

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

**Course: Law of Torts (Including MV Accident and Consumer Protection Act)
Semester-I (Batch: 2019-24)**

End Semester Examination: October-2019

Date: 19th October, 2019

Duration: 3 hours

Max. Marks: 50

Instructions:

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write anything on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.

Answer any five of the following questions

Marks

- Q.1 “Truly speaking entire law of torts is founded and structured on morality that no one has a right to injure or harm other intentionally or even innocently. Therefore, it would be primitive to class strictly or close finally the ever expanding and growing horizon of tortious liability. Even for social development, orderly growth of the society and cultural references the liberal approach to tortious liability by courts is more conducive.” (10)
- Examine the above statement along with your own views and examples.
- Q.2 On March 29, 1960, The New York Times ran a full page advertisement, paid for by supporters of Martin Luther King, Jr., entitled “Heed Their Rising Voices”. This advertisement reported on instances of civil rights abuse that had taken place in Montgomery, Alabama at the hands of the Montgomery police Department. Upset by this advertisement, Montgomery City Commissioner L. B. Sullivan filed a libel action against the New York Times in the Circuit Court of Montgomery County, claiming that the advertisement constituted defamation against him, as it contained untrue statements about the police department on those instances which he personally oversaw. (4+2+4=10)
- In the light of the above mentioned facts answer the following:
- (a) What is defamation? And what are the different kinds of defamation along with their distinction?
 - (b) What is the name of case?
 - (c) What was decided by different courts in this case? Clearly bring out the reasons given by the court for such decision.
- Q.3 In considering whether a prohibited act was within the course of the employment, it depends very much on the purpose for which it is done. If it is done for his employer's business, it is usually done in the course of his employment, even though it is a prohibited act. However, if it is done for some purpose other than his master's business, as for instances, giving lift to hitchhiker, and such an act, if prohibited by the master may not be within the course of his employment. (10)

Discuss the above mentioned proposition in detail along with relevant case laws.

- Q.4 The existence of a 'duty situation' or a 'duty to take care' is essential to hold a person liable in negligence. Normally the question of existence of a 'duty situation' in a given case is decided on the basis of existing precedents covering similar situations. However, it is now well accepted that new duty situations can be recognized. A privilege or liberty of yesterday may become duty of today. The law of negligence is consistently influenced and transformed by social, economic and political considerations. (10)

Examine the above stated scheme in the light of different conditions for existence of duty.

- Q.5 Write short note on the following: (5+5=10)
(a) Public and private Nuisance
(b) Dishonest and Criminal Acts of Servant

- Q.6 The rule of law is that the person who for his own purposes, brings on his land and collects and keeps there anything likely to do mischief if it escapes, must keep it in at his peril, and if he/she does not do so is prima facie answerable for all the damage which is the natural consequence of its escape. (10)

Elucidate the above said basis of liability as laid down by Blackburn, J. with the relevant case laws in the Indian context.
