



## **SREE NARAYANA LAW COLLEGE, POOTHOTTA**

Recognised by Bar Council of India, New Delhi/ Affiliated to Mahatma Gandhi University, Kottayam/ Owned and Managed by SNDP Yogam 1103

**5<sup>th</sup>**

# **ALL INDIA MOOT COURT COMPETITION 2024-2025**

**JAN | 12**

**2024  
-2025**



# 100M PROPOSITION

**SNLC MOOT COURT SOCIETY**

5th All India Moot Court  
Competition 2024-2025





## **Ramesh & Another v Biorice & Others**

Kerasthan is a State in the Union of Dhanyasthan. The laws and legal system of Dhanyasthan are similar to that of India and the laws and legal system of Kerasthan are similar to that of Kerala. Rice is the staple food of the people of Kerasthan, and, traditionally, the cultivation of paddy has occupied a pride of place in the agrarian economy of the State. The lush green paddy fields are one of the most captivating features of Kerasthan's landscape. Paddy is grown in a vast array of ecological niches, ranging from regions situated 3 meters below MSL level as in Nellunadu to an altitude of 1400 m as in the high ranges. Nellunadu which is an area falling within the limits of Nalapuzha District in Kerasthan is considered to be the rice bowl of the State of Kerasthan and accounts for the production of almost 60% of paddy in the State. While the estimated requirement of rice for the State is 40-50 lakhs t/year, it produces less than one-fifth of its requirement.

Kerasthan is well known for the rich genetic diversity of the traditional rice varieties grown in various seasons and in different agro-climatic conditions which includes many medicinal rice varieties. The indigenous medicinal rice varieties are used either as medicine or as ingredients in medicinal preparations on a large scale. There was a huge demand for many of the traditional varieties of rice cultivated in Kerasthan in the Dhanyasthan as well as European markets. Nellunadu is a hot spot for pests and diseases. The high humidity and temperature of the rice growing environments during the cropping periods increases the incidence of pests and diseases. Major insect pests include BPH, Stem borer, Gall midge, leaf roller and rice bug and minor pests include thrips, case worm, blue beetle, whorl maggot etc.

In Nellunadu stem borer attack appeared sporadically during early 2000 and a severe incidence occurred in 2010 and later in 2015, damaging the rice crop in about 30,000 ha and bringing about a loss of rupees ten crore. Research efforts were initiated at various research laboratories in the public and private sector. BIORICE a Joint Venture of the Kerasthan State Agricultural University and RICETECH a private biotech company registered in Dhanyasthan developed RICERESIST a transgenic rice containing a synthetic gene from *Bacillus thuringiensis* (Bt) expressing Cry1Ac toxin which had enhanced resistance to stem borer. In 2022 open field trials of RICERESIST were held in multi-locations in Nellunadu with the approval of the competent regulatory authorities under the 1989 Rules. The open field trials were conducted in farmers' fields which were

obtained on lease by BIORICE. The State Government as well as the local body i.e., Nellunadu Panchayat was not consulted prior to the commencement of the open field trial. BIORICE also employed drones for the purpose of monitoring the open field trials held in the rice fields of Nellunadu.

There were widespread complaints about lack of proper oversight and control over the open field trials. The matter was widely reported in the print media and it triggered a wave of discontent. Among the most concerned was Ramesh, a local resident and organic rice cultivator whose home as well as paddy field was located near one of the leased fields wherein the field trials were carried out. Disturbed by the lack of transparency and worried about the potential impact of the open field trials on his organic rice cultivation, Ramesh organized the villagers to form the Nellunadu Rice Protection Forum (NRPF). Under Ramesh's leadership, the NRPF became a platform for the villagers to express their frustrations and organize protests against the conduct of the field trials. The NRPF held regular meetings at Ramesh's house, which became a hub for those concerned about environmental safety. The NRPF started gaining attention from local media, environmentalists, and activists beyond the village. It organized protests, petitioned the local government, and filed complaints with regulatory bodies demanding greater oversight and transparency in the trials. The villagers, previously scattered and unorganized, now had a united front to challenge the powerful corporate interests.

As the protests intensified, Ramesh observed an increasing presence of low flying drones over his property ostensibly to monitor the field trials. This unanticipated intrusion prompted significant concern. While many of his neighbours shared a sense of unease, it was Ramesh who ultimately resolved to take action.

He approached the BIORICE expressing his concerns about the invasion of privacy, but his complaints fell on deaf ears. With no response from BIORICE, Ramesh filed a Writ Petition with the High Court of Kerasthan, challenging the legality of the drone surveillance. He took the position that the government and the company were infringing on his right to privacy by monitoring areas beyond the leased fields.

The NRPF organized a peaceful protest in front of the District Collectorate. The protest aimed to raise awareness about the dangers of the GM crop trials, the invasion of privacy from drone surveillance, and the lack of transparency from the authorities. Ramesh lead the protest along with his family including his wife and their 9-year-old son. The sight of the young boy holding his parents' hands in the front



lines of the protest captured the attention of both the public and the media.

On the day following the protest, a photograph of Ramesh, his wife, and their son was published on the front page of THE NEWS, the leading newspaper of Kerasthan. The image, showing the family as the face of the protest, sparked a conversation about not just the environmental concerns but also the human cost of the trials and the broader privacy issues.

While many saw the photograph as a symbol of resistance, Ramesh did not welcome the publicity. He felt that the photograph of his family, particularly his young son, had been published without his consent, compromising their privacy. Disturbed by this, Ramesh wrote a formal letter to the editor of THE NEWS, seeking an apology for publishing the photograph without permission. In his letter, he emphasized the personal nature of the protest for him and his family and expressed his belief that they should have been consulted before such a photograph was made public.

However, the editor of THE NEWS refused to offer an apology. In his reply, the editor explained that the photograph was published as part of the newspaper's duty to report on the protest. He defended the decision, citing the newspaper's right to freedom of speech and expression and stating that the image was a crucial part of covering the public protest in an accurate and timely manner. The editor's response added that since the protest was a public event, there was no requirement to obtain individual consent for photographs taken in that context.

Aggrieved by the editor's refusal to apologize and feeling that his family's privacy had been unjustly compromised, Ramesh decided to take legal action. He filed a writ petition in the High Court, seeking compensation from THE NEWS for the unauthorized publication of the photograph.

The photograph published in THE NEWS also attracted the attention of the Kerasthan State Commission for Protection of Child Rights (KSCPCR), which issued a show-cause notice to Ramesh. The Commission expressed concern over the involvement of a child in the protest, questioning whether it was appropriate or safe for a child to be engaged in such protests.

Aggrieved by the notice, Ramesh challenged the show-cause notice by filing a writ petition in the High Court of Kerasthan. He took the position that the involvement of the child was symbolic, representing the present and future

generations that will be affected by the contamination of the organic crops as well as biological diversity of Nellunadu. It was done in the best of his own child, the other children of the present generation as well as those of future generations of Nellunadu and Kerasthan. He also took the position that the Commission had no legal basis to intervene in the matter as it was essentially a choice of the family.

In response to mounting public pressure and concerns raised by residents, the Kerasthan State Biodiversity Board (KSBB) issued a stop memo to BIORICE. The memo required BIORICE to immediately cease its open field trials in Nellunadu, citing the overwhelming opposition from the local population and potential risks to biological diversity of Nellunadu that had not been adequately addressed by the regulators when they granted approval for the open field trials under the 1989 Rules. The KSBB took the position that as a Statutory Authority under Biological Diversity Act, 2002, they had a responsibility to protect the biological diversity of Nellunadu. They contended that the GM crop trials posed risks to local agriculture, water sources, and the livelihoods of farmers. BIORICE filed a writ petition in the High Court challenging the stop memo issued by KSBB. The company took the position that the KSBB had no such power to issue a stop memo and that consent of KSBB was not required to conduct open field trials.

The High Court of Kerasthan decided to consider the following writ petitions together and posted it for arguments on maintainability as well as merits.

- Writ petition filed by Ramesh wherein THE NEWS is the respondent.
- Writ petition filed by Ramesh wherein BIORICE is the respondent.
- Writ petition filed by Ramesh wherein KSCPCR is the respondent.
- Writ petition filed by BIORICE wherein KSBB is the respondent.

The team appearing for petitioners will argue on behalf of Ramesh (against THE NEWS, BIORICE and KSCPCR) as well as BIORICE (against KSBB)

The team appearing for respondent will argue on behalf of THE NEWS (countering the arguments of Ramesh), BIORICE (countering the arguments of Ramesh), KSCPCR (countering the arguments of Ramesh) and KSBB (countering the arguments of BIORICE).

