

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.

1. Name

2. Qualification

3. Experience in Practice

4. Do you deal with cases related to tortious liabilities?

Mark only one oval.

☐ Yes

☐ No

5. If yes, since how many years?

Mark only one oval.

☐ 1-5 years

☐ 6-10 years

☐ More than 10 years

6. Which type of tortious liability cases among the following do you deal with?

Check all that apply.

☐ Product Liability

☐ State Liability

☐ Public Nuisance

☐ All of the above

7. Is there any specific legislation dealing with tortious liabilities in India?

Check all that apply.

☐ Yes

☐ No

8. If 'no', how are tortious liabilities determined in India?*Check all that apply.*

- ☐ By Common Law Principles
- ☐ By Precedents
- ☐ By scattered remedies in more than one legislations
- ☐ All of the above

9. In absence of specific legislations, do you face any difficulty?*Check all that apply.*

- ☐ Yes
- ☐ No

10. If 'yes' list the problems faced by you?*Check all that apply.*

- ☐ Lack of uniform and well comprehensive law
- ☐ Lack of proper adjudicating authority
- ☐ Insufficient Remedies
- ☐ All of the above
- ☐ Other: _____

11. Are you aware of the name of the Statutes dealing with Product Liability in India. If yes, please name them.

12. Do you think that India has a well comprehensive legislation to deal with Product Liability in India?*Mark only one oval.*

- ☐ Yes
- ☐ NO

13. If 'No', what are the loopholes of the present laws?*Check all that apply.*

- ☐ Quasi-judicial Redressal Agencies
- ☐ No Sub Judice Bar
- ☐ Redressal agencies not competent to execute orders but dependent on Civil and Criminal Courts
- ☐ All of the above
- ☐ Other: _____

14. Is there any specific legislation dealing with State Liability in India?*Mark only one oval.*

- ☐ Yes
- ☐ No

15. If 'yes' please name it.

16. If 'No', what are 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?*Check all that apply.*

- ☐ Lack of statutory definitions for 'Sovereign Functions' and 'Non-Sovereign Functions'
- ☐ Use of outdated/obsolete Pre-Independence British Principles
- ☐ Unjust use of protection under Protective Clauses
- ☐ All of the above
- ☐ Other: _____

17. Is there any specific legislation dealing with Public Nuisance in India?*Check all that apply.*

- ☐ Yes
- ☐ No

18. If 'yes', please specify it?

19. Are there any instances of Public Nuisances in which there may be no infringement of fundamental right?*Mark only one oval.*

- ☐ Yes
- ☐ No

20. If 'yes' what are the available remedies?

21. Are the above mentioned remedies sufficient?

Mark only one oval.

☐ Yes

☐ No

22. If 'No', do you opine that there is a need of specific statutory relief?

Mark only one oval.

☐ Yes

☐ No

23. Are there any instances of Public Nuisances where there are infringements of Fundamental Rights?

Mark only one oval.

☐ Yes

☐ No

24. If 'yes' then what are the available remedies? Please specify.

25. Are Public Interest Litigations sufficient to restore the individual victims to their original position in case of injuries caused by Public Nuisances?

Check all that apply.

☐ Yes

☐ No

26. If 'No', what are the lacunae in Indian Laws dealing with Public Nuisances?

Check all that apply.

☐ Insufficient ex-gratia compensation

☐ No proper forum to deal with high tortuous claims

☐ Remedies only to rectify the past wrongs

☐ All of the above

☐ Other: _____

27. **According to you, 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?**

Mark only one oval.

☐ Yes

☐ No

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Questionnaire for Academicians

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1. Name

2. Qualification

3. Do you teach or taught Law of Torts?

Check all that apply.

☐ Yes

☐ No

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Check all that apply.

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