

**NEGLIGENCE UNDER CIVIL ACTION AND
CRIMINAL ACTION**

PhD DISSERTATION

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Abstract

Negligence is the breach of a legal duty to take care which results in damage, undesired by the defendant, to the plaintiff. The existence of negligence as a separate tort with a distinct set of principles has been established since 1825, and must be assumed as the most important tort of all. It is stated that the compensation for damage caused by negligence can be sued both civilly and criminally. Such compensation is most frequently claimed for employment injuries sustained through negligence in the course of employment, for medical injuries suffered through negligence in the performance of medical care and for motor vehicle injuries caused by motor vehicle negligence such as negligent driving. This thesis is a qualitative research written by studying laws, statutes, rules, books and cases written by legal experts on the subject of negligence. The damage caused may be physical injury, harm to property, illness, economic loss, etc. As described in this thesis, in Myanmar, compensation for employment injuries can be received from the Social Security Fund under the Social Security Law or from the Workmen's Compensation Act, whereas for medical negligence, civil and criminal claims are brought under relevant laws since there is no specific law that addresses the subject of medical negligence. Likewise, motor vehicle negligence cases are instituted under civil suits and as described in this thesis, can be both time and money consuming.

Negligence under Civil Action and Criminal Action

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