BLOGS

Case Analysis: Vellore Citizens' Welfare Forum v. Union of India & Others

Indrasish Majumder · 08 Feb 2025

Vellore Citizens Welfare Forum v. Union of India is often celebrated for embedding crucial international environmental principles like the Precautionary Principle and the Polluter Pays Principle into the ambit of Constitutional Law.

Facts of the Case

Vellore Citizens Welfare Forum v. Union of India originated as a public interest litigation (PIL) filed by the Vellore Citizens Welfare Forum, a non-governmental organization concerned about widespread pollution in the state of Tamil Nadu caused primarily by the leather tanning industry.

The petition was filed under Article 32 of the Constitution of India, seeking redress against the unchecked and severe pollution of land, water, and air in the districts of Vellore, Erode, and Tiruppur due to untreated effluents being released by tanneries and other industries involved in leather production.

The petitioner said that more than 900 tanneries in Tamil Nadu were dumping highly toxic waste into nearby farms, open fields, and bodies of water, including the Palar River, which was a main source of drinking water and irrigation water for villages nearby.

The waste water had harmful chemicals in it, mostly heavy metals like chromium. These chemicals made the water sources unusable for drinking and farming, and they also damaged the soil's fertility in a way that can't be fixed.

According to surveys done by the Tamil Nadu Agricultural University, more than 35,000 hectares of farmland were no longer useful for farming in any way. Furthermore, the Tamil Nadu Agricultural University tested 467 wells and found 350 to be chemically contaminated and unfit for consumption.

The damage not only hurt the environment, but it also hurt people's health and made it hard for communities that depend on farming and clean water to make ends meet.

Environmental laws like the Water (Prevention and Control of Pollution) Act, 1974 and the Environment (Protection) Act, 1986 are in place, but the petitioner said that the State Pollution Control Board and other regulatory bodies had not enforced environmental standards and held the tanneries responsible.

Issues Raised

1. Does Article 21 of the Constitution's fundamental right to life encompass the right to a clean and healthy environment?
2. Does Indian environmental law enforce the 'Precautionary Principle' and the 'Polluter Pays Principle' as legal standards?
3. Should we permit the tanneries to function without sufficient pollution control systems, risking the environment and public health?
4. Did the state and its agencies fail to fulfill their constitutional and statutory responsibilities to control industrial pollution?
5. Could the court mandate the closure of non-compliant industries and provide compensation to those affected by environmental degradation?

Arguments of the Petitioner (Vellore Citizens Welfare Forum)

- The petitioner submitted that the environmental degradation caused by tanneries was a direct violation of the right to life under Article 21 of the Constitution. They contended that we must interpret the right to life to encompass the right to clean air, water, and a healthy environment.
- Industrial effluents were said to have permanently damaged the soil, water sources, and health of the people who lived there, which had caused a crisis in agriculture, jobs, and public health.
- The petitioner said that government agencies, especially the Tamil Nadu Pollution Control Board, were not following environmental laws and holding polluting businesses responsible.
- There was a lot of focus on the global environmental protection principles, especially the "Precautionary Principle" and the "Polluter Pays Principle." These were seen as part of customary international environmental law and were relevant to India after the Rio Declaration in 1992.

- The petitioner asked the court to shut down the tanneries that weren't following the rules, make the polluters strictly responsible, and make sure that the victims got their money back.

Arguments of the Respondents (Union of India, Tamil Nadu Government, Tanneries)

- Both the State Government and the Union of India admitted that pollution was a problem but said that steps were being taken, such as telling businesses to install effluent treatment plants (ETPs) and starting to enforce the rules.
- They said that the tanneries were important to the national economy because they created a lot of jobs and brought in foreign currency through leather exports. They claimed that a sudden closure of tanneries would jeopardize the economic and social fabric of the region.
- Respondents said that many tanneries had already taken steps toward compliance by setting up their own or shared ETPs, but they wanted more time to make sure they were fully compliant.
- The government defended its rules by saying that it had given industries subsidies and technical help to build pollution control infrastructure, but that delays were caused by lack of time and money.
- The tanneries also used Article 19(1)(g) of the Constitution, which says that everyone has the right to practice any profession or carry on any occupation, trade, or business. They said that closing down would violate their constitutional rights.

Judgment Given

Justice Kuldip Singh delivered the judgment on behalf of the bench. The court understood how important the leather industry was, but they made it clear that health and the environment could not be put aside for economic growth. To make a strong environmental law, the court used constitutional principles, legal requirements, and international standards.

1. Article 21 and Environmental Protection

The Supreme Court reaffirmed that the right to life under Article 21 includes the right to live in a pollution-free environment. It held that the right to health and the right to a clean and safe

environment are intrinsic to a life with dignity and must be protected as part of fundamental rights.

2. Precautionary Principle and Polluter Pays Principle

The Court said that both of the rules, which come from international environmental law and the Rio Declaration of 1992, can be used in Indian law.

- Precautionary Principle: Environmental measures must anticipate, prevent, and attack the causes of environmental degradation. We cannot delay protective action due to a lack of scientific certainty.
- Polluter Pays Principle: The absolute liability of polluters includes compensating affected persons and paying for the cost of restoring damaged environments.

3. Sustainable development

The Court officially accepted the principle of sustainable development as a way to balance economic growth with protecting the environment. It emphasized that development must not compromise the environment's capacity to meet the needs of future generations.

4. Enforcement and remedial measures

The court issued a series of directives:

- All tanneries and polluting industries without functional ETPs were ordered to close.
- The central government was instructed to set up an authority in accordance with Section 3(3) of the Environment (Protection) Act, 1986, to assess environmental harm, decide on compensation, and carry out restoration strategies.
- The court mandated the creation of an 'Environmental Protection Fund' to receive compensation from polluting industries, which would be used for environmental restoration and relief to affected persons.
- The Tamil Nadu Pollution Control Board was instructed to conduct periodic inspections and ensure compliance.

Significance of the Judgment

1. Integration of International Norms: The case revolutionized Indian jurisprudence by incorporating international environmental principles like the precautionary principle and polluter pays principle into domestic law.
2. Making environmental rights part of the constitution: The decision added to Article 21 and confirmed that a clean environment is an important part of the right to life.
3. Creation of the Sustainable Development Doctrine: The decision made sustainable development a constitutional requirement, which means the state has to find a balance between growth and protecting the environment.
4. Judicial Activism and Environmental Governance: The Court got involved in environmental governance, going beyond just ruling on cases and setting up ways for people to follow the rules and make sure they are followed.
5. Corporate Environmental Accountability: The judgment clarified that industries would be held strictly liable for pollution and environmental damage, setting a precedent for future environmental litigation.
6. Empowerment of Citizens and Civil Society: The case led to a new wave of environmental activism and showed that public interest litigation (PIL) can hold powerful economic actors accountable.
7. New ideas in administration: The suggestion to set up an environmental authority based on legal provisions made India's environmental governance institutions stronger.
8. A catalyst for the development of environmental law: The case led to new laws and rules that improved environmental standards, enforcement, and pollution management.

Conclusion

One of the most important decisions in the history of Indian environmental law jurisprudence is Vellore Citizens Welfare Forum v. Union of India. It transformed environmental concerns from a matter of administrative discretion into enforceable constitutional rights. By agreeing with international law and stressing the significance of sustainable development, the Court sent a strong message that economic growth must not come at the expense of harming people and the environment.