

The background of the image is a dark blue and purple night sky filled with numerous white stars of varying sizes. In the foreground, there is a dark silhouette of a forest of evergreen trees. The overall aesthetic is serene and celestial.

TOPIC OF THE WEEK

NOVEMBER'19 (07 to 13 Nov)

Violation of Fundamental Rights

Following a long course of active interpretation of constitutional and legislative clauses by the judiciary and vigorous efforts of some green citizens, the Indian environmental scenario has undergone a positive change. Today, the environmental consciousness imported by the courts, mingled with subsequent legislative efforts in the later years, introduced the Right to Environment as a fundamental right under Article 21 of the constitution of India. The Courts in India have played a distinguishing role in gradually enlarging the scope of a qualitative living by engaging themselves in and resolving various issues of environmental protection. Consequently, activities posing a major threat to the environment were curtailed so as to protect the individual's inherent right to a wholesome environment as guaranteed under various instruments for the protection of legal and human rights.

Article 21 of the constitution of India provides for the right to life and personal liberty, it states "No person shall be deprived of his life or personal liberty except according to procedure established by law." This article imposes a duty on the state to protect the life and liberty

of the people. The concept of the right to life has been broadened through the judicial pronouncements. While resolving cases relating to the environment, the judiciary considered the right to clean or the good environment as fundamental to life and upheld as a fundamental right. The Judiciary has played a vital role in interpreting the Article 21 of the Indian Constitution. The scope of Article 21 of the Constitution has been considerably expanded by the Indian Supreme Court, which has interpreted the right of life to mean the right to live a civilized life and it also includes the right to clean environment.

Recently a blanket of smog engulfed the Delhi city and surrounding regions of North India is a Constitutional violation of a grave nature that is depriving its residents of healthy living and because of it a public health emergency was declared in Delhi after pollution levels dipped to the “severe category”. Now in this context one most famous question that is always raised is “Why farmers burn their fields in Punjab despite knowing that it worsens the fog over north India?” But the other data is showing some different picture i.e. burning of stubble would have been the real reason then definitely Punjab and Haryana had been more affected in comparison to

Delhi. So the question over here is what are the real reason behind such a worsen scenario?

Fundamental rights are woven together and cannot be compartmentalized in a strait jacket. In recent decades, armed conflict has blighted the lives of millions of civilians. Serious violations of international humanitarian and human rights law are common in many armed conflicts. In certain circumstances, some of these violations may even constitute genocide, war crimes or crimes against humanity. In any case, maintenance of law and order is the primary duty of the government in which it had miserably failed specially when we talk about communal riots or war. Both these things have very negative impact on our society. It causes not only the violation of fundamental rights but also economic distress. But who is the person responsible for this remains a big mystery?

Nevertheless, governments are often reluctant to commit military forces and resources to defend human rights. In addition, the use of violence to end human rights violations poses a moral dilemma insofar as such interventions may lead to further loss of innocent lives. Many note that in order to truly address human rights violations, we must strive to understand the underlying

causes of different breaches. These causes have to do with underdevelopment, economic pressures, various social problems, and international conditions. Indeed, the roots of repression, discrimination, and other denials of human rights stem from deeper and more complex political, social, and economic problems. It is only by understanding and ameliorating these root causes and strengthening civil society that we can truly protect human rights.

For reference:-

- <http://www.legalservicesindia.com/article/1926/Environmental-Laws-and-Constitutional-Provisions-In-India.html>
- <https://scroll.in/article/857091/the-daily-fix-severe-air-pollution-is-a-grave-violation-of-the-fundamental-right-to-life>

Additional Readings:-

- <https://www.thehindu.com/opinion/editorial/clearing-the-air-on-delhis-air-pollution/article29881803.ece>
- <https://www.thehindu.com/opinion/editorial/test-by-night/article29835275.ece>

- <https://economictimes.indiatimes.com/blogs/et-editorials/combat-slowdown-at-micro-macro-levels/>
- <https://economictimes.indiatimes.com/blogs/et-editorials/how-to-avert-a-telecom-meltdown/>
- <https://www.theguardian.com/commentisfree/2019/nov/04/the-guardian-view-on-the-age-of-criminal-responsibility-raise-it-now>
- <https://www.theguardian.com/commentisfree/2019/oct/31/the-guardian-view-on-pagan-idols-in-the-vatican-church-culture-wars-should-concern-us-all>

Suggested Refresher Book:-

Human Rights Violations Hardcover

By J. Cyril Kanmony (Author)