

## COURSE HANDOUT

LAW OF TORTS INCLUDING MV & CP ACT (LLB-104)

LLB-1<sup>st</sup> SEMESTER

ACADEMIC YEAR (2024-25)

**Ms. Mansi Walia**

Assistant Professor

School of Law



School of Law

Model Institute of Engineering & Technology (Autonomous)

Kot Bhalwal, Jammu - 181122

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Course Code	Course Name	Course Type	Cd	L	T	P	Marks		
							Sessional	Final Exam	Total
LLB-104	Law of Torts Including MV & CP Act	Generic Core	4	5	0	0	30	70	100

### COURSE OUTCOMES

At the end of the course the student will be able to:	
CO1	Explain the theoretical concepts of principles of liability in torts.
CO2	Analyse different defences used in action for torts.
CO3	Analyse different methods and understand torts against persons and torts affecting property.
CO4	Articulate the concepts of strict and vicarious liability in terms of torts.
CO5	Analyse and apply the conceptual understanding of the Consumer Protection & Motor Vehicle Act.

#### Unit-I

Introduction and Principles of Liability in Torts:

- 1.1 Nature, Meaning and Definitions of Tort
- 1.2 General Conditions of Tortious Liability and Negating Tortious Liability
- 1.3 Distinction between the Law of Torts, Contract and Crime
- 1.4 Constituents of Tort: Injuria sine damnum and Damnum sine injuria
- 1.5 Principles of Liability – Fault, Wrongful Intent, Negligence, Liability without Fault

(08 Hours)

#### Unit-II

Defences in Action for Tort:

- 2.1 Justification in Tort
- 2.2 Volenti non-fit injuria
- 2.3 Necessity, Plaintiff's default, Act of God, Inevitable accident
- 2.4 Private defence, Statutory Authority, Judicial and Quasi-Judicial Acts
- 2.5 Parental and Quasi-Parental authority; Waiver

(10 Hours)

#### Unit-III

Torts against Persons and Torts affecting Property:

- 3.1 Torts Against Persons – Assault, Battery, False Imprisonment, Malicious Prosecution
- 3.2 Defamation – Libel, Slander, E-defamation
- 3.3 Wrongs Affecting Property – Trespass to Land
- 3.4 Nuisance – Essentials and Types
- 3.5 Negligence – Concept; Standards of Care, Duty of Care, Carelessness, Contributory Negligence, Res ipsa loquitor

(10 Hours)

#### Unit-IV

Strict and Vicarious Liability:

- 4.1 Vicarious Liability – Basis, Scope and Justification
- 4.2 Abetment – Special Relationships: Master and Servant, Control Test
- 4.3 Independent Contractor and Servant; Principal and Agent; Doctrine of Sovereign Immunity
- 4.4 Strict Liability – Rule in Rylands v. Fletcher [(1868) L.R. 3 HL 330]; Liability for harm caused by dangerous industries
- 4.5 Absolute Liability – Rule in M.C. Mehta v. Union of India (A.I.R. 1987 S.C. 1086)

(10 Hours)

**Unit-V**

Consumer Protection and Motor Vehicle Laws:

- 5.1 Consumer Protection Act, 2019 – Objectives, Definitions and Salient Features
- 5.2 Rights and Duties of Consumer
- 5.3 Redressal Mechanism
- 5.4 Motor Vehicles Act, 1988 – Objectives and Salient Features
- 5.5 Motor Vehicles (Amendment) Act, 2019 - Important Features

(10 Hours)

**Textbooks**

S.No	Name of the Books	Name of the Author	Publisher Name	Edition (Pub.Yr.)
1	Ratanlal and Dhirajlal The Law of Torts	Akshay Sapre	LexisNexis	28 <sup>th</sup> (2022)
2.	Law of Torts	Dr. R.K. Bangia	Allahabad Law Agency	26 <sup>th</sup> (2022)

**Reference Books**

S.No	Name of the Books	Name of the Author	Publisher Name	Edition (Pub.Yr.)
1	Michael A. Jones	Textbook on Torts	Oxford University Press	8 <sup>th</sup> (2002)
2	Law of Torts with CP Act and MV Act	Dr. J.N. Pandey	Central Law Publications	9 <sup>th</sup> 2021.

**COURSE PLAN**
**Unit-I Introduction and Principles of Liability in Torts**

S.No	Topics	Recommended Books
1	Nature, Meaning and Definitions of Tort	Book 1, Ch.1
2	Law of Tort and Law of Torts	Book 1, Ch.1
3	Tortious Liability and Parties to a Tort	Book 1, Ch.1
4	General Conditions of Negating Tortious Liability	Book 1, Ch.1
5	Distinction between the Law of Torts, Contract and Crime	Book 1, Ch.1
6	Constituents of Tort: Injuria sine damnum and Damnum sine injuria	Book 1, Ch.1
7	Principles of Liability – Fault, Wrongful Intent, Negligence, Liability without Fault	Book 1, Ch.2
<b>Unit-II Defences in Action for Torts</b>		
8	Introduction and Meaning of Justification in Tort	Book 1, Ch.5
9	Concept of Volenti non-fit injuria	Book 1, Ch.5
10	Necessity and Plaintiff's default	Book 1, Ch.5
11	Act of God and Inevitable accident	Book 1, Ch.5
12	Private defense	Book 1, Ch.5
13	Statutory Authority, Judicial and Quasi-Judicial Acts	Book 1, Ch.5
14	Parental and Quasi-Parental authority	Book 1, Ch.5
15	Waiver and Acquiescence	Book 1, Ch.5



<b>Unit-III Torts against Persons and Torts affecting Property</b>		
16	Torts Against Persons	Book 1, Ch.11
17	Concept of Assault and Battery	Book 1, Ch.11
18	False Imprisonment and Malicious Prosecution	Book 1, Ch.11,13
19	Defamation – Libel, Slander, E-defamation	Book 1, Ch.12
20	Malicious Prosecution	Book 1, Ch.13
21	Wrongs Affecting Property and Trespass to Land	Book 1, Ch.15
22	Nuisance – Definition, Essentials and Types	Book 1, Ch.20
23	Negligence – Concept and Theory	Book 1, Ch.19
24	Standards of Care, Duty to Take Care, Carelessness	Book 1, Ch.19
25	Contributory Negligence and Res ipsa loquitur	Book 1, Ch.19
<b>Unit-IV Strict and Vicarious Liability</b>		
26	Vicarious Liability – Basis, Scope and Justification	Book 1, Ch.8
27	Ratification and Abetment	Book 1, Ch.8
28	Special Relationships: Master and Servant, Independent Contractor and Servant, Principal and Agent	Book 1, Ch.8
29	Strict Liability – Rule in Rylands v. Fletcher	Book 2, Ch.16
30	Liability for harm caused by dangerous industries	Book 2, Ch.16
31	Liability beyond Strict Liability	Book 2, Ch.16
32	Absolute Liability – Rule in M.C. Mehta v. Union of India	Book 2, Ch.16
<b>Unit-V Consumer Protection and Motor Vehicle Laws</b>		
33	Consumer Protection Act, 2019 and Its Objectives	Book 2, Ch.26
34	Definitions of Consumer, Goods and Services and Unfair Trade Practices and Product Liability	Book 2, Ch.26
35	Rights and Duties of Consumer	Book 2, Ch.26
36	Authorities for Consumer Protection and Available Remedies	Book 2, Ch.26
37	Comparison with Consumer Protection Act, 1986	Book 2, Ch.26
38	Redressal Agencies and Offences and Penalties	Book 2, Ch.26
39	Motor Vehicles Act, 1988 – Objectives and Framework	Book 2, Ch.25
40	Necessity for Licensing and Registration	Book 2, Ch.25
41	Procedure for Registration and No-Objection Certificate	Book 2, Ch.25
42	Liability to Pay Compensation, Fines and Permanent Disablement	Book 2, Ch.25
43	Insurance of Motor Vehicles	Book 2, Ch.25
44	Motor Vehicles Claims Tribunal - Composition and Procedure	Book 2, Ch.25
45	Offences and Penalties under the Act	Book 2, Ch.25
46	Motor Vehicles (Amendment) Act, 2019 – Important Features	Book 2, Ch.25

#### ADDITIONAL WEB RESOURCES

1.	<b>MOOC:</b> An Introduction to American Law <a href="https://www.coursera.org/programs/bba-llb-faculty-learning-program-aaz9l/learn/american-law?fromClip=sfc_page_course_link~cEoK3">https://www.coursera.org/programs/bba-llb-faculty-learning-program-aaz9l/learn/american-law?fromClip=sfc_page_course_link~cEoK3</a>
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### GRADING AND ASSESSMENT

- **Sessional Test:** 15 marks
- **Assignment:** 10 marks
- **Attendance:** 5 marks
- **Final Examination:** 70 marks

### COURSE POLICIES

- **Attendance:** Minimum 75% attendance is mandatory to appear in the final examination of the course.
- **Academic Integrity:** MIET's academic integrity policies apply. Plagiarism will not be tolerated.
- **Late Submissions:** Assignments and projects must be submitted by the specified timelines.

### FACULTY INFORMATION

- **Office Hours**  
Tuesday (12:05 PM - 12:55 PM)  
Thursday (12:05 PM - 12:55 PM)
- **Contact Information**  
[mansi.llb@mietjammu.in](mailto:mansi.llb@mietjammu.in)