

Total number of printed pages-7

19 (I) LTMV

2021

(Held in 2022)

**LAW OF TORT INCL. MV ACT
AND CP LAWS**

Full Marks : 80

Time : Three hours

***The figures in the margin indicate
full marks for the questions.***

1. Choose the correct answer : $1 \times 10 = 10$
- (a) Gloucester Grammar School case explains _____.
[Injuria sine damnum / Damnum sine injuria]
- (b) Law of tort has developed mainly through _____.
[enactments / judicial decisions]

Contd.

(c) The principle of *Novus actus interveniens* applies to determine _____.

[Strict liability/ Remoteness of damage]

(d) In *Stanley vs. Powell*, the defence of _____ was allowed.

[Inevitable accident/ Act of God]

(e) Defamation is divided into libel and slander under _____.

[English Law/ Indian Law]

(f) The maxim *res-ipsa loquitur* is a _____.

[Rule of procedure/ Rule of evidence]

(g) Consumer dispute is defined in section _____ of the Consumer Protection Act, 1986.

[2(e)/ 2(r)]

(h) The total number of rights given to consumers as per Consumer Protection Act is _____.

[6/ 8]

(i) To be a member in any redress forum the person should have minimum _____ years of experience. [10/5]

(j) The jurisdiction of a State Commission is _____.

[below 20 lakhs/ 20 lakhs to 1 crore]

2. Answer the following questions : 2×5=10

(i) Give *two* reasons for slow development of law of tort in India.

(ii) *Volenti non fit injuria*.

(iii) Nuisance is a continuing wrong
— Justify.

(iv) Definition of deficiency in service as per the Consumer Protection Act, 1986.

(v) Appeals against the decision of the National Commission.

3. "All torts are civil wrongs, but all civil wrongs are not tort" —

Explain the statement and outline the essential characteristics of torts. 4+8=12

OR

Is there a law of tort or only a law of torts ?

Answer in the light of theories relating to foundations of tortious liability. 12

4. Answer the following : 6+6=12

(a) Explain vicarious liability with special reference to the liability of a master for the acts of his servants.

(b) Explain the maxim *volenti non fit injuria* along with the exceptions.

OR

What are the persons who cannot sue in tort owing to personal disability ? 12

5. Define false imprisonment. What are its essentials? What should the plaintiff prove in order to succeed in a suit for false imprisonment? Write a few lines on wrongful confinement as defined under IPC.

4+4+2+2=12

OR

What is meant by negligence? What are the essentials of negligence? What standards are applied to determine the question of negligence? Discuss with reference to any leading case.

3+5+4=12

6. Answer the following :

4×3=12

- (a) 'Restrictive Trade Practice' as envisaged by the Consumer Protection Act, 1986.
- (b) Definition of 'Consumer' as per the Consumer Protection Act, 1986.

(c) Definition of 'Complainant' as per the Consumer Protection Act, 1986.

OR

What is Consumer Protection Act, 1986 ? Explain *any three* reasons responsible for enacting Consumer Protection Act, by the Government of India. Discuss the salient features of Consumer Protection Act, 1986.

4+3+5=12

7. Explain the composition, jurisdiction and procedure for enforcement of orders of the District Forum under the Consumer Protection Act, 1986. 12

OR

Write short notes on :

4×3=12

(i) Supervisory jurisdiction of National Commission

- (ii) Kinds of relief to consumer
- (iii) Consumer disputes redressal agencies

Total number of printed pages-7

19 (1) LTAC 1.4

2022
(Held in 2023)

**LAW OF TORT INCLUDING M.V. ACT
AND C.P. LAWS**

Paper : 1.4

Full Marks : 80

Time : Three hours

***The figures in the margin indicate
full marks for the questions.***

1. Choose the correct option : $1 \times 10 = 10$

(a) The Law of tort is mainly concerned
with redressal of wrongful civil actions
by awarding _____ .

(compensation/ punishment)

Contd.

(b) The rule of 'strict liability' is based on the decision in _____.
(*Donoghue v. Stevenson/Rylands v. Fletcher*)

(c) Rescue cases are the exceptions to the maxim of _____.
(*volenti non fit injuria/damnum sine injuria*)

(d) The Motor Vehicles (Amendment) Act, 2019 is being implemented since _____.
(2nd August, 2019/ 1st September, 2019)

(e) False and defamatory verbal statement is _____.
(*slander/libel*)

(f) Negligence is a tort which arises from the breach of the duty of care owed by one person to another from the perspective of a _____.
(*common man/reasonable person*)

(g) Deficiency in service is defined in section _____ of the Consumer Protection Act, 1986.

[2(1)(g)/ 2(1)(f)]

(h) A patient is a consumer.
(True/False)

(i) Constitution of State Consumer Protection Council is provided by section _____ of the Consumer Protection Act. (7/8)

(j) A member of the District Forum shall hold office for a term of five years or up to the age of _____, whichever is earlier.
(60 years/ 67 years)

2. Answer the following : 2×5=10

(a) *Damnum Sine Injuria* means what?

(b) What is inevitable accident in tort?

(c) What is mayhem in tort?

(d) Define service.

(e) Define 'consumer' under the Consumer Protection Act.

3. Discuss the nature and scope of Tort. Distinguish between tort and breach of contract. $8+4=12$

Or

Write notes on :

$6+6=12$

(a) *Injuria Sine Damnum*

(b) Liability without fault

4. Explain the theory of vicarious liability with special reference to the liability of a master for the acts of his servants. Discuss when a master would not be liable for the acts of his servant. $8+4=12$

Or

Discuss about the general defences of tortious liability. 12

5. Write the differences between : $4 \times 3 = 12$

(i) Libel and Slander

(ii) Private nuisance and Public nuisance

(iii) Assault and Battery

Or

What do you mean by negligence? What norms are applied to determine the questions of negligence? What defences are available in an action for negligence?

$4+4+4=12$

6. Answer the following : $4 \times 3 = 12$

(a) What are deficiency in service and defects in goods under the Consumer Protection Act, 1986?

(b) Define complaint and complainant under the Consumer Protection Act, 1986.

(c) What is 'Restrictive Trade Protection' as mentioned in the Consumer Protection Act, 1986?

Or

Discuss the nature, scope and objectives of the Consumer Protection Act, 1986. State whether this Act has been able to achieve its objectives.

9+3=12

7. Explain the composition, jurisdiction and procedure for enforcement of orders of the State Commission under the Consumer Protection Act, 1986.

12

Or

Write notes on :

4×3=12

(a) District Forum

(b) National Commission

(c) Guidelines for protecting consumer rights

Total number of printed pages-7

19 (I) LTMV 1-4

2023

**LAW OF TORT INCL. M.V. ACT AND
CONSUMER PROTECTION LAW**

Paper : 1-4

Full Marks : 80

Time : Three hours

***The figures in the margin indicate
full marks for the questions.***

1. Fill in the blanks with appropriate answer :
1×10=10

(a) Law of Torts is a _____ law.
[Codified/ Uncodified]

(b) Torts are grounded in the concept of
_____ .
[law/ rights]

Contd.

(c) Rules of Strict liability was laid down in case of _____.

[*Rylands v. Fletcher (868)/Ashby v. White (1703)*]

(d) Music played through loud bass beat that can be heard at midnight can be classified as _____.

[*Nuisance/crime*]

(e) When a person held liable for tort committed by another, like a Master is for the tort of his servant, is called _____.

[*Absolute liability/Vicarious liability*]

(f) A Motor Accident Claims Tribunal cannot make an _____ under Section 140 (no-fault liability) of the Motor Vehicles Act, 1988 unless either the owner of the vehicle admits the accident with his vehicle or it is proved that, in fact, the accident had taken place with his vehicle.

[*Order/Award*]

(g) The Consumer Protection Act, 2019 (New) came into force on _____.

[*19th July, 2019/20th July, 2020*]

(h) As per the Consumer Disputes Redressal Commission Rules, there will be no fee for filing cases up to _____.

[*Rs. 5 lakh/Rs. 2 lakh*]

(i) An E-commerce website _____ included in Consumer Protection Act, 2019.

[*is not/is*]

(j) Under the Consumer Protection Act, 2019, when the seller manipulates the price of a good, it is known as _____ trade practices.

[*Unfair/Restricted*]

2. Write short answer : (**any five**) 2×5=10

(a) Write the significance of law relating to Tort.

(b) Distinguish between Tort and Crime.

- (c) What do you mean by malice?
- (d) Define 'consumer' under the Consumer Protection Act.
- (e) What are Hazardous goods?

3. Distinguish between Tort and Breach of Trust. What are the essential conditions of liability in Tort? Explain with suitable examples.

5+7=12

Or

(a) Define the scope and characteristics of tort. Briefly describe the foundation of tortious liability.

(b) Distinguish between Fault liability and Liability without fault.

(3+3)+6=12

- 4. "Tortious liability arises from the breach of a duty primarily fixed by law: this duty is towards persons generally and its breach is redressible by an action for unliquidated damages." (Winfield). Elucidate the above statement referring to relevant case laws.

12

Or

Discuss with the help of decided cases various essentials of the maxim *Volenti non fit injuria*.

- 5. What do you mean by 'Vicarious Liability'? Discuss the law advanced by the Supreme Court on 'Vicarious Liability of the State' for torts committed by its servants with reference to Bhopal Gas Leak Disaster Case.

4+8=12

Or

Discuss the concept of Damages. Briefly state the development of the law relating to Nervous Shock referring to *King v. Berry* (1970) 1 All ER 1074.

3+9=12

6. Distinguish between Defamation and Libel. Briefly discuss the essentials of Defamation and the defences available against a suit for defamation. $4+8=12$

Or

Briefly discuss the concept of 'no-fault liability' under the Motor Vehicles Act, 1988. What is the extent of liability of the insurer in cases of 'no-fault liability'? $6+6=12$

7. Explain the importance of consumer protection from the point of view of a consumer. Briefly state the law relating to Deficiency in service under the Consumer Protection Act, 1986. $8+4=12$

Or

Write short notes on : **(any two)** $6+6=12$

- (a) Restriction and Unfair Trade Practices

- (b) Concept of Deceit

- (c) Important Guidelines for Protecting Consumer Rights

Total number of printed pages—4

19 (SEM-1) LWTR (N) 1-4

2024

**LAW OF TORT INCLUDING
M.V. ACCIDENT AND
CONSUMER PROTECTION LAWS**

(New Course)

Paper : 1-4

Full Marks : 80

Time : Three hours

***The figures in the margin indicate
full marks for the questions.***

1. Answer the following : 2×10=20
- (a) Concept of Tort.
 - (b) *Ubi jus ibi remedium.*
 - (c) Parental and Quasi-parental authority.
 - (d) Course of employment.
 - (e) Difference between mayhem and battery.
 - (f) Contributory negligence.

Contd.

(g) Insurer's liability for third-party risk under the Motor Vehicles Act, 1988 and the Motor Vehicles (Amendment) Act, 2019.

(h) What is negligence in the Motor Vehicle Act ?

(i) Two rights available to consumers under the Consumer Protection (Amendment) Act, 2019.

(j) Recognised Consumer Association under the Consumer Protection (Amendment) Act, 2019.

2. Write short notes on : $4 \times 3 = 12$

(a) *Damnum sine injuria*

(b) Differentiate between motive and intention

(c) Nature and scope of tortious liability in India

Or

Define the concept of 'tortious liability'. Discuss the reasons for slow development of law of torts in India in comparison to tort in England. $4 + 8 = 12$

3. Explain the vicarious liability of the State for the tortious acts of employees and liability for tort in independent contractor.

$6 + 6 = 12$

Or

Define 'remoteness of damage'. What are those criteria which should precede while invoking the rule of remoteness of damage? Briefly explain with the help of case law.

$4 + 8 = 12$

4. Define 'trespass to person.' What are the different kinds of trespass to person ?

$2 + 10 = 12$

Or

What is the meaning of 'malicious prosecution' ? What are the essential elements of malicious prosecution ? Explain the remedies for malicious prosecution.

$3 + 6 + 3 = 12$

5. Explain the salient features of the Motor Vehicle (Amendment) Act, 2019. 12

Or

Narrate the provisions under the Motor Vehicles (Amendment) Act, 2019 in relation to effects on death caused by a motor vehicle accident? What is the position of 'no-fault liability' compensation under the Motor Vehicle (Amendment) Act, 2019? Explain.

10+2=12

6. Write short notes on :

4×3=12

- (a) Defects in Goods under the Consumer Protection (Amendment) Act, 2019
- (b) Restrictive trade practices and Hazardous goods
- (c) Patient is consumer under Medical service

Or

Explain the salient features and objectives of the Consumer Protection Act, 2019.

6+6=12

Total number of printed pages—4

19 (SEM 1) LWTR (O) 1.4

2024

**LAW OF TORT INCL. M.V. ACT AND
CONSUMER PROTECTION LAW**

(Old Course)

Paper : 1.4

Full Marks : 80

Time : Three hours

***The figures in the margin indicate full
marks for the questions.***

1. Choose the correct answer : 1×10=10

(a) The definition of 'tort' is contained in _____ (the General Clauses Act, 1897/ the Limitation Act, 1963)

(b) The doctrine of 'strict liability' is based on the decision in _____. (Donoghue v. Stevenson/ Rylands v. Fletcher)

(c) The maximum 'res ipsa loquitur' is a _____ (rule of evidence/ rule of negligence)

(d) Libel is _____ defamation. (written/ spoken)

Contd.

(e) 'Consumer' is defined in section _____ of the Consumer Protection Act.

[2(d)/2(c)/2(b)]

(f) _____ does not fall under consumer rights. (*Right to choose/Right to seek government help*)

(g) To be a member in any redressal forum the person should have minimum _____ years of experience. (10/5)

(h) A patient is a consumer _____. (Yes/No)

(i) The 'Law of Deceit' is established in _____. (*Derry v. Peek/King v. Berry*)

(j) _____ are words, which appear innocent, but have a latent defamatory meaning. (*Slander/Innuendo*)

2. Write short notes on the following: 2×5=10

(a) Strict liability

(b) *Volenti non fit injuria*

(c) Trespass to land

(d) Definition of 'service'

(e) Composition of District Forum

3. Define 'Tort'. Describe the nature, scope and characteristics of Tort. Explain the evolution of the Law of Tort in India. 2+7+3=12

Or

Differentiate between: 6+6=12

(a) Tort and Crime

(b) Tort and Quasi Contract

4. Describe various exceptions to 'tortious liability'. 12

Or

Write short notes on: 4×3=12

(a) *Novus actus interveniens*

(b) Insurer's liability under Motor Vehicle Act, 1988

(c) Remoteness of Damage

5. Define tort of defamation. Differentiate libel and slander. Explain the defences available against the tort of defamation. 2+5+5=12

Or

Define nuisance. Distinguish between public and private nuisance. 4+8=12

6. Answer the following : $4 \times 3 = 12$

- (a) 'Restrictive Trade Practices' as envisaged by the Consumer Protection Act, 1986.
- (b) Definition of 'consumer' as per the Consumer Protection Act, 1986.
- (c) Who is a 'complainant' ?

Or

Discuss the nature, scope and objectives of the Consumer Protection Act, 1986. 12

7. Explain the composition, jurisdiction, power and functions of different Consumer Disputes Redressal Agencies established under the Consumer Protection Act, 1986. $3+3+6=12$

Or

Briefly narrate the procedure of making and receipt of complaint under the Consumer Protection Act, 1986. Explain the process of execution of order of the Consumer Forum. $6+6=12$

Total number of printed pages-8

19 (SEM-I) LLB 1.4

2025

**LAW OF TORTS INCLUDING M.V. ACT,
CONSUMER PROTECTION LAW**

Paper : 1.4

(New Course/New Pattern)

Full Marks : 80

Pass Marks : 36

Time : Three hours

***The figures in the margin indicate
full marks for the questions.***

1. Answer in brief : 2×10=20
- (a) Define 'consumer'.
 - (b) Explain the rule developed in the case of Rylands V. Fletcher.
 - (c) Differentiate between 'Motive' and 'Intention'.
 - (d) Mr. X has spoken some lines about Mr. Y in order to defame him. The words, though seem very respectful, yet the hidden meaning of the words do not reflect it. What are such kind of words called ? Are there any provisions in the Indian law regarding the same ?

- (e) Mention *any two* important provisions of the Motor Vehicles Act, 2019.
- (f) Who are Joint Tortfeasors? Give an example.
- (g) Explain the 'Pigeon Hole' theory in brief.
- (h) How is 'mayhem' different from 'assault'?
- (i) Mr. ABC was asked to keep the car of Mr. XYZ in his custody for a period of 7 days as the latter would remain out of town since the day Mr. XYZ left, it had been raining heavily due to which there was flood resulting in damage to the car. Mr. XYZ filed a case against Mr. ABC. Do you think Mr. ABC will be made liable? Justify.
- (j) What do you mean by Parental Authority in tort?
2. What do you mean by 'tort'? Give *any two* definitions given by jurists. Differentiate between *Injuria Sine Damnum* and *Daumnum Sine Injuria* with leading case laws. $2+4+6=12$

OR

Write the differences between:

- (a) Tort and Crime
- (b) Tort and Breach of Contract
- (c) Tort and Breach of Trust

$4+4+4=12$

3. Explain with case laws the various defences in tort which the defendant can exercise.

12

OR

What is vicarious liability? Explain the concept with reference to Master and servant relationship supported by relevant case laws.

4. Write an elaborate note on the tort of negligence. What is the difference between contributory and composite negligence?

$8+4=12$

OR

What do you mean by deceit? What are its essentials? Explain the rule decided in the famous case of *Derry V. Peek*. $2+4+6=12$

5. What are the provisions under the Motor Vehicles Act, 2019 in relation to effects of death caused in an accident ? What is 'no fault' liability ? 10+2=12

OR

Write short notes on :

4+4+4=12

- (a) Non-possession of driving licence
- (b) Insurer's liability for third-party risk
- (c) Doctrine of stare decisis

6. Explain the power, functions and composition of the District Commission, State Commission and National Commission under the Consumer Protection Act, 2019.

12

OR

With reference to the Consumer Protection Act, 2019, explain the concepts of the following : *(any two)* 6+6=12

- (a) Restrictive and Unfair Trade Practices
- (b) Defects in goods
- (c) 'Patient' as a consumer

(Old Course/Old Pattern)

1. Choose the correct answer : $1 \times 10 = 10$
- (a) _____ is a famous case of Injuria Sine Domnum. (*Ashby V. White/Gloucester Grammar School*)
- (b) 'V is Major' means _____.
(*Something bigger in action/ Act of God*)
- (c) The definition of tort is given in the Limitation Act, 1963. (*True/False*)
- (d) There are _____ exceptions in case of Absolute Liability. (*No/Many*)
- (e) Fraud is a crime as well as a tort.
(*True/False*)
- (f) The definition of 'Consumer' is provided under Section _____ of the Consumer Protection Act, 2019. (*2(7)/2(5)*)
- (g) Innuendo are words which have a _____ defamatory meaning.
(*obvious/latent*)
- (h) A patient is a consumer.
(*True/False*)

(i) Doctrine of Common Employment is _____ in India. (applied/not applied)

(j) The composition of District Forum is given under Section _____ of the Consumer Protection Act, 1986.

(10/11)

2. Answer in short : $2 \times 5 = 10$

(a) Define Mayhem.

(b) What is the difference between a servant and an independent contraction?

(c) What do you mean by 'Res Ipsa Loquitor'? Give an example.

(d) Differentiate between Malice, Motive and Intention.

(e) What is joint liability?

3. What is Tort? Is there a law of 'tort' or only law of 'torts'? Answer in the light of theories and relevant case laws.

$2 + 10 = 12$

OR

What are the essentials of tort? Differentiate between : $4 + 4 + 4 = 12$

(a) Tort and Crime

(b) Tort and Breach of Contract

4. Explain the following defences with case laws : $4 + 4 + 4 = 12$

(a) Volenti Non Fit Injuria

(b) Inevitable Accident

(c) Private Defence

OR

What is Remoteness of Damage? With landmark case laws, explain here the concept has developed. $2 + 10 = 12$

5. What is nuisance? Explain the types of nuisance. What are its remedies of defences? $2 + 5 + 5 = 12$

OR

Define negligence. What are its essentials and defences? $2 + 5 + 5 = 12$

Contd.

6. Discuss the following terms under the Consumer Protection Act, 1986 : $3 \times 4 = 12$

- (a) Defect in goods
- (b) Deficiency in service
- (c) Complaint and complainant
- (d) Consumer

OR

Discuss the objectives of the Consumer Protection Act, 1986. What do you mean by 'Restrictive Trade Practices' and 'Unfair Trade Practices'? Discuss in detail.

$6+6=12$

7. Write short notes on :

$6+6=12$

- (a) National Commission
- (b) State Commission

OR

Explain in detail the consumer disputes redressal mechanism under the Consumer Protection Act, 1986.

12