

GOVERNMENT LAW COLLEGE, THRISSUR

JUSTICE T RAMACHANDRAN MEMORIAL
EVER ROLLING TROPHY

XIVth ALL INDIA MOOT
COURT COMPETITION 2025 - 2026

PROPOSITION

30th & 31st January 2026



Moot Proposition

State of Karmasthan and another v. Union of India and Others

Karmasthan is a State in the Indian Union. The population of the State is 4,12,37,006. Hindi is the mother tongue of 80% of the population. In the State, there are 6,57,467 government servants. There are 161 Legislative Assembly Constituencies in the State. Since 1957 statutory rationing is existing in the State. The ration card, issued by the Department of Civil Supplies of the Government of Karmasthan, has been treated as authoritative document for proving the identity of the family and individual family members for the purpose of registration of documents. For local governance, the State has three-tier system consisting of rural and urban units. There are 1041 Gram Panchayats, 182 Block Panchayats and 21 District Panchayats for rural areas. There are 97 Municipalities and 8 Municipal Corporations for urban areas. These bodies are responsible for local planning, development and administration. The laws governing local bodies in Karmasthan are primarily the *Karmasthan Panchayat Raj Act, 1994* (Act 18 of 1994) for rural areas and the *Karmasthan Municipality Act, 1994* (Act 19 of 1994) for urban areas, which were enacted following the constitutional amendments to decentralize the power.

Karmasthan State Election Commission is an autonomous and constitutional body constituted for ensuring that the local body elections are conducted in a free, fair and unbiased way. The Commission is constituted as per Articles 243K and 243ZA of the Constitution. The State Election Commission is responsible for conducting elections for urban local bodies like Municipalities and Municipal Corporations, as well as rural local bodies like Panchayats (which include Gram Panchayats, Block Panchayats, and District Panchayats). The officers in charge of the conduct of local body elections consists of Returning Officers, Assistant Returning Officers, Presiding Officers, Polling Officers, Police Officers and other officers.

The Karmasthan Panchayat Raj Act, 1994 (Act 18 of 1994) contains following provisions ;

Section 58A. Returning Officer, Presiding Officer etc. be deemed to be on deputation to the Election Commission- *The Returning Officer, the Assistant Returning Officer, the Presiding Officer, the Polling Officer, any other Officer and any Police Officer designated for the time being to conduct a general election or by-election under the provisions of this Act shall be deemed to be on deputation to the State Election Commission for the period from the date of the notification for such election to the date of declaration of the result of such election and accordingly, such officers shall be subject to the control, supervision and command of the State Election Commission during that period.*

Section 141. Staff of every Local Self Government Institution to be made available-

Every Department of the Government and every Local Self Government institution or other authorities and every educational institution including an aided school or private affiliated college in the State shall when so requested by the State Election Commission or the District Election Officer make available –

(a) to the Electoral Registration Officer, such staff as may be necessary for the performance of any duties in connection with the preparation and revision of electoral roll; or

(b) to any Returning Officer such staff as may be necessary for the performance of any duties in connection with an election.

Section 142. List of officers and staff of the Government Departments, Local Self Government Institutions or other authorities and educational institutions to be furnished.–

(1) Every head of office or department and Headmasters of aided schools and Principals of private affiliated colleges including every head of educational institutions of the Government and every Local Self Government Institution or other authority shall, on requisition by the State Election Commission or an officer authorized by him furnish to him a list of officers and staff of such office or educational institution within such time as may be specified in the requisition, for performing any duty in connection with an election to a Panchayat.

Explanation. – For the purpose of this section and section 141, 'other authority' means any authority by whatever name called, constituted by the Government under any law or established by or under any State enactment for the time being in force.

(2) If any person to whom a requisition under sub-section (1) is made by the State Election Commission or an officer authorized by it fails to furnish the list of officers and staff within such time as may be specified in such requisition, he shall be punishable with fine which may extend to five hundred rupees.

Section 143. Breaches of official duty in connection with elections. –

(1) If any person to whom this section applies, is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the District Election Officers, Returning Officers, Assistant Returning Officers, Presiding Officers, Polling Officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election.

Explanation. – The expression 'official duty' shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

The Karmasthan Municipality Act, 1994 (Act 19 of 1994) also contains identical provisions. The last election to local bodies in Karmasthan was held on 02-03-2021. In that election 5,67,345 persons were deployed for various election duties. For conducting 2026 election, the revision of electoral roll and delimitation of ward boundaries of Panchayats and Municipalities, were completed by the second week of November 2025. The identification of wards and positions to be reserved for scheduled castes, scheduled tribes and women is expected to be completed by 15-01- 2026.

In the last week of October 2025, the Election Commission of India announced its Special Intensive Revision (SIR) of electoral rolls in Karmasthan, along with some other States. Most of the major political parties, in Karmasthan expressed concerns over the timing of the Special Intensive Revision (SIR) of the electoral roll in Karmasthan, through media statements.

The parties pointed out that it coincides with preparations for the upcoming local body elections and may affect both processes. Party spoke persons highlighted that Booth-Level Officers (BLOs) lack adequate training and coordination with Booth-Level Agents (BLAs), resulting in confusion among voters during the enumeration process. They also alleged that BLOs may be unable to clarify the doubts raised by the public. Many parties also drew attention to the confusion surrounding registration and the inclusion of overseas voters. According to ruling Karmasthan Socialist Party the timing of the SIR is “impractical” since the local body elections must be conducted within the year. The Leader of Opposition in the Karmasthan Legislative Assembly said “Political parties are already preoccupied with election preparations, and BLOs will find it difficult to handle both election-related and revision duties effectively”. Karmasthan Demoractic Party representative pointed out that “BLOs face a shortage of training” and suggested that each district should have at least one officer trained specifically to guide and support them. Karmasthan Secular Party demanded that “Enumeration forms be made available in three languages of linguistic minorities to assist voters in border regions”.

On 02-11-2025, a meeting of all the political parties was convened by the Chief Minister to discuss Special Intensive Revision (SIR) of electoral rolls of the Election Commission of India. In the meeting almost all parties objected Special Intensive Revision (SIR).

On 03-11-2025 the Chief Electoral Officer of the State issued the following Order;

“ABSTRACT

Special Intensive Revision (SIR) of electoral rolls – 2026 – Grant of duty off to Booth Level Officers during the Enumeration Phase from 14th November to 14th December 2025 – Orders issued – Reg.

ELECTION (GENERAL) DEPARTMENT

G.O.(Rt)No.588/2025/ELEC Dharampur Dated, , 03-11-2025

Read

1. Election Commission of India's Order No. 23/2025- ERS dated 27th October 2025.
2. Section 13B(2) of The Representation of the People Act, 1950.
3. Article 324 of the Constitution of India.

ORDER

As per the directions contained in the Order No. 23/2025- ERS dated 27th October 2025, the Election Commission of India has announced the conduct of the Special Intensive Revision (SIR) of electoral rolls, 2026 in the State of Karmasthan. The Commission has further directed the Chief Secretary to ensure that all required administrative support and assistance are provided to the officials engaged in the implementation of SIR as mandated under Article 324 of the Constitution of India.

The Booth Level Officers (BLOs) have been appointed under Section 13B(2) of the Representation of the People Act, 1950, and are on deputation to the Election Commission of India. During the period of their deputation, BLOs function under the superintendence, direction and control of the Election Commission of India. The Enumeration Phase of the Special Intensive Revision will be conducted from 14th November to 14th December 2025, during which BLOs are required to undertake house-to-house verification and collection of data to ensure the accuracy and integrity of the electoral rolls.

This is a high-priority national activity requiring complete and undivided attention from every BLO to ensure the fidelity and inclusiveness of the electoral roll. Any diversion of the BLOs to other departmental duties during this crucial period would adversely affect the quality and accuracy of the electoral roll, which is the foundational document for the conduct of free and fair elections. It is therefore imperative that BLOs are relieved of all other official responsibilities during this period to enable them to focus entirely on the SIR-related work.

The Special Intensive Revision is a time-bound and critical exercise forming the foundation for future electoral processes. Ensuring an error-free and inclusive electoral roll requires sustained and continuous field work by BLOs. Fragmentation of their time or diversion to other duties would compromise the credibility and completeness of the electoral roll. Hence, granting duty off on all days during the Enumeration Phase, and not on selective days alone, is essential to maintain the integrity of this exercise.

In view of the above and in exercise of the powers vested in the undersigned as the Chief Electoral Officer, Karmasthan, it is hereby ordered that:

All Booth Level Officers (BLOs) in the State of Karmasthan shall be treated as being on full-time duty with the Election Commission of India for the purpose of conducting the Enumeration Phase of the Special Intensive Revision (SIR) from 14th November 2025 to 14th December 2025 (both days inclusive).

During this period, the BLOs shall be granted duty off from all other regular departmental duties and shall exclusively attend to SIR-related activities as per the instructions issued by the Election Commission of India and the Chief Electoral Officer, Karmasthan.

All District Election Officers (DEOs) and Electoral Registration Officers (EROs) shall ensure strict compliance with this order and issue necessary directions to the Heads of Offices where BLOs are employed, so that they are relieved of other assignments during the said period.

The concerned Heads of Departments and Offices shall extend full cooperation and ensure that the BLOs are not assigned any other duty during the said 31 days, except those directly related to the Special Intensive Revision of Electoral Rolls.

Orders regarding the grant of duty off to BLOs during the subsequent phases of the Special Intensive Revision, including the Claims and Objections and Final Publication phases scheduled between 5th December 2025 and 9th February 2026, will be issued in due course.

(By order of the Governor)
DR SHAMBU DUTTA IAS
CHIEF ELECTORAL OFFICER"

On 17-11-2025 State Government filed a petition under Article 131 of the Constitution challenging Election Commission of India's decision on Special Intensive Revision (SIR) of Electoral Rolls – 2026 in the State of Karmasthan on the ground of violation of the mandate of the Constitution under Articles 243 E , 243 U and 325 of the Constitution.

On 24-11-2025 a public spirited citizen Rithan Dalog filed another petition under Article 32 of the Constitution challenging SIR on the ground of violation of fundamental rights. On behalf of Union of India and Election Commission of India, the contentions in both the petitions are refused and the maintainability of both the petitions are challenged. The Court decided to hear both the petitions together.