

MOOT PROBLEM

Tiffany International School organized a student trip to Marsil for 10 days. The trip included visiting places like Space Centre, Art Museums etc. Miss Naina Patwa, 8th grade student of Tiffany International School, was excited to attend this trip. She is a smart, independent, and happy-go-lucky student. Her parents were reluctant to let her go, as they were worried about her safety and the availability of acceptable food. Miss Naina and her family practiced Deenism as their religion and had vegetarian dietary habits. She had never consumed a vegetable which was grown below the ground. She was also severely lactose intolerant and was very aware of the fact.

Mr. and Mrs. Patwa decided to discuss their concerns with the teacher who was going to accompany the students on the trip. The teacher told them that she didn't expect Miss Naina's dietary restrictions would be a problem, but that she would endeavour to provide her with acceptable food. After this assurance from the teacher, the parents agreed to allow Miss Naina to attend the trip. They signed a consent form, explicitly giving their permission for Miss Naina to attend, and filled a form provided by the teacher listing the food that she is allergic to. When it was time for Miss Naina to leave for the trip, they packed certain food items for her so that she could eat in an emergency in which acceptable food was not available.

On the 9th day of the trip, the class was at a site where only a few food choices were available. The only vegetarian restaurant there, 'VegBeCan', used genetically modified ingredients. For example, they used carrots and potatoes that had been genetically modified to grow above the ground rather than below. The teacher along with the students decided to go to the same restaurant. The teacher decided to play safe and ordered a mashed potatoes and stir-fried vegetables dish for all the students. The students were excited as they never had such a meal in their home country. Miss Naina and the other students consumed the meal. The next day she fell sick and could not travel. The other students showed no symptoms of illness. Her illness seemed to be directly related to the food consumed. However, there was no surety whether it was due to the vegetables or the dairy product used in the food. As a result of her illness, Miss Naina had to stay three more days at a hospital in Marsil. She was depressed about being ill and staying in an unfamiliar place without her parents. Tiffany International School arranged a new guardian for that duration since the teacher had to accompany the other kids back to Bharists on the trip back.

Mr. and Mrs. Patwa were panicked about their daughter. After recovering, Miss Naina travelled back to Bharists alone. Upon the arrival of Miss Naina back home, she was weak and greatly distressed. She barely spoke to her parents or her friends for a month. She was not willing to go out or go to school either. As a result, she missed her Science Olympiad exam. Her parents took Miss Naina to a psychologist. The doctor highlighted the fact that she had suffered severe anxiety and feelings of abandonment and paranoia while on the trip, and that as a result she continued to experience extreme anxiety and PTSD.

Mr. and Mrs. Patwa decided to file a complaint against Tiffany International School and the teacher for the suffering caused to their child. The court has decided to hear the matter on 23rd December 2020. The issues in the case are

1. Whether the Teacher should be responsible for Miss Naina's current state?
2. If the Teacher is liable, whether Tiffany International School should be held accountable for the same?