


Name:													
Enrolment No:													
<b>UPES</b> <b>End Semester Examination, December 2023</b>													
<b>Course: Law of Torts and Consumer Protection Act</b> <b>Program: B.A.LL.B/ BBA.LL.B/B.Com.LL.B/LL.B</b> <b>Course Code: CLCC 1006</b>		<b>Semester: I</b> <b>Time : 03 hrs.</b> <b>Max. Marks: 100</b>											
<b>Instructions: Please read the questions properly and then answer. Pay attention to details.</b>													
<b>SECTION A</b> <b>(5Qx2M=10Marks)</b>													
S. No.		Marks	CO										
Q 1	Define the maxim- Ubi Jus Ibi Remedium	2	CO1										
Q 2	Match List I & II and select the correct answer:  <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">List I</th> <th style="width: 50%;">List II</th> </tr> </thead> <tbody> <tr> <td>a) Volenti Non Fit Injuria</td> <td>1. Nichols v Marsland</td> </tr> <tr> <td>b) Inevitable Accident</td> <td>2. Vaughan v Taff Vaide Rail Co.</td> </tr> <tr> <td>c) Act of God</td> <td>3. Stanley v Powell</td> </tr> <tr> <td>d) Statutory Authority</td> <td>4. Hall v Brookland Auto Racing Club</td> </tr> </tbody> </table> a) A-4, b-1, c-2, d-3 b) A-4, b-3, c-1, d-2 c) A-3, b-2, c-1, d-4 d) A-2, b-3, c-4, d-1	List I	List II	a) Volenti Non Fit Injuria	1. Nichols v Marsland	b) Inevitable Accident	2. Vaughan v Taff Vaide Rail Co.	c) Act of God	3. Stanley v Powell	d) Statutory Authority	4. Hall v Brookland Auto Racing Club	2	CO1
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Q 3	Which of the following is NOT a type of intentional tort?	2	CO1										

	a. Breach of duty of care b. Battery c. False imprisonment d. Assault		
Q.4.	Differentiate between Crime and Tort.	2	CO1
Q.5.	Differentiate between <i>Malice in Tort</i> and <i>Malice in Fact</i>	2	CO1
<b>SECTION B</b> <b>(4Qx5M= 20 Marks)</b>			
Q.6.	Define 'Consumer' according to the Consumer Protection Act, 2019.	5	CO2
Q.7.	Trespass is actionable per se, while nuisance is actionable only on proof of actual damage. Comment	5	CO2
Q.8.	Is it Law of Tort or Law of Torts. Justify.	5	CO2
Q.9.	Can there be a trespass to a person or human body? If yes, then in what forms? List down essentials of each of them.	5	CO2
<b>SECTION-C</b> <b>(2Qx10M=20 Marks)</b>			
Q.10.	Analyse with a critical lens, the foreseeability and directness tests in determining the extent to which a defendant may be held liable for consequential damages.	10	CO3
Q.11	Evaluate the underlying philosophy behind imposing strict liability and the circumstances in which this doctrine is deemed appropriate. Also, Reflect on the evolving nature of strict liability and its adaptability to emerging issues in contemporary society.	10	CO3
<b>SECTION-D</b> <b>(2Qx25M=50 Marks)</b>			
Q.12.	H, a hair dresser treated P's hair with a dye and as a result P contracted dermatitis. The manufacturers of the dye M & Company had delivered the dye to H in labeled bottles together with a small brochure of instructions. Both the label and the brochure contained a warning that the	25	CO4

	<p>dye might be dangerous to certain skins and a patch test of skin was recommended before it was used.</p> <p>P sues the manufacturers M &amp; Company for negligence.</p> <p>i. Would the manufacturers of the dye be held liable to P? Decide with reference to relevant precedents. [15 marks]</p> <p>ii. Also discuss the liability of H towards P. Discuss with the help of decided cases. [10 marks]</p>		
Q .13.	<p>The story line in a TV serial resembles the real life of the plaintiffs, who after a long period of estrangement are living separately. The TV serial depicts the husband-wife duo not as victims of circumstances, but as crooked and clever persons who have pretended estrangement only as a ploy to hoodwink their creditors. After the TV serial, that is very popular in the locality where the plaintiffs live, the neighbours begin shunning and avoiding the couple. Most of them believe that the TV serial is based on their lives.</p> <p>Can the plaintiffs bring action against the serial producers for defamation? Decide with reference to relevant precedents and principles.</p>	25	CO4