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1. Any person can be sued for tort in India. Except:
    - a. Foreign sovereign
    - b. Infant
    - c. State
    - d. Public officials

**ANSWER:** (b)

2. The word 'tort' has been picked up from:
  - a. An English word 'Wrong'
  - b. A Latin word 'Tortum'
  - c. A Roman word 'Delict'
  - d. A Sanskrit word 'Jimha'

**ANSWER:** (b)

3. Can a husband be held vicariously liable for the tort of his wife in India?
  - a. Yes, because husband is considered as the agent of his wife
  - b. Yes, because husband is the guardian of his wife
  - c. No, a married woman can be independently sued
  - d. No, because husband is not the guardian of his wife

**ANSWER:** (c)

4. Under tort what kind of damages are awarded?
  - a. Liquidated
  - b. Unliquidated
  - c. Vindictive
  - d. Exemplary

**ANSWER:** (b)

5. In tort the remedy is available against
  - a. Rem
  - b. Personam
  - c. Both a and b
  - d. None of the above

**ANSWER:** (a)

6. Law of tort is:
  - a. Codified
  - b. Uncodified
  - c. Both a and b
  - d. None of the above

**ANSWER:** (b)

7. Under law of tort who can file a suit:
  - a. Person who has suffered injury
  - b. Relatives of the person who have suffered injury

- c. Any competent person
- d. State

**ANSWER:** (a)

8. In law of tort duties are fixed by:
- a. Parties themselves
  - b. State
  - c. Any competent person
  - d. Law

**ANSWER:** (d)

9. Which one of the following cannot sue for breach of law of tort?
- a. An infant
  - b. Lunatic
  - c. Child in the womb
  - d. Convict

**ANSWER:** (c)

10. Which one of the following is an essential element of tort?
- a. Consent of parties
  - b. Intention of the wrongdoer
  - c. Motive
  - d. None of the above

**ANSWER:** (c)

11. Which of the following is not related to Tort law?
- a. Uncodified
  - b. Unliquidated damages
  - c. Pigeon Hole theory
  - d. Criminal Law

**ANSWER:** (d)

12. The pigeon-hole theory for the law of tort was given by:
- a. Salmond
  - b. Winfield
  - c. Lord Macaulay
  - d. None of the above

**ANSWER:** (a)

13. Which of the following is not a tort?
- a. Defamation
  - b. Negligence
  - c. Culpable Homicide
  - d. Nuisance

**ANSWER:** (c)

14. 'Punitive punishments are not given in the cases of tort.' This statement is

- a. True
- b. False
- c. Depends on the case
- d. None of these

**ANSWER:** (a)

15. The punishments awarded in the case of tort are

- a. Unliquidated
- b. Imprisonment
- c. Fines
- d. Both (a) and (c)

**ANSWER:** (d)

16. Which of the following legal maxim is not related to the law of tort?

- a. Ubi jus Ibi remedium
- b. Ex Turpi causa non Oritur action
- c. Res Ipsa Loquitur
- d. Consensus ad idem

**ANSWER:** (d)

17. Which of the following interests are not protected by the law of Tort?

- a. Physical injury
- b. Reputation
- c. Injury to property
- d. Loss in business due to the breach of contract

**ANSWER:** (d)

18. Some acts are regarded both as a crime as well as a tort. Which of the following is not one such example?

- a. Defamation
- b. Negligence
- c. Culpable homicide
- d. None of these

**ANSWER:** (c)

19. In the case of the trespass to the person, which of the following defences will not apply?

- a. Private Defence
- b. Lawful authority
- c. Contributory Negligence
- d. None of the above

**ANSWER:** (c)

20. The purpose behind the punishments given under the law of tort is not

- a. Giving Compensation to the victim
- b. Deterrence
- c. Corrective Justice
- d. Weakening the accused

**ANSWER:** (d)

21. \_\_\_\_\_ are words, which appear innocent, but have a latent defamatory meaning
- a. Libel
  - b. Slander
  - c. Innuendo
  - d. None of the above

**ANSWER:** (c)

22. Unliquidated damages mean
- a. Damage to something solid.
  - b. Damage caused by a firm which has gone in liquidation
  - c. Damage to a firm in the hands of receivers.
  - d. Damage to be assessed by a court as these are not pre-determined.

**ANSWER:** (d)

23. Assault and nuisance are
- a. Wrong under Criminal law.
  - b. Wrong under tort.
  - c. Wrong under neither.
  - d. Wrong under both.

**ANSWER:** (d)

24. What is the legal meaning of the word 'Battery'?
- a. Cells as used in torch, tape recorder etc.
  - b. Battering a person to death.
  - c. Actual or intended striking of another person.
  - d. Assault resulting in, at least, 6 months hospitalisation.

**ANSWER:** (c)

25. When the master is held liable for the wrongful of his servant, the liability is called
- a. Strict liability
  - b. Vicarious liability
  - c. Tortious liability
  - d. Absolute liability

**ANSWER:** (b)

26. The act of unlawfully entering into another's property constitutes
- a. Trespass
  - b. Restraint
  - c. Appropriation

- d. Encroachment

**ANSWER:** (a)

27. 'No-fault liability' means

- a. liability for damage caused through negligence
- b. liability for damage caused through fault.
- c. absolute liability even without any negligence or fault.
- d. freedom from liability.

**ANSWER:** (c)

28. Ramesh asks his servant to sell his cycle to him at a price less than that of market price. This contract can be avoided by the servant on the ground of

- a. fraud
- b. mistake
- c. undue influence
- d. coercion

**ANSWER:** (c)

29. "Tortious liability arises from breach of duty, primarily fixed by law; this duty is towards persons generally and its breach is redressable by an action for unliquidated damages" This definition is given by

- a. Winfield
- b. Salmond
- c. Flemings
- d. Goodheart

**ANSWER:** (a)

30. Which one of the following is not an example of vicarious liability?

- a. Liability of the principal for the tort of his agent.
- b. Liability of partners for each other's tort.
- c. Liability of the master for the tort of his servant.
- d. Liability of the parents for the tort of the children

**ANSWER:** (d)

31. In an action for the tort of negligence, what is not required to be proved by the plaintiff is that

- a. there is damage
- b. duty-situation arises
- c. breach of duty owed to some one
- d. breach of duty owed to the plaintiff

**ANSWER:** (c)

32. Torts are grounded in the concept of

- a. law
- b. court

- c. rights
- d. sincerity

**ANSWER:** (c)

33. Which of the following is not an element of an intentional tort?

- a. An intentional tort occurred.
- b. An injury resulted from the tort.
- c. The tort did not cause the injury.
- d. The injury caused damages to the person.

**ANSWER:** (c)

34. What main element differentiates the crime of battery from the tort of battery?

- a. In a criminal battery, two or more people must be present.
- b. In a criminal battery, a person is actually injured. In a tort battery, the person is not hurt.
- c. The unwanted touch; we have a right to be free from bodily harm.
- d. There is no tort of battery. All batteries are crimes.

**ANSWER:** (c)

35. Which of the following is an example of trespass?

- a. Ram walks in front of Raj's house, staying on the sidewalk.
- b. Joy hunts on Ram's land without Ram's permission. While there, joy shoots one of Ram's cows, mistaking the cow for a deer. Ram sells his cows to make a living.
- c. Josh borrows Luke's car after Josh asks Luke to run to the store to pick up some milk.
- d. Lisa walks into Heather's house, who has invited her over for lunch.

**ANSWER:** (b)

36. A loud bass beat that can be heard through an apartment wall (from another apartment) at midnight can be classified as

- a. Nuisance
- b. Trespass
- c. Interference with contractual relations
- d. Conversion

**ANSWER:** (a)

37. Defamation involves:

- a. using a weapon.
- b. at least 5 people to be present.
- c. a contract.
- d. making false statements about someone.

**ANSWER:** (d)

38. Why is defamation a tort?

- a. Individuals have the right to be free from bodily harm.
- b. Individuals have the right to conduct business without interference.

- c. Individuals have the right to own property.
- d. Individuals have the right to enjoy a good reputation.

**ANSWER:** (d)

39. Which of the following constitutes slander?

- a. Jayanthi tells Raj that Connie stole \$500 from the cash register at work, even though Jayanthi knows this is not true
- b. Jayanthi writes an e- mail to Raj falsely stating that Connie stole \$500.
- c. Diane calls Jayanthi a liar in court.
- d. Dan tells Raj, his boss, that Jayanthi stole \$500 from the cash register at work. Dan and two other employees saw this.

**ANSWER:** (a)

40. Negligence involves:

- a. a crime
- b. carelessness
- c. assault
- d. trespass

**ANSWER:** (b)

41. This tort occurs most often in society.

- a. Assault
- b. Nuisance
- c. Defamation
- d. Negligence

**ANSWER:** (d)

42. Why is a reasonable person test used to determine breach of duty in a negligence case?

- a. Because each tort case is quite similar.
- b. Because negligence involves being reasonable.
- c. Because a breach of duty occurs when a person does not exercise the degree of care that a reasonable person would in the same situation
- d. Because only reasonable persons are involved in breaches of duty.

**ANSWER:** (c)

43. Damnum sine injuria means \_\_\_\_\_

**ANSWER:** damage without injury

44. Injuria sine damnum

**ANSWER:** injury without damage

45. Compensation provided in the tort

**ANSWER:** unliquidated damages

46. Origin of word tort

**ANSWER:** containing French origin

47. Law of torts propounded by

**ANSWER:** by Salmond

48. Inducement of breach of contract established in

**ANSWER:** Lumley vs Gye

49. Tort of deceit found in which case?

**ANSWER:** Pasley vs Freeman

50. Strict liability case

**ANSWER:** Ryland vs Fletcher

51. Privity of Contract

**ANSWER:** Donoghue vs Stevenson

52. Absolute liability case?

**ANSWER:** A. C. Mehta vs UOI

53. Which of the following interests is not protected by the law of tort?

- a. Loss of commercial profit due to competition
- b. Reputation
- c. Physical safety
- d. Peaceful enjoyment of one's land

**ANSWER:** (a)

54. What is meant by the term 'actionable per se'?

- a. Actionable only in the civil courts
- b. A tort of strict liability
- c. Actionable without proof of damage
- d. Actionable at the instance of the injured party only

**ANSWER:** (c)

55. The law of contract is different from the law of tort in which way?

- a. It is actionable in both the civil and criminal courts
- b. It generally concerns a relationship between two parties only
- c. Contracts are always written
- d. Tort is made up predominantly of statute law

**ANSWER:** (b)

56. What is the primary function of the law of tort?

- a. The punishment of a wrongdoer
- b. The clarification of the human rights of parties



- c. The spreading of losses throughout society
- d. Compensating the claimant

**ANSWER:** (d)

57. Which of the following is not a required element in establishing a negligence action?

- a. Breach of duty
- b. Malicious intent on the part of the defendant
- c. Duty of care
- d. Causation of damage of a legally recognised type

**ANSWER:** (b)

58. Which of the following best describes the main function of 'duty of care' in negligence?

- a. It ensures that the correct defendant is sued
- b. It ensures that the claimant is always within the time limit for bringing an action
- c. It ensures that the tort of negligence does not extend too widely
- d. It ensures that the wrongdoer has actually been careless

**ANSWER:** (c)

59. Easement is a right

- a. in rem.
- b. in Personam.
- c. neither (a) nor (b).
- d. in rem in general but in Personam in exceptional cases.

**ANSWER:** (a)

60. Damages awarded for tortious liabilities are –

- a. liquidated.
- b. unliquidated.
- c. penal.
- d. none of these.

**ANSWER:** (b)

61. Defamation by spoken words or gestures is known as

- a. innuendo.
- b. slander.
- c. libel.
- d. none of these.

**ANSWER:** (b)

62. The principle 'facts speak for themselves' is expressed by the maxim

- a. Ubi jus Ibi remedium.
- b. Res Ipsa Loquitur.
- c. Novus Actus Interveniens.
- d. Causa Causans.

**ANSWER:** (b)

63. The liability of a master for acts of his servant in law of torts is called
- absolute liability.
  - tortious liability.
  - vicarious liability.
  - none of these.

**ANSWER:** (c)

64. The case of *Reylands vs Fletcher* has laid down the principle of
- defamation.
  - conspiracy.
  - strict liability of land owner.
  - none of these.

**ANSWER:** (c)

65. *Kasturilal vs State of UP* is related to
- contractual liability of the state.
  - vicarious liability of the state.
  - fraud of the state.
  - none of these.

**ANSWER:** (b)

66. The principle of privity of contract was held to be not applicable in an action for tort in
- Winterbottom vs Wright*, (1842) 10 M&W 109
  - Donoghue vs Stevenson*, (1932) AC 562
  - Grant vs Australian Knitting Mills Ltd.*, (1936) AC 85
  - Ashby vs White*, (1703) 2 Ld Raym 938

**ANSWER:** (b)

67. The 'tort of deceit' owes its origin to
- Pasley vs Freeman*, (1789) 3 TR 51
  - Lumley vs Gye*, (1853) 2 E&B 216
  - Rylands vs Fletcher*, (1868) LR 3 HL330
  - Winsmore vs Greenbank*, (1745) Willes 577

**ANSWER:** (a)

68. The 'tort of inducement a breach of contract' finds its origin in –
- Lumley vs Gye*
  - Rookes vs Barnard*
  - Donoghue vs Stevenson*
  - Rylands vs Fletcher*

**ANSWER:** (a)

69. Which of the following interests is not protected by the law of tort?

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- b. Reputation
- c. Peaceful enjoyment of one's land
- d. Physical safety

**ANSWER:** (a)

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**ANSWER:** (d)

72. What is the primary function of the law of tort

- a. The punishment of a wrongdoer
- b. The clarification of the human rights of parties
- c. The spreading of losses throughout society
- d. Compensating the claimant

**ANSWER:** (d)

73. Which of the following is not an objective of the law of tort?

- a. Deterrence
- b. Imposition of moral blame
- c. Compensation
- d. Corrective justice

**ANSWER:** (d)

74. Which of the following is the main alternative to tort, for the provision of compensation?

- a. State social security
- b. Charity
- c. First party insurance
- d. Criminal Injuries Compensation

**ANSWER:** (a)

75. The law of Trespass to the Person: which statement is incorrect?

- a. Historically more about vindication of rights than obtaining compensation.

- b. It is 'actionable per se'—means that the claimant need not prove any tangible physical harm in order to sue.
- c. The burden of proof in tort lies on the defendant to prove all the essential elements of the tort in question. The claimant has the burden of proving any defence on which he seeks to rely.
- d. In tort the standard of proof is 'on the balance of probabilities'. This means that a particular state of affairs must be shown as more likely than not to have occurred

**ANSWER:** (c)

76. Which of the following is not a defence to tort of defamation?

- a. Defence of Truth
- b. Defence of Privilege
- c. Defence of Honest Opinion
- d. Defence of Publication on a Matter of Public Interest

**ANSWER:** (c)

77. Which of the following statements is correct about damages in tort?

- a. There are three types of damages in tort.
- b. Whatever the outcome, claimants will be awarded the costs of bringing the claim.
- c. Damages for non-pecuniary losses covers past, present and future pain, but not loss of amenity
- d. One of the general principles of compensatory damages is the mitigation of loss.

**ANSWER:** (c)

78. To have a successful claim under tort of negligence, the claimant needs to prove several elements. Which of the following is not wholly correct?

- a. One of the elements the claimant needs to prove is a breach of duty, which is a subjective test.
- b. One of the elements the claimant needs to prove is a duty of care, which is a 3 staged test.
- c. One of the elements the claimant needs to prove is that the Defendant caused damage.
- d. The damage caused by the defendant needs to be reasonably foreseeable.

**ANSWER:** (a)