



Clean, Healthy Environment as a Universal Human Right

For Prelims: Human Rights, United Nations, UNGA, Declaration of Human Rights, Climate Change, Pollution

For Mains: Significance of International Groupings & Treaties, Environment as Human Right, Roles of United Nations

Why in News?

[The United Nations](#) declares access to a **clean, healthy environment** as a [universal human right](#).

- India **voted for the resolution** and pointed out that the **resolutions do not create binding obligations**.
 - Only through **conventions and treaties** do state parties undertake obligations for such rights.

What is the Provision for Clean Environment in Indian Constitution?

- 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.'

What do we need to know about the Resolution?

- **About:**
 - **Every person on the planet** has the right to live in a **clean, healthy environment**.
 - [Climate change](#) and [environmental degradation](#) are the most critical threats awaiting humanity in the future.
 - It demonstrates that the **member states can unite** in the collective fight against the triple planetary crisis of **climate change, biodiversity loss and pollution**.
 - The declaration adopted by over 160 UN member nations, including India, **is not legally binding**.
 - But, it will **encourage countries** to incorporate the **right to a healthy environment** in national constitutions and regional treaties.
 - Russia and Iran **abstained from voting**.
- **Benefits:**
 - It will help to **reduce environmental injustices and protection gaps**.
 - It can **empower** people, especially those in vulnerable situations, including environmental human rights defenders, children, youth, women and indigenous people.

- This right (Access to Clean, Healthy Environment) **was not included in the [Universal Declaration of Human Rights, 1948](#).**
 - This is a historic resolution that will change the very nature of **[international human rights law](#)**.

What are Human Rights?

▪ About:

- **Human rights** are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status.
- **Human rights include:**
 - The **right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education etc.**
 - Everyone is entitled to these rights, **without [discrimination](#)**.

▪ International Human Right Law:

- International human rights **law lays down the obligations of Governments** to act in certain ways or to **refrain from certain acts**, in order to promote and protect **human rights and fundamental freedoms of individuals or groups**.
- **Body of Human Rights:**
 - **A Comprehensive body of human rights law** consists of a **universal and internationally protected code** to which all nations can subscribe and all people aspire.
 - **The United Nations** has defined a broad range of internationally accepted rights, **including civil, cultural, economic, political and social rights**.
 - It has also established **mechanisms to promote and protect these rights** and to assist states in carrying out their responsibilities.
 - The foundations of this body of law are the **Charter of the United Nations** and the **Universal Declaration of Human Rights**, adopted by the **[General Assembly](#)** in 1945 and 1948

What is Climate Change, Biodiversity & Pollution?

▪ Climate Change:

- Climate change refers to **long-term shifts in temperatures and weather patterns**.
 - These shifts may be **natural**, such as through **variations in the [solar cycle](#)**.
 - But since the 1800s, **human activities have been the main driver** of climate change, primarily due to **burning [fossil fuels](#) like coal, oil and gas**.
- **Burning fossil fuels** generates **[greenhouse gas emissions](#)** that act like a **blanket wrapped around the Earth**, trapping the sun's heat and raising temperatures.
 - Examples of greenhouse gas emissions that are causing climate change include **carbon dioxide and methane**.
 - **These come from** using gasoline for driving a car or coal for heating a building.
 - **Clearing land and forests** can also release carbon dioxide.
 - **[Landfills for garbage](#)** are a major source of methane emissions.
 - **Energy, industry, transport, buildings, agriculture and land use** are among the main emitters.

▪ Biodiversity:

- Biodiversity is **all the different kinds of life you'll find in one area**—the variety of animals, plants, fungi, and even microorganisms like bacteria that make up our natural world.
- Each of these species and organisms work together in ecosystems, like an **intricate web, to maintain balance and support life**.
- Biodiversity supports everything in nature that we need to survive: **food, clean water, medicine, and shelter**.

▪ Pollution:

- Pollution is the **introduction of harmful materials into the environment**.
 - These harmful materials are called **pollutants**.
 - Pollutants can be natural, such as **volcanic ash**.

- They can also be created by human activity, such as **trash or runoff produced by factories.**
- Pollutants damage the quality of air, water, and land.

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Prelims

Q. Other than the Fundamental Rights, which of the following parts of the Constitution of India reflect/ reflects the principles and provisions of the Universal Declaration of Human Rights (1948)? (2020)

1. Preamble
2. Directive Principles of State Policy
3. Fundamental Duties

Select the correct answer using the code given below:

- (a) 1 and 2 only
- (b) 2 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

Ans: (d)

Explanation:

- The Universal Declaration of Human Rights (UDHR), adopted and proclaimed by the United Nations General Assembly (UNGA) in 1948, establishes the equality and dignity of every human being and stipulates that every Government has a core duty to enable all people to enjoy all their inalienable rights and freedoms.
- Preamble: The objectives of Preamble such as Justice (social, economic, and political), Equality and Liberty also reflect the principles of UDHR. Hence, 1 is correct.
- Directive Principles of State Policy (DPSP): Provided under Articles 36 to 51, DPSPs are the principles that aim at providing social and economic justice and set the path towards the welfare state. These DPSP act as obligation on state and are in consonance with human rights. Some of the DPSP that are in sync with human rights are as follows:
 - Article 38: Promoting the welfare state.
 - Article 39: Minimizing inequalities.
 - Article 39A: Free legal aid.
 - Article 41: Supporting vulnerable sections of society like unemployed, sick, disabled and old age persons.
 - Article 43: Securing living wage. Hence, 2 is correct.
- Fundamental Duties (Article 51A): These are basically civic and moral obligations of all citizens of India. As of now, there are 11 fundamental duties in India, which are written in Part IV A of the Constitution. Article 51A (k) talks about providing opportunities for education to the child between the age of 6 and 14 years by the parents or guardian. This aspect somehow relates to ensuring the dignity of children through education. Hence, 3 is correct.
- Therefore, option (d) is the correct answer.

Mains

Q. Though the Human Rights Commissions have contributed immensely to the protection of human rights in India, yet they have failed to assert themselves against the mighty and powerful. Analysing their structural and practical limitations, suggest remedial measures. (2021)

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