

Legislator's Liability - Sovereign Immunity and Rule of Law

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Abstract : Traditionally it was held that the king can do no wrong. History has proved otherwise, and both the rule of law and the open society call for a diversification of checks and balances, including civil liability in tort. Most jurisdictions are right to fear the excessive cost of such liability for the innocent taxpayer. There are notwithstanding extreme instances where refusing compensation is perceived to be outrageous. Many public bodies end up handing out on a voluntary basis, which leaves room to question its legality and merit. Instead, some criteria can shed light on the fairness of an underlying rationale of such compensation and cordon it off within reasonable limits.

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