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LAW, LIFE AND WATER; RECLAIMING THE NOYYAL RIVER**SHARMILA.A****5th Year Student, BSC. LL.B., Prist University (Madurai Campus)****ABSTRACT**

This Public Interest Litigation concerns the grave and continuing pollution of the Noyyal River in Tamil Nadu, primarily due to untreated effluents discharged by textile dyeing and bleaching units in Tiruppur. Despite judicial directives as early as 2006 mandating the installation of Zero Liquid Discharge systems, large-scale non-compliance and inadequate enforcement by the Tamil Nadu Pollution Control Board (TNPCB) have led to severe environmental degradation. The contamination has rendered the river water unfit for drinking and irrigation, poisoned groundwater, and caused widespread health hazards, including gastrointestinal, kidney, and cancer-related ailments. Farmers across Karur, Erode, and Tiruppur have suffered massive crop losses, leading to mounting debt, economic distress, and suicides.

The petition asserts violations of Article 21 (Right to Life) and Article 48A (Protection of Environment) of the Constitution, alongside breaches of the Water (Prevention and Control of Pollution) Act, 1974. It emphasizes the “Polluter Pays” principle and the public trust doctrine, demanding accountability from industries and regulatory authorities. The relief sought includes immediate cessation of illegal discharges, restoration of the Noyyal River ecosystem, continuous monitoring by TNPCB and CPCB, and compensation to affected farmers and residents. The matter raises significant questions of constitutional rights, environmental justice, and sustainable governance.

This litigation embodies not merely a local grievance but a broader constitutional challenge: the reconciliation of industrial growth with environmental protection and human dignity. It highlights the urgent need for courts to reinforce environmental governance, ensure accountability of both industries and regulators, and uphold the rights of vulnerable communities dependent on natural resources. In essence, it seeks to transform environmental justice from principle into practice, securing life, livelihood, and sustainability for generations to come.

KEYWORDS: Noyyal river, Right to life, Polluters pay principle, Public trust doctrine.

BEFORE THE HON'BLE SUPREME COURT OF INDIA

**FOR THE OFFENCE CHARGED UNDER ARTICLE 21 AND 48A OF INDIAN
CONSTITUTION AND SECTION 33A OF WATER (PREVENTION AND CONTROL
BOARD) ACT,1947**

CARBON CRUSHERS -----PETITIONER

VERSUS

**TAMILNADU POLLUTION CONTROL BOARD & ORS AUTHORITIES
(RESPONDENT)**

TABLE OF CONTENT

S.NO.	CONTENTS
1.	List of Abbreviation
2.	Index of Authority • Table of cases • Books • Journals • Websites • Statutes
3.	Statement of Jurisdiction
4.	Statement of Facts
5.	Issues raised
6.	Arguments Advanced
7.	Prayer

TABLE OF ABBREVIATION

AIR	All India Report
Hon'ble	Honorable
SCC	Supreme Court Case
Vs	Versus
SC	Supreme Court
&	And
UOI.	Union of India
TNPCB	Tamil Nadu Pollution Control Board
SPCP	State Pollution Control Board

INDEX OF AUTHORITY:

TABLE OF CASES:

1. Subhash vs St of Bihar
2. Virender Gaur vs St of Haryana
3. M.C Mehta vs UOI
4. A.P Pollution control Board vs M.V. Nayudu
5. Indian council for Enviro-legal Action vs UOI
6. Sterlite Industry vs UOI
7. M.C. Mehta vs Kamal Nath
8. Fomento Resorts & hotels ltd vs Minguel Martins
9. T.N. Godavarman Thirumulpad vs UOI

BOOKS:

1. V.N. Shukla's The Indian Constitution
2. Environmental law by S.C. Shastri

Journals:

1. All Indian Report
2. Supreme Court Cases

STATUTES:

1. The Indian constitution
2. The Environmental Law
3. Water (prevention and control of pollution) Act, 1974

Website:

1. Lawbhoomi.com
2. Scconline.com

1. STATEMENT OF JURISDICTION

The Petitioner argues that this Hon'ble Court possesses the jurisdiction to catch on and conclude the prevailing writ suit pursuant to composition 226 of the Constitution of India, as the counts touch breaches of basic prerogatives insured by Composition 21 (Right to Life) of the Constitution.

The issue raised pertains to the right to a clean and healthy surround, access to secure drinking water, and the livelihoods of thousands of individualities depending on the Noyyal River, which has been significantly polluted due to man-made discharge and absence of decent supervisory act.

These matters hold significant public interest and constitutive intention. Likewise, this Hon'ble Court holds authority since the cause of action arises within the territorial confines of the sovereignty of Tamil Nadu, and the governances against whom inactivity is existing contested are placed within this Court's authority.

2. STATEMENT OF FACT

The Noyyal River which is originates from the westerns Ghats in the district of Coimbatore and flows through various district such as Tiruppur, Erode and karur before merging with the cauvery river. The period of year from 2005 to 2010 the industrial pollution is on it's peak especially textile Industries growth in Tiruppur particularl in knitwear exports. The untreated chemical effluents of the textile industries from its dyeing and bleaching units were discharging into the Noyyal River. Residents of the surrounding area experienced a plethora of negative effects as a result of these discharges, chief among them the blackening and foul-smelling river water, the unsuitability of the soil for farming, and the occurrence of gastrointestinal and skin allergies. In 2006 the High court of Madras ordered to install zero liquid Discharge (ZLD) system in dyeing units. In the period from 2010 to 2015 700t units was given closure by the direction of Madras High count. By its short-term effect the water quality was briefly improved the partial ZLS was adopted by many dyeing units, but unregulated. Discharge, which is illegal wore persisted.

From 2015 to 2000, the pollution was relapsed because of the export sector's pressure, several unit operations were resumed without full compliance. The areas like Somanur, Palladam, and Kondangipalayam, the toxic infiltration occurs into the wells and bore wells. On its impact, crop yield was reduced on over 20,000 acres of Farmland, and also increased disorders, Kidney issues, cancer cases, and thyroid. In 2022, National Green Tribunal took suo motu cognizance and gave direction to IN PCB to file compliance reports. Ordered the compensation for the affected farmers, but its implementation was slow.

In present year, the quality of the river remains degraded downstream of Tiruppur and orathupalayam. Even though the monitoring has improved in some areas but there is some inconsistency in enforcement. Many farmers in Karur and Erode Districts committed suicide as a result of crop failure and mounting debt due to the river's poor water quality. The people who reside along the Noyyal River face a lack of portable water and are also affected by the increasing chronic diseases.

3. STATEMENT OF ISSUES

1. Does the repeated contamination of Noyyal River violate Article 21 of the Indian Constitution?
2. Is a various state and a Tamil Nadu pollution control board has fails to bounded duties and environmental law?
3. Is the Industry which pollution the river liable for polluter pays principal?
4. Is the public trust doctrine and Article 48A of Indian constitution violated by the failure in protection of river from contamination?

4. SUMMARY OF ARGUMENT

1. Is the repeated contamination of noyyal river violate article 21 of Indian constitution?

Yes,

The council for the petitioner humbly submits before the honorable court that the repeated contamination of Noyyal river violate article 21 of Indian constitution.

2. Have your various states and Tamilnadu pollution control board has fails to bounded duties and environmental law?

Yes,

The council for the petitioner humbly submits before the honorable court that the various authorities of states and Tamil Nadu pollution control board has failed to bounder their duties and environment laws.

3. Is the industry which pollute the rivers liable for polluted pay principal?

Yes,

The council for the petitioner humbly ley submits before the court that the industries which pollute the river for label for the polluted pay principle.

4. Is the public trust doctrine and article 48A of Indian constitution violated by the failure in protection of river from contamination?

Yes,

The petitioner's council respectfully submits to the honorable court that the failure to preserve the river from contamination violates both Article 48A of the Indian Constitution and the public trust doctrine.

5. ARGUMENTS ADVANCED

Issue 1: Is the repeated contamination of Noyyal river infringing Article 21 of the Indian Constitution?

1.1 The council for the petitioner humbly submits before the Hon'ble court that the repeated discharge of waste from the industry results in the contamination of Noyyal river, which makes the water unsafe for drinking and affects the livelihood of many farmers.

1.2 Due to this repeated contamination. Many farmers' family lost their family members due to the Noyyal river contamination. Lots of farmers lost their land, which led them to commit suicide.

1.3, which violates Article 21 of the Indian Constitution that includes Right to clean water as a fundamental right.

1.4 The Indian Constitution's Article 21 protects the fundamental right to personal liberty and protection. It declares that no one may be deprived of their life or personal freedom unless a legally mandated process is followed. All citizens, individuals, and even foreigners are entitled to this privilege¹.

¹ Articles 21 of the Indian constitution (Right to life)

1.5 In the case of Subhash Kumar -State of Bihar, the court recognized the right to pollution-free water and air as part of Article 21².

1.6 Additionally, the court determined that ecological, sanitary, and environmental factors are essential to the right to life in the case of Virender Gaur v. State of Haryana³.

1.7 So, there is a Direct violation of Article 21 of the Indian Constitution.

Issue 2: Are the various states and a Tamil Nadu pollution control board failing to bounded duties and environmental law?

2.1 The council for the positioner humbly submits before the Hon'ble court that the bleaching units and dyeing units in Tirupur district.

2.2 discharging partially treated and untreated effluents into the Noyyal river, which violates Section 24 of Water (Prevention and Control of Pollution) Act, 1974.

2.3 The Water (Prevention and Control of Pollution) Act, 1974, forbids the disposal of contaminating materials into land, wells, streams, or sewers (Section 24). In a stream, it also limits the introduction of materials that can obstruct water movement. Its main goal is to stop dangerous materials from leaking into waterways and contaminating them or interfering with their natural flow⁴.

2.4 Additionally, the authorities do not fulfill their obligations under section 33A of the 1974 Water (Prevention and Control of Pollution) Act. For the sake of clarity, it is hereby stated that the authority to give orders under this section encompasses the following: (a) the prohibition, regulation, or closure of any industry, operation, or process; or (b) the cessation or control of the supply of water, electricity, or any different service⁵

2.5 The Authority did not take any steps to control the water pollution caused by the industry; they failed to do their statutory duties.

2.6 M.C. Mehta v. Union of India (Ganga Pollution case), court directed

² Subhash Kumar -vs-State of Bihar, (1991) 1 SCC 598

³ Virender Gaur vs State of Haryana (1995) 2 SCC 577

⁴ Section 24 of Water (prevention and control of pollution) Act, 1974

⁵ Section 33 A of Water (prevention and control of pollution) Act, 1974

pollution control boards to act against industrial pollution in the Ganges⁶.

2.7 A. P. Pollution Control Board vs Prof. M.V. Nayudu, (Emphasized scientific and expert decision-making under environmental law and the role of pollution control boards⁷.

Issue 3: Is the Industry that pollution the river liable for polluter pays principle?

3.1 The Polluter Pays Principle ensures that polluters pay for pollution control and mitigation. The 1972 Stockholm Declaration's Polluter Pays Principle mandates polluters to pay for preventing, regulating, and repairing environmental damage from their operations⁸.

3.2 In this case, in Tirupur, the agricultural. The downstream has changed to barren. Because of the polluted water and the table of groundwater has also been poisoned.

3.3 The farmers face lots of economic losses and the livelihood of fishermen, causing health hazards; it

demands that action be taken fast and needs long-term rehabilitation.

3.4 The Polluter Pays Principle and strict accountability for environmental damage were established by the court in Indian Council for Enviro-Legal Action v. Union of India⁹.

3.5 As per the ruling in Sterile Industries (India) Ltd. v. Union of India, businesses that damage the environment must pay for the damages they cause¹⁰.

3.6 The industry must be liable under the polluter pays principle and compensate the affected people.

Issue 4: Is the public trust doctrine violated by the failure to protect of river from contamination?

4.1 The Supreme Court ruled that the Indian legal system, that has its roots in English Common Law, incorporates the public trust principle. The government owns all shared natural resources in trust because they are, by their very nature, meant for the general public's use, benefit, and enjoyment. According to the Bench, the

⁶ M.C. Mehta v. Union of India (1998) SCR (2) 538

⁷ A. P. Pollution Control Board vs Prof. M.V. Nayudu (1999) 2 SCC 718

⁸ Lawbhoomi.com

⁹ Indian Council for Enviro-Legal Action v. Union of India (1996) 3 SCC 212

¹⁰ Sterile Industries (India) Ltd. V. Union of India (2013) 4 SCC 575

public trust principle is founded on the idea that certain resources—like the air, woods, oceans, and water—are so vital to society that it is completely unjustifiable to place them in private hands. Instead of utilizing these resources for private benefit, the government's role as a trustee is to protect them and make sure that everyone has access to them¹¹.

4.2 The state's decision to permit industry to harm the Noyyal River is a betrayal of public confidence and a violation of Article 48 A of Constitution.

4.3 As per the ruling in *M.C. Mehta v. Kamal Nath*, the state is a trustee of natural resources, and they cannot be destroyed for personal benefit¹².

4.4 *Minguel Martins v. Fomento Resorts and Hotels Ltd.* maintained that natural resources must be preserved for public use and reaffirmed the public trust theory¹³.

4.5 T. The importance of protecting forests and environment under Article 48A of the Constitution was emphasized in *N. Godavarman Thirumulpad v. Union of India*.¹⁴.

4.6 In this instance, the state violates the public trust by allowing its employees to fail to fulfill their responsibilities in accordance with Article 48A of the Indian Constitution. (48A. Preserving forests and wildlife, as well as enhancing and protecting the environment)

6. PRAYER

Thus, in the light of the data and circumstance, the counsel for the supplicant most humbly and hypercritically supplicated before this Hon'ble Court that it may be courteously pleased to

1. Give Direction to the Tamil Nadu Pollution Control Board, the district. The Collector and other related authorities to

¹¹ scconline.com

¹² *M.C. Mehta v. Kamal Nath* (1996) 5 SCC 647

¹³ *Fomento Resorts and Hotels Ltd vs Minguel Martins*

¹⁴ *T.N. Godavarman Thirumulpad vs UOI* (2006) 1 SCC 1

take immediate action to stop the undressed artificial backwaters, sewage, and other waste into the Noyyal River.

2. Order the Tirupur region, which holds dyeing and bleaching units, to the installation and functioning of common Effluent Treatment shops (CF1PS) 3. Give Direction to the responders to clean and restore the Noyyal swash and bring back the ecosystem to its natural state.

4. Order the TNPCB to regularly monitor the quality of water in the Noyyal River and CPCB to make public reports.

5. Direct the Industries to pay compensation to the affected residents, farmers, and those whose crops, health, and livelihood have been damaged by the river pollution, according to polluter pays principle.

This Hon'ble court may pass similar orders that the court may deem fit, according to the interest of Justice and environmental protection.