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CONTRIBUTORY NEGLIGENCE IN TORT

Dr. J.Thulasiraman B.Sc., M.L., Assistant Professor,
Law Wing D.D.E. Annamalai University

Introduction

It is as of now realized that the Indian law of torts depends on the English custom-based law. In this manner, the law identifying with carelessness is embraced and changed by the courts of India on the standards of equity, value and great still, small voice. The term Negligence is gotten from the Latin word negligentia, which signifies 'neglecting to get'. In the general sense, the term carelessness implies the demonstration of being imprudent and in the lawful sense, it means the inability to practice a standard of consideration which the practitioner as a sensible man ought to have practiced in a specific circumstance. Carelessness in English law developed as a free reason for activity just in the eighteenth century. Essentially in Indian law, the IPC, 1860 contained no arrangement for causing the demise of an individual by carelessness which was accordingly altered in the year 1870 by embeddings area 304A.

In some customary law purviews, contributory carelessness is a protection to a tort case dependent on carelessness. On the off chance that it is accessible, the barrier totally banishes offended parties from any recuperation in the event that they add to their very own damage through their own carelessness.

Since the contributory carelessness principle can prompt brutal outcomes, numerous custom-based law locales have nullified it for a "similar deficiency" or "relative carelessness" approach. A relative carelessness approach lessens the offended party's harms grant by the level of flaw that the reality discoverer allots to the offended party for his or her own damage. For instance, if a jury imagines that the offended party is 30% to blame for his very own damage, the offended party's harms grant will be decreased by 30%.