

Injuria Sine Damno

"Injuria Sine Damno" is a fundamental legal doctrine in tort law that emphasises the importance of a right, irrespective of actual damages suffered.

Key Features

- Means "injury without damage."
- Highlights that the infringement of a legal right is actionable even without monetary loss.
- The aggrieved party can seek relief purely based on the violation of the right.

Historical Context

The historical roots of this doctrine can be traced back to the landmark case of **Ashby vs. White** in 1703. In this case, a constable wrongfully prevented a man from exercising his right to vote. Although the plaintiff suffered no physical injury or financial loss from being barred from voting, the court recognized the infringement of his fundamental right to vote and ruled in his favour. This ruling established a significant precedent, affirming that the mere violation of a legal right is sufficient to constitute an actionable wrong.

Impact and Current Relevance

The doctrine of "Injuria Sine Damno" maintains its relevance and is particularly crucial in cases where breaches of rights might not lead to direct financial harm. For instance, it underpins legal actions in scenarios involving breaches of privacy, defamation cases where there is no need to prove actual damage, and situations involving the infringement of civil liberties. The doctrine supports the idea that legal recognition and redress should be available even when the breach results in non-pecuniary damages, thereby ensuring that individuals' rights are comprehensively safeguarded.

Critical Viewpoints

Despite its widespread acceptance and application, the doctrine of "Injuria Sine Damno" has not been without criticism. Some critics argue that it potentially paves the way for frivolous lawsuits, as it allows for legal actions without the requirement to demonstrate any tangible harm. This aspect could lead to an increase in litigations based merely on technical breaches of rights

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without substantial impacts. However, proponents of the doctrine contend that it is

essential for the robust protection of individual freedoms and rights.

What is a Legal Right?

A legal right is defined as an entitlement conferred by law, which, when infringed upon, allows for legal challenge. Harm or loss that does not result in injury to a legal right is termed *damnum sine injuria*, meaning harm without legal injury. (**Ravi Yashvant Bhoir v. District Collector, Raigad**)



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Bhim Singh Case

In the landmark case of *Bhim Singh v. State of Jammu & Kashmir*, the Supreme Court addressed the deliberate deprivation of MLA Bhim Singh's fundamental rights by the state. Singh was unlawfully detained, preventing him from attending crucial legislative meetings, thus infringing upon his constitutional rights under Articles 21 and 22. The court awarded compensation, recognizing the wrongful intent behind the arrest and the resultant denial of Singh's right to participate in democratic processes.