CASE LAW UPDATES

Landmark Tort Law Case Series (Part 1): Negligence & Strict/Absolute Liability

Hanspal Bakul · 13 Aug 2026

1. Donoghue v. Stevenson [1932] AC 562

Facts

May Donoghue drank ginger beer bought by a friend at a Paisley café in 1928. The bottle was opaque, so nobody could see inside it. After pouring the last portion into a glass, a decomposed snail floated out, and she fell seriously ill with gastroenteritis and shock.

Since her friend, not she, had purchased the bottle, *no contract existed between Donoghue and the manufacturer, David Stevenson*. Under the law then in force, only parties to a contract could sue over a defective product, leaving her without an obvious remedy.

Issue

Whether a manufacturer owes any duty of care to the ultimate consumer in the total absence of a contract, and if so, how far that duty should extend without creating unlimited liability.

Judgement

By a narrow three-to-two majority, the Lords ruled for Donoghue. Lord Atkin introduced the ***neighbour principle****, holding that one must take reasonable care to avoid acts likely to injure anyone so closely and directly affected that they ought reasonably to be in contemplation.*

Applying this, the court held that *manufacturers owe consumers a duty of care* whenever products reach them without the possibility of intermediate inspection. *This ratio dismantled privity of contract as a bar to tort claims and founded the modern law of negligence.*

2. Rylands v. Fletcher (1868) LR 3 HL 330

Facts

Rylands built a reservoir on his land through independent contractors to supply his mill. The contractors failed to seal disused mining shafts beneath the site. When filled, the reservoir burst through these shafts and flooded Fletcher's adjoining coal mine.

Fletcher had done nothing wrong, yet suffered heavy loss, while Rylands had exercised reasonable care by hiring competent contractors. Neither party was personally negligent, so the court needed to decide whether liability could still arise purely from the nature of the activity.

Issue

Whether a landowner becomes liable for damage caused by something he brings onto his land, even without personal fault, and what kinds of activities should attract this stricter standard rather than ordinary negligence principles.

Judgement

The House of Lords ruled for Fletcher. It held that anyone who brings onto his land and keeps something likely to cause mischief if it escapes must answer for all resulting damage, ***provided the use of land was non-natural, regardless of the care actually tak***en.

This ratio established strict liability for the escape of dangerous substances from land, subject to ***limited defences like acts of God and third party acts.*** It became the founding doctrine for hazardous activity liability throughout common law jurisdictions.

3. M.C. Mehta v. Union of India, AIR 1987 SC 1086

Facts

M.C. Mehta filed a writ petition seeking closure of Shriram Foods and Fertilizers, a hazardous chemical unit operating in the densely populated Kirti Nagar area of Delhi. While the case was pending, oleum gas leaked from the plant on 4 December 1985, killing an advocate and injuring many residents. **A second leak followed two days later, barely a year after the Bhopal tragedy.**

Issue

Whether the century-old English rule of strict liability from Rylands v. Fletcher, with its built-in exceptions, remained adequate for a modern industrial society, and how compensation should be calculated against a hazardous enterprise.

Judgement

Chief Justice Bhagwati, for a five-judge bench, held that Rylands v. Fletcher could not meet India's needs and created the ***doctrine of absolute liability*** *instead.* Under this rule, ***an enterprise engaged in hazardous activity owes an absolute, non-delegable duty to the community.***

Absolute liability admits none of the exceptions available under strict liability. Compensation must also correlate with the *enterprise's size and financial capacity*, so the deterrent effect matches the scale of potential harm. This ratio remains the backbone of Indian hazardous industry law today.

4. Union Carbide Corporation v. Union of India 1992 AIR 248

Facts

On the night of 2 and 3 December 1984, methyl isocyanate gas leaked from the Union Carbide India Limited plant in Bhopal, a subsidiary of the American Union Carbide Corporation. Thousands died immediately, and many more suffered lasting injury in what remains the world's worst industrial disaster.

India enacted the *Bhopal Gas Leak Disaster Act, 1985, granting the government exclusive authority to litigate on behalf of all victims.* The Union of India then sued Union Carbide Corporation, raising complex questions of jurisdiction, corporate liability, and fair compensation.

Issue

Whether Indian courts could properly handle litigation against a multinational parent company, and what standard of liability and compensation could adequately address harm on such a massive scale.

Judgement

The Supreme Court brokered a settlement in 1989, under which Union Carbide paid 470 million US dollars in full and final settlement. Many considered this inadequate given the scale of suffering, and litigation over enhanced compensation and accountability continued for decades afterward.

Read alongside ***M.C. Mehta, this case confirms that Indian courts treat hazardous industrial activity as attracting the highest possible standard of responsibility,*** extending even to *multinational corporations* operating through Indian subsidiaries.

5. Municipal Corporation of Delhi v. Subhagwanti, AIR 1966 SC 1750

Facts

A historic clock tower in Chandni Chowk, Delhi, owned by the Municipal Corporation, suddenly collapsed and killed three people. The structure was around eighty years old, though the mortar used gave it an expected life of only forty to forty five years, and it had never been properly inspected.

The heirs of the deceased sued the Corporation for negligence. The trial court and High Court both ruled against the Corporation, which then appealed to the Supreme Court, disputing both the finding of negligence and the damages awarded.

Issue

whether the **doctrine of res ipsa loquitur, meaning the thing speaks for itself,** applied here, allowing negligence to be inferred purely from the fact of collapse, and whether the duty of care covered both visible and hidden defects.

Judgement

The Supreme Court upheld the lower courts and applied res ipsa loquitur, holding that since ***the tower remained under the Corporation's exclusive control and no natural calamity explained the fall, the burden shifted to the Corporation to disprove negligence.***

The ratio establishes that owners of structures adjoining public highways bear a continuing duty to ensure safety regardless of whether defects are patent or latent, and that exclusive control combined with an unusual accident *can itself raise a presumption of negligence.*