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## **ENVIRONMENT: A HUMAN RIGHT**

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### **Abstract:**

*Environmental pollution is a serious threat to all mankind, it violets the fundamental right of man i.e right to life. Unbalanced and prudent exploitation of nature causes serious damage to the environment. Which is a direct result of air pollution, water pollution, currency pollution and noise pollution. This is the root of many diseases andalso the cause of physical and mental disorders. Living healthy life in this world is the highest human right of a person IT is very important to prevent this violation of rights due to environmental pollution. Clean environment has always been talked about in the Indian thought tradition. Today it is necessary that strong efforts should be made to control and deal with this deadly pollution otherwise not only us but the generations to come will also be left out. If we want to save our future generations than we have to control it.*

**Key words:** *Environmental degradation, Human Rights, Sustainable development, Environmental protection and Pollution.*

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### **Introduction :**

Environmental pollution is a serious threat to all mankind, it violets the fundamental right of man i.e right to life. Unbalanced and prudent exploitation of nature causes serious damage to the environment. Which is a direct result of air pollution, water pollution, currency pollution and noise pollution. This is the root of many diseases andalso the cause of physical and mental disorders. Living healthy life in this world is the highest human right of a person IT is very important to prevent this violation of rights due to environmental pollution. Clean environment has always been talked about in the Indian thought tradition. Today it is necessary that strong efforts should be made to control and deal with this deadly pollution otherwise not only us but the generations to come will also be left out. If we want to save our future generations than we have to control it.

Environmental degradation is one of the most serious problem for human beings. Many people have health problems due to the various pollution increasing day by day.

Human beings are part of nature, and our human rights are intermingled with each other and the environment in which we survive.. There is interference of Environmental harm with the human rights enjoyment, and the efforts of human rights helps to protect the environment and to encourage sustainable development. The principles on human rights and the environment summarize the main human rights responsibility relating to the enjoyment of a



safe, clean, healthy and sustainable environment. They provide consolidated and detailed information for practical implementation of these obligations, and a basis for their further development as our understanding of the relationship of human rights and the environment continues to evolve. Many national and international norms are applicable to human rights and environmental protection that provide higher levels of protection under national or international law.

### **Environmental Pollution:**

The concept of environment is very broad, generally we understand it related to our surrounding environment and atmosphere, but in fact environment includes very complete physical and biological system, whose habitat is hydrosphere, atmosphere and biosphere, and under which the natural development of living beings takes place. The social environment is also included in the environment. But the circumstances come under ecology, which affect the physical and biological balance of the environment, so here the environment refers to the above mentioned physical and biological circle.

Human life depends on the ecological balance and the quality level of the environment. Ecological balance is essential for the survival of all living beings, so the right to life takes the form of the right to environmental balance, if the natural balance of the environment is affected by any circumstances or activities. So it is a violation of right to life against human race and it should be taken as human rights violation. The history of human development is confined in the control and manipulation of nature. Balanced and judicious exploitation and use of natural resources is synonymous with the progress of mankind, than more balanced and judicious exploitation can lead to destruction. Nature is the natural form of environment. The economic and social environment of man is created by the effect and use of physical and natural elements of the environment due to changes in the natural system in nature. From the point of view of the theory of biological evolution, the entire living world including humans is the product of the environment and their present and the future also depends on the environment. Compared to other living beings, the role of man in the context of the environment is special, because on the one hand, he is a product of the environment like other living beings, on the other hand, the controlled operator of the environment, he also has the intellectual ability to enrich the environment knowingly or unknowingly. He also takes measures for its destruction, even if the souls sing for him to do so.

The habitats of the environment are interdependent. Human activities of exploiting nature are causing unbalanced changes in environmental factors, which are not possible to adjust or modify naturally. Harmful wastes are generated in the environment due to which the earth, water, air etc get contaminated, thus the environment become polluted and affects the living beings in a fatal way. The elements that cause pollution are called pollutants. Pollutants may be natural or man made. Often nature itself manages the effects of natural pollutants ok. But it has less ability to neutralize man made pollutants, so pollution mainly arises from the actions of man. The medium of pollution of the environment, especially air, water or the location.



In air pollution, the quality of constituent elements of air becomes degraded. Depletion of ozone layer, increase in the concentration of green gases, etc. The main examples of this are water pollution of sea water, rivers and ponds, and pollution of landwater. Desertification, money pollution and incineration are the main examples of terrestrial pollution, the main sources of human causes of pollution and secondary sources and population sources, industrial sources, gaseous pollutants, solid pollutants, harmful chemical pollution, chemical mixed waste water and heat pollution are controlled. Unbalanced and reckless exploitation of natural resources, mining and deforestation is also one of the main reasons for environmental balance, agriculture pollution, pesticide and diseases, chemical fertilizers, man made machines and equipments, radioactive elements and garbage etc. are the main ones. Free gas from population source, sewage water, dirt, garbage, vehicles, mainly carbon dioxide and carbon monoxide, and free gases and noise pollution are generated from machines, air conditioned devices, we are all familiar with the damage caused by climate and noise pollution.

The subject area of the causes, sources, consequences, type or treatment of pollution is quite wide and each can be a subject of research in itself, here we can mention the main points related to them.

Water is the basis of life, it is not even possible to imagine life without water, there is a severe problem of water pollution at the world level in the present period, domestic dirt and sewage discharge, the sewer line, detergent waste, industrial waste, fertilizers, chemical pesticides, agriculture waste, industrial waste. Using water for cooling is the main source of thermal pollution and radioactive waste. Water pollution is extremely harmful for the world. Polluted water hinders the biological growth of living beings. Diarrhea, tuberculosis, paralysis, skin diseases, blindness, and jaundice can be caused by water pollution. Other bones can also become crooked and weak. Other developing countries, including India are most prone to these problems, where pure drinking water is not available to a large part of the population.

Air is also a biographical element, but in the course of industrial, scientific and technological activities, low source waste materials have polluted the air, domestic heating fuel, gases released from the burning of petroleum products, machines and mixed gases from factories or mines, particulate pollution. Nuclear radioactive element is the main air pollutant. Air pollution affects the visibility of sunlight, the amount of rain, which affects weather, ozone layer, greenhouse gas and biological activities in animals, vegetation and human health. Air pollution is the product of economic development and industrial and urban expansion, the main cause of pollution is urban and agricultural mining and domestic waste. In urban and domestic waste, there are garbage, excreta, urine, detergent, rotten vegetation, plant material, nectar, animal and other types of diseases, bacterial, viruses are generated and also has a bad effect on the fertility of the soil. Agricultural wastes also give rise to similar problems in the absence of safe disposal. Toxic acidic and alkaline chemicals in the form of industrial and mining wastes degrade or eliminate the fertility of the soil.

The mining of minerals from the land also affects the environment in many ways. The biggest pollution is removed in the mines, which harms the workers working in the mines



through health. It also badly affects the citizens around the mining area. The concentration of dust particles in mines is found to be up to 7000 cubic centimeter. Mines also emit toxic gases which adversely affect health.

When it becomes desirable and annoying for rich humans and other creatures with high trinity, then it comes under the category of noise pollution. In normal conversation, the measurement of sound is about 60 decibels. The sound of 30 decibels is in that habitat, it is estimated from this. It can be said that up to 30 decibels a person can sleep, after that there is a danger of disturbance in his sleep. The sound of a motor vehicle is about 90 decibels. Humans can tolerate sound up to 75 decibels on an average, more than this can be kept in the category of noise. A sound of 90-95 decibels starts affecting the human system and higher triviality becomes fatal in cities with high traffic. The noise level on the routes remains from 90 decibels to 100 decibels. Common side effects of noise pollution can be irritability and insomnia, but hearing loss at an intensity of more than 100 decibels and noise pollution at a trinity of more than 150 decibels can be fatal. As a result of noise pollution, psychological, nervous, hormonal imbalance, muscle tension, heart diseases, high blood pressure, intestinal diseases, anxiety in pregnant women and congenital malformations in their unborn babies can also be affected.

The above examples of environmental pollution are far-fetched examples, apart from these, there can be many such conditions or circumstances, due to which the balance of the constituent's elements of the environment can be changed from desirable to harmful. According to section 2 (B) of the Environment Protection Act 1986 of India, environmental pollution means any solid, liquid or gaseous substance likely to cause damage to the environment. Section 2(C) of the act defines environment as including climate and land and there is an interrelationship between climate and land, human beings, other living beings, substances and micro-organisms, and property is existing. Similarly, the environment includes climate and land and the interrelationship of the organization of the environment with the animal world and the plant world, so many such situations which change these organizations or their inter-relationship with Bio-Universe. Then it is considered to be environmental pollution.

As said earlier that the entire history of human development is the story of the exploitation and use of nature, then in accordance with the development of human civilization, along with the development of nature, it kept searching for ways to exploit nature more and more, scientific inventions, industrialization, urbanization and consumer culture are resulting from it. Man was aware of the importance of nature since ancient times, but the consciousness of the bad consequences of harming nature came to him much later, in the form of pollution, floods, droughts, landslides, expansion of deserts, reduction in soil fertility, water and air pollution, ozone depletion, layer erosion, imbalance of rainfall and life-threatening diseases arising out of pollution have warned of anomalies in the environment itself. Today environmental pollution becomes a threat to the entire human race.

### **International Efforts for Environmental Protection:**

In 1948, the United Nations established the International Union for the Conservation of



Nature (IUCN), which is now called the International Union for the Conservation of Nature and Natural Resources. It is responsible for environmental policy making and administration. Organized the Biosphere Conference in Paris in 1968 in collaboration with the International Council. The policies that were decided in the conference were considered in the Human Environment Conference held in Stockholm in 1972. Representatives of 113 countries and 400 non-governmental organizations participated in the Stockholm Conference. It was decided that international efforts for environmental protection were also formulated on this occasion and 109 point recommendations and 26 principles were adopted for national government and international organizations. The special feature of this conference was that it was realized for the first time that economic development is suffering in the form of environmental degradation. After the conference, governments established the United Nations Environment Program (UNEP), which is still the catalyst of environmental protection globally employed as. When the United Nations established the World Commission on Environment and Development (WCED) in 1983, it was realized that what was considered a limited harmful side effect of industrial development from the environmental state, that development has become a threat to the existence of developing countries. Therefore the commission presented the concept of "Chirjivi development" as an alternative method of development. Chirjivi development method meant that we should fulfill our needs in such a way that the capacity and rights related to meeting the needs of the coming generations are not violated. The United Nations decided to hold a summit on the subject of inter-environment and development on the views on the report of the commission. Here I consider it appropriate to quote Ruskin's lines in which he said that **"God has lent us this earth, this earth is as much ours as it is of those who are about to come upon it, it is our duty to do not let future generations be deprived of its benefits by actions."**

In June 1992, 20 years after the first global Environment conference in Stockholm, the United Nations held a conference on environment and development in the capital of Brazil, Rio de Janeiro, which is known as the Earth Summit. Air pollution had increased manifold. The role of the Rio Declaration is clear and important in this context, which aims at a global development system based on equitable participation and cooperation and the protection of the environment. The Rio Declaration is based on the assumptions that each segment of the earth. It has 10 parts and there is an element of mutual dependence in them. The success of these international treaties and agreements can be controversial, but it is an undeniable truth that environmental pollution has now been considered deadly at the international level and some work is being done in every national country towards its solution.

### **Indian Perspective :**

It is also necessary to throw light on the Indian perspective and role on the subject of respect. From this point of view, it is important to recognize nature as a deity in the Vedas and to accept the importance of the environment. Yajurvedas Agni deity, Vaton deity, Surya deity, Moon deity, Aditya Maruti deity, Varuna deity, Shukla of Yajurveda, Om Dev Shanti Vishnu Deva Shanti Shanti Shanti Ready till date, Our sages have imagined human welfare and happiness and peace only in the balance of the earth and its components. Along with high





environmental maintenance, Indian sages are also cautious about pollution and avoid it that is idols or contaminant substances should not be immersed in water.

Evidence of worship of plants and trees and various animals in historical times has been received from the time of Indus Civilization. During the reign of Chandragupta Maurya, there was a provision for the establishment and protection of varnas and punishment for the damage or killing of animals. Emperor Ashoka mentioned the rules regarding the killing of animals and birds on the inscription, such a tradition was insisted in the later administration, but it could not be followed firmly, there was no machinery in that era, that is why such serious problems of pollution arose did not happen but deforestation and killing of animals and birds continued.



After the arrival of the British, the forests were cut wildly and the hunting of wildlife became unabated, when there was a lot of damage to wildlife and man, then in 1855, a forest conservation policy was made in the form of the 4<sup>th</sup> Forest Act of India. In 1864, the Dietrich Brandis was made India's first Inspector General of Forests, he remained in his post till 1881. During his tenure, he developed the Forest Department in India, so he is called the father of the Indian Forest Department. Other sporadic measures were also taken, but they had the spirit of protection of endangered species and sanctuaries and not of environmental protection.

After the attainment of independence, the consciousness of environmental protection in our country arose after the Stockholm Conference of 1972, after that environmental protection programs were run at the government level, the central government established the program in environmental planning which later became developed into the Ministry of Environment. In 1976, through the 42<sup>nd</sup> Constitutional Amendment, a new Article 48(C) was added to the Directive Principles of policy, according to which it will be the duty of the **“State to maintain the environment, improve it and protect the forests and wild life of the country”**.

By this constitutional amendment, it was incorporated in the chapter of fundamental duties added to the Indian Constitution and it will be the duty of every citizen to protect and keep improve the entire natural environment including forests, lakes, rivers and wildlife and to have compassion for all living beings. India had an important participation in the Rio Earth Summit in 1992. Through this conference, many government and non- governmental institutions proposed environmental education, environmental education cells were created at the state level. But right now there is not enough communication about the consciousness of environmental protection in the struggling with the problem of environment and balance, so there is a need to increase more awareness towards environmental protection.

Indian legislation and judiciary have also made a commendable contribution by matching step by step with world class efforts to prevent and eradicate environmental pollution. As a result of the acceptance of the London Convention of Conservation of Fauna and Flora 1993 and the Rome International Plant Protection Convention 1951, it was necessary for the Indian legislature to make laws on these subjects, under Article 253 of the Constitution, the Parliament has been empowered to make laws on these subjects.

It is now undisputedly established that the human right to environment is an integral part of the right to life as defined in Article 21 of the Constitution of India. In addition to Article 21, Article 48(C), 51 (C), 243(G) of the Indian Constitution deal with environmental protection 243 (W) Important provisions have been made in sections 268 to 290 of the Indian Penal Code and sections 133 and 144 of the Code of Criminal Procedure.

To establish environment protection and balance, many other laws and regulations have been created, including Environment Protection Act 1986, Air Pollution Prevention and Control Act 1991, Water Pollution Prevention and Control Act 1975, Indian Forest Act Rules 1927, Forest Policy 1988, Forest Life Protection Act 1972 Public Liability Insurance 1991 Factories Act 1948 and its related rules are specially noteworthy.

In spite of all this, we are facing the menace of environmental pollution every day. A lot is yet to be done in the direction of environmental balance. Apart from industrialization and urbanization, the main reason for environmental pollution is the socio-economic conditions of our country. In order to make the efforts of environmental balance more effective, there is a need for scientific and technical measures of environmental protection and alternative management to make the general public aware and educated about it. When every person will be in a position to understand and follow environmental protection as his duty, then only the complete achievement of environment as a human right will be possible, only then this speech of the sage of Yajurveda will be true. ***“Oh earth, you are the mine of gems and the one who does agricultural work, give me the desired opulence and protect me. Yajurveda” 5/9, 16***

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