

## CHAPTER 6

### Data Analysis and Data Interpretation

#### 6.1- Introduction

In this chapter the researcher tried to analyse and interpret the data collected. The research tool used was a questionnaire which was filled in by judges, professionals and academicians from legal field.

#### Methodology

The researcher has used non doctrinal method for Objective no. 2 and 5.

#### Population

Lawyers, Academicians, Judges

#### Sampling Techniques

The researcher has used Convenience sampling which is a non-probability sampling technique where subjects are selected because of their convenient accessibility and proximity to the researcher.

#### Sample Size and Nature

The researcher has used convenience sampling technique for data collection. The sample size comprised of **one hundred and ten (110)** samples, out of which eighty-five (85) were from Judges, Advocates and Lawyers and twenty-five (25) were Academicians from legal background.

#### Tools:

Questionnaire was developed on the basis of objectives and the responses were collected thereby. The researcher used **questionnaire** as a data collection tool.

The Researcher had developed two different sets of questionnaire; one for the Academicians and one for the lawyers and Judges

The questionnaire was made in the form of an online form which was circulated through social-media. The questionnaire had both structured and non-structured questions. The questionnaire is attached as **Appendix A and Appendix AA.**

### **Analysis of Data:**

Percentage and frequency method shall be applied to analyse the data. The data collected from the questionnaire is analysed and represented in pie chart, bar chart, column chart and cross tables.

### **Research ethics**

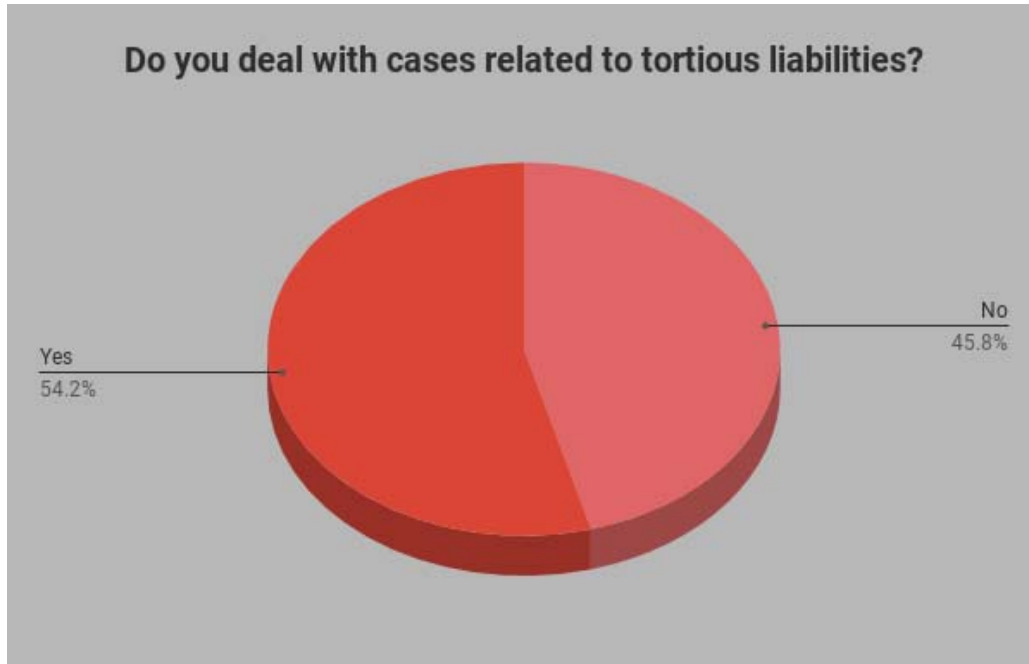
All the respondents were informed of the context of the study and the use that would be made of their data through the following introductory content on the questionnaire:

*“The following questionnaire has been prepared for research on the topic "A Study of Tort Law in India with special reference to State Liability, Product Liability and Public Nuisance Litigation". The researcher intends to study the present tort law in India, its effectiveness and lacuna if any and provide suggestions. The questionnaire includes open-ended as well as close-ended questions which may be filled up accordingly. (i.e. For open-ended questions, kindly give your personal while for close-ended questions, kindly select one of the options given against the question). The information provided shall be used for research purpose only and details of the subject shall be kept confidential.”*

To respect the privacy of all the respondents the fields in the form namely, the name, qualification and experience of the respondents were not mandatory to be disclosed.

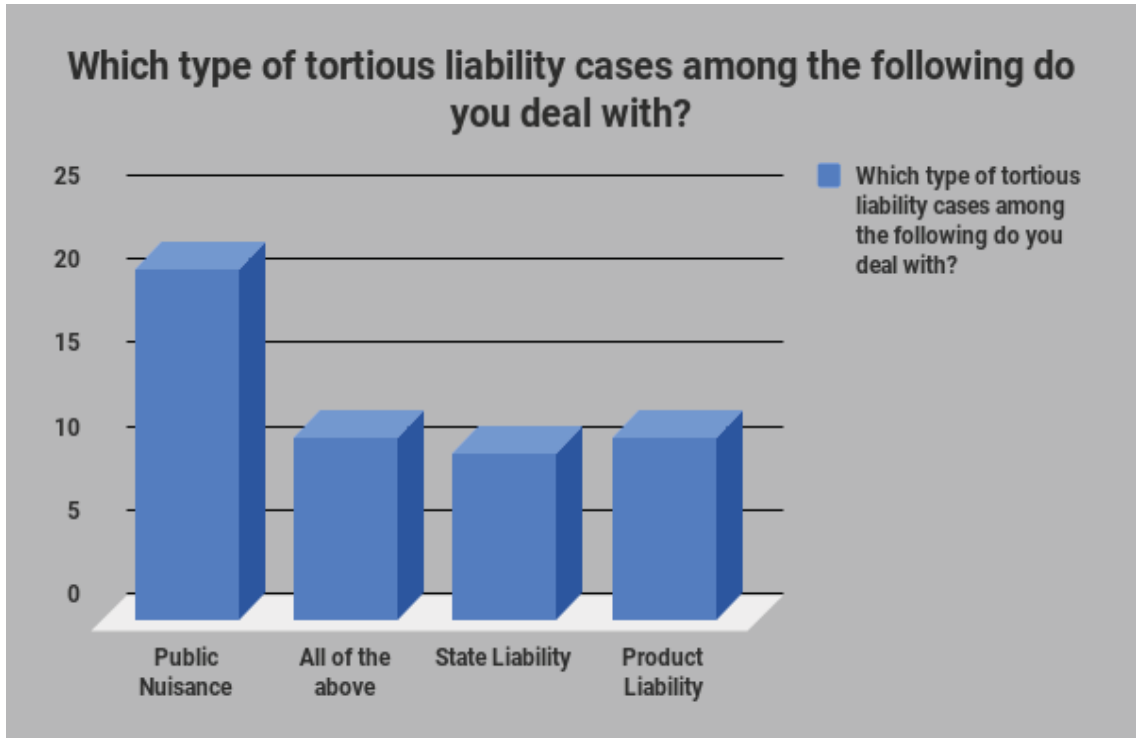
## 6.2- Data Analysis

The analysis of the data for the first question **Do you deal with cases related to tortious liabilities?** in the questionnaire for the Judges/Advocates/Lawyers is as follows:



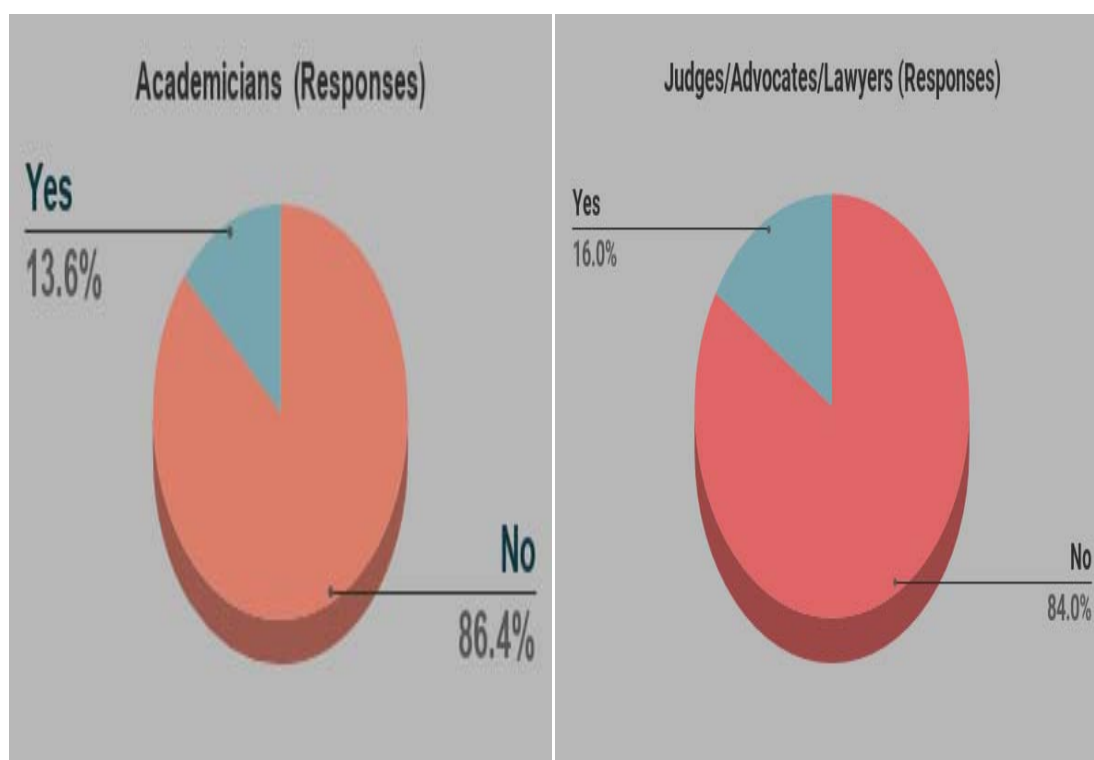
**Inference:** 54.2% of the total respondents dealt with Cases related to tortious liabilities and the rest 45.8% didn't.

The next question was asked to those respondents who dealt with tortious liabilities cases



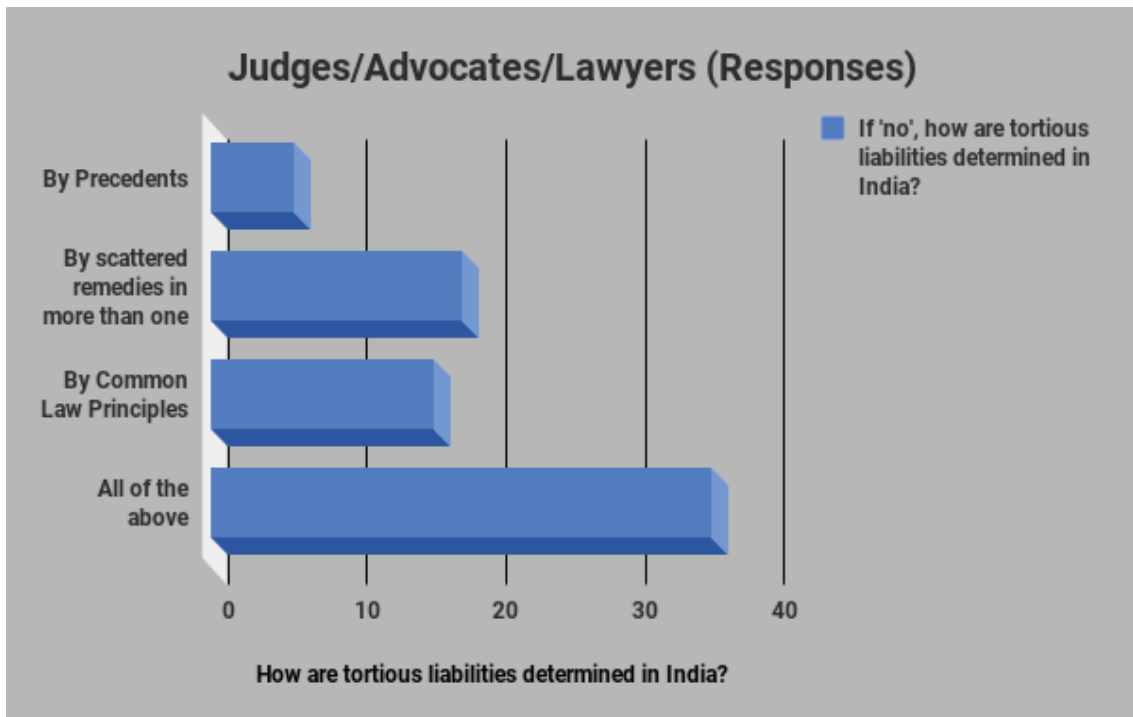
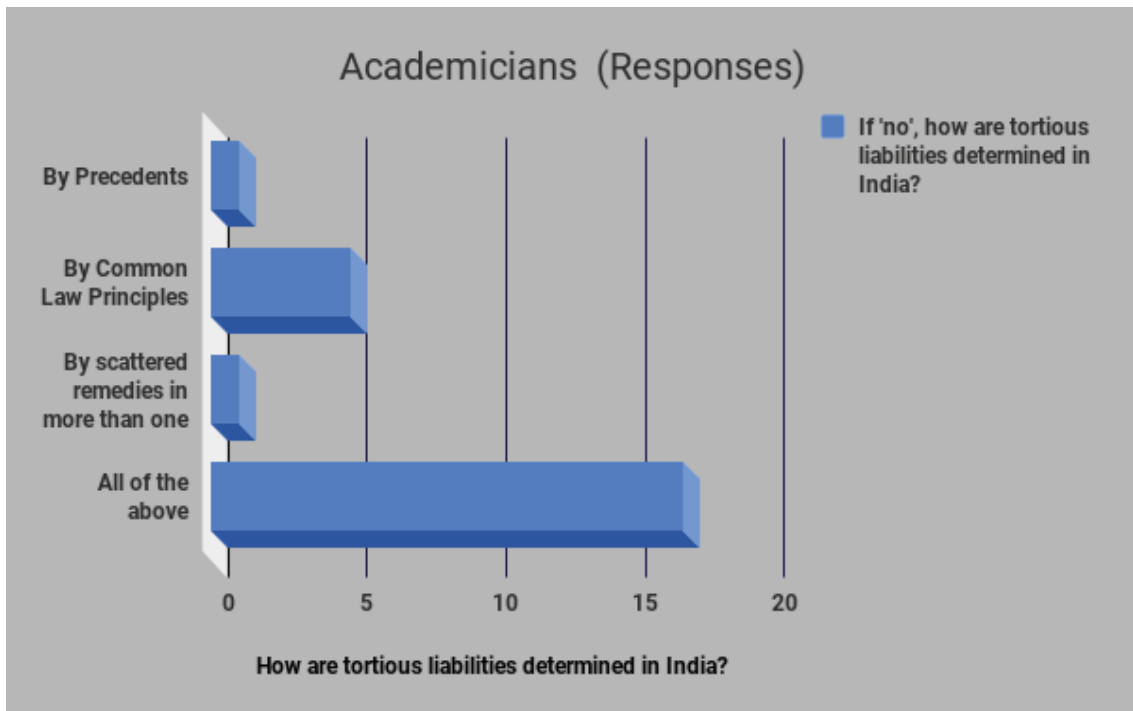
**Inference:** Cases on Public Nuisances: 44.7%, Product Liability: 23.4%, State Liability: 21.3% and All of the above: 23.4%.

**Question No. 4** ‘Is there any specific legislation dealing with tortious liabilities in India?’ was common for both Academicians and Judges/Advocates/Lawyers. The results are as follows:



**Inference:** When combined 85.2% of the responses were ‘No’ and 14.8% were ‘Yes’. It can be inferred that there is no specific legislation dealing with tortious liabilities in India.

Question No. 5 was 'How are tortious liabilities determined in India?'



**Inference:** When combined it can be inferred that tortious liabilities are determined in India by mostly Common Law Principles.

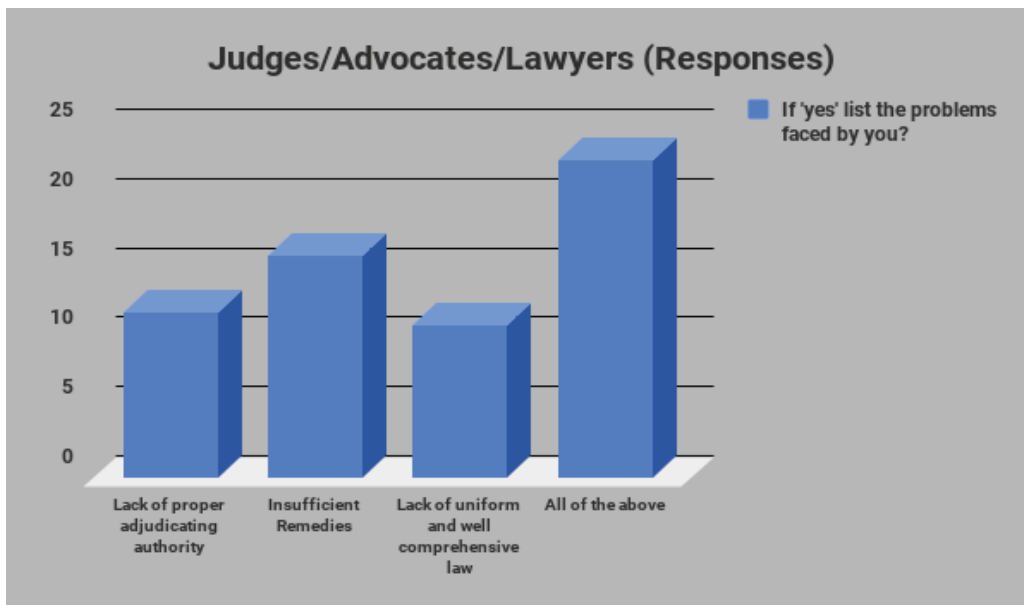
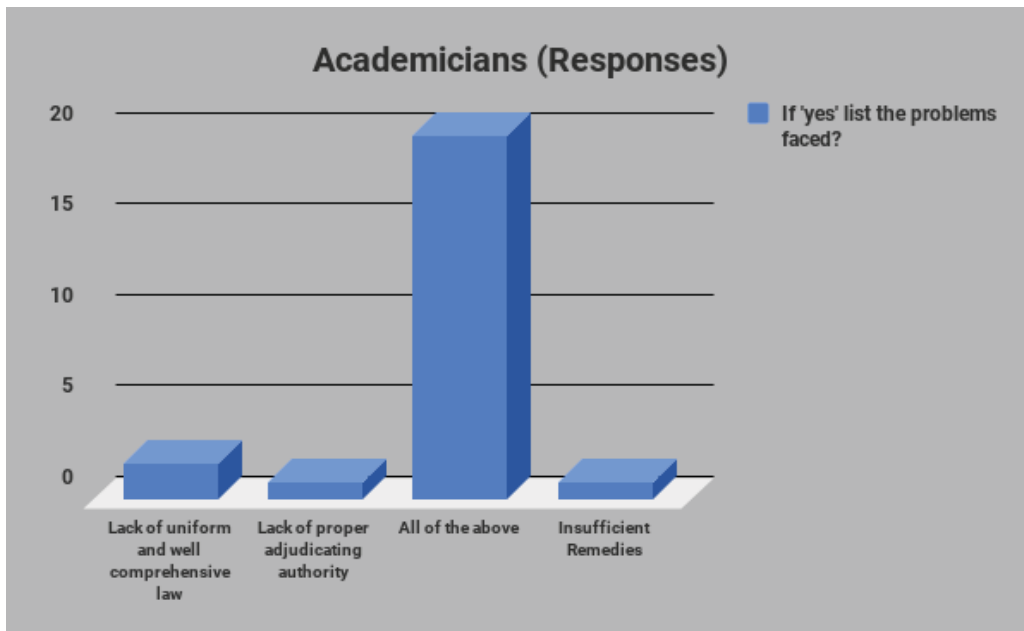
**Question No. 6 was ‘In absence of specific legislations, does it cause any difficulties?’**

The researcher analyses the data obtained for this question with the help of the following cross-table:

<b>‘In absence of specific legislations, does it cause any difficulties?’</b>		
<b>Respondents</b>	<b>Responses in Yes</b>	<b>Responses in No</b>
Academicians (25)	100%	Nil
Judges/Advocates/Lawyers(85)	85.3%	14.7%
Total (110)	92.65%	7.35%

**Inference:** Out of total 110 respondents, 92.65% agreed that absence of specific legislations causes difficulties.

Question No. 7 was to list from the given options the problems faced by one.



**Inference:** Most of the responses were in favour of **all the above** options which consisted of: i) Lack of uniform and well comprehensive law

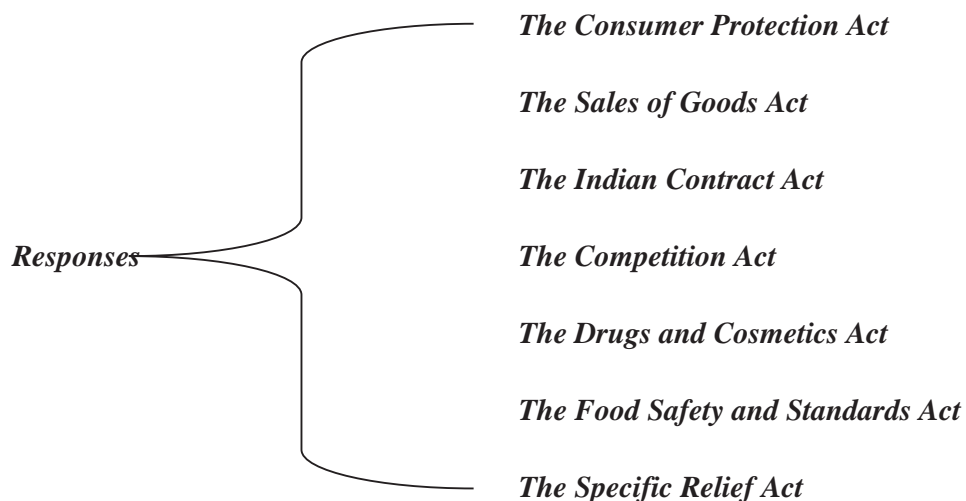
ii) Lack of proper adjudicating authority

iii) Insufficient remedies



**Question No. 8** was an open ended question which asked the respondents to name the statutes dealing with **Product Liability** in India.

The researcher used the below pictorial chart to represent the responses



**Inference:** Remedy for Product Liability is scattered in more than one statute in India

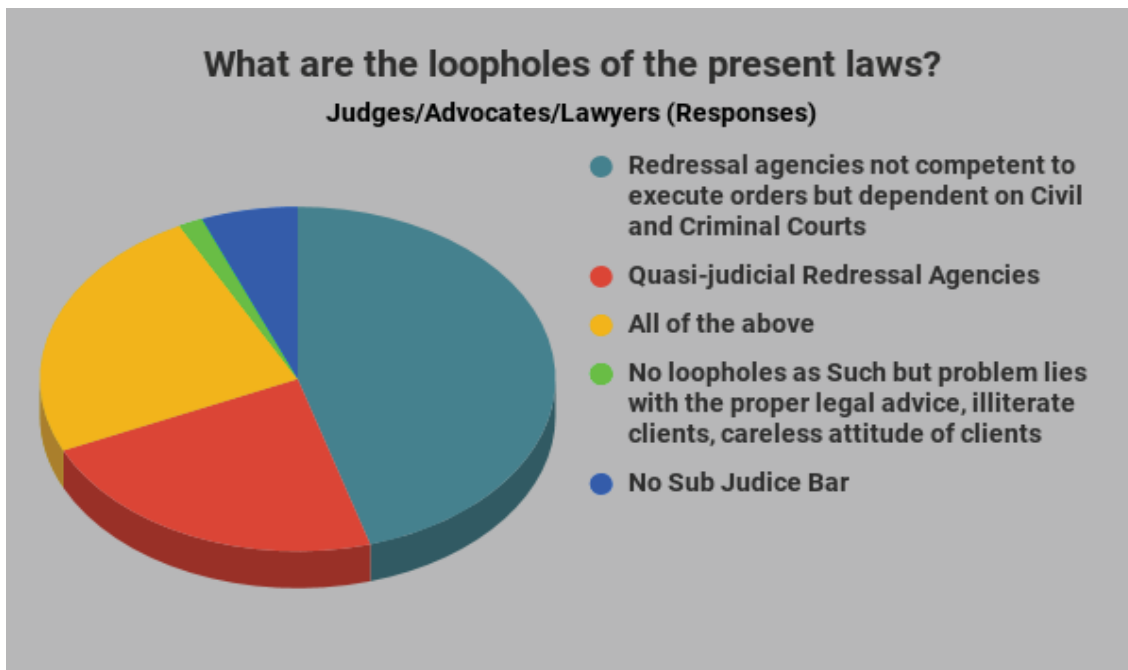
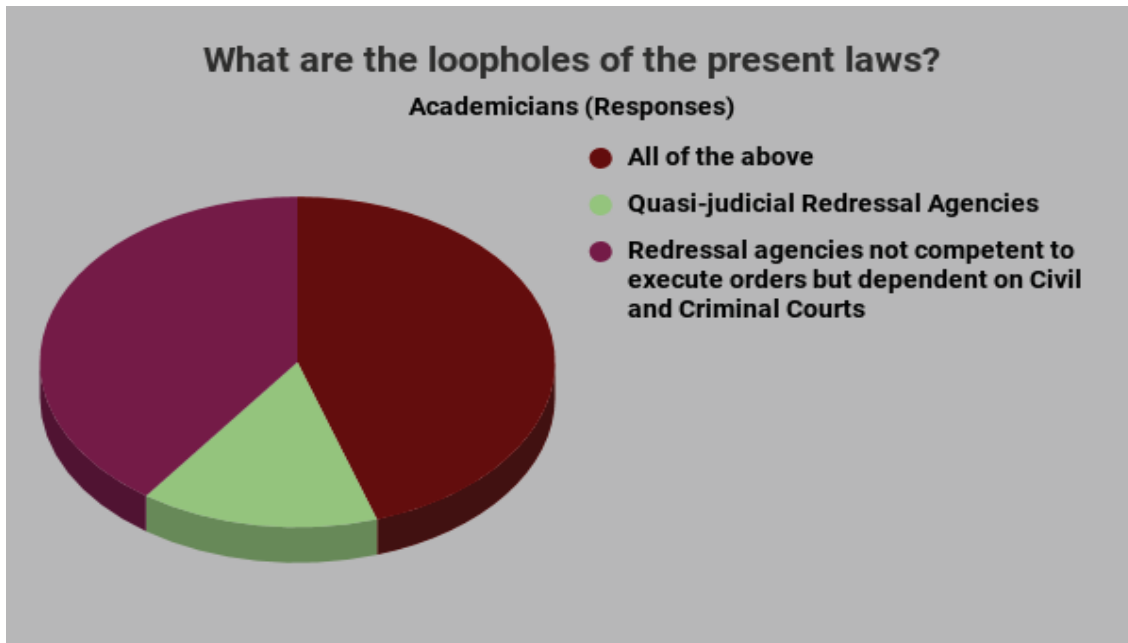
**Question No. 9** was ‘Do you think that India has a well comprehensive legislation to deal with Product Liability in India?’

The researcher represented the data obtained for this question with the following cross-table:

<b>‘Do you think that India has a well comprehensive legislation to deal with Product Liability in India?’</b>		
<b>Respondents</b>	<b>Responses in Yes</b>	<b>Responses in No</b>
Academicians (25)	16.7%	83.3%
Judges/Advocates/Lawyers(85)	32.5%	67.5%
Total (110)	24.6%	75.4%

**Inference:** Out of total 110 Respondents, 75.4% of the responses were that India does not have a well comprehensive legislation to deal with Product Liability.

Question No. 10 was to find the loopholes of the present laws from the given options.



**Inference:** Combining both the analysis it can be inferred that apart from “all of the above” the most opted answer was that “Redressal agencies not competent to execute orders but dependent on Civil and Criminal Courts”.

**Question No.11 was ‘Is there any Specific legislation dealing with State Liability in India’?**

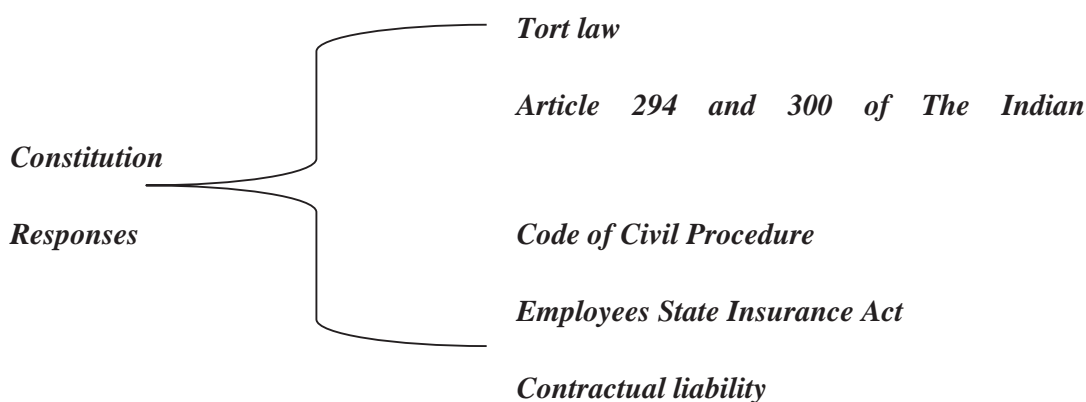
The researcher represented the data obtained for this question with the following cross-table:

<b>‘Is there any Specific legislation dealing with State Liability in India’?</b>		
<b>Respondents</b>	<b>Responses in Yes</b>	<b>Responses in No</b>
Academicians (25)	8.7%	91.3%
Judges/Advocates/Lawyers(85)	21.5%	78.5%
Total (110)	15.1%	84.9%

**Inference:** Out of total 110 Respondents, 84.9 % of the responses were that there is no specific legislation dealing with State Liability in India.

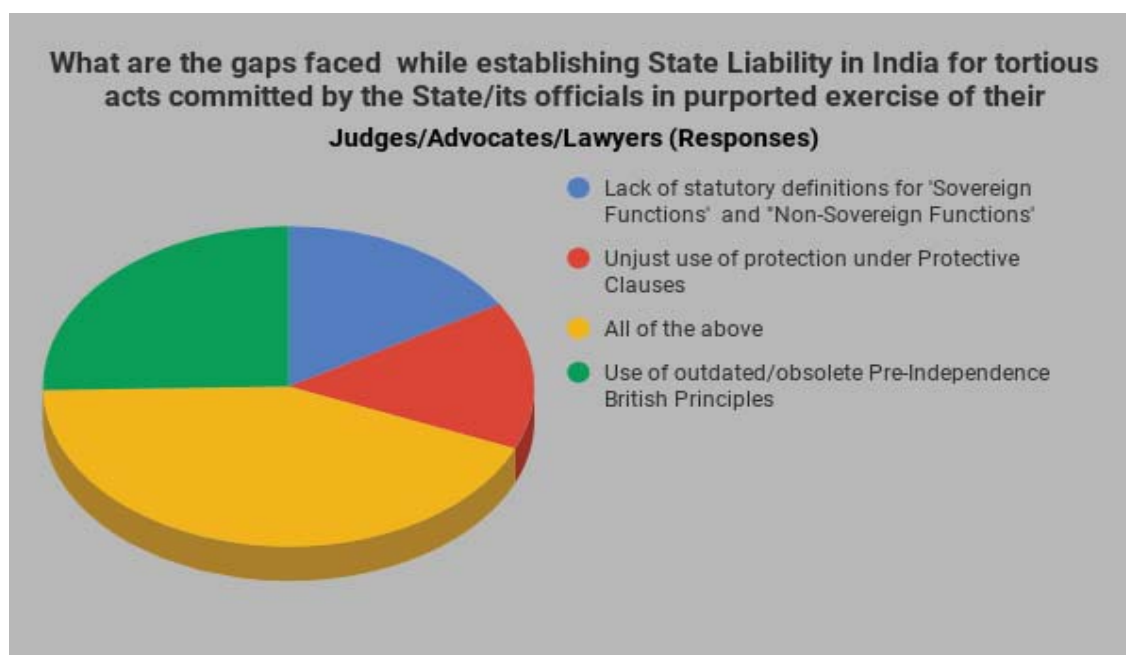
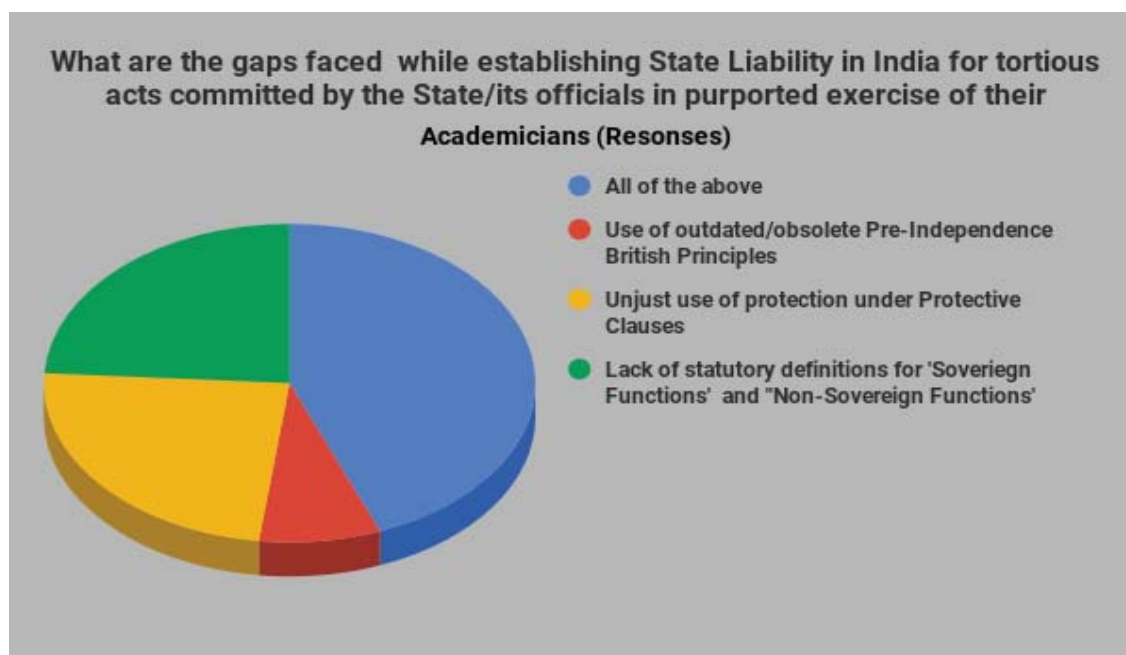
**Question No. 12** was for those respondents who replied ‘yes’ to above question. The question was an open-ended one asking the respondents to name the legislation dealing with State Liability in India.

The researcher has used the following pictorial chart to represent the data:



**Inference:** From the responses it could be inferred that mostly Tort Law and Constitutional Law deals with State Liability in India.

**Question No. 13** was for those respondents who replied ‘No’ to question no.11. The question was a close-ended one asking the respondents to choose the gaps faced while establishing State Liability in India for tortious acts committed by the State/its officials in purported exercise of their administrative powers/functions among the given options.



**Inference:** Out of the total 110 respondents, the most opted choice was ‘all of the above’ which means that the gaps comprises of all the three given options:

- i) Lack of statutory definitions for ‘Sovereign Functions’ and ‘Non-Sovereign Functions’
- ii) Unjust use of protection under Protective Clauses
- iii) Use of outdated/obsolete Pre-Independence British Principles

**Question No.14 was ‘Is there any Specific legislation dealing with Public Nuisance in India’?**

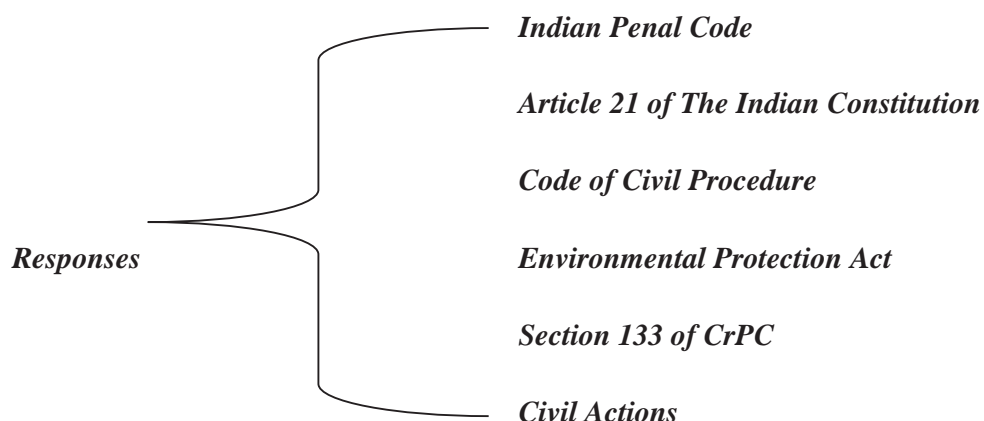
The researcher represented the data obtained for this question with the following cross-table:

<b>‘Is there any Specific legislation dealing with Public Nuisance in India’?</b>		
<b>Respondents</b>	<b>Responses in Yes</b>	<b>Responses in No</b>
Academicians (25)	45.8%	54.2%
Judges/Advocates/Lawyers(85)	55.7%	44.3%
Total (110)	50.75%	49.25%

**Inference:** Out of total 110 Respondents, 50.75 % stated that there is specific legislation dealing with Public Nuisance in India.

**Question No. 15** was for those respondents who replied ‘yes’ to above question. The question was an open-ended one asking the respondents to name the legislation dealing with Public Nuisance in India.

The researcher has used the following pictorial chart to represent the data:



**Inference:** From the responses of the respondents it could be inferred that mostly it's The Indian Penal Code which deals with Public Nuisance in India.

**Question No.16** was ‘Are there any instances of Public Nuisances in which there may be no infringement of fundamental right’?

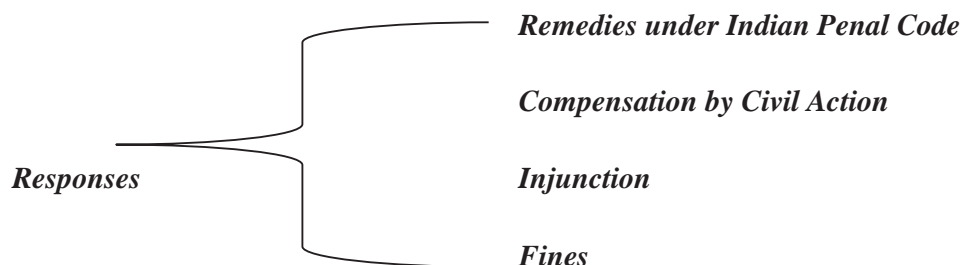
The researcher analyses the data obtained for this question with the help of the following cross-table:

<b>‘Are there any instances of Public Nuisances in which there may be no infringement of fundamental right’?</b>		
<b>Respondents</b>	<b>Responses in Yes</b>	<b>Responses in No</b>
Academicians (25)	54.5%	45.5%
Judges/Advocates/Lawyers(85)	27.2%	72.8%
Total (110)	40.85%	59.15%

**Inference:** Out of total 110 Respondents, majority stated that there are no instances of Public Nuisances in which there may be no infringement of fundamental right.

**Question No. 17** was for those respondents who replied ‘yes’ to above question. The question was an open-ended one asking the respondents to mention the remedies for such Public Nuisances where there was no infringement of Fundamental Right.

The researcher has used the following pictorial chart to represent the data:



**Inference:** From the analysis of the responses it could be inferred that remedies include compensation, imprisonment, fines and injunctions.

**Question No. 18** was in continuity with question no. 17 and it asked if the remedies mentioned by the respondent were sufficient.

The researcher represented the data obtained for this question with the following cross-table:

<b>‘Are the remedies mentioned sufficient?’</b>		
<b>Respondents</b>	<b>Responses in Yes</b>	<b>Responses in No</b>
Academicians	23.5%	76.5%
Judges/Advocates/Lawyers	39.4%	60.6%
Total	31.45%	68.55%

**Inference:** Out of the total respondents who has mentioned the remedies for public nuisances where fundamental right is not infringed, 68.55% respondent that the available remedies are not sufficient.

**Question No. 19** was for those respondents who replied ‘No’ to the above question. The question was if there is need of specific statutory relief.

The researcher represented the data obtained for this question with the following cross-table:

<b>‘Do you opine that there is need of specific statutory relief’?</b>		
<b>Respondents</b>	<b>Responses in Yes</b>	<b>Responses in No</b>
Academicians	95.2%	4.8%
Judges/Advocates/Lawyers	81%	19%
Total	88.1%	11.9%

**Inference:** When combined, 88.1 % of the Respondents opined that there is a need of specific statutory relief.



**Question No. 20** was ‘Are there any instances of Public Nuisances where there is infringement of Fundamental Rights?’

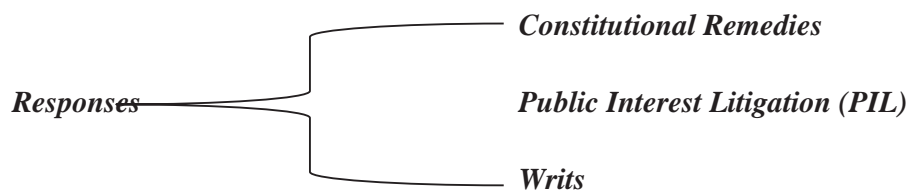
The researcher represented the data obtained for this question with the following cross-table:

<b>‘Are there any instances of Public Nuisances where there is infringement of fundamental right’?</b>		
<b>Respondents</b>	<b>Responses in Yes</b>	<b>Responses in No</b>
Academicians (25)	90.9%	9.1%
Judges/Advocates/Lawyers(85)	66.2%	33.8%
Total (110)	78.55%	21.45%

**Inference:** Out of total 110 Respondents, 78.55 % agreed that there are instances of Public Nuisances in which there are infringement of fundamental rights.

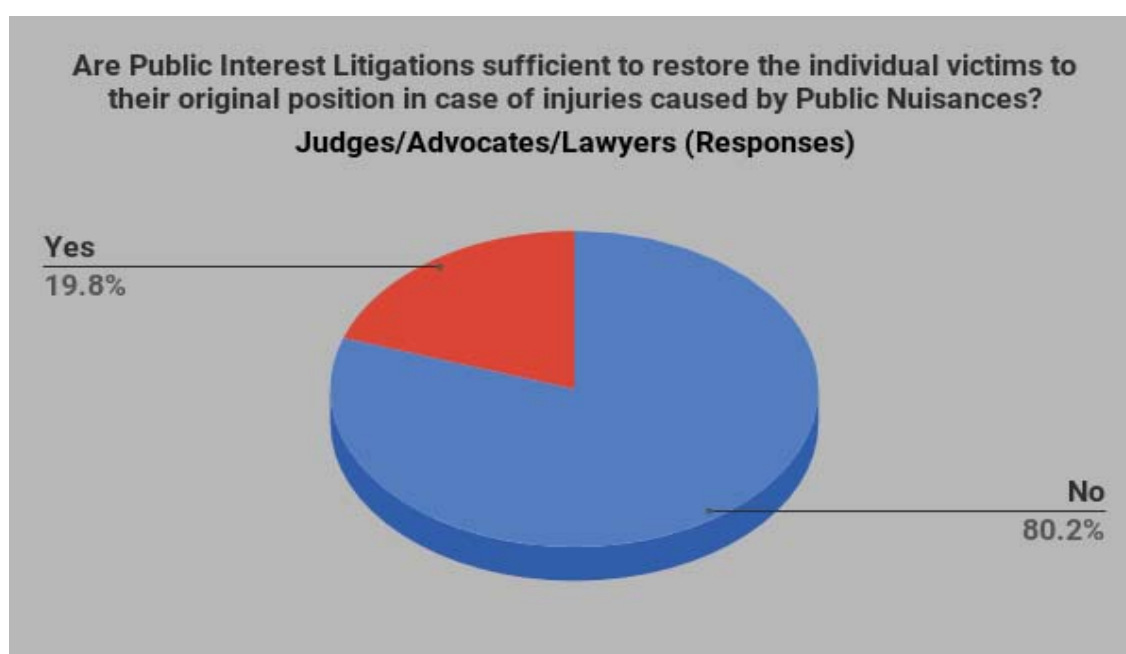
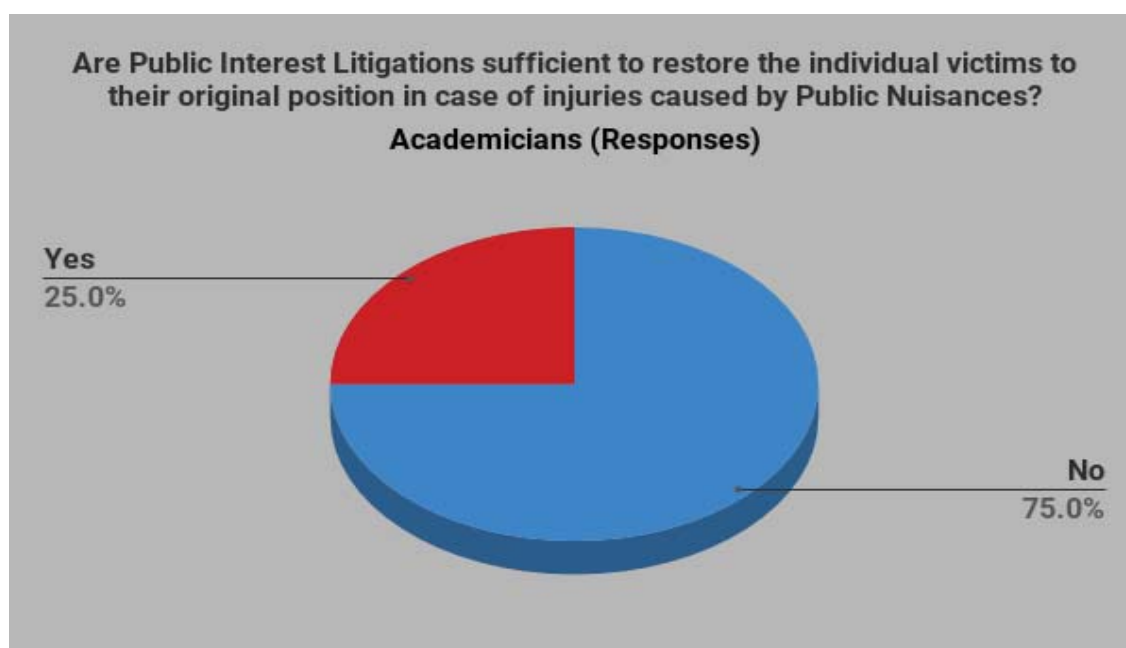
**Question No. 21** was for those respondents who replied ‘yes’ to above question. The question was an open-ended one asking the respondents to mention the remedies for such Public Nuisances where there was infringement of Fundamental Right.

The researcher has used the following pictorial chart to represent the data:



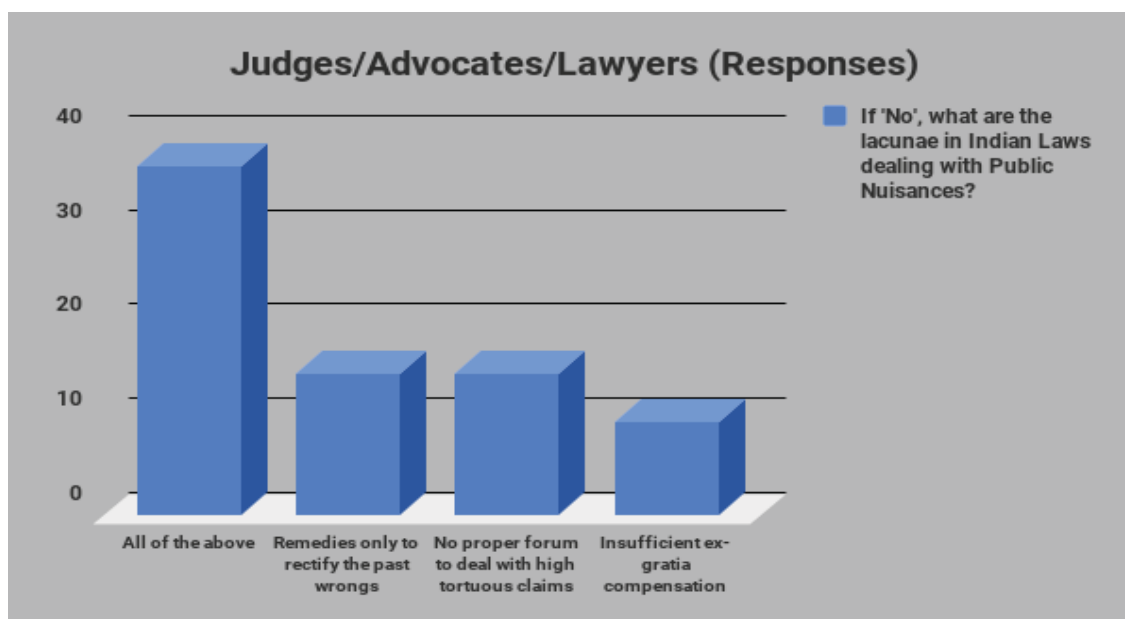
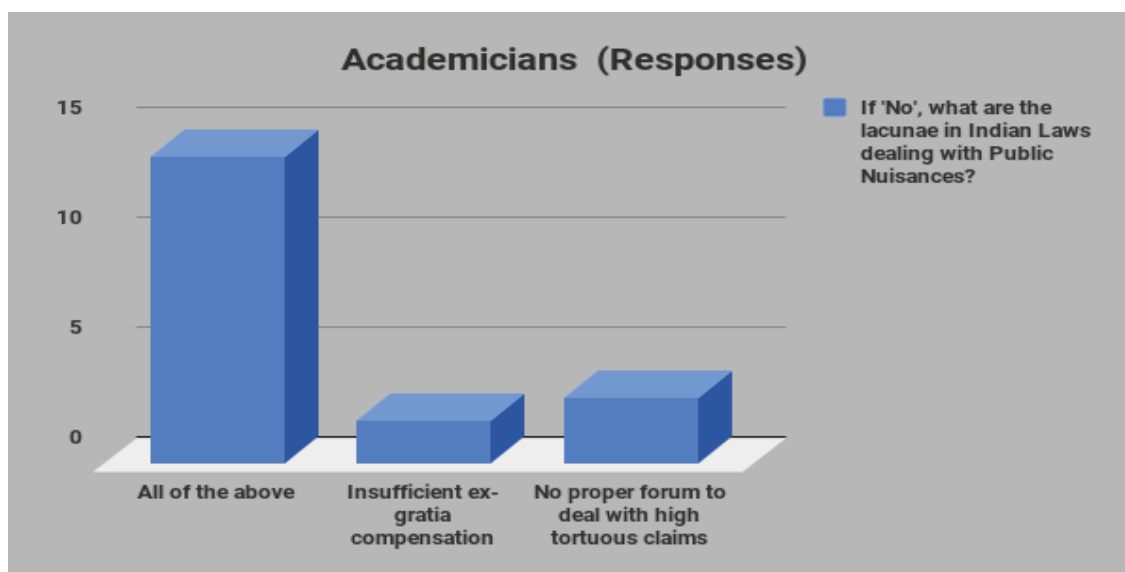
**Inference:** From the analysis of the responses it could be inferred that remedies include Constitutional Remedies in the form of PIL and Writs

Question No. 22 was ‘Are Public Interest Litigations sufficient to restore the individual victims to their original position in case of injuries caused by Public Nuisances?’



**Inference:** When combined 77.6% of the responses were ‘No’ and 22.4% were ‘Yes’. It can be inferred that Public Interest Litigations are not sufficient to restore the individual victims to their original position in case of injuries caused by Public Nuisances.

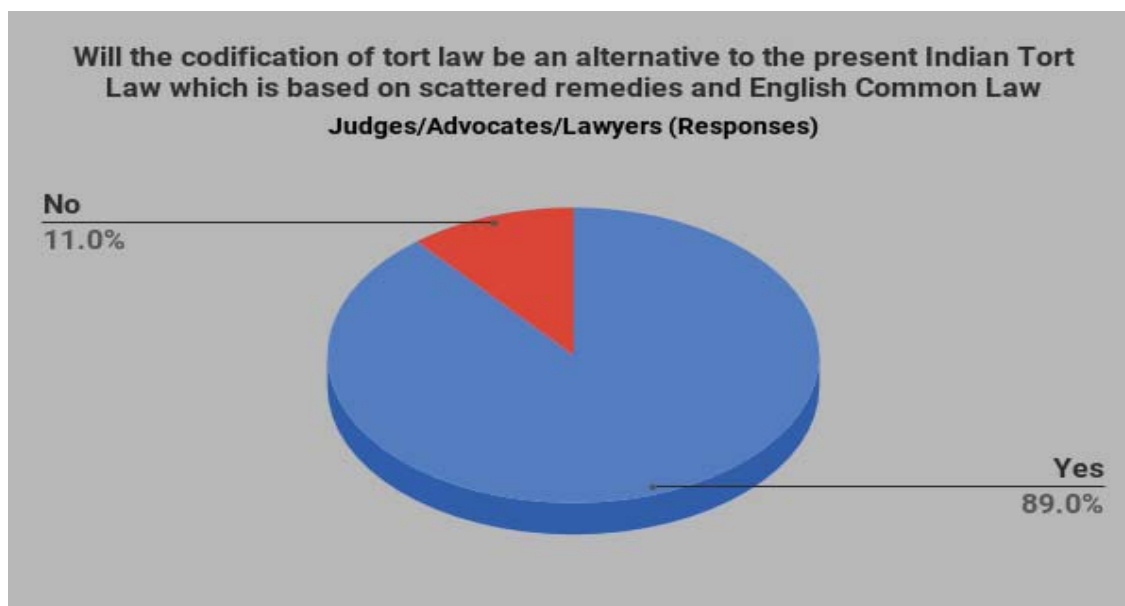
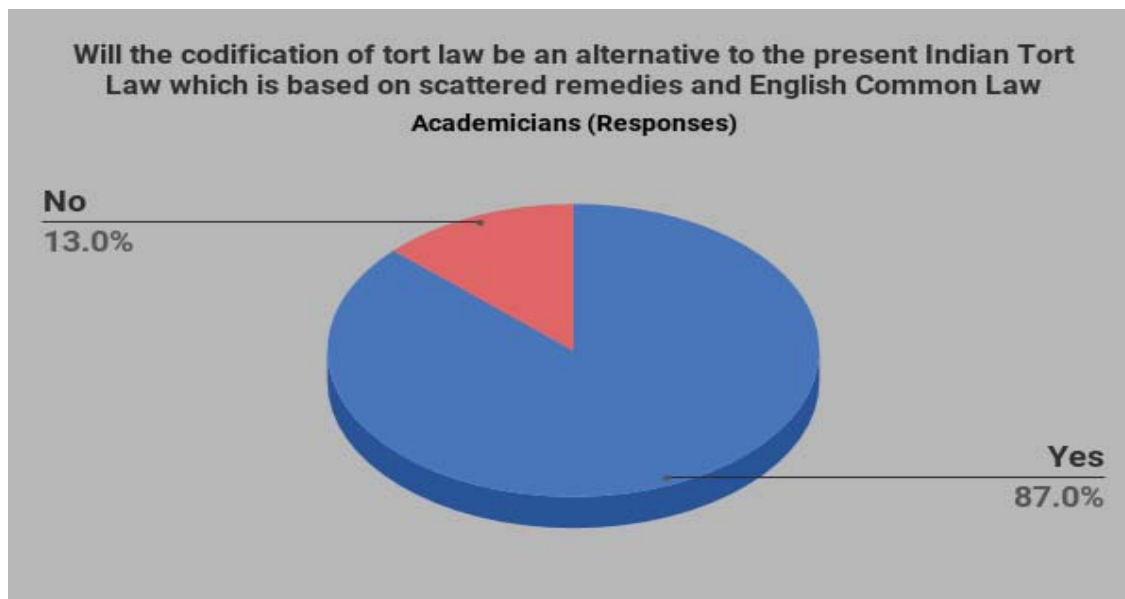
**Question No. 23** was for those respondents who replied ‘No’ to question no.22. The question was a close-ended one asking the respondents to choose the lacunae in Indian laws dealing with Public Nuisances among the given options.



**Inference:** Out of the total 110 respondents, the most opted choice was ‘all of the above’ which means that the lacunae comprises of all the three given options:

- i) Remedies only to rectify the past wrongs.
- ii) No proper forum to deal with high tortuous claims.
- iii) Insufficient ex-gratia compensation

**Question No. 24** which was the last question of the questionnaire was ‘Will the codification of tort law be an alternative to the present Indian Tort Law which is based on scattered remedies and English Common Law Principles?’



**Inference:** When combined 88% of the responses were ‘Yes’ and 12% were ‘No’. It can be inferred that the codification of tort law can be an alternative to the present Indian Tort Law which is based on scattered remedies and English Common Law Principles.

After the data analysis and data interpretation in this chapter, the researcher in the next chapter which is the concluding chapter of this research work, tried to draw conclusions from the inferences gathered from the previous chapters. The researcher also tried to suggest draft legislation along with other suggestions in the next chapter.