



Right to Clean Environment & Public Safety; Industrial Pollution issue

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The places where we live like earth, water, air and land as well as interactions among people and other living organisms make up the environment. There is no place for us other than the earth to live in which not only human beings live but the animals and plants also survive.

Surviving requires an environment that is free from any risks of diseases or infection. The presence of human beings, animals and plants will be threatened when pollution happens in the environment. In addition, environmental degradation occurs when it is imbalanced either by adding impurities through unfavourable changes in air, water or land.

The reason why the environment is polluted as a consequence of human beings is that they are causing the environment to become dirty. It has turned into a big threat and made living conditions dangerous for all earth's inhabitants. Environmental pollutant refers to any solid, liquid or gaseous substance present in such concentration as may be or tend to be injurious to environment. These pollutants are divided into biodegradable substances like domestic waste, sewage, agriculture residues, automobile discharge etc. and non biodegradable substances like chemicals, insecticides and pesticides, heavy metals, nuclear wastes etc. These hazardous substances are pollutants identified.

The constitution of India is not an inert document but a living one which evolves over time. These specific provisions on environment protection in the constitution also stem from this evolving nature and growth potential of the fundamental law of the land.

Our preamble promises us socialist pattern of society and dignity of the individual along with decent standard of living and pollution free environment inherent in it.

“It is our collective and individual responsibility to preserve and tend to the world in which we all live.”

-Dalai Lama

The fundamental thing about the Right to live is that it involves the Right to a sound environment. In many ways, this right is connected with the Right to clean drinking water and health rights as well. It also prevents humans from harming plants and animals around them. The UN has recognized this right and acted as its advocate, while it was made into an international human right at Stockholm Conference known as Magna Carta of human environment. It provides environmental defenders with a basis on which they can protect their environment in a more substantive manner.

Moreover, this conference established a link between environmental protection and sustainable development. Article 21 of Indian Constitution has incorporated the Right to clean environment.

The Environment (Protection) Act, 1986 define under section 2 of the Act as “An environmental pollutant as any solid, liquid or gaseous substance that may be harmful to the environment.” An air pollutant is any solid, liquid or gaseous substance including noise that may be harmful to human beings, plants, property or environment.

Environmental pollution – Is defined as needless dissipation of energy or mass such as air, land or water into earth’s natural resources; This affects both living things and their existence for worse either in terms of quantity or quality.

The Environment (Protection) Act, 1986 defines environment as “environment includes water, air and land and the interrelationship which exists among and between air, water and land and human beings, other living creatures, plants, micro-organism and property”.

The essential meaning of the right to public safety is protection against harm to individuals, their property by third parties or by natural causes. Under Article 14 (Right to Equality), Indian Constitution grants right against arbitrary use of power by government. Besides that, it creates a responsibility for the fair and just actions taken by the police officers.

Public safety is founded on the trust of the public. Trust in the criminal justice

system necessitates fairness, transparency and accountability.

Hundreds of public policy choices and laws rest upon this one idea of public safety, as well as many personal decisions like making ones made on a daily basis. But what is it? What does it mean when someone talks about “public safety”?

Legal scholars refer to this issue as “the protection of people at large” with such examples as Police Officers and Firefighters termed Public Safety Officers. Governments take such policies based on keeping people’s lives safe bodily wise although they mostly focus on fighting crime in order to make residents feel more secure hiring those who could provide security such as Law Enforcement Agents and Medical Emergency Responders.

Contrary to the psychologist Abraham Maslow, who emphasized a much broader view of safety in his well-known “Hierarchy of Human Needs” model. He stated that one of the main basic needs is safety. This extends to not only physical safety but also security of our health, money, belongings, jobs, and families.

For someone to define public safety might be easier to, what happens when it’s missing. Imagine how different your day, life, job, or community would be if there were no public safety. Likewise, absence of public safety might lead to the highway overpass near your home not being strong enough to drive on, the local park being overrun with used needles and other toxic waste, or the water that comes out of the tap not being clean enough to drink.

Beyond your everyday lives, also contemplate the emotional price you might pay if you are frightened to harm physically, are worried that your child can catch a disease in school, or don’t know whether you’ll still have work next week. The negative impacts, however, are not only immediate but may also have long-term effects on individuals, their families as well as the whole community.

Clearly, “public safety” is a complex phenomenon. Communities and city leaders in Austin are trying to grapple with it through the Reimagining Public Safety initiative. The City has taken some steps that are part of the solutions to the complicated subject of public safety such as looking into matters that affect the public safety and may be best handled in other areas..

Public Safety Defintion - Public safety is a cover-up of general populace from grave danger, injury or property damage which can pose a real hazard to the lives of our society. It is a kind of protection, which covers a person against

committing crimes, abiding by natural disasters and overcoming all the other possible threats. Through this we also involve the provision of protection, attends to emergency situations, and ensure buildings and roads are safe.

Whereas political leaders and philosophers would be very old- fashioned saying that there is no power except to protect the people, for centuries.

Here are some ways to ensure public safety: Here are some ways to ensure public safety:

- Engage the community
- Invest in infrastructure
- Leverage technology
- Foster collaborations

Education is vital therefore teachers should be encouraged to teach effectively t leading to higher levels of knowledge and skills. Education should be promoted extensively

Industry, being one of the largest contributors to the environmental pollution, poses a serious threat to the right to clean environment, as well as the public safety.

A Union of India is decided by the Supreme Court through AIR 1987 SC 1086 having the effect of the right to live in a pollution free environment to be a part of fundamental right to life guaranteed in Article 21 of the Constitution.

Constitution addresses that the citizens have a fundamental right to breathe clean air, drink pure water, and live with decent surroundings.

Article 21 expresses the right to live with optimism as a fundamental law of our Indian Constitution. The desire of the Constitution to have a clean and safe inhabited environment is entrenched in many of those Acts and some remarkable court decisions that are also highlighted.

Indian Constitution has articulated “Right to life and personal liberty under Article 21, where it serves as a tool for the safeguarding of the existence of every living thing. Environmental well-being through cleaner, pollution-free surroundings maintained by good living standard is an inalienable concomitant of the right to life.

Article 48A of the Constitution of India prescribes that the state is required to conserve and enhance the environment and all those living things that are meant to safeguard forests and wildlife. It also imposes a responsibility on the state to clean up the environment through such as varying the extent of

ecological compensation and damage.

The mission of the environmental protection and wildlife conservation is stated in Art 51A(g) India citizens are supposed to upkeep and further improve the natural environment and wildlife.

In reference to the Environment Protection Act 1986, any substance or preparation, which by its chemical or physico-chemical characteristics or handling has likelihood to cause harm to human or other living species properties or environment is hazardous characteristic.

Environmental pollution is the presence of any substance in the environment which has the ability to alter, change or even destroy the environment.

The specific chapter that talks about Indian citizens' fundamental duties surely accentuates an effort that everybody should contribute to protect the environment. 51A (g) enshrines in article the proposition that “it is the duty of the citizens of the country of India to ensure that nature is being safeguarded and improved, including forests, seas, lakes and the wild life. They have to have sympathetic feelings towards the living creatures”.

The Directive Principles of the Indian Constitution which, while ideals of State Welfare state essentially are aimed at. Moreover, of the ones, a welfare state necessitates a sound environment.

A constitution of the India in that regard ensure fundamental rights for the entire person that are the core of the development of every individual and are due to each human being as his/ her birthright by itself only. Right to environment is likewise a right in the absence of which person could not efficient to the development of himself or herself and actualization of his potentialities. Part 21, 14 and 19 stipulate in their respective terms that articles are meant for environmental protection.

Protecting all people against discrimination is one of the great landmarks of Article 14 in the Indian Constitution. It also guarantees that the state does not differentiate between men and women nor discriminate anyone in the provision of equal protections within the nation.

It is additionally, calls for the state to be equally responsible in ensuring its measures for environmental protection are fair in nature. Therefore, any environmental action by the state such as augmentation of environmental laws must take into account the demands for equality.

The right to equality can also be infringed by government decisions that affect the environment. However, the legislature has enacted various laws to protect

the environment, including:

The Air (Prevention and Control of Pollution) Act, 1981
The Water (Prevention and Control of Pollution) Act, 1974

The Wildlife (Protection) Act, 1972
The Forest (Conservation) Act, 1980
The Indian Forest Act, 1927

The Biological Diversity Act, 2002

The Constitution of India, 1950 had completely omitted any the provisions relevant to the environmental conservation and protection. But under Article 21 (Right to Life) of the Indian Constitution, the right to a clean and healthy environment finds an expression as a fundamental right : it has been added. It mentions “No person shall be deprived of his life or personal liberty except according to procedures established by law” (48A) and 51 A (g) that was added as an amendment in Constitution (Forty-second Amendment) Act, 1976 pertaining to the constitutional lay down for environmental protection.

Article 48A states “The State shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country.”

Article 51A(g), it is the duty of every citizen to preserve and protect the environment. It states “It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers, and wildlife and to have compassion for living creatures.”

Article 32 and Article 226 of the Constitution of India allow any person to move to the Supreme Court whenever there is any violation of fundamental rights through Public Interest Litigation

Along with the above list, the laws related to public nuisance are also provisioned under the Indian Penal Code. Correct definition of Public Nuisance is, according to Section 268 of the Indian Penal Code. This article is about the description of how a person can be charged with public nuisance. It about “A person is guilty of public nuisance if he or she commits any act that is contrary to law or is guilty of an illegal omission, that causes common danger or injury to the public or to people dwelling in the area or using the area for their rightful purposes. In addition, such act or omission would cause

In the Section 277 of the IPC, any of the person who will do pollution in the water of public reservoir will be given the punishment of imprisonment which is extendable from three months to a fine of five hundred rupees and both.

As per section 278 every person who air pollutes to such an extend that public health is adversely affected is punishable up to 500 rupees which can be a fine

extendable.

The section 290 of the IPC has some provision but not clearly enough as impose fine of up to 200 rupees for the public nuisance.

Brief of Protection Laws

Wildlife (Protection) Act, 1972

For the welfare of the wildlife, the execution of the Wildlife (Protection) Act was passed by the Indian Parliament. It preserves these wild animals, birds and plant communities as they are the main factors contributing to ecological and environmental security.

Water (Prevention and Control of Pollution) Act, 1974

This Act was brought in 1974 and was aimed at the areas where water is being polluted and encouraging the clean water in rivers. Furthermore, it stands to keep and address any water quality problems for the entire environment. In accordance with the Water (Prevention and Control of Pollution) Act the dumping of the effluents into water bodies is forbidden for the sake of marine as well as human species. Furthermore, the act gives rise to agencies including the Central Pollution Control Board (CPCB) and the State Pollution Control Board (SPCB) and provides them with powers and they can punish pollutants with appropriate action to prevent water pollution.

Air (Prevention and Control of Pollution) Act, 1981

The major purpose of the Act is to prevent air quality from getting contaminated and polluted. The Air pollution Act, Section 2(b) says that air pollution may be termed as "the presence in the atmosphere of any air pollutant." Any air pollutant is also defined under section 2(a) as "any solid, liquid or gaseous substance present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or the environment."

Moreover, the law grants the state government the authority to define a specific area of the state as an air pollution control area.

The Environment (Protection) Act, 1986

The main purpose of the Environment (Protection) Act is deed to create a mechanism to safeguard or improve the environment. The Act makes it possible for the Central government to implement various preventive and control steps that are essential to mend the environment by controlling hazardous wastes in

the Centre and regulating the whereabouts of industries as well as ensuring safety of public health and welfare. Under this Act, there have been created the larger body, which provides the necessary processes and strategies to co-ordinate both water authorities at the Central and State levels in accordance with the Water Act of 1974.

The National Green Tribunal Act, 2010

The National Green Tribunal was established under the National Green Tribunal Act of 2010 for the purpose of rapid disposal of cases which involved preservation of environment, protection of environment and conservation of natural resources. The Act enacted is under Article 21 of the Indian Constitution which is the right to live in healthy conditions and the right to live in a clean environment. One of the functions of the NGT is to give compensation for rehabilitation and recovery of losses incurred by individual, groups and properties. The NGT's important bodies include the Chairperson, the Expert Members, and the Judicial Members. The panel should include at least 10 and a maximum of 20 Experts and Judicial members. NGT adjudicates several civil cases coming under the wide coverage of laws related to the environment like the Water (Prevention and Pollution) Act of 1974, the Air (Prevention and Pollution) Act of 1981, Forest Act (Conservation) of 1980, Public Liability Insurance Act of 1991, Environment (Protection) Act of 1991

Role of Judiciary

The role of judiciary is very important in protecting the environment. Important decisions in the last decades testify that the judiciary has played an important role in interpreting the fundamental rights of the individual and helping those who could not approach the Supreme Court to protect their rights by initiating the cause of public welfare.

The concept of PIL encouraged various individuals, NGOs and other concerned organizations to approach the court to help those who could not afford court fees Thus, various cases relating to environmental protection and sustainability were registered and adjudicated.

There are important decisions that determine the role of the judiciary in protecting the environment. Below are two important and important decisions of the Supreme Court on the protection and preservation of the environment.

There are various landmark judgments that highlight the role of the judiciary in environmental protection. Below are two of the most important landmark judgments by the Supreme Court regarding the protection and preservation of the environment.

According to Article 21 of the constitution, “no person shall be deprived of his life or personal liberty except according to procedure established by law”. Article 21 has received liberal interpretation from time to time,

After the decision of the Supreme Court in **Maneka Gandhi vs. Union of India**, (AIR 1978 SC 597). Article 21 guarantees fundamental right to life. Right to environment, free of danger of disease and infection is inherent in it. Right to healthy environment is important attribute of right to live with human dignity.

According to Article 21 of the Constitution, “no person shall be deprived of life or personal liberty except in a manner established by law”. Article 21 has from time to time received a liberal interpretation,

When the Supreme Court ruled in **Maneka Gandhi v. Union of India**, (AIR 1978 SC 597) afterwards. Article 21 guarantees the fundamental right to life. The right to an environment free from the risk of disease and infection is inherent. The right to a healthy environment is a fundamental attribute of the right to life with dignity.

The right to a healthy environment as part of Article 21 of the Constitution was first recognized in **Rural Litigation Center v . State**, AIR 1988 SC 2187 (popularly known as the Dehradun Quarry Case) was the first such case in India, dealing with issues of environment and ecological balance the Supreme Court ordered a moratorium on (illegal) mining mining) under the Environment (Protection) Act, 1986

M.C. Mehta v. Union of India, AIR 1987 SC 1086 the Supreme Court held the right to live in a pollution-free environment as part of the fundamental right to life under Article 21 of the Constitution

Excessive noise pollutes the society. Under Article 19 (1) (a) read with Article 21 of the Constitution, the Constitution of India guarantees the right to a civilized environment and the right to peaceful life.

PA Jacob vs. PA Jacob In The Superintendent of Police Kottayam, AIR 1993 Ker 1, the Kerala High Court held that freedom of speech under Article 19 (1)(a) does not affect the freedom to use loudspeakers or sound-producing sounds is great will be the role. Thus, noise pollution caused by loudspeakers can be controlled under Article 19 (1)

(a) of the Constitution

Article 19 (1) (g) of the Constitution of India guarantees every citizen the fundamental right to practice any profession or to carry on any profession, trade or profession. This is subject to reasonable constraints. A citizen may not

engage in occupation, if it poses a health hazard to the public or the general public. Thus, it requires environmental protection.

Ajmer (1954, SC 220), the Supreme Court deciding a case involving liquor trade in **Coovarji B. Bharucha v. Ajmer (1954, SC 220)**. Commissioner of Excise mu said that if there is a conflict between the protection of the environment and the right to freedom of trade and commerce, . courts must balance environmental interests You can do it.

The public interest litigation under Articles 32 and 226 of the Constitution of India gave rise to an environmental flurry. Among the major environmental cases decided by the Supreme Court were the case of limestone quarrying in the Dehradun area (Dehradun Quarrying case, AIR 1985 SC 652), safety of construction of chlorine plant a at Delhi (M.C. Mehta V. Union of India, AIR 1988 SC) at 1037). 647 In this case, the Court found that the “precautionary principle” and the “pollution pays principle” are essential elements of “sustainable development”.

Even at the local village level, Panchayats are empowered under the Constitution to undertake measures such as land conservation, water management, forestry, environmental conservation and environmental affairs information to be promoted.

Environmental protection is part of our cultural values and traditions. The Atharva Veda says “Man’s heaven is on earth; This nature is a favorite spot for everyone; It is blessed with the gifts of nature; Let them live with the love of their souls.” The earth is our paradise and it is our responsibility to protect our paradise.

The Constitution of India includes a provision for the protection and conservation of nature, without which there can be no enjoyment of life. The day should create awareness about biodiversity and environmental conservation and increase public participation, environmental awareness and environmental awareness education to knowledge of constitutional provisions for environmental protection.

Conclusion

The burden of keeping our environment clean and healthy lies not only with the government but with all citizens of the country. In conclusion, a clean and healthy environment can be seen as an essential human right of every citizen. Even so, as a consequence, environmental degradation due to people’s insensitivity to nature affected human health.