CLAT PG Law of Torts

Sample Paper – 3

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. Raghu, wishing to play a cruel joke, sent a false telegram to Meena stating that her husband had been critically injured in a road accident. Upon reading the telegram, Meena suffered a severe nervous shock resulting in physical illness and hospitalisation. Raghu argues he never touched Meena and had no specific intention to cause her bodily harm. Which of the following most accurately reflects the legal position?

(A) Raghu is not liable because no physical contact occurred between him and Meena, and tort law requires contact for bodily harm claims.

(B) Raghu is liable only if Meena can prove that he specifically intended to cause her nervous shock rather than mere fright.

(C) Raghu is not liable because transmitting a false telegram is a matter for criminal law only and does not give rise to a civil tort.

(D) Raghu is liable because the wilful communication of false information calculated to cause physical harm to the recipient is an actionable wrong, as established in *Wilkinson v Downton*, irrespective of whether physical contact occurred.

Q2. A municipal corporation was under a statutory obligation to maintain street lighting. A lamp post in a residential area had been broken for three months. A pedestrian fractured his leg after falling into an unlit pothole at night. The corporation argues that since it took no positive action causing the fall, it cannot be held liable in tort. Which classification of wrong best describes the corporation's conduct and what legal consequence may follow?

(A) Malfeasance, which is the positive and unlawful doing of a wrong act and is always actionable in tort regardless of the claimant's status.

(B) Nonfeasance by a public authority exercising a statutory power or duty, which may become actionable where the authority has assumed responsibility to a specific class of persons or there is sufficient proximity between the authority and the claimant.

(C) Misfeasance, which is the improper performance of a lawful act and is actionable only where the plaintiff can establish pecuniary loss.

(D) Nonfeasance, which is a pure omission and is categorically never actionable in tort under any circumstances since the law imposes no general duty to act.

Q3. TechCorp Ltd., a registered company, brings a suit in tort against a rival firm alleging that the rival's employees planted false and derogatory information in trade directories describing TechCorp's products as dangerous and defective, causing the loss of several major contracts. The rival contends that a company cannot sue in tort for defamation because it has no feelings and suffers no personal humiliation. Which of the following correctly states the legal position?

(A) A corporation is a legal person distinct from its members and can sue in tort for defamation and other wrongs that affect its trading reputation, property interests, or economic standing.

(B) A corporation lacks personal reputation in the legal sense and therefore has no standing to bring a defamation action in its own name.

(C) Only natural persons can be plaintiffs in tort; corporations must confine their remedies to actions in contract or under statutory provisions.

(D) A corporation may sue another corporation in tort only where both entities are registered in the same jurisdiction and the tort occurs within that jurisdiction.

Q4. During British colonial naval operations, a naval commander acting on the express instructions of the British government destroyed vessels belonging to a Spanish national in foreign territorial waters in order to suppress the slave trade. The Spanish national brought an action against the commander in the English courts for wrongful destruction of property. The commander pleaded act of state as a complete defence. Based on the principle established in *Buron v Denman* (1848), which of the following is the correct outcome?

(A) The defence of act of state does not protect individual defendants acting under orders; it protects only the Crown itself from suit.

(B) The act of state defence is unavailable because the wrong was committed against property and the doctrine applies only to acts against persons.

(C) The act of state defence succeeds because the act was authorised by the Crown, committed against a non-subject in foreign territory, and subsequently ratified by the executive, rendering it non-justiciable before domestic courts.

(D) The defence fails because public international law overrides domestic executive authority in all matters relating to maritime commerce and property rights.

Q5. During the conduct of civil litigation, a senior counsel made highly defamatory allegations about a key witness in oral submissions before the judge, knowing the allegations to be false and unrelated to the issues before the court. The witness seeks to bring a defamation action against the counsel. Which of the following most accurately states the applicable rule regarding statements made in the course of judicial proceedings?

(A) The counsel may be sued for defamation but punitive damages are capped, as the privilege attaching to judicial proceedings is only partial and not absolute.

(B) Absolute privilege attaches exclusively to the judge; advocates and counsel can only claim qualified privilege, which is defeated by proof of malice.

(C) The privilege is available to the counsel only if the defamatory statement was relevant and necessary to the matter at issue before the court.

(D) Statements made by any participant in the course of judicial proceedings attract absolute privilege, and no civil action for defamation lies in respect of them regardless of the speaker's malice, falsity, or the irrelevance of the statement.

Q6. A landlord served a notice to quit on a sitting tenant, not because any genuine legal ground existed for possession, but solely to retaliate against the tenant for having reported the landlord's properties to the local authority for serious housing violations. The tenant contends that the landlord acted with malice. How is the concept of malice generally treated in the law of torts?

(A) Malice in fact always transforms an otherwise lawful act into a tortious one, because courts look at the defendant's motive in every tort claim.

(B) Malice in law, meaning the presumed intention arising from the deliberate commission of a wrong, is relevant in establishing liability; malice in fact, meaning spite or improper motive, is generally irrelevant in most torts unless the specific tort requires proof of bad motive, as in malicious prosecution or certain economic torts.

(C) Once improper motive is established, a defendant is automatically liable in negligence as well, since advertent recklessness constitutes the mental element of negligence.

(D) Malice is a concept confined to criminal liability and plays no part in determining civil liability in tort.

Q7. Priya sustained serious injuries due to the combined negligence of Anand and Balu. She entered into a formal deed of release with Anand, accepted a settlement sum from him, and expressly released him from all liability. She subsequently commenced proceedings against Balu for the same injuries. Which of the following best describes the legal effect of the release granted to Anand under the applicable principles of tort law?

(A) At common law, a release given to one of two joint tortfeasors ordinarily releases all joint tortfeasors; however, where the deed expressly reserves the claimant's rights against others, or under statutory reform, a release of one does not automatically discharge a co-tortfeasor.

(B) A release executed in favour of one tortfeasor invariably releases all other tortfeasors from liability for the same wrong, without exception, because tort liability is inherently joint and indivisible.

(C) The release of Anand is irrelevant to the claim against Balu; each tortfeasor is treated as an entirely independent defendant and the claimant's dealings with one have no bearing on another.

(D) A claimant has no legal capacity to release one tortfeasor independently without simultaneously releasing all others, as it is contrary to public policy to allow selective release among jointly liable defendants.

Q8. During a moot court, a student argues that vicarious liability is fundamentally unjust because it holds an employer legally responsible for wrongs the employer did not personally commit and may have had no knowledge of. The moot judge asks the student to state the accepted policy justification for the doctrine. Which of the following best captures the established rationale?

(A) Vicarious liability rests on the premise that the employer is always morally at fault, as an employer who exercises adequate supervision would prevent all employee wrongdoing.

(B) The doctrine exists primarily because employers, being wealthier than employees, are better positioned financially to absorb the cost of compensation judgments against them.

(C) Vicarious liability is justified on grounds of enterprise risk and loss distribution: the employer creates and profits from the enterprise and the activities of its employees, and is therefore best placed to bear, insure against, and spread the risk of harm flowing from those activities.

(D) Vicarious liability is a form of strict liability that operates without any requirement of a connection between the nature of the employment and the commission of the tort.

Q9. A local highway authority had been aware for more than two years that an earthen bank on private land beside a busy road junction was obstructing the sightlines of drivers emerging from a side road. The authority had the statutory power, but not a statutory duty, to require the landowner to remove the obstruction. It took no action. A motorcyclist was killed at the junction due to restricted visibility. His estate sued the highway authority in negligence. Based on the reasoning in *Stovin v Wise* [1996] AC 923, which of the following is the most accurate statement?

(A) Once a highway authority has actual knowledge of a danger on or adjacent to a road, its statutory power is converted into a legal duty and liability for failure to act follows automatically.

(B) A highway authority owes an absolute non-delegable duty of care in respect of all dangers within and adjacent to roads under its management, whether it caused the danger or not.

(C) The authority is liable in negligence because the motorcyclist and the public generally relied on the authority to exercise its powers to make roads safe, and that reliance alone creates the duty.

(D) The mere existence of a statutory power to act does not, without more, give rise to a duty of care at common law; a public authority is not liable for failing to exercise a discretionary power unless it has assumed responsibility or there are exceptional circumstances making it irrational not to act.

Q10. Rajan, a qualified chartered accountant, was approached informally at a social dinner party by Suresh, a friend, who asked whether a particular start-up company was financially sound and worth investing in. Rajan gave a confident positive assessment without any disclaimer of responsibility. Suresh invested a large sum and suffered substantial losses. Rajan argues the social setting negates any duty. Applying the principle in *Hedley Byrne & Co v Heller & Partners* [1964] AC 465, which of the following is the most accurate legal position?

(A) Any statement that causes foreseeable financial loss to the recipient gives rise to a duty of care in negligence, irrespective of the nature of the relationship between the parties or the circumstances in which the statement was made.

(B) Liability for negligent misstatement requires a special relationship characterised by the assumption of responsibility by the maker of the statement and reasonable reliance by the recipient; a casual social setting makes it unlikely that such a relationship is established, and no duty would typically arise in these circumstances.

(C) A chartered accountant owes a duty of care to all persons who might foreseeably act upon his financial opinions, regardless of whether those opinions were given professionally or socially.

(D) Negligent misstatement is never actionable in tort in the absence of a written contract or retainer between the adviser and the party who suffers loss.

Q11. A landlord let out a flat, knowing at the time of granting the tenancy that the external balcony railing was dangerously corroded and likely to fail under weight. He did not disclose this defect to the tenant or take any steps to repair it. A visitor to the tenant leaned on the railing during a visit; the railing gave way and the visitor fell, sustaining serious injuries. The landlord contends that his duty of care extended only to the tenant as the party to the tenancy agreement. Which of the following correctly states the landlord's potential liability?

(A) A landlord who lets premises known to be in a dangerous state of disrepair may owe a duty of care not only to the tenant but also to persons lawfully on the premises who are injured as a result of the pre-existing dangerous defect that the landlord knew about and concealed or failed to disclose.

(B) The landlord owes a duty exclusively to the tenant as the contractual counterparty; third parties such as visitors have no direct cause of action against the landlord in tort.

(C) Once possession of the premises has been transferred to the tenant under the tenancy agreement, all duty of care in respect of the premises passes absolutely to the tenant, and the landlord incurs no further liability to any person.

(D) A landlord's duty to persons other than the tenant can only arise where the third party previously had an independent contractual relationship directly with the landlord.

Q12. Seema was watching a live television broadcast when coverage of a major crowd disaster at a football stadium was aired. She recognised her husband among the victims shown on screen. She subsequently developed a severe recognised psychiatric illness. She seeks compensation from the event organiser as a secondary victim for psychiatric harm suffered. Applying the criteria laid down in *Alcock v Chief Constable of South Yorkshire Police* [1991] 4 All ER 907, which of the following is the most accurate statement?

(A) A secondary victim who witnesses a traumatic event in real time through live television broadcast satisfies the requirement of proximity to the accident and may claim for psychiatric harm on the same basis as a bystander present at the scene.

(B) The existence of close ties of love and affection between the secondary victim and the primary victim is by itself sufficient to establish a valid claim for psychiatric damage without any further proximity requirements.

(C) A secondary victim must satisfy three proximity requirements: a close tie of love and affection with the primary victim; proximity in time and space to the accident or its immediate aftermath; and direct perception of the event through one's own unaided senses; watching a live television broadcast does not satisfy the third requirement.

(D) Secondary victims in psychiatric harm cases are treated identically to primary victims and are entitled to compensation without satisfying any additional proximity criteria beyond foreseeability.

Q13. Arvind was seriously injured when a vehicle negligently driven by Deepak collided with him while Arvind was crossing a busy highway against traffic signals at a point not designated for pedestrians. The court finds both parties at fault: Deepak 70% responsible and Arvind 30% responsible. The court assesses Arvind's full damages at Rs. 10,00,000. How should the court apportion the award under the contributory negligence regime established by the Law Reform (Contributory Negligence) Act 1945 and its Indian analogues?

(A) Arvind recovers nothing because any contributory fault on his part constitutes a complete defence to the claim in negligence under the traditional common law rule.

(B) Arvind recovers the full Rs. 10,00,000 because the court has found Deepak to bear the greater share of responsibility and the defendant's primary fault overrides any contributory negligence.

(C) Arvind recovers Rs. 3,00,000, representing his own 30% share of responsibility for the accident, as he bears that proportion of the overall loss.

(D) Arvind's damages are reduced proportionately; he recovers Rs. 7,00,000, representing 70% of the assessed damages, which reflects the defendant's greater degree of fault.

Q14. Two thirteen-year-old schoolgirls, Teresa and Michelle, were playing with white plastic rulers in the classroom during a lunch break. A ruler snapped suddenly during the play and a fragment struck Teresa in the eye, causing her to lose all vision in that eye. No teacher had warned either girl that the activity was dangerous, and no prior incidents involving rulers had occurred. Teresa sues Michelle in negligence. Applying the principle established in *Mullin v Richards* [1998] 1 All ER 920, which of the following is the correct standard of care applicable to Michelle?

(A) Michelle is held to the objective standard of care of a reasonable adult, because all defendants in a negligence action are judged by a single uniform objective standard regardless of age.

(B) The standard of care applicable to a child defendant is that of a reasonable child of the same age; if a reasonable thirteen-year-old would not have foreseen that the activity was dangerous, no breach of duty is established and Michelle is not liable.

(C) A child under the age of sixteen cannot be a defendant in a negligence action; all tort liability for the acts of a minor rests with the parents or guardians of that child.

(D) The standard of care for a child defendant is entirely subjective, depending solely on that particular child's personal level of intelligence, maturity, and actual awareness of risk.

Q15. The Central Food Safety Regulatory Authority granted approval for a particular pesticide for agricultural use without adequately reviewing extensive research demonstrating its significant toxicity to humans through prolonged exposure. Farmers who applied the pesticide according to approved guidelines suffered serious chronic illnesses. They bring an action against the Authority in negligence. Which of the following best describes the modern approach to government liability for the negligent exercise of statutory regulatory powers?

(A) A public authority can owe a duty of care in negligence if it has assumed responsibility to a defined and ascertainable class of persons and its careless exercise of a statutory power causes foreseeable harm to that class; however, courts will not review decisions that are purely matters of policy or resource allocation, as these are non-justiciable.

(B) The government enjoys immunity from all tortious liability when it acts pursuant to a statutory power or duty, because all such governmental actions constitute acts of state that are not reviewable by civil courts.

(C) A government regulatory authority owes a duty of care to the entire population in respect of all its regulatory and licensing activities, since its decisions affect the public at large.

(D) Negligence on the part of a public authority is only actionable in tort where an express provision of the relevant statute creates a private right of action for breach of statutory duty.

Q16. During a local amateur football league match, defender Rajiv executed a sliding tackle on forward Amar. The tackle was made at speed in the heat of competition and fractured Amar's leg. Expert evidence established that the tackle breached the rules of the game but was not executed with any malicious or deliberate intent to injure; it reflected the reckless enthusiasm typical of competitive amateur play. Amar brings a negligence action against Rajiv. Applying the principles from *Condon v Basi* [1985] 2 All ER 453, which of the following best states the applicable standard?

(A) A participant in a contact sport consents absolutely to all forms of physical contact and resulting injury during the game by virtue of voluntary participation, and can therefore never maintain a negligence action against a fellow participant.

(B) The standard of care in sport is identical to the standard in all other situations — that of a reasonable person in the circumstances, without any modification for the sporting context.

(C) Participants in a sport owe each other a duty of care measured at the standard of a reasonable participant in that sport at that level; a reckless disregard for a fellow participant's safety or a breach of the rules of the game can constitute negligence even where there is no deliberate or malicious intent to cause injury.

(D) Since Rajiv harboured no malicious intent and committed no deliberate foul, he cannot be found liable in negligence regardless of how dangerously the tackle was executed.

Q17. A large haystack on Vikram's farm spontaneously caught fire during an extreme summer heatwave. There was no evidence that Vikram had started the fire, handled combustible materials carelessly, or had any prior warning of the risk of spontaneous combustion. The fire spread to the neighbouring farm of Prakash and destroyed his crops. Prakash claims strict liability under *Rylands v Fletcher*. Considering the common law position on liability for fire spreading from one's land, which of the following is most accurate?

(A) There is no liability at common law for any fire that originates naturally and spreads to neighbouring land, because the common law has never recognised any form of liability for natural fires.

(B) The rule in *Rylands v Fletcher* applies automatically to all fires that originate on land and spread to adjoining property, treating them as things brought onto the land that escape.

(C) A landowner is strictly liable for all fire damage to neighbours whether the fire originated naturally or was deliberately kindled, because land use carries an absolute duty not to endanger adjoining properties.

(D) The ancient rule for fire liability imposes liability where fire escapes from land only if the fire was deliberately brought onto or created on the land or was negligently maintained; a fire arising purely naturally without any act of the occupier may not attract strict liability, distinguishing it from the *Rylands v Fletcher* principle which requires a non-natural user.

Q18. Kiran kept a fully grown Rottweiler dog as a domestic pet at her home. The dog had lived with the family for four years and had never previously shown any signs of aggression or dangerous behaviour. One afternoon, without any provocation whatsoever, the dog bit a postman who opened the front gate to deliver a parcel, causing him significant injuries. The postman brings an action against Kiran. Applying the scienter rule and the Animals Act 1971 (UK) principles, which of the following is most accurate?

(A) Kiran is not liable under any circumstances because the dog had displayed no prior propensity to bite anyone, and liability for animal attacks absolutely requires prior knowledge of the animal's dangerous tendency.

(B) Under the scienter rule, the keeper of an animal that does not belong to a dangerous species is liable for damage if they had prior knowledge of the specific animal's tendency to cause that type of harm; in the absence of such knowledge (scienter), the claimant must establish negligence on the keeper's part to succeed.

(C) Dogs are classified as a dangerous species at common law, and therefore Kiran is strictly liable for all injuries caused by the dog regardless of any prior knowledge of the animal's temperament.

(D) The postman is contributorily negligent for opening the gate and entering the property, and this contributory negligence operates as a complete bar to his claim against Kiran.

Q19. Suraj owned a herd of forty cattle. The herd broke through a gap in the boundary fence dividing his farm from his neighbour Hari's farmland and caused extensive damage to Hari's standing crops. Suraj contends that the gap was created by an unknown trespasser who damaged the fence overnight and that he had no knowledge of the breach. Hari claims liability on the basis of cattle trespass. Which of the following correctly states the law on livestock trespass?

(A) Cattle trespass (now termed livestock trespass) is a form of strict liability; the owner of livestock is liable for damage caused when the animals stray onto another's land regardless of fault, except where the damage is attributable entirely to the plaintiff's own failure to maintain a fence that the plaintiff was legally obliged to maintain.

(B) Liability under cattle trespass requires proof of negligence on the part of the owner — the claimant must show that the owner knew of or could by reasonable care have prevented the straying.

(C) Suraj escapes liability entirely because the intervention of an unknown trespasser who created the gap in the fence constitutes a novus actus interveniens that is a complete and absolute defence to the cattle trespass action.

(D) The tort of cattle trespass was wholly abolished by statute and no longer exists as a recognised head of civil liability in any jurisdiction that has received English common law.

Q20. A large gas leak from a chemical processing plant owned by Haztech Chemicals Ltd., one of India's largest chemical enterprises, caused widespread casualties in the surrounding residential area. The company pleads that the gas escaped as a result of deliberate sabotage by a disgruntled former employee and relies on the exception of act of a stranger available under the rule in *Rylands v Fletcher*. The Supreme Court of India is asked to determine the applicable standard of liability. Based on the principle laid down in *M.C. Mehta v Union of India* (Oleum Gas Leak case) [1987] 1 SCC 395, which of the following is correct?

(A) The rule in *Rylands v Fletcher* applies in India in its original form, including all exceptions recognised by English courts, and the act of a stranger defence therefore succeeds.

(B) Absolute liability in India requires a finding of fault on the part of the enterprise; where the escape is caused entirely by a third party, the enterprise cannot be held liable since it lacked control over the causative event.

(C) In India, an enterprise engaged in inherently dangerous or hazardous activities owes an absolute and non-delegable duty to the community; it cannot invoke any of the exceptions available under *Rylands v Fletcher*, including act of a stranger, vis major, or consent of the plaintiff.

(D) The company's liability is governed exclusively by the provisions of the Environment Protection Act 1986 and the Public Liability Insurance Act 1991; the law of tort has no independent role to play in mass disaster compensation in India.

Q21. A large and highly profitable multinational corporation operating a hazardous petrochemical facility is found absolutely liable for large-scale environmental contamination under the principle of absolute liability as articulated in *M.C. Mehta v Union of India* [1987]. The victims seek the maximum possible compensation. The Supreme Court considers the size and financial capacity of the enterprise in determining the quantum of damages. Which of the following most accurately reflects the Court's approach?

(A) In absolute liability cases, damages are capped at the actual financial loss proven individually by each claimant and the court may not award any sum beyond strict compensation for quantified losses.

(B) The quantum of compensation in absolute liability cases is fixed at a uniform statutory rate prescribed by the Public Liability Insurance Act and is not influenced by the size or profitability of the enterprise responsible.

(C) Since absolute liability has its conceptual roots in strict liability, which is fault-based at its core, courts apply purely compensatory principles and do not take the defendant's wealth or enterprise size into account when assessing damages.

(D) The more substantial and prosperous the enterprise, the greater the amount of compensation that must be awarded; damages in absolute liability cases must be commensurate with the magnitude and capacity of the enterprise, not merely compensatory, so as to serve as a meaningful deterrent against hazardous industrial activity.

Q22. The regional manager of a transport company gave an express instruction to one of the company's drivers to take a shorter but prohibited route through a pedestrian zone in order to make a tight delivery deadline. While driving through the pedestrian zone, the driver knocked down and seriously injured a pedestrian. The transport company argues that the driver was engaged in an unauthorised and unlawful act that takes the conduct outside the scope of employment. Which of the following is the most accurate statement about the company's vicarious liability?

(A) The transport company is not vicariously liable because the driver's passage through a prohibited zone was in breach of traffic regulations, and an employee engaged in unlawful conduct is automatically acting outside the scope of employment.

(B) Where the employer expressly authorises the act that causes harm, even if that act constitutes a wrongful manner of performing an otherwise authorised task, the employer is vicariously liable; the fact that the particular act was unlawful does not sever the connection with employment where the act was expressly directed by a person in authority.

(C) Vicarious liability arises only where the employer was entirely unaware of the employee's conduct; express authorisation by management transforms the liability into direct or primary liability rather than vicarious liability.

(D) The regional manager's instruction creates personal tortious liability on the manager alone in his individual capacity and does not render the company liable for the resulting harm.

Q23. Gopal lent his car to his close friend Ramu with a specific and express request that Ramu drive to a client's office to deliver an important consignment of documents on Gopal's behalf. While on this errand, Ramu drove negligently and collided with a cyclist, seriously injuring him. The cyclist brings an action against Gopal. Which of the following best describes Gopal's liability in these circumstances?

(A) If Ramu was driving the car on Gopal's business or as Gopal's agent at the time of the accident, Gopal is vicariously liable for Ramu's negligence; the determinative question is whether Ramu was acting in the capacity of a servant or agent of Gopal when the accident occurred.

(B) Gopal cannot be held liable because he was not physically present in the vehicle at the time of the collision and exercised no direct control over Ramu's driving.

(C) The owner of a motor vehicle is automatically and unconditionally liable for all accidents caused by any person permitted to drive the vehicle, regardless of the nature of the relationship or the purpose of the drive.

(D) The cyclist's only cause of action is against Ramu as the person who was actually driving the vehicle at the time; the owner of the car who was not present bears no vicarious liability.

Q24. A senior colonel issued a direct order to his platoon to open fire on a target which he incorrectly and negligently assessed to be a hostile combatant position. The target was in fact a civilian settlement, and a number of civilians were killed. The families of the deceased seek to hold the colonel personally liable in tort for the deaths caused by his unlawful order. Which of the following most accurately describes the position of a superior officer in the context of vicarious and personal liability for unlawful military orders?

(A) A military superior officer is never personally liable for the acts of subordinates executed pursuant to orders, because military command operates under a separate legal regime that is immune from civil tort proceedings.

(B) A superior officer who issues unlawful orders is not liable in tort unless it can be shown that the subordinate personally profited or benefited from carrying out those orders.

(C) A superior officer who directs an unlawful act may be jointly and severally liable with the subordinate who carries it out, since the order itself constitutes participation in the commission of the tort; the defence of military necessity is not available in the absence of a formally declared state of war or armed conflict.

(D) Sovereign immunity vests liability for all torts committed by military personnel exclusively in the state; individual officers at any level of command enjoy personal immunity from civil suit in respect of acts done pursuant to their official military duties.

Q25. During a school sports day event, a physical education teacher, Mr. Sharma, struck a student hard across the face in a fit of anger after the student made an insolent remark to him. The student suffered a perforated eardrum. The student's parents bring an action against the school management on the basis of vicarious liability, claiming the school is responsible for Mr. Sharma's assault. The school argues that assaulting students is not, and could never be, within the scope of a teacher's employment. Which of the following correctly applies the modern test for vicarious liability?

(A) The school management is not vicariously liable under any circumstances because assault and battery are intentional torts that can never fall within the course or scope of a teacher's employment.

(B) The school management is vicariously liable only if the student's parents can demonstrate that the school had been previously warned about Mr. Sharma's tendency to use physical force and failed to act on that warning.

(C) Vicarious liability in this context can only arise if the school management had expressly permitted or condoned corporal punishment of students as a disciplinary measure.

(D) Courts apply the close connection test established in *Lister v Hesley Hall Ltd* [2002] 1 AC 215: where the wrongful act is so closely connected with acts the employee was authorised to do that it would be fair and just to hold the employer vicariously liable, liability attaches; the school's authority over students and the teacher's assigned supervisory role create sufficient connection.

Q26. A Roman Catholic diocese assigned one of its priests to conduct individual religious counselling sessions with young members of the parish. These sessions were arranged, scheduled, and overseen by the diocesan administration. The priest sexually abused a minor during these sessions. The victim seeks to hold the diocese vicariously liable for the priest's acts. Based on the Supreme Court's reasoning in *Various Claimants v Catholic Child Welfare Society* [2012] UKSC 56, which of the following best describes the basis for potential vicarious liability?

(A) Vicarious liability cannot be imposed on a religious institution for acts of its clergy because priests serve out of religious vocation, not under a contract of employment, and the doctrine requires a formal employment relationship.

(B) Vicarious liability may be imposed on an organisation that is not the formal employer of the wrongdoer if the relationship between them is akin to employment and the wrongful act is closely connected with activities assigned to the individual by the organisation; a diocese that controls, assigns, and derives benefit from a priest's pastoral ministry may satisfy this test.

(C) The diocese can be held vicariously liable only if the bishop or a senior diocesan official personally witnessed the abuse or gave explicit approval for the counselling sessions to take place without supervision.

(D) Religious organisations are categorically immune from vicarious liability for criminal acts committed by their clergy because such acts fall wholly outside the scope of any religious duty or function recognised by law.

Q27. A national newspaper published a report erroneously identifying Mr. Kapoor as the person convicted of a large financial fraud, when the actual convict had a near-identical name. On discovering the error, the newspaper promptly published a prominent correction and apology and offered Mr. Kapoor a substantial sum as compensation. Mr. Kapoor rejected the offer and pressed on with a defamation action. The newspaper relies on the offer of amends procedure under Sections 2 to 4 of the Defamation Act 1996. Which of the following correctly states the legal effect of an unaccepted offer of amends?

(A) Where a defendant makes a qualifying offer of amends that is rejected by the claimant, and the defendant can show it did not know and had no reason to believe the statement referred to the claimant in a defamatory sense, the offer of amends constitutes a complete defence; even where it is not a complete defence, the making of a genuine offer of amends is a factor that mitigates the damages awarded.

(B) An offer of amends that has been rejected by the claimant has no further legal effect and the defendant must thereafter defend the defamation claim entirely on its merits without reference to the offer.

(C) The offer of amends procedure is available exclusively to broadcast media and digital publishers; print newspapers cannot rely on this statutory defence.

(D) A defendant who has made an offer of amends is thereby precluded from simultaneously pleading any other defamation defence, including truth, honest opinion, or publication on a matter of public interest.

Q28. A respected theatre critic published a review in a leading cultural journal describing a prominent playwright's latest production as "an intellectually dishonest and structurally incoherent mess that would embarrass a school drama society." The playwright brings a defamation action against the critic. The critic pleads the defence of fair comment / honest opinion. Which of the following is NOT a requirement for this defence to succeed?

(A) The comment must be based on facts that are true, or on facts that are protected by privilege.

(B) The matter commented upon must be of genuine public interest.

(C) The defendant must demonstrate that the comment represents the opinion of a majority of the public or of a reasonable cross-section of society.

(D) The comment must be recognisable as an expression of the defendant's honest opinion rather than as an assertion of fact.

Q29. A well-known investigative journalist published a detailed article making serious and entirely false allegations of large-scale corruption and criminal misconduct against a recently deceased senior politician. The politician's adult children and surviving spouse, feeling deeply aggrieved by the publication, brought a defamation action in the politician's name and in their own names against the journalist and the publishing house. Which of the following correctly states the legal position?

(A) The surviving family members may bring a defamation action in their own right because the false allegations against the deceased directly damaged the reputation of the entire family unit.

(B) The deceased politician's estate has standing to bring a defamation action on his behalf because the right to reputation is a property right that vests in and passes to the estate on death.

(C) The family members may sustain a defamation action if they can prove that the article was deliberately designed to cause them, and not just the deceased, personal distress and reputational harm.

(D) There is no cause of action in defamation in respect of a deceased person; defamation is a purely personal right that extinguishes on death and cannot be asserted by the deceased's estate, relatives, or family members.

Q30. A user posted highly defamatory content about Rajesh on a large social media platform. The platform's automated content moderation systems flagged the content as potentially problematic. Rajesh then made a specific written complaint to the platform. The platform took five days to remove the content after receiving Rajesh's complaint, which was outside the period prescribed under the IT (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021. Rajesh sues both the original poster and the platform in defamation. Which of the following correctly states the intermediary's position?

(A) An intermediary platform is strictly and unconditionally liable for all defamatory content posted by third-party users, from the moment the content is published, regardless of whether the platform had notice or knowledge of the specific content.

(B) An intermediary enjoys safe harbour protection from liability for third-party content provided it observes due diligence under the IT (Intermediary Guidelines) Rules 2021, including removing unlawful content within the prescribed period after acquiring actual knowledge or receiving a specific complaint; failure to act within the stipulated timeframe may result in the forfeiture of the safe harbour protection.

(C) Once a platform has been notified of potentially defamatory content, it is free to take as long as operationally necessary to review and remove the content without any risk of forfeiting the safe harbour protection under the IT Act.

(D) The safe harbour provision under the Information Technology Act 2000 applies universally and without exception to all categories of illegal or harmful third-party content, including defamatory material, regardless of the platform's conduct after notification.

Q31. A confectioner had for more than twenty years operated large industrial machines producing significant vibration and noise on his commercial premises. A physician subsequently purchased the land next door and constructed a consultation room adjacent to the confectioner's premises. The vibrations began seriously to interfere with the physician's medical examinations. He brought an action in private nuisance. The confectioner pleads that because his industrial operations substantially predated the physician's arrival, the physician came to the nuisance and is barred from complaining. Based on the principle in *Sturges v Bridgman* (1879) 11 Ch D 852, which of the following is correct?

(A) "Coming to the nuisance" is not a complete defence in private nuisance; the right to sue in nuisance depends on whether there is an unreasonable interference with the use and enjoyment of land, not on the order in which the parties came to occupy their respective properties.

(B) A plaintiff who knowingly acquires land adjacent to an established industrial operation accepts the noise and vibrations as part of the expected character of the neighbourhood and cannot bring a nuisance action in respect of conditions that pre-existed their arrival.

(C) Coming to the nuisance constitutes a complete defence wherever it can be shown that the defendant's activities predated the claimant's occupation of the neighbouring land by a period of ten years or more.

(D) The confectioner has acquired a prescriptive right to continue creating the noise and vibration by virtue of more than twenty years of continuous uninterrupted operation, and is therefore wholly immune from any nuisance action.

Q32. Devraj undertook deep excavation work on his own land immediately adjacent to Suresh's property in order to construct a basement extension. As a direct consequence of the excavation, the soil on Suresh's land subsided, causing the foundations of Suresh's house to crack and partially collapse. Devraj argues that he was carrying out lawful construction work within his own property boundary and caused no physical encroachment above the surface. Which of the following best describes the basis of Suresh's legal claim?

(A) Suresh has no cause of action in tort because Devraj was working entirely within his own land boundaries and committed no direct trespass onto Suresh's property.

(B) Suresh must establish negligence on Devraj's part to succeed; the right to lateral support of land requires proof that the defendant failed to exercise reasonable care in conducting the excavation.

(C) Every landowner possesses an absolute natural right to have their land supported in its natural state by the adjacent land; withdrawal of that lateral support is actionable as an infringement of a natural right regardless of fault, where the damage is to the land itself, though the right to support for buildings upon the land must generally be acquired by express easement, long usage, or statute.

(D) The right to support of land is a statutory right that applies exclusively to public roads and public infrastructure and does not extend to private residential or commercial property.

Q33. A demolition and construction company carrying out the clearance of a large old building adjacent to a residential neighbourhood generated excessive dust, debris, and intense noise for a continuous period of eight weeks, causing significant disruption to residents' health and comfort. By the time the residents consult a lawyer, the demolition work has been fully completed and the site has been cleared. The residents seek compensation and also an order to prevent further disruption. In respect of this temporary nuisance, which of the following is most accurate?

(A) A temporary nuisance cannot found an action in private nuisance because private nuisance requires an interference that is continuous, ongoing, and permanent in nature.

(B) The temporary and time-limited nature of the construction work constitutes a complete defence and no compensation is payable to the affected residents in respect of a nuisance that has already ceased.

(C) A temporary nuisance that has completely ceased nonetheless entitles the affected claimants to an injunction to prevent any future recurrence of similar activities by the same defendant.

(D) A temporary nuisance, including a single-episode or time-limited interference, may give rise to an action in private nuisance entitling the claimant to damages for past interference; however, an injunction is not available in respect of a nuisance that has already ceased and is unlikely to recur, unlike a continuing or permanent nuisance where both damages and injunctive relief may be granted.

Q34. Mohan purchased a ticket and was thereby granted a licence to enter a cinema hall and watch a scheduled film. Shortly after the screening began, Mohan rose from his seat and began loudly distributing political pamphlets to other members of the audience, conduct that was clearly outside the scope of the licence granted to him. The cinema manager promptly revoked Mohan's licence and requested him to leave immediately. Mohan refused to leave and remained in his seat for a further thirty minutes. Which of the following best describes the legal position after the revocation?

(A) Since Mohan entered the cinema hall lawfully by virtue of a valid ticket, his subsequent misconduct cannot convert his presence into a trespass because a lawful entry cannot be retrospectively transformed into trespass by later conduct.

(B) A licensee whose licence is validly revoked by the licensor and who refuses to vacate the premises within a reasonable time becomes a trespasser from the moment the licence is revoked; the cinema owner is entitled to use reasonable force to remove Mohan from the premises if he continues to refuse to leave.

(C) A licence granted for a specific purpose, namely watching the film from beginning to end, endures for the full duration of that purpose and cannot be revoked mid-screening regardless of the licensee's subsequent conduct or misconduct.

(D) The cinema owner's only legally available remedy is to summon the police; no private person, including the cinema owner or staff, has any right to use physical force of any nature to eject a person who was lawfully admitted to the premises.

Q35. Nalini discovered that her neighbour Shankar had, during her brief absence, constructed a boundary wall that encroached two metres onto Nalini's land. Shankar refuses to remove the wall or acknowledge Nalini's title to the encroached portion. Nalini wishes to recover possession of the encroached land and also seek compensation for the wrongful occupation and the cost of removal. Which of the following correctly identifies the appropriate remedies and the distinction between the relevant tortious actions?

(A) Trespass to land provides a remedy in damages and, in appropriate cases, an injunction to restrain a continuing trespass or require removal of the encroaching structure; the action for recovery of land (historically ejectment) is the appropriate remedy where a claimant seeks to recover possession; both remedies may be pursued concurrently in the same proceedings.

(B) The action for recovery of land (ejectment) is the sole remedy once a claimant has been dispossessed; once dispossession occurs, trespass ceases to be actionable and is superseded entirely by the possessory action.

(C) Trespass to land is actionable only where the trespasser has caused measurable physical damage to the land itself; an encroachment by a boundary wall that causes no other damage cannot found a trespass action.

(D) An action in private nuisance, not trespass, is the appropriate cause of action where the complaint concerns an encroachment onto land by a physical structure such as a wall or fence.

Q36. Asha lent her laptop to Vinod for a period of one week. At the end of the week, Asha demanded its return. Vinod initially refused point-blank to return the laptop, claiming he still needed it (detinue). A week later, Vinod informed Asha that he had sold the laptop to a third-party purchaser for his own benefit. Asha now seeks to understand the legal characterisation of Vinod's conduct and the appropriate remedy available to her. Which of the following most accurately explains the distinction and transition between the two torts?

(A) Vinod committed conversion at the very moment he borrowed the laptop from Asha, because all possession of another's goods without the owner's ongoing consent constitutes conversion.

(B) Detinue and conversion are merely different names for the same wrong; the two torts describe identical conduct and carry identical remedies, and there is no meaningful legal distinction between them.

(C) Detinue consists of the wrongful withholding of another's goods after the owner has demanded their return; conversion occurs when there is a dealing with the goods that is wholly inconsistent with the owner's title, such as sale to a third party; Vinod's initial refusal to return the laptop constituted detinue, and his subsequent sale of it to a third party amounted to conversion, which is the graver wrong and may attract a higher measure of damages.

(D) Once a conversion has occurred, the original owner permanently loses all proprietary rights in the goods and is confined to a claim in damages; recovery of the goods themselves is no longer available as a remedy.

Q37. A State Transport Corporation bus and a private goods truck collided at a busy road intersection. The collision resulted in a pedestrian standing on the pavement being seriously injured by the impact. The pedestrian sues both the bus operator and the truck operator. Each operator places primary blame on the other and argues that the other's negligence was the dominant cause of the accident. Which of the following correctly states the legal position regarding composite negligence under the Motor Vehicles Act 1988?

(A) The injured pedestrian must quantify and establish the precise percentage of negligence attributable to each defendant separately before any liability can be determined by the tribunal.

(B) In a case involving composite negligence, the claimant may only sue the defendant found to bear the greater share of responsibility; both defendants cannot be sued simultaneously.

(C) The injured pedestrian must elect to proceed against one defendant at the outset; once proceedings are filed against one party, the other is automatically released from liability.

(D) Where two or more motor vehicles cause an accident through their composite negligence, the claimant need not establish the degree of each defendant's individual contribution to the harm; each negligent party is jointly and severally liable to the claimant for the full extent of the damage, and the defendants may then seek contribution from each other in proportion to their respective degrees of fault.

Q38. Ramesh held a standard third-party motor insurance policy for his car, which is the minimum compulsory cover required under the Motor Vehicles Act 1988. While driving on a wet road one evening, his car skidded on a patch of oil and crashed into a road divider, causing substantial damage to the vehicle itself. No third party was involved in the accident. Ramesh submits a claim to his insurer for the cost of repairing his damaged car. Which of the following is the most accurate statement regarding the scope of his insurance cover?

(A) A third-party motor insurance policy covers the cost of repairs to the insured's own vehicle whenever the accident occurred without any contributory negligence on the part of the insured.

(B) A third-party motor insurance policy, being the minimum mandatory cover under the Motor Vehicles Act 1988, is designed to cover liability to third parties for bodily injury and property damage; it does not cover damage sustained by the insured's own vehicle, which requires a separate comprehensive or "own damage" policy.

(C) The Motor Vehicles Act 1988 mandates that all motor insurance policies, including third-party policies, must compensate the insured for damage to their own vehicle in all road accidents irrespective of the type of cover purchased.

(D) Ramesh may apply to the Motor Accident Claims Tribunal for an ex gratia payment from a central government compensation fund established for the repair of vehicles damaged in accidents caused by road surface defects.

Q39. A consumer filed a complaint before the District Consumer Disputes Redressal Commission alleging deficiency in services by a real estate developer. After preliminary scrutiny, the President of the Commission, with the agreement of both parties, proposed referring the dispute to mediation. Both the consumer and the developer consented to attempt mediation before a designated mediator. Which of the following correctly describes the mediation process and its legal consequences under the Consumer Protection Act 2019?

(A) Under Sections 37 and 38 of the Consumer Protection Act 2019, a complaint may be referred to mediation with the written consent of the parties; if the mediation results in a settlement, the mediator forwards the settlement terms to the Commission, which then passes an order in terms of the settlement; if mediation fails, the complaint is returned to the Commission for adjudication on its merits.

(B) Mediation is a mandatory prerequisite under the Consumer Protection Act 2019 for all disputes involving a claimed amount above Rs. 1 lakh before the Commission can proceed to hear the complaint on its merits.

(C) A settlement reached through the mediation process under the Consumer Protection Act 2019 is not legally binding on the parties until both parties separately confirm the settlement in writing before the Commission at a formal hearing.

(D) Under the Consumer Protection Act 2019, the mediation process may only be conducted and supervised by mediators authorised directly by the National Consumer Disputes Redressal Commission; District and State Commissions have no authority to refer disputes to or supervise mediation proceedings.

Q40. A consumer purchased a domestic pressure cooker manufactured by KitchenPro Pvt. Ltd. The cooker's safety relief valve was defectively designed at the manufacturing stage; despite the consumer using the cooker strictly in accordance with the instructions, the valve failed to operate and the cooker exploded, causing the consumer serious burn injuries. The consumer brings a product liability action under Chapter VI of the Consumer Protection Act 2019. The manufacturer argues that the consumer had painted the exterior of the cooker and that this modification disentitles him from claiming under Section 87. Which of the following is most accurate?

(A) The manufacturer escapes all liability because painting the exterior of the pressure cooker constitutes a "product modification" under Section 87 of the Consumer Protection Act 2019, which is a complete statutory bar to a product liability claim regardless of the nature or relevance of the modification.

(B) The manufacturer is liable only if the consumer can demonstrate that the manufacturer was negligent in the specific manufacturing process that produced the defective valve; product liability under Chapter VI of the CPA 2019 is premised on proof of fault.

(C) Under Section 84 of the Consumer Protection Act 2019, a manufacturer incurs product liability where the product contains a manufacturing defect, a design defect, or a deviation from express warranty; a cosmetic modification that does not affect the product's function or safety systems does not attract the modification defence under Section 87 unless it materially caused or contributed to the harm; a design defect in the safety valve, being wholly unrelated to the cosmetic painting, makes the manufacturer liable.

(D) Product liability under Chapter VI of the Consumer Protection Act 2019 is restricted in its application to electronic goods, appliances, and pharmaceutical products, and does not extend to kitchen utensils or cookware such as pressure cookers.

Detailed Solutions

S1.

Solution

Concept — Wilkinson v Downton / Intentional Infliction of Harm: The rule in *Wilkinson v Downton* [1897] 2 QB 57 establishes that a person who wilfully commits an act calculated to cause physical harm to another is liable for the resulting harm, even where no physical contact occurs. The tort protects against the deliberate infliction of bodily or psychiatric harm through false statements or other intentional conduct directed at the victim.

Analysis: Raghu intentionally communicated a false telegram designed to cause Meena alarm and distress. The communication was wilful and calculated to produce a strong emotional reaction. Meena suffered a clinically recognised physical illness as a direct result. Under *Wilkinson v Downton*, physical contact is not a requirement; what matters is the wilful act calculated to harm and the resulting physical or psychiatric injury. The absence of specific intent to cause nervous shock (as opposed to mere fright) does not defeat liability — intent to alarm with a false statement suffices.

Why other options are wrong:

- **Option A:** Incorrect. *Wilkinson v Downton* specifically held that absence of physical contact does not bar liability for intentionally caused bodily harm.
- **Option B:** Incorrect. The claimant need not prove specific intent to cause nervous shock; intent to communicate a false alarming statement that is calculated to cause harm is sufficient.
- **Option C:** Incorrect. A wrong may be simultaneously criminal and tortious. The criminal nature of the act does not preclude a civil remedy.
- **Option D:** Correct. This precisely encapsulates the *Wilkinson v Downton* principle.

Final Answer: Raghu is liable under the *Wilkinson v Downton* principle. $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q1

S2.

Solution

Concept — Malfeasance, Misfeasance, and Nonfeasance / Public Authority Liability: At common law, a distinction is drawn between malfeasance (wrongful positive act), misfeasance (improper performance of a lawful act), and nonfeasance (failure to act). While nonfeasance by a private individual generally does not give rise to tortious liability, a public authority that has assumed responsibility to a specific class of persons, or where sufficient proximity exists, may be liable even for a failure to act.

Analysis: The municipal corporation took no positive action; it simply failed to maintain the street lighting it was statutorily obliged to maintain. This is a nonfeasance. The corporation's argument that pure omissions are never actionable is an overstatement. Where a statutory duty exists and a defined class of road users relies on that duty being discharged, proximity may be established, and the nonfeasance may become actionable in tort.

Why other options are wrong:

- **Option A:** Incorrect. The corporation's conduct is an omission, not a positive act; malfeasance does not describe this situation.
- **Option B:** Correct. Nonfeasance by a public authority with a statutory duty and sufficient proximity to a class of claimants may give rise to liability.
- **Option C:** Incorrect. The corporation did not improperly perform a lawful act; it did nothing at all, making this misfeasance an inaccurate label.
- **Option D:** Incorrect. The proposition that nonfeasance is categorically never actionable overstates the law; exceptions exist for public authorities and those who have assumed responsibility.

Final Answer: The corporation's conduct is nonfeasance, which may be actionable given its statutory duty and proximity. $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q2

S3.

Solution

Concept — Corporations as Plaintiffs in Tort / Corporate Reputation: A corporation is a legal person in law, distinct from its members, and possesses the capacity to sue and be sued. A corporation can sue for torts that affect its property, trading interests, or reputation. In *South Hetton Coal Co v North Eastern News Association* [1894] 1 QB 133, the Court of Appeal confirmed that a corporation can sue for defamation in respect of its trading reputation.

Analysis: TechCorp Ltd. is a legal person. The false allegations that its products were dangerous and defective directly affected its commercial reputation and caused measurable economic harm (loss of contracts). The rival's argument that a company cannot feel hurt confuses personal humiliation with reputational harm. A corporation's reputation is a commercial asset, and defamation of it is actionable.

Why other options are wrong:

- **Option A:** Correct. A corporation can sue for defamation affecting its trading reputation, property interests, or economic standing.
- **Option B:** Incorrect. While a corporation has no feelings, it does have a legal reputation in the commercial sense that the law protects.
- **Option C:** Incorrect. Corporations are legal persons and can be plaintiffs in tort actions, not confined to contract or statute.
- **Option D:** Incorrect. There is no jurisdictional matching requirement for a corporate defamation action.

Final Answer: TechCorp Ltd. as a legal person has standing to sue for defamation affecting its trading reputation. $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q3

S4.

Solution

Concept — Act of State Doctrine / Buron v Denman (1848): The act of state doctrine provides that an act done by the Crown (or its agent) in the exercise of sovereign power against a non-subject in foreign territory, when authorised or subsequently ratified by the Crown, is not cognisable by domestic courts. In *Buron v Denman* (1848) 2 Exch 167, the Crown ratified a naval commander's destruction of a Spanish national's slave vessels, and the English court held the commander immune from suit.

Analysis: All elements of the act of state defence are satisfied: (i) the act was committed by a Crown servant (naval commander); (ii) it was against the property of a foreign national (non-subject); (iii) it occurred in foreign territorial waters; and (iv) it was subsequently ratified by the executive government. These conditions render the matter non-justiciable before domestic courts.

Why other options are wrong:

- **Option A:** Incorrect. The doctrine protects the individual defendant whose act is ratified by the Crown, not just the Crown itself.
- **Option B:** Incorrect. The doctrine applies to acts against property as well as persons; *Buron v Denman* itself concerned destruction of property.
- **Option C:** Correct. The defence succeeds on all required grounds.
- **Option D:** Incorrect. Public international law does not override the domestic act of state doctrine in proceedings before English courts.

Final Answer: The act of state defence succeeds; the matter is non-justiciable before domestic courts. $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q4

S5.

Solution

Concept — Absolute Privilege in Judicial Proceedings: Statements made in the course of judicial proceedings attract absolute privilege, meaning no civil action for defamation lies regardless of the speaker's malice, the falsity of the statement, or its relevance to the proceedings. This privilege attaches to judges, advocates, parties, and witnesses alike.

Analysis: The counsel made the defamatory statements in the course of oral submissions before a judge in a judicial proceeding. The doctrine of absolute privilege applies to all statements made by any participant — judge, counsel, witness, or party — during the course of judicial proceedings. The fact that the allegations were false, malicious, and irrelevant to the issues before the court does not affect the availability of absolute privilege.

Why other options are wrong:

- **Option A:** Incorrect. Absolute privilege (not partial privilege) attaches to judicial proceedings; there is no cap on damages because no action lies at all.
- **Option B:** Incorrect. Absolute privilege extends to all participants in judicial proceedings, including advocates and counsel, not just judges.
- **Option C:** Incorrect. Absolute privilege is not conditioned on the relevance of the statement to the issues before the court; it covers all statements made in the course of proceedings.
- **Option D:** Correct. Absolute privilege attaches to all participants without qualification.

Final Answer: Absolute privilege bars any defamation action for statements made in judicial proceedings. $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q5

S6.

Solution

Concept — Malice in Law vs Malice in Fact: In tort law, "malice in law" refers to the presumed or imputed intention arising from the deliberate commission of a wrong, without proof of spite or ill-will. "Malice in fact" (or express malice) refers to an improper or spiteful motive. Malice in fact is generally irrelevant to most torts (e.g., nuisance, trespass) but is specifically required in others such as malicious prosecution and certain economic torts.

Analysis: The landlord's retaliatory motive (malice in fact) does not automatically render an otherwise lawful act — serving a notice to quit — tortious, unless the specific tort in question requires proof of bad motive. Malice in law is the relevant concept for establishing the mental element of torts that do not require specific malicious intent. In most torts, the defendant's personal motive of spite does not affect liability.

Why other options are wrong:

- **Option A:** Incorrect. Malice in fact does not generally transform an otherwise lawful act into a tort. See *Bradford Corporation v Pickles* [1895] AC 587.
- **Option B:** Correct. This accurately distinguishes malice in law from malice in fact and their respective roles in tort.
- **Option C:** Incorrect. Improper motive does not automatically establish negligence; the mental element of negligence is not malice.
- **Option D:** Incorrect. Malice is relevant in civil tort, particularly in malicious prosecution and economic torts.

Final Answer: Malice in fact is generally irrelevant in most torts; malice in law governs presumed intent. $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q6

S7.

Solution

Concept — Discharge of Tort by Release of One Joint Tortfeasor: At common law, a release given under seal to one of two joint tortfeasors released all of them, because a single cause of action for a joint wrong cannot be split. However, this harsh rule has been modified by statute (e.g., the Civil Liability (Contribution) Act 1978 in England) and can also be circumvented by an express reservation of rights in the deed itself.

Analysis: Priya executed a deed of release specifically with Anand and accepted a settlement sum. The critical question is whether this releases Balu. Under common law, a release to one joint tortfeasor releases all. However, where the deed expressly reserves the claimant's rights against others (a "covenant not to sue" rather than a full release), or under statutory reform, the release of one does not automatically discharge co-tortfeasors. Since the question states she "expressly released him from all liability" without indicating a reservation, the classical common law rule would apply — but this must be read in the context of statutory modifications.

Why other options are wrong:

- **Option A:** Correct. This accurately states both the common law position and its statutory/reservations-based qualification.
- **Option B:** Incorrect. The rule is not invariable; it can be displaced by an express reservation or by statute.
- **Option C:** Incorrect. Under the joint tortfeasors rule, dealings with one co-tortfeasor can affect the claimant's rights against others.
- **Option D:** Incorrect. A claimant can release one tortfeasor independently, subject to its legal consequences for others.

Final Answer: Release at common law releases all joint tortfeasors unless rights are expressly reserved or statute provides otherwise. $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q7

S8.

Solution

Concept — Vicarious Liability: Rationale and Policy: Vicarious liability holds an employer legally responsible for the torts of an employee committed in the course of employment. The leading policy justification is enterprise risk and loss distribution: the employer creates the business enterprise, benefits from the employee's work, and is in the best position to absorb and insure against the risks generated by that enterprise.

Analysis: The student's question targets the accepted policy rationale. Courts have consistently justified vicarious liability not on the basis of personal fault of the employer, but on the basis that the employer creates the enterprise that generates the risk, profits from the employees' activities, and is the most appropriate risk-bearer who can insure against and distribute the cost of losses.

Why other options are wrong:

- **Option A:** Incorrect. Vicarious liability does not require moral fault on the employer's part; adequate supervision would not necessarily prevent all employee wrongdoing.
- **Option B:** Incorrect. "Deep pocket" reasoning (ability to pay) is a partial observation but not the formal accepted rationale.
- **Option C:** Correct. Enterprise risk and loss distribution is the established policy justification.
- **Option D:** Incorrect. Vicarious liability does require a connection between employment and the commission of the tort (the "close connection" test).

Final Answer: The enterprise risk and loss distribution rationale is the accepted policy basis for vicarious liability. $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q8

S9.

Solution

Concept — Duty of Care for Omissions / Public Authorities / Stovin v Wise [1996]: In *Stovin v Wise* [1996] AC 923, the House of Lords held that the mere existence of a statutory power to act (as distinct from a statutory duty) does not, without more, give rise to a duty of care at common law for failure to exercise that power. Additional circumstances — such as assumption of responsibility or the existence of a private law duty — are needed.

Analysis: The highway authority had a statutory power, not a duty, to require removal of the obstruction. Lord Hoffmann in *Stovin v Wise* drew a sharp distinction: a discretionary power does not automatically create a private law duty of care. Mere knowledge of a danger and the ability to remedy it does not translate into liability for failing to do so. The authority had not assumed responsibility to the motorcyclist or to any specific class.

Why other options are wrong:

- **Option A:** Incorrect. Knowledge of a danger does not convert a statutory power into a legal duty under *Stovin v Wise*.
- **Option B:** Incorrect. Highway authorities do not owe an absolute non-delegable duty of care for all dangers adjacent to roads.
- **Option C:** Incorrect. General public reliance on an authority to exercise its powers does not by itself create a duty; assumption of responsibility to a specific claimant is required.
- **Option D:** Correct. This accurately reflects *Stovin v Wise* — a statutory power alone does not create a common law duty of care.

Final Answer: A statutory power does not automatically create a duty of care; exceptional circumstances are needed. $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q9

S10.

Solution

Concept — Negligent Misstatement / Hedley Byrne & Co v Heller [1964]: In *Hedley Byrne & Co v Heller & Partners* [1964] AC 465, the House of Lords held that a duty of care can arise in respect of negligent statements causing pure economic loss where: (i) the defendant assumes responsibility for the statement; (ii) the claimant reasonably relies on it; and (iii) there is a "special relationship" between the parties. A casual social setting typically negates these requirements.

Analysis: Rajan gave financial advice at a social dinner without a disclaimer. The question is whether the special relationship is established. While Rajan is a qualified CA and gave a confident assessment, the social and informal context is strong evidence against assumption of responsibility. Courts applying *Hedley Byrne* would typically find that a casual dinner conversation does not create the necessary special relationship, and no duty would normally arise.

Why other options are wrong:

- **Option A:** Incorrect. Foreseeability of financial loss alone is not sufficient; a special relationship is also required.
- **Option B:** Correct. The special relationship — assumption of responsibility and reasonable reliance — is required, and a casual social setting makes it unlikely to be established.
- **Option C:** Incorrect. A CA does not owe a duty of care to all persons who may act on informal social opinions; the relationship must be assessed on the facts.
- **Option D:** Incorrect. A written contract or retainer is not required; the duty can arise from a special relationship without a formal agreement.

Final Answer: *Hedley Byrne* requires a special relationship; social setting typically negates it, so no duty arises. $\Rightarrow$ $\boxed{\text{B}}$

$\boxed{\text{Answer: (B)}}$ Go Back to Q10

S11.

Solution

Concept — Defective Premises / Landlord's Liability to Third Parties: A landlord who lets premises in a dangerous condition, knowing of the defect and concealing or failing to disclose it, may owe a duty of care not only to the tenant but also to persons who are lawfully on the premises and likely to be endangered by the defect. This principle finds expression in cases such as *Cavalier v Pope* [1906] AC 428 and, more recently, in the Defective Premises Act 1972 (UK).

Analysis: The landlord knew at the time of letting that the balcony railing was dangerously corroded. He neither repaired it nor warned the tenant. A visitor to the tenant is a foreseeable user of the premises. The landlord's duty of care extends to persons who might reasonably be expected to use the premises, at least in respect of defects the landlord knew about and concealed. The contractual privity argument — that only the tenant is owed a duty — has been displaced by tort principles in these circumstances.

Why other options are wrong:

- **Option A:** Correct. The landlord may owe a duty to visitors in respect of pre-existing dangerous defects known to the landlord.
- **Option B:** Incorrect. Contractual privity does not limit the landlord's tortious duty of care to the tenant alone.
- **Option C:** Incorrect. Handing over possession does not absolve the landlord of liability for defects that existed at the time of letting and were known to the landlord.
- **Option D:** Incorrect. Third-party visitors need not have had a prior direct contractual relationship with the landlord to claim in tort.

Final Answer: A landlord who lets premises with a known dangerous defect may owe a duty to visitors injured by that defect. $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q11

S12.

Solution

Concept — Psychiatric Damage / Secondary Victim Proximity / Alcock [1991]: In *Alcock v Chief Constable of South Yorkshire Police* [1991] 4 All ER 907, the House of Lords held that a secondary victim claiming for psychiatric harm must satisfy three proximity requirements: (i) a close tie of love and affection with the primary victim; (ii) proximity in time and space to the accident or its immediate aftermath; and (iii) direct perception of the event through one's own unaided senses. Watching a live television broadcast does not satisfy the third requirement because television does not involve unaided sensory perception.

Analysis: Seema watched the disaster on live television, not with her own unaided senses at the scene or in its immediate aftermath. Despite her close relationship with her husband (satisfying requirement (i)), and the live nature of the broadcast, the House of Lords in *Alcock* expressly held that television viewing — even live television — does not satisfy the requirement of direct unaided sensory perception of the event.

Why other options are wrong:

- **Option A:** Incorrect. Live television broadcast was specifically excluded in *Alcock* from satisfying the proximity in perception requirement.
- **Option B:** Incorrect. Close ties of love and affection alone are not sufficient; all three proximity requirements must be satisfied.
- **Option C:** Correct. This accurately states the three *Alcock* requirements and the television broadcast exclusion.
- **Option D:** Incorrect. Secondary victims face additional proximity requirements beyond those applicable to primary victims.

Final Answer: Television broadcast does not satisfy the direct unaided perception requirement; Seema's claim fails under *Alcock*. $\Rightarrow \boxed{\text{C}}$

$\boxed{\textbf{Answer: (C)}}$ Go Back to Q12

S13.

Solution

Concept — Contributory Negligence / Apportionment: Under the Law Reform (Contributory Negligence) Act 1945 (and its Indian equivalents), contributory negligence no longer operates as a complete defence but as a basis for proportionate reduction of the claimant's damages. The claimant's award is reduced by the percentage attributable to their own contributory fault.

Analysis: The court has found Deepak 70% responsible and Arvind 30% responsible. The full damages are assessed at Rs. 10,00,000. Under the contributory negligence regime, Arvind's damages are reduced by 30% (his share of fault), leaving him with 70% of the full assessment. 70% of Rs. 10,00,000 = Rs. 7,00,000.

Why other options are wrong:

- **Option A:** Incorrect. The traditional common law complete bar rule has been abolished by the 1945 Act; contributory negligence now results in apportionment, not a complete bar.
- **Option B:** Incorrect. The court does not ignore contributory negligence simply because the defendant bears the greater share of responsibility.
- **Option C:** Incorrect. Rs. 3,00,000 represents Arvind's own 30% share of fault, which is the amount *deducted*, not the amount recovered.
- **Option D:** Correct. Arvind recovers 70% = Rs. 7,00,000.

Final Answer: Arvind's damages are reduced by his 30% fault; he recovers Rs. 7,00,000. $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q13

S14.

Solution

Concept — Standard of Care for Child Defendants / Mullin v Richards [1998]: In *Mullin v Richards* [1998] 1 All ER 920, the Court of Appeal held that the appropriate standard of care for a child defendant is that of an ordinarily careful and reasonable child of the same age, not the standard of a reasonable adult. The court must ask whether a reasonable child of the defendant's age would have foreseen the risk of injury from the activity.

Analysis: Michelle was thirteen years old. The standard applicable to her is that of a reasonable thirteen-year-old in the same circumstances. Since playing with rulers was a commonplace activity that had caused no previous accidents and there was no general appreciation among thirteen-year-olds that such play carried a risk of serious eye injury, a reasonable child of that age would not have foreseen the danger. Therefore, no breach of duty is established.

Why other options are wrong:

- **Option A:** Incorrect. The adult reasonable person standard is not applied to child defendants; age is material to the standard.
- **Option B:** Correct. The standard is that of a reasonable child of the same age, and the court asks whether such a child would have foreseen the risk.
- **Option C:** Incorrect. Children can be defendants in negligence; there is no blanket rule making parents automatically liable for a minor's torts.
- **Option D:** Incorrect. The test is objective (what a reasonable child of that age would appreciate), not purely subjective to that particular child.

Final Answer: The standard is that of a reasonable child of the same age; if no foresight of risk, no breach. $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q14

S15.

Solution

Concept — Government Liability for Negligent Exercise of Statutory Powers: Modern public authority negligence law draws a distinction between operational decisions (which can give rise to a duty of care) and policy/resource allocation decisions (which are non-justiciable). A public authority may owe a duty of care where it has assumed responsibility to a defined class and its careless exercise of a statutory power causes foreseeable harm to that class.

Analysis: The Regulatory Authority granted approval for a pesticide without adequately reviewing evidence of toxicity. Farmers applying the pesticide pursuant to approved guidelines form an ascertainable, defined class. The Authority assumed responsibility for the safety of those who use the products it approves. The decision to approve a specific product, once made, moves from pure policy into the operational domain, making the Authority potentially liable for negligent approval. However, courts will not review purely policy-level decisions.

Why other options are wrong:

- **Option A:** Correct. A public authority can owe a duty of care to an ascertainable class, subject to the policy/operational distinction.
- **Option B:** Incorrect. Government immunity from all tortious liability for statutory action is not the current law; public authorities can be liable in appropriate cases.
- **Option C:** Incorrect. A duty to the entire population is too wide and generally not recognised; there must be a defined class.
- **Option D:** Incorrect. An express statutory private right of action is not required; common law duty of care can arise independently.

Final Answer: A public authority may owe a duty to a defined class for negligent exercise of regulatory powers, subject to the policy/operational distinction. $\Rightarrow \boxed{A}$

Answer: (A) Go Back to Q15

S16.

Solution

Concept — Negligence in Sports / Condon v Basi [1985]: In *Condon v Basi* [1985] 2 All ER 453, the Court of Appeal held that participants in a sport owe each other a duty of care, measured at the standard of a reasonable participant in that particular sport at that level of play. A voluntary participant does not consent to reckless or negligent conduct; consent extends only to the inherent risks of the sport played properly. A breach of the rules of the game combined with reckless disregard for a fellow participant's safety can constitute negligence.

Analysis: Rajiv executed a sliding tackle that fractured Amar's leg. Expert evidence confirmed the tackle breached the rules of the game. The tackle reflected reckless enthusiasm in competitive play. Under *Condon v Basi*, this is sufficient to establish a breach of the standard of a reasonable participant — deliberate or malicious intent to injure is not required; reckless disregard suffices.

Why other options are wrong:

- **Option A:** Incorrect. Consent in sport is not absolute; participants do not consent to reckless or rule-breaking conduct.
- **Option B:** Incorrect. The standard is modified for the sporting context: it is the standard of a reasonable participant at that level, not the general reasonable person.
- **Option C:** Correct. Reckless disregard for a fellow participant's safety, or breach of the rules, can constitute negligence without malicious intent.
- **Option D:** Incorrect. Absence of malicious intent does not preclude a finding of negligence where there is reckless disregard for safety.

Final Answer: Reckless disregard and breach of rules can constitute negligence in sport even without malicious intent. $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q16

S17.

Solution

Concept — Liability for Fire Spreading / Distinction from Rylands v Fletcher: At common law, an ancient liability exists for fire that escapes from land and damages neighbouring property, but it is limited to fires that were deliberately started or negligently maintained by the occupier. A fire arising purely naturally without any act of the occupier does not give rise to strict liability. *Rylands v Fletcher* (1868) LR 3 HL 330 applies to things brought onto or accumulated on land — it requires a non-natural user and does not extend to purely natural processes.

Analysis: Vikram's haystack spontaneously caught fire due to a heatwave; there is no evidence he started it, accumulated it negligently, or had any prior warning. Spontaneous combustion of natural material in extreme heat is a naturally occurring event. The ancient fire liability rule does not catch purely natural fires. The *Rylands v Fletcher* claim fails because Vikram did not bring or accumulate the haystack as a non-natural use — keeping hay on a farm is entirely natural.

Why other options are wrong:

- **Option A:** Incorrect. Liability for fire is not entirely absent; it exists for deliberately started or negligently maintained fires.
- **Option B:** Incorrect. *Rylands v Fletcher* does not apply automatically to all fires; it requires non-natural use and an "escape" of something accumulated.
- **Option C:** Incorrect. There is no absolute duty not to endanger adjoining properties from fire in all circumstances; fault or the specific conditions of Rylands must be established.
- **Option D:** Correct. The ancient rule requires deliberate creation or negligent maintenance of the fire; a purely natural fire does not attract strict liability and Rylands requires non-natural user.

Final Answer: A purely natural fire does not attract strict liability; Rylands requires non-natural user, which is absent here. $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q17

S18.

Solution

Concept — Scienter Rule / Keeper's Liability for Dangerous Animals: Under the scienter rule (and the Animals Act 1971), the keeper of an animal not belonging to a dangerous species is liable for damage caused by that animal only if the keeper knew of the animal's specific propensity to cause that kind of damage. Without such prior knowledge (scienter), the claimant must establish fault (negligence) on the keeper's part.

Analysis: A Rottweiler is a domestic dog, not classified as a dangerous species at common law. Kiran's dog had shown no prior aggressive behaviour in four years of domestic life. Since Kiran lacked scienter — prior knowledge of the dog's specific tendency to bite — strict liability under the scienter rule does not apply. The postman must instead establish negligence on Kiran's part (e.g., failure to keep the dog restrained, failure to warn).

Why other options are wrong:

- **Option A:** Incorrect. The statement that Kiran is not liable "under any circumstances" is too absolute; she may still be liable in negligence.
- **Option B:** Correct. Without scienter, strict liability does not apply; the claimant must establish negligence.
- **Option C:** Incorrect. Dogs are not classified as a dangerous species at common law; domestic dogs are animals of a non-dangerous species.
- **Option D:** Incorrect. Entering through a front gate to deliver mail is not contributory negligence; it is the expected conduct of a postman.

Final Answer: Without scienter, the postman must prove negligence; Rottweilers are not a dangerous species. $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q18

S19.

Solution

Concept — Cattle Trespass / Livestock Trespass (Strict Liability): Cattle trespass (now termed livestock trespass under the Animals Act 1971) is a rule of strict liability. The owner of straying livestock is liable for damage caused by the straying without proof of fault or negligence, subject to limited defences. One recognised defence is that the damage resulted from the claimant's own failure to maintain a fence that the claimant was legally obliged to fence.

Analysis: Suraj's cattle strayed through a gap in the fence and destroyed Hari's crops. The tort of cattle/livestock trespass does not require proof that Suraj was negligent; liability is strict. The fact that an unknown trespasser created the gap does not constitute an absolute defence under livestock trespass — it may be relevant to causation or the limited defences, but does not categorically exclude liability in the way it might in other torts.

Why other options are wrong:

- **Option A:** Correct. Livestock trespass is strict liability, with the limited defence of the claimant's own obligation to fence.
- **Option B:** Incorrect. Negligence is not required; livestock trespass is a strict liability tort.
- **Option C:** Incorrect. Under livestock trespass, the act of a stranger (unknown trespasser) is not a complete and absolute defence — unlike under *Rylands v Fletcher*.
- **Option D:** Incorrect. The tort of livestock trespass continues to be recognised in jurisdictions applying the Animals Act 1971 and its common law antecedents.

Final Answer: Livestock trespass is strict liability; the unknown trespasser argument is not an absolute defence. $\Rightarrow \boxed{A}$

Answer: (A) Go Back to Q19

S20.

Solution

Concept — Absolute Liability in India / M.C. Mehta v Union of India [1987]: In *M.C. Mehta v Union of India* (Oleum Gas Leak case) [1987] 1 SCC 395, the Supreme Court of India evolved the doctrine of absolute liability as a departure from *Rylands v Fletcher*. Under absolute liability, an enterprise engaged in inherently dangerous or hazardous activity is absolutely liable for harm caused; no exceptions recognised under *Rylands* (such as act of a stranger, vis major, consent, or act of God) are available.

Analysis: Haztech Chemicals Ltd. operates a chemical processing plant — an inherently dangerous activity. The company invokes the act of a stranger exception available under *Rylands v Fletcher*. The Supreme Court in *M.C. Mehta* expressly held that this exception is not available to enterprises engaged in inherently hazardous activities in India. Absolute liability applies without exception.

Why other options are wrong:

- **Option A:** Incorrect. The Indian Supreme Court departed from *Rylands v Fletcher* and its exceptions; English exceptions do not apply in India to inherently dangerous enterprises.
- **Option B:** Incorrect. Absolute liability under *M.C. Mehta* does not require fault; lack of control over the causative event is not a defence.
- **Option C:** Correct. An enterprise engaged in inherently dangerous activities bears absolute, non-delegable liability without any exceptions.
- **Option D:** Incorrect. Tort law has an independent role alongside statutory schemes in India; the statutory enactments do not displace tort remedies entirely.

Final Answer: India's absolute liability doctrine under *M.C. Mehta* admits no exceptions, including act of a stranger. $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q20

S21.

Solution

Concept — Absolute Liability / Enterprise Size and Quantum of Damages / M.C. Mehta: The Supreme Court in *M.C. Mehta v Union of India* [1987] 1 SCC 395 also addressed the quantum of compensation in absolute liability cases. The Court held that the larger and more prosperous the enterprise, the greater the quantum of compensation it must pay. Damages are not merely compensatory; they must be sufficient to act as a deterrent and must be commensurate with the magnitude and capacity of the enterprise.

Analysis: The enterprise is a large, highly profitable multinational corporation. Under *M.C. Mehta*, this very fact influences the quantum of damages upward. The Court explicitly stated that the amount of compensation must be correlated with the size of the enterprise so that the damages are meaningful as a deterrent. Pure compensation for individual proven loss is insufficient.

Why other options are wrong:

- **Option A:** Incorrect. The Court in *M.C. Mehta* did not cap damages at individual proven loss; it authorised deterrent-linked compensation.
- **Option B:** Incorrect. The Public Liability Insurance Act fixes minimum compensation; the tort remedy under absolute liability is not so capped.
- **Option C:** Incorrect. The Court deliberately moved beyond purely compensatory principles and linked damages to enterprise size and deterrence.
- **Option D:** Correct. The more substantial the enterprise, the greater the quantum; damages must serve as a meaningful deterrent.

Final Answer: Enterprise size scales the quantum of damages upward beyond mere compensation to ensure meaningful deterrence. $\Rightarrow \boxed{D}$

Answer: (D) Go Back to Q21

S22.

Solution

Concept — Vicarious Liability for Expressly Authorised Wrongful Acts: An employer is vicariously liable for the acts of an employee done within the course of employment. Where the employer expressly authorises or directs an act, the employer cannot later argue the act was "unauthorised" to escape liability. The unlawfulness of the specific act does not sever the employment connection where the act was expressly directed by a person of authority within the organisation.

Analysis: The regional manager — a person in authority in the transport company — expressly directed the driver to take the prohibited route. The company cannot argue that using a prohibited route takes the act outside the scope of employment when a manager expressly ordered it. The express authorisation by the employer's representative makes the company vicariously liable.

Why other options are wrong:

- **Option A:** Incorrect. An employee engaged in an unlawful act at the employer's express direction does not thereby step outside the scope of employment.
- **Option B:** Correct. Express authorisation by management makes the company vicariously liable notwithstanding the unlawfulness of the specific act.
- **Option C:** Incorrect. Express authorisation does not transform vicarious liability into primary liability; it makes the employer vicariously liable for the authorised conduct.
- **Option D:** Incorrect. The manager acted as the company's agent, not in a purely personal capacity; the company bears the liability.

Final Answer: Express authorisation by management makes the company vicariously liable for the driver's negligence. $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q22

S23.

Solution

Concept — Motor Vehicle Owner Liability / Driver as Agent or Servant: The owner of a motor vehicle can be vicariously liable for the negligence of a driver who was operating the vehicle as the owner's agent or servant at the time of the accident. The test is whether the driver was acting as the owner's agent or servant when the accident occurred — not whether the owner was present.

Analysis: Gopal lent his car to Ramu specifically to drive to a client's office to deliver documents on Gopal's behalf. Ramu was therefore acting as Gopal's agent for a specific business purpose at the time of the accident. This makes Gopal vicariously liable for Ramu's negligent driving. The fact that Gopal was not in the vehicle is irrelevant to the agency analysis.

Why other options are wrong:

- **Option A:** Correct. The key question is whether Ramu was acting as Gopal's agent/servant at the time; he was, so Gopal is vicariously liable.
- **Option B:** Incorrect. Physical presence in the vehicle is not required for vicarious liability; the agency relationship is the determining factor.
- **Option C:** Incorrect. Owners are not automatically liable for all accidents caused by all permitted drivers regardless of the relationship or purpose.
- **Option D:** Incorrect. The owner can be vicariously liable where the driver is acting as the owner's agent; the claim against Ramu and the claim against Gopal can both be pursued.

Final Answer: Ramu was acting as Gopal's agent, making Gopal vicariously liable for Ramu's negligence. $\Rightarrow \boxed{\text{A}}$

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

S24.

Solution

Concept — Military Superior's Liability for Unlawful Orders: A superior officer who issues an unlawful order participates in the commission of the resultant tort and can be jointly liable with the subordinate who executes it. The issuance of the order itself constitutes participation. Sovereign immunity may protect the state but does not necessarily grant individual superior officers personal immunity in all circumstances.

Analysis: The colonel negligently issued an unlawful order to fire on what turned out to be a civilian settlement. He participated in the resulting harm by directing the action. A superior officer who issues an unlawful order can be jointly and severally liable with subordinates for the resulting tort. The assertion of military necessity as a defence requires at minimum a formal armed conflict context; a negligent misidentification does not qualify.

Why other options are wrong:

- **Option A:** Incorrect. Military personnel are not absolutely immune from personal tortious liability for all acts done under orders; international and domestic law increasingly recognises personal liability for unlawful acts.
- **Option B:** Incorrect. The requirement of personal profit or benefit by the subordinate is not a condition for the superior's liability.
- **Option C:** Correct. A superior who directs an unlawful act may be jointly liable with the subordinate; military necessity is not available for negligent conduct outside a formal armed conflict.
- **Option D:** Incorrect. Sovereign immunity protects the state, not individual officers, for personal acts of tortious commission.

Final Answer: A superior who issues an unlawful order may be jointly liable; military necessity does not apply to negligent misidentification. $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q24

S25.

Solution

Concept — School Authority Vicarious Liability / Close Connection Test / Lister v Hesley Hall [2002]: The House of Lords in *Lister v Hesley Hall Ltd* [2002] 1 AC 215 established the "close connection" test for vicarious liability. The question is whether the wrongful act was so closely connected with the acts the employee was authorised to do that it would be fair and just to hold the employer vicariously liable. This test has extended vicarious liability beyond the traditional "authorised mode of doing an authorised act" formulation.

Analysis: Mr. Sharma's role as a teacher gave him authority and close supervisory control over students. His assault of a student, though an intentional tort, arose directly from and was closely connected to his exercise of supervisory authority over the student in the school environment. The school's authority over students and the teacher's supervisory role create the necessary close connection. The fact that assault is an intentional tort does not automatically exclude vicarious liability under the *Lister* test.

Why other options are wrong:

- **Option A:** Incorrect. Intentional torts can fall within vicarious liability under the *Lister* close connection test; there is no categorical exclusion.
- **Option B:** Incorrect. Prior knowledge of the teacher's tendencies may be relevant but is not a prerequisite for vicarious liability under *Lister*.
- **Option C:** Incorrect. Express permission or condonation of corporal punishment is not required; the close connection test applies.
- **Option D:** Correct. The *Lister* close connection test applies; the teacher's supervisory role creates sufficient connection for vicarious liability.

Final Answer: The *Lister* close connection test is met; the school's supervisory authority over students makes it vicariously liable. $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q25

S26.

Solution

Concept — Vicarious Liability Beyond Employment / Akin to Employment / Various Claimants v Catholic Child Welfare Society [2012]: In *Various Claimants v Catholic Child Welfare Society* [2012] UKSC 56, the Supreme Court held that vicarious liability can be imposed even where there is no formal contract of employment, provided the relationship between the defendant organisation and the wrongdoer is "akin to employment" and the wrongful act is closely connected with work assigned by the organisation. A diocese that assigns, controls, and benefits from a priest's pastoral work may satisfy this test.

Analysis: The diocese arranged, scheduled, and oversaw the counselling sessions through its administrative structure. It assigned the priest to this work and derived the benefit of pastoral ministry. The relationship between the diocese and the priest is akin to employment. The priest's abuse occurred in the context of activities assigned by the diocese. Both limbs of the test — akin to employment and close connection — are satisfied.

Why other options are wrong:

- **Option A:** Incorrect. Vicarious liability does not require a formal contract of employment; a relationship akin to employment suffices under *Various Claimants*.
- **Option B:** Correct. The "akin to employment" test and close connection test both apply; a diocese that controls and assigns work may be vicariously liable.
- **Option C:** Incorrect. Personal witnessing or explicit approval by senior officials is not a requirement for vicarious liability.
- **Option D:** Incorrect. Religious organisations are not categorically immune from vicarious liability; the same legal tests apply.

Final Answer: The diocese may be vicariously liable under the "akin to employment" relationship and close connection test. $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q26

S27.

Solution

Concept — Offer of Amends Defence / Defamation Act 1996, Sections 2–4: Under Sections 2 to 4 of the Defamation Act 1996, a defendant who has published a defamatory statement may make a qualifying offer of amends (correction, apology, and compensation). If the offer is accepted, the defamation claim is settled. If the offer is rejected, the defendant may rely on the offer as a defence — it is a complete defence if the defendant did not know and had no reason to believe the statement referred to the claimant in a defamatory sense. Even where it is not a complete defence, the making of a genuine offer of amends is taken into account in mitigation of damages.

Analysis: The newspaper published a correction and apology and offered compensation. Mr. Kapoor rejected the offer. The newspaper published an inadvertent misidentification error without knowing the statement referred to Mr. Kapoor. This satisfies the conditions for the offer of amends to operate as a complete defence. Even if not a complete defence, the genuine offer reduces damages.

Why other options are wrong:

- **Option A:** Correct. A rejected qualifying offer of amends is a complete defence where the defendant lacked knowledge; it also mitigates damages even where not a complete defence.
- **Option B:** Incorrect. A rejected offer of amends does not become legally irrelevant; it remains available as a defence under the Act.
- **Option C:** Incorrect. The offer of amends procedure is available to all publishers, including print newspapers; there is no restriction to broadcast or digital media.
- **Option D:** Incorrect. A defendant who has made an offer of amends may also rely on other defamation defences unless the offer of amends is relied on as the defence.

Final Answer: A rejected qualifying offer of amends is a complete defence (or mitigates damages) under the Defamation Act 1996. $\Rightarrow \boxed{A}$

Answer: (A) Go Back to Q27

S28.

Solution

Concept — Fair Comment / Honest Opinion — What is NOT a Requirement: The defence of fair comment (now called "honest opinion" under the Defamation Act 2013) requires: (i) the statement is a matter of comment/opinion, not fact; (ii) the comment is based on facts that are true or privileged; (iii) the matter is of public interest; and (iv) the opinion is one that an honest person could hold. What is NOT required is that the opinion represents the view of a majority or reasonable cross-section of the public — a critic may hold an extreme, unpopular, or minority view.

Analysis: The question asks which of the listed requirements is NOT required. Option C states the defendant must demonstrate majority or cross-sectional support for the opinion. This is not a requirement. The defence of honest opinion protects even extreme or unpopular critical views, provided the person genuinely holds that opinion.

Why other options are wrong:

- **Option A:** This IS a requirement — the comment must be based on true or privileged facts.
- **Option B:** This IS a requirement — the matter must be of genuine public interest.
- **Option C:** NOT a requirement — the opinion need not represent majority or cross-sectional views. This is the correct answer.
- **Option D:** This IS a requirement — the comment must be recognisable as opinion, not as an assertion of fact.

Final Answer: Majority or cross-sectional support for the opinion is NOT a requirement of fair comment / honest opinion. $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q28

S29.

Solution

Concept — No Defamation of Deceased Persons: Defamation is a personal right that is limited to living persons. A deceased person cannot be defamed in law because defamation protects the personal right to reputation, which is not a property right and does not survive death. Neither the deceased's estate nor family members can bring a defamation action in the name of a deceased person.

Analysis: The politician is deceased. No cause of action in defamation can be brought on his behalf, by his estate, or by his family in his name. The family members have no personal defamation claim arising from articles about the deceased unless the article also specifically defamed them (the living family members) as individuals. The facts do not suggest the article targeted the family members themselves as opposed to the politician.

Why other options are wrong:

- **Option A:** Incorrect. Damage to the family's reputation is not a sufficient basis for a defamation action when the primary target of the defamatory statements was the deceased.
- **Option B:** Incorrect. Reputation is not a property right that vests in or passes to an estate; it is a personal right that extinguishes on death.
- **Option C:** Incorrect. Personal distress to family members caused by the article is not itself a basis for a defamation action in respect of statements about the deceased.
- **Option D:** Correct. Defamation is a personal right that extinguishes on death; no action lies for or on behalf of a deceased person.

Final Answer: Defamation is a personal right extinguished by death; no action lies in respect of a deceased person. $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q29

S30.

Solution

Concept — Intermediary Liability / Safe Harbour / IT (Intermediary Guidelines) Rules 2021: Under the Information Technology Act 2000 (as amended) and the IT (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021, an intermediary enjoys safe harbour protection from liability for third-party content, provided it observes due diligence, including removing unlawful or harmful content within prescribed timeframes upon acquiring knowledge. Failure to remove content within the stipulated period after receiving a specific complaint may forfeit safe harbour protection.

Analysis: The platform was notified by Rajesh with a specific written complaint. It took five days to remove the content — outside the prescribed period under the 2021 Rules. By failing to act within the stipulated timeframe, the platform risks forfeiting its safe harbour protection and becoming exposed to liability for the defamatory third-party content.

Why other options are wrong:

- **Option A:** Incorrect. Intermediaries are not strictly liable from the moment of publication; they have safe harbour protection subject to compliance with due diligence obligations.
- **Option B:** Correct. Safe harbour is conditional on due diligence, including timely removal after specific complaint; delay may forfeit the protection.
- **Option C:** Incorrect. The platform cannot take as long as it operationally needs; specific timeframes are prescribed, and failure to meet them risks loss of safe harbour.
- **Option D:** Incorrect. Safe harbour under the IT Act is not unconditional; it is subject to compliance with due diligence and the 2021 Rules.

Final Answer: Failure to remove defamatory content within the prescribed period may forfeit safe harbour protection. $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q30

S31.

Solution

Concept — Coming to the Nuisance / Sturges v Bridgman (1879): In *Sturges v Bridgman* (1879) 11 Ch D 852, the Court of Appeal held that "coming to the nuisance" is not a defence in private nuisance. Whether an interference constitutes a nuisance is assessed by reference to the reasonable use of land and the character of the neighbourhood at the time of the interference, not by the order in which parties arrived at their respective properties.

Analysis: The confectioner argues the physician came to the nuisance. The court in *Sturges v Bridgman* rejected this reasoning: "What was not a nuisance ... may become one by the change of circumstances." The physician lawfully acquired neighbouring land and constructed a consultation room. The confectioner cannot rely on prior occupation alone; the test is whether the interference is unreasonable given the current use of the land.

Why other options are wrong:

- **Option A:** Correct. Coming to the nuisance is not a complete defence; nuisance is assessed by unreasonable interference at the time of the claim.
- **Option B:** Incorrect. Knowingly acquiring land adjacent to industrial operations does not constitute consent to a nuisance, as *Sturges v Bridgman* confirms.
- **Option C:** Incorrect. There is no ten-year rule making coming to the nuisance a complete defence.
- **Option D:** Incorrect. The confectioner's activities did not constitute a nuisance at the relevant time (before the physician built the consultation room) and therefore no prescriptive right to commit the now-nuisance was acquired.

Final Answer: "Coming to the nuisance" is not a defence in private nuisance; unreasonable interference determines liability. $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q31

S32.

Solution

Concept — Natural Right to Lateral Support of Land: Every landowner possesses a natural right to have their land supported in its natural state by the adjacent land. This right exists independently of any easement or statute and is infringed by withdrawal of support causing subsidence, regardless of fault. However, there is no natural right to support for buildings on the land — that right must be acquired as an easement by express grant, long usage (twenty-year prescription), or statutory provision.

Analysis: Devraj's excavation on his own land directly caused subsidence of Suresh's soil and the cracking of Suresh's foundations. The natural right to lateral support protects the land in its natural state. In so far as the claim is for damage to the land itself (soil subsidence), Suresh can rely on the natural right without proving fault. For damage to the building (foundations cracking), Suresh would generally need to show a separately acquired right to support for buildings.

Why other options are wrong:

- **Option A:** Incorrect. Working within one's own land boundaries does not preclude liability for withdrawal of lateral support.
- **Option B:** Incorrect. The right to lateral support for land in its natural state does not require proof of negligence; it is a natural right actionable without fault.
- **Option C:** Correct. The natural right to lateral support is absolute for land in its natural state; buildings require a separately acquired easement.
- **Option D:** Incorrect. The right to lateral support applies to private land, not only to roads and public infrastructure.

Final Answer: The natural right to lateral support for land in its natural state is absolute and fault-free; buildings require an acquired easement. $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q32

S33.

Solution

Concept — Temporary vs Permanent Nuisance / Available Remedies: Private nuisance does not require a continuous or permanent interference; a temporary or single-episode interference can also constitute actionable nuisance. The appropriate remedy depends on the nature of the nuisance: for a past nuisance that has ceased, damages for past interference are available; but an injunction is inappropriate because there is no ongoing or threatened future interference to restrain.

Analysis: The demolition activity caused nuisance for eight weeks and has now fully ceased. The residents have suffered harm (health disruption, loss of comfort) during that period and can recover damages. However, since the activity has ended and there is no indication it will recur, an injunction to prevent future disruption cannot be granted — there is nothing to restrain.

Why other options are wrong:

- **Option A:** Incorrect. Private nuisance does not require a permanent or continuous interference; temporary interferences are actionable.
- **Option B:** Incorrect. The temporary and completed nature of the nuisance does not bar a damages claim for the harm suffered.
- **Option C:** Incorrect. An injunction requires a threatened or ongoing interference; a completely ceased, unlikely-to-recur nuisance cannot support an injunction.
- **Option D:** Correct. Damages for past harm are available even for temporary nuisance; but injunction is unavailable once the nuisance has ceased and is unlikely to recur.

Final Answer: Temporary nuisance grounds a damages claim for past harm; injunction is unavailable for a nuisance that has ceased. $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q33

S34.

Solution

Concept — Trespass by Abusing a Licence / Revocation and Reasonable Time: A licence to enter premises may be revoked by the licensor. Once validly revoked, the licensee becomes a trespasser if they do not leave within a reasonable time after the revocation. The licensor is then entitled to use reasonable force to remove the erstwhile licensee from the premises.

Analysis: Mohan entered lawfully on a ticket-based licence. He abused the licence by engaging in conduct clearly outside its scope (distributing political pamphlets). The cinema manager validly revoked the licence. Mohan refused to leave for thirty minutes. From the moment the licence was validly revoked and a reasonable time had elapsed for departure, Mohan became a trespasser. The cinema owner is entitled to use reasonable force to eject him.

Why other options are wrong:

- **Option A:** Incorrect. A lawful entry can be converted into trespass by subsequent conduct that results in revocation of the licence and refusal to leave.
- **Option B:** Correct. A licensee who stays after valid revocation becomes a trespasser; reasonable force may be used to eject.
- **Option C:** Incorrect. A licence can be revoked mid-purpose if the licensee acts outside the scope of the licence or the licensor validly chooses to revoke it.
- **Option D:** Incorrect. The owner and their staff have the right to use reasonable force to remove a trespasser; calling the police is not the only option.

Final Answer: After valid revocation and refusal to leave, Mohan becomes a trespasser; the cinema owner may use reasonable force. $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q34

S35.

Solution

Concept — Trespass to Land vs Action for Ejectment / Concurrent Remedies: Trespass to land is actionable per se (without proof of damage) and provides damages and injunctive relief. The action for recovery of land (historically ejectment) is the appropriate action to recover possession. Both actions can be pursued concurrently in the same proceedings where the claimant seeks both recovery of possession and compensation for past trespass.

Analysis: Shankar's boundary wall physically encroaches on Nalini's land. This is a continuing trespass — the physical presence of the wall on her land is a trespass per se. Nalini can seek: (i) an injunction to require removal of the wall (in trespass/nuisance); (ii) damages for the wrongful occupation; and (iii) recovery of possession of the encroached land (ejectment). These remedies are not mutually exclusive.

Why other options are wrong:

- **Option A:** Correct. Trespass provides damages and injunction; ejectment provides recovery of possession; both may be pursued concurrently.
- **Option B:** Incorrect. Trespass does not cease to be actionable upon dispossession; both actions may coexist.
- **Option C:** Incorrect. Trespass to land is actionable per se, without proof of physical damage to the land.
- **Option D:** Incorrect. Nuisance is not the primary remedy for a direct physical encroachment onto land; trespass and ejectment are the appropriate actions.

Final Answer: Trespass and ejectment may be pursued concurrently; trespass is actionable per se. $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q35

S36.

Solution

Concept — Detinue vs Conversion / Distinction and Transition: Detinue consists of the wrongful detention of another's personal property after the owner has made a demand for its return. Conversion is a more serious dealing with another's goods — such as sale, destruction, or other act wholly inconsistent with the owner's title. Vinod's initial refusal constituted detinue; his subsequent sale to a third party constituted conversion, which is the graver wrong.

Analysis: Asha demanded her laptop back. Vinod's initial refusal was detinue — wrongful withholding after a demand. His subsequent sale of the laptop to a third party was an act wholly inconsistent with Asha's ownership — this is conversion. Conversion is the graver wrong and may attract a higher measure of damages (the full value of the goods at the time of conversion). The same facts can give rise to both wrongs at different stages.

Why other options are wrong:

- **Option A:** Incorrect. Borrowing goods with the owner's consent does not constitute conversion from the outset; it is only wrongful dealing or refusal after demand that triggers liability.
- **Option B:** Incorrect. Detinue and conversion are distinct torts with different elements and different remedies; they are not the same wrong.
- **Option C:** Correct. Detinue = wrongful withholding after demand; conversion = dealing inconsistent with title (here, sale); the transition from detinue to conversion is accurately described.
- **Option D:** Incorrect. Recovery of the goods themselves may still be available as a remedy; conversion does not permanently extinguish the owner's proprietary rights in all circumstances.

Final Answer: Initial refusal = detinue; subsequent sale = conversion (the graver wrong). $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q36

S37.

Solution

Concept — Composite Negligence / Motor Vehicles Act 1988 / Joint and Several Liability: Where two or more motor vehicles together cause an accident through their combined (composite) negligence, each negligent party is jointly and severally liable to the injured claimant for the full extent of the damage. The claimant need not establish the precise apportionment of fault between defendants; the defendants may seek contribution from each other in proportion to their respective faults.

Analysis: The pedestrian was injured by the combined negligence of the bus and the truck. Under the Motor Vehicles Act 1988 and common law principles of composite negligence, the pedestrian can sue both defendants jointly and severally and can recover the full amount from either or both. The pedestrian does not bear the burden of quantifying each party's individual contribution to the accident; that is a matter between the defendants.

Why other options are wrong:

- **Option A:** Incorrect. The claimant does not need to quantify each party's precise percentage before establishing liability.
- **Option B:** Incorrect. In composite negligence, the claimant can sue all negligent parties; there is no restriction to only the majority-fault defendant.
- **Option C:** Incorrect. There is no rule requiring election at the outset in a composite negligence case; both can be sued simultaneously.
- **Option D:** Correct. Each negligent party in a composite negligence scenario is jointly and severally liable to the claimant for the full damage.

Final Answer: In composite negligence, each negligent party is jointly and severally liable for the full damage; no prior apportionment is required. $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q37

S38.

Solution

Concept — Third-Party Insurance vs Own Damage Insurance / Motor Vehicles Act 1988: The Motor Vehicles Act 1988 mandates a minimum of third-party insurance for all motor vehicles. Third-party insurance is designed to cover the insured's liability to third parties for bodily injury and property damage. It does not cover damage to the insured's own vehicle. For that purpose, a comprehensive or "own damage" policy must be separately purchased.

Analysis: Ramesh holds a standard third-party insurance policy. His accident involved no third party; only his own vehicle was damaged. A third-party policy covers claims against Ramesh by third parties — pedestrians, other vehicles, their property — not Ramesh's own losses. The insurer is not liable to indemnify Ramesh for repairs to his own vehicle under a third-party only policy.

Why other options are wrong:

- **Option A:** Incorrect. Third-party insurance does not cover the insured's own vehicle in any circumstances, regardless of the absence of contributory negligence.
- **Option B:** Correct. Third-party insurance covers liability to third parties only; own vehicle damage requires a separate comprehensive/own damage policy.
- **Option C:** Incorrect. The MVA 1988 mandates third-party cover; it does not require all policies to cover the insured's own vehicle damage.
- **Option D:** Incorrect. There is no central government compensation fund under the MVA 1988 for repair of the insured's own vehicle damaged by road surface defects.

Final Answer: Third-party insurance covers only liability to third parties; own vehicle damage requires a comprehensive policy. $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q38

S39.

Solution

Concept — Mediation under the Consumer Protection Act 2019: The Consumer Protection Act 2019 (Sections 37–38) introduces a mediation mechanism for the resolution of consumer disputes. A complaint may be referred to mediation with the written consent of both parties. If mediation results in a settlement, the mediator forwards the settlement terms to the Commission, which passes an order in terms of the settlement. If mediation fails, the complaint is returned to the Commission for adjudication on its merits.

Analysis: Both the consumer and the developer have consented to mediation. The process follows Sections 37–38 of the CPA 2019. A successful mediation results in a Commission order in terms of the settlement, giving it binding force. If mediation fails, the Commission adjudicates the complaint. Mediation is voluntary (not mandatory), and District Commissions do have authority to refer disputes to mediation.

Why other options are wrong:

- **Option A:** Correct. This accurately describes the CPA 2019 mediation procedure: consent-based referral, settlement forwarded to Commission, Commission order in terms of settlement, or return to adjudication if mediation fails.
- **Option B:** Incorrect. Mediation under the CPA 2019 is voluntary, not mandatory for disputes above a threshold.
- **Option C:** Incorrect. A mediated settlement is implemented through a Commission order without requiring a separate written confirmation hearing.
- **Option D:** Incorrect. District and State Commissions have authority to refer disputes to mediation; the power is not restricted to the National Commission.

Final Answer: CPA 2019 mediation is consent-based; settlement is forwarded to the Commission for an order; failed mediation returns to adjudication. $\Rightarrow \boxed{A}$

Answer: (A) Go Back to Q39

S40.

Solution

Concept — Product Liability / Consumer Protection Act 2019, Chapter VI: Under Section 84 of the CPA 2019, a manufacturer is liable for product liability if the product contains a manufacturing defect, a design defect, or a deviation from express warranty. Section 87 provides a defence where the product was modified by the claimant and the modification caused or contributed to the harm. A cosmetic modification unrelated to the product's function or safety system does not attract the modification defence.

Analysis: The pressure cooker had a design defect in the safety relief valve, which was present at the manufacturing stage. The consumer painted the exterior — a cosmetic modification with no connection to the valve's function or safety. Section 87's modification defence applies only where the modification materially caused or contributed to the harm. Painting the exterior has no causal connection to the valve failure. The design defect in the safety valve independently makes the manufacturer liable under Section 84.

Why other options are wrong:

- **Option A:** Incorrect. The modification defence under Section 87 requires the modification to have materially caused or contributed to the harm; a purely cosmetic exterior painting that has no connection to the safety valve failure does not satisfy this.
- **Option B:** Incorrect. Product liability under Chapter VI of the CPA 2019 is not solely fault-based; design defects and manufacturing defects can give rise to liability without requiring proof of negligence in the conventional sense.
- **Option C:** Correct. Section 84 covers design defects; the cosmetic modification does not attract the Section 87 defence as it did not cause or contribute to the harm; the manufacturer is liable for the design defect.
- **Option D:** Incorrect. Chapter VI of the CPA 2019 is not restricted to electronics, appliances, or pharmaceuticals; it applies broadly to products, including kitchen utensils.

Final Answer: The design defect in the valve makes the manufacturer liable; cosmetic painting unrelated to the defect does not invoke the Section 87 defence. $\Rightarrow$ $\boxed{C}$

Answer: (C) Go Back to Q40

Answer Key

Q.No	Ans		Q.No	Ans		Q.No	Ans		Q.No	Ans
1	D	2	B	3	A	4	C	5	D	
6	B	7	A	8	C	9	D	10	B	
11	A	12	C	13	D	14	B	15	A	
16	C	17	D	18	B	19	A	20	C	
21	D	22	B	23	A	24	C	25	D	
26	B	27	A	28	C	29	D	30	B	
31	A	32	C	33	D	34	B	35	A	
36	C	37	D	38	B	39	A	40	C	