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ANALYSING COMPENSATION FOR INTENTIONAL TORT

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1. INTRODUCTION

A tort is a civil wrong, which violates the legal right of an individual. The main objective of Law of Tort is to grant compensation to the victim who has suffered loss or to issue an order of injunction against the accused. Salmond defined tort as “It is a civil wrong for which the remedy is common law action for unliquidated damages and which is not exclusively the breach of the contract or the breach of the trust or other merely equitable obligation”.¹ Four main elements have to be considered before filing a suit of tort. Those elements are as follows- firstly it has to be proved that there was a wrongful act committed which violated the legal right of an individual, secondly it has to be established that the victim suffered loss, injury or damage and that injury resulted from the breach of legal duty. Finally it has to be determined that the accused owed a duty to perform which he failed to do so.²

Generally, the word intent refers to those acts of an individual which are deliberately committed with a purpose or an aim that results in causing a certain consequence. Thus, the idea of substantial certainty broadens the concept of intentional torts beyond the defendant’s goal. In this research paper we will discuss the seven types of traditional intentional torts coupled with the concept of compensation. To name a few – Assault, Battery, False Imprisonment, Intentional Inflection of Emotional Distress, Trespass to Land, Trespass to Chattels and conversion. The most basic tort cause of action arises in cases pertaining to intentional torts. Most of the doctrines of intentional torts antedate the development of the concept of negligence. According to a journal

¹Simran Sabharwal, Law of Torts Notes - Nature and Scope of Law of Torts, IPLEADERS (2018), <https://blog.ipleaders.in/an-insight-of-law-of-torts-in-india/>(last visited Mar 18, 2020).

²The Elements that Define a Tort | Abel Law Firm, , <https://www.abellawfirm.com/articles/elements-of-a-tort>(last visited Mar 19, 2020).

article titled Review of Rights and Wrongs “There are two interpretations of intentional torts (1) reasonable security interest has priority over unreasonable security interest; (2) security interest has priority over liberty interest, regardless of whether it’s unreasonable”.³ Any proof of physical loss, injury or damage is not essentially required to prove an intentional tort.

In common law countries like India, remedy for damages is provided in monetary form which has to be paid to the claimant who suffered losses. And in order to prove a tort and claim the damages the four main elements have to be satisfied, which have already been discussed in the above paragraph. To elaborate further damages are of the following types- Special, Nominal, Contemptuous and Exemplary damages.⁴

As already emphasized, intentional torts can be claimed without any proof of damages, loss or injury. Nevertheless, the concept of damages plays a prima facie value in law of torts. At the inception of bringing any lawsuit there should be a cause or claim of damages. Therefore, in the present scenario most of the cases registered under the criteria of intentional torts, claim damages in monetary form. In addition to that proving any form of damages might strengthen the facts of the case and result in speedy judgment. In this research paper we shall try and analyze the concept of compensation in intentional torts.

2. SCOPE OF THE STUDY

This research paper outlines the origin of the word intentional tort, its meaning, etymology, origin, nature and development. This paper will particularly lay emphasis on the concept of compensation in intentional torts. Various types of traditional intentional torts will also be discussed in this paper with respect to damages. The paper also covers the basic overview of prevalent unmodified tort laws in India, followed by a detailed comparison between intentional

³Arthur Ripstein, Review: Rights and Wrongs, 97 John C.P. Goldberg Michigan Law Review, 1828, (May, 1999).

⁴Reading: Legal Remedies: Damages | Business Law, <https://courses.lumenlearning.com/masterybusinesslaw/chapter/legal-remedies-damages/> (last visited Mar 19, 2020).

and unintentional Torts. Over and above this research paper relies on various landmark judgments pronounced by different courts around the globe, to derive conclusion.

3. RESEARCH OBJECTIVE

The objectives of this research paper are to analyze the concept of compensation in intentional torts. To understand the basic elements which constitute an intentional tort, its origin, nature, development and importance. This research paper also aims to differentiate intentional torts from accidental torts. All the types of traditional intentional torts will be discussed in this paper in detail and finally this research paper will conclude with cases from different legislation with special reference to intentional torts.

4. RESEARCH METHODOLOGY

Research methodology applied in this paper is doctrinal research, primarily using research papers, Articles and Books for obtaining the necessary material. The methodology adopted is largely analytical and descriptive in nature. Both types of data have been used in the research to fulfill the objectives of the research. Reliance has been placed largely on secondary sources like journals and articles. This research paper also collects information from various online sources and legitimate sites which have been duly given credits for.

5. LITERATURE REVIEW

F. A. Trindade in his research paper titled "Intentional Torts: Some Thoughts on Assault and Battery" discusses briefly about two torts (assault and battery) coupled with false imprisonment, which constitutes the act of trespass to a person. In this research article the author comprehensively describes various elements that have to be satisfied to constitute these torts. Damages and its various types along with the risk involved in litigating tortious liability cases have been beautifully discussed in this paper. This research paper helped me understand the basic definition of tort and its hypo thesis.⁵

⁵F. A. Trindade, Intentional Torts: Some Thoughts on Assault and Battery, 5 Oxford Journal of Legal Studies, pp. 211-237(Summer, 1982).

Seamen's Remedies for Intentional Torts: Admiralty. Seamen's Rights against Shipowners for Injuries from Intentional Torts Source is a journal article which was published in Stanford Law Review, Vol. 5 wherein the author has briefly explained the meaning, concept and origin of intentional torts with special reference to English laws and recent cases such as Keen v. Overseas Tankship Corp. and Jones v. Lykes Bros. S.S. Co.⁶

According to another journal article published in Cambridge Law Journal titled Defining the Intentional Wrongs, Intentional torts are wrongful acts done on purpose. This article briefly analyses the concept of compensation and injunction for intentional torts. Further, the article also discusses the various types of compensation and also the various types of intentional torts in details along with their defenses. The article finally concludes with cases from various legislations which involves the elements of an intentional tort.⁷ In yet another research article titled "Intentional Torts. Rigging an Election as Interference with Prospective Advantage" authored by James Kobe, which was published in the Stanford Law Review in the Year 1956. The author in the initial chapters of the article discusses the integrates of intentional tort, its scope of development and action in the future. This research article begins with a brief overview of torts in general and later its types, damages, nature, origin etc. The paper concludes with suggestions and recommendations on Tort laws.⁸

The Law of Torts is a commendable book authored by Akshay Sapre, this book covers case laws dealing with tortuous liabilities not only from the Supreme Court of India but also from the Supreme Court of United Kingdom. This book covers general principals and elements of torts, Jurisdiction of torts, Liability of Wrongs committed by others, Discharge of Torts, Classification of Torts, Trespass to a person and property, Defamation, Nuisance etc. This book has been cited in this research paper quite a few times with particular reference to case laws.⁹

⁶Anjalina Martin, Seamen's Remedies for Intentional Torts: Admiralty. Seamen's Rights against Shipowners for Injuries from Intentional Torts, 5 Stanford Law Review, pp. 814-822 (Jul., 1953).

⁷Cristián A. Banfi, Defining the Intentional Wrongs, 70 The Cambridge Law Journal, No. 1, pp. 83-112 (March 2011).

⁸James Kobe, Intentional Torts. Rigging an Election as Interference with Prospective Advantage, 14 Stanford Law Review, pp. 34-42 (1956).

⁹Akshay Sapre, The Law of Torts, 301 (Ratanlal & Dhirajlal., 28th ed. 2019).

6. CHAPTERIZATION

For convenience of understanding, this research paper is divided into four chapters.

Chapter 1-The first chapter deals with various definitions of torts and intentional torts, the meaning, concept and origin of intentional torts.

Chapter 2- The second chapter deals with the various types of intentional torts followed by a detailed discussion of the concept of compensation in intentional torts.

Chapter 3- The third chapter specifies the differences between intentional torts and unintentional torts (accidental torts). This chapter will further conclude the research paper with suggestions and recommendations.

7. LIST OF CASES

1. “Mediana v. Comet, (1990) AC 113 (116).
2. Bishun Singh v. Awn Wyatt, (1911) 14 CLJ 515.
3. Lala Punnalal v. Kasturichand Ramaji, (1995) 2 MLJ 461.
4. Jeet Kumari Poddar v. Chittagong Engineering and Electrical Supply Co. Ltd, ILR (1946) Cal.433.
5. Phillips v Ward, (1956) 1 All ER 874 (CA).
6. Rookes v. Barnard, (1964) AC 1129.
7. Jodhpur Development Authority v. State Consumer Dispute Redressal Forum, (2012) AIR CC 362.
8. Cassel & Co. Ltd v. Broome, (1972) AC 1027.
9. Prehn v. Royal Bank of Liverpool, (1870) LR Ex 92, 99.

10. Ashby v. White, (1704) 2 Ld Raym 938.

11. Ratcliffe v. Evans, (1892) 2 QB 524 (528)".

8. CHAPTER 1

8.1 Definitions of Torts

Following are the various definitions of torts

1. According to Merriam- Webster Dictionary tort is defined as “a wrongful act other than a breach of contract for which relief may be obtained in the form of damages or an injunction”.¹⁰
2. Section 2(m) of Limitation Act, 1963 defines tort as “Tort means a civil wrong which is not exclusively a breach of contract or breach of trust”.¹¹
3. According to Sir John Salmond “Tort is a civil wrong for which remedy is a common law action for unliquidated damages, and which is not exclusively the breach of contract, or breach of trust, or other merely equitable obligation”.¹²
4. According to Prof. P. H. Winfield “Tortious liability arises from the breach of duty primarily fixed by law. This duty is towards persons generally and its breach is repressible by an action for unliquidated damages”.¹³

¹⁰Tort | Definition of Tort by Merriam-Webster, , <https://www.merriam-webster.com/dictionary/tort> (last visited Mar 19, 2020).

¹¹“Various Definitions of The Term Tort And Comment on Any One Better Known To You, <http://www.legalserviceindia.com/legal/article-574-various-definitions-of-the-term-tort-and-comment-on-any-one-better-known-to-you.html> (last visited Mar 19, 2020)”.

¹²Krishnendra Joshi, Definition of Torts and its characteristics,iPLEADERS (2019), <https://blog.iplayers.in/definitions-of-torts-and-its-characteristics/> (last visited Mar 19, 2020).

¹³“Tortuous Negligence Liability, , <https://www.lawteacher.net/free-law-essays/tort-law/tortuous-negligence-liability.php> (last visited Mar 19, 2020)”.

5. According to Fraser “Tort is an infringement of a right in rem (right in general) of a private individual giving a right of compensation at the suit of the injured party”.¹⁴

8.2 Definitions of Intentional Torts

Following are the various definitions of intentional torts

1. According to Legal Information Institute intentional tort is defined as “A type of [tort](#) that can only result from an intentional act of the defendant. Depending on the exact tort alleged, either [general](#) or [specific](#) intent will need to be proven. Common intentional torts are [battery](#), [assault](#), [false imprisonment](#), [trespass to land](#), [trespass to chattels](#), and [intentional infliction of emotional distress](#)”.¹⁵
2. The US Legal Dictionary defines intentional tort as “Intentional tort occurs when a person intends to perform an action that causes harm to another”.¹⁶
3. According to Riya Upesh Singh “An intentional tort is when a person, business, or organization intentionally caused the injury”.¹⁷

8.3 Meaning, Concept and Origin of Intentional Torts

“An intentional tort is a deliberate action against a person or property that causes damage” defines Morgan and Morgan Law Firm.¹⁸ Any cause of action can be divided

¹⁴Sakshi Raje, Tort as a Law, LAW TIMES JOURNAL (2018), <http://lawtimesjournal.in/tort-as-a-law/>(last visited Mar 19, 2020).

¹⁵Intentional tort, , LII / LEGAL INFORMATION INSTITUTE , https://www.law.cornell.edu/wex/intentional_tort (last visited Mar 19, 2020).

¹⁶Content Team, Intentional Tort - Definition, Types, Examples and Cases, LEGAL DICTIONARY (2014), [//legaldictionary.net/intentional-tort/](https://legaldictionary.net/intentional-tort/) (last visited Mar 19, 2020).

¹⁷ Riya Upesh Singh, What Is An Intentional Tort?, , <https://www.allinjurieslawfirm.com/blog/post/2146/What-Is-An-Intentional-Tort-#.XnM4PKgzZPY> (last visited Mar 19, 2020).

¹⁸What Are the Most Common Intentional Torts? | Morgan & Morgan Law Firm, <https://www.forthepeople.com/intentional-torts/most-common-intentional-torts/> (last visited Mar 19, 2020).

into two types intentional and unintentional. Similarly, in Torts actions of a tortfeasor are either intentional or unintentional in nature. As discussed above intentional torts refer to an act of misconduct that violates the legal right of an individual and results in causing damages, the act so performed is done intentionally by the tortfeasor. Cases registered to claim compensation for intentional torts, do not require proof in the court of law. However, the availability of any substantial proof may facilitate and strengthen the case. To illustrate the same- X, a customer visits a supermarket and while shopping incidental slips on the wet floor which results in heavy bleeding. On investigation, it was revealed that the floor was slippery due to some technical glitches that resulted in leakage of water due to which the women slipped. If the injured woman files a suit in the court of law, she will succeed in claiming compensation because in the above instance all elements of intentional torts have been satisfied.¹⁹

The basic concept of an intentional tort is to provide the remedy to the victim who has suffered losses.²⁰ Generally, there are two types of remedies, either the victim can claim compensation or demand the court to issue orders of the injunction. Let us now discuss the main elements that constitute intentional tort. As the word an intentional tort itself suggests that intention is the prime requisite to constitute this type of tort. Followed by the second and the third prerequisite where the claimant has to prove that the defendant acted in an inappropriate manner which resulted in damages or loss. For better understanding this concept is illustrated – John Meyer, a disabled man is kicked by Stanger over a heated argument. Due to this action, he suffered injuries and had to undergo a critical surgery. Once he recovers from the same he files a suit in the court of law to recover compensation for all the medical expenses he had to incur in the due process. In this illustration, Mr John will succeed in claiming compensation because the facts of the case satisfy all the prerequisites of an intentional tort.²¹

¹⁹EPISODE 2.1: AN OVERVIEW OF INTENTIONAL TORTS, , <https://www.youtube.com/watch?v=A1c2GFFm8Ic> (last visited Mar 19, 2020).

²⁰Cristián A. Banfi, Defining the Intentional Wrongs, 70 The Cambridge Law Journal, No. 1, pp. 83-112 (March 2011).

²¹Akshay Sapre, The Law of Torts, 301 (Ratanlal & Dhirajlal., 28th ed. 2019).

9. CHAPTER 2

9.1 Various Types of Intentional Torts

Traditional intentional torts are of seven types- Battery, Assault, False Imprisonment, Intentional Infliction of Emotional Distress, Trespass to Chattels and Conversion. In this chapter, we will analyze the various types of intentional torts along with their concept of compensation. In the Modern scenario, battery, assault, false imprisonment and intentional infliction of emotional distress are categorized under personal intentional torts.²²

The most fundamental tort among all of these is “Battery”. Battery refers to the act of deliberately touching an offended party in an unsafe and holistic manner. Here, the concept of Battery is very wide. It would incorporate for example hitting a person, poisoning the offended parties’ dinner etc. In the present scenario, it is impossible to avoid physical touch; hence it is presumed that in such cases there is consent up to a certain extent. For example, the hustle in a public bus during office hours results in a stranger accidentally touching the other passenger or two friends who might hit each other in a friendly manner, all these actions do not constitute tort because the main element, the intention is missing in the following cases. In common law countries like the USA, Battery is considered to be a form of trespass to a person and accordingly it is divided into the civil and criminal battery.²³

²²Fiyero Tiggular, Introduction to Intentional Torts, 7International Journal of Legal Studies, 789 (2003).

²³Sakshi Raje, Battery - Law of Tort, LAW TIMES JOURNAL (2018), <http://lawtimesjournal.in/battery-law-of-tort/> (last visited Mar 20, 2020).

Next is assault. Assault is the deliberate making of a prompt or immediate misgiving of an unsafe or hostile touching. In other words, an assault is the anxiety of an approaching battery. Throwing a right hook and missing it, is an assault. This is followed by false imprisonment. False imprisonment refers to the performance of an individual which is punishable both under criminal as well as tort law. The action of unlawfully retraining a person within four boundaries with no alternative left to escape defines false imprisonment. The last personal the intentional tort which will be discussed in this paper is intentional infliction of emotional distress which is often known as IIED or outrage. This tort results when the litigant suffers an extreme mental break down due to the actions of the offending party. In such cases intent does not play as much a vital role, proving nonchalance of the defendant is enough to win the case.

The remaining three intentional torts are trespass to land, trespass to chattels, and conversion – all of which involve invasions of rights over tangible property. The act of intentionally invading the property of any other person constitutes the tort of trespass. The invasion need not be permanent in nature either is it compulsory to prove damages to be actionable. Mere enter into someone’s property without lawful justification satisfies the element. The tort of trespass to chattels requires considerable hindrance with the victim’s chattel. The scope of considerable hindrance is broad. Mere inference does not amount to the tort but substantial interference which obstructs and deprives the plaintiff’s timely use of chattel amounts to tort of chattel. Conversion is a tort wherein the defendant purposely converts the victim’s property or chattel to his own use and claims to be the owner of the same.²⁴

9.2 Analyses of the Concept of Compensation in Intentional Torts

As discussed earlier, the concept of remedy is either to provide compensation or injunction. In this chapter, we will be focusing on compensation. According to Ankin Law “ Damages in an intentional tort may include the following compensatory damages: Past and future medical expenses, lost wages, Loss of future income, Household services, Pain and sufferings,

²⁴“F. A. Trindade, Intentional Torts: Some Thoughts on Assault and Battery, 8 Oxford Journal of Legal Studies, 5679 (2009)”.

Emotional distress, loss of enjoyment of life, Permanent disability and Disfigurement”.²⁵ The expression “measure of damages” refers to the scale by which the number of damages can be claimed. In tortious liability cases, there is no fixed law which prescribes the measure of damages in an action of tort; the measures adopted by the court are mostly vague and baseless, they decide on the basis of previous cases, landmark judgments, facts and circumstances of the pertinent case. In order to facilitate the same damages are divided into four main types which are discussed as follows.

Generally, there are four types of damages- contemptuous, nominal, ordinary and exemplary. Contemptuous damages are usually awarded for minor offences where the court considers that an action should have never been brought. Cases in which this type of damages is awarded are registered without any moral justification. The amount awarded is nominal, i.e. a paisa or so.

Next is Nominal damages, these type of damages are usually awarded in those cases where the purpose of the action or the suit is just to establish a right and not to claim compensation. Legal right of an individual is absolutely infringed in these cases, but the plaintiff does not suffer any loss or injury which can be claimed and hence, the court offers a nominal sum of monetary value to recognize the legal right of that person. For example, if a voter is obstructed from voting, the following act violated his legal right and now he is subjected to receive compensation for the same.²⁶

Followed by ordinary damages also known as compensatory damages, these damages are awarded by the court when it realizes the necessity to compensate the plaintiff to ensure justice. The prime objective to grant ordinary damages is to put the harmed party in the same position as he would have been if he would have not suffered injuries.²⁷ For example, if a person employs a contractor to survey his property, and the said contractor incorrectly

²⁵Chicago Intentional Tort Lawyers | Chicago Personal Injury Attorneys, , PERSONAL INJURY LAW (2013), <https://ankinlaw.com/what-damages-can-be-collected-in-intentional-tort-case/> (last visited Mar 21, 2020).

²⁶*Mediana v. Comet*, (1990) AC 113 (116) : 82 LT 95 : 16 TLR 194.

Bishun Singh v. Awn Wyatt, (1911) 14 CLJ 515.

Lala Punnalal v. Kasturichand Ramaji, (1995) 2 MLJ 461.

²⁷*Jeet Kumari Poddar v. Chittagong Engineering and Electrical Supply Co. Ltd*, ILR (1946) Cal.433.

measure the land, ordinary compensation shall be granted to put the plaintiff into as good a position as if the contact would have been fulfilled properly.²⁸ While deciding damages the court usually considers the difference between the market value of the property without the defects and its value with the defects.²⁹

Next are exemplary damages which are awarded not only to compensate the victim but also to punish the despondent so that it deters him for performing similar action or conduct in the future. In a landmark judgment in the year 1964, the House of Lords ruled that exemplary damages can only be awarded in three circumstances which are discussed as follows; the first division includes the arbitrary or unconstitutional act of government, public servants or government officials. The second division includes those acts of the plaintiff which have been intentionally committed to earn profit and harm the victim. The third and final class includes those cases in which exemplary damages have been expressly authorized by the statute.³⁰ For instance, Kritika, an eight-year-old school going child is sexually harassed by a boy on her way back home, in such a case usually, courts are of opinion that exemplary damages are awarded to the plaintiff and also the defendant is punished as per criminal laws of India so that it sets an example in the society.

Damages can further be divided into general and specific damages. General damages “are such as the jury may give when the judge cannot point out any measure by which they are to be assessed, except the opinion and judgment of a reasonable man.”³¹ Whenever plaintiffs absolute legal right is violated, general damages are awarded.³² Whereas the expression special damages in the context of pleadings refers to “some special or material item of the plaintiff’s loss which is not an obvious consequence of the tort committed by the plaintiff and of which, therefore, the defendant should be given notice in the pleadings”.³³ Specific

²⁸*Phillips v. Ward*, (1956) 1 All ER 874 (CA).

²⁹*Rookes v. Barnard*, (1964) AC 1129; (1964) 2 WLR 269.

Jodhpur Development Authority V. State Consumer Dispute Redressal Forum, (2012) AIR CC 362.

³⁰“Supra” 22.

Cassel & Co. Ltd v. Broome, (1972) AC 1027; (1997) 2 WLR 645; (1997) 1 All ER 801 (HL).

³¹*Prehn v. Royal Bank of Liverpool*, (1870) LR Ex 92, 99.

³²*Ashby v. White*, (1704) 2 Ld Raym 938.

³³*Ratcliffe v. Evans*, (1892) 2 QB 524 (528).

damages are mostly allocated for economic losses, property loss, recovery or reimbursement of medical bills etc.³⁴

10 CHAPTER 3

10.2 Differences between Intentional Torts and Unintentional Torts

Following are the various differences between intentional torts and unintentional tort. A tort is basically a wrongful act that harms and causes injury to a particular person or a group of persons. It is further classified under two heads- the intentional and the unintentional tort. Intentional tort refers to the wrongful act that takes place when a person performs an action that harms, causes injury to another person, intentionally. To prove an intentional tort, the performance of wrongful action does not matter, all that matters is the intention with which the act was so performed. Describing the alternate, the unintentional tort refers to a type of unexpected event that occurs due to happenstances and leads to an injury, property damage. Negligence is considered as the most common type of unintentional tort as someone who accidentally causes any harm to another person, being unaware of his performance is proved as a defendant for negligence. To prove an intentional tort, the following elements, have to be satisfied. In the first instance it has to be proved that the person owed a duty of care, that

³⁴James Kobe, Intentional Torts. Rigging an Election as Interference with Prospective Advantage, 14 Stanford Law Review, pp. 34-42 (1956).

particular duty was breached by defendant and finally the breach of duty caused damages to the plaintiff.³⁵

Intentional torts are mostly punishable both under civil as well as criminal law. Some examples related to the intentional tort include “assault, battery, defamation of the character, fraud, invasion of privacy, false imprisonment, conversion, trespass to chattel, trespass to land, trespass to person, deliberate infliction of emotional distress etc.”. When a person or entity unwontedly acts in the way that unfortunately causes any harm to someone, it is known as the unintentional tort. Unintentional torts are mostly established with negligence or by chance happens can still be punishable under the civil law. Any consequence or development usually involves many redress again and again. Examples of such unintentional torts include “car accident, slip and falls, medical malpractices, dog bites and workplace accidents.”³⁶

The next point of difference is that damages accessible for intentional torts tend to be broader, more acceptable and more reasonable in nature. Whereas on the other hand damages awarded in unintentional torts are very nominal and general in nature. The scope of intentional torts is broader when compared to unintentional torts.³⁷

10.2 Conclusion

A tort is a civil wrong, which violates the legal right of an individual. The main objective of Law of Tort is to grant compensation to the victim who has suffered loss or to issue an order of injunction against the accused. To claim intentional tort, the performance of wrongful action does not matter, all that matters is the intention with which the act was so performed. Generally, intentional torts are categorized into seven types- assault, battery, false imprisonment, intentional infliction of emotional distress, trespass to land, trespass to chattel and finally conversion. Assault is the deliberate making of a prompt or immediate misgiving

³⁵Will Kenton, *Unintentional Tort*, Investopedia, <https://www.investopedia.com/terms/u/unintentional-tort.asp> (last visited Mar 21, 2020).

³⁶ Akshay Chandran, *Intentional Tort - Definition, Types, Examples and Cases*, LEGAL DICTIONARY (2014), [//legaldictionary.net/intentional-tort/](http://legaldictionary.net/intentional-tort/) (last visited Mar 21, 2020).

³⁷Akshay Sapre, *The Law of Torts*, 301 (Ratanlal & Dhirajlal., 28th ed. 2019).

of an unsafe or hostile touching whereas Battery is the act of deliberately touching an offended party in an unsafe and holistic manner. On the other hand, false imprisonment is defined as the act of deliberately confining someone without any lawful justification.

Whereas, the act of intentionally invading the property of any other person constitutes the tort of trespass. The tort of trespass to chattels requires the considerable hindrance with the victim's chattel and finally conversion is a tort wherein the defendant purposely converts victim's property or chattel to his own use and claims to be the owner of the same. To avoid considerable number of intentional torts, the concept of compensation was introduced in India. There are four main types of damages which are generally awarded to the victim. They are – contemptuous, nominal, ordinary and exemplary. Over the past few years the laws of torts with respect to intentional torts have seen a revolutionary scope of development. With the introduction of the concept of compensation, people have realized their duties and responsibilities towards each other and the society they reside in. They have eventually realized the importance of basic rights which was ignored earlier. In India if the same pace of development continues one day every citizen of this country will be in a position to safeguard his own rights as well as at the same time respect the rights of others.

11 REFERENCES

Statutes

1. The Limitation Act, 1963.

Articles

1. Arthur Ripstein, Review: Rights and Wrongs.
2. F. A. Trindade, Intentional Torts: Some Thoughts on Assault and Battery.
3. Anjalina Martin, Seamen's Remedies for Intentional Torts: Admiralty. Seamen's Rights against Shipowners for Injuries from Intentional Torts.
4. Cristián A. Banfi, Defining the Intentional Wrongs.
5. James Kobe, Intentional Torts. Rigging an Election as Interference with Prospective Advantage.
6. Fiyero Tiggular, Introduction to Intentional Torts

Books

1. Akshay Sapre, The Law of Torts.
2. Dr. N.V. Paranjape, The Law of Torts- Consumer Protection Law & Compensation under other Statutory Laws.

Dictionary

1. US Legal Dictionary.
2. Merriam- Webster Dictionary.
3. Oxford Advanced American Dictionary.

Internet Sources

1. Simran Sabharwal, Law of Torts Notes - Nature and Scope of Law of Torts.
2. Krithana Satvik, The Elements that Define a Tort.
3. Sakshi Raje, Tort as a Law.
4. Riya Upesh Singh, What Is an Intentional Tort.
5. Krishnendra Joshi, Definitions of Intentional Torts and its characteristics.