

Daily Practice Set

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Negligence is a fundamental concept in tort law. It arises when a person, owing a duty of care to another, breaches that duty, resulting in damage or injury. To succeed in a negligence claim, the plaintiff must establish three key elements:

1. **Duty of Care:** The defendant must owe a legal duty to the plaintiff. This duty exists when the relationship between the parties demands reasonable care, such as between a doctor and a patient or a driver and a pedestrian.
2. **Breach of Duty:** The defendant must have failed to act as a reasonable person would under similar circumstances. Courts assess this by applying the “reasonable person” standard to the defendant’s conduct.
3. **Causation and Damage:** The plaintiff must show that the breach caused foreseeable harm or injury. Both actual causation (the breach directly causing the harm) and proximate causation (the harm being a foreseeable result of the breach) are required.

For example, in *Donoghue v. Stevenson*, a manufacturer was found liable for a consumer’s injury, even though the two parties had no direct contract. This case established the principle that a duty of care can extend beyond contractual relationships. The absence of reasonable care, even if unintentional, can result in liability if it causes harm.

1. A doctor leaves a surgical tool inside a patient’s body during surgery, causing health complications. Which element of negligence is primarily in question here?
 - a) Duty of care
 - b) Breach of duty
 - c) Causation
 - d) Foreseeability
2. Which of the following most strengthens the patient’s claim for negligence against the doctor?
 - a) The doctor informed the patient about the surgery risks in advance.
 - b) The doctor has performed surgeries successfully for ten years.
 - c) The doctor deviated from accepted medical practices.
 - d) The patient did not follow post-surgery instructions.
3. A driver hits a pedestrian while driving under the speed limit, but the pedestrian was jaywalking. What conclusion can be drawn?

- a) The driver is not liable since they obeyed the speed limit.
 - b) The pedestrian is entirely at fault due to jaywalking.
 - c) Both the driver and the pedestrian may share liability.
 - d) Liability depends solely on the pedestrian's actions.
4. In which situation would the defendant not owe a duty of care?
- a) A doctor treating an emergency room patient.
 - b) A stranger passing by an unconscious person on the street.
 - c) A shopkeeper ensuring the safety of customers in the store.
 - d) A teacher supervising students during a school trip.
5. What assumption underlies the application of the "reasonable person" standard?
- a) Everyone possesses expert knowledge in every situation.
 - b) A reasonable person can predict all future events.
 - c) People act rationally and with ordinary caution in most situations.
 - d) The law considers all people equally liable for negligence.

Criminal liability generally requires two essential elements: mens rea (the guilty mind) and actus reus (the guilty act). Mens rea refers to the mental state of the accused at the time of the offense, such as intent, knowledge, or recklessness. Actus reus refers to the physical act or omission that constitutes the crime. For a crime to occur, both elements must usually be present concurrently.

There are different levels of mens rea, including:

Intention: A deliberate decision to bring about a prohibited result.

Knowledge: Awareness that one's actions are likely to cause harm.

Recklessness: Conscious disregard of a substantial risk.

However, not all crimes require both mens rea and actus reus. In cases of strict liability, the prosecution does not need to prove mens rea; the act alone is sufficient for liability. An example is traffic offenses, where speeding results in liability regardless of intent. Similarly, certain public welfare laws impose strict liability to ensure compliance.

6. A person accidentally hits someone while texting and driving. What level of mens rea applies here?
- a) Intention

- b) Knowledge
 - c) Recklessness
 - d) Negligence
7. Which scenario involves strict liability?
- a) A person steals groceries from a store.
 - b) A driver is fined for speeding, even without knowing the speed limit.
 - c) A person assaults someone after a heated argument.
 - d) A thief breaks into a house at night.
8. A person accidentally damages someone's car while trying to park. Which element might be lacking to impose criminal liability?
- a) Actus reus
 - b) Mens rea
 - c) Causation
 - d) Harm
9. How can a prosecutor strengthen their case in proving mens rea?
- a) By demonstrating that the accused had a poor driving record.
 - b) By showing that the accused took deliberate actions leading to the crime.
 - c) By proving that the accused regretted the act afterward.
 - d) By emphasizing the accused's good character in other situations.
10. Which assumption is central to strict liability offenses?
- a) Intent is irrelevant for certain public welfare violations.
 - b) All defendants can foresee the consequences of their actions.
 - c) Strict liability applies only to violent crimes.
 - d) Offenders always have criminal intent when breaking the law.

The Parliamentary Standing Committee on Law and Justice has recommended the creation of regional benches of the Supreme Court to address access to justice issues. Currently, the Supreme Court sits

only in Delhi, making it difficult for litigants from distant parts of the country to approach the Court. The committee suggests establishing regional benches to alleviate the financial and logistical burdens placed on people from remote areas.

This proposal is aligned with the principles of Article 39A of the Constitution, which mandates equal access to justice for all citizens. Opponents argue that regional benches could dilute the authority and unity of the Supreme Court. However, proponents maintain that decentralizing the Court will not diminish its powers but rather enhance efficiency by reducing case backlogs. Some experts have proposed a dual-structure system, with the main bench in Delhi handling constitutional matters, and regional benches addressing other legal disputes.

The Law Ministry has accepted the committee's recommendation, marking a potential shift in the judicial system. If implemented, this reform could make justice more accessible to citizens across India, ensuring that the judiciary is not limited by geography.

11. What is the primary purpose of establishing regional Supreme Court benches?

- a) To reduce the power of the Supreme Court
- b) To handle only constitutional matters
- c) To enhance access to justice across the country
- d) To replace the High Courts with regional benches

12. Which Article of the Indian Constitution mandates equal access to justice?

- a) Article 14
- b) Article 21
- c) Article 39A
- d) Article 51A

13. How could regional benches benefit the judiciary?

- a) By centralizing all powers in Delhi
- b) By creating a dual-structure judicial system
- c) By merging High Courts with the Supreme Court
- d) By reducing the backlog of cases and making justice more accessible

14. What is a major concern about establishing regional benches?

- a) Increased logistical burdens for litigants
- b) Dilution of the Supreme Court's authority
- c) Reduction in the number of High Courts
- d) Difficulty in handling constitutional matters

15. What assumption underlies the recommendation for regional benches?

- a) Litigants prefer traveling to Delhi for hearings.
- b) Centralization enhances judicial efficiency.
- c) Geographical proximity to courts enhances access to justice.
- d) Constitutional matters require regional oversight.

In recent environmental rulings, the principle of strict liability has gained prominence. Courts have held that industries causing environmental harm are liable irrespective of intent or negligence. Strict liability ensures that enterprises must compensate victims if their operations result in damage to the environment or public health. This principle was applied in the landmark case of *MC Mehta v. Union of India*, where the Supreme Court established that industries engaged in hazardous activities must bear responsibility for any harm caused, regardless of fault.

The rationale behind strict liability is to promote caution and encourage companies to adopt sustainable practices. However, this principle has evolved into the more rigorous "absolute liability" doctrine, especially when dealing with hazardous substances. Absolute liability, as seen in the *Oleum Gas Leak Case*, removes all exceptions and makes enterprises fully accountable for any damages. This shift in legal doctrine aims to ensure better compliance with environmental regulations and uphold the public's right to a safe environment.

16. What is the key difference between strict liability and absolute liability?

- a) Strict liability applies only in criminal cases.
- b) Absolute liability provides no exceptions for fault.
- c) Strict liability applies to non-industrial activities.
- d) Absolute liability requires proof of negligence.

17. In which case was the principle of absolute liability established?

- a) *MC Mehta v. Union of India*
- b) *Donoghue v. Stevenson*
- c) *Vishakha v. State of Rajasthan*

d) Oleum Gas Leak Case

18. How does strict liability promote environmental responsibility?

- a) By reducing industrial oversight
- b) By holding industries accountable irrespective of intent
- c) By requiring industries to prove negligence
- d) By restricting hazardous activities entirely

19. What assumption underlies the principle of strict liability?

- a) Environmental harm can always be anticipated.
- b) Industrial activities are inherently safe.
- c) Companies should bear the cost of environmental risks they create.
- d) Victims are always at fault in environmental disputes.

20. Why has the principle of strict liability evolved into absolute liability?

- a) To encourage the use of hazardous substances
- b) To provide exceptions for companies during accidents
- c) To remove loopholes and ensure full accountability
- d) To reduce the liability of industries involved in public welfare

The Supreme Court of India recently revisited the 1992 precedent set in *CBI v. Anupam J. Kulkarni*, which limited police custody to the first 15 days after arrest. The Court is considering whether this rigid interpretation continues to serve the justice system efficiently. In the *Senthil Balaji* case, the issue arose when investigating agencies sought custody beyond the initial 15-day window, arguing that modern investigations often demand more time due to the complexity of financial crimes.

Critics of the existing rule assert that it hampers investigations, especially in cases involving intricate money trails or cross-border activities. On the other hand, those favoring the 15-day limit emphasize the potential for abuse of police powers, advocating for strict controls to prevent arbitrary detention. The current debate reflects a balancing act between ensuring human rights and allowing thorough investigations.

This case could lead to a nuanced interpretation of the *Anupam J. Kulkarni* precedent, possibly introducing exceptions for cases involving complex financial fraud or terrorism. A re-examination might also redefine police custody norms to better align with contemporary investigative needs.

21. What is the key issue in the *Senthil Balaji* case?

- a) Limitation on court custody beyond 15 days
 - b) Whether investigating agencies need police custody beyond 15 days
 - c) Police officers' right to extend detention unilaterally
 - d) Changing custody norms for all criminal cases
22. What is a primary concern about extending police custody?
- a) Delays in legal proceedings
 - b) Lack of investigative oversight
 - c) Abuse of police powers
 - d) Reduced complexity in investigations
23. Which 1992 case set the precedent regarding police custody limits?
- a) Vishakha v. State of Rajasthan
 - b) MC Mehta v. Union of India
 - c) CBI v. Anupam J. Kulkarni
 - d) State of Maharashtra v. Madhukar Narayan
24. Why do some favor relaxing the 15-day rule?
- a) To simplify legal procedures
 - b) To accommodate modern, complex investigations
 - c) To increase police authority in minor cases
 - d) To avoid using judicial remand
25. What assumption underpins the argument for strict police custody limits?
- a) Investigating agencies always act efficiently.
 - b) Prolonged custody can lead to human rights violations.
 - c) Financial crimes do not require extended investigations.
 - d) Police powers should be unrestricted.

In an unusual move, a judge of the Madras High Court, Justice Anand Venkatesh, acted as a whistleblower by challenging an order from his own court. The order in question had transferred a trial involving Tamil Nadu minister Ponmudy and his wife, accused of disproportionate assets, to a different district. Justice Venkatesh raised concerns about procedural irregularities and potential bias in the transfer. He invoked the court's suo motu powers to question the legality of the decision, asserting that the judiciary must safeguard the integrity of legal proceedings.

This case has sparked a debate about the role of judges as internal whistleblowers. While some applaud the judge's actions as a step towards greater judicial transparency, others caution that such actions could lead to intra-judiciary conflicts. The incident also highlights the importance of impartiality in judicial transfers and raises questions about the checks and balances necessary to prevent judicial bias or external influence.

26. What was the concern raised by Justice Anand Venkatesh?

- a) The legality of a court's power to convict ministers
- b) Procedural irregularities in transferring a trial
- c) The court's jurisdiction over political cases
- d) The inability of district courts to handle corruption cases

27. What are suo motu powers?

- a) Powers to initiate legal proceedings without a formal request
- b) The authority to transfer cases between courts
- c) Judicial powers granted only to the Supreme Court
- d) The power to review all lower court decisions

28. Why has the judge's action sparked debate?

- a) It questions the independence of district courts.
- b) It risks causing conflicts within the judiciary.
- c) It encourages courts to overrule executive orders.
- d) It proposes merging political and legal processes.

29. What is one potential benefit of a judge acting as a whistleblower?

- a) It guarantees quick resolutions in corruption cases.
- b) It prevents external interference in legal matters.

c) It creates greater judicial transparency.

d) It ensures uniformity in judicial decisions.

30. What assumption underpins the concern about intra-judiciary conflicts?

a) Judicial unity is essential for maintaining public trust.

b) Higher courts should control lower court decisions.

c) Judges should avoid reviewing their colleagues' orders.

d) The judiciary should avoid involvement in corruption cases.

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Answer Key

1. b) Breach of duty

Correct: The doctor failed to follow the expected standard of care.

Incorrect:

- a) Duty of care: This is assumed between a doctor and patient.
 - c) Causation: While relevant, the primary issue is the breach of standard.
 - d) Foreseeability: Foreseeability applies to the injury, not the breach itself.
2. c) The doctor deviated from accepted medical practices.

Correct: This strengthens the claim by showing a failure to meet professional standards.

Incorrect:

- a) Informing of risks does not excuse negligence.
 - b) Past success does not justify negligence.
 - d) Patient's post-surgery behavior does not affect the doctor's duty.
3. c) Both the driver and the pedestrian may share liability.

Correct: Both parties may be partly responsible under contributory negligence.

Incorrect:

- a) Obeying speed limits does not eliminate other duties.
- b) Jaywalking does not automatically shift all fault.
- d) Liability considers both parties' actions.

4. b) A stranger passing by an unconscious person on the street.

Correct: No legal duty exists to assist strangers in such cases.

Incorrect:

- a), c), d) These involve established duties of care.
5. c) People act rationally and with ordinary caution in most situations.

Correct: The reasonable person standard is based on ordinary conduct.

Incorrect:

a), b), d) These overstate or misstate the assumptions of the standard.

6. c) Recklessness

Correct: Texting while driving shows conscious disregard for risk.

Incorrect:

a) Intention requires deliberate action.

b) Knowledge requires certainty of harm.

d) Negligence involves failure to foresee risks.

7. b) A driver is fined for speeding, even without knowing the speed limit.

Correct: Speeding is a strict liability offense.

Incorrect:

a), c), d) These offenses require mens rea.

8. b) Mens rea

Correct: Criminal liability requires a guilty mind, not just the act.

Incorrect:

a), c), d) Act, causation, and harm are present in this scenario.

9. b) By showing that the accused took deliberate actions leading to the crime.

Correct: Deliberate actions demonstrate intent.

Incorrect:

a), c), d) These do not prove mens rea.

10. a) Intent is irrelevant for certain public welfare violations.

Correct: Strict liability disregards intent for specific offenses.

Incorrect:

b), c), d) These assumptions do not align with strict liability principles.

11. Correct: c) To enhance access to justice across the country

Incorrect:

- a) The reform aims to decentralize, not reduce, the Court's power.
- b) Constitutional matters will remain under the purview of the main bench in Delhi.
- d) The proposal supplements, not replaces, the High Courts.

12. Correct: c) Article 39A

Incorrect:

a), b), d) These articles cover equality, right to life, and fundamental duties, but not access to justice specifically.

13. Correct: d) By reducing the backlog of cases and making justice more accessible

Incorrect:

- a), c) These options involve centralization or eliminating High Courts, which are not proposed solutions.
- b) While dual-structure systems may be introduced, the focus remains on improving access and efficiency.

14. Correct: b) Dilution of the Supreme Court's authority

Incorrect:

- a) The purpose is to ease logistical burdens, not increase them.
- c) There is no mention of High Courts being reduced.
- d) Constitutional matters will still be handled by the main bench in Delhi.

15. Correct: c) Geographical proximity to courts enhances access to justice

Incorrect:

a), b), d) These statements contradict the goal of decentralizing the judiciary to enhance accessibility.

16. Correct: b) Absolute liability provides no exceptions for fault

Incorrect:

a), c), d) These answers misrepresent the scope and requirements of strict and absolute liability.

17. Correct: d) Oleum Gas Leak Case

Incorrect:

- a) MC Mehta v. Union of India applied strict liability.
- b), c) These cases are unrelated to environmental law or liability principles.

18. Correct: b) By holding industries accountable irrespective of intent

Incorrect:

- a), c), d) These options either limit accountability or introduce unnecessary burdens.

19. Correct: c) Companies should bear the cost of environmental risks they create

Incorrect:

- a) Not all environmental harm is foreseeable.
- b) The principle assumes risk, not inherent safety.
- d) Victims are presumed to suffer due to the enterprise's activity, not their own fault.

20. Correct: c) To remove loopholes and ensure full accountability

Incorrect:

- a), b), d) These options mischaracterize the rationale behind the evolution from strict to absolute liability.

21. Correct: b) Whether investigating agencies need police custody beyond 15 days

Incorrect:

- a), c), d) These options misinterpret the focus of the case, which involves custody limits, not judicial or police powers in general.

22. Correct: c) Abuse of police powers

Incorrect:

- a), b), d) While delays and oversight are relevant, the key concern is preventing abuse.

23. Correct: c) CBI v. Anupam J. Kulkarni

Incorrect:

- a), b), d) These cases relate to other legal principles.

24. Correct: b) To accommodate modern, complex investigations

Incorrect:

a), c), d) These options do not address the complexities of modern investigations.

25. Correct: b) Prolonged custody can lead to human rights violations

Incorrect:

a), c), d) These options do not reflect the focus on human rights concerns.

26. Correct: b) Procedural irregularities in transferring a trial

Incorrect:

a), c), d) These options misinterpret the focus of his concern.

27. Correct: a) Powers to initiate legal proceedings without a formal request

Incorrect:

b), c), d) These options misrepresent the nature of suo motu powers.

28. Correct: b) It risks causing conflicts within the judiciary

Incorrect:

a), c), d) These options do not address the specific risk of intra-judiciary conflict.

29. Correct: c) It creates greater judicial transparency

Incorrect:

a), b), d) These options do not capture the significance of transparency.

30. Correct: a) Judicial unity is essential for maintaining public trust

Incorrect:

b), c), d) These options overlook the importance of unity in judicial institutions.

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