BLOGS

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.