

POLLUTION BY INDUSTRIES IN DELHI

M.C.Mehta Vs Union of India & Ors. Writ Petition (Civil) No.4677/1985,



This Writ Petition was filed by Shri M.C.Mehta in 1985 regarding the pollution in Delhi by the Industries located in residential areas of Delhi. The Hon'ble Supreme Court after considering the reports submitted by the Central Pollution Control Board and the Delhi Pollution Control Committee, finally ordered vide its various orders, dated 8.7.1996, 6.9.1996, 10.10.1996, 26.11.1996 and 19.12.1996. These orders in brief are:

(i) Hazardous/Noxious heavy and large industries

The Hon'ble Court vide its order, dated 8.7.1996 directed that 168 industries falling in 'Ha' and 'Hb' categories under the Master Plan of Delhi – 2001 (MPD-2001) and which were hazardous/noxious/heavy and large industries, to stop functioning and operating in city of Delhi w.e.f.30.11.1996. However, those industries could relocate/shift themselves to any other industrial estate in the National Capital Region (NCR) or outside.



(ii) The Hon'ble Court vide its order, dated 6.9.1996 ordered that 513 industries falling under 'H' category under the MPD-2001, should stop functioning and operating in the city of Delhi w.e.f.31.1.1997. However, those industries could relocate/shift themselves to any other industrial estate in NCR.

(iii) Hot Mix Plants

The Hon'ble Court vide its order, dated 10.10.1996 directed that 43 Hot Mix Plants operating in Delhi be relocated/shifted to any other industrial estate in the NCR region. It was also directed that those 43 Hot Mix Plants close down and stop functioning and operating in the city of Delhi w.e.f. 28.2.1997.

(iv) Brick Kilns

The Hon'ble Court vide its order, dated 26.11.1996 directed that 246 brick kilns operating in the Union Territory of Delhi falling under category 'H' under the MPD-2001, should close their functioning w.e.f.30.6.1997. However, these brick kilns could relocate/shift themselves in NCR.

The Hon'ble Supreme Court further directed that it was liberty to the brick kiln owners to indicate before 31.1.1997 in writing to the NCT of Delhi and Delhi Pollution Control Committee that the concerned brick kilns intended to shift to the new technology of manufacturing bricks by flyash – sand – lime technology. The Delhi Pollution Control Committee should monitor the setting up of the new project of the concerned brick kiln. After obtaining the consent and no objection certificate from the Delhi Pollution Control Committee and also from the Central Pollution Control Board, the concerned brick kiln permitted to operate at the same site, if it is permitted under Delhi Master Plan – MPD-2001. The Hon'ble Court further directed the NCT of Delhi to render all possible assistance to the concerned brick kiln owners to changeover the new technology and in the setting up of the modern plants with flyash- sand-lime technology.





(v) Arc/Induction Furnaces

The Hon'ble Court vide its order, dated 26.11.1996 directed that the 21 arc/induction furnaces falling under 'H' category industries under the MPD-2001 to close down and stop functioning and operating in the Union Territory of Delhi w.e.f.31.3.1997. However, these arc/induction furnaces could relocate/shift themselves to any other industrial estate in the NCR.

(vi) The Hon'ble Court vide its order, dated 19.12.1996 directed that 337 industries falling under 'H' category industries under the MPD-2001 were directed to close down and stop functioning and operating w.e.f. 30.6.1997 in Union Territory of Delhi. However, those industries could relocate/shift themselves to any other industrial estate in the NCR.

(vii) 'F' category industries located in residential area

The Hon'ble court vide its order, dated 12.9.2000 directed and appointed the Ministry of Urban Development to act as the Nodal Agency for the matter of relocating/shifting of 'F' category industries as per MPD-2001 functioning and operating in residential areas of Delhi. The said Nodal Agency was directed to supervise the implementation of various orders/directions passed by the Hon'ble Court as well as implementation of the Master Plan of Delhi. The powers under Sections 3(3) and 5 of the Environment (Protection) Act, 1986 were given to the said Nodal Agency for implementation. The Hon'ble court on 7.12.2000 directed that under the supervision of the Nodal Agency, the Government of National Capital Territory of Delhi, the Municipal Corporation of Delhi and the Delhi Development Authority would close all the polluting units functioning in non-conforming/residential areas or zones within a period of four weeks from the date of the order. The Hon'ble Court further directed that the Nodal Agency was at liberty to direct closure of the polluting units under its supervision.

