

# LAW OF TORTS

**AtArani Law Academy**

## SYLLABUS

- Introduction:
  - 1. Definition, Nature, and scope of Law of Torts and its reception in India.
  - 2. Difference between:
    - i. Tort and Crime.
    - ii. Tort and Breach of Contract.
- Principles of Liability in Torts:
  - 1. Fault and No-Fault liability with reference to Rule in Rylands v. Fletcher, Liability with reference to M.C. Mehta v. Union of India.
  - 2. Absolute Liability.
  - 3. Justice in Torts.
- Vicarious Liability: Master-Servant and Government Liability.
- Torts against persons:
  - 1. Assault, Battery, False Imprisonment.
  - 2. Malicious prosecution and Defamation, with Defences.
- Torts affecting property: Trespass to Land and Trespass ab-initio.
- Negligence:
  - Basic Concept, Standard of Care, Duty to Take care, Carelessness, Inadvertence, Doctrine of Contributory Negligence, and Product Liability due to Negligence with reference to Donoghue v. Stevenson.
- Nuisance.
- Remedies in Tort:

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Judicial and Extra-judicial.

- Remedies in Tort:  
Judicial and Extra-judicial.

### Statutory Tort:

- The Consumer Protection Act, 1986.
- The Motor Vehicles Act, 1988.
- Chapter-IX on Compensation through Third Party Insurance

## **LAW OF TORTS INCLUDING MOTOR VEHICLE ACCIDENT AND CONSUMER PROTECTION ACT NEW SYLLABUS**

**1.Introduction:** Evolution of Torts; Elements of a Tort; Tort as a Private Law Remedy- Difference between Torts and Contracts;Torts and Crimes-Classification of Torts- Is it Law of Tort or Law of Torts?-General Principle of Liability.

**2.Vicarious Liability:** Express Authorization-Ratification-Abetment-Special Relationships- Master and Servant- Course of Employment-Control Test- Liability of Independent Contractor-Doctrine of Sovereign Immunity.

**3.Negligence:**Duty of Care- Breach of Duty- Causation and Foreseeability-Proof of Negligence- Duty in Ordinary Cases- Duty of Care in Some Special Cases-Professional Negligence- Defences: Contributory Negligence (Res ipsa loquitor)-Extrajuri causa non oritur actio-Exclusion of Liability-Insanity.

**4.Strict Liability:** The Rule in Rylands vs. Fletcher-Liability for harm caused by inherently dangerous substances- Bhopal Gas Leak Disaster-Development of Law beyond Strict Liability-M. C. Mehta vs. Union of India-Absolute Liability.

**5.Intentional Torts:** Trespass to Person- Assault and Battery-Intentional Infliction of Emotional Distress-False Imprisonment;Trespass to Land and Chattels-Nuisance- Public and Private- Trespass to Goods- General Defences to intentional Torts- Acts of State- Parental and Quasi-

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Parental Acts-Inevitable Accident-Consent- Self-defence -Defence of Property-Necessity- Plaintiff the Wrongdoer-Trifles. Injuries to Reputation: Defamation-Libel and Slander. Malicious Prosecution.

**6.Remedies under Law of Torts:** Kinds of remedies-Damages-Foreseeability of Damage- Remoteness of Damage-Judicial and Extra-Judicial Remedies.

**7.Consumer Protection Act, 2019:** History and Evolution- Scheme of the Act and its salient features-Consumerism under the Act- Consumer Dispute Redressal Agencies under the Act and the Remedies There under-Consumer Advocacy.

**8.Motor Vehicles Act**-Salient features of the Act and Recent Developments.

The above issues are to be studied with special reference to the relevant Acts and case laws on the subject.

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## **PREVIOUS YEAR QUESTION PAPERS**

FULL MARKS: 80

### **2024 | LAW OF TORTS**

**Answer any five Questions**

1. (a) What do you understand by a Tort? How does a tortious liability arise?  
(b) Discuss the similarities and differences between torts and crimes. 4+6+6
2. (a) Explain the principles underlying the maxim “Volenti non fit injuria” with a suitable illustration.  
(b) What are the limitations of this doctrine? 10+6
3. “A master is answerable for every such wrong of a servant as committed in the course of service.”  
Discuss with case laws. 16
4. Discuss the ‘Rule of Strict Liability’ stating the various exceptions available against the rule. 16
5. (a) Define Nuisance. What are the essentials of Nuisance as a Tort?  
(b) Discuss briefly the Kinds of Nuisance. 4+4+8
6. (a) Define Defamation.  
(b) What are the conditions for Defamation?  
(c) Discuss the Defences for Defamation. 4+6+6
7. What do you mean by vicarious liability? Explain vicarious liability of the state with the help of case laws. 16
8. Describe the composition, powers and functions of District Forum (Now District Commission) under the Consumer Protection Act, 1986. 16
9. (a) Define Motor Vehicle under Motor Vehicles Act, 1988.  
(b) Who can apply for compensation?

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- (c) Where the application for compensation will be failed?  
(d) What do you mean by Hit and Run away cases? 4+4+4+4

10. Write short notes on (any four): (4x4)

- (a) Res ipsa loquitur
- (b) Innuendo
- (c) Consumer
- (d) Injuria Sine Damno
- (e) Unfair trade practice
- (f) Trespass ab initio
- (g) Light Motor Vehicle
- (h) Third party Insurance.

### 2023 | LAW OF TORTS

Answer any five Questions

1. Explain the maxim damnum sine injuria with the help of leading case law. (16)
2. (a) What are damages?  
(b) Explain the defenses available for an action for defamation?(8+8)
3. (a) Explain vicarious liability.  
(b) Discuss the liability and relevant case law of “Hit and Run Away Cases” under Motor Vehicle Act, 1988. (8+8)
4. (a) Punitive damages for tort.  
(b) A person is not hurt. Can he claim for compensation?(8+8)
- 5.(a) Discuss the right of private nuisance with the help of case law.  
(b) Distinguish between public and private nuisance.(8+8)







6. (a) Consumer Protection Act, 1986: Composition and application for compensation under Motor Vehicle Act, 1988 with the help of case law.  
(b) Who can be a complainant under the Consumer Protection Act, 1986? (8+8)
7. (a) Explain the liability without fault: Discuss Hit and Run Away Cases under Motor Vehicle Act, 1988 with the help of case law.  
(b) Explain injurious Sine Damnum with the help of case law. (8+8)
8. Write short notes on any four:  
(a) Composite Negligence  
(b) Assault and Battery  
(c) Difference between Tort and Crime  
(d) Injuria Sine Damnum  
(c) Act of God.
- 9.(a) Discuss the rule in Rylands vs. Fletcher. How the rule Strict liability different from the rule of absolute liability?  
(b) State the exceptions to the rule in Rylands vs. Fletcher. (8+8)
10. (a) Discuss the defenses for Trespass.  
(b) Discuss the Trespass ab initio with decided case laws. (8+8)

## 2022 | LAW OF TORTS

### **Answer any five Questions**

1. (a) What do you understand by the term 'Tort'?  
(b) Is it the law of tort or the law of torts? 8+8
2. (a) What are 'damages', particularly unliquidated damages?  
(b) Discuss damages as a remedy which the plaintiff can avail of





after the tort is committed. 8+8

3. (a) How does a tort differ from a contract and from crime?  
(b) Your school must collect school and charge Rs. 1,000/- per year as fees. Another school is set up near your school, and competition forces you to reduce your fees Rs. 800/-. Do you have any legal remedy against the other school? 10+6
4. (a) What is vicarious liability? What is the difference between master and independent contractor?  
(b) Explain vicarious liability of state with the help of State of Rajasthan vs. Vidyavati, AIR 1962 SC 933. 8+8
5. Define "Defamation". Discuss briefly the various defences available in an action for defamation.
6. (a) Who is consumer? Explain the aims and objectives of the Consumer Protection Act.  
(b) Explain in detail the consumption, appointment, and jurisdiction of State Commission 8+8
- 7.(a) Define Motor Vehicle under the Motor Vehicle Act, 1988. Who can apply for compensation and where the application for compensation will be filed?  
(b) Discuss 'Hit and Run-Away Cases' under the Motor Vehicle Act, 1988. 8+8
8. Write short notes on any four: (4x4)
  - (a) Ubi jus ibi remedium
  - (b) Res ipsa loquitur
  - (c) Damnum Sine Injuria
  - (d) Innuendo
  - (e) Qui facit per alium facit per se.
- 9.(a) Discuss the rule in Rylands vs. Fletcher. How to the rule of strict liability is different from the rule of absolute liability?  
(b) State the exceptions to the rule in Rylands vs. Fletcher. 8+8
10. (a) Explain Nuisance with its essential characters and remedies available to it.  
(b) Define Negligence. Explain the essentials of negligence With appropriate cases.



## 2021 | LAW OF TORTS

### ***Answer any five Questions***

1. (a) Define law of tort?  
(b) Is it the law of tort or the law of torts? 8+8
2. (a) What are "damages", particularly unliquidated damages?  
(b) Discuss the defenses for defamatory torts. 8+8
3. (a) Explain the essentials of law of torts?  
(b) You establish a school and charge Rs. 1,000/- per year as fees. Another school is set up near your school, and competition forces you to reduce your fees to Rs. 500/-. Do you have a remedy in law? 8+8
4. (a) What kind of relationship can be said to be master-servant relationship?  
(b) Explain vicarious liability of State with the help of State of Rajasthan v. Vidyavati, AIR 1962 SC 933. 8+8
5. (a) Distinguish between public nuisance and private nuisance.  
(b) Discuss the doctrine of contributory negligence with the help of case law. 8+8
6. (a) Discuss the jurisdiction and functions of the District Consumer Forum.  
(b) What do you mean by complaint? Who can be a complainant under the Consumer Protection Act, 1986? 8+8
7. (a) Define Motor Vehicles under Motor Vehicles Act, 1988. Who can apply for compensation and where the application for compensation will be filed?  
(b) Discuss 'Hit and Run Away Cases' under Motor Vehicles Act, 1988. 8+8



## 2020 | LAW OF TORTS

### ***Answer any five Questions***

1. Define Tort. Is it Law of Tort or Law of Torts? (6+10)
2. Discuss the doctrine of master-servant with decided case laws. (16)
3. Discuss the liability of a master for injury caused by servant with decided case laws.(16)
4. (a) Define Trespass to Land.  
(b) Discuss the defences for Trespass to Land.  
(c) Write notes on trespass ab initio. (6+10)
5. (a) What are the essentials for the wrong of "Negligence".  
(b) Discuss the defences for Negligence.  
(c) Discuss Contributory Negligence?
6. Discuss the following maxims: 8x2  
(a) Damnum Sine Injuria  
(b) Injuria Sine Damnum
7. (a) Define Nuisance.  
(b) Distinguish between 'Public Nuisance' and 'Private Nuisance'. (6+10)
8. Define Defamation. Discuss the defences for Defamation. (6+10)
9. Discuss the objectives of enactment of Consumer Protection Act, 1986 (16)
10. Discuss the powers and functions of Consumer Courts under the Consumer Protection Act, 1986. (16)



## 2019 | LAW OF TORTS

**Answer any five Questions**

1. (a) "All wrongs are not torts." Explain.  
(b) Is it Law of Tort or Law of Torts?  
(c) Distinguish between Tort and Breach of Contract. 15+10+15
2. Discuss the rule of "Strict Liability" with decided case Laws. 40
3. Explain the following maxims: 20x2  
(a) Damnum Sine Injuria  
(b) Injuria Sine Damnum.
4. (a) Explain the term "Vicarious Liability."  
(b) Discuss the liability of Master for injury caused by a servant to a stranger and a fellow servant.  
(c) "A servant is to be distinguished from an independent contractor." – Explain. 10+20+10
5. (a) Discuss the essentials for Defamation.  
(b) Discuss the defences for Defamation. 15+25
6. Write notes on any four: 10x4  
(a) Trespass to Goods  
(b) Malicious Prosecution  
(c) Inevitable Accident  
(d) Contributory Negligence  
(e) Act of God  
(f) Extra-Judicial Remedies
7. Discuss the historical perspective of enactment of Consumer Protection Act, 1986. 40
8. Explain the following (any four):
  1. Complainant
  2. Manufacturer
  3. Consumer
  4. Deficiency in service
  5. Unfair Trade Practice
  6. Appropriate Laboratory.

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9. Examine "No Fault Liability" in respect to hit and run cases under Motor Vehicles Act. 40

10. Write notes on any four: 10x4

- a. Motor Vehicle
- b. Third Party Risks
- c. Provisions of Compensation under Motor Vehicle Act.
- d. Partial disablement
- e. Private Service Vehicle f. Public Service Vehicle.

### 2018 | LAW OF TORTS

*Answer any five Questions*

1. Define the "Tort". Is it law of tort or law of torts? 16
2. Discuss the "Doctrine of Strict Liability" with decided case laws. 16
3. (a) What is "Vicarious liability" ?  
(b) Discuss the "Vicarious liability of the master for the acts done by the servant during the course of employment". 6+10
4. (a) What is meant by the term defamation?  
(b) Discuss the defences for defamation. 4+12
5. (a) Define Nuisance.  
(b) Discuss the different kinds of Nuisance.  
(c) Discuss the defences of nuisance. 4+6+6
6. (a) Define the term 'Negligence'.  
(b) Discuss the condition of "Contributory Negligence as a specific tort".  
(c) Discuss the doctrine of "Contributory Negligence". 4+8+8
7. Distinguish between (any two) 8+8





- (a) tort and crime
- (b) False imprisonment and Malicious Prosecution.
- (c) Absolute Privilege and Qualified Privilege

8. Write short notes on (any four): 4x4

- (a) Light Motor Vehicle.
- (b) Complaint
- (c) Deficiency in Service
- (d) Unfair Trade Practice
- (e) State Commission
- (f) Act of God

9. (a) Define Motor Vehicle under Motor Vehicles Act, 1988.

(b) Who can apply for compensation?

(c) Explain Hit and Run Away Case. 4+8+4

10. "Consumer is King". Explain the statement in the light of judicial activism in Consumer Laws in India 16

## 2017 | LAW OF TORTS

**Answer any five Questions**

1. (a) Define Tort. State the essential elements for tort.

(b) Is it Law of Tort or Law of Torts? Discuss with reasons. (8+8)

2.(a) Explain the rule of Absolute Liability. How does it differ from Strict Liability?

(b) Write a note on the doctrine of Vicarious Liability in employment. (10+6)

3.Explain the maxims a) Volenti non fit Injuria b) Injuria Sine Damno.(8+8)

4.(a) What is Negligence? Mention the essentials of negligence which constitutes it as a Specific Tort.

(b) Explain the doctrine "Res Ipsa Loquitur."(10+6)





5. (a) Define Nuisance. Mention the essential elements of Nuisance.  
(b) Distinguish between public nuisance and private nuisance.  
(c) Write a note on Abatement of Nuisance. (6+6+4)
6. Discuss in detail the kinds of remedy available against a Tort when committed. (16)
- 7.(a) Define Motor Vehicle and enumerate the object of Motor Vehicle Act, 1988.  
(b) Who are entitled to get compensation?  
(c) Where is the application for Compensation made?( 8+4+4)
8. (a) Define: (i) Consumer, (ii) Defective Goods. (8)  
(b) Enumerate the objective of Consumer Protection Act, 1986. (8)
9. Discuss the composition, jurisprudence and function of District Forum under the Consumer Protection Act, 1986. (16)
10. Write a note on (any four): [4×4]  
(a) Trespass to Land.  
(b) Actionable per se.  
(c) Trespass ab initio.  
(d) Contributory Negligence.  
(e) Ibi Jus Ibi Remedium.  
(f) Hit and run away case.  
(g) Innuendo.







## 2016 | LAW OF TORTS

**Answer any five Questions**

1. (a) What do you understand by the term "Tort"?  
(b) Is it "Law of Torts" or "Law of Tort"? 8+8
2. Discuss the "Rule of Strict Liability" with decided case laws. 16
3. Explain the maxim: [8×2]  
(a) Damnum Sine Injuria.  
(b) Injuria Sine Damnum.
4. (a) Explain the essential conditions to constitute negligence as a Specific Tort.  
(b) Discuss the Doctrine of Contributory Negligence. [8+8]
5. (a) What is vicarious liability?  
(b) Discuss the liability of the Master for the acts done by the Servant during the course of Employment. 4+12
6. (a) Define Nuisance.  
(b) What are the essentials of Nuisance?  
(c) Discuss the different kinds of Nuisance. 4+6+6
7. Distinguish Between (any two): [8×2]  
(a) Strict Liability and Absolute Liability.  
(b) Assault and Battery.  
(c) Tort and Contract.  
(d) Absolute Privilege and Qualified Privilege.
8. State the meaning of the following (any four): [4×4]  
(a) Complaint.  
(b) Manufacturer.  
(c) Service.  
(d) Consumer.  
(e) Unfair Trade Practice.  
(f) Deficiency.

**9. Discuss the history and development of Consumer Protection**

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Law with special reference to India. 16

10. (a) Define Motor Vehicle.  
(b) Who can apply for Compensation?  
(c) Write a note on 'Hit and Run Away Case'. 4+4+8

### 2015 | LAW OF TORTS

**Answer any five Questions**

1. (a) Define Tort.  
(b) Is it 'Law of Torts' or 'Law of Tort'?  
(c) Distinguish between Torts and Crime. 6+5+5
2. Discuss the following maxims: [8+8]  
(a) Damnum Sine Injuria  
(b) Injuria Sine Damnum
3. Discuss the rule of 'Strict Liability' with the help of decided Case Laws. 16
4. "A master is answerable for every such wrong of a servant as committed in the course of Service" (Salmond) - Discuss with Case Laws. 16
5. (a) Define Defamation.  
(b) What are the conditions for Defamation?  
(c) Discuss the Defences for Defamation. 4+6+6
6. (a) Define Nuisance.  
(b) What are the essentials of Nuisance as a Tort?  
(c) Discuss briefly the Kinds of Nuisance. 4+4+8
7. Distinguished between: [8+8]  
(a) False Imprisonment and Malicious Prosecution

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(b) Libel and Slander

8. Discuss the composition, powers and function of District Forum.

9.(a) Define 'Motor Vehicle' under Motor Vehicle Act, 1988.

(b) Discuss the object of the enactment of Motor Vehicle Act, 1988.

(c) Discuss "Hit and Run Away Cases". 6+5+5

10. Write Short Notes (any four): [4×4]

(a) Service

(b) State Commission

(c) Act of God

(d) Light Motor Vehicle

(e) Consumer

(f) Trespass ab initio

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