

## THE MADRAS RAILWAY COMPANY V ZEMINDAR OF CARVATENAGARUM

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### INTRODUCTION

The case is one of the most important cases that tells about the strict liability laws and their exceptions. This case was held in the Judicial Committee of the Privy Council in 1873. This case involved the dispute between the Madras Railway Company and the Zemindar of Carvatenagarum.<sup>1</sup> There was also the interpretation given to the 'natural use' of land.

### FACTS

The defendant, zemindar of Carvatenagarum owned land adjacent to a track of railway which was owned by the railway company. Defendants who owned tanks that were used to store water for irrigation purposes and other agricultural activities. There was an escape of water due to the bursting of two tanks which were situated on the defendant's land due to which damage was caused to the plaintiff's property and three railway tracks of the defendants were destroyed. Therefore, the Railway Company brought the suit against the defendant for the recovery of damages suffered by the company.

### ISSUES

- Whether it was negligence on the part of the defendant or the injuries that happened to the plaintiff were the result of Vis Major.
- Whether the defendant is liable, if yes then what are the damages that have to be given to the plaintiff.

### RULE

The strict liability principle was used concerning some cases like-

- **Rylands v Fletcher**<sup>2</sup>- In this case, the rule of strict liability was laid down- that regardless of ignorance, knowledge, or intention, if someone purchases anything

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<sup>1</sup> The Madras Railway Company v Zemindar of Carvatenagarum, LR (1874) 1 IA 364

<sup>2</sup> Rylands v. Fletcher (1866) LR 1 Exch 265, (1868) LR 3 HL 330

harmful on his property and it escapes and causes damage, that person will be held responsible for the entire amount of damage. However, the Court also listed a few exceptions when this rule wouldn't apply, such as the Act of God or the plaintiff's negligence.

- **Vaughan v Taff Vale Railway Company**<sup>3</sup>- If all the necessary precautions are taken then the person cannot be held for negligence. Also, it depends on the statutable power or authority for the certain act to be allowed or not.
- **Jones v The Festiniog Railway Company**<sup>4</sup>- This case was similar to the Vaughan v Taff Vale Railway Company but in this case, there was no statute power on the defendant's part, which made him liable for the damage done.

## ANALYSIS

This case mainly discusses strict liability and its exceptions. It tells if even after taking reasonable care will the defendant be liable and if he is not liable then through which exception he has escaped. In this case, the exception that saved the defendant from being liable was “vis major” which means “the act of God” as he had taken all the reasonable precautions while storing water in tanks.

### Arguments by plaintiffs

The Railway company claimed that the defendants did not take proper care and due to their negligence, the water escaped from the tank which caused the injuries to the railway. The plaintiffs said that since the defendant owned the land on which the tank was situated, they were liable to pay the damages to the railway company. The plaintiffs also gave the reference of Rylands v Fletcher that since the plaintiffs in that case, who were the owners of a mine, sued the defendants, the owners of adjacent land to him. They had constructed a reservoir on their land for operating a mill, the court decided that the defendants were entitled to pay damages from the plaintiffs because the reservoir water flowed through some abandoned mining activities into their mine and flooded it. Similarly, in this case, the plaintiffs demand damages.

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<sup>3</sup> Vaughan v. Taff Vale Railway Co. [5H & N 679 (1869)]

<sup>4</sup> Jones v. Railway Company, 61 S.C. 556, 39 S.E. 758 (S.C. 1901)

### Arguments by defendant

The defendant also asserted that the bursting of the tank was not caused by negligence but because of vis major i.e., an Act of God. They said that the defendant had taken all the reasonable care that is expected from a reasonable man to do. Several other tanks also burst which were under the belonging of the government and other people. He pointed to other tanks to prove that it was the act of God due to which there was unpredictable rainfall at that time of monsoon season because of which the tank burst. Had he been the only one who had not taken reasonable care only the tank situated on his land had been burst but it was others also whose tanks were burst. The defendants also showed that the tanks were old and were constructed in the usual manner. The water stored in the tanks which burst was used by all the ryots of the area. Hence, it is to the benefit of society and cater to the needs of many people together. Defendants also claimed that storing water is not the non-natural use of land as the conditions of non-natural use of land vary from place to place and situation to situation.

The defendants gave the reference of the case of Vaughan v The Taff Vale Railway Company in which the court held that since the defendants had done the act under the statute and all the necessary precautions were taken the defendants wouldn't be held liable for the negligence. Therefore, similarly in this case since the defendants had taken all the necessary precautions, they should not be held guilty.

### Judgement of the court

The court held that "The existence of these tanks is necessary, not only for the beneficial enjoyment of the defendant's land but for the sustenance of thousands of his ryots". Therefore, it would be inequitable if the liability was solely imposed on the owner of the land where the water tank was situated.

The judge defined negligence in this case- "Negligence consists in the omitting to do something that a reasonable man would do or in the doing something that a reasonable man would not do". It was in the end decided by the court that storing the water in that particular case was a necessity because many people used those tanks. Also, since storing water is important for irrigation and agricultural purposes, it was reasonable to store the water at that particular place.

The court also held that this case is much different from Rylands v Fletcher as in this case there was the natural use of land since it is important to have storing tanks in the agricultural field

for irrigation purposes and other reasons but in Rylands v Fletcher there wasn't a natural use of land because the defendants desperately accumulated a large quantity of water and they were under no obligation to make or maintain the reservoir, unlike this case of Madras Railway v Zemindar of Carvatenagarum.

## CONCLUSION

This case gives us a clear understanding of the strict liability and its exceptions, especially Vis major. This case gave us a broad interpretation of the natural use of land. Since the property owned by the defendants was situated in a hilly place and the ryots wouldn't be able to do the cultivation without the tanks situated there, it was important to build the tanks at that particular field which was within the statute and so legally sound.

The analysis of the case gives us a clear understanding of the legal issues discussed above. The defendants were not liable for the injuries that happened to The Madras Railway Company and it proved that it wasn't negligence on the part of the defendant but it was the Act of God, 'Vis Major'.

