BLOGS

Passage-Based Questions on Torts Law for CLAT PG

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Passage

We hold that the capital outlays on the hospital and its operational expenses for providing free treatment and services to the victims should, both on humanitarian considerations and in fulfillment of the offer made before the Bhopal Court, be borne by the UCC and UCIL, We are conscious that it is not part of the function of this Court to reshape the settlement of restructure its terms.

This aspect of the further liability is also not a matter on which the UCC and the UCIL had an opportunity to express their views. However, from the tenor of the written submissions made before the District Court at Bhopal in response to the proposal of the Court for “reconciliatory substantial interim relief” to the gas victims, both the UCC and UCIL had offered to fund and provide a hospital for the gas victims. The UCC had recalled that in January, 1986, it had offered “to fund the construction of a hospital for the treatment of gas victims the amount being contributed by the UCC and the UCIL in equal proportions”. Shri Nariman had also referred to this offer during the submissions in the context of the bona fides of the UCC in that behalf.

It is, no doubt, true that the offer was made in a different context and before an overall settlement. But that should not detract the UCC and the UCIL from fulfilling these obligations as, indeed, the moral sensibilities to the immense need for relief in all forms and ways should make both the UCC and UCIL forthcoming in this behalf. Such a hospital should be fully equipped hospital with provision for maintenance for a period of eight years which in our estimate might together involve the financial outlay of around Rs. 50 crores. We hope and trust that UCC and UCIL will not be found wanting in this behalf.

Judgement Excerpt from Union Carbide Corporation Ltd. vs. Union of India (UOI) and Ors. (10.12.1993 – SC) : MANU/SC/1185/1994

Q1. Which of the following judge was among the panel of judges who gave the judgment of Union Carbide Corporation Ltd .V. Union of India and Ors?

a) Justice Kuldip Singh

b) Justice Sujata Manohar

c) Justice S. Ratanavel Pandian

d) Justice A.M Ahmadi

Q2. How many judges did the panel of the Supreme Court comprised while delivering the judgement in the above mentioned case?

a) 2 judge bench

b) 3 judge bench

c) 5 judge bench

d) 7 judge bench

Q3. What was discussed in the above mentioned case?

a) Corporate Liability

b) Strict Liability

c) Absolute Liability

d) All of the Above

Q4. Who gave a dissenting opinion in the above mentioned case?

a) Justice A.M Ahmadi

b) Justice N.D Ojha

c) Justice Abdul Nazeer

d) Justice Arun Mishra

Q5. Which environmental law legislations were enacted after the case of Bhopal Gas Tragedy?

a) Environment Protection Act, 1986

b) Public Insurance Liability Act, 1991

c) All of the Above

d) None of the Above

Q6. The above mentioned case widen the scope of which article of the Constitution of India?

a) Article 47

b) Article 21

c) Article 48

d) Article 49

Q7. Right to Life also includes the right to live in a pollution free environment. This was decided in which case?

a) Union Carbide Corporation Ltd .V. Union of India and Ors

b) M.C Mehta .V. Union of India

c) Subash Kumar .V. State of Bihar

d) Taj Trapezium Case

Q8. The power of government under the Bhopal Gas Leak Disaster (Processing of Claims) Act, 1985 was predicted under which doctrine?

a) Doctrine of Sub judice

b) Doctrine of parens patriae

c) Doctrine of stare decisis

d) None of the above

Q9. What is the other name for the principle of absolute liability?

a) Strict Liability

b) Due Liability

c) Vicarious Liability

d) No fault liability

Q10. Under which section of the Bhopal Gas Leak Disaster (Processing of Claims) Act, 1985 was the scheme for processing of claims introduced?

a) Section 9

b) Section 8

c) Section 7

d) Section 10

Q11. Who introduced the principle of absolute liability in India?

a) Justice Krishnan Iyer

b) Justice Y.C Chandrachud

c) Justice P.N Bhagwati

d) Justice Pinaki Chandra Ghose

Q12. Which of the following were the challenges to the Bhopal Gas leak case settlement?

a) Jurisdictional Overreach

b) Lack of Fair Hearing

c) Reference to Strict and Absolute Liability

d) All of the Above

Q13. Which section of CrPC, 1973 was in contention in the above mentioned case?

a) Section 480

b) Section 481

c) Section 482

d) Section 483

Q14. Which order of Civil Procedure Code, 1908 was in contention in the above mentioned case?

a) Order XX

b) Order XXI

c) Order XXII

d) Order XXIII

Q15. Under which article of the Constitution of India did the Supreme Court invoke its plenary powers in the above mentioned case?

a) Article 142

b) Article 141

c) Article 140

d) Article 143

Answers

1. Option d
2. Option c
3. Option d
4. Option a
5. Option c
6. Option b
7. Option c
8. Option b
9. Option d
10. Option a
11. Option c
12. Option d
13. Option c
14. Option d
15. Option a