



## Environmental Ethics, Human Rights and Sustainable Development.

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### Abstract

As a philosophical discipline, ethics is the study of the values and guidelines with which we live. Environmental ethics is the part of environmental philosophy which extends the traditional boundaries of ethics and includes non-human world also. It exerts influence on a large range of discipline including environmental law, environmental sociology, ecotheology, ecological economics, ecology and environmental geography. The environment is the base of our life. We cannot survive without protecting our environment. We have achieved a lot through industrial development and urbanization but we have also ignored the dangers of future. Therefore our environmental balance is getting weaker day by day. As a result pollution is increasing every day in different ways. If we want to escape from these circumstances, then we should think seriously towards the issue of environment protection. A professional and trained social worker can play a very important role in the promotion of the environment. Because of his scientific skills a professional social worker can make aware the community members to save our environment and earth as well.

**Keywords:** Environment, Ethics, Human Rights, Sustainable Development, Judicial Response.

There are many ethical decisions that human beings make with respect to the environment -

- Should humans continue deforestation for their consumption?
- Why should humans continue to propagate its species, and life?
- Should humans continue to make gasoline-powered vehicles?
- What environmental obligations do humans need to keep resources for future generations?
- Is it right for humans to knowingly cause the extinction of a species for the convenience of humanity?
- How should humans best use and conserve the space environment to secure and expand life?

Global warming, global climate change, deforestation, pollution, resource degradation, threat of extinction are few of the issues from which our planet is suffering. Environmental ethics are a key feature of environmental studies that establishes relationship between humans and the earth. With environmental ethics we can ensure that we are doing our part to keep the environment safe and protected. Every time that a tree is cut down to make a home or other resources are used we are using natural resources that are becoming more and more sparse to find. It is essential that we do our part to keep the environment protected and free from danger. It is not as difficult to do as we may think so long as we are willing to make a few simple and easy changes.

With the rapid increase in world's population, the consumption of natural resources has increased several times. Increased consumption results in soil exhaustion, loss of forests, air and water pollution and degeneration of coast lines. This has also degraded our planet's ability to provide the services we humans need. The consumption of resources is going at a faster rate than they can naturally replenish.

Environmental ethics builds on scientific understanding by bringing human values, moral principles, and improved decision making into conversation with science. The concept of environmental ethics was developed for the first time in the US in 1970 (Earth Day) and soon thereafter the same ethics were developed in other countries including Canada and North America. This is important because the ethics of the environment are of major concern these days.

### Environmental Issues and Environmental Ethics

Human activities have led to environmental pollution. The stronger demand for resources is also a factor that contributes to the problem as we all need food and shelter. According to United States Environmental Protection Agency (EPA), air in India has very high levels of air-borne particles. These particles are ejected from vehicles and industries and are supposed to produce severe green house effect than at present if their emission is not reduced. Alarming growth of tourist industry and their poor planning is also responsible for environmental damage. The number of tourists are unlimited but the carrying capacity of the environment is limited. Construction of hotels and lodges require a large land area. These also increase water pollution as the sewage waste and refuse left over are discharged into the water bodies. Mechanized boats used in water bodies, release traces of oil/diesel/petrol into the waters. These also pollute water bodies and damage aquatic ecosystems. Besides, insensitive tourism may damage the rare flora and fauna of the ecosystem. The environmental issues that have created havoc on our environment and human life if ignored today, their ill effects are sure to curb human existence in the near future.

The major environmental issues include Pollution, Overpopulation, Industrial and Household Waste, Acid Rain, Climate change, Ozone Layer Depletion, Urban Sprawl, Genetic Engineering, Deforestation and Global Warming. These environmental issues have taken toll on our environment and we've already started seeing some disastrous effects in the form of effect of health on humans, rise in sea level, depletion of non-renewable resources, melting of glaciers, extinction of species, polluted landfills, toxic dust, decreasing soil fertility, rise in air and water pollution. According to United Nations, the current deforestation rate is about 15-20 million hectares per year. According to them on an average 5000 species are lost every year and it will continue for the next several decades. About 40 species of birds, 20 species of mammals and 1250 species of plants are lost per year. Most of the tropical forests have been wiped out even before the mankind realised their importance. Biodiversity loss severely restricts our potential future resources for the treatment of illness and threatens the growth of economic activities based on natural products.

Human beings are considered to be the most intelligent species living on earth. This could be why it is the only species on earth which has civilized itself over the decades to a large extent. Today, human beings boast as being superior to all other animals but what is the use of such great intelligence when environmental ethics are not followed? Cutting down of trees is something that many humans do for their own benefit, without any concern for the animals which are dependent on trees for survival. Using fossil fuels erratically, industrialization, pollution, disturbing ecological balance, all these are attributable to human activities. Just because we are in possession of all of these natural resources does not mean that we can use those resources in any manner in which we choose without keeping anything for the future generations.

### **Preserving Resources-The rights of Future Generations**

Someone has beautifully said, "We have not inherited this earth from our forefathers but taken on loan from our children." The meaning of this adage is that what we have with us on this earth today contains a share of next generations. Therefore, we must not do anything that may deprive the coming generations of their share of natural resources. When we use the term "sustainable," it indicates that the use of resources should be that the resources do not get exhausted. But we have, over the period of last century or so, mis-used the resources without giving a thought to the needs of the coming generations. We have no right to snatch the share of our children. Therefore, all developmental strategies must now be based on the sustainable use of resources.

### **Nuclear Accidents and Nuclear Holocaust**

Nuclear energy was discovered primarily as a source of alternate energy which would be cheap, inexhaustible and clean as compared to fossil fuel energy. It was of course a big success. But soon some grave risks of this energy also came to light. There have been serious accidents that were extremely disastrous. A single nuclear accident could result in loss of life, long-term illness, and destruction of property on a large scale. Radioactivity and radioactive fall-out can cause cancer, genetic disorders and these bad effects exist for a long time at the place of exposure.

The dropping of the nuclear bombs on Hiroshima and Nagasaki in the second world war was a goary incident that reminds us that the use of nuclear energy as a war weapon can wipe out humanity and life from the Earth. Those two atomic bombs dropped by the United States of America in 1945 had killed several thousand people and had left several thousand others injured and badly mutilated. The explosions wiped out everything around for many kilometers. Even now the effect of radiations can be observed as children with cancer and genetic mutation continue to be born. If that is the power of destruction and devastation of the nuclear energy, the entire humanity has to guard against the holocaust it can lead to. All humans have to see that the foolishness of the 1945 is not repeated again by any desperate maniac.

### **Human Rights vs Rights of Animals**

While making use of the natural resources of the Earth, we have not taken care of the needs of other living beings on this earth. In particular, the animals have been deprived of their share. They now have less space to live or polluted habitats to survive and they have much less resources to make use of. The results are before us. The natural partners of human beings are now facing extinction or are placed in threatened condition. Many of our animals are already lost and many others are going to leave us very soon. The over-exploitation or mis-exploitation of nature by human beings have disturbed the natural balance. The beautiful web of life have now many broken strands and therefore, the web is in danger as whole. It is not only unethical for man to ignore the animals' right of life but also damaging the entire world of nature. Man with his superior intelligence has no right to trample on the rights of other living creatures and write his own early doom on this Earth.

### **Environmental Ethics and Environmental Philosophy**

Environment ethics has produced around environmental philosophy. Many scientists have taken up the belief of philosophical aspect of environmental hazards thus giving rise to environmental ethics. Currently environmental ethics has become the major concern for mankind. Industrialization has given way to pollution and ecological imbalance. If an industry is causing such problem, it is not only the duty of that industry but all the human being to make up for the losses. But how long an artificial and restored environment will able to sustain? Will it be able to take the place of the natural resources? Environmentalists are trying to find answers to these difficult questions and all these together are termed as environmental ethics. It is the responsibility of all to ensure that environmental ethics are being met. It is somewhat difficult to make adjustments that are necessary to ensure that we are following all environmental

ethics. Ethics plays an important role in our society today, and environmental ethics and business ethics must be considered. This has become more prevalent in today's society.

Both oil and coal are bad, but not only for the environment, but also for all living creatures, including plants and animals. Both are highly toxic in their natural raw state. They pollute the air and ground and water, and whether or not they are helping to create these natural disasters should be irrelevant. They are both finite, and will not last forever, and the sooner we rid ourselves of the need for these two demons, the better. While oil and coal companies continue to promote their products, and the best yet is clean coal, which is an unethical definition of something that just isn't possible, their ethics come into question, especially environmental ethics. Most of the world's ills are derived from both of these, with oil spills, mining accidents, fires, and now climate change and global warming.

### **Environmental Pollution: Concern Concept & judicial response**

I would love to talk to you about this beautiful world of ours, about flowers and trees and birds and animals and stars and mountains and glaciers and all the other wonderful things that surround us in this world. We have all this beauty around us and yet we, who are grown up often forget about it and lose ourselves in our offices and imagine that we are doing very important work.

I hope you will be more sensible and open your eyes and ears to this beauty and life that surround you<sup>1</sup> The above statement of Pt. Nehru is just not a simple address to the nation, it is an appeal full of message, a serious concern towards environment and moreover a warning in humble words that if we at present, fail to respect, protect and preserve our natural beauty i.e. environment it would ruin entire system of living being, simultaneously with the nature. This statement incurs liability over the people for a better environment and sustainability.

The Environment (Protection) Act 1986 in section 2(a) defines environment as follows:

"Environment includes water, air and land and the interrelationship which exist among and between water, air and land and human being, other living creatures, plants, micro organism and property."

Though the above definition reflects a complex phenomenon but it explains limits to a certain extent and its interrelationship. In fact the above definition takes the entire ecosystem, ecology and biosphere in its ambit. Whereas pollution is not legally defined but it can be said that pollution is a contamination of the environment in such a way that it creates hazards or substantial threats to health, hygiene and well being of living & non living beings.

Section 2(c) of the environment (protection) Act 1986, states ; environmental pollution means the presence in the environment of any environmental pollutant.

Basically there are two main causes of environmental pollution:

1. population growth
2. Industrialisation

The population of the world is increasing rapidly and the accelerating rate of use of all natural resources are making the consequences of misuse, more drastic, more widespread and more readily evidence to large numbers of people. Thus there is no scope for not to believe that population growth and desire of man to have a better life is certainly having bad effect on our environment. We are polluting environment beyond repairs, according to a UNEP Report. On the other hand due to industrial activities a good amount of dust & smoke is released in atmosphere creates Smog, causing decrease in temperature & moreover the emission of various gasses, temperature of earth due to green house effect of carbon dioxide may go up to 3 to 7°C in next 100 years, which may result in increased temperature causing melting of ice & increase sea level due to which flood may occur and islands may sink.

The common effect if pollution is that it destroys/ruins the natural composition of substances, basically it disturbs the real and original substance composition. Moreover it directly/indirectly hampers & intrudes with the food chain, and carbon, nitrogen, hydrogen, & oxygen cycle which causes immense damage & losses to the plant & animals. Survival of the living being & even non living being is in deep danger & trouble these days due to multiple negative effect of pollution. But the ongoing development cannot be ignored.

Through "*ahimsa parmo dharm*" Mahatma Gandhiji induced the sense of protection and preservation of biosphere. Gandhi ji favoured & preferred cottage industry over heavy ones. Earth provides enough to satisfy every man's needs, but not every man's greed. [Mahatma Gandhi]

The effect of pollution can easily be witnessed in terms of: Air, water, land, food, noise, radiation etc. Which is a resultant of either natural activities e.g. Earthquake, flood, cyclones etc. or human activities. Due to these the concept of sustainable development was coined for the first time in the international union for the conservation of nature (IUCN) in year 1980. It basically means development that meets the needs of the present without compromising the ability of future generations to meet their own ends<sup>2</sup>

In response to a question for a better environment a new dimension was given by Noted environmentalist Vandana Shiva "I think the future oriented strategy at this point has to be recognize that protecting nature is also the issue of protecting human rights and protecting economic livelihoods."<sup>3</sup>

Renowned environmentalist Bina Agrawal is of the view that on the environmental front there would be need to challenge and transform not only notions about the relationship between people and nature but also the actual methods of appropriation of nature's resources by few.<sup>4</sup>

Noted writer Dr. Rachna Suchinmayee is of the view that Environmental movements emerged as the people's response to this new threat to their survival and as a demand for the ecological conservation of vital life support systems.<sup>5</sup>

It recognized the concept of sustainable development & held that natural resources are not inexhaustible and the development process should be aimed to meet the needs of the present generation without compromising the ability of future generations to meet their own needs.<sup>6</sup>

Internationally renowned ecologist & emeritus professor at the school of environmental science Jawaharlal Nehru university P.S. Ramakrishna "for a changed perspective to emerge, we need to reconcile between ecology, economics and ethics, lest we fall prey to anthropo-centered thinking that has been the bane of traditional ecological paradigm which dominated the past millennium".<sup>7</sup>

Due to the multifarious negative effect of pollution several statutory provisions & laws were made, along with the constitutional articles viz; 51A (g), 47, 48A, 21 etc to counter the pollution effect. Several international convention/summit also held to cater this ongoing threat, e.g. *Stockhome Declaration 1972, Rio declaration 1992, Convention on climate change 1992, Kyoto protocol 1997, World summit on sustainable development (Johannesburg) 2002, Copenhagen accord, Nairobi declaration* etc.

Whereas the judiciary has contributed in exemplary terms for the protection and betterment of the environment. PIL have contributed to a greater extent for the environment causes. The 'Green lawyers like *M.C.Mehta* & the 'Green judges' like HON'BLE Justice Kuldeep Singh & Justice Krishna Iyer & the environment loving people have contributed a lot for the preservation & protection of the environment. The Hon'ble apex court had brought 'right to healthy environment' within the domain & ambit of Article 21.

In the landmark judgment of *Vellore citizen welfare forum v. Union of India*<sup>8</sup> Justice Kuldeep singh j. while delivering the judgment on behalf of the court held that industries are of vital importance for the country's progress as they generate foreign exchange and provides employment avenues, but having regard to Pollution caused by them principle of "sustainable development" has to be adopted as a balancing concept between ecology & development. The "precautionary principle" and "polluter pays" principle is essential feature of sustainable development and has to be adopted. Remediation of the damaged environment is part of the process of sustainable development and as such the polluter is liable to pay the cost to the individual sufferers as well as cost of reversing the damaged ecology. The "precautionary principle" & the "polluter pay" principle have been accepted as part of law of the land. Article 21 of the constitution guarantees protection of life and personal liberty. Articles 47,48A and 51A (g) form the constitutional mandate to protect and improve the environment.

In *Jagannath v. Union of India*<sup>9</sup> Justice Kuldeep singh j. who delivered the judgment of the court said "the sea coast & beaches are gifts of the nature to the mankind. The aesthetic qualities and recreational utility of the said area has to be maintained. Any activity which has tge effect of degrading the environment cannot be permitted. Apart from that the right of the fishermen and farmers living in the coastal areas to make out their living by way of fishing and farming cannot be denied to them"

The linkage between 'right to life' & 'clean environment' has been established by the Honourable courts & Apex court decisions. *Rural litigation and entitlement Kendra v. State of U.P.*<sup>10</sup>

*M.C.Mehta Vs. Union of India*<sup>11</sup>

*M.C.MEHTA Vs. Union of India*<sup>12</sup>

*M.C.Mehta v. Union of India*<sup>13</sup>

*M.C.Mehta v. Union of India*<sup>14</sup>

*I.C.E.L.A.v.. Union of India*<sup>15</sup>, *Vellore Citizens Welfare Association Vs. Union of India*<sup>16</sup> etc. held that right to pollution free air & water included in article 21, Polluters Pay policy & Precautionary principle are accepted as law of land, constitution of Green benches etc. Moreover 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. It is a specialized body equipped with the necessary expertise to handle environmental disputes involving multi-disciplinary issues.

Therefore it can be concluded that there is a very drastic & dangerous effect on environment is witnessed due to pollution, which is to be countered effectively otherwise our entire earth, environment & atmosphere is in danger. To conclude now pollution free atmosphere/environment is well within the ambit of human rights.

#### Footnote

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9. (AIR 1997 SC 811)

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11. (1986) 2 SC 176,
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