

STRICT LIABILITY : WHEN FAULT DOES NOT MATTER

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ABSTRACT

Strict liability is a doctrine of law that makes a person liable for damages or harm brought about by his actions, whether through intent or negligence. Strict liability is generally useful in cases of dangerous activities, defective products, and damage to the environment. Unlike liability based on negligence, strict liability always holds a defendant liable even if he used reasonable care. The reasoning behind this doctrine is the allocated risk, those who are involved in immensely risky activities or producing potentially dangerous products ought to be held accountable for any ensuing harm. Landmark judgements given in cases like *Rylands v. Fletcher* (1868)²⁶⁷⁰ and *M.C. Mehta v. Union of India* (1987)²⁶⁷¹ demonstrates its operation, undermeaning the principle that certain risks cannot be passed on to innocent parties. This research paper revolves around and discusses the introduction and history of strict liability, its applicability in contemporary jurisprudence, through real life examples as our important landmark cases globally, in the end it overall examines criticisms of the doctrine, and evaluates its role in emerging legal challenges.



²⁶⁷⁰ Jus Corpus Law Journal, *Ryland vs Fletcher* (1868) LR 3 HL 330.

²⁶⁷¹ Supreme Court of India, *MC Mehta & Anr. vs Union of India & Ors* (1986)

INTRODUCTION :

Strict liability refers to a legal doctrine that holds a person or an organization liable for some actions or outcomes, irrespective of whether they intended to harm anyone or were careless, this implies that even if one was extremely careful, they can be made liable if their activity causes injury. The only concept behind strict liability is that some activities or circumstances are so dangerous in and of themselves that the law holds individuals responsible merely for participating in them. Unlike other forms of liability, where it is mandatory to prove that fault or negligence is necessary, strict liability applies even if the person took all reasonable precautions. Strict liability differs from negligence-based liability, where the injured party is obliged to prove that the concerned person failed to act with reasonable care. For cases of strict liability, the interest is primarily centered on whether damage resulted from the activity, without regard to whether the responsible person intended it or exercised care in doing so.

The aim of strict liability is to safeguard individuals from injury and make sure that those who generate some risks are held responsible. It also pushes companies and individuals to be more cautious to avoid injury, knowing they will be held responsible regardless of fault.

In short, strict liability is a powerful legal tool that ensures responsibility in high-risk situations. By removing the need to prove fault, it provides an equal, fair and efficient way to protect the society from harm while ensuring that those engaging in potentially dangerous activities take full accountability for their actions.

HISTORICAL BACKGROUND :

Strict liability has further evolved over centuries as a response to societal and industrial developments. It holds a party liable for harm caused by their actions, regardless of intent or negligence. The concept has its roots in

common law but has faced significant transformations over time.

The landmark case that gave rise to strict liability was:

Rylands v. Fletcher (1868)²⁶⁷² – This case arose from England establishing the "Rule in *Rylands v. Fletcher*," holding that a person who brings something dangerous onto their land is strictly liable if it escapes and causes harm. This principle became a cornerstone of strict liability.

The case basically arose in England when Fletcher, the defendant, constructed a reservoir on his land to supply water to his mill. During the construction, contractors that were hired by Fletcher failed to detect abandoned mine shafts which were built beneath the reservoir. When the reservoir was filled with water, it in no time collapsed into the shafts, causing massive flooding in the neighboring coal mine which was owned by Rylands.

Rylands sued Fletcher for damages, and argued that Fletcher should be held responsible for the flood, yet there was no direct negligence on his part. This case reached the House of Lords, where the court ruled in favor of Rylands, which established the principle of strict liability.

As industries expanded, courts and legislatures had implemented strict liability principles in areas such as:

Product Liability: Manufacturers were held strictly liable for defective products that harmed consumers. *Donoghue v. Stevenson* (1932)²⁶⁷³ In negligence, May Donoghue became ill after drinking ginger beer containing a decomposed snail, which she didn't purchase herself but consumed at a cafe. She sued the manufacturer, David Stevenson, and claimed negligence. The House of Lords ruled in her favor, establishing that all manufacturers owe a duty of care to their consumers, even without a direct contract. Lord Atkin's "neighbour principle" stated that one must avoid actions likely to harm others who are closely affected by them,

²⁶⁷² Ibid . 1

²⁶⁷³ Drishti Judiciary , Donoghue vs Stevenson (1932) AC 562

laying the foundation for modern negligence law.

leading to modern product liability laws

Environmental Law: Companies were held liable for pollution and hazardous waste disposal.

Dangerous Activities: Courts expanded strict liability to ultra-hazardous activities (e.g., using explosives or keeping wild animals).

Evolution in India

The most noticeable development took place in *M.C. Mehta v. Union of India* (1987)²⁶⁷⁴. This case took place when there was a leakage of oleum gas from one of the units of Shriram Foods and Fertilizers Industries in Delhi in December 1985, which was followed by the Bhopal Gas Tragedy. The Supreme Court, led by Justice P.N. Bhagwati established the principle of “absolute liability” in this case. where the Supreme Court introduced the concept of absolute liability. This new implication eliminated exceptions such as the act of God and plaintiff’s own fault, making industries strictly liable for harm caused by certain hazardous activities.

Elements of Strict Liability

Strict liability is imposed over only when certain conditions are met. The three key elements that must be fulfilled before a case to qualify under strict liability are:

1. Dangerous Substance

The defendant must have brought a dangerous or hazardous substance onto their property. The substance should be highly risky and capable of causing harm if it escapes.

Examples:

In *Rylands v. Fletcher* (1868), water was stored in a reservoir which was considered dangerous as its escape caused huge damages. Toxic chemicals, explosives, or wild animals are commonly recognized as hazardous substances under strict liability.

2. Escape

The substance must leave the defendant’s premises and create damage to another person or property. If the hazardous substance remains contained within the defendant’s land, strict liability may not apply.

Examples:

In *Read v. Lyons* (1947)²⁶⁷⁵, a shell exploded inside a factory, but since it did not escape, strict liability was not imposed.

In *Cambridge Water Co. v. Eastern Counties Leather* (1994)²⁶⁷⁶, chemicals seeped into the soil and contaminated water supplies, qualifying as an escape.

3. Non-Natural Use of Land

The defendant’s use of land must be non-natural, meaning it involves an extraordinary, unusual, or hazardous activity. Everyday domestic or agricultural uses are typically not considered.

Examples:

A reservoir for storing large amounts of water (*Rylands v. Fletcher*).

An industrial plant handling toxic waste.

Storing fireworks or explosives in large quantities.

Exceptions to Strict Liability

The certain exceptions of strict liability are :

1. Act of God – Natural disasters discharges liability.
2. Plaintiff’s consent – If the plaintiff willfully accepts the risk.
3. Third-party act – Liability does not arise if the damage is caused by an dissimilar third party.

However, in India, the Supreme Court in *M.C. Mehta* (1987)²⁶⁷⁷ ruled that absolute liability applies even in these situations.

²⁶⁷⁴ Ibid . 2

²⁶⁷⁵ Read vs J Lyons & Co Ltd (1946) UKHL 2 , UK House of Lords

²⁶⁷⁶ Cambridge water Co. vs Eastern Counties Leather Plc (1994) 2 AC 264

²⁶⁷⁷ Ibid . 2

RELEVANT QUESTIONS :

1. Why does strict liability impose liability without fault ?
2. How do courts prove causation in strict liability cases when fault is irrelevant ?
3. How does strict liability align with legal principles like justice and fairness ?

From the writer's perspective, she believes that strict liability serves as a mechanism of public protection and fairness. Environmental harm would always be an excellent example of why strict liability is so important. In situations such as *Indian Council for Enviro-Legal Action v. Union of India* (1996)²⁶⁷⁸, where a firm releases poisonous effluents into a river, no matter that the firm never planned on contaminating or was being careless, the damage that the public health and the environment has suffered which is considerable and cannot be overlooked. A polluter pays principle, based on the doctrine of strict liability, guarantees that the responsible party for the pollution pays for the harm inflicted, restoring the environment and safeguarding public health.

This theme is particularly poignant in our industrially developing society, where there are numerous pursuits that carry very high risks for the public and the environment.

Without strict liability, the injured parties would have a very less possibility if they could not prove the company's negligence or fault. Strict liability guarantees that those who harm the public, even if it is unintentional will be , held responsible for the damage they cause.

In strict liability cases, courts focus on whether the defendant's activity caused the harm and not on whether the defendant was at fault. To answer the next question let's take a look over another famous landmark case under strict liability :

*Vellore Citizens Welfare Forum v. The Union of India*²⁶⁷⁹ The case was based on the pollution caused by tanneries in Vellore, Tamil Nadu, which were discharging untreated wastewater or toxic discharges , such as chromium, into the local rivers. The Vellore Citizens Welfare Forum being a non-governmental organization had filed a Public Interest Litigation (PIL) to address this issue. The Court ordered the tanneries to build pollution control devices, such as sewage treatments, and to compensate the local population for the harm caused. The Polluter Pays Principle was also brought up which required the tanneries to bear the cost of the environmental damage. The Court used Article 21²⁶⁸⁰ , Article 48A²⁶⁸¹, and Article 51A(g)²⁶⁸² to further emphasise the government's responsibility to protect the environment and the citizens' rights to live in a clean and healthy environment.

In this case, causation was a crucial measure for adjoining the pollution caused by the tanneries to the harm suffered by the local environment and community. The court established that the discharge of untreated wastewater by the tanneries was the direct cause of the pollution of rivers and soil and the health issues faced by the population. The Court used this link to apply strict liability, holding the tanneries accountable for the damage, even without proving negligence or fault.

Focusing on the very last question let's take an example of another case law which is highlighted under strict liability . In the case of *Narmada Bachao Andolan v. Union of India* (2000)²⁶⁸³. The Supreme Court applied the principle of strict liability to present the environmental and social harm caused by the Sardar Sarovar Dam project on the Narmada River. The construction of the dam led to the displacement of thousands of people and

²⁶⁷⁸ *Indian Council for Enviro-Legal Action v. Union of India*, AIR 1996 SC 1446, (1996) 3 SCC 212

²⁶⁷⁹ *Vellore Citizens Welfare Forum v. Union of India*, (1996) 5 SCC 647, Supreme Court of India.

²⁶⁸⁰ Article 21 - Protection of Life and Personal Liberty

²⁶⁸¹ Article 48A - Protection and Improvement of Environment and Safeguarding of Forest and Wildlife

²⁶⁸² Article 51A(g) - Fundamental Duties

²⁶⁸³ *Narmada Bachao Andolan v. Union of India*, (2000) 10 SCC 664, Supreme Court of India.

caused major environmental downfall. The petitioners, Narmada Bachao Andolan, had argued that the project violated the rights of the displaced people and lacked adequate compensation and proper environmental safeguards.

The case aligns with justice and fairness by ensuring that the benefits of such projects do not come at the cost of the marginalized groups or our environment. It emphasized that those undertaking potentially harmful activities must bear the burden of the consequences, ensuring that justice is served by protecting public rights, compensating victims, and ensuring future safeguards.

APPLICABILITY GLOBALLY :

The application of strict liability across the world ensures that individuals or entities engaged in inherently dangerous activities are held accountable for harm caused, regardless of fault. This principle is used in various countries to protect the public and the environment from harmful activities.

- United Kingdom: In addition to *Rylands v. Fletcher* (1868)²⁶⁸⁴, strict liability is also applied in the area of product liability. For instance, the Consumer Protection Act 1987 makes manufacturers strictly liable for defective products that injure consumers, regardless of whether the manufacturer was negligent or not.
- United States: The Resource Conservation and Recovery Act (RCRA)²⁶⁸⁵ imposes strict liability for cleanup of toxic waste sites. Companies that discharge toxic substances into the environment are liable, even in the absence of fault. Likewise, in product liability law, manufacturers are typically strictly liable for defective products, even in the absence of fault.

- European Union: The Environmental Liability Directive (2004)²⁶⁸⁶ The EU places strict liability on operators of specified activities (such as waste management and energy production) for environmental harm, making sure that the responsible parties cover the cost of the harm inflicted, irrespective of fault.
- Australia: Strict liability is used in fields such as environmental law and occupational safety. Australian laws are responsible for polluters, guaranteeing that damage to the environment is repaired and the parties involved are compensated.
- In general, global imposition of strict liability in environmental law, product liability, and hazardous activities helps to accentuate global commitment to justice and equity in the assurance that culprits pay for the harm resulting from their actions regardless of negligence or intent.

CONCLUSION :

Overall, strict liability is a legal doctrine for holding parties responsible in situations involving harmful activities or hazardous substances that lead to harm, regardless of fault or negligence. Strict liability holds individuals or parties liable for the harm imposed by them, and in doing so, it advances justice and equality, with a view to compensating victims of harmful activities and avoiding the burden of environmental or public harm entirely on the claimants.

Through landmark cases such as *Rylands v. Fletcher*, *Vellore Citizens Welfare Forum v. Union of India*, and *M.C. Mehta v. Union of India*, the doctrine has been laid down and used worldwide to promote public health, protect the environment, and maintain corporate responsibility. Strict liability has evolved more

²⁶⁸⁴ Ibid . 1

²⁶⁸⁵ Resource Conservation and Recovery Act

²⁶⁸⁶ Environmental Liability Directive (2004/35/EC)

than common law as it is practiced in recent times.

The use of strict liability is basically to encourage the Polluter Pays Principle and industries and individuals to adopt preventive measures to avoid causing harm. As society faces rapid growth of environmental and technological hazards, continuous use and application of strict liability will serve as a major role in the safeguarding of individuals and the world, and the burden of harm costs upon the risk-makers instead of the public or nature. Hence, strict liability is not merely a legal tool of accountability, but also an important measure towards the creation of a more equitable and responsible society.

