CLATalogue
The Home of Law Aspirants

BLOGS

Passage-Based Questions on Legal Reasoning for CLAT UG [Part 13]

Adtiya Aryan · 25 Jun 2026

Passage 1 (P.1)

Vicarious liability represents a departure from the traditional fault-based principle of tort law. Under this doctrine, liability is imposed not upon the person who directly committed the wrongful act, but upon another who stands in a legally recognized relationship with the wrongdoer. Most commonly, an employer may be held liable for torts committed by an employee. The underlying justification lies in risk allocation: the employer creates or enhances certain risks through the enterprise and is therefore better positioned to bear the resulting loss. However, the mere existence of an employment relationship does not automatically attract liability. The decisive inquiry is whether the wrongful act was committed "in the course of employment." This expression does not refer simply to temporal coincidence (i.e., whether the employee was working at that moment), but to the functional connection between the employment and the tortious act. Courts have developed the "close connection" test to determine this relationship. Liability arises not only when the employee performs an authorized act, but also when an authorized act is performed in an improper, negligent, or even unauthorized manner. However, where the employee substantially departs from assigned duties to pursue personal objectives, a situation often described as a "frolic of their own", the employer may not be liable. The distinction between a minor detour and a fundamental deviation is contextual and fact-sensitive. Importantly, even intentional wrongs may attract vicarious liability if they are sufficiently connected to the employee's assigned role. The critical question is whether the employment created or materially increased the risk of the wrongful act. Thus, the doctrine focuses less on formal authorization and more on enterprise risk and relational proximity.

1. A hospital nurse negligently administers the wrong medication during her scheduled shift. The hospital is?

a. Is liable since the act was closely connected to assigned duties

b. Is not liable because negligence was personal

c. Is liable only if it expressly authorized the specific act

d. Is liable only if supervision was inadequate

2. A company driver, while delivering goods, stops briefly to visit a friend nearby and causes an accident during that detour. The employer's liability depends primarily on?

a. Ownership of the vehicle

b. Whether the deviation was substantial or minor

c. Whether negligence can be proven

d. Whether the employee was salaried

3. An employee, after finishing work, uses the employer's machinery without permission to complete personal tasks and causes damage. The employer?

a. Is liable due to employment relationship

b. Is liable because equipment belonged to it

c. Is strictly liable for all employee acts

d. Is likely not liable due to substantial departure from employment

4. A nightclub employs security personnel to maintain order. A guard uses excessive force and injures a patron. The employer may be liable if?

a. The force was expressly authorized

b. The injury occurred on employer's premises

c. The wrongful act was closely connected to the guard's assigned function

d. The guard acted with malice

5. The most decisive factor in modern vicarious liability jurisprudence is?

a. Temporal proximity

b. Degree of employer control

c. Risk created by the enterprise and closeness of connection

d. Express contractual terms

Passage 2 (P.2)

The doctrine of eclipse addresses the constitutional status of laws that pre-date the Constitution and subsequently become inconsistent with fundamental rights. Rather than treating such laws as void from inception, constitutional jurisprudence regards them as eclipsed, meaning that they remain valid in their origin but become unenforceable to the extent of inconsistency. This conceptualization preserves legislative continuity. A pre-constitutional statute does not disappear from the statute book; it merely becomes dormant in its inconsistent portion. It continues to operate with respect to matters not covered by fundamental rights and remains valid for transactions that occurred prior to constitutional commencement. A critical feature of the doctrine is its limited scope. It traditionally applies to pre-constitutional laws and not to post-constitutional legislation that violates fundamental rights. The latter category is void ab initio because the legislature lacked competence to enact a law infringing constitutionally guaranteed rights. If the constitutional inconsistency is later removed – for example, through amendment of fundamental rights, the eclipsed provision may revive without fresh legislative action. However, during the period of eclipse, the law cannot be enforced against citizens whose fundamental rights are infringed. The doctrine thus reconciles constitutional supremacy with statutory persistence, avoiding unnecessary obliteration of legislative effort.

6. A colonial-era statute imposes restrictions on assembly that conflict with constitutional guarantees. After constitutional commencement, the statute?

a. Is void ab initio

b. Remains valid but unenforceable to the extent of inconsistency

c. Automatically repealed

d. Permanently extinguished

7. Parliament later amends the Constitution narrowing the scope of the relevant fundamental right. The previously inconsistent provision?

a. Requires re-enactment

b. Remains permanently void

c. Revives automatically

d. Can revive only through judicial declaration

8. A law enacted after the Constitution violates a fundamental right. The doctrine of eclipse?

a. Saves the law temporarily

b. Applies partially

c. Revives it later

d. Does not apply; the law is void from inception

9. During the period of eclipse, a citizen is prosecuted under the inconsistent provision. The prosecution is?

a. Valid

b. Invalid because the provision was unenforceable

c. Valid if public interest shown

d. Automatically constitutional

10. The doctrine primarily ensures?

a. Judicial supremacy over Parliament

b. Temporary dormancy rather than annihilation of pre-constitutional law

c. Automatic revival of all old statutes

d. Absolute legislative continuity

Passage 3 (P.3)

The doctrine of res judicata embodies the principle that litigation must come to an end. Once a competent court has adjudicated a matter directly and substantially in issue between parties, the same parties, or those claiming under them, cannot re-open the matter in subsequent proceedings. The doctrine rests on public policy: preventing multiplicity of litigation, avoiding inconsistent verdicts, and preserving judicial authority. For res judicata to apply, several conditions must be satisfied: (i) the matter must have been directly and substantially in issue in the earlier proceeding, (ii) the former court must have been competent, (iii) the parties must be identical or in privity, and (iv) the issue must have been finally decided. Constructive res judicata broadens this principle. It bars not only issues actually raised and decided but also issues that could and ought to have been raised in the earlier proceeding. A party cannot split claims or withhold grounds strategically to litigate them later. However, dismissal for lack of jurisdiction does not attract res judicata, since competence of the earlier forum is foundational. Similarly, matters involving fundamental jurisdictional defects may not be barred. The doctrine therefore balances fairness to parties with systemic need for conclusiveness.

11. A files a suit for damages based on breach of contract and loses after full adjudication. A later files another suit based on the same transaction claiming restitution instead. The second suit?

a. Is barred because underlying issue already decide

b. Is maintainable due to different remedy

c. Is valid if new evidence found

d. Requires constitutional review

12. In the first suit, A could have raised misrepresentation but chose not to. In a subsequent suit based on the same contract, A raises misrepresentation. This is?

a. Permissible

b. Barred by constructive res judicata

c. Allowed because fraud is serious

d. Automatically maintainable

13. A suit was dismissed because the court lacked territorial jurisdiction. Filing in the correct court later?

a. Is barred

b. Is barred partially

c. Is not barred because earlier court was incompetent

d. Is unconstitutional

14. If two suits involve identical legal issues but different parties, res judicata?

a. Automatically applies

b. Applies only in criminal law

c. Always applies to legal principles

d. Does not apply unless parties or privies are the same

15. The doctrine ultimately seeks to?

a. Protect winning party only

b. Prevent endless litigation and ensure finality

c. Restrict constitutional remedies

d. Limit judicial review

Answers

1. A
2. B
3. D
4. C
5. C
6. B

7. C
8. D
9. B
10. B
11. A
12. B
13. C
14. D
15. B