



BRAINWARE UNIVERSITY
Term End Examination 2020 - 21
Programme – Master of Law
Course Name – Law of Torts
Course Code - LLM301C
Semester / Year - Semester III

Time allotted : 75 Minutes

Full Marks : 60

[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 60=60

1. *(Answer any Sixty)*

- (i) The term “tort” is _____ in origin
- | | |
|-----------|-------------------|
| a) Greek | b) Indian |
| c) French | d) None of these. |
- (ii) The law of torts is based on the principles of
- | | |
|-----------------|------------------|
| a) Civil law | b) Common law |
| c) Criminal law | d) all of these. |
- (iii) The law of torts is based on the principles of which is mainly
- | | |
|------------------------------|--------------------|
| a) the English law of torts. | b) US law of torts |
| c) Rules of law | d) All of these |
- (iv) The word tort is derived from Latin word “tortum” which means-
- | | |
|-------------|-------------|
| a) To twist | b) To check |
| c) To know | d) To learn |
- (v) The law of torts is based on-
- | | |
|----------------------|-------------------------|
| a) Indian Penal Code | b) Separate Statute |
| c) Judicial Decision | d) Civil Procedure Code |

(vi) There are four elements to tort law, which of the following is not one of them?

- a) Breach of duty
- b) Injury
- c) Murder
- d) Duty

(vii) Which one is the primary function of the law of tort..?

- a) Compensating the claimant
- b) The spreading of losses throughout society
- c) The punishment of a wrongdoer
- d) The clarification of the human rights of parties

(viii) Injuria sine damnum stands for

- a) Injury with damage
- b) Injury without damage
- c) Wrongful act
- d) Actionable claim

(ix) “A tort is an infringement of the private rights belonging to an individual.”

- a) The statement is true.
- b) The statement is false.
- c) A tort is not an infringement.
- d) None of these

(x) Which of the following is not an objective of the law of tort?

- a) Compensation
- b) Corrective justice
- c) Deterrence
- d) Imposition

(xi) Municipal Board of Agra v Ashrfi Lal is a leading case of _____ (maxim).

- a) Damnum sine injuria
- b) Injuria sine damnum
- c) Both Damage without injury and Injury without loss
- d) None of these

(xii) Injuria Sine Damnum relates to cases where there is:

- a) An invasion of an absolute private right
- b) An invasion of a public right

c) A violation of a legal right
d) All of these.

(xiii) “Damnum sine injuria” means-

a) Damage without injury
b) Injury without loss
c) Both Damage without injury and Injury without loss
d) None of these

(xiv) Ashby vs White is a landmark case related to which maxim from the following:

a) Damnum sine injuria
b) Injuria sine damnum
c) Both Damnum sine injuria and Injuria sine damnum
d) None of these

(xv) Rogers v Rajendra Dutt is a leading case of _____ (maxim).

a) Damnum sine injuria
b) Injuria sine damnum
c) Ubi jus ibi remedium
d) None of these.

(xvi) Torts include all _____ cases as well as intentional wrongs which result in harm.

a) Criminal
b) Negligence
c) Unethical
d) Unidirectional

(xvii) A tort is a civil _____ unlike crime, breach of contract or breach of trust

a) crime
b) right
c) misdeed
d) wrong

(xviii) What is not personal intentional torts?

a) Wrongs which are exclusively criminal
b) Assault
c) Battery
d) False imprisonment

(xix) Which of the following is not a part of the three main types of torts?

- a) Negligence
- b) Strict liability
- c) Unintentional
- d) Intentional

(xx) Which of the following is true of product liability?

- a) It is strict liability only
- b) It is common law only
- c) It is a combination of statute law and common law
- d) It is statute law only

(xxi) _____ is a absolute liability case.

- a) M.C. Mehta vs U.O.I.
- b) Hart vs Fuller
- c) Ram Singh vs Sree Kumar
- d) None of these.

(xxii) Vis Major is an _____.

- a) Duty
- b) Act of God
- c) Right
- d) Compensation

(xxiii) An accident which could not have been avoided by the use of reasonable care and caution is known as

- a) Absolute liability
- b) Negligence
- c) nevitale accident
- d) None of these

(xxiv) The following is a good defence in an action for tort-

- a) Act of god
- b) Negligence
- c) Both options a and b
- d) None of these.

(xxv) Actio personalis monitor cum persona is an

- a) Roman legal maxim
- b) US legal maxim
- c) English legal maxim
- d) None of these

(xxvi) The rule of vicarious liability is based on Maxim-

- a) Damnum Sine Injuria
- b) Ubi jus ibi remedium

c) Injuria Sine Damnum

d) Respondent superior

(xxvii) Qui facit per alium facit per se stands for

a) To act for another

b) To act independently

c) Let the principle liable

d) None of these

(xxviii) What are the exceptions to the rule of vicarious liability or when the master is not liable for servant's tort?

a) When he temporarily lends his servant to another person

b) When he has been obliged by law to employ a particular person

c) Negligence of a servant and/or acts outside the course of employment

d) All of these.

(xxix) The following is not a tort described as 'trespass to the person...

a) Battery

b) False imprisonment

c) Public nuisance

d) Assault

(xxx) Written defamation is called "libel," in tort law, while spoken defamation is called

a) slander

b) calumny

c) sprinkling

d) traducement

(xxxii) Which of the following is not a tort described as trespass to person

a) Battery

b) False imprisonment

c) Public nuisance

d) Assault

(xxxiii) Which of the following is not a defence to trespass to the person?

a) Lawful authority

b) Contributory negligence

c) Self-defence

d) Necessity

(xxxiiii) A defendant intended to commit an assault on A, but his conduct only

constituted a battery on B. Under the transferred intent doctrine, the defendant is liable for

- a) An assault of B.
- b) An attempted assault of A and a battery of B.
- c) A battery of B.
- d) An attempted assault of A and an assault of B.

(xxxiv) Common _____ torts are battery, assault, false imprisonment, trespass to land, trespass to chattels, and intentional infliction of emotional distress.

- a) Unintentional
- b) Intentional
- c) Civil
- d) Criminal

(xxxv) Which are the classes of remedies for torts?

- a) Judicial remedies and extra-judicial remedies.
- b) Ordinary remedies and substantive remedies.
- c) Exemplary remedies and punitive remedies
- d) None of these.

(xxxvi) Which of the following situations does not amount to a trespass?

- a) Sitting on someone's front wall
- b) A 'for sale' sign that overhangs the next door neighbour's garden
- c) foundations for an extension built on the boundary between two properties which extend a brick length under the neighbouring garden
- d) A large queue for a concert hall that extends on the pavement past Gail's house

(xxxvii) Violation of a duty not to interfere with the possession of land of another person result in the tort of _____ to land

- a) Trespass
- b) defamation
- c) negligence
- d) all of these.

(xxxviii) A duty of care is generally NOT owed to:

- a) A rescuer, unless the defendant negligently put herself or a third person in peril.
- b) A viable fetus.
- c) A third party for whose economic benefit a legal or business transaction is made.
- d) A discovered trespasser.

(xxxix) Which of the following is true of the duty owed to a licensee by a landowner?

- a) The landowner must inspect for dangerous conditions on the land.
- b) The landowner owes a duty to warn of or make safe known dangerous conditions on the land of which the licensee is not aware.
- c) The landowner owes no duty to protect the licensee from active operations on the land.
- d) The landowner must repair known dangerous conditions on the land of which the licensee is not aware.

(xl) A, a father sent his minor son B for a work and handed over his cart and horse to B. B negligently drove the horse van and caused injury to C. Who is liable in this case?

- a) . A is liable.
- b) B is liable.
- c) Neither A nor B.
- d) A and B both are liable.

(xli) Which of the following need not be shown by the plaintiff under the attractive nuisance doctrine?

- a) The owner was or should have been aware of the dangerous condition.
- b) The child was lured onto the property by the attractive nuisance.
- c) The condition was likely to cause injury because of the child's inability to appreciate the risk.
- d) The expense of remedying the situation is slight compared with the magnitude of the risk.

(xlii) Defence under nuisance are

- a) Statutory action
- b) Prescription
- c) Both Statutory action and Prescription
- d) None of these

(xliii) Which of the following could not bring an action in nuisance?

- a) an owner of land affected by the nuisance
- b) a person with a legal or equitable right in the land affected by the nuisance
- c) a son or daughter of an owner of land that has been affected by the nuisance
- d) an occupier of land affected by the nuisance

(xliv) Which of the following are accurate statements about public nuisance?

- a) like private nuisance there can be no claim in public nuisance for personal injury
- b) a public nuisance must affect a substantial class of people
- c) a public nuisance claim does not depend on a proprietary interest in land
- d) a claimant in public nuisance must suffer special damage more than that suffered by other people affected

(xlv) _____ are jointly and severally responsible for the whole damage.

- a) Wrongdoers
- b) Agents
- c) Servants
- d) Joint wrongdoers

(xlvi) Joint tort feasons are severally liable for the same damage but _____.

- a) Jointly
- b) Not jointly
- c) Equally
- d) Not equally

(xlvii) Money that the court orders the defendant to pay is called

- a) remuneration
- b) compensations
- c) damages
- d) honorarium

(xlviii) Self help is a _____.

- a) Remedy in tort
- b) Liability in tort
- c) Both Remedy in tort and Liability in tort
- d) None of these.

(xlix) The Supreme Court awarded exemplary damages for breach of

- c) both options Damage and damages d) None of these

(lvii) Tort law or 'The Law of Torts' is a body of laws that is applied by _____ proceedings to recompense persons who have suffered harm due to the wrongful act of another.

- a) High Court b) Civil Court
c) Court of Appeal d) Family Court

(lviii) Tort law helps people to make claims for

- a) a. Compensation b) crime
c) Imprisonment d) Capital punishment

(lix) What is the purpose of tort law is twofold: 1) to compensate tort victims. If someone commits a tort against another person, that person can sue to recover damages. and 2)

- a) Influence b) Dominance
c) Resilience d) Deterrence

(lx) The five important characteristics of a tort are, 1) Civil wrong, 2) Infringement of a right in rem, 3) Right fixed by law, 4) Common Law action, and 5)

- a) Remedy b) exaggerate
c) Aggravate d) crook