

Symbiotic Relation of Environmental Degradation and Anthropocentric Rights

Akanksha

NMIMS, School of Law, Bangalore, Karnataka, India

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*Correspondence:

Akanksha
vatsaakanksha1312@
gmail.com
NMIMS, School of Law,
Bangalore, Karnataka,
India

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Abstract

The beauty of this world lies in the lap of nature. Nature nurture all the treasures to satiate all the senses of mankind. Cool breeze in summer that touches the skin, cheery blooms in the snow, birds chirping in the morning, the tangy taste of orange on the tip of the tongue the saints of flowers and list is never-ending but there is nothing to satisfy the self-esteeming mind of human being. It's unpleasant that the fantasy which we use to have, had its destination in a forest with a beam of lights touching our skin through the canopy top in the sky. But what today we have is the skyscrapers higher than deodar. Isn't it ironical that the cycle of our own deeds has snatched our dreamland converting into a desert of dust on the road and smog in the sky. It's well said by Evo Morales that "Sooner or later, we will have to recognise that the Earth has rights, too, to live without pollution. What mankind must know is that human beings cannot live without Mother Earth, but the planet can live without humans" The conflict of human desire and environmental disorder is in the state where the destruction of one can destroy the existence of other, this interconnection and symbiotic relation gave a call for the new parameter of study and observation which today became the platter of disruption and legislation not only on state level but in international dysphoria. This research paper is fairly dedicated to the arena of booming socio-legal cataclysm and related evolutions.

INTRODUCTION

Research Objectives

This research paper has been designed and carried out in order to satisfy the certain objectives such as, it tries to analyse the correlation of environmental conservation and human right protection in general along with a critically analysis of noxious human activities and its consequences on environmental degradation. Moreover, this paper also tries to analyse the debate pertaining to the Environmentalist that are pro-human right sentiment and view both of these issues in same frame. At the end this paper compare and study the laws related to environmental protection and human rights in different part of world alongside India.

Problem Statement

Human right in the Convention world is a matter of protection and liberties that one possesses and are fundamental for the holistic development of human in general but the enjoyment of human right can not be attended in its full potential until and unless there is a clean and healthy environment to sustain. But this pre-conceived notion of this correlation between human right and Environmental protection is believed to be very anthropocentric in its approach wherein the conservation of environment from the torturous patriarchal mind-set is initiated for the well being of human kind and not the other creatures of the planet. This paper is undertaken to examine and explore the symbiotic relationship that human and environment share with each other where in the depletion of one is the devastation of other and how rising above the anthropocentric lens it's a alarming era to acknowledge the eco-centric mode of development wherein we are obliged to understand the right of nature and not right to nature.

Research Methodology

The method of study is doctrinal research and analytical in nature. The data is collected from secondary sources including journal, research articles, government documents, magazines and well documented website

Introduction

The correlation of environmental protection and human right is eternal and conjunctly responsible for the welfare of mankind. Moreover, peaceful, healthy and safe environment are the prerequisite for the proper enjoyment of life and liberties of every individual. However, with the expanding modernisation in collaboration with the technological and industrial advancement is demolishing the ecological sustainability. Mankind in the pace of fruition has compromised with the sustainable future need and environmental originality, without noticing the static truth which says that "there is enough for humans need but not for humans greed." It's very mournful side of human behaviour to view the world from anthropocentric lens which drive the force to eradicate things that are not economically relevant for human need. However, it

is necessary to recognize the fact that every creature, any physical or metaphysical components of nature are integral to mother earth. From microorganisms to blue whale, their existence is relevant to maintain the ecological balance, which is essential for holistic and sustainable development of human genome.

On that line, the affinity among these two perspectives has been acknowledged by number of national as well as international bodies and associations. Various resolutions of different United Nation ancillary Organizations, resultant documents of judicial proclamation of tribunal and international conference which consider human right framework as the efficacious mean to attain the ends of environmental protection.¹

Moreover, linking human right with environmental degradation constitute a right oriented approach to environmental preservation that place human at the centre of environmental emergency. Articulating the humanitarian rights with environment fabricate a chance to safeguard human rights by human rights bodies in the national and international tribunal.

The vision of the environmental right include political rights like freedom of option and expression, the right for native people, right to information and participation in decision making, right to resist unwanted development. The right of human to compensation for violation of right that includes right for climate refugees and other displaced people because of environmental destruction, right to environmental justice, right to claim ecological debt. These rights especially political right are well recognised by various agreement and convention. Though, traditionally, human rights and environmental laws has been anticipated as two sets of individualistic rights but it is obvious that if the environment will suffer, human being will suffer.

Unfortunately, Environmental crisis obstruct the realization of globally recognised human rights such as right to health, culture, right to life, right to property and development. The resultant force of

¹ Punnet Pathak, Human Rights Approach to Environmental Protection, *OIDA International Journal of Sustainable Development*, Vol. 07, No. 01, pp. 17-24, (2014), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2397197, (last visited on 13 September 2020).



ecological crisis will affect human existence, though the poorest and most vulnerable people will suffer primarily but the influence of any change will affect everyone.

In recent few decades the relation between environmental preservation and fundamental rights of human being became a matter of concerns for international bodies and statute. Since the formation of the United Nation, shielding and furtherance of human rights became a primary objective of international bodies. However the most needed move was initiated only after the Stockholm conference in year 1972². For the first time after the conference, the notion of environmental preservation at the national level became the international political agenda. The change and idea commenced from the conference still holds good in the realm of establishing symbiotic relation between human and environment.

In addition to that, the Stockholm Declaration of 1972, World Charter for Nature, 1980, Nairobi Declaration of 1982, Earth Summit of 1992, Johannesburg Conference on Sustainable Development, 2002 and UN Conference on Sustainable Development, 2012 are some of the relief that came out as a result of the world community tension for environmental sustainability and human right. The primary objective of all these meetings and conferences is to convince a fact that disregarding environment can leave a long term substandard effects on the mankind, which will in return tend to violate anthropocentric rights³.

Environmental conservation and Human rights are interlinked, as both is an essential ingredients to attain the highest quality of life for all. A healthy and peaceful environment is the elementary and fundamental humanitarian right that are requisite for holistic development of human behaviour.

However, the modern interpretation of environmental conservation and human right indeed is a self focused move of human being

but the outcome may allure and bring changes required for the development of human being and it's surrounding atmosphere. It's the need of an our to understand the fact that environmental legal statutes is the base for ecological sustainability and an urgent aid to the growing environmental pressures.

The traditional international legal statute pertaining to these issues, label the rights and duties of different national in relation to the environmental affair. Human whose livelihood or health has been intimated due to the exposure in different kind of pollutions, hazardous waste, depletion of ground water level, have no alternative in our international environmental laws. In addition to that people affected by depredating environment are often vulnerable and marginalized group of individuals who are excluded from their own nation.⁴

HISTORICAL BACKGROUND

The emergence of Human right and humanitarian law date back to the destruction caused by world war 2 and formation of the United Nation in 1945. The theory of peace, prosperity and fraternity has always been the yardstick of human right nurtured by United Nation Organization's subsidiary body and organisation, Though the emergence of environmental sociology a new branch of study or rather a new branch that talks out environmental from a very sociology prospective has emerged in 1960' after number of protect and environmental movement but the element of environmental protection or right to environment emerged in late 20th century after the 1972 UN conference held in Stockholm. The preamble of the conference states that "man is both creature and moulder of his environment, which give him physical sustenance are essential to his well being and to the enjoyment of basic human rights_ even the right to itself.". Principle 1 of the declaration creates a base to link environmental conservation and human right. After the declaration and the conference the road that links environmental protection and human

2 *Stockholm Declaration of United Nation Conference on the Human Environment*, 16th July 1972 U.N, Doc A/CONF.48/14/Rev.1 at 3 (1973).

3 Shelton, D "Developing Substantive Environmental Rights", *Journal of Human Rights and the Environment*, 1(1), p. 90 .(2010)

4 Boyle & Anerson M. (Eds.). "Human Rights Approach to Environmental Protection. Oxford", *Oxford University Press*. (1996).

right became very fancy and smooth. Inline with the same ideology number of national and international conference activity coordinated in the same regime.

Moreover, the 1982 world charter for Nature proclaimed five “principles of conservation by which all human conduct affecting nature is to be guided and judged.”, Also the charter acknowledged the idea that “ mankind is a part of natural system which ensure the supply of energy and nutrient”. In addition to that UN conference of environment and development (UNCED) which is also known as Rio de Janeiro Earth Summit held in year 1992 was one of the primary UN conference organised in response to member State in order to improvise mutual cooperation internationally on development issues after the cold war. The earth submit states that “ Mankind are the centre of perturb for sustainable development, they are entitled to a healthy and productive life in harmony with nature” further this submit provide right of access to environmental decision making. The victory of this summit can be calculated on the front of the Climate change convention which led to the Paris Agreement and Kyoto Protocol. Apart from that there is another agreement that says “not to carry out any function on the lands of indigenous people that are potential to cause environmental depletion or that will not be culturally correct”⁵.

Moreover, the South African world summit on sustainable development (26 August-4 September 2002) established the position that refers the existence of a possible relationship between human right and environment. Apart from that there were many international that was established at that time including he Johannesburg Declaration⁶.

Presently, we have two sets of approaches simultaneously for human rights and environment. first being the rights which are already in existence and the second being the need for new human rights in order to attain sustainable environment. The one we already have is civil and political rights that

provide us with political and moral order, for instance right to equality, life , association and, political participation etcetera. These rights are already couched transparently in the Universal Declaration of Human Rights (1948) and International Covenant on Civil and Political Rights (1966). However, on the other hand equity, economic, cultural and social rights are considered to be the “second generation” rights that provides a substantive standards for an individual well-being.⁷

Apart from all these summit and conferences UN commission has adopted different resolutions that tries to link environment and human right as an integral part of sustainable development. For instance Resolution 2005/60 entailed fundamental rights of human being right and the environmental rights as a part of sustainable development. These resolutions directs states to take cognizance for the preservation of necessity human right while advocating ecological preservation and promoting sustainable development. Further it is necessary to consider that every individual has the right, whether in solitary or in collaboration to participate in an activity to secure fundamental freedoms and associated rights. Further, these declaration forced the requirement of the marginalized group of people in society to work for the implementation of Rio declaration and environmental development⁸.

Further the International Covenant on Economic, Social and Cultural Rights (1966). provides, every individual the right to health which requires environmental betterment for its facilitation. Moreover, It also offer self-determination that includes, the right of everyone to cope their personal natural resources. The second generation rights eventually have a have a direct bearing on environmental and human right situation. Although these first and second generations rights provides a degree of international environmental conservation

5 “Rio Declaration”, U.N. Doc. A/Conf.151/5/rev.1 (13 June 1992).

6 World Summit on Sustainable Development “Johannesburg Declaration on Sustainable Development” A/CONF.199/20 (4th September 2002).

7 Giorgetta S. “The Right to a Healthy Environment, Human Rights and Sustainable Development”. *International Environmental Agreements: Politics, Law and Economics*. pp. 173-194

8 UN Secretary General, “Human rights and the environment as part of sustainable development – Report of the Secretary-General”, E/CN.4/2005/96, (19 January 2005).



in case mobilized effectively. It also state that “ the state parties..... physical and mental health” under article 12. And Article 2(b) of the same convention provides the measures initiated by the state to gain the almost realization of the right shall make hope required for the imposition of environment and individual hygiene.

Article 24 of the right of child (right to health) states that, state party should consider the child's right to enjoy the highest possible health standard. There has been a tremendous increase of national and international agencies concern towards this issue, number of nations across globe has assimilate a right to a safe and healthy environment in their charter or constitution. Indeed there are lot sum of interrogative marks towards the interconnection of environment and human rights which is in a blurred area and are unresolved, and needs further examination. These questions provoked Human Rights Council to formulate a mandate on environment and human rights. This mandate were supposed to examine the human rights duties pertaining to the access of a clean, safe, healthy and sustainable environment, and encourage necessary activities in environmental policymaking.

Nonetheless in 1994, the 46th session of the Commission on Human Rights (Sub-Commission on Prevention of Discrimination and Protection of Minorities) got a final report by Mrs. Fatma Zohra Ksentini, (special Rapporteur). This report primarily focused on the issue of toxic wastes and dumping of these wastes in vulnerable countries. But during the research her work expanded and turn out to be an overview of environmental rights. Most importantly the report provides with a set of Draft Principle for Declaration on Human Rights and Environment, it provides the best outlook as to how substantive rights can be defined and are linked as Appendix 1.

ENVIRONMENT AND HUMAN RIGHTS ON INTERNATIONAL FRONT

With the rise of technology and industrial advancement the depletion of ecological entities dragged the attention of nations across the globe. Above mentioned submits, convention, declaration

and meetings on the international front has created a havoc that serve the purpose of humans sustainable growth and help to establish a healthy and safe environment. Post 1950, witnessed a remarkable awareness for environmental protection. The very first being, the international conventions or Multilateral Environmental Agreement. The 1971 Ramsar Convention on Wetlands, an international treaty held Ramsar, Iran for the preservation and sustainable use of wetlands. The 1972 World Heritage Convention, tries to links the concepts of environmental conservation and preservation of cultural properties in single document. It acknowledge the ways in which people interact with nature, and how to maintain the balance is the need of an hour.

Moreover, the 1973 Convention on International Trade in Endangered Species, (Washington Convention) is a multilateral treaty that aims to protect endangered flora and fauna. Further, the Convention on the Conservation of Migratory Species of Wild Animals, (Bonn Conversation), tries to protect migratory species within their migratory ranges. Under, UN environment programme, this conservation aims to preserve wildlife and habitats on a global scale.

The, 1989 Basel Convention Control of Transport of Hazardous Wastes, further tries to safeguard human health and the environment from the adverse impact that results from the generation, management and trans boundary movements of hazardous wastes.

Moreover the 1992, Framework Convention on Climate Change (UNFCCC) aims to stabilize the concentration of greenhouse gas in the atmosphere to a level that protects dangerous anthropogenic interference with ecological system. In addition to that the 1992 Convention on Biological Diversity (Biodiversity Convention), primarily has three main motives, first being protection of biological diversity, second being sustainable use of its components and the third being fair and reasonable distribution of benefits coming from the genetic resources.

Further, the Convention to Combat Desertification. Protocols, aims at eradicating desertification and resolve the effect of drought with a national level action plan that consists of prolonged methods

they are being promoted by global cooperation and partnership arrangements. All these annexes and Guidelines are the part of these conventions to promote their facilitation at both national as well as international level.

The term Human rights which has a very fancy connotation among the youth and freelance activist is not as simple as it seems to be the human right is a principle of respect for the individual. The fundamental assumption of human right is that everyone is a rational and moral being who deserves to be treated with dignity. The seed of human right was shown in Year 1948 through Universal Declaration of Human Rights (UDHR). Then after, it precluded itself in a wave of academic discipline and advocacy which make an effort to amalgamate human right with each and every happenings on the earth. The study of environment protection and human right is very tender lens that endeavour to solve problems keeping anthropocentric right on the core of environmental degradation. Right to environment is the area where the international legislation tends to scatter it's hand, but the international front on environmental protection has occasionally been in a conflict that established a symbiotic relation between environmental conservation and human right⁹.

Moreover, a question as to whether the international statutes can aid environmental conservation has always been an issue that needs recognition. However, different scholars have looked after this relation at length. Dinah Shelton, a Professor of International Law, at George Washington University Law School, US and former member of the Inter-American Commission on Human Rights claims that environmental conservation and human rights represent "overlapping social values with a core of common goals"

Apart from international concern and achievements, countries across globe has also tries to come up with one or other form of legislation that guarantees right to environment or at least laws that conservation environment. Few nation have enacted

law that helped citizen to assist in the incorporation and enforcement of environmental law.

As of 2018, the right to a healthy environment has been included in the constitution of around 100 different nations. It usually consists of procedural and substantive rights in environmental legislation. The countries like Colombia, Portugal, France, and Ecuador states that: "the constitutional environmental provisions themselves are so detailed that they can be characterized as including a de facto environmental bill of rights". The same perspective also exists in the United States; Illinois Hawaii, Montana, Massachusetts, Rhode Island and Pennsylvania.

Further when it comes to the right of safe and healthy environment, domestic courts and other human rights organizations plays a very laudable role. Human rights tribunals and national courts by the subjugation of environmental jurisprudence, principles, standards and law has given the right to a quality environment. In the landmark judgement of *Lopez-Ostra v. Spain*¹⁰, the European Court has taken an initiative to safeguard the human rights against almost all the sources of environmental pollution. The case was against a claim which was related to the poor work of the Lorca municipal authorities with respect to the nuisance created by a waste treatment plant, which tend to breach the right to, home, privacy and family, as per Article 8 of the European Convention on Human Right. After the argument from both the sides the Court held that there was indeed a violation of Article 8 of the Convention. Again in a very celebrated case of *Diego Cali & Figli Srl v. Servizi Ecologici Porto Di Genova SpA*¹¹ (SEPG), the European Court of Justice held that the conservation of the pollution not only serves the interests of current generation but also it will satisfy the need of future generations, further the judge also took a reference to the report of the WCED and Principle 3 of the Rio Declaration. Further the United Nations human rights committee held that "no person may in theoretical term and by action

9 Giorgetta S. "The Right to a Healthy Environment, Human Rights and Sustainable Development". *International Environmental Agreements: Politics, Law and Economics*. pp. 173-194, (2002).

10 App no 16798/90, A/303-C, [1994] ECHR 46, (1995) 20 EHRR 277, IHRL 3079 (ECHR 1994), 9th December 1994, European Court of Human Rights [ECHR].

11 [1997] EUECJ C -343/95 (18 March 1997) ·

popularise object to a law or practice which he holds to be variance to the covenant.¹²

INDIAN PERSPECTIVE

India being a land of tradition and culture, where the importance of environmental conservation dates back to the Vedic era, where the sensitive attitude toward environmental initiatives can be exacted from different Vedic literature and folklore in which the status of nature was equal to that of religious segment. But the connection between environmental degradation and human right came to be felt after the disaster caused by the release of methyl isocyanides and other poisonous gases in the atmosphere taking away the life of more than lakh of people. Yet the effect of 1972 Stockholm conference had already initiated a wave of change among the population.

Forest being an integral part of environmental conservation which is scientifically a major influencer of climate change has never been protected during the medieval period except during the time of Akbar the importance of forest was recognised. In line with the same flow during the colonial regime, the resources of India was the matter of exploitation for the British. The colonial period brought a major change in the overall environmental demography, during the period India witnessed a major intervention in the environmental conservation. Mass destruction of forest for different purposes like construction of railway network, industrialisation on the bank of rivers, cultivation of commercial product like indigo caused a major harm to the Indian ecology. Though different laws from time to time like Shore Nuisance (Bombay and Kolaba) Act, 1853 curtailed the fouling of seawater, Wild Birds and Animals Protection Act, 1912, The Fisheries Act, 1897, The Bengal Smoke Nuisance Act of 1905, Bombay Smoke Nuisance Act of 1912, Merchant Shipping Act of 1858 aims to preserve sea pollution caused by oil. Along with other policies related to forest conservation were formulated but the overall essence that took human right and environmental protection into one account were missing.

Only during the post colonial era India became active towards the right to environment. But the historical moment in the realm was the 1972 UN Conference. This conference instigated Indian Parliament to come up with an amendment in year 1976 that inserted Articles, 48A and 51A in the Constitution.

In fact If we talk out the legislative and fundamental rights of Indian citizen towards safe and secure environment for the better development of human life. The constitution of India very transparently inflicted an obligation on the Indian citizen to preserve its surrounding environment under Article 51-A(g). Moreover, Article 47 directs the State to increase the nutrition level and the standard of living of its people and the improvement of public health. Further Article 48 talks about different Organizations related to animal husbandry and agriculture. This provision make it obligatory for the states to take required steps for organization of agriculture and animal husbandry on modern and scientific lines. Article 48 -A of the constitution of India states that "the state shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country".

Apart from these articles India is among the few countries which tend to provide fundamental rights in relation to environment. Nonetheless, Part III of the constitution insures fundamental rights that are elementary and equally important for the well being of human and to which an everyone is inherently entitled by virtue of being human alone. Similarly right to safe environment is also very important for human being and for the realisation of his/her full potential. Being a land of liberal interpretation as per article 21 of the constitution after the Supreme Court verdict in a landmark judgement *Maneka Gandhi vs. Union of India*¹³. guarantees fundamental right to life, which includes right to safe environment.

In India the substantive laws like the Penal Code too of India too contain provisions that make pollution a crime that itself on an implicit way protect human right and promote the full enjoyment of safe and pure environment. Section 277 of IPC is related to water pollution,

¹³ AIR 1978 SC 597(5).

¹² Brun v. France (2006) ICCPR communication no. 1456/2006.

Section 426, 430, 431 and 432 of IPC are related to pollution in general, and Section 368 deals with public nuisance in general wherein noise pollution can inter alia be regulated.

India is a country that have different and special ministry for environment, and the intimate component of the environment like forest is a part of concurrent list, so that both the central and state government can work together or individually whenever required without any fail. Different legislation, notification and initiative from time to time has been crested to preserver the necessary entity for humans fruitful and healthy survival but the concern for an integrated environment in relation economic upliftment and related planning was particularly arose in 4th five year plan, which deals with commitment of each generation to have a sustainable development. This plan also deals with the symbiotic relationship of living beings and their linkage with air, water and land. Also our government came up with numerous committees that actively took part in formulating necessary database and reports for instance,

The National Committee on Environmental Planning and Coordination (NCEPC) that was constituted in year 1972 tends to work within a purview that cover number of environmental initiatives like planning, human settlements, survey of natural eco-system like wetlands and promoting environmental awareness. With the passage of time environmental boards have been set up in each states and Union Territories across the country with an aim to give provide counsel on environmental issues and to provide suggestions for their betterment.

Another similar Committee, called the Tiwari Committee (committee for environmental protection) was set up in year 1980. This committee acknowledged the environmental laws as well as it also finds out the 200 odd laws which does not protect the environment because of its functioning. Apart from these committee there were number of other committee that was established from time to time.

During the post-colonial and modern era there were many polices and legislation drafted to conserve the ecosystem, and repair the lungs of the earth that was destructed during colonial rule and over all human existence, in order to make earth

inhabitable specially for the people leaving in the skyscrapers, in the mob of building, automobiles, shops and factories. Further, Indian Forest Policy, 1952, an extension of colonial forest policy focuses on reading the forest cover up to one-third of total land.¹⁴

Indian Forest Policy (1988), which is the second forest policy after independence, recognized the role of indigenous community in forest management. Moreover this policy also tries to create an environmental stability by mean of forest conservation.

Moving ahead, article 51A of the Constitution inflicted a fundamental duty every citizen to improve and safeguard natural heritage like forests, lakes, rivers and wildlife etcetera. Moreover, Article 48A also stipulates that the State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country. These article are brought in by the 42nd amendment act and the reference of the same was taken In one of the landmark judgement *Sachidanand Pandey v. State of West Bengal* AIR 1987 SC 1109” where the apex court held that judiciary is obligated to recognise abovementioned articles whenever a case pertaining to environmental problems arose.

The National Green Tribunal Act, 2010, this act was enacted to constitute a body that is National Green tribunal, in order to look after issues related to environment and the efficient and speedy disposal of cases pertaining to environment protection and its conservation. Moreover, it also ensures implementation of those environmental rights.

The Air (Prevention and Control of Pollution) Act, 1981, was enforced with a motive to provide control over abatement of air pollution. Moreover, in order to monitor the abovementioned issues this act establishes Boards at both Central and State level.

Further, the Water (Prevention and Control of Pollution) Act, 1974, was enforced to conserve and control water pollution and to restore the wholesomeness of water in our country. This act

14 Dhruv Gupta, “Forest Policies In India”, *CEL, NUALS*, available at <https://www.google.com/amp/s/elsjnuals.wordpress.com/2020/07/04/forest-policies-in-india/amp/> , (last visited In September 2021).

also establishes National and state level Boards that tries to control the discharge of pollutants into water beyond a given standard, and lays down penalties for noncompliance. Nonetheless, the Environment Protection Act, 1986, sets some guidelines for the protection and improvement of environment. It also talks about the offences and penalties attached and attracted in case of any breach.

Apart from all these laws, committees and notifications, there number of local and tribal indigenous movements for the conservation of ecology and environment in different part of India like as Chipko andolan(1973, Uttarakhand), save silent valley movement (1978, Kerala), Jungle Bachao Andolan (1982, Bihar), Narmada Bachao Andolan (1985) portrays the utmost love and affection of people in India towards its environment¹⁵.

Moreover, in order to provide remedies to the victim of environmental harm, Indian judiciary and legal activism has played a crucial role to fit the issue of environmental detrition in the fundamental right framework. It is only the intellectual effort of Indian judiciary that has recognised sustainable development as a basic mantra to institute a balancing force between development through the universal agendum and environment. Different state judicial body as well as the Apex court of India has always tried fulfil the desire of citizens when it comes to environmental rights and to bridge the gaps between contemporary environmental laws.

Further the court has also given a liberal interpretation to the present laws in the light of international human rights instruments to attain the target of human dignity by easy access to basic life support component such as safe, heathy and clean environmental resources through the base of human rights law. Various locus standi provided by the formula of PIL has also added on to the fruitful delivery of landmark judgements in the area of environmental protection¹⁶.

15 Shakeel Anwar, "A brief history of the Environmental Movements in India", published on February 13 2013), available at <https://www.google.com/amp/s/m.jagranjosh.com/general-knowledge/amp/a-brief-history-of-the-environmental-movements-in-india-1518523870-1>.

16 *Id.*

Rural Litigation and Entitlement Kendra v. State of U. P.¹⁷ is among the list of few oldest judicial verdict, wherein the court looked after the issues pertaining to ecological balance. Further in Indian council for Enviro-Legal action v. UOI¹⁸ the Apex court looked upon the serious issue of the executive's slothful behaviour in the implementation of the laws that are there to protect the fundamental rights and its enforcement for the maintenance of ecological balance.

Consumer Education and research forum v. Union of India¹⁹ is also among the list of cases which are of prime importance when it comes to environmental protection and human right. The court in this case observed that the right to good health is an inseparable facet of meaningful right to life. This case expanded the right to robust health and vigour of the workers without the workers would lead to a life of misery. Further in Subhash Kumar v. State of Bihar ²⁰, the court observed that the right to enjoyment of pollution free water and air for full enjoyment of life are the integral part of right to life under Article 21.

Sacchidanand Oandey v. State of West Bengal²¹. In this case the court held that whenever there is a need for the implementation of any directive principles of state policy or fundamental duties the court will not give an excuse of legislative work but will take up actions necessary.

Murli S. Deora v. Union of India is a case where the Supreme Court of India took a brave move and banned smoking in public places by stating that it's not moral and right for the non-smokers who are forced to be helpless victims of air pollution.

Charan Lal Sahu Etc. Etc vs Union Of India And Ors ²² . Is a landmark judgement were the court established the link between environmental quality and the right to life

Apart from these cases there is a endless list of cases where the Supreme Court of India has considered the right to safe and healthy environment

17 1985 AIR 652, 1985 SCR (3) 169.

18 1996 AIR 1446, 1996 SCC (3) 212.

19 1995 AIR 922, 1995 SCC (3) 42.

20 1991 AIR 420, 1991 SCR (1) 5.

21 1987 AIR 1109, 1987 SCR (2) 223.

22 1990 AIR 1480, 1989 SCR Supl. (2) 597.

as integral part of human right jurisprudence. Today The environmental jurisprudence of India is one of the developed among the world., It is si mostly because of all these legislation and endless judicial interpretations given by the apex court of India that involves different facet

CONCLUSION

One of the demerits of science and technology is that like any other form of social institutions, it cannot be evaluated, examined and judged on public domain. In this conventional era technological advancement has been assigned a privileged epistemological position of being socially impartial both at humanitarian and environmental level. It provides technical assistant to all human requirements but delink itself from every social as well as environmental issues it creates.

In the lap of modernisation and technological advancement the whole world has accelerated it's development but the impact of these development caused an unrepairable damage to the environment which eventually violates human's inherent and essential right to safe and healthy environment. Whatsoever outlook one embrace in relation to the connection between environment and the human right, it is evident that non-performance to conserve our ecology has a transparent and accelerating effect on the fulfilment of human rights.

Moreover, the symbiotic relation of human right and environment not only leads to environmental protection but it also provide a massive strength to the human right through incorporation of environmental concerns.

In present time, everyone is facing one or other form of environmental crisis. The accelerating degradation of natural resources posses within a threat to environmental pollution. Among the most problematic situations for our generation is to maintain a balance between workable synergy and pollution free environment and sustainable economic development. It's very tough to maintain that balance. Though the international laws, commissions and declaration helped to bridge that gap along with equally commendable effort's of local government and judicial jurisprudence the situation

still need change and better implementation.

Different PIL, writ petition and protests in Indian context deliberately forced our executive, legislative and judiciary to came up with legislation, to implement it effectively and provide a better interpretation time and again. The principle of Ubi jus ibi remedium has always been the backbone of Indian judiciary, so in the case of environmental protection and injuries inflicted by environmental damage as already discussed.

Right to environment has already been a fashion in the legal context but one that that we usually tends to forget is the reason behind such crisis and why the level of pollution is such what it is today, why the lake that used to be crystal clear and full of plastics and swages over time. Why the air we breath have toxins in them, why the number of species got extinct or are on the verge of extinction. What mother earth has given us a land free of pollution full of resources and what today we have is smoke all around From the time immemorial the objective of we human had been to rule the earth and utilise it for our benefit but now it's high time we should think of earth with its entirety. By giving every creature their due. Now it's time We feel that where there is aright there is a duty. It a emergency call which we have to take which depict a theory saying that the way we have right over environment, environment itself have same right which we have to recognise. And the breach of that right will not inflect environment but will destroy human being. It's a time to give a light of thought to the quote by Chris Maser where he says " What we are doing to the forest of the world is but a mirror reflection of what we are doing to ourselves and to one another

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