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KNU/2022/ BALLBHC107

UG 1st - Semester Examination- 2022

Award: BALLB(HONS)

Discipline: LAW

Course Type: CC

Course Code: BALLBHC107

Course Name: Law of Tort including MV Accident and Consumer Protection Laws

Full Marks: 70(Regular)/80(Backlog)

Time: 4hrs

Candidates appearing examination for backlog courses are informed to attempt 6 questions from the question number 3

ব্যাকলগ কোর্সের জন্য পরীক্ষায় অংশগ্রহণকারী প্রার্থীদের 3 নম্বর প্রশ্ন থেকে 6 টি প্রশ্ন করার জন্য জানানো হচ্ছে

Group-A

I. Answer any ten questions:

1X10=10

1. Basically, Tort is a species of
 - a) criminal conspiracy
 - b) substantial injury or wrong
 - c) civil injury or civil wrong
 - d) none of the above
2. Tort is redressable by an action
 - a) for restoration of original position
 - b) for unliquidated damages
 - c) for liquidated damages
 - d) all of the above
3. Gloucester Grammer School case explains
 - a) injuria sine damnum
 - b) damnum sine injuria
 - c) respondent superior
 - d) remoteness of damages
4. Volenti non fit injuria is
 - a) defence in action for torts
 - b) a ground for initiating action for tort
 - c) not a defence in action for tort
 - d) both b and c above

5. The doctrine of vicarious liability applies when there is
 - a) a relationship of principal and agent
 - b) a relationship of partners
 - c) a relationship of master and servant
 - d) all the above
6. Remoteness of damage is determined by
 - a) the test of directness
 - b) the test of reasonable foresight
 - c) both a and b
 - d) none of the above
7. For false imprisonment there should be
 - a) a total restraint on the liberty of a person
 - b) partial restraint on the liberty of the person
 - c) means of escape
 - d) all the above
8. Libel is a publication of defamatory statement in a
 - a) transient form
 - b) permanent form
 - c) both transient and permanent form
 - d) either transient or permanent form
9. The rule of strict liability is contained in
 - a) *Donoghue v. Stevenson*
 - b) *Rylands v. Fletcher*
 - c) *Lloyd v. Grace smith and co.*
 - d) *Ormord v. Orosville motor service limited*
10. Law of Torts have develops mainly through
 - a) customs and precedents
 - b) judicial decision
 - c) enactment
 - d) all the above
11. Match list I with list II and select the correct answer using the codes given below the lists

List I
(Principle)

List II
(Associated case)

- | | |
|---------------------------------|--|
| I. <i>damnum sine injuria</i> | (A) <i>Ashby v. white</i> |
| II. strict liability | (B) <i>Glocester grammer school case</i> |
| III. <i>injuria sine damnum</i> | (C) <i>Stanley v. Powell</i> |
| IV. inevitable accident | (D) <i>Rylands v. Fletcher</i> |

- a) I-B, II-D, III-A, IV-C
 - b) I-A, II-C, III-D, IV-B
 - c) I-C, II-A, III-B, IV-D
 - d) I-D, II-B, III-C, IV-A
12. Maxim 'damnum sine injuria' means
- a) violation of legal rights without damage
 - b) violation of legal rights with damage
 - c) damage with violation of legal rights
 - d) damage without violation of legal right
13. The propounder of pigeon hole theory
- a) Salmond
 - b) Austin
 - c) Winfield
 - d) Clerks Lindsell
14. The Motor Vehicle Act 1988 came into force on
- a) 1st july 1989
 - b) 1st july 1988
 - c) 1st august 1988
 - d) 1st august 1989
15. Consumer Protection Act is significant to
- a) immovable goods
 - b) movable goods
 - c) particular goods and services
 - d) all goods and services
16. When the seller manipulates the price, it is known as
- a) caveat emptor
 - b) unfair trade practices
 - c) restricted trade practices
 - d) none of the above

Group-B

II. Answer any ten questions

2X10=20

1. Explain damnum sine injuria.
2. Explain injuria sine damnum.
3. Who propounded pigeon hole theory?
4. Define assault.
5. Define battery.
6. What is malice in law?
7. What is malice in fact?

8. What is libel?
9. The rule of strict liability emerged in which case?
10. What is trespass?
11. What is false imprisonment?
12. What does the maxim 'ex turpi causa non oritur action' means?
13. Who is consumer under the Consumer Protection Act 1986?
14. Is tort breach of duty fixed by law or breach of law?
15. What type of damages is awarded in torts liquidated or unliquidated?
16. What is nuisance?

Group-C

III. Answer any four(Regular)/ six(backlog) questions:

5X4=20/ 5X6=30

1. Define nuisance. What is the nature of nuisance?
2. Explain the term volenti non fit injuria.
3. What is contributory negligence?
4. Discuss the main ingredients of false imprisonment.
5. Define the term 'res ipsa loquitur'.
6. What are the salient features of Consumer Protection Act 1986?
7. Z, shake his fist in W's face. What wrong, if any committed by Z?
8. Distinguish between tort and crime.
9. How far is fair comment a good defence to an action for defamation?
10. What is strict liability?

Group-D

IV. Answer any two questions:

10X2=20

1. Define tort and describe its essential elements.
2. Discuss the salient features of Motor vehicle Act, 1988.
3. What do you understand by course of employment and doctrine of common employment?
4. Write about the rule of Strict Liability with relevant case law.
5. Discuss the importance of mental element in torts.
6. Discuss the composition, powers and functions of State Commission under the Consumer Protection Act.