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MOOT COURT SOCIETY

FRESHERS' MOOT PROPOSITION- 2024

1. The Republic of Genovia is a democratic nation and a melting pot of cultures, religions and ethnicities. Having gained independence in 1959, it is governed by a written Constitution that was drafted by taking inspiration from many systems of law around the world, and was adopted in 1962.
2. Genovia has 23 States and 7 Union Territories. It is governed by a quasi-federal structure. The Genovian Nationalist Party (hereinafter referred to as “GNP”) is the largest party in the House of People, with 283 out of 549 seats. The Democratic Front of Genovia (hereinafter referred to as “DFG”) is the largest opposition party with 201 seats in the House of People.
3. The north-eastern part of Genovia spills along fertile plains and was comparatively ignored in terms of infrastructure and connectivity during the formative years of the Genovian democracy, owing to its detached position. As a result, the north-eastern states often faced severe difficulties in maintaining a connect with the mainland.
4. The State of Panem, one of the seven States making up the north-eastern frontier of Genovia, was one of the strongholds of the DFG, who had won successive elections in the north-eastern region since independence. The population of Panem primarily comprised of many tribes, who had made Panem their home long before independence, and for whom, special provisions were made in respect of reservations in public sector employment. Of the many tribes, the Milesians formed the largest group.
5. In October 2023, the Government of Panem, bolstered by its thumping victory in the recent State elections and in furtherance of its poll promises, released the draft Tribal Reservation (Amendment) Bill, 2023, which revised the existing reservation quotas. The Bill proposed that reservations be granted not in terms of the numerical strength of the tribe but as per the economic and social backwardness of the tribe. As a consequence, the Milesian tribe, which earlier enjoyed a reservation of 45%, could stake a claim on only 19% of the total jobs.



6. Towards the end of October 2023, members of the Milesian Tribe led massive protests in Florin, the capital of Panem, which resulted in substantial damage to public property and disruption in day-to-day services, including ambulances and public transportation. Despite having several meetings with stakeholders, the Government of Panem could not reach an acceptable compromise.
7. In November 2023, Ms. Aarna Kawalinga, a popular leader of the Milesian Tribe declared that she would go on hunger-strike until the demands of the Milesian people were met. Several videos depicting her in a frail state quickly went viral, raising a strong wave of support amongst the Milesian people.
8. On 18th November, 2023, a massive protest was planned by the National Front for Milesian Rights, a regional political party, with Ms. Aarna Kawalinga also being a part of the protest. It was decided that the protest would take place right outside the State Legislative Assembly, during the on-going emergency session called to discuss the proposed Bill. In view of the same, the Panemian Police put up several blockades on the path leading to the Assembly to ensure that no violent incidents took place.
9. On the day, as the vehicles carrying the MLAs arrived at the Assembly, a crowd of close to 15,000 people rushed the streets, pushing the blockades and engaging in clashes with the police. Faced with a potential tragedy, the Panemian Police officers, along with the riot squad, armed with lathis and tear-gas guns, began their attempts to disperse the crowd. Soon, the protest turned violent. There were severe injuries reported on both sides, with great damage done to the vehicles of the police and MLAs.
10. Immediately after, several videos began cropping up on social media which showed the police man-handling the protesters and beating them. Another video also showed female officers roughly picking up Ms. Aarna Kawalinga and putting her in a police van. Yet another video showed two protestors pushing a policeman to his knees and bashing his head with his helmet. These videos created an uproar in the Genovian mainland as well as in Panem and its neighbouring States. They were re-posted by several members of the GNP, calling for immediate resignation of the incumbent government.
11. Fearing further escalation of the situation, the State Government of Panem, vide a government notification dated 21st November, 2023, declared an internet shutdown in the entire State, effectively cutting off all mobile and satellite networks, except those used by emergency services.

12. The said Notification was periodically extended by the Government on 28th November, 2023; 13th December, 2023 and lastly on 28th December, 2023. The State Government claimed that there was a real and tangible risk that anti-social elements in the State and neighbouring regions would spread misinformation and attempt to worsen the situation by circulating distorted material and making inflammatory statements.
13. On 17th January, 2024, Ms. Enola Sinden, a public-spirited citizen of Panem, filed a writ petition in the Hon'ble Supreme Court of Genovia alleging that the internet shutdown by the Government of Panem was arbitrary and violative of her fundamental rights guaranteed by Chapter III of the Genovian Constitution. She alleged that the blanket internet shutdown effectively cut-off Panem from the rest of the world, and greatly hampered free speech and expression, trade and commerce, and health services in the State.
14. The petition was taken up by the Hon'ble High Supreme Court, and notice was issued to the Advocate-General of the State of Panem.
15. The matter has now been placed for final arguments on 3rd February, 2024.

ISSUES:

- I. Whether the internet shutdown declared by the Government of Panem was arbitrary and therefore, *ultra vires* the Constitution of Genovia?
- II. Whether the internet shutdown violated Articles 19(1)(a) and 19(1)(g) of the Constitution?

GENERAL NOTE:

- (i) The Constitution of Genovia is *pari materia* to the Constitution of India.
- (ii) The present Moot Proposition is purely a work of fiction and is drafted solely for the purpose of the **Freshers' Moot 2024**. Any resemblance to real persons, places or events is purely coincidental.
- (iii) The Moot Proposition is drafted by **Mr. Kartik Hede, a 5th year Law Student at SVKM's Pravin Gandhi College of Law, Mumbai.**