

ENVIRONMENTAL PROTECTION VIS-A-VIS SUSTAINABLE DEVELOPMENT-A GLOBAL CHALLENGE

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Abstract: “The more we exploit nature, the more our options are reduced, until we have only one to fight for survival” Man has played a very important part in shaping his environment. He has been responsible for degrading the quality of his environment ever since he appeared on this earth. At first he contaminated the atmosphere by the use of fire which added gases, smoke and ash to it. When he came out of the cave age and began to settle into villages, towns and cities, the situation gradually worsened.

Environmental pollution is one of the most serious problems facing humanity and other life forms on our planet today. With India's population at 1.2 billion people and counting, plus internal economic migration to urban areas from the countryside, the country's cities are bursting at the seams. Housing shortages, electricity and water cuts, traffic congestion, pollution and a lack of basic services are the reality for millions.

Keywords: Environmental Pollution, contaminated, atmosphere, traffic congestion, humanity, electricity

INTRODUCTION

This paper discusses the United Nations World Charter for Nature 1982, and partly the UN Declaration on environment made in 1972. In this context we need to study the state of our national environment and take stock of what changes have occurred during past more than fifty years of freedom, the state, nation and the people.¹In the light of changes, we shall study the importance of integration of law and science itself has given new dimension to the growth of our civilization. Modern international law also acquired a multidimensional role in world society. The purpose of law and science is to achieve a peaceful and dynamic world order. Both disciplines have important role for the protection of natural environment. Therefore, we

have to study the provisions of United Nations World Charter For Nature², 1982, a Charter which has important message for the state, nation and the people of India. Without a wholesome human environment, we cannot provide people an opportunity for social and spiritual growth.

Man Out of Harmony with Nature

While we assess the United Nations world charter for Nature, it is realized that man's activities have created a situation where man is out of harmony with nature. Technology has driven man to a new life-style globally. Long ago, Rabindranath Tagore, said that in ancient times man lived in harmony with nature. Modern man has set aside the law of nature, as Tagore says:

We expected that the laws of nature should be held in abeyance for our convenience. But now we know better. We know that law cannot be set aside, and in this knowledge we have become strong. For this law is not something apart from us; it is our own.³

This principle of unity is the mystery of all mysteries. The existence of a duality at once raises a question in our minds, and we seek its solution in the one. When at last we find a relation between these two, and thereby see them as one in essence, we feel that we have come to the truth.⁴

With reference to environment problems in India, we have pointed out that “population, human settlement, transportation, energy, resources and developments are some important parameters that have bearing

¹This is the theme of the XX Indian Social Sciences Congress 1996.

²See, Saligram Bhatt, *Environment Protection and Sustainable Development*, APH Publishing, 2004, p. 133, and Paper presented in 1996 to Indian Social Science Congress, Santiniketan.

³Rabindranath Tagore, *Sadhna: The Realisation of Life*, Lectures in Harvard University, 1913, 1979 Edition, p. 50.

⁴See Tagore, n. 1, p. 80.

directly and indirectly on the environment policy of India".⁵

The Unity of Law and Science and a Biologist View of the World

The purpose of the law in the larger view is to seek a social order based on harmony of people. In science, the aim of various disciplines is to comprehend harmony in the nature. For example, ecology is defined as the relationship of living organism and their adaptation to environments. It is a definition which is close to law as law seeks to determine relationship between people. I have written a detailed article on the ecological approach to international law. This approach seeks an eco-management of global life.⁶ In physics Einstein says:

The supreme task of the physics is to arrive at those universal elementary laws from which the cosmos can be built up by pure deduction. There is no logical path to these laws; only intuition, resting on sympathetic understanding of experience, can reach them.⁷

In law also, jurist say that life of law is based on experience. As Justice Holmes said in 1986:⁸ "...your business as thinkers is to make plainer the way from 'some thing to the whole of things, to show the rational connection between your fact and the frame of the universe."⁹

Thus law and science are two aspects of human experience, one based on the social order and the other on the natural systems. It is but obvious that in a scientific world society, law and science should interact. In recent period a synthesis of law and science seems to be taking place towards the evolution of a biologist view of the world. Later in this paper I will see how the biologist imprint is found in two major legal instruments drafted by mankind through the United Nations for the protection of global environments and for a new world order.¹⁰

The UNESCO held a world symposium on science and synthesis on the 10th death anniversary of

Einstein and a great biologist, Chardin. The most important outcome of the symposium was that the world is based on relatedness of the natural laws. Therefore, the interdependence of the biological and ecological laws seems very important for environment management.¹¹

Another Nobel Laureate scientist, Ilya Prigogine, has in recent period laid emphasis on the "intellectual construction" needed in comprehending laws of nature and the concept of reality."¹² Prigogine refers to the dialogue between Einstein and Rabindranath Tagore on the meaning of reality. He agrees with the view expressed by Tagore. As he says: "Curiously enough, the present evolution of science is running in the direction stated by the great Indian poet." Tagore had said during his discussion with Einstein¹³ that truth was based on the comprehension of the observer (we may call experience); whereas Einstein believed that science had to be independent of the existence of any observer.¹⁴ The conversation between Einstein and Tagore was regarding the nature of Reality.¹⁵

In the context of environment movement of our times, an intellectual construction of law and science is needed to provide a biologist view of the world which would be close to the reality of nature, and which would provide harmony in the universe.¹⁶

The Global Environment Movement and the UN Declaration on Human Environment, 1972

In response to call of history, the United Nations representing the concern of whole of mankind made on "Declaration of the United Nations Conference on the Human Environment, 1972."¹⁷ The United Nations Declaration was an epoch-making step taken by mankind to safeguard environment and ensure good life on earth. The major emphasis of the Declaration was to seek harmony of man with nature and to promote knowledge about the laws of, nature. The Declaration in particular introduced a new biological revolution in the world. It said that Man is both creature and moulder of his environment, which

⁵Bae Nagchaudhuri and Bhatt, n. 2, p. 55.

⁶See S. Bhatt, "Ecology and International Law", *Indian Journal of International Law*, Vol. 22, 1982, pp. 422-38.

⁷See Albert Einstein, *Ideas And Opinions*, Calcutta, 1954, p. 226.

⁸*Ibid.*, p.135.

⁹Cited by S. Bhatt, "Recent Developments in Outer Space: Law, Freedom and Responsibility after Lunar Landings", *Journal of Air Law of Commerce* (Dallas, Texas), Vol. 36, 1970, p. 268.

¹⁰*Id.*

¹¹See B.M. Crook, trans., New York, 1971.

¹²See Ilya Prigogine and Isabella Stengers, *Order Out of Chaos: Man's New Dialogue with Nature*, N.Y., 1984, p. 292.

¹³*Ibid.*, p.136

¹⁴*Ibid.*, p. 293.

¹⁵See Note on "The Nature of Reality: A Conversation between Dr. Rabindranath Tagore and Professor Albert Einstein", in **Tagore Reader**, Amiya Chakravorty, ed., N.Y., 1961.

¹⁶*Id.*

¹⁷For text of Declaration, see *International Environmental Law*, Najmul Arif compiled, Lancers Books, New Delhi, 1996, pp. 7-14.

gives him physical sustenance and affords him the opportunity for intellectual, moral, social and spiritual growth”, said the Declaration “is a major issue which affects the well-being of peoples and economic development throughout the world...”. The Declaration warned about “evidence of man-made harm in many regions of the earth: dangerous levels of pollution in water, air, earth and living beings; major and undesirable disturbances to the ecological balance of the biosphere....”.

The UN Declaration while referring to the problems of developing countries said that their environmental problems are caused by underdevelopment. And, it warned that “the natural growth of population continuously¹⁸ presents problems on the preservation of the environment, but with the adoption of appropriate policies and measures these problems can be solved. Of all things in the world people are the most precious. It is people that people social progress, create social wealth, and develop science and technology, and, through their hard work, continuously transform the human environment.¹⁹

The Declaration called for a cooperative approach of man with nature. It said that “A point has been reached in history when we must shape our actions throughout the, world with a more prudent care for their environmental consequences”. It highlighted the role of modern man vis-à-vis the environment as follows:

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 in with nature a better environment.

The Declaration of the UN has called for rational planning which is essential to avoid conflict between needs of development and the need to protect and improve environment. It called for planning of human settlements with a view to avoid adverse effect on the environment. It called to pursue vigorously demographic policies which are without prejudice to human rights and which the Governments deem appropriate. Above all, the Declaration has asked the peoples of the world to enlarge education on environment, undertaken scientific research and cooperate on bilateral and multilateral basis to avoid damage to the environment.

The UN World Charter For Nature 1982

¹⁸See, Saligram Bhatt, *Environment Protection and Sustainable Development*, APH Publishing, 2004, p. 137.

¹⁹*Ibid.*, p. 293.

The world charter for Nature drafted by the United Nations in 1982 makes a clear scientific admission for the first time in modern period that man is a part of nature.²⁰ Man is dependent upon the natural systems for his life and growth. Man is also a part of single species. Leading anthropologists like Rene, Dubas, and Margaret Mead have laid world wide emphasis on the fact that all men are part of the species with instinct for cooperation and love. Mead provides a global view that diversity of life of man in nature only strengthens unity of mankind; because mankind is one single species, as she says:

There has been a continuing interest in dealing with wholes; with mankind as a species, the single hominid-species now existing on this planet, with many variations in climate and breeding conditions, but still essentially one species, exhibiting complete intra-species fertility and hybridization between varieties as a source of strengthen.’...²¹

It is profitable to recall for the Charter for nature that the world is one large ecological unit with unity in diversity of life in the nature. As I have submitted earlier:

Biologically and ecological the world is one interdependent unit. In this single unit, all the living organisms have an inter-relationship and adapt to the local environment. Laws of nature operate in this unit to keep nature’s ecological balance. We may refer to nature’s carbon cycle, the oxygen cycle, the radiation balance of earth, and similar scientific phenomena which are related to the global ecological system.²²

Therefore, the UN Charter for nature is to be analysed in the light of world being one large ecological unit, comprising of single species of mankind along with other living organism, living’ in an interdependent world, with unity in the diversity of nature. Even the UN Declaration on human environment of 1972 contains biological and ecological principles which shape life on this planet. Biologist view of world seems the major focus in contemporary civilization.

Another scholar Victor Ferkiss writing on ecological humanism says that it is the global philosophy these days.²³ Ecological humanism “is based on the conviction that man, if he is to continue to exist and if he is to fulfill himself as a human being, must live in a conscious ecological relationship with’ nature and with other men, and the ecological perspective on the

²⁰*Ibid.*, p. 138.

²¹See, Margaret Mead, “Anthropology Today” in P. Albertson and M. Barnett, eds., *Managing. The Planet*, 1972, p.188.

²²See, S. Bhatt, n. 5, p. 428.

²³*Ibid.*, p. 139.

natural order provides a necessary analogue for the social order".²⁴ Professor Ferkiss makes some very useful following observation on man and universe: Universe is a process moving forward in time. Life and all its attributes consist of processes. Life is an emergent property of life. Both have evolved in the course of development of universe. Processes which maintain themselves over time are structures, that is' patterns of order which persist because of relative equilibria—among their constituent elements. Change in nature is the result of the interrelated changes among the elements of natural systems. The world and humanity are one entity, one system, in equilibrium. Earth is humanity's only home; humanity is one people in relationship to the earth.²⁵ Ferkiss has cited works of eminent authors on the ecological perspective and political theory, the biological foundations of political science, etc.²⁶

The World Charter for Nature²⁷

The UN world charter for nature of 1982 is therefore an important document for mankind. It represents the global philosophy for 'life and living on this planet. It says "mankind is part of nature and life depends on the uninterrupted functioning of natural systems which ensure the supply of energy and nutrients". That "civilization is rooted in nature, which has shaped human culture and influenced all artistic and scientific achievement", and "living in harmony with nature gives man the best opportunities for the development of his creativity and for rest and recreation". The charter outlines that. "Energy form of life is unique-warranting respect regardless of its worth to man", that "man can alter nature and exhaust natural resources by his action or its consequences". The charter says that "lasting benefits from nature depend upon the maintenance of essential world peace."²⁸

The Environment Protection Act of India, 1986

Taking note of the United Nations Declaration of 1972 and the UN Charter for Nature 1982, the Government of India has enacted The Environment Protection Act, 1986.²⁹ The Preamble to this act states that "whereas decision were taken at the United Nation Conference on Human Environment at Stockholm in June, 1972, in which India participated,

to take appropriate steps for the protection and improvement of human environment"; and whereas it is considered necessary further to implement the decisions aforesaid in so far as they relate to the protection and improvement of environment and the prevention of hazards to human beings, other living creatures, plants and property..." the Environment Protection Act, 1986 is enacted.

The Act of 1986 'gives effect to the decisions of the UN Conference of 1972, provides for environment protection and improvement, prevents hazards to human beings and all life including the plants, thus combining law and biological sciences in a unique fashion, and, generally, sketching a biological view of the world. The biologist view is based on the interrelatedness of ecosystems. It considers all mankind belonging to single species *homo sapiens*. The biologist interpretation of nature easily fits with the diversity of nature including human beings, falling within a unified natural order. It is not proposed here to refer to each constituent part of Indian Environment Protection Act of 1986. Suffice of mention that it has set a pattern-to-shape national life in conformity with the laws of nature as Tagore had envisaged, and keeping due regard to the synthesis of law and science in all policy making for environment management.³⁰

CONCLUSIONS

The attempt in this paper is to combine law and science for environment protection and management which provides a new global perspective, a new paradigm. It may provide a new structure for a scientific revolution with emphasis on the biologist view of the world and the natural systems. Ecology and international law provide us today a new mechanism to shape global environments. This combination is likely to evolve sustainable development. Above all, it will help adaptation of human beings to different ecological systems including different cultures. It will yield unity in diversity of global life. The combination of law-and-science and an ecological approach will promote world harmony. Talking about paradigms, Thomas Kuhn says in his eminent treatise, *The Structure of Scientific Revolution that:*

Each (paradigm) produced a consequent shift in the problems available for scientific scrutiny and in the standards by which the profession determined what should count as an admissible problem or as a legitimate problem solution. And each transformed the scientific imagination in ways that we shall ultimately need to describe as a transformation of the world within which scientific work was done. Such

²⁴See, Victor Ferkiss, *The Future of Technological Civilization*, N.Y., 1974, p. 206.

²⁵*Ibid.*, p. 207.

²⁶*Ibid.*, p. 303.

²⁷See text of World Charter for Nature in n. 12, pp. 15-20.

²⁸*Ibid.*, p.141.

²⁹See text in B. Desai, ed. *Environment Laws of India*, Lancers Books-1994, pp. 81-94.

³⁰*Ibid.*, p. 142.

changes, together with the controversies that accompany them, are the defining characteristics of scientific revolutions.³¹

The word may therefore by witnessing a scientific revolution which involves the synthesis of international law with global science providing a biologist view of the world which view is enacted and strengthened by the UN Declaration of 1972, and the UN world charter for Nature of 1982, adopted in India as well. It is paradigm for world harmony, and harmony with nature. As Einstein has said in his famed address on the quest for scientific research:

The longing to behold this pre-established harmony is the source of the inexhaustible patience³² and perseverance with which Planck has devoted him to the most general problems of our science, refusing to let him be diverted to more profitable and more easily attained ends.³³

To shape a creative life on this planet, it therefore becomes necessary to provide harmony between men made laws and the laws of nature, which is possible by a creative synthesis of law and science.³⁴

³¹See, Thomas S. Kuhn, *The Structure of Scientific Revolutions*, London, 1962, p. 6.

³²*Ibid.*, p. 143.

³³A. Einstein, n. 6, p. 227.

³⁴*Ibid.*, p. 144.

