



CASE COMMENT: M.C. MEHTA VS UNION OF INDIA [GANGA POLLUTION CASE]

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INTRODUCTION

The Ganges River, for thousands of years, has meant much more to the people of India than just another flowing body of water. In fact, it has provided them with faith, means of livelihood and an element of their identity. However, by the 1980s, this very sacred river had begun to slowly die as the pollution created by industrial waste and untreated sewage, into which the factories were dumping their effluent without interference from local authorities, began to overwhelm the river. As a result, Indian environmentalist lawyer M.C. Mehta initiated a Public Interest Litigation (PIL) before the Supreme Court of India, requesting the court invoke its power pursuant to Article 32¹ of the Constitution of India on behalf of all citizens who lived along the banks of the Ganges River. The Supreme Court responded rapidly and decisively. The Supreme Court ordered that factories located along the banks of the Ganges River be required to install treatment systems so that they would no longer be releasing pollutants into the river.

FACTS OF THE CASE

The Ganga River, upon which many generations of people have lived for hundreds of years, was being intentionally polluted. The primary polluters of the Ganga River were the tanneries located in Kanpur. These tanneries dumped chemical pollutants, including chromium, into the Ganga River on a daily basis with no consequence or enforcement action taken. To add insult to injury, millions of gallons of raw sewage are dumped into the Ganga River each day as well. One would find it unbelievable that what is most disturbing about this pollution is not the extent of the pollution itself but rather the lack of concern regarding the pollution demonstrated by governing institutions. Although regulatory agencies were created pursuant to the Water

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¹ The Constitution of India 1950, art 32.

(Prevention & Control of Pollution) Act of 1974², these entities did nothing. Notices were sent to offending parties, deadlines were ignored, yet the Ganga River continues to be degraded. It was unacceptable to Mehta that there seemed to be an institutional failure of accountability. Therefore, he collected all of his evidence, environmental data and observations. In 1985, Mehta used Article 32 to petition the Supreme Court to establish that access to clean drinking water is a basic right and not something that is provided at the discretion of the state. The Supreme Court found itself shocked by the conditions that Mehta described and ordered representatives from industry and local municipalities to appear before it to explain why they allowed such egregious environmental damage to occur.

ISSUES RAISED

1. Were there any actions that were carried out by the respective authorities for the protection of the river?
2. Did the government carry out its responsibility properly? Was there any actual proof of ground-level work?
3. What exactly is a “small industry”? And how does it become fair for the weak, small industries to bear the entire cost of pollution alone?

ARGUMENTS IN FAVOUR OF THE PETITIONER

The Right to Life Means More Than Merely Being Alive: Article 21³ demands a life inculcated with dignity and morality. The water that millions of Indians use daily is being contaminated with toxic industrial chemicals that make the water unfit for use and render Article 21 meaningless. Polluting the Ganga is not merely an environmental offence; it is a direct threat to our established right, and thus it becomes the unwavering duty of every citizen to uphold the principle of collective responsibility for societal welfare.

The Law Existed, but It Was Not Enforced Properly: India was not lacking in terms of legislation. The Water (Prevention and Control of Pollution) Act 1974 existed, but it was violated openly without anyone facing any consequences.

Private Profit Cannot Exceed Public Welfare: Industrial overexpansion cannot surpass societal welfare or the development of the community. The tanneries were constantly releasing

² The Water (Prevention and Control of Pollution) Act 1974

³ The Constitution of India 1950, art 21.

toxic effluents laden with chromium that destroyed the marine life and endangered millions of aquatic animals.

ARGUMENTS IN FAVOUR OF THE RESPONDENT

Judicial Overreach into Executive Functions: The most significant argument from the respondent's side was that there was excessive judicial interference in those areas that are under the domain of the legislature and the executive. It disturbed the constitutional balance of the separation of powers that demanded a serious space in this context. In short, the matters of industrial regulation environment policy fall under the legislature and executive, so it was contended that the judiciary should not intervene in these matters.

Overnight Adherence Is Neither Pragmatic nor Feasible: One of the impactful arguments given by the respondents was rooted in practical reality. Closing down or reconstructing hundreds of tanneries is next to impossible. It would not simultaneously destroy the livelihoods of thousands of workers, but also lead to bureaucratic dysfunction.

Pollution Control Is Not Just a One Man's Headache: There was a structural argument that industrial effluents released in the river are only a single part. It does not alone constitute the whole ratio of the pollution. There are various other objects, substances, and effluents that downgrade the quality of the water and make it contaminated. Thus, singling out only the industrial sector by ignoring other aspects amounts to selective and unbalanced enforcement, which would lead to inequality. Overall, it was tried to establish that not only one factor is responsible for the toxication of the river.

OBITER DICTA - WHAT THE COURT SAID BEYOND THE VERDICT?

The Constitutional Duty of Every Citizen: The Supreme Court went considerably beyond its immediate task and announced and claimed that it is not just a small matter of political will or governance. Article 21 thereby gives us, the citizens, a constitutional obligation. It thus specifies that every citizen has the inherent right to live within clean and healthy surroundings and no industrial justification can override this fundamental entitlement.

The Judiciary Must Step in when there is a Breakdown of the Democracy: The Court implied that when the administrative failure cannot be restricted, then the role of the judiciary comes in. When elected governments fail to provide their services to the citizens to preventable

harm, judicial activism becomes the only and necessary step or solution to the problem. This later deeply influenced the role of PIL in jurisprudence and environmental litigation.

Education and Awareness: The Two Strong Pillars: The Bench noted that legal punishments and penalties cannot alone protect the environment. Emphasis was placed on public awareness, education, and community participation. Apart from the legal landscape, these were also considered very important for conserving natural resources. The whole country should have the knowledge of the cultural and social importance of the river, whose protection is crucially very important.

OBSERVATIONS BY THE SUPREME COURT

Article 51-A(g)⁴ – Fundamental Duties: This particular part of the Indian Constitution (Part IV)⁵ delivers to every citizen the list of duties that they are entitled to follow. One of the primary duties of the citizens is to protect and improve the natural environment, including all flora and fauna. A constitutional duty has the same moral weight as a constitutional right.

Duty vs Right (Complements and Supplements Each Other): Every coin has two sides. When every citizen who claims their right to a clean environment under Article 21 simultaneously has the duty under Article 51-A(g) to collectively participate and thrive and work together and carry out their duty to maintain a clean and pollution-free environment as a collective responsibility. No citizen can demand the right and not carry out the function associated with it.

Collective Moral Awakening: The Supreme Court emphasised that it's high time to conserve and protect the river, which acts as the base and lifeline of the people of India. Not only judicial activism, administrative force, and government schemes will lead to solutions, but the people must come together in a unity that would internalise their constitutional responsibility towards the natural world that has been inherited and must faithfully pass forward.

JUDGEMENT BY THE COURT

The river Ganga, which is considered the lifeline of India, has a long spiritual history and ecological importance. In the landmark judgement of M.C. Mehta Vs Union of India (AIR

⁴ The Constitution of India 1950, art 51A(g)

⁵ The Constitution of India 1950, pt IV

1988 SC 1115)⁶, the Supreme Court confronted the harsh reality of industrial contamination that is gradually destroying the river. Kanpur's tanneries were particularly under the radar for pollution and discharging untreated industrial effluents.

Justice E.S. Venkataramiah's bench, responding to a PIL, declared pollution of the river Ganga as a public nuisance. The Court ordered the installation of treatment plants, emphasising the progress of the protection. It extended directives for sewage management, underscoring the state's duty under Article 48A⁷ and 51A(g)⁸. This judgement paved the way for many similar judgements in the years. The precautionary approach was later crystallised in Vellore Citizens Welfare Forum Vs Union of India (1996)⁹, which also gave us a detailed analysis of sustainable development. Indian Council for Enviro-Legal Action Vs Union of India (1996)¹⁰ reinforced the polluter pays principle. The M.C. Mehta precedent continues to drive National Green Tribunal interventions on the Ganga clean.

ANALYSIS OF THE CASE

This case stands as a watershed moment in Indian environmental jurisprudence. The petition (PIL) showed us a highly disturbing condition of the river where the industries are discharging untreated effluents into the river, which leads to the deterioration of the water quality. This low-level water quality leads to various health problems in the citizens, thereby posing a direct threat to the population. In this case, the tanneries from Kanpur mainly caused this contamination.

The Supreme Court under Justice E.S. Venkataramiah recognised pollution as a violation of the fundamental right to life under Article 21. Thus, the Court has ordered to set up of treatment plants so that the wastes that are being discharged into the river are first treated and made harmless. It invokes the State's duty under Article 48A and the citizen's duty under 51A(g). This judgement clarified that the river should not be the duty of any one particular individual to keep the river clean. It must encompass the collective responsibility and awakening of all the people of the country. It also laid down and explained the polluter pays principle, where the party destroying the purity and sanctity of the river will be solely responsible for the

⁶ M.C. Mehta v Union of India AIR 1988 SC 1115

⁷ The Constitution of India 1950, art 48A (Forty-Second Amendment Act 1976)

⁸ Ibid

⁹ Vellore Citizens Welfare Forum v Union of India (1996)5 SCC 647

¹⁰ Indian Council for Enviro-Legal v Union of India (1996)3SCC 212

compensation. The Namami Gange Programme is a project laid down by the Government of India for the cleanliness and maintenance of the river. This case also established judicial activism as a very important tool for ecological justice.

CONCLUSION

This celebrated case remains a defining chapter in India's environmental jurisprudence. It lays down the way of transforming from a symbol of sacred neglect into judicial focus and public accountability. It primarily encapsulates the rights and duties associated with it. To explain, it gives us our right to life with liberty under Article 21,¹¹ where we can claim a clean and proper environment. On the other hand, it shows that there is an inherent duty of the state as well as the citizens to maintain their obligatory act. As we know, every coin has two sides; we must also understand that rights and duties go hand in hand. If any individual has a right to exercise, then they must also perform a duty. This judgment paved the road for many other important environmental judgments in the years. It also reinforced sustainable development as a core constitutional value.

Yet decades later, the struggle continues. The gap between judicial pronouncements and on-ground implementation reveals the limits of courtroom victories without strong political will, community participation and technological innovation.

There are mainly two aspects working behind the whole case and its judgment. One is litigation towards collective responsibility, which encompasses cleaner industries and urban planning. The second one is the cultural shift that treats the Ganga not merely as a goddess to worship but as a living ecosystem to protect.

RECOMMENDATIONS

This judgement illuminated the path, but the real success lies in constant progress and implementation works in bridging the gap between judicial intent and ground realities. If we truly want to revive the Ganga, proper mapwork with collective awareness and responsibility is very much essential.

The first step should include proper enforcement. It should be strengthened beyond sporadic court interventions. The NGT should adopt real-time digital monitoring, and there would be

¹¹ Ibid

harsh penalties and punishments that would create a sense of fear in the minds of the people. Also, it should be noted that accountability and transparency must be maintained for industrial and municipal bodies.

The second step should include community participation. The people must be actively involved in decision-making, awareness campaigns and faith-based institutions. It can implant within us ecological consciousness.

Finally, there must be long-term restoration through proper afforestation bio diversity conservation. These areas must be dealt with care and importance. The Ganga's health is directly linked to the health of the population of the people. It is inseparable from millions of people who call it their home. We must sustainably blend proper governance, technological advancement and proper public cooperation and participation. We can therefore genuinely convert judicial knowledge into an enduring heritage of a clean, flowing Ganga for future generations to come.