

# **M.C. MEHTA V. UNION OF INDIA**

## **[Ganga Pollution Case]**

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### **INTRODUCTION**

Ganga is taken into account to be a sacred stream in India. It is not solely crucial in religious terms however additionally in geographic and scientific point of views. Being the most important geographic region the country, it stretches across eleven vital states together with cities like Kanpur, Delhi, Allahabad, Kolkata and Varanasi. A substantial proportion of the population relies on the water of the Ganga. It is an acknowledged incontrovertible fact that Ganga is notorious for being the foremost impure water bodies within the country. The discharge of noxious material thrown out by numerous industries into the waters of Ganga has been a significant reason behind the concern for the government as well as for the authorities. The intoxicated pollutants flushed into the waters of Ganga by waste plants of assorted industries affects not solely the human population however also the marine life. There are dangerous implications on the surroundings due to pollution within the water body. M.C Mehta v Union of India is a case which may be seen as a stepping stone in the field of developing Environmental Law in India in the 1980s. The case centered on the requirement for protection of the Ganga from the precarious waste drop into the stream by the industries.

### **BACKGROUND OF THE CASE**

Kanpur is the most populous city on the Ganges; so many existing factories in various districts of the city are responsible for discharging harmful sewage directly into the Ganges. Ganges receives large amounts of toxic waste and chemicals from households and industrial companies, especially the Kanpur tannery. In 1985, MC Mehta filed a writ of Mandamus to stop the tannery and prevent them from discharging the waste produced into the Ganges. The court held that according to Article 48A of the Indian Constitution, the state should strive to protect, improve and preserve the environment, as well as the country's forests and wildlife. Another provision is Article 51A, which stipulates that every citizen has the basic

obligation to protect and improve the environment, including forests, lakes, rivers and wild animals, and emphasizes the importance of the Water (Pollution Prevention and Control) Act of 1974 ("Water Law"), which stipulates that the following laws have been passed to improve water quality and prevent water pollution. ; Article 24 of the law prohibits the discharge of waste into water. According to articles 16 and 17 of the law, the same legislation authorizes the central authorities and state agencies to take appropriate measures and ensure the restoration and protection of water bodies rather than pollution. The court also relied on the Environmental Protection Act of 1986 to emphasize the government's responsibility to protect the environment and propose appropriate solutions. In this way, the necessary background and laws for this case were formed.

## **ANALYSIS**

The writ petition was admitted as a Public Interest Litigation because the matter was a concern for the public as a whole before the Honourable bench of Supreme Court comprising of E.S Venkataramaih and K.N Singh. In the preliminary hearing of this case, the court directed to issue a notice with the gist of the petition and got it to published in the newspaper in Northern India as to allow the representation of parties (industries or municipal corporations or local bodies in the jurisdiction of areas of Ganga basin) who had an objection against the prayer put forth by the petitioner asking them not to discharge sewage and trade effluents of their industries in the Ganga river without prior treatment. After this, a large number of industries and local bodies came forward raising issues and meanwhile some appeared before the court contesting that steps had been taken by them to treat the waste before it could be dumped into the river. Since, out of 89 respondents, 75 consisted of tanneries in Jajmau area of Kanpur located on the banks of river Ganga, the case against them were to be taken up first. Other respondents being the Union of India, the Chair of the Central Pollution Control Board, the Chair of the Uttar Pradesh Pollution Control Board, and the Indian Standards Institute. A particular number of tanneries showed representation before the court, whereas some did not appear before the court neither showed representation. The court stated that under Water (Prevention and Control of Pollution) Act, 1974, it an obligation for the government to look after the functioning of the Boards set up under the act. It is to be noticed that the Boards set up under the act have proved to

be inefficient towards their responsibility of keeping sewage from such tanneries in Kanpur into the Ganga. Additionally, under Environment (Protection) Act, 1986 no effective measures were taken by Central government to lessen the public nuisance (as water had become unfit for drinking, fishing, bathing and other purposes) caused by tanneries in Kanpur (Jajmau area). There had been various reasons for the pollution of the Ganga River but trade effluents being the major contributor to the degradation of water quality of Ganga. Trade effluents were defined as any liquid, gas, solid substance which is released out during running of industries for trade and production. Plus, it was not disputed by the tanneries that the water had been polluting because of the discharge gushed out by them. Consequently, the court held that the tanneries must set up primary and secondary treatment plants if they wish to continue running their industries or the government would have no other option but to put restraining orders on the activities of the tannery or even ask for the closure of the business even though it will affect the employment, loss of revenue of the same.

Protecting the environment is as important as any other issue, so compromise is not an acceptable option. To this end, the government and citizens need to show responsibility and concern for all aspects of protecting the environment. The leather industry is one of the largest consumers of water in the production process of its products, which will eventually lead to the release of a large amount of toxic waste water, the discharge of chemical and toxic waste into the aquatic environment that affects humans as well as marine life and give rise to various water-borne infections. When these toxins enter public sewers, they block the sewers and affect groundwater as sewage deposits on the ground.

Even after all this, some agencies still provide alternatives and measures to tanneries to recycle waste before it finally enters the Ganges. The tannery agreed to build primary processing facilities, but denied that secondary processing facilities are expensive and that the cost of doing so is a burden. In this regard, the court stated that if it is not a secondary treatment facility, at least a primary treatment facility will be built to prevent corridor pollution. The economic inefficiency of tanneries should not be used as an excuse to abandon primary plants. Since industries that cannot pay the minimum wage to their employees for their jobs are not allowed to exist, any tannery that shows that they cannot carry out their main business must also be closed. This offsets the inconvenience of the staff and the

tannery because it protects the environment from dangerous consequences and harms the public interest. The court ordered the closure of businesses that refused to show up or responded to notices issued for failing to meet pre-installation requirements.

At the same time, in accordance with the instructions of the National Pollution Commission, the Central Government and the Local Municipal Bodies, a six-month deadline has been provided for tanneries that have agreed to install sewage treatment plants so that any tannery that directly or indirectly pollutes the Ganges is responsible for implementation judgment. Hence, the court was right in its decision to find the industries liable for the pollution as they had been doing so since directly or indirectly. This judgment is still valid under the current circumstances and is commendable. The need to improve the environment and protect its components remains an issue. Ganga is still considered a polluted river in the country, despite its historical and geographic importance.

The government's effort to reduce the problem of pollution in Ganga can also be seen in the form of "Ganga Action Plan" initiated by the Ministry of Environment and Forest of the government in 1986. The plan was to make Ganga pollution free right from Kolkata to Haridwar. The aim of the plan was to build structures for avoiding pollution and aimed to tackle the problem of waste management by treating and finding remedies to clean the effluents before letting it into the waters of Ganga. Phase I, which was supposed to be for five years, started in 1986, but despite the efforts and expenditure, it was slow-paced and failed miserably. Around the same time, the Supreme Court started taking note of the working of government agencies regarding this matter. It rebuked the actions by stating that they were performing their duties sloppily. The Supreme Court had fined over 200 industries set up in the areas near to the Ganga basin and made sure to penalise State Control Pollution Boards for their misleading activities and gross violation of power. Nevertheless, even with these steps, total efficiency and disruption of polluting Ganga could not be implemented.

The court's argument is based on some logical facts related to the field of environmental factors and the need to balance the environment, mentioning the increase in water-borne diseases, the benefits of pollution prevention, and emphasizing that it is best for people and their health to prevent pollution. The

court also explained the causes of pollution and the need to control pollution because it affects human health, agriculture and aquatic life. The decision to close down polluting industries can be seen as a significant step taken by the judiciary. The issue of responsibility on the part of industries was well justified and the Mahanagar Palikas and if the municipal agencies fail to fulfill their legal obligations to prevent water pollution in the Ganges River, they will also be held accountable. The court further called on the team to develop wastewater treatment measures and implement them as soon as possible. The good part was that the SC had directed the High Courts to not put a stay on criminal proceedings involving polluting industrialists.

The judgement was following all the legislations, namely the guidelines given in the fundamental duties of the Constitution of India, namely; Article 51A and Article 48. As a result, there had been a statutory provision for not dumping pollutants in any stream or well or water body; meaning that nobody could knowingly or unknowingly dump harmful and poisonous material in the water bodies. It was, therefore the duty of the Central Government to create awareness amongst the citizens by issuing books free of cost and making it compulsory for students and the young generation to understand the importance of the environment. The various sections of Water (Prevention and Control of Pollution) Act, 1974 ('The Water Act') and Environment (Protection) Act, 1986 here taken in the broadest sense possible and was in lieu of law and authority. Moreover, this judgement establishes the fact that strict punishments and liability for the offenders should be made available. It also highlights the need for cost-effective and well-planned sewage disposal systems for industrial as well as domestic purpose so as to combat the problem of pollution of all sorts. Hence, all the decisions and ruling of the court has complied with the public interest at large. This was perhaps the earliest case with regards to tanneries and in the ambit of environmental law. This case led to an extension which was related to the tanneries in Calcutta; thus, the case being named – M.C Mehta v. Union of India (Calcutta Tannery case). Furthermore, this case brought upon the issue of the need for protection of damage from pollution and emphasised the importance of pollution control since the lack of corrective measures in the later stage of damage are way more orders than the initial stages. Lastly, it should be required to create pollution prevention policies to improve the industrial sector of the country. It is unfortunate to note that

significant implications can be seen if these measures are not taken in a restricted time and manner.

## **CONCLUSION**

In the following case, we saw this ruling set a precedent for the Supreme Court's active position in protecting the precious but fragile environment in which we live, and made us aware of the importance of the Ganges. In people's lives, rivers are the source of water, and water is an indispensable part of our lives because millions of people depend on it. There is an urgent need to maintain and improve the level of contaminated waters. One aspect of this regulation is the need to ensure that government agencies and agencies that have the power to ensure water quality and protect the social environment are highly accountable. It should be noted that the environment takes precedence over the economy. This judgment clearly shows that environmental interests are as important as all other interests. The economic consequences in this case, which are commendable, signify the nature of environmental importance. The Ganges River is regarded as a pious passage in the strict Scriptures. The current situation requires experts and personnel to take full responsibility for cleaning. The purity of our water flow can predict the whole world. The Ganges is part of our way of life, and we must keep it sacred. The government needs to develop more rigorous methods to strengthen the nature of water. The environmental law must be strictly enforced and refusal to violate it must be diminished.