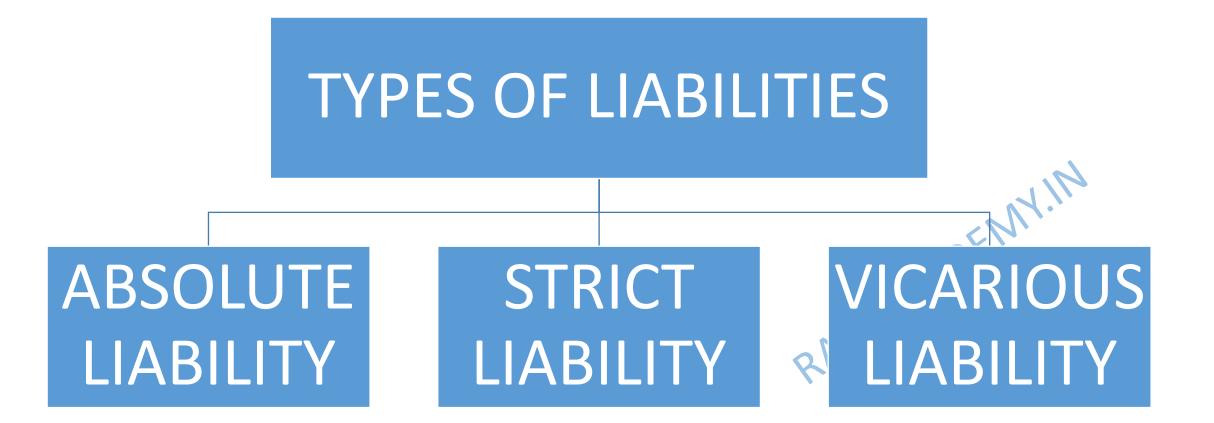


TYPES OF LIABILITIES



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

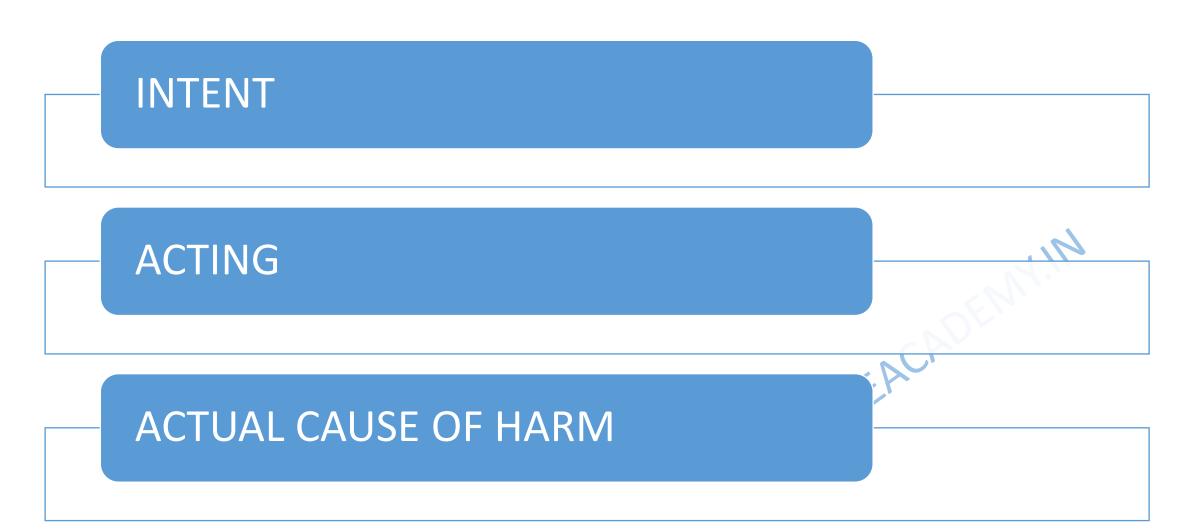
LAW OF TORTS

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	 INVASION OF SOLITUDE (RIGHT TO BE LEFT ALONE) PUBLIC DISCLOSURE OF PRIVATE FACTS FALSE LIGHT (NOT TRUE AND NOT DEFAMATORY FACTS) APPROPRIATION (UNAUTHORISED USE OF SOMEONE ELSE LIKENESS FOR PROFIT)

TYPES OF INTENTIONAL TORTS

ASSAULT	 CREATING AN APPREHENSION OF BEING HARMED THREATS
INTENTIONAL EMOTIONAL DISTRESS	 CAUSING MENTAL AGONY THROUGH CONDUCT, INJURY OR HARM
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	 Regulator of Insurance Sector
Insurance Ombudsman	Grievance Redressal
Consumer Protection Act	 Protection of Consumer Interests
Legal System	 Civil justice system