19 (Sem-I) LWTR

2016

LAW OF TORTS INCLUDING MV ACT AND CONSUMER PROTECTION LAW

Paper : 1·4

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate answer :
    1×10=10

    (A) The term tort is derived from a word tortism which is _____ . (a word of Latin/a word of French)

    (B) Tort may be defined as a _____ . (crime/civil wrong)

    (C) Rescue cases are the exception to the maxim of _____ . (volenti non fit injuria/damnum sine injuria)

(D) The defence of volenti non fit injuria is available to the _____ only. (plaintiff/ defendant)

(E) Libel is _____ defamation. (written/ spoken)

(F) To prove negligence, the burden of proof is generally on _____ . (defendant/ plaintiff)

(G) The Consumer Protection Act was enacted in _____ . (1984/1986)

(H) Complainant is defined by section _____ of the Consumer Protection Act. [2(6)/2(9)]

(I) Section _____ of the Consumer Protection Act provides for the constitution of three tier Redressal Agencies. (6/9)

(J) The term of members of the Central Council is _____ years. (3/2)

2. Answer the following : 5×2=10

(A) Write Dr. Winfield definition of tort.

(B) What is Act of necessity ?

(C) What is battery ?

(D) Define deficiency in service.

(E) Mention two objectives of the Consumer Protection Act.

3. Define tort. Explain about the general conditions of liability in tort. 2+10=12

OR

Write short notes on the following : (any two) 6+6=12

(A) Tort and crime

(B) Tort and breach of contract

(C) Malice, motive, intention.

4. Explain exhaustively about the various exception to the tortious liability. 12

OR

Explain the maxim 'volenti-non-fit injuria' along with the exceptions, if any. 12

5. What is defamation ? What are the different kinds of defamation ? Explain about them. Also explain the essentials of defamation. 2+4+6=12

OR

Define negligence. What are the essentials of negligence ? What are the defences to negligence ? 2+6+4=12

6. Who is consumer ? Explain about the salient features of the Consumer Protection Act, 1986. 12

OR

Write short notes on : *(any two)* 6×2=12

(A) Unfair trade practice

(B) Hazardous Goods

(C) Deficiency in service.

7. Discuss about the composition, jurisdiction and power and function of the National Commission. 3+3+6=12

OR

Explain about the composition and jurisdiction of various consumer dispute redressal agencies under the Consumer Protection Act. 12