

**2021**

**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 five** questions.

1. (a) Define law of torts.  
(b) Is it the law of tort or the law of torts? 8+8
2. (a) What are “damages”, particularly unliquidated damages?  
(b) Discuss the defences for defamation. 8+8
3. (a) Explain the essentials of law of torts.  
(b) You establish a school and charge Rs. 1,000/- per year as fees. Another school is set up near your school, and competition forces you to reduce your fees to Rs. 500/-. Do you have a remedy in law? 8+8
4. (a) What kind of relationship can be said to be a master servant relationship?  
(b) Explain vicarious liability of State with the help of *State of Rajasthan v. Vidyavati, AIR 1962 SC 933*. 8+8
5. (a) Distinguish between Public Nuisance and Private nuisance.  
(b) Discuss the doctrine of contributory negligence with the help of case law. 8+8
6. (a) Discuss the jurisdiction and functions of District Consumer Forum.  
(b) What do you mean by complaint? Who can be a complainant under the Consumer Protection Act, 1986? 8+8
7. (a) Define Motor Vehicle under Motor Vehicles Act, 1988. Who can apply for compensation and where the application for compensation will be filed?  
(b) Discuss “Hit and Run Away Cases” under Motor Vehicles Act, 1988. 8+8

**Please Turn Over**

- 8.** Write a short notes on *any four* of the following: 4×4
- (a) Defamation
  - (b) Trespass to land
  - (c) Damnum Sine Injuria
  - (d) Injuria Sine Damno
  - (e) Act of God
- 9.** (a) Discuss the rule in Rylands v. Fletcher. How is the rule of strict liability different from the rule of absolute liability? 8+8
- (b) State the exceptions to the rule in Rylands v. Fletcher.
- 10.** (a) Discuss the defences for Trespass. 8+8
- (b) Discuss the Trespass ab initio with decided case laws.
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