

Assignment - III

Q) Explain the difference between an agreement and a contract giving an example of each.

Agreement:

An agreement is a broader term that refers to a mutual understanding or arrangement between two or more parties. It may or may not be legally binding. In other words, an agreement is a meeting of the minds between parties, outlining the terms and conditions they are willing to accept. While some agreements may be legally enforceable, others may lack the necessary elements to be considered a contract.

Example of an Agreement:

Two friends agreeing to meet at a coffee shop next week is an example of an agreement. While this is a mutual understanding, it may not necessarily create legal obligations, and therefore, it might not be enforceable in court.

Contract:

A contract, on the other hand, is a specific type of agreement that meets certain legal requirements, making it enforceable by law. For a contract to be valid, it typically needs to have several key elements, including an offer, acceptance, consideration, legal capacity, and legality of purpose. Contracts can be either written or verbal, but some types of contracts must be in writing to be enforceable, according to the statute of frauds.

Example of a Contract:

If you and a landscaping company agree that they will provide and install a new lawn in your backyard for a specified amount of money, and both parties agree to the terms, you may enter into a contract. This contract is legally binding, and if either party fails to fulfill their obligations (e.g., the landscaping company doesn't install the lawn as agreed), the other party may have legal remedies.

Q) List any six essential elements of a legally valid contract?

- At least two (or more parties) must participate in the contract (One makes an offer and the other(s) accept it)
- Offer made is accepted by the other party
- Both parties agree to have a legal relationship
- Objective of contract must be lawful
- Both the parties understand the contract in the same way
- Contract cannot be on illegal activities

Q) Explain the concept of product safety with examples.

Product safety is a crucial aspect of consumer protection and involves ensuring that products are designed, manufactured, and distributed in a way that minimizes the risk of harm to consumers. This concept encompasses a wide range of

considerations, including the materials used, the design and construction of the product, labeling, and instructions for use. Governments often regulate product safety through various standards and regulations to protect consumers from potential hazards associated with products.

Design Safety:

Example: A car manufacturer designs a new model with improved safety features such as airbags, anti-lock brakes, and electronic stability control to reduce the risk of accidents and enhance the safety of occupants.

Manufacturing Standards:

Example: A toy company follows strict manufacturing standards to ensure that its products do not contain harmful materials such as lead or small parts that could pose a choking hazard to young children.

Labeling and Instructions:

Example: A household appliance includes clear and detailed instructions on proper use, maintenance, and safety precautions to prevent accidents or misuse.

Testing and Quality Control:

Example: Electronics manufacturers conduct rigorous testing on their products to identify and address potential defects that could pose safety risks, such as overheating or electrical malfunctions.

Recall Procedures:

Example: If a pharmaceutical company discovers that a batch of its medication has a potential safety issue, it may initiate a product recall to remove the affected products from the market and protect consumers.

Q) Explain the statement: All contracts are agreements but all agreements are not contracts.

All Contracts Are Agreements:

A contract is a specific type of legally binding agreement. For an agreement to become a contract, it must meet certain legal criteria, typically including:

Offer and Acceptance: One party must make an offer, and the other must accept it.

Consideration: There must be something of value exchanged between the parties.

Legal Capacity: Both parties must have the legal capacity to enter into a contract.

Legality of Purpose: The purpose of the contract must be legal.

All Agreements Are Not Contracts:

While an agreement is a broader term that encompasses any understanding or arrangement between parties, not all agreements qualify as contracts. An agreement might lack one or more essential elements needed for legal enforceability, such as:

Intention to Create Legal Relations: The parties must intend for their agreement to have legal consequences. Some agreements, such as social or domestic arrangements, may not have this intent.

Certainty and Possibility of Performance: The terms of the agreement must be clear and certain, and it must be possible to perform the agreed-upon obligations.

Legal Formalities: Some types of contracts, as per the statute of frauds, must be in writing to be enforceable.

Therefore, there are many informal agreements or arrangements that people make in everyday life that do not rise to the level of a legally binding contract.

Q) Explain the meaning of the term 'Tort' with examples.

In the Oxford dictionary, you find the meaning of tort as "something wrong that somebody does to somebody else that is not criminal but that can lead to action in a civil court", Law of torts apply in cases where a 'civil wrong' has been committed by one person against another. Defamation is a typical example of tort. The word 'tort' is derived from a Latin word 'tortum', meaning twisted or crooked.

Q) Discuss the importance of the environment for human survival.

The environment plays a crucial role in ensuring human survival. As per the laws of ethics, it is our responsibility to protect and preserve the natural resources available on this planet so that future generations have access to them too. We cannot afford to exhaust these resources at an alarming rate without considering their sustainability. It is essential to adopt eco-friendly practices and reduce waste generation to maintain balance between mankind and nature. Failure to do so would lead to catastrophic consequences affecting both living beings and non-living things alike. Therefore, it becomes imperative for individuals, organizations, governments, and societies collectively work towards creating a sustainable environment while respecting all forms of life.

Q) List the steps involved in EIA of a project and explain what happens in each step.

The EIA process involves four steps:

- Screening
- Scoping
- Public Consultation
- Appraisal and Reporting

Screening: Screening is the process of initial scrutiny to decide upon whether a full EIA report is required for the project.

Scrutiny is thus required only for category B projects. (Category A projects will mandatorily require EC report) Based on guidelines issued by the MOEF the project proposal is studied and the project is categorised as B1 or B2. In the case of B1 category projects, EIA is required and in the case of category B2 projects no EIA is required. The screening is thus limited to projects studied at state level only or falling under the purview of SEIAA.

Scoping: Scoping is the process of developing Terms of Reference for the appraisal Committee for EIA. The terms of reference will be developed to study all the environmental issues relevant to the project.

Public Consultation: This can be done through local area consultation with people affected by the project. The pollution control Boards can also invite written response if deemed necessary.

Appraisal and Reporting: The expert advisory Committee, based on the terms of reference, different data provided by the applicant and consultation with the public and the different studies conducted by it will submit an appraisal report to the MOEF or the SEIAA as the case may be. The environmental clearance for the project may be given or the application for EC rejected depending upon the report.

Q) Write briefly about different types of pollutions and the factors causing them.

Pollution refers to the introduction of contaminants into the environment, causing adverse changes. There are several types of pollution, each associated with specific pollutants and contributing factors. Here are some common types of pollution and the factors causing them:

Air Pollution:

Causes:

Emissions from Vehicles: Combustion of fossil fuels in vehicles releases pollutants like carbon monoxide, nitrogen oxides, and particulate matter.

Industrial Activities: Factories and industrial processes emit pollutants, including sulfur dioxide, volatile organic compounds (VOCs), and airborne particles.

Burning of Fossil Fuels: Power plants and other facilities burning coal, oil, and natural gas contribute to air pollution by releasing pollutants like sulfur dioxide and greenhouse gases.

Water Pollution:

Causes:

Industrial Discharges: Factories often release pollutants, such as heavy metals, chemicals, and toxins, directly into water bodies.

Agricultural Runoff: Pesticides, fertilizers, and herbicides used in agriculture can wash into rivers and lakes, causing water pollution.

Improper Waste Disposal: Improper disposal of household and industrial waste can contaminate water sources with chemicals and pathogens.

Soil Pollution:

Causes:

Industrial Activities: Improper disposal of industrial waste and contaminants can lead to soil pollution.

Agricultural Practices: Excessive use of pesticides and fertilizers can degrade soil quality and introduce harmful chemicals.

Improper Waste Disposal: Dumping of solid waste and hazardous materials directly onto the soil can result in contamination.

Noise Pollution:

Causes:

Transportation: Traffic noise from vehicles on roads, airports, and railways contributes significantly to noise pollution.

Industrial Activities: Factories and manufacturing units often generate loud noises.

Urbanization: Increased urban development can lead to higher levels of noise pollution due to construction activities and human-related noise.

Q) *List the functions of the central pollution control Board.*

The functions of CPCB are (as given in their website)

- Advise the Central Government on any matter concerning prevention and control of water and air pollution and improvement of the quality of air.*

- Plan and cause to be executed a nation-wide programme for the prevention, control or abatement of water and air pollution;*

- Co-ordinate the activities of the State Board and resolve disputes among them;
- Provide technical assistance and guidance to the State Boards, carry out and sponsor investigation and research relating to problems of water and air pollution, and for their prevention, control or abatement;
- Plan and organise training of persons engaged in programme on the prevention, control or abatement of water and air pollution;
- Organise through mass media, a comprehensive mass awareness programme on the prevention, control or abatement of water and air pollution;
- Collect, compile and publish technical and statistical data relating to water and air pollution and the measures devised for their effective prevention, control or abatement;
- Prepare manuals, codes and guidelines relating to treatment and disposal of sewage and trade effluents as well as for stack gas cleaning devices, stacks and ducts;
- Disseminate information in respect of matters relating to water and air pollution and their prevention and control;

- Lay down, modify or annul, in consultation with the State Governments concerned, the standards for stream or well, and lay down standards for the quality of air; and
- Perform such other function as may be prescribed by the Government of India.

Q) Briefly state the new provisions in the consumer protection Act 2019.

The Consumer Protection Act, 2019, was enacted in India to replace the previous Consumer Protection Act, 1986, with the aim of strengthening consumer rights and providing more effective mechanisms for consumer protection. The new Act introduces several provisions to enhance consumer welfare and address emerging challenges. Here are some key provisions of the Consumer Protection Act, 2019:

1) Central Consumer Protection Authority (CCPA):

The Act establishes the CCPA, a regulatory body with the authority to promote, protect, and enforce the rights of consumers. The CCPA has the power to investigate, recall products, order discontinuation of unfair trade practices, and impose penalties.

2) Consumer Disputes Redressal Commissions:

The Act provides for the establishment of Consumer Disputes Redressal Commissions at the district, state, and national levels. These commissions will hear complaints and disputes, ensuring speedy resolution and effective redressal.

3) Product Liability:

The Act introduces the concept of product liability, holding manufacturers, sellers, and service providers accountable for any harm caused to consumers due to defective products or deficient services. Consumers can seek compensation for injuries or damage caused by such products or services.

4) Mediation:

The Act promotes the use of mediation as a means of resolving disputes. Mediation is an alternative dispute resolution mechanism that can be used with the consent of both parties to reach a settlement.

5) E-commerce Consumer Protection:

The Act includes provisions specifically addressing issues related to e-commerce. It introduces obligations for e-commerce entities, including providing accurate information about goods and services, ensuring the quality of products, and addressing consumer grievances in a time-bound manner.

6) *Misleading Advertisements:*

The Act prohibits misleading advertisements and imposes penalties for false or misleading claims. It empowers the CCPA to take action against endorsers, manufacturers, and publishers of such advertisements.

7) *Alternate Dispute Resolution (ADR):*

The Act encourages the use of alternative dispute resolution mechanisms, such as mediation and settlement through ADR cells. This aims to provide consumers with more efficient and cost-effective means of resolving disputes.

8) *Rights of Consumers:*

The Act consolidates and strengthens the rights of consumers, including the right to be informed, right to choose, right to be heard, right to seek redressal, and right to consumer education.

9) *Penalties and Compensation:*

The Act introduces stricter penalties for manufacturers, sellers, and service providers engaging in unfair trade practices. It also provides for the imposition of penalties for non-compliance with orders issued by the CCPA or consumer commissions. Additionally, consumers are entitled to receive compensation for injuries or losses suffered.