

HUMAN RIGHTS AND ENVIRONMENTAL PROTECTION IN INDIA: AN ANALYTICAL REVIEW

Dr. Sushma Sharma, Associate Professor, National Law Institute University, Bhopal, India.

Abstract: The study have been undertaken to investigate the human right issues in the area of environmental protection in India. In order to analyse the relationship between environment and human rights the international covenants and conventions and the Indian law for protecting the human right to environment. The analysis of Indian legal framework for protection of right to environment, the challenges and the problem areas are also discussed. The probable solutions are suggested at the end of the paper.

Index Terms – Environment, Human Rights, Constitution, Law.

The Concept of Environment:

The concept of environment does not have a formal definition. The term environment covers the complete global system which is in the constant relationship with various elements of nature. Environment includes the physical elements, chemical elements, biological elements and socio-cultural elements.

Relationship between environment and human rights is all pervasive. There are four pillars of Human Rights which include life, liberty, equality and dignity. These four are the necessary elements for the development of human and none of these can be realised without protecting the right to environment.

Environment protection may be taken as a means to the end for fulfilling Human Rights standards. The legal protection of Human Rights is an effective means to achieve the ends of conservation and environmental protection.

The Two Approaches to The Protection of Environment:

There are basically two approaches for the protection of environment. Different approaches called ecocentric approach and the second approach is anthropocentric approach. Ecocentric approach natural environment like the mountains, rivers flora and fauna and their importance. Environmental factors individually claimed their importance or they have importance of their own. With the anthropocentric approach the protection of environment is only to the extent it is necessary for human being and not beyond that. Environmental protection is needed to be undertaken only to the extent it is required for human health and wellbeing and not beyond that. At the global level the awareness of the people regarding the environmental issues grew from 1950s onwards, the preliminary globally applicable international conventions and multilateral environmental agreements framed in 1970s and 1980.

This Conventions includes the 1971 Ramsar Convention on Wetlands, 1972 World Heritage Convention, the 1973 Convention on International Trade in Endangered Species, the 1979 Convention on Migratory Species and the 1989 Basal Convention Control of Transport of Hazardous Waste. Treaties and Declarations including the Stockholm Declaration 1972 are having anthropocentric approach.

There are various threats to the environment which are tried to be controlled by these approaches, poor quality of air, poor quality of water or polluted water, poor quality of food, noise pollution, genetic mutation, deforestation and shaking of the natural balance of ecosystem. This is resulting into various physical and mental problems.

Relationship Between Human Rights and Environment:

Relationship between human rights and the environment was first recognised by the United Nations General Assembly in 1960s. In 1972 the direct relationship between the environment and the right to life was recognised by the United Nations Conference on Human Environment. In the Preamble it was stated that man is both creator and moulder of environment.

The United Nations Stockholm Declaration on Human Environment 1972, is a landmark decision in the development of natural environment and human rights recognition in international law. After the Stockholm declaration it was realised by international community that environment is in fact essential to the wellbeing of the individuals and for the enjoyment of basic human rights. Even right to life cannot be realised without the environmental protection. Stockholm Declaration established a further foundation of linking of human rights with environmental protection, man has the fundamental right to freedom, equality and adequate

conditions of life, in an environment of quality that permits a life of dignity and wellbeing. Various attempts were undertaken U.N. for defining of environmental rights.

The right to clean and safe environment, the right to act to protect environment and right to information and participate in the decision making. In this compartment the right to clean and safe environment are considered as the substantive rights because these are the most basic rights and these are all so hard to define. There are many organisations across the world which had supported the idea that clean water and food security are the basic human rights.

Instruments of International Law and Right to Environment:

In 1982 the World Charter of Nature was framed. This charter for nature acknowledged that mankind is a part of nature and life depends on the uninterrupted functioning of natural systems the supply of energy and nutrients. In 1992 United Nations Conference on Environment and Development which is also known as Earth Summit, took place, in that conference it was stated that human pains are the centre of concerns for sustainable development.

The World Charter for Nature, 1882 had given the place of fundamental human right to the environmental quality. The World Commission on Environment and Development Report 1987 also stated that all human beings have the fundamental right to environment and advocated for their health and well-being.

But despite all these efforts there was a vacuum. The problem of human right to a safe and healthy environment lies in the fact that is right is not mentioned in the Universal Declaration of Human Rights. This right is also neither reflecting directly in the International Convention on Economic Social and Cultural Rights nor in the European Convention on Human Rights. This right was reflected only in the document of the 1972 Stockholm Conference to a small extent. However, the principle of Rio declaration 1992 tried to include it.

Convention on rights of the child also reflect right to environment. Article 24 of the Convention on Rights of the Child 1989 provides, " the right to enjoy the highest attainable standard of health. Among the measures which states are to take to implement derived are measures to combat diseases and malnutrition. The provision of adequate nutritious food and clean drinking water taking into consideration environmental pollution.

In World Health Organisation also there is explicit recognition of the connection between right to health and state of environment. The Rio Declaration does not contain any explicit human right related to environment but its principle ten explains in the mandatory language and provide support for participatory rights. It explains about environmental issues and require the participation of all concerned citizens at the relevant levels. It states that at the national level each individual shall have appropriate access to information regarding the environment that is held by the public authorities. This information also includes information related to material governmental records. This principle enables the public to participate in the decision-making process when the question is related to their environment and resultant their life. Right to Information is recognised as a tool for realise the right to environment and the substantial human rights.

Responsibility is also given upon the states that they will provide information on demand. The states are supposed to encourage public awareness and participation by making the information widely available. The declaration mandate that effective access to judicial and administrative proceedings including redress and remedy shall be provided. There is an explanation with regard to procedural environmental rights, that include, access to environmental justice and participation in environmental decision making.

This is a participatory approach paving way for the sustainable development. As in this approach only government is not relied but the civic participation of the general members of the public in the public affairs is given importance. This is representing the application of arguments for democratic governance as a human right to environmental matters.

United Nations Environment Programme, UNEP is also a significant institution functioning for environmental issues at the global level as well as at regional levels. The core objectives of the United Nations Environment Program are to serve as the authoritative advocate of environment and to support the government and setting the global environmental agenda. It also works for promotion and the coherent implementation of the different programs for the sustainable development within the UN system. Thus, UNEP works for development and implementation of international environmental law. It has also undertaken various researches related to environmental justice.

In the light of all those International instruments and the initiative which were taken by the United Nations there are large variety of agreements and conventions to deal with the environmental protection as a human right. These conventions cover a wide range of areas related to environmental protection like, convention of migratory birds, convention of ecosystem and environmental issues, the Convention related to anti-ballistic missiles, biological weapon convention, convention related to transform boundary movement of hazardous waste, different conventions on biological diversity, emergency and nuclear accidents, wildlife conservation and the pollution in the high seas convention related to nuclear safety, or convention for prevention of marine pollution. In this manner environmental protection is considered as a human right and there are various attempts to protect it through the international law.

The Article 130 of the Treaty of Rome also provides very important community policing related to the environment in it. The objectives are point wise explained which includes objectives like; Preserving promoting and improving the quality of environment; Protecting the human health; Prudent and rational utilisation of natural resources; Promoting measures of international level to deal with regional or worldwide environmental problems. In this manner the Treaty of Rome provides a comprehensive plan of action.

Constitution of Different Countries and Environment:

Inclusion of right to environment in different Constitutions by members of United Nations played an important role in the protection of environmental rights. Various nations tried to include the right to environment in their constitutions which included the right to safe environment as a constitutional right. Such Constitutions include the Constitution of Russian Federation (Article 42), the Constitution of Republic of Kazakhstan (Article 26) Spanish Constitution (Article 45) which states that everyone shall have the right to enjoy environment suitable for personal development and duty to preserve it. The Spanish Constitution is an example recognised not only the constitutional right also the constitutional duty to preserve the environment, Article 66 of the Portuguese Constitution states that everyone shall have right to a healthy and ecologically balanced human environment and duty to defend it. Chapter 6 of the Constitution of Brazil 1988 is also dedicated to the environment.

Challenges to Environment in India: An Overview.

India is one of the oldest civilizations in the world. India is blessed with the rich and diverse culture which is unique in its own way. The physical features are also very diverse, India has dry desert evergreen forests and snow-clad mountains along with a very rich and long coastline and fertile plains. Indian is fertile land for agriculture and it has abundant reserves of minerals. The mountains and forests of India have large variety of flora and fauna. Very rich in mines and minerals also. India has more than 91200 species of animals and 45500 species of plants claim in great Biodiversity in the world. Population of India is constantly increasing and India is also one of the most populous countries in the world. About 18% of the world population resides in India. The economic growth and development which is carried out at a very high pace exerts a lot of pressure on the natural resources of the country and there is a need of environmental governance. Agrarian economy and Agriculture, Forestry and fishing together contribute 17.4 percent to the Gross Domestic Product, India is speedily becoming industrialized which has resulted into rapid urbanization.

India is presently facing many challenges to its natural environment. The Ministry of Social Justice and Empowerment had reported in 2016 that the 28% of the population of nation live below poverty line and it is a great challenge for protecting the environment and to fight poverty together. The major issues related to environment in India climate change, rapid urbanization, improper solid waste management, deforestation, loss of biodiversity, contamination of air and water, and environmental damage in mining and industrial activities.

Indian Constitution and Right to Environment:

In the Indian Constitution also, there are certain provisions related to environment. Right to environment is also protected in various legislations in rules and regulations in India. Indian Constitution has many provisions which are targeting to improve the environment and to ensure the right to a better life. Some important human rights in India are guaranteed as fundamental rights under part III (Article 12 to 35) of the Constitution. Part III is the control mechanism. Part IV of the Constitution imposes the obligations on the state. Supreme court also decided in 1980 that the Part III of the constitution and Part IV of the constitution were complementing. Article 48 A of Part IV of the Constitution of India provide that the state shall endeavour to protect and improve the environment and to safeguard the forest and wildlife of the country. Along with that under Part III, fundamental rights which are guarantees to the individuals against the act of state, right to environment is inclusive, without the development of individual and the realisation of his or her full potential shall not be possible. Article 21, 14 and 19 of this part have been used for Environmental Protection.

Under Article 21 right to clean environment is considered to be an extension of right to life. Right to life under Article 21 encompasses life of dignity to live in a proper and healthy environment. Dimensions of Article 21 which are necessary to maintain for the proper realisation of right to life includes health also. Right to health can be maintained by providing proper hygiene, proper housing, proper food and nutrition, proper sanitation system and preservation of environment.

The chapter on fundamental duties of the Indian Constitution clearly imposes a duty on every citizen to protect environment. Article 51-A(g), is that it shall be duty of every citizen of India protect and improve the natural environment including forests, lakes, rivers and wildlife and tend to have compassion for living creatures.

Article 47 provides that the state shall regard the rising of the level of nutrition and the standard of living of people and the improvement of public health as among its primary duties. Improvement of public health also include the protection and improvement of environment without which public health cannot be assured. Article 48 deals with organisation of agriculture and animal husbandry. It directs the State to take step to organise agriculture animal husbandry on modern and scientific lines.

In *Vellore Citizens Welfare Forum vs. Union of India*,ⁱ Supreme Court ⁱⁱ held that the industries are vital for the country's development but to control the pollution caused by them, principle of 'sustainable adopted' must be adopted as the balancing concept.

Article 21 has received liberal interpretation from time to time after the decision of Supreme Court in *Maneka Gandhi vs. Union of India*,ⁱⁱⁱ constitutional right to clean environment was also emphasised in *Union of India vs. State of Rajasthan*,^{iv} also, to the population by alert in the court considered the right to environment seriously and give enough interest to the environmental issues. "Article 51 A citizen to move out of the duty on state instrumentalities, coma local bodies and statutory authorities[...]"

The role of State in ensuring clean environment clarified in *Subhash Kumar vs State of Bihar*^v, Supreme Court ruled that Article 32 is designed for the enforcement of fundamental rights of a citizen by the apex court and right to life is a fundamental right under Article 21 of the constitution include the right of enjoyment of pollution free water and air for full realisation of life.

Indian Legislations on Human Right to Environment:

The emphasis of the Legislature and the executive was drawn towards the protection and preservation of environment after the incident of Bhopal gas tragedy.^{vi} December 3,rd1984 about 40 tons of highly toxic methyl isocyanate gas, which was manufactured and stored in the Union Carbide India Limited, UCIL (which was a party on the subsidiary of the Union Carbide Corporation(UCC), an American firm), escaped from the factory. Leakage of poisonous gas killed about 4000 people according to official figures and enjoyed more than 2 lacs persons in Bhopal. Along with that this poisonous gas also killed the terrestrial animals, birds and aquatic life and devastated the biotic and abiotic components of the environment for long years. The gas also resulted in genetic mutation among the population.

After the Bhopal Gas Tragedy, it was realised that Indian Judiciary was not technically or conceptually well-equipped to deal with environmental issues having regard to the environment related interest of the society. The Union of India filed a suit against the Union Carbide Corporation in the United States District Court of New York but that case was dismissed on the ground that Indian courts are more convenient and proper forum for such an action. Government of India filed suit for compensation in the district court of Bhopal. After a long legal battle, the matter was finally settled by the government of India and the Union Carbide Corporation.

Indian Parliament reacted to the situation and passed the Bhopal Gas Leak Disaster (Processing of Claims) Act, 1985, this Act conferred on the central government exclusive right to represent the gas victims for claiming compensation. Some amount of compensation, although to less accepted by the government of India to be taken from the Union Carbide Corporation distributed it to the victims of the Bhopal Gas Tragedy.

Indian legislative Scenario changed a lot after this disaster environmental protection legislations existed in India even before independence. A vigour was observed after the United Nations Conference on human environment took place in Stockholm in 1972. But after the Bhopal gas leak disaster the legal and policy developments were undertaken very swiftly in India. National Council for environmental policy and planning was set up in the year 1972 within the department of Science and Technology the purpose was to issue a regulatory body to look after the environment related issue. Ministry of Environment and Forest^{vii} was established in the year 1985. Ministry of Environment and Forest and the Pollution Control Board which are operative at the central level and also at the state level work together to form the regulatory and administrative network for protection of environment.

The main environmental legislations in India are, The Air (Prevention and Control of Pollution) Act, 1981(amended in 1988), The Environment Protection Act 1986, The Water (Prevention and Control of Pollution) Act 1974(amended in 1988), The Hazardous Waste Act, 1989 , The Wildlife Protection Act 1972, The Forest (Conservation) Act 1980 (amended in 1988).

The National Green Tribunal Act ^{viii} 2010 has been enacted with the purpose to establish a National Green Tribunal. The National Green Tribunal plays very effective role in disposal of the cases relating to environment protection and conservation of forests and other natural resources.

National Green Tribunal Act received the presidential assent on 2nd June 2010 and it was enforced by the central government by a notification dated 18th of October 2010. With the enforcement of National Green Tribunal Act 2010, The National Environment Tribunal Act 1995 and the National Environment Appellate Authority Act 1997 stood repealed.

The Water (Prevention and Control of Pollution) Act 1974 has been enacted to provide for the prevention and control of water pollution. This is helpful in maintaining and restoring wholesomeness of water in the country. It provides for establishment of Water Pollution Control Boards with a view to carry out the purposes of the Act. The Water Act prohibits the discharge of the pollutants into water bodies be given standard and the penalties are also laid down for non-compliance of the provisions of the act.

The Environment Protection Act, 1986^{ix} provide for the protection and improvement of environment. It has provisions for framework of various institutions studying, planning, and implementing the long-term for environmental safety. This act is an umbrella legislation to ensure pollution free environment. The term environment is understood in this enactment a very wide term. Under section 2(a) of the Environment Act, the term environment includes water, air and land as well as the interrelationship which exists between water, air and land and human beings, other living creatures, plants, microorganisms and property.

Under this enactment central government is empowered to take measures necessary to protect and improve the quality of environment by setting up standards for emissions and discharge of pollution in the atmosphere by any person carrying on an industrial activity or any other activity. Central government has the authority to regulate the location of industries, management of hazardous waste introduction of Public Health and welfare. This enactment also has provision for penalties in case of any noncompliance of contravention of the enactment.

The Air (Prevention and Control of Pollution) Act, 1981 (amended in 1988) provide for establishment of board at the central and the state levels with a view to carry out the aforesaid purposes. This enactment deals with air pollution and air quality standards

were established thereunder. The Air Act tries to combat air pollution by prohibiting the use of polluting fuels and substances, as well as by regulating appliances that give rise to air pollution. The Air Act empowers the State Government, after consultation with the SPCB's, to declare any area or areas within the State as air pollution control area or areas. Under this enactment for establishing or operating any industrial plant in the pollution control area requirement of consent from SPCBs is there. SPCBs are also supposed to test the air in polluted areas, inspect pollution control equipment regulate and manufacturing processes.

There are many other legislations also that deal with hazardous waste management in direct or indirect manner. These legislations include the Factories Act, 1948, the Public Liability Insurance Act, 1991, the National Environment Tribunal Act, 1995 and rules and notifications under the Environmental Act.

In addition, there are many other laws relating to environment. The Wild Life (Protection) Act, 1972 was enacted with the objective of effectively protecting the wild life of this country and to control poaching, smuggling and illegal trade in wildlife and its derivatives. This Act was amended in January 2003. The punishment and penalty for offences under the Act were made more stringent. The purpose of the amendment is to provide protection to the listed endangered flora and fauna and ecologically important protected areas.^{xi}

The Forest Conservation Act, 1980 was framed and enacted to help conserve the country's forest wealth. It completely restricts and regulates the de-reservation of forests or use of forest land for non-forest purposes without the prior approval of Central Government. For this purpose, the Act lays down the pre-requisites for the diversion of forest land for non-forest purposes.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006-This Act recognises the rights of forest-dwelling Scheduled Tribes and other traditional forest dwellers over the forest areas which are inhabited by them and provides a framework for according the same.

The Indian Forest Act, 1927 consolidates the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce.^{xii}

The Public Liability Insurance Act, 1991 was enacted with the objectives to provide for damages to victims of an accident which occurs as a result of the process of handling any hazardous substance. The Act applies to all owners associated with the production or handling of any hazardous chemicals.

The Biological Diversity Act 2002 was a result of India's attempt to realise the objectives enshrined in the United Nations Convention on Biological Diversity (CBD), 1992his Convention which recognises the sovereign rights of states to use their own Biological Resources. The Act aims at the conservation of biological resources and associated knowledge as well as facilitating access to them in a sustainable manner. The National Biodiversity Authority in Chennai has been established for the purposes of implementing the objects of the Act.

Rules and Regulations in India:

Besides these enactments there are various rules and regulations framed by the government to achieve the realization of constitutional and legal mandate for providing clean environment. Prominent among them are, The Hazardous Wastes Management Regulations; under them Hazardous waste means any waste which, by reason of any of its physical, chemical, reactive, toxic, flammable, explosive or corrosive characteristics, causes danger or is likely to cause danger to health or environment, whether alone or when in contact with other wastes or substances.

Some of the important Rules are; The Hazardous Wastes (Management, Handling and Transboundary) Rules, 2008, these rules provide for a guide for manufacture, storage and import of hazardous chemicals and for management of hazardous wastes.

Biomedical Waste (Management and Handling) Rules, 1998, were framed along parallel lines, for proper disposal, segregation, transport, etc, of infectious wastes.

Municipal Solid Wastes (Management and Handling) Rules, 2000, enable the municipalities to dispose municipal solid waste in a scientific manner.

There are various short-comings and lots of overlapping of some categories in these rules that causes inconvenience in implementation of the Biomedical Waste (Management and Handling) Rules, 1998 as well as the Municipal Solid Wastes (Management and Handling) Rules, 2000.To overcome that problem the Ministry of Environment, Forest and Climate Change has formulated the draft Bio-Medical Waste (Management & Handling) Rules, 2015 (Draft BMW Rules) and the draft Solid Waste Management Rules, 2015 (Draft SWM Rules).

E - Waste (Management and Handling) Rules, 2011 have been notified on May 1, 2011 and came into effect from May 1, 2012.The main objective of these rules is to reduce the use of hazardous substances in electrical and electronic equipment by specifying threshold for use of hazardous material and to channelize the e-waste generated in the country for environmentally sound recycling. The Rules have very wide application and they apply over every producer, consumer or bulk consumer, collection centre, dismantler and recycler of e-waste involved in the manufacture, sale, purchase and processing of electrical and electronic equipment or components as detailed in the Rules.

Batteries (Management & Handling) Rules, 2001 deal with the proper and effective management and handling of lead acid batteries waste. The Act requires all manufacturers, assemblers, re-conditioners, importers, dealers, auctioneers, bulk consumers, consumers, involved in manufacture, processing, sale, purchase and use of batteries or components thereof, to comply with the provisions of Batteries (Management & Handling) Rules, 2001.

Coastal Regulation Zone Notification was issued by The Ministry of Environment and Forests.^{xiii} Its objective is to ensure livelihood security to the fishing communities and other local communities living in the coastal areas. It is also targeting to protect coastal stretches and to promote development in a sustainable manner based on scientific principles it also takes care of the dangers of natural hazards in the coastal areas and sea level rise which is taking place due to the global warming.

Principles of Protection of Human Right to Environment:

There are various principles which have been evolved in the international law by the institutions and by the judiciary which are the pillars for framing and amending law and moulding the policies, these are also the basis of providing remedies in case of violation of right to pollution free environment. The main principles for environmental protection in India which have been adopted by the Indian government are-precautionary principle, principle of sustainable development, principle of participation, polluter pays principle and the principle of common but differential responsibility.

These principles have been adopted in the primary and secondary legislation in India and also have been followed in the judicial decisions. The government of India also reflect the zeal to implement these principles in its policies and programmes. These principles have opened the gates for actual realisation of right to life and to ensure the quality life to the citizens of India.

Precautionary principle was explained in the Wingspread Conference 1998^{xiv}. When an activity raises threats of harm to human health or the environment, precautionary measures should be taken if some cause and effect relationship are not fully established scientifically. The primary components of the precautionary principle include setting up of goal and the taking of preventive action, shifting the burden of responsibility to those persons who are trying to draw the benefits by causing the pollution in the environment. Finding out the alternatives of wide range is also required to comply with the precautionary principle and this principle mainly rest on the public participation in decision making.

Another principal which is very helpful in realisation of right to environment as a human right is the principle of sustainable development. Management of the environmental factors and components is done in such a manner so that the capacity to continue into distant future is safeguarded. In accordance with the principle of sustainable development their primary thrust is that any action with regard to the environment must be having the futuristic dimension and the depletion of natural resources and the increase of the pollution is that the ecology of the earth should not be destroyed and conservation for the future generations could be made possible.

The principle of sustainability plays a very important role in environmental governance. Sustainable development^{xv} includes living within environmental limits, sustainable economy, promoting good governance, using sound and prudent scientific responsibility and ensuring strong, healthy and just society.

Another very important key principal to realise the right to environment as a human right is the principal of participation^{xvi} which basically include the allowing of the people to influence the outcome of plans and working processes. Means of participation the decision making is improved and the better of the nation of the policies is possible. For invoking the principle of participation, it is necessary to raise the awareness of environmental issues among the people.

Increased by various methods with also include the celebration of important days like 22nd April is celebrated as a special day for promoting conservation of earth resources and June 5 is celebrated as World Environment Day.^{xvii} Wildlife week celebrated between 1st to 7th October every year.

Another very important principle is the Polluter Pays Principle (PPP)^{xviii} which is the Principle of international environmental law. This principal provide at the polluter pays for the damage done to the natural environment by it and so this principle reflects extended polluter responsibility. According to this principle whosoever is responsible for damage to the environment should be the cost associated with it. Polluter is required to pay the cost of assessment, prevention and mitigation of pollution as well as the cost of elimination of its effect which might be borne by any person activity has caused the pollution in question.

Another principal which is helpful in extending the right implementation is the principle of Common but Differentiated Responsibilities (CBDR). This is the principle of international environmental law. Principal establishes that all the states are responsible for address and global environmental destruction all the state are not equally responsible. Because the level of pollution caused by every state is different there is possibility is also different. Is based upon the idea that the environment is the common heritage of mankind however it recognises the historical correlation between higher levels of development and a greater contribution to the degradation of global environmental resources like air and water and enables the sharing of responsibility accordingly. Principal establishes that developed countries, which had been able to develop for longer time an imported by environmental restrictions, now I need to take a greater share of responsibility.

In this manner the right to environment has been raised to the level of human right and is safeguarded through the International Law and Municipal legislation and policies In India.

Conclusion:

Kofi Annan Former Secretary-General, United Nations once rightfully commented, “We all know what the problems are, and we all know what we have promised to achieve. What is needed now is not more declarations or promises, but action to fulfil the promises already made.”

There are various challenges to the implementation of right to environment as a human right. Lack of knowledge among the people and illiteracy is also a reason for causing the destruction of the environment which finally results into the violation of human rights. People are not aware of harms which day unknowingly cause to the environment and many of them don't know that the activities which they are interested are amounting to crime against environment.

Scientific innovations, technological development and globalisation is also resulting into the destruction and devastation of the natural environment. Search a regulated human activity have caused various problems like global warming and depletion of the ozone layer etc.

Poverty is one of the reasons because of which the members of the public are not able to take care of the environment in many cases, the people used to cut the forest and hunt various endangered species. They conduct a trade and other operations without following the norms which are important for environmental protection because they are not able to bear the cost of all those safeguards.

The whole world is affected by armed conflict and also the nations suffer from internal disturbances, significant reasons for the pollution of the environment besides other human rights violations. Due to the arms and ammunition which is used during the war time and the other kinds of destructions which are caused the ecosystems of earth to a great extent, the fuel releases pollutants in the Air, oil and other poisonous elements are released in the ocean and at the land. The forests are also burnt and destroyed. All of this, results into the devastation of plant and animal life.

The laws of the government are not able to stop the nexalism and there is rampant corruption in the administrative circles also. These terrorists and militants used illegal means to acquire wealth which they could use in there in illegal and inhuman activities. These groups exploit the natural wealth destroy the ecosystem, endangered plants and animals for money. In general, there is lack of commitment in the society towards the protection of environment and the safeguarding of human rights in this area is considered to be a sophisticated concern as at many occasions its dangerous effects take some time for getting revealed.

There is a need to curtail those shortcomings which come in the way of protection promotion and preservation of environment so that the Human Rights could be insured and we can live in the pollution free and balanced environment. gradual individual, community, municipal and international level efforts are needed to achieve this target which although might appear to be difficult but are not at all impossible.

The major part of the population is very vulnerable to the violation of human rights that was it depends largely for earning its bread on climate sensitive sectors like agriculture, water resources and forestry. There is a constant pressure on natural resources for meeting the supply of ever-growing population. Sustainable agriculture has become a greatest challenge. There is a need to plan and manage the water on river basins to Cater the requirement of agriculture the availability of pure water to the urban population is also increasing. The demand of food grains is constantly increasing; therefore, it is necessary to develop the productivity of rainfed areas. The scientists and policymakers both have to jointly put their efforts in this direction. Efficient environment conservation and judicious utilisation of the natural resources is very significant. People should be educated about the environmental issues and climate change with the help of awareness programs. The government department Institutions and NGOs should arrange such programmes. The scientific programs should constantly assess and evaluate the impact of climate change and industrial emissions and should suggest the solutions to it. The use of renewable energy, resources should be promoted. Proper monitoring and reporting of the government programs and schemes related to the environmental protection must be observed.

Open the paper and government of India will work together to strengthen and integrate the policies related to environmental protection candy concept of environmental protection as a human right is reflected in the national policies and strategies and planning the Indian as well as the global human right of environment shall be safeguarded.

ⁱ 1996 5 SCR 241, ILDC 443 (IN 1996), 1996 5 SCC 647, 1996 AIR 2715, JT 1996, 375

ⁱⁱ Vellore Citizen's Forum Welfare v. Union of India (1996) 5 SCC 647

ⁱⁱⁱ AIR 1978 SC 597

^{iv} 1977 AIR 1361 1978 SCR (1) 1 1977 SCC (3) 592

^v AIR 1991 SC 420

^{vi} The Bhopal disaster, also referred to as the Bhopal gas tragedy, was a gas leak incident on the night of 2–3 December 1984 at the Union Carbide India Limited (UCIL) pesticide plant in Bhopal, Madhya Pradesh, India. It is considered to be the world's worst industrial disaster. Over 500,000 people were exposed to methyl isocyanate (MIC) gas.

^{vii} Ministry of Environment and Forest (The MoEF) is today the apex administrative body in the country working for Environmental Protection and laying down the legal and regulatory Framework for the environmental protection.

^{viii} The National Green Tribunal has been established on 18.10.2010 under the National Green Tribunal Act 2010 for effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto.

^{ix} Environment Protection Act, 1986 is an Act of the Parliament of India. In the wake of the Bhopal Tragedy, the Government of India enacted the Environment Protection Act of 1986 under Article 253 of the Constitution. Passed in March 1986, it came into force on 19 November 1986.

^x State Pollution Control Boards

^{xi} The initiatives undertaken under this enactment includes formalisation of national parks, wildlife sanctuaries, conservation reserves and community reserves. Protection to habitat and wildlife within premises of such protected area, Development of National Board for Wildlife and State Boards for Wildlife for identification of future protected areas.

^{xii} The government developed procedures for setting up and protection of reserved forests, protected forests, and village forests.

^{xiii} Coastal Regulation Zone Notification was issued by The Ministry of Environment and Forests *vide* Notification no. S O. 19(E), dated January 06, 2011.

^{xiv} The Wingspread Conference on the Precautionary Principle was a three-day academic conference where the precautionary principle was defined. The January 1998 meeting took place at Wingspread, headquarters of the Johnson Foundation in Racine, Wisconsin, and involved 35 scientists, lawyers, policy makers and environmentalists from the United States, Canada and Europe

^{xv} In order to bring sustainable development in the mainstream United Nations (UN) launched the 2030 Agenda for Sustainable Development and SDGs. There are 17 goals and 169 targets specific targets to be achieved by 2030. Reaching the goals requires action on all fronts including the governments, businesses, civil society and people everywhere all have a role to play. SDGs are not legally binding and have only persuasive value.

^{xvi} The MoEF is committed towards maintaining accountability and transparency, and making the Right to Information Act, 2005 effectively operational. It is committed to answer the queries under the Act and it tries to provide answers through the concerned authorities. This section which applies to MoEF provides all the relevant details that an applicant will require regarding the Act. For better accessibility, it also includes the names and addresses of the key officers and employees of the Ministry.

^{xvii} World Environment Day is the most renowned day for environmental action. Since 1974, it has been celebrated every year on 5 June: engaging governments, businesses, celebrities and citizens to focus their efforts on a pressing environmental issue.

^{xviii} In environmental law, the polluter pays principle is enacted to hold the erring parties answerable for causing pollution and they are held responsible for paying for the damage done to the natural environment. It has got very strong support in most of the Organisations for Economic Co-operation and Development (OECD) and European Community (EC) countries and that is why it is regarded as a regional custom.

