

JUSTICE R.K TANKHA MEMORIAL MOOT COURT COMPETITION

National Law Institute University, Bhopal

TEAM CODE NO- E

MEMORIAL SIDE - RESPONDENT

JUSTICE R.K TANKHA MEMORIAL MOOT COURT COMPETITION

National Law Institute University, Bhopal

BEFORE THE HON'BLE HIGH COURT OF NIRDHAN

AT NIRDHAN

W.P No (Civil) 999/2015

And W.P No (Civil) 1021/2015

IN REFERENCE TO THE W.P.(C)No. 99/2014 IN THE HIGH COURT OF NIRDHAN ,
REPUBLIC OF GARIBA, AND THE ORDER OF LISTING BY THE APEX COURT

People's Union for Liberties and Democratic Reforms ... *PETITIONER NO.1*

And

Jeopardy Contracts Inc. (JCI) ... *PETITIONER NO.2*

V/s

Republic of Gariba ...*RESPONDENT NO.1*

And

Maxis Bank ...*RESPONDENT NO.2*

COUNSEL FOR RESPONDENTS

*WRITTEN SUBMISSION ON BEHALF OF THE RESPONDENTS (REPUBLIC OF
GARIBA AND MAXIS BANK)*

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Books referred –

- (i) H.M Seervai on Constitution**
- (ii) M.P Jain on Constitutional Law**
- (iii) Durga Das Basu Commentary on the Constitution**
- (iv) Subhash. C. Kashyap (Parliamentary Procedure and privileges**
- (v) Arvind P. Datar (Constitutional Law on Principles of Natural Justice)**
- (vi) All India Reporter (AIR)**
- (vii) Supreme Court Cases (SCC)**
- (viii) Supreme Court Journals**
- (ix) Supra Reference Book On Constitutional Verdicts**
- (x) Lexis Nexis (Amendment 42 of 1974 Socialism)**
- (xi) M.P.Jain on the code of civil procedure**
- (xii) P.K.Majumdar 10th edition on Law of Arbitration And Conciliation**
- (xiii) Indian Constitutional Law Volume 1 Lexis Nexis**

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THE STATEMENT OF JURISDICTION

The Respondents humbly submit before this Hon'ble High Court of Nirdhan that this Hon'ble court should dismiss this petition with cost.

The Respondent no 1 - approach this Hon'ble court to dismiss the petition of the Petitioner no.1 challenging the issue of ordinance by the governor of Nirdhan and the validity of the ordinance issued by the governor under **article 213** of the constitution of Gariba. The Petitioner no.1 submits before this Hon'ble court that the **writ of certiorari** may be issued against the executive who wrongly interprets the constitutional provisions. However the Respondent No.1 submits that the Governor has rightly exercised his power of promulgating the ordinance **u/a 213(1)** of the Constitution. The Respondent No.1 submits that the writ of certiorari may be set-aside because it would not be a valid order in the eyes of law.

The Respondent no.2 - approach this Hon'ble High court to dismiss the petition of the Petitioner no.2 challenging the constitutional validity of **section 34 of Arbitration and Conciliation Act 1996** , which specifies the provisions for setting aside of the order.

The Petitioner No.2 submits before this Hon'ble court that the **writ of mandamus** may be issued for correcting an error of law apparent on the face of record. The Respondent No.2 submits before this Hon'ble court that in the present case the provisions of section 34 of arbitration and conciliation act 1996 are valid on the ground that anyone who is aggrieved by the award of the arbitrator may approach through the provisions of section 34 of the said act.

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THE STATEMENT OF FACTS

1. That the Petitioner No.1 herein is People's Union for Liberties and Democratic Reforms and the Petitioner No.2 herein is Jeopardy Contracts Inc. (JCI).
2. That the Respondent No.1 is The Republic of Gariba and the Respondent No.2 is the Maxis Bank.
3. That the Jeopardy Contracts Inc. (JCI), i.e., is the Petitioner No.2 in the present case entered into an agreement on 21.09.2011 with Jodhpur Gaon Panchayat Samiti (JGPS) for the construction of roads. On the termination of the contract, by JGPS on 21.09.2013 due to certain issues regarding land acquisition, design of the bridges etc, the JCI asked for invoking arbitration as per contractual clause and 'termination payment' from the JGPS for the work already done by sending a legal notice dated 11.12.2014 to which the JGPS replied on 12.12.2014 challenging the applicability of the Arbitration and Conciliation Act, 1996 suggesting that no institutional arbitration can take place. Further the JGPS invoked the performance bank guarantee in the Maxis Bank.
4. The JCI moved the High Court of Nirdhan in an urgent writ petition being WP(c) No. 99/2014 which was listed at 10:30 am on 15.12.2014. The High Court taking this matter first on board granted "... an ad-interim ex-parte stay on invocation of bank .However at 10:00 am when the branch manager of the Jodhpur Gaon branch of Maxis bank acted on the email of JGPS and encashed the bank guarantee, at 10:01 am due to some massive security breach in the security systems of the Maxis bank due to an attack by a group of hackers the mount of bank guarantee still remained in the account of JCI Further when the JGPS in a press conference attributed the act of hacking solely to JCI.

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5. The corporate headquarters of JCi denying such allegations stated that, "... the head of JGPS is an illiterate villager, his allegations arise out of ignorance and naivety due to lack of formal education."
6. The writ petition pending before the high court was disposed off directing the parties to seek appropriate interim remedies from the Ld. Arbitrators; the award was culminated on 21.01.2015 entitling JCi to the money under the performance bank guarantee.
7. When on 24.01.2015, JCi wrote to Maxis bank to return the money pertaining to the performance bank guarantee retained by it, on 27.01.2015 Maxis bank informed the admission of writ petition initiated by JGPS under section 34 under the act of 1996 before the High court of Nirdhan amounts to a stay on the award.
8. In response on 28.01.2015, when JCi cited its concern about immediate requirement of liquidity due to pressure of the foreign bank, expenses of the litigation etc., and the Maxis bank still did not release any payment JCi challenged the constitutional validity of section 34 by writ petition 999/2015 contending:
 - (i) introduction of litigation in the arbitration against the principles of arbitration,
 - (ii) the pendency of section 34 petition takes away the fruits of the award
 - (iii) Grant of an automatic stay on prima-facie case causes irreparable injury.Admitting the petition, notice was issued to the Ld. Attorney General.
9. In the meanwhile when the Governor of the state of Nirdhan on 20th Dec 2014 promulgated an ordinance amending the Nirdhan Panchayat Raj act 1994 making rigid the qualifications for election as a Panch or as the case may be.
10. The Peoples Union for Liberty and Democratic reforms moved the High court of Nirdhan on 29th December 2014{the annual winter holidays} for an urgent listing. Due to the denial of the listing, they moved the Hon'ble Apex court under Article 32 on 31.12.2014

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through the “Vacation Officer”. Despite several reminders, no listing was granted till the issuance of election notification. Upon listing the Apex court observed that the matter could now be heard by the High court of Nirdhan.

11. The Peoples Union for Liberty and Democratic rights immediately filed a pro-bono petition WP (C) No. 1021/2015 in the high court of Nirdhan challenging the vires of the ordinance on the grounds :

- (i) Non availability of a notified vacation bench procedure is unconstitutional;
- (ii) Non grant of listing before the issuance of election notification cannot effect the merits of the case.
- (iii) The ordinance of the Governor being ultra vires.
- (iv) The ordinance violates the preamble, fundamental and constitutional rights.

The high court of Nirdhan admitting the petition, pertaining to the interpretation of the constitution, notices were issued to the Ld. Attorney General as well as the Republic of Gariba. Given that the Ld. Attorney General was to appear in WP 999/2015 and WP 1021/2015 they have been listed together for final hearing.

THE STATEMENT OF ISSUES

The Following issues came up before the Hon'ble High court for consideration -

1. Whether high court of state of Nirdhan has the jurisdiction to try the present Petition?

2. Whether Section 34 of the Arbitration and Conciliation Act is unconstitutional as challenged by the JCI. In the High Court of state of Nirdhan?

(i)Whether introduction of litigation in the arbitratral process and pendency of section 34 is against the basic principle of arbitration?

(ii)Whether the pendency of cases and further delay leads to violation of country's bilateral commitments under various conventions and investment treaties?

(iii)Whether pendency of petition of sec.34 takes away the fruits of the award?

(iv)Whether or not grant of automatic stay on prima facie case causes irreparable injury?

3. Whether issuing of the ordinance by the Governor is ultra vires?

(i)Whether non availability of a notified vacation bench and notified procedure for listing during any holidays is unconstitutional?

(ii)Whether non grant of listing before the issuance of election notification affects the merits of the case?

(iii)Whether ordinance issued by Governor violates part IX of constitution and is retroactive?

(iv)Whether the ordinance violates the fundamental rights or any other provisions given to the people in the Constitution?

THE SUMMARY OF ARGUMENTS

It is humbly submitted before the Hon'ble High Court that-

1. Whether High court of state of Nirdhan has the jurisdiction to try the present Petition?

The Respondent no 1 - approach this Hon'ble court to dismiss the petition of the petitioner no.1 challenging the issue of ordinance by the Governor of Nirdhan and the validity of the ordinance issued by the governor under **article 213** of the constitution of Gariba.

The Respondent no.2 - approach this Hon'ble high court to dismiss the petition of the petitioner no.2 challenging the constitutional validity of **section 34 of arbitration and conciliation act 1996** , which specifies the provisions for setting aside of the order.

2. Whether Section 34 of the Arbitration and Conciliation Act is unconstitutional as challenged by the JCi. in the High Court of state of Nirdhan?

In **TPI Ltd VS Union of India**, it was held that restrictions incorporated into S.34 of the Arbitration and conciliation Act, 1996 are constitutional and valid.

(i) Whether introduction of litigation in the arbitral process and pendency of Section 34 is against the basic principle of Arbitration?

It is submitted before this Hon'ble court that as per the 1996 Act, arbitral award includes final and interim awards passed by the arbitrator. Both interim as well as final awards can be challenged under S. 34.

(ii) Whether the pendency of cases and further delay leads to violation of country's bilateral commitments under various conventions and investment treaties?

The pendency of case u/s 34 of the Act at 1996 is necessary in order to provide recourse against the arbitral award as discussed earlier.

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(iii) Whether pendency of petition of sec.34 takes away the fruits of the award?

Reliance has also been placed upon *Oil and Natural Gas Corporation Ltd. V. Saw Pipes Ltd*¹ to canvas an argument that an award which is against the fundamental policy of the Indian law would be encompassed within the definition of public policy and the present award is liable to be set aside on similar grounds. In *M/S Basic Tele Services Ltd vs Union Of India & Another on 28 May, 2009*² the plaintiff was entitled to the relief of declaration that the invocation by the defendant of the bank is contrary to the terms of the guarantee and to injunction on that ground as well.

(iv) Whether or not grant of automatic stay without adjudication on prima facie case causes irreparable injury?

It was held by the Hon'ble Supreme Court in *Khaleel Ahmed Dakhani vs. Hatti Gold Mines Co.Ltd*³. *Civil Appeal No.2232 of 2000 decided on March, 27, 2000 that when there is a pendency to set aside the award u/s 34 of the arbitration Act, there cannot be execution of award of application.*

3. Whether issuing of the ordinance by the Governor is ultra vires?

There are lines of justification advanced by the Respondent No.1 first, that representatives play an executive role and are embroiled in corruption cases and often use their ignorance of law/rules as an excuse when they are investigated. The Center is spending crores of money on Panchayats and this goes directly to the sarpanch. There are thousands of pending cases of fund embezzlement against these elected representatives in the state and the standard excuse is that 'I am illiterate and put my thumb impression on whatever papers were given to me'

¹ AIR 2003 SC 2629

² CS(OS)2686/1996

³ 2000 (3) SCC 754

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- (i) **Whether non availability of a notified vacation bench and notified procedure for listing during any holidays is unconstitutional?**

When a PIL seeking reduction in the duration of court vacations and cancellation of the month-long summer break in the Delhi High Court was brought by the Petitioner Suraj Prakash Manchanda, the bench said, ‘Most judges do not spend their summer vacations vacationing but spend time in their office at home or in High Court writing judgments, perhaps the petitioner does not know that even in summer vacation, the court is not closed for those who are in urgent need, vacation benches sit every Monday, Wednesday and Friday’.

- (ii) **Whether non grant of listing before the issuance of election notification affects the merits of the case?**

It is applicable in the present case that even if after the issuance of election notification, the State Legislature doesn't replace the ordinance with an Act, the ordinance lapses is will be considered to be void ab initio, which means that there will be no applicability of the ordinance to the election.

- (iii) **Whether Ordinance issued by Governor violates part IX of constitution and is retroactive?**

The Respondent No.1 i.e. the Republic of Gariba submits that the Governor acting within the scope of its powers u/a 213 of the Constitution is not violative of part IX of the Constitution.

A-243F mentions the grounds for **Disqualifications for membership of Panchayats.—**

(1) A person shall be disqualified for being chosen as, and for being, a member of a Panchayat—

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(a) If he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned:

The constitution in A-213 clearly specifies the Governor's power to issue ordinance under certain circumstances.

(iv) **Whether the ordinance violates the fundamental rights or any other provisions given to the people in the Constitution?**

In *Jumuna Prasad Mukhariya v Lachhi Ram*⁴ a five-judge bench held: "The right to stand as a candidate and contest an election is not a common law right. It is a special right created by statute and can only be exercised on the conditions laid down by the statute. The Fundamental Rights Chapter has no bearing on a right like this created by statute".

⁴ AIR 1955 1 SCR 608

ARGUMENTS ADVANCED

1. Whether high court of state of Nirdhan has the jurisdiction to try the present Petition?

The Respondents humbly submit before this Hon'ble High court that this Hon'ble court should dismiss this petition.

The Respondent no 1 - approach this Hon'ble court to dismiss the petition of the petitioner no.1 challenging the issue of ordinance by the Governor of Nirdhan and the validity of the ordinance issued by the Governor under **article 213** of the constitution of Gariba.

The Petitioner no.1 submits before this Hon'ble court that the **writ of certiorari** may be issued against the executive who wrongly interprets the constitutional provisions. It is submitted that the Governor has rightly exercised his power of promulgating the ordinance u/a 213(1) of the constitution. The Respondent submits that the writ of certiorari may be set-aside because it would not be a valid order in the eyes of law.

The Respondent no.2 - approach this Hon'ble high court to dismiss the petition of the Petitioner no.2 challenging the constitutional validity of **section 34 of arbitration and conciliation act 1996** , which specifies the provisions for setting aside of the order.

The Petitioner no.2 submits before this hon'ble court that the **writ of mandamus** may be issued for correcting an error of law apparent on the face of record. The Respondent No.2 submits before this Hon'ble court that in the present case the provisions of section 34 of arbitration and conciliation act 1996 are valid on the ground that anyone who is aggrieved by the award of the arbitrator may approach through the provisions of section 34 of the said act. The absence of this law would further violate the rights of the aggrieved party.

2. Whether Section 34 of the Arbitration and Conciliation Act is unconstitutional as challenged by the JCI. In the High Court of state of Nirdhan?

It is submitted before this Hon'ble court that in the present case the provisions of section 34 of arbitration and conciliation act 1996 are valid on the ground that anyone who is aggrieved by the award of the arbitrator may approach through the provisions of section 34 of the said act. The absence of this law would further violate the right to equality which is mentioned in article 14 of the constitution. a recourse against the arbitral award is essential to the aggrieved party.

S.34 of the Arbitration and Conciliation Act, 1996 was challenged by way of a Writ Petition filed under Article 22d of the Constitution in *TPI Ltd VS Union of India*⁵. The main ground of challenge was that a right to challenge an arbitral award on merits should not be denied to parties and in the absence of such a provision; Section 34 of the Arbitration and Conciliation Act, 1996 shall be unconstitutional. But the High Court dismissed the above said Writ Petition with an observation that arbitration is an alternate forum for redressal of disputes, and is selected by their own free will and they agree to the arbitrators decision by means of mutual agreement or contract, which gives a go by to the normal judicial forum otherwise available to the parties. That is because there is no compulsion or imposition by any statute compelling the parties to resort to arbitration if a dispute arises. That is also because the legislature has the power to specify the grounds on which the award can be challenged. Hence it was held that restrictions incorporated into S.34 of the Arbitration and conciliation Act, 1996 are constitutional and valid.

⁵ In the High Court of Delhi, Civil Appeal No. 6875 of 1999, Civil Miscellaneous Appeal No. 13074 of 1999

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- (i) **Whether introduction of litigation in the arbitral process and pendency of section 34 is against the basic principle of arbitration?**

The Supreme Court confirmed the powers of the courts to entertain S.34 applications while dealing with the case *McDermott International Inc. Vs. Burn Standards Co. Ltd.*⁶, The Only recourse against any arbitral awards as per the act is by filing an application for setting aside arbitral awards under S. 34. As per S. 34 of the 1996 Act, an arbitral awards may be set aside by the Court.

- (ii) **Whether the pendency of cases and further delay leads to violation of country's bilateral commitments under various conventions and investment treaties?**

The Respondent No.2 contends that the bilateral commitments under various conventions are not violated due to pendency of cases before the Hon'ble Court. The pendency of Case u/s 34 of the Act of 1996 is necessary in order to provide recourse against the Arbitral award as discussed earlier in *Oil and Natural Gas Corporation Ltd. V. Saw Pipes Ltd*⁷.

- (iii) **Whether pendency of petition of sec.34 takes away the fruits of the award?**

It is submitted by the Respondent No.2 that the contention of the Petitioner No.2 that the pendency of petition of Sec.34 takes away the fruits of the award is baseless; instead it provides recourse against any arbitral awards. Reliance has also been placed upon *Oil and Natural Gas Corporation Ltd. V. Saw Pipes Ltd*⁸ to canvas an argument that an award which is against the fundamental policy of the Indian law would be encompassed within the definition of public policy and the present award is liable to be set aside on

⁶ (2006) 11 SCC 181

⁷ AIR 2003 SC 2629

⁸ AIR 2003 SC 2629(*Supra*)

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similar grounds. In *Vindhya Telelinks Ltd. vs Mahanagar Telephones Nigam*⁹ ... on 12 December, 2001, the Hon'ble court restrained from invoking the bank guarantee

(iv) **Whether or not grant of automatic stay without adjudication on prima facie case causes irreparable injury?**

The Respondent No.2 submits before this Hon'ble Court that an automatic stay to the award of arbitration causes no injury and is not bad in the eyes of law. The automatic stay of award is an essential when a writ is pending before the Hon'ble high court according to the Reserve Bank norms as contended by the Respondent No, i.e. the Maxis Bank. It was held by the Hon'ble Supreme Court in *Khaleel Ahmed Dakhani vs. Hatti Gold Mines Co.Ltd*¹⁰. Civil Appeal No.2232 of 2000 decided on March, 27, 2000 **that when there is a pendency to set aside the award u/s 34 of the arbitration Act, there cannot be execution of award of application.**

3. Whether issuing of the ordinance is ultra vires?

Like the Central Executive, The State Executive also participates intimately in the Legislative process. The State Governor may promulgate such ordinances as the circumstances appear to him to require when-

- (i) The state legislative assembly is not in session , or if the state has two houses, when one of the houses is not in session, and

⁹ 95(2002) DLT865

¹⁰ 2000 (3) SCC 754(*Supra*)

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- (ii) The Governor is satisfied that circumstances exist which render it necessary for him to take immediate action.

***In Gurudevdatto VKSSS Maryadit v. State of Maharashtra*¹¹, the Supreme Court has held:**

The ordinance, if, does not infringe the constitutional safeguards, cannot be examined nor can the motive for such a promulgation be in question. The courts cannot interfere with a legislative malice in passing a statute. Interference is restrictive in nature and that too on constitutionality aspect and not beyond the same. Legislative malice is beyond the pale of jurisdiction of the law Courts.

In the Present Case, The Governor has not gone ultra vires in promulgating the statute as the Ordinance does not go beyond the Constitutional aspect of A-213.

- (i) Whether non availability of a notified vacation bench and notified procedure for listing during any holidays is unconstitutional?**

A PIL seeking reduction in the duration of court vacations and cancellation of the month-long summer break in the Delhi High Court prompted the Acting Chief Justice to ask the petitioner why he was against holidays for judges. The petitioner said vacations should be curtailed so that a large number of pending cases could be dealt with.

The petitioner said long summer vacations "infringed on the fundamental right of the people to get speedy justice and was violative of Articles 14 and 21 of the Constitution". "Most judges do not spend their summer vacations vacationing but spend time in their office at home or in High Court writing judgments," the bench said. "Perhaps the petitioner does not know that even in summer vacation, the court is not closed for those who are in urgent need. Vacation benches sit every Monday, Wednesday and Friday," the bench said.

¹¹ Appeal (civil) 2298 of 2001

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Petitioner Suraj Prakash Manchanda argued that there is huge pendency of cases across the country including over 60,000 in the Delhi High Court, which in itself is apparent for the condonation of delay in listing.

(ii) Whether non grant of listing before the issuance of election notification affects the merits of the case?

The Respondent No.1 submits that in *Venkata Reddy*¹², an ordinance issued by the State Government abolished the posts of Part time village officers. After sometime, the ordinance lapsed without being replaced by an act of the Legislature. The question was whether the office is revived after the lapse of the Ordinance. The S.C. answered in the negative. The court refuted the argument that when an ordinance is not replaced by an act, as required by A-123(2) or A-213(2), the ordinance is deemed to be *void ab initio* and it should be assumed that it never became effective.

This is also applicable in the present case that even if after the issuance of election notification, the State Legislature doesn't replace the ordinance with an Act, the ordinance lapses is will be considered to be void ab initio, which means that there will be no applicability of the ordinance to the election.

(iii) Whether ordinance issued by Governor violates part IX of constitution and is retroactive?

A-243F mentions the grounds for **Disqualifications for membership of Panchayat.**—

- (1) A person shall be disqualified for being chosen as, and for being, a member of a Panchayat

¹² AIR 1986 SC 724

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(a) If he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned:

The constitution in A-213 clearly specifies the Governor's power to issue ordinance under certain circumstances. The Respondent No.1 i.e. the Republic of Gariba submits that the Governor acting within the scope of its powers u/a 213 of the Constitution is not violative of part IX of the Constitution.

(iv) Whether the ordinance violates the fundamental rights or any other provisions given to the people in the Constitution?

- Decisions in *Union of India v ADR*¹³ and *PUCL v Union of India*¹⁴, where the Court held the act of voting to be a form of freedom of expression (a fundamental right under Article 19(1) (a). However, the position on the right to contest remains unchanged – it is still to be only a statutory right.
- In *Jumuna Prasad Mukhariya v Lachhi Ram* ((1955) 1 SCR 608), a five-judge bench held: “The right to stand as a candidate and contest an election is not a common law right. It is a special right created by statute and can only be exercised on the conditions laid down by the statute. The Fundamental Rights Chapter has no bearing on a right like this created by statute”.
- In *Javed v State of Haryana*¹⁵ the Court rejected a challenge to a statutory provision disqualifying potential Panchayat election candidates with more than two children. The Court first rejected contention based on Article 14 (equality before law) by reasoning that

¹³ (2002) 5 SCC 294

¹⁴ (2013) 10 SCC 1

¹⁵ 2003 8 SCC 369

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it satisfies the tests of intelligible differentia and rational nexus to the Statute's object.

However, with respect to the contentions based on Article 21 (right to life) and Article 25 (freedom of religion), the Court endorsed the decision in *Lachhi Ram*. The logic was that a person is otherwise free to exercise his or her fundamental rights, but if he or she wants to contest elections, the rules must be followed.

- Similarly a five-judge bench in *Sakhawat Ali v State of Orissa*¹⁶ considered a statute disqualifying legal practitioners who had against the Municipality and once again admitted the Article 14 challenge but rejected it on the basis of constitutional tests.
- The challenge on the basis of Article 19(1) (g) (freedom of trade & occupation) was treated as inapplicable on the basis on the above-mentioned logic.

Ambedkar argued that this was a matter best left to the Legislatures. "If the Legislatures at the time of prescribing qualifications feel that literacy qualification is a necessary one, I no doubt think that they will do it", he stated. Thus, the framers of the Constitution left open the option of limiting membership of legislative bodies to educated individuals.

¹⁶1955 1 SCR 1004

THE PRAYER

In the light of the Issues raised, Arguments advanced and Authorities cited, it is most humbly and respectfully pleaded to this Hon'ble Court to adjudicate and declare that –

- 1. The Writ Petition by the Petitioners should be dismissed by this Hon'ble Court on parity.**
- 2. Exemplary cost should be granted to the Respondents for the trauma and depression caused by the Writ Petition and the legal expenses incurred by the Respondent due to the Petition.**
- 3. Any other relief may be granted in the interest of justice as deemed fit by this Hon'ble Court.**

The counsel for the Respondent also pleads before this Hon'ble Court to pass any other order, which the court deems fit in the light of justice, equity and good conscience.

For this act of kindness, the Respondent as in duty-bound shall ever pray.

Highly obliged.

Counsel for Respondent

Place – High Court of Nirdhan