



BRAINWARE UNIVERSITY

Term End Examination 2022

Programme – LLM-2021

Course Name – Law of Torts

Course Code - LLM301C

(Semester III)

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) State that the term tort is _____ in origin
- | | |
|-----------|-------------------|
| a) Greek | b) Indian |
| c) French | d) None of these. |
- (ii) Identify : The term tort is a synonym to _____ in English.
- | | |
|---------------|-------------------|
| a) Act | b) wrong |
| c) punishment | d) None of these. |
- (iii) Name : The word tort originated from the Latin word _____.
- | | |
|--------------------------|-------------------|
| a) torte | b) tortum |
| c) Both torte and tortum | d) None of these. |
- (iv) Select which of the following refers to the imposition of liability on a person without proof of a fault element?
- | | |
|------------------------|--------------------------|
| a) Strict liability | b) Vicarious liability |
| c) Corporate liability | d) Accessorial liability |
- (v) Identify which of the following is the most accurate description of strict liability?
- | | |
|--|--|
| a) All offences at common law. | b) Where the statutory definition does not expressly state any mens rea. |
| c) Where there is no mens rea for any element of the actus reus in the offence | d) Where an element of actus reus does not have any mens rea. |
- (vi) Select which of the following is not a consideration when deciding if an offence is one of strict liability?
- | | |
|--|---|
| a) The presumption of mens rea. | b) The deterrent effect making the offence one of strict liability would have |
| c) Whether the offence is truly criminal or regulatory | d) Whether D could be said to have caused the consequence or not. |
- (vii) Justify : 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.
- (viii) Infer : B invites D to dinner at his house. B cannot sue D for-
a) Negligence
b) Trespass
c) Theft
d) Extortion
- (ix) Test : 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
- (x) Write He who does an act through another does it himself is the English version of the Maxim-
a) Damnum Sine Injuria
b) Ubi jus ibi remedium
c) Injuria Sine Damnum
d) Qui facit per alium facit per se
- (xi) Write that 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
- (xii) Select : Which of the following is not a tort described as trespass to person
a) Battery
b) False imprisonment
c) Public nuisance
d) Assault
- (xiii) Select : Defamation means
a) Attack on the person's reputation
b) Attack on the person's self-respect
c) All of these
d) None of these
- (xiv) Assess : A publishes a false and defamatory statement against B in his newspaper. Whether A is libel for libel or is liable for slander?
a) A is liable for libel.
b) A is liable for slander.
c) Being newspaper A is liable for nothing.
d) None of these.
- (xv) Select : What is essential for the defamation?
a) The statement or representation must be defamatory.
b) The defamatory statement or representation must refer to plaintiff.
c) Such statement or representation must be published.
d) All of these.

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Explain the maxim Damnum Sine Injuria.
3. Cite two case laws on strict liability. (3)
4. Explain Joint- Tortfeasors and Independent Tortfeasors. (3)
5. When the employer will be liable for wrongs of the independent contractor? (3)
6. Solve when the employer will be liable for wrongs of the independent contractor? (3)

OR

- Write on contributory negligence. (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Define the maxim 'Injuria Sine Damnum' with the help of decided cases. (5)
8. Construct a short note on malicious prosecution (5)
9. Illustrate with suitable examples the definition of battery. (5)
10. Explain who is an independent contractor and when the employer will be liable for wrongs of the independent contractor? (5)

11. The Law of Torts is not static body of rules, but is capable of alteration and expansion to meet the needs of a changing society.(Salmond).-Discuss the statement with reference to rules in Rylands vs. Fletcher and its adoption in India by the Supreme Court of India. (5)
12. 'People must guard against reasonable probabilities but they are not bound to guard against fantastic probabilities' - Assess the statement (5)

OR

Asses the liability in tort, if any with reasons. I. A opens a hotel in Burdwan by the name Ashoka Hotel resembling to the same name of a Hotel in Asansol. The owner of Asansol Hotel sues A in tort. II. A detains B in a room on the pretext of giving him a shelter. III. A keeps rubbish upon his own land touching the wall of the neighbor. IV. A has constructed an explosive factory upon his own land. The factory emits dangerous fumes V. A enters a public bar and asks for one peg of whisky and afterwards ask for another but refuses to pay for the second supply. (5)
