

SYMBIOSIS LAW SCHOOL, NOIDA | MOOT COURT SOCIETY

NASCENT MOOT COURT COMPETITION, 2015 | MOOT PROBLEM

Kun Fayakoon, new-age spiritualist and preacher by light, bling-o-maniac Sufi-rock star by night is man for most and God for the lost. Man for most only because they happen to be unknowingly lost. The knowingly lost are really no more lost for they have found Kun Fayakoon. And that apparently is the underlying message of a recent hagiographical celluloid account of Kun's life thus far. The film, about as subtly propagandist as, say Mein Kampf, hails the Godman as the panacea for the world's ills; the beast of which is unbelief in Kun's more than apparent divinity: Hence the film. Incidentally, the film is also the top grosser for the year so far. While that would be no surprise, given Kun's following runs in to a couple of millions, what is indeed quite baffling is that most movie-goers are neither devotees nor ever likely to be. It appears that if one is not an initiate the film is so hilariously bad that it is perversely appealing in a 'camp' sort of way. Warped as that is, it is perhaps the only plausible explanation for the film's rather runaway success.

Ever since its release, in fact even prior to it, the film has been mired in controversy. In the beginning it ran afoul of the Central Board for Film Certification (CBFC), with the Board unanimously withholding certification. On appeal to the Film Certification Appellate Tribunal (FCAT), it was, quite surprisingly, cleared for viewing with a 'U' certification. Following which clearance, members of the CBFC including the chairperson resigned en masse. Media reports indicated how the very constitution of said Tribunal overnight was itself quite unprecedented, all the more so was its rendering of its decision in a matter of days. One member was quoted as saying, "I felt as though my credibility had been questioned," she said. "It's a matter of principle. We sat there watching the film for three and a half hours. There was no difference of opinion among us. The committee felt that the film in which Kun Fayakoon plays himself is an advertisement for the godman and his religious sect. The film shows him solving Punjab's drug crisis and curing people of deadly diseases." Speculation followed on whether all of the above was in indeed not payback for Kun's support to the ruling dispensation at the centre in a recently concluded state election. One resigning member even filed a writ petition in the High Court at Delhi questioning the validity of the Tribunal's very constitution, alleging male-fides on part of the union government, accompanied by an interim application to restrain release of the film. The interim application was rejected but the High Court has decided to hear the petition on merits. Hearing though has not yet begun. Meanwhile the film runs.

The state of Punjab, however, by a governmental order bans the film in the state after clashes between Kun's followers and those opposed to him. A writ petition is filed in the Punjab and Haryana High Court challenging the GO's Constitutionality.

Identify the appropriate parties, issues, laws and the forum to contest the matter.

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