

**LL.M. IV SEMESTER
SPECIFIC TORT
L-4006**

TOPIC: ENVIRONMENTAL TORT

Environmental tort comes under 4 types of torts they are:

- (1) Trespass
- (2) Nuisance
- (3) Strict Liability
- (4) Negligence

- (a) Tort is civil wrong. In case when there is damage to environment it plays its role.
- (b) It is more focused on curing and awarding compensation.
- (c) Environment is not a personal property.
- (d) Tort of negligence marks fault of defendant. This is marked in case of Ryland v. Fletcher.
- (e) When there is personal harm remedy can be sought.

Indian Judiciary & Environmental Tort

(1) M.C. Mehta V. Union of India

Laid down principle of Absolute Liability = Strict Liability Exceptions defences.

Court also gave “Deep Pocket theory of Compensation”.

(2) Consumer Education and Research Centre (CERC) V. Union of India

Principle of Absolute Liability is not revisited, court held that “compensation given in case of damages is not limited to workers with symptoms but also extend to workers suffer from any disease after retirement.

(3) Indian Council for Enviro-Legal action V. Union of India

Applied “Polluter pay principle”

Lack of Environmental Tort Litigation Reasons

- (1) lack of assessment of social needs and law.
- (2) Legal System fails to acknowledge public and civil remedies.
- (3) Opting for mediation rather than going in to litigation.
- (4) Litigation involves large amount of money.
- (5) Availability of different kinds of laws creates chaos.
- (6) Non awareness of general public about development of Law.
- (7) Non codification of tort law chocks its accessibility.

For further queries you may reach us via..

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