



Name:

Enrolment No:

**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**

**End Semester Examination, December 2022**

**Course: General Law of Tort**

**Program: B.A. Legal Studies**

**Course Code: CLCC 1014**

**Semester: I**

**Time : 03 hrs.**

**Max. Marks: 100**

**Instructions:**

**SECTION A  
(5Qx2M=10Marks)**

S. No.		Marks	CO
Q.1.	Define the maxim- <i>Qui facit per alium facit per se</i>	2	CO1
Q.2.	Define Right in rem	2	CO1
Q.3.	Which case led to the introduction of principle of Absolute liability? a.Rylands v Fletcher b.MC Mehta v. Shri Ram Foods and Fertilizers Limited c.Bhopal gas leak case, 1984 d.Donogue v. Stevenson	2	CO1
Q.4.	An intentional tort requires the claimant to show that defendant a.was ignorant about the injury b.Caused the injury on purpose c.Caused injury by mistake d.None of these	2	CO1
Q.5.	Explain the differences between Assault and Battery	2	CO1

**SECTION B  
(4Qx5M= 20 Marks)**

Q.6.	Discuss the elements to constitute the defence of Volenti Non Fit Injuria	5	CO2
Q.7.	Explain the differences between Joint and Independent tortfeasors?	5	CO2
Q.8.	Discuss the meaning [any one]: i. Defence of Necessity ii. Vicarious Liability of State	5	CO2
Q.9.	Trespass is actionable per se, whereas Nuisance is not. Discuss	5	CO3

**SECTION-C  
(2Qx10M=20 Marks)**

Q.10.	“Acts done with the intention of annoying a neighbour and actually causing annoyance will be nuisance.” Define and Illustrate. Also explain the defences to nuisance.	10	CO2
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Q.11.	<p><i>“Negligence is the failure to do what a reasonable and prudent person would ordinarily have done under the circumstances of the situation.”</i></p> <p>Analyze.</p>	<b>10</b>	<b>CO2</b>
<p><b>SECTION-D</b> <b>(2Qx25M=50 Marks)</b></p>			
Q.12.	<p>Z is not having good relations with his mother-in-law. He tells his wife, 'there is hardly a day when your mother does not indulge in adultery.' The statement made by Z is false.</p> <p>i. Examine the elements to constitute the tort of Defamation.</p> <p>ii. Enumerate the defences applicable to tort of Defamation. Also, decide the liability of Z, in the light of the aforementioned facts.</p>	<b>10+15</b>	<b>CO3</b>
Q.13.	<p>How far is the rule of Absolute Liability different from rule of Strict Liability?</p> <p>Due to extraordinary rainfall, a storage tank belonging to an enterprise engaged in an inherently dangerous industry collapsed. Highly toxic gas contained in the tank escaped and caused the death of two persons and adversely affected the health of others.</p> <p>Examine the liability of the enterprise. Compare the liability, if the tank contained water and it resulted in flooding of the nearby areas, instead of release of toxic gas.</p>	<b>25</b>	<b>CO3</b>