposals to abolish the constitutional special status of Annares.
17. Janet Mahmoud and Dennis Waverly sought to portray the **BBI Amendment Bill** as a "popular initiative", and immediately set about the process of gathering the required signatures. There were howls of protest from Annares; however, as none of this made any difference, the State of Annares invoked the extraordinary jurisdiction of the Galactic Court at Coruscant, and asked the Court to declare the **BBI Amendment Bill** unconstitutional, and "null and void."
18. As proceedings commenced in the Galactic Court, Prime Minister Seldon announced that the Federation was facing a dilithium shortage, which threatened the possibility of interstellar flight and the future of the Federation itself. This news was greeted with much scepticism and some mockery, but Seldon moved quickly, and recommended to the Federation President to invoke Article 356 of the Federation Constitution, dismiss the government of Annares, and bring it under Union rule. Bound by his "aid and advice" under the Constitution, the President acquiesced.

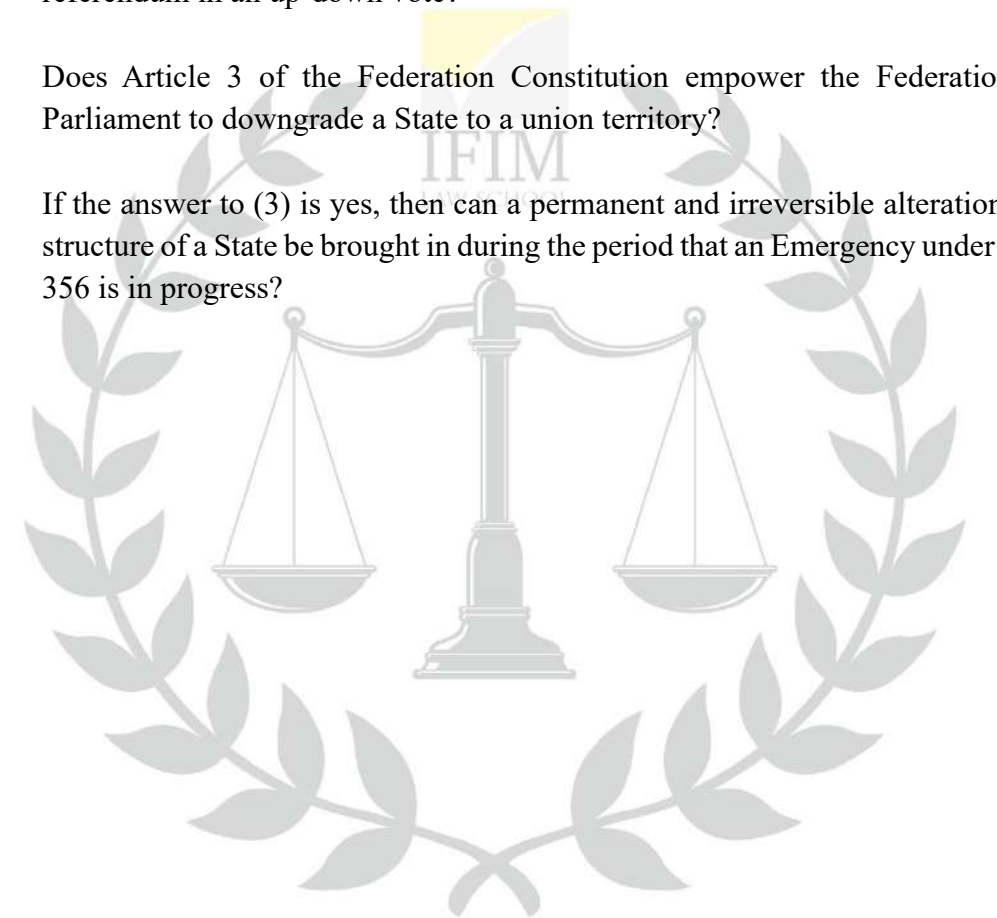
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<sup>2</sup> *The text of Article 370 of the Federation Constitution is not in pari materia with the Constitution of India, and is not relevant to resolving this dispute.*

19. Upon the dismissal of the government of Annares, the Federation’s lawyers attempted to have the pending case dismissed, on the basis that the “State of Annares” was now represented by the Federation. The Galactic Court dismissed this application with heavy costs. It proceeded to pre-trial arguments, where it found – after contested proceedings – that Janet Mahmoud and Dennis Waverly were proxies, and the real “initiator” of the **BBI** Amendment Process was Prime Minister Seldon. Consequently, the Galactic Court framed two issues for adjudication.
1. Is the Prime Minister entitled to initiate a popular initiative within the meaning of Article 368A of the Federation Constitution?
  2. Can an “amendment bill” within the meaning of Article 368A include a “package” of proposed amendments that have absolutely no connection or unity of subject matter with each other, with a view to being presented to the People in a referendum in an up-down vote?
20. Meanwhile, Prime Minister Seldon was furious at his aborted attempt to have Annares’ case dismissed at the Galactic Court. Accordingly – as the Galactic Court had declined to grant a stay on the BBI Bill, noting only that “the amendment would be subject to the outcome of these proceedings” – the amendment process gathered pace: it passed through the State assemblies (including the non-existent assembly of Annares), passed a referendum, and the Constitution thus stood formally amended. Annares’ “special status” was thus abolished.
21. Immediately thereafter, Prime Minister Seldon took a step unprecedented in the history of the Federation: his government introduced – and passed via brute majority in Parliament - a law, ostensibly under Article 3 of the Constitution that converted Annares from a “State” into a “union territory” – i.e., on par with various centrally-ruled mining asteroids. As the government of Annares had been dismissed, there was nobody to veto the law. This step was popular with large swathes of the Federation, but naturally, was met – once again with widespread protests in Annares. With Annares’ government having been dismissed, a civil society group called the Katiba Institute initiated proceedings before the Galactic Court, challenging the constitutionality of the law. The Galactic Court admitted the case, and consolidated it with the existing proceedings that had been brought by the State of Annares. After pre-trial hearings, it framed two further questions for determination:
3. Does Article 3 of the Federation Constitution empower the Federation/Union Parliament to downgrade a State to a union territory?
  4. If the answer to (3) is yes, then can a permanent and irreversible alteration to the structure of a State be brought in during the period that an Emergency under Article 356 is in progress?
22. All other questions, issues, and contentions suggested by the parties were explicitly rejected by the Galactic Court. At the hearing for directions, the Court ordered the issues, in seriatim,

as follows, and directed counsel to confine themselves only to the four issues, in the terms set out below:

1. Is the Prime Minister entitled to initiate a popular initiative within the meaning of Article 368A of the Federation Constitution?
2. Can an “amendment bill” within the meaning of Article 368A include a “package” of proposed amendments that have absolutely no connection or unity of subject matter with each other, with a view to being presented to the People in a referendum in an up-down vote?
3. Does Article 3 of the Federation Constitution empower the Federation/union Parliament to downgrade a State to a union territory?
4. If the answer to (3) is yes, then can a permanent and irreversible alteration to the structure of a State be brought in during the period that an Emergency under Article 356 is in progress?



**MOOT COURT COMMITTEE**