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#N/2022/LLBHC106

3 Years LL B (H) 1st Semester Examination 2022

Award LLB(HONS)

Discipline: LAW

Course Type: CC

Course Code: LLBHC106

Course Name: LAW OF TORT INCLUDING MV AND CP 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 ১ নম্বর প্রশ্ন থেকে ৬ টি প্রশ্ন করার জন্য জানানো হচ্ছে
Group-A

1. Answer any ten questions:

1X10=10

1. Tort is a violation of

- (a) A right in personam
- (b) A right in rem
- (c) Both (a) and (b)
- (d) Neither (a) nor (b)

2. Who said "Tortious Liability arises from the breach of duty primarily fixed by law, this duty is towards persons generally and its breach is redressable by an action for unliquidated damages".

- (a) Lord Aktin
- (b) Winfield
- (c) Fraser
- (d) None of above

3. Malice in law means

- (a) Wrongful act was done intentionally but without just cause or excuse
- (b) Wrongful act was done intentionally with just cause or excuse
- (c) Wrongful act was done intentionally with good motive
- (d) Wrongful act was done intentionally with an evil motive

4. Qui facit per alium facit per se means

- (a) Act of an agent is the act of the principal
- (b) Act of an agent is not the act of the principal
- (c) Principal and agent liable jointly
- (d) Agent must not act in contravention of the act of the principal



5. Under Indian law
- (a) libel is actionable per se
 - (b) slander is actionable per se
 - (c) libel as well as slander is actionable per se
 - (d) none of the above
6. Ashby vs. White is a leading case of –
- (a) Injuria Sine Damnum
 - (b) Damnum Sine Injuria
 - (c) Volenti Non Fit Injuria
 - (d) None of the above.
7. In which one of the following cases has the test of directness for determining the remoteness of damage been applied?
- (a) Donoghue v. Stevenson
 - (b) Re Polemis
 - (c) Wagon Mound No. 1
 - (d) Doughty v. Tumer Manufacturing Co.Ltd
8. Publication of false and defamatory statement in permanent form to injure reputation without lawful is
- (a) Libel
 - (b) Slander
 - (c) Innuendo
 - (d) None.
9. Which of the following principles should be fulfilled in order to plead the defence of the Act of God?
- (a) There must be working of natural forces
 - (b) The occurrence must be extraordinary and not the one which could have been anticipated
 - (c) It must be beyond the control of human kind
 - (d) All of the above
10. The case in India that laid down the rule of absolute liability was
- (a) M. C. Mehta v Union of India
 - (b) Ryland v. Fletcher
 - (c) N. NatayananBhattathiripad v Tavancore Gov.
 - (d) Ponting v Noakes
11. Which section of the Consumer Protection Act, 2019 deals with the Appeal against the order of the National Commission.?
- (a) Section 62 of the Consumer Protection Act, 2019
 - (b) Section 68 of the Consumer Protection Act, 2019
 - (c) Section 61 of the Consumer Protection Act, 2019
 - (d) Section 67 of the Consumer Protection Act, 2019
12. What is the maximum penalty that can be imposed by the Central Authority for every subsequent contravention, in respect of such false or misleading advertisement, by a manufacturer or an endorser?



- (a) One Lakh
- (b) Ten Lakhs
- (c) Fifty lakh
- (d) One crore

13. District Commission shall refer a copy of the admitted complaint to the opposite party within _ days from the date of its admission.

- (a) 30 days
- (b) 50 days
- (c) 21 days
- (d) 15 days
- (e)

14. If a consumer demands compensation of Rs 75 lakhs, then the case will be wired under the Consumer Protection Act, 2019-

- (a) District Consumer Dispute Redressal Commission
- (b) State Consumer Dispute Redressal Commission
- (c) National Consumer Dispute Redressal Commission
- (d) Supreme Court

15. Every document, record or article seized under Consumer Protection Act should be returned within?

- (a) 1 week
- (b) One month
- (c) 20 days
- (d) 10 days

16. A Beats B with a stick – it is –

- (a) Assault
- (b) Battery
- (c) both a & b
- (d) None of above

Group-B

II. Answer any ten questions

2X10=20

1. Whether the same wrongful act may be both tort as well as crime.
2. Distinguish between injuria sine damno and damnum sine injuria.
3. What do you understand by general defences?
4. Define private defence
5. What is appropriate laboratory?
6. What are the extra judicial remedies for tort?
7. Write two cases of volenti non fit injuria
8. What are the essentials of False imprisonment?
9. What must the plaintiff prove in an action of battery?
10. What is inevitable accident?



11. Does the consumer need an advocate to represent his case in the Commission?
12. Can a consumer complaint be resolved through mediation?
13. What is product liability?
14. What is meaning of Respondent Superior?
15. What are the rights of Consumers as per the Consumer Protection Act, 2019?
16. Discuss the penalty for vexatious searches done by the investigation wings.

Group-C

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

5X4=20/ 5X6=30

1. Explain Malfeasance, misfeasance and Non- feasance.
2. Explain 'Volent non-fit injuria .
3. Is intention or motive immaterial in defamation? Explain with relevant cases.
4. "Minority is no defence in the law of torts" Discuss.
5. Explain the differences between libel and slander.
6. Can a private person bring an action for public nuisance? Explain.
7. When the product seller will get immunity from the product liability action according to the CP Act, 2019?
8. Discuss the appellate jurisdiction of the State Commission and National Commission.
9. Write some differences between Public Nuisance and Private Nuisance.
10. Write a short note on Res Ipsa Loquitur.

Group-D

IV. Answer any two questions:

10X2=20

1. Discuss elaborately the product liability of product manufacturers, product service providers and product sellers.
2. State and explain the principles governing vicarious Liability with the help of judicial decisions
3. Discuss elaborately the remedies available under the law of torts.
4. Write short notes on the following-
 - (a) Res ipsa loquitur
 - (b) Doctrine of common employment
5. Discuss elaborately the Central Consumer Protection Authority.
6. What is Vicarious Liability? When the Vicarious Liability arises? Elucidate with case laws.