

Third Semester B.A.LL.B. Five Years Course (CBS) Examination

LAW OF TORTS AND CONSUMER PROTECTION ACT

Compulsory Paper—6

Time : Three Hours]

[Maximum Marks : 80

- N.B. :—** (1) All sections are compulsory. Section A carries **10** marks, Section B carries **30** marks, Section C carries **40** marks.
 (2) Follow the instructions given in each section.
 (3) Marks are indicated against each question.

SECTION—A

1. Attempt the following (any **TEN**) :

- (i) The word tortum means :
 - (a) Twisting
 - (b) Teasing
 - (c) Terrorism
 - (d) Twittering
- (ii) “Volenti non fit injuria” is not applicable in :
 - (a) Serious cases
 - (b) Surgical cases
 - (c) Rescue cases
 - (d) Long pending cases
- (iii) Defamation is the publication of a statement concerning a person :
 - (a) Which is false though praising him
 - (b) Which is true
 - (c) Which is false and injures his reputation
 - (d) Which is disliked by him
- (iv) Ashby-v-White is a leading case on :
 - (a) Injuria sine damno
 - (b) res ipsa loquitur
 - (c) respondent superior
 - (d) Damnum sine injuria
- (v) Contributory negligence is the negligence of the :
 - (a) Cowrongdoer
 - (b) Injured party himself
 - (c) Both (a) and (b)
 - (d) None of the above
- (vi) Consumer means any person who :
 - (a) Consumes the goods for resale purpose
 - (b) Gets the goods without consideration
 - (c) Buys any good for consideration
 - (d) Distributes the goods to public
- (vii) The sum of money awarded by Courts to compensate legal injury is called as :
 - (a) Damage
 - (b) Remedy
 - (c) Damages
 - (d) Property
- (viii) A complaint can be filed before District Forum for :
 - (a) Defect in goods
 - (b) Deficiency in services
 - (c) Unfair trade practice
 - (d) All the above
- (ix) In an action for tort following relief can be sought :
 - (a) Compensation
 - (b) Injunction
 - (c) Imprisonment
 - (d) Only (a) and (b)
- (x) The term Unfair Trade Practice has been defined in Sec. _____ of the CPA, 1986.
 - (a) 2(1)(o)
 - (b) 2(1)(p)
 - (c) 2(1)(q)
 - (d) 2(1)(r)
- (xi) Which one of the following is not a tort ?
 - (a) Assault
 - (b) Battery
 - (c) Breach of trust
 - (d) Nuisance

(xii) In case of absolute liability a person becomes liable :

- (a) If there is some fault on his part
- (b) Even when there is no fault on his part
- (c) If there is bad intention on his part
- (d) If he has not taken proper care

(xiii) Tort is violation of :

- (a) Right in rem
- (b) Right in personam
- (c) No right
- (d) Fundamental right

(xiv) The President of a State Commission shall be or has been a judge of :

- (a) Session Court
- (b) High Court
- (c) Supreme Court
- (d) District Court

(xv) The term 'defect' is used for alleging any fault, imperfection in any :

- (a) Goods
- (b) Services
- (c) Transaction
- (d) Gift

1×10=10

SECTION—B

Note :— Both the questions are compulsory.

2. Answer the following (any **THREE**) :

- (a) Libel and Slander – Differentiate.
- (b) Vicarious Liability – Explain.
- (c) Damnum sine injuria – Elaborate.
- (d) Write the composition of District Forum.

5×3=15

3. Write short notes on the following (any **THREE**) :

- (a) Difference between Tort and Crime.
- (b) Nuisance.
- (c) Accord and Satisfaction.
- (d) Composition of Consumer Council.

5×3=15

SECTION—C

Note :— Answer any **FIVE** of the following.

- 4. What is meant by strict liability ? Discuss it in context of Rayland Vs. Fletcher.
- 5. What is meant by Medical Service ? Can a medical professional be made responsible for deficiency in services under CPA, 1986 ? Discuss with the help of case laws.
- 6. State the various defences which fall under 'justification of torts'.
- 7. Explain the composition, jurisdiction and powers of State Commission.
- 8. State the various remedies available in case of tort.
- 9. Discuss the tort of Negligence with reference to Donoghue Vs. Stevenson.
- 10. Explain who can sue and who cannot be sued in Torts.
- 11. Discuss the various rights of consumers in detail.

8×5=40