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**PROTECTING THE RIGHT TO LIFE AND ENVIRONMENT: A PIL
TO ADDRESS THE HUMANITARIAN AND ENVIRONMENTAL
CRISIS AT DELHI'S LANDFILL SITES**

RASHMITHA D & JAYASHREE.S

**5th Year Students, B.A.,LL.B (Hons.), School of Law, Vel Tech Rangarajan Dr.
Sagunthala R&D Institute of Science and Technology, Chennai, India.**

ABSTRACT

This Public Interest Litigation (PIL), filed under Article 32 of the Constitution of India, highlights the serious environmental and humanitarian crisis caused by the Bhalswa, Ghazipur, and Okhla landfill sites in Delhi. The uncontrolled growth and poor management of these landfills have created unsafe living conditions, resulting in a grave violation of fundamental rights, particularly the right to life, health, and dignity guaranteed under Article 21. The enormous heaps of untreated waste release toxic gases, cause frequent fires, contaminate groundwater, and severely degrade air quality. Nearly six lakh residents living in densely populated and poorly developed areas near these landfills are continuously exposed to these hazards. As a result, they suffer from serious health issues such as respiratory disorders, tuberculosis, skin diseases, and cancer. The situation is worsened by the lack of safe drinking water, inadequate sanitation facilities, poor healthcare access, and narrow, neglected roads that restrict emergency services.

Alarmingly, major food supply hubs, including Delhi's largest poultry and dairy markets, operate close to these landfill sites, posing additional risks to public health. The petition points to a clear failure of authorities, particularly the Municipal Corporation of Delhi, to comply with their statutory duties under the Solid Waste Management Rules, 2016, which mandate scientific waste segregation, processing, and disposal.

The PIL also highlights the government's failure to provide basic civic amenities and to relocate and rehabilitate families living in hazardous conditions, despite prior assurances and judicial directions. It seeks urgent judicial intervention for time-bound landfill clearance, strict

enforcement of environmental laws, provision of essential services, and relocation of affected residents. The petition further links the issue to India's obligations under international human rights instruments and sustainable development commitments, emphasizing the need for accountable and humane urban governance.

KEYWORDS- *Public Interest Litigation, Sustainable urban management, Pollution control etc.,*

IN THE HON'BLE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)
(PUBLIC INTEREST LITIGATION)
WRIT PETITION (CIVIL) NO. _____ OF 2025

IN THE MATTER OF: -

1. POLLUTION PATROL
(A REGISTERED NON-GOVERNMENTAL ORGANIZATION)
THROUGH ITS DIRECTOR
C-147, AMBEDKAR COLONY
NEW DELHI – 110621 PETITIONER

-VERSUS-

1. UNION OF INDIA
THROUGH THE SECRETARY,
MINISTRY OF ENVIRONMENT, FOREST, AND CLIMATE CHANGE
INDIRA PARYAVARAN BHAWAN, JOR BAGH,
NEW DELHI – 1100981st RESPONDENT

2. GOVERNMENT OF NCT OF DELHI
THROUGH THE CHIEF SECRETARY,
DELHI SECRETARIAT, IP ESTATE,
NEW DELHI – 1100022nd RESPONDENT

3. MUNICIPAL CORPORATION OF DELHI (MCD)
THROUGH THE MUNICIPAL COMMISSIONER,
MCD HEADQUARTERS, DR. SPM CIVIC CENTRE,
MINTO ROAD, DELHI – 110002.3rd RESPONDENT

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TABLE OF ABBREVIATIONS

ABBREAVIATION	ACTUAL TERM
Art.	Article
DPSP	Directive Principles of State Policy
ICESCR	International Covenant on Economic, Social, and Cultural Rights
MCD	Municipal Corporation of Delhi
MoEFCC	Ministry of Environment, Forest and Climate Change
NCT	National Capital Territory
PIL	Public Interest Litigation
SDG	Sustainable Development Goal
SWM Rules	Solid Waste Management Rules
UOI	Union of India
n.	Note
Exh	exhibit

INDEX OF AUTHORITIES

<u>LIST OF CASES</u>	
<u>S.NO.</u>	<u>CASES</u>
1	<i>Subhash Kumar v. State of Bihar</i> , (1991)
2	<i>Bandhua Mukti Morcha v. Union of India & Others</i> , (1984)
3	<i>Almitra H. Patel v. Union of India</i> , (2000)
4	<i>N.D. Jayal v. Union of India</i> , (2004)
5	<i>T.Damodhar Rao v. Special Officer, Municipal Corporation of Hyderabad</i> , AIR 1987 AP 171
6	<i>M.C. Mehta v. Union of India</i> (Kanpur Tanneries case), (1987)
7	<i>M.C. Mehta v. Kamal Nath</i> , (2000)
8	<i>Noida Memorial Complex Near Okhla Bird Sanctuary, re</i> , (2011)
9	<i>Municipal Council, Ratlam v. Vardhichand & Others</i> , (1981)
10	<i>Olga Tellis v. Bombay Municipal Corporation</i> , (1985)

BOOKS

<u>S.NO.</u>	<u>BOOKS</u>
1	HM Seervai, <i>Constitutional Law of India</i> (Universal Law Publishing, 4th edn, 2013).
2	P. Leelakrishnan, <i>Environmental Law in India</i> (7th edn., LexisNexis, 2025)
3	Gurdip Singh, <i>Environmental Law</i> (EBC, 2024 edn).

4	Shyam Divan and Armin Rosencranz, <i>Environmental Law and Policy in India</i> (Oxford University Press, 2021).
5	Mridula Ramesh, <i>The Climate Solution</i> (Hachette India, 2018).
6	Shastri. S.C., <i>Environmental law</i> , 7th edn, Eastern Book Company, 2023.

STATUTES AND REGULATIONS

<u>S.NO.</u>	<u>STATUTES AND REGULATIONS</u>
1	The Constitution of India, 1950
2	Solid Waste Management Rules, 2016.
3	Environment (Protection) Act, 1986.
4	Water (Prevention and Control of Pollution) Act, 1974.
5	Air (Prevention and Control of Pollution) Act, 1981.

DATABASES

<u>S.NO.</u>	<u>DATABASES</u>
1	SCC Online, https://www.sconline.com
2	Indian Kanoon , https://indiankanoon.org
3	Casemine, https://www.casemine.com
4	Manupatra, https://www.manupatrafast.com
5	The Times of India, https://timesofindia.indiatimes.com .
6	The Indian Express , ttps://indianexpress.com

1. STATEMENT OF JURISDICTION

“A writ petition in the public interest litigation under **Article 32** of the Constitution of India¹ seeking issuance of a **writ of mandamus**”² to address the hazardous conditions at the landfill sites of Bhalswa, Ghazipur, and Okhla in Delhi, which have caused serious violations of “the fundamental right to life and health under **ARTICLE 21**”³. The Hon’ble Supreme Court has jurisdiction under **Article 32**⁴ to enforce these rights and issue necessary directions.

2. STATEMENT OF FACTS

The terrible human and environmental disaster caused by unmanaged garbage dumping at Delhi's Bhalswa, Ghazipur, and Okhla landfill sites. These landfills, particularly Bhalswa, have developed into gigantic mounds of untreated waste, with the Bhalswa site reaching a height comparable to the Qutub Minar and covering an area the size of two cricket stadiums. Despite their size and hazards,

garbage is nevertheless dumped regularly, with about 600 Municipal Corporation of Delhi trucks unloading garbage at these locations.

The areas surrounding these landfills are home to approximately six lakh people who live in congested, dilapidated settlements. The residents, including children, the elderly, and the infirm, are subjected to appalling conditions: foul air, narrow garbage-strewn lanes, broken houses, and contaminated water. The water available in the locality is visibly polluted, dark, oily, and foul-smelling—and is nonetheless used for drinking, cooking, washing, and bathing. Prolonged exposure to this water has led to numerous health issues, including respiratory illnesses, tuberculosis, and confirmed cases of cancer. The lack of proper sanitation is another serious concern. In certain areas, there are only 16 functioning toilets for around 1,000 women, many of which remain uncleaned for weeks. Women must walk through filthy, unsafe lanes every day to access

¹ Art. 32, *Constitution of India*, 1950— guarantees the right to move the Supreme Court for the enforcement of fundamental rights and empowers it to issue directions, orders, or writs such as *habeas corpus*, *mandamus*, *prohibition*, *quo warranto*, and *certiorari*. [hereinafter Art. 32]

² *Writ of Mandamus* — a judicial writ issued as a command to a public authority to perform a public

or statutory duty which it has failed or refused to perform. [hereinafter *Mandamus*]

³ *The Constitution of India*, Art. 21— guarantees the right to life and personal liberty, stating that “No person shall be deprived of his life or personal liberty except according to procedure established by law.” [hereinafter Art. 21]

⁴Art. 32, *supra* n. 1.

these basic facilities, severely compromising their privacy and dignity. Emergency medical services such as ambulances cannot access these areas due to extremely narrow roads that have not been repaired or upgraded for over two decades. Residents recount instances of having to physically carry sick relatives for long distances through broken lanes due to the inaccessibility of these localities.

Adding to the gravity of the situation is the proximity of these landfills to essential food supply chains. Delhi's largest chicken and fish market, as well as the main slaughterhouse, is located just beside the Bhalswa landfill. Reports indicate highly unhygienic and unsafe conditions in these markets, with meat being handled in unsanitary surroundings infested with flies and stray animals. Moreover, this area is also Delhi's largest dairy zone, housing nearly 1,000 dairies and thousands of cattle. The milk extracted here is sent to various parts of the city, including high-end localities, despite being processed in dangerously polluted environments.

"It has also been brought to light that in the Bhalswa Dairy area, the deaths of cows in the dairy farms are not being properly disposed of. The carcasses are often left unattended or discarded near the landfill, posing severe public health and environmental hazards. This not only contributes to the spread of disease among residents and animals but also violates basic norms of animal welfare and bio-waste management. The failure to address this grave concern further reflects the lack of regulatory oversight and administrative accountability in the region. Notably, in August 2024, the Hon'ble Delhi High Court intervened in a petition filed by residents of the Bhalswa Dairy Colony, expressing grave concern over both human health and the welfare of cattle living in dangerously proximity to the landfill. The Court also offered relocation options to safer housing zones such as Narela and Bawana, acknowledging the unsustainable and hazardous conditions prevailing in the area. But still, no proper action has been taken by the authorities to resolve these issues or implement the relocation measures effectively."⁵

⁵ *Hindustan Times*, "Delhi High Court directs relocation of dairies near landfill zones," 19 July 2024, accessed 9 Aug. 2025; *The Indian Express*, "Demolition at Bhalswa: 'We owe it to next

generation', Delhi HC flags cattle feeding on toxic waste in Bhalswa," 7 Aug. 2024, accessed 9 Aug. 2025.

“The frequency of fires at these landfills has increased significantly. A major fire in April 2024 lasted for two days and caused severe damage to a nearby school, with classrooms filled with toxic smoke. At least four such fires were reported in 2024 alone, with no long-term mitigation in place.”⁶ During documentation attempts by social workers and volunteers, local officials and politically affiliated persons reportedly obstructed filming and intimidated the team, thereby stifling public accountability. Residents live in fear—not only of disease but also of reprisals for speaking out. Ragpickers, waste-segregators, and informal scrap workers form the backbone of the city's unofficial waste management system, yet they remain vulnerable, earning meagre wages with no formal recognition or support. “If the landfill clearance promised by the authorities for December 2024 is executed without a concrete rehabilitation plan, over 6,000 households will face eviction, losing their homes and livelihoods in one stroke.”⁷

This tough spot also highlights the complete failure of municipal and state authorities in addressing this man-made crisis, despite its scale and visibility.

3. STATEMENT OF ISSUES

1. Whether the dangerous living circumstances near the landfills at Bhalswa, Ghazipur, and Okhla violate the fundamental rights, which include “the right to life, health, and dignity protected by **ARTICLE 21** of the Indian Constitution”⁸?
2. Does the Municipal Corporation of Delhi and other relevant authorities' persistent inability to manage solid waste in compliance with the “**Solid Waste Management Rules, 2016**”⁹ amount to a violation of their constitutional and statutory obligations?
3. Whether the neglect in providing basic civic amenities, including safe drinking water, sanitation, and

⁶ *Hindustan Times*, “Massive fire at Bhalswa landfill in north Delhi, fourth landfill fire in a month,” 26 Apr. 2022 (reporting rising frequency of fires); “Major fire broke out at Ghazipur landfill on 21 April 2024; toxic smoke spread over surrounding areas,” *Wikipedia: Ghazipur landfill*, accessed 9 Aug. 2025.

⁷ *The Indian Express*, “Delhi to Miss Deadline to Clear Its 3 Landfills,” 23 Feb. 2024.

⁸ Article 21, *supra* n. 3.

⁹ *Solid Waste Management Rules, 2016*, Ministry of Environment, Forest and Climate Change, Government of India, notified under the *Environment (Protection) Act, 1986*.

access to healthcare, violates constitutional and statutory duties of the State?

4. Whether the failure to implement effective relocation, rehabilitation, and waste management measures despite repeated judicial observations and government assurances amounts to administrative negligence?

4. SUMMARY OF ARGUMENTS

1. WHETHER THE DANGEROUS LIVING CIRCUMSTANCES NEAR THE LANDFILLS AT BHALSWA, GHAZIPUR, AND OKHLA VIOLATE THE FUNDAMENTAL RIGHTS WHICH INCLUDE “THE RIGHT TO LIFE, HEALTH, AND DIGNITY SAFEGUARDED BY ARTICLE 21 OF THE INDIAN CONSTITUTION”¹⁰?

The continued dangerous living conditions in and around the Bhalswa, Ghazipur, and Okhla landfill dumps, resulting from their uncontrolled growth and flagrant mismanagement, amount to a direct contravention of “the fundamental rights secured by **ARTICLE 21** of the Indian

Constitution”. The inhabitants in the concerned areas are subjected to poisonous air, polluted groundwater, and frequent fire risks, which together make everyday existence a nightmare. While “**ARTICLE 21** provides a guarantee of the right to live freely with dignity”, judicial interpretation through various judgments in historic cases has interpreted it to include the “right to a healthy, clean, and uncontaminated environment”. This acknowledgment follows the doctrine of “unarticulated liberties” whereby some rights fundamental to a life of dignity are implied into the terms of “**ARTICLE 21**”. By not containing environmental dangers and providing basic health and safety, the authorities have violated the residents’ right to a dignified life, which is constitutionally guaranteed to them.

2. WHETHER THE MUNICIPAL CORPORATION OF DELHI (MCD) AND OTHER RELEVANT AUTHORITIES’ PERSISTENT INABILITY TO MANAGE SOLID WASTE UNDER THE “SOLID WASTE MANAGEMENT RULES, 2016”¹¹ AMOUNTS TO A VIOLATION OF THEIR CONSTITUTIONAL AND STATUTORY OBLIGATIONS?

¹⁰ Article 21, supra n. 3

¹¹ *Solid Waste Management Rules*, 2016, supra n. 9

The MCD has failed to exercise its duty and ignored the surveillance of unscientific disposal of waste, absence of leachate treatment, and recurring landfill fires, which indicate a violation of “the citizens’ right to a pollution-free environment”, as interpreted under “**ARTICLE 21**” and various environmental statutes. The failure to follow the “**Solid Waste Management Rules, 2016**” reflects gross administrative negligence.

3. WHETHER THE NEGLECT IN PROVIDING BASIC CIVIC AMENITIES, INCLUDING WATER THAT IS SUITABLE TO DRINK, SANITATION, AND AVAILABILITY OF HEALTHCARE, VIOLATES CONSTITUTIONAL AND STATUTORY DUTIES OF THE STATE?

Lack of safe water and sanitation facilities, i.e., substandard toilets, and emergency

access roads for ambulances, not only contradicts “**ARTICLE 21**”¹² but also contravenes the provisions of the DPSP contained in “**Articles 39(e), 47, and 48A**”¹³. Although the DPSPs are mere guidelines and not justiciable, this reflects a constitutional dereliction of welfare responsibilities by the State towards its citizens, particularly when women and children are disproportionately affected.

4. WHETHER THE FAILURE TO IMPLEMENT EFFECTIVE RELOCATION, REHABILITATION, AND WASTE MANAGEMENT MEASURES DESPITE REPEATED JUDICIAL OBSERVATIONS AND GOVERNMENT ASSURANCES AMOUNTS TO ADMINISTRATIVE NEGLIGENCE?

“The continued inaction of municipal and state authorities, despite multiple judicial directions, including those by the Hon’ble Delhi High Court in August 2024, demonstrates a clear case of administrative

¹² Article 21, supra n. 3

¹³ *The Constitution of India*, Article 39(e) — directs the State to ensure that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter occupations unsuited to their age or strength. *The Constitution of India*, Article 47 — directs the State to raise the level of nutrition and the standard of living and improve

public health, particularly by prohibiting the consumption of intoxicating drinks and drugs injurious to health. *The Constitution of India*, Art. 48A — directs the State to protect and improve the environment and to safeguard the forests and wildlife of the country. *The Constitution of India*, Article 48A — directs the State to protect and improve the environment and to safeguard the forests and wildlife of the country.

negligence. The failure to relocate affected residents from dangerous landfill adjacent zones like Bhalswa, Ghazipur, and Okhla violates both legal obligations and public trust.”¹⁴ The authorities' assurances regarding landfill clearance in the region of Bhalswa by December 2024 and rehabilitation of over 6,000 vulnerable households remain unfulfilled. This persistent inaction disregards constitutional duties under “**ARTICLE 21**” and undermines “**Article 38**¹⁵ and **Article 47** of the **Directive Principles of State Policies**”. When the executive neglects to act on health and safety concerns even after explicit court observations, it becomes not merely a policy lapse but a violation of fundamental rights, meriting judicial intervention.

5. ARGUMENTS ADVANCED

MOST RESPECTFULLY SHOWETH:

1. That is the petitioner mentioned above, a duly registered Non-Governmental Organisation Reg. No. 122/2010, registered under “**The Societies Registration Act,**

1860”, having its registered office at Ambedkar Colony, New Delhi. The petitioner has been actively engaged in promoting environmental protection and safeguarding public health, and works towards securing “the rights and privileges guaranteed under the Constitution of India” and the laws made thereunder.

2. The petitioner submits that it is filing the present Public Interest Litigation purely in furtherance of its objectives and public welfare, without any personal, pecuniary, or institutional gain. There is no ulterior motive behind the petition; it is filed purely for the benefit of the general public.
3. The Petitioner submits that the basic rights afforded by “**ARTICLE 21** of the Constitution of India” which are being seriously infringed by the unsanitary and inhumane conditions surrounding the landfill sites of Bhalswa, Ghazipur, and Okhla in

¹⁴ *Hindustan Times*, loc. cit. n. 5

¹⁵ *The Constitution of India*, Article 38 — directs the State to secure a social order for the promotion of the welfare of the people.

Delhi—the petitioner is submitting this petition as a concerned citizen under “**Article 32** of the Constitution of India, seeking the issuance of an appropriate **writ of mandamus**”.

4. The Petitioner humbly submits that the hazardous and unhygienic conditions prevailing near the landfill sites of Bhalswa, Ghazipur, and Okhla constitute a grave and continuing violation of “the fundamental rights to life, health, and dignity guaranteed under **ARTICLE 21** of the Constitution of India”¹⁶. Delhi’s Bhalswa landfill, currently nearly 50 meters tall, more than double the permissible height of 20 meters, began overflowing as early as 2003. Its uncontrolled growth has made it a serious fire and environmental hazard, with government authorities highlighting the high levels of methane gas accumulating within the site. The residents in these areas are compelled to breathe toxic air emanating from the burning and rotting waste, to use chemically contaminated water that is dark,

oily, and foul-smelling, and to live in overcrowded, broken lanes inaccessible to emergency vehicles. This water, mixed with cow dung and industrial discharge, is their sole source for bathing, cooking, washing clothes, and cleaning utensils, causing widespread illnesses, including skin diseases, tuberculosis, asthma, and confirmed cases of cancer. The pollution levels in the National Capital Region have reached severe levels, not only due to the visible burning of garbage but also because of the combustion of poisonous gases released from the landfill sites. These toxic emissions significantly contribute to the sharp spike in air pollution, worsening the already hazardous air quality and posing grave risks to the health of residents living nearby. The repeated landfill fires, including the massive April 2024 blaze that melted school windows and filled classrooms with smoke for two days, demonstrate an immediate and severe risk to public safety. In “**Subhash Kumar v. State of**

¹⁶ Article 21, supra n. 3.

Bihar (1991)¹⁷, this Hon'ble Court recognised the right to pollution-free water and air as part of the right to life", and in "**Bandhua Mukti Morcha v. Union of India (1984)**"¹⁸, it was held that the right to live with human dignity includes the protection of health, and it is the State's positive obligation to ensure these conditions — an obligation presently being ignored".

5. The Petitioner humbly submits that the Municipal Corporation of Delhi (MCD) and other local authorities have persistently failed to comply with their "statutory obligations under **Rule 15 and Rule 16 of the Solid Waste Management Rules, 2016**, framed under Sections 6, 8, and 25 of the Environment (Protection) Act, 1986".

"Rule 15: Mandates local authorities to ensure the scientific processing, segregation, and disposal of municipal solid waste, while prohibiting open dumping

and burning. Despite this, over 600 MCD garbage trucks dump unprocessed waste daily at Bhalswa alone, resulting in a landfill mound almost as tall as the Qutub Minar and twice the size of a cricket stadium."

"Rule 16: Imposes duties upon State Pollution Control Boards to monitor compliance with the Rules and to enforce penalties for violations. However, the Delhi Pollution Control Committee has failed to discharge these functions, allowing unabated dumping and burning in violation of statutory provisions."

This neglect is in direct breach of statutory duties and contrary to the principles laid down in "**Almitra H. Patel v. Union of India (2000)**"¹⁹, where the Hon'ble Supreme Court held that non-segregation and unscientific disposal of waste is impermissible in law and directed

¹⁷ *Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598

¹⁸ *Bandhua Mukti Morcha v. Union of India & Others*, (1984) 3 SCC 161

Equivalent citations AIR 1984 SC 802: 1984 SCR (2) 67: 1984 Lab IC 560: 1984 SCC (L&S) 389: (1984) 2 Lab LN 60 1984 (3) SCC 161

¹⁹ *Almitra H. Patel v. Union of India*, (2000) 2 SCC 679.

strict compliance with statutory obligations.”

Furthermore, in “**T. Damodhar Rao and Ors. v. The Special Officer, Municipal Corporation of Hyderabad (AIR 1987 AP 171)**”, the Andhra Pradesh High Court held that the right to a ‘living environment’ congenial to human existence is implicit in “**ARTICLE 21**” of the Constitution. The Court emphasized that any act which pollutes the environment or renders it hazardous to human health constitutes a violation of this fundamental right. In light of these principles, it is respectfully submitted that the present petition, which seeks to address environmental degradation and public health risks, squarely falls within the ambit of the rights protected under “**ARTICLE 21**”.²⁰ This Hon’ble Court is therefore humbly requested to take judicial notice of the said decision and consider it as a relevant and persuasive precedent for the

adjudication of the issues raised herein, similarly, in “**N.D. Jayal v. Union of India**”, the Supreme Court affirmed that the right to a clean and healthy environment and the concept of sustainable development are integral to the right to life.²¹

In “**M.C. Mehta v. Union of India**”,²² the Court declared that industries causing water pollution could be shut down to protect the right to health and environment under **ARTICLE 21**.” These precedents make it clear that the continued mismanagement of Delhi’s landfill sites constitutes an ongoing and serious violation of fundamental rights. “The Supreme Court has repeatedly held that the right to life under **ARTICLE 21** is not confined to mere animal existence but includes the right to live with human dignity, clean air, safe water, and a healthy environment. Any disturbance to essential environmental elements—air, water, and soil—is hazardous to life within the meaning of

²⁰ *T.Damodhar Rao v. Special Officer, Municipal Corporation of Hyderabad*, AIR 1987 AP 171.

²¹ *N.D. Jayal v. Union of India*, (2004) 9 SCC 362: AIR 2004 SC 867: 2003 AIR SCW 7105: 2003 (7)

SCALE 54: 2003 (8) ACE 39: (2003) 10 INDLD 211: (2003) 6 Supreme 572.

²² *M.C. Mehta v. Union of India* (Kanpur Tanneries case), (1987) 4 SCC 463.

ARTICLE 21". Therefore, unchecked dumping and burning at landfill sites directly infringe this fundamental right.

This line of reasoning is supported by "**M.C. Mehta v. Kamal Nath**²³ and the **Noida Memorial Complex case**²⁴, where the Court recognised that environmental protection is a facet of the right to life and is enforceable even beyond statutory provisions".

6. The Petitioner humbly submits that the State's failure to provide basic civic amenities, including safe drinking water, functional sanitation facilities, proper drainage, and access to healthcare, reflects gross administrative negligence. In Bhalswa, there are only 16 public toilets for nearly 1,000 women each, which remain uncleaned for over 20 days at a stretch. The lanes, unrepaired for over two decades, are extremely narrow, made of hardened garbage,

and so constricted that neighbours can shake hands from their doorsteps. In "**Municipal Council, Ratlam v. Vardhichand**²⁵ this Court held that municipalities cannot shirk statutory duties on the excuse of financial constraints, yet such duties remain blatantly unfulfilled. The ratio in "**Olga Tellis v. Bombay Municipal Corporation (1985)**²⁶ further reinforces that the right to life under **ARTICLE 21** is not merely a right to animal existence but includes the right to livelihood and conditions conducive to a dignified life — a right that the landfill residents are being denied.

7. The Petitioner humbly submits that "in August 2024, the Hon'ble Delhi High Court, in a petition filed by residents of the Bhalswa Dairy Colony, acknowledged the grave health hazards posed by the landfill and offered relocation to safer housing in Narela or Bawana."²⁷

²³ *M.C. Mehta v. Kamal Nath*, (2000) 6 SCC 213.

²⁴ *Noida Memorial Complex Near Okhla Bird Sanctuary, re*, (2011) 1 SCC 744. In this case, the writ petitioners claimed that the construction of Park violated the Forest (Conservation) Act, 1980; the Environment (Protection) Act, 1986. The project was completed under certain conditions.

²⁵ "*Municipal Council, Ratlam v. Vardhichand & Others*, AIR 1980 SC 1622; (1981) 1 SCR 97".

²⁶ *Olga Tellis v. Bombay Municipal Corporation*, (1985) 3 SCC 545 [hereinafter *Olga Tellis Case*].

²⁷ *Hindustan Times*, loc. cit. n. 5.

However, no effective action has been taken to implement these directions, leaving over 6,000 households in peril, without any concrete rehabilitation plan. The proximity of these landfills to Delhi's largest chicken, fish, vegetable, and flower markets, as well as its largest dairy zone with 989 dairies and over 10,000 workers, further aggravates the public health crisis. Meat is slaughtered in unsanitary conditions near the landfill, milk is extracted and transported from this contaminated environment, and even the deaths of cattle are not properly disposed of, risking the spread of disease.

8. The Petitioner humbly submits that if such grave violations of health and environmental rights are

allowed to persist in Delhi, the capital city and administrative heart of the nation, it raises a serious question about the State's capacity to safeguard these rights across India. The capital is expected to set the benchmark for urban management and public health standards, and failure here undermines the credibility of governance elsewhere. This lack of accountability also breaches India's international obligations under **"Article 11(1) and Article 12(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR)",²⁸ "the Stockholm Declaration (1972)"²⁹, and "the Sustainable Development Goals, particularly SDG 11 on sustainable cities and**

²⁸*International Covenant on Economic, Social and Cultural Rights*, Article 11(1) — recognizes the right of everyone to an adequate standard of living, including adequate food, clothing, housing, and continuous improvement of living conditions, obligating States to take appropriate steps to realize this right through international cooperation. *International Covenant on Economic, Social and Cultural Rights*, Article 12(1) — recognizes the right of everyone to the highest attainable standard of physical and mental health.

²⁹ Principle 1 of the *Stockholm Declaration*, 1972 — "Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-

being, and he bears a solemn responsibility to protect and improve the environment for present and future generations."

Principle 6 of the *Stockholm Declaration*, 1972 — "The discharge of toxic substances or pollutants in any way into the environment shall be halted to ensure that, under given circumstances, ecosystems and organisms are not damaged."

Principle 8 of the *Stockholm Declaration*, 1972 — "Economic and social development is essential for ensuring a favourable living and working environment for man and for creating conditions necessary for the improvement of the quality of life."

communities”³⁰. If the relocation of residents living around the landfill sites is undertaken, the authorities must ensure the provision of essential basic amenities at the alternative sites. As held in “**Olga Tellis v. Bombay Municipal Corporation**”³¹, before evicting pavement dwellers or slum residents, they must be provided alternative accommodations equipped with necessary facilities such as safe drinking water, community latrines, paved roads, and adequate street lighting. Such measures are indispensable to guarantee a wholesome and dignified living environment, in line with the widened understanding of “the right to life under **ARTICLE 21** of the Constitution”. The persisting indifference towards residents dwelling in the vicinity of the landfill areas is tantamount to an egregious failure of governance and calls for prompt action by this Hon'ble Court.

6. PRAYER

Wherefore, in the light of the issues raised, arguments advanced and authorities cited, it is humbly requested that this hon'ble Court may be pleased to adjudge and declare:

- i. That this Hon'ble Court may be pleased to issue a **writ of mandamus** or any other appropriate writ, order, or direction to the respondent authorities, directing them to take urgent steps to clear landfills and to take time-bound measures for the relocation and rehabilitation of residents residing in hazardous proximity to the Bhalswa, Ghazipur, and Okhla landfill sites.
- ii. That this Hon'ble Court may be pleased to direct the respondent authorities to strictly implement the “**Solid Waste Management Rules, 2016**”, along with other applicable environmental regulations, including provisions for scientific disposal of waste, segregation at source, treatment, and

³⁰ United Nations, *Transforming Our World: The 2030 Agenda for Sustainable Development*, Goal 11: Sustainable Cities and Communities (2015) — emphasizing the need to make cities inclusive, safe,

resilient, and sustainable through improved housing, basic services, and environmental management.

³¹ *Olga Tellis Case*, loc. cit. n. 26.

environmentally sound
mechanisms.

- iii. That this Hon'ble Court may be pleased to direct the provision of essential civic facilities for the affected residents, including safe drinking water, proper sanitation systems, emergency healthcare services, and fire safety infrastructure, which are protected by “**ARTICLE 21** of the Constitution as fundamental rights”.
- iv. That this Hon'ble Court may be pleased to issue such additional orders or directions as this Hon'ble Court deems just, fair, and appropriate in the interests of justice, public health, and environmental protection, thereby protecting the right to life, dignity, and a clean and healthy environment for current and future generations.

Filed by:

[Signature]

Counsel for the petitioner

Place: New Delhi

Date: 19 / 08 / 2025