

Liability under *actio legis aquiliae* for breach of quarantine: A critical review with special reference to Sri Lanka.

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Abstract

The Covid-19 pandemic has changed many aspects of our daily lives and the intersection between law and the management of the human activities amidst the pandemic period has given new insights in to the areas of law that needs to be relooked. As a country where the common law is governed by the principles of Roman-Dutch law, it becomes vital to inquire in to the civil liability of those who breach rules relating to quarantine. While the Quarantine and Prevention of Diseases Ordinance No. 3 of 1897 mainly deals with the matters related to stopping the spread of the virus with other regulations made in accordance with the Ordinance, it does not speak about the individual liability of an individual who may spread the virus to another through her/his negligence. The liability of an individual who negligently spreads the virus and causes harm upon another has to be considered under the law of delict which is the governing law on civil liability in Sri Lanka. Using a qualitative method by utilizing the doctrinal approach, this research endeavours to critically evaluate the possibility of using delictual liability as a means of obtaining compensation for negligently spreading the virus. The findings reveal that, the delictual liability as found upon the civil action based on *actio legis aquiliae* is capable of providing relief for those who have suffered a loss or a harm due to the negligence of another in spreading the virus since the material requirements to bring in a delictual claim, which includes the proving of wrongfulness of the act or omission, pecuniary or patrimonial loss, fault on the part of the dependent along with foreseeability of the act or omission can be satisfied by a negligent act of an individual who causes harm upon another person through her/his negligent acts or omissions.

Key Words: *Covid-19 Pandemic, Delictual Liability, Roman-Dutch Law*