



**FACULTY OF JURIDICAL SCIENCES**

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

**SUBJECT: LAW OF TORTS**

**SUBJECT CODE: LLB102**

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## LECTURE 25

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

### ***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*.

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*, 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*, 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*, 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.

### **Exercise:**

1. According to Section 339 IPC, what is an offence?
  - a) Wrongful restraint
  - b) Wrongful confinement
  - c) Wrongful attachment
  - d) Wrongful force usage
  
2. In order to constitute false imprisonment, the restraint should be
  - a) lawful
  - b) unlawful
  - c) longer than 5 hours
  - d) None of these

3. Defamation is injury to ..... of person.

- a) reputation
- b) property
- c) body
- d) vehicle

4. English law divides defamation into

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

5. Which is a crime according to English law?

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