



Government Law College MOOT COURT ASSOCIATION

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COMMON ELIMINATION - 3

The Moot Court Association is pleased to announce Common Elimination-III to be held on **Thursday, 25th August 2011**. The following moots shall be included in the common elimination:

1. **5th Annual NALSAR – Justice B. R. Sawhny Memorial Moot Court Competition, 2011** to be held from **23rd - 25th September, 2011** at NALSAR, Hyderabad.

(Date of Memorial Submission – **18th September**)

2. **Surana & Surana National Trial Advocacy Moot Court Competition, 2011** in association with NUALS, Kochi to be held from **23rd - 25th September, 2011** at NUALS, Kochi.

(Date of Memorial Submission – **10th September**)

3. **2nd Oxford-India Media Law Moot Court Competition, 2011** to be held from **15th – 18th December** at NLU, Delhi.

(Date of Memorial Submission – **10th November**)

Students interested in participating may register by sending an e-mail (with their name, class and contact details) to mcaglc@gmail.com latest by 5 p.m. on **23rd August 2011**. You will subsequently be sent an e-mail of confirmation, and allotted Petitioner/Respondent at random.

Find herein below the Case Study for the Common Elimination.

Case-Study for Common Elimination – III

(5th Annual NALSAR – Justice B. R. Sawhny Memorial
Moot Court Competition, 2011)

1. Lawland College is the preeminent law school in Delhi University. Lawland College provides official recognition to certain groups of students. This mechanism is known as ‘Lawland College Registered Student Organization’ (LCRSO) program.¹ This status confers several benefits upon the group like using official communication channels, financial assistance, college facilities for meetings and office space, and most importantly Lawland College’s name and logo.² This recognition in turn is granted when these student organizations abide by certain conditions. They have to comply with Lawland College’s Policy of Nondiscrimination, which prohibits discrimination on grounds of religion, race, caste, sex/sexual orientation, place of birth, age, disability, descent and residence.³ The Lawland College has followed the practice for quite some time now and takes great pride in the fact that the officially recognized student groups allow any student to become a member irrespective of their status or belief.

2. Baba Namdev is a renowned yogi of India and he enjoys a great following throughout the country. Baba Namdev’s teachings primarily urge Hindus to practice radical Hinduism and targets the youth of India as a major support group. Baba Namdev enjoys a cult status amongst

¹ This was open only to the students of Lawland College.

² A component of Student fees was specifically named LCRSO contribution which implies that LCRSOs were funded by the College from mandatory student fees.

³ The Government of India had enacted the Prohibition of Discrimination in Universities Act under which all constituent colleges had to follow a Policy of Non-discrimination while granting official recognized status to a Student Group.

young Hindu students who have created Faith of Baba Namdev Society (FBNS) in several educational institutions. Baba Namdev is of the opinion that homosexuality is a curable disease. He firmly believes that homosexuals or those who tolerate homosexuality have no right to practice radical Hinduism. Baba Namdev also went to the extent of saying that the Delhi High Court's judgment in Naz Foundation was a challenge to radical Hinduism. The Delhi High Court sentenced him to 10 days simple imprisonment for criminal contempt of court. This was open only to the students of Lawland College. A component of Student fees was specifically named LCRSO contribution which implies that LCRSOs were funded by the College from mandatory student fees. The Government of India had enacted the Prohibition of Discrimination in Universities Act under which all constituent colleges had to follow a Policy of Non-discrimination while granting official recognized status to a Student Group in December 2009. In spite of all this Baba Namdev and FBNS continued their zealous advocacy of radical Hinduism.

3. In May 2011, FBNS submitted its application for the coveted LCRSO status in Lawland College. The annexure in its application clearly stated that homosexuals and non-Hindus were not eligible to seek membership. A footnote to the annexure specified that anyone who wishes to become a member has to sign a document titled 'Condemn Homosexuality'. The Lawland College rejected FBNS's application in June 2011 stating that it does not comply with Lawland College's Policy of Nondiscrimination. Lawland College made it clear to FBNS that adherence to the Nondiscrimination Policy is a *sine qua non* for getting the benefits of LCRSO program but it will not suppress its activities if it was going to

operate outside it.

4. FBNS was incensed by the refusal of LCRSO status. Baba Namdev consulted some of his disciples who were leading experts of Constitutional Law. In August 2011, FBNS filed a writ petition in the Supreme Court of India contending that the refusal of LCRSO status violated its fundamental right to freedom of speech and expression, freedom of association, and right to freedom of religion. Baba Namdev in a televised address stated that the State should not be permitted to offer benefits to students on the condition that they surrender a portion of their right to freedom of speech/association/religion.

5. The Lawland College consulted the Advocate General of the State. The Advocate General was of the opinion that Lawland College had to place conditions on the conferral of LCRSO status in terms of the Prohibition of Discrimination in Universities Act. The conditions imposed by it were reasonable and were not meant to harm any student group seeking LCRSO status. The mere fact that it operated to the disadvantage of FBNS will not make it unconstitutional as it had no fundamental or constitutional right to State support of its selectivity.

6. The Chief Justice of India has constituted a Five-Judge Bench in light of Article 145(3) of the Constitution. The Chief Justice of India has given liberty to both the parties to frame issues of their choice.