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MC MEHTA V. UNION OF INDIA (OLEUM GAS LEAK CASE)

Court: Supreme Court of India

Citation: 1987 AIR 1086, 1987 SCR (1) 819

Coram-The Chief Justice of India, Justice P.N. Bhagwati, and Justices Rangnath Misra, G.L. Oza, M.M. Dutt, and K.N. Singh.

Theme- Reallocation of the Industries emitting harmful gases

Subject: Environmental Law

Judgement- India

FACTS OF THE CASE

A writ petition was filed by a renowned, social activist lawyer M.C. Mehta against the Shriram Foods and Fertilizers Industries. This case also goes by the name Oleum Gas Leak Case. It was a case filed after the Bhopal Gas Leak Tragedy which gained everyone's attention towards the issue.

The major dispute in this case was that these industries should be reallocated in another place, so that it doesn't affect and harm the people living in the surrounding areas. This was the issue raised in front of the bench consisting of 3 judges, which ultimately resulted in allowing Shriram Industries to continue functioning in the Kirti Nagar area in Delhi the way it did before. While the case was still pending, as a result of the collapse of the structure, there was a leak of Oleum Gas, in the Shriram Industrial units on 4th December, 1985. The people had barely recovered from the shock when, another leakage occurred on 6th of the same month, within the span of two days. Further, an action was filed by the Delhi Legal Aid and Advice Board, and the Delhi Bar Association for compensating the people who have suffered because of the leak. This case had reminded the people of the horrors of the Bhopal Gas Leak tragedy.

The Bhopal Gas Leak

The Bhopal Gas Leak tragedy is regarded as one of the most devastating industrial disasters to ever happen in the world. This disaster had taken place in the city of Bhopal, Madhya Pradesh, in the month of December, as a result of a leak of MIC, i.e., methyl isocyanate inside a manufacturing plant, Union Carbide India Ltd. which manufactured pesticides. The MIC is one of the most dangerous and hazardous chemicals used for different purposes in the industrial processes. On 2-3 December, 1984, at night, there was a leak of this hazardous chemical in the plant. This leak had gradually started spreading and had polluted the air which made the people exposed to this harmful chemical. People who had been exposed to MIC suffered many symptoms like, vomiting, coughing, severe irritation in the eyes and suffocation. It led to the death of thousands and lakhs getting permanently impaired.

CASE ANALYSIS/ COMMENTS

The Oleum Gas Leak case reminded the people, the horrors of the Bhopal Gas Leak tragedy. It killed thousands and made lakhs of people suffer. The point to be noted here is the concept of strict liability. The concept of strict liability is such that if a person owns a dangerous or a harmful object, he/she must be responsible for it even when it escapes and harms the others. Even in the landmark case on the concept of strict liability, *Rylands v. Fletcher*, the defendant wasn't altogether at fault, but since he had owned something, on the escape of which harmed the plaintiff, the defendant was

held liable. The concept of strict liability applies only to situations where the land is being used unnaturally and not when the use of land is done in a natural way.

This case had also dealt with the concept of absolute liability. It was observed that regardless of the defenses the defendant had used, the defendant is absolutely liable for his acts. The defendant in no case would be able to escape the liabilities. It is the reason why the concept of absolute liability a totally different concept from strict liability. Since the defendant is considered to be absolutely liable for his actions, they won't be allowed to plead defense. It was held by the Supreme Court of India, that where an enterprise is involved in any sort of hazardous activity which may threaten the lives of others and if any harm or injury is caused to anybody during the operation of such an activity, the enterprise would strictly and absolutely be liable and will have to compensate to those suffered and affected.

Further, this case also deals with various Articles: Article 21 and 32. Article 21 under the Constitution of India deals with protection of life and personal liberty. It is a fundamental right given to every citizen in the country¹. Whereas, Article 32 of the Indian Constitution deals with right to constitutional remedies. Right to Constitutional Remedies means that a person has a right to approach the Supreme Court when their rights are infringed. In the Oleum Gas Leak case, under the Article 21 of the Indian Constitution, people whose lives were threatened and who suffered great losses could approach the court as their fundamental rights were infringed as according to Article 32.

ISSUES OF THE CASE

This case deals with issues relating to great constitutional importance. The issues discussed are as follows:

- 1) Article 32 and its scope.
- 2) Issue of compensation.
- 3) Lastly, the measure of liability of Shriram Industries and whether the concept of Absolute or Strict liability will be applied.

We shall discuss, each and every issue with great detail.

¹ Constitution of India, Article 21.

According to the first issue, i.e., the scope and concept of Article 32, the court held that under this Article, the court can also make new remedies and strategies to formulate and enforce fundamental rights apart from issuing directions². When a person's fundamental rights are infringed or violated, the power of Article 32 does not confine itself to preventive measures only, rather it extends the measures of remedy being taken when someone's fundamental rights are infringed. The court also observed that it is an obligation on the part of the Court to protect the fundamental rights of the people. The court then emphasized more on what kind of remedial relief may get included in its power to award compensation depending upon the cases. The court further observed that, the violation of the fundamental rights should either be on a large scale, which means that, it should affect people at large; or it must be so harsh and oppressing on account of their poverty or disability to require the person or the people to pursue action in Civil Courts. It was also seen that; it is only in exceptional cases where people are granted compensation as remedies under Article 32.

The second issue to be discussed is the issue related to the compensation. The Oleum Gas Leak was proved to be disastrous as it had caused to the death of many people. But at the question whether the compensation is to be awarded or not, the court did not wholly order the Shriram Industry to compensate as the court was unable to clear out whether it comes within the definition of 'state' as defined under Article 12³. The answer to the question will determine how much the industry can be held liable and how much will it have to compensate under the provisions of Article 21. This issue was one of the most important questions raised in front of the court. It was held by the plaintiff that, although the Shriram Industries doesn't work with the state directly, it is more or less a private corporation as it functions independently. It was also asserted that the industry's daily routine work harmed the public as well as the environment at large, therefore it supposedly comes under the definition of state under Article 21. Finally, it was declared that the industry was only working under the shadow of the government. Lastly, the court widened the ambit of Article 12.

The third and the last issue deals with the concept of strict and absolute liability. The question which arises here is about the applicability of the liabilities, which in other words means, if the rule of absolute liability can be applied in this case or not. The concept of strict liability emerged

² Constitution of India, Article 32.

³ Article 12, Constitution of India.

with the case of Rylands v. Fletcher⁴, in the year 1866, by the English Court. The concept of strict liability states that, if a person owns a dangerous object on his premises, they will be responsible for it even when it escapes their property and harms another person. With the advancement of development in technologies in India, it was observed that the involvement of dangerous and harmful objects in the industries had increased rapidly and this had threatened the lives of people working inside these industries as well as those living in the neighbouring areas. So, to not make these industries take the help of exceptions and get away with it easily, the courts in India decided to introduce the concept of absolute liability. This concept is somewhat similar to the concept of strict liability. According to absolute liability, a person involved in any sort of dangerous activity causes harm to another person, the person causing harm will be absolutely liable. So, in this case, the court held that the Shriram Industries were absolutely liable as it becomes an obligation on their part to regularly check and take proper measures to avoid such a catastrophe.

JUDGEMENT

A deep concern was showed with respect to the safety of the residents who suffered the consequences of the leakage of the harmful gases by the C.J.I. Bhagwati. He was of the opinion that the court cannot totally eradicate these harmful or hazardous industries as they help to improve the quality of life. Which in other words means, that even though such industries prove to be harmful, they have to be set up for economic development and also for an advanced well-being of the people.

“We can only hope to reduce the element of hazard or risk to the community by taking all necessary steps for locating such industries in a matter which would pose the least risk of danger to the community and maximizing safety requirements in such industries.”

Thus, according to the opinion of the Supreme Court, a total ban on such industries would only cease all the activities of development.

The Supreme Court also asserted that shutting down the factory would result to unemployment of nearly 4000 workers and would double the rates of poverty. Hence, the court ordered to open the

⁴ Rylands v. Fletcher, [1868] UKHL 1, (1868) LR 3 HL 330.

factory temporarily on the basis of certain conditions. The court also, to monitor the working of the factory, appointed an expert committee.

It was suggested by the court that a national policy must be evolved by the Government of India for fixing a location fit for such industries that produce toxic substances so as to eliminate the dangers and risk it poses to the community.

CONCLUSION

The Oleum Gas Leak Case dealt with various new constitutional aspects. The judgement of the case is still regarded as one of the major judgements in the field of environmental law in our country. This case is still used as a reference by the court. Hence, we can say that this case became a landmark ruling in the history of the judicial system of India.

This case was not all about the fundamental rights of the people, or how the Shriram Industries was liable to compensate the people who suffered losses, rather it threw some light on the environmental issues which needs serious attention. Oleum Gas leak and even the Bhopal Gas leak proved to be very disastrous not only for the people but also for the environment. As much as the technological advancement is necessary for a better livelihood and for the development of the society, it is should be pointed that all of this happens in a sustainable manner, so that it doesn't harm the people around as well as the environment.