



**THE 9<sup>TH</sup> RLC SAQUIB RIZVI MEMORIAL NATIONAL MOOT  
COURT COMPETITION**  
**2017-2018**

**March 9<sup>th</sup> to 11<sup>th</sup>, 2018**

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**MOOT PROBLEM**

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

1. Atlantis is positioned on the Hadenese subcontinent in south-central Luthania and is located in both the southern and northern hemisphere; Atlantis is among the most populated countries of the world. Having gained independence a mere 70 years back, Atlantis is among the largest and youngest democracies of the world. Though an independent and sovereign country, the Atlantian Constitution draws its inspiration from various countries and is the lengthiest Constitution in the world. The nation though free for over 70 years still faces problems such as illiteracy which in turn leads to low vote count. The latest census showed literacy rate of Atlantis to be at 72.99%, however the masses by and large not knowledgeable about current issues and government policies.
2. During the freedom struggle, the Atlantian freedom fighters and political leaders came to the realization that the general public should have inherent fundamental rights in order to live life truly as a free person. Hence, while the Constitution was being framed, an entire part, namely PART III of the Constitution, was devoted to fundamental rights and the concerned safeguards thereof.
3. Over the coming years, the judiciary through a plethora of decisions paved way for several legal rights to attain the status of fundamental rights with a view of affording the citizens better standard of living. Thus, the Supreme Court became the guardian of these rights.
4. Being a democracy, the fundamental rights possessed by the citizen were cherished even more and as such various fundamentals rights were derived from the ones already pronounced. Right to freedom of press and freedom of speech and expression earned great importance due to this. However, it was seen that the right to freedom of speech as well as

right to freedom of press was abused by the press by way of media trial. This practice of the media was critiqued upon by members of the bar and the bench.

5. The issue of media trials as such did not have a straight jacket remedy as right to information is a fundamental aspect in a functional democracy. While, the media has from time to time abused their rights; the role the media plays in order to keep a democracy functional and running cannot be understated, as the victims have the rights to put forward their say.
6. In the year 1999, the state of Triora, enacted special legislation by the name of TCOCA in view of rampant violence on the streets of Triora, loan sharking, immoral trafficking, narcotic smuggling, extortion and other crimes committed by crime syndicated with a profit motive. The legislation was a successful one and the menace of organized crime was eradicated from the roots of Atlantia.
7. One such mob boss, Mr. Vito Genovese, was working as the right hand to one Mr. Leo Gallante. In the year 2002, being faced with the threat to his life, Mr. Vito Genovese, decided to become an informant to the state in exchange for a reduced sentence and witness protection. Pursuant to the agreement, Mr. Genovese, testified to have murdered thirty mobsters at the instruction and under the command of Mr. Leo Gallante, for the furtherance of their trade. Mr. Genovese further testified to the functioning of Mr. Gallante's crime syndicate and all illegal activities committed at the instructions of Mr. Gallante by the members of his crime syndicate. Based on the startling testimony<sup>7</sup> of Mr. Genovese, more than eighty mobsters were convicted for offences under TCOCA and Mr. Gallante received a life sentence.

8. While several people viewed this as a successful prosecution story the family members of the men who fell victim to Mr. Vito Genovese's criminal activity were outraged at the mere imprisonment of ten years which was awarded to him. They viewed it as a gross miscarriage of Justice. Over the years, the past glories of the crime syndicates were repeatedly portrayed by Atlantian Film Industry as they made for a sure blockbuster films.
9. In the year 2015, a leading film producer, Mr. Richard Burke announced that he will be making his final film, a documentary dedicated to Mr. Gallante's crime syndicate. This announcement was met with cheers by the members of the society and criminologists alike as it would be a golden opportunity to look into the internal functioning of the crime syndicates. The families of the civilian victims whose deaths were caused at the hands of the aforesaid crime syndicated looked forward to the documentary as an opportunity to express their hardships and the trauma they suffered at the instance of the said crime syndicate. Mr. Genovese, who was an integral part of the syndicate was credited to be the co-writer of the film.
10. The families of the men murdered by Mr. Genovese vehemently opposed the production of the film by writing letters to Mr. Richard Burke to not go forward with the production; as they viewed as glorification of the misdeeds committed by Mr. Genovese, further believed that their fathers had a right to have their antecedents forgotten and did not want to face a stigma on account of events which had occurred over two decades ago.
11. Mr. Richard Burke however chose to continue with the production of the film. Aggrieved by this decision the family members of the thirty members murdered by the hands of Mr. Genovese; filed a writ petition before the Hon'ble Supreme Court seeking a permanent injunction on the production of the documentary contending that right to be forgotten is a

facet of right to privacy and as such is a fundamental right. The matter has come for hearing on March 11, 2018.

**\*INDIAN LAWS ARE PARA MATERIA TO THE LAWS OF ATLANTIS\***

