



**10TH NALSAR JUSTICE B.R. SAWHNY MEMORIAL
MOOT COURT COMPETITION, 2016**

NALSAR UNIVERSITY OF LAW, HYDERBAD

30TH SEPTEMBER – 2ND OCTOBER 2016

MOOT PROPOSITION



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1. Indus is a Republic in the continent of Asia and the laws of the country are in pari materia with the laws of India (including the Constitution of India). Indus is divided into various states and union territories. Dilli Pradesh is one such union territory which is situated in the central part of Indus and has a very rich cultural and historical importance.
2. Dilli Pradesh has also been given special status under the Constitution of India. In this regard, Dilli Pradesh has been entitled to have a legislative assembly and to enact laws in terms of Article 239AA of the Constitution of Indus.
3. Since 2015, there have been various incidences in Dilli Pradesh wherein the root cause of concern has been the heavy usage/consumption of alcohol. The citizens of Dilli Pradesh have raised several concerns with respect to the menace being caused due to high proliferation of alcohol. Various NGOs and international organisations have agitated against the said cause as to the wide spread menaces being caused due to the consumption of alcohol. While the Government of Dilli Pradesh (which at that time was run by a political party called “Aap ki Party”) had taken note of the said problems, however, no action had been taken with respect to the same.
4. In its public announcements, the Health Minister of Dilli Pradesh had indicated that while he empathizes with the concerns raised by the people, they are in deliberations for addressing such grievances in the best possible manner.
5. It is pertinent to note that there is no central law enacted by the Government of Indus which restricts the production, sale or consumption of alcohol. In fact, the Central Government collects excise duty on the manufacture of alcohol beverages which constitutes a major component of the public exchequer.
6. In March 2016, another national political party i.e. Moody Janta Party (“MJP”) won the central elections in Indus. MJP’s key manifesto agenda in Dilli Pradesh was a complete ban on the menace of alcohol in Dilli Pradesh. MJP had promised the citizens that if elected, it

¹ This moot problem has been drafted by Mr. Malak Bhatt (Nalsar alumnus). Any attempt to contact him on matters relating to this problem or the 10th Nalsar Justice B.R. Sawhny Memorial Moot Court Competition, 2016 shall result in immediate disqualification.

will ensure a complete prohibition on the sale of alcohol in Dilli Pradesh. In the national elections, MJP secured all 8 seats in Dilli Pradesh.

7. After coming to power, the Central Government of Indus(through the Lt. Governor of Dilli Pradesh) in July 2016 issued a notification called the “Dilli Pradesh Prohibition Order, 2016” (hereinafter referred to as the “**Prohibition Order**”). In terms of the Prohibition Order, there was a complete prohibition on the “sale, distribution, marketing and consumption of whisky, wine, rum, vodka, gin, tequila or any other alcohol” within the territory of Dilli Pradesh. However, the said Order expressly excluded Beer and any other alcoholic beverage where the alcohol content is less than 5 % from the ambit of prohibition. The Prohibition Order was notified and came into effect from 1 August 2016.
8. The Prohibition Order was heralded by the people of Dilli Pradesh as a move to completely eradicate the consumption of alcohol. In its public announcement after the notification of the Prohibition Order, the Lt. Governor stated that the law has been passed keeping in mind the directive principles of state policy which every Government should aim to achieve.
9. However, the State Government criticised the enactment passed by the Lt. Governor as being counter-productive to the economy of the country. In its public statements, the Chief Minister stated that apart from the adverse impact on the indirect taxes collected from the manufacture of alcohol, the Lt.Governor has acted beyond its competence in enacting the said law. While it was not expressly stated, various legal scholars opined that the State Government’s stand may be premised on the fact that it has the sole prerogative to enact a law in this regard for the territory of Dilli Pradesh.
10. With effect from 1 August 2016, there was a complete embargo on the sale, distribution, marketing and consumption of alcohol (as described above) in the State of Dilli Pradesh. Owing to this, King Bird Liquor Pvt. Ltd. (“**King Bird**”), a company engaged in the business of manufacture of premium whiskies and vodkas was gravely affected.
11. Consequently, King Bird filed a petition under Article 32 of the Constitution of Indus before the Hon’ble Supreme Court of Indus alleging that the Prohibition Order violated its fundamental rights including (but not limited to) rights under Article 14 and 19 of the Constitution of Indus. Alongside, the State Government of Dilli Pradesh also filed a petition

under Article 226 of the Constitution of India before the High Court of Dilli Pradesh challenging the legislative competence of the Central Government (through the Lt. Governor) to enact such a law.

12. Owing to the public interest and questions of law involved, the Supreme Court suo motu sought transfer of the petition pending before the High Court of Dilli Pradesh and has tagged both the petitions for hearing. The petition has now been listed for final disposal on 2nd October, 2016.

[Parties may raise issues outside of those identified in the proposition and may integrate the same with the constitutional law issues.]