

B.A. ,LL.B (HONS.) DEGREE THIRD SEMESTER EXAMINATION, DECEMBER 2020

REMEDIES IN TORT AND LAW OF MOTOR VEHICLE ACCIDENTS AND CONSUMER PROTECTION

Question carries TEN marks

Module 1 (Time 10 a.m-10.45 a.m (35 minutes for writing and 10 minutes for uploading)

1. a) Is injunction a statutory remedy or an equitable remedy ? When would a court in India grant injunction in India ?

OR

b) P and Q were security personnel of a property belonging to a company containing multiple bore wells, whose primary duty was to prevent outsiders from entering the property . P and Q let a group of children enter the property after directing the children to stay away from the wells, since they felt that the children, considering their age, would not cause any damage to the property. Two children while running around the property fall in a bore well and are seriously injured, seriously affecting them physically and psychologically. Their parents sue the Company, its Managing Director and the two security personnel, seeking compensation among other grounds, damages for prospective loss of highly qualified employment stating that the two children were good at studies and would have become and made excellent professionals in future. They also seek aggravated damages among other damages. Will they succeed ?

Module 2 Time 10.45 a.m-11.30 a.m (35 minutes for writing and 10 minutes for uploading)

2. a) A who returns from Canada with his family consisting of his wife and two children aged 22 and 25 after losing his job due to economic recession, purchases three cars of the same make from the same dealer for plying as cabs. Neither he nor his wife do not know how to drive a car. So A employs the services of three qualified drivers for the same. One of the cars suffers from some mechanical defect which is later identified as manufacturing defect. He files a complaint against the manufacturer and the dealer in the District consumer Commission (Forum). But the manufacturer and the dealer dispute the fact that A can

maintain such a complaint before the consumer courts. They also maintain that A is not even a consumer. Is their contention legitimate ?

OR

b) Why do you think the consumer movement and the consumer protection legislations took off in India ? Have the legislations served their purpose ?

Module 3(Time 11.30 a.m-12.15 p.m (35 minutes for writing and 10 minutes for uploading)

3. a) Compare the composition, powers and procedure of the District Forum (District Commission) under the 1986 and the 2019 consumer protection legislations.

OR

b) Write NOTES on BOTH of the following :

i) Consumer Protection Councils

ii) Mediation under the Consumer Protection Act, 2019

Module 4((Time 12.15 p.m-1.00 p.m (35 minutes for writing and 10 minutes for uploading)

4. a) Write notes on BOTH the following :

i) Necessity for a motor vehicles legislation in India.

ii) Provisions relating to registration of motor vehicles in the case of change of residence and transfer of ownership.

OR

b) How is licensing of drivers facilitated under the motor vehicles legislation ? What are the rules relating to the same ?

Module 5(Time 1.00 p.m-1.45 p.m (35 minutes for writing and 10 minutes for uploading)

5. a) Is the principle of no-fault liability a silent boon for the victim of an accident or a telling misfortune for the owner of the vehicle involved in an accident ? Give reasons for your answer.

OR

b) Describe the provisions relating to necessity of vehicular insurance as provided under the Motor Vehicles Act.
