

## EVALUATION OF THE FUNDAMENTAL RIGHT TO LIVE IN A HEALTHY ENVIRONMENT IN INDIA

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### ABSTRACT:

The relationship between man and his environment is undergoing profound changes in the wake of modern scientific and technological developments. In India, from time to time various laws have been enacted for the protection of environment, flora and fauna, and Indian Constitution is the first constitution in the world which contains specific provisions for the protection and improvement of environment. In India, in view of the various constitutional provisions and other statutory provisions contained in various laws relating to environment protection, the Supreme Court has held that the essential feature of “sustainable development” such as the “Precautionary Principle” and the “Polluter Pays Principle” are part of Environmental law of the Country. The core idea of environmental human rights is that people are entitled to live in a healthy, clean and safe environment. Typically, societies honor these rights by passing laws that protect air, water, soil and food. The Right to a Healthy Environment as a universal human right is heavily debated and criticised from both a theoretical and an operational perspective. The primary objective of this paper is to analyse the right to live in a healthy environment as a basic human right. This paper highlights the role of lawmakers and various legislations relating to environmental protection in India. It further provides an idea about judicial approach with special reference to Public Interest Litigation and cases decided by Hon’ble Supreme Court of India.

**KEYWORDS:** healthy environment, Fundamental right, safe environment, human right, right to life.

**INTRODUCTION:**

The Indian judiciary demonstrated willingness to exercise its power whenever the political/executive organs of the state failed to discharge their constitutional obligations effectively. This period was characterized not only by administrative and legislative activism but also judicial activism. A subset of this has been environmental activism, which has developed in India in a very major way. One of the reasons for judicial activism in specific environmental cases has been the relaxation of the rule of locus standi giving a chance to the public to approach the Court under Articles 32 and 226 of the Indian Constitution. Also, the recognition of environmental rights as a 'fundamental right' under Article 21 (Right to Life) of the Indian Constitution has given a constitutional sanctity to the right to enjoy a clean and healthy environment. The development of Indian environmental law has happened, for the most part, over the last three decades, with a significant level of polarization around the latter two decades of this period. The development of the law in this area has seen a considerable share of initiative by the Indian judiciary, particularly the higher judiciary, consisting of the Supreme Court of India, and the High Courts of the States. Particularly, within the last two decades, India, has not only enacted specific legislation on environmental protection but has also virtually created a new fundamental right to a clean and healthy environment in the Constitution. Prima facie the forms and methods adopted in the Indian context appear to be very similar to those in other common law systems, but Indian environmental jurisprudence brings out the unique characteristics of a new legal order, which has gradually been established in India. The aim of the study is highlight the need to realise the laws relating to right to healthy environment.

**Statement Of Problem:**

The right to live in healthy environment is not being recognised by the Legislature in India even though the Supreme Court has issued many directions and their judicial activism has led to recognition of right to healthy environment under Article 21 of the Constitution. There exists an inefficiency in realisation of the right to live in a healthy environment.

**Review of Literature:**

A legal system traditionally comprises a set of protectable rights and a correlative set of enforceable duties together with a range of institutional processes for their recognition, creation, implementation, compliance and enforcement. (Boyd 2011) Climate change is already one of the most important drivers of ecosystem changes, along with overexploitation of resources and pollution. (Garbarino & Sigman 2010) Perfect ecological balance may be impossibility in the wake of growing industrialization and modernization. (Dubos 1976) The irony of the situation is that the more the economic and industrial development in the world the more is the danger to environment. (Knox & Pejan 2018) In India, like any other developing country, there has been environmental degradation due to over exploitation of natural resources, industrialization, population etc. as we know that man is the creator and moulder of his environment, his conduct can be regulated through the instrument of laws. (Bhat et al. 2017) The idea of sustainable development was the pole star that led the courts to embark upon the resolution of controversial issues. (Kurup 2012) The right to a healthy environment is a firm foundation on which environmental jurisprudence being built up (Dufton n.d.) The Indian judiciary demonstrated willingness to exercise its power whenever the political/executive organs of the state failed to discharge their constitutional obligations effectively. (Picolotti & Taillant 2010) the recognition of environmental rights as a ‘ fundamental right’ under Article 21 (Right to Life) of the Indian Constitution has given(Trishala A , Lakshmi T and Rajeshkumar S, 2018) a constitutional sanctity to the right to enjoy a clean and healthy environment. (Kothari n.d.) The Indian Judiciary, which faces inherent problems, has nonetheless, through its landmark and unconventional decisions, clearly showed its concern for the protection of the environment. (Vlavianos 2012) Judicial activism in India provides an impetus to the campaign against environmental pollution. (Singh 2014) However, the environmental activism in India cannot perhaps be attributed to the whole judiciary but only to a few judges. This clearly (Dr.Lakshmi T and Rajeshkumar S , 2018)dampens the impact of this movement within the judiciary. (Dharm & Dharm 2015)Efforts should be made within the system to make the judges realize the importance of a right to a clean and healthy environment from the highest to the lowest level. (Dari n.d.) Projects that hamper the environment should not be given the go ahead on economic considerations alone if they violate environmental norms. (Fisher n.d.) Viewing environmental judgements as directly suggesting human rights might give a new level of hope to the process. (Gellers 2015) Where sustainable

development is about balancing competing social, economic, and environmental concerns, human rights are more absolute. (Bratspies 2015) If pollution and degradation reveal the non-fulfilment to realize human rights, then accepting of environmentally protective laws becomes much more than one option among a competing array of policy choices. (Gellers 2012) Moreover, there is an international human rights edifice that promotes awareness and offers the possibility of remedies to individuals deprived of these rights. (Weston & Bollier n.d.) The direct identification of a right to a healthy environment might therefore provide new tools for civil society to hold governments accountable for ensuring access to the right. (Costanzo 2015)

**Aim of the Study:**

1. To study about the effectiveness of implementation of the right to live in healthy environment.
2. To analyse judicial responses in recognition of right to live in healthy environment.
3. To highlight the need to realise the laws relating to healthy environment.

**Hypothesis:**

**HO:** Right to live in healthy environment is not important as a basic human right.

**Ha:** Right to live in healthy environment is important as a basic human right.

**Research Question:**

Whether Right to live in a healthy environment is recognised as a basic human right or not?

**Materials and Methods:**

In this study, the researcher has opted doctrinal research methodology for knowing the implementation of right to live in a healthy environment. This data is mainly collected through secondary sources of information like books and journals and ample e-sources have also been referred.

**Right To Live In Healthy Environment: A Judicial Perspective**

India has a large body of legislative measures relating to environmental issues. The backbone of these are relevant provisions in India's Constitution. The Constitution of India, 1950, did not include any specific provision relating to environment protection or nature conservation. (Kurup 2012) Presumably, the acute environmental problems being faced now in

the country were not visualized by the framers of the Constitution. However, the past five decades have witnessed two major developments in this connection.<sup>1</sup>

### **Constitutional Provisions**

First, the adoption of Constitution (Forty-second Amendment) Act, 1976, paved way for the incorporation of provisions relating to protection of wildlife and forests in the Constitution (i.e)

Part IV: Directive Principles of State Policy (Article 48A):

Protection and improvement and safeguarding of forests and wild life: The State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country.

Part IV-A: Fundamental Duties (Article 51-A): It shall be the duty of every citizen of India –(g) to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures.

Seventh Schedule (Article 246)

List III - Concurrent List

Item no. 17 Prevention of cruelty to animals

Item no. 17A Forests

Item no. 17B Protection of wild animals and birds.

### **Judiciary Contribution:**

The second development was increasing linkage of environmental rights with Fundamental Rights, particularly Article 21 - Right to life through the way of judicial pronouncements thereby expanding the scope of environmental jurisprudence. The judiciary in India has played a significant role in interpreting the law in such manner which not only helped in protecting environment but also promoting sustainable development. The idea of sustainable development was the pole star that led the courts to embark upon the resolution of controversial

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<sup>1</sup> Bhat, D.M.Y., Bhat, M.Y. & Andrabi, S.D.A., 2017. Right to Life in Context of Clean Environment: It's Significance under Various Laws. *IOSR Journal of Humanities and Social Science*, 22(5), pp.79–85.

issues.<sup>2</sup> The right to a healthy environment is a firm foundation on which environmental jurisprudence being built up. In fact judiciary in India has created a new environmental jurisprudence.

The right to conservation of environment entails right to an effective remedy before a competent Court and right to fair administration of law. This brings into application at least minimum principles of 'due process' and multiple facets of rule of law. (Fisher n.d.) Evolution and refinement of "the principle of state's duty to develop environment activating agenda 21 programmes " and the principles structuring the administrative discretion in environment-related laws have, no doubt, rule of law dimension.<sup>3</sup> The role of judiciary in evolving suitable principles and remedies, especially by building consensus , and motivating the state and society towards better protection of environment, has provided new vista to the right to environment. (Boyd 2011) Since the efficacy of the policy of environmental protection depends upon strict application of well-formulated laws, the mechanism of administrative legality is destined to contribute immensely to the right to environment.<sup>4</sup>

The Indian judiciary demonstrated willingness to exercise its power whenever the political/executive organs of the state failed to discharge their constitutional obligations effectively. This willingness has been often termed as 'judicial activism' . Around 1980, the Indian legal system, particularly the field of environmental law, underwent a sea change in terms of discarding its moribund approach and instead, charting out new horizons of social justice. This period was characterized not only by administrative and legislative activism but also judicial activism. (Gellers 2012) A subset of this has been environmental activism, which has developed in India in a very major way. One of the reasons for judicial activism in specific environmental cases has been the relaxation of the rule of locus standi giving a chance to the public to approach the Court under Articles 32 and 226 of the Indian Constitution.<sup>5</sup> Also, the recognition of environmental rights as a 'fundamental right' under Article 21 (Right to Life) of the Indian

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<sup>2</sup> Singh, A., 2014. Judicial Activism on Environment in India. *SSRN Electronic Journal*. Available at: <http://dx.doi.org/10.2139/ssrn.2383144>.

<sup>3</sup> Dari, S.S., An Overview of Environmental Jurisprudence in India. *JOURNAL OF GENERAL MANAGEMENT RESEARCH*.

<sup>4</sup> Dharm, D.J.S. & Dharm, J.S., 2015. Judicial Contribution to Protect Environment Through Sustainable Development in India: An Overview. *SSRN Electronic Journal*. Available at: <http://dx.doi.org/10.2139/ssrn.2713720>.

<sup>5</sup> Kothari, A. and Patel, A., Environment and Human Rights. Available at: [https://www.researchgate.net/profile/Ashish\\_Kothari4/publication/237795524\\_Environment\\_and\\_Human\\_Rights\\_An\\_Introductory\\_Essay\\_and\\_Essential\\_Readings/links/533b1cd0cf2a7fbb2e9e51c.pdf](https://www.researchgate.net/profile/Ashish_Kothari4/publication/237795524_Environment_and_Human_Rights_An_Introductory_Essay_and_Essential_Readings/links/533b1cd0cf2a7fbb2e9e51c.pdf)

Constitution has given a constitutional sanctity to the right to enjoy a clean and healthy environment. Some landmark judgements where the right to live in a healthy environment is evolved to a state where it established firmly in the Constitution itself.

**Catena of case laws:**

- *Maneka Gandhi vs Union of India*<sup>6</sup>, the Interpretation given by the Supreme Court in this case has added new dimensions to the concept of personal liberty of an individual. It laid down that a law affecting life and liberty of a person has to stand the scrutiny of Articles 14 and 19 of the Constitution. In other words, if a law is enacted by a legislature which touches upon the life and liberty of a person and curtails it, then it is a mandatory requirement that the procedure established by it for curtailing the liberty of a person must be reasonable, fair and just.
- *Rural Litigation and Entitlement Kendra vs. State of U.P.*,<sup>7</sup> the Supreme Court entertained complaints from the rural litigation and entitlement Kendra, Dehradun alleging the that the operations of limestone quarries in the Mussoorie- Dehradun region resulted in degradation of the environment affecting the fragile ecosystems in the area. In this case the Supreme Court moving under Article 32 ordered the closure of some of these quarries on the ground that these were upsetting the ecological balance though the judgment did not make a reference to Article 21 but involving of jurisdiction by the court under Article 32 presupposed the violation of right to life guaranteed under Article 21.
- In *M.C. Mehta v. Union of India*<sup>8</sup>, the court made a significant pronouncement in this case that enterprises engaged in hazardous or inherently dangerous activity owe an absolute and non – delegable duty to the community and must be absolutely liable to compensate for the harm caused by such activity. The basis of this liability is that it is a part of social cost for carrying on hazardous and inherently dangerous activity.
- In *Francis Coralie Mullin vs. Union Territory*<sup>9</sup>, the Supreme Court held that “The right to life includes the right to live with human dignity and all that goes along with it, including basic necessities of life such as adequate nutrition, clothing and shelter....”

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<sup>6</sup> 1978 AIR 597

<sup>7</sup> AIR 1988 SC 2187

<sup>8</sup> (1986)2 SCC 325: AIR 1987 SC 982.

<sup>9</sup> 1981 2 SCR 516

- In *M. C. Mehta vs. Union of India*<sup>10</sup>, the Supreme Court has held that life, public health and ecology have priority over unemployment and loss of revenue.
- In *ShantiStar Builders vs. Narayan Totame*<sup>11</sup>, the Supreme Court held that right to life is enshrined in a civilised society would incorporate the right to food, the right to clothing, the right to decent environment and a reasonable accommodation to live in.
- In *Subhash Kumar vs. State. of Bihar*<sup>12</sup>, the Supreme Court held that right to life is a fundamental right under Art. 21 of the Constitution and it includes the right to have pollution free water and air for full enjoyment of life. If anything endangers or impairs that quality of life in derogation of laws a citizen has recourse to Art.32 of the Constitution for removing the pollution of water or air which may be detrimental to life.
- In *M. C. Mehta vs. Union of India & Ors.*<sup>13</sup> (the Oleum Gas Leak case), the Supreme Court established a new concept of managerial liability – ‘absolute and non-delegable’ – for disasters arising from the storage of or use of hazardous materials from their factories. The enterprise must ensure that no harm results to anyone irrespective of the fact that it was negligent or not.
- In *Vellore Citizens Welfare Forum vs. Union of India*<sup>14</sup>, the Supreme Court held that industries are essential for the country’s growth, but having regard to pollution caused by them, principle of ‘Sustainable Development’ has to be adopted as the balancing concept. ‘Precautionary Principle’ and ‘Polluter Pays Principle’ has been accepted as a part of the law of the country.
- In *Indian Council of Enviro-Legal Action vs. Union of India*,<sup>15</sup> (the Bichhri pollution case), following the judgement in the Oleum Gas leak case and based on the polluter pays principle, the polluting industries were instructed to compensate for the harm caused by them to the villagers in the affected areas, particularly to the soil and to the underground water.
- Expressing the doctrine of ‘Public Trust’ in *M. C. Mehta vs. Kamal Nath*<sup>16</sup>, the SC held that

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<sup>10</sup> 1987 Supp. SCC 131

<sup>11</sup> 1990(1)SCC 520

<sup>12</sup> (1991) 1 SCC 598

<sup>13</sup> 1987 SCR (I) 819

<sup>14</sup> AIR 1996 SC 2715

<sup>15</sup> 1996 3 SCC 212

<sup>16</sup> (1997) 1 SCC 388



resources such as air, sea, waters and the forests have such a great importance to the people as a whole that by leasing ecologically fragile land to the Motel management, the State Government had committed a serious breach of public trust.

### **The Intersection of Human Rights and the Environment**

The successes of the human rights movement led to the idea to apply a rights-based approach to confront global environmental devastation. It was the Stockholm Conference in 1972 that the right to a healthy environment was explicitly recognised in an international environmental law document. (Dharm & Dharm 2015) The Stockholm Declaration had a major impact on the next two decades of the development of international environmental law. However, it took until 1992 to the UN Conference on Environment and Development in Rio de Janeiro to reiterate the link between the rights of human beings and the protection of the environment. Principle 1 of the Rio Declaration reads as follows: “Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.” The principles of both Declarations are based on a rights approach which is still relatively new to the concept of international environmental law.<sup>17</sup>

Environmental protection is no longer regarded as an area that falls exclusively under the control of the government or community, but rather a responsibility shared by a number of interest groups: enterprises, financial institutions, managers, creditors, contractors, consumers as well as the public at large and the factors which have brought about the degradation of the environment include: The lack of environmental education - the principles of environmental protection are almost entirely absent from children’s and teenagers’ learning environment. (Costanzo 2015) Environmental education should be taught particularly at economic universities, given that their graduates are likely to be among the decision-makers liable to influence the fate of the environment; Over-development and over-consumption - these are the main factors that lead to the destruction of the environment; the increasing consumption threatens to destroy natural resources and cause an unprecedented increase in pollution levels; The lack of corporate social responsibility - by means of effective environmental management strategies businesses will become profitable without requiring an irresponsible administration of our planet’s limited

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<sup>17</sup> Gellers, J.C., 2015. Explaining the emergence of constitutional environmental rights: a global quantitative analysis. *Journal of Human Rights and the Environment*, 6(1), pp.75–97.

resources.<sup>18</sup>

Both the Stockholm and the Rio Declaration did not intend to create legally binding rights, but they build the basis for the discussion about the right to a healthy environment. Apart from these two principles, there are many other international and European conventions, declarations and resolutions which provide different norms aiming at the protection of specific human rights, such as e.g. the right of life and the right to standard of living adequate to health and well-being.<sup>19</sup> These particular human rights dependably contain a component that is connected to the right to a healthy environment, since e.g. the right of life can be infringed if a human being needs to live without access to clean water. These particular human rights are significant which makes them intense. (Dubos 1976)

### **Why Human Rights?**

Just as a healthy environment can contribute to the enjoyment of human rights, there is a growing sense that environmental degradation and climate change have "generally negative effects on the realization of human rights." Thus, there is a growing sense that the goal of realizing human rights necessarily entails protecting the environment. (Kothari n.d.)

The Right to a Healthy Environment as a universal human right is heavily debated and criticised from both a theoretical and an operational perspective. There are numerous disputes regarding the definition of the right, the critical points being whether this right can be justiciable and enforceable at international level. While a universally binding instrument operationalizing a Right to a Healthy Environment does not yet exist, the previous chapter has shown considerable progress has been made through the avenues of access rights or procedural rights – information, participation and justice and constitutionalization measures to guarantee environmental rights. (Bhat et al. 2017)

Environmental rights have found fertile development at national level, as demonstrated by the number of constitutions that have enshrined the Right to a Healthy Environment.<sup>20</sup> suggests that the constitutionalization of environmental rights is leading towards a global environmental rights revolution and to the international recognition of a right to a healthy

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<sup>18</sup> Boyd, D.R., 2011. The Implicit Constitutional Right to Live in a Healthy Environment. *Review of European Community and International Environmental Law*, 20(2), pp.171–179.

<sup>19</sup> Costanzo, C., 2015. The right to a healthy environment: a rights based approach to environmental issues.

<sup>20</sup> Boyd, D.R., 2011. The Implicit Constitutional Right to Live in a Healthy Environment. *Review of European Community and International Environmental Law*, 20(2), pp.171–179.

environment. The constitutionalization phenomenon is, therefore, bypassing the mechanism of international treaties for human rights establishment and creating an alternative base for a worldwide recognition of a 'brand new' human right. Some authors, though, suggest that constitutional environmental rights might encounter problems of justiciability since they work on the basis of endorsing principles and directives rather than substantive rights and obligations.<sup>21</sup>

By bringing new actors into the fold of law and by creating a more unified demand for enforcement of environmental protections, human rights might potentially answer both the power and the social aspects of the problem. Each day legal decision makers make an uncounted number of discretionary decisions with legal effect. Taken together, these decisions influence nearly every aspect of our lives. Yet, there is rarely much attention paid to the possibility of considering these decision-making processes as a means to advance core human rights values. Instead, "the evolution of environmental protection measures has involved a constant reordering of socio-economic priorities, of accommodating, adjusting or offsetting mutually restrictive if not exclusive public policy objectives."<sup>22</sup>

### **Environment Rights as Human Rights**

The idea that there is a set of inalienable, universal rights to which all are entitled simply by virtue of being human stands out as perhaps the most significant achievement of twentieth-century international jurisprudence. While the analytical history behind human rights traces its grassroots back to the Enlightenment, human rights emerged as a separate body of international law as a reply to Nazi atrocities in the early decades of the twentieth-century. (Dufton n.d.) The Universal Declaration of Human Rights, adopted alongside the United Nations Charter, began the process of redefining sovereignty to include responsibilities to citizens and inhabitants. As individuals of the United Nations, States accomplished themselves to "universal respect for observance of human rights and fundamental freedoms." The Universal Declaration emphasis essentially on the proper limits of state power vis-A-vis individuals, particularly those who are members of marginalized racial, ethnic or religious minorities. As such, international human rights law concerns mainly with how people should be valued by their government and its

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<sup>21</sup> Vlavianos, N., 2012. The intersection of human rights law and environmental law. *In A Symposium on Environment in the Courtroom: Key Environmental Concepts and the Unique Nature of Environmental Damage*, University of Calgary. Available at: [http://www.cirl.ca/files/cirl/nickie\\_vlavianos-en.pdf](http://www.cirl.ca/files/cirl/nickie_vlavianos-en.pdf).

<sup>22</sup> Knox, J.H. & Pejan, R., 2018. *The Human Right to a Healthy Environment*, Cambridge University Press.

institutions.<sup>23</sup>

From this beginning, the ever-expanding field of human rights articulated a growing list of basic rights that states were required to respect, and were responsible for ensuring. These human rights have increasingly been accepted as the governing norms for state behavior.

Yet, near universal adoption of international human rights treaties has not been a panacea. Abuses continue, and neither the Universal Declaration, nor the Genocide Convention nor the International Criminal Court, have put an end to them. (Picolotti & Taillant 2010) Even as old human rights problems linger, the new century brings new challenges. Each day shows new evidence that human functions is dramatically and irreversibly affecting the entire planet-unraveling the life support systems on which we and all other living creatures depend.<sup>24</sup>

#### **Globalisation and Right to a healthy environment**

Five processes are contributing to the globalization of the right to a healthy environment: transplantation, harmonization, integration, convergence and elite networking. Transplantation is the ‘deliberate copying and adaptation of significant portions of statutes or particular doctrines of law by one country from another’. (Vlavianos 2012) It is clear that this has occurred in the context of the constitutional right to a healthy environment, given similar language being used around the world. For example, the phrase ‘right to a healthy and ecologically balanced environment’ was first effectively identified in the Portuguese constitution in 1976 and is now found in 21 other constitutions. National courts frequently cite decisions from other national courts. For example, the Supreme Court of India’s decisions on the right to a healthy environment have influenced courts in Bangladesh, Pakistan, Sri Lanka, Uganda and Kenya.<sup>25</sup>

Harmonization is the adjusting and conforming of national standards to meet the requirements of an international system. Integration is the process of linking national legal systems. Both harmonization and integration are occurring, most prominently in the European Union, where new members must upgrade environmental laws and all members must comply with EU-wide environmental directives and regulations. (Dari n.d.)

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<sup>23</sup> Weston, B.H. & Bollier, D., The Human Right to a Clean and Healthy Environment. In *Green Governance*. pp. 27–49.

<sup>24</sup> Dufton, D.J., Is there a human right to a clean environment? Available at: [http://dx.doi.org/10.5353/th\\_b3862780](http://dx.doi.org/10.5353/th_b3862780).

<sup>25</sup> Gellers, J., 2012. Greening Constitutions with Environmental Rights: Testing the Isomorphism Thesis. *The review of policy research*, 29(4), pp.523–543.

**Conclusion:**

As such, expressing a functioning and healthy environment as a human right does more than to highlight the importance of environmental protection among competing priorities. Such a framing grounds this environmental priority as a bedrock concern for international law—a key component of the entire international legal edifice erected to preserve international peace and security. It highlights the commitment of states to respect, protect, and fulfill this right nationally and internationally. There is a friendly relationship between different countries and between states in order to protect the environment against pollution.

This kind of fundamental legal transformation is already occurring, albeit in fits and starts. One of the most radical approaches involves redefining the basic notion of who qualifies as a legal subject in law. Two states, Ecuador and New Zealand, have granted legal personhood to rivers. One consequence of this move directly contradicts the legal pre-commitment to viewing the natural world as a series of ownable discrete resources. In doing so, it storms this pre-commitment from the shadows, and forces a dialogue about the previously unthinkable recognizing rivers as person with interests and agency. A growing international movement seeks to drive these changes beyond their national limits and fundamentally redefine how humans think of their environment.

It is submitted that human life is directly concerned with the environment. The right to a healthy environment is now found in a number of regional Human Rights instrument around the world. However, there is a absence of specific right to a safe and ecologically balanced environment. Nearly all global and regional human rights bodies have recognized and accepted that there is a close link between environmental protection and human rights. Right to healthy environment is also a human right. There is need to create awareness about the promotion and protection of human rights and healthy environment. Hence the hypothesis is proved.

**Suggestions:**

1. Equating directive principles with fundamental right through a Constitutional amendment.
2. Development of a strategy for paying all financial resources displayed in the

environmental sector.

3. It is necessary to eradicate public environment care system which provides selective care through a multiplicity a scheme and programmes discriminates on the basis of residence (Rural-Urban) in providing for entitlements for environmental care.

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