

**GUJARAT NATIONAL LAW UNIVERSITY  
SILVASSA CAMPUS**

**Course: Law of Torts (Including MV Act and Consumer Protection Act)  
Semester- I (Batch: 2025-30)**

**End Semester Examination: October – November 2025**

**Date: 26 October 2025**

**Duration: 3 hours**

**Max. Marks: 50**

**Instructions:**

- Read the questions properly and write the answers in the given answer book.
- Do not write anything on the question paper.
- The respective marks for each question are indicated in-line.
- Indicate correct question numbers in front of the answer.
- No questions or clarification can be sought during the exam period, answer as it is, giving reason, if any.

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	<b>Answer any five</b>	<b>Marks</b>
Q.1	<p>A university professor published a research article in a reputed academic journal, critically analysing the clinical trials conducted by a leading pharmaceutical company. In the article, the professor described the company's vaccine trials as "recklessly unsafe and bordering on fraud." The article attracted significant public attention and was later cited by several newspapers and circulated widely on social media. The pharmaceutical company filed a suit for defamation, alleging that the professor's statements were false, made with malice, and caused serious harm to its reputation. The professor contends that the remarks amount to <i>fair comment on a matter of public interest</i>, that <i>academic freedom</i> protects honest scholarly criticism, and that the <i>republication</i> of those statements by the media and social platforms should not make him liable for their wider circulation.</p> <p>Discuss whether the professor is liable for defamation or not. In your answer, explain the essential elements of defamation, the defence of fair comment, and the limits of academic or public interest speech. Support your reasoning with relevant legal principles and case law.</p>	(10)
Q.2	<p>A hospital hires an independent contractor to maintain its oxygen supply system. The system fails due to the contractor's negligence, leading to the death of several patients. The families of the victims sue the hospital.</p> <p>Can the hospital be held liable for negligence committed by an independent contractor? Discuss with reference to the doctrine of vicarious liability, the concept of non-delegable duties, and the recognised exceptions to the rule against liability for independent contractors. Present arguments for both the hospital and the families, and evaluate the policy reasons for and against imposing liability in such cases.</p>	(10)
Q.3	<p>During a violent protest, police direct 'A', a private bus owner, to park his bus across a public road to block rioters. 'A' complies, and the rioters hurl stones at the bus, causing extensive damage.</p>	(10)

‘A’ sues the State for compensation. The State argues that ‘A’s act of parking the bus was voluntary, and therefore the defence of *volenti non fit injuria* applies. It further contends that the police were acting under statutory authority in the discharge of their duty to maintain public order, and hence cannot be held liable for incidental harm caused in the process. Additionally, the State argues that the immediate damage was caused by rioters, independent third parties, thereby breaking the chain of causation and relieving the State of liability.

‘A’ contends that his compliance was under compulsion, not free consent; that *volenti non fit injuria* is inapplicable; and that the State owes a duty to protect private property requisitioned for public purposes.

Decide, by giving reasons, whether the State is liable or not. In your answer, discuss the doctrines of *volenti non fit injuria*, statutory authority, necessity, and liability for acts of third parties, and evaluate the broader policy implications of imposing or denying State liability.

- Q.4 A chemical factory stores large quantities of hazardous gases. The factory hires an independent contractor to maintain safety valves. Due to the contractor’s negligence, a leak occurs, leading to an explosion that kills several workers and nearby residents. (10)

The factory claims it had taken all reasonable care, and that, under *Rylands v. Fletcher*, the liability should not extend to the negligence of an independent contractor. It further argues that the gas leak was triggered by an earthquake, an *Act of God*. The contractor, in turn, blames the factory for failing to provide proper safety instructions.

In light of *M.C. Mehta v. Union of India (1986)*, discuss whether the principle of absolute liability overrides traditional strict liability defences, particularly in the present case. Further, evaluate the extent to which the State can be held liable for regulatory failures when granting or monitoring licenses for hazardous industries.

- Q.5 Bhagamathi, a 20-year-old resident of Tri Nagar in northwest Delhi, was admitted to a private hospital in Shalimar Bagh after she developed a fever. Her family spent around ₹18 lakh on her treatment, but her condition did not improve, and she passed away after six days. The family alleged that the hospital failed to provide proper care and that the doctors were negligent in diagnosing and treating her illness. They claimed that there was an undue delay in taking crucial medical decisions, which could have saved her life. Following their complaint, Delhi Police registered a case and ordered a post-mortem. Later, it was revealed that the hospital had been operating without proper authorisation and that government health authorities had ignored earlier complaints against it. (10)

In the light of the above mentioned facts, discuss the liability of the hospital and the doctors under the *law of torts* for medical negligence. Further, examine whether the family can also seek compensation from the Delhi Government under the concept of *Constitutional tort* for violation of the Right to Life under Article 21 of the Constitution of India. Support your answer with relevant legal principles and decided cases.

- Q.6 Raghav owns a small pottery workshop on the outskirts of Jaipur and has been running it for more than fifteen years using a traditional wood-fired kiln. Recently, a group of businessmen purchased the adjoining land and constructed luxury farmhouses with swimming pools and landscaped gardens. Soon after they moved in, the farmhouse owners started complaining that the smoke and smell from Raghav's kiln were causing discomfort, spoiling their outdoor area, and lowering the value of their property. They demanded that Raghav immediately stop using the kiln, claiming it to be a nuisance. Raghav refused, arguing that his pottery business existed long before the farmhouses were built and that he had all the necessary trade permits. Meanwhile, the villagers living a short distance away complained that the farmhouse owners had diverted a public pathway, built high boundary walls, and regularly played loud music at night, disturbing the peace of the surrounding area. Both Raghav and the villagers filed separate cases against the farmhouse owners, alleging nuisance. (10)

In the light of the above mentioned facts, discuss whether Raghav's activity amounts to *private nuisance* against the farmhouse owners, and whether the farmhouse owners' actions can be considered *public nuisance* against the villagers. Explain the principles of reasonable use of land, balancing of interests, and the availability of defences such as "coming to the nuisance." Support your answer with relevant legal principles and decided cases.

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