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Abstract

The purpose of this research is to find out if public are aware of the legal maxim “Actus dei nemini facit injuriam”, Act of God refers to natural calamities such as earthquakes, landslides, heavy rainfall, storms, volcanic eruptions, etc. The basic meaning of this is, no one is accountable when something is done by God or nature. The law does not hold a man into a legal duty where he is prevented from performing his duty due to Act of God, which means an accident or unfortunate event which happens without any human intervention. This is a situation where no one is held responsible for any damage like loss of life, damage to property and resources, in this the damages are unliquidated.

The aim of the researcher was to find if people were aware or not, if not to spread awareness among people or the general public regarding what can be expected and what cannot be expected from the government.

This research is conducted or studied using an empirical method by collecting 1512 samples through a survey from the general public and using SPSS package for analysis.

The anticipated outcomes of this research is to find the ratio of the public who are aware and who are not aware, to study how people react and expect from the government when there is an act of God, to spread awareness among the public were to approach and for what to claim.

Key words

Act of god, calamities , legal duty, human intervention,damage ,damages , unliquidated

Introduction

A maxim is a short statement which conveys a general truth or rule of conduct, in this maxim **ACTUS DEI NEMINI FACIT INJURIAM** in common words it is known as an act of God. Act it refers to the unpredictable or unconventional events that occur with any human interference, this maxim applies to a situation when people are helpless or the situation is out of control due to natural calamities where only nature decides what is going to happen in simpler words it is unpredictable to arrive at some conclusion in this everyone gets affected disregard of any basis like gender , age, race , religion etc. In short, nature or the act of God does not spare anyone. These are inevitable accidents are those unavoidable accidents which could not by any possibility be prevented from happening. For example damage from an earthquake would be considered as an act of god, another example to have a clear understanding of what is an act of god and what is not for instance there is a dam build but it an area and it was not maintained properly or to be precise it was not take care after it's built and there is a heavy rain and due to the pressure the dam burst out and the area got flooded in this flood could have been prevented by the maintenance of dam , the downpour of rain is not the cause of flood the dam caused the flood hence it's clearly not an act of god, in this situation, the flood could have been controlled or kept in under control as the negligence of the government to take care of the dam and in this damages should be claimed as it is a man-made disaster. There are two essentials of the act of God are there must be working of natural forces and the occurrence must be extraordinary and not the one which could have been anticipated. **Aim of the research** is to create awareness among the general public about act of god, law holds no man in legal duty when there is a natural calamity .

Objectives

The main objectives of this research are

- To spread awareness among the general public about the act of God.
- To make the general public to understand what can be expected and what cannot from the government when there is an act of God

- To explore how much people are aware about the Act of God (actus dei nemini facit injuriam).
- How people react to the calamities
- To spread awareness among the general public that law holds no man in legal duty when there is a natural calamity.

REVIEW OF LITERATURE

In this report it shows the steps taken by the government of India towards the disaster management this approach has been translated into a national disaster Framework which covers topics like disaster management ,India the disaster management this approach has been translated into a national disaster Framework which covers topics like disaster management, disaster prevention strategy ,early warning system ,disaster mitigation, preparedness ,response and human resource development. Therefore it is broad guideline and a common strategy to follow. (India, Ministry of Home Affairs, 2004). This paper deals with Nepal, it is the most disaster-prone country in the world .It has experienced several natural calamities causing huge loss of property and life. Mainly Disasters are caused by nature but the provocation of that disaster may be because of human activities ,The overall objective of this research is to analyze the disaster risk profile and to check the existing legal framework of Nepal on disaster management. This research is based on secondary data sources. Major factors for floods ,landslides and heavy downpour rainfall, outburst floods and deforestation .(Surya Gaire, Rafael Castro Delgado, and Pedro Arcos González, 2015). This book deals with how Every year, some areas of the world is ruined by a disaster, with a huge loss of life and property and What can be done to curb this.It shows that. Why are such disasters so lethal? Why do people expose themselves to such dangers? Do mitigation programmes from government help? What effect does it really have on the areas that receive it? By a study on one particular cyclone-prone area of Southern India in great detail over a 10-year period Peter Winchester has come up with some ideas answers to these questions above, The authors formulate a set of five 'golden rules' for disaster management in this paper.(Peter Winchester,1992).This paper shows the statistical data of the Disasters during 1990-2009 periods have been discussed in terms of natural and man-made disasters in the Indian subcontinent as well as in India and As per EM-DAT data, India has experienced 772

disasters during the period of 1990- 2009. This paper combines the many disasters data during the last two decades into one record.(Jyoti Purohit and C.R. Suthar,2012)This paper deals with the various interrelationships among nature, God, and the law, how these things are becoming more complex and confusing in the modern world. There are three concepts in those all-important elements that are related to human activities,historical understandings that are being rearranged by the need or requirements of contemporary society and by our ability to influence the world around us.This paper has shown It is worth exploring how science has influenced the interrelationships and how it might contribute to a better understanding of these concepts of law, nature and God (Donald Kennedy,2006).

METHODS AND MATERIALS

The author has done an empirical study to do this research.

the **primary sources** are the questionnaires and surveys.

the **secondary sources** of this research are done using books and journals .

the total **sample size** for the given study is 1509.

The **independent variable** chosen for the study is gender.

the author has chosen random sampling method for the study.

the **dependent variables** chosen for this study is actus dei nemini facit injuria (act of god)

1. Can you claim damages for an act of god?
2. Are you aware of any government policy or law for acts of god?

and the statistical tools used by the author are chi-squares,cross tabs and symmetric measures.

ANALYSIS AND DISCUSSION:

The author has done an empirical study method to do this research , the total sample size for this research was 1509.The independent variable chosen for the study is “ actus dei nemini facit injuriam” (act of god) the author has chosen random sampling method for the study .the

statistical tool used by the author are chi-square tests and crosstabs . The questions are analyzed are :

Can you claim damages for an act of god and Are you aware of any government policy or law for acts of god?

Frequency Table

2. Age

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	18-24	492	32.6	33.4	33.4
	25-40	638	42.3	43.3	76.8
	ABOVE 40	342	22.7	23.2	100.0
	Total	1472	97.5	100.0	
Missing	System	37	2.5		
Total		1509	100.0		

In the above tabulation 492 respondents that is 32.6% belongs to the age group 18 to 24 ,638 respondentants that is 42.3% belongs to the age group 25 to 40 and 342 respondents that is 22.7 % belongs to the age group above 40.

4. Gender

		Frequency	Percent	Valid Percent	Cumulative Percent

Valid	MALE	424	28.1	28.5	28.5
	FEMALE	545	36.1	36.6	65.1
	OTHERS	520	34.5	34.9	100.0
	Total	1489	98.7	100.0	
Missing	System	20	1.3		
	Total	1509	100.0		

In the above tabulation 424 respondents that is 28.1% are male, 545 respondents that is 36.1% are female and 520 respondents that is 34.5% are others.

1. Age * 38. Can you claim damages for an act of God?

Crosstab

Count

		38. Can you claim damages for act of God?		Total
		NO	4	
2. Age	18-24	280	212	492
	25-40	345	293	638
	ABOVE 40	199	143	342

Total	824	648	1472
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In the above tabulation 824 strongly agree and 648 strongly disagree.

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	1.788 ^a	2	.409
Likelihood Ratio	1.789	2	.409
Linear-by-Linear Association	.044	1	.835
N of Valid Cases	1472		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 150.55.

In the Chi Square , the p value rejects the null hypothesis

Symmetric Measures

	Value	Asymptotic Standardized Errors	Approximate T ^b	Approximate Significance
Interval by Pearson's R Interval	-.005	.026	-.209	.835 ^c

Ordinal by Spearman	-.004	.026	-.147	.883 ^c
Ordinal Correlation				
N of Valid Cases	1472			

- a. Not assuming the null hypothesis.
- b. Using the asymptotic standard error assuming the null hypothesis.
- c. Based on normal approximation.

1. Age * 39. Are you aware of any Government policy or law for acts of God?

Crosstab

Count

		39. Are you aware of any Government policy or law for acts of God?		Total
		YES	NO	
2. Age	18-24	297	195	492
	25-40	376	262	638
	ABOVE 40	214	128	342
Total		887	585	1472

In the above tabulation 887 strongly agree and 585 strongly disagree

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	1.235 ^a	2	.539
Likelihood Ratio	1.238	2	.538
Linear-by-Linear Association	.278	1	.598
N of Valid Cases	1472		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 135.92.

In the Chi Square , the p value rejects the null hypothesis

Symmetric Measures

	Value	Asymptotic Standardized Error ^a	Approximate T ^b	Approximate Significance
Interval by Pearson's R Interval	-.014	.026	-.527	.598 ^c
Ordinal by Spearman Ordinal Correlation	-.013	.026	-.481	.630 ^c
N of Valid Cases	1472			

a. Not assuming the null hypothesis.

b. Using the asymptotic standard error assuming the null hypothesis.

c. Based on normal approximation.

2. Gender * 38. Can you claim damages for an act of God?

Crosstab

Count

		38. Can you claim damages for an act of God?		Total
		NO	yes	
4. Gender	MALE	233	191	424
	FEMALE	306	239	545
	OTHERS	295	225	520
Total		834	655	1489

In the above tabulation 834 strongly agree and 655 strongly disagree.

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	.306 ^a	2	.858
Likelihood Ratio	.306	2	.858
Linear-by-Linear Association	.293	1	.588

N of Valid Cases	1489			
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a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 186.51.

In the Chi Square , the p value rejects the null hypothesis .

Symmetric Measures

	Value	Asymptotic Standardized Error ^a	Approximate T ^b	Approximate Significance
Interval by Pearson's R Interval	-.014	.026	-.541	.589 ^c
Ordinal by Spearman Ordinal Correlation	-.014	.026	-.538	.591 ^c
N of Valid Cases	1489			

a. Not assuming the null hypothesis.

b. Using the asymptotic standard error assuming the null hypothesis.

c. Based on normal approximation.

2. Gender * 39. Are you aware of any Government policy or law for acts of God?

WORDS SPEAK

Crosstab

Count

	39. Are you aware of any Government policy or law for	Total
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		acts of God?		
		YES	NO	
4. Gender	MALE	256	168	424
	FEMALE	328	217	545
	OTHERS	313	207	520
Total		897	592	1489

In the above tabulation 897 strongly agree and 592 strongly disagree

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	.005 ^a	2	.998
Likelihood Ratio	.005	2	.998
Linear-by-Linear Association	.003	1	.956
N of Valid Cases	1489		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 168.57.

In the Chi Square , the p value rejects the null hypothesis .

Symmetric Measures

	Value	Asymptotic Standardized Error ^a	Approximate T ^b	Approximate Significance
Interval by Pearson's R	.001	.026	.055	.956 ^c
Ordinal by Spearman Ordinal Correlation	.001	.026	.054	.957 ^c
N of Valid Cases	1489			

a. Not assuming the null hypothesis.

b. Using the asymptotic standard error assuming the null hypothesis.

c. Based on normal approximation.

Hypothesis

Null Hypothesis:

There is no significant association between gender and awareness of the maxim Act of God .

Alternate Hypothesis :

There is significant association between gender and the awareness of the maxim about the act of God .

Discussion

Conclusion

An act of God could be a defense employed in cases of torts once an incident over that the suspect has no control over What happens and therefore the harm is caused by the forces of

nature. In such cases, the suspect won't be liable in wrongful conduct law for such unintended harm. Act of God or inevitable accident or calamity is also outlined as circumstances that no human foresight will offer against any of that human prudence isn't sure to acknowledge the chance, and that after they do occur, thus The calamities that Does not involve human intervention, the duty of paying for Outcomes of the calamities that the result from them is not on the general public. At the point when a suspect argues a demonstration of God as a response to risk, he may deny that he was to blame. In some cases, be that as it may, the respondent, when he depends on this supplication, denies causation. He may surrender that he was careless that, regardless of whether he had taken sensible consideration, the harm about which the offended party grumbles would in any case have happened and henceforth he ought not be held blameworthy for those harms.

For an example Assume that D, an occupier, carelessly excludes to expedite a hazardously precarious fence to his property into fix. During a savage tempest the fence breakdown onto his neighbor's (P's) house. P sues D in carelessness. D depends on the guard of Act of God and carries unchallenged master proof to demonstrate that the tempest was savage to the point that even a durable fence would have given way. In arguing a demonstration of God, D isn't denying deficiency. He is denying that his shortcoming caused P's harm. This is the manner by which the protection of act of god can be utilized. The basic conditions that the respondent needs to show to have the option to effectively utilize the safeguard of Act of God are as per the following.

Initially, it is significant that the occasion that happened was because of the powers of nature or unnatural conditions. So just in case of substantial heavy precipitation or catastrophic events like tremors, wave and so forth, this safeguard can be summoned. A consistently goes to a recreation center and gets harmed one blustery day when a branch coincidentally falls on him. The recreation center specialists can't utilize the guard of demonstration of god as the precipitation was typical and they were careless in not keep up the recreation center during the storms when it is sensibly predictable that the trees need more upkeep during the downpours to maintain a strategic distance from such an occasion from happening.

In a case of Nichols v. Marshland[xvii] the respondent has various fake lakes on his territory. Remarkable downpour, for example, had never been seen in living memory made the banks of the lakes burst and the getting away water diverted four extensions having a place with the offended party. It was held that the offended party's scaffolds were cleared by a demonstration of God and the respondent was not subject.

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