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BRAINWARE UNIVERSITY

Term End Examination 2025-2026
Programme – B.A. LL.B.-2022/B.A. LL.B.-2023
Course Name – Law of Torts Including CP & MV Act
Course Code - BALLB505
(Semester V)

Full Marks : 60 **Time : 2:30 Hours**

[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) 1 x 15=15

1. *Choose the correct alternative from the following :*

(i) Outline the key difference between tort and contract law.
a) Tort involves societal duties
b) Contract involves personal agreements
c) Tort involves personal agreements
d) Both A and B

(ii) List the remedies commonly sought in tort law.
a) Injunction
b) Specific performance
c) Unliquidated damages
d) Punitive damages

(iii) Choose the definition of tort as per Winfield.
a) A breach of trust
b) A breach of duty primarily fixed by law
c) A criminal act punishable by law
d) An omission

(iv) Select the correct statement about the scope of tort law.
a) It includes criminal offenses
b) It excludes breaches of contract or trust
c) It provides for liquidated damages
d) It is codified

(v) List one example of a tortious act.
a) Breach of contract
b) Negligence
c) Performance of duty
d) Breach of fiduciary duty

(vi) Choose the key distinction between tort and crime.
a) Tort is a public wrong
b) Crime is a private wrong
c) Tort focuses on compensation
d) Crime focuses on compensation

(vii) Which of the following is an essential requirement for a tort?
a) Remedy
b) Agreement
c) Statute
d) Contract

(viii) Recall: The maxim 'ubi jus ibi remedium' implies -
a) Law is superior
b) Where there is a right there is a remedy
c) Wrong is punishable
d) No injury without compensation

(ix) Choose the correct meaning of Injuria sine Damnum.
a) Damage without injury
b) Injury without damage

c) Injury with substantial damage d) No injury, no damage

(x) Outline the concept of Salmond's Pigeon Hole Theory.

a) It allows flexibility in tort law b) It strictly limits recognized torts
c) It encourages expansion of legal rights d) It supports the evolution of torts

(xi) List a key criticism of the Pigeon Hole Theory.

a) It is too flexible b) It is too rigid
c) It does not recognize new types of wrongs d) It allows for too many exceptions

(xii) Choose the essential element of false imprisonment.

a) Immediate threat of harm b) Lack of consent to physical contact
c) Confinement with no reasonable escape d) Intent to cause fear

(xiii) Infer the minimum insurance coverage required under the Motor Vehicles Act.

a) It only covers property damage b) It only covers the insured
c) It covers third-party risks d) It is optional

(xiv) Infer the significance of vicarious liability in motor vehicle torts.

a) Employer is liable for personal actions b) Employee is always liable
c) Employer is liable for employee's actions d) Employer and employee are both exempted

(xv) An owner allows an unlicensed friend to drive, leading to an accident. Who is liable?

a) Friend only b) Owner and friend both
c) Police d) Insurance company only

Group-B

(Short Answer Type Questions) 3 x 5=15

2. Explain the key objectives of the Consumer Protection Act, 1986. (3)
3. Identify the key difference between strict liability and absolute liability. (3)
4. What is the key distinction between necessity and private defence? (3)
5. Explain the concept of "no-fault liability" in the Motor Vehicles Act. (3)
6. Analyse the significance of joint and several liability in tort cases. (3)

OR

Analyse Salmond's Pigeon Hole Theory. (3)

Group-C

(Long Answer Type Questions) 5 x 6=30

7. Classify the types of constitutional remedies available when a person's fundamental rights are violated. (5)
8. A person walking past a building is injured by falling bricks from ongoing construction. Can he claim compensation? Solve. (5)
9. Priya buys flour in bulk for use in her bakery. Later, she finds adulteration. Recommend can she approach a consumer forum? (5)
10. What is the difference between malfeasance, misfeasance, and nonfeasance in tort law? (5)
11. Summarize the key doctrines related to accident including the "pay and recover" doctrine in protecting accident victims. (5)
12. Examine the Supreme Court's adoption of absolute liability in M.C. Mehta v. Union of India. (5)

OR

Classify the tests used to determine a master-servant relationship. (5)

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