


Name: Enrolment No:			
UNIVERSITY OF PETROLEUM AND ENERGY STUDIES End Semester Examination, December 2022			
Course: Law of Torts and Consumer Protection Laws Semester: First Program: BALLB/B.ComLLB/BBALLB Time : 03 hrs. Course Code: CLCC1006 Max. Marks: 100 Instructions: <ol style="list-style-type: none"> 1. All questions are compulsory. 2. Write judicial pronouncements in support of your answer. 			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1	The word "Tort" originates from the Latin word ____ a. Try b. Torture c. Tortum d. Tort	2	CO1
Q 2	Torts are mostly _____ law subject. a. Constitutional b. Statute c. Common d. All of these	2	CO1
Q 3	Torts are grounded in the concept of a. Law b. Court c. Rights d. Sincerity	2	CO1
Q 4	Law of torts is _____ law a. Criminal b. Civil c. Both a and b d. None of these	2	CO1
Q 5	<i>Respondeat superior</i> is a doctrine that a party is responsible for the acts of: a. Servant b. Agent c. Partner d. All of the above	2	CO1

SECTION B (4Qx5M= 20 Marks)			
Q 5	“Every injury is damage but every damage is not injury.” Discuss.	5	CO2
Q 6	Distinguish between private and public nuisance.	5	CO2
Q 7	Differentiate between ‘Assault’ and ‘Battery’ with the help of decided cases.	5	CO2
Q 8	Elucidate the role of foresee-ability in the determination of remoteness of damage with decided cases.	5	CO2
SECTION-C (2Qx10M=20 Marks)			
Q 9	If an industry or enterprise engaged in some inherently dangerous activity from which it is deriving commercial gain and that activity is capable of causing catastrophic damage then the industry officials are liable to pay compensation to the aggrieved parties. Explain.	10	CO3
Q 10	“Total restraint on the liberty of movement of a person, however short its duration may be, will amount to false imprisonment.” Elaborate with the help of relevant case law.	10	CO3
SECTION-D (2Qx25M=50 Marks)			
Q 11	A humble tea vendor, Rajesh Sakre, is an example of this. He had ₹20,000 in his State Bank of India account. He withdrew ₹10,800. On his next visit to the ATM, he realized all his money was gone. When he asked the bank authorities, they blamed it on him. Therefore, he went to the District Consumer Disputes redressal forum with his grievance. While defining the term ‘consumer’, decide whether Mr. Rajesh is eligible file to case under Consumer Protection Act. Also, discuss which consumer forum will have the jurisdiction.	25	CO4
Q 12	Dr Grant purchased two pairs of woollen underwear and two singlets from John Martin & Co. There was nothing to say the underwear should be washed before wearing and Dr. Grant did not do so. He suffered a skin irritation within nine hours of first wearing them. Dr. Grant applied calamine lotion, but continued to wear the underwear for the rest of the week. He then wore the second pair for the next week and washed the first pair. This was in an era when changing his underwear only once a week was "the ordinary custom of ordinary people". The skin irritation got worse and developed into a severe case of dermatitis. Dr. Grant sued the manufacturer, Australian Knitting Mills, alleging that they had been negligent in failing to take reasonable care in the preparation of the garments. The garments in question were alleged to contain an excess of sulphur compounds, variously described as sulphur dioxide and sulphites. Based on the facts, identify the essentials of the tort committed and defenses available.	25	CO4