Introduction:

Tort is a large area of private law concerned with compensating those who have been injured by the wrongdoing of others. Unlike criminal law, which involves the State, tort law involves private parties who institute legal actions against each other for damages. Unlike contract law, where 2 parties agree to their respective rights and obligations, in tort law it is the society, through its judicial and legislative systems, that imposes obligations on everyone to act in consideration of the rights of others.

The law of Torts is mainly judge-made law: courts over the centuries have defined people rights and obligations with respect to their fellows. These are constantly in flux and change to meet new technological and social concerns. Over the last century, tort law has touched on nearly every aspect of life. In economic affairs, tort law provides remedies for businesses that are harmed by the unfair and deceptive trade practices of a competitor. In the workplace, tort law protects employees from the intentional or negligent infliction of emotional distress. Tort law also helps regulate the environment, providing remedies against both individuals and businesses that pollute the air, land, and water to such an extent that it amounts to a nuisance.

The course Law of Torts aims to critically consider Tort law in the context of the changing situations in the society and the new dimensions given to it by the Consumer Protection Act, 1986. The English law of tort has been largely modified by many Indian laws according to Indian situations. The Motor Vehicles Act is one of them. The Law of tort cannot be discussed without referring to present Indian situations, and existing attitude of the judges and laws. The major portion of tort law has been codified today. The syllabus tries to discuss the law keeping the modern trend in mind.

Objective:
The primary objectives of this course are to
- Learn the major principles fundamental to the operation of the tort system
- Become familiar with most of the important and commonly litigated torts
- Learn the leading case authorities in tort law and the important legislation that impacts on it
- Develop skills of legal analysis and argument.

Teaching Methodology
- Law of Torts
- Teaching Methodology:
- Examples- Common examples
- Problems- teaching through Problem Solving Method
- Case laws-Case study method, case analyses
- Lectures
- Tutorials
Consumer Protection Act:
- Discussing the recent Problems
- Application of Consumer Protection Law
- Working of the dispute redressal Agencies
- Role of NGOs
- Case Laws
- Lectures.

Motor Vehicles Act.
- Case Law analysis
- Discussions
- Problem Solving
- Lectures

**Bare Syllabus**

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

2. Principles of Liability in Torts
   2.1 Fault
      2.1.1 Wrongful intent
      2.1.2 Negligence
   2.2 Liability without fault
   2.3 Violation of ethical codes
   2.4 Statutory liability
   2.5 Place of motive in torts

3. Justification in Tort
   3.1 Volenti non fit injuria
   3.2 Necessity, Private and Public
   3.3 Plaintiff’s default
   3.4 Act of god
   3.5 Inevitable accident
   3.6 Private defence
   3.7 Statutory authority
   3.8 Judicial and quasi-judicial acts
   3.9 Parental and quasi-parental authority

4. Extinguishments of Liability in certain situation
4.1 Actio personalise moritur cum persona – exceptions
4.2 Waiver and acquiescence
4.3 Release
4.4 Accord and satisfaction
4.5 Limitation

5. **Standing**
5.1 Who may sue – aggrieved individual – class action – social action group
5.2 Statutes granting standing to certain persons or groups
5.3 Who may be sued?

6. Doctrine of sovereign immunity and its relevance in India

7. Vicarious Liability
7.1 Basis, scope and justification
7.1.1 Express authorization
7.1.2 Ratification
7.1.3 Abetment
7.2 Special Relationships
7.2.1 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
7.2.2 Principal and agent
7.2.3 Corporation and principal officer

8. Torts against persons and personal relations
8.1 Assault, battery, mayhem
8.2 False imprisonment
8.3 Defamation – libel, slander including law relating to privileges
8.4 Marital relations, domestic relations, parental relations, master and servant relations
8.5 Malicious prosecution
8.6 Shortened expectation of life
8.7 Nervous shock

9. Wrongs affecting property
9.1 Trespass to land, trespass *ab initio*, dispossession
9.2 Movable property- trespass to goods, detinue, conversion
9.3 Torts against business interests – injurious falsehood, misstatements, passing off

10. **Negligence**
10.1 Basic concepts
10.1.1 Theories of negligence
10.1.2 Standards of care, duty to take care, carelessness, inadvertence
10.1.3 Doctrine of contributory negligence
10.1.4 Res ipsa loquitur and its importance in contemporary law
10.2 Liability due to negligence: different professionals
10.3 Liability of common carriers for negligence
10.4 Product liability due to negligence: liability of manufacturers and business houses for their products
11. **Nuisance** 11.1 Definition, essentials and types
11.2 Acts which constitute nuisance – obstructions of highways, pollution of air, water, noise, and interference with light and air

12. Absolute/Strict liability
12.1 The rule in Rylands v. Fletcher
12.2 Liability for harm caused by inherently dangerous industries

13. Legal remedies
13.1 Legal remedies
13.1.1 Award of damages – simple, special, punitive
13.1.2 Remoteness of damageforeseeability and directness
13.1.3 Injunction
13.1.4 Specific restitution of property
13.2 Extra-legal remedies-self-help, re-entry on land, re-caption of goods, distress damage feasant and abatement of nuisance

14. a. Consumer, the concept
14.1 General Perspectives
14.2 Statutory and government services: to be included or not?
14.3 Definition and scope: the Consumer protection Act 1986(CPA)
14.3.1 Who is not a consumer?
b. Consumer of goods
14.4 Meaning of defects in goods
14.5 Standards of purity, quality, quantity and potency
14.5.1 Statutes: food and drugs, engineering and electrical goods.
14.5.2 Common law: decision of courts
14.6 Price Control
14.6.1 Administrative fixation
14.6.2 Competitive market
14.7 Supply and distribution of goods
c. Service 14.8 Deficiency- meaning
14.9 Professional services
14.9.1 Medical services
14.9.2 How to determine negligence
14.9.3 Violation of statute
14.9.4 Denial of medical service: violation of human rights
14.9.5 Lawyering services: duty – towards court and duty to client dilemma, break of confidentiality – negligence and misconduct
14.10 Public Utilities
14.10.1 Supply of electricity
14.10.2 Telecommunication and postal services
14.10.3 Housing
14.10.4 Banking
14.11 Commercial services
14.11.1 Hiring
14.11.2 Financing
Comprehensive Module
Module-1

Definition, Nature, Scope and Objects

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

The module gives understanding of the nature of law of tort, rights and duties nad how the tort law differs form the law of contract and crime. The basic concept of the law of tort and the types of tortuous liability has been defined.

References:
Cases:

Module-2

References:

Cases:

References:
   (The Wagon Mound Case) (1961) 1 All E R 404
7. Mc Ghee v. National Coal Board (1972) 3 All E R 1008
9. Liesbosch Dredger v. Edison (1933) AC 449
10. Smith v. L & S W Rly Co. (1870) LR 6 C.P. 14
11. Wilkinson v. Downtown (1897) 2 QB 57
12. Hughes v. Lord Advocate (1963) 1 All E R 705
13. Haynes v Harwood (1935) 1 KB 146

Module-3

Justification in Tort

- Volenti non fit injuria
- Necessity, Private and Public
- Plaintiff’s default
- Act of god
- Inevitable accident
- Private defence
- Statutory authority
- Judicial and quasi-judicial acts
- Parental and quasi-parental authority

References:

- Salmond and Hueston on the law of Torts, R.F.V.Hueston and R.A. Buckley, 20th edition, Publisher: Sweet and Maxwell, Universal Law Publishing House
- Ramaswamy Iyer’s Law of Torts, By A. Laxminath and M. Sridhar, 10th Edition, Publisher: Lexis Nexis, Butterwroths
- Street on Torts, By John Murphy, 11th edition 2003, Publisher: Oxford University Press, Pages-85 to 109

Cases:

1. Hall v. Brooklands Auto Racing Club (1932) 1 KB 205
2. Smith v. Baker and Sons (1891) AC 325
4. Haynes v. Harwood (1935) 1 KB 146
5. Ramchand Ram Nagaram Rice & Oil Mills Ltd. v. Municipal Commissioner of
Purilla Municipality (1943) ILR 22 Pat 359
6. Gillick v. West Norfolk & Wiseback Area Health Authority (1985) 3 All E R 402
7. Wooldridge v. Summer (1962) 2 All E R 978
8. Bird v. Hotbrook (1828) 4 Bin 628

Module-4

• Actio personalise moritur cum persona – exceptions
• Waiver and acquiescence
• Release
• Accord and satisfaction
• Limitation

References:

➢ Winfield & Jolowicz Tort, W.V.H. Rogers, 17th Edition 2006, Publisher: Thomson, Sweet & Maxwell, Pages-1099 to1030
➢ Street on Torts, By John Murphy, 11th edition 2003, Publisher: Oxford University Press, Pages-621 to 635

Cases:
1. Rose v. Ford 1937 AC 826.
2. Klaus Mittelbachert v. The East India Hotels Ltd. AIR 1997 Del 201p.231

Module-5

Standing
• Who may sue – aggrieved individual – class action – social action group
• Statutes granting standing to certain persons or groups
• Who may be sued?

References:

➢ Salmond and Hueston on the law of Torts, R.F.V.Hueston and R.A. Buckley, 20th edition, Publisher: Sweet and Maxwell Universal Law Publishing House
Module-6
Doctrine of Sovereign immunity and its relevance in India

References:
- Street on Torts, By John Murphy, 11th edition 2003, Publisher: Oxford University Press, Pages-457 -473, 539–597

Cases:
1. Lloyd v. Grace Smith & Co. (1912) AC 716
6. Chairman Railway Road v. Chandrima Das AIR 2000 SC 988
7. Peninsular and Oriental Navigation Company v. Secretary of State for India (1861) 5 Bom. HCR App. 1, p.1

Module-7

- Basis, scope and justification
- Express authorization
- Ratification
- Abetment
- Special Relationships
- 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
- Principal and agent
- Corporation and principal officer
References:
- Salmond and Hueston on the law of Torts, R.F.V.Hueston and R.A. Buckley, 20th edition, Publisher: Sweet and Maxwell Universal Law Publishing House
- Street on Torts, By John Murphy, 11th edition 2003, Publisher: Oxford University Press, Pages-551-575

Cases:
1. Mersery Docks and Harbour Board v. Coggins & Griffith (Liverpool) Ltd. (1947) AC 1, 17
2. Lister v. Hesley Hall (1856) 1 D & B 118
3. Tarry v. Ashton (1876) 1 QBD 314

Module-8
Torts against persons and personal relations
- Assault, battery, mayhem
- False imprisonment
- Defamation – libel, slander including law relating to privileges
- Marital relations, domestic relations, parental relations, master and servant relations
- Malicious prosecution
- Shortened expectation of life
- Nervous shock

References:
- Salmond and Hueston on the law of Torts, R.F.V.Hueston and R.A. Buckley, 20th edition, Publisher: Sweet and Maxwell Universal Law Publishing House
- Street on Torts, By John Murphy, 11th edition 2003, Publisher: Oxford University Press, Pages-551-575

Cases:
1. Nemi Chand v. Wallace (1907) ILR 34 Cal.
2. Tushar Kanthi Ghosh v. Bina Bhowmick (1952) 57 CWN 3778
4. Cassidy v. Daily Mirror (1929) 2 KB 331
5. Sim v. Stretch (1936) 52 TLR 669

Module: 9

Wrongs affecting property

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

References:

- Salmond and Hueston on the law of Torts, R.F.V.Hueston and R.A. Buckley, 20th edition, Publisher: Sweet and Maxwell, Universal Law Publishing House
- Street on Torts, John Murphy, 11th edition 2003, Publisher: Oxford University Press Pages-551-575

Cases:

1. Meering v. Grahame white Aviation Co. (1920) 121 ILT 44
2. Herring v. Boyle 1949 All E R 1126
3. Rookes v. Bernard (1964) AC 1129

Module-10

Negligence

- Basic concepts
- Theories of negligence
- Standards of care, duty to take care, carelessness, inadvertence
- Doctrine of contributory negligence
- Res ipsa loquitur and its importance in contemporary law
- Liability due to negligence: different professionals
- Liability of common carriers for negligence
Product liability due to negligence: liability of manufacturers and business houses for their products

References:

- Salmond and Hueston on the law of Torts, R.F.V. Hueston and R.A. Buckley, 20th edition, Publisher: Sweet and Maxwell, Universal Law Publishing House
- Winfield & Jolowicz Tort, W.V.H. Rogers, 17th Edition 2006 Publisher: Thomson Sweet & Maxwell, Pages-
- Street on Torts, John Murphy, 11th edition 2003, Publisher: Oxford University Press Pages-551-575

Cases:

1. Donoghue v. Stevenson (1932) AC 562
7. Indian Medical Association v. V. P Shantha AIR 1996 SC 550
9. Grant v. Australian Knitting Mills (1936) AC 85
11. Heaven v. Pender (1883) 11 QBD 503
17. Admiralty Commissioner v. S.S. Volute (1922) 1 AC 129
18. Hambrook v. Stoke Brothers (1925) 1 KB 141
23. Mariach v. QRZ Media (Unreported case on IIED)

Module: 11
Nuisance

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

References:

- Salmond and Hueston on the law of Torts, R.F.V. Hueston and R.A. Buckley, 20th edition, Publisher: Sweet and Maxwell, Universal Law Publishing House
- Winfield & Jolowicz Tort, W.V.H. Rogers, 17th Edition 2006 Publisher: Thomson Sweet & Maxwell, Pages-

Cases:

1. Hollywood Silver farm v. Emmet (1936) 2 KB 468
2. Sturgess v. Bridgeman (1879) 11 Ch. D. 852

Module: 12.

Absolute/Strict liability

The rule in Rylands v. Fletcher

Liability for harm caused by inherently dangerous industries

References:

- Salmond and Hueston on the law of Torts, R.F.V. Hueston and R.A. Buckley, 20th edition, Publisher: Sweet and Maxwell, Universal Law Publishing House
- Winfield & Jolowicz Tort, W.V.H. Rogers, 17th Edition 2006 Publisher: Thomson Sweet & Maxwell, Pages-

Cases:

1. Rylands v. Fletcher (1868) LR 3 HL 330
2. Read v. Lyons & Co. (1947) AC 156
3. Cambridge Water wroks Co. v. Eastern Countries Leather (1994) 1 All E R 53
6. Greencock Corporation v. Caledonian Railway (1917) AC 556
7. M C Mehta v. Union of India (Olium Oil Case) AIR 1978 SC 1086
8. UCC v. Union of India (Bhopal Gas Leak) AIR 1990 SC 273
9. Upahar Tragedy Case 2001 SOL Case No. 470

Module: 13

Legal remedies

- Legal remedies
- Award of damages – simple, special, punitive
- Remoteness of damage- foreseeability and directness
- Injunction
- Specific restitution of property
- Extra-legal remedies-self-help, re-entry on land, re-caption of goods, distress damage feasant and abatement of nuisance

References:

- Salmond and Hueston on the law of Torts, R.F.V.Hueston and R.A. Buckley, 20th edition, Publisher: Sweet and Maxwell, Universal Law Publishing House
- Winfield & Jolowicz Tort, W.V.H. Rogers, 17th Edition 2006 Publisher: Thomson Sweet& Maxwell, Pages-
- A Casebook on Tort, Tony Weir, 10th Edition(2004), Thomson Sweet & Maxwells Pages-

Module: 14

Consumer Protection Act, 1986

References:

Cases:

1. Laxmi Engineering Works v PSG Industrial Institute AIR 1995 SC 1428
2. Donoghue v Stevenson (1932) ac 562
3. Dr Laxman Balakrishna Joshi v Dr Trimbak Bapu Godbole AIR 1969 SC 128
4. Carlill v Carbolic Smoke Ball Co (1893) 1 QB 256
5. While v John Warrick and Co Ltd (1953) 1 WLR 1285
6. White v Munuswami AIR 1966 Mad 13
7. Sumant Prasad v Sheojanam 1972 Cr LJ 1707 (SC)

- Consumer
- Goods
- Services
- Defect and Deficiencies
- Restrictive Trade Practice
- Unfair Trade Practice

Cases:

1. Indian Medical Association v VP Santha AIR 1996 SC 550
2. Regional Provident Fund Commissioner Vs Shiv Kumar Joshi AIR 2000 SC 331
5. M/s Cheema Engineering Services v Rajan Singh 1996 (2) CPR 11 (NC)
6. Mukesh Jain v VK Gupta 1992 (2) CPJ 493 (NC)
7. Akhil Bhartiya Grahak Panchayat v Secretary Sharda Bhawan Education Society 1994 (2) CPJ 283 (NC)

- Central Consumer Protection Council
- State Consumer Protection Council
- District Consumer Dispute Redressal Forum
- State Consumer Dispute Redressal Commission
- National Consumer Dispute Redressal Commissoin
- The Supreme Court

1. MD Orissa Cooperative Housing Corporation Ltd v KS Sudarsan MANU/CF/0182/2002
4. M/s India Photographic Co Ltd v HD shourie AIR 1999 SC 2453
5. Lucknow Developmental Authority v/s MK Gupta, AIR 1994 SC 78.

Module-15

The Motor Vehicles Act, 1989
4. Malay Kumar Ganguly Vs. Dr. Sukumar Mukherjee and Ors. AIR2010SC1162, MANU/SC/1416/2009
5. Reshma Kumari and Ors. vs. Madan Mohan and Anr. (23.07.2009 - SC)
6. Ningamma and Anr. vs. United India Insurance Co. Ltd. (13.05.2009 - SC)
7. New India Assurance Co. Ltd. vs. Bismillah Bai and Ors. (20.03.2009 - SC)
8. A.P.S.R.T.C. and Anr. vs. K. Hemalata and Ors. (16.05.2008 - SC)
9. Oriental Insurance Co. Ltd. vs. Premlata Shukla and Ors. (15.05.2007 – SC)

THE LIST OF THE CASES WILL BE GIVEN SEPERATELY IN THE CLASS ROOM.

Clinical Exercises
The following types of exercises will be conducted in clinical exercise classes.

1. Problem Solving
2. MCQ
3. Case Analysis
4. Moot Court
5. Class Test
6. Group Discussion-Current topics
7. News-analysis, application of Laws
8. Drafting of complaints as consumer

Term Assignment Schedule

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<td>Multiple choice quiz</td>
<td>October-4th week</td>
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