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**IMPORTANT LANDMARK CASES OF ENVIRONMENTAL LAW :
CASE COMMENTS**

AUTHOR: JYOTI YADAV

GAS LEAKS COURT CASE

❖ *M.C. Mehta And Anr vs Union of India & Ors 1987 AIR 1086, 1987 SCR (1) 819*

FACTS

In 1985, a deadly gas leak occurred at the Union Carbide India Limited (UCIL) pesticide plant in Bhopal, India, causing the death of thousands of people and injuring hundreds of thousands. As a result, the Indian government enacted the Environment Protection Act, 1986, which established regulatory measures for the protection and improvement of the environment.

In 1987, another gas leak occurred at the Shriram Foods and Fertilizers Industries (SFFI) plant in Delhi, leading to the death of one worker and injuring several others. The incident prompted environmental activist M.C Mehta to file a Public Interest Litigation (PIL) in the Supreme Court of India against the Union of India and the SFFI plant.¹

ISSUE

One of the most significant issues with the Bhopal Gas Tragedy is the lack of accountability on the part of Union Carbide Corporation and the Indian government. Despite the severity of the disaster, Union Carbide Corporation failed to take full responsibility for the accident, and the Indian government did not hold the corporation accountable for the long-term effects of the tragedy. The victims and their families did not receive adequate compensation or medical assistance, and many continue to suffer from the effects of the toxic gas exposure.

The Bhopal Gas Tragedy continues to be an issue that highlights the need for greater corporate accountability and better safety regulations. The victims and their families deserve justice, and steps must be taken to prevent similar tragedies from occurring in the future.

OPINION

Opinions on the M.C Mehta Vs Union of India gas leaking Shri Ram factory case are divided. Some believe that the Supreme Court's judgments were necessary to hold polluting industries accountable and to protect the environment and public health.

Others argue that the judgments created an undue burden on industries and hindered economic development. There are also those who believe that while the judgments were necessary, they were not implemented effectively, and the victims of the gas leak did not receive adequate compensation or support.

JUDGEMENT

The Supreme Court of India delivered several judgments in the M.C Mehta Vs Union of India gas leaking Shri Ram factory case, including:

¹ Deepikanuals. *Legal Aspects of Bhopal Gas tragedy. Legal Service India.*
<https://www.legalservicesindia.com/article/373/Legal-Aspects-of-the-Bhopal-Gas-Tragedy.html>

In 1987, the Supreme Court directed the Union of India to take necessary steps to prevent further harm to workers and residents in the area surrounding the SFFI plant.

In 1988, the Supreme Court directed the SFFI plant to stop its operations and ordered the Union of India to investigate the plant's activities. In 1991, the Supreme Court directed the Union of India to pay compensation to the victims of the gas leak and their families.

In 2004, the Supreme Court directed the Union of India to respond appropriately to ensure that the hazardous waste generated by the SFFI plant was properly disposed of.

RLEK VS STATE: ENVIRONMENT

❖ *Rural Litigation and Entitlement Kendra & Others V. State Of Uttar Pradesh & Others Supreme Court Of India*¹²⁰

FACTS

The Rural Litigation and Entitlement Kendra (RLEK) and others filed a public interest litigation in the Supreme Court of India against the State of Uttar Pradesh and others in 1982. The petitioners alleged that illegal mining, deforestation, and environmental degradation were taking place in the Himalayan region of Uttar Pradesh, particularly in the Mussoorie Hills. The petitioners sought to protect the environment and the rights of the local people.¹²¹

ISSUE

The main issue in the case was the impact of mining on the environment and the rights of the local communities. The mining activities had caused severe damage to the forests, water bodies, and wildlife habitats in the region. The issue between RLEK and the State regarding the environment is an ongoing one. RLEK's efforts to protect the environment and the rights of local communities have led to significant legal battles against the State, resulting in the protection of the environment in various parts of India. However, there is still a long way to go, and RLEK's work is crucial in safeguarding India's environment for future generations.

OPINIONS

The RLEK and other petitioners believed that the Supreme Court's decision was a victory for the environment and the local people. They believed that the court's order would help protect the fragile ecosystem of the Himalayas and ensure that the rights of the local people were respected.

On the other hand, some mining companies and the state government were unhappy with the Supreme Court's decision. They believed that the court's order would lead to a 2 loss of jobs and revenue and would hamper the development of the region. Some critics also argued that

¹²⁰ 1985 AIR 652, 1985 SCR (3) 169.

¹²¹ Posted on 2022, April 21. *Rural Litigation and Entitlement Kendra & Ors v. State of UP & Ors. The Legal Lock.* <https://thelegallock.com/rural-litigation-and-entitlement-kendra-ors-vs-state-of-u-p-ors>

the court's decision was an example of judicial overreach and that the court was interfering in the executive's domain.

JUDGEMENT

The Supreme Court of India delivered its judgment on the case on February 12, 1985. The court ordered the closure of all mining operations in the Mussoorie Hills and directed the government to take steps to protect the environment. The court also ordered the formation of a committee to monitor the

implementation of its orders and directed the government to take steps to rehabilitate the people affected by the mining operations.

KANPUR POLLUTION CASE

❖ *Subhash Kumar v. State Of Bihar & Others Supreme Court Of India*¹²²

FACTS

The case was based on a Public Interest Litigation (PIL) filed by Subhash Kumar, a law student, highlighting the environmental pollution caused by tanneries and other industrial units in and around the city of Kanpur. The PIL also pointed out the failure of the State Pollution Control Board in enforcing environmental regulations and protecting the environment.

ISSUES

Industrial pollution: Kanpur is home to a large number of polluting industries, particularly in the leather and textile sectors. These industries generate a significant amount of toxic waste, which is often disposed of improperly, leading to soil and water contamination. The government needs to take strict measures to regulate these industries and ensure that they operate in an environmentally sustainable manner.

- Vehicular emissions:

Kanpur is also grappling with high levels of vehicular emissions, which are a major contributor to air pollution in the city. The government needs to promote the use of public transportation and encourage the adoption of cleaner fuels and vehicles.¹²³

- Waste management:

The city's waste management infrastructure is inadequate, with much of the waste being dumped in open landfills or burned in the open, leading to air and water pollution. The government needs to invest in better waste management systems, including recycling and composting, and enforce regulations on waste disposal.

- Lack of public awareness:

There is a general lack of public awareness about the causes and effects of pollution in Kanpur. The government needs to launch campaigns to educate citizens about the importance of environmental sustainability and the role they can play in reducing pollution.

- Health impacts:

¹²² 1991 AIR 420, 1991 SCR (1) 5

¹²³ Posted on (2021, July 7), Subhash Kumar State v State of Bihar Case Brief, The Law Express. <https://thelawexpress.com/subhash-kumar-vs-state-of-bihar-case-brief>

The high levels of pollution in Kanpur are having a serious impact on the health of its citizens, particularly respiratory illnesses. The government needs to prioritize public health interventions, including providing access to healthcare and promoting healthy lifestyles.

OPINION

The State of Bihar and other respondents in the case argued that the closure of industries would lead to a loss of employment and revenue for the state. They also argued that the implementation of pollution control measures would be costly and time consuming.

On the other hand, Subhash Kumar and other petitioners argued that the environmental damage caused by the industries was a violation of their fundamental right to a clean environment. They also argued that the State Pollution Control Board had failed in its duty to protect the environment, and that the polluting industries should be held accountable for the damage caused.

Overall, the Subhash Kumar v State of Bihar & Others case set an important precedent for environmental protection in India. It established the principle of the right to a clean Environment as a fundamental right, and emphasized the importance of holding polluting industries accountable for their actions.

JUDGEMENT

The Supreme Court passed a series of landmark judgements in this case. It held that the right to a clean environment is a fundamental right under Article 21 of the Indian Constitution. The Court also held that the polluter pays principle should be applied, i.e., the industries that cause pollution should bear the cost of remediation and compensation for damage caused to the environment.

The Court directed the closure of polluting industries in and around Kanpur and ordered the installation of pollution control equipment in the remaining industries. The Court also directed the creation of a monitoring mechanism to ensure compliance with environmental regulations.