CLAT PG Law of Torts

Sample Paper – 1

Duration: 40 Minutes **Maximum Marks: 40**

Instructions

- This paper contains **40** Multiple Choice Questions (Single Correct Answer), modelled on the Law of Torts portion of **CLAT PG** entrance.
- Each correct answer carries **+1 mark**. There is **a negative marking of** $-\frac{1}{4}$ **mark** for each incorrect answer. Unattempted questions carry no penalty.
- Only **one** option is correct. Choose carefully.
- Syllabus: General Principles of Tort, Defences, Negligence, Strict & Absolute Liability, Vicarious Liability, Defamation, Nuisance, Trespass, Motor Vehicles Act 1988, Consumer Protection Act 2019.
- Use of mobile phones, calculators, or electronic gadgets is strictly prohibited.

Q1. A first-year law student was asked by her professor to identify the most comprehensive theoretical definition of a tort. The professor presented four candidate statements. Which of the following most accurately represents Winfield's comprehensive theory of tort?

(A) A tort is a civil wrong redressable by an action for unliquidated damages, other than a mere breach of contract or breach of trust; it arises from a violation of a duty primarily fixed by law towards persons generally, and any breach of such duty is a tort unless a specific defence or immunity applies.

(B) A tort is any civil or criminal wrong for which a court may award compensation; the plaintiff need only show that the defendant acted in a manner disapproved by the community, regardless of whether a pre-existing legal duty existed.

(C) A tort consists only of those wrongs that were positively recognised at common law before the nineteenth century; courts have no power to create new torts, and the list of actionable torts is fixed and closed.

(D) A tort is a wrong committed intentionally or with reckless disregard for another's rights; purely accidental harm caused without any fault is entirely excluded from tortious liability under this definition.

Q2. Fourteen-year-old Arjun deliberately damaged his neighbour's car while playing cricket, causing a significant dent. The neighbour sought compensation directly from Arjun. Arjun's parents argued that, as a minor, Arjun had no tortious capacity and could not be held personally liable in tort. Which of the following correctly states the law on the tortious capacity of minors?

(A) A minor has no tortious capacity whatsoever; all claims arising from the acts of a minor must be brought solely against the minor's parents or guardian, who are automatically vicariously liable.

(B) A minor is personally liable in tort for wrongs they commit; infancy does not create immunity in tort, and the minor must sue or be sued through a next friend or guardian ad litem; age is relevant to the standard of care expected of a child defendant but does not extinguish liability itself.

(C) A minor is liable in tort only for intentional wrongs committed after the age of sixteen years; below that age the law presumes the child incapable of tortious intent and grants complete immunity.

(D) A minor's tortious liability arises only if the act was premeditated over a substantial period; spontaneous acts causing property damage are excluded from the tortious liability of persons below the age of majority.

Q3. During a licensed professional boxing match, boxer Raj was momentarily dazed by a lawful blow. His opponent Dev, noticing Raj's vulnerable state, deliberately struck him on the back of the head in clear violation of the rules of boxing and with the intent to cause serious injury. Raj suffered a severe concussion requiring hospitalisation. Raj sued Dev in tort. Dev pleaded volenti non fit injuria, arguing that Raj had consented to all physical contact in a boxing contest. Which of the following correctly states the scope of a boxer's consent?

(A) A boxer's consent to participate in a licensed professional boxing match extends to all forms of physical contact occurring during the bout, including deliberate rule-breaking, because the sport inherently involves serious violence and the risk of severe injury is fully assumed.

(B) A boxer's consent covers only those blows that cause minor injury; any blow that results in hospitalisation or lasting harm is automatically outside the scope of the consent given on entering the ring.

(C) A boxer consents to physical contact within the rules of the sport; the defence of volenti does not extend to deliberate rule-breaking by an opponent intended to cause serious injury beyond what the sport sanctions, and Dev's deliberate foul blow is not protected by the consent defence.

(D) The volenti defence always succeeds in licensed professional contact sports; once a competitor enters the arena, all physical consequences during the event are legally consented to and no tortious liability can arise between competitors.

Q4. Vinod constructed a boundary fence in 2015 that encroached two feet onto his neighbour Pradeep's land. Pradeep took no legal action until 2024, when he sued Vinod for the encroachment. Vinod pleaded that the cause of action had accrued in 2015 and the suit was time-barred. Pradeep argued that the encroachment constituted a continuing tort and that fresh causes of action continued to arise daily. Which of the following correctly states the legal consequence of a continuing tort for limitation purposes?

(A) A continuing tort does not affect the limitation period; time runs from the very first act of encroachment, and all subsequent persistence of the tortious state is absorbed into that single original cause of action.

(B) A continuing tort gives rise to one indivisible cause of action that crystallises on the first day of the tortious conduct; later acts of persistence are merely evidence of the continuing wrong but do not create fresh causes of action.

(C) A continuing tort can never be subject to any limitation defence; the plaintiff may sue at any time during the continuance of the tortious state regardless of how many years have passed since its commencement.

(D) Each day that a continuing tortious act or state persists gives rise to a fresh cause of action; earlier acts falling outside the limitation period may be time-barred while more recent acts remain actionable, so Pradeep may claim damages and an injunction for the period within the unexpired limitation window even though the original 2015 act is time-barred.

Q5. Mrs Nanda was standing at a bus stop approximately fifty metres away from a road collision caused by Ravi's negligent driving. She did not see the collision but heard the loud impact. The shock of hearing the collision caused her to suffer a miscarriage. Mrs Nanda sued Ravi in negligence. Ravi argued that he owed no duty of care to Mrs Nanda as she was not within the zone of physical danger. Which of the following correctly applies the principle from Bourhill v Young [1943] to determine whether Mrs Nanda is within the foreseeable class of plaintiff?

(A) A duty of care in negligence extends only to persons within the foreseeable area of risk; Mrs Nanda, standing fifty metres away and not within the zone of physical danger, was not a foreseeable plaintiff, and her claim is likely to fail on the duty of care element just as the plaintiff's claim failed in Bourhill v Young.

(B) Any person who suffers any form of physical harm as a result of a defendant's negligent act is within the class of foreseeable plaintiffs;

proximity to the accident scene is entirely irrelevant to the establishment of a duty of care.

(C) The foreseeable class of plaintiff includes all persons who are within audible range of a negligently caused event; since Mrs Nanda heard the impact, she satisfies the proximity requirement and is owed a duty of care.

(D) The foreseeable class of plaintiff is determined solely by whether the plaintiff subsequently develops a recognised medical condition; because Mrs Nanda suffered a miscarriage, the duty of care is automatically established regardless of her location relative to the accident.

Q6. ChemCo manufactured an industrial solvent and labelled it only with the warning "keep away from open flames." The label did not mention that the solvent's fumes were toxic when inhaled in an enclosed space without ventilation. A worker used the solvent in a poorly ventilated storeroom, a use that was reasonably foreseeable to ChemCo, and suffered serious lung damage. The worker sued ChemCo in negligence. ChemCo argued that the product was properly designed and that it bore no duty regarding foreseeable misuse. Which of the following correctly states a manufacturer's duty regarding product warnings?

(A) A manufacturer's duty of care is fully discharged by designing a product that is safe when used exactly as specified on the label; there is no further duty to warn of hazards arising from foreseeable alternative uses or conditions of use.

(B) A manufacturer who knows that its product carries a risk of injury when used in a foreseeable manner owes a duty to give adequate warnings of that risk; failure to warn of the inhalation hazard in foreseeable conditions of use constitutes negligence even if the product's underlying design is otherwise sound.

(C) The duty to warn of product dangers arises exclusively under consumer protection legislation and product liability statutes; there is no parallel common law duty of care owed by a manufacturer in relation to product warnings.

(D) A duty to warn of product hazards is owed only to the direct commercial purchaser of the product and does not extend to downstream users such as the employees of the purchasing entity.

Q7. Two separate torts were committed against Shreya on the same day: first, a person physically seized her arm without her consent, causing no physical injury; second, a person spread a false spoken rumour that Shreya was professionally incompetent, causing her no proven financial loss. Shreya sought legal advice on whether she must prove actual damage to bring actions for both wrongs. Which of the following correctly distinguishes torts that are actionable per se from those that require proof of actual damage?

(A) All torts require proof of actual damage before they are actionable; no tort can be litigated without the plaintiff first adducing evidence of a quantifiable loss caused by the defendant's wrong.

(B) All torts are actionable per se in the sense that courts will always infer damage from the nature of the wrong; the plaintiff is never required to prove specific actual loss in any tortious action.

(C) Battery (trespass to the person) is actionable per se and Shreya may sue without proving damage from the arm-seizing; slander, by contrast, generally requires proof of special damage (actual financial loss) unless the spoken words fall within a recognised category of slander actionable per se, so the rumour about incompetence likely requires proof of loss before it is actionable.

(D) Trespass to the person is actionable only where there is visible physical injury or bruising; intangible contact without a physical mark on the body is not actionable without additional proof of psychological harm or medical treatment.

Q8. Two plaintiffs argued their respective negligence claims in court. Pawan argued that the defendant had violated a statutory road-safety regulation requiring vehicles to stop at a red light, and that this statutory breach itself proved the defendant's negligence. Seema argued that a barrel of oil fell from a moving truck owned by the defendant onto the road and struck her car, and that the very fact of the barrel falling was sufficient evidence of the defendant's negligence without identifying any specific act or omission. Which of the following correctly identifies the separate doctrines on which each plaintiff is relying?

(A) Both plaintiffs are relying on res ipsa loquitur; the doctrine applies whenever a defendant has violated a statutory rule and the violation results in an accident.

(B) Both plaintiffs are relying on negligence per se; any unexplained accident in which the defendant owed a statutory duty amounts to statutory breach supporting negligence per se.

(C) Pawan is relying on res ipsa loquitur while Seema is relying on negligence per se; Pawan's case depends on the inference from circumstances, while Seema's case depends on a statutory standard.

(D) Pawan is relying on negligence per se (the statutory breach of the traffic regulation is treated as evidence establishing negligence), while Seema is relying on res ipsa loquitur (the circumstances — a barrel falling from a moving truck — raise an evidential inference of negligence without requiring identification of the specific negligent act).

Q9. During a hiking trip, Nalini was suddenly seized by an epileptic fit she had no prior warning of or history with. In the course of the convulsion, she involuntarily staggered and fell onto a neighbouring private field. The landowner sued Nalini for trespass to land, contending that her body had physically entered his land without permission. Nalini argued that the entry was entirely involuntary and not caused by any act of will on her part. Which of the following correctly states whether Nalini's entry constitutes trespass to land?

(A) Trespass to land requires an intentional, or at least voluntary and negligent, entry by the defendant; a purely involuntary bodily entry caused by an unforeseeable medical episode without any volition on Nalini's part does not constitute actionable trespass to land.

(B) Trespass to land is a tort of strict liability; any unauthorised physical entry, however involuntary or medically compelled, constitutes trespass to land and the defendant's mental state at the time of entry is irrelevant.

(C) An involuntary entry onto another's land constitutes trespass to land if, and only if, the entrant became aware at some point during the episode that she was on the land and failed to remove herself promptly.

(D) Trespass to land is actionable only upon proof of actual damage to the land itself; an involuntary bodily entry that causes no damage to the soil, grass, or crops of the landowner is never actionable, regardless of the circumstances of entry.

Q10. At a heated board meeting, director Ashok placed his hand menacingly on a heavy paperweight while staring directly at his colleague Dinesh. At the same moment, Ashok said aloud: "Lucky for you the Chairman is in this room, otherwise I would make you regret those words." Dinesh sought to sue Ashok for assault. Which of the following correctly states the legal effect of accompanying words on what might otherwise appear to be a threatening act?

(A) The act of reaching for or placing a hand on a heavy object in a threatening manner constitutes assault regardless of any accompanying spoken words; words cannot negate or qualify the legal effect of a physical threatening gesture.

(B) Where accompanying words demonstrate that the defendant has no present intention to apply unlawful force, those words can negate what might otherwise constitute an assault; Ashok's statement that he would not act because the Chairman was present negates any present threat, and there is likely no actionable assault.

(C) Assault requires actual physical contact between the defendant and the plaintiff; a threatening gesture or movement without any physical contact between the parties is never actionable as assault under the law of tort.

(D) Conditional threats are always actionable as assault regardless of the nature of the condition stated or the likelihood of its fulfilment; any statement beginning “I would” constitutes a sufficiently present threat to found an assault claim.

Q11. A social media post stated that Dr Priya Mehta, a respected physician, had been “seen entering a well-known casino late on a weeknight.” Dr Mehta claimed the statement was defamatory because frequenting a casino carried a disreputable social association. The defendant argued the post was a neutral factual observation carrying no defamatory meaning. Which of the following correctly states the legal test for determining whether words are defamatory?

(A) Words are defamatory if the plaintiff subjectively believes they lower her standing in the community; the plaintiff’s own personal interpretation of the words published about her is the primary and decisive legal test.

(B) Words are defamatory only if they are demonstrably false and the defendant knew them to be false at the time of publication; truthful statements that damage a person’s reputation are never capable of being defamatory regardless of their effect.

(C) Words are defamatory if they would tend to lower the plaintiff in the estimation of right-thinking members of society generally; the test is objective — assessed by how a reasonable person would understand the words — and not by how the plaintiff personally felt; the court would assess whether the post would cause right-thinking people to think less well of Dr Mehta.

(D) Words are defamatory only if they contain an explicit and direct accusation of criminal conduct or moral depravity against the plaintiff; mere implication, insinuation, or social association without a direct accusation is legally insufficient to constitute defamation.

Q12. A regional newspaper published a photograph of businessman Sanjay standing outside a building, with the caption “Sanjay at his favourite haunt." Unknown to most ordinary readers, the building was a well-known illegal gambling den. General readers who had no knowledge of the building's nature found the photograph and caption entirely neutral. However, readers who knew the building's reputation understood the post as accusing Sanjay of patronising an illegal establishment. Which of the following correctly identifies the distinction between the natural and ordinary meaning and innuendo in defamation law?

(A) In defamation law, only the natural and ordinary meaning of words is capable of founding an action; words that carry a defamatory meaning only to a limited class of readers who possess special knowledge about facts behind the publication are not actionable in any circumstances.

(B) The innuendo meaning of a defamatory statement is determined exclusively by what the defendant intended to communicate to readers who possessed the relevant special knowledge; the defendant's subjective purpose governs the innuendo.

(C) Natural and ordinary meaning and innuendo are treated identically by defamation law; there is no practical legal distinction between the two, and they are assessed by the same test and carry the same procedural requirements.

(D) Natural and ordinary meaning refers to what a reasonable person with no special background knowledge would understand from the words themselves; true innuendo is the meaning conveyed only to those with special knowledge (such as readers who knew the building was an illegal gambling den); Sanjay may have no defamation claim based on natural meaning but may have a valid true innuendo claim based on what readers with knowledge of the building's nature understood.

Q13. A factory's production line generated loud noise and constant vibrations that caused hairline cracks to appear in the walls of the neighbouring residential property. The factory owner argued that all his operations were conducted entirely within his own land and that he had never directly entered or caused any person or object to enter the neighbour's property. The neighbour sought to bring an action in private nuisance. Which of the following best defines private nuisance as a tort?

(A) Private nuisance is an unlawful, indirect interference with another person's use or enjoyment of land, or with some right over or in connection with land; it is distinguished from trespass to land in that the interference is indirect rather than a direct physical entry onto the plaintiff's land, and it must cause real and substantial interference with the plaintiff's rights.

(B) Private nuisance is a direct physical entry by the defendant or by a person or object under the defendant's control onto another's land without lawful authority; any indirect interference with a neighbour's enjoyment of land is actionable only as a claim in negligence.

(C) Private nuisance requires proof of deliberate or malicious intent by the defendant to interfere with a neighbour's enjoyment of land; an unintentional or inadvertent interference, however unreasonable, is not actionable as private nuisance.

(D) Private nuisance is actionable only where the defendant's underlying activity is itself unlawful by statute or regulation; a lawful activity that causes discomfort or inconvenience to a neighbour is not capable of constituting a nuisance regardless of the degree of interference.

Q14. A newly opened nightclub in a residential locality played amplified music until 3 a.m. on Friday and Saturday nights. Residents of surrounding houses were repeatedly woken up and unable to sleep, and several suffered anxiety from sustained sleep deprivation over many weeks. The nightclub owner argued that music in an entertainment venue was a perfectly lawful and ordinary activity and could not constitute a nuisance. Which of the following correctly states the legal principle governing interference with personal comfort as private nuisance?

(A) An activity that is otherwise lawful in nature can never constitute private nuisance regardless of its impact on neighbours; only activities that are inherently or statutorily unlawful can give rise to an actionable interference with a neighbour's comfort.

(B) Unreasonable noise or other sensory interference from a neighbouring use of land that substantially interferes with residents' comfortable enjoyment of their homes is actionable as private nuisance; the reasonableness of the interference is assessed by reference to locality, degree, frequency, and time of occurrence; repeated late-night amplified music causing sustained sleep deprivation constitutes actionable nuisance.

(C) Private nuisance in respect of noise or vibration requires proof of actual structural or physical damage to the plaintiff's land or buildings; interference with personal comfort, sleep, or enjoyment alone, without any physical damage to property, is not actionable.

(D) The duration of any interference is entirely irrelevant in establishing private nuisance; a single night of noise disturbance is as fully actionable as a pattern of repeated interference extending over many months.

Q15. A suburban homeowner kept a domestic ornamental garden pond containing ordinary rainwater. Two streets away, a farmer stored ten thousand litres of concentrated agricultural pesticide in a purpose-built holding tank on his farm in preparation for the growing season. After heavy rainfall, the homeowner's pond mildly overflowed and briefly wetted a neighbouring footpath. Separately, the farmer's tank developed a crack and the pesticide drained into the local water table, contaminating a neighbouring property's well. Which of the following correctly distinguishes natural use from non-natural use of land for the purposes of the rule in Rylands v Fletcher?

(A) Any use of land that involves the storage of any quantity of liquid, whether domestic or industrial, constitutes non-natural use for the purposes of the rule in Rylands v Fletcher; both the garden pond and the pesticide tank therefore attract strict liability under the rule.

(B) Only those uses of land that are expressly prohibited by local planning authority regulations constitute non-natural use; all activities carried out under a valid planning permission are natural uses and fall outside the Rylands rule regardless of the hazard involved.

(C) Natural use of land encompasses ordinary domestic and agricultural uses that do not introduce a special risk of harm to neighbouring land; storing large quantities of concentrated pesticide introduces a special and non-ordinary hazard and constitutes non-natural use attracting Rylands strict liability, while maintaining a domestic garden pond falls within ordinary natural use and is not subject to the rule.

(D) The natural/non-natural use distinction in Rylands v Fletcher was abolished by subsequent judicial authority; the rule now applies equally to all uses of land regardless of whether they involve any special hazard, and both the pond and the pesticide tank are governed by the same standard.

Q16. A construction company, BuildPrime, regularly engaged a skilled crane operator, Mr Singh, from a labour hire agency, CraneHire Ltd. BuildPrime's site manager gave Mr Singh detailed daily instructions specifying which loads were to be lifted and exactly where each lift was to be positioned and executed. However, CraneHire Ltd paid Mr Singh's salary, managed his annual leave, and retained the contractual power to dismiss him. Mr Singh negligently dropped a load, injuring a worker on site. Both companies disclaimed vicarious liability. Which of the following most accurately states the control test for determining who bears vicarious liability when an employee is lent to a borrowing employer?

(A) The formal payroll employer is always and exclusively vicariously liable for any tort committed by its employee; financial and contractual control over the employment relationship is the sole decisive factor regardless of any operational control exercised by the borrowing employer.

(B) Vicarious liability follows the formal written contract of employment; since CraneHire Ltd held the employment contract with Mr

Singh, it is solely responsible for his tortious acts regardless of the degree of operational control BuildPrime exercised over his work on site.

(C) Vicarious liability in cases of lent employees attaches to whichever party has the greater financial resources, on the basis that such party is best placed to absorb and distribute the loss caused by the employee's negligence.

(D) The primary question in determining vicarious liability when an employee is lent is who had the right to control how the work was to be done, not merely what work was to be done; BuildPrime's detailed on-site operational control over crane positioning and execution makes it the likely vicariously liable employer under the control test from Mersey Docks v Coggins & Griffith.

Q17. Mr Tiwari purchased a car and paid the full purchase price. At the time of a road accident caused by the car, the vehicle's registration had not yet been transferred into Mr Tiwari's name and remained in the name of the original seller, Mr Kaul. The accident victim sought compensation from both persons. Mr Tiwari claimed he was the true owner having paid the price; Mr Kaul argued he had no involvement since he had sold the car. Which of the following correctly states the definition of "owner" under the Motor Vehicles Act 1988?

(A) Under the Motor Vehicles Act 1988, the "owner" is the person in whose name the motor vehicle is registered at the relevant time; since the car remains registered in Mr Kaul's name at the date of the accident, Mr Kaul is treated as the owner for purposes of the Act, though courts may also examine actual custody and control in particular circumstances.

(B) The "owner" of a motor vehicle is the person who paid the full purchase price; once complete payment is made, ownership vests in the buyer regardless of any outstanding formalities of registration, and Mr Tiwari is the owner.

(C) The "owner" under the Motor Vehicles Act 1988 is the person who was physically in command of and driving the vehicle at the precise moment of the accident, irrespective of who holds the registration certificate.

(D) The Motor Vehicles Act 1988 does not define the term "owner" at all; courts interpret the term exclusively by reference to ownership principles drawn from the Transfer of Property Act and the general law of sale of goods.

Q18. A consumer wished to file three separate complaints: (i) concerning a defective refrigerator purchased from an electronics retailer; (ii) concerning inadequate internet connectivity service provided by a telecom company; and (iii) concerning shares purchased from a brokerage firm that turned out to have been fraudulently issued. The respondents in cases (ii) and (iii) argued that their respective offerings did not constitute "goods" under the Consumer Protection Act 2019. Which of the following correctly states the definition of "goods" under Section 2(21) of the Consumer Protection Act 2019?

(A) "Goods" under the Consumer Protection Act 2019 means all tangible, physical products that can be held and touched; internet services and financial instruments are entirely excluded and are regulated only by separate sector-specific legislation.

(B) Under Section 2(21) of the Consumer Protection Act 2019, "goods" means every kind of movable property other than actionable claims and money; the refrigerator constitutes goods; internet connectivity is a "service" rather than goods and is covered under service provisions; shares, being actionable claims, are expressly excluded from the definition of goods and cannot found a complaint under the goods provisions.

(C) "Goods" under the Consumer Protection Act 2019 includes all movable property and additionally encompasses money, actionable claims, and negotiable instruments, making the Act the widest possible consumer protection legislation.

(D) "Goods" under the Consumer Protection Act 2019 is defined identically to "goods" in the Sale of Goods Act 1930 and additionally encompasses immovable property where it is capable of severance from the land on which it stands.

Q19. Security officer Ramesh at a department store told customer Ms Kapoor "Do not leave this room" and blocked the main exit door while he telephoned the police, suspecting she had concealed a bottle of wine under her coat. Unknown to Ms Kapoor, a side door to the room was unlocked throughout. She remained in the room for forty-five minutes until police arrived. The police found that the bottle in question had been paid for at an earlier date. Ms Kapoor sued for false imprisonment. Which of the following correctly identifies the essential elements of false imprisonment as committed by a private person?

(A) False imprisonment requires total physical restraint using physical barriers such as bars, locks, chains, or other structural means; a verbal instruction to remain in a room without physical restraint is legally insufficient to constitute the tort.

(B) False imprisonment by a private person requires proof that the plaintiff suffered actual physical harm during the period of confinement; a psychologically distressing but physically harmless detention is not actionable as a tort.

(C) False imprisonment requires: total deprivation of the plaintiff's freedom of movement in every direction, without lawful justification or consent, caused by an intentional act of the defendant; no minimum duration of confinement is required; however, the existence of a reasonable and known means of escape may be relevant to whether confinement was truly total, making the unlocked side door a crucial factual issue in this case.

(D) Only police officers and other state-authorised officials can be liable for false imprisonment; a private person such as a security officer can never commit the tort of false imprisonment regardless of the circumstances of the detention.

Q20. Aryan deliberately picked up his colleague Meera's mobile phone from her desk without her knowledge or consent, looked at a photograph she had mentioned, and then carefully replaced it in exactly the same position without causing any damage. Separately, a cleaner accidentally knocked Meera's laptop off the desk while mopping, cracking its screen. Which of the following correctly identifies the elements of trespass to goods and determines which act, if any, constitutes trespass to goods?

(A) Both acts constitute trespass to goods because any physical contact with another person's goods without that person's consent is trespass, regardless of the intent behind the contact or whether any damage was caused.

(B) Neither act constitutes trespass to goods; Aryan's handling caused no damage, and the cleaner's act was entirely accidental; damage is the essential element that makes any physical interference with goods actionable.

(C) The cleaner's accidental cracking of the laptop constitutes trespass to goods, while Aryan's deliberate handling without damage does not; trespass to goods is defined by the occurrence of actual damage rather than by the intention behind the physical act.

(D) Trespass to goods requires an intentional act that directly and physically interferes with goods in another person's possession without lawful justification; Aryan's deliberate picking up of Meera's phone constitutes trespass to goods even without damage because the act was intentional; the cleaner's purely accidental act does not constitute trespass to goods as trespass requires an intentional interference.

Q21. Karan, while renovating his kitchen, accidentally left both water taps running when he went to sleep, causing water to overflow and seep through the floor into his neighbour's flat below, damaging furniture and electronics. Karan argued that he had genuinely forgotten about the taps and that he was by nature a disorganised person who frequently forgot household tasks. The neighbour sued Karan in negligence. Which of the following correctly states the objective standard of care in negligence as established in Blyth v Birmingham Waterworks Co [1856]?

(A) Negligence consists in failing to do what a reasonable person would do in the circumstances, or doing what a reasonable and prudent person would not do; the standard is objective and measured against the notional reasonable person, not against the defendant's personal characteristics; Karan's personal habit of forgetfulness and disorganisation is irrelevant to the standard of care he is expected to meet.

(B) The standard of care in negligence is fundamentally subjective; a defendant who genuinely and honestly tried their best to avoid causing harm but failed due to a personal incapacity or habitual characteristic meets the legally required standard of care.

(C) The standard of care for occupiers of residential premises in relation to the condition or management of those premises is governed exclusively by occupiers' liability legislation; the common law reasonable person standard does not apply to residential occupiers causing harm to their neighbours.

(D) A defendant meets the required standard of care in negligence as long as he did not intend to cause harm; since Karan did not deliberately intend to flood his neighbour's flat, inadvertent or forgetful negligence is not actionable in the law of tort.

Q22. Rahul kept a domestic golden retriever at his suburban home. The dog had never displayed any aggressive behaviour in its three years of life, and no complaint had ever been made about it. One day the dog bit a visiting postal worker, causing a deep laceration. The postal worker sued Rahul, relying on strict liability rules for animal keepers. Rahul argued he had no reason to anticipate that the dog would bite anyone. Which of the following correctly states the legal rule governing a keeper's strict liability for injury caused by a domestic animal with no previously known dangerous propensity?

(A) The keeper of any domestic animal is strictly liable for any injury it causes regardless of whether the keeper had any prior knowledge of the animal's dangerous propensity; the first bite is itself sufficient to establish strict liability automatically under the keeper's general duty.

(B) A keeper of a domestic animal belonging to a non-dangerous species is not strictly liable under the scienter rule unless the keeper had actual knowledge of the individual animal's abnormal or unusually dangerous propensity; since Rahul's dog had never bitten or shown aggression, he lacked that knowledge, and the postal worker must instead establish negligence.

(C) The keeper of any animal is absolutely liable for all injuries caused by that animal to any person; the species of the animal and the keeper's prior knowledge of any propensity are entirely irrelevant to liability under the general strict liability rule.

(D) Liability for injuries caused by dog bites arises only under specific statutory provisions enacted by Parliament; the common law imposes no duty of care on keepers of dogs and the keeper's liability is limited to complying with whatever statutory registration requirements apply.

Q23. Rekha complained to the court that her neighbour's wind turbine generated a constant low-frequency hum that disturbed her sleep and significantly reduced her enjoyment of her garden. The neighbour argued that the mere fact of some discomfort to Rekha was not enough; Rekha bore the entire burden of proving every element of private nuisance and must show the interference was unreasonable. Which of the following correctly states where the burden of proof lies throughout a claim for private nuisance?

(A) Once the plaintiff establishes that the defendant's activity caused some form of sensory interference with her property, the burden of proof shifts entirely and automatically to the defendant to disprove that the interference was unreasonable.

(B) The burden of proving that the use of land is reasonable rests throughout on the defendant; the plaintiff need only show that some interference occurred and its source, leaving the defendant to justify his use of the land.

(C) The burden of proof in private nuisance lies on the plaintiff throughout the proceedings; Rekha must prove on the balance of probabilities that there is a nuisance, that the interference was unreasonable having regard to its nature, locality, degree, and duration, and that the defendant is the responsible party; mere discomfort without evidence of substantiality and unreasonableness may not suffice.

(D) Private nuisance claims are governed by the res ipsa loquitur doctrine; once the plaintiff establishes that the interference emanated from the defendant's land, negligence and unreasonableness are presumed, reversing the burden entirely onto the defendant to disprove them.

Q24. At a public gathering attended by several business acquaintances, Vikram told the assembled listeners that his business rival Suresh had "been embezzling client funds, a crime for which he could be imprisoned." The statement was entirely false and Suresh had never been accused of any such offence. Suresh sought to sue for slander but was advised that he would need to prove actual financial loss. Which of the following correctly states whether Suresh must prove special damage to bring a claim for slander in these circumstances?

(A) All forms of slander, without exception, require proof of special damage (actual provable financial loss) before any claim is actionable; there are no recognised categories of slander that are actionable without proving that the plaintiff suffered a specific economic or financial loss.

(B) Slander imputing a criminal offence requires proof of special damage only where the offence imputed is classified as a minor offence; slander imputing a serious felony is actionable per se only in common law jurisdictions and not under Indian law.

(C) Slander is distinguishable from libel only by its transient form; in all other respects, including the requirement to prove special damage, slander and libel are treated identically and both always require proof of actual loss.

(D) Words spoken that impute to the plaintiff a criminal offence punishable with imprisonment fall within a recognised category of slander actionable per se; Suresh therefore does not need to prove special damage because the imputation of embezzlement — a criminal offence attracting imprisonment — is actionable without proof of actual financial loss.

Q25. A bus company employed Mohan as a driver on a designated city route. Mohan was expressly prohibited by his employer from permitting passengers to ride on the bus footboard. Despite this prohibition, Mohan allowed a passenger, Geeta, to ride on the footboard when the bus was full. Geeta fell and was injured when Mohan applied sudden brakes. Geeta sued the bus company vicariously. The company argued that since Mohan's act was expressly prohibited, it was outside the course of his employment and the company bore no liability. Which of the following correctly states Salmond's test for determining whether an employee's act falls within the course of employment?

(A) Under Salmond's test, acts within the course of employment comprise: (i) wrongful acts expressly authorised by the employer, and (ii) wrongful and unauthorised modes of doing some act that the employer has authorised; Mohan was employed to carry passengers — allowing Geeta to ride the footboard was an unauthorised mode of performing his authorised task of carrying passengers, so the bus company is vicariously liable despite the prohibition.

(B) Any act expressly forbidden by the employer is categorically and automatically outside the course of employment; vicarious liability can never arise for a prohibited act regardless of how closely connected the prohibited act is to the employee's authorised duties.

(C) Salmond's test determines course of employment solely by reference to whether the employee was on duty at the time the act was committed; any act committed while on duty is within the course of employment and attracts vicarious liability.

(D) Salmond's test focuses on the employee's subjective purpose at the time of the wrongful act; if the employee genuinely intended to advance or assist the employer's business, the act is within the course of employment regardless of the means adopted to carry it out.

Q26. A pedestrian was struck by a motorcycle and suffered permanent partial disability. The motorcyclist argued that the accident occurred due to the pedestrian's own negligence in crossing the road without looking. The pedestrian applied for compensation under Section 140 of the Motor Vehicles Act 1988, claiming a fixed amount without any requirement to prove the motorcyclist's fault. Which of the following correctly states the nature and scope of no-fault liability under Section 140 of the Motor Vehicles Act 1988?

(A) Section 140 of the Motor Vehicles Act 1988 provides for no-fault liability only where the vehicle causing the accident was being driven personally by the vehicle's registered owner at the time; accidents caused by persons other than the registered owner are not covered under this provision.

(B) Section 140 of the Motor Vehicles Act 1988 provides for payment of fixed compensation for death (Rs. 50,000) and permanent disablement (Rs. 50,000) arising from use of a motor vehicle, without any requirement to prove negligence or fault; it is a summary remedy available regardless of which party caused the accident, and the pedestrian may claim this fixed amount even if she was contributorily negligent.

(C) No-fault liability under Section 140 of the Motor Vehicles Act 1988 is available only in cases of death caused by a motor vehicle accident; all claims for permanent or partial disablement require full proof of negligence under the standard Section 166 claim procedure before the MACT.

(D) The Motor Vehicles Act 1988 does not contain any provision for no-fault liability; all claims for compensation arising from motor accidents must be founded on proof of negligence and are adjudicated under Section 166 before the Motor Accidents Claims Tribunal.

Q27. Consumer Ms Rao was aggrieved by an order passed against her by the District Consumer Disputes Redressal Commission and wished to challenge it. Her advocate advised that she had forty-five days from the order date to file an appeal, after which the appellate forum could condone further delay for sufficient cause. Separately, consumer Mr Bose wished to file an original complaint involving consideration above the District Commission's pecuniary limit. Which of the following correctly states the appellate and original jurisdiction of the State Consumer Disputes Redressal Commission under the Consumer Protection Act 2019?

(A) The State Commission entertains only original complaints above the District Commission's monetary limit; appeals from District Commission orders lie not to the State Commission but directly to the National Commission.

(B) The State Commission has appellate jurisdiction over all orders of the National Commission; it also handles original consumer complaints only where the total compensation claimed exceeds Rs. 10 crore.

(C) Under the Consumer Protection Act 2019, a person aggrieved by a District Commission order may appeal to the State Commission within forty-five days, with power to condone delay on sufficient cause; the State Commission also exercises original jurisdiction over complaints where the consideration paid exceeds Rs. 1 crore but does not exceed Rs. 10 crore, covering Mr Bose's situation.

(D) The State Commission has no appellate jurisdiction of any kind; its sole function is to adjudicate original complaints that exceed the District Commission's pecuniary threshold, and all appeals from District Commission orders lie directly to the Supreme Court.

Q28. Bharat discovered that his neighbour Dilip had constructed a boundary wall approximately half a metre onto Bharat's land without any permission or right to do so. The wall remained in place and Bharat had received no compensation. Bharat sought legal advice on what remedies were available to him as the owner of land that had been subjected to this ongoing trespass. Which of the following correctly identifies the full range of remedies available in an action for trespass to land?

(A) The only remedy available for trespass to land is compensatory damages for actual financial loss proven by the plaintiff; a court has no jurisdiction to order a trespasser to demolish or remove a structure that has already been built on another's land.

(B) The only remedy available for a continuing trespass to land is a mandatory injunction ordering removal of the trespass; damages for past trespass cannot be awarded alongside an injunction, and the plaintiff must elect exclusively one remedy or the other.

(C) In trespass to land, the plaintiff may recover damages or seek an injunction but not both simultaneously; the law requires the plaintiff to irrevocably elect between these two alternative remedies before the hearing begins.

(D) Remedies for trespass to land include: damages (including nominal damages where no actual financial loss is suffered, affirming the plaintiff's property right), mesne profits for the period of unlawful occupation, a permanent injunction to restrain continuing or future trespass, and an order for possession (ejectment); courts may grant any appropriate combination of these remedies and no election between them is required.

Q29. Munna went to a hospital emergency department complaining of severe vomiting after attending a party. The casualty doctor, without examining Munna, dismissed him and told him to go home and rest. Munna died four hours later. A post-mortem revealed he had died of arsenic poisoning from contaminated food at the party. Medical experts testified unanimously that the arsenic dose Munna had already absorbed was lethal, and that no treatment available at the hospital could have saved his life even if he had been examined and treated immediately. Munna's family sued the hospital in negligence. Which of the following correctly applies the but-for causation test to these facts?

(A) Although the hospital was negligent in failing to examine Munna, the but-for causation test is not satisfied; even if the hospital had examined and treated Munna correctly, he would still have died from the already-lethal arsenic dose, so the negligence did not cause his death and the family's claim for negligence causing death fails on causation.

(B) Once negligence on the part of the defendant is established, causation is presumed as a matter of law; the family need not separately prove that the negligent failure to examine caused Munna's death, and the hospital is liable.

(C) The but-for causation test is inapplicable in medical negligence cases involving hospital emergency departments; a different and more favourable material contribution test applies automatically whenever a hospital fails to examine an attending patient.

(D) The hospital is liable for Munna's death because it owed a duty of care and breached that duty; the existence of a duty and a clear breach is sufficient to establish the hospital's full liability for all subsequent harm suffered by the plaintiff, and causation need not be separately proved.

Q30. Advocate Sharma drafted a defamatory letter about his professional rival, Advocate Verma, and posted it in a sealed envelope addressed personally to Advocate Verma alone. Only Advocate Verma read the letter on receiving it. On a separate occasion, Advocate Sharma dictated an equally defamatory statement about a judge to his office secretary, who transcribed and typed it up. Which of the following correctly identifies which act or acts constitute publication for the purposes of defamation law?

(A) Both acts constitute publication in defamation; posting a defamatory letter to the addressee and dictating defamatory words to a secretary are both forms of publication sufficient to found a claim.

(B) Sending a sealed defamatory letter solely and exclusively to the person who is defamed by it does not constitute publication, because publication requires communication of the defamatory material to at least one third party other than the plaintiff; dictating defamatory words to a secretary does constitute publication since the secretary is a third party who hears and transcribes the words.

(C) Neither act constitutes publication in defamation; publication in law requires simultaneous communication of the defamatory material to a large number of persons, and limited communications to one individual at a time are legally insufficient.

(D) Publication in defamation is established by the mere act of writing or speaking the defamatory words; the identity of who subsequently reads or hears the statement, and whether any third party was involved, is entirely irrelevant to establishing publication.

Q31. Two separate complaints were made about activities on the same industrial estate. The first concerned a chemical plant that had been emitting sulphurous fumes into the surrounding residential neighbourhood continuously for the past eighteen months. The second concerned a single accidental explosion at a fireworks storage facility that occurred on one occasion only, caused no ongoing pollution or emission, and was a wholly isolated and non-repeated event. Which of the following correctly states the requirement of persistence or duration in private nuisance and how it applies to each situation?

(A) Private nuisance may arise from a single isolated event provided that actual damage to the plaintiff's property is proved; duration and persistence are entirely irrelevant to whether the tort of private nuisance is established.

(B) Both the ongoing sulphurous fumes and the single explosion equally constitute private nuisance because both events caused some physical disturbance or discomfort to the occupiers of neighbouring properties.

(C) Private nuisance generally requires a continuing state of affairs or persistent interference rather than a single isolated transitory act; the eighteen months of sulphurous fumes clearly satisfy this requirement and constitute actionable nuisance; the one-off explosion, being a transient event without any ongoing or continuing effect, would not ordinarily constitute private nuisance, though it may give rise to a claim in negligence.

(D) Duration is relevant only to the assessment of the quantum of damages in private nuisance and has no bearing on whether the cause of action itself is established; even the briefest momentary interference with a neighbour's enjoyment of land is always fully actionable as private nuisance.

Q32. Badrinath stored large quantities of industrial solvent in holding tanks inside his factory premises. Through an internal valve failure, solvent escaped from one tank and flooded the factory floor, seriously injuring a maintenance worker who was working on the premises at the time. No solvent escaped beyond the factory boundary onto any neighbouring land. The maintenance worker sought to claim compensation from Badrinath under the rule in Rylands v Fletcher. Which of the following correctly states the escape requirement under the rule in Rylands v Fletcher?

(A) The rule in Rylands v Fletcher applies to any damage caused by a dangerous substance on the defendant's land, whether or not that substance escapes beyond the land's boundaries; the maintenance worker may therefore rely on the rule for injuries suffered within the factory.

(B) The escape requirement under Rylands v Fletcher is satisfied when a substance escapes from one vessel or container to another location within the same landholding; internal leakage from tank to factory floor satisfies the escape requirement.

(C) The escape requirement under Rylands v Fletcher means only that the substance must escape into publicly accessible space; escape from private land onto other private neighbouring land is insufficient to engage the rule.

(D) The rule in Rylands v Fletcher requires that the dangerous thing escape from the land under the defendant's occupation and control to outside that land; where, as here, the damage occurs entirely within the defendant's own premises without any escape to neighbouring or third-party land, the rule does not apply; the maintenance worker cannot rely on Rylands v Fletcher and must instead pursue a claim in negligence.

Q33. A Factories Act required that all moving parts of machinery in a factory be securely fenced. The factory owner failed to fence a particular piece of machinery. Worker Kamla was injured when her clothing was caught in the unfenced moving parts. The Factories Act contained no express provision stating that workers injured through breach of the fencing requirement could bring a civil claim for damages. Kamla argued she had an independent tortious claim for breach of statutory duty. Which of the following correctly states when breach of a statutory duty gives rise to an independent cause of action in tort?

(A) Where a statute creates a duty primarily for the protection of a defined class of persons (such as factory workers), a member of that class who suffers damage as a direct result of a breach of that duty may bring an independent tortious claim for breach of statutory duty, provided the court determines from the statute's purpose and context that Parliament intended to create a private right of action; Kamla, as a factory worker within the protected class, may have such a claim.

(B) Breach of statutory duty is never an independent cause of action in tort; a statutory breach can only serve as evidence of negligence in a conventional negligence claim, and injured parties cannot rely on it as a freestanding tortious claim in its own right.

(C) An independent tortious action for breach of statutory duty requires an express provision within the statute itself conferring a right to bring civil proceedings; in the absence of such an express provision, no civil claim for breach of statutory duty can succeed regardless of the defendant's violation.

(D) A statutory breach gives rise to criminal sanctions only; the legislature's sole intent in imposing duties on factory owners is to enable regulatory prosecution and not to create any civil remedy for injured workers.

Q34. A supermarket security guard, believing she had observed customer Mr Dutta conceal a bottle of wine under his jacket, stopped him at the exit and asked him to accompany her to the security office. Mr Dutta was detained for two hours and subjected to persistent interrogation. The item in question was later found to be a product Mr Dutta had bought at a different store that morning, as shown by a receipt. Mr Dutta sued the supermarket for false imprisonment. Which of the following correctly states the scope of a private person's right to detain a person reasonably suspected of shoplifting?

(A) A shopkeeper or security officer may detain a person for an indefinite period if there is any articulable suspicion of theft; the duration and manner of the detention are entirely at the shopkeeper's reasonable discretion and courts will not interfere with this judgment.

(B) A shopkeeper may detain a person reasonably suspected of shoplifting for a reasonable period to investigate the suspicion; the grounds for suspicion must be objectively reasonable; the detention must not extend beyond what is reasonably necessary to clarify the matter and the reason for detention must be communicated; a two-hour interrogation without adequate grounds is likely to constitute false imprisonment.

(C) A private shopkeeper or security guard has absolutely no legal right to detain any person regardless of the circumstances; only police officers holding a valid warrant or exercising a statutory power of arrest may detain a person, and any detention by a private person is automatically false imprisonment.

(D) A shopkeeper's detention right is limited strictly to the time necessary to search the suspect's immediate bag or pocket; once that search is concluded, the suspect must immediately be released regardless of whether the investigation is complete or any suspicion remains.

Q35. Sita worked as a regional sales representative for TechGadgets Ltd. Her employer required her to travel by her own car to visit corporate clients across the region, reimbursing her fuel and mileage. While driving to an approved scheduled client visit, Sita negligently failed to observe a give-way sign and caused a collision that injured a cyclist. TechGadgets Ltd denied liability, arguing the accident occurred on a public road and not at any company premises or property. Which of the following correctly applies vicarious liability principles to an employee travelling on an authorised business journey?

(A) An employer is not vicariously liable for tortious acts of an employee that occur on public roads; vicarious liability is strictly confined to incidents occurring on the employer's own land or approved premises.

(B) Vicarious liability for road accidents arising from a business journey requires the employer to have specifically directed the employee to take the precise route on which the accident occurred; a general instruction to visit clients does not suffice.

(C) An employer is vicariously liable for the negligent driving of an employee on a journey the employee was authorised to make for the employer's business purposes; Sita's trip to visit a scheduled client was an authorised employer journey, and TechGadgets is vicariously liable for her negligent driving even though the accident occurred on a public road away from any company premises.

(D) Vicarious liability in cases arising from road accidents is governed exclusively and exhaustively by the Motor Vehicles Act 1988; common law principles of vicarious liability between employer and employee have no application to road accidents whatsoever.

Q36. A victim of a serious road accident was advised to approach the Motor

Accidents Claims Tribunal (MACT) to claim compensation. His friend, who was not legally trained, told him that the MACT was a subdivision of the civil court system presided over by a revenue officer appointed by the district administration. Which of the following correctly describes the composition and jurisdiction of the Motor Accidents Claims Tribunal under the Motor Vehicles Act 1988?

(A) The Motor Accidents Claims Tribunal is a sub-court of the existing civil court hierarchy, presided over by a senior revenue officer appointed by the district collector, and has concurrent and non-exclusive jurisdiction alongside civil courts for all accident-related compensation disputes.

(B) The Motor Accidents Claims Tribunal is constituted by the Central Government of India and is presided over by an officer of the Indian Police Service of not less than the rank of Superintendent of Police, to ensure law enforcement expertise in accident adjudication.

(C) The Motor Accidents Claims Tribunal is a private arbitral body established voluntarily by motor insurance companies to adjudicate compensation claims outside the formal court system and without binding legal authority.

(D) The Motor Accidents Claims Tribunal is constituted by the State Government under Section 165 of the Motor Vehicles Act 1988 and is presided over by a sitting or retired Judge of the High Court or District Court; it exercises exclusive statutory jurisdiction to adjudicate all claims for compensation arising out of motor accidents involving a motor vehicle used in a public place.

Q37. Three separate persons sought to file consumer complaints before the District Consumer Disputes Redressal Commission: (i) Ms Tara, an individual consumer who purchased a defective appliance; (ii) a registered consumer association acting on behalf of multiple affected consumers; and (iii) the State Government of Maharashtra, seeking redress for a class of consumers harmed by a defective public utility. The opposite party argued that only individual consumers who were direct parties to the transaction had standing, and that associations and governments had no locus standi to file a consumer complaint. Which of the following correctly states who is entitled to file a consumer complaint under Section 35 of the Consumer Protection Act 2019?

(A) Under Section 35 of the Consumer Protection Act 2019, a consumer complaint may be filed by: a consumer individually; any recognised voluntary consumer association registered under any law; the Central or State Government; or one or more consumers filing on behalf of others having the same interest (representative action); all three — Ms Tara, the association, and the State Government — have standing to file.

(B) Only individual consumers who were personally a party to the specific commercial transaction giving rise to the dispute may file a consumer complaint; registered associations and government bodies have no locus standi before any consumer forum.

(C) The Consumer Protection Act 2019 permits complaints only from individual consumers and registered consumer associations; State and Central Governments wishing to pursue consumer complaints on behalf of the public must approach civil courts and may not use the consumer forum procedure.

(D) A consumer complaint under the Consumer Protection Act 2019 can only validly be filed by a group of at least ten consumers with a common grievance; a single individual consumer has no direct standing to file a complaint unilaterally.

Q38. Praveen suffered multiple injuries in a road accident caused by a negligently driven truck. He incurred Rs. 2 lakhs in medical and hospital expenses, lost Rs. 1.5 lakhs in wages during his four-month recovery period, and continued to experience persistent pain and a significant reduction in his quality and enjoyment of life. He sought compensation for all his losses in tort. Which of the following correctly states both the aim of compensatory damages in tort and the main heads under which recovery is available?

(A) Compensatory damages in tort serve a punitive purpose and are designed to punish the defendant for wrongdoing; the quantum awarded by the court therefore depends on an assessment of the defendant's moral culpability and the degree of fault rather than on the plaintiff's proven loss.

(B) The fundamental aim of compensatory damages in tort is restitutio in integrum — to restore the plaintiff as far as money can to the position he was in before the tort was committed; Praveen may recover under two broad heads: special damages (specific and quantifiable pecuniary losses such as medical expenses and lost wages) and general damages (non-pecuniary losses such as pain, suffering, and loss of amenity, assessed by the court without precise mathematical calculation).

(C) Compensatory damages in tort cover only past financial losses that were actually incurred before the date of judgment; prospective future losses and non-pecuniary losses such as pain and suffering are not recognised heads of recovery under the compensatory damages framework.

(D) Compensatory damages awarded in tort are legally capped at the level of the defendant's motor insurance policy coverage; any assessed loss that exceeds the insurer's policy limit is treated as irrecoverable and the plaintiff bears that portion of the loss personally.

Q39. Nine-year-old Aarav ran into the road from between two parked vehicles to retrieve his ball and was struck by a car driven negligently at excessive speed by an adult. The driver pleaded contributory negligence, arguing that Aarav, as a road user, should have looked carefully in both directions before stepping off the pavement. Which of the following correctly states the standard of contributory negligence applicable to a child plaintiff in personal injury litigation?

(A) Children are held to precisely the same objective standard of contributory negligence as adult plaintiffs; the reasonable person standard applies to all plaintiffs regardless of their age, and Aarav is expected to exercise the care of a reasonable adult road user.

(B) All children below the age of ten years are conclusively presumed by law to be incapable of contributory negligence and their damages may not be reduced on that ground under any circumstances, regardless of their conduct.

(C) A child plaintiff is not held to the adult standard of contributory negligence; the court assesses what is reasonable conduct for a child of the same age, intelligence, and experience; for a young child like Aarav, the standard of care expected may be so low that no contributory negligence is found, and the full responsibility for the accident rests with the negligent adult driver.

(D) The defence of contributory negligence cannot be raised against any child plaintiff who is injured on or near a public road; road users owe an absolute non-contributory duty of care to all child pedestrians and no reduction in damages for contributory fault is permitted.

Q40. Two instances of alleged defamation of businessman Rohit were brought to the attention of his lawyer: first, a national newspaper published an article falsely accusing Rohit of financial fraud; second, a guest at a private dinner party verbally told the other ten dinner guests the same false accusation about Rohit. Rohit wished to understand the legal significance of the different forms in which the defamatory statements were made. Which of the following correctly states the critical legal distinction between libel and slander?

(A) Libel and slander are identical in all legal respects; the distinction between defamation in written and in spoken form has no legal consequence in modern law, and both are governed by entirely the same rules regarding actionability and the proof of damage.

(B) The legal distinction between libel and slander relates only to the assessment of the quantum of damages payable; a successful plaintiff in a libel action automatically receives higher damages than a successful plaintiff in a slander action for an identical defamatory statement.

(C) Slander is the more serious form of defamation because spoken words can potentially reach a larger audience through word-of-mouth repetition than a printed article; consequently, slander is actionable per se while libel always requires proof of actual special damage before it is actionable.

(D) Libel consists of defamation in a permanent or quasi-permanent form (writing, print, film, or broadcasts covered by statute) and is actionable per se without any requirement to prove special damage; slander consists of defamation in transient form (spoken words or gestures) and generally requires proof of actual financial loss unless the words fall within one of the four categories of slander actionable per se; the newspaper article is libel and Rohit need not prove special damage, while the dinner party statement is slander requiring proof of special damage.

Detailed Solutions

Q1.

Solution

Concept — Winfield's Comprehensive Theory of Tort: Winfield defined a tort as a civil wrong for which the remedy is a common law action for unliquidated damages, and which is other than a mere breach of contract or breach of trust. The key feature is that the duty breached is imposed by law towards persons generally, not arising from the specific consent or agreement of the parties. Winfield's theory is "comprehensive" because it treats the list of torts as open and not closed.

Analysis: Option A precisely captures the essential elements of Winfield's definition: civil wrong, remedy of unliquidated damages, and the exclusion of breach of contract and trust. It also captures the notion that any violation of a duty fixed by law may constitute a tort unless a specific defence applies, reflecting Winfield's openness to the evolution of new tortious duties.

Why other options are wrong:

- **Option B:** Winfield's definition does not extend to criminal wrongs; torts are civil wrongs, and the plaintiff need not show community disapproval but a specific legally recognised duty.
- **Option C:** This reflects the "specific torts" or Salmond approach to a closed list; Winfield's comprehensive theory specifically rejects a closed list and accepts that new duties may be recognised.
- **Option D:** Winfield's theory does not require intention or recklessness; negligent and even strict liability torts fall within the definition. Excluding accidental harm would drastically narrow the scope of Winfield's formulation.

Final Answer: Winfield defines tort as a civil wrong redressable by unliquidated damages, excluding breach of contract and trust, arising from a duty fixed by law. $\Rightarrow \boxed{\text{A}}$

$\boxed{\textbf{Answer: (A)}}$ Go Back to Q1

Q2.

Solution

Concept — Tortious Capacity of Minors: A minor is not immune from tortious liability merely by virtue of infancy. A minor can commit a tort and is personally liable for it; the action is brought by or against the minor through a next friend or guardian ad litem. Age may affect the standard of care expected (a child is judged against the standard of a reasonable child of the same age), but it does not extinguish liability. Parents are not automatically vicariously liable for a child's independent wrongdoing.

Analysis: Arjun deliberately damaged the neighbour's car. A fourteen-year-old can form intent and is personally liable in tort. The neighbour's claim against Arjun is properly constituted through a guardian ad litem. Option B correctly states this position.

Why other options are wrong:

- **Option A:** Parents are not automatically vicariously liable for their children's independent tortious acts; parental liability arises only where parents have themselves been negligent in supervising the child.
- **Option C:** There is no age threshold of sixteen for tortious capacity; minors of all ages can in principle be liable in tort depending on the nature of the act and the standard expected.
- **Option D:** No rule of law restricts a minor's tortious liability to premeditated acts; spontaneous deliberate acts causing damage are fully actionable.

Final Answer: A minor is personally liable in tort; infancy creates no immunity; the minor sues or is sued through a next friend. $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q2

Q3.

Solution

Concept — Volenti Non Fit Injuria in Professional Combat Sport: A participant in a licensed boxing match consents to the physical contact that is within the rules of the sport. This consent provides the defence of volenti against claims arising from such contact. However, consent does not extend to deliberate breaches of the rules intended to cause serious harm beyond the accepted risks of the sport. A deliberate foul intended to injure a dazed opponent falls outside the scope of the consented risk.

Analysis: Dev struck Raj on the back of the head in deliberate violation of boxing rules, intending serious injury. Raj's consent to participate in a lawful boxing match did not extend to this specific deliberate foul. The volenti defence fails for Dev. Option C correctly states the principle.

Why other options are wrong:

- **Option A:** Consent in professional sport is rule-bounded; it does not extend to all conceivable physical contact including deliberate illegal acts intended to cause grave harm.
- **Option B:** The scope of consent is not defined by the severity of injury but by the nature of the act (within or outside the rules); a lawful blow causing serious injury may be consented to, while a rule-breaking blow causing minor injury is not.
- **Option D:** Volenti does not operate as a blanket protection for all contact during a sporting event; it is limited to contacts within the accepted rules and risks of the sport.

Final Answer: A boxer consents only to contact within the rules; deliberate rule-breaking intended to cause serious injury falls outside volenti. $\Rightarrow \boxed{C}$

Answer: (C) Go Back to Q3

Q4.

Solution

Concept — Continuing Tort and Limitation: A continuing tort is one in which the tortious act or omission is repeated day by day or persists as an ongoing state. Each day of continuance gives rise to a fresh cause of action. This has significant implications for limitation: acts outside the limitation period are barred, but acts within the limitation period remain actionable. A court may grant injunctive relief and damages for the continuing wrong within the limitation window.

Analysis: Vinod's encroaching fence has stood since 2015. If the encroachment is a continuing tort (as trespass to land by a permanent structure typically is), each day gives a fresh cause of action. The 2015 act may be time-barred, but Pradeep may recover for the continuing trespass within the applicable limitation period and seek an injunction. Option D correctly states this position.

Why other options are wrong:

- **Option A:** The continuing tort doctrine exists precisely to address this situation; each day's persistence is a separate actionable wrong, not part of a single 2015 cause of action.

- **Option B:** Later acts of continuation are not merely evidence; they are independent causes of action in their own right under the continuing tort analysis.
- **Option C:** A continuing tort does not render the claim perpetually immune to limitation; only acts within the limitation period remain actionable, and the court will assess what period of the continuing wrong is compensable.

Final Answer: Each day of continuing trespass gives a fresh cause of action; Pradeep may recover for the unexpired limitation period and seek an injunction. $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q4

Q5.

Solution

Concept — Foreseeable Class of Plaintiff: Bourhill v Young [1943]: In *Bourhill v Young*, a motorcyclist negligently caused a collision. A pregnant woman standing some distance away heard the crash but did not see it and suffered a miscarriage from shock. The House of Lords held that no duty of care was owed to her because she was not within the foreseeable area of risk. A duty of care in negligence extends only to those persons whom the defendant could reasonably have foreseen as being placed at risk by his conduct.

Analysis: Mrs Nanda was fifty metres away and outside the zone of physical danger. The negligent driver could not reasonably foresee that someone standing at that distance, not visually exposed to the accident, would be injured by it. On the *Bourhill* principle, she falls outside the foreseeable class of plaintiff. Option A correctly applies this.

Why other options are wrong:

- **Option B:** Proximity and foreseeability are essential elements of the duty of care in negligence; it is not enough to suffer physical harm — the plaintiff must also be within the foreseeable zone of risk.
- **Option C:** Auditory proximity (being within earshot) does not automatically place a person within the zone of foreseeable risk; *Bourhill* rejected such a broad test.
- **Option D:** The existence of a medical condition is relevant to damage, not to the establishment of duty; duty depends on foreseeability of the plaintiff as a member of the risk class, not on the medical consequences that materialised.

Final Answer: Under *Bourhill v Young*, duty extends only to those in the foreseeable zone of risk; Mrs Nanda at fifty metres likely falls outside it. $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q5

Q6.

Solution

Concept — Manufacturer's Duty to Warn of Product Dangers: The duty of care owed by a manufacturer extends beyond the design and construction of the product to include adequate warnings about risks that arise when the product is used in a reasonably foreseeable manner. If a product is dangerous in foreseeable conditions of use that the manufacturer knows about, a failure to warn of that danger is itself negligence, even if the product's underlying design is otherwise safe and proper.

Analysis: ChemCo knew that its solvent emitted toxic fumes and that industrial use in enclosed spaces without ventilation was foreseeable. Failing to warn of this inhalation risk constitutes a breach of duty. The fact that the product was properly designed does not discharge the duty to warn. Option B correctly identifies this principle.

Why other options are wrong:

- **Option A:** A manufacturer's duty is not limited to the narrow specified use; foreseeable conditions of use trigger a duty to warn even if they amount to a deviation from the label instructions.
- **Option C:** The duty to warn exists both at common law in negligence and under statutory consumer protection provisions; the two are not mutually exclusive.
- **Option D:** The Donoghue v Stevenson principle extends the manufacturer's duty of care to all foreseeable end-users of the product, not merely the direct contractual purchaser.

Final Answer: A manufacturer owes a duty to warn of foreseeable use-related risks; failure to warn of the inhalation hazard is negligence despite sound design. $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q6

Q7.

Solution

Concept — Actionable Per Se vs Actionable Upon Proof of Damage: Certain torts are actionable without proof of any damage (actionable per se) because the law recognises the invasion of a right as itself sufficient grounds for an action. Trespass to the person (battery), trespass to land, and libel fall in this category. Other torts (negligence, slander in most cases, public nuisance by an individual) require proof of actual damage before the cause of action is complete.

Analysis: The arm-seizing is a battery (trespass to the person) — actionable per se; Shreya need not prove damage. The spoken rumour about professional incompetence is slander — generally actionable only upon proof of special damage unless it falls within a category actionable per se (such as imputing a crime punishable with imprisonment, a contagious disease, or disparaging the plaintiff in office or trade). Incompetence does not obviously fall within these narrow categories. Option C correctly distinguishes the two.

Why other options are wrong:

- **Option A:** Torts such as battery, trespass to land, and libel are well-established examples of torts actionable per se; the statement that all torts require proof of damage is incorrect.
- **Option B:** Courts do not universally infer damage in all torts; many torts expressly require proof of actual loss before the cause of action is complete.
- **Option D:** Battery covers any intentional, unlawful physical contact; visible physical injury is not required; the unauthorised touching itself is sufficient for trespass to the person.

Final Answer: Battery is actionable per se; slander of incompetence generally requires proof of special damage. $\Rightarrow \boxed{\text{C}}$

$\boxed{\textbf{Answer: (C)}}$ Go Back to Q7

Q8.

Solution

Concept — Negligence Per Se vs Res Ipsa Loquitur: Negligence per se arises when a defendant violates a statutory standard of conduct; the statutory breach is treated as establishing negligence without further proof of fault. Res ipsa loquitur ("the thing speaks for itself") is an evidential doctrine applied where the circumstances of the accident raise an inference of negligence without the plaintiff being able to identify the specific negligent act. The two doctrines have different foundations: one is statute-based, the other is circumstantially based.

Analysis: Pawan relies on the defendant's breach of the statutory stop-at-red-light regulation to prove negligence — this is negligence per se. Seema relies on the inherently suspicious circumstances of a barrel falling from a truck to raise an inference of negligence without identifying the precise fault — this is res ipsa loquitur. Option D correctly identifies and distinguishes the two doctrines.

Why other options are wrong:

- **Option A:** Pawan is not invoking res ipsa; he relies on a specific statutory breach, not on inferences from unexplained circumstances.
- **Option B:** Seema has no statutory standard to rely on; she is invoking the circumstantial inference doctrine of res ipsa, not negligence per se.
- **Option C:** The allocations are reversed in this option; the correct assignment is Pawan to negligence per se and Seema to res ipsa loquitur.

Final Answer: Pawan invokes negligence per se (statutory breach); Seema invokes res ipsa loquitur (circumstantial inference). $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q8

Q9.

Solution

Concept — Trespass to Land: Intentionality Requirement (Fowler v Lanning [1959]): In *Fowler v Lanning*, the court held that trespass to land requires an intentional act of entry. A purely involuntary act — one not caused by any voluntary movement of the defendant — does not constitute trespass. The defendant must have voluntarily directed his body (or an instrument) onto the plaintiff's land. An uncontrolled bodily movement caused by a medical episode is not a voluntary act.

Analysis: Nalini's entry was entirely involuntary, caused by an unforeseen epileptic fit. She exercised no voluntary control over her body's movement onto the neighbouring field. This does not satisfy the intentionality requirement for trespass to land. The landowner's claim fails. Option A correctly states this principle.

Why other options are wrong:

- **Option B:** Trespass to land, while historically strict, is not an absolute liability tort in the sense of imposing liability for purely involuntary, uncontrolled entry; intentionality (or at least negligence) is required.
- **Option C:** The awareness-during-entry test has no general support; what

matters is whether the defendant voluntarily directed herself onto the land, not whether she later became conscious of where she was.

- **Option D:** Trespass to land is actionable per se; no damage is required. The actionability question here is whether the entry was even intentional, not whether damage occurred.

Final Answer: An involuntary entry caused by a medical seizure lacks the voluntary act required for trespass to land; Nalini is not liable. $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q9

Q10.

Solution

Concept — Assault: Words Negating a Threatening Act (Tubervell v Savage [1669]): Assault requires an act that causes the plaintiff to apprehend immediate and unlawful force. In *Tubervell v Savage*, placing a hand on a sword while saying words indicating no present intention to strike was held not to constitute assault because the words showed there was no immediate intent to act. Words accompanying a potentially threatening physical gesture can negate the threat if they show clearly that the defendant has no present intention to use force.

Analysis: Ashok reached for the paperweight, which might suggest a threat. However, his simultaneous words — conditional on the Chairman's absence — clearly showed he had no present intention to strike Dinesh. The words negated any present threatening intention. There is no actionable assault. Option B correctly applies the *Tubervell v Savage* principle.

Why other options are wrong:

- **Option A:** Words can and do negate an otherwise threatening gesture; *Tubervell v Savage* is direct authority for this proposition, and the gesture alone is not determinative.
- **Option C:** Assault does not require physical contact; the apprehension of immediate unlawful force is sufficient. Physical contact is the element of battery, not assault.
- **Option D:** Conditional threats are not always actionable as assault; if the condition effectively demonstrates no present intention to apply force, the words can negate assault. The conditionality here removes any immediacy.

Final Answer: Accompanying words showing no present intention to use force negate assault; Ashok's conditional statement means no actionable assault under *Tubervell v Savage*. $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q10

Q11.

Solution

Concept — What Makes a Statement Defamatory (Sim v Stretch [1936]): In *Sim v Stretch*, Lord Atkin formulated the classic test: words are defamatory if they would tend to lower the plaintiff in the estimation of right-thinking members of society generally. The test is objective — assessed by reference to the reasonable right-thinking person — and not by the plaintiff's subjective reaction. The court must consider whether the ordinary reader or viewer would think less of the plaintiff after reading or hearing the statement.

Analysis: The question is whether right-thinking members of society would think less of Dr Mehta upon reading that she frequented a casino. This requires an objective assessment by the court. Her subjective distress is irrelevant to the legal test. Option C correctly articulates the objective standard from *Sim v Stretch*.

Why other options are wrong:

- **Option A:** The test is objective, not subjective; the plaintiff's own interpretation or emotional reaction does not determine whether the words are defamatory.
- **Option B:** Truth is a defence to defamation, not a precondition for the words to be defamatory; false statements are defamatory where they meet the objective lowering test, and even true statements may satisfy that test (though truth provides a complete defence).
- **Option D:** Defamatory statements need not be explicit accusations; innuendo, implication, and association can all be defamatory if a reasonable person would understand them to lower the plaintiff's reputation.

Final Answer: Words are defamatory if they would lower the plaintiff in the estimation of right-thinking members of society generally; the test is objective. $\Rightarrow$ $\boxed{C}$

Answer: (C) Go Back to Q11

Q12.

Solution

Concept — Natural and Ordinary Meaning vs True Innuendo: Defamatory words may carry their defamatory meaning in two ways. The natural and ordinary meaning is what a reasonable person without special background knowledge would understand; this may include meanings that are implied or inferred from the words without requiring extrinsic knowledge. True (or legal) innuendo arises where the words carry a defamatory meaning only because of extrinsic facts known to some readers but not to the general public; the plaintiff must plead and prove those extrinsic facts and that relevant readers possessed that knowledge.

Analysis: The caption "Sanjay at his favourite haunt" is neutral to readers who do not know the building. Only readers who knew the building was an illegal gambling den would understand it as defamatory. This is classic true innuendo. Sanjay must plead and prove the extrinsic fact (the building's nature) and that specific readers who knew this understood the caption to refer to him. Option D correctly distinguishes natural meaning from innuendo.

Why other options are wrong:

- **Option A:** True innuendo is well-established as an actionable form of defamation; words carrying defamatory meaning only to readers with special knowledge are not categorically excluded from founding a defamation claim.
- **Option B:** The innuendo meaning is determined by what the words communicate to readers with relevant extrinsic knowledge, not by the defendant's subjective intent.
- **Option C:** Natural meaning and innuendo are distinct legal concepts with different pleading requirements; the distinction has very significant practical consequences for how a claim must be framed and proved.

Final Answer: Natural meaning is understood without special knowledge; true innuendo requires pleading extrinsic facts known to specific readers. Sanjay may have an innuendo claim. $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q12

Q13.

Solution

Concept — Definition of Private Nuisance: Private nuisance is a tort that protects a person's use and enjoyment of land against unlawful interference from a neighbouring or third-party use of land. Its defining feature is that the interference is indirect: the defendant does not directly enter the plaintiff's land (which would be trespass) but carries out activities on his own land whose effects spill over and affect the plaintiff's land. The interference must be unreasonable and substantial.

Analysis: The factory's noise and vibrations are indirect effects of the factory's operations on its own land. They affect the neighbour's enjoyment of the neighbouring property without any direct physical entry. This is precisely the territory of private nuisance. The factory owner's argument that everything occurred on his own land does not exclude private nuisance. Option A correctly defines the tort.

Why other options are wrong:

- **Option B:** A direct physical entry onto the plaintiff's land is trespass, not nuisance; nuisance is characterised by indirect interference, making the factory's situation a paradigm nuisance case.
- **Option C:** Malice may be relevant to whether an otherwise lawful act becomes a nuisance in borderline cases, but it is not a required element of private nuisance; unreasonable interference can arise without malice.
- **Option D:** The lawfulness of the underlying activity does not determine whether it constitutes a nuisance; a lawful manufacturing activity conducted unreasonably may nonetheless constitute a private nuisance.

Final Answer: Private nuisance is unlawful, indirect interference with another's use or enjoyment of land; the factory's noise and vibrations are a textbook example. $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q13

Q14.

Solution

Concept — Interference with Personal Comfort as Private Nuisance: Private nuisance protects two broad categories of interest: damage to the land itself, and interference with the comfortable use and enjoyment of land. The second category covers unreasonable sensory interference such as noise, smell, vibration, and light. The test of reasonableness considers the locality (residential areas afford greater protection), the degree of interference, and its timing and frequency. Late-night noise in a residential area is a strong candidate for unreasonable interference.

Analysis: The nightclub emits amplified music until 3 a.m. repeatedly in a residential area, causing sustained sleep deprivation and anxiety. The locality (residential), the degree (amplified music), the time (late night), and the duration (repeated over weeks) all point strongly towards an unreasonable interference. Option B correctly states the governing principle.

Why other options are wrong:

- **Option A:** Lawfulness of the underlying activity is not determinative; many perfectly lawful activities (music, cooking, industry) can constitute private nuisances if carried on unreasonably.
- **Option C:** Interference with personal comfort and enjoyment alone, without physical property damage, is well-established as actionable private nuisance.
- **Option D:** Duration and persistence are directly relevant both to whether a nuisance is established and to quantum of damages; a single night of mild disturbance would be assessed very differently from repeated late-night amplified music.

Final Answer: Unreasonable noise substantially interfering with residents' enjoyment is actionable nuisance; locality, degree, and timing are assessed together. $\Rightarrow$ $\boxed{\text{B}}$

$\boxed{\textbf{Answer: (B)}}$ Go Back to Q14

Q15.

Solution

Concept — Natural vs Non-Natural Use of Land (Rylands v Fletcher): The rule in *Rylands v Fletcher* requires the defendant to have made a "non-natural" use of land. In *Rickards v Lothian* [1913], Lord Moulton explained that "natural use" means ordinary use of land that does not involve any special risk; non-natural use involves bringing onto land something that, while perhaps lawful, goes beyond ordinary use and involves an accumulation that is likely to cause mischief if it escapes. A domestic garden pond is ordinary use; storing thousands of litres of concentrated pesticide creates a special hazard and is non-natural.

Analysis: The garden pond is ordinary domestic use and carries no special hazard; the rule in *Rylands v Fletcher* does not apply to it. The concentrated pesticide storage in bulk is a non-natural accumulation of a substance likely to cause mischief if it escapes; strict liability under the rule applies to the farmer. Option C correctly draws this distinction.

Why other options are wrong:

- **Option A:** Not all liquid storage constitutes non-natural use; ordinary household water storage, a garden pond, or a domestic cistern are all natural uses and fall outside the rule.
- **Option B:** The natural/non-natural distinction is not determined by planning permission status; the question is whether the accumulation introduces a special risk beyond ordinary use.
- **Option D:** The natural/non-natural use distinction remains a core and operative element of the *Rylands v Fletcher* rule; it has not been abolished.

Final Answer: Garden pond is ordinary natural use (outside Rylands); bulk pesticide storage is non-natural and attracts strict liability. $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q15

Q16.

Solution

Concept — Control Test for Employer-Employee: Mersey Docks v Coggins & Griffith [1947]: Where an employee is lent by his general employer to a borrowing employer, the question of which employer bears vicarious liability depends primarily on who had the right to control the manner in which the employee did the work (not merely what work was to be done). The House of Lords in *Mersey Docks* held that the burden of shifting the primary employer's liability to the borrowing employer is a heavy one, and operational control over how the task is performed is the most important factor.

Analysis: BuildPrime exercised detailed operational control over how Mr Singh performed each crane lift — directing exact placement and execution. This goes beyond simply setting the task; it is control over the manner of work. Under the control test, BuildPrime is likely to be treated as the temporary employer bearing vicarious liability. Option D correctly applies the Mersey Docks test.

Why other options are wrong:

- **Option A:** Payroll control is one factor but is not automatically decisive; the manner-of-work control test focuses on operational direction, which can override payroll arrangements.
- **Option B:** The formal employment contract is not the sole or determinative criterion; the manner-of-work control test can result in the borrowing employer bearing liability despite the formal contract residing with the general employer.
- **Option C:** Financial resources are irrelevant to the legal test for vicarious liability; the control test is not an exercise in loss distribution based on wealth.

Final Answer: The control test focuses on who directed how the work was done; BuildPrime's operational control makes it likely vicariously liable under Mersey Docks. $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q16

Q17.

Solution

Concept — Motor Vehicle "Owner" under the Motor Vehicles Act 1988: The Motor Vehicles Act 1988 defines "owner" in Section 2(30) as the person in whose name a motor vehicle stands registered; where the vehicle is the subject of a hire-purchase agreement, the person in possession of the vehicle under that agreement is treated as the owner. Registration is the primary criterion under the statute for determining who is the owner for purposes of the Act.

Analysis: At the time of the accident, the car remained registered in Mr Kaul's name. Under the statutory definition, Mr Kaul is the owner for purposes of the Motor Vehicles Act 1988 even though Mr Tiwari has paid the full purchase price. Registration has not been transferred. In some cases, courts may also look at actual custody and control, but the primary statutory criterion is registration. Option A correctly states this.

Why other options are wrong:

- **Option B:** Payment of purchase price establishes ownership under general contract and property law but does not override the registration-based definition in the Motor Vehicles Act for its specific purposes.
- **Option C:** The driver is not the statutory "owner"; the driver may be separately liable, but ownership under the Act is determined by registration.
- **Option D:** The Motor Vehicles Act 1988 does define "owner" in Section 2(30); it is not left undefined or borrowed from the Transfer of Property Act.

Final Answer: Under the Motor Vehicles Act 1988, "owner" is the person in whose name the vehicle is registered; Mr Kaul remains the owner until registration is transferred. $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q17

Q18.

Solution

Concept — "Goods" under Section 2(21) Consumer Protection Act 2019: Section 2(21) defines "goods" as every kind of movable property other than actionable claims and money; it includes growing crops, grass, and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale. Shares are actionable claims and are expressly excluded. Internet connectivity is a "service" under Section 2(42), not goods. The refrigerator is a straightforward movable property and constitutes goods.

Analysis: The refrigerator = goods (movable property). Internet connectivity = service (not goods). Shares = actionable claims, expressly excluded from the definition of goods. Only complaint (i) involves goods; complaint (ii) involves services; complaint (iii) involves actionable claims excluded from goods. Option B correctly applies these distinctions.

Why other options are wrong:

- **Option A:** Internet service is covered under the service provisions of the Act, not separate legislation; and the Act is not confined to tangible physical objects — it also covers electricity, air, and growing crops.
- **Option C:** Money and actionable claims are expressly excluded from the definition of goods; the Act's definition is not unlimited.

- **Option D:** The Consumer Protection Act 2019 definition does not import the Sale of Goods Act 1930 definition wholesale; and immovable property does not constitute goods under either Act unless severed from the land.

Final Answer: "Goods" under Section 2(21) CPA 2019 excludes actionable claims (shares) and money; internet service is a "service"; the refrigerator is goods. $\Rightarrow$ $\boxed{\text{B}}$

$\boxed{\textbf{Answer: (B)}}$ Go Back to Q18

Q19.

Solution

Concept — False Imprisonment by a Private Person: False imprisonment is the total and unlawful restraint of a person's freedom of movement. The essential elements are: (i) total restraint in every direction, (ii) without lawful justification or consent, (iii) caused by an intentional act of the defendant. No minimum duration is required. However, if a reasonable means of escape exists and is known (or ought to be known) to the plaintiff, the confinement may not be total, which could defeat the claim.

Analysis: The elements are satisfied in principle: Ramesh's act was intentional, the main exit was blocked, and there was no lawful justification. The unlocked side door is crucial: if Ms Kapoor knew or ought to have known of the escape route, the restraint may not have been total. This is the key factual issue on which the outcome could turn. Option C correctly identifies the elements and the significance of the side door.

Why other options are wrong:

- **Option A:** Physical barriers are not the only means of false imprisonment; a verbal command enforced by physical presence blocking an exit can constitute false imprisonment.
- **Option B:** False imprisonment requires no proof of physical harm; the restriction of liberty itself is the injury the law recognises.
- **Option D:** Private individuals can commit false imprisonment; it is not restricted to state actors. Many cases of false imprisonment involve private citizens, shopkeepers, or security officers.

Final Answer: False imprisonment requires total restraint, no lawful justification, and intentional act; the unlocked side door is the pivotal factual issue regarding totality of restraint. $\Rightarrow$ $\boxed{\text{C}}$

Answer: (C) Go Back to Q19

Q20.

Solution

Concept — Trespass to Goods: Intentional Direct Interference: Trespass to goods consists of any direct, intentional act of physical interference with goods in the possession of another without lawful justification. The tort does not require proof of damage; the intentional interference itself is sufficient. However, the act must be intentional (not merely accidental). An accidental act causing damage to goods is not trespass to goods (though it may give rise to a negligence claim); an intentional act that directly interferes with possession is trespass even without damage.

Analysis: Aryan deliberately picked up Meera's phone without consent — a direct, intentional interference with goods in Meera's possession. This constitutes trespass to goods even though no damage occurred. The cleaner's act was purely accidental; it was not intentional, so it does not constitute trespass to goods, though it may give rise to liability in negligence. Option D correctly applies these principles.

Why other options are wrong:

- **Option A:** Accidental contact is not trespass to goods; the intentionality of the act is the defining element that separates trespass from negligence or pure accident.
- **Option B:** Damage is not required for trespass to goods; the intentional interference with possession is itself the tort, regardless of whether physical damage results.
- **Option C:** This reverses the correct analysis; it is Aryan's intentional act (not the cleaner's accidental one) that constitutes trespass, because intentionality — not damage — is the key element.

Final Answer: Trespass to goods requires an intentional direct act; Aryan's deliberate handling is trespass even without damage; the cleaner's accident is not. $\Rightarrow$ $\boxed{\text{D}}$

Answer: (D) Go Back to Q20

Q21.

Solution

Concept — Reasonable Person Test: Blyth v Birmingham Waterworks Co [1856]: Baron Alderson in *Blyth v Birmingham Waterworks Co* defined negligence as the omission to do something which a reasonable man, guided by those considerations which ordinarily regulate human conduct, would do, or doing something which a prudent and reasonable man would not do. The standard is entirely objective: the hypothetical reasonable person, not the defendant's own subjective capacities, idiosyncrasies, or personal habits.

Analysis: Karan's personal forgetfulness and disorganisation are subjective characteristics. The law measures his conduct against the objective reasonable person standard. A reasonable person would not leave taps running unattended overnight. Karan's subjective inability to remember is irrelevant to the objective standard. He has fallen below it. Option A correctly states this objective test.

Why other options are wrong:

- **Option B:** A subjective "did my best" standard would effectively eliminate liability for incompetent defendants; the common law rejects this in favour of the objective reasonable person standard.
- **Option C:** Occupiers' liability legislation governs the duty owed to visitors and trespassers entering land; it does not replace the common law reasonable person standard applicable to general acts of negligence by occupiers affecting neighbouring properties.
- **Option D:** Intention is not a required element of negligence; inadvertent failure to take reasonable care is the very essence of actionable negligence.

Final Answer: The standard of care is objective — the reasonable person — not Karan's personal habits; forgetfulness is irrelevant to the legal standard. $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q21

Q22.

Solution

Concept — Scienter Rule for Domestic Animals with Known Vicious Propensity: Under the common law scienter rule, the keeper of a domestic animal (one belonging to a species not generally regarded as dangerous) is strictly liable for injury caused by that animal only if the keeper knew (or ought to have known) that the particular animal had an abnormal, dangerous, or vicious propensity beyond what is normal for its species. If no such knowledge exists, strict liability under the scienter rule does not arise and the plaintiff must prove negligence.

Analysis: Rahul's dog had never bitten or shown aggression in three years. Rahul had no knowledge of any dangerous propensity. The scienter rule for domestic animals therefore does not impose strict liability on Rahul. The postal worker must establish negligence — showing that Rahul knew or should have known the dog posed a risk. Option B correctly applies the scienter rule.

Why other options are wrong:

- **Option A:** The keeper of a domestic animal is not automatically strictly liable; knowledge of the dangerous propensity (scienter) is required before strict liability arises.
- **Option C:** Absolute liability for all injuries caused by any animal regardless of species and knowledge is not the common law rule; the distinction between dangerous and non-dangerous species, and the role of scienter, are fundamental to the analysis.
- **Option D:** Common law does impose duties on animal keepers, including the scienter rule and potential liability in negligence; the common law is not confined to registration requirements.

Final Answer: Scienter requires knowledge of the specific animal's dangerous propensity; Rahul lacked that knowledge, so no strict liability; the postal worker must prove negligence. $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q22

Q23.

Solution

Concept — Burden of Proof in Private Nuisance: In civil proceedings, the burden of proof lies on the party who asserts the claim — in nuisance, this is the plaintiff. The plaintiff must prove, on the balance of probabilities: (i) that an interference exists, (ii) that the interference is unreasonable (assessed by reference to locality, degree, frequency, and other factors), and (iii) that the defendant is responsible. The burden does not automatically shift to the defendant merely because some interference is shown.

Analysis: Rekha must prove all elements of the nuisance claim. The neighbour is correct that Rekha bears the burden throughout. Mere discomfort, without evidence that the interference is unreasonable, substantial, and caused by the defendant, is insufficient. Rekha must adduce evidence on each element. Option

C correctly states the burden.

Why other options are wrong:

- **Option A:** Proving some interference does not automatically shift the burden to the defendant; the plaintiff retains the burden of proving unreasonableness.
- **Option B:** The burden of proof does not rest on the defendant in private nuisance; the plaintiff bears the legal burden throughout.
- **Option D:** Res ipsa loquitur does not apply in private nuisance claims as a general doctrine; nuisance is not an "accident case" to which the evidential inference of the doctrine is adapted.

Final Answer: The plaintiff bears the burden of proving interference, unreasonableness, and the defendant's responsibility throughout the nuisance claim. $\Rightarrow$ $\boxed{\text{C}}$

$\boxed{\textbf{Answer: (C)}}$ **Go Back to Q23**

Q24.

Solution

Concept — Slander Per Se: Imputing a Criminal Offence Punishable with Imprisonment: At common law, slander generally requires proof of special damage (actual financial loss). However, four categories of slander are actionable per se without proof of special damage: (i) imputing a criminal offence punishable with imprisonment; (ii) imputing a contagious or infectious disease; (iii) words disparaging a person in their office, trade, or profession; and (iv) imputing unchastity to a woman (in some jurisdictions). Imputing embezzlement, which is a criminal offence punishable with imprisonment, falls squarely within the first category.

Analysis: Vikram's spoken accusation that Suresh embezzled client funds and could be imprisoned for it imputes a criminal offence punishable with imprisonment. This falls within the first category of slander actionable per se. Suresh need not prove any special financial loss to bring his claim. Option D correctly identifies this exception.

Why other options are wrong:

- **Option A:** The four recognised categories of slander actionable per se are well-established; it is incorrect to state that all slander requires special damage.

- **Option B:** The actionability per se of slander imputing a crime does not depend on a distinction between minor and serious offences; the criterion is whether the imputed offence is punishable with imprisonment.
- **Option C:** Slander and libel are not identical in their proof requirements; libel is always actionable per se, while slander generally requires special damage unless within the four recognised categories.

Final Answer: Slander imputing a crime punishable with imprisonment is actionable per se; Suresh need not prove special damage. $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q24

Q25.

Solution

Concept — Salmond's Test for Course of Employment: Salmond's test identifies two categories of acts within the course of employment: (i) wrongful acts that the employer expressly or impliedly authorised, and (ii) wrongful and unauthorised modes of doing some act that the employer has authorised. The second limb is crucial: even an expressly prohibited act may fall within the course of employment if it is an unauthorised mode of performing an authorised task. Allowing a passenger onto the footboard is an unauthorised mode of carrying passengers — Mohan's authorised function.

Analysis: The bus company employed Mohan to carry passengers. Permitting Geeta to ride the footboard was an unauthorised way of performing his authorised function. Under Salmond's second limb, the bus company is vicariously liable even though the specific method (footboard riding) was prohibited. The prohibition relates to how the authorised task was done, not a prohibition on a separate and wholly different activity. Option A correctly applies Salmond's test.

Why other options are wrong:

- **Option B:** An express prohibition does not automatically take an act outside the course of employment if the act is an unauthorised mode of doing an authorised task; *Limpus v London General Omnibus Co* is a leading authority on this point.
- **Option C:** Being on duty is a relevant but not determinative factor; the nature of what the employee was doing at the time (personal purpose vs employer's purpose) and how it relates to authorised tasks are equally important.
- **Option D:** Salmond's test focuses on the nature and authorisation of the act,

not on the employee's subjective purpose or intent to help the employer.

Final Answer: Under Salmond's test, an unauthorised mode of doing an authorised act (carrying passengers) is within the course of employment; the bus company is vicariously liable. ⇒ $\boxed{\text{A}}$

Answer: (A) Go Back to Q25

Q26.

Solution

Concept — No-Fault Liability: Section 140 Motor Vehicles Act 1988: Section 140 of the Motor Vehicles Act 1988 introduced a no-fault liability scheme, creating a right to fixed interim compensation for death (Rs. 50,000) and permanent disablement (Rs. 50,000) arising from a motor vehicle accident, payable without the requirement to prove negligence or fault on the part of any driver or owner. The claim is a summary remedy that can be pursued alongside a full fault-based claim under Section 166. It is payable even if the claimant contributed to the accident.

Analysis: The pedestrian suffered permanent partial disablement. Under Section 140, she may claim fixed compensation without proving the motorcyclist's fault. The motorcyclist's argument about her own contributory negligence is irrelevant to the Section 140 claim, though it may be relevant to the quantum in a full Section 166 claim. Option B correctly states this.

Why other options are wrong:

- **Option A:** Section 140 is not restricted to accidents caused by the vehicle's registered owner; any accident arising from the use of a motor vehicle in a public place is covered.
- **Option C:** Section 140 expressly covers both death and permanent disablement; only death is not its sole trigger.
- **Option D:** Section 140 specifically provides for no-fault liability; the Motor Vehicles Act does contain provisions for no-fault compensation alongside fault-based Section 166 claims.

Final Answer: Section 140 MV Act 1988 provides fixed no-fault compensation for permanent disablement regardless of contributory negligence. ⇒ $\boxed{\text{B}}$

Answer: (B) Go Back to Q26

Q27.

Solution

Concept — State Commission's Appellate and Original Jurisdiction (CPA 2019): Under the Consumer Protection Act 2019, the three-tier hierarchy operates as follows: the District Commission hears original complaints up to Rs. 1 crore in consideration value; the State Commission hears appeals from the District Commission within 45 days, and also entertains original complaints where the consideration exceeds Rs. 1 crore but does not exceed Rs. 10 crore; the National Commission hears appeals from the State Commission and entertains original complaints where the consideration exceeds Rs. 10 crore.

Analysis: Ms Rao's appeal from the District Commission lies to the State Commission within 45 days. Mr Bose's original complaint (consideration above Rs. 1 crore up to Rs. 10 crore) falls within the State Commission's original jurisdiction. Option C correctly states both the appellate time limit and the pecuniary thresholds.

Why other options are wrong:

- **Option A:** Appeals from District Commission orders lie to the State Commission, not directly to the National Commission; the three-tier hierarchy operates sequentially.
- **Option B:** The State Commission does not have appellate jurisdiction over National Commission orders; appeals from the National Commission lie to the Supreme Court.
- **Option D:** The State Commission does have appellate jurisdiction over District Commission orders; this is one of its primary statutory functions under the Consumer Protection Act 2019.

Final Answer: State Commission hears appeals from District Commission within 45 days and original complaints between Rs. 1 crore and Rs. 10 crore. $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q27

Q28.

Solution

Concept — Remedies for Trespass to Land: Trespass to land is actionable per se; no proof of damage is required. The available remedies include: (i) nominal damages (where no actual loss has been suffered, affirming the plaintiff's property right), (ii) compensatory damages for any loss suffered, (iii) mesne profits representing the value of use or occupation during the period of unlawful presence, (iv) a mandatory or prohibitory injunction requiring removal of the trespass or restraining further entry, and (v) an order for possession (ejectment). The plaintiff may obtain multiple remedies simultaneously and need not elect between them.

Analysis: Bharat has suffered a continuing trespass by Dilip's encroaching wall. He may simultaneously seek: nominal or compensatory damages, mesne profits for the period of unlawful occupation, an injunction requiring Dilip to remove the wall, and possibly an order for possession of the encroached strip. No election is required. Option D correctly identifies the full range.

Why other options are wrong:

- **Option A:** Courts routinely grant mandatory injunctions requiring removal of trespassory structures; damages are not the only remedy available.
- **Option B:** Damages and injunctions can both be granted simultaneously in trespass claims; there is no rule requiring the plaintiff to choose one to the exclusion of the other.
- **Option C:** No election between damages and injunction is required; the court may award both and may also add mesne profits or an ejectment order as appropriate.

Final Answer: Trespass to land remedies include nominal and compensatory damages, mesne profits, injunction, and ejectment; all may be granted together. $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q28

Q29.

Solution

Concept — But-For Causation: Barnett v Chelsea and Kensington Hospital [1969]: In *Barnett v Chelsea and Kensington Hospital*, a night watchman presenting with vomiting was negligently sent home without examination. He died of arsenic poisoning. Caufield J found that even if he had been properly examined and treated, the arsenic dose was already so lethal that he would have died regardless. The but-for causation test failed: the negligence was not the cause of death because the death would have occurred anyway.

Analysis: The facts mirror *Barnett* directly. Munna would have died from the arsenic dose regardless of any treatment available. The hospital's breach of duty (failing to examine) was not the but-for cause of his death. The causation element of the negligence claim fails. Option A correctly applies the but-for test to these facts.

Why other options are wrong:

- **Option B:** Causation is not presumed from the establishment of negligence; it is an independent element that the plaintiff must prove on the balance of probabilities.
- **Option C:** The but-for test applies in medical negligence as in other negligence cases; the material contribution test is reserved for cases where the scientific difficulty is in apportioning a divisible or cumulative disease, not where the evidence shows the same outcome would have resulted anyway.
- **Option D:** A duty of care and its breach do not automatically establish causation; all three elements — duty, breach, and causation — must independently be proved for negligence to succeed.

Final Answer: But-for causation fails because the arsenic dose was already lethal; treatment would not have saved Munna; the negligence was not the legal cause of death. $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q29

Q30.

Solution

Concept — Publication in Defamation: Communication to a Third Party: Publication in defamation law requires communication of the defamatory statement to at least one person other than the plaintiff. Sending a defamatory letter in a sealed envelope addressed and delivered only to the plaintiff, which only the plaintiff reads, does not constitute publication because no third party received the communication. However, dictating defamatory words to a secretary or typist constitutes publication because the secretary is a third party who hears and processes the words.

Analysis: Sealed letter to Verma only — no publication, as only Verma reads it. Dictation to the secretary — publication, as the secretary is a third party who received the communication. Option B correctly identifies which act constitutes publication and explains why the sealed letter does not.

Why other options are wrong:

- **Option A:** Sending a sealed letter to the person defamed alone is not publication; communication must reach a third party to constitute publication in defamation.
- **Option C:** Publication does not require mass communication; a single communication to one third party (such as the secretary) is sufficient publication to found a defamation claim.

- **Option D:** The identity of who reads or hears the words is central to whether publication has occurred; publication is inherently about communication to others and cannot be reduced to the mere act of writing or speaking.

Final Answer: Publication requires communication to a third party; the sealed letter to Verma alone is not publication, but dictation to the secretary is. ⇒ $\boxed{\text{B}}$

Answer: (B) Go Back to Q30

Q31.

Solution

Concept — Duration and Persistence in Private Nuisance: Private nuisance typically requires a state of affairs or continuing interference rather than a single isolated act. The rationale is that a one-off event is more naturally dealt with as negligence or trespass; nuisance is concerned with the ongoing relationship between neighbouring landowners and the sustained impact of one use of land on another. A single transient event without continuing effect usually does not constitute a nuisance, though a single act that creates a continuing dangerous state may do so (*Spicer v Smee*).

Analysis: The sulphurous fumes (eighteen months of continuing emission) clearly constitute a state of affairs satisfying the persistence requirement. The single explosion at the fireworks factory was a transient isolated event; without any continuing emission or ongoing dangerous state, it does not ordinarily qualify as private nuisance, though it may support a negligence claim. Option C correctly distinguishes the two.

Why other options are wrong:

- **Option A:** Duration is relevant to establishing nuisance; a purely isolated single act without continuing effect does not ordinarily constitute nuisance, even if it causes substantial damage.
- **Option B:** The two situations are not equivalent; a continuing emission and a single explosion raise different legal analyses, and only the former clearly satisfies the persistence requirement.
- **Option D:** Duration affects more than quantum; it is relevant to whether the cause of action of nuisance (as opposed to negligence or trespass) is established at all.

Final Answer: Nuisance generally requires continuing interference; the ongoing fumes constitute nuisance; the single explosion typically does not, though negligence may lie. ⇒ $\boxed{\text{C}}$

Answer: (C) Go Back to Q31

Q32.

Solution

Concept — Escape Requirement in Rylands v Fletcher: The rule in *Rylands v Fletcher* requires that the thing accumulated must escape from the land under the defendant's control to outside that land and cause damage to other land or persons outside the defendant's premises. Damage caused entirely within the defendant's own land and premises does not engage the rule, because there has been no escape from the defendant's control to the outside world. In such cases, a claimant must rely on the law of negligence.

Analysis: The solvent leaked internally from a tank to the factory floor. No solvent escaped beyond the factory boundary onto neighbouring land. The escape requirement is not satisfied. The rule in *Rylands v Fletcher* does not apply to the maintenance worker's claim. His appropriate remedy is negligence. Option D correctly identifies the escape requirement and its consequence.

Why other options are wrong:

- **Option A:** The escape from land under the defendant's control is an essential element; damage caused within the defendant's own premises without external escape does not satisfy the rule.
- **Option B:** Internal leakage from one vessel to another location on the same premises is not an "escape" for Rylands purposes; escape requires exit from the defendant's land.
- **Option C:** The escape requirement is satisfied by escape from the defendant's land onto any neighbouring or third-party land; it is not confined to escape into public spaces.

Final Answer: Rylands v Fletcher requires escape from the defendant's land to outside; internal flooding within the factory does not satisfy this; negligence is the appropriate claim. $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q32

Q33.

Solution

Concept — Breach of Statutory Duty as an Independent Tort: Breach of statutory duty is a distinct tort separate from negligence. It arises where a statute imposes a duty and, upon construction of the statute, the court finds that Parliament intended to confer a private right of action on persons who suffer loss from the breach. The leading case is *Groves v Lord Wimborne* [1898], where breach of a statutory fencing requirement in a factory act gave rise to civil liability. Key factors include whether the duty is imposed for the benefit of a specific and identifiable class.

Analysis: The Factories Act fencing requirement was clearly designed to protect factory workers — a specific and identifiable class. Kamla, as a member of that class, has a potentially strong claim for breach of statutory duty. Courts will examine whether the statutory scheme as a whole contemplates a private remedy. Option A correctly articulates this analysis.

Why other options are wrong:

- **Option B:** Breach of statutory duty is well-established as an independent tort; it is not merely evidence in a negligence claim and can found a free-standing cause of action.
- **Option C:** An express civil right of action provision is not always required; courts infer the private right of action from the statute's purpose and the class it protects; *Groves v Lord Wimborne* is authority for this in the factory context.
- **Option D:** A statutory duty breach can give rise to both criminal prosecution and civil tortious liability; these are not mutually exclusive, and the existence of a criminal sanction does not preclude a civil tortious remedy for the injured party.

Final Answer: Breach of a statutory duty protecting a class of workers gives rise to an independent tortious action; Kamla, as a factory worker, may have such a claim. $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q33

Q34.

Solution

Concept — False Imprisonment: Shopkeeper's Right to Detain a Suspected Shoplifter: A private person, including a shopkeeper or security officer, may be justified in detaining a person reasonably suspected of shoplifting for a reasonable period to investigate. However, the grounds for suspicion must be objectively reasonable, the detention must be communicated and explained to the detainee, and the duration must not extend beyond what is reasonably necessary for investigation. An unduly prolonged or aggressive interrogation without sufficient cause may constitute false imprisonment.

Analysis: The security guard detained Mr Dutta for two hours and subjected him to persistent interrogation. The item turned out to be a prior purchase. Whether the initial grounds for suspicion were reasonable is a factual issue, but two hours of interrogation is an extended period that courts would scrutinise carefully. The detention was likely excessive in duration and went beyond what was reasonably necessary. Option B correctly states the limits of the shopkeeper's right.

Why other options are wrong:

- **Option A:** The shopkeeper's right to detain is not unlimited in time or manner; it must be reasonable in grounds, duration, and treatment of the suspect.
- **Option C:** Private individuals do have a limited right to detain persons reasonably suspected of criminal offences; false imprisonment law recognises private persons' detentions in appropriate circumstances, subject to strict conditions.
- **Option D:** The shopkeeper's right is not arbitrarily limited to the time for a bag search; it extends to a reasonable period of investigation, which may include asking questions, though unreasonable prolongation remains false imprisonment.

Final Answer: A shopkeeper may detain a suspect for a reasonable period with reasonable grounds; two-hour interrogation without adequate cause is likely false imprisonment. $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q34

Q35.

Solution

Concept — Vicarious Liability for Employee on an Authorised Journey: Where an employer requires an employee to travel to perform the employer's business, the employee is in the course of employment throughout that authorised journey. Any negligent act committed during that journey — even on a public road, not on the employer's premises — falls within the course of employment and attracts vicarious liability. The requirement to travel is itself an integral part of the employment function.

Analysis: TechGadgets required Sita to travel to client visits. The drive to the scheduled client appointment was an integral part of her employment function, expressly authorised by the employer. Her negligent driving during this authorised business journey falls squarely within the course of employment. TechGadgets is vicariously liable. Option C correctly states this principle.

Why other options are wrong:

- **Option A:** Vicarious liability for employees is not confined to incidents on the employer's premises; the course of employment extends to any authorised business journey regardless of where it occurs.
- **Option B:** A general instruction to visit clients, with the employee exercising judgment about route, is sufficient to place the employee in the course of employment; the employer need not specify the precise route.
- **Option D:** Common law vicarious liability principles continue to apply to road accident cases; the Motor Vehicles Act 1988 creates additional statutory remedies but does not displace common law vicarious liability.

Final Answer: An employee on an authorised business journey is in the course of employment; vicarious liability applies to Sita's negligent driving regardless of location. $\Rightarrow \boxed{\text{C}}$

$\boxed{\textbf{Answer: (C)}}$ **Go Back to Q35**

Q36.

Solution

Concept — MACT Composition and Jurisdiction (Section 165 Motor Vehicles Act 1988): Section 165 of the Motor Vehicles Act 1988 empowers the State Government to constitute Motor Accidents Claims Tribunals. Each Tribunal is to be presided over by a person qualified to be a Judge of a High Court or who has previously held the office of a District Judge or higher judicial office. The MACT has exclusive statutory jurisdiction to adjudicate claims for compensation arising out of accidents involving the use of a motor vehicle in a public place. It is a specialised adjudicatory body, not a subdivision of the civil court nor an arbitral body.

Analysis: The victim's friend was wrong in describing the MACT as presided over by a revenue officer. The MACT is a judicial tribunal constituted by the State Government under Section 165, presided over by a judicial officer (sitting or retired High Court or District Court Judge). Its jurisdiction over motor accident compensation claims is statutory and exclusive. Option D correctly describes the composition and jurisdiction.

Why other options are wrong:

- **Option A:** The MACT is not a subdivision of the civil court; it is a specialised statutory tribunal with exclusive jurisdiction; a revenue officer does not preside.
- **Option B:** The MACT is constituted by the State Government, not the Central Government; it is presided over by a judicial officer, not an IPS officer.
- **Option C:** The MACT is a statutory tribunal with binding authority established under the Motor Vehicles Act; it is not a private arbitral body set up by insurance companies.

Final Answer: MACT is constituted by the State Government under Section 165, presided over by a judicial officer, with exclusive jurisdiction over motor accident compensation. $\Rightarrow \boxed{D}$

Answer: (D) Go Back to Q36

Q37.

Solution

Concept — Who Can File a Consumer Complaint (Section 35 CPA 2019): Section 35 of the Consumer Protection Act 2019 provides that a complaint may be filed before the District Commission by: (a) the consumer to whom the goods were sold or services were provided; (b) any recognised consumer association; (c) one or more consumers where there are numerous consumers having the same interest (class action); or (d) the Central Government or any State Government. The Act deliberately provides wide access to the consumer forum, extending standing beyond individual consumers.

Analysis: All three complainants have standing under Section 35: Ms Tara as an individual consumer, the registered consumer association, and the State Government of Maharashtra. The opposite party's argument that only individual consumers have standing is incorrect. Option A correctly identifies all those entitled to file.

Why other options are wrong:

- **Option B:** Section 35 expressly extends standing to consumer associations and governments; the Act was designed to enable collective and representative action, not to restrict it to individual consumers.
- **Option C:** State and Central Governments are expressly included among those entitled to file under Section 35; they are not required to approach civil courts instead.
- **Option D:** Individual consumers may file alone; there is no minimum group size requirement under Section 35; a single consumer has full standing to file a complaint directly.

Final Answer: Under Section 35 CPA 2019, individual consumers, consumer associations, and governments all have standing to file a consumer complaint. $\Rightarrow$ $\boxed{\text{A}}$

$\boxed{\text{Answer: (A)}}$ Go Back to Q37

Q38.

Solution

Concept — Compensatory Damages: Aim and Heads of Recovery: The fundamental aim of compensatory damages in tort is restitutio in integrum — to restore the plaintiff as far as a money award can to the position the plaintiff was in before the tort occurred. Recovery is categorised under two broad heads: (i) special damages, which are specifically quantifiable pecuniary losses (medical bills, lost wages, repair costs) that must be pleaded and proved; and (ii) general damages, which are non-pecuniary losses (pain and suffering, loss of amenity, loss of expectation of life) assessed by the court without precise calculation.

Analysis: Praveen's medical expenses (Rs. 2 lakhs) and lost wages (Rs. 1.5 lakhs) are special damages, specifically quantifiable and provable. His pain, suffering, and reduced quality of life are general damages, assessed by the court. The aim is to put him back in the position he would have been in had the accident not occurred, as far as money can achieve this. Option B correctly describes the aim and the two heads.

Why other options are wrong:

- **Option A:** The aim of compensatory damages is not punishment; punitive or exemplary damages serve that function; compensatory damages are focused on the plaintiff's loss, not the defendant's culpability.
- **Option C:** Future losses and non-pecuniary losses such as pain and suffering are well-recognised and substantial heads of recovery in tort; the compensatory framework is not limited to past quantified losses.
- **Option D:** There is no legal cap on compensatory damages tied to insurance policy limits; the tortfeasor is personally liable for the full assessed loss, and insurance coverage is a separate matter.

Final Answer: Compensatory damages aim for restitutio in integrum; Praveen recovers special damages (medical bills, wages) and general damages (pain, suffering, loss of amenity). $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q38

Q39.

Solution

Concept — Child Plaintiff's Contributory Negligence: Gough v Thorne [1966]: A child plaintiff accused of contributory negligence is not measured against the adult reasonable person standard. Instead, the court asks what level of care is reasonable for a child of the same age, intelligence, and experience as the plaintiff. In *Gough v Thorne*, a thirteen-year-old who stepped into a road after a lorry driver waved her across was held not to have been contributorily negligent; she was entitled to rely on an adult's assurance. Very young children may be incapable of any contributory negligence.

Analysis: Aarav is nine years old. The court does not apply the adult standard to him. It asks what is reasonable for a nine-year-old of similar intelligence and experience. A young child running after a ball without looking may be acting as any normal nine-year-old would; the standard may be low enough that no contributory negligence is found. The primary responsibility rests with the adult driver. Option C correctly states the child-specific standard.

Why other options are wrong:

- **Option A:** The adult objective reasonable person standard does not apply to child plaintiffs in contributory negligence; the standard is calibrated to what is reasonable for a child of that age and experience.
- **Option B:** There is no absolute statutory presumption that all children below ten are incapable of contributory negligence; the assessment is case-specific and depends on the particular child's age, intelligence, and the circumstances.
- **Option D:** There is no absolute rule exempting child pedestrians from contributory negligence on public roads; the assessment is always fact-specific using the child-appropriate standard.

Final Answer: A child is assessed against the standard for a child of the same age and experience; for a nine-year-old, this may mean no contributory negligence is found. $\Rightarrow \boxed{C}$

Answer: (C) Go Back to Q39

Q40.

Solution

Concept — Libel vs Slander: The Critical Distinction: Libel is defamation in a permanent or quasi-permanent form (writing, print, film, effigy, or broadcasting covered by statute). Libel is actionable per se without proof of special damage. Slander is defamation in transient form (spoken words, gestures). Slander generally requires proof of actual financial loss (special damage) to be actionable, unless it falls within one of the four categories of slander actionable per se (imputing a crime punishable with imprisonment; imputing a contagious disease; disparaging the plaintiff in office, trade, or profession; and in some jurisdictions, imputing unchastity to a woman).

Analysis: The newspaper article is in written, permanent form — it is libel, actionable per se; Rohit need not prove special damage. The dinner party accusation was spoken, transient — it is slander; Rohit must prove special damage unless it falls within a category actionable per se. The imputation of "financial fraud" may qualify as imputing a crime punishable with imprisonment, potentially making it slander actionable per se. Courts would analyse the precise nature of the imputation. Option D correctly states the critical distinction between the two.

Why other options are wrong:

- **Option A:** The libel/slander distinction has very significant legal consequences, particularly regarding the requirement (or lack thereof) to prove special damage; the two forms are treated very differently in law.
- **Option B:** The distinction between libel and slander is not merely about quantum of damages; it fundamentally affects whether the claim is actionable at all without proof of loss.
- **Option C:** The rule is the reverse of what is stated; libel (not slander) is actionable per se, while slander requires proof of special damage in most cases.

Final Answer: Libel (permanent form) is actionable per se; slander (spoken words) generally requires proof of special damage unless within the four recognised categories. $\Rightarrow \boxed{\text{D}}$

$\boxed{\textbf{Answer: (D)}}$ **Go Back to Q40**

Answer Key

Q	Ans	Q	Ans	Q	Ans	Q	Ans	Q	Ans
1	A	2	B	3	C	4	D	5	A
6	B	7	C	8	D	9	A	10	B
11	C	12	D	13	A	14	B	15	C
16	D	17	A	18	B	19	C	20	D
21	A	22	B	23	C	24	D	25	A
26	B	27	C	28	D	29	A	30	B
31	C	32	D	33	A	34	B	35	C
36	D	37	A	38	B	39	C	40	D