

VICTORIA UNIVERSITY
OF BANGLADESH

HOSPITALITY LAW

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MID TERM TEST

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Question No :01

What is law? Explain the sources of law.

Answer to the question no: 01

LAW

Law has many definitions including a “body of rules to which people must conform their conduct”. “a form of social control” and “a set of rules used by judges in deciding disputes”. The common denominator in all of these definitions is that law consists of rules that require people to meet certain standards of conduct and are enforceable in court.

Sources of law

Our law comes from four main sources: the constitution, statutes, common law and administrative law. The following material explains each of these sources.

Constitution law

The law embodied in the United States constitution is called constitutional law. It prescribes the organization of the federal government, including the executive, legislative, and judicial branches, and defines the powers of the federal government.

Delegated powers are those expressly allocated to the federal government in the constitution. All other authority is left to the states. Examples of delegated powers include development of a system of money and regulation of interstate commerce. Interstate commerce is business affecting more than one state, as opposed to business done between two parties in the same state.

The Constitution establishes important rights such as equal protection under the law, freedom of speech and freedom of religion.

The Constitution also authorizes the federal government to enter treaties with other countries.

The Constitution declares broad principles of law and provides very little detail.

The Constitution also provides the right of religious freedom.

Statutory law

The second source of law in the United States is statutory law. Statutory law is law promulgated by legislators and generally agreed to by the executive. A legislature is a lawmaking body consisting of members elected to office by the citizenry. The elected members of the legislature are called legislators. We elect legislators at the federal level (member of the house of representatives and the senate), the state level, and the local level (county legislators and city or town councilmembers). When a federal or state legislature adopts a law it is called a statute. When a local legislature adopts a law it is often called an ordinance.

Common law

The third source of law in the United States is common law, the legal rules that evolved, not from statutes, but rather from decisions of judges and from custom and practice. Historically, it was called common law because it was intended to be common or uniform for the entire English kingdom. These common and practices obtained their authority from the test of time. Common law was modified gradually as habits were modified and as new inventions created new wants and conveniences and new methods of doing business.

Administrative law

The fourth source of law is administrative law. Administrative law refers to law that defines the powers, limitations, and procedures of administrative agencies. An legislation that applies to particular industry. Administrative agencies have many names, including departments, commission, bureaus, councils, groups, services, divisions and agencies. Agencies exist at all levels of government, but all are generally part of the executive branch. Examples of administrative agencies include the following:

- The Food and Drug Administration, which oversees food and pharmaceutical business.
- The Federal Communications Commission, which oversees the communications/broadcasting industry

Question No :02

Briefly describe the civil and criminal law.

Answer to the question no: 02

Civil and Criminal law

There are numerous classifications of law. One classification is civil and another is criminal. The differences are as follows:

1. In civil law a wrong usually is done to an individual. In criminal law the wrong is considered to be done to society at large and involves violation of a criminal statute.
2. The objective of civil lawsuit is compensation for an injury. The objective of criminal case is punishment of the wrongdoer.
3. The party who commences the lawsuit in a civil case is injured person. The title of the case includes that person's name and name of the person being sued thus, the title of a civil case involving injury to the female coauthor of this textbook caused by one Mindy Sanders would be Karen Morris vs Mindy Sanders. On the other hand, the party who undertakes a criminal case is society at large, usually referred to as "the state of ..." "the

people of the state of ...” or “ the commonwealth of ...” Thus , a Massachusetts criminal case might be titled The Commonwealth of Massachusetts v. John Doe.

4. In a civil case the person who is suing hires and pays for his or her own lawyer. In a criminal case by a lawyer paid by the government. The title frequently used for that attorney is district attorney and / or prosecutor.

Examples of civil law

The following examples of civil law:

contracts

A contract is an agreement between two or more parties that is enforceable in court. If one person fails to abide by the agreement, the other can sue for breach of contract.

Business in the hospitality industry enter numerous contracts on a regular basis, including contracts with guests for hotel rooms and contracts by restaurants with food vendors.

Torts

A tort is a violation of a legal duty by one person that causes injury to another. Included among the various torts are the following:

- Negligence
- Trademark infringement
- Fraud

Examples of crimes

Included among the many types of crimes are the following:

- Theft of services
- Assault
- Rape

Question No :03

When a plaintiff initiates the lawsuit against defendant? Explain.

Answer to the question no: 03

The complaint is a document issued by the plaintiff that contains allegations that is , unproven statements that when combined constitute a claim against the defendant. The complaint informs the defendant of the basis for the plaintiff’s claims. Depending on the law of the state where the

case is paused, lawsuits are commenced by either filing the complaint with the appropriate and / or serving the complaint on the defendant. A complaint consists of three parts

1. A statement showing the jurisdiction of the court
2. Details about why the plaintiff is suing the defendant
3. A claim for relief

Hear a complaint is a formal document that details allegations by the plaintiff against the defendant. Those allegation from the basis for the lawsuit.

Supreme court of Albany country state of New York

Nancy Lauter

Plaintiff

V

Randshire Hotel Inc.

Defendants

COMPLAINT

Plaintiff, complaining of the Defendant, alleges as follow

1. Plaintiff lives in Detroit, Michigan
2. Defendant operates a 120-room hotel located in Albany, New York.
3. On June 14,200- plaintiff was a guest in defendant's hotel. While plaintiff was walking through the hotel lobby carrying an expensive vase she had bought in a nearby antique shop, the heel of her shoe became caught in a hole in the lobby rug. Plaintiff lost her footing and fell.
4. Defendant was negligent in permitting a hole to lobby rug.
5. As a result of the fall and due to defendant's negligence, plaintiff suffered serious physical injuries and the vase was broken. Plaintiff paid \$29000 in hospital and doctor bills for her injuries, she lost \$13000in wages while bedridden during her recuperation, and the vase was worth \$3,500.

Wherefore, plaintiff demands judgment in the amount of \$45,000 with interest, costs and disbursements plus any addition relief as to the court may seem just and equitable.

Dated: April 12 2023

By

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Question No :04

Mention the trail procedure.

Answer to the question no: 04

The Trail procedure

After the preliminaries of serving the pleading and gathering evidence, the attorneys present the case to an impartial tribunal a judge or jury. This tribunal must weigh the evidence and render a verdict as determined by the evidence and the law. The process, whereby the parties present evidence and the judge or jury decides the issues, is called a trail.

Just as laws regulate the pretrial process, rules also regulate the trail. These laws are designed to resolve the dispute in an orderly fashion.

The following trail procedure is generally followed in all states.

1. Selection of the jury
2. Opening statements
3. Plaintiff's case-in -chief
4. Defendant's case-in-chief
5. Plaintiffs case in rebuttal
6. summation
7. judge's charge to the jury
8. jury's deliberations
9. verdict
10. judgment

Question No :05

Describe the administrative law and also write some example of crimes.

Answer to the question no: 05

The administrative law

The fourth source of law is administrative law. Administrative law refers to law that define the powers, limitations, and procedures of administrative agencies. An legislation that applies to particular industry. Administrative agencies have many named, including departments, commission, bureaus councils, groups, services, division and agencies. Agencies exist at all levels of government, but all are generally part of the executive branch. Examples of administrative agencies include the following:

- The food and drug Administration, which oversees food and pharmaceutical business.
- The federal communications commission, which oversees the communications/broadcasting industry
- The consumer product Safety commission, which polices the safety of consumer products.

Some agencies are authorized to adopt laws relevant to the industry they administer. For example, the occupational safety and Health Administration not only investigates and enforces statutes addressing safety in the workplace, but also passes laws on the topic.

Example of crimes

Including among the many types of crimes are the following:

- Theft of services: which is the use of services like a hotel room without paying and with the intent of avoiding payment. We still study theft of services in chapter 10.
- Assault: which is intentionally causing physical injury to another person. Chapter 7 will discuss the unfortunate circumstances of assaults occurring in hotel rooms as a result pf tax security.
- Rape: which is forceful sexual intercourse against the victim's will. As with assault, chapter 7 discusses cases involving rapes occurring in hotel rooms.

