



**RAFFLES  
UNIVERSITY**



**“5th C.L. Agrawal Memorial International Virtual  
Moot Court Competition”**

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# MOOT PROPOSITION

“5<sup>th</sup> C.L. Agrawal Memorial International Virtual Moot Competition, 2021”

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## Background for the Moot Proposition

The surge of artificial intelligence ("AI") questions about responsibility for criminal offenses an AI commits, mostly because the AI acts autonomously and also with minimal control from human beings.

Artificial intelligence (AI) study and law seek to balance the benefits of advancement versus any kind of possible injuries as well as disruption. Nonetheless, one unplanned repercussion of the recent surge in AI study is the possible re-orientation of AI modern technologies to assist in criminal acts. AIC is in theory viable thanks to published experiments in automating fraudulence targeted at social media users, in addition to demonstrations of AI-driven adjustment of substitute markets. Nonetheless, due to the fact that AIC is still a relatively young and also naturally interdisciplinary area-- extending socio-legal research studies to official scientific research-- there is little certainty of what an AIC future may look like.

When the AI machines acts autonomously as well as the offender omits to interfere, there must be a legal obligation to represent the defendant. It is not possible to state that the launch or use of an AI always makes up a significant risk for harm. Depending on the situation, the actor might have an obligation to act based on an assumption of a particular obligation over the AI. In a self-created risky situation where there is a grave risk that the AI causes harm can also enforce a duty to act for the defendant. Limited foreseeability and unpredictability of the AI's actions will however constrain criminal liability. The accused can never be anticipated to avoid harms that were unpredictable from his/her placement. Neither can the defendant be held responsible for damages he or she did not cause.

## Moot Proposition

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1. The sovereign “Republic of Wadia” is a South Asian democratic country; the laws are pari materia with the laws of India, subject to exceptions specified below. The Wadia Information Technology Act (WITA) is the primary statute governing Information Technology law in Wadia, and the Ministry of Information Technology, Wadia (MIT) is the statutory authority charged with the enforcement of the Information Technology Act (WITA). MIT is empowered and has issued, several regulations, like the Wadia Information Technology (Intermediaries Guidelines) Rules, 2011 and the Information Technology (The Wadia Computer Emergency Response Team and Manner of Performing Functions and Duties) Rules, 2013 which deals with IT Crimes. Wadia rules mentioned herein above are also pari materia rules to India made in this regard.

2. The decisions of the major countries including India (where common law is prevalent), are of significant values for the Republic of Wadia also. The Apex Court of Wadia also relies on established Information Technology Law precedents of the European Union and the United States of America.

3. Skynet is one of the fastest growing companies of Wadia and is placed at 5<sup>th</sup> position in Fortune 500 world ranking. Pablo Escobar is the Chairman of this group. Other businesses of Skynet group are Robotics, Chemicals, Energy, Steel, Petroleum Gas, DTH, Airlines & Automobile, etc.

4. The Republic of Wadia is a developed country and most of the Government and private services are taken over by the Artificial Intelligence (AI) based machines and in health sector also. AI Robots are taking care of the patients.

5. Mr. Arnold is a 65-year-old man retired from defence services and he is living alone. Sara is the only daughter of Mr. Arnold, She is married and working in an MNC company in USA.

6. Mr. Arnold is suffering from Rheumatoid Arthritis and the doctors suggested him to have an AI Based Robot MAK T-9000 for his support. MAK T-9000 is a product of Skynet Robotics Division and specially designed for older people for their medical support and for giving them the

companionship also as it can respond to them, can talk to them like a friend. This MAK T-9000 is also designed to protect the life of elderly people from unknown threats as they are easy targets of criminals who can rob and even kill them.

7. Mr. Arnold purchased online MAK T-9000 from Skynet's Robotic Division. MAK T-9000 served Mr. Arnold almost for one year without any issue and Mr. Arnold was very happy with it. But one day while giving him support to Mr. Arnold enable Mr. Arnold to walk, MAK T-9000 used more force than required which resulted in multiple fractures, excessive body pain and bleeding which led to his death.

8. Next day MAK T-9000 reported the death of Mr. Arnold to police authorities who arrested MAK T-9000 on the charge of Mr. Arnold's murder. Sara the daughter of Mr. Arnold also feels that it is a murder and MAK T-9000 is the culprit.

9. As per the medical report MAK T-9000 used 9,000 lbs. of compressive force resulting in death of Mr. Arnold. According to medical reports the femur can support 30× body weight and the adult male femur can take/bear roughly 6,000 lbs. of compressive force. Such high forces are rarely generated by the body under its own power and therefore such motor vehicle collisions are the main cause of femur fractures.

10. MAK T-9000 has been designed by the Robotics Division of the Skynet Company and Ministry of Information & Technology of Wadia has given license to the Skynet Company for its commercial production and also allowed MAK T-9000 to be used in Medical and Security Services.

11. Six month ago The Republic of Wadia declared that AI based Humanoid Robots are legal persons and can enjoy all legal rights mentioned under the "Constitution of Republic of Wadia".

12. MAK T-9000 approached the High Court for the protection of its rights guaranteed under the Constitution of Wadia.

13. Mr. Arnold who was in Defence Services had been involved in a secret project to develop Robotic Army for Republic of Wadia to avoid human casualties as the Country is surrounded by six neighboring countries, of which it has maintains good relations with only three countries.

14. Robotic Division of Skynet has Computer Source Code of MAK T-9000 Robot and Skynet claims this MAK T-9000 as hack-proof Robot which cannot be hacked.

15. F-Robotics and Project X are the competitors of Skynet company and as per their reports, the Robots of Skynet are not fully hack-proof.

16. The incident triggered the debate over social media and The Supreme court of Wadia condemned the activities of Media Trail over social media platform.

17. Mr. Pablo Escobar (Chairperson- Skynet) is also a member of the parliament of Wadia and has good relations with the ruling government. Being one of the biggest businessmen and entrepreneurs of Wadia, he is helping Wadia in becoming global leader at different forums i.e., United Nations, World Bank, WTO, GATT, etc. because of which there are rumors that Wadia can be a global leader by 2050.

18. In the investigation, police authorities noticed that 10,000 bitcoins of Mr. Arnold were transferred to Paakustan country to an unknown account a day before the death of Mr. Arnold. Investigating authorities are yet to find complete details of the account holder to whose account the money was transferred as also to establish find out the link between the murder of Mr. Arnold and money transaction in the form of Bitcoin.

19. Intelligence Bureau of Wadia claims to have recorded almost a Million cyber-attacks by neighboring countries in the last few years. In addition, thereto, it has also been found that some companies deliberately keep a Malware in the Computer Source Code of the AI-Based Machines for unknown reasons.

20. A well-known NGO / Civil liberty group with the name of "Human Only" has been running a campaign against the use of Robots in day-to-day life leading to a movement against the Skynet Company and is critical of the Government of Wadia also, who has granted status of legal person to AI-Based Robots. On account of some damage caused to the public property and of publication of hate messages on AI technologies, some leader of the NGO mentioned above have been arrested also.

21. On 26<sup>th</sup> July, 2020, the High Court ruled in favor of the applicant and therefore, Skynet and MAK T-9000, preferred an appeal before the Hon'ble Supreme Court, against the ruling of the High Court.

**Issues:**

1. Whether the appeal is maintainable before the Hon'ble Supreme Court?
2. Whether the suspected Skynet & MAK T-9000 are entitled for legal remedies under the Constitution of Wadia;
  - Article 20(3), Article 21, Article 22(1) and Right to Constitutional remedies (Articles. 32)
3. Whether the suspected Skynet & MAK T-9000 have any remedy under:
  - The Information Technology Act, 2000?
  - Information Technology (Intermediaries Guidelines) Rules, 2011 and Information Technology (The Wadia Computer Emergency Response Team and Manner of Performing Functions and Duties) Rules, 2013
4. Whether the report of the Intelligence Bureau can be considered a potent evidence for the purpose of prosecution?

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**Note:**

- ✚ Teams are advised to frame additional issues, if any, based on the Factual and Legal aspects.
- ✚ Please assume that Indian Information Technology laws and Indian Penal laws are applicable in Wadia.
- ✚ All persons, characters, state names and other incidents in the moot problem are purely incidental and do not resemble any person living or dead.

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