

Total No. of printed pages = 4

63/9 (SEM-1) LLB 104

2022

(Held in 2023)

**LAW OF TORT INCLUDING M.V. ACT &
CONSUMER PROTECTION LAW**

(Theory Paper)

Paper Code : LLB 104

Full Marks – 80

Pass Marks – 36

Time – Three hours

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

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

(a) Liability in torts depends on ____.

(quantum of damages suffered/infringement
of legal right)

(b) ____ is the gist of tortious liability. (Legal
damages/Violation of legal right)

(c) Tortious liability arises from the breach of
a duty primarily fixed by the law, such duty

[Turn over

is towards persons generally and its breach is compensated by an action for _____ damages. (liquidated/unliquidated)

- (d) The case of _____ deals with strict liability. (Rylands v. Fletcher/Pasley v. Freeman)
- (e) The defence of 'act of necessity' is based on the maxim _____. (Salus populi suprema lex/Ubi jus ibi remedium)
- (f) Due to an earthquake a tenant died. The landlord can take defence of _____. (inevitable accident/act of God)
- (g) The District Forum under the Consumer Protection Act, 1986 has _____ to review its order. (no power/power)
- (h) The Motor Vehicles (Amendment) Act, 2019 is being implemented since _____. (2nd of August, 2019/1st of September, 2019)
- (i) Direct interference in the possession of land without lawful justification is called _____. (tresspass/nuisance)
- (j) A person aggrieved by an order made by the District Forum may file an appeal in the State Commission within _____. (30 days/45 days)

2. Write short notes on the following : $2 \times 5 = 10$

- (a) Volenti non fit injuria
- (b) Vicarious liability
- (c) Contributory negligence
- (d) Dangerous premises
- (e) Nuisance.

3. (a) Define the scope and characteristics of tort.
Distinguish between tort and crime. 12

Or

- (b) "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 damages."
(Winfield)

Elucidate the above statement with suitable case law. 12

4. (a) Discuss the Doctrine of Vicarious Liability.
State the circumstances under which the master is liable and not liable for the acts of his servant. 12

Or

(b) Explain the following defences : $6 + 6 = 12$

(i) Act of God

(ii) Inevitable Accident.

5. (a) What do you mean by trespass to land? What defences can be availed of in an action for trespass? Cite case laws. 12

(b) Write short notes on : 6+6=12

(i) Public Nuisance and Private Nuisance

(ii) Strict liability – Rule in Rylands vs. Fletcher.

6. (a) Briefly discuss the scope and importance of Consumer Protection Act, 1986. What are the important guidelines for protecting Consumer Rights under the Act? 12

Or

(b) Discuss about the composition, jurisdiction and powers and functions of the National Commission under the Consumer Protection Act, 1986 as amended. 12

7. (a) Briefly discuss the concept of 'no-fault liability' under the Motor-Vehicle Act, 1988. What is the extent of liability of the insurer in case of 'no-fault liability'? 12

Or

(b) Discuss the procedures for lodging a complaint against defective goods. State how these complaints are adjudicated. Write few lines on powers of the consumer disputes redressal agencies. 12

Total number of printed pages-5

63/9 (SEM-1) LLB 104

2023

(Held in 2024)

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

(Theory Paper)

Paper : LLB 104

Full Marks : 80

Pass Marks : 36

Time : Three hours

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

1. Choose the correct answer : 1×10=10
 - (a) Tort has been derived from _____ word
'tortum' which means twist or crooked.
(Latin/French)
 - (b) "Tort is a civil wrong independent of
contract, for which the appropriate
remedy is an action of damages." This
statement is made by _____.
(Salmond/Ratanlal and Dhirajlal)

Contd.

- (c) An act causing damage if done to prevent a greater evil is not actionable.
(inevitable accident/necessity)
- (d) Libel is _____ defamation.
(written/spoken)
- (e) He who does an act through another is deemed to be done by him.
(Res Ipsa Loquitor/ Qui facit per alium facit per se)
- (f) Interfering into or committing something against one's human body and liberty.
(Trespass to person/assault)
- (g) No person under the age of _____ years shall drive a motor vehicle in any public place.
(twenty one/eighteen)
- (h) Complaint means any allegation in _____, made by a complainant for obtaining any relief provided by or under this Act.
(writing/verbal)
- (i) A member of the District Forum shall hold office for a term of 5 years or up to the age of _____, whichever is earlier.
(60 years/67 years)
- (j) _____ means a trade practice which tends to bring about manipulation of price or its conditions of delivery or to affect flow of supplies.
(Restrictive trade practice/Unfair trade practice)

2. Short notes on the following : $2 \times 5 = 10$

(i) *Injuria sine damnum*

(ii) Capacity to Sue

(iii) *Volenti non fit injuria*

(iv) Consumer

(v) 'Original Jurisdiction' of the State Commission and National Commission.

3. Is there a law of tort or only a law of torts ?
Answer in light of theories relating to
foundation of tortious liability. 12

Or

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

(a) Tort and crime

(b) Tort and breach of contract

(c) Malice, motive, intention

4. Elucidate the principle of vicarious liability in special reference to the liability of master for the wrong committed by the servant. On what grounds a master may be exempted from liability for the wrongs committed by servant. $8 + 4 = 12$

Or

‘A tort is a civil wrong for which appropriate remedy is an action for damages.’ Explain the general defences of liability in tort in light with the above statement. 12

5. Explain the principle of strict liability with its essential elements evolved from the rules laid down in the case of *Rylands vs. Fletcher*. 12

Or

Define the tort of nuisance. Outline the distinction between private and public nuisance. What are the remedies available to plaintiff in a suit filed for nuisance ?

3+5+4=12

6. Who can file a complaint of unfair trade practices under the Consumer Protection Act, 2019 ? What kind of practices are unfair trade practices ? 2+10=12

Or

Explain Consumer's Rights in brief. What are the roles of Central Authority for the Protection of Consumer's Rights ? 4+8=12

7. Explain various dispute redressal mechanisms available to a consumer under the Consumer Protection Act, 2019. 12

Or

Discuss about the composition, jurisdiction and power and function of the National Commission. 3+3+6=12

2024

(Held in 2025)

LAW

Paper : LLB104

**law of Torts including M.V. Act & Consumer
Protection Law**

Full Marks: 80

Pass Marks: 36

Time: 3 Hours

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

1. Choose the correct answer: 1x10=10

- i) Law of Torts has its origin from _____.
 - a) Civil Law
 - b) Religious Law
 - c) Common Law
 - a) Statutory Law
- ii) The maxim " Ubi jus ibi remedium " means _____.
 - a) There is no wrong without a remedy.
 - b) Legal injury without damage.
 - c) Damage without legal injury
 - d) Damage suffered by consent is a cause of action.
- iii) According to _____ Case, it is the duty of the manufacturer to take care of Consumer.
 - a) Donoghue -vs- Stevenson
 - b) Asby-vs- White
 - c) Acton -vs- Blundell
 - d) Chesmore-vs- Richards.

- iv) Maxim "Volenti non fit injuria" means _____.
 a) Damage suffered by consent is not cause of action
 b) Damage suffered by consent is cause of action.
 c) Damage without legal injury.
 d) Legal injury without damage.
- v) District Consumer Dispute redressal Commission is established by _____.
 a) Central Government b) State Government
 c) National Commission d) District Collector
- vi) Section 165 of the Motor Vehicles Act, 1988 empowers the _____ to set up Motor Accident Claims Tribunals (MACT) for adjudicating upon third party claim.
 a) Central Government b) State Government
 c) District Commissioner d) District Court
- vii) 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 _____.
 (a) Common man (b) reasonable person
 (c) juristic person (d) unsound man
- viii) Although crimes may be torts, the cause of legal action is not necessarily a crime, as the harm may be due to negligence which does not amount to _____.
 (a) criminal negligence (b) civil negligence
 (c) moral negligence (d) equity negligence
- ix) Tortious liability arises from the breach of a duty primarily fixed by the law, such duty is towards persons generally and its breach is compensated by an action for ___ damages.
 (a) Liquidated (b) Unliquidated
 (c) legal (d) moral

- x) In certain cases, negligence can be assumed under the doctrine of _____.
- (a) Damnum Sine Injuria
 - (b) Res ipsa loquitor
 - (c) Actus non facit reum, nisimens sit rea
 - (d) Actus me invite factus nonest mens actus.

2. Answer the following questions : 2x5=10

- a) Difference between tort & crime.
- b) Caveat emptor.
- c) Consumer
- d) Inevitable accident
- e) Punishment under hit-and-run case.
- f) Vis-major.
- g) Unfair Trade Practice.

3. What do you understand by vicarious liability? Discuss the circumstances under. Which under which the master is liable for the torts committed by his servants. 12

Or,

Discuss with the help of decided cases, various essentials of the maxims Damnum Sine Injuria and Injuria Sine Damnums. 12

4. Explain the doctrine of Strict Liability? How does it differ from absolute liability? Refer to decided cases in this context. 12

Or,

What do you mean by "Vicarious Liability"? Discuss the law evolved by the Supreme Court on "Vicarious Liability of the state" for torts committed by its servants with reference to Bhopal Gas Leak disaster case. 12

63/9 (SEM-1) LLB104

2025

(Held in 2026)

LAW

Paper : LLB104

**Law of Tort including Consumer Protection
Act. and Motor Vehicle Law**

Full Marks: 80

Pass Marks: 36

Time: 3 Hours

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

1. Choose the correct answer: 1x10=10

- (a) What is the meaning of injuria sine damnum?
- (i) Damage without injury
 - (ii) Injury has happened but no legal damage
 - (iii) Legal damage without physical injury/loss
 - (iv) Neither loss has happened nor damage
- (b) Who is the founder of pigeon hole theory?
- (i) Salmond
 - (ii) Winfield
 - (iii) Pollock
 - (iv) Immanuel Kant
- (c) Res ipsa loquitor means _____.
- (i) The things speaks for itself
 - (ii) He who can't act himself cannot act at all

- (iii) He who does an act through another is deemed in law to do it himself
 - (iv) He has only thought
- (d) Act causing damage done to prevent greater harm is _____.
 - (i) Inevitable accident (ii) Necessity
 - (iii) Private defence (iv) Plaintiff the wrongdoer
- (e) Which of the following is an essential ingredient to establish strict liability of the defendant?
 - (i) Non natural use of land
 - (ii) Escape of dangerous thing
 - (iii) Negligence of the defendant
 - (iv) Only A and B
- (f) The famous ginger beer case is _____.
 - (i) Ashby vs. White
 - (ii) Donoghue vs. Stevenson
 - (iii) Rylands vs. Fletcher
 - (iv) Bird vs. Jones
- (g) The right to claim compensation under the Motor Vehicles Act for accidents involving death or grievous injury is established through _____ of Motor Vehicle Act.
 - (i) Section 164 (ii) Section 165
 - (iii) Section 166 (iv) Section 167

(h) Consumer Protection Act, 2019 received the assent of President on _____.

(i) 9th June, 2019

(ii) 9th July, 2019

(iii) 9th August, 2019

(iv) 9th September, 2019

(i) There are _____ different rights of consumer according to Section 9 of consumer protection Act, 2019.

(i) 4

(ii) 5

(iii) 6

(iv) 7

(j) Who head's the investigation wing of Central Authority?

(i) Police officer

(ii) Magistrate

(iii) Director General

(iv) Chair person

2. Write short notes of the following: 2x5=10

(a) Injuria sine damnum vs. damnum sine injuria

(b) Act of god

(c) Deceit

(d) Unfair trade practice

(e) Motor vehicle claims tribunal

3. Define tort. Discuss the characteristics of tort. 12

Or.

What is tort? Under what circumstance a conduct of a person becomes actionable in tort? How is tort different from a contract?

2+10=12

4. Explain the principle of vicarious liability. Elucidate the difference between liability of a master towards the servant with that of liability for tort towards independent contractor. 6+6=12

Or.

Explain in detail the defences available to a defendant under tort. 12

5. Define defamation. What are the essential elements required to prove that the defendant is liable for defamation? Explain with a help of case law. 2+10=12

Or.

Explain the concept of strict liability with reference to the case of Rylands vs. Fletcher. State its exceptions. 12

6. Write a brief note on: 4x3=12
- a) Assault and battery
 - b) Abuse of legal procedure
 - c) Consequences of driving without driving licence

Or.

Who is a consumer? Explain the role of central consumer protection authority in protecting consumer rights. 4+8=12

7. Explain the composition, appointment and jurisdiction of District Commission. 12

Or.

How does an appeal lie from district commission to state commission and then to national commission under consumer protection Act, 2019? 12

63/9 (SEM-1) LLBCC1045

2024

(Held in 2025)

LAW

Paper : LLBCC1045

**Paper: Law of Tort including MV Act
and Consumer Protection Law**

Full Marks: 70

Pass Marks: 32

Time: 3 Hours

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

1. Choose the correct answer: 1x6=6

(a) Pigeon Hole Theory was proposed by

- (i) Winfield
- (ii) Salmond
- (iii) Black Stone
- (iv) Lord Knight

- (b) Contributory negligence means
- (i) The failure by a person to use reasonable care for the safety of either of himself or his property
 - (ii) Volunteer to pay for the negligence of others
 - (iii) Contributing the money or money's worth for others wrongs
 - (iv) Inciting others to commit civil wrong.
- (c) Gloucestershire Grammar School Case is leading case to explain the
- (i) Volenti non fit injuria
 - (ii) Injuria non fit volenti
 - (iii) Damnum sine injuria
 - (iv) Injuria sine damnum
- (d) What was the New Consumer Protection Act implemented in India?
- (i) 1978
 - (ii) 2020
 - (iii) 1996
 - (iv) 2006
- (e) "Hit and Run motor accident" is defined under which section of Motor Vehicles Act 1988
- (i) Section 160
 - (ii) Section 161 (a)(b)
 - (iii) Section 164
 - (iv) Section 159

(f) To resolve the disputes under the Motor Vehicle Act, motor accidents claims tribunals are established under

(i) Chapter I Section 165

(ii) Chapter II Section 165

(iii) Chapter II Section 65

(iv) Chapter V Section 165

2. Answer the following questions (any five): $2 \times 5 = 10$

(a) Tort and Quasi-Contract.

(b) Master's duties towards servants

(c) Driving without driving licence

(d) Deceit Rule in Deny vs Peak

(e) Deficiency in service

(f) What is Act of necessity?

(g) What is battery?

3. Answer the following questions (any six): $5 \times 6 = 30$

(a) Characteristics of Tort

(b) What are the essentials of negligence?

(c) Write a note on - Tort and Crime

- (d) Tort and breach of contract
- (e) Brief note on - Malice, Motive, Intention
- (f) Write a short note about Hazardous Goods
- (g) Distinguish between Assault and Battery.
- (h) Write a note on - Unfair trade practice.
- (i) Distinguish between Public Nuisance and Private Nuisance.

4. Answer the following questions (any two): 12x2=24

- (a) Discuss the different consumer Disputes Redressal Agencies with their powers.
- (b) What are the essential conditions of liability in Tort in India?
- (c) Define defamation. What are their kinds? Distinguish them truly. 4+2+6
- (d) What is a complaint? How a complaint is adjudicated under the provisions of Consumer Act 1986 as amended. 4+8

2025

(Held in 2026)

LAW

Paper : LLBCC1045

**Law of Tort including MV Act
and Consumer Protection Law**

Full Marks: 70

Pass Marks: 32

Time: 3 Hours

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

1. Choose the correct answer: 1x6=6

(a) Assault and nuisance are _____.

(i) Criminal wrong

(ii) Civil wrong

(iii) Both civil and criminal wrong

(iv) Not wrong

(b) Which of the following is not a general defences that can be used in tort?

(i) Contributory negligence

(ii) Inevitable accident

(iii) Act of god

(iv) Abuse of legal procedure

(c) In law of tort duties are primarily fixed by _____.

(i) Parties

(ii) State

(iii) Law

(iv) Court

(d) Who head's the investigation wing of Central Authority?

(i) Police officer

(ii) Magistrate

(iii) Director General

(iv) Chair person

(e) What is the pecuniary jurisdiction of District Commission?

(i) Upto 10 lakhs

(ii) Upto 1 cr

(iii) 1 cr to 2 cr

(iv) 10 cr and above

(f) Driving without motor vehicle insurance is charged with fine of _____ under Motor Vehicle Act.

(i) Rs 1000

(ii) Rs 2000

(iii) Rs 4000

(iv) Rs 5000

2. Answer the following questions (any five): $2 \times 5 = 10$

(a) Unliquidated damages

(b) Difference between tort and crime

(c) Volenti non fit injuria

(d) False imprisonment

(e) Product liability

(f) Misleading advertisement

(g) Granting of learner licence

3. Answer the following questions (any six): $5 \times 6 = 30$

(a) Analyse the evolution of tort.

(b) Explain the characteristics of tort.

(c) What do you understand by principle of vicarious liability?

(d) Kinds of remedies under law of torts.

(e) What acts constitute as assault and how is assault different from battery?

- 
- (f) Explain consumer rights in detail.
 - (g) Analyse the role of mediation in resolving consumer disputes.
 - (h) Write in detail salient features of motor vehicle Act.
 - (i) Necessity for third party insurance.

4. Answer the following questions (any two): 12x2=24

- (a) "All torts are civil wrong, but all civil wrongs are not tort". Justify the statement with the help of case laws. 12
- (b) What is negligence? Describe the important principle of determining a duty of defendant as laid down in the case of Donoghue vs. Stevenson. What defences are available with defendant against the act of negligence? 12
- (c) What is nuisance? Explain different kinds of nuisance with case laws. 12
- (d) Who can be a complainant under consumer protection Act? What acts can be complaint as unfair trade practice by complainant? 12