

Name:

Enrolment No:



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December 2021

Course: Law of Tort & Consumer Protection Laws
Program: B.COM. LLB, BA., LLB, BBA., LLB, LLB
Course Code: CLCC1006

Semester: I
Time: 03 hrs.
Max. Marks: 100

Instructions: All questions are compulsory.

SECTION-A

	Answer the following questions-	Marks	CO
Q.1.	Write a short note on Respondent Superior.	02	CO1
Q.2.	What is product liability?	02	CO1
Q.3.	Differentiate between public nuisance and private nuisance.	02	CO1
Q.4.	What is “Res Ipsa Loquitur”?	02	CO1
Q.5.	Write a short note on consumer rights.	02	CO4

SECTION B

Q6	Elucidate the maxim “volenti non-fit injuria”. Whether only knowledge of danger or risk on the part of Plaintiff is sufficient to invoke this defence? Discuss with the help of case laws.	5	CO2
Q7	“No defendant can be held liable ad infinitum for all the consequences which follow his wrongful acts. He is liable only for those consequences which are not to remote”. Do you agree with the observation? Discuss with the tests to determine the remoteness of damages.	5	CO3
Q8	Trespass to the person means a direct or intentional interference with a person's body or liberty. Classify the forms of trespass to a person with relevant cases.	5	CO2
Q9	“Strict Liability admits defences, but no defences can be claimed under the rule of absolute liability.” Comments	5	CO3

SECTION-C

Q.10.	<p>Enunciate the concept of “duty of care” in case of negligence.</p> <p>PWG, an electric supply company, is responsible for the generation and distribution of electricity in Delhi. A, while passing through a street in Chandni Chowk, on a rainy and windy day gets electrocuted and dies, after coming in contact with a live electric wire, which was snapped from an electric pole and fell on the road.</p> <p>Can an action brought by the legal heirs of the deceased against the PWG succeed?</p>	10	CO2
Q11.	<p>Critically examine the “vicarious liability” of the state for the tortuous acts of its employees under Article 300 of the Constitution of India, 1950.</p> <p>Refer to the relevant case law, if any.</p>	10	CO3

SECTION-D

Q12.	<p>Ravindra a famous singer on successful launching of his first solo album, threw a dinner party at his place for his close friends. The very next morning he found that a newspaper Dainik Ujala has published an article on his gambling and drinking habits. Because of this publication, he lost various singing agreements and decided to file a case against the newspaper.</p> <p>Will he succeed?</p>	25	C04
Q13.	<p>Negligence is the failure to do what a reasonable and prudent person would ordinarily have done under the circumstances of the situation.” In light of the above statement, decide the liability of the manufacturer in the following cases:</p> <p>A) X, a manufacturer of ginger beer, had sold to a retailer a sealed and opaque bottle of ginger beer. The retailer sold it to A who had given it to his friend Miss D. She consumed the contents of the ginger beer. The contents contained the decomposed remains of a snail which were not, and could not be, detected until the greater part of the contents of the bottle had been consumed. As a result, she became seriously ill. She sues the manufacturer. Decide the liability of the manufacturer. (12.5)</p>	25	C02

	<p>B) The plaintiff purchased a cardigan from a local shop, which was manufactured by the defendant. She suffered from rashes after wearing the cardigan, because of the presence of excess sulphite which, it was found, had been negligently left in the cardigan in the process of manufacture. The plaintiff filed the suit for damages against the defendant. Decide the liability of the manufacturer (12.5)</p>		
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