

Name:

Enrolment No:



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

Course: Law of Tort and Consumer Protection Laws
Program: B. Tech Computer Science and Engineering with LL.B (Hons.)
(Cyber Law / Intellectual Property Rights)-2020
Semester: I

Course Code: CLCC1006
Time: 03 hrs.
Max. Marks: 100

Instructions: All questions are mandatory.
Kindly adhere to the word limit wherever provided.

S. No.	Section A	
	1. There are six questions in this section 2. Each Question carries 5 Marks 3. Instruction: Complete the statement / Select the correct answer(s)	CO
Q 1	The pigeon-hole theory for the law of tort was given by: a. Salmond b. Winfield c. Lord Macaulay d. None of the above	CO1
Q 2	Act of third party is a defence in case of absolute liability. (true/false)	CO1
Q 3	In law of tort duties are fixed by: a. Parties themselves b. State c. Any competent person d. Law	CO1
Q 4	The Innuendo makes the statement defamatory- How?	CO2
Q 5	The battery must always be the direct result of the defendant's intentional act. (true/false)	CO1
Q6.	State consumer dispute redressal commission shall have the jurisdiction to entertain complaints where the value of the goods or services is rupees	CO4

SECTION B		
<p>1. There are five questions in this section</p> <p>2. Each question will carry 10 marks</p> <p>3. Instruction: Write short / brief notes</p>		
Q 7	What is the significance of defence of Contributory Negligence?	CO3
Q 8	What do you understand by malicious prosecution? What is required to be proved by the plaintiff in an action for malicious prosecution?	CO3
Q 9	<i>Define the maxim 'sic utere tuo ut alienum non laedas'</i> and discuss the essentials of the related tort.	CO3
Q 10	“Although the decision of the Supreme Court in <i>Kasturi Lal Ralia Ram Jain v. State of U.P.</i> has not been overruled as such, yet subsequent decisions of the Apex Court have greatly undermined its authority and diminished the sphere of sovereign immunity.” Elucidate, tracing the development of the law relating to vicarious liability of the State for the tortious acts of its servants in India.	CO2
Q 11	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?	CO2
SECTION-C		
<p>1. There is only one question in this section</p> <p>2. Question carries 20 Marks</p> <p>3. Instruction: Write long answer</p>		
Q 12	Zafar underwent a surgery for removal of stones in his kidney. The surgery was performed by Dr. Amit, a renowned surgeon, at a leading private hospital. During the surgery, Dr. Amit left a piece of gauze in Zafar's abdominal cavity due to which peritonitis developed and second surgery had to be performed on Zafar for removal of the gauze. Zafar wants to sue Dr. Amit and the hospital for negligence. Decide their liability citing landmark Supreme Court Judgements on medical negligence. Also discuss the jurisdiction of Consumer Courts to try Zafar's case.	CO4

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