



**FACULTY OF JURIDICAL SCIENCES**

**COURSE: B.A.LL.B. I st Semester**

**SUBJECT: LAW OF TORTS**

**SUBJECT CODE: BAL 106**

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## LECTURE 18

### TOPIC: STRICT LIABILITY

Strict liability is a standard of liability under which a person is legally responsible for the consequences flowing from an activity even in the absence of fault or criminal intent on the part of the defendant.

Some activities may be so dangerous that the law has to regulate them with extreme consequences. For example, the law may sometimes levy a penalty even if damage occurs without somebody's fault. This is exactly what happens under the rule of strict liability. This rule is very important for commercial and other activities that have the potential to result in horrific damages.

In tort law, strict liability is the imposition of liability on a party without a finding of fault (such as negligence or tortious intent). The claimant need only prove that the tort occurred and that the defendant was responsible. The law imputes strict liability to situations it considers to be inherently dangerous.<sup>[3]</sup> It discourages reckless behavior and needless loss by forcing potential defendants to take every possible precaution. It has the beneficial effect of simplifying and thereby expediting court decisions in these cases, although the application of strict liability may seem unfair or harsh, as in Re Polemis.

**Note- Three points that we need to prove in case of strict liability are-**

- i. Some dangerous thing must have been brought by the person on his land.
- ii. The thing, thus brought or kept by a person on his land must escape. It is also essential that the thing causing damage must escape to the area outside the occupation and control of the defendant.
- iii. Non- natural use of the land.

An early example of strict liability is the rule **Rylands v Fletcher**, where it was held that "any person who for his own purposes brings on his lands and collects and keeps there anything likely to do mischief if it escapes, must keep it in at his peril, and, if he does not do so, is prima facie answerable for all the damage which is the natural consequence of its escape". If the owner of a zoo keeps lions and tigers, he is liable if the big cats escape and cause damage or injury.

Another case, **Ponting v. Noakes**, plaintiff's horse moved to defendant's area and ate some poisonous fruits and herbs. Because of which it died. Court held that there arises no liability of the defendant as the poisonous trees have not escaped from the defendant's occupation and also the defendant was involved in natural use of his land.

#### **Exceptions to this rule-**

- i. Plaintiff's own default
- ii. Act of GOD
- iii. Consent of the plaintiff [volenti- non-fit injuria]
- iv. Act of third party
- v. Statutory authority

#### **Exercise:**

1. Negligence is a special kind of tort which is applied when there is:
  - a) Failure to emote
  - b) Failure to care
  - c) Able to emote
  - d) Ability to care
2. Which of the following can be harmed due to negligence?
  - a) People
  - b) Property
  - c) Both (a) and (b)

d) None of these

3. The negligence to be actionable, the duty of care should be .... Duty.

a) legal

b) moral

c) religious

d) social

4. In case of negligence, it depends on the ..... whether a duty exists

a) law

b) case

c) lawyer

d) plaintiff

5. Duty depends on reasonable ..... of injury.

a) Foreseeability

b) Cause

c) Aggressiveness

d) None of these