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ABSTRACT:

*“The access to clean air is a fundamental necessity, as quality environment is the basic requirement for well-being of human health. At present, the world is undergoing an unprecedented environmental crisis as pollution is emerging as a major threat to human health and dignity. The airborne pollutants such as **PM2.5 and NOx** penetrate deep into lungs and bloodstreams, triggering inflammation that elevates cancer risks of cancer and other non-communicable diseases (NCDs) are the devastating consequences of environmental degradation. Environmental degradation violates Article 21 of the Constitution of India that provides right to life with dignity, transforming clean air from a natural entitlement into a contested human right amid industrial sprawl and fossil fuel dependence. This research paper examines the role of human rights institutions in promoting the right to a clean, healthy, and sustainable environment and explores the intersection of human rights, clean air, and environmental dignity within Indian and global legal frameworks. It also analyses the constitutional provisions and laws of countries like Finland, Iceland, India, the USA, and South Africa, Ecuador. It evaluates the cases of India and other countries that recognizes clean air as integral to the right to life. Further, it highlights best practices from countries with high air quality standards, such as Finland, Iceland, and New Zealand.*

The research methodology adopted in the research study is doctrinal, which includes an in-depth literature review of existing laws, policies, and initiatives undertaken by human rights institutions and countries worldwide. The research paper demonstrates that human rights bodies have been instrumental in establishing the right to a clean environment as a core human right. Nations such as India have embedded this right within their constitutions, whereas others like Singapore have introduced specific legislation to uphold public hygiene. The findings of the research paper underscore the vital role of public involvement and accountability in environmental conservation, evidenced by stringent penalties for pollution violations across various countries”.

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***Keywords: Clean Environment, Human Rights, Environmental Dignity, India,
Global, Initiatives, Constitutional and Statutory Provisions.***

I. INTRODUCTION:

Humanity has triumphed over colonialism, terrorism, and cultural erasure, yet tragically neglected the essential foundation of life-safeguarding the environment from destructive pollutants. This is the only thing where no country will differ because everyone breath the same air, drink from the same source of water, and live on the same planet. This is an issue which ties citizens from all over the nation stand together. People will win over various conflicts from one another, saving their ethnicity, culture, and nation but getting a healthy life free from diseases are the hardest thing to achieve today with air pollution emerging as a major threat to human health and dignity. The increasing incidence of pandemic, cancer and other NCDs is a stark reminder of the devastating consequences of environmental degradation. This shared vulnerability manifests in alarming global data. According to *United Nations Environment Programme (UNEP)*, 97 % of cities in the low- or middle-income counties do not meet air quality guidelines.¹ The inhabitants are subjected to hazardous substances and wastes without their awareness, resulting in serious health complications. At the same time, the global health community issued an urgent appeal for clean air, urging state authorities, corporate leaders, and policymakers to combat air pollution and safeguard public health. *As per World Health Organization (WHO)*, estimates, air pollution contributes to around seven million deaths annually, forming a major component of the worldwide health crisis, predominantly through

¹Clean Air as a Human Right, United Nations Environment Programme, available at: <https://www.unep.org/news-and-stories/story/clean-air-human-right> (last visited on February 19, 2026).

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NCD-related mortality.² Therefore, the ability to breathe unpolluted air is indispensable for life and is inherent in the right to a wholesome environment. India exemplifies this crisis with acute severity. According to Air Quality Life Index (AQLI 2025) reveals that several North Indian cities like Delhi, Ghaziabad, and Kanpur remain among the most polluted in the country. are notorious for Nearly all residents in India inhale air that surpasses the WHO's safe annual PM2.5 threshold of $5\mu\text{g}/\text{m}^3$.³ The main reason behind such air is rapid pace of industrialisation, over population, rising urbanisation, and related activities that lead to air pollutant emissions and poor air quality. These pollution levels fuel a cascading health catastrophe. From the 1918 Spanish Flu to the 2019 COVID-19 outbreak, the world has endured devastating pandemics causing massive loss of life, with poor hygiene emerging as a primary contributing factor. WHO also predicted over 35 million new cancer cases in 2050, a 77% increase from the estimated 20 million cases in 2022.⁴ Marking air pollution as the leading driver as one of the leading causes. Among the various types of cancer lungs cancer remained one of the deadly types of it (*1.8 million deaths, 18.7% of the total cancer deaths*),⁵ Other NCD like chronic kidney diseases, cardiovascular disease, even diabetes and certain autoimmune diseases are caused by pollution and uncleanliness lifestyles. Air pollution is the second leading cause of death by NCD after tobacco consumption. Environmental risk factors as a whole cause about 23% of all global deaths, two-thirds of which are NCDs.

²Health community calls for urgent action for clean air ahead of WHO conference", World Health Organization, January 27, 2025, available at: <https://www.who.int/news/item/27-01-2025-health-community-calls-for-urgent-action-for-clean-air-ahead-of-who-conference> (last visited on February 19, 2026).

³All of India breathes bad air, AQLI 2025 report says, The Energy Policy Institute at the University of Chicago (EPIC), August 31, 2025, available at: <https://epic.uchicago.in/all-of-india-breathes-bad-air-aqli2025-report-says/> (last visited on February 19, 2026).

⁴Global cancer burden growing, amidst mounting need for services, World Health Organization, February 1, 2024, available at: <https://www.who.int/news/item/01-02-2024-global-cancer-burden-growing--amidst-mounting-need-for-services> (last visited on December 29, 2025).

⁵ *Id.*

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II. INTERRELATIONSHIP BETWEEN ENVIRONMENT AND SOCIETY:

The term “environment” broadly refers to everything that surrounds human beings. It represents an interaction between living organisms and non-living elements like water, land, and air. Further, a society structured community humans living within a territory regulated by social relationships and institutions. Environment and society have a reciprocal relationship as society depends on the environment for natural resources such as air, water, food, land and energy and society to protect and conserve the environment, As a result, human activities exert a significant impact on environmental systems. **Some of the concept for Environment and Society are:**

1. *Environmental Justice*: It is popularized in the 1980s US. It links to ecology with human rights, demanding fair distribution of environmental benefits and burdens. The concept of environmental justice was coined and advanced by sociologist Robert D. Bullard, often referred to as the "father of environmental justice"⁶.
2. *Environmentalism of the Poor*: It is coined by Joan Martinez-Alier (1990s). It linked with Ramachandra Guha. It argues poor communities fight environmental struggles for survival (e.g., Chipko, Narmada)⁷
3. *Anthropocentrism*: This term rooted in Western philosophy. A worldview where humans are the central beings and nature exists to serve them. Critiqued by ecologists for being the basis of environmental crisis.⁸
4. *Shallow Ecology*: It is termed by “Arne Naess (1973)”. It focuses on pollution control and resource management without questioning growth-oriented worldview.⁹

⁶Robert D. Bullard, “*Environmental Justice*” (1980s).

⁷ Joan Martinez-Alier, *Environmentalism of the Poor* (1990s).

⁸ Anthropocentrism (Western Philosophy), as critiqued in ecological literature.

⁹ Arne Naess, “The Shallow and the Deep, Long-Range Ecology Movement” 16 *Inquiry* 95 (1973).

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5. *Ecological Modernisation Theory*: It is coined by “Joseph Huber (1982)”, developed by “Arthur Mol & Gert Spaargaren”. It argues capitalism can ‘green’ itself through technology, markets, and policy reforms.¹⁰

III. INTERNATIONAL AND NATIONAL HUMAN RIGHT INSTITUTIONS AND ITS AGENCIES IN MITIGATING POLLUTION:

Human Rights are the inalienable and inherent rights that is impossible to separate for humans. They are simple rights like basic needs, for example – food, health, education, freedom from torture etc. Before the formal human rights were recognized the societies were unstructured, trapped under the powers of rulers unaware about one’s rights. Slavery and Serfdom were the only system in a society. The World War II and the devastating Holocaust possessed the alarming issue to the society. The 48th session of the Human Rights Council, marked the historic resolution of human rights council in environment protection.¹¹ In October 2021, States recognized, that having a clean, healthy and sustainable environment is a human right. Resolution A/HRC/48/13 forwarded by the core group on Human Rights and the Environment namely Costa Rica, Maldives, Morocco, Slovenia and Switzerland and it was adopted with 43 votes in favour and 4 abstentions.¹² It was a result of an appeal “The Time Is Now” where 1,150 organizations from civil society, social, environmental, youth, gender equality and human rights movements, trade unions, Indigenous Peoples, and local communities, from more than 100 countries signed as a call for their rights.¹³ Later, 28th July 2022 the Human rights

¹⁰Joseph Huber, “Ecological Modernisation Theory” (1982).

¹¹Environment @ 48th Session of the UN Human Rights Council, Geneva Environment Network, available at: <https://www.genevaenvironmentnetwork.org/resources/updates/environment-48th-session-of-the-un-human-rights-council/> (last visited on February 19, 2026).

¹² *Id.*

¹³ *Id.*

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institution, UN general assembly recognised right to clean, healthy and sustainable environment as a universal right. From this recognition people got its authority to challenge pollution as their rights.¹⁴ The nations and states are authorised to frame and implement laws and comply with international norms. This gave birth to many national human rights institutions like Asia Pacific Forum (APF), Network of African National Human Rights Institutions (NANHRI), Central pollution control board (CPCB) etc, the motive behind all is to frame environmental policies to protect lives on earth. International and global bodies like Global Alliance of National Human Rights Institutions (GANHRI), United Nations Environment Programme (UNEP), International Union for Conservation of Nature (IUCN) etc were formed to mitigate environmental risk factors and create a sustainable environment. Recently, UN human rights experts also welcomed the impending entry into force of the first environmental human rights treaty in Latin America and the Caribbean, known as the Escazú Agreement, praising it as a ground breaking agreement to secure a healthy environment by fighting pollution.¹⁵ Further, on 28 July 2022, the United Nations General Assembly (UNGA) adopted a resolution declaring that everyone on the planet has a right to a healthy environment.¹⁶ Again, the 60th session of the human rights council held from 8th September to 8th October 2025 discussed mainly on the role of youth, and prioritized the voice of youth. Youths are the concrete structure of a society and their advocacy for human rights are utmost

¹⁴UN General Assembly declares access to clean and healthy environment a universal human right, UN News, July 28, 2022, available at: <https://news.un.org/en/story/2022/07/1123482> (last visited on February 19, 2026).

¹⁵Latin American and Caribbean countries sign historic treaty giving environmental rights the same status as human rights, United Nations Environment Programme, October 2, 2018, available at: <https://www.unep.org/news-and-stories/story/latin-american-and-caribbean-countries-sign-historic-treaty-giving> (last visited on February 19, 2026).

¹⁶Historic UN resolution recognizes healthy environment is a human right, United Nations Development Programme, July 28, 2022, available at: <https://www.undp.org/blog/historic-un-resolution-recognizes-healthy-environment-human-right> (last visited on February 19, 2026).

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important.¹⁷ So, they should vow to protect the environment and ensure that human rights are enjoyed by all. The session encouraged the young minds to take full participation in human rights projects specially to sustain the environment.¹⁸

IV. GLOBAL INITIATIVES ADVANCING THE RIGHT TO A CLEAN AND HEALTHY ENVIRONMENT:

Global initiatives have significantly advanced the recognition of the right to a clean and healthy environment as a fundamental human right through enactment of legislations, regulations, etc. Some of them are mentioned below:

1. New Zealand's (Climate change response (zero carbon) Amendment act 2019 has made a framework to make the nation into a net zero greenhouse gas emissions (except for methane from agricultural wastes) by 2050, has taken a bigger step in remitting one of the biggest factors in causing air pollution.
2. Singapore chewing gum banned Regulation of imports and exports (chewing gum) regulations¹⁹, prohibits imports and exports of chewing gum such as (bubble gum, dental gum, etc) which is made up of synthetic origin or gum base of vegetable except for therapeutic purposes or other medical purpose with the consent of respective authority. Contravention of the rule can amount up to penalty of \$100000, or imprisonment up to 2 years (for 1st conviction) and \$200000 or imprisonment up to 3 years (for second conviction). The law upheld Singapore's reputation to a "fine and clean city". Various reports suggest that waste chewing gum has the potential to spread contagious diseases. The small

¹⁷Report on the 60th session of the Human Rights Council, Universal Rights Group, October 9, 2025, available at: <https://www.universal-rights.org/report-on-the-60th-session-of-the-human-rights-council/> (last visited on February 19, 2026).

¹⁸ *Id.*

¹⁹Regulation of Imports and Exports Act (Chapter 272A, Singapore), s. 3.

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step taken by Singapore is a biggest milestone for mitigating diseases from unhygienicity²⁰. One of another interesting law in Singapore is if one does not flush the toilet after using it, he can be charged up to \$150 fines under "Environmental Public Health Act 1987"²¹

3. Countries like Ecuador, recognizes the "rights in nature"(pachamama) under Ecuadorian constitution. These right mandates the both the state and individuals to maintain a healthy and clean environment.²²
4. India's initiatives for clean environment have been seen since a long time, goals like Central Rural Sanitation Programme (CRSP) (1986)²³, Total Sanitation Campaign (TSC) (1999), Nirmal Bharat Abhiyan (NBA) (2012) and the Swachh Bharat Abhiyan, (2014) has brought significant changes in regulator process of India's administrative system.

V. VARIOUS COUNTRIES RECOGNIZING THE RIGHT TO A CLEAN ENVIRONMENT AS A CONSTITUTIONAL RIGHT:

Beside Ecuadorian constitution there are more than hundred countries recognise "right to clean and hygiene environment" directly in their constitution, which are stated below:

1. USA - Some US countries like New York and Montana recognizes right to clean air, water and a healthy environment as an inalienable right.

²⁰Regulation of Imports and Exports (Chewing Gum) Regulations, Reg. 4, G.N. No. S 533/1995 (Singapore).

²¹Ministry of Home Affairs, Singapore, "A Trusted Home Team, A Safe and Secure Singapore", available at: <https://www.mha.gov.sg> (last visited on February 17, 2025).

²² The Constitute Project, "Ecuador's Constitution of 2008 (Revised 2021)", available at:

<https://www.constituteproject.org> (last visited on February 19, 2026).

²³ NDTV Swachh India, available at: <https://www.swachhindia.ndtv.com> (last visited on August 10, 2025).

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2. *South Africa* - Article 24²⁴ of South Africa's constitution states that every person shall have right to an environment that is not detrimental to their health.²⁵
3. *Costa Rica* - Article 50 of the constitution of Costa Rica recognise "right to healthy²⁶and ecologically balanced environment"²⁷
4. *India* - Article 21 Constitution of India Recognised "Right to life"²⁸which is a broader term which comprises all the things as a right which is not harmful for life. Therefore, right to clean environment falls under "right to life" as interpreted courts multiple of times.²⁹
5. Article 51A(g) states: "It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers, and wildlife, and to have compassion for living creatures."³⁰
6. Article 48A (Directive Principles of State Policy): "The State shall endeavour to protect and improve the environment and safeguard forests and wildlife of the country."³¹
7. *Brazil* - Article 225 of Brazilian Constitution recognises the right to clean environment upholding the human rights treaties³².

²⁴ The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), art. 24.

²⁵Environment & Society Portal, available at:

<https://www.environmentandsociety.org> (last visited on June 9, 2025).

²⁶ Constitution of the Republic of Costa Rica, art. 50, available at:

<https://hrlibrary.umn.edu> (last visited on February 19, 2026).

²⁷The Constitute Project, "Ecuador's Constitution of 2008 (Revised 2021)", available at:

<https://www.constituteproject.org> (last visited on February 19, 2026).

²⁸ M.P. Jain, Indian Constitutional Law art.21 (LexisNexis, New Delhi, 8th edn.).

²⁹ NDTV Swachh India, available at: <https://www.swachhindia.ndtv.com> (last visited on August 10, 2025).

³⁰*Id.*

³¹*Id.*

³²Constitution of the Federative Republic of Brazil, 1988 (3rd edn., Biblioteca Digital da Câmara dos Deputados, 2010).

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VI. INDIA'S RESPONSES AND LEGAL INITIATIVES FOR HEALTHY AND CLEAN ENVIRONMENT:

Over the years, India has established a robust and comprehensive legal framework to address environmental degradation, integrating constitutional mandates, statutory enactments, and progressive judicial interpretation to secure a clean and healthy environment. ***The key initiatives undertaken in this regard are outlined below:***

1. The Ministry of AYUSH (Ayurveda, Yoga and Naturopathy, Unani, Siddha, and Homeopathy) has an autonomous institute called the National Institute of Sowa-Rigpa (NISR) to promote and develop Sowa-Rigpa. Sowa-Rigpa is a holistic system of medicine that uses natural resources like Himalayan plants and minerals. The World Health Organization (WHO) defines traditional medicine as "the sum total of the knowledge, skills, and practices based on the theories, beliefs, and experiences indigenous to different cultures, whether explicable or not, used in the maintenance of health as well as in the prevention, diagnosis, improvement or treatment of physical and mental illness."³³
2. The Provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996 or PESA³⁴ is a law enacted by the Government of India for ensuring self-governance through traditional Gram Sabhas for people living in the Scheduled Areas of India. Scheduled Areas are areas identified by the Fifth Schedule of the Constitution of India. Scheduled Areas are found in ten states of India which have predominant population of tribal communities. The Scheduled Areas were not covered by the 73rd Constitutional Amendment or Panchayati Raj Act of the Indian Constitution as provided in the Part IX of the Constitution. PESA was enacted on 24 December 1996. "Scheduled Areas" mean the Scheduled Areas as referred to in Clause (1) of Article 244.³⁵ Andhra Pradesh

³³ World Health Organization, Traditional Medicine p.no. 1 (WHO, 2000).

³⁴ The Provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996 (Act 40 of 1996), s. 2 (India).

³⁵ M.P. Jain, Indian Constitutional Law art.244 (LexisNexis, New Delhi, 8th edn., 1998).

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was the first state to publish the rules in 2011, 15 years after the promulgation of PESA³⁶.

3. Indian Forest Policies - India has many forest laws which promote in protection of forest areas. Indian Forest Act, 1865 first attempt by British to assert control over forests; empowered govt. to declare forests as reserved for state use. First Forest Policy, 1894 Forests viewed mainly as a resource for revenue and timber supply for railways and industries. 42nd Constitutional Amendment Brought forests under Concurrent List; both centre & state can legislate. Forest Rights Act (FRA), 2006 Recognizes rights of tribal & forest-dwelling communities over land and resources. The Indian Council of Forestry Research and Education (ICFRE) created in 1987, is an autonomous organization or governmental agency under the Ministry of Environment and Forests, Government of India.
4. Department of Environment established in 1980 to ensure healthy environment became Ministry of Environment and Forests (MoEF) in 1985. In 2014, renamed as Ministry of Environment, Forest and Climate Change (MoEFCC).
5. Environment Protection Act (EPA), 1986: Enacted after the Bhopal Gas Tragedy (1984)³⁷; considered an umbrella legislation as it fills gaps in previous laws.

VII. GLOBAL ENVIRONMENTAL ACTIVIST AND CITIZENS INITIATIVES FOR RIGHT TO A CLEAN AND HEALTHY ENVIRONMENT:

Environment is a common umbrella for all of us. So, dependency on government and authorities is not the way to protect them, we all should join hands together to make sure that the oxygen we breathe in is purified, the water that quench our thirst is free from germs, and

³⁶ Panchayat Raj and Rural Development (MDL.I) Department, G.O.Ms. No. 66 (March 24, 2012), available at: <https://www.dsa.telangana.gov.in> (last visited on February 19, 2026).

³⁷ M.C. Mehta v. Union of India, (1987) 1 SCC 395.

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place where we stay is surrounded by clean environment. And it is our duty to extend our hand towards a clean and healthy environment. Different activists were seen fighting out throughout their life to live a life with the nature close to heart with dignity.

1. Vandana Shiva, an Indian anti-globalization activist and author, is a vocal thinker and political leader within this framework, originating with her involvement as a young woman in the Chipko movement. She began a movement entitled Navdanya (1982) where participating Indian farmers have created freedom zones to revitalize an organic food market in India.³⁸
2. Further, instances such as cases filed by M. C. Mehta Environmental lawyer on Ganga pollution³⁹, Taj Mahal⁴⁰, Oleum Gas case⁴¹ or *Jadav Payeng (Forest Man of India)* creating Molai forest (~1360 acres) in Assam by planting trees, or *Rajendra Singh (Water Man of India)* revived traditional Johads (earthen check dams) in Rajasthan's arid Alwar district, rejuvenated Arvari River.
3. The Green Belt Movement was founded in Kenya in 1977 by Nobel Peace Prize winner Wangari Maathai. It began as a grassroots initiative to combat deforestation, restore degraded environments, and empower rural women. The movement encouraged communities, especially women, to plant trees to provide firewood, clean water, and improve soil fertility. Over time, it grew into a larger environmental and social justice campaign, linking ecological sustainability with women's rights, democracy, and peace. By combining environmental restoration with community empowerment, the Green Belt Movement became one of the most influential eco-feminist movements in the world.⁴²

³⁸ Vandana Shiva, *Terra Viva: My Life in a Biodiversity of Movements* (read by Sudha Bhuchar).

³⁹ M.C. Mehta v. Union of India, (1988) 1 SCC 471.

⁴⁰ M.C. Mehta v. Union of India, (1997) 2 SCC 353.

⁴¹ M.C. Mehta v. Union of India, (1987) 1 SCC 395.

⁴² Green Belt Movement, "About Us", available at:

<https://www.greenbeltmovement.org/> (last visited on February 19, 2026).

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4. Medha Patkar the lead social activist of the Narmada Bachao Andolan with significant support from renowned figures like Baba Amte focused on nonviolent protest against large dams on the Narmada River, advocating for the rights of displaced communities and sustainable development.⁴³
5. Sunderlal Bahuguna and Chandi Prasad Bhatt are considered as the grassroots activists and environmentalists of the Chipko movement.⁴⁴ They are the legends forming the backbone of the movement by hugging trees to prevent logging in the Himalayas. They advocated for community forest rights and sustainable development.⁴⁵

VIII. JUDICIAL PRONOUNCEMENTS TO RECOGNIZED RIGHT TO CLEAN AIR AND ENVIRONMENT DIGNITY:

● INDIAN CASE LAWS:

Whenever we look upon the cases on environmental law in India, cases by M.C.Mehtais seen flooded everywhere. He has filed an ample amount of PIL related to environmental law.

1. The ***M.C. Mehta vs. Union of India (Oleum Gas Leak Case, 1987***⁴⁶ is a landmark Indian Supreme Court judgment that established the Principle of Absolute Liability for industries handling hazardous substances, holding them fully responsible for any harm, overriding the stricter liability (***Rylands vs. Fletcher***)⁴⁷ with no exceptions, and expanding Article 21 (Right to Life) to include the right to a clean environment, mandating compensation for victims and stricter environmental controls.

⁴³ Sunanda Verma, "Namaste Medha Patkar: She is Helping Us Save Our Earth".

⁴⁴ Chandi Prasad Bhatt: Rooting the Chipko Spirit to Restore Forests and Save Our Planet, Grow Billion Trees, September 1, 2025, available at: <https://www.growbilliontrees.com> (last visited on February 19, 2026).

⁴⁵ Soutik Biswas, "Sunderlal Bahuguna: The man who taught India to hug trees" BBC, May 21, 2021, available at: <https://www.bbc.com> (last visited on February 19, 2026).

⁴⁶ M.C. Mehta v. Union of India, (1988) 1 SCC 471.

⁴⁷ Rylands v. Fletcher, (1868) LR 3 HL 330 (UKHL 1).

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2. The ***M.C. Mehta vs. Union of India (Ganga Pollution Case, 1988)***⁴⁸ refers to landmark Public Interest Litigations (PILs) led by lawyer M.C. Mehta in the Indian Supreme Court starting in 1985, challenging the severe pollution of the Ganges River by industries (especially Kanpur tanneries) and municipal sewage. The courts ordered industries to install effluent treatment plants (ETPs) and municipalities to manage sewage, establishing principles like polluter pays and holding authorities accountable, though enforcement remains a challenge, leading to the Namami Gange Programme.
3. The ***M.C. Mehta vs. Kamal Nath (Public Trust Doctrine, 2000)***⁴⁹, case declared that natural resources like rivers are public property and cannot be alienated for private profit, applying the Public Trust Doctrine.
4. The ***Vellore Citizens' Welfare Forum vs. Union of India (1996)***⁵⁰, case recognized the Precautionary Principle and the Polluter Pays Principle, integrating sustainable development into law. ***Precautionary Principle*** emphasizes proactive measures to prevent environmental harm, even if scientific certainty is lacking. It's considered part of India's constitutional framework, guiding environmental decision-making and ***Polluter Pays Principle*** holds polluters financially responsible for environmental damage, ensuring accountability and restoration costs.
5. The ***Rural Litigation and Entitlement Kendra (RLEK) vs. State of U.P. (Dehradun Valley Litigation, 1985)***⁵¹, India's first environmental PIL, focusing on illegal limestone mining in Mussoorie hills. The court applied the 'Doctrine of Public Trust', emphasizing the government's responsibility to protect natural resources for public benefit.

⁴⁸ M.C. Mehta v. Union of India, (1988) 1 SCC 471.

⁴⁹ M.C. Mehta v. Kamal Nath, (2000) 6 SCC 213.

⁵⁰ Vellore Citizens Welfare Forum v. Union of India, (1996) 5 SCC 647.

⁵¹ Rural Litigation and Entitlement Kendra v. State of U.P., 1985 Supp SCC 517.

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6. The ***Narmada Bachao Andolan vs. Union of India (2000)***⁵², case revolved around the Sardar Sarovar Dam project, a contentious development project on the Narmada River. Activist Medha Patkar's NBA challenged the project in the Supreme Court, citing inadequate environmental safeguards and poor rehabilitation of displaced tribal and rural communities, allegedly violating Articles 14 and 21. The Supreme Court upheld dam construction but mandated strict, concurrent rehabilitation and environmental protection, balancing development with human rights. This landmark judgment established the judiciary's limited role in policymaking but strong role in ensuring constitutional rights, setting a precedent for development-related social justice issues. The ruling emphasized the need for equitable development, environmental protection, and rehabilitation of affected communities, highlighting the complex interplay between progress and human rights.
7. ***Sachidanand Pandey vs. State of West Bengal (1987)***⁵³, Involved construction in a wildlife sanctuary, highlighting the need for environmental impact assessments and public interest considerations. This case also set a precedent for future cases on environmental law, delineating that public interest litigation should focus on cases involving genuine environmental and public concerns, not serve as a barrier to projects undertaken for the state's socio-economic betterment.
8. The ***Subhash Kumar vs. State of Bihar (1991)***⁵⁴, case marked a pivotal moment in Indian environmental law. The Supreme Court unequivocally declared that the right to a pollution-free environment is a fundamental right under Article 21 (Right to Life) of the Constitution. This landmark judgment expanded the scope of constitutional environmental protection, recognizing citizens' entitlement to a clean and healthy environment. By linking environmental rights to the right to life, the court emphasized

⁵²Narmada Bachao Andolan v. Union of India, (2000) 10 SCC 664.

⁵³Sachidanand Pandey v. State of West Bengal, (1987) 2 SCC 295.

⁵⁴Subhash Kumar v. State of Bihar, (1991) 1 SCC 598.

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the state's duty to protect the environment and ensure citizens' well-being. This ruling has had a lasting impact on Indian environmental jurisprudence, influencing subsequent cases and reinforcing the importance of environmental protection in the country's legal framework. .

9. The ***Re: T.N. Godavarman Thirumulpad (Forest Case, ongoing)***⁵⁵, case is a series of orders expanding forest protection and management across India. The case is the overarching litigation for forest conservation in India, and its recent phase specifically addressed the Aravalli Hills' definition for mining, leading the Supreme Court in November 2025 to adopt the Union Government's definition (hills > 100m elevation above local relief) and mandate a Management Plan for Sustainable Mining (MPSM), banning new leases until it's finalized, to protect this vital ecosystem from extensive mining and desertification. Although the environmentalists are concerned that the Supreme Court's adoption of the Union Government's definition of Aravalli Hills (hills > 100m elevation above local relief) might exclude a significant portion of the range from legal protection. This could leave these areas vulnerable to mining, development, and environmental degradation.
10. The ***Great Indian Bustard Case (2024)***⁵⁶, Prioritized conservation of the critically endangered bustard over renewable energy projects, recognizing the right against climate change impacts.⁵⁷ The Supreme Court expanded fundamental rights (Articles 14 & 21) to include the right to be free from climate change's adverse effects, linking biodiversity protection (the GIB) with climate action, while balancing green energy goals with species conservation by forming expert committees for solutions like underground power lines.

⁵⁵In Re: T.N. Godavarman Thirumulpad v. Union of India & Others, Writ Petition (Civil) No. 202 of 1995 (Supreme Court of India).

⁵⁶ Centre for Environmental Law, WWF-India v. Union of India, (2024) SCC Online SC 243.

⁵⁷ M.K. Ranjitsinh & Ors. v. Union of India & Ors., (2024) INSC 280.

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● **RECENT INTERNATIONAL JUDGMENTS/OPINIONS:**

1. **International Court of Justice (ICJ) Advisory Opinion (2015)**⁵⁸- The International Court of Justice (ICJ) delivered a groundbreaking Advisory Opinion on July 23, 2025, affirming that states bear legally binding responsibilities to mitigate climate change impacts, particularly greenhouse gas emissions. The Opinion, sought by small island nations, establishes that inaction may constitute an "internationally wrongful act," potentially triggering reparations and other legal consequences. By linking climate action to human rights, the ICJ emphasized states' duties to curb fossil fuel use, aid vulnerable countries, and safeguard the climate system, laying a robust foundation for climate accountability.
2. **Cannavacciuolo and Others vs. Italy (European Court of Human Rights, 2015)**⁵⁹- The European Court of Human Rights held Italy accountable for violating residents' right to life (Article 2 ECHR) due to its failure to protect them from severe environmental pollution in Campania's "Land of Fires" (Terra dei Fuochi). The Court landmark linked environmental degradation to human rights, establishing a state duty to prevent life-threatening hazards. This pioneering ruling marked the first time the Court directly tied a right to life breach to widespread pollution. The pilot judgment procedure was used because the issue was systemic and generated numerous similar applications (72 pending cases involving over 4,700 people), threatening the effectiveness of the Court's process. This procedure aims to prompt the respondent state to resolve the underlying structural problem at a national level, rather than the ECtHR processing thousands of individual cases.⁶⁰

⁵⁸International Court of Justice, Advisory Opinion on Obligations of States in Respect of Climate Change (July 23, 2025).

⁵⁹Cannavacciuolo and Others v. Italy (2015) ECHR 1058.

⁶⁰Italian Yearbook of Human Rights ISSN 3035-5435 (January 31, 2025).

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IX. GLOBAL STANDARDS AND BEST PRACTICES OF HIGH AIR QUALITY STANDARDS:

The Lapland area of Finland has the purest and cleanest air in the entire world, marking approximately zero pollution index level. Although it is easier for a country with 5.5 million people in comparison to other countries, but there are some other steps that can be adopted by other countries even with higher population.⁶¹

- *Smoke free Finland 2030- Finland took some strict tobacco free measures aiming to make the nation smoke free by 2030.*⁶²
- *Public health act 66/1972- This act mainly focuses on health promotion by targeting a healthy environment.*⁶³
- *Government decree on air quality 79/2017- one of the best decrees that set a limit on the values of pollutants like nitrogen dioxide, sulphur dioxide and other particular matters that helps mitigating toxins from air.*⁶⁴
- *National Air pollution control program (NAPCP) - This program aims in reducing emissions from small scale industries like wood burning, transportation etc.*⁶⁵
- *Climate Act 423/2022 - Through the act Finland aims to be carbon neutral by 2035 with emissions reduction target up to -95% by 2050 compared to 1990 levels*⁶⁶

All the laws contribute to its purest air leading to Finland's high standards of living and this is the reason Finland has always seen at the top in "world's happiest country" index.

⁶¹World's Cleanest Air and Water in Lapland", Levi, September 16, 2025 (modified December 10, 2025), available at: <https://www.levi.fi> (last visited on February 19, 2026).

⁶²O. Ruokolainen, "The new Finnish Tobacco Act brings important measures, yet needs further strengthening" Nordic Welfare, May 23, 2022, available at: <https://nordicwelfare.org> (last visited on February 19, 2026).

⁶³Primary Health Care Act 66/1972 (Finland).

⁶⁴Government Decree 79/2017 (Finland).

⁶⁵K. Ohtonen, M. Savolahti, P. Anttila, B. Vainio-Mattila and P. Liljaniemi, "First update of the national air pollution control programme 2030" (Ministry of the Environment, Finland, March 31, 2023), available at: <https://julkaisut.valtioneuvosto.fi> (last visited on February 19, 2026).

⁶⁶Climate Act 423/2022 (Finland).

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Similarly, laws in Iceland like Tobacco control law 1996⁶⁷, Public Health Act 2016⁶⁸, Nature Conservation Act 60/2013⁶⁹ lead to their high life expectancy rate with clean air and environment. Both the countries impose high charges as a penalty for contravening their laws.

X. CONCLUSION:

Human rights frameworks have long recognized the right to a healthy environment, although human rights law itself is not a codified statute that directly imposes penalties. Consequently, various nations are obligated to enact and enforce punishments through their domestic legislation and constitutional provisions on environmental protection. This recognition connects directly to Article 21 of the Constitution of India, which links clean air to the right to life with dignity. Globally, it aligns with UN resolutions and the Paris Agreement, compelling countries to translate these principles into actionable laws, such as Singapore's public cleanliness statutes or the EU's air quality directives. A pollution-free environment remains essential for human dignity and welfare, requiring international collaboration to combat this crisis. Affirming the right to a clean environment advances pollution control and public health, yet air quality continues declining in many nations, unleashing diseases tied to unhygienic conditions. Governments must strengthen laws and policies by linking them to:

- *Judicial Enforcement: Building on Supreme Court precedents for stricter NCAP implementation.*
- *Global Benchmarks: Harmonizing with WHO standards to reverse health epidemics.*
- *Public Accountability: Ensuring citizen access to clean air and water through participatory mechanisms.*
- *Spread of awareness: By conducting awareness programmes, participation of Citizens in various activities and also adhering to the national rules and guidelines.*

⁶⁷Law No. 96/1995 on Alcohol and Tobacco Tax (Iceland).

⁶⁸Medical Director of Health and Public Health Act No. 41/2007 (Iceland).

⁶⁹Nature Conservation Act No. 60/2013 (Iceland).

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Right to live a life with healthy environment is the only right that brings the entire world under a common umbrella. So, we must pledge together and join hands to make our nations a toxin free nation resulting into a healthy world. Where everyone can breathe without covering their nose under a synthetic mask. Breathing is our inalienable right and that should not be filtered with a piece of cloth.

