

LEX FORTI

LEGAL JOURNAL

VOL- I ISSUE- III

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ABOUT US

LexForti is a free open access peer-reviewed journal, which gives insight upon broad and dynamic legal issues. The very objective of the LexForti is to provide open and free access to knowledge to everyone. LexForti is highly committed to helping law students to get their research articles published and an avenue to the aspiring students, teachers and scholars to make a contribution in the legal sphere. LexForti revolves around the firmament of legal issues; consisting of corporate law, family law, contract law, taxation, alternative dispute resolution, IP Laws, Criminal Laws and various other Civil issues.

Constitut	al City is the Onl	ly Legal Remedy to S a, Delhi Amarendar Re	

OVERVIEW

Pollution in the capital city of India, Delhi is threatening not only human, even flora and fauna. Second largest populated country, "National Capital Region" ranked No. 2 in the largest polluted Metropolitans in the world. With thick smog it is turning Delhi to tough breath and converting the city into Gas Cylinder. Air pollution levels recorded during these recent days, Air Quality Index noted 470+ score showing the unhealthy and severity of the city struggling. The Supreme Court has appointed Environment Pollution Prevention and Control Authority to ban on industrial activities in the National Capital Region for a short period. Approximately 15 lakh cars went off the roads and enforcement agencies reported high compliance across the city as Delhi began its third edition of the odd-even road rationing scheme as a measure to progress air quality. neighboring states like Burning crops waste in large amounts in the Haryana, Punjab, Uttar Pradesh, Uttarakhand etc. equally main reason for this problem.

This universally identified problem is not latest, perhaps it had continued since decades. The National Green Tribunal said that the current situation is not the creation of one day but a result of continuous negligence and apathy of statutory authorities in law enforcement. In spite of frequent directions by World Health Organization, United Nations etc. the Governments' (both the Central and State) steps in this matter have been temporary and not much keen towards final elucidation. This is degrading the reputation of not only our capital city, entire nation. Ultimately, it would badly effect in terms of international and national relationships, tourism, especially world second largest official organizational set-up of Capital city-ship. Now, there is no time to wait, let us move towards to full stop this severe trouble.

On this occasion let us look the key comments and opinions of few experts / organizations:

[&]quot;Dramatic increase in stubble burning in Delhi's neighboring states-Punjab and Haryana" – **NASA** "All countries should see air pollution in Delhi as 'wake-up call' – UNICEF

[&]quot;Delhi Placed under Red-Zone" – WHO

[&]quot;No civilized country can live like this" - Supreme Court of India

[&]quot;I have observed how the weather can make the problem worst" – Sino Idin, China

"The last few days have witnessed a steep hike in number of patients with ailments such as throat infection, eye irritation, headache and exhaustion" - Dr DR Rai, Chairman of the Scientific Committee of Delhi Medical Association

"Pilgrims tied Mask to Lord Idle praying for protection himself and the public" – **Phani, Priest of a Temple**

"Summoned Delhi Chief Secretary, Chairman, Delhi Pollution Control Committee, Member Secretary, CPCB and concerned Joint Secretary, Ministry of Environment, Forest and Climate Change" – Supreme Court & National Green Tribunal

"Not our responsibility to pay other states for tech to stop stubble burning" – **Delhi State**Government

"Toxic smog in Delhi emerging a new challenge for airlines" – **Delhi & Other Airports operators** "Given opportunity to employs to work from home" – **H&M, Dabur, Coke companies**

"Qutub Minar in a Cigerette Box" – Shashi Tharoor, Member of Parliament

"Identified to be much greater in winter season crossing beyond prescribed standards and operating fuel based Generators is one of the major reasons noted" – **Delhi Pollution Control Committee**"Schools given holidays for these days" – **Department of School Education, New-Delhi**

REVIEW OF LITERATURE

WHO Statistics:

Air pollution data from World Health Organization:

PM₁₀ 229
PM_{2.5} 122
PM₁₀ Pollution Level: **Extremely High**

Index

Pollution Index: 91.28

Pollution Exp Scale: 166.38

Pollution in Delhi, India:

88.82 Very High

Air Pollution

Drinking Water Pollution and Inaccessibility	63.00	O
Dissatisfaction with Garbage Disposal	75.58	High
Dirty and Untidy	72.05	High
Noise and Light Pollution	64.20	High
Water Pollution	77.13	High
Dissatisfaction to Spend Time in the City	79.19	High
Dissatisfaction with Green and Parks in the City	51.42	Moderate

Purity and Cleanliness in Delhi, India:

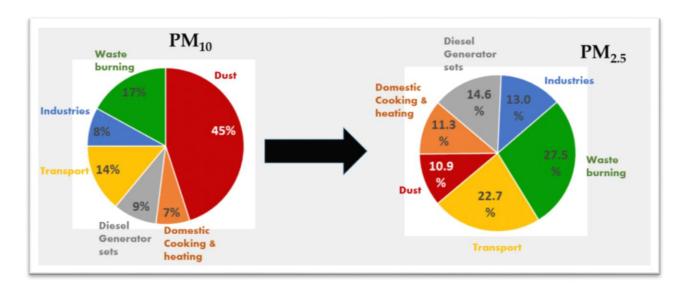
Air quality	11.18	Very Low
Drinking Water Quality and Accessibility	37.00	Low
Garbage Disposal Satisfaction	24.42	Low
Clean and Tidy	27.95	Low
Quiet and No Problem with Night Lights	35.80	Low
Water Quality	22.87	Low
Comfortable to Spend Time in the City	20.81	Low
Quality of Green and Parks	48.58	Moderate



The above statistics revealed that, Delhi is very closure of high risk in Solid, Noise, Water pollutions equally with Air pollution. This is very much dangerous for future generations because a city polluted by all means at its high-level point is beyond imaginary.

CAUSES

Being capital city, its rapid growth of population is deteriorating the environment. Many studies reveal that unplanned industrialization, like only 20-30 % of Industries are situated in Industrial sector and the rest all established in residential and commercial sectors. Delhi is carrying highest vehicular population than that of other metropolitan cities, mainly of diesel made. Burning stubble in large amounts in the neighboring states like Haryana, Punjab, Uttar Pradesh, Uttarakhand etc. is also one of the equally main reasons.



Initiatives by the Governments:

Ban of 15 years old vehicles, frequent & random check-ups for identifying polluting vehicles, appointment of monitoring teams for restricting fuel adulteration, eco-friendly Public Transport system like Metro Rail, encouraging MNC's for usage of Buses for their employees transport, conversion of Garbage into composting, Bio-Medical waste management system, Degradable plastic usage, promoting CNG vehicles, plantation, adoption of 3R concept (Recycle, Reuse, Reduce), saving energy etc. are some of the key decisions on implementation in Delhi successfully. However they could not control increase of Air Pollution at an expected rate proportionally.

Delhi is not only Capital City of India; it is a center of World's attraction:

Indigenous culture and diversity, its international cosmopolitan culture, rich and historical monuments, Agra, one of the 7 wonders of the world are the attractions for International and national Tourism. All types of Business Exports and Imports, Manufacturing, Marketing etc on large-scale are also substantially growing markets in this city due to capital city-ship. Set-up of high populated / visited institutions like Parliament, Secretariat, Supreme Court, International Organizations, Embassies, Medical & Health organizations, Educational Institutions, Research centers, Defense Institutions are also much reasons.

STUDY REPORT

Α sociological, demographic survey conducted maintaining scientific standards and practice with an aim to obtain the opinions of public from various sectors. This survey is conducted tr various places in the country covering the towns New-Delhi, Old-Delhi, Agra, Noida, Gurgaon, Ahmedabad, Calcutta, Mumbai, Pune, Surat, Jaipur, Goa, Bangalore, Chennai, Tiruvanantapuram, Kochin, Amaravati, Hyderabad etc. The number of respondents took part in this study are 200 in which 120 are Male and 80 are Female. Data obtained from them through personal interaction, telephonic conversation, electronic mailing, and using social media platforms etc. The report is presented in tabular columns as shown below:

Table 1: Do you know that Delhi is facing severe problem due to its Air Pollution?

	YES	YES NO		NO	TOTAL	TOTAL
		PERCENTAGE		PERCENTAGE		PERCENTAGE
MALE	120	100	0	0	120	100
FEMALE	78	97.5	2	2.5	80	100

Table 1 shows that, 100 % Male Respondents and 97.5 % respondents are aware of Delhi's severe condition because of its air pollution

Table 2: For How Long it is?

	20	20 YEARS	5-10	5-10	RECEN	RECENT	TOT	TOTAL
	YEA	PERCEN	YEA	YEARS	TLY	LY	AL	PERCEN
	RS	TAGE	RS	PERCEN		PERCEN		TAGE
				TAGE		TAGE		
MAL	86	72	25	21	9	7	120	100
E								
FEM	51	64	20	25	9	11	80	100
ALE								

Table 2 stated that, 72 % Male Respondents knows that Delhi is facing this situation since 20 years, where 21 % knows since 5-10 years and only 7 % knows recently. 64 % Female Respondents knows that Delhi is facing this situation since 20 years, where 20 % knows since 5-10 years and only 11 % knows recently.

Table 3: What are the main reasons for it?

Ī		CAPI	CAPITAL	TOUR	TOURIS	ВО	BOTH	TOT	TOTAL
		TAL	CITY	ISM	M	TH	PERCEN	AL	PERCEN
		CITY	PERCEN		PERCEN		TAGE		TAGE
			TAGE		TAGE				
ĺ	MAL	24	20	8	6.5	88	73.5	120	100

E								
FEM	19	24	14	17.5	47	58.5	80	100
ALE								

Table 3 reveals that, 74 % of Male Respondents are agreeing that Both Capital City-ship & Tourism are the main reasons for its worst Air pollution and 60 % of the Female Respondents agreed with the same reason.

Table 4: Responsible institutions for this?

	GO	GOVT	PRIVA	PRIVATE	ВО	BOTH	TOT	TOTAL
	VT	PERCEN	TE	PERCEN	TH	PERCEN	AL	PERCEN
		TAGE		TAGE		TAGE		TAGE
MALE	42	35	24	20	54	45	120	100
FEMA	29	36	21	26	30	38	80	100
LE								

Table 4 surprisingly given the result of almost equal opinions separately opined with Government or Private or both the sectors together are the responsible institutions for Delhi's Air pollution, irrespective of Gender.

Table 5: Are governments succeeded in controlling this?

	FULL	FULLY	PARTIALL	PARTIALLY	TOTA	TOTAL
	Y	PERCENTA	Y	PERCENTA	L	PERCENTA
		GE		GE		GE
MALE	35	29	85	71	120	100
FEMAL	18	22.5	62	77.5	80	100
\mathbf{E}						

Table 5 explains that, 71 % of Male Respondents opined that Governments have not much succeeded in controlling the air pollution in Delhi, where 77.5 % women agreed with the similar opinion.

Table 6: Do you suggest for second capital city establishment, preferably in South India?

	YES	YES	NO	NO	TOTAL	TOTAL
		PERCENTAGE		PERCENTAGE		PERCENTAGE
MALE	96	80	24	20	120	100
FEMALE	60	75	20	25	80	100

Table 6 concluded that, 80 % of Male Respondents recommends establishment of Second capital city in South India, mostly equally i.e. 75 % of Female Respondents also recommends the same

CONCLUSION

Over the decades, Delhi's air pollution could not be controlled. The governments' initiatives, schemes, policies and statutes could not decrease the increase rate proportionate of its sir pollution. This turned our nation's capital city to present worst condition. Environmental scientists, experts, senior officers, public representatives, social groups advising for decentralizing the existing set-up of Capital city and reorganize some of its departments by establishing in South India, preferably like Hyderabad which is environmentally sustainable, cosmopolitan city, suitable geographical location, holding enough and suitable Government lands, Infrastructure. This is the only Legal possible remedy available. It also helps ease of administration and significantly decreases the public expenditure. Hence the recommendation to Government of India to lay immediate steps towards this matter seriously and urgently.

*** THE END ***

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