REVIEW OF LITERATURE:

1. **G.S.Panday (2012)**-this book contains 35 chapters. Before the Indian judiciary chapter 4a has been inserted in 42nd amendment by named fundamental duties in part 3rd of Indian constitution under article 21 specify right to life every individuals has right to life with have free environment and no person can be deprived of his personal life along with fundamental rights has been inserted and impose upon human beings and there for under some obligation the said human are bound duties under article 51A to protect the environment the Apex court in India in the case of M.C.Mehata Vs Union of India held that every person has right to live with free air pollution.

2. **Dr.N.P.Pranjepy (2013)**-this book contains 23 chapters. In his eminent book that public is serious problem before the state and also union it has to prevent by using the strict law section 268 to 294 of Indian penal code provided definition punishment and procedure as per Indian penal code 1860 there are two kinds of nuisance public nuisance and private nuisance .in public nuisance a person create that to effect the human body by other for example smoking in the public place it create a nuisance.

3. **M.P.Jain (2010)**, has explained the various aspect of constitution. The constitutional have also led to increase textual comments. The various examples given here i.e. one of them is The Introduction of Article 21 as a fundamental Right needed a chapter on right to life. Consequently volume of the book has been increased Article 21 creatively improve quality of life of people. The court has implied a bundle of rights for people from article 21 such as , right to privacy, right to clean environment etc.

4. **Dinesh Shelton and Alexandre kiss (2005)** this book contains 23 chapters. Writer stated that in a judicial hand book on environmental laws day by day earth environment increases and process upon which all life of human beings and other living beings are totally depends on environment and need them to have a fresh air and many vehicles infringement the policy of law which is establish by the appropriate authority.

5. **Kovacs N. [1985], Pollution Control and Conservation.** - While a few decades ago traffic did not play an important role in air pollution, today it is the main contaminant in developed countries. Pollution from other sources is static or decreasing in these countries. Formerly, the degree of air pollution was generally proportional to the industrial development of the country. The further development is characterized by the growing proportion of contamination arising from the use of motor vehicles. This
trend is going to persist until a practical solution has been developed which will make it possible to put an end to the pollution impact of the combustion engine.

6. **Janak Raj Jai (2013)** this book contains 15 chapters. the author focus on the term negligence is wrong who breaches of legal duties which they take care otherwise damages the adverse party. The liability of the person for compensation before a claiming a civil court and vehicle pollution become danger to human beings.

7. **Dr.J.Y.Narayan Panday (2015)** this book contains 41 chapters. Article 21 of Indian constitution specify that right to life not even but to live with dignity and honour and to have a free environment and fresh air in the case of M.C.Mehata Vs Union of India the Apex court healed that right to life which include right to have free environment means free air pollution with healthy atmosphere to human beings and in part 4th directive principal of state policy Article 48A provided an obligation to state that to make an arrangement to provide and protect the environment and free air pollution and regulate the policy of Vehicle laws.

8. **Mohsenin V. [1987a]** Airway Responses to Nitrogen Dioxide in Asthmatic Subjects, Journal of Toxicology and Environmental Health. There have been numerous controlled studies of the effect of nitrogen dioxide on the lung functions of healthy individuals, asthmatics and subjects with chronic bronchitis. Short exposure [10–15 minutes] to concentration of NO$_2$ exceeding 1300 $\mu$g/m$^3$ [0.7 ppm] caused functional changes in healthy subjects, particularly an increased airway resistance. Recent controlled studies show conflicting results concerning respiratory effects in asthmatics and healthy individuals at nitrogen dioxide concentration in the range of 190–7250 $\mu$g/m$^3$ [0.1–4.0 ppm]. The lowest observed level to affect lung function consistently was a 30–minute exposure with intermittent exercise, to a nitrogen dioxide concentration of 380 to 560 $\mu$g/m$^3$ [0.2 to 0.3 ppm].

9. **World Health Organization [1996a]** Diesel Fuel and Exhaust Emissions, Environmental Health Criteria No. 171, WHO, Geneva. Many factors, such as differences in smoking habits, occupation or social conditions may contribute to the disparities in death rates attributed to SO$_2$ and particulate. Non–neoplastic and neoplastic effects of exposure to diesel engine exhaust on the lung have recently been reviewed by a WHO Task Group on Environmental Health Criteria for diesel fuel and exhaust emissions.

has attracted much attention and a large number of plant toxicity studies have been made with reference to this metal. Lead is a biologically non-essential element. Lead once released into the cytoplasm could then disrupt normal cell functions by inhibition of enzymatic systems in the formation of chlorophyll. Lead accumulation brings about the toxicity by reacting with protein rich in cystein, methionine or histidine.

11. Srivastava Y.N. [1989], Environmental Pollution. In the field of environment, the gap between policy and implementation is especially noticeable. The political leadership may agree to enactment of laws but block their implementation. When activist environmentalist groups do not see enough action in enactment of laws, they search for ways that can force the government into implementing laws. Realizing that it is futile to work through political leadership that has already demonstrated its resistance, they began to search for state institutions outside the electoral arena that enforce implementation.

12. Bandyopadhyay, Jayanta [August, 2002]. In spite of this technocratic orientation, environmental politics in India did not follow the route that it took in the West. Initially, it was concerned with the use and control of renewable natural resources where the issues revolved around communities dependent on nature. The struggles were centred on control of common property resources and revolved around critical issues of equity and justice. Environmentalism began as an integral part of local level activism for social justice.

13. Sethi Harsh [August, 2002]. The early years were dominated by forests, dams, degradation of land by mining, indiscriminate use of pesticides, the unsustainable extraction of groundwater, etc. Only in the last decade or so attention has turned to urban environment.

14. Sathe S.P. [2002], Judicial Activism in India: The cases of environmental degradation that have been filed before the Court were really speaking cases against inaction of the State or wrong action of the State. Where issues of environmental pollution caused by industrial units were raised, the Court made it clear that they were failures of State in protecting the rights of the residents to life and liberty as guaranteed by Article 21 of the Indian Constitution.

15. Sathe S.P. [2002], Judicial Activism in India: Transgressing Borders and Enforcing Limits. The Court also expanded on the concept of ‘locus standi’. Traditionally, a person who petitioned the Court should show that he has been affected adversely by State action and that the conflict is justiciable. But the Court took the view that persons
with sufficient interest could challenge government action or inaction. If public duties are to be enforced and public interest served by their enforcement, then public spirited persons and organizations must be allowed to move the Court in furtherance of group interest even though they may not be directly injured in their own rights and interests.

16. Agarwal Anil, Anju Sharma and Anumita Roy Chowdhury [1996], Slow Murder: The Deadly Story of Vehicular Pollution in India, Centre for Science and the Environment, New Delhi. The question that we should ask, especially in India where private interests rule over public interests, whose interest is CNG stepping on? Does the answer lie in the fact that CNG, unlike diesel, cannot be adulterated, cannot be siphoned off and there is no money in its spot purchases.

17. A. P. Pollution Control Board v. Prof. M.V. Nayudu and others. Environmental concerns arising in the Supreme Court under Article 32 or under Article 136 or under Article 226 in the high courts are of equal importance as human rights concerns. Both are to be traced to Article 21, which deals with the fundamental right to life and liberty. While environmental aspects concern ‘life’, human rights aspect concern ‘liberty’. In the context of emerging jurisprudence relating to environmental matters—as is the case in matters relating to human rights—it is the duty of the Supreme Court to render justice by taking all aspects into consideration.

18. M.C. Mehta v. Union of India. This writ petition was filed in the year of 1985 under Article 21 of the Constitution of India regarding air pollution in Delhi. The Petitioner challenged the inaction on the part of the Union of India, Delhi Administration [now known as Government of National Capital Territory of Delhi] and other Authorities whereby smoke, highly toxic and other corrosive gases were allowed to pass into the air due to which the lives of the people of Delhi were put to high risk especially in thickly populated areas where most of the hazardous industries were functioning. The residents of the area were suffering from chronic ailments of nose, throat and eyes due to air pollution. The petitioner prayed before the Supreme Court that pollution is due to industries and vehicles and appropriate directions might be issued to the owners of vehicles emitting noxious carbon monoxide, oxides of nitrogen, lead and smoke from their vehicles. During the pendency of this Writ Petition, the Supreme Court passed several orders/directions to deal with the situations arising from time–to–time and impressed upon the concerned authorities to take urgent steps to tackle the acute problem of automobile pollution in Delhi.
19. **Hemraj and Ors v. Commissioner of Police and Others.** This is the case relating to closure of cuts on road and control of automobile pollution. In this case the petitioner, Hemraj and others had filed CWP No. 3419/1999 in the High Court of Delhi at New Delhi against the Commissioner of Delhi Police and others. By this writ petition, the petitioner seek to enforce the statutory obligations of the police authorities to exercise their powers under the provision of Regulation 30 of the Delhi Police Act, control of vehicular and other traffic on roads and Street Regulation, 1980 which have been framed by virtue of power vested in the Commissioner of Police under Section 28 of the Delhi Police Act, 1978.

20. **Mahendra Lodha v. State of Rajasthan.** The case was decided by Judges, N. Mathur and D. Joshi of Rajasthan High Court. On overall consideration, the administration of directions given by the Court from time to time since November, 2000, has eventually resulted in precipitating the whole situation.

21. **Savla and Associates v. National Capital Territory of Delhi.** The petitioner in this case, brought the problem created by some car mechanics who were operating from the pavements/road in the close vicinity of the office premises of the petitioner and thereby causing nuisance. It was stated in the writ petition that the petitioner is a proprietary firm carrying on profession of Advocates and Solicitors.

22. **U.P. Pollution Board v. Mohan Meakins Ltd.** The Supreme Court criticized the matter of criminal prosecution for offences relating to environmental pollution, the liberal attitude of the high court in the matter of the quantum of punishment. It was also observed that the Courts could not afford to deal lightly with cases involving pollution of air and water.

23. **Madras Road Residence Association v. Lt. Governor.** In this case the effect of pollution which was endangering human life on account of vehicular traffic was noted, caused by the vehicular traffic. This decision takes note of the noise pollution, which is caused by the vehicular traffic.

24. **The Central Motor Vehicles Rules, 1989.** Rule 22: Endorsement by Courts—A Court convicting a holder of a licence, for any one of the offences specified hereunder, shall endorse or cause to be endorsed in the driving licence, the particulars of such conviction, namely:

    a) Driving without a licence, or without a licence which is effective, or without a licence applicable to the vehicle driven.

    b) Allowing a licence to be used by another person.
c) Driving when disqualified.

d) Driving an unregistered vehicle.

e) Driving a transport vehicle not covered by a certificate of fitness.

f) Driving a transport vehicle in contravention of Section 66.

g) Driving in contravention of Rule 118.

h) Failure to comply with provisions of Section 114.

i) Refusing or failing within specified time to produce licence or certificate of registration.

25. **Rajmohan Karmakar v. State of W.B.** in this regard it may be commented that under Section 135 two alternatives are open to a person who is served with a notice. First, he may perform, within the time and in the manner specified in the order, the act directed; or secondly he may appear in accordance with such order and show cause against it. Under the old Code three alternatives were open to a person who was served a notice. The new Code offers only two alternatives to such person. First, he may carry out the order and secondly, he may show cause against the order. A reasonable opportunity must be given to the person to show cause under Clause [b] of this section or adduce evidence under Section 138[1].

26. **M.C. Mehta v. Union of India.** In this case the Apex court did not hesitate to pass severe comments on the motivation of governments and in effect said that they did not work in public interest. It did not accept the plea that CNG was in short supply.

27. **Fischer Frank [2000].** The concept of “clean fuel” had political overtones primarily because scientific evidence was not conclusive. The indeterminate nature of the relevant scientific evidence opened the door for competing interpretations of the same evidence.

28. **Municipal Commissioner of the Suburbs of Calcutta v. Mahomed Ali.** It is to be noted that no prescriptive right can be acquired to maintain nuisance, and no length of time can legalize a public nuisance.

29. **The Indian Penal Code, 1860. Section 290:** Punishment for public nuisance in cases not otherwise provided for-Whoever commits a public nuisance in any case not otherwise punishable by this Code, shall be punished with fine which may extend to two hundred rupees.

30. **Govind Singh v. Shanti Swaroop.** ‘Nuisance’ is defined in very liberal terms and includes construction of structures, disposal of substances, conduct of trade or
occupation; under this section, the court issues conditional order for the removal of nuisance.


32. **J. N. Mohite & S. B Barote (2015).** In their journal stated that the due vehicle pollution cause to diabetes asthma and other as chorine disease and human being in danger if not eliminate the vehicle pollution like in the city, pune, Mumbai& Delhi hare industrialization due to most of the outside the people come over for the purpose of livelihood and buy the lot of number of vehicle for convenience.

33. **Anurag V. Tiwari, Prashant A. Kadu (2013).** In their journal stated that Amaravati is second largest and very important city in vidarbha region. In this study an attempt is made to monitor the noise pollution due to railway and vehicular traffic at one of the major intersection Rajapeth using digital sound meter along with the collection of traffic volume data and train frequency. The study also includes the remedies which can be provide for minimizing the noise pollution.

34. **Dr. Mukesh Garg.(2012).** In their journal protection of environment in India is big issue. Supreme Court is very much sentient about the degradation of the environment. It is the basic human right of every one to live in a healthy environment. It is protected under Article 21 of the constitution. It is also the basic duty of the state to protect environment from degradation and to provide the healthy environment to its subject.

35. **Ivan Hascic, Frans de Vries, Nick Johnston and Neelakashi Medhi (2009).** Stated in their journal, Automotive emission are among the major sources of local air pollution. The major pollutants emitted by motor vehicle include carbon monoxide and nitrogen oxides. Given the relatively large contribution of automotive emissions to overall air pollution, reducing the amount of emission generated by motor vehicles can contribute significantly to improving local air quality.

36. **Pollution As a consequence of public transport, Mr. Ashim Banerjee (2012) stated** that one of the vital activities in an urban area is transport. However it also contributes to air pollution and road traffic accidents. Congestion, vibration, community severance and visual intrusion are other transports are other transport related problems. Air quality on the city of Kolkata seems to be deteriorating. Pollution level in the city and its outskirts is alarming. This is due to old vehicle playing in the road of Kolkata and
illegal vehicle playing violating pollution norms, by using bad fuel such as KATATEL.

37. **Ashwani Kumar** *2009* The present study is made to attempt the role of motor-vehicle in generation of air pollution in Delhi. The present study covers the period from 2000 to 2009. The necessary data were collected from secondary sources and further, analyzed with the help of simple statistical tools and techniques. After analyze the data we found that the share of motor-vehicle has increase from 64-70 percent from 1990-2009. The rapid urbanization in India has also resulted in a tremendous increase in the number of motor vehicles. The vehicle fleets have even doubled in some cities in the last one decade. About 60 lakh vehicular counts in 2009 in the environment report of Delhi, and out of these 81% private vehicles, Auto 13%, Buses and Goods vehicles are about 4% and 2% respectively.

38. **Julien Labonne and Nick Johnstone** *2007*. In order to abate pollution manufacturing facilities can either change their production processes or introduce end-of-pipe technologies. The decision to undertake CPP rather than EOP is a reflection of the existence of economies of scope between production of the facility’s conventional output and abatement of pollution. While this is determined by sectoral technological opportunities, facility size and other factors, environmental management practices and public policy also play a role. Our results suggest that flexible instruments are more likely to result in CPP. We also provide insights on the role of environmental management within the firm.

39. **Seema Malhotra and H.C.Kataria** *2011*. Air is the most important factor of environment. Without air nobody can survive. But today the polluted or degraded air quality is a big problem because pollution of air has affected the health of people or causing many diseases. Air pollution raises Blood Pressure according to the study of Sherry Baker. Pollution problem cannot deal only technology. Hon’ble Justice Niley Chowdhary said that enormous pollution control problem can be dealt with isolation. It should be integrated with total over all national planning schemes as also with the vibration of Judicial process and Justice Krishana Iyer has pointed out that if development programs are extensive and extraordinary as they are bound to be, are delinked from the legal process, the decline and fall of democracy may certainly begin. It means that without economists, sociologists, scientists and lawyers, the pollution cannot be solved. Law is regulator of human conduct.
40. **Nadeem Khalil and Tarique (2016).** Amongst the technologies available, the upflow anaerobic sludge blanket (UASB) process has been one of the most widely applied methods for municipal wastewater treatment especially in countries of warm climatic conditions like India. However, past about one decade has witnessed rapid decline in the UASB popularity and its implementation. There has been criticism from various sections on the performance of UASB reactors for not complying with the prescribed discharge standards. It is a general hypothesis that the UASB reactors are not meant for diluted wastewater like municipal sewage when typically the BOD is less than 150 mg/l, COD 250 mg/l and sulphates are more than 150mg/l. An attempt has been made through this study to investigate the reasons on the basis of quality assessment and field observations on UASB reactors and its post-treatment of a newly commissioned (start-up) municipal (sewage) wastewater treatment plant commonly called ‘STP’ having capacity of 14 million liters per day (MLD). Study was aimed to know the gaps during the commissioning stage which could be related to poor removal efficiencies. This paper briefly discusses some issues related to operation and maintenance of the UASB plants with purpose for improvements.

41. **Dr.T.Bhattacharya(2009).** In his eminent book that public is serious problem before the state and also union it has to prevent by using the strict law section 268 to 294 of Indian penal code provided definition punishment and procedure as per Indian penal code there are two kinds of nuisance public nuisance and private nuisance in public nuisance a person create that to effect the human body by other for example smoking in the public place it create a nuisance.

42. **Agarwal S.K. [1991],** Vehicle Pollution is one of the vital activities in an urban area is transport. However it also contributes to air pollution and road traffic accidents. Congestion, vibration, community severance and visual intrusion are other transports are other transport related problems. The liability of the person for compensation before a claiming a civil court and vehicle pollution become danger to human beings.