

Total No. of Questions: 6

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Enrollment No.....



Faculty of Law
End Sem Examination Dec 2024

LW3CO32 Law of Torts & Consumer Protection
Programme: LL.B. (Hons.) Branch/Specialisation: Law

Duration: 3 Hrs.

Maximum Marks: 60

Note: All questions are compulsory. Internal choices, if any, are indicated. Answers of Q.1 (MCQs) should be written in full instead of only a, b, c or d. Assume suitable data if necessary. Notations and symbols have their usual meaning.

		Marks	BL	PO	CO	PSO
Q.1	i. The word "tort" was derived from ____ term.	1	1	1	1	
	(a) Greek (b) French					
	(c) Latin (d) None of these					
	ii. Who was the founder of pigeon hole theory?	1	1	1	1	
	(a) Dr. Williams (b) Salmond					
	(c) Justice Holt (d) Winfield					
	iii. When a person consents to the infliction of harm upon himself, it is called-	1	1	1	2	
	(a) Volenti non-fit injuria					
	(b) Scienti non-fit injuria					
	(c) Ubi jus ibi remedium					
	(d) None of these					
	iv. Consent to suffer a harm can be-	1	1	1	1	
	(a) Express (b) Implied					
	(c) Both (a) and (b) (d) None of these					
	v. The famous ginger beer case is-	1	1	1	5	
	(a) Ashby v. White					
	(b) Donoghue v. Stevenson					
	(c) Ryland v. Fletcher					
	(d) Lumley v. Gye					
	vi. The famous "Jai santoshi maa" case is-	1	1	1	5	
	(a) Acton v. Blundell					
	(b) Bhim Singh v. State of J&K					
	(c) Ushaben v. Bhagyalaxmi Chitra Mandir					
	(d) Gloucester Grammar school case					

P.T.O.

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vii.	The rule of strict liability was laid down in- (a) M. C. Mehta v. Union of India (b) Rylands v. Fletcher (c) Natayanan Bhattathiripad V. Travancore Gov. (d) Ponting V. Noakes	1	1	1 5
viii.	Vicarious liability of state for the tort committed by its employees is based on its two types of powers- (a) Sovereign powers (b) Non-Sovereign powers (c) Both (a) and (b) (d) None of these	1	1	1 1
ix.	Which of the following are Consumer Disputes Redressal Agencies? (a) Panchayat Commission (b) Municipal Commission (c) State Commission (d) None of these	1	1	1 1
x.	What is the Fiscal jurisdiction of the District Commission? (a) Up to 1 Crore (b) Up to 5 Crore (c) Up to 10 Crore (d) None of these	1	1	1 1
Q.2	i. Write Short Notes on the following (a) Injuria sine damno and damnum sine injuria; (b) Ubi jus ibi remedium,	2	2	1 2
	ii. Explain the concept of Pigeonhole Theory.	3	2	1 1
	iii. Explain the concept of Torts in consonance with the remedies available for the torts.	5	2	1 1
OR	iv. Explain the relevance of “motive” in action of torts.	5	2	1 1
Q.3	i. What do you understand by parental and quasi parental authority under the torts?	2	1	1 1
	ii. Enumerate all the defences available under the law of torts.	8	2	1 1

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OR	iii. What are the exceptions to volenti non fit injuria? Explain with illustration and decided cases.	8	1	1 1
Q.4	i. Discuss the doctrine of contributory negligence with the help of case law.	3	3	1 1
	ii. “X” is a manufacturing company of beer. Y consumed the beer manufactured by “X” and suffered health disorder due to contaminated beer. Is “X” liable under the torts? Explain the liability of “X” and advise “Y” to file a suit under the same.	7	3	1 3
OR	iii. Explain nuisance? Distinguished it between public and private nuisance.	7	2	1 2
Q.5	i. Explain the difference between libel and slander. When slander becomes “actionable per se”?	4	2	1 2
	ii. Discuss the rule of foreseeability in determination of remoteness of damages.	6	2	1 2
OR	iii. Define assault and distinguished it from battery.	6	2	1 2
Q.6	Attempt any two:			
	i. Explain the rule of absolute liability in consonance with M.C Mehta v. Union of India	5	2	1 5
	ii. Explain the principles of strict liability. State the exceptions.	5	2	1 4
	iii. Explain the composition, powers, functions of District Forum.	5	2	1 1

Marking Scheme

LW3CO32 Law of Torts and Consumer Protection

Q.1	i)	c. Latin	1
	ii)	b. Salmond	1
	iii)	a. Volenti non-fit injuria	1
	iv)	c. Both a and b	1
	v)	b. Donoghue v. Stevenson	1
	vi)	c. Ushaben v. Bhagyalaxmi Chitra Mandir	1
	vii)	b. Rylands v. Fletcher	1
	viii)	c. Both (a) & (b)	1
	ix)	c. State Commission	1
	x)	a. Up to 1 Crore	1
Q.2	i.	a. Injuria sine damno b. damnum sine injuria 1M c. Ubi jus ibi remedium, 1M	2
	ii.	Explain the concept of Pigeon Hole Theory. Concept of Peigon HoleTheor 1M Different Torts in Salmond's Peigon Hole theory 2M	3
	iii.	explain the concept of tort in consonance with the remedies available of tort 2M Definition of Torts 1M Definition of Torts by different Jurists 2M Remedies for Torts	5
	OR	iv.	
		explain the relevance of motive in action of tort concept of motive 2M Relevance of Motive in Tortious Action 3M	5
Q.3	i.	What do you understand by Parental and Quashi Parental authority under the Torts? 2M Meaning of Parental Authority 1M Meaning of Quasi Parental Authority 1M	4
	ii.	• Volenti non fit injuria or the defence of 'Consent' • The wrongdoer is the plaintiff 1M • Inevitable accident 1M • Act of god 1M	8

OR	iii.	• Private defence 1M • Mistake 1M • Necessity 1M • Statutory authority 1M	
		What are the exceptions to volenti non fit injuria? Explain with illustration and decided cases.	8
		Voleenti Non fit Injuria 3M Illustration 2M Cases 3M	
Q.4	i.	Concept of Contributory Negligence 2M Case Laws 1M	3
	ii.	"X" is a manufacturing company of beer. Y consumed the beer manufactured by "X" and suffered health disorder due to contaminated beer. Is "X" liable under the torts? Explain the liability of "X" and advise "Y" to file a suit under the same. Identification of Problem 2M Identification of Case 2M Liability and advise 3M	7
OR	iii.	Concept of Nuisance 3M Distinction between Public and Private Nuisance 4M	7
Q.5	i.	Concept of Libel 1M Concept of Slander 1M Action in Slander 2M	4
	ii.	Concept of Remoteness of Damages 3M Rule of Foreseeability 3M	6
OR	iii.	Concept of Assault 3M Concept of Battery 3M	6
Q.6	i.	Attempt any two: Explain the rule of Absolute liability in Consonance with M.C Mehta v. Union of India Concept of Absolute liability 2M M.C Mehta Case Fact 2M Decision in M.C Mehta Case 1M	5

- ii. Explain the principles of Strict liability. State the exceptions with decided case laws. **5**
Principles of Strict Liability 2M
Exception to the strict liability 2M
Case Laws 1M
- iii. Explain the composition, powers, functions of District Forum. **5**
Composition of District Form 2M
Function of District Forum 2M
Powers of District Forum 1M