



MOOT PROPOSITION

1. The sovereign “Republic of Zindia” is a South Asian democratic country; the laws are *pari materia* with the laws of India, subject to exceptions specified hereafter. The Zindia Information Technology Act (ZITA) is the primary statute governing Information Technology law in Zindia, and the Ministry of Information Technology, Zindia (MIT) is the statutory authority charged with the enforcement of the Information Technology Act (ZITA). MIT is empowered and has issued, several regulations, like the Zindia Information Technology (Intermediaries Guidelines) Rules, 2011 and the Information Technology (The Zindia Computer Emergency Response Team and Manner of Performing Functions and Duties) Rules, 2013 which deals with IT Crimes. Zindia rules mentioned herein above are also *parimateria* rules to India made in this regard.
2. The decisions of the major countries including India (where common law is prevalent), are of significant value for the Republic of Zindia also. The Apex Court of Zindia also relies on established Information

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Technology Law precedents of the European Union and the United States of America.

3. Doodle is one of the fastest growing companies of Zindia and is placed at 3rd position in Fortune 500 world ranking. Mr. Pankaj Pradhaan is the Chairman of this group. Other businesses of Doodle group are Robotics, Chemicals, Energy, Steel, Petroleum Gas, DTH, Airlines & Automobile, etc.

4. Engineers at Oxbridge University collaborated with Doodle to create a bot that reads and comments on online news articles and social media posts. They call their model “*RealCom*,” short for “*Real commenter*.” This AI bot functioned on machine learning and had the capacity to automatically learn from past data and its own interactions without programming explicitly.

5. The Republic of Zindia is a developed country and most of the Government and private services are taken over by the Artificial Intelligence (AI) based machines. The digitalization of the country led to the involvement of Artificial Intelligence in the mainstream economy of the country as well.

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6. The Republic of Zindia is a federal country and is abode to multiple cultures, religion and race. Zindutva and Zufism are the two major religions of the country with Zindutva accounting for 79% of the population while Zufism accounting for 15.5%. Though The Republic of Zindia is a secular country, there have been rifts and friction on multiple occasions between these two religious' groups in the past in few areas of the country. These conflicts have often led to communal violence and there remains an underlying sense of communal tension in few parts of the country. Nevertheless, there is usually a sense of brotherhood amongst the group religion and the same is promoted amongst everyone.
7. The two prime national political parties in the country are Zindian Socialist Party (ZSP) And National Glory Party (NGP). The NGP is currently the ruling party at the centre and ZSP is the opposition party. ZSP has often accused NGP of being pro-Zindutva and benefitting politically because of the history of tension between the two religions.
8. The NGP is the ruling party of the country since 2014 and formed the Government of Zindia. In 2019, it promulgated the Citizenship

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Amendment Act. It amended the Zindian Citizenship Act to accept illegal migrants who belong to Zindutva religion from the neighboring countries of Republic of Zindia. This move sparked widespread national and overseas protests, it spread from one state to another in Zindia.

9. Consequently, there was an explicit communal tension between the communities of Zindutva and Zufism. The national capital of Zindia was then engulfed in inter-religion riots. Few supporters from both the communities were hurling hate speeches at one another and more than a dozen people from both the communities were slaughtered on the streets.

10. The protests of 2019 were silenced by the ensuing pandemic of Zovid-19 wherein conforming with the social distancing norms was mandatory.

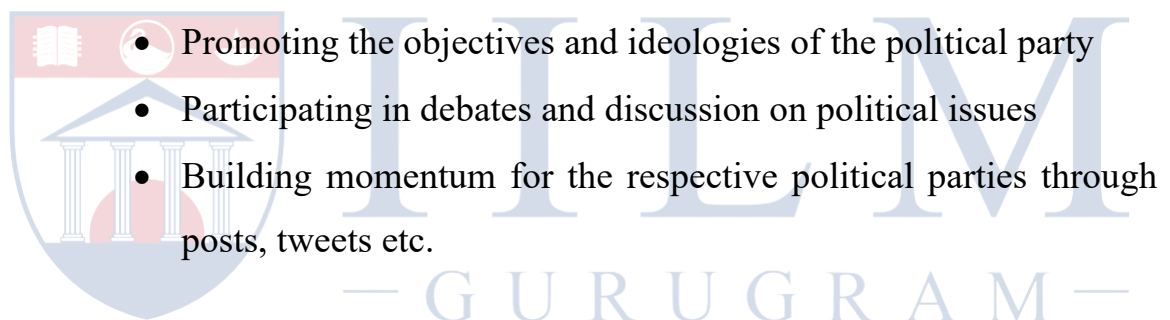
11. The Republic of Zindia is also the largest democracy in the world in terms of the number of voters. In the year 2022 the assembly elections were scheduled for 5 states in the country and all the political parties were immersed in strategic election campaigning which was going on in full bloom. As the assembly elections were approaching, the public domain was full of debates and discourse amongst the members and supporters of the respective political parties. The social media was no

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exception to these debates and discourse and the lack of effective censorship on social media often led to crossing the lines of cultural-religious sensitivity.

12. Acknowledging the role of social media in political campaigning, all the political parties established their respective IT-Cells that took care of the digital sector of campaigning. Their prime responsibilities were, but not limited to:



- Promoting the objectives and ideologies of the political party
- Participating in debates and discussion on political issues
- Building momentum for the respective political parties through posts, tweets etc.

13. The NGP IT-Cell is headed by Mrs. Rohila Bhatnagar who also happens to be one of the spokespersons for NGP. For the digital media campaigning for the 2022 assembly elections the NGP IT-Cell decided to buy the machine learning based AI Software named “RealCom”. The objective was to make it discharge the above-mentioned functions of an IT-Cell. RealCom was planned to operate through multiple social media

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accounts. Each of these accounts were planned to display its official affiliation with the NGP IT-Cell through their respective bio.

14. The RealCom worked seamlessly in the first few weeks of its usage by the NGP IT-Cell. But in the coming weeks there was an abrupt deviation in the response pattern of the AI. It started using certain derogatory and offensive words more frequently. On 7th February 2022 the Bot engaged in an argument with one of the ZSP supporters regarding the necessity of Constitutional compliance. The ZSP supporter accused NGP of not abiding by the spirit of The Zindian Constitution and further accused NGP for destroying the Constitutional values. As a response to the same the RealCom responded with the following:

“The Constitution has been forced upon us and we do not believe in it. The idea of secularism was not even the part of the original Constitution. The document is a death certificate for Zindutva and Zufism is going to take over the country. We need to purify this country by getting rid of this constitution and the millions of Zufis living in the country.”

15. The screenshots of this comment got viral on social media and multiple politicians and celebrities tweeted the screenshot alongwith their

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reactions. The controversy snowballed into a major issue and it was being addressed to by major media houses. The Zufi Front of India (ZFI) is a popular religious front that represents the interests of the Zufi religion and its followers in Zindia. Upon the comment getting viral the ZFI raised major objections as to the impact of the comment on the public at large.

16. The results were as expected, the comment of RealCom resurfaced the communal tension of 2019. The two communities were at loggerheads yet again. This led to eruption of violence in the states where the elections were scheduled in forthcoming weeks/months.
17. During the physical gatherings for election campaigning, famous leaders of NGP further swayed the protests. They deliberately enunciated hate speeches to gain advantage over the manifest rift between the two communities. The ZSP leaders were not far behind. They too engaged in the divide and rule politics of the election prone states. This in turn flared massive protests that were violent at some places and non-violent at some. Mass FIRs were registered during this period against leaders of different political parties.

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18. ZFI filed a complaint against Mrs. Rohila Bhatnagar for abatement of violence through the controversial comment. She was charged under Section 108, 153 A, Section 295A, Section 298 and Section 505 of the Indian Penal Code. On 25th March, 2022, the High Court ruled in favor of the applicant and therefore, Mrs. Rohila Bhatnagar preferred an appeal before the Hon'ble Supreme Court, against the ruling of the High Court.

ISSUES

- I. Whether High Court was correct in holding Mrs. Rohila Bhatnagar liable for sparking the controversy and resultant violence u/s 108, 153 A, Section 295A, Section 298 and Section 505 of the Indian Penal Code?
- II. Can RealCom be made liable for the above-mentioned offences under any of the laws applicable to Republic of Zindia?

**Participants have the liberty to frame sub-issues for clarity and convenience.*

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