



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2024

Editor-in-Chief – Prof. (Dr.) Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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STRICT LIABILITY AND ABSOLUTE LIABILITY

Strict liability

The imposition of the legal responsibility on a party for the damages regardless of fault or negligence is called strict liability. In this, it does not require proof of fault or negligence.

Liability applies to certain dangerous activities. The burden of proof must lie on the claimant to prove that the harm is caused by the defendant's activities. The legal consequences as the defendant may have to give compensation to the damages.

Essential Elements

1. Dangerous Substance: Defendants are only liable in the case of dangerous activity take place. Like explosions, Gas leakage etc are termed dangerous activities.
2. Escape: In order to make Defendants liable the material should be escaped from his/her premises and shouldn't be in the reach of Defendants. For eg: If leaves from a poisonous plant enter the plaintiff premises and eat by his/her cattle then Defendants is liable but if cattle itself eat it by entering premises of Defendants and eat then Defendant is not liable.
3. Non natural use: To constitute liability there should be non-natural use of land As in Ryland v Fletcher case, in which the court categorized water storage for milling as non-natural use.

Defense of Strict Liability

1. Act of God: This phrase means when something is done beyond our control. These acts happen exclusively due to natural reasons which cannot be prevented at any cost.
2. Plaintiff fault: If anything happens due to plaintiff fault then Defendant is not liable. Like in the case of Ponting v Noakes when the plaintiff horse died after it entered into the defendant field and ate poisonous leaves. The court held that in this defendant is not liable
3. Consent of the plaintiff: This follows the principle of volenti-non-fit-injuria.

4. Act of the third party : The Act which is done by the third party which is neither servant to the defendant nor have any contact with him but where the act is foreseen must be taken due care by Defendant otherwise he will be held responsible.

Landmark case

Ryland v Fletcher

Facts: The plaintiff and defendant, both neighbors, were involved in a legal dispute. The defendant, who owned a mill, hired contractors to build a water reservoir on his property. During construction, the contractors discovered passages under the reservoir filled with loose Earth and Marl but neglected the issue. After the reservoir was filled, water broke through these shafts, flooding the plaintiff's mine property and causing significant damage. Consequently, the plaintiff filed a lawsuit against the defendant to seek compensation for the losses incurred.

Issue: Is the defendant liable for an act executed by another?

Judgment: In this judgment the judge holds the defendant responsible for all damages, irrespective of the defendant's defense. According to the legal precedent set in this case, if an individual engages in an activity involving a potentially hazardous substance on their premises, they are obligated to bear responsibility for any harm resulting from the leakage of that material, if it escaped due to their negligence.

Absolute Liability

Imposed legal liability on a party for damages caused regardless of fault or negligence but with exception. It not require any proof of fault or negligence. The liability applies to the hazardous activities or substances that have potential to cause significant harm. In this claimant must prove that defendant activity caused hazardous harm or defendant liability triggered to cause such harm. The legal consequences as the defendant required to compensate for the damage .

Essential Elements

1. Dangerous thing: According to this the liability of escape is there when the escape of a thing from an individual land is dangerous or likely to cause injury or damage.
2. Escape: Any damage or injury caused by the escape from the area under the defendant's control comes under absolute liability.

3. Non- natural use of land:Collecting water on land for domestic purposes is considered a natural use of the land. However, when storing large quantities, such as in a reservoir, as in Rylands v. Fletcher, it transforms into a non-natural use of the land.
4. Mischief: To make the defendant liable here the plaintiff first needs to prove that the defendant made non natural use of land then the thing escaped from the land which caused injury.

In strict liability there is also an element but it is not strict as the absolute liability is.

Landmark case

M.C Mehta V UOI (oleum gas leakage case)

In the area of Kirti Nagar, in Shriram Food and Fertilizer Factory , Delhi with a population of 2,00,000 people was situated to produce hard technical products of oil and glycerin soaps. M. C Mehta who filed writ petition before the SC seeking an order for closure and resettlement of the Shriram caustic chlorine and sulphuric factory to a place where there is no harm to public health and security and pending in SC. Then on December 4th and 6th 1985 a massive leakage of oleum gas occurred from subsidiary of Delhi Cloth Mill at Delhi which is one of the plant of Shriram Food and Fertilizer industry leading to death of one person and harm to many .The leakage occur due to the collapse of the structure on which it was mounted. As when the case was brought before the court another leakage occurred due to oleum leakage. This case became trending as another leakage took place from the pipe joint after which a compensation case was filed for the people who faced damages by Delhi legal Aid and Advice Board and the Delhi bar associations. It is the case that elucidated the rule of strict liability and was not enough to decide such cases. Hence, the SC went further and implemented the absolute liability rule. It is an important case because before this case the rule of strict liability was applied which gave advantage to many industrialists by proving their act as defenses like act of God etc .So the Oleum gas leakage case replaced the rule of strict liability by the rule of absolute liability.