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19 (3-I) LWTR 1-4

2015

**LAW OF TORT INCLUDING MV &  
CONSUMER PROTECTION LAW**

Full Marks : 80

Time : Three hours

**The figures in the margin indicate  
full marks for the questions.**

**Answer Q. nos. 1 & 2 and any five  
from the rest.**

1. Write correct answer :  $1 \times 10 = 10$
- (a) Compulsory compensation is given in hit and run cases under (the Motor Vehicle Act, Indian Contract Act)
  - (b) The doctrine of absolute liability was established in (1868/1870)
  - (c) The law of torts signifies violation of rights and duties / rights and privileges.
  - (d) The distinction between tort and breach of trust is based on (historical/ancient reason).

Contd.

- (e) Who called Salmond's theory as the 'Doctrine of Pigeon Hole' (Dr. Winfield/W.C. Reckless)
- (f) Vicarious liability means (delegated/entrusted).
- (g) According to Pollock there is \_\_\_\_\_ of personal capacity for damages for personal injuries. (no limit/limit)
- (h) The law of tort is concerned with the (award of damage/punishment)
- (i) The tort of defamation protects in the (reputation/body) of persons.
- (j) Defect has been defined in Section of the Consumer Protection Act (Section 2(f)/1(g).

2. Write notes on :

2×5=10

- (a) Tort and Quasi-contract
- (b) Master's duties towards servants
- (c) Driving without driving licence
- (d) Deceit Rule in *Derry vs Peak*
- (e) Deficiency in service.

3. Discuss the characteristics of Tort. Distinguish its liability in England and India. 6+6=12

**Or**

What are the essential conditions of liability in Tort in India ? 12

4. Discuss the general defences which apply in every tort when the plaintiff brings an action against the defendant. 12

**Or**

Write an exhaustive note on joint Tortfeasors. What is the present position of the Civil Liabilities (Contribution Act) 1978 ? 8+4=12

5. Define defamation. What are its kind ? Distinguish them trully. 4+2+6=12

**Or**

To bring an action for malicious prosecution, what the plaintiff is to prove ? Discuss fully with abuse of legal process. 12

6. What are the factors necessitated to enact Consumer Protection law ? Discuss. 12

**Or**

What is a complaint ? How a complaint is adjudicated under the provisions of the Consumer Act 1986 as amended. 4+8=12

7. Discuss the different consumer Disputes Redressal Agencies with their powers. 12

**Or**

How an order of Redressal Agencies is enforced ? Discuss the appeal provisions of redressal for ums. 6+6=12