



# The Islamia University of Bahawalpur

## DEPARTMENT OF LAW

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### Tentative Course Plan (Spring Semester 2020)

<b>Program:</b>	<b>LL. B (5 years) Programme</b>	<b>Semester:</b>	<b>3rd.</b>
<b>Instructor:</b>	<b>Mr. Amjad Hussain</b> <b>LL. M (Distinction), LL. B (Gold Medalist),</b> <b>MA (Islamic Studies)</b> <b>Assistant Professor,</b> <b>Department of Law, IUB</b> ☎ 0321-6821819 ✉ <a href="mailto:ahpanwar@iub.edu.pk">ahpanwar@iub.edu.pk</a>	<b>Shift:</b>	<b>Morning</b>
		<b>Session:</b>	
		<b>Intake:</b>	
		<b>Course Code:</b>	<b>LAWS-02304</b>
		<b>Credit Hours:</b>	<b>Three (03)</b>
<b>Course Title:</b>	<b>Law of Torts – II</b>	<b>Pre-requisites:</b>	<b>None</b>
<b>Lecture Days:</b>		<b>Nature of Course:</b>	<b>Core</b>
		<b>Room No.</b>	

#### Introduction:

This course is designed for the students of 3<sup>rd</sup> Semester to give them in-depth understanding of the core concepts of the Law of Torts to enable them to survey and examine the doctrinal elements surrounding each tort, to critically analyze the sociological issues and developments relating to tort liability, to get a comparative and case-law based understanding of the law relating to torts as it applies to many common situations in the Pakistan as well as in the rest of the world and to get the students equipped with the fundamental principles of tort law and to apply their critical insights to the given facts in the socio-legal context of Pakistan. The future lawyers will be trained to earn the ability to address the civil wrongs through compensatory measures.

#### Aims and Objectives:

The aims of this course are:

- to give the student a thorough understanding of the core principles of the Law of Torts.
- to enable the students to understand the prevailing legal environment & the scope of tort law.
- to give the students awareness about wrongs/violations in the society, e.g., trespass, negligence, defamation, nuisance, etc. on one side and to provide an understanding how to redress such wrongs by choosing appropriate remedies like damages, injunctions, etc. on the other.
- to provide future lawyers a greater knowledge and understanding based on comparative study mostly grounded on case law from USA, UK, India and Pakistan.
- to train the students how to find the relevant case law.
- to promote the study of the law of torts and to educate the society to avail the remedies based on pecuniary compensation for violation of the legal rights.
- to make the students think critically.

#### Learning Outcomes:

After completing this course, the law students would have grip over the core tort law concepts which would enable them to work as smart lawyers. Among others they would be able to:

- analyze social activities in compatibility with the concerned legal rules.
- identify the fundamental legal principles relevant to certain acts and omissions.
- identify and explain the legal consequences of different acts and omissions.
- interpret the relevant principles of the tort law in particular and others in general.
- acquire problem solving techniques and to be able to present coherent, concise legal argument.
- avoid doing wrongful acts and become sensible citizens.
- develop independent research skills.

#### Methods of Teaching: (subject to availability of resources)

- |                                 |                             |                   |
|---------------------------------|-----------------------------|-------------------|
| ▪ Lectures                      | ▪ Readings                  | ▪ Case Law Study  |
| ▪ Group Activities & Discussion | ▪ Multimedia aided Lectures | ▪ Tests & Quizzes |
| ▪ Student Directed Teaching     | ▪ Web assisted Instructions | ▪ Seminars        |
| ▪ Workshops                     | ▪ Courts Visits             | ▪ Assignments     |

## The Law of Torts-II

<b>R E S O U R C E  M A T E R I A L S</b>	<b>Prescribed Books:</b> Brennan, C. (2015). <u>Tort Law Concentrate</u> . 3 <sup>rd</sup> Ed. OUP: Oxford. Bussani, M. and A. J. Sebok (2017). <u>Comparative Tort Law</u> . Edward Elgar Publishing. Christie, C.G., et al. (2019). <u>Cases and Materials on the Law of Torts</u> . West Academic. Davies, T.H. and Tamblyn, N. (2019). <u>Tort Law</u> . Routledge. Dyson, M. (2015). <u>Comparing Tort and Crime: Learning from across and...</u> CUP: Cambridge. Deakin, S., et al. (2019). <u>Markesinis and Deakin's Tort Law</u> . 8 <sup>th</sup> Ed. OUP: Oxford. Greene, B. (2017). <u>Optimize Tort Law</u> . Illustrated Ed. Taylor & Francis. Horsey, K. and E. Rackley (2019). <u>Kidner's Casebook on Torts</u> , 15 <sup>th</sup> Ed. OUP: Oxford. Horsey, K. and E. Rackley (2015). <u>Tort Law</u> , 4 <sup>th</sup> Ed. OUP: Oxford. Mulheron, R. (2017). <u>Principles of Tort Law</u> , Bloomsbury Publishing PLC. Oughton, D. and B. Harvey (2015). <u>Law of Torts</u> , 8 <sup>th</sup> Ed. OUP: Oxford. Singh, J. G. P. & Sapre, A. (2019). <u>The Law of Torts</u> , 28 <sup>th</sup> Ed. LexisNexis: Butterworth.
	<b>Dictionaries &amp; Encyclopedias:</b> Gifis, S.H. (2016). <u>Dictionary of Legal Terms</u> ..... 5 <sup>th</sup> Ed. Barron's Educational Series. Garner, B.A. (2019). <u>Black's Law Dictionary</u> . 11 <sup>th</sup> Ed. Thomson Reuters. Halsbury, L., et al. (2019). <u>Halsbury's Laws of England</u> . 5 <sup>th</sup> Ed. LexisNexis: Butterworth. Hey, D. (2019). <u>Words and Phrases Legally Defined</u> . 5 <sup>th</sup> Ed. LexisNexis: Butterworth. Law, J. (2018). <u>The Oxford Dictionary of Law</u> , 9 <sup>th</sup> (Revised) Ed. OUP: Oxford. Woodley, M. (2013). <u>Osborn's Concise Law Dictionary</u> , 12 <sup>th</sup> Revised Ed. Sweet & Maxwell.
	<b>Case Law Journals available at the Law Library of the IUB:</b> All India Reports (AIR) Annual Law Digest (ALD) Civil Law Cases (CLC) Monthly Law Digest (MLD) National Law Reports (NLR) Pakistan Law Journal (PLJ) Pakistan Criminal Law Journal (P Cr L J) Pakistan Legal Decisions (PLD) Supreme Court Monthly Review (SCMR)
	<b>Case Law available Online:</b> <a href="http://www.pljlawsite.com/">http://www.pljlawsite.com/</a> (Pakistani case law, accessible on payment) <a href="http://www.pakistanlawsite.com/">http://www.pakistanlawsite.com/</a> (Pakistani case law, accessible on payment) <a href="http://www.indiankanoon.org/">http://www.indiankanoon.org/</a> (Indian case law, free access) <a href="http://www.bailii.org/">http://www.bailii.org/</a> (UK case law, free access) <a href="http://www.findlaw.com/">http://www.findlaw.com/</a> (USA case law detailed, free access) <a href="http://www.oyez.org/cases/">http://www.oyez.org/cases/</a> (USA case law short, free access)
	<b>Web Resources:</b> <a href="http://books.google.com/">http://books.google.com/</a> <a href="http://scholar.google.com.pk/">http://scholar.google.com.pk/</a> <a href="http://www.e-lawresources.co.uk/">http://www.e-lawresources.co.uk/</a> <a href="http://www.pljlawsite.com/articles.asp">http://www.pljlawsite.com/articles.asp</a> <a href="http://www.iub.edu.pk/dil.php">http://www.iub.edu.pk/dil.php</a> (HEC Digital Library, accessible only in IUB) <a href="http://lawbore.net/">http://lawbore.net/</a> <a href="http://www.lexisnexis.com/">http://www.lexisnexis.com/</a> (accessible on payment) <a href="http://www.pakistanlawyer.com/">http://www.pakistanlawyer.com/</a> <a href="http://www.allpklaws.com/index.php/laws/law-books/bare-acts-alphabetical-order">http://www.allpklaws.com/index.php/laws/law-books/bare-acts-alphabetical-order</a>
<b>Help Hours</b>	The students are advised to ask questions during/after the lecture as it seem appropriate. However, after the class(s) is(are) over, the student(s) may visit the office of the instructor for any guidance regarding any academic question(s).

## The Law of Torts-II

<b>Lectures &amp; Activities</b>	<b>Activities / Topics (outline of main topics and sub-topics)</b>	<b>Proposed Dates</b>
<b>01-01</b>	<b>Orientation (Distribution of Course Outline)</b>	<b>Week 01</b>
<b>02-03</b>	<b>Justifications / Defenses in Tort Cases:</b> ⇒ Act of State ⇒ Statutory Authority ⇒ Executive Act ⇒ Leave and License ⇒ Act of Necessity ⇒ Self-Defense Case law	<b>Week 01</b>
<b>04-06</b>	<b>Justifications / Defenses in Tort Cases:</b> ⇒ Exercise of Legal Right ⇒ Plaintiff being a wrong-doer ⇒ Act causing slight harm ⇒ Act of God / Inevitable Accident ⇒ Accord and Satisfaction ⇒ Expiry of Time Limit Case law	<b>Week 02</b>
<b>07-09</b>	<b>Justifications / Defenses in Tort Cases:</b> ⇒ Judicial Authority ⇒ Quasi-Judicial Authority ⇒ Parental Authority ⇒ Quasi-Parental Authority ⇒ Special Defenses Case law	<b>Week 03</b>
<b>10-12</b>	<b>Trespass to Person: Defamation</b> ⇒ Definition & Essentials ⇒ Kinds Case law	<b>Week 04</b>
<b>13-15</b>	<b>Trespass to Person: Defamation</b> ⇒ Defenses Case law	<b>Week 05</b>
<b>16-18</b>	<b>Trespass to Person: Malicious Prosecution</b> ⇒ Definition & Essentials ⇒ Kinds ⇒ Defenses Case law	<b>Week 06</b>
<b>19-21</b>	<b>Trespass to Land: Nuisance</b> ⇒ Definition & Essentials ⇒ Kinds Case law	<b>Week 07</b>
<b>22-24</b>	<b>Trespass to Land: Nuisance</b> ⇒ Defenses Case law	<b>Week 08</b>
	<b>MID Term Examinations</b>	<b>Week 09</b>

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<b>Lectures &amp; Activities</b>	<b>Activities / Topics (outline of main topics and sub-topics)</b>	<b>Proposed Dates</b>
25-27	<b>Negligence:</b> ⇒ Definition ⇒ Essentials Case law Donoghue v. Stevenson, 1932 AC 562	Week 10
28-30	<b>Negligence:</b> ⇒ Standard of care ⇒ Principle of foreseeability ⇒ Test of a prudent / reasonable man Case law	Week 11
31-33	<b>Negligence:</b> ⇒ Employers' Liability ⇒ Manufacturer's Liability ⇒ Landlord's Liability ⇒ Occupiers' Liability ⇒ Builder's Liability Case law	Week 12
34-36	<b>Negligence:</b> ⇒ Defenses Case law	Week 13
37-39	<b>The Easement Act, 1882:</b> ⇒ Definition ⇒ Essentials ⇒ Kinds ⇒ Acquisition of Easements	Week 14
40-42	<b>The Easement Act, 1882:</b> ⇒ Disturbance of Easements ⇒ Remedies for Disturbance ⇒ Extinction of Easements ⇒ Suspension of Easements ⇒ Revival of Easements	Week 15
43-45	<b>The Easement Act, 1882:</b> ⇒ License ⇒ Definition ⇒ Essentials ⇒ Kinds ⇒ Distinction between License and Easement ⇒ Distinction between License and Lease	Week 16
46-46	<b>Quiz / Test</b>	Week 17
47-47	<b>Group Discussion</b>	Week 17
48-48	<b>Revision of the Course</b>	Week 17
	<b>Final Term Examinations</b>	Week 18

## The Law of Torts-II

### Student Evaluation Criteria:

Attendance, Conduct and Attitude	05%
Assignments / Case Study	05%
Surprise Test / Sudden Test / Quizzes	05%
Class Participation / Presentations	05%
Mid Term Paper	30%
Final Term paper	50%
<b>Total</b>	<b>100%</b>

### Student's Obligations:

Students are advised / required to:

- a) arrive on time and remain in the class for the entire period.
- b) actively participate, discuss and put questions for true understanding of the concepts.
- c) maintain that nobody comes to visit them during the class.
- d) turn off their cell phones or laptops when they are in the class.
- e) do prior readings and be interactive in the class. Course outline is distributed among the students in the start of the session.
- f) avoid so much writing during the lectures and focus on listening so that they may understand the lectures well and if there is any confusion, they must ask relevant questions.
- g) read the concerned rules and regulations of the University regarding their program / degree so that they better understand their rights and obligations. Generally, it is supposed that the students know about the relevant rules because "ignorance of law is no excuse".
- h) complete all the assigned work within the prescribed time limits.
- i) attend 80% of total lectures delivered otherwise they would be disqualified to sit in the examinations.

**Amjad Hussain**  
**Assistant Professor**  
**(Course Instructor)**