



## 1<sup>ST</sup> NLSIU-NHRC NATIONAL MOOT COURT COMPETITION

Organized by NHRC Chair at National Law School of India  
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### MOOT PROPOSITION

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#### In the Constitutional Court of Lau Constitutional Petition No. 1 of 2576

**Bala Madhu and Ors.**

**... Petitioners**

**Versus**

**State**

**... Respondent**

1. The Democratic Republic of Lau is a large and diverse country in the northern hemisphere of Planet Peruma. The citizens of Lau are keen students of other planets and other political systems. In the course of their study, they once chanced upon the Constitution of India, and grew very interested in it. As a social experiment, they decided to adopt the Indian Constitution, laws, and judicial doctrine, an experiment that continues to this day. As a result, except where stated otherwise, the laws and Constitution of Lau are *in pari materia* with those of India as of 18<sup>th</sup> October 2024, and the judgments of the Supreme Court of India are highly persuasive before the Constitutional Court of Lau.
2. A part of the reason why the Citizens of Lau were impressed by the Indian Constitution was that they too had had a lengthy freedom struggle against colonial rule, which was characterised by mass movements, demonstrations, and protest marches – all of which the colonial authority attempted to suppress, but without success. At the time of Independence, the Citizens of Lau were looking for models to hold the newly independent country together – a model that they believed that they had found in the Indian Constitution.

3. After Independence, however, the demonstrations and protests did not stop: led by prominent political parties, these movements demanded agrarian reform, “land to the tiller,” and egalitarian policies, which they labelled the “complete Independence movement.” The Government of Lau responded with a mixture of co-option and repression. These movements were also accompanied by more ethnically-based secessionist/independence movements, which were met purely by repression.
4. Due to the success of the Government of Lau in containing these movements, up to two years before the present day, things were relatively quiet, although as a famous poet of Lau wrote, this was but the “peace of the graveyard.” Nonetheless, over the years – and especially after the introduction of neoliberal financial policy – there has been a rise in inequality in Lau, and steadily increasing economic distress. This, in turn, has led to government borrowing, and a ballooning of public debt.
5. In the summer of 2576, the Parliament of Lau enacted the Finance Act 2576, which – supposedly on the recommendations of the Planetary Monetary Fund [“PMF”] introduced a slew of measures such as raising taxes on essential items (from bread to sanitary napkins), introducing a road maintenance levy that would increase the price of fuel, and a hiking of VAT on household items. The Finance Ministry claimed that this was essential in order to increase the tax-to-GDP ratio of Lau, a pre-condition for having a debt restructuring program financed by the PMF; however, rumours quickly circulated that the Ministry had “taken dictation” from the PMF in drafting the Act, and that this was but the first step in the PMF taking over the management of the economy, cutting welfare, and introducing fiscal austerity.
6. The passage of the Finance Act immediately sparked nationwide protests, across the length and breadth of Lau. There were huge rallies and speeches against the Finance Act, focusing, in particular, on price rises and how the measures would disproportionately hit the poor. The Government strenuously denied that any such thing would happen, and counter-protesters filled the streets in defence of the Finance Act.
7. On more than one occasion, protesters and counter-protesters clashed on the streets of Lau’s capital, and its major cities. During these clashes, numerous people were injured; on occasion, public vehicles were overturned and set ablaze; and certain buildings suffered serious damage.
8. After two weeks of protest, on 1 October 2576, the President of Lau gave a public speech where he noted that “while we respect the right to dissent and protest in a democracy, there is a line; and those found crossing that line will be dealt with by the heavy hand of the law.” Soon after, it was noticed that government drones were deployed to the sites of protests; it was commonly believed that these drones were being used to surveill protesters, with a view to initiating subsequent legal proceedings against them.
9. The President’s remarks led to a severe backlash. In response, a “National Day of Rage” was planned against the Finance Act, scheduled for 24<sup>th</sup> October. This was

spearheaded by a loosely federated, largely anonymous group called the Endnotes Collective, which coordinated preparations for the protest online and through social media.

10. On 5<sup>th</sup> October 2024, a user on the social media platform “Twattr”, called Bala\_Madhu\_7777, posted the following:

Hope everyone is getting ready for the National Day of Rage!!!! Remember, through the Finance Act, which has been dictated by the PMF, they will crash the economy and turn you into beggars in your own land!!! But PLEASE come prepared: WEAR A MASK to the protest! And it should cover your WHOLE FACE (just to protect against infections lololol)

11. The post went viral on Twattr, with various users helpfully chiming in to provide tips on how to make homemade masks; the “twat” was also covered on all mainstream media channels.

12. On 8<sup>th</sup> October, after two hours of debate, the National Assembly of Lau passed the Demonstrations (Regulation and Permission) Act of 2576. Section 8(1) of the Demonstrations Act stated:

*The use of any facial covering, by any person, that is likely to prevent identification, while the said person is in any unauthorised assembly of more than ten persons, is prohibited.*

13. The Act further defined “unauthorised assembly” as “any gathering of ten or more persons that has not been authorised by the competent authority.”

14. On 9<sup>th</sup> October, Bala\_Madhu\_7777 posted the following “twat”:

*Unconstitutionality is a function of hegemony and not consensus, and WE THE PEOPLE reject this so-called Demonstration Act. I will wear my mask on the 24<sup>th</sup>! Let’s decorate the town!*

15. Like the previous “twat”, this “twat” also went viral, was cross-posted to other social media forums, and discussed on prime time TV news the same evening.

16. On 13<sup>th</sup> October, after a one-hour debate, the National Assembly of Lau passed the Information Technology Rules of 2576. Rule 2(4) of these rules stated that:

*Social media intermediaries shall make all reasonable efforts not to host, or cause not to be hosted, information that is demonstrably false or is a threat to public order, as identified by a Fact Check Unit [FCU], to be constituted by the National Government.*

17. The next day, the Government of Lau constituted its Press Information Bureau as the “Fact Check Unit” under the IT Rules. The Fact Check Unit instantly flagged

Bala\_Madhu\_7777's "twat" of 5<sup>th</sup> October as "demonstrably false," and of 9<sup>th</sup> October as "a threat to public order." By the evening of 14<sup>th</sup> October, Twatrr had taken down both "twats."

18. On 16<sup>th</sup> of October, the President of Lau delivered another public address, where he stated:

*I have always said that I respect the right to protest and dissent, but the nation can survive without economic reform. Preserving our economic integrity in the global market is something we will not compromise at any cost.*

19. Later that day, the representative of the PMF in Lau issued the following statement:

*The PMF is closely following the developments around the Finance Act 2576, with concern. The Fund clarifies that it has not been involved in the drafting of the Act, which is the prerogative of the sovereign Parliament of Lau. The Fund deplors the violence and destruction of property that have taken place during the protests against the Act. The Fund reminds all parties that its offer of providing funds to the Government of Lau for the purposes of debt restructuring is contingent upon necessary economic reform, accomplished under the aegis of the Finance Act. Further problems in the implementation of the Act will compel the Fund to revisit the debt restructuring programme.*

20. On the 17<sup>th</sup> of October, Bala\_Madhu\_7777 – who was now being described on mainstream television channels as "the face of the movement" – took to Twatrr, and wrote:

*The "economy" is not a real thing. People are real. Let's bring Lau to a standstill on the Day of Rage, and permanently drive the PMF out of our country. They can take their poverty restructuring program somewhere else – let's show them they are not welcome here. Down with the Fund! xxx.*

21. As with the previous two "twats", the "twat" of 17<sup>th</sup> October achieved very wide circulation; the next day, the media reported that it had interviewed many individuals planning to attend the National Day of Rage, who said that they intended to print out parts of the "twat" and carry placards with its text on their march.

22. On the 18<sup>th</sup> of October, the Director-General of Police issued a statement that Bala\_Madhu\_7777 was under investigation for her "twat" of 17<sup>th</sup> October, for potential offences under Section 152 of the Lau Criminal Code, which is *in pari materia* with Section 152 of the Bharatiya Nyaya Sanhita, with one significant addition (underlined):

*152. Whoever, purposely or knowingly, by words, either spoken or written, or by signs, or by visible representation, or by electronic communication or by use of financial mean, or otherwise, excites or attempts to excite, secession or*

*armed rebellion or subversive activities, or encourages feelings of separatist activities or endangers sovereignty or unity and integrity of Lau; or otherwise seeks to undermine the economic stability of Lau, including its global creditworthiness; or indulges in or commits any such act shall be punished with imprisonment for life or with imprisonment which may extend to seven years, and shall also be liable to fine.*

*Explanation.—Comments expressing disapprobation of the measures, or administrative or other action of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite the activities referred to in this section do not constitute an offence under this section.*

23. On being flagged by the FCU, Twatrr also took down the “twat.”
24. On the 24<sup>th</sup> of October, protests and demonstrations took place across the country. It was common consensus that, apart from a few stray incidents, the protests passed peacefully. However, it was noticed that a number of individuals had come to the protest wearing masks, in contravention of the Demonstration Law. The police made arrests across the country.
25. One of those arrested was Bala Madhu, the owner of the Twatrr handle Bala\_Madhu\_7777. While most of the protesters were released by the end of the day, the police issued a statement that they would initiate criminal prosecution against “certain incorrigible characters and ringleaders.” One of those whom against prosecution was initiated was Bala Madhu. The police subsequently announced that they were initiating proceedings both under Section 152 of the Lau Criminal Code, and Section 8(1) of the Demonstration Act.
26. Bala Madhu initiated legal proceedings before the Constitutional Court of Lau, seeking direct access to the Court. Bala Madhu argued that:
  - A. Section 152 of the Lau Criminal Code is unconstitutional for violating Article 19(1)(a) of the Constitution.
    - a. In the alternative, even if Section 152 of the MCC is constitutional, the prosecution of Bala Madhu is manifestly beyond the bounds of the Act, and deserves to be quashed.
  - B. Section 8(1) of the Demonstration Act is unconstitutional for violating Article 19(1)(a) of the Constitution.
  - C. Rule 2(4) of the IT Rules is unconstitutional for violating Article 19(1)(a) of the Constitution, and for being *ultra vires* the Information Technology Act (*in pari materia* with the Indian Information Technology Act).
27. The Constitutional Court granted direct access, and set the case down for hearing on 04 January of the next year.