

Paper - 105

Law of Torts (including MV Accident and Consumer Protection Laws)

Full Marks: (Written 80+Internal 20) =100. Credit-5

Torts and Tortious Liability:

1. Introduction-Definition and Nature of Torts and Tortious Liability, Constituents of Tort, Tort distinguished from Contract, Quasi-Contract and Crime
2. Principles of liability in Tort-Elements-Mental Elements–Malice, Negligence, Motive, Malfeasance, Fault –Damnum sine injuria and Injuria sine damnum
3. Justifications in tort-General Defenses
4. Liability for Torts committed by others-Vicarious Liability-Principal and Agent-Master and Servant–Partners- Liability of the State-Doctrine of Sovereign Immunity-Joint Torts-feasters
5. Specific Torts: Nuisance-Kinds of Nuisance-Essentials of Tort of Nuisance–Defenses
6. Negligence: Essentials of Tort of Negligence-Proof of Negligence: Res Ipsa Loquitur-Nervous Shock-Contributory Negligence
7. Trespass to reputation (Defamation)-Libel and Slander-Essentials of Defamation-Defenses
8. Rule of Strict and Absolute Liability-The rule of Strict Liability-Exception to the rule- the rule of Absolute Liability as developed by the Indian Judiciary.

MV Accident Law and Consumer Protection Act, 2019:

9. Liability without Fault under the Motor Vehicle Act, 1988-Sections 145, 146, 161, 164, 164A, 164B, 164C, 165, 166
10. Consumer Protection Act, 2019:
 - a. Definitions–Advertisement, Complainant, Complaint, Consumer, Consumer Dispute, Defect, Deficiency, E-Commerce, Goods, Person, Service, Unfair Trade Practice
 - b. Consumer Protection Councils-Central Consumer Protection Council, State Consumer Protection Councils, District Consumer Protection Council

- c. Central Consumer Protection Authority-Establishment, Appointment, Procedure, Power and Functions
- d. Consumer Disputes Redressal Commission–Establishment, Jurisdiction, Procedure, Appeal of District Consumer Dispute Redressal Commission, State Consumer Dispute Redressal Commission, National Consumer Dispute Redressal Commission
- e. Mediation–Establishment of Consumer Mediation Cell, Duty of Mediator, Procedure for and Settlement through Mediation

Suggested Readings:

- 1. Winfield and Jolowiez: Law of Torts
- 2. Singh, S.P.: Law of Torts
- 3. Basu, D.D.: Law of Torts
- 4. Sukla, N.M.: Law of Torts
- 5. Bangia, R.K.: Law of Torts
- 6. Bare Act: The Motor Vehicle Act, 1988
- 7. Bare Act: The Consumer Protection Act, 2019

NOTE- 1. Questions are to be set taking from each unit of the syllabus of a paper

- 2. Number of Questions to be set- 12 questions x 2 marks (for answering 10 questions) and 8 Questions x12 marks (for answering 5 questions).
- 3. Amendment of Law, if any, shall be deemed to revise the relevant syllabus automatically.