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CASE COMMENTARY : THE GANGA POLLUTION CASE (1987), M.

C. MEHTA

~ARSHMEET KAUR

INTRODUCTION

Mahesh Chandra Mehta is one of the leading lawyers in the field of environmental protection. One of the cases he handled was the 1987 Ganges River pollution lawsuit. For centuries, the Ganges River has served as a symbol of Indian culture and religion, as well as a symbol of the environment. However, over the years, it has been affected by various contradictions arising from urbanization. Local people are aware of the risks associated with these issues, which manifest as health problems and crop losses. Sites where wastes are dumped on the banks of the Ganges River threaten the health of people in that area.

Emerging from the Himalayan Mountains, the Ganges River starts its course from Gangotri (Uttarakhand) to the Sagar Peninsula (West Bengal) before reaching the Indian Ocean. But by the time the river moves through Rishikesh and Haridwar, pollution of the water has already become quite severe. And, it gets worse as the river moves through Bihar. The urban garbage, sewage, and industrial waste have polluted the river.

The river Ganga also passes through those places which are pilgrimage centers. Kanpur, one such place that attracts a lot of tourists but at the same time, is surrounded by factories, which are the source of pollution. Moreover, this polluted water is the only water source for the residents living in that region.

The famous case *M.C. Mehta v. Union of India*, known in the 1980s, gained much recognition. Public Interest Litigation helped this case gain a fresh perspective of Article 21 of the constitution regarding the basic fundamentals of right to life and personal liberty.

FACTS OF THE CASE

- The case was brought by environmental activist M.C. Mehta against the pollution of the Ganges River through Public Interest Litigation (PIL) under Article 32 of the Constitution.
- It is stated that the city of Kanpur situated on the banks of the Ganges discharges an estimated 274.5 million liters of waste into the river on a daily basis, thereby making the surroundings of Kanpur one of the most polluted areas of the Ganges River.
- The pollution was due to the release of untreated sewage, industrial and leather effluents, dairies' wastes, open defecation and dumping of solid waste into the Ganges.
- The petitioner claimed that the Government had not met its statutory obligations by failing to implement the provisions of the Water Act, 1974 or Environment Protection Act, 1986.
- The reports presented by the Municipal Authorities as well as the Uttar Pradesh Pollution Control Board showed that the river was highly polluted and that there was poor waste management.
- The tribunal found that the Ganga Action Plan was being implemented at a slow pace and was unable to counter the pollution.

ISSUES RAISED

- Whether discharge of untreated industrial waste into the River Ganga violated the fundamental rights under Article 21.
- Whether industries could be held legally responsible for environmental pollution.
- Whether the Supreme Court could enforce environmental protection through PIL under Article 32.
- Whether municipalities and authorities were accountable for sewage entering the river.
- Whether economic development could justify environmental degradation.

ARGUMENTS

Arguments from the Petitioner

The petitioner expressed dismay that neither the authorities nor the citizens—whose lives were inextricably linked to the river—had taken note of the rising pollution in the Ganges or the measures needed to halt it.

As a serving public official, the petitioner sought a court order prohibiting the respondents from, among other things, discharging cyanogenic effluents into the Ganges until they installed adequate treatment plants to purify such effluents and prevent pollution.

Arguments from the Respondents

None of the tanneries controversial the very fact that the effluent discharge from the tanneries grossly pollutes the Ganga. It was expressed that they discharge the trade effluents into the sewerage, that ends up in the Municipal Sewerage Plants before discharge into the stream.

Some tanneries expressed that they already had primary treatment plants, whereas some are presently engaged within the same. Some of the tanneries were members of the Hindustan Chambers of Commerce and a few of the opposite tanneries bonded that with the approval of Respondent 8 (State Board), they might construct primary treatment plants which might be operational at intervals a amount of six months from the date of hearing and in failing to try and do therefore, can pack up their tanneries.

However, they argued that it might not be potential for them to determine secondary treatment plants to treat the waste aqua because it would involve large expenditure that is on the far side their means that.

JUDGEMENT

The Supreme Court has come out with a historic judgment that underscores the significance of environmental protection. It observed that right to a healthy and clean environment forms an intrinsic component of right to life, as provided under Article 21 of the constitution. The industries polluting the Ganga River by letting out effluents have been directed to set up sewage treatment plants. In addition to this, factories that do not abide by the directives would be shut

down. The step clearly indicates the determination of the Court towards environmental obligations.

It has been instructed to the municipal authorities to set up sewage treatment plants to keep the effluents away from the river. The judgment stresses the point that public authorities can't overlook their obligation of protecting environment. It was again reiterated that the concept of sustainable development and preventive approach must be followed. The Court further pointed out that the damage done to the environment should be stopped at its source and the industries have to bear the cost of such pollution prevention.

CONCLUSION

The decision in the case of M.C. Mehta v. Union of India became a landmark case for the evolution of environmental law in India. This case became an excellent example of how public interest litigation can be used in order to protect the environment and the rights of people. As a result of this interpretation of Article 21, which gives the right to a good environment, the scope of fundamental rights was considerably widened. In spite of the legal changes that resulted from this case, the problem of cleaning up the Ganges River remains relevant because of the problems of insufficient regulation and infrastructure.

References

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