



MOOT PROPOSITION

The **UNION OF INDIANA** is an independent 'Union of States' which got its independence from British Rule in 1947. The Constitution of Indiana imbibes in itself wisdom and farsightedness based on the principle of "***Vasudhev Kuttumbhkam***" which means "*the whole world is our family*". Taking inspiration from the constitutions of the major democracies of the world, the Constitution of Indiana was sagaciously drafted by the members of its Constituent Assembly. It encompasses the values of Human Dignity and Equality. It guarantees to its citizens certain fundamental rights - the scope of which is considerably enlarged by the dynamic judgments of the Supreme Court of Indiana. Moreover, Indiana is a member of the U.N. and has vowed to abide by and implement the mandate of all International Human Rights instruments. Among the members of U.N., the image of Indiana is that of a 'responsible State.' The Constitutional, legal and policy framework of the Union of Indiana is in *pari materia* to the Union of India.

The Union of Indiana is a multi-religious, multi-lingual, multi-cultural and secular country which exhibits to the world the principle of "Unity in Diversity." The major religion of Indiana is 'Hinduism' after which the majority of the people follow 'Islam'. Besides this, there are other minorities belonging to Christianity, Judaism, Jainism, Buddhism, etc. People, by nature, are very peace loving and harmonious and have been in the habit of helping each other since time immemorial irrespective of religion, race or creed. Modern Indiana took inspiration from the west and inducted democratic set-up in its governance through its Constitution. Fundamental ideology of its Constitution is "equality among all" in general, and "equality among equals" in particular.

I.

I.I. Lexiton College is the distinguished law school of the "**UNION OF INDIANA**". Lexiton College provides official recognition to certain groups of students. This mechanism is known as '**Lexiton College Registered Student Organization**' (LCRSO) program. 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 Lexiton College's name and logo. This recognition in turn is granted when these student



organizations abide by certain conditions. They have to comply with Lexiton College's Policy of Non-discrimination, which prohibits discrimination on grounds of religion, race, caste, sex/sexual orientation, place of birth, age, disability, descent and residence. The Lexiton 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.

I.II. Baba Namoh is a renowned yogi of Indiana and he enjoys a great following throughout the country. Baba Namoh's teachings primarily urges Hindus to practice radical Hinduism and targets the youth of Indiana as a major support group. Baba Namoh enjoys a cult status amongst young Hindu students who have created "**Faith of Baba Namoh Society**" (FBNS) in several educational institutions. Baba Namoh 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 Namoh also went to the extent of saying that the Supreme Court's judgment was a challenge to radical Hinduism. He advocated that the society has undergone a tremendous change which has disrupted its traditional social fabric. Subsequently, the Court sentenced him to 15 days simple imprisonment for criminal contempt of court in December 2018. In spite of all this, Baba Namoh and FBNS continued their zealous advocacy of radical Hinduism.

I.III. In May 2019, FBNS submitted its application for the coveted LCRSO status in Lexiton 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 Lexiton College rejected FBNS's application in June 2019 stating that it does not comply with Lexiton College's Policy of Non-discrimination. Lexiton College made it clear to FBNS that adherence to the Non-discrimination 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. FBNS was incensed by the refusal of LCRSO status.

II.

II.I. Meanwhile, **Ashwani**, a student studying in Lexiton University, is a leader of one of LCRSO of the of the University which happens to be in the opposition; sought permission from the authorities to organize a discussion event wherein the students and the professors would participate in a discussion relating to the advancement in Modern Legal System. The University



Authorities provided him with the permission to organize the event, but also clearly stated that they were not allowed to hold discussion on the agenda of Radical Hinduism. When questioned about the latter condition, the University Authorities clearly abstained from providing the reason behind the imposition of the condition and told that they are an autonomous institution and had all the rights to do so. The Event was to begin but subsequently, a march took place from one of the wings in the campus and headed towards the proposed venue along with the crowd, which included Ashwani and other students, professors and a group of people who were not recognized by the security authorities. In the middle of their way towards the venue, many people joined the march with anti-university posters. According to a section of media reports, it was alleged that the slogans raised were highly derogatory and seditious and tends to fulfil their ulterior religious motives as most of the students started utilizing the protest for delivering venomous and hate speeches on religious lines. Some unidentified masked men wielding Iron Rods, sticks and hammers also beat up some of the professors and others. The Police arrested the Masked Assailants who invaded the campus and after investigation it was found that they were supporters of Baba Namoh. Due to this, the event was cancelled and authorities took strict actions against the students and issued a temporary suspension to them, who took part in the protest.

II.II. Next day, the students from the University who believed that the students who participated in the protest were innocent and their freedom of speech and expression were being curbed by the University Authority, peacefully assembled in large numbers near the Vice Chancellor's office and started raising slogans against him.

II.III. Maitri, one of the students of the Department of Legal Sciences, who was not active in any of the student political parties came forward and threatened the authorities that she would commit suicide. Maitri, being the friend of Ashwani along with the Presidents of the Student Unions gathered more people to protest. She poured petrol on herself and took out a matchstick in her hand and threatened that she would suicide, if the demands were not fulfilled in next seven days. After Maitri, many students of different LCRSO joined her and some of them also committed suicide. On the 5th day of the protest, Maitri continued to sit with a matchbox and threatened the authorities for committing suicide. She also gave a hate speech against the authorities which was covered by different media houses. Maitri along with her three friends **Sajid, Baljit and Akansha** who were also sitting with Maitri and Ashwani were arrested for abetment of suicide in all the cases.

II.IV. The protests were finally controlled by the University Authorities, bringing peace back in the premises. The actions of University against the Students were widely criticized



by the media, and by various political parties and NGO's. The Vice Chancellor of the University was asked for tendering apology to the Students and for resignation. But he refused in doing so. He described the acts of the students as "spontaneous and terrible". He said it was a "helpless" situation due to some students as they were trying to fulfil their hidden agenda. He proclaimed that the protest was conducted to suppress him as he rejected FBNS's application.

III.

III.I. Baba Namoh consulted some of his disciples who were leading experts of Constitutional Law. In August 2019, FBNS filed a writ petition in the Supreme Court of Indiana 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 Namoh 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. On other hand, Maitri and other students who were arrested filed a writ petition in the Supreme Court alleging that their arrest was arbitrary function of the state. And, the authorities of the University have brought unlawful action against them which is violation of Due Process of Law and also, the conditions imposed by University are unreasonable

III.II. The Lexiton College consulted their legal attorney and he was of the opinion that Lexiton 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.

III.III. The Chief Justice of Indiana has constituted a bench and clubbed both the petitions for hearing.



ISSUES FRAMED

1. WHETHER THE REFUSAL OF LCRSO STATUS TO FBNS VIOLATIVE OF PART III OF THE CONSTITUTION?
2. WHETHER THE SPEECHES DELIVERED IN GUISE OF PROTEST VIOLATED SECULAR PRINCIPLES?
3. WHETHER THE ARREST OF MAITRI AND OTHER STUDENTS ON THE GROUND OF ABETMENT TO SUICIDE WAS UNLAWFUL?
4. WHETHER THE ACTIONS TAKEN BY THE UNIVERSITY WERE ARBITRARY AND VIOLATES DUE PROCESS OF LAW?

THE TEAMS ARE FREE TO MAKE ADDITIONAL ISSUES BASED ON THE SUBSTANTIAL QUESTION OF LAW INVOLVED IN THE PROPOSITION.

ALL TEAMS MUST FRAME ATLEAST ONE ADDITIONAL ISSUE EXCEPT THE ISSUE OF MAINTAINABILITY.

NOTE:

THE LAWS OF UNION OF INDIANA, NAMELY THE CONSTITUTION OF INDIANA, THE INDIANA PENAL CODE, THE CRIMINAL PROCEDURE CODE, AND THE LAW OF EVIDENCE ETC. ARE PARA MATERIA TO THE LAWS OF INDIA INCLUDING THE INDIAN CONSTITUTION, INDIAN PENAL CODE, THE CRIMINAL PROCEDURE CODE AS ENACTED IN INDIA.

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