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**THE CONCEPT OF STRICT LIABILITY AND ITS EVOLUTION: FROM RYLANDS V. FLETCHER TO MODERN ENVIRONMENTAL LAW**

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**ABSTRACT**

Strict liability has had a profound influence on the tort and environmental law landscape. It all began with the legendary case of Rylands v. Fletcher in 1868, which held that if a person brings something onto their land that may or could harm if it gets out, they are liable for any harm caused, regardless of whether they were negligent or possessed any ill Intentions. This provision established the precedent for holding individuals responsible based on nothing other than the character of their activities and danger they present, particularly in regard to hazardous materials or activities. When society moved into the industrial age and environmental hazards intensified, courts and legislatures started to extend and define this legal doctrine. Though the initial rule was revolutionary when it was established, it was accompanied by a number of exceptions that diluted its scope. In recognition of these constraints, Indian law introduced a stricter standard called “absolute liability.” This was undoubtedly enunciated in the landmark case of M.C. Mehta v. Union of India in 1987, in which the Supreme Court held that firms in dangerous industries are absolutely liable for any harm their operations lead to, with no defenses or exceptions permitted. The shift from strict to absolute liability marks an increasing trend toward increased responsibility in public health and environmental protection. Today, contemporary legal systems, particularly in India, have incorporated this developed idea into legislation such as the Environment (Protection) Act of 1986 and the Public Liability Insurance Act of 1991. These pieces of legislation are intended

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to bring fast remedies and impose environmental safeguards by holding polluters as well as operators of hazardous operations financially and legally responsible.

**KEYWORDS:** Strict Liability, Absolute Liability, Environmental Law, Rylands v. Fletcher, Bhopal Gas Tragedy

## **INTRODUCTION:**

Strict liability is a key principle in tort law, making an individual legally liable for the harm produced by an activity without regard to fault or negligence. Strict liability differs from classical fault-based liability since it is where the activity itself is so inherently dangerous that the law imposes a duty of care without any need to prove fault. This doctrine has its origin in the 19<sup>th</sup>-century case of Rylands v. Fletcher, where the concept of the idea that persons who undertake hazardous pursuits ought to guarantee the protection of others against harm emanating from such pursuits was established. This development has been significantly influenced by socioeconomic changes, technological developments, and ecological concerns. The catastrophic Bhopal Gas Tragedy of 1984, which led to thousands of fatalities and permanent environmental harm, proved the insufficiency of the original strict responsibility rule. As a counter measure, the Indian judiciary formulated the concept of absolute liability, which fortified the premise for environmental responsibility. This essay discusses the history of the theory of strict liability, from its origin to its implementation in environmental law today.

## **RYLANDS V. FLETCHER: THE ORIGIN OF STRICT LIABILITY**

The well-known English case of Rylands v. Fletcher [(1868) LR 3 HL 330] is often regarded as the beginning of the strict liability doctrine in common law. The trouble started when the defendants, Rylands, constructed a reservoir on their property to provide water for a mill. What they didn't realize was that this reservoir was built over some old mine shafts that had been poorly

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sealed. When the reservoir filled up, it burst through those old shafts, flooding an active coal mine owned by Fletcher, the plaintiff. Fletcher decided to file a lawsuit for the damages to his property even though Rylands had hired qualified engineers and was unaware of the shafts.

The case eventually reached the House of Lords, which decided that Rylands was liable, even though there was no negligence on their part. The court established a groundbreaking principle in tort law: if someone brings something onto their property that could potentially cause harm if it escapes, they are responsible for any damage that results. This marked a significant departure from the traditional fault-based liability, as it placed legal responsibility solely on the nature of the activity and the damage it caused, regardless of intent or the precautions taken. The judgment emphasized that some activities carry such a high level of risk that the person involved must take responsibility for any resulting harm. In doing so, the court effectively created a no-fault liability rule for inherently dangerous land uses. It's worth noting that this liability only applied if there was a "non-natural" use of the land and if a harmful substance actually escaped. Over the years, this rule became a fundamental aspect of tort law, especially in industrial contexts dealing with chemicals, explosives, or large-scale water management.

That being said, the rule did have its exceptions. The court pointed out specific scenarios where a defendant could avoid liability, such as acts of God (you know, like natural disasters), interference from third parties, or even the negligence of the plaintiff themselves. These limitations faced criticism later on, particularly after industrial accidents where defendants found ways to slip through these loopholes and escape responsibility.

Despite these exceptions, the significance of *Rylands v. Fletcher* is huge. It was the first case to recognize that legal liability could arise not just from wrongdoing, but simply from engaging in highly dangerous activities. The principles laid out in this case became the bedrock for shaping environmental and industrial liability laws in common law jurisdictions and even inspired the absolute liability standard in India, which removed the original rule's exceptions to better meet the demands of a densely populated and rapidly industrializing society.

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**EVOLUTION OF STRICT LIABILITY IN COMMON LAW JURISDICTIONS**

**United States**

In the United States, the law of strict liability has developed through Restatement (Second) of Torts, particularly in sections 519 and 520. This rule is particularly directed at “abnormally dangerous activities” which involve an exceptionally high risk of serious injury, even where precautions are used. Where courts determine whether an activity is unreasonably dangerous, they take into account several factors, including the probability and extent of potential harm, whether reasonable care can make the risk more acceptable, and whether the activity is normal or appropriate for the area. The approach reflects a more flexible, situational use of strict liability to conduct discretion. It achieves a balance of public safety and industrial liberty by linking liability to the character of activity and where it is being conducted. It has been very useful in environmental, product liability, and toxic waste cases, such as those under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), where clean-up is made easier by strict liability without the necessity of proving fault.

**United Kingdom**

In the UK, after the corner case of *Rylands v. Fletcher*, British courts began to strain the arm on strict liability. A crucial case, *Transco plc v. Stockport Metropolitan Borough Council* (( 2003) UKHL 61), saw the House of Lords affirm the doctrine but place significant limits on its use, deciding it should only apply to rare, synthetic land uses. The court refocused out that this doctrine is not really suited for managing pitfalls in our bustling civic surroundings moment. This contemporary standpoint shows a judicial spare towards fault- grounded liability, especially in an period filled with sophisticated nonsupervisory fabrics. It marks a transition from strict liability being a go- to legal approach to it getting further of a last resort, only to be used when other legal remedies, like statutory or contractual bones, fall suddenly. This change highlights how legal systems are evolving to more fit the realities of ultramodern civic and artificial life.

**EMERGENCE OF ABSOLUTE LIABILITY IN INDIA:**

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## **Bhopal Gas Tragedy**

The Bhopal disaster in 1984, triggered by a release of methyl isocyanate gas from the Union Carbide fungicide plant, is one of history's most devastating man-made disasters. The catastrophic leak released innumerable individualities to toxic gas, acting in both short-term and long-term loss, disabilities, and excessive environmental harm. Following the tragedy, victims encountered great difficulties in pursuing justice in the being tort system since classic negligence and strict liability principles enabled Union Carbide to raise colorful legal arguments, such as blaming third parties and invoking acts of God. This tragedy highlighted the urgency of the faults in fault- based liability and emphasized the need for a stronger legal framework that places greater emphasis on the rights of the victims. It served as a significant inspiration for legal change in India, giving rise to creative judicial responses and legislative modifications.

### **M.C. Mehta v. Union of India (1987)**

In response to the Oleum gas leak tragedy in Delhi, the Supreme Court of India in *M.C. Mehta v. Union of India* (AIR 1987 SC 1086) formulated a new legal standard known as the doctrine of absolute liability. The Court ruled that any enterprise engaged in hazardous or inherently dangerous operations bears complete and unconditional responsibility for any harm caused, regardless of the precautions taken. Unlike previous doctrines, this liability is non-transferable and cannot be avoided by showing that all safety protocols were followed. The judgment placed the burden squarely on industries to ensure the safety of surrounding communities, without the benefit of traditional defenses.

This judgment marked a significant evolution in Indian tort law by removing traditional defenses like act of God or third-party fault, which were permissible under the Rylands doctrine. The Court's reasoning was rooted in Article 21 of the Constitution, which guarantees the fundamental right to life and personal liberty, thereby affirming that economic and industrial progress cannot override human safety and environmental protection.

The Court also introduced the concept of "deep pockets" liability, asserting that large corporations, by virtue of their economic strength and expansive operations, should bear a greater responsibility

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in compensating affected parties. This doctrine of absolute liability has since become a distinctive element of Indian environmental jurisprudence, reflecting the nation's resolve to strike a balance between rapid industrialization and the imperative of public welfare.

## **KEY DIFFERENCES: STRICT VS. ABSOLUTE LIABILITY**

The doctrine known as strict liability originates from the landmark English case *Rylands v. Fletcher*, where the court held that a person may be held accountable for damage caused by the escape of a dangerous substance they introduced onto their property, even without direct fault. However, this rule includes several recognized exceptions, such as natural calamities (acts of God), the involvement of a third party, contributory negligence, or voluntary acceptance of risk by the injured party. These exceptions make the doctrine conditional in nature. On the other hand, absolute liability, as developed by the Indian Supreme Court in *M.C. Mehta v. Union of India*, imposes a far stricter standard by eliminating all defenses. Under this framework, any enterprise engaged in inherently hazardous or dangerous activities is held fully responsible for any resulting harm, regardless of any preventive measures or intervening factors. This evolution reflects a deliberate legal stance aimed at safeguarding public health and the environment amid India's rapid industrial development and high population density.

## **STATUTORY DEVELOPMENTS IN INDIA**

Legal recourse to the advent of environmental traps and human-made catastrophes in India has led to some meaningful bills that reflect and support the principles of absolute and strict liability. Among them, the Environment (Protection) Act, 1986 blossoms as a basis. Passed in the wake of the Bhopal Gas Tragedy, the Act is a marquee piece of legislation on environmental law. It gives the Central Government sweeping powers to make anticipatory and curative actions, including laying down norms of emissions and discharges, regulating artificial habitats, and penalizing environmental defaults. The Act cultivates the doctrine of absolute liability as it makes speedy nonsupervisory action possible and attributes preventative duty on diligence following hazardous

processes. Completing this template is the Public Liability Insurance Act of 1991, which was enacted to give immediate relief to victims of accidents due to harmful substances. The act empowers all enterprises dealing with harmful accoutrements to take insurance content for ensuring quick compensation in case of accidents. Particularly, the Act functions on the basis of no-fault liability, excluding the requirement of establishing negligence. This is in accordance with the principle of strict and absolute liability, since it relieves the victim from the burden and places it on the enterprise, thereby icing speedy and efficient relief.

Additionally strengthening India's environmental justice is the National Green Tribunal Act, 2010, which established the National Green Tribunal (NGT) — a technical judicial body to resolve environmental conflicts. The NGT follows principles similar to polluter pays, preventative principle, and sustainable development, and consistently adopts stringent or absolute liability techniques when hearing cases of ecological damage. With its forward-thinking station, the NGT has endorsed judicial precedents laid down by the Supreme Court, icing that diligence be accountable and environmental administration be aptly executed.

## **JUDICIAL INTERPRETATION AND EXPANSION**

### **Vellore Citizens Welfare Forum v. Union of India (1996)**

In Vellore Citizens' Welfare Forum v. Union of India (AIR 1996 SC 2715), the Supreme Court addressed the alarming levels of water pollution caused by the tannery industry in Tamil Nadu. The petition revealed that hazardous waste from these units was being discharged without adequate treatment, leading to severe degradation of farmland and contamination of groundwater resources, thereby endangering both public health and agricultural productivity. The Court took a firm stance on environmental protection, recognizing that sustainable development—which harmonizes economic advancement with environmental preservation—is a constitutional imperative.

In a groundbreaking move, the Court adopted two critical environmental principles: the polluter pays principle, which holds that the cost of managing pollution should be borne by those responsible for creating it; and the precautionary principle, which requires authorities and industries to act in anticipation of environmental harm rather than waiting for damage to occur. This judgment significantly influenced the trajectory of environmental jurisprudence in India by linking ecological well-being to Article 21 of the Constitution, which guarantees the fundamental right to life. It also reinforced the duty of both the state and industries to uphold environmental safeguards and ensure responsible development.

### **Indian Council for Enviro-Legal Action v. Union of India (1996)**

In this landmark judgment, the Supreme Court dealt with a public interest litigation concerning the unlawful disposal of toxic waste by several chemical industries in the village of Bichhri, Rajasthan. Despite the existence of statutory environmental regulations, these industries had failed to comply with legal mandates, resulting in widespread contamination of land and groundwater. The Court invoked the doctrine of absolute liability, holding the polluting units strictly responsible for the environmental damage and the cost of remediation, without allowing any defense. The ruling reaffirmed the judiciary's active role in enforcing environmental accountability, not only by awarding compensation to affected individuals but also by mandating ecological restoration. The judgment significantly expanded the reach of absolute liability in Indian environmental jurisprudence, making it clear that technicalities or procedural delays cannot be used by industries to evade their environmental responsibilities. It sent a strong message that economic interests must be subordinated to environmental obligations in the face of ecological harm.

### **Sterlite Industries Case (2013)**

In 2013, the Madras High Court delivered a major decision ordering the closure of a copper smelting plant operated by Sterlite Industries in Thoothukudi, Tamil Nadu. The plant had come under scrutiny due to persistent complaints from local residents about air and water pollution. Investigations revealed that the unit was emitting hazardous gases and engaging in unsafe disposal of toxic waste, violating multiple environmental regulations. The Court concluded that Sterlite



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Industries had repeatedly disregarded environmental norms, causing serious harm to both human health and the surrounding ecosystem. By ordering the shutdown of a large industrial operation, the judiciary reaffirmed its commitment to environmental justice and public safety. The case underscored the idea that environmental protection is integral to the right to life under Article 21 of the Constitution, and that adherence to environmental laws is not optional, but a legal and ethical necessity to prevent irreversible damage.

## COMPARATIVE ANALYSIS

### United States

In the United States, environmental liability is largely influenced by federal laws, with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)—often referred to as the “Superfund” law—being the key piece of legislation. Introduced in 1980, CERCLA sets up a system of strict, retroactive, and joint and several liability for those who own, operate, or transport hazardous waste at contaminated sites. This law empowers the federal government to clean up polluted areas and seek reimbursement from those responsible, even if the harm happened many years ago. The U.S. approach strikes a practical balance between strict liability and legal enforcement, allowing CERCLA to effectively place the financial and legal responsibilities on polluters without needing to prove negligence. It showcases a strong commitment to environmental cleanup and long-term accountability.

### European Union

The European Union’s environmental accountability framework is anchored in Directive 2004/35/EC, which is founded on the polluter pays principle. It holds both private and corporate actors accountable when their actions result in ecological damage, including harm to wildlife, habitats, land resources, or aquatic systems. Industries engaged in hazardous activities such as waste disposal, energy generation, or chemical production are subject to strict liability, regardless of intent or fault. What makes the EU’s approach especially notable is its emphasis on environmental recovery rather than just punitive measures. Instead of limiting liability to fines or

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compensation, the directive requires polluters to undertake active restoration efforts, aiming to return damaged ecosystems to their original state. This proactive stance combines strict enforcement with ecological responsibility, ensuring that environmental preservation and sustainability remain central to the legal process.

## **United Kingdom**

In the UK, environmental regulation has taken a turn towards a more structured approach with the introduction of the Environmental Protection Act in 1990. This act covers important areas like waste management, pollution control, and dealing with contaminated land. While the case of *Rylands v. Fletcher* still has some relevance in civil claims particularly in property disputes involving hazardous substances the application of this doctrine has been significantly limited by subsequent rulings, such as *Transco plc v. Stockport MBC* in 2003. The evolution of UK law shows a clear shift towards regulatory compliance instead of relying on tort-based solutions, emphasizing detailed environmental laws and licensing systems over traditional common law principles. Still, the idea of strict liability is woven into certain situations, especially where statutory guidelines intersect with civil responsibility.

## **CHALLENGES AND CRITICISMS**

Despite its transformative impact, the doctrine of absolute liability is not without its criticisms. One of the principal concerns is that it may impose an unreasonably stringent burden on industries, even when the harm caused is due to factors outside their control, such as natural disasters or third-party actions. The complete elimination of defenses, while beneficial to victims, raises fears of overregulation and a chilling effect on industrial growth, especially in sectors crucial for economic development. Critics have also pointed to instances where judicial interpretations, particularly those expanding liability beyond legislative intent, verge on judicial overreach, blurring the line between the judiciary and the legislature. Another critical challenge lies in the implementation gap. While the law may appear robust on paper, its real-world application is often undermined by institutional inefficiencies, such as delayed trials, inadequate compensation mechanisms, and

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limited legal access for victims—particularly those from rural or marginalized communities. Furthermore, regulatory bodies may lack the resources, autonomy, or political will necessary to enforce strict or absolute liability effectively. Therefore, although the doctrine aims to ensure accountability and deterrence, its success remains contingent upon transparent, efficient, and independent enforcement systems.

### **FUTURE OF ENVIRONMENTAL LIABILITY**

The future of environmental liability is likely to witness an expansion in both scope and depth, shaped by emerging global environmental threats. Climate change, biodiversity loss, ocean acidification, and pollution from emerging technologies such as nanotechnology, artificial intelligence, and genetic engineering are pushing legal frameworks to evolve. Courts around the world are increasingly entertaining climate litigation that holds governments and corporations accountable for greenhouse gas emissions, relying on liability doctrines to seek both injunctive relief and damages. Additionally, the rise of Environmental, Social, and Governance (ESG) norms has prompted businesses to treat liability not merely as a legal risk but as a core component of corporate sustainability and ethics. ESG reporting frameworks often include environmental risk assessments, supply chain accountability, and pollution control all of which reinforce the legal doctrine of liability. In India, growing awareness among citizens and civil society organizations is likely to increase public pressure on regulators and courts to ensure more stringent enforcement. As the global focus shifts from compensation to prevention, the doctrine of environmental liability will likely transform into a proactive tool for ecological preservation, climate justice, and sustainable industrial development.

### **CONCLUSION**

The evolution of strict liability, from the English case of *Rylands v. Fletcher* to Indian courts in *M.C. Mehta*, illustrates how the law adapts to society. What initially started as a safeguard for property owners has developed into a core part of environmental justice. In India, absolute liability

has become a key legal instrument to make dangerous industries pay, particularly after environmental tragedies. Now, strict and absolute liability are two vital means of striking a balance between industry on the one hand and ecology, public health, and human rights on the other. They not only give the victims an avenue to recover their losses but also act as potent deterrents that prompt companies to conduct their affairs with responsibility. In order to continue being effective, these principles must be supported by strong regulatory structures, capable enforcement, and an engaged legal community. As environmental issues become increasingly complicated, the legal principles that protect our ecosystems and communities must do likewise. In this changing landscape of the law, strict liability is both a foundational doctrine and a launching point for future evolution in environmental law.

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