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MOOT COURT COMPETITION

MOOT PROPOSITION

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MOOT PROPOSITION

1. The **Republic of United Federation (“RUF”)** is a federal nation situated in Asia, governed under a written Constitution that outlines the distribution of powers between the Central Government and its constituent units, known as “**state**”. Among these State is the **State of Tin Cans (“STC”)**, located in the southern region of the Federation. The STC has an elected legislature and a historically strong nationalist movement advocating for greater regional autonomy.

2. In the general elections of **2024**, the **Central Government** was formed by a **nationalist party** committed to deeper national integration and the promotion of a common federal identity, while the **STC Government** was formed by a **liberal regional party** that campaigned on a platform of extensive decentralization of power within the State. The diverging ideological commitments of the two governments soon gave rise to a significant constitutional confrontation.

3. During their first hundred days in office, both governments undertook major legislative and administrative measures reflecting their contrasting visions for the governance of the Federation.

4. The Central Government of the RUF enacted the ‘Grand National Strategy Act’ (‘GNSA’), which set forth the following provisions:

i. Implemented a system of One Nation One Education by which all Central Government educational institutions at the undergraduate level were directed to reserve 40% of their seats for pass outs from boards classified as “All RUF” i.e. boards run and administered by the Central Government. [Existing reservation quotas would exist within the block as per prevailing policy]

ii. The Arms Act, 1959 and allied rules were amended. Arms licenses would henceforth only be issued by the Capital Police Establishment¹ after permission from the Union Ministry of Home Affairs.

iii. A Presidential Order was issued authorizing the placement of “Central Detention Officers” in all states who had the power to detain persons under the National Security Act in the interests of “defense, foreign affairs or the security of India”. The Presidential Order granted these officers absolute immunity in the exercise of their

¹Same as Delhi Police

powers. They could even detain State Government Officials. (“**Detention Officers**”)

iv. The Official Languages Act was amended and the sole means of corresponding or correspondence with the RUF Government was changed to the “Klingon” language.

v. Further, a Resolution was passed in Parliament (both houses) requiring all Industries to be brought under the control of the Centre and it explicitly mentioned “industries that may be allied to matters in List II of the Seventh Schedule to the Constitution”. Pursuant to this resolution, the RUF passed the “Central Industries Regulation Act” and began prescribing regulations.

vi. All the tier one metro cities (including the capital of STC) were also declared cantonment areas in their entirety and were placed in charge of an administrator appointed by the RUF.

5. In response to the increasing centralisation of powers under the *Grand National Strategy Act, 2024*, the **Government of the State of Tin Cans (“STC”)** enacted the *State of Tin Cans Administration Act, 2024 (“STCAA”)* with the stated objective of ensuring local self-governance and effective devolution of authority within the State. The key features of the Act were as follows:

a) The Act **abolished Panchayats and Municipalities** and replaced them with **36 District Administrations**, each comprising an elected District Assembly and an Executive **District Administrator**. The Administrator was required to act on the advice of a **Council of Councillors** enjoying the confidence of the District Assembly.

b) Each District Assembly was granted **concurrent authority** both legislative and executive over all matters enumerated in **List II (State List)** of the Seventh Schedule to the RUF Constitution. In the event of inconsistency between a decision of a District Assembly and that of the STC Legislature, the STC Legislature could either ratify or reject the District decision.

c) District Administrations were empowered to **levy taxes**, maintain their own **Consolidated Fund**, and raise **public debt**, subject to the condition that such debt would not be secured by the State Government.

d) Each District was authorised to raise and maintain its own **police force (DPF)**, subject to oversight by the District Government. The STC Police would have jurisdiction only over matters involving multiple districts. Furthermore, each District Court was vested with **writ jurisdiction** analogous to that of a High Court under Articles 226 and 227 of the RUF Constitution.

e) The Act reaffirmed that the **STC was an integral and inalienable part of the RUF**, declaring that its territory was **inviolable** and that any proposal for alteration of its boundaries and amendments to the Act could be introduced **only with the support of two-thirds** of the Members of the STC Assembly.

6. The RUF Government was upset by the STCAA so on 1st January 2025 the President sent a request to the legislature of the STC to give its views to bifurcate the State to form 36 State in line with the existing District Administrations and asked for views within 30 days. The STC did not act on this request and the thirty-day timeline expired.

7. On the 31st Day the Centre Passed the “Break Up of STC Act” (“**Break Up Act**”) which broke the STC up into 36 Union Territories each with its own Lt. Governor. It then passed the STC Administration (Repeal) Act which repealed the STCAA (“**Repealing Act**”).

8. Thirty-Six Lt Governors appointed by the Centre boarded a flight to the former capital of STC the city of “MadChi”. On arrival at MadChi, they were detained by STC Police. When asked by what authority, they were informed that the STC does not recognize the validity of the Break Up of STC Act and a new Governor had been appointed by the State after the previous one vacated his office post the Act. The STC police stated for all practical purposes, the STC continued to remain a State and act like a State in accordance with the Constitution and that the Breakup of STC Act was non-est in law as no opinion had been obtained from the State Legislature.

9. At once the 36 Lt Governors called the Ministry of Home Affairs who authorized the Detention Officer to detain the police who had arrested the Lt. Governors at the airport. The State Police meanwhile surrounded the airport, and the State Government deployed the State Armed Police⁴ who surrounded the airport and began laying barricades. Two soldiers of the Central Armed Reserve Police Force who were sharing barracks with the State Armed Police Force defected and approached the commanding officer of the State Armed Police Force seeking orders.

⁴ To the extent it is relevant. On land power terms, the STC’s State Armed Police would rank as the world’s 15th Largest Army if counted separately. In terms of ordnance and firepower, it would rank as the 25th most powerful army in the world.

The commander proceeded to arrest them and hand them back to the Central Armed Reserve Police Force stating that such acts of defection were unconstitutional. Seeing a situation developing, message was sent to the Command of the Armed Forces stationed near MadChi to intervene at once to restore the “*rule of law*” and the “*supremacy of the constitution*”.

10. The General Officer Commanding declined that order stating it was an unlawful order, and the Army would never fire upon its own people. This he said was in line with the policy set by FM Auchinleck that the Army was to unscrupulously avoid getting involved in any civil war. He replied to the order saying “*Orders cannot be executed, as order is in violation of law. Await lawful orders*”. The Air Marshal at the local Air Force Station who was also instructed to intervene due to the proximity of the Air Station to the Airport, disagreed, however, proceeded to send Air Force Police and ground troops to surround the police. The Admiral posted at the local Naval station not wishing to see a confrontation, sent a contingent of Marines and Naval Police who took a space in between the incoming Air Force contingent as well as the State Police forces. The Naval Contingent also sent over the Navy Band who at regular intervals played the national anthem and *Saree Jahan Se Accha* to “*restrain passions*” The press started describing this as the “Standoff at the Airport” as it began to attract global media attention. The RUFs bonds suffered significant downgrades in the global markets due to this instability and an alert was issued for all ships and vessels to avoid the port of MadChi. The RUF Air Force declared the airspace around MadChi a “*no-fly zone*” and began flying sorties of light bomber aircraft across the city. Meanwhile large swathes of the local populace began assembling at the Airport shouting slogans calling for the full and complete independence of the STC from the RUF. The youth in this gathering proceeded to hurl stones at the Air Traffic Control Tower with a view to disrupt communications for the Air Force to prevent them from acting. Out of three such antennas, they managed to destroy two. There was no retaliation by either side. The commanders of the respective forces deployed there (State and RUF) had formed a *Telegram* group to make sure they didn’t accidentally start any confrontation. They agreed that they would do nothing to protect the antennas. The existence of this *Telegram* group was made public after one junior officer, accidentally added a local journalist to the group thinking he was a senior officer, and the journalist released the story.

11. Keiko Flower Arrangement Company (KFAC) is a company that operates in the flower arranging space. The Company operates many stores and has over 100 stores in the area that was/is the STC. Post the creation of District Administrations, the KFAC was paying a tax on “agriculture and horticultural produce” in 20 of the districts where it operated as those areas had laws in place by District Administrations (under the STCAA). On the passage of the Break Up Act the KFAC ceased payment of these taxes. A demand was made by a District Administration on the KFAC and the company refused to honor that demand stating that with the Break Up Act, all powers of the District Administration had lapsed. As such their CEO Keiko O’Brien was arrested for “*willful evasion of taxation*” an offense punishable with 21 years in jail and a fine of 100 Crores or in default another 21 Years. Keiko O’Brien moved a writ of *habeas corpus* before the High Court at MadChi saying her detention was unlawful. Similarly, the KFAC approached the High Court seeking a writ declaring that the taxation powers of the District Administration be void.

12. Meanwhile the 36 Lt. Governors (who all had valid appointment orders signed by the President) moved a Habeas Corpus petition before the MadChi High Court stating that their detention was illegal. They further moved a petition for a grant of a writ of quo warranto to State that the “Chief Minister” of STC had no authority anymore nor did the “new Governor”. They also sought a mandamus requiring “*all persons who had pledged allegiance to the Constitution of the RUF in the respective 36 Districts to execute and carry out all laws and commands faithfully and not impede the Lt. Governors in their works and carry out all orders issued by the Lt. Governors.*”

13. All Petitions came up before a Single Judge of the MadChi High Court who then referred the matter to the Chief Justice for the Constitution of a Three Judge Bench of the MadChi High Court to determine the matter as they raised substantive questions of Constitutional Law. The Single Judge however stayed the operation of the Break Up Act and restored the status quo pending prior to the legislation pending the final decision by the Full Bench. On the same day the RUF moved a Petition under Article 32 of the Constitution of RUF seeking a declaration that the Break Up Act was valid. The Attorney General made an oral application asking that the cases in the MadChi High Court be transferred to the Supreme Court.

The Supreme Court allowed it and passed an order, staying the operation of the order of the Single Judge of the MadChi High Court. The standoff at MadChi Airport thereafter continued and the naval bands continued to play at regular intervals. It will be important to note that at this point this standoff had gone on for a total of 10 days and a festive sort of atmosphere had developed in the airport. The Air Force Personnel and the State Police had set up speakers and were playing “*antakshari*” with each other by playing songs while waiting for the next step.

14. The 36 Lt. Governors were moved to a nearby airport hotel under guard of STC Police, who were buffered by Navy personal who were standing off against Air Force Personnel. After this happened, upset that the law could not be implemented, the RUF dismissed the General Officer Commanding the MadChi Army Command as well as the Admiral of the MadChi Naval Station with explicit orders issued that soldiers under their commands were to follow all orders by their replacements.

15. Their replacements informed the Central Government via a hand messenger who travelled to the capital by railway since the Airport was closed, that all communications had broken down and they were in no position to receive orders. When a personal messenger tried to enter their station/barracks to give new order, the personal messenger couldn’t find the way in and got lost. Meanwhile the Air Force began drawing up plans for bombing the area of MadChi city to prevent the “seditionist threat” posed by protestors and began dropping leaflets saying, “*GO HOME NOW. WE DO NOT WANT TO HARM YOU. BUT WE WILL HAVE TO IF YOU DO NOT GO HOME. ORDERS ARE ORDERS*”.

16. Parliament, however, took a more aggressive approach. It passed a resolution expelling the 36 Districts of the “Former STC” from the RUF and classified them as an enemy group. It authorized the Centre to deploy all measures necessary to tackle this threat. (**“Defense of RUF Resolution”**)

17. The STC Government filed a suit before the Supreme Court under the provisions of the Constitution of RUF seeking a declaration that the Break Up Act was unconstitutional. It also sought a direction that all RUF officials be called back at once. The RUF opposed this stating that since the STC Government didn’t exist anymore, it could not maintain the suit.

The STC further sought a declaration that the Defense of RUF Resolution is non-est in law as a State can never be expelled from the RUF.

18. The General Officer Commanding the MadChi Army Command as well as the Admiral of the MadChi Navy Officer filed a writ under Article 32 before the Supreme Court stating that their dismissal was unlawful as they had merely upheld their oaths and refused to follow unlawful orders and had taken action to stop a civil war within the Armed Forces.

19. Seeing the complexity of the matters before it, the Chief Justice of RUF suo motu issued a writ petition called In **Re:** *“Restructuring of State of Tin Cans and Allied Matters.”*

20. In this hearing, the Chief Justice asked the counsel for the parties *“Do I really have to deal with all this? Can’t you guys go get a cup of tea or something and sort it out”*. The Attorney General then replied that *“teatime is long over”*. The Chief Justice replied, *“maybe a drink then?”* to which the Attorney General said, *“I don’t mind a drink if my Ld. Friend is happy to join me”*. Ld. Senior Counsel for the Govt of STC as well as the Admiral and General Officer, KFAC and Keiko O’Brien (**“SCR”**) replied saying, *“the matters we are to deal with, are indeed very heavy, I could use a strong one right about now”*. The Chief Justice then adjourned the matter to the next day. When the matter came up for hearing the Chief Justice said, *“How were drinks?”*. *“Absolutely splendid my Lord”* said the Attorney General. The Ld. SCR then told the Chief Justice that *“My Ld. Friend, I had a very productive evening, and we have decided that it is in the interests of justice that this court adjudicate this matter”*.

The Chief Justice said, *“That’s not how you work things out”*. The Attorney General said *“this is the only way. I have a near civil war happening at an airport because everyone thinks they are following the law. Someone needs to say what the law is.”*. The Chief Justice said *“I didn’t sign up for this you know. I wanted to be a poet. But no, I had to become Chief Justice because my father said so.”*

21. After this the Chief Justice using powers under Article 142 framed a common set of questions that would be answered in this matter and directed those individual matters be disposed according to how this reference was answered. These are:

ISSUES

1. Whether the central or state government can initiate Writ proceedings under Article 32 before the Hon'ble Supreme Court?
2. Whether the Grand National Strategy Act and Central Industries Regulation Act are in accordance with the Constitution of RUF?
3. Whether the State of Tin Cans Administration Act devolving the authority of the state is violative of the provisions of the Constitution?
4. Whether Parliamentary Resolution expelling STC districts from Federation violates basic structure and constitutional indestructibility of Union?
5. Whether dismissal of military officers refusing orders potentially causing civil conflict was lawful under constitutional principles?

All statutes, rules, notifications, and legal principles referenced in this proposition shall be deemed pari materia to the corresponding laws applicable in India.