BLOGS

Passage-Based Questions on Legal Reasoning for CLAT UG [Part 18]

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Passage 1 (P.1)

Under the law of bailment, when one person (the bailor) delivers goods to another (the bailee) for a specific purpose, the bailee is obligated to take reasonable care of the goods. The standard of care required from the bailee is that which a prudent person would take of their own goods of similar nature and value. If the bailee takes such reasonable care, they are not responsible for loss, destruction, or deterioration of the goods.

The bailee must also use the goods only for the purpose agreed upon in the contract of bailment. If the bailee uses the goods in a manner inconsistent with the purpose of the bailment, the bailor may terminate the bailment and claim damages for any loss caused.

Additionally, the bailee must return the goods to the bailor upon completion of the purpose or at the termination of the bailment. Failure to return the goods within a reasonable time may make the bailee liable for any subsequent loss, even if such loss occurs without the bailee's fault.

However, if the bailor knowingly delivers defective goods that cause damage to the bailee and the bailor was aware of the defect but failed to inform the bailee, the bailor may be liable for the resulting damage. Thus, the law of bailment balances obligations between bailor and bailee by requiring reasonable care, proper use of goods, and timely return.

1. A gives his expensive camera to B so that B may photograph a wedding event. Instead, B takes the camera on a trekking trip where it is damaged in a fall. As per the passage which is the correct option?

a. B is not liable because accidents can occur

b. Neither party is liable

c. A is liable for giving an expensive camera

d. B is liable because he used the camera for a purpose different from the bailment

2. A deposits jewellery with B for safe custody. B stores the jewellery in a secure locker similar to the one he uses for his own valuables. Despite this, the locker is robbed by unknown thieves. Who is liable?

a. B, because the goods were lost

b. A, because B exercised reasonable care

c. Both A and B

d. The police authority

3. A lends his horse to B for riding within the city. B rides the horse far outside the city where the horse collapses due to exhaustion. The most appropriate legal conclusion is?

a. B is liable because he used the horse beyond the permitted purpose

b. A is liable because horses naturally get tired

c. No liability arises

d. Liability arises only if B intended harm

4. A deposits a laptop with B for repair. After repairing it, B forgets to inform A and keeps the laptop for several weeks. During this period, the laptop is destroyed in a fire. According to the passage?

a. B may be liable for failing to return the goods within reasonable time

b. A is liable for the fire accident

c. Neither party is liable

d. Liability depends only on insurance

5. A gives B a machine for temporary use but does not inform B that the machine has a dangerous defect which injures B during operation. Who is liable?

a. B, for using the machine

b. A, because he knowingly concealed the defect

c. Both A and B equally

d. No one

Passage 2 (P.2)

In contract law, a valid agreement generally requires consideration, meaning something of value must be given in exchange for a promise. Consideration may consist of an act, forbearance, or promise given by one party in return for the promise of another. However, consideration must

move at the desire of the promisor.

Acts performed voluntarily or without the promisor's request generally do not constitute valid consideration. Furthermore, past voluntary acts cannot ordinarily be treated as consideration unless they were done at the promisor's request. The law also recognizes that consideration need not be adequate but must be real and lawful.

Courts are not concerned with whether the exchange is economically fair as long as the parties voluntarily consented. Additionally, an agreement made without consideration is generally void unless it falls within certain exceptions recognized by law, such as agreements made out of natural love and affection between close relatives in certain circumstances. The principle underlying consideration is that contractual liability arises from reciprocal exchange rather than mere moral obligation.

6. A promises to give B ₹10,000 because B voluntarily helped A during a flood without being asked. Later A refuses to pay. According to the principle?

a. The promise is enforceable

b. B must return the help

c. The promise is not enforceable because the act was voluntary

d. The promise becomes enforceable after one year

7. A asks B to paint his house and promises to pay ₹5,000. B completes the work but A refuses to pay, arguing the amount was excessive. As per the passage?

a. A need not pay because the price was high

b. A must pay because adequacy of consideration is irrelevant

c. The contract is void

d. B must renegotiate

8. A promises to pay B ₹1,000 if B refrains from filing a lawsuit against A. B agrees and refrains. According to the passage?

a. B's forbearance constitutes valid consideration

b. No consideration exists

c. The agreement is void

d. Only courts determine consideration

9. A promises to gift his car to his friend B without receiving anything in return. Which option is correct?

a. The agreement is generally void for lack of consideration

b. The agreement is automatically enforceable

c. B becomes owner immediately

d. Consideration is unnecessary in all contracts

10. B had repaired A's bicycle last week at A's request but payment was not discussed. Later A promises to pay ₹500 for the repair. According to the passage?

a. The promise may be valid because the act was done at A's request

b. The promise is invalid because the work is past

c. The promise is illegal

d. The promise becomes valid only if written

Passage 3 (P.3)

Defamation occurs when a person makes or publishes a false statement about another person that harms their reputation in the eyes of others. The essence of defamation lies in injury to reputation caused by communication of the statement to someone other than the person defamed. For a statement to be defamatory, it must be capable of lowering the person's reputation in the estimation of reasonable members of society.

Mere insults or abusive language that do not affect reputation may not amount to defamation. Truth is generally considered a defense to defamation, provided the statement was made for the public good. Another defense arises where the statement is a fair comment on a matter of public interest, such as criticism of public officials or artistic works.

Additionally, statements made during judicial proceedings or certain official communications may be protected by privilege, meaning that even if the statement harms reputation, the speaker may not be liable due to the importance of allowing free expression in those contexts. Thus, defamation law attempts to balance protection of reputation with freedom of speech and public interest.

11. A publishes in a newspaper that B, a businessman, cheated his customers. The statement is false and damages B's reputation. According to the passage?

a. Liability arises only if money is lost

b. A is not liable because newspapers are free

c. B must ignore the statement

d. A is liable for defamation

12. A critic writes that a movie directed by B is "poorly written and badly acted." B sues for defamation. According to the passage?

a. The critic is liable

b. The statement may be protected as fair comment

c. All criticism is illegal

d. The critic must apologise

13. During court proceedings, a lawyer makes a statement about a witness that harms the witness's reputation. The statement relates to the case. According to the passage?

a. The lawyer is liable

b. The witness must file criminal charges

c. The lawyer may be protected by privilege

d. The judge becomes liable

14. A privately insults B by calling him dishonest but no one else hears it. As per the passage?

a. Defamation occurs

b. Defamation does not occur because no third party heard it

c. B must go to court

d. Both are liable

15. A publishes a truthful report about corruption committed by a public official and does so to inform the public. According to the passage?

a. Truth and public good may serve as a defense

b. A is liable

c. Publication is always illegal

d. A must prove economic loss

Answers

1. D – B used the camera for trekking instead of the agreed purpose, so he violated the bailment terms and is liable for the damage.
2. B – B kept the jewellery with the same care as his own valuables, so he exercised reasonable care and is not liable for theft.

3. A – B rode the horse outside the permitted area, which is use beyond the agreed purpose, so he becomes liable for the loss.
4. A – After repair, B should have returned the laptop in reasonable time. Delay makes him liable even if the fire was not his fault.
5. B – If the bailor knows about a defect and does not inform the bailee, the bailor is responsible for the damage caused.
6. C – The help was given voluntarily without A's request, so it is not valid consideration and the promise cannot be enforced.
7. B – Law does not check whether consideration is fair, only whether it exists, so A must pay even if the amount seems high.
8. A – Agreeing not to file a lawsuit is forbearance, which counts as valid consideration under contract law.
9. A – A promise to gift without anything in return usually has no consideration, so the agreement is void.
10. A – Past acts can be valid consideration if they were done at the promisor's request, so A's promise to pay may be valid.
11. D – Publishing a false statement that harms someone's reputation in the eyes of others clearly amounts to defamation.
12. B – Criticism of a movie can be fair comment on a public matter, which is a recognised defence in defamation law.
13. C – Statements made during court proceedings may be protected by privilege, so liability may not arise.
14. B – Defamation requires communication to a third person, so a private insult heard by no one else is not defamation.
15. A – Truth spoken for public good is a valid defence, so publishing a true report about corruption may not be defamation.