Dr. D.Y. Patil College Of Law
National Moot Court Competion
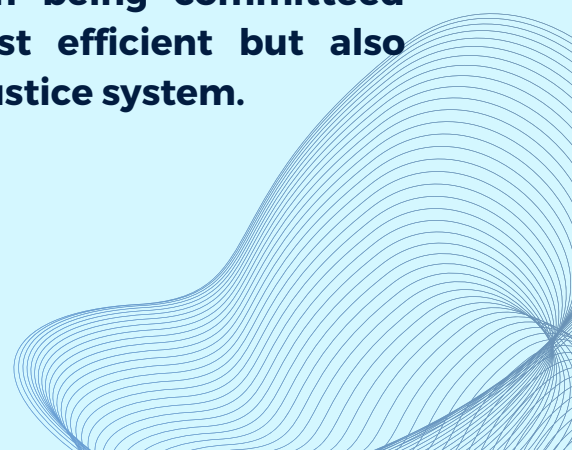
MOOT
PROPOSITION

The Freedom Initiative and Ors
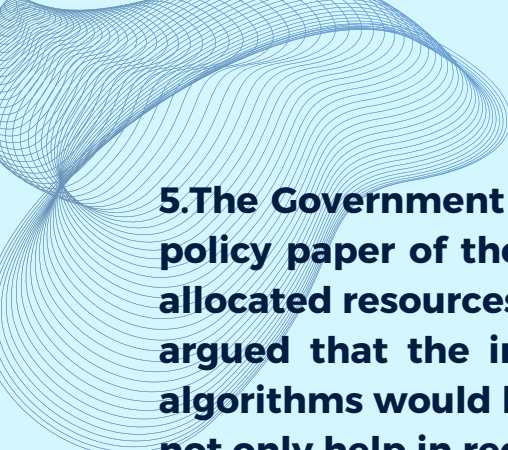# Vs
The Republic of Aryana

1.The Union of Aryana is a diverse and populous nation with a complex legal system that seeks to balance the rights and interests of its citizens. As Aryana continues to develop technologically and economically, the integration of advanced technologies, and the adoption of various sorts of AI tech, into various aspects of the nation has become very common.

2.There has been a significant rise in crime rates within the countries over the past few years, which has led to a wide discourse about the efficiency of the current criminal justice system. Some have even stated that the current criminal justice system outdated since its effectiveness has been in question due to the current status of conviction rates within Aryana.

3. There have been serious concerns about the potential betterment of the criminal justice system since there has been a lack of resources to devote towards law enforcement and the overall criminal justice system which has led to apprehensions towards the effectiveness of the conventional methods of crime prevention and detection as well.

4. The Government of Aryana's premiere think tank, Samarthan Kendra had released a policy paper recommending the government to adopt the use of various AI Algorithms to potentially predict criminal behaviour which would operate in such a way that the algorithms would identify possible high risk individuals and further stop a crime from being committed preemptively. This would not only be cost efficient but also increase the efficacy of the current criminal justice system.
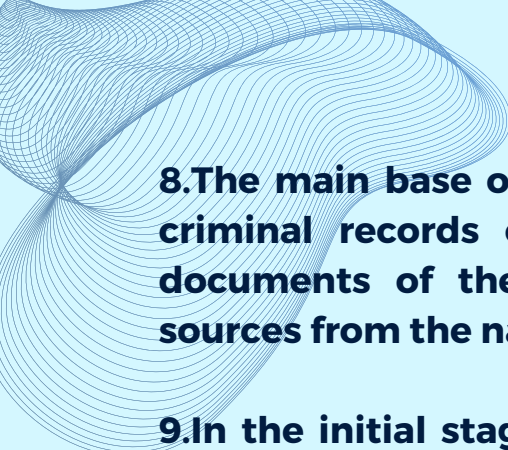
5.The Government extended their support to the suggestion in the policy paper of the governmental think tank, and the government allocated resources in developing such algorithms. The Government argued that the implementation of AI enabled crime prevention algorithms would be killing two birds with one stone since it would not only help in reducing the crime rates and promote public safety in the country but also improve the overall decision making process and further save on the resources as well.

6.The Government of Aryana entasked the Aryana Institute for AI and Advanced Machine Learning (AIAAML) and they developed an AI Algorithm, "Raksha Vimarsh". The main function of Raksha Vimarsh was to predict potential chances of a person committing a crime in the near future by various techniques such as predictive policing which involves using data analysis and machine learning to identify potential criminal hotspots and predict where crimes are likely to occur, criminal profiling which uses various data, including psychological and behavioral characteristics, to create profiles of potential offenders, Recividism which predicts the likelihood of an individual reoffending after a criminal conviction and data fusion which entails Integrating and analyzing data from various sources, such as criminal records, social media, and surveillance, to create a comprehensive picture. Further the algorithm was ever evolving and thus more and more techniques were added on to ensure that the algorithm was foolproof.

7.The team which developed Raksha Vimarsh consisted of highly qualified data scientists, criminal justice experts and even experts within the field of criminology. There were people from various diverse and specialised backgrounds which included but were not limited to practitioners of the legal fields such as lawyers, judges, legal researchers and scholars. Experts in forensic science and law enforcement professionals such as investigators and police officers were also consulted.
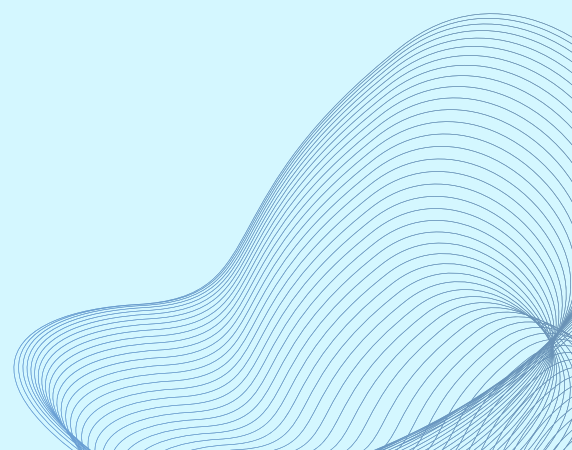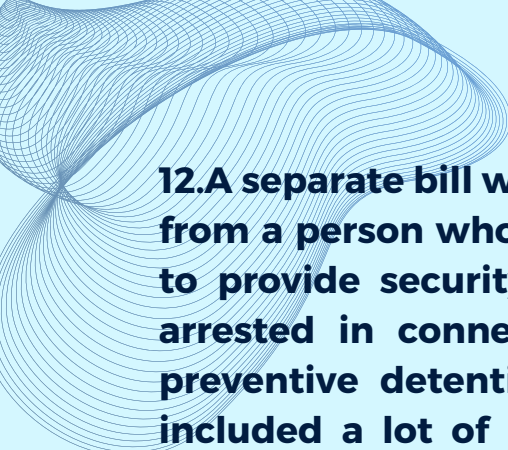
8.The main base of Raksha Vimarsh was of the previous historical criminal records of Aryana which includes but not limited to documents of the court, arrest records and other public data sources from the national crime records bureau (NCRB).

9.In the initial stages of the AI Algorithm, it was tested rigorously using huge database of criminal data from Aryana's NCRB. The testing was done to ensure that the algorithm is well refined and accurate to ensure that it was reliable to be deployed and executed in the criminal justice system of the country.

10.Two states of Aryana were used to test the Pilot program of Raksha Vimarsh for a period of 6 months before it was deployed on a nationwide scale. The results of Raksha Vimarsh were mixed in nature. On one hand it served the purpose of increasing the efficiency of the criminal justice system and significantly reducing the use of resources, on the other hand there were apprehensions about the short testing period of the pilot program and also potential biases and errors which could be derived from the data which was used for Raksha Vimarsh to build on.

11.Eventually both the houses of the parliament of Aryana passed a law which mandated the use of Raksha Vimarsh in the criminal justice system nationwide. The AI Algorithm was used in pretrial proceedings, bail hearings and sentencing. There was a major outcry by various civil societies and NGOs as well as legal scholars regarding the adoption of the law.
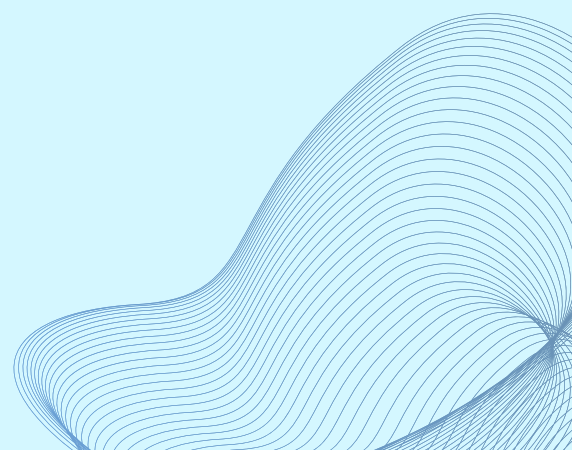
12. A separate bill was passed which mandated the collection of data from a person who was previously convicted for a crime instructed to provide security for good behaviour or maintaining peace, or arrested in connection with an offence or detained under any preventive detention law. The definition of data within the act included a lot of private information such as age, gender, caste, religion and socio-economic background; social media and online activity, including social media posts and digital communications; psychological and behavioural assessments, such as an individual's psychological evaluations and mental health history; financial records such as income, assets, and liabilities; education and employment history; and substance abuse history. The NCRB was mandated under the act to collect, preserve, process, store, destroy and most importantly sharing and disseminating the data to relevant authorities upon an order.

13. This process of collecting a huge amount of extensive data became a vital resource for the functioning and the evolution for the improvement of Raksha Vimarch and more and more AI techniques and models were added for understanding potential criminal behaviours and patterns in order to make the predictions more precise in nature.

14. Raksha Vimarch's source code and model was further exempted from the reaches of the Right to Information act and was not publicly made available since the government claimed that it was a matter of national security and for the protection of sensitive information. They claimed that this was done to ensure the integrity and to prevent the misuse of the algorithm. This made it very difficult for any independent oversight mechanisms to evaluate the leval of functioning of the AI on a transparent and an unbiased structure.
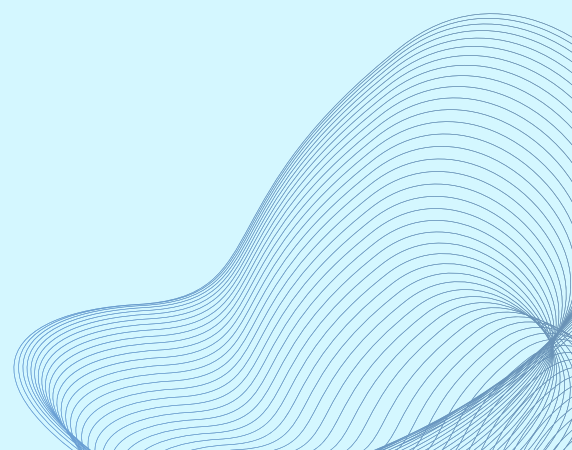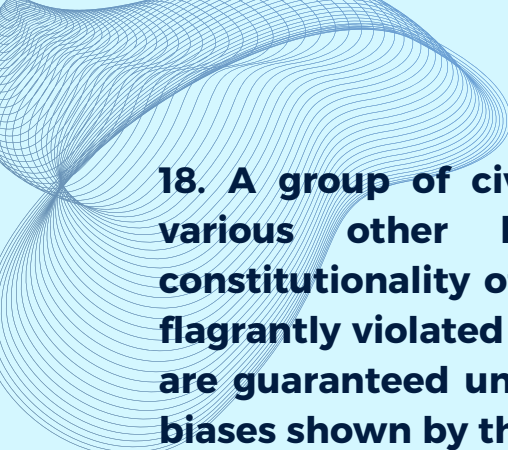
15.Post the implementation of Raksha Vimarsh, the NCRB released a report which mentioned that there was a significant decrease in administrative costs and resources since various judicial processes got streamlined and fast tracked as a result of the AI Algorithm. The Government of Aryana increased funding to various legal aid and welfare programs since there were significant financial savings. The government further mentioned that they were continuously working with the Aryana Institute for AI and Advanced Machine Learning (AIAAML) to minimise any errors and even reduce and eliminate any potential for biases within the model.

16.However, there were several cases wherein the implementation of Raksha Vimarsh led to unfair judgements on the basis of the recommendations put forward by the model. The law passed by the government stated that a judge must give justifications as to why they did not follow the recommendation put out by Raksha Vimarsh.

17.In one of the cases, a man aged 22 who had no previous criminal records was arrested on the suspicion of theft. The judicial proceedings were highly influenced by the inputs of Raksha Vimarsh. Following his arrest, Mr X applied for bail. Under normal circumstances the man would have gotten bail, however, Raksha Vimarsh predicted that this man had a high chance of reoffending and committing a crime if he was released on the basis of his age, his educational background (he is currently a student) and the high crime rate in his neighborhood. As a result of the prediction put forward by Raksha Vimarsh, the bail was denied to Mr. X. There was a huge outcry following this decision and several human rights activists claim that there is an inherent bias present within Raksha Vimarsh for certain religion and communities. Mr. X filled a petiton challenging the validity of the recommendation given by Raksha Vimarsh on his bail rejection.

18. A group of civil rights activists, The Freedom Initiative and various other legal scholars have challenged the the constitutionality of the use of Raksha Vimarsh on the basis that it flagrantly violated several fundamental rights of the citizens which are guaranteed under the Constitution of Aryana. In access of the biases shown by the the AI model, there is a violation of the right to privacy, the right to a fair trial, the right to equality and the right to human dignity which are being violated by the use of Raksha Kavach.

Issues

1.Does the use of an AI algorithm in pre-trial detention decisions, bail hearings, and sentencing violate the right to a fair trial guaranteed under Article 21 of the Constitution of Aryana?

2.Can the recommendations given by the AI Algorithm be considered as an evidence in judicial proceedings?

3.Does the use of an AI algorithm to predict criminal behaviour violate the right to equality guaranteed under Article 14 of the Constitution of Aryana by disproportionately affecting certain communities?

4.Does the use of an AI algorithm in criminal justice decision-making raise concerns about transparency, accountability, and due process, as guaranteed under the Constitution of Aryana?
Does the use of an AI algorithm to predict criminal behaviour violate the right to privacy guaranteed under Article 21 of the Constitution of Aryana?

Note: There can be a maximum of five issues and minimum of three issues. Participants are free to add or remove issues keeping the above rule in mind, however, minimum of three issues from the original set of issues have to be used.

Note: The laws of Aryana are similar to that of India, however the Supreme Court of Aryana considers the judicial precedents set by the courts of India.