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3 SEM LLB(N) 3 TORT

2011

(December)

**LAW OF TORTS INCLUDING MV
ACCIDENT ACT AND CONSUMER
PROTECTION ACT**

Paper : 303

(New Course)

Full Marks – 80

Pass Marks – 32

Time – Three hours

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

GROUP - A

Answer question No. 1 and any *two* from the rest .

1. Explain any two of the following : $5 \times 2 = 10$

- (a) Malice in fact
- (b) Remoteness of damages
- (c) Volenti non-fit injuria
- (d) Profit a *Prendre*.

2. "All torts are civil injuries, but all civil injuries are not torts". Explain the statement mentioning the essential characteristics of a tort. 15
3. What is meant a 'Strict liability' ? Explain it with the help of a leading case. 5+10=15
4. What do you mean by fair comment ? Explain the conditions that must be satisfied by a person, who raises his defence in an action of defamation. 5+10=15
5. What is defamation ? What defences are available to a defendant in an action for defamation. 5+10=15

GROUP – B

Answer question No. 6 and any *two* from the rest.

6. How is a motor accident claims Tribunal Constituted ? Discuss its functions in disposing of accident claims. 10
7. Discuss the composition and objects of consumer protection councils. Is it compulsory to constitute consumer protection councils under the C.P. Act ? Are the functions helpful to the consumers ? 10+3+2=15

8. (a) Explain what do you mean by 'Right to consumer education' under the C.P. Act ?

(b) When the orders passed by the Consumer Redressal Agencies become final ? Explain.

8+7=15

9. Discuss the procedure adopted by the district forum when a complaint has been filed before it for adjudication. 15

10. Discuss the facts of the case and the decision given in the following case :

Grant

Vs

Australian Knitting mills Ltd.—(1936) A.C 85

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