

2019

**LAW OF TORTS INCLUDING MOTOR VEHICLES ACCIDENT AND
CONSUMER PROTECTION LAWS**

Fifth Paper

Full Marks : 80

The figures in the margin indicate full marks.

*Candidates are required to give their answers in their own words
as far as practicable.*

Answer **any two** questions.

1. (a) "All wrongs are not torts." — Explain.
(b) Is it Law of Tort or Law of Torts?
(c) Distinguish between Tort and Breach of Contract. 15+10+15
2. Discuss the rule of "Strict Liability" with decided case Laws. 40
3. Explain the following maxims : 20×2
 - (a) Damnum Sine Injuria
 - (b) Injuria Sine Damnum.
4. (a) Explain the term "Vicarious Liability".
(b) Discuss the liability of Master for injury caused by a servant to a stranger and a fellow servant.
(c) "A servant is to be distinguished from an independent contractor." — Explain. 10+20+10
5. (a) Discuss the essentials for Defamation.
(b) Discuss the defences for Defamation. 15+25
6. Write notes on **any four** : 10×4
 - (a) Trespass to Goods
 - (b) Malicious Prosecution
 - (c) Inevitable Accident
 - (d) Contributory Negligence
 - (e) Act of God
 - (f) Extra-Judicial Remedies.

Please Turn Over

7. Discuss the historical perspective of enactment of Consumer Protection Act. 1986. 40
8. Explain the following (*any four*) : 10×4
- (a) Complainant
 - (b) Manufacturer
 - (c) Consumer
 - (d) Deficiency in service
 - (e) Unfair Trade Practice
 - (f) Appropriate Laboratory.
9. Examine “No Fault Liability” in respect to hit and run cases under Motor Vehicles Act. 40
10. Write notes on *any four* : 10×4
- (a) Motor Vehicle
 - (b) Third Party Risks
 - (c) Provisions of Compensation under Motor Vehicle Act.
 - (d) Partial disablement
 - (e) Private Service Vehicle
 - (f) Public Service Vehicle.
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