



**SCHOOL OF LAW, JUSTICE & GOVERNANCE
GAUTAM BUDDHA UNIVERSITY
GREATER NOIDA**



PRESENTS

5th P.N. MATHUR MEMORIAL NATIONAL MOOT COURT COMPETITION 2026

**MOOT PROPOSITION
(31st October & 1st November, 2026)**



MEDIA PARTNERS



EXCLUSIVE KNOWLEDGE PARTNER



IN THE SUPREME CONSTITUTIONAL COURT OF THE REPUBLIC OF HELIOS

Helena Kyria & Ors. v. State of Arcadia & Ors.

1. The Republic of Helios is a sovereign democratic republic governed by a written Constitution, founded on parliamentary democracy, federalism, the rule of law and separation of powers. Unless stated otherwise, its constitutional and statutory framework is in pari materia with that of India, and Indian provisions and precedent apply with equal force before this Court.

2. In January 2026, Parliament enacted the Constitution (One Hundred and Thirtieth Amendment) Act, 2026, inserting Article 164(4A). Under Article 164(4A), a Chief Minister or Minister who, while holding office, is arrested and detained in custody for thirty consecutive days on an allegation of committing an offence under any law for the time being in force which is punishable with imprisonment for a term which may extend to five years or more is subject to the consequences prescribed therein. A Chief Minister must resign by the thirty-first consecutive day of such custody, failing which he ceases to hold office from the day thereafter; reappointment following release is not barred. The Amendment followed extensive parliamentary debate over the continued holding of constitutional office by elected executives facing serious criminal proceedings. Its supporters described it as an accountability measure; its critics questioned whether criminal custody could displace an electoral mandate before conviction. The Amendment came into force on 1 February 2026, and no challenge to it had been filed before the events that follow.

3. Elections to the 240-member Legislative Assembly of Arcadia followed in February 2026. The principal contestants were the Hellenic Reform Movement (HRM), led by Alexandros Dorian; the Democratic Alliance of Arcadia (DAA), led by Helena Kyria; the Green Federal Coalition (GFC); and the People's Civic Front (PCF). The GFC had been a recognised State party for over three decades and contested under its reserved symbol, “Galea”, a mark much of the electorate identified with the party more readily than its name.

4. The result was fractured: HRM secured 104 seats, DAA 96, GFC 25, PCF 11, and four Independents were elected. Kyria claimed majority support through a post-poll alliance of the DAA, GFC and PCF. Dorian, as leader of the single largest party, separately claimed the support of all four Independents and sought an invitation to form the Government.

5. Before any invitation issued, Kyria asked the Governor, Nikandros Theon, to verify the Independents’ letters of support, citing doubts about their voluntariness. The Governor declined, observing that competing claims of majority were ordinarily tested on the floor of the House. On 26 February 2026, he invited Dorian to form the Government and gave him ten days to prove his majority.

6. Divisions surfaced within the GFC soon after the Government assumed office. A section of its legislators argued that the Legislature Party, having received a direct electoral mandate, could determine its course independently within the House. The organisational leadership disagreed and maintained that every elected member remained bound by the registered party constitution.

7. On 28 February 2026, one GFC legislator died, reducing the party's strength in the House from twenty-five to twenty-four.

8. The disagreement culminated on 2 March 2026, when sixteen of the twenty-four GFC legislators met as the Legislature Party and resolved that the GFC had merged with the HRM. They elected Theron Cassius as leader of the merged group and,

claiming to constitute not less than two-thirds of the Legislature Party, sought protection under the Tenth Schedule. The GFC National Executive had neither convened nor approved any such merger.

9. The following day, the Assembly Secretariat issued a circular, signed by a Joint Secretary, recording a “revised party position” with the GFC reduced to eight members and the HRM increased to 120. No order of the Speaker was placed on record, and no petition under the Tenth Schedule was then pending. The circular was never formally withdrawn, and its legal effect remained disputed throughout the subsequent proceedings.

10. The GFC organisational leadership rejected the merger, suspended the sixteen legislators from primary membership, appointed a new Chief Whip, and directed every GFC legislator to vote against the Government. The sixteen received the direction but declared that they would nevertheless support the Government, maintaining that the merger protected them from disqualification.

11. The organisational leadership then filed petitions before the Speaker seeking their disqualification. Both factions simultaneously approached the Constitutional Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968, each claiming to represent the lawful GFC for the purposes of the Symbols Order and seeking exclusive entitlement to the “Galea” symbol. The Cassius group relied principally upon its strength among the elected legislators, while the organisational leadership relied upon the composition of the National Executive and the registered party constitution; neither accepted the other's measure of political majority. The Commission called for the party's constitution and records but declined to recognise either faction pending adjudication. Neither the Speaker nor the Commission stayed its proceedings because of the pendency of the other.

12. The Assembly met on 6 March 2026 to consider the Government's confidence motion. The Speaker, who did not himself vote, had already issued notices on the disqualification petitions but declined to suspend the sixteen legislators' voting rights pending decision. No party sought an interim order from any Court restraining the vote. The motion was carried 123 to 115. Both sides agree that, had the sixteen voted against the Government, the result would have been 107 to 131.

13. Amid these proceedings, an Independent legislator complained on 12 March 2026 to the National Bureau Against Public Corruption (NBPC) that the sixteen had been induced to defect through promises of ministerial office, money and other benefits. The complaint relied on encrypted communications, digital financial records, audio recordings and cloud-based data allegedly exchanged between intermediaries and legislators. Every person named denied the allegations.

14. The complaint led to a preliminary enquiry, following which the NBPC registered a case alleging criminal conspiracy, forgery of electronic records and destruction of evidence under the Bharatiya Nyaya Sanhita, 2023, together with offences relating to bribery and undue advantage under the Prevention of Corruption Act, 1988. Judicially authorised searches followed. Acting on warrants for search and seizure of “digital devices and electronic records”, the NBPC seized mobile phones, computers and other devices between 15 and 17 March 2026. The search and seizure proceedings were recorded through audio-video electronic means. The parties dispute whether the recordings covered the entire process contemplated by the Bharatiya Nagarik Suraksha Sanhita, 2023 and whether they were forwarded to the competent Magistrate without delay. No hash values were generated at seizure; hashing was undertaken only on 21 March 2026 at the National Centre for Digital Forensics. The seizure memoranda do not record who held custody of the devices in the intervening period.

15. The warrants authorised seizure but prescribed no protocol for examining the devices. The NBPC nevertheless created forensic images and searched more than nine terabytes of data using an internally approved keyword-filtering protocol that had never been placed before any court. Material outside the filtered set was retained rather than returned or destroyed. The preliminary forensic report recorded reconstructed deleted communications from synchronised cloud backups and discrepancies in certain metadata timestamps attributable to synchronisation across devices. No deliberate manipulation was detected at that stage, but the report noted that authenticity would depend upon compliance with the Bharatiya Sakshya Adhiniyam, 2023. The accompanying certificate was issued by the forensic expert who examined the images, not by anyone who had held the devices at seizure. Among the reconstructed material was an encrypted exchange attributed by the NBPC to a political intermediary and one of the sixteen legislators referring to “sixteen being secured before the floor test.” The defence disputed both the attribution of the exchange and the context in which those words were used.

16. The recovery of material from synchronised backups led the NBPC to pursue the cloud accounts themselves. Relying upon its statutory exemption under the data-protection framework of Helios, the Bureau directed a cloud services provider to furnish the contents of accounts synchronised with the seized devices and prohibited the provider from notifying the account holders. No judicial warrant was sought for this access. Nineteen accounts belonged to persons neither accused nor suspected, including a journalist who had corresponded with two of the sixteen legislators and an advocate who had advised the GFC organisational leadership on the disqualification petitions. Draft pleadings and legal opinions were among the materials obtained. No separate procedure was adopted to identify or segregate potentially privileged or unrelated material before it became accessible to the investigative team.

17. The journalist and the advocate moved the High Court to restrain the collection and examination of their material, relying upon the right to privacy, journalistic source confidentiality and legal professional privilege. They also relied on the absence of any judicial warrant or notice to them. The NBPC maintained that the collection was statutorily authorised, followed necessarily from synchronised cloud storage and had been subjected to filtering safeguards.

18. The investigation culminated on 15 April 2026 in the arrest of Dorian and two Ministers, Perseus Kallon and Daphne Ismene, for offences under the Bharatiya Nyaya Sanhita, 2023 and the Prevention of Corruption Act, 1988. All three were produced before the Special Criminal Court on 16 April 2026 and remanded to judicial custody. The Court expressly recorded that the remand was for investigation and reflected no opinion on guilt. Their custody was extended from time to time. The accused denied the allegations and maintained that the case rested principally on electronic material already in the NBPC's possession.

19. Even as the criminal case continued, the GFC organisational leadership sought leave before the Speaker and the Commission to rely on certified extracts of the recovered material in the disqualification and symbol proceedings. The Cassius group objected that the evidence remained unproved under the Bharatiya Sakshya Adhiniyam, 2023 and could not determine constitutional rights while its authenticity remained contested in the criminal case. The NBPC also opposed disclosure, citing the incomplete state of the investigation.

20. Dorian remained continuously in custody from his arrest on 15 April 2026 until 4.15 p.m. on 15 May 2026, when he was released on bail. Kallon and Ismene remained in custody. No advice had been tendered for their removal, the Chief Minister who alone could tender such advice having himself remained in custody. Within hours of his release, the HRM Legislature Party unanimously reaffirmed

Dorian's leadership and requested the Governor either to permit him to continue as Chief Minister or to administer the oath to him afresh.

21. By communication dated 17 May 2026, the Governor recorded that Dorian had completed the period contemplated by Article 164(4A) and had ceased to hold office in accordance with that provision. He declined to administer the oath afresh and also declined, for the time being, to invite any other person to form the Government, stating that the questions arising from Article 164(4A), the pending disqualification proceedings and the “Galea” dispute required judicial determination. Dorian disputed both the Governor's computation and the constitutional consequences attributed to it. He contended that Article 164(4A) could not operate mechanically merely upon the passage of thirty days of custody; that loss of constitutional office before conviction required scrutiny against the principles governing parliamentary democracy and the electoral mandate; and that, following his release and reaffirmation as leader of the HRM Legislature Party, the Governor could not prevent him from demonstrating his majority on the floor of the House.

22. The proceedings were instituted before the Supreme Constitutional Court of Helios by Dorian, the GFC organisational leadership, Kyria, the sixteen legislators led by Cassius, and other affected parties. Between them, the petitions challenged the validity and operation of Article 164(4A), the Governor's actions, the disqualification proceedings, the rival claims to the GFC and the “Galea” symbol, the legality of the investigative measures, and the collection and use of electronic evidence. The Chief Justice constituted a Constitution Bench of five Judges to hear all connected matters. The criminal proceedings on merits remained pending before the Special Criminal Court. The Court directed that the existing legal and procedural positions before the respective authorities and courts would continue pending final hearing. It further clarified that preservation or production of electronic records pursuant to judicial or statutory directions would not, by itself, determine their admissibility, authenticity or evidentiary value. The matters were listed for final hearing.

ISSUES

Issue I

Whether the Constitution (One Hundred and Thirtieth Amendment) Act, 2026 is constitutionally valid and, if valid, whether its operation in the present case resulted in the vacation of the office of the Chief Minister.

Issue II

Whether the exercise of power by the Governor, the Speaker and the Constitutional Election Commission in relation to the formation and continuance of the Government, the alleged merger of the Green Federal Coalition, the disqualification proceedings and the reserved election symbol was constitutionally and legally valid.

Issue III

Whether the search, seizure, forensic examination and proposed use of electronic records in the criminal investigation comply with the Bharatiya Nagarik Suraksha Sanhita, 2023, the Bharatiya Sakshya Adhiniyam, 2023 and other applicable law, and what consequences, if any, follow from any procedural irregularity.

Issue IV

Whether the collection, preservation and use of cloud-based communications and other digital records violate the constitutional right to privacy, legal professional privilege or other applicable constitutional safeguards, and whether such material may lawfully be relied upon in parallel constitutional and electoral proceedings.

Disclaimer:

This moot proposition is a fictional work with no relation to any person living or otherwise. This proposition is not directed towards any individual or community. Any resemblance to a real person, event or incident is purely coincidental.