BLOGS

Questions on Tort Law for CLAT PG 2026

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1. The maxim *injuria sine damno* is best illustrated by:

a. A customer slipping in a supermarket and fracturing an ankle

b. A newspaper publishing defamatory material causing no actual loss

c. A driver negligently damaging another's parked car

d. A factory emitting smoke that spoils nearby crops

Correct answer: b

Explanation: *Injuria sine damno* means violation of a legal right without proof of actual damage. Defamation is actionable per se.

2. Under tort law, "negligence" primarily requires:

a. Malicious motive, damage, and proximate cause

b. Duty of care, breach, and resulting damage

c. Breach of statutory duty only

d. Absence of contributory fault

Correct answer: b

Explanation: Negligence is the breach of a duty of care owed to the plaintiff, causing foreseeable damage.

3. Which of the following is NOT an absolute defence in tort?

a. Volenti non fit injuria

b. Statutory authority

c. Inevitable accident

d. Mistake of law

Correct answer: d

Explanation: Mistake of law is not a defence; liability cannot be avoided merely due to ignorance of the law.

4. The doctrine of *res ipsa loquitur*:

a. Creates strict liability for hazardous activities

b. Presumes negligence from the nature of the accident

c. Imposes liability even without breach

d. Allows exemplary damages without proof

Correct answer: b

Explanation: When the thing speaks for itself, negligence may be inferred if the event would not occur without negligence and was under defendant's control.

5. In trespass to land, liability arises:

a. Only if damage to land is proved

b. Whenever a person intentionally enters another's land without permission

c. Only for continuous presence

d. Only if entry is motivated by malice

Correct answer: b

Explanation: Trespass protects possession; entry itself, intentional or negligent, creates liability even without damage.

6. The "duty to rescue" in tort law in India is generally:

a. A universal obligation on everyone

b. Absent unless a special relationship exists

c. Codified in the IPC

d. Strictly applicable to medical professionals

Correct answer: b

Explanation: Common law imposes no general duty to rescue strangers unless a special relationship or statutory duty exists.

7. Which statement is correct about nuisance?

a. Public nuisance always requires proof of special damage to sue

b. Private nuisance requires malice as an element

c. Public nuisance is only criminal, never civil

d. Private nuisance cannot arise from noise

Correct answer: a

Explanation: For civil action in public nuisance, plaintiff must prove special damage beyond what the public suffers.

8. Liability for wild animals (*ferae naturae*) is:

a. Strict and independent of negligence

b. Based on reasonable care

c. Limited to cases of escape from private land

d. Governed solely by criminal statutes

Correct answer: a

Explanation: Keeping inherently dangerous animals entails strict liability for harm they cause.

9. Who can sue for defamation?

a. A deceased person's heir

b. A corporation for damage to its reputation

c. A group of 500 people without proof of personal reference

d. Any reader of the publication

Correct answer: b

Explanation: Corporations have reputations and can sue for defamatory statements injuring their goodwill.

10. A shopkeeper detains a customer on reasonable suspicion of theft, later proved false. He is:

a. Absolutely immune if suspicion was honest

b. Liable for false imprisonment if detention lacked reasonable grounds

c. Never liable if goods were unpaid

d. Immune if customer consented to search

Correct answer: b

Explanation: Honest belief alone is insufficient; detention must be justified by reasonable grounds.