

**BA LLB
FIFTH SEMESTER
LAW OF TORTS
BLB – 504**

(USE OMR FOR OBJECTIVE PART)

**SET
A**

Duration: 3 hrs.

Full Marks: 70

Time: 30 min.

Marks: 20

(Objective)

Choose the correct answer from the following:

1 × 20 = 20

1. Law of torts have developed mainly through.....
 - a. Customs and precedents
 - b. Judicial decision
 - c. Enactments
 - d. All of the above.
2. are words, which appear innocent, but have a latent defamatory meaning.
 - a. Libel
 - b. Slander
 - c. Innuendo
 - d. None of the above
3. Which of the following is the legal meaning of "Battery"?
 - a. Cells used in mechanical devices
 - b. Battering a person to death
 - c. Intended striking of another person
 - d. All of the above
4. When the master is liable for the wrong of his servant, the liability is called.....
 - a. Strict liability
 - b. Vicarious liability
 - c. Absolute liability
 - d. Tortious liability
5. Defamation involves-
 - a. Using a weapon
 - b. A contract
 - c. At least 5 people to be present
 - d. Making false statements about someone in front of others
6. Negligence involves-
 - a. A crime
 - b. Carelessness
 - c. Assault
 - d. Trespass
7. Can a husband be held vicariously liable for the tort of his wife in India?
 - a. Yes, because husband is considered as the agent of his wife
 - b. Yes, because husband is the guardian of his wife
 - c. No, a married woman can be independently sued
 - d. No, because husband is not the guardian of his wife
8. Law of tort is-
 - a. Uncodified
 - b. Codified
 - c. Both a and b
 - d. None

9. Why is defamation tort?
 - a. Individuals have the right to be free from bodily harm.
 - b. Individuals have the right to conduct business without interference
 - c. Individuals have the right to own property
 - d. Individuals have the right to enjoy a good reputation
10. Which of the following constitutes slander?
 - a. Manisha tells Rajesh that Seema stole Rs 500 from cash register at work, even though Manisha knows this is not true
 - b. Manisha writes an e-mail to Rajesh falsely stating that Seema stole Rs 500
 - c. Manisha calls Seema a liar in court
 - d. Manisha tells her boss that Seema stole Rs 500 and that two other employees along with Manisha saw this.
11. 'A' was one of the spectators at a formula one car race, on a track owned by XYZ company. During the race, there was a collision between two racing cars, one of which was thrown at the spectators, thereby causing injury to A. A claims damage for injury.
 - a. Company will be liable for damages because the injury was during the race organized by it.
 - b. Company will not be liable for damages because A had come to see the race on his own will
 - c. Company will not be liable for damages because the collision between the cars was beyond the it's control
 - d. Company will be liable because it has earned huge revenue through sale of tickets for the event
12. English case Ryland vs. Fletcher laid down a very important rule

a. Strict liability	b. Absolute liability
c. Indirect liability	d. Financial liability
13. The rule of 'res ipsa loquitur' is related ton the tort of-

a. negligence	b. False imprisonment
c. defamation	d. Nuisance
14. In tort, mistake-

a. Of law is a defence	b. Of fact is a defence
c. Of law and of fact both are defence	d. Is no defence
15. In which of the following cases has the Supreme court laid down that where the enterprise is engaged in hazardous activities, the enterprise is strictly liable to compensate all those who are affected buy such accident?

a. Union Carbide Corporation Vs Union of India	b. M.C Mehta vs. Union of India
c. Charan Lal Sahu vs. Union of India	d. Pondyal vs. Union of India

16. Res ipsa loquitur is the maxim used when-
- a. The things speak for itself
 - b. There is no evidence available to prove a fact
 - c. The witness is called from (detention)
 - d. The circumstantial evidence is sufficient
17. An inevitable accident means -
- a. An act of God
 - b. An unexpected injury which could have been foreseen and avoided
 - c. An unexpected injury which could have been foreseen and avoided
 - d. Only a and b
18. Which of the following is not defamation?
- a. Libel
 - b. Slander
 - c. An imputation which indirectly affect a person's reputation
 - d. Battery
19. Which of the following can not sue for the breach of tort?
- a. An infant
 - b. Lunatic
 - c. Child in womb
 - d. Convict
20. "A person cannot complain of harm which he has exposed himself, with knowledge and free will" refers to
- a. Volenti non fit injuria
 - b. Act of God
 - c. Inevitable accident
 - d. Ex trupi causa non oritur actio
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(Descriptive)

Time : 2 hrs. 30 min.

Marks : 50

[Answer question no.1 & any four (4) from the rest]

1. "All torts are civil injuries but all civil injuries are not tort" Explain the above statement. 10
2. Discuss the rule of Ryland Vs. Fletcher. How is the rule of strict liability different from the rule of Absolute liability? 5+5=10
3. A was transporting the goods of B. On his way, the goods were looted by a mob, the prevention of which was beyond the control of the A. Can A take the defence of Act of God? Justify. 10
4. "If a person consents to the infliction of some harm upon himself, he has no remedy for that tort". Comment and refer to case laws. 10
5. Write a brief note on defamation. Is intention required to defame? Justify. 2+8=10
6. Define Battery. Discuss the essential elements of Battery. 2+8=10
7. What are the objectives of Motor Vehicle Act 2019? 10
8. Does hurting religious feelings amount to a legal wrong? Justify your answer with reference to the case of Ushaben Navinchandra Trivedi v Bhagyalaxmi Chitra Mandir. 2+8=10

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