

(Please write your Exam Roll No.)

Exam Roll No.

END TERM EXAMINATION

SECOND SEMESTER [LLB] JUNE 2024

Paper Code: LLB-104

Subject: Law of Torts and
Consumer Protection

Time: 3 Hours

Maximum Marks: 60

Note: Attempt all questions as directed. Internal Choice is indicated.

Q1 Attempt **any four** Write short notes on: (4x5=20)

- Judicial and quasi-judicial authority
- Differentiate between strict liability and absolute liability
- Is Nervous Shock Worth Protecting through the Tort System?
- Negligence under the Law of Tort
- Nuisance under torts
- Duties of consumer.
- Difference between tort and contract
- Rights of the consumer

Q2 Discuss and differentiate between Act of God and Force Majeure with the help of leading case laws. (10)

OR

Q3 Discuss the '*Volenti non-fit injuria*' a good defence given to the defendant. What are the limitations of this defence? Discuss with the help of case law. (10)

Q4 Discuss the Parental and Quasi Parental authority. What are the Rights under Parental Authority? (10)

OR

Q5 After a disagreement over a bill, a hotel owner chose to detain a guest. Even though the guest cooperated by providing personal information, he was still kept detained. Whether it's a case of false imprisonment? Discuss the meaning and essential ingredient of False Imprisonment. (10)

Q6 Write short notes on: (5+5=10)

- Doctrine of Sovereign Immunity
- Defamation

OR

Q7 Discuss the rule laid down in the case of Rylands v. Fletcher and also discuss in detail the Exceptions to a person as a defence. (10)

Q8 Write short notes on: (5+5=10)

- Definition of Consumer as per the Consumer Protection Act.
- Duties of the customer

OR

Q9 What was the need for a New Consumer Protection Act, 2019? Elucidate the salient features of the Consumer Protection Act, 2019. (10)



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SECOND SEMESTER [LLB] JULY-2023

Paper Code: LLB-104

Subject: Law of Torts & Consumer Protection

(BATCH-2022 ONWARDS)

Time: 3 Hours

Maximum Marks :75

Note: Attempt five questions in all including, Q.No.1 which is compulsory. Select one question from each unit of Part-B.

PART-A

Q1 Write a short note on the following:

(5x5=25)

- State the facts and principle contained in *Bhim Singh v. State of J & K* decision.
- Distinguish 'nervous shock' from 'physical injury'.
- Pigeon Hole Theory.
- Online Dispute Resolutions.
- e-Commerce.

PART-B

UNIT-I

- Q2 "Tortious liability arises from the breach of a duty, primarily fixed by the law. The duty is towards persons generally and its breach is redressible by an action for unliquidated damages." Explain the statement and state how tort differs from a crime and breach of contract. (12.5)
- Q3 Discuss the various defenses available under the Law of Torts. Amit and Sumit live close by. Sumit's garden is constantly being destroyed by Amit's cattle. Sumit's fencing is not good. Sumit digs a deep trench at the boundary and covers it with grass. Amit's cattle tumble into the trench and got injured. Can Amit sue Sumit for damages? Give reasons in support of your answer. (12.5)

UNIT-II

- Q4 Is 'Negligence' a separate and independent Tort? Examine the concept of 'foreseeability' in relation to the motion of 'duty or care' with the help of relevant case laws? Explain 'Medical Negligence' and its coverage under the Consumer Protection Act, 1986. (12.5)
- Q5 What do you mean by malicious prosecution? What points are required to be proved by a plaintiff in an action for malicious prosecution? Point out the difference between malicious prosecution and false imprisonment. (12.5)

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UNIT-III

- Q6 The common law rule that slander is not actionable per se has not been followed in India except in a few decisions. Discuss with the help of relevant case laws. *B*, the defendant abused *A*, the plaintiff, and said that she was not the legally married wife of her husband, but a woman who had been rejected from several places for unchastity. *A* sues *B* for damages for slander. Decide the case. (12.5)
- Q7 "The old distinction between Sovereign and non-sovereign functions or Governmental and non-governmental functions are no longer invoked to determine the liability of the State". Do you agree with this view? Discuss with the help of relevant case laws. (12.5)

UNIT-IV

- Q8 Consumers might be exploited by unscrupulous, exploitative and unfair trade practices. Define 'Consumer' and 'unfair trade practice'. What are the rights and responsibilities of consumers as stated under the Consumer Protection Act 2019? (12.5)
- Q9 Explain the provisions related to the establishment, powers and functions of the Central Consumer Protection Authority under the Consumer Protection Act 2019? (12.5)

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END TERM EXAMINATION

SECOND SEMESTER [LLB] JULY-2023

Paper Code: LLB-104

Subject: Law of Torts & Consumer Protection

(UPTO-2021 BATCH)

Time: 3 Hours

Maximum Marks :75

Note: Attempt five questions in all including, Q.No.1 which is compulsory. Select one question from each unit of Part-B.

PART-A

- Q1 Write a short note on the following : (5x5=25)
- State the facts and principle contained in *Donoghue v. Stevenson* decision.
 - Judicial and Quasi Judicial Acts.
 - Slander and libel.
 - Act of God
 - Goods and services under the Consumer Protection Act, 1986

Part-B

UNIT-I

- Q2 Discuss the maxim *Volenti non-fit Injuria* with the help of relevant cases. On the terrace of his house, which is located close to the stadium, Rohit is watching a cricket match of a local cricket tournament. The ball is struck powerfully by the batsman, crosses the boundary, and hits Rohit. Rohit falls from the terrace and hurts his back. Can Rohit claim damages from either the batsman or the tournament officials? (12.5)
- Q3 "A tort is an infringement of *right in rem* of an individual, giving a right of compensation at the suit of the injured party." Discuss the statement and state how tort differs from a crime and breach of contract. (12.5)

UNIT-II

- Q4 State and explain the principles of liability for nervous shock evolved by the Court. A, the driver of a car, B his friend and B's daughter were travelling together in A's car. They stopped for petrol and A asked B to go into the office of the petrol pump owner to pay. B's daughter got out of the car when B was in the office and A negligently backed the car into B's daughter. B heard the girl's screams and rushed to help him. On seeing him injured B suffered a nervous shock. Can B sue A? (12.5)
- Q5 What do you mean by nuisance? What are the differences between public nuisance and private nuisance? What elements have to be proved by the plaintiff for success in the suit of nuisance? Discuss with the help of relevant cases. (12.5)

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UNIT-III

- Q6 "Defamation has often been defined as the publication of a statement which tends to bring a person into hatred, contempt and ridicule." Discuss the above statement in the light of essential elements of defamation. *P*, a shopkeeper says to *Q* who is his manager, "Sell nothing to *R*, unless he pays you ready money, I have doubts about his honesty". *R* prosecutes *P* for defamation. Will he succeed? (12.5)
- Q7 Explain the rule of strict liability as laid down in *Rylands v. Fletcher* with exceptions. An ordinance factory owned by *P* manufactured explosives and munitions for the Govt. of India. One day, a shell exploded within the premises of the factory and a workman *Q* was injured. *Q* sues *P* for damages under the *Rylands v. Fletcher* rule. Will *Q* succeed? Would your answer be different if *Q* claims damages under the rule laid down in *M.C. Mehta v. Union of India* [AIR 1987 SC 1086]. (12.5)

UNIT-IV

- Q8 "The Law of Consumer Protection as come to meet the long felt necessity of protection to the common man from the wrongs for which the remedy under ordinary law for various reasons has become illusory." Discuss this statement and explain to what extent the Consumer Protection Act, 1986 has succeeded in its objectives. (12.5)
- Q.9 Discuss the composition and jurisdiction of District Forum under the Consumer Protection Act, 1986? What happens after a complaint is received by the District Forum? (12.5)

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END TERM EXAMINATION

SECOND SEMESTER [LLB] NOVEMBER 2020

Paper Code: LLB-104

Subject: Law of Torts and Consumer Protection

(Batch-2014 Onwards)

Time: 2 Hours

Maximum Marks: 75

Note: Attempt any three questions in all. All questions carry equal marks.

Q1. "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). Make a critical appraisal of the above statement and make a distinction between tort and crime, and tort and breach of contract.

Q2. On one winter morning, while the weather was very foggy and visibility was very poor, Ramesh had to go to the Indira Gandhi International Airport to pick up his relative. On his way to the airport, he had an accident with Nimesh, who was killed as a consequence. Nimesh's wife files a case against Ramesh, seeking damages. Ramesh pleads Act of God as a defence arguing that the accident happened due to poor visibility. Decide with help of relevant principles of tort law.

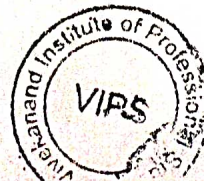
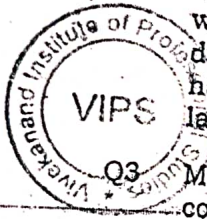
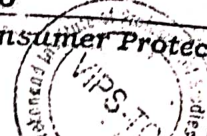
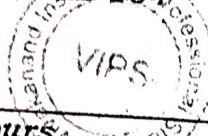
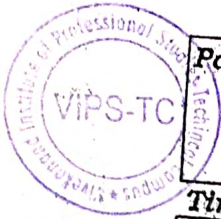
Q3. Mani, a hair dresser treated Rohan's hair with a dye and as a result Rohan contracted a skin disease on his scalp. The manufacturer of the dye 'Safecolors Ltd.' had delivered the dye to Mani in the labelled bottles together with a small brochure contained a warning that the dye might be dangerous to certain skins and a test of skin was recommended before it was used. Rohan sues the manufactures 'Safecolors Ltd.' and Mani for negligence. Discuss the liability of both 'Safecolors Ltd.' and Mani under the tort of Negligence.

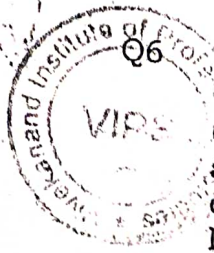
Q4. Hemant and his three sons met with a road accident due to negligence of Mohanlal. Hemant and his two sons got severely injured whereas one child was killed. At the time of accident, wife of Hemant was two miles away from the site of accident. On being told of the accident, she rushed to the hospital where she saw the injured husband and children and came to know about the death of one child, as result of which she suffered severe nervous shock. She files a suit against Mohanlal seeking compensation. Decide with help of relevant principles of tort law.

Q5. Rambeer was dealing in the business relating to food grains under a licence issued by the Competent Authority. The premises of Rambeer were raided by officials under the Essential Commodities Act, 1955, whereupon it emerged that he (Rambeer) had violated Control Orders in respect of maintenance of accounts. However, no major infringement relating to black marketing or adulteration of food products was noticed. The Collector, however, ordered release of goods as no major contravention was established against him. Thereupon, Rambeer requested the concerned officers for immediate release of goods citing the perishable nature of the commodity. Despite repeated requests and reminders, the seized goods were not released by the officers resulting in deterioration of the stock qualitatively and quantitatively. As a consequence of which Rambeer suffered considerable loss. He prefers civil suit against the State claiming compensation. The State pleads the defence of sovereign immunity. Decide.

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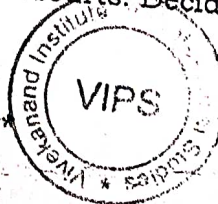




Due to extraordinary heavy rainfall, a storage tank belonging to an enterprise engaged in an inherently dangerous industry collapsed. Highly toxic gas contained in the tank escaped and caused the death of two persons and adversely affected a number of others. Decide the liability of owners of the enterprise while discussing the difference between the 'Rule of Absolute Liability' and the 'Rule of Strict liability'. What is the measure of damages in such cases?

Q7 Complainant ('P'), in connection with his pensionary benefits, filed an application under the Right to Information Act, 2005 (RTI Act) before the concerned department of the Government. The Department failed to provide the requisite information. Whereupon 'P' moved a complaint before the District Forum alleging deficiency in service. The Forum allowed the complaint and direction *inter alia* was issued to the opposite party to furnish the information as sought for by the complainant. Feeling aggrieved and dissatisfied therewith, the Department preferred an appeal before the State Commission. Decide.

Q8 Is the jurisdiction of ordinary Courts barred by the provisions of the Consumer Protection Act, 1986? 'X' filed a civil suit against an *ex parte* award passed by District Consumer Disputes Redressal Forum praying for a declaration that the award was void, illegal and obtained by fraud. The defendant contended that orders under the Consumer Protection Act, 1986, even if wrong, are not amenable to the jurisdiction of civil courts. Decide.



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END TERM EXAMINATION

SECOND SEMESTER [LLB] APRIL - MAY 2019

Paper Code: LLB-104

Subject: Law of Torts and Consumer Protection

Time: 3 Hours

Maximum Marks: 75

Note: Attempt five questions in all including Q no. 1 of Part A which is compulsory. Select one question from each unit of Part B.

PART-A

Q1 Explain short notes on the following:-

- (a) Injuria sine damnum 5
- (b) Quasi-parental authority 3
- (c) Vicarious liability 3
- (d) Fair comment 3
- (e) Consumer 4

(5x5=25)

PART-B UNIT-I

Q2 When a person consents to the infliction of some harm upon himself, he has no remedy for that in tort. Explain the doctrine along with limitations on the scope of the doctrine. (12.5)

Q3 Discuss nature and definitions of Torts. To what extent mental element is relevant to constitute tortious liability. (11) (12.5)

UNIT-II

Q4 Explain 'nervous shock' as a Tort. Your answer must be supported with decided case laws. (4) (12.5)

Q5 Define Private nuisance and comment "whether an isolated act is enough to constitute nuisance or continuity has to be there" to constitute tort of nuisance. (12.5)

UNIT-III

Q6 Discuss the rule 'No fault liability along with exceptions. (12.5)

Q7 (a) Explain Innuendo. (8) (6)
(b) Sovereign Immunity is subject to fundamental rights, Explain. (6.5)

UNIT-IV

Q8 Discuss the nature and objects of the Consumer Protection Act 1986. (12.5)

Q9 Discuss the role of consumer protection redressal agencies along with their pecuniary jurisdiction. (12.5)

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END TERM EXAMINATION

SECOND SEMESTER [LLB] APRIL - MAY 2019

Paper Code: LLB-104

Subject: Law of Torts and Consumer Protection

Time: 3 Hours

Maximum Marks: 75

Note: Attempt five questions in all including Q no. 1 of Part A which is compulsory. Select one question from each unit of Part B.

PART-A

Q1 Explain short notes on the following:-

- (a) Injuria sine damnum 5
- (b) Quasi-parental authority 3
- (c) Vicarious liability 3
- (d) Fair comment 3
- (e) Consumer 4

(5x5=25)

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UNIT-III

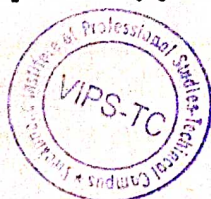
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END TERM EXAMINATION

SECOND SEMESTER [LLB(H)] MAY-2017

Paper Code: LLB-104 Subject: Law of Torts and Consumer Protection

Time: 3 Hours

Maximum Marks: 75

Note: Attempt any five questions including Q.No 1 of Part A which is compulsory. Select one question from each unit of Part B.

PART-A

(5x5=25)

Q1 Write short notes on: -

- (a) Injuria Sine Damnum
- (b) Differentiate between Law of Torts and Law of Crimes
- (c) Judicial and Quasi Judicial Authority
- (d) Duties of the Consumer
- (e) Definition of Consumer under Consumer Protection Act, 1986.

PART-B

UNIT-I

Q2 Amar was a spectator at a motor car race being held at New Delhi on a track owned by Divanshu and Company. During the race, there was a collision between two cars, one of which was thrown among the spectators, thereby injuring Amar. Amar sued Divanshu's Company. According to you what defence Divanshu's company can take? Also explain in detail the concerned defence. (12.5)

Q3 Define Tort. Discuss in details its constituents. (12.5)

UNIT-II

Q4 "Negligence is considered as a separate tort. It means a conduct which creates a risk of causing damage, rather than a state of mind". In the light of the above statement discuss the tort of Negligence. (12.5)

Q5 Write a short notes on the following:- (12.5)

- (a) Nervous Shock
- (b) Malicious Prosecution

UNIT-III

Q6 Defamation is injury to the reputation of a person. If a person injures the reputation of a person another he does so at his own risk, as in the case of an interference with the property. Explain Defamation with the help of case laws. (12.5)

Q7 Explain the doctrine evolved in the case *M.C. Mehta v Union of India* A.I.R. 1987 S.C. 1086 (12.5)

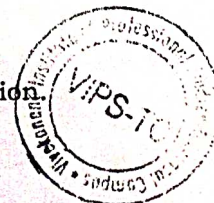
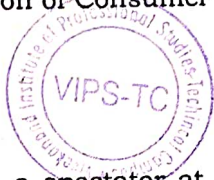
UNIT-IV

Q8 Discuss the relevant section relating to the procedure on admission of complaint under District Forum covered under Protection Act, 1986. (12.5)

Q9 Write short notes on following:- (6.5)

- (a) Findings of district forum
- (b) Jurisdiction of the State and National Commission (6)

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Exam Roll No.

END TERM EXAMINATION

FOURTH SEMESTER [LLB] MAY 2017

Paper Code: LLB 202/130/104 Subject: Law of Torts and Consumer Protection

Time : 3 Hours

Maximum Marks : 75

Note: Attempt any five questions including Q no.1 of Part A which is compulsory. Select one question from each unit of Part B.

Part-A

Q1. Write short notes on the following:

- Injuria sine damnum
- Necessity as a defence
- The Innuendo
- Distinguish between Assault and Battery
- Explain the term consumer

(5x5=25)



Part-B

Unit-I

Q2. Explain the development of the doctrine of sovereign immunity in India in the light of decided cases. (12.5)

Q3. What are the essentials for the application of the rule of strict liability? Distinguish between strict liability and absolute liability with the help of decided case laws. (12.5)

Unit-II

Q4. What is meant by Volenti non-fit injuria. Explain through decided cases the extent of its applicability as a defence in an action in Tort. What are its limitations in the scope of the doctrine? (12.5)

Q5. Discuss the defence of Inevitable accident? What are differences between inevitable accident and the vis major under the Law of Torts? (12.5)

Unit-III

Q6. a) Explain that the statement must refer to the plaintiff.
b) The defendant wrote a letter to the plaintiff making false allegations of her being a prostitute and a brothel-keeper. The letter was sent under the circumstances that the plaintiff's husband in all probability would have read the same. The plaintiff's husband opened and read it. Whether the defendant is liable or not? (12.5)

Q7. Write the essentials of private Nuisance. Do we have defences of nuisance? If yes; then explain defences with the help of decided case laws. (12.5)

Unit-IV

Q8. Whether negligence in professional advice by legal practitioner creates liability towards the hirer of the professional service or not under the Consumer Protection Act 1986. Decide it with the help of decided case laws. (12.5)

Q9. Define the term deficiency in service. Examine the liability of medical professionals employed at government hospitals under the Consumer Protection Act, 1986? (12.5)



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END TERM EXAMINATION

SECOND SEMESTER [LLB] MAY-JUNE-2016

Paper Code: LLB-104 Subject: Law of Torts and Consumer Protection

Time: 3 Hours

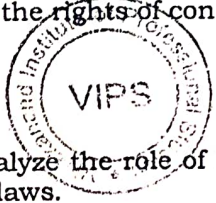
Maximum Marks: 75

Note: Attempt any five questions including Q.No 1 of Part A which is compulsory. Select one question from each unit of Part B.

PART-A

(5x5=25)

- Q1 Write short notes on: -
- (a) Differentiate between Tort and Contract
 - (b) Discuss the concept of *injuria sine damnum*.
 - (c) Discuss false imprisonment and malicious prosecution
 - (d) Doctrine of sovereign immunity
 - (e) What are the rights of consumers?



PART-B

UNIT-I

- Q2 Critically analyze the role of intention, motive and malice in a tort case with the help of case laws. (12.5)
- Q3 Discuss and differentiate between Act of God and Force Majeure with the help of leading and relevant case law on the issue. (12.5)

UNIT-II

Q4 The Childcare facility of University provides help to the in-house working professional ladies in taking care of their children below age 5 during working hours. Some toys were procured by the Childcare Department for the children in the year 2014-15. While playing with the toys during working hours, one child accidentally hit his right eye with the sharp edge of toys resulting to loss of sight. The parents of the child want to file a suit against the University. Advise the parents with the proper reasoning and supportive case law in the background of the above facts. (12.5)

Q5 Due to recession in the market the industries are under pressure to reduce the work force. Company X Ltd. affected by the recession after proper consultation with Trade Union decides to terminate the employment of 10 workers. Mr. Y, aged 50 is a regular worker of the company and the only bread earner of family of 6 members. The notice of the termination was put on the notice board. Mr. Y was shocked to find his name in the notice list. He could not bear the shock and within one hour expired due to heart attack. The family wants to file a case under nervous shock against the Company X for the death. In the background of the above facts frame the issue and decided the case with the help of case laws. (12.5)

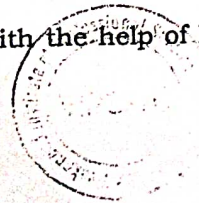
UNIT-III

- Q6 Discuss the rule laid down by the case of *Rylands v. Fletcher*. Critically analyze the new approach adopted in the Indian jurisprudence in the case of *M.C. Mehta & Another v. Union of India*. (12.5)
- Q7 Discuss the nature and scope of vicarious liability with the help of leading case law on the issue. (12.5)

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UNIT-IV

- Q8 Define the following terms as per consumer Protection Act, (12.5)
(a) Consumer
(b) Services
- Q9 Write short notes on:- (12.5)
(a) Duties of the customers
(b) Powers of Authorities under the Consumer Protection Act, 1986





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END TERM EXAMINATION

FOURTH SEMESTER [LLB] MAY-JUNE-2015

Paper Code: LLB202

Subject: Law of Torts & Consumer Protection

Time: 3 Hours

Maximum Marks: 75

Note: Attempt any five questions including Q no.1 of part A which is compulsory. Select one question from each unit of part B.

PART-A

(5x5=25)

- Q1 Write short notes on the following:-
- ✓ (a) Doctrine of sovereign immunity.
 - ✓ (b) ubi jus ibi remedium.
 - ✓ (c) Private defence.
 - ✓ (d) Rights of the Consumer.
 - ✓ (e) Essential requirement of malicious prosecution.



PART-B

UNIT-I

Q2 A person is liable for the wrong for which even he has no fault but he can excuse his liability in the circumstances as Blackburn, J. under common law prescribed, but in India P.N. Bhagwati, J. said that in the era of highly technological developed economic and industrial society in which carrying hazardous and inherent dangerous activities are part of development programs, in such situation liability should not be excused in any case. Justify both the situations with the help of relevant case laws. (12.5)

Q3 As per the test of close connection the master is liable even for those acts of the servant done not in the course of employment. In the light of the above statement briefly discuss the principles of vicarious liability of master with relevant case laws. (12.5)

UNIT-II

Q4 Defendant may escape its liability in case of 'volenti non fit injuria' not in case of sicuti non fit injuria. Explain the extent of its applicability as a defense against an action under law of tort with the help of case laws. (12.5)

Q5 Write short notes on the following:-
 (a) judicial and quasi-judicial acts
 (b) Inevitable accidents (6)
 (6.5)



UNIT-III

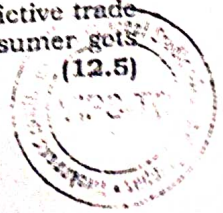
Q6 "Remedy for Negligence under the law of torts is not only for the professional negligence but also for the economic loss". In the light of the above statement briefly discuss all the essential elements/principles to constitute negligence for professional negligence and economic loss with case law. (12.5)

Q7 A is resident of a village "Ramnager". B is authorized to do the work of constructing boundary wall in that village. A filed a complain against B for doing the work of lower quality and there was huge protest also against him (B) by the other villagers. B filed a FIR against A and on the basis of FIR police arrested A. Police framed a charge sheet against A. But in that suit A was acquitted by the court. After acquittal A comes to you for asking some remedy against the wrong caused to him by B, argued the case with the help of relevant case laws and what remedy you will seek. (12.5)

UNIT-IV

Q8 Define consumer, what are remedy for defective Goods and deficient services, provided to the consumer? Support your answer with case law. (12.5)

Q9 Briefly state the provisions regarding unfair trade practices and restrictive trade practices under the Consumer Protection Act 1986. How far a consumer gets remedy against misleading advertisement and tying sale. (12.5)



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END TERM EXAMINATION

FOURTH SEMESTER [LLB] MAY-JUNE 2014

Paper Code: LLB-202 Subject: Law of Torts & Consumer Protection
Time : 3 Hours Maximum Marks : 75

Note: Attempt any five questions including Q.no.1 of Part-A which is compulsory. Select one question from each unit of Part-B.

PART-A

Q1 Write short notes on the following :-

(5x5=25)

- Public Nuisance.
- Pigeon-hole theory.
- Parental authority as a defence.
- Mayhem.
- Consumer.



PART-B

(12.5x4=50)

UNIT-I

- Q2 (a) Explain with the help of leading cases the exceptions to the general rule that an employer is not liable for the acts of an independent contractor. (6)
- (b) A, the owner of the car alongwith his four friends, were going to attend a business meeting. A asked his friend B to drive the Car. While B was driving the car, it met with an accident, which resulted in injuries to the cyclist, Mangal Singh. Mangal Singh brought a suit against A, for damages. A took the plea that he is not liable as when Car met with an accident, B was driving the Car. Decide the case with the help of leading cases. (6.5)
- Q3 ABC, an industry was engaged in hazardous activity. A group of persons trespassed in the building of ABC and due to their fault toxic gases escaped from the premises of ABC. This disaster resulted in the death of 150 persons and serious injuries to more than 500 peoples. A PIL was filed against the industry, in which the industry took the plea that for the 'act of the third party' they are not liable to pay compensation. Discuss the liability of the industry, if any, to pay compensation to the affected persons. Also explain the differences between the strict and absolute liability. (12.5)

UNIT-II

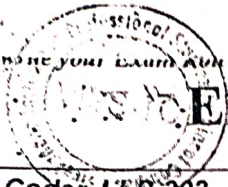
- Q4 (a) "People must guard against reasonable probabilities, but they are not bound to guard against fantastic possibilities". Discuss with the help of leading Cases? (8)
- (b) Explain vis - major. (4.5)
- Q5 (a) Explain *salus populi suprema lex*. (6)
- (b) Explain the exception to the maxim *Volenti-non-fit injuria*. (6.5)



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END TERM EXAMINATION

FOURTH SEMESTER [LLB] MAY-JUNE 2013

Paper Code: LEB-202

Subject: Law of Torts & Consumer Protection

Time: 3 Hours

Maximum Marks :75

Note: Part A is compulsory. Attempt one question from each unit.



Part-A

Write short notes on the following:

(5x5=25)

- (a) Distinguish between Tort and Contract
- (b) Distinguish between strict liability and absolute liability
- (c) Innuedo
- (d) Nervous shock
- (e) Consumer fora



Part-B

Unit-I

Q2. Define Tort and elaborate the principle of "injuria sine damnum" being the basis of tortious claims. (12.5)

Q3. Vicarious liability of the government as to the tort committed by its servant is not much different from the vicarious liability of private employer. Compare and contrast the liability of government and a private employer as to the torts committed by their servants. (12.5)

Unit-II

Q4. "A man cannot complain of harm to the chances of which he has exposed himself with knowledge ad of his free will". Explain and elucidate the principle of "voleti non fit injuria" in the light of the above statement. (12.5)

Q5. "The principle of "salus populi suprema lex" is based on the assumption that every member of society shall, in cases of necessity yield to the interest of the community". Critically examine the principle of necessity in the light of the above statement and with the help of decided cases on the point.

Unit-III

Q6. Explain and elaborate as to what constitutes defamation under the Law of Torts, with the help of relevant decided case law. (12.5)

Q7. Negligence is the breach of duty caused by the omission to do something which a reasonable man guided by those considerations which ordinarily regulate the conduct of human affairs would do, or doing something which prudent and reasonable man would not do". Critically examine the standard of reasonable man in cases of torts of negligence.

Unit-IV

Q8. Critically examine the structure, objectives and procedure of Consumer Protection Councils, under Consumer Protection Act 1986. (12.5)

Q9. Explain and elaborate the structure, composition and procedure of District Consumer Forum under Consumer Protection Act 1986.

