

2021

## LAW

## (Law of Tort)

Paper No. 1:2

Full Marks : 100

Pass Marks : 40

Time : 3 hours

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

*Answer six questions, selecting two from each group,  
question no.1 and 6 are compulsory*

## GROUP – A

1. Write short notes on *any three* of the following: **3x6**
- Public and private nuisance
  - The rule of Res ipsa loquitur
  - Rule in Merryweather vs. Nissan
  - Distinction between assault and battery and the defences to an action for assault and battery
  - Difference between torts and contract
2. Define torts. Also explain the general conditions of liability in torts with cases. **16**
3. What do you understand by vicarious liability? Explain the principles on which vicarious liability is based upon. Also illustrate the special relationship of master and servant, principal and agent and company and its directors where vicarious liability arises. **4+5+7**

(Please turn over)

4. Define defamation. Explain the kinds of defamation in details. What are the defences available in an action for defamation? **5+5+6**
5. Exhaustively explain the provision of no fault liability under the Motor Vehicles Act. How is the motor accident claims tribunals establish? Explain the composition and powers of this authority. **6+5+5**

## GROUP – B

6. Write short notes on the followings: **3x6**
- Complaint and complainant
  - Unfair trade practice
  - Aims and objective of Consumer Protection Act
7. Which provision of the Act Establishes the District Forum? Explain in details the composition and jurisdiction of District Forum. **8+8**
8. Explain the procedure on admission of complaint by the National commission. What are the remedies granted by the National commission on being satisfied that the goods complained against suffers from any of the defects specified in the complaint? **8+8**
9. Discuss the provisions of the Consumer Act dealing with dismissal of frivolous or vexatious complaints and the penalties provision for not complying to any order made by the consumer disputes redressal agencies, also discuss the appeal provision against the said order. **16**
10. State the facts in detail and principles of law laid down in –  
*Santokh Singh*  
Vs  
*Divisional Engineer, Telephone Shillong*  
*AIR 1990 GAU 47* **16**

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