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## Harmonising humanity and habitat: The convergence of human rights and environmental law

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### Abstract

This article intricately explores the dynamic interplay between the hallowed realm of human rights and the ever-evolving sphere of environmental law. It elucidates the increasingly acknowledged and symbiotic relationship between these legal paradigms, emphasizing the categorical imperative of seamlessly integrating human rights tenets into the tapestry of environmental decision-making processes. In doing so, it underscores the cardinal role played by environmental jurisprudence in steadfastly upholding and vindicating the sacrosanct domain of human rights. Human rights and environmental law, akin to entwined vines, exhibit an indelible intertwining, mutually fortifying each other's foundations. Both are fundamentally geared towards the solemn mission of acknowledging and fortifying the edifice of human well-being. It is manifestly evident that numerous international and national entities, including governments, have formally acknowledged and consecrated the intrinsic nexus between environmental regulatory frameworks and the sacred precincts of human rights. Given their shared aspiration to elevate the human condition, the synergy between human rights and environmental conservation becomes palpable. This interconnection is most conspicuously illustrated in the juridical amplification of the right to life, ingeniously extending its purview to encompass the right to an environment imbued with salubrity. This treatise adeptly navigates the pivotal crossroads where the venerable pathways of human rights and environmental law converge, forging an indispensable alliance in safeguarding and advancing the wellspring of human welfare. The profound interplay between robust environmental guardianship and the untrammelled realisation of human rights is incontrovertible. This intricate interplay not only serves as a catalyst for sustainable development but also buttresses the scaffold of human rights jurisprudence, effectually broadening its embrace to encompass the hallowed precincts of environmental stewardship. The inseparable intertwining of the environment and human rights unequivocally posits that the true protection of human rights flourishes in harmonious concert with the vigilant preservation of the environment. In the context of India, the judicial echelons evince an acute cognizance of the indissoluble bond binding environmental preservation to human rights. They astutely apprehend the irreplaceable value of environmental endowments. Consequently, Indian courts tenaciously endeavour to bridge the divide, seamlessly harmonizing the tapestry of environmental statutes with the lofty principles of human rights. Notwithstanding the proliferation of environmental legislation in the Indian legal landscape, the tenacious spectre of environmental challenges endures. To translate aspirations into tangible progress, it becomes imperative that laws are not mere formulations but vibrant instruments, rigorously enforced and subjected to constant judicial scrutiny. Recognizing this irrefutable imperative, the Law Commission of India, in its 186th opus, vigorously championed the establishment of dedicated environmental tribunals, presided over by specialized jurists endowed with the acumen to adroitly adjudicate environmental disputes. The establishment of such judicial bastions is an exigent desideratum whose time has come. It is an era of enlightenment, where the recognition dawns that those who precipitate environmental degradation concurrently trample upon the hallowed precincts of fundamental human rights. The pivotal nexus between environmental despoliation and the infringement of human rights imperatively beckons us to embrace it, resolutely confronting and redressing this discord with unwavering determination.

**Keywords:** Environment, cognizance, human right, conventions, case laws, law commission

### Introduction

The article delves into the intricate interplay between human rights and environmental law, elucidating the increasingly acknowledged symbiotic relationship between these two legal spheres. It underscores the imperative of integrating human rights principles into environmental decision-making processes, underscoring the role of environmental law in upholding human rights<sup>[1]</sup>.

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Human rights and environmental law are inherently intertwined and mutually reinforcing, both fundamentally oriented towards recognizing and enhancing human well-being. Numerous international and national entities, including governments, have formally recognized the intrinsic connection between environmental regulations and human rights. Given their shared goal of elevating the standard of living, the synergy between human rights and environmental preservation is evident. This connection is notably exemplified in the judicial expansion of the right to life to encompass the right to a healthful environment<sup>[2]</sup>. In sum, this article navigates the vital intersection of human rights and environmental law, where their convergence is pivotal in safeguarding and advancing human welfare.

### **An overview of Environmental Law**

Environmental law comprises a multifaceted assemblage of statutes, regulations, and legal frameworks that fundamentally revolve around the governance of human interactions with the natural world and its intricate ecosystems. Though the diverse facets of environmental law may seem disparate, their collective purpose converges on averting environmental harm and ensuring the efficacious custodianship of the environment and its myriad ecosystems. Notably, environmental laws encompass a broad spectrum, encompassing safeguards for natural resources such as land, water, minerals, forests, and air, thereby epitomizing a comprehensive legal regimen to preserve the environment<sup>[3]</sup>.

The quintessence of environmental law transcends mere protection of flora and fauna within the larger ecosystem; it inherently safeguards the well-being of humanity itself. The promulgation, enforcement, and explication of the myriad conventions and statutes proffered by nations and international entities worldwide are paramount to forestalling infractions that pose an existential peril to the environment, and by corollary, to the human species.

### **International Environmental Conventions and Treaties**

**United Nations Framework Convention on Climate Change (UNFCCC):** The UNFCCC<sup>[4]</sup> constitutes a cornerstone in addressing global climate change. Its overarching objective, articulated in Article 2, is to stabilize atmospheric greenhouse gas concentrations at levels averting perilous anthropogenic perturbation of the climate system. Temporal targets are guided by scientific, technical, and socio-economic considerations. Article 3 of the UNFCCC prescribes modalities for convention implementation, emphasizing the tenets of common yet differentiated responsibilities and respective capacities among nations. Article 4 delineates commitments of developed country parties, including greenhouse gas mitigation, financial support for developing nations, technology transfer, and capacity building.

**The Kyoto Protocol:** Forged in 1997 under the UNFCCC's aegis, the Kyoto Protocol established binding emissions reduction targets, albeit asymmetrically applied to a subset of developed nations referred to as Annex I Parties. This cohort encompasses OECD member states and transitional economies. Through the Protocol, quantified emission reduction commitments were individuated for each Annex I Party, premised on historical contributions to greenhouse gas emissions. This instrument constituted a pioneering stride in the realm of international environmental law,

underscoring collective resolve to combat climate change<sup>[5]</sup>.

**The 2015 Paris Agreement:** Delineates meticulously structured mandatory and discretionary commitments pertaining to the mitigation of greenhouse gas emissions, resilience against adverse climatic impacts, and transparent reporting mechanisms for action implementation. It establishes a financial mechanism, predominantly reliant on voluntary contributions from developed nations, aimed at fostering emission reductions and enhancing adaptive capacity, with particular emphasis on robust reporting obligations. Operationalised through five-year cycles, the Agreement aspires to expedite the attainment of a worldwide emissions peak and endeavours to render the planet climate-neutral by mid-century. This legal framework embodies a cooperative global endeavour to combat climate change, anchoring paramount significance in collective mitigation and adaptation actions.

### **Basel Convention-Adoption and Objectives**

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, enacted on 22 March 1989 in Basel, Switzerland, serves the pivotal aim of curbing the cross-border transportation of hazardous waste from developed to less developed nations. Its core objective is to ensure the safe disposal of such waste as proximate to its point of generation as possible. The Convention boasts 189 parties, though it is notable that both Haiti and the United States have signed but not ratified it. Additionally, it should be underscored that the Convention does not encompass the regulation of radioactive waste movements.

**Conference of the Parties (COP):** Established pursuant to Article 15, the COP serves as the governing authority of the Basel Convention. Comprising governments of signatory nations, the COP advances Convention implementation through resolutions and decisions emanating from its sessions. It undertakes critical roles in overseeing and evaluating the practical realization of Convention principles.

**Rotterdam Convention-Adoption and Objectives:** The Rotterdam Convention, adopted in 1998 and enforced on 24th February 2004, fundamentally seeks to foster shared responsibility and collaborative efforts among Parties with respect to the international trade of certain hazardous chemicals. These efforts aim at safeguarding human health and environmental integrity. The Convention facilitates information exchange regarding hazardous chemicals, engenders national decision-making mechanisms for their import and export, and disseminates these determinations to Parties. The Convention encompasses pesticides and industrial chemicals that Parties have either banned or substantially restricted due to health or environmental concerns, and these chemicals are subject to the Prior Informed Consent (PIC) procedure<sup>[6]</sup>. The Rotterdam Convention imposes legally binding commitments for the implementation of the PIC procedure, reinforcing transparency and accountability in the international trade of hazardous chemicals.

**The Montreal Protocol:** Established on 26 August 1987 in Montreal, Canada, and operationalised on 26 August 1989, represents a seminal international accord meticulously crafted to safeguard the Earth's ozone layer. This treaty

assumes a paramount position as a multilateral environmental agreement governing the production and utilisation of nearly 100 synthetic compounds, denominated as ozone-depleting substances (ODS). It orchestrates a phased cessation of ODS production, rendering it an exemplary instrument for ozone layer preservation. Central to the Montreal Protocol is the creation of the Multilateral Fund for the Implementation of the Montreal Protocol in 1991, as delineated in Article 10. This fund serves as an indispensable mechanism for facilitating compliance with the treaty's provisions. Furthermore, the Montreal Amendment, a pivotal initiative under the Protocol, targets the gradual elimination of Hydrochlorofluorocarbons (HCFCs), noxious gases ubiquitously employed in refrigeration, air conditioning, and foam applications, owing to their ozone-depleting proclivity. Developed nations have fervently curtailed HCFC consumption and are slated to complete their phase-out by 2020. Conversely, developing nations embarked on their phase-out trajectory in 2013, orchestrating a stepwise reduction paradigm culminating in the total banishment of HCFCs by 2030. Significantly, the Montreal Protocol's auspicious objectives align with the pursuit of the United Nations Sustainable Development Goals, further solidifying its status as an instrumental legal framework in the realm of environmental preservation.

### Definition and Principles of Human Rights

The term "human rights" encapsulates a corpus of inalienable entitlements inherent to the human condition, transcending distinctions of nationality, ethnicity, gender, or any other attribute. The realization of an individual's intrinsic potential, encompassing intellect, conscience, spirituality, and higher aspirations, hinges upon a comprehensive grasp of human rights, constituting an indelible facet of human essence. These rights are firmly rooted in the bedrock principles of parity, judiciousness, and reverence for the inherent dignity and worth of every human entity. Within the societal milieu, an individual possesses certain entitlements as a constituent of the collective, encompassing the right to subsistence, development, and unfettered self-actualization<sup>[7]</sup>.

### International Human Rights Instruments

The harmonious and fulfilled existence of human life is contingent upon the composite elements constituting human rights. These delineate the normative parameters governing the treatment of individuals, and their vindication ensures the immunity of a nation's citizenry from abhorrent injustices. Though the realm of human rights is expansive, the Office of the High Commissioner for Human Rights (OHCHR) within the United Nations has ascribed a general classification comprising nine fundamental rights. Each of these rights finds corroboration in distinct international accords, which serve as custodians of the substantive canons underpinning these rights<sup>[8]</sup>.

### The Universal Declaration of Human Rights

On the 10th day of December in the year 1948, the General Assembly of the United Nations convened to adopt and promulgate the Universal Declaration of Human Rights. The Universal Declaration of Human Rights (UDHR) is an assemblage of 30 articles expounding the rudimentary rights and primary liberties universally vested in all individuals. Irrespective of distinctions in hue, creed, or national origin, it extends its mantle of protection. Notably, the UDHR

served as the seminal impetus for the edification of international human rights jurisprudence, forming the cornerstone for the 1966 culmination and 1976 enactment of the International Bill of Human Rights. While bereft of direct legal efficacy, the principles enshrined within the Universal Declaration of Human Rights have engendered subsequent international pacts, regional human rights instruments, and domestic legal architectures.

### Constitutional Integration of Environmental Protection in India

**Constitutional Embedding:** India's fervent commitment to environmental conservation finds constitutional anchorage through judicious amendments to the Indian Constitution. In contrast to its original iteration, bereft of explicit environmental preservation provisions, the Indian Constitution underwent transformative changes to reflect environmental imperatives as constitutional prerequisites.

**Crucial 42nd Amendment Act:** The transformative epoch of constitutional environmentalization was catalysed by the 42nd Amendment Act of 1976. This legislative milestone introduced a seminal Directive Principle of State Policy, enshrined in Article 48A, enjoining the State to diligently endeavour toward environment fortification, forest and wildlife preservation. This constitutional transmutation epitomised India's conscientious pledge to environmental stewardship, aligning with global commitments catalysed by the 1972 United Nations Conference on the Human Environment in Stockholm.

**Inclusive Constitutional Provisions:** The constitutional scheme extends beyond Article 48A. Article 21 establishes the fundamental right to life, construed by judicious jurisprudence to encompass the prerogative to a salubrious environment. Moreover, Article 47 mandates the State to prioritise the augmentation of nutrition levels, living standards, and public health, inherently interwoven with environmental quality enhancement<sup>[9]</sup>.

**Legislative Reinforcement:** Augmenting the constitutional bedrock, India instituted the Ministry of Environment in 1980, later transmuted into the Ministry of Environment and Forests in 1985. This ministry assumes custodianship over environmental law governance, fortified by an array of Acts and Rules. Predominantly, environmental legislation emanates from state and federal legislative chambers, bestowing regulatory agencies with the authority to promulgate implementing regulations. The epochal Environmental Protection Act (EPA) of 1986, precipitated by the Bhopal Gas tragedy, encapsulates a watershed protective enactment that efficaciously rectified legal lacunae.

**Continued Legislative Vigilance:** Subsequent to the EPA's enactment, India's legislative apparatus has ushered forth a panoply of environmental statutes, meticulously tailored to confront multifarious environmental exigencies. For example- the imperative adoption of Compressed Natural Gas (CNG) for public transportation within Delhi, redolent of legislative sagacity, has demonstrably ameliorated air quality, emblematic of India's resolute commitment to a pristine environment.

### **The Nexus between Human Rights and Environmental Law: A Legal Discourse**

The entwined relationship between human rights and environmental law finds its genesis in the annals of international legal discourse. In a seminal acknowledgment, the UN General Assembly in the late 1960s initiated cognizance of this interconnection. The watershed United Nations Conference on the Human Environment in 1972 unveiled a pivotal recognition, unequivocally affirming the symbiotic coalescence of environmental integrity and the inherent right to life.

The Preamble of the Stockholm Declaration, a seminal document of that epoch, eloquently elucidated this nexus by underscoring that humanity is both a steward and shaper of its environment, a crucible for sustenance, intellectual evolution, moral ascendancy, social cohesion, and spiritual maturation. It underscored that the bedrock of human welfare and the enjoyment of fundamental human rights, including the sacrosanct right to life, is inexorably tethered to the natural and constructed milieu. The Stockholm Declaration's foundational principle unequivocally posited the essentiality of an environment capable of supporting dignified and prosperous lives, inextricably linking environmental preservation with human rights. Subsequent milestones in the international legal landscape, such as the World Charter for Nature in 1982 and the 1992 United Nations Conference on Environment and Development (Earth Summit), reinforced this paradigm. They enshrined humans as integral facets of nature and underscored the imperative harmony between human well-being and the preservation of ecosystems vital for sustenance. The World Summit on Sustainable Development in 2002, although met with limited actionable results, further underscored the interplay between environmental integrity and human rights, particularly emphasizing the vulnerabilities of marginalized populations. In anticipation of the 2002 Summit, substantial efforts coalesced, fostering collaboration between governmental and non-governmental entities. This propitious climate coincided with the United Nations High Commissioner on Human Rights' initiative for a global symposium, co-hosted by the United Nations Environment Programme (UNEP) and the International Labour Organization (ILO) in 2001, further solidifying the centrality of this discourse within the ambit of international legal praxis. Therefore, the convergence of human rights and environmental law transcends rhetoric, emerging as a pivotal sphere of global legal jurisprudence, emblematic of the imperative balance between anthropocentrism and ecocentrism.

### **UN Actions Linking Human Rights and Environmental Protection**

The United Nations, through its diverse agencies, has actively addressed the interplay between human rights and environmental considerations. General Comments 14 and 15 of the UN Human Rights Committee have expounded upon Articles 11 and 12 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR). These interpretations encompass access to safe and affordable domestic water and sanitation, alongside the prevention of human health detriments stemming from exposure to hazardous substances and adverse environmental conditions. Moreover, the UN Watercourses Convention, under Article 10, underscores the prioritisation of essential human needs when allocating finite water resources. Notably, the United

Nations Human Rights Council (UNHRC), in Resolution 10/4 (2009) addressing climate change, acknowledged its multifaceted impact on human rights. This includes the right to life, adequate food, the highest attainable health standards, adequate housing, self-determination, and access to safe drinking water. These actions illustrate the UN's commitment to bridging the nexus between human rights and environmental protection, fostering an interconnected and interdependent framework<sup>[10]</sup>.

### **The Interplay of Right to Life and Environmental Safeguard**

#### **Right to Life and Environment Protection**

The nexus between environmental protection and human rights is inextricable. The complete realization of human rights, including the right to life, highest attainable physical and mental health, adequate living conditions, safe drinking water, sanitation, housing, cultural participation, and development, is contingent upon a safe, clean, sustainable environment. As per the United Nations Human Rights Committee, States bear responsibility for averting the lethal consequences stemming from environmental devastation caused by practices like the use of biochemical fertilizers. Environmental degradation, whether due to natural phenomena or human negligence, can curtail life expectancy. Whenever activities are known or suspected to imperil life expectancy, the right to life obliges governments to adopt preventive and remedial measures. Environmental Human Rights Defenders (EHRDs) are persistently exposed to life-threatening risks, with murder being the most palpable peril. The unfortunate escalation in EHRD fatalities, commencing in 2015, underscores the gravity of their predicament.

### **Right to Health, Clean Water, and Air Access within the Indian Legal Landscape**

Indian jurisprudence has predominantly safeguarded the right to uncontaminated drinking water as a negative right, signifying protection against river and lake pollution. This safeguard emanated from the Supreme Court's pronouncement recognizing a fundamental right to a secure and healthful environment as an inherent facet of the right to life enshrined in Article 21 of the Constitution. Article 21's constitutional framework has elaborated the notion of a "healthful environment," notably expounded upon in the *Bandhua Mukti Morcha v. Union of India*, AIR 1984 SC 802 case.

In a series of water pollution cases, predominantly emerging in the early 1990s, the Supreme Court firmly upheld the right to unpolluted water as an integral component of the broader right to a healthful environment. This juridical evolution underscores the pivotal role of clean water in shaping the contours of the right to a healthful environment in India.

### **Ensuring Right to Food Security and Sustainable Agriculture**

To sustainably augment agricultural production, fortify global supply chains, curtail food losses and waste, and ensure access to nourishing sustenance for all amidst a burgeoning global population, a pressing need for heightened innovation and effort exists.

World leaders, at the 2012 Conference on Sustainable Development, underscored the fundamental right to freedom from hunger and access to adequate, safe, and nourishing

food. These rights coalesce with the overarching right to food security.

A comprehensive approach necessitates the pursuit of sustainable agricultural practices and food systems, encompassing both production and consumption. Prudent utilization and management of land, fertile soils, water, and plant genetic resources, increasingly scarce in many regions, remain pivotal in food production. Enhancing yields on presently cultivated areas, including the rehabilitation of degraded lands through sustainable agricultural practices, holds the potential to alleviate pressure on forest clearance for agricultural purposes.

### **Indigenous Peoples' Rights: Upholding Consent and Protection**

The UN Declaration on the Rights of Indigenous Peoples emphatically mandates that Indigenous communities must grant their free, prior, and informed consent concerning issues profoundly affecting their rights, survival, dignity, and well-being. Discussions to secure this consent must be conducted through local governance and decision-making entities, in indigenous languages, adhering to indigenous scheduling, and devoid of coercion or intimidation.

Yet, Indigenous populations persist in experiencing marginalization at both local and national echelons. In response, UNEP has formulated a policy aimed at buttressing the safeguarding of environmental defenders. This policy takes a resolute stance against attacks, torture, intimidation, and the murder of environmental advocates. It further advocates enhanced protection for environmental rights and the individuals championing them, fostering responsible natural resource management, and demanding accountability for incidents affecting environmental defenders.

In its mission to aid Indigenous communities, UNEP collaborates with religious authorities and communities via the Interfaith Rainforest Initiative. The initiative promotes mutual recognition of the sanctity of life and nature across various faiths, bridging divides and preserving traditional knowledge while contributing to global healing.

### **Confluence of Human Rights and Environmental Law in India**

In India, Article 21 of the Constitution, enshrining the Right to Life, encompasses the right to a pristine environment. The Constitution firmly establishes that human rights and environmental preservation are intertwined, underscoring their mutual dependence. Furthermore, Article 48A in the Directive Principles of State Policy underscores the significance of environmental law. It encourages states to take proactive measures for environmental safeguarding, emphasizing the government's duty to protect the nation's forests and wildlife. While not explicitly obliging every state to take substantial action, the Constitution assigns responsibility for environmental cleanliness to both the government and citizens. This underlines the government's role in environmental protection and citizens' fundamental duty to uphold a clean environment.

#### **Relevant case laws**

#### **Residents Welfare Association v. Union Territory. of Chandigarh, 2023 LiveLaw (SC) 24.**

In a recent ruling, the Supreme Court emphasized the urgent need for legislative, executive, and policy-level intervention to counter environmental harm resulting from disorganized

urban development. It called for a harmonious equilibrium between sustainable development and environmental safeguarding. The Court urged both central and state authorities to mandate Environmental Impact Assessment (EIA) studies before authorizing urban development projects, echoing concerns raised by Bengaluru. Furthermore, to preserve the heritage status of Corbusier Chandigarh, the Court prohibited the conversion of independent residential units into apartments in Chandigarh - Phase 1. The judgment's insights were directed to the Union of India's Cabinet Secretary and all State Chief Secretaries for heedful consideration.

#### **Subhash Kumar v. State of Bihar (AIR 1991 SC 420)**

In this case, the petitioner's assertion of contamination of the Bokaro River by the respondents' washeries lacked a robust legal foundation. The Bench accorded credence to the respondents' contentions, highlighting the effective anti-pollution measures undertaken by the Bihar State Pollution Board. Intriguingly, the petitioner had a longstanding history of procuring slurry from the respondents, subsequently seeking a heightened supply. However, the respondent firm declined, prompting the petitioner, a prominent coal merchant, to resort to harassment.

The petitioner initiated multiple proceedings before the Patna High Court, invoking Article 226 of the Constitution, in pursuit of authorization to collect slurry from raiyat property. Notably, the petition did not serve the public interest but rather bore personal motives. Consequently, it failed to qualify as public interest litigation, precluding an in-depth examination.

#### **Francis Coralie Mullin v. Administrator, Union Territory of Delhi, 1981 AIR 746**

This case yielded relief for the petitioner, with the writ petition being allowed. The Court, in its verdict, deemed Section 3(b)(i) unconstitutional as it curtailed a detainee's right to consult with legal counsel of their choice, deeming it in violation of Articles 14 and 21 of the Constitution. The Court, in consonance with principles of justice, affirmed that the detainee should be afforded an opportunity to meet with their legal counsel promptly after the appointment with the jail superintendent. Additionally, the Court ruled that the interview need not be conducted in the presence of designated officers but could involve any other jail official, albeit not within the detainee's hearing range. Furthermore, the Court declared Section 3(b)(i) impermissible due to its limitation on the frequency of detainee meetings with family and friends. This provision allowed twice-monthly visits for under-trial prisoners and weekly visits for convicted prisoners, unfairly restricting detainees' access to their loved ones.

#### **Hinch Lal Tiwari v. Kamala Devi, (2001) 6 SCC 496**

In a significant ruling, the Supreme Court underscored the vital importance of safeguarding communal resources such as forests, ponds, hillocks, and mountains, recognizing them as nature's gifts that uphold delicate ecological equilibrium. It stressed the necessity of their protection to foster a healthy environment, essential for people to enjoy a quality life—a fundamental right enshrined in Article 21 of the Constitution. The Court criticized the Government and Revenue Authorities in a specific case for neglecting a deteriorating pond, highlighting that its development could have averted ecological disasters and improved the overall

environment for the public's benefit. Such vigilance serves as a potent defense against fraudulent attempts to secure allocations in non-abadi sites.

### **Lakshmiopathy v. State of Karnataka, AIR 1992 Kar 57**

In a landmark judgment, the Karnataka High Court affirmed that the right to life, as enshrined in Article 21 of the Indian Constitution, encompasses the pursuit of a qualitative life, achievable only within a framework of environmental excellence. When human activities endanger or compromise air and environmental quality, the Court, exercising its innovative authority under epistolary jurisdiction, will not hesitate to safeguard the right to life and advance public interest. The precise assurances within Article 21 unfurl penumbras, crafted by emanations from constitutional guarantees, imbuing them with vitality and substance.

### **Karnataka Industrial Areas Development Board v. C. Kenchappa, (2006) 6 SCC 371**

The Supreme Court delivered a pivotal verdict, clarifying sustainable development as a paradigm that can endure harmoniously with nature, be it with or without mitigation measures. It signifies the meticulous equilibrium between industrialization and ecological preservation. While industrial progress is indispensable for economic growth, the environment and ecosystem must remain safeguarded. The pollution stemming from development should not surpass the ecosystem's capacity to endure it.

To foster sustainable development, the implementation of fundamental tenets like the precautionary principle, polluter-pays, and public trust doctrine is imperative. The Court mandated that, henceforth, prior to land acquisition for development purposes, a comprehensive understanding of the consequences and adverse environmental impacts must be undertaken. Lands should be procured for development endeavors that do not severely jeopardize the ecology and environment. The Court specifically directed the appellant to incorporate a stipulation requiring clearance from the Karnataka State Pollution Control Board before land allotment for development.

The Court underscored the need for sustainable utilization of natural resources, rooted in maintaining a delicate equilibrium between development and the ecosystem. Addressing the ecological crisis and pollution necessitates coordinated efforts from all stakeholders. Resolving environmental degradation hinges on adopting the ethos of sustainable development. The concept, initially articulated by the "World Commission on Environment and Development," aptly defines it as "development that fulfills the current generation's needs without compromising future generations' ability to meet their own."

### **T.N. Godavarman Thirumulpad v. Union of India, (2012) 3 SCC 277**

The Supreme Court asserted that genuine environmental justice necessitates a departure from anthropocentric ideals toward ecocentrism. Several key principles such as sustainable development, the polluter-pays principle, and intergenerational equity, trace their origins to anthropocentric beliefs. Anthropocentrism predominantly prioritizes human interests, treating non-human entities merely as instruments for human benefit. Essentially, humans take precedence, and human responsibilities to non-human entities are measured solely by their benefit to humans.

In contrast, ecocentrism adopts a nature-centric perspective, considering humans as integral components of the natural world. Non-human entities possess intrinsic value, not contingent upon their utility to humans. In ecocentrism, human interests do not automatically supersede all else, and humans bear obligations to non-human entities independently of human interests. Ecocentrism, fundamentally, is life-centered and nature-centered, encompassing both humans and non-humans within its purview<sup>[10]</sup>.

### **Conclusion**

The synergy between robust environmental protection and the complete realization of human rights is undeniably profound. This intricate interplay not only facilitates sustainable development but also bolsters the human rights framework, expanding its coverage into the realm of environmental safeguarding. The inseparable link between the environment and human rights posits that true human rights protection thrives in tandem with environmental preservation. Within the Indian context, the judiciary demonstrates an acute awareness of the inextricable bond between environmental preservation and human rights. It firmly grasps the irreplaceable nature of environmental assets. Consequently, Indian courts diligently strive to bridge the gap, harmonizing environmental statutes with human rights principles. Despite the proliferation of environmental legislation in India, persistent environmental challenges endure. To realize sustainable progress, it is imperative that laws are not just formulated but diligently enforced and regularly scrutinized. Recognizing this imperative, the Law Commission of India, in its 186th report, advocated for the establishment of dedicated environmental courts, presided over by specialized judges equipped to adjudicate environmental disputes. The establishment of such tribunals is an exigent necessity. It is time to acknowledge that those who degrade the environment simultaneously infringe upon fundamental human rights. The pivotal nexus between environmental degradation and human rights violations must be embraced and addressed with unwavering resolve.

### **References**

1. <https://www.ohchr.org/en/special-procedures/sr-environment/about-human-rights-and-environment#:~:text=All human beings depend on, unable to fulfil our aspirations.>
2. <https://www.legalserviceindia.com/article/I399-A-Mandate-To-Pollution-Free-Environment.html#:~:text=It envisages and aims that, to pollution free environment, etc.>
3. [https://www.linkedin.com/pulse/environmental-laws-india-apurva-agarwal#:~:text=Article 48A\[1\] imposes a, rivers, forests and wildlife.](https://www.linkedin.com/pulse/environmental-laws-india-apurva-agarwal#:~:text=Article 48A[1] imposes a, rivers, forests and wildlife.)
4. <https://unfccc.int/process-and-meetings/what-is-the-united-nations-framework-convention-on-climate-change>
5. [https://unfccc.int/kyoto\\_protocol](https://unfccc.int/kyoto_protocol)
6. <https://www.pic.int/>
7. <https://guides.ll.georgetown.edu/c.php?g=273364&p=6066284>
8. <https://www.amnesty.org/en/what-we-do/universal-declaration-of-human-rights/>
9. <https://indiankanoon.org/doc/1199182/>
10. <https://lawbhoomi.com/important-case-laws-of-environmental-law/>