

Name:

Enrolment No:



**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**

**End Semester Examination, December 2019**

**Course: Law of Torts and Consumer Protection Laws**

**Program: B.Tech.(CSE), LL.B.(Hons.) Cyberlaws/IPR**

**Course Code: CLCC 1006**

**Semester: III**

**Time: 03 hrs.**

**Max. Marks: 100**

**Instructions:**

**SECTION-A**

S. No.		Marks	CO
Q.1.	Tort implies a twisted or tortious: a) Consent b) Volition c) Conduct d) Deterrence	02	CO1
Q.2.	Name the jurist who propounded the pigeon hole theory.	02	CO1
Q.3.	Which statute defines 'tort' and how?	02	CO1
Q.4.	Defamation is divided into libel and slander under a) English law only b) Indian law only c) Both under English law and Indian law d) None of the above	02	CO3
Q.5.	Essentials of tort of nuisance excludes: a) An intention to cause harm b) Unreasonable interference c) Interference must be with the use or enjoyment of land d) It must cause damage to the plaintiff	02	CO2

**SECTION B**

Q.6.	Write Short notes on any four:	05*04	
a)	Difference between Inevitable Accident and Act of God		CO2
b)	Wagon Mound remoteness rule		CO3
c)	Vicarious Liability		CO1
d)	Absolute Liability		CO1
e)	Cyber breach of privacy		CO3

**SECTION-C**

Q.7.	<p>“The Consumer Protection Act, 1986, can provide redress to a consumer through a specially established set of courts, need not engage a lawyer and could expect a much quicker relief.”</p> <p>In the light of above, discuss the object of the Act with power, function and Jurisdiction of various forums under the Act.</p>	10	CO4
Q.8.	<p>The rule in <i>Rylands vs Fletcher</i> is interpreted in the light of the constitutional provision by the Supreme Court in <i>M.C.Mehta vs Union of India</i>. Explain the rule laid down in <i>Rylands vs Fletcher</i> and the corresponding development in India with reference to the rule.</p>	10	CO2

**SECTION-D**

Q.9.	<p>The defendants, in good faith published a statement that the plaintiff has given birth to twins, she had got married only two months back. Hence, she sued for defamation.</p> <p>In light of the above facts, answer the following:</p> <ol style="list-style-type: none"><li>Distinguish between Libel and Slander and its position under Indian and English Law. (05 Marks)</li><li>What are the essentials of defamation? (10 Marks)</li><li>Is intention to defame necessary? Decide the above case in light of the decided cases. What are defences to Defamation? ( 10 Marks)</li></ol>	25	CO1,C O3
Q.10	<p>A child, aged 5 years, visited the zoo with his family. When all the family members were keenly watching the tiger, the child reached near the iron bars in which the tiger was kept, the tiger bit the arm of the child. He was rushed to the hospital at the zoo where the doctors expressed the inability to provide necessary medical attention. The incident resulted in loss of limb of the child.</p> <p>In light of the above facts, answer the following:</p> <ol style="list-style-type: none"><li>What are essentials for an action of negligence. (10 marks)</li><li>Decide whether it was the negligence of the child in reaching upto the railing and exposing himself to the risk of being attacked or was it the negligence of the Zoo authorities in not taking proper care to ensure that such incidents do not take place. Decide whether the zoo authorities had a duty to care in light of the decided cases. (15 marks)</li></ol>	25	CO4