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CASE STUDY: VELLORE CITIZENS WELFARE FORUM VS UNION OF INDIA & ORS

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This landmark judgement has brought a recognition to **'Right to Clean Environment'** and recognized it as a right under the ambit of Article 21 of the Indian Constitution. This case also showed the importance of environment protection and adoption of sustainable development principles in case of environment degradation. This case recognized the **polluter pays principle** by putting obligation over the accused of environment pollution to compensate not only the victims of such environment pollution, but to the environment as well for restoration of environment.

In this article, we will explore the facts, issues and significance of this case in context of Environmental Law and constitutional provisions.

1. INTRODUCTION

Vellore Citizens Welfare Forum v Union Of India is a landmark case in context of Environment Law and Constitutional Law of India. The case presented the issue of environment degradation and its hazardous effect on inhabitants of Vellore District, which drew the attention of Supreme Court via the PIL filed by Vellore Citizens Welfare Forum. This leading judgement recognized 'Right to Clean Environment' as a right under the ambit of 'Right to Life'. Also, polluter pays principle was recognized as a part of Environment Law of the country. The Court opposed the traditional concept that development and ecology are opposed to each other and held the respondents absolutely liable for environment degradation caused due to their negligence. The Court emphasized over the implementation of environment laws and the principles of Sustainable Development to render environmental pollution. In various cases the reference of this landmark case has been taken which showcases the importance of this case in contemporary times.

2. BACKGROUND

Vellore district is located in Tamil Nadu, which is on the bank of Palar River, which is the main source of drinking water for about 30 towns and 50 villages. The tanning industries are great source of income for the citizens of Vellore, but these industries convert animal hides and skins into

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leather and this process leads to water pollution and environment degradation. Vellore Citizens Welfare Forum is a non- governmental organization (NGO) and it filed a PIL in Supreme Court of India for restoration & protection of environment and for compensation to the victims of environment pollution.

3. FACTS

The tanneries used to discharge various harmful chemicals and untreated effluents in the Palar River making the water unfit for drinking. The lathering process creates abundant amount of wastewater or sludges. And, this process also requires usage of high amount of water. This caused serious environment degradation and water pollution. Being aggrieved by this, the Vellore Citizens Welfare Forum filed a Public Interest Litigation i.e. a writ petition, praying the Court to issue a Writ of Mandamus, directing Union of India to compensate the victims of pollution caused by the negligence of tanneries.

4. PETITIONER'S CONTENTION

The petitioner contended that the tanneries use about 170 types of chemicals in the chrome tanning processes. An independent survey conducted by Peace Members revealed that out of 467 wells, used for drinking and irrigation purpose, 350 wells have been polluted. The Technical Report dated 28.05.1983 noticed that 176 chemicals including acids were contained in the tannery effluents. As per this report, the sub-soil water is polluted and the entire Ambur Town and villages don't have access to good drinking water due to this. The presence of harmful chemicals and acids in water has destroyed the basic chemical properties of soil and water. Furthermore, women and children also had to walk miles in search of drinking water. And, rich and influential people managed drinking water from pipes connected from far off places. Hence, plaintiff contended that there was causation of severe environment pollution by the tanneries which made water unfit for drinking and use. The petitioners contended for application of Sustainable Development and Polluter Pays Principle. It also prayed the Court for the closure of tanneries involved in water pollution.

5. RESPONDENT'S CONTENTION

The respondents laid down the economic importance of tanneries in State of Tamil Nadu and contended that the closure of industries can have harsh consequences on the nation as well as the individuals. As per them, these industries contribute to the National Economy and generates billions in revenue annually. Tamil Nadu accounted for 80% of India's finished leather exports, making it the leading hub for the leather industry in the country. Due to this, there can be great

loss to national economy as well as to various employees and their families. Respondents contended that economic growth and environment protection must go hand in hand. As per them, a progressive effort should be made, in place of closing the tanneries, between the economic development and environment protection. Hence, respondents were praying for some midway between them so as to not hinder economic growth as well. Respondents prayed for extension of deadlines for installation of pollution control plants and prayed for non-closure of tanneries.

6. ISSUE

- i. Whether the pollution caused by tanneries violated the fundamental right i.e. 'Right to Life' of the individuals?
- ii. Is Polluter Pays Principle a part of Environment Law of India?
- iii. Whether tanneries, which were prayed to be closed by the petitioner, should be closed? What penalty can be imposed on respondents for environment degradation and violation of constitutional law and environmental law of the country?

7. JUDGEMENT

The environmental degradation caused by respondents was held as violation of Article 21 of the Constitution. 'Right to Clean Environment' was recognized as a right included under the ambit of 'Right to Life'. Fine of ₹10,000 imposed on each tannery and Court directed the respondent to restore damaged ecology by compensating the environment as well for the pollution caused by them. Moreover, the tanneries which fail to deposit the compensation i.e. Rs. 10,000 by October 31, 1996 was ordered by Court to be closed and were held liable under the Contempt of Courts Act. Industries that failed to install Effluent Treatment Plants by the given deadline were ordered to be shut down permanently and satisfactory measures. Polluter Pays Principle was recognized as a part of Environmental Law of India, as per the constitutional provisions and statutory provisions of Indian Law.

This can be concluded that this case relates with the issue of environment degradation and water pollution and sustainable development, especially the polluter pays principle was held by the Court as effective medium to render it and to render grievances of victims of such environment degradation and pollution. In addition to this, Right to Clean Environment was held as fundamental right which is a right included in 'Right to Life' i.e. Article 21.

8. REFERENCES

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