

NTK/KW/15/7201

**Third Semester B.A. LL.B. (Five Year Course)
(Credit Based System) Examination
LAW OF TORTS AND CONSUMER
PROTECTION ACT
Course Code—3.6
Compulsory Paper—VI**

Time—Three Hours] [Maximum Marks—80

- N.B.:**— (1) Section-A consists of **10** marks, Section-B consists of **30** marks and Section-C consists of **40** marks. Attempt all sections.
- (2) The number of questions to be answered and marks for each question for Section-A and Section-B are indicated in each Section.
- (3) Answer any **FIVE** questions from Section-C. Each question carries **8** marks.

SECTION—A

(Multiple Choice Questions)

1. Choose correct alternative (attempt any **TEN**) :—
10×1=10
- (1) The landmark case law explaining the maxim 'Damnum sine injuria', is :
- (a) Ashby vs White

- (b) Ryland *vs* Fletcher
 - (c) Donoghue *vs* Stevenson
 - (d) Gloucester Grammar School Case
- (2) The latin word 'Tortum', means :
- (a) Teasing
 - (b) Twisting
 - (c) Twittering
 - (d) Terrorism
- (3) Vicarious liability is based on the principle laid down in the maxim of :
- (a) Injuria sine damnum
 - (b) Respondent Superior
 - (c) Res Ipsa Loquitor
 - (d) Ex trupi causa sua
- (4) Defamation may be :
- (a) Constitutional or unconstitutional
 - (b) Libel or Slander
 - (c) Legal or Illegal
 - (d) All of the above
- (5) 'Res Ipsa Loquitor' means :
- (a) Superior person will be responsible

- 9. State the different ways by which Tortious Liability can be discharged.
- 10. Write note on Sovereign Immunity of State.
- 11. Discuss the historical background of Consumer Movement in India.

(b) Rs. 50 Lacs

(c) Rs. 1 Crore

(d) Rs. 5 Crore

(10) An appeal can be filed to National Commission from State Commission, within :

(a) 15 days

(b) 30 days

(c) 90 days

(d) 120 days

(11) Consumer Protection Act came into force in the year :

(a) 1985

(b) 1986

(c) 1987

(d) 1988

(12) Where is the National Commission located ?

(a) Mumbai

(b) Kolkata

(c) Nagpur

(d) Delhi

(13) District Consumer Forum is constituted of :

(a) One President and one member

(b) One President and two members

(c) One President and three members

(d) One President and four members

(14) Definition of 'consumer' is provided under section :

(a) 2 (1) (b)

(b) 2 (1) (d)

(c) 2 (1) (c)

(d) 2 (1) (e)

(15) Jurisdiction of the State Commission is prescribed under :

(a) Section 15

(b) Section 16

(c) Section 17

(d) Section 18

SECTION—B

(Short Answer Questions)

2. Attempt any **THREE** of the following. Each question carries **5** marks :— 3×5=15

(a) State the object and reasons of Consumer Protection Act.

- (b) Vis major.
 - (c) Discuss volenti non fit injuria.
 - (d) 'Consumer' — define.
3. Attempt any **THREE** of the following, each question carries **5** marks :— 3×5=15
- (a) Right to safety
 - (b) State defences available for tortious liability
 - (c) Discuss composition of a district forum
 - (d) Libel and Slander

SECTION—C (Marks : 5×8=40)

(Long Answer Questions)

- 4. Explain about the deficiency in public utility services.
- 5. Explain the composition, jurisdiction and power of State Commission under Consumer Protection Act.
- 6. Discuss the essentials required to constitute a tort.
- 7. Explain the rule of strict liability with landmark case law in detail.
- 8. Explain the principle of negligence laid down in Donoghue *vs* Stevenson.

- (b) The things speak for itself
 - (c) Act of God
 - (d) Where there is a right there is a remedy
- (6) The principle of 'Absolute Liability' settled in :
- (a) M.C. Mehta *vs* UOI
 - (b) Ashby *vs* White
 - (c) Ryland *vs* Fletcher
 - (d) Donoghue *vs* Stevenson
- (7) 'Unliquidated damages' means :
- (a) Damages which are not in liquid form
 - (b) It is in kind — award of damages
 - (c) Damages not pre-decided
 - (d) None of the above
- (8) The action to sue dies with person explained through the maxim :
- (a) Actus facit nisi men sit rea
 - (b) Actio personalis moritur cum person
 - (c) Absolute liability
 - (d) Injuria sine damnum
- (9) Original jurisdiction of State Forum does not exceed :
- (a) Rs. 20 Lacs