

B.A. LL.B., (Hons.) DEGREE SECOND SEMESTER EXAMINATIONS, JULY 2018

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

Time: 3 Hours

Maximum Marks: 50

Answer ANY FIVE questions. QUESTION No: VIII is COMPULSORY.

Each question carries TEN marks

(5 x 10 = 50)

- I. Discuss the scope of damages as a remedy in torts. Highlight the factors necessary for grant of various types of damages with the aid of case laws.
- II. Examine how definition of the term 'consumer' has been reinterpreted over the years by the National Commission and the Supreme Court of India?
- III. What are the rules relating to licensing of drivers under the Motor Vehicles' Act?
- IV. Describe in detail the procedure for initiating a complaint before the consumer dispute redressal agencies. What are the reliefs that can be granted by the redressal agencies?
- V. Examine how issues of liability are redressed by way of insurance policies? Is there a difference in the approach of courts in dealing with fault and no-fault liability?
- VI. Trace the evolution and development of the Consumer Protection Act in India. Is the Act equipped to deal with issues of consumers in the modern world?
- VII. Write Short notes on
 - (a). Registration of motor vehicles
 - (b). State Commission and District Forum
- VIII. Raveena gave her car to a friend of hers, Mukul at his request for using the car to take his 15 year old son to the football stadium for his routine morning practice. On the way, Mukul who had a bad bout of fever the last night, feels ill and tells his son about his gradually worsening condition. His son immediately volunteers to drive the car to the hospital. En route to the hospital, his son drives the car into a pedestrian, who had without warning or any indication, jumped into the middle of the road, without watching either side of the road or the pedestrian signal which was then red. The pedestrian dies on the spot. His legal heirs sue the owner Raveena for compensation. She denies liability stating that she had entrusted the car to Mukul, a licensed and accomplished driver and any mishap that had occurred after that on account of the driving of the vehicle by an unlicensed and incompetent driver has to be solely attributed to Mukul since she had not permitted the car to be driven by a minor and since Mukul was the immediate custodian of the car and more so, because he was the parent of the unlicensed driver. She also says that the pedestrian was at fault for the accident. Will she succeed?