



Living in a Healthy Hygienic Pollution Free Environment is also a basic Human Right-An Indian Judicial Approach under Art 21

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Abstract- This Paper has been undertaken to determine whether living in a healthy hygienic pollution free environment is also a basic human right or not. Environment plays a pivotal role in human life. With growing technological advancement and industrialization, the purity of the environment has been threatened to an appalling extent. In the midst of the chaotic environmental degradation a basic question a question arises, is that living in a pollution free environment is a basic human right or not? For the last few decades, it becomes clearer that inter connected relationship between a healthy safe clean environment and human rights are fallen within the category of basic need of human beings.

Keywords: Supreme court, Indian Constitution, Art 21

Introduction: The campaign of environmental protection is not a new concept, but it has been in prevalence from the immemorial. It is not being noted that during ancient period human beings and environment were regarded inseparable. At that time man never had an opportunity to pollute environment indiscriminately as on today. Mankind is the part of nature and life depends on the uninterrupted functioning of natural system which ensures the supply of energy and nutrients. Thus, basic precepts also envisage that protection of nature means preservation of humanity. The problem of environmental pollution and degrading has assumed threatening dimensions particularly during the last three decades. Industrialisation and Urbanisation are the axis to gear up the economy of a modern society-known as the indispensable motor of growth and development and on the contrary it has been identified as a major source of environmental degradation.

In the midst of the chaotic environmental degradation a basic question arises, is that living in the healthy, hygienic pollution free environment is basic human right or not? The right to a healthy, pollution free environment brings together all that humanity has learned about how human rights and the environment interact. It encompasses the environmental dimensions of the rights to life, health, food, water, sanitation, property, private life, culture, and non-discrimination, among others.

The relationship between human rights and the environment was first recognized by the UN General Assembly in the late 1960s. In 1972, the direct relationship between the environment and the right to life was recognized by the United Nations Conference on the Human Environment.

Though still today, it has not been well defined the interlink between right of healthy pollution free environment and human right. The deterioration of the environment affects the right to life, health, work and education, among other rights. In this context, the Indian judiciary has created a doctrinal web to safeguard human rights and to promote the cause of environmental justice and remind people of their basic obligation for the preservation of

the environment by taking shelter in fundamental rights and fundamental duties as mentioned in the Constitution of the Republic of India.

International Approaches: The 1972 Stockholm Declaration, adopted by the first UN conference on the environment, came closest, stating in its first principle that “man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being.”¹

Two of the greatest achievement of International Law regarding the Environmental Human Rights issues is, to define human rights as basic right of every individual to live in a healthy safe clean environment and also create institution to protect the Global Environment.

For the last few decades, it becomes clearer that inter connected relationship between a healthy safe clean environment and human rights are fallen within the category of basic need of human beings.

A healthy environment is necessary for the full enjoyment of human rights and, conversely, the exercise of rights is critical to environmental protection.

First approach towards Environmental law and Human Rights was made during Stockholm Declaration where environmental protection is described as a pre-condition to fulfilling human rights standards and the enjoyment of internationally guaranteed human rights especially the rights to life and health. Executive Director of The United Nations Environment Programme (UNEP) Klaus Toepfer reflected this approach during the 57th session of the commission on Human Rights in 2001, when he said,

*“Human rights cannot be secured in a degraded or polluted environment. The fundamental right to life is threatened by soil degradation and deforestation and by exposures to toxic chemicals, hazardous wastes and contaminated drinking water... Environmental conditions clearly help to determine the extent to which people enjoy their basic rights to life, health, adequate food and housing, and traditional livelihood and culture. It is time to recognize that those who pollute and destroy the natural environment are not just committing a crime against nature, but are violating human rights as well.”*²

The second rights-based approach highlighted that a silk route of protection and reservation of environment also a achieving of human rights. The legal protection of human rights is also a way to preserve the environmental rights. It views certain human rights as essential elements to achieving environmental protection which has as a principal aim the protection of human health. This approach is well illustrated by the Rio Declaration (1992) which formulates a link between human rights and environmental protection largely in procedural terms, declaring in Principle 10 that access to information, public participation and effective judicial and administrative proceedings, including redress and remedy, should be guaranteed because,

*“Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.”*³

The third approach has been considered as recent dynamic change in the domestic as well as International scenario. This relationship has been recognized at every level of the world’s legal system, from domestic courts to multilateral treaties. Perhaps the highest-profile acknowledgement of the linkage was the Paris Agreement on climate change, adopted in December 2015, which includes in its preamble statement-

*“Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity.”*⁴

¹ Declaration of the UN Conference on the Human Environment, UN Doc. A/Conf.48/14/Rev.1 (June 5-16, 1972).

² <https://news.un.org/en/story/2001/04/2712-living-pollution-free-world-basic-human-right-says-top-un-rights-body>

³ RIO DECLARATION (JUNE 14 1992) Principle 10-<https://www.cbd.int/doc/ref/rio-declaration.shtml>

⁴ Paris Agreement, December 12, 2015, in force November 4, 2016, UN Doc. FCCC/CP/2015/19.

Indian Constitution and Environmental Jurisprudence: The constitution is known as the ‘basic law of the land’ from which all the laws derive their sanctity or validity. Therefore, it must be a living growing law which it must be cope with newer situation and development.

Originally the Indian Constitution of 1950 did not have explicit reference of environment protection, so there were no special provisions regarding environmental protection and improvement of the environment.

Taking the note from Stockholm Conference and the growing awareness regarding environmental hazards and pollution Indian Parliament passed a historic amendment- 42nd Constitution Amendment Act 1976.⁵

The 42nd Amendment incorporated two significance articles- Articles 48-A and 51-A(g) to protect and improve the environment-

48A-Protection and improvement of environment and safeguarding of forests and wild life The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.

51-A(g) Fundamental Duties- It shall be the duty 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.

Environmental Jurisprudence and Articles 48-A and 51-A(g):

Article 51-A (g) refers to the fundamental duty of every citizen to protect and improve “natural environment”. But in the present days the pollution is caused not only by exploiting the “natural environment” but otherwise also. Nature has given us the gift of pollution free environment. The fundamental duty imposed on every citizen is not only to “protect” the environment from any kind of pollution but also to “improve” the environment quality if it has been polluted. So, it is the duty of every citizen to preserve the environment in the same way as nature has gifted it to all of us.⁶

In Rural Litigation and Entitlement Kendra v. State of UP⁷ Justice R.N. Mishra opined that “preservation of the environment and keeping the ecological balance unaffected is a task which not only the government but also every citizen must undertake. It is a social obligation and let us remind every Indian citizen that it is his fundamental duty as enshrined in Article 51-A(g) of the Constitution.”

In Kinkari Devi v. State⁸ Justice P.D. Desai remarked: “There is both a constitutional pointer to the state and a constitutional duty of the citizens not only to protect but also to improve the environment and to preserve and safeguard the forest, the flora and fauna, the rivers and the lakes and all other water resources of the country. The neglect or failure to abide by the pointer or to perform the duty is nothing short of betrayal of the fundamental law which the state and indeed every Indian is bound to uphold and maintain.”

In L. K. Koolwal v. State of Rajasthan and Ors,⁹ Mr.L.K.Koolwal moved the High Court under Article 226 and highlighted that the Municipality has failed to discharge its “primary duty” resulting in the acute sanitation problem in Jaipur which is hazardous to the life of the citizens of Jaipur. The Court explained the true scope of Article 51-A in the following words: “We can call Article 51-A ordinarily as the duty of the citizens, but in fact it is the right of the citizens as it creates the right in favour of the citizens to move to the court to see that the State performs its duties faithfully and the obligatory and primary duties are performed in accordance with the law of the land. Omissions or commissions are brought to the notice of the court by the citizen and thus, Article 51-A gives a right to the citizens to move the court for the enforcement of the duty caste on the state, instrumentalities, agencies, departments, local bodies and statutory authorities created under the particular law of the state.

In T. Damodhar Rao. v. S. O Municipal Corporation, Hyderabad¹⁰ the court pointed out that in view of Articles 48-A and 51-A(g), it is clear that protection of environment is not only the duty of every citizen but it is also the “obligation” of the State and all other State organs including courts. In M.C. Mehta v. Union of India¹¹ the court

⁵ It came into force on 7-1-1977.

⁶ P.S. Jaswal and Nishtha Jaswal, Environmental Law, 45 (Allahabad Law Agency: Haryana, 3rd Edn.,2009, Reprint 2012).

⁷ Rural Litigation and Entitlement Kendra v. State of UP Justice AIR 1987 SC 359.

⁸ Kinkari Devi v. State Justice AIR 1988 HP 4.

⁹ In L. K. Koolwal v. State of Rajasthan and Ors AIR 1988 Raj 2.

¹⁰ T. Damodhar Rao. v. S. O Municipal Corporation AIR 1987 AP 171.

¹¹ M.C. Mehta v. Union of India (2002) 4 SCC 356. (popularly known as CNG case).

observed that Articles- 39(e), 47 and 48-A by themselves and collectively casts a duty on the State to secure the health of the people, improve public health and protect and improve environment.

The cumulative effect of Articles 48-A and 51-A(g) appears to be that the 'State' as much as the 'Citizens' both are now under a constitutional obligation to conserve, preserve, protect and improve the environment.

Right to live in a Pollution Free Clean Healthy Environment and Art 21

Article 21 of the Constitution which reads: "No person shall be deprived of his life or personal liberty except according to procedure established by Law."

The concepts, 'the right to life', personal liberty and procedure established by law contained in art 21 of the constitution of India after a period of inertia found a new meaning through constitutional interpretation culminating in the landmark decision *Maneka Gandhi v Union of India*¹², where SC held that the right to life and personal liberty guaranteed under art 21 can be abridged only by a just fair and reasonable procedure established by law. The right to life is not a mere animal existence but extends to the right to live with basic human dignity. A new era ushered in the post Maneka period the concept of right to life witnessed new developments and new dimensions were added to the interpretation of fundamental rights embodied in Article 21.

Do the new dimension of the right to life extend to the right to health and other hygienic conditions-

The Rural Litigation and Enlightenment Kendra v State of Uttar Pradesh¹³ was the first case wherein Supreme Court made an attempt to look into the question. In this a group of citizens wrote to the Supreme Court against the progressive mining which denuded the Mussoori Hills of trees and forests cover and accelerated soil erosion resulting in landslides and blockage of underground water channels which fed many rivers and springs in the valley. The Court ordered the registry to treat this letter as writ petition under Article 32 of the Constitution. Initially the Court appointed an expert committee to advise the bench on technical issues.

The Court observed:

"This is the first case of its kind in the country involving issues relating to environment and ecological balance and the questions arising for consideration are of great moment and significance not only to the people residing in the Missouri Hill range but also in their implications to the welfare of the generality of people, living in the country."¹⁴

It is also stated that, the disturbance of ecology and pollution of water, air and environment by reason of quarrying operation definitely affects the life of the person and thus involves the violation of right to life and personal liberty under Article-21 of the Constitution.

The petition was filed under art 32 of the constitution of India and orders were given with emphasis on the need to protect the environment. It is evident that the court was evolving a new right to environment without specifically mentioning it.

Indian High Courts and their strong prominent decisions: During This era evolution of Art 21 Indian High Court played a strong prominent role. At first, it's like Indian High Courts carried the movement of Healthy Environmental Right rather the Apex court. High courts from all over India come together started to watch over environmental issues critically. In comprehending the right to environment, the high courts were more specific and indirect.

*T.Damodhar Rao v Special officer, Municipal cooperation of Hyderabad*¹⁵ is a land mark decision on this aspect. The court further held that,

"It would be reasonable to hold that the enjoyment of life and its attainment and fulfilment guaranteed by Article 21 of the Constitution embraces the protection and preservation of nature's gifts without which life cannot be enjoyed. There can be no reason why practice of violent extinguishment of life alone should be regarded as violated of Article 21 of the Constitution. The slow poisoning by the polluted atmosphere caused by

¹² *Maneka Gandhi v. Union of India*, AIR 1978 SC 597

¹³ *Rural Litigation and Entitlement Kendra, Dehradun v. State of U.P* AIR 1985 SC 652 (popularly known as Doon Valley Case).

¹⁴ *Rural Litigation and Entitlement Kendra, Dehradun v. State of U.P* AIR 1985 SC 653

¹⁵ *T.Damodhar Rao v. S.O. Municipal Corporation, Hyderabad* AIR 1987 AP 171.

environmental pollution and spoliation should also be regarded as amounting to violation of article 21 of the Constitution”

In *L.K. Koolwal v. State*,¹⁶ Rajasthan High Court held that the Maintenance of health, preservation of the sanitation and environment falls within the purview of Article 21 of the Constitution as it adversely affects the life of the citizen and it amounts to slow poisoning and reducing the life of the citizen because of the hazards created, if not checked.

In *F.K. Hussain v. Union of India*¹⁷ the Kerala High Court pointed out that the right to sweet water and the right to free air is attributes of right to life, those are the basic elements which sustain life itself.

In *Rajiv Ranjan Singh v. State of Bihar*¹⁸ the Patna High Court held that failure to protect the inhabitants of the locality from the poisonous and highly injurious effects of the distillery's effluents and fumes amounted to an infringement of the inhabitants' rights guaranteed under Articles 14, 21 read with Articles 47 and 48-A of the Constitution of India.

In *P.A. Jacob v. Superintendent of Police, Kottayam*¹⁹ the Kerala High Court held that compulsory exposure of unwilling persons to dangerous and disastrous levels of noise, would amount to a clear infringement of their constitutional guarantee of right to life under Article 21. Right to life, comprehends right to a safe environment, including safe air quality, safe from noise.

In *K.C. Malhotra v. State*²⁰ the Madhya Pradesh High Court held that right to live with human dignity is the fundamental right of every Indian citizen and therefore, in the discharge of its responsibilities to people, State has to provide at least minimum conditions ensuring human dignity. Accordingly, the Court directed that there must be separate sewage line from which the filthy water may flow out. The drainage must be covered and there should be proper lavatories for public convenience which should be regularly cleaned. Public health and safety cannot suffer on any count and all steps to be taken as Article 47 makes it a paramount principle of government for the improvement of public health as its primary duties.

In *Law Society of India v. Fertilizers and Chemicals Travancore Ltd*²¹ the Kerala High Court held that deprivation of life under Article 21 of the Constitution of India comprehends certainly deprivations other than total deprivation. The guarantee to life is certainly more than immunity from annihilation of life. Right to healthy environment is part of the right to life.

In *Kholamuhana Primary Fishermen Co-op. Society v. State*²², the Orissa High Court held that the right to life conferred by Article 21 of the Constitution includes the right of enjoyment of pollution-free atmosphere.

Apex Court strikes-

The First time when the Supreme Court came to close to declaring the right to environment as a part of art 21 was in the early nineties. In *Chhetriya Pradushan Mukti Sangrash Samiti vs State of Uttar Pradesh*²³, The Petitioner, representing a Social Organisation, has written a letter alleging environment pollution in some villages and the adjoining Sarnath Temple.

The letter was treated as Writ Petition under Article 32 of the Constitution of India. It was alleged that the smoke and dust emitted from the Chimneys of Respondent, an oil Mill and a refinery plant in the area, and the effluents discharged by the plants has been causing serious environmental pollution in the thickly populated area, leading to epidemic diseases. It was further alleged that even the flora was badly affected by pollution.

It was held by SC Article 32 is a great and salutary safeguard for preservation of fundamental rights of the citizens and Sabayasachi Mukherjee, cj, observed

“Every citizen has a fundamental right to have the enjoyment of quality of life and living as contemplated in Art 21 of the constitution of India. Anything which endangers or impairs by conduct of anybody either in violation

¹⁶ *L.K. Koolwal v. State* AIR 1988 Raj 2.

¹⁷ *F.K. Hussain v. Union of India* AIR 1990 Ker 321 at 323

¹⁸ *Rajiv Ranjan Singh v. State of Bihar* AIR 1992 Pat 86.

¹⁹ *P.A. Jacob v. Superintendent of Police* AIR 1993 Ker 1.

²⁰ *K.C. Malhotra v. State* AIR 1994 MP 48

²¹ *Law Society of India v. Fertilizers and Chemicals Travancore Ltd* AIR 1994 Ker 308.

²² *Kholamuhana Primary Fishermen Co-op. Society v. State* AIR 1994 Ori 191 at 207.

²³ *Chhetriya Pradushan Mukti Sangrash Samiti vs State of Uttar Pradesh* 1990 AIR 2060, 1990 SCR (3) 739

or in derogation of laws, that quality of life and living by the people is entitled to be taken recourse of Article 32 of the Constitution.”

From now onwards Apex Court did not sit back idle when it was about the healthy environmental rights, apex played a supportive role to extend right to a healthy environment. In Charanlal Sahu v. Union of India²⁴ the Supreme Court of India held that, in the context of our national dimensions of human rights, right to life, liberty, pollution free air and water is guaranteed by the Constitution under articles 21, 48-A and 51-A(g). It is the duty of the State to take effective steps to protect the guaranteed Constitutional rights.

In Subash Kumar v. State of Bihar²⁵ the Supreme Court observed:

“Right to live is a fundamental right under Article 21 of the Constitution and it includes the right of enjoyment of pollution - free water and air for full enjoyment of life. If anything endangers or impairs that quality of life in derogation of laws, a citizen has right to have recourse to Article 32 of the Constitution for removing the pollution of water or air which may be detrimental to the quality of life.”

In Virender Gaur v. State of Haryana²⁶ the Supreme Court observed,

“Enjoyment of life and its attainment including their right to live with human dignity encompasses within its ambit, the protection and preservation of environment, ecological balance free from pollution of air and water, sanitation without which the life cannot be enjoyed. Environmental, ecological, air and water pollution etc., should be regarded as amounting to violation of Article 21. Therefore, hygienic environment is an integral facet of right to healthy life and it would be impossible to live with human dignity without a human and healthy environment”.

In Dr.Ashok v. Union of India²⁷ the Supreme Court held that by giving an extended meaning to the expression “life” in Article 21 of the Constitution, the Court had brought health hazard due to pollution within it and so also the health hazards from use of harmful drugs.

In A.P. Pollution Control Board (II) v. Prof.M.V. Nayadu²⁸ the Supreme Court stated that the rights to healthy environment and to sustainable development are fundamental human rights implicit in the right to life. Our Supreme Court was one of the first Courts to develop the concept of “healthy environment” as part of right to “life” under Article 21 of the Constitution.

‘Right to live’ also includes ‘Right to live in a basic hygienic environment’. Hygienic Environment also means living in a healthy environment. Every human being has a right to live in a healthy environment.

Indian judiciary also expanded the scope of 21 and ‘Right to live in a basic hygienic environment’ also included under wing of art 21. The obligation was also clearly explained by the Supreme Court in Virendra Gaur & Ors v State of Haryana.

According to the Court:

*“hygienic environment is an integral facet of the right of healthy life, and it would be impossible to live with human dignity without a humane and healthy environment. Environment protection, therefore, has now become a matter of grave concern for human existence. Promoting environmental protection implies maintenance of the environment as a whole comprising the man-made and the natural environment. Therefore, there is a constitutional imperative on the State Government and the municipalities, not only to ensure and safeguard proper environment but also an imperative duty to take adequate measures to promote, protect and improve both the man-made and the natural.”*²⁹

The entitlement of citizens to receive safe drinking water (potable water) is part of the right to life under Article 21, early as in 1984 (in Bandhua Mukti Morcha vs. Union of India case), the Supreme Court derived the concept of right to ‘healthy environment’ as part of the ‘right to life’ under Article 21. The Court, in its judgment (1 December 2000), had observed that ‘in today’s emerging jurisprudence, environmental rights which encompass

²⁴ Charanlal Sahu v. Union of India (1990) 1 SCC 613.

²⁵ Subash Kumar v. State of Bihar (1991) 1 SCC 598.

²⁶ Virender Gaur v. State of Haryana (1995) 2 SCC 577.

²⁷ Dr.Ashok v. Union of India (1997) 5 SCC 10.

²⁸ A.P. Pollution Control Board (II) v. Prof.M.V. Nayadu (2001) 2 SCC 62 at 70-71.

²⁹ Virendra Gaur & Ors v State of Haryana 1994 SUPPL. (6) SCR 78

a group of collective rights are described as “third generation” rights³⁰. An important ruling of the Indian Supreme Court was the case of A.P. Pollution Control Board II v. Prof. M.V. Nayudu.³¹ In this case, the AP government had granted an exemption to a polluting industry and allowed it to be set up near two main reservoirs in Andhra Pradesh – the Himayat Sagar Lake and the Osman Sagar lake, in violation of the Environment Protection Act 1986. The Supreme Court struck down such exemption and held that the “Environment Protection Act and The Water (Prevention and Control of Pollution) Act 1974 did not enable the State to grant exemption to a particular industry within the area prohibited for location of polluting industries.”

Constitutional Mandate: Dual Effect of Eco-Provisions in the Constitution

The right to healthy environment is the product of judiciary interpretation adding new dimensions to the right to life under Art 21 of the Constitution of India. Besides that, the 42nd amendment to the constitution of India had imposed duty on the state and every citizen to protect and improve the environment, by adding Art 48A to the directive principles and Art 51A(g) as the fundamental duty. These insertions in the constitution have acted as the foundations for building up environmental jurisprudence in the country. In T.Dhamodar Rao v Special Officer, Municipal Corporation of Hyderabad³², The Andhra Pradesh High Court referred also to Art 51-A(g) and 48-A and prevented conversion of an open space to a residential complex. The court noted that the protection of the environment is the duty of the citizens as well as the obligations of the state.

In Mohd Hazi Rafeeq v State of Uttaranchal, the Uttaranchal High Court³³ referred to Arts 48A and 51A(g) in order to lay emphasis on the duty of the state to preserve and protect forest even at the cost of the business interests of the petitioner.

In L K Koolwal v State, the Rajasthan High Court³⁴, while directing the municipal authorities of Jaipur to keep the city clean, laid emphasis on the fundamental duty of the citizens under Art 51-A(g) of the Constitution of India to protect and improve the environment. According to the court, the provisions render the citizens the right to move the court to see that the state performs its duties faithfully and strives to protect and improve the natural environment. It is the primary duty of the municipal council to remove filth, rubbish, night soil, noxious odour or any offensive matter. Its financial inability cannot be a plea to shrug off its duty and responsibility.

According to the apex court, in M C Mehta v Union of India³⁵, Arts 39(e), 47 and 48-A collectively cast a duty on the state to secure the health of the people, improve public health and protect and improve the environment. On this premise to protect the health of the people of Delhi, the court issued several directions to phase out grossly polluting old vehicles and non-CNG buses. The court rightly rejected the government's plea that CNG was in short supply. The court observed:

Conferring economic advantage upon industry by making available cheap gas in preference to the need for supplying gas for environmental reason is inconsistent with settled constitutional positions.

CONCLUSION: The expression ‘environment’ has wider dimensions. Undoubtedly, ‘hygienic atmosphere and ecological balance can be brought within its ambit. Theoretically, it would be the duty of the State and the citizens to maintain a hygienic environment, though the state has a particular duty to forge its policies to maintain ecological balance and a hygienic environment. Environment protection has now become a matter of grave concern for human existence. Therefore, the Central Government, State Government and local bodies have an imperative duty to ensure and safeguard the environment in a proper manner as well as choose adequate measures to promote, protect and improve the natural and man-made environment. Courts laid stress on the duties of the state and citizens combined under 48-A, 47 and 51-A(g) of the constitution of India.

³⁰ A.P. Pollution Control Board II v Prof. M.V. Naidu and Others (Civil Appeal Nos. 368-373 of 1999). Cited from John Lee ‘Right to Healthy Environment’, Columbia Journal of Environmental Law, Vol. 25, 2000.

³¹ A.P. Pollution Control Board II v. Prof. M.V. Nayudu (2001) 2 SCC 62.

³² T Dhamodar Rao v special officer, Municipal Corporation of Hyderabad AIR 1987 AP 171

³³ Mohd Hazi Rafeeq v State of Uttaranchal, the Uttaranchal High Court AIR 2006 U'chal 18

³⁴ L K Koolwal v State, the Rajasthan High Court AIR 1988 Raj 2

³⁵ M C Mehta v Union of India AIR 2002 SC 1696

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