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3 SEM LLB LoT 3 (N) ✓

2016

(December)

LAW

Paper : 3.3

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

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 civil as well as criminal wrong.
 - (b) Mental condition of the wrong doer at the time of wrong doing is relevant to torts based on fault.
 - (c) Act of God is a valid defence to the rule of strict liability.

- (d) The nature of joint tort-feasors is joint but not several.
- (e) Every continuance of trespass gives rise to a fresh cause of action for trespass.
- (f) Private nuisance is actionable in tort only on proof of special damage suffered by plaintiff.
- (g) The infliction of bodily restraint which is not expressly authorised by the law is false imprisonment.
- (h) Consumer does not have the right to consumer education under Consumer Protection Act, 1986.
- (i) The maxim "caveat emptor" means seller beware.
- (j) Right to claim compensation on the basis of no fault liability is in addition to the principles of fault liability in Motor Vehicles Act, 1988.

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

- (a) What is nova causa interveniens ?
- (b) What is public nuisance ?
- (c) What is the personal capacity of minors ?

(d) State two differences between false imprisonment and malicious prosecution.

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

3. What do you mean by 'tort' ? Discuss the constituents of tort. State the difference between tort from a breach of contract. $3+5+4=12$

Or

Explain the justification of torts. 12

4. What is vicarious liability ? What do you mean by the "Doctrine of Common Employment" ? $8+4=12$

Or

Elaborate the essentials and defences of the rule laid in Rylands vs. Fletcher case. $6+6=12$

5. What is trespass to land and trespass ab-initio ? State the remedies and defence to an action of trespass to land. $3+3+3+3=12$

Or

Explain the concept of libel and slander. Under what circumstances slander becomes actionable per se ? $3+3+6=12$

6. Write short notes on :

6+6=12

(a) Res Ipsa Loquitor

(b) Contributory negligence.

Or

Explain the various kinds of remedies available in tort. 12

7. Define complainant. What do you understand by the term "Unfair Trade Practice" ? Can it be a ground for filling a consumer complaint, under the Consumer Protection Act ? 2+7+3=12

Or

Explain briefly the necessity of insurance against third party risk, as enumerated in the Motor Vehicles Act, 1988. 12