

BA.LL.B (HONS.) – I-SEMESTER

LAW OF TORT INCLUDING MV ACCIDENT AND CONSUMER PROTECTION LAWS

COURSE CODE:

Course Objectives: The main objective of this Course is to give a comprehensive overview law of tort along with the recent amendments in Consumer Protection Laws and Motor Vehicles legislations.

Course Outcomes:

1. To understand the importance of tort law for general understanding of legal principles
2. To analyse various doctrines, principles under tort law
3. To analyse and interpret various judicial decisions
4. To analyse and interpret consumer protection laws and judicial decisions
5. To analyse and interpret motor vehicle legislations and decisions

UNIT-I: Nature & Definition of Tort: Definition & Essential Conditions of Torts, Mental element in Tortious Liability, Legal Principles: *Damnum Sine Injuria, Injuria Sine Damnum, Ubi Jus Ibi Remedium*; General Defences in Tort – *Volenti Non-Fit Injuria*, Plaintiff the wrongdoer, Inevitable accident, Act of God, Private Defence, Mistake, Necessity, Statutory authority.

UNIT-II: Negligence, Nuisance & Nervous Shock: Meaning, Essentials of Negligence, Kinds of Negligence – Contributory & Composition, *Res Ipsa Loquitur* (Proof of Negligence) Defences to Negligence & Professional liability for Negligence, Kinds of Nuisance – Public & Private, Defences to Nuisance. Nervous Shock

UNIT-III: Defamation, Trespass, Malicious Prosecution: Meaning & Essentials of Defamation, Defences to Defamation, Trespass to Person – Assault, Battery, false Imprisonment, Trespass to Property, Trespass to Goods– *Detinue*, Conversion, Malicious Prosecution

UNIT-IV: Strict, Absolute & Vicarious Liability and Remedies under Law of Torts: Strict / No Fault Liability, Rule in *Rylands v. Fletcher* & its applicability in India, Rule of Absolute Liability (Rule in *M. C. Mehta Case*), Meaning & Principles of Vicarious Liability and Vicarious Liability of State. Remedies under Law of Torts, Remoteness of Damage, Occupier's Liability for Dangerous Premises

UNIT-V: Consumer Protection Act, 2019 & Motor Vehicles Act, 2019: Meaning of Consumer & Deficiency in Service, Consumer Protection Redressal Agencies, Insurer's Liability for Third Party Risk, Extent of Liability of Insurer under MV Act, 2019, Claims Tribunals.

References:

1. V.H. Rogers, Winfield and Jolowicz on Tort, Sweet & Maxwell, 2010 (18th Edn)
2. Ratanlal & Dhirajlal, The Law of Torts, Lexis Nexis, 2013 (26th Edn)
3. M. Gandhi, Law of Torts with Law of Statutory Compensation and Consumer Protection, Eastern Book Company, 2011 (4th Edn)
4. R.K. Bangia, Law of Torts including Compensation under the Motor Vehicles Act and Consumer Protection Laws, Allahabad Law Agency, 2013
5. Ramaswamy Iyer's , The Law of Torts, Lexis Nexis, 2007 (10th Edn)