



# Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2026 – ISSN 2582-7820

Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

---

## Case Comment: Indian Council for Enviro Legal Action v Union of India

Padmapriya B<sup>a</sup> Pooja Praveen<sup>b</sup>

<sup>a</sup>Sastra University, Thanjavur, India <sup>b</sup>Sastra University, Thanjavur, India

*Received 13 May 2026; Accepted 13 June 2026; Published 17 June 2026*

---

### INTRODUCTION

The case<sup>1</sup> is a turning point in Indian Environmental law, where the Supreme Court consciously fused constitutional rights with economic and administrative regulation to confront large-scale industrial pollution. Decided under Article 32 of the Constitution, the petition was framed as public interest litigation, asserting that the right to life under Article 21 includes the right to a healthy and non-toxic environment. The dispute arose from the operation of multiple hazardous chemical units in Bichhri village, Rajasthan, whose activities were carried out without statutory clearance and basic effluent treatment, causing irreversible damage to groundwater, soil fertility, public health, and traditional agrarian livelihoods.

What distinguishes this case is not only the doctrinal weight it gave to the Polluter Pays Principle and the doctrine of absolute liability, but also its exposure of systemic failures, such as the weak implementation of the Environment Protection Act 1986, collusion, like the passivity of regulatory authorities and deliberate evasion of statutory obligations by

---

<sup>1</sup> *Indian Council for Enviro-Legal Action Etc v Union of India & Ors Etc* (1996) 3 SCC 212

industrial units that treated rural life as a negotiable externality. The court's role evolved from a reactive adjudicator to a proactive monitor of remediation, appointing expert bodies and demanding detailed technical assessments of sludge volumes, pollutant pathways and subsurface contamination. By foregrounding the interests of disenfranchised villagers, the judgment reframed that modernisation could no longer be dumped silently into the soil water of marginal communities.

## **FACTS OF THE CASE**

The case arose from severe industrial pollution in Bicchri village, Udhaipur district, Rajasthan, caused by hazardous chemical units such as Hindustan Agro Chemicals Ltd., Silver Chemicals, and Jyoti Chemicals. Established in 1987 without obtaining mandatory environmental clearances, these industries produced toxic substances, including a hazardous dye intermediate that generated highly acidic waste and sludge, in the absence of proper effluent treatment systems. Untreated waste was discharged into open drains and unlined ponds, contaminating groundwater, wells and agricultural land. Investigations by expert bodies revealed extensive dumping of toxic sludges, leading to soil infertility, loss of livelihoods and serious health issues among villagers. The environmental and socio-economic devastation triggered public protests and imposition of Section 144 of the CrPC, while the industries continued to evade accountability and delay remediation.

## **ISSUES**

1. Whether the large-scale environmental pollution caused by hazardous chemical industries amounts to a violation of the fundamental right to life under Article 21 of the Constitution of India, and justifies the exercise of jurisdiction by the Supreme Court under Article 32.
2. Whether industries engaged in inherently dangerous activities can be held absolutely liable under the 'Polluter Pays principle' for the damage caused, and be directed to bear the cost of environmental remediation and restoration.

## **PETITIONER'S CONTENTION**

The petitioner argued that the respondent industries caused severe environmental degradation by discharging untreated toxic effluents and hazardous waste, resulting in the

contamination of soil and groundwater, destruction of agricultural lands and loss of villagers' livelihoods. This pollution violated the fundamental right to life under Article 21, which includes the right to a clean and healthy environment. Relying on expert reports, the petitioner established a direct link between the industry's operations and the ecological damage. It was further contended that the industries operated in violation of environmental laws and that authorities failed to enforce statutory duties. Invoking the principles of absolute liability and the polluter pays doctrine, the petitioner urged the Supreme Court under Article 32 to ensure accountability, environmental restoration and compensation for affected victims.

### RESPONDENT'S CONTENTION

The Respondent contended that the writ petitioner under Article 32 was not maintainable against them, as they were private corporate entities and did not fall within the definition of 'State' under Article 12. They denied responsibility for the alleged environmental damage, asserting that the claims were exaggerated and that they had obtained or applied for the necessary permissions. They also argued that several units, including those manufacturing H acid, had already been shut down, eliminating any continuing liability.

Furthermore, the respondents claimed they had cooperated with authorities and complied with court direction, alleging bias on the part of the Pollution Control Board. They questioned the credibility of expert reports due to the lack of opportunity for cross-examination and suggested that other industries or external factors may have contributed to the pollution. Consequently, they opposed the imposition of absolute liability and high remediation costs, arguing that their responsibility had not been conclusively established.

### RELEVANT LAW/ LEGAL PROVISIONS

**Environmental Protection Act 1986:** This Act serves as the backbone of India's ecological defence. In this case, the Court breathed life into its provisions:

- **Section 3:** Empowers the Central Government to protect our natural heritage.<sup>2</sup>

---

<sup>2</sup> The Environment (Protection) Act 1986, s 3

- **Section 4:** Allows for the appointment of officers to act as guardians of the environment.<sup>3</sup>
- **Section 5:** Granting the ‘power to shut down,’ this section was used to signal that no industry has a ‘right to pollute.’<sup>4</sup>

The Court viewed these not merely as administrative powers, but as a moral mandate to ensure that those who profit from the environment also pay to repair it.<sup>5</sup>

**Water (Prevention and Control of Pollution) Act 1974:** Water is life, and this Act aims to keep it pure.<sup>6</sup>

- **Section 25:** Requires industries to ask for permission before discharging waste.<sup>7</sup>
- **Sections 33 & 33A:** These give the Board the teeth to stop polluters in their tracks.<sup>8</sup>

In Bichhri, the blatant violation of these sections led to an ecological disaster where the groundwater, the lifeblood of the village, became poisoned.<sup>9</sup>

**Air (Prevention and Control of Pollution) Act 1981:** While the damage in this case was largely terrestrial and aquatic, the Court reminded the industries that they must respect the air we breathe, requiring strict adherence to emission standards and prior consent.<sup>10</sup>

**Code of Criminal Procedure 1973:** Section 144 is usually associated with maintaining law and order during unrest. Here, it was invoked because the pollution was so severe that it created a ‘public nuisance’ and a direct threat to human life, necessitating emergency intervention to protect the villagers.<sup>11</sup>

---

<sup>3</sup> The Environment (Protection) Act 1986, s 4

<sup>4</sup> The Environment (Protection) Act 1986, s 5

<sup>5</sup> *Indian Council for Enviro-Legal Action Etc v Union of India & Ors Etc* (1996) 3 SCC 212

<sup>6</sup> The Water (Prevention and Control of Pollution) Act 1974

<sup>7</sup> The Water (Prevention and Control of Pollution) Act 1974, s 25

<sup>8</sup> The Water (Prevention and Control of Pollution) Act 1974, ss 33 and 33A

<sup>9</sup> *Indian Council for Enviro-Legal Action Etc v Union of India & Ors Etc* (1996) 3 SCC 212

<sup>10</sup> The Air (Prevention and Control of Pollution) Act 1981

<sup>11</sup> The Code of Criminal Procedure 1973, s 144

## CONSTITUTIONAL PROVISIONS

**Article 21 – Right to Life:** The Court famously expanded the definition of "life" beyond mere existence. To live, one must have access to clean water and air. Thus, environmental degradation was recognised not just as a regulatory lapse, but as a violation of a person's fundamental dignity.<sup>12</sup>

**Article 32 – Constitutional Remedies:** This provision allowed the Indian Council for Enviro-Legal Action to knock directly on the Supreme Court's door. The Court affirmed that when the State fails to protect its people from corporate negligence, the judiciary must step in through Public Interest Litigation (PIL).<sup>13</sup>

## RULES AND REGULATIONS

**Hazardous Wastes (Management and Handling) Rules, 1989:** These rules are the 'instruction manual' for handling dangerous substances.<sup>14</sup> The industries in Bichhri ignored these completely, treating the open earth as a trash can for toxic chemicals, which the Court found to be a criminal disregard for safety.<sup>15</sup>

## ENVIRONMENTAL PRINCIPLES APPLIED

**Polluter Pays Principle:** A simple, yet powerful ethical standard: If you break it, you fix it. The Court held that the financial burden of restoration lies solely with the polluter, not the taxpayer or the victim.<sup>16</sup>

**Absolute Liability Principle:** Unlike 'strict liability,' there are no excuses here. If an industry chooses to handle hazardous substances for profit, it is absolutely responsible for any leak or damage, regardless of whether it was 'careful' or not.<sup>17</sup>

---

<sup>12</sup> *Subhash Kumar v State of Bihar & Ors* (1991) 1 SCC 598

<sup>13</sup> The Constitution of India 1950, art 32

<sup>14</sup> Hazardous Wastes (Management and Handling) Rules 1989

<sup>15</sup> *Indian Council for Enviro-Legal Action Etc v Union of India & Ors Etc* (1996) 3 SCC 212

<sup>16</sup> *Vellore Citizens' Welfare Forum v Union of India & Ors* (1996) 5 SCC 647

<sup>17</sup> *M C Mehta & Anr v Union of India & Ors* (1987) 1 SCC 395

## PRECEDENTS

### Cases Cited by the Parties -

**M.C. Mehta v Union of India:** The foundational case for holding hazardous industries strictly accountable.

**Rural Litigation and Entitlement Kendra v State of UP:** A reminder that the Court will prioritise ecology over short-term industrial gain.<sup>18</sup>

**Bandhua Mukti Morcha v Union of India:** Championed the idea that any citizen can fight for the rights of the marginalised.<sup>19</sup>

**Cases Relied Upon by the Court:** The Court stood on the shoulders of giants, citing M.C. Mehta for liability and Sachidanand Pandey to emphasise that environmental protection is a core duty of any civilised government.

## JUDGMENT

The Court found the chemical industries guilty of turning a once-fertile village into a wasteland.<sup>20</sup> It ruled that they were legally and financially responsible for the 'eco-disaster.' The Indian Council for Enviro-Legal Action won a moral and legal victory for the villagers. The verdict was a clear 'no' to industrial impunity. The Court ordered the immediate application of the Polluter Pays Principle, demanding that the companies fund the restoration of the soil and water they destroyed.

## ORDERS OF THE COURT

**Relief Granted:** The villagers were finally acknowledged as victims of corporate greed, and the industries were ordered to pay for their transgressions.

**Directions Issued: Liability:** Absolute and non-negotiable.<sup>21</sup>

---

<sup>18</sup> *Rural Litigation and Entitlement Kendra Dehradun & Ors v State of Uttar Pradesh & Ors* (1985) SCR (3) 169

<sup>19</sup> *Bandhua Mukti Morcha v Union of India & Ors* (1984) 3 SCC 161

<sup>20</sup> *Indian Council for Enviro-Legal Action Etc v Union of India & Ors Etc* (1996) 3 SCC 212

<sup>21</sup> *M C Mehta & Anr v Union of India & Ors* (1987) 1 SCC 395

**Remediation:** The toxic sludge had to be removed.<sup>22</sup>

**Recovery:** If the companies didn't pay, the government would do the work and seize the companies' assets to recover the costs.

**Monitoring:** Authorities were put on notice to ensure this never happened again.

## OBSERVATIONS OF THE COURT

The Court poignantly noted that development cannot be a suicide pact. Economic growth is meaningless if it leaves behind a trail of death and disease. It lamented the 'lethargy' of enforcement agencies and called for a proactive, rather than reactive, approach to environmental law.

## CRITICAL ANALYSIS

**Strengths of the Judgment:** It humanised environmental law. By linking the environment to Article 21, it turned a technical issue into a human rights issue.<sup>23</sup> It also sent a shockwave through the corporate world by reinforcing Absolute Liability.<sup>24</sup>

**Weaknesses of the Judgment:** The 'justice gap' remained an issue. While the judgment was brilliant, the delay in implementation meant that many villagers waited years for actual relief. It also highlighted how dependent we are on the Courts because our administrative systems are often too weak to act on their own.<sup>25</sup>

## IMPACT OF THE CASE

- It transformed the Polluter Pays Principle from an abstract concept into a hard legal reality in India.<sup>26</sup>
- It gave a voice to the voiceless. It proved that a small village in Rajasthan could take on powerful industrial houses and win in the highest court of the land.

---

<sup>22</sup> *Indian Council for Enviro-Legal Action Etc v Union of India & Ors Etc* (1996) 3 SCC 212

<sup>23</sup> The Constitution of India 1950, art 21

<sup>24</sup> *M C Mehta & Anr v Union of India & Ors* (1987) 1 SCC 395

<sup>25</sup> *Indian Council for Enviro-Legal Action Etc v Union of India & Ors Etc* (1996) 3 SCC 212

<sup>26</sup> *Vellore Citizens' Welfare Forum v Union of India & Ors* (1996) 5 SCC 647

- It paved the way for the National Green Tribunal (NGT) and forced industries to realise that environmental safety is not 'optional', it is a cost of doing business.<sup>27</sup>

## AMENDMENTS AND CHANGES IN LAW

The legal landscape shifted from a 'consent-based' system (where you just needed a permit) to a 'responsibility-based' system (where you are liable for the outcome).<sup>28</sup> Today, the principles from this case are embedded in how we handle industrial disasters.

## COMPARATIVE ANALYSIS

**Comparison with Similar Cases:** Similar to the Vellore Citizens case, this judgment emphasised that Sustainable Development is the only way forward. It moved India closer to the 'Precautionary Principle.'<sup>29</sup>

**International Perspective:** This case put India at the forefront of global environmental jurisprudence, aligning our domestic laws with international standards set by the UN and the OECD, proving that environmental justice has no borders.<sup>30</sup>

## COURT ANALYSIS

In the case where the Supreme Court held that a writ petitioner under Article 32 was maintainable to enforce the fundamental right to a clean and healthy environment under Article 21. Relying on expert reports from NERI and the Pollution Control Board, the court found that the respondent industries had discharged toxic effluents, causing severe soil and groundwater contamination in Bichhri Village. Rejecting the respondent's objections, it ruled that the industries had violated environmental laws. The Court reaffirmed the doctrines of absolute liability and the Polluter Pays Principle,<sup>31,32</sup> directing the industries to bear the cost

---

<sup>27</sup> National Green Tribunal Act 2010

<sup>28</sup> *Indian Council for Enviro-Legal Action Etc v Union of India & Ors Etc* (1996) 3 SCC 212

<sup>29</sup> *Vellore Citizens' Welfare Forum v Union of India & Ors* (1996) 5 SCC 647

<sup>30</sup> *Guiding Principles Concerning International Economic Aspects of Environmental Policies* (OECD, 1972); Stockholm Declaration 1972

<sup>31</sup> The Air (Prevention and Control of Pollution) Act 1981

<sup>32</sup> The Water (Prevention and Control of Pollution) Act 1974

of environmental restoration and emphasising that economic development cannot compromise public health or ecological balance.<sup>33</sup>

## RATIO DECIENDI

The development of the Polluter Pays Principle<sup>34</sup> reflects a gradual evolution from international environmental policy to a firmly established doctrine within Indian jurisprudence.<sup>35</sup> The principle was first formally endorsed in 1972 by the Organisation for Economic Cooperation and Development (OECD),<sup>36</sup> advocating that polluters bear the costs of restoring environmental damage.<sup>37</sup> It was further strengthened by the 1987 Brundtland Commission Report, which emphasised sustainable development and defined the principle as an economic tool requiring industries to internalise environmental costs.<sup>38</sup> This global outlook was reinforced by the 1992 Rio Declaration on Environment and Development, which underscored the necessity of preventive measures against ecological degradation despite scientific uncertainty. Although India was not directly involved in these early international frameworks, their underlying concepts significantly influenced the evolution of Indian environmental law.

Judicially, the doctrine traces its roots to the English case of *Rylands v Fletcher*,<sup>39</sup> which established the rule of strict liability. This principle was expanded by the Supreme Court of India in *M C Mehta v Union of India*, where the doctrine of absolute liability was formulated for hazardous industries. The court also referred to *Ballard v Tomlinson*<sup>40</sup>, also in *Vellore Citizen Welfare Forum v Union of India*<sup>41</sup>, which are the cornerstones of judgment in environmental protection.

---

<sup>33</sup> Boris N Mamlyuk, 'Analyzing the Polluter Pays Principle through Law and Economics' (2009) 18(1) SOUTHEASTERN ENVIRONMENTAL LAW JOURNAL

<<https://scholarcommons.sc.edu/sej/vol18/iss1/3/>> accessed 07 May 2026

<sup>34</sup> The Environment (Protection) Act 1986

<sup>35</sup> The Water (Prevention and Control of Pollution) Act 1974, s 25

<sup>36</sup> *Recommendation of the Council on Guiding Principles concerning International Economic Aspects of Environmental Policies* (OECD LEGAL INSTRUMENTS, 2025)

<sup>37</sup> 'India and the OECD' (OECD) <[https://www.oecd.org/en/countries/india.html#:~:text=India has been an OECD Key Part ner since,2007, alongside Brazil, China, Indonesia and South Africa](https://www.oecd.org/en/countries/india.html#:~:text=India%20has%20been%20an%20OECD%20Key%20Part%20ner%20since,2007,alongside%20Brazil,China,Indonesia%20and%20South%20Africa)> accessed 07 May 2026

<sup>38</sup> *Report of World Commission on Environment and Development, Report of the World Commission on Environment and Development :note by the Secretary-General* (UN, 1987)

<sup>39</sup> *Rylands v Fletcher* [1868] UKHL 1

<sup>40</sup> *Ballard v Tomlinson* [1885] 29 Ch D 115

<sup>41</sup> *Vellore Citizens' Welfare Forum v Union of India & Ors* (1996) 5 SCC 647

## **CONCLUSION**

The decision is a landmark in Indian environmental jurisprudence. The Supreme Court affirmed that the right to a clean and healthy environment forms an integral part of the fundamental right to life under Article 21. By enforcing the doctrines of absolute liability and the polluter pays principle, the court ensured that industries engaged in hazardous activities are held strictly accountable for environmental damage. The judgment strengthened regulatory enforcement, promoted sustainable development, and remains a guiding precedent for environmental justice and corporate responsibility in India.