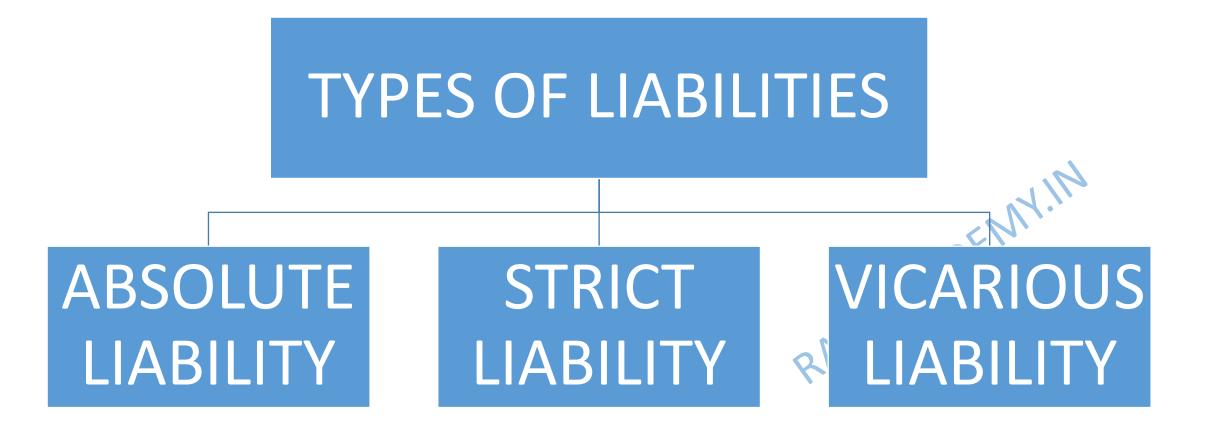


#### **TYPES OF LIABILITIES**



### **ABSOLUTE LIABILITY**

➢Complete Liability

Cannot plead that all measures are taken

Cannot plead on the basis of negligence or no-negligence

>No exceptions are allowed

RAREACADE MY.IN Cannot take defence of 'Act of God' or 'Act of Stranger'.

Case Law – Oleum Gas Leak Case

### **STRICT LIABILITY**

Strict Liability means Liability without fault ► Also called No Fault Liability

Essentials to apply the Rule of Strict Liability 2 AREACADEMY.IN ✓ Some dangerous thing must be conducted ✓ The dangerous thing must escape from his land ✓ It must be non-natural use of land

Eg: Ryland Vs Fletcher

### **EXCEPTIONS TO STRICT LIABILITY**

Default of Claimant
 Act of God
 Statutory Authority
 Consent of the Claimant
 Act of Third Party
 Common benefit of Plaintiff and Defendant

### **VICARIOUS LIABILITY**

Responsibility on one person for failure of another person.

✓ Should have special relationship
 ✓ To exercise such care as prudent person
 Eg : Parent – Child, Wife – Husband, Employer – Employee,
 Principal – Agent, Master - Servant

#### LAW OF NEGLIGENCE

Negligence is failure to use reasonable care that results in harm to another party.

A person does something that a reasonable person would not do.

A person fails to take action that a reasonable person would take to prevent harm.

#### **TYPES OF NEGLIGENCE**

#### CRIMINAL NEGLIGENCE Eg : Rash Driving, Leaving child alone

# CIVIL NEGLIGENCE Eg : Crossing Speed limit, Slippery floor in hotelennin RAREACAU

#### **ELEMENTS OF NEGLIGENCE**



#### PROVING MONETARY LOSS

DAMAGE DUE TO BREACH OF DUTY

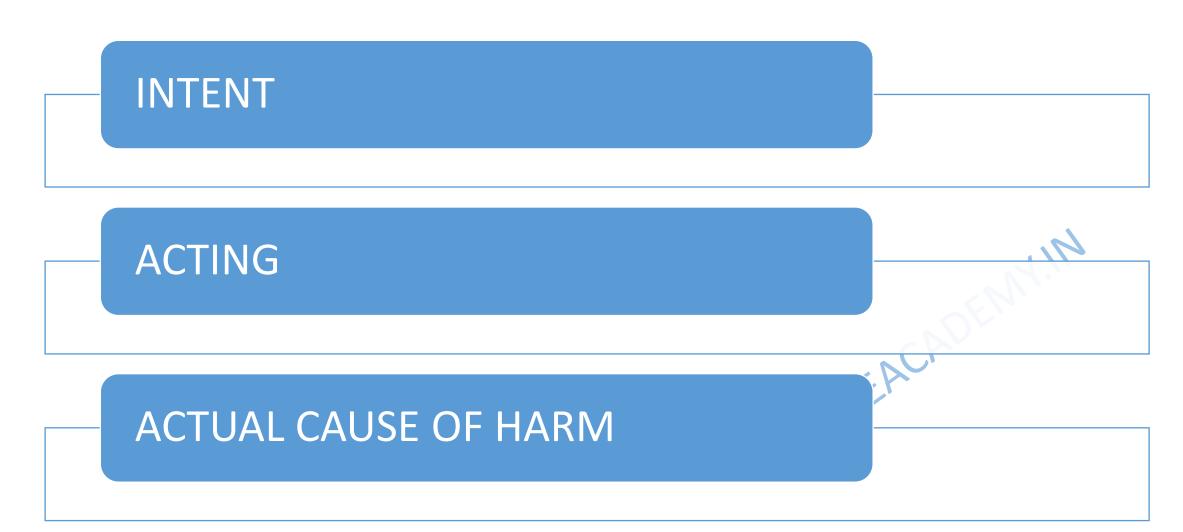
### LAW OF TORTS

A Tort is a civil / legal wrong.

Derived from Latin world 'Tortus' means 'twisted' or 'cooked act'.

➢ Person who commits the act is 'tortfeasor', person who suffered is injured' or 'aggrieved'.
RAREACADENNE

## **ELEMENTS OF INTENTIONAL TORTS**



## **TYPES OF INTENTIONAL TORTS**

CONVERSION	•CONVERTING OTHER'S PROPERTY FOR OWN UE •STEALING
TRESPASSING	•USING OTHER'S PERSONAL PROPERTY WITHOUT PERMISION
BATTERY	•HARMFUL OR OFFENSIVE CONTACT WITH ANOTHER PERSON'S BODY
DEFAMATION	•SAYS SOMETHING FALSE ABOUT SOMEONE ELSE THAT CAUSES HARM •BOTH WRITTEN AND SPOKEN
INVASION OF PRIVACY	<ul> <li>INVASION OF SOLITUDE (RIGHT TO BE LEFT ALONE)</li> <li>PUBLIC DISCLOSURE OF PRIVATE FACTS</li> <li>FALSE LIGHT (NOT TRUE AND NOT DEFAMATORY FACTS)</li> <li>APPROPRIATION (UNAUTHORISED USE OF SOMEONE ELSE LIKENESS FOR PROFIT)</li> </ul>

## **TYPES OF INTENTIONAL TORTS**

ASSAULT	<ul> <li>CREATING AN APPREHENSION OF BEING HARMED</li> <li>THREATS</li> </ul>
INTENTIONAL EMOTIONAL DISTRESS	<ul> <li>CAUSING MENTAL AGONY THROUGH CONDUCT, INJURY OR HARM</li> </ul>
FALSE IMPRISONMENT	HOLDING SOMEONE AGAINST THEIR WILL WITHOUT LEGAL AUTHORITY
FRAUD	DECEIVING FOR THE PURPOSE OF MONETARY GAIN

#### **SPECIAL TORT LIABILITY PROBLEMS**

Intention may be good but the fact in statement is false
 In India, an innocent publisher can apologise and get rid of liability.

► Publication of defamatory is essential.

### **CIVIL JUSTICE SYSTEM**

IRDA	<ul> <li>Regulator of Insurance Sector</li> </ul>
Insurance Ombudsman	Grievance Redressal
Consumer Protection Act	<ul> <li>Protection of Consumer Interests</li> </ul>
Legal System	<ul> <li>Civil justice system</li> </ul>