

# LEGAL LIABILITY

RAREACADEMY.IN

# TYPES OF LIABILITIES

## TYPES OF LIABILITIES

ABSOLUTE  
LIABILITY

STRICT  
LIABILITY

VICARIOUS  
LIABILITY

EMY.IN

R

# 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
- Cannot take defence of 'Act of God' or 'Act of Stranger'.

Case Law – Oleum Gas Leak Case

RAREACADEMY.IN

# STRICT LIABILITY

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

Essentials to apply the Rule of Strict Liability

- ✓ 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

RAREACADEMY.IN

# 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

RAREACADEMY.IN

# 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.

RAREACADEMY.IN

# TYPES OF NEGLIGENCE

## CRIMINAL NEGLIGENCE

Eg : Rash Driving, Leaving child alone

## CIVIL NEGLIGENCE

Eg : Crossing Speed limit, Slippery floor in hotel

RAREACADEMY.IN



# ELEMENTS OF NEGLIGENCE

PRESENCE OF  
DUTY OF CARE

NOT MEETING  
STANDARD OF  
CARE/ BREACH OF  
DUTY

SUFFERED LOSS OR  
INJURY

PROVING  
MONETARY LOSS

DAMAGE DUE TO  
BREACH OF DUTY

ACADEMY.IN

# LAW OF TORTS

- A Tort is a civil / legal wrong.
- Derived from Latin word 'Tortus' means 'twisted' or 'cooked act'.
- Person who commits the act is 'tortfeasor', person who suffered is 'injured' or 'aggrieved'.

RAREACADEMY.IN

# ELEMENTS OF INTENTIONAL TORTS

INTENT

ACTING

ACTUAL CAUSE OF HARM

ACADEMY.IN

# TYPES OF INTENTIONAL TORTS

## CONVERSION

- CONVERTING OTHER'S PROPERTY FOR OWN USE
- STEALING

## TRESPASSING

- USING OTHER'S PERSONAL PROPERTY WITHOUT PERMISSION

## 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.

RAREACADEMY.IN

# CIVIL JUSTICE SYSTEM

IRDA

- Regulator of Insurance Sector

Insurance  
Ombudsman

- Grievance Redressal

Consumer Protection  
Act

- Protection of Consumer Interests

Legal System

- Civil justice system