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SPECIAL ISSUE ON

EDUCATION AND HUMAN RIGHTS

Edited by

Koppolu Daya Sagar Babu
Y.K.Satyanarayana



INVITATION



UGC SPONSORED A MULTI DISCIPLINARY
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Human Right for Clean Environment

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Abstract: All Human Rights are universal, indivisible and interdependent and interrelated. The International community must treat Human Rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of National and Regional particularities and various historical, cultural, and religious backgrounds must be borne in mind, it is the duty of the state, regardless of its political, economic and cultural systems to promote and protect all Human Rights and fundamental freedoms."— Office of the High Commissioner for Human Rights.

Key words: fundamental freedoms, historical, cultural,

Introduction

"All Human Rights are universal, indivisible and interdependent and interrelated. The International community must treat Human Rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of National and Regional particularities and various historical, cultural, and religious backgrounds must be borne in mind, it is the duty of the state, regardless of its political, economic and cultural systems to promote and protect all Human Rights and fundamental freedoms."— Office of the High Commissioner for Human Rights. The United Nations Charter signed on June 26, 1945, sought to acknowledge the importance of Human Rights and established it as a matter of international concern. The primary basis for passing the International Bill of Human Rights, 1948 by the UN is to promote protect and monitor human rights and fundamental freedoms. The Bill comprises three texts:

The Universal Declaration of Human Rights, 1948

The International Covenant on Economic, Social and Cultural Rights,

1966 The International Covenant on Civil and Political Rights, 1966.

Together these three texts comprise the International Bill of Human Rights. International human rights law has been designed to protect the full range of human rights required for people to have a full, free, safe, secure and healthy life. The right to live a dignified life can never be attained unless all basic necessities of life like food, pure air and water, work housing, health care, education, etc., are available to everyone.

The Environment in India is as bad as the rest part of the world. The land degradation and water depletion, soil erosion, (degradation of forests, threats to bio diversity conservation and ecosystem, water, air and noise pollution, unplanned growth of human settlement are some of the grave problems the environment faces.

There have been many a legislations made from time to time to protect the **The different statutes / legislations enacted in India exclusively for environment protection are**

- The Water (Prevention and Control of Pollution) Act, 1974



Anything which endangers or impairs....that quality of life Is entitled to take to recourse of Article 32". In (2002) 4 SCC 356 the Supreme Court directed phasing out of diesel buses from the polluted cities like Delhi and substitute the same with buses run on CNG . In (2002) 9 SCC 483 the court directed for the closure and or shifting of polluting industries from residential areas. In (2000) 6 SCC 213 on the Polluter pay principle the Supreme Court directed the polluter to pay damages not only for restoration of ecological balance, but also pay damages to the victims who have suffered due to the ecological disturbance.

Complaining about the pollution that is caused to the ground and underground water by bulk drug industries Patancheru, Hyderabad, a telegram was sent to the High Court of Andhra Pradesh. The said telegram was entertained as a Writ petition. Thereafter, few writ petitions were directly filed on the file of the Supreme Court and the writ petition that was filed before the High court was transferred to the Supreme Court. The Supreme Court time and again issued directions to the pollution control board and also the industries to ensure that the ground and underground water is not polluted. After monitoring, for several years and also after directing payment of compensation to farmers for loss of crop due to pollution on the principle polluter pays, the Supreme Court remitted back the matter to the high court to pass appropriate orders as to which industries should be allowed to run and which industries are to be closed down. The matter is now pending before the High Court.

Conclusion:

The right to environment is a part of Fundamental Right to life and liberty. By virtue of the pronouncements of the Supreme Court and High Courts, there is a very thin line between the Human Right to have a clean environment and Article 21 of the Constitution of India, as right to environment which includes clean air and water, has been read into Article 21 by the Supreme Court. Under Article 48-A, it is the duty of the State to protect and improve the environment and under Article 52-A Clause (g), it is the fundamental duty of every citizen to protect and improve the environment. It 'Lk both for the State and citizens to protect the environment, the State by enforcing the various enactments and by citizens by following them. Inventions and innovations are very essential for advancement, but then, citizens must realize that such inventions and innovations should not destroy the environment.

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