



Received: 05.06.2023

Accepted: 18.10.2023

Published: 02.11.2023

Citation: Jamuna MC, Vishwanath J. (2023). Analysis of the Relationship Between Clean and Healthy Environment and Human Health in India. *Geo-Eye*. 12(2): 14-19. <https://doi.org/10.53989/bu.ge.v12i2.2>

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Funding: None

Competing Interests: None

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Published By Bangalore University, Bengaluru, Karnataka

ISSN

Print: 2347-4246

Electronic: XXXX-XXXX

Analysis of the Relationship Between Clean and Healthy Environment and Human Health in India

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Abstract

The environment is a crucial and fundamental component for all life on earth. Article 21 of the Indian Constitution recognizes the right to live in a pollution-free environment and as a result, numerous laws have been passed with the aim of ensuring that everyone has access to a clean and healthy environment. Judiciary has played a major role in the formation and protection of various environmental policies. The question of whether the right to a clean and healthy environment (part of Article 21) was examined in the case of Subhash Kumar v. State of Bihar (1991 AIR 420) in which it was held that this right is part of Article 21. All life on earth depends on air, water, and land as essential components. It is believed that a healthy atmosphere promotes good health. Therefore, The United Nations declares that everyone has the right to a clean and healthy environment. According to the World bank-2022 report, India placed 168 out of 180 in the environment performance index, which is measured on multiple indicators such as environment, health, climate, air pollution, and sanitation. The development of any country is dependent on the country's utilization of resources in a sustainable manner. We require a pollution-free environment to live a good life. Only fresh air to breathe, pure water to drink, and other fundamental necessities will keep a person healthy. Individuals and groups have not only the right but also the obligation to conserve and improve the environment. This research paper attempts to analyze the problems with respect to clean and healthy environment and its impact on human health.

Keywords: Indian Constitution; Environment; Human health; Government Policies

1. Introduction

India has a long history of preserving and respecting the natural world; since the time of the Vedic civilization, trees, land, and even animals have been placed to great pedestals. Any country's ability to develop depends on its ability to manage its resources sustainably. Human health and well being depend on

a clean environment. Additionally, the surrounding climate might be a source of stressors, such as dangerous chemicals, noise pollution, and air pollution. To live a quality life, we require a pollution-free environment. A clean, healthy environment is essential to living a quality life. Only if a person has access to clean water to drink, fresh air to breathe, and

other basic necessities will remain he or she healthy. But now with, due of human activity, the environment becomes contaminated and harmful. The United Nations Conference on Human Environment [UNCHE], which was held in Stockholm in 1972, was the first global conference on the environment, and it was centred on the problem of global environmental politics⁽¹⁾. This meeting launched global efforts to safeguard ecosystems and added it to the must-do list for international laws and policies.

- **Meaning**

The term environment has been derived from a French word “Environer” which means ‘to surround’, enclose, or encircle⁽²⁾.

Environment literally means surroundings and everything that affect an organism during its lifetime is collectively known as its environment.

In other words, “Environment is sum total of water, air, and land interrelationships among themselves and also with the human being, other living organism and property⁽³⁾.”

- **Clean Environment**

‘A clean environment is one that is void of any form of pollution and is effect. Hence, it could be an environment that has clean air, clean water, and clean energy, basically it is a healthy and safe environment⁽⁴⁾.’

- **Human health**

According to WHO Human health defined, as the complete state of physical, social and mental well-being and not merely the absence of illness, disease or infinity is a vital resource as water, food and energy.

2. Pollutions In India

Indian pollution can broadly classify into 4 major types namely:

1. Air pollution, 2. Soil pollution, 3. Noise pollution, and 4. Water pollution.

India’s private businesses and industries have grown significantly during the past 30 years, making it one of the world’s best-performing economies. Numerous environmental problems are being caused by the industrialization’s rapid growth and unchecked pollution emissions. The other causes of pollution in India are: 1. Forest destruction; 2. Vehicle emissions; 3. Land deterioration brought on by agricultural usage of harmful insecticides. Pollution is the term used to describe when dangerous pollutants contaminate the environment. Pollution denotes the extremely poor quality and quantity of the environment.

Air Pollution

Air pollution caused by dangerous substances that endanger life. India has a significant environmental problem with air pollution. Air pollution is the contamination of pollutants or other dangerous substances into the atmosphere of the planet, which can lead to illness, human mortality, or damage to other living things like food crops or the built environment. Air pollution may originate from human or natural sources.

Causes of air pollution

Solid, liquid, and certain gases that are suspended in the air are the main contributors to air pollution. These gases and particles can be produced by factories, volcanoes, wildfires, and dust, pollen, and vehicle and truck emissions.

- **Effects of air pollution on human health**

- Because of ailments like decreased lung capacity brought on by air pollution, life expectancy declines.
- Makes sickness like asthma worse.
- Allergies and skin irritability are a result of air pollution.

Soil Pollution

The destruction of the earth’s land surfaces, which is frequently brought on by human activity and the abuse of land resources, is known as land pollution. When waste is not properly disposed of, it happens. Land pollution is still mostly caused by industrialization and urbanization.

- **Causes of land pollution**

- Constructions - Since buildings require resources and land, trees are cut down and utilized to produce them. Eliminates the habitats where animals and other organisms can survive.
- Agriculture – As the world’s population grows, there is a greater demand for food, leading to the clearing of forests to make way for farming. In addition, pesticides, herbicides, artificial fertilizers, and animal excrement are washed into the soil, contaminating it.
- Domestic waste - Every day, tons of trash from homes is dumped. Even today, a lot of trash is thrown away in landfills, including refrigerators and washing machines, simply because they cannot be recycled or put to other use.
- Industrial waste- Plastic manufacturers, chemical units, oil refineries, nuclear waste disposal activities, metal manufacturing plants, and other heavy industries all contribute to land pollution.

- **Effects of land pollution**

Land contamination has the following consequences: Polluted soil, resulting in a loss of agriculturally productive land.



Climate change is causing a number of disastrous consequences, such as flash floods and irregular rains. Increased soil contaminants can reach the body via the food chain and create a variety of health problems.

Noise Pollution

Noise pollution is excessive, objectionable noise produced by people, animals, or machines that disturbs the activity or balance of human or animal existence. When it interferes with routine tasks like working, sleeping, or conversing, sound becomes uncomfortable. According to the World Health Organization, noise poses a serious hazard to human health.

- **Sources of noise pollution**
 - The primary cause of noise pollution in cities is transportation networks.
 - The use of air compressors, bulldozers, loaders, dump trucks, and pavement breakers during the construction of buildings, highways, and streets generates a lot of noise.
 - Industrial noise makes the already harmful situation of noise pollution worse.
 - Loud speakers, boilers, generators, fans, air conditioners, and vacuum cleaners all contribute to the already excessive noise pollution.
- **Noise pollution's effects on human health**
 - According to the USEPA, there are clear connections between noise and health, and millions of people's lives are negatively impacted by noise pollution.
 - Two very different physical and mental health can be harmed by noise pollution.
 - Health issues linked to noise pollution include high blood pressure, stress-related illnesses, sleep disturbance, and hearing loss.
 - Memory loss, severe sadness, and panic attacks are some effects of noise pollution.

Water Pollution

All life on earth depends on water, which is absolutely essential. Water pollution is the alteration of a body of water's physical, chemical, or biological characteristics due to natural or anthropogenic activities, rendering it unfit for its intended use.

- **Water pollution sources**

The majority of water pollution is caused by human activity, while it can also happen naturally due to erosion, animal waste, and leaching of minerals from bedrock. The following categories apply to the sources of water pollution: 1. Water from municipal trash, 2. Waste from industry, 3. Pollutants, both organic and inorganic, 4. Marine contamination Pollution from heat.

- **Effects of water pollution**

The water bodies close to cities are very contaminated. This is the outcome of waste and dangerous substances being dumped by industrial and commercial establishments. The food chain may be significantly impacted by water contamination. The food chain is thrown off. Faecal matter in water sources causes contamination and exposes people to illnesses like hepatitis. Cholera and other infectious illnesses can always spread due to subpar drinking water treatment and unsuitable water.

3. Constitutional Provisions⁽⁵⁾

The Indian Constitution came into effect on January 26, 1950. Initially, there are no particular environmental protection measures in the constitution. However, the Constitution (42nd Amendment) Act of 1976 and subsequent amendments have included a few specific provisions. One of the few constitutions in the world that has particular provisions for the preservation and enhancement of the environment in the Indian Constitution.

- **Constitutional 42nd amendment act**

Under the direction of the then-prime minister, Smt. Indira Gandhi, the constitution's 42nd amendment act was passed in 1976, incorporating for the first-time provisions relating to environmental protection by adding a new provision, article 48-A, to the fourth part of the constitution, referred to as Directive principles of state policy.

- **According to article 48-A**

"The state shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country". Further, a new provision article 51-A in the form of "Fundamental duties" was also incorporated by the 42nd amendment.

- **According to article 51-A (g)**

"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".

- **Fundamental rights**

Part-3 of the constitution, containing from article 12-35, deals with fundamental rights. Article 15(2) (b); article 21 and article 24 provides for specific provision for environmental protection.

- **Article 15(2)(b)**



The use of wells, tanks, bathing Ghats, roads and places of public resort maintained wholly or partly out-of-state funds or dedicated to the use of the general public.

- **Article 21**

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”. According to Article 21, everyone has the fundamental right to live in dignity in a healthy environment free from infection and disease risk. The case of Rural Litigation and Entitlement Kendra v. State of U.P.⁽⁶⁾. Was the first to acknowledge the right to live in a healthy environment as a component of article 21 of the constitution? Widely recognized as the (Dehradun quarrying case).

- **Directive principles of state policy⁽⁷⁾**

According to Article 47, one of the state’s main responsibilities is to raise the standard of living and nourishment of its citizens as well as to enhance public health. The conservation and enhancement of the environment, without which public health cannot be guaranteed, is also a part of improving public health.

- **Article 48**

It deals with organization of agriculture and animal husbandry. Article 48 directs the state to take steps to organize agriculture and animal husbandry on modern and scientific lines. In particular, it should take steps for preserving and improving the breeds and prohibiting the slaughter of cows and calves and other mulch and draught cattle.

- **Article 51 A (g)**

Specifically deals with the fundamental duty with respect to environment. It provides “It shall be the every citizen of India to protect and improve the natural environment including forests, lakes, rivers, and wildlife and to have compassion for living creatures”.

4. Legal Framework

The ministry of environment, forest, and climate change, Government of India is the supreme administrative agency in charge of governing and assuring environmental protection and establishing the necessary legislative and regulatory framework.⁽⁸⁾

The regulatory and administrative center of the industry is comprised of the Ministry of Government, the Central Pollution Control Board, and the State Pollution Control Boards. Many laws were passed for pollution management since it was realized early on that pollution needed to be controlled.

The most prominent among them were:

1. Water (prevention and control of pollution) act 1974 (Water act).
2. Air (prevention and control of pollution) act 1981 (Air act).
3. Environment (protection) act 1986.
4. Wild life (protection) act 1972.
5. Forest (conservation) act 1980.
6. Public liability insurance act 1991.
7. Biological diversity act 2002.
8. National green tribunal act 2010.

5. Penal Provisions⁽⁹⁾

The IPC’s Sections 269 to 271 address negligent actions that might result in the spread of diseases that endanger human life. The aforementioned sections have penalties for certain actions.

The IPC’s Section 277 addresses water pollution. It makes contaminating a public spring or reservoir punishable by imprisonment, or fine, or a combination of both.

The IPC’s Section 278 addresses air pollution. It stipulates that anybody who voluntarily taints the environment in any location such that it is harmful to the health of people who are generally residing there, conducting business nearby, or even passing through on a public path would be fined up to 500 rupees.

Judicial function in the development of environmental legislation

Numerous important rulings have been made that indicate the judiciary’s active involvement in environmental protection. Here a few of those are:

Rural Litigation and Entitlement Kendra v. State of UP⁽¹⁰⁾

A petition to prevent limestone mining in the Mussorie valley was submitted in 1987 by Rural Litigation and Entitlement Kendra on behalf of people of the Doon valley. It was claimed that these quarrying operations were upsetting the valley’s biological and natural equilibrium. Upon the valley’s later designation as an environmentally sensitive region under the Environment Protection Act, the SC ordered all quarrying operations to cease.

Hussain v Union of India and Ors⁽¹¹⁾

The Kerala High Court has noted that the right to clean water and air are characteristics of the right to life, acknowledging that the right to health is a part of the right to live under Art. 21.

Indian Judiciary’s evolution of principles

In order to resolve controversies in environmental matters, the judiciary has adopted several elements from international environmental law as guidance. These guidelines are:

1. Inter-generational Equity -This concept states that the State has a duty to protect the environment and its natural resources for the benefit of both the current and future



generations. It asserts that because Earth belongs to every generation, its resources should be managed responsibly and for the good of all. It serves as the basis for sustainable development.

2. Polluter pays principle - The Organization for Economic Cooperation and Development's (OECD) Guiding Principles for International Economic Aspects of Environmental Policies initially proposed it in 1972. It states that the cost of environmental harm brought on by pollution should be borne by the polluter.

Vellore Citizens' Welfare Forum v. Union of India ⁽¹²⁾

Courts have interpreted the Polluter Pays concept to mean that the polluter has an absolute obligation to pay costs associated with restoring the natural environment that has been harmed by the polluter's actions in addition to compensating the victims for the harm they have suffered.

3. Precautionary principle - The Rio Declaration of 1992 adopted the precautionary principle (Principle 15).

In this principle the absence of scientific proof, actions must be made to foresee and stop the causes of environmental deterioration. Protecting the public from every conceivable risk is the state's social duty.

In the case of AP Control Pollution Board v. Prof. M. V. Nayadu ⁽¹³⁾

In the opinion of the court, it is preferable to take preventative measures than to wait for a problem to arise. Even in the absence of solid scientific proof of possible environmental impact, action must be taken.

4. Public trust Doctrine - According to this, the general public places a high value on resources like water, air, sea, and forests, making private ownership of them inappropriate. The State has a responsibility to safeguard these resources for the good of everybody and to forbid their commercial use. The general public is the beneficiary of these resources, and the state is the trustee with a legal obligation to safeguard them.

M C Mehta v Kamal Nath ⁽¹⁴⁾

In this case, an effort was undertaken to change the river's path in order to assist a motel's business operations. According to the ruling, all natural resources that are only allowed to be exploited for the benefit of the general welfare

of society and cannot be used for commercial gain belong to the State as trustee.

5. Sustainable Development Principle - It was first introduced in Stockholm Conference in 1972. According to it, the State ought to make an effort to reconcile environmental protection with economic development.

State of Himachal Pradesh v. Ganesh Wood Products ⁽¹⁵⁾ (1995)

The intergenerational equality concept was acknowledged by the Supreme Court as being essential to the preservation of forest resources and sustainable development, leading to the invalidation of a forest-based enterprise.

6. Conclusion and Suggestions

Since we are all dependent on our environment, the right to the environment has been recognised as a human right. In addition to having the right to a suitable environment, individuals and groups of people also have a responsibility to preserve and develop the environment, not just for themselves but also for future generations as well as other people and the society in which they live. Due to the inclusion of the right to live in a pollution-free environment in the scope of article 21 of the Indian Constitution, several laws were passed with the aim of ensuring that everyone may enjoy a clean and healthy environment.

Every Indian person has a fundamental obligation to maintain a clean environment free from any harmful substances. Each person's home is where environmental preservation must start.

Government must make it mandatory for both public and private schools to educate students about environmental preservation at least twice a week in order to raise awareness among children. This teaches the youngsters the value of the environment, which they will undoubtedly preserve as adults. Government must make it mandatory for both public and private schools to educate students about environmental preservation at least twice a week in order to raise awareness among children. This teaches the youngsters the value of the environment, which they will undoubtedly preserve as adults.

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