1ST ONLINE NATIONAL MOOT COURT COMPETITION

The Department of Laws, Panjab University, Chandigarh is organising its 1st Online National Moot Court Competition on December 11-12, 2021.

About the Organiser

The Department of Laws, Panjab University was originally established at Lahore in 1889, re-established at Shimla in 1948, and finally re-located at the University Campus at Chandigarh in 1959. Its Alumni include Judges of the Hon'ble Supreme Court and High Courts, Union Cabinet Ministers, State Chief Ministers, Cabinet Ministers and other legal luminaries. The stature of the Department of Laws is as big as its strength and has a great legacy in terms of its research and academic work related to national and international relevance. The Department with utmost pleasure announce that it is organising a National Moot Court Competition and everyone is cordially invited to participate.

About the Moot

The present moot court competition shall be conducted with an objective to provide learning opportunities to the students. The Department believes in imparting value added education and thus present event shall help students in enhancing their research skills, writing and advocacy. The present moot problem is based on Constitutional Law, Parliamentary Privileges and their exercise by the members of Parliament.

Participation Guidelines

- **Eligibility Criteria:** Students enrolled in a full-time Law Degree Programme i.e. Five-Years Integrated Law Degree Programme or Three-Year LL. B Programme at the time of the competition are eligible to participate in the Competition.

- Each Law College/Law School/Law University shall nominate Only One Team. Thus Only One Team will be eligible to participate from an Institution.
- The approval of the team for participation must be communicated undersigned by the Head/Chairperson/Principal of respective Institute and must be attached in the registration form. The format of approval letter is provided on Page no. 4.
- **Team Composition:** A team shall be comprised of Three Members i.e. Two Speakers and One Researcher. The Teams shall identify the speakers and researcher during registration and mention it too in the Approval Form.
- **Official Language:** The official language of the Competition shall be English only.
- **Dress Code:** The teams are required to follow a strict dress code as prescribed by the Bar Council of India for Advocates.
- The Team Codes shall be allotted to the participants after their initial registration. On the day of Orientation Program the draw of lots shall be conducted.

Registration Procedure

The participants as a team are requested to register online from 10th November, 2021 through this Google form - https://forms.gle/u39Vz8fEt869w98EA. After this initial registration, team codes shall be allotted and communicated on mail provided in the Form by the participants.

The registration **fees of Rs. 500/-** shall be paid later online and copy of receipt must be sent to mail i.e. departmentoflawspu@gmail.com. Only after ***payment of registration fees along with memorial submission, participation of teams shall be confirmed*** and same shall be communicated to given mail in registration form.

- Payable To: Head Deptt of Law
- Account Number: 10444977656
- IFS Code: SBIN0000742
- Branch: SBI, Sector 14, Punjab University, Chandigarh

Important Dates

- Commencement of Online Registration-: **November 10, 2021**
- Last date for Online Registration -: **November 20, 2021**
- Last date for seeking clarifications -: **November 25, 2021**
- Release of final Clarifications :- **November 28, 2021**
- Last Date for Submission of soft copy of memorials along-with payment of registration fees **- December 05, 2021**
- Orientation, Prelims & Quarters-: **December 11, 2021**
- Semi-finals, Finals, Valedictory & Prize distribution-: **December 12, 2021**

Awards & Certificates

- Winning Team – Rs. 11,000
- 1st Runner Up- Rs. 8,000
- Best Speaker – Rs. 4,000
- Runner Up Speaker- Rs. 2000
- Best Researcher – Rs. 2,000
- Best Memorial – Rs. 3,000

E-Certificates of Participation shall be awarded to the participants within 1 week of the completion of the Moot Court Competition.

FORMAT OF APPROVAL LETTER

We the students of ..... Institute states that our participation is in accordance of prescribed rules and regulations of the competition.

We hereby affirm that memorials which have to be submitted later shall be prepared by us.

Details of the Institute

Name & Address of the participating Institution:

Registered Email:

Regd. Contact Number:

Seal & Signature of the Head of the Institution

Details of the Team Members

Title	Name of Participant	Gender	Course & Year	Contact Number	Email Id
Speaker 1					
Speaker 2					
Researcher					

1st ONLINE NATIONAL MOOT COURT COMPETITION, 2021

Department of Laws

Panjab University, Chandigarh

11-12th December, 2021

RULES & REGULATIONS

Date and Venue of the Competition

The 'Department of Laws National Moot Court Competition, 2021' will be held from December 11, 2021 to December 12, 2021 virtually over Google Meet.

Team Eligibility and Composition

- The competition is open for students who are pursuing LLB three year / five-year course during the current academic year.
- Only one team is permitted to participate from each participating Institution.
- Each team shall consist of three members. This number cannot be modified under any circumstances.
- In a team consisting of three members, two members shall be designated as 'Speakers' and third member shall be designated as 'Researcher'.

Anonymity

- Each participating team shall be allotted a team code upon initial Registration and same shall be conveyed on email provided by the team.
- Teams shall not disclose, in any manner whatsoever, for the entire competition, either their own individual identities or the identity of the Institution that they represent, even if asked by the Judges.
- The team shall not disclose their identity anywhere in their written Memorials and instead should use the code allotted.
- Non-compliance with the abovementioned Rules shall result in immediate disqualification of the team and decision of Department of Laws Moot Court Organizing Committee in this regard shall be final

Registration Procedure

The participants are required to register online from 10th November, 2021 through this Google form https://forms.gle/x96rQCb7gq9Vovv69 . The scanned copy of approval letter duly signed by the Chairperson/Head of the participating Institute confirming the participation of respective team shall also be uploaded in the Google form.

The registration **fees of Rs. 500/-** has to be paid online while submitting soft copy of memorials and copy of receipt must be attached with it and sent to email id- departmentoflawspu@gmail.com . The participation of teams shall only be confirmed after payment of registration fees and submission of memorials.

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Account Number: 10444977656

IFS Code: SBIN0000742

Branch: SBI, Sector 14, Panjab University

Dress Code

Participants shall be appropriately dressed for the rounds of the competition.

The Dress Code for the Inauguration, Oral Rounds and Valedictory shall strictly be:

For Gentlemen - Western Formals (White formal shirt with formal black pants and a black blazer with black tie); and

For Ladies - Western Formals (White formal shirt with black formal pants and a black blazer with black tie) or Indian Formals.

Clarifications

Clarifications to the Moot Proposition shall be sought by sending e-mail to departmentoflawspu@gmail.com by **November 25, 2021**.

Clarification requests sent after this date shall not be entertained.

A full list of clarifications shall be released by **November 28, 2021.**

Memorial Submission

All written pleadings must be in English.

Memorials: - Teams have to prepare memorials for both the sides, i.e. Petitioners and Respondents.

- Written memorials must be typed in A4 pages in Times New Roman font with 12 font size and with 1.5 line spacing.

- The footnotes must be in Times New Roman font with 10 font size and with 1.0 line spacing and "ILI citation style" must be used for citing the authorities.
- A page margin of one inch on all the sides must be maintained.
- The Memorials must comprise the following sections:
    - Cover Page- The Cover Page must be coloured differently for the Petitioner(s) and Respondent(s) i.e. **Blue Cover** for Petitioner and **Red Cover** for Respondent
    - Table of Contents
    - List of Abbreviations
    - Index of Authorities
    - Statement of Jurisdiction
    - Facts
    - Issues
    - Summary of Arguments
    - Arguments Advanced
    - Prayer
- Memorials for either the Petitioner(s) or the Respondent(s) shall not exceed 25 pages, including the cover page. Any issue or pleading, not discussed within the body of the Memorials must not be raised in the virtual Courtroom..
- The Memorial Submission shall be marked on a scale of 100 marks and the parameters which are laid down as under:-

Sr. No.	MARKING CRITERIA	MARKS ALLOTTED
1	**Evidence of Original Thought**	**20**
2	**Knowledge of Law and Facts**	**20**
3	**Proper and Articulate Analysis**	**20**
4	**Structure, Language and Grammar**	**15**
5	**Extent and Use of Research**	**15**
6	**Correct Format and Citation**	**10**
	Total	**100**

- The registered teams shall submit their soft copies of memorials of both sides to email- departmentoflawspu@gmail.com by 05th December, 2021 and mail should mention the subject **"Memorials for Team Code X".** The Team Codes shall be allotted to the participating team after their initial registration.
- The participating teams while submitting their memorials in MS-Word or pdf format via e-mail must name their respective memorials as P for Petitioner or R for Respondent accompanied by the team code. Say, for example, if a code for a particular team is 1, the MS-Word or pdf file for the Respondent should be named as 'R1' and the MS-Word or pdf file for the Petitioner should be named as 'P1'.
- The teams are requested to send their documents/memorials/payment receipts in one mail only. Kindly avoid sending separate mails.
- The Penalty with respect to memorial shall be as follows:-
  - Late submission after deadline = 0.5 mark for each day
  - Non-inclusion of any of the memorial sections = 1 mark for each section
  - Non-conformity to the minimum and maximum number of pages = 5 marks
  - Violation of the prescribed font, font size or line spacing.= 0.5 mark per violation, subject to a maximum penalty of 5 marks

Oral Submissions

- All oral pleadings must be in English.
- In the Preliminary Rounds, each team will get a maximum of 30 minutes to put up their arguments which would include the rebuttal/sur-rebuttal time. It is left to the discretion of the individual teams to divide the time among the members, which in any case shall not less than 10 minutes or more than 15 minutes for an individual speaker.
- In the Quarter-final Round, each team will get a maximum of 30 minutes to forward their arguments which would include the rebuttal/sur-rebuttal time.
- In the Semi-finals and Final Round, each team will get a maximum of 45 minutes to forward their arguments which would include the rebuttal/sur-rebuttal time.
- Evaluation shall be done on the basis of the following criteria:
  - Knowledge of Law: 20 Marks
  - Application of Law to Facts: 20 Marks
  - Ingenuity and Ability to Answer Questions: 20 Marks
  - Use of Authorities 15 Marks
  - Style, Poise, Courtesy, Demeanor: 10 Marks
  - Time Management and Organization: 10 Marks
  - Effective Rebuttals: 05 Marks

Rounds

The competition shall consist of the following rounds:

- There will be one Preliminary Round of arguments followed by the Quarter-final and Semi-final Rounds and a Final Round. The Preliminary Rounds will be conducted on 11.12.2021 on a knock-out basis. From the Preliminary Rounds, the top eight teams would qualify for the Quarter-finals based on the aggregate score (memorial marks plus marks secured through oral pleadings) in the Preliminary Rounds.
- The Quarter-final rounds will be held on 11.12.2021. The best four teams from each courtroom will compete for the Semi-final Rounds and the best two teams from each court room will qualify for the Final Rounds.
- Both the Semi-final and the final rounds will be held on 12.12.2021.
- The Finals will be followed by a Valedictory session where prizes would be distributed to the respective winners. The decisions of the adjudicators regarding the outcome of any of the Rounds shall be final.

Preliminary Round –

- The preliminary rounds will start after the Inaugural Session on 11.12.2021.The teams will be arranged and grouped based on drawing of lots to be held on 11.12.2021.
- The lots so drawn will determine who will contest against whom and for which side the respective teams would put up their oral arguments.
- Every team shall argue twice in the Preliminary Rounds, once for the Petitioner and once for the Respondent.
- Each side shall get a maximum time of 30 minutes to present their arguments and no Speaker shall be permitted to address the Court for more than 15 minutes. The time limit is inclusive of the time for Rebuttal or Sur-rebuttal respectively. The maximum time for Rebuttal is 2 minutes and the maximum time for Sur-rebuttal is 2 minute. Each speaker is required to speak for a minimum of 10 minutes exclusive of time taken for Rebuttals and Sur-rebuttals.
- The cumulative results shall be based on the aggregate score of the participating teams in the knock-out Preliminary Rounds and based on the aggregate score (memorial marks plus marks secured through oral pleadings) and same shall be declared after the preliminary rounds. If the total scores of both the teams are tied, then the team with the higher memorial score, i.e., the score of the memorials without deducting penalties, will win the round. Teams winning both the preliminary rounds will go to the Quarter-final Round. If there are more than 8 teams which have won both the preliminary rounds, each of them will be ranked according to their Memorial scores and the top eight teams so ranked will go to the Quarter-final Round. If after ranking of the memorial scores, teams are still tied, the teams so tied will be ranked according to their total scores of Preliminary rounds (excluding memorial scores).

Quarter Final Round –

- The eight (8) teams that proceed to the Quarter Final Rounds, as determined by the Rules above, shall each argue only ONCE for the side allotted by draw of lots.
- Four (4) teams shall qualify for the Semi-Final Rounds on a knock out basis, i.e., the winner of each Quarter-Final Round shall qualify to the Semi-Final Rounds.
- The knockout will be decided based on the oral rounds only, but if the teams get tied, the team with higher memorials score, i.e., the score of the memorials without deducting penalties, will win the round.
- The maximum time for arguments per side shall be the same as in the Preliminary Rounds.

Semi-Final Rounds

- The four teams that proceed to the Semi-Final Rounds, as determined by the Rules above, shall each argue only ONCE for the side allotted by draw of lots.
- Two (2) teams shall qualify for the Final Round on a knock out basis, i.e., the winner of each Semi-Final Rounds shall qualify to the Final Round.
- The knockout will be decided based on the oral rounds only. However, if the teams tied, the team with higher gross memorials score, i.e., the score of the memorials without deducting penalties, will win the round.
- Each side shall get a maximum time of 45 minutes to present their arguments of which no Speaker shall be permitted to address the Court for more than 25 minutes. The time limit is inclusive of the time for Rebuttal or Sur-rebuttal, respectively. The maximum time for Rebuttal is 5 minutes and the maximum time for Sur-rebuttal is 2 minutes. Each speaker is required to speak for a minimum of 20 minutes exclusive of time taken for Rebuttals and Sur-rebuttal.

Final Round

- The two (2) teams that proceed to the Final Round, as determined by the Rules above, shall each argue only ONCE for the side allotted by draw of lots.
- The team which wins the Final Round shall be declared as the 'Best Team'.
- The other team shall be declared as the 'Runners-Up'. If the teams tied, the team with higher memorials score, i.e., the score of the memorials without deducting penalties, will win the round.
- The maximum time for arguments per side shall be the same as in the Semi-Finals Rounds.

Awards

- The following cash prizes shall be awarded in the competition:
    - Best Team – Rs. 11,000
    - 1st Runner Up Team- Rs. 8,000

- Best Speaker – Rs. 4,000
- Runner Up Speaker- Rs. 2000
- Best Researcher – Rs. 2,000
- Best Memorial – Rs. 3,000

- E-certificates of participation shall be awarded to all the participating teams within 1 week of completion of Moot Court Competition.

Miscellaneous

- The Oral Rounds for the competition will take place virtually via Google Meet platform.
- Every team shall ensure a stable internet connection so that the audio and video of every member of the team should be clear.
- Every team must ensure a proper background.
- The organisers will under no circumstances be obligated to provide the participants with any such facility.
- All participants should mandatorily join with their laptops or desktops and other forms of device such as phone are to be avoided.
- The link or the ID and password for the room on Google Meet will be conveyed to the participating teams before the oral rounds.
- Each participating member of every team is advised to install the Google Meet platform on their devices well in time.
- Each team is required to join the room at least twenty minutes before the scheduled time of commencement of the oral rounds.
- The participants' camera and microphone shall be firmly positioned throughout the oral rounds so as to show speakers and to ensure their voices are clearly audible.
- All participants must keep their cameras on at all times during the rounds.
- At the time when one participant is speaking, others are expected to keep their microphones on mute. In case a participant is found disturbing the other pleader anyway, he/she or the entire team to which such participant belongs may be disqualified upon the discretion of the bench.
- In case of a loss in internet connection, each team will be given a reasonable time to reconnect. If the problem still persists the decision made by the organisers shall be final and binding.
- In the event where one or both of the speaker could not join due to connectivity issue, the team may be disqualified from the competition and at no circumstances can other member of the team be allowed to switch roles.
- Where a team does not appear within 10 minutes of the scheduled time for the round, the round shall proceed as ex-parte.
- Any compiled Research Material (Compendium) or other supplementary documents may be, as per the discretion of the bench, presented by the team by using the "screen sharing" option.
- Appropriate court room demeanor is to be mandatorily maintained.

Finality of the Decision

The decision of the judge shall be final and binding. The organizers reserve the right to amend the rules of the Competition.

For Queries and Clarifications, Contact following:

Faculty Coordinator: Dr. Paramjeet Kaur, Prof. Department of Laws,
Panjab University, Chandigarh

Student Coordinators: Rohtash (Research Scholar)
Mb. No.- 9466609037

Shruti Dahiya (Research Scholar)
Mb. No.- 9050255515

Bhawna Kesar (Research Scholar)
Mb. No:- 8054471192

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Note:- The MOOT PROPOSITION IS ATTACHED HEREBELOW.

MOOT PROBLEM

[1.] The Constitution of Indus establishes Indus as the ‘Union of States’ of which ‘Federalism’ is one of the basic features. The Constitution of Indus is considered and described as one of the most progressive Constitutions based on the principles of ‘liberal democratic’ governance. Its constitution guarantees several fundamental rights, broadly corresponding to those recognized in International Human Rights instruments. The Constitution further guarantees direct access to its Supreme Court for enforcement of those rights. The Republic of Indus’s constitutional, legal, and policy framework are in pari materia to the Republic of India.

[2.] The capital city of Indus houses its parliament and Supreme Court of Indus also. It is referred to as the NCT of Indus in tune with the relevant constitutional provisions. The Parliament of Indus comprises the Lower House (House of Elected), Upper House (House of Representatives), and President of Indus. The term of House of Elected i.e. The Lower House is for 5 years and the election is held in a free and fair manner monitored by the Election Commission of Indus.

[3.] In January 2015, there was a general election in the Republic of Indus. The political party led by Mr. Robert stormed to power winning 300 seats out of 543 parliamentary seats. Mr. Robert became the Prime Minister of the Republic of Indus and brought many reforms in governance. However, when in the year 2020, the next general election took place, the political party led by Mr. Robert fell short of reaching the majority mark and could not form the government in the year 2020.

[4.] A coalition government. under the leadership of Mr. Ryan got formed and he was sworn in as the Prime Minister of Indus in 2020. The main reason as articulated and analysed by the political analyst for the defeat of the political party led by Mr. Robert was the mismanagement of the pandemic which forced an

unprecedented lockdown across the globe and caused deaths. However, the pandemic and its impact continued and is continuing today also. The present-day government is also accused of their lackadaisical approach and non-preparedness to tackle the new wave of pandemics.

[5.] Mr. Robert is a veteran legislator, who has the distinction of having been elected consecutively 6th times to the parliament of Indus. He had the distinction of serving as Prime Minister of the previous government and currently as Leader of Opposition in the Upper House of the Parliament.

[6.] The new Govt. in Indus decided to investigate the expenses claimed by Mr. Robert as Prime Minister (2015-2020) with respect to reimbursement claimed on account of expenses incurred by family members on traveling and IT services. The civil society, various NGOs, and other organizations seeking transparency and accountability in the expenditure of public money sought a judicial inquiry into the scandal.

[7.] Mr. Robert as a leader of opposition in the Upper House of the Parliament issued a statement on his social media account as under: -

> "As Prime Minister, I have not asked for this benefit nor been involved in deciding on it. When I took up my post, I was told that this includes living and staying at RCR and that this has also been the case for previous Prime Ministers."

The system for payment of members of Parliament's allowances and expenses, as it existed at the relevant time, was created by the joint resolution of both the houses of parliament and overseen by the Public Accounts Committee. The individual members used to fill the claim forms and the finance office of the respective Houses used to consider the same and make payments in relation to claims. The claim forms as submitted by the members contained a declaration, signed by the Member, confirming that the costs were exclusively incurred in course of the purpose of performing duties as a Member of the Parliament.

[8.] As the controversy did not settle immediately, the spokesperson of the political party to which Mr. Robert belonged in a press conference and stated as under:

> "That Mr. Robert as Ex-Prime Minister has not misused the public money nor involved in the wrong gain and willful loss to the exchequer. He, then as a Prime Minister of Indus has discharged his responsibilities and duties in tune with the constitutional ethos, values and law of the land. It is just to hide the failures of the present government; this controversy has been made out in the media. My party wants to seek an explanation from the present government that when Mr. Robert was Prime Minister, it was Mr. Ryan – who headed the Public Accounts Committee and his committee approved all the bills, expenditure, and appropriation-related issues of the Parliament of the year 2019. Then why this controversy now. Moreover, the audit has been done by the Comptroller and Auditor General of Indus and the report has been duly tabled, presented, and passed in terms of Rules of the respective House for the financial year of 2019-20."

[9.] The Chairman of the Upper House of the Parliament taking note that Mr. Robert is a member of the Upper House in 2021, has referred the matter to the privilege committee to investigate whether there was any irregularity and illegality in the financial or not. Consequently, the matter got referred to the current Committee on Public Accounts which is headed by Mr. Robert only – as the Chairman of the Committee is headed by a member of the opposition party only, which is also a matter of constitutional convention.

[10.] Mr. Robert, citing the possible conflict of interest, referred the entire issue to a sub-committee composed of 5 distinguished members of the Upper House and requested them to submit directly to the Chairman of Upper House.

[11.] Surprisingly, the sub-committee in its report indicted Mr. Robert for financial irregularity and recommended FIR to be registered in the present case. The chairman of the Upper House accepted the recommendation and ordered an FIR to be registered at the Police Station at Parliament Street, Indus.

[12.] Mr. Robert immediately challenged the decision of the Chairman of the

Upper House of the Parliament by way of a Writ Petition under Article 32 violative of his fundamental rights and other constitutional rights which he had as a member of parliament. He sought to claim immunity from investigation and quashing of FIR in the present case on strength of parliamentary privileges which are available under the constitutional scheme. He also sought to impress upon the argument that only Mr. Ryan (in 2019) as chairman of PAC and his committee approved the expenditure report of the Lower House of the Parliament in said year. Further, the expenditure and such financial issues of the Parliament has been audited by the Comptroller and Auditor General of Indus, which was duly approved as per rules of the business of the House. The Supreme Court had issued the notice in the writ petition filed by Mr. Robert and ordered no coercive action against Mr. Robert.

[13.] Mr. Ozan is another distinguished member of the Parliament in Lower House who belonged to the same political party to which Mr. Robert belongs. In order to protest the decision of the Chairman of the Upper House of Parliament to register FIR against Mr. Robert, he stated that it is a clear violation of the privilege of the Parliament - which is so sacrosanct. He is one of the votaries of free speech and very keen to adopt the latest technology to support the reform in governance. Accordingly, he challenged the ruling party and establishment to order an FIR against him for any act or consequential act of his inside the Parliament. As a member of the lower house, he prepared a speech titled “Give Me Freedom”.

[14] As Mr. Ozan during his speech criticized the action and decision of the Chairman of the Upper House of the Parliament, he sought the reclamation of parliamentary sovereignty and freedom to its members to raise their voice and conduct themselves without fear and favor. He highlighted the importance of parliamentary privileges, institutional autonomy & independence essential for constitutional democracy. The speech was such that two other first-time parliamentarians of the Lower House (one from the political party to which Mr. Robert belongs and another independent candidate) took out the paint spray from

their respective pockets and scribbled “Give me Freedom” towards the end of Mr. Ozan's speech. Thereafter, there was a ruckus on the floor of the House and the Speaker adjourned the House for the day. As the speech of Mr. Ozan got live telecasted – as a response – there were several graffiti in the name and style of “Give me freedom” that came up at various public places and public spaces of the capital city. By the next morning, all the important public places and walls of the government. buildings in the capital city had the writing “Give me Freedom”. The media and newspapers reported it as the “Give Me Freedom” moment of the Indus. The Civil society hailed it as reclaiming basic civil and political liberty.

[15.] The Hon’ble Speaker of the Lower House of the Parliament received complaints from various parliamentarians (who belonged to the ruling political party) to take action against Mr. Ozan and disqualify those two members who painted and scribbled on the wall of Lower House with spray paints as “Give me Freedom”. The Speaker got examined this incident also by the Ethics Committee of the house. On the recommendation of the Ethics Committee of the House, the Hon’ble Speaker suspended Mr. Ozan for six weeks to which he replied that he did not deface the property nor carried out any illegal activities as defined under any law rather he had all the right to make the speech on the floor of the House. He further submitted that as his ‘speech got Live’ through the official TV channel of the Lower House (which is run and managed by the authority of Speaker of this House) could have been censured if it was so inflammatory in nature. He also stated that the consequential reaction by the ordinary public on the streets of the capital city only shows the public anger against squeezing freedoms and over-regulation of basic rights of the citizenry in disguised mode by the present ruling Govt.

[16]. Mr. Ozan further stated that accidental and consequential reaction of the wider public due to making his speech live’ enhances the ‘open and responsive democracy’, ‘freedom of speech & expression’, ‘promotes the right of the citizenry to know’ as constitutionally inscribed values and objectives in liberal democratic

governance. He further sought a review of the decision of the Hon'ble Speaker i.e. 'suspension of Six weeks from Assembly' and disqualification of two other members (who scribbled inside the Lower House) and requested to revoke the same. The Hon'ble Speaker disposed of the review petition and retained his previous decision in the case of Mr. Ozan and the other two parliamentarians.

[17.] Mr. Ozan along with the other two parliamentarians challenged the decision of Hon'ble Speaker as violative of Fundamental Rights and constitutional norms in the modern governance in a Writ Petition before the Supreme Court of Indus and also sought the writ declaring the entire State legislation which made unauthorized defacement of property as a punishable offense. The State legislation making defacement of property as an offense is pari materia to the Punjab Prevention of Defacement of Property Act, 1997. He also claimed legislative privilege for his speech and call to paint the walls of the capital city with the slogan "give me freedom" i.e. title of his speech. He also challenged the FIR and consequential actions against his fellow parliamentarians who painted inside the Lower House of Parliament with spray paint as "Give me Freedom". The Hon'ble Supreme Court of Indus has issued a notice in the writ petition of Mr. Ozan.

[18.] An NGO named Civil Rights Society (CRS) filed a Writ Petition before the High Court of NCT of Indus challenging the constitutionality of applicable Act which sought to restrict and regulate the defacement of public property and public places on the ground of violative of the basic right enshrined under Part III of the Constitution of Indus. The NGO also contended that it violates the constitutional protection afforded to the members of the House in form of 'Legislative Privileges' beside the safeguards in part III of the Constitution of Indus.

[19.] The Hon'ble High Court dismissed the Writ Petition and opined that it is a valid piece of legislation and FIRs registered against unknown persons for

painting the public space as “Give Me Freedom” does not violate any liberty and constitutional rights thereto.

[20.] The NGO i.e. Civil Rights Society (CRS) preferred a Special Leave Petition (SLP) against the same before the Supreme Court of Indus. The Hon’ble Supreme Court of Indus has issued notice and clubbed the matter along with the Writ Petition of Mr. Ozan and Mr. Robert.

[21.] The Supreme Court of Indus has clubbed the three petitions (Firstly the Writ Petition by Mr. Robert secondly the appeal by Mr. Oza & thirdly the PIL by NGO after framing the substantial question of law as to the interpretation of the Constitution of Indus It has framed the following issues for consideration:-

(i) Whether the power of the legislature to punish for contempt including the breach of its privilege is essentially a judicial function or not? If yes, whether it is in tune with the modern constitutional principle to entrust such powers with respective legislatures or not?

(ii) Whether the action of Speaker/ Chairman of the respective Houses against Mr. Ozan and Mr. Robert respectively is violative of constitutional rights namely legislative privileges, freedom of speech or not?

(iii) Whether the Punjab Prevention of Defacement of Property Act, 1997 is constitutional or not? Whether the registration of FIRs against unknown and members of Parliament under the Act is legal or not?