

**Bill No. VII of 2012**

THE CONSTITUTION (AMENDMENT) BILL, 2012

A

BILL

*further to amend the Constituion of India*

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2012.

Short title and commencement.

(2) It shall come into force at once.

5 2. After article 21 A of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 21B.

“21B. (1) All citizens shall have the right—

Right to pollution free environment and civic amenities.

(a) to pollution free environment that is to say environment free from air pollution, water pollution, noise pollution and having the appropriate and requisite forest cover in the country; and

10 (b) to civic amenities such as potable water, appropriate sewerage and drainage system, periodic removal of garbage and cleaning of localities, roads and other surroundings and healthcare facilities.

(2) The State shall protect the environment from being polluted and provide civic amenities to the citizens referred to in clause (I).”

Amendment of  
article 51A.

**3.** In article 51A of the Constitution, after clause (k) the following clauses shall be inserted, namely:—

(l) to maintain cleanliness and hygiene in residential homes or dwelling units, streets, localities, roads and work places by not littering and depositing the litter, wastes, and garbage in the dustbins and places meant for that purpose and by preventing others from littering and polluting the atmosphere in any manner whatsoever; 5

(m) to maintain cleanliness in public places such as parks, bus stops, railway stations, markets, etc. and roads by not littering, spitting, urinating, defecating, defacing such places. 10

## STATEMENT OF OBJECTS AND REASONS

These days a number of cases of dangerous diseases like gastroenteritis, cholera, hepatitis, encephalitis, Viral fever, chronic asthma, allergy, etc. are on the rise and many a times these appear in the epidemic form mainly because of insanitation and unhygienic conditions prevailing almost every nook and corner of the country. The air has been polluted by vehicular emissions, dust, burning of piles of leaves of trees, grass and emission of smoke by the factories, homes and eateries like hotels, *dhabas*, etc. by smoking and gases released in the environment. The water too has been polluted by industrial effluents and wastes from homes, shops and other establishments and excess of chemicals and metals in the ground water and pesticides and chemicals dissolved in the water. Noise pollution is another problem. Few years ago Gujarat and northern parts of the country had the Plague epidemic caused by insanitation and neglect of civic amenities. Even today it is common that garbage stinks in the garbage bins germinate dangerous virus because it is not removed periodically by the local bodies. People too do not adhere to cleanliness. They litter, spit, urinate or defecate anywhere be it roadside, park, street, lane and wall of a building resulting in unhygienic conditions everywhere and piling of garbage and dirt at most of the places.

The citizens have no means to force the local Governments to provide civic amenities. It is therefore, proposed to make pollution free environment and civic amenities as Fundamental Right of the citizens. At the same time maintenance of cleanliness has also to be made a fundamental duty of the citizens.

Hence this Bill.

E.M. SUDARSANA NATCHIAPPAN

RAJYA SABHA

---

A

BILL

further to amend the Constitution of India.

---

*(Dr. E.M. Sudarsana Natchiappan, M.P.)*