

## **MOOT COURT PROPOSITION FOR THE COMMON INDUCTION MOOT OF LAW CENTRE-II**

The Legislative Assembly of the province of Rajputana has a total strength of 200 members. Of these, 98 belong to the Rajputana Peoples' Party (RPP), 24 are Independents, 3 belong to the Bhaaratiya Saamajik Party (BSP), 70 belong to the Ekaant Samaj Party (ESP), 3 belong to the Freedom Party (FP) and 2 belong to the Kraantikaari Party (KP). The ruling party in the state is the RPP, which is supported by 17 Independent MLAs and 3 BSP MLAs. The main opposition party in the state is the ESP, which is also the ruling party in the Centre.

On 05.07.2021, the political drama in the state commenced when 25 members of the Legislative Assembly of Rajputana flew to the national capital Indraprastha after disputes between rival factions of the RPP. They sought an appointment with the party's top leadership, which never materialised. Thereafter, these MLAs started to camp at a luxurious resort in Karnapur, which was located in the province of Harikhand. Harikhand was administered by the ESP. These 25 MLAs were led by Deputy Chief Minister Narayan Das, and claimed that they enjoyed the support of as many as 35 RPP MLAs, which was enough to topple the State Government led by Chief Minister Vikas Pal. Pal, in turn, informed the party top brass that this was an 'internal matter' of the party. He also blamed the ESP, which was the main opposition party in the state, for trying to destabilize his government.

Thereafter, on 08.07.2021, the RPP issued a whip to all its MLAs to be present in the meeting which was scheduled to be held at the Chief Minister's House on 14.07.2021. In the whip, it was clearly mentioned that in the event that any MLA failed to attend the said meeting, strict action would be taken against him / her. Meanwhile, the Deputy Chief Minister gave an interview to a private TV channel that he would not quit RPP to join the opposition ESP or any other political party. His old friend and senior ESP leader, Sushant Singh, who was also a former leader of RPP, met him on 13.07.2021 at Das' Indraprastha residence. This meeting raised a lot of eyebrows in political circles, and was viewed as an attempt by the ESP to woo the rebel MLAs led by Das. RPP MLAs alongwith Chief Minister Pal and other leaders, held a meeting on 14.07.2021 and as many as 25 party MLAs including the Deputy Chief Minister were absent in the said meeting. Late night on 14.07.2021, the Deputy Chief Minister's camp shared on social media, a video clip which showed that he enjoyed the support of 24 RPP MLAs, 3 Independent MLAs and 2 MLAs of the BSP. In the video, these MLAs could be seen demanding the Chief Minister's post for Das, something which he had been promised before the 2018 state elections by the party's top leadership, and something which was denied to him after the RPP won at the hustings.

The RPP MLAs' meeting was held on 14.07.2021 and passed a Resolution to disqualify the MLAs who did not participate in this meeting despite the whip which was issued six days ago. Interestingly, all three BSP MLAs also attended this meeting, claiming that their party had merged with the RPP in Rajputana state, way back in 2020. Immediately after this meeting which was held at the Chief Minister's residence, the Chief Minister removed the Deputy Chief Minister and three other Ministers who featured in the video clip released by the Deputy Chief Minister's camp. The next day, the President of the Rajputana unit of the ESP, Satish Singh slammed the RPP for not choosing a young leader as Chief Minister of the state. He also said that if Das or any other MLAs from his camp wanted to join the ESP, the doors of the party were always open for them. The ESP also demanded that the State Government should face an immediate floor test in the Legislative Assembly in order to prove their majority.

Union Home Minister and senior ESP leader, Amitabh Raj sent former Chief Minister of Rajputana and ESP's national vice-president, Smriti Mandhana to the state capital Jajpur in order to discuss the issue with other state leaders of ESP. Upon reaching Jajpur, Mandhana said that they were "closely monitoring the situation" and that they were "in constant touch with their party leaders and senior Ministers of the Central Government in Indraprastha". On the other hand, Das, after being removed as the Deputy Chief Minister, called for a press conference, which was to be held on 15.07.2021. This press conference was later cancelled. On 14.07.2021 itself, after Das and other MLAs had stayed away from the RPP MLAs' meeting, certain MLAs who abstained, were sent a notice by the Speaker of the Rajputana Legislative Assembly, Pt. Chandrababhu Sharma. Other MLAs who abstained from the said meeting, did not receive such notices. The notice from the Speaker asked the MLAs to explain within a period of two days, as to why their membership of the Legislative Assembly should not be terminated. Meanwhile, Das once again reiterated that he would not join the opposition ESP or any other political party. He also stated that he would take the assistance of senior advocates in this matter since he and other MLAs supporting him, had not performed any action(s) against the State Government within the precincts of the Legislative Assembly.

On the evening of 15.07.2021, the sacked Deputy Chief Minister went to meet the MLAs supporting him. These MLAs had left Jajpur in the first week of July 2021 itself, and since then, were camping in a luxurious resort outside Rajputana. While, on the one hand, Chief Minister Pal continuously alleged that the ESP was indulging in horse-trading, senior ESP leaders refuted these allegations and said that since the Chief Minister had himself called it an 'internal matter' of his party, there was no connection of the ESP with the entire episode. At a crowded press conference held on 15.07.2021, the national president of the RPP, Samsher Gaur told the media that if any leader wanted to quit the party, (s)he was free to do so.

In the next three days, frantic political developments were witnessed in the state. Several persons who were close to the erstwhile Deputy Chief Minister were removed from their party posts. The Speaker of the Legislative Assembly started proceedings to disqualify as many as 21 RPP MLAs. This decision of the Speaker, was immediately challenged by the MLAs before the High Court of Rajputana on various grounds. The national president of the BSP, Chhayawati also moved the High Court challenging the merger of her party's MLAs with the RPP. The Governor of Rajputana refused to call for a session of the Legislative Assembly, when the Chief Minister requested him to do so. The Governor claimed that as per law, three weeks' prior notice was needed in order to convene a session of the Legislative Assembly. This decision of the Governor was challenged before the High Court by the Speaker of the Legislative Assembly, Pt. Sharma.

Argue the case on behalf of the parties assuming that the Constitution and other laws of this state are *pari materia* to those of India.