|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Roll No |  |  |  |  |  |  |  |  |  |  |  |  |

 ****

**Presidency University**

**Bengaluru**

 **SCHOOL OF LAW**

**Make-Up Examinations, July 2024**

**Semester**: I

**Course Code**: Law 2021

**Course Name**: Law of Torts, Consumer Protection and MV Act

**Date**: 01.07.2024

**Time**: 9:30AM-12:30PM

**Max Marks**: 100

**Weightage**: 50 %

 **Instructions:**

1. *Read the all questions carefully and answer accordingly.*
2. *Do not write any matter on the question paper other than roll number.*

**Part A**

**Answer any 4 Questions. Each question carries 5 marks. (4Qx 5M= 20M)**

1. Define tort and explain how it differs from a crime. (C.O.1) [Knowledge]

2. Explain the principle of "Ubi jus ibi remedium" in tort law. (C.O.1) [Knowledge]

3. Explain the concept of "act of God" as a defense in tort cases. (C.O.2) [Knowledge]

4. Describe the capacity of a minor in tort cases. (C.O.2) [Knowledge]

5. Define vicarious liability and give an example. (C.O.2) [Knowledge]

6. Explain the concept of unfair trade practice under consumer protection laws. (C.O.5) [Knowledge]

**Part B**

**Answer any 4 Questions. Each question carries 10 marks. (4Qx10M=40M)**

7. Examine the role of intention, motive, and malice in tort law. How do courts differentiate between these mental elements when determining liability. (C.O.No.1) [Comprehension]

8. Critically analyze the Pigeonhole theory in tort law. What are its limitations in addressing modern tort cases. (C.O.No.1-5) [Comprehension]

9. Evaluate the "reasonable person" test in negligence cases. How effective is this standard in addressing varied situations and diverse populations. (C.O.No.1-5) [Comprehension]

10. Critically analyze the approaches to remoteness of damage in the Re Polemis and Wagon Mound cases. How have these cases shaped the modern understanding of foreseeability in tort law. (C.O.No.1-5) [Comprehension]

11. Evaluate the jurisdiction and powers of consumer forums. How do these forums balance accessibility for consumers with fairness to businesses. (C.O.No.1-5) [Comprehension]

12. Analyze the concept of specific performance as a remedy in tort law. In what situations is this remedy most appropriate, and why. (C.O.No.1-5) [Comprehension]

**Part C**

**Answer any 2 Questions. Each question carries 20 marks. (2Qx20M=40M)**

13. Analyse with the help of cases the different defenses available in case of a tort. (C.O.No. 1-5) [Comprehension]

14. Evaluate the transition from strict liability to absolute liability in tort law. What factors have driven this evolution, and what are its implications. (C.O.No. 1-5) [Comprehension]

15. Sara orders a fruit smoothie through "BlendEasy," a popular app-based smoothie delivery service. The smoothie is prepared by "FruitFresh," a local juice bar, and delivered by "QuickBike," an independent courier service. The drink arrives in a sealed, opaque container with BlendEasy's logo. Sara consumes half the smoothie before discovering it contains decomposed fruit. She falls severely ill, requiring hospitalization. Investigation reveals that FruitFresh used spoiled fruit, BlendEasy's app had a glitch that prevented customer reviews showing issues with FruitFresh, and QuickBike's delivery was delayed due to a system error. Analyze the potential liability of each party involved, and evaluate the implications for consumer protection in the gig economy. (C.O.No. 1-5) [Comprehension]