

HIGH COURT OF SIKKIM : GANGTOK
Record of Proceedings

WP (PIL) No. 12/2017

IN RE - DISCHARGE OF EFFLUENTS BY PHARMA COMPANIES SITUATED AT SINGTAM.

For Petitioner	:	Mr. Sajal Sharma, Amicus Curiae and
For Respondent nos. 1, 3, 4, 23, 24 and 58	:	Mr. Zangpo Sherpa, Additional Advocate General with S.K. Chettri, Government Advocate.
For Respondent nos. 5 and 47	:	Mr. N. Rai, Senior Advocate with Ms. Tara Devi Chettri, Advocate.
For Respondent no.6	:	Mr. Passang Tshering Bhutia, Advocate.
For Respondent nos. 7 to 12, 14, 18, 19 to 21, 25, 26, 31, 32, 34, 42, 49 and 54	:	Mr. Manish Kumar Jain and Ms. Nirupa Rai, Advocates.
For Respondent no.13	:	Mr. Sonam Bhutia, Advocate.
For Respondent nos. 43 and 44	:	Mr. Karma Thinlay Bhutia, Senior Advocate with Mr. Zamyang Norbu Bhutia, Advocate.
For Respondent nos. 16, 18 and 35	:	Mr. J. K. Chandak and Ms. Nisha Gurung, Advocates.
For Respondent no.17	:	Mr. J. K. Chandak and Ms. Nikita Chandak, Advocates.
For Respondent nos. 40, 41 and 52	:	Mr. J. K. Chandak, Advocate.
For Respondent no.22	:	Mr. Karma Thinlay Bhutia, Senior Advocate and Central Govt. Counsel.
For Respondent nos. 29, 30, 33, 36 to 38, 45, 46, 55 to 57	:	Mr. Rahul Rathi, Advocate.
For Respondent no.51	:	Mr. Bhushan Nepal, Advocate.
For Respondent nos. 15, 39 and 48	:	Mr. Adarsh Gurung, Advocate.
For Respondent nos. 50 & 53	:	None appears.

Date: 19/06/2025

CORAM:

HON'BLE MR. JUSTICE BISWANATH SOMADDER, CHIEF JUSTICE
HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE

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JUDGMENT : (per the Hon'ble, the Chief Justice)

This Public Interest Litigation is pending before this Court since the year, 2017. The genesis of this Public Interest Litigation was with regard to discharge of effluents by pharma companies situated at Singtam (Sikkim). During the pendency of this Public Interest Litigation, it was noticed that there were pharma companies situated in other parts of the State of Sikkim and as such they were also brought under the purview of this litigation. While dealing with the primary issue, it was subsequently noticed by this Court that these pharma companies were also extracting ground water — which is precious in Sikkim — even though surface water is available in abundance in this small Himalayan State.

As far back on 29th October, 2021, this Court had observed *inter alia* as follows:

“.....

So far as discharge of effluents are concerned, the issue has already come to a rest. In this context one may take note of the judgment and order dated 26th February, 2021, passed by an earlier Bench of this Court. However, a road map is required to be prepared with regard to use of surface water and also water obtained by means of rain water harvesting so that the entire process is completed within a realistic time frame, in order to bring to a total end of usage of precious ground water.

The learned Amicus Curiae may assist this Court by preparing such a road map while taking all stakeholders on board.

.....”

Since then much water (thankfully, no ground water!) has flown under the bridge. The result of the elaborate exercise undertaken at the behest of this Court has now come up in the form of a compliance report filed on behalf of the State respondents no.1, 3, 4, 23, 24 and 58 pursuant to the order dated 30th May, 2025, passed by this Court. Relevant portion of the order dated 30th May, 2025, is set out hereinbelow:

“Let the report of the learned Amicus filed on 27th May, 2025, in compliance of this Court's order dated 10th September, 2024, be taken on record.

Perusing the said report, it appears that the learned Amicus along with officials of Sikkim State Pollution Control Board inspected all the pharmaceutical industries located within the State of Sikkim, totalling to forty-four (44) industrial units, situated in different pockets of the State of Sikkim. Out of the forty-four (44) industrial units, it

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appears that four (4) industries have already shut down their operations. The names of the four (4) industrial units have been stated in paragraph 4 of the report. From paragraph 5 of the report, it appears that after inspection of all the industries, the learned Amicus and the officials of Sikkim State Pollution Control Board did not observe any effluents being discharged into the main rivers/streams/kholas within the State of Sikkim.

Having taken note of the facts as stated hereinabove, this Court is of the view that the draft legislation, which is being re-worked, is required to be placed before this Court within three weeks from date.

”

The compliance report which has been filed yesterday (i.e., 18th June, 2025), now reveals that a final draft of the Sikkim Springs and Groundwater (Regulation and Management) Bill, 2025, has been prepared and the same has been annexed to the compliance report.

We have perused the draft of the “Sikkim Springs and Groundwater (Regulation and Management) Bill, 2025”. However, a final glance-through of the same is required to be carried out by the learned Amicus, minutely. If the learned Amicus is of the view that one member of the Central Ground Water Authority (CGWA), being the respondent No.22 herein, is required to be made a member of the proposed Sikkim State Authority (as stated in the draft Bill), he may make a recommendation to the State Government, which the State Government may consider before giving final shape to the draft Bill that has been placed before this Court. However, we make it clear that the final say in this matter rests squarely with the State Government.

One suggestion of this Court which, however, can be taken note of by the State Government is, notwithstanding the provisions as contained in the draft Bill, the competent authority of the State Government shall carry out periodic inspection of all companies including the existing pharma companies within the State of Sikkim in order to find out whether they are still actually discharging effluents or not.

Before parting with this matter, we would like to express our deep appreciation to the learned Amicus for having rendered all possible assistance to this Court.

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A final remuneration of ₹ 10,000/- (Rupees ten thousand only), may be given to each of the learned Amicus, by each of the existing pharma companies.

With the above observations, the instant Public Interest Litigation, being WP (PIL) No. 12 of 2017, stands disposed of with liberty to the parties to apply in case of any difficulty which may arise in future in respect of the issues considered by this Court.

(Meenakshi Madan Rai)
Judge

(Biswanath Somadder)
Chief Justice

jk/ds