

HONS. 03 / 005 / 22

B.A.LL.B., (Hons.) DEGREE THIRD SEMESTER EXAMINATION, NOVEMBER 2022
REMEDIES IN TORT AND LAW OF MOTOR VEHICLE ACCIDENTS AND
CONSUMER PROTECTION

Duration: 3 HOURS

Maximum Marks: 50

Answer ANY FIVE questions. Each question carries TEN marks (5x 10 =50 Marks)

1. Are damages an effective remedy in tort law? Why do damages come in different types?
2. Do you support the need for extra-judicial remedies? What are the extra-judicial remedies tort law is familiar with?
3. Is the current consumer protection law the panacea to the issues of consumers today? Do you see need for changes in the existing legislation?
4. Elaborate on the composition, powers and functions of the three-tier commissions (judicial organs) constituted under the 2019 Consumer Protection Act
5. B visits a restaurant with her family of three children and her spouse. They are all served welcome drinks even before the order is placed. While they finish their welcome drink and discuss among themselves what dishes are to be ordered, B receives a call on her phone from her mother saying that B's father had collapsed at their ancestral house. The whole family rush out of the restaurant to B's ancestral house without ordering their dishes. B's father is taken to the hospital and undergoes immediate treatment for a cerebral haemorrhage and is admitted to the hospital's Neuro ICU immediately after arrival. B and her family suffer a serious bout of vomiting and diarrhoea a few hours later at the hospital and they are also admitted at the hospital, thus necessitating her aged mother to look after the affairs of her 80-year-old father. On a suspicion raised by the treating doctors that the welcome drink might have caused the vomiting and diarrhoea, B, while still at the hospital informs the health and municipal authorities about her suspicion regarding contaminated welcome drink at the restaurant and the authorities on inspection found the pre-prepared welcome drink to harbour dangerous salmonella and e-coli bacteria. The authorities only impose fine on the restaurant, since the other food were consumable and fresh. B files a complaint before the District Commission seeking Rupees 5 lakhs as compensation under various heads. The restaurant disputes the fact that B was a consumer. Decide. Also mention under what all heads can B claim the damages of Rupees 5 lakhs and also justify B's claim for Rupees 5 lakhs.

6. Describe the necessity and procedure for registration and renewal of registration of vehicles in India.
7. What are the acts prohibited under the Motor Vehicles Act? How are they punished and what are their penalties?
8. Have the motor vehicle legislations over the years by themselves ensured safe and clean roads, proper manufacture and use of vehicles, non-commission of prohibited acts and offences, law-abiding and responsible vehicle drivers / users and active governments? Substantiate. Do you have any suggestions in this regard?
