

EX GRATIA LAW JOURNAL'S

1ST JUDGMENT WRITING COMPETITION, 2020

PROPOSITION

¶1. Cintra is the world's most populous country, known for its powerful government, pervasive surveillance and stringent policies. On 31st December 2019, the World Health Organization (WHO) detected a series of Pneumonia cases of unknown etiology in Aedirn City of Cintra. On 7th January 2020, Cintrian authorities identified a new Corona virus as the causative agent for the disease. The virus has been renamed by the WHO as SARS-CoV-2 and the disease caused by it as COVID-19. By mid-January 2020, nations across the globe had started reporting similar cases. The Cintrian Government failed to share any details of the virus with the outside world and asserted that there was no evidence of its Human to Human transmission. Soon thereafter, Nilfgaard and its neighbouring countries started reporting cases of COVID-19 after which they were forced to go under a lockdown. On 11th March 2020, WHO declared it to be a pandemic. By the first week of April 2020, about 1.5 million people were affected and about 85,000 people had already lost their lives to an invisible adversary causing this global pandemic. With no vaccine in place, the world's economy has been crippled due to the lockdown that has been imposed across various countries.

¶2. The Democratic Republic of Rivia, a nation that got its independence back from the British colonial rule around the same time as India (in 1952), adopted a constitution that was more or less in *pari materia* with the Constitution of India, in the year 1955. Rivia is one of the most densely populated countries in the world with a significantly advanced medical system but has huge income disparities. Cintra and Rivia are neighboring countries with a history of border tensions. However, considering the size of their markets, they come on board and engage in regular trade and other activities. The first case of COVID-19 in Rivia was reported on 30 January 2020 and by the first week of April 2020; there were about 5,500 reported cases of infection and over 150 deaths. Following the social distancing guidelines issued by the WHO, a lockdown for 21 days starting from 25 March 2020 was declared by Foltest, the Prime Minister of Rivia and the leader of Rivian Welfare Party (RWP).

¶3. Rivian race has its typical representatives among the Afghans, Rajputs, Brahmins and most of North India but it has undergone numerous alterations consequently owing to the

crosses with Assyriod, Dravidian, Mongol, Turkish, Arab and other elements. The people of Mongolian racial ancestry are mainly found in North-Eastern Rivia that shares its border with Cintra, Redania, Kaedwen and Temeria. All the countries comprise of people from almost the same ethnic group. They were commonly called mongoloids.

¶4. In the State of Thanedd, on 20 March 2020, a 24 year old Amell and her eight colleagues from the North-Eastern Rivia, working at a call center of a Dental Insurance company had to spend the night in a government quarantine facility meant for suspected patients of the corona virus disease allegedly because of their Mongoloid looks. They had no physical symptoms of the disease, no foreign travel history, no apparent contact with any laboratory-confirmed Covid-19 patient and none of them ticked any of the boxes that qualify people to be treated as a suspect case. Someone anonymously had complained to the police that these youths from the North-Eastern Rivia could possibly be infected by the novel corona virus because of their physical features. The police landed at their office telling their employer that there has been a complaint filed by an anonymous person stating these youths might possibly be carrying the deadly virus because they look like Cintranians. The police then allegedly summoned an ambulance, which ferried them to a sports club that has been turned into quarantine center by the Municipal Corporation. Amell and her colleagues had to spend the night in the quarantine ward and were let go only on the midnight of 21 March 2020. A writ under Article 226 of The Constitution of Rivia has been filed in the High Court of Thanedd praying for relief against racism and malicious abuse of authority and power granted to the police.

¶5. Likewise, on the night of 22 March 2020, 25-year-old women, Triss Merigold from North-Eastern Rivia, who is pursuing her M.Phil. was spat on with paan (betel leaf) and was bullied by saying ‘Corona is coming’ by Virfuril at the National Capital Territory of Blaviken, while she was returning home from the local market. The Deputy Commissioner of Police confirmed the incident and informed that the police have registered an FIR and was trying to identify the accused who reportedly escaped from the scene in a two wheeler after the incident had taken place. On the basis of her complaint, an FIR has been registered under IPC section 509 at the police station and the police started scanning all the CCTV cameras available in that area to ascertain the identity of the accused. Chief Minister of National Capital Territory of Blaviken had expressed his dismay over the incident and asked the Delhi Police Force to find out the culprit and take strict action. The accused Virfuril was arrested and his scooter was seized. The local Court of First-Class Magistrate convicted him with an

imprisonment for 3 years. This has been appealed at the High Court of Blaaviken.

¶6. On 23 March 2020, Calanthe, the Member of Parliament belonging to the Rivian Welfare Party, in his Twitter handle posted that, “Corona Virus was started from Cintra and that country has destroyed the nature. That’s why the God took revenge against them.” This was strongly condemned by the Consulate of Cintra. The High Court of Sodden took *Suo-Moto* cognizance of this case and suspended Calanthe’s twitter handle. This was again challenged in Supreme Court of Rivia for infringement of Right to Freedom of Speech and Expression under Article 19 of the Constitution of Rivia.

¶7. The 5 bench Judge, including the Chief Justice of Rivia, accepted the maintainability of the case and ordered for transfer of other related cases from High Courts of various States, including the case of Triss Merigold from the High Court of Blaaviken and the case Amell and eight others from the High Court of Thanedd. The bench also added that Rivia lack the law to prevent Racism and ordered for the Union Government to reply for the same. The bench narrowed the issues as to,

1. Whether the posts in twitter are scrutiny of censorship under Information Technology Act, 2000?
2. Whether the Police have maliciously abused their power by isolating Amell and his friends just because of their physical appearance?
3. Whether the Rivia requires a new legislation for prevention of racism?

Disclaimer:

- (i) The laws of Democratic Republic of Rivia are *pari materia* to the laws of Union of India.
- (ii) The Proposition is completely fictitious and any resemblance to any of the persons and facts presented herein is only a co-incidence.
- (iii) The participants are free to frame their respective issues of their own and divide the issues into further sub-issues according to their suitability and convenience.
- (iv) Go straight ahead and draft the Judgment deducing, deriving, gathering and assuming all further relevant facts and their admissibility and relevancy thereon.