

What Is Law of Tort

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Word 'Tort' Origin:



The word "Tort" is derived from Latin word "Tortum" which means "to twist". It corresponds to English word "wrong" and to Roman word "dilect".

In general, it means conduct that adversely affects the legal right of others. For a healthy society it is necessary that it be free of anti-social elements and that an individual should have freedom to exercise his rights without being restricted by others. Further, if there is a transgression of any right, there must be a way to compensate or to restore the right. This is essentially what the maxim, "Ubi just ibi remedium" implies. Where ever there is a right, there is a remedy.

According to Sir John Salmond:



“It is a civil wrong, independent of contract, for which the remedy in common law is an action for damages.”

Tort as a civil wrong for which the remedy is common law action for unliquidated damages and which is not exclusively the breach of contract or the breach of trust or other merely equitable obligation. Tort is a breach of some civil duty independent of contract for which compensation is recoverable.

According to Fraser:



“A tort is an infringement of a legal right *in rem* of a private individual, giving a right of compensation of the suit of the injured party.”

According to Philip James:



“A tort is a private wrong, independent of contract, for for which appropriate remedy is an action for unliquidated damages.”

According to Oxford Dictionary:



“Tort is a private or civil wrong”

Nature of Tort:



It was introduced into English Law by Norman Jurists. It now means a breach of some duty independent of contract between citizens, giving rise to a civil cause of action and for which compensation is recoverable. The person committing a tort or wrong is called a tort-feasor or wrong-doer and his misdoing is a

Sources of Tort Law:



There are basically three sources of tort law:

1. Latin Maxims
2. Case Law or Judge made Law
3. Statutory provisions in different statutes

Essentials of Tort:



There are five essentials of tort law:

1. Civil Wrong
2. Infringement of Right in Rem
3. Right Fixed by Law
4. Common Law Action
5. Remedy

Wrongs, both Tort & Crime:



There are several wrong which can be held both tort and crime, here a few are listed.

1. Defamation
2. Negligence
3. Assault
4. Battery
5. Trespass

Wrongs which are not Tort:



There are few wrongs which are not tort as:

1. Criminal Wrongs
2. Breach of Contract
3. Breach of Trust
4. Quasi-Contractual

Most Common Torts:



There are several common torts, a few are listed here:

1. Trespass to land
2. Trespass to person
3. Negligence
4. Defamation
5. Assault
6. Battery

General...!



A tort is a civil wrong, which is not exclusively the breach of contract. Tort law deals with situations where a person's behaviour has unfairly caused someone else to suffer loss or harm. A tort is not necessarily an illegal act but cause harm and therefore the law allows anyone who is harmed to recover their loss.

Thank You !!

Tort Law



Tort law provides remedy against a civil wrong where a claimant suffer loss or harm.