

The Tree Analogy of Theory of Torts

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Abstract— The Theory of Torts has been shaped significantly by two contrasting approaches: Salmond's Pigeonhole Theory and Winfield's Theory of Tort. Salmond's Pigeonhole Theory adopts a restrictive approach, asserting that tortious liability arises only if the wrongful act fits into a predefined, recognized category of torts. According to this view, there is no general principle of liability; rather, a plaintiff must identify a specific "pigeonhole" or established tort into which the act fits. On the other hand, Winfield's Theory of Tort takes a broader and more liberal approach, suggesting that tort law is an ever-expanding field based on the principle that all unjustifiable harm is actionable unless explicitly excluded by law. Winfield advocates for a general principle of liability where every wrongful act causing harm can be a tort, unless there is a valid justification or defense. These two theories highlight the dynamic nature of tort law—Salmond's theory emphasizing the need for structure and certainty, while Winfield's theory focuses on flexibility and the law's ability to adapt to societal changes. The ongoing interplay between these perspectives reflects the balance between legal predictability and the evolving needs of justice in addressing civil wrongs.

I. INTRODUCTION

The term "tort" originates from the Latin word *torte*, meaning "to twist," implying conduct that is twisted or wrongful. Tort law refers to civil wrongs that are neither breaches of contract nor breach of trust and for which remedies are typically unliquidated damages. Tort law aligns with the English concept of "wrong" and the Roman law term *delict*, aiming to address harmful behaviour that disrupts societal norms.

The primary objectives of tort law are twofold:

1. Compensation – Providing monetary damages to restore the victim to their position before the wrongful act.
2. Deterrence – Preventing individuals from committing similar wrongful acts in the future.

Examples of tortious acts include defamation, negligence, and assault. A recent case, the Astro world tragedy, exemplifies tort law in action, with organizers and performers being sued for negligence, seeking damages of \$750 million for harm caused to victims. One of the early frameworks for understanding tort law is the Pigeonhole Theory, introduced by notable legal scholars. This theory sought to simplify and categorize tortious liabilities into distinct groups, providing a structured way of identifying actionable wrongs under established legal principles.

This assignment focuses on the concept of the Pigeonhole Theory within the framework of the Law of Torts and critically examines its relevance, application, and limitations.

The discussion aims to explore the foundational aspects of the theory, its implications for the classification of torts, and the criticisms it has faced for potentially restricting the evolution of tort law. By analysing the merits and demerits of the Pigeonhole Theory, the assignment seeks to provide a comprehensive understanding of how it shapes, and sometimes constrains, the adaptability of tort law in addressing new and emerging issues of civil wrongs. Through this examination, the assignment sheds light on whether the theory continues to hold relevance in contemporary legal systems or if its rigidity necessitates a more dynamic approach to the law of torts.

II. EXAMINING THE DUAL PERSPECTIVES: THE LAW OF TORT VS THE LAW OF TORTS

A significant debate in tort law revolves around whether it is more accurate to describe it as the "Law of Tort" or the "Law of Torts." This question stems from differing theories proposed by leading jurists. Sir John Salmond, through his Pigeonhole Theory, argued in

Favor of a structured and specific set of wrongs, whereas Percy Henry Winfield championed a broader, more inclusive approach, emphasizing the law's adaptability.

1. The Law of Tort (Winfield's Theory)

Winfield's theory suggests that tort law operates on a general principle: every wrongful act that is not justifiable constitutes a tort. He viewed tort law as dynamic, akin to a growing tree that extends its branches to adapt to the evolving needs of society. This perspective grants courts the authority to recognize new torts in response to novel circumstances. He remarked:

"Law cannot remain static; it must develop alongside society."¹

2. The Law of Torts (Salmond's Pigeonhole Theory)

Conversely, Salmond proposed that tort law consists of specific and well-defined wrongs, each fitting into a "pigeonhole." Examples include assault, battery, and slander. According to this theory, if a wrongful act does not align with any of these established categories, it is not considered a tort, and no liability arises. Salmond stated:

"The law of torts resembles a net of pigeonholes, and unless the wrongful act falls into one, liability does not arise."²

His work highlights the importance of certainty and predictability in legal interpretation, ensuring that liability does not arise arbitrarily.

These contrasting perspectives have led to a rich discourse among legal scholars. Salmond's book, titled *The Law of Torts*, reflects his adherence to the first alternative, emphasizing the necessity of categorization for the coherence of tort law.

The Debate in Modern Jurisprudence

The debate between these two theories has extended into modern jurisprudence. While Salmond's approach ensures discipline and prevents judicial overreach, critics argue that it limits the law's ability to evolve. Cases like *Rylands v. Fletcher* (1868) demonstrate the potential of courts to establish new principles outside pre-existing categories.

On the other hand, Winfield's inclusive approach ensures the law remains relevant. This perspective

aligns with Lord Atkin's famous principle in *Donoghue v. Stevenson*:

"You must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour."³

Concluding Remarks

The ongoing debate underscores a fundamental tension between legal certainty and adaptability. While Salmond's structured approach ensures predictability, Winfield's broader framework fosters legal growth and responsiveness. Both theories offer valuable insights: the former as a guide for current practice and the latter as a vision for the law's future development. In modern contexts, it may be best to adopt a balanced approach—retaining Salmond's clarity for well-defined wrongs while embracing Winfield's dynamism to address novel injustices. As noted by Glanville Williams: "The coexistence of these theories demonstrates the strength of tort law as both a protector of established justice and a vehicle for addressing emerging wrongs."⁴

III. SALMOND'S PIGEONHOLE THEORY: A STRUCTURED APPROACH TO TORT LAW

The Pigeonhole Theory, articulated by John Salmond, is a foundational concept in the study of tort law. It defines the parameters of tort liability, emphasizing specificity and categorization over a general principle of liability. This theory plays a crucial role in understanding the structure and application of tort law and its practical implications in adjudicating wrongful acts.

Definition of Tort Law According to Salmond

Salmond defined tort as:

"A civil wrong for which the remedy is a common-law action for unliquidated damages, and which is not exclusively the breach of contract, or the breach of trust, or other merely equitable obligations."⁵

Key Questions Addressed by the Pigeonhole Theory

The Pigeonhole Theory was Salmond's attempt to resolve two critical questions about the scope of tort law:

1. Should the law of torts be restricted to only those

wrongs explicitly recognized as torts?

2. Should every wrongful act committed without justification be considered a tort?

Salmond firmly advocated for the first approach, emphasizing that only well-defined wrongs recognized under common law should be categorized as torts. He rejected the idea of a general principle of liability, insisting that liability must arise from specific, established torts.

The Pigeonhole Analogy: Structuring Tort Law

Salmond famously compared tort law to a set of pigeonholes, with each hole representing a specific recognized tort, such as assault, battery, defamation, or malicious prosecution. According to this analogy:

1. Each tort is akin to a pigeonhole, carefully labelled and defined within the legal framework.
2. For a claim to succeed, the plaintiff must establish that the wrongful act fits into one of these pigeonholes.
3. If the act does not fit within any of the recognized categories, no liability arises, even if the act appears wrongful.

Salmond emphasized this approach to ensure clarity, consistency, and predictability in the application of tort law. He stated: "Just as the criminal law consists of a body of rules establishing specific offences, so the law of torts consists of a body of rules establishing specific injuries. Neither in one case nor in the other, there is any general principle of liability."⁶

Burden of Proof Under the Theory

Under Salmond's framework, the burden of proof lies with the plaintiff. The plaintiff must not only demonstrate that a wrongful act occurred but also prove that it aligns with an established category of tort. This approach places significant emphasis on the plaintiff's ability to classify the harm within recognized legal frameworks, thereby limiting arbitrary claims.

Salmond's Justification for the Theory

Salmond justified the Pigeonhole Theory on several grounds:

1. Legal Certainty and Predictability. By restricting liability to established categories, Salmond sought

to prevent arbitrary or overly broad interpretations of tortious liability.

2. Consistency with common law principles. Tort law, much like criminal law, is built on precedents. Salmond believed that confining torts to recognized categories facilitates reliance on established case law, ensuring consistency across judicial decisions.
3. Preventing the Expansion of Liability. Salmond argued that without specific boundaries, tort law could become overly expansive, leading to frivolous litigation and undermining the legal system's integrity. The Pigeonhole Theory acts as a safeguard against such an outcome.
4. Flexibility emphasizing categorization, Salmond acknowledged that new torts could emerge over time. However, these new torts should resemble existing ones.

Practical Implications of the Theory

The Pigeonhole Theory has significant practical implications:

- It protects defendants from unwarranted liability by ensuring that only wrongful acts falling within recognized categories are actionable.
- It places a higher evidentiary burden on plaintiffs, requiring them to clearly establish the tortious nature of the act.
- It limits the scope of tort law, creating a streamlined and manageable body of legal principles.

IV. SUPPORTERS OF SALMOND'S PIGEONHOLE THEORY

Several legal scholars have supported Salmond's Pigeonhole Theory, clarified its application and emphasized its flexibility in the development of tort law. While Salmond's theory suggests a structured approach, it does not limit the potential for new torts to emerge. These scholars have provided valuable insights that help refine the understanding of the theory.

Rd. Jenks' Clarification on the Flexibility of the Theory

Rd. Jenks was a strong proponent of Salmond's

Pigeonhole Theory. He emphasized that the theory did not restrict the courts from creating new torts. Rather, the new torts must bear similarity to the existing ones in order to fit within the established framework of tort law. This clarification was crucial in dispelling the misconception that Salmond's theory created a rigid system incapable of accommodating new developments.

"Salmond's theory does not render the courts incapable of creating new torts, but these new torts must be similar to those already recognized within the framework of existing torts."⁷

Heuston's Interpretation of Salmond's Theory

Heuston also supported Salmond's approach but believed that there had been a misunderstanding of the theory. According to Heuston, Salmond never intended to classify the law of torts as a closed and inflexible system. The pigeonholes, while structured, are not meant to be exhaustive. They can expand as new torts emerge that share similarities with existing ones. Heuston clarified that the theory is not about restricting the expansion of tort law, but rather organizing it into manageable, defined categories.

Rd. Glanville Williams' Support for Expansion

Rd. Glanville Williams also supported Salmond's theory, noting that classifying torts into specific categories (pigeonholes) should not be seen as limiting the law's potential for growth. Williams argued that the pigeonholes should not be interpreted as having insufficient space for all wrongful acts. Instead, the framework remains flexible enough to accommodate new torts, provided they share characteristics with existing torts.

Legal Precedent: *Bollinger v. Costa Brava Wine Co. Ltd*

In the case of *Bollinger v. Costa Brava Wine Co. Ltd*, the court reinforced the application of Salmond's Pigeonhole Theory. The court held that when seeking damages, a claimant must show how the wrongful act falls under an existing and specified tort. This case serves as a practical application of Salmond's theory, underscoring the need for wrongful acts to fit into clearly defined categories in order to establish liability. "A claim for damages must demonstrate that the wrongful act fits into a recognized category, akin

to a pigeonhole in Salmond's framework."⁸

Concluding Remarks

Supporters of the Pigeonhole Theory argue that its structured approach provides clarity, consistency, and predictability in tort law. By categorizing torts into distinct, predefined categories, Salmond's framework ensures that legal practitioners and courts can operate within established boundaries, reducing ambiguity in decision-making. This is especially beneficial in maintaining the stability of the law, as it provides clear guidelines for identifying liability and formulating legal arguments.

In practice, the Pigeonhole Theory has been valuable for ensuring that tort claims remain grounded in established legal principles. In this sense, it offers a pragmatic solution to the complexities of tortious liability, especially when dealing with well-defined types of harm. Supporters contend that the theory strikes a balance between structure and adaptability, allowing for predictable yet evolving jurisprudence. They argue that its systematic nature ensures fairness and uniformity in the application of tort law across diverse cases. Furthermore, by focusing on the shared characteristics of wrongful acts, the theory facilitates the gradual incorporation of emerging torts into the legal framework. This approach ensures that tort law remains both dynamic and coherent in addressing societal changes and evolving legal needs.

V. CRITICISM OF SALMOND'S PIGEONHOLE THEORY IN TORT LAW

The Pigeonhole Theory, proposed by Sir John Salmond, has been a foundational concept in tort law, but it has also faced significant criticism. Critics argue that this theory, while useful in some contexts, is overly restrictive and fails to address the growing complexity and evolving nature of tort law in modern society. This section explores the primary criticisms of Salmond's Pigeonhole Theory, focusing on its rigidity, limitations in addressing new forms of harm, and its inability to accommodate the dynamic nature of tortious liability.

1. Rigidity and Lack of Flexibility in Tort Law

One of the primary criticisms of Salmond's Pigeonhole Theory is its rigid categorization of torts.

According to the theory, tortious acts must fit neatly into predefined categories, or "pigeonholes," which limits the scope of judicial discretion and flexibility. This framework was useful in an earlier legal context, where the scope of tort law was more limited. However, in contemporary society, where new and complex wrongful acts constantly emerge, such a restrictive framework fails to accommodate evolving legal challenges.⁹

Inadequacy for Modern Legal Challenges

The types of wrongful acts that individuals can suffer in modern society are increasingly varied and complex. Issues such as cybercrime, environmental damage, and industrial negligence may not fit neatly into any of the traditional pigeonholes that Salmond proposed. The Pigeonhole Theory, with its insistence on placing every act into a fixed category, is ill-equipped to respond to these new forms of harm, which often require innovative legal solutions.

For example, in cases of cyber harassment or privacy violations, the harm caused may involve elements of defamation, emotional distress, and invasion of privacy. These overlapping issues may not fit well within the predefined pigeonholes, leaving victims without adequate legal recourse under Salmond's framework.

Case Example: The Rise of Environmental Torts

The case of *Rylands v. Fletcher* (1868) is a key example where the Pigeonhole Theory would have struggled. In that case, the court created the tort of strict liability to address harm caused by industrial activities, which was a new form of harm at the time. Had Salmond's theory been strictly followed, this novel form of harm might not have been recognized, as it did not fit into any existing tort category. This demonstrates the shortcomings of a rigid pigeonhole system in addressing emerging legal issues.¹⁰

2. Failure to Account for the Evolution of Torts

Another significant criticism of the Pigeonhole Theory is its static nature. Salmond's approach assumes that once a tort has been recognized, it does not evolve. However, tort law must be flexible and adaptable to respond to new types of harm as society and technology progress.

Creation of New Torts and Judicial Flexibility

A central tenet of tort law is its ability to evolve in response to new societal needs and challenges. For instance, in cases involving emerging industries or advanced technologies, courts may need to develop new torts to address unforeseen harms. The Pigeonhole Theory restricts this judicial creativity by limiting tort law to existing categories. This failure to accommodate new torts or adapt to societal changes can leave individuals without remedies for novel injuries.

Legal Development: The Case of Strict Liability

The creation of strict liability in *Rylands v. Fletcher* (1868) provides an illustrative example. The tort of strict liability arose in response to a new kind of harm caused by industrial activities, yet it did not fit within any established pigeonhole. Under Salmond's Pigeonhole Theory, the recognition of this tort could have been denied, illustrating the limitations of a rigid classification system in the face of societal and legal advancements.¹¹

3. Limits Access to Justice and Remedies for Novel Wrongs

A major flaw in the Pigeonhole Theory is that it limits access to justice. If a person suffers harm but cannot prove that their injury falls within one of the existing pigeonholes, they may be denied a remedy, even if their harm meets the fundamental criteria for tortious conduct. This is particularly problematic as it prevents individuals from seeking compensation for new types of harm that may not be covered by traditional torts.¹²

The Right to a Remedy

A key principle in tort law is that every wrong must have a corresponding remedy. Salmond's Pigeonhole Theory undermines this principle by restricting remedies to specific categories of wrongs. If a wrongful act does not fit within the pigeonholes, the plaintiff has no recourse, leading to a denial of justice.

Case Example: The Oleum Gas Leak Case

A prime example of this issue is found in the *M.C. Mehta v. Union of India* (1986) case, which led to the recognition of absolute liability for hazardous industries. This new legal principle did not fit into traditional tort categories. Under the Pigeonhole Theory, such a development might not have been possible, as it did not align with any pre-existing tort

category. This highlights how the rigid pigeonhole framework can hinder the evolution of tort law to meet modern societal needs¹³.

4. Over-Simplification of Tortious Liability

Salmond's Pigeonhole Theory also tends to oversimplify the nature of tortious liability. The theory reduces tort law to a limited number of categories, whereas tortious liability is often more complex. Many torts involve a combination of legal principles, and the harm caused by wrongful acts can span multiple areas of law.

The Complexity of Modern Wrongs

Modern torts, such as defamation or privacy invasion, may involve multiple legal doctrines. Salmond's insistence on categorizing each wrong into a single pigeonhole fails to account for these complexities. In practice, this oversimplification may lead to unclear or unjust outcomes, especially in cases where the harm is multifaceted.

Case Example: Cybercrimes and Online Harms

In cases involving cybercrimes or online harassment, the torts involved may span defamation, emotional distress, and invasion of privacy. Under the Pigeonhole Theory, these complex issues would likely be forced into predefined pigeonholes, which could lead to unjust or incomplete remedies for the plaintiff.

1. Obsolescence of the Pigeonhole System in Modern Law

As society evolves, so too must the law. The Pigeonhole Theory, with its limited scope and rigid framework, is increasingly seen as inadequate for addressing the challenges posed by new types of harm and injury. Legal systems must remain adaptable, allowing courts to respond to new societal challenges and recognize novel torts as they arise.¹⁴

Judicial Creativity and Legal Development

The development of new torts, such as the recognition of strict liability in *Rylands v. Fletcher* and absolute liability in the *Oleum Gas Leak Case*, demonstrates that tort law must evolve with the times. These legal advancements would not have been possible under the Pigeonhole Theory, which would have restricted recognition of new torts to predefined categories.

Concluding Remarks:

The Pigeonhole Theory, while historically significant in tort law, has several notable criticisms that undermine its effectiveness in addressing the complexities of modern legal challenges. Its rigid classification system, which forces torts into predefined categories, limits judicial discretion and flexibility. This restriction is particularly evident in the context of emerging legal issues such as cybercrimes, environmental harm, and privacy violations, which often do not fit neatly into traditional categories. Critics argue that the theory's structured approach can lead to unjust outcomes when novel situations are forced to conform to outdated legal definitions. Legal scholars also contend that the theory's overemphasis on categorization undermines the broader principle of justice that tort law seeks to uphold. These limitations highlight the need for a more adaptive and inclusive framework that aligns with the dynamic nature of modern law.

VI. WINFIELD'S TAKE ON TORTIOUS LIABILITY: AN ALTERNATIVE APPROACH

One of the most significant critiques of Salmond's Pigeonhole Theory comes from legal scholar Winfield, who proposed an alternative and broader perspective on tortious liability. His approach emphasizes flexibility and adaptability, allowing tort law to evolve with societal needs and emerging wrongs.

Winfield described tort as a breach of duty fixed by law and owed to persons generally, where the breach is redressable by an action for unliquidated damages. In simple terms, he viewed tort law as encompassing any injury caused to an individual without justification under existing legal frameworks. Unlike Salmond, who categorized torts into predefined "pigeonholes," Winfield proposed a unified category of tortious liability capable of accommodating new wrongs.

Key Features of Winfield's Theory

1. Recognizes every unjustifiable injury as a tort.
2. Advocates for a general principle of liability over rigid categories.
3. Supports the continuous evolution of tort law to address novel issues.

Support for the Creation of New Torts

Winfield strongly advocated for the creation of new torts as societal conditions evolved. His theory aligns with the principles of dynamic jurisprudence, emphasizing that tort law must adapt to address emerging wrongs. Justice Bhagwati, in *MC Mehta v. Union of India* (1986), echoed this sentiment by arguing that legal principles must evolve to address industrial and technological advancements.

Judicial Support

- i. In *Ashby v. White* (1703), Holt C.J. held that every injury must have a remedy, a principle central to Winfield's approach.¹⁵
- ii. In *MC Mehta v. Union of India*, the Indian Supreme Court evolved the concept of absolute liability, expanding tort law to address industrial hazards.¹⁶

The Tree Analogy: Winfield's Critique of Salmond

Winfield employed the metaphor of a tree to critique Salmond's Pigeonhole Theory. While Salmond's approach might suffice for immediate, practical purposes—treating a tree as "inanimate" to avoid a collision—Winfield's perspective recognized that tort law, like a tree, is a living and growing entity. This analogy underscores the broader, more inclusive nature of Winfield's theory.

Judicial Preference for Winfield's Theory

Courts have often implicitly favoured Winfield's approach by recognizing new torts and expanding existing principles:

- i. In *Constantine v. Imperial London Hotel Ltd.* (1944), the court held that a violation of rights warranted a remedy, even if the tort didn't fit established categories.¹⁷
- ii. In *Jay Laxmi Salt Works v. State of Gujarat* (1994), the Indian Supreme Court emphasized the evolving nature of tort law, stating that it cannot be confined to predefined categories.¹⁸

VII. WINFIELD VS. SALMOND: A COMPARATIVE ANALYSIS

Salmond's Pigeonhole Theory:

- i. Emphasizes a fixed set of torts.
- ii. Argues that every tort must fit into a predefined category.

- iii. Critics view it as overly restrictive and unsuitable for modern complexities.
- iv. Focuses on maintaining consistency, predictability and certainty in tort law.
- v. Relies on established categories to ensure stability in the legal system,
- vi. Critics contend it fails to address emerging legal challenges, such as technological advancements and evolving societal norms.

Winfield's General Principle of Liability:

- i. Advocates for a broad and inclusive approach.
- ii. Encourages the recognition of new torts as societal needs evolve.
- iii. Reflects the dynamic and expanding nature of tort law.
- iv. Prioritizes justice and fairness over rigid categorization, allowing for more flexibility in the application of the law.
- v. Supports the idea that tort law should be more adaptable to contemporary issues, including emerging technologies and global challenges.
- vi. Critics argue that this approach can lead to uncertainty and unpredictability, potentially undermining the stability of the legal system.

Present Position of Law

The debate between Salmond and Winfield's theories reflects the dual nature of tort law—both structured and flexible. Prof. Glanville Williams aptly summarized this controversy, stating:

"The first school has shown that the rules of liability are very wide. The second school has shown that some rules of absence of liability are also very wide. Neither school has shown that there is any general rule, whether of liability or of non-liability, to cover novel cases that have yet received the attention of courts."¹⁹

The practical reality lies somewhere in between:

- Courts must balance existing principles of liability with the need for expansion.
- New torts are often recognized through judicial decisions rather than theoretical frameworks.

Concluding Remarks: -

While Salmond's Pigeonhole Theory may have historical significance, its rigid structure is ill-suited for addressing the complexities of modern society.

Winfield's broader and more flexible approach offers a practical framework for the continuous evolution of tort law. The recognition of absolute liability in the *Oleum Gas Leak Case* and the increasing number of technological and industrial disputes highlight the necessity for adaptability in tortious liability.

Winfield's theory, which emphasizes the creation of new torts and the expansion of existing principles, aligns closely with the modern judicial approach. As tort law continues to develop, Winfield's vision of a dynamic and inclusive legal system remains a cornerstone of its evolution. Winfield's contribution to the understanding of tortious liability remains highly significant in the context of modern tort law. His perspective stands in stark contrast to Salmond's rigid Pigeonhole Theory, offering a more flexible, dynamic approach to legal interpretation and the evolution of torts. While Salmond's approach may have served its purpose in earlier periods when the scope of tort law was narrower and more predictable, Winfield's theory better accommodates the complexity and rapid societal changes that define the modern legal landscape.

CONCLUSION

The law of torts, being uncodified and evolving from judicial precedents, is highly dependent on the facts and circumstances of each case. The Pigeonhole Theory, proposed by Salmond, and the *Prima Facie Tort Theory* represent two distinct perspectives within this domain. However, with the ever-expanding interpretations of courts and the dynamic nature of societal challenges, the Pigeonhole Theory has lost much of its relevance in contemporary jurisprudence. The debate between the "law of tort" and the "law of torts" continues to be a focal point of academic and judicial discourse. In today's world of rapid technological advancements, issues such as the application of autonomous systems to vicarious liability demand a broader interpretation of tort law. The increasing awareness of legal rights and remedies has led to exponential growth in tort litigation, making it essential for the law to accommodate new challenges. The doctrine of negligence, for instance, continues to evolve, and the possibility of adding new branches to this domain remains strong.

Although proponents of the Pigeonhole Theory argue that it has been misunderstood, critics like Winfield have convincingly demonstrated its limitations. Winfield's assertion that every wrongful act without justification constitutes a tort has gained wider acceptance, aligning with the need for a more inclusive and adaptive legal framework. This perspective is reflected in the Indian judiciary's progressive stance, as seen in cases like the *Oleum Gas Leak Case*, where the concept of absolute liability was developed, going beyond the traditional boundaries of strict liability.

In conclusion, the Indian legal system and other modern jurisdictions increasingly lean toward the broader interpretation of the law of torts, emphasizing continuous evolution. The primary objective of tort law remains the provision of adequate remedies to victims while adapting to new societal realities. The Pigeonhole Theory, though historically significant, finds limited applicability today in the face of expanding legal principles and the growing complexity of modern wrongs. Thus, the law of torts must continue to evolve to address the challenges of the present era and provide justice in an equitable and effective manner.