Q # 01: Define the word “Tort” what are its essentials or its ingredients?

1) Introduction
- Tort is a violation of some civil duty. A tort is a civil wrong committed by one party against other party, in which the injured party can take legal action for recovery of damages. Tort has two main objectives, one is compensation of the person wronged for any damages and second objective is recover money from wrong doer which is financial punishment for him. Such wrong against which no compensation is recoverable, is not a tort. The law of tort is based on common law

2) Meaning of tort
- The word tort has been derived from Latin word “Tortum” which means to conduct

➤ Oxford Dictionary meaning
   Tort is a private or civil wrong

3) Definition of Tort
- A tort is an act which injures someone in some way and accordance with the injured person can take legal action against wrong doer for recovery of damages

4) Wrongs which are not tort
   Following wrongs are not tort while these come under crime category
   1) Criminal wrongs
   2) Breach of contracts
   3) Breach of trust

➤ Example
- If A enters into the land of B without permission of B. A has committed tort of trespass.

5) Kinds of torts
   Following are the three kinds of torts. Details are as under
   1. Intentional tort
      - When a wrong doer intentionally commits a civil wrong against other person is called intentional tort
2. Tort based on negligence
   - Negligent tort is not deliberate actions, when one fails to perform reasonably and becomes reason of civil wrong is called negligence tort

3. Strict liability torts
   - Holding of an individual liable for damages without proof is called strict liability torts. It is possible to hold responsible when plaintiff feels that he was under dangerous situation by defendant

6) Essentials of tort
   Following are the essentials of tort

1. Wrongful act
   - Wrongful act is an essential of tort. It must be proved that the act done by the wrong doer was a wrongful act. The violation of religious, social or moral rights does not come under the category of torts

2. Legal damage
   - Legal damage is an essential of tort. Wrongful act done by wrong doer must result in legal damages of the other person such as act must be resulted into violation of legal rights of another person.

3. Legal remedy
   - Legal remedy is an essential of tort. Legal remedy enables injured person to receive compensation from wrong doer through the court of law

4. Civil wrong
   - The tort is civil wrong. Violation should be civil violation it should not be criminal violation because in case of criminal violation. The offender is not punishable under the law of tort

5. Right legally recognized
   - The right which has been violated must be a legally recognized right. If it has not been legally recognized it will not be actionable according to the law of tort

7) Nature of tort
   - It is difficult to define the nature of law of tort. The law of tort is a part of civil law, that’s why it has no remedy for all wrongs and for all losses
   - According to its nature, law of tort determine that when law should grant compensation for damages and when law should not grant compensation for damages
8) Position in Pakistan
- Law of tort has not been a front line subject of our law. Injured person cannot rely on this law and whenever they wanted remedy against violation of their rights. This has not been the position in Pakistan alone, many other underdeveloped countries including India show the same picture and law of tort also is not being given importance.

9) Objectives
- The purpose or objectives of law of tort is the protection of the rights of persons, right of property and right of reputation are included in this law.
- The primary objective of the law of tort is to compensate the injured person by the wrong doer against the violation of his legally recognized right.
- The secondary objective of the law of tort to build a financial pressure on wrong doer by taking compensation in the form of money for injured person.
- The third objective of the law of tort is to stop those who intentionally or negligently violates the right of others.

10) Sources of law of tort
Following are the main sources of law of torts

1. Case laws
   - Such law which has been created by judicial decisions of former cases is called case law

2. Statutory provision
   - When a state or federal legislature passes a law. It is called statutory provisions

3. Latin Maxims
   - Such well-known sayings, which expresses a general truth about life or a rule about behavior is called Latin maxims

11) Conclusion
- The law of tort helps to protect the civil rights of the people which has been legally recognized by the law of the state, and enables the injured person to receive compensation from wrong doer. The tort is a civil wrong if wrong which is criminal wrong in this case wrong doer will be punished under the criminal proceedings. The act done by the person must be wrongful act and must give rise to legal damage as well as legal remedy. The remedy should be imposed through court of law and compensation should be in the form of money.