

Emerging issues relating to environmental changes in India and World

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Abstract: Environment is something without which no one on this earth can sustain. It is of two type's i.e. physical environment which includes land water and air; and botanical environment which includes plant animals and other organism. Both are inter-dependent, but due to industrialization, urbanization, explosion of population, disruption of natural ecological balances and destruction of animals and plants for economical reasons it has been affected badly. In order to protect it, there is a need for appropriate legislation which would be able to protect the environment. This paper aims at analyzing the various existing environmental legislations in India and the consequential effectiveness thereof. In achieving this aim, this paper will be focusing on Indian legal system with contextual deviations to explore the historical evolution thereof. In India there is no scarcity of legislation on environmental protection but its enforcement is far from satisfactory. We have constitutional provisions also in article 48A & 51A (g), pursuant to which many public interest litigation has been filed against many industries for failing to provide adequate pollution control and against pollution control boards to direct the industries to ensure pollution control. Although we have sufficient legislations but the material thing is that they are not able to control the pollution. The pollution is increasing day by day in spite of that there are many laws to stop it. For this purpose government should set up an adjudicatory body which should consist of legal as well as technical experts. A nation cannot develop unless it is caring for regulating and protecting the environment by providing rational sustainable laws.

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Introduction

The word environment includes water, air & land and the inter relationship which exists among and between water, air, land and human beings, other living creatures, plants microorganism and property¹. The process of development, industrialization, urbanization, explosion of population, over exploitation of resources, depletion of traditional sources of energy and raw materials, and disruption of natural ecological balances has contributed to environmental degradation. While the scientific and technological progress of man has invested him with immense power over nature, it has also resulted in the unthinking use of power encroaching endlessly on nature².

Environment is a difficult word to define. Its normal meaning relates to the surroundings, but obviously that it is a concept which is relatable to whatever object it is which is surrounded. Einstein had once observed, "The environment is everything that isn't me".

I. Progress And Pollution

Science and Technology are increasingly employed in producing goods and services to improve

the standard of life, but there is certain element of hazard or risk inherent in the very use of science and technology³. We progressed at very extreme level, we reached to various planets, established satellites for better telecommunication and so many things we have done. It is true that these changes were necessary to live in modern society but due to their extreme use the environment is getting affected. Whatever we use is the extraction of various natural resources and it causes harm to the environment such as papers which are made up by cutting trees, the vehicles of our uses releases harmful gases such as CO₂, CO, HC, SO₂ and various hazardous air pollutants. The flora and fauna are the main victims of this problem. In order to reduce the element of risk we need to take all necessary steps, technology should be used in a manner which will minimize safety requirements.

II. effect of population, urbanization, industrialization and development

The land area of our country is very limited i.e. 2.4% area of the total world land area but our population is not in accordance with that. According to 2011 census⁴ according to United Nation estimates.

¹ Sec 2 (a) of the Environment (Protection) Act,1986.

² K.M. Chinnappa v Union of India AIR 2003 SC 724,731

³ M.C Mehta and another V Union Of India and other AIR 1987 SC 965

⁴ Censusindia.gov.in/census_And_You/area_and_population.aspx

Right now our population is approx. 17.64% of world and with this ratio India 2nd most populated country of the world. Because of the rapid increase in population the environment is getting affected. Every new face consumes lots of natural and non-natural product which are ultimately provided after exploiting natural resources. Thus every birth increases in consumption of natural resources and because a finite area can support a limited population only, the natural product shrinks as people multiply. It is a matter of fact that increased population of India has caused housing problems, shortage of food and transportation, insanitary conditions and loss of nutritious foods. All this cumulatively affects the quality of life which is implicit in the right to life in Article 21 of the Indian constitution⁵. Because the increase in population increases the needs as well, thus the people from rural areas move to urban areas in order to fulfill their needs. Rapid and unplanned urbanization had also contributed to environmental pollution and degradation of human environment. According to 2011 census 31.2% population of the country lives in urban areas⁶. Increasing population in urban areas has created the problem of land pollution, air pollution, water pollution and insanitary condition caused by slums.

The center for science and environment in its fifth report (1999) has observed: "India is facing a total collapse of urban environment. While industrial cities like Ludhiana and Tiruppur are drawing in toxic wastage and industrial pollution. Non-industrial towns like Aligarh and Bhagalpur are swamped with domestic waste. As water supply agencies have failed in every single town to supply clean and adequate water, people are turning more to the use of ground water, depleting and polluting its reserves. Rivers and streams that pass through towns are turning toxic⁷."

The observation of Shrinath on urbanization and environment⁸ is very true:

"The environmental factor in India has been given too little consideration in the thinking on urbanization in India. Yet they are extremely important and their importance will increase with increasing urbanization. The levels of water and air pollution are already high in many cities, and they could increase to intolerable levels with further increase in their populations." "Pollution of river waters by discharges of untreated sewerage by cities and

towns, by industrial effluents and by chemicals dissolved in soil wash from the fields is also increasing rapidly with urbanization industrial growth and modernization and intensification of agriculture. In large Indian cities, there is a high level of air pollution caused by smoke from domestic fires, factories using coal as fuel and by motor vehicle exhausts. The high incidence of cough, breathlessness and problems such as asthma, bronchitis, sneezing and nasal blocks among people in chambur area in Mumbai are attributed to constant exposure to high level of air pollution. Fears have been expressed about the effect of power plants and refinery emissions on targets ranging from human lungs to ancient monuments...

III. precedential trend towards environmental protection

Article 21 of the Indian constitution embraces the protection and the preservation of nature's gift without which life cannot be enjoyed. In *L.K. Koolwal v State of Rajasthan*⁹, the high court held that to clean the city is primary, mandatory and obligatory duty of the municipality irrespective of any inability like poor finance and paucity of staff, non-performance of this duty would amount to violation of right to life guaranteed under Article 21, as it amounts to slow poisoning and reducing the life of the citizen because of the hazard created. Similarly in *T. Damadar Rao v Municipal corporation of Hyderabad*¹⁰ the court held that the unbridled right to the owner to enjoy his piece of land is not absolute, the state may have the right of ownership which is subject to the law of ecology and environment. It was held that protection and improvement of the environment is the constitutional duty of the state government.

In some cases the plight of megapolitans like Delhi and Mumbai have been highlighted in various Supreme Court pronouncements. The problem of municipal solid waste has been discussed by the Supreme Court in *B.L. Wadehra v Union of India*¹¹ and *Almitra H. Patel v Union of India*¹². The court observed:

Historic city of Delhi – The capital of India – is one of the most polluted cities in the world. The authorities responsible for pollution control and environment protection have not been able to provide clean and healthy environment to the residents of

⁵S.C.SHASTRI, ENVIRONMENTAL LAW (5THEdn.) P. 22

⁶ Censusindia.gov.in

⁷ State of India's environment, citizen's fifth report (1999) 207(CST)

⁸ Nath, "urbanization in India" Economic and political weekly, 22-2-1986, P.339

⁹L.K. Koolwal v State of Rajasthan, AIR 1988 Raj 2 (India)

¹⁰ T.Damadar Rao v Municipal corporation of Hyderabad, AIR 1987 AP 171 (India)

¹¹B.L.Wadehra v Union of India (1996) 2 SCC 594 (India)

¹²Almitra H. Patel v Union of India (2000) 2SCC 679 (India)

Delhi. The ambient air is so much polluted that it is difficult to breathe. River Yamuna – the main source of drinking water supply – is the free dumping place for untreated sewage and industrial waste. Apart from air and water pollution, the city is virtually an open dustbin. Garbage strewn all over Delhi is a common sight. There is no doubt that rapid industrial development; urbanization and regular flow of persons from rural to urban areas have made major contribution towards environmental degradation. Thus the court ordered for scientific and proper disposal of waste to sub serve the common good and it directed and authorized municipal corporations officers and other statutory authorities to levy and recover charges and costs from any person littering or throwing rubbish and causing nuisance so as to affect sanitation and public health or violating provisions of diverse acts, bye – laws and regulation relating to sanitation and health like the municipal solid waste (management and handling) rules, 1999.

The Case Of Art Of Living (AOL) Foundation On Yamuna¹³

The AOL organized a world culture festival from March 11-13, 2016, on the Yamuna flood plains and constructed an oval shaped bridge over an area of 7 acres which caused damage to the flood plains of Yamuna. NGT held it responsible for causing damage and environmental degradation to the Yamuna flood plains by holding three days cultural extravaganza in 2016. The green bench imposed five crore rupees as a fine on AOL to restore the flood plains. NGT ordered that Yamuna riverbed should not be used to hold any cultural activity of this kind.

IV. Role Of Industries In Environmental Degradation

Industrialization is very necessary to gear up the economy of the modern society and that's why it is known as indispensable motor of growth and development but on the other hand it is also a major source of environmental degradation and pollution. The problem we face is how to strike a balance between the benefits of rising standard of living and its cost in terms of deterioration of the physical environment and quality of life. In the past the danger of air, water and land was not fully recognized, but now there is no doubt that it is a matter of great concern.

The famous “Mina Mata disease” in Japan (1956), Bhopal gas tragedy (1984), Hiroshima bombing of (1945), and three miles island incident of the US (1979), Chernobyl (USSR) Atomic reactor accident (1986) have shown that industrialization has

posed a serious threat not only to human beings but also to animals, aquatic life and vegetation cover. On one hand industrialization had helped us to raise the standards and quality of life but on the other it as deteriorated the environment. Thus pollutants enter the environment through human activity “Acid rain” one of the worst possible forms of the pollution which is a result of industrialization¹⁴.

Industries degrade the environment and pollute it in following ways:

- Use of natural resources by industries as it destroyed nature and affects the natural environment. Cotton, textile, paper, iron, coal, oil fodder, plywood, soap, sugar, tobacco, food processing, packaging, rayon, rubber etc. They all needs natural product as raw materials. Thus increasing needs of industries have resulted in over exploitation and stress on natural resources.
- Residues of industries known as effluents are released in water in land without any treatment which pollutes the water and land, affecting the aquatic life and underground water.
- Fossil fuels used by industries like coal, kerosene, diesel and atomic energy also pollutes the air in the form of smoke and radioactive particles.
- Noise by industrial products or industrial activity causes noise pollution.

Industrial wastes – particularly hazardous waste and radioactive waste – have also become a major environmental pollution problem¹⁵.

In many cases it was found that tanneries were used to discharge untreated effluents in the river's water which made the water toxic such as in *MC Mehta v Union of India*¹⁶ where the industries made the water of holy river Ganga toxic near Kanpur due to discharged effluents and in *Vellore citizens' a welfare forum v Union of India*¹⁷ the river in Chennai turned to be toxic due to the same reason. The Supreme Court ordered the closure of industries or to shift them from the territory of state of Delhi, as their untreated effluent and sludge was polluting the holy river Yamuna¹⁸ in the case of *A.Q.F.M Yamuna v Central*

¹⁴S.C. SHASTRI, ENVIRONMENTAL LAW, PAGE 26 (5TH Edn.)

¹⁵S.C. SHASTRI, ENVIRONMENTAL LAW, PAGE 27 (5TH Edn.)

¹⁶ *MC Mehta v Union of India* (1988) 1SCC 471 (India)

¹⁷*Vellore citizens' a welfare forum v Union of India*, AIR 1996 SC 2715 (India)

¹⁸ “SC Axe falls on all Delhi polluting units”, the Times of India, 8-12-2000, 1st

¹³ Retrieved from m.hindustantimes.com/delhi-news/sri-sri-event-destroyed-yamuna-floodplains. Last accessed on 30/05/19

*pollution control board*¹⁹ and *A.P. Industrial components limited v CCE*²⁰. In the another case *MC Mehta v Union of India*²¹ the Supreme court ordered to shift or to close 292 industries from the Taj trapezium as they were affecting the marbles of Taj Mahal. The sulphur dioxide emitted by the Mathura refinery combined with oxygen and with the aid of moisture formed 'Acid rain' due to which Taj was yellowing. Industrial activity produces four kind of stress on the environment that is entropic, exploitative, disruptive substances and hazardous material like lead, mercury, cadmium, chromium and others. The use of chlorofluorocarbon (CFC) by industries and industrial products has also caused global warming and depletion of ozone layer. All this cumulatively polluted the environment to a dangerous level²².

It cannot be denied that industrialization and technological development is a need of modern society. We made the Missiles, Airplanes, Ships, and so on materials for our own comfort we invented the atom bomb and other dangerous weapons which is capable enough to destroy the whole world, but in spite of having such powers and techniques we should not use them without considering the environment rather it should be used intelligently because a progress in a real means is not only by inventing or developing such techniques but also in making healthy environment for future.

V. Constitutional Provisions

Our Constitution is amongst the few in the world that contains clear and precise provisions on environment protection. The chapters of Fundamental Duties and the Directive Principles of State Policy (DPSP) explicitly articulate the national commitment to protect and improve the environment²³. Enunciating these provisions, the Indian judiciary has developed a doctrinal web to protect the human rights and to uphold the cause of environmental justice by taking refuge to fundamental duties, directive principles of state policy and fundamental rights as provided under the Constitution of India to remind State and people of their pious obligation of protecting the nature. This paper tries to analyze the Constitutional provisions for

¹⁹A.Q.F.M Yamuna v Central pollution control board, (2000) 9 SCC 440 (India)

²⁰A.P. Industrial components limited v CCE, (2000) 10 SCC 5 (India)

²¹ MC Mehta v Union of India (1997) 2 SCC 353 (India)

²²S.C. SHASTRI, ENVIRONMENTAL LAW , PAGE 28 (5TH Edn.)

²³ S. Indra Devi , Law on Environment Pollution- A review , SCJ 1995, Vol.2, p. 60

the environment protection and the remarkable role of Indian judiciary in portraying these provisions for the cause of environmental justice in India.

A thought of environment Protection had not been in the minds of the founding father when the existing provisions of the Indian Constitution were debated and approved in the Constitutional Assembly. However, the scheme of distribution of powers between the center and the state allowed the respective governments to take essential steps for the protection of the environment. For example, agriculture, water, sanitation, land, public health are the subjects within the state list on which the state can make laws. The union list make laws on atomic energy, inter- state rivers and valleys, oil fields and resources. In Union List only Parliament has power to make laws. The Preamble of the Indian Constitution specifically demonstrates that socio-economic justice was the foundation of the constitution.

A. Fundamental Rights & Environment

Our Constitution contains the fundamental rights which are guaranteed to all citizens. These rights, which take precedence over any other law of the land, include equality before law, the right to life, freedom of religion, freedom of speech and expression, cultural and educational rights, right to Constitutional remedies and right against exploitation. The judicial interpretations of these fundamental rights have widened their scope and they proved fruitful in achieving environmental justice in India. Article 14 of our Indian Constitution states that *the State shall not deny to any person equality before law and equal protection of laws within the territory of India*. It shows that any action of the State relating to environment must not violate upon the right to equality as enshrined in Article 14.

The pollution is mainly caused from factories, trade and industries. For example acid factories, hotel industries, dye factories, distilleries, are contributing to environmental pollution. There is a growing problem of balancing the right to clean and healthy environment and right to development. Article 19 (1) (g) of our Constitution guaranteed Freedom of Trade and Commerce but this right is subjected to some reasonable restriction. Some of the trades or industries are carried in the manners which endanger animals, vegetation cover, aquatic life and human health. It is declared by the Supreme Court that any trade or business which is offensive to human beings or flora and fauna cannot be permitted to be carried on in the name of fundamental right. Under Article 21 it was declared that any activity which pollutes the environment and makes it unhealthy or hazardous to flora and fauna or to human health, is violative of right to wholesome and living environment.

A. Right to Know and Environment

The right to know is implicit in Article 19(1) (a) and also it is closely linked with Article 21 of the Indian Constitution particularly in environmental matters where the secret government decision may affect life, health and livelihood of the people. The access to information or the right to know is the basic right for which the people of democratic country like India aspire for. Secrecy destroys the legitimacy of elected governments. On the other hand, the right to know strengthens the participatory democracy. It plays a very important role in environmental matters. Any governmental plan of construction hazardous industries, or of a dam or information of the proposed location of nuclear power stations, which directly affect the lives and health of the people in that area, must be widely published. In the case of *S. P. Gupta v. Union of India*,²⁴ the Judiciary has broadened the scope of the right to know. Also the Supreme Court has recognized the right to know to be implicit in the right to free speech and expression. In this case, the Supreme Court observed: “*This is the new concept of democratic culture in an open society towards which every liberal democracy is moving and our country should be no exception. This concept is the direct result from the right to know which seems to be implied in Article-19(1) (a). Hence, disclosures of information in account to the functioning of the government must be the rule and secrecy exception justified only where the strictest requirements of public interest so demands*”.

The Rajasthan High Court held in *L.K. Koolwal v. State*²⁵ case that a citizen has full right to know about the activities of the State, the departments, the instrumentalities and agencies of the State. The Court also held that, “the State can impose and should impose reasonable restrictions in the matter like other fundamental rights where it affects the nation’s integrity and other matter affecting the national security. But this right is limited and especially in the matter of sanitation and other interconnected matters every citizen has a right to know how the state is functioning and why the state is withholding such information in such matter”. In the case of *R.P. Ltd., v. Proprietors, Indian Express Newspapers, Bombay Pvt. Ltd.*²⁶ the Supreme Court held that “We should remember that we human being have a right to know in order to be able to take part in a participatory development in the industrial life and democracy.

²⁴ *S.P. Gupta vs. Union of India*, AIR 1982 SC 149 (India)

²⁵ *L.K. Koolwal v State of Rajasthan*, AIR 1988 Raj 2 (India)

²⁶ *R.P. Ltd., v. Proprietors, Indian Express Newspapers, Bombay Pvt. Ltd.* (1988) 4 SCC 592 (India)

Right to know is a basic right to which citizen of a free country aspires in the broadening horizon on the right to life in this age on our land under Article 21 of the Constitution”. In the case of *F.B. Taraporawala v. Bayer India Ltd.*²⁷, where the question arose before the court was regarding the shifting of chemical industries from the populated area of Thane, Mumbai. The Court said that it has neither the expertise nor in possession of various information which was needed to decide one way or the other so far as the question of shifting/relocation is concerned. Under section 3(3) of the Environment (Protection) Act, 1986, the Court also directed the Constitution of an “authority” which was required to examine the entire matter. These authorities would have power to examine and know various facets of development and environment protection and take actions accordingly. In the case of *Research Foundation for Science Technology and Natural Resource Policy v. Union of India*²⁸ the Supreme Court held that that the right to information and community participation is necessary for protection of environment and human health is an inviolable part of Article 21 which is governed by the accepted environment principles. Hence, the government and the authorities have to motivate the public participation by formulating necessary training classes and programmes.

B. Directive Principles of State Policy & Environment

The Part IV of the Constitution of India deals with the Directive Principles of State Policy. Some of them specifically deal with the various facts of human health and environment. In few cases these Directive Principles become complementary to the Fundamental Rights and are enforced by the court of law. Only Article 48 A is directly related to environmental protection which has been introduced by 42nd Amendment Act, to the Constitution of India in the year 1976. Article 39 of our Constitution contemplates the distribution and management of material resources which includes natural and artificial resources in such a manner that their concentration and monopoly over their use should not give rise to ecological imbalance and health hazards. Article 42 of the Indian Constitution empowers the State to make provisions for securing just and human conditions of work and for maternity relief. Article 48 of the Constitution provides for the security of cows and calves and other mulch cattle which helps in maintaining ecological balance. Article 48 A deals specifically with

²⁷ *F.B. Taraporawala v. Bayer India Ltd.* (1996) 5 CLJ 60 (SC) (India)

²⁸ *Research Foundation for Science Technology and Natural Resource Policy v. Union of India*, (2005) 13 SCC 186 India

environment protection which was added by the 42nd Constitutional amendment.

VI. steps and initiatives taken by the indian government

India is a signatory to several major international conventions relating to conservation and management of wildlife. Some of these are *Convention on Biological Diversity*, *Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)*, *Convention on the Conservation of Migratory Species of Wild Animals etc.* Financial and Technical assistance is provided to State/Union Territory Governments for protection and Management of Protected Areas as well as other forests under various Centrally Sponsored Schemes.

After becoming the 15th Prime Minister of India, a clean Ganga was deemed as Narendra Modi's pet project. Narendra Modi resigned from Vadodra constituency and decided to represent Varanasi (U.P.) in order to serve 'Maa Ganga'. He also placed The Ganga Action Plan under the direct supervision of Uma Bharti, Minister of Water Resources. Focusing on bringing down rapidly pollution levels in the country, in April, 2015 P.M. Modi launched India's first national air quality index (NAQI). The IIT Kanpur, will control the main server of the NAQI which will monitor air quality levels in ten cities across the country. This will simplify air quality condition and will also help in raising awareness about alarming levels of air quality throughout the country. In an attempt to raise awareness about water conservation, Modi directed the states of India to make sure that 50% of the work taken up by MNREGA should be for the refinement of water conservation. This includes de-silting of water bodies and construction of check dams. A team of Indian Army climbers inspired from the mission Swacch Bharat Abhiyan and has set off on a mission to bring back at least 4000 kg of non-biodegradable wastes from the world's highest peak. It also includes waste materials left behind by climbers over decades.

A. Indian Government has also taken various biodiversity protection steps.

The Central Government has enacted the **Wild Life (Protection) Act, 1972**. The Act, inter alia, provides for the creation of Protected Areas for the protection of wildlife and also provides for punishment for hunting of specified fauna specified in the schedules I to IV thereof. *Wildlife Crime Control Bureau* has been established for control of illegal trade in wildlife, including endangered species.

i. The Indian Government has banned the veterinary use of diclofenac drug that has caused the rapid population decline of Gyps vulture across the Indian Subcontinent. Conservation Breeding Programmes to conserve these vulture species have

been initiated at Pinjore (Haryana), Buxa (West Bengal) and Rani, Guwahati (Assam) by the Bombay Natural History Society.

ii. The Centrally Sponsored Scheme '**Integrated Development of Wildlife Habitats**' has been modified by including a new component namely '**Recovery of Endangered Species**' and 16 species have been identified for recovery viz. Snow Leopard, Bustard (including Floricans), Dolphin, Hangul, Nilgiri Tahr, Marine Turtles, Dugong, Edible Nest Swiftlet, Asian Wild Buffalo, Nicobar Megapode, Manipur Brow-antlered Deer, Vultures, Malabar Civet, Indian Rhinoceros, Asiatic Lion, Swamp Deer and Jerdon's Courser.

iii. Under the 'Recovery of Endangered Species' component of the Centrally Sponsored Scheme 'Integrated Development of Wildlife Habitats' for the recovery of endangered species viz. **Hangul** in Jammu and Kashmir, **Snow Leopard** in Jammu and Kashmir, Himachal Pradesh, Uttarakhand and Arunachal Pradesh, **Vulture** in Punjab, Haryana and Gujarat, **Swiftlet** in Andaman and Nicobar Islands, **Nilgiri Tahr** in Tamil Nadu, **Sangai Deer** in Manipur, the government has to spend lakhs of rupees.

iv. Protected Areas, viz, National Parks, Sanctuaries, Conservation Reserves and Community Reserves all over the country covering the important habitats have been created as per the provisions of the Wild Life (Protection) Act, 1972 to provide better protection to wildlife, including threatened species and their habitat.

v. Financial and technical assistance is extended to the State Governments under various Centrally Sponsored Schemes, viz, 'Integrated Development of Wildlife Habitats', 'Project Tiger' and 'Project Elephant' for providing better protection and conservation to wildlife.

vi. The Central Bureau of Investigation (CBI) has been empowered under the Wild Life (Protection) Act, 1972 to apprehend and prosecute wildlife offenders.

vii. The State Governments have been requested to strengthen the field formations and intensify patrolling in and around the Protected Areas.

Conclusion & Suggestion

Article 48-A in part IV (DPSP) of the Constitution of India, 1950 brought by the Constitution (42nd Amendment) Act 1976 enjoins that "*state shall endeavor to protect and improve the environment and to safeguard the forests and wild life of the country*". Article 47 further imposes the duty on the state to improve public health as its primary duty. Article 51-A (g) imposes a fundamental duty on every citizen of India to protect and improve the "Natural Environment" including forests, lakes, rivers and wild

life and to have compassion for living creatures. The word “Environment” is of broad spectrum which brings with in its ambit “hygienic atmosphere and ecological balance”. It is therefore not only the duty of the state but also the duty of every citizen to maintain hygienic environment. The state in particular has duty in that behalf and to shed its extravagant unbridled sovereign power and to forge and its policy to maintain ecological balance and hygienic environment²⁹.

Article 21 protects right to life as a fundamental rights. Enjoyment of life and its attainment including their right to life with human dignity encompasses within its ambit, the protection and preservation of environment ecological balance free from pollution and water, sanitation without which life cannot be enjoyed. Therefore, hygienic environment is an integral fact of right to healthy life healthy environment. Thus environment protection has now become a matter of grave concern for human existence. The Supreme Court in *K.M. Chinnappa*³⁰ case said that promoting environmental protection implies maintenance of the environment as a whole comprising the man made and the natural environment. Therefore, there is Constitutional imperative on the central government, state government and bodies like municipalities, not only to ensure and safeguard proper environment but also an imperative duty to take adequate measure to promote, protect and improve the environment.

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6/10/2019

²⁹ K.M. Chinnappa v Union of India AIR 2003 SC 724, 731

³⁰ Ibid