

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.