

Neighbour Principle

The "Neighbour Principle" is pivotal in establishing the scope of duty of care in negligence law, underlining the responsibility one owes to those who could foreseeably be affected by their actions.

Key Features

- Articulated by Lord Atkin in the landmark case *Donoghue v Stevenson* (1932).
- One must take reasonable care to avoid acts or omissions which one can reasonably foresee would be likely to injure one's 'neighbours.'
- Individuals who are closely and directly affected by one's act such that one should have them in contemplation when directing the mind to the acts or omissions in question.

Historical Context

A woman, Mrs. Donoghue, became ill after consuming a ginger beer that, unbeknownst to her, contained a decomposed snail. This incident led to a significant legal challenge, as there was no contractual relationship between Mrs. Donoghue and the ginger beer manufacturer, Mr. Stevenson.

Lord Atkin's judgement introduced the neighbour principle, which extended the duty of care beyond existing contractual obligations, establishing a general legal duty to avoid negligently causing harm to others.

Impact and Current Relevance

The implications of this principle have been profound and far-reaching, forming the core of modern negligence law and influencing legal systems worldwide. It has been instrumental in shaping the understanding that the duty of care is not confined to direct interactions or contractual relationships but includes any situation where one's actions can foreseeably cause harm to another. This broad scope is meant to ensure that individuals act with a minimum level of care and consideration for the safety and well-being of others in their activities.

Critical Viewpoints

Despite these concerns, proponents of the principle uphold its importance, emphasising that it fosters ethical social conduct and enhances legal accountability by ensuring that individuals consider the potential impact

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of their actions on others. The neighbour principle remains a cornerstone of negligence law, advocating for a society in which individuals are mindful of and responsible for the effects their actions might have on those around them.

Transport Negligence Cases

Ishwar Devi v. Union of India- The negligence of a bus conductor and driver was established when they operated the bus in a manner that led to a passenger being squeezed and injured between two buses.

Rural Transport Service v. Bezlum Bibi- Inviting passengers to travel unsafely led to fatal consequences, reinforcing the duty of care owed by transport operators to their passengers.

Accidental Injuries

Sushma Mitra v. M.P.S.R.T. Corp.- Negligence where foreseeable injuries occurred to a bus passenger due to proximity to traffic, further emphasising the transport operators' responsibility to foresee and mitigate risks to passengers.



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Public Safety and Infrastructure

Carmarthenshire County Council v. Lewis- The liability of school authorities was affirmed when their negligence in supervising children led to a tragic accident.