



Subject: Law of Torts

Course: B.B.A.LLB

Full Marks:70

Time: 3 hours

Pass Marks: 28

- Candidates are required to give their answers in their own words as far as practicable.
- Question Paper is divided into **Three Parts –A, B & C**
- **Part-A** is compulsory.
- **Part- B** contains **SIX** questions out of which **FOUR** questions are to be answered.
- **Part -C** contains **SIX** questions out of which **THREE** Questions are to be answered.

PART A

Q.1) Multiple Choice Questions

(10x1=10)

1. Law of the contract is different from the law of tort in which way...?
 - A. It is actionable in both the civil and criminal courts
 - B. Tort is made up predominantly of statute law
 - C. Contracts are always written
 - D. It generally concerns a relationship between two parties only
2. 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
3. Which of the following is not an objective of the law of tort?
 - A. Compensation
 - B. Corrective justice
 - C. Deterrence
 - D. Imposition of moral blame
4. Which of the following is an example of trespass?
 - A. Sue walks in front of Ron's house, staying on the sidewalk.
 - B. Jim hunts on David's land without David's permission. While there, Jim shoots one of David's cows, mistaking the cow for a deer. David sells his cows to make a living.
 - C. Josh borrows Luke's car after Josh asks Luke to run to the store to pick up some milk.
 - D. Lisa walks into Heather's house, who has invited her over for lunch.
5. A loud Music beat that can be heard through an apartment wall (from another apartment) at midnight can be classified as
 - A. Nuisance
 - B. Trespass
 - C. Interference with contractual relations
 - D. Conversion
6. A private nuisance affects only one family.
 - A. True

- B. False
7. Why is defamation a tort?
- Individuals have the right to be free from bodily harm.
 - Individuals have the right to conduct business without interference.
 - Individuals have the right to own property.
 - Individuals have the right to enjoy a good reputation
8. Negligence involves:
- Crime
 - Carelessness
 - Assault
 - Trespass
9. Why is a reasonable person test used to determine breach of duty in a negligence case?
- Because each tort case is quite similar.
 - Because negligence involves being reasonable.
 - Because a breach of duty occurs when a person does not exercise the degree of care that a reasonable person would in the same situation.
 - Because only reasonable persons are involved in breaches of duty.
10. Sarah and Nathan have been keeping a lion in their backyard. They found it as an abandoned Cub that had somehow escaped from its cage at a local zoo. The couple decided to sneak the lion home and raise it. Sarah and Nathan were very careful keep the lion within their strong fence, but as a full-grown lion it escapes and bits a neighborhood child. Can Sarah and Nathan be sued for strict liability.
- No, because they were so careful with the lion it was simply an unfortunate accident.
 - Yes, even though they were careful they are still liable for the injury.
 - Yes, because they did not follow a local ordinance that required at least two fences for lion pets.
 - No, the zoo is held liable because the lion was from the zoo.

B. Very short Question

(5x2=10)

- What is the difference between assault and battery?
- Does the act of using a camera to peek into other's property constitute a trespass? Give reason for your answer.
- Define Tort
- Name two types of remedies available under torts.
- Name the exceptions of torts.

PART B

Q2. Answer any FOUR questions

(4x5=20)

- What do you understand by Volenti Non-Fit Injuria?
- Explain the Torts under the Principal of Principal Security?
- Define the following with the help of an example:
 - Strict Liability
 - Absolute Liability

4. What are the objects of Motor Vehicles Act of 1958?
5. What are liquidated and unliquidated damages.
6. What do you understand by Continuing Trespass? How is it different from trespass?

PART C

Q3. Answer any THREE questions

(3x10=30)

1. What are the amendments made by the Motor vehicle act (amendment bill) 2019? Discuss in detail.
2. What are the various principals under Law of Torts? Explain in detail
3. Discuss in detail the Defenses available under Law of Torts.
4. Write the differences between:
 - Torts and Crime
 - Torts and Contract
5. "A doctor while performing an operation leaves a pair of scissors inside the stomach of the patient." Will the doctor be held liable? Explain your answer with the help of the principal of torts which are applicable.
6. Case study:
 - A) "ABC International School" is an established school in the locality. A new school "XYZ Modern high School" was set up which charged lower fees on account of which the admissions at ABC International School started decreasing. The old school filed a case against the latter saying that they had caused them financial loss and claimed compensation.
 - Is XYZ Modern High School liable to pay damages to ABC International School? Write the reasons supporting your answer.
 - B) In the leading case the defendant, a returning officer at a voting booth refused to allow the plaintiff, a duly qualified voter from voting. The candidate for whom the plaintiff was voting got elected and therefore no loss was suffered by him.
Is there any violation of a legal right? Explain your answer with the help of the relevant principals.



ARKA JAIN University, Jharkhand

1stSemester End Semester Examination – 2019-20

Subject: Legal Language, Legal writing and General English

Course: BBALLB

Time:3 Hours

Full Marks:70

Pass Marks: 28

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- Part- C contains SIX questions out of which THREE questions are to be answered.

PART A

Q.1) All questions are compulsory

Multiple Choice Questions:

(10x1=10)

i. The practice of law concerning marriage, divorce, and child custody and support.

- Criminal Law
- Probate
- Estate Planning
- Family Law

ii A tort doctrine that makes manufacturers, distributors, wholesalers, retailers, and others in the chain of distribution of a defective product liable for damages caused by the defect, irrespective of fault.

- Domestic Corporation
- Doctrine of Strict Liability
- Equitable Distribution
- Fraud

iii. Jenny is _____ tired.

- One way process
- Two way process
- Three way process
- None of the above

vi. Match the names of writs in list I with their meanings in list II.

Name of the writ

Meaning of the writ

List I

List II

1. Habeas Corpus

A. We command

2. Mandamus

B. By what warrant

3. Certiorari

C. You should have the body

4. Quo Warranto

D. To inform

(a) 1-B; 2-D; 3-A; 4-C

(b) 1-B; 2-A; 3-D; 4-C

(c) 1-C; 2-D; 3-A; 4-B

(d) 1-C; 2-A; 3-D; 4-B

v. The prisoner was _____ to death?

- Hung
- hanging
- hanged
- choosing

vi. One of the basic tenets of criminal liability is “actus non facit reum nisi mens sit rea”. What does this mean in English?

- The act is not guilty unless the mind is guilty
- The guilty mind and guilty act are the same thing

- c) If a person does a criminal act, he will be found guilty
 - d) A guilty act is not required in criminal law
- vii. What is the "actus reus"?
- a) The guilty mind
 - b) Moral guilt
 - c) The guilty act
 - d) None of the above
- viii. What is "ratio decidendi" in a judgement?
- a) The reasoning behind the decision
 - b) The irrelevant part of the decision
 - c) The non-binding part of the decision
 - d) All of the above
- ix. _____ is one of the pillars of Indian Democracy.
- a) Alibi
 - b) President
 - c) Judiciary
 - d) State council
- x. Ignorantia juris non excusat means:
- a) Ignore the law
 - b) Legal maxim
 - c) Ignorance of the law does not excuse
 - d) None of the above

B] Very Short question

(5x2=10)

- a) Explain the following legal term (any 2)
 - i. Acquittal
 - ii. Jurisdiction
 - iii. Plaintiff
 - iv. Suit
 - v. Defendant
- b) What do you understand by the legal term 'Charges'?
- c) What is Prohibition?
- d) Discuss Rudal Shah v. State of Bihar (1983) 4 SCC 141 with respect to writ petition.
- e) Explain whether the following sentence is grammatically right or wrong:
'The cat sat beside me drinking coffee.'

PART B

Q2. Answer any four:

Explain the following legal terms:

(4x5=20)

- i) Mala fide
 - ii) Ipso facto
 - iii) Certiorari writ
1. What is the difference between Prohibition and Mandamus?
 2. Define Actus non facit reum, nisi mens sit rea with a case law?
 3. Differentiate between the given homonyms by using them in a sentence:
 - i. Leave; leave
 - ii. Reel; Real
 - iii. Beat; beat
 - iv. Knew; new
 - v. Train; Train
 4. Write down how to draft a legal report or case analysis.

PART C

Answer any three:

(3x10=30)

1. Form sentences of the following words so that to bring out its meaning:
 - a) Ab- initio

- b) Ad-hoc
 - c) Bona-fide
 - d) Ex-post facto
 - e) Men's rea
2. Explain the concept of law and its basic function.
3. **Read the following passage and make a story map of it.**

In many countries the legal systems are very complex. This is because they have been developed over very long times. Every time that a new case is decided it can have an affect on future cases. This means that the people who work in legal situations have to be clever. They have to know and understand all the rules and precedents. A precedent is when a previous decision will have an effect on future cases as it was related to an important point. There are many people who work with the law, such as solicitors or judges. A solicitor is a lawyer who spends most of their time advising their clients and preparing legal documents, such as wills or contracts for buying and selling houses. They need to be very careful and make sure that all the details are correct, otherwise their clients might lose a lot of money.

A barrister is a type of lawyer who works in court rooms. They will either work for the prosecution or defense sides. If they are a prosecution lawyer they are trying to prove that the defendant (the person on trial) committed a crime. They have to present evidence to show that the defendant is guilty. If they are a defense lawyer then they work for the defendant and have to show that the evidence presented is not enough to prove that their client is guilty and he should be judged to be not guilty.

Then there are judges and magistrates. A magistrate will hear trials about less serious crimes, while a judge's will be about more serious crimes. These are the people who have to decide what punishment will be given to someone who is guilty. The punishments could range from a small fine up to a long prison sentence, and even a death sentence in some countries. The trial happens in the judge's courtroom, so the judge is responsible for making sure the trial is run fairly and follows the law.

If a lawyer believes that a trial was not fair or there was a mistake in the law, they can ask for a new trial that will generally be hear by an appeal court where an appeal judge will be in charge. Often appeal judges will be the most experienced judges in a country, so they know a lot about the law and how to apply it.

4. Answer the following after reading the above passage:
- i. What do lawyers have to be?
 - a) Nice
 - b) Clever
 - c) Greedy
 - d) Fast workers
 - ii. What could happen if the solicitors made mistakes?
 - a) Someone who is innocent could go to prison.
 - b) Someone could lose their job.
 - c) The client could lose some money
 - d) The client could learn something new
 - iii. What does a defense lawyer have to do?
 - a) Show that the prosecution's evidence is not enough
 - b) Prove that the defendant is guilty
 - c) Show that the defendant was someone else
 - d) Prove that the judge has made a mistake
 - iv. What is the most severe punishment a judge could give?
 - a) A long time in prison
 - b) A fine
 - c) A judge does not give punishment
 - d) Capital punishment
 - v. Why might an appeal be needed?
 - a) The first trial
 - b) The first trial took too long to finish
 - c) The first trial was done perfectly
 - d) The first trial had too many people watching

Read the following passage carefully:

Women like men are the best creation of the world. Men and women complete the human personality. In Hindu mythology, women are termed as adhangani and westerners honor them by calling them better half. In early age and more particularly in matriarchal society women enjoyed dignified and respectful status. The concept of "Mother Goddess" was the eternal symbol of life. Women like earth gave life, sustenance and strength to humanity. In Vedic period women enjoy status equal to man. But this status of equality did not last long, and by matriarchal society gave way to patriarchal society. The superiority of men

- c) If a person does a criminal act, he will be found guilty
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over the women was established. The status of women throughout the world has been and still is that of subordination. Where personality was treated by having been merged with personality of the husbands. They could not property on their name the did not have voting rights. With the march of civilizations reforms became necessary. The women were given voting rights and legal personality of their own with right to sue or be sued. In India even Britishers passes many laws to recognize and save the status and interest of women. Widow Remarriage act and abolition of SATI system is prominent among them. In post independent era gender bias has been tried to be eradicated. The constitution prohibits discrimination on grounds of sex. It enables state to make protective measures for women, maternity care, equal pay for equal work irrespective of sex. Many laws and efforts have been made to enforce dignity of a women but due to lack of commitment and societal awareness no meaningful objective has been achieved

5. Answer the following question thoroughly
 - a) What are women termed in Hindu mythology and Western culture?
 - b) How was the status of women in matriarchal society and in Vedic period?
 - c) Which laws did Britishers pass in India to improve condition of women?
 - d) Do you think that at present women are really empowered in India?
6. Make notes on the above given paragraphs.



ARKA JAIN University, Jharkhand

IIIrd Semester Final Examination – 2019-20

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