

# Absolute Liability

The Rule of Absolute Liability represents a significant evolution in legal doctrine concerning liability, particularly in industries involving hazardous activities. This principle, which holds enterprises absolutely liable for any harm caused by their operations, emerged prominently in Indian law following the *M.C. Mehta v. Union of India* case in 1987, which dealt with the oleum gas leak from Shriram Food and Fertilizer Industries. This rule was formulated in response to the perceived inadequacies of the Rule of Strict Liability, especially highlighted by catastrophic events like the Bhopal Gas Tragedy.

## Key Features

- **Strictness:** Under the Rule of Absolute Liability, no exceptions are allowed for the enterprise causing the harm. Common defences available under the Strict Liability rule, such as 'Act of God' or the plaintiff's consent, do not apply, making it a more rigorous standard.
- **Application:** This rule is specifically applicable to industries engaged in inherently dangerous or hazardous activities where the potential risks to health and safety are significant.

## Historical Context

The introduction of the Rule of Absolute Liability was significantly prompted by industrial disasters, notably the oleum gas leak and the Bhopal Gas Tragedy. These incidents underscored the dire consequences of inadequate legal frameworks to handle the catastrophic risks posed by certain industrial activities. The catastrophic impact of these tragedies revealed the need for a stricter liability regime to ensure that victims could obtain recompense without the burden of proving negligence or exception on the part of the manufacturer.

## Impact and Current Relevance

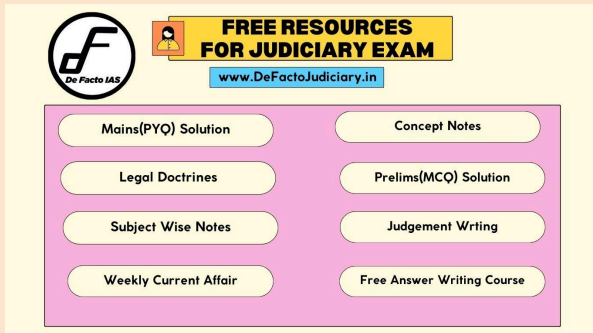
The Rule of Absolute Liability reinforces the obligation of industries to prioritise safety and environmental integrity. It plays a crucial role in emphasising prevention and accountability, particularly in sectors that pose significant risks to the environment and public health. This rule is crucial in today's context as it regulates modern industrial activities that can lead to severe environmental and health hazards.

## Significant Cases and Legal Developments

### Important Links for Judiciary Free Resources (Click on Each to Open Respective Pages)

<a href="#">Subject Wise Mains PYQ Solution</a>	<a href="#">Essay for Judiciary</a>
<a href="#">Subject Wise Notes</a>	<a href="#">Legal Doctrines</a>
<a href="#">Landmark Judgements</a>	<a href="#">GS Notes</a>
<a href="#">Weekly Current Affair</a>	<a href="#">Subject Wise Prelims PYQ Solution</a>
<a href="#">Free Answer Writing Course</a>	<a href="#">Judgement Writing</a>
<a href="#">Telegram Link</a>	<a href="#">Youtube Link</a>

**Environment Pollution:** In cases like Indian Council for Enviro-Legal Action v. Union of India, industries that violated environmental standards were held absolutely liable for the harm caused.



**Klaus Mittelbachert v. East India Hotels Ltd.:** This rule was applied when a hazardous condition in a hotel's swimming pool led to a visitor's death, illustrating its broad applicability.

**The Public Liability Insurance Act, 1991:** Introduced to ensure that enterprises engaged in hazardous activities could financially cover liabilities potentially incurred under this rule. This act provided a mechanism for rapid compensation to victims, reflecting the principle's emphasis on accountability and precaution.