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# 'ACTUS DEI NEMINI FACIT INJURIA': A CRITICAL APPRAISAL IN TORT JURISPRUDENCE

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## I. ABSTRACT

*The maxim Actus Dei Nemini Facit Injuria, meaning "an act of God does injury to no one", occupies a significant position in tort jurisprudence as a defence absolving liability where harm is caused exclusively by extraordinary natural forces beyond human control. Rooted in Roman law and developed through English common law, the doctrine reflects the foundational principle that the law does not impose liability for events that human foresight and prudence cannot reasonably anticipate or prevent. This research critically examines the jurisprudential basis, scope, and contemporary relevance of the maxim within modern tort law. Adopting a doctrinal research methodology, the study relies on judicial precedents from Indian and English courts, statutory provisions, and scholarly commentary. It analyses leading cases such as Nichols v. Marsland (1876) and Greenock Corporation v. Caledonian Railway Co. (1917), along with Indian decisions including Ramalinga Nadar v. Narayana Reddiar (1971), to evaluate the judicial standards governing the defence. The research identifies key limitations in the application of the maxim, including ambiguity in defining what constitutes an "extraordinary" natural event, inconsistency in judicial interpretation, exclusion of hybrid or human-induced uncontrollable events, and tension between fairness to defendants and compensation for victims. The study further highlights the doctrinal overlap between the maxim and related principles such as force majeure, strict liability, and insurance frameworks, which has reduced its independent operational significance. The paper concludes that while Actus Dei Nemini Facit Injuria retains symbolic and theoretical value in affirming that the law does not demand the impossible, its practical relevance in contemporary tort jurisprudence has narrowed. A calibrated reinterpretation aligned with modern disaster management and liability principles is therefore necessary.*

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## II. KEYWORDS

Act of God, Tort Law, *Actus Dei Nemini Facit Injuria*, Force Majeure, Strict Liability.

## III. INTRODUCTION

*ACTUS DEI NEMINI FACIT INJURIA* is a Latin maxim which means - “an act of God does injury to no one”-with a critical appraisal tailored to tort law and jurisprudence. “It encapsulates the principle that natural events beyond human control-such as floods, earthquakes, or storms-do not render any individual legally liable for resulting harm. In tort law, this maxim frames the “act of God” defence, which serves to absolve defendants from liability when damage arises from forces of nature that are both extraordinary and unforeseeable. The maxim embodies the principle that when loss or damage is caused by forces of nature, entirely beyond the control of human beings, the law does not hold anyone responsible. In other words, if harm results solely from extraordinary natural events such as earthquakes, floods, lightning, tempests, or unprecedented rainfall, no party can be blamed or made liable in a court of law. This doctrine reflects one of the oldest attempts in legal thought to reconcile the concept of liability with the inherent limitations of human capacity to predict or prevent natural phenomena. <sup>2</sup>

In tort law, liability is generally imposed when there is negligence, wrongful conduct, or breach of a duty of care. However, the maxim *Actus Dei Nemini Facit Injuria* introduces an exception by recognizing that there are circumstances in which human intervention is impossible and responsibility cannot reasonably be attributed to anyone. The rationale lies in fairness: no individual should suffer legal consequences for harm that is the direct result of uncontrollable natural forces. Thus, the maxim functions as a defence for a defendant who might otherwise have been held accountable for damages, but who demonstrates that the injury arose exclusively from an act of God, without any contributory human negligence. <sup>3</sup>

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<sup>2</sup> Ratanlal & Dhiraj Lal, *THE LAW OF TORTS* 512 ,28th ed. 2019.

<sup>3</sup> Salmond & Heuston, *LAW OF TORTS* 347 ,12th ed. 2010.

Therefore, *Actus Dei Nemini Facit Injuria* is not merely an abstract Latin phrase, but a principle that illustrates the interaction between law, morality, and human limitations in the face of natural forces. A critical appraisal of this maxim within tort jurisprudence allows us to assess how far the law should excuse liability in situations of natural calamities, and whether fairness lies in protecting defendants from impossible duties, or in ensuring that victims are compensated despite the uncontrollable origin of their losses.<sup>4</sup>

### A. Research Problem

This research paper studies about the Latin maxim -*ACTUS DEI NEMINI FACIT INJURIA* - meaning “an act of god does injury to no one”- which says about there is ambiguity in defining what constitutes an “act of God,” as courts often struggle to distinguish between what is truly extraordinary and what could have been reasonably foreseen, the maxim is narrowly confined to natural events, excluding uncontrollable human actions such as riots, terrorism, or mob violence, which raises questions about fairness and consistency ,the doctrine creates tension between protecting defendants from liability for events beyond their control and ensuring adequate compensation for victims who may suffer significant losses , its role overlaps with modern concepts like force majeure and insurance liability, creating confusion regarding its independent relevance, and inconsistent interpretations by different courts have made the doctrine unpredictable in its application. These problems necessitate a critical appraisal of whether the maxim continues to hold relevance in the contemporary framework of tort jurisprudence.<sup>5</sup>

### B. Research Objectives

This research paper aims in discussing:

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<sup>4</sup> Vishesh Gupta, *A Saviour in Times of Distress: Analysis of Act of God Provisions in Law*, iPleaders, 2020

1. <sup>5</sup>Ratanlal & Dhiraj Lal, *THE LAW OF TORTS* 512 ,28th ed. 2019.
2. Ramalinga Nadar *v.* Narayana Reddiar, AIR 1971 Ker 197.
3. Winfield & Jolowicz, *TORT LAW* 265 ,19th ed. 2014.
4. Indian Contract Act, 1872, 32, 56; Surajeet Chakravarty & David Kelsey, *The Act of God Clause*, 2014,
5. N. McBride & R. Bagshaw, *TORT LAW* 341 ,6th ed. 2018.

1. To Examine the historical evolution and meaning of the maxim *Actus Dei Nemini Facit Injuria*.
2. To Critically analyse how courts have interpreted and applied the maxim in tort cases.
3. To Identify the limitations and challenges in applying the maxim to modern legal disputes.
4. To Compare its scope with related doctrines such as *force majeure* and principles of strict liability.
5. To Evaluate the continued relevance of the maxim in modern tort jurisprudence and suggest possible reforms.

### **C. Research Questions**

This research shall try to understand and answer these following questions:

1. What is the origin and jurisprudential basis of the maxim *Actus Dei Nemini Facit Injuria*?
2. How have courts in India and other jurisdictions interpreted and applied this maxim in tort law?
3. What are the major limitations and criticisms of relying on this defense in modern legal systems?

### **D. Research Methodology**

The research adopts a doctrinal methodology, relying on primary and secondary legal sources. Primary sources include case laws, statutes, and judicial pronouncements from Indian and common law jurisdictions where the maxim has been invoked. Secondary sources include research articles. All these sources have been used in good faith. Each source has been read multiple times as well as compared and cross-checked for the accuracy of the research.

### **E. Hypothesis**

The hypothesis of this study is that the maxim *Actus Dei Nemini Facit Injuria* retains theoretical significance in tort jurisprudence but has diminished practical application

due to its absorption into broader doctrines of force majeure, strict liability, and insurance law.<sup>6</sup>

## **F. Scope and Limitations**

### **1. Scope of the Study**

- The study is confined to the principle of *Actus Dei Nemini Facit Injuria* as a defence in tort law.
- It covers the historical origin, judicial interpretation, and modern appraisal of the maxim.
- The study includes comparative references from English common law and Indian jurisprudence.<sup>7</sup>
- It also considers the maxim's overlap with force majeure in contracts and insurance liability clauses.

### **2. Limitations of the Study**

- The study is doctrinal in nature and relies primarily on case law, statutes, and secondary sources such as books, articles, journals.
- It does not involve empirical field research or statistical analysis of claims arising from natural disasters.
- The research is restricted to India and common law jurisdictions, without detailed examination of civil law systems.
- The scope is limited to tort jurisprudence, though occasional references are made to contract law for comparative analysis.<sup>8</sup>

### **3. Rationale of the Study**

The rationale behind the undertaking this study is to critically analyse whether the maxim *ACTUS DEI NEMINI FACIT INJURIA* continues to relevance in tort jurisprudence. It serves as defence to protect individuals from liability for

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<sup>6</sup> Ratanlal & Dhiraj Lal, *The LAW OF TORTS* 512 ,28th ed. 2019.

<sup>7</sup> Nicholas J. McBride & Roderick Bagshaw, *TORT LAW* 341 ,6th ed. 2018.

<sup>8</sup> The Indian Contract Act, 1872, 32, 56.

extraordinary natural events. By examining its limitations, overlaps with other doctrines, and inconsistent judicial interpretations.<sup>9</sup>

## G. Review of Literature

### 1. The Evolution Of 'Act of God' As A Defence in Tort Law - By Neha Andru

This literature conveys that defendants (respondents) are protected who are held liable under "*PACTA SUNT SERVANDA*". According to Salmond an act of God includes those acts which a man cannot avoid by taking reasonable care such accidents are the results of the natural forces and are inherent with the agency of man. ACT OF GOD - Accidents that occur without human intervention. According to Lord Masfield, Act of God is defined as "It is something in opposition to the act of man". The 4<sup>th</sup> edition of Black's law dictionary also defines: An act of God could be occasioned exclusively by violence of nature without the interference of any human agency.

The term Act of God was 1<sup>st</sup> used in 1803 by Lord Ellenborough. The term Act of God was 1<sup>st</sup> time used in law books in 1581 by SIR Edward Coke in Shelley's case. In UK-Scotland one of the 1<sup>st</sup> instances of the usage of act of God in Tennant V Earl of Glasgow were Lord Chancellor Westbury. The term Force-Majeure in Peter Simmond's "Dictionary of Trade Products" as a The French company operations phrase for inevitable incidents in the transportation of products caused by greater force is "Act of God".<sup>10</sup>

### 2. Act of God as a Defense Under Tort Law by Preeti Bafna

This article conveys that an Act of God generally defences a natural necessity proceeding from physical causes alone without the intervention of human. When an event over which the defendant has no control over occurs and the damage is caused by the forces of nature. The defendant will not be liable in law of tort for such inadvertent damage. Act of God defined as circumstances which no human foresight can provide against any of which human prudence is not bound to recognize the

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<sup>9</sup> Preeti Bafna, ACT OF GOD AS A DEFENCE UNDER TORT LAW, LegalServiceIndia ,2021, legal article-3171 (Visited on October 06, 2025).

<sup>10</sup> Neha Andru, THE EVOLUTION OF 'ACT OF GOD' AS A DEFENCE IN TORT LAW: ORIGINS, CASE LAWS, AND MODERN, legalserviceindia.com, legal article (Visited on October 06, 2025)

possibility, and which when they do occur, thus the calamities that do not involve the obligation of paying for the consequences that result from them.

Liability must be founded on a fault and that a person cannot be penalized where the fault is 'VIS MAJOR'. It is uncommon, extraordinary and unforeseen manifestation of the forces of nature, or a misfortune or accident arising from inevitable necessity. An act of God cannot be prevented by reasonable human foresight and care. The basic and prime element is if the harm or loss was caused by a foreseeable accident that could have been prevented, the party who suffered the injury has the right to compensation. It is Impossible to Prevent by Any Reasonable Precautions and Absence of Human Agency Causing the Alleged Damage. Negligence constitutes failure to take the necessary precautions.<sup>11</sup>

### **3. A Saviour of Distress: Analysis of Act of God Provision in Law by Vishesh Gupta**

This article conveys that PACTA SUNT SERVANDA- agreement must be kept, is the basic and most essential principle of civil law. Every agreement creates an obligation on the parties and non-fulfilment of such obligations is justiciable in a court of law. Extraneous forces which are uncontrollable and unpredictable. God is a catastrophe arising from the force of the elements which human intelligence cannot predict and nor merely an ordinary circumstance. Force-Majeure is a broader concept where the accident is not necessarily connected with nature and can be connected to not an act of God. Indian Contract Act, 1872.

Section 32 AND 56 STATES that when any obligation arising out of a contract is impossible to perform, then the contract becomes void- frustration of contract. Force-Majeure should not be used interchangeably. Force-Majeure clause is used to exempt the insurer/insurance company from paying damages of insured goods.<sup>12</sup>

### **4. Current Judicial Approach Towards Defense of Act of God by Simran Trivedi**

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<sup>11</sup> Preeti Bafna, ACT OF GOD AS A DEFENCE UNDER TORT LAW, LegalServiceIndia 2021, (Visited on October 06, 2025)

1. <sup>12</sup> VISHESH GUPTA, A SAVIOUR OF DISTRESS: ANALYSIS OF ACT OF GOD PROVISION IN LAW BY VISHESH GUPTA, (Visited on October 06, 2025)

This article conveys that Act of God to serious and unforeseen natural phenomena for which no one is responsible. The utility of the term “act of god” is frequently used in otherwise secular law and jurisprudence. “VIS MAJOR” is defined as “damage arising directly from natural causes without human intervention, which could not be prevented by prudence, diligence and care”. The force majeure - which exempts the defendant from liability for personal injury or property damage caused by natural causes - is seldom used but can be used in the future when predicting catastrophic weather events. Can become more common and common in the future. Impossible to prevent harm allegedly caused by lack of reasonable precautions and human action.<sup>13</sup>

## H. Analysis and Arrangement

### 1. Ambiguity

Constitutes of an “act of God - Courts have repeatedly emphasized that the event must be both natural and extraordinary. Ordinary natural events such as seasonal rains or predictable storms cannot be classified as acts of God. *For example, in Nichols v. Marsland (1876) 2 Ex D 1\**, unprecedented rainfall of exceptional intensity was treated as an extraordinary natural event sufficient to constitute an act of God. However, the authority of this decision has been subsequently limited and distinguished. In *Greenock Corporation v. Caledonian Railway Co. [1917] AC 556 (HL)*, liability was imposed where human intervention in altering the natural course of a stream materially contributed to the damage.

The latter case clarified that even extraordinary natural forces will not absolve liability where human negligence operates concurrently. This judicial development reflects a narrowing and contextual application of the defence rather than absolute inconsistency. This shows inconsistency in applying the test.<sup>14</sup>

### 2. Human Intervention and Intelligence

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<sup>13</sup> Simran. Trivedi, Current Judicial approach towards of Act of God, [legalserviceindia.com](http://legalserviceindia.com), article-9976, (Visited on October 06, 2025)

<sup>14</sup> Winfield & Jolowicz, *Tort Law* 265 .19th ed. 2014.  
Salmond & Heuston, *Law of Torts* 347 .12th ed. 2010.

The interaction of human actions with natural forces. Where human negligence contributes to the damage, courts generally refuse to recognize the defence of act of God. Thus, the maxim cannot shield defendants in cases where adequate precautions could have prevented harm. This principle was emphasized in *Greenock Corporation*, where construction works diverted water flow, leading to flooding. The act of God defence collapses the moment human negligence enters the picture.<sup>15</sup>

### 3. Conflict Between Fairness and Compensation

The maxim attempts to uphold fairness by excusing liability where individuals cannot prevent harm. However, this fairness to defendants comes at the expense of plaintiffs, who often remain uncompensated despite suffering serious losses. In societies where disaster management and insurance coverage are inadequate, the doctrine leads to injustice by placing the burden entirely on victims. Hence, there arises a jurisprudential tension between fault-based justice and victim compensation models.<sup>16</sup>

### 4. Modern Context and Overlap with Force Majeure

the principle overlaps with broader doctrines such as force majeure in contract law and insurance liability clauses. Force majeure includes both natural and human-made events, thereby offering a more practical and inclusive approach than the traditional maxim. This overlap has reduced the independent relevance of *Actus Dei Nemini Facit Injuria*, raising questions about whether it should be redefined or merged into modern legal doctrines.<sup>17</sup>

### 5. Limitation To Natural Causes

The doctrine has been criticized for being too narrow, as it excludes uncontrollable human actions such as riots, mob violence, or terrorism. In *Ramalinga Nadar v. Narayana Reddiar*.1971, the Kerala High Court explicitly held that mob looting could not be classified as an act of God. This rigid separation between natural and human

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<sup>15</sup> *Greenock Corporation v. Caledonian Railway Co.*, 1917. AC 556. HL.

Nicholas J. McBride & Roderick Bagshaw, *Tort Law* 341 .6th ed. 2018.

<sup>16</sup> Baxi, Upendra, *On the Future of Tort Law in India*, Indian Law Institute Journal, 1986.

<sup>17</sup> Indian Contract Act, 1872, 32, 56, Surajeet Chakravarty & David Kelsey, *The Act of God Clause*, ResearchGate 2014.

causes appears outdated in modern times, especially where the harm is equally beyond the defendant's control.<sup>18</sup>

## 6. Judicial Inconsistency

The application of the maxim has demonstrated doctrinal variation across judicial decisions. In *Nichols v. Marsland* (1876), the court adopted a relatively liberal approach in recognizing unprecedented rainfall as an act of God. Conversely, in *Greenock Corporation v. Caledonian Railway Co.* (1917), the House of Lords applied a stricter standard, emphasizing that any degree of human contribution negates the defence. Similarly, Indian courts in *Ramalinga Nadar v. Narayana Reddiar* AIR 1971 Ker 197 have narrowly confined the maxim strictly to natural causes. These comparative judicial approaches illustrate variation in threshold standards, thereby creating interpretative unpredictability. This unpredictability undermines legal certainty and makes it difficult for parties to rely on the doctrine as a consistent *Défense*.<sup>19</sup>

## IV. CRITICAL APPRAISAL OF ACTUS DEI NEMINI FACIT INJURIA

### A. Historical Evolution and Meaning of the Maxim

The maxim *Actus Dei Nemini Facit Injuria* originates from Roman and English common law. It was developed to recognize that when harm is caused by purely natural events beyond human control, no liability should be imposed. Over time, English courts applied it in cases of floods, storms, and other natural disasters. Indian law inherited this principle through colonial jurisprudence and applies it mainly in tort and carriage cases.<sup>20</sup>

### B. Judicial Interpretation And Application

Courts have consistently held that for the defence to apply, the event must be: (a) natural in origin, (b) extraordinary, and (c) unforeseeable. English cases like *Nicholas v. Marsland* treated unprecedented rainfall as an act of God. Indian courts, such as in

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<sup>18</sup> *Ramalinga Nadar v. Narayana Reddiar*, AIR 1971 Ker 197.

<sup>19</sup> Preeti Bafna, *Act of God as a Defence under Tort Law*, LegalServiceIndia, 2021,

<sup>20</sup> Ratanlal & Dhirajlal, *The Law of Torts* 512 (28th ed. 2019).

Ramalinga Nadar v. Narayana Reddiar, have clarified that human actions like mob violence cannot be treated as acts of God.<sup>21</sup>

### C. Limitations and Challenges

The doctrine faces conceptual and practical challenges in defining what constitutes an “extraordinary” or “unforeseeable” natural event. With advancements in meteorological science, satellite surveillance, early warning systems, and disaster forecasting technology, many natural phenomena such as cyclones, floods, and heavy rainfall are no longer entirely unpredictable. Consequently, courts increasingly expect individuals, corporations, and public authorities to adopt reasonable preventive measures where warnings are available. Additionally, the growing impact of climate change has intensified and altered natural events, raising complex questions as to whether extreme weather occurrences can still be characterized as unforeseeable.

This scientific progress has progressively narrowed the scope of the Act of God defence, as foreseeability is now assessed against contemporary technological capabilities rather than historical unpredictability. It also unfairly excludes uncontrollable human actions and sometimes leaves victims uncompensated, creating a gap in justice.<sup>22</sup>

### D. Comparison with Related Doctrines

Unlike the maxim, force majeure clauses in contracts and insurance policies cover both natural and human events. Thus, force majeure and statutory liability frameworks are broader and more practical, while Actus Dei Nemini Facit Injuria remains narrow.<sup>23</sup>

### E. Relevance In Modern Tort Jurisprudence

The maxim still has symbolic importance in showing that law does not demand the impossible. However, its practical role has reduced, as most situations are now addressed under negligence, strict liability, force majeure, or insurance. The maxim should be reinterpreted in modern contexts rather than applied rigidly.<sup>24</sup>

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<sup>21</sup> *Nicholas v. Marsland*, (1876) 2 Ex D 1; *Ramalinga Nadar v. Narayana Reddiar*, AIR 1971 Ker 197.

<sup>22</sup> N. McBride & R. Bagshaw, *Tort Law* 341 (6th ed. 2018).

<sup>23</sup> Indian Contract Act, 1872, §§ 32, 56; Surajeet Chakravarty & David Kelsey, *The Act of God Clause*, ResearchGate (2014).

<sup>24</sup> Preeti Bafna, *Act of God as a Defence under Tort Law*, LegalServiceIndia (2021)

## V. SOLUTIONS OF ACTUS DEI NEMINI FACIT INJURIA

1. It comes from Roman law and was adopted into English common law. The jurisprudential basis is fairness - the law should not punish people for losses caused solely by extraordinary forces of nature.<sup>25</sup>
2. Courts apply it only when the event is entirely natural, unforeseeable, and irresistible. If human negligence plays a part, the defences fail. Courts in India and England have both confirmed this approach.<sup>26</sup>
3. Ambiguity in definition of "extraordinary." Exclusion of human-induced uncontrollable events. Conflict between fairness to defendants and justice for victims. Reduced relevance due to insurance and statutory liability schemes.<sup>27</sup>
4. Actus Dei - Only natural, unforeseeable events. Force majeure - Natural + human events like strikes, war, riots, pandemics. Insurance law - Provides compensation regardless of fault, covering many "Acts of God." Thus, the maxim is narrower and less useful than modern doctrines.<sup>28</sup>
5. It remains relevant as a principle of fairness but should be redefined in light of modern developments. Courts should interpret it flexibly, and legislatures should integrate it into disaster management and compensation schemes to balance fairness with victim protection.<sup>29</sup>

## VI. FINDINGS

1. The maxim is rooted in fairness and natural justice. The main principle behind *Actus Dei Nemini Facit Injuria* is that no person should be held liable for damage caused by events beyond human control. It upholds fairness and prevents unjust punishment for circumstances where no negligence exists.
2. It provides a limited defense under tort law. Courts recognize the defense only when the event is:
  - purely natural,

<sup>25</sup> Salmond & Heuston, *Law of Torts* 347 (12th ed. 2010).

<sup>26</sup> *Greenock Corporation v. Caledonian Railway Co.*, [1917] AC 556 (HL).

<sup>27</sup> Winfield & Jolowicz, *Tort Law* 265 (19th ed. 2014).

<sup>28</sup> Indian Contract Act, 1872, § 56; *Carriage of Goods by Sea Act*, 1925.

<sup>29</sup> Vishesh Gupta, *A Saviour in Times of Distress: Analysis of Act of God Provisions in Law*, iPleaders (2020)

- extraordinary in nature, and
- unforeseeable and irresistible.

If human negligence or interference contributes even slightly, the defense collapses.

3. Judicial interpretation is inconsistent. Courts in England and India apply the doctrine differently. Some treat it strictly (requiring completely natural causes), while others interpret it broadly when no reasonable precautions could be taken. This inconsistency weakens its practical value.
4. Modern relevance has declined. In today's context, most cases involving natural events are covered under doctrines like *force majeure*, *strict liability*, *negligence*, or *insurance*. As technology enables better forecasting and prevention, the scope of what counts as "unforeseeable" is shrinking.
5. Victim compensation remains a challenge. Although the maxim protects innocent defendants, it often leaves victims uncompensated. This exposes a moral and legal dilemma whether tort law should protect defendants from impossible duties or ensure that victims receive relief.
6. The maxim's relevance is now more symbolic. It serves as a guiding principle reminding the courts that the law does not demand the impossible – but has little independent use as a legal defense today.

## VII. RESEARCH GAPS

1. Lack of a clear statutory definition. The Indian legal system has not defined "Act of God" within statutes like the *Indian Contract Act*, *Carriers Act*, or *Tort Law*. Courts rely on interpretations from English common law, which vary from case to case.
2. Absence of uniform judicial standards. There is no fixed test to determine when an event qualifies as an act of God. Terms like "extraordinary," "unforeseeable," or "irresistible" are interpreted differently by different courts, leading to unpredictability.
3. Neglect of hybrid events (natural + human causes). Many modern disasters like dam failures, climate-induced floods, and industrial accidents are

partly natural and partly man-made. The traditional maxim fails to handle these mixed situations effectively.

4. Limited research in the Indian context. Most existing analyses rely on English cases. Indian academic research on the evolution, scope, and judicial application of this maxim remains minimal.
5. No link with modern legal mechanisms. The maxim has not been integrated with current systems like disaster management, environmental liability, or state compensation schemes. Its potential role in these areas is unexplored.
6. Ethical and policy implications under-discussed. There is little research on whether the doctrine aligns with modern principles of social justice, sustainability, and state accountability in natural disasters.

## VIII. CONCLUSION

The maxim *Actus Dei Nemini Facit Injuria*, meaning “an act of God does injury to no one,” has long been recognized in tort law as a defence where harm is caused by extraordinary natural forces. Its main idea is that the law should not hold a person responsible for events that are completely beyond human control. This reflects fairness, because no individual can prevent the inevitable consequences of nature.

What exactly counts as an “act of God.” With advances in science and technology, many natural events can now be predicted or at least anticipated to some degree. If a person fails to take precautions despite warnings, then using this maxim as a defence may not appear justified.

The second limitation is that the maxim only applies to natural events and not to uncontrollable human actions, such as riots or mob violence. In reality, both natural and human forces often combine to cause damage, which makes the principle too narrow for modern circumstances.

In conclusion, the maxim still carries value as a guiding idea in tort jurisprudence. It reminds us that liability must have limits and that fairness should be applied when judging human responsibility. But at the same time, its strict and narrow scope makes it less useful for addressing the complex realities of the modern world. To remain relevant, it needs to be reinterpreted in line with present-day developments, disaster

management systems, and a fair balance between protecting individuals and compensating victims.

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3. Baxi, Upendra, *On the Future of Tort Law in India*, Indian Law Institute Journal.

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