

Chapter - 05

* Laws of Torts :-

Lecture - 03.

29/July/24.
class notes.

Q. John who had his account in a private bank went to bank to deposit the case. While he was entering into the bank alongside cash box of the bank was also being carried inside, the security guard in a haste ended up firing John thereby killing him. Mrs. Maria, wife of Mr. John claims that bank is vicariously accountable for the incidence, but the bank argues that it had not given the permission to employee to fire. Is the argument of bank correct? Decide.

(Dec 2023, 5 marks.)

Provisions :-

- There is a general principle that says *Qui facit per alium facit per se* which means the one who act through other is acting himself.
- Another Maxim which is relevant for vicarious liability is *respondet superior* which says let the principal be liable.
- As per vicarious liability master will be held liable for act of servant done in course of employment.

Facts :-

- John went to bank to deposit the cash and at same time cash box of the bank also being carried inside, security guard ended a firing at John there by ended up killing him.

Conclusion :-

- In case of *Anita Bhandari vs. Union of India* there were same facts as of this case and in that case bank was found to be responsible by the court because providing guard with the gun amounted to giving him

Permission to shoot when he felt necessary.

- So, in this case bank will be vicariously liable for act of security guard.

30/July/24.

Lect.-4.

Q. Describe the Concept of false imprisonment Under law of torts. (dec 2023)

- False imprisonment means confining someone within the four walls so that he can't move and his personal liberties infringe.
- The restraint must be without lawful justification.
- The restraint can be physical such as locking someone within a room or psychological such as threat of force that prevent someone from leaving a location.
- The restraint must be without consent of plaintiff.
- False imprisonment comes under tort.

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Q. Reason and Purpose of Arbitration and Conciliation (Amendment) Act, 2015 Passed by the Parliament?

- Application for appointing arbitrator must be disposed by High Court or Supreme Court within 60 days
- Court will examine existence of Arbitration agreement when appointing arbitrator.
- Arbitral tribunal must make award within 12 months extendable by 6 months with Court's approval
- Parties can opt for Fast-track arbitration process concluding within 6 months
- Application to challenge arbitral award must be disposed by Court within a year.
- Ensuring the neutrality of arbitrator when approached for potential appointment