BLOGS

Sectional Test on Law of Torts for CLAT PG

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This sectional test on the Law of Torts is designed for CLAT PG aspirants to test their understanding of core tort principles like negligence, strict and absolute liability, vicarious liability, defamation, and nuisance.

Each passage-based question is carefully reviewed, legally accurate, and aligned with the CLAT PG exam pattern. Use this test to assess your reasoning skills and build conceptual clarity.

Passage 1: Strict and Absolute Liability

In *Rylands v. Fletcher* (1868), the House of Lords laid down the rule that a person who brings and keeps anything likely to do mischief if it escapes, must keep it at his own peril. If he fails to do so, he is strictly liable for any damage caused. However, Indian courts, in *M.C. Mehta v. Union of India* (1987), extended the principle by introducing "absolute liability" for hazardous industries, which removes all exceptions that existed under the Rylands rule.

Q1. What is the fundamental difference between strict liability and absolute liability?
A. Strict liability is imposed only for criminal acts, while absolute liability is for civil acts.
B. Strict liability includes exceptions; absolute liability does not.
C. Absolute liability includes a mental element; strict liability does not.
D. There is no real difference between the two.

Q2. According to *M.C. Mehta v. Union of India*, which of the following is true?
A. Industries dealing with hazardous substances are strictly liable only if negligence is proven.
B. Exceptions under *Rylands v. Fletcher* such as act of God or third-party intervention are retained.
C. Industries engaged in hazardous activities are liable even without fault or exceptions.
D. The rule of strict liability was rejected entirely by the Indian Supreme Court.

Passage 2: Negligence and Duty of Care

The concept of negligence revolves around breach of a legal duty to take care, resulting in damage to the complainant. In *Donoghue v. Stevenson* (1932), Lord Atkin introduced the "neighbour principle", which broadened the scope of who owes a duty of care and to whom. A duty exists when the defendant ought reasonably to have foreseen harm to the plaintiff.

Q3. What was the significance of the "neighbour principle" introduced in *Donoghue v. Stevenson*?

A. It confined the duty of care to contractual relationships.

B. It extended duty of care to any foreseeable victim of one's actions.

C. It abolished the requirement of damage for negligence.

D. It rejected foreseeability as a test of negligence.

Q4. In which of the following scenarios is negligence most clearly established?

A. A doctor treats a patient for free and the patient dies due to an unknown allergy.

B. A pedestrian is hit by a car speeding in a residential area.

C. A building collapses during an earthquake despite being built to code.

D. A person slips on a freshly mopped floor with a warning sign placed.

Passage 3: Vicarious Liability

Vicarious liability arises when one person is held responsible for the torts committed by another. Typically, an employer is vicariously liable for torts committed by an employee in the course of employment. The key tests involve whether the act was authorised or a wrongful mode of an authorised act (*Century Insurance v. Northern Ireland Road Transport Board*, 1942).

Q5. In which of the following would an employer likely be vicariously liable?

A. An employee commits a theft at a client's house during delivery.

B. An employee negligently causes an accident while delivering goods.

C. An employee uses office computers for personal business.

D. An employee hits a co-worker after work hours.

Q6. What is the primary legal basis for holding a master liable for the servant's actions?

A. Because the servant has no legal personality.

B. Because the master has delegated his duties.

C. Because the master benefits from the servant's actions.

D. Because the master exercises control over the servant.

Passage 4: Defamation

Defamation involves a false and defamatory statement made about a person to a third party, which harms the reputation of the person. It can be written (libel) or spoken (slander). Truth, fair comment, and privilege are established defences. In *Ram Jethmalani v. Subramanian Swamy* (2006), the court clarified that even public figures are protected against false defamatory statements.

Q7. Which of the following is a complete defence in a defamation suit?

A. The statement was meant as a joke.

B. The statement was a fair comment on a matter of public interest.

C. The person didn't intend harm.

D. The reputation of the plaintiff was already poor.

Q8. A journalist publishes an article alleging a minister's corruption based on verified public documents. The minister sues for defamation. Which is the best defence?

A. Malice is absent.

B. Truth and public interest.

C. The minister is a public figure.

D. The article had wide circulation.

Passage 5: Nuisance

Nuisance in tort law refers to unlawful interference with a person's use or enjoyment of land. Private nuisance affects a specific individual, while public nuisance affects the public or a section of it. Remedies include injunctions and damages.

Q9. Which of the following best illustrates private nuisance?

A. Noise pollution from a nearby airport.

B. Garbage dumped on a public road.

C. A neighbor playing loud music every night disturbing your sleep.

D. Air pollution in a city due to vehicle emissions.

Q10. What remedy is most appropriate when nuisance is continuous and causes irreparable harm?

A. Compensation only

B. Apology and fine

C. Injunction

D. Criminal prosecution

Answer Key with Detailed Explanations

Q	Ans	Explanation
1	B	Strict liability includes exceptions like act of God; absolute liability under Indian law has no exceptions.
2	C	M.C. Mehta introduced absolute liability for hazardous industries — they are liable even without fault or exceptions.
3	B	“Neighbour principle” expands duty of care to any foreseeable victim, not just contractual parties.
4	B	Speeding in a residential area breaches a duty of care and foreseeably causes harm — clear negligence.
5	B	If an employee negligently causes harm while doing his job (e.g., delivering goods), employer is vicariously liable.
6	D	The control test is the foundation of vicarious liability — the master controls the servant’s work.
7	B	Fair comment on public interest is a recognised defence to defamation, provided it’s not malicious.
8	B	If based on verified facts and in public interest, truth and public interest is a complete defence.
9	C	A neighbor’s recurring noise specifically affecting one person is private nuisance.
10	C	Injunction is the proper remedy for continuous nuisance that needs to be stopped.