

Name: Enrolment No:			
UPES End Semester Examination, December 2025 Course: Law of Tort & Consumer Protection Program: B.A.LL.B. (H), BBA, LL.B. (H), LL.B. Course Code: CLCC 1006 Semester: I Time: 03 hrs. Max. Marks: 100 Instructions:			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1	If A takes B's bicycle without permission for a short ride and returns it undamaged, state whether it would amount to trespass or conversion?	2	CO1
Q 2	Conceptualise the maxim 'Damnum Sine Injuria.'	2	CO1
Q 3	State whether <i>Volenti non fit injuria</i> should apply to modern sporting events like Mixed Martial Arts fighting or adventure tourism.	2	CO1
Q 4	Mention any two exceptions to strict liability.	2	CO1
Q 5	Define false imprisonment.	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 6	A vendor occupies half of the public road to display his goods, forcing vehicles and pedestrians to squeeze through a small space, causing frequent accidents. Explain whether this amounts to public nuisance and who can sue.	5	CO2
Q 7	Explain "act" and "omission" as components of tortious liability.	5	CO2
Q 8	Classify the difference between joint liability and several liability.	5	CO2
Q 9	During a sudden fire in a shopping mall, the security guard G forcibly pushes customer C out of a blocked corridor to save her from smoke. C falls and fractures her arm. C files a suit for battery. Enumerate whether G's physical act amounts to battery.	5	CO2
SECTION-C (2Qx10M=20 Marks)			
Q 10	A large petrochemical company, AquaFuel Industries, negligently allows a massive quantity of industrial oil to spill into the River Sarayu, a primary	10	CO3

	source of livelihood and transportation for nearby communities. Within hours, the river becomes coated with a thick layer of oil. As a direct and immediate consequence, thousands of fish die, and local fishermen are unable to earn their daily income for several weeks. Three kilometers downstream, an old paper manufacturing factory, Himalaya Pulp Co., stores certain chemicals in open containers. When the oil-contaminated river water reaches the factory's intake channel, an unexpected and highly unusual chemical reaction occurs between the oil and residual vapours inside the storage unit. This results in a sudden explosion and a fire that destroys a large portion of the factory. Scientists later explain that such a reaction was extremely rare and could not have been reasonably predicted, even by trained chemists. The fishermen sue AquaFuel for loss of livelihood. Himalaya Pulp Co. also files a claim for damage to its factory, arguing that the fire was a <i>direct consequence</i> of the negligent spill, even if unusual. AquaFuel argues that while the fishermen's loss was foreseeable, the factory fire was entirely unforeseeable and outside the scope of its liability. Applying both the Test of Reasonable Foresight and the Test of Directness, critically analyse the extent of AquaFuel Industries' liability towards: - - the fishermen and - the factory owners		
Q 11	Evaluate whether The Consumer Protection Act, 2019 truly empowers consumers, or is it insufficient in an era of digital marketplaces, cross-border e-commerce, and AI-powered advertising?	10	CO3
SECTION-D (2Qx25M=50 Marks)			
Q 12	Raja Ram Mohan a famous Actor, married to Miss Universe Mrs Sujita Roy. On successful launching of his first solo movie, threw a dinner party at his place for his close friends. The very next morning he found that a media channel New Mirror has stated that his gambling and drinking habits, led to domestic violence and abusing his wife. It also claimed that he was having an extra marital affair with his Co-Star and that the act of domestic violence was just because Mrs Sujita Roy had caught them red handed. As a result of this news, he lost various movie agreements and even face criminal prosecution and also hampered his relationship with all the family members as well as his wife. So he decided to file a case against the media channel. Critically evaluate whether Raja Ram will succeed in his claims or not, support your answer with cases?	25	CO4
Q 13	The <i>Aarohan Institute of Performing Arts</i> conducts an annual theatre workshop where students rehearse high-intensity dramatic scenes, including choreographed fights. As per the Institute guidelines, all mock-combat scenes require rehearsal under supervision and the use of foam props. Despite these rules, the Institute often encourages "realistic improvisation" to impress external evaluators. During one rehearsal, Tanishtha, a senior student known for aggressive improvisation, was training juniors in a scene involving confrontations.	25	CO4

	Dhruv, a junior student, had earlier filed an internal complaint against Tanishtha for humiliating him in front of others, but the Institute took no action. During the rehearsal, Tanishtha walked close to Dhruv, raised her hand abruptly, and said, <i>“Move, before I make you.”</i> Dhruv stepped back in fear, believing she would strike him. Later in the same session, Tanishtha suddenly shoved Dhruv during a mock-fight demonstration, without warning and without protective gear. Dhruv stumbled and bruised his shoulder. The Institute claimed this was a “dramatic push” within the bounds of theatre practice. To retaliate, Dhruv’s friend Krishha, who witnessed the incident, later confronted Tanishtha backstage. Krishha swung her hand in the air very close to Tanishtha’s face and yelled, <i>“If you touch Dhruv again, you’ll regret it.”</i> Tanishtha flinched and claimed she felt an imminent threat. However, Krishha never made physical contact. Meanwhile, a visiting evaluator, Professor Sen, unaware of the internal tensions, attempted to break the escalating conflict. He firmly gripped Tanishtha’s arm to pull her away, leaving temporary red marks. Tanishtha alleges that this unwanted contact amounts to battery, while the Institute argues that Sen acted under necessity to prevent further harm. Complicating matters, CCTV footage of the rehearsal hall was partially corrupted, showing only Dhruv’s fall but not capturing Tanishtha’s initial threat. Several students also give conflicting statements, some saying Tanishtha’s push was routine stage action, others saying she acted aggressively because of Dhruv’s prior complaint. Dhruv now sues for assault and battery, Tanishtha sues Krishha for assault and also sues Professor Sen for battery. The Institute denies vicarious liability, claiming these acts were outside the scope of rehearsal protocol. 1. Illustrate with relevant judicial pronouncements, whether Tanishtha’s actions towards Dhruv amount to assault, battery, both, or neither considering the role of prior hostility. (15 Marks) 2. Elucidate the situation with the help of judicial decisions as to whether Krishha’s confrontation with Tanishtha constitutes assault, assessing the distinction between conditional threats, apprehension of imminent harm, and absence of physical contact. (10 Marks)		
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