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International Islamic University Chittagong

Department of Law
Final Examination: Autumn - 2020
Program: LL.B. (Hon's.)
Semester -Ist

Course Title: Law of Tort and Consumer Protection
Course Code: Law- 1103

Time: 05 hours

Full Marks: 30

Instructions:

- ✓ *The exam is online based due to pandemic, bearing 30 marks in total here. Figures in the margin indicate the marks for each. Rest 20 marks are allotted for virtual viva-voce.*
- ✓ *Avoid plagiarism & follow the online communication etiquettes.*

1.(a) Tortious liability arises from the breach of a duty fixed by law; this duty is towards persons generally and its breach is redressable by an action for unliquidated damages- Discuss. (5+5)

(b) Mr.A was a qualified voter at the parliamentary elections which were held at that point of time. The defendant, a returning officer wrongfully refused to take the plaintiff's vote. The plaintiff suffered no damage since the candidate which he wished to vote already won the elections. Can Mr. A claim any compensation as there occurred no actual damage?

2.(a) How do you justify the rule of strict liability in the light of *Ryland vs Fletcher* case where there is no intention? (6+2+2)

- (b) Is there any difference between absolute liability and strict liability?
- (c) Can contributory negligence be a a defence in case of negligence?

3 (a) A' entered a carriage on the railway but by oversight failed to purchase a ticket for his travel. At an intermediate station he asked for the ticket by checker B' but the same was refused. At another place, he was asked to get out of the carriage since he didn't have a ticket. On his refusal to get out, force was used to make him get out of the carriage. Is B' liable for battery? (3+4+3)

(b) Analyse the term *trespass ab initio* in reference with the important legal decision.

(c) " X has given birth to a child". On 01/06/2021, the Daily Prothom Alo has published the above-mentioned news. But Miss X is unmarried and which was not published. Is it defamatory for X?