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3 SEM LLB LoT 3(N)

2015

(December)

LAW

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

Paper : 3·3

(New Course)

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) Tort is a violation of a right in personem.
 - (b) *Volenti non fit injuria* is a defence in an action for torts.

- (c) The liability by ratification arises where the defendant has ratified the particular wrongful act or omission.
- (d) In case of strict liability a person shall be held responsible only if he was negligent.
- (e) Trespass to goods is actionable *per se*.
- (f) In malicious prosecution, damage is not the only remedy.
- (g) Public nuisance is offence, private nuisance is a civil wrong.
- (h) The maxim "*res ipsa loquitur*" is a rule of evidence.
- (i) Consumer has right to consumer education under Consumer Protection Act, 1986.
- (j) Complainant may be a consumer or any voluntary consumer association.

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

- (a) Mention the persons who cannot be sued ?

(b) What is the “doctrine of absolute liability” ?

(c) What is *trespass ab initio* ?

(d) What is contributory negligence ?

(e) Mention *two* objectives of passing the Motor Vehicle Act.

3. What do you mean by “tort” ? Discuss the constituents of tort. How do you distinguish tort from crime ? $3+5+4=12$

Or

Elucidate the general defences in tort. 12

4. State the circumstances where master is liable for the act of his servant. Are there any exception ? If yes, explain.

$5+2+5=12$

Or

What is strict liability ? Discuss the various essentials and defences of strict liability.

$3+5+4=12$

- ✓ 5. Explain the concept of assault and battery.
Distinguish between assault and battery.

7+5=12

Or

- (a) Explain the concept of 'Innuendo' with suitable case laws. 5
- (b) Elucidate the essential ingredients of defamations, along with defence for an action of defamation. 7
6. "Negligence is the complex concept of duty to take care, its breach and consequential damage"— Explain the statement. 12

Or

What are the differences between Private Nuisance and Public Nuisance ? What are the remedies against private nuisance to the aggrieved ? 7+5=12

7. Who are entitled to file a complaint in the District Forum ? Explain the manner of filling such a complaint. 6+6=12

Or

How is a Motor Accident Claim Tribunal constituted ? Discuss its functions in disposing of accident claims. 12
