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CONTRIBUTIONS MADE BY JUSTICE KRISHNA IYER IN THE FIELD OF ENVIRONMENTAL LAW

Introduction:

Justice Krishna Iyer is considered the reformer of the Indian Judicial System. He has made enormous contributions to various branches of law which include Human Rights, Criminal Law, environmental law and many more. Environmental Jurisprudence in India itself is in the initial stages of its evolution and the role of Justice Krishna Iyer is significant and cannot be sidelined while talking about the Environmental law in India. Justice Krishna Iyer is often hailed as the “Bhishma Pitamah” for the Indian Judiciary. The various notable contributions made by Justice Krishna Iyer in Indian Environmental Jurisprudence is discussed below.

PIL in Environmental Cases:

Public Interest Litigation is considered the most significant procedural innovation made in the field of Environmental Law, the major concern during the 1970's was that litigation could be initiated and carried over by the aggrieved private individual only. The public was widely unaware of the environmental problems and the lack of a legal framework for the protection of the Environment. The *locus standi* was a hindrance in environmental cases because in environmental cases the public are affected at a large so, the identity of the aggrieved party cannot be narrowed down. Through Public Interest Litigation (PIL), the *locus standi* was relaxed and it facilitated enhanced environmental protection.

Justice Krishna Iyer along with Justice P.N. Bhagawathi contributed to the Introduction of the Concept of Public Interest Litigation in India. Justice Krishna Iyer adopted the concept of Public Interest Litigation even without giving it the terminology in the case of *Mumbai Kamgar sabha, Bombay v. Abdulbhai Faizullahbai & ors* in the year 1976. however, in the

Fertilisers Corporation Kamgar v. Union of India, the terminology of PIL was widely established.

In this way, Justice Krishna Iyer Liberated the *locus standi* and facilitated the High courts and Supreme Courts to decide on environmental cases and the PIL facilitated Individuals and organisations to approach the Courts in cases where the Executive and legislative branch fails to perform its function.

Approaching the courts in Environmental cases through Public Interest Litigation was a transformative move in Indian Environmental Jurisprudence.

Public Nuisance and Right to Health:

In the *Municipal Council, the Ratlam vs Shri Vardhichand* case holds a significant position in the Indian Environment jurisprudence and the contribution made by Justice Krishna Iyer in this case has left a long-lasting impact on Environmental justice in India. In this case, The Residents of Ratlam had faced suffering due to Public Nuisance caused by the Inadequacy of public drains, Human excretion being deposited on the roadside due to the lack of public toilet facilities and the discharge of harmful fuels from an alcohol plant. The residents approached the Magistrate under Section 133 of the Criminal Procedure Code, 1972 and the Magistrate directed the municipal council to perform its duties under Section 123 of M.P. Municipalities Act, 1961 and to abate the Public Nuisance. The order was subsequently reversed by the Sessions court and the same was upheld by the High Court, in this appeal to the Supreme Court, Justice Krishna Iyer provided a wider definition to Public Nuisance, and Protection of Public health was interpreted under the ambit of Right to health under Article 21 of the Indian Constitution. According to him, Decency and dignity are non-negotiable facets of human rights and it is the first charge on public bodies. It cannot be denied the fact that there is a lack of finances.

In this case, Justice Krishna Iyer gave a wider interpretation of Public Nuisance in an Environmental sense. It was held by the Hon'ble Court that the Directive Principle for State policy enshrined under Article 47 of the Indian Constitution, 1950, it is the primary charge on the local governing bodies to protect the Public Health of the state.

SPOT VISIT:

One of the procedural innovations by the courts in environmental disputes is Spot visits. Judges who take a personal interest in knowing first-hand information about the problem, visit the spot to assess the problem in that particular locality.

Justice Krishna Iyer is one of the judges to introduce such innovation in courts. Before delivering the judgement in the Ratlam case, the Hon'ble Justice visited Ratlam town observed the condition of that area and delivered the judgement ordering the municipal corporation to fulfil its obligation to preserve public health.

CONCLUSION:

In the words of Justice Krishna Iyer in *“Social justice is due to and therefore the people must be able to trigger off the jurisdiction vested for their benefit to any public functioning”* . Krishna Iyer has made numerous contributions to environmental law through Various procedural innovations inside and outside the courtroom. Justice Krishna Iyer remains as a pioneer to the Indian Justice system.

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