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RIGHT TO LIVE IN A POLLUTION FREE ENVIRONMENT

INTRODUCTION

Between 200,000 and 300,000 years ago, homo sapiens, the ancestors of modern humans, roamed the planet Earth. Humans have historically been able to survive by existing in environments with clean food, drink, and air. Over the past century, as industrialization and the exponential rise of the human population have increased, environmental quality has been progressively disregarded due to resource exploitation. In addition to destroying natural life, pollution—one of the primary causes of the environment's decline—has deprived people of their basic right to life.

"Everyone has the right to life, liberty, and the security of person," according to the 1948 Universal Declaration of Human Rights (UDHR). The UDHR has been ratified by each of the United Nations' 193 member states.¹ Nevertheless, by permitting environmental degradation, such as pollution, within their borders, many States fail to protect the right to life of their residents. This is due to the fact that permitting pollution lowers the quality of life for residents by restricting their access to environmental resources like clean air and water.

Although the UDHR is not legally binding, other international treaties, such as the International Covenant on Civil and Political Rights, which addressed the right to life under Article 6, and the International Covenant on Economic, Social, and Cultural Rights, make the values and principles contained within this document legally binding. A variety of human rights accords, including the ones previously mentioned, have established fundamental rights that are guaranteed to all people. Furthermore, in interpreting various UN global instruments, the UN has clearly acknowledged the human right to a healthy environment. The UN Human Rights

¹ United Nations, <https://www.un.org> last visited on January 24, 2024

Committee's General Comment No. 36 and the UN Human Rights Council's Resolution 38/11 (2018), which will be covered in more detail below, are the two.

States have an obligation to guarantee that risks to the right to life, such as pollution, are discouraged, in addition to the UN's recognition of the right to a healthy environment as a human right in its resolutions and general remarks. Nowadays, the environment is mentioned in the constitutions of more than 100 states worldwide. This demonstrates the trend of states realising how important it is to protect the environment. Individuals may pursue legal action to safeguard their right to life by holding States legally responsible for pollution that adversely affects their quality of life through the use of international, regional, or constitutional treaties.

HUMAN RIGHTS FRAMEWORK

The Department of Economic and Social Affairs of the United Nations creates 15-year agendas that address issues related to sustainable development. A "shared blueprint for peace and prosperity for people and the planet, now and into the future" is offered by these Sustainable Development Goals (SDGs).² The Sustainable Development Goals (SDGs) address a variety of environmental problems that impede fundamental human rights, including food, shelter, water, and mobility.

As they offer several avenues of action that might be pursued to address these theme challenges, these aims are intended to serve as a guide for UN Member States. States are not required to implement the policies established by the Sustainable Development Goals (SDGs)³, even though they offer avenues for action to improve the right to life of their population. However, it is impossible to ignore the significance of the SDGs. If States follow through on these objectives, the environment is preserved while also contributing to the improvement of residents' quality of life. This permits humans and environment to coexist peacefully without causing the quality of either to decline.

ENVIRONMENTAL FRAMEWORK

² Ohchr, <https://www.ohchr.org> last visited on January 25, 2024

³ The Danish Institute for Human Rights, <https://sdg.humanrights.dk> last visited on January 25, 2024

Environmental action has gained global prominence within the past century. As stated in the Stockholm Declaration of 1972, "environmental protection as a pre-condition for the enjoyment of many human rights" was acknowledged at the Stockholm Conference. This principle highlights the relationship between environmental quality and human well-being, meaning that actions that lower environmental quality, such as environmental pollution, will also have a negative effect on human well-being. For the first time, "efforts were made to explore" at the Stockholm Conference.

Many countries were impacted by the Stockholm Conference; as a result, "nearly 60 countries have environmental rights enshrined in their constitutions." The Conference also led to a rise in the practice of courts interpreting "environmental rights," most frequently a "right to life," into constitutions that do not specifically include them. Southern Asian state courts, such as those in India, Nepal, and Pakistan, will observe this pattern.

CONCLUSION

The cases included in this thesis are from State, regional, and international courts; these include instances that have been heard by State Supreme Courts, the African Commission on Human Rights, the European Court of Human Rights, and the UN Human Rights Committee. This demonstrates how the thesis's assertion—that when environmental degradation occurs, one may use the substantive right to life to pursue legal action—can be successfully supported in a number of ways. Using state constitutions to establish a violation of the right to life in the event of environmental pollution was the main strategy used in Asia to pursue legal action. Using a convention, the European Community's regional court (ECtHR) was the venue for the legal action in Europe. International law is another avenue to accomplish the same goal, as demonstrated by other parts of the world where legal action is not limited to those two approaches. There are numerous avenues in which people can claim that pollution has violated their right to life. Through legal action, people can rely on government responsibilities, compensation for victims, or by requesting that the Court do activities aimed at mitigating ongoing suffering.