

Name:

Enrolment No:



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, December 2018

Course: Torts and Consumer Protection Act (Course Code:CLCC1003)

Semester: 3

Programme: B.TECH.(CSE), LL.B. (Hons.) specialization in Cyber Laws / IPR **Time:** 03 hrs.

Max. Marks: 100

Instructions: Attempt all.

SECTION A

	Objective Type / Memory Based Questions	Marks	CO
Q 1	List three wrongs which find place both under criminal law and Law of torts _____	3	CO1
Q2	Differentiate between Act of God and Inevitable Accidents	2	CO1
Q3	Enumerate the principles on which vicarious liability is based on.	2	CO1
Q4	A wrong to one's ownership of goods which involves misuse and appropriation of goods is: a) Detinue b) Conversion c) False imprisonment d) None of the above	1	CO1
Q5	In India slander is a crime and libel is only a civil wrong. (Correct the incorrect statement)	1	CO1
Q6	The distinction between sovereign and non-sovereign functions of the state was laid down in a) Ryland v. Fletcher	1	CO1

	<p>b) Donoughe v. Stevenson</p> <p>c) M.C. Mehta v. Union of India</p> <p>d) Peninsular and Oriental Steam Navigation Co. v. Secretary of State, India.</p>		
SECTION B			
	Write Short Note Type		
Q7	Differentiate between Public Nuisance and Private Nuisance	5	CO,03
Q8	“ <i>There can be a battery without assault, so also there can be an assault without a battery</i> ”. Keeping in mind the above statement differentiate between battery and assault giving examples	5	CO,03
Q9	Explain what is meant by <i>innuendo</i> .	5	CO,03
Q10	What are the various remedies under Law of Torts.	5	CO,03
SECTION-C			
	Analytical Question		
Q11	<p>A, a magistrate in making a report to his superior officer casts an imputation on the character of Z in good faith and for public good.</p> <p>1. What will be the most appropriate defence that can be taken by A in case a suit for defamation is filed by Z? Justify your answer with case laws and illustrations.</p> <p>2. Mention in brief all the defenses available in case of Defamation</p>	20	CO,2,
SECTION-D			
	Situation Based Question		
Q12	<p>A and B Co. Ltd was engaged in hazardous and inherently dangerous activity. Deadly toxic gas leaked as a result of an earthquake which happened in 2000. Exposure to the toxic gas caused death of at least one thousand persons in the city. Explain the law to be applied for deciding the liability of and C Co. Ltd.</p> <p>Further the effect of the toxic gases could be seen in next generation as well, many children were born with some deformity, one Ms. G gave birth to such deformed child in the year 2016 and she filled the case against the Company. Answer whether she can claim compensation in her case or not?</p>	20	CO,3
Q13	Defame Daily is a newspaper with a wide circulation. One day it ran a front page story ‘Solicitor feared to have absconded with clients’ funds’. There was also a photo of the front of an office bearing the name ‘Money Ho & Co’ next to the story. The newspaper published the article based on information given by a caller to its hotline	20	CO3

	<p>but it did not verify the facts. Later it found it had made a mistake and immediately published an apology. The sole proprietor of the firm Money Ho was pregnant during this period. She was depressed and this led to a pre-term delivery. She filed the case.</p> <p>Answer the following with reference to the above stated facts supported by case laws and also apply the test of remoteness of damage:</p> <ol style="list-style-type: none"> 1. Contentions on behalf of plaintiff (firm) to prove defamation. 2. Contentions on behalf of the defendant. 3. Analysis 		
Q14	<p>The plaintiff was placed by his mother at a school kept by the defendants. The mother applied to take him away but the defendant blatantly refused and kept him at school during part of the holiday. The infant did not know of the denial of the holiday nor that had he been restrained. The plaintiff argued that this improper conduct amounted to false imprisonment. The issue was whether there was a detention against the will of the plaintiff?</p> <p>Answer whether the case is of false imprisonment by explaining the essentials of false imprisonment and case laws.</p>	10	CO3

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SECTION A

	OBJECTIVE TYPE / memory based Questions.	Marks	CO
Q 1	Enumerate the wrongs that are classified as 'trespass to a person'.	4	CO1
Q2	Conversion is a wrong against possession. True or False (explain with reason).	4	CO1
Q3	Fair comment means: a) It must be a comment in good sense i.e. without malice. b) It must be fair in sense of its rationality c) It must be non-critical appreciation of existing facts. d) All of the above	2	CO1

SECTION B

	Write Short Notes:		
Q1	Differentiate between Assault and Battery	5	C03
Q2	Explain the principles on which vicarious liability is based on.	5	C03
Q3	What are the various remedies under Law of Torts.	5	C03
Q4	Who is a joint tortfeasor?	5	C03

SECTION-C

	Analytical type		
Q5	A and B Co. Ltd was engaged in hazardous and inherently dangerous activity. Deadly toxic gas leaked as a result of an earthquake which happened in 2000. Exposure to the toxic gas caused death of at least one thousand persons in the city. Explain the law to be applied for deciding the liability of and C Co. Ltd. Further the effect of the toxic gases could be seen in next generation as well, many children were born with some deformity, one Ms. G gave birth to such deformed child in the year 2016 and she filled the case against the Company. Answer whether she can claim compensation in her case or not?	20	C02

SECTION-D

SECTION-D			
	Situation based type		
Q6	<p>X underwent a surgery for removal of stones in his kidney. The surgery was performed by Dr. T, a renowned surgeon, at a leading private hospital. During the surgery, Dr. T left a piece of gauze in X's abdominal cavity due to which infection developed and a second surgery had to be performed on X for removal of the gauze of which he had to spend Rs.28 Lacs. X wants to sue Dr. T and the Hospital.</p> <p>a. Decide by identifying the essentials of the appropriate tort on the basis of which <i>both</i> Dr. T and the hospital can be made liable? Substantiate with relevant case laws.</p> <p>b. Discuss the jurisdiction of consumer forum to try X's case.</p>	20	C04
Q7	<p>The claimant was driving a motor vehicle and was not wearing the helmet. He was hit by a truck from the back; the truck driver was driving negligently and rashly and injured the claimant. The injury caused the claimant could have been lessened if he was wearing the helmet.</p> <p>Analyze the liability of truck driver. Whether the fact that claimant was not wearing helmet could be considered to lessen the amount of compensation? What are the essential to prove contributory negligence?</p>	20	C05
Q8	<p>The plaintiff suffered massive economic loss due to his unauthorized banquet hall, located in a heart of the city, being selectively sealed by the competent author, in compliance with a resolution passed by his political rivals. Decide whether tortious liability arises in the facts.</p>	10	C04