

Subject: BLAW301 - Law of Torts and Consumer Protection

Year/Sem: II/I

Group A

Objective Questions

[1*10=10]

1. Which of the following is an essential element of a tort?
 - A. Agreement between parties
 - B. Legal injury
 - C. Consideration
 - D. Intention to contract
2. The maxim *Damnum Sine Injuria* means:
 - A. Legal injury without actual damage
 - B. Damage caused by negligence
 - C. Actual damage without legal injury
 - D. Damage caused by trespass
3. Which defense in tort is expressed by the maxim *Volenti non fit injuria*?
 - A. Necessity
 - B. Consent of the plaintiff
 - C. Act of God
 - D. Mistake
4. False imprisonment consists of:
 - A. Physical assault only
 - B. Defamation of character
 - C. Unlawful restraint of a person's freedom of movement
 - D. Trespass to land
5. The rule in *Rylands v. Fletcher* is associated with:
 - A. Vicarious Liability
 - B. Absolute Liability

- C. Strict Liability
 - D. Contributory Negligence
6. The doctrine *Res Ipsa Loquitur* literally means:
- A. The plaintiff consents
 - B. The thing speaks for itself
 - C. No remedy without injury
 - D. Let the buyer beware
7. Which test determines whether damage is too remote based on what a reasonable person could foresee?
- A. Eggshell Skull Test
 - B. Directness Test
 - C. Reasonable Foresight Test
 - D. Volenti Non Fit Injuria Test
8. A person who buys goods for resale is generally:
- A. A consumer
 - B. A beneficiary
 - C. Not a consumer
 - D. A service provider
9. Driving a motor vehicle without a valid driving license is:
- A. Permitted in emergencies
 - B. A civil wrong only
 - C. A violation of Motor Vehicles law
 - D. Allowed for learners without restrictions
10. The legal maxim *Ubi Jus Ibi Remedium* means:
- A. No liability without fault
 - B. Where there is right, there is remedy
 - C. Let the buyer beware
 - D. The thing speaks for itself

Group B (Short Questions) [Attempt any eight questions] [4*8=32]

- 1) What are the essential elements of a Tort?
- 2) Differentiate between Malice in Law and Malice in Fact.
- 3) How is tort law recognized in Nepalese civil law?
- 4) Explain any two general defenses available in Tort.
- 5) What do you understand by the term “False Imprisonment”? Elucidate the legal concept in the light of human rights, judicial opinions and Nepal’s legal system.
- 6) What is Trespass to Property?
- 7) Explain the rule of Strict Liability.
- 8) What is meant by Remoteness of Damages?
- 9) How does Consumer Protection Law safeguard consumer rights?
- 10) What are the legal consequences of driving a motor vehicle without a valid license?

Group C (Long Question) Attempt any Two. [9*2=18]

1. Define Tort and explain its essential elements. Distinguish Tort from Crime and Breach of Contract with suitable examples.
2. Explain the concept of Vicarious Liability. Discuss the circumstances under which a person may be held liable for the tortious acts of another.
3. Explain the structure, powers, and functions of Consumer Protection Authorities. How do these authorities help in protecting consumer interests and resolving consumer disputes?
