

HONS/08/07/19

**EIGHTH SEMESTER B.A., LL.B. (HONS.) EXAMINATIONS, MAY, 2019
TRANSPORTATION LAW**

Time: 3 Hours

Maximum Marks: 50

PART A

Answer ANY FIVE Questions

1. Who is a 'multimodal transport operator' and what is a 'multimodal transport document'?
2. Explain the concept of 'general average' and examine its relevance in carriage of goods by carriers.
3. What is meant by a 'common carrier' and who can act as a common carrier under the Carriage by Road Act, 2007?
4. Define and explain the importance of an airway bill/ air consignment note.
5. Explain the treatment of bill of lading as a conclusive evidence of fact of shipment against the carrier.
6. Explain the concept of 'international carriage'. How has it been incorporated into the Indian law?
7. Explain 'marine insurance' and 'insurable interest' as defined under the Marine Insurance Act, 1963.

(4 X 5 = 20 marks)

PART B

Answer ANY TWO Questions

1. Safe Miler, a multimodal transport operator based in Mumbai undertakes to deliver the goods of Alex to Jenner, a consignee in London, in the United Kingdom. A part of the consignment was delivered on time on 1 April, 2017. On enquiries with Safe Miler, on 1 April, 2017, Jenner was told that they were held up with Customs authorities in Southampton. The consignment was not delivered even in December, 2017. On 1 December, 2017, Safe Miler sues Alex for freight charges. On 1 January, 2018, Jenner sues Alex for non-delivery of goods. Decide on the claims of Safe Miler and Jenner against Alex.
2. Ajay is caught at the airport on arrival after a flight with a knife in his hand bag. Abhay who was in the next seat with Ajay throughout the flight is very frightened at this development and wants to sue the airline for not screening Ajay properly and for allowing him to travel in the aircraft with a knife. Discuss the liability, if any, of the airline towards Abhay and other passengers.
3. Jenny booked a cargo of hand crafted jewellery with the railways for delivery at Indore for an exhibition. The cargo was completely damaged in the rain while it was lying on the railway platform at the Chennai Central Station for loading. Discuss the liability of the railways with respect to damage to the cargo.

(6 X 2 = 12 marks)

PART C

Answer ANY TWO Questions

1. Explain the constitution, powers and functions of the Railways Claims Tribunal.
2. Explain the provisions in relation to removal of obstructions and similar hazards in navigation under the Inland Vessels Act, 1917.
3. Examine the salient features of the Montreal Convention and explain its applicability in India.

(9 X 2 = 18 marks)