



सत्यं शिवं सुन्दरम्

Lux et Veritas

National Law Fest

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6th Moot Court Competition
5rd Client Counseling Competition
5nd Legal Drafting Competition
1st Judgement Writing Competition

Organized by:
Faculty of Law
The Maharaja Sayajirao University of
Baroda
Vadodara

MOOT PROPOSITION

1. Republic of Sokratia is a democratic, federal and republic nation, having the population of 1.25 billion. Being a developing nation, it strives to maintain good relations with the developed nations of the world. After considering the Human Rights Index (HRI) of Sokratia, myriad global investors from the developed nations became keen to invest in the country.
2. State of Prexone, a developed and financially sound economy had a population of 316.1 million. Being the capitalist economy, Sokratia maintained good relations with it.
3. Bosco Petrochemical Industry (BPI) was born of a merger of four companies producing batteries and arc lamps for street lighting and headlamps for cars. By the second half of the 20th century, BPI had 130 subsidiaries in 40 countries, approximately 500 production sites and 120,000 employees. BPI manufactured industrial gases, such as nitrogen, oxygen, methane, ethylene and propane, used in petroleum industry as well as chemical substances like ammonia and urea used in the manufacture of fertilizers.
4. In the 1950s, parasites were creating havoc in the State of Prexone, as well as Xomone, Fiketria, Soret and several other countries, destroying fodder crop, and plantations. BPI embarked on a mission of devising a product to exterminate a wide range of parasites, while at the same time respecting the prevailing standards for the protection and safety of human beings and their environment. Thus was born the 'Insecticide on experiment' which soon came to be known as 'Kevin'.
5. To manufacture Kevin, phosgene gas was made to react with another gas called monomethylamine. The reaction of these two gases produced a new molecule, Methyl Isocyanide (MIC). MIC was one of the most dangerous compounds of chemical history. BPI's toxicologists had tested it on rats but the results had been so appalling that the company banned publication of their work. MIC was so volatile that as soon as it came into contact with a few drops of water, furious reaction would take place. No safety system, no matter how sophisticated, would

then be able to stop it emitting a fatal cloud into the atmosphere. To prevent explosion, MIC had to be kept permanently at a temperature near zero. Therefore, provision had to be made for the refrigeration of any drums or tanks that were to hold it.

6. As a part of industrialization, BPI wanted to open a plant in the capital, Broscane, of the state of Central Sokratia in Sokratia to manufacture pesticides. The officials submitted their request for a sixty hectare plot of land in the Sera area. According to municipal planning regulations, no industry likely to give off toxic emissions could be set up on a site where the prevailing wind might carry effluents into densely populated areas. Sera area had two lakes nearby and the main Broscane railroad station was about 2 miles from the plant site. Total population of City of Broscane was estimated to be about 500,000. At the proposed Sera ground the wind usually blew from north to south, toward the railway station and finally toward the overpopulated parts of the old town. The BPI officials did not mention that their proposed factory would also be manufacturing Kevin.
7. State of Central Sokratia leased land in the Sera area of Broscane for the plant to BPI on a 99-year lease. Bosco Petrochemical Sokratia Limited (BPSL) was formed as a subsidiary company of the BPI. The BPSL was incorporated in 1959. BPI was a major shareholder with 50.9% of the share holdings in the BPSL. The balance of 49.1% was owned by various Sokratian investors. BPI was allowed a majority ownership, despite Sokratian limitation of Foreign Investment due to technological sophistication of its operations. BPI chose all plant designs and production processes and designated operational procedures. BPI also conducted safety audits.
8. It was welcomed not only by the authorities, but also by the residents, who saw opportunities to get jobs. To work for BPSL meant a high salary as well as high social status. BPSL developed social activities like sport and entertainment that involved the whole community.
9. The company vide letter dated 29.11.1972 represented that the foreign collaborating company had established technical knowledge for several years on the basis of which the foreign company at State of Prexone was manufacturing MIC successfully.

10. The Government of Sokratia granted a license to BPSL to manufacture 5,000 tons of Kevin a year. BPSL would produce Kevin and eventually all the chemical ingredients required in Sokratia itself.
11. In 1973 BPSL entered into an agreement with BPI according to which the best manufacturing information then available had to be provided to BPSL, Sokratia. This necessitated the BPI to supply design, know-how and safety measures for production, storage and use of MIC, based on experience gained there. The MIC produced by BPSL was being stored in the underground tanks namely tank no. 770,771 and 772. The plant also produced carbon monoxide and phosgene, both of which are required for the production of MIC. It also included a research centre, the biggest in Asia, with five insect-rearing laboratories and a two-hectare experimental farm for testing chemical agents.
12. Monteq Fordez, an agronomic engineer working with BPI felt that manufacturing 5,000 tons of Kevin would require considerable quantities of MIC to be manufactured and stored. He was not in favour of storing huge quantity of MIC due to the hazardous nature of the gas and suggested an alternative like batch production of MIC to meet production line requirements as they rose. He proposed that this would eliminate the need to store large quantity of MIC on site. However, this production philosophy was against the industrial culture of Prexone and BPI officials turned down the suggestion and insisted on a design similar to the West Virginia plant.
13. A report published in 1972 stated that the variable cost of producing Kevin in Broscane is 3.5 times the US costs. BPI and BPSL both were also aware that new-formula pesticides coming onto market in Sokratia and other countries are likely to reduce demand for Kevin.
14. In 1980, due to draught and decrease in demand for Kevin along with the Government loans to farmers which become due, farmers shift to less expensive pesticides. Many of the newer pesticides were synthetic pyrethroids that were also safer in Sokratian conditions than carbaryl types like Kevin.
15. In April 1982, three American engineers from the chemical products and household plastics division of BPI came to Broscane. Their task was to appraise

the running of the plant and confirm that everything was functioning according to the standards laid down by BPI. The report presented to the BPI officials revealed that all was not well with the Broscane plant. The report described the surroundings of the site as being 'strewn with oily old drums, used piping, pools of used oil and chemical waste likely to cause fire.' It also criticised the workmanship on certain connections, the warping of equipment, the corrosion of several circuits, the absence of automatic sprinklers in the MIC and phosgene production zones, and the risk of explosion in the gas evacuation flares. It also stated the condition of the poor adjustment of certain devices where excessive pressure could lead to water entering the circuits. At the same time, the report expressed concern at the inadequately trained staff, unsatisfactory instruction methods and sloppy maintenance reports.

16. BPI and BPSL identified the solution to dealing with the mass of problems with the MIC plant project as completion of the original plan. For achieving this, BPSL started cutting down costs. BPI, BPSL and their officials undertook a major cost-cutting efforts including a reduction of 333 men from the workforce, saving the company US 1.25 million in 1983. Experienced workers of MIC plant left and were replaced by less experienced workers from other units of Broscane plant.
17. In 1983, Central Sokratia State Pollution Control Board required companies to declare what they were emitting into the air. BPSL declared carbon dioxide only, not the other gasses (including phosgene and MIC) that occasionally leaked. The Chief of National Pollution Control Board visited the plant area in Broscane and ordered BPSL to fix flaws in effluent evaporation pond that permitted leaks onto adjacent land. BPSL complied with the order of the Chief. But In 1984, Broscane Town Planning Board listed 18 factories as "obnoxious" and therefore to be monitored particularly carefully, in which list, BPSL's Broscane plant was not included.
18. One day, a welding spark ignited nearby chemicals because the welder was unaware of it and the supervisor did not point out the nearby flammables. The fire had caused Rs. 6.2 million (\$730,000) in property damage, but there was no

injuries to any worker. Soon after this incident, 20 BPSL engineers were sent to BPI's State of Prexone MIC plant for training in plant operation and safety.

19. Meanwhile, BPI engineers, while surveying MIC plant in the State of Prexone, reported concerns about some aspects of plant operation there and possibility of a runaway reaction in the MIC storage tanks which were larger than the tanks installed in the Broscane plant.
20. In 1983, there was great pressure from the head office in the Prexone to cut expenses. Decisions were made to prolong the time between certain checks from six to twelve months, and to replace damaged stainless steel pipes with ordinary steel pipes. Items that should have been replaced every six months had been over-used for more than two years. Faulty instruments were not replaced. In late 1983, the principal safety systems were shut down, as the plant was not operating. There had been losses nearly as close to \$4 million since 1980. Thus the quantity of pesticides manufactured in 1983 was only 33.14% of its licensed capacity.
21. In the first four months of 1984, BPSL's losses amounted to Rs. 50 million. BPI planned to close the plant and put it up for sale. When no buyer came forward in Sokratia, plans were made to dismantle the factory and ship it to another country. Negotiations to this end were completed by the end of November 1984. Remaining phosgene and methylamine stocks at Broscane plant were used up in making a last batch of MIC. About 32 tons were put into Tank M770; 20 tons into Tank M771 and M772. BPSL planned to withdraw a ton at a time in November and December and use it to produce Kevin. The storage tanks were isolated and the MIC production unit was shut down for maintenance. The MIC unit production workers were assigned to other tasks.
22. Early in the morning on 22nd May, 1984, some water entered into the Tank M770 containing 32 tons of MIC. The first reaction was of MIC with itself, catalysed by iron contaminants washed into the tank. The second reaction was of MIC with water. These reactions resulted in a tremendous increase of temperature and pressure in the tank. 32 tonnes of MIC, along with Hydrogen Cyanide and other reaction products burst past the ruptured disc into the early morning air of Broscane at around 4.00 a.m. Safety systems were inoperative and could not

prevent the leaking of a gas forming clouds in the air. Senior factory officials were present in the plant when the leak started. The siren to warn the neighbourhood communities was heard at around 6:00 am in the morning. By then, the poisonous gases had covered an area of 60 sq.kms. killing thousands of people. Over 700 thousand people experienced acute breathlessness, pain in the eyes, and vomiting as they inhaled the deadly vapours. There was a state of panic in the city as people ran aimlessly to get away from the poisonous cloud that hung close to the ground for more than three hours. Furthermore, the tragic accident had undoubtedly degraded the environment of not only the Broscane city but also its adjoining areas.

23. People poured into hospitals by thousands, their eyes and lungs in burning, choking agony. But the city doctors were not at all aware of how to handle the situation. They called up the plant medical officer to find out what they ought to do. Dr Froda, BPSL's official doctor in Broscane assured that it was not a deadly gas, just irritating, a sort of tear gas.
24. But the gas had caused death of thousands of human beings and animals and injured the health of lakhs. It was of unprecedented nature and had continuing tragic and disastrous effect on human beings and animals. According to an epidemiological study in May 1989, 70% to 80% of the people in the severely affected communities and 40% to 50% in the mildly affected communities continued to suffer from MIC exposure related illnesses five years after the disaster. A house to house symptom survey in early 1993, showed 65.7% people suffering from respiratory symptoms, 68.4% with neurological problems and 49% with ophthalmic symptoms. Among the women in the reproductive age, 43.2% suffered from reproductive disorders. More than 500,000 people exposed to the poisonous gases were left to suffer a lifetime of ill health and mental trauma.
25. Soon after the incident, the government brought an legislation and appointed itself as the sole representative of the victims for any legal dealings with BPI as regards compensation. Armed with this power, the Government of Sokratia filed its suit for compensation and damages against BPI in the State of Prexone District Court for the Southern District of New York.

26. But BPI chose Sokratian courts to adjudicate claims arising from the Broscane gas leak. It made a plea of *forum non conveniens* before the State of Prexone District Court, Southern District of the New York in favour of Sokratian Courts. Their application succeeded and the district court of Prexone sent them to the Sokratian court of competent jurisdiction on the ground of *forum non conveniens*, subject, inter alia, to the following conditions:

“ 1. BPI shall consent to submit to the jurisdiction of the Courts of Sokratia and shall continue to waive defences based on the statute of limitations, and
2. BPI shall agree to satisfy any judgment rendered against it in an Sokratian Court, and if appealable, upheld by any appellate court in that country, whether such judgment and affirmance comport with the minimal requirements of due process.”

27. Following this, the Government of Sokratia filed a compensation lawsuit against the BPI for an estimated US\$3 billion in the district court of Broscane and stated that the Company had used the hazardous chemical even when the technology had seen only a “limited trial run” and also prosecuted the company on the charge of gross failing throughout the Organisation, in the management of health and safety measures having fatal consequences. . It also filed a criminal suit against the Directors of BPI and BPSL under sections 304A, 336,337 and S.338 r/w section 35 of Sokratian Penal Code, 1860. Charges of culpable homicide were maintained against Mr. Bosco, the CEO of BPI, by the local court of Broscane which demanded his extradition to stand the trial. In spite of the repeated demands of ‘extradition’ by the Sokratian government, there was no word from Mr. Bosco who was eventually declared as an absconder by the local court of the Broscane city.

28. However, BPI said that the Government of Sokratia was to blame for the disaster. BPI filed a countersuit against the Government and the State of Central Sokratia. The company charged the governments with "contributory" responsibility for the leak of poisonous gases, saying both governments knew of the toxicity of MIC but

failed to take adequate precautions to prevent a disaster. It also argued that the everyday working of BPSL was independent of the parent company and hence BPI could not to be held responsible for the gas leak.

29. The Broscane District Court Judge passed an order directing BPI to pay Rs. 3.5 billion as interim relief and fined Rs 2 billion over death of various employees of the organisation under Corporate Manslaughter and Corporate Homicide Act,2016 . BPI challenged this order in the High Court of Central Sokratia saying "No court that we know of in Sokratia or elsewhere in the world has previously ordered interim compensation where liability is strongly contested." but the High Court upheld the liability of BPI for the Broscane disaster, but reduced the interim compensation and fine to Rs 2.5 billion and Rs 1.5 billion respectively of all claims, rights, and liabilities arising out of the disaster. It stated that the amount of interim compensation was "just, equitable and reasonable".
30. Against the order of the High Court, both the parties approached the Supreme Court of Sokratia.

ANNEXURE

Corporate Manslaughter And Corporate Homicide Act,2016

The following Act of Parliament received the assent of the President on the 26th July 2016, and is hereby published for general information: —

[26th July 2016]

BE IT ENACTED by Parliament in the Sixty-sixth Year of the Republic of Sokratia as follows: —

1. The Offence:

(1) An Organisation to which this section applies is guilty of an offence if the way in which its activities are managed or organised—

- (a) Causes a person's death, and
 - (b) Amounts to a gross breach of a relevant duty of care owed by the Organisation to the deceased.
- (2) The organizations to which this section applies are—
- (a) A corporation;
 - (b) A department or other body of Government;
 - (c) A police force;
 - (d) A partnership, or a trade Bosco or employers' association, that is an employer.
- (3) An Organisation is guilty of an offence under this section only if the way in which its activities are managed or organised by its senior management is a substantial element in the breach referred to in subsection (1).
- (4) For the purposes of this Act—
- (a) "Relevant duty of care" has the meaning given by section 2, read with sections 3 to 7;
 - (b) A breach of a duty of care by an Organisation is a "gross" breach if the conduct alleged to amount to a breach of that duty falls far below what can reasonably be expected of the Organisation in the circumstances;
 - (c) "Senior management", in relation to an organization, means the persons who play significant roles in—
 - (i) the making of decisions about how the whole or a substantial part of its activities are to be managed or organised, or
 - (ii) the actual managing or organising of the whole or a substantial part of those activities.
- (5) The offence under this section is called—
- (a) Corporate manslaughter, in so far as it is an offence under the law of Republic Of Sokratia;

(b) Corporate homicide, in so far as it is an offence under the law of State Of Jama & Kash.

(6) An organisation that is guilty of corporate manslaughter and/or corporate homicide is liable on conviction on indictment to a fine.

The offence of corporate homicide and/or is indictable only in the High Court of Judiciary.

Relevant duty of care

2. Meaning of “relevant duty of care”

(1) A “relevant duty of care”, in relation to an organisation, means any of the following duties owed by it under the law of negligence—

(a) A duty owed to its employees or to other persons working for the organisation or performing services for it;

(b) A duty owed as occupier of premises;

(c) A duty owed in connection with—

(i) The supply by the organisation of goods or services (whether for consideration or not),

(ii) The carrying on by the organisation of any construction or maintenance operations,

(iii) The carrying on by the organisation of any other activity on a commercial basis, or

(iv) The use or keeping by the organisation of any plant, vehicle or other thing;

(d) A duty owed to a person who, by reason of being a person within subsection (2), is someone for whose safety the organisation is responsible.

(2) A person is within this subsection if—

(a) He is detained at a custodial institution or in a custody area at a court or police station;

- (b) He is being employed at workplace of the organisation in performance of contractual arrangement;
- (c) He is being transported in a vehicle, or being held in any premises, in pursuance of employment or contractual arrangements;
- (d) He is living in secure accommodation in which he has been placed;
- (3) Subsection (1) is subject to sections 3 to 7.
- (4) For the purposes of this Act, whether a particular organisation owes a duty of care to a particular individual is a question of law. The judge must make any findings of fact necessary to decide that question.
- (5) For the purposes of this Act there is to be disregarded—
- (a) Any rule of law applicable in Sokratia that has the effect of preventing a duty of care from being owed by one person to another by reason of the fact that they are jointly engaged in unlawful conduct;
 - (b) Any such rule that has the effect of preventing a duty of care from being owed to a person by reason of his acceptance of a risk of harm.
- (6) In this section— “construction or maintenance operations” means operations of any of the following descriptions—
- (a) Construction, installation, alteration, extension, improvement, repair, maintenance, decoration, cleaning, demolition or dismantling of—
 - (i) Any building or structure,
 - (ii) Anything else that forms, or is to form, part of the land, or
 - (iii) Any plant, vehicle or other thing;
 - (b) Operations that form an integral part of, or are preparatory to, or are for rendering complete, any operations within paragraph (a);
- “Custodial institution” means a prison, a young offender institution, a secure training centre, a young offenders institution, a young offenders centre, a juvenile justice centre or a remand centre;

“The law of negligence” includes various legislation applicable to Organisation for mandating duty of care towards person concerned and/or related with Organisation and towards environmental safety and social security of citizens in Republic of Sokratia.

3. Public policy decisions, exclusively public functions and statutory inspections.

(1) Any duty of care owed by a public authority in respect of a decision as to matters of public policy (including in particular the allocation of public resources or the weighing of competing public interests) is not a “relevant duty of care”.

(2) Any duty of care owed in respect of things done in the exercise of an exclusively public function is not a “relevant duty of care” unless it falls within section 2(1)(a), (b) or (d).

(3) Any duty of care owed by a public authority in respect of inspections carried out in the exercise of a statutory function is not a “relevant duty of care” unless it falls within section 2(1)(a) or (b).

(4) In this section—

“Exclusively public function” means a function that falls within the prerogative of the Crown or is, by its nature, exercisable only with authority conferred—

(a) By the exercise of that prerogative, or

(b) By or under a statutory provision;

“Statutory function” means a function conferred by or under a statutory⁴ provision.

4. Military activities

(1) Any duty of care owed by the Ministry of Defence in respect of—

(a) Operations within subsection (2),

(b) Activities carried on in preparation for, or directly in support of, such operations,
or

(c) Training of a hazardous nature, or training carried out in a hazardous way, which it is considered needs to be carried out, or carried out in that way, in order to improve or maintain the effectiveness of the armed forces with respect to such

operations,

is not a “relevant duty of care”.

(2) The operations within this subsection are operations, including peacekeeping operations and operations for dealing with terrorism, civil unrest or serious public disorder, in the course of which members of the armed forces come under attack or face the threat of attack or violent resistance.

(3) Any duty of care owed by the Ministry of Defence in respect of activities carried on by members of the Special Forces is not a “relevant duty of care”.

(4) In this section “the special forces” means those units of the armed forces the maintenance of whose capabilities is the responsibility of the Director of Special Forces or which are for the time being subject to the operational command of that Director.

5.Policing and law enforcement

(1) Any duty of care owed by a public authority in respect of—

(a) Operations within subsection (2),

(b) Activities carried on in preparation for, or directly in support of, such operations, or

(c) Training of a hazardous nature, or training carried out in a hazardous way, which it is considered needs to be carried out, or carried out in that way, in order to improve or maintain the effectiveness of officers or employees of the public authority with respect to such operations,

Is not a “relevant duty of care”.

(2) Operations are within this subsection if—

(a) They are operations for dealing with terrorism, civil unrest or serious disorder,

(b) They involve the carrying on of policing or law-enforcement activities, and

(c) Officers or employees of the public authority in question come under attack, or face the threat of attack or violent resistance, in the course of the operations.

Any duty of care owed by a public authority in respect of other policing or law-enforcement activities is not a “relevant duty of care” unless it falls within section 2(1)(a), (b) or (d).

(3) In this section “policing or law-enforcement activities” includes— (a) activities carried on in the exercise of functions that are—

(i) Functions of police forces, or

(ii) Functions of the same or a similar nature exercisable by public authorities other than police forces;

(b) Activities carried on in the exercise of functions of constables employed by a public authority;

(c) Activities carried on to enforce any provision contained in or made under the Immigration Acts.

Gross Breach

6.Factors for Courts to Consider

(1) This section applies where—

(a) It is established that an organisation owed a relevant duty of care to a person, and

(b) It falls to the court to decide whether there was a gross breach of that duty.

(2) The court must consider whether the evidence shows that the organisation failed to comply with any health and safety legislation that relates to the alleged breach, and if so—

(a) How serious that failure was;

(b) How much of a risk of death it posed.

(3) The court may also—

(a) Consider the extent to which the evidence shows that there were attitudes, policies, systems or accepted practices within the organisation that were likely to have encouraged any such failure as is mentioned in subsection (2), or to have

produced tolerance of it;

(b) Have regard to any health and safety guidance that relates to the alleged breach.

(4) This section does not prevent the courts from having regard to any other matters they consider relevant.

(5) In this section “health and safety guidance” means any code, guidance, manual or similar publication that is concerned with health and safety matters and is made or issued (under a statutory provision or otherwise) by an authority responsible for the enforcement of any health and safety legislation.

Remedial orders and publicity orders

7. Power to order breach etc. to be remedied

(1) A court before which an Organisation is convicted of corporate manslaughter or corporate homicide may make an order (a “remedial order”) requiring the Organisation to take specified steps to remedy—

(a) The breach mentioned in section 1(1) (“the relevant breach”);

(b) Any matter that appears to the court to have resulted from the relevant breach and to have been a cause of the death;

(c) Any deficiency, as regards health and safety matters, in the organisation’s policies, systems or practices of which the relevant breach appears to the court to be an indication.

(2) A remedial order may be made only on an application by the prosecution specifying the terms of the proposed order.

(3) Any such order must be on such terms (whether those proposed or others) as the court considers appropriate having regard to any representations made, and any evidence adduced, in relation to that matter by the prosecution or on behalf of the Organisation.

(4) Before making an application for a remedial order the prosecution must consult such enforcement authority or authorities as it considers appropriate having regard to the nature of the relevant breach.

(5) A remedial order—

(a) Must specify a period within which the steps referred to in subsection (1) are to be taken;

(b) May require the organisation to supply to an enforcement authority consulted under subsection (3), within a specified period, evidence that those steps have been taken.

(6) A period specified under this subsection may be extended or further extended by order of the court on an application made before the end of that period or extended period.

(7) An Organisation that fails to comply with a remedial order is guilty of an offence, and liable on conviction on indictment to a fine.

8. Power to order conviction etc to be publicised

(1) A court before which an Organisation is convicted of corporate manslaughter and/or corporate homicide may make an order (a “publicity order”) requiring the Organisation to publicize in a specified manner—

(a) The fact that it has been convicted of the offence;

(b) Specified particulars of the offence;

(c) The amount of any fine imposed;

(d) The terms of any remedial order made.

(2) In deciding on the terms of a publicity order that it is proposing to make, the court must—

(a) Ascertain the views of such enforcement authority or authorities (if any) as it considers appropriate, and

(b) Have regard to any representations made by the prosecution or on behalf of the Organisation.

(3) A publicity order—

(a) Must specify a period within which the requirements referred to in subsection

(1) are to be complied with;

(b) May require the Organisation to supply to any enforcement authority whose views have been ascertained under subsection (2), within a specified period, evidence that those requirements have been complied with.

(3) An Organisation that fails to comply with a publicity order is guilty of an offence, and liable on conviction on indictment to a fine.

9.No individual liability

(1) An individual cannot be guilty of aiding, abetting, counselling or procuring the commission of an offence of corporate manslaughter.

(2) An individual cannot be guilty of aiding, abetting, counselling or procuring, or being art and part in, the commission of an offence of corporate homicide.

10.Convictions under this Act and under health and safety legislation

(1) Where in the same proceedings there is—

(a) A charge of corporate manslaughter or corporate homicide arising out of a particular set of circumstances, and

(b) A charge against the same defendant of a health and safety offence arising out of some or all of those circumstances,

the court may, if the interests of justice so require, be invited to return a verdict on each charge.

(2) An organisation that has been convicted of corporate manslaughter or corporate homicide arising out of a particular set of circumstances may, if the interests of justice so require, be charged with a health and safety offence arising out of some or all of those circumstances.

(3) In this section “health and safety offence” means an offence under any health and safety legislation.

11.Abolition of liability of corporations for manslaughter

The liability of manslaughter by gross negligence is abolished in its application to corporations, and in any application it has to other organizations to which section 1

applies.

12.Extent and territorial application

Subject to subsection (2), this Act extends to whole of Republic Of Sokratia.

An amendment made by this Act extends to the same part or parts of the Republic Of Sokratia as the provision to which it relates.

13.Short title

This Act may be cited as the Corporate Manslaughter and Corporate Homicide Act 2016.

- *All laws of the Republic of Sokratia are in pari materia with that of the Republic of India.*
- *All laws of State of Prexone are in pari materia with that of the United States of America.*
- *Prepare memorials for both the parties, forming issues concerning the environment and criminal liabilities to be presented before the Supreme Court.*