

KNT/KW/16/6956

B.A.LL.B. Five Years Course Semester–III (C.B.S.) Examination**LAW OF TORTS AND CONSUMER PROTECTION ACT****Course Code–3.6****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.

SECTION–A**(Multiple Choice Questions)**

Note :— This section contains **one** question having subquestions carrying **1** mark each.

1. Attempt any **ten** of the following :
 - (i) Which of the following interest is not protected by the law of tort ?
 - (a) Reputation
 - (b) Physical safety
 - (c) Loss of commercial profit due to competition
 - (d) Peaceful enjoyment of one's land
 - (ii) What is meant by the term 'actionable per se' ?
 - (a) Actionable only in civil court
 - (b) Actionable without proof of damage
 - (c) A tort of strict liability
 - (d) Actionable at the instance of injured party only
 - (iii) What is the primary object of the law of Tort ?
 - (a) To punish the wrongdoer
 - (b) To seek performance of contract from the parties
 - (c) To clarify human rights of parties
 - (d) To compensate the injured party
 - (iv) Absolute liability principle has been laid down in _____.
 - (a) Rylands V. Fletcher
 - (b) M.C. Mehta V. Union of India
 - (c) Indian council for Enviro-legal Action V. Union of India
 - (d) K. Nagireddi V. Govt. of AP

- (v) When the negligence of two or more persons results in same damage, it amounts to _____.
 (a) Contributory negligence (b) Composite negligence
 (c) Common negligence (d) None of the above
- (vi) In an action for negligence, the plaintiff must prove _____.
 (a) Breach of duty (b) Actual injury
 (c) Causation (d) All the above
- (vii) In which of the following case trespass to land is not possible ?
 (a) Surface of land (b) Building erected on land
 (c) Subsoil to reasonable depth (d) Airspace above land to unlimited height
- (viii) The pecuniary jurisdiction of the district forum under Consumer Protection Act is :
 (a) One Lakh (b) Twenty Lakhs
 (c) One Crore (d) Twenty Crores
- (ix) Which of the following is not an absolute defence to an action for defamation ?
 (a) Justification (b) Fair comment
 (c) Privilege (d) Consent
- (x) The limitation period prescribed under Consumer Protection Act for filing a complaint is _____.
 (a) 3 yrs from date of cause of action (b) 2 yrs from date of cause of action
 (c) 1 yr. from date of cause of action (d) None of the above
- (xi) Res ipsa loquitur means _____.
 (a) Duty of care exists (b) Facts speak for themselves
 (c) Damages relate to loss suffered (d) A guilty mind exists
- (xii) Which of the following is not the disqualification for appointment as a member of District Forum ?
 (a) Convicted and sentenced to imprisonment for an offence which involves moral turpitude
 (b) Discharged insolvent
 (c) Dismissed from service of government
 (d) In opinion of state government has financial interest
- (xiii) Tortious liability of principal for the wrong of his agent is _____.
 (a) Joint only (b) Several only
 (c) Joint and several (d) Direct

- (xiv) The National Commission shall consist of its President and at least _____ other members.
- (a) Three (b) Four
(c) Two (d) Five
- (xv) Every person who fails to comply with the order of the district forum shall be punishable with imprisonment for a minimum duration of one month and maximum of three years.
- (a) True (b) False
(c) Partially false (d) None of the above
- 1×10=10

SECTION-B

(Short Answer Questions)

Note :- Both the questions in this section are compulsory. Each question carries **15** marks.

2. Write short notes on any **three** of the following :
- (i) Damnum sine Injuria
(ii) Falsification of Trade Marks
(iii) Deficiency in services
(iv) Unliquidated damages.
- 5×3=15
3. Attempt any **three** of the following :
- (i) Who is a consumer under Consumer Protection Act ?
(ii) Differentiate between public and private nuisance.
(iii) Write a note on the composition of District Consumer Disputes Redressal forum.
(iv) Explain in brief the maxim 'Actio personalis moritur cum persona'.
- 5×3=15

SECTION-C

(Long Answer Questions)

Note :- Attempt any **five** questions. Each question carries **8** marks.

4. Explain the doctrine of volent non fit injuria along with its exceptions.
5. Discuss the composition and powers of state commission.
6. Explain vicarious liability of the state with the help of case law.
7. Elaborate the rule laid down in Rylands V. Fletcher case and state its exceptions.
8. What are the essentials of defamation ? Differentiate between libel and slander.
9. Give the historical perspective of Consumer Movement in India.
10. Discuss the salient features of the Consumer Protection Act.
11. Differentiate between restrictive trade practices and unfair trade practices.
- 8×5=40