

## SEMESTER EXAMINATION 2022-2023

(1<sup>ST</sup> Year Ist Sem LL.B.)

## LAW OF TORTS

Duration: 3:00 hrs.

Max Marks: 70

**Note: Attempt all questions. All questions carry equal marks. In case of any ambiguity or missing data, the same may be assumed and state the assumption made in the answer.**

Q 1.	<b>Answer any four parts of the following within 100 to 125 words.</b> a) Discuss citing case law the maxim ' <i>Volenti non Fit injuria</i> ' highlighting the point that the maxim is ' <i>Volenti non fit injuria</i> ' not ' <i>scienti non fit Injuria</i> ' b) What is defamation? Is it actionable as a tort? c) Comment: 'There can be no liability without fault' d) Explain the law relating to contributory negligence as applicable in India. e) Explain the importance of the case <i>Donoghue v. Stevenson</i> in making the extension of the tort of negligence. f) Distinguish between private nuisance and public nuisance.	4x3.5=14
Q 2.	<b>Answer any four parts of the following within 100 to 125 words.</b> a) Write a short note on the lack of reasonable and probable cause in malicious prosecution. b) Comment: 'Necessity knows no law.' c) Explain Special damages and General damages d) Distinguish Assault, Mayhem and Battery. e) What are the essential constitutes of negligence under torts? f) Discuss the shift from the concept of Caveat Emptor to Caveat Vendor.	4x3.5=14
Q 3.	<b>Answer any two parts of the following within 200 to 250 words</b> a) Discuss in detail the general defenses available to a defendant under the law of torts to escape liability. b) What are the aims and objectives on the basis of which the Consumer Protection Act 1986? Discuss the Consumer Protection Councils provided under the Consumer Protection Act. c) Examine the concept of 'foresightability' in relation to the notion of 'duty to care. In your answer, identify carefully the main elements of the concept, with reference to leading decisions.	2x7=14
Q 4.	<b>Answer any two parts of the following within 200 to 250 words</b> a) Define a Tort. What are the essential ingredients of a tort? How does a Tort differ from a crime and breach of contract? b) A and B resided on adjacent farms. B kept a number of beehives. One day, B for removing honey, smoked the hives with a smoker without warning A, who	2x7=14

	<p>was tackling his horse. The bees irritated by the smoking operation swarmed upon his horse. The horse dragged A, and threw him violently against a wall, causing him serious injury. Examine the applicability of the rule laid down in <i>Rylands v. Fletcher</i> in this case and point out its defenses. Does this rule suffer to cover cases like the Bhopal Gas Tragedy?</p> <p>c) What are the various Grievance Redressal Mechanism provided under the Consumer Protection Act? Also, discuss the Grievance Redressal Procedure of Consumer Disputes.</p>	
Q 5.	<p><b>Answer any two parts of the following within 200 to 250 words</b></p> <p>a) ‘The maxim <i>res ipsa loquitur</i>’ is not a rule of law. It is a rule of evidence benefiting the plaintiff by not requiring him to prove negligence. Prove the above statement by explaining the maxim with reference to judicial decisions.</p> <p>b) Z, a driver of the Post and Telegraph Department was driving a postal van carrying mail to Gole dakkhana. Z negligently crushed Y, a young man, under the vehicle. Will the Government be vicariously liable? Discuss the concept of ‘Sovereign Immunity’ as laid down by the Court in <i>State of Rajasthan v. Vidhyawanti</i>.</p> <p>c) State and explain the principles of liability for nervous shock evolved by the courts.</p>	2x7=14

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