

NEGLIGENCE

Law of Torts — Complete Study Notes

UGC NET Law | Judicial Services Examination

Definitions • 6 Elements • Case Laws • 4 Defenses • Legal Maxims • PYQ

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SECTION 1 — WHAT IS NEGLIGENCE?

Core Meaning

Negligence = carelessness that causes harm when you had a legal duty to be careful. It is NOT intentional harm — it is the failure to take reasonable care.

Latin Root: Negligentia = to neglect or disregard.

Simple Illustration: A doctor performs surgery carelessly and the patient is harmed. The doctor did not want to hurt the patient — but the carelessness caused harm. That is negligence.

Two key questions in every negligence case:

- (1) Did you have a legal duty to protect others?
- (2) Did your careless act actually cause harm?

Negligence vs. Other Torts

Tort	Key Feature	Intent Required?
Negligence	Unintentional carelessness causing harm	No
Trespass	Direct intentional act on person/property	Yes
Nuisance	Ongoing interference with use of land	Usually
Defamation	False statement harming reputation	Not required

SECTION 2 — DEFINITIONS BY LEGAL AUTHORS

Sir Frederick Pollock

"Negligence is the breach of a legal duty to take care, resulting in damage to the plaintiff."

Focus: Legal duty + damage. Simple test — duty broken + damage = negligence.

W. Page Keeton (Prosser & Keeton on Torts)

"Conduct that falls below the standard established by law for protection of others against unreasonable risk of harm."

Focus: Standard of care. If your behaviour falls below what law requires, you are negligent.

Salmond

"Mental attitude of undue indifference with respect to one's conduct and its consequences."

Focus: State of mind. Negligence is not caring enough about consequences — a subjective angle.

H.L.A. Hart & Honoré

"Failing to exercise care that a reasonable person would exercise in the circumstances."

Focus: Objective test — compare the defendant to an ordinary careful person.

Winfield & Jolowicz

"Breach of a legal duty to take care which results in damage, undesired by the defendant, to the plaintiff."

Focus: Harm was unintended — negligence is not deliberate wrongdoing.

SECTION 3 — 6 ESSENTIAL ELEMENTS OF NEGLIGENCE**01. Duty of Care**

A legal obligation to avoid harming others. It exists wherever harm is **reasonably foreseeable**. Eg: doctor → patient, driver → road user.

Illustration: A driver has a duty of care towards pedestrians. A doctor has a duty towards their patient.

■ Case Reference: Donoghue v Stevenson (1932) — Lord Atkin's neighbour principle defines who you owe a duty to.

02. Breach of Duty

Not acting as a **reasonable, careful person** would act in the same situation.

Illustration: A doctor leaves a patient unexamined for 2 hours in an emergency — this falls below what a careful doctor would do.

■ Case Reference: Standard is objective. Personal inexperience is NOT an excuse.

03. Causation — 'But For' Test

Would the harm have happened **but for** the defendant's breach? If No — the defendant caused the harm.

Illustration: But for the doctor sending the patient away, would the patient have died? If treatment could have saved him — causation is proved.

■ Case Reference: Barnett v Chelsea Hospital (1969) — causation FAILED because treatment could not have saved the patient anyway.

04. Damage

Actual harm must exist: **physical** (injury/death), **financial** (loss), or **mental** (trauma). No damage = no claim. Negligence is NOT actionable per se.

Illustration: A driver drives dangerously but nobody is hurt and nothing is damaged — no negligence claim lies.

■ Case Reference: Unlike trespass, negligence requires proof of actual damage.

05. Foreseeability

The harm must be something a reasonable person could have **predicted**. Bizarre, unforeseeable outcomes do not create liability.

Illustration: Shopkeeper leaves a wet floor — customer slipping is foreseeable. Lightning striking through the roof at the same moment is not.

■ Case Reference: Glasgow Corporation v Muir (1943) — a tea urn falling by accident was not foreseeable, so no liability.

06. Reasonable Person Standard

Objective test: compare to an ordinary careful person — not a genius, not an expert. Personal excuses like inexperience are not accepted.

Illustration: A new driver cannot say 'I was inexperienced.' They are held to the same standard as any competent driver.

■ Case Reference: Exception: Children are judged against a reasonable child of the same age — *Mullin v Richards* (1998).

SECTION 4 — LEGAL MAXIMS IN NEGLIGENCE

Res Ipsa Loquitur

"The thing speaks for itself."

Meaning: The accident itself proves negligence — no detailed proof needed. Burden shifts to the defendant.

Illustration: Surgical scissors left inside a patient's stomach after surgery — nobody needs further proof.

Volenti Non Fit Injuria

"To one who is willing, no harm is done."

Meaning: If a person voluntarily accepts a risk, they cannot later claim compensation for harm from that risk.

Illustration: A boxer in a legal boxing match cannot sue for punches received — they willingly accepted the risk.

Damnum Sine Injuria

"Damage without legal injury."

Meaning: Loss has occurred but no legal right was violated — so no remedy is available.

Illustration: A competitor opens a better shop next to yours and you lose customers. No legal right is violated.

Injuria Sine Damno

"Legal injury without damage."

Meaning: A legal right is violated even though no actual loss occurred — still actionable.

Illustration: Trespass on your land — even if no damage is done, your legal right is violated. Action lies.

Novus Actus Interveniens

"A new intervening act."

Meaning: An independent act by a third party breaks the chain of causation — defendant may not be liable.

Illustration: Driver negligently injures pedestrian. Hospital nurse makes a separate error causing further harm. Nurse's act may break the chain.

Actus Non Facit Reum Nisi Mens Sit Rea

"An act does not make a person guilty unless the mind is also guilty."

Meaning: In criminal law, both act and intention are needed. In negligence (civil), intention is NOT required — carelessness is enough.

Illustration: This shows why negligence differs from crime — no criminal intent is needed, only failure of care.

SECTION 5 — CASE LAWS: CORE ELEMENTS

Donoghue v Stevenson (1932)

House of Lords (UK) | Lord Atkin

Principle: You owe a duty of care to anyone you can reasonably foresee will be affected by your actions. Lord Atkin's '**Neighbour Principle**' — a manufacturer is liable to the end consumer even without a contract.

Illustration: Mrs Donoghue found a decomposed snail in her ginger beer. She fell ill. No contract with the manufacturer — but harm was foreseeable, so manufacturer was liable.

■ **UGC Tip:** Origin of modern duty of care. Most cited case in tort law. Know Lord Atkin's neighbour test by heart.

Blyth v Birmingham Waterworks Co. (1856)

Court of Exchequer | Baron Alderson

Principle: Classic definition — 'Negligence is the omission to do something which a reasonable man would do, or doing something which a prudent and reasonable man would not do.'

Illustration: A water pipe burst during an exceptionally severe frost — never seen before. No negligence — a reasonable person could not have anticipated such an extraordinary event.

■ **UGC Tip:** Foundation of the reasonable person standard. Baron Alderson's exact words often appear in exam questions.

Glasgow Corporation v Muir (1943)

House of Lords | Lord Macmillan

Principle: Liability depends on foreseeability. A defendant is only required to guard against risks that a reasonable person would foresee — not every possible risk.

Illustration: A tea urn was carried through a narrow passage and accidentally fell, injuring children. The accident was not foreseeable — so no negligence.

■ **UGC Tip:** Best case to explain foreseeability. Foreseeable risk = duty; unforeseeable accident = no liability.

Barnett v Chelsea & Kensington Hospital (1969)

High Court QBD | Nield J

Principle: 'But for' causation test. Even if there is a duty and a breach, causation must also be proved. If the harm would have occurred anyway — no liability.

Illustration: Man came to A&E; vomiting. Doctor sent him home without examining him. Man died of arsenic poisoning. But even proper treatment could NOT have saved him — causation failed, no liability.

■ **UGC Tip:** 'But for' test case. Duty + breach alone is not enough — causation is essential.

Mullin v Richards (1998)

Court of Appeal (UK)

Principle: The standard of care for **children** is modified. A child is judged against a **reasonable child of the same age**, not against a reasonable adult.

Illustration: Two 15-year-old schoolgirls fought with plastic rulers in class. A piece entered one girl's eye. A 15-year-old cannot foresee the same risks as an adult — no negligence.

■ **UGC Tip:** Key case for standard of care questions. Children = reasonable child of same age.

State of Rajasthan v Vidhyawati (1962)

Supreme Court of India

Principle: The State can be held **vicariously liable** for negligent acts of its employees done in the course of employment. First Indian SC case applying res ipsa loquitur to state liability.

Illustration: A government jeep driven negligently by a government employee on official duty knocked down a pedestrian. The State was held liable.

■ **UGC Tip:** Landmark Indian SC case — state liability + vicarious liability + negligence.

Spring Meadows Hospital v Harjol Ahluwalia (1998)

Supreme Court of India

Principle: Medical negligence + res ipsa loquitur + Consumer Protection Act. Medical services are a 'service' under the Consumer Protection Act. Patients are 'consumers' — they can sue in consumer forums.

Illustration: A nurse gave a wrong dose injection to a child, causing permanent brain damage. Hospital held liable under both medical negligence and consumer protection law.

■ **UGC Tip:** Links negligence to Consumer Protection Act. Important for contemporary Indian law questions.

SECTION 6 — DEFENSE 1: CONTRIBUTORY NEGLIGENCE

Contributory Negligence: When the injured person (plaintiff) was also careless, and their own carelessness contributed to the harm they suffered. The defendant says: 'Yes I was careless — but so were you!'

Simple Illustration

A driver is over-speeding (defendant's fault). A pedestrian suddenly crosses the road without looking (plaintiff's fault). Both are careless. Both contributed to the accident. This is contributory negligence.

Old Rule vs. Modern Rule

OLD RULE	MODERN RULE
OLD COMMON LAW RULE	MODERN RULE (Apportionment)
Plaintiff was even 1% at fault → gets ZERO compensation.	Damages are REDUCED proportionally based on plaintiff's share of fault.
Example: Pedestrian 5% careless, driver 95% careless. Pedestrian gets nothing. Very harsh.	Example: Pedestrian 30% at fault, driver 70% at fault. Pedestrian gets 70% of damages. Fair.
Source: Butterfield v Forrester (1809)	Source: Law Reform (Contributory Negligence) Act 1945 (UK) / Indian courts follow apportionment

How Apportionment Works — Step by Step

- Step 1: Court decides the TOTAL compensation the plaintiff deserves — e.g. Rs. 10 lakhs.
- Step 2: Court assesses what % of fault belongs to the plaintiff — e.g. 30%.
- Step 3: That % is deducted from the total — 30% of 10 lakhs = Rs. 3 lakhs deducted.
- Step 4: Plaintiff receives the remaining amount — Rs. 7 lakhs.

Real-Life Illustrations

Car Accident: Driver jumps a red light (defendant). Passenger was not wearing a seatbelt (plaintiff). Passenger's compensation is reduced because not wearing a seatbelt contributed to the severity of injuries.

Workplace Injury: Factory owner fails to provide safety gloves (defendant). Worker chooses not to use the gloves that were available (plaintiff). Worker's compensation is reduced.

Slip and Fall: Shop owner leaves a wet floor without a warning sign (defendant). Customer was walking while looking at their phone (plaintiff). Both are careless — compensation reduced.

Medical Treatment: Hospital gives wrong medicine (defendant). Patient had not disclosed their known allergy when asked (plaintiff). Compensation may be reduced as patient's omission contributed to the harm.

Case Laws — Contributory Negligence

Butterfield v Forrester (1809)

King's Bench | Lord Ellenborough

Principle: The **first and oldest case** on contributory negligence. Under old common law, any negligence by the plaintiff completely barred recovery — they got nothing.

Illustration: Plaintiff was riding his horse carelessly at night. He hit a pole placed on the road by the defendant. Because the plaintiff was also careless — no compensation.

■ **UGC Tip:** Oldest authority on contributory negligence. Know: name, year, judge, rule.

Davies v Mann (1842)

Court of Exchequer

Principle: Last Opportunity Rule: The person who had the **last clear chance** to avoid the accident but failed to do so bears primary responsibility.

Illustration: Plaintiff left his donkey tied on a public road (plaintiff was careless). Defendant's wagon hit the donkey at excessive speed. Court: defendant had the last chance to avoid it — so defendant was liable.

■ **UGC Tip:** Establishes the 'last clear chance' doctrine. Refines contributory negligence.

Sayers v Harlow UDC (1958)

Court of Appeal (UK)

Principle: Shows how **apportionment works in practice**. Both parties can be at fault — compensation is reduced proportionally.

Illustration: Plaintiff trapped in a toilet cubicle due to a faulty lock (defendant). While trying to escape, she stood on a toilet roll holder and fell. Her escape method was partly careless. Damages reduced by 25%.

■ **UGC Tip:** Best practical illustration of apportionment — 75% defendant, 25% plaintiff.

Municipal Corporation of Delhi v Sushila Devi (1999)

Supreme Court of India

Principle: Applied contributory negligence and apportionment in India. Compensation reduced proportionally based on the respective faults of the Municipal Corporation and the victim.

Illustration: Victim was injured due to poor road conditions. Victim's own conduct also contributed. Supreme Court reduced compensation proportionally.

■ **UGC Tip:** Key Indian SC authority on apportionment and contributory negligence.

SECTION 7 — MEDICAL PROFESSIONALS & NEGLIGENCE

Key Principle: A doctor is NOT an insurer of a cure. A doctor is negligent only if they fall below the standard of a **reasonably competent medical professional** in their field.

The Bolam Test

From **Bolam v Friern Hospital Management Committee (1957)**. A doctor is **NOT negligent** if they acted in accordance with a practice accepted as proper by a **responsible body of medical professionals** in that specialty — even if other doctors would have done it differently. The standard is reasonable competence, not perfection.

3 Main Areas of Medical Negligence

1. Diagnosis

Meaning: Wrong diagnosis leading to wrong or delayed treatment.

Example: Doctor misdiagnoses appendicitis as food poisoning. Patient's appendix ruptures. Doctor failed to use reasonable diagnostic skill.

2. Treatment

Meaning: Performing the wrong procedure or performing the right one carelessly.

Example: Surgeon operates on the wrong leg. Or performs surgery without proper sterilisation, causing infection.

3. Failure to Warn (Informed Consent)

Meaning: Not telling the patient about known material risks of a procedure before obtaining consent.

Example: Doctor performs an operation without telling the patient there is a 10% chance of paralysis. Patient would not have agreed if told — doctor is negligent.

Contributory Negligence by the Patient

In medical negligence cases, the patient's own conduct can also reduce their compensation:

- **Not disclosing medical history:** Patient hides that they are on blood thinners before surgery. Doctor's mistake was partly because of incomplete information.
- **Ignoring medical advice:** Doctor advises complete bed rest. Patient returns to work the next day and the wound opens up.
- **Delaying treatment:** Patient ignores symptoms for months despite doctor's warning. Condition becomes far worse than it needed to be.
- **Self-medication:** Patient takes additional medicines alongside prescribed treatment, causing a harmful drug reaction.

Key Indian Cases on Medical Negligence

Spring Meadows Hospital v Harjol Ahluwalia (1998)

Supreme Court of India

Principle: Medical services = 'service' under the Consumer Protection Act. Hospital held liable under both medical negligence and consumer law. Res ipsa loquitur applied.

Illustration: Nurse gave a wrong dose injection to a child, causing permanent brain damage. The wrong injection speaks for itself.

■ **UGC Tip:** Links medical negligence + CPA. Must-know Indian SC case.

Jacob Mathew v State of Punjab (2005)

Supreme Court of India

Principle: Distinguishes **civil negligence** from **criminal negligence** for doctors. A doctor is criminally liable ONLY for gross/reckless negligence. A mere error of judgment is NOT a crime.

Illustration: Elderly patient died when an oxygen cylinder ran out unnoticed. Court: criminal negligence requires conduct so reckless that no reasonable doctor would commit it.

■ **UGC Tip:** CRITICAL case — civil vs. criminal negligence for doctors. Very frequently asked.

Indian Medical Association v V.P. Shantha (1995)

Supreme Court of India

Principle: Doctors and hospitals providing paid services are covered under the Consumer Protection Act 1986. Patients are 'consumers.' Consumer forums provide a cheaper and faster remedy than civil courts.

Illustration: Overruled earlier narrow views. Opened consumer courts for medical negligence complaints. Free government hospital services may not always be covered.

■ **UGC Tip:** Foundation case — medical service = consumer service. Opened consumer court route for patients.

SECTION 8 — DEFENSE 2: ACT OF GOD (VIS MAJOR)

Act of God (Vis Major): Harm caused by a natural event so extreme and sudden that no human being could have controlled or prevented it. The defendant is not liable because the event was completely beyond human control.

3 Requirements for this Defense:

- (1) **Purely natural cause** — no human involvement at all.
- (2) **Extraordinary and unforeseeable** — beyond any reasonable anticipation.
- (3) **Inevitable** — even with all precautions, it could not have been prevented.

Examples: Earthquake, massive cyclone, flash flood, lightning strike.

Nichols v Marsland (1876)

Court of Appeal | Bramwell LJ

Principle: Act of God defense **succeeded**. Extraordinary rainfall of unprecedented scale caused artificial lakes to burst, flooding plaintiff's land. No reasonable person could have anticipated it.

Illustration: Defendant had ornamental lakes on land. A storm of a scale never seen before burst the embankments.

■ **UGC Tip:** Leading case where Act of God succeeded. Know: Bramwell LJ + unprecedented rainfall + defense worked.

Greenock Corporation v Caledonian Railway (1917)

House of Lords

Principle: Act of God defense **failed**. The rainfall was heavy but NOT so extraordinary that a reasonable authority could not have anticipated it. Defendants must guard against foreseeable natural events.

Illustration: Heavy rain caused flooding near a paddling pool built by the corporation. House of Lords: ordinary heavy rain is foreseeable — defense failed.

■ **UGC Tip:** Shows limits of Act of God. Ordinary heavy rain is foreseeable = defense fails.

SECTION 9 — DEFENSE 3: INEVITABLE ACCIDENT

Inevitable Accident: An accident that could NOT have been prevented even if the person had taken ALL possible reasonable care. Unlike Act of God, it may involve a human being — but the harm was still completely unavoidable.

ACT OF GOD	INEVITABLE ACCIDENT
Act of God	Inevitable Accident
Purely natural event	May involve a human being
No human involvement	Harm unavoidable even with all care
Earthquake, lightning strike	Driver has a sudden heart attack

Stanley v Powell (1891)

Queen's Bench Division | Denman J

Principle: A defendant who acted lawfully and carefully is not liable if harm results from a completely unforeseeable accident. Classic inevitable accident case.

Illustration: During a shooting party, defendant fired in the correct direction. The bullet ricocheted off a tree and struck the plaintiff walking elsewhere. No intent, completely unforeseeable — no liability.

■ **UGC Tip:** Classic inevitable accident. 'Ricochet bullet' fact pattern is memorable and frequently tested.

Brown v Kendall (1850)

Massachusetts Supreme Court | Shaw CJ

Principle: If there is **no intent AND no negligence**, there is no liability. A pure inevitable accident creates no legal action.

Illustration: Defendant accidentally struck plaintiff with a stick while trying to separate two fighting dogs. No intent, no carelessness — just an unfortunate accident.

■ **UGC Tip:** No intent + no negligence = no liability. Good comparative law reference.

SECTION 10 — DEFENSE 4: RES IPSA LOQUITUR

Res Ipsa Loquitur — "The Thing Speaks for Itself." When an accident is so obviously caused by negligence that detailed proof is NOT needed. The accident itself tells the whole story.

Simple Illustration: A surgeon performs an operation. An X-ray afterwards shows scissors inside the patient's stomach. The scissors speak for themselves — no further proof of negligence needed.

3 Conditions — from Scott v London Dock Co. (1865)

- (1) The accident **would not normally happen without negligence** — it is not the kind of thing that happens by itself.
- (2) The defendant had **exclusive control** over the thing that caused the harm.
- (3) The plaintiff did **NOT contribute** to the accident — plaintiff was innocent.

Effect: The burden of proof SHIFTS to the defendant. They must explain why they were NOT negligent. If they cannot explain — they are liable.

Scott v London & St Katherine Docks Co. (1865)

Court of Exchequer | Erle CJ

Principle: Origin case for res ipsa loquitur. Established the 3 conditions. When an accident does not normally occur without negligence, the defendant must explain it.

Illustration: Large bags of sugar fell from the defendant's warehouse onto the plaintiff below. No explanation was given. The Court: this does not normally happen without negligence — the thing speaks for itself.

■ **UGC Tip:** Most frequently asked case for res ipsa. Know: Erle CJ + 3 conditions + sugar bags.

Mahon v Osborne (1939)

Court of Appeal | Scott LJ

Principle: Classic medical negligence applying res ipsa loquitur. A surgical swab left inside a patient after surgery is self-evidently caused by negligence of the surgical team.

Illustration: After an abdominal operation, a swab was found inside the patient's body. The surgeon had exclusive control in the theatre — this does not happen without negligence.

■ **UGC Tip:** Medical negligence + res ipsa. Scott LJ's judgment is frequently quoted.

SECTION 11 — COMPARISON: ALL 4 DEFENSES

Defense	Meaning	Who is at fault?	Effect on Claim	Key Case
Contributory Negligence	Plaintiff was also careless	Both defendant and plaintiff	Damages REDUCED — partial defense	Butterfield v Forrester (1809)
Volenti Non Fit Injuria	Plaintiff voluntarily accepted the risk	Defendant only — plaintiff consented	COMPLETE BAR — no compensation	General principle
Act of God (Vis Major)	Extraordinary natural event; no human could prevent it	Nobody — purely natural	COMPLETE DEFENSE — no liability	Nichols v Marsland (1876)
Inevitable Accident	Could not be prevented even with all reasonable care	Nobody — truly unavoidable	COMPLETE DEFENSE — no liability	Stanley v Powell (1891)

Contributory Negligence vs. Volenti Non Fit Injuria

CONTRIBUTORY NEGLIGENCE	VOLENTI NON FIT INJURIA
Plaintiff was careless (did not intend the risk)	Plaintiff voluntarily consented to the risk
Damages are REDUCED proportionally	Plaintiff gets NOTHING — complete bar
Partial defense	Complete defense
Example: Pedestrian crosses road carelessly	Example: Spectator at a cricket match hit by a ball

SECTION 12 — PYQ ANALYSIS (FREQUENTLY ASKED)

VERY HIGH FREQUENCY

Q: Which case established the 'neighbour principle' / duty of care?

A: Donoghue v Stevenson (1932) — Lord Atkin, House of Lords. Neighbour = anyone you can reasonably foresee will be affected by your acts. A snail in a ginger beer bottle gave birth to modern negligence law.

VERY HIGH FREQUENCY

Q: What are the 3 conditions for res ipsa loquitur?

A: (1) The accident would not normally happen without negligence. (2) The defendant had exclusive control. (3) The plaintiff did not contribute. — Scott v London Dock Co. (1865), Erle CJ.

HIGH FREQUENCY

Q: What is the reasonable person standard and which case defines it?

A: Blyth v Birmingham Waterworks (1856) — Baron Alderson. An ordinary careful person, not a perfect expert. Objective standard — personal inexperience is no excuse.

HIGH FREQUENCY

Q: What is the 'but for' test? Which case best illustrates it?

A: But for the defendant's breach, would the harm have occurred? If No — defendant caused it. Best case: Barnett v Chelsea Hospital (1969) — causation failed, patient would have died anyway.

MEDIUM FREQUENCY

Q: Distinguish contributory negligence from volenti non fit injuria.

A: Contributory negligence: plaintiff was also careless → damages reduced (partial defense). Volenti: plaintiff voluntarily consented to risk → complete bar. Key difference: carelessness vs. consent.

MEDIUM FREQUENCY

Q: When does the Act of God defense fail?

A: When the event was foreseeable or ordinary. Greenock Corporation (1917) — ordinary heavy rain → defense failed. Contrast: Nichols v Marsland (1876) — unprecedented storm → defense succeeded.

MEDIUM FREQUENCY

Q: What is the Bolam Test in medical negligence?

A: Bolam v Friern Hospital (1957). A doctor is NOT negligent if they acted per a practice accepted by a responsible body of medical professionals. Standard = reasonable competence, not perfection.

MEDIUM FREQUENCY

Q: Distinguish civil from criminal negligence for doctors.

A: Jacob Mathew v State of Punjab (2005) — SC India. Civil: mere error of judgment. Criminal: gross/reckless negligence that no reasonable doctor would commit. A mistake ≠ crime.

SECTION 13 — QUICK REVISION: ONE LINE PER CONCEPT

CONCEPT	ONE-LINE MEANING
Negligence Formula	Duty + Breach + Causation + Damage = Negligence
Pollock	Breach of legal duty of care causing damage to plaintiff
Salmond	Mental attitude of undue indifference to one's conduct and its consequences
Winfield & Jolowicz	Breach of legal duty to take care resulting in undesired damage
Hart & Honoré	Failing to exercise care that a reasonable person would exercise
Donoghue v Stevenson (1932)	Neighbour principle — duty of care to all foreseeable persons (Lord Atkin)

Blyth v Birmingham (1856)	Reasonable person standard — Baron Alderson's classic definition
Glasgow Corp v Muir (1943)	Foreseeability — only foreseeable risks create duty (Lord Macmillan)
Barnett v Chelsea (1969)	'But for' causation test — causation must be proven (Nield J)
Mullin v Richards (1998)	Children judged by standard of reasonable child of same age
Res Ipsa Loquitur	Thing speaks for itself — burden shifts to defendant (3 conditions)
Scott v London Dock (1865)	Origin of res ipsa loquitur — 3 conditions (Erle CJ)
Mahon v Osborne (1939)	Swab in patient = res ipsa loquitur (Scott LJ)
Contributory Negligence	Plaintiff also careless — damages reduced proportionally
Butterfield v Forrester (1809)	First case on contributory negligence (Lord Ellenborough)
Davies v Mann (1842)	Last clear chance / last opportunity rule
Sayers v Harlow (1958)	25% reduction — apportionment in practice
Act of God (Vis Major)	Extraordinary natural event — no human control possible
Nichols v Marsland (1876)	Act of God succeeded — unprecedented flood (Bramwell LJ)
Greenock Corp (1917)	Act of God failed — ordinary heavy rain is foreseeable
Inevitable Accident	Unavoidable even with all care — may involve human agency
Stanley v Powell (1891)	Ricochet bullet — inevitable accident, no liability (Denman J)
Bolam Test (1957)	Doctor not negligent if acting per responsible body of medical opinion
Jacob Mathew (2005)	Civil ≠ Criminal negligence for doctors — SC India
IMA v V.P. Shantha (1995)	Medical services = 'service' under Consumer Protection Act — SC India
Spring Meadows (1998)	Wrong injection = medical negligence + consumer protection — SC India
Volenti Non Fit Injuria	Voluntary consent to risk = complete bar — no compensation
Novus Actus Interveniens	New intervening act breaks chain of causation

Best of luck for your examination!

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