

MOOT PROPOSITION^{1&2}

THE STORY OF GENZ+

1. GenZ+ is a private limited company based in Vangalore, Bharat, and was incorporated in 2014 with the objective to make Bharat a smarter and faster nation and to bring Bharat at par with other developed countries in terms of technological advancements through Robotics and Artificial Intelligence (in short, "AI"). GenZ+ has a family of different robots, designed and manufactured for different purposes, which includes RoboCop, a robot actor that will perform however the user wishes; MesRobo a realistic humanoid robot that can imitate human bone structure, skin texture and expressions; TruRobo, a robot customer assistant, MedRobo a robot providing medical assistance and security etc. and software(s) such as Groceta-901, which is one of its kind AI Bot-software that provides 100% automated services to its customers to enhance convenience and for the ease of doing business of various companies and also functions as a database and a transmitter of bulk information and data. Over the years, the country has witnessed incorporation of various such companies in cities like Gudgawan, Tuna, Byderabad besides Vangalore, providing AI and robotic services in almost all the economic and financial sectors in Bharat, with GenZ+ being the monopolistic player in the market in designing and manufacturing AI based Humanoid Robots and advanced Software.

PART A

ARTIFICIAL INTELLIGENCE IN MEDICINE

1. Bharat from the inception has not been very far behind in the field of medicine and, in the present times, the health sector in Bharat caters to patients from Sub-Saharan and Khorasan regions and from many more such under-developed and developing regions in the world. However, to be at par with the growing competition and varied expansion in the field of medicine both domestically and internationally, various private and Government hospitals have shifted their dependency from traditional modes and methods to AI.
2. **GenZ+** also manufactures AI based software and humanoid Robots namely, Medware and MedRobo respectively, which are especially designed for older people for their medical support and for providing them companionship, as it responds and talks to them as a friend. That in health sector, AI Robots are taking care of the patients who are suffering from severe diseases and are unable to take care of themselves.
3. Ms. Rima is a 65-year-old woman, being a retired University professor living alone at Belhi. Ronny is the only son of Ms. Rima who is married and working in a Multi-National Company in Kalifornika, United States of Amrika.

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4. Ms. Rima is suffering from Osteoarthritis and Pulmonary hypertension and the doctors have suggested her to be around family and friends who can take care of her and support her daily needs. Upon learning that, she lives alone, the doctors suggested that an AI based Robot i.e., MedRobo will be a perfect alternative for her daily care and support. Upon discussion with the doctors about the condition of his mother, Ronny researched upon GenZ+, the manufacturer of MedRobo and learnt that it manufactures customised MedRobo, as per the requirement of the hospital, to conduct varied surgeries, provide medical aid/support, nursing assistance etc. Even as per the medical practitioners of the renowned hospitals, MedRobo was a trusted AI and had given 100% positive result till date.
5. Ronny purchased one MedRobo from GenZ+ through its official website, for his mother. This MedRobo had the inbuilt features to remind Ms. Rima of her medicines, checking pulse rates, blood pressure and oxygen levels twice in a day and send the reports to Ronny and the doctors for their perusal. MedRobo also had an additional feature of an inbuilt camera, the access of which was available with Ronny, in order to administer the health of Ms. Rima. Day by day the medical condition of Ms. Rima was improving and Ronny also felt contented for his mother's health.
6. While the usage of AI in the medical sector was being celebrated, on 03.04.2022, one shocking incident took place at Kalawati Hospital, Belhi, wherein MedRobo, while assisting a doctor namely, Dr. Rajendra Chauhan in conducting a heart surgery, killed one Mr. Prateek when it knocked the doctor's hand, which damaged a part of the patient's heart, which ultimately resulted in multiple organ failure and tragically, his death.
7. An inquest took place after a week to determine what precisely went wrong, and the conclusion was that, Mr Prateek's death was a direct consequence of the operation and its complications, and that one of the major causes of his death was that the operation was undertaken with the robotic assistance of MedRobo.
8. The media reports subsequently raised important questions about negligence, training policies, and the use of technology in healthcare in general.
9. Consequently, a First Information Report ("FIR") under section 304 A r/w section 120B of the Bhartiye Penal Code, 1860 was registered by Mr. Prateek's family against Kalawati Hospital, Belhi and the heart surgeon Dr. Rajendra Chauhan.

**PART B
CRIMINAL LIABILITY OF AI**

1. M/s Sapindra Private Limited is an Indian Auto-Ancillary Company based in Minaser, Hari Pradesh that provides supporting equipment to the primary products of a vehicle company in the form of Tyres, Batteries, Brakes, Suspension, etc. Sapindra runs a semi-automated unit

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having humanoid Robots based on AI for assembling the spare parts, including painting, welding, material handling detecting defects and analyzing the risk factors etc. in the ancillary equipment units. The said humanoid Robots are also designed to identify the threat in its mission and accordingly take actions to resist the said threats.

2. Mr. Umang Kumar, a 24-year-old employee was working as an Engineer in the aforesaid Semi-Automated unit of Sapindra for more than one and half years for the maintenance and operation of the supporting equipment manufactured in the semi-automated unit.
3. That on 12.03.2022, when there were 62 employees and 37 robots, working in the said semi-automated unit, Mr. Kumar noticed that a metal sheet got dislocated from its position where one of the RoboCop (manufactured by GenZ+) numbered as MT-4550, who was pre-programmed to weld the metal sheets of the Car engine, was operating. Thus, Mr. Kumar in order to avoid any mishap, reached the location from behind MT-4550 in order to adjust the dislocated metal sheet. However, the pre-programmed robot erroneously identified Mr. Kumar as a threat to its mission and calculated that the most efficient way to eliminate this threat was by pushing him into an adjacent operating machine, however, Mr. Kumar in haste resisted MT-4550, which made MT-4550 to pierce Kumar's abdomen with welding sticks leading to his death on the spot.
4. Mr. Kumar's family, being devastated on his death, filed an FIR u/s 304-A of Bhartian Penal Code, 1860 against Sapindra Limited to seek justice under the due process of law on account of death at the work premises during the working hours and negligence on the part of the Company towards the safety of the human employees/workers.
5. That Union of Worker's association of the Company started blaming Sapindra Limited for lack of safety features, resulting in the unfortunate accident and demanded to replace the Humanoid Robots with human worker to avoid such unfortunate incidents.
6. However, on the other hand, Ministry of Road Transport & Highways of Bharat (in short "MoRTH") published a data, wherein it was categorically mentioned that due to AI equipped and AI manufactured parts in the vehicles, there was a substantial decrease in the system faults of the vehicles, which had reduced the number of road accidents in Bharat.
7. The question that arises herein is that who is liable for such unfortunate incident? The programming company GenZ+ who designed MT-4550 and installed the threat detecting feature in it or Sapindra Limited who failed to adopt sufficient safety measures or the deceased person who was negligent in his act?
8. Another shocking incident took place a month later, wherein a 22 years old technician namely, Mr. Madan Chhetri, was killed at the workshop of M/s Loyota Automobile Private Limited when RoboCop MT-4554 grabbed and crushed his head.

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9. Consequently, an FIR was registered by the police based on the complaint filed by the sister of Mr. Madan Chhetri, u/s 304A r/w section 120B of Bhartian Penal Code, 1860 against M/s Loyota Automobile Private Limited and GenZ+ on account of death at the work premises during the working hours and negligence on the part of the Company in manufacturing and using such a defective robot and towards the safety of the human employees/workers.
10. Several attempts were made to suppress or overlook the said concerns by terming it as a mere accident beyond the control of the companies in question and the presumption of the deceased employee being aware of the safety protocols to be followed.
11. In Bharat, E-commerce businesses have also witnessed a boon and which made day-to-day living easier and convenient for humans in the metropolitan cities. That one such Mobile Application “Tring it” with the business objective ‘deliver groceries at the door-step’, gained huge recognition and was later acquired by one of the leading companies in Bharat.
12. For experiment purpose, “Tring it” bought Groceta – 901 software from GenZ+, that would enable placing order for groceries on a fixed day of the month as per the user’s wish. The Groceta – 901 software would place the order from the user’s account on Tring-it and the entire payment and order process would be automated from the system software. To make this process more convenient, GenZ+ upon the demand of Tring-it, added a feature in Groceta – 901 to order the missing items from the next available option which would be offering discounts. On 5th May, 2022, one of the customers of ‘Tring-it’, Mr. Rohan Tyagi, placed the order on Tring-it mobile application for all the grocery items in the list which included, wheat, rice, brown sugar and some vegetables. However, due to unavailability of brown sugar, the Groceta – 901 started a system analysis for next available option for brown sugar and was transmitted to a website in the dark-web dealing in drugs, which was under the surveillance of Belhi Police.
13. The moment the order was placed by the Groceta – 901, an alert was sent to the cyber cell of the Belhi Police Department. The Police had arrived at the door step of Mr. Tyagi and booked him under Narcotic Drugs and Psychotropic Substances Act, 1985 (in short “NDPS Act, 1985”). Since the preliminary enquiry conducted by Police showcased that Mr. Tyagi is a regular smoker of cigarettes and was also an occasional smoker of weed and based on such presumption, the police registered an FIR against Mr. Tyagi for purchase of drugs under the appropriate provision of NDPS Act, 1985.
14. Mr. Rohan Tyagi had claimed that he couldn’t be held responsible for the crime as it had been committed by Tring-it and also because he had no intention to commit the crime.

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**PART C
GOVERNMENT ACTIONS AND RESEARCHES ON AI**

1. In the backdrop of the incidents where serious crimes were being blamed on the machines that could act for themselves, the Government of Bharat got issued an order dated 20.08.2022 banning the use of MedRobo, RoboCop and Groceta – 901 designed, manufactured and coded by GenZ+. This was done to discourage untoward incidents of killings at the behest of Robots that couldn't be prosecuted and punished under law.
2. That discussions on various national and international platforms regarding the rapid development, application, and capabilities of AI-based systems have erupted, leaving largely unanswered a broad range of important short-term and long-term questions related to the social impact, governance, and ethical implementations of these technologies and practices.
3. Recent studies conducted by Greyfard University at Amrika, Raisila House, Bharat and other such researches conducted by various think tanks and scholars show that the continuous usage of AI for another decade shall cause existential threats to the human race. Various other reports based on the data published by various ministries and nodal agencies under the said ministries of Bharat, showcase that the use of AI is one of the major causes of unemployment and disguised employment. Also, some studies show that use of AI in almost all the sectors have reduced human capabilities and use of their mental capacity, with increased dependency on AI and predicts the reduction of usage of human brain to 10% as well as increase in medical issues in the human bodies due to lack of activities, in the coming years.
4. On the contrary, various studies have also shown how AI has contributed to the overall growth in the Bharat as well as internationally, in almost all the sectors including but not limited to Information Technology, Education, Medicine, Food, Agriculture, Entertainment etc. Further, AI has also led to a more connected world and gave light to the concept of 'Global Village' which in turn increased trade and reduced inter countries disputes.

**PART D
LEGAL REPURCUSSIONS PURSUANT TO THE REPORTED EVENTS
RELATED TO USE OF AI**

1. The Management of Kalawati Hospital, Belhi along with Dr. Rajendra Chauhan, Directors of Sapindra Private Limited and Directors of Loyota Automobile Private Limited, Directors of GenZ+ and Rohan Tyagi ("Accused persons") approached the High Courts of their respective jurisdictions under Section 482 of the Bhartiyan Criminal Procedure Code, 1973 r/w Article 226 of the Constitution of Bharat, 1950 with a common question of law and issues pertaining to criminal as well as the civil liabilities owing to the incidents being the outcome of the acts and/or omissions of AI.

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2. Also, the ban imposed by the Government of Bharat vide its order dated 20.08.2022 on the use of MedRobo, RoboCop and Groceta – 901 designed, manufactured and coded by GenZ+ was challenged before the Hon'ble Supreme Court of Bharat by GenZ+ through its directors under the Article 32 of the Constitution of Bharat, 1950.
3. In the midst of all the studies and the reporting of various incidences of crimes at the behest of robots and software, inter-alia, both domestically and internationally, a non-government organisation namely, 'Voice for Humans Foundation', registered under the Societies Registration Act, 1860 at New Belhi, filed a writ petition before the Hon'ble Supreme Court of Bharat under Article 32 of the Constitution of Bharat, 1950 for framing the guidelines on the issue of usage of AI to protect the natural rights of humans at large in the coming decade.
4. The initiation of the above stated legal proceedings was widely published and discussed by various legal media groups such as 'present law' and 'Advocates and Judges' as well as other media channels such as News of Bharat and Bharatvarsh-times.
5. Subsequently, the Accused persons filed their respective petitions under Article 139A of the Constitution of Bharat, 1950 to transfer their petitions under Section 482 of the Bhartian Criminal Procedure Code, 1973 r/w Article 226 of the Constitution of Bharat, 1950 pending in their jurisdictional High Courts to the Hon'ble Supreme Court of Bharat.
6. To dispose off the common questions of law, which arise in various proceedings preferred under Article 32 as well as the transferred cases under Article 139A of the Constitution of Bharat, 1950 from various High Courts; the Hon'ble Supreme Court of Bharat **clubbed the said petitions** as they involved interpretation of common questions of law, in relation to the provisions of the criminal/ civil laws prevailing in the Union of Bharat and the Constitution of Bharat.
7. Subsequently, The Hon'ble Supreme Court of Bharat was pleased to issue notice in all the following petitions, and listed them for arguments together from 11th to 13th November, 2022.
 - W.P.(C). No. 1902 of 2022, GenZ+ through its Director v. Union of Bharat & Ors.
 - W.P.(C). No. 1903 of 2022, Voice for Humans Foundation v. Union of Bharat & Ors.
 - Transfer Petition No. 2000 of 2022, GenZ+ through its Director v. Union of Bharat & Ors.
 - Transfer Petition No. 2004 of 2022, Kalawati Hospital, Belhi & Anr. v. Union of Bharat & Ors.
 - Transfer Petition No. 2003 of 2022, Sapindra Limited through its Director v. Union of Bharat & Ors.
 - Transfer Petition No. 2002 of 2022, Loyota Automobile Private Limited through its Director v. Union of Bharat & Ors.
 - Transfer Petition No. 2001 of 2022, Rohan Tyagi v. Union of Bharat & Ors.

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8. The Hon'ble Supreme Court of Bharat, issuing the notice to the said Petition requested the presence of the Attorney General for Bharat along with other Senior Law Officers of the Union to aid and assist the Court during the course of arguments. The Hon'ble Supreme Court framed the following questions of law for consideration:
- a) Whether the Accused persons can be held liable under Section 304A of the Bhartian Penal Code, 1860 on the acts and omissions of an AI.
 - b) Whether the criminal and/or civil liabilities can be inflicted upon the natural persons owing to the acts and omission of the AI.
 - c) Whether the Government was correct in banning the commercial research, sale or dissemination in any other form of hardware or code that possessed characteristics of an AI manufactured by GenZ+.
 - d) Whether such ban on AI by the Government infringes the rights of various stakeholders under Article 19(1) (g) r/w Article 21 of the Constitution of Bharat, 1950.
 - e) Whether the use AI is a threat to the human race and the consequent violation of their natural rights as enshrined in the Constitution of Bharat, 1950?

The parties were further directed to file written submissions from both the sides and circulate amongst each other at least 24 hours prior to the next date of hearing. The Hon'ble Court upon a specific request also allowed the stakeholders to the petition to file detailed a compendium containing the relevant data, judgments etc. which they seek to rely upon during the course of arguments, fixing the matter to be heard continuously from 11-13 November, 2022.

Note:

- Bharat has adopted the Constitution of India, 1950 verbatim, and all the laws and regulations, including the prevailing circumstances as in India, shall be squarely applicable to Bharat verbatim. All the statutes cited for Bharat may be read and applied verbatim as per the Indian statutes. All the sections of every law in India are open inter alia ambit of the question of law.
- The Participants are at liberty to raise more issues than enumerated in the present moot propositions or add sub-issues, as the case maybe.
- The events and the characters depicted in the moot court proposition are purely a work of fiction and hypothetical. Any similarity to actual persons living or dead is purely coincidental.
- This Moot Problem is purely intended for the Moot Court Competition and educational purposes amongst law students.