

**SARDAR PATEL UNIVERSITY**  
**Programme & Subject: BA LLB**  
**Semester: II**  
**Syllabus with Effect from: June - 2009**

<b>Paper Code: IL - 205</b>	<b>Total Credit:</b>
<b>Title Of Paper: Law Of Tort Including MV Accident And Consumer Protection</b>	
<b>Laws:</b>	

Unit	Description in Detail	Weightage (%)
<b>(A) Torts</b>		
	<p><b>Meaning, Definition &amp; Scope of Torts:</b>  Ingredients of Tort - A Wrongful act – Violation of duty imposed by Law, duty which is owed to people generally (in rem) – damnum sine injuria and injuria sine damnum – The concept of unliquidated damages  Differentiate Tort from Crimes and Breach of Contract  Relevance of Malice, Motive and Intention in tort.</p> <p><b>Capacity of person to sue and be sued</b>  Who may sue? – aggrieved individual – class action – social action  Who may not be sued?</p> <p><b>Justification of Tort</b>  Act of State – Doctrine of Sovereign Immunity and its relevance in India  Judicial and Quassi-Judicial acts  Parental and Quassi-parental authority  Statutory authority  Inevitable accident  Private defense  Act of Necessity  Volenti non fit injuria  Plaintiff’s own wrong</p> <p><b>Extinction of Tortious Liability:</b>  Actio personalis moritur cum persona - exceptions  Accord and Satisfaction  Waiver  Acquiescence  Release  Limitation</p> <p><b>Remedies:</b>  Judicial remedies  Extra-judicial remedies</p> <p><b>Vicarious Liability:</b>  Basis, Scope and Justification  Modes of Vicarious liability  Express authorization  Ratification</p> <p><b>Abetment</b>  <b>Special Relationship:</b></p>	



	<p>Master and Servant  Owner and Independent Contractor  Principal and Agent  Guardian and Ward  Company and Directors  <b>Torts against Persons and personal relations</b>  Assault  Battery  Mayhem  False Imprisonment  Defamation  Libel  Slander  Privileges  <b>Wrongs Affecting Property</b>  Trespass and Trespass ab initio to Land  Trespass to movable goods - Conversion  Torts against business interest – injurious falsehood, misstatements, passing off.  <b>Negligence</b>  Basic concept and theories of Negligence  Doctrine of Contributory negligence  Res ipsa loquitor  <b>Nuisance</b>  Definition, essentials and types  Acts constituting nuisance : obstructing highway,  Pollution of Water, Noise and interference with Light and Air  <b>Absolute / Strict Liability</b>  The Rule of Rylands v. Fletcher</p>	
<b>(B) Motor Vehicles Act, 1988 (Relevant provisions only)</b>		
	<p>No Fault Liability Principle: Sections 140-142.  Insurance of Motor Vehicles against Third Party Risks: Sections 146, 147, 150, 152, 160, 161, 162, 163, 163-A and 163-B</p>	
<b>(C) Consumer Protection Act, 1986 (Relevant provisions only)</b>		
	<p>Consumerism in India  Rights of consumers  <b>Definition of Consumer</b>  Who is a Consumer?  Who is not a consumer?  <b>Consumer of Goods</b>  Meaning of defects in goods  Standards of purity, quality, quantity and potency  Supply and distribution of goods  Supply of essential commodities  Consumer safety in distribution and handling of unsafe and hazardous products, insecticides and pesticides and other poisonous substances  <b>Consumer of Service</b>  Meaning of Deficiency  Professional services including Medical and</p>	



Lawyering services Electric, Postal, Telecommunication services Housing services Banking services Commercial services of Hiring, Financing and Agency <b>Enforcement of Consumer rights</b>	
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**Statutory Materials:**

- The Motor Vehicles Act, 1988
- Consumer Protection Act, 1986

**Basic Text & Reference Books:-**

- Law of Torts - Ratanlal & Dhirajlal
- Law of Torts - B.M. Gandhi
- Law of Torts - D.D. Basu
- Salmond on Law of Torts
- Text book on Law of Torts - Winfield
- Tort Law - R.W.M. Dias
- Law of Consumer Protection
- (Principles and Practice) - Avtar Singh
- Law of Consumer Protection - D.N. Saraf
- Consumers and the Law - R.M. Vats
- Commentary on Consumer Protection Act - J.N. Barowalia
- A.P. Mathur's Law relating to Motor Vehicles-Eastern Book Company
- Motor Vehicles Act, 1988 – Eastern Book Company

