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The Evolving Nexus Between Human Rights and Environmental Law in Global Governance

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1. INTRODUCTION

Human rights are intrinsic. They vest in every individual solely by virtue of their humanity without discrimination based on personal or social characteristics. It is irrevocable because no individual can be divested of these rights. Human rights constitute an integrated framework. Every category of rights possesses equal importance. The enjoyment of one depends upon the realization of the others.¹ Illustrative entitlements include religious liberty. Procedural justice during criminal proceedings constitutes another fundamental guarantee. Environmental well-being represents an essential human entitlement. Protection against torture remains a core safeguard. Educational access likewise forms part of the

¹ Human Rights Principles retrieved from <https://www.unfpa.org/resources/human-rights-principle>, visited on 10th June 2026 at 2.12pm

broader human rights architecture.² The protection of these rights is a primary duty of every nation. At the international level, a landmark development occurred with the promulgation of the Universal Declaration of Human Rights (UDHR) by the UN General Assembly in 1948. It constituted the inaugural international instrument to codify universally applicable standards governing the safeguarding of fundamental human rights. Recently, on 10 UDHR completed 75 years. During this Seventy-Fifth anniversary, the UDHR performed their duties significantly for the protection of International human rights. Across regional governance, different countries made stringent provisions for the protection of Human Rights. Safeguarding individuals against environmental pollution likewise constitutes a vital legal guarantee enjoyed by every person. Environmental pollution is a global problem. It has no national borders, and its protection may be efficient only in terms of the joint efforts of as many states as possible. Demographic expansion, economic deprivation, urbanisation, unsustainable utilisation of natural resources, and exhausting conventional energy reserves and material inputs are major common environmental problems that are faced by almost every country in the world. To tackle these emerging environmental issues, different countries have enacted and implemented different legislative policies, rules, regulations, orders, etc., to secure their own ecosystem. The meaning of the environment is well defined as the surroundings around us. It covers everything around us. Therefore, the environment consists of physical surroundings common to all,

² Human Rights, Stanford Encyclopedia of Philosophy, retrieved from <https://plato.stanford.edu/entries/rights-human>, visited on 10th June 2026 at 4.12 pm

it comprises the entire ecological system.³ It has also been described as the aggregate of external conditions and influences affecting the life of an organism.⁴ Under the Environment (Protection) Act, 1986⁵, the term includes water, air, land, and their interrelationship with living organisms and non-living entities.⁶ It can therefore be inferred that the environment denotes the ecosystem within which life exists and upon which human survival depends.

2. HUMAN RIGHTS AND ECOLOGICAL COMPLIANCE

“Environment” means the habitats around us. It covers everything around us. Therefore, the environment consists of physical surroundings common to all.⁷ It is also defined as the “Aggregate of all the external conditions and influences affecting the life and development of organisms.”⁸ As per the Environment (Protection) Act, 1986⁹, the term environment “includes water, air and land and the inter-relationship that exists among and between water, air and land, and human beings, other living creatures, plants, micro-organisms, and

³ Retrieved from <http://www.dspmuranchi.ac.in/pdf/Blog/satyapriya52dspmucomS12.pdf>, visited on 14th January 2023, also see Dr. Jai Jai Ram Upadhyay. *Environmental Law* (Allahabad: Central Law Agency, 2005) p. 2

⁴ R.M. Lodha. *Environmental Ruin: The Crises of Survival* (New Delhi: Indus Publishing) p. 364

⁵ Section 2(a), The Environment Protection Act, 1986

⁶ Ibid

⁷ Retrieved from <http://www.dspmuranchi.ac.in/pdf/>, visited on 14th January 2023, also see Dr. Jai Jai Ram Upadhyay. *Environmental Law* (Allahabad: Central Law Agency, 2005) p. 2

⁸ R.M. Lodha. *Environmental Ruin: The Crises of Survival* (New Delhi: Indus Publishing) p. 364

⁹ Section 2(a), Environment Protection Act, 1986

non-living things, including property.”¹⁰ Taken together, these formulations emphasise that the environment is not merely a backdrop but the ecological matrix within which human societies depend upon. For the survival of human beings in every progressive society, a clean and healthy environment is required. For the greed of more progress, human beings affect the environment by using natural resources without compromising future generations. Environmental pollution affects human rights by causing death and disease not only through natural disasters such as heat waves, droughts, and floods directly, but also indirectly by bringing about a shrill increase in diseases.

Environmental pollution has a direct influence on Human Health because it affects not only the environment but also our health. Its implications extend beyond the present and shape the well-being of future generations. Human Rights are the liberties enjoyed by every person from the moment of their birth. The statutes of most nations adequately guarantee these basic human rights. i.e. Right to live in a healthy environment, clean water, right to food, etc., but unfortunately, these rights are affected by pollution. A healthy environment is indispensable for maintaining an acceptable standard of living. The right to life occupies a central position within fundamental human rights. Recognition of environmental well-being has expanded significantly. Increasing attention is therefore directed towards its effective enforcement. Sustainable development constitutes a core aspect of this right. States across different levels of economic development have endorsed this objective. Many constitutional systems interpret the right to life as a fundamental right. Certain jurisdictions, including India and the Philippines, provide independent constitutional recognition to environmental rights. Individuals may

¹⁰ Ibid

consequently seek constitutional remedies before higher courts when these guarantees are infringed.¹¹

3. CLIMATE JUSTICE

The concern over climate change is global in nature. Climate change threatens human survival.¹² It also adversely affects the right to health. Climate-induced stressors contribute to substantial health impacts.¹³ The UN Framework Convention on Climate Change (UNFCCC) defines climate change as “a change which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable periods. It is a human rights issue that is directly related to the human being by the human being. Because on one side, we are stressing that Climate change affects the Human Rights guaranteed by various transnational conventions, and on the other side, climate change is the result of the misuse of natural resources by human beings. As per the UDHR, all people should have the right to live with dignity, which is recognised by the various international bodies and different countries. Most of the Countries also developed and applied the principle of Climate Justice. The concept of climate justice places equity and human rights at the centre of climate governance.¹⁴

In India, climate justice is well explained by the Supreme Court in *MK Ranjitsinh and Others v. UOI and Others*¹⁵. The

¹¹ Normawati Binti Hashim. Constitutional Recognition of Right to Healthy Environment: The Way Forward

¹² Climate Change is a matter of justice – here’s why retrieved from <https://climatepromise.undp.org> visited 15th December 2024 at 2.45 pm

¹³ Ibid

¹⁴ What is climate justice and why does it matter? Retrieved from <https://climatepromise.undp.org/>, visited on 10th June 2026 at 2.12 pm

¹⁵ Writ Petition no. 549 of 2025

Court held that people have a fundamental right to be free from the adverse effects of climate change. It was held that Art. 14 and 21 of the Constitution are important sources of this right. In this case, the S.C. said that the right to equality under Art. 14 and the right to life under Art. 21 must be appreciated in the landmark verdicts regarding the environment, the conduct and vows of the state in the public and transnational sphere, and systematic agreement on climate change and its bad impact. It follows that individuals possess an entitlement to protection from the adverse impacts of climate change. Courts must, however, ensure that enforcement of this does not undermine other constitutional guarantees. The S.C. further observed that governmental policies acknowledge climate change. They seek to address its consequences also. But India lacks a comprehensive standalone statute governing the issue. Nevertheless, the absence of dedicated legislation does not negate the existence of a constitutional right to protection against the detrimental effects of climate change.¹⁶

4. ROLE OF GLOBAL GOVERNANCE INSTITUTIONS

The environment has no national borders, and its protection may be efficient only in terms of joint efforts of as many states as possible. At the global level, tackling with environment issues, there are different institutions. The U.N. has many programmes which are directly or indirectly related to human rights and environmental protection. There are three main institutions, which are given below:

4.1 U.N. Conference on Human Environment

¹⁶ Supreme Court recognises the Right to be Free from the Adverse Effects of Climate Change as a Distinct Right retrieved from <https://www.freelaw.in/legalnews> visited on 4th February 2025 at 10.05 pm

In the year 1972, concern for environmental protection was discussed by 114 countries at the global level. The collective actions on various environmental issues emerged from the U.N. Conference was held in Stockholm from 5th to 16th June 1972. This conference was considered the *Magna Carta* on environmental protection and sustainable development. It was for the first time that public at the international level stood together to discuss these important issues.¹⁷ As per the declaration, human beings are both products and architects of their surroundings. The environment provides physical sustenance. It also enables multidimensional development. Rapid advances in science and technology have given humanity the capacity to transform the ecosystem on an unprecedented scale. These transformations occur in countless ways. Both natural and anthropogenic environments remain indispensable to human well-being. They are equally essential for the realisation of fundamental freedoms and the preservation of life itself.¹⁸ At this conference, the 26 Principles were drafted as guiding factors for the future generation. Every principle of the conference is directly related to the clean environment, an environment for the future in the form of Sustainable development.

4.2 International Court of Justice (ICJ)

ICJ acts as a platform for the advancement, development, and clarification of international green law. This body has gradually moulded the legal rules and principles that regulate state conduct in the perspective of green governance, especially

¹⁷ Furqan Ahmad, "Origin and growth of environmental law in India," retrieved from <http://www.ili.ac.in> on 21st June, 2025 at 12 pm

¹⁸ "Declaration of the United Nations Conference on the Human Environment" retrieved from <https://www.soas.ac.uk> visited on 10th June, 2026 at 12 pm

regarding the transboundary ecological harm and responsibility of due diligence.¹⁹

After one year of the Stockholm Conference²⁰ the International Court of Justice in the year 1973 heard its first case concerning the environment. ICJ brought environmental harm to the international agenda. This signalled that it seems to get more involved in green regulation. But in reality, the ICJ failed to hand down effective rulings relating to environmental protection. Scholars have suggested many times for the creation of an International Court for the Environment, which specifically caters transboundary environmental issues.²¹ The proposal envisaged that ICE would offer several advantages over the ICJ. mainly as its jurisdiction and institutional mandate would be exclusively devoted to eco-adjudication. In particular, it could:

- i. Establish a unified forum for diverse stakeholders.
- ii. Develop a uniform international standard of due diligence.
- iii. Advance the evolution of transnational eco-jurisprudence.
- iv. Ensure coherence in judicial determinations.
- v. Encourage proactive interventions.
- vi. Strengthen the enforcement of existing treaty obligations.²²

¹⁹ S. Raghupathi and R Afrin Jakhan, 'Role of the International Court of Justice in Addressing Climate Change Disputes', *International Journal of Research Publication and Reviews*, Vol. Vol 6, Issue 10 retrieved from <https://ijrpr.com> visited on 9th June 2026 at 2.23 pm

²⁰ United Nations Conference on the Human Environment

²¹ Julia Bennett, 'The Role of International Courts in Environmental Justice', *Berkeley Journal of International Law*, retrieved from <https://www.berkeleyjournalofinternationallaw.com>, visited on 10th June 2026 at 3.50 pm.

²² Ibid

The International Court of Justice (ICJ) on 23rd July 2025 released an Advisory Opinion on States Obligations in respect of Climate Change. This marks the first time that the ICJ has directly clarified countries' climate-related obligations under international law. This was widely celebrated at the international level.²³

4.3 Role of Sustainable Development

The concept of Sustainable development meets the needs of present generations without compromising the ability of future generations. The various principles of sustainable development highlight the importance of the environment, including natural resources, for the present and future generations. Even these principles are recognised by the regional courts dealing with environmental issues. Regarding the nexus of human rights and environmental issues, the doctrine of intergenerational equity is very popularly explained the relationship between the two. It states that the needs of the present generation should be balanced with the long-term needs of future generations. It means that the use of natural resources by the present generation in such way that it will not affect future generations. This principle is based on equality. The principle of equality among generations is deeply rooted in international law and reflects the recognition that all human beings, regardless of the tie in which they live, are born free and equal in dignity and rights. The Stockholm Declaration, 1972, refers to intergenerational equity in the first two principles. First, it is the responsibility of the human being to protect and improve the environment for the present and future generations.²⁴ Second,

²³ Retrieved from <https://eelp.law.harvard.edu/wp-content/uploads/2025/09/SBookman-Briefing-on-ICJ-Opinion.pdf> visited on 9th June 2026 at 12.15 pm

²⁴ Principle 1, Stockholm Declaration, 1972

national resources of the Earth must be safeguarded for the 'benefit of present and future generations through planning and management, as appropriate'.²⁵

In India, the right to intergenerational equity and the right of the unborn to a clean environment have emerged from Art. 21²⁶, 48-A²⁷, and 51-A(g)²⁸; and that "existing generation was ordained not to plunder but use nature according to one's capacity to repay". Further, "man was simply a trustee of nature for the generations to come and not a grabber who may plunder what he can". For this, we have to envisage a part of culture, tradition, and life conduct. In *Amarnath Shrine, re*,²⁹ The S.C. has declared that the "forests", which constitute a national asset, "refer to the concept of inter-generational equity, which has been treated as an integral part of Art. 21 of the Constitution of India."³⁰ The S.C. has also recognised this principle of intergenerational equity as one of the general principles of environmental law in *Common Cause v. UOI*.³¹

5. INDIAN PERSPECTIVE

²⁵ Principle 2

²⁶ According to Article 21, The Constitution of India, "Protection of life and personal liberty. No person shall be deprived of his life or personal liberty except according to procedure established by law."

²⁷ According to Article 48A, the Constitution of India, "Protection and improvement of environment and safeguarding of forests and wildlife. The State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country."

²⁸ According to Article 51-A (g), the Constitution of India, "to protect and improve the natural environment, including forests, lakes, rivers, and wildlife, and to have compassion for living creatures."

²⁹ (2013) 3 SCC 247, 260

³⁰ S C Shastri. *Environmental Law* (New Delhi: Eastern Book Company Pvt. Limited, 2021) p.99

³¹ (2017) 7 SCC 499

In India, the National Human Rights Commission is a standalone entity of the Government of India with the mission of promoting and protecting human rights at the national level. It is a statutory body mentioned in the Constitution of India, established under the 'Protection of Human Rights Act, 1993'. The Constitution of India also recognised the Right to live in a healthy environment as the basic right of every individual, which was decided by the S.C. in *Subash v UOI*. In India, there was no precise environmental justice administration system. There was no single provision made by the father of the Constitution for the protection of the environment despite the lengthiest Constitution, but it does not mean that it remained an absolutely neglected field. In India, the national planning process was started in 1951, by which the first five-year plan was formulated. Through this plan, Environment-related issues about the development of the human environment, such as sanitation, public health, nutrition, water supply, and housing, were stressed. The country adopted a national festival of tree planting, '*Van Mahotsav*', in 1950, which was started to create mass awareness about the value of forests in human well-being.³² Although the Planning Commission had a vital role in preserving the environment and protecting human beings from pollution, the major trend of environmental justice in India changed from 1972 onwards. It marks a watershed in the history of the environment in India. The Administration of Environmental Justice in India can be traced to the Stockholm Conference. In light of this conference, various legislation and policies were framed for the effective implementation of environmental justice in India. However, the Stockholm Declaration of 1972 resulted in several amendments to the Constitution. If we see the history of the Constitution of

³² Kailash Thakur. *Environmental Protection Law and Policy in India* (New Delhi: Deep & Deep Publication, 1999) p.114

India, then we can realize that there was not a single provision for the protection of the environment from the birth of the Constitution. But through the mode of the amendment, the 42nd amendment was introduced in the Constitution, and environmental protection got a constitutional mandate. For the preservation and protection of the environment, Art. 48A and 51A (g) were introduced in Part IV and Part IV-A, respectively. Art. 48 A provides that the State shall make an effort to save and improve the environment and to preserve the wildlife and forests of the country. In Part IV-A of the Constitution, it is a fundamental duty of every individual to make the best efforts for the preservation of the environment. Art. 51 A (g) of this chapter imposes a similar responsibility on the citizens to save and improve the natural environment, including lakes, forests, rivers, and wildlife, and have sympathy for living creatures.”³³ Thus, the amendment makes twofold provisions on environmental justice, the duty of the State and the citizen. The development of environmental justice is mainly based on the principle developed in international conventions and treaties, and by giving a broader interpretation to Art. 21 of the Constitution of India. Environment protection has become a part of life and is accepted as a human right as well as a fundamental right. Judicial recognition regarding environmental rights was achieved in India through Public Interest Litigation (PIL). Although the main sources of environmental protection were Art. 48A and 51A (g), the judiciary elevated environmental protection to the rank of fundamental right by bringing it within the ambit of Art. 21, that is, ‘Right to Life and Personal Liberty’.³⁴ The S.C. gave a broader and deep meaning, and in several cases observed that

³³ The Constitution of India, 1950

³⁴ P. B. Sahasranaman. *Handbook of Environment Law* (New Delhi: Oxford University Press, 2012) p.4

the” Right to a wholesome environment is a fundamental right”. The Court acknowledged several implicit liberties that are implied in Art. 21 of the Constitution. It has been held that the right to live should accompany free and pure air, land, and water.³⁵

6. CONCLUSION

As the Society is moving very fast. We are living in the age of Artificial Intelligence. Where everything is on one click. The advancement of development many times hinder the basic rights of the individual. The right to live in a healthy environment is the basic right of every individual, irrespective of caste, colour, religion, etc. There is a strong nexus between human rights and the environment. Because both relate to each other. It is a well-recognized principle that the right to life is not just the right to exist, but also the right to a dignified life. The European Court of Human Rights recently held that the Swiss government had violated the human rights of its citizens by not doing enough to stop Climate Change. The S.C. of India also highlighted the importance of a healthy environment under the broad heading of the Right to life includes the right to live in a healthy environment. Now, the S.C. again interpreted the Right to life in a wider way, i.e., the right to be free from the adverse effects of climate change.

³⁵ RK Khitolita. *Environment Protection and the Law* (New Delhi: A.P.H Publishing Corporation, 2009) p.28