

LexPacto

presents



EDUCATE | INNOVATE | ADVOCATE

2nd Edition

Virtual Moot Court Competition

08th - 09th February, 2025



**Prize Pool worth
1 Lakh**

About LexPacto

LexPacto is not just an organization; it's a community of legal enthusiasts, educators, professionals, and students coming together to share knowledge, develop skills, and explore limitless opportunities in the legal field. LexPacto is a dynamic and versatile platform that offers a diverse range of services, catering to both aspiring legal professionals and established practitioners. With LexPacto, you're not just learning about law; you're immersing yourself in a world of possibilities, guided by experts and connected with a like-minded legal community. Join us on your journey towards legal excellence.

About the Competition

The Oral Rounds of the LexPacto's 2nd Virtual Moot Court Competition, 2025 ["the Competition"] will be held from the 8th to 9th February, 2025. The main aim of the competition is to promote commitment towards experimental learning and to facilitate students in cumulating immense knowledge. The Moot Court Competition develops coherent legal insight among students and is essential to develop practical skills.

The Competition shall consist of Preliminary Rounds, Quarter Finals Rounds, Semi-Finals Rounds, and Final Rounds.

Eligibility

Students duly enrolled and pursuing full time 5 years or 3 years undergraduate law courses may apply to participate in the given competition. Students enrolled in post-graduation diploma or short term certification courses are not eligible to apply.

Team Composition

The team composition of the given competition shall comprise of the following:

- 2 speakers OR
- 2 speakers and 1 Researcher

Registrations

- The last date of registration is 10th January 2025 by 11:59:59 PM. The teams must register by filling the registration form online by 10th January 2025.
- The Registration fees is 'Rupees 4500/- Per Team' only.
- The registration shall be done by filling up the registration form: FORM
- The registration shall be considered complete only when the Registration Fee has been paid successfully and Google form is filled.
- The participants will receive an official approval mail from the organising committee within 48 hours of their registration.
- The organising committee shall communicate the Team Point of Contact (POC) for all the necessary communication.
- Registration fee once paid is non-refundable.
- Please find attached the Rule Book and Moot Proposition in the Drive Link : <https://forms.gle/5LukQoemaWe9TzzH9>

Timeline

Registration Open	December 01st 2024
Moot Problem Release	December 01st 2024
Registration (Last Date)	January 10th 2025
Allotment of Team Code	January 20th 2025
Clarification Last Date	January 15th 2025
Clarification Release (Moot Problem & Rules)	January 18th 2025
Written Memorial Submission	January 28th 2025
Researcher Test	February 08th 2025
Oral Rounds	February 08th - 09th 2025



Moot Proposition

Background:

1. **The Petitioner, Ramesh Kumar Verma**, is a Member of the Legislative Assembly (MLA) elected from the constituency of **Jonepur North** in the state of **Rajpur**. He was initially elected as a member of the **Rajpur Progressive Party (RPP)**, a regional political party that had formed part of a coalition government in the state, led by the **Rajpur People's Alliance (RPA)**. The RPA had a slender majority, with the RPP contributing 6 MLAs to the 21-member coalition in the 40-seat Legislative Assembly.
2. **In June 2024**, Ramesh Kumar Verma publicly expressed his growing dissatisfaction with the leadership of the RPA and the policies of the coalition government. He particularly criticized the **RPA's stance on agricultural reforms**, which he believed would negatively affect the farmers in his constituency. Verma had been an active advocate for farmers' rights during his election campaign, and he felt that the RPA's policies were undermining the welfare of his voters.
3. On **June 25, 2024**, in a public statement to the media, Ramesh Kumar announced that he was not willing to support the government's new legislation on agricultural reforms. He further declared that, due to the growing ideological rift with the RPA, he would vote against the government on future key issues, including the passing of the state budget. However, he emphasized that he had not joined any other party but was simply voicing his independent stance on critical issues.
4. Following his public comments, on **July 1, 2024**, the **Speaker of the Rajpur Legislative Assembly, Shivendra Pratap Singh**, issued a formal notice to Ramesh Kumar Verma under the **Anti-Defection Law (Tenth Schedule of the Constitution of India)**, alleging that the Petitioner's statements and actions amounted to voluntarily giving up his membership in the RPP. The Speaker referred to the relevant provision of the Tenth Schedule, which mandates disqualification of an elected member who either voluntarily leaves their party or acts in contradiction to its directives, such as publicly supporting another party or voting against the party's instructions in a manner that weakens its position in the legislature.
5. The Speaker's notice relied heavily on a recent **letter sent by the RPP** to the Speaker, stating that Ramesh Kumar Verma's comments were inconsistent with the party's official position and amounted to a de facto defection. The RPP also pointed out that Verma had not followed the party's directive to support the coalition government on key votes, which they argued was a violation of party



Moot Proposition

discipline.

6. The Petitioner, **Ramesh Kumar Verma**, vehemently denied the allegations of defection. He contended that his actions were not motivated by personal ambition or opportunism but were based on genuine political disagreements with the government's policies. He further argued that his public statements reflected his **conscience** as an elected representative, and that his decision to vote against the government on certain policies was in line with his **duty to represent the interests of his constituents**, who were primarily farmers. Verma asserted that he had never sought to align himself with the opposition parties, but was merely exercising his right to act independently in the Assembly.
7. On **July 5, 2024**, the Petitioner filed a petition in the **Supreme Court of India**, challenging the Speaker's notice and seeking a declaration that his actions did not amount to defection as defined by the Anti-Defection Law. The Petitioner's case rests on the argument that the Anti-Defection Law should not be applied to disqualify members for differences of opinion on policy issues, especially when such differences do not involve joining or supporting an opposing political party. He argued that his actions were in line with his **constitutional rights to freedom of speech and conscience**, guaranteed under **Article 19** and **Article 21** of the Indian Constitution.
8. The **Respondents** in the case are the **Speaker of the Rajpur Legislative Assembly, Shivendra Pratap Singh**, and the **Rajpur Progressive Party (RPP)**. They argue that Ramesh Kumar Verma's public statements and his refusal to follow the party's directives clearly amount to voluntary defection as per the Anti-Defection Law. The Respondents assert that the law was designed to preserve party discipline and prevent situations where MLAs undermine the stability of coalition governments by aligning themselves with opposition parties, either directly or indirectly.
9. The Respondents also claim that Verma's statements could create a **political vacuum** and potentially destabilize the coalition government, as his defection could influence other members of the RPP to follow suit. They argue that the principle of **party loyalty** is essential to the functioning of democratic governance and that Verma's actions constitute a violation of that principle, even if he has not formally joined the opposition.
10. The **Speaker** further contends that the Anti-Defection Law is intended to ensure that elected representatives remain faithful to the party that has given them



Moot Proposition

the mandate to govern and that the law should apply to any MLA who acts in a way that undermines the party's position in the legislature. The Speaker argues that any deviation from the party line, whether it involves openly supporting the opposition or merely abstaining from supporting the government on key votes, is a violation of the Tenth Schedule. However, a petition has been filed in the Supreme Court challenging the appointment of the speaker

Legal Issues:

- 1. Whether the Petitioner's public expression of ideological differences with his party, and his refusal to follow the party's direction on key votes, amounts to defection under the Anti-Defection Law (Tenth Schedule) of the Constitution of India?**
- 2. Whether the Petitioner's actions, including voting against the government and expressing support for policy reforms, can be justified as an exercise of his right to freedom of speech, conscience, and political autonomy under Articles 19 and 21 of the Constitution, without constituting defection?**
- 3. Whether the Anti-Defection Law should apply to situations where an elected representative disagrees with their party's policies, but does not align with the opposition, or whether it is limited to cases where a member joins or supports an opposition party?**
- 4. Whether the Speaker of the Legislative Assembly has the authority to disqualify a member on the grounds of defection for actions based on ideological differences, even when the member has not formally joined the opposition or engaged in any acts of personal gain?**
- 5. In light of Nabam Rebia judgement, is it permissible for the Speaker to hear a decision if he faces an allegation of disqualification?**

Note:

1. All references are fictional. The legal system and history of India apply mutatis mutandis, with all its laws (including subordinate legislation), international obligations, and judgments.

Awards and Accords



WINNER

Trophy +Rs 20,000/- + Books + LexPacto's Certificate
Courses + Internship Opportunity + Certificate of Award.



Runner Up

Trophy +Rs 10,000/- + Book + LexPacto's Certificate
Courses + Internship Opportunity + Certificate of Award.



2nd Runner Up

Rs 5,000/- + LexPacto's Certificate
Courses + Certificate of Award.



Best Speaker

Rs 5,000/- + Certificate of Award.



Best Memorial

Rs 5,000/- + Certificate of Award.

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<https://forms.gle/5LukQoemaWe9TzzH9>

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