

Name:

Enrolment No:



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
Online End Semester Examination, January 2021

Course: Law of Tort and Consumer Protection Laws

Course Code: CLCC1006

**Programme: BA LL.B (H)/BBA LL.B (H)/B.Com LL.B (H)/
B. Sc LL.B (H)/ B.Tech LL.B (H)**

Time: 03 hrs.

Semester: I

Max. Marks: 100

SECTION A

1. Each Question will carry 5 Marks

2. Instruction: Word Limit 100-150 words.

S. No.	Questions	Marks	CO
1	Write a short note on “ <i>Volenti non fit injuria</i> ”	5	CO1
2	What is the significance of The Last Opportunity Rule?	5	CO1
3	“ <i>Consumers by definition, include us all.</i> ” In the light to this statement write a short note on Rights of Consumers.	5	CO4
4.	<i>The Innuendo makes the statement defamatory- How?</i>	5	CO2
5	Meaning of the maxim- <i>Qui facit per alium facit per se</i>	5	CO1
6	Distinction between Assault and Battery.	5	CO1

SECTION B

1. Each question will carry 10 marks

2. Instruction: Word Limit 250-300 words

7	Do medical services fall under the definition of ‘service’ under Consumer Protection Law? Lakshmi, a pregnant woman comes to City Hospital for delivery of her Child. City Hospital has two wings where treatment is charged also and free treatment is given to poor. Lakshmi is poor and has given Rs.10 / only as registration charges. During the delivery, because of the negligence of the Hospital staff, she dies. Can her husband recover damages for her health?	10	CO4
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8	<p><i>“Nuisance as a tort means an unlawful interference with a person’s use or enjoyment of land or some right over or in connection with it.”</i> Explain this statement with relevant case laws.</p>	10	CO2
9	<p>Explain the principles of <i>Injuria sine damno</i> and <i>Damnum sine injuria</i>. Apply the principles in the given situation. A, being a qualified voter in Parliamentary elections was stopped by ‘B’ Returning Officer from casting his vote. Being aggrieved by act of ‘B’ Returning Officer. A filed a suit for compensation. Decide giving reasons and case-laws.</p>	10	CO3
10	<p>As a part of grow more food campaign, a dam was constructed for irrigation across a river. Provision was made for release of excess water through sluice. Due to exceptionally heavy rainfall, sluice proved inadequate and extra opening was made resulting in flooding the agricultural land of X. X suffered a severe loss of agricultural production. Can X recover damages for loss?</p>	10	CO3
11	<p><i>“If a person brings or accumulates on his land anything which if it should escape may cause damages to his neighbours, he does so at his peril.”</i> Discuss the above statement by referring the judicial pronouncements along with the exceptions thereto.</p>	10	CO2
<p>SECTION C</p> <p>1. Each part carries 10 Marks. Both are compulsory.</p> <p>2. Instruction: Word Limit 450-500 words</p>			
12	<p><i>“Every person who puts on the market a dangerous article must take reasonable steps in all circumstance”</i>- Explain the liability of a manufacturer for injury to the consumer in the below mentioned illustrations:</p> <p>a) The plaintiff purchased woollen garments from a retailer which was manufactured by the defendant. He suffered from acute dermatitis as a result of wearing woollen garment because of the presence of excess sulphite which, it was found, had been negligently left in the cloth in the process of manufacture. The plaintiff filed the suit for damages against the defendant. How will you decide? (10)</p> <p>b) H, a hair dresser treated X’s hair with a dye and as a result X contracted Allergic reactions. The manufacturers of the dye had delivered the dye to H in labelled bottles together with a small brochure of instruction. Both the label and the brochure contained a warning that the dye might be dangerous to certain skins and a test of skin was recommended before it was used. X sues the manufacturers for negligence. Will X succeed? What would be the liability of H towards X? (10)</p>	20	CO3