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Right to have an aesthetically pleasing environment

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Abstract--Beautiful ambiances and environment give us extreme happiness, make us more innovative and constructive, and we all know this fact. Just ask these two questions to yourself: 1) why do I (sometimes) feel down and depressed places?, 2) why do I feel amazed and relaxed in certain places?. After answering these questions, I think you have an idea that how our ambience and environment affect our emotions and thinking process and how much important it is for us to protect the aesthetics of our surroundings. In our country despite of bundle of laws and ordinance we find the lack of aesthetic beauty in our surroundings, this is because people don't understand the importance of clean and beautiful environment and atmospheres in our personal life, we have right to live a quality life which means a life free from all kinds of pollutions whether it is air pollution, water pollution, land pollution or visual pollution.

Keywords--Environment, Human Health and happiness, Article 21 and Judicial Opinion, Enactments and International Conventions.

Introduction

“The environment is where we all meet; where we all have a mutual interest; it is the one thing all of us share. It is not only a mirror of ourselves, but a focusing lens on what we can become.”ⁱ

The advantages of being encased and surrounded by beautiful nature and ambience are not restricted to persons who are passionate with nature and keep exploring natural sights, in fact even a layperson can experience such benefit at

his place whether rural or urban, yes, it is possible but only if we dedicate ourselves to protect the aesthetic beauty of our nation and nature.

Everything that is coming to our vision like our house, city, state, nation, and the whole surroundings we live in have a substantial influence on our physical and mental well-being because at these spaces we pass a lot of time. So, it is highly imperative for us to take care of our environment and make our surroundings as beautiful as possible. Here, in this article we will understand the relationship between the environmental beauty and human life, the role of environment in our mental health care and what we can do to make our surroundings beautiful.

What is environment

According to *Cambridge Dictionary* there are two meanings of environment:

1. "The air, water, and land in or on which people, animals, and plants live."
2. "The conditions that you live or work in and the way that they influence how you feel or how effectively you can work."

According to "*Section 2(a) of the Environment Protection Act, 1986* "

"Environment" includes water, air and land and the relationship which exists amongst and between water, air and land, and human beings, other living creatures, plants, micro-organism, and property."

As per the given definition we can say that the term environment is very comprehensive as it covers four key elements that is- lithosphere, atmosphere, hydrosphere, and biosphere, parallel to air, land, water, and life (quality life). In a way we can say that environment include whatever our eyes grasps or every place that is visible.

What is an Aesthetically Pleasing Environment?

According to Collins dictionary, "Aesthetic is used to talk about beauty or art, and people's appreciation of beautiful things" whereas "Something that is pleasing gives you pleasure and satisfaction" so we can say that an aesthetically pleasing environment is the one that is beautiful and giving a feeling of pleasure and satisfaction to the viewers.

Also, according to Cambridge dictionary, the definition of Beautiful is: -

"Having an attractive quality that gives pleasure to those who experience it or think about it"

This definition gave a very apt meaning to the term beautiful that is -anything which is eye-catching, appealing and giving pleasure to our senses.

What does the term "Beautiful or aesthetically pleasing Environment" Includes?

In accordance with the above-mentioned definition, we can say that the beautiful and aesthetically pleasing environment is one which is free from visual pollution and its adverse effect. That is an environment that has unsoiled and hygienic air,

water, land and most importantly VISION. Basically, a clean, tidy, healthy, and safe environment is a Beautiful Environment.

In present scenario the problem of visual pollution is increasing very rapidly that is the visible depreciation and adverse aesthetic quality of the environment or landscapes (natural or man-made) around human beings or we can say that visual pollution is an aesthetic issue that weakens one's capability to adore and relish vista or view around. Some Common causes of visual pollution are smog owing to air pollution, Open trash and landfills, Open wires and excessive polls, commercial signboards, posters, hoardings, flagpoles, broken and spoiled buildings, smoke emitting factories etc. and all these factors are highly affecting the humans like its causing *distraction and disturbance, eye fatigue, decrease in opinion diversity, loss of identity*ⁱⁱ stress impaired balance, irritation etc.

The connection between- A Beautiful Environment and Human Health and Happiness

“One of the first conditions of happiness is that the link between man and nature shall not be broken.”ⁱⁱⁱ

According to the author splendor of nature and beautiful surroundings have an intense influence upon our senses that creates the feeling of awe or amazement within us, but the question is, why are those natural entities important for us and why they make us feel so and compel us to declare them as beautiful?

And I found the answer to this question in a quote by Sir David Attenborough who said that:

"It seems to me that the natural world is the greatest source of excitement; the greatest source of visual beauty; the greatest source of intellectual interest. It is the greatest source of so much in life that makes life worth living"

This quote simply clarifies that whenever we think of splendor in nature we generally and instantly think of mountain landscapes, waves of deep blue sea and ocean, the unfolding blooming flower etc. because these are the things that amaze our senses and, in a way, gives us pleasure and inner happiness which is very imperative for our emotional and intellectual health.

In short it is difficult to explain what makes something scenic or beautiful, but we get to know it or feel it when we see things and they affect our subconscious and give us a pacifying feeling. We always feel amazed when we see natural things like sunrise, shining moon and stars, greenery cleanliness. Generally when we are tired we always plan a vacation at places close to nature like hill stations, beaches, deserts we all have our own likings to satisfy our feeling of calmness, but **why** we never like to visit places which are ugly or not clean and full of hoardings, posters, advertising sign boards, shabby buildings and structures etc. and overcrowded or why we feel happy and excited when we visit a scenic abode whether natural or manmade? Let's find out why.

Sir Michael W. Richardson in one of his articles medically explained the connection between our eyes and brain, he said that: *"Light-sensing cells in your retinas transform light and color into electrical signals. But, to turn that information into a complete picture of the world around you, those signals need to be relayed to multiple areas of the brain quickly and accurately. That's the job of cells like these*

— *retinal ganglion cells. They transmit electrical impulses from photoreceptor cells down long axons that extend to the thalamus, hypothalamus, and areas in the midbrain. These long cables form the axon bundle known as the optic nerve*^{iv}.

Other medical approach to explain vision and brain connection is secretion of dopamine in our body. Dopamine is a sort of neurotransmitter also known as chemical messenger our body emit it and our nervous system drive messages between nerve cells through it. Dopamine performs a huge function in how we sense happiness and desire as well as it's an imperative segment of human power to reason, think, imagine, and plan. It assists us to strive, emphasis or focus and discover objects that are interesting or fascinating.

Now when we look from the psychological angle, we observe that people are gladder in more aesthetically scenic or beautiful environments whether it is natural or manmade. Characterful spaces of towns and cities like beautiful residential or commercial buildings, temples, parks etc. can make people equally happy when they are viewing natural splendor of mountains, hills, beaches, and rivers. As per a flagrant psychological theory **Biophilia Hypothesis** (also known as BET) *“the idea that humans possess an innate tendency to seek connections with nature and other forms of life”*. The term biophilia was used by German-born American psychoanalyst Erich Fromm in *The Anatomy of Human Destructiveness* (1973), which described biophilia as *“the passionate love of life and of all that is alive.”* The term was later used by American biologist Edward O. Wilson in his work *Biophilia* (1984), which proposed that *the tendency of humans to focus on and to affiliate with nature and other life-forms has, in part, a genetic basis*^v. That is the Scenic places whether it is natural or manmade helps to mend the mind of people. Picturesque, bright areas with broad views help the mind to restore itself. The finding builds on a previous study that found people also feel healthier in more beautiful places.

Now the other theory is **Attention restoration theory** (ART) that was introduced by Rachel and Stephen Kaplan in 1980s in their book *“The experience of nature: A psychological perspective”* proclaims that people focus much better when they pass time with nature or looking at panoramas of nature. Generally, the Natural atmospheres flourish with the attractions which a person can imitate upon in a very low concentration and attention, like moving clouds, murmurous leaves during breeze or soothing waves of a sea, ocean. Philosophically the nature is considered as an inevitable foundation of peace and energy.

Rose Winer^{vi} in her article wrote that *“But what exactly does beauty contribute to human health? Research demonstrates that there is a relationship between the perception of beauty and the impact of design on human health, well-being and even behavior. Neurasthenics, which examines aesthetics from the perspective of neuroscience, is one field of research that captures the psychological effects of beauty incorporated into design. This research demonstrates that design with the deliberate intention to incorporate beauty is imperative to human psychological well-being, with positive effects on learning, social behavior, and emotional wellness. Beauty and design clearly play a significant role in the mental health of building occupants, which is why the Beauty and Design feature initially lived in the Mind concept under **WELL v1**. Moreover, Dearness also points out that when beauty is incorporated into design, it grounds us in our environments, allowing*

for a shared sense of community to develop and in turn bolstering our psychological and emotional well-being. Beauty can be intricately wrapped up in feelings of safety and pride in our space, and when our space is beautiful, we are more likely to take care of it, attend to it, maintain it and ultimately celebrate it for its contribution to our community's well-being. By migrating Beauty and Design to the Community concept in **WELL v2**, we wanted to acknowledge how beauty operates on this broader level, fostering a sense of unity and shared experience within a space.”^{vii}

Now we can aptly say that there is a titanic relationship or connection in our vision and our happiness and healthiness.

So directly or indirectly it is the duty and right as well of all the citizens to keep the nation and nature beautiful, we can say this based on following facts.

- Firstly, Article 21 of the Constitution of India, 1950 which states that *“No person shall be deprived of his life or personal liberty except according to procedure established by law.”*

The term ‘Life’ mentioned under Article 21 of the Constitution is explained in a very extensive and wider sense it says that life is not only the physical performance of inhalation or life of a person is not merely animal existence or constant grind over the life in fact it is including a lot of facets like the right to live with human dignity, **right to clean environment**, right to health, right to have pollution-free air etc. The right to life is most essential and primary for our existence and without it one cannot live opportunely as a human, it also embraces all those facets of life which build a meaningful, extensive, and worth living life for us all. Article 21 is the only one in the whole Constitution which has the most wide-ranging interpretation. So, in short, we can say that the achievement of imperative and necessities or requirements of a human being is the principal concept of right to life.

In Kharak Singh v. State of Uttar Pradesh^{viii} the Apex Court held that:

“By the term ‘life’ as here used something more is meant than mere animal existence. The inhibition against its deprivation extends to all these limits and faculties by which life is enjoyed. The provision equally prohibits the mutilation of the body or amputation of an arm or leg or the putting out of an eye or the destruction of any other organ of the body through which the soul communicates with the outer world..... by the term liberty, as used in the provision something more is meant than mere freedom from physical restraint or the bonds of a prison.”

Then in **“Milk Men Colony Vikas Samiti v. State of Rajasthan,”** the Apex Court observe that *the “right to life means clean and uncontaminated environment or surroundings, which leads to a healthy body and mind. It includes the right to freedom from stray cattle and animals in urban areas.”*^{ix}

That is right to life includes Right to Clean Environment.

So, on the basis of abovementioned laws, logics, cases, definition we can say that right to have a clean and beautiful environment is our fundamental right but still most of the part of our nation and nature doesn't look beautiful in fact some

surroundings look awful like excessive commercial boards on roads, open thrash, lettering on walls, old damaged buildings etc. **why?**

The laws in India which focus on protecting the Aesthetic splendour of nation and nature-

- Prevention of damage to public property act 1984
- The Constitution of India 1950-
Article 49 -protection of monuments and places and objects of national importance
Article 51(i) fundamental duties to safeguard public property and to adjure violence
- Model Code of Conduct (For the guidance of political parties and candidates)
& Other related guidelines
- The Indian penal code 1860
Section 268 -public nuisance
section 425 -mischief
- The National Green Tribunal Act, 2010
- The Air (Prevention and Control of Pollution) Act, 1981
- The Water (Prevention and Control of Pollution) Act, 1974
- The Environment Protection Act, 1986
- In fact, every state has their separate laws that protect the aesthetic values like, Delhi prevention of defacement of property act 2007, Goa prevention of defacement of property act 1988, Maharashtra prevention of defacement of property act 1995, Bihar prevention of defacement of property act 1985, Jammu and Kashmir prevention of defacement of property act 1985, Rajasthan prevention of defacement of property act 2006 etc. And on the other hand there are few states that do not have their specific laws on defacement of property like Assam (Nagaland prevention of defacement of property act applicable), Gujarat, Kerala, Manipur, Meghalaya, Odisha, Rajasthan- (section 198 under Rajasthan municipalities act 1959), Dadra and Nagar Haveli, Daman and Diu, Lakshadweep, Chhattisgarh (Madhya Pradesh prevention of defacement of property act is applicable), Jharkhand (Bihar prevention of defacement of property act is applicable).

International Conventions

- Ramsar convention on wetlands 1971
- The world heritage convention 1970
- The convention on international trade in endangered species 1973
- The convention on migratory species 1979
- The Basel convention on control of transport of hazardous waste 1989
- The international covenant on economic social and cultural rights 1966
- The universal declaration of human rights 1948
- The Convention on climate change 1992
- The convention on biological diversity 1992
- The convention to combat desertification 1994

Under the above heading almost all the laws of India as well as international convention that are related to prevention of destruction of environment are mentioned. But the point is that despite of these many laws and conventions the condition of environment in India is not so good, except few places wherever you go you find ample of visual pollution that definitely creates mental disturbance to people, but they don't realise, now it's the high time to take stern action to protect a aesthetics of our nation and nature.

Too many cooks spoil the broth! Yes its very true, that's what the problem is there are so many legislations with different definition, different penalties and different laws creating ambiguity in the courts and in the mind of the people that they don't find these cases or acts important enough to obey them in true sense, what we need is a central legislation with same laws for all and with an advanced provisions set to deal with this problem of visual pollution smartly.

Secondly its very tough to educate grown up adults that how much important the aesthetics of our environment is and to convince them to switch their habits of spoiling the environment. Merely the distress of penalty, financial or physical doesn't work efficiently. That why now it is very imperative to start guiding the younger generation regarding the various laws behind the elimination of visual pollution and the moral values. The youth will not only train their elders, but also become a law-abiding citizen.

Conclusion and Suggestions

Visual pollution can be explained as visible elements that obstruct and disturbs one's ability to enjoy a splendorous environment or vista and these elements can be natural or man-made like smoke discharged from forest fires, windblown dust, smog, erecting flagpoles, pasting posters, lettering, open trash, mobile towers etc. The destruction triggered by visual pollution is much more extensive than just an eyesore though as it not just only spoils the pleasure of a person to enjoy a beautiful environment but also distress the mental and emotional health of people because it causes high level of stress, trauma, anxiety, overtiredness, disruption, accidents, eye fatigue etc. eventually causing lack of sleep, and psychological disorder in children and adults.

That's why it is the high time to find out a way for getting rid of this problem like Avoiding the massive and unnecessary usage of physical advertisements, Avoiding production of waste, Keeping public transports tidy, Signage against cluttering and open thrash, Educating family and friends, constructing buildings that are suitable to the surroundings, Higher fines and efficient controlling mechanisms regarding visual pollution, spreading awareness among citizens and convincing them to adopt a suitable sustainable approach but the key to solve this problem of visual pollution lies in having a properly planned legislation (a central law-one for all) and absolute follow up by the citizens so that humans can have better and pure environment and good quality of life. After all

**“We have not inherited this earth from our forefathers.
we have borrowed it from our children”.^x**



ⁱ Johnson, Lady Bird, October 9, 1967, Speech at Yale University, White House Diary.

ⁱⁱ Yilmaz, Demet; Sagsoz, Ayse, 28 April 2011, “In the Context of Visual Pollution: Effects to Trabzon City Center Silhouette”, Asian Social Science.

ⁱⁱⁱ Tolstoy, Leo. September 9, 1828

^{iv} Richardson, Michael, 2019 June

^v Rogers, K. (2019, June 25). biophilia hypothesis. Encyclopedia Britannica.

^v <https://www.britannica.com/science/biophilia-hypothesis>

^{vii} Winer, Rose 2018, August 7, why beautiful spaces make us healthier, Director, Advocacy & Policy, International WELL Building Institute

^{viii} AIR 1963 SC 1295

^{ix} (2007) 2 SCC 413

^x Palkhiwals, Nani – “The Ailing Planet”, originally said by Mr. Lester Brown, “The Global Economic Prospect”.