

**THE 8th RLC SAQUIB RIZVI MEMORIAL NATIONAL
MOOT COURT COMPETITION**

2016-2017

January 13th to 15th, 2017

MOOT PROBLEM

Disclaimer: *This case is purely fictional. Any resemblance to names, properties and associations is purely co-incidental.*

1. Haden is positioned on the Portumese subcontinent in south-central Asia, and is located in both the southern and northern hemisphere; Haden is a huge country with a glorious and rich heritage. Lots of different religions, cultures, traditions, customs and languages stand alongside. Haden is bordered by the Ocean scarlet, Ocean Basil, Ocean Krauffer, Ocean Alasian, and the countries of Lindia, Chinnor, Oniom, Jambia, Namaeikia.
2. The religious denominations of Binarism, Lariasm, Bhuvanism and Charisman occupy Haden for the most part. 93% of the citizens of Haden associate themselves with a religion while 7% are following atheism. 80% of the citizens of Haden follow Binarism, which religion is further divided into four castes Zarakiminn, Ashatriyas, Kishayas and Golos. Each of these castes had a well defined role to play in the day to day social activities under Binarism's code of conduct.
3. Zarakiminn, who were at the epoch of this code were designated to serve as preachers of God, the Ashtriyas were second in the line after Zarakiminn, they were designated as warriors and were meant to conquer kingdoms for the expansion of society. Kishayas, were the traders and were given the responsibility to make the trades of the society. Golos, the last of the four castes were discriminated against as untouchables and were forcefully compelled to perform derogatory functions in social life.
4. The Golos, who were on the last rung of the society were discriminated to the extent, that they were not even allowed to drink water from the village well and were forced to beg to gain a living, were not allowed to enter the hotels, restaurants, public gardens, temples, bathing ghats, holy rivers, hospitals, educational institutions etc. The bigotry reached a point where the members of the Golos community were completely ostracized out of routine and ordinary life from the very time of their birth.
5. Haden was invaded by a foreign power in the year 1800 who capitalized on the sheer lack of unity among the citizens of Haden on account of their religion and caste. Haden gained independence in the year 1947. Haden Liberation Front was at the heart of the freedom struggle focused on uniting the people of Haden as one in their struggle for independence regardless of their caste and creed. Once

independence was attained Haden chose to draft a written Constitution including a bill of fundamental rights. The Chairman of the drafting committee made it the top priority to elevate the Golos people to the same status as the other castes and with the aforementioned agenda on mind included provisions for the upliftment of the Libellus Cult and Libellus Genss (Herein after referred to as LC and LG) who were being subjected to the worst kind of discrimination in society.

6. It was considered that true equality could never be achieved by the LC's and LG's unless it was made lucrative for them to have higher education and representation in the Government sector. In the year 1954 the Parliament passed a bill whereby 8% of the educational seats were reserved in favor of the LC and 5% were reserved in favor of LG. It was the legislative intent of the Parliament from the very beginning that reservations should be abolished by 1975. Over time citing various socio-economic reasons the Hadenian Government extended the reservations time and again.
7. In an exemplary attempt to achieve equal rights for the LC and LG community the Protection of Civil Rights Act, 1955 was passed whereby discriminating against the so-called backward class was made a punishable offence. The legislation was considered as a bold move towards establishing inter-caste equality and though there was stiff resistance to accepting the LC and LG community in society as equal members Haden made commendable progress in the years to come.
8. In the year 2011 that was observed at most of the LC and LG were receiving higher education and that they were well represented in the Government departments. Discrimination was seemingly abolished from the cities of Haden however it was believed that contempt was still prevalent in the rural areas covertly.

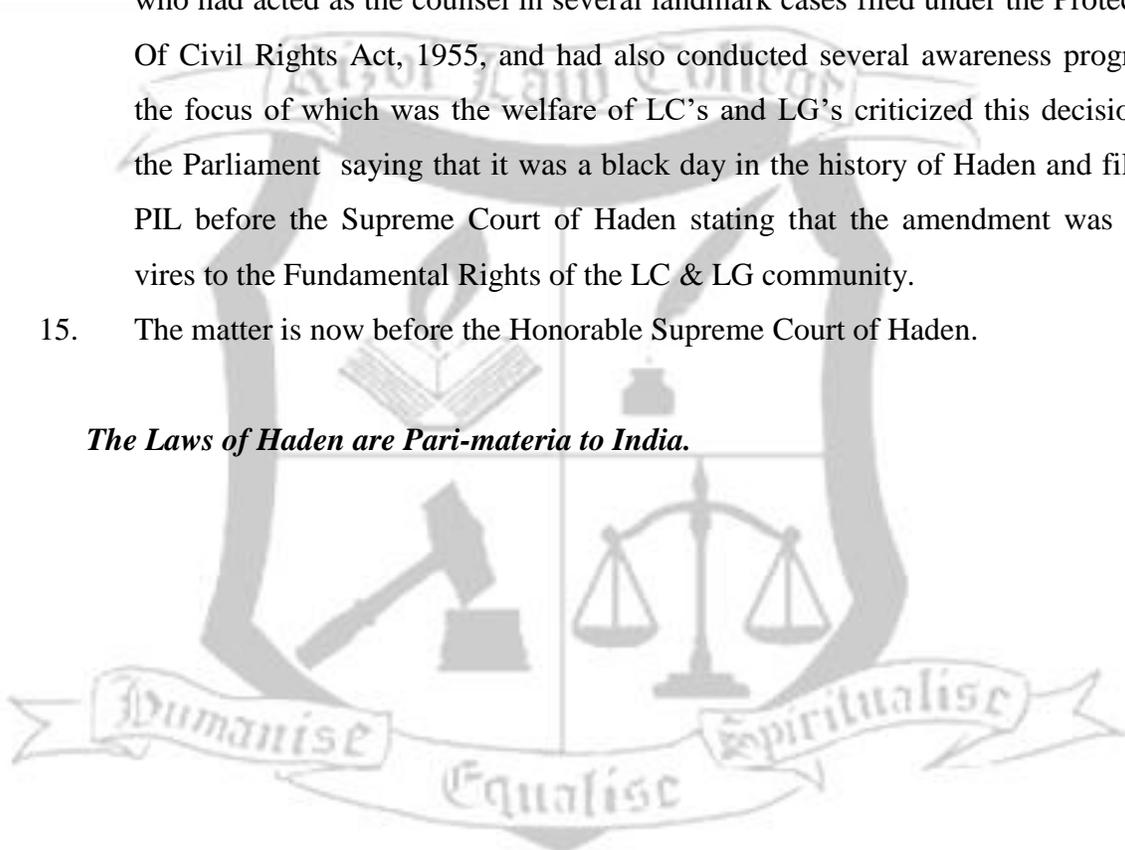
9. As late as the year 2015 it was observed that reservation in Government of Haden was prevalent in as much as:

Category as per Government of Haden	Reservation % as per Government of Haden
Libellus Genss	7.5%
Libellus Cult	15%
TBC	27%

10. It was believed by many citizens of Haden that the maintenance of reservation system was no longer a necessity and that the same has been continued by the Government of Haden as an appeasement policy to secure their vote bank. Haden had maintained its status as a developing country wherein the LC's and LG's were facing social discrimination. It was true that the condition of the backward classes including LC and LG had improved substantially and they were not facing any particular economic disabilities on account of their castes.
11. In a highly competitive educational atmosphere, thousands of meritorious students were denied admission by various educational institutes as a result of the reservation policy which was implemented by the Government of Haden. The year 2015, saw a plethora of suicides committed by students of the general category on account of lack of opportunity due to the presence of reservation policy by which seats were allocated to LC, LG students with low percentage thus making a shortage of seats for students of general category.
12. In November, 2015 there was a public uproar against reservation for Libellus Cult and Libellus gens followed by which the Parliament abolished the concept of LC and LG from the Constitution through the 101st Constitutional amendment and repealed every provision which was made in the favor of LC and LG community. The Parliament however, maintained the privileges for the members of the TBC community who were entitled to the same on an as it is where it is basis.

13. In the months following the amendment it was observed that there was a 2% drop in the presence members of the LC and LG community at the graduation and post graduation level however the same was justified by several leaders of the ruling party stating that the academic structure of the new regime was one based on merit and that the Government of Haden strongly maintains its position against caste based discrimination and the same would be severely punished.
14. Ms. Kela Tatuia, a leading advocate representing the welfare of LC's and LG's who had acted as the counsel in several landmark cases filed under the Protection Of Civil Rights Act, 1955, and had also conducted several awareness programs the focus of which was the welfare of LC's and LG's criticized this decision of the Parliament saying that it was a black day in the history of Haden and filed a PIL before the Supreme Court of Haden stating that the amendment was ultra vires to the Fundamental Rights of the LC & LG community.
15. The matter is now before the Honorable Supreme Court of Haden.

The Laws of Haden are Pari-materia to India.



ANNEXURE 1

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 12th June, 2016/Jyaistha 8, 1937 (Saka)

The following Act of Parliament received the assent of the President on the 11th June, 2016, and is hereby published for general information:—

**THE CONSTITUTION (ONE HUNDRED & FIRST AMENDMENT)
ACT, 2016**

[11th JUNE, 2016.]

An Act to amend the Constitution of Haden to give effect to the abolishment of cast system in pursuance of the principals set out in Article 14 and Article 15(4) of the Constitution of Haden.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of Haden as Follows:—

1. This Act may be called the Constitution (One Hundredth & First Amendment) Act, 2016.

2. In this Act,—

Without prejudice to the provisions of Article 15(4), notwithstanding anything contained in any other provision of the Constitution but subject to the provisions of Article 32 and Article 226, all provisions of the Constitution of Haden recognizing and Libellus Cult and Libellus Genss as a separate community, creating any privileges for the same are to that extent hereby repealed.