



**NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM**

**PROGRAMME: B.A., LL.B (HONS.) FYIC**

**DETAILS OF COURSE OFFERED**

**ODD SEMESTER (I) – ACADEMIC YEAR .....**

SL. NO	COURSE CODE	COURSE TITLE	L	T/P	CR	CH
1	106	LAW OF TORTS AND MOTOR VEHICLES ACT	4 PER WEEK	1 PER WEEK	4	

**A. CODE AND TITLE OF THE COURSE: 106 LAW OF TORTS AND MOTOR VEHICLES ACT**

**B. COURSE CREDIT: 4 (TOTAL MARKS: 200)**

**C. MEDIUM OF INSTRUCTION: ENGLISH**

**D. COURSE COMPILED BY: MR. SAHEB CHOWDHURY**

**E. COURSE INSTRUCTOR: MR. SAHEB CHOWDHURY**

## **1. COURSE OBJECTIVES:**

Tort law governs the obligations we owe to others simply by virtue of their status as persons. Much tort law concerns compensation for personal injuries which one person inflicts, intentionally or otherwise, on another. Tort law is a form of corrective justice: its principal function is to compensate victims for injuries inflicted by tortfeasors who, by virtue of their conduct, have breached a duty owed to the injured party, which breach of duty has in fact caused injury. The law of torts provides for pecuniary compensation for injuries to person and property recoverable by the process of law. Swayed by the notion of security, it co-relates wrongful act to the harm which it causes, and exhibits different scales of evaluation at different levels for some kinds of harm call for liability independent of one's fault while other kinds create liability only for intentional or negligent wrongdoing. ordinarily, it tries to shift the loss from the 'victim' to the person who inflicted it on him, but at times, it looks to a third party to shoulder liability, like social insurance for wrongs which are inevitable incidents of modern social living like accidents on roads and in industrial establishments.

## **2. TEACHING METHODOLOGY:**

National Law University and Judicial Academy, Assam has developed its own methodology of teaching which will bring maximum facilitation to the students in legal field. This method focuses on participatory teaching which includes classroom lecture and also inputs from the students. There will be discussion on important concept and judicial decisions relating to Law of Torts .To develop independent thinking, develop the quality of research and to inculcate study attitudes individual project topics are allotted to students in advance. The students prepare their topics from the list of sources suggested to them under the supervision of the teacher-in-charge of the subject. In the classroom every student is required to present his/her project topic through seminar presentation and to have his/her doubt cleared through discussion. The teacher will guide the students in their pursuit of learning law of torts and clarify doubts and queries of students,

if any, and put forward suggestions for further readings. The topics will be taught through projected teaching aids like power point presentation.

### 3. EXPECTED OUTCOMES OF THE COURSE:

At the completion of the course, it is expected that the students shall

- Understand the principles of tortious liability
- Understand the difference between torts, crime and breach of contract
- Be familiarised with different defences available in torts
- Be acquainted with the extent of liability for negligence in various professions
- Be acquainted with the concept of No fault liability

### 4. COURSE EVALUATION METHOD: COURSE EVALUATION METHOD:

The course shall be evaluated for 200 marks. The evaluation scheme would be as follows:

**Internal Assessment:70%(140 Marks)**

**External Assessment:30%(60 Marks)**

Sl. No	<b>Internal Assessment</b>	
1	2 Assignments	2x20 marks=40 marks
2	Seminar/Group Discussion	20 marks
3	Class Test(Twice in a Semester)	2x35 marks=70 marks
4	<b>Attendance in Class</b>	10 marks
5	Semester End Examination	60 marks

**5. DETAILED STRUCTURE OF THE COURSE (SPECIFYING COURSE MODULES AND SUB MODULES)**

**MODULE I**

**General Principles, Nature and scope and Theories of Law of Tort**

- Evolution of Law of Torts in India
- Meaning and function of Law of Torts
- Redressal of wrongs by payment of compensation, injunction. Definition of Tort ,
- Philosophical Foundation of Torts
- Constituents of Tort – Wrongful act, Legal damage and Remedy Injuria Sine Damno and Damnum Sine Injuria
- Ubi jus ibi remedium
- Mental Elements of tort: Malice in Law and Malice in Fact
- Tort vis-a-vis other wrongs
- General defences to torts
- Doctrine of sovereign immunity
- Capacity to sue and be sued
- Joint tort feasons

**Judicial References**

White v. John Warrick & Co. Ltd., (1953) 2 All ER 1021

Town Area Committee v. Prabhu Dayal, AIR 1975 All 132

Ashby v. White (1703) 2 Lord Raym 938

Beaudert Shire Council v. Smith (1966) 120 CLR 145

Acton v. Blundell (1843) 12 M & W 324

Gloucester Grammar School case (1410) YB 11

P. Seetharamayya v. G Mahalakshamma, AIR 1958 AP 103

State of Andhra Pradesh v. Govardhanlal Pitti (2003) 3 SCALE 107

Mayor of Bradford Corpn. V. Pickles (1895) AC 587

Smith v. Charles and Sons (1891) AC 325 HL

Haynes v. Harwood (1935) 1 KB 146

Hall v. Brooklands Auto Racing Club (1932) 1 KB 205

Jay Laxmi Salt Works (P) Ltd. v. State of Gujarat (1951)

### **Compulsory readings**

Ratanlal and Dhirajlal's the Law of Torts', 26th Ed. 2013, PP 1-31, 33-65, 75-106

Winfield Percy Henry, Jolowicz T.A. and T.Lewis Ellis, 'Winfield on Torts', 19th Ed. 2014, PP 1-87, 987-104, 1097-1131, 1141-1163, 1165-1168-1175 ,

Salmond John William, Heuston R.F.V. 'Salmond on the Law of Torts, 16th Ed., PP 1-26, 504-541 ,

John Oberdiek, Philosophical Foundations of Law of Torts, Oxford Publications, 2014, PP, 2-70

## **MODULE II**

### **Specific torts**

- Negligence
- Proof of negligence
- Res ipsa loquitur
- Medical Negligence- Indian scenario
- Strict and Absolute Liability
- Definition of Vicarious Liability
- Qui Facit per alium facit per se
- Respondent superior,
- Principal and Agent, Partners, Master and Servant,
- Doctrine of Common Employment
- Nuisance

### **Judicial References**

Doneghue v. Stevenson (1932) AII ER Rep. 1

Jacob Mathew v. State of Panjab, (2005) 6 SCC 1

Hedley Byrne & Co. Ltd v. Heller &Parteners Ltd. (1964) AC 465

Municipal Corpn of Delhi v. Subhagwati, AIR 1966 SC 1750

Home Office v. Dorset Yacht Co. Ltd. (1970) All ER 294

BhanwarKanwarVs R.K. Gupta; (2013) 4 SCC 252

V. KishanRaovs Nikhil Super Speciality Hospital, (2010) SLP(C) No.15084/2009)

AnuradhaSaha case CIVIL APPEAL NO.2867 OF 2012

ShriUttamSarkarvs The Management of Tura Christian (2014) Complaint Case No. CC/1/2006

Medical Negligence case: 1.8 crore compensation for missing Ratinopathy Screen, 2nd July 2015

Hambrook v. Stokes Bros. (1924) All ER REP. 110

Page v. Smith (1995) 2 ALL ER 736

King v. Phillips (1953) 1 QB 429

Rylands v. Fletcher (1868) LR 3 HL 330

Rickards v. Lothian (1913) AC 263

Reads v. J. Lyons & Co Ltd. (1947) AC 156

M.C. Mehta v. Union of India (1987) 1 SCC 395

Wilson v. Tumman (1843) 6 MG 236

Cassidy v. Minister of Health (1951) 1 All ER 574

### **Compulsory readings**

Ratanlal and Dhirajlal's the Law of Torts', 26th Ed. 2013, PP 474-504, 504-522, 522-552, 557-620.

Winfield Percy Henry, Jolowicz T.A. and T.Lewis Ellis, 'Winfield on Torts', 19th Ed. 2014, PP 149-305, 705-762, 763-798, 943-986.

Salmond John William, Heuston R.F.V. 'Salmond on the Law of Torts, 11th Ed., PP 318-322, 322-336.

## **MODULE III**

### **Intentional and Unintentional torts**

- False Imprisonment
- Defamation - Libel & Slander
- Defences
- Damage to Person and Property
- Remoteness of Damages & Defamation
- Battery, Assault and False Imprisonment
- Malicious Prosecution
- Trespass to Person,
- Trespass to Land,
- Trespass to Goods

### **Judicial References**

Noor Mohd. V MohdJiauddin AIR 1992 MP 244

Queen v Holbrook (1874) 4 QBD 42

Bell v Stone (1798) 1 B 331

Hayward v Thompson (1981) 3 ER 450

Stephens v Myers (1830) 4 C 349

Bird v Jones (1845) 7QB 742

Derry v Peek (1889) LR 14 App Cas 337

### **Compulsory readings**

Ratanlal and Dhirajlal's the Law of Torts', 26th Ed. 2013, PP 255-274, 277-332, 337-361, 385-402, 645-656.

Winfield Percy Henry, Jolowicz T.A. and T. Lewis Ellis, 'Winfield on Torts', 19th Ed. 2014, PP 97- 148, 567-586, 685-704, 923-942

## **MODULE IV**

### **Motor Vehicles Amendment Act 2019**

- Overview of the act and provisions relating to compensation

#### **6. PRESCRIBED READINGS:**

- Ratanlal and Dhirajlal's, The Law of Torts
- Salmond John William, Heuston R.F.V., Salmond on the Law of Torts,
- Baxi, Upendra and Amita Dhanda, Valiant Victims and Lethal Litigation, the Bhopal Case
- Best, Arthur, Basic Tort Law: Cases, Statutes, and Problems
- Chaturvedi, R.G., Law of Motor Accident Claims and Compensation
- Farnworth, Ward, Torts Cases and Questions
- Gandhi, B.M., Law of Torts
- John Oberdiek, Philosophical Foundations of Law of Torts, Goldberg and Sebok, Tort Law: Responsibility and Redress
- Heuston, R.F.V., Salmond on the Law of Torts
- Iyer's, Ramaswami, Law of Torts
- S.R. Desai, R.K. Bangia, Law of Torts
- James, Philip S. and D.J.L. Brown, General Principles of the Law of Torts