



## BRAINWARE UNIVERSITY

Term End Examination 2023-2024

Programme – LL.B.-2022/LL.B.-2023

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

Course Code - LLB103

( Semester I )

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) Select the essential element to establish negligence in law of torts

- |                                |                                      |
|--------------------------------|--------------------------------------|
| a) Intent to harm              | b) Damages suffered by the plaintiff |
| c) A pre-existing duty of care | d) An unforeseeable event            |

(ii) A grocery store employee fails to put out a Caution: Wet Floor sign after mopping a spill. A customer slips and falls on the wet floor, suffering injuries. Locate which element of negligence is most relevant in this case

- |                 |                            |
|-----------------|----------------------------|
| a) Duty of care | b) Causation               |
| c) Damages      | d) Contributory Negligence |

(iii) Identify the Synonym of the term tort in English.

- |               |                  |
|---------------|------------------|
| a) Act        | b) wrong         |
| c) Punishment | d) None of these |

(iv) Identify the Latin term, from which the term tort has been originated.

- |                     |                  |
|---------------------|------------------|
| a) torte            | b) tortum        |
| c) both (a) and (b) | d) none of these |

(v) Choose the example of trespass

- |   |  |
|---|--|
| a)<br>Lisa walks in front of Ron's house, staying on the sidewalk.                        | b) Jim hunts on David's land without David's permission. While there, Jim shoots one of David's cows, mistaking the cow for a deer. David sells his cows to make a living. |
| c) Josh borrows Luke's car after Josh asks Luke to run to the store to pick up some milk. | d) Lisa walks into Heather's house, who has invited her over for lunch.  |

(vi) Select the nature of law of torts in India

- |                                      |                                   |
|--------------------------------------|-----------------------------------|
| a) Codified                          | b) In the process of codification |
| c) Mainly based on judicial decision | d) Not applicable now             |

(vii) Select the liability of independent tortfeasors

- a) Joint only  
c) Joint and several
- b) Several Only  
d) neither joint and several
- (viii) Choose the correct option
- a) A minor is liable in the same manner and to the same extent as an adult  
c) A minor is liable in the same manner and not the same extent as an adult in respect of torts which do not require a special mental element.
- b) A minor is not liable at all under the law of contract  
d) None of these
- (ix) Select the meaning of res ipsa loquitur
- a) shifts the burden of proving negligence on the plaintiff  
c) does not shift the burden of disproving the negligence on the defendant
- b) disproves the negligence on the defendant  
d) both shifts the burden of proving negligence on the plaintiff and does not shift the burden of disproving the negligence on the defendant
- (x) Locate the number of tiers of consumer dispute redressal commissions are established under the Consumer Protection Act, 2019
- a) 2  
c) 4
- b) 3  
d) 5
- (xi) Identify the term for the process through which consumer complaints are settled without going through the formal legal process
- a) Mediation  
c) Litigation
- b) Arbitration  
d) Appellate process
- (xii) Choose the type of insurance that is mandatory for all motor vehicles in India as per the Motor Vehicles Act
- a) Health Insurance  
c) Third-party Insurance
- b) Life Insurance  
d) Travel Insurance
- (xiii) Select the type of relationships that vicarious liability commonly apply in legal contexts
- a) Family relationships  
c) Marriage relationships
- b) Employer-employee relationship  
d) Neighbors
- (xiv) Identify the correct statement of defamation
- a) Defamation should be in respect of a living person only  
c) Both A and B
- b) defamation can be in respect of any animal  
d) Either A or B
- (xv) Identify the meaning of coming to the nuisance defense
- a) Claiming that the plaintiff is responsible for the nuisance because they moved to the area knowing about it  
c) Demonstrating that the plaintiff contributed to the nuisance
- b) Arguing that the nuisance was unintentional and should not be punished  
d) Denying any responsibility for the nuisance and shifting blame to others

### Group-B

(Short Answer Type Questions)

3 x 5=15

2. Determine the case of Vidyawati v State of Rajasthan in so far as vicarious liability of the state is concerned. (3)
3. Define Consumer Protection council. (3)
4. Define tort law and explain its objectives. (3)
5. Explain the defense of contributory negligence in tort law. (3)
6. Assess trespass ab initio. (3)

OR

- Summarize the remedies for trespass (3)

**Group-C**  
(Long Answer Type Questions)

5 x 6=30

7. Summarize Volenti non fit injuria as a general defence. (5)
8. Memorize the concept of malicious prosecution with established case laws. (5)
9. Recognize the concept of false imprisonment with reference to the case of Bhim Singh v. State of Jammu & Kashmir. (5)
10. Identify the concept of contributory negligence with illustration and case laws. (5)
11. Apply the differences between tort and contract. (5)
12. Grade the categories of Consumer Protection Council under the Consumer Protection Act, 2019. (5)

**OR**

Reframe the history and development of consumer protection laws in India (5)

\*\*\*\*\*