
| RESEARCH ARTICLE

Study of Citizenship Rights of the Disabled in the Field of the Urban Environment and in the Light of Afghanistan's Urban Planning Law

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| ABSTRACT

In light of Afghan environmental legislation and policy, the goal of this study is to analyze the citizenship rights of individuals with disabilities in the urban environment. It examines the issues faced by the disabled, particularly the physically challenged, who live in Afghanistan's cities in order to achieve this goal. The government's existing laws and regulations also include preparing for these issues. A descriptive-analytical approach has been adopted in the investigation. In this regard, the researcher has utilized the library study method to explain the concepts and give a theoretical framework to assess the course of domestic legislation after evaluating the development of domestic and international laws. This article comes to the conclusion that the physical and administrative requirements of disabled people cannot be met in Afghan cities. Think about the sidewalks. In reality, a wheelchair user is unable to use the sidewalks. Wheelchair users' rights have been violated as a result of the obstacles that the town has put in place to keep motorcycles off the pavements. Think about the sidewalks; in reality, a wheelchair user cannot utilize them. The right of wheelchair users has essentially been infringed due to the obstructions put in place by the municipality to prevent motorcycle riders from using the sidewalks. There are few organizations in the road and construction engineering sector, particularly in government departments, that have measured the essential facilities and measures for the disabled in their structures. The law of motion is one of the acknowledged tenets among philosophers. They hold the view that everything in the universe is in motion and that each living thing is gradually evolving to realize its potential. Therefore, all facets of society should have access to the amenities required for advancement. This rule applies to everyone, including those with disabilities, and the urban environment must be created and modified in a way that allows them to utilize all of its amenities. The road system in every city is what connects all of the metropolitan areas, and by making it accessible to people with disabilities, many of their difficulties are resolved. In cities, disabled persons are assessed. The necessary design requirements for people with disabilities are then presented.

| KEYWORDS

Citizenship Rights, Disabled, Urban Environment, Environmental Law, Urban Spaces, Design, Urban Planning

| ARTICLE INFORMATION

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1. Introduction

The World Health Organization (WHO) and the United Nations (UN) estimate that roughly 10% of all people worldwide are affected by some form of disability [Amanullah,1995]. The number of persons with disabilities, however, is not covered by any official or reliable statistics kept by the Afghan government. Around 800,000 persons, or 2.7% of Afghanistan's population, are disabled, according to statistics from 2008 [Athayi, 2017]. Over a million individuals in Afghanistan are disabled. According to a statement from the International Committee of the Red Cross (ICRC) in Afghanistan on December 3, more than ten thousand new people are registered through this office each year [Banerjee, 2008]. Ten percent of persons with impairments are due to conflict, according to Amnesty International's newsletter, while 90 percent are congenital or a result of illnesses or accidents [Barton, 1993]. The

statistics of disability brought on by war injuries demonstrate a large growth in recent years as a result of the rise in armed conflicts. In 2018, Dr Firouzuddin Firouz, the former minister of public health, declared that 3 to 5 percent of Afghans are disabled, with the number of disabled individuals in Afghanistan having increased in the previous year. Speaking during the Wazir Mohammad Akbar Khan Hospital orthopedic department's opening ceremony in Kabul, Dr Firoz said: One of the top priorities for the nation's hospitals is the establishment of an orthopedic department. As a result of war, disease, accidents, or birth disasters, as well as worry and excessive activity by pregnant moms, there are around one million crippled persons in the nation [Bauböck, 2009]. We can appoint all executive branch departments to ensure that the best laws and rights are put into effect. It should be made clear which rights the obligations are related to and what the government wishes to accomplish for those rights as they stay as written when the government does not establish the necessary conditions for the implementation of each member of the society's citizenship rights. In 2010, Afghanistan's Law on the Rights and Privileges of Persons with Disabilities had one writing and revision process. The primary obligations that need to be carried out are these rules. As stated in the law's fifteenth article, "Persons with disabilities have the right to equal participation in social, economic, political, cultural, educational, recreational, and sports fields, without discrimination," duties that are directly related to the human rights of disabled citizens are mandated. However, this has been done in terms of building structures and infrastructures, making repairs, providing facilities, and providing equipment to end prejudice. Consider the sidewalks as an example; a wheelchair user cannot stand on the sidewalks. The government should adapt and deal with the offending motorcyclists differently rather than simply witnessing the infringement of disabled people's rights in traffic because of the numerous barriers that have been put in place to allow motorcycle riders to come on the sidewalks. Institutions that offer services and take steps to accommodate customers and staff with disabilities in the road and building engineering departments are uncommon, particularly in government departments. The nation and the government have obligations as components of a developing society. However, the focus has traditionally been on the government's obligations to its people, and the reality that people also have responsibilities to other members of society is frequently disregarded [Biko et al. 2015]. A society's interpersonal interactions are governed by the law through the establishment of binding rules and guidelines [Casey et al., 2022]. When the law discusses interpersonal ties, it is referred to as private law, and when it discusses interpersonal relationships with the government, it is referred to as public law. Citizenship rights are considered a subset of public rights since they concern individuals' rights before the government, and the government is required to uphold them [Dwyer et al. 2013].

The "right to the environment" is one of the many rights that citizens have. There are two dimensions to the right to the environment: an individual dimension and a societal dimension. Every victim of environmental harm who has stopped all ecologically hazardous actions has the right to exercise their personal right to the environment. It goes without saying that the right to the environment gives citizens new rights and obligations or broadens the responsibilities of governments, but in general, its implementation is not feasible without the collaboration and efforts of all governments, people, and legal entities [Empinotti et al. 2021].

A person who breaches a citizen's environmental rights is referred to as a polluting word. The majority of actions that violate citizens' rights to the environment are considered crimes against living things or indirect crimes against the environment by the law. Pollution in any form—visual, water, air, residues, etc.—threatens people's mental, psychological, and physical health as well as their ability to exercise their most fundamental rights, which are the right to life and health [Ernstson 2013].

Given the high density of humans in metropolitan settings, this contact could be detrimental and result in environmental catastrophes. Urban environments are impacted by human activity, as are all environments where life exists. The way in which urban residents interact with their environment helps to lessen environmental dangers. Every person has the right to a healthy, ecologically sound environment that includes adequate living conditions. In other words, all activities necessary for the regular course of events cannot occur without a healthy environment because the right to life cannot be realized without one. A crime is committed when someone is threatened, troubled, or prevented from leading a healthy life. Additionally, it infringes on society's civil rights, citizenship rights, and environmental rights. According to the law, disabled individuals are treated favorably in this area compared to other residents.

The idea of citizenship is a step toward equality and the rule of law as well as a reflection of human intellectual development. A citizen does not submit to servitude, does not accept total obedience, and does not keep silent in the face of a power that seeks to corrupt. He experiences natural freedom before achieving civil freedom and continuing to live in safety and security. In a society that values its citizens, managers don't reign like monarchs or treat people like subjects. The transformation of a serf into a citizen requires more than just a shift in language; it also involves fundamentally improving the individual's status within the power structure. Respecting citizens' rights is a sign of progress toward civilization and acknowledges man as God's earthly caliph [Goodrich et al. 2013].

With this definition, the citizen separates himself from the subject who submits and places himself in the role of the ruler. He sees individual enjoyment in collective life and feels a sense of responsibility for his fellow citizens and the environment in which he lives. Spreading apathy in society poses a threat on par with insurrection and chaos. The dominance of individual interests over

those of the group and the use of the legal system as a tool to further illicit goals are the causes of corruption and tyranny. One means of combating administrative corruption is the citizenization movement. The citizen upholds social norms and works to establish a society that is civilized and law-abiding. In such a culture, environmental stewardship is valued highly, and residents work to create a safe and clean city. Are there environmental requirements while building cities?

There are several issues that big cities are currently dealing with, such as air pollution, traffic jams, and energy and fuel waste. Numerous factors, including marginalization, disrespect for environmental health, vast and unauthorized development, and residing in dangerous and outdated homes, put the lives of thousands of people in danger. The Earth is the shared home of all humans and future generations who will walk on it, and it is home to more than seven billion people. Will the construction of upcoming townships be based on environmental and human standards? The rise of the global citizen is a reasonable reaction to careless choices and deeds that deny people their right to a healthy environment. Because of how the globalization process has evolved, no society can maintain its social order on its own. On the other hand, everyone on Earth shares a shared fate. Everybody's life is in danger due to global warming, arctic ice loss, and pervasive pollution from vehicles and factories.

The significant concern that responsible people have for the environment is reflected in new terms like "global citizen" and "ecological citizen." Humans nowadays must strike a balance between meeting human needs and protecting the environment. Afghanistan's urban planning system now confronts a number of significant issues since it was unable to achieve this equilibrium. Are cities developed to meet the needs of people with disabilities and other city residents? Does the governing body allow access to a wholesome environment and habitat? Are there efficient ways to bring a lawsuit against a responsible entity in the event of environmental damage? What harmful effects will risky ideas like high-rise structures and urban expansion, etc., have on the environment?

In order to answer these questions and investigate environmental issues from the standpoint of civic rights, this essay examines environmental issues from that perspective (disability and non-disability). To get there, it is crucial to comprehend citizenship rights and how they differ from related ideas like urbanization and human rights. Because of this, the notion will be the focus of the introduction. After that, the readers of this article will learn about, in turn, the rights to a healthy habitat, the creation of urban space, and the effects of selling laws.

2. Literature Review

In Iran, Ali Akbar produced a study based on an analytical methodology titled "The Position of the Rights of the Disabled in the Field of Urban Law" in 2017. As a consequence of taking into account their citizenship rights and the need for all citizens to have equal access to urban facilities, the research's findings suggest that the relevant institutions should pay attention to the rights of disabled people [Karimi et al. 2017].

In order to develop an ideal and healthy urban structure, Hojjatullah and his colleagues in Iran carried out a qualitative study titled "Analysis and Review of urban design suited for the disabled" in 2015. Although work is being done in some environments, unfortunately, architects and urban planners still do not take into account the disabled people who are present in society. As a result, creating an unobstructed residential and urban environment for the presence of disabled people has become an unattainable dream. This mentality and point of view are demonstrated by disabled people's inability to use public amenities such as transportation, retail malls, and administrative, educational, recreational, and sports facilities [Karimi 2019].

Hamidreza and his team looked into "the priority of the citizenship rights of disabled people in connection to urban settings" in Iran in 2013 using a descriptive and analytical approach. Their research indicates that the lack of adequate roads, maintenance, and public spaces like theaters, parks, libraries, universities, subways, and schools are the biggest issues facing the disabled [Karpa et al. 2021].

3. Research Methods

This article looks at disabled people's citizenship rights in the context of urban rights and environmental rights. The descriptive analytical technique has been utilized to highlight the rights of disabled people in the city while also analyzing the status of handicapped and disabled people inside the city, as well as the supporting capabilities of domestic and international legislation on disabled people's rights. After analyzing the development of domestic and international laws in this area, one should look at the quality of domestic legislation in the area of urban adaptation, with a focus on the approvals of the Parliament and the Cabinet of the Islamic Republic of Afghanistan in the area of approval and implementation of approvals related to urban management and urban rights citizenship and the level of consideration given by these two organizations to the position of people with disabilities in their decision-making processes. Additionally, the researcher has provided a theoretical framework and expressed the notions using the library study method.

4. Result and Discussion

4.1 The Concept and Scope of Citizenship Rights

The terms "citizenship" and "citizenship rights" have just recently entered Afghanistan's legal literature. However, it surprised me how these new ideas were received in the political and legal communities. However, there was no consideration given to the idea of citizenship rights. In other words, despite the extensive research that the executive institutions of the three powers and even the municipalities have conducted to explain and compile the laws and principles of citizenship, we rarely come across a thorough, complete, and honorable interpretation of citizenship rights and the concept of citizenship. Legal writings show two reductionist perspectives, which equates citizenship with citizenship, and the generalist approach, which elevates citizenship to the status of human rights [Goodrich et al. 2013].

4.2 Theoretical Framework

4.2.1 An Analysis of Citizenship Rights and their Definition

The term "citizen" is made up of two words. It refers to human society and its members. The citizen is not put in front of the villager in this description. The definition of citizenship is clearly stated at the beginning of the entry in the University of Cambridge's specialized dictionary of social sciences: "The concept of citizenship can be found in the Greek city-states, where rights are tied to membership in the city, and women and slaves are not included. The combined processes of industrialization and nation-building that followed the American and French revolutions helped shape the modern concept of citizenship [Millan 1998]. In this meaning, citizenship refers to legal membership in a community rather than residing in a city. Being a part of the city in Greece does not include residing there; rather, it entails respecting the social rights of those who are, in fact, citizens of the city-state. The same idea persisted in Europe, and following the creation of modern governments and the dissolution of feudal institutions and pre-modern kingdoms, the term "citizen" came to have a more specific political connotation.

In the past 20 years, politicians have used the term "citizenship" frequently, but no precise definition has been offered. Citizenship and citizenship are closely connected. Legal experts do not support laws based on the literature of doubt and interpretation, nor do they accept ambiguous notions. The rights of a nation's citizens with regard to its public institutions are referred to as citizenship rights, in the opinion of some of Afghanistan's greatest legal minds. Does this idea just reiterate a nation's citizens' rights, or does it demonstrate a new definition of a person's active participation in a democratic society? Why did citizenship enter Afghanistan's legal system so slowly despite this description? It is not defined in legal jargon, and it is not mentioned in the standard introduction to law. The way the government is set up and the ideologies of the ruling class are not unrelated to alienation with this idea. Democracy fosters the development of citizenship and the capacity to check the exercise of power.

Subjects who choose to comply with the above orders are known as silent citizens. Autocratic leaders enjoy entertaining their obedient subjects. On the other hand, a democratic society acts as a wake-up call and adds the ability for public oversight and criticism to the list of civic duties. Although measures have been taken to establish the position and role of non-governmental organizations in litigation, the legal system controlling them cannot be regarded as fully developed. Non-governmental organizations are a means by which citizens' voices are heard. The rise of these groups in many spheres of the environment, urban development, and cultural heritage is closely related to the enhancement of civic rights. There is no doubt that the absence of these organizations in the process of modifying the environment has contributed to the significant variations in urban development over the past two decades [Mirzayevich 2021].

Citizenship and education have always been interwoven. Children were not considered citizens in ancient Greece, and women and slaves were also not allowed to become citizens. You learn how to behave as a citizen and how to assert your rights in a society that upholds the law. Although man is a naturally social creature, this urge does not drive him to civilization. The Afghan legal system has not reaped many benefits from the latent power of citizenship in the area of urbanization because the educational system's investment and the behavior of those in authority have not been sufficient and satisfactory in the process of citizenship and the cultivation of rights-seeking and law-abiding people. The absence of residents during the planning, approval, and implementation stages of urban plans is one of the major factors contributing to their failure. Additionally, rules that are created by administrative authorities and city councils and then imposed on individuals often have a role in the growth and extension of cities. Afghanistan requires the rule of law more than ever, as well as a pushback against outdated laws. Being a citizen indicates cultural maturity and is the source of two distinct behaviors:

- a. Respect for the law, which leads to social discipline and obedience to it.
- b. Disobedience against injustice and prejudice results from liberation and wider democracy.

A citizen is elevated above lower ranks by virtue of his citizenship, giving him the status of a ruler. The citizen is distinguished from the responsible but unfair and incompetent subject by his sincere feelings of charity, environmental activism, responsibility, entitlement, and influence. Human rights, citizenship rights, and urbanization are closely related. No matter their race, language,

nationality, gender, age, physical ability, ethnicity, political leanings, or religious convictions, city dwellers have a right to a healthy environment, easy access to transit, and the chance to contribute to the development of urban space.

4.2.2 The Relationship between Citizenship Rights and Human Rights

Human rights, as in the desire to respect human dignity and ideals like justice, equality, and freedom, have a long history, and their theoretical roots can be traced back to pre-Greek and pre-Mesopotamian civilizations. The American and French Revolutions, as well as the issue of declarations like the Declaration of Human and Citizen Rights in the 18th century, provide evidence of the birth of the present human rights discourse as a component of the modern international legal order [Mohandespor et al. 2019].

The First and Second World Wars provided the international community with two traumatic experiences that led to the development and unanimous approval of the first international human rights document. Through this document, the system of learning unquestionable rights and obligations based on the need to recognize the highest human values, such as equality, freedom, and justice, was created. Millions of people were sacrificed during the two wars for causes such as religion, race, country, etc., which hurt the conscience of the international community and inspired philosophers to make significant efforts to establish a new system. Make war and violence illegal and build a peaceful world.

It can be assumed that citizenship rights have melted into and served as a replacement for human rights. Despite the example's oneness, these two notions are distinct from one another. While citizenship rights are relative, human rights are spatially and temporally universal. Citizenship rights are human rights that are granted the sanction of domestic law and have a distinctive national character. Can it be argued that citizenship and nationality share the same definitions? The legal problems resulting from the conceptual scope of citizenship will be resolved if the question is answered positively, but the common use of this word and its semantic burden distinguish it from citizenship. A child is forced to become a citizen at birth. Awareness, knowledge, and the ability to exercise one's political rights are the three main components of citizenship. Despite being considered citizens, children do not have citizenship rights.

The concept of citizenship is rapidly drifting away from citizenship. European nations allow foreign citizens who are also EU citizens to cast ballots in local elections. Additionally, exempt from the citizenship clause is the idea of a global citizen. The legislation allows for the removal of citizenship privileges as a sanction for breaking the law, but judges are not permitted to impose such a sentence. Legal persons are not considered citizens and do not have citizenship privileges.

4.2.3 Citizenship Rights and Urbanization Rights

Although there have been lengthy arguments regarding citizenship rights for years, the theory of the right to urbanization was first put up by the French sociologist Henri Lefebvre. Citizenship and urbanization rights are separate from one another. Lefebvre was inspired by the idea of the rights of the people to control the area since, in Paris in the 1300s; class separation had led to the poor immigrants being neglected based on their country. As a result, numerous of his works from the 1910s and later were completed and published. He held that citizens whose lives are directly impacted by decisions about land use, rather than land owners and other economic and political elites, have the right to determine how that property should be used. Lefebvre, therefore, contends that a person who resides and lives in the city is the owner of the right to do so. Accordingly, if we define citizenship as participation in a political society, then the right to citizenship is dependent on "residence." Citizenship benefits those who live and work in urban areas because it gives them the power to shape this environment and its changes [Moosavi et al. 2022].

Lefebvre claims that the "right to live in the city includes two fundamental rights for urban dwellers [Moumin 2009]:

1. The authority to designate urban space
2. The right to take part in creating urban space; one more French theorist, Jean-Francois Triton, offers a more comprehensive definition of the right to citizenship. According to him, the following are included in this privilege [Parandjani et al. 2014]:
 1. The right to a decent place to live.
 2. Having employment.
 3. Maintaining a family.
 4. Having protection from police assaults.
 5. Living in a lovely, cozy, and healthy city that respects the environment

4.3 Research Findings

In a world where urbanization is growing, citizenship rights are crucial and significant. Mayors will hasten the process of improving city control by utilizing the information from this new legal branch, raising the standard of living of urban residents and their interest in the environment. The rights of citizenship are independent of citizenship and apply to all city residents, including immigrants and subjects of a country, regardless of the kinds of political and cultural rights that connect people to a particular government.

4.3.1 Creating Urban Space and Shelter is a Human Right

Within the framework of Afghanistan's legal system, there is room for the expansion and development of citizenship as well as the promotion of urban people's rights. However, its stead is currently vacant. The constitution stipulates several rights, including the right to self-determination, the right to take part in governing city affairs, the right to convenient transit, the right to decent housing, and the right to a healthy environment. Based on this, citizens, who are the primary players, can get involved in habitat management and environmental changes (urban growth) (urban management). Decentralization theory is utilized to shift authority from the federal government to local and public sectors in order to accomplish this goal. A good government is one that asserts sovereignty while imposing fewer demands on its principal shareholders.

4.3.2 The Right to Participate in Urban Planning

Urban growth is not a random phenomenon. Modern cities are created using knowledge, foresight, and adherence to urban planning regulations. Without abiding by the rules of the city, you cannot enter the gates of civilization. Without the direct engagement of the general public and without the monitoring and direction of specialists, urban plans in Afghanistan are created and imposed on society. In the area of construction plans, the government and municipalities are unfamiliar with the referendum process, and non-governmental organizations are not very engaged. The lawmaker might support official "conversation" techniques and base urban planning on democratic ideals to increase citizens' rights. The wisdom of great thinkers holds that "a government that listens and persuades its people remains legitimate, while a controlling and dictatorial government, even if it is stable for a long time, loses its legitimacy" [Rajmil et al., 2022].

Theorizing in this regard calls for comprehension of the constitutional powers, public responsibility, thorough research on the idea of citizenship, as well as an analysis of the obstacles to public engagement in the fields of the two following construction programs:

1. on a grander, national scale, as in the construction of water dams, airports, urban freeways, and provincial roadways.
2. on a smaller scale, like when a city railway (metro), a monorail, or city roadways are being constructed.

Environmental protection in Afghanistan is a governmental obligation; it is not a public duty, as stated in Article 15 of the Constitution (the government is required to take essential steps for the preservation and improvement of forests and the environment). How, then, can the populace and the commercial sector carry out this civic obligation? Large construction projects like motorways, dams, and tunnels that are built without consideration for the environment and have a negative impact on species of plants, animals, and soil, water, and air worry environmentalists.

Nothing but consultation defines democracy. Islam forbids all forms of egocentricity [Razavi et al. 2019]. Decisions that are made in their name and have an impact on their quality of life are open to public participation. Based on this, the principle of local democracy is put forth in the fields of urban planning and urban management in some developed nations, such as France, and residents are given the chance to challenge unauthorized permissions for using urban space (building permits). Through the research commissioner, who is chosen by the administrative court and introduced to the local governments, they can also voice their opinions during the preparation of urban and development plans [Roberts et al. 2011].

4.3.3 The Right to Adequate Housing

One of the most important human rights is the right to a safe place to live. This right has been acknowledged in accordance with Article 21 of the Declaration of Human Rights and Article 11 of the Socio-Economic and Cultural Legal Covenant. Every Afghan person and family is guaranteed the right to adequate housing under Article 39 of the Afghan Constitution. The following crucial query is presented in the discussion of urbanization rights: Should safe, affordable housing be regarded as a right? [Rubin 2003]. The new urbanization rights theorists do not view adequate housing as a right; rather, they see it as one of the responsibilities of citizens who govern themselves and have the freedom to determine whether their housing is appropriate through human activity and based on human decision [Sadat et al. 2017]. [Some experts have thought about the government asserting this authority to re-enter the vicious cycle of homelessness and forcible removal. Another group has added that discussing the right to adequate housing when discussing the right to the city or the right to live in the city amounts to ignoring the majority of the work and sticking to the fewest possible rights that can be upheld [Sadat 2004].

The prerequisites for upholding the right to adequate housing must now be viewed from several angles. These ideas have frequently been put out by movements that aimed to engage in civil activity in order to provide citizens with adequate housing,

but the statistics around these needs have been dealt with in a variety of ways. For instance, the housing rights movement in India has formally established 42 objective standards for appropriate housing [Karimi et al. 2017]. This is true even though this right has only ever been suggested in generic terms in prior instances. In the end, what matters is how this situation is handled legally in Afghanistan.

Every Afghan person and family has a constitutional right to decent housing, which is outlined in Articles 14, 38, 39, and 40 of the Afghan Constitution. The requirement that one must be an Afghan in order to enjoy the right to adequate housing suggests that the Afghan legislature used a model based on the citizenship rights system to identify and distribute this right. We now have to make a significant distinction between two groups of Afghan residents, namely Afghan and non-Afghan nationals, by applying the citizenship criterion to the status of foreigners who are using this right in Afghanistan.

Although the government, government institutions, and even the private sector are committed to changing the living conditions of people and turning them into suitable shelters in both cases, i.e. improving worn-out structures and applying the rules and principles of housing construction engineering, the Afghan legislator has not. While the right to housing is designated with the suffix "proper" in the international legal system, the title is not regarded as a right. In the view of the Afghan legislator, the emphasis that international documents place on people's rights to housing that is adequate to their human dignity and the obligations that are built around such an attitude toward the right to housing has no place. This is why there are no rules in Afghanistan's legal system that define, guarantee, or provide proper housing; instead, the government's obligations in the area of housing are restricted to ensuring that people have the right to a place to live.

4.3.4 The Right to a Healthy Habitat

Man's behavior with nature has been dual. The majority of the forests were burned for housing or converted to agricultural land during the course of the last four centuries. Cities have encroached on rivers and seas, upsetting the natural order. According to this viewpoint, man has not treated the earth well. On the other side, environmental groups have worked very hard to keep the city green and the sky blue. The environmentalist citizen must be aware of the choices made for local and national development and reconstruction that have a big impact on the environment. Publication and unrestricted access to information are indications of a democratic government, while concealment is a trait of self-centered administrations.

4.4 The Right to Education and Access to Environmental Information

This right requires the government to take the appropriate steps to promote a culture of nature friendship, to safeguard it, and to use clean technologies. All levels of education, including formal education (schools and higher education) and informal education (education for the general public), should be involved in this culture-building process [Sadat et al. 2017]. One of the responsibilities of this agency is "to provide communication and promote environmental information in order to give a better knowledge of environmental issues," as stated in number 6 of the second chapter of the ninth article of the Afghan environmental law. Knows. Additionally, in number 18, it is stated that one of the responsibilities of this department is "planning and implementation of educational programs on environmental concerns and increasing public capacities in the field in coordination with relevant ministries and departments." In addition to the right to an education, other aspects of a democratic society that are examples of freedom of expression include the ability to publish and unrestricted access to information. Article 13 of the European Convention on Human Rights, Article 13 of the International Covenant on Civil and Political Rights, and Article 13 of the Universal Declaration of Human Rights all mention "freedom of expression." The freedom to exchange information is one of the expressions of freedom of speech. The freedom to exchange information also includes the freedom to receive information as well as the freedom to publish information. Getting information about environmental issues is just one example and case of this right. Any knowledge concerning an associated activity that has broad theoretical and practical ramifications for society is protected under the right to access environmental information. The field of European law has made numerous attempts to acknowledge this component of the right. Despite the European Convention on Human Rights' lack of language addressing the right to a healthy environment and, consequently, the right to access environmental information, the Commission and the European Court of Human Rights have attempted to do so by applying the "dynamic interpretation" principle. Accept the European Human Rights Convention. In order to recognize this component of the right, numerous attempts have been made in the field of European law. Despite the European Convention on Human Rights' lack of language addressing the right to a healthy environment and, consequently, the right to access environmental information, the Commission and the European Court of Human Rights have attempted to do so by applying the "dynamic interpretation" principle. The European Convention on Human Rights should be regarded [Trane et al. 2008]. The right of the public to know about decisions made on their behalf is reflected in Afghanistan's 2016-approved law on publishing and open access to information. Urban plans have a significant and direct impact on the environment. The authors of this law take two steps to guarantee that the public is informed of the rules and documents governing city planning:

1. The duty of sharing municipal and urban development information.
2. The right of citizens to access urban planning papers.

Article 1 of the aforementioned statute mandates that public institutions make information covered by the Law on Publication and Free Access to Information readily and impartially available to the general public.

In accordance with the note to Article 2 of the first chapter of the law on access to information, in addition to current legal cases, information that implies the rights and obligations of the populace shall be made public through public announcements and the public media. Information like utilization, density, occupancy level, and tolls are on the list of publicly available data, and their publication cannot be stopped.

The French legal system has taken into account the right of access to information on city property and urban planning. Every citizen has the right to access or publish the city association minutes, budget, accounts, and municipal decisions, as stated in articles 2121 to 26 L. The notion that administrative papers may be published and conveyed to the petitioner is confirmed by the law of January 17, 1968. In accordance with the same statute, the committee for access to administrative documents freely disclosed information regarding the construction file and related requests at its meeting on June 29, 2006. All urban planning papers, including separation permits and maps in the file, are accessible to individuals who request them, per this reference dated 6/12/2007. The commission advises the relevant department that it has one month from the date of receipt of the request to answer the applicants' requests [Parandjani et al. 2014].

4.5 Guaranteeing the Implementation of Violations of Environmental Regulations and the Right of Citizens to Complain

The existence of a sufficient enforcement guarantee for the fulfillment of the right to a healthy environment, like any other right, is one of the fundamental requirements for securing that right. Countries have established and made public the penalties for environmental law violations since ancient times. To address urban air pollution, the British authorities hanged a London citizen in the 14th century for burning coal, which produced a lot of smoke [Trani et al. 2012]. Even today, breaking environmental laws in the UK can lead to criminal charges being brought against the violators, who may also face severe penalties. For instance, the "Town and Country Planning Act," passed in 1990, stipulated a severe penalty of up to 23,000 pounds for cutting down trees.

Laws to safeguard the environment and deter environmental crimes have also been passed in Afghanistan. Among them are the recently approved (2016) penal code, the water law, the law on forests, the regulation on reducing and preventing air pollution, the regulation on environmental impact assessment, and the approved environmental law (2018). The Afghan legislature has criminalized environmental crimes in five chapters under the 11th chapter and has provided punishment for offenders.

The issue of whether environmental criminals are actually held accountable for their conduct also comes up. This question can be answered by stating that, in accordance with the legal provisions' clarity, those who commit environmental crimes should be held accountable for their acts. However, it is uncommon to locate a person or persons who have been detained for committing an environmental crime and have received a penalty for their acts. In the United States, the penalty for some environmental offenses, like water contamination, is up to 15 years in jail. The American legal system in the area of environmental law is regarded as one of the most sophisticated in the world. Environmental laws in this nation have increasingly given citizens the ability to sue over environmental rules. For illustration, Section 505 of the Clean Water Act permits citizens to launch civil actions in specific circumstances [Parandjani et al. 2014].

Afghanistan's legal framework isn't ideal or comprehensive in this area. One of the biggest problems in the field of environmental protection is the lack of legislation that allows for the legal prosecution of environmental infractions, particularly those perpetrated by government agencies. In other words, even though the Environmental Protection Organization prosecutes offenders and those who damage or pollute the environment, this organization's role is restricted to private individuals or businesses, and it is one of the most useful tools for observing the application of environmental laws. In government institutions and organizations, it does not exist. For instance, one of the primary causes of new and increased air pollution in Kabul, as well as noise pollution, is the polluting automobiles used by government organizations. Despite this flaw, the organization has struggled to put its policies into practice when dealing with governmental barriers and upholding its duty and responsibility to safeguard the environment. Another crucial point is that the Afghan legal system does not recognize environmental rights violations as grounds for legal action. At the very least, this harm cannot be prosecuted as an "environmental violation" but rather must be seen in the context of the titles associated with civil responsibility, establishment, and demand. The concept of "litigation in the public interest" has been proposed as a solution to this issue in the Indian legal system. In accordance with this process, even if she is not one of the primary victims as a private plaintiff, any individual, natural or legal, may bring a lawsuit to stop environmental devastation. Due to this, the roles of both natural and legal individuals in environmental preservation have grown significantly. This approach also has the benefit of making up for the lack of support from government agencies in the battle against environmental contamination [WHO 2020].

The legal system hasn't established a process in this area. The existence of an interest and a position, as per the general principles governing the filing of lawsuits in courts, is one of the essential requirements for filing legal claims. Legal scholars have also outlined the requirements for determining whether an interest exists or not, which include that the interest should comprise: 1. Righteous and legitimate. 2- Came into being and persisted. 3. Most importantly, it should be straightforward and personal

[Parandjani et al. 2014]. The only people who can initiate a case in this area, for instance, are those who have directly and personally suffered as a result of environmental pollution. For instance, if environmental pollution happens in the province of Balkh, persons from the west of the nation cannot sue and demand compensation from the victim unless they can show that they have been directly and personally harmed by the pollution. There will be significant issues with the proof of this.

Citizens might avoid the burdensome task of establishing the guilt of environmental lawbreakers by adhering to the idea of absolute responsibility. However, a review of Afghanistan's judicial past reveals that, regrettably, our nation's judiciary has not been able to adequately address this issue, which is currently one of the greatest global issues. Even in certain instances, the jurisprudence favors defending the executive branch's control over polluters over compliance with environmental protection laws, using the reasoning that putting in place a system to stop environmental pollution or transform the environment as a defense. The government should issue a restraining order to the plaintiff since the location of the workshop requires a significant amount of money that is out of their reach. If the factory closes, the workers will lose their jobs, and the government will face difficulties.

4.6 Air Pollution and Traffic as a Result of Violation of Urban Planning Regulations

Significant air pollution poses a substantial risk to public health, depriving all living things of pure air. People who are involved in the construction of high-rise buildings present inanimate factors, such as cars, as the primary factor and omit to address whether changes in extensive uses, an increase in the population of urban surplus, and disregarding the rules of urban development, all of which are linked to an increase in vehicles and violate the mandatory regulations of urban development. Is it not regarded as the primary factor? Shouldn't we discuss the poor leadership of those responsible for converting cities into enormous gas chambers of poison? The perusing intellect looks for the root of the problem and queries the filthy hands. The reality is that the formation of unregulated cities in the civilized nation of Afghanistan and significant deviations from the laws and regulations of urban planning are what lead to deaths from air pollution, not chance or fate. The city and the law have a long history of coexisting. Cities are a symbol of the development of tolerant culture, a mark of human intellectual maturity, and the start of the era of human habitation. Afghanistan's urbanization has a long history. The world is proud of the environments that Afghans have created. In addition, the current generation is writing history. Will future generations be able to boast about the accomplishments of their ancestors?

Cities that are progressive are those where citizens actively participate in public and development programs, as well as where wise management plans well and follows the law. In these cities, the municipality does not operate as a business selling the city's laws as a commodity. Negotiating urban development norms, including density, usage, and building licenses, is a practice that is unworthy of civilized society. These actions reduce our nation's cities to a collection of anonymous structures. Roads, public areas, and urban infrastructure are not accommodating to the huge metropolitan population, especially the disabled. High-rise buildings are like an arrow to the center of urban development, and they will have irreparable negative effects, especially on the disabled. This unsettling phenomenon results in the breakdown of the urban planning system and fuels social injustice, crime, and corruption.

For large cities, high-rise construction is not regarded as a profitable venture. Those who practice this perilous heresy, which illegally impregnates towns, have chosen the most harmful strategy for apparent development. They have not yet acknowledged their errors or expressed regret to the public, particularly the disabled. Such managers should be disciplined since they are guilty and deserving of punishment on both the administrative and criminal sides of the law.

According to certain well-known Afghan law scholars, any agreement between the mayor and the applicant for construction permission to heighten the structure (selling of building density) in exchange for no payment is illegitimate and invalid. From a legal standpoint, this arrangement and getting any money from the mayor counts as bribery and is punishable under the law. In order to protect the basic rights of the citizens of the society, such as the right to life and the right to welfare and comfort, the government was established. The right to a healthy environment is one of the rights cited in the constitution, and customary law outlines the responsibilities of public officials in preserving it. Environmental pollution and accessibility issues for individuals with disabilities have been brought on by improper planning systems and organized, pervasive violations of urban planning regulations. In reality, the government has failed to carry out its obligations efficiently and has not used its authority to punish lawbreakers.

Plans for urban development in various Kabul neighborhoods not only do not take into account the material, spiritual, and physical demands of the residents but are also harmful to them, especially the disabled.

Does the construction of residential units in various locations, at least by government organizations, take into account the needs of the weakest and most vulnerable segment of society—the disabled? Undoubtedly, the answer is negative. While Kabul struggles with a shortage of water resources, on the one hand, the absence of a sewage system turns the city into a sewage lake, especially during the rainy season, and the issue of rubbish has become a major concern due to its growing accumulation and density. Additionally, it makes it possible for everyone to enter the area, including pedestrians, cyclists, and the disabled sector of society.

The harm brought on by various forms of environmental contamination is the responsibility of the municipality and the state. But none of us have realized our shared obligation to our compatriots with disabilities. Both in the government, private, and personal sectors of the urban construction industry, as well as in the legal and judicial sectors. The people and defense attorneys can offer and pay compensation and dowry to the relatives of the victims brought on by the environmental pollution of cities, as well as pursue damages for the issues and losses brought on by the city's difficulties and facilities for the disabled and disabled. They can file cases based on the legal and legal powers provided by the constitution, civil law, and environmental law, based on the rights of citizens, after the facilities and conveniences of traveling or staying and halting are established.

5. Conclusion

Urban planning regulations must be adhered to and approached differently in order to be successfully managed. The legislative will supersedes managerial desires in a civilized society, and the rule of law triumphs over authoritarianism. Stopping improper practices and extensive legal infractions in the area of urban management is important to put an end to the disorder and remove the pollution. The three powers and legislation must also be called upon to restore the lost order. Afghanistan's citizens deserve to live in cities that are secure, orderly, affluent, and environmentally sustainable. On the other hand, regulations pertaining to housing and urban development, urban services, the environment, and, most significantly, laws pertaining to our nation's crippled and handicapped citizens should all be examined and amended in accordance with their basic and daily needs; to reduce or solve the issues of a wheelchair in their houses, city, workplace, and public places should be considered to address the issues brought on by their stopping and moving about the city, in workplaces, at their homes, etc.

Losses brought on by settling on a portion of the property without taking environmental needs into account will be irreparable. Two basic needs that humans have are:

1. The requirement for suitable housing and shelter
2. The requirement for a healthy and secure environment.

Cities, which are the most significant human habitats, have failed to adequately provide these two needs or strike a balance between them. One of the main causes of the self-centeredness of mayors and city planners and the encroachment on the environment and agricultural areas is the absence of citizens from the process of urban development and urban administration. To put it another way, protecting citizenship rights and upholding environmental standards are strongly related. The standard of urban life will increase, and the general populace will be more satisfied if urban spaces are designed to suit city dwellers' tastes and their participation is increased in accordance with the principle of local democracy. As a result of the conflict, the country's natural conditions, and other factors, there are more disabled individuals in Afghanistan than ever before. However, none of the country's current laws have taken these factors into consideration.

As a result, transforming people from law-abiding citizens without rights to citizens with rights necessitates educating the public about urbanization's requirements and encouraging the belief in entitlement rather than obedience and indifference, even though the law of publication and free access to information provides general knowledge and is a crucial first step. Although it is seen as a citizen-centric approach, the involvement of citizens in the processes of urban planning and development is quite minimal. The foundation for developing green cities that are in line with environmental requirements will come from advancing the idea of building an ecological civilization, bolstering the legal standing of non-governmental organizations, attempting to establish the rule of law, and bringing criminal charges against negligent managers.

6. Recommendation

People with disabilities were less prevalent in society and had fewer demands in previous years. However, many of these individuals nowadays are well-educated and active in the social field.

The city management should put in places where the mobility of the disabled won't be restricted in order to guarantee the peace, security, and well-being of the physically and physically disabled. This calls for creative and inventive planning in the area of urban problems. In essence, a nation's ability to develop rests on its ability to utilize the full potential of its citizens' abilities and talents. The proposal that is described below is intended for this.

- 1- Amending the law to address the needs of the disabled in public spaces and passages, such as roads, sidewalks, parks, stairways, repairs, facilities, offices, etc., in order to ensure their right to access such facilities with ease.
- 2- The environmental law was modified, and special instances were included in accordance with the unique mental and physical characteristics of the disabled and blind in order to address their issues in various urban environments.
- 3- Modifications to the Urban Planning and Dwelling Law to provide facilities and ease of stopping in stairways, lofts, hallways, and other areas to produce adequate housing for the disabled.
- 4- Modifications to the traffic code to make it easier and grant disabled people particular privileges when using the road and sidewalks, etc.

- 5- Modification of the penal code law to protect the disabled and deal with those who break the laws that have been established for their benefit.

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