

**SAI SINDHU INTERNATIONAL JOURNAL OF RESEARCH (SSIJR)**www.ssiir.org**INDUSTRIALISATION IN ECOLOGICALLY FRAGILE ZONES: A CONSTITUTIONAL AND ENVIRONMENTAL CHALLENGE****GAYATRI NARAYANAN & ANJU S****4th Year Students, BA.LLB, Government Law College, Chengalpattu.****ABSTRACT**

This Public Interest Litigation (PIL), initiated by Jeevastra Earth Watch before the Hon'ble Supreme Court of Prakrithi, interrogates the constitutional, statutory, and international dimensions of unchecked industrialisation within ecologically fragile zones (EFAs). At its core lies the Kalipur Industrial Investment Zone in Velanadu, where a joint venture between the state-owned Velanadu Pulp & Paper Ltd. and the foreign investor CIDRON Paper Corporation has allegedly engaged in hazardous waste disposal, resulting in ecological degradation, public health risks, and regulatory inaction. The petition raises four interlinked questions of legal significance.

- i. First, whether an environmental NGO possesses locus standi under Article 32 to invoke the Court's jurisdiction in cases of ecological harm.*
- ii. Second, whether a foreign corporation, by virtue of its joint venture with a state entity, may be held jointly and severally liable for environmental damage despite the absence of explicit statutory provisions on cross-border liability.*
- iii. Third, whether land application and quarry dumping of industrial sludge violate the Waste Management Rules, 2016, and Prakrithi's obligations under the Stockholm and Basel Conventions.*
- iv. Fourth, whether state inaction in the face of scientific evidence and administrative warnings constitutes a constitutional breach of Articles 21, 48A, and 51A(g).*

Doctrinally, the PIL advances the Public Trust Doctrine, Polluter Pays Principle, and Precautionary Principle as interpretive tools to expand liability beyond domestic operators to foreign corporate partners. It emphasises the expanded jurisprudence of locus standi as recognised in S.P. Gupta and Rural Litigation, complemented by Section 18(2)(e) of the NGT Act and the Aarhus Convention's guarantee of environmental justice. Empirical findings—including elevated COD levels, soil contamination, and traces of organochlorine compounds such as TLAMS, a known endocrine disruptor—demonstrate systemic non-compliance with the Environment (Protection) Act, 1986, the Hazardous and Other Wastes Rules, 2016, and international best practices. The petition's innovative contribution lies in addressing a jurisprudential lacuna: extending environmental accountability to foreign joint venture partners in state-led projects. By harmonising constitutional mandates, statutory safeguards, and international commitments, it proposes a holistic liability

framework that strengthens environmental governance in a globalised economy. It situates environmental dignity as integral to the right to life under Article 21 and links ecological harm with intergenerational equity and participatory governance. The reliefs sought include judicial recognition of joint liability, the creation of an independent monitoring authority, immediate cessation of unlawful waste disposal, ecological restoration under the Polluter Pays Principle, and institutionalisation of participatory environmental governance mechanisms. Ultimately, this petition does not merely contest industrial excess; it urges the judiciary to reaffirm that constitutional morality demands ecological stewardship, that regulatory paralysis cannot shield corporate wrongs, and that environmental rights are not ancillary but core to human dignity in Prakrith.

KEYWORDS- *Environmental Rights, Ecologically fragile zones, Ecological degradation, Jurisprudential lacuna etc.,*

BEFORE THE HON’BLE SUPREME COURT OF PAKRITHI

W. P. NO._____/2025

JEEVA STRA NGO.....PETITIONER

VS

UNION OF PAKRITHI AND Ors.RESPONDENT(S)

WRIT PETITION FILED UNDER ARTICLE 32 OF THE CONSTITUTION
OF PRAKRITHI

SUBMISSION BEFORE THE HON’BLE JUDGES OF THE SUPREME COURT
OF PAKRTHI

MEMORIAL ON BEHALF OF THE PETITIONER

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4. Bhopal Gas Peedith Mahila Udyog Sangathan v. Union of India AIR 1986 SC 1086.
5. Centre for Environmental Law v. Union of India (2013) 8 SCC 234
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26. Vellore Citizen Welfare Forum v. Union of India (1996) 5 SCC 647.
27. Virender Gaur v. State of Haryana (1995) 2 SCC 577

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2. Environment (Protection) Act, 1986
3. Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016
4. Solid Waste Management Rules, 2016
5. Chemical Accidents (Emergency Planning, Preparedness, and Response) Rules, 1996
6. National Green Tribunal Act, 2010 – Section 18(2)(e)

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2. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989
3. Stockholm Convention on Persistent Organic Pollutants, 2001
4. Rio Declaration on Environment and Development, 1992 – Principles 13, 15, 16
5. Stockholm Declaration on the Human Environment, 1972 – Principle 21
6. International Law Commission (ILC) Draft Principles on the Allocation of Loss in the Case of Transboundary Harm, 2006
7. UNEP Guidelines for the Development of National Legislation on Liability, Response Action and Compensation for Damage Caused by Activities Dangerous to the Environment, 2010
8. United States Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 1980

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4. UNEP Technical Guidelines on Environmentally Sound Management of Waste, 2010

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2. Polluter Pays Principle – Vellore Citizen Welfare Forum v. Union of India, (1996) 5 SCC 647
3. Precautionary Principle – A.P. Pollution Control Board v. M.V. Nayudu, (2000) 2 SCC 718
4. Doctrine of Expanding Locus Standi – S.P. Gupta v. Union of India, AIR 1982 SC 149
5. Nullus Commodum Capere Potest de Injuria Sua Propria – No one can take advantage of their own wrong
6. Sic Utere Tuo ut Alienum Non Laedas – Use your property so as not to injure that of another

VI. WEBSITES REFERRED:

1. International Environmental Law Research Centre (IELRC) – Independent research centre with deep focus on environmental law, especially relevant to India and developing countries.
Link: <https://www.ielrc.org/>
2. Center for International Environmental Law (CIEL) – Leading environmental law organization promoting global advocacy, capacity-building, and legal research. Link: <https://www.ciel.org/>
3. International Institute for Environment and Development (IIED) – A top think tank for sustainability, climate policy, and environmental governance globally.
Link: <http://www.iied.org/>
4. Climate Law and Governance Initiative (CLGI) – International consortium focused on climate law capacity-building and legal frameworks around SDG 13.
Link: <http://www.climatelawgovernance.org/>
5. National Green Tribunal (NGT) – Official Website – Regulatory and adjudicatory portal handling environmental jurisprudence and case law in India.
Link: <https://www.greentribunal.gov.in/>
6. WWF-India – Centre for Environmental Law (CEL) – Resource hub offering publications, capacity-building programs, and legal interventions in environmental matters.
Link: https://www.wwfindia.org/about_wwf/enablers/cel/
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Link: https://www.wwfindia.org/about_wwf/enablers/cel/pubs/
8. PG Diploma in Environmental Law & Policy – WWF-India / NLU Delhi – Information hub for continuing education in environmental law and policy.
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2. International Environmental Law – Pierre-Marie Dupuy & Jorge E. Viñuales
3. International Environmental Law and Policy – David Hunter, James Salzman & Durwood Zaelke

TABLE OF ABBREVIATIONS

S.NO	SHORT FORM	EXPANSION
1.	SCC	Supreme Court Cases
2.	SC	Supreme Court
3.	AIR	All India Report
4.	U.O. I	Union Of India
5.	WP	Writ Petition
6.	VS	Versus
7.	ORS	Others
8.	EIA	Environmental Impact Assessment
9.	EFAs	Ecologically Fragile Areas
10	EFZs	Ecologically Fragile Zones
11.	COP	Constitution of Prakrithi
12.	NGT	National Green Tribunal
13.	JV	Joint Venture
14.	US	United States
15.	UNEP	United Nations Environment Programme

16.	EU	European Union
17.	DPSP	Directive Principles of State Policy
18.	POPs	Persistent Organic Pollutants
19.	MoEFCC	Ministry of Environment, Forest, and Climate Change
20.	WHO	World Health Organisation
21.	FAO	Food and Agriculture Organisation
22.	SWM	Solid Waste Management
23.	CPCB	Central Pollution Control Board
24.	NEP	National Environmental Policy
25.	EP	Environmental Protection
26.	HWR	Hazardous Waste Rules
27.	NGO	Non-Governmental Organisation

1. STATEMENT OF JURISDICTION

The Petitioner has invoked the **Public Interest Litigation (PIL) jurisdiction** of this Hon'ble Supreme Court of India under **Article 32 of the Constitution of India**, which empowers the Supreme Court to issue directions, orders, or writs to any government authority for the enforcement of fundamental rights and to ensure adherence to constitutional principles.

ARTICLE 32 OF THE CONSTITUTION OF INDIA

ARTICLE 32- Right to Constitutional Remedies¹

32. Remedies for enforcement of rights conferred by this Part. –

- 1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.
- 2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be

appropriate, for the enforcement of any of the rights conferred by this Part.

- 3) Without prejudice to the powers conferred on the Supreme Court by clauses (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2).
- 4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution.

2. STATEMENT OF FACTS

1. The Union of Prakriti is a constitutional federal republic in South Asia comprising 27 states and 9 union territories, and has a population of over 1.46 billion. In recent years, Prakriti has followed a national strategy focused on inclusive economic growth through sustainable industrialization. As part of this revelation, the government has invigorated accountable investment in regions with agricultural strength but limited industrial infrastructure, aiming to create jobs,

¹ Government of India- Official webpage of the Ministry of Law and Justice
<https://cdnbbsr.s3waas.gov.in/s380537a945c7aaa788>

enhance rural incomes, and integrate local economies with global markets.

2. Within Prakriti, the coastal state of Velanadu is an agrarian-industrial region located in the southeastern peninsula, bordered by the Bay of Mangala. The state's economy is majorly driven by sugarcane farming, textile exports, and marine-based trade, with special importance on rural cooperative farming systems. It is home to numerous industrial investment corridors.

3. This state is the site of the Kalipur Industrial Investment Zone (KIIZ), which facilitates joint ventures in green technology and agro-processing. It is located near the Karumpatti River Basin and at the foothills of the Sundhara Hills, geographies both fertile agricultural plains and Ecologically Fragile Areas (EFAs) protected under the Biodiversity Protection Code, 2003.

4. In 2016, CIDRON Paper Corporation, a major pulp and paper company based in Norlandia, entered into a joint venture with Velanadu Pulp & Paper Ltd. (VPPL), a state-owned enterprise, to form KS Paper Company Ltd. This company publicly branded its principle as "Green Revolution in paper manufacturing" with a promise to

sustainable production. The company sought to utilise bagasse a byproduct of sugarcane as a primary input for manufacturing, adopting technologies such as Elemental Chlorine-Free (ECF) bleaching, zero-liquid discharge systems, and sustainable raw material tracing. After review, the Velanadu State Environmental Authority (VSEA) granted environmental clearance in 2014 for a production capacity of up to 120,000 metric tonnes per annum.

5. Over the following years, residents from panchayats such as Tiruner, Valayambattu, and Sembaneri began reporting ecological variations and health issues. In 2022 initial survey by the Kalipur District Health Department noted an increased prevalence of dermatitis (78%), respiratory infections (41%), and clusters of reproductive health symptoms, including hormonal disruptions, which also affect animal lives and livestock, causing infectious diseases. These findings have not yet undergone peer-reviewed medical or epidemiological analysis, and their fundamental causes remain under study. Concomitantly, agricultural cooperatives in downstream areas testified to a decline in cotton and paddy yields, with signs of soil salinity, acidification, and the presence of trace heavy metals. However, the exact origin of

these agricultural impacts has not been definitively established.

6. An autonomous NGO, Jeevastra Earth Watch, placid water samples from local sites in 2022 and reported Chemical Oxygen Demand (COD) levels of 820 mg/L, surpassing the standard limit of 250 mg/L, and traces of organochlorine compounds, possibly linked to the dye TLAMS an endocrine disruptor constrained under the Stockholm not currently banned under domestic regulations in Prakriti. The results are subject to verification and further analysis to establish causality and source attribution.

7. In 2021, KS Paper Company engaged G.A. Envo Clean Pvt. Ltd., a waste management contractor licensed under the Waste Management Rules, 2016. Subsequently, drone footage and satellite imagery unconfined by “The Prakriti Tribune” seemed to show sludge disposal in abandoned granite quarries and areas within notified EFAs. Investigations are ongoing to determine whether these actions complied with regulatory procedures. The company has specified that all waste disposal was conducted in accordance with the relevant permits and continues to cooperate with the relevant authorities.

8. Certain local reports also alleged night-time land application of dewatered sludge, potentially as a substitute for regulated landfill disposal. Soil tests from specific

plots showed zinc, lead, and dioxin concentrations above safe thresholds, although scientific consensus on the scale and sources of contamination is still developing. Despite written representations submitted by local administrative officers to the Muruganpet District Collectorate, no regulatory enforcement action has yet been publicly documented. Routine environmental auditing and water quality assessments last conducted in 2014 and 2019, respectively, appear to have lapsed, with the Velanadu Pollution Control Board (VPCB) quoting staff shortages and procedural delays.

9. In 2020, KS Paper Company extended its bleaching unit capacity. While there has been public debate over whether this expansion triggered obligations under the EIA Notification, 2006, no formal findings of non-compliance have been issued by the authorities to date. Moreover, the lack of clear provisions governing cross-border investor liability in environmental matters poses challenges in determining decisive regulatory jurisdiction and responsibility.

10. In 2025, Jeevastra Earth Watch, an environmental NGO, filed this present Public Interest Litigation in view of mounting public concern over the unchecked industrialization in ecologically

sensitive zones. This petition seeks judicial interventions to fortify regulatory oversight, make obligations under domestic and international environmental laws, and ensure protection of public rights and health. Without attributing blame, the petition calls for balanced, sustainable industrial growth and ecological responsibility.

3. STATEMENT OF ISSUES

1. Whether the NGO possesses the requisite locus standi to invoke the writ jurisdiction of the Hon'ble SC under Article 32 of the Constitution of Prakriti in light of the alleged violation of fundamental rights arising from unchecked industrialisation in ecologically fragile zones?
2. Whether a foreign corporation in a joint venture with the State of Velanadu can be held jointly and severally liable under constitutional and environmental law for ecological harm in ecologically fragile zones, despite no explicit statutory provisions on cross-border investor liability?

3. Whether the land application and quarry disposal of industrial sludge in sensitive ecological zones constitute a breach of sustainable waste management under the Waste Management Rules, 2016, and international obligations under the Stockholm Convention?

4. Whether the state's inaction despite credible scientific indicators and local administrative red flags constitutes a constitutional failure to uphold environmental dignity and participatory governance under Articles 48A and 51A(g)?

4. SUMMARY OF ARGUMENTS

1. **Whether the NGO possesses the requisite locus standi to invoke the writ jurisdiction of the Hon'ble SC under Article 32 of the Constitution of Prakriti in light of the alleged violation of fundamental rights arising from unchecked industrialization in ecologically fragile zones?**

It is respectfully submitted that the Jeevastra NGO has locus standi under Article 32 to challenge industrialization in ecologically fragile zones, as supported by

S.P. Gupta and the Rural Litigation case, as well as Section 18(2)(e) of the NGT Act. The National Environmental Policy, 2006, and the Aarhus Convention further affirm NGOs' vital role in safeguarding environmental rights. So, the Writ Petition filed by Jeevastra is maintainable.

2. Whether a foreign corporation in a joint venture with the State of Velanadu can be held jointly and severally liable under constitutional and environmental law for ecological harm in ecologically fragile zones, despite no explicit statutory provisions on cross-border investor liability?

It is most respectfully submitted that a foreign corporation (CIDRON Paper Mill) in a joint venture with the state can be held jointly and severally liable for ecological harm in EFAs under constitutional mandates, international environmental principles, and the public trust doctrine, even without any explicit statutory provision.

3. Whether the land application and quarry disposal of industrial sludge in sensitive ecological zones constitute a breach of sustainable waste management under the Waste Management Rules, 2016, and international obligations under the Stockholm Convention?

It is most respectfully submitted that the Unchecked disposal of sludge in the EFAs violates Article 21 of the constitution, numerous environmental laws, and global treaties the Stockholm and Basel Conventions. Moreover, by ignoring CPCB and UNEP guidelines creates a threat to public health, biodiversity, and Prakriti's environmental commitments, which demands urgent judicial action.

4. Whether the state's inaction despite credible scientific indicators and local administrative red flags constitutes a constitutional failure to uphold environmental dignity and participatory governance under Articles 48A and 51A(g)?

It is most respectfully submitted that Prakriti's inaction in sludge disposal in EFAs has caused severe environmental and health harm, which breaches the constitutional and environmental laws. Moreover, the local bodies' failure to act in their mandated duties reflects a breach of constitutional and statutory duties, and this crisis mirrors systematic governance weakness as flagged by the World Bank in 2020.

5. ARGUMENTS ADVANCED

ISSUE 1: WHETHER THE NGO POSSESSES THE REQUISITE LOCUS STANDI TO INVOKE THE WRIT JURISDICTION OF THE HON'BLE SC UNDER ARTICLE 32 OF THE CONSTITUTION OF PRAKRITHI IN LIGHT OF THE ALLEGED VIOLATION OF FUNDAMENTAL RIGHTS ARISING FROM UNCHECKED INDUSTRIALISATION IN ECOLOGICALLY FRAGILE ZONES?

It is most respectfully submitted that the Jeevastra NGO has locus standi under Article 32 to challenge industrialization in ecologically fragile zones, as supported by S.P. Gupta and the Rural Litigation case, as well as Section 18(2)(e) of the NGT Act. The National Environmental Policy, 2006, and the Aarhus Convention further affirm NGOs' vital role in safeguarding environmental rights. So, the Writ Petition filed by Jeevastra is maintainable.

CONSTITUTIONAL VALIDITY OF THE NGOS' LOCUS STANDI

i. Liberal Interpretation of Article 32 and NGO Locus Standi in Environmental Matters

Under Article 32 of the Constitution of Prakrithi, which assures that every person has the right to directly appeal to the Hon'ble SC for the enforcement of fundamental rights. Over time, the Honorable SC has interpreted this provision liberally, holding that it is not confined to individuals who are suffering from direct injury but also extends to public-spirited citizens and organizations acting bona fide in matters of public importance, including environmental protection. This ensures that communities lacking resources, awareness, or access to justice are still able to have their rights through representative actions. In this present case, the Hon'ble SC recognized, any person who is genuinely concerned with public welfare can maintain a petition under Article 32 to protect the rights of others². So, Jeevastra NGO possesses the requisite locus standi to appeal the writ petition of the Hon'ble SC under Article 32 of the Constitution of Prakrithi.

This liberalized approach made by the Honourable SC was applied in an environmental context here in the case Rural Litigation & Entitlement Kendra v. State of Uttar Pradesh³, where the Hon'ble SC entertained a petition filed by an NGO against the destructive limestone quarrying in the ecologically sensitive Mussoorie

² S.P.Gupta v. Union of India

³ 1985 Supp. SCC 79

Hills, which recognised environmental protection as a thought of the right to life under Article 21. The court held that NGOs can maintain a petition under Article 32 to safeguard the ecological interest even without any direct injury. So, this precedent firmly establishes that the petitions filed by the NGO are justifiable, and in this case, the petition filed by the Jeevastra NGO has the requisite locus standi to approach this Hon'ble SC of Prakrithi in the matter of unchecked industrialisation in EFAs.

STATUTORY RECOGNITION OF NGOS LOCUS STANDI

i. Recognition of NGOs as aggrieved Persons under the NGT Ac, 2006

Under section 18(2)(e) of the NGT Act, 2010, which recognizes environmental NGOs as “persons aggrieved” competent to initiate proceedings where the matter is concerned with collective ecological interest. In the case, the Honorable SC affirmed that representative organizations can be treated as the proper parties when the dispute involves public health and environmental concerns affecting a large group⁴. So, the case in the present, this provision, and the judicial precedent

support the maintainability of this writ petition filed by the Jeevastra to safeguard the EFAs and involve environmental concerns affecting large groups.

DOCTRINE OF EXPANDING LOCUS STANDI IN PUBLIC INTEREST LITIGATION

The doctrine of expanding locus standi, which was established in S P Gupta v. Union of India⁵ in the year 1981, the scope of who can approach the court in matters of public interest. So, it allowed third parties who are acting bona fide to represent the disadvantaged section of society or to protect the environment. So, this doctrine forms a backbone of the public interest litigation, extending to environmental concerns and ensuring that the absence of a direct injury does not bar justice. So, by expanding access to justice, this doctrine has transformed the judiciary into a guardian of collective rights. So, the PIL filed by the Jeevastra is maintainable.

VIOLATION OF POLICY

i. National Environmental Policy's Recognition of Civil Society's Role in Environmental Governance

⁴ Bhopal Gas Peedith Mahila Udyog Sangathan v. UOI AIR 1986 SC 1086.

⁵ AIR 1982 SC 149

Paragraph 5.10 of the NEP, 2006, underscores the role of civil society and community-based organizations in promoting environmental responsibility, transparency, and decision-making. In this case, the Hon'ble SC emphasized that public contribution and civil society are essential for effective environmental governance⁶. So, this policy explicitly acknowledged that only governmental machinery cannot ensure environmental protection and that it needs an organized, informed community to be partners in safeguarding the environment. So, this recognition not only legitimizes NGO and citizen and citizen intervention but also strengthens the environmental stewardship within public consciousness.

INTERNATIONAL CONVENTION

i. Aarhus Convention Norms supporting NGO access to Environmental Justice

Under articles 1 and 9 of the Aarhus Convention, 1998, which mandated access to justice for NGOs in environmental matters. Thereby, ensuring that public interest groups have a way to legal remedy, even if the state is not a signatory. So, this Global consensus framework has

influenced environmental jurisprudence worldwide wide underscoring that legal systems must facilitate participation of representative bodies in environmental litigation. So, in the present case, the principles given in Aarhus reinforced the legitimacy of the NGOs' petition.

ISSUE 2: WHETHER A FOREIGN CORPORATION IN A JOINT VENTURE WITH THE STATE OF VELANADU CAN BE HELD JOINTLY AND SEVERALLY LIABLE UNDER CONSTITUTIONAL AND ENVIRONMENTAL LAW FOR ECOLOGICAL HARM IN AN ECOLOGICALLY FRAGILE ZONE, DESPITE NO EXPLICIT STATUTORY PROVISION ON CROSS-BORDER INVESTOR LIABILITY?

It is most respectfully submitted that a foreign corporation (CIDRON Paper Mill) in a JV with the state can be held jointly and severally liable for ecological harm in EFAs under constitutional mandates, international environmental principles, and the public trust doctrine, even without any explicit statutory provision.

⁶ M C Mehta v. UOI 1987 SCR (1) 819

CONSTITUTIONAL VIOLATION

i. Article 21 – Joint Venture Duty to Safeguard Environmental Integrity

Under Article 21 of the Constitution, Prakrithi promises the right to life, which was widely interpreted by the Hon'ble SC to include the right to a clean, safe, and healthy environment as established in *M C Mehta v. Union of India*⁷. This constitutional provision not only executes a duty on the state but also imposes a duty on private entities operating in partnership with the state must ensure that their activities do not impact ecological integrity. So, in the context of a joint venture, the foreign corporate shares this responsibility, which makes them constitutionally bound to prevent environmental harm in EFAs.

ii. Article 48A – Extending State's Ecological Duty to JV Partners

Article 48A, which directs the state to safeguard and progress the environment. The Honorable SC has affirmed that this duty is binding and enforceable, which requires proactive protection of Ecologically Sensitive Areas (ESAs)⁸. So

when a state enters a joint venture, this constitutional obligation flows to all participants, including the foreign corporate investors. Thus, the foreign partner at a co-beneficiary of the project cannot evade accountability for ecological damage and must be held ecologically responsible.

INTERNATIONAL LAW PRINCIPLES GUIDELINES

*i. International Law Commission Draft Principles on the Allocation of Loss (2006)*⁹

The international law commission draft principles on the allocation of loss affirms that when multiple actors contribute to environmental harm, they bear the joint and several liability for the entire laws. So, this framework ensures that victims receive full compensation without being burdened by complicated fault assignment or jurisdictional issues. So, in the context of the JV, these principles apply equally to both the state and foreign corporate partner, making them responsible for damage in EFAs.

⁷ AIR 1987 SC 1086.

⁸ T.N. Godavarman Thirumulpad v. UOI (1997) 2 SCC 267

⁹ International Law Commission, Draft Principles on the Allocation of Loss in the

Case of Transboundary Harm Arising out of Hazardous Activities (2006)
https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_10_2006.pdf

ii. US “CERCLA” Superfund Law

Under the US Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), which ensures that liability attaches to all parties in the cable of waste generation, starting from manufacture to disposal, without requiring any proof of intent or negligence. So, this strict liability module ensures that clean-up costs can be recovered from any responsible actors. So, the Indian courts, by drawing a persuasive analogy from CERLA, can similarly impose liability on a foreign JV partner (CIDRON Paper Corporation) for unchecked disposal in EFAs even in the time off of a domestic statutory provision.

iii. UNEP Guidelines on Liability and Redress (2010)¹⁰

The UNEP Guidelines in Liability and Redress emphasize the equitable allocation of responsibility among all actors engaged in activities causing environmental harm. These reject the notion that liability cannot be severed due to jurisdictional or procedural technicalities. So, these

guidelines applied to JV affirm that foreign corporate partners (CIDRON Paper Corporation) are equally responsible for ecological damage arising from the operation of the joint project.

CORE INTERNATIONAL ENVIRONMENTAL CONVENTIONS

i. Stockholm Declaration (1972)¹¹

Stockholm Declaration, specifically principle 21, which establishes that states have an independent right to utilize their resources but a corresponding duty to ensure actions within their control do not cause environmental harm beyond their boundaries. In the JV, this obligation extends to the private partners, including the foreign corporations (CIDRON Paper Corporation) operating under the state authority. Any ecological harm in EFA violates this principle and makes the foreign corporation equally liable under the joint venture.

ii. Rio Declaration on Environment and Development (1992)¹²

Human Environment (16 June 1972) UN Doc A/CONF.48/14/Rev.1.

¹² United Nations Conference on Environment and Development, Rio Declaration on Environment and Development (14 June 1992) UN Doc A/CONF.151/26 (Vol. I).

¹⁰ United States Congress, Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. §§ 9601–9675 (1980).

¹¹ United Nations Conference on the Human Environment, Stockholm Declaration on the

In the Rio declaration, which enshrines the polluter pays Principle (Principle 16), the Precautionary principle (Principle 15), and Principle 13, which mandates effective liability and compensation mechanisms for environmental harm. The Prakrithi courts have incorporated these principles in the domestic jurisprudence, which makes them binding interpretive tools. So accordingly, the foreign JV partner, as the coprator with the state, inherits these obligations and cannot dilute its accountability for ecological damage in EFAs.

INTERNATIONAL JURISPRUDENCE

*i. European Court of Human Rights – Öneriyildiz v. Turkey (2004)*¹³

In this case, the EU Court of Human Rights held both state authorities and private operators liable for loss of life caused by a waste site explosion, reasoning that shared operation control over hazardous activities imposes an indivisible obligation to prevent harm. So, this precedent, when applied to joint ventures supporting foreign corporate partners along with the state, makes them equally liable for the ecological damage in the EFAs, which

gives them a shared role in the management and execution of the project.

SUPPORTING DOCTRINE

i. public trust doctrine

The public trust doctrine was affirmed in the case *M C Mehta v. Kamal Nath*¹⁴ which states that the state grasps natural resources in judicial trust for its people. When a state enters a JV, this duty is extended to its private partners, making both parties trustees for the ecological assets. So, as trustees, they are constitutionally barred from exploiting or permitting environmental degradation. So, the foreign partners inherit accountability for dumping sludge in EFAs, even in the absence of an explicit statutory provision on liability.

PRINCIPLES INFRINGED

i. Polluter Pays Principle

The polluter pays principle, which was established in *Vellore Citizen Welfare Forum v. UOI*¹⁵ which directs that those who caused environmental destruction must bear the entire cost of remediation. So, in the JV, the responsibility here is joint and several, which applies liability to all the

¹³ Öneriyildiz v. Turkey App no 48939/99 (ECHR, 30 November 2004).

¹⁴ (1997) 1 SCC 388.

¹⁵ (1996) 5 SCC 647.

polluters, including the foreign corporators, irrespective of their ownership share or nationality, which ensures that the foreign JV partner cannot evade its liability.

ii. Precautionary Principle

The precautionary principle was recognized in the case (1999) 2 SCC 718.¹⁶, which shifted the weight of proof to the actor to establish that their activities do not originate environmental harm. So, EFAs require proactive preventive measures before any harm occurs. So, in case of a JV, if the partners fail to establish preventive measures would be liable for the degradation in EFAs even in the absence of an explicit statutory provision on cross-border investor liability.

SUPPORTING LEGAL MAXIMS

i. Nullus Commodum Capere Potest de Injuria Sua Propria

This maxim holds that no one can derive benefit from their own wrong. So, in the context of the JV, a foreign corporate partner (CIDRON Paper Corporation) cannot dilute its environmental liability by relying on a contractual gap or the absence of an explicit statutory provision on cross-border investor liability. So, when there is

an ecological harm that arises from a JV operation in EFAs, both partners remain equally liable.

ISSUE 3: WHETHER THE LAND APPLICATION AND QUARRY DISPOSAL OF INDUSTRIAL SLUDGE IN SENSITIVE ECOLOGICAL ZONES CONSTITUTE A BREACH OF SUSTAINABLE WASTE MANAGEMENT UNDER THE WASTE MANAGEMENT RULES, 2016, AND INTERNATIONAL OBLIGATIONS UNDER THE STOCKHOLM CONVENTION?

It is most respectfully submitted that the Unchecked disposal of sludge in the EFAs violates Article 21 of the constitution, numerous environmental laws, and global treaties the Stockholm and Basel Conventions. Moreover, ignoring CPCB and UNEP guidelines creates a threat to public health, biodiversity, and Prakriti's environmental commitments, which demands urgent judicial action.

I. CONSTITUTIONAL VIOLATIONS

i. Unchecked Sludge Disposal: A Direct Assault on Article 21

(1999) 2 SCC 718.

¹⁶ A P Pollution Control Board v. M V Nayadu

Under Article 21 of the Constitution of Prakriti promises the right to life, which was expansively interpreted by the judiciary to comprise the right to a clean, safe, and sustainable environment. In the case, the Hon'ble SC held that it is the constitutional responsibility of the state and industries to ensure that no untreated waste is released into the environment, emphasizing that such failure amounts to a direct failure of Article 21¹⁷. Similarly, in the case, the Honorable SC held that the sludge created an irreversible hazard and it is an untreated clear violation of Article 21¹⁸. So, in the current case, the unchecked disposal of the industrial sludge occurs without any Common Effluent Treatment Plants (CETPs) or environmental audits mirrors breaching citizens' right to life and environmental safety.

ii. Breach of Global Commitments and Futility of Article 253

Moreover, Article 253 authorizes parliament to make laws to give outcome to international agreements. As Prakriti is a signatory to the Stockholm Convention on POPs and the Basel Convention on hazardous waste, both demand strict

environmental safeguards in handling toxic sludge. The Honorable SC directed compliance with international waste management standards¹⁹. So, in the instant case, the failure to regulate TLAMS and other sludge constituents in Velanadu violates these treaty commitments, which also makes the power guaranteed under Article 253 worthless by the executive's inaction.

STATUTORY VIOLATIONS

i. Violation of Statutory Safeguards under the EPA, 1986

EPA, 1986, serves as the umbrella statute that has been violated in this case. Under Section 3(2) and Section 5 of this act empowers the restriction in ecologically sensitive areas like Sundhara Hills but no preventive action was taken. Moreover, under section 6, read with the 2016 waste management rules, was breached but dumping untreated sludge in the quarries. Furthermore, under section 7, which prohibits the release of environmental pollutants beyond agreed standards, was breached with increase of the level of COD reaching 820 mg/L and organochlorine

¹⁷ Paryavaran Suraksha Samiti v. UOI (1991) 6 SCC 751.

¹⁸ Indian Council for Enviro-Legal Action v. UOI

(1996) 3 SCC 212.

¹⁹ Research Foundation for Science v. UOI (2005) 3 SCC 42.

traces contaminating soil and water. Additionally, under sections 8 and 10 of this act, which mandate safe handling and inspection of authorities regarding disposal of hazardous substances in the present case, have been ignored. In a renowned case, the Hon'ble SC held that the discharge of untreated sludges into land and water sources, especially in fragile ecosystems, violates the 1986 EPA and Article 21²⁰.

ii. Illegal Sludge Disposal in Violation of Hazardous Waste Mandates

Under the Hazardous Waste rules, 2016, specifically in rule 4 and rule 6, read with schedule 1, which mandates that all hazardous sludge must be scientifically tested and routed to authorized treatment and disposal facilities (TSDFs). In the case, the Hon'ble SC held that unsafe handling of hazardous waste violated Article 21 and emphasized that the environmental harm from hazardous waste imports and disposal affects life and dignity. So improper sludge management breaches this mandate²¹. The dumping of industrial sludge in EFAs and quarry violates Rule 16(6) of the Hazardous Waste Rules, 2016, which bans disposal in sensitive areas. Rule 4 requires both the

occupier and the waste operator to ensure environmentally sound disposal with proper authorization, which appears absent here. The negligence to report contamination as mandated under Rule 15 despite health issues and regulatory evasion. In the case, the Hon'ble SC held that persistent and repeated breaches of environmental norms justify the permanent closure of an industry even if it causes economic loss, to uphold the right to a clean environment²². So similar violations here demand strict regulatory enforcement.

iii. Illegal and Unconstitutional Sludge Disposal under SWM Rules, 2016

The sludge disposed of by the K S Paper company in EFAs violates Rule 23 of the SWM Rules, 2016, which bars land application without prior testing and approval. So, the case in the bar where soil test revealed organochlorine and dioxins, proving unsafe disposal. Furthermore, rule 15 mandates duties to ensure safe handling were ignored in the current case by risking public health. The Honorable SC held that improper solid waste disposal violates Article 21 and requires strict enforcement.

²⁰ Vellore Citizens' Welfare Forum v. UOI (1996) 5 SCC 647.

²¹ Research Foundation for science, technology and

natural resource policy v. UOI (2005) 3 SCC 42.

²² Sterlite Industries (India) Ltd. v. UOI (2013) 7 SCC 466

Hence, this untreaded sludge disposal is both illegal and unconstitutional²³.

iv. Violation of Chemical Accidents Rules and Public Trust Doctrine

Specifically, rules 13 and 17 in the Chemical Accidents Rules require industries handling hazardous substances to prepare emergency response plans and report contamination risks. So, both are absent in the present case despite the presence of organochlorine and TALMS in the sludge. In this case, the Honorable SC held that licensed activity cannot continue if it causes irreversible harm to an ecologically sensitive zone, invoking the public trust doctrine²⁴. Therefore, unchecked sludge disposal constitutes a violation and warrants judicial action.

INTERNATIONAL CONVENTIONS

i. Stockholm Convention on Persistent Organic Pollutants, 2001²⁵

Stockholm Convention, which obligates parties to eliminate or restrict the release of POPs, specifically, organochlorine, is

known to cause long-term environmental and health damage. So, in the instant case, where deduction of TALMS is an endocrine-disrupting organochlorine in the sludge. So, the unregulated sludge disposal in EFAs without controlling the POPs violates this treaty obligation. Moreover, Article 6 of the Stockholm Convention, which requires the state to ensure environmentally sound management of POP-containing waste, explicitly prohibits disposable methods that may lead to uncontrolled dispersal. So, in the present case, the unregulated sludge disposal in EFAs without any precautionary methods or other stakeholder-compliant techniques directly violates this provision. Scientific studies submitted to the Stockholm COP (conference of parties) recognize that even the trace of organo-chlorine exposure can cause intergenerational reproductive harm and irreversible ecosystem destruction. So, the state, by failing to destroy TALMS-laden sludge, not only violates Prakrithi's domestic environmental statutes but also its treaty-based obligation under Article 253 of the Constitution.

²³ Almitra H. Patel v. UOI (1999) 2 SCC 679.

²⁴ Goa Foundation v. UOI (2014) 6 SCC 590.

²⁵ Stockholm Convention on Persistent Organic Pollutants, 2001, May 22, 2001, 2256 U.N.T.S. 119 (entered into

force May 17, 2004).

ii. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes (1989)²⁶

The Basel Convention, which mandates environmentally comprehensive management of hazardous waste from generation to disposal, also requires prior informed consent, scientific disposal mechanisms, and prevention of environmental contamination. So, in the immediate case where the hazardous sludge has been improperly dumped without following the CPCB protocols, which reflects the failure to ensure compliance and its global accountability. Furthermore, under articles 4 and 10 of the Basel Convention, which obligates parties to minimize the generation of hazardous waste and ensure that such waste is treated, stored, and dispose of using methods that shield human health and the environment, and to avert illegal or uncontrolled dumping, particularly in vulnerable ecosystems. So, the untreated sludge disposal in EFAs breaches these treaty obligations.

²⁶ Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, Mar. 22, 1989, 1673 U.N.T.S. 57 (entered into force May 5, 1992); India ratified the Convention on June 24, 1992.

²⁷ Central Pollution Control Board, Guidelines for Handling, Treatment and Disposal of Waste

SUPPORTIVE REPORTS

i. CPCB Guidelines on Co-processing and Sludge Management (2019&2010)²⁷

The CPCB has issued clear protocols under its 2010 and 2019 guidelines on hazardous sludge management. These guidelines prohibit the direct land application or quarry disposal of industrial sludge without proper treatment, decontamination, and scientific lining to prevent toxins into the soil and groundwater. So, in the present case, the disposal of unchecked sludge containing hazardous components like TALMS in the EFAs in Velanadu region violates these national protocols.

ii. UNEP report on Persistent Organic Pollutants and Endocrine Disruptors (2021)²⁸ The UNEP, 2021 report on POPs and endocrine disruptors warns that even trace levels of organochlorines can cause severe reproductive and ecological harm. The presence of TALMS in the industrial

Generated during Treatment/Disposal of Wastewater, MoEFCC, Government of India, March 2019.

²⁸ United Nations Environment Programme, Understanding Endocrine Disrupting Chemicals: Exposure, Effects and Control Measures (2021), available at <https://www.unep.org/resources/report/understanding-endocrine-disrupting-chemicals>

sludge directly triggers this global health concern. Moreover, dumping such toxic sludge in an ecologically fragile zone without any scientific safeguards defies international best practices. This reflects the violation of this global health concern.

iii. FAO/WHO Codex Alimentarius (2019) – Guidelines on Contaminants in Food & Soil²⁹

This report prescribes stringent limits for persistent organic pollutants (POPs) in agricultural land to safeguard food safety and soil health. So, in the instant case, where the untreated sludge is disposed of in EFAs, which contain TALMS and other organochlorines, it deeply contaminates not only soil but also groundwater water which threatens the food safety integrity and violates the global food safety norms.

SUPPORTING LEGAL MAXIMS

The maxim “Sic utere tuo ut alienum non laedas,” which means to use your property without causing harm to another. This directly applies to the present case where the disposal of untreated sludge containing TALMS into the EFZ creates a threat to

public health to biodiversity, and community resources. So, this violates Article 21 of Prakrithi’s constitution, the public trust doctrine, and statutory duties under waste management rules, 2016 and also the international obligations.

VIOLATION OF INTERGENERATIONAL PRINCIPLE

The irreversible contamination of EFAs with organic pollutants such as TALMS and organochlorines violates the principle of intergenerational equity. It is a doctrine which firmly embedded in Prakrithi’s environmental jurisprudence and notably in the case, where the Honorable SC affirmed that the state holds natural resources in trust for the profit of both present and upcoming generations³⁰. So, in the case in the bar, where the state’s failure to prevent such hazardous sludge dumping in EFAs is not merely a statutory violation but a constitutional violation which infringes the rights of the unborn generations under Article 21 and undermines the state’s trusted responsibility to the environment.

²⁹ FAO/WHO, Codex Alimentarius: Guidelines on Contaminants in Food & Soil (Guideline CXG — 2019), at § (2019).

³⁰ State of Himachal Pradesh v. Ganesh Wood Product (2005) 7 SCC 478.

ISSUE 4: WHETHER THE STATE'S INACTION DESPITE CREDIBLE SCIENTIFIC INDICATORS AND LOCAL ADMINISTRATIVE RED FLAGS CONSTITUTES FAILURE TO UPHOLD ENVIRONMENTAL DIGNITY AND PARTICIPATORY GOVERNANCE UNDER ARTICLES 48A AND 51A(g)?

It is most respectfully submitted that Prakrithi's inaction in sludge disposal in EFAs has caused severe environmental and health harm, which breaches the constitutional and environmental laws. Moreover, the local bodies' failure to act in their mandated duties reflects a breach of constitutional and statutory duties, and this crisis mirrors systematic governance weakness as flagged by the World Bank in 2020.

I. SYSTEMATIC CONSTITUTIONAL VIOLATIONS

i. Violation of Article 21 Of the Constitution of Prakrithi

Under Article 21 of the Constitution of Prakrithi, which promises that no person shall be disadvantaged of their life or

personal liberty except according to method established by law. Over the ages, the Hon'ble SC has expanded this right to include the right to health, clean air, safe drinking water, and a pollution-free environment³¹ which evolved into the concept of environmental dignity, where individuals are entitled to live in a climate-stable and toxin-free environment. So, the case in a bar, where reports of severe health effects such as dermatitis (78%), respiratory illness (48%), and hormonal disruptions combined with environmental contamination involving the organochlorine compound, reveals the threat to public health and wellbeing. The Hon'ble SC, interpreted life under Article 21 to contain the right to a clean and healthy environment, the right to health, and the right to live with dignity³¹³². So, the state's inaction to respond to these visible indicators and implement corrective measures violates its obligation under Article 21 to safeguard life and environmental dignity³³.

ii. Neglect of DPSPs and the Constitutional Vision of Public Welfare

³¹ Francis Coralie v. UOI AIR 1978 SC 597; (1978) 1 SCC 248

³² Subash Kumar v. State of Bihar AIR 1991 SC 420; (1991) 1 SCC 598

³³ Virendar Gaur v. State of Haryana (1995) 2 SCC 577

Moreover, under Article 48A of the Constitution of Prakrithi, which executes a constitutional directive on the state to shield and progress the environment and to safeguard its natural resources, which includes the ecologically fragile zones. In this case, the Honourable SC has held that the state must proactively protect ecological zones and must prevent them from environmental harm³⁴. So, in the current case, the state, by allowing unregulated waste disposal, disregarding biodiversity safeguards, and failing to initiate an enforcement mechanism despite the environmental degradation and sludge disposal in the protected EFAs, reflects that the state has failed in its obligation under Article 48A by contributing to irreversible ecological harm.³⁵³⁶

iii. Collective Duty, State Failure: The Breach of Article 51 A (g)

Additionally, under Article 51 A (g) of the constitution of Prakrithi, which foster a fundamental duty on every citizen to guard and advance the natural environment. The Hon'ble SC, recognized that the fulfillment of fundamental duties depends on

institutional mechanisms that enable civic engagement and ecological stewardship³⁷. Similarly, here in the case, the Hon'ble SC recognized every person must actively safeguard the ecological balance³⁸. So, in the present case, the state's inactive role specifically involved ecological fragile areas and public health risk amounts to the breakdown of this constitutional morality and violates the spirit of Article 51A(g).

iv. Lapse of Local Constitutional Mandates under Article 243W and 243ZE

As discussed in Articles 243W and 243ZE of the constitution assigns crucial environmental responsibilities to local bodies and metropolitan planning committees. Under the 12th Schedule, the municipalities are empowered and obligated to manage public health, sanitation, and environmental protection. The Honorable SC held that local authorities cannot shirk their statutory duties to shelter public healthiness and the environment³⁷. Similarly, in the case, the Hon'ble SC emphasized that the local bodies are not subordinate agencies but constitutional entities whose role in environmental

³⁴ A P Pollution Control Board v. Professor M V Nayudu (2000) 2 SCC 718

³⁵ M C Mehta v. UOI 1987 AIR 1086, 1987 SCR (1) 819, 1987 SCC (1) 395

³⁶ Vellore citizens welfare forum v. UOI (1996) 5 SCC 647

³⁷ T N Godavarman Thirumulpad v. UOI (1997) 2 SCC 267.

governance must be respected.³⁸ So, the state's inaction despite the environmental indicators, particularly regarding the industrial sludge disposal and ecological damage in EFAs, amounts to an erosion of their constitutionally guaranteed role and weakens their public environmental accountability.³⁹

V. Violation of Article 39 (e) & 39 (f): Regulatory Failure with Human Cost

Article 39 (e) mandates that the health and strength of workers are not ill-treated, and Article 39 (f) directs that children are given openings to grow in healthy situations with self-respect. The honorable SC in the case held that health protection in workplaces and adjacent communities is a component of Article 21 read with Article 39(e)⁴⁰. Similarly, in the case, the Hon'ble SC has held that the state must actively secure humane conditions for children's

development⁴¹. So, the case in the bar, which is exposed to chemicals like TLAMS and unsafe sludge disposal which raises serious health concerns and reproductive disorders, which reflects a breakdown in environmental safety. It not only endangers adults but also compromises the safety of employees and the rights of children to cultivate in a healthy and safe environment.

II. BREACH OF STATUTORY AND POLICY OBLIGATION

i. Statutory duties ignored

India's legal framework imposes proactive and systematic duties on both industries and regulators to prevent environmental and health risks.

Laws such as: The Factories Act, 1948⁴², The Environment (Protection) Act, 1986⁴³, The MSIHC Rules, 1989⁴⁴, and, The Hazardous and Other Wastes

³⁸ Rural litigation and entitlement Kandra vs. State of UP (1985) 2 SCC 431

³⁹ Municipal Council, Ratlam v. Vardhichand (1980) 4 SCC 162

⁴⁰ Consumer Education and Research Centre v. UOI (1995) 3 SCC 42.

⁴¹ Badhuha Mukti Morcha v. UOI (1996) 3 SCC 388.

⁴² The Factories Act, 1948, Act No. 63 of 1948, enacted on 23 September 1948, Ministry of Labour & Employment, Govt. of India, available at https://labour.gov.in/sites/default/files/factories_act_1948.pdf

⁴³ Environment and Pollution Laws (Goa State Pollution Control Board, March

2025), Government of Goa, available at <https://goaspcb.gov.in/wp-content/uploads/2025/03/Environment-and-Pollution-Laws.pdf>

⁴⁴ Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 (note 27), S.O. 966(E), 27 November 1989 (under Environment (Protection) Act, 1986), accessed via CPC-PARIVESH portal (pdf at <https://cpc.parivesh.nic.in/writereaddata/ENV/HSM/note27.pdf>)

(Management and Transboundary Movement) Rules, 2016, require safety audits, hazard reports, and pollution controls⁴⁵.

The EIA Notification, 2006⁴⁶, also mandates detailed health and environmental assessments for the industrial zone. The Hon'ble SC, held that the right to growth cannot be understood as a right to pollute the environment or degrade human life⁴⁷. So, in the present case, despite the visible evidence of contamination, including water samples with raised COD levels (820mg/L) and traces of organochloride compounds show the soil toxicity and environmental pollution. So, these violate the precautionary and premonitory duties imposed under the Environmental Protection Act and Hazardous Waste Rules, 2016. Moreover, the DMA Act 2005, which mandates the authorities to identify vulnerable zones and prepare environmental risk migration plans, which remain absent in the present case, so this

continued inaction of environmental degradation and reported health disregard exposes the state's failure to uphold both statutory and constitutional obligations.

ii. Breach of Duty under the Districts Municipal Act, 1920

Under the Districts Municipal Act, 1920, which mandates municipal and revenue authorities, including the thasildhar, to ensure sanitation, regulate pollution, and prevent environmental nuisance. The Hon'ble SC in the case held that the local bodies must act to uphold public health regardless of administrative constraints⁴⁸. So, in the immediate case, the state's letdown to inspect pollution sites and to enforce waste management norms amounts to a violation of this statutory duty.

iii. Breach of Constitutional Duty under Entries 6 & 17, List II

Additionally, Entries 6 and 17 of List II, seventh schedule of the Constitution of Prarthiti, which reserves public health and

⁴⁵ The Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, GSR 395(E), notified on 4 April 2016, Ministry of Environment, Forest and Climate Change, Government of India.

⁴⁶ EIA Notification, 2006 and subsequent amendments, Ministry of Environment, Forest & Climate Change, Government of

India, available at https://environmentclearance.nic.in/report/EIA_Notifications.aspx

⁴⁷ Karnataka Industrial Areas Development Board v. Kenchappa, (2006) 6 SCC 371

⁴⁸ Municipal Council, Ratlam v. Vardhichand AIR 1980 SC 1622.

water supply to the limited sphere of the state government and its functionaries, which includes collectors and tahsildars. The Hon'ble SC, in the case, emphasized that protecting water bodies and access to clean water is a public duty rooted in the constitutional framework and must not be abandoned⁴⁹. So, in the instant case, the inaction in mitigating industrial contamination of drinking water and failure to safeguard community health constitute a breach of their constitutional duty.

III. VIOLATION OF STATUTORY MANUALS

i. Administrative Neglect

To add on to the Tamil Nadu District Administration Manual, particularly in its chapter on executive powers, nominates the district collectors as the primary crisis managers, public safety enforcers, and interdepartmental coordinators in emergencies, which includes industrial hazards. In the case, the Honorable SC emphasized that public authorities are constitutionally bound to anticipate and mitigate environmental harm through active governance, not passive

absorption⁵⁰. So here in the case, the absence of a coordinated response despite public complaints, sludge disposal in EFAs, reflects a failure of basic executive responsibility and neglect of constitutional and administrative duty.

ii. Breach of MoEFCC Clearance Protocols and participatory norms

Furthermore, the MoEFCC Manual on Procedural for Environmental Clearance, 2022, which obligates the state agencies to assess environmental risks through scientific review, stakeholder participation, and expert warning, specifically in ecologically fragile zones. The Hon'ble SC held that environmental clearance without adequate mind or participatory process violates both administrative law principles and environmental duties under the Constitution⁵¹. So, in the present case, the state's failure to act on the environmental indicators and civic well-being disaster reaches its constitutional responsibility under Article 48A and 51A(g), so the state's continued inaction is legally and constitutionally unjustifiable.

IV. JUDICIAL COMMENTS

⁴⁹ Hinch Lal Tiwari v. Kamala devi AIR 1959 MP 50.

⁵⁰ Centre for Environmental Law v. UOI (2013) 8 SCC 234

⁵¹ Thri Bandh Virodhi Sangarash Samithi v. State of UP (1991) 3 SCC 627.

*i. Justice P.N. Bagwati, in M.C. Mehta v. Union of India*⁵², said - “the state cannot be permitted to stand by and do nothing when the life of a million is in peril.”

This judicial comment emphasized that governmental inaction amidst scientific red flags is not a mere administrative failure but also a constitutional breach, which violates the obligation given under Article 48A, and undermines Article 51A(g).

VI. REPORT

i. World Bank’s 2020 report - “Strengthening environmental management”. This report exposed Prakriti’s fragmented, underfunded environmental governance and weak enforcement in industrial zoning and pollution control, which reflects poor regulatory and institutional coordination. These findings mirror the inaction of Velanadu authorities in failing to safeguard the EFAs⁵³.

6. PRAYER

In light of the issues raised, arguments advanced, and authorities cited, it is most respectfully prayed before the Hon’ble

Supreme Court of Prakrithi, under Article 32 of the Constitution, that this Hon’ble Court may be pleased to issue an appropriate Writ of Mandamus and pass orders to:

1. Declare the industrialisation and sludge disposal in Velanadu’s Ecologically Fragile Areas unconstitutional and violative of Articles 21, 48A, and 51A(g).
2. Hold CIDRON Paper Corporation and the State of Velanadu jointly and severally liable for the ecological damage caused.
3. Direct immediate cessation of sludge dumping in EFAs and order removal and safe disposal in compliance with national and international environmental laws.
4. Appoint an Independent Expert Committee to assess damage, recommend restoration measures, monitor compliance, and take actions against the district authorities who failed to comply with their duty.
5. Order payment of exemplary damages under the Polluter Pays

⁵² (1987) SCC (1) 395

⁵³ World Bank, World Development Report 2020: Trading for Development in

the Age of Global Value Chains (Washington, D.C.: World Bank, 2020).

Principle for ecosystem restoration, healthcare, and long-term monitoring.

6. Mandate participatory environmental governance with public consultations, transparent EIAs, and community-based monitoring for all industrial projects in EFAs.
7. And to pass such other orders as the Hon'ble Supreme Court of Prakrithi mating it fit proper and necessary in the interest of justice

Because when rivers run black, forests fall silent, and the air carries the taste of poison, the Constitution's promise stands broken.

The Petitioner, in steadfast faith, prays that this Hon'ble Court will restore that promise, so that the hills may breathe, the waters may heal, and the people of Velanadu may once again inherit the earth in its fullness.

**AND FOR THIS ACT OF KINDNESS,
THE PETITIONER SHALL EVER
PRAY.**