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**3 SEM LLB LoT 3 (N)**

**2017**

(December)

**LAW**

**(Law of Torts, M.V. Act and  
Consumer Protection Act)**

Paper : 3·3

Full Marks : 80

Time : Three hours

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

1. State whether the following statements are true **or** false. 1×10=10
  - (a) The law of tort owes its development to judicial pronouncements.
  - (b) Tort infringes the right in rem.
  - (c) Libel is the publication of a defamatory statement in transient form.
  - (d) Under tort damages may be liquidated.

- (e) All civil wrongs are tort.
- (f) The tortious liability stands discharged if the plaintiff dies.
- (g) As far as private defence concerned it is not available in tort.
- (h) There are many exceptions to absolute liability.
- (i) Private nuisance is a crime.
- (j) Act of God arises out of working of natural forces.

2. Answer briefly within **3-4** lines each of the following questions: 2×5=10

- (a) The Innuendo
- (b) Mention *two* differences between tort and crime.
- (c) What is false imprisonment in tort?
- (d) What is *res ipsa loquitur*?
- (e) What is Malice-in-fact?

3. Define Tort. Explain the concept of *Injuria sine damno* and *Damnum sine injuria* with the help of illustrative cases.

2+5+5=12

**Or**

Explain *Volenti non fit injuria* with suitable examples. What are its limitations?

8+4=12

4. What is Rylands Vs Fletcher rule? What are its exceptions?

“Nature of Strict liability has been changed into Absolute liability”.

Explain in brief with the help of case law in India.

4+4+4=12

**Or**

What is Vicarious liability? State the circumstances when master can be held liable for the acts of his servants.

3+9=12

5. Defamation consists in the publication of a false and defamatory statement respecting another person without lawful justification or excuse”. Explain the statement. What is absolute and qualified privilege?

8+4=12

**Or**

Explain Assault and Battery with suitable examples.

6+6=12

6. Define Negligence. Explain the essential ingredients of negligence in the context of care, duty to take care, carelessness.

2+10=12

**Or**

Define Nuisance and its kinds. What are the main essentials of Nuisance in tort?

4+8=12

7. Who can apply for compensation arising out of an accident? Can an appeal be made if aggrieved by the award of the claim Tribunal?

What are the provisions for 'hit and run' case?

6+2+4=12

**Or**

Write short notes on :

4+4+4=12

- (a) Consumer
  - (b) Complaint
  - (c) Unfair Trade Practice.
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