

JUDGEMENT BY HON'BLE SUPREME COURT :-

Keeping in view the scenario in this judgement we order and direct as Under -

1. The Central Government shall constitute an authority under Section 3(3) of the Environment Protection Act, 1986 and shall confer on the said authority all the powers necessary to deal with the situation created by the tanneries and other polluting industries in the State of Tamil Nadu. The authority shall be headed by a retired judge of the High Court and it may have other members preferably with expertise in the field of pollution control and environment protection - to be appointed by the Central Government. The Central Government shall confer on the said authority the powers to issue directions under Section 5 of the Environment Act and for taking measures with respect to the matters conferred to in clause (v), (vi), (vii), (viii) (ix) (x) and (xii) of Sub-Section (2) of Section 3. The Central Government shall constitute the authority before September 30, 1996.

2. The authority so constituted by the Central Government shall implement the "precautionary principle" and "polluter pays" principle.

The authority shall, with the help of expert opinion and after giving opportunity to the concerned polluters assess the loss to the ecology or environment in the affected areas and shall also identify the individuals or families who have suffered because of the pollution and shall assess the compensation to be paid to the said individuals or families. The authority shall further determine the compensation to be recovered from the polluters as cost of reversing the damped environment. The authority shall lay down just and fair procedure for completing the exercise. Vellore Citizens

3. The authority shall compute the compensation under two heads namely, for reversing the ecology and for payment to the individuals. A statement showing the total amount to be recovered, the names of the polluters from who the amount is to be recovered, the amount to be recovered from each polluter, the persons to who the compensation is to be paid and the amount payable to each of them shall be forwarded to the Collector / District Magistrates of the area concerned. He shall disburse the compensation to the affected families.

4. The authority shall direct the closure of the industry owned / managed by a polluter in case he evades or refuses to pay the compensation awarded against him. This shall be in addition to the recovery from his arrears of Land revenue.

5. An industry may have set up the necessary pollution control device at present but it shall be liable to pay for the past pollution generated by the said industry which has resulted in the environmental degradation and suffering to the residents of the area.

6. We impose pollution fine of Rs. 10000/- each on all the tanneries in the districts of North Arcot Ambedkar, Erode Periyar, Dindigul Anna, Trichi and Chengai M.G.R. The fine shall be paid before October 30, 1996 in the office of Collector / District Magistrate Concerned. We direct the Collectors / District Magistrates of these districts to recover the fines from the tanneries. The money shall be deposited, alongwith the compensation amount recovered from the polluters, under a separate head called "Environment Protection Fund" and shall be utilised for compensating the affected persons as identified by the authorities and also for restoring the damaged environment.

7. The authority, in consultation with expert bodies like NEERI, Central Board, Board shall frame scheme / schemes for reversing the damaged caused to the ecology and environment by pollution in the state of Tamil Nadu. The scheme / schemes so framed shall be executed by the State Government under the supervision of the Central Government. The expenditure shall be met from the "Environment protection fund" and from other sources provided by the state Government and the Central Government.

8. We suspend the closure orders in respect of all the tanneries in the five districts of North Arcot Ambedkar, Erode Periyar, Dindigul Anna, Trichi and Chengai M.G.R. We direct all the tanneries in the above five districts to set up CETPs or individual pollution control devices on or before November 30, 1996. Those connected with CEPTs shall have to install in addition the primary devices in the tanneries. All the tanneries in the above five districts shall obtain the consent of the Board to function and operate with effect from December 15, 1996. The tanneries who are refused consent or who fail to obtain the consent of the Board by December 15, 1996 shall be closed forthwith.

9. We direct the Superintendent of Police and the Collector / district Magistrate / Deputy Commissioner of the district concerned to close all those tanneries with immediate effect who fails to obtain the consent from the Board by the said date, such tanneries shall not be reopened unless the authority permits them to do so. It would be open to the authority to close such tanneries permanently or to direct their relocation.

10. The Government Order No. 213 dated March 30, 1989 shall be enforced forthwith. No new industry listed in Annexure - I to the Notification shall be permitted to be set up within the prohibited area. The authority shall review the case of all the industries which are already operating in the prohibited area and it would be open to authority to direct the relocation of any of such industries.

11. The standard stipulated by the Board regarding total dissolved solids (TDS) and approved by the NEERI shall be operative. All the tanneries and other industries in the State of Tamil Nadu shall comply with the said standards. The quality of ambient waters has to be maintained throughout the standards by Board.

Mr. M.C. Mehta has been assisting this Court to our utmost satisfaction. We place on record our appreciation for Mr. Mehta. We direct the state of Tamil Nadu to pay Rs. 50,000/- towards legal fees and other out of pocket expenses incurred by Mr. Mehta.