



RIGHT TO LIFE IN CLEAN ENVIRONMENT IN INDIA

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ABSTRACT:**KEYWORDS:****INTRODUCTION:**

In its origin, the problem of environmental pollution is not new. It has existed since the emergence of Homo sapiens on Earth and was recognized by Plato 2500 years ago. However, some aspects of the problem of environmental preservation and its management have actually changed in the present. The scope of society's contact with nature now is so great that environmental issues are now widely acknowledged as having an impact on all of humanity. A few of the factors that have contributed to environmental collapse around the world include industrialization, urbanization, population explosion, destitution, overuse of resources, consumption of conventional energy resources and unrefined components, and the search for new sources of energy and natural resources. While man's technological and scientific advancements have given him enormous control over nature, they have also led to his mindless exploitation of the environment, which continues unabated.

To live in a healthy environment is a basic human right. Because of the country's extreme need, the developmental cycle needs to be hurried up, but we can't do it at the price of the environment because that would endanger both the current generation and the one that will follow. "Sustainable development" is an urgent issue of paramount importance. "Sustainable development" refers to any development that solves the problem of the present without jeopardizing the ability of people to solve their problems in the future. Human beings are currently without a doubt at the centre of the search for sustainable development because our own survival depends on a relatively small number of environmental conditions.

It is not only a fundamental human right, but it also upholds human dignity to live in a clean environment. If applied, the idea of sustainable development is one such strategy that can guarantee everyone's fundamental right to a life of dignity.

MEANING OF ENVIRONMENT

The environment includes things like air, water, food, and daylight. The environment has an impact on all living things, including plants and trees. Numerous demands of existence are partially met by the environment. In light of this, it is possible to define the environment as life's emotional support system.

The term "environment" is defined in Section 2(a) of the Indian Environment (Protection) Act, 1986 as including water, air, and land as well as people, other living things, plants, microorganisms, and property.

However, the phrase "environment" includes all or any of the accompanying media, specifically, air, water, and land, and the mode of air includes the air inside the structures and the air inside other regular or synthetic designs above or below ground, according to Section 1(2) of the Environment Protection Act, 1990 of the United Kingdom.

THE PREAMBLE OF THE CONSTITUTION AND ENVIRONMENT PROTECTION

The Indian people earnestly pledge to establish India as a socialist nation, according to the Preamble of the Indian Constitution. This proves that our Constitution gives us the right to a socialist social structure attempting to address and address society problems first, rather than focusing on personal issues. What is best for the general population is crucial in this situation.

One of the primary social issues that need attention is the presence of pollutants in the atmosphere that are beyond the allowable limit. In addition to destroying the environment every day, it also abuses the health of living things.

The Preamble's main goal is socialism, which the state must accomplish through enacting strict regulations to rid the environment of all sorts of pollution. The state also has a duty to ensure that all living things have access to a good level of living in addition to a pollution-free environment.

All Indian citizens want to ensure their independence, which also entails ensuring justice. Justice can be understood and pursued in a variety of ways. Consequently, citizens are entitled to environmental justice. The lives of living things are more at risk due to the environment's growing degradation, hence protecting the environment is becoming increasingly important in everyday life because failing to do so would seriously endanger the environment as a whole.

ENVIRONMENT AS A BASIC RIGHT

After the Second World War, the idea of human rights in general evolved, but the right to a healthy environment as one of those rights was never given precedence. This right is a new idea that is currently the subject of intense discussion in the human rights community. For both humans and other animals on the globe, a healthy environment is a crucial component of the right to life. Therefore, a violation of the fundamental right to life could also constitute a violation of the right to a healthy environment.

The lives of current and future generations may eventually be in jeopardy if the environment deteriorates. In India, the right to life has thus been exercised in a variety of ways. It covers, among other things, the right to life, the right to a good quality of life, the right to be treated with respect, and the right to a living. This has been expressly acknowledged as a constitutional right in India. "No individual shall be deprived of his life or personal liberty unless pursuant to procedures provided by law," declares Article 21 of the Indian Constitution. The Supreme Court increased this wrongdoer's right in two different ways. First and first, any legislation that restricts personal freedom must be equitable, fair, and reasonable. Second, the Court acknowledged a number of implicit freedoms that were inferred by article 21. The Supreme Court defined the right to life and personal liberty to include the right to a healthy environment using this second approach.

RIGHT TO LIFE AND ENVIRONMENT PROTECTION

The constitutional right to life is guaranteed by Article 21. According to this, no one's right to life or personal liberty may be taken away from them until legal procedures are followed. This section is subject to exception and is governed by law, which varies from case to case, according to one interpretation of the phrase "unless in accordance with procedures established by law."

The clause has been given a negative impact because it starts with the word "no." However, this clause has been positively interpreted in the post-Maneka era, and it now imposes an obligation on the state to ensure that this law is properly implemented.

In addition to the basic essentials of life, such as food, shelter, clean water, and clothing, the right to life also encompasses the right to live in dignity. The right to life includes the ability to live in a decent and safe environment free from danger to one's life. An environment must be free from all viruses and diseases.

This is important because providing the right to life would be pointless if it were not possible to live in an environment that is free from sickness, filth, and danger. In the case of Rural Litigation and Entitlement Kendra, Dehradun v. State of Uttar Pradesh, where the petitioner and other citizens wrote to the supreme court expressing their views against the progressive mining that stripped the Mussoorie hills of trees and forests and caused soil erosion, it is clear that this aspect of Article 21 has been discussed. As a result, the ecology was negatively impacted, landslides occurred, and subsurface water systems were blocked.

The Hon'ble Supreme Court instructed the registrar to treat this letter as a writ submitted in accordance with Article 32 of the Constitution.

The Supreme Court constituted an expert group to provide some technical advice to the Honorable court on this matter. The court ordered the closure of the limestone quarries because it was violating the right to life and the right to personal liberty, based on the expert committee's report. Quarrying operations cause ecological deterioration, as well as air and water pollution, which significantly impacts people's quality of life.

The Rajasthan High Court ruled in L.K. Koolwal v. State of Rajasthan and Others that Article 21 of the Constitution covers preserving environmental, sanitary, and health standards. Because failing to do so may negatively impact the lives of many individuals and cause gradual poisoning in addition to shortening a citizen's life.

In Charan Lal Sahu v. Union of India, it was determined that the state's responsibility is to take reasonable and decisive action to uphold and defend constitutional rights protected by Articles 21, 48-A, and 51-A (g).

According to M.C. Mehta v. Union of India, the environment in and around Delhi was severely polluted as a result of stone-crushing operations. The court was aware of the unavoidable outcomes and ecological issues brought on by industrial activity in the nation. It is not acceptable to allow the ecology to deteriorate and the amount of pollution to rise to the point where it poses a threat to everyone's health in the name of environmental progress. Additionally, it was decided that everyone has a right to clean air to breathe and a healthy environment to live in.

Additionally, the judiciary expanded the jurisdiction of article 21 to encompass the right to a living. Along with the right to life, it also protects citizens' ability to support themselves. The article's more expansive interpretation has proven useful in maintaining a strict check on the behaviour and actions of the government in the context of the steps taken by the authorities to protect the environment. It is also helpful in maintaining control over state actions that may have a significant negative impact on the environment, people's health, and threats to the poor's ability to support themselves.

FUNDAMENTAL RIGHTS AND THE RIGHT TO A CLEAN ENVIRONMENT

The right to life, protected by Article 21 of the Indian Constitution, is the most important elemental right. According to the article, the right cannot be eliminated unless it is done in accordance with the legal process. The Indian Constitution has a very unique provision known as the right to constitutional remedies that serves to protect this right as well as other fundamental rights.

In accordance with Article 32 of the Constitution, the Supreme Court may issue any further order, direction, or writ necessary to ensure that basic rights are upheld, in addition to writs of mandamus, certiorari, prohibition, or quo warranto.

According to Article 226 of the Constitution, the High Courts are given a comparable authority. In order to determine whether any state instrumentality, agency, or organ has violated or exceeded the scope of the authority granted to it and to ensure that the state and the public fully comply with the requirements of the Constitution and the law under which they are established and perform their duties, the Courts are called upon to exercise this power of review.

ROLE OF THE SUPREME COURT IN ENVIRONMENTAL PROTECTION

Due to the vast array of environmental protection cases the supreme court has heard, numerous decisions have been made that set forth certain guidelines that must be followed before engaging in any action that could endanger the environment. Additionally, other environmental factors have been emphasised by being given great value, such as natural resources. The status of being a natural gift and an essential component of existence has been granted to air and water.

The Supreme Court determined that certain standards must be upheld in order to safeguard the environment while incorporating key elements of the basic right outlined in Article 21.

ENVIRONMENTAL PROTECTION UNDER THE INDIAN CONSTITUTION

RIGHT TO LIFE UNDER ARTICLE 21

The 1980s were a time when the Indian judiciary got more liberal and inventive, according to its history. The relevance of air and water as the most essential gifts of nature for the preservation of life was highlighted in the case of Rural Litigation and Entitlement Kendra vs. State of Uttar Pradesh, 1985. Article 48A and Article 21 were not specifically discussed by the judges. However, this instance is regarded as marking the beginning of the liberal interpretation of Article 21.

In Subhash Kumar v. State of Bihar, 1991, the Supreme Court ruled that Article 21 guarantees the right to a healthy environment. By incorporating environmental protection within the Right to Life, they continued the liberal philosophy that was established in the Rural

Litigation decision and established a broad reading of the term "life" in Article 21.

In Virender Gaur v. State of Haryana, 1994, this stance was once more upheld. It was decided that in order to enjoy life and have a right to a dignified existence, one must also safeguard and preserve the environment, without which one cannot enjoy life.

It is crucial to comprehend how the environment and quality of life are related. Several incidents have been discussed in order to comprehend this.

CONCLUSION

This article starts by emphasising why environmental protection is important and why there is a need to do so, followed in the introduction by the factors that contribute to ecological deterioration. Numerous factors have been identified as important contributors to the country's environmental pollution, human health issues, and severe threats to other species of life.

The term "environment" was not specifically mentioned in the Constitution in the past, and there were no provisions in place to address environmental hazards and control human behaviour that was significantly contributing to the degradation of the environment while purporting to be exercising fundamental rights. The supreme law of the land is the constitution. The environment would so benefit from the inclusion of sections that particularly address environmental challenges.

A remedy for this significant health risk was found in the 42nd Amendment to the Indian Constitution. The first section of the article's provisions highlights those that are the most fundamental. Starting with the Preamble to the Constitution's usage of the phrases "democratic," "socialist," and "republic," as well as its relation to environmental preservation. The duties of the state to safeguard the environment were then discussed because, as a body chosen by the people, it has a duty to serve them. The idea of rights and duties was then discussed, and it was noted that citizens have a right to a healthy environment as well as obligations to safeguard and preserve the environment in which they live.

The necessity of protecting the environment has been emphasised in numerous landmark cases, which have been cited to help make the principle even clearer. Additionally, it can be said that the supreme court has had a significant influence on the development of environmental law. Additionally, fundamental rights are crucial and cannot be violated, but they can be dealt with in accordance with acceptable constraints.

Because a healthy environment encourages good health in more people, there is less resource waste and less need for expensive medical care for individuals, making it crucial to have a healthy environment. The poor suffer the most in these circumstances since they do not have the financial means to take care of their medical needs. In addition, healthy people are priceless assets for the nation since they can greatly boost the GDP, create jobs, and pave the

way for progress by being in good health and physical condition.

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