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LAW COLLEGE DEHRADUN, FACULTY OF UTTARANCHAL UNIVERSITY

NATIONAL MOOT COURT COMPETITION - 2018

BEFORE THE HON'BLE SUPREME COURT OF INDICA

TRANSFER PETITION NO. _____/2018

W.P. (PIL) No. _____/2017

DR. R.M. SWAIN (Petitioner 1)

AND

W.P. (PIL) No. _____/2018

FATIMA GHANSARI (Petitioner 2)

WITH

W.P. (PIL) No. _____/2018

WRONGRACE PARTY (Petitioner 3)

VERSUS

UNION OF INDICA (Respondent)

PETITION INVOKED UNDER ARTICLES 32 & 139A OF THE CONSTITUTION OF INDICA

UPON SUBMISSION TO THE HON'BLE CHIEF JUSTICE AND HIS LORDSHIP'S COMPANION JUSTICES OF THE HON'BLE SUPREME COURT OF INDICA

WRITTEN SUBMISSION ON BEHALF OF RESPONDENTS

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LIST OF ABBREVIATIONS

&	And
%	Percentage
A.	Article
¶	Paragraph
A.I.R	All India Reporter
AllHC	Allahabad High Court
Bom.	Bombay
BomHC	Bombay High Court
CA	Calcutta
CAD	Constituent Assembly Debates
CEDAW	Convention on The Elimination of All Forms of Discrimination Against Women.
Cri.	Criminal
DLT	Delhi Law Times
Dr.	Doctor
Del	Delhi
Edn	Edition
Govt.	Government
HC	High Court
Hon'ble	Honourable
Ibid	Same as immediately above
ILR	Indian Law Review
J.	Justice
MP	Member of the Parliament
Mad	Madras
MANU	Manupatra
MH	Maharashtra
No.	Number
PIL	Public Interest Litigation
(P) Ltd	Private Limited

P&H	Punjab and Haryana
Pg.	Page
Ors.	Others
OA	Original Application
OBC	Other Backward Class
PM	Prime Minister
RJP	Rashtriya Janata Party
SCALE	Supreme Court Almanac
SCC	Supreme Court Cases
SC	Supreme Court
SCR	Scheduled Caste
SC	Scheduled Tribe
ST	Cited authority develops a Question analogous to discussion in the text.
See also	Same as mentioned before or above, whenever an authority has been fully cited in proceeding footnotes, the supra is used
Supra	Cited Before
Suppl.	Supplementary
T.L.R	Times Law Reports
UCHC	Uttaranchal High Court
UOI	Union of India
U.P	Uttar Pradesh
u/	Under
UNO	United Nations Organization
v.	versus
Vol	Volume
W.P.	Writ Petition
W.B	West Bengal

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STATEMENT OF JURISDICTION

I. TRANSFER PETITION NO. _____/2018

W.P. (PIL) No. _____/2017

The Petitioner has approached the Hon'ble High Court of Dehri under Article 226 of the Constitution of Indica, 1950 and it has been transferred to appear before Hon'ble Supreme Court under Article 139A of the Constitution of Indica, 1950

II. W.P. No. _____/2018

The Petitioner has approached the Hon'ble Supreme Court under Article 32 of the Constitution of Indica, 1950.

III. W.P. No . _____/2018

The Petitioner has approached the Hon'ble Supreme Court under Article 32 of the Constitution of Indica 1950.

The Respondents have appeared before the Hon'ble Supreme Court of Indica in response to the petitions filed by the Petitioners.

STATEMENT OF FACTS

I. The Republic of Indica is an independent, 'Union of States', following the values of Human Dignity and Equality. It guarantees Fundamental Rights to its citizens and the Constitutional, legal and the policy framework of the Republic of Indica is in '*pari materia*' to the Republic of India. The ideology of the Constitution is that of "equality among all", and "equality among equals".

II. It exhibits to the world the principle of "Unity in Diversity," It is a multi-religious, multi-lingual, multi-cultural and secular country. The major religion of Indica is Hinduism followed by Islam. The minorities belong to Christianity, Judaism, Jainism and Buddhism.

III. Indica has been a male dominated society, with very meagre representation of women, the example of which can be seen in 2005, where in the Upper House the percentage of women was 11% and 11.8% in the Lower House. In this scenario a 33% reservation for women in the Parliament was proposed. This was received with opposition more so because there was no single majority party in the Lower House from 1996 to 2005. Prior to 1996, Wrongrace Party, the majority party at that time had shown no interest for the same.

IV. In 1992 a Constitutional Amendment was introduced with the provisions of 33% reservation of seats for women in Municipalities and Panchayats in all states of India. This too was faced with opposition from the minority community. However, it received support from the intellectual class .Mrs. Garima Dhall, Mrs Yamini Paul and Mrs Mannat Raichandani being some of them.

V. In 2005 the Rashtriya Janta Party (hereinafter referred to as "RJP") came to power with an absolute majority. In 2006 with a sudden move the 33% reservation was passed. A proviso to Art.19(2) was inserted to empower the women and give them the opportunity to express themselves freely.

VI. This empowerment of women was not liked by a section of the society and hence a PIL was filed by Dr. R.M Swain in the High Court of Dehri, for declaring the reservation as unconstitutional.

VII. In December 2017, a member of the Lower House, Mrs Fatima Ghansari, brought a motion for repealing of the 33% reservation. She also alleged that, the ruling party was in collusion with large media houses running Hindu agenda. Her motion was dismissed and when it was again brought in the summer session.

VIII. On the night of 1st May, Mrs. Ghansari got a threatening call warning her of dire consequences if she did not change her stance on the repeal of the law. An FIR was lodged by her on the same night in the police station of her locality. It was filed against an unknown person.

IX. However, she filed a petition in the Supreme Court calling the reservation law as unconstitutional and a tool of communal politics. She also contended that,it violates the basic structure of the Constitution. Mrs Ghansari also claimed that she played the role of a Whistle Blower.

X. The members of the Wrongrace Party alleged that, Foreign Powers were behind the enactment of the 33% reservation law. A joint motion was introduced by them in the Lower House which was rejected by the Speaker.

XI. On 28th February, in an unprecedented event, Mrs Garima Dhall, Mrs Yamini Paul and Mrs Mannat Raichandani are arrested by the intelligence agency of Indica on grounds of spying and providing vital state secrets to an enemy country.

XII. Not, having any other way, the party filed a PIL in the Hon'ble Supreme Court, alleging the role of enemy state, behind the passing of this law. The prayed before the Court to declare this law as unconstitutional as it was serving the ends of the enemy state.

XIII. The Supreme Court clubbed both the petitions filed before itself and the petition filed in the High Court of Dehri under Art. 139A of the Constitution.

XIV. The case is listed for final hearing on 7th of October 2018.

STATEMENT OF ISSUES

ISSUE I

WHETHER THE PRESENT CASE IS MAINTAINABLE BEFORE THE HON'BLE COURT.

ISSUE II

WHETHER THE LAW PROVIDING FOR 33% RESERVATION TO WOMEN IN THE PARLIAMENT AND THE AMENDMENT TO ARTICLE 19(2) ARE ARBITRARY AND VIOLATIVE OF THE CONCEPT OF EQUALITY.

ISSUE III

WHETHER THE CONSTITUTIONAL AMENDMENT TO ARTICLE 19(2) VIOLATES THE BASIC STRUCTURE OF THE CONSTITUTION.

ISSUE IV

WHETHER A LAW CAB BE STRUCK DOWN ON GROUNDS THAT IT SERVES THE MOTIVE OF ANY FOREIGN POWER OR HAS BECOME A TOOL OF COMMUNAL POLITICS.

ISSUE V

WHETHER LEGISLATING HE LAW PROVIDING 33% RESERVATION TO WOMEN IN PARLIAMENT AND THE AMENDMENT TO ARTICLE 19(2) SMACKS OF SOME ULTERIOR RELIGIOUS MOTIVES, AND IF SO DO THEY VIOLATE SECULAR PRINCIPLES AND CAN THEY BE CHALLENGED ON THIS GROUND.

ISSUE VI

WHETHER THE PROTECTION OF THE WHISTLE BLOWERS PROTECTION ACT 2014 EXTENDS TO MRS. FATIMA GHANSARI.

ISSUE VII

WHETHER THE ARREST OF THE THREE LADIES IS LEGALLY VALID.

SUMMARY OF ARGUMENTS

I. Whether the present petition is maintainable before the Hon'ble Supreme Court of Indica?

The Respondents humbly submits before this Hon'ble Court that the present petition is not maintainable. The petition filed by Dr. R.M Swain is not maintainable as his Fundamental Rights are not violated. The petition by Mrs. Fatima Ghansari is not maintainable as well because it was not filed by her out of a personal vendetta. Thirdly, the petition by Wrongrace is not maintainable as it was filed in political motive.

II. Whether the law providing for 33% reservation to women in the Parliament and the Amendment to article 19(2) are arbitrary and violative of the concept of equality?

The Respondents humbly submit before this Hon'ble Court that the law providing 33% reservation to women in the Parliament and the amendment to Article 19(2) are not arbitrary and violative of the concept of equality. The argument is two fold. Firstly, law for reservation of seats and the amendment fall within the ambit of Article 15(3) and therefore, upholds equality u/Art.14.Secondly, the special provision for women are in consonance with the International Covenants which have been signed by Indica.

III. Whether legislating the law providing 33% reservation to women in Parliament and the amendment to Article 19(2) smacks of some ulterior religious motives, and if so, do they violate secular principles and can they be challenged on this ground.

The Respondents humbly submits that the law providing 33% reservation to women in Parliament and the amendment to Article 19(2) does not smack some ulterior religious motives and nor does it violate the secular principles. The law is in consonance with the principle of secularism. Lastly, the sting operation was conducted by a private media house, hence inadmissible.

IV. Whether a law can be struck down on grounds that it serves the motive of any foreign power or has become a tool of communal politics.

The Respondents humbly submit that a law cannot be struck down on grounds that it serves the motive of any foreign power or that it has become a tool of communal politics. The arguments are twofold. Firstly, no law enacted under the influence of a foreign power cannot be simply struck down. Indica, is a member of numerous International organizations, hence its sovereignty is already conditioned. Secondly, any law which gives rise to communal

disharmony should not be struck down. For, any law to be struck down, it has to be discriminatory in nature, which it is not in the present case. Thus, the law cannot be struck down.

V. Whether the Constitutional amendment to Article 19(2) violates the basic structure of the Constitution.

The Respondents humbly submits before this Hon'ble Court that, the amendment to Article 19(2) is not violating the basic structure of the Constitution. It is being contended that the amendment is secular in nature falling within the basic structure, It is submitted that the amendment was introduced for women as a class not on religious lines , thus it should be held as intra-vires to the Constitution as it is not discriminatory and violating the basic structure of the Constitution.

VI. Whether the protection of the Whistle Blowers Protection Act, 2014 extends to Mrs Fatima Ghansari?

The Respondents humbly submits before this Hon'ble Court that, the protection under the Whistle Blower's Protection Act, 2014 will not be extended to Mrs Ghansari. For a person to be protected under S.11 of the Act, the person has to act in public interest with an intention of welfare of the public. Secondly, an insider cannot be granted the position of a whistleblower. As Mrs Ghansari is a Member of Parliament she would be considered the same, which prevents her from getting the protection under the Act.

VII. Whether the arrest of the three ladies was valid?

The Petitioners humbly submits before this Hon'ble Court that the arrest of the three ladies, namely Mrs Garima Dhall, Mrs Yamini Paul and Mrs Mannat Raichandani is legally invalid and unconstitutional under Art 22(1).There was no reasonable satisfaction for the arrest but carried out to harm the reputation. The arrest was an intrusion in to the personal security of the ladies, which led to the violation of their fundamental right of right to liberty under Art 21 of the Constitution of Indica.

ARGUMENTS ADVANCED

I. WHETHER THE PRESENT CASE IS MAINTAINABLE BEFORE THE HON'BLE COURT?

It is humbly submitted by the respondents, before the Hon'ble Court, that the petitions filed by the three petitioners are not maintainable. The petitions by Mrs. Fatima Ghansari and the Wrongrace Party have been clubbed and the petition by Dr. R.M. Swain has been taken up by this Hon'ble Court u/Art.139A. The respondents submit the following arguments to affirm the same.

1) The PIL filed by Dr. R.M. Swain is not maintainable

Dr. R.M. Swain, is a private citizen who has filed a PIL, in the Dehri HC, u/Art.226 and now stands transferred, before this Hon'ble Court u/Art.139A. It is submitted that, Dr. Swain being a private citizen do not have any locus standi, as none of his fundamental rights are violated. In this petition, it has been alleged that the law on reservation passed by the State and the consequent constitutional Amendment of Art.19(2) is arbitrary.[1] However, in the present matter, the reservation provisions introduced in the legislation is not discriminatory in nature, as it also falls within the exception u/Art.15(3) making the provisions in compliance with Art.14.[2] Therefore, as there is no violation of fundamental rights involved in the case, the PIL is not maintainable.[3] One cannot ask for relief when there is no violation of fundamental rights[4] and this indicates that the petitioner, does not have any locus standi to approach the court.[5] It is submitted that, Courts of justice should not be allowed to be polluted by unscrupulous litigants by resorting to the extraordinary jurisdiction[6], as the petitioner has a mala-fide intention and has approached the court with a private motive.[7] The private motive of the petitioner gives rise to "private interest litigation"[8] and should not be allowed by the Hon'ble Court. Therefore, it is submitted that the petition is a "private interest litigation" and the

[1] Moot Compromis, ¶22 and ¶13.
[2] Government of A.P v. P.B. Vijay Kumar, AIR 1995 SC 1648.
[3] National Lawyers' Campaign for Judicial Transparency and Reforms and Ors. v. J.S. Khehar and Ors., 2017 (1) SCT 644 (SC).
[4] The Chairman, Railway Board and Ors. v. Chandrima Das and Ors., AIR 2000 SC 988.
[5] Mukul Saikia and Ors. v. State of Assam and Ors., AIR 2009 SC 747.
[6] Dattaraj Nathuji Thaware v. State of Maharashtra and Ors., AIR 2005 SC 540.
[7] Ashok Kumar Pandey v. The State of West Bengal and Ors., (2006) 6 SCC 613; Rajiv Ranjan Singh 'Lalan' and Ors. v. Union of India and Ors., (2006) 6 SCC 613; B. Singh v. Union of India, AIR 2004 SC 1923.
[8] BALCO Employees v. Union of India, AIR 2002 SC 350;

Hon'ble Court should not allow an ugly private malice, vested interest and/or publicity behind the beautiful veil of public interest.[9]

2) The PIL filed by Mrs. Ghansari is not maintainable.

Mrs. Ghansari is an independent member of the Parliament,[10] who has filed the PIL u/Art.32 before this Hon'ble Court, praying for declaration of the law on reservation and Amendment to Art.19 (2) as unconstitutional as well as for protection of that of a Whistle Blower as she had played the role of the same against the ruling party after receiving an anonymous threat call.[11] It is submitted that PIL filed by her is out of personal and political vendetta, therefore, the petition is not maintainable[12]. Moreover, the process of PIL shall stand to be abused if proceedings were initiated for private disputes[13]. In *Janata Dal v. H.S.Chowdhury*,[14] it was held by the Apex court that a PIL should not be held maintainable if it is filed for personal gain or personal motive or political motive, further, a vexatious petition under the colour of PIL brought before the court for vindicating any personal grievance, deserves rejection at the threshold. Relying on the precedents set by this court[15], it is submitted that the petition, filed by Mrs. Ghansari is not maintainable. Further, there is no violation of fundamental rights in the present petition as the speeches delivered by the Ruling Party is an inherent part of their right to free speech[16] and also is not of anti-secular in nature. As there is no violation of fundamental rights, it is submitted that this petition is not maintainable.[17] Therefore, the Petition filed by Mrs. Ghansari is not maintainable.

3) The PIL filed by Wrongrace Party is not maintainable.

Wrongrace Party, the opposition party in the Parliament, had filed a PIL u/Art.32 to declare the laws in question as unconstitutional and also challenged them on the ground of endangering the security of the country[18]. Wrongrace Party is a political party and it was held by the Apex Court that, the Court cannot entertain the political parties[19]. Further, it was also held by this

[9] Hari Shankar Jain v. Bar Council of India and Ors., 2006 (4) AWC 3893.
[10] Moot Clarifications, Point 23.
[11] Moot Compromis,¶16, ¶17 and ¶18.
[12] Gurpal Singh v. State of Punjab and Ors., AIR 2005 SC 2755.
[13] Guruvayur Devaswom Managing Commit. And Ors. v. C.K. Rajan And Ors., AIR 2004 SC 561.
[14] Janata Dal v. Union of India, AIR 1993 SC 892.
[15] Supra 8.
[16] Desiya Murpokku Dravida Kazhagam and Ors. v. The Election Commission of India, AIR 2012 SC 2191.
[17] Supra 5.
[18] Moot Compromis, ¶20.
[19] Simranjit Singh Mann v. Union of India and Ors., AIR 1993 SC 280.

Hon'ble Court that any petitioner who has a political motive and political vendetta, such petition shall not be maintainable.[20] Therefore, it is submitted that the PIL, is not maintainable on the grounds of having political motives.

Hence, in the light of the submissions made, it is humbly submitted by the Respondent that the PILs filed by the three petitioners should be held non-maintainable for lack of locus standi.

II. WHETHER THE LAW PROVIDING FOR 33% RESERVATION TO WOMEN IN THE PARLIAMENT AND THE AMENDMENT TO ARTICLE 19(2) ARE ARBITRARY AND VIOLATIVE OF THE CONCEPT OF EQUALITY?

It is humbly submitted before the Hon'ble Court that the law providing for 33% reservation to women in the Parliament and the Amendment to Art. 19(2) are in consistency with the concept of equality enshrined underArt.14 of the Indian Constitution and is not arbitrary in nature. The respondents submit the following arguments to affirm the same.

1) The law of Reservation of Seats for women and the Amendment to Art.19(2) falls within the ambit of Art.15(3) and is not violative of Right to Equality.

Art.14[21] ensures 'equal treatment of equals and unequal treatment of unequals'[22] instead of universal application of laws[23]. The law on reservation and the amendment embodies the concept of real and substantive equality[24] which strikes at the inequalities[25] arising on account of vast social and economic differentiation and is essential ingredient of social and economic justice[26]. Art.15(3)[27] embodies the concept of real equality and permits the State to make reasonable discrimination in favour of women through any legislation or executive order[28], without being discriminatory as u/A.15(1)[29]. Thus, reservation for women *prima facie* falls

[20] S.P. Gupta v. Union of India and Ors., AIR 1982 SC 149.
[21] Art.14, Constitution of India, 1950.
[22] The view was stated by B.N. Rau, in his notes on Fundamental Rights, prepared on September 2, 1946. See also, B.Shiva Rao, "*Framing of India's Constitution, Vol. 2*", 2 (Reprint,2005); Anirudh Krishnan and Harini Sudarshan, "*Laws of Reservation and Anti-Discrimination"*, 11, (1st Ed., 2008).
[23] Ibid.,
[24] Dr. Subhash C. Kashyap, *Constitutional Law of India, Vol. 1*, (2nd Ed.,2015) ; H.M. Seervai, *Constitutional Law of India, Vol. 1,* (4th Ed., 2015)
[25] K. Vishvanathan v. The Govt. of Tamil Nadu, AIR 1985 Mad 1; Dr. Subhash C. Kashyap, *Constitutional Law of India, Vol. 1,* (2nd Ed.,2015); H.M. Seervai, *Constitutional Law of India, Vol. 1,* (4th Ed., 2015).
[26] Secretary, Haryana State Electricity Board v. Suresh, AIR 1999 SC 1160.
[27] Art.15(3), Constitution of India, 1950.
[28] Balaji v. State of Mysore, AIR 1963 SC 649.
[29] Dattatraya v. State of Bombay, AIR 1953 Bom 311; H.M. Seervai, *Constitutional Law of India, Vol. 1,* (4th Ed., 2015); Anirudh Krishnan and Harini Sudarshan, "*Laws of Reservation and Anti-Discrimination",* 241,242,245 (1st Ed., 2008).

within the ambit of Art.15(3) and is permissible[30]. It is submitted that the law of reservation of seats for women and the special proviso for women u/Art.19(2), the discrimination u/Art15(3) is completely reasonable as women have throughout the ages remained socio-economically handicapped[31] resulting their lack of participation in the socio-economic and political activities[32] and empower them in a manner that would bring effective equality between men.[33]Thus, when the State preserves 33% seats exclusively for women during panchayat and municipalities election, though amounting to discrimination only on the grounds of sex, it would be saved by Art.15(3) exception[34] and is construed to be intra vires to the Constitution[35] not being whittled down by Art.16[36]. Therefore, the law of providing 33% reservation for seats for women in the parliament is an appropriate example of protective discrimination for women u/Art.15(3) exception[37] and is in complete compliance with Art.14. Moreover, when it comes to the issue of seat allocation in the House, it has been held by the court that the reservation for women is not reservation in true sense but a mere allocation of source of seats by the State as it is the duty of the Government to allot certain seats on certain grounds for the benefit of the public.[38] Thus, in the present matter the reservation for the women in the parliament and the fewer limitations on their freedom of speech was brought in the light of bringing them on an equal footing with the men in the field of politics, for their welfare and to ensure that they are not controlled and suppressed by the patriarchal systems and structures[39]. Art.14 holds any law valid only if it passes the Reasonable Classification Test[40] laid by this Hon'ble Court. Therefore, the law of providing 33% reservation for seats for women in the parliament and the

[30] Subhash Chandra v. State of UP, AIR 1973 All 295.
[31] Sabana (Smt.),Chand Bai and Anr. v. Mohd. Talib Ali and Anr., 2014 CriLJ 866.
[32] M.P. Jain, *Indian Constitutional Law*, 937 (7th Ed., 2016)
[33] Government of A.P v. P.B. Vijay Kumar, AIR 1995 SC 1648.
[34] Om Narain Agarwal v. Nagar Palika, Shajanpur with Bashiran v. State of U.P., AIR 1993 SC 1440; Shamsher Singh v. State of Punjab, AIR 1970 P&H 372.
[35] Dattaraya v. State of Bombay, AIR 1953 Bom 311.
[36] Toguru Sudhakar Reddy v. Govt. of A.P., 1993 Supp (4) SCC 439.
[37] Vijay Lakshmi v. Punjab University, (2003) 8 SCC 440.
[38] Padmaraj Samanendra v. State (FB), AIR 1979 Patna 266.
[39] Ministry of Minority Authorities, Government of India, *Report of the National Commission for Religious and Linguistic Minorities Vol.1*, available at http://www.minorityaffairs.gov.in/sites/default/files/volume-1.pdf, last seen on 04.09.2018.
[40] State of West Bengal v. Anwar Ali Sarkar, AIR 1952 SC 7539; D.D. Joshi v. Union of India, AIR 1983 SC 420; Dhirendra Pandua v. State of Orissa, (2008) 17 SCC 311; Manmad Reddy v. Chandra Prakash Reddy, AIR 2010 SC 1001; one of the principles enunciated In Re: Special Courts Bill, by the Seven-judge Bench, AIR 1979 SC 478; Supra 25.

provision in Art.19(2) inserted by the amendment is an appropriate example of protective discrimination for women u/Art.15(3) exception[41] and is in complete compliance with Art.14.

2) Special provisions for women are in consonance with the international covenants signed by Indica

Indica has vowed to implement the human rights instruments ratified by it. U/Art. 253[42], the legislature is empowered to make laws for the implementation of international conventions and agreements.[43] The Government of India who was an active participant to CEDAW[44] follows the principles laid by this convention to bring parity and to end discrimination against women. The principles embodied in CEDAW and the concomitant right to development became an integral part of the Constitution of India and the Human Rights Act and has become enforceable.[45] According to its Art.3[46], the government through the laws on reservation of seats for women and Amendment providing fewer limitations for women have implemented the objective of the act and these freedoms will help the women to come forward in the society without the fear of being supressed or dominated by their male counterparts. Therefore, the special provision for women in the form of an Amendment of Art.19(2) and the law providing 33% reservation of seats for women are the implementation of the principles laid in CEDAW. Hence, in the light of the submission made, it is humbly submitted by the respondents that the law for 33% reservation of seats for women and the special proviso entered by the Amendment toArt.19(2) is not arbitrary, not violative of equality and is intra vires to the Constitution.

III. WHETHER THE CONSTITUTIONAL AMENDMENT TO ARTICLE 19(2) VIOLATES THE BASIC STRUCTURE OF THE CONSTITUTION?

It is humbly submitted before the Hon'ble Court that the constitutional Amendment to Art.19(2) does not violate the Basic Structure of the Constitution and therefore, should be declared valid and intra-vires the Constitution. The respondents submit the following arguments to affirm the same:

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[41] Vijay Lakshmi v. Punjab University, (2003) 8 SCC 440.
[42] Art.253, Constitution of India, 1950.
[43] Valsamma Paul v. Cochin University, (1996) 3 SCC 545.
[44] Convention for Elimination of all forms of Discrimination Against Women (for short 'CEDAW') was ratified by the UNO on 18-12-1979 and the Government of Indica had ratified as an active participant on 19-6-1993 acceded to CEDAW.
[45] C. Masilamani Mudaliar v. Idol of Sri Swaminathaswami Swaminathaswami Thirukoil, (1996) 8 SCC 525.
[46] Art. 3, CEDAW.

1) The amending power is in compliance with the Basic Structure.

In 2015, the Parliament, amended Art.19(2), thereby introducing a proviso providing very few limitations on the freedom of speech and expression[47] of women. It is submitted that the Amendment was introduced as a special provision for women u/Art.15(3), with the intention, to provide more opportunities to the women to speak their mind out and is well within the scope of the amending power conferred upon the Parliament. In *Kesavananda Bharati v. State of Kerela*[48] it was held that Part III of the Constitution could be amended subject to the basic structure doctrine. Further, it was held that the Fundamental Rights are not absolute and are designed to suffer reasonable restrictions and classifications.[49] In *Ashoka Thakur v. Union of India,*[50] it was stated that Art.15(3) provides that the State may make special provisions for the educational, economic or social advancement of any backward citizens, women and children and they may not be challenged on the ground of being discriminatory. It is submitted that the newly inserted provision, though discriminatory in nature, falls within the ambit of reasonable classification and also under the exception provided u/Art.15(3), therefore, upholding the concept of real equality u/Art.14. Chandrachud J. had enlisted "equality of opportunity and status" as one of the fundamental elements of the basic structure.[51] Further, the saEquality is the cornerstone of the Basic Structure[52] and cannot be violated.[53]

Therefore, it is humbly submitted that as the proviso inserted by the Amendment is a special provision and is not against the basic structure of the constitution, and therefore, valid.

2) The Amendment is secular in nature and is a part of the Basic Structure.

The parliament cannot pass a law which is slanted in favour of one community and is against another, and on passing of such law, it shall be an anti-secular law[54], however, the Amendment was introduced for the benefit of the women and it is applicable to the women as an entire class and there is no distinction based on religion. It was also introduced to end the age-old practice

[47] Art. 19(1)(a), Constitution of India, 1950.
[48] His Holiness Kesavananda Bharati Sripadagalvaru v. State of Kerala, AIR 1973 SC 1641.
[49] Ashoka Kumar Thakur v. Union of India and Ors., (2008) 6 SCC 1; Sanjay S. Jain and Sathya Narayan, *Basic Structure Constitutionalism*, 5,17 (1st Ed., 2011).
[50] Ibid.,
[51] Indira Gandhi v. Raj Narain. AIR 1975 SC 2299; Supra 8; H.M. Seervai, *Constitutional Law of India, Vol. 3,* (4th Ed., 2015); Dr. Subhash C. Kashyap, *Constitutional Law of India, Vol.3* , (2nd Ed.,2015)
[52] Raghunath Rao v. Union of India, AIR 1993 SC 1267; Nachane, Ashwini Shivram v. State of Maharashtra, AIR 1998 Bom 1; M.P. Jain, *Indian Constitutional Law*, 1693, 1964 (7th Ed., 2016).
[53] A.K. Behara v. Union of India, (2010) 11 SCC 322.
[54] Dr. M. Ismail Frauqui and Ors. v. Union of India and Ors., AIR 1995 SC 605.

of patriarchy among both Hindus and Muslims[55]. Further, it is to bring to the notice of the court that both the minorities and majority male orthodox reacted to the Amendment and the law[56], which indicates that the law does not make any anti-secular distinction and it affected women irrespective of their community. In *S.R. Bommai v. Union of India*,[57] it was stated by the SC, that secularism is more than a passive attitude of religious tolerance, it is a positive concept of equal treatment of all religions. Relying on this judgement, it is submitted that the ruling party has made no distinction on basis of religion and has provided equal opportunities to women irrespective of their religion. Further, the speeches made by the members of the ruling party is not anti-secular in nature, as the speeches form a part of their freedom of political speech and any mention of the minority communities in the speech highlighting the latter's stance on religious activities does not constitute anti-secular speeches.[58] Secularism is part of the Basic Structure[59], and the Amendment is completely secular in nature making it in compliance with the Basic Structure. Therefore, it is submitted that the Amendment is secular in nature complying with the secular principles laid down in the Preamble of the Constitution[60] and is not violative of the Basic Structure. Hence, in the light of the submissions made, it is submitted that the Amendment to Art.19(2) should be held intra-vires to the Constitution and in compliance with the Basic Structure of the Constitution.

IV. WHETHER LEGISLATING THE LAW PROVIDING 33% RESERVATION TO WOMEN IN PARLIAMENT AND THE AMENDMENT TO ARTICLE 19(2) SMACKS OF SOME ULTERIOR RELIGIOUS MOTIVES, AND IF SO, DO THEY VIOLATE SECULAR PRINCIPLES AND CAN THEY BE CHALLENGED ON THIS GROUND?

It is humbly submitted before the Hon'ble Court that the law providing 33% reservation to women in parliament and the Amendment to Art.19(2) does not smack of some ulterior religious motives and therefore, should be declared valid and intra-vires on the ground of being

[55] Moot Compromis, ¶3.
[56] Moot Compromis, ¶7 and ¶10.
[57] S.R. Bommai and Ors. v. Union of India and Ors., AIR 1994 SC 1918; H.M. Seervai, *Constitutional Law of India, Vol. 2*, (4th Ed., 2015); Dr. Durga Das Basu, *Shorter Constitution of India*, 186,187 (Justice A.R. Lakshmanan, V.R. Manohar, 14th Ed., 2013).
[58] Ramakant Mayekar and Ors. v. Celine D'Selva, AIR 1996 SC 826.
[59] His Holiness Kesavananda Bharati Sripadagalvaru v. State of Kerala, (1973) 4 SCC 225; Indira Gandhi v. Raj Narain. AIR 1975 SC 2299.
[60] Inserted by 42nd Constutional Amendment Act, 1976.

in consonance with secularism. The respondents submit the following arguments to affirm the same:

1) **Speeches made by the members of the ruling party does not constitute hate speeches and not anti-secular.**

The parliament passed a law providing for reservation for women and subsequently, also passed an Amendment empowering them to make free speech with very few limitations.[61] Consequently, the women members had made political speeches and such right to freedom of political speech and expression and its communication and propagation must be held to be available to all[62]. It has been alleged by Mrs. Fatima Ghansari that the ruling party has a "Hindu Agenda"[63], however, it is pertinent to note here that a political party can follow their ideology, in this case, Hinduism is an ideology[64] followed by RJP. In the present case, the ruling party has their own belief on religious lines and they cannot be questioned for such belief.[65]

It has been alleged that the members of the ruling party delivered venomous hate-speeches against minority communities.[66] On the contrary, it is submitted that mere reference to any religion in an election speech does not bring it within the ambit of corrupt practices, since reference can be made to any religion in the context of secularism or to criticise any political party for discriminating against any religious group.[67] Therefore, the speeches does not constitute hate speech, as there was no intention, to incite communal disharmony[68]. The members, during their speech have only brought forward their ideology, and relying on the decision of SC, in the case of *Ramesh Yeshwant Prabhoo and Ors. v. Prabhakar Kashinath Kunte and Ors*[69], it is submitted that considering the terms 'Hinduism' or 'Hindutva' as depicting hostility, enmity or intolerance towards other religious faiths of professing communalism, proceeds from an improper appreciation and perception of the true meaning of these expressions which have been derived from judicial precedents[70]. Further, in the same case it

[61] Moot Compromis, ¶9 and ¶11.
[62] Desiya Murpokku Dravida Kazhagam and Ors. v. The Election Commission of India, AIR 2012 SC 2191.
[63] Moot Compromis, ¶14.
[64] Commissioner of Wealth tax, Madras v. Late R. Sridharan by L.Rs., (1976) Supp SCR 478.
[65] Sharad J. Rao v. Subhash Desai, (1991) 4 Bom CR 156.
[66] Moot Compromis, ¶12.
[67] Ramesh Yeshwant Prabhoo and Ors. v. Prabhakar Kashinath Kunte and Ors. AIR 1996 SC 1113.
[68] Shreya Singhal v. Union of India, AIR 2015 SC 1523
[69] Ibid.,
[70] Sastri Yagnapurushadji v. Muldas Bhudardas Vaishya, (1966) 3 SCR 242; Commissioner of Wealth tax, Madras v. Late R. Sridharan by L.Rs., (1976) Supp SCR 478; Bhagwan Koer v. J.C. Bose, ILR 1904 Cal 11

was stated that term 'Hinduism', in the abstract, cannot be assumed to mean and be equated with narrow fundamentalist Hindu religious bigotry.[71] Therefore, if believing in one ideology and using the word "Hindu", depicts an attitude hostile to all persons practising any religion other than the Hindu religion, then it shall be a fallacy and error of law.[72]

Therefore, it is submitted that the political speeches made by the women of the ruling party did not constitute hate speeches and the ideology of the party does not mean that they have religious and hostile agenda violating the principles of secularism.

2) Sting operation does not prove the anti-secular agenda of the ruling party

A sting operation was conducted by a private media house, which showcased that the ruling party in collusion with big media houses are running "Hindu Agenda". The respondents submit that the sting operation is not valid as the operation being carried out by a private media house is, by and large, unpalatable or unacceptable in a civilized society[73]. Though, sting operation is a right under the freedom of press[74], it is subject to reasonable restrictions and cannot violate fundamental rights of the citizens.[75] Right to Privacy is a fundamental right of the citizens and falls within the ambit of Art.21[76], and sting operation has violated the Right to Privacy of the respondents as they were not aware of being filmed and later publicised. It is further submitted that according to guidelines set in *Court on its own motion v. State and Ors.*[77], the sting operation conducted by the private media house must have had the sanction of a court of competent jurisdiction which may be in a position to ensure that the legal limits are not transgressed, including trespass, the right to privacy of an individual, and should be in public interest[78] which has not been complied with, in the present matter. Therefore, it is submitted that the sting operation conducted by a private media house is an illegal activity and cannot be used to prove the Hindu agenda of the ruling party.

Hence, in the light of the submissions made, it is humbly submitted that the sting operation conducted by a private media house and the speeches delivered should not be considered to

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[71] Ramesh Yeshwant Prabhoo and Ors. v. Prabhakar Kashinath Kunte and Ors. AIR 1996 SC 1113.
[72] Ibid.,
[73] State v. Karan Singh Yadav & Ors, Case Identification No. : 02401R0391712013 (Delhi District Court, 11.03.2015) See also: Court on its own motion v. State and Ors., 2008 (151) DLT 695.
[74] Bennet Coleman v. Union of India, AIR 1973 SC 106.
[75] Sakal Papers v. Union of India, AIR 1962 SC 305.
[76] Justice K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.
[77] Court on its own motion v. State and Ors., 151 (2008) DLT 695.
[78] Press Council of India, *Norms Of Journalistic Conduct*, 2010 Ed., available at http://presscouncil.nic.in/OldWebsite/NORMS-2010.pdf, last seen on 22.08.2018, Point 41(B), Part A.

prove that the ruling party has a religious agenda and it shall be held that they do not have some ulterior religious motive and are not violating the secular principles set by the Constitution.

V. WHETHER A LAW CAN BE STRUCK DOWN ON GROUNDS THAT IT SERVES THE MOTIVE OF ANY FOREIGN POWER OR HAS BECOME A TOOL OF COMMUNAL POLITICS?

It is humbly submitted that the Reservation Law and the constitutional amendment cannot be struck down based on the fact that it is under the influence of a foreign power or incites communal disharmony. In support of the same, the following submissions are being humbly made.

1) Any law enacted under the influence of a foreign power cannot be simply struck down.

The Republic of Indica is an independent country. It is the member of the United Nations and Indica has also been recognized as a "Responsible State".[79] Bearing the status of a responsible state implies that if a State commits an internationally wrongful act against another State, it will be internationally responsible for reparation.[80] In the year 2006, the Government passed a law that allowed 33% reservation of the Women in the Parliament of Indica. Subsequently, in 2015, the Government amended Art. 19 of the Constitution thereby adding a proviso enlisting exclusive restrictions on speech of women. Indica is a sovereign according to the Preamble of the Constitution. But, in traditional terms of sovereignty, no State today can be said to be fully Sovereign. Membership of international organizations like the United Nations, European Union and international treaties etc. cast obligations, put restraints and erode sovereignty.[81] Since, Indica is a member of the United Nations and has also vowed to abide by several International Human Rights instruments, its sovereignty has already been conditioned. Moreover, the power of sovereignty also has constitutional boundaries. Notwithstanding anything contrary in the Constitution of Indica, the State has power to make any law for the whole or any part of the territory of Indica for implementing any international treaty or convention.[82] The presence of the non-obstante clause at the beginning of Art. 253[83] makes it

[79] Moot Compromis, ¶1.
[80] Malcolm N. Shaw, *International Law*, 694 (7th Edition, 2014).
[81] Dr. Subhash C. Kashyap, *Constitutional Law of India, Vol. 1*, 259, (2nd Ed., 2015); H.M. Seervai, *Constitutional Law of India, Vol. 1*, (4th Ed., 2015).
[82] Art. 253, Constitution of India, 1950; Vishakha v. State of Rajasthan AIR 1997 SC 3011.
[83] Ibid.

clear that the Article shall prevail regardless of anything contrary mentioned prior to the concerned Article in the Constitution.[84] Since, the CEDAW[85] and the Convention on Political Rights of Women, 1953 is already in place, Indica has just legislated to give effect to such Conventions, as mentioned in Art.253. Hence, a Law cannot be simply struck down based on the fact that it has come into being under the influence of foreign laws.

2) Any law that gives rise to communal disharmony, not ought to be struck down.

It is alleged by the petitioners that the law enacted by the ruling party was being misused by some people, even though the law aimed at welfare of people. Political parties are nothing but an association of likeminded people who are deemed to be followers of the same political ideology. A political party is an artificial juristic person.[86] Thus, it has its own juristic capabilities and rights. In Indica, "law" includes order, rule, regulation, notification, bye-law and customs.[87] However, it is not complete discretion of the Court to decide whether the Law can be struck down on grounds of arbitrariness.[88] In the instant situation, a reservation law was passed which made it mandatory for the Parliament to have at least 33% of female members.[89] Thus, it made it mandatory for a particular gender to occupy 33% of the seats. Hence, this is not a matter of communal disharmony. A law can be struck down only if the law is discriminatory in nature.[90] Thus, the instant issue which asks if a law can be struck down on grounds of communal disharmony, ought to be answered in negative. Subsequent submissions are in support of the same. The Parliament also amended Art.19(2) thereby adding a proviso which enlisted few restrictions based on which a woman's right to free speech could be curtailed. However, this exclusive proviso for the women had far few restrictions compared to that of the restrictions in case of men's right to free speech.[91] The test of reasonableness is not done in vacuum and is done in life's realities. A law cannot be struck down just because the Court thinks it is unreasonable because it goes beyond what is necessary.[92] These acts of the

[84] Binoy Viswam v. Union of India, AIR 2017 SC 2967 . See also: The Tobacco Institute of India v. Union of India, ILR 2018 Karnataka 991
[85] CEDAW, 1979
[86] Smt. Kittur Yasmin Riyaz v. Deputy Commissioner, ILR 2009 Karnataka 47
[87] Art. 13 of the Constitution of Indica, 1950
[88]Maharashtra State Board for Secondary and Higher Secondary Education v. Paritosh Seth, AIR 1984 SC 1543
[89] Moot Compromis, ¶9
[90] State of Uttarakhand v. Brahm Pal Singh, MANU/UC/0304/2018.
[91] Moot Compromis, ¶11.
[92] Supra 69.

Parliament was for the "welfare of the women"[93] as the women have always been dominated in Indica. It is only when the Court finds that a bye-law is manifestly unjust, capricious, inequitable or partial, its operation it can be invalidated on the ground of unreasonableness or vagueness.[94] Under these humble submissions, the respondent submits that a law cannot be struck down on grounds of fuelling communal disharmony or under influence of foreign power.

VI. WHETHER THE PROTECTION OF THE WHISTLE BLOWERS PROTECTION ACT, 2014 EXTENDS TO MRS. FATIMA GHANSARI?

It is hereby humbly submitted that Mrs. Fatima Ghansari is not a whistle blower and thus does not deserve protection under the Whistle Blowers Protection Act, 2014 (hereinafter referred to as "Act"). In support of the same, the following arguments are being forwarded.

1) Mrs. Fatima Ghansari is not a Whistle Blower.

Mrs. Fatima Ghansari is an independent member of the Lok Sabha.[95] In December 2017, she had brought a motion to repeal the law providing 33% reservation to women, alleging that the law had become a tool in the hands of the ruling party which is being misused to achieve their own illegal and personal agenda. She also said that the privilege to women under Art.19(2) was being misused, since some orthodox Hindu men were using women to deliver anti secular speeches that were aimed to incite the minority community with the intention of rigging the State towards religious extremism and intolerance.

There are judicial precedents saying that being an insider does not grant the status of a "whistle blower" and cannot claim protection under the Act. S.4[96] of the Act says that a person may be called a whistle blower if he/she makes any *bonafide* Public Interest Disclosure before a competent authority. S.11[97] of the Act says that the Central Government will make sure that no person who has made a public disclosure before the competent authority for the welfare of public is made to go through any kind of victimization by way of initiation of any proceedings. The activity has to be undertaken in public interest, for the welfare of the public; exposing illegal activities of a public organization or authority. The honesty, integrity and motivation should leave no reason to doubt the bonafide nature of a whistle blower. The primary

[93] Art. 15(3) of the Constitution of India, 1950.
[94] Master Rushil v. Goa University & Ors. (2013) 4 AIR Bom R 373. See Also: Chhedilal Agarwall v. State of Madhya Pradesh, 1983 SCC OnLine MP 114.
[95] Point 23 of the Moot Clarifications.
[96] S.4, Whistle Blower's Protection Act, 2014.
[97] S.11, Whistle Blower's Protection Act, 2014.

motivation for the action of a person to be called a "whistle blower" should be to cleanse an organization. It should not be incidental or by product for an action taken for some ulterior or selfish motive. Exposing some information about some act cannot be constituted as "whistle blowing".[98] In the instant case, since the honesty and latent intention of Mrs. Ghansari is under question, she can't be titled as a whistle blower. From her position in the Parliament, it can be implied that she was just doing justice to her role as the Opposition.

It is submitted, that from the facts, it is clear that Mrs. Ghansari had a malafide intention while filing the motion. A sting operation was provided for support of the allegation, however, such operation by a private person or agency is, by and large, unpalatable or unacceptable in a civilized society.[99] Hence it cannot be proved that the allegation of Mrs. Ghansari was in genuine interest, thus can't be said to be a whistle blower. Therefore, she does not deserve protection under S.11[100] of the Act. It is to be observed that the protection under S.11 is only for those who have acted *bonafide* with good intent and has disclosed in public interest with a declaration that he has reason to believe in.[101] Thus, if Mrs. Ghansari's claim of being a whistle blower doesn't hold good then her subsequent demand of being protected under the Act should also be baseless. Any person who brings out some information about something cannot be termed to be a whistle blower. A person who is aggrieved by some act of his/her superior and in consequence of that, reveals any internal information, that person can't also be called a whistle blower.[102]

2) Mrs. Fatima Ghansari does not deserve protection under the Act.

S.11 of the Act, says that that the Central Government will make sure that no person who has made a public disclosure before the competent authority for the welfare of public is made to go through any kind of victimization by way of initiation of any proceedings. Hence, it is for whistle blowers. In the instant petition, Mrs. Fatima Ghansari is not a whistle blower and thus cannot claim protection under the Act. Any random person who makes any disclosure cannot be termed as a whistle blower.[103] Thus, as the Act is only for whistle blowers, the purpose of protection under the Act fails as soon as Mrs. Ghansari's claim of being a whistle blower fails.

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[98] Manoj H. Mishra v. Union of India and Ors., 2013 6 SCC 313.
[99] State v. Karan Singh Yadav, Case Identification No. : 02401R0391712013 (Delhi High Court, 11.03.2015).
[100] Supra 92.
[101] Kirti Kumar Gupta v. State of Madhya Pradesh, 2016 4 MPLJ 709 .
[102] Seema Sapra v. General Electric Co. & Ors., 2013 SCC OnLine Del 3227.
[103] Supra 90.

Therefore it is most humbly submitted that as Mrs. Ghansari is not a whistle blower, she ought not to be protected under the Act.

VII. WHETHER OR NOT THE ARREST OF THE THREE LADIES WAS LEGALLY VALID?

It is humbly submitted before the Hon'ble Court that the arrest of the three ladies, namely Mrs Garima Dhall, Mrs Yamini Paul and Mrs Mannat Raichandani is legally invalid. The respondents submit the following arguments to affirm the same.

1) The arrest of the three ladies was legally invalid.

On the 28th of February 2018, the three ladies, were arrested in an unprecedented event. It was alleged by the intelligence agency that they were spying and providing vital state secrets to the enemy country of Indica.[104] The intelligence agency claims that the arrest was based on the credible evidence. It is submitted that the arrest of the three ladies is unconstitutional and violative u/Art. 22(1) of the Constitution of India. In the case of *Joginder Kumar v. State of Uttar Pradesh*[105], guidelines were laid down for arrest. It was said that the arrest must be justified and with reasonable satisfaction, which has been not adhered to, in the instant case. The rights inherent in Art. 22(1) require to be jealously and scrupulously protected. At the time of arrest, the police officer has to inform the arrestee the reason for arrest.[106] In the present case the arrest was made more for a 'political reason'[107], than for public good, for the ladies were in support of the law passed by the ruling party under the influence of a foreign power. U/ S. 50(1) of the CrPC, every person should be informed the reason behind their arrest. Here, there was no reason of arrest that was provided to the arrestees at the time of arrest, hence it is arbitrary. It is submitted that the arrest were in violation of the International covenants Indica is a signatory to. Arts.9 and 12 of the UDHR[108], where both reaffirm the fact that no person shall be subjected to arbitrary arrest.[109]

[104] Moot Compromise ¶ 19.
[105] Joginder Kumar v. State of Uttar Pradesh; AIR 1994 SC 1349.
[106] D.K Basu v. State of West Bengal, AIR 1997 SC 610.
[107] State of Manipur v. Vikas Yadav; 2000 CriLJ 4229.
[108] Universal Declaration of Human Rights,1948
[109] 179th Law Commission of India Report, *The Public Interest Disclosure And Protection Of Informers*, 40 (2001).

2) Fundamental Rights under Art.21 are infringed.

The arrest of the ladies was a violation of their Right to Life and Personal liberty. The security one's of one's privacy against arbitrary instruction by the police is basic to a free society.[110] Art. 9(1) of the ICCPR[111], which is imbibed in Art. 21, states that no one shall be subjected to arbitrary arrest or detention and one be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law,[112] and must be read be into these provisions and promote the object of Constitutional guarantee.[113] In the present case the fundamental rights of the petitioners has been abrogated by illegal arrest and detention.[114] Arrest can cause incalculable harm to the reputation and self-esteem of a person.[115]In a case[116], it was said that personal liberty does not only contain liberty of the body, but also freedom from arrest and detention without the procedure of law. The similar view that liberty did not only mean bodily restraint was held in the case of *Kharak Singh*[117] , personal liberty also includes the intrusion into personal security. The arrest of the three ladies in this case was an intrusion into their personal security. This was again re-iterated in the Right to Privacy case.[118] Having made these humble submissions, by virtue of Art. 141[119], it is a known fact that judicial pronouncements are considered a law of the land. In the case of *A.K.Gopalan v. State of Madras*[120], the Supreme Court held that in Art.21, the expression "Procedure established by Law" meant the procedure as laid down in the law was enacted by the Legislature and nothing more. Thus, a person could be deprived of his right to life and personal liberty only by a procedure established by Law.[121] In the instant case, as the arrest was not as per the procedure prescribed in the CrPC and also the Constitution of Indica, it is thereby in contravention to Art.21. Thus, it is humbly submitted that the arrest has led to the infringement of the right to personal liberty of the civilians and should be declared as illegal.

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[110] Wolf v. Colorado, 338 U.S. 25 (1949, Supreme Court of United States of America).
[111] International Covenant on Civil and Political Rights, 1966.
[112] Supra 5.
[113] Vishakha v. State of Rajasthan (1997 (6) SCC 241.
[114] Dinkarrao S/o Rajarampant Pole v. The State of Maharashtra & Ors., 2003 SCC OnLine Bom 1142.
[115] Supra 95.
[116] Maneka Gandhi v. Union of India, AIR 1978 SC 597.
[117] Kharak Singh v. State of Uttar Pradesh, AIR1963 SC1295.
[118]Justice K.S. Puttaswamy and Ors v. Union of India and Ors, (2017) 10 SCC 1.
[119] Art.141, Constitution of India, 1950.
[120] A.K. Gopalan v. State of Madras, AIR 1950 SC 27.
[121] M.P. Jain, *Indian Constitutional Law*,1124,1125 (7th Ed., 2016).

PRAYER

Wherefore in light of the issues raised, arguments advanced and authorities cited, it is humbly prayed that the Hon'ble Supreme Court may be pleased to hold, adjudge and declare that;

1. The PILs filed by the petitioners are not maintainable and are frivolous in nature and they shall pay compensation for the same as decided by the court; and
2. The law providing for reservation to women in the Parliament and the Constitutional Amendment is intra-vires to the Constitution of India and therefore not violative of the concept of equality or arbitrariness; and
3. The law providing 33% reservation to women in Parliament and the Constitutional Amendment is intra-vires and therefore is not violative of the secular principles; and
4. The law that has been enacted under the influence of any foreign power is valid and cannot be struck down on grounds of communal disharmony; and
5. The Constitutional Amendment is non-violative of the basic structure of the Constitution of Indica; and
6. Mrs Fatima Ghansari, is not a whistle blower under the Whistle Blower's Protection Act 2014 and direct the concerned authority to take appropriate steps as per procedure established by law ; and
7. The arrest is illegal, having tarnished their reputation, the three arrestees are entitled to be compensated as this Hon'ble Court deems fit;

AND/OR

Pass any order that it deems fit in the interest of Justice, Equity and Good Conscience. And for this act of kindness, the Respondent as in duty bound, shall humbly pray.

Counsels for the Respondent