

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (PIL) No. 3483 of 2024

Ram Kishore, aged about 29 years, son of Brij Kumar, resident of Mandir, P.O. & P.S. Bihta, Ghoratap, Patna, Town- Patna, District – Patna (Bihar), currently residing at Hirak Nagar, Ranchi Road, Marar, P.O. & P.S. Ramgarh Cantt. Dist:- Ramgarh, Jharkhand.

... .. Petitioner

Versus

1. The State of Jharkhand, through its Chief Secretary, having its office at 1st Floor, Project Building, Dhurwa, PO & PS – Dhurwa, Ranchi- 834004.
2. Jharkhand State Pollution Control Board, through its Chairman, having its office at Jharkhand State Pollution Control Board. H.E.C., Dhurwa, PO & PS – Dhurwa, Ranchi-834004 (Jharkhand).
3. The Forest Department, Jharkhand through its Additional Chief Secretary, having its office at Environment & Forests Department, Government of Jharkhand, Secretariat, Nepal House, PO & PS - Doranda, Doranda, Ranchi 834001.
4. Department of Environment, Forest and Climate Change, through its Deputy Director General of Forests (C), having its office at Ministry of Environment, Forest and Climate Change, Integrated Regional Office, 2nd Floor, Headquarter-Jharkhand State Housing Board, Harmu Chowk, PO& PS-Argora, Ranchi, Jharkhand - 834002, Ranchi.
5. Deputy Commissioner, Ramgarh having its office at DC Office, PO&PS- Chhatamandu, Ramgarh - 825101.
6. Bihar Foundry and Casting Limited, through its Managing Director, having its office at Ramgarh Industrial Area, P.O&P.S.- Marar, Dist.-Ramgarh, Jharkhand 829117
7. Dayal Steel Limited, through its Managing Director, having its office at Village- Chaha, Post- Jamira, Chitarpur, P.S.- Ramgarh, Jharkhand, 825101.

... .. Respondents

CORAM: HON’BLE THE CHIEF JUSTICE
HON’BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner: Mr Shivam Utkarsh Sahay, Advocate
 Ms Komal Tiwary, Advocate,

For the State:	Mr Sahbaj Akhtar, A.C. to A.A.G.-III
For the JSPCB:	Ms Richa Sanchita, Advocate Ms Risheeta Singh, Advocate
For Resp. No.6:	Mr Ankit Vishal, Advocate Mr Indrajit Sinha, Advocate

Reserved on: 27.08.2026

Pronounced on: 14/09/2026

Per M. S. Sonak, C.J.

1. Heard learned counsel for the parties.
2. The petitioner, by filing the instant writ petition in the nature of a Public Interest Litigation, seeks issuance of appropriate writ(s)/direction(s) to the respondent authorities to take effective and stringent measures to stop air pollution allegedly caused by industries situated at Ramgarh, Jharkhand.
3. The petitioner submits that these industries emit toxic and poisonous smoke, dust, and gases from their factory chimneys throughout the day, thereby engulfing the surrounding areas of Ramgarh and causing serious environmental pollution.
4. Accordingly, the petitioner has prayed that the respondent authorities be directed to ensure the immediate cessation of such emission of toxic and poisonous dust and gases by the industries operating in Ramgarh.
5. At first blush, the grievance raised in the present petition may appear to be confined to the territorial limits of the district of Ramgarh. However, environmental degradation does not recognise such territorial boundaries.
6. Once pollution escapes its source, its consequences travel far beyond where it originates. A polluted river does not pause at a

district boundary before carrying the burden imposed upon it upstream. The River “Damodar”, which rises in the Chotanagpur Plateau and flows through Ramgarh before passing through Bokaro and Dhanbad and, eventually, into West Bengal, sustains along its course communities who may have had no part whatsoever in whatever enters its waters upstream. Thus, a failure of environmental enforcement which begins as a local concern does not necessarily remain local in its consequences.

7. Environmental harm routinely transcends its geographical roots, forcing vulnerable populations to bear the brunt of actions to which they hardly contributed. This transboundary asymmetry is equally relevant when addressing localised industrial pollution and river degradation. If left unchecked, environmental damage never remains confined to its original territorial limits or to those responsible for its creation. What begins as a site-specific ecological injury will inevitably compound over time, spreading harm far beyond its point of origin.
8. It is against this backdrop that the present petition requires examination. The petitioner, by filing the instant Public Interest Litigation, seeks directions in respect of the alleged air and water pollution attributable to industrial activities carried on by, inter alia, Bihar Foundry and Casting Limited (respondent No. 6) and Dayal Steel Limited (respondent No. 7), both situated at Ramgarh.
9. Inasmuch as the core grievance raised by the petitioner concerns the alleged environmental pollution arising from the activities of

the aforesaid industrial units, the issue cannot be viewed merely as a dispute between the petitioner and the industries concerned. If the allegations have substance, they would directly affect the quality of air and water, the region's ecological equilibrium, and people's right to live in a clean and healthy environment.

10. It is precisely this larger public dimension, and the potential consequences extending beyond the immediate parties, which persuaded this Court to take the matter seriously and entertain the present Public Interest Litigation.
11. Ramgarh is an industrial town in the state of Jharkhand where residential areas, schools, public institutions, and a jail exist alongside heavy manufacturing units. This proximity inevitably creates environmental friction and gives rise to the genuine concerns brought before this Court.
12. However, industrial presence near inhabited spaces does not lessen an operator's strict obligation to comply with the Air (Prevention and Control of Pollution) Act, 1981, the Water (Prevention and Control of Pollution) Act, 1974, the Environment (Protection) Act, 1986, and their consent conditions. Conversely, the presence of sensitive establishments like schools neither confers immunity on industry nor automatically proves a statutory breach whenever local health issues arise.
13. Although the State filed its initial counter-affidavit after considerable delay, its subsequent responses and the remedial

measures undertaken by the regulatory bodies have been largely positive and constructive.

14. The State's first detailed response, i.e., an affidavit dated 28.08.2024, characterised the petition's allegations as motivated and fabricated, asserting that the industries were fully compliant with environmental norms. Rather than addressing the merits of the pollution claims, the State chose to question the legality of establishing VIVA International School near the industrial zone. It further initiated an inquiry into the revenue records of the land on which the school operated through a committee constituted by the District Magistrate-cum-Deputy Commissioner, Ramgarh. However, upon this Court's timely intervention, the State withdrew those evasive averments and dissolved the inquiry committee.
15. Recognising the flaw in its initial approach, the State acted with promptitude in the subsequent phases of this litigation. It constituted a three-member committee to assess the environmental impact of industrial pollution on the areas adjoining VIVA International School and directed the committee to submit a comprehensive report.
16. Despite these initial steps, concrete executive action remained lacking. Consequently, by order dated 10.12.2025, this Court observed that the State Pollution Control Board (SPCB) had been ineffective in monitoring air, water, and statutory compliance. Emphasising the need for a robust enforcement protocol, this Court

directed the Member Secretary of the Board to file a composite affidavit detailing its proposed framework for implementing environmental statutes and rules.

17. Pursuant to these directions, the SPCB submitted a series of affidavits detailing both localised measures and statewide regulatory initiatives. Through counter-affidavits dated 31.07.2025 and 01.08.2025, and supplementary counter-affidavits dated 05.12.2025, 05.01.2026 and 27.04.2026, the Board placed on record its regulatory architecture.
18. On the ambient air quality issue, the Board outlined its existing monitoring framework, noting a significant concentration of monitoring stations across the Hazaribagh and Ramgarh regions. It further detailed ongoing procurements for advanced particulate samplers and integration into a real-time monitoring portal.
19. Regarding water safety near VIVA International School, the Board commissioned testing across drinking water sources within a ten-kilometre radius through an NABL-accredited laboratory. It also launched inter-departmental efforts to develop standard operating procedures (SOPs) to protect public health.
20. In its affidavit dated 27.04.2026, the Board expanded on its systemic enforcement protocols, outlining mechanisms for hazardous and biomedical waste management, plastic waste regulation, and noise pollution control.
21. Finally, by a supplementary counter-affidavit dated 18.08.2026, the Board submitted a comprehensive water analysis report. The

report, conducted by M/s Shiva Enviro Lab & Research Centre Private Limited on samples collected near VIVA International School on 05.01.2026, revealed that while parameters such as fluoride, total dissolved solids (TDS), and nitrate were slightly above prescribed limits, the water samples generally conformed to acceptable scientific standards on most key parameters.

22. Consequently, the record further reveals that, on 12.08.2026, the Board issued formal requisitions to the Executive Engineer, Public Health Engineering Department (PHED), Ramgarh, directing immediate remedial action to ensure safe drinking water in the affected locality.
23. In addition, the counter-affidavit dated 01.08.2025 filed by the respondent SPCB prima facie demonstrates that both private industrial units possess the requisite statutory permissions and are operating in accordance with the established environmental legal and regulatory architecture.
24. Per contra, the petitioner, through several supplementary affidavits, contends that the mitigation measures adopted by the industrial units are merely temporary and fleeting, asserting that effective containment of environmental pollution requires robust, additional judicial directions to the respondent authorities.
25. Considering the rival submissions made and materials presented by both sides, we proceed to examine the issues raised in this case.

26. Before turning to the merits, it is useful to revisit, briefly, the settled constitutional and statutory frame within which environmental claims of this nature fall to be examined.
27. The right to a clean and healthy environment is an integral facet of the right to life under Article 21, reinforced by Articles 47, 48, 48A, and 51A(g), which cast corresponding duties on both the State and the citizens. This constitutional bedrock operates alongside the statutory machinery under the Air Act, 1981, the Water Act, 1974, and the Environment (Protection) Act, 1986. While the constitutional right provides the foundation, these enactments supply the regulatory mechanism.
28. The Hon'ble Apex Court in the case of **Subhash Kumar v. State of Bihar**, AIR 1991 SC 420, established that Article 21 encompasses the right to pollution-free water and air, a principle of immediate relevance given the proximity of residential areas, a school, and a jail to heavy industry in Ramgarh.
29. Furthermore, in the dictum of **Municipal Council, Ratlam v. Vardhichand**, AIR 1980 SC 1622, Hon'ble Apex Court laid down the foundational rule that a primary, non-delegable obligation resides on the shoulders of executive and statutory authorities to protect public health. The Hon'ble Court emphatically ruled that regulators cannot run away from or shirk these mandatory statutory duties by pleading administrative inconvenience, lack of resources, or financial stringency.

30. In addition to this, it is a settled position of law that environmental governance requires a calibrated harmonisation between industrial development and ecological integrity. In this regard, reliance can be placed upon the judgment of the Hon'ble Calcutta High Court in **People United for Better Living in Calcutta v. State of West Bengal, AIR 1993 Cal 215**, which ruled that development and ecology must co-exist as complementary concepts, requiring regulators to prevent environmental degradation without needlessly halting industrial growth.
31. Moreover, the Hon'ble Supreme Court in **N.D. Jayal v. Union of India, (2004) 9 SCC 362**, held that sustainable development is a means to achieve the right to life, emphasizing that environmental conditions are not a one-time clearance or temporary amnesty, but require ongoing operational compliance throughout a project's lifecycle.
32. This imperative to balance economic progress with environmental preservation is further reinforced by the dictum of **Vellore Citizens' Welfare Forum v. Union of India, (1996) 5 SCC 647**, where the Hon'ble Supreme Court held that the precautionary principle and the polluter-pays principle are part of the law of the land. Precaution does not require closure of an industry on mere allegation; it requires the regulator to act before harm becomes irreversible, and the operator to bear the cost of prevention and remediation where harm is established.

33. Against the touchstone of these judicial precedents and the statutory architecture in place, the materials on record must be examined.
34. The counter-affidavit dated 01.08.2025 filed by the respondent JSPCB largely dispels the notion that respondent nos. 6 and 7 are operating in contravention of environmental laws. The annexures demonstrate that both industrial units possess valid and subsisting Consents to Operate (CTO).
35. The appended inspection and analytical test reports confirm that scientific parameters relating to air emissions are duly met. The Continuous Ambient Air Quality Monitoring Station (CAAQMS) data for the period 22.07.2025 to 31.07.2025 indicates that ambient particulate matter remains well within prescribed statutory limits.
36. On the issue of water quality, however, the report dated 18.08.2026 shows that fluoride, total dissolved solids and nitrate levels near VIVA International School were marginally above prescribed limits, though the samples otherwise conformed to acceptable standards. That report does not, on its own, permit a finding as to whether the marginal exceedance is attributable to industrial discharge or to geogenic and municipal factors, a distinction which the record does not presently allow this Court to draw.
37. This Court is, accordingly, largely satisfied with the state of compliance reported by the respondents on air quality, for the time being. On water quality, the marginal exceedance noticed above

warrants closer verification rather than any adverse finding at this stage. In either respect, we remain conscious that industrial establishments demand constant vigil, supervision and proactive monitoring.

38. The statutory apparatus comprising the environmental Acts and Rules discussed hereinbefore is robust enough to prevent pollution from assuming serious proportions, provided enforcement authorities act with promptitude and in the true spirit of these mandates.
39. Environmental parameters in Jharkhand presently remain within a manageable range, and only sustained regulatory promptitude can keep industrial hubs such as Ramgarh from the environmental decline witnessed elsewhere.
40. Having examined the legal framework, the material on record, and the constitutional mandate, the inquiry must now turn to practical enforcement.
41. The need is to strike a balance between the continued operation of industries and the imperative of protecting the environment. Ultimately, the principles embodied in the law must translate into effective administrative action and safeguards for the public.
42. Before parting, it is pertinent to state that the materials on record presently available do not establish any continuing statutory violation on the part of the respondent industries. However, the earlier course of these proceedings has brought to light deficiencies in the effectiveness of regulatory monitoring and enforcement.

43. The directions that follow are, therefore, not intended to create any additional regulatory regime, but only to ensure that the statutory monitoring mechanism remains functional, regular and effective, and that any future instance of non-compliance is promptly detected and dealt with in accordance with law.

44. Having regard to the foregoing, this petition is disposed of with the following directions, which are intended to operationalize duties already existing under the Air Act, the Water Act, the Environment (Protection) Act, and the consents issued thereunder, rather than to create a parallel code:

- I. *The Regional Officer, JSPCB, Hazaribagh, shall inspect respondent nos. 6 and 7 twice in every calendar year, at least one inspection at each unit being without prior notice, covering stack emissions, effluent (if any), and the functioning of pollution-control and continuous monitoring equipment.*
- II. *The Regional Officer shall place a report of each inspection before the Member Secretary, JSPCB, within two weeks of the inspection. Failure to conduct either inspection each year shall be explained by the Regional Officer, in writing, to the Member Secretary, who shall report the default to this Court in the compliance affidavit directed in clause (IX).*
- III. *Continuous emission monitoring data of respondent no. 6, and of respondent no. 7 wherever such systems are*

installed, shall remain connected to the Board's server. Any exceedance sustained for more than forty-eight hours shall trigger a show-cause notice from the Board to the concerned unit within seven days of detection, to be answered within a further period of fifteen days, failing which the Board shall proceed to such action, including such action as may be permissible under the applicable environmental statutes.

IV. Within three months from the date of this order, the Board shall cause fresh sampling, through an accredited laboratory, of the water sources earlier tested near VIVA International School and of any identified discharge point of respondent nos. 6 and 7, with samples drawn upstream and downstream of the industrial area wherever the River Damodar is involved.

V. The Board shall furnish the report to the Deputy Commissioner, Ramgarh, within one month of collection. If the report attributes contamination to industrial discharge, the Board shall initiate proceedings, including assessment of environmental compensation, within one month of the report; if the parameters are consistent with municipal sources, the Board shall forward the report to the Drinking Water and Sanitation Department for action under the schemes it administers.

- VI. *The Board shall, within two months, compile a consolidated file for each of respondent nos. 6 and 7 containing the Environmental Clearance (if applicable), Consent to Establish, Consent to Operate, and the last four inspection reports, and shall record, in respect of each document, whether it is current, expired, or pending renewal.*
- VII. *Where any document is found expired or pending renewal beyond the permissible period, the Board shall take such action as the applicable statute provides, and shall report the position, including the fact that no deficiency was found, if that be the case, in the compliance affidavit under clause (IX).*
- VIII. *The Deputy Commissioner, Ramgarh, shall extend logistical assistance to the Board's inspection teams on request and shall forward any complaint of industrial pollution received from residents, the school, or the jail administration to the Regional Officer, JSPCB, within three working days of receipt.*
- IX. *The Member Secretary, JSPCB, shall file a compliance affidavit before this Court within four months from today, setting out the status of compliance with clauses (I) to (VIII), including particulars of any default and the reasons therefor.*

X. A copy of the compliance affidavit filed under clause (IX), and of the reports referred to in clauses (II) and (V), shall be furnished to the petitioner, within one week of filing.

45. Liberty is reserved to the petitioner to bring any non-compliance with clauses (I) to (VIII), or any fresh instance of the pollution complained of, to the notice of this Court by way of an interlocutory application in the present proceedings, without the necessity of instituting a fresh writ petition.
46. It is clarified that the above directions are issued strictly to reinforce statutory compliance and shall not preclude the competent authorities from taking any additional coercive measures, including the criminal prosecution of defaulting industries or individuals and those responsible for conniving with or facilitating non-compliant operations, in accordance with the law.
47. Let a copy of this judgment be forwarded forthwith to all the respondent authorities.
48. This petition is disposed of in the above terms. Pending I.A.s, if any, will not survive and are disposed of. No costs.

(M. S. Sonak, C.J.)

(Rajesh Shankar, J.)

September 14, 2026

A.F.R.

Manoj/Cp.2

Uploaded on 14.09.2026