

A

M.C. MEHTA
v.
UNION OF INDIA AND ORS.

NOVEMBER 22, 1991

B

[RANGANATH MISRA, CJ., G.N. RAY AND A.S. ANAND JJ.]

Environment Pollution Act : Public Interest Litigation—Protection of environment and keeping it free from pollution—Indispensable necessity for life on earth—Directions given to exhibit Cinema slides, films on various aspects of environment and pollution—Awareness of environment to be taught as compulsory subject.

C

D

E

This application is in public interest seeking relief for issuing appropriate directions of this Court to Cinema, exhibition halls to exhibit slides containing information and messages on environment free of cost. Further directions for spread of information relating to environment in national and regional languages vide broadcast thereof on the All India Radio, exposure thereof on television in regular and short term programmes with a view to educating the people of India about their social obligation in the matter of the upkeep of the environment in proper shape and making them alive to their obligation not to act as polluting agencies or factors. It is further prayed that environment should be made a compulsory subject in schools and colleges in a graded system so that there would be a general growth of awareness.

F

G

Till 1972 general awareness of mankind to the environment for the well being of mankind had not been appropriately appreciated. In 1975 the Constitution underwent an amendment by incorporating an Article 51A with the heading "Fundamental Duties" Clause (g) thereof requires every citizen to protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for every living creature. In 1974 Water Pollution Central Act came on the statutes book. In 1981 Air Pollution (Central Act) and finally in 1986 the Environment Protection Act were enacted.

H

Law is a regulator of human conduct but no law can indeed effectively work unless there is an element of acceptance by the people in society.

There has been an explosion of human population, over the last 50 years. Life has become competitive so the age old norms of good living are no longer followed. It has therefore, become necessary that people be made aware of vice of pollution and its level of consequences. Keeping the citizen informed is an obligation of the Government as well as the responsibility of society to adequately educate every component of it so that social level is kept up.

Disposing of the matter, the Court,

HELD : The principle on which the prayer is made is accepted and the following directions are issued.

1. That the Central Government, the State Government and Union Territories should invariably enforce as a condition of license of all cinema halls, touring cinemas and video parlours to exhibit free of cost at least two slides/messages on environment in each show undertaken by them. The Ministry of Environment should within two months from now come out with appropriate slide material on various aspects of environment and pollution. This material should be circulated to the collectors who are the licensing authorities for compliance without any further directions and failure to comply with the Court order should be treated as a ground for cancellation of the licence by the appropriate authorities. [382 A-C]

2. The Ministry of Information and Broadcasting of the Government of India should without delay start pronouncing information films of short duration on various aspects of environment and pollution bringing out the benefits for society on the environment protection and hazardous involved in environment pollution. [382 D]

3. The national network, the State Door Darshan Centres, All India Radio, Television should take proper steps to exhibit such films and interesting programmes on the subject. There should be regular compliance of these directions be followed from February 1, 1992. [382 G-H]

4. The principle that through the medium of educational awareness of the environment and its pollution problems should be taught as a compulsory subject at every level of education. University Grants Commission should prescribe a course on environment in a graded manner as a compulsory subject in college education. The compliance of this requirement be done in the next academic year. [383 A-C]

A Since there is a general acceptance throughout the world as also in our country that protection of environment keeping free of pollution is an indispensable necessity of life to survive on earth so everyone must turn his immediate attention to the proper care to sustain environment in a decent way.

B ORIGINAL JURISDICTION: Writ Petition (Civil) No. 860 of 1991.
(Under Article 32 of the Constitution of India).

Petitioner in person

C G. Ramaswamy, Altaf Ahmad, Anil Katiyar, A.M. Khanwilkar and M.P. Sarawala for the Respondents.

The following Order of the Court was delivered:

D This application is in public interest and has been filed by a practising advocate of this Court who has consistently been taking interest in matters relating to environment and pollution. The reliefs claimed in this application under Article 32 of the Constitution are for issuing appropriate directions to cinema exhibition halls to exhibit slides containing information and messages on environment free of cost: directions for spread of information relating to environment in national and regional languages and for broadcast thereof on the All India Radio and exposure thereof on the television in regular and short term programmes with a view to educating the people of India about their social obligation in the matter of the upkeep of up the environment in proper shape and making them alive to their obligation not to act as polluting agencies or factors. There is also a prayer that environment should be made a compulsory subject in schools and colleges in a graded system so that there would be a general growth of awareness. We had issued notice to the Union of India on the petition and the Central Government has immediately responded.

G Until 1972, general awareness of mankind to the importance of environment for the well-being of mankind had not been appropriately appreciated though over the years for more than a century there was a growing realisation that mankind had to live in tune with nature if life was to be peaceful, happy and satisfied. In the name of scientific development, man started distancing himself from Nature and even developed an urge to conquer nature. Our ancestors had known that nature was not subduable and, therefore, had made it an obligation for man to surrender to nature and live in tune with it. Our Constitution underwent an amendment in

H

1976 by incorporating an article (51A) with the heading "Fundamental Duties". Clause (g) thereof requires every citizen to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures. Soon after the international conference on environment the Water Pollution Control Act of 1974 came on the statute book; the Air Pollution Control Act came in 1981 and finally came the Environment Protection Act of 1986.

Law is a regulator of human conduct as the professors of jurisprudence say, but no law can indeed effectively work unless there is an element of acceptance by the people in society. No law works out smoothly unless the interaction is voluntary. In order that human conduct may be in accordance with the prescription of law it is necessary that there should be appropriate awareness about what the law requires and there is an element of acceptance that the requirement of law is grounded upon a philosophy which should be followed. This would be possible only when steps are taken in an adequate measure to make people aware of the indispensable necessity of their conduct being oriented in accordance with the requirements of law.

There has been an explosion of human population over the last 50 years. Life has become competitive. Sense of idealism in the living process has systematically eroded. As a consequence of this the age old norms of good living are no longer followed. The anxiety to do good to the needy or for the society in general has died out, today oblivious of the repercussions of one's actions on society, everyone is prepared to do whatever is easy and convenient for his own purpose. In this backdrop if the laws are to be enforced and the malaise of pollution has to be kept under control and the environment has to be protected in an unpolluted state it is necessary that people are aware of the vice of pollution and its evil consequences.

We are in a democratic polity where dissemination of information is the foundation of the system. Keeping the citizens informed is an obligation of the Government. It is equally the responsibility of society to adequately educate every component of it so that the social level is kept up. We therefore, accept on principle the prayers made by the petitioner. We are happy to find that the learned Attorney General who appears for the Union of India has also appreciated the stand of the petitioner and has even cooperated to work out the procedure by which some of the prayers could be granted.

We dispose of this writ petition with the following directions :

A (1) Respondents 1, 2, & 3 shall issue appropriate directions to the State Governments and Union Territories to invariably enforce as a condition of license of all cinema halls, touring cinemas and video parlours to exhibit free of cost atleast two slides/messages on environment in each show undertaken by them. The Ministry of Environment should within two months from now come out with appropriate slide material which B would be brief out efficiently carry the message home on various aspects of environment and pollution. This material should be circulated directly to the Collectors who are the licensing authorities for the cinema exhibition halls under the respective state laws for compliance without any further direction and helping the cinema halls and video parlours to comply with the requirements of our order. Failure to comply with our order C should be treated as a ground for cancellation of the licence by the appropriate authorities. The material for the slides should be such that it would at once be impressive, striking and leave as impact on every one who sees the slide.

D (2) The Ministry of Information and Broadcasting of the Government of India should without delay start producing information films of short duration as is being done now on various aspects of environment and pollution bringing out the benefits for society on the environment being protected and the hazards involved in the environment being polluted. Mind catching aspects should be made the central theme of such short films. One such film should be shown, as far as practicable, in one show every day by the cinema halls and the Central Government and the E State Government are directed to ensure compliance of this condition from February 1, 1992.

F (3) Realising the importance of the matter of environment and the necessity of protecting it in an unpolluted for as we had suggested to learned Attorney General to have a dialogue with the Ministry of Information and Broadcasting as to the manner the All India Radio and Doordarshan can assist this process of education. We are happy to indicate that learned Attorney General has told us that five to seven minutes can be devoted every day and there could be, once a week, a longer programme. We do not want to project an impression that we are authorities on the subject, G but we would suggest to the programme controlling authorities of the Doordarshan and the All India Radio to take proper steps to make interesting programmes and broadcast the same on the radio and exhibit the same on the television. The national network as also the State Doordarshan Centres should immediately take steps to implement this direction so that H from February 1, 1992, regular compliance can be made.

(4) We accept on principle that through the medium of education awareness of the environment and its problems related to pollution should be taught as a compulsory subject. Learned Attorney General pointed out to us that the Central Government is associated with education at the higher levels and the University Grants Commission can monitor only the under graduate and post graduate studies. The rest of it, according to him, is a State subject. He has agreed that the University Grants Commission will take appropriate steps immediately to give effect to what we have said, i.e., requiring the Universities to prescribe a course on environment. They would consider the feasibility of making this a compulsory subject at every level in college education. So far as education up to the college level is concerned, we would require every State Government and every Education Board connected with education up to the matriculation or stage even intermediate colleges to immediately take steps to enforce compulsory education on environment in a graded way. This should be so done that in the next academic year there would be compliance of this requirement.

We have not considered it necessary to hear the State Governments and the other interested groups as by now there is a general acceptance through out the world as also in our country that protection of environment and keeping it free of pollution is an indispensable necessity for life to survive on earth. If that be the situation, every one must turn his immediate attention to the proper care to sustain environment in a decent way.

We dispose of the matter with the aforesaid direction but give liberty to Mr. Mehta to apply to the Court from time to time for further directions, if necessary.

S.B.

Petition disposed of.