



**SGT UNIVERSITY, GURGAON  
FACULTY OF LAW**

<b>PROGRAMME</b>	<b>SEMESTER</b>	<b>COURSE NAME</b>	<b>COURSE CODE</b>
<b>LL.B. (Hons.)</b>	<b>II</b>	<b>Law of Tort (Including MV Accident Act &amp; Consumer Protection Laws)</b>	<b>08040203</b>

**Law of Tort (Including MV Accident Act & Consumer Protection Laws)**

**Course Objective:**

This course is designed to study the principles of tortious liability, the defenses available in an action for torts, the capacity of parties to sue and be sued and matters connected there with. Further, this course will introduce the students to various specific torts against the individual and property and also landmark cases under the law of tort. Students will also understand the various remedies under tort and the general defences under this branch of the law. The course will also introduce the students with Consumer Protection and Motor Vehicles law.

**Module – I Nature & Definition of Tort**

1. Definition & Essential Conditions of Tort
2. Mental element in Tortious Liability
3. General Defences in Tort – Volenti Non Fit Injuria, Plaintiff the wrongdoer, Inevitable accident, Act of God, Private Defence, Mistake, Necessity, Statutory authority

**Module – II Negligence, Nuisance & Nervous Shock**

- 2.1 Meaning, Essentials of Negligence
- 2.2 Kinds of Negligence – Contributory & Composite
- 2.3 Res Ipsa Loquitur (Proof of Negligence)
- 2.4 Defences to Negligence & Professional liability for Negligence
- 2.5 Kinds of Nuisance – Public & Private Nuisance
- 2.6 Defences to Nuisance
- 2.7 Nervous Shock

**Module – III Defamation, Trespass, Malicious Prosecution**

- 3.1 Meaning & Essentials of Defamation

- 3.2 Defences to Defamation
- 3.3 Trespass to Person – Assault, Battery, false Imprisonment
- 3.4 Trespass to Property
- 3.5 Trespass to Goods – Detinue, Conversion
- 3.6 Malicious Prosecution

**Module – IV Strict, Absolute & Vicarious Liability**

- 4.1 Strict / No Fault Liability
- 4.2 Rule in Rylands v Fletcher & its applicability in India
- 4.3 Rule of Absolute Liability (Rule in M.C Mehta Case)
- 4.4 Meaning & Principles of Vicarious Liability and Vicarious Liability of State

**Module – V Remedies under Law of Torts**

- 5.1 Remedies under Law of Torts
- 5.2 Remoteness of Damage
- 5.3 Occupier’s Liability for Dangerous Premises

**Module – VI Consumer Protection Act & Motor Vehicles Act**

- 6.1 Meaning of Consumer & Deficiency in Service
- 6.2 Consumer Protection Redressal Agencies
- 6.3 Insurer’s Liability for Third Party Risk
- 6.4 Extent of Liability of Insurer under MV Act, 1988
- 6.5 Claims Tribunal

**Course Outcome:** After the successful completion of the course, the students will be able to:

1. Understand the nature of tortious liability and identify violations under the Law of Tort.
2. Identify the nature, essential elements and extent of liability under specific torts like defamation, trespass, negligence, etc.
3. Examine the extent of tortious liability through the application of various tests.
4. Understand the various remedies available under the law of tort.
5. Understand the legal provisions of consumer protection and motor vehicles in India.

**Suggested Reading:**

1. W.V.H. Rogers, *Winfield and Jolowicz on Tort*, Sweet & Maxwell, 2010 (18<sup>th</sup> Edn)
2. Ratanlal & Dhirajlal, *The Law of Torts*, Lexis Nexis, 2013 (26th Edn)
3. B.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)