

**LEGAL VIDHIYA PRESENTS: LAW OF
TORTS INCLUDING MOTOR
VEHICLES ACT AND CONSUMER
PROTECTION LAWS QUESTIONS
FROM PREVIOUS AIBE EXAMS**

LEGAL VIDHIYA

AIBE XVIII

1. Who has defined tort as 'tortious liability arises from the breach of duty primarily fixed by law; this duty is towards persons generally and its breach is redressible by an action for unliquidated damages'?

- A. Lindsell
- B. Pollock
- C. Salmond
- D. Winfield**

2. Gloucester Grammar School case relates to which of the following important maxims?

- A. Damnum sine injuria**
- B. Injuria sine demno
- C. Ubi jus ibi remedium
- D. Volenti non fit injuria

AIBE XVII

1. The principle of "Ubi jus ibi idem remedium" was recognized in:

- (A) Winterbottom V. Wright
- (B) Chapman V. Pickersgill
- (C) Ashby V. White
- (D) Rylands V. Fletcher**

2. Gloucester Grammar School Case is a

landmark case based on which of the following maxim?

- (A) Damnum sine injuria**
- (B) Injuria sine damnum
- (C) Volenti non fit injuria
- (D) Audi alteram partem

AIBE XVI

1. Contractual Liability arises, where:

- (A) There is offer and acceptance only.
- (B) There is intention to create legal relation.**
- (C) There is loss to one party
- (D) The loss of one party is the gain of other party.

2. The rule of Strict Liability is based on the decision in:

- (A) Donoghue Vs Stevenson
- (B) Homes Vs Ashford
- (C) Rylands Vs Fletcher**
- (D) None of the above

3. Maxim "Res Ipsa Loquitur" means

- (A) The thing speaks for itself**
- (B) Where there is right there is remedy
- (C) Where there is no fault there is no remedy
- (D) Where there is remedy there is right

AIBE XV

1. Vis major means

- (A) Act of God
- (B) Act of Individual
- (C) Act of other party
- (D) Act of plaintiff

2. According to Classical doctrine of Act of State in law of Torts means

(A) **an act of the sovereign power of a country, that cannot be challenged, controlled or interfered with by municipal courts**

(B) an act of the Judiciary of a country, that cannot be challenged, controlled or interfered with by municipal courts

(C) an act of the sovereign power of a country, that can be challenged, controlled or interfered with by municipal courts

(D) None of the above

3. In Torts, all persons who aid, or counsel, or direct or join in the committal of a wrongful act, are known as

- (A) Abettors
- (B) **Joint tortfeasors**
- (C) Tort holders
- (D) Tort holders in common

4. In M.C. Mehta Vs. Union of India, AIR 1987 SC 1086 (Sri Ram Fertilizers case) the court held that

(A) **In escape of toxic gas the enterprise is strictly and absolutely liable to compensate all those who are**

affected by the accident and such liability is not subject to any of the exceptions which operate vis-a-vis the tortious principle of strict liability.

(B) In escape of a dangerous animal the owner is strictly and absolutely liable to compensate all those who are affected by the accident and such liability is not subject to any of the exceptions which operate vis-a-vis the tortious principle of strict liability.

(C) In escape of toxic gas the enterprise is strictly liable to compensate all those who are affected by the accident and such liability is subject to any of the exceptions which operate vis-a-vis the tortious principle of strict liability

(D) A company or a corporation is not a state and hence not liable for leak of toxic gas affecting the health of the people

AIBE XIV

1. Which one of the following is true about Latin Maxim 'Ubi Jus Ibi remedium'?

- (A) **Where there is right, there is remedy**
- (B) Where there is remedy, there is right.
- (C) Both A & B
- (D) None of the above

2. The Latin word 'Injuria Sine Damnum' Literally means

- (A) **Infringement of legal right without damages**
- (B) Damages without infringement of legal right
- (C) Both A & B

(D) All of the above

AIBE XIII

1. The Latin word 'Res Ipsa Loquitur' means:
(A) **Things speak for themselves.**
(B) Where there is consent there is no injury.
(C) Both (a) and (b)
(D) None of the Above
2. In which of the following cases the 'Principal of common Employment' was evolved for the first time?
(A) Rylands Vs Fletcher
(B) **Priestley Vs Fowler**
(C) Ashby Vs White
(D) Wagon Vs Mound
3. Which one of the following is a leading case on 'Injuria Sine Damnum'?
(A) Rylands Vs Fletcher
(B) **Ashby Vs White**
(C) Donoghue Vs Stevenson
(D) All of the Above
4. Which one is a leading case on Strict Liability?
(A) Alen Vs Flood
(B) **Rylands Vs Fletcher**
(C) Borhil Vs Young
(D) Donoghue Vs Stevenson

AIBE XII

1. Which is not the Private Right
(A) Right of property
(B) Right of Freedom
(C) Rights to Education
(D) **None of the above**
2. English Case Ryland V/s Fletcher laid down a very important rule
(A) Absolute Liability
(B) Vicarious Liability
(C) Indirect Liability
(D) **Strict Liability**
3. In the tort of conspiracy, the purpose of combination must be to
(A) **Violate legal right of the victim**
(B) Cause damage to the victim
(C) Obtain benefit for the combiners
(D) Perfect the interest of combiners

AIBE XI

1. The term 'Tort' is a
(A) Latin Word
(B) **French Word**
(C) English Word
(D) Italian Word

2. In Tort, what is 'vicarious liability'?

(A) A person is generally liable for his own wrongful act

(B) **A person is liable for the wrongful act done by other person**

(C) A person is liable for the wrongful act in his absence

(D) None of the above

3. Which of the following falls under the categories of Act of God

(A) Storm and cyclone

(B) Extra ordinary rainfall or flood

(C) Lightning and thunder

(D) **All of the above**

AIBE IX

1. The essential ingredient of the tort and negligence are

1. When one owes a duty of care towards the other

2. When one commits a breach of that duty and

3. The other person suffers damage as a consequence thereof

Choose correct response for below:

(A) None of them are essential ingredients

(B) Only the first is an essential ingredients

(C) **All of them are essential ingredients**

(D) Even is the first is absent the tort of negligence is committed

2. Vicarious liability includes

(A) Liability of the principal for the tort of his agent

(B) Liability of the master for the tort of his servant

(C) Liability of the partners for each others tort

(D) **all of the above**

AIBE VIII

1. In tort, there are two broad categories of activities for which a plaintiff may be held strictly liable

(A) **Possession of certain animals and abnormally dangerous activities**

(B) Assault and battery

(C) Battery and negligence

(D) None of the above

2. Pigeon Hole theory was proposed by

(A) Winfield

(B) **Salmond**

(C) Black Stone

(D) Lord Knight

AIBE VII

1. Gloucestershire Grammar School Case is a leading case to explain the

(A) Volenti non fit injuria

(B) Injuria non fit volenti

(C) Damnum sine injuria

(D) Injuria sine damnu

2. The maximum period during which property can be tied up is

(A) Only 15 years

(B) **One or more life or lives in being at the date of transfer and the minority of an unborn person**

(C) During the lifetime of the transferor and the minority period of an unborn person

(D) None of the above

3. Accountability of medical professional and need for qualitative change in the attitude of the medical service provided by the hospitals was emphasized by the Supreme Court in which of the following cases:

(A) Bhatia International V/s Bulk Trading S.A.

(B) **Indian Medical Association V/s P. Shantha and Ors**

(C) Manekha Gandhi V/s Union of India

(D) Lucknow Development Authority V/s M.K. Gupta

2. Ashby V/s White is an example of

(A) Damnum sine injuria

(B) Uberremifide

(C) **Injuria sine damnum**

(D) Usufruct

3. The Supreme Court of India invoked the principle of absolute liability on an enterprise carrying on business with hazardous and inherently dangerous toxic chemicals in

(A) Ganga Pollution case

(B) Fletcher case

(C) **Sri Ram Fertilizers case**

(D) Prabhu dayal case

4. Res ipsa loquitor - means

(A) **Things speak for themselves**

(B) Tithes imperilled

(C) Vicarious liability

(D) Dangerous animals

AIBE VI

1. The type of damages awarded in the law of torts

(A) Liquidated Damages

(B) **Unliquidated Damages**

(C) Penal damages

(D) Exemplary damages

AIBE V

1. Contributory negligence means

(A) **The failure by a person to use 'reasonable care for the safety of either of himself or his property**

(B) Volunteer to pay for the negligence of others

(C) Contributing the money or money's

worth for other wrongs

(D) Inciting others to commit civil wrong

2. Where an enterprise is engaged in a hazardous or inherently dangerous activity and harm results to anyone on account of an accident in the operation of such hazardous or inherently dangerous activity resulting, for example, in escape of toxic gas the enterprise is strictly and absolutely liable to compensate all those who are affected by the accident and such liability is not subject to any of the exceptions which operate vis-à-vis the tortious principle of strict liability - Held in the case of

(A) Francis Caroli V/s State

(B) **Shriram Food and Fertilizers case**

(C) PUCL V/s Union of India

(D) State of Punjab V/s Mahinder Singh Chawla

3. "A tort is a civil wrong for which the remedy is an action for unliquidated damages and which is not exclusively the breach of a contract, or the breach of a trust, or the breach of other merely equitable obligation" - Whose Statement is this

(A) Winfield

(B) **Salmund**

(C) Pollock

(D) Griffith

AIBE IV

1. Under the Vicarious Liability, the liability is

(A) Joint

(B) Several

(C) **Both (i) and (ii)**

(D) Either of the above depending upon facts and circumstances of the case

2. In Torts, in case of Defamation

(A) **Intention to defame is not necessary**

(B) Intention to defame is necessary

(C) Both (i) and (ii)

(D) Either (i) or (ii)

MOTOR VEHICLES ACT

AIBE XVIII

1. Which of the following provision of the Motor Vehicles Act, 1988 relates to no fault liability?

A. Section 140

B. Section 151

C. Section 162

D. Section 128

AIBE XVII

1. Suppose road accident occurs, then being an Advocate what is the correct way of approaching the situation?

(A) **FIR > Petition > Summon to Insurance Company**

(B) Petition > FIR > Summon to Insurance Company

(C) Summon to Insurance Company > Petition > FIR

(D) FIR > Summon to Insurance Company > Petition

AIBE XV

1. According to section 2 of motor vehicles Act, 1988 the term motor cab means any motor vehicle constructed or adapted to carry not more than:

(A) 5 passengers or including the driver

(B) 6 passengers or including the driver

(C) 5 passengers or excluding the driver

(D) **6 passengers or excluding the driver**

AIBE XIV

1. The provision relating to claims tribunal is given under _____ of Motor Vehicles Act:

(A) **Section 165-175**

(B) Section 175-180

(C) Section 170-175

(D) Section 171-177

AIBE XIII

1. Which of the following section of the motor vehicle Act 1988 defines the term 'Owner'?

(A) **Section 2 (30)**

(B) Section 2 (31)

(C) Section 2 (25)

(D) Section 2 (32)

AIBE XII

1. State Government's power to control the road transport is provided in the Motor Vehicle Act 1988 Under Section,

(A) **67 of MV Act 1988**

(B) 68 of MV Act 1988

(C) 69 of MV Act 1988

(D) None of the above

AIBE XI

1. Section 67 of Motor Vehicle Act 1988 provides

(A) Possession of driving licence while driving

(B) Possession of insurance certificate and PUC Certificate in the vehicle

(C) Revoking driving licence if drunk driving is detected

(D) **State government's power to control the road transport**

AIBE X

1. Motor Vehicle Act 1939 came into force in?

(A) 1939

(B) **1940**

(C) 1941

(D) 1942

2. "Dealer" includes a person who is engaged:

(A) In building bodies for attachment to chassis; or

(B) In the repair of motor vehicles; or

(C) In the business of hypothecation, leasing or hire-purchase of motor vehicle

(D) **All of the above**

AIBE IX

1. Grievous hurt under the Motor Vehicles Act 1988 means

(A) **Grievous hurt as defined in IPC**

(B) Grievous hurt as defined in medical law

(C) Grievous hurt as detected by medical practitioner

(D) none of the above

2. Who is liable to pay compensation in case of death or permanent disablement?

(A) **Owner of the vehicle**

(B) State Government

(C) Driver

(D) Insurance Company

AIBE VIII

1. According to Motor Vehicles Act, 1988 no person under the age of __years shall drive a motor vehicle in any public place.

(A) 20

(B) 16

(C) **18**

(D) 21

2. Section 47(3) Motor Vehicles Act empowers the Regional Transport Authority to limit the number of stage carriage permits. Explain the nature of the function exercised

(A) This is a judicial function, as the Authority's decision is based on an official policy

(B) This is quasi-judicial function, as the Authority's decision is based on an official policy

(C) **This is an administrative function, as the Authority's decision is based on an official policy**

(D) None of the above

AIBE VII

1. Renewal of driving licenses is envisaged under S __ of the Motor Vehicles Act, 1988

(A) 20

(B) 21

(C) 22

(D) **15**

AIBE VI

1. A motor cycle with engine capacity not exceeding 50cc may be driven in a public place by a person

(A) **After attaining the age of sixteen age**

(B) After attaining the age of eighteen age

(C) After attaining the age of fifteen age

(D) After attaining the age of twenty one years

AIBE V

1. Under Section 20 of the M.V. Act if a person is convicted of an offense punishable under section 189 of the motor vehicle Act, the Court shall ordinarily order for
- (A) Imposing penalty only
 - (B) Punishment only
 - (C) Both Punishment and penalty
 - (D) **Disqualification under the Act**

AIBE IV

1. Appeal against the award of Claims Tribunals under the Motor Vehicles Act 1988 can be made under:
- (A) Section 171
 - (B) Section 172
 - (C) **Section 173**
 - (D) Section 174
2. The amendment in Motor Vehicle Act in 1994, the compensation in case of death of person is
- (A) Rs.25000
 - (B) **Rs.50,000**
 - (C) Rs.70,000
 - (D) Rs.90,000

CONSUMER PROTECTION LAWS

AIBE XVIII

1. How many consumer rights are identified under the Consumer Protection Act, 2019?
- (A) 2
 - (B) 4
 - (C) **6**
 - (D) 8
2. Which of the following body constituted under the Consumer Protection Act, 2019 is authorised to render advice on promotion and protection of consumers' right under the Act?
- A. Central Consumer Protection Authority
 - B. Central Consumer Protection Council**
 - C. State Consumer Protection Authority
 - D. State Consumer Protection Council

AIBE XVII

1. The National Consumer Disputes Redressal Commission under Consumer Protection Act, 2019 shall have the jurisdiction to complaints where the value of the goods or services paid as consideration exceeds:
- (A) 1 Crore
 - (B) **10 Crores**
 - (C) 50 Crores
 - (D) 100 Crores

2. Under Section 41 of Consumer Protection Act, 2019 an appeal from the order of District Commission lies to:

- (A) **State Commission**
- (B) Consumer Tribunal
- (C) National Commission
- (D) High Court

AIBE XVI

1. The National Commission of Consumer Protection is composed of:

- (A) 7 members
- (B) **5 members**
- (C) 8 members
- (D) 6 members

2. The Rule of Last opportunity was Laid down in:

- (E) **Davies Vs Manh**
- (F) State of A.P. Vs Ranganna
- (G) Nugent Vs Smith
- (H) Kalawati Vs state of HP

AIBE XV

1. The national consumer dispute redressal commission was constituted in the year

- (A) **1988**
- (B) 1998

(C) 1999

(D) 1997

2. What is the limitation period applicable to the three forums in entertaining a complaint under The Consumer Protection Act, 1986

- (A) 3 years from the date on which the cause of action has arisen
- (B) 5 years from the date on which the cause of action has arisen
- (C) 4 years from the date on which the cause of action has arisen

(D) **2 years from the date on which the cause of action has arisen**

AIBE XIV

1. The Consumer Protection Act, 1986 came into effect on:

- (A) 24th August 1986
- (B) 15th April 1986
- (C) 24th May 1986

(D) **24th December 1986**

2. Which one of the following sections of Consumer Protection Act, 1986 defines the term 'Consumer'?

- (A) Section 2(1)(a)
- (B) Section 2(1)(b)
- (C) Section 2(1)(c)
- (D) Section 2(1)(d)

2. An appeal Against Order Passed under

Section 27 of the Consumer Protection Act, 1956 by the National Commission lies in

- (A) The High Court
- (B) **The Supreme Court**
- (C) The Central Government
- (D) Not Appealable.

without proper analysis or test of the goods, the sample of goods forwarded to appropriate laboratory for laboratory test. Such type of case finding reports within ___ days

- (A) 30 days
- (B) 40 days
- (C) **45 days**
- (D) 90 days

AIBE XIII

3. Definition of complainant is described in Consumer Protection Act section

- (A) **Section 2(1)(b)**
- (B) Section 20
- (C) Section 21
- (D) None of the above

2. Which one of the following is known as Consumer Dispute Redressal Agency?

- (A) District Forum
- (B) State Commission
- (C) National Commission
- (D) **All of the above**

AIBE XII

1. Under Section 2(1)(f) of Consumer Protection Act 1986, 'defect' is meant by any fault, imperfection or shortcomings in _____ in relation to the goods

- (A) Quality and Quantity
- (B) Potency
- (C) Purity or Standard
- (D) **All of the above**

AIBE X

1. Complaint means allegation in writing made by a complaint that

- (A) An unfair trade practice or restrictive trade practice has been adapted by any traders or service provider.
- (B) The goods bought by him or agreed to be bought by him suffer from one or more defects
- (C) A traders or the service provider as the case may be has charged for the goods or the services mentioned in the complaint a price in excess of the price.
- (D) **All the above**

AIBE XI

1. Where the complaint alleges a defect in the goods which cannot be determined

AIBE IX

1. Under the provisions of the Consumer Protection Act, 1986 the period of limitation for filing complaint before the National Commission is:

- (A) 1 Year from the date on which cause of action has arisen
- (B) 2 Year from the date on which cause of action has arisen**
- (C) 3 Year from the date on which cause of action has arisen
- (D) 4 Year from the date on which cause of action has arisen

2. Spurious goods under the provisions of the Consumer Protection Act, 1986 imply

- (E) Such goods and services which are of poor quality
- (A) Such goods and services which are claimed to be genuine but they are actually not so**
- (B) Such goods and services which might be stolen in nature
- (C) Such goods and services which are not usable in nature

AIBE VIII

1. According to The Consumer Protection Act 1986 what is the limitation period applicable to the three forums in entertaining a complaint.

- (A) 2 years from the date on which the cause of action has arisen**
- (B) 2 years from which the article was purchased
- (C) 3 years

(D) None of the above

2. Any person aggrieved by an order made by the District forum may prefer an appeal against such order to the within a period of ___days from the date of the order.

- (A) State Commission, 30**
- (B) State Tribunal, 30
- (C) State Forum, 30
- (D) State Commission, 60

3. The National Consumer Dispute Redressal Commission was constituted in the year

- (A) 1998
- (B) 1988**
- (C) 1999
- (D) 2000

AIBE VII

1. ___ is observed as the World Consumer Rights Day

- (A) 15th of March**
- (B) 16th of March
- (C) 12th of March
- (D) 11th of March

AIBE VI

1. According to Consumer protection act, the National Commission shall have

jurisdiction over complaints where the value of the goods of services and compensation, if any, claimed exceeds rupees

- (A) 2 Lakhs
- (B) 10 Lakhs
- (C) **20 Lakhs**
- (D) 50 Lakhs

(C) 2005

(D) 2008

2. Consumer Protection Act 1986 is predominantly based on UN General Assembly resolution with due negotiations in the

- (A) UNCITRAL
- (B) UNCTAD
- (C) UNECOSOC
- (D) **None of the above**

AIBE V

1. Consumer Protection Act was brought into operation in the year

- (A) 1987
- (B) **1986**
- (C) 1985
- (D) 1984

2. Under Consumer Protection Act, the jurisdiction of the District Forum should not exceed rupees

- (A) Fifty Thousands
- (B) **Twenty Five Thousands**
- (C) One Lakh
- (D) Twenty Lakhs

AIBE IV

1. The Consumer Protection Act was enacted in:

- (A) 1985
- (B) **1986**