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19 (VI) INSL 6-3 (OP)

2019

**INSURANCE LAW**

Paper : 6-3 (OP<sub>4</sub>)

Full Marks : 80

Time : Three hours

**The figures in the margin indicate full marks for the questions.**

**Answer all questions.**

1. Choose the correct answer :  $1 \times 10 = 10$
- (a) The principle of indemnity is applicable to all types of insurance.  
(True/False)
- (b) In a contract of re-insurance there is privity of contract between the original insured and the re-insurer.  
(True/False)
- (c) In India the 'Personal Insurance' is dealt with by the [General Insurance Corporation (GIC)/ Life Insurance Corporation (LIC)].
- (d) A Life Insurance policy may be assigned as a security for repayment of loan.  
(True/False)

Contd.

(e) [Marine/Fire] Insurance is the oldest form of insurance.

(f) According to section 2(1)(f) of the IRDA Act, 1999 the term 'Insurance Intermediaries' does not include 'surveyors and loss assessors'.

(True/False)

(g) ['Risk'/'Peril'] is insured in a contract of insurance.

(h) A minor can be appointed as a nominee by a Life Insurance policy holder.

(True/False)

(i) Which of the type of insurance is mandatory [motor own damage/motor third party legal liability]?

(j) Principle of utmost good faith is also known as [*uberrima fides/causa proxima*].

2. Answer the following :  $2 \times 5 = 10$

(a) What is the difference between a contract of insurance and a wagering agreement?

(b) Differentiate between 'composite negligence' and 'contributory negligence'.

(c) What is the object of 'The Fatal Accidents Act, 1855'?

(d) Is money under the life policy payable when the insured commits suicide?

(e) What is 'burglary insurance'?

3. Write a detailed account on legal and regulatory framework of insurance in India by citing relevant constitutional provisions.

12

OR

What do you understand by 'insurable interest'? Is insurable interest mandatory for all types of insurances? Discuss in this context the various rules of insurance interest in relation to a contract of life insurance.  $2+2+8=12$

4. Explain the important provisions of the Insurance Act, 1938 and the IRDA Act, 1999 in protecting and safeguarding the interests of the insured.  $6+6=12$

OR

Write notes on :  $6+6=12$

(a) Procedure for settlement of insurance claim

(b) Double insurance and re-insurance.

5. Discuss the nature and scope of a contract of Life Insurance. Who are entitled to payment under a contract of Life Insurance?  $8+4=12$

**OR**

Discuss the legal provisions as contained in the Insurance Act, 1938 as regards nomination and assignment of life policies.

12

6. Under what circumstances is compensation payable under the Fatal Accidents Act, 1855? Discuss citing case laws as to who are entitled to compensation under the Act of 1855.

12

**OR**

Discuss the legal provisions as regards 'compulsory insurance' under the Personal Injuries (Compensation Insurance) Act, 1963. Is an employer made liable for not effecting a compulsory insurance under the Act?

12

7. What is a third party insurance? Discuss in detail the law relating to third party insurance to India.

12

**OR**

Write short notes on :

6+6=12

- (a) Property Insurance  
(b) Marine Insurance.