

CORE COURSE 101: LAW OF TORT INCLUDING MV ACCIDENT AND CONSUMER PROTECTION LAWS

Objectives of the Course:

With rapid industrialization, tort action came to be used against manufacturers and industrial unit for products injurious to human beings. Presently the emphasis is on extending the principles not only to acts, which are harmful, but also to failure to comply with standards that are continuously changing due to advancement in science and technology. Product liability is now assuming a new dimension in developed economics.

In modern era of consumer concern of goods and services, the law of torts has an added significance with its forage into the emerging law of consumer protection. It operates in disputes relating to the quality of goods supplied and services rendered and in those areas relating to damage suffered by consumers. The law relating to consumer protection, lying scattered in myriad provisions of various legislation and judicial decisions in India, so connected with the human right for a healthy life and environment, has now a core subject to be taught as an indispensable part of a socially relevant curriculum. The provisions of the Motor Vehicles Act relating to payment of compensation in case of hit and run accidents and compulsory third party insurance are also included in this paper. 4

1. General Principles of Tort

- a. Tort : Definition, Distinction from Crime, Breach of Contract etc., Nature, Scope and object of Tort, who may sue? Who may not be sued ?
- b. Damnum sine Injuria, Injuria Sine Damnum
- c. Volenti non fit Injuria, ubi jus ibi remedium
- d. Vicarious Liability : Basis, scope, Justification, Different types
- e. Extinguishment of Liability in Tort
- f. Justification in Tort, defences to the defendants

2. Torts against person, property, Freedom & Reputation

- a. Trespass to person : Assault, Battery, Mayhem, False Imprisonment
- b. Torts affecting Property (Movable & Immovable) : Trespass, Trespass ab initio etc.
- c. Torts related to Reputation (Defamation) & personal relations
- d. Torts affecting person & Property : Nuisance, Negligence, Fraud
- e. Strict liability of owner under the Motor Vehicles Act

3. Principles of Liability in Torts and Legal Remedies

- a. Principle of Strict Liability : Ryland V. Fletcher case with exceptions
- b. Principle of Absolute Liability : Bhopal Gas Disaster case and Shree
- c. Ram Food Gas Leakage case
- d. Remoteness of damage – foreseeability and directness Injunction Specific restitution of property
- e. Extra-legal remedies – self-help, re-entry on land, re-capture of goods, *distress damage feasant*

4. Concept of Consumer & Consumer Protection Act

- a. Consumer : Definition,
- b. Services : Types of services, Deficiency- meaning,
- c. Commercial & Professional Services, Medical Services
- d. Denial of Services
- e. Consumer Protection Councils
- f. Consumer Disputes Redressal Agencies : District Forum, State Commission & National Commission, Judicial Review

Suggested Reading

1. Salmond and Heuston – On the Law of Torts, Universal, Delhi
2. D.D. Basu. The Law of Torts, Kamal, Calcutta. D. M. Gandhi Law of Tort Eastern, Lucknow
3. P.S. Achuthan Pillai, The Law of Torts, Eastern, Lucknow
4. Ratanlal & Dhirajlal.. The Law of Torts, Universal, Delhi.
5. Winfield and Jolowiz on Torts, Sweet and Maxwell, London.
6. Saraf, D. N. Law of Consumer Protection in India, Tripathi, Bombay.
7. Avtar Singh. The Law of Consumer Protection, Principles and Practice, Eastern Book Co. Lucknow.
8. J. N. Barowalia, Commentary on Consumer Protection Act, 1986, Universal Delhi.
9. P. K. Majundar, The Law of Consumer Protection In India, Orient Publishing Co. New Delhi.
10. R.M. Vats, Consumer and the Law, Universal, Delhi. Winfield and Jolowiz on Tort, Sweet and Maxwell London.
11. Saraf, D. n. Law of Consumer Protection In India, Tripathi, Bombay.
12. Avtar Singh, The Law of Consumer Protection Principles and Practice, Eastern Book Co. Lucknow
13. J. N. Barowalia, Commentary on Consumer Protection Act, 1986, Universal Delhi.
14. P. K. Majundar. The law of Consumer Protection In India, Orient Publishing Co New Delhi.
15. R. M. Vats, Consumer and the Law, Universal, Delhi. Motor Vehicles Act, 1988 : Eastern Book Company
16. P. Mathur's Law Relating to Motor Vehicles: Eastern Book Company (Revised by Justice G. C. Mathur(Retd.))