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19 (I) LTMV

2021

( Held in 2022 )

**LAW OF TORT INCL. MV ACT  
AND CP LAWS**

Full Marks : 80

Time : Three hours

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

1. Choose the correct answer :  $1 \times 10 = 10$
- (a) Gloucester Grammar School case explains \_\_\_\_\_ .  
[Injuria sine damnum / Damnum sine injuria]
- (b) Law of tort has developed mainly through \_\_\_\_\_ .  
[enactments / judicial decisions]

Contd.

- (c) The principle of *Novus actus interveniens* applies to determine \_\_\_\_\_.  
[Strict liability/ Remoteness of damage]
- (d) In *Stanley vs. Powell*, the defence of \_\_\_\_\_ was allowed.  
[Inevitable accident/ Act of God]
- (e) Defamation is divided into libel and slander under \_\_\_\_\_.  
[English Law/ Indian Law]
- (f) The maxim *res-ipsa loquitur* is a \_\_\_\_\_.  
[Rule of procedure/ Rule of evidence]
- (g) Consumer dispute is defined in section \_\_\_\_\_ of the Consumer Protection Act, 1986. [2(e)/ 2(r)]
- (h) The total number of rights given to consumers as per Consumer Protection Act is \_\_\_\_\_. [6/ 8]

(i) To be a member in any redress forum the person should have minimum \_\_\_\_\_ years of experience. [10/5]

(j) The jurisdiction of a State Commission is \_\_\_\_\_ .  
[below 20 lakhs/ 20 lakhs to 1 crore]

2. Answer the following questions : 2×5=10

(i) Give *two* reasons for slow development of law of tort in India.

(ii) *Volenti non fit injuria*.

(iii) Nuisance is a continuing wrong  
— Justify.

(iv) Definition of deficiency in service as per the Consumer Protection Act, 1986.

(v) Appeals against the decision of the National Commission.

3. "All torts are civil wrongs, but all civil wrongs are not tort" —  
Explain the statement and outline the essential characteristics of torts. 4+8=12

**OR**

Is there a law of tort or only a law of torts ?  
Answer in the light of theories relating to foundations of tortious liability. 12

4. Answer the following : 6+6=12

- (a) Explain vicarious liability with special reference to the liability of a master for the acts of his servants.
- (b) Explain the maxim *volenti non fit injuria* along with the exceptions.

**OR**

What are the persons who cannot sue in tort owing to personal disability ? 12

5. Define false imprisonment. What are its essentials? What should the plaintiff prove in order to succeed in a suit for false imprisonment? Write a few lines on wrongful confinement as defined under IPC.

4+4+2+2=12

OR

- What is meant by negligence? What are the essentials of negligence? What standards are applied to determine the question of negligence? Discuss with reference to any leading case.

3+5+4=12

6. Answer the following :

4×3=12

(a) 'Restrictive Trade Practice' as envisaged by the Consumer Protection Act, 1986.

(b) Definition of 'Consumer' as per the Consumer Protection Act, 1986.

(c) Definition of 'Complainant' as per the Consumer Protection Act, 1986.

**OR**

What is Consumer Protection Act, 1986? Explain *any three* reasons responsible for enacting Consumer Protection Act, by the Government of India. Discuss the salient features of Consumer Protection Act, 1986.

4+3+5=12

7. Explain the composition, jurisdiction and procedure for enforcement of orders of the District Forum under the Consumer Protection Act, 1986. 12

**OR**

Write short notes on :

4×3=12

(i) Supervisory jurisdiction of National Commission

(ii) Kinds of relief to consumer

(iii) Consumer disputes redressal agencies

2021

(Bald 27/02/21)

LAW OF TORT

