



Government Law College MOOT COURT ASSOCIATION

Intro Moot for III-I's

The Moot Court Association is conducting an Intro Moot for III-I's and all those who have missed the Freshers' Moot Court Competition on **23rd and 24th September, 2011**. To participate, students must send an email to mcaglc@gmail.com on or before 21st September with the subject titled as "*Intro Moot 2011*". Find below the case-study for the Competition.

SUNNY PATIL v UNION OF INDIA

Inspired by the tremendous success of the Indian Premier League (IPL), Mr. Mani, a prominent industrialist established a similar venture at a State level. Teams from different cities of State X competed in the event. The organization in charge of the overall event was a registered society called State X Cricketing Council (hereinafter called "Council") where Mr. Mani played a prominent leadership role. Owing to the immense political clout that Mr. Mani possessed, he was able to avail for the State X cricket event (hereinafter called "Event") Central government finance that met almost the entire expenditure of the Event. Players who resided outside State X could also participate in the said Event. Mr. Mani was also successful in ably negotiating with the Board of Cricket Control of India and all other local boards and relevant authorities to ensure that during the commencement of the Event, no Indian cricket player could participate in any other State, national or international sporting activity. The three best players in the tournament would automatically be selected in the national team. Disciplinary action against players in the Event could include inter alia a life ban against playing any version of the game at a national, State or international level.

Sunny Patil is a young cricket player who was selected to play for the State X Event. As a player Sunny was privy to the inner workings of the management of the Event. Sunny always considered himself a good writer and loved to have his works published. Sunny began to maintain an online blog wherein he chronicled the very colourful parties that Mr. Mani hosted, commenting how Mr. Mani was only interested in parties and alcohol. Mr. Mani hosted several private by invitation only parties at his home where the press was not allowed. Players and Council members were invited to these parties but there was no compulsion upon anyone to attend the same. In a particularly witty and entertaining manner, Sunny recounted several extremely embarrassing stories of Mr. Mani's behaviour at his various private parties after he was inebriated. He also published online stories of the very embarrassing drunken antics of several other members of the administering Society in these private parties. He kept reiterating in his blog that he would keep entertaining his readers by always publishing these embarrassing stories. As the blog gained increased readership, Mr. Mani and the rest of the management were quite incensed. In his blog, Sunny then stated that he did not have any personal enmity with Mr. Mani. He was posting his blog merely because he felt quite hurt and dismayed that Mr. Mani was setting a bad example for young players by having raucous parties.

Due to the vivid nature of description, the blog resulted in much embarrassment and family discord for the members of the Council. The Council informed Sunny that his pay would be drastically reduced if he did not cease to write the blog and remove all past entries. Despite all the off field drama, Sunny performed quite well in the Event and was considered most likely to be among the top three best performers in the Event.

Midway in the tournament however, the managing society changed its rules and did not select Sunny in the national team, as they believed his lack of loyalty to the event by speaking ill of it and his public ridiculing of his superiors showed behavioral and disciplinary problems.

Sunny filed a writ petition before the Hon'ble Supreme Court inter alia claiming that:

- a. His right to freedom of speech was violated by the actions of the Council
- b. The Council's actions in disallowing him to play in the national team though he was among the top three performers violated his right to equality

The Respondent however stated that:

- a. The writ petition could not be maintained against the governing Council, as it was not a 'State' under Article 12 of the Constitution.
- b. The blog violated the right to privacy of the various officials of the Council as the activities described were activities indulged in their private parties and not in the performance of their official functions or duties.
- c. The Council's actions in disallowing Sunny to play in the national team though he was among the top three performers did not violate his right to equality