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21 (5) LTMV 5-3

2021

(Held in 2022)

**LAW OF TORT INCL. MV ACT AND
CONSUMER PROTECTION LAWS**

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 option given in the brackets : $1 \times 10 = 10$
 - (a) The term tort is derived from a word tortum. The 'tortum' is _____.
(a word of Latin language/a word of French language)
 - (b) An injunction is _____.
(a power of a court/an order of a court)
 - (c) The rule of 'strict liability' is based on the decision in _____.
(Donoghue vs. Stevenson/Rylands vs. Fletcher)

Contd.

(d) The doctrine of common employment is _____ in India.

(applied/not applied)

(e) The propounder of 'pigeon hole' theory is _____.

(Salmond/Winfield)

(f) Libel is _____ defamation.

(written/spoken)

(g) 'Consumer' is defined in section _____ of the Consumer Protection Act.

[2(d)/2(c)/2(b)]

(h) The term of the Central Consumer Protection Council under the Consumer Protection Act, 1986 is

(i) 3 years

(ii) 4 years

(i) The Motor Vehicle (Amendment) Act, 2019 is being implemented since _____.

(1st Sept., 2019/2nd Aug., 2019)

(j) _____ is mandatory for getting a driving licence and vehicle registration.

(Aadhaar/Pan Card)

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

(a) What do you mean by *Trespass ab initio*?

(b) What is inevitable accident ?

(c) Distinguish between libel and slander.

(d) District Forum. Explain it.

(e) Necessity of driving licence. Explain it.

3. 'There are many acts though harmful, are not wrongful and give no right of action in tort'. Explain fully. 12

Or

Explain the following : 6×2=12

(i) *Injuria-sine-damnum*

(ii) *Damnum-sine-injuria*

4. Discuss the nature of vicarious liabilities. When a master is liable for the acts of the servant. 8+4=12

Or

Discuss about the General Defences of Tortious Liability. 12

5. "Libel is addressed to the eye, slander is addressed to the ear" – comment with suitable illustration. 12

Or

Define Nuisance. Distinguish between private and public nuisance. 4+8=12

6. Who is a complainant ? Discuss the procedure on receipt of complaint under section 13 of the Consumer Protection Act, 1986. 4+8=12

Or

Explain the composition and jurisdiction of various consumer disputes redressal agencies under the Consumer Protection Act, 1986. 12

7. Explain 'No fault liability' under Motor Vehicles Act, 1988. What are the liabilities to compensate the claimant in cases on the principle of no-fault ? Discuss in detail. 12

Or

Who can apply for compensation under Motor Vehicles Act, 1988 ? How is compensation calculated under the Act ? 12