

Control of Air Pollution of India: with special reference to Delhi NCR Region

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“There can be no greater need for any offer than a clean environment –clean air, clean water, clean soil and food”- David Suzuki

Introduction

Every human being has the right to live in the healthy environment. It's the life support system. It forms the basis of our lives. Poor air quality is very bad for our health in every way. Air pollution is the largest environmental threat to human health worldwide, particularly in Delhi NCR region in India. The region consistently ranks among the most polluted cities in the world especially during the diwali and chhath pooja festival when smog blanket fills in the air. The air quality index in Delhi NCR region often crosses several levels during this period, affecting people of all age groups, particularly children, our senior citizens and those suffering from hearing disease and asthma. We are growing slowly but steadily towards the endangered present and future generation because of the unhealthy environment. Air pollution occurs when dangerous particles, gases and chemicals are released into the air.

Bharat is one of the largest democratic country in the world. It's the first country in the world which has provided environment protection by the constitutional amendment brought in the year 1976. Article 14, 19(1) G, 21, 47, 48(A), 51 A (g) and article 253 of the Indian constitution directly or indirectly dealing with the subject environmental pollution and protection. The United Nations conference in Stockholm on the “human environment” is a landmark milestone at the international level for the protection of environment. Bharat participated in the Stockholm conference. This conference highlights its first principle that is man had the fundamental right to adequate conditions in an environment of a quality that permitted the life of dignity and well being. After Stockholm conference legislature enacted various laws for protection of environment. Nowadays through judicial interpretation, the right to live in healthy environment is a part of right to life under article 21 of the constitution of India. For protection of air pollution, police commissionerate, Ghaziabad also organised walkathons in Ghaziabad on 16 Nov.2025. In spite of clear mandate constitutional provisions, legislative measures, judicial interpretation, public awareness programs, the protection of air pollution seems to be a distant dream. But before we can comment on the future of clean air as a right we need to thoroughly analyse the existing legislation and the impact they have made since they were implemented.

What Is Air Pollution

The term air pollution means contamination of the indoor outdoor environment by any chemicals, physicals or biological agents that modifies the natural characteristics of the atmosphere.

According to Henery Perkins, Air pollution means the presence in the outdoor atmosphere of one or more contaminants such as dust, fumes, gas, mist, odour, smog, or vapour in quantities characteristics and of duration such as to be injurious to humans, plants, or animal life or to property.

According to Section 2(B) of Air (Pollution, Prevention & Control) Act 1981:- “Air pollution as the presence of any air pollutant in the atmosphere”.

Need of The Control Of Air Pollution due to degradation of the air quality, we are not able to inhale pure air and because of this human being are facing lot of problems. We all need clean air to live, grow and thrive. Yet, approx. 99 percent of us, breathe air that is very harmful and dirty. According to a survey, most of the people living in Delhi NCR region have black lungs. Protecting is crucial for human beings as air pollution causes respiratory and heart diseases, cancer and pre mature death. It is also essential for environmental health, protecting eco system from heart and preventing soil and water contamination, pure air is necessary for biodiversity, supports economic stability.

Status of Air in Ancient India,

In ancient India, generally the quality of air was very clean due to minimal industrial activity and a culture that emphasized harmony with nature and environmental preservation. According to ancient texts like the Rigveda, the universe consists of 5 elements such as air, fire, water, land and sky which are known as “**Panchabhutvas**”. It is mentioned by Goswami Tulsidas in his book “**Ramcharitmanas**”. These 5 elements are basis of life. Ancient men were afraid of the nature and worship of the nature, so men did not dare to pollute and damage the nature.

Causes of Air Pollution

Following are the main causes of air pollution read as under:

1. Factories and industries
2. Burning of fossil fuels
3. Agricultural activities
4. Automobiles
5. Construction dust
6. Domestic sources
7. Mining activities
8. Dust from roads
9. Festive fire crackers

The Air (Prevention and Control of Pollution) Act 1981:

This act was formulated with the sole motive to provide for the prevention, control and abatement of air pollution and its growing problems. It was implemented with an objective to carry out the purposes, of boards, for conferring, on and assigning to such boards powers and functions relating to the matters concerned. This act was a compilation of all decisions that were taken at the U.N. conference on the human environment held in Stockholm in June, 1972 in which India participated to take appropriate steps for the preservation of natural resources of the earth which specifically included the preservation of the quality of air and control of air pollution due to day to day activities.

Key Environmental Principles Read as under :

PRECAUTIONARY PRINCIPLES

The first definition of 'Precautionary Principles' is given in the RIO declaration of 1992. The apex court emphasized the importance of taking preventive measures to avoid environmental harm. Our Indian judiciary always supports the precautionary principles.

Polluter Pay Principles--

The term 'Polluter Pay Principles' means polluter should bear the cost of pollution as the polluter is responsible for pollution. The Apex court held that polluters are responsible for the costs of cleaning up pollution & restoring the environment

Sustainable Development--

The supreme Court highlighted the need to balance economic development with environmental protection. The concept of sustainable development came for the first time in the Stockholm declaration in 1972. But finally, came the EARTH summit held in June 1992 at RIO. Sustainable development is a way for people to use resources without the resources running out.

Protection Against Air Pollution

To control air pollution, Indian parliament enacted air prevention and control of pollution act (1981) and environmental protection act 1986. Enforcement of these acts is the role of central and state government but different governments did not try to enforce these acts with seriousness which has led to air pollution becoming a huge problem for society especially in Delhi NCR region. Human life has been

facing threat because of air pollution. Air pollution is becoming threat for existence of human life. Supreme court has taken charge to control air pollution and supreme court has given directions to appropriate government officers to enact this in different judgments. Even after enacting or executing these acts and even after directions given by Supreme Court, air quality has reached at extremely dangerous state. Today, solution has become so worse that because of air pollution, even the people who do not smoke still consuming smoke of ten cigarettes through lungs and getting caught by diseases like C.O.P.D.

It is the opinion of experts that smoking on cigarettes reduces six minutes of our lives. According to a survey, life span of people living near Delhi NCR gets reduced by 10 years. Today, it is very necessary that central and state government jointly take such steps together that immediately air pollution gets controlled.

Constitutional Provision For Protection Of Environment---

Bharat is the first nation in the world which has provided constitutional provisions directly or indirectly for protection of the environment. As far as the point of view of the Indian Constitutional law is concerned, there was no specific provisions, safeguarding the clean air. Therefore, till the subsequent amendments the Constitutional law of India was without any specific provisions for the prevention & control of pollution. However the seeds of such provision could be seen in **Art 47** of the Indian Constitution which command the state to improve the standard of living & health of the public. To fulfill this Constitutional goal, It's necessary that the state should provide healthy environment. To comply with the principles of Stockholm declaration 1972 adopted by the international Conference on a healthy environment. The central government by the Constitution 42nd amendment 1976 made the express provisions for the promotion & protection of the environment, by the introduction of **Art 48 A & 51 A** (g) which forms the part of DPSP & the fundamental duties respectively. The Constitution of India makes two fold provisions

1- On the one hand, it gives directive to the state for the protection & improvement of environment.

2-On the other hand the citizen has a Constitutional duty to protect & improve the natural environment.

In protecting the natural environment **Art 48 A** is of immense importance today.

Art 51 A (g)- which deals with fundamental duties of citizens States:

'It shall be the duty of every citizen of India to protect & improve the natural environment including forests, lakes, rivers, and wildlife and to have compassion for living creatures'.

Art.253 states that 'parliament has power to make any law for the whole or any part of the country for implementing any agreement, treaty or convention with any other country.

Judicial Interpretation & Protection of Environment----

The environmental Jurisprudence in India has developed mostly by the several interpretations given by the apex court. The Indian judiciary has from time to time, handed down its judgment on various environmental pollution issues. The remedies available in Bharat for pollution compromise common law, criminal law, law of Torts, Constitution of India & civil remedies. The principles of Stockholm Conference declaration are directly related to the Right to life, Right to freedom of expression, Right to equality & Right to trade and commerce guaranteed under the Constitution of India by interpretation. The Hon'ble court has continued substantially in protecting & improving the environment by issuing direction on the environment. The apex court has expressed serious concern over Delhi air pollution, urging lawyers to attend hearing virtually to minimize exposure to the toxic air, Hon'ble justice Narasinha emphasize that even masks are not enough & warned that the pollution could cause permanent health damage. Some latest judgments read as under

M.C Mehta V. UOI, 2024 (Ban of firecracker) ---The apex court imposed a ban on the manufacturer, storage, sales & use of firecracker in Delhi-NCR to curb air pollution

Ashok kr Sharma V. UOI 2024 (Right to clean air)

The Supreme Court recognized the right to a clean & healthy environment under Art 21 of Indian Constitution.

Velore Citizen's Welfare forum V. UOI 1996---

The apex court held that polluters are responsible for the costs of cleaning up pollution & restoring the environment.

Conclusion and Suggestions

Main air pollutants which pollute atmosphere are carbon di oxide, nitrogen, arsenic, nicotin, cademium, sulphur oxide, nitrogen oxide, pollutants coming out of factory, dust at construction sites, destruction of old constructions, burning garbage, firing crackers, burning crops by farmers etc. Presence of these pollutants in atmosphere makes air poisonous. This poisonous air leads to crisis of pure air for people living in Delhi NCR and because of these air pollutants, approx. 55 thousand kilometers area of delhi NCR has been covered with smog. National capital region of Delhi has reached at dangerous level. People living here are forced to breathe poisonous air. Some places in Delhi NCR has witnessed the AQI of 750 whereas aqi should be less than 200. Currently the whole Delhi NCR has been converted into gas chamber. People have been suffocating because of atmosphere being covered with smog all the time. Because of poisonous air, different parts of human body like eyes, nose, throat, skin, lungs, heart etc. are at huge risk. Pregnant woman, old woman and children and weaker immunity people can be at life risk judgments of pollution

In spite of several Act, constitutional provisions, judicial interpretation and public awareness programmes the positive results are not forthcoming. Situation is sting alarming due to degradation of the environment. The major problem related to environment degradation have not solved yet. The protection of environment seems to be distant dream. But let us hope for the universal welfare of public at large along with the protection and preservation of environment. In such a scenario, there is a need for full fledged war to check the environmental pollution. The government, NGO and the general public should take steps so that environmental pollution should not be degraded further.

It is the urgent needs that if central and state administration takes following steps then air can gets clean.

If more and more plants are grown in the whole Delhi NCR region



➤ Smog towers should be converted everywhere

➤ All public vehicles should be running on CNG

➤ Awareness should be raised regarding environmental protection with the help of media.

➤ Environmental protection police force should be constituted which can take tough steps against people who harm environment.

➤ Small sector industry running form home should be removed outside from public places.

If right steps are taken then air pollution can be surely stopped.

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