



17694

**BRAINWARE UNIVERSITY****Term End Examination 2024-2025****Programme – LLM-2024****Course Name – Law of Torts****Course Code - LLM202C****( Semester II )**

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**BRAINWARE UNIVERSITY**  
**SCHOOL OF LAW**  
Barasat, Kolkata- 700125

**Full Marks : 60****Time : 2:30 Hours**

[The figure in the margin indicates full marks. Candidates are required to give their answers in their own words as far as practicable.]

**Group-A****(Multiple Choice Type Question)****1 x 15=15**

1. *Choose the correct alternative from the following :*

(i) Select the correct option for the definition of Tort by Winfield

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| a) a civil wrong for which the remedy is a common-law action for unliquidated damages and which is not exclusively the breach of trust or other merely eq-uitable obligation | b) tortious liability arises from the breach of a duty primarily fixed by the law to-wards the persons generally, and its violation is redressible by an action for unliquidated damages |
| c) an infringement of a right in rem of a private individual giving a right of compensation at the suit of the injured party   | d) none of these.  |

(ii) Select the correct option which is giving the definition of reasonable man.

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|--|--|
| a) A legal test to determine if the defendant's actions were intentional | b) A legal test to determine if the defendant's actions were negligent |
| c) A legal test to determine the extent of damages                       | d) None of these.  |

(iii) Select the legal maxim which is not related to the law of tort

- |                         |                                     |
|-------------------------|-------------------------------------|
| a) Ubi jus ibi remedium | b) Ex turpi causa non oritur action |
| c) Res ipsa Loquitur    | d) Consensus ad idem                |

(iv) Evaluate the fundamental factor that distinguishes between the criminal offense of battery and the civil wrong (tort) of battery.

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|--|--|
| a) In a criminal battery, two or more people must be present | b) In a criminal battery, a person is actually injured. In a tort battery, the person is not |
|--|--|

- hurt.
- c) The unwanted touch; we have a right to be free from bodily harm.
- d) There is no tort of battery. All batteries are crimes
- (v) Interpret the context of vicarious liability, what does "respondeat superior" refer to
- a) The principle of shared liability among multiple parties
- b) The doctrine that holds employers responsible for their employees' actions within the scope of employment
- c) The legal requirement for immediate response to hazardous situations
- d) The liability of individuals for their own negligent acts
- (vi) predict the situation if Sandy and Shayak went to the Sunderbans to shoot pheasants. Sandy's bullet skidded off the bark of a tree and hit Shayak while he was talking on the phone. Shayak was injured and sued his friend for compensation
- a) Sandy is liable because it was his bullet that hit Shayak
- b) Sandy is liable because he was shooting pheasants which is an illegal act
- c) Sandy will not be liable because it was unforeseeable that the bullet would hit Shayak
- d) Sandy will not be liable because Shayak is at fault for roaming nearby when Sandy was shooting
- (vii) Identify the type of privilege that may be asserted as a defense to a claim for defamation
- a) Absolute privilege
- b) Qualified privilege
- c) Both 1 and 2
- d) None of these.
- (viii) Choose the type of tort that involves interference with contractual relations
- a) Conversion
- b) Interference with prospective economic advantage
- c) False imprisonment
- d) None of these.
- (ix) Choose the type of tort that involves interference with a person's right to privacy
- a) Invasion of privacy
- b) Defamation
- c) Trespass
- d) None of these.
- (x) Choose the correct meaning of Malice in law
- a) a wrongful act was done intentionally but without just cause or excuse
- b) a wrongful act was done intentionally with just cause & excuse
- c) a wrongful act was done intentionally with a good motive
- d) a wrongful act was done intentionally with an evil motive
- (xi) Choose the correct option which defines Inevitable accident
- a) an act of God
- b) an unexpected injury which could have been foreseen & avoided
- c) unforeseen damage which could not have been expected & avoided
- d) all of these
- (xii) Choose the correct option which determines the yardstick for remoteness of damage
- a) the test of directness
- b) the test of reasonable foresight
- c) both 1 and 2
- d) none of these
- (xiii) Choose the correct option which defines the nature of tort
- a) law
- b) court
- c) rights
- d) sincerity
- (xiv) Contrast the option whether Punitive Punishment can be awarded under Law of Torts
- a) True
- b) False
- c) Depends on the case
- d) None of these
- (xv) Explain that in the case of *Limpus v London General Omnibus Co.*, what principle was established regarding the liability of employers for the actions of their employees

- a) The "course of employment" principle
- c) The "vicarious intent" principle

- b) The "non-delegable duty" principle
- d) The "frolic of his own" principle

### Group-B

(Short Answer Type Questions)

3 x 5=15

- 2. Explain the doctrine of Absolute Liability. (3)
- 3. Justify the principle of Volenti non fit Injuria (3)
- 4. Define the duties imposed upon a person who offers goods for sale (3)
- 5. Define the prerequisite of an action in libel (3)
- 6. Examine and write a note on motive (3)

OR

Write a note on Malice in the Tort law. (3)

### Group-C

(Long Answer Type Questions)

5 x 6=30

- 7. Write a detailed essay on "Remedies in Tort". (5)
- 8. Define Negligence and give its elements in detail. (5)
- 9. Explain the meaning of continuing injury (5)
- 10. Write short note on inevitable accident. (5)
- 11. Write short note on Act of God (5)
- 12. Analyze the concept of Act of God as a defense under the law of Torts. (5)

OR

Analyze that Negligence is an Omission to perform the duty. Explain it with reference to case law. (5)

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