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21 (Sem-5) LWTR 5-3

2016

**LAW OF TORT INCLU. M.V. AND  
CONSUMER PROTECTION LAW**

Paper : 5-3

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. Choose the correct answer :  $1 \times 10 = 10$
- (a) Tort is a violation of \_\_\_\_\_. (right in rem/right in personam)
- (b) The definition of Tort is contained in \_\_\_\_\_. (The Limitation Act, 1963/  
The Indian Partnership Act, 1932)
- (c) In tort, damages are determined in \_\_\_\_\_. (liquidated form/unliquidated form)

Contd.

(d) According to modern view, the doctrine of vicarious liability based on \_\_\_\_\_ . (public policy/social security)

(e) For application of Rule in Rylands-vs-Fletcher \_\_\_\_\_ essential elements are necessary. (two/three)

(f) *Volenti non fit injuria* is \_\_\_\_\_. (a defence in an action for tort/a ground for initiation of action)

(g) Nuisance is of \_\_\_\_\_ kinds. (three/two)

(h) The Consumer Protection Act was amended in the year \_\_\_\_\_. (1992/1993)

(i) There is provision for interim relief under section \_\_\_\_\_ of the Motor Vehicle Act. (139/140)

(j) Inevitable accident means an \_\_\_\_\_ (unexpected injury which could not have been foreseen and avoided/act of God)

2. Write the following :  $2 \times 5 = 10$

(a) Tort and crime

(b) Act of God

(c) Negligence

(d) Complaint

(e) Non-fault liability under MV Act.

3. What is the meaning of Tort? Distinguish between (i) Tort and Quasi contract and (ii) Tort and breach of trust.  $4+4+4=12$

Or

Discuss the essential conditions of liability in tort. Refer famous leading case on the matter.  $10+2=12$

4. Explain under what circumstances and to what extent can an "inevitable accident" be pleaded as a valid defence in the law of torts. 12

Or

What do you mean by "in the course of employment"? Discuss the liability of master in tort for an act committed when the person left office. 12

5. Define nuisance. Distinguish between private and public nuisance. Can a private person bring an action for public nuisance? Discuss.  $4+4+4=12$

**Or**

Analyse the concept of "Negligence" as a specific tort. Write the essentials of a suit for negligence. 12

6. What is the object behind enacting the Consumer Protection Act, 1980. Also discuss the philosophy of the Act. 12

**Or**

What is meaning of "Consumer" under the Consumer Protection Act. Discuss whether a beneficiary is also a consumer. Answer with examples. 12

7. Enumerate the various Consumer Disputes Redressal Agencies as envisaged by the Consumer Dispute Act. 12

**Or**

Explain the manner in which complaint shall be made. Is it necessary that the complaint be filed by the consumer himself? Elucidate. 12