

**VELLORE CITIZENS WELFARE FORUM V. UNION OF  
INDIA [(1996) 5 SCC 647]**

**Court:** Supreme Court of India

**Decided On:** April 7<sup>th</sup> 2016

**Bench:** Justice Kuldip Singh, Justice Faizan Uddin, Justice K. Venkataswami

**Citation:** [AIR (1996) SC 2715]: [(1996) 5 SCC 647]

**Appellants:** Vellore Citizens Welfare Forums

**Respondents:** Union of India rep. by its Secretary, Department of Environment and Others

**FACTS OF THE CASE<sup>1</sup>:**

This case was recently resolved by the Supreme Court in 2016 and firmly established the idea of preventative approach in environmental protection. Vellore Citizens Welfare Forum, the petitioner, filed a Public Interest Litigation under Article 32 of the Indian Constitution. The appeal was submitted in response to the excessive pollution created by the River Palar as a result of pollutants released by tanneries and other businesses in the state of Tamil Nadu.

The Palar River serves as the primary supply of drinking and bathing water for the people who live nearby. Later, the Tamil Nadu Agricultural University Research Centre in Vellore revealed that roughly 35,000 hectares of agricultural land had become unfit for

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<sup>1</sup> Vellore Citizens Welfare Forum v. Union of India [(1996) 5 SCC 647]

agriculture, either totally or partially. This is one of the seminal instances in which the Supreme Court examined the link between the environment and industrial growth.

### **ISSUES RAISED:**

The question that arose for consideration under the constant scrutiny of the Supreme Court was whether the tanneries should be allowed to continue operating at the risk of the lives of Lakhs of people.

### **RELEVANCY:**

Article 32 of the Constitution (Right to Constitutional Remedies): It is a fundamental right, which states that individuals have the right to approach the Supreme Court (SC) seeking enforcement of other fundamental rights recognized by the Constitution.

### **ARGUMENTS ADVANCED:**

#### **By The Petitioner:**

According to the petitioner, the whole surface and subsoil water of the river Palar has been contaminated, resulting in the inaccessibility of consumable water to the residents of the region. It is stated that tanneries in the state of Tamil Nadu have degraded the ecology in the zone. An independent research done by Peace Members, a non-governmental organization, encompassing 13 towns of Dindigal and Peddiar Chatram Anchayat Unions, reveals that 350 wells out of 467 used for drinking and water system purposes have been polluted.

#### **By The Respondent:**

A learned counsel representing the tanneries raised the issue that the Board's criterion for Total Dissolved Solids (TDS) was not legitimized. By request dated April 9, 1996, this Court organized the NEERI to investigate this aspect and provide its input. NEERI has legitimized the models proposed by the Board in its report of June 11, 1996. The Ministry of

Environment and Forests (MEF) has not yet established full models for inland surface water discharge of Total Dissolved Solids (TDS), sulphates, and chlorides. Individual State Pollution Control Boards make the decision on these recommendations based on the criteria depending on surrounding site circumstances. The TNPCB recommendations are supported by the aforementioned considerations. The TNPCB-approved principles for inland surface water release for tannery squander waters might be fulfilled cost-effectively by proper embed control gauges in tanning activity, and ordinarily organized and viably worked wastewater treatment facilities (ETPs and CETPs).

### **ANALYSIS:**

As far as I can see, the Environment Act provides useful provisions for limiting pollution. I acknowledge that the major objective for the Act is to provide power or authority under Section 3(3) of the Act with sufficient force to regulate pollution and safeguard the environment. It is unfortunate that no authority has been formed by the Central Government to yet. The work that is needed to be completed by an expert under Section 3(3) read with other sections of the Act is being completed by the Apex Court and other Courts around the country.

The moment for the Central Government to realize its responsibility and statutory requirement to safeguard the nation's debasing environment has already passed. If the conditions in the five regions of Tamil Nadu where tanneries operate are allowed to continue, all streams/waterways will be contaminated, underground waters will be contaminated, horticultural grounds will become desolate, and the residents of the territory will be exposed to genuine infections. As a result, it is critical for this Court to direct the Central Government to act quickly in accordance with the requirements of the Environment Act.

The Constitution and legislative provisions protect an individual's right to natural air, clean water, and a pollution-free environment; nevertheless, the root of the privilege is the basic custom-based law right to a clean environment. In the five districts of Tamil Nadu, there are about 900 tanneries in operation. Some of them may have implemented essential pollution control measures at this time, but they have been polluting the environment for more than ten years and, in any case, for a longer duration. This Court has established in several requests that these tanneries are required to pay a pollution fine. Polluters must reimburse those who have been harmed, as well as cover the costs of restoring the degraded environment.

## **CONCLUSION:**

In accordance with the present Court's Order of April 9, 1996, we have received expert counsel for the tanneries that have been closed in relation to the aforementioned request. It has been brought to our attention that a few tanneries have installed unique pollution control systems, despite the fact that they were closed. It has also been brought to our attention that some of the tanneries are affiliated with CETPs and have installed their own pollution control systems. Several anomalies have been brought to our attention. In any case, we proposed a unified strategy to welcome these tanneries on trains.

We clarify that no tannery will be permitted to re-open unless this Court finds that the necessary contamination control devices, either independently or collectively, has been installed by these tanneries, and as a result, we must rely on the advice provided by Technical Specialists such as Pollution Control Boards or NEERI. The Court worked with the Central Contamination Control Board and the Tamil Nadu Pollution Control Board to conduct a mutual evaluation of the region on a war-footing basis.

Tanneries may contact Pollution Control Boards directly or via educated understanding, or they may demonstrate that their particular units have installed/built the necessary pollution Control systems. We instruct that the Pollution Control Boards involved evaluate the Units as soon as possible and document a report in this respect by May 6, 1996.

The Court also agreed that any Units that are unable to create the necessary therapeutic devices within this time frame may apply to the Board once they have completed the devices. The North Arcot District, Chennai MGR District Association, and other Tanner Associations would cover the expenditures of the review committees formed by the Boards. After reviewing the study, the Supreme Court issued its decision, making every effort to maintain a balance between condition and progress.

The Court acknowledged that these tanneries in India are a substantial source of foreign money and employ a considerable number of people. At the same time, it devastates the environment and poses a health risk to everyone. In its decision in favour of the petitioner, the court directed all tanneries to pay a fine of Rs. 10,000 to the Collector's office.

The Court further directed the State of Tamil Nadu to award Mr. M. C. Mehta an amount of Rs. 50,000 in recognition of his efforts for environmental security. The Court has now emphasized the establishment of Green Benches in India to handle problems relating to environmental protection, as well as to expedite the resolution of environmental disputes.



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