AILET

Legal Aptitude For CLAT: Law of Torts: Strict And Absolute Liability

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Strict Liability

The principle of strict liability is a no-fault principle wherein the defendant is held liable for the wrongful act committed regardless of committing it unintentionally. The rule is also called 'No fault' liability.

Essentials for Strict Liability

- The defendant must have brought a dangerous thing on his property.
- That dangerous must have escaped the bounds of the said property.
- The escaped thing must have done some harm.

The use of the said property should also be non-natural, which poses dangers that natural use of the land would not pose.

Case Law: Rylands v Fletcher

In the year 1868, under the case Rylands v Fletcher, the principle of strict liability was laid down.

The defendant built a water reservoir on his land so that he could supply water to his mills. The builders of the reservoir were independent contractors who did not see old shafts under the land. The reservoir broke and the water flooded the neighbouring plaintiff's coal mines.

Although the defendant was not at fault, he was held liable.

Exceptions

- If the caused due to the fault of the plaintiff.

- If the reason for harm to the plaintiff was an Act of God.
- In cases of Volenti Non Fit Injuria
- Cause of the accident was the third party
- The act was done under the authorization from state authority.

Absolute Liability

In the case of **M.C Mehta v Union of India,** the concept of Absolute Liability came into existence. The court extended the regulations to factories involved in dangerous products and discharge. These companies are strictly and absolutely liable to the people affected by the escape or accidents involving toxic materials.

This principle of absolute liability does not have any exceptions.