

# PROTECTION AND IMPROVEMENT OF THE HUMAN ENVIRONMENT

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## Abstract

*Human dignity, often known as personal dignity, is a universally acknowledged fundamental virtue. Numerous international documents on human rights and freedoms include the phrase "human dignity". The intrinsic worth of every human being gives rise to human rights. In a certain sense, a person's dignity refers to their inherent value. Individuals "are not to be perceived or treated merely as objects of the will of others," according to the value of every person. There are two corollaries to the notion that human rights flow from individual dignity. The first conclusion is that fundamental freedoms are not granted by authorities and cannot be revoked; the second is that each and every person has these freedoms<sup>1</sup>. In this way, dignity is personal or private. In another sense, dignity is socially imposed and collective<sup>2</sup>. Here, the term "dignity" refers to a particular cultural concept of a person's intrinsic moral value and their political relationship to the community. The endeavour to balance individual rights, or human rights, with societal interests may be seen in all of these philosophies, as well as in some of the others. This feature is more conspicuously apparent in the resurrected natural law theory<sup>3</sup>. Thus, the jurisprudential foundation for a balanced and comprehensive concept of human rights is firmly established. For instance, John Rawls advocates for equal liberty and the arrangement of social and economic inequalities for the greatest benefit of the least advantaged, while John Finnis makes a fine blend of fundamental values and practical reason in developing his natural rights theory.*

**Key words:** Environmental issues, Fundamental Principles, Political Rights, Environment and Development.

## 1.1 Introduction

When pitted against the state, other public authorities, groups of gangs, and other oppressive communities, human rights are the unalienable minimums that belong to each and every member of the human race<sup>4</sup>. He is entitled to humane treatment because he is a member of the human race. This right is unalienable. The human mind displays its displeasure when this privilege is denied. Every time there was an effort "to suppress the individual's freedom an appeal to natural law was made on the assumption that, beyond religious superiors and

<sup>1</sup> Oscar Schacter, "Human Dignity as a Normative Concept", 77 Am J., International Law, 1983, p.848.

<sup>2</sup> Rhoda Howard, "Dignity Community and Human Rights", in Naim (ed.), Human Rights in Cultural Perspective 1992, p.61.

<sup>3</sup> Dr. Patil, J.S. and Patil, C.S., "Province of the Concept of Human Right Determined: A Jurisprudential Overview", A paper presented at UGC National Seminar on Human Rights And Criminal Justice, at PG Centre for Human Rights Research, Saurashtra University, Rajkot, 26-27, March 2000, p.3.

<sup>4</sup> P.B. Mukherji, The Hindu Judicial System- The Cultural Heritage of India, Vol.II, pp.434-35 quoted by V.R.Krishna Iyer, The dialectics and Dynamics of Human Rights, (Calcutta: Eastern Law House, 1999),p.54.

crowned heads, there was a system of natural law which embodied reason, justice and universal ethics," according to the author<sup>5</sup>.

Natural law was the source of natural rights, which were comparable to modern human rights. Greeks, including luminaries like Sophocles and Aristotle, are credited with creating natural law. The Romans improved it. Early Roman law was known as "Jus civil." Later, the Romans created the Jus gentium, or "law of universal application," judicial systems. Jus gentium, also known as jus natural, was strengthened throughout Rome's republican era by natural law. Jus natural was defined as the "sum of those principles that ought to govern human behaviour because they are rooted in man's inherent nature as a national and social being<sup>6</sup>." Romans believed that natural law embodied the fundamental ideas of justice, which were the result of sound reason<sup>7</sup>. The concept of "the right of man as a legal or moral concept" initially manifested itself as natural rights from this natural law founded on sound reasoning<sup>8</sup>. These are moral rights that every human being, everywhere, at any time, should have by virtue of the fact that, in contrast to other beings, he is rational and moral. These rights are considered to be part of his natural rights as a moral being<sup>9</sup>. The inherent rights of man, as the embodiment of right reason, were something to which every human being, everywhere, was entitled by virtue of their common humanity and rationality. They were not a special privilege of inhabitants of a specific state<sup>10</sup>. Man is given reason, so it makes sense that he is also given certain rights, without which he would cease to be a person<sup>11</sup>. The natural rights were therefore drawn from the nature of man because they are part of his intrinsic essence and are inherent in him.

## 1.2 NATURAL RIGHTS

Natural rights theory developed from the Natural law idea. The main proponent of this theory, John Locke, believed that natural law can be viewed as defending the rights and subjective interests of particular individuals<sup>12</sup>. It is claimed that the natural rights were justified by the disregard for natural law, the breach of the principles of equality, and the use of arbitrariness. In the writings of John Locke and other proponents of the social contract theory, the ideas of natural rights have found their clearest expression<sup>13</sup>. According to Locke, "man is by nature endowed with enough freedom to become a man in conformity with his law." This law, which takes the form of reason, requires every person to protect their life, set boundaries on their freedom and

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<sup>5</sup> Ibid.

<sup>6</sup> Brierly, J.L., The Law of Nations, IX ed., (Humphrey Waldock, 1963), p.17.

<sup>7</sup> Dr.S.K.Kapoor, Human Rights Under International Law And Indian Law, (Allahabad: Central Law Agency, 2016), p.3.

<sup>8</sup> Permanand Singh, -What are Human Rights? Human Rights: Issues and Perspectives, Jawahar L.Kaul, (ed.), Human Rights, (New Delhi: Regency Publications, 1995), p.6.

<sup>9</sup> Gaius Ezeji for, Protection of Human Rights under the Law, (London: Butterworths, 1964), p.3.

<sup>10</sup> Cranston, M. Human Rights Today, 1962, p.9.

<sup>11</sup> Carl J. Fredrick, -Constitutional Government and Democracy, 1968, p.156, cited in Dr. U .Chandra, Human Rights, (Allahabad: Allahabad Law Agency Publications, 1999), p.1.

<sup>12</sup> Rosenbaum, (ed.), Philosophy of Human Rights, (London: Aldwych, 1981), p.11.

<sup>13</sup> Margaret Macdonald, -Natural Rights, in Jeremy Waldron, Theories of Rights, (London: Oxford University Press, 1984), p.23.

possessions, and actively participate in providing the same services to others. Only in relation to this law does each person's initial freedom have any significance<sup>14</sup>.

Each exponent had a different set of inherent rights<sup>15</sup>. The majority of theories that establish natural rights norms have a priori components that are inferred by the norm setter; as a result, different theorists have different ideas about what constitutes natural rights. Natural rights were limited to negative rights protected from the state and were typically related with philosophical and theological principles<sup>16</sup>. The other flaw was that natural rights were asserted to be absolute, unchangeable, and inalienable, and as a result, unless limited to a single right, they tended to conflict with one another<sup>17</sup>. Marxists and utilitarians like Jeremy Bentham also condemned the advancement of natural rights theory. Natural rights are what Bentham refers to as "simple non-sense," "rhetorical non-sense," and "non-sense on stilts"<sup>18</sup>. His study of rights and obligations<sup>19</sup>, which holds that one has a right only if one is supposed to gain from another's compliance with an obligation, led him to reject the idea of natural rights. He was unable to recognise moral or natural rights because they depended on societal acceptance and enforcement. The natural rights theory is rejected by Marxists because they disagree with liberal individualism.

### 1.3 REVIVAL OF NATURAL RIGHTS

The rebirth of the doctrine of natural law itself has an impact on the revival of natural rights. The doctrine of natural law, which predominated throughout the 17th and 18th centuries before relapsing during the 19th, has once more returned to the forefront of social and legal philosophy in the 20th century, together with religious and philosophical inquiry, according to Kelsen<sup>20</sup>. The current movement to bind states by international covenants to uphold human rights and fundamental freedoms is coloured by an approach akin to "natural law," and the 1949 Draught Declaration on the Rights and Duties of States prepared by the International Law Commission of the United Nations partially reflects this philosophy. Additionally, "natural law" was cited as a defence for punishing those responsible for the heinous and horrific types of war crimes<sup>21</sup>.

Although the era of natural rights was brief, the concept of human rights persisted in some way. The abolition of slavery, factory legislation, popular education, trade unionism, and the movement for universal suffrage are

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<sup>14</sup> Polin Raymond, -Rights of Man in Hobbes and Lockel, in Raphael (ed.), Political Theory and Rights of Man, (Bloomington: Indiana Press, 1967), p.20.

<sup>15</sup> Margaret Macdonald, -Natural Rights in Jeremy Waldron, Theories of Rights, (London: Oxford University Press, 1984), p.23.

<sup>16</sup> Pennock J. R, -Rights Natural Rights and Human Rights – A General View, in J.R. Pennock and JohnW.Chapman (eds.), Human Rights NOMOS XXIII, (New York: New York University Press, 1981), p.3.

<sup>17</sup> Burns Weston, -Human Rights, 15<sup>th</sup> ed., 20, New Encyclopedia Britannica, (1992), p.656.

<sup>18</sup> Browning J., (ed.), Works of Jeremy Bentham, (New York: Russel and Russel, 1962), Vol.II, p.105.

<sup>19</sup> See, H.L.A. Hart, -Bentham on Legal Rights, A.W.B. Simpson (ed.), Oxford Essays in Jurisprudence, (Oxford: Clarendon Press, 1973), pp 171-201.

<sup>20</sup> Kelsen, -The Foundation of the Theory of Natural Law in \_Essays In Legal and Moral Philosophy, (1973) Ch.II 114 at 141 cited in Starke, J.G., Introduction to International Law, (New Delhi: Aditya Books Pvt. Ltd., 1994), pp 22-23.

<sup>21</sup> Starke J.G., *ibid.*, p.23.

just a few examples of the 19th century reformist impulse that provide ample proof that the idea was not to be abandoned even though its transempirical derivation had come under scrutiny. But the concept of rights — and specifically, human rights — did not completely come into its own until the rise and collapse of Nazi Germany<sup>22</sup>.

## 1.4 SOCIOLOGICAL THEORY

In terms of human rights, the sociological approach focuses on issues of institutional development aimed at categorising the behavioural aspects of law and society, pays attention to issues of public policy, and pinpoints the empirical components of human rights in the context of social process<sup>23</sup>. The sociological school's emphasis on achieving a just balance of interest between prevalent moral feelings and the social and economic circumstances of time and place is one of its main contributions to human rights theory<sup>24</sup>. According to one of the foremost sociologists, Roscoe Pound, "the history of law was written primarily as a record of an increasing recognition of individual rights" during the nineteenth century. As he said, "this history should be written in terms of a continually wider recognition of human wants, human demands, and social interests" in the 20th century<sup>25</sup>. He made no attempt to give these interests more importance. His guiding idea was "social engineering," which is the political organisation of society to arrange human connections in order to ensure all interests to the greatest extent possible with the least possible sacrifice of all interests. Understanding the breadth of human rights and how they relate to demands is made easier with the help of this method. It considers how to focus on rights in terms of what people are worried about and what they desire, as well as the reality of the social process.

The sociological method has certain drawbacks, too, including its lack of attention to how rights relate to one another or what the priorities should be. It also fails to show how a normative conclusion regarding rights can be empirically deduced from factual premises like the existence of interests. Llewellyn made the observation that "a descriptive science in the social field is not enough" as a result of this<sup>26</sup>. However, this strategy heightened perceptions of the underlying ideals and the laws required to uphold them.

## 1.5 THEORY BASED ON EQUALITY OF RESPECT AND CONCERN

The fundamental tenets of this Dworkin-proposed philosophy are that governments must show equal concern for and respect for all of their citizens. According to his proposal, the liberal definition of equality should consider the right to be treated equally to be basic<sup>27</sup>. The utilitarian maxim that "everyone can count for one, nobody for more than one" has been supported by Dworkin. He even advocates for government intervention to promote social welfare. A right to liberty, in his opinion, is too nebulous to have any real meaning, but there

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<sup>22</sup> Burns Weston, Human Rights in International Human Rights in context: Law Politics, and Morals, 2<sup>nd</sup>ed., by Henry Steiner and Philip Alston, International Human Rights, In Context, Law Politics, Moral, 2<sup>nd</sup> ed., (Oxford: Oxford University Press, 2000), p.326.

<sup>23</sup> Manu Smriti, II, 1, quoted by Naikar L.D., The Law Relating to human Rights, (Bangalore: Puliani and Puliani, 2004), p.31.

<sup>24</sup> Jerome J. Shestack, -The Jurisprudence of Human Rights, in Theodor Meron (ed.), -Human Rights in International Law ; Legal and Political Issues, Vol.1, (Oxford: Clarendon Press, 1984), p.84

<sup>25</sup> Roscoe Pound, Jurisprudence, 1959 cited in Theodor Meron (ed.), -Human Rights in International Law; Legal and Political Issues, Vol.1, (Oxford: Clarendon Press, 1984), p.84.

<sup>26</sup> Lloyd's Introduction to Jurisprudence, 17<sup>th</sup> ed., M.D.A Freeman, (London: Sweet and Maxwell Ltd., 2001), p.85.

<sup>27</sup> Manu Smriti, II, 1, quoted by Naikar L.D., The Law Relating to human Rights, (Bangalore: Puliani and Puliani, 2004), p.48

are some specific liberties that need further protection against governmental intrusion, such as the right to free expression<sup>28</sup>, the right to practise one's religion, the right to organise and associate, and the right to an intimate relationship<sup>29</sup>. According to Dworkin, if these liberties were subject to a utilitarian analysis or an unconstrained analysis of the general interest, the balance would lean towards restriction rather than the latter. As a result, the liberties need to be prioritised and protected from outside preferences.

## 1.6 POSITION OF HUMAN RIGHTS IN INDIA

The current international concern with human rights and fundamental freedoms can be attributed to a variety of factors. Some of these have a strong historical foundation and are entwined with man's quest to fully realise all of his human ideals<sup>30</sup>. The fulfilment of all people's human rights is a requirement for the peace, safety, and advancement of any community or state. There are three degrees to which nations are obligated to uphold human rights in the contemporary "community of states"<sup>31</sup>. First and foremost, the Constitution, which is the supreme law of the land, contains requirements relating to human rights. The nature and extent of the Indian State's obligations with regard to human rights are laid out in Parts III and IV of the Indian Constitution<sup>32</sup>. The republican and democratic Indian Constitution was drafted or approved by the "people," who are therefore the country's supreme authority. No one is above the law, not even the state's highest executive authority. When he said that the Constitution is the fundamental law of the land and that it created the judiciary and gives it the authority to invalidate legislative and/or executive actions that are determined to be unconstitutional, Dr. Justice Anand succinctly made this point apparent. The Indian Constitution was drafted by "we the people," and it is protected by the courts. Judges are consequently accountable to both their conscience and the people who hold the ultimate power over them. Therefore, it is essential that they use their immense power for the sake of society<sup>33</sup>. The Indian State's obligations with regard to human rights are based on these two overarching but fundamental principles of the Constitution.

## 1.7 HISTORICAL BACKGROUND RELATING TO ENVIRONMENTAL POLLUTION

The Indian Supreme Court has actively contributed to environmental protection during the past 20 years in a variety of ways. While the administration and the legislature typically play the key roles in the governance process, the Indian experience has shown that the court has started to play a considerable role in resolving environmental disputes, especially in the context of environmental challenges. The manner the Indian Supreme Court has been involved since the 1980s in interpreting and adopting new modifications in the environmental jurisprudence is unique in itself, even though courts in Western democracies frequently take an active part in protecting the environment.

## 1.8 INDIA'S NEW AWAKENING TO ENVIRONMENTAL POLICIES AND PROGRAMMES

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<sup>28</sup> see Dworkin, *Taking Rights Seriously*, (London: Duckworth, 1977), p.273.

<sup>29</sup> Dr.S.K.Kapoor, *Human Rights Under International Law And Indian Law*, (Allahabad: Central Law Agency, 2016), p.5

<sup>30</sup> Moses Moskowitz, *Human Rights and World Order*, (New York: Oceana Publications Inco., 1958), p.157.

<sup>31</sup> As the second is specific obligations under various statutes and the third is international human rights under treaties.

<sup>32</sup> *Handbook on Human Rights for Judicial Officers*, NIHR, (Bangalore: NLSIU, 2000), p.3.

<sup>33</sup> Justice, Dr.A.S.Anand, -Protection of Human Rights- Judicial Obligation or Judicial Activism?|| (1997) 7 SCC (Jour) at 24.



A turning point in India's history of environmental management occurred in the year 1972. Prior to 1972, various federal ministries handled issues related to the environment, including as sewage disposal, sanitation, and public health, and each pursued these goals in the absence of an effective coordination mechanism at the federal or intergovernmental level. A Committee on the Human Environment headed by Pitambar Pant, a member of the Planning Commission, was established to prepare India's report when the twenty-fourth UN General Assembly decided to hold a conference on the human environment in 1972 and requested reports on the state of the environment from each member country. Three reports—"Some Aspects of Environmental Degradation and its Control in India," "Some Aspects of Human Settlement Problems in India," and "Some Aspects of Rational Management of Natural Resources"—had been written by May 1971. These papers were used to analyse the effects of the population growth on the environment as well as the current situation of environmental issues. Early 1972 saw the realisation (as noted in the Fourth Five Year Plan earlier) that India's planning process would continue to have a significant gap unless a national body was established to improve the coherence and coordination of environmental policies and programmes and to incorporate environmental concerns into plans for economic development. A National Committee on Environmental Planning and Coordination (NCEPC) was subsequently founded on April 12th, 1972.

A National Committee on Environmental Planning and Coordination (NCEPC) was established in the Department of Science and Technology in February 1972 as a result of the reports' emphasis on the necessity of establishing greater coordination and integration in environmental policies and programmes.

The NCEPC should be included in all significant industrial decisions, according to the Fifth Five Year Plan (1974–1979), in order to ensure that environmental goals are adequately considered. The Plan also made clear that maintaining a relationship and balance between growth planning and environmental management would not make it less probable that pursuing development goals would result in a decline in quality of life. In this context, the Minimum Needs Programme—which addressed rural and elementary education, rural health and sanitation, nutrition, drinking water, the provision of housing sites, and slum improvement—received a fair amount of attention and was anticipated to have a significant impact on poverty levels and reduce environmental pollution and degradation in rural areas.

An complete chapter on "Environment and Development" was included in this Sixth Five Year Plan (1980–1985), emphasising sound ecological and environmental principles in land management, agriculture, forestry, marine exploitation, mineral extraction, fisheries, and energy production. It established an institutional framework for environmental management by the federal and state governments and gave environmental guidelines that administrators and resource managers could utilise when creating and implementing programmes. Despite its alarming tone, the booklet offered a solid foundation for discussing India's deteriorating environmental conditions.

The federal government had recognised the detrimental effects that development programmes were having on the environment, as well as the pressure on project planners and managers to pursue their developmental activities single-mindedly and, as a result, lose sight of environmental and ecological imperatives. The basic approach taken by the Seventh Plan (1985–90) was to emphasise development in harmony with the environment. In order to improve the quality of the environment, the Plan called for the government and nonprofit organisations to collaborate in order to raise awareness of environmental issues: "This is a philosophy which must permeate the entire effort in the field of environment." The former emphasis on industrialization, agribusiness, and power-generation projects, with little care for environmental protection, has not let go of its hold on decision-makers, thus even today this fundamental idea has not taken hold.

The authorities of India realised in the late 1980s that many of the nation's environmental issues were the result of poverty and underdevelopment rather than development efforts, and that these issues could no longer be ignored. It is for this reason that the Seventh Plan said that "the nation's planning for economic growth and social well-being in each sector must always take note of the need to protect environmental resources, and where possible, must work to secure improvement in environmental quality."

Due to India's unstable political climate, the Eight Five Year Plan (1992–1997) was released in 1992 rather than 1990. Moving the environment to the fourth group of topics discussed in the book gives it a significant position. The Plan noted that since the Sixth Plan period, systematic efforts have been made to include environmental issues and imperatives into the planning process in all significant socioeconomic sectors. Planning in all important sectors, including industry, research and technology, agriculture, energy, and education, now takes environmental factors into account as a consequence of consistent effort.

An expert group was established by the Planning Commission to develop long-term sectoral (including environmental and forestry) policy. It also stated that other environmental issues were still giving rise to major worries, such as the destruction of forests, loss of topsoil and vegetative cover, persistent pollution by harmful substances, reckless industrial and agricultural practises, and unplanned urban growth. It recognised that the country's economic and social advancement was significantly threatened by environmental degradation and that "Our future generations may discover that life support systems have been damaged beyond repair."

## **1.9 PROTECTION AND IMPROVEMENT OF THE HUMAN ENVIRONMENT**

A crisis of global proportions is, and has been, affecting the human environment through pollution of the atmosphere and of maritime, coastal, and inland waters; degradation of rural lands; destruction of the ecological balance of natural areas; the impact of biocides upon animal and plant life; and unchecked depletion and ravaging of the world's natural resources, partly due to the explosive growth of human populations and pa In a Report on the Problems of the Human Environment, dated 26 May 1969 (Document E/4667), prepared in relation to the summoning of the Stockholm Conference on the Human Environment in June 1972 pursuant to a Resolution of the United Nations General Assembly of 3 December 1968, the secretary general of the United Nations examined in detail the problems involved in this environmental crisis, as well as the various causes and factors which brought it about. The United Nations General Assembly approved the Report in a later Resolution dated December 15, 1969, gave the Secretary General full charge of planning and preparing the Conference, and created a 27-member Preparatory Committee to support him.

According to the Report, three factors—rapid population growth, increased urbanisation, and an advanced and effective new technology—are to blame for the deterioration of the environment, as well as the consequent rise in demand for land, food, and natural resources.

The Secretary General emphasised that there was still much opportunity for improvement because the matter had only been partially addressed by international law-making agreements up until that point. Article IX of the 1967 Treaty on the Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Celestial Bodies, which requires states parties to conduct space studies and exploration in such a way as to avoid adverse changes in the earth's environment from the introduction of extraterrestrial matter, as well as the African Convention on the Conservation of Nature provided examples of such piecemeal measures at the time. The Treaty of 1968 on the Non-Proliferation of Nuclear Weapons, the Treaty of 1971 on the Prohibition of the Emplacement of Nuclear Weapons on the Seabed and Ocean Floor and Subsoil, the Nuclear Weapons Test Ban Treaty of 1963, the Treaty of 1967 for the Prohibition of Nuclear Weapons in Latin America, and Insofar as their goal was to prevent radioactive contamination of the environmental areas to which

they pertained, 20 of them might at the time also be regarded as environmental protection measures. Additionally, paragraph 11 of the General Assembly's Declaration of Principles Governing the Seabed and Ocean Floor, and the Subsoil Thereof Beyond, the Limits of National Jurisdiction, affirmed that states were to take appropriate measures for, and cooperate in establishing a regime to govern the prevention of pollution and contamination to the marine environment, as well as interference with this environment's ecological look, and to govern also the prevention of the resources of the seas and the mitigation of harm to the maritime environment's flora and wildlife. As mentioned above, this Declaration helped pave the way for events that finally resulted in the approval of the United Nations Convention on the Law of the Sea on December 10, 1982, which included Part XII on the Protection and Preservation of the Marine Environment<sup>34</sup>.

The Secretary-General's Report also included a description of the many UN related or specialised agencies' operations that had an impact on the human environment. These included, for example, various standard setting instruments (Recommendations and Codes) of the International Labour Organisation (ILO) for protection of workers against pollution of the working atmospheric environment, or against radio-active contamination (eg., the Convention on Protection of Workers against Ionising Radiations); the work of the Food and Agriculture Organisation of the United Nations (FAO) in the domain of water development, management, and conservation, of conservation and development of plant resources, and of the scientific aspects of marine pollution; the studies on the scientific problems of the environment under the auspices of the United Nations Scientific, Educational and Cultural Organisation (UNESCO), including the Conference of 1968 convened by it on the Scientific Basis for Rational Use and Conservation of the Resources of the Biosphere; the work of the World Health Organisation (WHO) in the definition of environmental standards, the identification of environmental hazards, and the study of induced changes in the environment; and investigations by the International Civil Aviation Organisation (ICAO) of the problems of aircraft noises in the vicinity of airports, and of sonic boom due to supersonic aircraft.

## 1.10 CONCLUSIONS

- The study seems to be the old one, but in reality it is not. The areas covered by the topic may be the old areas, but as the time is progressing it is showing significance and necessity to re-study all the aspects covered in it. The right to life as we know is an old concept and is in existence from time immemorial, but it has expressly been found in society since from 12 th and 13 th century. Its clothes are changed but the gist is the same one.
- Right to life is appearing before us in this century in a new modern form, covering all the aspects and areas of life of the human being. That is why we have seen Indian courts giving new dimensions to the 'Right to Life' according to modern living of human beings. Several judgments have been pronounced by Indian Judiciary in which numbers of Directive Principles mentioned in the Constitution have given the status of Fundamental Rights.
- That is why the analytical study of right of life with special reference to the Human Rights is required to be done consistently. Similar is the situation as far as the environment and its pollution is concerned. The environment is the old concept, but its pollution is new. The people on this planet are doing lots of such things under the sweet name of "Development and Modernization", which are proving to be harmful to them.
- The people have invented so many such things, technologies which are initially thought to be useful but afterwards proved to be dangerous to human life. For instance, "vehicle," two wheelers, four wheelers when innovated are thought that it will be very much useful as it reduces wastage of time in journey and saves the

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<sup>34</sup> Article 192-237, United Nations conference on the Law of the sea, 1982.



money of the people also. But as the time lapsed, the same two wheelers and four wheelers are contributing major part in pollution emitting CO<sub>2</sub> and other smokes in air. Thus human activities are proving to be evils for human beings themselves. The main point of thinking is that everybody desires comfort, luxurious life and using all such measures resulted from human innovation despite of thinking its disadvantages. Everybody wants a car, but nobody is willing to think about the pollution emitted by that car. Therefore the victims of pollution are forced to approach judiciary for justice and the judiciary is forced to give judgments against all such human innovation, activities.

- Further the new forms of pollution are being seen damaging the ecology. The e-waste, pharmaceutical pollution etc. is not only destructing the environment but also impairing enforcement of human right to life. Thus the environmental pollution has gained utmost concern in the life of human beings It has acquired first place in the list of evils which causes danger to the existence of human life on the planet. Therefore, this topic is much significant as Right to Life and its fruitful exercise in present environment have become difficult. Hence the analytical study on Right to life under safeguard environment is required to be done once again. Rather there should be periodical analysis of status of enforcement of right to life so that we will be acquainted with probable dangers to its fruitful enforcement and we can eradicate those dangers and ensure healthy and fruitful exercise of right to life of human being in all spheres of his life.

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