## ACT OF GOD

Act of God serves as a good defence under the law of torts. It is also recognized as a valid defence in the rule of ‘***Strict Liability***’ in the case of *Rylands v. Fletcher* 1868.

The defence of Act of God and Inevitable accident might look the same but they are different. Act of God is a kind of inevitable accident in which the natural forces play their role and causes damage. For example, heavy rainfall, storms, tides, etc.

Essentials required for this defence are:

* Natural forces’ working should be there.
* There must be an **extraordinary occurrence** and not the one which could be anticipated and guarded against reasonably.

### **Working of natural forces**

In *Ramalinga Nadar v. Narayan Reddiar AIR1971 Kerala 197*, the unruly mob robbed all the goods transported in the defendant’s lorry. It cannot be considered to be an Act of God and the defendant, as a common carrier, will be compensated for all the loss suffered by him.

In ***Nichols v. Marsland 1876***, the defendant created an artificial lake on his land by collecting water from natural streams. Once there was an extraordinary rainfall, heaviest in human memory. The embankments of the lake got destroyed and washed away all the four bridges belonging to the plaintiff. The court held that the defendants were not liable as the same was due to the Act of God.

### **Occurrence must be extraordinary**

Some extraordinary occurrence of natural forces is required to plead the defence under the law of torts.

**In *Kallu Lal v. Hemchand 1958*,** the wall of a building collapsed due to normal rainfall of about 2.66 inches. The incident resulted in the death of the respondent’s children. The court held that the defence of Act of God cannot be pleaded by the appellants in this case as that much rainfall was normal and something extraordinary is required to plead this defence. The appellant was held liable.