



NOWGONG LAW COLLEGE

Revered

Greetings from Nowgong Law College!

*We are delighted to inform you that we are organising the 1st **National Moot Court Competition 2024 that is scheduled to be held on 2nd and 3rd March and 16th and 17th March 2024.** We welcome the exceedingly talented team from your esteemed institution to our College and I ensure that it will nurture the participants in the best possible manner. The preliminary rounds of the Competition will be online and the semi-final and the final round will be offline. We will provide **accommodation** for the offline rounds.*

Looking forward to your participation and together let's make this event a grand success.

*Dr Sujata Bhattacharyya
Principal
Nowgong Law College*

NOWGONG LAW COLLEGE

1ST

NATIONAL MOOT COURT COMPETITION, 2024. (HYBRID MODE)



JOIN THE PURSUIT OF LEGAL EXCELLENCE, SPIRITED
COMPETITION, AND INTELLECTUAL GROWTH.

ORGANISED BY-

NOWGONG LAW COLLEGE
LNB ROAD, HAIBORGAON
NAGAON, ASSAM, 782002

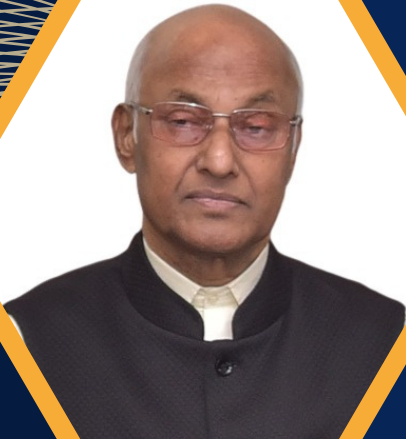
Contact :

+91-8473947040, +91-7002373681

mootcourtnowgonglawcollege@gmail.com



From The Organisers



Sjt. Sarat Ch. Khaund, President , Governing Body, Nowgong Law College

I am honored and delighted to announce that the 1st edition of National Moot Court Competition (Hybrid Mode) is being held on March 2nd to 3rd and March 16th to 17th, 2024. I welcome you all to this event where you will be showcasing your legal expertise and dedication, in the pursuit of legal excellence. Legal education serves as the foundation of a just society, providing individuals with the knowledge and skills needed to navigate the complexities of the legal system. Moot courts, in particular, plays a pivotal role in shaping aspiring legal minds. They offer a unique bridge between theory and practice that allows students to sharpen their advocacy, research, and critical thinking abilities in a simulation. Participation in moot court competitions not only refines practical skills but also inculcates confidence and prepares them for the upcoming challenges of legal profession. The importance of legal education, along with the learning offered by moot courts, contributes significantly to the development of well-rounded and competent legal professionals who can uphold the principles of justice. Best of luck to all, and may this competition be a platform for knowledge, growth, and camaraderie.



Dr Sujata Bhattacharyya, Principal, Nowgong Law College

It gives me immense pride that our college is going to held the 1st edition of National Moot Court Competition from 2nd to 3rd March and 16th to 17th March, 2024 and that distinguished legal luminaries shall be gracing the occasion. With great enthusiasm, we welcome your esteemed institution to participate in this academic extravaganza, showcasing the finest legal minds across the nation. The moot court competition is not about winning or losing, it is consequential for every law student as it provides practical knowledge about various aspects of the legal system. Our Moot Court Society will ensure that the event is organised impeccably, offering a platform that allows participants to display their legal acumen and prowess. Rest we are committed to ensure an enriching and seamless experience for all participants in this event. I extend my expertise and resources to give unwavering support and assistance to the participants, aiding them in overcoming any challenges they may encounter. My primary objective is facilitating an environment conducive to learning, growth and developing essential legal skills.



Welcome to Nowgong Law College

It is with great pleasure that we invite you to the prestigious 1st National Moot Court Competition hosted by Nowgong Law College. Our institution, nestled in the heart of Nowgong, is excited to bring together the brightest legal minds from across the nation for a four day legal extravaganza.

ABOUT NOWGONG LAW COLLEGE

Located at the heart of the historic city of Nagaon, Assam, India, Nowgong Law College is a prestigious institution dedicated to the study and practice of law since its inception in the year 1970, with the vision of producing competent legal professionals. It offers a comprehensive legal education program, fostering a deep understanding of national and international legal principles. Nowgong Law College is known for its experienced faculty, state-of-the-art facilities, and commitment to nurturing the next generation of legal minds. With a strong emphasis on ethics, justice, and legal expertise, this institution continues to play a pivotal role in shaping the region's legal landscape and beyond.

EVENT DETAILS

Date: 2nd-3rd March (Online Mode) & 16th-17th March (Offline Mode).

Format: Each team argues both sides of a fictional case

Eligibility: Law students from Recognized Colleges.

*Accommodation will be provided to the semi-finalist and finalist teams.

WHY PARTICIPATE?

Networking: Connect with legal scholars, practitioners, and students.

Explore Nowgong: Experience the rich culture and heritage of our city.

Legal Learning: Hone your advocacy and research skills.



COMPETITION HIGHLIGHTS

Distinguished Judges: Eminent legal professionals will evaluate your arguments.

Challenging Cases: Engage in legal battles on cutting-edge issues.

Oral Rounds: Showcase your persuasive skills in the courtroom.

Written Submissions: Present your legal acumen through written briefs.

Closing Ceremony: Celebrate the winners at a grand ceremony.

AWARDS

- Best Team Rs. 30,000/-
- Best Mooter Rs. 15,000/-
- Best Memorial Rs. 10,000/-
- Best Promising Mooter from amongst the participants from Preliminary Rounds.
- Certificate of Appreciation to all the Participating Teams.

IMPORTANT DATES:

Commencement of Registration	03rd Feb, 2024
Last date of Registration	25th Feb, 2024
Last dates for Submission of memorial	27th Feb, 2024
Preliminary and Quarter-Final Rounds(Online Mode)	02nd -03rd Mar, 2024
Semi-Final and Final Rounds(Offline Mode)	16th - 17th Mar, 2024
Award Ceremony & Valedictory Session	17th Mar, 2024

REGISTRATION INFORMATION:

Registration Starts from:

Registration Deadline: February 25th, 2024 Email: mootcourtnowgonglawcollege@gmail.com

Contact: +91-8473947040, +91-7002373681



ESTD. : 1970

ORGANISING COMMITTEE:

Dr. Sujata Bhattacharyya
Mr. Sarat Ch. Khaund
Mrs. Beauty Neog
Mr. Pankaj Jyoti Nath
Mrs. Juriti Saharia
Mr. Trailokya Hazarika
Mr. Rabindra Changmai
Abhishek Gupta
Mahfuj Ahmed
Aman Saha
Mohsin Akhtar Choudhury
Jenifar Begum
Raktim Sarma Bharadwaj
Priya Bora

Chairman
Advocate, External Member
Teacher Co-ordinator
Teacher Co-ordinator
Teacher Co-ordinator
Teacher Co-ordinator
Teacher Co-ordinator
Student Co-ordinator
Student Co-ordinator
Student Co-ordinator
Student Co-ordinator
Student Co-ordinator
Student Co-ordinator
Student Co-ordinator

Visit our website for rules, registration, and updates: www.nowgonglawcollege.in
Nowgong Law College Nagaon, Assam
www.nowgonglawcollege.co.in

Helpdesk

· Registration and Payment Related Queries

Abhishek Gupta 84739-47040
Aman Saha 70023-73681

· Event Related Queries

Jenifa Begum 60011-37283
Priya Borah 91013-00957
Raktim S Bharadwaj 78963-95791

· Accommodation Related Queries

Mahfuj Ahmed 86387-47674
Mohsin A Choudhary 88766-71284

Disclaimer

The event details mentioned are subject to change. Please refer to our website or contact us for the latest information.



Important Links:

Registration:

<https://forms.gle/tzScYkxnkRKcwpa.46>

College Website:

www.nowgonglawcollege.co.in

Account Details:

Name of the Bank: HDFC Bank LTD.

A/C No: 50100536587496

IFSC: HDFC0009250

Branch:- Nagaon, Mission Market

NOWGONG LAW COLLEGE

TID: 62500608



Scan & Pay

We request the participants to visit our website frequently for more updates and news.



1ST NATIONAL MOOT COURT COMPETITION, 2024. (HYBRID MODE)



ORGANISED BY:
NOWGONG LAW COLLEGE



DEFINITIONS

In the Brochure and Rule Book the following words and expressions are used in the following senses, unless a contrary intention appears from the context:

- ✚ “Competition” means the 1ST Nowgong Law College National Moot Court Competition, 2024 (Hybrid Mode).
- ✚ “Institution” means any Law School/College or University recognized by the Bar Council of India.
- ✚ “Memorial” means the written arguments submitted, on behalf of both the Petitioners and Respondents, according to the Official Competition Rules by each Team. Memorial is also referred to as Written Pleadings.
- ✚ “Organizing Committee” includes the members of the Nowgong Law College Moot Court Society.
- ✚ “Plural words” include singular words, unless the contrary appears from the context.
- ✚ “Preliminary Screening Chart” means the chart that will be prepared by the Organisers or Organising Committee to depict the fixtures of the Preliminary Oral Rounds.
- ✚ “Researcher” means the Team member who will appear for the written Researcher Test and will not be allowed to speak in the Oral Rounds.
- ✚ “Rules” means the Official Competition Rules and any applicable supplements to then rules published by the Organizing Committee
- ✚ “Singular words” include plural words, unless the contrary appears from the context.
- ✚ “Speaker” means the member of the Team who will be pleading before the Judges in the Oral Rounds.



1. TEAM COMPOSITION AND ELIGIBILITY

Each participating Team can comprise of (3) students pursuing the three or five-year courses of the LL.B. Degree or its equivalent in the Academic Year 2023- 2024 from Institutions all over India.

Here, two members shall be designated as Speakers and the third member as Researcher.

No additional member or Team mentor shall be allowed to accompany the Team. An Institution shall be entitled to send only one (1) Team to the **Competition**.

2. LANGUAGE

The official language of the Competition shall be English.

3. REGISTRATION

The Registration process shall be completed in the following manner:

Institutions shall provisionally register themselves by filling up the Google Form on or before 25th Feb, 2024. Upon filling the Google Form, the provisionally registered teams shall proceed towards the payment gateway. Registration shall be completed upon completion of the payment procedure.

Registration shall be successful upon submission of soft copy of registration form and payment receipt to the below mentioned mail id: mootcourtnowgonglawcollege@gmail.com



4. REGISTRATION FEE

The Registration Fee for the Competition is INR **2500.00** (Rs Two thousand five hundred rupees only)

5. CLARIFICATIONS TO THE MOOT PROPOSITION

Clarifications and doubts will only be resolved by the helpdesk coordinators mentioned below

- Registration and payment related queries:

Abhishek Gupta	84739-47040
Aman Saha	70023-73681
- Event related queries:

Jenifar Begum	60011-37283
Priya Borah	91013-00957
Raktim S Bharadwaj	78963-95791
- Accommodation related queries:

Mahfuj Ahmed	86387-47674
Mohsin A Choudhary	88766-71284



6. ANONYMITY

Each participating Team shall be allotted a Team Code upon Registration.

- A. Teams shall not disclose, in any manner whatsoever, for the entire duration of the Competition, either their own individual identities or the identity of the Institution that they represent, even if asked by the Judges.
- B. The Teams shall not disclose their identity anywhere in their Memorials.
Non-compliance with Rules A and B shall result in immediate disqualification of the Team.
- C. The decision of NLC Moot Court Society in this regard shall be final.

7. MEMORIAL SUBMISSION

- A. Each Team shall prepare Memorials from the side of Petitioner and Respondent.
- B. The soft copy (in MS Word, .doc/.docx and pdf format of both the Memorials must be mailed at:
mootcourtnowgonglawcollege@gmail.com
latest by 27th Feb, 2024 with subject “Memorials- Team Code___”.



The file names of the electronic copies of the Memorials must contain only the Team Code and the side being represented in the following format:

e.g. (for Team Code 5) 5P or 5R, 'P' being for 'Petitioner' Memorial and 'R' for 'Respondent' Memorial and so forth.

C. The Memorial for each side should be submitted as one single file and not in multiple files. Any violation of this Rule shall invite penalty in accordance.

D. Format of Memorials

The Memorials shall necessarily consist of only the following sections:

a) Cover Page

- Team Code on the top right corner
- Name and Place of the forum
- Relevant legal provision under which it is filed
- Name of parties and their status
- Counsel appearing on behalf of Petitioners/Respondents
- Memorial Filed on Behalf of Petitioners/Respondents

b) Table of Contents

c) List of Abbreviations

d) Index of Authorities (with page number where the authority has been cited)

e) Statement of Jurisdiction



f) Statement of Facts

g) Issues Presented

h) Summary of Arguments (not exceeding 2 pages)

i) Arguments Advanced (not exceeding 20 pages)

j) Prayer (not exceeding 1 page)

- Teams shall cite authorities in the Memorials using footnotes following the Harvard Bluebook 19th Edition. Explanatory or illustrative footnotes are not allowed.
- The Memorials shall be printed on A4 size paper, with the following mandatory formatting specifications:

a) Font Type: Times New Roman

b) Font Size: 12

c) Line Spacing: 1.5

d) Margins: 1 inch on each side

For footnotes, the formatting specifications are:

a) Font type: Times New Roman

b) Font Size: 10

c) Single Line Spacing

- The Memorials shall be spiral bound. The following colour scheme shall be followed for the Cover Page of the Memorial:

 Petitioners: Blue

 Respondents: Red



8. EVALUATION OF MEMORIAL

Every Memorial will be marked on scale of 100 and shall be evaluated according to the following criteria:

Application and Appreciation of Facts	20 Marks
Application of Legal Principles, Authorities and Precedents	25 Marks
Ingenuity and Logical Reasoning	20 Marks
Extent and Use of Research	20 Marks
Grammar, Language, Formatting and Presentation	15 Marks

9. PENALTY

Penalty shall be imposed by Negative marking as per the following criteria:

Late Submission of Memorials

2 marks per Memorial for first 24 hours after the deadline and 1 mark for every next 12 hours

Wrong File Name 1 mark per Memorial

Exceeding page limit prescribed 1 mark for each exceeding page

Excluding relevant / including irrelevant items on the cover page 1 mark per violation.

Exclusion of sections mentioned in 8 3 marks per exclusion

Failure to comply with Bluebook 19th Edition for Footnotes 0.25 mark per footnote



Wrong Font Size	0.5 mark per page
Wrong Font Style	0.5 mark per page
Wrong Line Spacing	0.5 mark per page
Wrong Margins	0.5 marks per page
Failure to use correct colour coding	2 marks per Memorial

10. EXCHANGE OF MEMORIALS

- The Memorials Exchange between respective opposing Teams shall be conducted in accordance with the fixtures mentioned in Preliminary Screening Chart and by Draw of Lots prior to the Preliminary Oral Rounds and subsequently, before the Quarter-Final, Semi-Final and Final Rounds of the Competition.
- The Teams are prohibited from making any marks on the exchanged Memorials.
- The Teams are prohibited from making any copies of the exchanged Memorials.

11. ORAL SUBMISSIONS

Each Team shall comprise two (2) Speakers, as has been specified in Rule 2. The time split between the Speakers must be communicated to the Court Bailiff prior to the commencement of each Round. Once so informed, these timings shall not be changed. Use of any electronic gadgets is not permitted during the course of Oral Submissions. Teams can pass on Compendium of the sources they cite in their Memorials, if so, permitted by the Judges.



Delay in appearance for an Oral Round exceeding five (5) minutes will render disqualification of the Team for that Round. In such a case, the Opponent shall make their Oral Submissions ex-parte.

The order of Oral Submissions shall be as follows:

- Petitioners/Appellants Speaker 1;
- Petitioners/Appellants Speaker 2;
- Respondents Speaker 1;
- Respondents Speaker 2;
- Rebuttal by Petitioners;
- Surrebuttal by Respondents (at the Discretion of the Judges).

In case the Petitioners do not rise for Rebuttal, the Surrebuttal shall be cancelled.

Evaluation shall be done on the basis of the following criteria:

Knowledge and Marshalling of Facts	20 Marks
Response to Questions and Articulation	20 Marks
Application of Legal Principles and Usage of Authorities	25 Marks
Advocacy Skills, Poise, Courtesy and Demeanor	20 Marks
Time Management and Organization	10 Marks
Effective Rebuttal/Surrebuttal	05 Marks



● Preliminary Rounds

- ✚ Each Team will have the opportunity to argue from both sides.
- ✚ Time limit for the Oral Submissions shall be thirty (30) minutes for each Team. This shall include the submissions of both the Speakers from the Team and the time reserved for rebuttal/surrebuttal. No Speaker may reserve more than fifteen (15) minutes for his/her individual Oral Submission.
- ✚ No Team shall be allowed to reserve more than 5 minutes for rebuttal/surrebuttal. The surrebuttal shall be limited to the rebuttals made by the opponent Team and is upon the discretion of the Bench. Only one (1) Speaker from each Team shall be permitted to rebut/sur-rebut.

● Quarter Final Rounds

- ✚ Time limit for the Oral Submissions shall be thirty (30) minutes for each Team. This shall include the submissions of both the Speakers from the Team and the time reserved for rebuttal/surrebuttal. No Speaker may reserve more than twenty (20) minutes for his/her individual Oral Submission.
- ✚ The surrebuttal shall be limited to the rebuttals made by the Team. Only one (1) Speaker from each Team shall be permitted to rebut/sub-rebut, as the case may be, subject to a maximum time limit of five (5) minutes.



- Semi Final Rounds

Time limit for the Oral Submissions shall be forty-five (45) minutes for each Team. This shall include the submissions of both the Speakers from the Team and the time reserved for rebuttal/surrebuttal. No Speaker can reserve more than twenty-five (25) minutes for his/her individual Oral Submission.

- ✚ No Team shall be allowed more than 05 minutes for rebuttal/surrebuttal.

- Final Round

The time limit for Oral Submissions shall be sixty (60) minutes for each Team. This shall include the submissions of both the Speakers from the Team and the time reserved for rebuttal/surrebuttal. No Speaker can reserve more than thirty-five (35) minutes for his/her individual Oral Submission.

- ✚ No Team shall be allowed more than 05 minutes for rebuttal/surrebuttal.



12. STRUCTURE OF THE ORAL ROUNDS

The Oral Rounds of the Competition shall be held over a period of two days i.e., 2nd and 3rd March.

- ✚ The Preliminary Oral Rounds shall be held on 2nd & 3rd March, 2024. In the Preliminary Oral Rounds, each Team shall have to argue twice, as per the draw of lots to be conducted on 1st March, 2024.

The top 8 Teams based on their win/loss ratio and their scores in the Preliminary Rounds shall qualify for the Quarter Final Rounds. Following shall be the system for determining the Teams that advance to the Quarter Final Rounds:

Rounds

Total Preliminary Score is the total score obtained by both the Speakers (including the rebuttal/surrebuttal score) in both the Preliminary Oral Rounds. Total Preliminary score does not include the Memorial scores.

- Semi-Final and Final Rounds will be knock-out rounds.
- Quarter-Final Rounds will be conducted on 2nd-3rd March, 2024. The Memorial exchange shall be done for the Teams qualifying for Quarter-Final Rounds on the basis of Draw of Lots. Memorial marks will not be considered in the Quarter-Final Rounds as well. However, in case of a tie, the marks obtained in the Memorials will be considered. The Team with the higher score will win.



- Semi-Final Rounds and Final Round will be conducted 16th – 17th March, 2024. A similar procedure will be followed for the Semi-Final Rounds and the Final Round, except that in case of a tie in the Final Round, the ratio of the Judgment delivered by the Bench shall be used to declare the Winner.

13. DRESS CODE

The dress code to be adhered to for and duration of the Competition is

Ladies: White Shirt/Kurta, Black Blazer, Black tie, Black Trousers/Skirts, Salwar and Black Shoes.

Gentlemen: White Shirt, Black Blazer, Black Trousers, Black Tie and Black Shoes.

14. SCOUTING

Scouting is not permitted and it shall be deemed to have happened if the Speaker(s), Researcher, or any other person affiliated with a Team is found:

Witnessing, hearing, observing, etc. the Oral Submissions in a Round, except where the Round is one in which the Team to which he/she is affiliated is participating in;

Reading the Memorial of a Team except where it is of the Team to which he/she is affiliated; or the Memorials have been obtained on account of an exchange of Memorials prior to a Round of the Team to which he/she is affiliated.



15. AWARDS

Best Team	Rs 30,000.00 + Trophy + Certificate
Best Mooter	Rs 15,000.00 + Trophy + Certificate
Best Memorial	Rs 10,000.00 + Trophy + Certificate
Best Promising Mooter from amongst the participants from Preliminary Rounds.	
Certificate of appreciation to all participating teams	

16. MISCELLANEOUS

- ✚ The final decision regarding Implementation and Interpretation of Rules regarding Moot Court practice and procedures lies with the Organizing Committee.
- ✚ If any one of the members of a Team is notified or informed of any detail or information concerning the Competition, it shall be deemed as if the said Team as a whole has been duly notified or informed.
- ✚ The Moot Proposition is neither intended to nor does it attempt to resemble any incident or any person, living or dead. Any such resemblance is purely coincidental. The Proposition is a fictitious factual account prepared for the purposes of the present Competition only and it does not attempt to influence or predict the outcome of any matter, whatsoever.



- ✚ The copyright in the Memorials submitted by the Teams shall vest with Nowgong Law College Moot Court Society. The acceptance of such vesting is a precondition to participation in the Competition. The Rules governing the conduct of the Competition should be strictly adhered to. Any deviation thereof can attract penalties or disqualification.
- ✚ Registration Fee once paid is non-refundable.
- ✚ The Organizing Committee reserves the right to amend, alter, vary or change, in any manner whatsoever, the Rules governing the Competition, which would be communicated to the Teams within a reasonable period of time.
- ✚ The Chairman and Faculty, Convenor and Co-conveners of the Organizing Committee of Nowgong Law College, Assam, shall be the final arbiter for these Rules and any such decision made by them on any issue/dispute arising in relation to the Competition shall be final and binding on all concerned.

17. IMPORTANT DATES

✚ Last date of registration	25 th Feb, 2024
✚ Last dates for submission of memorial	27 th Feb, 2024
✚ Preliminary and Quarter-Final Rounds (Online mode)	2 nd – 3 rd March, 2024
✚ Semi-Final and Final Rounds (Offline mode)	16 th – 17 th March, 2024
✚ Award and Valedictory Session	17 th March, 2024



18. ORGANISING COMMITTEE

❖ Dr. Sujata Bhattacharyya	Chairman
❖ Mr. Sarat Ch Khaund	Advocate, External Member
❖ Mr. Pankaj Jyoti Nath	Teacher Coordinator
❖ Mr. Rabindra Changmai	Teacher Coordinator
❖ Mr. Trailokya Hazarika	Teacher Coordinator
❖ Mrs. Juriti Saharia	Teacher Coordinator
❖ Mrs. Beauty Neog	Teacher Coordinator
❖ Mrs. Rajkumari Das	Teacher Coordinator
❖ Abhishek Gupta	Student Coordinator
❖ Mohsin Akhtar Choudhary	Student Coordinator
❖ Mahfuj Ahmed	Student Coordinator
❖ Jenifar Begum	Student Coordinator
❖ Priya Bora	Student Coordinator
❖ Raktim Sharma Bharadwaj	Student Coordinator
❖ Aman Saha	Student Coordinator



NATIONAL MOOT COURT COMPETITION

MOOT PROPOSITION

1. 'Endiya i.e. Vaharat' attained its independence in the year 1947 and has been a Democratic Republic since then, and attained fame globally for being the world's largest democracy owing to its growing population.
2. The Constitution of Endiya is *pari material* to the Constitution of India and enshrines certain fundamental rights and duties for its citizens and also prescribes a robust framework for the functioning of its legislature and electoral processes.
3. The modern Endiya nation state came into existence on 15th of August, 1947, since then free and fair elections have been held at regular intervals as per the principles enshrined in the Constitution, Electoral laws and system. The Constitution of Endiya has vested in the Election Commission of Endiya the superintendence, direction and control of the entire process for conduct of elections to Parliament and Legislature of every state and to the offices of the President and the Vice-President of Endiya.
4. The Election Commission of Endiya is a permanent Constitutional Body and was established in accordance with the Constitution on 25th January 1950 which originally had only one Chief Election Commissioner but now it consists of a Chief Election Commissioner and two Election Commissioners.
5. Political parties of the state of Endiya are registered with the Election Commission under the law. The Commission ensures inner party democracy in their functioning by insisting upon them to hold their organizational elections at periodic intervals. Political Parties so registered with it are granted recognition at the State and National levels by the Election Commission on the basis of their poll performance at general elections according to criteria prescribed by it.
6. The Election Commission ensures a level playing field for the political parties in election fray, through strict observance by them of a Model Code of Conduct evolved with the consensus of political parties.



7. Over the years, Endiya witnessed a new trend in its election seasons that most of the political parties were engaged in promising freebies, subsidies and other costless benefits in exchange of votes.

8. On August 11, 2022, the Prime Minister of Endiya in a public address remarked that "Attempts were being made to collect votes by distributing free pithas. This free pitha culture is very dangerous for the development of the country".

9. This remark of the Prime Minister brought in a wave of discussion and deliberations and questions were raised against the Election Commission for allowing such practices amongst other.

10. The concern over providing freebies or social welfare schemes from public funding gained huge countrywide attention and furthermore on September 2022, the Reserve Bank of Endiya published an article highlighting a financial crisis developing in various states due to Covid-19 and Rushya -Ufrain War. The article stressed that a widening gap between state revenue and expenditure was exacerbated by an increase in freebies offered by State governments. In the 2022-23 financial year alone, the State government's expenditure on subsidies grew at 11.2% and in highly debt ridden states such as Andher Pradesh and Kanjub, the freebies have crossed 2% of the states' Gross State Domestic Product (GSDP).

11. The comment of the Prime Minister and the article published by the Reserve Bank of Endiya brought a Public Interest Litigation (PIL) challenging the practice of offering 'irrational freebies' before the Hon'ble Supreme Court of Endiya. The Petition was filed on February 14th, 2023 by Rajkumar Hirai a public spirited political activist.

12. In the PIL, Mr. R. Hirai argues that the promise of irrational freebies from public fund before elections unduly influence voters, disturbs level playing field, shakes roots of free-fair election & vitiates purity of election process. Petitioner also seeks declaration that promise/ distribution of private goods/service, which are not for public purposes, from public funds before election violates Article 14, 162, 266(3) and 282 of the Constitution.



13. The Petitioner also seeks declaration that promise/ distribution of irrational freebies from the public funds before election to lure voters is analogous to Bribery and Undue Influence under Sec. 171B and Sec. 171C of the Endiya Penal Code. Petitioner seeks direction to the Election Commission of Endiya to insert an additional condition: "Political party shall not promise/ distribute irrational freebies from the public fund before election" in Para 6A, 6B and 6C of the Election Symbols Order, 1968 and seize the election symbol/ deregister the political party which promise/ distribute irrational freebies from public fund.

14. The Election Commission of Endiya refused to regulate the practice of promising freebies in election campaigns. They are of the opinion that the offering or distributing freebies was a policy decision and that the Election Commission would be overreaching its powers if it regulated the practice. They insisted that it was the voter's duty to assess the freebies financial viability and effect on the economy. The Learned Solicitor General of Endiya has also responded by stating that the Union has very limited role when it comes to such issues.

15. Moreover, on 1st April, 2023 the Samajdar Aadmi Party (SAP) filed a petition before the Hon'ble Supreme Court of Endiya opposing the PIL Of Mr. Hirai. They argues that promises to provide basic utilities such as free water, free electricity or free public transport are not freebies. They noted that such benefits are crucial to provide access to basic resources and services to all looking into Endiya's unequal society. Further, they argued that the petition was an attempt to thwart the efforts of the opposition parties and to further Mr. Hirai's political agenda.

16. A large section of the general masses in various news articles and by open letters to the Election Commission of Endiya pointed out that rather than promising better rule of law, equal pay for equal work, clean water, equal quality education, quality healthcare, speedy justice, effective police system, the political parties are in a race amongst themselves to promise irrational freebies from public fund which includes some instances wherein the Samajdar Aadmi Party has promised Rs. 1,000/- per month to every woman aged 18 and above, similarly Shyamlal Alkali Dal (SAD) promised Rs. 2,000/- to each woman to lure them. Following similar trends, Endiya's oldest political party Kongrest promised Rs. 2000/- per month and



8 LPG Gas cylinders per year to every house wife and also promised a Scooty to every college going girl, Rs. 20,000/- after passing 12th class and Rs. 15,000/- after passing class 10th and Rs. 5,000/- after passing class 8th along with giving smart phones to all school going girls.

17. The Hon'ble Supreme Court after looking through the batch of petitions from various Political Parties as well as the stands taken by the Election Commission of India after its preliminary assessment has formulated some issues for consideration, that what is the scope of judicial intervention with respect to the reliefs sought in the present batch of petitions? Does promising freebies amount to bribing voters? Are all freebies wasteful or can some be considered social welfare schemes? What kind of election promises amount to inefficient utilization of public funds and who decides whether a party is using funds for a 'public purpose'?

18. The Hon'ble Supreme Court issued notice to the Union as well as other Political Parties in the matter and clubbed the matters together to be taken up on the designated date for final hearing.

Caveats:

- i. Any reference to any real-life incident involving any religious community and/or denomination, and/or political/social/ religious organisation is strictly prohibited.
- ii. The nature of the petition and other similarities shall only be referred for academic purposes and nothing else.
- iii. Participants are at liberty to frame issues and points of considerations upon perusal of the moot proposition.

Disclaimer: This Moot Problem is a work of fiction and has no corresponding similarity with any real-life event, person, group and incident, any such similarity is merely coincidental. The moot problem has been drafted in good faith.