

Syllabus of B.A., LL.B. (Hons.) Major-Minor 2022-23 Batch
COURSE-2.2 Law of Torts including MV accidents and Consumer
Protection Laws

Objectives:

This course is designed to introduce the students to the principles of tortious liability and defences available in an action for torts. Apart from the law of torts the students should also be exposed to the principles and the remedies available under *the Motor Vehicles Act and Consumer Protection Act*.

UNIT-I

Evolution of law of torts- Nature and scope of law of torts- Meaning- Torts distinguished from Contract- Crime- Development of *Ubi jus ibi remedium*- Constituents of tort- Mental elements-Intention, Motive, Malice in Law and in Fact.

UNIT-II

General Defences: *Volenti non fit injuria*, plaintiff -a wrongdoer, Inevitable Accident, Act of God, Private defence, Mistake, Necessity, Statutory authority

Vicarious Liability: Contract of service and contract for service; Liability by relation - Master and Servant, Employer and Independent contractor, Firm and Partner, Principal and Agent, Company and Director, Guardian and ward; Vicarious liability of the State .

UNIT-III

Negligence- Meaning, Essential elements, Contributory negligence.

Nuisance: Meaning, Essential elements, Kinds- public and Private; Defences- Prescription, Statutory authority.

Strict liability – rationale and its exceptions; Absolute liability.

Legal Remedies: Damages- liquidated and unliquidated damages, Measure of Damages, Remoteness of damage; Injunctions , Specific restitutions and Abetment.

UNIT-IV

Torts against person: Torts affecting body- Assault, Battery, Mayhem and False Imprisonment; Torts affecting reputation-Defamation: Libel and Slander, defences; Torts affecting freedom-Malicious Prosecution, Malicious Civil Proceedings and Malicious Legal Process; Torts affecting Marital Rights and Parental Rights, Contractual Rights, Intimidation and Conspiracy; Torts against property-trespass to land, Defences; Trespass to goods- Conversion, Detention, slander of title and goods, maintenance and champerty.

UNIT- V

The Consumer Protection Act, 2019: Definition, scope; Consumer Councils- Central, State and District Consumer Protection Councils; Central Consumer Protection Authority- Powers and functions of the Authority; District Consumer Disputes Redressal Commission; Product Liability; offences and Penalty.

Salient features of MV Act: Liability without fault in certain cases, Insurance of Motor Vehicles against third party risks, Claims Tribunal, Offences, Penalties and Procedure.

Prescribed Books:

1. Ratanlal and Dhirajlal, *The Law of Torts* (Lexisnexis, New Delhi).
2. Rogers, W V H Winfield and Jolowicz on Tort, (Sweet and Maxwell publications, London).
3. *The Motor Vehicles Act, 1988*.
4. *The Consumer Protection Act, 2019*.

Reference Books:

1. Howarth, David and Janet o' Sullivan, *Hepple Howarth and Mathews Tort: Cases and Materials* (Lexisnexis, New Delhi).
2. Baxi Upendra and Danda Amita, *Valiant victims and Lethal Litigation-The Bhopal Case* (Indian Law Institute).
3. Heuston RFV and R A Buckley, *Salmon and Heuston on Torts* (Sweet and Maxwell publications, London).
4. Singh Avtar, *Introduction to the Law of Torts (and Consumer Protection)* (Lexisnexis Butterworths, New Delhi).
5. Ashok Patil, *Commentary on Consumer Protection Act, 2019* (Thomson Reuters)