



# LEGAL REASONING



## MODULE JANUARY EDITION VOLUME 4



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## **FOREWORD**

More has been said about the writing of lawyers and judges than of any other group, except, of course, poets and novelists. The difference is that while the latter has usually been admired for their writing, the public has almost always damned lawyers and judges for theirs. If this state of affairs has changed in recent times, it is only in that many lawyers and judges have now joined the rest of the world in complaining about the quality of legal prose.

My best wishes to all these student contributors, for their future endeavours. My best wishes and assurance to the readers that this will add a lot to the knowledge after reading this perfect case compilation. It's not just for the legal fraternity but for anyone who has an interest in the field of law.

By Vrinda Khanna



## **PREFACE**

May there be Peace in Heaven, may there be Peace in the Sky, May there be Peace in the Earth,  
May there be Peace in the Water, May there be Peace in the Plants, May there be Peace in the  
Trees, May there be Peace in the Gods in the various Worlds, May there be Peace in all the human  
beings, May there be Peace in All,

**PEACE, PEACE, PEACE.** Our age-old culture prays for peace and happiness for one and all. Family is the first and oldest social group. It has played an important role in the stability and prosperity of the civilization. Almost everything of lasting value in humanity has its roots in the family. Peace and harmony in the family are important for the all-round development of children. This Compilation of Judgments of the Supreme Court of India and High Court of India by All India Legal Forum is aimed at bringing about desired sensitivity in all duty holders. We're glad to be a part of the All-India Forum. Here's an introduction to my team:

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WHERE LAW MEETS QUALITY

## **DISCLAIMER**

Team AILF India has made all efforts to summarize the cases from original cases retrieved from AIR and SCC. In some cases, the team has tried to summarize cases from the available sources as they could not find original ones.



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WHERE LAW MEETS QUALITY

## ***Assault and Battery***

1. "Assault is the attempt to commit battery". True or False?

- a. True
- b. False

Answer- A

2. Physical contact is necessary in-

- a. Assault
- b. Battery
- c. Both (a) and (b)
- d. None of the above

Answer- B

3. Physical contact is not necessary to commit-

- a. Assault
- b. Battery
- c. Both (a) and (b)
- d. None of the above

Answer- A

4. "A' threatens 'B' to give him Rs. 10,000 otherwise he will kill him". This statement is-

- a. Assault
- b. Battery
- c. Both (a) and (b)
- d. None of the above

Answer- A

5. What is the objective of assault?

- a. cause harm
- b. to threaten a person
- c. to physically harm a person
- d. All of the above

Answer- B

6. What is the objective of battery?

- a. Cause harm to a person
- b. to threaten a person
- c. to not harm a person physically
- d. None of the above

Answer- A

7. Which among the following can be used as legal defense on the charge of Assault?

- a. Self- defense
- b. Intoxication
- c. coercion
- d. All of the above

Answer- D

8. Assault is a-

- a. Tort
- b. Criminal offence
- c. Civil offence
- d. None of the above

Answer- A

9. If there is physical touch which causes harm then it is known as battery. True or False?

- a. True
- b. False

Answer- A

10. Kinds of damages caused by battery-

- a. Nominal damage
- b. Special compensatory damage
- c. Punitive damage
- d. All of the above

Answer- D

11. "The absence of the intention does not amount to the offence of battery under tort. Thus, tortious liability does arise in this case." This was discussed in which case law?

- a. Garratt vs. Dailey

- b. Vosburg vs. Putney
- c. Both (a) and (b)
- d. None of the above

Answer- A

12. Mens rea is an essential for battery?

- a. Yes
- b. No

Answer- A

13. Actus reus is an essential for battery?

- a. Yes
- b. No

Answer- A

14. "Guilty mind" is referred by which maxim?

- a. Mens Rea
- b. Actus reus
- c. Both (a) and (b)
- d. None of the above

Answer- A

15. "Wrongful Act" is referred by which maxim?

- a. Mens rea
- b. Actus reus
- c. Both (a) and (b)
- d. None of the above

Answer- B

16. Which among the following are defense against committing battery –

- a. self defense
- b. Defense of property
- c. Consent as a defense against battery
- d. All of the above

Answer- D



17. If a person is intoxicated when he threatens other person for his life. In this situation exception can be used by the person who threatens other person's life?

- a. Yes
- b. No

Answer- A

18. Which among the following are remedies for assault?

- a. claim damages
- b. self help
- c. Habeas corpus
- d. All of the above

Answer- D

19. Essential of battery-

- a. Intention of the offender
- b. contact by the offender
- c. Harm done to the plaintiff
- d. All of the above

Answer- D

20. Remedies for battery-

- a. legal remedies
- b. restitutionary remedies
- c. Equitable remedies
- d. All of the above

Answer- D



# CONSUMER PROTECTION ACT

## MULTIPLE CHOICE QUESTIONS

**Q1.** No. of rights a consumer has under the Consumer Protection Act?

- (a) 8
- (b) 6
- (c) 4
- (d) 5

**Ans: (b)**

**Q2.** Consumer Protection Act is significant to?

- (a) Immovable goods
- (b) Movable goods
- (c) Particular goods and services
- (d) All goods and services

**Ans: (d)** WHERE LAW MEETS QUALITY

**Q3.** Under the Consumer Protection Act, the rights of a consumer do not include to be

- (a) Safety
- (b) Choose

- (c) Presented
- (d) Informed

**Ans: (c)**

**Q4.**When the seller manipulates the price, it is known as

- (a) Caveat Emptor
- (b) Unfair trade practices
- (c) Restricted trade practices
- (d) None of the above

**Ans: (c)**

**Q5.**Under this act, the minimum age of forum member of a district forum should be

- (a) 30
- (b) 40
- (c) 35
- (d) 65

**Ans: (C)** WHERE LAW MEETS QUALITY

**Q6.**The maximum age for a state commission member should be

- (a) 60
- (b) 35

(c) 70

(d) 67

**Ans: (d)**

**Q7.**The maximum age national commission member should be

(a) 60

(b) 35

(c) 70

(d) 65

**Ans: (c)**

**Q8.**Which of the following forum can reappoint the same person as to its member

(a) National commission

(b) State commission

(c) District commission

(d) None of the above

**Ans: (d)**

**Q9.** In which forum it is compulsory to have a female member

(a) National commission

- (b) State commission
- (c) District commission
- (d) All of the above

**Ans: (d)**

**Q10.** Within how many days the opposite party has to answer after they are informed about the complaint?

- (a) 30
- (b) 5
- (c) 20
- (d) 15

**Ans: (a)**

**Q11.** Rights of Consumers are protected under?

- (a) Consumer Protection Act 1986
- (b) Consumer Protection Act 1990
- (c) Consumer Protection Act 1982
- (d) Consumer Protection Act 1991

**Ans: (a)**

**Q12.** The Consumer has the right to get compensation against unfair trade practices under right to :

- (a) Right to Choose

- (b) Right to seek redressal
- (c) Right to safety
- (d) None of the above

**Ans: (b)**

**Q13.** \_\_\_ hear complaints of value less than 5 lakhs.

- (a) Consumer at district level
- (b) State commission
- (c) National Commission
- (d) None of the above

**Ans: (a)**

**Q14.** Which of the following is not an organization working for consumer protection?

- (a) Consumer Voice
- (b) Consumer Forum
- (c) The bureau of Indian Standard
- (d) Consumer utility & trust society

**Ans: (b)**

**Q15.** Who among the following cannot file a complaint under Consumer Protection Act, 1986?

- (a) Any consumer under the Consumer protection Act

- (b) Central or State Government
- (c) Legal heir of a deceased person
- (d) A person who obtains the goods with no consideration.

**Ans: (d)**

**Q16.** The Maximum age limit of a person who can be a member in the State commission is:

- (a) 65
- (b) 70
- (c) 75
- (d) 35

**Ans: (a)**

**Q17.** To be a member in any redress forum , a person should have at least \_\_\_\_ years of experience.

- (a) 5
- (b) 10
- (c) 12
- (d) 15

**Ans: (b)**

**Q18.** The jurisdiction of a state commission is:

- (a) Below 20 lakhs

- (b) 20 lakhs to 1 crore
- (c) Above 1 crore
- (d) None of the above

**Ans: (b)**

**Q19.** Appeal against district forum can be given in :

- (a) State forum
- (b) High court
- (c) National Forum
- (d) Supreme Court

**Ans: (a)**

**Q20.** Which section of the Consumer Protection Act 1986 states about the 'Central Consumer Protection Council'?

- (a) Section 5
- (b) Section 7
- (c) Section 6
- (d) Section 4

**Ans: (d)**

1. Many Cyber Crimes comes under Indian Penal Code Which one of the following is an example?

- A. Sending Threatening message by Email
- B. Forgery of Electronic Record
- C. Bogus Website
- D. All of above

Ans. D

All of the above crimes are considered as Cyber Crimes.

2. Which of the following is not a type of cyber crime?

- a) Data theft
- b) Forgery
- c) Damage to data and systems
- d) Installing antivirus for protection

Answer: d

Explanation: Cyber crimes are one of the most threatening terms that is an evolving phase. It is said that major percentage of the World War III will be based on cyber-attacks by cyber armies of different countries.

3. Which of the following is not a type of peer-to-peer cyber-crime?

- a) Phishing
- b) Injecting Trojans to a target victim
- c) MiTM
- d) Credit card details leak in deep web

Answer: d

Explanation: Phishing, injecting Trojans and worms to individuals comes under peer-to-peer cyber crime. Whereas, leakage of credit card data of a large number of people in deep web comes under computer as weapon cyber-crime.

4. Which of the following is not an example of a computer as weapon cyber-crime?

- a) Credit card fraudulent
- b) Spying someone using keylogger
- c) IPR Violation
- d) Pornography

Answer: b

Explanation: DDoS (Distributed Denial of Service), IPR violation, pornography are mass attacks done using a computer. Spying someone using keylogger is an example of peer-to-peer attack.

5. Which of the following is not done by cyber criminals?

- a) Unauthorized account access
- b) Mass attack using Trojans as botnets
- c) Email spoofing and spamming
- d) Report vulnerability in any system

Answer: d

Explanation: Cyber-criminals are involved in activities like accessing online accounts in unauthorized manner; use Trojans to attack large systems, sending spoofed emails. But cyber-criminals do not report any bug is found in a system, rather they exploit the bug for their profit.

6. The publication and transmission of obscene material or sexually explicit act or exploit acts containing children, etc which are in electronic form are governed by which section-

- a. Sec 290
- b. Sec 292
- c. Sec 300
- d. Sec 298

Ans. B

This Section was drafted to deal with the sale of obscene material, it has evolved in the current digital era to be concerned with various cybercrimes. The publication and transmission of obscene material or sexually explicit act or exploit acts containing children, etc which are in electronic form are also governed by this section.

7. \_\_\_\_\_ provision is capturing or publication of a picture of private parts or acts of a woman without such person's consent.

- a. Sec 354 c
- b. Sec 234
- c. Sec 354
- d. none of these

Ans. A

The cybercrime dealt with under this provision is capturing or publication of a picture of private parts or acts of a woman without such person's consent. This section exclusively deals with the crime of 'voyeurism' which also recognizes watching such acts of a woman as a crime.

8. Email Spoofing is provided under which section ?

- a. Sec 468
- b. Sec 463
- c. Sec 480
- d. None of these.

Ans a

Section 468 of IPC: If the offenses of email spoofing or the online forgery are committed for the purpose of committing other serious offenses i.e cheating, Section 468 comes into the picture which contains the punishment of seven years of imprisonment or fine or both.

9. What is not the definition of Hacking?

- A. The gaining of unauthorized accessto data in a system or computer.
- B. Breaking into computer system
- C. Deliberate deception to secure unfair or unlawful gain
- D. valid concept

Ans. C

Hacking means Deliberate deception to secure unfair or unlawful gain

10. Voyeurism is provided under which act ?

- a. Sec 354 C
- b. Sec 355 d
- c. Sec 345c
- d. Sec 295

Ans. A

This section exclusively deals with the crime of ‘voyeurism’ which also recognizes watching such acts of a woman as a crime.

11. Cyberstalking is provided under which section ?

- a. Sec 354 D
- b. Sec 355 d
- c. Sec 345c
- d. Sec 295

Ans. A

This section describes and punishes ‘stalking’ including both physical and cyberstalking. If the woman is being monitored through electronic communication, internet, or email or is being bothered by a person to interact or contact despite her disinterest, it amounts to cyber-stalking.

12. the punishment for forgery is dealt with in this provision ?

- a. Sec 465
- b. Sec 355 d
- c. Sec 345c
- d. Sec 295

Ans. A

the punishment for forgery is dealt with in this provision is under Sec 465.

13. \_\_\_deals with a crime that follows the offenses committed and punished under Section 379 of IPC.

- A. Sec 411
- b. Sec 355 d
- c. Sec 345c
- d. Sec 295

Ans. A

If anyone receives a stolen mobile phone, computer, or data from the same, they will be punished in accordance with Section 411 of IPC.

14. Section 419 carries a punishment up to –

- a. 5 years
- b. 3 years
- c. 7 years
- d. None of these

Ans.b

Section 419 carries a punishment up to 3 years of imprisonment or fine .

15. Section 420 carries a punishment up to-

- a. 5 years
- b. 3 years
- c. 7 years
- d. None of these

Ans. C

Section 420 carries up to 7 years of imprisonment or fine.

16. The punishment for forgery is dealt under which section ?

- A. Sec 465
- b. Sec 355 d
- c. Sec 345c
- d. Sec 295

Ans. A

In cyberspace, the offenses like email spoofing and preparation of false documents are dealt with and punished under this Section which imbibes the imprisonment reaching up to 2 years or fine or both.

17. If a person tries to criminally intimidate another person either physically or through electronic means with respect to the life of a person, property destruction through fire or chastity of a woman, it will amount to an offense under Section ?

- A. Sec 506
- b. Sec 355 d
- c. Sec 345c
- d. Sec 295

Ans. A

If a person tries to criminally intimidate another person either physically or through electronic means with respect to the life of a person, property destruction through fire or chastity of a woman, it will amount to an offense under Section 506 of IPC and punishment of imprisonment where the maximum period is extended up to seven years or fine or both.

18. email phishing by assuming someone's identity demanding password is exclusively concerned with ?

- A. Sec 419
- b. Sec 355 d
- c. Sec 345c
- d. Sec 295

Ans. A

email phishing by assuming someone's identity demanding password is exclusively concerned with Section 419 of IPC. Section 419 carries a punishment up to 3 years of imprisonment or fine.

19. If the woman is being monitored through electronic communication, internet, or email or is being bothered by a person to interact or contact despite her disinterest, it amounts to

- a. Cyber stalking

- b. voyeurism
- c. Forgery
- d. None of these

Ans. A

If the woman is being monitored through electronic communication, internet, or email or is being bothered by a person to interact or contact despite her disinterest, it amounts to cyber-stalking.

20. Web Jacking is provided under ?

- a. sec 383
- b. Sec 355 d
- c. Sec 345c
- d. Sec 295

Ans. A

Web Jacking is provided under sec 383 of IPC.



1. It means to access someone's computer without the right authorization of the owner and does not disturb, alter, misuse, or damage data or system by using wireless internet connection.

- a. Forgery
- b. Theft
- c. CyberTrespass
- d. None of these

Ans. C

It means to access someone's computer without the right authorization of the owner and does not disturb, alter, misuse, or damage data or system by using wireless internet connection is called as cyber trespass.

2. Sec 43 of IT Act covers –

- a. computer trespass, violation of privacy etc.
- b. computer data/database disruption, spamming etc.,
- c. unauthorised digital copying, downloading and extraction of data, computer database or information;. theft of data held or stored in any media,
- d. All of these

Ans .d

SEC 43 - (a) computer trespass, violation of privacy etc.

(b) unauthorised digital copying, downloading and extraction of data, computer database or information;. theft of data held or stored in any media,

(c) unauthorised transmission of data or programme residing within a computer, computer system or computer network (cookies, spyware, GUID or digital profiling are not legally permissible),

(d) data loss, data corruption etc.,

(e) computer data/database disruption, spamming etc.,

(f) denial of service attacks, data theft, fraud, forgery etc.,

(g) unauthorised access to computer data/computer databases and

(h) instances of data theft (passwords, login IDs) etc.

3. \_\_\_\_ act of damaging someone's data from the computer that in a way disrupts the victim's business or image due to editing the data into something invasive, embarrassing or absurd.

- a. forgery
- b. Cyber Vandalism
- c. Theft
- d. none of these

Ans, b

Cyber-Vandalism accounts to the act of damaging someone's data from the computer that in a way disrupts the victim's business or image due to editing the data into something invasive, embarrassing or absurd.

4. \_\_\_\_\_ provides punishment for tampering with computer source documents and says that any person who knowingly or intentionally conceals, destroys or changes or intentionally or knowingly causes another to conceal, destroy, or change any computer source code

- a. Sec 45
- b. Sec 65
- c. Sec 75
- d. Sec 66

Ans.b

Section 65 of the IT Act provides punishment for Tampering with Computer Source Document.

5. The punishment for Tampering with Computer is –

- a. 6 years
- b. 3 years
- c. 2 years
- d. 1 year

Ans. B

The crime under sec 65 is punishable with imprisonment for up to 3 years or with a fine which can reach Rs. 3,00,000 or with both.

6. \_\_\_provides punishment for identity theft and provides that anyone fraudulently or deceptively making use of the electronic signature, password or any other special identifying feature of some other person

- a. Sec 45
- b. Sec 65
- c. Sec 75
- d. Sec 66C

Ans.d

Section 66C of the IT Act provides punishment for Identity Theft and Cheating by Personation.

7. what is the punishment provided under Sec 66C ?

- a. 3 years
- b. 4 years

c. 6 years

d. 1 years

Ans. A

Section 66C of the IT Act provides punishment for identity theft and provides that anyone fraudulently or deceptively making use of the electronic signature, password or any other special identifying feature of some other person shall be imprisoned for a term which may extend to 3 years and shall also be liable to fine which may extend to Rs. 1,00,000.

8. \_\_\_ provides punishment for violation of privacy and provides that any person who intentionally or knowingly captures, publishes or transmits private images of a person without his or her consent thereby violating the privacy of that person.

a. Sec 45

b. Sec 65

c. Sec 75

d. Sec 66E

Ans.d

Section 66E of the IT Act provides punishment for violation of privacy and provides that any person who intentionally or knowingly captures, publishes or transmits private images of a person without his or her consent thereby violating the privacy of that person, shall be punished with imprisonment of upto 3 years or with fine not exceeding Rs. 2,00,000 or with both.

9. What is the punishment provided under Sec 66E?

a. 3 years

b. 4 years

c. 6 years

d. 1 years

Ans. A

Section 66E of the IT Act provides punishment for violation of privacy and provides that any person who intentionally or knowingly captures, publishes or transmits private images of a person without his or her consent thereby violating the privacy of that person, shall be punished with imprisonment of upto 3 years or with fine not exceeding Rs. 2,00,000 or with both.

10. \_\_\_\_\_ means to enter into the other's property without seeking consent.

a. trespass

b. theft

c. forgery

d. None of these

Ans. A

The word “trespass” in general means to enter into the other’s property without seeking consent.

11. What all are instances of Trespass to Property ?

a. Cyber squatting

b. Software piracy,

C. Infringement to database

D. All of these

Ans. D

Cyber squatting, Software piracy, Infringement to database, contents of websites, etc are for Trespass to Property.

12. What all are instances of Trespass to Persons ?

a) Identity theft,

b) Phishing,

c) Cyber stalking,

d) All of these

Ans. D

13. If a person fraudulently uses the password, digital signature or other unique identification of another person, he/she can face imprisonment up to 3 years or/and a fine of 1 Lakh INR is under which section ?

a. Sec 66

b. Sec 45

c. sec 67

d. sec 64

Ans. A

Sec 66 deals with If a person fraudulently uses the password, digital signature or other unique identification of another person, he/she can face imprisonment up to 3 years or/and a fine of 1 Lakh INR.

14. Data Theft is under which section ?

a. Sec 3

b. sec 44

c. sec 48

d. sec 56

Ans. A

The act of data theft or the offence stated in Section 43 if done dishonestly or fraudulently becomes a punishable offence under this Section and attracts imprisonment upto three years or a fine of five lakh rupees or both.

15. \_\_\_\_\_ deals with publishing or transmitting of material containing sexually explicit act in electronic form.

a. Sec 67A

b. sec 44

c. sec 48

d. sec 56

Ans. A

Section 67-A deals with publishing or transmitting of material containing sexually explicit act in electronic form.

16. State of Tamil Nadu v. Suhas Katti was related to which case ?

a. Sec 67

b. sec 44

c. sec 48

d. sec 56

Ans. A

Sec 67 gave historical importance since the landmark judgement in what is considered to be the first ever conviction under I.T. Act 2000 in India, was obtained in this Section in the famous case "State of Tamil Nadu v. Suhas Katti" on 5 November 2004.

17. Electronic signature or other identity theft like using others' password or electronic signature etc. is provided under which section ?

a. Sec 66c

b. sec 44

c. sec 48

d. sec 56

Ans. A

66C Electronic signature or other identity theft like using others' password or electronic signature etc. Punishment is three years imprisonment or fine of one lakh rupees or both.

18. Email Spoofing is provided under which section ?

- a. Sec 66A
- b. sec 44
- c. sec 48
- d. sec 56

Ans. A

Sending offensive messages through communication service, causing annoyance etc through an electronic communication or sending an email to mislead or deceive the recipient about the origin of such messages is known as Email Spoofing.

19. Tampering with source documents is dealt with under ?

- a. Sec 66A
- b. sec 44
- c. sec 48
- d. sec 65

Ans. D

Tampering with source documents is dealt with under section 65. Concealing, destroying, altering any computer source code when the same is required to be kept or maintained by law is an offence punishable with three years imprisonment or two lakh rupees or with both.

20. Fabrication of an electronic record or committing forgery by way of interpolations in CD produced as evidence in a court will attract which section ?

- a. sec 66
- b. sec 65
- c. sec 43
- d. sec 45

Ans. B

Fabrication of an electronic record or committing forgery by way of interpolations in CD produced as evidence in a court (Bhim Sen Garg vs State of Rajasthan and others, 2006, Cri LJ, 3463, Raj 2411) attract punishment under sec 65.

1. \_\_\_\_\_ refers to a malicious and deliberate attempt by somebody to harm a person's reputation.

- a. Easement
- b. Trespass
- c. Defamation
- d. None of these

Ans .c

Defamation refers to a malicious and deliberate attempt by somebody to harm person's reputation.

2. \_\_\_\_\_ means defamation in a permanent or written form.

- a. libel
- b. slander
- c. both
- d. None of the above

Ans. A

Libel basically means defamation in a permanent or written form.

3. \_\_\_\_\_ means a defamatory statement in a transient form.

- a. libel
- b. slander
- c. both
- d. None of the above

Ans.b

slander means a defamatory statement in a transient form.

4. slander is \_\_\_ wrong.

- a. civil
- b. criminal
- c. private
- d. None of the Above

Ans a

libel is a criminal offence as well as a civil wrong, while slander is just a civil wrong.

5. Defamation under Torts Law is \_\_\_\_\_ Wrong ?

- a. civil
- b. criminal

- c. private
- d. None of the Above

Ans a

defamation is an offence and even a civil wrong. This means that a person suffering defamation can opt for both remedies.

6. ) Remedies for the tort of defamation may be either \_\_\_\_\_ or \_\_\_\_\_.

- a. civil
- b. criminal
- c. Both
- d. None of the Above

Ans c

7. \_\_\_\_\_ is the most important defence against the tort of defamation.

- a. truth
- b. apology
- c. Priviledgd.
- d. comment

Ans. A

Truth is the most important defence against the tort of defamation.

8. A \_\_\_\_\_ has an absolute privilege for statements he makes in the Parliament.

- a. MP
- b. Doctor
- c. Police
- d. Author

Ans. A

Member of Parliament has an absolute privilege for statements he makes in the Parliament.

9. .... are words, which appear innocent, but have a latent defamatory meaning.

- (a) Libel
- (b) Slander
- (c) Innuendo
- (d) None of the above

Ans. (c)

Sometimes the statement may be prima facie innocent but because of some latent or secondary meaning may be considered to be defamatory.

10. Defamation involves:

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

Ans-D

Any intentional false communication, either written or spoken, that harms a person's reputation; decreases the respect, regard, or confidence in which a person is held; or induces disparaging, hostile, or disagreeable opinions or feelings against a person, is called defamation.

11. 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.

Ans- D

Any intentional false communication, either written or spoken, that harms a person's reputation; decreases the respect, regard, or confidence in which a person is held; or induces disparaging, hostile, or disagreeable opinions or feelings against a person, is called defamation.

12. Which of the following constitutes slander?

- a. Jayanthi tells Raj that Connie stole Rs.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.

Ans – A

slander means a defamatory statement in a transient form.

13. A written statement that damages someone's reputation is not considered libel if it is never communicated to another person than the person who wrote the statement. In other words, the person who wrote the statement never showed it to anyone.

- a. True
- b. False
- c. Partially true

Ans. A

14. There are certain occasions when the law recognizes the right to freedom of speech outweighs the plaintiff's right to reputation, the law treats those occasions as ?

- a. comment
- b. privilege
- c. Right
- d. truth

Ans. B

There are certain occasions when the law recognizes the right to freedom of speech outweighs the plaintiff's right to reputation, the law treats those occasions as 'Privileged'.

15. Absolute privilege extends to publications made in

- a. Judicial proceedings
- b. Quasi-judicial proceedings
- c. Quasi-judicial proceedings ❖ Parliamentary or legislative proceedings
- d. All of these

Ans. D

Absolute privilege extends to publications made in judicial proceedings, Quasi-judicial proceedings, Parliamentary or legislative proceedings, Certain communications between executive and officers of state, Communications between solicitor and client.

16. Fair Comment –

- a. The comment must be an expression of opinion rather than assertion of fact.
- b. The matter commented upon must be of public interest.
- c. The comment must be fair i.e. without malice.
- d. All of these

Ans d

Fair Comment-

1. # The comment must be an expression of opinion rather than assertion of fact.
2. # The comment must be fair i.e. without malice.
3. # The matter commented upon must be of public interest.

17. “false statement about a man to his discredit.” Was defined by –

- a. Salmond
- b. Austin
- c. Justice Cave
- d. None of above

Ans. C

Justice Cave, who has defined it as a “false statement about a man to his discredit.”

18. The repetition of defamatory matter is considered a –

- a. Old publication
- b. New publication
- c. Defamation
- D. Comment

Ans.b

19. Defamation is a creation of –

- a. Roman Law
- b. English law
- c. German Law
- d. None of these

Ans b

Defamation is a creation of English law.

20. When a person making the statement has a legal, social or moral duty to make it and the listener has an interest in it, then the defence of \_\_\_\_\_ privilege is allowed.

- a. Qualified
- b. Absolute
- c. Fair Comment
- d. None of these

When a person making the statement has a legal, social or moral duty to make it and the listener has an interest in it, then the defence of qualified privilege is allowed.

1. Defamation refers to anything against a person in form of-

- a. written or published manner

- b. spoken or oral manner
- c. Both (a) and (b)
- d. None of the above

Answer- C

2. In how many types defamatory statement is classified?

- a. 2
- b. 6
- c. 5
- d. 3

Answer- A

3. Libel is-

- a. the defamatory statement is published somewhere
- b. the defamatory statement is orally spoken
- c. Both (a) and (b)
- d. None of the above

Answer- A

4. Defamatory statement is considered as slander if-

- a. the statement is published somewhere
- b. the statement is spoken orally
- c. Both (a) and (b)
- d. None of the above

Answer- B

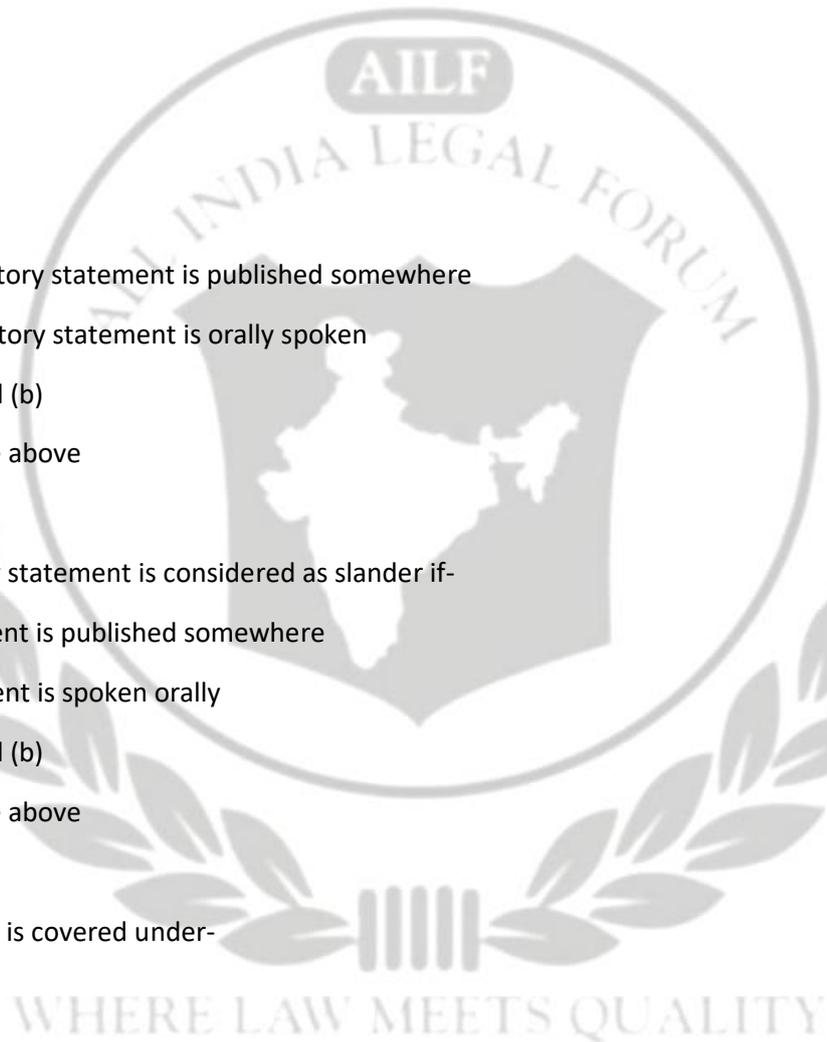
5. Defamation is covered under-

- a. Torts
- b. IPC
- c. Both (a) and (b)
- d. None of the above

Answer- C

6. Defamation under Tort deals with-

- a. criminal defamation



- b. civil defamation
- c. Both (a) and (b)
- d. None of the above

Answer- B

7. Defamation under IPC deals with-

- a. Criminal defamation
- b. Civil defamation
- c. Both (a) and (b)
- d. None of the above

Answer- A

8. Defamatory statement should be made in front of at least how many people?

- a. 1 or more than 1
- b. 0
- c. none of the above

Answer- A

9. Under which section of IPC defamation is discussed?

- a. Section 50 and 51
- b. Section 499 and 500
- c. Section 100 and 101
- d. Section 299 and 300

Answer- B

10. Which of the following given below are elements of defamation?

- a. the person who makes the statement should know that it will affect other person
- b. the statement made should be false
- c. statement should refer to the plaintiff only
- d. All of the above

Answer- D

11. In which case law it was said that “ a person’s right to speak freely should not affect the right of other person’s right of reputation which is integrated in Art. 21”?

- a. Shreya Singhal v. Union of India

- b. Subramanian swamy v. Union of India
- c. Gorantla Vekateshwarlu v. B. Demundu
- d. None of the above

Answer- B

12. Are there exceptions for a defamatory statement?

- a. yes
- b. no

Answer- A

13. Which among the following given below are exception to defamatory statement?

- a. Justification by truth
- b. fair and bonafide comment
- c. Absolute privilege
- d. All of the above

Answer- D

14. If a judicial officer make a defamatory statement during proceedings then will it be considered as a defamatory statement?

- a. Yes
- b. No

Answer- B

15. Generally, Absolute Privilege exempts defamatory statement made by-

- a. by govt. official
- b. by legislature during debate in parliament
- c. communication between spouses
- d. All of the above

Answer- D

16. In which Article it is stated that “member of parliament won’t be liable criminally or civil, for any statement made in debate of parliament”?

- a. Article 100
- b. Article 103
- c. Article 105
- d. Article 106

Answer- C

17. In which case law it was held “held that the privilege in Art. 105(2) which gives immunity from court proceedings extends even to taking of bribes by the members of Parliament for the purpose of voting in a particular manner in Parliament”?

- a. Shreya Singhal v. Union of India
- b. P.V Narsimha Rao v. State
- c. Both (a) and (b)
- d. None of the above

Answer- B

18. Qualified privilege can avail in which situation?

- a. reference for job applicant
- b. answering the police inquiry
- c. communication between parents and teacher
- d. All of the above

Answer- D

19. If A says that he finds a particular actor ugly is that a defamatory statement?

- a. Yes
- b. No

Answer- B

20. Statement based on someone’s opinion and not on fact is considered as a defamatory statement?

- a. Yes
- b. No

Answer- B

1. Which section deals with validity of contracts formed through electronic means.

- a. Sec 10
- b. Sec 10 A

c. Sec 11

d. Sec 12

Ans. b

Section 10A of the Information Technology Act, 2000 (IT Act) deals with validity of contracts formed through electronic means and states that if in a contract formation, communication and revocation of proposal/acceptance are expressed in an electronic form or by means of electronic records, it will not be considered as unenforceable solely on the ground that electronic form or means was used for that purpose.

2. "The contract between the parties was unconditionally accepted through e-mails and was a valid contract which satisfied the requirements of the Indian Contract Act." It was held in which case?

a. Trimex International FZE Limited, Dubai v. Vendata Aluminum Ltd.

b. Vishnu Sharma v. Mohan Sons and Company.

c. Samrat Association v. Commissioner

d. None of these

Ans . a

In the case of Trimex International FZE Limited, Dubai v. Vendata Aluminum Ltd., the Hon'ble Supreme Court of India held that the contract between the parties was unconditionally accepted through e-mails and was a valid contract which satisfied the requirements of the ICA.

3. \_\_\_\_\_ governs the provisions relating to time and place of dispatch and receipt of an electronic record, and addresses the issue of deemed jurisdiction in electronic contracts.

a. Sec 13 of IT Act.

b. Sec 13 of Indian Contract Act.

c. Sec 10 of IT Act

d. None of these

Ans. A

The jurisdictional issues of e-contracts have, however, been addressed to an extent under the IT Act. Section 13 of the IT Act governs the provisions relating to time and place of dispatch and receipt of an electronic record, and addresses the issue of deemed jurisdiction in electronic contracts.

4. Which one of the following are Electronic contracts?

A. Shrink-wrap agreements

b. Browse-wrap agreements

c. Click or web-wrap agreements

d. All of these

Ans. D

Online contracts can be of three types-Shrink-wrap agreements, Browse-wrap agreements, Click or web-wrap agreements.

5. Section 10A was inserted into ITA 2000 through an amendment made in –

- a. 2009
- b. 2008
- c. 2010
- d. 2000

Ans. B

Section 10A was inserted into ITA 2000 through an amendment made in 2008.

6. The 2008 amendment reflects Sec 11 of ?

- A. UNCTRAL Model Law on Electronic Commerce 1996
- b. IT Model 2005
- c. Both A and B
- d. None of these.

Ans. A

This amendment reflects section 11 of the UNCTRAL Model Law on Electronic Commerce 1996.

7. \_\_\_\_\_ provides for conditions when an agreement takes shape of a contract.

- a. sec 11
- b. sec 10
- c. sec 12
- d. sec 10 A

Ans. B

Section 10 of the Contract Act, which provides for conditions when an agreement takes shape of a contract.

8. The validity of Click-wrap agreements was questioned in which case?

- a. Hotmail Corporation v. Van \$ Money Pie Inc.
- b. Pro Cd, Inc v. Zeidenburg
- c. Both of these
- d. None of the Above

Ans.A

The Court highlighted for the very first time the cardinal question of validity of Click-wrap agreements in 1998, whereupon the court indirectly upheld the validity of licenses in a wrap agreement and said

that the terms of the license would be binding 'on the defendant by virtue of him having clicked on 'I agree' option that substantially indicates his assent to the offer.

9. Validity of Shrink-wrap agreements was taken up by ?

- a. Hotmail Corporation v. Van \$ Money Pie Inc.
- b. Pro Cd, Inc v. Zeidenburg
- c. Both of these
- d. None of the Above

Ans. B

In the famous case of Pro Cd, Inc v. Zeidenburg, the issue of validity of Shrink-wrap agreements was taken up whereby the court pronounced that by virtue of reading the terms of license, featured outside the wrap signifies the fact about acceptability of the terms of the license and that would constitute acceptance on his part.

10. Article 11 of UNCITRAL Model Law on Electronic Commerce provides –

- a. Formation and Validity of Contracts
- b. Validity of Contracts
- c. Creation of International Trade Law
- d. Click-wrap agreements

Ans. A

UNCITRAL Model law on Electronic Commerce (1996) through Article 11 titled "Formation and validity of contracts" provides the habitual channel for facilitating offer and acceptance that is through means of data message unless the parties have agreed on any other means of facilitation.

11. Two main parties involve in e- Contract are –

- a. originator and Addressee
- b. Contractor and Addressee
- c. Both A and B
- d. None of these.

Ans. A

The 2 main parties to an e-contract are- The Originator and the Addressee.

12. Which doctrine should be considered the foundation of e-contracts

- a. Uberrimaefidei
- b. Free Consent
- c. Incapacity of Parties
- d. presumption of Innocence.

Ans. A

E-Contracts are contracts attracting principles of Uberrimaefidei in which the contracting parties are not dealing at arm's length but one party is entirely dependent upon the information supplied by the other party on the basis of which alone he expresses his willingness to contract.

13. \_\_\_\_\_ sanctioned by the parliament to manage issue of electronic contracts.

- a. The Electronic Commerce Act,1998
- b. Indian Contract Act,1872
- c. The Information Technology Act, 2000
- d. Uniform Electronic Transactions Act

Ans. A

The "Electronic Commerce Act,1998" was sanctioned by the parliament to manage issue of electronic contracts. It depended on the suggestion of the council that the future contracts would to a great extent be founded on the web and electronic types of correspondence and acknowledgment because of its smoothness and speed.

14. The only essential requirement to validate an electronic contract is compliance with the necessary pre-requisites provided under ?

- a. Indian Evidence Act, 1872.
- b. Information Technology Act, 2000
- c. Indian Contract Act, 1872.
- d. None of these

Ans c

The only essential requirement to validate an electronic contract is compliance with the necessary pre-requisites provided under the Indian Contract Act, 1872.

15. E- Contract can be formed by

- a. Fax
- b. Internet
- c. E-mail
- d. All of the above

Ans. D

Online contract is formed through new modes of communication such as e-mail, internet, fax and telephone.

16. Which is not a type of E-Contract ?

- a. Click wrap
- b. Bubble wrap

- c. Shrink wrap
- d. Browse wrap

Ans. B

Online contracts can be of three types-Shrink-wrap agreements, Browse-wrap agreements, Click or web-wrap agreements.

17. E-Contracts are referred as

- a. Cyber Contract
- b. Online Contract
- c. Digital Contract
- d. All of the above

Ans. D

18. \_\_\_\_\_ contracts are terms and conditions of use that do not require the express agreement of a user.

- a. Browse wrap
- b. Shrink wrap
- c. Click wrap
- d. Bubble wrap

ans. A

Browse-wrap agreements cover the access to or use of materials available on a website or downloadable product. Only if the person agrees to the terms and conditions on the web page, then he can access the contents of the web page.

19. \_\_\_\_\_ contracts are license agreements or other terms and conditions which can only be read and accepted by the consumer after opening the product.

- a. Browse wrap
- b. Shrink wrap
- c. Click wrap
- d. Bubble wrap

Ans. B

Shrink wrap contracts are boilerplate or license agreements or other terms and conditions which are packaged with the products.

20. E-Contract is an agreement with

- a. Lawful consideration
- b. Free consent

c. Without hidden motive

d. All of the above

Answer: d

Sec 10 provides essential requirement of valid Contract.



1. Under the which section of the Motor vehicle act, if a person allows another person without a valid license to drive his vehicle penalized?

- a. Section 5 r/w
- b. Section 3 r/w
- c. Section 130 r/w 177
- d. Section 4 r/s

Answer- A

2. When you see the traffic sign of School, you should

- a. Stop the vehicle, sound horn and proceed
- b. Slow down and proceed with caution
- c. Sound horn continuously and proceed
- d. Both (A) and (B)

Answer- B

3. Age limit in connection with driving of motor vehicles

- a. No person under the age of eighteen year shall drive a motor vehicle in any public place
- b. Subject to the provisions of section 18, no person under the age of twenty years shall drive a transport vehicle in any public place
- c. No learner's license or driving license shall be issued to any person to drive a vehicle of the class to which he has made an application unless he is eligible to drive that class of vehicle under this section
- d. All of the above

Answer- D

4. What need to be checked before starting the engine of a vehicle?

- a. Head light
- b. Brakes
- c. Radiator water level and engine oil level
- d. Fuel

Answer-C

5. Drunken driving

- a. Allowed in private vehicles
- b. Allowed during night time
- c. Prohibited in all vehicles
- d. All of the above

Answer-C

6. One time tax for a new car is for

- a. Till the registration of the vehicle is cancelled
- b. 15 years
- c. 5 years
- d. 20 years

Answer- A

7. Extent of effectiveness of learner licenses, to drive motor vehicles-

- a. Be effective throughout India
- b. Be effective vide the district issued license
- c. Be effective only to drive in local
- d. None of the above

Answer - A

8. As per the Motor Vehicle Act, 1988 minimum \_\_\_\_\_ experience of driving a light motor vehicle is required before a person can be granted a license for transport vehicle.

- a. 6 months
- b. One Month
- c. Two Months
- d. Three Months

Answer- B

9. The hand brake is to be used

- a. To reduce the speed
- b. To apply sudden brake
- c. To park a vehicle
- d. All of the above

Answer- C

10. \_\_\_\_\_ refers to the movement of containerized freight through a coordinated transportation system that uses multiple delivery vehicles.

- a. Hybridization
- b. Inter-modalism

- c. Locomotion
- d. Freightment

Answer- B

11. As per the Central Motor Vehicle Rules, 1989 TREM stands for \_\_\_\_\_.

- a. Transport Efficient Motors
- b. Tariff Effects on Mediators
- c. Transport Elicit Motors
- d. Tractor Emission Norms

Answer- D

12. The Motors Vehicle Act, 1988 came into force-

- a. 1<sup>st</sup> July, 1989
- b. 1<sup>st</sup> July, 1988
- c. 1<sup>st</sup> July, 1956
- d. None of the above

Answer- A

13. To which of the following Free passage should be given

- a. Ambulance and fire service vehicles
- b. Express, Super Express buses
- c. Police vehicles
- d. All Govt vehicles

Answer- A

14. Mobile phones shall not be used

- a. In Government offices
- b. In Police Stations
- c. While driving a vehicle
- d. None of the above

Answer- C

15. A transport vehicle transport vehicle can be distinguish by

- a. Colour of the vehicle

- b. Looking at the number plate of the vehicle
- c. Looking at the tyre size
- d. Cannot be distinguished

Answer- B

16. Records of a private vehicle are-

- a. Registration Certificate, G.C.R., Insurance Certificate
- b. Registration certificate, Insurance Certificate, Tax Token, Driving Licence
- c. Registration Certificate, Permit, Trip Sheet
- d. None of the above

Answer - B

17. If the velocity of a vehicle is 70 kmph and the other vehicle velocity in same direction is 20 kmph, then the relative velocity is?

- a. 80 km/h
- b. 50 km/h
- c. 10 km/h
- d. 60 km/h

Answer- B

18. Overtaking when approaching a bend

- a. Is permissible
- b. Not permissible
- c. Is permissible with care
- d. None of the above

Answer- B

19. Does the Motor vehicle act apply for the state of Jammu and Kashmir?

- a. No, the act does not extend to J&K
- b. Yes, the act will apply to J&K
- c. J&K has a separate act dealing with motor vehicle act
- d. State government can adopt the motor vehicle act.

Answer- B

20. Can a person transfer his driving license to another person?

- a. He can with the permission of the licensing authority

- b. He cannot transfer under any circumstances
- c. He can transfer without any permission
- d. Depends on the circumstances of the case

Answer- B



## **NATURE AND DEFINITION OF TORTS**

## MULTIPLE CHOICE QUESTIONS

**Q1.** Which of the following is not related to Tort law?

- (a) Uncodified
- (b) Unliquidated damages
- (c) Pigeon Hole theory
- (d) Criminal Law

**Ans: (d)**

**Q2.** The pigeon-hole theory for the law of tort was given by:

- (a) Salmond
- (b) Winfield
- (c) Lord Macaulay
- (d) None of the above

**Ans: (a)**

**Q3.** Which of the following is not a tort?

- (a) Defamation
- (b) Negligence
- (c) Culpable Homicide
- (d) Nuisance

**Ans: (c)**

**Q4.** '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

**Ans: (a)**

**Q5.** The punishments awarded in the case of tort are

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

**Ans: (d)**

**Q6.** 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

**Ans: (d)**

**Q7.** 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

**Ans: (d)**

**Q8.** 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

**Ans: (c)**

**Q9.** In the case of the trespass to the person, which of the following defenses will not apply?

- (a) Private Defense
- (b) Lawful authority
- (c) Contributory Negligence
- (d) None of the above

**Ans: (c)**

**Q10.** 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

**Ans: (a)**

**Q11.** 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

**Ans: (c)**

**Q12.** 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

**Ans: (b)**

**Q13.** 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

**Ans: (d)**

**Q14.** 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'

**Ans: (b)**

**Q15.** In tort the remedy is available against

- (a) Rem
- (b) Personam
- (c) Both a and b
- (d) None of the above

**Ans: (a)**

**Q16.** Law of tort is:

- (a) Codified
- (b) Uncodified
- (c) Both a and b
- (d) None of the above

**Ans: (b)**

**Q17.** An individual who commit a tort is called?

- (a) A tortfeasor
- (b) A wrong doer
- (c) Both a & b
- (d) None of the above

**Ans: (c)**

**Q18.** Which of the following are objectives or tort?

1. To determine rights between the parties to a dispute.
2. To prevent the continuation or repetition of harm i.e. by giving orders of injunction.
3. To protect certain rights of every individual recognized by law i.e. a person's reputation.
4. To restore one's property to its rightful owner i.e. where the property is wrongfully taken away from its rightful owner.

- (a) 1 & 2
- (b) 1, 2 & 4
- (c) All of the above
- (d) None of the above

**Ans: (c)**

**Q19.** *Damnum sine injuria* means :

- (a) Injury without damage
- (b) Damage without injury
- (c) Grave injury

(d) Grave damage

**Ans: (b)**

**Q20.** *Volenti non fit injuria* is the legal defense of :

- (a) Mistake
- (b) Act of God
- (c) Consent
- (d) None of the above

**Ans: (c)**



## **NEGLIGENCE**

## MULTIPLE CHOICE QUESTIONS

**Q1.** Which is the leading case on Negligence?

- (a) Donoghue Vs Stevenson
- (b) Bourhill
- (c) Paris
- (d) Wagon Mound

**Ans: (a)**

**Q2.** What does the damage have to be?

- (a) Legal
- (b) Remote
- (c) Factual
- (d) Forseeable

**Ans: (d)**

**Q3.** Which case involved a ship leaking Oil/

- (a) Bourhill
- (b) Donoghue
- (c) Paris
- (d) Wagon Mound

**Ans: (d)**

**Q4.** Which is not a risk factor?

- (a) Size of risk
- (b) Proximity
- (c) Practical questions
- (d) Knowledge of danger

**Ans: (b)**

**Q5.** Which of the following should the Plaintiff prove?

- (a) Defendant was under a legal duty of care
- (b) There was breach of duty by Defendant
- (c) Breach should be direct cause of damage
- (d) All of the above

**Ans: (d)**

**Q6.** The objective standard of care is measured against the standard of:

- (a) an average man
- (b) an ordinary man
- (c) a responsible man
- (d) a reasonable man

**Ans: (d)**

**Q7.** Which of the following are factor the Judge may take into account when determining if the defendant has fallen below the standard appropriate to the duty that he owes?

- (a) Foreseeability of harm
- (b) The magnitude of the risk
- (c) Whether the claimant has contributed to his own harm
- (d) The practicability of precautions

**Ans: (c)**

**Q8.** 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 recognized type

**Ans: (b)**

**Q9.** Why did the claimant in Donoghue Vs Stevenson bring her action in tort instead of contract?

- (a) Because the claimant had not actually purchased the ginger beer herself

- (b) Because the purchaser of the ginger beer was indirectly injured
- (c) Because the seller of the ginger beer was not responsible for the snail in the bottle
- (d) Because the presence of the snail was a defect in quality rather than a danger

**Ans: (a)**

**Q10.** 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 ensure that the wrongdoer has actually been careless

**Ans: (c)**

**Q11.** The doctrine of unintentional tort is commonly referred to as:

- (a) Negligence
- (b) Strict liability
- (c) Negligence per se

(d) Absolute liability

**Ans: (a)**

**Q12.** Under \_\_\_\_, a plaintiff who is partially a fault for his or her own injury cannot recover against a negligent defendant

- (a) Strict liability
- (b) Contributive negligence
- (c) Comparative negligence
- (d) Negligence per se

**Ans: (b)**

**Q13.** The \_\_\_\_ defense assumes that the plaintiff had knowledge of the specific risk, and that he or she voluntarily assumed that risk.

- (a) Assumption of risk
- (b) Comparative negligence
- (c) Contributory negligence
- (d) None of the above

**Ans: (a)**

**Q14.** \_\_\_\_ Negligence provides that a plaintiff must be less than 50 % responsible for causing his or her own injuries in order to recover damages from the defendant.

- (a) Pure comparative
- (b) Partial comparative
- (c) Partial contributory
- (d) Pure contributory

**Ans: (b)**

**Q15.** The famous case of Donoghue Vs Stevenson established the principle of ?

- (a) Reasonable foreseeability
- (b) Duty of care
- (c) Legal neighbors
- (d) Negligence

**Ans: (b)**

**Q16.** There are some well-established cases where a duty of care is owed, including

- (a) Doctors and patients
- (b) Teachers and students
- (c) Drivers and pedestrians
- (d) All of the above

**Ans: (d)**

**Q17.** Which of the following is an example of civil negligence?

- (a) Pharmaceutical company if launches a drug testing it on humans
- (b) Driver who runs a stop signs and goes beyond prescribed speed limit
- (c) An office where mopping is in process and does not put wet floor sign
- (d) All of the above

**Ans: (d)**

**Q18.** Negligence is derived from the latin word \_\_\_\_\_

- (a) Negligia
- (b) Negligentia
- (c) Neglicien
- (d) None of the above

**Ans: (b)**

**Q19.** \_\_\_\_\_ is available as defense in a suit for negligence

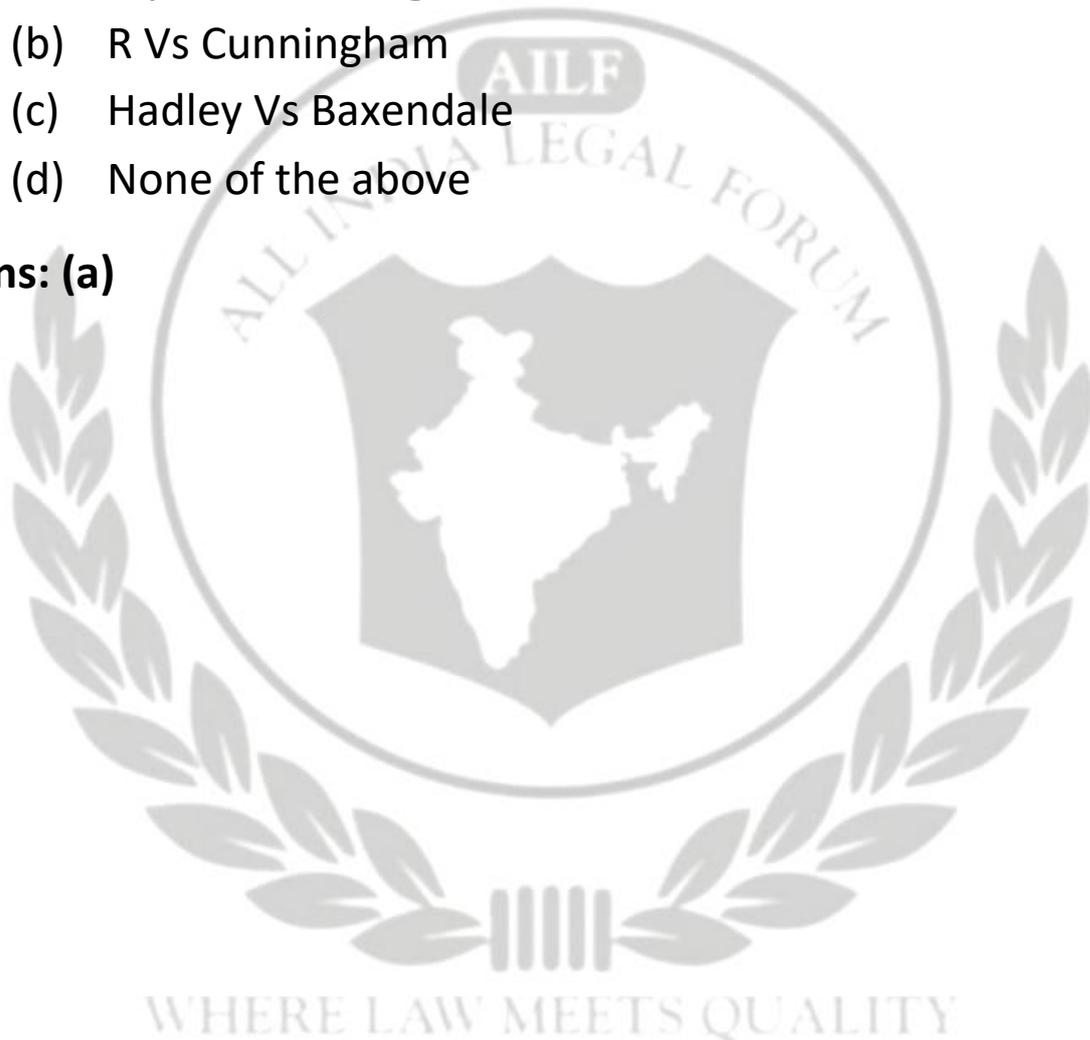
- (a) Contributory negligence by the plaintiff
- (b) Act of God
- (c) Inevitable Accident
- (d) All of the above

**Ans: (d)**

**Q20.** In which of the following cases duty to take care was observed?

- (a) Blyth Vs Birmingham Waterworks Co.
- (b) R Vs Cunningham
- (c) Hadley Vs Baxendale
- (d) None of the above

**Ans: (a)**



**MCQ on Offences in IT Act**

1. Which of the following is not a type of cyber crime?

- a) Data theft
- b) Forgery
- c) Damage to data and systems
- d) Installing antivirus for protection

Ans:- d

2. Cyber-laws are incorporated for punishing all criminals only.

- a) True
- b) False

Ans:- b

3. Cyber-crime can be categorized into \_\_\_\_\_ types.

- a) 4
- b) 3
- c) 2
- d) 6

Ans:- c



4. Which of the following is not a type of peer-to-peer cyber-crime?

- a) Phishing
- b) Injecting Trojans to a target victim
- c) MiTM
- d) Credit card details leak in deep web

Ans:- d

5. Which of the following is not an example of a computer as weapon cyber-crime?

- a) Credit card fraudulent
- b) Spying someone using keylogger
- c) IPR Violation
- d) Pornography

Ans:- b

6. Which of the following is not done by cyber criminals?

- a) Unauthorized account access
- b) Mass attack using Trojans as botnets
- c) Email spoofing and spamming
- d) Report vulnerability in any system

Ans:- d

7. What is the name of the IT law that India is having in the Indian legislature?

- a) India's Technology (IT) Act, 2000
- b) India's Digital Information Technology (DIT) Act, 2000
- c) India's Information Technology (IT) Act, 2000
- d) The Technology Act, 2008

Ans:- c

8. Under which section of IT Act, stealing any digital asset or information is written a cyber-crime.

- a) 65
- b) 65-D
- c) 67
- d) 70

Ans:- a

9. What is the punishment in India for stealing computer documents, assets or any software's source code from any organization, individual, or from any other means?

- a) 6 months of imprisonment and a fine of Rs. 50,000
- b) 1 year of imprisonment and a fine of Rs. 100,000
- c) 2 years of imprisonment and a fine of Rs. 250,000
- d) 3 years of imprisonment and a fine of Rs. 500,000

Ans:- d

10. What type of cyber-crime, its laws and punishments does section 66 of the Indian IT Act holds?

- a) Cracking or illegally hack into any system
- b) Putting antivirus into the victim
- c) Stealing data
- d) Stealing hardware components

Ans:- a

11). What is the maximum penalty for damage to Computer, Computer systems, unauthorized access, download of data, infecting with virus, denial of access etc as per Section 43

- (a) Rs. 50 lakh
- (b) Rs.1 crore
- (c) Rs. 5 crore
- (d) Rs,75 lakh

Ans:- b

12). Which section of IT Act deals with Cyber terrorism?

- (a) Section 66C
- (b) Section 66B
- (c) Section 66F
- (d) Section 66A

Ans:- c

13). Which section of IT Act deals with Hacking of computer systems and its penalties?

- (a) Section 65
- (b) Section 66
- (c) Section 62
- (d) Section 67

Ans:- b

14). Which section of IT act deals with Tampering with computer source documents tampering with computer source documents. ?

- a. 65
- b. 66

- c. 67
- d. 68

Ans:- a

15). Which Section of IT act deals with Computer related offences?

- a. 67
- b. 68
- c. 69
- d. 66

Ans:- d

16). Which Section of IT act deals with Punishment for publishing or transmitting obscene material in electronic form ?

- a. 68
- b. 67
- c. 69
- d. 65

Ans:- b

17). Which Section of the IT act deals with Power to issue directions for interception or monitoring or decryption of any information through any computer resource. ?

- a. 69
- b. 67



c. 68

d. 66

Ans:- a

18). Which Section of IPC deals with Protected system?

a.71

b.72

c. 73

d.70

Ans:- d

19). Which Section of IT act deals with Penalty for misrepresentation?

a. 73

b. 74

c. 75

d. 71

Ans:- d

20). Which Section of IT act deals with Penalty for breach of confidentiality and privacy.?



a. 72

b. 73

c. 74

d. 75

Ans:- a



## **PENALTIES & ADJUDICATIONS**

### **IT ACT**

## MULTIPLE CHOICE QUESTIONS

**Q1.** Where a person without the permission of owner or any other person-in-charge damage the Computer, or Computer System, he shall be liable for Penalty and Compensation under:

- (a) Section 43
- (b) Section 45
- (c) Section 47
- (d) None of the above

**Ans: (a)**

**Q2.** Penalty for breach of confidentiality and privacy is provided under :

- (a) Section 17
- (b) Section 75
- (c) Section 60
- (d) Section 72

**Ans: (d)**

**Q3.** \_\_\_\_ Penalty is given for tampering with computer source documents

- (a) 3 years imprisonment and fine 2 lakh rupees
- (b) 3 years imprisonment or fine 2 lakh rupees
- (c) 3 years imprisonment and/or fine 2 lakh rupees
- (d) None of the above

**Ans: (c)**

**Q4.** Penalty for failure to furnish information, return, etc. is provided under:

- (a) Section 44
- (b) Section 25
- (c) Section 7
- (d) Section 40

**Ans: (a)**

**Q5.** Section 46 of IT Act deals with:

- (a) Power to adjudicate
- (b) Residuary penalty
- (c) Absolute penalty
- (d) None of the above

**Ans: (a)**

**Q6.** Residuary Penalty is dealt under Section \_\_\_ of IT Act, 2000

- (a) Section 23

- (b) Section 42
- (c) Section 45
- (d) Section 37

**Ans: (c)**

**Q7.** Every adjudicating officer shall have the powers of \_\_\_\_\_

- (a) Criminal court
- (b) Civil court
- (c) Governor
- (d) None of the above

**Ans: (b)**

**Q8.** Which among the following are the factors to be taken care of by the adjudicating officer?

- (a) the amount of gain of unfair advantage, wherever quantifiable, made as a result of the default;
- (b) the amount of loss caused to any person as a result of the default;
- (c) the repetitive nature of the default.
- (d) All of the above

**Ans: (d)**

**Q9.** Consider the following statements:

1. No person shall be appointed as an adjudicating officer unless he possesses such experience in the field of Information Technology and legal or judicial experience as may be prescribed by the Central Government.
  2. body corporate does not include any company , firm or sole proprietorship
  3. Compensation for failure to protect data is provided u/s 43A
- (a) 1 & 2 are correct
  - (b) 2 & 3 are correct
  - (c) 1 & 3 are correct
  - (d) All are correct

**Ans: (c)**

**Q10.** Which among the following makes a person liable to pay penalty u/s 43 of IT Act 2000?

- (a) accesses or secures access to a computer
- (b) disrupts or causes disruption of any computer
- (c) denies or causes the denial of access to any person authorised to access any computer
- (d) All of the above

**Ans: (d)**

**Q11.** When a person fails to furnish any document, return, report to the controller, or certifying authority, then he shall be liable to pay penalty up to \_\_\_ per failure

- (a) Rs 150 k
- (b) Rs 10 k
- (c) Rs 50 k
- (d) Rs 500

**Ans: (a)**

**Q12.** Penalties, compensation and adjudication are dealt under \_\_\_ sections

- (a) Sec 43
- (b) Sec 44
- (c) Both a & b
- (d) None of the above

**Ans: (c)**

**Q13.** Section 65 of IT Act deals with \_\_\_ offence:

- (a) Tampering or destroying computer source
- (b) Steal computer
- (c) Both a & b
- (d) None of the above

**Ans: (a)**

**Q14.** The penalty provided in section 66B is :

- (a) Imprisonment up to 3 years
- (b) Penalty of Rs 10000
- (c) Both a & b
- (d) None of the above

**Ans: (c)**

**Q15.** If any person dishonestly , or fraudulently by means of any communication device or computer source cheats by personating , he shall be liable u/s

- (a) Section 66 D
- (b) Section 66A
- (c) Section 66B
- (d) None of the above

**Ans: (a)**

**Q16.** Any person who publishes or transmits sexually explicit materials in electronic form is liable to penalty u/s

- (a) 67B
- (b) 67A
- (c) 66D
- (d) 66B**

**Ans: (b)**

**Q17.** The controller may by order direct a certifying authority or any employee of such Authority to take such measures or cease carrying on such activities as specified as specified in the order with compliance to provisions of the IT Act u/s

- (a) 68
- (b) 69
- (c) 70
- (d) 71

**Ans: (a)**

**Q18.** Section 70 deals with power of Govt to declare any computer source which directly or indirectly affects the facility of Critical Information Infrastructure to be protected system, and persons who fail to comply with the notification shall be liable to imprisonment of \_\_\_years

- (a) 7 years
- (b) 10 years
- (c) 11 years
- (d) 5 years

**Ans: (b)**

**Q19.** Whoever makes any misrepresentation to, or suppresses any material fact from the controller or certifying

authority for obtaining any license or electronic certificate is liable to pay penalty u/s

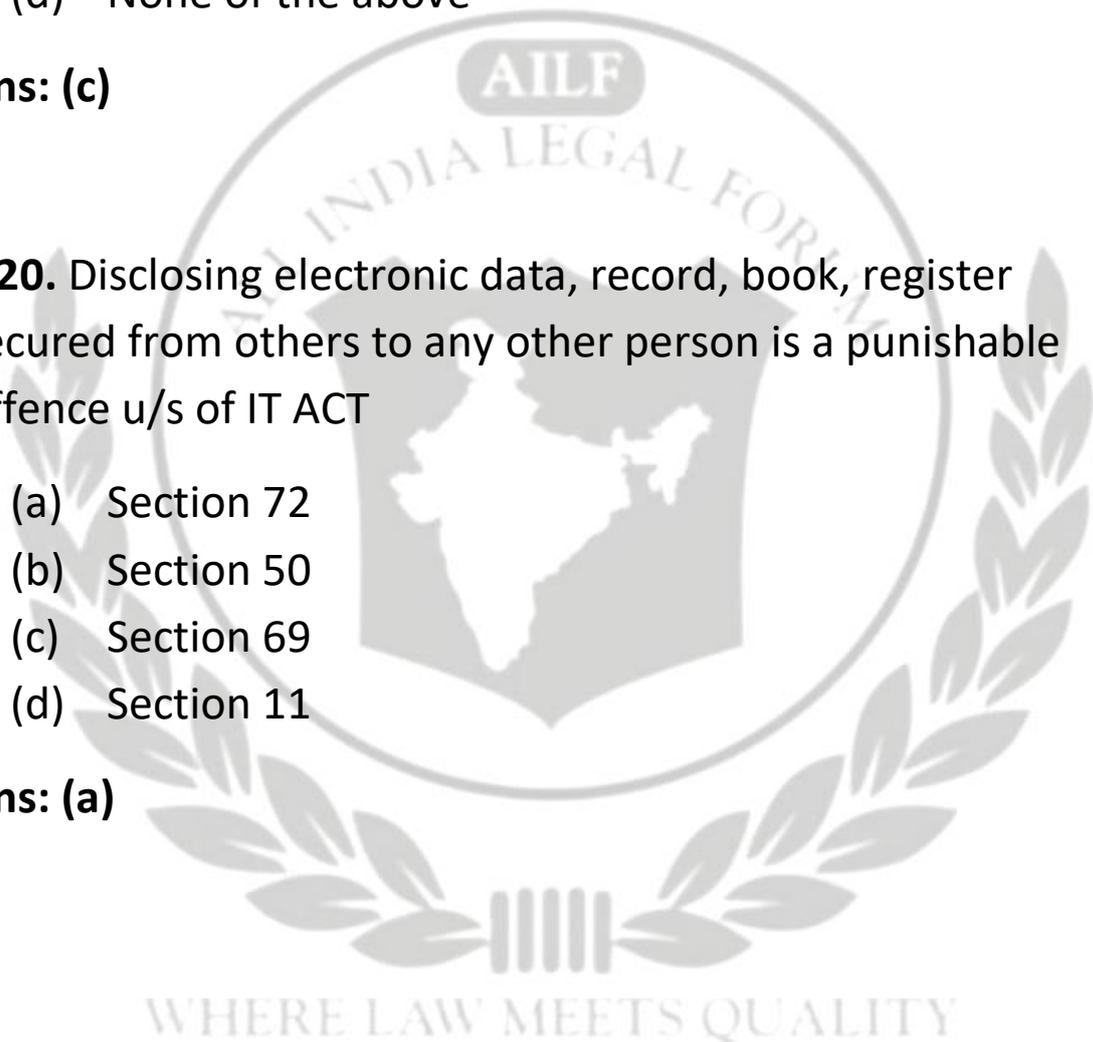
- (a) Section 6
- (b) Section 70
- (c) Section 71
- (d) None of the above

**Ans: (c)**

**Q20.** Disclosing electronic data, record, book, register secured from others to any other person is a punishable offence u/s of IT ACT

- (a) Section 72
- (b) Section 50
- (c) Section 69
- (d) Section 11

**Ans: (a)**



WHERE LAW MEETS QUALITY

## MCQ ON PRIVATE DEFENCE

1). Which is the most used defence in tort law?

- a. Volenti non fit injuria
- b. Necessity
- c. Act of god
- d. Private defence

ans: d

2). Which is the defence provided not just for the body of the person but also for the property?

- a. Necessity
- b. Inevitable accident
- c. Private Defence
- d. Mistake

ans: c

3). Which defence in tort is a natural defence?

- a. Private defence
- b. Inevitable Accident
- c. Mistake
- d. Act of God

ans: a

4). A saw B trying to rape C. Seeing the immediate danger to life of C, A hit on B's head with a stone present there. Here A used private defence for the danger which was present at the time of use of private defence.

Which is the above mentioned type of private defence?

- a. Imminent threat
- b. Propotional Force

Ans: a

5). If a theft enter one's house but after getting caught he threat the person with a knife standing far away from him and after that the owner of the house getting angry shot him dead.

Which is the above mentioned type of private defence?

- a. Imminent threat
- b. Propotional Force

Ans: b

6). Which defence in tort has been recognized as a natural defence and also provided as a defence in criminal law under IPC,1860 ?

- a. Private Defence
- b. Mistake
- c. Act of God
- d. Inevitable Accident

ans: a

7). Which defence in tort can easily be misused ?

- a. Mistake
- b. Act of God
- c. Private Defence
- d. Necessity

ans: c

8). Which defence in tort can be used as an excuse for the commission of a crime ?

- a. Necessity
- b. Private defence
- c. Act of god
- d. Mistake

ans: b

9). Which section in IPC deals with things done in private defence?

- a. Section 96
- b. Section 106
- c. Section 97
- d. Section 103

ans: a



10). Which section in IPC deals with right to private defence of the body and of property?

- a. Section 99
- b. Section 100
- c. Section 103
- d. Section 97

ans: d

11). Which section in IPC deals with right to private defence against the act of a person of unsound mind ?

- a. Section 101
- b. Section 102
- c. Section 108
- d. Section 98

ans: d

12). Which section of IPC deals with acts against which there is no right of private defence?

- a. Section 99
- b. Section 101
- c. Section 108
- d. Section 109

ans: a

13). Which section in IPC deals with when the right of private defence of the body extends to causing death ?

- a. Section 109
- b. Section 108
- c. Section 100
- d. Section 105

ans: c

14). Which section in IPC deals with when the right of private defence extends to causing any harm other than death?

- a. Section 101
- b. Section 98
- c. Section 99
- d. Section 105

ans: a

15). Which section in IPC deals with the commencement and continuance of the right of private defence ?

- a. Section 99
- b. Section 100
- c. Section 105
- d. Section 102

ans: d

16). Which section in IPC deals with when the right of private defence of property extends to causing death ?

- a. Section 101
- b. Section 105
- c. Section 104
- d. Section 103

ans: d

17). Which section in IPC deals with when the right to private defence extends to causing any harm other than death?

- a. Section 103
- b. Section 104
- c. Section 101
- d. Section 102

ans: b

18). Which section in IPC deals with the commencement and continuation of the right of private defence of property?

- a. Section 105
- b. Section 106
- c. Section 101
- d. Section 99

ans: a

19). Which section in IPC deals with right to private defence against deadly assault when there is risk of harm to innocent person?

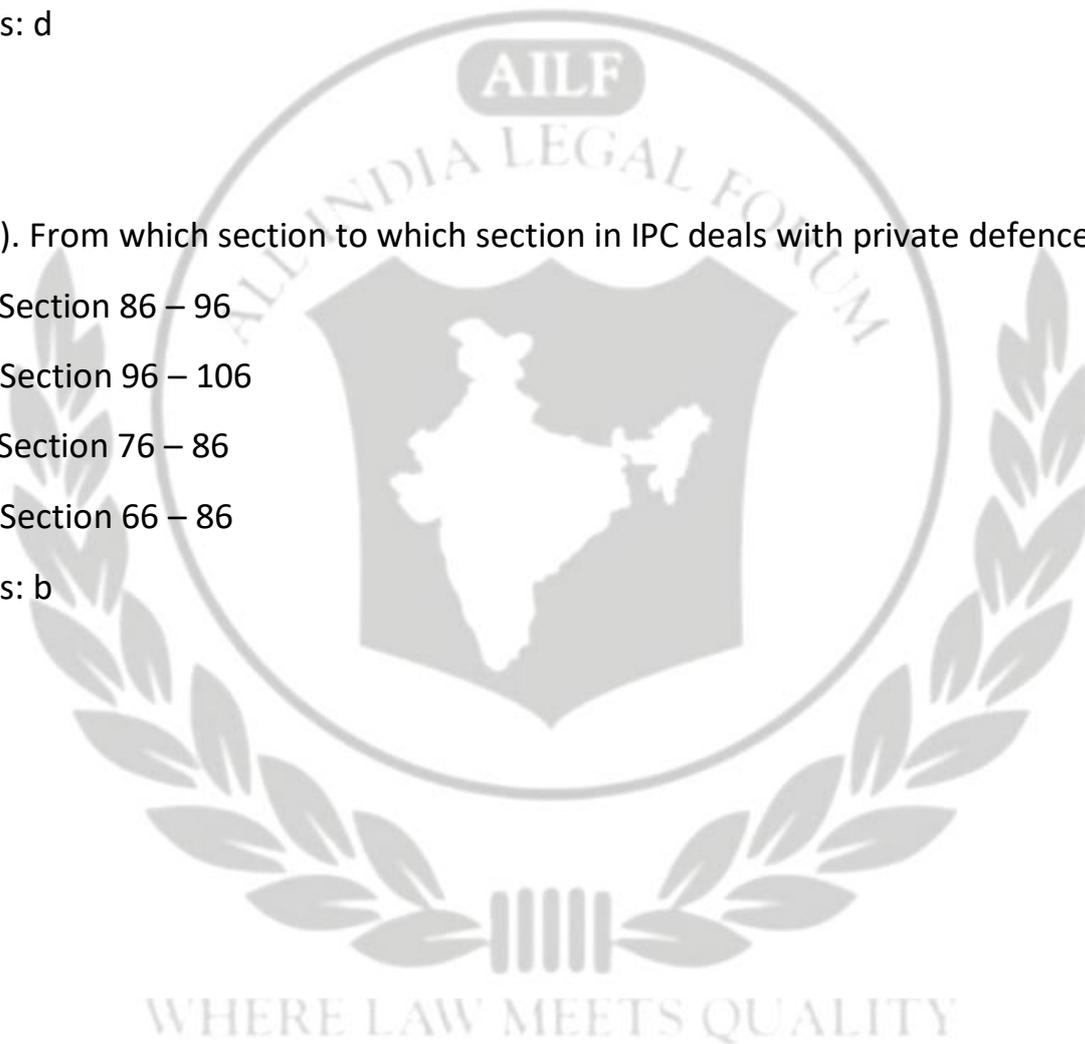
- a. Section 98
- b. Section 97
- c. Section 96
- d. Section 106

ans: d

20). From which section to which section in IPC deals with private defence?

- a. Section 86 – 96
- b. Section 96 – 106
- c. Section 76 – 86
- d. Section 66 – 86

ans: b



## Private Defence in Tort

1.Principle: An Act of God is an operation of natural forces so unexpected that no human foresight or skill could reasonably be expected to anticipate it.

Facts: The Patanjali Housing Complex was celebrating its 10<sup>th</sup> Anniversary and arranged for a concert by Shanikrama, a leading musical group. The event was organized in one of the best auditoriums, and all the tickets were sold out. On the day of the event, an earthquake destroyed many building including the auditorium. People who had purchased the tickets asked for refund from the Patanjali Housing Complex as the show could not take place.

- a. The Patanjali Housing Complex must refund the cost of tickets.
- b. The management of the auditorium must refund the cost of the tickets.
- c. Neither Patanjali Housing Complex nor anyone else need to refund the cost of tickets as it is an Act of God.
- d. The ticket holders can demand the show to be organized at a later point of time.

Ans:- C

2.Principle: Harm suffered voluntarily is not actionable in law.

Facts: Dumbdev, a snake charmer, was exhibiting his talents to a group of people. One of the snakes escaped and bit a child who had to be hospitalized for two days for treatment.

- a. Dumbdev is liable to compensate the child's family for his careless act
- b. Dumbdev is not liable to anything as such things keep happening.
- c. Dumbdev is not in a position to compensate as he is poor
- d. The child should have taken adequate care from protecting herself from the snake bite.

Ans:- A

3.Lettersworth on returning home late after work was confronted by an armed robber, on an empty street, who tried to take his valuables at knife point. Lettersworth raised an alarm, but in vain. In the ensuing struggle, he snatched the knife from the attacker and killed him. At the trial Lettersworth:

- I. Can claim the right of private defence as she was defending his life and property
- II. Can claim private defence as he tried to obtain help but could not approach public authorities.

- III. Cannot claim private defence as to defend a few valuables a person cannot be killed
- IV. Cannot claim private defence as it was his own fault that he was coming home late at night and not careful to avoid an empty street.

a. I and II    b. III    c. III and IV    d. II

Ans:- A

4. Every person has a right of self defence, if his life is under imminent threat.

Facts: Mr. Moreno, a mafioso, threatens Mr. Bollinger that he will kill the latter. After saying so, Mr. Moreno turns to take out his automatic firearm from his car. What remedy does Mr. Bollinger have?

- a. Mr. Bollinger will have to run away.
- b. Mr. Bollinger will have to go to the Police Station and file a complaint.
- c. Mr. Bollinger can exercise the right of private defence.
- d. Mr. Bollinger cannot exercise the right of private defence.

Ans:- C

5. Principle: There is no remedy for the injury caused by an act, to which one has consented.

Facts: In an exhibition cricket match, Sachin hit a full toss delivery of Shane Bond over the fence for a six. The ball fell on the head of Humpty, a spectator, and this severely injured him. Humpty had purchased a ticket costing Rs. 2000 to watch the match. Humpty has past issues with the organizers.

- a. Humpty can recover the costs of his medical expenses from Sachin.
- b. Humpty can recover the cost of his medical expenses from Shane Bond.
- c. Humpty can recover the cost of his medical expenses from the Organizers.
- d. Nobody would be liable to pay anything to Humpty.

Ans:- C

6.Principle: A right of action cannot arise out of an illegal activity.

Facts: A and B were thieves engaged in stealing cars and other vehicles. Once they stole a car; and while driving off, they had to cross a city. They engaged a driver to drive them through the city, since they did not know the route inside. The indicator lamp of the car was not working and the thieves had not realised this, and therefore, had not told about it to the driver. While driving, through the city, the car was hit by another vehicle because of the faulty indicator. In the accident, the driver was injured and he filed a suit against A and B.

- a. The driver would lose, because he was driving a stolen car.
- b. The driver would win, because he was not a party to the stealing
- c. The driver would win because he did not know anything about the stealing.
- d. None of the Above.

Ans:- C

7.Principle: Self defence is considered as a universal exception for intentionally causing harm.

Facts: The robbers, armed with knives and crowbars, broke the access door of a house and entered into it. The owner of the house took out his gun and threatened to shoot them. The robbers ran out of the house and started pelting stones. The owner opened the fire. Having heard the gun shot, the police rushed to the place and announced that the owner must stop firing. The owner, suspecting mischief, continued to fire and a policeman was injured by a shot. The robbers meanwhile fled away. The owner was sued for attacking the public servant on duty.

- a. The owner shall be liable for causing harm, in excess of what is necessary for self-defence.
- b. The owner shall not be liable for attacking the public servant as such, though he may be held liable otherwise.
- c. The owner's action is justified by the consideration.

d. The owner shall be liable for not calling the police himself, after the robbers fled.

Ans:- D

8.Principle: Tort law states that self defence cannot be used as a defence against private another person's right of private defence.

Facts: Ratul bashes up Archit. Archit defends himself. Archit drags Ratul to court. Ratul claims that he hit Archit again only because Archit defended himself.

- a. Claim is valid.
- b. Ratul cannot claim.
- c. Claim is invalid in law as he perpetuated the violence first, and thus, he has no claim.
- d. None of the above.

Ans:- C

9.Principle: Causing damage to another person is not actionable in law unless there is also caused an injury to the plaintiff.

Facts: Career Puncher was a popular tuition center. However, a new coaching center named Proper Coaching opened right next to Career Puncher. As a result, Career Puncher lost out a lot of its students.

This also resulted in monetary losses and subsequently it had to be shut down. Career Puncher later filed a suit against Proper Coaching for loss of earnings.

- a. Career Puncher will succeed because it has incurred monetary damage.
- b. Career Puncher will not succeed because no legal right has been infringed.
- c. Career Puncher will succeed because its owners' legal right to livelihood has been curtailed.
- d. None of the above.

Ans:- B

10.Principle: Something done to prevent a greater harm can be used as a defence.

Mr. A was the captain of Olympus, which was carrying fifty people across the Atlantic. The ship was caught amidst a storm and was about to sink. Mr. A pushed out two passengers with their luggage, so that the ship could maintain balance. He made sure that they had their life-jackets with them. Despite that, they succumbed to their injuries and died. The rest of the passengers, however, got through unscathed.

- a. Mr.A is liable for culpable homicide
- b. Mr.A is liable for murder

- c. Mr.A is not liable
- d. Mr.A is guilty of negligence.

Ans:- C

11.Principle: An act of God is an operation of natural forces so unexpected that no human foresight or skill could reasonably be expected to anticipate it.

Facts: For the past week, there had been average to high rainfall in the Cherrapunji region. Mr. India was engaged in a dyeing company and had left some dyed cloth on his terrace for drying since it had not rained in the past two days. However, it rained that day and the cloth got washed away. The customers filed a suit against him, in response to which Mr. India claimed the defence of act of God.

- a. Mr. India will not be liable since the sudden rainfall could not be predicted.
- b. Mr. India will be liable since he did not take adequate precautions
- c. Mr. India will not be liable since he had committed the act in good faith
- d. None of the above

Ans:- A

12.Principle: Mere knowledge of the risk does not imply consent to undergo harm.

Facts: Achilles and Hector had entered into a fight. Paris intervened and got hit by Achilles. Paris filed a suit against Achilles. However, Achilles said that Paris had consented to getting hit.

- a. Paris only had knowledge, and did not consent to getting hit.
- b. Paris's consent could be inferred from his intervention.
- c. Paris had acted in good faith and therefore, the defence cannot be taken.
- d. None of the above

Ans:- A

13.Principle: There is no liability in tort in cases of inevitable accidents.

Facts: Two strangers took a lift in a jeep. During the journey, one of the bolts that fastened the right front wheel gave way. The two strangers suffered serious injuries in the accident, resulting in the death of one of them. The survivor filed a suit against jeep owner for compensation.

- a. The jeep owner is liable.
- b. Jeep owner is not liable because it was an inevitable accident and the defect in jeep was not apparent.
- c. The jeep owner had the responsibility to maintain his vehicle properly. Proper maintenance would ensure screws from the front wheel didn't come off.

d. The strangers consented to the natural risks of riding on the jeep, which includes such mishaps.

Ans:- B

14.Principle: Nothing is an offence which is done in the exercise of right of private defence. This right also extends to lawfully causing the death of the assailant, if the offence which occasions the exercise of the right of private defence be an assault which causes reasonable apprehension of (a) death or grievous hurt (b) rape (c) kidnapping. This right is available for protecting one's own body, as well as the body of any other, provided the assault is not provoked.

Facts: Digvijay and Rajnath were fighting over a girl. Rajnath took out a cycle chain to hit Digvijay. Digvijay, apprehending grievous hurt, struck Rajnath with a knife, which incidentally struck one of his vital organs and killed him instantly. Digvijay is:

- a. Protected by law.
- b. Not protected by law.
- c. Not protected by law because the assault occurred because Digvijay was equally liable in picking up a fight.
- d. Not protected because there was no reasonable apprehension of grievous hurt.

Ans:- A

15.Principle: Nothing which is not intended to cause death, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to any person for whose benefit it is done in good faith, and who has given a consent, whether express or implied, to suffer that harm, or to take the risk of that harm.

Facts: A fake doctor operated on a man for internal piles by cutting them out with an ordinary knife. The man died of haemorrhage.

- a. Doctor is guilty of murder
- b. Doctor is not guilty
- c. Doctor is guilty of culpable homicide not amounting to murder
- d. The man has given his consent to being operated under such grave circumstances and thus agreed to the possible outcomes.

Ans:- A

16.Principle: When a person consents to the infliction of some harm upon himself, he has no remedy in tort.

Facts: The plaintiff was at a motor car race being held on a track owned by a organizers. During the race there was a collision between two cars, one of which was thrown among the spectators, thereby injuring the plaintiff. Plaintiff filed a suit against the organizers.

- a. Organizers are liable.

b. Organizers are not liable.

c. Organizers are not liable because plaintiff impliedly took the risk of injury.

d. Organizers are not liable because they owed no duty of care to the plaintiff.

Ans:- A

17. The wooden wall of a building which had been ravaged by termites was allowed to remain standing. A medium-force wind pushed it down to the ground, killing the son of the plaintiff, who was playing near it. The plaintiff was unaware that the wall was weak. The landowner asserted non-liability because of the intervention of the high-speed wind. Do you think he is liable?

a. He is liable since a person owes a duty of care to his neighbours.

b. He is not liable since the wind, a natural force, was outside his control.

c. He is not liable since the neighbour did not take into account that the wall was unstable and allowed his son to play near it.

d. He is liable since he was aware of the fact that the wall was destroyed and was structurally weak.

Ans:- A

18. Rolls, a fraudster, burnt down his failing shoe factory, of which he was the sole director and shareholder, in order to cash in on the

insurance worth Rs. 10 crore. After he set the factory on fire, the fire fighters were quick to reach the spot. However, they could not quell the fire, owing to their own inefficiency. The investigators discovered that the fire could have been quelled if the fire fighters addressed the issue in the right way. Rolls claimed the 10 crore from Royce, the insurance company, and damages from the state for the fire department's delay.

- a. Rolls' claim will be successful since the fire fighters could have quelled the fire had worked properly.
- b. Rolls' claim will not be successful since he himself set fire to the factory, which caused him damage.
- c. Rolls' claim will not be successful since if his participation is not proved, the fire was caused by an Act of God, for which insurance companies do not pay.
- d. None of the Above.

Ans:- D

19. ABD lives in an area which is prone to flooding during the monsoons. The people in his area including ABD have taken adequate precautions to avoid flooding. Despite that, there is an unprecedented amount of rainfall, and ABD is forced to put up barricades to stop the water from entering his land. He knew the water would enter MSD's, his neighbour, property and damage great parts of it, including flooding his house where MSD lived with his entire family including his elderly parents who were restricted to the bed and wheelchair, but ABD chose to run the risk anyway. The same

does happen. Do you think ABD can successfully claim the defence of necessity?

- a. Yes, since MSD should have put up a barricade too to protect his land from flooding. It was a lapse on his part.
- b. Yes, since it was a reasonable act was to prevent imminent damage to his property.
- c. No, since his actions caused damage to MSD's property.
- d. No, since MSD's property was not in the way of harm and was deliberately brought into it.

Ans:- D

20. Shubham was engaged in the business of transporting of goods. His customers would mostly restrict their items to home and office goods. A wooden box was received, to be transported, and Shubham was not aware of its contents. It was labelled only as a table lamp, but contained a flask of nitroglycerin along with it. While the box was in his office, it exploded (because of the nitroglycerine stored in it), causing damage to property. Shubham's landlord sued him for damages.

- a. Shubham put his faith on the label, since he cannot reopen a box once it is sealed, and could not have expected such dangerous substances to be present.
- b. Shubham should have inspected the goods prior to storing it

- c. Shubham's office was rented out, so there is a demand to be cautious with what he keeps in his house. Sealed boxes with unknown contents should not be one.
- d. Shubham had taken all possible care in not causing damage by storing it in his own house, rather than anywhere else where others would have been exposed.

Ans:- A



# TORTS AGAINST PERSON

## MULTIPLE CHOICE QUESTIONS

**Q1.** \_\_\_\_\_ are words , which appear innocent, but have a latent defamatory meaning

- (a) Libel
- (b) Slander
- (c) Innuendo
- (d) None of the above

**Ans: (c)**

**Q2.** Assault and Nuisance are

- (a) Wrong under Criminal Law
- (b) Wrong under Tort
- (c) Wrong under neither
- (d) Wrong under both

**Ans: (d)** WHERE LAW MEETS QUALITY

**Q3.** What is the legal meaning of the word 'Battery'?

- (a) Battering a person to death
- (b) Actual or intended striking of another person
- (c) Assault resulting in amputation

(d) None of the above

**Ans: (b)**

**Q4.** The act of unlawfully entering into another's property constitutes

- (a) Trespass
- (b) Restraint
- (c) Appropriation
- (d) Encroachment

**Ans: (a)**

**Q5.** Consider the following statements:

1. Physical contact is an essential of Assault
  2. Attempt to commit battery is called Assault
  3. Assaulting is threatening of a person to cause harm
- (a) 1 & 2 are correct
  - (b) 2 & 3 are correct
  - (c) 1 & 3 are correct
  - (d) None of the above

**Ans: (b)**

**Q6.** Consider the following statements :

1. Imminent harm is not an essential of Assault

2. Intention has no importance in assault

3. Proving intention in assault is easy

- (a) 1 is correct
- (b) 2 is alone incorrect
- (c) 3 is correct
- (d) All are incorrect

**Ans: (d)**

**Q7.** \_\_\_\_ does not need to involve actual act.

- (a) Assault
- (b) Battery
- (c) Both a & b
- (d) None of the above

**Ans: (a)**

**Q8.** Pointing a gun at a person amounts to:

- (a) Battery
- (b) Assault
- (c) Trespass into privacy
- (d) None of the above

**Ans: (b)**

**Q9.** \_\_\_\_ is not required for an assault to occur.

- (a) Act

- (b) Fear
- (c) Both a & b
- (d) Anticipation

**Ans: (c)**

**Q10.** \_\_\_\_\_ is a defense against Assault.

- (a) Self defense
- (b) Consent
- (c) Automatism
- (d) All of the above

**Ans: (d)**

**Q11.** Which among the following is a tort and a crime.

- (a) Battery
- (b) Assault
- (c) Adultery
- (d) Murder

**Ans: (a)** WHERE LAW MEETS QUALITY

**Q12.** Consider the following statements:

1. Battery does not require body-to-body contact
2. Flicking a person's ear amounts to Battery
3. Poisoning a person is not Battery

- (a) 1 & 2 are correct
- (b) 2 & 3 are correct
- (c) 1 & 3 are correct
- (d) All are correct

**Ans: (a)**

**Q13.** Which among the following are defenses against Battery?

- (a) Necessity
- (b) Consent
- (c) Self-defense
- (d) All of the above

**Ans: (d)**

**Q14.** Consider the following statements:

1. Battery does not require act
2. Battery is not a crime
3. Assault is not a trespass to person

- (a) 1 & 2 are incorrect
- (b) 2 & 3 are incorrect
- (c) 1 & 3 are incorrect
- (d) All are incorrect

**Ans: (d)**

**Q15.** Which among the following amounts to trespass against person:

- (a) Assault
- (b) Battery
- (c) False imprisonment
- (d) All of the above

**Ans: (d)**

**Q16.** Consider the following statements:

1. Knowledge of threat is not an essential of Assault
  2. Application of force to a person amounts to Assault
  3. Battery can be voluntary or involuntary
- (a) 1 & 2 are correct
  - (b) 2 & 3 are correct
  - (c) 1 is alone incorrect
  - (d) All are incorrect

**Ans: (d)**

**Q17.** \_\_\_ is complete deprivation of liberty for any time, however short without lawful excuse.

- (a) False imprisonment

- (b) Arrest
- (c) Assault
- (d) None of the above

**Ans: (a)**

**Q18. Consider the following statements:**

1. The total restraint of liberty of a person is an essential of false imprisonment
  2. The detention must be lawful to amount false imprisonment
  3. Assault is hurting another person
- (a) 1 is correct
  - (b) 2 is correct
  - (c) 3 is correct
  - (d) All are correct

**Ans: (a)**

**Q19. Bird Vs Jones is a famous common law of :**

- (a) Assault
- (b) False imprisonment
- (c) Battery
- (d) None of the above

**Ans: (b)**

**Q20.** Which of the following are defenses to trespass to person?

- (a) Consent of Plaintiff
- (b) Statutory authority
- (c) Inevitable accident
- (d) All of the above

**Ans: (d)**



**TRADEMARKS-**  
**TRADEMARK ACT, 1999**  
**MULTIPLE CHOICE QUESTIONS**

**Q1.** Section 3 of Trademark Act, 1999 deals with:

- (a) Appointment of Registrars and other officers
- (b) Powers of Registrar
- (c) Trade Marks Registry
- (d) None of the above

**Ans: (a)**

**Q2.** The relative grounds for refusal of registration is provided in:

- (a) Section 10
- (b) Section 11
- (c) Section 14
- (d) Section 15

**Ans: (b)**

**Q3.** Certification mark can be registered in

- (a) Trademark Registry

- (b) Certification Board
- (c) Quality Control Board
- (d) MHRD

**Ans: (a)**

**Q4.** A mark shall not be registered as a trade mark if it consists exclusively of—

- (a) the shape of goods which results from the nature of the goods themselves; or
- (b) the shape of goods which is necessary to obtain a technical result; or
- (c) the shape which gives substantial value to the goods.
- (d) All of the above

**Ans: (d)**

**Q5.** Application for Registration of trademarks is dealt under Section \_\_\_ of Trademarks Act, 1999

- (a) Section 12
- (b) Section 20
- (c) Section 15
- (d) Section 18

**Ans: (d)**

**Q6.** The Absolute grounds for refusal of registration is provided under Section \_\_\_\_ of Trademark Act, 1999.

- (a) Section 9
- (b) Section 10
- (c) Section 15
- (d) Section 16

**Ans: (a)**

**Q7.** Who is responsible to prove the infringement of trademark under section 29 of trademarks Act, 1999?

- (a) Plaintiff
- (b) Accused
- (c) Depends on the commercial value of infringement
- (d) Depends on legal viability of trademark registration.

**Ans: (a)**

**Q8.** Which of the following is a characteristic for a trademark?

- (a) Distinctiveness
- (b) Symbolic appeal
- (c) Commercial value
- (d) Novelty

**Ans: (a)**

**Q9.** Which Act of Law in India protects trademarks?

- (a) Trademarks Act, 1999
- (b) Trademarks Act, 1979
- (c) Trademarks Act, 1958
- (d) Trademarks Act , 1978

**Ans: (a)**

**Q10.** What is the duration of trademark as registration as defined by Trademarks Act, 1999?

- (a) 2 years
- (b) 5 years
- (c) 10 years
- (d) None of the above

**Ans: (c)**

**Q11.** Trademark is:

- (a) Represented graphically
- (b) Is capable of distinguishing the goods or services of one person from those of others
- (c) May include shapes or combination of colours
- (d) All of the above

**Ans: (d)**

**Q12.** What is the role of section 135 of trademarks act, 1999?

- (a) Injunction relief
- (b) Evidence preservation
- (c) Infringement relief
- (d) None of the above

**Ans: (b)**

**Q13.** Which Act repealed the Trade and Merchandise Mark, 1958?

- (a) Merchandise Mark, 1958
- (b) Trade and Merchandise Mark, 1998
- (c) Trademarks Act, 1999
- (d) Trademarks Act, 2001

**Ans: (c)**

**Q14.** Symbol of Maharaja India is :

- (a) Copyright
- (b) Patent
- (c) Trademark
- (d) All of the above

**Ans: (c)**

**Q15.** What legal action can be taken by plaintiff for infringement of an unregistered trademark?

- (a) Depends on the commercial value of the infringement
- (b) Depends on the legal viability of the trademark registration
- (c) Decision as per the designated court
- (d) None of these

**Ans: (d)**

**Q16.** What does trademark law protect?

- (a) Words, symbols, or devices that differentiate goods or services from one another
- (b) Only brand names
- (c) Name of specific people and places
- (d) Inventions that feature some sort of utility function

**Ans: (a)**

**Q17.** What happens when two or more persons are registered proprietors of a trademarks, which are identical with or nearly resembles each other ?

- (a) Depends on the commercial value of the infringement
- (b) Depends on the legal viability of the trademark registration

- (c) Sole ownership is given to party which registered the trademark earlier
- (d) No one holds the trademark as being sole registered proprietor

**Ans: (d)**

**Q18.** \_\_\_\_ is a common law tort used to enforce unregistered trademark rights

- (a) Passing off
- (b) Breach of Contract
- (c) Trespass
- (d) None of the above

**Ans: (a)**

**Q19.** Law of Trademark deals with :

- (a) Mechanism of registration
- (b) Protection of trademark
- (c) Prevention of fraudulent trademark
- (d) All of the above

**Ans: (d)**

**Q20.** Which Act was repealed and Trademarks Act , 1999 was enacted ?

- (a) The Trade and Merchandise Marks Act, 1958
- (b) Registration Act, 1875
- (c) U.K Trade Marks Act, 1938
- (d) None of the above

**Ans: (a)**



## Mcq on Torts Against Property

1). Which section of IPC deals with theft of property ?

- a. 378
- b. 379
- c. 376
- d. 379

ans: a

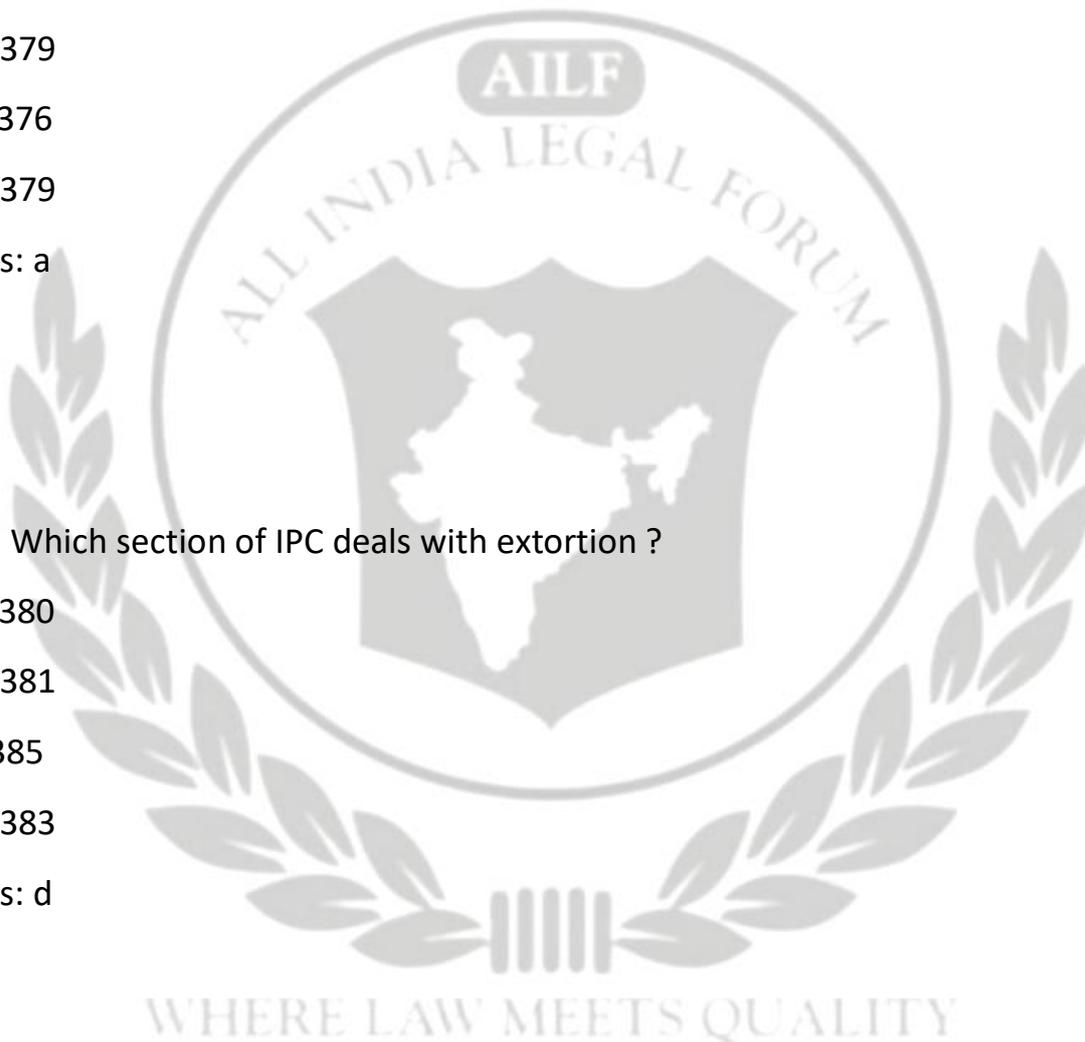
2). Which section of IPC deals with extortion ?

- a. 380
- b. 381
- c.385
- d. 383

ans: d

3). Which section of IPC deals with robbery?

- a. 390
- b.391
- c.392



d.393

ans: a

4). Which section of IPC deals with Dacoity?

a. 391

b.392

c.393

d.394

ans: a

5). Which section of IPC deals with attempt to commit robbery?

a. 395

b.394

c.393

d.396

ans: c

6). Which section of IPC deals with voluntarily causing hurt in committing robbery?

a. 395

b.396

c.399

d.394



ans: d

7). Which section of IPC deals with making preparation to commit dacoity ?

a. 398

b. 399

c. 397

d. 396

ans: b

8). Which section of IPC deals with putting person in fear or accusation of offence in order to commit extortion ?

a. 389

b. 386

c.388

d.380

ans: a

9). Which section of IPC deals with putting person in fear of death or of grievous hurt , in order to commit extortion ?

a. 386

b.389

c.388

d.387

ans: d

10). Which section of IPC deals with fear or accusation of offence in order to commit extortion?

a.388

b.387

c.385

d.389

ans:d

11). Which section of IPC deals with punishment for belonging to gang of dacoits?

a. 400

b. 401

c. 402

d. 403

ans: a

12). Which section of IPC deals with dishonest misappropriation of property?

a. 402

b.401

c.405

d.403

ans: d

13). Which section of IPC deals with stolen property?

a. 410

b.412

c.403

d.414

ans: a

14). Which section of IPC deals with habitually dealing in stolen property?

a. 412

b.413

c.417

d.415

ans:b

15). Which section of IPC deals with assisting in concealment of stolen property?

a. 414

b.415

c.417

d.418

ans: a

16). Which section of IPC deals with theft by clerk or servant of property in possession of master?

- a. 381
- b.389
- c.385
- d.382

ans:a

17). Which section of IPC deals with theft in dwelling house etc?

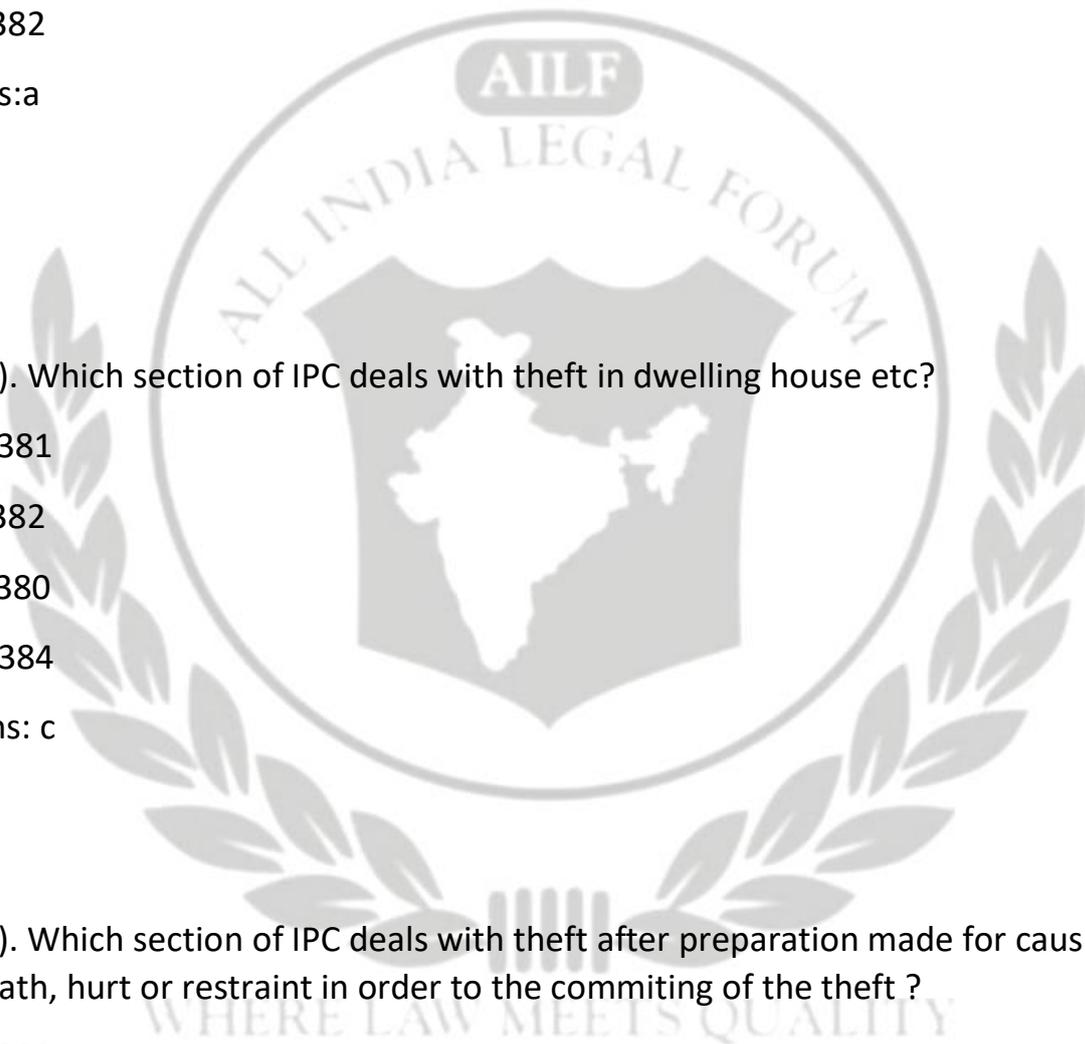
- a. 381
- b.382
- c. 380
- d. 384

ans: c

18). Which section of IPC deals with theft after preparation made for causing death, hurt or restraint in order to the committing of the theft ?

- a. 382
- b.383
- c.384
- d.385

ans: a



19). Which section of IPC deals with making preparation to commit decoity?

- a. 399
- b. 398
- c. 397
- d. 395

Ans: a

20). Which section of IPC deals with dishonest misappropriation of property possessed by deceased person at the time of his death ?

- a. 405
- b. 401
- c. 402
- d. 404

ans: d



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