

Right to Life and Right to Environment

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Abstract: Right to life is a fundamental human right. This right can be enjoyed only in an environment free from hazards. This study shows the intensity of air pollution in the world and also in India by pointing the Environmental Performance Index Report, 2018. Every effort should be taken to protect our natural environment and to make human life safer. Otherwise, the right to life will lose its meaning.

Key Words: Environmental Protection, Right to Life, Air Pollution

INTRODUCTION

Right to life is a natural right and a basic fundamental right. As a natural right, it means a life with liberty and as a fundamental right, it means a life assured with security and dignity. If we want to enjoy a life with liberty, security and dignity, the prime need is a healthy environment. Man's life is influenced by the environment and it continually changes his life. Thus, Environment acts as the primary support system of life on earth. But the conflict between development and conservation leads to environmental damages and over exploitation of resources.

Air pollution is a serious threat to life. It causes dangerous diseases and premature deaths globally. India is not free from this big environmental issue. As per Environmental Performance Index Report (EPI) 2018, India's position is 177 out of 180 countries surveyed. Both the outdoor and indoor pollutants are killers of millions of life on earth. Reports of World Health Organization and other Environmental organizations show the fearful rates of deaths occur due to poor air quality.

ENVIRONMENTAL PROTECTION AND INDIAN CULTURE

India has a great culture of living in harmony with the natural environment. Protection of biodiversity and an eco-friendly civilization is reflected in our religious beliefs, Vedas, Upanishads, Art and Culture. According to Hinduism the Panch-Maha-Bhootas namely, earth, air, space, water and fire are the basics of all cosmic creations and these five elements preserve and nurture all forms of life on earth. Pritvi-Sukta in Artha Veda describes that all the benefits of earth should be equally distributed to all creatures and nobody has any special power over them. In Prithvi-Sukta the poet presents the Earth as the mother and all other creatures as her children. Maha Upanishads put forward the greatest design of Vasudhaiva Kudumbakam. It portrays the vision of one family for the entire universe. Hence, human beings and all other creatures are addressed as the members of the same family.

Indians consider Himalaya as the abode of God and rivers as Lok Matha and also worship trees, animals, forest and lakes. Our traditional practice of maintaining Sacred Groves like Sarpakkavu (forests devoted to snakes), Ayyappankavu (forests devoted to Lord Ayyappa) shows our belief in the divinity of nature. Manusmriti talks about the optimum use of natural resources for a balanced ecosystem. Bhagavath Gita considered a man who devoid of nature as a body without soul. A Buddhist scripture, Sutta-Nipata laid down rules to forbid pollution of rivers, ponds and wells. Jainism puts greater emphasis to environmental harmony. They advise to be compassionate towards all living organisms. Sikkism confers divine quality to the nature and to them the natural environment and all forms of life on earth are very much connected with the rhythm of nature.

Thus, the Indian culture, religious beliefs, art and literature show deep concern for environmental conservation. But this rich heritage and traditional knowledge are lacking in our present day life. The result is deterioration of our natural environment in an alarming extent. The remains of our excessive intention for development and high quality life styles are nothing but polluted air and water, dried rivers, drinking water shortage and other serious health problems and finally negation of the right to life.

ENVIRONMENTAL PROTECTION IN INDIAN CONSTITUTION

Dignified life in a pollution free environment is a human right. Article 21 of the Indian constitution deals with the right to life and personal liberty and this right is guaranteed by the constitution to prevent infringement on the life of a person and to make sure a dignified and free life to all. A full-fledged meaningful life can be made possible only in a healthy environment. Through various cases judiciary has interpreted Article 21 and has given wide ambit to it. Some of the environmental rights which come under the purview of Article 21 of the Indian Constitution are;

Right to Clean Environment,

Right to Shelter,

Right to get Pollution free Air and Water,

Right to Livelihood,

Right against Noise Pollution

The Supreme Court of India (Francis Coralie V Union Territory of Delhi) observed that the right to live with human dignity comes under the right to life. Further expanding Article 21 in *Bandhua Mukti Morcha V Union of India*, the court found that right to live with human dignity and freedom from all kinds of exploitation is a fundamental right of everyone. By correcting its earlier rule, right to livelihood would not fall under Article 21, the court in *Board of Trustees of the Port of Bombay V Dilipkumar Raghavendranath Nandakarni*, came out stating that right to life includes right to livelihood because life without the means of living is meaningless. Now a day's right to livelihood is denied to a number of people due to environmental exploitation. In the state of Kerala a mass agitation is going on in the Alappadu village of Kollam district against indiscriminate sand mining. There the village itself is going to be vanished and the people lost their means of livelihood due to rampant beach sand mining by two public sector companies. The common people in the village are struggling for their right to livelihood.

Right to health is the base of all human activities. Thus, in *State of Punjab V M S Chawha*, the apex court held that the right to health comes within the purview of right to life. On the basis of some well known cases on environment like *M C Mehta V Union of India*, *Vellore Citizens Welfare Forum V Union of India*, *Murali S Deora V Union of India*, the Supreme Court ruled that Right to life includes Right to a clean environment. Quality life can be ensured only in an environment free from pollution, dangerous diseases and infection.

Forty Second Amendment Act of 1976, inserted Article 48A in Part IV of the Constitution. It states that "the state shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country". Article 51(g) of Fundamental duties provides that "it shall be the duty of the citizens to protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures".

The original constitution of India did not contain any specific provision on environment and nowhere the word environment gets a place in the constitution. But by realizing the need for environmental protection the Supreme Court interprets Article 21 and ruled that right to environment makes the right to life meaningful. Article 48 A directs the state to protect and improve the environment and Article 51(g) points out the duty of the citizens to protect the environment.

We have the right to a quality life in a clean environment, but we are not able to enjoy it at least to the minimum because we forget to protect our rights and perform our duties. The need of the hour is to take steps both individually and collectively for conserving our natural environment. Environmental protection is the responsibility of each and every person and also the state.

AIR POLLUTION: A MAJOR THREAT TO RIGHT TO LIFE

The alarming increase of air pollution is a global problem and a high risk factor for dangerous diseases and deaths. According to the report of First World Health Organization Conference on Air Pollution and Health in 2018 held at Geneva, 92% of people worldwide breathe unhealthy air and it is resulting in about 6.5 million deaths annually. Air pollution is one of the world's most important causes of early deaths. Ambient air pollution is increasing day by day. As per WHO report, the outdoor fine particulate matter (PM_{2.5}), the leading risk factor for early deaths increased from 3.3 million in 1990 to 4.1 million in 2016. The life span of the people now depends on the place in which we live. One example from a recent study shows that outdoor air pollution reduces the average life span of an Egyptian by 1.9 years and the life span of an average Indian by 1.5 years.

In India air pollution is a serious problem which terrorizes the life of the people. The Air (Prevention and Control of Pollution) Act, 1981 defined the term 'air pollutant' as "air pollutant means any solid, liquid or gaseous substance' including noise present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or environment". Times of India reported that, in 2017 deaths in India due to air pollution is 12.4 lakhs. Among them, 6.7 deaths occurred due to outdoor air pollution and the remaining 4.8 was due to indoor air pollution. In 2017 itself 1,10,000 children died due to air pollution and it was the highest in the world in the category of children under five years of age.

By using three indicators like household solid fuel use, PM_{2.5} average exposure and PM_{2.5} exceedence, environmental Performance Index measured the air quality of 180 nations. PM means particulate matter which is one of the deadliest pollutant and Fine particulate matter is 2.5 microns or less in diameter that is, PM_{2.5}. It is a very small particle which can easily enter into the human body and can cause serious heart problems and lung diseases. According to Environmental Performance Index Report 2018, India ranks 177 out of 180 countries surveyed. In the EPI ranking 2016, India's position was 141 out of the 180 countries surveyed. Within 2 years India downs from 141 to 177. In the issue category of air quality India's rank is 178 out of

180 nations. Down to Earth Report shows that outdoor air pollution comes next to high blood pressure, tobacco smoking and poor nutrition.

Table:1 rank of India and her neighbour countries as per environmental performance index 2018

Name of the countries	EPI Rank	Air Quality Rank	Environmental Health Rank	Water and Sanitation Rank
India	177	178	180	145
Pakistan	169	176	177	140
China	150	177	167	47
Nepal	176	180	179	135
Bangladesh	179	179	178	128
Sri Lanka	70	80	86	87
Bhutan	131	170	162	120
Myanmar	138	171	161	122

Source: environmental performance index results,2018

This table shows the overall environmental performance of India and her neighbours. Except Bangladesh all other countries stand above India in overall environmental protection. India perform very poorly in environmental health and also in water and sanitation. The Resolution adopted by the UN General Assembly on 28 July 2010 rightly recognized “the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights”. The rank of India in Environmental Health and Water and Sanitation as per the EPI 2018, reveals that a healthy environment is lacking in India.

Table:2 Air Quality,Environmental Performance Index, 2018

Name of the countries	Air Quality Rank
India	178
Iraq	73
Egypt	32
Israel	15
Afganisthan	155
Nigeria	152

Source: environmental performance index results,2018

In the list of the most polluted countries, India stands below Iraq, Egypt, Afganistan, Nigeria and several other nations which do not have a peaceful atmosphere due to political and other reasons. This shows the serious air pollution, which needs special attention of the government and the general public. This intensified air pollution in India is a serious risk factor which causes dangerous health issues and early deaths. Visual and Greenpeace has conducted a study in 2018 and identified the cities in the world where the air pollution is highest.

Table: 3 List of most polluted cities in the world

No	Name of the cities
1	Gurugram,India
2	Ghaziabad,India
3	Faisalabad,bPakistan
4	Faridabad,India
5	Bhiwadi,India
6	Noida,India
7	Patna,India
8	Hotan,China
9	Luknow,India
10	Lahore,Pakistan

Source: Air Visual World Most Polluted Cities

This list shows that it is dominated by India with seven of the nastiest 10 cities in the world. The Capital territory of Delhi also comes within the first 30 most polluted cities. On November 10, 2017, CNN reported a news with a frightful heading 'Breathing in Delhi air equivalent to Smoking 44 Cigarettes a Day'. The Chief Minister Aravind Khejriwal described Delhi as a 'Gas chamber'.

Our constitution through Article 21 guarantees right to health, right to clean environment and right to pollution free air. But the reports and study points out the finger into the horrible environmental conditions in India especially, in the case of air. The recent study co-author Michael Brauer said, "Air pollution isn't the main reason people die, but because essentially everyone in India is exposed to unhealthy levels of air pollution, it has a very large impact on the population as a whole" He also said that air pollution in India result in nearly 2 years of life expectancy loss across the population.

SOLUTIONS

- Government should take strict measures to reduce air pollution. Laws and policies should be not only framed but also implement strictly to prevent the causes of air pollution. For example Laws against throwing plastics in public places, laws against burning waste in open space etc.
- The public should be conscious about the dangers of pollution. Each and every citizen should try to protect their own health and by thus the health of others.
- To reduce indoor pollution in India, the use of domestic gas in the place of solid fuels is a better solution. Policies like Pradhan Mantri Ujjwala Yojana will be introduced.
- The most important thing to remember is that, development should meet the rights of the people.
- Ensure proper functioning of solid waste treatment plants.
- Employ the laws for the prevention and control of pollution.
- Facilities for sanitation should be provided and make a competition among the cities of a nation to get first in cleanliness. Swatch Bharath Abhiyan is a good example.
- Safe drinking water is a human right so everyone should take an oath not to waste a single drop of water.

CONCLUSION

Environmental protection is a major topic of discussion now a days. Without a clean environment man cannot lead a dignified life. India's rank in air quality shows the necessity to realize the seriousness of this issue. Unbelievable increase in the rate of early deaths and other severe health issues are reported in India yearly. Here, I point out the letter to the Myors written by World Health Organization Director General Dr. Tedros Adhanom Ghebreyesus on World Cities Day, "You have to change the lives of billions of people living in your cities, Now those lives are under threat by an invisible but beatable enemy that is right under your noses: air pollution". He also wrote that exposure to air pollution kills 7 million people each year, including 60,0,000 children. We should sincerely take every effort to beat air pollution then only we can save our powerful human resource and our future generations. Life threatening situation makes the life worse. To ensure safe, secured and dignified life environmental conservation is a must

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