

LLM
FIRST SEMESTER
CONSUMER PROTECTION LAW
LLM - 1.5 CCL-2 [REPEAT]
[USE OMR SHEET FOR OBJECTIVE PART]

SET
A

Duration: 3 hrs.

Full Marks: 70

Time: 30 min.

Marks: 20

(Objective)

Choose the correct answer from the following:

1×20=20

1. The shift from Consumer Protection Act, 1986 to Consumer Protection Act, 2019 can be best characterised as:
 - a. A transition from judicial to administrative enforcement of consumer rights
 - b. A movement towards hybrid mode of regulation incorporating adjudicatory and regulatory aspects.
 - c. A complete abandonment of adversarial adjudication in favour of mediation
 - d. Replacement of consumer jurisprudence with contract-based remedies alone
2. The introduction of the Central Consumer Protection Authority (CCPA) under CPA, 2019 primarily signifies:
 - a. A shift towards market surveillance and proactive intervention against unfair trade practices
 - b. A constitutional recognition of consumer rights under Article 21
 - c. A replacement of the National Commission's appellate jurisdiction
 - d. An exclusive mechanism for product liability enforcement
3. Under Consumer Protection Act, 2019, product liability is conceptually grounded in:
 - a. Traditional negligence alone
 - b. Absolute liability irrespective of fault
 - c. Strict liability with statutory exceptions
 - d. Criminal liability of the seller and manufacturer
4. Which of the following circumstances would most likely exempt a product manufacturer from liability under CPA 2019?
 - a. A manufacturing defect caused by substandard raw materials
 - b. A design defect existing at the time of manufacture
 - c. Lack of adequate warnings despite foreseeability of harm
 - d. Failure of the consumer to follow instructions clearly provided

5. In *Indian Medical Association v. V.P. Shantha*, the Supreme Court's real contribution was in:
- Expanding the definition of "service" to include all medical procedures
 - Drawing a distinction between free and paid medical services under consumer law
 - Excluding medical services from consumer protection jurisprudence
 - Establishing medical negligence as strict liability
6. In the context of consumer law, the doctrine of *caveat venditor* (let the seller beware) has replaced *caveat emptor* because:
- Consumers are presumed to possess superior bargaining power
 - The market economy requires state paternalism
 - Sellers possess greater informational asymmetry and control over representations
 - The judiciary mandated it through constitutional interpretation
7. Which of the following best describes the jurisdictional innovation of CPA 2019 regarding filing of complaints?
- Complaints must be filed at the place where cause of action arises
 - Complaints may be filed where the complainant resides, expanding consumer convenience
 - Territorial jurisdiction is now entirely irrelevant
 - Complaints may only be filed electronically
8. The E-Commerce Rules, 2020 impose a "due diligence obligation" on e-commerce entities, which primarily aims at:
- Reducing information asymmetry and ensuring transparency of sellers and products
 - Regulating cybersecurity norms of online payment gateways
 - Penalising deceptive pricing strategies
 - Ensuring corporate tax compliance of e-commerce platforms
9. The WTO's relevance to Indian consumer protection law arises principally because:
- WTO mandates member states to establish national consumer commissions
 - WTO enforces global consumer class-action mechanisms
 - WTO agreements automatically override domestic consumer statutes
 - Trade liberalisation increases the need for harmonised product standards
10. Under the Sale of Goods Act, 1930, the "implied condition of merchantable quality" has been judicially interpreted to mean:
- Goods must satisfy the subjective satisfaction of the buyer
 - Goods must be aesthetically pleasing
 - Goods must be reasonably fit for the purpose ordinarily anticipated by a consumer
 - Goods must not require any further warranty

11. In the context of misleading advertisements, the CCPA may issue a "cease and desist" order when:
 - a. There is proof of actual loss suffered by consumers
 - b. The advertisement, on its face, has the potential to mislead the average consumer
 - c. Consumer consent is absent
 - d. The advertiser refuses to withdraw the product voluntarily
12. Under the Electricity (Rights of Consumer) Rules, 2020, the requirement of 24x7 helplines and grievance redressal indicates:
 - a. Statutory recognition of electricity as a service involving public utility obligations
 - b. Judicial insistence on administrative accountability
 - c. A constitutional right to uninterrupted power supply
 - d. A move towards privatisation of electricity boards.
13. In medical negligence matters under consumer law, the *Bolam* test is applied to determine:
 - a. Whether the doctor followed a standard practice accepted by a responsible body of medical professionals
 - b. Whether the patient contributed to negligence
 - c. Whether the hospital maintained requisite infrastructure
 - d. Whether the doctor was employed on a contract basis
14. A key analytical distinction between "unfair trade practice" and "unfair contract" under Consumer Protection Act, 2019 is:
 - a. Unfair contract applies only to manufacturers
 - b. Unfair trade practice is market-facing; unfair contract is relationship-specific
 - c. Unfair trade practice requires intent; unfair contract does not
 - d. Unfair contract can only be raised after performance of the contract
15. Under the Prevention of Food Adulteration Act, the standard of liability is broadly characterised as:
 - a. Mens rea-based criminal liability
 - b. Strict liability due to public health considerations
 - c. Vicarious liability of consumers
 - d. Administrative civil liability only
16. The requirement of "country of origin" disclosure on e-commerce platforms primarily aims at:
 - a. Ensuring compliance with WTO's Agreement on TRIPS
 - b. Increasing customs revenue
 - c. Facilitating consumer choice and preventing origin-based misrepresentation
 - d. Ensuring national security through trade restrictions

17. The National Commission's revisional jurisdiction under Consumer Protection Act, 2019 is best described as:
- A right to re-evaluate evidence completely
 - A discretionary power to issue advisory opinions
 - An appellate power equivalent to the Supreme Court
 - A supervisory jurisdiction restricted to errors of jurisdiction or illegality
18. In *Hindustan Coca-Cola Beverages v. Ashok Kumar*, consumer fora held that:
- Discovery of foreign matter in sealed beverages constitutes deficiency in service
 - Strict liability does not apply to food and beverages
 - Retailers alone are liable for contaminated beverages
 - Consumer must prove negligence in manufacturing process
19. The introduction of mediation cells under CPA 2019 primarily reflects:
- A constitutional mandate under Article 39A
 - A mandatory pre-litigation requirement
 - A shift towards consensual dispute resolution to reduce adversarial backlog
 - A replacement of the three-tier adjudicatory structure
20. The doctrine of "unconscionable contract terms" under CPA 2019 resembles which global jurisprudential development?
- | | |
|-----------------------------------|-----------------------------|
| a. UK's Unfair Contract Terms Act | b. US Sherman Antitrust Act |
| c. EU's Competition Directive | d. ASEAN Consumer Charter |

Time : 2 hrs. 30 min.

(Descriptive)

Marks : 50

[Answer question no.1 & any four (4) from the rest]

1. Critically examine the evolution of the concept of 'consumer' under Indian consumer protection law, with special reference to Consumer Protection Act, 2019. Discuss how globalization and consumerism have transformed the legal understanding of consumer rights in India. 5+5=10
2. Explain the salient features of the Consumer Protection Act, 2019. Compare and contrast the three-tier grievance redressal mechanism under the Consumer Protection Act, 2019, focusing on jurisdictional innovations and procedural reforms. 4+6=10
3. Write a detailed note on the role, powers and functions of the Central Consumer Protection Authority (CCPA). Analyse the regulatory impact of CCPA on unfair trade practices, misleading advertisements, and product liability actions, citing relevant case law wherever applicable. 5+5=10
4. Discuss the legal framework governing product liability under the Consumer Protection Act, 2019. Evaluate the liabilities of manufacturers, service providers and sellers in the context of emerging digital marketplaces and e-commerce platforms. 4+6=10
5. Examine the effectiveness of mediation as a mechanism for consumer dispute resolution under the Consumer Protection Act, 2019. Discuss the challenges associated with implementing Alternative Dispute Resolution (ADR) in consumer matters, particularly in cross-border and online transactions. 4+6=10
6. Critically analyse the legal issues and consumer rights arising out of e-commerce transactions in India. Your answer should address:
 - i. E-Commerce Rules 2020,
 - ii. Duties of marketplace and inventory e-commerce entities,
 - iii. Issues of data protection, transparency and unfair contract terms.4+6=10

7. Discuss the role of sector-specific regulations in supplementing consumer protection law in India. Explain with reference to: 4+6=10
- i. Electricity (Rights of Consumers) Rules, 2020
 - ii. Service sector disputes involving airlines, banking, insurance and housing
 - iii. Judicial approach to medical and professional negligence (with cases).
8. Write an essay on the interaction between WTO principles and consumer protection in India. In your discussion include: 4+6=10
- a. Product standards, quality control and international trade norms
 - b. Impact of globalization on consumer rights
 - c. Whether WTO obligations enhance or dilute domestic consumer protections.

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