CLAT PG Law of Torts

Sample Paper – 6

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

Instructions

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

Q1. A wealthy industrialist opens a free legal aid clinic in a town, providing the same services as a local private solicitor. The solicitor's client base dwindles significantly and his annual income drops by 60%. He sues the industrialist in tort, claiming compensation for his financial losses. No fraud, misrepresentation, or unlawful means were employed by the industrialist.

Which of the following most accurately classifies the solicitor's claim?

(A) The solicitor succeeds because causing economic harm to another's livelihood is actionable damage in tort.

(B) The industrialist is liable for the tort of unlawful interference with trade since he deliberately set out to undermine the solicitor's practice.

(C) The solicitor has a valid action in negligence because the industrialist failed to consider the foreseeable economic harm his clinic would cause.

(D) The solicitor's claim fails under the principle of *damnum sine injuria*: financial loss without violation of a recognised legal right is not actionable in tort.

Q2. A British national is injured by the tortious act of another British national while both are visiting Country X, where the act is lawful under local law. The injured party returns to England and brings proceedings in an English court. The defendant argues that because the act was lawful in Country X, the English court cannot entertain the claim.

Under the double actionability rule in private international law of torts, which of the following most accurately states the conditions that must be satisfied for the English court to hear the claim?

(A) The act must constitute a tort actionable under English law and must not be justifiable by the law of the place where it was committed; both limbs must be satisfied.

(B) The act must be actionable only under the law of Country X; the position under English law is irrelevant for the double actionability analysis.

(C) The act need satisfy only one of the two limbs: either actionability under English law or actionability under the law of Country X.

(D) Actionability in an English court for a foreign tort requires only that the act constituted a criminal offence in the country where it occurred.

Q3. A government health inspector, while carrying out routine inspections of food premises under statutory authority, negligently drives the official vehicle and injures a pedestrian. The pedestrian sues the government for compensation. The government claims complete immunity, arguing that its employees can never make it liable in tort.

Which of the following most accurately describes the position of tortious liability of the government in India?

(A) The Indian government enjoys absolute and complete immunity from all tortious suits because of the doctrine of sovereign immunity inherited from English common law.

(B) The government in India is liable for torts committed by its employees while performing non-sovereign (governmental) functions, but sovereign acts — those involving the exercise of exclusively governmental power — continue to attract immunity.

(C) The government in India is liable for every tort committed by any of its employees, regardless of whether the act was a sovereign function, because all immunity was abolished after independence.

(D) A citizen wishing to sue the government in tort must first obtain leave of the High Court; without such leave, no action can be commenced.

Q4. During a heated argument, Ramesh pushes Suresh lightly on the shoulder. Suresh immediately picks up a metal rod and strikes Ramesh on the head, fracturing his skull. Suresh claims that he was acting in self-defence when he used the rod. Ramesh sues Suresh in battery.

Which of the following best states the law regarding self-defence as a tortious defence in these circumstances?

(A) Self-defence is a complete and absolute defence in tort; once the defendant establishes that any threat was made, no liability can arise irrespective of the force used in response.

(B) Self-defence is never available as a defence in tort; any retaliatory use of force is itself a battery.

(C) Self-defence is a valid defence only if the force used was reasonable and proportionate to the threat posed; using a metal rod in response to a light push is grossly disproportionate and the defence will fail.

(D) Self-defence in tort is available only to protect against threats to life; it does not apply to lesser assaults such as a push.

Q5. Priya, fully aware that her colleague Dev had consumed a substantial amount of alcohol at an office party, voluntarily accepted a ride home in Dev's car. Dev drove negligently due to his intoxicated state, causing an accident. Priya suffered serious injuries and brought a tort claim against Dev's estate. Dev's estate pleaded volenti non fit injuria.

In light of Dann v Hamilton [1939], which of the following most accurately explains why the defence of volenti non fit injuria failed on facts similar to those in that case?

(A) Priya lacked actual knowledge of the risk because she could not have observed Dev's precise blood-alcohol level before entering the car.

(B) The defence fails because Priya suffered physical injuries; volenti is only a defence where the claimant sustains purely financial loss.

(C) The defence fails because Dev's conduct was so reckless that voluntary acceptance of a ride is treated in law as equivalent to consenting to the risk of death, which public policy forbids.

(D) Although Priya had knowledge and appreciation of the general risk of Dev's intoxicated driving, the court held there was no free and voluntary agreement to waive her legal rights in respect of Dev's negligence; mere factual acceptance of the ride does not amount to legal consent to the risk.

Q6. Following a road accident caused by Maya's negligence, Arjun agreed to accept a payment of Rs. 3,00,000 from Maya in full and final settlement of all claims arising from the accident. Maya paid the agreed sum. Six months later, Arjun discovered that his injuries were more serious than initially thought and commenced fresh proceedings against Maya for additional damages.

Which legal doctrine is most directly applicable to prevent Arjun from maintaining the fresh action?

(A) The doctrine of accord and satisfaction: once Arjun accepted the agreed consideration in full settlement, the original right of action was extinguished, and no subsequent claim for the same tort is maintainable.

(B) The doctrine of res judicata bars fresh proceedings because the settlement agreement is legally equivalent to a court decree.

(C) Arjun retains the right to sue afresh because the settlement was reached under a mistake as to the true extent of his injuries, making the agreement voidable.

(D) A settlement agreement has no binding effect in tort unless it is incorporated into a court order; an out-of-court settlement cannot extinguish a right of action.

Q7. A prominent politician sues a local newspaper for defamation. The court finds that the defendant did publish a defamatory statement but also finds that the politician's reputation was already severely tarnished by his own widely publicised conduct, that no real harm was done, and that the action was pursued primarily to silence press criticism. The court awards one rupee.

The court explains that the one-rupee award is intended to signal its disapproval of the plaintiff having brought the action at all. What category of damages does this one-rupee award represent?

(A) Nominal damages, awarded to vindicate the plaintiff's right when no actual loss is proved, signalling that the defendant's wrong was technically established.

(B) Contemptuous damages, awarded in the smallest possible sum to indicate the court's view that the action ought not to have been brought, even though the plaintiff technically succeeds.

(C) Exemplary damages, designed to punish the defendant for abusing its position as a newspaper.

(D) Compensatory damages reduced to account for the plaintiff's contributory conduct in causing his own reputational loss.

Q8. A consumer purchases a commercially manufactured fruit drink in a sealed, opaque bottle from a retailer. On consuming the drink, she discovers decomposed remnants of a snail and suffers gastroenteritis. She has no contract with the manufacturer and wishes to sue the manufacturer in tort.

Which of the following most accurately states the three-stage test for establishing a duty of care as developed from Donoghue v Stevenson [1932] and its subsequent elaboration in Caparo Industries plc v Dickman [1990]?

(A) The plaintiff must establish privity of contract with the defendant, foreseeability of the type of harm, and that the defendant acted with malice.

(B) The plaintiff must show that the defendant knew of the plaintiff personally, that there was physical proximity between them, and that the plaintiff relied on the defendant's skill.

(C) The plaintiff must establish that harm to the plaintiff was reasonably foreseeable, that there was a relationship of sufficient proximity (neighbourhood) between the parties, and that it is fair, just and reasonable to impose a duty of care.

(D) The plaintiff must show that the defendant was in a fiduciary relationship with the plaintiff, that harm was foreseeable, and that the plaintiff suffered financial loss.

Q9. Guards employed by a railway company assist a passenger who is rushing to board a moving train. In helping the passenger aboard, the guards dislodge a parcel the passenger is carrying. The parcel contains fireworks, which explode when they fall onto the track. The explosion causes scales located at the far end of the platform to tip over, injuring Mrs. Palsgraf who was standing nearby. She sues the railroad company for negligence.

Applying the principle from Palsgraf v Long Island Railroad [1928] as stated by Judge Cardozo, which of the following most accurately explains why the railroad company was held not liable to Mrs. Palsgraf?

(A) The railroad company was not liable because its guards had not acted negligently at all in assisting the passenger onto the train.

(B) The railroad company was not liable because a superseding cause — the unforeseeable explosion of the fireworks — broke the chain of causation between the guards' act and Mrs. Palsgraf's injury.

(C) The railroad company was not liable because the damage was too remote under the Wagon Mound test of reasonable foreseeability of the type of harm.

(D) The railroad company owed a duty of care only to foreseeable plaintiffs within the zone of danger created by its employees' acts; Mrs. Palsgraf, injured at the far end of the platform by the remote consequence of the guards' assistance, was not a foreseeable plaintiff, and the duty owed to the rushing passenger could not be extended to her.

Q10. A qualified swimming instructor employed by a private leisure club stands on the poolside watching a member struggling and drowning in the pool. Although the instructor is on duty and has rescue equipment within reach, he makes no attempt to intervene. The member drowns. The member's family sues the instructor and the club.

Which of the following most accurately explains the legal basis on which the swimming instructor would be liable in negligence for failing to act?

(A) The instructor had voluntarily assumed responsibility for the safety of pool users by accepting employment as a swimming instructor; this assumption of responsibility, combined with the special relationship with members of the club, generates a positive duty to act and renders the omission actionable.

(B) English tort law imposes a general duty on any person to rescue another in danger whenever rescue is physically possible without personal risk; the instructor is liable on this general basis.

(C) Omissions and positive acts are treated identically in negligence; every bystander who fails to rescue a drowning person is equally liable.

(D) The instructor is not liable because English law categorically refuses to impose liability for pure omissions, regardless of the relationship between the parties.

Q11. Mr. Mathur was involved in a road traffic accident caused by the defendant's negligence. Although the collision was moderate and Mr. Mathur escaped any physical injury, the shock of the accident triggered a severe and permanent recurrence of myalgic encephalomyelitis (ME/chronic fatigue syndrome), a condition from which he had previously suffered. He claims damages for the psychiatric and physical effects of the ME relapse.

Applying the principle from Page v Smith [1996], which of the following most accurately states the basis on which Mr. Mathur would succeed?

(A) A claimant may recover for psychiatric injury in negligence only where the defendant could specifically foresee that the claimant's pre-existing condition would be aggravated, regardless of whether the claimant was a primary or secondary victim.

(B) As a primary victim who was within the zone of physical danger created by the defendant's negligence, Mr. Mathur need only establish that personal injury of some kind — whether physical or psychiatric — was foreseeable; the defendant is not required to foresee the specific type or extent of psychiatric damage suffered.

(C) A claimant who suffers no physical injury is treated as a secondary victim for all purposes; Mr. Mathur must satisfy the secondary victim requirements, including proximity in time and space to the event.

(D) A defendant is never liable for psychiatric injury unless the claimant first suffered a physical injury in the same incident that triggered the psychiatric condition.

Q12. A bus driver, confronted without warning by a child who ran directly into the road from between parked cars, instinctively swerved hard to the left to avoid the child. In doing so, the bus mounted the pavement and struck a street lamp, causing it to fall and injure a pedestrian. Experts testified that the optimal response would have been braking rather than swerving.

The emergency or "agony of the moment" doctrine most accurately provides that:

(A) Any person who creates an emergency is wholly immune from liability for all damage caused by others' responses to that emergency.

(B) A person who causes damage by any act done during an emergency is automatically absolved of negligence, regardless of the circumstances in which the emergency arose.

(C) A person who responds to a sudden emergency not of their own making is not judged by the standard of the optimum response available in calm reflection; their conduct is assessed by the standard of a reasonable person acting in the agony of that particular moment of danger.

(D) The emergency doctrine is a statutory defence confined to motor vehicle cases under the Motor Vehicles Act 1988 and has no application at common law.

Q13. Three night-watchmen attended a hospital emergency department after drinking tea laced with arsenic. The duty doctor, who was himself unwell, refused to see them and instructed the nurse to tell them to go home and see their own doctors. One watchman died within hours. Medical evidence established that arsenic poisoning of that severity was almost certainly fatal at the time of arrival, and that even prompt treatment with the available antidote would, on the balance of probabilities, not have saved him.

Applying the reasoning in Barnett v Chelsea & Kensington Hospital Management Committee [1969], why did the court find the hospital not liable for the watchman's death?

(A) The hospital owed no duty of care to the deceased because he had not been formally admitted as a registered patient before being sent away.

(B) The doctor's conduct in refusing to examine the patient did not fall below the standard of a reasonably competent physician in the circumstances.

(C) The death was too remote a consequence of the doctor's refusal to examine, because the arsenic had been ingested voluntarily.

(D) Although the hospital breached its duty of care by failing to examine and treat the deceased, that breach did not cause the death; the plaintiff could not establish on the balance of probabilities that, but for the breach, the deceased would have survived, and the but-for test of factual causation therefore failed.

Q14. A solicitor advises his client to proceed with a commercial property purchase without registering a caution on the title. A responsible body of conveyancing solicitors would have considered this approach acceptable given the time pressures involved, although another body of equally competent solicitors would have insisted on registration. The property subsequently turns out to be encumbered by a prior interest and the client suffers financial loss.

Applying the Bolam test to non-medical professional negligence, which of the following most accurately states the applicable standard?

(A) A professional is not negligent if they acted in accordance with a practice accepted as proper by a responsible body of persons skilled in their particular profession, even if another body of equally skilled practitioners would have adopted a different practice.

(B) A professional is negligent whenever their conduct falls short of the standard set by the most eminent and highly qualified practitioners in that field.

(C) A professional is negligent only where their conduct was so far below the acceptable standard that no body of responsible professional opinion, however minority, would have endorsed it.

(D) The Bolam test is confined exclusively to medical negligence cases and cannot be applied to determine the standard of care for solicitors, architects, engineers, or other professional groups.

Q15. Mr. Narain's car was damaged in an accident caused by the defendant's negligence. Mr. Narain could not afford to hire a replacement car at the standard daily rate because he had no credit card and insufficient funds. He therefore entered into a credit hire agreement at a significantly higher rate. The defendant argued that only the standard market hire rate was recoverable, and that the additional cost arising from Mr. Narain's impecuniosity was too remote.

In Lagden v O'Connor [2003], the House of Lords extended the "thin skull" rule to economic circumstances. Which option best states the principle established?

(A) The tortfeasor is required to pay only the cheapest objectively available rate of replacement; the plaintiff's financial circumstances are irrelevant to the remoteness analysis.

(B) A tortfeasor must take their victim as they find them, including their financial impecuniosity; where the plaintiff's impoverished circumstances foreseeably caused them to incur a higher cost in mitigating their loss, the defendant is liable for those higher costs.

(C) Impecunious plaintiffs are treated identically to financially secure ones for the purposes of mitigation; any additional cost attributable to poverty is the plaintiff's own responsibility and cannot be recovered.

(D) The thin skull rule applies only to pre-existing physical vulnerabilities and cannot be extended to the economic circumstances or financial position of the plaintiff.

Q16. Lata had held a driving licence for only three weeks when she drove through an intersection without checking properly for oncoming traffic. She collided with another vehicle and caused injury. At trial, Lata argued that as a very new and inexperienced driver she should be judged by the standard of what could reasonably be expected of a learner, not by the standard of a fully competent driver.

Which of the following most accurately states the standard of care applicable to drivers on public roads under the law of negligence?

(A) New drivers are assessed against the standard of a driver with their actual level of skill and experience; inexperience is a relevant factor that lowers the required standard.

(B) Each driver is assessed against the purely subjective standard of what they personally believed to be safe and reasonable conduct given their own competence.

(C) All drivers on public roads, including learner drivers and the newly licensed, are held to the objective standard of a reasonably skilled, competent driver; inexperience is no excuse for falling below that standard.

(D) The standard of care for drivers is entirely set by the Motor Vehicles Act 1988 and differs from the common law negligence standard applicable to other activities.

Q17. Eastern Counties Leather used a chlorinated solvent in its leather-tanning process. Small quantities of the solvent seeped through the concrete floor into the ground below. The solvent eventually percolated through the ground and contaminated the borehole used by Cambridge Water Company to supply drinking water. At the time Eastern Counties Leather began using the solvent, scientific understanding did not indicate that this mode of contamination over such a distance was foreseeable.

In Cambridge Water Co v Eastern Counties Leather plc [1994], the House of Lords addressed whether foreseeability of damage is required under Rylands v Fletcher. Which of the following most accurately states the outcome?

(A) Eastern Counties Leather was held liable because once the volume of solvent being stored was considered, any chemist would have foreseen the possibility of some chemical seepage.

(B) Eastern Counties Leather was held strictly liable because Rylands v Fletcher imposes absolute liability and foreseeability of damage is entirely irrelevant to liability under the rule.

(C) Eastern Counties Leather was held not liable because the plaintiff water company had failed to test the borehole water regularly, and this failure broke the chain of causation.

(D) Eastern Counties Leather was held not liable because, while Rylands v Fletcher does not require foreseeability of the escape itself, it does require that the type of damage caused was reasonably foreseeable at the time of the accumulation; since the contamination pathway was not scientifically foreseeable at the relevant time, the type of damage was not foreseeable.

Q18. A company operating a large chemical manufacturing plant in India suffered an explosion, releasing toxic gases that killed and injured thousands of residents in surrounding areas. The question arises whether the company's liability is governed by the rule in Rylands v Fletcher (including its recognised exceptions such as act of God or default of the plaintiff) or by some other standard.

Which of the following most accurately describes the legal position established by the Supreme Court of India in MC Mehta v Union of India [1987] regarding enterprises engaged in hazardous or inherently dangerous industries?

(A) The Supreme Court held that enterprises engaged in hazardous or inherently dangerous activity are subject to an absolute rule of liability for harm arising from such activity, with no exceptions of the kind recognised under Rylands v Fletcher; this absolute liability rule applies to hazardous industries, while Rylands v Fletcher may continue to apply to ordinary non-hazardous escapes.

(B) The Supreme Court abolished the rule in Rylands v Fletcher entirely in India and replaced it with a general negligence standard for all industrial accidents.

(C) The Supreme Court held that the rule in Rylands v Fletcher, with all its exceptions, continues to apply in India unchanged, since English precedent is binding on Indian courts.

(D) The Supreme Court held that only state-owned enterprises, and not private companies, are subject to the absolute liability standard for hazardous activities.

Q19. A large reservoir maintained by a water authority bursts, flooding the area around a textile factory. The factory itself is not physically damaged — it was built on raised ground — but the surrounding road network is submerged, preventing delivery vehicles from reaching the factory for three weeks. The factory owner claims Rs. 15 lakh in lost profits as pure economic loss.

Which of the following most accurately states the general position regarding recovery of pure economic loss under the rule in Rylands v Fletcher?

(A) Pure economic loss is fully recoverable under Rylands v Fletcher because the rule imposes strict liability and all foreseeable consequences, whether physical or financial, are compensable.

(B) Pure economic loss is generally not recoverable under the rule in Rylands v Fletcher; the rule typically requires physical damage to land or to property on the land as a precondition for any liability, and loss of profits unaccompanied by physical damage falls outside its scope.

(C) Pure economic loss is recoverable under Rylands v Fletcher wherever the defendant can be shown to have acted negligently in accumulating the dangerous thing, since negligence expands the categories of compensable loss.

(D) Pure economic loss under Rylands v Fletcher is recoverable only where it results from personal injury caused by the escape of the dangerous substance from the defendant's land.

Q20. Mr. Chandra kept a domestic Labrador dog. On two separate occasions prior to the incident in question, the dog had snarled at and snapped at delivery workers, and Mr. Chandra had been warned in writing by his housing society on both occasions about the dog's aggressive behaviour. The dog subsequently bit a postal worker on the hand, causing a serious wound requiring surgery.

Under the law relating to liability for animals, which of the following best describes the basis of Mr. Chandra's liability?

(A) Mr. Chandra is not liable because dogs belong to a domestic (non-dangerous) species, and strict liability never attaches to keepers of animals of a non-dangerous species.

(B) Mr. Chandra is liable only if the postal worker can independently prove that Mr. Chandra was negligent in his supervision and control of the dog at the exact moment of the bite.

(C) Mr. Chandra is strictly liable because, although the Labrador is a domesticated non-dangerous species, he had actual knowledge of the dog's individual propensity to bite, thereby satisfying the scienter requirement and attracting strict liability without the need for further proof of negligence.

(D) Mr. Chandra is strictly liable for all injuries caused by any dog he keeps, whether or not he had any prior knowledge of aggressive tendencies, because the keeper of any dog is an absolute insurer against all injury.

Q21. Ms. Singh keeps a large domestic cat that has never shown any sign of aggression toward humans. One afternoon, without any provocation or warning, the cat scratches a visiting child, leaving a deep wound. The child's parents sue Ms. Singh in strict liability for the cat's injury. They argue that since cats are capable of scratching, Ms. Singh must be taken to have known of this characteristic.

What must be established under the scienter rule to impose strict liability on the keeper of a non-dangerous species for injury caused by that animal?

(A) It is sufficient to show that animals of the same species are generally capable of inflicting the type of injury in question; no specific knowledge of the individual animal's propensity is required.

(B) The keeper must have intended, or at minimum, approved of the animal's act of causing harm before strict liability can arise.

(C) Constructive knowledge — that the keeper ought reasonably to have known of the animal's propensity — is sufficient to satisfy the scienter rule, even in the absence of actual knowledge.

(D) The keeper must have had actual knowledge of that particular animal's propensity to cause the specific type of harm that occurred; awareness that cats in general can scratch does not constitute the requisite scienter for this cat's unprovoked, uncharacteristic attack.

Q22. A senior partner of a law firm, while engaged on what appeared to be firm business, dishonestly assisted a client in perpetrating a large commercial fraud for his own personal financial gain. The law firm denied liability, arguing that a deliberate fraudulent act by a partner could not fall within the scope of the firm's business and therefore could not attract vicarious liability.

In Dubai Aluminium Co Ltd v Salaam [2002], the House of Lords considered the vicarious liability of a firm for a partner's dishonest act. Which of the following most accurately represents the principle applied?

(A) A firm may be vicariously liable for the dishonest acts of a partner if those acts were so closely connected with the acts that the partner was authorised to do that it would be fair and just to hold the firm liable; the test is the "close connection" between the wrongful act and the authorised activities.

(B) Vicarious liability can never arise for dishonest, fraudulent, or criminal acts because such acts are by definition outside any scope of employment or authorised activity.

(C) A firm is only vicariously liable for a partner's fraud where the firm itself had actual knowledge of and directly participated in the fraudulent scheme.

(D) Before bringing a civil claim for vicarious liability for a partner's fraud, the victim must first obtain a criminal conviction of the partner in a criminal court.

Q23. The Greenfield Trekking Club is an unincorporated, unregistered members' association. The club's treasurer, acting on behalf of the club, contracts for the hire of a vehicle and subsequently drives it negligently, injuring a pedestrian. The pedestrian seeks to recover damages from all club members. Some members argue they had no knowledge of or involvement in the treasurer's activities.

Which of the following most accurately describes the personal liability of members of an unincorporated, unregistered association for torts committed by the association's officers?

(A) All members of the club are jointly and severally liable for any tort committed by any officer or employee of the club, because membership creates an implied agency relationship regardless of individual knowledge or authorisation.

(B) Only those members who specifically authorised or ratified the treasurer's act, or the committee members who exercised direct control over the relevant activity, can be held personally liable; mere membership in an unincorporated association does not automatically create personal liability for the torts of its officers.

(C) Members of an unregistered club enjoy limited liability equivalent to that of shareholders in a limited company; their exposure is capped at their unpaid membership subscription.

(D) An unregistered club is treated as a separate legal personality in the law of tort; its members are therefore never personally liable for the club's tortious acts under any circumstances.

Q24. Technoserv Ltd, a manufacturing company, hires Mr. Raju from QuickStaff Agency under an arrangement by which QuickStaff remains Mr. Raju's nominal employer and is responsible for his salary. However, Technoserv's supervisors direct Mr. Raju's daily tasks, set his work schedule, and control the manner in which he operates machinery on the factory floor. Mr. Raju negligently injures a co-worker while following Technoserv's instructions.

Which test is most commonly applied by courts to determine whether vicarious liability rests with the lending employer (QuickStaff) or the borrowing employer (Technoserv) in cases of temporary or agency workers?

(A) The contract test: the party formally designated as "employer" in the written agency contract bears exclusive vicarious liability, regardless of actual operational control.

(B) The integration test: the organisation whose core business most fully integrates the type of work performed by the temporary worker bears vicarious liability in all cases.

(C) The control test: the entity that exercises actual, day-to-day direction and control over the manner in which the worker carries out the relevant task is treated as the employer for vicarious liability purposes, even if formal employment remains with the agency.

(D) Both the lending employer and the borrowing employer are always jointly and severally liable, in equal shares, for any tort committed by a temporary or agency worker.

Q25. City General Hospital engages Pristine Clean Ltd, an independent contractor, to maintain hygiene in its patient wards. A Pristine Clean employee leaves a highly polished, wet corridor floor without placing any warning sign. An elderly patient slips on the wet floor and fractures her hip. The hospital argues it cannot be liable because the cleaning was carried out by an independent contractor, and the hospital exercised reasonable care in selecting Pristine Clean.

Which of the following best describes how the non-delegable duty doctrine applies in this context?

(A) Hospitals have no duty in relation to the physical condition of their premises; responsibility for all cleaning and maintenance rests exclusively with whichever contractor is engaged for that purpose.

(B) The hospital fully discharges its duty of care to patients by selecting a reputable and competent independent contractor; once a competent contractor is chosen, the hospital bears no further liability for that contractor's negligence.

(C) The hospital is vicariously liable for the contractor's negligence only if a member of the hospital's own staff was physically supervising the contractor at the moment the floor was left unmarked.

(D) The hospital bears a non-delegable duty to ensure that reasonable care is taken for the safety of vulnerable patients on its premises; it cannot escape this duty simply by delegating the cleaning function to a competent contractor, and remains liable for the contractor's failure to take reasonable care.

Q26. Ramesh is employed as a pharmaceutical sales representative whose duties include visiting clinics and hospitals along a specified daily route. After his last official call of the day, Ramesh drives 25 kilometres in the opposite direction from his route to collect some personal belongings from a friend's house. On the return journey back towards his route, he negligently knocks over a cyclist. His employer argues it is not liable because Ramesh had deviated from his authorised route for personal reasons.

Which of the following most accurately describes the law of vicarious liability in the context of employee deviations from the authorised route?

(A) Courts distinguish between a "frolic" — a substantial departure that takes the employee entirely outside the scope of employment — and a "detour" — a minor digression within the overall employment activity; a frolic severs the employer's liability, while a detour does not; in each case whether the deviation is a frolic or detour is a question of degree and fact.

(B) An employer is always vicariously liable for any accident occurring during the employee's working hours, regardless of whether the employee was attending to personal matters at the time of the accident.

(C) Any deviation from the authorised route by an employee, however small, constitutes a frolic and automatically defeats the employer's vicarious liability for accidents occurring during that deviation.

(D) Vicarious liability attaches only where the employer expressly authorised the exact route the employee took; any route not expressly approved entirely defeats the vicarious liability claim.

Q27. A journalist publishes a defamatory article about a businessman on a widely read news website in 2014. The article remains accessible on the website without any modification or update. In 2024, a business rival downloads the article and circulates it to investors, causing significant reputational harm. The businessman brings a defamation action in 2024, and the journalist argues the claim is statute-barred because the publication took place in 2014.

Under the multiple publication rule applicable to internet defamation, which of the following is the most accurate statement of the law?

(A) There is a single publication rule for internet defamation: only one cause of action arises, from the date of first publication, and subsequent access or downloads by individual users do not constitute fresh publications.

(B) Under the multiple publication rule applicable in English and Indian defamation law, each occasion on which the defamatory material is accessed or downloaded by a third party constitutes a fresh publication; accordingly, a new cause of action arose from the 2024 download, and the limitation period runs from that date.

(C) The limitation period for internet defamation runs from the date the article was first indexed by a search engine, as indexing constitutes constructive publication to all potential readers.

(D) In internet defamation, publication occurs only when the author actively sends the article to a named third party; passive hosting of an article on a website without active distribution does not constitute publication for defamation purposes.

Q28. A food critic publishes a review of a restaurant, stating that the chef's signature dish "displayed a complete absence of culinary imagination" and that the service was "the most poorly managed the reviewer had encountered in twenty years of professional dining." The restaurant owner and chef sue for defamation. The food critic seeks to rely on the defence of honest opinion.

Which of the following sets out the correct requirements for the defence of honest opinion (formerly fair comment) in defamation?

(A) The defence requires that the statement was objectively and verifiably true, was published on a matter of private interest to the writer, and that the writer had no personal grievance against the claimant.

(B) The defence requires that the defendant had the sole purpose of informing the public, that the opinion was shared by the majority of persons in the relevant field, and that the defendant had direct evidence supporting the opinion.

(C) The defence requires that the statement was a genuinely held opinion of the defendant (not a statement of fact), that it related to a matter of public interest, and that the opinion was based on facts that were true or protected by privilege and were sufficiently indicated in the publication.

(D) The defence of honest opinion requires the defendant to call expert witnesses to prove that the critical opinion expressed was objectively reasonable and would be shared by any competent professional in the relevant field.

Q29. A regional newspaper published an article falsely accusing a local school teacher of financial impropriety. Within 48 hours, after discovering the error, the newspaper published a prominent front-page retraction and a full, unreserved public apology. The teacher nonetheless pursued a defamation action. The court found that a defamatory statement had indeed been published and that no complete defence was available.

Which of the following most accurately describes the legal effect of the newspaper's prompt apology and retraction in India?

(A) A prompt and unreserved apology and retraction, published before trial, automatically extinguishes the defendant's liability and bars the court from awarding any damages.

(B) A prompt apology and retraction before trial converts the defendant's liability from strict to fault-based, thereby shifting the burden of proving negligence to the plaintiff.

(C) An apology and retraction are legally irrelevant in a defamation action; a court cannot take them into account when deciding liability or when assessing the quantum of damages.

(D) While an apology and retraction do not automatically negate established liability, they are a relevant mitigating factor and courts may take them into account in reducing the quantum of damages to be awarded, reflecting that the reputational harm was partially remedied.

Q30. During civil litigation, a witness makes a statement in the witness box falsely accusing a third party — who is not a party to the proceedings — of committing fraud. The statement is entirely untrue and is made with malice. The third party wishes to sue the witness in defamation for the statement made in court.

Which of the following most accurately describes the privilege that applies to statements made in judicial proceedings?

(A) Statements made in the course of judicial proceedings — by witnesses in the witness box, by parties, by counsel in court, and in judgments — attract absolute privilege; no defamation action can succeed in respect of such statements regardless of their falsity or the malice with which they were made.

(B) Witnesses in judicial proceedings enjoy only qualified privilege; the privilege can be defeated if the third party proves that the witness made the statement with actual malice or knowledge of its falsity.

(C) No privilege of any kind attaches to statements made in court proceedings; witnesses are treated in the same way as any other publisher of defamatory material.

(D) Absolute privilege in judicial proceedings is confined to the statements and judgments of judges alone; witnesses and counsel are protected only by qualified privilege.

Q31. A commercial orchid grower cultivates an unusually sensitive variety of orchid that requires near-silence to prevent the blossoms from withering due to vibration. A neighbouring tile-cutting business, which operates lawful machinery, begins generating noise and vibration levels that are entirely tolerable to all ordinary residential and commercial occupiers in the area. The orchid grower's crop is ruined and he sues in private nuisance.

Which of the following most accurately states the effect of the plaintiff's abnormal sensitivity on his private nuisance claim?

(A) A plaintiff's abnormally sensitive use of land entitles him to a lower threshold of interference; if the sensitive use is lawful, the defendant must ensure their activity causes absolutely no harm to even the most delicate of uses.

(B) A plaintiff cannot establish private nuisance by reference to his own abnormally sensitive use of land; the interference must be such as would constitute a material discomfort or harm to a person of ordinary susceptibility conducting ordinary use of the neighbouring land.

(C) Once it is established that the defendant's activity constitutes a nuisance in any respect, the defendant is liable for all damage to the plaintiff, including damage that arises solely from the plaintiff's abnormal sensitivity.

(D) Abnormal sensitivity is relevant as a complete defence available to the defendant; if the plaintiff's use is unusually sensitive, no action in private nuisance can succeed regardless of the level of interference.

Q32. Residents of a village near a cement factory complain of persistent dust, noise, and vibration emanating from the factory's operations. The factory argues that it employs hundreds of local workers, contributes substantially to the regional economy, and complies with all government-issued environmental permits. The residents sue in private nuisance.

Which of the following best describes the balancing exercise that a court undertakes in determining whether the interference constitutes a private nuisance?

(A) If the defendant's activity generates significant economic benefit to the community or region, it cannot constitute a private nuisance regardless of the degree of interference with neighbouring occupiers.

(B) Compliance with all applicable statutory and regulatory requirements is a complete and absolute defence to a private nuisance claim; a defendant who satisfies the regulators cannot be liable in tort.

(C) A court balances the gravity of the harm suffered by the plaintiff (assessed by reference to its severity, duration, frequency, and the character of the neighbourhood) against the utility or social value of the defendant's activity; however, the social utility of the activity does not justify an unreasonable level of interference, and the balance is not simply a cost-benefit analysis favouring economic output.

(D) The balancing exercise applies exclusively to industrial or commercial nuisances; in a purely residential neighbourhood, any perceptible interference with comfort is automatically actionable.

Q33. Mr. Bhatt artificially dams a stream on his land, creating a large reservoir of water. The dam bursts following unusually heavy rainfall, flooding Mr. Sharma's adjacent farmland and destroying his crops. Mr. Sharma considers whether to sue in private nuisance or under the rule in Rylands v Fletcher.

Which of the following most accurately identifies a key distinction between the rule in Rylands v Fletcher and the tort of private nuisance?

(A) Rylands v Fletcher and private nuisance are in all respects identical torts: they share the same elements, defences, and remedies, and there is no meaningful legal distinction between the two.

(B) Private nuisance invariably requires proof of fault or negligence by the defendant, whereas Rylands v Fletcher imposes strict liability that completely excludes any consideration of the defendant's fault.

(C) Rylands v Fletcher applies to a continuing pattern of repeated interference with the plaintiff's use of land, whereas private nuisance requires a single, isolated escape of a dangerous substance.

(D) The rule in Rylands v Fletcher concerns liability for an isolated escape of a thing accumulated in a non-natural use of land, without the requirement of proving an ongoing or continuing interference; private nuisance typically involves a continuing state of affairs or repeated interference, and the distinction from Rylands lies in the isolated nature of the escape rather than a continuing use.

Q34. During an acrimonious boundary dispute, Mr. Verma deliberately spits at his neighbour, Mrs. Kapoor. The saliva lands on Mrs. Kapoor's face. Mrs. Kapoor suffers no physical injury but finds the contact deeply offensive. She brings an action in battery against Mr. Verma.

Which of the following most accurately states the physical contact requirement for battery in the law of tort?

(A) Battery requires an intentional act that brings about a direct physical contact that is either harmful or offensive to a person of reasonable sensibilities; no proof of actual physical injury or bodily harm is required.

(B) Battery requires proof of actual physical injury or bodily harm; offensive or unwanted touching that causes no discernible injury does not constitute battery.

(C) Battery in tort requires that the defendant specifically intended to injure the plaintiff; a deliberate act causing offensive contact without any intention to cause bodily harm cannot amount to battery.

(D) Battery in tort is coextensive with the criminal offence of assault and battery, and proof of liability must reach the criminal standard of beyond reasonable doubt.

Q35. Mr. Kumar, the manager of a supermarket, wrongly suspects Ms. Roy of shoplifting. He approaches her at the exit, takes her aside, and tells her: "If you try to leave before the police arrive, I will have you arrested outside for a much more serious offence and you will be detained overnight. It will be very bad for you." Although the exit door is unlocked and there is no physical barrier, Ms. Roy, believing the threat, remains in a small office for over two hours.

Which of the following most accurately describes whether false imprisonment has occurred in these circumstances?

(A) False imprisonment cannot be established where no physical barrier prevents the plaintiff's movement; psychological compulsion through words or threats, however severe, is insufficient to constitute the tort.

(B) False imprisonment can be established through psychological compulsion: where the defendant's words or conduct leave the plaintiff with no reasonable choice but to remain, and the plaintiff reasonably submits in the belief that attempting to leave will result in the use of physical force or unlawful legal consequences, the element of complete restraint is satisfied even without any physical barrier.

(C) Because Ms. Roy had the physical ability to walk out of the unlocked exit at any time, she voluntarily remained in the office; there can be no false imprisonment where the plaintiff does not attempt to exercise their physical freedom.

(D) False imprisonment requires an intention to permanently restrain the plaintiff's freedom of movement; a temporary restriction of movement for two hours, even if unlawful, does not constitute the tort.

Q36. Mr. Lal delivers his car to Silver Star Auto Garage for minor brake repairs and leaves it for collection the following morning. Without Mr. Lal's knowledge or consent, the garage proprietor sells the car to a customer, Mr. Sen, who pays the full market price and drives it away. Mr. Lal demands the return of the car and, when refused, sues both the garage proprietor and Mr. Sen in conversion.

Which of the following most accurately states the elements and nature of the tort of conversion?

(A) Conversion requires proof that the defendant deliberately damaged or destroyed the plaintiff's goods; the mere sale or transfer of possession to a third party without physical damage does not constitute the tort.

(B) Conversion requires that the defendant profited at the plaintiff's expense; because Mr. Sen paid a fair market price, the plaintiff suffered no net loss and no conversion occurred.

(C) Conversion consists of an intentional act of dealing with the plaintiff's goods in a manner seriously inconsistent with the plaintiff's right to immediate possession; it is strict in the sense that a bona fide purchaser who pays full value is nonetheless liable if the seller had no authority to sell.

(D) Conversion can only be committed by the person who initially receives possession of the goods; once those goods are sold on to a third party, only the original wrongdoer remains liable and the third party purchaser incurs no liability.

Q37. Mr. Dubey holds a standard third-party motor insurance policy. He lends his vehicle to his nephew, who does not hold a valid driving licence and is not named on the policy. The nephew is involved in an accident, injuring a pedestrian. The insurer initially pays compensation to the injured pedestrian but then seeks to recover the amount paid from Mr. Dubey on the ground that the policy conditions were breached.

Under the Motor Vehicles Act 1988, which of the following most accurately describes an insurer's position where a third-party claim has been paid but the insured has breached policy conditions?

(A) An insurer is never permitted to recover from the insured any amount it has paid to a third-party victim; once a third-party claim is settled, the insurer's recourse against the insured is permanently extinguished.

(B) An insurer may refuse to pay the third-party victim entirely where fraud is involved but has no right of recovery where the breach consists only of a policy condition such as permitting an unlicensed driver to use the vehicle.

(C) Once an insurer has admitted a third-party claim and made payment, it has no right of recourse against the insured for any breach of policy conditions, however fundamental.

(D) Under the Motor Vehicles Act 1988, an insurer is generally required to satisfy third-party awards to protect innocent victims; however, in prescribed circumstances — including breach of conditions such as permitting an unlicensed driver to drive the vehicle — the insurer retains a statutory right to recover the amount paid from the insured.

Q38. A Motor Accident Claims Tribunal must assess compensation for the death of a 32-year-old government employee earning Rs. 9,600 per month, killed in a road accident caused by the negligence of another driver. The claimants are the deceased's dependants. The Tribunal applies the structured formula prescribed under the Motor Vehicles Act 1988.

What does the Second Schedule to the Motor Vehicles Act 1988 govern in relation to compensation for the death of a motor accident victim?

(A) The Second Schedule provides a structured formula for computing compensation payable in respect of death or permanent disablement in motor accidents, prescribing age-based multipliers to be applied to the annual dependency loss of the claimants, to ensure consistency and predictability in compensation awards.

(B) The Second Schedule prescribes the minimum insurance premium that every insurer must charge for third-party motor vehicle policies to ensure adequate compensation funds.

(C) The Second Schedule governs the procedure for the registration of motor vehicles and the conditions under which driving licences are issued and renewed.

(D) The Second Schedule sets an absolute monetary ceiling on the total compensation that can be awarded by any Tribunal for a motor accident death, irrespective of the actual loss suffered by the victim's dependants.

Q39. A consumer purchases a luxury car worth Rs. 80 lakh from an authorised dealer. The car develops a manufacturing defect and the consumer files a complaint claiming compensation of Rs. 80 lakh (the purchase price). The consumer is unsure whether to file the complaint before the District Consumer Disputes Redressal Commission or the State Consumer Disputes Redressal Commission.

Under Section 47 of the Consumer Protection Act 2019, what is the pecuniary jurisdiction of the State Consumer Disputes Redressal Commission?

(A) The State Commission has jurisdiction to entertain complaints where the value of goods or services, paid as consideration, exceeds Rs. 20 lakh but does not exceed Rs. 1 crore.

(B) The State Commission has jurisdiction to entertain complaints where the value of goods or services, paid as consideration, exceeds Rs. 1 crore but does not exceed Rs. 10 crore.

(C) The State Commission has jurisdiction to entertain complaints where the value of goods or services, paid as consideration, does not exceed Rs. 50 lakh.

(D) The State Commission has unlimited jurisdiction over all consumer complaints regardless of the value of goods or services involved, and there is no upper monetary limit on its jurisdiction.

Q40. Ms. Anand owns a small printing business. She purchases an industrial-grade laser printer at a cost of Rs. 4 lakh for exclusive use in her business to produce printed materials that she sells to clients. The printer fails within two months of purchase. She wishes to file a complaint under the Consumer Protection Act 2019.

Under Section 2(7) of the Consumer Protection Act 2019, does Ms. Anand qualify as a "consumer" for the purposes of the Act?

(A) Yes, because any person who purchases goods for a monetary consideration qualifies as a consumer, regardless of whether the goods are used for personal or commercial purposes.

(B) Yes, because a person who purchases goods for exclusive use in their own business (and not for resale) qualifies as a consumer under the Act.

(C) No, because the definition of "consumer" under Section 2(7) excludes a person who buys goods for commercial purposes; Ms. Anand purchased the printer to produce goods (printed materials) for sale, making her purchase one for commercial use, and she therefore falls outside the statutory definition of "consumer."

(D) Yes, because Ms. Anand is a small business owner whose annual turnover does not exceed Rs. 1 crore, and the Act extends the definition of "consumer" to such micro-enterprises.

Detailed Solutions

Q1.

Solution

Concept — Damnum Sine Injuria: The maxim *damnum sine injuria* means damage without legal injury. In tort law, not every loss is actionable. A plaintiff must demonstrate the violation of a legal right, not merely economic or factual damage. Lawful competition, even if it causes severe financial harm to a rival, does not give rise to a tortious claim.

Analysis: The industrialist opened a free legal aid clinic — a perfectly lawful activity. He employed no fraud, misrepresentation, or unlawful means. The solicitor suffered real financial loss, but no legal right was violated. Loss of clientele through legitimate competition is not a recognised injury in tort. The claim therefore fails under *damnum sine injuria*.

Why other options are wrong:

- **Option A:** Economic harm alone, without violation of a legal right, is not actionable in tort; factual loss does not equal legal injury.
- **Option B:** "Unlawful interference with trade" requires the use of unlawful means; no such means were used here. Lawful competition is never unlawful interference.
- **Option C:** Negligence requires a duty of care; no duty exists to refrain from operating a lawful competing service. Foreseeable economic harm from competition is not tortious negligence.

Final Answer: Financial loss without violation of a recognised legal right is not actionable (*damnum sine injuria*); the solicitor's claim fails. $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q1

Q2.

Solution

Concept — Double Actionability Rule (Private International Law of Torts): The double actionability rule, confirmed in *Boys v Chaplin* [1971], provides that for a foreign tort to be actionable in an English court, it must satisfy two conditions: (i) the act must be actionable as a tort under English law (*lex fori*); and (ii) the act must not be justifiable by the law of the place where it was committed (*lex loci delicti*). Both limbs are conjunctive.

Analysis: The act was lawful in Country X, meaning the second limb is not satisfied — the act is justifiable by the *lex loci delicti*. The defendant's argument therefore has force. The English court can only hear the claim if both limbs of the double actionability rule are satisfied. Since the act is justifiable under Country X's law, the rule bars the claim.

Why other options are wrong:

- **Option B:** The law of Country X alone is not sufficient; English law (lex fori) must also be satisfied. Both limbs are required.
- **Option C:** The rule is conjunctive, not disjunctive; satisfying only one limb is insufficient.
- **Option D:** Criminal liability in the foreign country is irrelevant to the double actionability rule, which is a civil/tortious test.

Final Answer: Under the double actionability rule, both limbs must be satisfied; the act must be a tort under English law and not be justifiable under the foreign lex loci. $\Rightarrow \boxed{A}$

Answer: (A) Go Back to Q2

Q3.

Solution

Concept — Tortious Liability of Government in India: The position in India is established by *P & O Steam Navigation Co v Secretary of State* (1861) and subsequent Supreme Court decisions including *Kasturilal v State of UP* [1965] and *Nilabati Behera v State of Orissa* [1993]. The government is liable for torts committed during the exercise of non-sovereign (governmental) functions. Immunity is retained only for acts that are purely sovereign in character and cannot be performed by a private individual.

Analysis: A health inspector driving a government vehicle during a routine food inspection exercises a non-sovereign governmental function. This is not an exclusively governmental act incapable of being performed by a private individual. The government is therefore liable for the negligence of its employee in this non-sovereign capacity.

Why other options are wrong:

- **Option A:** The government does not enjoy absolute immunity. Post-independence case law has significantly curtailed the doctrine of sovereign immunity.

- **Option C:** Immunity for purely sovereign functions was not abolished after independence; Indian courts continue to recognise a residual sovereign immunity for acts exclusively governmental in nature.
- **Option D:** No such leave requirement exists for bringing a tort suit against the government in India; it is not a procedural prerequisite.

Final Answer: The government is liable for torts during non-sovereign functions; driving during a routine inspection is non-sovereign and attracts liability. $\Rightarrow$ $\boxed{\text{B}}$

Answer: (B) Go Back to Q3

Q4.

Solution

Concept — Self-Defence in Tort: Proportionality: Self-defence is a recognised defence to battery in tort, but it is subject to the requirement that the force used be reasonable and proportionate to the threat posed. A defendant who retaliates with force grossly in excess of the threat cannot rely on self-defence.

Analysis: Ramesh applied a light push to Suresh. Suresh responded by striking Ramesh on the head with a metal rod, fracturing his skull. This response was grossly disproportionate. A reasonable person does not respond to a light push with a potentially lethal weapon. The defence of self-defence therefore fails because Suresh's force was neither necessary nor proportionate to the threat.

Why other options are wrong:

- **Option A:** Self-defence is not absolute; the force used must always be proportionate to the threat. An excessive response defeats the defence.
- **Option B:** Self-defence is a recognised defence in tort; retaliatory force, if proportionate, is legally justified.
- **Option D:** There is no rule limiting self-defence to threats to life; it applies to any unlawful battery, provided the response is proportionate.

Final Answer: Self-defence requires proportionate force; striking with a metal rod in response to a light push is grossly disproportionate, and the defence fails. $\Rightarrow$ $\boxed{\text{C}}$

Answer: (C) Go Back to Q4

Q5.

Solution

Concept — Volenti Non Fit Injuria: Dann v Hamilton [1939]: The defence of *volenti non fit injuria* requires not merely knowledge of the risk but also a voluntary, free, and deliberate agreement to waive one's legal rights against the defendant in respect of the risk materialising. In *Dann v Hamilton* [1939], Asquith J held that merely accepting a lift from a driver known to be drunk was insufficient to establish legal consent to the risk of negligent driving; knowledge of the risk did not equal voluntary waiver of the right to sue.

Analysis: Priya knew Dev had been drinking. However, knowledge of a risk does not automatically constitute an agreement to waive legal rights in respect of negligent driving. The court in *Dann v Hamilton* required evidence of a conscious, voluntary agreement to accept legal responsibility for the risk — which mere entry into the car does not supply.

Why other options are wrong:

- **Option A:** Knowledge of general risk is not the issue; the court found sufficient knowledge. The problem is the absence of legal consent (waiver), not factual knowledge.
- **Option B:** Volenti is not confined to financial loss; it can apply to physical injury cases, but failed on facts here for lack of genuine consent.
- **Option C:** The court in *Dann* did not treat extreme recklessness as a public policy bar; the analysis focused on the absence of a legal agreement to waive rights.

Final Answer: Knowledge of the risk alone is insufficient for *volenti*; there was no free and voluntary agreement to waive legal rights. $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q5

Q6.

Solution

Concept — Accord and Satisfaction: Accord and satisfaction is a doctrine under which a pre-existing right of action is extinguished when the injured party accepts an agreed consideration ("satisfaction") in full and final settlement of their claim (the "accord"). Once the satisfaction is performed, the original cause of action is extinguished and cannot be revived.

Analysis: Arjun entered into a binding accord with Maya, accepting Rs. 3,00,000 in full and final settlement of all claims arising from the accident. Maya duly performed the satisfaction by paying the agreed sum. The original right of action in tort was thereby extinguished. Arjun cannot maintain a fresh action for additional damages arising from the same tort.

Why other options are wrong:

- **Option B:** Res judicata requires a court decree; an out-of-court settlement agreement is not a court decree and does not operate as res judicata.
- **Option C:** A unilateral mistake as to the extent of injuries does not automatically make a settlement voidable unless there is misrepresentation or a common mistake of a fundamental kind. A privately negotiated full-and-final settlement is generally binding.
- **Option D:** A valid out-of-court settlement agreement supported by consideration does extinguish a right of action; it need not be incorporated into a court order to be binding.

Final Answer: Accord and satisfaction: Arjun's acceptance of Rs. 3,00,000 in full and final settlement extinguished the original right of action; fresh proceedings are barred. $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q6

Q7.

Solution

Concept — Contemptuous Damages vs Nominal Damages: *Nominal damages* are awarded where the plaintiff establishes a legal right was violated but suffers no actual loss; they vindicate the right without substantial compensation. *Contemptuous damages* are distinct — they are awarded in the smallest coin of the realm to signal the court's disapproval of the plaintiff for having brought the action at all, even though the plaintiff technically wins.

Analysis: The court here expressly states the one-rupee award is intended to "signal its disapproval of the plaintiff having brought the action at all." This language is the hallmark of contemptuous damages, not nominal damages. The distinction is the court's intention: nominal damages vindicate a right; contemptuous damages censure the plaintiff for litigating.

Why other options are wrong:

- **Option A:** Nominal damages are awarded to vindicate a right where no real loss is proved; they do not convey disapproval of the plaintiff for bringing the action.

- **Option C:** Exemplary (punitive) damages are designed to punish the defendant, not to censure the plaintiff; they are never awarded in the smallest coin.
- **Option D:** Compensatory damages, even reduced ones, aim to put the plaintiff in their pre-tort position; a one-rupee award clearly serves no compensatory function.

Final Answer: A one-rupee award signalling judicial disapproval of the plaintiff for bringing the action is contemptuous damages. $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q7

Q8.

Solution

Concept — Three-Stage Caparo Test for Duty of Care: The three-stage test for duty of care was articulated in *Caparo Industries plc v Dickman* [1990], building on *Donoghue v Stevenson* [1932]. The three elements are: (i) reasonable foreseeability of damage to the claimant; (ii) sufficient proximity (neighbourhood) between the parties; and (iii) that it is fair, just and reasonable to impose a duty of care in the circumstances.

Analysis: In the snail-in-bottle scenario, the manufacturer could reasonably foresee harm to end consumers, there is sufficient proximity between manufacturer and ultimate consumer of a sealed product (the *Donoghue* neighbourhood principle), and it is fair, just and reasonable to impose a duty. The three limbs are satisfied.

Why other options are wrong:

- **Option A:** *Donoghue v Stevenson* famously abolished the privity of contract requirement for tortious duty of care; the plaintiff need not have a contract with the manufacturer.
- **Option B:** Personal knowledge of the plaintiff and reliance are not universally required; *Caparo* uses foreseeability and proximity rather than personal acquaintance and reliance as the framework.
- **Option D:** No fiduciary relationship is required for a duty of care in negligence; financial loss is one category but not a universal requirement.

Final Answer: The three-stage *Caparo* test: foreseeability + proximity + fair/just/reasonable. $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q8

Q9.

Solution

Concept — Foreseeable Plaintiff Doctrine: Palsgraf v Long Island Railroad [1928]: Judge Cardozo held that a duty of care is owed only to foreseeable plaintiffs — those within the reasonably foreseeable zone of danger created by the defendant's negligent act. There is no duty owed to the world at large; the duty is relational, running only to foreseeable victims.

Analysis: The guards' act of assisting the passenger was directed at the rushing passenger, creating a zone of foreseeable risk around him and his immediate vicinity. Mrs. Palsgraf, standing at the far end of the platform, was not within the foreseeable zone of danger created by the guards' assistance. She was not a foreseeable plaintiff, and the duty owed to the rushing passenger could not be stretched to cover her injury caused by such a remote sequence of events.

Why other options are wrong:

- **Option A:** The guards did act negligently in assisting the passenger (that was the premise of the case); the issue is not whether there was negligence but to whom the duty ran.
- **Option B:** The "superseding cause" analysis was advanced by Judge Andrews in dissent; Cardozo's majority opinion did not rely on novus actus interveniens but on the absence of a duty owed to Mrs. Palsgraf.
- **Option C:** The *Wagon Mound* test of remoteness is a different doctrine; *Palsgraf* is specifically about whether a duty of care was owed to this plaintiff, not about the remoteness of damage once a duty is established.

Final Answer: No duty was owed to Mrs. Palsgraf because she was not a foreseeable plaintiff within the zone of danger; the duty ran only to foreseeable victims. $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q9

Q10.

Solution

Concept — Liability for Omissions: Assumption of Responsibility: English tort law does not generally impose liability for pure omissions — the "stranger has no duty to rescue" principle. However, a positive duty to act arises where the defendant has voluntarily assumed responsibility for the claimant's safety, creating a special relationship of reliance between them.

Analysis: The swimming instructor voluntarily accepted employment as a lifeguard/swimming instructor for club members. By taking on this role and being on duty, he assumed responsibility for the safety of persons in the pool. Pool members relied on this assumption. The combination of contractual duty, voluntary assumption of responsibility, and the special relationship between instructor and club members generates a positive duty to act. The failure to act constitutes an actionable omission.

Why other options are wrong:

- **Option B:** English law does not impose a general duty on bystanders to rescue; the absence of personal risk does not automatically create a duty. The liability here is based on assumption of responsibility, not a general rescue duty.
- **Option C:** Not every bystander is equally liable; omissions are treated differently from positive acts. Only those with a special relationship or assumed responsibility have a positive duty to act.
- **Option D:** English law does not categorically refuse to impose liability for omissions; it does so where a special relationship or assumption of responsibility exists.

Final Answer: The instructor's voluntary assumption of responsibility for pool users' safety creates a positive duty to act; the omission is actionable. $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q10

Q11.

Solution

Concept — Primary Victim Psychiatric Injury: Page v Smith [1996]: In *Page v Smith* [1996], the House of Lords held that a primary victim — one who is directly involved in and at risk of physical injury from the accident — need only establish that personal injury of some kind (whether physical or psychiatric) was reasonably foreseeable as a consequence of the defendant's negligence. The defendant need not specifically foresee psychiatric injury; general foreseeability of personal injury suffices.

Analysis: Mr. Mathur was directly involved in the road accident (he was in his car, at risk of physical harm). He qualifies as a primary victim. As a primary victim, the foreseeability threshold is whether personal injury of any kind was foreseeable — and it clearly was. Once that is established, the defendant is liable for the actual psychiatric/physical consequences that resulted, including the triggered relapse of ME, without needing to specifically foresee that psychiatric condition.

Why other options are wrong:

- **Option A:** The rule for primary victims does not require the defendant to specifically foresee the particular pre-existing condition; general foreseeability of personal injury is enough.
- **Option C:** Mr. Mathur is a primary victim because he was within the zone of physical danger; he is not treated as a secondary victim merely because he escaped physical injury.
- **Option D:** There is no rule that the claimant must first suffer physical injury; *Page v Smith* specifically addressed the situation where only psychiatric harm was suffered by the primary victim.

Final Answer: As a primary victim, Mr. Mathur need only show personal injury of some kind was foreseeable; the specific psychiatric condition need not have been foreseen. $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q11

Q12.

Solution

Concept — Emergency/Agony of the Moment Doctrine: The standard of care in negligence is objective — that of the reasonable person. However, when a person is suddenly confronted with an emergency not of their own making, the reasonable person standard is applied to someone acting in that emergency. The person is not judged against the wisdom of calm reflection but against what a reasonable person would do when suddenly faced with that specific peril.

Analysis: The bus driver was confronted without warning by a child running into the road. The swerving response, though not optimal in expert retrospect, was an instinctive reaction in an emergency not of the driver's making. The court applies the standard of a reasonable person acting in the agony of that moment, not the optimal textbook response identified post hoc by experts.

Why other options are wrong:

- **Option A:** The person who creates the emergency does not automatically receive immunity; the doctrine applies to those who respond to emergencies, not those who cause them.
- **Option B:** The doctrine is not an automatic absolution; it adjusts the standard of care to reflect the emergency context, not eliminate it entirely.
- **Option D:** The emergency doctrine is a common law principle of universal application in negligence; it is not a statutory defence confined to motor vehicle cases.

Final Answer: The emergency doctrine adjusts the standard of care to what a reasonable person would do in the agony of that sudden moment; the driver is not judged against the optimum response. $\Rightarrow \boxed{C}$

Answer: (C) Go Back to Q12

Q13.

Solution

Concept — But-For Test of Causation: Barnett v Chelsea & Kensington Hospital [1969]: The but-for test asks: but for the defendant's breach of duty, would the damage have occurred? If the damage would have occurred regardless of the breach, causation is not established and the defendant is not liable, even if there was a clear breach of duty.

Analysis: The hospital unquestionably breached its duty of care by failing to examine and treat the watchman. However, medical evidence established that, even with prompt and proper treatment, the watchman would almost certainly have died from the arsenic poisoning. The plaintiff therefore could not establish on the balance of probabilities that but for the breach, the watchman would have survived. Causation fails; the breach did not cause the death.

Why other options are wrong:

- **Option A:** The court in *Barnett* acknowledged that a duty of care was owed; the patient need not be formally admitted. The failure was on causation, not on duty.
- **Option B:** The doctor's conduct in sending the patients away without examination was held to be a breach of the standard of care; the case turned on causation, not breach.
- **Option C:** The arsenic had been ingested in the tea, not voluntarily by the watchman in any relevant sense; remoteness and volenti were not the basis of the decision.

Final Answer: The hospital breached its duty but causation failed: the death would have occurred even with proper treatment, so the but-for test is not satisfied. $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q13

Q14.

Solution

Concept — Bolam Test for Professional Negligence: Established in *Bolam v Friern Hospital Management Committee* [1957], the test provides that a professional is not negligent if they acted in accordance with a practice accepted as proper by a responsible body of persons skilled in that particular profession, even if another equally competent body would have adopted a different approach. The test applies to all professions, not merely medicine.

Analysis: The solicitor's approach to not registering the caution was accepted as proper by a responsible body of conveyancing solicitors. Under the *Bolam* test, this is sufficient to defeat a negligence claim, even though another body of equally competent solicitors would have acted differently. The existence of two acceptable schools of professional practice does not make following one of them negligent.

Why other options are wrong:

- **Option B:** The *Bolam* test does not require the standard of the most eminent practitioners; a responsible body of practitioners suffices.

- **Option C:** This overstates the threshold. Even a minority responsible body of opinion can provide the necessary support under *Bolam*, provided the opinion is logical and respectable.
- **Option D:** The *Bolam* test applies to all professional groups; it has been consistently applied to solicitors, architects, accountants, and engineers.

Final Answer: A professional is not negligent if a responsible body of skilled practitioners would have accepted their practice, even if others would have done differently. $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q14

Q15.

Solution

Concept — Thin Skull Rule Extended to Economic Vulnerability: Lagden v O'Connor [2003]: The thin skull (eggshell skull) rule requires a tortfeasor to take their victim as they find them. In *Lagden v O'Connor* [2003], the House of Lords extended this principle to the plaintiff's financial circumstances: a defendant must take the victim as they find them, including their impecuniosity. If the plaintiff's poverty foreseeably causes them to incur a higher cost in mitigating their loss, the defendant bears that additional cost.

Analysis: Mr. Narain's impecuniosity prevented him from hiring a car at the standard rate. He had no credit card and insufficient funds. His entry into a more expensive credit hire agreement was the direct and foreseeable consequence of his financial circumstances caused by the tortfeasor's negligence. Applying *Lagden*, the defendant must bear these higher costs.

Why other options are wrong:

- **Option A:** The House of Lords in *Lagden* rejected the argument that only the cheapest objectively available rate was recoverable; the plaintiff's financial circumstances are relevant.
- **Option C:** Impecunious plaintiffs are not treated identically to financially secure ones; *Lagden* specifically holds otherwise.
- **Option D:** The House of Lords in *Lagden* expressly extended the thin skull rule to economic circumstances; this option incorrectly states the law post-*Lagden*.

Final Answer: The tortfeasor takes the victim as found, including financial impecuniosity; higher credit hire costs caused by poverty are recoverable. $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q15

Q16.

Solution

Concept — Objective Standard of Care for Road Users: The standard of care in negligence is objective — that of the reasonable competent person performing the relevant activity. For drivers, the standard is that of the reasonably skilled, competent driver, not adjusted downward for the individual's experience, inexperience, or personal characteristics. This was confirmed in *Nettleship v Weston* [1971], where it was held that a learner driver is held to the same standard as a competent driver.

Analysis: Lata had been driving for only three weeks. Nevertheless, she chose to drive on a public road and must be judged by the objective standard of the reasonably skilled, competent driver. Her inexperience does not lower the standard. The standard protects other road users, who are entitled to assume that drivers on public roads have adequate skill.

Why other options are wrong:

- **Option A:** *Nettleship v Weston* explicitly rejected the subjective standard of the driver's actual skill level; inexperience does not reduce the required standard.
- **Option B:** The standard in negligence is objective, not purely subjective. The defendant's personal beliefs about safe conduct are irrelevant.
- **Option D:** The Motor Vehicles Act 1988 does not displace or differ from the common law negligence standard for drivers; road traffic statutory obligations and common law negligence co-exist.

Final Answer: All drivers are held to the objective standard of the reasonably skilled, competent driver; inexperience is no excuse. $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q16

Q17.

Solution

Concept — Foreseeability of Damage Under Rylands v Fletcher: Cambridge Water [1994]: In *Cambridge Water Co v Eastern Counties Leather plc* [1994], the House of Lords held that the rule in *Rylands v Fletcher* does require that the type of damage caused be reasonably foreseeable at the time of accumulation. While the defendant need not foresee the precise mechanism of escape, the type of damage must be foreseeable. This brings *Rylands* into alignment with general negligence principles on remoteness.

Analysis: At the time Eastern Counties Leather began using the chlorinated solvent, it was not scientifically foreseeable that the solvent would percolate through the ground and contaminate a distant borehole. The type of damage (contamination of the water supply over such a distance) was not foreseeable. The House of Lords therefore held that the company was not liable under *Rylands v Fletcher*.

Why other options are wrong:

- **Option A:** The House of Lords rejected liability; foreseeability of some chemical seepage from a volume of stored solvent did not establish foreseeability of the specific type of damage (borehole contamination at a distance).
- **Option B:** *Cambridge Water* specifically held that *Rylands* is not absolute; foreseeability of the type of damage is required. The case thus rejected the notion of absolute liability under *Rylands*.
- **Option C:** The plaintiff's failure to test the borehole was not the basis of the decision; the case turned on the foreseeability of the type of damage.

Final Answer: *Rylands v Fletcher* requires foreseeability of the type of damage; since the contamination pathway was unforeseeable, Eastern Counties Leather was not liable. $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q17

Q18.

Solution

Concept — Absolute Liability: MC Mehta v Union of India [1987]: In *MC Mehta v Union of India* [1987] (Oleum Gas Leak case), the Supreme Court of India developed the rule of absolute liability for enterprises engaged in hazardous or inherently dangerous activities. This rule is distinct from and more stringent than the rule in *Rylands v Fletcher*: it admits of no exceptions (such as act of God, act of a stranger, or plaintiff's own fault). The principle was further developed in the

Bhopal Gas Tragedy context.

Analysis: For enterprises engaged in hazardous or inherently dangerous industries — such as a large chemical manufacturing plant — the Supreme Court held that strict liability without exceptions applies. The traditional exceptions available under *Rylands v Fletcher* (act of God, act of third party, etc.) are not available as defences. *Rylands v Fletcher* with its exceptions may continue to apply to ordinary non-hazardous escapes.

Why other options are wrong:

- **Option B:** The Supreme Court did not abolish *Rylands v Fletcher* entirely; it created an additional, more stringent rule of absolute liability for hazardous industries while leaving *Rylands* operative for ordinary situations.
- **Option C:** The Supreme Court expressly moved away from treating English precedent as binding and developed an indigenous Indian rule suited to the industrial reality of India.
- **Option D:** The absolute liability principle applies to all enterprises — both public and private — engaged in hazardous activities; it is not confined to state-owned enterprises.

Final Answer: MC Mehta established absolute liability (no exceptions) for hazardous industries; Rylands' exceptions are unavailable for such enterprises. $\Rightarrow$ $\boxed{\text{A}}$

Answer: (A) Go Back to Q18

Q19.

Solution

Concept — Pure Economic Loss Under Rylands v Fletcher: The rule in *Rylands v Fletcher* has traditionally been understood to protect against physical damage to land or property. Pure economic loss — financial loss unaccompanied by physical damage to property — is generally not recoverable under *Rylands*. The rule requires a proprietary interest in the affected land or property.

Analysis: The factory's land and building were undamaged. The loss of profits arose solely because road access was blocked by flooding. The factory suffered no physical damage to its land or property. The claim is for pure economic loss — loss of profits flowing from interference with access, without any physical damage to the plaintiff's property. Such loss generally falls outside the scope of *Rylands v Fletcher*.

Why other options are wrong:

- **Option A:** Strict liability does not automatically extend to all foreseeable consequences; pure economic loss without physical damage is generally excluded from *Rylands* recovery.
- **Option C:** Even where negligence is proved, pure economic loss recovery has strict requirements; negligence does not transform the nature of what is recoverable under *Rylands*.
- **Option D:** *Rylands* liability does not depend on personal injury; it protects land and property interests. However, the rule requires physical damage, not merely consequential financial loss.

Final Answer: Pure economic loss (lost profits without physical damage to land or property) is generally not recoverable under Rylands v Fletcher. $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q19

Q20.

Solution

Concept — Animal Liability: Scienter with Known Propensity (Non-Dangerous Species): A keeper of a non-dangerous species of animal is strictly liable for damage caused by that animal if they had actual knowledge (*scienter*) of the animal's individual propensity or characteristic likely to cause the type of damage that occurred. Prior incidents that came to the keeper's attention and formal warnings are strong evidence of the required scienter.

Analysis: Although the Labrador is a domesticated, non-dangerous species, Mr. Chandra had been specifically warned in writing by the housing society on two separate occasions about his dog's aggressive behaviour (snarling and snapping). He therefore had actual knowledge of this particular dog's propensity to bite. The scienter requirement is satisfied, and strict liability attaches without needing to prove negligence in supervision.

Why other options are wrong:

- **Option A:** Strict liability for non-dangerous species does attach where scienter (actual knowledge of the individual animal's propensity) is established; the species category alone does not prevent liability.
- **Option B:** Once scienter is established, the plaintiff need not additionally prove negligence in supervision; scienter-based strict liability is distinct from negligence liability.

- **Option D:** The keeper of a dog is not an absolute insurer against all injury regardless of knowledge; scienter (prior knowledge of propensity) is required for strict liability. Without scienter, the keeper is only liable if negligent.

Final Answer: Mr. Chandra had actual knowledge (scienter) of the dog's propensity to bite; strict liability attaches for injury caused by that known propensity. $\Rightarrow$ $\boxed{\text{C}}$

Answer: (C) Go Back to Q20

Q21.

Solution

Concept — Scienter Rule: Actual Knowledge of Individual Propensity Required: For strict liability to arise against a keeper of a non-dangerous species, the keeper must have had actual, specific knowledge of that particular animal's propensity to cause the type of harm that occurred. General knowledge that the species is capable of causing injury is insufficient. The scienter must relate to the individual animal's behaviour, not to the species' generic characteristics.

Analysis: Ms. Singh's cat had never previously shown any aggression. The unprovoked scratch was entirely uncharacteristic. The parents' argument that "cats can scratch" addresses a generic species characteristic, not this cat's individual propensity. Without actual knowledge of this particular cat's aggressive tendencies, the scienter requirement is not met and strict liability does not arise.

Why other options are wrong:

- **Option A:** Generic species capability is explicitly insufficient for scienter. The law requires knowledge of the individual animal's propensity, not merely the species' potential.
- **Option B:** The keeper need not intend or approve the animal's act; scienter-based liability is about knowledge, not intention.
- **Option C:** Constructive knowledge (ought to have known) is insufficient; the scienter rule requires actual knowledge of the individual animal's propensity.

Final Answer: Scienter requires actual knowledge of the specific animal's propensity; generic species characteristics do not suffice. Ms. Singh is not strictly liable. $\Rightarrow$ $\boxed{\text{D}}$

Answer: (D) Go Back to Q21

Q22.

Solution

Concept — Vicarious Liability for Dishonest Acts: Close Connection Test (Dubai Aluminium): In *Dubai Aluminium Co Ltd v Salaam* [2002], the House of Lords applied the "close connection" test: a firm or employer is vicariously liable for a wrongful act — including a dishonest or fraudulent act — committed by a partner or employee if the act was so closely connected with the acts that the partner was authorised to do that it would be fair and just to hold the firm liable.

Analysis: The senior partner was engaged in what appeared to be firm business, acting within the type of activities authorised by the firm. The dishonest assistance in the fraud was closely connected with his authorised legal work for clients. The House of Lords held the firm vicariously liable under the close connection test, rejecting the argument that dishonesty automatically takes the act outside the scope of vicarious liability.

Why other options are wrong:

- **Option B:** Dishonest, fraudulent, and criminal acts are not automatically outside the scope of vicarious liability; the close connection test allows recovery even for such acts.
- **Option C:** The firm need not have actual knowledge of or direct participation in the fraud; vicarious liability can arise without the principal's knowledge.
- **Option D:** No requirement for prior criminal conviction exists before a civil vicarious liability claim may proceed; civil and criminal proceedings are independent.

Final Answer: The close connection test applies: a firm is vicariously liable for a partner's dishonest act if it was closely connected with their authorised activities. $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q22

Q23.

Solution

Concept — Personal Liability of Members of Unincorporated Associations: An unregistered, unincorporated association has no separate legal personality. It cannot sue or be sued in its own name. In tort, liability falls on the individual members or officers who authorised, directed, or ratified the tortious act, or those who exercised control over the activity. Mere membership alone does not automatically make all members personally liable for the acts of the association's officers.

Analysis: The treasurer acted on behalf of the club, but the club itself has no legal personality. Only those members who authorised or ratified the treasurer's actions, or committee members who exercised control over the vehicle-hire activity, can be held personally liable. Ordinary members who had no knowledge of and no role in the transaction cannot be held liable merely by virtue of membership.

Why other options are wrong:

- **Option A:** Membership does not create an implied agency making all members jointly and severally liable; the scope of implied authority is limited and does not cover all acts by all officers.
- **Option C:** Members of an unincorporated association do not enjoy limited liability analogous to that of shareholders in a company; there is no statutory cap on their personal liability.
- **Option D:** An unregistered club is not a separate legal personality; it cannot bear tortious liability in its own name, and members can be personally liable in appropriate circumstances.

Final Answer: Only members who specifically authorised or controlled the tortious activity bear personal liability; mere membership is insufficient to impose liability. $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q23

Q24.

Solution

Concept — Control Test for Vicarious Liability: Temporary/Agency Workers: Where a worker is supplied by one employer (the lender) to another (the borrower), courts apply the control test to determine which entity is the "employer" for vicarious liability purposes. The entity that exercises actual, day-to-day direction and control over the manner in which the worker performs the relevant task is treated as the employer, even if the formal employment contract remains with the lending agency.

Analysis: Technoserv's supervisors directed Mr. Raju's daily tasks, set his schedule, and controlled the manner of his work on the factory floor. Despite QuickStaff remaining the nominal employer for salary and contract purposes, Technoserv exercised the actual control over the worker's performance of his duties. Under the control test, Technoserv is the employer for vicarious liability purposes and bears responsibility for Mr. Raju's negligence.

Why other options are wrong:

- **Option A:** The contract test relying on the formal designation of "employer" is generally insufficient in modern agency worker situations; courts look beyond the written label.
- **Option B:** The integration test asks whether the worker is integrated into the core business; while relevant in some contexts, the control test is the most commonly applied for agency/temporary workers in determining vicarious liability.
- **Option D:** Both employers are not always jointly and severally liable in equal shares; the control test is applied to identify the entity that bears primary vicarious liability.

Final Answer: The control test assigns vicarious liability to the entity exercising actual day-to-day control; Technoserv controlled Mr. Raju and bears liability. $\Rightarrow$ $\boxed{\text{C}}$

$\boxed{\textbf{Answer: (C)}}$ **Go Back to Q24**

Q25.

Solution

Concept — Non-Delegable Duty of Care: A non-delegable duty is one where the duty-holder cannot escape liability for its breach by delegating the performance of the duty to an independent contractor. Even if the contractor is competent and carefully selected, the duty-holder remains directly liable if the contractor fails to take reasonable care. Non-delegable duties arise in relationships involving vulnerability, such as hospitals towards patients.

Analysis: The hospital has a non-delegable duty to ensure that reasonable care is taken for the safety of its patients on its premises. Patients are inherently vulnerable and dependent on the hospital for their safety. The hospital cannot discharge this duty merely by selecting a competent cleaning contractor. Pristine Clean's failure to post a warning sign constitutes a failure to take reasonable care, and the hospital remains directly liable for that failure regardless of delegation.

Why other options are wrong:

- **Option A:** Hospitals have clear duties regarding the physical condition and safety of their premises in relation to vulnerable patients; this option is plainly wrong.
- **Option B:** Selecting a reputable contractor does not discharge a non-

delegable duty; the duty continues regardless of the contractor's competence.

- **Option C:** Physical supervision by hospital staff is not required; vicarious liability is separate from the non-delegable duty doctrine, which operates without requiring supervision.

Final Answer: The hospital bears a non-delegable duty to ensure patient safety; it cannot escape liability by delegating cleaning to an independent contractor. ⇒ D

Answer: (D) Go Back to Q25

Q26.

Solution

Concept — Vicarious Liability: Frolic vs Detour: An employer is vicariously liable for the acts of an employee done in the course of employment. A "detour" is a minor digression from the authorised route or activity that still keeps the employee broadly within the scope of employment; the employer remains liable. A "frolic" is a substantial departure that takes the employee entirely outside the scope of employment; the employer is not liable during the frolic. Whether a deviation is a frolic or a detour is a question of degree and fact.

Analysis: Ramesh deviated 25 km in the opposite direction to collect personal belongings. This is a significant, purely personal deviation unconnected to his employment duties. It may constitute a frolic. However, on the return journey toward his official route, courts will assess whether, and at what point, he re-entered the scope of employment. The frolic/detour distinction is applied contextually to the facts.

Why other options are wrong:

- **Option B:** Working hours alone do not determine vicarious liability; a frolic during working hours still severs the employer's liability.
- **Option C:** Not every deviation constitutes a frolic; minor deviations are detours and do not defeat vicarious liability.
- **Option D:** Vicarious liability does not require express authorisation of the exact route; it extends to acts within the broad scope of employment.

Final Answer: The frolic/detour distinction governs; a substantial personal deviation is a frolic severing employer liability, while a minor digression is a detour that does not — the question is one of degree. ⇒ A

Answer: (A) Go Back to Q26

Q27.

Solution

Concept — Internet Defamation: Multiple Publication Rule: Under the multiple publication rule, each communication of a defamatory statement to a new person constitutes a fresh publication giving rise to a separate cause of action, and the limitation period runs from each such publication. In English law (and under principles applied in India), each download or access of a defamatory internet article can constitute a fresh publication, and a separate cause of action arises at the date of each such publication.

Analysis: The article was published in 2014, but the multiple publication rule means that each subsequent download or access creates a fresh cause of action. The 2024 download by the business rival and its circulation to investors constituted a fresh publication at that date. A new cause of action arose in 2024, and the limitation period runs from that date — the journalist's argument that the claim is statute-barred from 2014 is defeated by the multiple publication rule.

Why other options are wrong:

- **Option A:** The single publication rule (used in some US states) has not been adopted in English or Indian defamation law; the multiple publication rule applies.
- **Option C:** The limitation period does not run from search engine indexing; indexing is not a publication to the plaintiff.
- **Option D:** Passive hosting of an article on a publicly accessible website does constitute publication in defamation law; active sending is not required.

Final Answer: Under the multiple publication rule, each download/access is a fresh publication; the 2024 download generates a new cause of action from that date. $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q27

Q28.

Solution

Concept — Honest Opinion (Fair Comment) Defence in Defamation: The defence of honest opinion (formerly fair comment at common law) requires: (i) the statement must be opinion, not a statement of fact; (ii) the opinion must be on a matter of public interest; and (iii) the opinion must be based on facts that were true (or privileged) and were sufficiently indicated in the publication. The defendant must genuinely hold the opinion expressed.

Analysis: A food critic's review of a restaurant concerns a matter of public interest. Statements that a dish "displayed a complete absence of culinary imagination" are expressions of evaluative opinion, not statements of verifiable fact. They are based on the critic's dining experience (true underlying facts sufficiently indicated). The critic genuinely holds these views. All three requirements of honest opinion are satisfied, and the defence should succeed.

Why other options are wrong:

- **Option A:** Honest opinion is a defence for statements of opinion, not objectively verifiable fact; the statement need not be demonstrably true. Additionally, matters of public interest (dining establishments) are covered.
- **Option B:** There is no requirement that the opinion be shared by the majority; a genuine personal opinion suffices. Nor is "sole purpose of informing the public" a legal requirement.
- **Option D:** No expert witnesses are required; the defence does not demand that the opinion be objectively reasonable or shared by competent professionals. Genuine personal opinion on the stated factual basis suffices.

Final Answer: Honest opinion requires: statement of opinion (not fact), on a matter of public interest, based on true or privileged facts sufficiently indicated. $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q28

Q29.

Solution

Concept — Apology and Retraction in Defamation: Effect on Liability and Damages: Under the law of defamation, a prompt and genuine apology and retraction do not automatically negate established liability or operate as a complete defence once liability is established. However, they are a significant mitigating factor that courts may — and typically do — take into account in reducing the quantum of damages to be awarded, reflecting that the reputational harm was partially remedied by the correction.

Analysis: The court has already found that a defamatory statement was published and that no complete defence is available. Liability is therefore established. The newspaper's prompt front-page apology and retraction cannot undo liability but will be considered in mitigation of damages. The court may award a substantially reduced sum, recognising that the teacher's reputation was partially restored by the timely correction.

Why other options are wrong:

- **Option A:** An apology and retraction do not automatically extinguish liability or bar any award of damages; they mitigate but do not eliminate damages.
- **Option B:** An apology and retraction do not convert the basis of liability from strict to fault-based; defamation liability and its basis remain unchanged.
- **Option C:** An apology and retraction are not legally irrelevant; they are a material factor in the assessment of damages and courts routinely take them into account.

Final Answer: Apology and retraction do not negate established liability but are a mitigating factor courts consider in reducing damages. $\Rightarrow \boxed{D}$

Answer: (D) Go Back to Q29

Q30.

Solution

Concept — Absolute Privilege in Judicial Proceedings: Statements made in the course of judicial proceedings — including statements by witnesses in the witness box, by parties, by counsel during advocacy, and in the judgments of courts — attract absolute privilege. This means no defamation action can succeed in respect of such statements, regardless of their falsity or the malice with which they were made. The privilege exists to ensure the free and uninhibited administration of justice.

Analysis: The witness made his statement in the witness box during civil litigation. Regardless of the falsity of the statement and the malice with which it was made, absolute privilege applies. The third party cannot bring a defamation action against the witness for evidence given in court. The privilege is truly absolute — malice does not defeat it.

Why other options are wrong:

- **Option B:** Witnesses are not protected by merely qualified privilege (which can be defeated by malice); they enjoy absolute privilege in respect of their testimony.
- **Option C:** Absolute privilege does attach to statements in judicial proceedings; witnesses and parties are protected.
- **Option D:** Absolute privilege extends to all participants in judicial proceedings — judges, witnesses, parties, and counsel; it is not confined to judges alone.

Final Answer: Statements in judicial proceedings attract absolute privilege; no defamation action can succeed regardless of falsity or malice. $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q30

Q31.

Solution

Concept — Private Nuisance and Abnormal Sensitivity: In private nuisance, the standard of interference that is actionable is measured by the ordinary, reasonable use of neighbouring land by a person of ordinary susceptibility. A plaintiff who uses their land in an abnormally sensitive manner cannot sue a neighbouring defendant whose activity would cause no interference to an ordinary occupier. The principle was established in *Robinson v Kilvert* [1889]: a plaintiff with extraordinary sensitivity cannot set the threshold for actionable nuisance.

Analysis: The tile-cutting business produces noise and vibration that are entirely tolerable to all ordinary residential and commercial occupiers in the area. The orchid grower's crop is ruined only because his orchids have an unusually sensitive requirement for silence. The interference fails the ordinary susceptibility threshold: it would not affect any normal occupier. The nuisance claim therefore fails because it is founded entirely on the plaintiff's abnormal sensitivity.

Why other options are wrong:

- **Option A:** An abnormally sensitive use does not lower the threshold of interference required for nuisance; it raises the claimant's burden, not the defendant's.
- **Option C:** A defendant is not automatically liable for all damage arising from a nuisance established in some other respect when that damage arises solely from the plaintiff's abnormal sensitivity.
- **Option D:** Abnormal sensitivity is not a complete "defence" available to the defendant; it is a threshold question going to whether the interference is a nuisance at all.

Final Answer: A plaintiff cannot rely on their own abnormally sensitive land use to establish private nuisance; the standard is ordinary susceptibility. $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q31

Q32.

Solution

Concept — Private Nuisance: Balancing Test: Whether an interference constitutes an actionable private nuisance requires a balancing exercise. Courts consider: the gravity and nature of the harm (severity, duration, frequency); the character of the neighbourhood; the utility or social value of the defendant's activity; and whether the defendant took reasonable steps to minimise interference. Social utility may reduce the likelihood of an injunction but does not immunise the defendant from liability for unreasonable interference.

Analysis: The court must balance the gravity of harm suffered by the residents (persistent dust, noise, vibration) against the factory's social and economic utility. The factory's economic contribution and regulatory compliance are relevant but not decisive. If the interference is unreasonable in degree, the factory is liable in private nuisance despite its social utility and compliance with permits.

Why other options are wrong:

- **Option A:** Economic benefit to the community is not a defence to private nuisance; it may influence the remedy (damages vs injunction) but does not prevent liability for unreasonable interference.
- **Option B:** Compliance with statutory and regulatory requirements is not a complete defence to private nuisance; it is a relevant factor but does not automatically exempt the defendant.
- **Option D:** The balancing exercise applies to all nuisances, whether industrial, commercial, or residential; there is no categorical rule making any

perceptible interference in a residential area automatically actionable.

Final Answer: Courts balance gravity of harm against social utility, but social utility does not justify unreasonable interference; regulatory compliance is not a complete defence. ⇒ $\boxed{\text{C}}$

Answer: (C) Go Back to Q32

Q33.

Solution

Concept — Distinction Between Rylands v Fletcher and Private Nuisance: Both torts protect occupiers of land from harmful escapes and interferences. The key distinction is: private nuisance typically concerns a continuing state of affairs or repeated interference; *Rylands v Fletcher* concerns liability for a single, isolated escape of a dangerous thing that has been accumulated on land in a non-natural use. There is no requirement of continuity under *Rylands*.

Analysis: Mr. Bhatt artificially dammed the stream (non-natural use of land), accumulating a large volume of water. The dam burst in a single, isolated event. This is the paradigm *Rylands v Fletcher* situation: isolated escape, non-natural accumulation. Private nuisance would be more applicable to a continuing seepage or repeated flooding. The distinction is the isolated nature of the escape (Rylands) versus continuing interference (nuisance).

Why other options are wrong:

- **Option A:** The two torts have distinct elements, defences, and requirements; they are not identical.
- **Option B:** Private nuisance does not invariably require proof of fault or negligence; it can be established without proof of fault in many circumstances.
- **Option C:** This has the distinction backwards: Rylands applies to the isolated escape; private nuisance applies to the continuing interference — not the other way around.

Final Answer: Rylands v Fletcher = isolated escape from non-natural accumulation; private nuisance = continuing interference — the isolated nature of the escape is the key distinction. ⇒ $\boxed{\text{D}}$

Answer: (D) Go Back to Q33

Q34.

Solution

Concept — Battery: Physical Contact Without Injury Required: Battery in tort consists of an intentional direct application of force to the person of another, or intentional direct physical contact that is either harmful or offensive to a person of reasonable sensibilities. Actual physical injury or bodily harm is not required. An offensive touching, such as spitting on another person, suffices.

Analysis: Mr. Verma deliberately spat at Mrs. Kapoor, and the saliva landed on her face. This is an intentional, direct physical contact. The contact is clearly offensive to a person of reasonable sensibilities — few acts are more grossly offensive than being spat upon. Mrs. Kapoor need not prove any physical injury. The deliberate, offensive nature of the contact establishes battery.

Why other options are wrong:

- **Option B:** Battery does not require actual physical injury; offensive contact that causes no discernible bodily harm is sufficient.
- **Option C:** The defendant need not specifically intend to cause bodily harm; an intention to make physical contact that is harmful or offensive suffices. Mr. Verma clearly intended to spit on Mrs. Kapoor.
- **Option D:** Battery in tort is a civil wrong with a lower standard of proof (balance of probabilities); it is not coextensive with the criminal offence or subject to the criminal standard.

Final Answer: Battery requires intentional, direct physical contact that is harmful or offensive; no actual bodily injury is necessary. Spitting is battery. $\Rightarrow \boxed{\text{A}}$

$\boxed{\textbf{Answer: (A)}}$ **Go Back to Q34**

Q35.

Solution

Concept — False Imprisonment by Psychological Restraint: False imprisonment consists of the total restraint of the plaintiff's freedom of movement. While physical barriers are the most obvious means, psychological compulsion can also constitute false imprisonment. If the defendant's words or conduct leave the plaintiff with no reasonable choice but to remain, and the plaintiff reasonably believes that attempting to leave will result in unlawful force or serious legal consequences, the absence of a physical barrier does not prevent the tort from being established.

Analysis: Mr. Kumar threatened Ms. Roy with serious unlawful consequences if she left. Although the exit was physically available, Ms. Roy reasonably believed the threat and remained for over two hours. Her compliance was not truly voluntary — it was induced by a credible threat of serious harm. The complete restraint element is satisfied through psychological compulsion, and false imprisonment is established.

Why other options are wrong:

- **Option A:** False imprisonment does not require a physical barrier; psychological compulsion through credible threats is sufficient to establish the tort.
- **Option C:** The physical ability to leave does not establish that the plaintiff voluntarily remained; where a credible threat prevents reasonable exercise of that freedom, the detention is involuntary.
- **Option D:** False imprisonment does not require an intention to permanently restrain; a temporary unlawful restraint of any duration is sufficient to constitute the tort.

Final Answer: Psychological compulsion through credible threats satisfies the complete restraint element; false imprisonment does not require a physical barrier. $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q35

Q36.

Solution

Concept — Conversion: Dealing Inconsistently with Owner's Goods: Conversion consists of an intentional act of dealing with the plaintiff's chattel in a manner that is seriously inconsistent with the plaintiff's right to immediate possession. Sale of the owner's goods without authority is a paradigm conversion. The tort is strict in the sense that a bona fide purchaser who acquires goods without knowing the seller had no title is nonetheless liable in conversion if the seller in fact had no authority to sell.

Analysis: The garage had possession of Mr. Lal's car only for repair. It sold the car to Mr. Sen without authority — an act entirely inconsistent with Mr. Lal's right to possession. Both the garage and Mr. Sen (even though a bona fide purchaser for full value) are liable in conversion because Mr. Sen's acquisition of and dealings with the car are inconsistent with Mr. Lal's title.

Why other options are wrong:

- **Option A:** Conversion does not require physical damage; the unauthorised sale or transfer of possession itself constitutes a dealing inconsistent with the owner's right.

- **Option B:** The plaintiff's net economic loss is irrelevant; conversion is about vindicating property rights, not only compensating financial loss. The owner is entitled to the return of their chattel or its value regardless of whether the purchaser paid a fair price.
- **Option D:** A bona fide purchaser who receives and deals with converted goods is also liable in conversion; liability is not confined to the original wrongdoer.

Final Answer: Conversion = intentional dealing inconsistent with the owner's right to possession; strict liability applies even to a bona fide purchaser who paid full value. $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q36

Q37.

Solution

Concept — Motor Vehicles Act 1988: Insurer's Statutory Right of Recovery After Third-Party Payment: Under the Motor Vehicles Act 1988, insurers are generally required to satisfy judgments in favour of third-party victims to protect innocent road accident victims. However, where there has been a breach of policy conditions (such as permitting a person without a valid driving licence to drive), the insurer retains a statutory right to recover the amount paid to the third party from the insured (the policy-holder who caused or permitted the breach).

Analysis: Mr. Dubey permitted his nephew — who had no valid driving licence — to drive the insured vehicle, thereby breaching a fundamental condition of the third-party policy. The insurer was nonetheless required to pay the injured pedestrian (to protect the innocent victim). Having made that payment, the insurer may now exercise its statutory right of recovery against Mr. Dubey for the amount paid, on account of his breach of the policy condition.

Why other options are wrong:

- **Option A:** The insurer's right of recovery against the insured is expressly recognised under the Motor Vehicles Act 1988; it is not permanently extinguished by payment of the third-party claim.
- **Option B:** The insurer's right of recovery applies to breaches of policy conditions (including permitting an unlicensed driver), not only fraud; the Act specifically covers such breaches.

- **Option C:** Admission of the third-party claim and payment do not extinguish the insurer's right to recover from the insured for policy breaches; the statute expressly preserves this right.

Final Answer: The insurer must pay innocent third-party victims but retains a statutory right to recover from the insured who breached policy conditions by permitting an unlicensed driver. $\Rightarrow$ $\boxed{\text{D}}$

Answer: (D) Go Back to Q37

Q38.

Solution

Concept — Motor Vehicles Act 1988: Second Schedule — Structured Compensation Formula: The Second Schedule to the Motor Vehicles Act 1988 provides a structured actuarial formula for computing compensation in motor accident cases involving death or permanent disablement. It prescribes age-based multipliers to be applied to the annual dependency loss of the claimants (typically calculated as the deceased's annual income less personal expenses), ensuring a consistent and predictable basis for compensation across Tribunals.

Analysis: For the 32-year-old government employee earning Rs. 9,600 per month, the Tribunal would identify the annual dependency loss (annual income less personal expenses) and apply the appropriate age-based multiplier from the Second Schedule to arrive at the compensation figure. The Second Schedule promotes uniformity and prevents arbitrary variation in compensation awards between different Tribunals.

Why other options are wrong:

- **Option B:** The Second Schedule does not prescribe insurance premium rates; premium regulation is a matter for the Insurance Regulatory and Development Authority of India (IRDAI) and the relevant insurance legislation.
- **Option C:** Procedures for vehicle registration and licence issuance and renewal are governed by Chapters IV and V of the Motor Vehicles Act 1988, not the Second Schedule.
- **Option D:** The Second Schedule does not impose an absolute monetary ceiling on compensation; the structured formula produces a calculated figure based on the victim's earnings and age, not an arbitrary cap.

Final Answer: The Second Schedule provides structured age-based multipliers for computing compensation for death or permanent disablement in motor accidents. $\Rightarrow$ $\boxed{\text{A}}$

Answer: (A) Go Back to Q38

Q39.

Solution

Concept — Consumer Protection Act 2019: Pecuniary Jurisdiction of State Commission (Section 47): Under Section 47 of the Consumer Protection Act 2019, the State Consumer Disputes Redressal Commission has original jurisdiction to entertain complaints where the value of the goods or services paid as consideration exceeds Rs. 1 crore but does not exceed Rs. 10 crore. The District Commission handles complaints up to Rs. 1 crore, and the National Commission handles those above Rs. 10 crore.

Analysis: The consumer paid Rs. 80 lakh for the luxury car and claims Rs. 80 lakh in compensation. The value of goods paid as consideration is Rs. 80 lakh, which exceeds Rs. 1 crore? No — Rs. 80 lakh = Rs. 0.80 crore, which does not exceed Rs. 1 crore. However, under the Act, consideration value governs: Rs. 80 lakh (0.80 crore) falls within the District Commission's limit (up to Rs. 1 crore), not the State Commission's. The correct answer states the State Commission's threshold: exceeds Rs. 1 crore but does not exceed Rs. 10 crore (Option B).

Why other options are wrong:

- **Option A:** Rs. 20 lakh to Rs. 1 crore was the pre-2019 threshold under the old Consumer Protection Act 1986; the 2019 Act revised these limits significantly upward.
- **Option C:** A limit of Rs. 50 lakh does not correspond to any Commission's jurisdiction under the Consumer Protection Act 2019.
- **Option D:** The State Commission does not have unlimited jurisdiction; the National Commission has original jurisdiction for complaints exceeding Rs. 10 crore.

Final Answer: Under Section 47 CPA 2019, State Commission jurisdiction covers complaints where consideration exceeds Rs. 1 crore but does not exceed Rs. 10 crore. $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q39

Q40.

Solution

Concept — Consumer Protection Act 2019: Definition of "Consumer" (Section 2(7)): Under Section 2(7) of the Consumer Protection Act 2019, a "consumer" means a person who buys goods or hires/avails services for a consideration but does not include a person who obtains goods for resale or for any *commercial purpose*. The term "commercial purpose" is specifically defined to exclude purchases where goods are used by the buyer for the purpose of earning a livelihood by means of self-employment; however, using goods to manufacture other goods for sale is a commercial purpose outside the definition.

Analysis: Ms. Anand purchased the printer for exclusive use in her printing business to produce printed materials for sale to clients. This is a commercial purpose — she uses the printer as an instrument of commercial production and sale, not for personal use or self-employment in the ordinary sense. She falls outside the statutory definition of "consumer" under Section 2(7) because her purchase is for a commercial purpose (producing goods for sale).

Why other options are wrong:

- **Option A:** The Act expressly excludes persons who purchase goods for commercial purposes from the definition of "consumer"; monetary consideration alone is insufficient.
- **Option B:** A person who purchases goods for exclusive use in their own business for production/sale falls within the "commercial purpose" exclusion; this option incorrectly applies the self-employment exception.
- **Option D:** No such turnover-based micro-enterprise exception appears in the definition of "consumer" under Section 2(7) of the CPA 2019; this is a fabricated criterion.

Final Answer: Ms. Anand's purchase for commercial production (printing goods for sale) falls within the "commercial purpose" exclusion; she is not a "consumer" under Section 2(7) CPA 2019. $\Rightarrow \boxed{C}$

Answer: (C) Go Back to Q40

Answer Key

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