

2023

LAW

[Law of Tort (including the motor vehicle Accident and consumer protection Law)]

Paper No. 1:2

Full Marks : 100

Pass Marks : 40

Time : 3 hours

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The figures in the margin indicate full marks for the questions

Answer six questions, selecting three from each half, question no.1 and 6 are compulsory

FIRST HALF

1. Write short notes on *any three* of the following: 3x6
- a) Salmond's definition of torts
 - b) Intention and motive
 - c) Remedies for torts
 - d) Assault, Battery and Mayhem
 - e. Malicious prosecution
2. Answer any two of the following: 8x2
- a) General conditions of liability in torts
 - b) Defence to liability in torts
 - c) Discharge of torts

(Please turn over)

3. What do you understand by the term vicarious liability? Explain the principles on which the doctrine is based upon. Also explain the mode of vicarious liability arising out of special relationship. **3+5+8**
4. Write short answer on the following: **4+4**
- a) Torts relating to immovable property and torts relating to movable property.
 - b) Negligence and contributory negligence
5. Explain the "doctrine of no fault liability" under the Motor Vehicle Act, 1988. Also explain the provisions as to other right to claim compensation for death or permanent disablement. **8+8**

SECOND HALF

6. Write short notes on any three of the followings: **6x3**
- a) Consumer and consumer rights
 - b) Product manufactures and product seller
 - c) Consumer Protection Councils
 - d) Powers of Central Consumer Protection Authority
 - e) Consumer mediation cell
7. Explain the manner in which complaint shall be made before the District Consumer Dispute Redressal Commission and the procedure on admission of complaint. **6+10**

(Please turn over)

8. What is the composition of National Commission? Ex-plain their jurisdiction. Also explain the procedure relating to findings of National Commission and appeal against order of National Commission. 16
- 9 Write a short note on the following: 8+8
- a) Product liability
b) Offences and penalties
10. State the facts and principles of law laid down in –
Indian Medical Association
Vs
V.P. Shanta
(1995) 6 SCC 651 16

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