

Total number of printed pages-4

21 (5) LWTR 5-3

2019

LAW OF TORTS

Paper : 5-3

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 doctrine of absolute liability was established in _____. (1868/1870)
- (B) Rescue cases are the exceptions to the maxim of _____. (*volenti non fit injuria/damnum sine injuria*)
- (C) The doctrine of common employment is _____ in India. (applied/not applied)
- (D) The liability of joint tortfeasors is _____. (only joint/joint and several)

Contd.

- (E) False and defamatory verbal or oral statement is _____. (slander/libel)
- (F) Entry on other's land is _____.
(*trespass quare clausum fregit/trespass de bonis asportatis*)
- (G) Unfair Trade Practice is defined by section _____ of the Consumer Protection Act, 1986. [2(1)(r)/2(1)(t)]
- (H) Constitution of State Consumer Protection Council is provided by section _____ of the Consumer Protection Act. (7/8)
- (I) The State Consumer Commission under the Consumer Protection Act is governed by the provision of Civil Procedure Act. _____. (True/False)
- (J) Consumer is defined by section _____ of the Consumer Protection Act. [2(1)(d)/2(1)(e)]

2. Answer the following : 2×5=10

- (A) What is Innuendo?
- (B) What do you mean by remoteness of damage?
- (C) What is deceit?
- (D) Define service.
- (E) Write about the appellate power of State Commission.

3. What are the essential elements of Tort? Explain the major factors contributing to the lack of tort litigation in India.

6+6=12

OR

“Tort is an infringement of right in rem of a private individual giving a right of compensation at the suit of the injured party.” — Explain the above statement made by Fraser.

Also mention the main differences between Tort and Breach of Contract. 6+6=12

4. What is Vicarious liability? How is it arised? Discuss fully. 6+6=12

OR

Discuss about the general defences of tortious liability. 12

5. Write the differences between : 4×3=12

- (i) Assault and Battery
- (ii) False imprisonment and malicious prosecution
- (iii) Malice in law and malice in fact.

OR

What do you mean by negligence? What standard are applied to determine the questions of negligence? What defences are available in an action for negligence?

4+4+4=12

6. Who is consumer under the Consumer Protection Act, 1986 and what do you mean by deficiency in service and defects in good?

4+4+4=12

OR

Who is consumer? How a complaint can be filed under the Consumer Protection Act?

4+8=12

7. Discuss about the composition and jurisdiction of the District Forum. Whether judicial review lies against the order of the consumer forum.

4+4+4=12

OR

Write short notes on :

6+6=12

(A) State Commission

(B) National Commission.