



A Handbook on Law of Torts: Material and Cases

Birendra Mohan Thakur, Tarun Mishra

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Tort is a breach of some duty independent of the contract which has caused damage to the plaintiff giving rise to civil cause of action and for which remedy is available. Tort cases include injury in road accidents, injury or death due to spurious foodstuffs, negligent treatment in hospitals, excesses by police authorities, and more. In India, tort law is a relatively new area based on common law, supplemented by codifying statutes including statutes governing damages. While India generally follows English law, there are certain differences which may indicate judicial activism, hence creating controversy. There is little tort litigation in India due to (a) lack of awareness about one's rights, (b) spirit of tolerance among Indians, (c) high cost of litigation which is beyond the means of poor people, (d) undue delay (particularly in civil cases) in the final disposal of cases, and (e) discouraging attitude of the courts in tort cases. The law of torts has a social relevance in India where illiteracy and ignorance are widespread. The marginalized and vulnerable sections of the society, particularly in rural areas, do not understand their rights and privileges under the Constitution of India and the laws enacted there-under. The law of tort needs to be understood by one and all. This handbook explains the law of tort in simple and easily comprehensible language. It will be of immense help to students and practitioners of law. [Subject: Tort Law, India Law]

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