

**AS-3032**

**B.Com.LL.B. (First semester) Examination, 2013**

**LAW of TORTS**

**(Including MV Accident)**

**Maximum Marks: 80 Marks**

*Note: Attempt questions of all three sections as directed. Distribution of marks is given with sections.*

**Section-‘A’**

**15×2=30**

**(Objective Type Questions)**

*Note: Attempt all questions. Each question carries 2 marks*

1. Answer

- (i) (a) – Plaintiff
- (ii) (b) – A right available only against some determinate person or party
- (iii) (c) – Both (a) and (b)
- (iv) (b) – Salmond
- (v) (c) – Infringement of legal right
- (vi) (b) – Joint and Several
- (vii) (c) – Sec.499 of IPC
- (viii) (a) – Proportionate to the extent of the threatened evil
- (ix) (b) – Rule of absolute liability
- (x) (b) – Winfield
- (xi) (c) – Both (a) and (b)
- (xii) (c) – Malicious Prosecution
- (xiii) (a) – No action lies
- (xiv) (a) – Public place
- (xv) (a) – Nuisance

**Section-B**

**5×4=20**

**(Short Answer Type Questions)**

*Note: Attempt any five questions. Each question carries 4 marks.*

Answer (2) Principle of Violation of Ethical Codes

- a) What are the principles of Liability
- b) Meaning of Ethical Codes
- c) Liability for Violation
- d) Remedies
- e) Conclusion

Answer (3) Plaintiff's default

- a) Explain what are General Defences
- b) What is Plaintiff's default?
- c) How it is a valid defense?
- d) Relevant cases
- e) Conclusion

Answer (4) Liability of Insurer under the Motor Vehicles act, 1988

- a) Position under the 1939 Act
- b) Present position under the 1988 Act
- c) Compensation payable under the statute
- d) Liability of Insurer in respect of damage to property, persons
- e) Relevant cases
- f) Conclusion

Answer (5) Master and Servant

- a) Basis, Scope and justification of Vicarious Liability
- b) Who is Master?
- c) Who is Servant?
- d) Liability of the Master for the acts of the servant
- e) Conclusion

Answer (6) Types of Injunctions

- a) Meaning of Remedies

- b) Kinds of Remedies-Judicial and Extra-Judicial Remedies
- c) What is Injunction
- d) Types of Injunction
- e) Conclusion

Answer (7) Non-Soverign functions of State

- a) What is Soverign and Non-Soverign Power
- b) Acts committed in exercise of Soverign Power
- c) Acts committed in exercise of Non-Soverign Power of the state
- d) Liability of the State
- e) Conclusion

Answer(8) Test of Reasonable Foresight

- a) What is Remoteness of Damage
- b) Tests of Remoteness of Damage
- c) Test of Reasonable Foresight
- d) Rule laid down in Wagon Mound case
- e) Conclusion

### Section –C

**2×15=30**

#### (Long Answer Type Questions)

*Note: Attempt any two questions. Each question carries 15 marks*

9. Defamation its essentials and position in India

- a) Introduction
- b) Meaning and Definition of Defamation
- c) Essentials of Defamation
  1. Statement must be defamatory
  2. Statement must refer to the plaintiff
  3. Statement must be Published
- d) Defences
  1. Justification of truth
  2. Fair comment
  3. Privilege
    - i) Absolute Privilege -Parliamentary proceeding
      - Judicial Proceeding
      - State communication

ii) Qualified Privilege

- e) Remedies
- f) Position in India
- g) Conclusion

10. Trespass to Land and its Remedies

- a) Meaning and Definition of Trespass
- b) Types of Trespass
  - Trespass by wrongful entry
  - Trespass by remaining on the land
  - Trespass by placing things on the land
  - Trespass by animals
- c) Essential element of tort of trespass-entry
- d) Remedies to trespass to land
- e) Defences to an action for trespass to land
- f) Conclusion

Answer (11) Strict Liability

- a) Principles of Strict Liability
- b) Essential elements of the Rule of Strict liability---Rylands v Fletcher
  - Dangerous thing
  - Non-natural use of the land
  - Escape
- c) -Exceptions to the Rule
  - Plaintiff's own default
  - Act of God
  - Consent of the Plaintiff
  - Act of third party
  - Statutory Authority
- d) -Position of Strict Liability in India
- e) -Conclusion

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