

**DIRECTORATE OF DISTANCE EDUCATION
NALSAR UNIVERSITY OF LAW, HYDERABAD**

M.A. (Animal Protection Laws)

Academic Year: 2023-2024

Third Semester Repeat Examination (June, 2024)

Paper III – 2.3.9. Civil Laws (June 2024)

Duration of the Examination: 2 ½ hours

Total Marks :70 marks

INSTRUCTIONS TO CANDIDATES

- a) Read the instructions carefully and adhere to the same.
 - b) Please mention your DDE ID No. date of the exam, name of the programme & subject on the Answer Sheet and the Additional Answer Sheets, if any.
 - c) The questions to be interpreted as given and no clarification can be sought from the Invigilator.
 - d) Clearly indicate the question numbers while answering them. Answers without question numbers / wrong question numbers will not be evaluated.
 - e) Write the answers clearly and neatly. Answers in illegible handwriting will not be taken into consideration.
 - f) Candidates are prohibited to carry phones or any other electronic devices, books, material etc. in the Examination Hall.
 - g) Copying is strictly prohibited and is considered as a serious academic misconduct and the University will take action as it deems fit.
 - h) Please note, answers are marked on content and not length.
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Question 1 (30 Marks)

Please read the below fact situation, and supplement your answers with the legal source (including sections, statutes, case law, rules etc.)

Talika is a psychiatrist and a part of a team of volunteers that is studying the conditions of farmed animals in slaughterhouses and their compliance with Farmed Animal Laws, They are doing this under the supervision of a prominent animal protection organization.

Talika visits the farm to find that the conditions are worse than she imagined. She notices a plethora of pigs kept in extremely small cages with very short tethers in filthy conditions that clearly violate the Food Safety and Standards Act and rules framed thereunder.

There are approximately 60 pigs and 20,000 chickens, suffering from visible injuries and illnesses. There is one baby piglet, aged about three weeks displaying distressed breathing and has bright yellow pustules covering its stomach. Her, cute, small little pink face is scrunched up in pain and her bright blue eyes are begging for help.

While being given a tour of the facility, Talika sees three children aged between 9-13 working at the facility covered in animal feed, without slippers at 11:00 am on a Tuesday in violation of Child Labor laws. Talika is very committed to doing a good job and the conditions of the animals has motivated her to be brave. She pulls out her phone camera and takes a few pictures of the conditions of the facility and the children. She also carefully takes a half empty bag of feed to test it for antibiotic use later. The staff begin to look suspicious and she decides the situation is more dangerous than she realized and decides to leave immediately. On her way out she asks one of the workers if she can take the pig to treat it as she is a veterinary student and she doesn't think the piglet will live if it doesn't get immediate veterinary assistance. The worker agrees since a dying piglet isn't worth much anyway and hands over the sick piglet.

Talika leaves in a hurry and takes the piglet straight to the vet. The three-week-old piglet was admitted immediately. After a long recovery at the vets, Talika decides to transfer the piglet to her family farm where it can live out the rest of its days happy healthy and off people's plates. She call's this piglet Mango.

The NGO publishes Talika's report online alongside all the pictures she took as is and then files a report for legal violations with the appropriate authority. The news agencies pick up the story after court proceedings have begun and Talika is invited on NDTV along with Mango to discuss the sweet tale of her rescue.

- A. List the things Talika did, right? (5 marks)**
- B. Which Laws did Talika Violate? Is Talika the only person legally responsible for such a violation? Explain. (5 marks)**
- C. Did the NGO violate any laws, if yes, please explain? (3 marks)**
- D. What constitutional provision gives Talika the right in India to carry out on site studies? (2 marks)**
- E. If you were in Talika's situation, how should you react, to help the animal and comply with the law? (15 marks)**

Question 2 (20 marks)

A famous egg company Geggoz in India launches a new advertisement, amidst a new pandemic, caused by a variation of a Salmonella typhimurium outbreak which is multi-drug (antibiotic) resistant, in a leading National Newspaper called the Bindu.

The headline states that **“Eat Eggs-Beat Salmonella T!!”**

The article, claims that two eggs a day, keeps Salmonella typhimurium away, and claims the products are organic, healthy and antibiotic free. The article and headline don't explain the nuance. The company claims that a diet sufficient in protein increases immunity and therefore the headline is not incorrect.

However, Salmonella typhimurium is a deadly infection that originates from keeping poultry in intensive confinement systems, and has a 3% death rate similar to that of Covid-19.

"Furthermore, six consumers of Geggoz eggs have also gotten sick in the past three months, due to poor hygiene standards, and the fact that poultry birds used at Geggoz are fed antibiotics in the feed."

- A. What offences under the Consumer Protection Act, has Geggoz committed?
Justify your answer with legal provisions, case law, etc. **(10 marks)**
- B. Write a short note on the Consumer Protection Act including its objectives and salient features **(10 marks)**

Question 3 : Answer any *FOUR* questions of your choice **(20 marks)**

- A. What are the essential elements of a tort?
- B. What is absolute liability?
- C. Explain the legal maxims *Damnum Sine Injuria* and *Injuria Sine Damnum*.
- D. Explain the scienter doctrine
- E. What are the defenses to defamation?
- F. What are the defenses to strict liability?