
ENVIRONMENTAL SUSTAINABILITY WITH SPECIAL REFERENCE TO RIGHT TO LIFE

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ABSTRACT

No person, organization, or nation can afford to overlook environmental issues. Thus, the reality of Earth and its finite resources, such as climate change, habitat destruction, and pollutant depletion, is real if humans create unfavourable situations. The future of current and future generations can only be assured by means of these anxieties. Sustainable development or preservation of natural resources, such as recycling, carbon footprint reduction, and minimization, are examples of public activities to protect the environment. Second, government policy actions and international collaboration are necessary for transnational environmental challenges.

It seems that the majority of the organizations, governments, and people established to assist in attempts to address environmental issues developed answers that were widely accepted throughout the world. Therefore, socially acceptable actions must to be carried out in the life zones since waste reduction and carbon reduction through the use of renewable energy are crucial for igniting nature. By coming together on climate change, we can find solutions to create a future that is both sustainable and hospitable for the earth.

Keywords: Sustainable Development, Pollution free environment, Right to life, environmental sustainability.

1. INTRODUCTION

Human life is inseparably connected with the environment. Without clean air, safe water, fertile soil, and a balanced ecosystem, survival itself becomes impossible. The environment is not merely a backdrop for human activity but the very foundation of existence. However, unregulated industrialization, deforestation, population growth, climate change, and biodiversity loss have severely degraded ecosystems. This crisis has transformed environmental protection from being a matter of policy into a question of fundamental rights.¹

Consideration for the environment in economic development leads us to the concept of sustainable development. Sustainability refers to the long-term health of the global ecology, sustainable economic development aims to meet the needs of present without compromising the ability of future generations to meet their own needs. The key aim of sustainability is intergenerational equity or equity across generations. This in turn depends on the subsidiary goals of promoting efficiency in resource use, fairness in terms of trade and resource allocation systems, fairness to nature and other living beings and promoting survivability of all forms of plant and animal plant. The environment has to be treated as an integral part of the economic process and not treated separately.

2. MEANING OF SUSTAINABLE ENVIRONMENT AND RIGHT TO LIFE

As per the Brundtland Report (1987), “Sustainable development means a development that meets the needs of the present without compromising the ability of future generations to meet their own needs”.² Sustainable development demands the protection of natural resources for the next generation and not exploiting at once. Sustainable development means an integration of developmental and environmental imperatives.

Article 21 of the Indian Constitution states, “No person shall be deprived of his life or personal liberty except according to the procedures established by the law.”³

Equity is a critical concept under sustainability, and this demands equality of treatment between developed and developing countries and reducing inequalities between rich and poor.

¹ Pranav Kumar, Usha Mina, Fundamentals of Ecology and Environment (Pathfinder Publications, Telangana, 2020).

² World Commission on Environment and Development, Our Common Future (Oxford University Press, 1987).

³ The Constitution of India, 1950 art.21.

Environmental hazards are created by excess consumption propensities of rich people, while the weight of environmental degradation is primarily borne by the poor people. Sustainability therefore requires leveling of disparities in income and resource use between people within a community and people across nations. Sustainability also requires that society, business, individuals and governments operate on a much longer time scale than the one which presently operates in the economy.⁴

Environmental sustainability refers to the responsible use of natural resources in a way that ensures ecological balance while meeting present needs without jeopardizing the ability of future generations to meet theirs. It is based on three interconnected pillars:

- a. **Environmental protection** – safeguarding ecosystems, biodiversity, forests, and natural resources.
- b. **Economic development** – promoting growth without degrading ecological systems.
- c. **Social equity** – ensuring that all sections of society have access to environmental benefits.

3. PRINCIPLES OF SUSTAINABLE DEVELOPMENT AND

RIGHT TO LIFE

Some of the salient principles of sustainable development as culled out from Brundtland report and other international documents such as Rio Declaration and Agenda 21 are as under:

3.1 Inter-Generational Equity

The central theme of the theory of inter-generational equity is the right of each generation of human beings to benefit from the cultural and natural inheritance of the past generations as well as the obligation to preserve such heritage for the future generations.⁵ Inter-generational equity requires conserving the diversity and quality of biological resources and of renewable

⁴ V K Ahluwalia, *Environmental Studies* (The Energy and Resources Institute, Teri, 2013).

⁵ Armin Rosencranz, Shyam Divan and Mathal L. Noble, *Environmental Law and Policy in India*, 60 (Oxford University Press, New Delhi, 1991).

resources such as forests, water and soils.

The principle of Inter-Generational equity is of recent origin. the 1972 Stockholm Declaration refers to it in principles 1 and 2.

3.2 Use of natural resources

In order to meet the needs on sustainable basis, it is absolutely necessary to use the earth's natural resources carefully and natural resource base must be conserved and enhanced. It is part of our moral obligation to other living beings and future generations. the resources must be conserved and enhanced to meet the needs of growing populations.⁶

3.3 Environmental Protection

The protection of the environment is an essential part of sustainable development. Without adequate environment protection, development is undermined; without development, resources will be inadequate for the needed investments and environment protection will fail.

In *Citizen, Consumer and Civic Action Group v. Union of India*,⁷ the court observed that while the courts have social accountability in the matter of protection of environment, there should be a proper balance between the same and development activities, which are essential for progress. There can be no dispute that the society has to be prosper, but it shall not be at the expense of environment.

3.4 The Precautionary Principle

The main purpose of the precautionary principle is to ensure that a substance or activity posing a threat to the environment is prevented from adversely affecting the environment, even if there is no conclusive scientific proof of linking that particular substance or activity to environmental damage.⁸ The onus of proof is on the developer or industrialist to show that his action is environmentally benign.⁹

⁶ Principle 19 of The Johannesburg Declaration of Sustainable Development.

⁷ AIR 2002 Mad. 298.

⁸ Gurdip Singh, Environmental Law – International and National Perspectives, 212 (Lawman, New Delhi, 1995).

⁹ *Vellore Citizen's Welfare Forum v. Union of India*, (1995) 5 SCC 647.

3.5 The Polluter Pays Principle

It means that the absolute liability for harm to the environment extends not only to compensate the victims of pollution but also the cost of resorting the environmental degradation. Thus, it includes environmental costs as well as direct costs to people or property.

3.6 Financial Assistance to developing countries

The people in the developing countries strain their natural resources and over exploit them to meet their basic needs. The developing countries also do not have the finances and modern technology to follow the path of development which is sustainable. Therefore, the financial assistance and transfer of technology from the developed nations to the developing nations is a must if we want to achieve the goal of sustainable development and environment protection. In fact, this was one of the major demands of developing countries at the Earth Summit of 1992.¹⁰

4. RIGHT TO LIFE AND ENVIRONMENT SUSTAINABILITY – NATIONAL PARAMETERS

The dignity of the individual and human rights are inseparably connected with each other. In the absence of the former, the latter is a myth and no sections of the human beings are as dangerous as the product of our own warped intelligence and bigotry. The dignity of the individual is the basis of the Indian constitution. until the Indian constitution came into being the talk of human rights also remained myth in India. If one is asked which is the most important of all the articles in the Indian Constitution, one can only say Article 21, which says no person shall be deprived of his life and liberty except according to the procedure established by the law is the guiding star of India. All the other articles are subservient to this.

Articles 14,19 and 21 protect the lives of people and the essence of their lives, thus these articles are said to be golden triangle. Especially Article 21 is the heart of all the fundamental rights. The past five decades have witnessed two major developments in this connection. The first development took place when the constitution (forty-second Amendment) Act, 1976, was adopted in the mid-seventies. specific provisions relating to certain aspects of environment,

¹⁰ United Nations Conference on Environment and Development, Rio Declaration on Environment and Development, Rio de Janeiro, 3-14 June 1992.

more especially for the protection of the forests and wildlife in the country, were incorporated in Part IV- Directive Principles of State Policy- List III- The Concurrent List-List item no. 17- Prevention of cruelty to animals, Item no. 17A-Forests, Item no.17B-Protection of wild animals and birds of the seventh schedule of the Constitution.¹¹ To that extent, India has been providing Legislations and also implementing administrative measures. the second major development has been the evolution of jurisprudence arising from certain remarkable judicial pronouncements in recent years, more specially relating to Article 21 of the Constitution dealing with the right to life. Article 21 is the celebrity provision of the constitution. It occupies a unique place as a fundamental right for the people of India. It protects the life and personal liberty here, the right to life includes right to health, right to food, and right to pollution free environment, etc. in simple words, provides an inbuilt guarantee to a person for right to live with dignity. In the case of *Indian Council for Enviro-Legal Action v. Union of India*,¹² Right to live is a fundamental right under Article 21 of the Constitution and it includes the right to enjoyment of life. If anything endangers or impairs that quality of life in derogation of laws, a citizen has right to have recourse to Article 32 of the Constitution for removing the pollution of water or air which may be detrimental to the quality of life.

Environment and life are interrelated. Because life emerges from the environment sustains in the environment and merges into the environment, thus environment sustainability is the basis to achieve right to life. The existence of life on earth depends on the harmonious relationship between ecosystem and environment. Life does not mean mere animal existence. This was accepted by Constitution Bench in *Kharak Singh v. State of U.P.*¹³, the Supreme Court has further expanded horizons of meaning of life as to include rights like right to livelihood, right to education, right to health etc.

The judicial craftsmanship attempted to expand the reach and ambit of Article 21. Thus, judiciary broadened the concept of life. Right to life extended its scope to include right to wholesome environment and right to sustainable development. The Supreme Court interpreted right to wholesome environment as a part of right to life under Article 21 of the constitution for the first time in *Rural Litigation and Entitlement Kendra, Dehradun v. State of U.P.*¹⁴ Such wide interpretations of Article 21 by the Supreme Court have over the years become the

¹¹ *Supra* note 3, art. 246.

¹² (1996) 2 S.C.R 503.

¹³ AIR 1963 SC 1295.

¹⁴ AIR 1985 SC 652.

bedrock of environmental jurisprudence and have served the cause of protection of India's environment. In the case of *Narmada Bachao Andolan v. Union of India*¹⁵, Supreme Court held that sustainable development means what type or extent of development can take place, which can be sustained by nature/ ecology with or without mitigation.

Right to life would become meaningless without healthy environment. Therefore, environmental degradation leads to the violation of human rights directly by undermining the above aspects of human existence.

5. INTERNATIONAL TREATIES AND CONVENTIONS

The Right to Life in relation to environmental sustainability has also gained recognition in international law:

- **Stockholm Declaration (1972):** First international acknowledgment of the human right to a healthy environment.¹⁶
- **Rio Declaration on Environment and Development (1992):** A healthy environment was one of the sustainable developments from the UNCED and the Rio Declaration on Environment and Development (1992), which naturally defines a human life in terms of Principle 1.¹⁷
- **Convention on Biological Diversity (CBD):** Since its inception in 1992, the CBD has prioritized the preservation of biodiversity, but it also acknowledges the intrinsic value of biodiversity and provides a roadmap for the future use of natural systems as providers of goods and services, encompassing both the conservation of natural resources and the coexistence of humans and the environment.¹⁸
- **World Summit on Sustainable Development (2002):** The Johannesburg World Summit was an important reminder of the links between development, human rights, and environmental sustainability. It emphasized how important it is to coordinate

¹⁵ (2000) 10 SCC 664.

¹⁶ Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration), U.N. Doc. A/CONF.48/14, (1972).

¹⁷ Available at: <http://www.ijert.org>. (last visited on December 1, 2024).

¹⁸ Convention on Biological Diversity, 1992, 1760 U.N.T.S. 79.

human rights issues with sustainable development practices and policies.¹⁹

- **UN Resolution (2022)** – The recognition of the right to a clean, healthy and sustainable environment is closely connected with the protection of the right to life, as environmental degradation, climate change and pollution may directly threaten human life and well-being. The UN General Assembly recognized the right to a clean, healthy, and sustainable environment as a universal human right.²⁰

6. CHALLENGES TO ENVIRONMENTAL SUSTAINABILITY

Despite legal and institutional mechanisms, achieving environmental sustainability remains difficult due to:

- Industrial pollution and urbanization
- Deforestation and biodiversity loss
- Climate change and global warming
- Overexploitation of resources
- Weak enforcement of environmental laws

7. Government Initiatives and Policies

India has adopted several measures to promote environmental sustainability:

- Environment Protection Act, 1986²¹ – Umbrella legislation post-Bhopal Gas Tragedy.
- National Green Tribunal Act, 2010²² – For speedy disposal of environmental cases.
- Biological Diversity Act, 2002²³ – To conserve biodiversity and ensure equitable

¹⁹ Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 2002, U.N. Doc. A/CONF.199/20 (2002).

²⁰ G.A. Res. 76/300, The Human Right to a Clean, Healthy and Sustainable Environment, U.N. Doc. A/RES/76/300 (July 28, 2022).

²¹ Act 29 of 1986.

²² Act 19 of 2010.

²³ Act 18 of 2003.

sharing of benefits.

- National Action Plan on Climate Change (NAPCC), 2008²⁴ – Focused on renewable energy, energy efficiency, and sustainable agriculture.
- Swachh Bharat Mission (2014) – National campaign for waste management and sanitation.
- National Electric Mobility Mission Plan & Solar Mission – For sustainable energy transitions.
- Commitment to UN Sustainable Development Goals (SDGs), particularly Goal 13 (Climate Action) and Goal 15 (Life on Land).

8. SOLUTIONS AND WAY FORWARD

While India has progressive environmental jurisprudence and strong constitutional backing, enforcement remains a weak link. Industrial lobbies, political pressures, and economic compulsions often dilute sustainability efforts. Judicial interventions, though strong, cannot replace policy enforcement.

There is also a gap between laws on paper and ground realities rural communities continue to suffer displacement, pollution, and loss of livelihoods due to development projects. A deeper integration of environmental justice, participatory governance, and climate resilience is needed.

There are some effective measures that will help in environment protection and sustainable development.

a. Renewable Energy Transition- Shifting from fossil fuels (coal, oil, natural gas) to clean and renewable sources like solar, wind, hydropower, and green hydrogen reduces greenhouse gas emissions and air pollution. India is the world's third-largest emitter of carbon dioxide. Continued reliance on coal will worsen climate change, whereas renewables ensure energy security and sustainability. For example, National Solar Mission is a part of India's National

²⁴ Government of India, National Action Plan on Climate Change, Ministry of Environment, Forest and Climate Change, Government of India (2008).

Action Plan on Climate Change. The target of India 500 GW renewable capacity by 2030.

b. Sustainable Agriculture- Traditional farming methods often rely heavily on chemical fertilizers, pesticides, and water-intensive crops. Sustainable agriculture promotes organic farming, crop diversification, rainwater harvesting, and efficient irrigation (drip, sprinkler systems). Agriculture contributes to groundwater depletion, soil degradation, and methane emissions (paddy, livestock). Unsustainable practices also harm biodiversity. For instance, Zero Budget Natural Farming in Andhra Pradesh and Paramparagat Krishi Vikas Yojana for organic farming.

c. Circular Economy- Unlike the "take-make-dispose" linear model, a circular economy focuses on reduce, reuse, recycle keeping products and materials in use for as long as possible. India generates ~62 million tonnes of solid waste annually, of which only 30% is processed. A circular economy reduces waste, saves resources, and creates green jobs. For Examples: Plastic Waste Management Rules (2016, amended 2022) promoting Extended Producer Responsibility and in Delhi Metro's use of fly-ash bricks in construction. By encourage recycling industries, promote eco-friendly packaging, adopt waste-to-energy technologies.

d. Green Urban Planning- Cities contribute to air pollution, water scarcity, and carbon emissions. Green urban planning involves eco-friendly housing, public transport, waste management, and renewable-powered smart cities. By 2050, India's urban population will exceed 50%. Without green planning, urban areas will face unbearable congestion, pollution, and water shortages. Smart Cities Mission integrating sustainability into urban design and Expansion of metro rail systems reducing reliance on private vehicles.

e. Community Participation- Environmental policies succeed only when local communities actively participate in conservation, afforestation, waste segregation, and awareness campaigns. Communities are both victims and protectors of environmental degradation. Local knowledge ensures sustainable resource use. For instance, Chipko Movement (1970s) villagers protected forests. Joint Forest Management programs involving local communities.

f. International Cooperation- Environmental problems like climate change, ozone depletion, and ocean pollution cross national boundaries. No country can tackle them alone hence the need for global cooperation in technology transfer, climate finance, and capacity building. Developing nations like India need financial and technological support for renewable energy

and climate adaptation. Paris Agreement (2015) countries pledged emission cuts. International Solar Alliance (ISA, 2015) initiated by India to promote solar power globally.

g. Strict Enforcement of Law- India has strong environmental laws, but enforcement remains weak due to corruption, bureaucracy, and lack of political will. Strict enforcement ensures accountability of industries and compliance with sustainability standards. Without enforcement, even the best policies remain ineffective. Weak regulation leads to air pollution crises, river contamination, and unchecked deforestation. For example: National Green Tribunal (NGT), provides speedy environmental justice. CPCB (Central Pollution Control Board) monitors pollution but needs more enforcement power.

10. CONCLUSION

Environmental sustainability is no longer a policy option but a human rights imperative. The Right to Life under Article 21 has been interpreted to include the right to a clean and sustainable environment, ensuring that development is not achieved at the cost of ecological destruction. Therefore, Article 21 is not only inclusive of all fundamental rights, it is also supplementary and complementary along with directive principles, all other fundamental rights.²⁵ Such wide interpretations of Article 21 by the Supreme Court have over the years become the bedrock of environmental jurisprudence and have served the cause of protection of India's environment. This right to environmental protection to emerge as a distinct right with its own might has to overcome not only the jurisprudential barriers but even the economic and political barriers in built in the contemporary world order. The Indian judiciary, through landmark judgments, has elevated environmental protection into the sphere of fundamental rights. At the global level, recognition of the right to a healthy environment by the United Nations marks a historic shift in international law.

The way forward lies in a balanced approach where economic growth coexists with ecological conservation. This requires stronger enforcement of environmental laws, public participation, renewable energy adoption, and intergenerational equity. Protecting the environment is not only a constitutional obligation but also a moral duty to safeguard the future of humanity.

²⁵ *Murali Deora v. Union of India and Ors.*, (2001) 8 SCC 765.