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19 (I) LTMV 1-4

2019

**LAW OF TORT INCL. M.V. ACT &
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 answers :
1×10=10
- a) The Law of Torts is primarily concerned with redressal of wrongful civil actions by awarding _____.
[compensation/civil punishment]
- b) Compensation provided in the tort is _____.
[liquidated damages/unliquidated damages]

Contd.

c) The case of _____ deals with Strict liability.

[*Rylands v. Fletcher/Pasley v. Freeman*]

d) The District Forum under the Consumer Protection Act, 1986 has _____ to review its order.

[no power/power]

e) The Motor Vehicles (Amendment) Act, 2019 is being implemented since _____.
[2nd of August, 2019/1st of September, 2019]

f) The main remedy against tortious loss is compensation in _____ or money, reclaimed through subrogation by the claimant's agent.

[punishment/damages]

g) Negligence is a tort which arises from the breach of the duty of care owed by one person to another from the perspective of a _____.

[common man/reasonable person]

h) Although crimes may be torts, the cause of legal action is not necessarily a crime, as the harm may be due to negligence which does not amount to _____.

[criminal negligence/civil negligence]

i) Tortious liability arises from the breach of a duty primarily fixed by the law, such duty is towards persons generally and its breach is compensated by an action for _____ damages.

[liquidated/unliquidated]

j) In certain cases, negligence can be assumed under the doctrine of _____.
[*Damnum Sine Injuria/res ipsa loquitur*]

2. Write short answers : (*any five*) 2×5=10

a) Concept of Tort

b) Distinguish Malice and Motive

c) Is the *Volenti non fit injuria* an essential condition of liability in tort ?

d) What do you mean by Intention ?

e) What is 'Deceit' in reference to Rule in *Derry vs Peak* ?

f) Define 'consumer' under Consumer Protection Act.

3. Define the scope and characteristics of tort. Distinguish between tort and crime.

12

Or

'Tortious liability arises from the breach of a duty primarily fixed by law: this duty is towards persons generally and its breach is redressible by an action for unliquidated damages.' (Winfield).

Elucidate the above statement with suitable case law.

12

4. Discuss with the help of decided cases, various essentials of the maxims *Damnum Sine Injuria* and *Injuria Sine Damnum*.

12

Or

What do you mean by 'Vicarious Liability' ? Discuss the law evolved by the Supreme Court on 'Vicarious Liability of the State' for torts committed by its servants with reference to Bhopal Gas Leak Disaster Case.

12

5. Discuss the concept of Damages, Remoteness of damages and Nervous shock. Briefly state the development of the law relating to 'Remoteness of damages' in reference to *Re Polemis and Furness, Withy & Co. Ltd. (1921) 3 KB 560*.

12

Or

Briefly discuss the concept of 'no-fault liability' under the Motor Vehicles Act, 1988. What is the extent of liability of the insurer in case of 'no-fault liability' ?

12

6. Discuss the concept of 'Innuendo' with reference to Indian and English cases. What are the essentials of defamation? Illustrate your answer. 12

Or

Discuss the Composition, Jurisdiction, Power and Functions of National Commission Disputes Redressal Commission. 12

7. Briefly discuss the scope and importance of Consumer Protection Act, 1986. What are the important guidelines for protecting Consumer Rights under the Act? 12

Or

Write short notes on: (any three)

4×3=12

- a) How far an Act of God is an exception to the liability in tort?
- b) State the consequence of driving without driving licence.

- c) Distinguish between Private & Public nuisance.
- d) Joint Tortfeasors.