



BRAINWARE UNIVERSITY

Term End Examination 2019 - 20

Programme – Bachelor of Law

Course Name – Law of Torts including Consumer Protection Act & Motor Vehicles Act

Course Code – LLB103

(Semester – 1)

Time allotted: 2.5 Hours

Full Marks: 60

[The figure in the margin indicates full marks. Candidates are required to give their answers in their own words as far as practicable.]

Group –A

(Multiple Choice Type Question)

20 x 1 = 20

1. *Choose the correct alternative from the following (Answer any Twenty)*
 - (i) The term “tort” is a synonym to _____ in English.
 - a. Act
 - b. wrong
 - c. punishment
 - d. None of these.
 - (ii) “Tort implies a conduct which is twisted or tortious.”
 - a. The statement is true.
 - b. The statement is false.
 - c. Tort implies only those things which are not twisted.
 - d. Both *b* and *c*.
 - (iii) _____ is a civil wrong for which the remedy is a common law action for un-liquidated damages.
 - a. Tort
 - b. contract
 - c. both options a and b
 - d. none of these
 - (iv) Tort is a civil wrong which is other than a mere breach of _____.
 - a. Contract
 - b. law
 - c. rules
 - d. agreement
 - (v) “A tort is an infringement of the private rights belonging to an individual.”
 - a. The above-mentioned statement is true.
 - b. The above-mentioned statement is false.
 - c. A tort is not an infringement.
 - d. Both options b and c.

- (vi) Which are the classes of remedies for torts?
- a. Judicial remedies and extra-judicial remedies.
 - b. Ordinary remedies and substantive remedies.
 - c. Exemplary remedies and punitive remedies
 - d. None of these.
- (vii) What is meant by the expression ‘Measure for Damages’?
- a. It is a determination of money as a compensation for loss or harm caused by a defendant to a plaintiff.
 - b. It is determination of money as a compensation for the defendant’s breach of duty to the plaintiff.
 - c. It is a damages measured by fair compensation, not punishment.
 - d. All of these.
- (viii) What is essential for the defamation?
- a. The statement or representation must be defamatory.
 - b. The defamatory statement or representation must refer to plaintiff.
 - c. Such statement or representation must be published.
 - d. All above.
- (ix) The word tort is derived from Latin word “tortum” which means-
- a. To twist
 - b. To check
 - c. To know
 - d. To learn
- (x) “Ubi jus ibi remedium” means-
- a. Wrong without remedy
 - b. Where there is a right, there is a remedy
 - c. No one is above law
 - d. All of these
- (xi) The rule of vicarious liability is based on Maxim-
- a. Damnum Sine Injuria
 - b. Ubi jus ibi remedium
 - c. Injuria Sine Damnum
 - d. Respondent superior
- (xii) The least touching of a man in anger is-
- a. Nuisance
 - b. Battery
 - c. Criminal force
 - d. None of these.

- (xiii) The term “consumer dispute” is defined under _____ of the Consumer Protection Act, 2019
- Section 2(7)
 - Section 2(8)
 - Section 2(9)
 - Section 2(10)
- (xiv) The term “express warranty” is defined under _____ of the Consumer Protection Act, 2019
- Section 2(16)
 - Section 2(18)
 - Section 2(19)
 - Section 2(20)
- (xv) The term “manufacturer” is defined under _____ of the Consumer Protection Act, 2019
- Section 2(21)
 - Section 2(22)
 - Section 2(23)
 - Section 2(24)
- (xvi) The term “service” is defined under _____ of the Consumer Protection Act, 2019
- Section 2(42)
 - Section 2(47)
 - Section 2(43)
 - Section 2(45)
- (xvii) The term “unfair trade practice” is defined under _____ of the Consumer Protection Act, 2019
- Section 2(41)
 - Section 2(42)
 - Section 2(46)
 - Section 2(47)
- (xviii) Which of the following is true of the duty owed to a licensee by a landowner?
- The landowner must inspect for dangerous conditions on the land.
 - The landowner owes a duty to warn of or make safe known dangerous conditions on the land of which the licensee is not aware.
 - The landowner owes no duty to protect the licensee from active operations on the land.
 - The landowner must repair known dangerous conditions on the land of which the licensee is not aware.
- (xix) Consumer Protection Act is applicable to
- Immovable goods
 - Movable goods
 - Services
 - All goods and services
- (xx) “*Injuria sine damnum*” means-
- Damage without injury
 - Injury without loss
 - Both a and b
 - None of these

- (xxi) _____ is a absolute liability case.
- M.C. Mehta vs U.O.I.
 - Hart vs Fuller
 - Ram Singh vs Sree Kumar
 - None of these.
- (xxii) Tort is a _____ injury.
- Public
 - Private
 - Special
 - Specific
- (xxiii) *Vis Major* is an _____.
- Duty
 - Act of God
 - Right
 - Compensation
- (xxiv) “Extra- legal remedies are remedies without the ordinary course of judicial proceedings”.
- The statement is true
 - The statement is false
 - The statement is not true
 - The statement is true for legal remedies only.
- (xxv) Which of the following need NOT be shown by the plaintiff under the attractive nuisance doctrine?
- The owner was or should have been aware of the dangerous condition.
 - The child was lured onto the property by the attractive nuisance.
 - The condition was likely to cause injury because of the child's inability to appreciate the risk.
 - The expense of remedying the situation is slight compared with the magnitude of the risk.

Group – B

(Short Answer Type Questions)

4 x 5 = 20

Answer any *four* from the following

- Write a short note on “Act of God”. 5
- Write a short note on libel and slander. 5
- Write a short note on unfair trade practice. 5
- Cite two case laws on strict liability. 2+3
- Define the following terms as per the Consumer Protection Act: Complainant, and (b) Complaint. 5
- Write a short note on remedies in torts. 5

Group – C

(Long Answer Type Questions)

2 x 10 = 20

Answer any *two* from the following

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| 8. | (a) | Distinguish between Strict Liability and Absolute Liability. | 4 |
| | (b) | Explain the principle of strict liability and absolute liability with the help of decided cases. | 6 |
| 9. | (a) | Discuss the maxim ' <i>Damnum Sine Injuria</i> '. | 4 |
| | (b) | Discuss the maxim ' <i>Injuria Sine Damnum</i> ' with the help of decided cases. | 6 |
| 10. | (a) | Discuss "nuisance". | 4 |
| | (b) | Distinguish between Private Nuisance and Public Nuisance" | 6 |
| 11. | (a) | Define negligence. | 4 |
| | (b) | Discuss the essential elements of negligence. | 6 |
