

2017

## LAW

(Torts and Consumer Protection Law)

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 three from each group,  
question no.1 and 6 are compulsory*

## FIRST HALF

1. Write short notes : (*any three*) 3x6
- a) Rule of liability in Rylands V. Hetcher
  - b) Ubi jus ibi remedium
  - c) Res ipsa loquitur
  - d) Malicious criminal prosecution
  - e) Remoteners of damage
2. What is tort as defined by Salmond? Explain the distinct factors which are essential to constitute a tort according to Salmond. Give two more definitions of tort as given by other jurists. 4+8+4
3. Ordinarily all persons are competent to sue and be sued in tort. Enumerate the persons who cannot sue on account of their personal disability and the persons who cannot be sued in tort. 16

*(Please turn over)*

4. Explain the conditions under which a person is exempted from tortious liability. 16
5. What is vicarious liability? Explain the principles on which vicarious liability is based. What are the conditions to be fulfilled in order that the master may be held liable for the tort of his servant? 4+8+4

SECOND HALF

6. Write short notes : (*any three*) of the followings: 3x6
- a) Consumer
  - b) Complaint
  - c) Defect and deficiency
  - d) Unfair trade practice
  - e) Rights of the consumers
7. What are the Consumer Disputes Redressal Agencies established under the Consumer Protection Act, 1986? What are the conditions to be fulfilled for the District Forum to have jurisdiction to entertain consumer disputes? Is there any limitation period for the Agencies to admit a complaint? 6+6+4
8. What reliefs/remedies can be granted by the District Forum after a satisfactory adjudication of a consumer dispute? How are the orders of the consumer Disputes Redressal Agencies enforced? 10+6
9. Discuss the provisions of the Consumer Protection Act dealing with the dismissal of frivolous or vexatious complaints and the liability of the complainant or the complainant, if he fails or omits to comply with any order made by the District Forum, the State Commission, or the National Commission? 8+8
10. State the fact and principles laid down in- a medical negligence case law. 16

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