



Research Article

Right to a Clean Environment and Its Impact on Public Health: A Legal Perspective in India

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Abstract

People are starting to see cleaner environments as a fundamental human right that improves everyone's quality of life. Environmental deterioration, urbanisation, and industrialisation have all contributed to a dramatic rise in pollution over the last few decades, which is having an obvious effect on people's health. Focusing on constitutional law in India, this article will examine the right to a clean environment from a legal perspective and will analyse how these right impacts people's health. It discusses how environmental jurisprudence, major legislations and significant judicial rulings have enhanced environmental protection. The paper also examines the direct and indirect impacts of the environmental quality on both physical and mental health by exposing the problems of air pollution, water contamination, and unbalanced ecology in cities. Besides, the impact of the governmental policies, difficulties in enforcement, and enforcement loopholes are also critically discussed. The paper concludes by highlighting the importance of having better enforcement of the law, sustainable development, and also having the people actively involved in ensuring that the environmental rights are well enforced and that the health outcomes of the people are improved.

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1. INTRODUCTION

“Clean environment has developed to be not only a policy concern, but also a legal and human right issue in most parts of the world. An environment that is clean and healthy is something that humans cannot do without in terms of survival, dignity and well-being in general. In modern society, there is a high rate of industrialisation, urbanisation, and population increase that brings about serious environmental degradation, hence disastrous health effects. The rising cases of respiratory infections. The connection between environmental quality and human health has been highlighted by recent outbreaks of water-borne infections and other environmental health challenges. Article 21 of the Indian Constitution guarantees the right of every individual to live in a clean and healthy environment. Judicial activism has greatly increased environmental rights because it is now obvious that a life without pollution cannot be guaranteed (M.C. Mehta v.). Indian government. The establishment of environmental rights is the state's moral and legal obligation to ensure the safety of its citizens. This article primarily focuses on the public health implications of the right to a clean environment. It also aims at examining the effectiveness of the current laws and policies, and understanding the challenges that make it difficult to implement them.

2. Concept of Right to Clean Environment

“A contaminated and environmentally damaged environment is inhumane, and individuals have a right to live in one that is free of such hazards. This idea has deep roots in human rights theory as it has such a direct bearing on people's well-being and respect for themselves. The need to conserve the environment for human health has been emphasised in many international declarations and treaties, including the 1972 Stockholm Declaration and the 1992 Rio Declaration, which have also established environmental rights. Environmental sustainability is a shared value that requires thoughtful, far-sighted planning. It includes the right to a healthy ecosystem, which includes access to safe drinking water and air. In the Indian context, the right to a healthy environment is interpreted by the court as Article 21, even though the Constitution does not specifically include environmental rights (Subhash Kumar v.). The Bihari realm. Furthermore, in accordance with the state policy principles stated in Directives 48A and 51A, both the state and its people are committed to safeguarding and enhancing the environment (g). b. These are provisions that are not justiciable but give a guideline on environmental governance and enhance the value of environmental protection.

3. Legal Framework

Environmental security in India is a complex set of laws that is encompassed in constitutional and legislative provisions, statutes and judicial rulings. As a whole, environmental law rests on Article 21 of the Constitution, which courts have interpreted to include the right to an unpolluted and safe natural setting. Because of this legal perspective, more people have access to essential rights, and the environment is being better preserved. Many pieces of legislation have been passed to deal with environmental problems. With its broad powers, the

federal government is able to tackle environmental degradation thanks to the Environmental Protection Act of 1986 (EPA). The Water (Prevention and Control of Pollution) Act of 1974 and the Air (Prevention and Control of Pollution) Act of 1981 are two pieces of legislation that aim to establish pollution control boards in order to regulate and prevent pollution. The enforcement of environmental legislation and the establishment of individual accountability have both been greatly aided by the intervention of the judiciary. Indian precedents that aren't moving the needle include *Mehta v. M.C.*, which established concepts like polluter pays and the precautionary principle. These rules now form a part of environmental law and are frequently applied in subsequent cases. Sustainable development aims at achieving some form of balance between economic growth and environmental protection; it is a question that has been brought up by the court as well. Although deliberating on the case *Vellore Citizens Welfare Forum v. An* integral part of laws about the environment, sustainable development is the Union of India's recognition of the significance of responsible resource management.

4. Impact on Public Health

The relations between the health of people and their environment are complex. The destruction of the environment directly affects the emergence of various health complications that encompass respiratory, heart-related and water-borne diseases. Pollution of the air, specifically, has become one of the significant health issues of the population, especially in cities where industrial production and automobile pollution are the main concerns. Asthma, bronchitis, and lung cancer are some of the conditions that have been associated with exposure to polluted air (World Health Organisation). Another essential problem that threatens human health is water contamination. Polluted water sources can cause diseases such as cholera because of bacteria, pathogens and heavy metals produced by toxic chemicals, dysentery and hepatitis. These problems are also aggravated by poor hygiene and inadequate waste disposal, which are mostly evident in overcrowded places. The environment impacts not only physical health, but also mental and social health. The green spaces and clean environments have been observed to reduce stress, improve cognition and create the overall quality of life. Eponymously, this may cause psychological discomfort and poor productivity, because a person is in a soiled and corrupted environment. Environmental degradation does not exist in a balanced manner, and, in most instances, such impacts will be mostly severe on the most vulnerable people, such as children, the elderly and those with low income. These groups face more environmental risk and do not have access to health care and resources, which indicates a need to make environmental policies equal.

5. Role of Government and Policies

The government plays an important role in the development of policies, regulations, and the enforcement of policies to ensure that the environment is protected and to protect people's health. In India, we can find various efforts to resolve the environmental issues, and some of these efforts are pollution control, waste management programs, and sustainable urban

development. One of the programmes that aims at reducing the amount of air pollution in the urban areas is the National Clean Air Programme (NCAP), which monitors and intervenes in these areas. Correspondingly, such projects as Swachh Bharat Abhiyan also aim at the enhancement of the system of waste management and sanitation, so that the environmental health hazards decrease. The other important elements of the environmental policy are the city planning and the development of green areas. The green infrastructure incorporation within urban plans not only improves the quality of the environment, but it also helps to achieve better health outcomes for the population. These policies, however, are subject to a lot of implementation and enforcement, which determines their effectiveness. Although comprehensive policies exist, the challenges that adversely affect their effectiveness and success are bureaucratic inefficiency, the absence of coordination, and the inadequacy of resources. The best way to have proper policy implementation is through strengthening institutional frameworks, transparency, and accountability.

6. Challenges

The implementation of the right to a clean environment has been associated with several challenges, especially in developing countries, where economic development usually comes first before the environment is protected. Rapid industrialisation and urbanisation have increased pollution levels and put a strain on the world's natural resources. The weak enforcement of environmental laws has been one of the main challenges. Despite the existence of strong legal systems, there is a lot of inconsistency because of corruption, political will and administrative capacity. As a result, environmental deterioration accelerates, and human health is put at risk. The other major problem is the dilemma between development and environmental conservation. The destruction of the environment is often a consequence of infrastructure developments, challenging the idea of sustainable development due to industrial processes and urbanisation. There is a complicated problem with balancing economic growth with environmental protection. Another important factor in environmental conservation is the participation of people and the raising of their awareness via media campaigns. This kind of ignorance on environmental issues and their impact on health will tend to create apathy and a lack of compliance with rules. To overcome this challenge, there must be community participation and activities that should be encouraged towards environmental education.

7. Suggestions and Recommendations

The comprehensive and integrated approach is necessary because of public health and the right to live in a clean environment. More reinforcement of the implementation of the environmental laws should be done regarding monitoring, imposition of more penalties upon the breach and institutional capacity. Sustainable development practices have to be encouraged to strike a balance between the development of the economy and environmental conservation. This equally incorporates adoption of clean technologies, renewable energy sources and also efficient resource management. By

encouraging industries to abide by the environmental requirements and embrace environmentally friendly measures, one can pay significant attention to the level of pollution. The participation of the people and their awareness are crucial in the governance of the environment. Responsible behaviour can be cultivated by educating the citizens on environmental problems and the effects on their health, which will make the community participate in conserving the environment. The government, businesses, and non-profits may all work together to create and execute better environmental regulations if they adopt a collaborative strategy. Moreover, the incorporation of environmental factors in the planning of public health may yield more thorough and successful approaches. It is imperative to also understand that there can be no long-term sustainability and better quality of life without acknowledging the interdependence between environmental and health policies.

8. CONCLUSION

People have an inherent right to live in an unpolluted environment, as it is good for their health. The environmental movement has gained significant momentum since this right was made official, most notably in India's constitution. Nevertheless, this right is not fully achieved because the problems associated with its implementation are connected with the areas of enforcement, implementation of the policy, and citizen involvement. The issue of environmental degradation has remained a significant risk to the health of people, and it is therefore important to seek enactment of better laws, improved sustainable development policies and creation of awareness. It is the collective duty of all members of society and the state to safeguard environmental rights, and the court. Last but not least, a clean and healthy environment can only be achieved by a collective effort and the implementation of sustainable practices. To ensure a better and more sustainable future for all citizens, environmental conservation may take centre stage alongside health promotion initiatives”.

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