



RESEARCH FINDINGS

COURTING THE ENVIRONMENT

Implementation of Environmental Judgments

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vidhilegalpolicy.in

Cover image: Photograph of the partially demolished wall in Deopahar Reserve Forest (Assam) in December 2019. The said wall was obstructing an elephant corridor outside Kaziranga National Park. The National Green Tribunal ordered the demolition of the wall. The order was upheld by the Supreme Court in a subsequent appeal. According to the petitioner, the directions have been complied with only partially. Only a portion of the wall has been demolished and razor blade wires are yet to be removed. These still pose danger to wildlife. (Photo: Debadityo Sinha/ Vidhi Centre for Legal Policy)

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The Indian judiciary has played an immense role in developing a progressive environmental jurisprudence. It has intervened in issues ranging from the protection of coastal areas to the improvement of air quality in the Delhi National Capital region to protecting the Taj Mahal, to the discharge of industrial effluents into rivers and lakes. As important as these interventions have been, and as path-breaking as the environmental legal principles the judiciary has articulated are, it is also the case that not all environmental judgements have been implemented as effectively as they should have been.^{1 2 3}

Several concerns have emerged from multiple studies conducted on the state of implementation of Supreme Court (“SC”) judgements. Tanneries on the banks of the River Ganga continue to operate in spite of numerous orders for closure by the SC in the M.C. Mehta v. Union Of India.^{4 5} In the landmark case of S. Jagannath v. Union of India⁶, the SC stayed its own directions on the closure of shrimp farms and payment of compensation to affected persons in the coastal regions of India.⁷ In the Indian Council for Enviro-Legal Action v. Union of India⁸, it was observed that the court’s directions on payment of compensation and remediation of polluted sites have not been implemented to this day, despite 24 years having passed since the judgement.⁹

Although, there is enough and more scholarly literature on judicial activism in environmental governance and the role of public interest litigation (“PIL”), there are very few studies which are data driven and seek to understand the variation in enforcement of environmental judgements.^{10 11 12} The study undertaken in this report is an attempt to address this gap. Such an analysis is expected to provide insights into the consistency of the court’s approach to implementation, as well as the factors that play a role in facilitating or impeding implementation on the ground. While environmental legal scholars have already identified some of these factors – lack of political will, shortcomings in the capacity of implementing agencies, insufficient coordination – we have also attempted to understand how the nature of the case and the court’s directions influence implementation.

ABOUT THE STUDY

There has been a prolific growth in environmental laws and agencies worldwide over the last four decades. Yet, implementation gaps persist, exacerbating environmental threats globally.¹³ Several important studies have been conducted to analyze these implementation gaps from a scholarly perspective. As mentioned in the first chapter, writings on the role of judiciary in India have been restricted to highlighting its contribution to environmental governance in the country. There has been no notable empirical study that has assessed the reasons for success or failure in implementation of environmental judgements.

In order to take a step towards this, it is important to quantitatively and qualitatively measure implementation and enforceability through carefully designed indicators.

The scope of the study is to generate evidence on the implementation of key environmental judgments. This is ultimately intended to leverage policy reform for stronger implementation of environmental laws. While the immediate objective of the study is to identify ground-level challenges and concerns with the implementation of environmental judgments, it is also intended to create social awareness about the imminence of environmental degradation and initiate a conversation on strengthening post-judgment monitoring.

This study has been carried out in two parts. In the first part, we created a database of environmental judgements from the Supreme Court starting from 1980-2018 and analyzed them quantitatively and qualitatively to understand their implementation successes or failures. In the second part, an in-depth analysis of five landmark judgements was carried out between 2019-2020. This included desk-based research, field verifications and on-site interviews with relevant stakeholders. The findings are published as five documentary films along with detailed case briefs reflecting the status of ground-level implementation. The five environmental issues are as follows:

- Ban on polluting firecrackers in Delhi and introduction of green firecrackers;
- Management of municipal solid waste in Delhi;
- Industrial pollution in Bollaram & Patancheru Industrial Area in Telangana;
- Conservation of wildlife corridors around the Kaziranga National Park
- Compensation for environmental damage from a dam company post the Uttarakhand floods disaster in 2013

The report is presented in four broad chapters as follows.

Chapter 1: Background provides a brief overview of the legitimacy and credibility challenges associated with the environmental jurisprudence laid down by the SC, one of the motivators for conducting this study. It goes on to examine some of the challenges with the implementation of environmental judgments as set out in the secondary literature, to form the basis for the methodology of our study.

Chapter 2: Framework of the Study explains the quantitative and qualitative indicators that are used to assess the SC judgements. The applicability of the 'Environmental Rule of Law' ("EROL") framework to SC judgements, and to the development of these indicators, is also explored.

Chapter 3: The Methodology sets out the process adopted to assess SC judgements on the environment pronounced between the years 1980 to 2018. Certain caveats and limitations of the data generated are also documented.

Chapter 4: Research Findings presents the quantitative findings of our study and advances some preliminary reasons for them.

1. BACKGROUND

A. *Judicial Tools to Secure Environmental Justice*

The judiciary has devised innovative tools to monitor the implementation of its directions and orders. *Continuing mandamus* has been a particularly intriguing tool. It enabled the court to closely monitor the progress of implementation to such a degree that the scope of many of these cases expanded beyond their original intent.¹⁴

In T.N. Godavarman v. Union of India¹⁵, what started off as a writ petition for protecting the forest land of the Nilgiris from illegal logging, led to an entire jurisprudence on forest conservation. The case has been kept pending since 1995 with the court having passed several landmark rulings on issues such as the definition of 'forest', forest land conversion, illegal felling, mining operations in forest land, compensatory afforestation, among a few.¹⁶ As the scope of the case expanded, other strategies deployed by the court in this case included the appointment of Amicus Curiae, expert committees at the central and state level, filing of bi-monthly Action Taken Reports, and most importantly, the formation of Central Empowered Committee in 2002 for monitoring the implementation of its own orders.^{17 18}

Other examples of continuing mandamus include the *M.C. Mehta v. Union of India¹⁹* (Delhi Vehicle Pollution case), *Bichri case²⁰*, *Research Foundation for Science, Technology and Natural Resource Policy v. Union of India²¹* on hazardous waste disposal, and *Almitra H. Patel v. Union of India²²* on waste management, to name a few.

Both in the continuing mandamus cases and regular environmental cases, the courts have resorted to tools such as spot visits by judges and inspections by State PCBs, independent expert committees or institutions like National Environmental Engineering Research Institute, court-appointed Commissioners and even amicus curiae.²³

Apart from the higher judiciary, the subordinate judiciary can also exercise both civil and criminal jurisdiction in cases involving the environment using provisions under Code of Civil Procedure, 1908 (“CPC”), Code of Criminal Procedure, 1974 (“CrPC”) and Indian Penal Code, 1860 (“IPC”).²⁴ A civil suit can be instituted by the Advocate General, or two or more members of the public with the leave of the court, for a declaration or injunction or any other relief against environmental violations.²⁵ Section 133 of the CrPC empowers the district magistrate or sub-divisional magistrate to impose criminal liability on wrongdoers if they do not remove the nuisance causing pollution. While passing such orders, the magistrate may resort to taking evidence by directing local investigation or examining experts.²⁶ The judgement in *Municipal Council, Ratlam v. Vardhichand* was landmark in this regard wherein the SC upheld the magistrate’s order directing the municipal authorities to provide drainage and sanitation facilities.²⁷ Non-implementation of orders passed by civil and criminal courts can only be addressed as per provisions of the CPC and CrPC and the concerned judges do not have any discretionary powers to ensure implementation. Thus, for instance, in a matter, if an order is passed in a civil court, the plaintiff must file for an execution application to ensure that the order is implemented.

The courts often have to rely on external assistance to gather evidence or monitor their own orders by appointing committees, experts and court commissioners. In some instances, there may not be any set process through which court-appointed expert bodies collect and evaluate information. The recommendations provided by the government are often given more weightage than the recommendations by these experts, making their role almost redundant. This was noticed in *Dahanu Taluka Environment Protection Group v. Bombay Suburban Electricity Supply Company Limited*, wherein expert opinion was ignored in light of the opinion provided by the central government.²⁸

In the year 2010, the National Green Tribunal (“NGT”) was established replacing the National Environmental Appellate Authority.²⁹ Since its inception, the NGT has been adjudicating cases involving substantial questions on the environment, as well as those cases involving the laws listed in Schedule I of the NGT Act.³⁰ Overall, its role has been progressive towards environmental protection in general and the rights of marginalized people in particular.³¹ The NGT which was setup to ease the burden of SC, has been subject to the criticism that the SC also faced.^{32,33} Although the NGT comprises expert members apart from the judicial members hearing environmental disputes, there has been great reliance on court appointed expert committees and monitoring committees to adjudicate matters and ensure compliance.

Apart from the procedural tools described in the previous paragraphs, Indian courts have also developed and incorporated key environmental legal principles such as the '*Polluter Pays Principle*', '*Precautionary Principle*', '*Public Trust Doctrine*' and '*Sustainable Development*'. However, using environmental principles alone is not a guarantee of the final outcome on the ground.³⁴ An example is that of the manner in which *sustainable development principle* was interpreted in the *N. D. Jayal and Anr v. Union of India and Ors*³⁵ as it allowed the court an avenue to choose projects of national importance for the sake of development over environment or people’s rights.³⁶ Similarly, invocation of *polluter pays principle* has not resulted in severe penalty for the polluters or long term deterrence from polluting further (eg. *Sterlite Industries India Ltd. v. Union of India*³⁷).³⁸ In addition, the compensation is usually meted out in the form of developmental activities for the affected areas rather than direct monies in the hands of the victims.³⁹ Court appointed committees to ascertain compensation in such cases also have no consistent norms to decide the appropriate amounts as observed in the functioning of the Loss of Ecology Authority in the *Vellore Citizens’ Welfare Forum v. Union of India and Ors*^{40,41} A study by the Vidhi Centre for Legal Policy on the Environment Relief Fund in 2020 revealed that there was no record till date in the accounts, of any compensation awarded by the NGT reaching victims.⁴²



Pollution in Patancheru and Bollaram Industrial Area (Telangana) has a long legal history starting in 1989 with directions passed by the Supreme Court, High Court and National Green Tribunal. Despite that, the river Musi and various other water bodies were found to be visibly polluted during our field visit to this industrial area in the year 2019. (Photo: Debadityo Sinha)

B. Factors Affecting Implementation

There are also several extraneous factors which might lead to implementation hurdles. For instance, there may be opposition from the public or politicians in implementing these judgements. There is often a lack of capacity, mostly financial amongst the petitioners, who fight such issues, to bring about sustained monitoring and campaigning. Issues of corruption and conflicting interests of stakeholders are some other aspects which prevent environmental judgements from reaching their logical conclusion. Illustrations of these factors are described through the following four cases.

In the Ganga Pollution case⁴³, there was unified public opinion against river pollution and political or economic repercussions were limited to the tannery owners and workers, making the court's orders easier to implement. At the other end of the spectrum, the Delhi Vehicular Pollution case⁴⁴ throws up two contrasting reactions with regard to implementation. The order requiring public transport vehicles to convert to CNG was easily implementable since the vocal middle class had more political clout than the transporters. However, in the very same case, the crop burning ban has been opposed tooth and nail by the farmers' groups.⁴⁵

Centre-state conflict is a significant factor when it comes to implementation. Environmental issues such as pollution sometimes tend to be from multiple sources, thereby requiring coordination between administrative agencies from several states. When all implementing agencies, whether they are from the centre or the states, are considered equal in the spirit of federalism, there is inevitable finger-pointing and courts are left with the task of forcing one or the other party to comply. This has been seen in the cases of the Delhi Vehicular Pollution case as well as the Ganga pollution case, the effects of which are spread across several states.⁴⁶

There have been a few studies of significance which have devised indicators and developed datasets on environmental enforcement and compliance. The World Justice Project developed Environmental Governance Indicators for Latin America and the Caribbean in 2020—this created 11 indicators, namely regulation and enforcement; civic engagement; fundamental environmental and social rights; access to and quality of justice; air quality and climate; water quality and resources; biodiversity; forestry; oceans, seas, and marine resources; waste management; and extraction and mining. Additionally, the Environmental Democracy Index developed by the World Resources Institute in 2015 attempted to measure rights to access to information, public participation and justice as regards environmental issues.⁴⁷⁴⁸⁴⁹⁵⁰

The next Chapter uses the Environmental Rule of Law framework to develop qualitative and quantitative indicators that allow us to analyze the different implementation/monitoring mechanisms used by the courts.

2. FRAMEWORK

A. Environmental Rule of Law

According to the rule of law, everybody is accountable to the law, laws are inclusively developed and fairly enforced, and these laws are in accordance with fundamental human rights. In 2012, the World Congress on Justice, Governance and Law for Environmental Sustainability, together with Rio+20 highlighted the importance of the environmental rule of law. This was further bolstered by the United Nations Environment Programme's ("UNEP") Governing Council Decision 27/9, adopted in 2013, which used 'environmental rule of law' as a phrase formally for the first time. Later, in 2014, the UN's Environment Assembly adopted a resolution calling all countries to 'work for the strengthening of EROL at the international, regional and national levels.'⁵¹

Attempts at creating an EROL framework were undertaken by UNEP through its seminal report 'Environmental Rule of Law: First Global Report' in 2019 ("UNEP Report"). The UNEP Report found that despite a dramatic increase in environmental laws put in place since 1972, failure to fully implement and enforce these laws is threatening environmental progress and sustainability.⁵² EROL is primarily the rule of law applied in the context of environmental issues and drives the reform of environmental law and governance. The UNEP report⁵³ defines EROL as:

"environmental rule of law holds all entities equally accountable to publicly promulgated, independently adjudicated laws that are consistent with international norms and standards for sustaining the planet."

Our study attempts to apply the EROL framework to study the implementation of environmental judgments specifically. The next section sets out the key features of this framework and suggests how these might usefully be applied to Supreme Court judgments.

B. Applicability of Environmental Rule of Law to Supreme Court Judgements

The judiciary has an important role to play in protecting the environmental rule of law.⁵⁴ Our study aims to develop indicators that allow us to examine the extent to which Supreme Court judgments on the environment are able to advance the environmental rule of law. These indicators have been developed using the following seven core elements of the environmental rule of law set out in the UNEP report.⁵⁵

I. Fair, Clear, and Implementable Environmental Laws

The UNEP report states that laws must be fair, unambiguous and implementable. Transplanting this criterion specifically to judgments, it would require judgments to be impartial and well-reasoned. The remedies prescribed in judicial decisions should be practical and easy to implement. A well-reasoned judgement allows the public to have more confidence in the judicial system and increases compliance by all concerned stakeholders.

II. Access to Information, Public Participation, and Access to Justice

It is of absolute importance for the public to be involved in environmental decision-making, given the socio-economic impacts of such decisions on their lives. In order for this to happen, all relevant information which helps with decision-making should be available in the public domain. As regards judgements, information regarding the case, including all interim and final decisions must be easily accessible to members of the public and the parties to the case.

III. Accountability and Integrity of Institutions and Decision Makers

Adherence to EROL requires that those at the helm of decision making should have integrity and that mechanisms are created to ensure their accountability. The UNEP Report also observes, across several countries, that constant checks and balances have a positive effect on the culture of compliance amongst the public as well. In the context of environmental judgments, our study is interested in the accountability of institutions and decision-makers who are entrusted with ensuring compliance with judicial orders. Therefore, we analyse the mechanisms that the court uses to monitor whether parties are complying with its directions.

IV. Clear and Coordinated Mandates and Roles, Across and Within Institutions

Management of natural resources and environmental issues would involve several ministries and line departments at the central and state level. For instance, an environmental dispute regarding mining in a forest area inhabited by tribals would include several stakeholders. In case of conflicts, the concerned department or ministry's role, objectives and authorities should be clearly demarcated. In the context of the implementation of judicial decisions, identification of implementing agencies and the extent of their authority is very important to avoid any overlap.

V. Accessible, Fair, Impartial, Timely, and Responsive Dispute Resolution Mechanisms

In case of disputes, EROL mandates that dispute resolution bodies are readily accessible to the aggrieved parties irrespective of their social or economic status. Thus, factors such as physical distance from courts, lengthy and complex court procedures, prohibitive court fees, high caseload of courts, untrained judiciary are some of the significant barriers to EROL. The locus standi of a petitioner especially in environmental matters needs to be fairly flexible, so as to increase accessibility.

VI. Recognition of the Mutually Reinforcing Relationship Between Rights and the Environmental Rule of Law

EROL shares a symbiotic relationship with rights guaranteed in the Constitution and human rights and should not be seen in isolation. Thus, upholding rights such as right to life, livelihood, health, clean drinking water, shelter, food security, among others is paramount to upholding EROL. For example, in a case involving air pollution, citizens' right to life/health gets violated if they do not have clean air to breathe. It also affects their right to livelihood. Courts must be alive to this inter-relationship and reflect this in their reasoning.

VII. Specific Criteria for the Interpretation of Environmental Law

To enable the effective implementation of any environmental law, there need to be clear criteria for interpretation. This would make it easier for stakeholders especially affected parties to understand their rights and obligations. Even though most laws allow implementing agencies a certain amount of discretion, the discretion should not be applied to such a degree that the law loses its purpose. Similarly, in a courtroom while exercising its power of judicial review, the judiciary should follow specific criteria while being creative at the same time. An example in this instance is the manner in which courts direct for compensation in environmental disasters. The rationale for damages should be very clear so as to enable ease in the implementation of its directions to provide compensation.

The table below presents the indicators that we have used to flesh out these seven elements of the environmental rule of law in the context of the Supreme Court's judgments, orders and directions on the environment.

Element of Environmental Rule of Law	Corresponding Indicators
Specific Criteria for the Interpretation of Environmental Law	<ul style="list-style-type: none"> ▪ Does the court clearly identify the relevant environmental laws in its judgments? ▪ Does the court rely on environmental legal principles in its judgments?
Fair, Clear, and Implementable Environmental Laws	<ul style="list-style-type: none"> ▪ What tools does the court rely on to come to its decisions? Examples include inspection reports by implementing agencies, studies or suggestions by implementing agencies, inputs from court appointed experts/ committees such as amicus curiae. ▪ To what extent are inputs from these third parties subject to further scrutiny and to what extent are they incorporated in the court's judgments?
Accountability and Integrity of Institutions and Decision Makers	<ul style="list-style-type: none"> ▪ Does the court clearly identify the parties responsible for the implementation of its directions? ▪ Does the court create any separate monitoring mechanisms to monitor the implementation of its directions?
Clear and Coordinated Mandates and Roles, Across and Within Institutions	<ul style="list-style-type: none"> ▪ Does the court record any violation of, or delay in the implementation of its orders? ▪ Does the court take note of any conflict of interest or bias on part of the government as a challenge in implementation? ▪ What are the mechanisms used by the court to monitor the implementation of its directions? Examples include continuing mandamus, monitoring committees, constitution of new authorities etc.
Access to Information, Public Participation, and Access to Justice	<ul style="list-style-type: none"> ▪ What is the predominant composition of litigants? To what extent are individuals parties before the court, in contrast to the government, companies, and associations?
Accessible, Fair, Impartial, Timely, and Responsive Dispute Resolution Mechanisms	<ul style="list-style-type: none"> ▪ Is the Supreme Court website easily accessible and updated regularly as regards case status, daily orders and final judgements? ▪ How long has it taken for the Court to deliver a judgment? Are multiple judgments passed in one case? How does this affect the time taken for disposing a case?
Recognition of the Mutually Reinforcing Relationship Between Rights and the Environmental Rule of Law	<ul style="list-style-type: none"> ▪ Has the court ordered the matter to be transferred to another forum for adjudication? ▪ Have any interim applications have been filed? Has such filing delayed the disposal of the case? ▪ What is the nature of directions passed by the court? Has it halted environmentally degrading activities or allowed them to continue subject to conditions? Other examples of directions include the award of compensation for environmental damage, restoration and remediation, or the framing of a new law/policy/reform/programme.

3. THE METHODOLOGY

To conduct an empirical analysis of Supreme Court judgements from 1980-2018, a database of 211 environmental judgements was prepared. Judgements from legal research platforms- SCC Online and Manupatra and the periodical- Forest and Law Times were selected using the titles of environmental statutes as search terms. Given the wide expanse of inter-connected environmental issues, we have limited the scope of our review only to central statutes to allow for more efficient and in-depth analysis. After cross-checking the status of these judgements on the Supreme Court website (<https://main.sci.gov.in/>), we weeded out cases which were still pending and limited our database only to cases that had finally been disposed of.

This database was put through two levels of questionnaires. The first questionnaire gathered basic information about the case. The questionnaire included queries such as case number, information on the petitioners and respondents, case facts, legislations referred to, environmental principles deployed, evidence gathering tools used by courts, nature of directions, among others. See **Annexure I** for the first level questionnaires.

53 cases were selected for a second level of analysis based on whether there was enough information available to correspond to the indicators set out in Chapter 2. While selecting these 53 cases, we excluded those judgements which were limited to interpretation of a law or that upheld a lower court judgement without any fresh directions or if the environment was not central to the dispute in the judgements (for e.g., judgements primarily covering mining or land acquisition or tribal lands). Many cases were also excluded because the information provided on the Supreme Court website was incomplete. See **Annexure II** and **Annexure III** for the questionnaire used for this analysis and the cases selected for second level analysis respectively.

The second level of analysis had more detailed information regarding the time taken for disposal, the agencies responsible for the implementation of court directions, reports providing expertise, separate monitoring mechanisms, criterion for compensation, extent of relief received from court, instance of delay or violation in implementation, if any, sanctions for non-implementation, among others.

It should be mentioned at the outset that we primarily relied on the data available on the Supreme Court website (<https://main.sci.gov.in/>) to collate our database. This meant that out of 431 judgements we discovered in our preliminary search, only 211 of them could be verified on the website, up to a certain degree. Out of the 211 judgments analysed by Vidhi, 74% (156) of the judgments related to appeals, while 26% (55) were writs. We also observed that even within the 211 judgements analysed, the cases before the year 2000 had incomplete information, while post 2000, cases have been more regularly updated. Thus, the caveat to our findings is that they are constrained by the availability of data on the website. Given the large scale of data collection and curation involved, research assistants were hired for this purpose. The data entry work was supervised by the authors of this report to maintain quality standards.

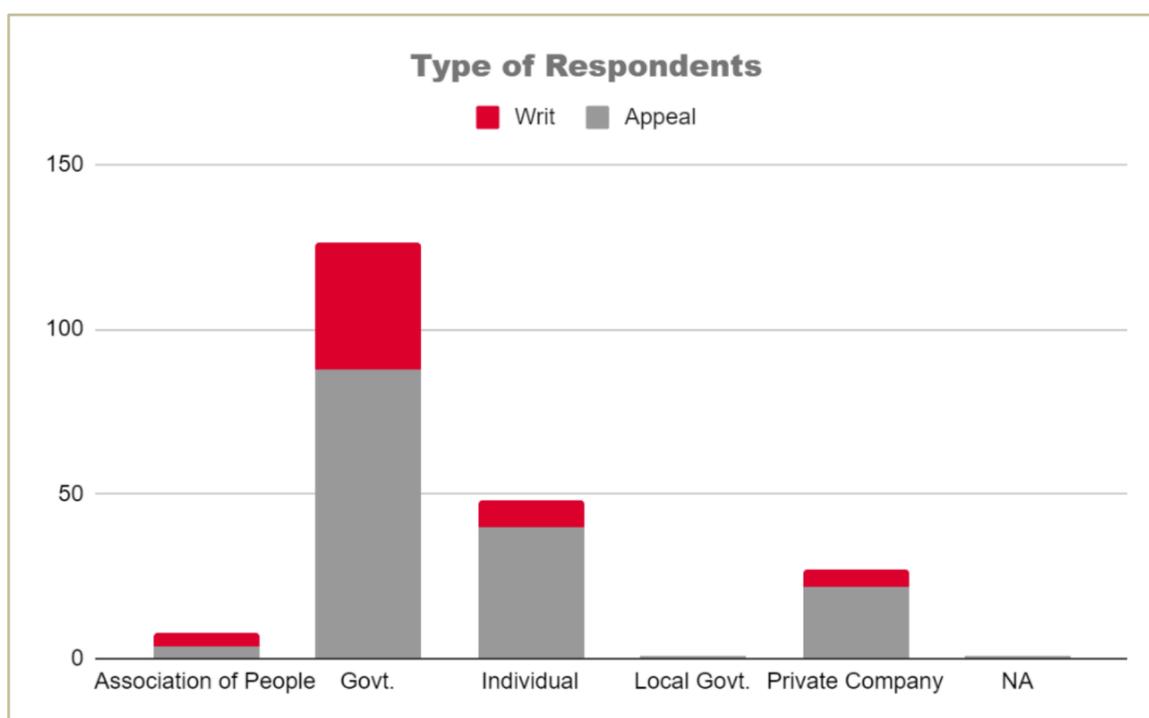
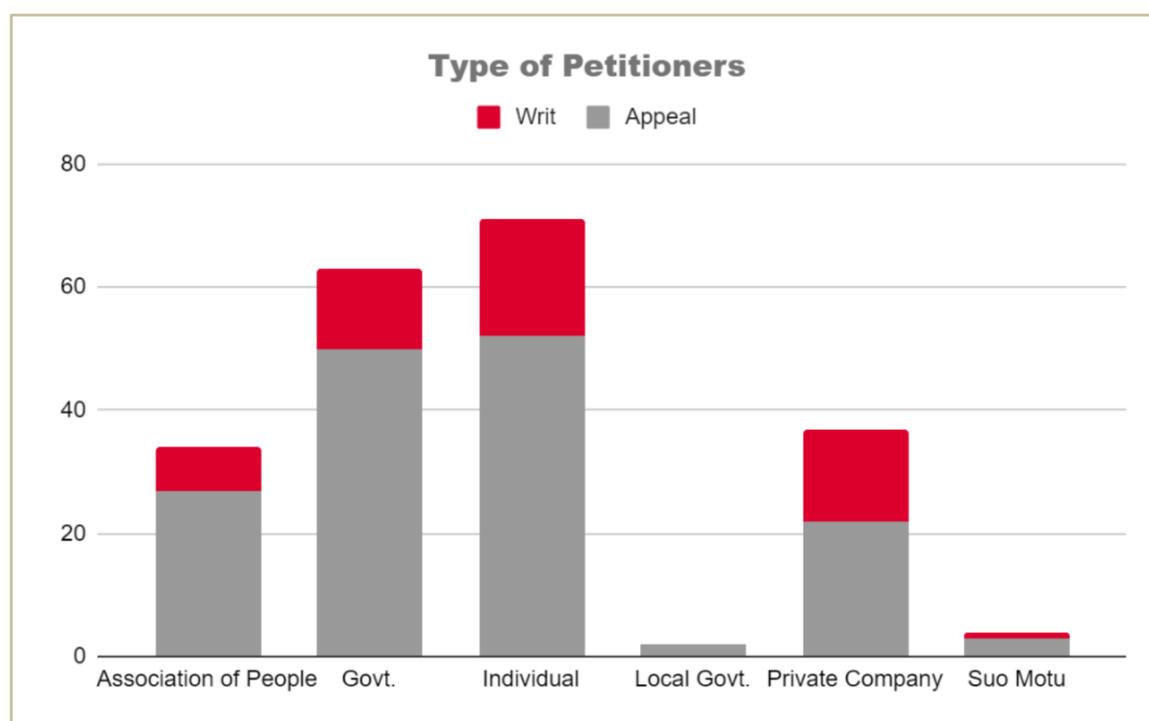
While the above methodology was deployed for disposed cases, we also came across a plethora of landmark orders passed by the Supreme Court in cases that are pending to date. Due to the vast number of orders in all of these cases and paucity of time, we decided to select three sample pending cases based on the extent to which we believed them to reflect issues related to the implementation of environmental judgments. The orders in these cases were assessed generally to see how implementation has been handled and whether the directions are in accordance with the EROL concept. Certain general trends and tools used by the courts in these cases have been analysed for their efficacy.

4. RESEARCH FINDINGS

A. Type of Petitioners and Respondents

Type of analysis- first level, sample size: 211 cases

It was observed that most cases are filed by individuals and the government, followed by private companies and other entities (e.g., association of people, societies, trusts etc). In the majority of cases, governments (both central and state) are usually made respondents. This indicates that the majority of environmental cases are filed against the government.



C. Identification of Environmental Legislation by the Court

Type of analysis- first level, sample size: 211 cases

In 80% of the writ and 38% of the appeals, the court referred to the Constitution of India while disposing matters. A detailed analysis of the different laws referred to by the court while deciding matters is provided below. The analysis shows that the majority of environmental cases are related to the Environment (Protection) Act 1986, the Water (Prevention and Control of Pollution) Act 1974 and various state laws.

Environmental Legislation Identified	Percentage of Cases Referred In	
	Writs	Appeals
Constitution of India	80%	38%
Environment (Protection) Act, 1986 (EPA)	35%	17%
Water (Prevention and Control of Pollution) Act, 1974	18%	10%
State Laws	15%	33%
Air (Prevention and Control of Pollution) Act, 1981	13%	6%
Indian Forest Act, 1927	9%	15%
Forest Conservation Act, 1980	9%	10%
Rules and Notifications under EPA	7%	12%
Wildlife (Protection) Act, 1972	7%	10%
Code of Criminal Procedure, 1973	4%	9%
National Green Tribunal Act, 2010	4%	3%
Code of Civil Procedure, 1908	4%	1%
Indian Penal Code 1860	2%	3%
Water (Prevention and Control of Pollution) Cess, 1977	0%	1%

D. Reliance on Environmental Legal Principles by the Court

Type of analysis- first level, sample size: 211 cases

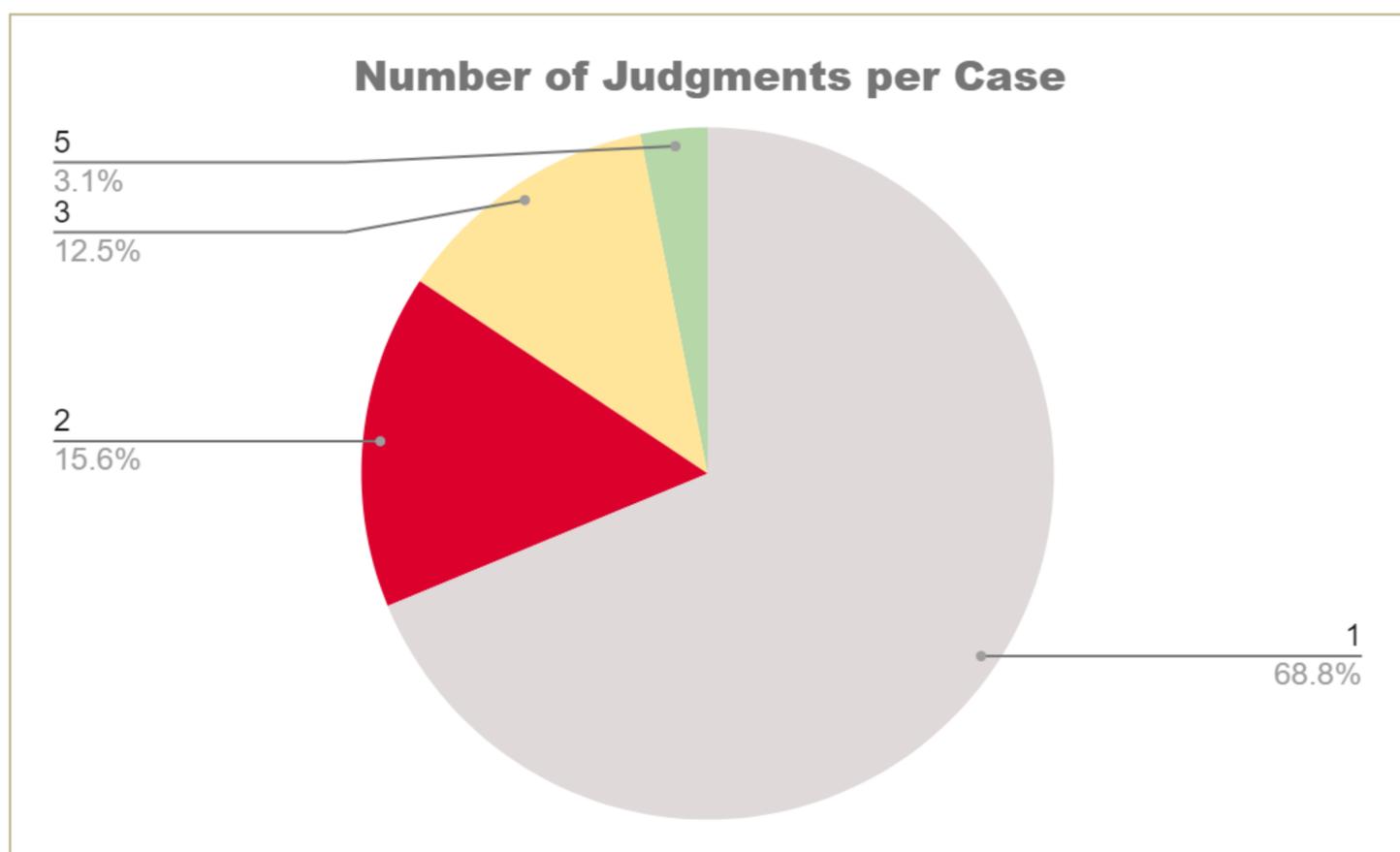
We assessed the extent to which the court relied on key environmental legal principles. In the majority of cases, in both writs and appeals, there was no explicit mention of such principles. Principles such as Polluter Pays, Precautionary Principle and Sustainable Development were the most commonly used principles in the remaining cases. A detailed summary of the analysis is provided below.

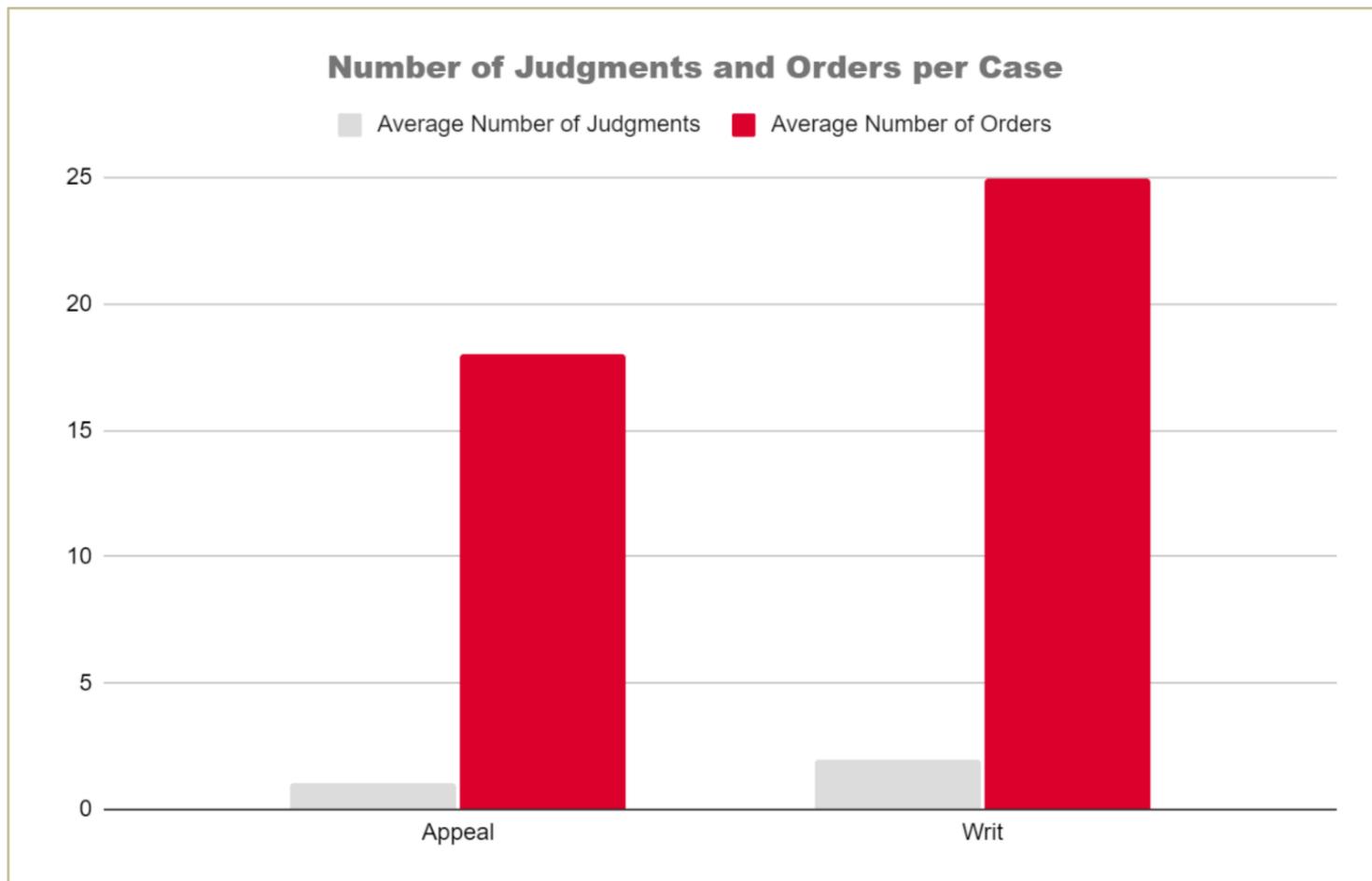
Environmental Legal Principle Relied On	Writ	Appeal
No Principle referred to	72.73%	87.82%
Polluter Pays	10.91%	2.56%
Precautionary Principle	10.91%	1.92%
Public Trust Doctrine	3.64%	2.56%
Sustainable Development	9.09%	3.85%
Others	12.73%	7.05%

E. Number of Judgments

Type of analysis- second level, sample size: 32

It was observed that in more than two-thirds of the cases, only one judgment was delivered by the court per case. An outlier is the case of MC Mehta v. Union of India {WP(C) No. 3727 of 1985, where the number goes up to 5. More than one judgment in a case is an indication that the court was unsuccessful in disposing the matter at first attempt and that the first judgment threw up ancillary issues that also required judicial resolution. Multiple judgments therefore denote delays in the justice process, particularly the implementation of these judgments.

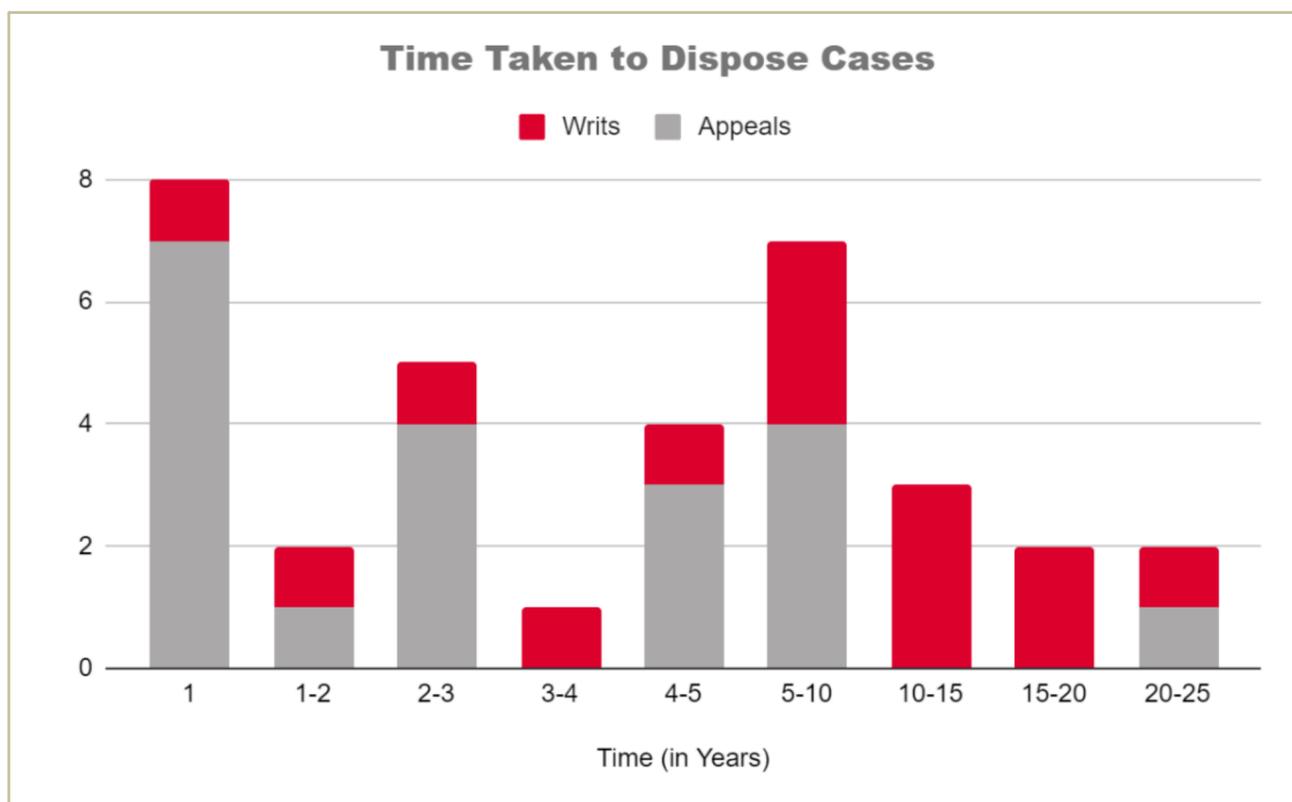
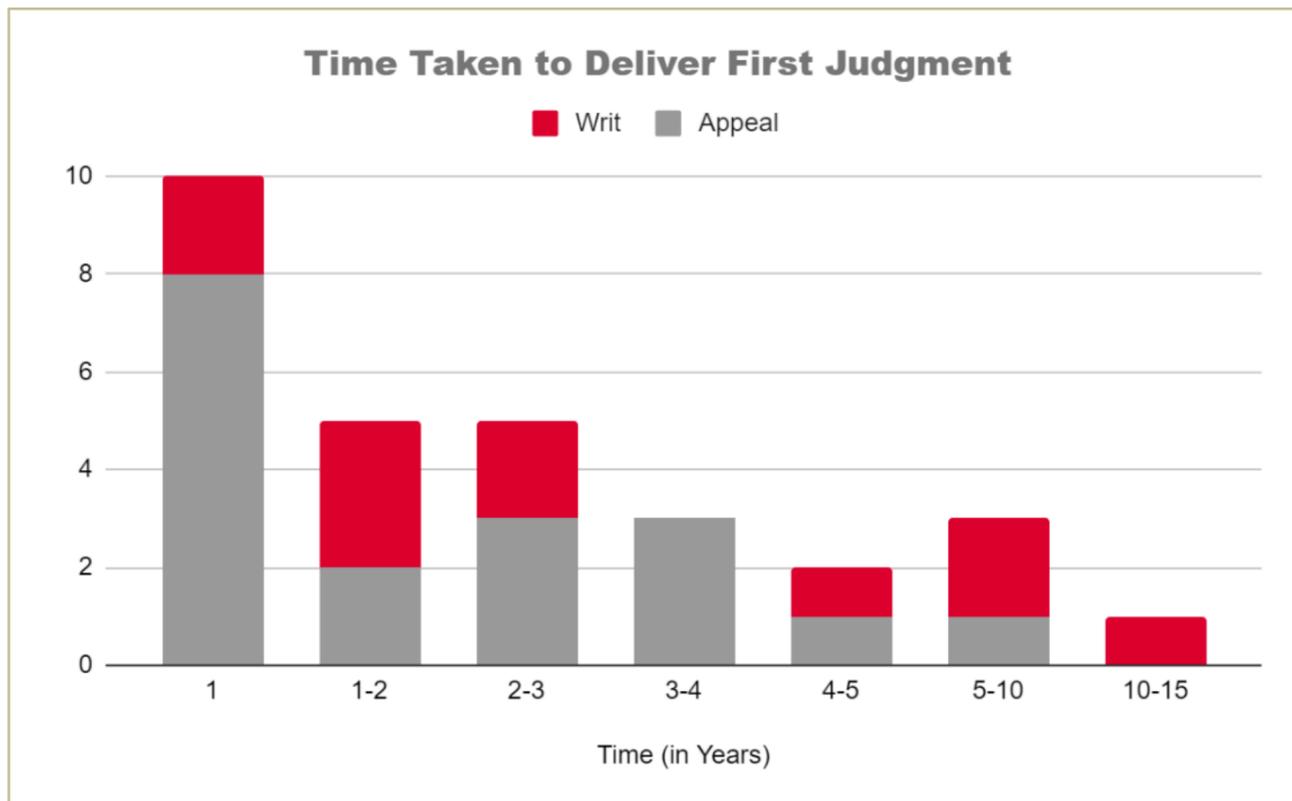




F. Disposal of Cases

Type of analysis- second level, sample size: 34, 29

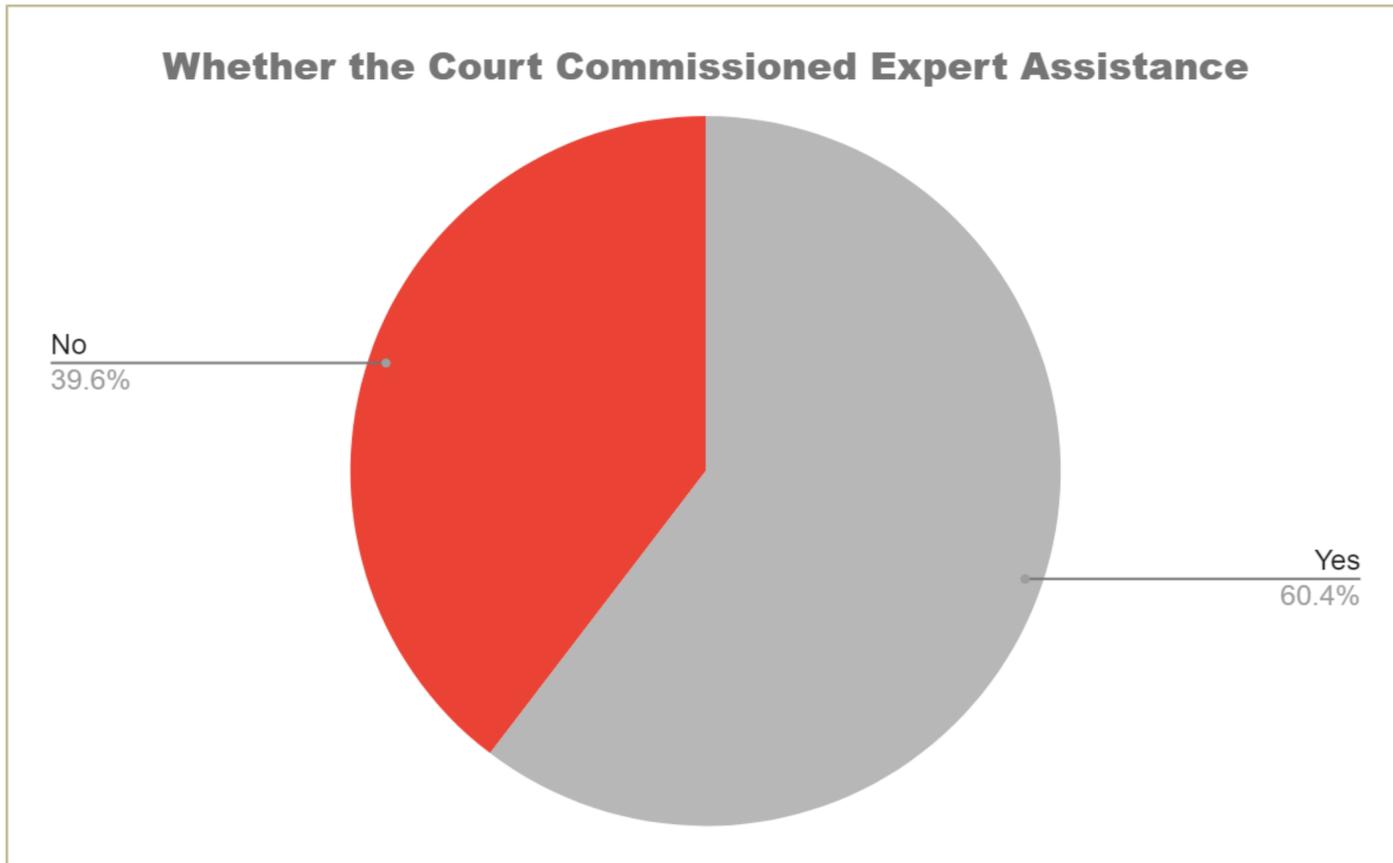
Appeals were found to be disposed (*time between case registered and final judgment delivered*) quicker with 35% of cases disposed within 1 year, and only 25% of cases going beyond 5 years. In contrast, 65% of writ petitions took more than 5 years to be disposed of by the court. This difference in disposal rate is expected as writs, falling within the court's original jurisdiction are heard for the first time, as opposed to appellate jurisdiction, where the court carries out a review of a lower court's decision. Where a case was still being heard even after a judgment had been delivered by the SC, it was usually disposed of within 3 months of the first judgment. However, a significant proportion of cases were heard more than 10 years beyond the pronouncement of the first judgment. One case, *Consumer Education and Research Society vs UOI and Ors.* [SLP(C) 13658 of 1996] was heard for 19 years with over 54 interlocutory applications filed in the matter. A matter is usually listed for hearing after a judgment is delivered when any interlocutory application is filed.



G. Assistance Sought by the Court to Decide a Matter

Type of analysis- second level, sample size: 53

In 60% of the cases, the court relied on external assistance to gather evidence. Such assistance is especially required in environmental matters which can be technical and require specialised expertise that judges do not have core competence in. In order to make up for this gap, the court mainly relied on amicus curiae, expert committees, court commissioners or taking direct assistance from a government officer, authority, a public research institution etc.

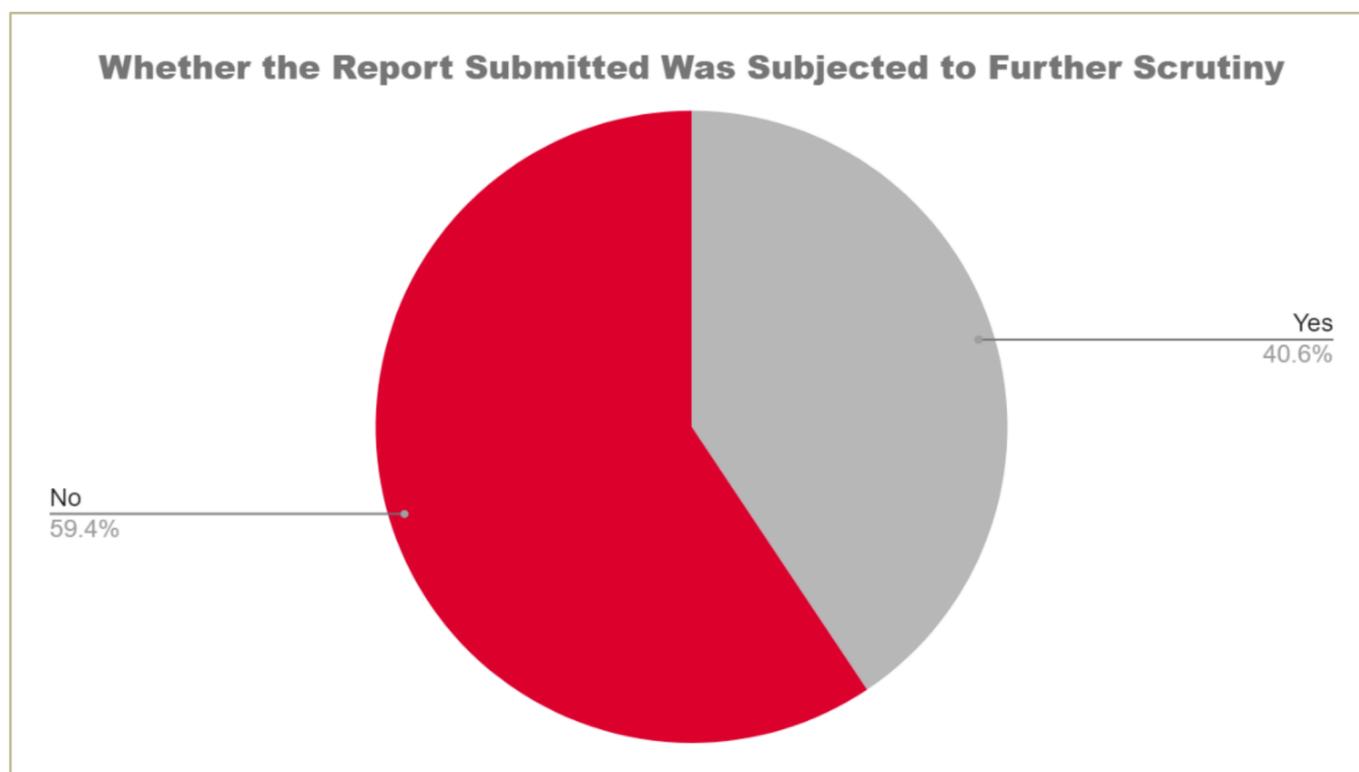
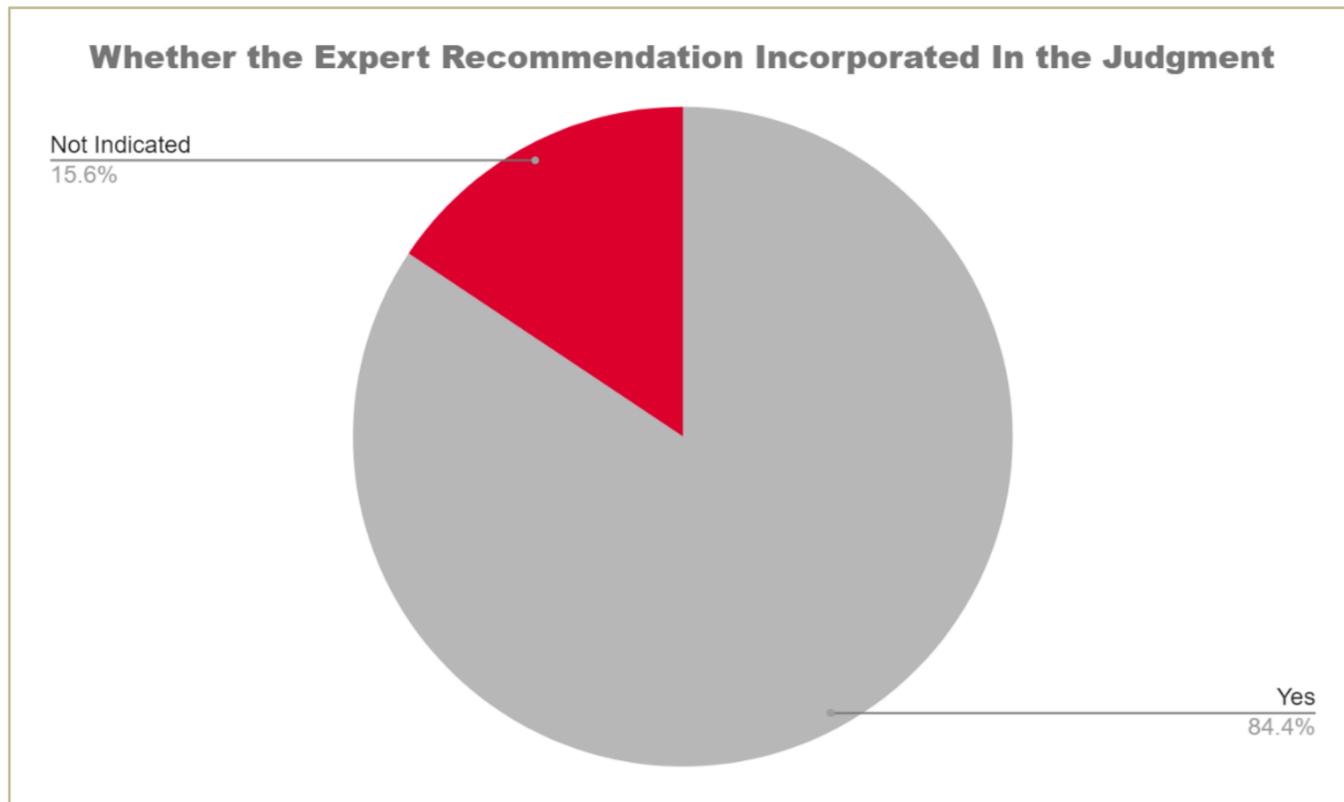


Details of the Expert Assistance Sought	Percentage of Cases	
	Appeal	Writ
Amicus Curiae	7.69%	7.41%
Court appointed committee	3.85%	29.63%
Court Commissioner	3.85%	7.41%
Govt. Officers and Authorities	23.08%	14.81%
Public Research Institution	34.62%	7.41%
Implementing Agency to Constitute a Committee	19.23%	3.70%
Others	7.69%	0.00%

This analysis shows that the court has placed higher weightage on the findings of public research institutions, government officers and authorities to gather evidence in appeals. In some cases, the implementing agency is conferred with the discretion to constitute a committee. In original cases or writs, by contrast, the court has relied the most on a self-appointed committee instead of relying on public research institutions. However, in both writs and appeal, the court has appointed amicus curiae and court Commissioners only in some cases.

Our analysis also shows that in approximately 84% of cases where the court sought external assistance in evidence gathering, the suggestions made by such external assistants were incorporated in the judgment. This was evident by the extent to which the court has cited these reports extensively in its judgements. In most cases, the recommendations are incorporated in the form of directions to the parties. This can be observed in *Imitiaz Ali vs. Union of India and Ors.*⁵⁶, where recommendations provided by the CPCB were considered to be part of the court's order and industries were asked to abide by them. This trend was also noticed in the Godavarman case, where recommendations made by the court-appointed Central Empowered Committee ("CEC") were adopted by the court as directions in most of its orders.⁵⁷ It is

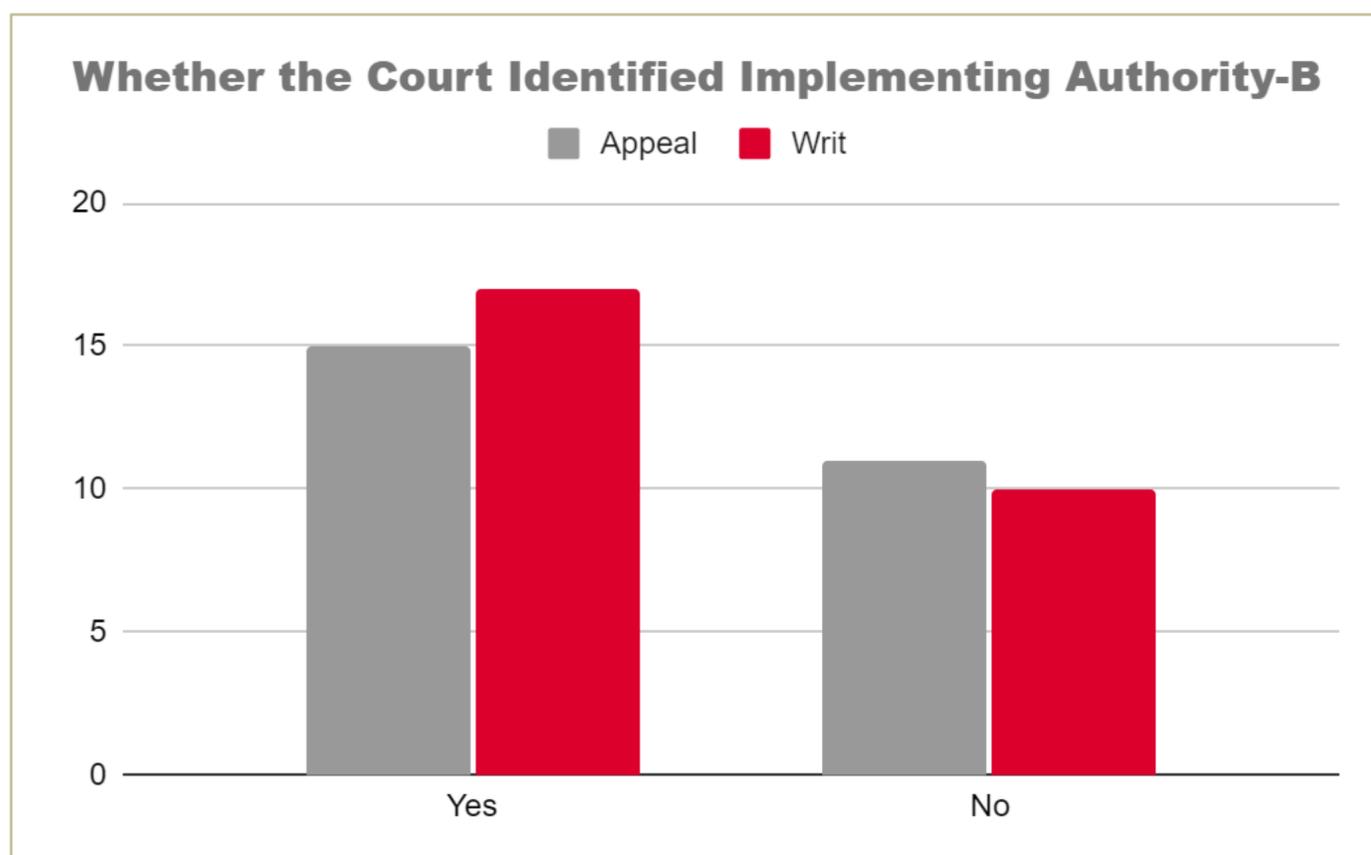
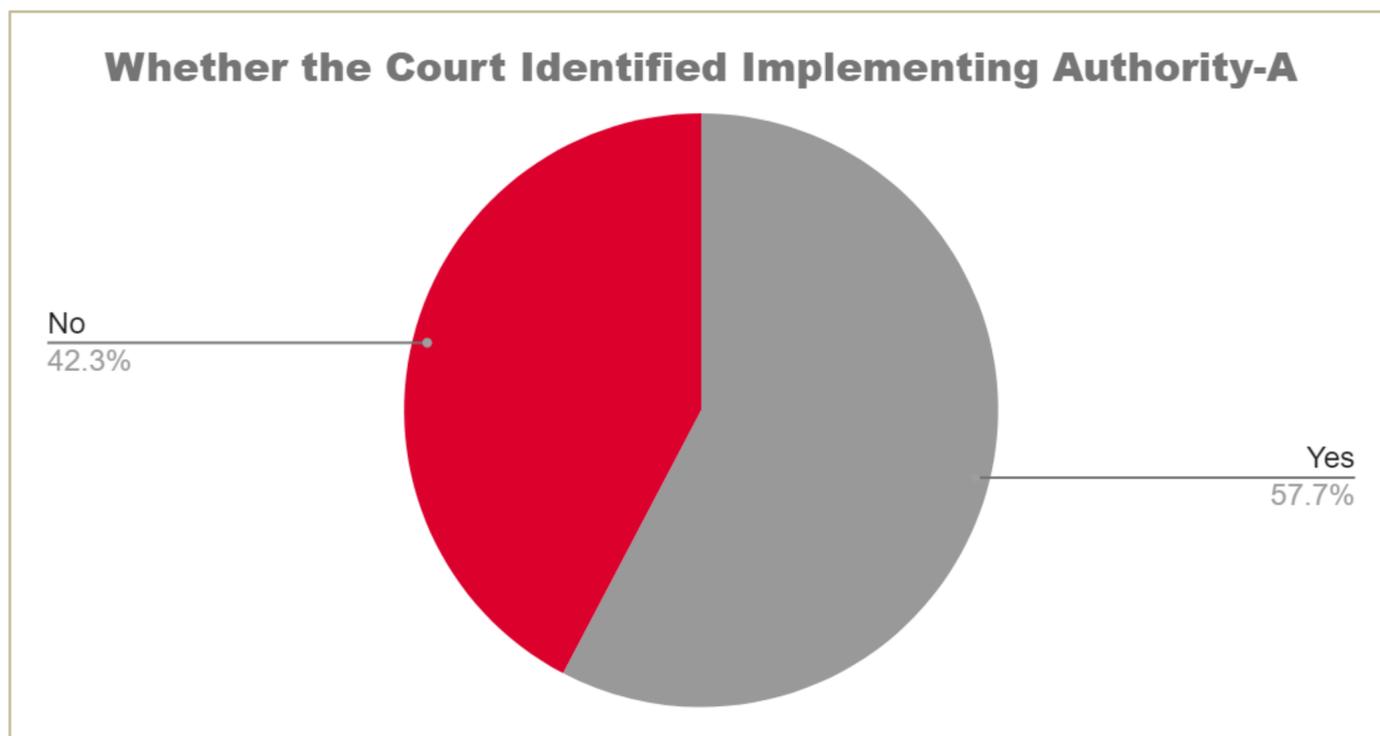
observed that in all such cases where the court incorporated findings of the expert assistance, in approximately half of those cases, the courts have accepted such suggestions without any further scrutiny. Usually, further scrutiny appeared to have been applied by the court when it is dissatisfied with the evidence submitted due to reasons of incongruity or delay in the implementation of its recommendations or violation of its directions. For instance, in *Indian Council for Enviro-Legal Action etc. v. UOI and Ors.*⁵⁸, in 2011, the applicants sought to discredit the NEERI report of 1994 which was quoted extensively in the court's judgement of 1996 using new reports. The court examined these allegations afresh and rejected them on the ground that all objections to the 1994 report were already deliberated in the 1996 judgement.



H. Implementation of Judgments

Type of analysis- second level, sample size: 53

In 58% of the cases analysed, the court has identified an authority that will be responsible for implementing its judgment.



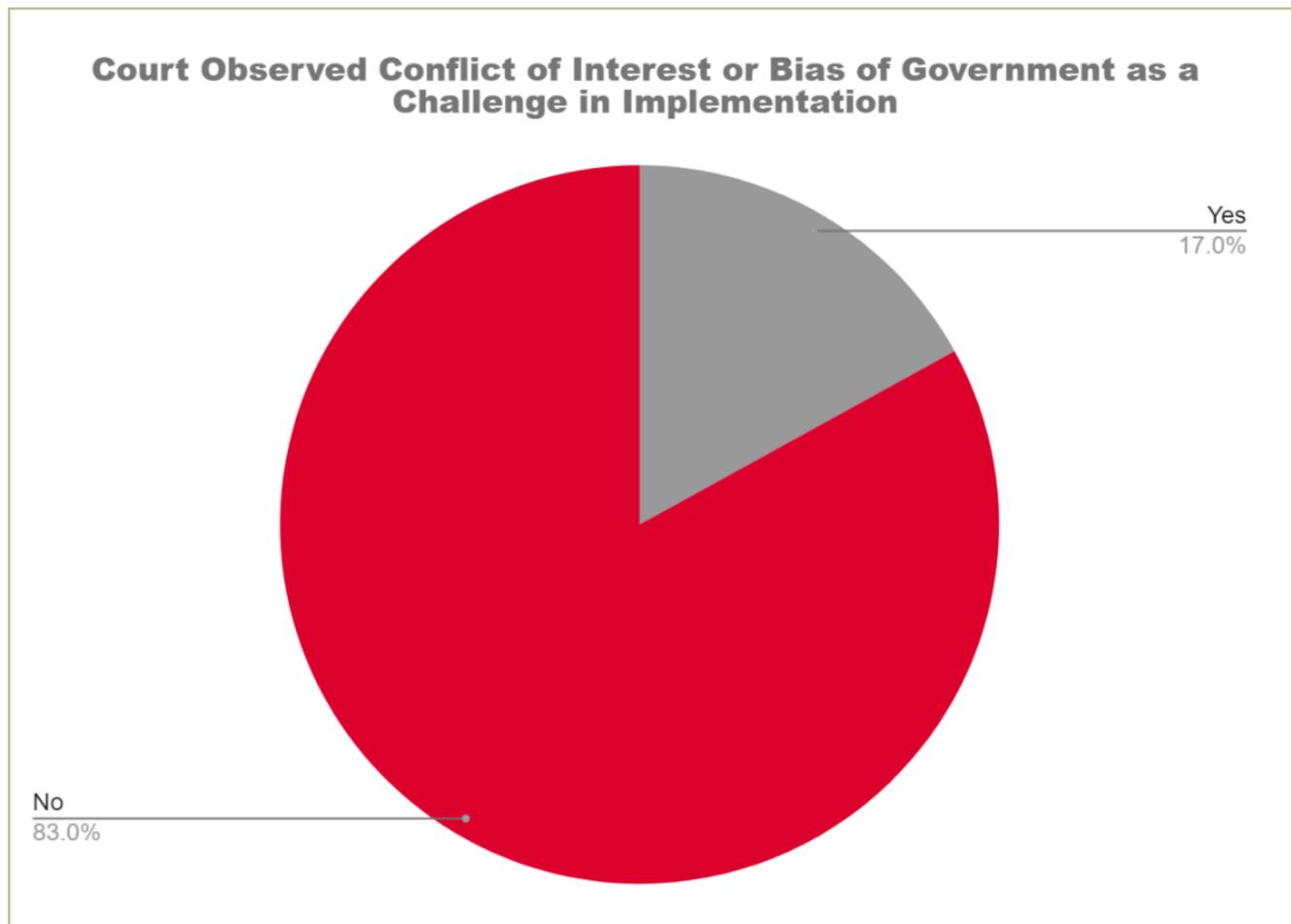
In most of the appeals, the court designated the state government (43%) as the implementing agency, followed by Pollution Control Boards (33%), the central government (20%), local authorities (20%) and court-appointed committees (13%). In some cases, the High Court, public research institutions and statutory authorities were also designated by the court for implementation. Such agencies are mostly designated on the basis of statutory powers conferred on such agencies or due to their administrative jurisdiction in the area under dispute or even their technical expertise in handling implementation. However, in writ petitions, the court relied mainly on the central government (47%), followed by Pollution Control Boards (35%), state governments (24%), local authorities (18%) and court-appointed committees

(18%) for implementation. In some cases (eg. Rural Litigation and Entitlement Kendra Dehradun v. State of Uttar Pradesh, WPC 8209 of 1983), the court also placed reliance on district judges to ensure the implementation of its directions. Some examples of implementing agencies identified by the court are as follows:

- Central and State Pollution Control Boards of the states through which the River Ganga flows- *MC Mehta v. Union of India* (Kanpur Tanneries) (WPC 3727 of 1985)
- Additional District Magistrate, Nainital/ Secretary, Nainital Lake Region, Special Area Development Authority, Nainital- *Ajay S. Rawat v. Union of India* (WPC 694 of 1993)
- Commissioner of Customs/ higher officer from the Insecticides Board/ officer from the Regional Office of MoEFCC- *Democratic Youth Federation of India v. Union of India* (WP (C) 213 of 2011)

Type of Implementing Authority Identified	Percentage of Cases	
	Appeal	Writ
State Govt.	47%	24%
Pollution Control Boards	33%	35%
Central Govt.	20%	47%
Local Authority	20%	18%
Court-appointed Committee	13%	18%
Others	7%	12%
High Court	7%	0%
Public Research Institutions	7%	0%
Statutory Authority	7%	0%
District Judge	0%	6%
New Authority	0%	6%

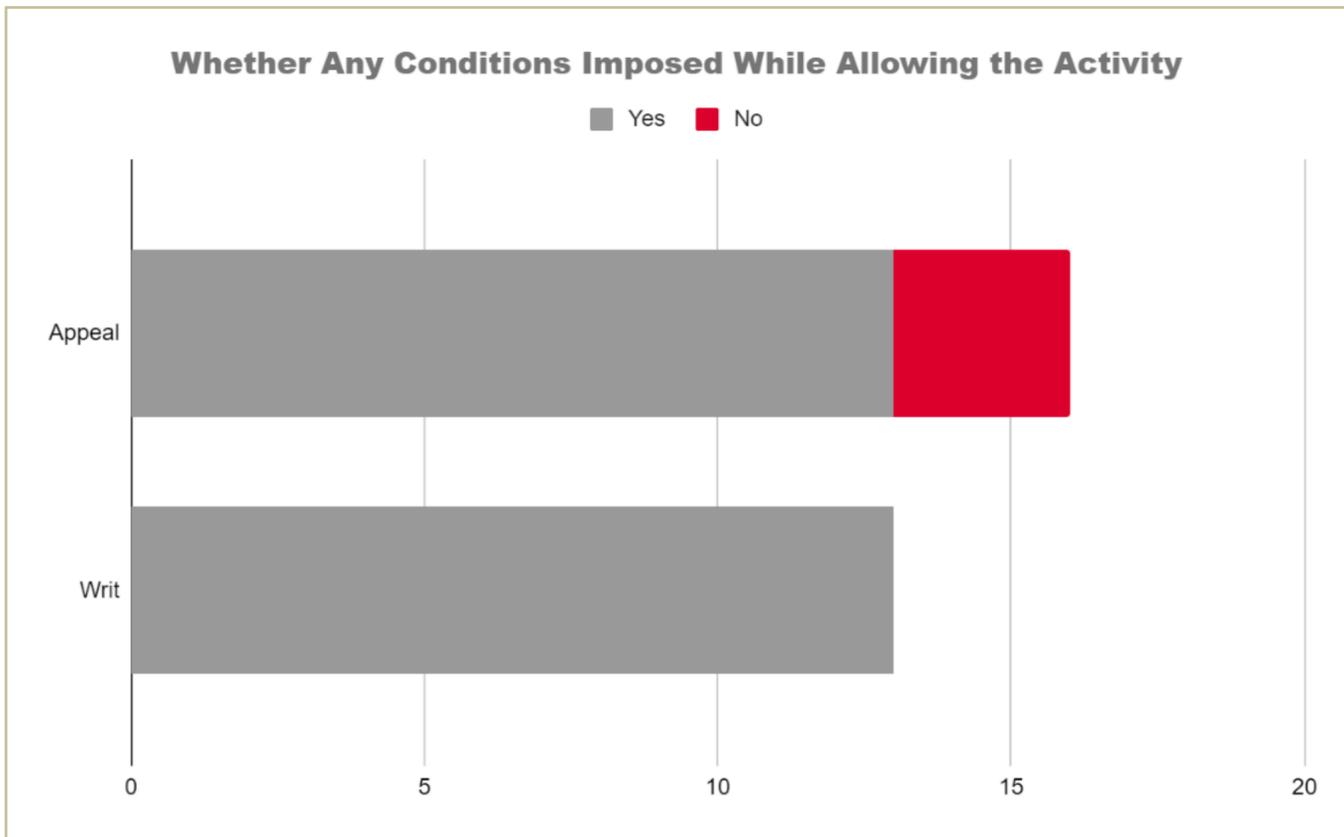
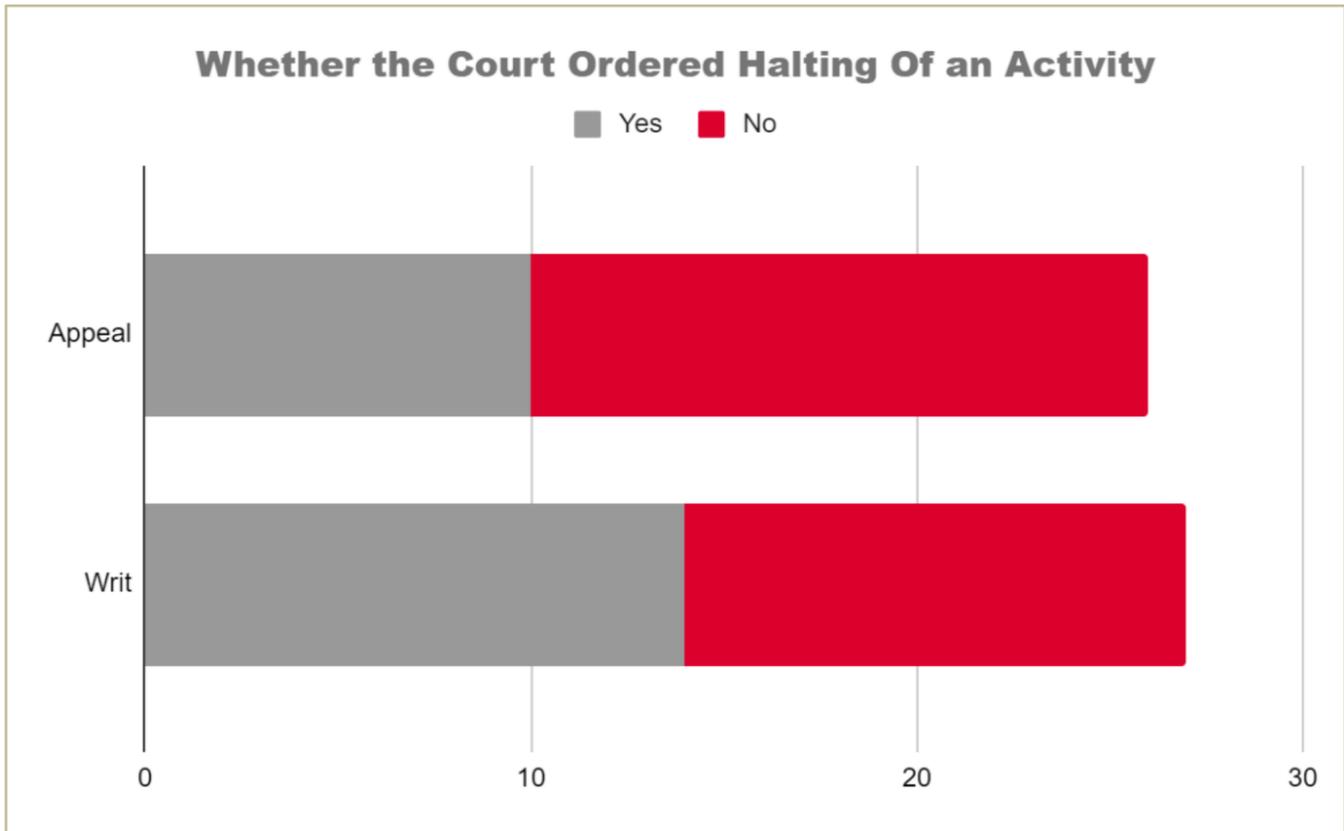
Interestingly, in approximately 17% of the cases, the court has expressed concern about either conflict of interest or bias on behalf of the government as a challenge in the effective implementation of its order. For instance, in *Vineet Kumar v. Union of India*⁵⁹, the court observed the manner in which the Uttar Pradesh Pollution Control Board granted consent to operate to Mohan Meakin Breweries in blatant violation of the court's order and while concealing the fact. In the case of *Goa Foundation v. M/S Sesa Sterlite Ltd. and Ors*⁶⁰, the court felt that the state was 'willing to sacrifice the rule of law for the benefit of the mining lease holders.'



I. Injunction

Type of analysis- second level, sample size: 53

The analysis shows that in approximately 55% of cases, the court refrained from halting an activity where the protection of the environment was central to the dispute. Such activities would include anything that caused degradation to the environment such as mining, industrial operations, construction works, etc. to name a few. In 90% of those cases where such activities were allowed, the court imposed additional conditions to address environmental concerns. In the majority of such cases, there was an emphasis on permitting such activity after following the due process of law under the relevant environmental statutes. In *Sterlite Industries (India) Ltd. v. Union of India*, while the plant was allowed to be opened subject to conditions imposed by the Tamil Nadu Pollution Control Board and the payment of compensation, in *Indian Council for Enviro-Legal Action etc. v. UOI and Ors.*, the polluting industries in Bichhri were ordered to be closed down completely. In some cases, monitoring by a committee, environmental restoration and compensation were common conditions. The condition of environmental compensation was imposed in *S Jaggannath v. Union of India* (WP (C) 561 of 1994) and *Deepak Nitrite Ltd. v. State of Gujarat and Ors.* (CA 1521 of 2001) among others. However, in very few cases has a monetary penalty been imposed while permitting an activity. These cases include *Municipal Council, Ratlam v. Vardichand and Ors.* (SLP (Crl) 2856 of 1979), *M.C. Mehta v. Union of India* (WPC 12739 of 1985), *Supreme Court Monitoring Committee v. Mussoorie Dehradun Development Authority* (WPC 749 of 1995) and *S Jaggannath v. Union of India* (WPC 561 of 1994).



Type of Conditions Imposed While Allowing an Activity	Percentage of Cases	
	Appeal	Writ
Permitted After Following Due Process	75%	100%
Monitoring by Committee/Authority	44%	38%
Environmental Restoration	38%	31%
Compensation	13%	23%
Penalty Under Applicable Law	6%	0%

J. Separate Monitoring Mechanism

Type of analysis- second level, sample size: 53

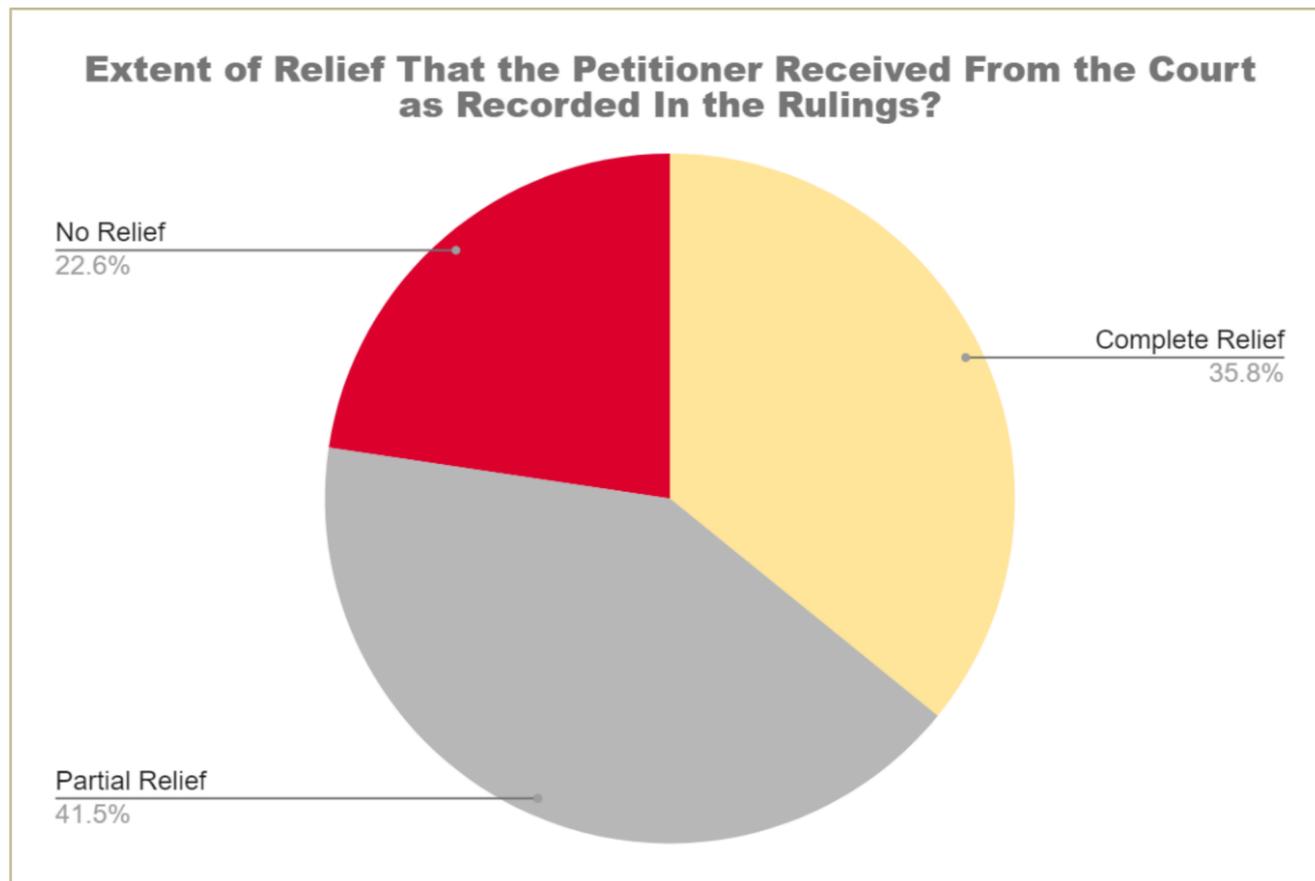
In 23% of the cases analysed, it was observed that the court has constituted a distinct monitoring mechanism, separate from the implementing agency. In the majority of cases where the court created a separate monitoring mechanism, this usually took the form of a new executive authority. Such authorities are usually set up for the overall supervision of court orders as opposed to implementing agencies which may have specific mandates. Some examples of such distinct monitoring mechanisms include the Dahanu Taluka Environment Protection Authority, Environment Pollution (Prevention and Control) Authority (“EPCA”), CEC and Loss of Ecology Authority in Vellore, among a few. In other cases, the court relied on existing authorities, committees and lower courts to help with the monitoring.

Monitoring Agencies (Separate From Implementing Agency)	Appeal	Writ
Local Authority	2	0
Statutory Authority	0	1
New Executive Authority	1	4
Existing Executive Authority	1	0
Court Appointed Committee	1	0
High Court	1	0
Others	0	1

K. Extent of Relief Granted

Type of analysis- second level, sample size: 53

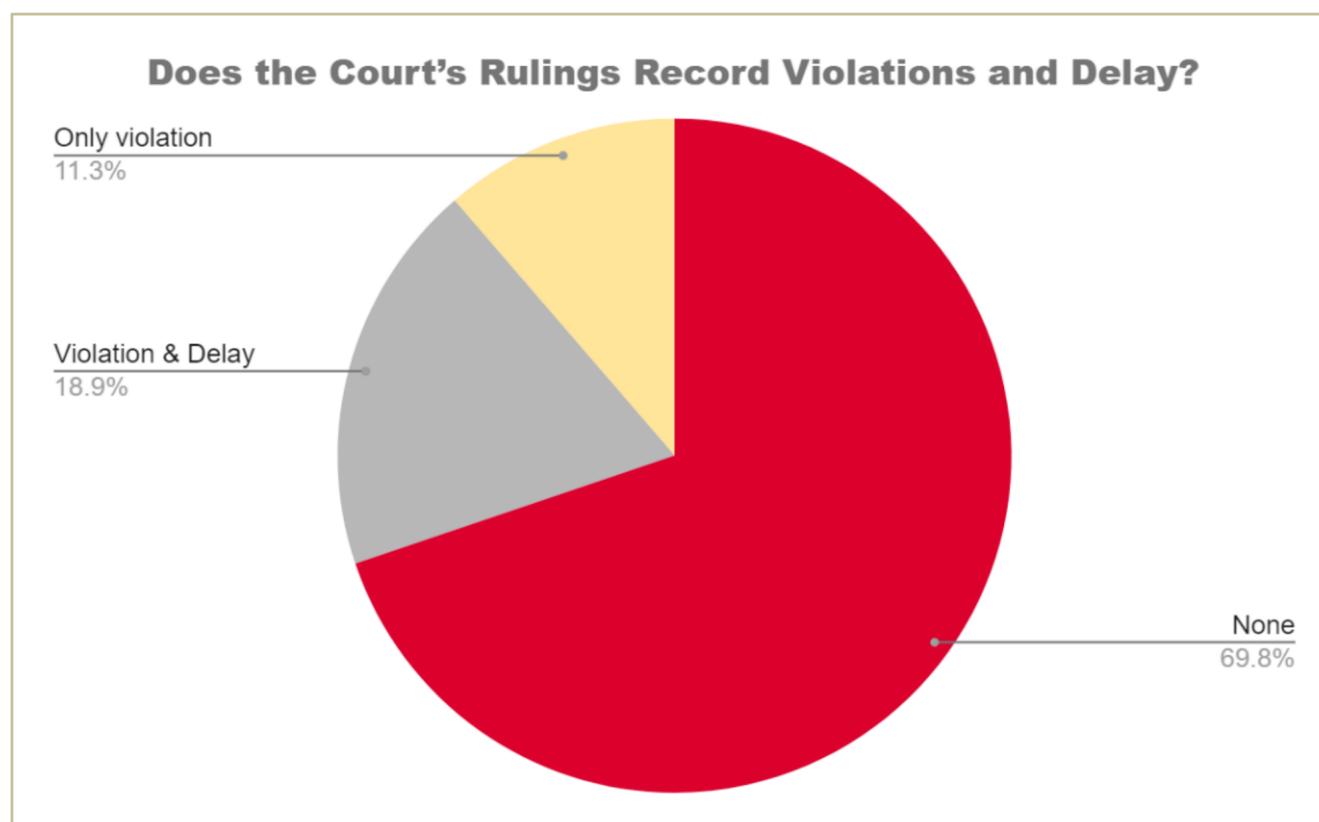
Our analysis of the judgments shows that in 36% of the cases, the petitioners obtained the relief sought, while in 42% cases, the relief was given partially, while in 23% cases, no relief was granted by the court. The different kinds of relief include the halting of activities deemed environmentally degrading; allowing the continuance of activities with conditions; allowing continuance of activities without conditions; granting compensation; ordering restoration/ remediation/ clean-up; or even directing the government to frame a new legal framework/policy/reform programs. In *Democratic Youth Federation of India v. Union of India*⁶¹, complete relief was granted by way of a total ban on the production, use and sale of endosulfan in the whole of India and compensation of Rs.5 lakhs each to all the affected persons. Partial relief was allowed in *Imitiaz Ali vs. Union of Indian and Ors.* (WPC 418 of 1998) by allowing the industries to continue their operations in the Gajraula Industrial Estate provided that air and water quality in the region were maintained at a desirable level.⁶² In the *Sterlite Industries (India) Ltd. v. Union of India*⁶³, no relief was granted by the court. Instead, the polluting plant was allowed to remain open on the condition that directions issued by the Tamil Nadu Pollution Control Board were followed in addition to an order to deposit compensation of Rs.100 crores for the pollution caused in the past.



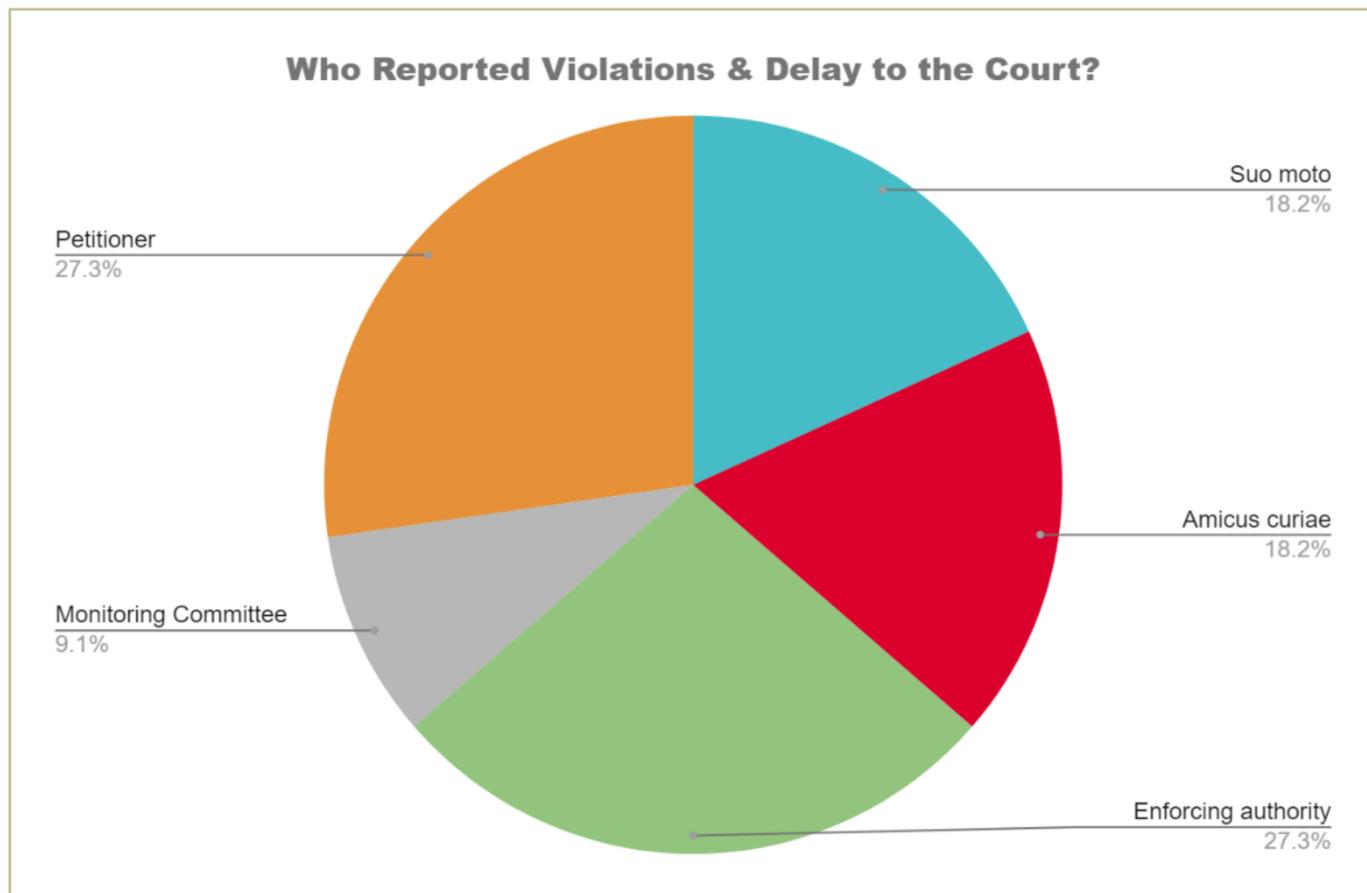
L. Record of Violations and Delay

Type of analysis- second level, sample size: 53

We tried to analyse whether the court recorded a violation or delay in the implementation of any its own rulings in the matter being heard. For example, in *MC Mehta v. Union of India*, the court recorded the violation of its directions and significant delay in implementation of the Ganga Action Plan by both the central and state governments.⁶⁴ Similarly, the court asked the respondents to state what actions ought to be taken against them for violation of the court's orders in *Ajay S. Rawat v. Union of India*.⁶⁵ In 70% of cases, no such observation was made, while in 19%, both violations and delays are recorded, followed by 11% of cases where the court only recorded violations in its judgment.



In such cases, where violations and delays were recorded in the judgment, in the majority of cases, such violations were brought to the notice of the court by either the petitioner (27%) or the enforcing authority (27%) followed by suo motu action (18%), amicus curiae (18%) and monitoring committees (9%).



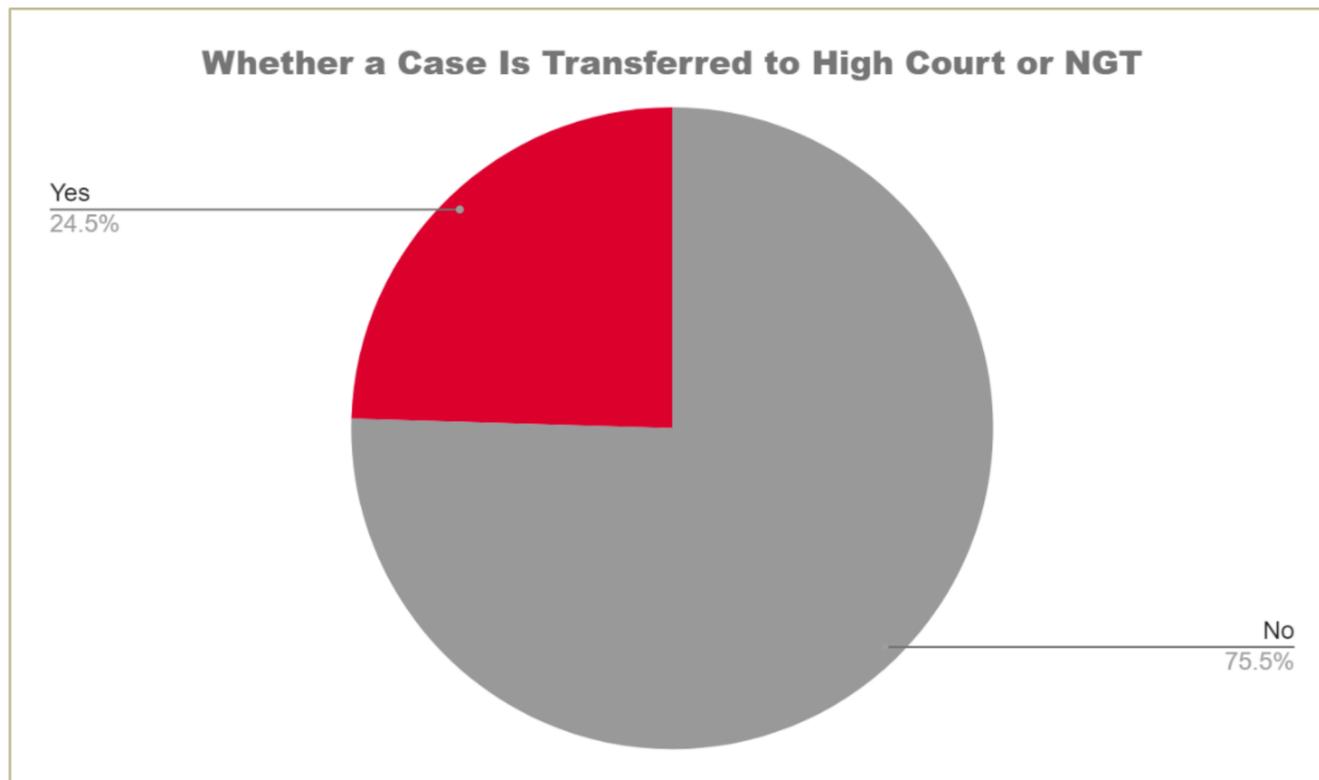
M. Cases Transferred to Lower Courts

Type of analysis- second level, sample size: 53

In approx. 25% of the cases, the Supreme Court transferred the matter to the High Court or the NGT. Reasons for such transfer could include:

- Better geographical proximity of the concerned High Court or the NGT to the area under dispute.
- Technical and scientific know-how on environmental subject matters.
- Similar matters are already ongoing in the High Court or NGT.

Thus, for instance, the *News Item 'Hindustan Times' A.Q.F.M. Yamuna v. CPCB and Anr.*⁶⁶ matter was transferred to the NGT since the issue of River Yamuna pollution was already being handled there and the Supreme Court did not wish to create parallel jurisdictions on the matter. On the other hand, the applicant requested to withdraw from the Supreme Court in *A.P Pollution Control Board v. M.V Nayudu*⁶⁷ owing to the existence of connected matters in the High Court and the Supreme Court granted the same. Realising that it does not need to monitor the case any further and stating that the Madras High Court is better equipped to handle the *Vellore Citizens Welfare Forum v. Union of India matter*⁶⁸, the Supreme Court ordered special green benches in the High Court to deal with this issue.



N. Case Studies on Landmark Judgments

The findings of this research project are also complemented by a detailed assessment of five selected cases where the Supreme Court has delivered landmark judgments. Through a combination of field research, judgment analysis and interviews with petitioners, lawyers and other stakeholders, Vidhi has produced a set of five documentaries and five case briefs that provide a comprehensive overview of each of these judgments. The documentary films produced are namely **Hari Phuljhari** (on firecrackers ban in Delhi), **An Unequal Fight** (on industrial pollution in Patancheru), **My Way or the Highway** (on protection of wildlife corridors around Kaziranga National Park), **Ladenge Jeetenge** (on sustainability of dams in Uttarakhand) and **Garbage Matters** (on solid waste management in Delhi).

All the films are produced in collaboration of Riverbank Studios and carry an introduction by Bollywood actress and UN Environment Goodwill Ambassador for India- Dia Mirza. The documentary films along with the case briefs can be freely accessed on Vidhi's website at <https://vidhilegalpolicy.in/research/courting-the-environment/>



Poster of 'Hari Phuljhari'- the first film of the five-part documentary series '**Courting the Environment**' which tracks the implementation of the Supreme Court's orders regulating the manufacture and use of firecrackers in Delhi.

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Supreme Court Judgments on the Environment.

*Required

1. Email address *

2. Name of the Case *

3. Bench Strength (in Numbers)

4. Name of Judges *

5. Date of Judgment *

Example: 7 January 2019

6. Case Number *

7. Citation (AIR/SCC) *

8. Nature of Petition *

Mark only one oval.

Original Suit (includes, Original Application, W.P., etc.)

Appeal (includes SLP, etc.)

Review

9. Name of the Petitioner *

10. Nature of Petitioner *

Mark only one oval.

Individual

Association of People (eg. RWA, Civil Society, etc.)

Suo Moto (includes CEC, Supreme Court Empowered Committees, etc.)

Central Government/Central Government Undertakings (eg. PSUs, etc.)

State Government/ State Government Undertaking

Private Corporation/Companies

Local Self Government (eg. Municipalities, etc.)

11. Name of Respondent

12. Nature of Respondent

Mark only one oval.

- Individual
- Association of People (eg. RWA, Civil Society, etc.)
- Suo Moto (includes CEC, Supreme Court Empowered Committees, etc.)
- Central Government/Central Government Undertaking (eg. PSUs, etc.)
- State Government/State Government Undertaking
- Private Corporation/Companies
- Local Self-Government (eg. Municipalities, etc.)

13. Brief Describe the facts of the Case (75-100 words) *

14. Legislation's referred to (More than 1 option can be selected) *

Tick all that apply.

- Constitution of India, 1950
- Environment (Protection) Act, 1986
- Rules established under the Environment (Protection) Act, 1986 (includes, EIA, CRZ, etc.)
- The Water (Prevention and Control of Pollution) Act, 1974
- The Water (Prevention and Control of Pollution) Cess Act, 1977
- The Forest (Conservation) Act, 1980
- The Air (Prevention and Control of Pollution) Act, 1981
- The Biological Diversity Act, 2002
- The Wildlife Protection Act, 1972
- Indian Forest Act, 1926
- Civil Procedure Code, 1908
- Criminal Procedure Code, 1973
- National Green Tribunal Act, 2010
- Public Liability Insurance Act, 1991
- The Indian Penal Code, 1860
- State Legislation

Untitled section

15. Environment principles referred to (More than 1 option can be selected) *

Tick all that apply.

- Polluter Pays
- Sustainable Development
- Precautionary Principle
- Public Trust Doctrine
- Good Governance
- Other
- No Principle referred to

16. What did the Court rely on? *

Tick all that apply.

- Inspection by Implementing Agency/Committees (eg. PCB, MoEF&CC, etc.)
- Study/Suggestions by Implementing Agency/Committees (eg. PCB, MoEF&CC, etc.)
- Court appointed Experts/Committees (eg. Amicus Curiae, etc.)
- Field visit by Judges/Court Commissioner
- Upheld High Court/NGT's Rationale (only in case of Appeals)
- None of the Above

Other: _____

17. What is the Nature of Directions given by the Supreme Court in this Judgment?

*

Tick all that apply.

- Substantive Legal Clarification
- Halting of activities deemed environmentally degrading
- Continuance of activities with conditions.
- Continuance of activities without conditions
- Compensation
- Restoration/Remediation/Cleanup
- Initiation of a new legal framework/policy/reform programmes.
- Setting up a Committee
- Upholding of a High Court/NGT Decision
- Environment not central to the dispute

18. Has the Court set up any monitoring mechanism for monitoring the implementation of it's directions? *

Mark only one oval.

Yes

No

19. Whether the court has imposed a penal action/sanction in case of non-compliance with its directions? *

Mark only one oval.

Yes

No

20. Should this case be considered for the second level of enquiry? *

Mark only one oval.

Yes

No

21. Name of the Enumerator *

2nd Level Questionnaire- VCLP

***Required**

1. Email address *

2. S.No. (from 1st level data sheet) *

3. Case name (from 1st level data sheet) *

4. When was the case instituted? *

Example: 7 January 2019

5. When was the case disposed? *

Example: 7 January 2019

6. How many rulings are recorded between the date of institution and the date of disposal? *

7. How many rulings were 'record of proceedings'? *

8. Have any interlocutory applications been filed? *

Mark only one oval.

Yes

No *Skip to question 10*

If interlocutory applications have been filed

9. Who filed these IAs? (More than 1 option may be selected)

Tick all that apply.

Individual

Association of People (eg. RWA, Civil Society, etc.)

Suo Moto (includes CEC, Supreme Court Empowered Committees, etc.)

Central Government/Central Government Undertakings (eg. PSUs, etc.)

State Government/ State Government Undertaking

Private Corporation/Companies

Local Self Government (eg. Municipalities, etc.)

Other: _____

10. Who are the petitioners? (More than 1 option may be selected) *

Tick all that apply.

Individual

Association of People (eg. RWA, Civil Society, etc.)

Suo Moto (includes CEC, Supreme Court Empowered Committees, etc.)

Central Government/Central Government Undertakings (eg. PSUs, etc.)

State Government/ State Government Undertaking

Private Corporation/Companies

Local Self Government (eg. Municipalities, etc.)

11. Who are the respondents? (More than 1 option may be selected) *

Tick all that apply.

- Individual
- Association of People (eg. RWA, Civil Society, etc.)
- Suo Moto (includes CEC, Supreme Court Empowered Committees, etc.)
- Central Government/Central Government Undertakings (eg. PSUs, etc.)
- State Government/ State Government Undertaking
- Private Corporation/Companies
- Local Self Government (eg. Municipalities, etc.)

12. Has the Court identified the person or authority responsible for enforcing/ implementing its directions? (Note that this does not include a private party against whom the Court has passed directions) *

Mark only one oval.

- Yes *Skip to question 13*
- No *Skip to question 14*

If the court identified the person or authority responsible for enforcing/ implementing its directions

13. Who has the Court identified?

Tick all that apply.

- Ministry of Environment, Forest and Climate Change, including any of its divisions
 - Central/State Pollution Control Boards/Pollution Control Committees
 - Statutory Authority (Specify the name of the authority and the statute, for example, the National Board of Wildlife under the Wildlife Protection Act, 1972)
 - Existing Authority constituted by executive notification (Includes authorities constituted in the exercise of powers under section 3 of the Environment Protection Act, 1986, for example, the Environment Pollution Control Authority)
 - New Authority to be constituted by executive notification (For example, the Loss of Ecology Authority which was constituted in response to the Court's directions in Vellore Welfare Forum v Union of India)
 - Court-appointed committee
 - Public Research Institutions (NEERI, CSIR, University Departments, etc)
 - Central Government/Central Government Undertakings (eg. PSUs, etc.)
 - State Government/ State Government Undertaking
 - Any other Central Government Ministry, Department or authority
 - Any other State Government Ministry, Department or authority
 - Local authorities (Municipal corporations, panchayats, zilla parishad etc)
- Other: _____

14. Has the Court directed any person, body or authority to conduct a study, submit a report or provide any other kind of expertise to assist the Court? *

Tick all that apply.

- Amicus Curiae
- Court Commissioner
- Court appointed committee
- Government officer or authority
- Public research institution
- Any other non government organization/ individual
- No such direction by court
- Courts directs an implementing agency to formulate a committee

If the Court directed any person, body or authority to conduct a study, submit a report or provide any other kind of expertise to assist the Court

15. Are the recommendations/findings/expertise of the person/body/authority appointed by the Court incorporated, whether partially or wholly, in the Court's directions?

Mark only one oval.

- Yes
 No
 No indication of this provided in the Court's rulings.

16. If a report was submitted to the Court, was this subjected to further scrutiny by the Court?

Mark only one oval.

- Yes
 No

17. Has the Court refused to pass any directions and sent the case back to the executive for taking proper action? *

Mark only one oval.

- Yes
 No

18. Has the Court directed a halt to any activities that are in issue in the case? *

Mark only one oval.

- Yes *Skip to question 21*
 No *Skip to question 19*

If the Court did not direct halt to any activities

19. Has the Court imposed conditions for the continuance of these activities?

Mark only one oval.

- Yes
 No

20. What is the nature of these conditions?

Tick all that apply.

- Compensation for environmental damage
- Penalty under applicable laws
- Restoration/ Remediation/ Cleanup
- Setting up of monitoring committee/authority (additional measures)
- Activity permitted after following due process

Other: _____

21. Did the Court award compensation?

Mark only one oval.

- Yes
- No *Skip to question 24*

If Court awarded compensation

22. If yes, what methodology did the Court use or direct to be used in determining the amount of compensation?

Tick all that apply.

- Report by an expert person or body (independent)
- Report by an expert person or body (implementing agency)
- No explicit methodology, but broad principles for calculating compensation

Other: _____

23. What is the nature of compensation provided?

Mark only one oval.

- Direct award of compensation
- Conditional award of compensation (eg for future non-compliance)
- Compensation in the nature of a penalty (eg for every repeat instance of a violation causing environmental harm)
- Compensation to be determined

24. Has the Court set up a monitoring mechanism that is distinct from the person or authority identified under Question 9 for enforcing/implementing its directions? *

Mark only one oval.

- Yes
 No *Skip to question 26*

If the Court set up a monitoring mechanism that is distinct from the person or authority identified for enforcing/implementing its directions

25. What is this monitoring mechanism? ?

Tick all that apply.

- Ministry of Environment, Forest and Climate Change, including any of its divisions
 Central/State Pollution Control Boards/Pollution Control Committees
 Statutory Authority (Specify the name of the authority and the statute, for example, the National Board of Wildlife under the Wildlife Protection Act, 1972)
 Existing Authority constituted by executive notification (Includes authorities constituted in the exercise of powers under section 3 of the Environment Protection Act, 1986, for example, the Environment Pollution Control Authority)
 New Authority to be constituted by executive notification (For example, the Loss of Ecology Authority which was constituted in response to the Court's directions in Vellore Welfare Forum v Union of India)
 Court-appointed committee
 Autonomous Institution (NEERI, CSIR etc)
 Central Government/Central Government Undertakings (eg. PSUs, etc.)
 State Government/ State Government Undertaking
 Any other Central Government Ministry, Department or authority
 Any other State Government Ministry, Department or authority
 Local authorities (Municipal corporations, panchayats, zilla parishad etc)

Other: _____

26. Has the court applied environmental principles with any legal substantiation? (Legal substantiation refers to an elucidation of the environmental principle and a justification for its application to the facts of the particular case.)

Mark only one oval.

- Yes
 No

27. What is the extent of relief that the petitioner received from the Court as recorded in the rulings?

Mark only one oval.

- Complete relief
- Partial relief
- No relief

28. Does the Court's rulings record the following? *

Mark only one oval.

- Delay and violation *Skip to question 29*
- Only delay *Skip to question 29*
- Only violation *Skip to question 29*
- Neither delay nor violation *Skip to question 31*

If the the Court's rulings record violation or delay

29. Who brought this to the notice of the Court?

Tick all that apply.

- Amicus curiae
- Petitioner
- Local activist
- Suo moto
- Monitoring Committee
- Any authority responsible for enforcing/implementing environmental laws

30. Has the court observed conflict of interest or bias on part of government as challenge in implementation?

Mark only one oval.

- Yes
- No

31. Has the Court imposed sanctions for such non-implementation or violation?

Mark only one oval.

Yes

No *Skip to question 33*

If the court imposed sanctions for such non-implementation or violation

32. If yes, what is the nature of these sanctions?

Tick all that apply.

Contempt proceedings

Litigation costs

Other: _____

33. Did the Supreme Court order the transfer of the matter to the High Court or National Green Tribunal?

Mark only one oval.

Yes

No

34. If yes, what was the effect of this transfer?

Mark only one oval.

Matter disposed in favour of the original petitioner/appellant before the Supreme Court

Matter disposed in favour of the original respondent before the Supreme Court

Matter is pending

Annexure III- Cases Selected for Second Level Analysis

S.No.	Case Title	Case Number	Case Instituted	Case Disposed
1	Municipal Council, Ratlam vs. Vardichand and Ors.	SLP (Crl) No. 2856 of 1979	01-01-1979	10-05-1993
2	M.C. Mehta vs. Union of India	W.P. (Civ) 12739 of 1985	01-01-1985	12-05-1998
3	MC Mehta v. Union of India (Kanpur Tanneries)	W.P. No. 3727 of 1985	01-01-1985	24-01-2017
4	Banwasi Seva Ashram vs. State of U.P.	W.P. (Cri) No. 1061 of 1982	01-01-1982	10-03-2008
5	News Item 'Hindustan Times' A.Q.F.M. Yamuna v. CPCB and Anr.	WP (C) 725 of 1994	11-11-1994	24-04-2017
6	Chintamani Gajanan Velkar vs State of Maharashtra and Ors.	Civil Appeal 781 of 2000	08-05-1998	01-02-2000
7	Consumer Education and Research Society vs UOI and Ors.	SLP(C) 13658 of 1996	11-03-1996	04-02-2019
8	Ramji Patel v. Nagrik Upbhokta Marg Darshak	SLP (C) 2926 of 1997	17-01-1997	12-02-2001
9	UP Pollution Control Board v. M/S. Mohan Meakins and Ors.	Crl. Appeal 302 of 2000	30-10-1999	27-03-2000
10	Kuldip Singh v. Subhash Chandra Jain and Ors.	Crl. Appeal 4479 of 1989	01-01-1989	28-03-2000
11	State of M.P. v. Narmada Bachao Andolan	CA 2115/ 2011	15-03-2008	23-04-2013
12	State of Karnataka v. K. Krishnan	SLP(Crl) 233 of 2000	22-12-1999	17-08-2000
13	Union Carbide Corp. v. Union of India	Civil Appeal No.- 3187-88 of 1988	01-01-1988	19-07-2010
14	Virender Gaur & Ors. v. State of Haryana & Ors.	Civil Appeal No. 9151 of 1994	07-04-1994	24-11-1994
15	Ajay Singh Rawat v. Union of India	W.P. No. 694 of 1993	10-09-1993	03-03-2009
16	Akhil Bharat Goseva Sangh v. State of Andhra Pradesh	Civil Appeal No. 3968 of 1994	01-01-1994	29-03-2006
17	Indian Council for Enviro-Legal Action etc. v. UOI and Ors.	W.P. (C) Nos. 967 of 1989, 94 of 1990, 824 of 1993 and 76 of 1994	01-01-1989	26-04-2013
18	Vineet Kumar Mathur v. UOI and Ors.	W.P. (C) No. 327 of 1990	01-01-1990	25-07-2007
19	M.C. Mehta v. Kamal Nath (Span Motel Case)	W.P. (C) No. 182 of 1996	15-03-1996	15-03-2002

20	A.P Pollution Control Board v. M.V Nayudu	C.A. Nos. 368-371 of 1999	01-01-1999	04-08-2003
21	MI Builders Pvt. Ltd. v. Radhey Shyam Sahu	Civil Appeal Nos. 9323-25 of 1994	14-12-1994	19-02-2001
22	Paryavaran Suraksha Samiti v. Uoi	WP 375 OF 2012	04-09-2012	22-02-2017
23	Government of NCT Delhi v. Anand Arya	CA NO. 888 & 889 of 2016	08-12-2015	05-02-2016
24	Anirudh Kumar v. Municipal Corporation of Delhi	CA 8284 of 2013	10-05-2012	05-06-2015
25	Orissa Mining Corporation Ltd v. Ministry of Environment & Forest	WP (C) No. 180 of 2011	21-04-2011	06-05-2016
26	G. Sundarrajan v. Union of India and Others	C.A. No. 4440 OF 2013	11-09-2012	14-02-2014
27	Sterlite Industries (India) Ltd. v. Union of India	C A Nos. 28123 of 2010	29-09-2010	02-04-2013
28	B. S. Sandhu v. Government of India	CA 4682-83 of 2005	16-11-2004	21-05-2014
29	M.L. Sud v. Union of India	W.P. (Civil) No. 901 of 1989	01-01-1989	13-08-1991
30	M/s. ARC Cement Ltd. & Ors. v. State of UP & Ors	W.P. No (Civil) No. 12451	01-01-1985	27-11-1991
31	Tarun Bharat Sangh, Alwar v. Union of India and Ors.	W.P. (C) No. 509 of 1991	01-01-1991	29-07-1997
32	State of Himachal Pradesh and Ors. v. Ganesh Wood Products and Ors.	Civil Appeal No. 8184 of 1995	25-04-1995	11-09-1995
33	Dr. BL. Wadhera v UOI & Ors.	W.P. (C) No. 286 OF 1994	01-01-1994	23-01-1998
34	Indian Council for Enviro-Legal Action etc. v. UOI and Ors. (CRZ Notification Case)	W.P.(C) No. 664 / 1993	02-09-1993	07-12-1999
35	Pradeep Krishen v. Union of India and Ors.	W.P. (C) No. 262 of 1995	18-04-1995	10-05-1996
36	Vellore Citizens Welfare Forum v. Union of India	W.P. (C) no. 914 of 1991	01-01-1991	28-10-1996
37	F.B. Taraporawala and Ors. v. Bayer India Ltd. and Ors.	Civil Appeal No. 7086 of 1994	25-10-1994	09-09-1996
38	Supreme Court Monitoring Committee v. Mussoorie Dehradun Development Authority	W.P.(C) No. 749 / 1995	16-11-1995	19-01-2009
39	S Jaggannath v. Union of India	W.P. (C) No. 561 of 1994	17-09-1994	06-08-2010

40	Animal & Environment Legal Defence Fund v. Union of India & Ors	W.P. (C) no. 785 of 1996	28-09-1996	05-03-1997
41	In Re: Bhavani River - Sakthi Sugars Ltd.	SLP No. 22597 of 1997	11-12-1997	30-07-1998
42	Imitiaz Ali vs. Union of Indian and Ors.	W.P.(C). 418 of 1998	05-08-1998	28-02-2002
43	PETA v Central Zoo Authority and Ors	I.A.NO.3 in I.A.NO.1 in W.P.(C) NO.195 OF 2006	24-04-2006	10-02-2009
44	Tirupur Dyeing Factory Owners Association v. Noyyal River Ayacutdars Protection Association and Ors.	CIVIL APPEAL NO.6776 OF 2009 @ SPECIAL LEAVE PETITION (CIVIL) NO. 6963 OF 2007	06-10-2009	19-02-2010
45	State of Gujarat and Anr. v. Alok Pratap Singh and Ors.	CIVIL APPEAL NO. 1136 OF 2010 (@ SPECIAL LEAVE PETITION(C)NO.3665 OF 2010 @ CC NO.292)	07-01-2009	28-01-2010
46	Goa Foundation vs M/S Sesa Sterlite Ltd. And Ors.	Special Leave to Appeal (Civil) No. 32138 of 2015	17-11-2015	07-02-2018
47	Democratic Youth Federation of India v. UOI	W.P.(C) No. 213 / 2011	25-04-2011	10-01-2017
48	Rural Litigation and Entitlement Kendra Dehradun v. State of Uttar Pradesh	Writ Petition (Civil) Nos. 8209 of 1983	01-01-1983	30-06-2016
49	Narmada Bachao Andolan vs. Union of India	W.P.(C) 319 of 1994	01-01-1994	23-11-2000
50	N.D. Jayal and Anr. v. UOI and Ors.	W.P.(C) 295 of 1992	09-04-1992	21-07-2006
51	Deepak Nitrite Ltd. v. State of Gujarat and Ors.	Civ. Appeal 1521 of 2001	16-07-1997	27-01-2009
52	Sheikh Ikram Israil and Ors. v. State of Maharashtra and Ors.	Civ. Appeal No. 4533 of 2004	27-11-2003	12-04-2007
53	Re Noise Pollution (V)	W.P.(C) 72 of 1998	14-01-1998	13-09-2010

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