Conservation of soil and forest cover are necessary in order to maintain ecological balance. Water and Air pollution are caused in a major way due to ecological imbalance. Besides, all other steps taken in this direction, enactment of various Acts and their application would be of great help in restoring the wholesomeness of overall environment. Discussions about a few of such enactments and allied aspects are done here.

5.1.0 Policy formulation and Legislation

5.1.1 UN General Assembly on Human Environment

The 24th UN General Assembly convened a conference on the Human Environment in 1972. On request from General Assembly, India set up a committee on Human Environment under the Chairmanship of Pitambar Pant, member of the Planning Commission, to prepare a report. Ultimately a National Committee on Environmental Planning and Co-ordination (NCEPC) was set up in the Department of Science and Technology in February, 1972 which actually marked a Watershed in the history of environmental management\(^1\) in India.

\(^1\) Environmental Law & Policy in India - A. Rosencranz, S. Divan & M. L. Noble p-41
5.1.2 Recognition of environmental management

Environmental management has been recognised as a major guiding factor for national development in India since it has been encircled with different aspects such as environmental planning, monitoring, protection, research, education, conservation and sustainable use of all natural resources.

5.1.3 Environmental Impact Assessment

Environmental Impact Assessment (EIA) is an important and essential technique and process by which information about the environmental effects of a project is collected for consideration whether the proposed development is eco-friendly or not.

There should be a committee for environmental impact assessment consist of experts of the following disciplines:

i) Eco-System Management

ii) Air/ Water Pollution Control

iii) Water Resource Management

iv) Flora/ Fauna Conservation and management

v) Land use planning

2. *Handbook of procedure and guidelines for environmental clearance*, Govt. of West Bengal, Dept. of Environment in collaboration with WBPCB p-18.
vi) Project Appraisal

vii) Ecology

viii) Environmental Health

ix) Subject Area Specialists

x) Representatives of NGOs / persons concerned with environmental issues.

Some statutory obligations will have to be fulfilled before proceeding with the developmental work, be it an industry or construction of a drain or a real estate development.

5.1.4 Industrial policy statement

The Government of India issued a statement on Industrial policy on July 24, 1991 in order to ensure efficient use of available resources.

The WBPCB is responsible for implementing various legislation as well as issuing the rules, regulations, and notifications. All the industries are required to interact with the West Bengal Pollution Control Board for the purposes.

The Industrial policy of the Government of India stipulates that all industries except non-polluting ones shall be located outside 25 Kms. of the periphery of such cities which have population of more than one million$^3$.

5.1.5 Water quality criteria

Water is never 'pure' in a chemical sense. It contains impurities of various kinds—both dissolved and suspended impurities. These comprises dissolved gases (e.g. hydrogen sulfide, carbon dioxide, ammonia, nitrogen); dissolved minerals (e.g. salts of calcium, magnesium, sodium); suspended impurities (e.g. clay, silt, sand, mud) and microscopic plants and animals. These are 'natural' impurities derived from the atmosphere, catchment area and the soil.

'Safe' and 'wholesome' water is that which fulfil the following norms:

i. Free from pathogenic agents;

ii. Free from harmful chemical substances;

iii. Pleasant to the test; and

iv. Usable for domestic purposes.

But the enforcement of law as required by statute is inevitable when the water pollution is caused by the following activities.

i. Sewage, which contains decomposable organic matter and pathogenic agents.

ii. Industrial and trade wastes, which contain toxic agents ranging from metal salts to complex synthetic organic chemicals.

iii. Agricultural pollutants, which comprise fertilizers, pesticides and

iv. Physical pollutants, viz. heat (thermal pollution) and radioactive substances.

4. Law & Environment - B. Mukherjee & N. Chakraborty, pp 61-63
5.1.6 Fiscal incentives  to encourage control and prevention of pollution

The Government of India offers incentives such as Exemption from Income Tax, Depreciation Allowance, Investment Allowance, Exemption from Tax on Capital gains to ensure that industries are motivated to comply with the various environmental standards prescribed under different Act and Rules to control and prevent pollution.

The concern for preserving the quality of life and promoting the environment while undertaking the task of development was stressed for the first time in the Fourth Plan (1969–70 to 1973–74) in the chapter on “long term perspective”. It was recognised that it was necessary to introduce the environmental aspect into planning and development. During the Fifth Plan (1974–75 to 1978–79) such a concern was turned into concrete action by launching several programmes for enhancing the quality of life and incorporating environmental concern while assessing economic and technical feasibility of a project.

In the Sixth Five year Plan (1980–85), an entire chapter on “Environment and Development” has been included that emphasizes sound environmental and ecological principles in land use, agriculture, forestry, wildlife, water, air, marine environment, minerals, fisheries, renewable resources,

energy and human settlements. It provides guidance on environmental concerns to administrators and resource managers formulating and implementing programmes, and lays down an institutional structure for environment in the Central and State Governments.

5.1.7 Constitutional Provisions and the Environment

The Indian Constitution contains specific provisions on environmental protection. Judicial interpretation has strengthened the commitment to improve the quality of environment. The Courts have also recognised the right to a wholesome environment considering it to be the fundamental right to life.

5.1.8 The Forty-Second Amendment Act.

Environment protection and improvement were explicitly incorporated into the Constitution by the Constitution (Forty-Second Amendment) Act of 1976. Article 48A was added to the directive principles of state policy. It declares “The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.” Article 51A (g) in a new chapter entitled “Fundamental Duties”, imposes a similar responsibility on every citizen “to protect and improve natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures …..”

7. Ibid, p- 51
8. Ibid, p- 53
The Supreme Court has held:

"Whenever a problem of ecology is brought before the court, the court is bound to bear in mind article 48A of the Constitution and article 51A (g) when the court is called up to give effect to the Directive Principles and fundamental duty, the court is not to shrug its shoulders and say that priorities are a matter of policy and so it is a matter for the policy-making authority. The least that the court may do is to examine whether appropriate considerations are borne in mind and irrelevancies excluded. In appropriate cases, the court may go further, but how much further will depend on the circumstances of the case. The court may always give necessary directions. However the court will not attempt to nicely balance relevant considerations. When the question involves the nice balancing of relevant considerations the court may feel justified in resigning itself to acceptance of the decision of the concerned authority".  

5.1.9 Population growth and economic incentives: Two causes of environmental disruption

The World Commission on Environment and Development headed by Gro Harlem Brundtland, Prime Minister of Norway, adopted a resolution to ensure that human progress would be sustained through development without bankrupting the resources of future generations. The influential report of the commission clearly poses the nexus between population control and sustainable development.

9. Environmental Law & Policy in India - op. cit. pp 53-54
10. Ibid, p- 5
The report of the United Kingdom's Royal Commission on Environmental Pollution describes the manner in which economic incentives as well as legal and institutional arrangements contribute to the pollution problem.

Environmental problems in India can be classified into two broad categories.11

i. Those arising from conditions of poverty and under development.
ii. Those arising as negative effects of the very process of development.

5.1.10 The Right to a Wholesome Environment12

Encouraged by an atmosphere of freedom an articulation in the aftermath of the Emergency, the Supreme Court entered one of its most creative periods. Specifically, the court fortified and expanded the fundamental rights enshrined in Part III of the Constitution. In the process, the boundaries of the fundamental right to life and personal liberty guaranteed in Article 21 were expanded to include environmental protection.

The Supreme Court strengthened Article in two ways. First, it required laws affecting personal liberty to also pass the tests of Article 14 and Article 19 of the Constitution, thereby ensuring that the procedure depriving a person of his or her personal liberty be reasonable, fair and just. Second, the court recognised

11. Environmental Law & Policy in India - op. cit. p-9
12. Ibid, pp 56-57
several unarticulated liberties that were implied by Article 21. It is by the second method that the Supreme Court interpreted the right to life and personal liberty to include the right to a wholesome environment.

The fundamental right to life in Article 21 best fills the bill. This view is supported by Justice Singh's concluding observations justifying the closure of tanneries in the Ganga pollution (tanneries) case.\textsuperscript{13} "We are conscious that closure of tanneries may bring unemployment, loss of revenue, but life, health and ecology have greater importance to the people."

5.2.0 Norms to be followed by the industries

5.2.1 Siting criteria for Industries\textsuperscript{14}

Recognition and assessment of economic and social factors are given more emphasis at the time of siting of an industry. The following factors must be recognised in selecting the site.

i. No forest land shall be converted into non forest activity for the sustenance of the industry (Ref.: Forest Conservation Act, 1980).

ii. No prime agricultural land shall be converted into industrial site.

iii. Within the acquired site the industry must locate itself at the lowest location to remain obscured from general sight.

\begin{flushright}
\textsuperscript{13} M. C. Mehta v. Union of India, AIR 1988 SC1037
source: A. Rosencranz, S. Divan. & M. L. Noble -- op. cit. p-57
\textsuperscript{14} Hand book of procedure and guidelines for environmental clearance, op. cit. pp. 25-26
\end{flushright}
iv. Land acquired shall be sufficiently large to provide space for appropriate treatment of wastewater still left for treatment after maximum possible reuse and recycle. Reclaimed (treated) wastewater shall be used to raise green belt and to create water body for aesthetics, recreation and if possible, for aquaculture. The green belt shall be ½ Km. wide around the battery limit of the industry. For industry having odour problem it shall be kilometer wide.

v. The green belt between two adjoining large scale industries shall be one kilometer.

vi. Enough space should be provided for storage of solid wastes so that these could be available for possible reuse.

vii. Lay out and form of the industry that may come up in the area must conform to the landscape of the area without affecting the scenic features of that place.

viii. Associated township of the industry must be created at a space having physiographic barrier between the industry and township.

ix. Each industry is required to maintain three ambient air quality measuring stations within 120 degree angle between stations.

5.2.2 Some statutory obligations of industries in respect of Environmental Laws

With a view to protect environment from pollution, environmental disasters and accidents the industries have become liable to follow a number of

Statutory obligations in respect of their manufacturing process, storage, discharge, transportation, exporting or importing their products, by-products and raw materials including the safety of the industrial workers and people at large since 1974 with the enactment of several acts.

5.2.3 Statutory obligations under water (Prevention & Control of Pollution) Act, 1974

As per Section 25 (i)(a) no person shall without the previous consent of the State Board establish or take any steps to establish any industry, or process, or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent into stream or well or sewer on land.

As per Section 27 (1) State Board shall not grant its consent to the bringing into use of a new or altered outlet unless the outlet is so constructed as to comply with any conditions imposed by the Board to enable it to exercise its right to take sample of the effluent.

5.2.4 Directives of the Hon'ble Supreme Court in respect of 68 category of industries.

Upon the hearing on 29th April 1996, the Supreme Court directed the State Board to inspect 68 categories of industries situated in West Bengal and assess their

16. Handbook of procedure and guidelines for environmental clearance - op. cit p-61
17. Annual Report, 1995-96 published by West Bengal Pollution Control Board - p-5
pollution control systems including the place where the workers are engaged in the manufacturing process.

It was further directed that the State Board would inspect all the industries coming under the 68 categories and take appropriate legal action against those who have not yet erected pollution control devices, and submit a report before the Hon'ble Supreme Court.

5.2.5 Freedom to Trade\textsuperscript{18} vis-à-vis Environmental Protection

As environmental regulation grows more stringent and its enforcement becomes more vigorous, industrial challenge to agency action is likely to increase. Courts will then need to balance environmental interests with the fundamental right to carry on any occupation, trade or business guaranteed in Article 19 (1)(g). For example, effluent discharge standards prescribed by the Pollution Control Board may be challenged under Article 19 for being excessive (too stringent to comply with, despite using the best available technology).

5.2.6 Matter No. 3727 (Civil of 1985)

M. C. Meheta vs. Union of India and others\textsuperscript{19}


\textsuperscript{18} Environmental Law & Policy in India - op. cit pp 60-61

\textsuperscript{19} Source: West Bengal Pollution Control Board pp 22-32
As per the order of the Hon'ble Supreme Court of India a survey was conducted by the West Bengal Pollution Control Board. The Board identified 178 nos. of industries who have been discharging their trade effluents or swage directly or indirectly into the river Ganga. Of those, treatment facilities of 100 industrial undertakings have been examined and categorized into following four groups by the Board. Some of them are shown under different groups.

**Group A:** The 23 nos. of industries either have adequate treatment facility and or conforming the emission limit inherently.

**Group B:** The 40 nos. of industries have inadequate treatment facilities need upgradation of the same.

**Group C:** The 12 nos. of industries who have taken up positive steps towards the implementation of the treatment facility.

**Group D:** The 25 nos. of industries who need to implement treatment facility but not yet taken up any positive steps towards the same. The said industries have been directed to complete their treatment plants within December 1993 as per the Central Government Notification in pursuance of Environment (Protection) Act, 1986.

5.2.7 **Silpa Bandhu**20 - a “Single Window Agency” for industrial development of West Bengal.

For the development of medium and large scale industries in the State an Industrial Development Agency named ‘Silpa Bandhu’ was set up under the Commerce...

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and Industries Department of the Government of West Bengal. It started functioning with
effect from 01.09.1984.

‘Policy statement on the Industrial Development’ as announced by the
Government of West Bengal on 23rd September 1994 specially included the necessary
steps to be taken by the industries regarding control of water pollution of the river
Ganga.

The Industrial Policy Statement of July 1980, recognised the need for
preserving ecological balance and improving living conditions in the urban centres of the
country. On the basis of this policy, indiscriminate expansion of the existing industries
and setting up of new industrial undertakings within the limits of the metropolitan cities
and the large towns should not be permitted. However, the policy has not touched upon
the implications of setting up and industry in sensitive areas, both ecological or
otherwise, which would have an effect on the overall development process.

The State Department of Environment will be the competent authority for
approval of project sites from environmental angle. In those where such Department have
not yet been set up, approval should be obtained from the nodal agency designated for
looking after environmental matters. With regard to projects where support from the
Central Government/ International agencies is envisaged and which come under the
purview of Industrial licensing, approval of the project site from environmental angle
should be obtained from the Ministry of Environment & Forest, Government of India.
The entrepreneur should provide the details of proposed project site, pollution abatement
measures and such other relevant information as required for review from environmental angle.

The entrepreneur will be required to submit half-yearly progress report on installation of pollution control devices to the respective State Pollution Control Boards.

Depending on the nature and location of the project, the entrepreneur will be required to submit comprehensive Environmental Impact Assessment Report (EIAR), and Environmental Management Plans (EMP).

To prevent air, water and soil pollution arising out of industrial projects, the industrial licencing procedure requires that the entrepreneurs before setting up the industry should obtain clearance from Central/State Air and Water Pollution Control Boards. This Central/State Pollution Control Boards stipulate that air ‘gasses’ and water ‘effluents’ emanating from the industry should adhere to certain quality standards. However, these stipulations do not prevent the industry from effecting the total environment by wrong sitting. Also, the cumulative effect of a number of industries at a particular place is not being studied upon, with the result that an industry or industrial area over a period of time could cause significant damage to the surrounding environment and ecological features.

In respect of certain industrial development projects it is not only necessary to install suitable pollution control equipment but also to identify appropriate sites for their location. To give a concrete shape to this requirement a select group of 20 industries has been notified by the Department of Industrial Development. A formalised
procedure has been stipulated for site selection from environmental angle with regard to these projects.

According to this procedure for the select group of industries the letters of intent should be converted to industrial licences only after the following conditions have been fulfilled:

i. The State Director of Industries confirms that the site of the project has been approved from environmental angle by the competent State Authority.

ii. The entrepreneur commits both to this State Government and Central Government that he will install the appropriate equipment and implement the prescribed measures for the prevention and control of pollution.

iii. The concerned State Pollution Control Board has certified that the proposal meets with the environmental requirements and that the equipment installed or proposed to be installed are adequate and appropriate to the requirement.

5.2.8 Refusal of licences to establish new industries without having adequate provision for pollution control.

In M. C. Mehta vs. Union of India, the Supreme Court held that whenever application for licences to establish new industries are made such applications shall be

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21. Lal's
Commentaries of Water & Air Pollution Laws - Law Publishers India (P) Ltd., P-18
refused unless adequate provision has been made for the treatment of trade effluents flowing out of the factories. Immediate action should be taken against the existing industries if they are found responsible for pollution of water.

5.3.0 Judicial Directives

5.3.1 Enactment of the Act.

As a result of growing social consciousness in India the first well-marked law for the protection of water resources 'The Water (Prevention & Control of Pollution) Act, 1974' came into being.

The main intention\textsuperscript{22} of the Water (Prevention & Control of Pollution) Act, 1974 is to prevent pollution in the water courses and as such no person can discharge any domestic / trade effluent outside of their premises. If any person fails to take consent from the Board or willfully, tries to break the directions of the Board then the Board can take necessary penal measures against the defaulting persons / factories as provided under the statute.

The highest seat of judgment in India, the Supreme Court in deciding a case has stated that every man has the basic claim to a healthy, pollution-free environment in which he can live. The decision of the judiciary has inspired and upsurge of enthusiasm in the common man in the struggle against pollution.

\textsuperscript{22} Law & Environment - B. Mukherjee & N. Chakraborty p-21
Section 19 of the Environment (Protection) Act provides that any person, in addition to authorised Government officials, may file a complaint with a Court alleging an offence under the Act. ‘This citizen suit’ provision requires that the person give notice of less than 60 days of the alleged offence and then intent to file a complaint with the Government officials authorised to make such complaints.

The citizens’ suit provision appears to give the public significant powers to enforce the Environment (Protection) Act. One commentator, however, has characterised the provision as an ‘eyewash’. He notes that only Government officials are given the power under the Act to collect samples needed as evidence of a violation of the Act. In addition, during sixty days’ notice period required for the Government to decide whether to proceed against the alleged violator, the offending industry has time to clean up traces of the offence and prepare itself for collection of samples. What if the Government decides to file a complaint against the alleged polluter but then does not diligently pursue prosecution? Should citizen be allowed to file a separate action or intervene in the ongoing prosecution?

5.3.3 Environmental Legislation in India

From environmental angle, smooth functioning of developmental efforts is specifically facilitated by the following legislative measures of the Ministry of Environment and Forest, Government of India.

Acts:

* The water (Prevention & Control of Pollution) Act, of 1974.
5.3.4 Power to obtain information

As per section 20 (3) of the water (Prevention & Control of Pollution) Act, 1974 a State Board may, with a view to preventing or controlling pollution of water, without prejudice to the provisions of this sub-section (2), give direction requiring any person in charge of any establishment where any industry, operation or process or

24. Environmental Law & Policy in India - op. cit. p-448
treatment and disposal system or trade is carried on, to furnish to it information regarding the construction, installation or operation of such establishment or of any disposal system or of any extension or addition thereto in such establishment and such other particulars as may be prescribed.

5.3.5 Power to take samples of effluents and procedure to be followed in connection therewith

As per section 21 (1) of the water (Prevention & Control of Pollution) Act, 1974 a State Board or any officer empowered by it in this behalf shall have power to take for the purpose of analysis samples of water from any stream or well or samples of any sewage or trade effluent which is passing from any plant or vessel or from or over any place into any such stream or well.

5.3.6 The Writ Jurisdiction

Article 32 and 226 of the Constitution of India empower the Supreme Court and the High Courts, respectively, to issue directions or orders or writs in which mandamus, certiorari and prohibition are generally resorted to in environmental matters.

The Supreme Court has interpreted Article 21, which guarantees the fundamental right to life and personal liberty, to include the right to a wholesome environment. Accordingly, a litigant may assert his or her right to a wholesome environment against the state, by a writ petition to either the Supreme Court or a High Court.

25. Environmental Law & Policy in India - op. cit. p-448
26. Ibid - pp 109-114
Neither Article 32 nor Article 226 describe who may seek redress from the courts. The rules of locus standi in relation to writs are judicial policies. Traditionally, locus standi was restrictive. Only an "aggrieved person" could petition the courts for a writ certiorari, prohibition or mandamus. Until recently, only the person directly affected by the administrative action in question to challenge it. According to this view, a person could assert a public right or interest only by showing that he or she had suffered an injury not suffered by others. Recently, the Supreme Court has recognized that where a public wrong or public injury is caused by the state, any member of the public acting in good faith can maintain an action of redress. In particular, any member of the public may approach the court on behalf of a person or persons who have suffered a legal wrong and are unable themselves to petition the court by reason of poverty, disability or their socially or economically disadvantaged position. More than any other factor, the liberalisation of the doctrine of standing in writ petitions has been responsible for the rapid growth of public interest litigation in India, and has provided easy access to the higher Courts.

When a fundamental right, including right to a wholesome environment, has been violated, relief through Articles 32 and 226 is fully appropriate.

5.3.7 Pollution Control and Indian Penal Code

Pollution control in India was not unknown as the Indian Penal Code being one of the earliest legislation of the country contains provisions relating to offenses

27. Lal's Commentaries of Water & Air Pollution Laws - op. cit p-424
affecting the public health, safety, convenience, decency and morals in its chapter xiv. According to Blackstone, ‘Common nuisances are a species of offence against the public order and economical regiment of the state; being either the doing of a thing to the annoyance of all the king’s subjects, or neglecting to do a thing which the common good requires’.

5.3.8 Whether cremation ground can become nuisance

Whether a cremation ground constitutes a public nuisance depends upon the higher consideration of general convenience or the necessities of the whole community. The existence of cremation ground is not in itself a nuisance when the same is used from time immemorial and was sanctioned by the uses of the community. If it is an offensive state or the crémation is carried on upon it in such of an offensive manner as to be a source of injury, danger or annoyance to the persons living in the vicinity, it is a nuisance, and the Magistrate has jurisdiction to abate it under section 133 of the Criminal Procedure Code.

5.4.0 Remedial Measures

5.4.1 Formation of Green Bench

A Green Bench was constituted in Calcutta High Court on 17th June 1996 in pursuance of the landmark judgment given by the Supreme Court on 14th April 1996 in a Public Interest Litigation Case.

28. Lai’s Commentaries of Water & Air Pollution Laws - op. cit p-440
5.4.2 Violations and Penalties under the Act.\textsuperscript{29}

"The environment (Protection) Act was the first environmental statute to give the Central Government authority to issue direct written orders, including orders to close, prohibit or regulate any industry, operation or process or to stop or regulate the supply of electricity, water or any other service."

5.4.3 Special Consideration\textsuperscript{30}

In environmental disputes that involve complicated questions of fact to be resolved after recording evidence, a suit is the appropriate remedy, rather than a writ petition. For example, if pollution injures health, a suit for damages is appropriate since medical evidence and evidence to establish causation would have to be adduced.

5.4.4 Citizens' suit provisions\textsuperscript{31}

Before the enactment of the Environment (Protection) Act of 1986, only the Government had the power to prosecute under the Indian Environmental laws. Citizens had no direct statutory remedy against the polluter who was responsible for discharging effluent beyond the permissible limit. Under section 19 a citizen may prosecute an offender by a complaint to a Magistrate giving 60 days prior notice of his or her intention to complain. This notice is for Government to be alert so that appropriate remedial action may be taken.

\textsuperscript{29} Environmental Law & Policy in India - op. cit. p-71
\textsuperscript{30} Ibid - p-117
\textsuperscript{31} Ibid - p-118
“Similar provisions allowing citizens participation in the enforcement of pollution laws are now found in section 43 of Air Act as amended in 1987 and in section 49 of the Water Act as amended in 1988. Significantly, both these amended sections also require pollution control boards to disclose relevant internal reports to a citizen seeking to prosecute a polluter”.

5.4.5 Public Interest Litigation/ Social Action Litigation

In the early 1980s, a new type of judicial provision came into being which is collectively called “Public Interest Litigation”. Some of the jurists preferred to mention this judicial provision as “Social Action Litigation” in which the Supreme Court and High Court judges were asked to deal with public grievances over flagrant human right violations by the state or to vindicate the public policies embodied in statutes or constitutional provisions. In India most of the environmental actions fall within this class.

Justice Krishna Iyer developed the theme: “...Law as I conceive it, is a social auditor and this audit function can be put into action only when some one with real public interest ignites the jurisdiction. We can not be scared by the fear that all and sundry will be litigation-happy and waste their time and money and the time of the court through falls and fabulous cases...... Public interest litigation is a part of process of participate justice and 'standing' in civil litigation of that pattern must have liberal reception at the judicial doorsteps......”.

32. Environmental Law & Policy in India - op cit. pp 118-124
Among various environmental cases, closure of polluting tanneries on the Ganges, fall within this category of citizen standing case.

In the Ganga pollution (Municipalities) case the Supreme Court upheld the standing of a Delhi resident to sue the Government agencies whose prolong neglect has resulted in severe pollution of the river. Justice Venkataramiah's opinion in this case supports the notion of citizen standing:

"The petitioner is a person interested in protecting the lives of people who make use of the water flowing in the river Ganga and his right to maintain the petition can not be disputed. The nuisance caused by the pollution of the river Ganga is a public nuisance which is wide-spread in range and indiscriminate in its effect and it would not be unreasonable to expect any particular person to take proceedings to stop it as distinct from the community at large. The petition has been entertained as a Public Interest Litigation. On the facts and the circumstances of the case we are of the view that the petitioner is entitled to move this Court in order to enforce the statutory provisions which impose duties on the municipal authorities and the Boards constituted under the water Act."

33. Environmental Law and Policy in India. op cit pp-123-124