

MOOT PROPOSITION

1. Tarunachal Pradesh is one of the twenty-nine States of the Republic of Indiana; it is located in north eastern part of the Republic. The Political sphere of the State is controlled by three parties namely; Tarunachal Democratic Party (hereinafter referred to as TDP), Tarunachal Republic Party (hereinafter referred to as TRP) and Tarunachal Peoples Party (hereinafter referred to as TPP).
2. TDP and TRP have been recognized as the national parties by the Election Commission of Indiana. The Tarunachal Pradesh Legislative Assembly is a unicameral State Legislature. The Legislative Assembly of Tarunachal Pradesh is at Vindhyanagar, the capital of the State. The Legislative Assembly comprises of sixty Members, directly elected from single-seat constituencies.
3. In the year 2011, the election to the 10th Legislative Assembly of the State was conducted. The state election commission declared the results as follows:-TDP-42 seats, TRP-11 seats, TPP-5 seats, Others-2 seats. The Governor of Tarunachal Pradesh invited TDP to form the Government as it won the largest number of seats in the Assembly elections. The TDP thereupon formed the Government headed by Shri. Rai Prasad as the Chief Minister.
4. The State of Tarunachal Pradesh prospered well under the leadership of Chief Minister Shri. Rai Prasad, for instance, Hon'ble Union Minister of Agriculture laid down the founding stone of permanent campus of first ever college of agriculture. Also, Tarunachal Pradesh pavilion was adjudged best pavilion in the 33rd Indiana International Trade Fair (HITF)-2013, Nevai and was awarded gold medal to quote a few.
5. However the things started turning bad when Sri. Rai Prasad, the Hon'ble Chief Minister started to shuffle the cabinet more than often. The repeated shuffling of the cabinet led to dissents within the ruling party. In December 2014, Rai Prasad dropped veteran Minister Prem Chand from the Cabinet. But his mounting problems coincided with the Centre appointing former Purva Pradesh's Chief secretary J P Pandey as Governor on June 1, 2015. On October 6, 2015, two young rebels TDP MLAs Deep Kapoor and Raj Sharma resigned from the Assembly, but later alleged that their resignation letters were obtained by duress and that they had been forced to sign it during a dinner at the CM's residence. Two days later, Rai Prasad dropped four senior ministers. Two weeks later, another minister, Radhakrishnan, resigned after accusing Rai Prasad of being "inefficient". By then, Rai Prasad had already developed a strained relationship with Governor J P Pandey and almost half his MLAs were against him.
6. On 9th December, 2015 a group of rebel TDP MLAs approached the Governor J P Pandey seeking the impeachment of Mr N. Yadav, the speaker of the legislative assembly. The rebel MLAs were upset with Mr. Yadav, who was a cousin of Chief Minister Rai Prasad and was seen as key member of his camp. The rebel MLAs also reportedly said that the speaker was trying to get them disqualified from the Assembly. Though the Assembly was not in session, the Governor agreed that it was an urgent matter. The Governor by a notification dated 9th December, 2015, called for an emergency session of the Assembly on 16th December, 2015, to take up the impeachment motion even though the Assembly was originally slated to convene on 14th January, 2016.

7. On 16th December 2015 a Special Session was called upon by the Governor for the impeachment of the Speaker. The Session was held in a community hall as the Government (excluding rebels, TRP members and independent candidates) and the Speaker prevented the Session from being held in the Assembly. This session was presided over by the Deputy Speaker Mr. V.K. Punia who was believed to be on the anti-CM side. The Session was attended by 20 MLAs of TDP, 11 MLAs TRP and 2 independent MLAs. The rebels i.e. 20 with 13 others passed the impeachment motion. The Special Session also made a no-confidence motion against the C.M. Rai Prasad.
8. At the end of the Special Session, C.M. was defeated in a floor test and the “House” elected Prem Chand as the new leader of the House. The Speaker Mr. N. Yadav in reciprocation issued an order disqualifying 14 rebel TDP MLAs. On 17th December, 2015, the Speaker moved to the High Court of Tarunachal Pradesh under Article 226 challenging the constitutional validity of the notification issued by the Governor on 9th December, 2015 and also the ousting of the C.M. and election of a dissident MLA as his successor. Another writ petition was filed by one of the MLA Dinesh Singh and others to set aside the order of the Speaker disqualifying the membership of 14 MLA.
9. Hon’ble High Court, while coming down heavily on the Governor’s December 9 notification advancing the winter Session of the State Assembly by a month despite protests from the government, said prima facie it appeared to be in violation of Articles 174 and 175 of the Constitution dealing with convening of the Session by the Governor and his message to the House. Issuing notice, Hon’ble Justice, kept in abeyance the impugned decisions, including the notification issued by the Deputy Speaker and the holding of the “Session” at a new place and the decision taken at the “Session” to “remove” the Speaker. The Court, hearing the writ petition of MLA, set aside the order of Speaker in which he had disqualified the membership of 14 MLAs.
10. The Speaker thereafter moved Supreme Court alleging that he had filed an interim application on the judicial side by seeking recusal of Justice A.B. Sharma from hearing his plea in the High Court. He alleged that the Acting Chief Justice, “has erroneously rejected the Petitioner’s recusal application” which should have been decided by Justice A.B. Sharma whose recusal was sought. The Speaker asked in his plea “Whether the Acting Chief Justice of Tarunachal Pradesh High Court committed an error by taking unto himself the Recusal Application, which ought to have been listed for hearing before Justice A.B. Sharma.”
11. Having been aggrieved by the orders of High Court of Tarunachal Pradesh all the parties to the litigation approached the Supreme Court. The Supreme Court thereafter referred to a Constitution Bench. Given the fact that the matters involved constitutional provisions on the rights of the governor, the speaker and the deputy speaker and hence needed to be decided by a larger bench.
12. While the matter as aforesaid was sub judice in the Supreme Court the Governor sent a report to the Union Cabinet seeking the imposition of the President’s Rule on account of political instability in the State. The TDP, however, moved to the Supreme Court

