



Editorial

The Journal and Publication Society, School of Law, CHRIST (Deemed to be University), takes pride in placing on record, the twenty fifth issue of the *Christ University Law Journal*. This issue of the journal is based on the theme, “Human Rights and the Environment.”

Ever since Human Rights were given a preferential treatment owing to an inherently anthropocentric approach that legal systems around the globe follow, quite a lot of dissenting voices have been raised – but none as impactful as the ones that we have today – which call for a paradigm shift in human rights law, by seeking to bring about a connection between human rights and the environment. By accentuating this relation between the two, the United Nations General Assembly had come out in July 2022, with a historic move - a resolution declaring that a healthy environment is a human right. The triple planetary crises – climate change, nature and biodiversity loss, and pollution and waste, were identified as those areas which need a revamped legal framework. The words of Inger Andersen, the Executive Director of the UN Environment Programme (UNEP), “this resolution sends a message that nobody can take nature, clean air and water, or a stable climate away from us – at least, not without a fight,” highlight the onerous duty that the current generation has. Our generation could well be the last to do something about the whole fiasco. The words of David Attenborough at COP 26 held at Glasgow - “We must use this opportunity to create a more equal world, and our motivation should not be fear, but hope”, acts as a beacon light for countries and people alike.

This intersection between human rights and environmental rights provides an unprecedented opportunity to delve into the common concerns that both raise, and leads to a converging path that we could possibly arrive at. In light of

these concerns, the Christ University Law Journal, focuses on these issues. This volume comprises of five articles, and a book review authored by legal scholars and academicians.

Articles

Rosa Manzo's article, *Justice in the balance: State Vs. Civil society perspectives on the climate change regime*, looks at the degree of justice from two perspectives – that of the State and civil society. According to the author, climate change becomes a matter of justice because of the unequal distribution of its adverse effects on countries and people. The paper then proceeds to examine how the concept of justice evolved in debates related to climate justice and highlights how States prioritise economic costs and benefits, while civil society emphasises on a human-centered ethical approach, as solution to the adverse impacts of climate change.

In the article, "*Balancing Climate, Culture and Human Rights: Insights From La Oroya, Fosen and the Torres Strait Islanders Case*", Katherine Quinn cautions that climate management measures too could infringe upon human rights. The author focuses on two key human rights aspects in this paper- the right to culture, and the right to a healthy environment. She does this by analysing three prominent cases from different jurisdictions – the *La Oroya Case* from the Inter-American Court of Human Rights, the *Torres Strait Islanders Case* from the UN Human Rights Committee, and the *Fosen Case* from the Norwegian Supreme Court. The author begins by analysing the current situation in the Panama Canal, which has impacted international trade. The paper then proceeds to distinguish between individual and collective rights and concludes by throwing light on how nations need to prioritise and balance competing interests.

Nirupama A K & Jeffin Thomas Mammen's article titled, *Redefining the refugee crisis: Examining the Status of Climate-Induced Refugees and Internally Displaced Persons with Special*

Reference to India, examines the impact of climate change on refugees within the Indian context. The paper begins by defining who a climate refugee is and then proceeds to examine the status of climate refugees in India. After providing data and statistical figures on the extent of impact, the authors examine the legal lacunae in the regional and international scenarios. The paper concludes by highlighting the daunting task that India faces in tackling the issue of climate refugees, and climate-induced internally displaced people, due to the lack of policies and appropriate legal agendas.

The next paper titled, *Business And Environmental Obligations: A Study of the transitioning regulatory framework*, authored by Priya Kumari, Pranav Anand Ojha & Pranjal Kakkar, looks at how business corporations too have been roped in through various regulatory frameworks, though not very effectively implemented in India. The paper then proceeds to give an overview of Corporate Social Responsibility in India and its mandatory and voluntary approaches. The term 'green washing' is discussed at length and the guidelines against such practices are highlighted. Through case laws from the Indian and International perspectives, the authors analyse the climate litigation scenario. The paper concludes by charting out a plan of action as to how this can be carried forward and effectively implemented.

Sonia B Nagarale's paper titled, *Management of Biomedical Waste in India: A Holistic Approach Towards Environmental Protection, Human Rights, and Judicial Oversight with reference to the pandemic*, makes an attempt to understand the challenges in managing biomedical waste in India, especially after the Pandemic. The author begins by tracing the evolution of bio medical waste in India and then proceeds to understand its impact on the environment. By analysing various case laws, Sonia Nagarale provides a comprehensive judicial overview of

bio medical waste management in India. The paper concludes by giving suggestions as to how the issues discussed can be managed more effectively, so as to reduce the impact on environment and thereby protecting communities.

The Journal and Publications Society expresses its gratitude to all scholars and reviewers who have contributed to this issue of the journal and solicit their continued patronage and cooperation. We are grateful to the Christ University management, the Center for Publications of the University, the Library personnel and the National Printing Press, for extending their support towards our humble mission of making effective contribution to legal research.

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