

NIRMA UNIVERSITY

Institute:	Institute of Law
Name of Programme:	B.A., LL.B (Hons.), B.Com.LL.B(Hons.), B.B.A.LL.B(Hons.)
Course Code:	1LW101CC23
Course Title:	Law of Tort including Consumer Protection Laws and M.V. Act
Course Type:	Core
Year of Introduction	2018

Course Learning Outcomes:

At the end of the course, the students will be able to:

1. Describe the major principles fundamental to the operation of tort system. (BL-1)
2. Explain the important and commonly litigated torts. (BL-3)
3. Appraise the basis and nature of law of torts and its impact on individuals, corporations and other businesses. (BL-2)
4. Critique the leading case authorities in tort law and important legislations that impacts it. (BL-4)

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Syllabus

Teaching Hours: 60

Unit-I Definition, Nature, Scope and Objects

4 Hours

1. A wrongful act- violation of duty imposed by law, duty which is owed to people generally (in rem) – damnum sine injuria and injuria sine damnum
2. Tort distinguished from crime and breach of contract
3. The concept of unliquidated damages.
4. Changing scope of law of torts: expanding character of duties owed to people generally due to complexities of modern society
5. Object- prescribing standards of human conduct, Redressal of wrongs by payment of compensation, prescribing unlawful conduct by injunction.

Unit -II Principles of Liability in Torts

2 Hours

1. Fault
2. Wrongful intent
3. Negligence
4. Liability without fault
5. Violation of ethical codes
6. Statutory liability
7. Place of motive in torts

Unit -III Justification in Tort**4 Hours**

1. Volenti non fit injuria
2. Necessity, Private and Public
3. Plaintiff's default
4. Act of god
5. Inevitable accident
6. Private Defense
7. Statutory authority
8. Judicial and quasi-judicial acts
9. Parental and quasi-parental authority

Unit -IV Extinguishment of Liability in certain situations**2 Hours**

1. Actio personalise moritur cum persona – exceptions
2. Waiver and acquiescence
3. Release
4. Accord and satisfaction
5. Limitation

Unit -V Standing**2 Hours**

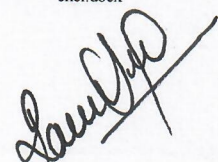
1. Who may sue – aggrieved individual – class action – social action group
2. Statutes granting standing to certain persons or groups
3. Who may be sued

Unit -VI Doctrine of Sovereign immunity and its relevance in India**3 Hours****Unit -VII Vicarious Liability****4 Hours**

1. Basis, scope and justification
2. Express authorization
3. Ratification
4. Abetment
5. Special Relationships
6. Master and servant – arising out of and in the course of employment – who is master? – the control test – who is servant? – borrowed servant – independent contractor and servant, distinguished
7. Principal and agent
8. Corporation and principal officer

Unit -VIII Torts against persons and personal relations**5 Hours**

1. Assault, battery, mayhem
2. False imprisonment
3. Defamation – libel, slander including law relating to privileges
4. Marital relations, domestic relations, parental relations, master and servant relations
5. Malicious prosecution
6. Shortened expectation of life
7. Nervous shock



Unit – IX Wrongs affecting property **2 Hours**

1. Trespass to land, trespass *ab initio*, dispossession
2. Movable property- trespass to goods, detinue, conversion
3. Torts against business interests – injurious falsehood, misstatements, passing off

Unit -X Negligence **8 Hours**

1. Basic concepts
2. Theories of negligence
3. Standards of care, duty to take care, carelessness, inadvertence
4. Doctrine of contributory negligence
5. Res ipsa loquitur and its importance in contemporary law
6. Liability due to negligence: different professionals
7. Liability of common carriers for negligence
8. Product liability due to negligence: liability of manufacturers and business houses for their products

Unit: XI Nuisance **3 Hours**

1. Definition, essentials and types
2. Acts which constitute nuisance – obstructions of highways, pollution of air, water, noise, and interference with light and air

Unit: XII Absolute/Strict liability **3 Hours**

1. The rule in Rylands v. Fletcher
2. Liability for harm caused by inherently dangerous industries

Unit: XIII Legal remedies **2 Hours**

1. Legal remedies
2. Award of damages – simple, special, punitive
3. Remoteness of damage- foreseeability and directness
4. Injunction
5. Specific restitution of property
6. Extra-legal remedies-self-help, re-entry on land, re-capture of goods, distress damage feasant and abatement of nuisance

Unit: XIV Consumer Protection Act, 2019 **10 Hours**

1. Consumer, the concept
2. Consumer of goods
3. Services
4. Defect and Deficiencies
5. Restrictive Trade Practice
6. Unfair Trade Practice
7. Public Utilities (Supply of electricity, Telecommunications and postal services, Housing, Banking)
9. Commercial services (Hiring, financing, Agency services)
10. Enforcement of consumer rights (Execution of orders, Judicial Review, PIL, Class
11. Actions, Remedies, Administrative remedies)

Unit -XV The Motor Vehicles Act, 1988 **6 Hours**

Self-Study:

Suggested

List of NA

Experience:

Suggested

Reading

Reference:

1. Rogers, W.V.H., Winfield & Jolowicz, *Tort*, (18th Edition), Thomson, Sweet & Maxwell.
2. Murphy John & Street (2003), *Torts*, 11th Edition, Oxford University Press.
3. McBride, Nicholas J. and Bagshaw, Roderick., (2001) *Tort Law*, Pearson Education(Singapore) Pte. Limited.
4. Hueston, R.F.V. and Buckley, R.A., Salmond and Hueston, (20th Edition) *The law of Torts*, Sweet and Maxwell, Universal Law Publishing House
5. Ratanlal and Dhirajlal, (26th Edition) *Law of Torts*, Wadhwa and Co. Nagpur
6. Ramaswamy Iyer's *Law of Torts*, (10th Edition), Publisher: Lexis Nexis, Butterworths
7. Nijhawan, Swarn Bhatia (1995), *National Commission and Supreme Court on Consumer Cases 1986-1995* Vol. I-VIII, International Law Book Company: Delhi.
8. Rao, Rajyalakshmi, (2015) *Consumer is King: Know Your Rights and Remedies*, Universal Law Publishing Co. Pvt. Ltd., Delhi,

Suggested Case List:

NA

