

Practice Tort Law Questions for CLAT PG 2026

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1. In product liability, a “failure to warn” is actionable when:

- a. Seller omits instructions though risk is obvious
- b. Manufacturer omits warning of a non-obvious risk foreseeable at sale
- c. Consumer misuses product contrary to clear instructions
- d. Retailer sells an expired product knowingly

Correct answer: b

Explanation: Duty to warn arises for latent, non-obvious risks reasonably foreseeable by the manufacturer.

2. Under Indian law, liability for medical negligence requires proof of:

- a. Mere error of judgment
- b. Breach of standard of care accepted as proper by a responsible body of medical opinion
- c. Intent to harm
- d. Gross negligence only

Correct answer: b

Explanation: The *Bolam* test applies: standard of an ordinary competent practitioner of that field.

3. In privacy torts, “intrusion upon seclusion” requires:

- a. Publication of private facts
- b. Offensive interference with plaintiff’s private affairs
- c. Malicious motive
- d. A fiduciary relationship

Correct answer: b

Explanation: Intrusion upon seclusion protects against intentional, offensive intrusion into private matters, even without publication.

4. A driver of an autonomous vehicle is sued for negligence after a collision. The key issue is:

- a. Whether AI manufacturers had malicious intent
- b. Whether reasonable care was exercised in supervising or maintaining the vehicle
- c. Strict liability of driver irrespective of fault
- d. No liability as vehicle operated independently

Correct answer: b

Explanation: Courts focus on driver's duty to supervise and maintain systems as a reasonable operator.

5. Under the rule in *Rylands v. Fletcher*, "non-natural use" now implies:

- a. Any personal use of land
- b. Use bringing special hazard beyond ordinary land use
- c. Only industrial activities
- d. Activities authorised by licence

Correct answer: b

Explanation: Non-natural use means bringing dangerous substance for a special purpose increasing risk beyond ordinary use.

6. Which is true about exemplary damages in tort?

- a. Awarded only for breach of contract
- b. Aimed at punishment/deterrence in exceptional cases
- c. Mandatory in personal injury cases
- d. Available as of right

Correct answer: b

Explanation: Exemplary (punitive) damages deter outrageous conduct, e.g., oppressive government action, malicious wrongdoing.

7. Under the Consumer Protection Act, a product-seller is strictly liable if:

- a. Buyer cannot prove negligence
- b. Defect is proved irrespective of due care
- c. Product is inherently dangerous even if handled carefully

d. All of the above

Correct answer: d

Explanation: CPA incorporates strict liability: negligence need not be shown once defect/deficiency is proved.

8. A false statement made about a candidate during elections is most appropriately:

- a. Nuisance
- b. Slander
- c. Malicious prosecution
- d. Passing off

Correct answer: b

Explanation: Oral defamatory statements affecting reputation during elections amount to slander.

9. Comparative negligence means:

- a. Defendant alone bears liability if more at fault
- b. Plaintiff's recovery is reduced by his proportion of fault
- c. Plaintiff's negligence bars claim absolutely
- d. Division of liability is possible only between defendants

Correct answer: b

Explanation: Comparative negligence apportions damages according to respective fault, unlike contributory negligence (bar).

10. A social-media platform is sued for defamatory posts by users. Under Indian law, its liability depends mainly on:

- a. Whether it fact-checked content
- b. Its status as intermediary and compliance with due diligence obligations
- c. Whether it profited from posts
- d. Malice towards plaintiff

Correct answer: b

Explanation: Intermediaries have conditional immunity if they observe due diligence and takedown procedures under IT Act & rules.