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REPORT ON THE STATUS OF  
RIGHT TO CLEAN ENVIRONMENT

By

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# RIGHT TO A CLEAN ENVIRONMENT

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# RIGHT TO A CLEAN ENVIRONMENT

## I. INTRODUCTION

Environmental concern in most countries originated with citizen groups and out of clash of conventional wisdom with modern notions of economic growth and development. During the last two decades of the 20<sup>th</sup> century, there has been a gratifying resurgence of environmental sense among the developing countries including India. Environmental Law as a separate branch of jurisprudence owes its origin to the United Nations Conference on Human Environment (Stockholm Conference) 1972.

Today environmental concerns are reflected in environmental policies which are based on the understanding of what is called "sustainable development", the essence of which is the principle that no lasting development is possible, if it is not formulated and practised in a way that is environmentally sustainable. In other words, the object of right to development shall be the same as that of right to a clean environment and wherever there are conflicts perceived, they have to be resolved according to the goals of sustainable development. These goals may be grouped under the following :

### A. Biological Goals :

- (a) Maintenance of Genetic Diversity
- (b) Control of Resource Depletion and Environmental Degradation

### B. Economic Goals :

- (a) Satisfying Basic Needs of People (Reducing Poverty)
- (b) Equity – enhancing
- (c) Increasing Availability of Useful Goods and Services (Freedom of Choice)

### C. Social Goals :

- (a) Cultural Integrity and Diversity
- (b) Institutional Sustainability
- (c) Participatory Decision Making
- (d) Maximisation of Social Justice

In short, sustainable development is about reducing the poverty of the poor through providing lasting and secure livelihoods that minimise resource depletion, environmental degradation, cultural disruption and social instability. In this perspective, one can resolve the question of right to work of employees of a polluting industry, right to livelihood of tribals being displaced for building large dams or similar projects. An attempt to reduce environmental degradation will be counter-productive if there is failure to respect the basic needs (cultural, economic, social) and encourage the participation of those social groups which are most affected by any change. For example, World Bank financed social forestry programmes in the past failed to make an impact on the landless farm households that are most responsible for deforestation because of lack of adequate commitment in the programme to their basic needs and the non-involvement of the women responsible for forest degradation.

The message is that without taking account of the basic human needs – food, clean water, fresh air, fuel, shelter, health care, education and employment – sustainable development is not possible.

Writing on individual's right to environmental protection in India (Human Rights Approaches to Environmental Protection, ed. Alan E. Boyle and Michael R. Anderson, Clarendon Press, Oxford 1996) Mr. Michael Anderson wrote :

“Probably more than any other jurisdiction on Earth, the Republic of India has fostered an extensive and innovative jurisprudence on environmental rights. Fifteen years after the onset of public interest litigation, it is now common for lawyers representing environmental claims to turn in the first instance to the terminology of rights rather than the more traditional rules of tort and crime. Not only has the Supreme Court ruled that every individual has a fundamental right to the “enjoyment of pollution free water and air”, but it has been willing to resolve complex matters of environmental management according to this test, and has fashioned a series of innovative procedural remedies to accompany the new substantive right. Moreover, in a country where the most serious costs of environmental damage fall upon impoverished and illiterate groups with limited access to the courts, the new environmental right is championed as a legal gateway to speedy and inexpensive legal remedy”.

Yes, for the average citizen in India environmental right is more a gift of judicial activism than of any statute or international treaty. However, its continued enjoyment and extension to new areas of risk depends on those in charge of implementation of environmental laws, standards and programmes. The adequacy of implementation strategies, structures, and support personnel is what the project is expecting to evaluate.

### Indicators of Environmental Degradation

Some of the basic environmental indicators give an alarming picture for the country as a whole (source : Economic & Political Weekly, January 10, 1998). Of the total land area, only 11 per cent of the land is not affected by any inherent soil constraints. An estimated 100 million hectares are waste lands affected seriously by salinity, alkalinity and wind and water erosion. 4 Million hectares have already been swallowed up by ravines. At the beginning of the century India had a forest cover of about 53 per cent of its land area; today, it is hardly 23 per cent. Over one million hectares of forests are cut every year. The forestry programmes of the government are not commensurate with the survival needs of the people dependent on forests. India's biodiversity, one of the richest in the world, is fast depleting. At mid-century, Indian farmers were cultivating 50,000 varieties of rice. By 2000 AD they will grow probably not more than 50. The flora and fauna are similarly being depleted. So are the varieties of animals.

The major sources of irrigation in India are wells, tanks and canals. Tanks are in disuse with increasing ground water exploitation. Large dams are creating ecological problems. Siltation rates of the reservoirs of major dams are three to four times higher than the projected rates. Ground water tables are going down in most of the regions leading to desertification. Flood damage is increasing year after year. There is rapid depletion of soil fertility. With degradation of grazing lands, as fodder becomes scarce, people and their animals turn to forests increasing the pressure on forests.

India has annual internal renewable water sources of 1,850 Cubic KMs. Only 18 per cent of it is being used annually. Further, India uses only one-tenth of the rainfall it receives annually. 70 per cent of all the available water in India is polluted. The semi-arid agro-climatic tropical conditions in 55 per cent of India creates problems of water deficiency, low bio-mass

productivity and high variability of rainfall. In a number of States in India, available water resources have reached 100 per cent utilisation.

India's emissions of air pollutants in most cities have crossed the permissible limits. One of the problems is wood smoke inhaled by poor Indian women in rural areas while cooking. The current car and two wheeler boom is aggravating the problem of air pollution.

Urban poor account for 35 per cent of population in cities and towns. The water and sanitation facilities are either non-existent or extremely poor. 40 per cent of the rural poor are living below poverty line and face similar problems of sanitation and health. 50 per cent of food samples are contaminated with pesticide residues exceeding permissible limits. Thousands of workers contract serious ailments and many die because of occupational diseases. Mosquito-borne diseases like malaria are rapidly growing despite claims to the contrary. There are only about 2.6 doctors per thousand population and about 9 hospital beds per 1000 people. Rural-urban disparities in this regard are pronounced.

The expanding industrial sector is producing new environmental problems including toxic chemicals and radio-active waste.

India thus is confronted by two types of environmental problems. Firstly, the conventional problems arising out of water pollution; poor sanitation and waste disposal, excessive pressure on land, water and forests, over-population etc. Secondly, the problems of modern industrial societies like chemicalisation of agriculture, production of industrial waste etc.

The adequacy of right to clean environment is to be assessed in terms of the above scenario in which intelligent management of natural resources with emphasis on sustainable development offers the only hope. Law has to play a key and dynamic role to maintain the right balance between rights and duties of not only the Government and Industry but also of every individual citizen.

#### Development of Environmental Law and Policy

The first major effort on environmental protection in India came after the

Stockholm Conference in 1972 when a Committee on Environmental Planning and Co-ordination was set up by the Government of India to advise the Government on the environmental aspects of developmental projects. Soon thereafter the Wildlife (Protection) Act was enacted regulating hunting of wild animals and birds, declaring particular areas as sanctuaries and national parks and regulating trade in animals and animal products. Then came the Water (Prevention and Control of Pollution) Act, 1974.

Environment came to be recognized as an important subject in governance and the Constitution was amended in 1976 introducing a Directive Principles of State Policy under Article 48-A and a Fundamental Duty on all citizens under Article 51-A(g). Several entries were introduced in Concurrent List for better forest management and environmental control. Based on the Constitutional Amendment the Central Government enacted a Forest (Conservation) Act in 1980. Then came a series of very important environmental statutes which radically changed the legal architecture of environmental policy and management in the country. For the first time an Air (Prevention and Control of Pollution) Act was adopted on the lines of the Water Act in 1981. A comprehensive law of environmental regulation came in the form of the Environment (Protection) Act, 1986 under which Rules were notified for manufacture, storage and import of hazardous chemicals and management of hazardous wastes. The experience of the Bhopal Gas Tragedy (1984) gave the environmental agenda further importance as a result of which the Factories' Act was amended and made more stringent and a new Public Liability Insurance Act, 1991 was put in place to ensure healthy work environment. A series of Notifications from the Environment and Forests Ministry covered a vast area of unregulated activity involving environmental impact.

Finally to revamp the institutional back up for stricter environmental policing two important pieces of legislations were adopted. The first one, the National Environmental Tribunal Act, 1995, enabled the Government to set up specialised tribunals to process quickly environmental litigation. The second, the National Environment Appellate Authority Act, 1997 created a forum of judges and experts to hear environmental complaints even at the stage of consideration of projects before the damage is caused.

All these enactments are over and above the traditional law of torts, municipality laws, provisions in the criminal law and procedure which regulate environmental damage through civil and criminal remedies.

On the top of all these, the Supreme Court interpretation that the Fundamental Right to Life does include the right to clean environment elevates what is otherwise an ordinary legal right to that of a basic human right constitutionally protected through writ jurisdiction of High Courts and Supreme Court. Therefore, despite failures of administrative and legal arrangements in effective protection of environment human rights standards and procedures have advanced the cause of right to environment by putting the administration on the defensive and generating positive enthusiasm to give environment the priority it deserves.

#### Environment : More Procedural than Substantive Right

Are environmental rights, individual rights? Certainly they are as it affects the individual's right to life. At the same time, they are group rights as well, since a clean environment is the basic need of all living creatures, particularly human beings. However, at the end of the day, the discourse on rights invariably aim to articulate potentially enforceable individual rights as all human rights are inherently anthropocentric (focus on people).

Many aspects of environmental rights reaffirm the substantive content of such rights. Thus, environmental rights emanated out of right to life, right to health, right to privacy and right to sustainable development. At the same time, without individuals having the standing to challenge perceived violations of environment and the system following "due process of law" as a pre-requisite for interference with fundamental rights (based on Maneka Gandhi decision of prohibition against arbitrary exercise of power and the need for fairness in decision-making), development of environmental rights could not have taken place as part of human rights. Thus the substantive and procedural dimensions of environmental rights contributed to an environmental law regime at once dynamic and progressive. With right to information becoming part of fundamental right, there is greater scope for more effective implementation of environmental right.



There is no doubt that environment is a collective good the uses of which have to be negotiated through balancing of apparently conflicting interests. Individuals themselves are perpetrators of environmental harm. They are at the same time beneficiaries of environmental conservation. Therefore in defining environmental rights at a given time, the collectivity has to balance the potential harm of the activity with the rights of individuals affected. This is a value judgment based on a variety of information and perception of the benefit and harm. As such, environmental right is a concept with varying content which suggests that environmental right as a procedural right is more important than it being a substantive right. This explains why environmental jurisprudence is largely a product of public interest litigation and pro-active judicial interventions to prevent environmental damage.

In a number of environmental cases, courts have accepted petitions even when violations have not yet taken place and sought to prevent violations through interim remedies. This is a very important dimension of environmental right as a procedural right which has great potential in co-ordinated environment management through preventive strategies of planning, impact assessment, deployment of better technology, early warning systems etc. Experience with environmental rights do indicate that access to information, locus standi, public interest litigation, judicial activism, pro-active approaches, due process principle and similar procedural techniques have been of great help in protecting environmental rights rather than assumed substantive content of stable universal principles.

## II. RIGHT TO A CLEAN ENVIRONMENT : THE KERALA SCENE

1.1 For a State like Kerala where the literacy rate is very high, it is very surprising to note that the environmental awareness is very low both among the government functionaries and the public at large. Environment is more seen as a stumbling block to development rather than as a desirable economic and social value.

1.2 Though Kerala is well ahead of other States in terms of physical quality of life, instances of water borne diseases due to water pollution and unsafe sanitary practices are quite large.

1.3 The coalition politics of Kerala has been a bane on environmental protection in the State. The politics of appeasement for electoral gains followed by the United Democratic Front (UDF) and the Left Democratic Front (LDF) has seen large depletion of forest wealth.

1.4 The local government institutions as per the Kerala Panchayat Raj Act, 1994 have been given various functions relating to environmental protection and conservation of natural resources. Most of these tasks remained in paper and no proper enforcement has been attempted.

1.5 A serious environmental hazard developing in this thickly populated State is from the excessive use of plastics both for domestic and industrial purposes. There is some awareness of the danger and the Government is reportedly considering restrictions on the use of plastics.

1.6 Another serious problem facing Kerala is the harm resulting from indiscriminate removal of sand from the river bed leading to soil degradation, lowering of water levels, disappearance of vegetation around and diversion of the course of the river itself.

### 2. Forest Depletion

There are different estimates of area under forest in Kerala. According to Forest Department it is 11,280 Sq.KM area which represents 29% of the geographical area of the State. According to Revenue Records, the Forest area is only 10,815 Sq.KM covering 27% of the State.

The National Remote Sensing Agency found in 1988 that the area covered by forests in the State is only 7,400 Sq.KM which represents just 19% of the territory. If the satellite data is to be believed the forest area in Kerala has dwindled from nearly 9,000 Sq.KMs in the early 1970s to just 7,400 Sq.KMs in almost 10 years. In the last 15 years it must have further come down significantly. If the Forest Department Data were to be believed, the fall in forest area is an insignificant 0.35% between 1974 and 1988 and there is no reason for any concern!

Forests have been a poor victim of the coalition politics of Kerala. In the process of appeasing one partner or another, encroachments have been allowed and title deeds given to settlers in the high ranges. Along with forests, the tribals have also suffered and were deprived of their livelihood.

Geography of the State makes forest cover critical. The ecological function of forest is already disturbed and the State is paying heavily in terms of water, vegetation, bio-diversity, wild life etc.

Kerala once used to have extensive mangrove forests along the coastline. In the last few years they have been mercilessly destroyed leaving only small patches here and there.

### 3. Water Pollution and Scarcity

Kerala is blessed with plenty of water though much of it is wasted by non-conservation. Thousands of water bodies like ponds and lakes have suffered neglect and misuse. They are disappearing and tank beds are being used for a variety of purposes.

Rivers are degraded by indiscriminate removal of sand from the river bed. River beds in some places have gone down by as much as four metres in just one decade. During monsoon flood, land slides and erosion create havoc in many places.

Discharge of municipal and domestic waste and untreated effluents from small scale units along the river have polluted the source of drinking water causing untold suffering to people living in the area. The Ninth Report of the Environment Committee of the Assembly (1996) is full of disturbing facts on pollution of drinking water sources.

Extensive tapping of underground water has brought down the water level to dangerously low levels. Nobody cares to make provision for recharging of the unground water tables.

The very first report of the Environment Committee of the Kerala Legislature constituted in 1992 lamented the slow pollution and continuing destruction of the State's three fresh water lakes (Vellayani, Pookodu and Sasthancottah). By storing rain water and maintaining underground water tables these lakes served water needs of a vast population for centuries together. Now they are dying due to soil dumping, unscientific fishing and farming, large scale pollution, deforestation in surrounding areas and unauthorised construction of structures in lake areas.

#### 4. Wastage Disposal

Solid waste increasingly generated by a growing population constitutes a serious threat to the people in Kerala with a high density of population. Industries are not too many; yet some of those functioning in the State like paper and chemical units are highly polluting as they discharge chemical waste. Plastic products consumption is very high in the State and dumping plastic waste into waterways and other open spaces is threatening the fertility of the soil and the survival of lakes, wells and ponds.

There is no proper sewerage disposal facility in most cities and towns. Together with hospital and domestic waste as well as chemicals used in agriculture, the threat to health of humans, animals and vegetation is real and imminent.

#### 5. Environmental Awareness

Despite high level of literacy, Keralites have a poor understanding of ecology and environment. As the Environment Committee of the Kerala Assembly said : "Keralites have only personal cleanliness and not social cleanliness" (8<sup>th</sup> Report, Oct. 1997). There is very little being done to educate and mobilize the people for the job in hand.

The level of ignorance on the part of the government is still more disturbing. Nothing gets implemented without information and motivation in environmental protection. People seem

to take it easy, thinking that it is the job of the pollution control board which behaves no better than a conventional department of the government, mostly reactive as a fire fighting mechanism when things get too hot. With little power and inadequate support facilities the board is unable to make an impact despite occasional proddings from the Courts and media. Many politicians and bureaucrats sincerely believe that environmentalists are a nuisance and a hindrance to development. One Bhopal tragedy seems inadequate to open our eyes to the hidden bomb around us!

6. Kerala is a State having a long coast line along which so-called development activities have sprung up violating the Coastal Zone Regulation Guidelines. The State Government itself is asking for lowering the CRZ standards and enabling exceptions for the State. Meanwhile with the connivance of the local bodies and Pollution Control Board, several tourism based units have been established against which the High Court had given directions for demolition. The problem is a recurrent one and is likely to be a source for large scale environmental degradation.

7. The State has a number of Sacred Groves and a long cultural tradition of ecological conservation. Due to population pressure and governmental indifference these Nature-friendly traditions and rich heritages are under constant attack. There is no institutional effort to revive such traditions.

### III. RIGHT TO ENVIRONMENT : THE TAMIL NADU SITUATION

Tamil Nadu is the fourth largest State in India densely populated and fairly well industrialised. It accounts for 7% of the country's population, 4% of the land area and 3% of water resources. Over 50% of the land area is cultivated and agriculture remains the major activity of the people. About 20% of the land area is categorised as waste lands. The major rivers of the State are Kaveri, Periyar and Tamiraparani all of which are not exclusive to the State. Tamil Nadu draws 15 to 20% of its water from the rivers originating in neighbouring States. The areas along the eastern coastline is plain while the western parts of the State are mountainous. In the western ghats, Nilgiris is the most fertile stretch of land among all the hill terrains of the State.

#### Water Resources and Water Pollution

One of the major environmental problem in Tamil Nadu arises out of the increasing scarcity of water resources and the widespread pollution of available water sources.

Tamil Nadu is one of the States which has got itself into a trap with over-exploitation of ground water resources. More than 70% of water for the irrigated areas of the State is tapped from ground water sources. More than one million bore wells in the State are being operated regularly in the State. The result is a decline of water level table in many parts of the State where tube wells are dug well below 200 meters (like Coimbatore). This has not only affected agriculture but drinking and household use. The potential threat is not merely non-availability of life-supporting clean water, but of no water at all.

It is said by experts that the over-pumping of water has created an artificial impression of abundant water fuelling unmindful expansion of water utilisation pattern.

Equally alarming is the extensive use of fertilizers and pesticides also generating salinity of soil which, in turn lowered the ground water table further. Water pollution through industrial effluents and municipal waste has reached alarming proportions in some parts of the State. A major litigation involving several hundred tanneries for polluting the river along four districts has led to an order for closing down all the tanneries till proper effluent treatment procedures are

adopted. Given the soft attitude of the Government and the apathy of the public, the pollution is continuing in varying degrees along the major rivers of the State. Before the Pollution Control Board came into the scene industries were required to take clearance from the Director of Public Health and Preventive Medicine which, people say, was more effective check against water pollution. With an array of anti-pollution legislations and a range of local body institutions outside the PCBs getting into the act, water seems to have been more polluted than before. The spread of water-borne diseases is indeed a menace to the right to life and, as such, water pollution has to be dealt with in a war footing. The machinery in place seems to be inadequate for the tasks in hand.

Tamil Nadu was a pioneer in conservation of rain water through tanks, ponds and other devices. They were part of the common property resources of the community and there were strict customary laws in the use and maintenance of such water bodies. Today most of these tanks have disappeared with use of tank beds for construction of houses and a variety of other purposes. There is today some demand for energising village tanks and for legislating to control the exploration of ground water.

### Forest Degradation

A closely related issue is the mindless depletion of forest cover already available in the State. Tamil Nadu has only 17.4% of forest cover compared to 23% for all over India. The per capita forest coverage is one of the lowest in India. The pressure on forest is naturally high and the degradation is fairly fast.

While official estimates claim forest cover of the State at 22%, independent surveys including the satellite mapping done in 1982 indicate that the green cover of the State is less than 14%. In the last 15 years it must have been further gone down to 10% or less which is indeed a warning signal for the right to life of people in the State. Natural forests are being replaced by plantations promoted by the Plantation Corporation. Trees being cut down for agricultural purposes and use of fertilisers and pesticides also tend to soil erosion, desertification, land slides and ground water depletion. Social forestry is only a partial success if at all. Monitoring mechanisms are inadequate, slow and corrupt which adds to the miseries of the people and the State. Once upon a time, forests in Tamil Nadu were under the management of the community.

With bureaucratisation of forest management there is greater depletion of forests under cover despite contrary impression.

### Coastal Area Regulation

The coastal areas of Tamil Nadu extends to nearly 1000 KMs. More than 23,000 villages besides the capital city of Chennai are situated in the coastal areas. About 10.5 million people live in these areas; the density is very high. Coastal areas of Nagapattinam and South Arcot are at a lower level and even a minor rise in the sea level poses danger of inundation of vast tracts of land. The increase in the level of sea bed in the Palk Straits is very marked causing considerable erosion of sand from the coast. It is said that every year 0.33 metres of land was being eroded by the sea.

There is widespread degradation of mangrove forests along the coast. These played a key role in the eco system of coastal areas. It develops marine fish. It prevents the devastation of storms. 70% of mangrove forests extending over 30,000 hectares have already been destroyed because of human activities along the coast. The establishment of shrimp farms and processing units for fish discharged lot of effluents containing chemicals and proteins. The sea water itself gets polluted at different places contributing to a variety of environmental problems little noticed today.

### Industrial Pollution

Pollution of land, water and air by the extensive growth of industries is a major cause for concern in Tamil Nadu. All systems like Environment Impact Assessment and other environmental clearances are cleverly manipulated by industries with the collusion of corrupt politicians and bureaucrats. The norms and standards are conveniently changed from time to time by the Governments. Given the demand for quick industrialisation, the State is soft to industries and exercise powers under exemptions clauses in the law. Information is hard to get. The official machinery is slow to act and will never co-operate with public interest groups or environmental NGOs. On many occasions it is the direct action methods which brings response from the administration particularly when it is supported by media publicity and judicial interventions.



#### IV. STATUS OF ENVIRONMENTAL RIGHT IN KARNATAKA

##### Introduction

Karnataka is one of the fast developing States in the South and consequences of the same are being felt in the use and management of natural resources - land, forest, rivers, water ways, air, soil, urban situation and population migration. Most of the development projects are coming up on an ad hoc basis at the instance of one department of the Government or the other with the Environment Division being taken for granted. When there is public outcry about the ecological disturbance or procedural violations for clearances, the Government gets into the defensive organizing the clearances in a hurry and accusing the intervenors for acting without information. Finally, the battle reaches the court in which projects are stalled, blame is apportioned and public interest is made to suffer. The whole mind-set of officials and regulators is non-friendly to the environment partly because of conventional thinking, partly ignorance and partly influence of money and politics. Forests, coastal areas and rivers are the worst victims of this mindless hurry in industrialisation and the so-called development. The individuals who are victims include tribals, fishermen, women of poorer classes, slum dwellers, casual labour and agricultural labour.

The institutional arrangements in the State Government for environmental management is an unhappy and unco-ordinated mix of several departments under several ministries. The Environment Ministry/Department as well as the Pollution Control Board are the latest entrants into the scene of governmental decision making. It is yet to assume its full authority and get the legitimacy it deserves. Meanwhile the conventional District Collector/Deputy Commissioner assisted by the Inspectorate of industrial establishment continues to be an active player at the cutting edge of the system. At the other end is the Ministries of Industry and Commerce, Agriculture, Urban Development, Power, Fisheries and the like who push their respective projects by negotiating with individual and corporate enterprises from India and abroad. They mobilise the capital required through financial institutions, acquire the land, assemble the clearances and start projects with great fanfare. The environment department is an innocent onlooker most of the time and they are pressurised to do their part of the job, often without proper objective evaluation. The technical support available to them is also far too inadequate for the tasks they are assigned.

It is in such a complex and uncertain scenario, the Panchayat Raj institutions have now emerged with some real powers in environmental management. In the bargain for development in their area, these newly elected bodies of common villagers are handicapped in respect of both information and expertise. Develop now and regret later seems to be the pattern of environmental administration that is evolving today.

There is a view entertained by officials that all of a sudden a series of strong environmental laws have been enacted which made implementation all the more difficult. The technology for fighting pollution are neither easily available nor is economically feasible. Thus strong laws tend to result in soft enforcement. Closure of existing industries causing pollution is a difficult option which no political party is willing to accept. The demand for resources (land and water) is increasing day by day and without commensurate infra-structure the problem is getting exacerbated.

### Environmental Degradation

As in the other Southern States, the major sources of concern in respect of environmental right in Karnataka are :

(a) Degradation of forests and threats to bio-diversity

The decline of forest cover in the State has been quite rapid. Karnataka used to have more than one-third of its land area covered by forest. There has been indiscriminate felling of timber, poaching and clearing of large tracts of forest land for developmental purposes. Plant and animal life get affected in the process besides contributing to pollution, soil degradation and land slides and floods.

(b) Pollution of Water, Air and Soil

With growth in industrialisation and urbanization coupled with pressures from expanding human settlements, the problem of water and air pollution is getting more and more grave. Several areas of the State are served only by rains and because of poor water management grave scarcity of water has arisen in many places. The water level has gone down due to ground water

exploitation in large scale. Tanks and ponds which once used to serve the drinking water needs of villages have become non-serviceable because of neglect and conversion for other purposes. The water holding capacity got reduced greatly because of silt deposit.

Coupled with the depletion of water sources and the pollution of available water through letting of untreated domestic waste and industrial effluents into waterways made the right to clean water an impossible dream to many rural folks. Even the piped water supply in urban human settlements is increasingly under threat of varying degrees of pollution because of the problems of sanitation and maintenance. The slum dwellers and the squatters are the worst sufferers who get sick with water borne diseases too often.

If right to environment is a right for a fair share of the life-sustaining natural resources, the State has obligations to perform not only for the present generation but to generations yet to be born.

The Western Ghats eco system is threatened by a concentration of power plants and industries in Southern Karnataka. There is high density of population also in the area whose right to livelihood as well as cultural and heritage rights may get adversely affected. Soil erosion and water and air pollution are distinct possibilities if proper monitoring and corrective action are not undertaken.

Equally disturbing is the possible impact of the long coastal areas of Karnataka. There are industries and big construction projects coming up all along the coast the impact of which is yet to be asserted. The CRZ and EIA Notifications are alleged to have been violated in a number of instances and the land utilisation patterns have been changed.

The indiscriminate use of fertilizers and pesticides by farmers most of whom having no knowledge of the necessary environmental information is another important source of threat to life in the region. Pesticide poisoning is widely reported in the State.

## V. STATUS OF ENVIRONMENT IN ANDHRA PRADESH

### Introduction

Andhra Pradesh was formed on 1<sup>st</sup> November, 1956, by the merger of the Telugu speaking areas of the erstwhile state of Hyderabad with the then Andhra State, which itself formed a part of the composite Madras State till 1953. It is the fifth largest state in the country both in terms of area and population. The geographical extent of the State is 2.75 lakh sq.km consisting 8.4 percent of the total geographical area of the country. The population of the State, according to the 1991 census, is 6.63 crores which constitutes 7.9 percent of the all India population.

The State of Andhra Pradesh is blessed with abundant wealth of natural resources – rivers, forests, minerals with a long coastal zone running more than 700 Km in length on eastern in the East.

Environment, defined in terms of natural resources, in A.P. has been facing degradation, deteriorating from bad to worse. Such a status of environment reflects lack of proper study, understanding and policy in its development programmes.

The situation in Hyderabad, its capital city, confirms this fact of mismanagement of natural resources. The city of Hyderabad was built over 400 years back on the banks of Musi river. This area was blessed with 400 small and medium natural water bodies ensuring a balance of climatic conditions. Today, river Musi is a dead river, and most of its drainage carries either municipal sewage or industrial effluents. All the five elements of the nature, representing water, land and atmosphere are contaminated. Further, accentuating this situation there is a severe energy crisis. A city which experienced floods in the early 20<sup>th</sup> century, suffers for want of drinking water by the end of it.

Many water bodies were encroached upon, disturbing the natural water drainage pattern. As a consequence, a little rainfall results in inundation of many parts of the city. A city which was known for its beautiful green parks, today is concretised to a maximum extent.

The situation in other parts of the State is no different from what it is in Hyderabad. Changes in life styles, and consumption pattern added a new dimension to the environmental crises, particularly in managing the solid waste generated in the municipal areas. Ground water in many parts of city is contaminated not only with micro-biological organisms but also with heavy metal concentration.

### Social Justice and Gender Equality

Woman is the prime victim of environmental degradation, followed by deprived sections of the society, viz. small and marginal farming community, agricultural labour and other sections involved in labour work both at rural and urban areas. This is because social welfare and justice were never made an integral part of the development programmes. Unfortunately, the approach of the State has been bi-directional with respect to development and social welfare. Both aspects were never integrated. Further, environmental issues were also ignored while planning and implementing these programmes, like resource access, resource sharing and resource conservation.

Technology and technological thinking had dominated the perspectives of development in the past five decades, across the world. Andhra Pradesh is no exception in this regard. Such a narrow perspective undermined the other dimensions of issues related to environment and development, viz. social, cultural and socio-anthropological. Often, the project advisory panels are constituted with engineers, technocrats, economists, and scientists, who are in the habit of providing a limited perspective and opinion in grounding the programmes of development.

### Water Resources

About 34 minor rivers including five major rivers drain the state. The five important rivers are Godavari, Krishna, Pennar, Vamsadhara and Nagavali. It is estimated that these rivers carry about 150 million acre-feet of water into the Bay of Bengal.

Andhra Pradesh has one lakh ten thousand minor and medium irrigation projects, of which eighty percent were built more than 400 years back.

- River projects built across Krishna and Godavari - Nagarjuna Sagar, Sriramsagar - were commissioned 25 years back but the compensation to displaced people was paid in the first phase of 1990's only.
- This State usually received South West and North East monsoons. Over the years due to changes in global meteorological conditions, there is a marked shift in the monsoon trend leading to unseasonal rains. Nevertheless, the average annual rainfall in the state remains 600 mm.
- It is evident that the shift in monsoons had disturbed the agriculture cycle and its production. However, with the quantity of precipitation remaining same, it should not disturb the drinking water situation in the state.
- Surprisingly every corner of the state suffers for want of protected drinking water supply, **either in terms of quantity or quality.**
- More than sixty percent of the population has no proper access to environmentally-sound sanitation system.
- Most of the water bodies in state are silted up, losing their original water retention capacity leading to flash floods and frequent inundations.
- Extensive use of ground water sources caused rapid depletion in ground water levels creating disturbances in base flows in natural streams and river courses. This situation aggravated the soil-moisture conditions in all the dry land areas of the state.
- Lakes, like Pulicat and Kolleru, are polluted, encroached, reclaimed and are generally abused and decimated.
- Untreated Municipal sewer waters are discharged into the Hussainsagar lake in Hyderabad at an estimated rate of 18,650 CMD and the discharge of industrial effluents is estimated at 9,540 CMD. There is no exception to the situation in the rivers across the State.

### Urbanisation and Industrialisation

Urbanisation is on the rise, but planning suffers, leading to chaotic living conditions. Growth of urban and industrial zones is governed more by adhoc planning, rather than based on any long term integrated perspective.

According to a government's assessment, between 1984 and 1989 itself, total land affected due to industrial effluents of Patancheru and Bollaram is 1382.28 acres. A National

Environment Engineering Research Institute, Nagpur (NEERI) in its survey, in 1991, estimated the affected land at 1717 acres belonging to 581 farmers. NEERI reports put the cattle loss at 1323 animals.

Presently in 1997, the damage is much more, and more acres of land is becoming biologically inert. The pollutants entered into the food chains affecting human health. Villagers exposed to industrial effluents suffered from a plethora of diseases like epilepsy, skin and throat problems, respiratory diseases, conjunctivitis, glaucoma, cancer, leukaemia and paraplegia. In areas affected by industrial effluents,

- lack of oxygen levels in the air caused frequent abortions and it was reported by local medical practitioners that women in these areas are delivering still-born babies.
- Situation similar in other industrial zones of the state like Visakhapatnam, Nalgonda, Macherla etc.
- Vehicular traffic is constantly increasing causing severe problems in air pollution. Recent reports from ESI doctors confirmed these situations.
- Urban and industrial planning lacks comprehensive policy, and has failed to evolve proper zoning regulations.
- Hyderabad and Secunderabad cities generate about 2500 tonnes of solid municipal waste on a typical day and no proper measures are being taken in managing this waste.

### Coastal Zone

Lack of proper policy in 1980s in regulating development along the Coastal Zone created several environmental problems in A.P. Despite this, early 90's witnessed uncontrolled development of prawn culture, leading to ground water pollution. About 1,40,000 acres of prime agriculture land was converted for this purpose. This fundamental change in land use deprived the source of livelihood of lakhs of agriculture labour and compelled them to migrate to towns and cities in search of jobs and employment.

This development activity disturbed the growth of mangrove forests along the coast, which act as natural barriers to cyclonic winds, from piercing inland. Further, coastal areas and

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process of desertification. However, after an investment of more than Rs.450 crores, over the past 25 years, results remain dismal.

- These and other programmes of development have only accentuated the degradation process of natural resources, affecting the livelihood and survival of millions of poor people.

### Institutional Arrangement

Administrative concern for the environment was demonstrated in the 1970s, when A.P.State Pollution Control Board was established to monitor industrial pollution of water courses and reservoirs and the atmosphere. However, with the expansion of the framework of environmental issues, gradually including developmental aspects, a separate Ministry for Environment was formed in the 1990s. However, this agenda of this Ministry is still in its nascent stages, not defined beyond the confines of pollution and deforestation. Even the district-level Environmental Advisory Committees have limited their work to these issues.

### Citizen Action and Right to Environment

A Citizens' Report on the status of Andhra Pradesh environment has been prepared by Academy of Gandhian Studies Hyderabad in 1990. The Report is a well-documented analysis of environmental degradation in the State and a warning as to how it is affecting the right to life of the citizens. It is a constructive, yet critical response to the developmental policies evolved by the State from time to time and the manner in which environmental concerns are administered in the implementation of the policies. The findings of the Report are indeed shocking.

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