



FACULTY OF JURIDICAL SCIENCES

COURSE: B.A.LL.B. I st Semester

SUBJECT: LAW OF TORTS

SUBJECT CODE: BAL 106

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LECTURE 10

TOPIC: GENERAL CONDITIONS OF LIABILITY IN TORTS INCLUDING MENTAL ELEMENT

Direct Consequence:

Tort is a civil wrong and has many different between crimes. A defendant is not liable of all consequence for his wrongful act or defaults. Liability must be found for an act which is direct cause of harm or injury and which is complain of. Remoteness of damages is not liable for tort.

Case Ref: In this point the leading case is **Doughty V. Tunnor Manufacturing Co., 1964.**

The causal connection between the damage and the defendant's act is not sufficiently direct, that is to say, when the two cannot be concatenated as cause and effect, there is no liability, for the damage is too remote. In these cases, though the damage to the plaintiff results from the wrong done by the defendant as a matter of fact, it is not eye of law sufficiently connected with the wrong to make the defendant to compensate the plaintiff for it. This is a question of law, the court in deciding it has to take into consideration all the circumstance of the case in which the question arise and is guided by practical considerations of convenience and common sense and does not profess to be acting upon principles of abstract logic.

Firstly--- those that have been intended by the actor. Here the connection between the act and the consequence is obvious, and hardly needs as explanation.

Secondly--- those that are the 'natural and probable consequence' of his act. Liability for the natural consequence has been said to rest upon a presumption of intention which id expressed in the maxim "A man presumed to intend the natural consequence of his

act.” Where this rule applies, the act itself is the chief or sole proof of the intention with which it has been done.

Thirdly--- those that could not be contemplated as ‘natural and probable’ but are nevertheless directly traceable to the defendant’s wrongful act, and not due to the operation of ‘independent causes’ having no connection with that act.

Exercise:

1. M.C. Mehta v. Union of India, AIR 1987 SC 1086 is a decision on
 - a) Strict liability
 - b) Absolute liability
 - c) Vicarious liability
 - d) None of the above
2. The absolute liability
 - a) Does not recognize an exception
 - b) Is subject to the same exceptions as the rule of strict liability
 - c) Is subject to the same exceptions as the rule of vicarious liability
 - d) Is subject to all the general exception
3. The maxim salus populi suprema lex means
 - a) No man is above the law
 - b) The welfare of the people is the supreme law
 - c) The defence of statutory authority is the supreme law
 - d) None of the above
4. When an agent commits a tort in the performance of his duty as an agent, the injured party can sue
 - a) The agent only
 - b) The principle only
 - c) Either agent or the principle
 - d) Either the priciple or the agent or both
5. The maxim respondent superior means
 - a) The principle is liable for the agent’s act

- b) The agent is liable for the principal's act
- c) The principal is not liable for the agent's
- d) None of the above