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3 SEM LLB 3 TORT & CP

2010

(July)

TORT AND CONSUMER PROTECTION ACT

Paper : 303

Full Marks - 80

Time - Three hours

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

GROUP - A

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

1. Explain briefly any *two* of the following :

5×2=10

- (a) Contributory negligence
- (b) Malice in fact
- (c) Inevitable accident
- (d) False imprisonment.

2. What is the meaning of the term Tort ? Discuss the definitions of 'Tort' as given by various jurists with special emphasis to the definition as given by Sir Frederick Pollock. 3+12=15

Or

(a) What is the main distinction between Tort and Crime ? 10

(b) Is it necessary that, to constitute a crime an act must be tort ? Discuss. 5

3. Distinguish between : 5+5+5=15

(a) Malice in fact and malice in law

(b) Intention and motive

(c) Injuria sine damno and damnum sine injuria.

4. Give the meaning of vicarious liability. Mention the circumstances under which a master is liable for the act of his servants. 5+10=15

Or

Discuss the facts and the decisions of the case : 15

Khagendra Nath Kalita

Vs.

Jadav Chandra Patgiri

(1979 LR 379)

GROUP - B

Attempt question No. 5 and any *two* from the rest.

5. Briefly explain any *two* of the following : 5×2=10
- (i) Appropriate laboratory
 - (ii) Complaint
 - (iii) Manufacturer
 - (iv) Unfair trade practice.
6. (a) Who can file a complaint before the District Forum ? 5
- (b) Explain the procedure of taking up a complaint before the District Forum. 5
- (c) What orders can be passed by a District Forum ? 5
7. What do you mean by 'Right to Consumer Education', under the Consumer Protection Act ? Discuss. 15
8. (a) Has any limitation period been prescribed in the Consumer Protection Act, for filing a complaint in the Consumer Redressal Forums ? Explain, if there is any scope to entertain any complaint beyond the prescribed limitation period. 4+4=8

(b) "The objects of the 'Central Consumer Protection Council' are to protect and safeguard the interests of the consumers at large and also to provide them certain rights." Explain. 7

9. (a) Can an appeal be filed against the orders of the National Commission? If yes, when and where? 7½

(b) When the orders passed by the Consumer Redressal Agencies become final? Explain. 7½