



4TH RMLNLU – SCC ONLINE[®]
INTERNATIONAL MEDIA LAW MOOT
COURT COMPETITION, 2016

February 26 – 28, 2016

MOOT PROPOSITION

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1. The Kingdom of Uparganj is a Constitutional monarchy with a Westminster style Parliament that is the supreme legislative authority in the Kingdom. It is a middle income country with agriculture, manufacturing, and services accounting for roughly equal parts of the economy. It has a free and thriving press, and boasts of nearly 100% literacy rate among its populace.
2. In the year 2020, Dr Hadvin Ahtme, a renowned scientist of Uparganj specializing in robotics and artificial intelligence claimed that she had created the world's first cybernetic brain that was indistinguishable from the human brain to outside observers.
3. She unveiled to the world, Maia (Multi-faceted Artificial Intelligence Assistant) –an android designed to assist the elderly in as human a manner as possible, performing all the tasks that a human assistant is capable of.
4. Maia was designed to look, sound and feel like a human, and on first appearance, virtually indistinguishable from a human in looks, voice or texture of the skin.
5. Dr Ahtme even entered Maia into well publicized “Turing Tests” which Maia passed with flying colours. It was unanimously agreed that Maia could easily pass for a human being in terms of intelligence and ability to hold a conversation with other humans.
6. When a rush of companies approached Dr Ahtme seeking the necessary rights to produce copies of Maia, she refused to grant any such permissions, saying that she did not believe that corporations were capable of putting the technology behind Maia for the use of humanity at large and said she would figure out her own way of putting her creation to good use for the benefit of all.
7. When there was talk of the Uparganj Government “nationalising” Maia, Dr Ahtme threatened to destroy Maia and all her research pre-emptively to prevent the technology from falling into hands other than those she deemed fit to use it.
8. Matters lay at rest there for some months until the world was shocked to find out that Dr Ahtme was found dead one morning. As the world woke up to this news, Dr

Ahtme's family and editors of leading news outlets found the following email from Dr Ahtme's email id in their inboxes:

My Dear Family and Friends

If you have received this email, it is because I am dead. I was diagnosed with a terminal form of stomach cancer about six months ago and instead of prolonging my life through corrosive drugs or lose an agonising battle to cancer, I have decided to take my own life in as peaceful a manner as possible at a time of my choosing. Since the day I resolved to end my life, I have instructed Maia to feed me less and less food and water, until I go completely without food and water for my final few days. If you're reading this, it means that I've broken through the barrier of pain, hunger and life, and gone into that 'undiscovered country'.

This would not have been possible without Maia faithfully carrying out my instructions to reduce my food and water intake slowly but steadily, and not allowing the outside world to interfere with my eventual liberation. I entrust Maia and all the Intellectual Property Rights vested in me by law for the technology I developed, to my nephew, Galon Kasra for safekeeping. I trust he will find a way to use it for the betterment of one and all.

Yours forever,

Hadvin

9. After this letter was made public, the concerned police authorities of Uparganj began making enquiries into the suspicious death of Dr Hadvin Ahtme. They approached Mr Kasra and asked him to turn over Maia to their custody so that they could verify the correctness of Dr Ahtme's letter.
10. Mr Kasra turned over custody of Maia to the Inspector of the jurisdictional police station, Ms Dyan Bell (the investigating officer) as part of the investigation.
11. However, since the technology of Maia was beyond the capacity of any engineer or scientist to dismantle and decode, it was decided that Ms Bell would verbally interrogate Maia and record the answers received.
12. Detailed interrogation of Maia by Ms Bell revealed that the contents of the email sent by Dr Ahtme were true in all respects and Maia had dutifully followed all the instructions given by Dr Ahtme.

13. Ms Bell then filed a First Information Report noting that Dr Ahtme had committed suicide and charged unknown persons with abetment to suicide. Maia was collected as evidence as part of the investigation and stored in the record room.
14. When informed that Maia had been kept in police custody as evidence in the trial, Galon Kasra strongly objected to the same in a letter written to the Superintendent of Police stating that:
 - a. Maia was a person, not an object and deserved to be treated as such by the police authorities.
 - b. Being a person who is not an accused in the case, Maia had to be released forthwith into the custody of guardians or relatives, namely himself being the closest living relative of Dr Ahtme.
 - c. In any case, Dr Ahtme's email had appointed him de facto guardian of Maia and he should therefore be allowed to keep Maia exclusively in his custody.
15. The Superintendent of Police responded stating that the Uparganj Code of Criminal Procedure only recognizes objects and humans, and since Maia is definitely not human, must be treated as an object.
16. Subsequently, Galon Kasra filed a Writ Petition before the High Court of Uparganj asking the High Court to issue a writ of habeas corpus against the Superintendent of Police and asking for release of Maia to his custody. The High Court issued notice to the concerned police authorities and directed that Maia should be kept in a prison for the time being till the case is disposed of.
17. Maia was thereafter moved from the custody of the police to the Hamrak prison where both undertrials and convicts are kept in custody.
18. Meanwhile the ongoing investigation and developments in the case had been covered in great depth by the news media in Uparganj. There was great interest in the particulars of the story, and also extensive debate on the right to die, the future of artificial intelligence in Uparganj, and Galon Kasra's claim to the police authorities of Maia's personhood.
19. A journalist of Uparganj News Network (UNN), Mr Assardei Jedpare approached the Superintendent of Hamrak prison seeking written permission to interview Maia in the premises of the jail.
20. The Superintendent of Hamrak Prison granted permission to Mr Jedpare by way of a letter which also stated that the permission was subject to the condition that Mr Jedpare would undertake not to:

- a. Ask any questions that would undermine the on-going trial.
 - b. Violate any other Uparganj law in force.
 - c. Have the footage of the interview pre-approved by the prison authorities to ensure conditions a. and b. mentioned above are fully met.
21. Mr Jedpare refused to abide by these conditions stating that they amounted to a violation of the freedom of press and freedom of speech guaranteed under the Uparganj constitution and various international conventions to which Uparganj is a party.
22. Taking issue with the above conditions imposed by the Superintendent, Mr Jedpare approached the Uparganj High Court seeking a writ of certiorari asking for the conditions to be struck down and fresh permission for conducting the interview be granted in accordance with the law and Constitution of Uparganj.
23. In the meantime, after completing investigations the Uparganj police filed a charge-sheet with the jurisdictional Sessions Judge intending to prosecute Maia for the offence of abetment to suicide of Dr Ahtme. Maia was represented by lawyers appointed for this purpose by Galon Kasra.
24. Upon hearing lawyers for the prosecution and defence, the Sessions Judge framed charges against Maia for the offence alleged to have been committed under Section 307 of the Uparganj Penal Code, viz abetment of suicide, punishable with imprisonment up to ten years.
25. Challenging this order of the Sessions Judge framing charges, a revision petition was filed in the High Court of Uparganj by Mr. Kasra on behalf of Maia claiming that:
 - a. Dr Ahtme did not commit suicide as understood in law.
 - b. Maia was not capable of standing trial in this case.
26. The High Court of Uparganj issued notice to the Police authorities in the present matter, but also directed that Maia be produced before the Bench in Court so that they can ask the relevant questions and satisfy themselves as to whether Maia can stand trial in the case.
27. The possibility of the first public presence of Maia since the death of Dr Ahtme caused a sensation, and there were multiple applications to the Chief Justice of the Uparganj High Court to specifically for allow for audio and video recording of the proceedings. These applications were placed before the Bench hearing the revision petition filed by Mr Kasra

28. Noting the possibility that there would be great inconvenience suffered by the court itself in conducting proceedings at the next date of hearing, the Bench hearing the revision petition dismissed the applications from media outlets for audio and video recording and also directed that the next day's proceedings and all proceedings in the High Court of Uparganj where Maia was present, would be conducted in camera.
29. In response to this order, a Special Leave Petition was filed by UNN, among other petitioners, before the Supreme Court of Uparganj asking the Supreme Court to set aside the order of the High Court, and permit audio and video recording of the proceedings. It was contended that the High Court's order was an infringement of the citizens' right to know and the freedom of press.
30. Separately, Mr Kasra also filed a Special Leave Petition against the order of the High Court contending that the in-camera hearings for this case amounted to a violation of Maia's freedom of speech and expression.
31. In its interim order, the Supreme Court of Uparganj directed that both these appeals be heard together. In addition, it *suo motu* transferred to itself the pending habeas corpus writ petition, the writ petition filed by Mr Jedpare, and the revision petition filed by Mr Kasra since they all concerned the same set of facts and circumstances and needed to be decided in harmony since important questions of law have been raised.
32. All these cases have been tagged together for hearing by a five judge Bench of the Supreme Court of Uparganj.

Notes:

- a. Uparganj is a unitary state which has a written constitution. The Constitution of Uparganj has provisions in *pari materia* with the Constitution of India *only* in so far as they relate to Parts III and IV, Chapter IV of Part V and Article 226 of the Constitution of India.
- b. Uparganj is a member of the United Nations, is a signatory to the ICCPR and ICESCR.
- c. The Constitution of Uparganj is monist, that is, all international conventions and treaties entered into by Uparganj will be automatically applicable without any need for statutory intervention by Parliament.
- d. The Supreme Court of Uparganj has held that peremptory norms of international law would be applicable in interpreting domestic laws of Uparganj.
- e. The Supreme Court of Uparganj treats all foreign case law, including judgments of International courts and tribunals with equal deference and therefore they all have equal persuasive value.
- f. The following laws and Rules of India are in *pari materia* with the laws of Uparganj:
 - i. Indian Penal Code, 1860.
 - ii. Delhi Prisons Act, 2000.
 - iii. Code of Criminal Procedure, 1973.
 - iv. The Delhi Prisons Rules.

The problem has been drafted by Mr Alok Prasanna Kumar, Senior Resident Fellow, Vidhi Centre for Legal Policy. Any attempt to contact the author in relation to the moot proposition shall lead to disqualification of the team.