PREFACE

The rapid growth of pollution coupled with environmental hazards is a serious concern to the present and future generations to come in the earth. Environmental pollution is assuming dangerous proportions all through the globe and India is not free from it. The problems of pollution of our country are: slow pace of economic development, inadequate sanitation around the industrial belts and in the urban areas, polluted air and water, land degradation and mass scale poverty. Framers of the Constitution were of the view that Democracy, Justice, Liberty, Equality and Fraternity will be the cardinal goals of the future government. All these will be in vain without a pollution-free environment. The State therefore inserted Article 48 A in Part IV of the Constitution relating to the Directive Principles of State Policy for the governance of the country. It declares: 'The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country'. Parliament opened a new Chapter entitled "Fundamental Duties" in the Constitution by Constitution (Forty-Second) Amendment Act, 1976. Insertion of Article 51 A(g) in Part IV A of the Constitution has far reaching consequence in
solving the environmental problem. This Article imposes a responsibility on every citizen "to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures..." But the two Articles inserted by the Parliament for the prevention of pollution are not guaranteed as justiciable Constitution rights by their very nature. If state fails to implement them in the governance of the country, the remedy to the citizens is only political that is to change the government in general elections. Thus, the door of the court of law cannot be knocked against state inaction directly. However, the judiciary can be moved with the expansion of the scope of Article 21 of the Constitution. It is of paramount importance to us that the environment should be protected at all costs and all the measures are required to prevent our environment from degradation. The human rights will be defeated without a clean environment. The present research project, therefore, has been chosen on the issue of environment and human rights to explore the factors responsible for the degradation of the environment only to avert them and thereby to suggest the measures to restore the valuable human rights in India.

The present study is more relevant in view of various environmental laws made by our State and its implication...
in the coal belt areas of West Bengal. The study mainly concentrates on exploring the problems of environmental pollution in the stated areas and its importance in the lives of every organism in it. The present work, therefore, has been taken up only on environmental issues in the coal areas of West Bengal to consider the relevant problems which may be a threat to human lives. The conceptual analysis of the present study will ultimately pave the way to disclose the reality in respective areas. The present study in its humble way tries to answer some of the relevant questions such as: what is the relation between environment and human rights; what was the objective of the legislatures in inserting Article 48 A and 51(A)g in the Constitution (Forty-Second Amendment) Act, 1976? What are the steps taken by the legislatures in furtherance of the constitutional mandate in India? What is the role of the judiciary in the implementation of the objective of the Governments to arrest environmental pollution? These questions necessitated to classify the whole of the study into seven Chapters.

Chapter I deals with introduction. Chapter II discusses the conceptual analysis of environment and human rights. Chapter III embodies the existing land pollution problems in the coal areas of West Bengal. Chapter IV concentrates on water pollution problem in the respective areas, which is one of the important
problems relating to environment. Chapter V attempts to explore the air pollution problems. Chapter VI highlights the efforts of the legislature and the judiciary towards the prevention of environmental pollution. Chapter VII finally relates to conclusions and suggestions.