



Right to Clean Environment

Why in News

Recently, the **United Nations Human Rights Council (UNHRC)** unanimously voted for recognising a **clean, healthy and sustainable environment as a Universal Human Right**.

- If recognised by all, the right will be the first of its kind in more than 70 years since the [Universal Declaration of Human Rights \(UDHR\)](#) was adopted by the UN General Assembly in 1948.
- **UDHR:** The 30 rights and freedoms **include civil and political rights**, like the right to life, liberty, free speech and privacy and economic, social and cultural rights, like the right to social security, health and education, etc.

Key Points

▪ Background:

- The **concept of human rights in general emerged after the [Second World War \(1939-45\)](#)**, but the right to a healthy environment, as one of those human rights, was never a priority.
- The **right to a clean environment is rooted in the [1972 Stockholm Declaration](#)**, popularly called as the **Magna Carta of human environment**.
 - It contained principles and recommendations for environmental policy.
- **'Caring for the Earth 1991'** and the **'[Earth Summit' of 1992](#)'** also declared that human beings are entitled to a healthy and productive life in harmony with nature.

▪ About:

- The human right to a healthy environment **brings together the environmental dimensions of civil, cultural, economic, political, and social rights, and protects the core elements of the natural environment** that enable a life of dignity.
- The **[right to life \(Article 21\)](#)** has been used in a diversified manner **in India**. It includes, inter alia, the **right to survive as a species, quality of life, the right to live with dignity and the right to livelihood**.
 - **[Article 21 of the Indian Constitution states:](#)** 'No person shall be deprived of his life or personal liberty except according to procedures established by law.'
- Further the **Constitutional (forty-second Amendment) Act, 1976** incorporated two significant articles viz. **Article 48-A and 51A (g)** thereby making the Indian Constitution the first in the world conferring constitutional status to the environment protection.
 - **Article 48-A:** The State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country.
 - **Article 51A(g):** It is a duty of every citizen to protect and preserve the environment.

▪ Environment Protection Laws in India:

- **[Wildlife \(rotection\) Act, 1972.](#)**

- [Water \(prevention and control of pollution\) Act, 1974.](#)
- [The Forest \(conservation\) Act, 1989.](#)
- [The Air \(prevention and control of pollution\) Act, 1981](#)
- [The Environment \(protection\) Act, 1986.](#)
- [The National Green Tribunal Act, 2010](#)

▪ **Environmental Principles:**

- **Inter-generational Equity:** It states that every generation holds Earth in common, therefore its resources should be used judiciously and for the common benefit of all.
- **Polluter Pays Principle:** It states that the polluter should bear the cost of damage caused by it to the natural environment.
- **Precautionary Principle:** It states that even in the absence of scientific evidence, measures must be taken to anticipate and prevent the causes of environmental degradation. It is the social responsibility of the State to protect the public from any plausible risk.
- **Public trust Doctrine:** It states that resources like water, air, sea and forest have a great importance to the general public that it would be unjustified to make it the subject of private ownership. It poses a duty on the State to protect such resources for the benefit of all and not to permit any commercial use of it.
- **Sustainable Development Principle:** It states that the State should try to strike a balance between development and environment.

United Nations Human Rights Council

▪ **About:**

- It is **an inter-governmental body within the United Nations system** responsible for strengthening the promotion and protection of **human rights** around the world.

▪ **Formation:**

- The Council was created by the [United Nations General Assembly \(UNGA\)](#) in 2006. It is headquartered in **Geneva, Switzerland.**

▪ **Members:**

- It is made up of 47 United Nations Member States which are **elected by the UNGA.**
 - **India was elected in January 2019** for a period of three years.

▪ **Procedures and Mechanisms:**

- **Universal Periodic Review: UPR** serves to assess the human rights situations in all United Nations Member States.
- **UN Special Procedures:** These are made up of **special rapporteurs**, special representatives, independent experts and working groups that monitor, examine, advise and publicly report on thematic issues or human rights situations in specific countries.

Source: DTE