

RELATION BETWEEN THE ENVIRONMENT AND HUMAN RIGHTS WITH SPECIAL REFERENCE TO INDIA

Om Dutt

Asstt. Professor (Department of Law)
D.A.V. (PG.) College, Muzaffarnagar

Abstract: Environment and human rights are deeply related to each other. Without a clean and healthy environment we can not avail the human rights. In the constitution of India in Art 19 and 21 gives some freedoms and right to live with human dignity which are fundamental as well as human rights. Environment constitutes a very important part of our life. To understand life without studying the impact of environment is simply impossible. The environmental problems that have surfaced in today's times are the result of years of massive destruction and abuse of our fragile eco-system. A long time is needed to create a particular thing that destroying it. It is therefore necessary to address the environmental issue and take appropriate action to prevent further damage.

The major deficiency is the lack of environmental awareness among the public, especially in the field of conservation of natural resources and imparting recognition of biodiversity.

Keyword: environmental, Human Rights, healthy environment, political.

INTRODUCTION:

Human rights and environment are deeply related to each other. Without a clean and healthy environment we can not avail the human rights. Environment plays a very important role in human life as well as in the development of the society with growing technological advancement and industrialization the purity of the Environment has been threatened to an appalling extent. We humans originated from our mother nature, Therefore there is no point of going against her. One of the prime recent and positive developments in the world has been the inculcation of the awareness regarding the importance of the nature. We can survive without Luxuries or so-called fancy things but we will not survive if we continue to go against nature-our environment. If we unbalance nature, human kind will suffer immensely. The need to protect and improve the environment is so compelling for the peaceful survival of mankind and other life forms on planet Earth that right to environment has emerged as a human rights. Human rights refer to the most fundamental rights and freedoms to which all humans are entitled. Human rights are inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.

MEANING OF HUMAN RIGHTS:

Human rights have emerged as the most important and powerful concept of our age. Human rights are those conditions of life that allows us to fully develop and use our human qualities of intelligence and conscience and to satisfy our spiritual need. We can not develop our personality in the

absence of rights. They are fundamental to our nature; without them we can not live so human beings. To deny human being their rights is to set the stage for political and social unrest, worse hostility between nations and between groups within a nation and the denial leads to urgent demands for a better life in larger freedom¹. There are many definitions of the concept of rights. Each one of the following definitions and statement help us in understanding different facts of rights.

"Those conditions of social life without which non man can seek in general to be his best on their importance he remarks, the state is know by known by the rights in maintains²." We have a right to the means that are necessary to the development of our times in the direction of the highest good of the community of which we are a part³."

Basic human rights are universally accepted principles based on morality that make it possible for each member of the human family to realize his or her full potential and to lead a life in an atmosphere of freedom, justice and political rights. Their extent is ever expanding and has now come to include the right to an environment that would permit a life of health and wellbeing and the right to education directed to the full development to the human personality by promoting underling, tolerance and friendship among all nations, racial or religious groups.

In short right are nothing but claims against the state or government or individual persons. The term "Human rights" is all comprehensive it includes both civil and political (Negative right) and economic, social and cultural rights (Positive rights) and collective and groups rights.

If we talk about nature of Human rights we find that human rights are universal moral rights; they belong to every

body because they are human by definition, they are not earned, bought or inherited. They are inherent in human dignity. They are inalienable. The concept of human rights are comprehensive in its nature and content. It includes all kinds of right such as civil and political, economic social and cultural and even the newly emerging group collective rights like rights of minorities, indigenous, right to development etc.

Human rights are commonly understood as infallible fundamental rights to which a person is inherently entitled simply because she or he is a human being⁴. Human rights are thus conceived as universal (Application every where) and egalitarian (The same for everyone). Human rights exist as natural rights or as legal rights, in both national and international law⁵. Human rights are essential for the individuals as they are consonant with their freedom and dignity and are conducive to physical, moral, social and spiritual welfare.

"All those rights which are essential for the protection and maintenance of dignity of individuals and create conditions in which very human being can develop his personality to the fullest extent may be termed as human right⁶."

ABOUT THE ENVIRONMENT :

Environment means different things to different people. For some, it means reporting the garbage in to biodegradable and non-biodegradable items to other it means saving on electricity or saving water. The term environment may be associated with restoring the vitality of tropical rain forest maintaining biodiversity and arresting desertification. Developing healthy sustainable and safe communities becomes important to yet others. The environment also means agricultural and industrial production that is sound and 'green' real environmental action is local at the micro level, reflecting the problems and capacity of individuals and groups.

The environment has been defined as the outer physical and biological system in which man and other organism live as a whole. This entire system is a complicated one as it has many interacting components. This components of the environment generally includes. "Its rocks minerals, soil and water its land and their present and potential vegetation its animals life and potential for line stock husbandry and its climate⁷."

Environment is also defined as the total planetary inheritance and the totality of all resources. It includes all the biotic and abiotic factors that influence each other. In other words it is the surrounding where we are live is called environment. In short environment includes the geographical status and balance that we see around us. Everyday we get up we set foot on Earth. Now this Earth is both soil and out planet where we live. Beyond this too, there are physical atmospheric bodies and there is whole which has different layers of gases and other stuff and all these have been under some structure and more under certain orders. Their omnipresent balance is called ecological balance. Environment is a part of atmosphere and ecology. We all are magnetic pull to each other; a perfect balance.

The environment plays a pivotal role in our life as

well as in the development of the society by different means. If we talk about the supplies resources of the environment then we find that they are include both renewable and non-renewable resources. Renewable resources are those which can be used by without the possibility of the resource becoming depleted or exhausted. In other words, a continuous supply of the resource remain available. They are trees in the forest and fish in the ocean non renewable resources are those which get exhausted with extraction and use like as fossile fuel. Environment includes, sun, soil water and air which are essential in gradients for the sustenance of human life. The carrying capacity of the environment implies that the resource extraction is not above the rate of generation of the resources and waste generated are within the assimilating capacity of the environment. Carrying capacity of the environment help to sustain life. Absence of carrying capacity of environment means the absence of life. And if there is no life there are no human rights.

HUMAN RIGHTS TO CONSERVATION OF ENVIRONMENT :

The health of an individual a community or a nation is also determined by its environment. In the modern concept, disease is due to a disturbance in the delicate balance man and his environment. Human being are tooled with rights for their protection and they can safe environment by using their right to conserve environment more urgently by taking following steps :

- Reduce wastage of electricity, fuel and food
- Encourage the use of environment friendly and renewable sources of energy like solar energy, wind energy and tidal energy.
- Polluting industries should be closed.
- Discourage harmful genetic engineering.
- Encourage planting of trees.
- Recycle Garbage
- Stop exploitation of areas rich in biodiversity.
- Establish sanctuaries of endangered wildlife.
- Aggressive family planning to limit human population.
- Elect leaders who work for the environment.
- Reduce usage of plastic since it is not biodegradable.
- Promote the development and use of environment friendly technologies.
- Stop over fishing.
- Encourage organic Agriculture.

The solution of environmental problems, more or less very much depend on our right to healthy and clean environment. The constitution of India obligated the 'state' as well as citizens' to protect and improve the environment. In India the concern of environment protection has been raised to the status of a fundamental law of the land further it had also been wedded with the human right approach; it was will established that it is the basic human right to every individual to live in a pollution free-environment with full human dignity. There are several constitutional mandates which are aimed at protecting the environment are.

At the very outset the preamble of Indian Constitution provided that the country was based on a

'Socialistic' pattern of society where the state paid more attention to social problems than individual problems. The basic aim of a socialism was to provide "descent standard of life to all" which could be possible only in a pollution free environment. Except this according to the principle of separation of powers the seventh schedule of the constitution of India emphasis the role of environment in the subject mentioned in the union, state and the concurrent lists.

Therefore it is submitted that there is an equal role of the citizens and the legislative authority provided by the constitution towards environment. The directive principles of the state policy for the legislative authority and the fundamental duties for the citizens have referred to the protection of the environment.

Our country, before it express, has a choice to make it faces a Hamletion Dilemma. To be or not to be; that is the question if we care or dare at least of frame the question and face the problem. I mean hear not the nuclear terror in the hands of some of whom one holds mankind to horrendous ransom. Human survival is menaced by another equally homicidal missile euphemistically describe as environmental pollution. If I may mint an old expression, thanatology through technology is the Frankenstein's monster. The means by which we live have out-distance the ends for which we live. Our scientific power has outrun our spiritual power. We guided missiles and misguided man⁸. The purpose of development should not be to develop things, but to develop man⁹. The environmental problems that have surfaced in today's times are the result of years of massive destruction and abuse of our fragile eco-system. A long time is needed to create a particular thing that destroying it. It is therefore necessary to address the environmental issues and take appropriate action to prevent further damage.

CONCLUSION AND SUGGESTION

As we are living in 21st century the techno-age we are losing our fellow beings of mother nature, Apparently due to this a number of environmental problems are cropping day by day such as loss of forest cover, air pollution, water pollution, over population, erosion of soil etc. The solution of environmental problems more or less very much depends on our right to healthy and clean environment. Environment includes our beautiful mother nature our very own earth. It's only our right to save our mother rather than exploiting it with our negative deeds. Our deeds, our efforts, our rights should be rather have to be used in better way to swipe the dust from the surface of our planet and our environment.

We live in a world where in nature resources are limited, water, air, oil, soil, the products we get from forest, Grasslands, oceans and from agriculture and livestock, are all a part of our life supporting system, without them our rights as well as life itself would be impossible. Therefore only the participation and cooperation of the entire globe will suffice to provide a clean and safe environment in the future.

At present, even though both developed and developing countries are giving priority for building up of environmental awareness among the public are not acquiring it in a big way. Binding structural change in the attitudes of the public in respect of environmental change and also the

adverse effects on environmental degradation is the need of the hour. Without to do so we can not enjoy properly of our human rights. So there should be a multidisciplinary approach to control the environmental pollution, aided by legal enforcement of pollution all safety limits. The particular attention is to be paid to issue, like environmental awareness, water resource management energy management and forest management in India. If the entire picture of environment and human rights is looked at from the Indian perspective, we may find that the overall position is not very encouraging. Infact India has been described as a pollution loving nation which is injurious for our human rights as well as our nation and for our coming generation.

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