

9(LL.B)H

B.A.(LL.B)H/1st Sem./105/18

2018

Law of Torts

Paper - 105

(NEW SYLLABUS)

Full Marks : 80

Time : 3 Hours

*The figures in the right-hand margin indicate marks.*

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

Answer any **five** questions taking any **three** from Group-A and any **two** from Group-B.

**GROUP-A**

1. Whether it is law of tort or law of torts?—Discuss. Trace the historical development of law of torts and its applicability in India. 8+8=16
2. What do you mean by vicarious liability? Discuss the cases when the principal is vicariously liable for the tort committed by his agent. 16
3. "All torts are civil wrongs, but all civil wrongs are not torts"—Explain. Distinguish between tort and crime. 10+6=16

[Turn over]

4. What are the essentials of nuisance? What are the effectual defences to the tort of nuisance?  
12+4=16

5. Distinguish between strict and absolute liability. How the rule of absolute liability is applicable in India?  
10+6=16

6. Write short notes (any four):  
4×4=16

- a) Volenti non fit injuria
- b) Res ipsa loquitur
- c) Reasonable foreseeability
- d) Composite negligence
- e) Injuria sine damno
- f) Malice

#### GROUP-B

7. Who is 'consumer' under Consumer Protection Act, 1986? Discuss the composition, powers and Jurisdiction of State Consumer Dispute Redressal Commission.  
4+12=16

8. Write short notes (any **four**): 4×4=16

- a) Complaint
- b) Consumer dispute
- c) Goods
- d) Restrictive trade practice
- e) Appropriate laboratory
- f) State Consumer Protection Council

9. What do you mean by liability under M. V. Act, 1988. Is there any situation where one may be made liable without any fault? Discuss in the light of M. V. Act, 1988. 16

10. Discuss the composition, power and jurisdiction of National Consumer Dispute Redressal Commission. 16