

**“Revitalizing the Right to Life: Leveraging Renewable Energy to Combat Air Pollution in India”**

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**ABSTRACT**

In the face of modernization and the pursuit of development, we find ourselves compelled to toil tirelessly, as this is what we witness and what we have been conditioned to accept. The era of industrialization continues to drive each nation towards the exploitation of its resources to maximize outcomes, inherently tied to the accumulation of wealth. The world has undergone significant transformation in the past few decades; a time when unified legislative bodies were lacking in preserving peace. Presently, while we possess unified laws, we fail to uphold the values instilled within them. Instead, we are coerced into exploiting natural resources to maintain pace in a race initiated by developed nations, which once thrived on the exploitation of others through occupation.

The irony of human existence lies in our fleeting lifespan of mere decades. Over the span of two to three generations, the memory of today's struggles and the forces that have shaped our current reality fade into oblivion. Now, in this pursuit of wealth accumulation in a digitized era unprecedented in human history, we have diverted our attention away from the preservation of our symbiotic relationship with Mother Nature and the creatures that inhabit it. Earth serves as an equitable home for all living beings, yet humanity's self-perceived superiority blinds us to this truth. Our relentless pursuit of knowledge and the inundation of data from smartphones have disconnected us from the profound interconnectedness of life. Amidst the hustle and bustle of our daily lives, we lose sight of the grander scheme of our existence and succumb to the relentless rat race set in motion decades ago by those who forged the path of development.

This paper not only advocates for governmental intervention to enact legislation promoting sustainable living practices but also emphasizes the importance of individual action. It encourages people to disconnect from their mobile phones and daily routines, instead taking time to sit alone and contemplate the profound connection between humanity and Mother Earth. By stepping away from the distractions of modern life, individuals can delve into introspection and explore the depths of their relationship with the planet. This solitary reflection enables them to recognize the intrinsic interdependence between humans and the Earth, fostering a deeper appreciation for the natural world. Moreover, this period of contemplation allows individuals to brainstorm and identify

practical ways to protect the Earth. Whether through reducing consumption, minimizing waste, or advocating for environmental conservation efforts, individuals can discover actionable steps to contribute to the preservation of our planet.

In essence, this paper underscores the importance of both governmental action and individual responsibility in addressing environmental challenges. By promoting a holistic approach that combines legislative measures with personal reflection and action, it aims to inspire a collective effort towards safeguarding the Earth for future generations.

### **Constitution of India and Healthy Environment:**

The Constitution of India serves as the cornerstone for environmental protection, embodying the responsibilities of both state governments and citizens in preserving the environment. This article explores the constitutional provisions governing environmental conservation, evaluates the obligations imposed on stakeholders, and examines the role of key environmental legislations such as the Air Act and the Water Act. Through an analysis of significant case laws, the indispensable role of the Constitution in fostering sustainable development and environmental preservation is underscored.

The Constitution of India incorporates pivotal provisions aimed at environmental protection. Article 48-A mandates the state's duty to safeguard and enhance the environment, including the protection of forests and wildlife. Additionally, Article 51-A(g) imposes a fundamental duty on citizens to preserve and improve the natural environment, encompassing forests, lakes, rivers, and wildlife. These constitutional mandates reflect the national commitment to environmental conservation and necessitate active participation from both the state and its people.

#### **State Government's Role:**

State governments are pivotal in environmental protection, tasked with formulating and executing policies conducive to conservation. Landmark cases such as *M.C. Mehta v. Union of India* (1986) underscore the state's obligation to enforce environmental laws. Moreover, Article 48-A reinforces the state's responsibility to undertake measures for environmental preservation, including forest and wildlife conservation.

#### **Citizens' Responsibilities:**

Citizenship in India entails not only rights but also responsibilities, prominently including the duty to safeguard the environment. Article 51-A(g) accentuates every citizen's fundamental duty to protect and enhance the natural environment. Judicial pronouncements, exemplified by the *Vellore Citizens Welfare Forum v. Union of India* (1996), stress the pivotal role of citizens as environmental custodians and advocate collective action against environmental degradation.

### Role of Environmental Laws:<sup>1</sup>

Environmental laws, such as the Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981, play a critical role in regulating human activities and fostering sustainable development. These legislations provide a legal framework for addressing environmental challenges and hold polluters accountable for their actions, thus contributing to environmental sustainability.

### Evolution of Environmental Protection in the Constitution:

Initially absent from the Constitution, environmental protection gained prominence following global awareness and the Stockholm Conference in the 1970s. The 42nd Amendment in 1976 introduced Article 48-A, marking a significant step towards environmental conservation. Article 21, guaranteeing the right to life and personal liberty, has been expansively interpreted by the judiciary to encompass the right to a clean environment, laying the foundation for environmental litigation in India.

The constitutional framework for environmental protection in India exemplifies the nation's commitment to sustainable development and environmental conservation. Through constitutional provisions, legislative enactments, and judicial interpretations, India strives to balance economic growth with environmental sustainability, underscoring the imperative of collective action in safeguarding the environment for present and future generations.

### **The right to a pollution-free environment is guaranteed under the Indian Constitution:**

Article 21 of the constitution of India promises for the right to life and personal liberty. It states that “no person shall be deprived of his life or personal liberty except according to procedure established by law.” **In Rural Litigation and Entitlement Kendra v State of UP<sup>2</sup>**, also known as the Dehradun quarrying case, the Supreme Court of India has held that pollution caused by quarries adversely affects the health and safety of people and hence, the same should be stopped as being violative of Article 21. In this case, the Supreme Court for the first time held that the right to wholesome environment is a part of right to life and personal liberty guaranteed under Article 21 of the Constitution. Further, in the case of **Subhash Kumar v State of Bihar**, again the apex court held that the right to get pollution free water and air is a fundamental right under Article 21. Following this decision, the right to pollution free environment was incorporated under the head of right to life and all the law courts within the Indian territory were bound to follow the same. This laid down the foundation of environmental litigation in India. Similarly, public health and ecology<sup>3</sup> were held to be the priorities under Article 21 and the constitution of a green bench was

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<sup>1</sup> CONSTITUTIONAL PROVISIONS FOR THE PROTECTION OF ENVIRONMENT WITH RELEVANT CASE LAWS, <https://www.indianbarassociation.org/wp-content/uploads/2013/02/environmental-law-article.pdf>.

also ordered by the Supreme Court. In the case of *Ratlam Municipality v Vardicharan*, where the problem of pollution was due to private polluters and haphazard town planning, it was held by the Supreme Court that pollution free environment is an integral part of right to life under Article 21.

**Sher Singh vs State Of Hp** on 6 February, 2014 The citizens of the country have a fundamental right to a wholesome, clean and decent environment. The Constitution of India, in terms of Article 48A, mandates that the State is under a Constitutional obligation to protect and improve the environment and to safeguard the forest and wild life in the country. By 42nd Amendment to the Constitution, the Parliament, with an object of sensitizing the citizens of their duty, incorporated Article 51A in the Constitution, inter alia, requiring a citizen to protect and improve the natural environment including the forests, lakes, rivers and wild life and to have a compassion for living creatures. The legislative intent and spirit under Articles 48A and 51A(g) of the Constitution find their place in the definition of 'environment' under the Environment (Protection) Act, 1986 (for short the 'Act of 1986'). The legislature enacted various laws like the Air (Prevention and Control of Pollution) Act, 1981, Water (Prevention and Control of Pollution) Act, 1974 and the Wildlife (Protection) Act, 1972, the Forest (Conservation) Act, 1980, the Indian Forest Act, 1927 and the Biological Diversity Act, 2002 and other legislations with the primary object of giving wide dimensions to the laws relating to protection and improvement of environment. It is true that Part III of the Constitution relating to Fundamental Rights does not specifically devote any Article to the Environment or protection thereof per se. However, with the development of law and pronouncement of judgments by the Supreme Court of India, Article 21 of the Constitution has been expanded to take within its ambit the right to a clean and decent environment.

**Power to make new laws in this subject matter:**

Article 253 states that 'Parliament has power to make any law for the whole or any part of the country for implementing any treaty, agreement or convention with any other country. In simple words this Article suggests that in the wake of Stockholm Conference of 1972, Parliament has the power to legislate on all matters linked to the preservation of natural environment. Parliament's use of Article 253 to enact Air Act and Environment Act confirms this view. These Acts were enacted to implement the decisions reached at Stockholm Conference.

**Increasing pollution in the environment, which leads to unhealthy human conditions:**

In today's rapidly advancing world, the unchecked proliferation of pollutants into the environment poses a grave threat to human health, animal life, and well-being. Each day, a multitude of sources contribute to the escalation of pollutants, including vehicular emissions, the combustion of fossil fuels for energy generation, and the ubiquitous use of electronic devices, such as mobile phones, which rely heavily on electricity.

In our quest for modern convenience and comfort, we often turn to appliances like air conditioners and air purifiers to mitigate the adverse effects of pollution. However, these solutions, while offering immediate relief, perpetuate a vicious cycle of environmental degradation. The very electricity required to power these devices often originates from sources that further exacerbate pollution levels. The consequences of our actions are dire and far-reaching. As temperatures continue to rise due to unchecked development and deforestation, we witness the relentless destruction of habitats and ecosystems. Countless species of animals are displaced, their homes ravaged, and their lives endangered—all in the name of progress and material gain. It is imperative that we recognize the gravity of the situation and take decisive action to reverse the damage inflicted on our planet. The luxuries we enjoy today come at a steep cost, one that future generations will be forced to bear. Our children and grandchildren stand to inherit a world marred by pollution, depleted resources, and dwindling biodiversity.

As stewards of the Earth, we must acknowledge our responsibility to safeguard the environment for posterity. It is not enough to simply acknowledge the plight of our planet; concrete measures and collective efforts are required to effect meaningful change. Governments must enact stringent regulations and enforce them rigorously to curb pollution and protect natural ecosystems. With the growing needs of energy, lots of pollutants are being released to air, with population like India the amount of pollutants get released into air everyday is enormous and will be having significantly bad impact on human health. Which is partial reason for increasing in lung cancers and reduction of life expectancy in India. In city like Delhi, Hyderabad, Mumbai and Bangalore etc the number of people living there are huge for their job requirements and the amounts of pollutants get released into air caused by these many people to run their everyday life is also huge. Which is a very unhealthy condition for people to live in. Constitution of India promises right to live in a wholesome environment under article 21 of the constitution, where such right is being violated so badly but people in this place have no time to fight as they were busy in their everyday lives.

Human health and environment:

Most Europeans live in areas, especially cities, where air pollution can reach high levels. Both short- and long-term exposure to air pollution can lead to a wide range of diseases, including stroke, chronic obstructive pulmonary disease, trachea, bronchus and lung cancers, aggravated

asthma and lower respiratory infections<sup>3</sup>. The World Health Organization (WHO) provides evidence of links between exposure to air pollution and type 2 diabetes, obesity, systemic inflammation, Alzheimer's disease and dementia. The International Agency for Research on Cancer has classified air pollution, in particular PM<sub>2.5</sub>, as a leading cause of cancer. A recent global review found that chronic exposure can affect every organ in the body, complicating and exacerbating existing health conditions. Children and adolescents are particularly vulnerable because their bodies, organs and immune systems are still developing. Air pollution damages health during childhood and increases the risk of diseases later in life, yet children can do little to protect themselves or influence air quality policies. The European Environmental Agency estimates that, in 2020, approximately 238,000 premature deaths were attributable to PM<sub>2.5</sub> in the 27 EU Member States. In 2020, premature deaths attributed to exposure to fine particulate matter fell by 45% in the EU-27, compared to 2005.

Residential, commercial and institutional energy consumption was the principal source of particulate matter in 2020. The manufacturing and extractive industry was also a significant source, while agriculture was an equally important source of PM<sub>10</sub>. In 2021, the World Health Organization (WHO) published new air quality guidelines following a systematic review of the latest scientific evidence demonstrating how air pollution damages human health. The European Union (EU) has also set standards for key air pollutants in the ambient air quality directives. In the European Green Deal, the European Commission committed to further improving air quality and to aligning EU air quality standards more closely with the WHO<sup>4</sup> recommendations. This commitment was echoed in the zero pollution action plan, which set a vision for 2050 to reduce air, water and soil pollution to levels no longer considered harmful to health and natural ecosystems. In addition, the zero pollution action plan introduced targets for 2030, two of which focus on air and aim to:

1. reduce the health impacts of air pollution (premature deaths) by more than 55%, compared to 2005;
2. reduce the share of EU ecosystems where air pollution threatens biodiversity by 25%, compared to 2005.

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<sup>3</sup>[https://www.who.int/news-room/fact-sheets/detail/household-air-pollution-and-health#:~:text=The%20combined%20effects%20of%20ambient,\(COPD\)%20and%20lung%20cancer.](https://www.who.int/news-room/fact-sheets/detail/household-air-pollution-and-health#:~:text=The%20combined%20effects%20of%20ambient,(COPD)%20and%20lung%20cancer.)

<sup>4</sup>[https://www.who.int/news-room/fact-sheets/detail/ambient-\(outdoor\)-air-quality-and-health#:~:text=The%20WHO%20Global%20air%20quality,%2Dbased%20decision%20making%20process.](https://www.who.int/news-room/fact-sheets/detail/ambient-(outdoor)-air-quality-and-health#:~:text=The%20WHO%20Global%20air%20quality,%2Dbased%20decision%20making%20process.)

**WHO guidelines and recommended standards on Air pollution:**

The World Health Organization (WHO) has established guidelines on outdoor (ambient) air pollution levels, which are widely used as reference tools by policymakers across the world to set standards and goals for air quality management. The guidelines provide evidenced, health-based standards for specific air pollutants that cities should adopt as air quality targets. Initially set in 2005, they were updated in 2021. Across nearly all pollutants, the current recommended limits for concentrations and exposures are lower than the previous guidelines. The 2021 update reflects far-reaching evidence that shows how air pollution affects many aspects of health, even at low levels. Air pollution has severe health impacts in cities around the globe and the WHO now recognises it as the single biggest environmental threat to human health. Every year, exposure to air pollution is estimated to cause 7 million premature deaths.

PM<sub>2.5</sub>, fine particulate matter of 2.5 micrometres or less in diameter, is the most dangerous pollutant because it can penetrate the lung barrier and enter the blood system, causing cardiovascular and respiratory disease and cancers. It affects more people than other pollutants and has health impacts even at very low concentrations. By reducing air pollution levels, countries can reduce the burden of disease, and long and short-term illnesses. The current guidelines state that annual average concentrations of PM<sub>2.5</sub> should not exceed 5 µg/m<sup>3</sup>, while 24-hour average exposures should not exceed 15 µg/m<sup>3</sup> more than 3 - 4 days per year<sup>5</sup>. Interim targets have been set to support the planning of incremental milestones toward cleaner air, particularly for cities, regions and countries that are struggling with high air pollution levels.

**The current Indian situation in relation to these standards:**

The National Air Monitoring Programme (NAMP) is a nation-wide program headed by the Central Pollution Control Board whose purpose is to monitor levels of key air pollutants, report violations, and conduct research on pollution trends. NAMP monitors levels of SO<sub>2</sub>, NO<sub>2</sub>, Suspended Particulate Matter (SPM), and Respirable Suspended Particulate Matter (RSPM / PM<sub>10</sub>) at 342 operating stations in 127 cities across India<sup>6</sup>.

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<sup>5</sup> <https://www.who.int/news-room/feature-stories/detail/what-are-the-who-air-quality-guidelines>

<sup>6</sup> <https://cpcb.nic.in/about-namp/>

In further research I am going to gather data from NAMP for the years : 2016, 2017, 2018, 2019 and 2020 and Analyse the statistics with more popular cities and air pollution recorded over there. With the above data, it is evident that Indian cities have crossed its limits of air pollution standards prescribed by the World Health Organization (WHO). Indian people living in these cities are facing huge risks of health issues such as lung diseases, heart diseases, and many more as prescribed by WHO. The right to live in a clean environment, the right to breathe fresh air, and the right to live in healthy conditions are being violated. The Indian government is implementing many programs but they are not so successful. With changing times and needs, new laws have to be implemented. With the development in scientific fields over the past few decades, we should implement laws using technologies that benefit the people. Few nations such as Costa Rica and Sweden have understood the urgency to act accordingly and have implemented many programs and schemes to protect the health of their people and the environment. India should take up these ideas from such nations and implement them in the protection of its people and environment before it's too late.

### **Analysis:**

Based on the data provided, it's clear that residents in these cities are experiencing a violation of their right to life without their awareness. The gradual nature of the harm makes it difficult for them to perceive its consequences in their daily lives, ultimately resulting in long-term health issues, as previously warned by the WHO in its air pollution standards. India faces the challenge of meeting its growing energy demands for households and industries, primarily relying on coal and fossil fuels for electricity generation, which poses significant environmental and health risks. How can we address this dilemma? Leveraging advancements in technology, India can transition to renewable energy sources for electricity generation, offering a more secure and sustainable solution.

### **Conclusion:**

In our upcoming research, we aim to delve deeper into proposing more acceptable and safer methods for electricity generation. Specifically, we plan to conduct a comparative analysis with countries like Sweden and Costa Rica. By examining how these nations employ their technology and legislative frameworks, we seek to gain insights into how they effectively utilize their resources while prioritizing environmental protection. This comparative approach will allow us to



identify best practices and potential strategies that can be adapted or implemented in our own context to enhance sustainability and minimize the negative impacts associated with electricity generation.