

Total number of printed pages—4

3 SEM LLB 3 TCPL

2008

(June–July)

TORT AND CONSUMER PROTECTION ACT

Paper : 303

Full Marks : 80

Time : Three hours

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

GROUP – A

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

1. Explain the following *any two* : 5×2=10
- (i) Vicarious liability
 - (ii) Unliquidated damage
 - (iii) Inevitable Accident
 - (iv) Misfeasance.

2. "The basic ingredients of tort are injury and damage, due to failure to observe duty imposed by law". Explain the statement in the light of the appropriate maxims. 15
3. Distinguish between the following : 3×5=15
- (a) Absolute privilege and qualified privilege
 - (b) Intention and motive
 - (c) Tort and Crime.
4. Give the meaning of trespass and explain the concept of 'trespass ab initio' with illustration. 5+10
5. What is meant by 'strict liability'? Explain it with the help of a leading case. 5+10

Or

Discuss the facts of the case and the decisions of the following case

Khagendro Nath Kalita

Vs

Jadav Chandra Patgiri

(1976 RL 379)

GROUP - B

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

6. Briefly explain *any two* of the following :

5×2=10

- (i) Appropriate Laboratory
- (ii) Consumer
- (iii) Manufacturer
- (iv) Vexatious Complaint.

7. Answer the following :

5×3=15

- (a) What should be the contents of complaint filed in the District Forum ?
- (b) What are the disqualifications of a person for appointment as a member of a State Commission ?
- (c) Mention the number of members of the National Commission, their age of retirement and the provision of re-appointment for another term.

8. Discuss the composition of the State Commission with reference to its pecuniary, original and appellate jurisdiction.

15

9. Distinguish between the following : $5 \times 3 = 15$

- (i) Purchase for commercial use and purchase for earning one's livelihood
- (ii) Service free of charge and contract of personal service
- (iii) Unfair Trade Practice and Restrictive Trade Practice.

10. Explain deficiency of service giving appropriate illustration and answer the following problem :

A appeared in B.A. Examination held by a University, the opponent. A was declared as failed. On enquiries made thereafter, A has been declared pass in his B.A. Examination in the revised result. A filed a complaint contending deficiency in service on the part of the university as result of which A lost one year in his career. Is this a case of consumer dispute ? Give answer. $10+5$

Or

Discuss the facts of the case and the decisions given in the following case –

Grant Vs. Australia Knitting Mills Ltd.

(1936) AC 85