

Chanakya National Law University, Patna

B.A., LL.B. (Hons.) & B.B.A., LL.B. (Hons.) 2022-23; SEMESTER- I

Course Title: Law of Torts, Consumer Protection Laws and Motor Vehicles Act

Course Overview

Law of Torts seeks to provide redressal to civil wrongs caused by 'twisted' conduct one person leading to harm/injury to another person. This is primarily uncodified law which has evolved with time through court pronouncements. It primarily originates from the English Common law and is evolving in India. The course seeks to understand the meaning and nature of various torts and conditions of civil liability with the help of established case laws along with Consumer Protection Act and Motor Vehicles Act. The curriculum is designed to provide a foundational understanding of Law of Torts to first year students.

Module **One** introduces the subject discussing its foundation, definition, comparison with other laws, issues of mental element and fault.

Module **Two** discusses general defences in law of torts

Module **Three** deals with parties capable for seeking relief under this law

Module **Four** covers specific Torts like negligence, nuisance, defamation, trespass, etc

Module **Five** deals with Absolute and Strict Liability

Module **Six** deals with Vicarious Liability

Module **Seven** deals with various remedies under law of torts

Module **Eight** deals with Motor Vehicles Act and Consumer Protection Act

Learning Outcomes

The course aims to provide foundational understanding of Law of Torts to first year undergraduate students.

On completion of the course, students will be able to:

- Have foundation understanding of philosophical underpinning of Law of Torts, its definition and comparison with other laws, issues of fault and motive.
- Will know the various general defences in law of torts
- Know various parties capable of seeking relief under this law
- Understand salient features, defences, cases with respect to specific torts like negligence, nuisance, defamation, trespass, etc
- Understand Absolute and Strict Liability
- Understand Vicarious Liability
- Will know the various remedies under law of torts
- Know important provisions of Motor Vehicles Act and Consumer Protection Act

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I: Introduction: Definition, Nature and Scope	(i) Introduction and Principles of Liability in Torts; Origin and development of Torts, Definition of Torts; Distinction between Tort and Crime, Tort and Breach of Contract and Tort and Breach of Trust (ii) Foundations of Tortious liability, Essential conditions for liability in Tort, Injuria sine damno, Damnum sine injuria (iii) Mental element in Tortious liability, Malice in law and Malice in fact (iv) Fault as an essence of liability in Tort, Fault based liability and No-fault liability	1-10 classes
Module II: Defences against Tortious Liability	(i) <i>Volenti non fit injuria</i> (ii) Plaintiff the wrong doer (iii) Act of God (iv) Inevitable accident (v) Necessity (vi) Private defence (vii) Mistake (viii) Statutory authority	11-20 classes
Module III: Parties and their capacity to sue	(i) Minors, Married women, Joint and Independent tortfeasor (ii) Remoteness of damage: Test of directness and Test of reasonable foreseeability, Novus Actus Interveniens	21- 25 classes
Module IV: Specific Torts	(i) Trespass to Person: Assault, Battery and False Imprisonment (ii) Defamation: Libel and Slander, Essential conditions, defences to defamation, Position in India and in England (iii) Negligence: Meaning and essential constituents of negligence, Medical negligence, <i>Res ipsa loquitur</i> , contributory and composite negligence (iv) Nuisance: Public and private nuisance (v) Trespass to goods and property: Detinue and Conversion (vi) Malicious Prosecution & Malicious Falsehood	26- 45 classes
Module V: Strict and Absolute Liability	(i) Strict Liability: Principle of Strict liability and its exceptions, Rule in Ryland vs. Fletcher (ii) Absolute Liability: Principle of Absolute liability, Rule in M. C. Mehta vs. Union of India, Bhopal Gas Tragedy (iii) No Fault Liability: Public Liability Insurance Act, 1991; Hit and Run Cases	46-50 classes
Module VI: Vicarious Liability	(i) Vicarious Liability: Principles of vicarious liability, master-servant, master-independent contractor,	51-55 classes

	principal-agent, course of employment, close-connection test, doctrine of common employment (ii) Vicarious Liability of State: Doctrine of sovereign immunity	
Module VII: Remedies under Law of Torts	(i) Damages (ii) Injunctions (iii) Extra-judicial remedies	56-58 Classes
Module VIII: Acts	(i) Consumer Protection Act: Meaning of Consumer, deficiency in services, working and constitution of consumer protection redressal agencies. (ii) Compensation under Motor Vehicles Act: Insurer's liability for third party risk, extent of liability of insurer, claim tribunals.	59-63 Classes

Recommended/Reference Text Books and Resources:

Text Books

- W.V.H. Rogers, **Winfield & Jolowicz on Tort** (Sweet & Maxwell, 19th edn., 2016).
- R.F.V.Heuston and R.A. Buckley, **Salmond & Heuston on The Law of Torts** (Sweet & Maxwell, 21st edn., 1996)
- Avtar Singh (Rev.), **P.S. Atchuthen Pillai Law of Torts** (Eastern Book Company, 9th edn., 2008).
- Ratanlal & Dhirajlal, **The Law of Torts**
- Bangia, **Law of Torts including Compensation under Motor Vehicles Act and Consumer Protection Laws**
- Ramaswamy Iyer's, **The law of Torts**

Web Resources

https://www.youtube.com/watch?v=q36fe4CWGWI&list=PLBSPg1Wz7OwHy5ndfjq_69VERHAUarifr

Instructor Details

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