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Article 300 of the constitution of India says that the Govt. of India can sue and be sued in relation to its affairs subject to any Law which may be made by Act. of Parliament. Therefore, so long as the Parliament or the state legislature does not enact a Law on the point, the legal position in this respect is the same as existed before the commencement of the constitution.

The position with regard to Law of Tort, is that, it has not at all been developed in India and more particularly on the point of tortious liability of Govt. of India. Neither our Parliament nor any state legislature in India has enacted any act to face this situation.

Therefore, tortious liability of Govt. of India has been made a pivotal point in this research work. The British concept “King can do no wrong” has now become out dated, and the Govt. has to be made answerable for all the wrongs committed by its servants in the exercise of their powers or in the discharge of their duties which actually means tortious liability of the state. Such type of Law has been developed by case laws, precedents or Judgments of superior courts. All such important cases have been tried to be referred in this research work.

The aim of this Thesis is to suggest to the Govt. of India to enact the specific laws which may fix the tortious liability of the Govt. itself. Strong suggestions have also been given which may help to enanct the specific laws.
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