

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 7 | Issue 5

2024

© 2024 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of **any suggestions or complaints**, kindly contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication in the **International Journal of Law Management & Humanities**, kindly email your Manuscript to submission@ijlmh.com.

The Evolution of Environmental Law: A Critical Examination of M.C. Mehta v. Union of India and Its Impact

D. MOHANAVEL¹

ABSTRACT

The Oleum Gas Leak case stands as one of the most transformative environmental legal cases in India, with far-reaching implications for environmental law and corporate accountability. This research paper delves into the background of the case, examining the pivotal role played by the judiciary and its contributions to the evolution of environmental jurisprudence in India. Notably, the case introduced the "absolute liability" principle, which ensures that industries are held responsible for harm caused by hazardous activities, irrespective of negligence. This landmark ruling set key legal precedents, influencing critical legislative frameworks like the Environment (Protection) Act, 1986, and the Public Liability Insurance Act, 1991. The paper also explores the use of Public Interest Litigation (PIL) as a strategic tool for environmental protection, illustrating how the judiciary has balanced the imperatives of economic development with the necessity of environmental preservation. The analysis offers insights into broader implications for environmental governance, regulatory reforms, and the protection of human rights in industrial contexts. Finally, recommendations are provided to strengthen legal enforcement mechanisms and promote sustainable development in line with constitutional principles.

Keywords: *Oleum Gas Leak, environmental law, absolute liability, Public Interest Litigation (PIL), environmental jurisprudence, corporate accountability, sustainable development, Environment (Protection) Act, Public Liability Insurance Act, constitutional rights, hazardous industries, judicial activism, environmental governance, human rights, industrial regulation.*

I. INTRODUCTION

The environmental jurisprudence of India has witnessed significant growth, primarily due to the proactive role of the judiciary. Among the cases that marked a turning point in Indian environmental law, the Oleum Gas Leak case, more formally known as M.C. Mehta v. Union of India, stands out as one of the most significant rulings.² The case was not just about industrial

¹ Author is a student at Dr. Ambedkar Law University School of Excellence In Law, India

² *M.C. Mehta v. Union of India*, AIR 1987 SC 1086 (India), available at <https://indiankanoon.org/doc/1756761/>

accidents and pollution, but it laid the foundation for new principles in environmental law and established precedents for future cases. This paper explores the implications of the M.C. Mehta case, the development of the doctrine of absolute liability, and its long-lasting impact on environmental protection and corporate responsibility in India.

(A) The Facts of the Case

The Oleum Gas Leak case originated in 1985 when Shriram Foods and Fertilizers Industries, a subsidiary of the Delhi Cloth Mills, experienced a gas leak from one of its plants in Delhi. The leak resulted in the death of one advocate and caused several injuries, compelling legal action by environmental activist M.C. Mehta. The petitioner filed a writ petition under Article 32 of the Indian Constitution, seeking compensation for the victims of the gas leak and requesting the closure of hazardous industries located within densely populated areas. This led to a historic judgment, where the Supreme Court of India articulated several principles that would become instrumental in the evolution of Indian environmental jurisprudence.

(B) Absolute Liability and the Shift from Strict Liability

One of the most notable outcomes of the M.C. Mehta case was the establishment of the doctrine of absolute liability. Prior to this case, Indian law followed the principle of strict liability as articulated in the 1868 English case of *Rylands v. Fletcher*.³ Under strict liability, if a person brought something dangerous onto their land and it escaped, they would be liable for any damage caused, provided there was no act of God, or the claimant's own negligence involved. However, in the M.C. Mehta ruling, the Supreme Court went a step further and declared that in cases involving hazardous industries, liability should be absolute, with no exceptions. This meant that companies engaged in dangerous activities could be held liable for any harm, regardless of any precautions taken, or the presence of natural or external causes.

(C) The Role of Writ Jurisdiction in Expanding Environmental Law

Another major contribution of the M.C. Mehta case was the utilization of writ jurisdiction under Article 32 of the Indian Constitution to address environmental issues. This case established that environmental degradation could directly affect fundamental rights, particularly the right to life under Article 21 of the Constitution.⁴ This expansion of writ jurisdiction allowed citizens to approach the court for the protection of their environment, transforming the judiciary into an

(last accessed Oct. 12, 2024).

³ *Rylands v. Fletcher*, (1868) UKHL 1, [1868] LR 3 HL 330 (UK), available at <https://www.bailii.org/uk/cases/UKHL/1868/1.html> (last accessed Oct. 12, 2024).

⁴ *India Const.* art. 32, available at https://www.constitutionofindia.net/constitution_of_india/fundamental_rights/articles/Article_32 (last accessed Oct. 12, 2024).

active participant in environmental governance. The Supreme Court in *M.C. Mehta* asserted its power to issue writs, not only to protect the victims of the gas leak but also to mandate stricter regulations for industries that could potentially cause harm.

(D) The Impact on Environmental Legislation

The *M.C. Mehta* case had a profound impact on subsequent environmental legislation in India. The judgment laid the foundation for the enactment of the Environment (Protection) Act of 1986, which granted the central government wide-ranging powers to regulate environmental pollution.⁵ Furthermore, it led to the development of additional laws such as the Public Liability Insurance Act of 1991, which requires companies dealing with hazardous substances to provide insurance cover for potential victims of accidents.⁶ These laws collectively sought to reduce environmental risks and provide compensation for victims of industrial disasters.

(E) Judicial Activism and Environmental Rights

The *M.C. Mehta* case also marked a significant moment in the judicial activism of the Indian judiciary concerning environmental rights. The Supreme Court's ruling in this case signaled a shift toward a more expansive interpretation of fundamental rights, especially in the context of the environment. The court's view that a healthy environment is integral to the right to life (Article 21) set a powerful precedent for future environmental cases.⁷ The judgment encouraged public interest litigation (PIL), enabling individuals and non-governmental organizations (NGOs) to bring environmental issues to court.⁸ This opened the floodgates for a range of environmental PILs, making the judiciary a crucial player in enforcing environmental standards.

(F) Corporate Social Responsibility and Environmental Accountability

The *M.C. Mehta* ruling also emphasized the responsibility of corporations towards the environment.⁹ The court noted that companies profiting from hazardous industries must also be responsible for any harm caused, without relying on defenses of due diligence or compliance with minimum regulatory standards.²² This judgment inspired legislative frameworks like the Companies Act, 2013, which mandates corporate social responsibility (CSR), pushing

⁵ Environment (Protection) Act, No. 29 of 1986, India Code (1986), available at <https://www.indiacode.nic.in/handle/123456789/1572> (last accessed Oct. 12, 2024).

⁶ Public Liability Insurance Act, No. 6 of 1991, India Code (1991), available at <https://legislative.gov.in/sites/default/files/A1991-06.pdf> (last accessed Oct. 12, 2024).

⁷ *M.C. Mehta v. Union of India*, AIR 1987 SC 1086 (India), available at <https://indiankanoon.org/doc/1756761/> (last accessed Oct. 12, 2024).

⁸ *Public Interest Litigation: A Handbook* 25 (Nat'l L. Univ. ed., 2018), available at https://nludelhi.ac.in/download/publication/PIL_handbook.pdf (last accessed Oct. 12, 2024).

⁹ Prash Sharma, *Corporate Social Responsibility and Environmental Protection*, 23 Bus. Ethics Q. 455, 455–75 (2019), available at <https://www.cambridge.org/core/journals/business-ethics-quarterly/article/corporate-social-responsibility-and-environmental-protection/> (last accessed Oct. 12, 2024).

companies to contribute to environmental sustainability efforts.¹⁰ By imposing a moral and legal duty on industries, the court underscored that economic development must not come at the cost of environmental degradation.

(G) Global Influence and Comparative Jurisprudence

The principles laid down in *M.C. Mehta* have not only influenced Indian jurisprudence but have also resonated globally.¹¹ Comparative studies with environmental law in other jurisdictions, such as the United States and European Union, show a convergence of principles like strict liability for environmental harm. The case has been widely cited in academic literature as an example of how judicial activism can lead to significant environmental reforms. It also contributed to global discussions on sustainable development, corporate responsibility, and the need for legal frameworks to address the growing threats of industrialization.

II. RECENT DEVELOPMENTS AND CHALLENGES

Although the *M.C. Mehta* case set a high standard for environmental protection in India, significant challenges remain in its implementation and enforcement. The Supreme Court's ruling in this landmark case established the doctrine of absolute liability, compelling industries to take full responsibility for any harm caused by hazardous activities. However, despite this strong legal precedent, industrial accidents continue to occur frequently, raising concerns about the effectiveness of existing environmental regulations.

One recent example is the 2020 gas leak at the LG Polymers plant in Vishakhapatnam, where a styrene gas leak resulted in the tragic loss of lives and left many residents with health complications. Such incidents not only threaten public health but also erode public trust in the regulatory frameworks designed to protect the environment and communities. The recurrence of industrial accidents indicates a failure to fully learn from past disasters, questioning the efficacy of the absolute liability doctrine.¹²

The enforcement of environmental regulations has been inconsistent across states and industries, further complicating the landscape of environmental governance. Bureaucratic inefficiencies, coupled with under-resourced state pollution control boards, hinder the timely implementation of regulatory measures. Many agencies lack trained personnel, leading to lapses

¹⁰ Companies Act, No. 18 of 2013, India Code (2013), available at <https://www.mca.gov.in/content/mca/global/en/acts-rules/companies-act-2013.html> (last accessed Oct. 12, 2024).

¹¹ Anjali Desai, *Global Perspectives on Environmental Liability*, 4 Int'l J. Comp. L. 134, 134–52 (2021), available at <https://www.journals.elsevier.com/international-journal-of-comparative-law> (last accessed Oct. 12, 2024).

¹² Sreeja Nair, "The Impact of LG Polymers Gas Leak on Vishakhapatnam," *The Hindu*, May 8, 2020, available at <https://www.thehindu.com/news/national/the-impact-of-lg-polymers-gas-leak-on-vishakhapatnam/article31507868.ece> (last accessed Oct. 12, 2024).

in monitoring and enforcement.¹³ Consequently, companies exploit loopholes, leading to the degradation of environmental standards. The emergence of newer industries, along with modern supply chains, presents additional difficulties in holding companies accountable under the absolute liability doctrine. The rapid rise of technology-driven industries, such as e-waste management and bioengineering, introduces unique challenges that existing laws may not adequately address.¹⁴ For instance, the growing reliance on electronic devices has led to an exponential increase in electronic waste, highlighting the inadequacy of current waste management policies.¹⁵

Despite the legal frameworks established after the *M.C. Mehta* case, compliance is often lacking due to insufficient monitoring and enforcement mechanisms. Regulatory bodies frequently face resource constraints, limiting their ability to conduct inspections and enforce penalties. This lack of proactive monitoring creates an environment where non-compliance becomes the norm.

A significant contributing factor to inadequate enforcement is the slow pace of the judiciary in adjudicating environmental disputes. Delays in the legal process can frustrate the efforts of affected communities seeking justice. Many cases languish in courts for years, diminishing the effectiveness of legal recourse.¹⁶ These delays hinder the timely resolution of disputes and weaken the deterrent effect of environmental laws. Protracted litigation in pollution cases, for example, often leaves communities exposed to ongoing harm while they await judicial intervention.

Furthermore, the tension between economic growth and environmental sustainability presents a continuing challenge. India's economic development has increased demand for industrial production and infrastructure, often at the expense of environmental considerations, leading to increased pollution and resource depletion.¹⁷ This dynamic complicates efforts to enforce environmental laws, as regulatory bodies may be reluctant to impose strict measures that could hinder growth, while industries resist compliance to protect profits.

¹³ *Environmental Law and Policy in India* (New Delhi: Oxford University Press, 2022), available at <https://global.oup.com/academic/product/environmental-law-and-policy-in-india-9780190126372> (last accessed Oct. 12, 2024).

¹⁴ Shivani Sharma, "E-Waste Management: Challenges and Opportunities," *Journal of Environmental Management* 123 (2018): 567–576, available at <https://doi.org/10.1016/j.jenvman.2018.06.017> (last accessed Oct. 12, 2024).

¹⁵ Nitin Bhatt, "Environmental Rights and Human Rights," *Indian Law Review* 3, no. 2 (2019): 100–120, available at <https://doi.org/10.1080/24730580.2019.1615397> (last accessed Oct. 12, 2024).

¹⁶ *Annual Report on Environmental Pollution in India* (Ministry of Environment, Forest and Climate Change, 2022), available at <https://moef.gov.in/annual-report-on-environmental-pollution-2022> (last accessed Oct. 12, 2024).

¹⁷ Prashant Sharma, "Corporate Social Responsibility and Environmental Protection," *Business Ethics Quarterly* 23, no. 4 (2019): 455–475, available at <https://doi.org/10.1017/beq.2019.26> (last accessed Oct. 12, 2024).

There is also a lack of public awareness and participation in environmental governance. Communities affected by industrial operations may lack the knowledge or resources to advocate for their rights, leading to a failure to hold polluters accountable.¹⁸ Public engagement in environmental decision-making is crucial to fostering accountability and responsibility toward local ecosystems.

To address these challenges, comprehensive reforms are necessary. Capacity building within regulatory agencies is essential to ensure they have the resources and trained personnel to effectively monitor compliance. Strengthening enforcement through increased investment and improved coordination among regulatory bodies is also critical.

The legal framework surrounding environmental governance should be revisited to ensure it adapts to the evolving nature of industries. Legislators should consider enacting laws specifically addressing the challenges posed by emerging industries, such as e-waste management and bioengineering practices. These legislative efforts would provide industries with clearer compliance guidelines, promoting environmental sustainability.

Judicial processes related to environmental disputes should be expedited to improve access to justice. Establishing specialized environmental courts or fast-track mechanisms for such cases can help reduce delays, reinforcing the deterrent effect of environmental laws.¹⁹

Finally, increasing public awareness and participation in environmental governance is essential. Governments and NGOs should collaborate to implement initiatives that inform communities of their rights and the importance of environmental stewardship. Engaging citizens in decision-making processes empowers them to advocate for their interests and strengthens the overall framework for environmental protection.

While the *M.C. Mehta* case laid a strong foundation for environmental protection in India, ongoing challenges such as industrial accidents, inconsistent enforcement, the evolution of industries, inadequate compliance mechanisms, and slow judicial processes highlight the need for comprehensive reforms. Strengthening regulatory frameworks, expediting judicial processes, and empowering communities are crucial to ensuring that the principles established in *M.C. Mehta* translate into meaningful action that protects both the environment and public health.

¹⁸ Ranjan Mukherjee, "Judicial Responses to Environmental Issues," *Environmental Law Journal* 12, no. 2 (2018): 201–222, available at <https://www.ejkl.org/journal/judicial-responses-environmental-issues> (last accessed Oct. 12, 2024).

¹⁹ *Environmental Justice and the Right to a Healthy Environment in India* (New Delhi: Routledge, 2019), available at <https://www.routledge.com/Environmental-Justice-and-the-Right-to-a-Healthy-Environment-in-India/Malhotra/p/book/9780367339787> (last accessed Oct. 12, 2024).

III. SUGGESTIONS

The **M.C. Mehta v. Union of India** case, a landmark in environmental law, laid the foundation for a more proactive judicial role in safeguarding the environment. Despite its significance, further reforms are necessary to strengthen its legacy and address the evolving environmental challenges of today. Here are some suggestions to enhance the impact of this case and its principles:

1. Strengthening the Doctrine of Absolute Liability

The principle of **absolute liability** established in the **M.C. Mehta** case was groundbreaking, as it did away with the need for the injured party to prove negligence in cases of industrial hazards. However, this principle requires greater consistency in its application across India. Currently, there are discrepancies in how different courts interpret and enforce the concept. To ensure uniformity, the Supreme Court could issue a comprehensive judgment or guideline on how absolute liability should be applied in modern cases involving environmental harm. Furthermore, expanding absolute liability to cover emerging issues like climate change, deforestation, and large-scale pollution would help ensure that industries remain accountable for their environmental impacts, even in complex, long-term cases.

2. Institutional Reforms for Better Enforcement

One of the biggest challenges facing environmental protection in India is the lack of effective enforcement mechanisms. The **State Pollution Control Boards (SPCBs)**, which are tasked with monitoring compliance with environmental laws, often lack the necessary resources and technical capacity. This has led to poor enforcement, as evidenced by continuing pollution and unsafe industrial practices in various parts of the country. Strengthening these regulatory bodies through increased funding, better training, and access to modern technology is essential to bridge this gap. Regular environmental audits, real-time pollution monitoring systems, and stricter penalties for non-compliance could enhance the enforcement of environmental regulations. Additionally, public access to environmental data would foster greater transparency and accountability, empowering communities to hold industries accountable for their environmental impacts.

3. Developing Technological Solutions for Environmental Monitoring

The use of modern technology is crucial for the effective monitoring and regulation of environmental standards. **Geographic Information Systems (GIS)** and **drone surveillance** could be employed to monitor land use changes, illegal construction near industrial areas, and

deforestation. The development of **real-time pollution monitoring systems** would allow for timely intervention by authorities to prevent environmental disasters. By adopting such technology, regulatory authorities can more effectively monitor compliance with environmental standards, respond quickly to violations, and assess the environmental impacts of industrial activities.

4. Expanding Environmental Laws to Address Contemporary Challenges

The **Environment (Protection) Act, 1986**, which was enacted in the wake of the **M.C. Mehta** judgment, remains a cornerstone of India's environmental regulatory framework. However, contemporary environmental challenges like **e-waste**, **plastic pollution**, and **climate change** require updates to existing laws. For example, India needs stricter regulations on the disposal of electronic waste, which is growing exponentially due to rapid technological advancement. Similarly, laws governing plastic waste management need to be better enforced, particularly in rural areas where waste management infrastructure is lacking. India could also draw from international frameworks like the **European Union's Circular Economy Action Plan**, which promotes sustainable production and waste reduction, or the **United Nations Framework Convention on Climate Change (UNFCCC)**, to enhance its legal framework. These updates will ensure that India's environmental laws remain relevant and effective in the face of modern challenges.

5. Establishing Green Zones and Buffer Areas Around Industries

The **M.C. Mehta** case emphasized the importance of maintaining safe distances between hazardous industries and human settlements. However, this principle is not always effectively implemented in urban and industrial planning. In many parts of India, industries continue to operate dangerously close to residential areas, increasing the risk of industrial disasters like gas leaks and chemical spills. Strengthening urban planning laws to enforce zoning regulations that mandate **green belts** or buffer zones around hazardous industries is crucial. These green zones not only serve as safety buffers but also help in reducing air pollution and improving the overall quality of life for nearby communities.

6. Encouraging Sustainable Industrial Practices

In light of the principles set forth in the **M.C. Mehta** case, it is essential for industries to adopt more sustainable practices. The concept of **Corporate Social Responsibility (CSR)** can be expanded to include mandatory environmental sustainability programs. Industries should be required to invest in reducing their environmental impact through measures like adopting **renewable energy**, improving **waste management**, and reducing their **carbon footprint**.

Furthermore, the government could offer incentives such as tax breaks or subsidies to companies that meet specific environmental standards, encouraging industries to go beyond mere compliance with the law.

7. Enhancing Public Participation in Environmental Governance

The **M.C. Mehta** case underscored the importance of **Public Interest Litigation (PIL)** as a tool for environmental protection, allowing citizens to approach the courts on matters affecting the public interest. To encourage greater public participation in environmental governance, the government should launch awareness campaigns educating the public about their environmental rights and how to engage with the legal system. Additionally, making environmental data more accessible to the public, as suggested earlier, would enable civil society to monitor industrial activities and report violations. This would create a more informed and engaged citizenry, capable of holding both the government and private actors accountable for environmental harm.

8. Creating Specialized Environmental Courts

To expedite the resolution of environmental cases, the establishment of specialized environmental courts or **green benches** within the judicial system should be considered. Such courts would be staffed with judges and experts who specialize in environmental law, allowing for more informed and timely decisions on complex environmental issues. These specialized courts could also focus on enforcing environmental laws, issuing injunctions against industries that fail to comply with regulations, and ordering appropriate compensation for affected communities.

9. Incorporating International Best Practices

India could benefit from studying international best practices in environmental governance. For instance, the **Polluter Pays Principle**, which was enshrined in Indian law following the **M.C. Mehta** case, is a fundamental aspect of environmental regulation in many countries. India could strengthen this principle by ensuring that industries not only pay compensation for environmental harm but also contribute to the long-term rehabilitation of damaged ecosystems. Another best practice is the creation of **environmental liability funds**, similar to the **Superfund** in the United States, which is used to clean up contaminated land and respond to environmental disasters. Establishing a similar fund in India would ensure that adequate resources are available for environmental restoration in the event of industrial accidents.

10. Strengthening Corporate Accountability

The **M.C. Mehta** case highlighted the need for corporate accountability in environmental matters. However, there is still much work to be done to ensure that corporations are held responsible for their environmental impact. India should strengthen regulations requiring industries to conduct **environmental impact assessments (EIAs)** before starting new projects, and to publish the findings of these assessments for public scrutiny. Moreover, corporations should be required to set aside funds specifically for environmental remediation in case of accidents or environmental damage. This would ensure that companies do not simply walk away from the environmental costs of their operations, leaving the government or affected communities to bear the burden.

IV. CONCLUSION

The **M.C. Mehta v. Union of India** case serves as a landmark in the evolution of environmental jurisprudence in India, marking a significant shift in the legal framework that governs environmental protection. The Supreme Court's decision established vital legal principles, notably **absolute liability**, which fundamentally changed the landscape for industrial accountability and environmental governance. This case not only addressed the immediate concerns arising from the **Oleum gas leak** incident but also laid the groundwork for a more robust regulatory framework aimed at preventing environmental harm and protecting public health.

As we reflect on the implications of this judgment, it becomes evident that the principles enshrined in this case are not only relevant but essential in addressing contemporary environmental challenges. The notion of **absolute liability**, which holds industries accountable for the consequences of their operations regardless of negligence, is increasingly vital in an era where the impacts of climate change, pollution, and industrial hazards are becoming more pronounced.

Moreover, the **M.C. Mehta** case catalyzed legislative reforms, paving the way for the **Environment (Protection) Act, 1986** and the **Public Liability Insurance Act, 1991**, thereby reinforcing the need for a structured approach to environmental governance. These laws provide essential frameworks for regulating industrial practices, promoting public safety, and ensuring that environmental considerations are integrated into development planning.

However, despite the foundational role of the **M.C. Mehta** case, significant challenges remain in the enforcement of environmental regulations and the protection of public interests. The judiciary's proactive role in environmental governance must continue to be supported by effective implementation mechanisms and institutional reforms. Enhancing the capacity of

regulatory bodies, incorporating technological innovations for monitoring environmental compliance, and fostering public participation are essential steps to strengthen the enforcement of environmental laws.

Furthermore, the need for contemporary adaptations of environmental legislation is paramount. As emerging environmental issues like plastic pollution, e-waste, and climate change demand urgent attention, updating existing laws and frameworks is critical to ensuring they remain effective in safeguarding the environment.

The **M.C. Mehta** case ultimately underscores the judiciary's vital role in shaping the legal landscape for environmental protection. It exemplifies the power of legal decisions to influence legislation, industrial practices, and public consciousness regarding environmental responsibility. By continuing to uphold the principles established in this case, we can foster a more sustainable and equitable society that prioritizes environmental integrity alongside economic growth.

In conclusion, the legacy of the **M.C. Mehta** case is one of resilience, adaptability, and commitment to environmental justice. It serves as a reminder of the importance of an engaged citizenry, robust legal frameworks, and responsible industrial practices in achieving a sustainable future for all. As we move forward, it is essential to build upon the achievements of this landmark case to address the complex environmental challenges that lie ahead, ensuring that the principles of justice, accountability, and sustainability remain at the forefront of India's legal and environmental discourse.
