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21 (5) LWTR

2020

(Held in 2021)

**LAW OF TORT INCL. M.V. ACT AND
CONSUMER PROTECTION LAWS**

Full Marks : 56

Time : 2½ hours

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

GROUP-A

(Carry-28 Marks)

1. Choose the correct answers : 1×8=8

(a) The word Tort has been derived from the Latin term "tortum", which means twisted _____. (conduct/consent)

(b) The propounder of "pigeon hole" theory is _____. (Salmond/Winfield)

Contd.

- (c) Doctrine of common employment is _____ in India.
(Applied/ Not applied)
- (d) Trespass to goods is _____.
(actionable per se/ not actionable)
- (e) Tort is a violation of _____.
(right in rem/ right in personam)
- (f) *Res Ipsa Loquitur* means _____.
(the thing speaks for itself/ the thing speaks for others)
- (g) A member of the District forum shall hold office for a term of five years or upto the age of _____ years, which ever is earlier. (60/67)
- (h) The Motor Vehicle (Amendment) Act, 2019 is being implemented since _____.
(1st Sept, 2019/ 2nd August, 2019)

2. Answer the following : 2×3=6

- (i) Innuendo
- (ii) Contributory Negligence
- (iii) Joint Tort feasons.

3. Answer (**any two**) of the following :

7×2=14

- (i) Define Tort. Discuss briefly the nature, scope and characteristics of tort.
- (ii) What is Nuisance ? Distinguish between Public Nuisance and Private Nuisance.
- (iii) Write about the composition, jurisdiction, power and functions of the National Commission under the Consumer Protection Act, 1986.

GROUP-B

(Carry-28 Marks)

4. What is "*damnum abseque injuria*" ? "A" sets up a mill in front of a mill belonging to "B" as a result of which "B" suffers great loss. Can "B" sue "A" for the damage caused to him ? Explain with relevant case laws.

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Or

Explain the maxim "*ex turpi causa non oritur actio*". "A" while trespassing over "B's" land was injured by a spring gun set by "B" in his garden without notice. Is "A" liable to claim compensation ?

5. What is Strict Liability ? Explain the Doctrine of Strict liability in the context of Rylands vs Fletcher case, with facts and judgments. State whether the Doctrine is applicable in India or not ? 14

Or

“Libel is addressed to the eye, slander is addressed to the ear” — comment with suitable illustrations.
