AILET

Legal Aptitude for CLAT: Law of Torts

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Law of Torts is an important part of Legal Aptitude. Questions will definitely come from topic, so you should have a brief idea about law of Torts.

Unlike the other chapters of this section, there is no bare act for the law of torts. It is a collection of uncodified legal rules and conducts framed by judicial precedents. Law of Torts is a part of the common law system which is not based on statutes.

Although this concept has deep roots and various topics, the **CLAT paper does not have questions from deeper concepts**. Therefore there is no need to read from a full-fledged torts textbook, a little brushing up of concepts will do the trick.

The word 'Tort'" is derived from the old French word *'tort'* and the Latin word *'tortum'*, both of them roughly meaning **'twisted'**.

Any violation under this particular branch of law shall be redressed in a **civil suit filed for damages**. This implies that the law of torts exists only to remedy the civil wrongs after which the plaintiff is awarded unliquidated damages as compensation.

Relevant topics for CLAT

1. General Defences
2. Negligence
3. Defamation
4. Trespass
5. Nuisance
6. Vicarious Liability
7. Strict and Absolute Liability

General Defences

Volenti Non Fit Injuria

Latin for “to a willing person, no injury is done.” This doctrine holds that a person who knowingly and willingly puts himself in a dangerous situation cannot sue for any resulting injuries. accidents & injuries.

It means that in the event of harm being inflicted on a person wherein the person voluntarily gave consent for the same, she is not entitled to any remedy.

Eg: Somebody who went to the stadium to watch a cricket match, gets hit by a ball. He cannot claim damages since by going to the stadium he gave consent risks.

Act of God

This happens when the plaintiff has incurred harm or loss on account of a natural disaster or calamity without any involvement of human intervention. She will not be entitled to any relief, however, the harm should not have been reasonably foreseen by either parties.

Eg: Two parties enter into a contract for delivery of goods to the port of Gujarat. The concerned party sends a ship with the consignment, which was expected to reach well within the stipulated timeline. The port of Gujarat gets hit by a Tsunami. This is a natural disaster and the plaintiff will not be entitled to any relief.

Contributory Negligence

In this scenario, a tort is committed, it is an undisputed fact. However, the tort occurred due to the negligence of both parties. This gives a chance to the defendant to plead contributory negligence which brings down the liability considerably, if not completely.

Eg: A bike gets hit by a car because the bike was in the wrong lane and the car driver was over speeding. The liability will not fall on the car driver alone since both the parties were negligent.

Necessity

In a case where a tortious act was committed to prevent greater damage from occurring. In this case, even if such an act was committed intentionally and the damage was caused to a party, it would not be actionable under the law.

Eg: A person trespassing someone else’s property to put out a fire.

Statutory Authority

In the event of harm or damage being done by a person under orders from statutory authority, such harm or damage is not eligible for action in court.

Eg: A metro line is being constructed near the plaintiff's house, the noise and distress caused to him will not be actionable under the law.

Private Defence

In the event of danger to a person's life or property, she is entitled to use force which has to be reasonable and proportionate to the apparent danger.

Eg: A attacks B with an iron rod, the B ducks and pushes him which causes him injury on his head. A will not be liable.

Plaintiff is the wrongdoer

Ex turpi causa non oritur actio: No action arises from an immoral cause. This means, if the actions of the plaintiff have been illegal from the beginning, it will be a defence for the defendant.

Eg: A robbed a shop and was evading the police, he crossed the road without looking while the signal was red and a car hit him. The defendant (Car driver) can take the defence of the plaintiff himself being a wrong doer.