



SPEECH
OF
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CHAIRPERSON
NATIONAL HUMAN RIGHTS COMMISSION
INDIA

ON
RIGHT TO ENVIRONMENT

BEFORE THE ADVISORY COUNCIL OF JURISTS

ON

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RIGHT TO ENVIRONMENT

Mr. Chairman, Members of the Asia Pacific Forum of NHRIs and Members of the Advisory Council of Jurists

The concepts of environment and environmental movement are not homogeneous and diverse views and ideological positions have been raised. There are two different strands of reasoning and emotion that shroud the environmental debate. Development should be understood in a broad sense enhancing the ability and power to direct their own lives in the context of environment, history and aspirations for future. It is not about the catching up with other people but is about an enlarged range of qualities of choices of lifestyles or occupation. India charted its development path with considerable political debate about which alternative should be in the best interest of the Indian people, and it is even suggested by the then Prime Minister at Stockholm Conference that poverty itself is the worst kind of pollution. Indian planning was conscious of the concept of social and environmental dimensions of development such as the need to maintain the health of the soil, to safeguard places of livelihood, to establish instructional mechanisms for a more decentralized development. Nevertheless, oppression and poverty persists while natural environment is increasingly being jeopardized. The relationship between development and environment is the crux of the debate. People are a part of the environment closely linked to the area, water, soil, flora and fauna. This complex network of living and nonliving systems is under a perpetual state of flexibility and sustains the

process of life. It is not a fragile fabric but a tough and dynamic system with a tremendous capacity for transformation or resurface in times of need. The environment provides the resource base for development. But how people use these resources would depend upon the technological capacity, on the social structure which govern the relationship and on the national or international views. There is a great temptation of selectively interpret only those facts that fit into the framework of a selected environmental approach as the ideas and values of environmentalism spread, several myths have also arisen. This results in ignoring the distortion-of those aspects of a situation which may not fit with theory and/or whether they fit, it is awkward. As a result, many environmentalists like the hardcore developmentalists seem to lose touch with the empirical reality with awkward and often absurd dimension of environment.

As regards environmental questions awareness is absolutely necessary. Air, light and water or clear environment cannot be the monopoly of the State and citizens do have rights in them. As regards people's participation in the conservation of environment or developmental process, in the absence of enlightened public opinion such participation would be meaningless. Therefore, people need to be educated and such education must spread at grass root level.

There are so many divergent views and plethora of material, however, I may state that we know astonishingly little about every aspect of environment from its past history to its present state to

conserve and protect it. In every debate, all sides overstate the extent of existing knowledge and degree of certainty.

I personally have profound pleasure in being one with nature. My happiest days are those that I spent in wilderness in a Game Sanctuary. I wish natural environments should be preserved for future generations. I am not satisfied they will be preserved in sufficient quantities, or with sufficient skill. That the exploiters of the environment include environmental organisations, governmental organizations, and big business. All equally have dismal track records.

Each of us has to decide what the right balance is between being effusive and being honest". In other words, does it mean, in public strike a balance between telling the truth and telling necessary lies? Proper balance has to be struck on all aspects.

CONSTITUTIONAL PROVISIONS RELATING TO RIGHT TO ENVIRONMENT IN INDIA

Article 21 - The Supreme Court of India has widely interpreted it over the years and has made the right to healthy and pollution free environment integral to it.

Article 48A - Directs the State to protect and improve the environment and to safeguard the forests and wild life of the country.

Article 51A- Prescribes the duty of every citizen to protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures.

ENVIRONMENT RELATED LAWS & POLICIES

- I. **Environment (Protection) Act, 1986, amended 1991:**
provides for the protection and improvement of environment in pursuance to decision made and agreed by India at UN Conference on Human Environment held at Stockholm in 1972.
- II. **Air (Prevention and Control of Pollution) Act, 1981, amended 1987:** provides for the prevention, control and abatement of air pollution.
- III. **Water (Prevention and Control of Pollution) Act, 1974, amended 1988:** provides for the prevention and control of water pollution and the maintaining or restoring of wholesomeness of water.
- IV. **Forest (Conservation) Act, 1980, amended 1988:** provides for the conservation of forests and for matters connected therewith or ancillary or incidental thereto.