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Evolution of Tort Law

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Research Paper - Law

Introduction

Tort law is categorized as a public legal framework and represents a legal domain encompassing principles of liability. The term 'Tort' originates from the Latin word 'Tortum,' signifying a 'twisted' or 'crooked' act. In essence, tort encompasses any wrongful act resulting in harm to an individual, typically constituting a civil wrong.

The foundation of the Law of Tort is rooted in English law, and it remains an uncodified legal system evolving through judicial decisions. These decisions encapsulate the fundamental principles of liability, collectively constituting the body of the Law of Torts. The primary objective of tort law is to ascertain under what circumstances legal remedies will be granted for inflicted harm and to establish the governing rules of liability that facilitate this determination.

Definition of tort

Different authors had tried to define 'tort' as under.

Salmond -

Tort is civil wrong, for which the remedy is an action for unliquidated damages in common law and which is not exclusively the breach of trust or other merely equitable obligation.

Winfield -

Tortious liability arises from breach of duty primarily fixed by law; this duty is