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**NATIONAL EXTERNAL QUALITY ASSESSMENT SCHEME (NEQAS)
FOR BACTERIOLOGY, PARASITOLOGY & MYCOBACTERIOLOGY**
Department of Health
Research Institute for Tropical Medicine

LABORATORY ENROLLMENT FORM

Lab ID No:

PLEASE WRITE IN BLOCK AND ALL CAPITAL LETTERS

1. Name of laboratory/hospital (no abbreviations please):

2. Address:

3. Contact Person: 7. Contact Person Tel/Mobile No: 8. Contact Person E-mail:

9. Please answer the following:
 a. Have your hospital/laboratory ever participated in NEQAS? Yes No (Please proceed to no. 10)
 b. If 'Yes', indicate last year of participation and fill your NEQAS assigned hospital/laboratory ID number:

10. Hospital laboratory ownership:
 Government Private Semi-private

11. Laboratory Category:
 Primary Secondary Tertiary Special

12. Hospital chief/doctor: 13. Laboratory chief/head:

14. Head of bacteriology: 15. Head of Parasitology:

16. Head of TB laboratory: 17. Please indicate the best way to contact you:
 Bacteriology Parasitology TB Microscopy TB Culture (optional)

Requirements:
 1. Enrollment form (download at http://www.rtm.gov.ph/Download_Page.html#NEQAS)
 2. Payment (see Method of Payment)
 3. Photocopy of the latest Certificate of Participation to any Department of Health recognized Bacteriology, Parasitology or TB External Quality Assessment (EQA) provider if not enrolling in any one of the three programs except TB Culture

Method of Payment:
 Check (make cheque payable to RESEARCH INSTITUTE FOR TROPICAL MEDICINE)
 Cash

*Please proceed or contact NEQAS office for clarifications
*******BANK DEPOSITS WILL NOT BE ACCEPTED*******

Enrollment Procedures:
 1. Enrollment is from January to August 31. LATE ENROLLEES WILL NOT BE ACCEPTED OR INCLUDED IN THE PROFICIENCY TEST EVENT.
 2. Fill up the enrollment form correctly and sign.
 3. Refer to the box on the right for the amount to be paid or contact the NEQAS office.
 4. Send enrollment form, payment and photocopy of latest EQA Certificate to the NEQAS Office for payment evaluation and processing. LABORATORIES THAT WILL NOT COMPLY TO THE REQUIREMENTS STATED ABOVE AND PAYMENTS WITHIN CORRECT AMOUNT WILL NOT BE ACCEPTED.

Programs	Amount
Bacteriology, Parasitology, TB	P 7,500.00
Bacteriology with/without Parasitology or TB	P 7,500.00
Parasitology and TB	P 4,200.00
Parasitology or TB	P 4,200.00

NATIONAL EXTERNAL QUALITY ASSESSMENT SCHEME
 Department of Microbiology
 Research Institute for Tropical Medicine
 FILINVEST, Alabang, Muntinlupa City

I certify that I have read and understand the procedures for enrollment as well as certify that the above information is true and correct.

Bank & Cheque No.

NEQAS USE

Print name and Signature

National External Quality Assessment Scheme V.5.0 (Jan-19)
 Research Institute for Tropical Medicine
 Filinvest, Alabang, Muntinlupa City, Metro Manila
 Tel/Fax: (02) 980-1969

Under Section 80 of the CPC, an injunction can be granted against an act done by a government/public officer working in his official capacity. Smt. What is a duty imposed by law? The Center for Computer Assisted Legal Instruction (CALL), a non-profit consortium of law schools, provided funding for the creation of the book. (4) Fourthly, the Injuria

the defendant's act. In *Dattaraj v. Simantaram*, different laws/facts like the Fatal Accident Act, Indian Succession Act, Workmen Compensation Act etc. Exceptions to the maxim of 'Actio personalis moritur cum persona' with respect to Petitioner in India there are laws which confer the exception to the above maxim like, The Legal Representative Suits Act, 1885 as per this Act, the legal representative or the executors of any person, after his death can represent the deceased person in the court of law. Abatement In case of nuisance, be it private or public, a person (the injured party) is entitled to remove the object causing nuisance. Each one of them can bring an action for the same, independently. If someone knowingly creates danger for himself and he knows that he will likely be rescued by someone, then he is liable to the rescuer. In *Hyett v. The Courts of Appeal* (Scott, Wrottesley L.J., Wynn-Parry J.) in a considered judgment per Wynn-Parry J., allowed the appeal and overruled *Gottlieb v. The defendant*. The defendant was not liable as the danger was visible to him and the plaintiff voluntarily did something which caused him injuries. In *Illot v. That*, when the court compels a party to perform a certain act so as to bring back the aggrieved party or the plaintiff to the position that he/she was in before the commission of the act of the defendant. The law of torts is underdeveloped in India as most of the people are not at all aware of these due to high amount of unawareness about its existence in our nation, another thing is the fact that not everyone can afford a lawyer and the process of court-work which takes a lot of time as well as a lot of money. The only condition in the concept of Accord and Satisfaction is the consent of the party should be free and not from fraud, coercion or undue influence. An Example of a Negligence Case 5. Re-entry on land The owner of a property can remove the trespasser and re enter his property, again by using a reasonable amount of force only. If the bill of sale is a fillable PDF, you can type the information in directly on form spaces before printing. By using his position and by threat, take the consent of the injured person and release himself from the liability, that release is not a valid release. *Raj Ranil[27]*, the front right spring and other parts of a truck broke all of a sudden and the driver could not control it and dashed into a tree that was coming from the opposite direction. A is the person against whom and C both consent to an act of tort and by his choice release B from the liability, this does not mean that C is also released from his liability. *Quartermaine[4]*, the plaintiff was an employee in the defendant's brewery. Judicial proceedings- This protection has been given to judges under judicial officers protection act of 1850. *Powell[20]*, the defendant and the plaintiff went to a pheasant shooting. The Supreme court of India, in *Khushro S. Torts and Breach of trust - Distinguished (1)* In the case of a tort, the compensation is in the form of unliquidated damages, whereas, in the case of breach of trust, the compensation is in the form of liquidated damages. 542) In this case, the plaintiff files a case against the defendant demanding damages against the act of assault by the defendant and finally he gets the remedy from the defendant as the court of law allows the remedy to him. Consent to suffer harm can be express or implied. Some examples of the defence are: When you yourself call somebody to your house you cannot sue your guests for trespass; If you have agreed to a surgical operation then you cannot sue the surgeon for it; and If you agree to the publication of something you were aware of, then you cannot sue him for defamation. If one person does any civil wrong to another person, and that wrong comes under the ambit of tort then the person against whom the wrong has been done is entitled to get remedy in form of unliquidated damages. Inevitable accident means an unexpected injury and if the same accident could not have been stopped or avoided in spite of taking all due care and precautions on the part of the defendant, then we call it an inevitable accident. *Kendall[24]*, the dogs of the plaintiff and the defendant were fighting with each other. *Fletcher[28]*, Existence of an Injury 10. Both are considered as criminal offenses in India. The defendant was held liable for the offence of defamation and the element of good faith is immaterial in such cases. *Khalid Mujib (1983)*. To receive injunction against a party one must prove damage or the possibility of prospective damage (apprehended damage). Gujarat State Road Transport Corporation, Ahmedabad v. Hence the law of torts is still uncodified (those that originated from sources such as court decisions or customs) in India and is still based on the common law. Remedies can be judicial and extrajudicial. (2) The remedy in the case of law of torts is in the form of damages, while in the case of a crime, it is in terms of punishment. It is also applicable in the cases where the person giving consent does not have full freedom to decide. The rule which is in consonance with justice, equity and good conscience will convict only that type of liability of tortfeasors as joint and several. In the light of the above decision, the recent trend of the Indian court is to follow or adopt common law of England or the law enacted by the British Parliament if it is in consonance with the principles of equity, justice and good conscience under the Indian Constitution. This rule, being unjust has now been repealed and replaced by section 4 of the civil liability Act, 1978 which now disallows the only recovery of cost in the subsequent suits, unless the court is of the opinion that there was a reasonable ground for bringing the action. The word tort originates from the French language. Act of God Act of God serves as a good defence under the law of torts. What is a Tort? If the person who is liable for the act previously does the same act another time. Also, this book is free! It costs no money to download, and you can get a print copy at cost. The husband has no right for an action for any kind of harm caused by his wife to him. Damages are therefore awarded at the discretion of the court. Privacy Torts (Note: A third volume is forthcoming, with chapters on constitutional torts, immunities and government liability, and safety and health regulation. Illustration- If a person wrote that all doctors were thieves, then no particular doctor could sue him unless there was something that pointed out that the person actually intended to defame him individually. Negligence (failure to take proper care over something) is a great example of this kind of tort. And where there are multiple individuals involved, then they are called joint tortfeasors. To restrain or stop a person from filing or fighting a case in a court that is not subordinate to the one in which injunction is being sought. ERISA Preemption Part IV: Dealing with Accidents: Beyond Negligence 13. This was not actionable and the defendant was not liable in the case. Similarly, if you have a fierce dog at your home or you have broken pieces of glass at the boundaries, all this is not actionable and is not covered under this defence. Consent must be free and must be available. It is essential to show that the plaintiff was not coerced into giving consent. If the consent was obtained under any compulsion or by fraud, then it is not a good defence. The A consent must be given for an act done by the defendant. A boy threw a stone on the horses due to which bolted and created danger for a woman and other people on the road. The second principle was laid down in the case of *Brinsmead v Harrison*, where it was held that a judgment obtained against one joint wrongdoer released all the others even though it was not satisfied. In India there are various laws which constitute the exception to the above maxim like; The Legal Representative Suits Act, 1885- As per this act, if any person involved in any type of tortious act, died during the course of the trial. Mental shock, tort, can be compensated for in a suit for damages. For example, X publishes serious allegations of bribery against Y in a newspaper. M. General and Special Damages When there is a direct link between the defendant's wrongful act and the loss suffered by the plaintiff. Certain principles are kept in mind while granting a temporary injunction: There has to be a prima facie case. The defendant was not liable in this case. Let us begin this topic by understanding what 'remedy' actually means in Law. An example of this can be the landmark case of *Ashby v. Lawsikho* has created a telegram group for exchanging legal knowledge, referrals, and various opportunities. When the plaintiff has no personal interest in the said matter. The jeep got toppled due to some problem in the right wheel. is all justified in the eyes of law. First, the husband's liability for wife's torts and Second, the action between the husband and wife. (3) In the case of a tort, a suit is filed. It also extends to counsels, witnesses, and parties to a suit. It should be distinguished with private defamatory and an inevitable accident. For example, Law Depot allows you to create a state-specific bill of sale form on our website if you sign up for a one-week free trial. Check your understanding questions, questions on order, historical notes, etc., are organized under separate headings. Banks and Financial Institutions look for a standard bill of sale forms on bank and credit card websites. Tortfeasors: They are equally liable for the same damage due to an independent negligence. Subramanian Swamy court held Dr. Smt. Dr. Jethmalani v. The defendant was a banned organization to protect the then CM of Tamil Nadu from the assassination of Rajiv Gandhi. *Wagon Mound Case (Overseas Tankship Ltd. When due process of law is required for a party to gain remedy and the courts are involved, the remedies are called judicial remedies. But even today, in the Modern India, the law of torts is mainly the English law which owes its origin to the principles of the common law of England. Illustration The claimant has the right to recover the damages from both the defendants, if X and Y are found to be at fault. Now, this statement will amount to defamation as this newspaper will be read by many readers and will surely injure the reputation of B's company. This decision was criticized on various grounds as the court did not consider contributory negligence while deciding the case but the court's reason for not doing so is that it was not pleaded that it was why it was not considered. Re Polemis Case (Re Polemis & Furness, Withy & Co Ltd) in this case, Polemis, the plaintiff owned a cargo ship that they had chartered to the defendants. A plaintiff being unjustly removed as a tenant, that is, not through the due legal process, can seek an injunction against his/her landlords. This was held to be a case of inevitable accident. Let's see what are these defences available to a person under the law of tort and how can it be pleaded along with some of the important cases. Later discovered, due to the injury caused in the accident, he got a fracture in his hand. In R. Any action can have multiple following consequences. It means the violation of a legal right of a person by the act of the other person, i.e. the breach of the legal right of the other person. The statement must be defamatory. The very first essential of the offense of defamation is that the statement must be defamatory i.e. which tends to lower the reputation of the plaintiff. In this case, it was held that if a husband committed a tort against his wife in the course of his employment of his master, the master will be liable for the same. The amount of money awarded by the court in this case is very low, as to show the court's disapproval, that is, when the plaintiff himself is at some fault and cannot wholly be said to be 'aggrieved'. Malar Hospital[6], a 40 year old married woman noticed a lump in her breast but this pain does not affect her uterus. When does the liability of joint tortfeasors arise? Actio personalis moritur cum persona this is the important maxim, it means if the person who commits a tort or the person against whom the tort is committed dies, the personal right or the right to receive the damages or the right of action dies with the person. The plaintiff did not have enough funds to arrange a new dredger to complete the said work. *Williams[8]*, a music teacher was held guilty of raping a 16 years old girl under the pretence that the same was done in her throat and enhancing her voice. (5) In tort, intention is important but not in all cases, whereas in the case of criminal law intention is the crux of the offence itself. In spite of every effort of the driver, the horse knocked down the plaintiff. *Trespass to Land 20. Hemchandra[31]*, the wall of a building collapsed due to normal rainfall of about 2.66 inches. A.M.A Mohindene Court held the defendants liable for publishing a statement without any intention to defame the defendants. The statement mentioned that a particular person carrying business of Agarbathis to Ceylon has been arrested for the offense of smuggling. The principle of *volenti non fit injuria* was applicable here. If you can't find one on your state's websites, check to make sure it's needed. If the person to whom the statement was published could reasonably infer that the statement referred to him, the defendant will then be liable. Illustration- If A, a bank publishes a notice to all its branches to not give the loan to any person from xyz as the people of xyz are more often repeated defaulters. Exemplary/Punitive- These are the highest in amount. The third unjust rule was created by section 611(b) of the Law Reform Act, of 1935 that if successive actions are brought, the amount of damages recoverable shall not, in the aggregate exceed, the amount of damages awarded in the first judgment. This rule is basically based on the old maxim "Ubi jus ibi remedium" which translates to "where there is a right, there will be a remedy." Another example in the Indian context would be *Pratt v. Mahalaxmi*, a English law on libel and slander Under English criminal law, libel is treated as a crime but slander is not. Whereas, in the case of a crime, a complaint is filed. Illustration If A files a case against B that B has committed a tort against A. If A has right to get more than one remedy he has to choose any one of them, i.e. if he has the remedy in both tort and contract law, now he has to choose one between them. As a general rule, damage suffered by the plaintiff should be a direct consequence of the defendant's act. Co. Ltd, when the person against whom the tort was committed i.e. the plaintiff who approached the court and filed a case died, so his personal right of action dies with him only. The property includes chose in action which is given in Section 24 of Married Women's Property Act, 1882. As a wife could sue her husband only for the protection and security of her property, she could not sue her husband if he caused her personal injuries. In *Brundsen v. It includes 3 aspects Parliamentary proceedings- Article 105(2) of the Indian constitution gives immunity to parliamentarians to speak anything during the course of business of parliament and no action would lie against them. The defence of Act of God and Inevitable accident might look the same but they are different. The defendant i.e. U.P.S.R.T.C. was held not liable for this act. In the case of *Holmes v. Forms of Defamation Slander- It is the publication of a defamatory statement in a transient form. For example- Defaming a person by way of words or gestures. Clay Cross Co. Ltd.[13]*, the plaintiff suffered injuries due to the negligent behaviour of the defendant's servant while she was walking along a tunnel which was owned by the defendants. According to *Fraser*, A tort is an infringement of a right in rent of a private individual giving a right of compensation at the suit of the injured party. In order to escape liability in the case where the plaintiff brings an action against the defendant for a particular tort providing the existence of all the essentials of that tort, the defendant would be liable for the same. Topics: preliminaries, negligence, healthcare liability. Here, the owner of the premises did not intend to harm the visitors at all but due to his carelessness, such an outcome came to be. *Knatch court* held the defendants for publishing defamatory matter against the defendants. Innuendo A statement is prima facie defamatory when its natural and obvious meaning leads to that conclusion. The reason alleged for this rule was that any such claim to the contribution must be based on an implied contract between the tortfeasors and that such a contract was illegally concluded with a view to committing an illegal act. Illustration Situation 1: A is the person against whom B does any act of Tort and if A, by his free consent want to release B from the liability, he can do so. It means when a person or by his own choice discharged the tort. Parental and Quasi-parental Authority Parents and persons in loco parentis have a right to administer punishment on a child to prevent him from doing mischief to himself and others. *Gladstone[37]*, it was held that the forcible feeding of a person who was hunger-stricken in a prison served as a good defence for the tort of battery. In *Cope v. Official State Agencies* Check your state's department of licensing, department of motor vehicles, department of highway and safety, or department of transportation websites for a free bill of sale form you can download and print. In the case of *Bowater v. The change has been brought up by the Married Women's Property Act, 1882 and permitted the married woman to sue her husband in tort for protection and security of her property. Illustration If A has two remedies available to him like one under contract and one under Tort. The doctor himself was overcome by the fumes and then he was taken to the hospital where he was declared dead. Illustration: A trespasses into B's property. Indian law on Libel and Slander Unlike English law, Indian law does not make any distinction between libel and slander and both are treated as criminal offenses under section 499 IPC. These anomalies were removed by the legislative acts, i.e., The Married Women's Property Act, 1882, and the Law Reform (Married Women and Tortfeasors) Act, 1935. Illustration If A commits the tort of trespass against B previously and held liable by the court of law. Section 21(m) of the Limitation Act, 1963, Addresses tort as being a civil wrong which is not just exclusively a breach of contract or a breach of trust. Earlier, it was thought that mental shock cannot really be compensated for, because it cannot be measured, but recently the courts have recognized that the damage in case of mental shock is just as real as a physical injury. A temporary injunction is granted to prevent the party from suffering through the damages during the trial. It is a temporary injunction granted during the pendency of a case, to maintain the status quo ante and to prevent further damage until the court passes a decree. Conclusion This article is to emphasize the important role played by the law, as the holder of a decree-holder has against the party who has committed the tort. A similar concept called "contributory negligence" often results in the court assigning a percentage of fault to each party, which ultimately dictates the percentage of damages. This is an infringement of a party's rights and it is treatable by law. *Dugganaika[2]*, the driver of the jeep took the jeep to fill petrol in it. The contents of the box were unknown. Limitations on the doctrine's scope The scope of the maxim *volenti non fit injuria* has been curtailed in the following cases: The Unfair Contract Terms Act, 1977 In these cases, even if the plaintiff has done something voluntarily but he cannot be met with the defence of 'consent' i.e. *volenti non fit injuria*. If the plaintiff consents to some risk then it is presumed that the defendant will not be liable. For example, when someone consents to a surgical operation and the same becomes unsuccessful then the plaintiff has no right to file a suit but if the same becomes unsuccessful due to the surgeon's negligence then in such cases he will be entitled to claim compensation. After seeing her husband and children grievously injured, and hearing the news of one of her children's death, the plaintiff suffered nervous and mental shock and went into a state of clinical depression. In *Fitter v. Assault. Defamation of class of persons* When particular words spoken are referred to a group of individuals or a class of persons, then no single person of that group or class can sue unless he proves that the words could reasonably be considered to referring him. Now in version 2.0 (2019), TC&C combines traditional casebook readings with straightforward, textbook-like explanations. Libel is always actionable i.e. without any proof. In the case of *Lakshmi Rajan v. E-mail me at eric.e.johnson@ou.edu. The plaintiff fell down a hole which had been left uncovered by the negligence of a contractor employed by the defendant to carry out certain works on the premises on which the plaintiff had come. He has the right to apply for the remedy against the trespass to his body as well. The High Court of Orissa held that where a money decree was passed against a person in respect of the amount received by him from the decree-holder by misrepresentation of the facts, the liability would be personal and could not be extended to his son and the plaintiff recovered compensation under the heading of 'Pain, Shock and Sufferings'. Temporary Injunction A temporary or interlocutory injunction is granted during the pendency of a case, to maintain the status quo ante and to prevent further damage until the court passes a decree. Conclusion This article is to emphasize the important role played by the law, as the holder of a decree-holder has against the party who has committed the tort. A similar concept called "contributory negligence" often results in the court assigning a percentage of fault to each party, which ultimately dictates the percentage of damages. 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