
IMPACT OF TORTS ON ENVIRONMENTAL SUSTAINABILITY EFFORTS

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ABSTRACT

Environmental sustainability has become a critical focus for governments, corporations, and civil societies. The unending exploitation of natural resources, further industrial pollution and rapid growth of infrastructural projects have all contributed to environmental degradation. The tort law creates an effective legal avenue for punishing the polluter which completely proves the basis of tort law damages for injuries resulting from negligence, nuisance, and trespass. Henceforth, it makes tort law a strong deterrent against the environmentally damaging behaviour. Tort law also plays its role in supporting environmental laws as it gives an opportunity for individuals and communities to legally pursue claims for damage resulting from environmental harm.

This research aims to analyse how case laws can be used ensure whether tort law is practical toward sustainable development and accountability. Moreover, it seeks to assess whether existing remedies are adequate and keeping up with the changing dynamics of the world.

ISSUES:

1. Does tort law effectively prevent environmental harm and ensure accountability for environmental degradation?
2. What role do international and domestic tort laws play in supporting environmental sustainability goals?
3. Are existing legal remedies sufficient to compensate for environmental damages?

RULE:

Indian Legal Framework

- Environment Protection Act, 1986¹: It grants the central government with power to control industries, manage emissions, and hazardous substances. After the Bhopal Gas Tragedy, it was enacted to ensure safety for the environment. Non-compliance may cause penalties like fines or imprisonment terms pushing industries toward sustainable practices.
- National Green Tribunal (NGT) Act, 2010²: through this act, NGT was established as a means for the quick resolution of disputes which are related to protection of the environment and the enforcement of legal rights.

International and Global Framework

- Paris Agreement (2015): It is an international treaty which promotes global efforts to mitigate climate change. It also aims to keep global average temperature rises within limits.
- Rio Declaration on Environment and Development (1992): Its central themes are precautionary action, preventive action for environmental protection, and the polluter pays principle, which holds polluters accountable for any damage. And also, it

¹ Environment Protection Act, 1986 (India)

² National Green Tribunal Act 2010 (India)

emphasizes the right to development without undermining the idea of environmental protection.

Landmark Case Laws

- *Vellore Citizens Welfare Forum v Union of India* (1996)³: Applied the precautionary principle and polluter pays principle.
- *Indian Council for Enviro-Legal Action v Union of India* (1996)⁴: Established liability for hazardous waste management.
- *Rylands v Fletcher* (1868)⁵: Formulated the principle of strict liability for hazardous activities.
- *MC Mehta v Union of India* (1987)⁶: Expanded environmental jurisprudence through the concept of absolute liability.
- Trail Smelter Arbitration (*Canada v United States*, 1938)⁷: It established the principle of transboundary pollution liability by holding states responsible for the transboundary environmental damage.
- *M.C. Mehta v Kamal Nath* (1997)⁸
- *Union Carbide Corporation v Union of India* (1989)⁹

APPLICATION;

Tort Law as a Deterrent to Environmental Harm

Law of torts acts as a strong deterrent and practically serves to hold polluters financially and legally liable on account of their actions. Through strict liability, absolute liability, and the polluter pays principle, courts make sure that industries bear the cost of harm to the

³ *Vellore Citizens Welfare Forum v Union of India* (1996) 5 SCC 647

⁴ *Indian Council for Enviro-Legal Action v Union of India* (1996) 3 SCC 212

⁵ *Rylands v Fletcher* (1868) LR 3 HL 330

⁶ *MC Mehta v Union of India* (1987) 1 SCC 395

⁷ *Trail Smelter Arbitration (Canada v United States)* (1938 and 1941) 3 RIAA 1905

⁸ *MC Mehta v Kamal Nath* (1997) 1 SCC 388

⁹ *Union Carbide Corporation v Union of India* (1989) 3 SCC 38

environment. Strict liability makes it necessary for companies involved in hazardous activities to be liable for any damage resulting from such activities, irrespective of their intent. Absolute liability, further narrows down the defences available to industrial houses dealing with dangerous materials. Also, this principle ensures that persons causing an environmental damage incur the costs of cleaning and restoration. In *Vellore Citizens Welfare Forum v. Union of India* (1996), for instance, the courts ordered tannery industries to meet the costs of clearing the pollution caused by their activities. Courts ordinarily impose punitive damages to ensure compliance by businesses with environmental laws and penalties against future recklessness.

Through these legal frameworks, tort law keeps environmentally harmful practices under control and promotes responsible corporate behaviour. By enforcing financial penalties and mandating corrective actions, it bounds companies to adopt sustainable practices and invest in eco-friendly technologies. These aspects make tort law a critical tool in the pursuit of environmental sustainability.

- *Vellore Citizens Welfare Forum v Union of India* (1996)¹⁰: The local water resources in Tamil Nadu were severely polluted due to the tanneries established in the region. The supreme court applied polluter pays principle and directed the industries to procure preventive measures and restore the damages occurred, thus strengthening the deterrence effect of tort law.
- *MC Mehta v Union of India* (1987)¹¹: It originated from an oleum gas leak incident at Shriram Food and Fertilisers Ltd in Delhi which caused widespread harm. The court held the enterprise strictly liable for damages without any exception thus incorporating Absolute Liability and widened the scope of corporate accountability.
- *Rylands v Fletcher* (1868)¹²: A reservoir-burst created a flood inside a coal mine. The Court set up a strict liability doctrine, which held a party as liable for the damages caused due to hazardous activities without any negligent behaviour, which becomes one of the foundations of environmental liability law.

Through such cases, tort law has effectively prevented corporate negligence, encouraging

¹⁰ *Vellore Citizens Welfare Forum v Union of India* (1996) 5 SCC 647

¹¹ *MC Mehta v Union of India* (1987) 1 SCC 395

¹² *Rylands v Fletcher* (1868) LR 3 HL 330

industries to comply with environmental standards and adopt cleaner technologies.

The Role of Tort Law in Achieving Sustainability Goals

the domestic and international aspects of the framework of tort law play a crucial role in maintaining global sustainability efforts by providing effective mechanisms to enforce environmental accountability. For example, Paris Agreement sets emission ranges and targets and encourages countries to adopt sustainable practices and therefore contribute in mitigating climate change. Additionally, domestic tort laws give tangible legal recourse to victims of environmental damage, thereby empowering communities to challenge polluting activities.

Countries frequently incorporate the international principle of polluter pays and the principle of strict liability within their domestic legal systems. For instance, cooperative action reductions in greenhouse gas emissions are outlined in the Paris Agreement, but in cases of failure, any domestic courts may impose liability through tort claims against non-complying industries.

Furthermore, International Court of Justice (ICJ) has settled state-to-state disputes, giving strength to the principle of state responsibility. At the same time, victims of environmental degradation can sue at their national courts for damages, thus creating an all-encompassing system of environmental liability. Such efforts enhance sustainability efforts competitive for the global landscape by raising legal accountability levels and inciting responsible behaviour while preserving environmental diversity.

- *Indian Council for Enviro-Legal Action v Union of India* (1996)¹³: In this case, the polluter pays principle was applied by the court as an outcome to the chemical industries which caused soil and groundwater pollution. This is an example of the role of tort law in achieving environmental sustainability goals by getting industries to restore the damage caused by them.
- *Trail Smelter Arbitration (Canada v United States, 1938)*¹⁴: It established the principle of transboundary pollution liability by holding states responsible for the transboundary

¹³ *Indian Council for Enviro-Legal Action v Union of India* (1996) 3 SCC 212

¹⁴ *Trail Smelter Arbitration (Canada v United States)* (1938 and 1941) 3 RIAA 1905

environmental damage. It thus serves as a landmark development in international environmental law with regards to state liability.

These case precedents underscore the significance of tort law in supporting sustainability by holding both corporations and states accountable for environmental damage.

Effectiveness of Legal Remedies for Environmental Damages

Despite the presence of tort law mechanisms, challenges remain in ensuring adequate compensation for environmental damage. Some difficulties are usually encountered by the courts in quantifying such ecological losses since it usually affects ecosystems, biodiversity, and public health over long periods.

Legal remedy alone is probably inadequate, as compensatory universal monetary relief cannot recreate the ecosystems. Even then, cases like Bhopal Gas Tragedy and *M.C. Mehta v. Kamal Nath* do lots of work to impose liability and award damages but still leave victims and the environment suffering. There is a lot of improvement an increased judicial capacity, specialized environmental courts, and scientific expertise that can bring to tort law efficacy in the restoration of ecology

- Bhopal Gas Tragedy Case (*Union Carbide Corporation v Union of India*, 1989)¹⁵: in this case, countless people died and many were affected due to the gas leak from the union carbide plant. The hearing in the court although established corporate accountability but went on for a long duration which showed the need for better and speedy legal remedies to the victims
- *M.C. Mehta v Kamal Nath* (1997)¹⁶: Here, the supreme court by using public trust doctrine, prioritized environmental preservation over private interests by prohibiting the diversion of Beas River by a private company for commercial purposes thus reinforcing tort law as an essential tool for protecting ecological interests.

CONCLUSION:

Tort law is an important tool in promoting environmental sustainability. It encourages industry

¹⁵ *Union Carbide Corporation v Union of India* (1989) 3 SCC 38

¹⁶ *MC Mehta v Kamal Nath* (1997) 1 SCC 388

to choose cleaner technologies and sustainable practices through the imposition of financial and legal punishment for acts of environmental harm. Furthermore, the interaction of other international principles such as the polluter pays principle and strict liability brings significant punishment to the pollutant.

While existing legal frameworks provide much protection, much more proactive implementation and efficient judicial proceedings are necessary to strengthen their effectiveness. Joint efforts between international institutions, governments, and civil society organizations will further promote environmental justice. Ultimately, tort law remains a major instrument of sustainable development and the protection of the environment for the generations to come.

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