



RIGHT TO LIVE IN POLLUTION FREE ENVIRONMENT

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ABSTRACT

Human dignity, health, and well-being are fundamentally based on the right to live in an environment free from pollution. This abstract delves into the legal frameworks and constitutional consequences surrounding this essential right, highlighting its increasing global recognition as countries face the mounting difficulties of climate change and environmental degradation. Utilizing international treaties, court precedents, and constitutional law, this abstract examines the developing body of legal precedent that upholds the right to an environment free from pollution. It looks at how this right has been interpreted and utilized by different legal systems, acknowledging the intersections it has with other fundamental rights including the right to life, health, and a clean environment. This abstract also explores the role that the courts, civic society, and political institutions play in defending this right. It emphasizes how crucial it is to have strong environmental laws, reliable enforcement systems, and public involvement in environmental decision-making. The abstract also addresses the difficulties and possibilities in converting the right to a pollution-free environment into practical laws and procedures. It examines cutting-edge methods of environmental governance, such as integrating pollution prevention strategies, environmental impact assessments, and sustainable development ideas into legal frameworks.

KEYWORDS: HUMAN DIGNITY, HEALTH, POLLUTION, ENVIRONMENT.

INTRODUCTION

The right to live in a pollution-free environment has become a top priority for civilizations all over the world in an era of unparalleled environmental problems. The deterioration of air, water, and land poses a threat not just to ecosystems but also to human health, means of subsistence, and fundamental rights. This introduction lays the groundwork for a discussion of this fundamental right's constitutional elements, outlining its importance, underlying legal principles, and ramifications for social justice and environmental governance. Diverse legal traditions and international agreements resonate with the idea that a pollution-free environment is a human right. There is a growing understanding of the fundamental connection between environmental quality and human well-being, from the right to a healthy environment guaranteed by national constitutions to the principles stated in international treaties like the Paris Agreement and the Universal Declaration of Human Rights. Even so, millions of people worldwide still struggle to effectively realize this right, especially marginalized communities that bear a disproportionate amount of the burden of pollution and environmental degradation. In light of this, the purpose of this article is to examine the institutional and legal structures that support the right to an environment free from pollution. It examines the developing body of legal precedent pertaining to this right, looking at significant court rulings, proposed laws, and grassroots activities that have pushed for its acceptance and upholding. Furthermore, it highlights the interconnectedness of human rights in the face of environmental catastrophes by examining how environmental rights interact with other fundamental rights including the right to equality, health, and life. This essay also explores the roles that international organizations, governments, and members of civil society play in defending and advancing the right to an environment free from pollution. It evaluates the effectiveness of current environmental laws and regulations, looks for weaknesses in the systems that enforce them, and finds ways to improve environmental governance locally, nationally, and internationally. Additionally, it looks at cutting-edge methods of achieving environmental justice, such as incorporating community-based conservation, indigenous knowledge, and democratic decision-making into the formulation of environmental policies. This study concludes by arguing that the right to a pollution-free environment is both a legal and moral necessity, rather than only an idealistic one.

LITERATURE REVIEW

The body of research on the right to an environment free from pollution goes beyond national boundaries and includes comparative studies, international legal assessments, and views from various cultural backgrounds. This study highlights differences in institutional systems, legal frameworks, and cultural attitudes regarding environmental rights and duties by looking at studies from a variety of geographical situations.

Regional agreements like the European Convention on Human Rights and the Treaty on the Functioning of the European Union have elevated the right to a pollution-free environment in Europe. In order to combat transboundary pollution and environmental degradation, European Union directives and rules create environmental standards and encourage cross-border collaboration. Furthermore, the European Court of Human Rights has rendered significant rulings that highlight the connection between environmental preservation and human rights by confirming that the right to a healthy environment is inalienably linked to the right to life as well as to private and family life.

Constitutional clauses and legal precedent have been crucial in furthering environmental rights and expanding access to justice for environmental complaints throughout Latin America. The rights of nature are protected by the constitutions of nations like Ecuador and Bolivia, which acknowledge ecosystems as objects of legal rights and provide individuals and environmental groups the ability to file lawsuits on behalf of the environment. Additionally, the Inter-American Court of Human Rights has rendered decisions that establish precedents for regional environmental jurisprudence by upholding the right to a healthy environment as essential to the defense of indigenous rights and human dignity.

STATEMENT OF PROBLEM

1. **Environmental degradation and public health:** Air, water, and soil quality are continuously being deteriorated by pollution from industrial processes, transportation, agriculture, and waste disposal, which poses serious dangers to people's health and welfare. The disproportionate burden of pollution-related illnesses and environmental risks falls on vulnerable communities, such as low-income areas, indigenous people, and marginalized groups. This perpetuates health inequalities and socioeconomic disparities.
2. **Climate Change and Environmental Resilience:** Extreme weather events, sea level rise, and natural catastrophes are becoming more frequent and intense due to climate change, which intensifies environmental vulnerabilities. The need for adaptation and resilience-building strategies is critical because vulnerable populations, especially those in low-lying coastal areas and tiny island nations, face increased risks from relocation caused by climate change, loss of livelihoods, and environmental degradation.

OBJECTIVE OF STUDY

1. **Examine the Legal Framework:** Consider the various legal frameworks that are in place regarding the right to a pollution-free environment, such as international accords, national constitutions, and environmental legislation. Examine the suitability, efficacy, and procedures for enforcing these laws in addressing pollution, protecting the environment, and defending environmental rights.
2. **Analyze Institutional Capabilities:** Look at the governance frameworks and institutional capacities in charge of carrying out and upholding environmental laws and policies. Determine the inadequacies, inefficiencies, and obstacles to efficient environmental governance, such as resource limitations, bureaucratic stagnation, and regulatory capture.

HYPOTHESIS

More environmental protection, better enforcement of environmental laws, and more fulfillment of the right to a pollution-free environment would result from strengthening institutional capabilities, legal frameworks, and socio-political systems for environmental governance.

FEATURES

1. **Policy Impact:** By offering evidence-based suggestions to decision-makers at the local, national, and international levels, the research can assist in the formulation and revision of policies. The study can aid in the creation of more just and efficient environmental regulations by pointing out weaknesses in the current frameworks for environmental governance and emphasizing excellent practices.
2. **Legal Reform:** The research might result in changes to the legislation that would make environmental regulations stronger, improve enforcement strategies, and encourage the acknowledgement and defense of the right to a pollution-free environment. The study can contribute to the legal acknowledgment of environmental rights and promote greater accountability for environmental harm by examining legislative measures and court decisions.
3. **Community Empowerment:** The study can enable marginalized groups to speak out for their rights to the environment and take part in decision-making processes by interacting with impacted communities and elevating their voices. The study can aid in bridging the gap between policy goals and on-the-ground reality by emphasizing community opinions and experiences, which will result in more inclusive and responsive environmental governance.
4. **Environmental Justice:** By identifying trends in environmental injustice, discrimination, and disparities, the research may help to advance environmental justice. In order to resolve environmental inequities, advance social fairness, and guarantee that everyone has equal access to a healthy environment, the research can assist by identifying hotspots for environmental degradation, populations at risk, and structural obstacles to justice.
5. **International Cooperation:** The research can encourage more international cooperation and collaboration in tackling global environmental concerns by looking at international treaties, agreements, and systems.
6. **Public Education and Awareness:** The study has the potential to increase public understanding of the significance of the right to an environment free from pollution and the connections between environmental problems and social justice, public health, and human rights. The study can encourage increased public participation and support for environmental conservation and sustainability programs by sharing research findings through public outreach, media engagement, and educational initiatives.

JUDICIAL INTERPRETATION AND LAND MARK JUDGEMENTS

1. **Union of India v. Vellore Citizens Welfare Forum (1996):**

In this historic decision, the Indian Supreme Court upheld Article 21 of the Constitution, which protects the rights to life and personal freedom, and declared the right to a pollution-free environment to be a fundamental right. The court stressed the significance of the "polluter pays" principle in environmental law and declared that companies had a duty to prevent pollution and respect environmental standards.

2. **Union of India v. M.C. Mehta (1987–present):**

Environmental activist M.C. Mehta has brought many public interest lawsuits (PILs) before the Supreme Court of India to address environmental problems such as hazardous waste management, water pollution, and air pollution. Historic rulings in these instances have led to the protection of environmentally delicate places, the shutdown of companies that cause pollution, and the installation of pollution control measures.

3. **Union of India v. Indian Council for Enviro-Legal Action (1996):**

In this instance, the Supreme Court ordered the shutdown of tanneries that were seriously polluting the Ganges River near Kanpur. The court found that companies must abide by environmental standards in order to prevent harm to the environment and public health, and it stressed the need of preserving water bodies from pollution.

4. **State of Bihar v. Subhash Kumar (1991):**

In this instance, the Supreme Court discussed the problem of illicit quarrying and mining in Uttarakhand's Mussoorie highlands. The court ruled that the state government must intervene to stop illicit mining operations and safeguard the area's delicate ecosystem, emphasizing the necessity for sustainable growth and environmental preservation.

5. **In the 1996 Taj Trapezium Case, MC Mehta v. Union of India:**

The Taj Mahal was being deteriorated by air pollution from nearby businesses, so the Supreme Court created the Taj Trapezium Zone (TTZ) and put strict pollution control measures in place to save the monument. This lawsuit brought to light the significance of environmental preservation and historical conservation in India.

ISSUES

1. **Air pollution:** Vehicle emissions, industrial processes, building dust, and biomass burning are the main causes of India's extreme air pollution levels in many of its cities. Millions of people are at serious danger for respiratory illnesses, cardiovascular issues, and early mortality due to high concentrations of particulate matter, sulfur dioxide, nitrogen dioxide, and other pollutants.

2.

Water pollution: In India, one of the biggest environmental problems is the contamination of rivers, lakes, and groundwater supplies. Untreated sewage, agricultural runoff, inappropriate waste disposal, and industrial effluents all contribute to water pollution, which has an impact on aquatic ecosystems, human health, and water quality. Despite several pollution control methods and cleanup initiatives, the contamination of rivers like as the Yamuna and Ganges is especially concerning.

3. **Waste Management:** The lack of effective infrastructure and techniques for waste management in India results in widespread littering, open dumping, and incorrect disposal of solid waste. In addition to damaging land, water, and air and accelerating the spread of illnesses and environmental deterioration, municipal solid trash, plastic pollution, electronic waste, and biomedical waste pose health and environmental risks.

4. **Deforestation and Habitat Loss:** India's unique biodiversity and natural ecosystems are under risk due to deforestation, encroachment on forest land, and habitat damage. Infrastructure development, agricultural growth, urbanization, and industrialization all contribute to habitat degradation, loss, and fragmentation, putting plant and animal species at risk and jeopardizing ecosystem services that are essential to human well-being.

CONCLUSION

Ensuring the health of people, advancing sustainable development, and guaranteeing the welfare of current and future generations all depend on the right to an environment free from pollution. Like many other nations, India is confronted with a plethora of environmental issues that pose a danger to public health, environmental sustainability, and socioeconomic progress. These issues, which range from waste management, deforestation, climate change, and the depletion of natural resources to pollution of the air and water, demand immediate attention and coordinated action from all facets of society.