CONCEPTS OF ENVIRONMENTAL PROTECTION - ECOLOGICAL DEVELOPMENT AND RELATED TERMS

2.1 ENVIRONMENT-MEANING:

The term “Environment” denotes totality of all extrinsic, physical and biotic factors effecting the life and behaviour of all living things. Therefore, it is important that the environment of which land, water, air, human beings, plants and animals are the components be preserved and protected from degradation to enable maintenance of the ecological balance. Considering that these natural resources sustain life on the planet being the basis of all our activities, whether agricultural, industry is of vital importance.

The term environment owes its genesis to a French word ‘environ’ means ‘encircle’ and encompasses within it the land, water, flora, fauna, living creatures, forests and every thing on the earth. Environment etymologically relates to ‘surroundings’, but obviously the concept that is relative to the object which is surrounded in the sense environment include anything. Environment in its generic sense comprises of air, water, land, the things imbibed and also embedded in the land. The more specific meaning is taken as covering the common physical surroundings such as air, space, waters, land, plants and wildlife. Even this meaning is still a vague and general one1.

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The complex term environment infers to conditions that influence living and nonliving organisms including plant life, air, water, sunlight etc., life and sources of life. Environment in its wide connotation also includes temperature, wind, electricity etc. All the necessities of life are derived from environment which is the life supporting system. Environment is the representative of physical components of earth wherein human beings are the important factor influencing the environment in the world.

The following are some of the meanings for the world “Environment”.

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<tr>
<th>Environment means</th>
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<td>The entire range of external influence acting on an organism, both the physical and biological, and other organisms, i.e. forces of nature surrounding an individual.</td>
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<td>(Encyclopedia Britannica)</td>
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<td>Total environmental system including not only the biosphere, but also his interactions with his natural and man made surroundings.</td>
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<td>(US Council on Environmental quality)²</td>
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<td>Our minimum concern is the quality of space we live in, the purity of air we breathe, the food we eat, the water we drink and the resources we draw from our environment to support our economy.</td>
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<td>(K.R.Dikshit (1984))</td>
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The term environment refers to the sum total of conditions which surround man at a given point in space and time.

(C.C. Park (1980))

The sum total of all conditions and influences that affect the development of life of all organisms.

(Dr. T.N.Khoshoo)

Consisting all, or any of the media namely water, air & the medium of air includes the air within the buildings and the air within other natural or man-made structures above and below ground.

(Environment Protection Act of U.K3.)

**Definition:**

Section 2 (a) of the Environment (Protection) Act 1986 defines “Environment as follows:

“Environment includes water, air and land and the inter-relationship which exists among and between water, air and land and human beings, other living creatures, plants, micro-organism and property”.

While disposing the case M.C. Mehta vs. Union of India4, the Supreme Court explained the environment as follows:

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3 Sec 1 (2) of Environment Protection Act, 1990 of the U.K.
4 1987 2 SCC 165
“A point has been reached in history when we must shape our actions throughout the world with a more prudent care for the environmental consequences. Through ignorance or indifference we can do massive and irreversible harm to the earthly environment on which our life and well being depend. Conversely, through fuller knowledge and wiser action, we can achieve for ourselves and our posterity a better life in an environment more in keeping with human needs and hopes. There are broad vistas for the enhancement of environmental quality and the creation of a good life. What is needed is an enthusiastic but calm state of mind and intense but orderly work. For the purpose of attaining freedom in the world of nature, man must use knowledge to build in collaboration with nature a better environment. To defend and improve the human environment for present and future generations has become an imperative goal for mankind – a goal to be pursued together with, and in harmony with, the established and fundamental goals of peace and of worldwide economic and social development”.

VARIABLE TYPES OF ENVIRONMENT

According to Kurt Lewin environment is of three types which influence the personality of an individual as under:

1. Physical Environment,
2. Social and cultural Environment, and
3. Psychological environment.
These may be explained as under:

1. Physical Environment

   Physical environment refers to geographical climate and weather or physical conditions wherein and individual lives. The human races are greatly influenced by the climate. Some examples are as under:

   (a) In the cold countries i.e. European countries the people are of white colour. Likewise, in Asian and African countries, that is in hot countries people are of dark complexion.

   (b) The physique of an individual depends on climate conditions as the individual tries to adjust in his physical environment.

   (c) The human working efficiency also depends on the climatic conditions.

2. Social environment

   Social Environment includes an individual’s social, economic and political condition wherein he lives.

   All the organisms work to form their social groups and organizations at several levels. Thus, the social environment is formed. In this social environment the organisms work to derive matter from the physical environment for their sustenance and development. This process gives birth to economic environment. Man claims to be most skilled and civilized of all the organisms.
The moral, cultural and emotional forces influence the life and nature of individual behavior. Society may be classified into two categories as under:

(i) An open society is very conductive for the individual development.

(ii) A closed society is not very conductive for the development.

3. Psychological Environment

Although physical and social environment are common to the individual in a specific situation. Yet, every individual has his own psychological environment, in which he lives. Kurt Lewin has used the term ‘life space’ for explaining psychological environment. The psychological environment enables us to understand the personality of an individual. Both the person and his goal form psychological environment.

If a person is unable to overcome the barriers, he can either get frustrated or completed to change his goal for a new psychological environment. But adopting this mechanism, the individual is helped in his adjustment to the environment.

STRUCTURE OF ENVIRONMENT

Environment is both physical and biological. It includes both living and non-living components.

(i) Physical environment

The physical environment is classified into three broad categories viz.
(i) Solid

(ii) Liquid

(iii) Gas

These represent the following spheres:

(i) The Lithosphere (solid earth)

(ii) The hydrosphere (water component) and

(iii) The Atmosphere

As such, the above three basic physical environment may be termed as under:

(i) Lithosphere Environment

(ii) Hydrosphere Environment

(iii) Atmosphere Environment

The scientists have classified them into smaller units based on different spatial scales, e.g.

(i) Mountain Environment

(ii) Hydrosphere Environment

(iii) Coastal Environment

(iv) Biological Environment

The biological environment consist of:

(i) Plants (flora)

(ii) Animals (fauna)

Thus, the biotic environment further is divided into floral environment and faunal environment.
ENVIRONMENTALISM

Man’s concern for preservation and protection of his environment i.e. “Environmentalism” today is the outcome of the biophysical, economic and social impact of technological innovations and twentieth century industrial revolution in the West.\(^5\)

The other definitions of environmentalism are as follows:

“Environmentalism is as much a state of being as a mode of conduct or a set of policies. Certainly it can no longer be identified simply with the desire to protect ecosystems or conserve resources - these are merely superficial manifestations of much more deeply rooted values. At its heart environmentalism preaches a philosophy of human conduct that many still find difficult to understand, and those who are aware seemingly find unattainable.

(O’Riordan 1981:ix)

Environmentalism may be defined as a Social movement. The protection of environment has assumed even more importance in recent times with increased industrialization resulting not only in overdraw of natural resources but also pollution of air, water, flora and fauna. While development is essential to every economy, it is also essential that no irreparable damage be caused to the eco-system.\(^6\) Hence, there is a need of balancing the protection of environment and ecological development.

The environment being a complex phenomenon to understand one has to study about ecology, Ecocentrism and eco-system.

\(^5\) Environmental Law in India- by R.B. Singh & P.Suresh Misra; Publications; New Delhi).

2.2 ECOLOGY

The organization of creatures and their interactions and the total function of ‘eco-system is known as ecology. Dictionary meaning of ecology is that it is a branch of biology dealing with relation of living organism to their surroundings and their modes of life. U.S. council on environmental quality defines ecology as an intricate web of relationships between living and non-living surroundings.

Ecology is the study of environmental system, or as it is sometimes called, the economy of nature. "Environmental" usually means relating to the natural, versus human-made world; the "systems" means that ecology is, by its very nature, not interested in just the components of nature individually but especially in how the parts interact. Ecology is technically an academic discipline, such as mathematics or physics, although in public or media use, it is often used to connote some sort of normative or evaluative issue as in something is “ecologically bad” or is or is not “good for the ecology”. More properly ecology is used only in the sense that it is an academic discipline, no more evaluative than mathematics or physics. When a normative or evaluative term is needed then it is more proper to use the term “environmental”, i.e., environmental quality or “environmentally degrading”. Most professional ecologists are not terribly unhappy when ecology is used in the normative sense, preferring the wider public awareness of environmental issues today compared to the widespread ignorance of three decades ago.

7 Walt Whitman, The Concept of the Ecosystem, 2008, p.36.
The subject matter of ecology is normally divided into four broad categories: physiological ecology, having to do with the response of single species to environmental conditions such as temperature or light; population ecology, usually focusing on the abundance and distribution of individual species and the factors that cause such distribution; community ecology, having to do with the number of species found at given location and their interactions; and ecosystems ecology, having to do with the structure and function of the entire suite of microbes, plants, and animals, and their a biotic environment, and how the parts interact to generate the whole. This branch of ecology often focuses on the energy and nutrient flows of ecosystems, and when this approach is combined with computer analysis and simulation we often call it systems ecology. Evolutionary ecology, which may operate at any of these levels but most commonly at the physiological or population level, is a rich and dynamic area of ecology focusing on attempting to understand how natural selection developed the structure and function of the organisms and ecosystems at any of these levels.\(^9\)

Ecology is usually considered from the perspective of the specific geographic environment that is being studied a moment: tropical rain forest, temperate grassland, arctic tundra, benthic marine, the entire biosphere, and so

on. The subject matter of ecology is the entire natural world, including both the living and the non living parts. Biogeography focuses on the observed distribution of plants and animals and the reasons behind it. More recently ecology has included increasingly the human-dominated world of agriculture, grazing lands for domestic animals, cities, and even industrial parks. Industrial ecology is a discipline that has recently been developed, especially in Europe, where the objective is to follow the energy and material use throughout the process of, e.g., making an automobile with the objective of attempting to improve the material and energy efficiency of manufacturing. For any of these levels or approaches there are some scientists that focus on theoretical ecology, which attempts to derive or apply theoretical or sometimes mathematical reasons and generalities for what is observed in nature, and empirical ecology, which is concerned principally with measurement. Applied ecology takes what is found from one or both of these approaches and uses it to protect or manage nature in some way. Related to this discipline is conservation biology, plant ecology, animal ecology and microbial ecology.

There are usually four basic reasons to study and as to why one should understand ecology: first, since all of us live to some degree in a natural or at least partly natural ecosystem, then considerable pleasure can be derived by studying the environment around us. Just as one might learn to appreciate art better through an art history course so too might one appreciate more the nature around us with a better understanding of ecology. Second, human
economies are in large part based on the exploitation and management of nature. Applied ecology is used every day in forestry, fisheries, range management, agriculture, and so on to provide us with the food and fiber we need. For example, in Argentina in many circles there is no difference between ecology and agriculture, which is essentially the ecology of crops and pastures.

Third, human societies can often be understood very clearly from ecological perspectives, for example, the population dynamics (demography) of our own species, the food and fossil energy flowing through our society. Fourth, humans appear to be changing aspects of the global environment in many ways. Ecology can be very useful to help what these changes are, what the implications might be for various ecosystems, and how we might intervene in either human economies or in nature to try to mitigate or otherwise alter these changes. There are many professional ecologists, who believe that these apparent changes from human activities have the potential to generate enormous harm to both natural ecosystems and human economies. Understanding, predicting and adapting to these issues could be the most important of all possible issue for humans to deal with. In this case ecology and environmentalism can be the same.

Ecology should be more than just a set of ideas and principles that one might learn in a classroom or book but rather more a way of looking at the world which emphasizes the assessment and understanding of how the pieces fit together, how each influences and is influenced by the other pieces and how
the whole operates in ways not really predictable from the pieces. When we are lucky we are able to capture these relations in conceptual, mathematical or, increasingly, computer models that allow us some sense of truly understanding the great complexity of nature, including as it is impacted by human activity. This is the goal of most ecologists.

2.3 ECOCENTRISM

As per The Oxford Pocket Dictionary of Current English, 2009, Ecocentrism means “a point of view that recognizes the ecosphere, rather than the biosphere, as central in importance, and attempts to redress the imbalance created by anthropocentrism”.

2.4 ECOSYSTEM

The physical environment and a biotic community together are known as an eco-system. According to U.S council on environmental quality, the interdependence of living and non-living parts, make an eco-system.

An ecosystem is a biological environment consisting of all the organisms living in a particular area, as well as all the nonliving, physical components of the environment with which the organisms interact, such as air, soil, water and sunlight. It is all the organisms in a given area, along with the nonliving factors with which they interact; a biological community and its physical environment\(^\text{10}\).

There are many examples of ecosystems a pond, a forest, an estuary, grassland. The boundaries are not fixed in any objective way, although sometimes they seem obvious, as with the shoreline of a small pond. Usually the boundaries of an ecosystem are chosen for practical reasons having to do with the goals of the particular study.

The study of ecosystems mainly consists of the study of certain processes that link the living, or biotic, components to the non-living, or abiotic, components. Energy transformations and biogeochemical cycling are the main processes that comprise the field of ecosystem ecology. Ecology can be studied at the level of the individual, the population, the community, and the ecosystem.\(^1\)

Ecosystems are made up of abiotic (non-living, environmental) and biotic components and these basic components are important to nearly all types of ecosystems. Ecosystem Ecology looks at energy transformations and biogeochemical cycling within ecosystem.

An ecosystem, the conservative ethicist will say, is too low a level of organization to be respected intrinsically. Ecosystems can seen little more than random, statistical processes. A forest can seen a loose collection of externally related parts, the collection of fauna and flora a jumble, hardly a community. The plants and animals within an ecosystem have needs, but their interplay can

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\(^1\) Walt Whitman, *The Concept of the Ecosystem*, 2008, p.36
seem simply a matter of distribution and abundance, birth rates and death rates, population densities, parasitism and predation, dispersion, checks and balances, stochastic process. Much is not organic at all (rain, groundwater, rocks, soil particles, and air); while some organic material is dead and decaying debris. These things have no organized needs. There is only catch-as-catch-can scrimmage for nutrients and energy, a game played with loaded dice, not really enough integrated process to call the whole a community.

2.6 ENVIRONMENT PROTECTION AND ECOLOGICAL DEVELOPMENT - ETHICS AND VALUES

Environmental ethics\textsuperscript{12} stretches classical ethics to a breaking point. All ethics seeks an appropriate respect for life. But we do not just need a humanist ethic applied to the environment, analogously to the ways we have needed one for business, law, medicine, technology, international development, or nuclear disarmament. Respect for life demands an ethic concerned about human welfare, like the others and now concerning the environment. But environmental ethics in a deeper sense stands on a frontier, as radically theoretical as it is applied. Alone, it asks whether there can be nonhuman objects of duty.

Neither theory nor practice elsewhere needs values outside of human subjects, but environmental ethics must be more biologically objective non-

It challenges the separation of science and ethics, trying to reform a science that finds nature value free and an ethics that assumes that only humans count morally. Environmental ethics seeks to escape relativism in ethics, to discover a way past culturally based ethics. However much our world views, ethics included, are embedded in our cultural heritages, and thereby theory-laden and value-laden, all of us know that a natural world exists apart from human cultures.

Humans interact with nature. Environmental ethics is the only ethics that breaks out of culture. It has to evaluate nature, both the nature that mixes with culture and wild nature, and to judge duty thereby. Environmental ethics requires risk. It explores poorly charted terrain, where it is easy to get lost. One must hazard the kind of insight that first looks like foolishness. Some approach environmental ethics with a smile-expecting rights for rocks and chicken liberation, misplaced concern for chipmunks and daisies. Ethicists deal with sober concerns: medical ethics, business ethics, and justice in public affairs, questions of life and death, peace and war. But the questions here are no less serious: the degradation of the environment poses as great a threat to life as nuclear war, and a more probable tragedy.

The ethics by extension now seems too nondiscrimination and the people are unable to separate an ethics for humans from an ethics for wildlife. To treat wild animals with compassion learned in culture does not appreciate their wildness. Man, said Socrates, is the political animal; humans maximally
are what they are in culture, where the natural selection pressures (impressively productive in ecosystems) are relaxed without detriment to the species Homo sapiens, and indeed with great benefit to its member persons. Wild animals cannot enter culture; they do not have that capacity. They cannot acquire language at sufficient levels to take part in culture; they cannot make their clothing, or build fires, much less read books or receive an education. Animals can, by human adoption, receive some of the protections of culture, which happens when we domesticate them, but neither pets nor food animals enter the culture that shelters them.

Worse, such cultural protection can work to their detriment; their wildness is made over into a human artifact as food or pet animal. A cow does not have the integrity of a deer, a poodle that of a wolf. Culture is a good thing for humans, often a bad thing for animals. Their biology and ecology—neither justice nor charity, nor rights nor welfare—provides the benchmark for an ethics.

A species is what it is where it is. No environmental ethics has found its way on Earth until it finds an ethic for the biotic communities in which all destinies are entwined. "A thing is right," urged Aldo Leopold "when it tends to preserve the integrity, stability, and beauty of the biotic community; it is wrong when it tends otherwise." Again, there are two parts to the ethic: first those ecosystems exist, both in the wild and in support of culture; secondly
that ecosystems ought to exist, both for what they are in themselves and as modified by culture.

Environmental ethics must break through the boundary posted by disoriented ontological conservatives, who hold that only organisms are "real," actually existing as entities, whereas ecosystems are nominal-just interacting individuals. Oak trees are real but forests are nothing but collections of trees. But any level is real if it shapes behavior on the level below it. Thus the cell is real because that pattern shapes the behavior of amino acids; the organism because that pattern coordinates the behavior of hearts and lungs. The biotic community is real because the niche shapes the morphology of the oak trees within it. Being real at the level of community only requires an organization that shapes the behavior of its members.

The challenge is to find a clear model of community and to discover an ethics for it, better biology for better ethics. Even before the rise of ecology, biologists began to conclude that the combative survival of the fittest distorts the truth. The more perceptive model is coactions in adapted fit. Predator and prey, parasite and host, grazer and grazed are contending forces in dynamic process where the well-being of each is bound up with the other coordinated as much as heart and liver are coordinated organically. The ecosystem supplies the coordinates through which each organism moves, outside which the species cannot really be located.
Ethical conservatives, in the humanist sense, will say that ecosystems are of value only because they contribute to human experiences. But that mistakes the last chapter for the whole story, one fruit for the whole plant. Humans count enough to have the right to flourish there, but not so much that they have the right to degrade or shut down ecosystems, not at least without a burden of proof that there is an overriding cultural gain. Those who have traveled part way into environmental ethics will say that ecosystems are of value because they contribute to animal experiences or to organismic life. But the really conservative, radical view sees that the stability, integrity, and beauty of biotic communities are what are most fundamentally to be conserved. In a comprehensive ethics of respect for life, we ought to set ethics at the level of ecosystems alongside classical, humanistic ethics.

VALUES

In practice the ultimate challenge of environmental ethics is the conservation of life on Earth. In principle the ultimate challenge is a value theory profound enough to support that ethic. In nature there is negentropic construction in dialectic with entropic teardown, a process for which we hardly yet have an adequate scientific, much less a valuation theory. Yet this is nature's most striking feature, one that ultimately must be valued and of value. In one sense nature is indifferent to mountains, rivers, fauna, flora, forests and grasslands. But in another sense nature has bent toward making and remaking these projects, millions of kinds, for several billion years.
These performances are worth noticing—remarkable, memorable—and not just because of their tendencies to produce something else, certainly not merely because of their tendency to produce this noticing in certain recent subjects—our human selves. The splendors of Earth do not simply lie in their roles as human resources, supports of culture, or stimulators of experience. The most plausible account will find some programmatic evolution toward value, and not because it ignores Darwin but because it heeds his principle of natural selection and deploys this into a selection exploring new niches and elaborating kinds, even a selection upslope toward higher values, at least along some trends within some ecosystems. A systematic environmental ethics does not wish to believe in the special creation of values, nor in their dumfounding epigenesis. Let them evolve. Let nature carry value.

The notion that nature is a value carrier is ambiguous. Much depends on a thing being more or less structurally congenial for the carriage. This potential cannot always be of the empty sort that a glass has for carrying water. There is no value without an evaluator. So runs a well-entrenched dogma. Humans clearly evaluate their world; sentient animals may also. But plants cannot evaluate their environment; they have no options and make no choices. A fortiori, species and ecosystems, Earth and Nature cannot be bona fide evaluators. One can always hang on to the claim that value, like a tickle or remorse, must be felt to be there. Non-sensed value is nonsense. There are
no thoughts without a thinker, no percepts without a perceiver, no deeds
without a doer, and no targets without an aimer.

Such resolute subjectivists cannot be defeated by argument, although
they can be driven toward analyticity. That theirs is a retreat to definition is
difficult to expose, because they seem to cling so closely to inner experience.

Instrumental value uses something as a means to an end; intrinsic value
is worthwhile in itself. No warbler eats insects to become food for a falcon;
the warbler defends its own life as an end in itself and makes more warblers as
she can. A life is defended intrinsically, without further contributory reference.
But neither of these traditional terms is satisfactory at the level of the
ecosystem. Though it has value in itself, the system does not have any value
for itself. Though a value producer, it is not a value owner. The people are no
longer confronting instrumental value, as though the system were of value
instrumentally as a fountain of life. Nor is the question one of intrinsic value,
as though the system defended some unified form of life for itself. The people
have reached something for which they need a third term, systemic value.
Duties arise in encounter with the system that projects and protects these
member components in biotic community.

If value arrives only with consciousness, experiences where humans
find value there have to be dealt with as appearances of various sorts. The
value has to be relocated in the valuing subject's creativity as a person meets a
valueless world, or even a valuable one--one \textit{able} to be \textit{valued}--but which before the human bringing of value ability contains only possibility and not any actual value. Value can only be extrinsic to nature, never intrinsic to it.

But the valuing subject in an otherwise valueless world is an insufficient premise for the experienced conclusions of those who respect all life. Conversion to a biological view seems truer to world experience and more logically compelling. Here the order of knowing reverses and also enhances the order of being. This too is a perspective, but ecologically better informed. Science has been steadily showing how the consequents life and mind are built on their precedents, however much they overleap them. Life and mind appear where they did not before exist, and with these levels of value emerge that did not before exist. But that gives no reason to say that all value is an irreducible emergent at the human level. A comprehensive environmental ethics reallocates value across the whole continuum. Value increases in the emergent climax, but is continuously present in the composing precedents. The system is value-able, able to produce value. Human evaluators are among its products.

Some value depends on subjectivity, yet all value is generated within the geosystemic and ecosystemic pyramid. Systemically, value fades from subjective to objective value, but also fans out from the individual to its role and matrix. Things do not have their separate natures merely in and for themselves, but they face outward and co-fit into broader natures. Value in itself is smeared out to become value in togetherness.
Intrinsic value that of an individual "for what it is in itself," becomes problematic in a holistic web. True, the system produces such values more and more with its evolution of individuality and freedom. Yet to decouple this from the biotic, communal system is to make value too internal and elementary; this forgets relatedness and externality. Every intrinsic value has leading and trailing end’s pointing to value from which it comes and toward which it moves. Adapted fitness makes individualistic value too system independent. Intrinsic value is a part in a whole, not to be fragmented by valuing it in isolation.

In environmental ethics one's beliefs about nature, which are based upon but exceed science, have everything to do with beliefs about duty. The way the world is informs the way it ought to be. Differing models sometimes imply similar conduct, but often they do not. A model in which nature has no value apart from human preferences will imply different conduct from one where nature projects fundamental values, some objective and others that further require human subjectivity superposed on objective nature.

What is ethically puzzling and exciting is that an ought is not so much derived from an is as discovered simultaneously with it. As the people progress from descriptions of fauna and flora, of cycles and pyramids, of autotrophs coordinated with heterotrophs, of stability and dynamism, on to intricacy, planetary opulence and interdependence, to unity and harmony with oppositions in counterpoint and synthesis, organisms evolved within and
satisfactorily fitting their communities, arriving at length at beauty and
goodness, it is difficult to say where the natural facts leave off and where the
natural values appear. For some at least, the sharp is/ought dichotomy is gone;
the values seem to be there as soon as the facts are fully in, and both alike
properties of the system.

There is something overspecialized about an ethic, held by the
dominant class of Homo sapiens, which regards the welfare of only one of
several million species as an object and beneficiary of duty. If this requires a
paradigm change about the sorts of things to which duty can attach, so much
the worse for those humanistic ethics no longer functioning in, nor suited to,
their changing environment. The anthropocentrism associated with them was
fiction anyway. There is something Newtonian, not yet Einsteinian, besides
something morally naive, about living in a reference frame where one species
takes itself as absolute and values everything else relative to its utility. Only
the human species contains moral agents, but perhaps conscience on such an
Earth ought not to be used to exempt every other form of life from
consideration, with the resulting paradox that the sole moral species acts only
in its collective self-interest toward all the rest.

2.7 ECOLOGICAL BALANCE - HUMAN RIGHT

Human rights and environmental law have traditionally been envisaged
as two distinct, independent spheres of rights. Towards the last quarter of the
20th century, however, the perception arose that the cause of protection of the
environment could be promoted by setting it in the framework of human rights, which had by then been firmly established as a matter of international law and practice. Because of the many complex issues that arise when these two seemingly distinct spheres interact, it is to be expected that there are different views on how to approach ‘human rights and the environment’.

The first approach is one where environmental protection is described as a possible means of fulfilling human rights standards. Here, environmental law is conceptualized as ‘giving a protection that would help ensure the well-being of future generations as well as the survival of those who depend immediately upon natural resources for their livelihood.’ Here, the end is fulfilling human rights, and the route is through environmental law.

The second approach places the two spheres in inverted positions, it states that ‘the legal protection of human rights is an effective means to achieving the ends of conservation and environmental protection.’ The second approach therefore highlights the presently existing human rights as a route to environmental protection. The focus is on the existing human right. In this context, there exists a raging debate on whether one should recognize an actual and independent right to a satisfactory environment as a legally enforceable right. This would obviously shift the emphasis onto the environment and away from the human rights. These are the subtle distinctions between the two ways in which this approach can be taken.
A third approach to the question of ‘human rights and the environment’ is to deny the existence of any formal connection between the two at all. According to this approach, there is no requirement for an ‘environmental human right.’ The argument goes that, since the Stockholm Conference in 1972, international environmental law has developed to such extents that even the domestic environments of states has been internationalized. In light of the breadth of environmental law and policy, and the manner in which it intrudes into every aspect of environmental protection in an international sense and notwithstanding the concept of state sovereignty, it is argued that it is unnecessary to have a separate human right to a decent environment. This view militates against the confusion of the two distinct spheres of human rights law and environmental law.

However, there are many who oppose this view. They argue that there is in fact a benefit to bringing environmental law under the ambit of human rights. Environmental law has in many parts of the world, be it at the international or domestic level, suffered from the problem of standing. Because of this barrier, it is often difficult for individuals or groups to challenge infringements of environmental law, treaties or directives, as the case may be.
There has been a great deal of debate on the theoretical soundness of the idea of a human right or rights to a satisfactory environment\textsuperscript{13}. For one thing, there can occasionally be a conflict or tension, between the established human rights and the protection of the environment \textit{per se}. There are circumstances where the full enjoyment of the rights to life, to healthy living and to one's culture can lead to the depletion of natural resources and environmental degradation. Nevertheless, clearly there is a \textit{prima facie} rhetorical and moral advantage in making the environment a human rights issue\textsuperscript{14}. There has been a simultaneous increase in ‘legal claims for both human rights and environmental goods,’ which is a clear reflection of the link between ‘human’ and the ‘environment’ and the dependence of human life on the environment.

Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature. The Rio Declaration on environment and development was signed by the heads of the states at UNCED (1992). The report of the UN sub-commission on “Human Rights and the Environment” has not only attempted to explore the relationship between human rights and the environment but also has proposed the adoption of principles on human rights and the environment\textsuperscript{15}.

\begin{footnotesize}
\begin{itemize}
  \item[\textsuperscript{13}] Boyle, A & M. Anderson (Eds.), \textit{Human Rights Approaches to Environment to Environmental Protection}, Oxford, 1996.
  \item[\textsuperscript{15}] A.H. Masapathi, Environment and human rights, Deccan Herald, 11-12-2001
\end{itemize}
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There is an increasing tendency for environmentalists and human rights activists to work together towards common goals. At the national level, both groups aim to restrain the exercise of unaccountable power by the government and private sector. Despite their dependence upon local movements and issues, both groups are international in scope and ambition.

At the international level, there is a natural affinity between organizations such as Green Peace and Amnesty International, since both aims to reduce the reserved domain of domestic jurisdiction protected under Article 2(7) of the United Nations Charter. Upon a close examination, the precise relationship between human rights and environmental protection is far from clear. In this area, tensions exist.

The right to ecological balance has been increasingly recognized. Human life depends upon ecological balance and environmental quality. The maintenance of such a balance is quite essential for the survival of all the living beings on the earth. The right to life is the fundamental human right. All other rights such as right to liberty, equality, property, thought and speech, mobility, access to justice, etc. are derived from the right to life. But the right to life entirely depends upon the ecological balance. Any attempt made to destroy such a balance amounts to the violation of human rights.
Nature maintains a critical balance among its various elements. Nature belongs to all. Neither the companies nor the governments can own nature as their private property. The cause of humanity will be effectively served when nature is accepted as a ‘human right’.

**SHARED DEPENDENCE**

It seems that the environmental laws which have been passed and enforced are not based on the recognition of clean environment as a human right. They are based on the fact that pollution causes diseases, ill health and increases medical expenses. As pollution is costly, it should be checked. This problem is measured only in monetary terms. Various regimes have to understand the importance of the objectives of peace and human welfare.

It is a powerful concept, for it brings everyone to the level of shared dependence on a healthy environment. The potential coalition surrounding environmental justice issues is immense. Everyone is willing to fight for clean water. The universal human rights framework is designed to give every individual the power to fight such a battle. If all the impoverished, indigenous people, ethnic minorities, women and children had access to environmental information and could exercise their right to free speech; if they had a voice in determining their own future access to resources; then potential polluters and profligate consumers would no longer be able to treat them as expendable and would have to seek alternatives to their dirty activities and their over consumption.
ENVIRONMENTAL JUSTICE

In developing countries, activists fight projects that seem unduly disruptive on a human level and unsustainable on an ecological level. But the projects have been pushed hard by the governments, as potential boost to the economies of the countries. Sometimes governments may actually believe that the proposed dam or power plant or tourist resort would benefit most of the citizens of the country, by creating employment opportunities and by providing access to water, or electricity as well as by earning foreign exchange. But in reality, most of the benefits go to the rich and most of the costs are borne by the poor communities.

Environmental injustice arises at all levels of human society. There is a clear gap between our universally shared dependence on a healthy local environment and our inequitable access to such an environment. Working towards environmental justice requires wide-reaching policy changes in both the ecological and human rights fields. It has been observed that attacks against Individual environmental activists often reveal much broader injustices and human rights violations against entire communities. For example, the forced relocation of thousands of people in Narmada Valley to make way for a dam project; destruction of the resource base of rubber tappers in the Amazon, the pollution of the drinking water of the black South Africa, the dumping of hazardous waste in an impoverished minority town in North Carolina and so on.
Many campaigns have been conducted by environmentalists, human rights activists and public health advocates. They have been designed to spur government investment in sanitation, river protection and pollution prevention. Such steps could probably eliminate harmful contents in contaminated water. In poor countries, every year, contaminated drinking water kills nearly 25 million people. Such deaths can be prevented by the combined efforts of both the movements. The efforts of the environmental movement and the human rights movement have been slow so far in protecting fresh water eco-systems and in empowering the individuals, respectively.

It is hoped that a combination of these two movements is likely to carry distinct political weight. Serious efforts should be made to achieve moral and scientific credibility by a closer marriage of these significant movements.

2.8 CONCLUSION

The advancement of the relationship between human rights and the environment would enable the incorporation of human rights principles within an environmental scope, such as anti-discrimination standards, the need for social participation and the protection of vulnerable groups. At the same time, the human rights system would be strengthened by the incorporation of environmental concerns, enabling the expansion of the scope of human rights protection and generation of concrete solutions for cases of abuses. Of course, one of the most important consequences, is to provide victims of environmental degradation the possibility to access to justice. Given the
occasional helplessness suffered by victims of environmental degradation, linking human rights and the environment brings such victims closer to the mechanisms of protection that are provided for by human rights law.

It is apparent that environment and human rights are inextricably linked. As it increasingly recognize the serious impact of a degraded environment on human health and well being, the people are better placed to adjust the policies and cultural practices to reflect their enhanced understanding. As a result, the people should be able to protect human rights and human dignity within its broader social, economic and cultural context by drawing from and contributing to those who are actively engaged in the environmental and public health arenas. This should also facilitate those who are working in the environmental and conservation fields to develop a better working relationship with those in the human rights arena. This will eventually lead to the articulation of a more integrated approach to dealing with socio-economic and environmental problems, encouraging the development of a sustainable model for the preservation of biological resources and natural ecosystems, for the use and enjoyment of both present and future generations.