



## REPRESENTATION

TO THE HONOURABLE DIRECTOR GENERAL OF POLICE  
DR. SALEEM

Our representations do **not seek district-level discretionary action**, but **State-level institutional intervention**, as environmental protection in contemporary governance is inseparably linked with **public safety, public health, and social order**. Environmental degradation today directly implicates the State's constitutional obligations relating to human security and societal stability.

These representations are **anchored in the participatory mandate of environmental governance**, which requires the State and its instrumentalities to actively engage citizens in the protection, enforcement, and administration of environmental law.

The **human right to a clean, healthy, and sustainable environment** establishes a direct nexus between ecological integrity, public health, and the effective enforcement of human rights. Environmental pollution and degradation generate tangible threats to public safety through health hazards and social unrest, thereby necessitating immediate and effective governance intervention.

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**We respectfully submit the following legal and institutional understanding:**

1. **Government authorities are under a statutory and constitutional duty to safeguard the environment, including:**
  - Enforcement of environmental laws,
  - Inspection and prevention of pollution,
  - Redressal of citizens' grievances,
  - Capacity-building and public engagement on environmental regulations,
  - Ensuring equitable access to a healthy environment.

2. Authorities entrusted with environmental functions are required to demonstrate **due diligence and accountability** in environmental protection, restoration, monitoring, and enforcement.
3. The **role of the police in environmental enforcement** is expressly recognized under multiple statutory frameworks, particularly in relation to:
  - Noise pollution control
  - Wildlife protection
  - Prevention of public nuisance and threats to public health
4. While the **Ministry of Environment, Forest and Climate Change (MoEFCC)** functions as the nodal policy authority, the **police constitute a primary implementing agency**, vested with powers to investigate, prevent, deter, and prosecute illegal activities causing environmental harm, including through patrolling and surveillance.
5. Under the existing legal framework, the **police are statutorily obligated to act upon environmental offences, *inter alia***, under:
  - Indian Penal Code, 1860 – Sections 268, 269, 270 (public nuisance and acts endangering public health)
  - Karnataka Police Act, 1963
  - Wildlife (Protection) Act, 1972
  - Code of Criminal Procedure, 1973 – Section 133 (abatement of public nuisance including pollution, waste dumping, and burning)
  - Environment (Protection) Act, 1986
  - Motor Vehicles Act, 1988
  - Noise Pollution (Regulation and Control) Rules, 2000
  - Disaster Management Act, 2005
  - Plastic Waste Management Rules, 2016 (as amended)
  - Solid Waste Management Rules, 2016
  - Karnataka Public Safety (Measures) Enforcement Act, 2017
6. The **constitutional and judicial mandate**, as consistently affirmed by the Hon'ble Supreme Court of India, establishes that:
  - The right to a clean and pollution-free environment is an integral component of **Article 21 of the Constitution of India**.
  - In its **2024 reaffirmation**, the Court categorically held that environmental protection is **not a matter of policy discretion but a constitutional obligation**, and that weak or selective enforcement defeats the constitutional mandate.

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**Notwithstanding this settled legal position, enforcement remains inadequate due to operational deficiencies, including lack of accurate knowledge and training. Accordingly:**

7. The prevention of illegal sound amplification, waste dumping, waste burning, and unlawful plastic usage is **not merely a matter of aesthetics or technical compliance**, but a critical public health and environmental security concern. The legal framework governing these violations is unequivocal.

8. Mere issuance of advisories or directions is ineffective in the absence of **continuous monitoring, strict enforcement, and initiation of appropriate civil and criminal proceedings** against violators. Environmental nuisances must be treated as **public order and public safety issues**, warranting routine and proactive police intervention.

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### We further place on record the following observed deficiencies:

1. Persistent **environmental illiteracy among authorities**, resulting in an inability to adequately assess ecological harm and unsustainable development due to insufficient legal training.
2. The urgent need for **systematic capacity-building and specialised training of police personnel** to enable effective environmental governance and enforcement.
3. Chronic non-enforcement of environmental laws, **repeatedly noted by the National Green Tribunal (NGT)**.
4. Systemic violations of environmental norms by enforcement authorities themselves, including the **use of prohibited plastic materials by police establishments**.
5. Selective prioritisation of certain categories of offences (such as traffic, cybercrime, narcotics), while **environmental offences—despite their direct impact on public health and order—remain largely unaddressed**, thereby fostering impunity.
6. While commendable community-oriented policing initiatives exist in areas such as drugs, cybercrime, gaming, and traffic regulation, **environmental offences continue to remain inadequately integrated into routine policing strategy**, despite their serious societal consequences.

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### Appeal for Strengthened Environmental Governance

Environmental protection under the Indian constitutional framework is a **binding obligation**, requiring effective governance, informed enforcement, institutional integrity, independence, and accountability—particularly in ecologically sensitive contexts.

Strengthening police capacity in environmental enforcement will significantly enhance **rule of law, deterrence, public confidence, and constitutional compliance**, especially as **public safety and public order** squarely fall within police jurisdiction.

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### We therefore respectfully pray for the following directions and interventions:

1. Prioritisation of **strict and comprehensive vigilance over environmental nuisances**.
2. Inclusion of **environmental laws and offences as mandatory subjects** in police induction and in-service training.
3. Immediate advisory to all Superintendents of Police regarding **discontinuation of illegal flex usage** and adoption of eco-friendly alternatives such as cloth or canvas.

4. Strict enforcement against **Single-Use Plastics (SUPs)**, particularly at inter-district and inter-state borders.
5. Monitoring and interception of SUP carriage at police checkpoints.
6. Conduct of **frequent enforcement drives** against violations relating to SUPs, waste dumping, and waste burning.
7. Strict vigilance and enforcement against **illegal dumping on land and into water bodies**, including marine environments.
8. Prevention of recurring non-enforcement through:
  - Criminal investigation of egregious violations endangering public health and the environment,
  - Emergency response to hazardous discharges and spills,
  - Enforcement of judicial directions issued by the NGT, Supreme Court, and High Courts,
  - Effective inter-agency coordination among all responsible authorities.
9. Issuance of clear instructions to District SPs for:
  - Regular drives against illegal dumping and burning,
  - Surveillance of water-body pollution, including marine pollution,
  - Periodic inspections and raids for environmental law violations.
10. Undertaking integrated **awareness-cum-enforcement drives** on:
  - Noise pollution (across religious, cultural, tourism, and public events),
  - Air pollution (waste burning, fireworks, and allied prohibitions),
  - Water pollution (including sewage discharge, fishing waste, oil spills),
  - Plastic pollution (including SUPs and hazards of micro- and nano-plastics).

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We respectfully seek your kind intervention to issue appropriate directions to the concerned authorities and we request to be informed of the **action taken** in this regard.

Kumta, 31 January 2026

Ana S.

President

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