BLOGS

Practice Questions on Tort Law for CLAT PG

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1. Which of the following is not an essential element of a tort?

A. Legal damage

B. Voluntary act

C. Legal remedy

D. Malicious intent

Correct Answer: D. Malicious intent

Explanation: Tort law is based on the violation of a legal right or breach of duty causing legal damage. The essential elements are: A wrongful act or omission, legal damage, and legal remedy (ubi jus ibi remedium). Malicious intent is not essential; torts can be committed negligently, not just intentionally.

2. The rule in Rylands v. Fletcher deals with which kind of tort?

A. Nuisance

B. Trespass

C. Strict liability

D. Vicarious liability

Correct Answer: C. Strict liability

Explanation: In Rylands v. Fletcher (1868), the court laid down the principle of strict liability: a person who brings and keeps a dangerous thing on their land is liable if it escapes and causes damage, even without negligence. It’s a no-fault liability rule, unless exceptions apply.

3. Which of the following is an example of involuntary vicarious liability?

A. Employer held liable for employee’s negligence

B. Master held liable for servant’s intentional tort

C. Parent held liable for child’s tort

D. Principal held liable for agent’s fraud

Correct Answer: C. Parent held liable for child's tort

Explanation: Generally, parents are not vicariously liable for their child's torts unless negligence is proven on the parent's part (e.g., failing to supervise). However, if liability is imposed simply due to relationship, it's seen as involuntary. In other examples, liability arises from a contractual relationship (master-servant, principal-agent).

4. 'Volenti non fit injuria' is a defence which means:

A. No injury without a remedy
B. A wrongdoer shall not profit
C. Consent negates liability
D. Let the buyer beware

Correct Answer: C. Consent negates liability

Explanation: "Volenti non fit injuria" means "to a willing person, no injury is done." If someone knowingly and voluntarily consents to a risk, they cannot later claim damages. This defence applies in sports, dangerous jobs, etc., but not where consent is forced or uninformed.

5. Which of the following is not a type of nuisance in tort law?

A. Private nuisance
B. Public nuisance
C. Statutory nuisance
D. Absolute nuisance

Correct Answer: D. Absolute nuisance

Explanation: Tort law recognizes private nuisance (affecting individuals) and public nuisance (affecting the public at large). Statutory nuisance arises from specific laws. "Absolute nuisance" is not a recognized legal category in tort law.

6. What is the primary difference between libel and slander?

A. Libel is spoken; slander is written
B. Libel is temporary; slander is permanent
C. Libel is written or printed; slander is spoken
D. Libel requires proof of damage; slander does not

Correct Answer: C. Libel is written or printed; slander is spoken

Explanation: Libel is defamation in a permanent form like writing, printing, or broadcasting. Slander is spoken or transient defamation.
Libel is generally more serious and actionable per se (without proof of damage), while slander usually requires proof of actual harm.

7. In tort law, 'damnum sine injuria' refers to:

A. Legal injury with no damage
B. Damage without violation of legal right
C. Personal injury due to accident
D. Violation of moral but not legal rights

Correct Answer: B. Damage without violation of legal right

Explanation: "Damnum sine injuria" means "damage without legal injury". If someone suffers actual loss or harm, but no legal right is violated, no tort action lies. For example, opening a competing shop that causes business loss is not actionable unless legal rights are infringed.

8. In India, which case is considered a landmark for establishing the principle of absolute liability?

A. Rylands v. Fletcher
B. Donoghue v. Stevenson
C. M.C. Mehta v. Union of India
D. Ashby v. White

Correct Answer: C. M.C. Mehta v. Union of India

Explanation: In M.C. Mehta v. Union of India (Oleum Gas Leak Case, 1987), the Supreme Court introduced the doctrine of absolute liability for hazardous industries. Unlike strict liability, no exceptions apply. This principle is tailored for Indian conditions where public health and environment are major concerns.

9. Negligence is best defined as:

A. Doing an act with malicious intent
B. Failing to do what a reasonable person would do
C. Acting outside the limits of statutory authority

D. Breaching a promise under contract

Correct Answer: B. Failing to do what a reasonable person would do

Explanation: Negligence in tort is defined as a breach of a legal duty of care, resulting in damage. It is based on the “reasonable person” standard, i.e., what a reasonable person would have done in similar circumstances. Intention is not required.

10. Which of the following is a remedy in tort law?

A. Specific performance
B. Injunction
C. Revocation
D. Rescission

Correct Answer: B. Injunction

Explanation: Injunction is an equitable remedy in tort law where the court orders a party to do or refrain from doing something. It is commonly used in nuisance, defamation, or breach of privacy cases. Other remedies like specific performance or rescission belong to contract law.