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MOOT PROPOSITION

1. King's Landing is a democratic republic nation in the sub-continent of Asian. It is a multi-religious, multi-lingual, multi-cultural and secular country which exhibits to the world the principle of “*Unity in Diversity*”. King's Landing got its independence from British rule in 1947. Subsequently in 1950, the Constitution of King's Landing came in force, which has several unique features and it is the longest written constitution in the world. The concept of Fundamental Rights is enshrined Under Part III of the Constitution of King's Landing and a remedy for enforcement of Fundamental Right is also been covered under Part III itself vide Article 32 of the Constitution of King's Landing. In the Constitutional Assembly Debate while considering Article 32 of the King's Landing constitution it was said to be “the very soul of the Constitution and the very heart of it.”
2. People’s Republic of ChumeChera is the neighboring country of Kings’s Landing, and most populous country in the world. It is known for its cheap labour and electronic items. In December 2019, Sanitari, a city in ChumeChera, faced the outbreak of Covid- 19. It is a highly communicable disease, which is primarily transmitted between people through respiratory droplets and contact routes and witnessed rapid effects over the globe. The Chumechera Government failed to take the requisite measures to control the spread of virus and because of it Covid-



19(ChumeCheravirus) outbreak happened globally and affected almost 190 countries.

3. King's Landing is the second most populated Country. It started taking precautionary step with the outbreak, the airport authorities were asked to conduct a thermal check of every person who were coming from outside and also asked to make quarantine centre rules. However, unfortunately it came to notice of the Government that these rules were not complied with by the People of King's Landing.
4. The World Health Organisation declared the outbreak a "Public Health Emergency of International Concern" on 30 January 2020 and a Pandemic on 11 March 2020. Further, the World Health Organisation categorically stated in its statement that the only way to curb the increase of virus is by way of Social-distancing and nationwide lockdown. So, that the spread of the virus can be controlled. An expert Body to monitor the situation of Covid-19 was established on 12th March, 2020 by the Government of King's Landing and it has submitted its report on 18th March, 2020.¹
5. The Government of King's Landing looking at the seriousness of the situation started taking immediate actions and all the public places, picture halls and educational institutions were closed. According to the norms of the lockdown, supplies of the all essential service were allowed in all areas for a certain period of time only. Subsequently, on 24 March, 2020 the Ministry of Home of Affairs issued an order (no. 40-3/2020) (**Annexure A**) wherein it declared that all movement either inside the country or outside the country is totally prohibited. No

¹ An RTI was filed by one Mr. Khal Drogo asking for the said Report submitted on 18th March, 2020 by the expert Body. It was informed to him by the Government of Kings Landing in its reply that the information sought comes under the exemption of section 8 of the RTI act, 2005. Though as per news agency it has been brought to the knowledge of the Public that the real figures are not been disclosed by Government infact the real cases are more than 20 times than the official figure.

shop, factory and industrial unit will open except for essential commodities and that also was allowed to be open with certain conditions and in between a certain specific time.² The Roadways, Railways and Airways will remain suspended and further those who will violate these guidelines, will be liable for action under Disaster Management Act, 2005 and King's Landing Penal Code.³

6. Moreover, the government also promised to provide shelter home and food to all the needy. Further, the government launched a fund named “PM CARE” the people were asked to give donations so that the Government can help the poor and needy people.
7. Though measures were taken to control the situation but the Covid-19 outbreak affected the economy of Government of King's Landing and there was huge lay-off by Major Industrialist and the Builders of the Migrant Workers and labourer's which led to the exodus of these workers and labourer's from the state in which they are working. Disappointed by the same, the affected section of the society including Migrant labourer's came out on the road and started protesting against the Government of King's Landing and demanding that they should be sent back to their home or a protection should be given to them by the Government of King's Landing.
8. Meanwhile, the State government of Casterly Rock and HighGarden through an ordinance dated 25 April 2020 temporarily suspended all the labour laws for three years in view to incentivize economic and industrial activities in the State except for Section 5 of the Payment of Wages Act, 1936. (**Annexure B**).

² The time for opening the shop's was from 9:00 A.M. to 12:00 P.M. and from 5:00 P.M. to 7:00 P.M.

³ The said notification through which the Government of King's Landing has enforced the lockdown in the whole Territory of King's Landing has been extended continuously and is been now extended till 31st July, 2020.



9. After the Ordinance was passed on 25th April, 2020, in the State of HighGarden there was a huge uproar started against the aforementioned Ordinance⁴. Mr. KhalDrogo being a person with strong holding in the Public influenced other labourers and tried to create pressure on the government by making the other labourers shout the slogans like 'Hume Ghar Bhejo'. He started Protesting against the actions of the Government of King's Landing and raised voice by making public speeches that the Government has played fraud over the citizens of the King's Landing and has not provided food and shelters and they are forced to live on the roads without enough money leaving them in a miserable condition. The issue soon became a national issue through various media channels and they also got the support of local political parties. They also created memes on social media to show the opposition on the actions taken by the Government of King's Landing.
10. Further being Aggrieved by the ordinance passed, Mr. KhalDrogo along with the other labourers filed a petition before the Hon'ble Supreme Court challenging both the validity of the lockdown vide the notification dated 24 March, 2020 of the Ministry of Home of Affairs issued Order (no. 40-3/2020) as well as the aforementioned Ordinance dated 25 April 2020 on the ground that it is in violation of the fundamental rights of the labourers as well as the Citizens of the King's Landing.
11. Thereafter, an FIR date 10th April, 2020 was lodged under Sections 121, 124A, 188, 500 and 505 r/w 34 of the King's Landing Penal Code, 1860 (herein after KLPC) and also under section 54 of Disaster Management Act 2005 by the Government against KhalDrogo and the labourers of labour union who were

⁴The State of HighGarden has the highest number of Migrant Labourers working in the various Industries.



protesting. The police arrested KhalDrogo along with five other labourers from labour union, from the Id and password of their social media platform certain documents were recovered which were used by the accused to defame the Government of King's Landing. That against the aforementioned F.I.R. KhalDrogo filed a writ petition under Article 226 of the Constitution of King's Landing before the Hon'ble High Court of the HighGarden. Praying for quashing of the aforementioned FIR⁵. The aforementioned Writ petition was dismissed in limine stating that reliability or falsity of the allegations made in the FIR cannot be pre-judged. Against the order of the dismissal passed by the Hon'ble High Court KhalDrogo has approached before the Hon'ble Supreme Court of King's Landing.

12. KhalDrogo was a resident of State of HighGarden, he along with his daughter name Sansa, run a shop of grocery⁶. During the lockdown also, they used to open the shop beyond deadline. They closed the shop when the police officer forced them to close it every day. "Humesha Khabar" newspaper widely read in the state of High Garden in its front page on 5th May, 2020 published a news report stating that on 26th April, 2020 police officers came on round, and they found the shop of Mr. KhalDrogo was open beyond the allowed time and Sansa (minor) was alone in the shop and allegedly molested her. When her father returned to the shop after sometimes, he saw Sansa in an improper state and she was crying. Sansa informed her father about the incident and thereafter KhalDrogo went to the police station to lodge an F.I.R against the police officer, namely Veeru and Katappa. But no

⁵Along with this Interim relief was also sought that an Interim Protection may be granted of not arresting the accused during the pendency of the Petition.

⁶ Mr. KhalDrogo is a sarpanch of Village Shikhara Nyaya Panchayat and has been continuously elected for six consecutive terms and is a permanent resident of the village. He is an extremely influential person and has been continuously opposing the decisions taken by the Government of King's Landing of these lockdown. Further, it has been reported in some news that he being an influential person was opposing the Lockdown and the Police was facing issues in complying with the guidelines in the said village because of his influential status. It has also been reported in a daily newspaper that in the Grocery shop he is selling the Product apart from the essential Commodities as well.



officer in the police station was ready to register an FIR. Aggrieved by that, KhalDrogo filed an application before the Magistrate under section 156(3) CrPC to lodge an F.I.R against the Police Person who molested and raped her daughter. The Magistrate treated the application of KhalDrogo as complaint and issued summoning order U/s 354 , 354 A ,354B & 376DA KLPC 1860 as well as Section 3, 4, 5 and 6 of Protection of Children from Sexual offences Act, 2012 amended in 2019 against the police officer namely Veeru And Katappa ,who were at the post of Assistant Sub Inspector. After Knowing this fact KhalDrogo was arrested and an FIR dated 2nd May, 2020 was also lodged against him under section 188, 323, 324 506 and 504 of KLPC and under Section 34 ,51 of Disaster Management Act, 2005 and he was severely beaten by the police and now KhalDrogo is totally bed ridden due to the illegal action done by the police.

13. The aforementioned news was published on the newspaper of Humesha Khabar, reported and written by Mrs Rachel Tribbiani and thereafter, she posted a video in this respect asking for the Justice for Mr. KhalDrogo. Taking note of this incident, An NGO named “BALMA” headed by Ms. Chinchu, which works for the welfare of people also protested outside the police station and asked for Justice for Mr. KhalDrogo. The video and the said Newsreport dated 05th May 2020 got major support from the Public. The Supreme court looking at the major public support gathered regarding the said incident took the Cognizance of the said Report vide a Public Interest Litigation under Article 32 of the Constitution of King's Landing. The Supreme Court while taking the cognizance of the PIL stated that the actions which are been taken by the Government under the Garb of the Lockdown questions the validity of the aforementioned Lockdown itself.

14. All the above mentioned Petitions gained significant importance and were related to the effects of the lockdown, and during the time of pandemic, Supreme Court is



also functioning through a virtual platform that is why both the Petitions along with the aforementioned Public Interest Litigation were clubbed and were taken together for arguments on 8th August 2020.

Note: All the laws of the country King's Landing are in pari materia to the laws of India.

The ordinance passed by the state of HighGarden is in pari materia to the ordinance passed by State of Casterly Rock.

ISSUES

1. WHETHER THE ORDER PASSED BY THE PRIME MINISTER OF KING'S LANDING DECLARING NATIONWIDE LOCK DOWN VIDE THE NOTIFICATION DATED 24 MARCH, 2020 DUE TO THE OUTBREAK OF COVID-19 IS CONSTITUTIONALLY VALID OR NOT ?
2. WHETHER THE ORDINANCE PASSED BY THE STATE OF CASTERLY ROCK AND HIGH GARDEN IS CONSTITUTIONALLY VALID?
3. WHETHER THE AFROEMENTIONED FIR DATED 10TH APRIL AND 2ND MAY, 2020 FILED AGAINST KHAL DROGO AND OTEHRS IS VALID OR NOT ?

**The Issues from the Constitutional Law are provided to the participants, but they are not exhaustive. The participants are free to include any other issues if required.*



ANNEXURE-A

No. 40-3/2020-DM-I(A)

Government of King's Landing Ministry of Home Affairs

North Block, Braavos-11001

Dated 24th March, 2020

ORDER

Whereas the National Disaster Management Authority (NDMA) is satisfied that the country is threatened with the spread of Covid-19 epidemic which has already been declared as a pandemic by the World health Organization and has considered it necessary to take a effective measures to prevent its spread across the country and that there is a need for consistency in the application and implementation of various measures across the country while ensuring maintenance of essential services and supplies including health infrastructure

Whereas in exercise of the powers under Section 6(2)(i) of the Disaster Management Act, 2005 the National Disaster Management Authority (NDMA) has issued an order number 1-29/2020 – PP dated 24.03.2020 copy in closed directing the ministries/departments of government of King's Landing, states/union territory government and state/union territory authorities to take a effective measures so as to prevent the spread of Covid 19 in the country;



Whereas under directions of the aforesaid order of NDMA and in exercise of the powers conferred under Section 10(2)(I) of the Disaster Management Act, 2005 the undersigned in his capacity as chairperson National Executive Committee hereby issues guidelines as per the annexure, to Ministries /Departments of Government of King's Landing, State/Union Territory Government and State/Union Territory Authorities with the directions for the strict enforcement. This order shall remain in force, in all parts of the country for a period of 21 days with effect from 25. 03. 2020

Home Secretary

To

1. The Secretaries of Ministries/Departments of King's Landing
2. The Chief Secretaries/Administrators of States/Union Territories

Copy to:

- A. All members of the National Executive Committee
- B. Member Secretary, National Disaster Management Authority.

Annexure to Ministry of Home Affairs order number 40-3/2020-3 dated 24. 03. 2020
Guidelines on the measures to be taken by Ministry/Department of King's Landing, state/union territory government and state/union territory authorities for containment of Covid – 19 epidemic in the country

1. Offices of the Government of King's Landing, its Autonomous/Subordinate Offices and Public Corporations will remain closed.



Exceptions :

Defence, Central armed police forces, treasury, public utilities (including petroleum, CNG, LPG, PNG.), disaster management, power generation and transmission units, post offices, National Informatics Centre, Early Warning Agencies

2. Offices of the States/Union territory government, the autonomous bodies, corporations, etc. shall remain closed.

Exceptions:

- A. Police, Home Guards, Civil Defence, Fire, Emergency Services, Disaster management, and Prisons.
- B. District Administration and Treasury
- C. Electricity, water, sanitation
- D. Municipal Bodies -only staff required for essential services like sanitation, personal related to water supply etc.

The above offices serial number one and two should work with minimum number of employees. All other offices may continue to work from home only.

3. Hospitals and all related medical establishments, including their manufacturing and distribution units, both in public and private sector, such as dispensaries, chemist and medical equipment shops, laboratories, clinics, nursing homes, ambulance etc. will continue to remain functional. The transportation for all medical personnel, nurses, para-medical staff, other hospital support system services will be permitted

4. Commercial and private establish means shall be closed down.

Exceptions

- a. Shops, including ration shops, (under PDS), dealing with food, groceries, fruits and vegetables, dairy and milk boots, meat and fish, animal fodder. However,



district authorities may encourage and facilitate home delivery to minimise the movement of individuals outside their homes.

- b. Banks, insurance offices, and ATMs.
- c. Print and electronic media
- d. Telecommunications, internet services, broadcasting and cable services. IT and IT enabled Services only (for essential services) and as far as possible to work from home.
- e. Delivery of all essential goods including food, pharmaceuticals, medical equipment through E-commerce.
- f. Petrol pumps, LPG, Petroleum and gas retail and storage outlets.
- g. Power generation, transmission and distribution units and services.
- h. Capital and debt market services as notified by the Securities and exchange Board of King's Landing.
- i. Cold storage and warehousing services.
- j. Private security services.

All other establishments may work from home only

5. Industrial establish means will remain closed.

Exceptions:

- a. Manufacturing units of essential commodities.
- b. Production units, which require continuous process, after obtaining required permission from the state government.

6. All transport services – air, rail, roadways – will remain suspended



Exceptions:

- a. Transportation for essential goods only.
 - b. Fire, law and order and emergency services
7. Hospitality Services to remain suspended.

Exceptions:

- a. Hotels, homestays, lodges and hotels, which are accommodating tourist and persons stranded due to lock down, medical and emergency staff, air and sea group.
 - b. Establishments used/ earmarked for quarantine facilities.
8. All educational, training, research, coaching institutions etc. shall remain closed.
9. All places of worship shall be closed for public. No religious congregation will be permitted, without any exception.
10. All social/political/sports/entertainment/academic/cultural/religious functions/ gatherings shall be barred.
11. In case of funerals, congregation of not more than 20 persons will be permitted.
12. All persons who have arrived into King's Landing after 15. 02. 2020, and all such persons who had been directed by healthcare personnel to remain under strict home/institutional quarantine for a period as decided by local health authorities, failing which they will be liable to legal action under section 188 of the KLPC.
13. Wherever exceptions to above containment measures have been allowed, the organisation/employers must ensure necessary precautions taken against Covid-19 Virus, as well as social distancing measures, as advised by the Health Department from _____ time _____ to _____ time.



14. In order to implement these containment measures, the District Magistrate will deploy Executive Magistrates as incident commanders in their respective local jurisdictions. The incident commander will be responsible for the overall implementation of these measures in their respective jurisdictions. All other line department officials in the specified area will walk under directions of such incident commander. The incident commander will issue passes for enabling ascension movements as explained.

15. All enforcing authorities to note that the strict restrictions fundamentally relate to movement of people, but not to that of essential goods.

16. The Incident Commanders will in particular ensure that all efforts for mobilisation of resources, workers and material for argumentation and expansion of hospital infrastructure shall continue without any hindrance.

17. Any person violating these containment measures will be liable to be proceeded against as per the provisions of Section 51 to 60 of the Disaster Management Act, 2005, besides legal action under section 188 of the KLPC (as per appendix)

18. The above containment measures will remain in force, in all parts of the country, for a period of 21 days with effect from 25. 03. 2020

Union Home Secretary



ANNEXURE-B

THE CASTERLY ROCK TEMPORARY EXEMPTION FROM CERTAIN LABOUR LAWS ORDINANCE, 2020

(Promulgated by The Governor In The Seventy First Year OF The Republic Of King's Landing)

AN ORDINANCE

To exempt factories and other manufacturing establishments application of certain labour laws for a period three years.

WHEREAS the state legislature is not session the Governor is satisfied that circumstances exists which render it necessary for him to take immediate action; NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of King's Landing, Governor is pleased to promulgate the following Ordinance: -



CHAPTER-I

PRELIMINARY

1. SHORT TITLE, EXTENT AND COMMENCEMENT

- (1) This Ordinance may be called the Casterly Rock Temporary Exemption from Certain Labour Laws Ordinance, 2020
- (2) It extends to the whole of Casterly Rock.
- (3) This Ordinance shall come into force on the date of its publication in the Gazette.

2. DEFINITIONS

In this Ordinance, unless the context otherwise requires:-

- (a) **“Factory”** means any premises defined as factory in section 2(m) of the Factories Act, 1948.
- (b) **“Manufacturing”** means the process as defined manufacturing process under Section 2 (k) of the Factories Act.
- (c) **“Minimum wage”** means the wage prescribed by State Government.
- (d) **“Wages”** means all remunerations defined as wages in Section 2 (h) of the Minimum Wages Act, 1948.
- (e) **“workers”** means a person defined as worker in section 2(l) of the Factories Act, 1948.

CHAPTER- II

TEMPORARY EXEMPTION AND CONDITIONS THEREOF



3. TEMPORARY EXEMPTION

All factories and establishments engaged in manufacturing process shall be exempted from the operation of all Labour Laws for a period of three years, subject to the fulfilment of the following conditions:

- (a) The name and details of all employed workers shall be entered electronically on attendance register prescribed in section-62 of the Factories Act, 1948.
- (b) No workers shall be paid less than minimum wages as prescribed by Casterly Rock Government.
- (c) The wages to the workers shall be paid within the time limit prescribed under section- 5 of Payment of Wages Act, 1936.
- (d) The wages to workers shall be paid only in their bank accounts.
- (e) The provisions of Factories Act, 1948 and Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 relating to safety and security of the workers shall remain applicable.
- (f) The workers shall not be allowed or required to work for more than eleven hours per day and the spread over of the work shall not be more than twelve hours per day.
- (g) For any death or disability due to accident arising out of and in the course of employment compensations shall be paid in accordance with Employees Compensation Act, 1923.
- (h) The provisions of the various labour laws relating to the employment of children and women shall remain applicable.
- (i) The provisions of Bonded Labour System (Abolition) Act, 1976 shall remain applicable.

4. CONSEQUENCES FOR THE BREACH OF CONDITIONS OF EXEMPTIONS



For any breach of the conditions provided in section-3 action will be taken in accordance with the provisions of existing relevant Acts.

CHAPTER – IV

MISSCELLANEOUS

5. POWER TO MAKE RULES

The State Government may, by notification, make rules for carrying out the purposes of this Ordinance.

6. POWER TO REMOVE DIFFICULTIES

(1) If any difficulty arises in giving effect to the provision of this Ordinance, the State Government may, by notification, make such provisions, not inconsistent with the provisions of this ordinance as appear to be necessary or expedient for removing the difficulty.

(2) Every order made under sub-section (1) shall be laid as soon as may be, before both Houses of the State Legislature.

7. REPEAL AND SAVINGS

Notwithstanding anything contained in this Ordinance, the previous operations of various Labour Laws shall not be affected.



- ❖ *This proposition is drafted by Mr. Navneet Krishna (Assistant Professor, Glocal Law School, Saharanpur), Mr. Prashant Sharma (Advocate, High Court of Judicature at Allahabad), Ms. Yuvakshi Grover (LLM-HNLU, Raipur, UGC-NET) in consultation with Mr. Srijan Mehrotra (Advocate, High Court of Judicature at Allahabad).*
- ❖ *Please note that any attempt to contact the proposition drafters in relation to the moot competition would lead to immediate disqualification.*