

# Rule of Strict Liability and Absolute Liability in Indian Environmental Legal System: An Analysis

Abdul Jabbar Haque\*

## Abstract

*Liability is exposedness to the sanctions of the law. It is incurred by the commission of a wrong and consists in those things which a person must do or suffer for having committed a violation of his duty. Strict Responsibility is the legal theory that anyone who keeps a dangerous chemical on their property is responsible if that substance escapes and causes damage to property or people. The Absolute Liability states that businesses that participate in risky or intrinsically harmful operations are responsible if dangerous objects escape. In the case of Rylands v. Fletcher, the idea of absolute liability for damages caused by industry engaged in hazardous and intrinsically dangerous activities was newly developed and free from exceptions to the strict liability rule. In India, the rule of absolute liability was evolved in the case of M.C. Mehta and another v. Shri Ram Foods and Fertilizer Industries and others. These two principles/doctrines have the similar significance with some differences. Under the principle of strict liability, compensation for damages is determined based on the nature and extent of losses suffered. However, in cases of absolute culpability, exemplary damages must be awarded. The amount of compensation should exceed the actual harm caused because industrial accidents involving hazardous materials often lead to significant loss of life, extensive damage to property, and harm to the environment.*

**Keywords:** Strict liability, absolute liability, hazardous, compensation, environment

## INTRODUCTION

The law establishes each person's rights and obligations, and it specifies what each person must do, must not do and what they are entitled to have done. It is wrong to break these regulations. A person is considered to be liable for a wrong they have done. Liability then refers to a person's status as the wrongdoer. Liability is the straightforward term for one's legal obligation to anything. However, in the context of torts, it is predicated on the idea that if a person does injury to another through an action or omission, that person would be held accountable for the harm they have caused, both legally and monetarily.

Responsibility connotes accountability for a done or omitted act. Liability may result from having a guilty mind, i.e., *mens rea*, that is out of *dolus malus*, i.e., a bad intention, or out of *militia*, i.e., knowledge that an act prohibited by the law is going to be done, or *out of culpa*, i.e., negligence, or out of the provisions of some statute even in the absence of any guilty intention, knowledge or negligence [1].

Liability is exposedness to the sanctions of the law. It is incurred by the commission of a wrong and consists in those things which a person must do or suffer for having committed a violation of his duty. Liability is defined as the actions or consequences that a person must take as a result of failing to act as

### \*Author for Correspondence

Abdul Jabbar Haque

E-mail: jabbarhaque.hlc@gmail.com

Assistant Professor, In-Law, Haldia Law College, Haldia, West Bengal, India

Received Date: January 25, 2023

Accepted Date: April 05, 2023

Published Date: April 15, 2023

**Citation:** Abdul Jabbar Haque. Rule of Strict Liability and Absolute Liability in Indian Environmental Legal System: An Analysis. National Journal of Environmental Law. 2023; 6(1): 47–55p.

they should have [2]. Salmond says “Liability or responsibility is the bond of necessity that exists between the wrongdoer and the remedy of wrong” [3].

Liability may be Civil or Criminal liability. Civil liability involves liability by way of damages, restitution, injunction and specific performance. Criminal liability is by way of punishment or censure or other dealing with the offender. There are three conditions that are to be satisfied before liability in tort arises, such as (i) wrongful act or omission; (ii) intention or negligence; and (iii) breach of strict duty.

The principle of absolute liability is similar to that of strict liability, with only minor adjustments required. This law holds a person entirely responsible for any wrongdoing and applies without restriction or exception. Absolute liability is a legal concept that refers to the capacity to hold everyone without exception accountable for their actions.

According to strict liability, anyone who keeps a dangerous material on their property is responsible if the substance escapes and causes injury to someone or anything. The Absolute Liability states that businesses that participate in risky or intrinsically harmful operations are responsible if dangerous objects escape.

### **RULE OF STRICT LIABILITY**

The strict liability rule imposes liability on the defendant even though he or she is not at fault. In the year 1868, the strict liability rule was established. The case of *Rylands v. Fletcher* is when the doctrine of strict liability first appeared [4]. Under the strict liability doctrine, the defendant remains accountable, regardless of their level of fault or responsibility. Without his involvement, the responsibility is all placed on him.

The facts of the case *Rylands v. Fletcher* are in the following:

The plaintiff (Rylands) had coal mines in fields. The defendant (Fletcher) had a mill in a land adjacent to the coal mines of the plaintiff. The defendant had to store water for the use of his mill. Hence, he had to construct a reservoir. He got constructed a reservoir by entrusting the constructional work to an independent contractor. Under the location of the reservoir, there were old, abandoned shafts. Both the defendant and his contractor were unaware of this fact. These shafts were not in use but were filled in earth. These shafts were connected with vertical shafts with the plaintiff's land. Neither the defendant or the contractor did observe the shafts nor took any precautionary steps to avoid any damage from such unused shafts. They did not block them. After the completion of the reservoir, the defendant filled the reservoir with water. The water of the reservoir having entered into the vertical shafts floated into the plaintiff's mines through the said passages and damaged entire coal mines. The plaintiff used the defendant claiming damages.

The Hon'ble House of Lords found the defendant accountable for all harm done to the mine, regardless of the defendant's plea. The law based on this case states that regardless of whether a person was negligent or not, if they engage in any activity involving a potentially dangerous material on their property, they are responsible for any damage the escape of that substance causes.

### **ESSENTIALS AND EXCEPTIONS OF THE RULE OF STRICT LIABILITY**

#### **Essentials of Strict Liability**

In order for liability to be covered by strict responsibility/liability, the following conditions must be met [5]:

- *Potentially Harmful Substance*: Simply speaking, the defendant will be responsible if a material that could potentially harm the environment or adjacent residents, escapes from the premises. For example: The water in the reservoir in *Ryland's v. Fletcher case*.

- *Escaping from the Premise*: One of the most crucial requirements for strict liability is that the potentially hazardous chemical must escape from the defendant's premises and that it must be impossible to catch or stop once it has done so.

In the case of *Crowhurst v. Amersham Burial Board* [6], if a hazardous tree planted on the defendant's property spreads its branches over the adjacent plaintiff's property, this amounts to the dangerous, poisonous object escaping the defendant's property and entering the plaintiff's territory. The question that now arises is whether the defendant will be held accountable under the aforementioned rule even if nothing was done on purpose on his side if the plaintiff's cattle munch on these leaves.

In the case of *Read v. Lyons and Co.* [7], the plaintiff was an employee of the defendant's shell manufacturing business. While she was on duty on the company's property, a shell that was being manufactured there exploded, inflicting injuries on the plaintiff. The defendant corporation was sued, but the court dismissed the case, ruling that strict liability was inapplicable because the explosion occurred on the defendant's property and that it was impossible for a dangerous object like the shell to escape the defendant's jurisdiction. Also, it was impossible to establish the defendant's fault.

- *Non-Natural Use of Land*: This merely indicates that there must be some unique use (activity) of land that raises the risk of harm to those in the area. It cannot be a use that would be appropriate for the community's general welfare or the regular use of the land.
- *Mischief*: The plaintiff must show that the defendant used his land in a way that was not natural and that the release of the dangerous object caused him harm or mischief in order to hold the defendant accountable under the law of strict liability. Once the plaintiff has established that the defendant used the land in an unnatural way, they must then demonstrate the resulting damage.

In the case of *Charing Cross Electric Supply Co. v. Hydraulic Power Co.* [8], the defendants were responsible for providing water for industrial works but were unable to maintain their mains at the minimum necessary pressure, which resulted in the pipe bursting at four different locations, severely injuring the plaintiff as was demonstrated by the evidence. Notwithstanding the defendants' lack of culpability, they were found to be accountable.

In the case of *Cambridge Water Co. v. Eastern Counties Leather* [9], the defendants operated a tannery in Shawston, a town close to Cambridge. To degrease the pelts, which were necessary for the tanning process, they utilised perchloroethane (PCE). Up until 1976, the defendant's tannery received the PCE in drums, which caused occasional, small-scale PCE spills. This spilled totalled 1,000 gallons over the following few years. The PCE was dissolved in the groundwater after being soaked up by the concrete floor. The plaintiff's bore hole at his mill, which is located 1.3 miles from the defendant's tannery, used to get this tainted water. As a result, the plaintiff filed a lawsuit against the defendant and demanded that strict liability be applied to him. The Hon'ble Allahabad High Court had given the judgement in the favour of the Plaintiff and the strict liability to apply. The defendant must have knowledge that the object on their property could cause harm or damage to the plaintiff's property if it were to escape.

These are the main essentials of strict liability and must be fulfilled and satisfied for liability to be categorized.

### Exceptions of Strict Liability

Broadly speaking, exceptions are a group of defences or "excuses" that the defendant may use to avoid strict liability; nevertheless, each defence is fact-specific and may alter the outcome of the case. The key exceptions to the law of strict liability are listed below:

- *Plaintiff's Own Fault*: If the plaintiff is at fault for the damage, the doctrine of strict liability does not apply, and there is no available remedy.

In the case of *Ponting v. Noakes* [10], The defendant was not found responsible when the plaintiff's horse died after consuming poisonous leaves from trees located on the defendant's property, even though the horse had entered the defendant's property.

- *Act of God*: The Act of God, also known as *Vis Major*, is a legitimate defence to the strict liability rule because it holds that the rule of strict liability does not apply to acts that are beyond human control and consideration and generated by superior natural forces.

In the case of *Nichols v. Marsland* [11], the defendant created various man-made lakes by damming a natural stream for a number of years. The manmade embankments beside the stream were, however, breached by an extraordinary downpour that year that was bigger and more violent than any rainfall ever recorded there, and the surging water took away four of the plaintiff's bridges. When the defendant was sued for damages, the Hon'ble Court determined that she was not responsible since she was not careless and that this was an Act of God outside of her control.

In the case of *S. Vendantachatya v. Highways Dept. of South Arcot* [12], the Hon'ble Supreme Court ruled that the defendant must provide evidence of the proactive preventive measures they took before heavy rain may be used as a defence for the collapse of a culvert or bridge.

In the case of *S.K. Shangrung Lamkang v. State of Manipur* [13], the Hon'ble Supreme Court explained that because managing the supply of power was a risky or inherently risky business, harm to anybody resulting from any cause in the operation of the activity was unlawful. The respondents, who bore responsibility for the aforementioned action, would be strictly and unquestionably obligated to make amends for any damages sustained by individuals who were injured during the course of the activity. According to the ruling in the case of *Ryland v. Fletcher*, the Hon'ble Court held that such liability was not to be exempt from the strict liability rule in any way.

- *Consent of the Plaintiff*: This exception follows the same rule as the tort maxim *volenti non-fit injuria*, which states that the plaintiff or claimant engaged in the potentially damaging conduct while being fully aware of the risks and did so voluntarily. The Strict liability will not apply if the plaintiff agreed that there were potentially dangerous goods on the defendant's property. In cases where the source of the danger benefits both the plaintiff and the defendant, the concept of consent is applied.

In the case of *Carstair v. Taylor* [14], the defendant rented a building's ground floor to the plaintiff. Plaintiff lived on the higher floor. Without the defendant's involvement, water that was kept on the top floor leaked. On the bottom floor, the plaintiff's possessions were destroyed by the flood. Since the water had been stored for both the plaintiff and the defendant, the defendant was exonerated of any liability.

- *Act of a Third Party or a Stranger*: The defendant will not be held accountable under the strict liability rule when damage is brought on by the wrongdoing of a third party or any stranger over whom the defendant had no control.

In the instance of *Richards v. Lothian* [15], some burglars opened the tap while blocking the waste pipes of a wash basin. Damage was done to the plaintiff's belongings by the spilling water. No charges were brought against the defendants.

The Hon'ble Supreme Court ruled in *M.P. Electricity Board v. Shail Kumar* [16] that the strict liability rule did not apply if the accident was brought on by a stranger's unforeseen act.

- *Statutory Authority*: Any action taken by a state or federal government or another entity with legal authority to do so that harms a person serves as a defence to a tort claim. Due to the legislature's approval, the harm brought on by such an act is not actionable. However, the defence is not admissible if the defendant was even slightly negligent or if the harm was deemed predictable.

In the case of *Green v. Chelsea Waterworks Co.* [17], the defendant corporation was required by law to keep up a steady supply of water. Without any fault on the part of the defendants, a company's main burst is, flooding the plaintiff's property. It was decided that because the business was fulfilling a legal obligation, it would not be held accountable.

These are the main five exceptions to the strict liability rule, and because of them, defendants are exempt from responsibility. These exclusions have become very problematic in modern times, particularly when they can be used as an excuse by large enterprises and entire industries.

In India, even though there is no fault by the defendant, he is required to pay compensation to the victim/victim's family in cases of motor vehicle accidents. Where a driver causes injury to a person by an accident, then the driver is punished under the criminal law and the owner of the vehicle is penalised and is also compelled to pay the compensation to victim under the tortious liability. Such strict liability applies under the Motor Vehicles Act, the Railways Act and the Carriers Act. Nowadays, vehicle owners are compelled to get insured his/her vehicle compulsorily under the legislations.

In the case of *Jai Laxmi Salt Works v. State of Gujarat* [18], the defendants built a dam on a significant area of the land in order to produce salt from seawater. Water overflowed from the dam due to the irresponsible building of it, spread throughout the area, and destroyed the plaintiff's factory as a result of water entering it. A lawsuit was brought before the court, but the judge ruled that even if this is a non-natural use of the land, the concept of strict responsibility will not apply because the damage was caused by defective construction of the dam rather than its actual construction. It was decided that by putting the locals at danger, the defendant had violated its public responsibility.

In the case of *Bashir Ahmad Rather v. State of Jammu & Kashmir* [19], boys suffered severe injuries and even died when a high tension electric transmission line collapsed on them as they were seated in the school compound. For each electrocuted victim, the Hon'ble Jammu and Kashmir High Court granted Rs. 3 lakhs.

In the case of *U.P. Power Corpn. v. Bijendra Singh* [20], invoking the doctrine of strict liability, the Hon'ble Allahabad High Court ordered the appellant to compensate the plaintiff-respondent for the death of his elephant as a result of electricity while crossing a road. The Hon'ble Court went on to say that if a business is allowed to engage in a risky or inherently dangerous activity for its own benefit or to generate income, the law must assume that this permission is constrained or that the business will bear the cost of any accidents that result from this activity as an appropriate item of its overheads.

### **RULE OF ABSOLUTE LIABILITY**

In the case of *Rylands v. Fletcher* [21], the idea of absolute liability for harm produced by industry engaged in hazardous and intrinsically dangerous activities was newly developed and free from exceptions to the strict liability rule. In the case of *M.C. Mehta and others v. Shri Ram Foods and Fertilizer Industries and others* [22], the rule of absolute liability was developed in India. One of the Indian judiciary's historic rulings is this one. India had been operating under the strict liability rule prior to the development of this law of absolute liability. Nevertheless, the issue was that there were so many exceptions that the guilty party would always utilise one of them to get away with the crime they had committed. After the Bhopal gas leak case, there was an urgent need to create a rule under strict responsibility that had no exceptions available to the defendant to escape the liability. As a result, many people lost their lives and are still suffering from some of the deadliest diseases throughout the generation. Hence, instead of adhering to the strict responsibility concept, the Hon'ble Court chose to create a new principle that is absolute liability, or the exceptions/modified version of the strict liability.

### **ESSENTIAL ELEMENTS OF THE RULE OF ABSOLUTE LIABILITY**

The fundamentals of the rule of absolute liability are comparable to the notion of strict liability in that they both call for the prerequisites of a dangerous thing, its escape, and any damage brought on by its escape.

- *Hazardous/Dangerous Thing*: The owner can only be held accountable if a dangerous object has escaped from their property and has the potential to harm people or other property. Various items such as a large pool of water, electricity, gas, explosives, odours, rusty wires, and others have been considered hazardous in strict liability cases [23].

- *Escape*: In order for anything that has harmed or engaged in misbehaviour to fall under the purview of absolute culpability, it must have left or escaped from the region where the respondent was in control [24].

In the case of *Read v. Lyons and Co.*, the offended party was working as an employee for the respondent's company that was involved in shell assembly. The incident happened on the day she was performing her duties inside the business. That happened when an item being created there detonated, inflicting injuries on the worker as a result. Following this occurrence, a lawsuit was brought against the litigant's company, but the court finally released the respondent and ruled that strict liability was not relevant in this particular circumstance. This was declared by the court due to the fact that the explosion took place within the respondent's property rather than outside. Additionally, in accordance with the theory, it was expected that the potentially hazardous shell would have been abandoned at this location and removed from the plaintiff's premises. However, this outcome did not occur and was not evident in this particular scenario. In this manner, it was impossible to establish in court the litigant's carelessness.

The doctrine of absolute liability may not be applied in many cases because the element of escape, which is a crucial component of strict liability, may be disregarded. In these cases, dangerous substances like poisonous fumes may escape but still harm employees who are inside the industry's premises. The workers' right to compensation cannot be disregarded in this situation. As a result, the scope of this principle should be used in a wider context, eliminating the possibility of escape.

- *Non-Natural Use of Land*: Water collection for domestic use alone is not considered non-natural use, but when it is done in large numbers, like in a reservoir, it is [25].  
It was determined in the case of *Ryland v. Fletcher* that large-scale water collection constitutes an unnatural use of property. A fundamental distinction between a natural and non-natural use of land is made by taking into account the environment, society, and what a reasonable person would do. On a person's property, planting trees is seen as a natural use of the land; nevertheless, planting a toxic tree is regarded as a non-natural use of the land.
- *Mischief*: According to this principle, the plaintiff must first establish that the defendant used the land in a way that was not natural to him or her and that the defendant then ignored a dangerous situation that existed on the property and caused more harm [26].

In the case of *Charing Cross Electric Supply Co. v. Hydraulic Power Co.* [27], the defendant was tasked with supplying water at several locations. Additionally, the defendant was expected to maintain a minimum pressure, but the defendant failed to do so, causing the pipeline to rupture in several locations. For the plaintiff, it resulted in severe damages. Even though he was not at fault, the defendant was still held accountable in this case.

### SCOPE OF THE RULE OF ABSOLUTE LIABILITY

The principle of absolute liability is typically seen as a legal exception. The Public Liability Insurance Act, 1991 was introduced as a result of the tragic Oleum gas leak event. Its goal was to provide compensation to the victims of incidents involving dangerous chemicals or their handling. The primary goal of the law was to create a public liability insurance fund that would later be used to compensate victims. The extent of new rule is very wider in all terms than old rule are as follows [28]:

- Do not have any exception;
- Very wide scope;
- Cover not only public negligence or fault but cover even personal injuries caused due to the negligence of neighbour; and
- Now cover not only the occupier of land but also non occupier of the land.

Very recently, aggrieved victim's people wrote a letter to the Hon'ble President of India, Droupodi Murmu that after 38 years of incident occurred of Bhopal Gas Leak, till now they are not getting appropriate compensation and other relief which are said by the authority and they are still suffering

from the same. But no initiative taken yet for the suffering people by the Madhya Pradesh Government. They respectfully requested that the Government of Madhya Pradesh and the Union of India work together to ensure that the Bhopal gas victims receive justice as soon as possible.

### **ABSOLUTE LIABILITY AND JUDICIAL CONTROL IN INDIA**

A few cases where Absolute Liability was upheld by the Hon'ble judiciary in India are as follows:

In the case of *M.C. Mehta v. Union of India* [29], the Hon'ble Judges developed the Theory of Absolute Responsibility instead of adhering to the English Laws' Principle of Strict Liability. The Hon'ble Supreme Court ordered the petitioners' organisations to file lawsuits against the industry in the proper courts within 2 months to seek damages on behalf of the injured parties.

In the case of *Union Carbide Corporation v. Union of India* [30], the Hon'ble Supreme Court held that where an enterprise is engaged in an activity that is inherently dangerous or hazardous and harm is caused to anyone as a result of an accident that occurs during the operation of such dangerous or naturally unsafe movement, for example, the escape of poisonous gas, the enterprise is strictly and unconditionally required to compensate every single person who is impacted by the accident. In light of this, the Supreme Court established a new trend of absolute liability devoid of any exceptions.

The Hon'ble Supreme Court took immediate action and ordered the Central Government and the Pollution Control Board to establish harsh measures against the said industries in the matter of *Indian Council for Enviro-legal Action v. Union of India* [31]. The court affirmed the doctrine of absolute liability in this case, holding that using anti-pollution scientific tools is necessary to transform a contaminated environment into one that is favourable to healthy living. Even if their properties need to be connected for this reason, the industries must pay the costs associated with this process. The industries were held solely responsible for making monetary reparations for environmental repair. The courts may also uphold absolute liability in the event of a single fatality without significant property loss or environmental contamination.

The Hon'ble Supreme Court ruled in *Vellore Citizens Welfare Forum v. Union of India* [32] that the polluting tanneries were responsible for past pollution that they had caused to degrade the environment and cause misery to the locals. Two important principles: the Polluter Pays and the Precautionary Principles, were strengthened in this ruling and now form an integral part of India's environmental legislation.

The Hon'ble court ruled that five-star hotels that charge high prices owe their clients a high standard of care in the case of *Klaus Mittelbachert v. East India Hotels Ltd.* [33] The Hotel Oberoi Intercontinental in New Delhi broke this rule when a man died in the swimming pool due to poor design. As a result, the hotel was entirely liable for any damages. The hotel owners were obligated to pay exemplary damages to the deceased or in any other similar circumstances because of the large sums of money they had stolen from the visitors. The decision was made to award the plaintiff Rs. 50 lakhs as compensation for the accident it caused.

**Vizag Gas Leak on 7th May, 2020:** An accident took place in the Vishakhapatnam, State of Andhra Pradesh unit of LG polymers wherein styrene gas leaked in the wee hours and claimed 11 lives and hundreds were admitted in the hospital. At the time of the spill, the factory had 1,800 t of styrene stored there. According to early accounts, some residents of the nearby villages of RRV Puram, Venkatapuram, BC Colony, Padmapuram, and Kamparapalem passed out on the roads. It is a flammable liquid that is employed in the production of fibreglass, rubber, latex, and polystyrene plastics. Headache, hearing loss, exhaustion, weakness, trouble concentrating, etc. are some symptoms. According to a statement from LG Polymers, vaporisation and auto polymerization inside the storage tank may have been brought on by stagnation and temperature variations. To determine what caused the accident, an

---

investigation is currently being conducted. The National Green Tribunal (NGT) fined LG Polymers an interim 50 crores as a result of this disaster [34].

The strict liability principles expressly state that a person who stores dangerous drugs on his property is liable for any harm caused if those substances escape and cause harm. If there was no negligence in the person's favour, this principle is valid, and the burden of proof always rests with the plaintiff to behave in a way that puts him at no danger. Despite the fact that the rule of absolute liability stated that when a project is engaged in a risky or dangerous activity and harm results to anyone as a result of an accident occurring during the course of such a risky or typically hazardous activity, the project is strictly and absolutely liable to compensate all of the people who are adversely affected by the accident. Both of these rules are modelled after the "no-fault liability concept", which holds that the response is responsible even if he is not directly or indirectly to blame for the harms produced to the offended person.

### **DISTINCTION BETWEEN ABSOLUTE AND STRICT LIABILITY**

The Supreme Court clarified the distinction between strict and absolute liability standards in *M.C. Mehta v. Union of India* [35], saying as follows [36]:

Firstly, under absolute liability, only businesses engaged in hazardous or inherently dangerous activities are subject to liability; thus, strict liability applies to all other industries that do not fall under the aforementioned description.

Secondly, it is not essential for a dangerous object to escape from one's own property; as a result, the rule of unlimited culpability will apply to both individuals wounded inside and outside of the premises.

Thirdly, unlike the rule of strict liability, which does have some exceptions, the rule of absolute liability does not. The constitutional bench further held that the norm of absolute liability (*M.C. Mehta v. Union of India*) is not subject to any kind of exemption in the case of *Union of India v. Prabhakaran Vijay Kumar* [37].

Fourthly, the Rule of Strict Liability (*Ryland v. Fletcher*) only applies to uses of land that are not natural, whereas the new Rule of Absolute Responsibility applies to all uses of property, including natural uses. Even if a person utilises a hazardous substance that may be a natural by-product of land and it escapes, he will still be held responsible.

Furthermore, the size and financial capacity of the institute influence the degree of damages. The Supreme Court stated that enterprises engaging in hazardous or inherently dangerous activities have a responsibility to ensure that such activities are carried out with the utmost safety and security. In the event of harm caused by negligence during such activities, the enterprise must be held fully liable to compensate for any damage without the opportunity to defend themselves.

### **CONCLUSION**

Strict liability and absolute liability are exceptions to the rule. Strict liability was introduced as part of no-fault liabilities to pay the persons who were harmed because the defendant kept something harmful on his property or utilized it in a way that was not natural and would have resulted in substantial harm if it had escaped. This tort was founded on the idea that losses should be made up for. Absolute liability is an exception to the rule that someone only commits an offence when he is at fault. As an exception to the exceptions under strict responsibility, the idea of absolute liability emerged, making it a cohesive legal principle that no matter the circumstance, businesses involved in the trafficking of dangerous substances should not be exempt from any liability.

In cases where absolute liability is established, damages are not only compensated based on the extent of losses suffered, but also with exemplary damages. This is because industrial accidents involving

hazardous materials often cause massive loss of life, property damage, and harm to the environment. Thus, the compensation amount awarded should be greater than the harm caused.

## REFERENCES

1. Myneni SR. Environmental Law. Hyderabad: Asia Law House; 2022; 139p.
2. Ibid.
3. Ibid.
4. Rylands v. Fletcher, (1886) L.R. 3 HL 330.
5. Legal desire. (2020 Jun 11). Comparative Study Between the Principle of Strict Liability and Absolute Liability. [Online]. available at: <https://legaldesire.com/comparative-study-between-the-principle-of-strict-liability-and-absolute-liability/> (Last visited on December 15, 2022).
6. Crowhurst v. Amersham Burial Board, (1878) 4 Ex. D. 5; See also Cheater v. Cater, (1908) 1 K.B. 247.
7. Read v. Lyons and Co., (1947) AC 156.
8. Charing Cross Electric Supply Co. v. Hydraulic Power Co. (1914) 3 KB 772.
9. Cambridge Water Co. v. Eastern Counties Leather, (1994) 1 ALL ER 53.
10. Ponting v. Noakes, (1894) 2 QB 281.
11. Nichols v. Marsland, (1876) 2 Ex D 1.
12. S. Vendantachatya v. Highways Dept. of South Arcot, [1987 (3) SCC 400].
13. S.K. Shangrung Lamkang v. State of Manipur, AIR 2008 SC 46.
14. Carstair v. Taylor, (1871) LR 6 Ex 217.
15. Richards v. Lothian, (1913) AC 263 PC.
16. M.P. Electricity Board v. Shail Kumar, AIR 2002 SC 551.
17. Green v. Chelsea Waterworks Co., (1894) 70 L.T. 547.
18. Jai Laxmi Salt Works v. State of Gujarat, (1994) 4 SCC 1.
19. Bashir Ahmad Rather v. State of Jammu & Kashmir, AIR 2008 J & K 15.
20. U.P. Power Corpn. v. Bijendra Singh, AIR 2009 All 56.
21. Rylands v. Fletcher, (1886) L.R. 3 HL 330.
22. M.C. Mehta and another v. Shri Ram Foods and Fertilizer Industries and others, AIR 1987 SC 965, popularly known as Oleum gas leak case.
23. Nancy Suryavanshi. Strict Liability and Absolute Liability. [Online]. available at: <https://www.legalserviceindia.com/legal/article-7666-strict-liability-and-absolute-liability.html> (Last visited on December 15, 2022).
24. Ibid.
25. Ibid.
26. Ibid.
27. Charing Cross Electric Supply Co. v. Hydraulic Power Co., (1914) 3 KB 772.
28. J.N. Pandey, Law of Torts with Consumer Protection Act and Motor Vehicles Act. Allahabad: Central Law Publications; 2016; 393p.
29. M.C. Mehta v. Union of India, AIR 1987 SC 1086.
30. Union Carbide Corporation v. Union of India, (1991) 4 SCC 548, popularly known as Bhopal Gas Tragedy case.
31. Indian Council for Enviro-legal Action v. Union of India, AIR 1996 SC 1446.
32. Vellore Citizens Welfare Forum v. Union of India, AIR 1996 SC 2715.
33. Klaus Mittelbachert v. East India Hotels Ltd., AIR 1997 Delhi 201.
34. Ritwik Jaiswal. Doctrine of Absolute Liability vis-a-vis Right to a Safe Environment. Pen Acclaims. 2020; 10: 1–21.
35. M.C. Mehta v. Union of India, AIR 1987 SC 1086.
36. Manupatra. Absolute Liability: The Rule of Strict Liability in Indian Perspective. [Online]. available at: <http://docs.manupatra.in/newsline/articles/Upload/2D83321D-590A-4646-83F6-9D8E84F5AA3C.pdf> (Last visited on December 15, 2022).
37. Union of India v. Prabhakaran Vijay Kumar, (2008) 9 SCC 527.