

MOOT PROPOSITION

Alok Sanskar Nath

v.

Republic of Sindhu

Case concerning distribution and promises, made by political parties, for distribution of freebies during election speeches and in election manifesto.

- 1. Republic of Sindhu (hereinafter as Sindhu), the world's largest democracy possesses the longest and most detailed Constitution. Sindhu follows a quasi-federal system with a strong central government. Sindhu is a diverse and dynamically populated country in South-East Asia populated with people from several religious and economic backgrounds. The Constitutional Republic comprises of 28 states, each with a substantial degree of control over its own affairs, and 8 less fully empowered Union Territories. Arya, is the National Capital Territory of Sindhu.**
- 2. The Constitution of Sindhu, 1950 describes it as a "Union of States" bound together by a unique federal structure. This federal structure has evolved organically over the years, based on the needs, requirements, and history of Nation. It guarantees its citizens with fundamental rights and provides directives for the state to be followed for the welfare of the society.**
- 3. Sindhu has seven recognised national parties, including the Sindhu National Congress (SNC) and the Sindhu Janmaanas Party (SJP), and more than 40 regional parties. For most of the period between 1950 and late 1990s, the SNC held a majority in the Parliament. Since then, however, it has increasingly shared the political stage with the SJP as well as with powerful regional parties which have often forced the creation of multi-party coalition Government.**
- 4. One Mr. Alok Sanskar Nath is working as a house help in the NCT of Arya. He has a 10-year-old daughter named Poonam, who is suffering from a chronic disease. She requires consistent medical attention and treatment, which has wiped out all of the life savings of his father. She also had to quit her school and most of her days are spent in the hospital.**
- 5. Before the general elections in 2018, SJP released the election manifesto, in which it was stated that, SJP will pass the Right to health Bill if it comes into power. Also, in the election speeches given by the leaders of the party, promises regarding making of the right to health bill were made. One such clause of the Bill was to make all healthcare facilities free for girls, till they reach the age of 18 years.**

6. Alok Nath was elated after hearing the news about the possible free healthcare that her daughter could get. Thus, he casted his vote in favour of SJP that year. SJP won by a huge margin and the party became the country's largest political party in terms of representation in the Parliament of Sindhu, as well as State legislatures.

7. Alok Nath was very hopeful that as given in the election manifesto of the Sindhu Janmaanas Party, the Healthcare Bill will come into force anytime now, and that he will be able to get her daughter the necessary treatments frequently. However, even after 6 months of the results, there was no news related to the Right to Health Bill. When he shared this problem with his Master, he advised him to write his concern to the Prime Minister Office.

8. Since Alok Nath barely knew how to write, his master addressed his grievance on the official website provided to the public. There after, when he telephonically tried to enquire about status of his case, he was informed that the redressal was kept pending by the appropriate authority to which his grievance was forwarded.

9. After more than a year from the declaration of the results had passed, Alok Nath decided to approach the Hon'ble Supreme Court of Sindhu and filed a Writ Petition (Writ Petition (Civil) No. 420 of 2019), alleging that the pre-election promises made by political parties manipulates the voters and adversely affects the free, fair and responsible electioneering. Pre-elections freebies also influence voters at the time of elections and are a ploy to capture the vote banks.

10. The learned Solicitor General of Sindhu responded by suggesting to the Court that it may constitute a commission to look into the role of the State in this issue. Some political parties have also challenged the maintainability of this petition that the issues are matters of policy or fiscal decisions of the State, thus outside the scope of Court's Jurisdiction.

ISSUES RAISED

1. Whether there can be a scope of judicial intervention concerning the relief sought in the present petition?
2. Whether this Court has the power to pass an order in this petition, which can become enforceable in nature?
3. Whether the appointment of a Commission or an Expert Body would serve any useful purpose in this matter?
4. Whether pre-election promises amount to corrupt practices under Section 123 of the Representation of People Act, 1951?

Note: Constitution of Sindhu is analogous to the Constitution of India and all laws in force in Sindhu are *pari materia* to laws in force in India