



FACULTY OF JURIDICAL SCIENCES

COURSE: B.A.LL.B. I st Semester

SUBJECT: LAW OF TORTS

SUBJECT CODE: BAL 106

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LECTURE 28

TOPIC: JUSTIFICATION OF TORTS- ACT OF STATE, STATUTORY AUTHORITY, ACT OF GOD, NECESSITY, VOLENTI NON-FIT INJURIA, PRIVATE DEFENCE AND ACTS CAUSING SLIGHT HARM

Private defense

The law has given permission to protect one's life and property and for that, it has allowed the use of reasonable force to protect himself and his property.

- The use of force is justified only for the purpose of self-defense.
- There should be an imminent threat to a person's life or property.

For example, A would not be justified in using force against B just because he believes that someday he will be attacked by B.

- The force used must be reasonable and to repel an imminent danger.

For example, if A tried to commit a robbery in the house of B and B just draw his sword and chopped his head, then this act of A would not be justified and the defence of private defence cannot be pleaded.

- For the protection of property also, the law has only allowed taking such measures which are necessary to prevent the danger.

For example, fixing of broken glass pieces on a wall, keeping a fierce dog, etc. is all justified in the eyes of law.

In *Bird v. Holbrook*, the defendant fixed up spring guns in his garden without displaying any notice regarding the same and the plaintiff who was a trespasser suffered injuries due to its automatic discharge. The court held that this act of the defendant is not justified and the plaintiff is entitled to get compensation for the injuries suffered by him.

Similarly, in *Ramanuja Mudali v. M. Gangan*, a landowner i.e. the defendant had laid a network of live wires on his land. The plaintiff in order to reach his own land tried to cross his land at 10 p.m. He received a shock and sustained some serious injuries due to the live wire and there was no notice regarding it. The defendant was held liable in this case and the use of live wires is not justified in the case.

In *Collins v. Renison*, the plaintiff went up a ladder for nailing a board on a wall in the defendant's garden. The defendant threw him off the ladder and when sued he said that he just gently pushed him off the ladder and nothing else. It was held that the force used was not justifiable as the defence.

Exercise:

1. Consequence of wrongful act can be:
 - a) endless
 - b) limited
 - c) punishment
 - d) All of these

2. Defendant is liable to consequence which are not too from his conduct.
 - a) near
 - b) remote
 - c) close
 - d) alongside

3. Which is the test to determine whether damage is remote or not?
 - a) Test of reasonable foresight
 - b) Test of directness

- c) Both (a) and (b)
- d) None of these

4. According to test of directness, a person is liable for the direct consequences of his wrongful act.

- a) all
- b) half
- c) quarter
- d) partial

5. In S Dhanaveni V. State of Tamil Nadu case, what happened to deceased?

- a) He got electrocuted
- b) He was burnt
- c) He fell on road
- d) He was thunderstruck