

LAW OF TORTS

Objectives:

This course is designed to study the principles of Tortious liability, the defences available in an action for torts, the capacity of parties to sue and be sued and matters connection there with. Further, this course is designed to study specific torts against the individual and property. With rapid industrialization, inadequacy of the law to protect the individual is exposed. An attempt shall be accorded to the individuals against mass torts and industrial torts. Keeping in the expensive character of judicial proceedings the students should reflect on the alternative forms, and also the remedies provided under the *Consumer Protection Act, 2019*.

Course contents:

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*- Mental elements-Intention, Motive, Malice in Law and in Fact.

UNIT-II

General Defences, Vicarious Liability.

UNIT-III

Negligence; Nuisance; Absolute and Strict liability.

Legal Remedies-Awards-Remoteness of damage.

UNIT-IV

Torts against person: Torts affecting body- Assault, Battery, Mayhem and False Imprisonment; Torts affecting reputation-Libel and Slander, Torts affecting freedom-Malicious Prosecution, Malicious Civil Action and Abuse of Legal Process; Torts affecting domestic and other rights-Marital Rights, Parental Rights, Rights to Service, Contractual Rights, Intimidation and Conspiracy; Torts against property.

UNIT- V

Salient features of Consumer Protection Act 2019: Preliminary; Consumer Protection Councils; Central Consumer Protection Authority; Consumer Disputes Redressal Commission; Mediation; Product Liability; Offences and Penalties

Salient features of MV Act, 1988, Liability without fault in certain cases, Insurance of Motor Vehicles against third party risks, Claims Tribunal, Offences, Penalties and Procedure.

Prescribed Books:

Ratanlal and Dhirajlal, *The Law of Torts*, 26th Edition, (New Delhi: Lexis Nexis, 2013)

Reference Books:

Rogers, W.V.H, *Winfield and Jolowicz on Tort*, 15th Edition, (London: Sweet and Maxwell, 1999).

Howarth, David and Janet O' Sullivan, *Hepple, Howarth and Matthew's Tort: Cases and Materials*, 5th Edition, (New Delhi :Lexis Nexis, 2000)

Baxi Upendra and Danda Amita, *Valiant victims and Lethal Litigation-The Bhopal Case*, Indian Law Institute (Bombay:1990)

Heuston R.F.V and R. A. Buckley, *Salmond and Heuston on the Law of Torts*, 26th Edition, (U.K:Sweet and Maxwell Ltd,1996)

Singh, Avtar, *Introduction to the Law of Torts(and Consumer Protection)*, (Lexis Nexis Butterworths: 2009)

SarafD. N, *Law of Consumer Protection in India*, (Bombay: N.M. Tripathi, 1990)

Gurubax, Singh, *Law of Consumer Protection* (Jaipur; Bharat Law Publications, 1992)