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M.C. MEHTA VS. UNION OF INDIA (1991)

AUTHORED BY - CHITRADEVI P & S.PADMA PRIYA

Government Law College, Salem

Citation: AIR 1992 SC 382; 1991 SCR (2) 382

Court: Supreme Court of India

Bench: Justice P.N. Bhagwati, Justice Ranganath Misra Date of Judgment: 22 November 1991

Petitioner: M.C. Mehta

Respondent: Union of India & Others (including Shriram Foods and Fertilizers, later linked to Union Carbide incident)

Abstract

This case is a landmark decision that reinforced the principle of absolute liability in India for industries engaged in hazardous activities. Originating after the Oleum Gas leak from Shriram Foods and Fertilizers in Delhi (1985), and later linked in spirit to the Union Carbide Bhopal Gas Tragedy (1984), this judgment laid down the foundation for strict environmental accountability. The Supreme Court not only expanded the scope of Article 21 (Right to Life) but also established the legal duty of enterprises to compensate victims irrespective of negligence. This paper analyses the background, legal principles, and the wider environmental jurisprudence shaped by this judgment.

Introduction

The industrialization of India brought both progress and peril. Following the catastrophic Bhopal Gas Tragedy (1984), public awareness of environmental and industrial hazards surged. The Oleum Gas Leak in Delhi in 1985 — from a unit of Shriram Foods and Fertilizers — served as a reminder of the government's failure to regulate hazardous industries.

Public interest lawyer M.C. Mehta filed a writ petition under Article 32 of the Constitution seeking closure or regulation of such industries operating in populated areas. This case came before the Supreme Court's Constitutional Bench and became the basis of environmental tort law in India.

Facts of the Case

1. The Shriram industrial complex in Delhi manufactured caustic chlorine and oleum gas — both highly toxic.
2. In December 1985, a major leak of Oleum gas occurred from one of its units, resulting in the death of an advocate and injuries to several people.
3. The Delhi administration temporarily ordered the closure of the plant.
4. M.C. Mehta, a social activist and lawyer, filed a petition under Article 32 seeking directions against the operation of such hazardous industries in residential areas.
5. The Court took this as a matter concerning the Right to Life under Article 21 of the Constitution and examined the scope of liability of enterprises.

Issues Raised

1. Whether industries engaged in hazardous activities can be permitted to operate in thickly populated areas.
2. What is the extent and nature of liability of such industries in case of accidents?
3. Whether the principle of strict liability (as per Rylands v. Fletcher) was sufficient, or a new doctrine should be evolved for Indian conditions.
4. How to ensure victims receive just and prompt compensation for industrial disasters.

Arguments

Petitioner (M.C. Mehta):

The State has a duty under Article 21 and Article 48A to ensure a pollution-free environment. Hazardous industries must be relocated or regulated with safety measures.

Victims should receive automatic compensation without the burden of proving negligence.

Respondent (Shriram / Union of India):

Claimed that the industry served essential public purposes (fertilizer production). Argued that closure would affect employment and public supply.

Claimed that liability should be limited and follow the Rylands v. Fletcher principle.

Judgment

The Supreme Court evolved a new doctrine of “Absolute Liability”, stating:

> Any enterprise engaged in a hazardous or inherently dangerous industry owes an absolute and

non-delegable duty to ensure that no harm results to anyone.

The Court rejected the British doctrine of strict liability, calling it inadequate for Indian socio-economic conditions.

It held that such enterprises must compensate victims irrespective of fault or negligence.

The amount of compensation should be related to the magnitude and capacity of the enterprise — larger industries must pay more.

The Court directed that hazardous industries should not be located in densely populated areas and that proper safety mechanisms be mandatory.

Principles Evolved

1. **Absolute Liability:** No exceptions or defenses (like act of God, or third party interference) are available.
2. **Polluter Pays Principle:** The cost of preventing and compensating for environmental harm must be borne by the polluter.
3. **Expansion of Article 21:** Right to life includes the right to live in a healthy and pollution-free environment.
4. **Judicial Activism:** The case marked a major step in public interest litigation (PIL) and environmental justice in India.

Analysis

This judgment revolutionized Indian environmental law. The Court's proactive role introduced a uniquely Indian principle of social accountability for industrial risk. The decision bridged the gap between tort law and constitutional rights, linking environmental protection directly with the Fundamental Rights of citizens.

It also influenced later cases such as:

Indian Council for Enviro-Legal Action v. Union of India (1996) Vellore Citizens Welfare Forum v. Union of India (1996)

Bhopal Gas Peedith Mahila Udyog Sangathan v. Union of India (2010)

The judgment strengthened the foundation for the National Green Tribunal (NGT) and Environmental Protection Act (1986).

Conclusion

The M.C. Mehta vs. Union of India (1991) case remains a milestone in Indian environmental jurisprudence. It not only expanded the meaning of Article 21 but also embedded the principles of absolute liability and polluter pays into Indian law. This judgment transformed environmental protection from a moral obligation into a legal and constitutional duty.

By balancing industrial growth with public safety, the Supreme Court set a precedent for all future environmental and industrial liability cases in India.

References

1. AIR 1992 SC 382; 1991 SCR (2) 382
2. Rylands v. Fletcher (1868) LR 3 HL 330
3. Constitution of India — Articles 21, 32, 48A, 51A(g)
4. Environmental Protection Act, 1986
5. M.C. Mehta, Public Interest Litigation and Environmental Jurisprudence in India, Journal of Environmental Law, 1992