

# Good essay about the federal tort claims act of 1946 (ftca)

[Law](#), [Security](#)



## **Introduction**

The federal Tort Claims Act is deemed, and stipulated to have been enacted in the year, 1746. Its main theme was to allow or permit the private parties/ individuals to sue the government and representatives acting on behalf of the state government. Prior to the 1946 statute, there were tortuous activities that were experienced by the citizens from the wrath of the unruly leaders within the government. Ideally, this act was formulated with the intention of enabling the citizens to feel the maximum protection that they deserve with respect to their rights. Some of the issues that are the citizens were advised to address by suing the federal government included the personal damages (Kolb, 2008). Personal damages include the loss of money, as well as physical property, physical injury among other related situations that the federal organization can implicate on the citizens. In this case, the person can make the filing of the claims that he or she intends to post against the government. In the case of damage, the cost of filing and other related expenses are also considered relevant within the Federal Tort Claims Act (FTCA).

Accordingly, the law of tort in this enactment intends to stipulate that there is authority towards efforts to recover financial damage that is caused by alleged misunderstandings and poor treatment of the citizens. In this case, poor treatment and interpretation of the rules, as well as regulations that are set by the federal government (Guido, 2010). The tort rule implies that the culprits in this case are accused of intolerance and negligence conduct which is very costly. This paper aims at elaborating the conceptual application of the set of rules that are incorporated within the subsections of this act within

the justice and security framework of the nation in question.

According to the previous discussion on the prior status of law towards protection of human rights, there were numerous claims of persons who were injured or even financially mistreated by an individual or organization. There were no laws that were elevated towards solving such atrocities. This means that there must have been political and social impeachment of human rights. Cases that are related to poor treatment of by health care attendants who belonged to the federal government as well as careless accidents that were caused by the public drivers were never liable for their mistakes (Guido, 2010). This meant that, despite any efforts by some of the citizens to make accusations against such acts, there were no legal measures to deal with the perpetrators.

Justice and security organizations use the law as a point of reference for their operations. In that case, most of these complaints are made through justice and security agencies. The law provides that, in any situation, the complainant is making accusations against the government workers, and then the government acts as a defendant. These policies and reasons are worked out on the basis that the workers that are employed by the government act in its representation (Batten, 2011). That is, the government acts as the insurer. Making any claim against the federal government is done in a procedural manner. Ideally, in any case an individual suffers from injury or damage of property due to negligence of the federal employees is entitled to the full reimbursement of these financial damages. Accordingly, the platform that is created for the citizens against whom the wrongs are committed involves the incorporation of justice and security agencies.

Some of the possible situations where a citizen was required to file a complaint against the state and its federal employees are stipulated within the federal act of 1946. Among these situations included the fact that the complainant was injured, and the property was destroyed or damaged by a federal employee. Secondly, the employees should ensure that they act within the scope of their delegated duties. That is; the act of crime or negligence should occur when a person is on duty. This makes it easy of the Justice and security measures to be carried out for the benefit of the complainant. Thirdly, the employees who are identified to be working for the federal government should be identified to have acted out of negligence and ignorance. In that connection, these ignorant acts should have caused damage or injury to a party in question. For the complainant to make a successful complaint, he or she must ensure that the document that evidence the damage with reference to the relevancy of the Federal Tort Claims Act.

There are additional issues that the justice and security agencies ought to address. For instance, if a person wishes that the reimbursement should be made to him, or she should first make a filing with the administration.

Ideally, the act provides that the private employers should be responsible over tort as the government is if any damage is made against the citizens by the employees (Figley, 2009). For any security measure to be applied and utilized by the local security agencies, the complainant and the defendant should have standing positions within which they are supposed to adhere to. Any other anonymous situation should not bother them since there are no legislative rights to carry out any judgments or rulings.

However, there are some define situations that are related to civil liability. The fact that that the federal government is its own regulator is very tricky. That is; it is liable and that it is the regulator of the judiciary system. However, the government it is not liable for the interests of the judgments made with references to the punitive damages. Ideally, federal courts have specified jurisdictions over related claims. However, it applies the law of the state in which the acts or omissions occurred. In this case, the federal and the state law are accrued to the imposition of limitations on the liability. In addition to the justice and security agencies find it hard to solve some of the torts since they are excluded from the Federal Torts Claims Act. The Tort acts make exemptions of some of the claims.

The criterion used to exempt these torts, is related to procedures in law enforcement. Among these torts that are exempts include the some of the intentional torts. The indifference in some of the intentional torts which are addressed, and those which are not addressed incorporates a situation of the limited jurisdiction capacity (Batten, 2011). Conclusively, the Federal Tort Claims Act stipulated the differentiate efforts to fight for the rights of the common citizens in the United States. Numerous cases have been solved by the judicial system via the Supreme Court. Different federal sectors where human right, as well as damage of private property, was dominant prior to the enactment of the federal torts enactment have registered a significance improvement in the level of justice. This has measured up the discipline level of the employees within the federal government.

Conclusively, after the enactment of the federal Torts claim act, the level of judicial cohesion between the government and the citizens has improved.

That is; the permit that is given to the citizens to address their plight with respect to the atrocities committed to them by statesmen has reduced. This is because the personnel who, in the prior period thought that they would take advantage of their position are no longer in a position. Human rights which are deemed common have been were effectively addressed in this tort claim act. In essence, the level of democracy has improved in a significant manner.

## **References**

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