

# LJ SCHOOL OF LAW



## **SECOND NATIONAL MOOT COURT COMPETITION**

**WHERE EXCELLENCE TENDS BEYOND BOUNDARIES**

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**TO BE HELD  
ON  
19 | 20 | 21<sup>ST</sup> JANUARY 2018**

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# ABOUT LOK JAGRUTI KENDRA

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Lok Jagruti Kendra (LJK) is a charitable trust and registered society founded in 1980 by eminent academicians, professionals and distinguished personalities drawn from across the society.

LJ stands for 'Lok'(i.e. people) and 'Jagruti (i.e. awareness) and the vision of the Trust has been to become a key player in the field of education and social development by promoting and nurturing creativity, scholarship, innovations and excellence through a chain of quality institutes.

## ABOUT LJ SCHOOL OF LAW

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### MISSION

To develop dynamic legal professionals equipped with conceptual clarity, professional skills, self-confidence, ethical concern and globalized perspective of legal education through innovative systems and processes.

### VISSION

LJ School of Law will be a key player in legal education and professional development promoting creativity, innovation and professional excellence.

The Lok Jagruti Kendra's idea behind starting the school of Law is not just to produce degree holders in law but to produce Lawyers who would practice in courts of law. In view of globalized scenario, the institute's thrust areas would be cybercrime, forensic law, legal communications, skill acquisitions in interpreting and applying laws, Public law including public interest litigations besides full-time faculty, the institute has plans for large scale involvement of eminent lawyers practicing in local courts, High Courts and Supreme Court. The institute also proposes to introduce a pedagogical innovation -"Lawyer on wheels"- under which the students will go to interior villages for creating legal awareness as well for providing legal help to the socially and economically backward classes. The institute will provide a unique learning experience to the students.

# MESSAGE FROM THE DIRECTOR

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Our approach to National Moot Court Programme is to select topics of current social relevance. The idea behind this is to create an atmosphere to show that difficult, controversial and emotional social problems and legal problems can be discussed reasonably rationally and dispassionately in a Court room and even outside. As Court is a dialogue-engaging institution where two parties through their lawyers can argue the legal and social problems calmly, rationally and without passion. Last year we accordingly organized National Moot Court in January 27-29th of 2017. The Moot Problem was Freedom of religion vis-a- vis Conversion. 49 law Colleges/ Institution from 18 States participated in the Competition. It was a Grand Success for all batch. Then students showed their deep understanding of law and art of advocacy and impressed our judges- Senior Advocates and Retired Judges of the Supreme Court and High Courts. The students were completely satisfied with its entire arrangements during their stay for 4 days.

We emphasize upon 3 things- Philosophy of Law, Legal Techniques and Legal Reasoning and awareness of the Socio-economic problems of the country and the world. To this end, we have developed a program of regular problem oriented lectures by our academic staff and by other experts, regular weekly group discussion on socially relevant subjects, seminars and workshops and Moot courts for our students. As a part of this program, we decided to host and organize the National Moot Court competition. Moot court is an integral part of the legal education through which the students learn the art of lawyering from the very beginning so that the students learn from day 1 to understand the problem, to find out the relevant law, to draft the pleadings, to argue before the court persuasively and assist the court in doing justice. We need lawyers “Not only with great minds but with great hearts”; our humble effort is to teach our students how to use law as an instrument of social engineering in order to protect and promote the basic values, ideals and principles of our Constitution. We are organizing the Second National Moot Court on 19th – 21st of January, 2018.

We cordially invite you to participate in our Second National Moot Court Competition.

BEST WISHES!

**Senior Adv. Girish Patel,**  
*LLM (Harvard Uni.) LLB*  
Hon. Executive Director, LJSL

# ABOUT 1st LJ SCHOOL OF LAW NATIONAL MOOT COURT COMPETITION, 2017

The 1st LJ SCHOOL OF LAW National Moot Court Competition, 2017 was our first initiative at organizing a National level Moot Court Competition and it turned out to be very Successful and encouraging, for which we thank the Forty Eight participating teams for their enthusiasm and participation.

The Competition's objective was to nurture academic excellence amongst the students, and it was to our pleasure and honor to have a five- panel bench for judging the final round of the competition, and 43 renowned Sr. Advocates and Advocates from the Gujarat High Court to judge the other three rounds. The competition was weaved with one moot problem for all the preliminary round, quarter round, semi-finals and grand finals and the teams were of great motivation to us in our decision to organize this moot competition.



# OFFICIAL RULES FOR THE COMPETITION

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## 1) COMPETITION FORMAT:

The structure of this competition shall be as follows:

- Preliminary Round
- Quarter Finals
- Semi Finals
- Grand Finals

## 2) ELIGIBILITY:

Students of three-years and five- years integrated law degree courses from any University/ Law School/ College/ Department are eligible to participate. Apply for registration of their team. However, maximum of one team is allowed to participate from any one University/ Law Schools/ College/ Department.

## 3) REGISTRATION:

Registration Charges: Rs. 2000/- per team without accommodation. Rs. 4500/- per team with accommodation, and Rs. 9000/- per team for A.C. accommodations.

## 4) PARTICIPATION AND REGISTRATION PROCESS:

- The LJ School of Law, Ahmedabad organizes SECOND NATIONAL MOOT COURT COMPETITION which will be held on 19<sup>th</sup>, 20<sup>th</sup> & 21<sup>st</sup> of January 2018. The last date of registration is 10<sup>th</sup> November 2017
- The teams are requested to send their scanned copy of the registration form along with Demand Draft before 10<sup>th</sup> November 2017
- The Demand Draft shall be in favor of 'L J School of Law'
- The last date of registration of hard copy of registration forms along with original Demand Draft 20<sup>th</sup> November 2017

## 5) TEAM COMPOSITION:

- Each team shall constitute only three members, comprising of two speakers and one researcher.
- Any alteration of the names of the teams members shall be informed in writing to that effect, addressed to the Faculty Convener, LJ School of Law, Ahmedabad by the Vice Chancellor/ Dean/ Director/ Head of the Department of the University/ School/ Department/ College of Law, of the team requesting such alteration. However any such alteration shall be permitted only once.
- Once the competition commences, the team Composition cannot be altered under any circumstances whatsoever. Inability of any team member to participate in accordance with the rules of this Competition shall lead to immediate disqualification of the team from the Competition.

## 6) MEMORIALS:

- All the memorials submitted for all the purposes of the Competition shall strictly adhere to the rules as stated below:
- Teams have to prepare memorials for both the sides, i.e., "PETITIONER" and "RESPONDENT".
- Teams are requested to send TWELVE(12) printed copies of each (Petitioner and Respondent) of memorials by 5<sup>th</sup> Jan 2018, address to:

**Prof. Ripal Gupta**  
Moot Society Coordinator  
LJ School of Law, LJ Campus  
Opp. To Kataria Motors, Near Andaz Party plot  
Sanand Sarkhej Circle  
S.G. Highway, Ahmedabad – 382210  
Contact No.: +91 92280 10066

The cover page of the memorial sent, for both the soft and printed copies, shall clearly mention the word "P" for memorial on behalf of Petitioner, and the word "R" for memorials on behalf of Respondent side, followed by the team code for both the instances, such being clearly inscribed on the top right hand corner of the cover page of the memorial for the Petitioner and Respondent. For example if the team has been assigned a code of 27, the memorials sent by such team shall have "P27" and "R27" clearly marked on the top right hand corner of the cover page of the respective memorials. The teams should not disclose the identity of their institution anywhere on their memorial. Violation of this rule will result in immediate disqualification.

**The memorials have to be submitted on A4 size paper and must contain the following sections in order stated below:**

- COVER PAGE
- TABLE OF CONTENTS
- INDEX OF AUTHORITIES
- STATEMENT OF JURISDICTION
- STATEMENT OF FACTS
- STATEMENTS OF ISSUES
- SUMMARY OF ARGUMENTS
- ARGUMENTS ADVANCED
- PRAYER.

The memorials must be printed in Times New Roman font with 12 font size and with 1.5 line spacing. The footnoting must be in Times New Roman font with 10 font size and with 1.0 line spacing. The memorial should have margin measuring one inch on all sides of each page. To conserve paper, teams may print their memorials on both sides of the A4 sheet and submit accordingly.

- The Arguments, Advanced section should not exceed 20 pages.
- The memorials as a whole should not exceed 35 pages including the cover page
- The numbering should be on the bottom-centre of each page.
- The cover page of the Petitioner's memorial shall be printed on A4 size paper of Blue color, and the cover page of Respondent's memorial shall be printed on A4 size paper of Red color.
- The teams have to be strictly adhere to the citation method in the 19th edition of the Harvard Blue Book for citation throughout the memorial.
- There shall be no speaking footnotes in the memorials.

**The maximum scores for the memorials shall be 100 marks. The memorials shall be evaluated on the following criteria:**

KNOWLEDGE OF LAW AND FACTS	30 MARKS
PROPER & ARTICULATE ANALYSIS	30 MARKS
EXTENT & USE OF RESEARCH	20 MARKS
CLARITY & ORGANISATION	10 MARKS
GRAMMAR STYLE	10 MARKS

- Teams should send Soft copy of their memorials in pdf. form only, by e-mail at [ljslmcc@ljinstitutes.edu.in](mailto:ljslmcc@ljinstitutes.edu.in).
- Teams are requested to send the hard copies of their memorials by 5<sup>th</sup> Jan. 2018
- Confirmation of registration, participating together with allotment of teams code will be given by 25<sup>th</sup> Nov. 2017

## 7) PRELIMINARY ROUND

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- To determine the order of participating in the preliminary round of the event, all the registered and present teams shall participate in draw of lots to be conducted for that purpose. Such draw of lots shall take place on the 19<sup>th</sup> of January, 2018 immediately after the inaugural function. The exchange of memorials and orientation of the teams shall be conducted with draw of lots.
- For the preliminary rounds, every team shall argue twice: once for Petitioner and once for Respondent (Prelims-1 and Prelims-2).
- No two teams shall face each other more than once in Preliminary Rounds.
- In determining the scores in the Preliminary Rounds, memorial scores will be added to the oral scores.

## 8) QUARTER-FINALS, SEMI-FINALS AND FINALS

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- The top eight teams of the preliminary round shall qualify for the Quarter- final Rounds.
- From the Semi- final Rounds, winning teams from each round shall proceed to the subsequent stages of the Competition on a Knock- out basis, with the memorial scores of the teams taken into consideration at all stages, as per the formula stated below:
- **Quarter-Finals= Preliminary Round Oral scores + Memorial scores.**
- **Semi-Finals = Quarter Finals Round Oral scores + Memorial scores.**
- **Grand-Finals= Semi-Finals Oral scores + Memorial scores.**
- In case of tie between two teams in any rounds, memorial scores will be taken into consideration to break the tie. In case the tie still subsists, the oral score of the best speaker of each team will be considered to break the tie. If the tie continues, the oral score of the other speaker of the team will be considered to break the tie. In case of further subsists of the tie, the result will be declared by draw of lots.

## 9) RESULT

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- The results shall be announced immediately after each round.
- The results of the Final Round shall be announced at the Valedictory Session and the Award Ceremony on 21<sup>st</sup> January 2018.

# 10) ORAL ROUNDS

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- Each team will get a total 60 minutes during the Preliminary rounds (30 minutes for Prelims 1 and 30 minutes for Prelims 2) to present their case. For the Quarter final rounds, each team will be permitted a total time of 45 minutes, while in the Semi-final and Grand final rounds, each team will be permitted a total 60 minutes. The time stated above includes the time required for rebuttal and sur- rebuttal.
- Any team exceeding the time limit stated above shall be penalized with a deduction of one mark for every two minutes or part thereof exceeded by intimating only ONCE on time competition.
- The oral arguments should be confined to the issues presented in the memorial.
- The researcher shall be present with the speakers during the oral rounds.
- Passing of notes to the speaker by researcher is allowed.

**Maximum scores for the oral rounds shall be 100 points per speaker, & which shall be judged on the following criteria:-**

KNOWLEDGE OF LAW	20 MARKS
APPLICATION OF LAW FACTS	20 MARKS
INGENUITY & ABILITY TO ANSWER	20 MARKS
STYLE, POISE, COURTESY & DEMEANOR	20 MARKS
TIME MANAGEMENT	10 MARKS
ORGANIZATION	10 MARKS

# 11) SCOUTING

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For the Preliminary rounds, apart from the participant teams for such round, the members of the other teams are not allowed to observe such round. Scouting is strictly prohibited and scouting by any team shall entail instant disqualification.

## 12) AWARDS

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- **First Prize:** The winning team will receive a trophy and a prize worth Rs. 1,00,000/- (Rupees One lac). Individual trophies will be given to the members of the winning team.
- **Second Prize:** The first runner-up team will receive a trophy and a prize worth Rs. 50,000/- (Rupees Fifty Thousand). Individual trophies will be given to the members of the first Runner Up- team.
- **Second Runners up Team Award:** The Second runners up team will receive a prize worth Rs. 25,000/- (Rupees Twenty Five Thousand).
- **Best Student Advocate / Counsel-** The Best Student Advocate/Counsel will receive a trophy and a prize of worth Rs10,000/- (Rupees Ten Thousand).
- **Best Memorial:** The team submitting the best Memorial will receive a trophy and a prize worth Rs. 10,000/- (Rupees Ten Thousand).

## 13) ANONYMITY

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The student counsels shall not state their names during the oral rounds and must use the assigned team code for all correspondence. All the team members must refrain from disclosing the identity of their institutions at any time and in any manner during the entire competition. Non- Compliance with this rule will result in immediate disqualification of the team.

## 14) FINAL DECISIONS

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The decisions of the judges with the regard to the outcome of the rounds shall be final. For the purposes and in any dispute, the decision of the Chairman of the Organizing Committee of the Competition shall be final and binding.

## 15) ACCOMMODATION, FOOD AND TRANSPORT

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Accommodation, Food and Transport for the participating teams from the Hotel to the Venue will be provided by the Organizer. Any change in the travel plan should be immediately intimated to the organizers. Accommodation shall be provided from 18<sup>th</sup> January, 2018, 12.00 P.M. to 21<sup>st</sup> January 2018, 12.00 P.M. Teams will have to make their own arrangements if they arrive before the mentioned period or stay beyond it. No arrangement shall be provided to any additional team member of the team apart from the registered members.

# Time Line of the Competition

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Sr No	Particulars/Event	Dates
1	Last date of registration (along with scanned copy of DD)	10 <sup>th</sup> Nov 2017
2	Last Date of registration (hard copy along with original DD)	20 <sup>th</sup> Nov 2017
3	Confirmation of registration/ participation	25 <sup>th</sup> Nov 2017
4	Memorial Submission (Soft Copy)	31 <sup>st</sup> Dec 2017
5	Memorial Submission (Hard Copy-for competition) & Travel Plan (Hard Copy of Annexure B)	5 <sup>th</sup> Jan 2018
6	Registration and Breakfast (8:00 am to 8:45 am)	19 <sup>th</sup> Jan 2018
7	Inaugural Ceremony (9:00 am to 10:30 am)	19 <sup>th</sup> Jan 2018
8	Photo session/draw of lots/exchange of Memorials (10:30 am to 11:30 am)	19 <sup>th</sup> Jan 2018
9	Preliminary round 1 (1:00 pm to 3:00 pm)	19 <sup>th</sup> Jan 2018
10	Preliminary round 2 (4:00 pm to 6:00 pm)	19 <sup>th</sup> Jan 2018
11	Quarter Final Rounds (10:30 am to 12:00 pm)	20 <sup>th</sup> Jan 2018
12	Semifinal Rounds (2:00 pm to 4:00 pm)	20 <sup>th</sup> Jan 2018
13	Final Round (10:00 am to 12:30 am)	21 <sup>st</sup> Jan 2018
14	Prize Distribution/ Valedictory Function (1:00 pm to 2:00 pm)	21 <sup>st</sup> Jan 2018

# MOOT PROBLEM

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The state of Navapura is one of the recently added state in the Union of India. It is governed by the Constitution of India as it stands today.

The state of Navapura consists of 10 towns and 1000 villages. The population of the state includes people of different communities such as Hindus, Muslims, and Christians, Schedule Castes, and Schedule Tribes and other backward classes, widely dispersed in the State. There are also different layers of economic status.

The State has its all legislature comprising of single house. The State has adopted the GUJARAT PANCHAYAT ACT 1993 and its Rules. The State has also constituted Panchati Raj institutions. Regular elections are held according to the Act, and various political parties used to participate in the election.

For various reasons known only to the state government, a G.R. dated 01/01/2016 was issued introducing a "SAMRAS" scheme for elections to the village panchayat. Under the Scheme, the government would give the amount of 5 lacs or 10 lacs to a village where elections are not held and panchayat is constituted by consensus. If elections are not held next year, the amount to be given by the government would be doubled, Moreover priority would also be given to this village in the State's development projects. A true copy of said the resolution is annexed here with and marked as annexure A.

In the election held in August 2016, about 200 villages adopted the Samars Scheme and members of panchayat were chosen by consensus. In other villages elections were held.

From many villages many complains were received by the State Election Commission, that many members of weaker sections of the society were not allowed to contest election under pressure of different kinds for so the benefits of the villages. The State Election Commission did not inquire and take any action.

Similarly, one human rights organization working among the villages also came across some instances of pressures from dominal classes. It also approached the State Election Commission for appropriate action. A true copy of one such representation is annexure with and marked as annexure B.

Three persons – members of Schedule Castes and Schedule Tribes and one woman who were not allowed to contest under pressure and the human right organization challenged the constitutionality and legality of the G.R. of 01/01/2016 in High Court of Navapura.

The state of Navapura also adopted the latest amendment of the Gujarat Panchayat Act 1993 providing for the compulsory voting in its panchayat's elections.

The voluntary organization also challenged the constitutional validity of the provisions of compulsory voting. Argue on both the sides.

# ANNEXURE A

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Regarding increase in the amount of incentive grants of Samras Gram yojna of giving incentive grants to Gram panchayats where elections are held by consensus.

**Government of Navapura,  
Department of Panchayat,  
Rural Housing and Rural Development.**

GR No. – 1091-85-  
Sachivalaya, Navapura.

01/01/2016.

**Resolution:**

The 3 tier Panchayati Raj has been in operation in the State of Navapura. In The Panchayati raj, Gram Panchayat is the basic unit. If the elections to the Gram Panchayats are held on the basis of consensus and without any contest, a positive atmosphere for development can be created. Samras Gram Yojna has been put into effect with the noble objective of ensuring enthusiastic participation of the local people in the development works in the atmosphere of harmony, cooperation, peace and coordination at the village level, General elections to Gram Panchayats are to be held in August 2016. It is necessary to create such atmosphere where people of the villages take part in the development works of the village with enthusiasm in an atmosphere of peace, cooperation, harmony and coordination. The question of providing substantial amount in incentive grant to the Samras Gram Panchayats was under the consideration of the Government. After careful and mature consideration, it has been resolved as under:

**1) Samras first stage**

- (a) Gram Panchayat of village having Population of 5000.
  - (i) If the entire Gram Panchayat including Sarpanch and members are elected by consensus in the Gram Panchayat elections of villages having population upto 5000, an incentive grant of Rs.5,00,000/- (Rupees Five lac shall be given to such Gram Panchayat.
- (b) Gram Panchayats of Villages having population of more than 5000.
- (c) If the elections to the entire Gram Panchayat including its Sarpanch and members are elected uncontested in villages having population between 5000 and 15000, an incentive grant of Rs.10, 00,000/- (Rupees Ten lac) will be given to such Panchayat.

**2) Samras second stage**

- (a) If previous elections to the Gram Panchayats were uncontested and if they are again declared Samras in the coming elections, an amount of Rs.6,00,000/- (Rupees six lac) and amount of Rs.7,00,000/- (Rupees Seven lac) shall be given as incentive grants to the villages having population below 5000 and to the villages having population of more than 5000 respectively.
- (3) An award of Samras Gram Panchayat first stage shall be given to the Gram Panchayat declared Samras for the first time and the award of Samras Gram Panchayat second stage will be given to the Gram Panchayat declared Samras second time.

- (4) Moreover, Samras Gram Panchayat shall be given priority and preference for development works from the financial allocation available under the schemes such as District Development Mandal, Gokul Gram Yojna, Panchvati Yojna for deficient facilities in such Gram Panchayats. The incentive grant available under the Samras Gram Panchayat Yojna can be utilized as matching grant/public contribution in addition to the grant allocated under other schemes of Government of India or State Government as per the resolution in No. (5) Above.
- (5) The instructions mentioned in para no. 4 above for utilization of the incentive grant made available under the Samras Gram Panchayat Yojna are required to be strictly followed.
- (6) The payment of the incentive grant will be made by the Development Commissioner. Proposals in this regard shall be made by the concerned District Collector within 15 days after the uncontested elections in villages to the Development Commissioner.
- (7) The amount of incentive grants will be utilized in the local development works of the Gam decided through the Gram Sabha of the local people and will be utilized accordingly. While determining the development works, the Gram Sabha will also keep in mind the available facilities in village and utilize the incentive grant for development works other than that.
- (8) These orders will come into effect from the date of this resolution and will be available till other orders.
- (9) The expenditure on this account shall be credited against the budget provisions sanctioned from time to time.

This resolution has been issued after the approval of the Finance Department by its not dated 01.01.2016.

By the order and in the name of the Governor of Navapura

Sd/-  
(R. K. Patel)

Joint Secretary,  
Department of Panchayat, Rural  
Housing and Rural Development

To  
The Development Commissioner, Block No.11,  
Rajya bhavan, Navapura.  
Copies for information and necessary action to:

# Annexure - B

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No.AHD/MARAG/218/20

11

2<sup>nd</sup> December, 2017

To,  
Mr. K.C. Niyogi  
State Election Commissioner,  
Govt. Of Navagam, Sachivalaya, Gandhinagar

Dear Sir,

In the context of the recently declared elections to the gram panchayats in Navagam, we wish to

Apprise you to the recently announced "*samras*" scheme of the Government of Navagam vide its

GR dated 01/01/2016 offering to provide incentive grants for securing uncontested elections of members of the Gram Panchayat Including the Sarpanch. This scheme strikes at the very root of

Panchayati Raj which works as sthe institution of local government and whose members are Elected by citizens of the villages. It also strikes at the freedom of voters to elect and choose candidates of their own and freedom of people to stand in elections.

We believe that such 'forced' consensus in the villages is a serious affront to all norms of democracy and social equality. Given the diversity and heterogeneity of our society, the Incentive under the scheme becomes a tool for the vested interests to coerce and co-opt the rural populace, especially the women and the marginalized communities. It infringes upon the people's right to free and fair elections by inducing by offer of money to avoid elections which are an essential part of democratic government. It also discriminates between the Gram Panchayats which elect members through elections and Gram Panchayats where members are elected without elections by offering government grants to the latter and not to the former simply on the impermissible basis of the presence or absence of elections. It also destroys the basis and spirit of democracy by condemning and discouraging elections to the Gram Panchayats.

We believe this scheme to be unconstitutional, illegal, discriminatory and unjustified. We lodge a serious protest against the move of the State Government to ensure as many *Samras* villages as possible and petition you to look into this matter urgently and seriously.

The responsibility of ensuring free and fair elections in the Panchayats line with the State Election Commission, which is a constitutional body and should be above all political motives. In this context we seek your intervention in this blatant attempt by the State Government to subvert the electoral process for the village PRIs through its *samras* scheme.

Yours sincerely,  
Shayam Desai



# ORGANIZING COMMITTEE

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**Prof. B.M. Peerzada**

Hon'ble Founder & President, LJK

## **PATRONS**

Dr. Manish Shah  
Vice-President, LJK

## **CHAIRMAN**

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Eminent Jurist & Hon. Executive Director,  
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Adv. Nitin Gandhi

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UMAYMAH SODAGAR