

STRICT LIABILITY

There are situations when a person may be liable for some harm even though he is not negligent in causing the same, or there is no intention to cause the harm, or sometimes he may even have made some positive efforts to avert the same. In other words, sometimes the law recognizes 'NO FAULT' liability. In this connection, the rules laid down in the decision of the House of Lords in RYLANDS V. FLETCHER¹, may be noted.

The Strict Liability principle is also called as 'No Fault Liability'. This is contradictory to the general principle of negligence in torts where a person can be held liable for commission of a tort only when the plaintiff can prove negligence on his part and the defendant himself is unable to disprove it. In the cases that I will now mention, the onus of being negligent can be ignored. In spite of all due care taken by the defendant, he will invariably be held for the consequences of the damages caused to any person outside of the boundary of the defendant's land by any hazardous thing that he maintained on the same stretch of land i.e. in spite of no intentional or unintentional fault of his, the defendant can be held liable hence, explaining the term 'No Fault Liability'.

Rylands vs. Fletcher

The defendant (Fletcher) an owner of a mill in Answorth with an aim to improve water supply for his mill employed independent and efficient engineers for the construction of a reservoir. During their excavation of the ground underneath, they came across some shafts and passages but chose not to block them. Post construction of the reservoir when they filled it with water, all the water flowed through the unblocked old shafts and passages to the plaintiff's (Rylands) coal mines on the adjoining land and inundated them completely. The engineers kept the defendant in the dark about the occurrence of these incidents. On a suit filed before the court by the plaintiff against the defendant, the court though ruled out negligence on the defendant's part but held him liable under the rule of Strict Liability. Any amount of carefulness on his part is not going to save him where his liability falls under the scope of 'No Fault Liability'.

ESSENTIALS OF STRICT LIABILITY

- 1- Some dangerous thing must have been brought by a person on his land.
- 2- The thing thus brought or kept by a person on his land must escape.
- 3-It must be non natural use of land

¹(1868) L R 3 H.L. 330

EXCEPTIONS OF STRICT LIABILITY

1- Consent of the Plaintiff:- When the plaintiff has either expressly or impliedly consented to the presence of a source of danger and also there has been no negligence on the defendant's part, the defendant will not be held liable. It is basically the defence of 'Volenti non fit injuria' taken by the defendant in the court.

2- Plaintiff's Own Default: When damage is caused to the plaintiff solely due to his own fault, he shall receive no remedy in such cases.

3- Act of Stranger: When damage is caused due to wrongful act committed by a third party or any stranger over whom the defendant had no control, the defendant will not be held liable under such circumstances.

4- Act of God or Vis Major: For acts which are beyond human control and contemplation, caused due to superior natural forces, the principle of strict liability does not apply.

5- Common Benefit of Plaintiff and the Defendant: Where the act or escape of the dangerous thing was for the common benefit of the defendant and plaintiff, the defendant will not be held liable.

6- Statutory Authority: If any act done under the authorization of the law/statute like the government of a country or a state government causes any damage to a person, it acts as a defence to an action for tort.