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(July)

TORT AND CONSUMER PROTECTION ACT

Paper : 303

Full Marks : 80

Time : 3 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. Briefly explain any *two* of the following :

5×2=10

- (a) Profit a prendre
- (b) Contributory negligence
- (c) Malice in fact
- (d) Act of God

2. "All torts are civil injuries, but all civil injuries are not torts." Explain the statement and bring out the essential characteristics of a tort. 15
3. Distinguish between the following : $5 \times 3 = 15$
- (a) Libel and Slander
 - (b) Assault and Battery
 - (c) Public nuisance and Private nuisance
4. What do you mean by 'volenti non fit injuria'? Explain the limitation of the doctrine of 'volenti non fit injuria'. $5 + 10 = 15$
5. Discuss the facts of the case and the decisions given in the following case : 15

Suoma Mitra

vs.

Madhya Pradesh State Road

Transport Corporation

(AIR 1974, MP 68)

Or

What is the liability of owners and occupiers of real property to the outsiders?

15

GROUP—B

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

- 6.** Explain any *two* of the following : 5×2=10
- (a) Complainant
 - (b) Restrictive Trade Practice
 - (c) Spurious goods and services
 - (d) Deficiency
- 7.** Narrate the scope and objectives of the Consumer Protection Act, 1986. 15
- 8.** Give short answers of the following :
- (a) Who can file a complaint in the district forum? 6
 - (b) What is the limitation period for filing a complaint before a district forum? Can this be extended? 5
 - (c) What remedial step may be adopted by the district forum to neutralise the effect of misleading advertisement? 4
- 9.** (a) *M* files a bogus and vexatious complaint against *N*. Can *M* be imposed penalty for such act? If so, mention the provision as in the Consumer Protection Act, 1986 in this regard. 8

(b) When do the orders passed by the Consumer Redressal Forums become final?

7

10. Write a note on the composition of the National Commission, referring to the eligibility and disqualification of its members.

7+4+4=15

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