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The Unrighteousness Tormented to Subjects of Singrauli and Sonebhadra with Every Dawn: Drawing a Contrast between Right to Live with Dignity and Mere Animal Existence

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ABSTRACT

Singrauli and Sonebhadra are two areas situated in parts of Uttar Pradesh and Madhya Pradesh. The subjects living in areas of Singrauli and Sonebhadra have been tormented, tortured, afflicted and harrowed by the harmful chemicals emitted by the industries, that are operating illegally in these areas. It is difficult for the common man to live, reside and carry out daily functional activities in these areas because of such high saturation of air with harmful chemicals like Mercury, Chromium, etc. However, it is pertinent to take into consideration that the Constitution of India, which is the grund norm for such a populous nation like India, offers constitutional provisions like Article 21 which confers the right to live and carry out practices related to one's lifestyle with bulletproof dignity. However, instances like that of Singrauli and Sonebhadra makes the common man question the veracity and truthfulness of judiciary, and the constitution in practical implementation of such rights. It is pertinent to note that Article 14 and 21 are equally important part of the Constitution and also form a part of the basic structure of the constitution, as elucidated in the case of Keswananda Bharati v. State of Kerala. This manuscript not only throws light on the prospective issue with industrialization but also tries to elucidate the constitutional safeguards and their practical jurisdiction, and also makes an attempt of analysing a threshold between constitutional safeguards and the line where industrialization ends.

I. OVERVIEW & BACKGROUND

It is righteously stated that “Right to Live is a right to be enjoyed with dignity and this right should not imply mere animal existence.” Right to Live with Dignity has been elaborated under Article 21 of the Indian Constitution.² In the case of *Kharak Singh v. State of Uttar Pradesh*,³

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² INDIA CONST. art. 21.

³ (1964) 1 SCC 332.

it was observed that Right to Life includes living life with dignity. However, when this dignity is violated, it gives rise for the victims to file for a Writ Petition empowered under Article 32 of the Indian Constitution.⁴

Various attempts have been made over the years followed by numerous precedents that have also laid down guidelines conforming to the adherence of Right to Live with Dignity. However, such right being **absolute**, which means, a right which cannot be interfered and violated by the whims and fancies of the state, have been observed to not been duly complied with.

Singrauli and Sonebhadra, which are two areas situated in the state of Madhya Pradesh have been subjected to an immense amount of harmful chemicals and industries which are present in the environment and which contaminate, adulterate and taint the environment, water bodies and the clean air. Such tormenting by the well – reputed industries has also resulted in the downgrade of the health of many subjects living in the area.

II. SINGRAULI & SONEBHADRA: FRAMEWORK

Singrauli and Sonebhadra are situated in the acumination of Uttar Pradesh, Chattisgarh and Madhya Pradesh and is also known as the **Energy Capital of India**. Singrauli and Sonebhadra have more than a billion tonnes of a reserve of coal. It has been observed that as more and more time has passed, numerous thermal and electrical power plants have settled in Singrauli and Sonebhadra.

Singrauli and Sonebhadra is an area in Madhya Pradesh which has a crucial and extensive potential to help industries grow in the sector of power and electrical energy. Most of the times, the importance of energy existing in Singrauli and Sonebhadra is highly commended, Therefore, this area is also called **Urjanchal** which implies the importance of energy existing on this land.⁵

III. A LACUNA IN THE LIVES OF PEOPLE LIVING IN SINGRAULI & SONEBHADRA

Singrauli and Sonebhadra are known for their well – established energy resources and assets. There has been a major industrial development in Singrauli and Sonebhadra. However, it is righteously said that “*There are two sides to every issue, one is right and other is the evil one.*”. Here the “Evil Side” refers to the aches and pains of the subjects of Singrauli and Sonebhadra which they are put through and exposed with every individual day.

⁴ INDIA CONST. art 32.

⁵ Satish, *Singrauli – Home to Thermal Power Plants*, U.A. Satish (Jan. 14, 2021), <https://uasatish.com/singrauli-home-thermal-power-plants/>.

There have been a variety of reasons for the same, but the sole reason that has contributed for the degradation of the life of the subjects of Singrauli and Sonebhadra is the fact that the area is rich in energy resources. The subjects of Singrauli and Sonebhadra are exposed to a huge amount of Fly Ash, Mercury, Uranium and other harmful chemicals that are embodied in the air and water bodies.

The establishment of various Multi – National Industries have been carried on flawlessly, however, their waste materials and the pollution caused by their by – products has proved to be immensely detrimental to the lives of the people⁶. There has also been a proved increase in the fatality rate in Singrauli and Sonebhadra.⁷

There has also been an increase in the number of deaths and most of the population is suffering from fluorosis or any other respiratory disease which is making it harder and harder for them to reside and carry on their trade in that area. The area has contributed the maximum to the nation, but it is pertinent to note that the health of the subjects is not taken into account because of the flourishing trade.

There have been instances in the present times where it is observed and it is also pertinent to note that there has been an illegal movement of more than 100 heavy – duty trucks over the road which carry coal.⁸ This illegal movement of trucks has disrupted and distressed the lives of the residents in Singrauli and Sonebhadra, and the Multi – National Industries take no cognizance of such instances.

Singrauli and Sonebhadra have also noticed an increment in the number of road accidents by the illegal transportation of coal carrying trucks,⁹ and the conditions are deteriorating every day.¹⁰ In Singrauli and Sonebhadra, the resources are being exploited to earn a living, and the life of the residents that inhabit on the land are being maleficently ignored and disregarded.

⁶ Srestha Banerjee, *Singrauli pollution a matter of serious concern, admits high power panel*, DownToEarth (Mar. 06, 2014), <https://www.downtoearth.org.in/news/singrauli-pollution-a-matter-of-serious-concern-admits-high-power-panel-43712>.

⁷ Kishor Parashramji Brahmapurkar, *High Under – Five Mortality Rate in Rural Madhya Pradesh, Time To Identity High – Risk Districts Using National Family Health Survey – 4 Data with Comparisons to Low Under – Five Mortality Rate in Rural Tamil Nadu, India*, NCBI (Mar. 05, 2019), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6425764/>.

⁸ *26 arrested for carpet coal theft in Singrauli, 23 dumpers seized*, Hindustan Times (Sep. 24, 2014, 10: 40 PM), <https://www.hindustantimes.com/india/26-arrested-for-carpet-coal-theft-in-singrauli-23-dumpers-seized/story-eKt7c18xKcwhNYPypJzQdM.html>.

⁹ *Four dead, 15 injured as mini truck overturns in Madhya Pradesh's Singrauli District*, The New Indian Express (Nov. 07 2020, 2:29 PM), <https://www.newindianexpress.com/nation/2020/nov/07/four-dead-15-injured-as-mini-truck-overturns-in-madhya-pradeshs-singrauli-district-2220647.html>.

¹⁰ Jayashree Nandi, *Third Ash- Pond disaster in Singrauli in one year*, Hindustan Times (Apr. 11, 2020, 7:46 PM), <https://www.hindustantimes.com/india-news/third-ash-pond-disaster-in-singrauli-in-one-year/story-w9mksJAao8DcsTrkJjUbN.html>.

Singrauli and Sonebhadra have been exploited and capitalized on the premise of its existing resources, and the genuine grievances of the subjects of the state, which should be paramount, has been exposed to incomprehension.

IV. RIGHT TO LIFE: JUDICIAL STANCE

The residents living in Singrauli and Sonebhadra have been exposed to an enormous and gigantic amount of unfavourable and unpleasant environmental conditions. **Article 21** of the Indian Constitution provides for the Fundamental Right of Right to Live with Dignity, and there has been a displeasing transgression of the same of the subjects of the Singrauli and Sonebhadra. It is also material to take into account that Article 21 of the Indian Constitution is **absolute** and cannot be infringed or infiltrated with any reasonable restrictions.

In the case of *Francis Coralie v. Union Territory of Delhi*,¹¹ it was held and observed that the subjects of the state when guaranteed the Right to Live under Article 21 of the Indian Constitution are also empowered to live their lives with all requirements to blatantly construe a life.

Also, in the case of *Kharak Singh v. State of Uttar Pradesh*,¹² it was held and observed that when the Constitution has guaranteed the Fundamental Right of “Right to Live”, the life should be one relatable to human existence and should not be mere animal existence.

In the case of *Sunil Batra v. Delhi Administration*,¹³ it was held and observed by the Apex Court that “Right to Life” is a necessary Fundamental Right and it is for the betterment of the mankind that it has been inserted in the Indian Constitution. It was also held that this particular right also includes the right to live in a healthy environment and enjoy one’s life with all due nobility.

The case of *Maneka Gandhi v. Union of India*,¹⁴ widened the ambit of Article 21 and gave it a modern approach. In this particular case, it was held and observed that the Right to Life is not just a mere ordinary right, but a right that shall be given paramount importance to in case of any dispute or any conflict as in a democratic adjustment, the lives of the people and their cohabiting lifestyles should not be disregarded.

In the case of *Bandha Mukti Morcha v. Union of India*,¹⁵ it was held and observed that the Fundamental Right of “Right to Life” is guaranteed even to non – citizens of India.

¹¹ (1981) 2 SCR 516.

¹² (1964) 1 SCC 332.

¹³ (1980) 2 SCR 557.

¹⁴ (1978) 2 SCR 621.

¹⁵ (1984) 2 SCR 67.

V. SINFULNESS AFFLICTED UPON SUBJECTS OF SINGRAULIS & SONEBHADRAS: LEGAL PARADIGM

In the light of the above-cited cases, it can be inferred that “Right to Life” should be instituted with a consciousness of nobility, and the life should not be merely a resemblance to “Animal Existence”. The case of *Ashwani Kumar Dubey v. Union of India*,¹⁶ was one of the first Writ Petition to be filed to bring justice to the subjects of Singrauli and fade the wickedness inflicted by the Multi – National Industries.

In the case of *Ashwani Kumar Dubey v. Union of India*,¹⁷ after a Writ Petition was filed in the Hon’ble Supreme Court, a committee was formed of the National Green Tribunal to take cognizance and scrutinize into the deteriorating conditions of Singrauli and Sonebhadra and the National Green Tribunal observed that the pollution limits were beyond the permissible limits.¹⁸

In the apprehension of the same, the National Green Tribunal issued a compensation of 79 Crore to the Multi – National Industries based in Singrauli and Sonebhadra.¹⁹ However, recently, the Apex Court found the contravention of the guidelines issued by National Green Tribunal and issued for a notice for the compliance of the same.²⁰

The lives of the subjects residing in Singrauli and Sonebhadra is deteriorating every day. However, efforts are being made to make their lives better. This has been a significant and proved disadvantage of industrialization and modernization. The setting up of Multi – National Companies and Industries have been adding to the economy since the Ex – Prime Minister of the country, i.e., Manmohan Singh, instigated the policy of Liberalization, Globalization and Privatization. However, it has also numerous minus points.

VI. CONCLUSION & RECOMMENDATIONS

Industrialization is at an augmenting momentum, and some unbelievable inventions and developments are taking place. The modern world is shifting expeditiously towards Artificial

¹⁶ (2016) W.P. (Civil) No. 699/ 2016

¹⁷ *Id.*

¹⁸ *Order of the National Green Tribunal regarding polluting thermal power plants in Singrauli and Sonebhadra*, India Environment Portal (Nov. 11, 2019), <http://www.indiaenvironmentportal.org.in/content/465885/order-of-the-national-green-tribunal-regarding-polluting-thermal-power-plants-in-singrauli-and-sonebhadra-11102019/>.

¹⁹ Soundaram Ramanathan, *How effective is NGT’s Rs 79 cr fine on Singrauli mines, power cos?*, DownToEarth (Oct. 17, 2019), <https://www.downtoearth.org.in/news/pollution/how-effective-is-ngt-s-rs-79-cr-fine-on-singrauli-mines-power-cos--67299>.

²⁰ *Singrauli Pollution: SC Issues Notice on Plea Against Non – Compliance of NGT Directions; Plea Also Seeks Court Monitored Committee For Oversight*, LiveLaw (Oct. 15, 8:23PM), <https://www.livelaw.in/news-updates/singrauli-pollution-sc-issues-notice-on-plea-against-non-compliance-of-ngt-directions-plea-also-seeks-court-monitored-committee-for-oversight-read-order-164531?infinite-scroll=1>.

Intelligence, Machine Learning and other mechanisms to make the lives of human beings easy to live. However, there is one pertinent issue which arises in question after observing all the haste development and industrialization, i.e., how credible are such developments, and are they genuinely adding desirability to people's lives and increasing their standards of living?

Policies have been implemented by the Apex Court, and guidelines have also been issued shepherding the regulation of Industries in Singrauli and Sonebhadra area. However, there is no strict and meticulous enforcement of these policies which has proved to be detrimental to the innocent lives of the people residing in this area.

It has been observed that the misery and anguish in Singrauli and Sonebhadra are contrary to what the industrialists might have imagined and chalked out for. Sustainable Development, assuredly adds to the esteems of the future generation's lifestyle. However, Sustainable Development can be considered a sin because the materialized resources of the present generation are being misused. Lastly, the belief of the people in the country's judicial system and democracy should only be reinstated if they are assigned with the empirical and practical approach of their rights.
