

Answer all the questions.

Figures in the margin indicate the marks.

(Section A)

(1 x 20)

1. During a Rugby match and in an off- the-ball incident B punched G, the opposing scrum-half, in the face fracturing his jaw in two places. Evidence was given by B that on previous occasion he had been punched by opponents and by a defence witness M who was a former Rugby player he tried to prove that in modern game of Rugby punching is the rule rather than the exception. It was also argued by the defence that in the modern game of rugby players consented to the risk of some injury and that the plaintiff counsel would have to prove that the blow struck by B was one which was outside the normal expectation of a player so that he could not be said to have consented to it by participating in the game.

Referring the above facts and situation, discuss what the plaintiff has to establish before the court to get a remedy in torts. What defences can the defendant successfully plead before the court? Discuss with the help of decided cases.

Or

Mr. Johnson was an alcoholic and suffered from depression. He had made two suicide attempts. He was admitted to hospital but discharged himself the following day. When he arrived home his wife prevented him from drinking and he became violent and started smashing furniture. The police were called and arrested him. His wife informed them of his suicide attempts and discharging himself from hospital and it was agreed that he should be remanded in custody for his own safety. However, the police failed to inform the prison authorities that Mr. Johnson was a suicide risk. He committed suicide whilst on remand. His wife brought an action based on negligence of the police in failing to pass on the information. The police raised the defence of *volenti non fit injuria* and *ex turpi causa*.

Referring the above facts, discuss how and when both of the above mentioned defence can be successfully pleaded before the court. In the abovementioned facts will the police be held liable? Discuss with the help of decided cases.

(Section B)

(5 x 4)

2. Rule of *Baker v. Bolton*.
3. *trespass quare clausum fregit*.
4. Malice in fact and malice in law.
5. Malfeasance, misfeasance and non-feasance.
6. Extinction of liability in law of torts.

(Section C)

(10 x 2)

7. Answer the correct choice, answer as the need be
  - i. *Read v. Coker* is a case related to .....
  - ii. Difference between inevitable accident and act of God.
  - iii. Trespass to land is also an offence under the Indian Penal Code, 1860 under Section .....
  - iv. False Imprisonment is partial restrain on the liberty of a person. (True/False)
  - v. The maxim '*trespass de bonis asporatis*' means .....
  - vi. Define Malicious Prosecution.
  - vii. *Cuis est solum cius est usque adcoelum* means .....
  - viii. *Kirk v. Gregory's* case is related to .....
  - ix. Mention the two condition for the use of force for self defence.
  - x. *Ubi jus ibi remedium* means .....

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