



## HIMACHAL PRADESH NATIONAL LAW UNIVERSITY, SHIMLA

### Semester: I

B.A./B.B.A. LL.B. (Hons.)

Paper Code: LB-101

Law of Torts, MV Act & Consumer Protection Act

Credit - 04

#### Introduction:

The course aims to examine the effectiveness of the tort system in compensating individuals suffering personal injury, injury to reputation, psychological damage, economic loss or incursions on private property as a result of accidents, disease or intentional acts. Focusing on the tort of negligence, the course explores the social, economic and political contexts in which the rules and principles of tort are applied. The Law of Torts is primarily concerned with the redressal of wrongful civil actions by awarding compensation. In a society where men live together, conflicts of interest are bound to occur, and they may, from time to time, cause damage to one or the other. In addition, with rapid industrialization, tortious liability has come to be used against manufacturers and industrial units. The Law of Torts originated from Common Law, and by and large, this branch of law continues to be uncodified. Tortious liability has been codified only to a very limited extent such as workmen's compensation, motor vehicle accidents, environmental degradation, consumer protection and the like. As the Law of Torts is basically a judge-made law, students are required to study it in the light of judicial pronouncements. They are required to equip themselves with the latest developments extending to the entire course.

#### Course Objectives:

1. To familiarize the students with the origin, development and general principles of the law of torts.
2. To introduce learners to the defences and remedies available to tort actions.
3. To enable learners to apply tort law principles to different factual scenarios.
4. To prepare the students to apply their knowledge and critical legal thinking to explore and develop their own perspectives and interpretations and support them to logical arguments.

## **Learning Outcomes:**

On the successful completion of the course, students will be able to:

1. Understand the general principles of the law of torts.
2. Demonstrate substantive knowledge of tort law, Draft legal memoranda and apply legal rules to varied factual situations.
3. Recognize various forms of legal authority, read and analyse legal cases accurately and efficiently.
4. Learn the basic principles of consumer rights as well as the Motor Vehicle norms.

### **Module - I**

#### **Introduction, Definition, Nature and Scope**

- 1.1. Meaning, Evolution and Development of Law of Torts;
- 1.2. Constituents of tort – wrongful act, legal damage and remedy – *injuria sine damno and damnum sine injuria; ubi jus ibi remedium;*
- 1.3. Tort vis-a-vis other wrongs e.g. crime, breach of contract;
- 1.4. Mental Elements in Law of Torts;
- 1.5. Defences against Tortious Liability; Consent - *Volenti non fit injuria*, Act of God, Statutory Authority.

### **Module - II**

#### **Specific Torts**

- 2.1. Negligence: Meaning, Definition and Essentials; Contributory Negligence;
- 2.2. Remoteness of Damages;
- 2.3. Nuisance: Kinds of Nuisance;
- 2.4. Defamation: Libel and Slander, Essentials of Defamation;
- 2.5. Nervous Shock.

### **Module - III**

#### **Liability**

- 3.1. Rule of Strict Liability- Rule in *Rylands v. Fletcher*- origin, scope and exceptions;
- 3.2. Rule of Absolute Liability in *M. C. Mehta v. Union of India*;
- 3.3. Vicarious Liability;
- 3.4. State liability- Position in England and India; Government Liability in Torts – (1) Constitutional Provisions; (2) Sovereign and non-sovereign functions, Violation of Fundamental Rights and sovereign immunity. Concept of Constitutional torts;
- 3.5. No fault liability in hit and run cases under the Motor Vehicles Act, 1988.

**Module - IV**  
**Consumer Protection Act, 2019**

- 4.1. The Consumer Protection Act, 2019;
- 4.2. Definitions Complainant, Complaint, Consumer, Consumer Dispute, Consumer Rights, Defect, Deficiency Electronic Service Provider, Endorsement, Goods, Manufacturer, Misleading advertisement, Person, Restrictive Trade Practice, Service, Spurious Goods, Trader, Unfair Contract, Unfair Trade Practice;
- 4.3. Consumer Protection Councils;
- 4.4. Central Consumer Protection Authority and Consumer Disputes Redressal Commission;
- 4.5. Product Liability- Harm in relation to a product liability, Product liability, Product Liability Action, Product manufacturer, Product Seller, Product Service Provider.

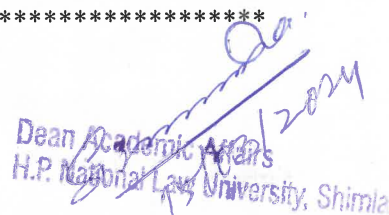
**Prescribed Legislations:**

1. The Constitution of India, 1950.
2. The Consumer Protection Act, 2019.
3. The Law Reform Contributory Act, 1945 (England).
4. The Motor Vehicle (Amendment) Act, 2019.

**Prescribed Books:**

1. Avtar Singh and P. S. Atchuthen Pillai, LAW OF TORTS, (Eastern Book Company, 2008).
2. G. P. Singh, *et.al.*, THE LAW OF TORTS, (Lexis Nexis, 2019).
3. G. P. Singh, *et.al.*, THE LAW OF TORTS, (2004).
4. M. N. Shukla, THE LAW OF TORTS & CONSUMER PROTECTION ACT AND COMPENSATION UNDER MOTOR VEHICLE ACT, (Central Law Agency, 2021).
5. R. F. V. Heuston and R. A. Buckley, SALMOND & HEUSTON ON THE LAW OF TORTS, (Sweet & Maxwell, 1996).
6. Ratanlal and Dhiraj Lal, THE LAW OF TORTS, (Lexis Nexis 2021).
7. Tony Weir, A CASEBOOK ON TORT, (Sweet & Maxwell, 2004).
8. W.V. H. Rogers, WINFIELD & JOLOWICZ ON TORT, (Sweet & Maxwell, 2016).

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Dean Academic Affairs  
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