



BRAINWARE UNIVERSITY

Term End Examination 2023-2024

Programme – LLM-2023

Course Name – Law of Tort

Course Code - LLM202C

(Semester II)

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) Name the correct option which defines Act of State
- | | |
|--|---|
| a) cannot be between a sovereign and the subjects of another State | b) cannot be between a ruler and his subjects |
| c) both 1 and 2 | d) Neither of these. |
- (ii) Outline the correct option which defines the nature of independent tort-feasors.
- | | |
|---|---|
| a) action against one bar the action against the others | b) action against some bars the action against the others |
| c) action against one does not bar action against the other | d) all of these. |
- (iii) Explain the nature of Tort Liability which comes under Vicarious Liability.
- | | |
|-----------------------------|-----------------------|
| a) independent tort feasors | b) joint tort feasors |
| c) composite tort feasors | d) all of these. |
- (iv) Examine the option which gives the definition of servant.
- | | |
|---|---|
| a) on whom the master has command of what to do & how to do | b) on whom the master has a command of what to do |
| c) whom the master can hire & fire | d) only 1 and 2 |
- (v) Explain the situation which can make a master held liable under Vicarious Liability.
- | | |
|---|---|
| a) in case of theft of property by a third person, bailed to the master | b) in case of theft of property of a third person not bailed to the master |
| c) neither 1 nor 2 as the act of committing theft is not covered | d) Both 1 and 2 as it makes no difference whether the goods are bailed or not bailed to the master. |

- (vi) Select the correct option which is giving the definition of reasonable man.
- 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.
- (vii) Explain the correct option which defines the limitation of Tort Law.
- a) The period of time during which a plaintiff may file a lawsuit b) The period of time during which a defendant may file a counterclaim
- c) The period of time during which a plaintiff may appeal a judgment d) . None of these.
- (viii) Contrast the correct option which justifies the Eggshell Skull rule in Tort Law.
- a) A legal test to determine if the plaintiff's injuries were caused by the defendant's actions b) A legal test to determine the extent of damages
- c) A legal rule that the defendant is liable for all harm caused, even if the plaintiff had a preexisting condition or vulnerability d) None of these.
- (ix) Explain the tort which doesn't require any proof of fault or negligence.
- a) Intentional tort b) Strict liability tort
- c) Negligent tort d) None of these.
- (x) Explain the option which is a defense to negligence claim.
- a) Contributory negligence b) Res ipsa loquitur
- c) Assumption of risk d) All of these.
- (xi) . Choose the correct option which defines vicarious Liability.
- a) Liability imposed on the employer for the wrongful acts of an employee b) Liability imposed on a third party for the wrongful acts of the defendant
- c) Liability imposed on the victim for contributing to their own harm d) Liability imposed on the government for failing to prevent a harm
- (xii) Predict the necessary element which gives rise to vicarious liability.
- a) The employer must have authorized or directed the wrongful act. b) The employer must have personally committed the wrongful act.
- c) The wrongful act must have been intentional. d) The wrongful act must have caused physical injury.
- (xiii) Predict the situation is an example of a situation where vicarious liability may not apply
- a) A company driver causes a car accident while making a delivery b) An employee sexually harasses a coworker
- c) A company employee embezzles funds from the company d) An independent contractor hired by a company causes property damage while performing work
- (xiv) Explain the section of the limitation act that states the term tort
- a) 2m b) 3m
- c) 4m d) None of these
- (xv) Name the person who states there is no law of tort but law of torts
- a) Winfield b) Salmond
- c) Both d) None of these

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Justify the principle of Volenti non fit Injuria (3)
3. Write a short note on Law of prescription (3)
4. Explain various kinds of easements (3)
5. Write a note on Malice in the Tort law. (3)
6. Interpret an argument for or against the concept of absolute liability in environmental law, considering its implications for industry and environmental protection. (3)

OR

Explain the key elements of negligence and explain how they are applied in legal cases. (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Write explanatory notes on Rylands v Fletcher (5)
8. Illustrate the concept of Composit Negligence and Contributory Negligence. (5)
9. Evaluate short note on Tests of 'Directness and Reasonable Foresight (5)
10. Examine essential elements of the tort of Negligence. (5)
11. Summarize the concept of Absolute Liability in the light of appropriate judgments of the Supreme Court of India. (5)
12. Write a short note on Maxim Novus actus interveniens (5)

OR

Write a short note on statutory authority as a defence to tortious liability. (5)
