

Air Pollution according to Islam and Iranian Law

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Abstract:

The God has given the control of all creatures and the universe to the human so that the human can use them to achieve happiness in the world and in the afterlife. On the other side, humans are responsible with regard to all such divine favors and shall make their best to ensure optimal use of such favors and protect them or they will be held accountable by the God. Such favors that are provided to humans as means of growth and development includes among others the air that human inhale and that is indispensable for human survival. Certainly such important element has been focus on the teachings of the God and prophets and Imams, and there divine verses regarding the benefits of keeping the air clean. Since pollution of the air harms human health and deteriorates living conditions of the human, it is an overt act of injustice that has been prohibited by Islam. Every harm is prohibited by Islam and the people who perpetrates a harm shall be bound to compensate for such harm. Given its Islamic bases, Iranian law also stresses the prohibition of the pollution of the air. Although few measures and laws have adopted in this regard, this paper tried to study Islamic, Islamic jurisprudential and legal sources to show the importance of air and necessity of keeping it clean according to the rulings of the Muslim jurists and Iranian law.

Keywords: air pollution, Islam, Islamic jurisprudence, Iranian law

Description

Air pollution is an issue that has preoccupied the minds of the people in the world today. Global warming that is caused by emissions of greenhouse gases has many have environmental impact. Islam as the most perfect religion has provided teachings for all stages of human life, placing much focus on air and its influence. What is the overall view of Islam of air? How healthy and unhealthy air impact the lives of human beings and their happiness? These are among the questions to be answered. On the other hand, the measures being taken by Iran is as a member of the world legal community to preserve the earth and the environment against the adverse effects of air pollution is a very important issue.

1. Environment and nature according to Islam

The air is a part of nature and many factors affect its cleanness, such as plants and trees. Islam places very much stress on the necessity of preserving of the nature and keeping of it clean and the importance of planting trees and protection of them. The most important benefits of trees and plants is cleaning of the air. There are many verses and hadiths on this issue, some of which are referred to in this paper.

The God says about the environment in the Holy Qur'an,

" وَ الْبَلَدَ الطَّيِّبُ يُخْرَجُ نَبَاتُهُ بِإِذْنِ رَبِّهِ وَ الَّذِي حَبَّتْ لَا يُخْرَجُ إِلَّا نَكِدًا " . (اعراف / ٥٨).

And as for the good land, its vegetation springs forth(abundantly)by the permission of its Lord And(as for)that which is inferior(its herbage)comes forth but scantily Thus do We

communications for a people who give thanks. In this verse the growth of plants »repeat the and crops are considered to be related to good land and nature it is said in this verse that the nothing but worthless plant grows out of bad land. It is inferred from this verse that in much the same way that good and clean lands positively affect growth of plants, they affect human growth and development and that polluted environment has adverse effects on human development. As one of the natural and environmental elements can have adverse effects on the human if it is polluted. In several verses, the Qur'an says that plants create happiness,

" وَ تَرَى الْأَرْضَ هَامِدَةً فَإِذَا أَنْزَلْنَا عَلَيْهَا الْمَاءَ اهْتَزَّتْ وَ رَبَّتْ وَ أَنْبَتَتْ مِنْ كُلِّ زَوْجٍ مَهِيجٍ " . (حج/5)

And you see the earth sterile land, but when We send down on it the water, it stirs and swells and brings forth of every kind a beautiful herbage

Not only does the polluted air prevent the growth and development of plants, but also such stoppage of growth of plants results in the air ceasing to be fine and beautiful.

There is much emphasis on environmental effects on the soul of a man in hadiths as well. Imam Sadiq has said, "The believer enjoys several advantages after the death, one of which is the tree he/she has planted as such believer will be rewarded for the benefits of the tree (Majlisi, 1990, vol. 103, p. 64). Beside all such advices and motivations given by the God and Imams to keep the environment clean, the God warns of air pollution in advance, saying,

" ظَهَرَ الْفَسَادُ فِي الْبَرِّ وَ الْبَحْرِ بِمَا كَسَبَتْ أَيْدِي النَّاسِ " (بقره/21)

Corruption has appeared in the land and the sea on account of what the hands of men have wrought

In Arabic, past tense is used to refer to an event that will certainly happen as if such event had already happened. What is happening today is what was prognosticated by the Qur'an. Corruption has spread across the earth due to human actions. Today's critical crises such as increasing greenhouse gases and thinning of the ozone layer as well as acid rain are the results of such corruption.

2. Place of the air in the Qur'an

Without a doubt, air and weather are very important in Islam and the air as the element that plays an important role in health and happiness of the people has much been stressed by Islam directly or indirectly. The most important natural element and source of organisms is the air. The air is like a special layer that surrounds us like a glass ceiling and protects us from the light and is very firm and strong. Verse 32 of sura Anbiya' reads,

" وَ جَعَلْنَا السَّمَاءَ سَقْفًا مَحْفُوظًا " .

And We have made the heaven a guarded canopy

The heaven refers to the atmosphere of the earth, which is hundreds of kilometers thick according to scientists (Makarim Shirazi, 1995, vol. 3, p. 167); and verse 22 of sura Baqarah reads,

" الَّذِي جَعَلَ لَكُمُ الْأَرْضَ فِرَاشًا وَ السَّمَاءَ بِنَاءً " .

Who made the earth a resting place for you and the heaven a canopy

Here, the heaven refers to the atmosphere (Tabataba'i, 1995, vol. 1, p. 91).

Also, verse 79 of sura Nahl reads,

" أَلَمْ يَرَوْا إِلَى الطَّيْرِ مُسَخَّرَاتٍ فِي جَوِّ السَّمَاءِ مَا يُمْسِكُهُنَّ إِلَّا اللَّهُ " .

Do they not see the birds, constrained in the middle of the sky? None withholds them but Allah Most surely

Majma al-Bayan reads that atmosphere refers to the air around the earth (Tabarsi, 1993, vol. 6, p. 376)

So in addition to his role in the continuation of vital air is capable; an important role in regulating climate and pollution transfer inoculated plants.

The earth's atmosphere is so thick that protects the Earth against heavenly stones that approach it at 50 km per second. So the air is not only critical for survival of living creatures but also plays an important role in regulating climate and pollution transfer and insemination of plants.

But apart from the word "sama" that means the atmosphere; on the basis of old and modern sciences, wind is also part of the air, which has weight and rotary movement. In words of the Qur'an as "when they bring up a laden cloud", which expresses the wind's function in displacement of heavy clouds; it can be seen from this that air and wind have weight, because the cloud is scientifically nothing but the air (Motahari, 1989, vol. 7, Pp. 230-236). It became clear that the wind is not nothing but air and the movement of air is called wind. In a dialogue between Imam Sadiq (pbuh) and Mufaddal, this point has been noted: "Breeze is the air" (Majlisi, 1990, vol. 3, p. 120), and that he believes that breeze is the air (Majlisi, 1990, vol. 3, p. 219). Imams believes that air is one of the first creatures that was created by the God in the first stage. Given above said, in Islam, wind, atmosphere and sama are the very air. Since happy life of the human is an objective of creation, and air has a significant role in human life, Islam has provided precious points about the air in the Qur'an and hadiths. Here are some examples to show place of the air in Islam.

3. Place of clean air from view of infallible Imams

In the narrations from the Prophet (pbuh), mentions are made of the cleanliness of the air. As he says: "If any of you is about to sneeze, he should pace his hand on his mouth" (Kulayni, 2008, vol. 6, p. 375); this hadith refers to pollution of their, because some microbes are transferred by the air. Or Ahl al-Bayt and Prophet avoided eating onions and garlic and the like before going to the mosque because of bad smell of them and avoidance of harassment of prayers. Also, lights should not be turned on in closed spaces because they pollute the air and make it improper for breathing, as Ibn Abbas says, "Imam Sadiq (pbuh) considered that pleasantness of the life lies in three things: clean air, fresh water and fertile land (Majlisi, 1990, vol. 75, p. 234).

Imam Ali says about effect of weather condition of each season on the human, "Avoid the cold weather at the beginning of it (autumn), and at the end of it (spring), welcome it because the effects of cold weather on the body and the trees are the same. First frost burns trees, and at the end of it, it causes the trees to grow. Imam also believes that the air has an effect on the human body and soul" (Majlisi, 1990, vol. 62, p. 271).

In his words addressed Mufaddal, Imam Sadiq considers breeze to be the very air, saying, "O Mufadhhal, you should learn about the breeze that has been called the air and about its benefits and you should learn that the air blows the life in human body from outside and affects the human's spirit and manner (Majlisi, 1990, vol. 3, p. 219). He also says, "The human should learn lessons from the fact that the air should have warm and cold qualities". Rise and fall of the air and balance of the air form the seasons and diversity of weather conditions and have many benefits. Warmth and cold make body strong; however, sudden change of the air make the human sick. However, the human have disturbed such balance by polluting the air and environment and caused increasing warming of the weather and disturbance of the balance and order in the nature. Imam Sadiq also says, "If winds are confined and don't blow for days, everything will change and spoil. Allamah Majlisi said in a commentary on this hadith, "Winds prevent spoilage of objects on the earth and function as soul and body; when soul leaves body,

body starts stinking; in much the same way, if wind doesn't blow, the earth will be overwhelmed by decay and putrefaction (Majlisi, 1990, vol. 57, p. 15).

Imam spoke at length about the benefits of wind, saying that each wind directly or indirectly affects the body and the soul. He says that wind causes the objects to smell good. On the other hand, winds cause clouds to move from one place to another, which in turn fertilizes plants and trees and causes ships to move and wet things to dry and foods to become fine and tender and fire to be set and objects to be pulled out of the earth. Then, if there was no wind, the plants would be dried and broken, everything would spoil and animals would die. He says, "O Mufaddal, don't you see that when the wind recesses, disasters occur and lives are endangered, healthy people become ill, fruits get rotten and grasses get stinky and crops are destroyed (Majlisi, 1990, vol. 57, Pp. 7 and vol. 3, p. 102). This hadith alone shows the important role of the air and the wind in the prosperity and health of people and the Earth. Imam also says about effects of the air on sounds:

I hereby inform of a property of the air; sound is an effect that is caused by friction of objects in the air and it is the air that brings sound to ears. People use the same means during the day to speak about their needs and transactions. If the effect of such speech remained in the air in the same way that writing stays on paper, then the world would become full of them and they would be harmful to them. However, it is not like writing on paper because the pronounced words are more than written words. The wise creator has created the air like a concealed paper that carries the words and meets the needs of the human across the world. Then, the God make the words disappears and makes the air clean and white. And this goes on nonstop. The very air and its benefits can teach us lessons. The air is the source of life of the bodies and the life in the body is dependent on inhale and exhale of the air; it also brings sounds from far distances (Mufaddal ibn Umar, 1983, Pp. 90-92).

4- Enjoining of cleanness and prohibition of air pollution in Islam

One of the benefits and privileges of Islam as the most perfect religion is that nothing is left unaddressed by the God. Holy God has provided rules of every such thing as may be required for happiness in this world and in the afterlife either generally or in detail. As said earlier, the polluted environment or good weather could have a significant impact on the life and soul of the human. Therefore, the Qur'an and hadiths describe the advantages of cleanness and instruct people to keep clean and avoid corrupting it. This is found in the Quran and hadiths the rulings of the great jurists. Here, we will discuss them as much as possible.

1. The verses and hadiths which generally address the preservation of the nature and forbidding of the destruction and pollution of the nature.

1- The Qur'anic verses and hadiths that enjoin the protection of the nature and prohibit the destruction and pollution of the same.

Verse 205 of sura al-Baqarah reads, "And spend in the way of Allah and do not throw [yourselves] with your [own] hands into destruction [by refraining]. And do good; indeed, Allah loves the doers of good" (al-Baqarah: 205). In the end of this verse, the God says that He doesn't like corruption and destruction of environment, including air pollution, is a typical example of corruption. Further, verse 85 and sura al-A'raf reads, "Cause not corruption upon the earth after its reformation" (al-A'raf: 85); such firm prohibition shown prohibition of corruption and destruction, because if anything but the prohibition is intended by the author, such thing would not neither be rational nor wise. Also, verse 61 of sura Hud reads, "He has produced you from the earth and settled you in it" (Hud: 61).

Imarat (development) means putting the ground in conditions which enable benefiting from its advantages. If the air is polluted, the human may not enjoy a clean and fine air and breathe. Therefore pollution of the environment, including air, is in contradiction to the intention of the

God of the creation of the human. Some Islamic jurists have spoken of the necessity of land improvements. According to them, *isti'mar* means requirement of development and absolute requirement by the God indicates necessity; although it is not inferred from the mode of the word, the God's wisdom and our reason require that and a person may be blamed for failure in taking the order of the God. Verse 195 of sura al-Baqarah says: "And spend in the way of Allah and do not throw [yourselves] with your [own] hands into destruction [by refraining]. And do good; indeed, Allah loves the doers of good" (al-Baqarah: 195).

For hadiths, there is a hadith narrated from Imam Sadiq who quotes Prophet Muhammad as follows: "It is forbidden to pour toxin in the lands of non-Muslim nations" (Tusi, 1980, p. 143). When Prophet Muhammad believes that pouring of toxin in the lands of non-believers, which comprises pouring toxin in the soil or the air, is not allowed, it will a fortiori prohibited as well when it come to the territory of Muslims. Islamic jurist believe that an instance of intoxication is polluting of the air (Khoei, 1990, p. 371).

Prophet Muhammad (pbuh) says Islam is clean and pure, thus Muslim should keep himself clean because nobody who is not clean will enter the Heaven (Mutaqi Hindi, n.d., vol. 9, p. 277). He instructed the believers to be clean and avoid pollution in all respects including the air and the environment. As the Prophet has been narrated to have said, "There seven things for which the rewards shall continue in the tomb and after the death, knowledge, creation of river or drilling a well, planting a palm tree or building a mosque" (Payandeh, 1945, vol. 1, p. 497). He also says that if one waters the tree needing to be watered; it is as if one has given water to a thirsty believer (Hurr Amili, 1989, vol. 17, p. 42). Imam Ali prohibited cutting of wet and green tree except in case of necessity (Majlisi, 1990, vol. 76, p 319).

5. Relationship between faith and cruelty and not polluting the air

God assigned the man to successive authority on the earth, and the Holy Quran says in this regard: "Indeed, I will make upon the earth a successive authority" (Baqarah: 30). And the successive authority to the God should do as the God likes. The God has ordered that the human should develop the earth. The Holy Quran says about development and establishment of mosques, "Those who develop mosques are those who believe in the resurrection and the God" (Taubah: 8). In much the same way that the believers are favored with the chance to construct mosque, believers are favored with the chance to develop the earth. Thus, polluting of the nature and the land and the air we hale in is failure to take the orders of the God and one who fails to take orders of the God is not a believer. Therefore, when Hazrat Salih (pbuh) says that the God created you of the earth and asked you to develop the earth, and everybody who believes in the God and the prophets shall take such order, this is a public duty to develop the earth, whether the apparent development of the earth or the non-material development that includes correction of the human community (Javadi Amoli, 2007, p. 35). It is wrong to believe that ancient people were derived of the divine blessing just because they failed to take the orders of prophet. Therefore, if the Qur'an or Imams as perfect humans make an order for improvement of human life and environment and the human community fails to take such orders, this will result in deprivation of divine blessing, which also constitutes wronging one's soul.

6. Prohibition of air pollution in Islamic jurisprudence

Air pollution is one of the issues that have been discussed by jurists and lawyers. As with other crucial legal issue, Islamic jurisprudence addresses this vital issue. Islamic jurists sometimes provide specific rulings and sometimes general rulings. Therefore, as with hadiths and Qur'anic verses on air pollution, the Islamic jurisprudential views of air pollution can also be categorized as general and specific provisions.

6-1- General provisions

These are provisions that apply in all fields of Islamic jurisprudence. In this specific case, they are provisions that include rulings about the environment.

a) Reason

According to common sense, any act resulting in imbalance of environment and universe and leading to ruin of the human is despised. Reason as a source of inference of rules in Islamic jurisprudence prohibits the man from doing anything that disturbs the natural order of the creation. Since the air is an important element of the universe and polluting of it harms the man and other creatures, human reason prohibits the human from polluting the air. Given the doctrine that “Everything ordered by the reason is also ordered by shariah”, all humans are prohibited to pollute the air.

b) The conduct of the wise

The conduct of the wise also is based on doing of useful acts and avoiding of harmful. Polluting of the air is not only useless but also harmless and therefore the conduct of the wise is avoidance thereof. The God as the wisest also endorses the conduct of the wise.

c) Rules of Islamic jurisprudence

Rules of Islamic jurisprudence include general rules that can be used as the bases for derivation of specific rules. Given this, they can be used to infer prohibition of polluting of the air.

Rule of la zarar

It has been narrated that Imam Sadiq said, “Prophet Muhammad (pbuh) said, “O Samarah, you are a harming person while a believer shall not harm other believers” (Kulayni, 2008, vol. 8, p. 478). This hadith means that harming others is not deemed as legitimate under Islam. Therefore, shariah rules out any ruling that harms others whether in legislation or in enforcement. Prophet Muhammad (pbuh) stated that harm has no place in shariah. In law enforcement, that is, when it comes to specific social relation between people, if an act harms others; it will not be endorsed by shariah, as in the case with the ruling of Prophet Muhammad (pbuh) about Samarah, as he abused his title right – which is a legitimate right – for the purpose of annoyance of his neighbor. Should any divine rule that is indispensable and necessary cause harm to any particular body at enforcement, such harm will be resolved in that particular case (Muhaqiq Damad, 1985, vol. 1, p. 50).

So if someone from his car that pollutes air and thereby causes harm to the health of others; his action is not legitimate and will not be tolerated. Or if the owner of a piece of land in the a city wants to convert his property into a cement manufactory, although based on the rule of "the people have control over their property", he will be able to do it, but he will not be allowed to so because his act would then be in conflict the rule of la zarar.

Rule of necessity of maintaining the balance of nature:

The concept of the rule is that the balance of nature is a creation of the God and enjoys wisdom, firmness and tact. To preserve the nature and keeping it in such direction as the Almighty God has considered for it, it should be ensured that any intervention that caused disruption of such balance, as it is opposed to natural will and therefore legal will of the God, will be wrong. However, humans pollute the air, and thus the nature and divine system is disturbed. For example, the use of greenhouse gases destruct ozone layer or gradual rise of temperature. All such behaviors disrupt the order of nature and result in the destruction of the world.

Rule of destruction

Among the most important rules involved in discussion of liability in Islamic jurisprudence is rule of destruction. To prove this rule, Islamic jurist invoke verse 194 of sura al-Baqarah. Based on this rule, if someone wastes the property of the other, he shall be liable and should pay

compensation. Therefore, if someone harms others by pulling the air, he shall compensate for the same (Muhaiq Damad, 1985, vol. 1, p. 109).

Rule of people's right

There are two types of rights under Islam: the God's rights and the people's rights. The former include the rights related to the God, in case of which if a person fails to fulfill them, he shall be subject to punishment, such rights include praying and fasting among others. People's rights include a wide range of social, economic, political and cultural issues. According to Islam, people's rights are prior to the God's rights. A hadith of Imam Ali (pbuh) reads that the God has given priority to people's rights, thus, when a right is fulfilled, one causes the God's rights to be fulfilled as well (Rayshahri, vol. 2, p. 480).

Undoubtedly, one of the most obvious people's rights is their right to enjoy clean and healthy air. So one who pollutes the air is in violation of people's rights. This is certainly one of the most obvious instances of people's rights, the infringement of which will certainly be subject to divine punishment.

6-2- Rulings of Islamic jurists

There are certain legal provisions about air pollution, and Islamic jurists have explicitly provided that air pollution is prohibited. Ayatollah Khamenei published rulings on prohibition of air pollution on the occasion of Clean Air Day.

Some of these rulings are:

First - Industrial centers' failure in use of proper air filters, on the pretext that they are expensive, which causes air pollution, shall be illegal and perpetrators shall be deemed to have committed unlawful acts.

Second - Even if not prohibited by the law, if owner of a motor vehicle determines that his car causes harm to others, and it is really bad for human health, the use of such car shall not be allowed.

Third - If authorities so declare, use of the personal motor vehicles in the days when the air is polluted and when driving them is harmful to others shall be prohibited. Use of vehicle for driving the driver only shall be prohibited in the event of air pollution and if such is not under duress.

Ayatollah Makarim Shirazi, another marja', states that the perpetrator of air pollution shall be subject to people's rights and believes that the harm caused by such perpetrator shall be compensated for, which is very hard to do because when the emissions by polluting car enter the lung of citizens and cause lung cancer, the perpetrator may not find the victim and ask him for forgiveness. Hence those who cause the pollution shall compensate for the harm they inflict on people.

Ayatollah Nouri Hamadani also holds the same opinion and believes that infringement of people's rights constitutes injustice and cruelty. And at the same time, the polluting of the nature is inhumane and immoral and should be compensated for. Ayatollah Mazaheri also deems the failure in protection of the environment to be subject to people's rights.

Every human being has the right to live in a healthy and clean environment, and the onus is on the community and the state to clean the environment, including urban areas or otherwise, seas, and any such environment as may be related to human life, of any pollution that is harmful to the human (Jafari, 1998, p. 157).

The task of the protection of the environment requires that rights and freedoms be applied in a way that they would not be a threat to the environment. Hence the economic activities and satisfaction of proprietary rights with respect to legitimate business products shall be consistent with environmental protection and avoidance of any irreversible adverse effect thereon. The duty of the state is to ensure the protection of the environment by providing special regulations and restrictions (Amid Zanjani, 2011, vol. 1, Pp. 540-541).

7 – Air pollution in Iranian law and legal system

In Iran, to prevent air pollution, it has been criminalized and consequently it is held to be punishable. In Iranian law, there two sources of legal provisions regarding air pollution. First, general laws such as the Constitution and the Islamic Penal Code; and second, specific laws that have been enacted concerning air pollution.

Article 50 of the Constitution provides, “The preservation of the environment, in which the present as well as the future generations have a right to flourishing social existence, is regarded as a public duty in the Islamic Republic. Economic and other activities that inevitably involve pollution of the environment or cause irreparable damage to it are therefore forbidden”. Accordingly, environmental protection is a public obligation and failure to do is infringement of others’ rights. One of the elements of the environment is the air and all people has the right to clean air, while on the other hand, all people shall observe the rights of other people and thus shall be liable to keep the air clean at the same time as they have the right to inhale clean air.

According to Article 688 (2013 Iranian Islamic Penal Code) or Article 914 (1996 Iranian Islamic Penal Code), everything that is known to threat public health such as contaminated drinking water or the distribution of contaminated drinking water, unsanitary disposal of human waste and animal waste, pouring toxic substances in rivers, and disposal of garbage in the streets and unauthorized killing of livestock, unauthorized use of raw sewage or waste water of treatment plants for agricultural purposes shall be prohibited and perpetrators shall be sentenced to one year’s imprisonment should no more serious punishment not be provided under specific regulations.

Note 1 - Ministry of Health and Medical Education, Environmental Protection Organization and Veterinary Organization shall be competent to establish whether the said act is a threat against public health and environmental pollution and if killing of animals and disposal of animal waste is unauthorized and also to find the said act as guilty. Amended according to Act amending note (1) to Article 688 of Islamic Penal Code (ta’zir) approved on 1996.

Note 2 – Environmental pollution refers to emission or discharge of foreign substances into air or water or soil or land to the extent that such emission or discharge change their physical, chemical or biological quality so much so that they become harmful to human or other living creatures or plants or buildings.

Legislature defines air pollution under IPC of 1995 as follows: “Air pollution refers to existence or emission of one or more pollutants whether solid, liquid, gas, radiation, radioactive or otherwise, in the open air to the extent and for the period of time that such existence or emission so changes its quality that it become harmful to human or other living creatures or plants or buildings.

The first step is to prevent air pollution is to criminalize it and provide sufficient sanction to enforce such criminalization. Because without criminalization thereof, the law may not protect the environment, prevent pollution and persecute perpetrators of harmful acts.

First, Article 9 of Environmental Preservation and Improvement Act of 1974 (as amended in 1995) provided that polluting environment constituted emission or disposal of any foreign substance in the air and water. First, air pollution by any means and in any way was prohibited. Then, Article 688 of IPC of 1996 referred to air pollution alongside other pollutions and as part of the environment.

However, Article 2 of Air Pollution Prevention Act of 1995 (as amended in 2004) provides that it is prohibited to do any act that causes air pollution. Thus, this act discussed and independently referred to air pollution.

Article 3 of the same divides sources of air pollution into three categories and discusses them separately:

a) Motor vehicles;

- b) Factories, sites and power plants; and,
- c) Commercial and residential sources and other sources.

For motor vehicles, Article 5 provides that motor vehicles shall obtain specific certificate of observance of permissible limit of air pollutants. According to this article, use vehicles failing to observe this limit will be prohibited. Also, relevant authorities are bound by the note to this Article to cause the enforcement of this Article.

Article 14 of the Act provides that the operation of the sites and factories failing to observe provisions of Article 12 of the same including obtainment of necessary licenses, etc. shall be prohibited.

Article 16 also provides that in case of failure to observe the conditions and to resolve problems causing pollution within specified deadline, owners and managers of factories and sites will be prevented from continuation of their operation upon request of Environmental Organization and at the behest of judicial authorities.

According to this article, resumption of operation of the same shall be at the sole discretion and action of Environmental Organization.

Article 17 authorized the head of Environmental Organization to limit or stop operation of highly dangerous industrial centers if necessary.

Having stated the instances of the crime, it provides sanctions and punishments. For example, Article 29 provides, "Owners and managers of polluting factories and sites that violate Articles 14, 16 and 17 of the same shall be convicted to a fine of five thousands rials up to one million rials at first perpetration and at repeated perpetration, they will be convicted to ta'zir imprisonment of 2-6 months plus a fine of IRR 700,000-10,000,000 and in some instances they shall be convicted to ta'zir imprisonment. The certain fact is that the extent of such punishments is very low compared to the importance of such crimes. The main objective of punishment is deterrence and prevention of crime; however, the question rises whether a fine of IRR 2,000,000 or the like may constitute deterrence for a wealthy owner of a factory. Given annual mortality rate of over 4,400 persons in Tehran and over 3,200 persons in Mashhad and 2,700 persons in Isfahan due to air pollution, today there is a need for much more effort on the part of legislature to provide sufficient and really deterrent punishments and sanctions as the current ones are neither deterrent nor sufficient.

Conclusion

Polluting of the air, like all other things that harms the human life and endangers his health is despised and forbidden according to Islam. Any person who harms another shall compensate for such harm, which compensation is partly impossible when the victim is not a specific person. When a person pollutes the air, and his act results in another becoming ill or dying, it is very hard to compensate such harm. Then, it is better to prevent such harm in the first place. For this purpose, there are references in the Qur'an and hadiths to the necessity of keeping the air clean and avoidance of any act that pollutes the air, whether directly or indirectly. Iranian law has several provisions regard it given the importance of air pollution, such as requiring people not to use worn motor vehicles and have technical examinations of their cars performed and encouraging them to use public means of transportation. Also, by monitoring factories and industries, efforts has been made to reduce the harmful effects of them on the air quality.

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