



Roll No.

**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF LAW

SET A

MID TERM EXAMINATIONS

Sem & AY: Odd Sem 2019-20

Date: 23.10.2019

Course Code: LAW 105

Time: 1:30PM to 3:30PM

Course Name: LAW OF TORTS AND CONSUMER PROTECTION ACT

Max Marks: 60

Program & Sem: BBA/BA/BCOM LL.B. (Hons.) & III

Weightage: 30%

Instructions:

- i. Read the questions carefully and answer all questions.
- ii. Support your answers with case laws and reasoning where needed.

Part A [Memory Recall Questions]

Answer all the Questions. Each sub Question carries five marks. (4Qx5M=20M)

1. Write short note on: (C.O.NO: 1) [Knowledge]
 - a. Trespass ab initio
 - b. Innuendo
 - c. Assault
 - d. Malicious Prosecution

Part B [Thought Provoking Questions]

Answer both the Questions. Each Question carries fifteen marks. (2Qx15M=30M)

2. Defamation is a public communication which tends to injure the reputation of another. What statements are defamatory and the span of defenses varies from jurisdiction to jurisdiction but there is common agreement in all jurisdictions that statements that are unflattering, annoying, irksome, embarrassing or hurt one's feelings are not actionable. Common element in all jurisdictions is the potential to injure the reputation.
 - a. Explain the concept of defamation with the help of above statement.
 - b. Mention the defences available in an action for defamation.

(C.O.NO.2) [Comprehension]

3. "A plaintiff falling in the category of secondary victim can be allowed damages for nervous shock if the conditions known as 'control mechanism' are satisfied."
- Who is primary victim and secondary victim in a case for nervous shock?
 - Describe how mental suffering amounting to a recognizable psychiatric illness, when not consequent to personal injury, is redressable with the help of case laws. (C.O.NO.2) [Comprehension]

Part C [Problem Solving Questions]

Answer both the Questions. Each Question carries five marks. (2Qx5M=10M)

4. Rupal drew some wine from Sanatan's drum and mixed some water with the remainder to make good the deficiency. Sanatan wants to bring an action against Rupal. Suggest Rupal. (C.O.NO.4) [Application]
5. Rohan is accused of theft. Some police officials entered to his house with warrant to arrest Rohan. Before arresting Rohan, the officials removed some important documents from Rohan's house without lawful authority. Rohan wants to bring a suit against the officials. Suggest Rohan. (C.O.NO.4) [Application]



SCHOOL OF LAW

Semester: Odd Sem 2019-20

Course Code: LAW105

Course Name: LAW OF TORTS AND CONSUMER PROTECTION ACT

Date:

Time: 2 Hours

Max Marks: 60

Weightage: 30%

Extract of question distribution [outcome wise & level wise]

Q.NO	C.O.NO (%age of CO)	Unit/Module Number/Unit /Module Title	Memory recall type	Thought provoking type	Problem Solving type [Marks allotted]	Total Marks
			[Marks allotted] Bloom's Levels	[Marks allotted] Bloom's Levels		
			K	C	A	
1	CO1-20	Module: 1: Torts affecting Person Module: 2: Torts affecting Property Module: 5: Torts affecting Reputation and Process of Law	20			20
2	CO2-15	Module: 5: Torts affecting Reputation and Process of Law		15		15
3	CO2-15	Module: 1: Torts affecting Person		15		15

5	CO4- 5	Module: 2: Torts affecting Property	Application		15	15
6	CO4- 5	Module: 2: Torts affecting Property	Application		15	15
	Total Marks	60				60

K =Knowledge Level C = Comprehension Level, A = Application Level

Note: While setting all types of questions the general guideline is that about 60%

Of the questions must be such that even a below average students must be able to attempt, About 20% of the questions must be such that only above average students must be able to attempt and finally 20% of the questions must be such that only the bright students must be able to attempt.

I hereby certify that all the questions are set as per the above guidelines. [Amlanika Bora]

Reviewer's Comments:

Annexure- II: Format of Answer Scheme



SCHOOL OF LAW

SOLUTION

Semester: Odd Sem 2019-20

Course Code: BAL204

Course Name: SOCIOLOGY OF INDIA

Date:

Time: 2 Hours

Max Marks: 60

Weightage: 30%

Part A

(4Qx 5M = 20Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
1.a	The term trespass refers to an act of intrusion into another person's	5	5

	<p>property. Ab initio is a Latin term meaning, "from the beginning." A person is said to have committed trespass ab initio, when s/he has abused the authority granted by law to enter a property or land</p>		
1.b	<p>An innuendo is where the extended defamatory meaning of the words arises from inference or implication. An innuendo may be based on a meaning that is inherent in the words themselves, or on some extrinsic facts that make otherwise innocent words defamatory.</p>	5	5
1.c	<p>Assault is the tort of acting intentionally, that is with either general or specific intent, causing the reasonable apprehension of an immediate harmful or offensive contact. Because assault requires intent, it is considered an intentional tort, as opposed to a tort of negligence. Actual ability to carry out the apprehended</p>	5	5

	contact is not necessary.		
1.d	Malicious prosecution is an abuse of the process of the court by wrongfully setting the law in motion on a criminal charge. In order to succeed the plaintiff must prove that there was a prosecution without any just and reasonable cause, initiated by malice and the case was decided in the plaintiff's favour.	5	5

Part B

(2Q x 15M = 30 Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
2	<p>a. A defamatory statement is a statement calculated to expose a person to hatred, contempt or ridicule, or to injure him in his trade, business, profession, calling or office, or to cause him to be shunned or avoided in society.</p> <p>Essential Elements: Referred to the plaintiff, by spoken or written words, published etc.</p> <p>b. Justification of truth, Fair Comment, Privileges</p> <p>Case Law: Ramjathmalini case</p>	10+5	30

3	<p>A plaintiff falling in the category of secondary victim can be allowed damages if the following conditions known as 'control mechanism' are satisfied:</p> <p>(1) The plaintiff must have close ties of love and affection with the main victim. Such ties may be presumed in some cases (e.g., spouses, parent and child) but must otherwise be established by evidence.</p> <p>(2) The plaintiff must have been present at the accident or its immediate aftermath.</p> <p>(3) The psychiatric injury must have been caused by direct perception of the accident or its immediate aftermath and not upon hearing about it from some one else.</p> <p>Case Laws: -Alcock v. Chief Constable of South Yorkshire Police (1991) and Page v. Smith . (1995) 2 ALLER 736 - Mclovghlin v. O'Brian (1982) 2 ALLER 298</p>	5+10	30
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Part C

(2Q x 5M = 10Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
4	Conversion Case Law	5	20
5	Trespass to property with respect of the documents Case Law	5	20

3. "A plaintiff falling in the category of secondary victim can be allowed damages for nervous shock if the conditions known as 'control mechanism' are satisfied."
- Who is primary victim and secondary victim in a case for nervous shock?
 - Describe how mental suffering amounting to a recognisable psychiatric illness, when not consequent to personal injury, is redressable with the help of case laws. (C.O.NO.2) [Comprehension]

Part C [Problem Solving Questions]

Answer All the Questions. Each Question carries five marks. (2Qx5M=10M)

4. Suman drew some wine from Nitin's bottle and mixed some water with the remainder to make good the deficiency. Nitin wants to bring an action against Rupal. Suggest Rupal. (C.O.NO.4) [Application]
5. A famous Biscuit company published a picture in a leading newspaper showing famous Cricket Player Sachin Tendulkar eating their brand's biscuit without his consent. Advise Sachin about his legal remedies. (C.O.NO.4) [Application]



SCHOOL OF LAW

Semester: Odd Sem 2019-20

Course Code: LAW105

Course Name: LAW OF TORTS AND CONSUMER PROTECTION ACT

Date:

Time: 2 Hours

Max Marks: 60

Weightage: 30%

Extract of question distribution [outcome wise & level wise]

Q.NO	C.O.NO (%age of CO)	Unit/Module Number/Unit /Module Title	Memory recall type	Thought provoking type	Problem Solving type	Total Marks
			[Marks allotted] Bloom's Levels	[Marks allotted] Bloom's Levels	[Marks allotted]	
			K	C	A	
1	CO1-20	Module: 1: Torts affecting Person Module: 2: Torts affecting Property Module: 5: Torts affecting Reputation and Process of Law	20			20
2	CO2-15	Module: 5: Torts affecting Reputation and Process of Law		15		15
3	CO2-15	Module: 1: Torts affecting Person		15		15

5	CO4- 5	Module. 2. Torts affecting Property	Application		15	15
6	CO4- 5	Module: 5: Torts affecting Reputation	Application		15	15
	Total Marks	60				60

K =Knowledge Level C = Comprehension Level, A = Application Level

Note: While setting all types of questions the general guideline is that about 60%

Of the questions must be such that even a below average students must be able to attempt, About 20% of the questions must be such that only above average students must be able to attempt and finally 20% of the questions must be such that only the bright students must be able to attempt.

I hereby certify that all the questions are set as per the above guidelines. [Amlanika Bora]

Reviewer's Comments:

Annexure- II: Format of Answer Scheme



SCHOOL OF LAW

SOLUTION

Semester: Odd Sem 2019-20

Course Code: BAL204

Course Name: SOCIOLOGY OF INDIA

Date:

Time: 2 Hours

Max Marks: 60

Weightage: 30%

Part A

(4Qx 5M = 20Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
1.a	Conversion also known as trover consists in willfully and without any	5	5

	<p>justification dealing in goods in such a manner that another person, who is entitled to immediate use and possession of the same is deprived of that. It is dealing with the goods in a manner it is inconsistent with the right of the owner.</p>		
1.b	<p>Malicious prosecution is an abuse of the process of the court by wrongfully setting the law in motion on a criminal charge. In order to succeed the plaintiff must prove that there was a prosecution without any just and reasonable cause, initiated by malice and the case was decided in the plaintiff's favour.</p>	5	5
1.c	<p>Battery is the tort of inflicting harm on another person intentionally.</p>	5	5
1.d	<p>An innuendo is where the extended defamatory meaning of the words arises from inference or implication. An innuendo may be based on a meaning that is inherent in</p>	5	5

	<p>the words themselves, or on some extrinsic facts that make otherwise innocent words defamatory.</p>		
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Part B

(2Q x 15M = 30 Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
2	<p>A libel is a publication of a false and defamatory statement tending to injure the reputation of another person without lawful justification or excuse. The statement must be expressed in some permanent form, e.g., writing, printing, pictures, statue etc.</p> <p>A slander is a false and defamatory statement by spoken words or gestures tending to injure the reputation of another.</p> <p>Essential Elements: Referred to the plaintiff, by spoken or written words, published etc. b. Justification of truth, Fair Comment, Privileges Case Law: Ramjathmalini case Absolute Privilege: No action lies for the defamatory statement even</p>	2+10+3	30

	though the statement is false or has been made maliciously, but this is not in the case of qualified privilege		
3	<p>A plaintiff falling in the category of secondary victim can be allowed damages if the following conditions known as 'control mechanism' are satisfied:</p> <p>(1) The plaintiff must have close ties of love and affection with the main victim. Such ties may be presumed in some cases (e.g., spouses, parent and child) but must otherwise be established by evidence.</p> <p>(2) The plaintiff must have been present at the accident or its immediate aftermath.</p> <p>(3) The psychiatric injury must have been caused by direct perception of the accident or its immediate aftermath and not upon hearing about it from some one else.</p> <p>Case Laws: -Alcock v. Chief Constable of South Yorkshire Police (1991) and Page v. Smith . (1995) 2 AllER 736</p>	5+10	30

	- Mcloaghlin v. O'Brian (1982) 2 ALLER 298		
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Part C

(2Q x 5M = 10Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
4	Conversion Case Law	5	20
5	Defamation, Innuendo (Case Law)	5	20



Roll No																			
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**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF LAW

END TERM FINAL EXAMINATION

Semester: Odd Semester: 2019 - 20

Date: 28 December 2019

Course Code: LAW 105

Time: 9.30 AM to 12.30 PM

Course Name: LAW OF TORTS AND CONSUMER PROTECTION ACT

Max Marks: 80

Program & Sem: BBA/BA/B.Com LLB (Hons.) & III

Weightage: 40%

Instructions:

- (i) Read the all questions carefully and answer accordingly.
(ii) Support your answers with case laws and reasoning where needed.

Part A [Memory Recall Questions]

1. Answer all the Questions. Each Question carries 2 marks. (10Qx2M=20M)

(C.O.No.1,2,4) [Knowledge]

- i. What is contributory negligence? (C.O.No.1)
- ii. What is the meaning of *Res Ipsa loquitur*? (C.O.No.2)
- iii. Two passenger buses crossed and brushed each other in such a way that the left hands of two passengers in one of these buses were cut off below the shoulder joint. Whether drivers of both the buses were held liable towards the victims, if yes, why? (C.O.No.2, 4)
- iv. What is Nervous shock? (C.O.No.1)
- v. What is the limitation period to file a complaint to National Commission and which provision of the Consumer Protection Act 1986 provides for the same? (C.O.No.4)
- vi. Define Restrictive Trade practices. (C.O.No.4)
- vii. A person purchases goods for sale in his shop. Is he a consumer under the Consumer Protection Act, 1986? Give reason? (C.O.No.4)
- viii. Write two objectives of Consumer Protection Act, 1986? (C.O.No.4)
- ix. What is Libel? (C.O.No.1)
- x. Cite two remedies of Trespass to land. (C.O.No.4)

Part B [Thought Provoking Questions]

Answer all the Questions. Each Question carries 10 marks.

(3Qx10M=30M)

2. Write short note on:

a. Economic Torts [5M] (C.O.No.1) [Comprehension]

b. Private Nuisance [5M] (C.O.No.2) [Comprehension]

3. Who is a 'Consumer' according to Consumer Protection Act, 1986? Bring out the objectives of the Consumer Protection Act, 1986. [5M+5M]

(C.O.No.1,5) [Comprehension]

4. Discuss the jurisdiction of State commission and the manner in which complaint shall be made before the State Commission under Consumer Protection Act, 1986. [5M+5M]

(C.O.No.1) [Comprehension]

Part C [Problem Solving Questions]

Answer all the Questions. Each Question carries 10 marks.

(3Qx10M=30M)

5. In a divorce proceeding instituted by Mrs. Tina against her husband Mr Tinku, she had levelled allegations against her husband in written statement, of having illicit relations with his *bhabhi*. She had also made such allegations before the *panchayat*. She had also accused Mr Tinku of transferring his ancestral property to his brother for sexual comfort purportedly rendered by his *bhabhi*. Mr Tinku condoned his wife's act of making false allegations made in written statement in divorce proceedings. But she continued to make allegations. Mr Tinku, wants to file a suit against his wife in such circumstances.

Can Mr Tinku file a civil suit against his wife? If yes, why and on what grounds? Give reasons with the help of case laws. [10M]

(C.O.No.1, 4, 5) [Application]

6. Poorva purchased a flight ticket from the Indian Airlines to travel to Mumbai on 1st December 2019. The departure time was mentioned as 9.45 a.m. and when she reached the airport at 8.45 a.m. to catch the flight, she came to know that the airline had cancelled the flight and there was no intimation of the same to Poorva. She wants to file a suit against Indian Airlines for such negligent conduct.

Can she bring an action against Indian Airlines? If yes, how? Discuss with the relevant provisions of Consumer Protection Act. [10M]

(C.O.No.4, 5) [Application]

7. Sincy Ltd, is a Public Limited Company, incorporated and registered under the Indian Companies Act, having its Registered Office at Indian Mercantile Chambers, Ramjibhai Kamani Marg, Bombay. It is carrying on the business of manufacturing match boxes since last 65 years.

It manufactures match boxes under the names 'Sparkling Night' and 'Kusum'. It is having its factories at different places in India.

Linda Match Company, is a Registered Partnership firm, having its registered office at Kovil Patti in Tamil Nadu. It is also manufacturing match boxes since last two years under the trade name of 'Chameli' and 'Flying Horse'.

Nirmala Group is a partnership firm and it is working as Distributor and/or Stockist of Linda Match Company in the City of Ahmedabad and nearby markets.

Linda Match Company launched a scheme outlined as under:

Every container of 'Chameli' match boxes which contains 60 dozens of match boxes would contain a gift coupon or a prize coupon. Any person who would purchase such containers would get the gift coupons or prize coupons. The gift coupons would be of various denominations from Re. 100/- to Rs. 500/-.

Due to this scheme, there is a rush to purchase the container in the hope of getting a gift coupon of higher denomination which would substantially reduce the price which the purchasers have to pay for the container.

Aggrieved by the scheme launched by Linda Match Company which is attracting a number of wholesalers, retailers and consumers to purchase its product, namely, 'Chameli' brand match boxes, resulting into substantial decrease in the demand of its 'Kusum' matches within the City of Ahmedabad, Sincy Ltd wants to lodge a complaint against Linda Match Company.

On what ground Sincy Ltd can lodge a complaint against Linda Match Company under Consumer Protection Act, 1986? Discuss with the help of relevant provisions and case laws.

[10M]



SCHOOL OF LAW

END TERM FINAL EXAMINATION

Extract of question distribution [outcome wise & level wise]

Q.NO	C.O.NO (% age of CO)	Unit/Module Number/Unit /Module Title	Memory recall type	Thought provoking type	Problem Solving type	Total Marks
			[Marks allotted]	[Marks allotted]	[Marks allotted]	
			Bloom's Levels	Bloom's Levels	[Marks allotted]	
			K	C	A	
1	CO1, CO2, CO4	ALL MODULES	20			20
2.a	CO1	Module: 2: Torts affecting Property		5		5
2.b	CO1	Module: 3: Nuisance		5		5
3	CO1, CO 5	Module: 6: Consumer Protection Laws		10		10
4	CO1	Module: 6: Consumer Protection Laws		10		10
5	CO4, CO5	Module: 6: Consumer Protection Laws			10	10
6	CO1, CO4, CO5	Module: 5: Torts affecting Reputation and Process of Law			10	10

7	CO4, CO5	Module: 6: Consumer Protection Laws			10	10
	Total Marks					80

K = Knowledge Level C = Comprehension Level, A = Application Level

Note: While setting all types of questions the general guideline is that about 60%

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I hereby certify that all the questions are set as per the above guidelines.

Faculty Signature:

Reviewer Comment:

Format of Answer Scheme



SCHOOL OF ENGINEERING

SOLUTION

Semester: Odd Sem. 2019-20

Course Code: LAW 105

Course Name: LAW OF TORTS AND CONSUMER PROTECTION ACT

Program & Sem: BBALLB/BALLB/BCOMLLB (Hons.)/III Sem

Date: 28.12.2019

Time: 9.30am-12.30pm

Max Marks: 80

Weightage: 40%

Part A

(10Q x 2M = 20Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
1. i	Failure of an injured party to act prudently, considered to be contributory factor in the injury which they have suffered	2	6 Min
ii	In the common law of torts, res ipsa loquitur is a doctrine that infers negligence from the very nature of an accident or injury in the absence of direct evidence on how any defendant behaved.	2	6 Min

iii	Composite Negligence: if injury occurs to any person due to the negligent conduct of two or more persons then it is known as composite negligence	2	6 Min
Iv	Mental suffering which is not a concomitant of physical injury is further subdivided into two groups. The first group- mental suffering which does not amount to a recognisable psychiatric illness even if it consists of extreme grief and the sufferer is devastating- not redressable under the common law The second group- mental suffering which amounts to a recognisable psychiatric illness. Mental suffering amounting to a recognisable psychiatric illness, when not consequent to personal injury, is redressable in a limited class of cases for which purpose the sufferers are divided into two categories viz. primary victims and secondary victims	2	6 Min
V	Section 23 (A), 30 Days	2	6 Min
vi	S. 2(1) (nnn) of CPA “restrictive trade practice” means a trade practice which tends to bring about manipulation of price or its conditions of delivery or to affect flow of supplies in the market relating to goods or services in such a manner as to impose on the consumers unjustified costs or restrictions and shall include— (a) delay beyond the period agreed to by a trader in supply of such goods or in providing the services which has led or is likely to lead to rise in the price; (b) any trade practice which requires a consumer to buy, hire or avail of any goods or, as the case may be, services as condition precedent to buying, hiring or availing of other goods or services;]	2	6 Min
Vii	No, Section 2 (1) (d) “consumer” means any person who,— (i) buys any goods for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any user of such goods other than the person who buys such goods for consideration paid or promised or partly paid or partly promised, or under any system of deferred payment when such use is made with the approval of such person, but does not include a person who obtains such goods for resale or for any commercial purpose	2	6 Min
Viii	I. Right to consumer education II. Right to seek redressal III. Access to a variety of goods and services at competitive prices	2	6 Min
ix	A <i>libel</i> is a publication of a false and defamatory statement tending to injure the reputation of another person without lawful justification or excuse. The statement must be expressed in some permanent form, e.g., writing, printing, pictures, statue <i>etc</i>	2	6 Min
x	Mesne Profit, Right to re-entry	2	6 Min

Part B

(3Q x 10M = 30 Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
2.	<p>a. Just as tort law recognises that one can negatively affect a person or their property through either negligence or intent, tort law also provides a framework for dealing with negligent or intentional acts done against a person's business or livelihood.</p> <p>The tort of procuring a breach of contract, intimidation, unlawful interference and conspiracy are generally described as ' economic torts. '</p> <p>They form the core of the liabilities for intentional torts in respect of economic interests and the principles governing them are closely interrelated.</p> <p>The term ' economic tort ' is also applied more widely to other torts, such as passing off, malicious falsehood, slander of title, and wrongs in respect of patents, trade marks or breach of copyright (often referred to as wrongs done to " intellectual property ") with which the core economic torts are frequently contiguous.</p> <p>The economic torts can be split into two primary categories: procuring a breach of contract (sometimes found under the heading of ' wrongful interference with a pre-existing right ') and causing loss by unlawful means.</p> <p>Case Law</p> <p>b. Private nuisance, broadly, takes three forms, namely; encroachment encroachment on the land of the neighbour, direct physical injury to the land and interference with the enjoyment of the land by the neighbour. Collectively, the situations encompassed by the three aforementioned faults are almost infinite. It may vary from the inconvenience caused by unpleasant noise of automobile and smell of cattle to the damage caused to structures by vibrations. But this does not mean that every slight and trivial annoyance is enforceable under the tort of private nuisance. In order for a fault to qualify as private nuisance,</p>	5+5	20 Min

	<p>it must primarily interfere with the use or enjoyment of one's land and must be unreasonable in its effect on the plaintiff. Other secondary requirements of private nuisance, like the quality of recurrence et al are subsequently discussed in the essay. The basic objective of the law of private nuisance is however to maintain a series of checks and balances between enforcing the rights of one individual while not taking away the rights of another.</p> <p>Case Law</p>		
3	<p>S. 2(1)(d) "consumer" means any person who, (i) buys any goods for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any user of such goods other than the person who buys such goods for consideration paid or promised or partly paid or partly promised, or under any system of deferred payment when such use is made with the approval of such person, but does not include a person who obtains such goods for resale or for any commercial purpose; or (ii) [hires or avails of] any services for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any beneficiary of such services other than the person who8[hires or avails of] the services for consideration paid or promised, or partly paid and partly promised, or under any system of deferred payment, when such services are availed of with the approval of the first mentioned person 2[but does not include a person who avails of such services for any commercial purpose].</p> <p>S. 6. Objects of the Central Council.—The objects of the Central Council shall be to promote and protect the rights of the consumers such as,— (a) the right to be protected against the marketing of goods [and services] which are hazardous to to life and property; (b) the right to be informed about the quality, quantity, potency, purity, standard and price of goods [or services, as the case may be,] so as to protect the con</p>	5+5	20 Min

	<p>(c) the right to be assured, wherever possible, access to a variety of goods I[and services] at competitive prices;</p> <p>(d) the right to be heard and to be assured that consumers' interests will receive due consideration at appropriate forums;</p> <p>(e) the right to seek redressal against unfair trade practices I[or restrictive trade practices] or unscrupulous exploitation of consumers; and</p> <p>(f) the right to consumer education.</p>		
4	<p>17. Jurisdiction of the State Commission.— 4[(1)] Subject to the other provisions of this Act, the State Commission shall have jurisdiction— (a) to entertain— (i) complaints where the value of the goods or services and compensation, if any, claimed 5[exceeds rupees twenty lakhs but does not exceed rupees one crore]; and (ii) appeals against the orders of any District Forum within the State; and (b) to call for the records and pass appropriate orders in any consumer dispute which is pending before or has been decided by any District Forum within the State, where it appears to the State Commission that such District Forum has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested or has acted in exercise of its jurisdiction illegally or with material irregularity. 6[(2) A complaint shall be instituted in a State Commission within the limits of whose jurisdiction,— (a) the opposite party or each of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides or carries on business or has a branch office or personally works for gain; or (b) any of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides, or carries on business or has a branch office or personally works for gain, provided that in such case either the permission of the State Commission is given or the opposite parties who do not reside or carry on business or have a branch office or</p>	5+5	20 Min

personally works for gain, as the case may be, acquiesce in such institution industry, public affairs or administration

S. 18

S. 12. Manner in which complaint shall be made.—(1) A complaint in relation to any goods sold or delivered or agreed to be sold or delivered or any service provided or agreed to be provided may be filed with a District Forum by— (a) the consumer to whom such goods are sold or delivered or agreed to be sold or delivered or such service provided or agreed to be provided; (b) any recognised consumer association whether the consumer to whom the goods sold or delivered or agreed to be sold or delivered or service provided or agreed to be provided is a member of such association or not (c) one or more consumers, where there are numerous consumers having the same interest, with the permission of the District Forum, on behalf of, or for the benefit of, all consumers so interested; or (d) the Central Government or the State Government, as the case may be, either in its individual capacity or as a representative of interests of the consumers in general. (2) Every complaint filed under sub-section (1) shall be accompanied with such amount of fee and payable in such manner as may be prescribed. (3) On receipt of a complaint made under sub-section (1), the District Forum may, by order, allow the complaint to be proceeded with or rejected: Provided that a complaint shall not be rejected under this sub-section unless an opportunity of being heard has been given to the complainant: Provided further that the admissibility of the complaint shall ordinarily be decided within twenty-one days from the date on which the complaint was received. (4) Where a complaint is allowed to be proceeded with under sub-section (3), the District Forum may proceed with the complaint in the manner provided under this Act

Part C

(3Q x 10M = 30Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
5	Yes, Deficiency in Service under CPA, S.2 (1)(g) In Satish Bagdoria v. Airdoot International, III (1996) CPJ 96 , the complainant purchased a ticket from the respondents, but the flight was cancelled and the complainant was not informed. The Forum held the respondent liable to refund the price of the ticket and pay compensation of Rs. 5000.	5+5	20 Min
6.	Yes, Defamation: Libel Case: Ramesh Kumar Sharma v Smt Akash Sharma		20 Min
7.	a. Unfair trade Practice, S. 2 (1)(r) (3)(b)- Lottery and Price competition		20 Min