

**FIVE YEAR B.A./B.B.A./B.Com., LL.B. (HONOURS) DEGREE EXAMINATION
FEBRUARY 2025**

First Semester

FL 1—LAW OF TORTS INCLUDING M.V. ACT AND CONSUMER PROTECTION LAWS
(2024 Admissions—Regular/2018 to 2023 Admissions—Supplementary)

Time : Three Hours

Maximum : 75 Marks

Part A

Write short notes on any five of the following.

Each question carries 3 marks.

1. *Damnum sine injuria.*
2. Defence of statutory authority.
3. Sovereign immunity.
4. Joint tort feorsors.
5. Product liability.
6. Compulsory insurance under the Motor Vehicles Act.

(5 × 3 = 15 marks)

Part B

Answer any three of the following problems.

Each question carries 10 marks.

7. 'X', an experienced stuntman, voluntarily participated in a dangerous stunt for a film, fully aware of the risks involved. Despite taking all necessary precautions, he was injured during the stunt due to an unforeseen mechanical failure in the equipment provided by the film production company. 'X' sues the company for damages. Can the defence of *volenti non fit injuria* be successfully invoked by the production company ? Discuss with the help of judicial decisions.
8. The Municipal Corporation of a city contracted with *Clean City Pvt. Ltd.* to handle the city's waste management. *Clean City's* employees, while transporting waste, negligently spilled hazardous waste on a public road, leading to a major accident. Several people were injured, and they sued the Municipal Corporation for compensation, arguing that the Corporation is vicariously liable for

Turn over

Clean City's negligence. The Corporation contends that *Clean City* is an independent contractor and that it cannot be held liable for the actions of *Clean City's* employees. Decide.

9. 'A', a shop owner, suspects 'B', a regular customer, of shoplifting. Without verifying the facts, 'A' forcibly detains 'B' in a room at the back of the shop for several hours until the police arrive. The police search 'B' and find no stolen items. 'B' sues 'A' for false imprisonment. 'A' argues that his actions were justified as he was preventing a crime. Decide giving reasons.
10. 'P' purchased an airline ticket for a flight from Kochi to New Delhi. However, the flight was cancelled, and 'P' was not informed. 'P' seeks a remedy under the Consumer Protection Act. Provide advice.

(3 × 10 = 30 marks)

Part C

Answer any two of the following questions.

Each question carries 15 marks.

11. "Strict liability represents a departure from the fault-based system of tort law." Critically evaluate the rationale behind strict liability, with a focus on the landmark case of *Rylands v. Fletcher*. How has the principle of strict liability been applied and adapted in modern tort law, particularly in areas such as environmental law, consumer protection, and industrial accidents? Explain referring to leading decisions.
12. "Judicial remedies in tort law are designed to restore the injured party to the position they would have been in but for the tortious act." In light of the given statement, evaluate the effectiveness of these remedies in achieving this goal, with special reference to compensatory, nominal, and punitive damages. How do extra-judicial remedies complement or conflict with judicial remedies in tort cases?
13. What is 'Negligence'? Examine the interplay between the tort of negligence and contributory negligence in the context of road traffic accidents. How have courts approached the issue of apportioning liability? Discuss the role of statutory provisions and judicial precedents in shaping the current state of law.

(2 × 15 = 30 marks)