

Code: BAL166/BBL166

Subject: LAW OF TORTS

Max.Marks: 100

Duration: 3Hrs

SECTION A

Answer any SIX of the following questions:

6X5=30

- 1 Contract and tort are different but complementary. Critically analyse this statement with examples.
- 2 Explain the defence of 'plaintiff as a wrong-doer' with cases.
- 3 Explain the maxim '*ex turpi causa non oritur actio*' with illustrative case.
- 4 Analyse the maxims justifying the rule of vicarious liability.
- 5 X points an empty gun at Y. Y is not aware that the gun is not loaded. Decide whether the tort of assault is committed with supporting cases.
- 6 Derive the principle of trespass *ab initio* from the judgment in *Six Carpenters' case*.
- 7 D left his horse, not having any instances of viciousness unattended on the street while he went into a nearby store. A mischievous boy threw stones at the unattended horse, startling it and causing the horse to blindly bolt. P, a pedestrian was kicked and pushed over by the horse, resulting in severe injuries. When P sued D, D claimed the defence of *novus actus interveniens*.

SECTION B

Answer any FOUR of the following questions:

4X10=40

- 8 a) A, a voting officer restrained B from casting his vote, with a malicious intention. However, the candidate in whose favour B wanted to cast his vote, won the elections. B still wants to sue A. Decide if A can be held tortuously liable with supporting case.
b) Would your answer change if A acted under a *bonafide* mistake that B is not eligible to cast his vote? Decide with supporting case.
- 9 Four goons belonging to a religious fanatic group, corner a girl and boy on the bench where they were sitting in a public park. The goons walk around in a tight circle around them, in a threatening manner, shouting abusive words at them for 3 hours. Identify the torts committed, if any by the four goons and support your answer with cases.
- 10 'The standard of care in negligence is that of a reasonable person'. Evaluate this standard in comparison with the statement that 'the degree of care depends of the kind of services offered by the defendant and consideration charged from the plaintiff', using illustrative cases.
- 11 While packing the parachute for a first-time skydiver, the trainer X does not tighten the shroud lines correctly, being upset due to his marital problems. The parachute malfunctions due to the mistake of X and on hitting the ground at high speed, the skydiver is paralyzed. Decide whether the trainer can be held liable for negligence or strict liability.
- 12 What are the remedies available against tort?

SECTION C

Answer any TWO of the following questions:

2X15=30

- 13 Explain the principle of vicarious liability of State and the circumstances when State is not held vicariously liable for the torts committed by public officers with landmark cases.
- 14 *An employer is vicariously liable for the torts committed by the employee, but not for the tort committed by an independent contractor.*
a) Distinguish between employee and independent contractor.
b) Explain the circumstances when employer can be held vicariously liable for torts committed by independent contractor also with supporting cases.
- 15 "It is observed that in *Rylands v. Fletcher*, judges have created so many separate requirements and so many defences that there is little chance of pursuing a successful claim". Evaluate this statement in context of rule of absolute liability with cases illustrating strict liability and absolute liability.

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