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DOCTRINE OF ABSOLUTE LIABILITY AND ITS IMPACT ON INDUSTRIES: A CRITICAL STUDY

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I. ABSTRACT

The notion of absolute liability replaced the English concept of strict responsibility following the landmark decision in *M.C. Mehta v. Union of India* in 1987, which is a distinctive development of Indian law. Even in cases where reasonable precaution is taken, this theory holds hazardous companies liable without any exclusions or defences. This dissertation's main goals are to examine the doctrine's conceptual development, evaluate its legal underpinnings, and examine its real-world applications to Indian companies, especially with regard to industrial and environmental catastrophe management. The paper uses a doctrinal and analytical approach, critically evaluating the effects of absolute liability on public safety and industrial growth by consulting secondary sources, legislative requirements, and court rulings. It explores the conflict between environmental preservation and economic advancement, paying special attention to incidents like the Oleum Gas Leak and the Bhopal Gas Tragedy, which were pivotal in the development of industrial responsibility in India. The dissertation also looks at how this philosophy affects the operation of Pollution Control Boards and regulatory tools like the Environment Protection Act of 1986. The United States and the United Kingdom, two countries with quite distinct liability systems, are used in a comparison study. The study comes to the conclusion that although the concept of absolute accountability is crucial for safeguarding citizens from industrial dangers in developing nations like India, its implementation frequently suffers from uneven enforcement and postponed justice. In order to improve regulatory compliance and

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encourage a balance between industrial expansion and sustainable development, the research makes proposals for legal reforms.

II. KEYWORDS:

Industrial accidents, environmental law, the Indian judiciary, the Bhopal gas tragedy, the M.C. Mehta case, absolute liability, strict liability, industrial regulation, and tort law.

III. INTRODUCTION

India has seen a significant change in the legal concept of responsibility, notably in tort law, particularly with the judicial development of the idea of absolute liability. The strict responsibility theory, which was established by the famous English ruling in *Rylands v. Fletcher* (1868), has historically controlled liability for harm resulting from risky or hazardous actions. According to this theory, anyone who brings something into their property that might hurt someone if it escapes must do so at their own risk and is responsible for any damage that may arise. Nevertheless, the rule included a number of exceptions, including the plaintiff's assent, divine intervention, and third-party actions, which frequently reduced the protection afforded to victims.³

The limitations of the strict liability concept became apparent in the Indian context as industrial activity increased and the risks to human life and the environment increased. India rapidly industrialized after gaining independence, sometimes with little governmental control. The shortcomings of the current tort framework, which did not offer victims of significant industrial catastrophes prompt and sufficient remedies, were made clear by the Oleum Gas Leak (1985) and the Bhopal Gas Tragedy (1984). The Supreme Court created the idea of absolute responsibility in *M.C. Mehta v. Union of India* (1987), which holds companies that engage in risky or intrinsically harmful activities completely liable for any damages resulting from those actions, with no

³ *Rylands v. Fletcher*, (1868) LR 3 HL 330; also see Salmond and Heuston, *Salmond on the Law of Torts*, 20th ed., Sweet & Maxwell, 1992, pp. 463–469.

exceptions or defences. This signalled a change in the legal system from a fault-focused approach to one that is based on social fairness and corporate risk.⁴

A. Research Problem

Despite being a major judicial innovation, the theory of unlimited responsibility poses a number of legal and practical difficulties. It aims to hold businesses involved in risky operations fully liable, regardless of their fault or carelessness. Its widespread use, meanwhile, would discourage industrial investment, particularly in areas that are essential to economic expansion. Furthermore, the lack of a defined legislative framework sometimes leads to uneven judicial interpretation and execution, which raises questions regarding the predictability and impartiality of the law. This research examines how well the theory strikes a balance between environmental preservation, public safety, and industrial development.⁵

B. Objectives of the Study

The following main goals serve as the foundation for this study:

- To comprehend the development and legal foundation of India's idea of absolute responsibility.
- To investigate the reasoning for the adoption of this doctrine as well as judicial tendencies.
- To assess how the concept affects various businesses, especially those that are risky.
- To carry out an industrial liability comparison analysis with other countries.
- To make recommendations for legislative changes that can improve the doctrine's application without impeding the expansion of industry.

⁴ *M.C. Mehta v. Union of India*, AIR 1987 SC 965; also see Divan, S. and Rosencranz, A., *Environmental Law and Policy in India*, 2nd ed., Oxford University Press, 2001, p. 146.

⁵ Upadhyay, S., "Absolute Liability and Indian Environmental Jurisprudence: Revisiting M.C. Mehta," (2020) 62(1) *Journal of the Indian Law Institute* 74.

C. Research Questions

The following important questions are the focus of the study:

1. What is the history and legal foundation of India's theory of unlimited liability?
2. How has this concept been understood and implemented in different situations by the Indian judiciary?
3. How does this philosophy affect legal compliance and industrial operations?
4. How does India's doctrine of absolute responsibility stack up against global norms?
5. What legislative changes are required to guarantee a fair balance between industrial freedom and environmental safety?

D. Hypothesis

The following hypothesis forms the basis of this investigation: "Despite being successful in imposing non-delegable duty on dangerous sectors, the theory of absolute liability lacks a standardised legislative framework and presents difficulties in its actual application, which has an influence on both legal certainty and economic progress." Doctrinal analysis and comparative legal techniques, bolstered by industry data and court case studies, will be used to evaluate this theory.

E. Research Methodology

The technique used in this dissertation is both doctrinal and analytical. It entails a thorough analysis of primary sources, including applicable legislation, historic court rulings, and constitutional provisions (e.g., The Environment Protection Act, 1986; Factories Act, 1948). Secondary sources such as academic papers, commentary, law commission reports, and international legal documents are also included. In order to identify commonalities, distinctions, and possible lessons for India, The legal systems of the United States and the United Kingdom are compared in the study. To assess the doctrine's practical effects on business operations and public safety, a few case studies

of industrial mishaps – such as the Oleum Gas Leak and the Bhopal Gas Tragedy – are also investigated.

IV. REVIEW OF LITERATURE

The concept of absolute responsibility and its ramifications have been studied by several academics. Agarwal and Divan trace the development of the absolute responsibility theory from *Union of India v. Mehta, M.C* and offer fundamental insights into environmental law in India. Their research highlights the ways in which Indian courts deviated from English common law in order to adopt a more stringent methodology that was appropriate for Indian circumstances. In order to guarantee uniformity and enforcement, Iyer's works also emphasise the necessity of the doctrine's explicit legislative acceptance.

The relationship between industrial laws and environmental jurisprudence has been the subject of other writers including R.G. Chaturvedi and Leelakrishnan. According to their analysis, the courts have frequently taken a public interest-centric stance, giving environmental protection and human safety top priority. This dissertation aims to close the knowledge gap by addressing the financial and regulatory difficulties that this throws on enterprises.

International literature, such as the writings of Stone and Boyle, provides India with lessons and examples of rigorous environmental accountability in the West. These studies demonstrate how countries such as the EU have established comprehensive insurance plans and risk assessment procedures to codify industrial liability. This comparative perspective aids in comprehending how legal concepts are used contextually and how India's model might be improved.⁶

⁶ Leelakrishnan, P., *Environmental Law Casebook*, LexisNexis, 2016, p. 287; Stone, C.D., "Should Trees Have Standing? Toward Legal Rights for Natural Objects," (1972) 45 *Southern California Law Review* 450.

A. The Legal and Conceptual Foundation of Absolute Liability

India's tort law is a hybrid system that was shaped by both Indian judicial ingenuity and common law ideas. Without much localisation, tort law was primarily imported from English jurisprudence throughout the colonial era. But after independence, Indian courts started modifying tort laws to fit the nation's socioeconomic and environmental conditions. With the judiciary actively defending the public interest, public interest lawsuits and environmental concerns accelerated tort law growth, particularly in the fields of environmental and industrial responsibility.⁷

B. The doctrine of strict liability: Rule in *Rylands v. Fletcher*

The *Rylands v. Fletcher* (1868) decision created the common law concept of strict liability. This law states that, even in cases when carelessness is not present, the owner of a dangerous item brought onto their property is strictly accountable for any harm the item does after escaping. Acts of God, the plaintiff's own culpability, consent, and third-party activities were among the exceptions that qualified this notion. Despite being accepted by Indian courts, its shortcomings were shown when dealing with significant industrial catastrophes, since the use of exclusions undermined the claims of the victims.⁸

C. The Evolution of Total Liability: Case of *M.C. Mehta v. Union of India*

A major shift was brought about by the Supreme Court's decision in *M.C. Mehta v. Union of India* (1987), which concerned the Oleum gas leak case. The Court ruled that businesses engaged in risky operations have an unavoidable and irrevocable obligation to the public and must be held accountable for any damages brought on by such operations, regardless of the safety measures implemented. In contrast to strict liability, the Court disregarded all exceptions, establishing new case law that is suited to the

⁷ Jain, M.P., *Outlines of Indian Legal and Constitutional History*, 7th ed., LexisNexis, 2014, pp. 508–510.

⁸ *Rylands v. Fletcher*, (1868) LR 3 HL 330; see also Winfield, P.H., *Winfield and Jolowicz on Tort*, 18th ed., Sweet & Maxwell, 2010, pp. 604–610.

socioeconomic circumstances of India. Later decisions involving industrial and environmental impact referenced this theory.⁹

D. Important Distinctions Between Absolute and Strict Liability

Although both theories address who is responsible for risky behaviour, strict responsibility permits exceptions, whereas absolute liability does not. Absolute responsibility is solely dependent on the nature of the conduct and the possibility of injury, whereas strict liability is fault-based with certain defences. This theory was developed by the Indian Supreme Court to guarantee increased accountability from industrial operators, especially in cases involving environmental and public safety issues. The Indian judiciary's proactive approach to extending tort principles for the good of the public is shown in this progression.¹⁰

E. Arguments in Support of the Doctrine in the Indian Setting

Absolute responsibility acts as a disincentive against carelessness and regulatory non-compliance in a nation like India, where industrialisation frequently surpasses regulatory frameworks. According to Articles 21 and 48A of the Indian Constitution, the philosophy is in line with the duty to maintain a safe and clean environment. Additionally, the Indian judiciary has defended this idea as a social justice instrument, particularly when addressing underprivileged groups who are disproportionately impacted by industrial operations. Therefore, absolute responsibility incentivises companies to adopt greater safety standards while also compensating victims.¹¹

⁹ *M.C. Mehta v. Union of India*, AIR 1987 SC 965; also see Leelakrishnan, P., *Environmental Law in India*, 4th ed., LexisNexis, 2016, pp. 210–215.

¹⁰ Singh, Gurdip, "The Doctrine of Absolute Liability: Judicial Activism or Necessity?" (1996) 38(2) *Journal of the Indian Law Institute* 190.

¹¹ Chaturvedi, R.G., "Industrial Hazards and Judicial Response in India," (2002) 44(3) *Journal of the Indian Law Institute* 230.

V. JUDICIAL DECLARATIONS AND DOCTRINE DEVELOPMENT

A. M.C. Mehta v. Union of India (Oleum Gas Leak Case)

The 1987 case of *M.C. Mehta v. Union of India*, often known as the Oleum Gas Leak Case, marked the formal judicial birth of the concept of limitless liability in Indian law. In response to a gas leak from Delhi's Shriram Food and Fertilisers Ltd., the Supreme Court decided that companies engaged in risky activities had an unchanging duty of care to the society. injured citizens and employees. It decided that, even in cases where they were not careless, such organisations must be held fully accountable for damages. The Court also made it plain that this obligation is not transferable and that no exceptions could be made, setting it apart from the strict liability theory established in *Rylands v. Fletcher*.¹²

B. Bhopal Gas Tragedy Case

Although it occurred before the Bhopal Gas Disaster (1984) and the Oleum Gas Leak case was crucial in highlighting the flaws in the industrial liability laws that were in place at the time. There were hundreds of fatalities and long-term health effects from the tragedy, which was brought on by a gas leak at the Union Carbide India Ltd. (UCIL) pesticide facility. However, insufficient compensation mechanisms and administrative hurdles hampered the judicial processes. Although it hasn't been officially implemented yet, the idea of absolute accountability was theoretically used to hold UCIL responsible. The tragedy ultimately led to the judiciary adopting a stricter responsibility framework and the enactment of the Bhopal Gas Leak Disaster (Processing of Claims) Act, 1985, which consolidated compensation claims.¹³

¹² *M.C. Mehta v. Union of India*, AIR 1987 SC 965; also see Shyam Divan and Armin Rosencranz, *Environmental Law and Policy in India*, 2nd ed., Oxford University Press, 2001, pp. 144–149.

¹³ *Union Carbide Corporation v. Union of India*, AIR 1990 SC 273; see also Agrawala, S.K., “Legal Liability in Bhopal Gas Leak Disaster,” (1985) 27(3) *Journal of the Indian Law Institute* 317.

C. Vellore Citizens' Welfare Forum v. Union of India

In *Vellore Citizens' Welfare Forum v. Union of India* (1996), the Supreme Court considered the problem of industrial pollution caused by Tamil Nadu tanneries. In addition to restating the ideas of unlimited liability, the Court introduced the "*Polluter Pays Principle*" and the "*Precautionary Principle*" into Indian environmental jurisprudence. According to the Constitution's Article 21, which safeguards the right to life, it was determined that these ideas were incorporated into national law. By establishing absolute liability's foundation in constitutional principles, the case broadened its application and emphasised how crucial environmental preservation is to sustainable growth.¹⁴

D. Other Significant Cases

The theory of absolute culpability has grown as a result of several more instances. The Indian Council for Enviro-Legal Action v. Union of India decision from 1996 upheld the need that companies pay significant damages for the environmental harm caused by chemical waste. In a similar vein, the Supreme Court ordered the closure of a copper facility in Tamil Nadu due to hazardous emissions in *Sterlite Industries (India) Ltd. v. Union of India* (2013), using ideas akin to ultimate responsibility. These examples show that judges are ready to put public health and environmental issues ahead of financial ones, which emphasises the need for businesses to behave properly.¹⁵

E. Examining Judicial Patterns

A review of the court's history shows a resolute and steady dedication to protecting public safety and environmental rights. In some cases involving hazardous industries, the Indian judiciary has gradually shifted from the old fault-based liability system to a no-fault regime. The premise that the right to a safe and clean environment is not secondary to commercial or industrial interests has been reaffirmed by courts, which

¹⁴ *Vellore Citizens' Welfare Forum v. Union of India*, AIR 1996 SC 2715; see also Leelakrishnan, P., *Environmental Law in India*, 4th ed., LexisNexis, 2016, pp. 247–250.

¹⁵ *Indian Council for Enviro-Legal Action v. Union of India*, AIR 1996 SC 1446; *Sterlite Industries (India) Ltd. v. Union of India*, (2013) 4 SCC 575.

have also highlighted the social responsibility of businesses. The doctrine's lack of codification, however, raises serious concerns since it results in a dependence on judicial discretion and occasionally uneven implementation in various venues.¹⁶

VI. ABSOLUTE LIABILITY'S EFFECT ON INDUSTRIES

Environmental preservation and industrial progress are two opposing goals that have been at odds since the notion of unlimited responsibility was imposed. On the one hand, the philosophy prioritises ecological safety and public health by guaranteeing that businesses using hazardous materials are held firmly responsible for any harm caused. However, it could discourage industrial investment, particularly in high-risk industries like mining, oil, and chemicals. In a developing nation like India, the fear of infinite liability deters risk-taking by entrepreneurs and might impede the rate of industrialisation. However, courts have ruled that industrialisation cannot come at the expense of public safety and irreparable environmental harm, supporting a sustainable development paradigm.¹⁷

A. Safety Rules and Compliance Expenses

Industries are required to follow more stringent safety procedures and regulatory requirements as a result of absolute responsibility, which frequently results in expensive compliance costs. Businesses now have a far greater cost burden of maintaining reliable safety measures, from waste management systems to routine environmental assessments. Due to their limited resources, smaller businesses find it especially difficult to fulfil their responsibilities. Although the goal is to avert catastrophes before they happen, the cost-benefit analysis of this kind of regulatory pressure is still controversial. Opponents contend that in the absence of government

¹⁶ Bhat, P. Ishwara, "Judicial Activism and Environmental Jurisprudence in India," (2004) 46(2) *Journal of the Indian Law Institute* 213.

¹⁷ Leelakrishnan, P., *Environmental Law in India*, 4th ed., LexisNexis, 2016, pp. 235-237.

incentives or subsidies, such commitments can backfire and result in business closures or legal requirements being circumvented.¹⁸

B. The function of regulatory bodies and pollution control boards

The efficiency of Pollution Control Boards (PCBs) and other regulatory agencies is crucial to the application of absolute responsibility principles. These organisations are in charge of monitoring compliance, giving approvals, enforcing environmental regulations, and imposing penalties. However, their capacity to guarantee compliance has been weakened by regulatory leniency, bureaucratic hold-ups, and a lack of personnel. Due to lax enforcement, industries frequently continue to operate in spite of grave infractions. To make sure that the weight of accountability leads to real preventative measures rather than just post-accident fines, it is imperative to strengthen the institutional architecture.¹⁹

C. Industrial Mishaps and Their Legal Consequences

The legal environment around industrial accidents has undergone tremendous change as a result of the idea of absolute responsibility. Following events like the 2020 Vizag gas leak or the Bhopal gas tragedy, businesses had to deal with both criminal prosecution of executives and significant compensation claims. Absolute liability gives the business no way out, as contrast to strict liability, where defences may be used. This has reaffirmed the necessity of company risk assessment plans and internal legal compliance teams. However, there are also issues with court discretion in determining compensation and litigation delays, which affect victims as well as business owners.²⁰

¹⁸ Sharma, R.N., "Environmental Liability and Industrial Safety in India," (2001) 43(1) *Journal of the Indian Law Institute* 67.

¹⁹ Divan, S. and Rosencranz, A., *Environmental Law and Policy in India*, 2nd ed., Oxford University Press, 2001, pp. 151-153.

²⁰ Rao, P.S.N., "Corporate Liability for Environmental Damage in India," (2011) 53(3) *Journal of the Indian Law Institute* 245.

D. Case Studies of Affected Industries

Absolute liability has disproportionately affected a number of industries. Particularly, the chemical and pesticide industries have been sued repeatedly for ground pollution and dangerous leaks. Alleged environmental impact has also resulted in operating suspensions in the mining and pharmaceutical industries. In the Sterlite Copper case, for instance, the Tamil Nadu Pollution Control Board issued an order for the plant's permanent shutdown, alleging emission standards breaches and raising worries about environmental safety. Such measures, which frequently place sectors on the defensive, highlight the judiciary's increasing reliance on absolute responsibility to defend environmental rights.²¹

VII. ANALYSIS IN COMPARISON TO OTHER JURISDICTIONS

The CERCLA, or Comprehensive Environmental Response, Compensation, and Responsibilities Act, sometimes referred to as the Superfund Law, is the main law in the US that deals with environmental responsibility. In addition to identifying and cleaning up hazardous waste sites, CERCLA, which was passed in 1980, holds polluters strictly, jointly, and severally liable for remedial expenses. The Act grants the EPA the power to mandate hazardous area cleanups or to provide compensation. the government for cleanups that the EPA has led. In a formalised framework, CERCLA's obligation extends to former owners or carriers of hazardous materials, reflecting India's absolute liability's no-fault basis.²²

A. United Kingdom: Environmental Protection Act 1990

EPA, the 1990 Environmental Protection Act establishes criminal culpability for environmental harm and regulates industrial pollution in the United Kingdom. The Act imposed obligations on operators to avoid or decrease emissions and established the idea of Integrated Pollution Control (IPC). Although the strict responsibility standard is

²¹ *Sterlite Industries (India) Ltd. v. Union of India*, (2013) 4 SCC 575; see also Raghavan, V., "Corporate Environmental Responsibility and Closure Orders," (2015) 57(2) *Journal of the Indian Law Institute* 103.

²² Percival, R.V., Schroeder, C.H., Miller, A.S., and Leape, J.P., *Environmental Regulation: Law, Science, and Policy*, 6th ed., Aspen Publishers, 2009, pp. 542–548.

generally followed in the UK, regulatory bodies have the power to send out notifications, levy penalties, and launch legal actions without requiring proof of negligence. The UK approach, which emphasises proactive control and compliance through permits and audits, is more administrative in character than India's judicially developed notion of absolute responsibility.²³

B. European Union Strategy

The Polluter Pays Principle (PPP) is the cornerstone of the European Union's environmental responsibility framework. The Environmental duty Directive (2004/35/EC), which unifies duty across member states, addresses damage to land, water, and biodiversity. In the event of actual or impending environmental harm, operators must take the appropriate action within the directive's preventative and remedial framework. The EU approach prioritises restoration above compensation, making sure that natural resources that have been harmed are restored rather than being financially compensated. It demonstrates a robust decentralised and participative approach to responsibility by enabling both qualified organisations (such NGOs) and public agencies to start enforcement.²⁴

C. The Indian Legal System's Lessons

Several lessons for the Indian legal system may be learnt from a comparative comparison. First, the concept of total culpability has to be codified immediately, much like the extensive legal frameworks found in the US and the EU. Lack of regulation makes things unclear and makes it difficult to apply consistently. Second, India may gain from the UK system's administrative prowess, particularly in the way Pollution Control Boards operate. Third, the EU's participatory approach, which permits individuals and NGOs to enforce environmental rules, can improve accountability and openness. All things considered, India has to work towards a hybrid paradigm that

²³ Bell, S. and McGillivray, D., *Environmental Law*, 8th ed., Oxford University Press, 2013, pp. 378–385.

²⁴ Jans, J.H. and Vedder, H.H.B., *European Environmental Law*, 4th ed., Europa Law Publishing, 2008, pp. 264–270.

upholds the judicial innovation of absolute liability while strengthening it via institutional effectiveness and legislative clarity.²⁵

VIII. CRITICAL EVALUATION AND RESULTS

The Indian legal system's industrial safety and environmental responsibility frameworks have been significantly shaped by the idea of absolute liability. Industries handling hazardous materials have grown more aware of their operational procedures, safety measures, and emergency readiness after the historic ruling in *M.C. Mehta v. Union of India*. In order to avoid lawsuits and fines, industries have been forced to take preventative action due to the judiciary's insistence on holding them strictly and unconditionally accountable. Nevertheless, inconsistent enforcement and regulatory backing undermine the doctrine's efficacy despite its deterrent value, which frequently lessens the potential impact of court rulings.²⁶

A. Implementation Difficulties

The absence of legislative codification is one of the main obstacles to applying the idea of absolute responsibility. Although the theory is the result of judicial invention, its execution is left up to judicial discretion because it is not included in legislative provisions. In addition, enforcement organisations like the Central and State Pollution Control Boards frequently have structural flaws such inadequate financing, a shortage of personnel, and a lack of technical know-how. The impact of absolute responsibility in reality is lessened by these restrictions, which make it impossible to effectively monitor and punish businesses that violate environmental standards.²⁷

²⁵ Dhavan, R., "Environmental Law and Judicial Activism in India," (1992) 34(1) *Journal of the Indian Law Institute* 66.

²⁶ Sathe, S.P., "Liability for Hazardous Industries: Judicial Response," (1997) 39(2) *Journal of the Indian Law Institute* 234, at 236.

²⁷ Divan, S. and Rosencranz, A., *Environmental Law and Policy in India*, 2nd ed., Oxford University Press, 2001, pp. 120-123.

B. Industry Reactions to Legal Obligations

Different industries have responded differently to the introduction of absolute responsibility. Some have advocated for less regulatory requirements, arguing that stringent accountability without defences deters industry investment, while others have aggressively accepted Corporate Environmental Responsibility (CER) efforts. There is a danger of non-compliance since small and medium-sized businesses (SMEs) sometimes lack the resources to install expensive safety equipment. Enforcement is made more difficult when industrial players try to avoid culpability through intricate business structures, gaps in insurance coverage, or assigning blame to contractors.²⁸

C. Justice and Development in Balance: A Legal-Policy Perspective

Finding a balance between environmental justice and economic growth is a persistent problem for the Indian legal system. The strict application of the theory of absolute liability can occasionally discourage industrial growth, particularly in developing industries like chemicals, biotechnology, and energy, even if its goal is to safeguard ecological integrity and public health. Consequently, a complex legal-political framework that takes risk-sharing and sustainable development into account is required. While reducing undue constraints on industry, mechanisms including corporate social responsibility, environmental insurance, and public involvement in decision-making can improve compliance. Integrating absolute responsibility with these more comprehensive policy options is essential to its future.²⁹

IX. CONCLUSION

An important development in Indian tort law, especially with regard to industrial and environmental safety, is the idea of absolute liability. It deviates from the conventional common law principles by eliminating defences that were previously accessible under

²⁸ Rajamani, L., "Public Liability Insurance Act: A Toothless Tiger?" (1994) 36(3) *Journal of the Indian Law Institute* 276, at 280.

²⁹ Baxi, U., "The Avatars of Indian Judicial Activism: Explorations in the Geographies of (In)Justice," in S.K. Verma and Kusum (eds.), *Fifty Years of the Supreme Court of India*, Oxford University Press, 2000, p. 170.

the theory of strict liability. It was developed via judicial invention, most notably in *Union of India v. M.C. Mehta*. India's rapid industrialisation and the increase in the frequency and intensity of industrial disasters, such as the Oleum Gas Leak and the Bhopal Gas Tragedy, made this change necessary. The Indian judiciary made a clear statement with this doctrine: companies handling hazardous products must be held to the highest standards of accountability, regardless of carelessness or fault.

Although the theory has increased corporate responsibility and made sectors more cautious, there are still a number of obstacles in the way of its actual application. The lack of official legislative recognition and uneven enforcement by regulatory and administrative agencies rank first among them. Furthermore, The idea makes it challenging to reconcile developmental objectives with environmental sustainability, particularly in a developing nation like India where industrial expansion is a top concern.

Comparative legal research and judicial trends show that although India's strategy is audacious and forward-thinking, it requires supplementary institutional and legislative reforms. The Public Liability Insurance Act and other environmental laws need to be amended and effectively enforced in light of industrial and technological advancements. A fair approach to responsibility may be provided by combining this theory with legislative tools like required insurance, environmental audits, and public involvement.

In conclusion, absolute responsibility is still a potent legal instrument in India for industrial accountability and environmental preservation. However, a thorough framework of legislative, regulatory, and policy measures is required to support its execution and guarantee equal results if it is to be genuinely successful and just.

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