


Name:											
Enrolment No:											
UPES End Semester Examination, December 2024											
Course: Law of Tort & Consumer Protection Program: B.A.LL.B (Hons.), BB.A.LL.B (Hons.), LL.B (Hons.) Course Code: CLCC1006		Semester: I Time : 03 hrs. Max. Marks: 100									
Instructions: Answer all the questions.											
SECTION A (5Qx2M=10Marks)											
S. No.		Marks	CO								
Q 1	State the meaning of the maxim 'Res Ipsa Loquitor'.	2	CO1								
Q 2	Explain the differences between Trespass and Nuisance.	2	CO1								
Q 3	Differentiate between Absolute and Conditional Statutory Authority.	2	CO1								
Q 4	What are the defenses available to a defendant in cases of trespass to land.	2	CO1								
Q 5	Match the correct pairs. Each Correct pair has 0.5 Marks:	2	CO1								
	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">A. Vicarious Liability</td> <td style="width: 50%;">i) Indian Medical Association vs. V.P. Shantha</td> </tr> <tr> <td>B. Consumer Protection</td> <td>ii) Mahendra Ram v. Harnandan Prasad</td> </tr> <tr> <td>C. Medical Negligence</td> <td>iv) Kasturi Lal v. State of U.P</td> </tr> <tr> <td>D. Publication</td> <td>v) Jacob Mathew v. State of Punjab and Another</td> </tr> </table>			A. Vicarious Liability	i) Indian Medical Association vs. V.P. Shantha	B. Consumer Protection	ii) Mahendra Ram v. Harnandan Prasad	C. Medical Negligence	iv) Kasturi Lal v. State of U.P	D. Publication	v) Jacob Mathew v. State of Punjab and Another
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SECTION B (4Qx5M= 20 Marks)											
Q 6	Summarize the composition, powers, and functions of the District Forum under the Consumer Protection Act	5	CO2								
Q 7	Cite the various types of damages available under the Tort Law.	5	CO2								

Q 8	Discuss if ‘Assault always precedes Battery’? Give reasons for your opinion.	5	CO2
Q 9	Explain briefly the essential elements of Malicious Prosecution.	5	CO2
SECTION-C (2Qx10M=20 Marks)			
Q 11	Elaborate on the tortious liability of medical professionals for the loss suffered by their patients due to their negligence in the light of the recent judicial decisions.	10	CO3
Q 12	Illustrate the application of the "Doctrine of Reasonable Foresight" in assessing liability for nervous shock.	10	CO3
SECTION-D (2Qx25M=50 Marks)			
Q 13	<p>Alex, a delivery driver for Swift Logistics, was driving through a residential neighborhood when he received a call from his supervisor. While trying to answer the call, Alex momentarily looked away from the road. During this brief distraction, he failed to notice a pedestrian, Jamie who started running across the road. Although Alex attempted to stop by pushing hard at the brakes, he hit Jamie, causing him significant injuries, including a broken leg and concussion.</p> <p>Jamie is considering filing a lawsuit against Alex and Swift Logistics for negligence.</p> <ol style="list-style-type: none"> 1. Apply each element to the facts above to determine if Alex and/or Swift Logistics might be found negligent. [15 marks] 2. Critically evaluate any defences that Alex or Swift Logistics might raise to argue against liability. [10 marks] 	25	CO4
Q 14	<p>Arun Roy is a well-known businessman and CEO of Roy Holdings, a conglomerate with interests in real estate, textiles, and hospitality. A leading weekly news magazine publishes an article titled "The Secret Life of a Mogul" with an exposé on a “prominent business tycoon in the textile industry” from the city where Roy Holdings is headquartered. The article alleges that this tycoon has engaged in several illegal financial dealings and has been secretly siphoning funds to offshore accounts. Although the article does not directly name Arun Roy, it mentions specific details such as the conglomerate’s involvement in the textile sector, references to a “hotel empire,” and describes the tycoon as a “powerful figure known for his controversial land acquisitions” in areas where Roy Holdings has major investments. The article also cites various instances where the tycoon allegedly influenced local government officials for favorable policies.</p> <p>Upon publication, several business associates and acquaintances of Arun Roy approach him, assuming that he is the subject of the article. They express concerns and even suggest that they will reassess their business</p>	25	CO4

	<p>dealings with Roy Holdings. Arun, feeling that his reputation has been damaged, decides to sue the magazine for defamation. However, the magazine argues that it never specifically named him, and therefore, he cannot claim that the article referred to him.</p> <p>Later during the ongoing suit, the magazine however, offered to publish an apologise to Arun Roy which was refused by him. In light of these events answer the following:</p> <p>Discuss:</p> <ol style="list-style-type: none">1. Critically evaluate whether the defamatory statements in the article can be said to refer to Arun Roy, despite the absence of his name? [15 Marks]2. Analyse whether the offer of apology extended by the magazine help them in avoiding liability of defamation once the suit has started? [10 Marks]		
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